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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

## SENATE—Wednesday, October 7, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord of history, as good and faithful people serve and struggle for the path of justice and peace, give them light for the way and strength for the day. Defend them against any deterrent to responsible statesmanship, any compromise that sacrifices principle or violates conscience.

Lord, infuse them with a grace and wisdom that will measure personal conviction in the light of truth and courage. May each Senator act consistent with enlightened conscience however costly to personal ambition.

In disagreement, give our lawmakers the wisdom to respect opposing views and a willingness to be flexible when the good of the people and the ripeness of the issues become clear. Shine Your hope into their lives to brighten the darkness of discouragement as You remind our Senators that their times are in Your hands.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 7, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for 1 hour, with Senators allowed to speak for up to 10 minutes each. The majority will control the first 30 minutes, and the Republicans will control the second 30 minutes.

Following morning business, the Senate will resume consideration of the Commerce-Justice-Science appropriations bill. Senators will be notified when votes are scheduled during today's session.

### SENATE TRADITION OF RECITING THE PLEDGE OF ALLEGIANCE

Mr. REID. Mr. President, the Senate is nothing if not a temple to tradition. We debate and we deliberate according to the same rules where Daniel Webster, Henry Clay, and John C. Calhoun considered the future of this young Nation. We vote without the help of modern electronics, as the first Senators did. We refer to each other in the third person during even the most heated discussions.

Senators take pride in the desks they occupy. Senator Ted Kennedy surrendered his rights as a senior member of the body at one time to move closer to the front so he could share the same desk in which his two brothers' names are inscribed.

On the top of those desks, we still keep the same inkwell. Mine has paper

clips in it now. But this is an inkwell. It has been there since we moved to this Chamber and even before.

Also, we have something from the past. There is a spittoon. Most all Senators chewed tobacco and did a lot of spitting. But we still have these here. I use mine to throw a few pieces of wastepaper in it. But it is traditional. That is the Senate.

There are other things that can be referred to if Senator BYRD were here. He is an expert. In fact, he is the custodian of Senate traditions. He can add countless more examples. I could add a few more, but Senator BYRD could add an endless list.

Last week, the Republican leader and I spoke here about the Pledge of Allegiance to our flag. When we first came to the Senate—Senator MCCONNELL and this Senator—there was no Pledge of Allegiance before we started our sessions.

So today I will speak of one of our new traditions which we have observed daily for more than a decade and, again, just a few minutes ago when we recited the pledge. It has not always been this way.

The sentence itself, barely more than 30 words long, is not even 120 years old. The pledge was born like many American rituals, out of capitalism. It was written by a children's magazine trying to sell American flags on the 400th anniversary of Columbus's arrival in the Americas.

The magazine sought to sell flags to every school in the country, and a minister and author named Francis Bellamy penned the pledge to promote unity among schoolchildren as the Nation reeled from the recent Civil War.

Almost a half century later, at the end of World War II, Congress formally recognized the pledge, but it was not yet a Senate staple, not until 10 years ago, when a New Hampshire schoolgirl wrote to Senator Bob Smith of New Hampshire and asked why the Senate did not recite the pledge every morning. She noted the House of Representatives recited it and her school did but not the Senate. Francis Bellamy would have been proud. The line he wrote to

instill allegiance in schoolchildren ultimately became part of the Senate procedure at the behest of a student from New Hampshire.

We now recite the Pledge of Allegiance before any Senate business begins, and we are reminded of our common procedures and our shared loyalty, despite our often opposing outlooks politically.

The first day the pledge was recited in public schools across the country was Columbus Day in 1892. So ahead of this Columbus Day, which will fall this coming Monday, I take a brief moment to remind my fellow Senators and all those who are watching and listening to the Senate of one of our newest and proudest traditions, the salute to our flag.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Washington State is recognized.

#### HEALTH CARE

Mrs. MURRAY. Mr. President, I have been troubled recently by some of the claims I have heard about health insurance reform legislation that we have been working on in the Senate. When I spoke on the floor earlier this July, I said all you had to do was look at a newspaper, turn on cable news to see that the rhetoric on health insurance reform was heating up.

Unfortunately, as is often the case, the debate has not gotten any better, but it certainly has gotten louder. I know there is a lot of concern out there, and there is a lot of bad information going around.

The latest outrageous claim about reform is it would hurt America's seniors. I am here to tell our seniors and their families: That claim is false. I wish to make this perfectly clear: We are not proposing, here in the Senate, to cut Medicare benefits or to do anything to negatively affect the health of those who are receiving Medicare.

When you hear rumors about how reform will affect seniors, consider the source. Listen to some of the inflammatory quotes. A Republican Member

of the House of Representatives said: "Let me tell you here and now, it is socialized medicine."

Another Republican Congressman said: "We cannot stand idly by now as the Nation is urged to embark on an ill-conceived adventure in government medicine, the end of which no one can see, and from which the patient is certain to be the ultimate sufferer."

Those are not quotes about the current health insurance reform effort. Those statements were made in 1965, when Republicans were opposing the establishment of Medicare. Their position has not changed. Republicans have voted against Medicare almost 60 times in the last 10 years. Now, all of a sudden, Republicans are claiming Democrats support cutting Medicare benefits.

That is why last Sunday the New York Times said Republicans are: "Obscuring and twisting the facts and spreading unwarranted fear." Scoring cheap political points does not do anything at all to help Americans get affordable health insurance. Our families, and especially our seniors, deserve better.

You do not have to go back too far to find a perfect example of this Senate's history on that subject. Just last year, Democrats overcame a Republican filibuster and a veto by then-President Bush to pass the Medicare Improvements for Patients and Providers Act. That bill prevented physicians from suffering cuts in the rate at which Medicare reimburses them for providing care to seniors.

If those cuts had happened, many doctors would have been forced to stop treating patients with Medicare, severely limiting seniors' access to health care. Democrats wanted to make sure there were enough doctors to go around, and we did.

That bill also made commonsense fixes to Medicare, including requiring that Medicare cover cardiac and pulmonary rehabilitation programs, lowering seniors' copayments for mental health services, and preventing cuts to vital oxygen equipment and wheelchairs.

That bill should not have been controversial. It was vetoed by President Bush. When the Senate had a chance to pass the bill over that veto, it was only the Republicans, almost 60 percent of those in the Senate, who sided with President Bush and said no to our seniors.

Actions speak louder than words. So do not be fooled when Republicans tell you Democrats do not want to protect Medicare or that health insurance reform will not be good for seniors.

The truth is, the Democratic proposal will help our seniors get the care and coverage they need and have earned. This should come as no surprise to anyone. After all, Democrats have had a long history of working to

improve the health and general well-being of seniors. Democrats created Medicare over the objections of Republicans because we recognized that no American should go without health care, especially once they reach retirement age.

The American people know it has been Democrats who have been protecting Medicare for seniors since we created the program 44 years ago. Nothing has changed. Today, it is still Democrats who are fighting for better, more affordable health care for everyone, especially our seniors. Specifically, our plan moves toward closing that doughnut hole in prescription drug coverage and provides access to more affordable generic drugs. If you have Medicare, our plan makes recommended preventative services such as colonoscopies and mammograms free.

It will ensure that if you have Medicare you get a free physical every year, not just when you enroll in the program. Our plan will aggressively attack the fraud and abuse that raises Medicare costs for seniors and for all of us as taxpayers.

One thing that has been too often missing from this discussion is what will happen to Medicare if there is no reform. It is now projected that as early as 2017, if we do not make changes, the money Medicare spends on benefits and services will be greater than its income. At that point, seniors would have to pay a greater portion of their health care costs or receive fewer Medicare benefits. That is unacceptable.

Our current system is unsustainable. That is one of the reasons the non-partisan AARP supports reform this year. They know, like we do, that we must protect Medicare for our seniors over both the short term and the long term. Our plan will prevent cost increases and overpayments to insurance companies in order to keep Medicare out of the red. Now is the time to act on health care. Let me be clear. Under the Republican plan, insurance companies can dump you for preexisting conditions because you are a woman, because you are getting older, because you get sick, and Medicare will face bankruptcy.

Under our plan, if you like what you have, you keep it. If you don't we will provide affordable choices for you. We are going to protect Medicare. We will not raise taxes on the middle class, and we will not add a dime to the deficit.

Every day 14,000 more Americans lose their health insurance. That has to stop. This is not only about those who don't have coverage. The cost of treatment for the uninsured is passed on to every taxpayer. It is estimated that a family of four pays a hidden tax of \$1,000 every year in premiums to help pay for those who don't have coverage. We will help remove that burden from

all working families. We will provide stability and choice to families and businesses. We will return health care decisions back where they belong, in the hands of patients and doctors, not insurance company bureaucrats. Rumors and misinformation and scare tactics about Medicare should not prevent us from passing meaningful health insurance reform legislation this year.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### THE DEMOCRATIC PLAN

Mr. MCCONNELL. Mr. President, the latest trillion-dollar, 1,000-page Democrat plan raises some questions—questions such as: What happens to Medicare?

Tens of millions of American seniors want to know.

Here is what we can say for sure.

The Democrat plan is a trillion-dollar experiment that cuts Medicare, raises taxes, and threatens the health care choices that millions of Americans now enjoy.

We know the Democrat plan will make massive cuts to Medicare—\$500 billion worth—to fund more government spending.

We know Medicare Advantage benefits will be slashed almost in half, causing many of the 11 million seniors enrolled in it to lose benefits, such as hearing aid coverage and dental care.

We know it contains nearly \$120 billion in cuts to hospitals that care for seniors, more than \$40 billion from home health agencies, and nearly \$8 billion from hospices.

And we know this: Medicare is already on the path to bankruptcy. Yet instead of trying to fix it, the Democrat plan is to use it as a piggy bank to pay for new government-run health care programs.

Republicans have tried to protect Medicare throughout this debate. Our amendments to do so were rejected in committee. We proposed an amendment to prevent cuts to skilled nursing facilities, long-term care hospitals, inpatient rehabilitation, hospice care and home health care. They rejected it. We offered an amendment to strike cuts that wouldn't improve Medicare. They rejected it. We offered an amendment to eliminate an unaccountable commission that would have the power to decide payments to Medicare providers. They rejected it. This isn't reform, and America's seniors know it.

Americans are demanding that their voices are heard in this debate. They want their questions answered, particularly when it comes to Medicare. They don't want the status quo. But

they don't want what Democrats are pushing either: a trillion-dollar experiment that cuts Medicare, raises taxes, limits choices, and makes health care more expensive. Americans have questions. They are not getting the answers they deserve.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, will the minority leader yield for a question?

Mr. MCCONNELL. I say to my friend from Illinois, I have an appointment in my office. I am happy to yield the floor.

Mr. DURBIN. I was going to ask the minority leader for the Republican plan for health care reform. Unfortunately, there is not a Republican plan for health care reform. What we have is a litany of criticism, a litany of complaint. That is what we have received during the course of this debate.

Senator MAX BAUCUS, chairman of the Finance Committee, took three of the most likely Republicans—Senators GRASSLEY, ENZI, and SNOWE—sat with them literally for months saying: Let's do this on a bipartisan basis. Meanwhile, the rest of us were a little frustrated, if not upset. We wanted to get moving, get into the debate. Let's get into this. It is a big issue. Health care reform is important. But Senator BAUCUS said: I have to try everything I can to make this a bipartisan effort. And he did. He spent months at it, day after day after day. What does he have to show for it? In the end, two of the Republican Senators walked out saying: We are not interested. The other said: I will wait and see.

So when they come to the floor critical of this debate on health care reform, the obvious question I would ask the Republican leader is: What is your plan? The status quo? You want to continue health care as we have it in America today? Do you want to try to defend what is happening to the cost of health care?

I was with a businessman from Chicago last week, a good, conscientious businessman, a young man, a principled man who has made money in his life but understands that he owes at least the people around him and his employees to give back. He said: Do you know what is going to happen to health insurance premiums for my employees? They go up 18 percent in 1 year, 18 percent. He said: I don't know if I can keep doing this. Guess what? His situation is being repeated over and over again. Businesses across America are dropping health care coverage for their employees because they can't afford it. The cost is out of hand.

Did we hear one word from the Republican leader about dealing with this cost escalation? No. The Republicans have no plan to deal with this. We are trying. It isn't easy. This is one-sixth

of the economy. I love it when Senators come to the floor and call this a \$1 trillion experiment. Let's put it in perspective. A trillion dollars is an enormous, almost unimaginable sum of money. But what will the cost of America's health care system be, for all of our health care, over the next 10 years? It will be \$35 trillion. So \$1 trillion in reform over 10 years represents less than 3 percent of the amount we are going to already be spending if we don't change the health care system and make it better. One trillion out of thirty-five million dollars? In perspective, we understand that if we are going to bring about real reform, we do have to invest in it.

Where will the trillion dollars go? The trillion dollars will go to help businesses with tax breaks to pay for health insurance for their employees. It will go to lower income working families so they can afford to buy health insurance. That is where the money will go.

Ultimately, do you know where it goes? It means that more and more Americans have health insurance coverage. Today, this day, and every day in America, 14,000 people will lose health insurance coverage. Imagine waking up this morning, heading off to work and learning during the course of the day that you have lost your job. It is happening. But you are not only losing your job, you are losing your health insurance. You go home at night and say to your spouse: Bad news. I just got the pink slip. I will be laid off in 2 weeks. But even worse news, our sick child with diabetes is no longer going to have health insurance coverage.

That is the reality for 14,000 families a day. When I hear the Republican leader criticize our effort to expand coverage of health insurance to the millions of Americans who are unprotected, to slow down this cancellation of health insurance for 14,000 Americans a day, my obvious question to him is: What is your alternative? What do you want to do? The answer is, nothing. Nothing except criticize.

There is nothing wrong with being critical. That is what this Chamber is all about. Ideas are up for debate. People will disagree. They will come up with their own point of view. That is good. A good healthy debate is what our government is about, what our Nation is about, and what can generate in the end a solution to our problems. But when I hear some of the things that have just been said: a 1,000-page bill. Does that bring you up short? Can't breathe? Your heart skips a beat, 1,000 pages? What if I told you this bill is addressing our health care system which consumes \$1 out of every \$6 in the American economy? One sixth of our gross domestic product deals with health care. Would it take 1,000 pages to address this in a responsible way? I

am surprised it didn't take more. And how are we going to measure a bill in terms of its value? That bill is just too long. It is 1,000 pages long. I am sorry, maybe God got it right with the Ten Commandments and their brevity, but for most of the rest of us, we struggle to make sure we get it right. And to make certain we get it right, we have to add some provisions to cover options and contingencies. It is 1,000 pages? So what. If it were 100 pages or 2,000 pages, would that make it any worse or any better? I don't get it.

Let me also talk about Medicare. Medicare was a creation in the 1960s of President Lyndon Johnson and a Democratic Congress, and by and large it was opposed by the Republican Party. The Republican Party in some of their criticisms will sound familiar. They argued that Medicare was socialized medicine. Medicare was a government health insurance plan and the government was going to get it wrong. In the end, they argued it would cost too much money, and it wouldn't provide good health care. Turns out, after 45 years, we can say conclusively they were wrong. For the 40 million Americans protected by Medicare, the results have been spectacular.

Look at one basic yardstick. Senior citizens in America are living longer. That is a good thing. Life expectancy rates are better for seniors today. Does it have anything to do with Medicare? I think it does, because seniors have access to quality medical care. It gives to those at age 65 the peace of mind of knowing that an accident that occurs this afternoon or a diagnosis that occurs tomorrow morning won't wipe out their life savings. If you are not lucky enough to have good health insurance at age 65, Medicare is there to protect you, your health, and your life savings in the process. Those who called it socialized medicine, as they are calling health care reform now, mainly came from the other side of the aisle. That is why when I hear them saying they are going to defend Medicare today, I am glad they have converted to our side. It is a late-in-life conversion, but some of those work too.

Then listen to how they explain it. The Senator from Kentucky slipped up and used the term Medicare Advantage. That is what this is all about. Let me explain what Medicare Advantage is. Private health companies came to Republicans years ago and said: The government has it all wrong in Medicare. They are not handling it well. They are not administering it well. It costs too much money. Let us show you that if we use the private sector health insurance companies, we can provide Medicare benefits at a lower cost than the government and do a better job.

They were given a chance to do it. They did it under the title Medicare Advantage, private health insurance companies competing with the govern-

ment to provide Medicare benefits to prove they could do better and more cheaply. Some did, but most did not. At the end of this experiment, we find it is going to cost 14 percent more for the private health insurance companies to provide the same benefits the government is already providing. What it means is, we are subsidizing insurance companies to provide the same benefits the government already provides.

People across America under Medicare Advantage plans say: I kind of like this. Well, it turns out that the government is subsidizing more than Medicare. Who pays for the subsidy? Ultimately, the taxpayers but, in particular, the Medicare system. The money is taken out of the Medicare system to provide a subsidy to health insurance companies that failed to prove they could do this more economically.

This subsidy is something I think should end. I am prepared to phase it out in a reasonable way, but it should end. The private health insurance companies are being subsidized by our government to provide Medicare benefits which we can already provide at a lower cost. They have come to the floor criticizing this attempt to end the sweetheart deal with these private health insurance companies.

Make no mistake, the 800-pound gorilla in the room in this debate is the private health insurance companies. They don't want to see this change.

I quote my friend Dale Bumpers, a former Senator from Arkansas, who used to come to the floor and use this figure of speech. He said: They hate this like the devil hates holy water. They hate the idea of health care reform, health insurance companies do, because they are extremely profitable, when many other companies in America are failing. They do not want to rock the boat with anything like a not-for-profit health insurance plan that gives consumers a choice to leave private health insurance, if they personally choose. They do not want that to happen.

They certainly do not want to end this \$170 billion subsidy of private health insurance companies under the Medicare Advantage Program. They do not want us to tell them they have to change their ways and their practices, that they can no longer cut off people from coverage just because of a pre-existing condition, which they dream up or find buried in some application of 10 years ago.

We do not want them to be able to walk away from you when you need them, when somebody in your family is sick and needs care. We want them to be able to treat people fairly. We have to end this battle between doctors and insurance company clerks as to whether you are going to be hospitalized or receive a procedure.

These are things that go on every day. The health insurance companies

hate these reforms that are part of this bill. The critics of the bill will not come to the floor and say this. They will talk about eviscerating Medicare.

Earlier, the Senator from Kentucky said we were going to cut \$120 billion from hospitals. Do you know what? We spend more money on health care in America by a factor of two than any other country on Earth. Hospital administrators, such as in my own hometown of Springfield, IL, have said to me: Senator, if you can create a plan that provides everybody health insurance, and we don't have to provide charity care for people who come in without health insurance, that is going to dramatically cut our costs.

So can we save \$120 billion in the hospitals across America over the next 10 years if more Americans have health insurance? Yes, without compromising the revenues for the hospitals or the quality of care. That is obvious. So when the Senator comes to the floor and says: They are going to take \$120 billion from hospitals, he does not tell you the whole story. The rest of the story is: But if those 40 million Americans have health insurance, and the hospitals are getting paid through the health insurance, it is good for everyone. It is good for the people who are protected, it is good for the hospitals, and it is good for the rest of us who have health insurance and indirectly subsidize the care of the uninsured.

He talks about cuts—\$40 billion—in home health care. I refer the Senator to an article which I have quoted on the floor before. It is an article entitled "The Cost Conundrum," written by a surgeon in Boston, MA, named Atul Gawande, in the June 1 edition of *The New Yorker*. Please read it. Most Senators have. The President has. Most Members of the House have read it. It talks about McAllen, TX, where the cost of treating Medicare patients is one of the highest numbers in the Nation: \$15,000 a year.

Why? What about McAllen, TX, makes it so expensive? It turns out it is so expensive because, unfortunately, many of the providers there are heaping on the procedures and heaping on the costs because they take a profit from it. It does not have anything to do with the older folks in McAllen, TX, being sicker or needing special care. It is overutilization, overuse of the system, and one of the areas is home health care.

Read this article about what is happening with much of—at least in that area of the country—home health care services. There is collusion between doctors and these home health care agencies. It is nothing short of an abuse of Medicare. It does not provide quality care. It just takes more money out of the system for care that is duplicative or unnecessary.

How is that good for America? How can we defend that? Can we do better



there? Yes. Can we do better to the tune of \$40 billion over 10 years? I think so. To argue this is somehow insidious and wrong is to ignore the obvious. We can find savings within the system that do not compromise quality.

Let me also say this. This notion that Medicare is, as the Senator said, our piggy bank that we are going to use to pay for health care reform is just plain wrong. We know we can save money through eliminating the subsidy to Medicare Advantage, phasing it out, reducing it. But we also know we have a solemn obligation to those seniors on Medicare. They paid into it all their lives. They are counting on it. And they are counting on us.

The Democratic Party has been there for Medicare from its creation. We are not going to let seniors down. We are going to provide for them the basic care promised, and we hope more. I think, with a modest effort, we could close the doughnut hole in the prescription drug program under Medicare, and we should. That was something that never made any sense and creates a real disadvantage for seniors on limited income. I think we should close that. I also think preventive care for seniors makes sense—regular physical checkups, things that can enhance their lives and let them live independently as long as they want to and can, with our help.

I will tell you, this debate will continue. Now it gets into the part where the bill comes to the floor within the next week or so. We will entertain amendments from both sides. I hope, from the other side of the aisle, we have more than criticism. If they would step up and say: Here is our plan, it would be a much better debate. But so far they have not. They have decided to step to the sidelines and be critical of the game that is being played. That is their right to do under this democratic form of government, but it is a question of credibility.

If they are defending the status quo, They want to continue with what we have in America, if they want to ignore the escalation in the cost of health care for businesses and individuals, families and governments, if they want to ignore the fact that 40 million Americans do not have health insurance, that 14,000 will lose their health insurance today, if they want to ignore the reality of all these people without insurance and the abuses heaped on them by health insurance companies for those who have insurance, then, frankly, that is not a constructive position in this debate.

We need to work together. We have tried to work together. We have invited the Republicans to come join us in this effort. But, unfortunately, they have taken the side of the insurance companies. They have taken the side of the status quo. They have not joined us.

I do not want to put people's insurance at risk by allowing insurance companies to continue to drop insurance when people need it the most. I do not think we should be in a position where we allow this to continue.

I hope, as part of health care reform, we can make a significant effort to change this, to bring real change to America. I am glad President Obama is leading us that way. I think together we can reach that goal. I know a lot of people are confused across this country trying to understand exactly what is going on in this debate. But a lot of people in good faith are trying to solve one of the biggest problems we have ever faced. I hope my friends on the Republican side of the aisle will do more than criticize. I hope they will join us in an effort to make a difference.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

#### HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, it is always a privilege to hear the assistant Democratic leader, who is one of the most skillful orators in the Senate. In this case, he needs to be because he is put in the awkward position of having to defend, as I heard him, 1,000-page bills and Medicare cuts, which is an awkward place for the assistant Democratic leader to be.

As far as the Republican plan, he has heard our plan many times. We want to reduce costs. Instead of 1,000-page bills and changing the whole system and adding to the debt and cutting Medicare and raising premiums for millions of Americans, we would like to say our goal is to reduce costs—costs to you when you buy your health insurance and the cost of your government. We would like to go step by step in the right direction, which we say is reducing costs and re-earning the trust of the American people, and then we can take some more steps. We have offered a number of proposals to do that, none of which have been seriously considered.

For example, small businesses should be able to pool their resources the way big businesses can. If they could, they could afford to offer insurance—it has been estimated by the Congressional Budget Office—to millions more Americans. We should make a serious effort to eliminate junk lawsuits against doctors, which everyone agrees adds costs to the insurance premiums we buy and to the cost of health care.

We could allow Americans to purchase insurance across State lines. We could create health insurance exchanges so if you are buying an individual policy, you could buy that more easily. We can go across party lines to encourage the use of more technology. Almost all Republicans and I imagine

some Democrats would like to change the incentives behind health spending, so we take the money we are using to subsidize health insurance now and spread it more equitably among all the people and allow them to buy more of their own insurance.

Those are five or six steps we could take in the direction of cutting costs. Instead, what we are presented with is, yes, another 1,000-page bill. We have some questions about the bill because it appears—we know it will cut your Medicare, and I want to go back to that in a moment—half the bill will be paid for by Medicare cuts. Forty million seniors depend on Medicare. Are we going to cut grandma's Medicare? We are not even going to spend it on grandma. We are going to spend it on a new program, at a time when the trustees of the Medicare Program have told us Medicare is going to go broke between 2015 and 2017. We are going to raise your taxes.

That is what the bill coming toward us would be. We are going to make it hard for your States to support colleges and education or raise your State taxes because we are sending the bill to them for a large Medicaid expansion. For millions of Americans, we are going to increase your premiums. We are going to make it more expensive for you to buy the same kind of policy you already have because the government is going to tell you exactly what kind of policy you should have. We are going to increase your Federal debt because the plan, as we hear about it, does not have any provision for paying doctors serving Medicare more over the next 10 years—which we always do—so that is another \$285 billion on your debt, just if we pay doctors 10 years from now what we pay them today for the government-run programs. We are going to spend another \$1 trillion. And, yes, it is a 1,000-page bill.

So we what we are saying is, we have had before this Senate for a long time a number of proposals we could use to reduce your cost when you buy health insurance and reduce the cost of your Federal Government, which is going broke because of health care expenses, but they are not being seriously considered. So we are saying, at least if you are going to come up with these 1,000-page bills to change our entire system, we want to read it and we want to know what it costs. Even the President has said we cannot add one dime to the deficit. How can we know we are not adding one dime to the deficit if we cannot read the bill and we do not know what it costs?

Senator BUNNING of Kentucky brought up that in the Finance Committee the other day, and the Democrats voted it down. They said you cannot even put the bill up for 72 hours—this 1,000-page bill—so we can find out if it cuts your Medicare, if it raises your taxes, if it bankrupts your State,

if it increases your premium, if it increases the Federal debt. We cannot even find that out. They said: No, not even 72 hours.

Well, some Democratic Senators have taken a look at that and said—the Democrats who voted that down; and every vote against the 72-hour provision was a Democratic vote—they said: We do not agree with that. Eight Democrats have written Senator REID, and they said: The legislative text and the complete Congressional Budget Office scores of the health care legislation, as amended, should be made available to the public for 72 hours prior to the vote on the final passage of the bill in the Senate. Further, the legislative text of all amendments filed and offered for debate should be posted on a public Web site prior to beginning debate on the amendment on the Senate floor. The conference report ought to be as well.

I think what that means, in plain English, is that once the Finance Committee bill—which is not a bill now; it is just concepts—goes into Majority Leader REID's office, and he puts it together with the HELP Committee bill, which will be turned into legislative text, we would like for that to be on the Internet for 72 hours so we in the Senate and our staffs and the American people can read it.

Second, we want to make sure the Congressional Budget Office has a chance to read the entire bill so some staff member does not change it in the middle of the night, as they apparently did with the HELP Committee bill, and we can know exactly how much each of the provisions cost, and then we can start voting, then we can offer our amendments. As the Republican leader was saying today, some of our amendments are going to have to do with Medicare, the program that 40 million seniors depend on.

Let's be clear about this. Some things are facts. Half the bill is going to be paid for by Medicare cuts. Half the bill is going to be paid for by Medicare cuts. You can call them anything you want to, but they are Medicare cuts.

The second thing about it is, it may be grandma's Medicare we are cutting, but we are going to spend it on somebody other than grandma. We are going to take that money out of the Medicare Program, which is a \$38 trillion unfunded liability and which the trustees say is going to go broke in 2017 and which 40 million Americans depend on, and we are going to take those savings and we are not going to spend it to make Medicare stronger; we are going to spend grandma's Medicare benefits on somebody else. We are going to cut her benefits and spend it on you. Does that make sense? We don't think so. We don't think so. We don't think we should be paying for this new \$1 trillion bill by writing a check, as the Sen-

ator from Kansas has said, on an overdrawn bank account and buying a new car, which is what that turns out to be.

The Republican leader talked about what the cuts are to Medicare Advantage: \$140 million. One-fourth of seniors on Medicare have Medicare Advantage accounts. Cuts include \$150 billion for hospitals that care for seniors; \$40 billion, home health agencies; \$8 billion, hospices—all from Medicare to be spent on something else.

The President said people who are currently signed up for Medicare Advantage are going to have Medicare at the same level of benefits. Well, we want to read the bill and know what it costs because that is not what the Congressional Budget Office Director said. He testified that seniors under Medicare Advantage would have benefits that disappear under the bill that is coming out of the Finance Committee. He said those changes would reduce extra benefits such as dental, vision, and hearing coverage that currently are made available to beneficiaries.

We want to read the bill. We want to know what it costs. We want to know why we are cutting Medicare by \$½ trillion—that is the first question—and the second question is, Why are we spending that money on something else when it ought to be spent on making Medicare stronger? The bill has \$½ trillion in savings from Medicare. At least they could take that money and use it toward the money we pay to physicians. I mentioned it a little earlier, but every year physicians say: The government-run program of Medicare only pays us 80 percent of what private insurance plans pay us, and you are about to cut that. So we almost always, on a bipartisan basis, put it back up. That is not in the bill. We don't even include that. We don't take that into account. So that is going to add to the debt.

Then there are other questions we have in addition to the Medicare cuts. What about the elegantly called “doc fix” that will add to the debt? It is the Medicaid Program. To some people, that may get a little confusing. Medicare is for seniors. Medicaid is the program that usually has a different name in most States. It is a program that started years ago, and the Federal Government pays 40, 45 percent of it and the States pay the rest. It has been going straight to the Moon. According to the New York Times, costs are rising in Medicaid this year at record rates—7.9 percent.

I know as a former Governor, here is what really happens. You sit there making up your budgets, and you do the part for prisons and you do the part for kindergarten through the 12th grade and the part for highways and the part for State parks, and then the rest of the money is usually split between higher education and Medicaid. Guess what is happening. Medicaid

goes up and higher education doesn't get the money. Then what happens? College tuition goes up because colleges such as the University of Tennessee and Texas and New Mexico and Colorado are underfunded today primarily because of increasing Medicaid costs.

What this bill does is dump a lot more low-income Americans into that Medicaid Program and send a lot of the bill to the States. The Governor of Tennessee, a Democrat, said in the morning paper that it is going to cost us \$735 million at least—maybe over \$1 billion—over the next 5 years. Tennessee can't afford that. Tennessee is a conservative, well-managed State. Governor Schwarzenegger has said that in California it could be up to \$8 billion. California is already nearly bankrupt. The Democratic Governor of Michigan has said he doesn't see how they can pay for this. The Governors of every State have said to us: Mr. Senator, Mr. Congressman, if you want to expand Medicaid, if you want to expand Medicaid, pay for it; pay for it in Washington, don't send it to us.

So we are looking forward to reading this bill. We are looking forward to knowing what it costs. We have our proposals. I will be glad to spend some time on the floor with the assistant Democratic leader and talk with him about the Republican proposals to take us step by step toward reducing health care costs, first for you and your premiums and next for your government, and why we are skeptical of this 1,000-page bill. But we at least want to know what it costs. We at least want to know why it is cutting Medicare by half-trillion-dollar, and if it is being cut, why is grandma's Medicare cut being spent on some new program. We would like to know how much does it raise your taxes. We would like to be able to tell you what it is going to do to your State's education system and to your State taxes. We would like to be able to tell millions of Americans: Will this really raise your premiums instead of lowering them and will it really increase your Federal debt?

So we are grateful eight Democratic Senators have joined us in saying to the majority leader: Let's make sure this bill is finally a bill that will give us all the language before us, that it is on the Internet for 72 hours, and that we know exactly what the provisions cost—all of that before we have our first vote.

I thank the President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I wish to thank my colleague from Tennessee for speaking so eloquently and raising the issues that are on the minds not just of Senators who are going to have to vote on this legislation but our constituents all across America—people

who will be directly affected by what we do here on health care reform.

Yesterday, I came to the floor and I asked the question: Will we have a transparent debate? This morning, when I got up and checked my e-mail, I was delighted to see that eight Democratic Senators have written to the majority leader, Senator REID, and said they wanted to have bill language posted on the Internet and a score or cost by the Congressional Budget Office at least 72 hours before we are required to vote on the bill. That is exactly what we had requested in the Finance Committee, which we lost strictly on a party-line vote, an amendment that would have made that part of the bill. So I consider that progress. I am delighted that these eight Democratic Senators have asked the majority leader for that. I think that is a minimum we should expect in terms of transparency.

Today, I have a new question, and that is whether seniors will get to keep the Medicare benefits they currently have. Will seniors be able to keep the Medicare benefits they currently have? The President has made this a consistent theme, that if you like what you have, you are going to be able to keep it. He said in August that if you like your health care plan, you can keep your health care plan. It seems pretty straightforward and unambiguous.

Last month, he was more specific about one part of Medicare. He said:

People currently signed up for Medicare Advantage are going to have Medicare and the same level of benefits . . . These folks will be able to get Medicare just as good and provide the same benefits.

Some of these programs get a little confusing, but let me explain that Medicare Advantage is a private sector competitor to Medicare fee-for-service, where you just—it basically provides people with an array of coverages, and I think Senator ALEXANDER mentioned vision and dental care and prescription drug coverage and the like.

I believe allowing seniors to keep the benefits they currently have under Medicare Advantage—and there are some 11 million of them—is a goal Republicans share with the President. So if the President is sincere when he says that Medicare—and particularly Medicare Advantage—beneficiaries can keep what they have, we would like to help him keep that promise. Medicare Advantage is working for about 11 million seniors to give them a choice with their health benefits, and half a million of those are in Texas. Half a million Medicare Advantage beneficiaries are in Texas.

As we have heard, Medicare fee-for-service, which is the government-run plan, pays doctors about 20 percent less than employer-sponsored insurance for reimbursements for services. That is why in my State, about 42 percent of

doctors will not see a new Medicare patient under a fee-for-service arrangement, because the fees are so low that the doctors can't provide the service at that price and still stay in business. So what happens is that 89 percent of seniors have supplemental coverage. My mother, who passed away this last spring, bought supplemental coverage to try to make up for the difference where Medicare fee-for-service left that gap. Of course, many low-income Americans depend on Medicare Advantage as their supplemental coverage.

Some have claimed that Medicare Advantage provides extra payments, and they want to cut Medicare Advantage because they say it will reduce insurance company profits and not harm coverage. But under Federal law, that is simply not the case. Under Federal law, the fact is that 75 percent of those payments to Medicare Advantage over and above what Medicare fee-for-service pays go directly to better benefits for seniors, under current law. That is why we hear they get vision coverage, dental coverage, prescription drug coverage; they get better benefits because we as a Congress say 75 percent of those so-called extra payments go to provide better benefits. Unfortunately, the Finance Committee bill will take those benefits away from seniors enrolled in Medicare Advantage. In other words, if we were to call up this Finance Committee bill today and to pass it, it would violate the President's promise, that the 11 million people on Medicare Advantage would not see a cut in their benefits.

There are various numbers floating around. That is why we need what Senator ALEXANDER said: the numbers from the Congressional Budget Office. But the Finance Committee proposal cuts nearly \$113 billion from the Medicare Advantage Program. Common sense tells us you can't do that without having a negative impact on Medicare Advantage for those 11 million seniors, 500,000 of them in Texas, as I said.

The Congressional Budget Office agrees with that sort of intuitive or commonsense conclusion. They estimate that the Finance Committee bill will cut benefits by more than half to Medicare Advantage seniors. During the Finance Committee markup, the Congressional Budget Office Director, Dr. Doug Elmendorf, told us that approximately half of the Medicare Advantage benefits will be cut for those seniors enrolled in Medicare Advantage.

So just as yesterday when my question was, will this debate be transparent, my question for today is, will seniors get to keep the Medicare benefits they currently have? I think that should be a focus. I know it will be a focus for the 11 million who are on Medicare Advantage. But for all seniors who are seeing a proposed cut of \$½ trillion in Medicare in order to pay

for a new government program while Medicare itself is on the brink of bankruptcy and has tens of trillions of dollars of unfunded liabilities, this is a question a lot of my constituents in Texas and a lot of seniors across the country are asking: Will seniors get to keep the Medicare benefits they currently have? That is what the President promised. We need to make sure this bill keeps that promise.

In the coming days, I will come back to the floor and ask more questions about these extraordinarily complex proposals we have seen, including the bills that have come out of the HELP Committee, the Finance Committee, and out of the House of Representatives, because I think we need to break it down into smaller pieces and ask these discrete questions so the American people can judge for themselves whether these bills do what the President has promised.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, do I have 10 minutes allocated?

The ACTING PRESIDENT pro tempore. There is 9 minutes remaining.

Mr. CORKER. It sounds as if I have 9 minutes.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. CORKER. Thank you, Mr. President.

I also rise today to speak about the debate before the Congress right now, which is health care reform.

I believe we need health reform in this country and health insurance reform in this country. I would love to see us embark on a set of time-tested, budget-neutral principles. I absolutely believe we ought to address the issue of preexisting conditions. I absolutely believe we ought to look at exchanges where citizens all across this country have access to the same kinds of choices I have as a Senator. I hope we will address the issue of cross-state competition where people in States are not just stuck with the choices that exist because of the monopolies that occur within their State boundaries. So I would love to see some cross-state competition.

I absolutely believe we ought to have Tax Code changes. I think we ought to limit the amount of tax-free benefits individuals can receive from their employers. I will just throw out a number. If that number was established at \$17,000, for instance, about \$450 billion would be generated over a 10-year period that could be used as a voucher or refundable tax credit to enable 15 to 20 million Americans to be able to access private, affordable, quality insurance.

I think we ought to address tort reform. We know there is so much in the way of medical procedures that are done, in essence, for defensive medicine

so that they are not sued or the victims of junk lawsuits.

I am one of those people who absolutely believes it is time in this country that we had certain health reforms and health insurance reform. I think now is the time to debate and put into place those sensible, time-tested reforms. My guess is, if we sat down in a bipartisan way, which I know is not occurring at this moment, we could go 50 yards down the field in a way to create access for Americans in our country that all of us want to see and, again, do so in a way that doesn't push off costs into future generations.

I have serious problems with what is being discussed in the Finance Committee today as far as how we are going to pay for the many reforms that go beyond what I just discussed. In many cases, it is very unnecessary. Let me go over a couple of those.

No. 1, I think most people are aware by now that the Senate Finance Committee mark is basically causing States to have an unfunded liability. The Governor of our State, who is on the other side of the aisle, just sent me a letter yesterday and told me he expects the revenues in the State of Tennessee to be at 2008 levels in the year 2013. In other words, there has been a tremendous decrease in revenues for State government. Yet per the mark before the Finance Committee today, they are pushing off on the citizens of our State a \$735 million unfunded liability. That doesn't sound like a lot of money in Washington, but I can assure you it is a lot of money for the State of Tennessee. As you can imagine, as the years go out that number increases tremendously.

It is my belief there are States all across this country that are going to be

coming to us asking why we are pushing off an issue to the State. I think that is incredibly irresponsible. I think we need to ensure that does not occur.

I have to tell you, an issue I have an even greater problem with is the fact that we all know we have a \$40 trillion unfunded liability as it relates to Medicare. Two or three years ago, there was a broad consensus, on a bipartisan basis, that we needed to address the unfunded liability that threatens our country under the entitlement programs—mostly Medicare, which is \$40 trillion. This bill takes \$400 billion to \$500 billion from Medicare and uses it to create a whole new entitlement. Instead of doing those things that would strengthen Medicare, which the trustees have said is going to be insolvent in 2017—instead of doing that, which is the responsible thing for us to focus on today, this Finance Committee mark would take money from a program that is insolvent and use it to leverage a new entitlement program. I think that is the most irresponsible, shortsighted thing this Congress can do.

In addition to that, it doesn't even deal with the issue of the doc fix. We all know physicians and providers who serve seniors today, to make the same money in 10 years they are making today, would cost \$285 billion. Instead of dealing with that issue, the can is being kicked down the road, and we are not dealing with that.

I think the American people respect—and I respect—the people who came before us who are called the “greatest generation.” Sometimes they are called the “greatest generation” because of their sacrifices and their military efforts overseas. Sometimes it is because they saved and made the tough choices that have helped make

this country great. But I believe if this Congress acts to take money from Medicare, which is insolvent, and doesn't use those cost savings to make Medicare more solvent, we will be contributing to the fact—and there is no doubt in my mind that the political leadership that exists today in this country is undoubtedly the most selfish that this country has ever seen. We are witnessing that today. We are a part of that today.

It is my belief if we continue to throw future generations under the bus, which is what we are doing with legislation like is being proposed today—we are throwing future generations under the bus to score a political victory that we all know is not paid for—the wrath of the American people is going to come upon us, and it should.

Mr. President, I have a letter from our Governor. I ask unanimous consent to have this letter printed in the RECORD. It talks about the costs this program will put on the State of Tennessee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF TENNESSEE,  
Nashville, TN, October 5, 2009.

Hon. BOB CORKER,  
U.S. Senate,  
Washington, DC.

Hon. BART GORDON,  
House of Representatives,  
Washington, DC.

DEAR BOB AND BART: The following information is in response to my telephone conversation with Bob last week, and represents our best snapshot of where we are as of Sunday evening the 4th. I hardly need to tell you that these numbers represent a difficult problem for our state.

PROJECTED TENNESSEE NET NEW COSTS OF SENATE FINANCE REFORM 2014–2019  
[\$ millions]

	Best estimate	Optimistic	Pessimistic
New Medicaid Members:			
Newly Eligible Members .....	\$175	434	175
Already Eligible Not Enrolled .....	911	488	1,361
Total New Membership .....	1,086	922	1,537
Cost Savings Offsets:			
Elimination of Optional Groups >133% .....	(78)	(78)	(78)
Additional Drug Rebates (net) .....	(191)	(191)	(191)
TN-CoverTN Elimination .....	(91)	(91)	(91)
TN-Access TN Savings .....	(31)	(31)	(31)
TN-CoverRx Savings .....	(6)	(6)	(6)
	(397)	(397)	(397)
Additional Costs:			
Mandated Pharmacy Extensions .....	30	30	30
Presumptive Eligibility Net Costs .....	16	16	16
	46	46	46
Total State Costs of Reform .....	735	571	1,186

We've maintained good lists of assumptions and sources behind each of these numbers, and if you or your staff would like to review them, we'll certainly make them available to you.

The “Best Estimate” column is neutral to possibly slightly optimistic; the line for “Elimination of ‘Optional’ Groups” in particular will be difficult, although it has been made clear to us that we are expected to do so. Some of these cuts would be unpleasant

(e.g. complete transfer to the Exchange of women with breast or cervical cancer, or institutionalized patients) and will require the specific approval of CMS, which has historically been difficult. I want to acknowledge that the White House, and Nancy Ann DeParle in particular, have been very helpful in facilitating our getting the best information available.

I would also point out two areas that are potential problems that are not incorporated in the table:

1. *Broader Pharmacy Benefits (\$1.07 billion exposure).* The Baucus bill contains a provision that *Exchange* plans are required to have no lifetime or annual limits on “any benefits” and that the pharmacy benefit design be at least as good as Medicare Part D. We have (as do many states) a much more

limited pharmacy benefit than this for Medicaid and I can't imagine that there won't be pressure to extend the Exchange mandated benefit to Medicaid as well. It would cost the state about a billion dollars over the period to do this, and of course there are many sub-areas of restrictions and controls such as mandates in the areas of preferred drug lists, prior authorization criteria, quantity limits, or additional drug rebate limitations (all of which are present in Part D) that would drive costs up substantially as well.

The fear is that new requirements here would not occur as a single action to be teed-up and discussed in the Congress, but quietly and state-by-state in the ongoing process of renewing waivers, approving state plans, and the like. It is right now the stated intention of Senate Finance to leave the Medicaid pharmacy benefit design alone; it would be of enormous relief to us to get that clearly written into the law.

2.—*Provider Payment Rates (\$2.1 billion exposure)*. Our analysis is based on an assumption that we will not be required as either a matter of law or practicality to increase provider rates to maintain an adequate provider network with the influx of new patients (and in the environment of federal cuts to Medicare rates). We currently pay on the average at 85% of Medicare (the national average is 72%), but separately from reform have budgeted to reduce these to the equivalent of 79% of Medicare in the next fiscal year as the stimulus money runs out. The cost of in-

creasing provider payments from 79% to 100% of Medicare is \$2.1 billion over the 5½ year period being considered. (Furthermore, in several states where provider payments have been recently reduced in response to budget needs, providers have filed suit in federal court seeking to prevent them, and in at least two states (California and Washington) have been successful. If this were to happen in Tennessee it would represent a further immediate unbudgeted cost of approximately \$113 million annually, or an additional \$1.2-1.4 billion over the ten year period.)

Bob and Bart, the problem that we're facing is simple: by 2013, we expect to have returned to our 2008 levels of revenue and will have already cut programs dramatically—over a billion dollars. At that point, we have to start digging out—we will have not given raises to state employees or teachers for five years, our pension plans will need shoring up, our cash reserves (“rainy day fund”) will have been considerably depleted and in need of restoration, and we will not have made any substantial new investments for years. There will have been major cuts to areas such as Children's Services that we really need to restore. On top of these, there are all the usual obligations that need to be met—Medicaid, for example, will continue to grow at rates in excess of the economy and our tax revenues. It's going to take at least a full decade to dig our way out and back to where we were prior to the recession.

In this environment, for the Congress to also send along a mandatory bill for three quarters of a billion dollars for the health reform they've designed is very difficult. These are hard dollars—we can't borrow them—and make the management of our finances post-recession even more daunting than it already is. We keep a running budgetary estimate for my own use of what we project in the years ahead, and I've attached the current version of it to give you a sense of what we are facing.

I would point out that the problem is entirely recession-related. If our revenues had grown from the 2008 base at the normal average rates we have experienced over the years—good times and bad—we would have well over \$2 billion of additional revenue in 2019 (and smaller obligations in the pension area) and would definitely be prepared to accommodate reform.

I very much want to support the President, and Lord knows that we have plenty of people in Tennessee who need help with health insurance. But this is an extraordinary time for us (and we are better off than many other states) and I will appreciate any way in which you can help us manage through this.

Warmest regards,

PHIL BREDESEN,  
Governor.

Attachment.

State of Tennessee  
10-Year Budget Projection as of 10/4/09  
Cumulative Change from Base of 2008 in Millions - Increase / (Decrease)

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>I. Available Revenue Growth:</b>											
State Revenue (\$10,257 MBase)	\$ (1,172)	\$ (965)	\$ (587)	\$ (93)	\$ 445	\$ 1,011	\$ 1,452	\$ 1,910	\$ 2,385	\$ 2,878	\$ 3,389
Base Budget Reductions	177	940	1,420	1,430	1,440	1,450	1,460	1,470	1,480	1,490	1,500
Federal Stimulus Revenue	420	1,055	659	-	-	-	-	-	-	-	-
<b>Total Available Revenue</b>	<b>\$ (575)</b>	<b>\$ 1,030</b>	<b>\$ 1,492</b>	<b>\$ 1,337</b>	<b>\$ 1,885</b>	<b>\$ 2,461</b>	<b>\$ 2,912</b>	<b>\$ 3,380</b>	<b>\$ 3,865</b>	<b>\$ 4,368</b>	<b>\$ 4,889</b>
<b>II. Absolute Requirements</b>											
Base BEP (PK-12 Education)	\$ 93	\$ 378	\$ 443	\$ 269	\$ 325	\$ 381	\$ 437	\$ 493	\$ 549	\$ 605	\$ 661
TennCare (current) @ 6.7%	15	182	331	345	525	715	925	1,145	1,375	1,625	1,895
Actuarial Increase in Pension Contr	-	-	150	150	250	250	300	300	350	350	400
Employee Health Insurance Rate Inc	17	46	114	188	268	355	450	553	665	787	920
<b>Subtotal Absolute</b>	<b>\$ 125</b>	<b>\$ 606</b>	<b>\$ 1,038</b>	<b>\$ 952</b>	<b>\$ 1,368</b>	<b>\$ 1,701</b>	<b>\$ 2,112</b>	<b>\$ 2,491</b>	<b>\$ 2,939</b>	<b>\$ 3,367</b>	<b>\$ 3,876</b>
Remaining \$	\$ (700)	\$ 424	\$ 454	\$ 385	\$ 517	\$ 760	\$ 800	\$ 889	\$ 926	\$ 1,001	\$ 1,013
<b>III. Base Requirements</b>											
Emp Raises restart 2014	\$ -	\$ 2	\$ 2	\$ 7	\$ 12	\$ 174	\$ 341	\$ 513	\$ 690	\$ 872	\$ 1,059
Prisons	20	110	84	83	133	143	153	163	213	223	233
Higher Education	83	166	166	1	51	101	151	201	251	301	351
Health and Social Services	4	75	33	51	70	90	110	130	150	170	190
Other Programs	382	503	292	229	364	425	448	491	557	601	645
<b>Subtotal Base Rqmts</b>	<b>\$489</b>	<b>\$856</b>	<b>\$577</b>	<b>\$371</b>	<b>\$630</b>	<b>\$933</b>	<b>\$1,203</b>	<b>\$1,498</b>	<b>\$1,861</b>	<b>\$2,167</b>	<b>\$2,478</b>
Remaining \$	\$ (1,189)	\$ (432)	\$ (123)	\$ 14	\$ (113)	\$ (173)	\$ (403)	\$ (609)	\$ (935)	\$ (1,166)	\$ (1,465)
<b>IV. Baucus/Senate Finance Bill</b>											
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 66	\$ 117	\$ 116	\$ 130	\$ 145	\$ 161

Mr. CORKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2847, which the clerk will report.

The assistant bill clerk read as follows:

A bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

Ms. MIKULSKI. Mr. President, I am very pleased to be joined today by my distinguished colleague from Alabama, Senator RICHARD SHELBY. We wish to present the Commerce-Justice appropriations bill to the Senate. What I wish to say to my colleagues is that as we do this, everyone should know this bill is a product of bipartisan cooperation. At times, when one views the Senate through the lens of the media, one would think that everything we do here is very prickly and very partisan. But that is not true, certainly of the Commerce-Justice-Science appropriations.

Senator SHELBY and I worked together on this bill. Yes, I do chair it, but it has been with maximum consultation with others on the other side of the aisle. It was the same way when Senator SHELBY chaired this committee.

We are pleased to present to the Senate the fiscal year 2010 bill to fund the Departments of Commerce and Justice and air science agencies. I thank Majority Leader REID and Minority Leader MCCONNELL for allowing to us to bring the CJS bill to the floor.

The CJS bill is a product of cooperation between Senator SHELBY and me and our excellent staff. We have worked hand in hand. I thank Senators INOUE and Ranking Member COCHRAN for their allocation.

We were able to write a very good bill, but the stringent budget environment required the subcommittee to make difficult decisions. The CJS bill totals \$64.9 billion in discretionary spending, consistent with the sub-

committee's 302(b) allocation. So any amendments to the bill will need to be offset.

The purpose of the CJS bill is to fund the Department of Commerce and its bureaus and administration. Many people do not know what the Department of Commerce truly does. It is an array of complex agencies that is important to our economy: The Bureau of Industry and Security gives licenses for exports; the Economic Development Administration creates economic growth in our communities, particularly mid-sized to small towns; the Census Bureau, preparing now, somewhat unevenly, for the 2010 census; the Patent and Trade Office which protects our intellectual property; along with the International Trade Administration which enforces our trade laws.

We are particularly proud of the Commerce Department, of the National Institutes for Standards and Technology. It sets the standards for technology which allows our country and our companies to be able to compete in the global marketplace.

This subcommittee also funds the Department of Justice which keeps us safe from violent crime and terrorism. It prosecutes criminals of all kind—white collar, blue collar or no collar. It also has a vigorous approach to the despicable practice of being a sexual predator.

This subcommittee through the Department of Justice funds our State and local police departments which are so important as well from not only the enforcement end but the prosecution end through the U.S. Attorney's Office.

NASA is also funded through this subcommittee. It explores our planets and our universe and inspires our Nation and next generation to be scientists and engineers.

We also fund the National Oceanic and Atmospheric Administration, protecting our marine resources and the jobs that depend on them.

It also protects our weather to save lives. Many people don't realize that the wonderful weather reports they get in their communities comes because of the NOAA weather administration. They think it comes from the Weather Channel. We all love the Weather Channel, but the Weather Channel depends on NOAA.

The National Science Foundation is also funded, providing basic research at our universities to advance science and support teacher training and development.

We also fund several independent commissions and agencies, including the Commission on Civil Rights, the EEOC, the Legal Services Commission, the International Trade Commission, and the U.S. Trade Representative.

Senator SHELBY's and my No. 1 priority is making sure that 300 million Americans who work hard and play by the rules are safe from terrorism and

violent crime. We also want to protect jobs in our country. So we are the basic investors in innovation through education and through promoting an innovation-friendly government, making strategic investments in research and education in science and technology, keeping America No. 1 in science and also No. 1 in the space exploration program.

We want to create jobs in America that will stay in America. However, we, too, are fiscal stewards of the public purse and, therefore, accountability has been a hallmark of our bipartisan relationship. We do stand sentry against waste, fraud, and abuse with strong fiscal accountability and stewardship of hard-earned taxpayers' dollars.

I wish to take a few minutes to talk about keeping America safe. The CJS bill provides \$27.4 billion for the Justice Department. We actually went above the President's request by \$300 million because we wanted to make an extra effort to protect our homeland and protect our hometowns.

This bill is one of the most important sources of Federal funds for State and local law enforcement, for our front-line men and women of our State and local police forces. It is the cops on the beat who protect our families and at the same time they are asked to do more.

We are providing \$3.2 billion to support that thin blue line to make sure the police are safe with equipment they need, such as bulletproof vests and also new technologies.

"CSI" is not only a great TV show, but we think CSI should be funded in the Federal budget to use the best of science to catch the worst of the criminals.

We also fund Byrne formula grants, and this bill will provide \$510 million for State and local police operations to do their job.

We are funding important programs in juvenile justice, which are very key programs of intervention and mentoring, but also very strong programs for antigang efforts—\$407 million.

We also want to prevent, protect, and prosecute when it comes to violence against women, whether it is domestic violence, sexual assault, rape, or stalking—over \$435 million—the highest level of funding ever.

We also have very important Federal law enforcement. All of us know and love the FBI. This bill will provide \$7.9 billion to keep us safe from violent crime and also white collar crime, investigating financial and mortgage fraud.

I want to acknowledge the role of Senator SHELBY, who is an authorizer on the Banking Committee and a member of this Appropriations Committee. He has taken on the issue of mortgage fraud and wanted it to be thoroughly investigated. We have done that through the FBI.



Many people don't realize, though, that after 9/11, when everyone was clamoring for something like the MI-5, such as the British have, we said: Three cheers for the British way, but we want a USA way, so we created an agency within an agency where the FBI is part of our most significant fight against terrorism.

We also fund the Drug Enforcement Agency to fight international narcotics terrorists and drug kingpins. This bill provides \$2 billion to do it.

I am very proud of the FBI because in the last few weeks their work has led to the arrest of two terrorism suspects who planned to blow up buildings in Texas and in Illinois. While they were working hard, the efforts of the DEA led to the arrest of drug kingpins who were shipping 95 kilograms into New York City.

We also have the Bureau of Alcohol, Tobacco, and Firearms and the Marshals Service, each of which has been funded at \$1 billion-plus.

Our U.S. attorneys, who are the prosecutors of Federal crimes, have been provided \$1.9 billion, a significant increase.

Once we catch and prosecute these criminals, there has to be Federal prisons, and we want to make sure our communities are secure and our prison guards are safe. This is one of the tattered areas of neglect, and we are very concerned about the safety of our prison guards. This bill provides \$6.1 billion to upgrade, where necessary, the protective devices to ensure criminals are held securely—acknowledging their rights, but also the rights of those who guard them need to be kept too. Their first right is the right to security, guaranteed by their own government.

We look to protecting our children and our communities, and when it comes to protecting our children, crimes have gotten more sophisticated in terms of the Internet and other things that are used to lure children into terrible criminal situations. We have provided over \$265 billion to deal with the issue of sexual predators, and we will continue that fight.

While we are busy fighting crime and protecting our children, we also need to protect America's jobs, and this is where science and innovation come in with an amazing race to keep America competitive.

This bill provides \$880 million for the National Institute of Standards and Technology and, particularly, \$70 million for the new Technology Innovation Program and \$125 million for the Manufacturing Extension Partnership, so that we can keep manufacturing in our country. We also want to do the basic research that is needed for the new ideas that will come up with the new products for the new jobs.

This bill provides \$6.9 billion for the National Science Foundation, and for NOAA we provide \$4.7 billion, including

\$980 million for our weather service and \$870 million for our fisheries.

This bill also funds our space program: \$18.7 billion for NASA. In the space program, we don't agree with the House strategy; we agree with the White House strategy. The House strategy includes \$500 million for the NASA exploration program. We believe we need to meet our obligations to fully fund the space shuttle and the space station. For the space shuttle, we need to make sure we keep our astronauts safe and our space station is able to continue the work we have begun. We also need to invest in the next generation of space vehicles at \$3.6 billion.

It is very important we meet our obligations, our international obligations, as well as our obligations to our astronauts and to our Earth-bound scientists. However, if you meet those scientists, they are not bound by Earth very much. They are continually breaking barriers.

We know the House withheld money while waiting for the Augustine report. Well, we have the Augustine report. We know where the President wants to go. We know what the key advisers in the astronaut community have recommended to us—the gallant leaders from the past, such as Buzz Aldrin and John Glenn, to the most contemporary right now. I might add we have a space Senator in Senator BILL NELSON, one of our authorizers. So we have worked hand-in-hand with our authorizers.

We are also working very hard in terms of protecting our intellectual property. We have been concerned through the Bush administration—well, the Clinton administration, the Bush administration, and now we want to deal with this during the Barack Obama administration—that we have too many backlogs at our Patent and Trademark Office. We want to reduce those. American ingenuity should not have to stand in long lines to get their patents to protect their intellectual property and to come up with the products that will go into the global marketplace and at the same time create jobs here.

We are also very proud of what we do to protect our planet, and what we have done through NASA Earth science—\$1.4 billion—and also what we are doing in weather satellites—\$1.2 billion—which are very important global warming tools. If we can better protect and warn, we can save lives and save money.

The CJS bill ensures our constitutional obligation to do the 2010 census. We provide \$7 billion to the Census. We are working hand-in-glove with Secretary Locke to make sure the Census Bureau is well organized to be able to do this very important job.

There are many more things we can talk about, but I know my colleague, Senator SHELBY, wants to discuss the bill, and our good friend from Arizona

has an amendment. So, Mr. President, I will amplify these other parts of the bill as we move forward.

I know Senator SHELBY will return in a moment or two, so with deference and the usual courtesy and comity, if the Senator from Arizona wishes to offer his amendment, and then when Senator SHELBY returns he can make his statement, we will just keep the business of the Senate moving as promptly and as well as we can.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2629

Mr. MCCAIN. Mr. President, I have an amendment at the desk and ask for its immediate consideration—amendment No. 2629.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2629.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds appropriated under this Act for the purpose of preventing individuals, wholesalers, or pharmacists from importing certain prescription drugs)

On page 202, between lines 15 and 16, insert the following:

SEC. 530A. None of the funds made available in this Act for the Department of Justice may be used to investigate or enforce Federal laws related to the importation of prescription drugs by individuals for personal use, by pharmacists, or by wholesalers or to bring an action against such individuals, pharmacists, or wholesalers related to such importation: *Provided*, That the Department of Justice or its subagencies do not have a reasonable belief that the prescription drug at issue violates the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.): *Provided further*, That the prescription drug at issue is not a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), or a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

Mr. MCCAIN. Mr. President, I say to the distinguished manager, the Senator from Maryland, that I will be glad to interrupt my amendment upon the return of the Senator from Alabama, if he wishes to speak, and then I will continue after that. I thank the Senator from Maryland for her hard work and excellent explanation of the legislation before the Senate.

This amendment would lower health care costs for Americans immediately. It would provide access to safe, less expensive imported prescription drugs. For far too long, powerful lobbyists from the pharmaceutical industry have stood in the way of Americans' access to affordable imported drugs. Their enormous political campaign contributions made in return for political support of their agenda and their secret

unsavory deal with the White House in exchange for their support of the health care reform have further contributed to the American people being prevented from accessing cheaper prescription drugs.

Instead, Americans continue to pay 60 percent or higher for the same prescription drugs that are sold in Canada. This amendment is necessary because Americans need access to lower cost drugs now. They need it now due to these difficult economic times. We all know about unemployment. Americans' salaries are being cut, household budgets are slim, and millions of Americans are struggling to make their monthly mortgage payments. For these reasons, and so many more, Americans should not be forced to wait another day to purchase safe and affordable prescription drugs from outside the United States. While Americans all over the country are having to choose between their next meal and their necessary prescriptions, the large pharmaceutical companies continue to pressure Congress to delay consideration of any legislation to allow the importation of safe and lower priced prescription drugs.

I would like to also point out this is legislation on an appropriations bill, something I have long opposed, and still oppose. But there has been an unusual process taking place, and that process is one which has forced me to come to this situation. On two separate occasions the majority leader of the Senate assured me that legislation would be taken up before the Senate, and both times he has changed his mind. The majority leader resisted consideration of an amendment to allow for the importation of prescription drugs during debate on the Family Smoking Prevention and Tobacco Control Act.

At the time, the majority leader said on the Senate floor:

This is something that should have been done, I am sorry to say, years ago, not weeks ago.

This issue is important legislation. If it should have been done years ago, then why wasn't it brought up for consideration immediately after the tobacco bill in June? While the stand-alone bill to allow importation—S. 1232—was placed on the Senate's calendar on June 11, 2009, there has been no further effort by the majority leader to call it up for consideration. Instead, he sent me a letter stating:

I committed to take up legislation that would permit the safe importation of lower-cost prescription drugs as soon as practicable.

The practicable time was back in June. There is no practical reason to prevent the majority leader from calling up this bill for a vote at any time.

I was told verbally by the majority leader as short a time as 3 weeks ago that upon the completion of consider-

ation of the Defense appropriations bill that this legislation would be brought to the floor of the Senate. Then a week later I was told, no; that is not going to be the case. So I have been waiting for "as soon as practicable," and so have millions of Americans who are looking for cheaper alternatives to the high-priced prescription drugs.

The majority leader also stated in his letter:

If this issue is not addressed during the full Senate's consideration of comprehensive health reform, I guarantee that I will move to proceed to S. 1232 before the end of the year.

The majority leader of the Senate assured me it would be taken up after completion of the Department of Defense appropriations bill, which we have completed. Given the fact that it is possible that the health care reform bill will be brought up under a truncated pressure timeline, I have little faith that real, in-depth consideration of prescription drug import legislation will come about; therefore, I have no choice but to bring this issue up today as an amendment to this appropriations bill.

In the 2008 election cycle, pharmaceutical companies gave almost \$30 million in campaign contributions to Members of Congress. Just this year, according to an article published in *The Hill*, the prescription drug industry has given more than \$1 million to Republicans and Democrats, and the companies whip up their protector in Congress each time we bring forward legislation to help Americans get the imported prescription drugs they need.

Earlier this year, I read an e-mail sent by the top lobbyist for Pharmaceutical Research and Manufacturers of America, known as PhRMA—this was back in June—which stated:

The Senate is on the bill today. Unless we get some significant movement, the full blown Dorgan or Vitter bill will pass. We are trying to get Senator DORGAN to back down, calling the White House, and Senator REID. Our understanding is that Senator MCCAIN has said he will offer regardless. Please make sure your staff is fully engaged in this process. This is real.

That was an e-mail from a lobbyist of PhRMA, which has given millions and millions in campaign contributions.

Guess what. In the immortal words of Jack Nicholson: I'm back. I am back on the Senate floor, trying to help millions of Americans who have lost their jobs, struggling to put food on the table, by giving them the opportunity to save on their prescription drugs immediately.

Recently, the White House struck a deal with a pharmaceutical company to further protect its profits. The deal was bragged about by the head of the company's trade association, who cashed in for millions of dollars once he wrote the Medicare prescription drug benefit legislation as a Congressman. He was quoted in an article in the

New York Times, published August 6, 2009, stating that the White House "wanted a big player to come in and set the bar for everybody else."

The same article stated:

Mr. Tauzin said the White House had tracked the negotiations throughout, assenting to decisions to move away from ideas like the government negotiation of prices or the importation of cheaper drugs from Canada. The \$80 billion in savings would be over a 10-year period.

Analyze that comment by the head lobbyist of one of the most powerful lobbies in Washington. He is saying the White House agreed to move away from—in other words, not support—ideas such as government negotiation of prices. Government negotiation of prices is absolutely necessary. We did it in the prescription drug bill, and it has reduced costs. In other words, the pharmaceutical companies would have to compete for Medicare contracts. One would think that is an obvious solution to bringing down costs.

The second, of course, is the importation of cheaper drugs from Canada. Here everybody is talking about reducing health care costs. We know that importation of less expensive drugs would save health care costs for the American consumer. But the White House apparently, according to Mr. Tauzin, agreed they would not support importation of less expensive drugs from Canada—a remarkable comment. You know, people wonder why the tea parties are going on, why the approval rating of Congress is so low—amazing. The Fraser Institute found in 2008 that Canadians paid on average 53 percent less than Americans for identical brand-name drugs. Specifically, the institute found that the most commonly prescribed brand-name drug, Lipitor, is 40 percent less in Canada, Crestor is 57 percent less in Canada, and the popular arthritis drug Celebrex is 62 percent less expensive in Canada. Americans would love a 60-percent-off coupon for prescription drugs and deserve such a discount now more than ever.

I have been working on this issue for many years, and I will continue to do so. Americans should not have to wait a day longer for relief from higher prices for drugs. Inexplicably, the majority leader keeps delaying consideration of this needed legislation, which has now forced me to offer an amendment on the current appropriations bill. However, I believe it is necessary to protect all Americans' interests in obtaining affordable prescription drugs. The amendment states that no funds can be used to prosecute those who seek to import prescription drugs that have been approved by the FDA. If the big drug companies are getting an \$80 billion savings, shouldn't we give a savings to American consumers? Why not now?

Again, I want to say there is going to be a point of order raised on this bill,

and with righteous indignation people will say it doesn't belong on an appropriations bill. We just finished a Defense appropriations bill loaded—and I will have a list of them—with unauthorized appropriations on that bill. Every appropriations bill we take up has unauthorized appropriations, ranging from \$300,000 for a museum in Nebraska to the addition of C-17s for \$2.5 billion. The argument that somehow we should not be taking up this legislation on this bill flies in the face of what has been common practice around here, even though I do not agree with it.

Let me say this, too. If I had full and complete confidence that this amendment would get a full and complete airing as an amendment on the health care bill, I would be glad to withdraw this amendment. I will be glad to withdraw this amendment if we have assurance this amendment will be taken up on the health care bill. There are all kinds of things that are going to be done in passage of the health care reform legislation—so-called—on the floor of the Senate.

I see my friend from North Dakota here. I have appreciated his efforts for a long time. He and I have been working on this for a long time. It is a fact that I received the word of the majority leader that this bill would be taken up and that has not happened. That has happened twice. I must say it has never happened to me before in the years I have been a Member of the Senate.

I ask unanimous consent to have printed in the RECORD the New York Times article of August 6, 2009, "White House Affirms Deal on Drug Costs."

I also ask unanimous consent to have printed in the RECORD the letter from Senator REID to Senator SNOWE, Senator DORGAN, and to me.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 6, 2009]

WHITE HOUSE AFFIRMS DEAL ON DRUG COST  
(By David Kirkpatrick)

WASHINGTON.—Pressed by industry lobbyists, White House officials on Wednesday assured drug makers that the administration stood by a behind-the-scenes deal to block any Congressional effort to extract cost savings from them beyond an agreed-upon \$80 billion.

Drug industry lobbyists reacted with alarm this week to a House health care overhaul measure that would allow the government to negotiate drug prices and demand additional rebates from drug manufacturers.

In response, the industry successfully demanded that the White House explicitly acknowledge for the first time that it had committed to protect drug makers from bearing further costs in the overhaul. The Obama administration had never spelled out the details of the agreement.

"We were assured: 'We need somebody to come in first. If you come in first, you will have a rock-solid deal,'" Billy Tauzin, the former Republican House member from Louisiana who now leads the pharmaceutical

trade group, said Wednesday. "Who is ever going to go into a deal with the White House again if they don't keep their word? You are just going to duke it out instead."

A deputy White House chief of staff, Jim Messina, confirmed Mr. Tauzin's account of the deal in an e-mail message on Wednesday night.

"The president encouraged this approach," Mr. Messina wrote. "He wanted to bring all the parties to the table to discuss health insurance reform."

The new attention to the agreement could prove embarrassing to the White House, which has sought to keep lobbyists at a distance, including by refusing to hire them to work in the administration.

The White House commitment to the deal with the drug industry may also irk some of the administration's Congressional allies who have an eye on drug companies' profits as they search for ways to pay for the \$1 trillion cost of the health legislation.

But failing to publicly confirm Mr. Tauzin's descriptions of the deal risked alienating a powerful industry ally currently helping to bankroll millions in television commercials in favor of Mr. Obama's reforms.

The pressure from Mr. Tauzin to affirm the deal offers a window on the secretive and potentially risky game the Obama administration has played as it tries to line up support from industry groups typically hostile to government health care initiatives, even as their lobbyists pushed to influence the health measure for their benefit.

In an interview on Wednesday, Representative Raúl M. Grijalva, the Arizona Democrat who is co-chairman of the House progressive caucus, called Mr. Tauzin's comments "disturbing."

"We have all been focused on the debate in Congress, but perhaps the deal has already been cut," Mr. Grijalva said. "That would put us in the untenable position of trying to scuttle it."

He added: "It is a pivotal issue not just about health care. Are industry groups going to be the ones at the table who get the first big piece of the pie and we just fight over the crust?"

The Obama administration has hailed its agreements with health care groups as evidence of broad support for the overhaul among industry "stakeholders," including doctors, hospitals and insurers as well as drug companies.

But as the debate has heated up over the last two weeks, Mr. Obama and Congressional Democrats have signaled that they value some of its industry enemies-turned-friends more than others. Drug makers have been elevated to a seat of honor at the negotiating table, while insurers have been pushed away.

"To their credit, the pharmaceutical companies have already agreed to put up \$80 billion" in pledged cost reductions, Mr. Obama reminded his listeners at a recent town-hall-style meeting in Bristol, Va. But the health insurance companies "need to be held accountable," he said.

"We have a system that works well for the insurance industry, but it doesn't always work for its customers," he added, repeating a new refrain.

Administration officials and Democratic lawmakers say the growing divergence in tone toward the two groups reflects a combination of policy priorities and political calculus.

With polls showing that public doubts about the overhaul are mounting, Democrats

are pointedly reminding voters what they may not like about their existing health coverage to help convince skeptics that they have something to gain.

"You don't need a poll to tell you that people are paying more and more out of pocket and, if they have some serious illness, more than they can afford," said David Axelrod, Mr. Obama's senior adviser.

The insurers, however, have also stopped short of the drug makers in their willingness to cut a firm deal. The health insurers shook hands with Mr. Obama at the White House in March over their own package of concessions, including ending the exclusion of coverage for pre-existing ailments.

But unlike the drug companies, the insurers have not pledged specific cost cuts. And insurers have also steadfastly vowed to block Mr. Obama's proposed government-sponsored insurance plan—the biggest sticking point in the Congressional negotiations.

The drug industry trade group, the Pharmaceutical Research and Manufacturers of America, also opposes a public insurance plan. But its lobbyists acknowledge privately that they have no intention of fighting it, in part because their agreement with the White House provides them other safeguards.

Mr. Tauzin said the administration had approached him to negotiate. "They wanted a big player to come in and set the bar for everybody else," he said. He said the White House had directed him to negotiate with Senator Max Baucus, the business-friendly Montana Democrat who leads the Senate Finance Committee.

Mr. Tauzin said the White House had tracked the negotiations throughout, assenting to decisions to move away from ideas like the government negotiation of prices or the importation of cheaper drugs from Canada. The \$80 billion in savings would be over a 10-year period. "80 billion is the max, no more or less," he said. "Adding other stuff changes the deal."

After reaching an agreement with Mr. Baucus, Mr. Tauzin said, he met twice at the White House with Rahm Emanuel, the White House chief of staff; Mr. Messina, his deputy; and Nancy-Ann DeParle, the aide overseeing the health care overhaul, to confirm the administration's support for the terms.

"They blessed the deal," Mr. Tauzin said. Speaker Nancy Pelosi said the House was not bound by any industry deals with the Senate or the White House.

But, Mr. Tauzin said, "as far as we are concerned, that is a done deal." He said, "It's up to the White House and Senator Baucus to follow through."

As for the administration's recent break with the insurance industry, Mr. Tauzin said, "The insurers never made any deal."

U.S. SENATE,

Washington, DC, September 22, 2009.

Senator OLYMPIA J. SNOWE,  
Russell Senate Office Building,  
Washington, DC.

Senator BYRON L. DORGAN,  
Hart Senate Office Building,  
Washington, DC.

Senator JOHN MCCAIN,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATORS: During consideration of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, I committed to take up legislation that would permit the safe importation of lower-cost prescription drugs as soon as practicable. Shortly after making that commitment, Senator Dorgan

and I began the Rule XIV process on S. 1232, the Pharmaceutical Market Access and Drug Safety Act of 2009.

Unfortunately since taking that step, the Senate has experienced an extremely full legislative agenda that has not permitted me to turn to this important legislation as quickly as I would have liked. In light of the approaching new fiscal year, we have dedicated considerable time to appropriations matters. (On March 24, I received a letter signed by all Senate Republicans telling me it was critical that the Senate dedicate an "appropriate amount of time" to pass the twelve appropriations bills.) We have also completed action on the FY2010 National Defense Authorization Act, a bill to extend the solvency of the Highway Trust Fund and the unemployment insurance program, as well as a number of executive nominations.

Passing S. 1232 in the Senate will not be easy. Senate action on many legislative items has taken significantly longer than one would expect, even for measures that ultimately pass by a broad bipartisan vote. Numerous objections by Senate Republicans have forced the Senate to jump through procedural hoops that accomplish little more than delaying Senate action. Actions that have been taken by consent with little or no debate now take many days. Further complicating passage of this legislation is the fact that during its markup of comprehensive health reform the HELP Committee considered and defeated an effort to attach importation language to the underlying bill.

Notwithstanding these obstacles, I stand by my earlier commitment to make sure the Senate considers S. 1232 as soon as practicable. If this issue is not addressed during the full Senate's consideration of comprehensive health reform, I guarantee that I will move to proceed to S. 1232 before the end of the year.

Sincerely,

HARRY REID,  
Majority Leader.

Mr. MCCAIN. Mr. President, I wish to say again that we have been told time after time that this legislation would come before the Senate. It has not. I do not know what process the majority leader will use—reconciliation, fill up the tree, vote on cloture, make this amendment nongermane. I have no confidence. If I had the confidence that this amendment would be taken up in a regular order fashion and that the full Senate would vote on it on the health reform bill, I would have some confidence we could get it done. In the absence of that, I will seek a vote on this amendment.

If there is a budget point of order on this amendment, let no one be fooled: It is not because they do not want to violate the budget rules of the Senate, because they violated them in every possible way in previous appropriations bills, to the tune of billions of dollars. I yield the floor.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me spend a few moments talking about this issue of reimportation of prescription drugs and the history of it and the work many of us have done together, a large group of Members of the Senate, including Senator MCCAIN, working on this issue.

Senator MCCAIN has offered an amendment, No. 2629, which he has just finished discussing. As I understand the amendment, it would prohibit the use of funds appropriated under the act for preventing individuals, wholesalers, or pharmacists from importing certain prescription drugs. That is in the title. It does have, as I think Senator MCCAIN suggested, perhaps a point of order against it. I do not know whether it is because it would be legislating on an appropriations bill. In any event, whatever the circumstances with this amendment, I was a bit surprised to see this amendment on this bill, but everybody has a right to offer amendments.

Let me say that Senator MCCAIN is a part of a group of us who have worked together. We have worked on a piece of legislation called the Dorgan-Snowe legislation. Senator SNOWE, as the major cosponsor, and many others, including Senator MCCAIN as a cosponsor, have worked on this issue for a long time. The fact is, the appropriate place to address this, in my judgment, is in the health care bill that is going to come to the floor in the next couple of weeks. I have said previously that I fully intend to offer this bipartisan bill as an amendment. We have over 30 cosponsors in the Senate, Republicans and Democrats. It ranges from the late Senator Ted Kennedy, to JOHN MCCAIN and a wide range of Senators on both sides of the political aisle. That has been the support for legislation that I think addresses a very important issue.

Let me describe the issue, if I might. I have in my desk in the Senate two bottles that contain medicine. Actually, these are empty bottles. This is Lipitor. The medicine that would be contained in these bottles is made in Ireland by a company that produces Lipitor. It is the most popular cholesterol-lowering drug in America by far. It is made in Ireland, in a plant that is inspected by the FDA, and the medicine is then sent all around the world. These two bottles, as you can see, are identical. These two bottles contained identical tablets, 20 milligrams of Lipitor made in the same place, so it is the same manufacturing, the same pill, put in the same bottle, made by the same company. The difference? One is shipped to Canada, one is shipped to the United States. Difference? Price. Here is the one that was shipped to Canada; this is \$1.83 per tablet. This was sent to the United States, \$4.48 per tablet. The only difference is price. Why is that the case? Because the

American people are charged the highest prices for brand-name prescription drugs in the world, the highest prices in the world for brand-name drugs. In this case, we paid \$4.48 per tablet; someone else paid \$1.83. It doesn't matter whether it is Canada. It could be England, Italy, France, Germany, Spain—we pay the highest prices in the world, and it is unfair.

The question is not, Is there a problem? Of course there is a problem. We have a whole lot of folks in this country who cannot figure out how they are going to afford to pay for their groceries and their medicine, so they go get their medicine first at the pharmacy in the grocery store and figure out how much they can eat later. Of course this is a problem.

I have described the guy who sat on a straw bale once at a farm a while back, 80 years old, who told me in a little meeting we had in a farmyard: My wife has fought breast cancer for 3 years. She is in her seventies. And we have spent all of those 3 years driving to Canada to try to buy Tamoxifen where it is sold for 80 percent less—an 80 percent lower price in Canada for the identical prescription drug. So my wife and I are trying to drive up and get Tamoxifen in Canada.

The reason they can do that is, apparently at the border, a small amount of personal use, up to 30 days or 60 or 90 days personal use of prescription drugs will be allowed to be brought over without a hassle.

But the question is what about the rest of the American people who cannot drive to the border or go to another country and access the same prescription drugs, same pill put in the same bottle by the same company who decided to charge the American people the highest prices in the world? What about those people?

My point is this: We are going to have a big health care bill on the floor of the Senate sometime in the next few weeks. Oh, it has been through this committee and that committee. It has been on a long, tortured trail. Lord knows every single day in the press we read the next little news item about who said what about this.

One way or another we are going to have some kind of health care reform on the floor of the Senate. Will it pass? Will it be omnibus? Will it be comprehensive? I do not know any of those things. I do know this: that the Gang of 6 and the gang in the Finance Committee or the gang in the HELP Committee are going to become a Gang of 100 or 100 gangs of 1 when it gets to the floor of the Senate. Everybody is going to have their amendments because most Members of the Senate have not had an opportunity to weigh in on health care at this point with their own views and their own amendments. They are not on the committee, not part of a small gang. Let me say, on behalf of myself and I think Senator

SNOWE, it is the Snowe-Dorgan legislation with respect to prescription drug reimportation, which includes Senator MCCAIN as a cosponsor, that when health care comes to the floor of this Senate, you can count on it, that there is going to be an amendment and there is going to be a vote on the issue of the prices of prescription drugs.

Perhaps there are some people who do not want it. I understand they do not want to have a vote on it. But in my judgment, there cannot be credible efforts to address health care if you do not address the issue of health care costs, the relentless rising cost of health care.

Part of that, not an insignificant part, relates to the question of the relentless runup of prescription drug costs every single year. Take a look at the increased prices for prescription drugs every year and then think about the people out there who are trying to figure out: How do I pay for this?

I understand senior citizens have the opportunity, under Part D of Medicare, to have some drug coverage. I understand there is a problem with that, there is what is called a doughnut hole in the Washington lexicon. I also understand that someone made a deal with the pharmaceutical industry for \$80 billion over 10 years, which is a relatively small part of their gross revenues, in order to fill part of the doughnut hole with 50 percent off on brand-name drugs.

I understand all that. I was not a part of it, nor was anybody I know of in this Chamber. The question is, What about all the rest of the American people and the fact that they are now charged the highest prices in the world for brand-name prescription drugs? Is it fair? I say no.

We will offer an amendment. My colleague says he was promised and he was concerned about that. I understand all that. All I am saying is, we are going to have this debate, this amendment, and this vote. It is going to be on health care. That is where it ought to be. It ought to be on the health care bill.

I know that when we have this discussion, we are going to have people say: If you do not allow the prescription drug folks, the pharmaceutical industry, to charge these prices in our country, they will do less research into finding cures for these deadly diseases.

You know what, the fact is they spend more money on promotion, marketing, and advertising than they do on research. That is a fact. I mean you get up in the morning and turn the television set on, perhaps while you are brushing your teeth or something, and then listen to the ads. The ads push at you every single day: Go ask your doctor today. It is Wednesday. Ask your doctor, is the purple pill right for you?

I do not know what the purple pill is, but it makes you feel like you should

go ask somebody if I should be taking the purple pill.

Go ask your doctor whether you might need Flomax. Go ask your doctor what you ought to be getting, what you ought to be taking that you now do not know about or are not taking.

All these things are pushed at consumers in circumstances where the only person who can prescribe that prescription drug is a doctor who has decided you need it for your health. Yet every single day, relentlessly across this country on television, in the journals and newspapers and publications it says: Go check with your doctor. Ask your doctor if you should be taking this medicine.

What about cutting back on some of that and reducing the price of prescription drugs? What about that? Let me make one other point, if I might. My colleague indicated he has offered this, which is a funding limitation on prescription drugs. The fact is, this has been a long and difficult trail to pass legislation.

I understand. Were I working for the pharmaceutical industry, I would understand why you want to retain this little piece in Federal law that says: The only entity that can reimport or import drugs into this country is the company that manufactures them. I understand why they want that to be the case. Because it allows them to price, in this country, however they want to price.

But we are told constantly this is a new economy, a global economy. If it is a global economy, then what about allowing the American people the freedom to access that global economy to find the identical FDA-approved prescription drug where it is sold for half the price?

They say: Yes, but you know what, if we do that, we are going to open it up to counterfeit drugs and so on. Guess what. Europe has been doing this for 20 years. It is something called parallel trading. In Europe, if you are in Germany and want to buy a prescription drug from France, if you are in Spain and want to buy a prescription drug from England, that is not a problem. They have a plan that is called parallel trading. It has been going on for 20 years, and there are no counterfeit issues of any significance at all.

Europe can do it and we cannot? We cannot keep track of this? The legislation that I and Senator SNOWE and many others, including Senator MCCAIN, have put together carefully has all kinds of safety measures that will dramatically improve the safety of the prescription drugs that are now sold.

It requires pedigrees be established on batch lots so you can track everything back. Everything. The only proposal we are suggesting the American people be given the freedom to do is to access that FDA-approved drug—yes,

only FDA-approved drugs—only from countries in which the chain of custody is identical to ours and as safe as ours is. That is all we are talking about.

But that does it the right way. That says: Here is a plan. It funds the FDA to make certain that the drug supplies are safe and so on. This is the right way to do this. That is why we have taken a long time to put this together. It is a piece of legislation that has all the elements you would want to have that gives the American people the freedom to get lower priced drugs, FDA-approved drugs where they are sold and, at the same time, because they would have that freedom, would put downward pressure on drug prices in this country because the pharmaceutical industry would be required to reprice their drugs in the United States.

Let me say, as I always have to say, I do not have a grief against the pharmaceutical industry. I think it is a great industry. I think it produces wonderful, miracle prescription drugs that if taken can keep you out of an acute care hospital bed, which would be far more expensive. Prescription drugs, if taken, in many cases, can manage a disease that otherwise would have you in a debilitated condition.

I appreciate the research they do. I appreciate the new drugs they develop. Let me say this, that a substantial amount of work, with respect to the development of new drugs, is done with public funding, taxpayer dollars, through the National Institutes of Health, the knowledge from which then goes to the pharmaceutical industry to be able to use to create these drugs. That is a part of it.

Another part of it is the research they do themselves. Good for you, I say. My grief is not against an industry. I do not want to tarnish this industry. All I want to say is: We deserve fair prices. This country and the consumers in this country deserve fair prices.

We have been trying for 10 years to get this done. If we bring health care reform to the floor of the Senate and say: We are going to do something about health care costs and prices and fail to do something about prescription drug costs, in which the American people are required to pay the highest prices for brand-name drugs, then, in my judgment, we will have failed miserably.

It is my full intention that when we have health care on the floor, which I expect to be within a week or 2 weeks or whenever it comes, but it is coming for sure, I will be here, and I will fully expect and demand the opportunity to offer this amendment because there are 30 Members of the Senate, Republicans and Democrats alike, who have done the work to put together the bill that has all the safeguards and, finally, at

long last, will give the American people what they deserve; that is, fair pricing on prescription drugs.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. DORGAN. Of course, I will yield.

Mr. MCCAIN. I am very grateful for the leadership Senator DORGAN has shown on this issue for many years and it has been a pleasure and an honor to work with him on that and many other issues.

I ask my colleague, does the letter that was sent by the majority leader to you and to me and to the Senator from Maine, Ms. SNOWE—I know you have read it—does it concern you that the last paragraph of the letter says:

Notwithstanding these obstacles, I stand by my earlier commitment to make sure the Senate considers S. 1232 as soon as practicable.

And then this is the question I have for the Senator from North Dakota.

If this issue is not addressed during the full Senate's consideration of comprehensive health reform, I guarantee that I will move to proceed to S. 1232 before the end of the year.

My question to the Senator from North Dakota is: Why would there be any question in the majority leader's mind that you or I and Senator SNOWE would let a health reform bill go to the floor and be voted on without it being passed? It seems to me, and may I say, because I have been told twice by the majority leader we would take it up—and those commitments have been reversed—would it not concern you a little bit when it says: "... if this issue is not addressed during the full Senate's consideration of comprehensive health reform..."

That is my question. That is what I am concerned about, that parliamentary procedures would be used. You and I have seen it before. The tree filled up. Cloture invoked, et cetera, where there have not been amendments that were clearly important to that legislation, not allowed to be considered.

That is my question to my friend from North Dakota.

Mr. DORGAN. Let me say to Senator MCCAIN that I expect the job of majority leader is a pretty tough job. I have watched from Bob Dole on, Tom Daschle, and so many majority leaders and minority leaders try to run this place. It is pretty hard to run. Trying to figure out a schedule is pretty difficult. So I respect the difficulties of juggling all these things.

With respect to the specific letter Senator MCCAIN referred to, Senator MCCAIN, I, and Senator SNOWE all talked to the majority leader about this issue when the tobacco bill was on the floor of the Senate because we were fully intending to offer our prescription drug reimportation bill.

The majority leader did say to us, and then put it in writing, did say to us: I will guarantee you that you will

get that up on the floor of the Senate. So that was a commitment by the majority leader. And he understands that commitment.

When I saw the letter he wrote, I went to him immediately, and he and I talked about that. Because I indicated to the majority leader: You have indicated that as soon as practicable, or perhaps at the end of the year.

I said to the majority leader: You should understand that if it is not up before health care, it has to be offered on health care. Because that is exactly where it fits. Nobody can come to the floor and say: We have to do health care. We have to try and control costs and put some downward pressure on prices. But, by the way, you cannot offer a piece of legislation that would put downward pressure on prescription drug prices. I said: That cannot be the case.

He understood and said: I understand that. That is going to be at the front end of this debate on health care. Based on that representation, I feel confident, I would say to Senator MCCAIN, I understand the confusion in the reading of the letter, the writing of the letter, but I feel confident, having talked to Senator REID, that we are going to have ample opportunity, right at the front end of this debate about health care, to have a full debate, to have a vote up or down, which is what we need to do, obviously. I think everyone in this Chamber, every Republican, every Democrat, needs to be on record: How do they feel about their consumers paying the highest prices for prescription drugs in the world? How do they feel about a bill we put together that has pedigrees and batch lots, all the safety so our consumers can have the freedom to access these lower priced drugs?

I think we can do that.

Mr. MCCAIN. Would you not feel better if the letter said—I know I would feel better if the letter said: I expect this issue to be brought up in the health reform bill.

Instead, there is a loophole, with all due respect, that if it isn't addressed during the full Senate's consideration, "I guarantee I will move to it before the end of the year." Each day going by, seniors and, in fact, all citizens are paying a higher price for prescription drugs. Frankly, we should never have made that agreement when the tobacco bill was taken up because we could have passed it. Today seniors could be paying as much as 60 percent less for their prescription drugs. But we know what happened. The pharmaceutical companies weighed in with all of their clout. I urge the Senator from North Dakota to go back and get this language changed. The majority leader looked me in the eye and said: We will take this up after we finish the Department of Defense appropriations bill. And then decided not to do it. Maybe

the Senator from North Dakota understands why I am skeptical about the interpretation of a letter that could be interpreted so that we don't take it up in the health care reform bill.

Mr. DORGAN. Mr. President, I understand the anxious state of all of us to do what we have worked on for so long. I understand. I also understand that the letter probably could have been more artfully drawn. I understand from my conversations with Senator REID, the majority leader, that he fully understands and expects us to be planted on the floor when health care comes here and to offer our amendment and have a full debate and vote. If there is an attempt when we debate health care to decide that 30 of us Republicans and Democrats somehow don't have the opportunity we have been promised on the issue of prescription drug prices, in my judgment they are going to have an awful time getting any health care bill through this place. Because you can't say to me or to anybody else: We will do the bill we want to do and, by the way, prescription drug prices that are going up by double digits, we are not going to give you a shot at that.

Let me make one final representation. I said when I started, it is hard to schedule this place. I understand that. The Senator from Arizona knows we have had noncontroversial bills where we couldn't even get past a motion to proceed without having a filibuster to something that is noncontroversial. If I am majority leader, I am thinking this is not easy to do. I am sympathetic to the job he has to try to do all these things. I am convinced Senator REID will keep the commitment he made to us. I am convinced that commitment will be kept when we get health care on the floor. I don't want it to be in the middle or toward the end. I want to be here front and center at the front end because the bill we have put together is a strong bill dealing with a very important issue.

Mr. MCCAIN. If the Senator will yield further for one final question.

Mr. DORGAN. I am happy to yield.

Mr. MCCAIN. I have great sympathy for attempting to schedule legislation in this body. I think our friend Trent Lott maybe didn't invent it, but he used to say that it is like herding cats, conducting business in the Senate. I agree with that.

I know the Senator from North Dakota is aware that no matter what the problems are, if the majority leader says: I will take up this bill, then you have to take his word. My question to the Senator from North Dakota is, can we get a commitment from the majority leader that parliamentary procedures will not be used to block consideration of the issue of importation of pharmaceutical drugs?

Mr. DORGAN. Mr. President, I believe that commitment has already been made by the majority leader.



Mr. McCAIN. The letter is ambivalent.

Mr. DORGAN. I understand that. That is why I said I think the letter perhaps is not artfully drafted with respect to that last paragraph. I believe that commitment has been made to me because I went to the majority leader following the release of that letter. I have found over a long period that when the majority leader gives me a commitment, I believe he will keep the commitment.

Mr. McCAIN. I have not had that experience.

Mr. DORGAN. I understand, but I believe the Senator will have that experience when health care comes to the floor and he and I are on the floor with our colleague Senator SNOWE and others pushing for a solid piece of legislation that has broad bipartisan support. The Senator then will understand the commitment was made and the commitment was kept. I believe that will be the case.

Mr. McCAIN. All I can say to my friend is, if we can get a commitment that parliamentary procedures will not be used to block consideration of an amendment concerning importation of prescription drugs, I will withdraw this amendment from this bill.

Mr. DORGAN. I believe that commitment has been made to me. In any event, we are here on the floor on a Wednesday talking about something I believe is very important, and we have worked on this for a long time. We have spent a lot of time working on it. I don't intend to decide: OK, somebody is going to put up some barriers and that is OK with me. That is all right. And I don't think Senator REID is going to do that. He has made a commitment to me that will not be the case. I am convinced that Senator McCAIN and I and others who have put this legislation together will have our day, and everybody else will have to stand up and say yes or no. I hope when the roll is called, we have sufficient numbers, finally, at long last, to pass legislation that should have been passed 8 years ago. Again, I appreciate the comments Senator McCAIN has made this morning. I will have further visits with him.

I know Senator MIKULSKI has a bill on the floor she wishes to manage, and we don't want to be in the way of that. My view is that we are going to have our bill on this floor with a full debate and an up-or-down vote, and that will come as a result of Senator REID keeping his commitment. I am convinced of that.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Arizona.

Mr. McCAIN. Very briefly, I say to Senator DORGAN, I appreciate his efforts, his leadership. I appreciate everything he has done. We have had the privilege of working together on many

issues over the years. I wish to be sure that when the health reform bill comes up, there will not be parliamentary obstacles from that happening. I have seen the will of the majority thwarted on the floor of the Senate by certain parliamentary maneuvers—filling up the tree, for example. The Senator from North Dakota is as familiar as I am with some parliamentary procedures which can be employed by the majority and have been employed when both parties have been in the majority to thwart the ability of Senators to have their issues considered. That is what I want to see, is to make sure that when the health reform bill is before us, we will take it up.

But the sentence reads:

If this issue is not addressed during the full Senate's consideration of comprehensive reform . . .

My question is, why wouldn't it? Why is that sentence necessary? All I can say is that I hope we can get that assurance. If we do, I will withdraw the amendment and allow this appropriations bill to receive full consideration and be passed by the Senate.

Mr. DORGAN. Mr. President, I intend to offer several amendments to the health care bill. I have not had a chance. I am not part of a gang of anything. I wasn't part of the Gang of 6. I am not part of the Finance or HELP Committees. This is my first opportunity. I have some things I think can improve it. If a bill comes to the floor with procedures—and it will not happen—that lock this up and we can't offer amendments, I wouldn't stand for that. I am not going to be a part of that process. My expectation and the representation made to me with respect to this amendment is when that bill comes to the floor, we will have an opportunity to offer amendments. I don't know how you would get health care through the Senate if the proposition would be that somebody says: The Gang of 6, they had their 6 months or 3 months, whatever they did. And the two committees had their opportunity. But the rest of you, sorry, can't do that. In that circumstance, health care would not be passed through the Senate. Perhaps we have tortured this subject to death.

Mr. McCAIN. We have probably tortured it to death. Considering the fact that reconciliation continues to be held out there as an option by the majority is also a factor about which I have been concerned. All we need is a clarification to make sure there will be no parliamentary obstacles to consideration of the amendment of the Senator from North Dakota, an effort joined by me and Senator SNOWE and others, to allow prescription drugs to be imported into the United States.

I yield the floor.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. BURRIS. Mr. President, my brief remarks this morning are going to be on the cost of our broken health care system.

There have been times throughout our Nation's history when the American people have called upon our elected leaders to make very difficult decisions. This is one of those moments.

The debate over health reform has taken hold of this country and this Congress. We need a public option as part of any reform legislation, and we need it now. But the debate goes on. In House and Senate committee hearings, in townhall meetings, and at dining room tables across America, people are talking about the cost of health care reform. But they are not just talking about dollars and cents. Sometimes Washington forgets that. We worry about taxes, the deficit, and the need to keep Federal spending in check. We are right to debate these issues. But in the swirl of numbers and the cold analysis of insurance profits, we must not forget the extraordinary human cost of our broken health care system.

Nearly 45,000 Americans die every year because they do not have insurance coverage and cannot get quality care. That is one death every 12 minutes. This simply cannot stand in the United States of America. As Members of the Senate, as Americans, and as human beings, we cannot allow this to continue. It is time to take bold action. We must not delay any longer. The American people are waiting—people such as Deborah, a mother from Illinois, who works for a social service agency. Her employer had to cancel health care benefits and cut salaries more than a year ago because the expenses were too high. Deborah had a heart attack in April. Her resulting hospital bills total almost \$16,000. She cannot afford the medicine her doctors have prescribed for her. And now she is having trouble paying bills. Her gas and electricity have already been cut off in her home. Next it is going to be the water.

Thankfully, Deborah's children and foster children have health insurance provided under an Illinois program called All Kids. But what if she suffers further complications or another heart attack? What if she loses her home or her job? What will happen to Deborah and her family?

If this Congress does not pass meaningful health care reform, their future



is uncertain at best. But if we do act, we can bring Deborah and her family back from the brink of ruin. If we pass health care reform with a public option, Deborah and millions like her will be able to get the quality care they need at a price they can afford.

Under a public plan, health care costs will come down. Perhaps Deborah's employer will be able to restore her insurance coverage. But if not, she will be able to get individual coverage by choosing between an affordable private or public plan. Competition will drive premiums down across the board, making insurance more affordable for every single American. This means even with a preexisting condition, Deborah will not have to worry about finding good coverage at a fair price. She will be able to pay her bills again. In case she needs further treatment down the road, she will not be forced to choose between keeping food on the table or seeking the quality care she deserves. That is what health care reform is with a public option, and that is what could help Deborah.

These reforms would also help working folks such as Scott and Cindy, a self-employed couple from Oak Park, IL. Scott is a carpenter, and Cindy is a freelance writer and editor. They have a combined income that ranges from \$50,000 to \$120,000 per year, depending on the economy. But Scott has a preexisting condition.

Unlike many people in similar situations, they were fortunate enough to find an insurance company that would cover them. But the costs are extremely high. Premiums run more than \$500 a month. Scott is covered by one plan, and Cindy and the kids are on a separate plan, and each one has a deductible of about \$5,200 a year. That is the deductible.

That is why Scott and Cindy were so worried when their son broke his arm last summer. It was a bad break, but it is the kind of injury that is common to an active 15-year-old kid. It was not catastrophic, it was not unusual, and no one's life was at stake. But the medical bills totaled about \$4,000. Even though Scott and Cindy have insurance, they had to pay every cent of this out of their pockets.

They are underinsured, and they know it. That is why they ration their own health care. I will repeat that: That is why they ration their own health care. Whenever they can skip a doctor's visit, or a checkup, or a minor procedure, they will do so in the interest of saving money. Of course, when their kids need treatment, they make it a priority.

But Scott and Cindy know they will not be able to afford it if either of them gets sick. What will happen to this family if they experience a catastrophic illness? What will happen if their coverage gets dropped, or if the costs continue to go up?

With health care reform, private insurers could no longer discriminate against Scott's family because of his condition. If they are unhappy with the private insurance, they will have the choice to purchase high-quality public insurance for the whole family. Regardless, their deductible and monthly premiums will be much lower. For the first time, they will not have to worry about Scott's preexisting condition, and they can stop rationing their health care. They will be able to take advantage of preventive care so they can catch potential problems earlier and minimize their chances of getting really sick.

This is what reform with a public option would mean for Scott and Cindy, and for millions of Americans just like them in Illinois and across the country. That is why I will not compromise on the public option. I will repeat that: I will not compromise on the public option because Deborah, Scott, and Cindy need our help. That is why I will not settle for anything less than the real reform the American people deserve. The human cost is too high.

As we move forward, it is important to consider all sides of this contentious debate. But this debate has been going on for nearly a century. Since the days of Teddy Roosevelt, we have been trying to come together and solve this problem. The time for debate is drawing to a close. The time for bold action is upon us now, and our path is clear. The only way to achieve meaningful health care reform and bring costs down is through a public option that creates real competition in the system.

Let me be clear on this—I will be very clear—I will not vote for any health care bill that does not include a public option. I urge my colleagues to join with me, to stand on the side of the American people, and to fight for ordinary folks such as Deborah, Scott, and Cindy, and their families.

We must not delay. We must not let them down.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mr. KAUFMAN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AFGHANISTAN POLICY

Mr. KAUFMAN. Mr. President, I rise today to support the comprehensive review of our Afghanistan policy being conducted by the Obama administration. This is the right time for such a

review because conditions have changed since the President's strategy was announced on March 27. I have traveled to the region twice since then—first in April and again last month—and can confirm the recent observations of General McChrystal that the Taliban has made inroads in Afghanistan and the situation is deteriorating and serious. At the same time, political dynamics have changed in the region. There have been flawed elections in Afghanistan, and an emboldened Pakistani military has taken actions against elements in the Taliban in Pakistan. In light of these developments, we must give the President the time he needs to review the strategy and reevaluate the mission.

Today marks 8 years since the U.S. military entered Afghanistan, but if there is one message I hope to convey to the American people today, it is that we have not been there in earnest since 2003. After launching a successful NATO campaign against al-Qaida and the Taliban-led government that sheltered it, resources were diverted to Iraq in 2003 before the job was finished. We essentially left Afghanistan to invade Iraq, and the result in Afghanistan was a resurgent Taliban and failure to capture Osama bin Laden.

This was not the first time we left Afghanistan. After resourcing the Afghans throughout the 1980s in their efforts to beat the Soviets, we abruptly ended our support in 1989 after Soviet troops withdrew. We were then absent for 12 years until 9/11.

Historically, and especially since 2003, our commitment to Afghanistan has been wavering and halfhearted. This has created a deficit of trust in the minds of the Afghans, especially among those who have allied with us and faced the prospect of life or death in our absence. I wish to repeat that. This has created a deficit of trust in the minds of Afghans, especially among those who have allied with us and faced the prospect of life or death in our absence.

As we enter the ninth year of the war, it is critical to reassess our strategy so we can get it right. This is why the President's review must be complete and must be comprehensive. It is not just about combat troops or the McChrystal report. Troops are just one part of the puzzle and the report submitted by General McChrystal is just one input. The President must consider multiple perspectives on the political and regional situation from U.S. Ambassador to Afghanistan Karl Eikenberry, U.S. Ambassador to Pakistan Anne Patterson, and the Special Representative for Afghanistan and Pakistan, Richard Holbrooke. He must also weigh broader concerns from the Department of Defense, including overall force structure and other global military requirements. The review will take time. There are many complex

issues to deal with in Afghanistan which closely relate to our policy in Pakistan.

The President will present his plan to the American people when he has made his decision. At that time, Congress will be an important part of the process and will hold hearings on the President's plan, as it did with the President's plans in Iraq. Then each Member of Congress will cast the most important vote for any Member of this body: whether to send additional troops abroad and how to protect them. That debate should not be about politics.

I believe we must look at this challenge as a sum of the parts, and I wish to raise two primary questions. The first is about our mission and our objectives, which have been complicated by changes on the ground since March. The second is about waging an effective counterinsurgency strategy and what it would take to meet those requirements in Afghanistan. After we review our mission strategy in Afghanistan, we must also review how it correlates to our strategy in Pakistan. I will take each one of these questions in turn, both to give an indication of the complexity of the decisionmaking process and to share my observations on each subsidiary question.

First, the President must ask: What are our missions and objectives? In March, he presented his mission statement:

To dismantle, disrupt, and defeat al-Qaida and its safe havens in Pakistan, and to prevent the return to Pakistan or Afghanistan.

He also laid out key objectives: promoting a more capable, accountable, and effective government in Afghanistan, developing increasingly self-reliant Afghan security forces that can take the lead in counterinsurgency and counterterrorism, and assisting efforts to enhance civilian control and stable government in Pakistan.

As I have said, since March there have been at least three specific changes to the situation.

First, there were flawed Presidential elections in August which have further eroded confidence between the Afghan people and the government.

When I was in Afghanistan in April, there was hope—real hope—that these elections would lead to real change and progress. Unfortunately, the outcome has been a worst-case scenario, validating the fears of those who view the Afghan Government as plagued by corruption. As each day passes, the steady stream of election fraud revealed in the media further undermines trust in the Karzai government. This is especially harmful to our overall counterinsurgency strategy because the goal is to build support among the Afghan people for their government. Remember, this is not—not—between us and the Taliban, it is between the Afghans and the Taliban, and the perception of government corruption only strengthens the Taliban.

Second, we must review the challenges of training the Afghan national security forces.

While the Afghan National Army has demonstrated an ability to fight, there are serious questions about its size and effectiveness, and problems are even worse among the Afghan National Police. Recruitment has been slow, attrition has been high, there are no non-commissioned officers, and many among the ranks are illiterate.

To build the ANA and ANP, we need to overcome limiting factors in the dearth of leadership development, qualified recruits, infrastructure, trainers, and equipment. During my trip to Helmand Province last month, I was struck by the side-by-side image of the Afghan Army troops in Toyota pickup trucks and U.S. troops in Mine Resistant Ambush Protected Vehicles, or MRAPs.

There is widespread recognition that there is a long way to go before the Afghan security forces can be self-sufficient and that the training plan requires adjustments.

We are now embedding American trainers with Afghan battalions to enhance leadership development, but we continue to do this better, which is why I strongly support Senator LEVIN's plan to prioritize and focus on training the Afghan Army and police. Specifically, I agree that we must expedite the training, equipping, and support for the army and police so they can double in size to 240,000 for the army and 160,000 for the police, not by 2013 but by 2012, and hopefully by the end of 2011. Based on my September trip to Afghanistan with Senators LEVIN and REED, I believe this training can be expedited with the necessary focus and resources. This must—I say, must—be a top priority because our overall goal is not nation building in Afghanistan; it is self-sufficiency for the Afghans so they can provide for their own security, much like what has happened in Iraq.

The third changed condition we must consider is recent developments in Pakistan. When I traveled there in April, the situation was grave. The tension between the Pakistani Government and the Taliban was mounting. The deal that was cut with the Taliban to relinquish control over Swat Valley was unraveling, the Frontier Corps did not have the capacity to “clear and hold” in the tribal areas and border region, and I walked away very concerned about the overall political situation.

Immediately after the trip, the Pakistani military took decisive action against the Taliban in Swat Valley and has since regained control of the area. With our help, the Frontier Corps is building its capacity, and we just passed the Kerry-Lugar legislation, which would triple economic aid to Pakistan.

On my most recent trip in September, it was clear the political secu-

rity environment had improved, but I still remain concerned about al-Qaida and its allies continuing to use Pakistan as a safe haven.

As we review our mission—taking into account these three developments and changing conditions—we must also consider the strategy used to meet our objectives. In March, the President announced “an integrated civilian-military counterinsurgency strategy” for Afghanistan. Partnering with the population and training local security forces has proven to be the best way to defeat insurgencies over time. Let me repeat: Partnering with the population and training local security forces has proven to be the best way to defeat insurgencies over time. Therefore, the second principal question we must ask is, Do we have the requirements necessary for waging an effective counterinsurgency strategy in Afghanistan?

Before I address these questions, let me say that I am struck—truly struck—by how quickly the military has adapted to counterinsurgency and how, from the bottom up, it has been adopted. Since General Petraeus wrote the U.S. Army/Marine Corps Counterinsurgency Manual in 2006, counterinsurgency has become fundamental to our military doctrine.

As long as we maintain the strength of our conventional forces, it is increasingly unlikely anyone will take on the U.S. military through conventional means. Let me repeat that. As long as we maintain the strength of our conventional forces, it is increasingly unlikely anyone will take on the U.S. military through conventional means. We must, therefore, prepare to fight future wars against insurgencies, nonstate actors, and asymmetrical forces. As such, the military, under the leadership of Secretary Gates, is rebalancing its budget and making other fundamental changes.

This is remarkable to me because any large organization, especially one as large as the U.S. military, is like a supertanker: it just does not turn easily. Through an incredible organizational effort, however, this supertanker has changed course, and I am truly impressed by the extent to which DOD and the U.S. military have accomplished this and have embraced counterinsurgency, from the privates to the four-star generals.

Counterinsurgency is a four-step process: First, shape a strategy; second, clear the area of insurgents; third, hold the area; and fourth, build through governance, essential services, and economic ability. It is important to note that troops are just one part of a counterinsurgency strategy. Equally important is training the indigenous security forces, providing essential services, promoting economic development, and strengthening systems of governance.

General McChrystal has recommended a full counterinsurgency approach in Afghanistan. As he mentions in his report, we should not resource the mission without reconsidering the strategy, and focusing on troop levels or resources alone “misses the point entirely.” Therefore, I ask again, do we have the requirements for an effective counterinsurgency strategy in Afghanistan? In order to explore this question, we must look at three key areas—governance, training, and the civilian role—and ask the following questions: First, can the Afghan Government offer a winning alternative to the Taliban? Second, can we train enough Afghan troops and police to meet the required number of counterinsurgents? Third, do we have enough civilians? Finally, we must also consider how to develop an effective strategy for reintegrating low-level insurgents.

Counterinsurgency is about trust building between the local population, the security forces, and the government. Without trust, we cannot expect sustainable progress, and that is why I am particularly concerned about allegations of fraud in the Afghan elections.

If this were a political campaign, there would be no need to run negative ads against the Taliban. According to the polls, the Taliban has only 6 percent support among the Afghan population. This is the good news. The bad news is that in the absence of jobs, credible governance, and essential services, this does not translate into support for the Afghan Government by the Afghan people. This is why we cannot just target the Taliban or insurgents. We must help the government develop a capacity to provide for its people so it can be viewed as credible and effective.

This is why the outcome of the recent election must be resolved in a clear manner so that whatever trust remains between the Afghan people and the government is not further diminished. We must ask—can we succeed in a counterinsurgency with a Karzai government tainted by allegations of fraud and corruption? How do we recalibrate our strategy in light of the recent flawed elections?

The second question I would like to raise is about the amount of counterinsurgents we need to succeed. Counterinsurgency doctrine tells us that troop size is not determined by the size of the enemy, but rather, by the size of the population. As such, we need a ratio of one counterinsurgent for every 50 citizens. The latest CIA World Factbook estimates the population of Afghanistan at 28 million, which means that we need roughly 560,000 “boots on the ground” which includes Afghans, NATO troops, and Americans.

During our visit, we learned that there have been 94,000 Afghan National Army and 82,000 Afghan National Po-

lice trained as of August. This brings the total number of trained Afghans to slightly less than 200,000. Combine this with 68,000 U.S. troops by the end of the year, and 38,000 NATO forces, and we have reached nearly 300,000. This is slightly more than half of the requisite number of troops, and is overly-generous in assuming that all trained Afghan security forces are combat ready and effective. Just by comparison, in Iraq, a country of two-thirds the size, there are already more than 600,000 trained security forces.

No one is suggesting we fill this enormous vacuum with American troops, which is why we must focus on expediting training for the Afghans. And this is what Senators LEVIN, REED, and I heard was wanted and needed by the Afghans themselves during our recent visit.

In the Garmsir District of Helmand Province, we met with more than one hundred local Afghans and tribal elders who insisted they want to independently secure their own population. They realize the need for U.S. troops to help to train and equip the Afghan National Security Forces, and recognized that American assistance is needed to accomplish this mission. But once the Afghans are able to provide security for themselves, they will be ready for us to end our military presence. In the words of the elders—once the Afghan security forces are trained, we will be welcome simply as “guests.” In the meantime, we have to find a way to prioritize training, so Afghans can eventually fill the security vacuums with minimal American assistance.

The third question regarding an effective counterinsurgency strategy is: do we have enough civilians to implement counterinsurgency in Afghanistan, and how can we expedite the deployment and training of civilians?

According to counterinsurgency strategy, once the troops have cleared and held an area with the support of Afghan Security Forces, civilians must partner with Afghans to build. And we need hundreds of additional civilians on the ground to fulfill a wide range of non-military requirements including improvements in agriculture, economic development, essential services, and governance.

We have heard lots of talk in Washington about the need for a “civilian surge” to complement the additional troops President Obama has pledged for Afghanistan this year. Many of those civilians have been hired, and the State Department expects to have nearly 1,000 civilians on the ground in Afghanistan by the end of this year. I support these efforts, but still believe that more must be done to build a stronger civilian capacity in Afghanistan.

During a visit to Camp Atterbury in Indiana last week, I met with 38 civilians deploying to Afghanistan. At Atterbury, civilians train with the

military to cultivate an integrated approach and greater unity of mission. Like our soldiers, these civilians volunteer to leave their families behind and put themselves in harm's way to better the future of Afghanistan. We owe them and their families a debt of gratitude for their service, and we must ensure they have the tools, support, and training they need to succeed.

Civilians serving in Afghanistan from across the interagency are sharing their expertise in everything from agriculture to governance, counter-narcotics, accounting, energy, development, and education. The role of the military and civilians are complementary—one cannot succeed without the other. This is why military officials including Secretary Gates and General McChrystal are some of the strongest advocates for a deepened civilian commitment to Afghanistan. To succeed in counterinsurgency, we must do everything we can to expedite and increase the recruitment and deployment of qualified civilians.

Finally, when formulating an effective counterinsurgency strategy, we must ask if we have developed a plan for reintegrating low- and mid-level Taliban. I am not suggesting we speak with Mullah Omar or other members of the Taliban leadership, but we must recognize there are many Afghans working with the Taliban for purely economic reasons. One of the striking observations on my two trips was the fact that a primary concern of Afghans is jobs, just like Americans. And if we can offer economic incentives and alternative sources of livelihood—especially with regard to the drug trade—I am hopeful that we can reintegrate some insurgents ready to disavow violence. This will not be quick or easy, but the good news is that reintegration is possible, based largely on the model we successfully used for the Sons of Iraq.

You can see the complexities of determining our mission and objectives are great, and multiple questions remain in developing an effective counterinsurgency strategy for Afghanistan. But these considerations are only half the story.

Once we have reviewed the strategy and mission, we must also consider how our policy in Afghanistan impacts Pakistan. As the President announced on March 27, “the ability of extremists in Pakistan to undermine Afghanistan is proven, while insurgency in Afghanistan feeds instability in Pakistan.” The relationship is clear and U.S. interests are inextricably linked, which is why the President adopted the regional approach coined “Af-Pak.”

In my view, there are four primary challenges in Pakistan that we must consider when formulating our strategy in Afghanistan.

First, Pakistan is a vital security interest because it has become a safe

haven for al-Qaida, which has continued to train there and plan for future attacks on Americans. We know this based on the arrest less than three weeks ago of Najibullah Zazi, an Afghan planning a large-scale attack in New York, who is believed to have trained with al-Qaida in Pakistan.

Second, Pakistan has nuclear weapons and the delivery vehicles to use them. Therefore, political instability in Pakistan is not only a regional threat, but a larger global security interest. If Pakistan was destabilized or if control over its nuclear arsenal was compromised, it would pose severe security repercussions. It would be a nightmare scenario to have Pakistan ruled by fundamentalist religious fanatics with "loose nukes" in the hands of al-Qaida or other extremists.

Third, Pakistan's ongoing tension with India has limited its ability to respond fully to internal threats, such as the Taliban. The Pakistani military continues to see India as its number one threat, and has therefore hesitated to shift its focus from its eastern border to the west. This has improved in recent months since the Pakistani military went into Swat, but any U.S. policy must take into account Pakistani concerns about India.

Fourth, elements of the Pakistani intelligence service, or ISI, have at times allied with the Afghan Taliban. On the one hand, they want to hedge against a total U.S. total withdrawal from Afghanistan, as we did in 1989, or a limited withdrawal as we did in 2003. On the other hand, many in Pakistan worry that an increase of U.S. forces in Afghanistan may push extremists further into Pakistan.

This view was expressed today by the Pakistani Foreign Minister in the Washington Post. Quoted in an editorial, Foreign Minister Qureshi stated, "If the likes of Mullah Omar take over in Afghanistan, it will have serious repercussions for Pakistan. . . ." He went on to say that the Taliban's actions in Afghanistan ". . . will have implications on Pakistan and it will have implications on the region."

All of these considerations indicate the need for a sustained U.S. commitment to Pakistan, which is why Congress just passed the Kerry-Lugar bill and economic assistance package. This is a \$7.5 billion vote of confidence in the Pakistani people, meant to demonstrate that our commitment to Pakistan is strong and enduring. It is also meant to demonstrate that our interests are not just limited to the border with Afghanistan.

In conclusion, as one can see in the detail and number of questions that I have raised, this reassessment of our Af-Pak strategy is about much more than sending additional U.S. combat troops into Afghanistan. As Senator LEVIN has pointed out, talking about troop levels in Afghanistan is similar

to talking about the public option in health care reform. Just as the public option is only one element of the health care debate, U.S. troop levels are just one element of a much broader set of issues in Afghanistan.

The White House is now engaged in the necessary process of evaluating realities on the ground and questioning underlying assumptions. I fully support this process. The questions I raise today are intended to contribute to this ongoing review, so that we may find the right solution.

The stakes are too high for us to carry on business as usual or to ignore the changing dynamics in Afghanistan and Pakistan. This is why the President should weigh all perspectives about conditions on the ground and the region, our counterinsurgency strategy, and the way forward in our mission. I fully support the President's comprehensive approach, and I agree it is needed because we have to get this right. We owe it to ourselves, we owe it to the American people, and we owe it to the brave men and women who continue to serve with great courage, honor and sacrifice in Afghanistan.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

#### AMENDMENT NO. 2629 WITHDRAWN

Mr. MCCAIN. Mr. President, I have received assurances that there will be no blocks or impediments to consideration of the prescription drug importation issue, which I and a number of us have been seeking a vote on for a number of years. I have been given assurances that there will be no impediments to bringing that issue up when health reform is before the Senate. Therefore, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MCCAIN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2644

Mr. VITTER. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up Vitter amendment No. 2644.

The PRESIDING OFFICER. There is no amendment currently pending, so the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Mr. BENNETT, proposes an amendment numbered 2644.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that none of the funds made available in this Act may be used for collection of census data that does not include a question regarding status of United States citizenship)

On page 110, line 7, strike "activities," and insert "activities: *Provided further*, That none of the funds provided in this Act or any other act for any fiscal year may be used for collection of census data that does not include questions regarding United States citizenship and immigration status."

Mr. VITTER. Mr. President, I present this amendment on behalf of myself and my distinguished colleague from Utah, Mr. BENNETT, who will speak after me. It is a very simple but, I believe, a very important amendment. It says we are not going to do a census that doesn't ask some basic questions about citizenship and immigration status.

Specifically, the amendment reads:

None of the funds provided in this act or any other act for any fiscal year may be used for collection of census data that does not include questions regarding United States citizenship and immigration status.

I believe this is a vital amendment for two reasons. If we don't adopt this amendment or other legislation, the census will move forward and will not distinguish in any way between citizens and folks in this country legally and noncitizens. That, in my opinion, is absolutely crazy, again, for two reasons.

No. 1, the census is done every 10 years to give Congress an important tool in terms of many things that Congress and other bodies of government do: funding, public policy, different programs. Clearly, we need accurate, specific information about the illegal alien question in this country. I assume we will all agree, however we come down on the issue, that illegal immigration is a big issue and a big problem. We debate that issue, we try to solve that issue in different ways all the time in this body. Yet we would do a census, we would spend tens of billions of dollars on a census, and we wouldn't ask the question: Are you a citizen and, if not, are you in this country legally or illegally? That is absolutely crazy. The census does ask those questions in the long form. They are able to get the long form completed. They are able to compile information, but that is not the full census; that is a tiny percentage of the full population.

So if we are going to spend tens of billions of dollars every 10 years to do

a major census, it seems absolutely a no-brainer that we would get full and accurate information about the number of illegals in this country.

Secondly, and perhaps even more importantly, the single most important thing we use the decennial census for is to reapportion the House of Representatives, to decide how many House Members each State gets. Under the Federal plan, the way the census is designed, the House would be reapportioned counting illegal aliens. States that have large populations of illegals would be rewarded for that. Other States, including my home State of Louisiana, would be penalized.

I believe it is very clear that when the Founders set up our representative democracy, they didn't think of the basic fundamental institutions of our government as representing folks who come into the country breaking the law, staying here illegally. I think it is shocking to most Americans when they hear we would even consider reapportioning the House of Representatives counting illegals, but that is exactly the plan now. Of course, we would have no opportunity to debate that or to adopt a new plan unless the census distinguishes between citizens and legals and illegals, which my amendment would demand we do.

This isn't some theoretical issue. This is a very concrete issue, a very meaningful issue about how much representation each State has in the House of Representatives. There are many States that will lose representation from what they would otherwise have if illegal aliens are counted in congressional reapportionment. Specifically, the States of Indiana, Iowa, Louisiana, Michigan, Mississippi, North Carolina, Oregon, Pennsylvania, and South Carolina would lose out. So I wish to specifically speak to my colleagues in this body—Republicans and Democrats alike—from those States: Please support the Vitter and Bennett amendment No. 2644. It has a direct impact on whether you are going to have less representation in the House of Representatives or more. Let me be even more blunt. If you vote against this amendment, you are voting against the interests of your State. If you vote against this amendment, you are voting for your State having less representation in the House of Representatives than they would if illegals are not counted in reapportionment. Again, with that in mind, I wish to repeat the list: Indiana, Iowa, Louisiana, Michigan, Mississippi, North Carolina, Oregon, Pennsylvania, and South Carolina. For Senators from those States, it is a vote directly about their State's own interests and their State's representation in the House of Representatives.

More broadly speaking, I think the huge majority of Americans would certainly take the view I am suggesting,

which is we should not apportion Members of the House based, in part, on illegals. We should not reward States for having large illegal populations and penalize States that do not. I think that is on a different planet from where our Founding Fathers were in setting up the basic Democratic institutions of our country, and there is no more basic and no more Democratic institution than the House of Representatives.

With that, I urge all my colleagues, Democrats and Republicans, to support this amendment.

I yield time to my distinguished colleague from Utah, Mr. BENNETT.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I thank Senator VITTER for proposing this amendment. It follows the idea of the bill I introduced a few weeks ago that is now S. 1688, the Fairness in Representation Act.

My bill, obviously, will not pass before we get so far down the road to deal with this issue. So it is appropriate for the amendment to be offered, and we can accomplish the same thing with the amendment that would happen if my bill were to pass.

Since my bill was introduced, I have had three primary objections to it. I wish to deal with each of those, because they would probably be raised with respect to this amendment as well.

No. 1, you cannot ask somebody who is an illegal alien to identify himself or admit that he is here illegally when you are doing the census calculation. Well, it may surprise some people to know that the Census Bureau already asks for this information. It collects it on the ongoing American community survey. That is not as comprehensive as the entire census. If it were, we wouldn't need to do it here. But the Census Bureau already has a track record of asking this question without running into that particular difficulty. The information collected by the census is 100 percent confidential under penalty of law, and the census takers can make that clear to any individual who might be concerned about that. So that is not a major problem.

No. 2, people say, well, since the census data is used to determine funding levels for a variety of programs, and since the illegal aliens get involved in the funding, if you do this, you will be cutting funding for State programs that service the illegal aliens, and that is not fair. The reality is that this amendment, and my bill, do not cut funding. There is nothing in the bill that would say that funding formulas would change. This is an attempt to find out how many illegal aliens we have in this country and where they live—the statistical information, which we do not fully have now, as a result of the American community survey. We have a hint at it in the Amer-

ican community survey, but we are extrapolating for that and making a guess.

Since the census is a once-every-10-year attempt to discover what America is like, who the Americans are, and where they live, it seems to me very logical that the census should add this particular piece of information to it.

Well, after these two arguments have been made and dismissed, the third argument—and we get this most strongly from the people at the Census Bureau—is that it is too late, too bad; you should have brought it up earlier, Senator BENNETT, but we started to print our surveys already and we cannot reprint them; it is too late.

I wonder if they have ever thought of printing an extra sheet or extra card. You don't have to reprint the whole survey if you have one additional question you want answered. I have seen books where there have been errors in the book that have come out after the book is published with an errata sheet—that on page so-and-so this particular entry is not correct. It is not that big a deal for the Census Bureau to do some kind of addendum that could be printed and made available so we could solve this particular problem.

All right. Aside from knowing, what do we intend to do with this data if we get it? Senator VITTER made reference to this in his discussion of the amendment. I want to use it today to deal with the question of the apportionment of the voting powers in the House of Representatives. If we go back in history, we find there was no more controversial issue in the writing of the Constitution than the question of representation in Congress. Small States wanted it by State. Large States wanted it by population. The great compromise came along that created this body and said that membership in the Senate would come by State, and membership in the House of Representatives would come by population. But it was left up to the State legislatures to determine how that population would be apportioned. Each State was given a number of representatives based on the population. But the State legislatures could determine where the lines were drawn and how the districts would be created. We had a situation develop over time where States would draw a line and simply leave it. People would move from one congressional district to the other, but the line would not be changed. There was a situation where there were many congressional districts whose representation, numerically, was substantially less than that of some other congressional districts in the same State.

This brought about a lawsuit that went before the U.S. Supreme Court. In the decision in the case of *Reynolds v. Symms*, issued in 1964, the Supreme Court gave us the one man, one vote rule, which said that the districts

should be close enough in population that, in effect, every voter had the same weight of representation in the House of Representatives.

If we have this tremendous number of illegal aliens concentrated in a few States, we have an impact of changing the one man, one vote dictum of the Supreme Court; that is, a State with a large number of illegal immigrants will see to it that its voters have greater representation than voters where the illegal immigrants are not.

All we ask in this amendment and in the bill I proposed is that the Census Bureau be instructed to ignore the presence of illegal aliens when allocating the number of representatives in a State. As I say, it has nothing to do with the funding of programs, because the programs have to be funded where the people are, and we understand that. I believe it is entirely constitutional that the allocation of the congressional seats can be done on the basis of those who are here in a legal circumstance.

As the Senator from Louisiana has pointed out, this is not a trivial matter. There will be eight States that will lose representation to four States if this is not done. Four States' voters will be overrepresented in the House of Representatives because of the large population of illegal immigrants in those four States, and nine States will be underrepresented because of the fact that their voters do not happen to live in a State where there is a large population of illegal aliens.

I am happy to join my colleague from Louisiana in cosponsoring this amendment. I hope our colleagues in the Senate will see fit to support it.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, this is a new amendment for us. We had not anticipated that this amendment—that a debate on immigration and the value of one person over another was going to become a subject of discussion in an appropriations bill. We would hope this type of conversation would be taken up on comprehensive immigration. I know my colleague from Utah, who is on the Appropriations Committee—and both are important to me, that he is from Utah and that he is on the Appropriations Committee—has thought this through greatly. He raises some very important points. I have discussed this amendment with my leadership. I know they want to take a more careful look at this and also consult on its full ramifications.

We are now talking about questions being asked through the census and the

objective to be accomplished for that, which the census was originally for counting people for tax purposes, ironically. This is an apportionment question. So what we would like to do is go into a quorum while we look at how we may proceed on this amendment.

Having said that, I want to reiterate the importance of the census being taken every 10 years. The census must be taken for the reasons that our colleague from Utah outlined. No. 1, it determines the use of Federal funds, and that is why we count persons, because regardless of your status, you are a user of services—in some instances, maybe even more than a user of services. The second thing is with apportionment. I think that is a delicate matter that the Senator from Utah is raising. This gets us into constitutional questions. I am apprehensive about it. Again, we are going to consult with the leadership.

Also, as we move forward on the issue of the census, we have to make sure we do have a head count. The Census Department itself, right now, is under very serious duress. They were late getting started on some of their issues. There has been an enormous technological boondoggle with the hand-held technology, the enumerator, with which I believe the Senator from Utah is familiar. We have been working with the previous administration, this administration, and the Secretary of Commerce to get the census straightened out. My colleague said: Why don't they just print one more piece of paper? One more piece of paper sounds simple. But everything we do that affects the census at this point presents a logistical and financial challenge that borders on a challenge to a nightmare. Again, we have calls in to the census that say, what will it take to do it?

I have reservations about adding this question, because I believe it will add to the logistics and costs. And No. 2, it could be a deterrent to people answering those questions because of who else is in their household. The other thing is that we have many people in our country who are green card people, who are here absolutely legally and justifiably. Some are in our own community at some of our community hospitals and are working as nurses. And asking this question and that question—I don't want to raise the issue of a deterrent and the ability to cooperate.

I want to take a closer look at this amendment. While we do that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I know we are debating here the nature of the questions that should be asked on the census. Our colleague, Senator CARPER of Delaware, in a matter of minutes is holding a hearing on the census. At that hearing, he is going to seek some clarification on this and report back to us.

As we continue the debate on that amendment, I also want to bring to the attention of the Senate some of the very important things that are in this bill. We want to move this bill forward. I want to move this bill forward. We will dispose of, in an orderly, civil, rational way, the pending amendment of Senators VITTER and BENNETT on the census. But we also want to move this bill forward. We want to do everything we can so that this bill passes by the end of this week so we can go to conference and be ready to move very important funding forward, particularly in the area of law enforcement.

This is absolutely a very compelling need. When we think about law enforcement, yes, we can think about law enforcement with illegal aliens. Yes, we can also think about law enforcement with violent criminals. We do deal with that in our bill. But we are also very much focused on white-collar crime. One of the areas on which we have worked on a bipartisan basis on this bill is the issue of mortgage and financial fraud. So, as we are debating amendments that are controversial, I want the people of America to know we are on their side and we can do it on a bipartisan basis.

One of the great pleasures of being on the committee is my ranking member—or the vice chairman, some people might call him—Senator SHELBY is the ranking member on the Banking Committee. We put our heads together on how we can fight mortgage and financial fraud. He brought great expertise from his work on the Banking Committee. We now are looking at what we can do, by putting the money in the Federal checkbook, to go after those engaged in predatory practices, deceptive marketing and lending schemes.

Mr. President, you know from your background as a legislator and community leader that where there is need, there is often greed and often scams and scum doing it. We see it in the mortgage business. There are so many unsuspecting people who want just a piece of the American dream who were lured into some of the most deceptive practices that we have not seen in our country for several decades. They do have names. They are antiseptic names, but they mean a lot: predatory practices, deceptive marketing, lending schemes, flipping. The consequences have been enormous. During the past year, financial institutions have written off \$500 billion in losses because of



fraud in the subprime mortgage industry—\$500 billion in losses. That is a lot when you think about what we have had to do to try to stabilize housing, to try to stabilize our mortgage industry. Numerous publicly traded financial institutions have declared bankruptcy or have been taken over by the Federal Government. I don't mean to imply that being taken over by the Feds was all due to the fact that they had been involved in fraudulent schemes, but it is time to say: No more.

What we want to be able to do is to go after the scammers who caused Americans to lose their homes, their life savings, and their dignity. Yes, I worry about the financial institutions, but I worry about people who put their money in the bank or took these loans that caused them, through balloon payments, excessive interest rates, two, three, four, five mortgages, all of which were unable to be sustained, to lose their homes. We on this committee say and we want our Senate colleagues to say: No more scamming and scheming. No more preying on hard-working American families.

What did the Commerce, Justice, Science Subcommittee do? Senator MIKULSKI, you don't have to use a lot of rhetoric, but will it take a lot of money? We are going to do it. We are going to put \$437 million in the Justice Department to combat financial fraud and be able to do what we need to do. This is a \$63 million increase over fiscal year 2009. We are going to hire new agents, new attorneys, and new special support staff—people who will be skilled in an exciting new field called forensic accounting.

Our FBI is going to play a major role in this. I talked personally with Director Miller about it, as has Senator SHELBY. We have gotten the FBI's commitment to really beef this up. In our own hometown of Baltimore, the U.S. attorney has put together a special task force to be able to deal with this.

What does it mean? First of all, in the Federal checkbook, we put in \$75 million. This is going to increase the number of these mortgage fraud task forces around the country. We have a very excellent one under Rod Rosenstein, working in Baltimore, in our State, right this minute. But we also wanted to be able to go into States with large rural populations and others that right now do not have them.

Specifically, the funding will be used for the FBI to hire, as I said, new agents and forensic accountants. This is highly specialized, but there are people with backgrounds in accounting with special training in forensics. It is like the CSI not only says "hi" to a test tube but says "hi" to the kind of accounting that will go after these crooks. It is amazing how they can look at the books and know how people have been cheating.

We want the agents to be able to detect and investigate and capture these

white-collar criminals, but we also want our U.S. attorneys to prosecute complex financial fraud. We want to be able to increase prosecutions by adding U.S. attorneys. We are adding several U.S. attorneys and support staff around the country to be able to establish the task force and work in the task force. We are very proud of our U.S. attorneys, and I believe our Attorney General, Eric Holder, is helping to restore the integrity of our U.S. attorneys around the country.

We believe in Maryland we have a very high-value functioning U.S. Attorney's Office, but they are swamped. They are going after everything from drug dealers to other violent criminals, and we also want them to have the resources to go after the white-collar crime. This is a crime. It is not as if just because it is white collar we often don't equate it as a crime, but for the Criminal Division at Justice, we are also encouraging them to step up their activity. Again, we are adding attorneys and support staff and putting the money behind it to be able to do it.

We are also doing increased work in the Civil Division to fund initiatives and to also litigate these cases and make sure we not only detect them, we not only prosecute them, but we have the lawyers and the support staff to do it. Support staff are paralegals, clerical people. But again, it is a unique kind of crime. You have to come with multiple skills. You have to come being a great lawyer or a great person who is part of the legal team. You have to have strong litigating skills, but you also have to be well versed in financial services and accounting practices. So we want to be able to bring them on and be able to keep them as we go through many of these other cases.

These are the kinds of skills we need to not only go after white-collar crime but also violent crime. Remember, we got Al Capone, not in the act of robbing a bank but cheating on his taxes. It was that brilliant FBI generation where you had to be either a lawyer or accountant to work for the FBI. Now, again, lawyers and accountants are welcome at the FBI. But they caught Al Capone cheating on his income tax. It was one of the ways we could nail him.

I am not saying we are going to be nailing people for cheating on their income tax, but we are going to nail people who cheated and schemed and gouged against innocent people who wanted to buy a home—through acting like loan sharks, having phony ads, having fine print so that you bought a home in the large print and you lost it in the fine print. We want to make sure those people know how to read the fine print and know what it means.

While we are debating this bill and we are looking at those things that are going to focus on topics outside the scope of this bill, we want people to

know we are on their side. For everybody who is stretched very thin financially, trying to keep their head above water, and trying to buy their home, we want them, at least when they go to get a loan or to refinance it, to be dealing with honest, reputable dealers. Let's foreclose on the bad guys and stop the foreclosure on homes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

#### HEALTH INSURANCE

Mr. BROWN. I appreciate the comments of the senior Senator from Maryland—the junior Senator from Maryland is presiding—and especially their work jointly on housing issues and how important that is.

I come to the floor pretty regularly to share letters from people in my State, in Ohio, letters about health care. These are typically people who had health insurance with which they were satisfied and who thought they had good health insurance policies, were maybe concerned about job loss—certainly because that is too common in our country now—but were generally satisfied with their health insurance until someone in their family got very sick and they lost their insurance or it got so expensive that they declared bankruptcy or all kinds of problems that happen too often in our health care system. I would like to read four or five letters, if I could for a moment.

I ask unanimous consent to address the Chamber as in morning business.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. BROWN. David from Cuyhoga County, Cleveland, northeast Ohio:

My family's health care costs have tripled in five years. I have a generous employer-provided plan and my employer has done what it can to use its purchasing power to buy competitive coverage. But the co-pays and deductibles go up astronomically each year while covering fewer services. We need to cover everyone and find ways to reduce costs across the system to promote a sustainable health care system in America.

One of the things this legislation will do is bring more competition into the system. One of the choices, according to the Health, Education, Labor, and Pensions Committee bill and three bills that have passed the House of Representatives, until we come forward in final passage, and passed the committee in the House of Representatives, includes—the menu of choices people have for insurance will include a public option. So people will be able to choose Aetna or CIGNA or, if they are in Ohio, Medical Mutual, a not-for-profit medical mutual insurance company, or they will be able to choose the public option.

Having the public option there will, No. 1, keep the insurance industry honest and make sure some of the gaming of the system and throwing people off



insurance and disqualification because of preexisting condition or discrimination based on age or gender—those things won't happen because the public option will be an option and will give people more choice in competing with the insurance industry to keep costs down.

Mike from Richland County, where I grew up, the Mansfield area:

My mother-in-law has worked hard all her life. But today, she can't afford her medication, which she takes only when she can afford them. She cuts them in half and takes them every other day. I have coworkers and friends with their own stories. They have worked hard all their lives and paid their taxes, but are worried what happens when they get sick or if they'll have enough savings to retire.

As we have discussed, the whole point of the public option is to keep prices down. The whole point of the public option is to compete so that insurance companies no longer game the system.

We know that the insurance system without the public option doesn't have the kind of competitiveness it needs to keep the insurance companies honest, to give people full choice, and to keep prices in check and keep quality of the insurance coverage better.

I hear people all over—not just from Mansfield, but I hear people all over our State—complaining and asking for the public option because it gives people that ability to compete. It makes the insurance companies better, it keeps prices in check, and it will mean more competition in those parts of Ohio. In Cincinnati, only 2 companies have 85 percent of the market. I know those same kinds of things happen in the State of the Presiding Officer, in Oregon, where the public option will mean more competition, better choice, keeping prices down. That will matter for all of us whether we choose the public option or whether we choose to go into a private insurance plan.

Betsy from Lake County writes:

I never thought in a million years that health care reform was necessary for me. Our family was covered and thought that was enough. But recently my 5-year-old daughter got sick with cancer. Over two years, she was hospitalized 37 times and treated with chemotherapy and countless medications.

At the time, my husband worked at a small, struggling business. He was essentially tied to a job that didn't pay our bills, but we needed [his] insurance.

After each hospital visit, the insurance company would send us a letter denying a portion of the stay unless a doctor could justify the hospitalization.

In addition, at the end of every quarter, the insurance company raised the premium for each worker in my husband's business.

Finally, my husband took what little savings we had and started his own business—only to be told my daughter was uninsurable because of her preexisting conditions. She finally got insurance through the State.

I am guessing it was the SCHIP plan we passed 2 years ago that President Bush vetoed; then we passed it again

this year, and it was signed into law by President Obama.

She finally got insurance through the State. But Betsy from Lake County is asking: How is it possible in America that a now 8-year-old girl is branded as uninsurable. This speaks to all the problems that have happened in your health care system. Some 3 or 4 years ago, Betsy thought she had no problems with health insurance. Her husband was employed in a decent job that sounded like he had health care insurance. They were covered. They had a small child.

But when their child got sick, they found out their insurance was not nearly as good as they thought it was. It is an old story and a way too common story in our great country that the fine print of an insurance policy so often ends up denying people care. So often they have to take huge expenses out of pocket. Betsy did. So often they raised the premium every quarter for everyone else in the small business.

If you are in a small business and you have 20 employees and one of those employees gets sick, as Betsy's daughter did, then everybody's premium goes up to the point that the company can no longer afford insurance or sometimes the insurance is actually canceled for all the employees.

Then last, this little girl, this 8-year-old, was uninsurable when Betsy's husband changed jobs and became self-employed. She could not get insurance. The family could not get insurance because of the daughter's preexisting condition. That is what this health care bill is all about. That is what the public option is all about.

The health care bill will simply allow small businesses to go into the health insurance exchange so they can spread out in a much larger insurance pool, so one person, very sick and getting a very costly illness, will not blow a hole in the insurance coverage.

Our legislation will eliminate the denial of care for preexisting conditions. No more raising premiums indiscriminately the way they do. Having the public option will exert that discipline on the private insurance companies that they are going to have to compete. They cannot indiscriminately raise premiums on worker after worker, on employer after employer, on small business after small business after small business.

In Betsy's case, as sad as it is, as tragic as it is, although she is now getting insurance through the State health insurance program, it sounds like, as much anxiety as she must have faced in the last 3 years as her daughter got so sick as a 5-year-old, and at the same time, while combatting her daughter's illnesses and going into the hospital 37 times, as she points out, she had the anxiety, this family always had the anxiety in back of their minds that they were going to lose their in-

surance and what were they going to do to take care of their daughter.

That is why the public option is so important to people; that security and that understanding that they are, in fact, protected, that their insurance cannot be taken away from them, that their insurance company cannot deny this little girl the care and coverage because she has this "preexisting condition," a term I hope will not be in the American vocabulary, in the English vocabulary, come this time next year.

Marti, from Franklin County, central Ohio, Columbus area, writes:

I am writing to urge you to support health care reform that would reduce costs, would offer choice, including a public option, and would provide quality care. My wife and I have coverage, but our daughter is one of the millions of uninsured. After college she could not find a job with health benefits. She incurred considerable debt paying for out-of-pocket doctors visits and prescriptions. We need health reform that will benefit American families.

Marti, from Franklin County, asks for choice, including a public option. She understands, as the majority of Ohioans do and a majority of people in this body understand, that the public option gives people one more choice: Do they want to go with CIGNA? Do they want to go with Aetna? Do they want to go with Blue Cross? Do they want to go with Medical Mutual Ohio? Do they want to go with the public option? Give them that additional choice.

That is what Marti is asking for herself, for her daughter, and for her neighbors. But Marti also pointed out that her college graduate daughter lost her insurance. One of the things our legislation does is it says to an insurance company: You cannot drop a college student after college. They can stay in the plan until they are 26.

So we understood, as we wrote this bill, that the junior Senator from Oregon helped write in the HELP Committee, that there are an awful lot of young people, the pages sitting in front of us may face this—they are not going to face it because we are going to fix it. But they would have faced that, their older brothers and sisters might, when they join the Army, leave home or finish college. At 22 or 23 or 24 years old, so many people lose their insurance, sons and daughters of people who have insurance.

Under our bill, the company must keep you on the policy, if you so choose and if your parents so choose, until your 26th birthday. As I said, Marti understands the importance of a public option there. So when their daughter does, under our bill, when their daughter does turn 26, she will then be faced with, if she does not have employer insurance, she will then be faced with does she want to go into a private plan or does she want to look at the public option. She will have the choice.

The choices will be much better because we have changed the rules. No more preexisting condition denial of care, no more annual caps on benefits. So if you get sick, and it is expensive, you will lose your insurance. No more of that. No more discrimination based on disability or age or gender or geography. The public option will make sure the insurance companies do not game the system.

The last letter comes from Jason from Cuyahoga County. Jason says:

I sand and refinish hardwood floors for a living. I work for a small business with only four employees. Unfortunately, my boss cannot get a group discount for health insurance because there is not enough of us to qualify for one. I am 24. I make \$1,500 a month depending on how much work we have. I live on my own. I cannot afford health insurance on my income. I am in good health, but that can change in the blink of an eye with the work I do. If or when I get hurt while at work, I will not be able to make any more money and will have to drain my savings to get well enough to work again. Please vote yes on health care reform with a public option.

Jason, in the Cleveland area, sums it up here. A young man who is working hard, four of them starting a business. They have jobs. They are creating jobs. They are the kind of people we want to help. People working hard, playing by the rules, saving some money. Even at his relatively low income, he is saving some money. But he is praying every day he does not get hurt in a job that workplace injuries are not all that unusual.

Are we going to turn our back on someone such as Jason in Cuyahoga County or are we going to say: Well, tough luck. We hope you do not get hurt. If you do, then we hope you get well soon.

But a guy such as Jason, he loses his job, he gets sick or he gets injured on the job, he is out of work. He may be able to get disability for a little bit. He might be able to get unemployment benefits for a little bit, maybe. But probably not if it is an injury on the job or if he is sick.

But what do we have for him to help him get through the day? He cannot afford insurance because there are only four of them. They pay exorbitantly high rates. What our legislation would do is give Jason several choices.

It would mean Jason could, with his small business of four people, go into a public option or get private insurance but go into a larger pool of workers so the costs would be shared and the price would be much less. We know insurance for one person or five people is much more expensive per person than insurance at a big corporation, where they can spread the cost around among dozens or hundreds or thousands or tens of thousands of people.

Second, our bill will provide a tax credit for small businesses to insure their employees, so they will get some help that way.

Third, where Jason can decide instead to go directly into the insurance exchange we set up in the HELP Committee in our legislation. The insurance exchange will give him the opportunity, give him a choice, a full choice: Do you want a private plan? Do you want Aetna? CIGNA? Medical Mutual? Or do you want the public option? We know that choice will be less expensive. We know that choice, because of the public option, will stop the insurance companies from denying Jason or one of his coworkers coverage because of a preexisting condition. We know the public option will stop the insurance companies from discriminating against people based on gender, disability or geography or age.

We know the public option will enforce all these rules on the insurance companies and help to keep prices down because of the competition. The whole idea of the public option is about choice. It is about keeping prices down. It is about making this insurance bill cost significantly less because people will have that choice and that competition we inject into the system.

Last, as I have said, the public option will help to make sure that even though we have passed these new rules to keep the insurance companies from gaming the system, the public option will help us enforce those rules so the company cannot game the system the way they have too many times in the past.

As we move forward in the next few weeks, we know that four committees in the Congress, three in the House of Representatives, the Education and Labor Committee, the Ways and Means Committee, and the Energy and Commerce Committee, plus the HELP Committee in the Senate on which the Presiding Officer sits, that those four committees have all passed a good health care bill, very important assistance to small business, wellness and prevention programs, and a strong public option.

Only one of the five committees has not passed the public option. We know that. We know, second, the public option will help us keep costs in check. That is what is so important about it. We also know an overwhelming majority of the public, something like 2 to 1, support the public option and would like to see the public option as part of this legislation.

We know in a recent doctors' survey, a Robert Wood Johnson survey, that more than 70 percent of this Nation's doctors support the public option. Why? Because they have been used to dealing with insurance companies that deny care, that pay them late, that hassle them on bill after bill after bill. The doctors in this country, the real frontline doctors and nurses and physical therapists and speech and hearing therapists, they understand that in overwhelming numbers a public option will be good for them and more impor-

tantly good for their patients and good for this country.

It is pretty clear an overwhelming number of people in this country, an overwhelming number of people in both Houses support the public option. I am confident it will be part of the bill. It is important that it is, because it will make this health care legislation, already a pretty good bill, significantly better.

I yield the floor.

Ms. MIKULSKI. Sorry I cannot stand. As the Senator from Ohio knows, of course, from the chair I am sitting in I have become an expert on health care from the wheelchair up. I broke my ankle coming out of church a couple weeks ago.

But I would like to ask the Senator from Ohio to yield for a few questions. I was taken by the three vignettes he just told. They are fairly representative of what I get from Maryland. I would like to talk about the young girl who had graduated and was deluged now with the debt of medical bills and the public option.

Is the Senator familiar with the fact that there are 47 million uninsured in our country? Does the Senator from Ohio know how many of those are between the ages of 18 and 30?

Mr. BROWN. I do not know the precise number. But I know it is millions of them are that age who lose their insurance and do not get insurance and hope they do not get sick.

Ms. MIKULSKI. Well, again, for background in continuing the discussion. That is 35 percent of the uninsured. So is the Senator aware that if we followed through with the HELP Committee bill and the public option and also private sector competing with the public option offer, a reasonably no frills, reasonable cost health insurance bill for young people, especially young people's benefit, that we would cover 35 percent of the uninsured?

Mr. BROWN. I think that is right. As the Senator knows as a senior member of the HELP Committee who wrote some major part of this bill, we are not only going help those 25-, 28-year-olds buy insurance through the public option or through private insurance, as the Senator suggests, we also, if they are low or moderate income, give them assistance to be able to afford these plans.

We are not going to say: Go out and buy insurance. We are going to keep the cost down through competition but also help them with some kind of subsidies to help them buy that insurance.

Ms. MIKULSKI. Can I go to the man who sands floors for a living, the small businessperson whom we worry about who is a self-employed person. Under the Senator's concept of a public option, is it true then that whether it is he or a florist, maybe a real estate agent, that one of the reasons they could afford it is they could go into the

health exchange or the public option—would the public option not only offer insurance but offer bargaining power for better prices on insurance? They could bargain for better prices from hospitals, doctors, and pharmaceuticals?

Mr. BROWN. That is exactly right.

Ms. MIKULSKI. In other words, why would a little guy or gal not only want to be able to buy in, not only would the price be exorbitant, or is it that it would be an Uncle Sam's club that is buying things at bulk rate that enables them to afford the services?

Mr. BROWN. The Senator makes a terrific point. The man she talked about, Jason from Cleveland, who sands and refinishes hardwood floors, he was only in a group of four. You can't get good prices in a group of four. He would be joining a group of millions, whether he chooses a private company or especially the public option. The Senator knows, from her work with the number of Federal employees she has in the Washington, DC, area and the suburbs of Maryland that the Veterans' Administration is able to negotiate for prescription drugs. The VA pays probably no more than half as much for prescription drugs as any of us going to the drugstore would pay. The public option will work the same way. They will use the size. The larger pool of employees will be able to get much less expensive hospital, doctor, and prescription drug costs.

Ms. MIKULSKI. I thank the Senator.

Mr. BROWN. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

#### USA PATRIOT ACT SUNSET EXTENSION ACT

Mr. HATCH. Mr. President, today I rise to express my concerns about the PATRIOT Act Sunset Extension Act. This bill, which is currently before the Senate Judiciary Committee, could have dire consequences on intelligence collection and investigations. While I have several concerns about the provisions in this bill and how they will adversely affect the intelligence community, particular attention should be given to what our intelligence professionals have said about this bill.

Stakeholders in the intelligence community and the FBI have expressed concern that this bill will have serious consequences on the tools those agencies rely on to carry out intelligence investigations, identify operatives, and prevent future attacks. These tools are critical for detecting and disrupting terrorist plots in the United States before they become imminent threats to our safety.

As we have seen in the past few weeks, investigations in Texas, Illinois, Colorado, and New York confirm what we already know: there are people in this country who want to and intend to harm us. The only way to stop these terrorist operatives is to give our counterterrorism specialists the tools they depend on to detect these plots, thwart attacks, and, if possible, arrest the persons planning these operations.

I am troubled by the fact that we are rushing this bill through committee without taking the time to consider the concerns of those charged with detecting terrorist plots. I urge my colleagues who are ready to stand up and say this bill will not adversely affect current and future investigations to stop for a moment and listen to the professionals who use and need these tools on a daily basis. Do not just hear their concerns, really listen to them. Many of these professionals were around before September 11, and they remember how difficult it was to act quickly to collect basic information about terrorists.

Three provisions of the PATRIOT Act are set to expire on December 31, 2009. These are roving wiretaps; business records access, also referred to as section 215 business records; and the lone wolf provision. At this time, the lone wolf provision has yet to be used. It was created in response to the Moussaoui case. The provision amended FISA's definition of an "agent of a foreign power" to include any person, other than a U.S. person, who "engages in international terrorism or activities in preparation therefore."

The expanded definition allows the government to obtain a FISA, Foreign Intelligence Surveillance Act, court order to surveil a non-U.S. person who has no known ties to a group or entity. Congress passed this lone wolf provision because it was concerned that previous FISA definitions did not cover unaffiliated individuals—or those for whom no affiliation can be established—who, nonetheless, engage or are preparing to engage in international terrorism.

FBI Director Mueller has asked specifically that this authority be extended so if the FBI comes across another "Moussaoui," there will be no doubt that the FBI can intercept that target's communications. This seems reasonable to me. We would not tell a police officer he had to give up his gun simply because he has not used it yet, would we?

The other two provisions set to expire are roving wiretaps and business records searches. These tools are extremely important in the FBI's investigative work, and the FBI has a solid track record of using them too. From 2004 through 2008, the FBI has obtained 236 orders from the FISA court to produce business records. The business records authority has been exception-

ally useful in many types of national security investigations. It routinely gives the intelligence community important information that can be used to build the case for FISA searches or surveillances of terror suspects.

Roving wiretap authority has similarly increased the FBI's efficiency in critical investigations. The FBI has obtained roving wiretap authority an average of 22 times per year. During the Senate Judiciary Committee's oversight hearing of the FBI, I asked Director Mueller if he supported the reauthorization of these tools. He told me these tools are extremely important to investigations, and he hoped the tools would be extended. Director Mueller has repeatedly expressed his support of these tools to other Senators and committees.

In September, Director Mueller appeared before the Senate Homeland Security and Governmental Affairs Committee. Chairman LIEBERMAN asked the Director if there was one thing that the Bureau needed that would assist in its counterterrorism mission. Director Mueller responded by saying:

I'll leap into the fray and say yes, the PATRIOT Act is going to be debated. I know these provisions are essential to us, particularly the first two which relate to business records and secondly the roving wiretaps. And third, while it has not been used, the lone wolf will be and is important if we get a similar situation that we had with Moussaoui in 2001. So I would urge the reenactment of those provisions.

In his response to Chairman LIEBERMAN, Director Mueller also endorsed National Security Letters as a vital tool in gathering information. He further stated that NSLs contribute to the success of investigations through "information we can gather, not of substantive conversations but of tag data or the telephone toll data that we can obtain by reason of National Security Letters. So it is retaining these capabilities that is important."

National Security Letters have come under fire from some on the left, and the substitute takes aim at them as well. Currently, NSLs cannot be used to wiretap citizens, scan e-mails, or conduct any kind of intrusive surveillance. NSLs simply allow the government to retrieve the sort of transactional records that are extremely useful in uncovering terrorist activities.

NSLs are the most effective method of obtaining this routine data that is critical to detecting, monitoring, and undermining terrorist activities. They are also regularly used to rule out individuals as terror suspects. Intelligence investigations are a mosaic. Each bit of information is laid out and compared to other data. When these records are compared to other facts or information, they become the tiles that compose the picture and provide investigators with the identities of confederates and operatives.

The Supreme Court has clearly stated the fourth amendment is not implicated when these types of records, held by third parties, are shared with the government. The High Court has reasoned that citizens hold no expectation of privacy when such records are created through business transactions or otherwise.

The same records and data are just as easily obtained by investigators in criminal cases when they seek this information through an administrative or grand jury subpoena. This information is routinely obtained with little oversight in criminal investigations. NSLs are narrow in scope and already have multiple layers of oversight and built in protections for privacy.

Some on the left have maligned NSLs as a sinister and baleful device from George Orwell's "1984." The source of this accusation is clear: these critics have misread the findings outlined in the DOJ inspector general reviews of the FBI's use of National Security Letters.

In March 2007, the inspector general released its first report in which it criticized aspects of the FBI's use and record keeping of NSLs. I have reviewed the full report and it is clear to me that the errors identified by the IG with respect to NSLs are largely administrative in nature. Some critics have been quick to point to the IG's criticism of the FBI's use of what are called "exigent letters" as a reason to clamp down on the use of NSLs. But this is simply not supported by the evidence. Exigent letters are not—I repeat not—national security letters and the IG's findings should have no impact on whether current NSL authorities remain intact.

In March 2008, the IG issued a second report that reviewed the corrective measures as a result of the first report. The IG found that the FBI and DOJ were committed to correcting and improving the earlier identified administrative problems with NSLs. The report also stated that the FBI has made significant progress in addressing compliance issues and implementing recommendations.

Under the leadership of Director Mueller, the FBI has made great strides in correcting previous errors associated with NSLs. For example, they have revised and clarified policies and increased training on the proper issuance and handling of NSLs. They created the Office of Integrity and Compliance to ensure that the FBI continues to comply with applicable statutes, guidelines, and policies.

Most significantly, the FBI mandated the use of a Web-based, automated NSL creation system that prompts the drafter to enter all information necessary to create an NSL. This system supplies the appropriate statutory language and ensures that the NSL and the supporting memorandum are inter-

nally consistent. An NSL can be issued from this system only after all the required officials have approved it within the system. This system will go a long way toward curing the administrative errors identified by the IG.

Although both reports show that the FBI has sometimes struggled to measure up to its own internal standards in using NSLs, they also reveal that incidents of misuse were infrequent and unintentional. In short, there were no abuses of NSLs as we have so often been led to believe. It is my opinion—and many in the FBI and Congress share this opinion—that the administrative errors identified by the IG could be solved easily if the FBI had a national security administrative subpoena—one type of subpoena for all national security records—just as the FBI, DEA, postal inspector, and a host of other agencies have in other types of criminal and administrative matters.

Those on the left who would prefer that the FBI not have NSL authority ignore the many investigative successes attributed to this basic tool outlined in the IG reports. For example, NSLs have provided information identifying terrorist financiers, revealed key information regarding pre-attack behavior, and detected an attempted espionage plot by a government contractor. The reports are unequivocal: NSLs are indispensable tools to national security investigations. Unfortunately, certain provisions in the S. 1692 substitute will undoubtedly have a negative effect on their operational effectiveness.

But NSLs aren't the only tool that will suffer under this substitute. New and, frankly, unprecedented minimization requirements would wreak havoc on ordinary pen registers; unreasonable and confusing standards of proof will delay, and even prevent, usage of basic tools; new reporting requirements could compromise sources and methods; and sneak-and-peek search warrants have been rendered useless. My greatest fear is that this bill will reduce our terrorist detention capability to the standard we possessed in the days preceding the horrific attacks of September 11, 2001.

I have a profound respect for the fine men and women who serve our country in our law enforcement and intelligence communities. Their focus, vigilance, and attention to detail are critical in intelligence collection, analysis, and detection of terrorist plots. Only occasionally, as in the past few weeks, does the American public hear about the successes that their tireless efforts and these basic tools bring about. But here in Congress, we know the truth and we should do all in our power to help these professionals do their jobs. I am reminded of the quote attributed to British Prime Minister Winston Churchill, who said:

We sleep sound in our beds because rough men stand ready in the night to visit violence on those who would do us harm.

We should never lose sight of the fact that we are at war. One of our greatest assets in this war is the ability to detect, investigate, and disrupt terrorist plots, the purpose of which is to harm our citizens on our own soil.

Neither this substitute nor its original bill is an improvement to the PATRIOT Act. I believe firmly that this bill could reduce our intelligence collection capability to the level that existed before the attacks of 9/11. I urge my colleagues to take careful notice of the operational disadvantages in this substitute. The best path forward is clear. Congress should simply vote to extend the sunsets on the three expiring PATRIOT Act provisions and reject any measure that would tie the hands of those charged with safekeeping and safeguarding our great Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I thank Chairman MIKULSKI and Ranking Member SHELBY for their work on this bill. I rise today to speak about the importance of strengthening the Federal Government's ability to investigate and prosecute the kinds of financial crimes that have contributed to our financial crisis. I am pleased this appropriations bill adds significant resources for fraud enforcement, thanks to Chairwoman MIKULSKI and her committee and their attention to this critical issue.

In May, Congress passed the Fraud Enforcement and Recovery Act or FERA. In the aftermath of September 11, Federal law enforcement resources were shifted dramatically, and understandably, to counterterrorism.

One of the central features of FERA was to authorize the appropriation of substantial resources to rebuild our capacity to attack mortgage fraud and other white-collar crime. FERA was passed with overwhelming bipartisan support. The vote was 92 to 4 in the Senate, demonstrating our shared commitment to this effort.

Today's economic crisis has many causes, from serious regulatory failures to recklessness and greed. While we still have much to learn about what happened, one thing is absolutely certain: We need law enforcement investigators and prosecutors with ample resources and training to drill down now. Only a targeted and thorough investigation can find out the extent to which financial fraud contributed to the crisis and identify the individuals involved who should be held responsible.

We need to look at the mortgage brokers who engaged in systemic fraud. But we must also examine the financial institutions that pooled subprime mortgages and sold them with knowledge that they were toxic, the credit

rating agencies that failed due to conflicts of interest to grade the assets properly, and the investment banks that failed to disclose the fair value of the toxic assets on their books.

In order to restore the public's faith in our financial markets and in the rule of law, we must identify, prosecute, and send to prison those individuals who broke the law. If we do less than that, we will fail to serve the American public and we will risk history repeating itself. But these cases are extremely complex. In this area, the bad guys have substantial resources at their disposal to fend off investigations. We need to remain vigilant in ensuring that our investigators and prosecutors are not overmatched.

That is why I am pleased to see the substantial resources devoted to fraud enforcement in this bill. The bill appropriates over \$500 million for fraud enforcement, a 10-percent increase over last year. At the FBI, it adds funding for 50 new agents, 61 new forensic accountants, and 32 professional support staff, all devoted to investigating financial fraud. As a result of this increase and other resource allocation decisions by the FBI, we now will have investigative resources approaching those devoted to the savings and loan crisis. The bill also adds funding for 155 new lawyers and 49 support staff in the Department of Justice and U.S. Attorneys offices, all dedicated to financial fraud enforcement.

I was proud to join with Chairman LEAHY and Senator GRASSLEY in sponsoring the Fraud Enforcement and Recovery Act. I look forward to working with them and our colleagues on the Judiciary Committee to make sure these significant new resources are used wisely and effectively.

In closing, I thank Chairman INOUE as well as, again, Chairwoman MIKULSKI and Ranking Member SHELBY for making funding for financial fraud enforcement a high priority of this bill. I look forward to working together going forward to make sure that as the economy recovers, we do not lose sight of the importance of fully funding enforcement efforts, not only to uncover and prosecute financial crimes that have already been committed but also to defer future crimes. Prosecuting bad people won't put an end to bad behavior, but it will have an impact on those people in the mortgage industry, on the trading desks, and in the boardrooms who might be tempted to put greed ahead of the law.

Thank you, Mr. President. I yield the floor and note the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNIZING EARL AND WANDA BARRS

Mr. CHAMBLISS. Mr. President, I rise today to recognize two of my constituents, Earl and Wanda Barrs from Cochran, GA. Last Wednesday, the American Tree Farm System named Earl and Wanda as its 2009 National Outstanding Tree Farmers of the Year. This award is presented by the American Forest Foundation through its ATFS program and recognizes outstanding sustainable forest management on family-owned woodlands.

I have known Earl and Wanda since my early days in the House and have always valued their advice and friendship. They have been involved in forestry for over 30 years and have owned and operated Gully Branch Farm since 1987 when they purchased the initial acreage.

This land is very special to the Barrs and they have a long family history connected to it. Earl's great-grandfather and grandfather sharecropped the land for years and, as a teenager, he spent countless hours hunting and fishing there.

Wanda has used her background in education to create an outdoor environmental classroom at the farm. Students, teachers, and forestry professionals from all over Georgia visit their farm to learn about the benefits and science of sustainable forestry. They are then able to take that knowledge back to their respective communities and teach others about the importance of forest stewardship. Every April, the Bleckley County Schools bring thousands of students to Gully Branch farm to have fun and participate in educational activities. Students enjoy wagon rides and learn about the different aspects of sustainable forest management.

This is not the first time Earl and Wanda have been recognized for their achievements in forestry. They were named the 2008 Georgia Tree Farmers of the Year and the 2009 Southern Regional Tree Farmers of the Year. In 2006, they received the Outstanding Achievements in Sustainable Forestry Award, and Wanda has been named the Georgia Project Learning Tree Educator of the Year in both 1990 and 1995, as well as the National Outstanding Educator of the Year in 1996.

I am proud to see the National Tree Farm of the Year award brought to Georgia and look forward to continuing to work with Earl and Wanda to develop policies that will promote sustainable forestry management for generations to come.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO SENATOR EDWARD M. KENNEDY

Mr. INHOFE. Madam President, it was called to my attention a few minutes ago that our deadline for comments about Ted Kennedy is coming up tomorrow. I wanted to beat the deadline. I always wait until the last minute, it seems. One of the reasons I did is because there are so many things people are not aware of, so I took the time to send to places such as Western Sahara and elsewhere to get documents that better explained a little bit more about who Ted Kennedy was than has already been stated on the floor of the Senate.

I have a good friend whose name is Mouloud Said. He is the Ambassador at Large of Western Sahara. He and I worked together for many years trying to bring some sanity into what has happened over the last 35 years in Western Sahara.

For the record, since people are not aware of this conflict that took place, back in 1975, the Moroccans invaded what was then called Spanish Sahara, later called Western Sahara. There were a lot of people chased out at that time. They fled. War ensued between 1975 and 1991. It continued during that time. When Morocco invaded that area that was later called Western Sahara, the refugees, the people who were living there who rightfully should be in that area, who should be living there today, were chased into Algeria. Tindouf is an area I have been to a couple times. The refugee camps there are so large. There are actually 175,000 refugees who were chased out of Western Sahara and have been wanting to be repatriated ever since then.

One of the former Secretaries of State, James Baker, was a hero in this area. He did the best he could to see that repatriation would take place. It seemed like every time they got close to working out something with Morocco, they would get right up to the altar and then they would cut it off. They would agree something should be done, but as they would come to agreement and get together, Morocco would back down. That took place for a long period of time.

You cannot be empathetic with the people who are there until you have walked through the little alleys and the stucco houses in Tindouf and see how these people are living, hearing

their chants, their cries for freedom. Three generations now have been trying to escape, to be repatriated, and it hasn't worked.

I have a letter—I will read part of it—that ties Senator Kennedy and me to this issue. This is from Mouloud Said, who is Ambassador at Large of Western Sahara:

Indeed, this was precisely the case when Senator James Inhofe and the late Senator Edward Kennedy reached across the political aisle to jointly promote the cause of justice and freedom in the Western Sahara, and respect for human rights of the Sahrawi people. As recognized by the United Nations Charter, the African Union, and the American Constitution, all people have the inalienable right to freedom and self-determination, and the Sahrawi people will be forever indebted to these great Senators for their principled and bipartisan stand on behalf of the Sahrawi's fundamental rights.

That is what it is all about. We would see these people out there, and they had no one to take care of them. The Moroccans, they have friends. I have to say this: I testified probably 2 or 3 years ago at a House committee hearing. At that time, we made a list of all the lobbyists Morocco had hired. They had everybody. The money was all on one side, and only the Lord and a few people who were sympathetic to them were on the side of those people who have been living on the Algerian border for the last 35 years. That is what they are going through at this time. It is very sad.

I want to mention, talking about Ted Kennedy, how persistent he was. This goes all the way back to his involvement, back to the time when the war was still taking place. I have statements I am going to enter into the RECORD. They are not long. One goes back to October 1, 1992, a "Statement by Senator Edward M. Kennedy at Senate Foreign Relations Africa Subcommittee Hearing on the Western Sahara." He goes through and tells the story of what he has attempted to do, and he had not been able to successfully get it done. The same as with James Baker and myself.

January of 1994, "Statement by Edward M. Kennedy in Support of Amendment Promoting Implementation of Peace Plan in Western Sahara." January of 1994, we thought at that time we had it done. Again, an arrangement was made. It was agreed to by all parties until they got together.

June 23, 1999, "Senator Kennedy Calls for Greater Progress in the Western Sahara Referendum." A referendum is all they want. They want self-determination. They want to be able to vote as to whether they want to be repatriated, which is something we in America would assume everybody has that right. But that is not the situation.

Senator Kennedy, again, went to battle to help them in June 23, 1999, and was not able to get it done.

Then, again, in 2000, he actually offered amendments for holding referendums in Western Sahara.

Later in that same year, he appealed to King Mohammed VI of Morocco to give these people a chance, at least, of self-determination. He was unable to get that done.

I ask unanimous consent to have printed in the RECORD these documents.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR EDWARD M. KENNEDY  
AT SENATE FOREIGN RELATIONS AFRICA SUBCOMMITTEE HEARING ON THE WESTERN SAHARA

I want to thank Senator Simon, the Subcommittee Chairman, for holding this important hearing today.

The ongoing crisis in the Western Sahara raises serious questions regarding the Government of Morocco's willingness to honor its international commitment to a free and fair referendum in that territory. It also brings into question the credibility of the United Nations in administering the Western Saharan peace plan, and our own government's commitment to the principles of sovereignty and self-determination.

Barring immediate and dramatic progress, the peace plan for the Western Sahara is destined to fail. If the peace plan is to succeed, the United States must do more to make clear—through deed as well as word—its commitment to a free and fair referendum for the indigenous Saharawi people.

The Western Sahara is the last vestige of colonialism in Africa. The U.N. Decolonization Committee called for decolonization in 1966, while it was still under Spanish rule. In 1973, the General Assembly called for a referendum on self-determination by the Saharawi, Spain agreed to hold a referendum and took a census to provide a voting list.

Shortly thereafter, Morocco and Mauritania, seeking access to the territory's valuable natural resources, laid claim to the Western Sahara. In an effort to strengthen its claim to the territory, Morocco requested an advisory opinion from the International Court of Justice on its legal status. The Court found that neither Morocco nor Mauritania had ties to the Western Sahara sufficient for claims of territorial sovereignty. Like the United Nations, The Court supported "self-determination and genuine expression of the will of the peoples" to determine the territory's legal status.

Rather than accept that decision, King Hassan II sent Moroccan troops into the Western Sahara. Clashes ensued between Moroccan forces and the Polisario, the armed resistance of the Saharawi. Invading troops "disappeared" thousands of Saharawi civilians, most of whom were killed. Hundreds of others were detained without charge—and remain imprisoned today.

The Moroccan invasion touched off an exodus of refugees from the Western Sahara into Algeria. Seventeen years later, tens of thousands of these refugees continue to subsist in emergency relief tents with minimal food and water under extremely oppressive desert conditions including violent sandstorms and blistering heat exceeding 160 degrees.

In what became known as the "Green March," King Hassan then sent 350,000 Moroccan civilians into the territory to strengthen his claim. Within months of the Moroccan influx Spain withdrew, granting Morocco and Mauritania "temporary authority" to administer the territory until a referendum could be held.

Neither Morocco nor Mauritania granted the Saharawi the right to self-determination, and their war against the Polisario steadily escalated. The Polisario's use of land rovers and quick strike tactics, however, achieved surprising successes against Moroccan and Mauritanian forces, and in 1979 Mauritania renounced its claims to the territory.

Finally, after over a decade of war, the Government of Morocco agreed to a U.N.-sponsored peace plan leading to a referendum, under which the Saharawi would vote for independence or integration with Morocco. In 1990, the Security Council adopted resolutions approving the plan and establishing the United Nations Mission for the Referendum in Western Sahara (MINURSO).

Under the plan, a cease-fire was to go into effect on September 6, 1991, and the referendum was to be held in early 1992. The parties agreed to use the 1974 Spanish census, which recorded approximately 74,000 Saharawis, to establish a voting list for the referendum.

Yet, only days before the cease-fire was to go into effect, Morocco bombed a compound that the Saharawi had constructed to house MINURSO personnel.

Inexplicably, the United States was the sole country on the U.N. Security Council which failed to condemn this outrageous action.

After the cease-fire went into effect, King Hassan changed his position on the voting list. After vying to base the list upon the 1974 census, he presented the U.N. with a list of 120,000 additional voters from Morocco whom he claimed were Saharawi and should also be permitted to vote. These individuals were transported into the Western Sahara in violation of the peace plan, which forbids the unilateral transfer of populations into the territory without identification at the border by U.N. personnel.

Under the peace plan, MINURSO observers are to implement and monitor the cease-fire, oversee the release of POWs, identify and register voters, and organize the referendum. Fully employed, MINURSO was to consist of 1,695 military and civilian personnel.

Yet as of today, nine months after the referendum was to have been held, fewer than 400 MINURSO personnel are in the Western Sahara. With severely limited equipment and personnel, these observers have been forced to restrict their focus to monitoring the cease-fire. Due to serious violations of the peace plan by the Government of Morocco, the observers have been prevented from fostering an atmosphere of confidence and stability conducive to holding a free and fair referendum.

These violations include preventing critical supplies for U.N. personnel from reaching the field; denying U.N. observers access to military areas; threatening to shoot U.N. personnel; intercepting and blocking U.N. patrols and sideswiping U.N. vehicles; refusing to identify land mines to U.N. observers, resulting in the loss of three U.N. vehicles and serious injury to U.N. personnel; banning access to the territory by international observers, reporters, and human rights organizations; refusing to withdraw any of its 130,000 troops; and declining to provide figures on the strength and deployment of its armed forces, despite written instructions to do so from the U.N. Secretary General.

Last month, in the most serious violation of the peace process, King Hassan announced his intention to hold his own elections in the territory, independently of the United Nations—thereby wholly undermining the U.N. effort.



Ironically, U.N. observers have also been severely hampered by lack of material and political support from the U.N. in New York, which has routinely ignored Moroccan violations of the peace plan. The Secretary General has failed to respond politically to MINURSO's reports of cease-fire violations—including 178 confirmed violations of the cease-fire, the transfer of thousands of Moroccan citizens to the territory prior to their identification by the U.N., and continuous misbehavior with respect to MINURSO.

Accordingly, MINURSO personnel in the field today are attempting to carry out their duties without the cooperation of the Government of Morocco and without the political backing of the U.N.

Despite Morocco's flagrant violations of the peace plan, the Bush Administration has failed to press King Hassan in any significant manner with respect to the Western Sahara. To the contrary, the Administration has requested that \$40 million in military aid and \$12 million in Economic Support Funds be earmarked for Morocco for FY '93. This is particularly perplexing, inasmuch as no funds were earmarked for Morocco during FY '92.

I hope that the witnesses for the Administration will make clear today why the U.S. is not condemning Morocco for its violations of the peace plan. The Administration should also explain why it is unwilling to urge the United Nations to do more to defend this important peace initiative.

Failure of the U.N. peace plan will have serious consequences for the stability of North Africa. Unless the Administration makes clear to the Government of Morocco its commitment to a free and fair referendum for the Saharawi, fighting in the Western Sahara may soon be renewed. That is a result none of us wants, and now is the time to prevent it from happening.

STATEMENT BY SENATOR EDWARD M. KENNEDY  
IN SUPPORT OF AMENDMENT PROMOTING IM-  
PLEMENTATION OF PEACE PLAN IN THE WEST-  
ERN SAHARA

I am introducing today, on behalf of myself and Senators Pell, Kassebaum, and Simon an amendment to support the indigenous people of the Western Sahara in their long and arduous struggle for self-determination.

As U.S. citizens, we are fortunate to live in a country founded on human rights principles and the right to a government of our own choosing. Our democratic ideals have inspired peoples in all hemispheres around the world. Elections during the past twelve months in Russia, Burundi, Cambodia, Paraguay, and Yemen are examples of the worldwide trend away from authoritarianism and toward representative government.

Sadly, this trend has not yet reached all regions of the world. The indigenous Saharawi people in the Western Sahara have waited more than 18 years to regain their right to self-determination. Hopefully, that right will soon be restored to them.

Since Morocco's invasion of the Western Sahara in 1975, King Hassan II has staged a long and costly war against the Saharawi people to obtain permanent access to that territory's valuable natural resources.

For years, Morocco ignored proposals by the U.N. General Assembly calling for a referendum on self-determination by the Saharawi. When Morocco took its claim over the territory before the International Court of Justice, the Court found that Morocco did not have ties sufficient for claims of territorial sovereignty. Like the United Nations, the Court supported "self-determination and

genuine expression of the will of the peoples" to determine the territory's legal status.

Rather than accept that decision, King Hassan sent Moroccan troops into the territory who killed and "disappeared" thousands of Saharawi who were unwilling to recognize Moroccan sovereignty. Then, in what became known as the "Green March," King Hassan sent 350,000 Moroccan citizens into the Western Sahara to strengthen his claim to it.

Finally, after over a decade of war, the Government of Morocco agreed to a U.N.-sponsored peace plan leading up to a referendum under which the Saharawi would vote for independence or integration with Morocco. Under this plan, a ceasefire was to go into effect on September 6, 1991, and the referendum was to be held in early 1992. The parties agreed to use a 1974 census, which recorded approximately 74,000 Saharawis, to establish a voting list for the referendum.

Yet, only days before the cease-fire was to go into effect, Morocco bombed a compound the Saharawi had constructed to house U.N. personnel. In addition, King Hassan changed his position on the voter list.

After having previously agreed to base the list upon the 1974 census, he presented the U.N. with a list of 170,000 Moroccans whom he claimed should also be permitted to vote. These individuals were moved into the Western Sahara in violation of the peace plan, which forbids the unilateral transfer of population into the territory without prior identification by U.N. personnel.

U.N. observers have also expressed concern regarding other violations of the peace plan by the Government of Morocco. These violations have prevented the observers from fostering an atmosphere of confidence and stability conducive to holding a free and fair referendum.

The violations include preventing critical supplies for U.N. personnel from reaching the field; denying U.N. observers access to military areas; threatening to shoot U.N. personnel; intercepting and blocking U.N. patrols and sideswiping U.N. vehicles; refusing to identify land mines to U.N. observers, resulting in the loss of three U.N. vehicles and serious injury to U.N. personnel; banning access to the territory by international observers, reporters, and human rights organizations; refusing to withdraw its troops; and declining to provide figures on the strength and deployment of its armed forces, despite written instructions to do so from the U.N. Secretary General.

In one of the most serious violations of the peace process, King Hassan held his own elections in the territory in June—thereby directly undermining the U.N. effort.

U.N. officials nonetheless remain hopeful of holding the referendum this year. For the referendum to be free and fair, the U.N. must disqualify Moroccan settlers from eligibility to vote in the referendum.

Failure of the U.N. peace plan is likely to have serious consequences for the stability of North Africa. If the Government of Morocco continues to obstruct the peace process, fighting in the Western Sahara may well be renewed.

At this critical stage in the peace process the United States must do more to make clear—through deed as well as word—our commitment to a free and fair referendum for the Saharawi people.

The amendment we are introducing today:

(1) Commends the President for his commitment within the United Nations and in bilateral relations to a free and fair referendum on self-determination in the Western Sahara;

(2) Supports the United Nations' commitment to holding a free and fair referendum, and commends the Secretary General for intensifying his efforts towards that end;

(3) Commends the Administration for undertaking new policy initiatives with regard to the Western Sahara, including the opening of contacts with the Polisario Front at the Saharawi refugee camp in Tindouf, Algeria;

(4) Calls upon Morocco and the Polisario Front to comply strictly with the terms of the peace plan as accepted by the parties and approved by the United Nations Security Council;

(5) Calls upon Morocco to put an end to the transfer of population not properly identified by the United Nations as eligible voters in the referendum from Morocco into the Western Sahara, and to return to Morocco all such individuals currently in the Western Sahara;

(6) Calls upon Morocco and the Polisario Front to continue the direct dialogue they begun under the auspices of the United Nations in July 1993 with the goal of furthering the peace process;

(7) Calls upon Morocco and the Polisario Front to allow international human rights organizations to enter Morocco, the Western Sahara, and refugee camps under their control to assess the human rights situation; and

(8) Calls upon the President to:

Strongly advocate within the United Nations and in bilateral relations the implementation of the peace plan as accepted by the Polisario Front and Morocco and approved by the U.N. Security Council;

Urge all parties concerned to take all steps necessary to begin voter registration, starting with the updated lists of the 1974 Spanish census, and to overcome their differences regarding the interpretation and application of the criteria for voter eligibility;

Institute regular contact at all levels in Washington with representatives of the Polisario Front, in order to strengthen the United States' evenhanded position with respect to the Western Sahara; and

Encourage the parties to allow independent international observers, including human rights organizations, to monitor the situation in the territory and observe the referendum process.

The ongoing crisis in the Western Sahara raises serious questions regarding the Government of Morocco's willingness to honor its international commitment to a free and fair referendum in the Western Sahara. This amendment would make clear our government's support for the U.N. peace process and America's commitment to the principles of sovereignty and self-determination.

I urge my colleagues to join us in enacting this timely and important measure.

SENATOR KENNEDY CALLS FOR GREATER  
PROGRESS ON WESTERN SAHARA REFERENDUM

Senator Edward M. Kennedy today praised the Senate for calling for greater progress on a long-stalled referendum on self-determination for the people of the Western Sahara.

Since 1988, the United Nations has sought to organize a free, fair, and open referendum in the Western Sahara, the former Spanish colony that Morocco has illegally occupied since 1975.

Kennedy said, "A solution to the conflict over the Western Sahara will enhance security and stability in Northern Africa. After more than ten years of delay, the people of the Western Sahara should be permitted to determine for themselves who will govern them."



Kennedy, Republican Senator Gordon Smith, and Democratic Senator Patrick Leahy sponsored an amendment accepted by the Senate on the State Department Reauthorization Bill to require the State Department to report on progress on the referendum. The bill, including the Western Sahara amendment, was passed by the Senate yesterday.

The International Court of Justice, the Organization of African Unity, the United States, and many other nations throughout the world have not recognized Morocco's claim to the Western Sahara, but Morocco's occupation continues. Tens of thousands of the Sahrawi people languish in refugee camps in southern Algeria and have been denied the opportunity to determine their own future.

A UN referendum was originally scheduled for 1992. It has since been delayed many times, primarily due to the resistance of the Government of Morocco. The referendum is now scheduled for July 2000.

In the 1997 Houston Accords, achieved under the leadership of former Secretary of State James Baker, and in a UN plan last December, the international community called for the conclusion of the voter registration process and a referendum. Morocco subsequently agreed to allow the referendum to occur by July 2000.

Senator Kennedy praised the Administration's efforts to resolve this longstanding dispute. He urged the State Department to make it clear to both parties to this dispute that the United States expects the people of the Western Sahara to be allowed to exercise their right to self-determination in a free, fair, and open referendum by July 2,000.

"Morocco has been a faithful ally of the United States for more than 200 years," said Kennedy, "but its refusal to allow the people of the Western Sahara to determine their own political future undercuts America's efforts to promote democracy worldwide."

The Kennedy-Smith-Leahy amendment requires the State Department to report on January 1, 2000 and again on June 1—2000 on specific steps being taken by the Government of Morocco and by the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) to ensure a free, fair, and open referendum by July 2000 for the people of the Western Sahara to choose between independence and integration with Morocco.

The State Department reports will include a description of preparations for the referendum and the extent to which free access to the territory will be guaranteed for independent and international organizations, including election observers and international media. Human rights organizations and other international organizations must also be permitted to observe the referendum.

In addition, the reports will include a description of current efforts by the Department of State to ensure that the referendum will be held, and an assessment of the likelihood that the July 2000 date will be met.

The reports will also include a description of obstacles, if any, to the voter registration process and other preparations for the referendum and efforts being made: by the parties and the United States Government to overcome those obstacles. Finally, the reports will include an assessment of progress being made in the repatriation process.

(Purpose: To require reports with respect to the holding of a referendum on Western Sahara)

On page 115; after line 18, add the following new section:

#### SEC. \_\_. REPORTS WITH RESPECT TO A REFERENDUM ON WESTERN SAHARA.

##### (a) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than each of the dates specified in paragraph (2) the Secretary of State shall submit a report to the appropriate Congressional committees describing specific steps being taken by the Government of Morocco and by the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) to ensure that a referendum in which the people of the Western Sahara will choose between independence and integration with Morocco will be held by March 2000.

(2) DEADLINES FOR SUBMISSION OF REPORTS.—The dates referred to in paragraph (1) are November 1, 1999, and February 1, 2000.

(b) REPORT ELEMENTS.—The report shall include—

(1) a description of preparations for the referendum,

(2) a description of current efforts by the Department of State to ensure that a referendum will be held by March 2000;

(3) an assessment of the likelihood that the March 2000 date will be met,

(4) a description of obstacles, if any, to the voter-registration process and other preparations for the referendum, and efforts being made by the parties and the United States Government to overcome those obstacles;

(5) an assessment of progress being made in the repatriation process; and

#### STATEMENT OF SENATOR EDWARD M. KENNEDY ON IDS MEETING WITH KING MOHAMMED VI OF MOROCCO

I welcome this opportunity to meet with the King. I have great respect for his leadership, and I wished him well in his important responsibilities, and in maintaining close ties between our nations.

A particular issue I discussed with the King was the United Nations referendum on the Western Sahara.

Morocco gained the respect of the international community when it agreed in 1991 and again in 1997 to allow a referendum on the future of the Western Sahara. These actions demonstrated an impressive commitment to the right of self-determination for the people of the Western Sahara.

The referendum is an important part of the peace process, and I hope that it will take place as soon as possible.

Mr. INHOFE. Madam President, let me conclude by saying that other things were happening too. When you think about countries, I often said Africa is the forgotten continent. I can remember so well back when they were talking about taking our troops into Bosnia and then later Kosovo, the excuse they were using—this is back in the Clinton administration—they were saying it was ethnic cleansing taking place there. I said on the Senate floor standing at this podium—this is way back in the late nineties—I said for every person who has been ethnically cleansed in Bosnia, there are hundreds on any given day in any Western Africa country. But people did not care about it. Senator Kennedy did.

I know this is a little bit sensitive subject, but even to this day, right now, every other week, there is a group of people, staff people, who get together. They have nothing in common

except a heart for Africa. There are liberal Democrats and conservative Republicans. They meet every other week, in Senator Kennedy's office and then in my office, and they pray for Africa. This is something about Senator Kennedy people did not know. That is something that takes place even to this date.

I have a letter written recently by Lindsey Gilchrist of Senator Kennedy's office:

I know Senator Kennedy and Senator Inhofe had always been thought of as the bipartisan leaders on this issue. The Africa prayer group was not something Senator Kennedy was directly involved in [or Senator Inhofe]—

But they have stimulated and motivated us to do this very thing. That was one of the things that occupied 20 years of Senator Kennedy's time. I feel committed to continuing to work with the people of Western Sahara to try to make that a reality. When that happens, we are going to be able to say—he will be watching down: All right, we finally did it.

Let me share a couple personal experiences I had with Senator Kennedy. One is a little bit humorous. In 2005, the Republicans were in the majority. I was chairman of the Environment and Public Works Committee. We did the 2005 transportation reauthorization bill. It was a huge thing. I am a conservative, but this is something we need to be doing in this country, something about infrastructure.

As is always the custom of the Senate, as the Chair is well aware, when we pass a big bill, we stand on the floor and thank all the staff people and talk about the significance of it and how important it is.

We had just passed the bill when I was getting ready to make my speech about what a great job we did when the bells went off. They said: Bomb threat, bomb threat; evacuate, evacuate. Everybody started running. I had not made my speech yet, so I stood up. It is kind of eerie when you are the only person in the Capitol and giving a speech. Of course, there was nobody here, and the cameras were still going.

I remember, after finishing my speech, I looked down at the bottom of the stairs and saw a very large man walking out. I went down and I said: Ted, we better get out; this place might blow up.

He said: Well, JIM, these old legs don't work like they used to.

I said: Let me help you. It happened, by the way, this was right after the American Conservative Union came out with the ratings where I was the No. 1 most conservative Member of the Senate and he was the second from the most liberal Member of the Senate. I said: Let me help you. I put my arm around his waist and he put his arm around my arm. Someone took a picture. It ended up on the front page of a

magazine. The caption was: "Who Says Conservatives are Not Compassionate?" That is the kind of relationship we had. I will always remember this.

He did things that people are not expected to do. There was a show—they don't have it on television anymore—called "Crossfire." Some might remember that. It was an aggressive program, where you get two people debating each other on an issue. The issue that particular day—this was back in 2000—was Vieques. Vieques is an island off Puerto Rico. They were trying to shut it down. They were successful. I don't blame it on the Democrats or Republicans. President Bush went along with Al Gore and closed down the live range at Vieques, which was the only place the Navy and marines could do integrated training.

I was actually debating Bobby Kennedy—he was his nephew—on the "Crossfire" show. It was one of these things where I really knew the issue. I knew I had him on this debate. It came down to the end, and I could have put the knife in at that time. I didn't have the heart to do it.

I was sitting, Madam President, where you are sitting the next day, presiding over the Senate, and Ted Kennedy came up. He said: Well, JIM, I came up to say thank you.

Thank you for what?

He said: I was watching this debate you had last night, and I knew what you were thinking and I knew that you had won this thing and right at the last you could have inflicted great harm to Bobby. You elected not to do it. I want to tell you I appreciate it very much.

That was Senator Kennedy.

There are things still going on today to which he committed his life. We are going to win some of those, and we are going to rejoice when that happens. He will be right here with us.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CBO SCORES

Mr. BAUCUS. Madam President, the Congressional Budget Office has issued its report on the Finance Committee legislation. That bill was sent over to the Congressional Budget Office a couple days ago. The report is quite promising. The report is good news.

Our balanced approach in the Finance Committee to health reform has paid off once again. Today, the Congressional Budget Office confirmed that America's Healthy Future Act—that is the legislation in the Finance Committee—remains fully paid for and

reduces the Federal deficit. In fact, it reduces the deficit by \$81 billion in the first 10 years.

CBO also says in its report that the legislation continues to reduce the deficit in the second 10 years; that is, it bends the cost curve in the second 10 years as well.

More important, it improves and expands health care coverage for tens of millions of American families. That is done by raising the coverage rate of 83 percent to 94 percent. In fact, that might be a slight increase from what we earlier anticipated in the committee bill.

This legislation, I believe, is a smart investment on the Federal balance sheet. It is an even smarter investment for American families, businesses, and our economy. Health reform will modernize the health care system for America for the 21st century. It is about time we got to that point.

The bill also reduces inefficiencies and focuses on quality and ensures we are getting the best bang for our health care buck.

Health care reform should be fiscally responsible as it expands and improves coverage. CBO confirms the legislation does that.

I am very pleased with that report. It will help us move toward the next steps in merging the bill with the HELP Committee bill.

Madam President, I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Madam President, may I ask the Chair what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the amendment offered by Senator VITTER, No. 2644.

Mr. COBURN. I thank the Chair.

Madam President, I just walked out of a hearing on the census, and the Vitter amendment applies to that. It is interesting. We send a million forms out a year called the American Community Survey, and in that survey we ask people whether they are citizens of the United States. And you know what, they answer it. They give an answer to that. And that is a million of those we send out every year.

We are about to conduct a census that ignores the Constitution and will, in fact, disrupt the true allocation of apportionment in this country because the census we are getting ready to ask will ignore whether you are a true citizen of this country. Legal or otherwise, it will ignore that. It will ignore whether you have voting rights, wheth-

er you are here properly, whether you have broken our laws and are here improperly, and we will see a maldistribution to the tune of 10 seats in States that shouldn't have them and States that should have 10 more seats won't have them. And that is based on the Census data this year.

So what Senator VITTER is offering is a response to following the Constitution and also recognizing that we are getting ready to do a census next year that is going to get it wrong. My hope is that my colleagues will consider very carefully that they took an oath to defend the Constitution, and that Constitution speaks very clearly—in this little book—about what the enumeration is supposed to be. It is about citizens of the United States, not residents of the United States. If, in fact, we do this the way it looks like we are going to, what we will be doing is changing our Constitution. What we are actually going to do is we are just going to throw our Constitution down and step on it.

So he is not asking anything from a racial standpoint or anything other than for a fair enumeration by which the Census agrees that if they were to do it properly, they would need to ask that question. They have printed 100 million forms already, and the question is, Do we want to waste that money and throw those forms out? Well, there is an answer to that. All you have to do is put in an insert, and here is question No. 11. That will cost very little money and then we will actually have a true census based on what the Constitution says, not on what we think might politically benefit one State over another.

Madam President, I know the chairman of the Finance Committee is here and would like to make a unanimous consent request, and I will yield to him at this time.

The PRESIDING OFFICER. The Senator from Montana.

UNANIMOUS CONSENT REQUEST—H.R. 3631

Mr. BAUCUS. Madam President, unless the Senate acts soon, millions of seniors and disabled individuals will face sharply higher Medicare premiums next year. In this great recession, we must act quickly to ensure we do not allow a formulated quirk to punish our seniors on fixed incomes in our financially strapped States.

Many seniors have their Medicare Part B premiums deducted from their monthly Social Security checks. Normally, the Social Security cost-of-living adjustment is greater than the increase in the Part B premium for that year. As a result, the beneficiaries' monthly checks in the new year are greater than their monthly checks were in the last year. But next year there is not likely to be an upward cost-of-living adjustment in Social Security checks. When that happens, most Medicare beneficiaries are held

harmless against reductions in their Social Security checks. The Part B premium is reduced so that their monthly Social Security checks in the new year are not less than they were in the prior year.

However, 27 percent of Medicare enrollees do not benefit from hold harmless. The absence of a cost-of-living adjustment will expose these seniors to big premium increases next year. Under current law, these enrollees not only have to pay their own premiums, but they must make up the premiums by the 73 percent of beneficiaries we hold harmless. These 27 percent of Medicare recipients will be forced to shoulder the full load of next year's premium increases. This will mean an increase in premiums up from \$96 to \$120 a month next year. Who are these recipients? They include low-income beneficiaries who participate in both Medicare and Medicaid. They include new enrollees in Medicare Part B. They also include Medicare Part B enrollees who don't receive Social Security, such as some Federal retirees. They include higher income enrollees who already pay higher premiums.

This burden will hit Medicare beneficiaries hard, but financially strapped States will also feel the effect because State Medicaid Programs pick up the cost of Part B premiums for Medicare beneficiaries who are also eligible for Medicaid. The premium hike would also hit State budgets because of that reason. States all across the Nation are facing huge deficits and difficult choices, and we should not allow this quirk in the law to add to their burden.

The Medicare Premium Fairness Act would correct this. It would ensure that these 27 percent of Medicare beneficiaries would not have to shoulder any additional burden. No Medicare Part B enrollee would face a higher premium next year over this year. The bill would provide security to seniors on fixed incomes. To prevent Federal cost shift to States, the bill would pay for and would tap into the Medicare Improvement Fund, which was created to solve problems such as this.

Inaction on this bill is not an option for seniors and States, and I hope the bill will have broad bipartisan support.

Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 3631, the Medicare Premium Fairness Act, and the Senate proceed to its immediate consideration; further, that the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, I ask unanimous consent to be recognized for 3 or 4 minutes as I respond to this, if the Senator from Montana does not have any objection.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. None.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Madam President, America has to ask itself a question right now. This bill costs \$2.8 billion, and 95 percent of the people will not feel anything if we don't do this. But 5 percent will, and I readily admit that. We are going to take \$2.8 billion from our kids or from future Medicare payments—one way or the other, we are going to steal it from our kids—to fix a problem for 5 percent of the people who are on Medicare or will be on Medicare.

This is exactly the kind of problem that the Congress ducks. We are ducking it. We are kicking the can down the road because we are afraid to do the right best thing for America.

Let me give a breakdown. First, I will just say I appreciate the leadership of the Senator from Montana on the Finance Committee.

The Social Security Act holds three-quarters of the beneficiaries harmless for increases in the Medicare Part B premium during the years in which there is no COLA, as the chairman just stated. But for the other one-fourth of the beneficiaries not held harmless, little impact will be felt. According to the Congressional Research Service, the majority of this group is comprised of Medicaid, as the chairman just stated, the vast majority of them, which covers their premiums anyway. So if there is a cost transfer, it will be cost-transferred back to the Federal Government anyway because we pay 67 percent of all the Medicaid costs anyway. Finally, the remainder of those not held harmless—high-income individuals making over \$85,000 a year as an individual or \$170,000 as a couple and new beneficiaries during their first year, for which they will receive Medicare, Social Security, or Medicare Part B benefits—the vast majority of all these people have a supplemental policy, so they won't feel anything.

So what are we doing? We are taking \$2.8 billion—and we may be taking it from the Medicare Improvement Fund, which ultimately takes it out of Medicare, or we are going to take it from our grandkids, and we are not going to say that we can't do this. There was no inflation except in health care. And when you look at it, there is actually a negative number, negative inflation. There was actually deflation. Things roughly cost six-tenths of 1 percent less this year than last, and those are the basic necessities of life. And because we don't have the courage to face the situations in front of us, we are just going to kick it down the road. That is what is wrong. That is why we find ourselves with \$12 trillion worth of debt, almost now \$100 trillion in unfunded liabilities. That is why we find

that a child born today has \$400,000 in unfunded liabilities, and by the time they are 20 years of age they will be responsible for \$800,000 worth of debt on them that they incurred for us.

So I will make two final points. The heritage of this country is for one generation to sacrifice for the next. This generation in this body has turned that upside down, and we are saying to the next two generations: You sacrifice for us because we don't have the courage to make the hard choices. And the hard choices have to be made. We are on an absolutely unsustainable course in this country financially. Read the papers. The dollar is under assault. We are dependent on foreign countries to finance our debt. Our debt will double in the next 5 years and triple in the next 10. And now we are playing the political game of not having a small percentage of seniors having an increase in cost, and mainly those who can afford it.

So the question is, take \$2.8 billion from our grandkids, one way or the other, and protect that 5 percent of the seniors, including Bill Gates and every other very rich person in this country, or do as the Honorable STENY HOYER said, the majority leader for the Democrats in the House:

I don't know how many of you can go to sleep at night worried about whether Ross Perot can pay his premium, but this will freeze Ross Perot's basic premium from going up. I think that as well meaning as this legislation is, it's not about poor seniors, it's about politics.

I recognize this can come back and we will do it, but at this time, for the good of our country, to restore the heritage of our country, Madam President, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Madam President, I regret that the Senator from Oklahoma feels constrained to object. I will continue to work to see that Medicare beneficiaries are not unfairly harmed. I must also say that this is not for the Ross Perots of the world. There are due eligibles—there are many people who are very poor who will be harmed unless this legislation is passed. I might also say that this bill is paid for, despite the implications to the contrary. It is paid for with funds already set aside at an earlier date in the Medicare Improvement Fund—a fund that was set up for just such purposes. So despite the implications about the future children and grandchildren, the fact is, this is already paid for in funds previously set aside.

Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, Hippocrates once said: "A wise man should consider that health is the greatest of human blessings."

Every day we see the real-world consequences for Americans who have been deprived of that blessing. A Harvard study found that every year in America, lack of health coverage leads to 45,000 deaths. People without health insurance have a 40 percent higher risk of death than those with private health insurance. No one should die because they cannot afford health care.

Every 30 seconds another American files for bankruptcy after a serious health problem—every 30 seconds. Every year, about 1.5 million families lose their homes to foreclosure. Why? Because of unaffordable medical costs. No one should go bankrupt because they get sick. A Kaiser Family Foundation survey found that health care coverage for the average family now costs more than \$13,000 a year. If current trends continue, by the year 2019, 10 years from now, the average family plan will cost more than \$30,000 a year.

No one should have to live in fear of financial ruin from crushing insurance premiums. Americans are looking for commonsense solutions to these problems. Americans want a balanced plan that takes the best ideas from both sides. Americans want their leaders to work together to craft a health care package that will get 60 votes it needs to pass.

The Congressional Budget Office has just given us their analysis of legislation we put together in the Finance Committee and it shows that our bill reduces the deficit by \$81 billion over 10 years. That is a reduction in the Federal deficit of \$81 billion. CBO also says the legislation out of the Finance Committee continues to reduce the deficit in the outyears; that is, the years after 10 years, the second 10 years, and the legislation increases coverage from 83 percent to 94 percent, so 94 percent of Americans will have health insurance.

For 2 years now, that is exactly what we have been doing in the Finance Committee—working to get that result. Over the last 2 years, the Finance Committee has held 20 hearings on health care reform. Last June we held a health care summit at the Library of Congress. The committee held three roundtable discussions with experts on each side of the area, especially on the three major areas of reform. We held roundtables on how health care is delivered, on coverage—that is insurance coverage—and on how to pay for health care. In connection with each roundtable—we had experts around the table, asked lots of questions, the experts just balanced—experts were not chosen for a certain point of view but just to get the facts. The committee put out a detailed option paper after those roundtables and we then held three walk-throughs to hash out those options—walk-throughs to see what might make sense after those walk-throughs.

Six members of the Finance Committee—three Republicans and three

Democrats—then had meetings. They held 31 meetings to try to come to a consensus. We held exhaustive meetings and met for more than 61 hours. We went the extra mile.

I might say if a fly on the wall were to watch those six meet, three Republicans and three Democrats, I think Americans would be very proud. This was hard work. It was not ideologically driven. It was based on the facts. We asked questions of experts, actuaries were objective—of the Congressional Budget Office, the Joint Committee on Tax—a very solid effort to try to find out how the various parts would be put together in a balanced and fair way.

I can say the Finance Committee has held the most open and exhaustive consideration of this health care proposal. I put out the starting point and posted it on the Web on September 16. That was nearly a week before we started our markups, a full week notice before we started our markup.

In a first for the committee, we posted every amendment, all 564 of them, on the Web. We had never done that before, all posted, all available to the world. The committee has held a thorough markup, and I know the present occupant of the chair can attest to that. When the committee reconvenes to report the bill, the committee will have met for 8 days. Many of those were long days, often running past 10 o'clock at night. In fact, last Thursday we worked until 2 o'clock in the morning. It has been more than 22 years since the Finance Committee met for 8 days on a single bill. In the committee's consideration, Senators offered and the committee considered about 135 amendments. The committee conducted 79 rollcall votes and the committee adopted 41 amendments.

The result is a balanced, commonsense plan that takes the best ideas from both sides. It is a plan that essentially implements President Obama's vision to improve America's health care and it is a plan designed to get the 60 votes it needs to pass. We have just received from the Congressional Budget Office the numbers that we need to have to proceed to the next step. The CBO says we reduce the deficit by \$81 billion in the first 10 years and the legislation that will be reported out of the committee soon will reduce the deficit further in the next 10 years, and it increases coverage to 94 percent.

I am confident that after Senators have had a opportunity to review the CBO numbers the Finance Committee will report the bill. Then we on the Finance Committee expect to work together with the HELP Committee to meld our two bills together. Our colleagues on the HELP Committee have done some wonderful things, especially in the area of prevention, workforce, and quality. We look forward to bringing together the best of both bills.

Then the majority leader will offer the combined bill as an amendment on

the floor and I expect we will have a full and vigorous debate here in the Senate. I am proud of our work.

All Americans should have access to affordable, quality health care coverage. Our bill would raise the share of Americans with insurance coverage from about 83 percent currently to 94 percent, and our bill would deliver coverage to millions through new insurance exchanges and to millions more through Medicaid—that is the Finance Committee bill I am discussing.

Our bill would dramatically increase prevention and wellness, will begin shifting health care delivery to the quality of care provided—not the quantity of services rendered but the quality of care provided. It is so important. This is transformative. This is game changing. When we look back several years from now we are going to see this is probably one of the more important items in this legislation because it will begin American health care to focus on where it should be, on quality and teamwork and the patient, more than today, where it is focused on quantity under the fee-for-service system. This is clearly the major, most important part, I think, when we look back at this bill 5, 6, 8, 10 years from now.

The bill also will lower prescription drug costs dramatically for seniors—no small point.

Our bill would reform the insurance market. It would protect those with preexisting conditions. It would prevent insurance companies from discriminating and capping coverage. And it would require insurance companies to renew policies as long as policyholders pay their premiums. No longer would insurance companies be able to drop coverage when people get sick. These reforms would give Americans real savings.

Under the Finance Committee bill, everyone making less than 133 percent of poverty would receive health coverage through Medicaid. Our plan will provide tax credits to help low- and middle-income families buy private insurance coverage. These tax credits would mean that our bill would deliver tax cuts for those whom it affects. Overall taxes would go down for people affected by this bill. These tax credits would help make insurance more affordable.

Some have made some pretty outrageous claims about our bill. Some folks frankly have said some whoppers. Let me take a few minutes to bust some of those myths.

Myth No. 1. Some say our bill cuts benefits for seniors. That is false. Nobody cares more about maintaining Medicare than I do. Medicare benefits will not be reduced under our bill. Seniors will get the same level of benefits they receive today. In fact, seniors have a lot to gain from health care reform by lower prescription drug costs and more free preventive care such as

mammograms and colonoscopies. Plus our bill takes the long view to help preserve the life of the Medicare Program. Our bill puts the Medicare Program on sounder financial footing. Our bill will remove from a system that pays for volume to one that pays for value. It would improve Medicare solvency by reforming the way Medicare delivers health care.

Don't just take my word for it. Don't just take President Obama's word for it. Go to the AARP Web site and see what they say. AARP is probably one of the greatest advocates for seniors. This is what AARP says:

Myth: Health care reform will hurt Medicare.

Fact: None of the health care reform proposals being considered by Congress would cut Medicare benefits or increase your out-of-pocket costs for Medicare services.

That is the conclusion of AARP in their letter to seniors.

Myth No. 2. Some say our bill will lead to rationing because we encourage comparative research. That, too, is false. The Institute of Medicine—MedPAC, that is the bipartisan group, nonpartisan group that advises Congress on Medicare payments—and former CMS administrators have all recommended that Congress invest in research to compare what works and what doesn't work in medicine. Groups such as the American Medical Association and the American Health Association support this idea.

Our bill would set up a nonprofit institute to provide for this "comparative effectiveness research." The goal is better evidence, unbiased information that doctors and patients can use to make better health care decisions. Comparative effectiveness research is about giving doctors and patients the best information available on what works so they can decide, the doctors can decide in consultation with their patients, as to what procedure, what drug, makes most sense and what doesn't.

If one treatment works far better than another, then doctors and patients have a right to know. That is what our bill tries to do, it tries to foster the kind of commonsense research that can get better information in the hands of doctors and patients.

Nothing in our bill would ration care—nothing. The new institute could not make coverage decisions or issue medical guidelines. And our bill would prevent the HHS Secretary from using the research to ration care in any way. The Secretary could never use the evidence to discriminate against individuals based on age, disability, terminal illness, or their preferences between length of life and quality of life.

Calling this rationing only supports a delivery system that is pro-waste and antipatient education. That is what opponents will end up doing. That is the effect of it. That is not the type of care

people deserve. They deserve the information that comparative effectiveness research produces to help them make informed health care decisions.

Myth No. 3. Some say our bill will cause premiums to go up. That, too, is false. There are a lot of things in our bill that would cause premiums to go down. Our bill would cut out fraud, waste, and abuse in our health care system. That is going to help. Our bill would spread insurance risk through a much broader population, including younger, healthier people. That would clearly help. And our bill would help to eliminate the cost of uncompensated care, which results in more than \$1,000 in additional premium costs each year for American families. The effects of open competition in our new insurance exchange should bring premiums down as well.

CBO has said there are a lot of factors in whether premiums go up or down and, frankly, they punted on a lot of those factors. But in the one part of premium costs about which they did make a projection, CBO said that premiums would go down. In a September 22 letter CBO said:

CBO currently estimates that about 23 percent of premiums for policies that are purchased in nongroup market under current law go toward administrative costs and overhead.

About 23 percent of premiums for policies goes toward administrative costs and overhead. CBO goes on to say:

Under the proposal, that share would be reduced to 4 or 5 percentage points.

So if 23 percent of costs are administrative overhead under the legislation the committee reported out, that should be reduced by 4 or 5 percentage points. That is lower costs, administrative costs, which should result in lower premiums.

Myth No. 4. Some say you will not be able to keep your insurance. That, too, is false. Nothing in our bill would take people's insurance away from them. No one would be forced into a particular plan. This is the central feature of the way we have gone about health care reform. We have not tried to change the employer-based system, a system Americans know and understand. We improve upon it, make it work a lot better. We have not tried to fix something that is not broken. We have an employer-based system and it is very important we improve upon it, not eliminate it.

Some who do not share our best interests assert that cuts to Medicare Advantage will cause some plans no longer to be offered. We do bring the government's subsidies to Medicare Advantage more in line with the government's own commitment to Medicare, but our bill would not cut benefits under Medicare Advantage. Rather, it would cut out waste in the system to ensure that Medicare is sustainable for years to come.

Even after the cost of marketing and delivering benefits and after making a profit, insurance companies are paid about 14 percent more, on average, under Medicare Advantage than under traditional Medicare. Insurance companies pad their pocket with those subsidies. Our bill would end those subsidies for insurance companies.

If insurance plans want to pass cuts along to seniors instead of reducing their huge profits, that is up to them. In a competitive market, it will be hard for plans that do that to keep their customers.

Yes, under our bill Medicare Advantage plans will have to compete in the free market. But that has been true of insurance companies generally for as long as there has been insurance. It is true that we in our bill do not guarantee that the government will keep each and every insurance company in business. We should not and we do not, in our bill, guarantee that each and every insurance plan will continue to be offered. Those are business decisions. Those are decisions for the private sector. And that is where we leave it.

It is absurd to say that people will not be able to keep their insurance because the government is going to trim back wasteful subsidies. That is a pretty absurd statement.

Myth No. 5. Some stated our bill will raise taxes. That is false. In fact, our bill is a tax cut. Our bill will cut taxes for millions of Americans. When fully phased in, our bill will cut taxes by tens of billions of dollars every year. Let me restate that. When fully phased in, our bill will cut taxes by tens of billions of dollars every year. And millions of Americans will be able to use those tax cuts to buy health insurance coverage.

Myth No. 6. Some say that a high-cost premium excise tax will raise taxes on working families. That too is false. The bill levies the high-cost premium excise tax on the insurance companies. It will put downward pressure on insurance company profits. And it will put pressure on insurance companies to offer more efficient insurance plans.

In fact, the Joint Committee on Taxation tells us that much of the revenue that the high-cost premium excise tax brings in is because employers will give workers raises. People will avoid insurance plans with high-cost premiums, and as a result employers will raise workers' salaries with the money they save. That is what the Joint Committee on Taxation predicts will happen. That is what they say over and over again in publicly given testimony.

Finally, the biggest myth of all, myth No. 7. Some say our bill is a government takeover of health care. That is so false. We have built our plan on the exchange marketplace that allows choice among private health insurance

company products, choice among private health insurance products.

People will be able to choose their own plan. They can choose their own plans among private options. Our bill does not include a public option. We did not include an employer mandate. And we pay for every cent. This is a uniquely American solution. We are not Canada. We are not Britain. We are America. This is a balance. We have a tradition of balance between public and private. This legislation accomplished that.

We do not buy into government-only solutions in America, but we do believe in rules of the road. Our bill provides a balanced solution. And CBO says we do so in a balanced way.

Soon it will come down to the Senate. My colleagues, this will be our opportunity to make history. Think of it. Our actions here will determine whether we will extend the blessings of better health care to more Americans.

Ours is a balanced plan that can pass the Senate. Our bill should win the support of Republicans and Democrats alike. Now the choice is up to Senators.

Hippocrates said that "health is the greatest of human blessings." But too many Americans are being deprived of that blessing. Let us enact this balanced, commonsense plan to improve health care. Let us reform the health care system to control costs and premiums. And let us extend the blessings of health care coverage to all Americans.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNIS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2393

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we call up amendment No. 2393.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNIS] proposes an amendment numbered 2393.

Mr. JOHANNIS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Prohibiting use of funds to fund the Association of Community Organizations for Reform Now (ACORN))

On page 203, between lines 23 and 24, insert the following:

SEC. 5 \_\_\_\_\_. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

Mr. JOHANNIS. I rise to talk about an amendment that should come as no surprise to my colleagues. The amendment is simple and straightforward. It is an amendment I have offered on a number of occasions that has been approved by this body. It prohibits any Federal funds from going to ACORN or any of its subsidiaries.

This amendment I have offered today was offered on three prior appropriations bills. Each time my amendment has gained significant bipartisan support: 83 votes the first time, 85 votes the second time, and by voice vote a third time. It is important we continue to take this action to prohibit funding in each of the remaining appropriations bills because ACORN is still eligible to receive Federal dollars from many other sources.

For any of my colleagues who might put forward the argument that ACORN typically does not get funding from the CJS appropriations bill, we can't be so sure. The fact is, ACORN has the opportunity to get money from various Federal pots that we could never have envisioned. For example, a public notice was sent out by the Department of Homeland Security on October 2 of this year announcing that ACORN was the recipient of an almost \$1 million grant for funds typically reserved for fire departments. Remarkable. Who knew that ACORN specialized in firefighting? I never would have thought ACORN could win a grant designed for fire safety and prevention. But, lo and behold, that is what happened only a few days ago. This happened after the Senate took several stands against providing Federal funds to this group and after House action.

Until a full government investigation is launched and completed into ACORN, no taxpayer money should be used to fund their activities. I urge all colleagues to once again support my amendment. The identical amendment has passed twice on strong bipartisan votes with over 80 Senators voting in favor, and the third time it passed by a voice vote. Where Senators stand on this issue is now well known.

For the record, I respectfully suggest that we can agree upon this amendment by voice vote at the appropriate time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2630

Mr. VITTER. I ask unanimous consent to set aside the pending amend-

ment and call up Vitter amendment No. 2630.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 2630.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the amounts made available in this title under the heading "COMMUNITY ORIENTED POLICING SERVICES" may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mr. VITTER. Mr. President, I will read the amendment to explain what it is about:

None of the amounts made available in this title under the heading "COMMUNITY ORIENTED POLICING SERVICES" may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

That is the entire amendment. What does that mean? That Illegal Immigration Reform Act is about the mandate that local government has to fully cooperate with Federal immigration officials with regard to immigration enforcement. It doesn't mean that local governments become immigration agents, that they have the affirmative responsibility to do all of that work for the proper Federal authorities. It does mean that when they come across illegal immigrants and arrest them, for instance, for local law violations, they are dutybound under Federal law to properly inform Federal authorities.

The problem is, in several select jurisdictions, so-called sanctuary cities, they have made the affirmative public statement and decision that they are not going to do that. They will not comply with Federal law. They are going to ignore Federal immigration law, and they are not going to cooperate in any way with Federal immigration enforcement authorities.

We can debate whether that is good policy or bad, but we don't really need to get to that level of debate because it is present Federal law that cooperation must be extended by local police agencies and local governments. These sanctuary cities—it is beyond debate—are violating current Federal law. They are taking Federal law and saying: Too bad. We are not going to have anything to do with it. We will violate Federal law. We will not cooperate in any way with Federal immigration enforcement.



My amendment says if you violate Federal law, you will have to live by some consequences. Specifically, you will lose COPS funding for your specific jurisdiction. If you want to do that, if you want to flaunt the law, there is going to be a meaningful consequence. You will lose community policing grants.

I believe this is reasonable and necessary because there are a number of sanctuary cities that have made the affirmative decision that they are going to flaunt and ignore and violate Federal law, have nothing to do with proper enforcement of Federal immigration law and the necessary cooperation between those Federal agencies and local law enforcement.

Nobody wants to make local law enforcement immigration enforcement. Nobody wants to place on them some affirmative duty to do the work of Federal immigration offices, which is significant. We are not trying to place that additional burden or some unfunded mandate on them. But existing Federal law does say they need to cooperate with Federal immigration enforcement. They can't have an affirmative policy that when they arrest, for a local charge, somebody who is in the country illegally, they forget about that, turn their eye to it, and never notify Federal authorities.

Tragically, this bad sanctuary city policy has had tragic results. I will mention one such instance. This involved an illegal alien, Edwin Ramos, who is currently being charged with three counts of murder in San Francisco. That is because he shot and killed Tony Bologna, 48, and his two sons—Michael, 20, and Matthew, 16—after they were driving home from a family picnic last June. Apparently, this dispute started after Tony Bologna blocked the gunman's car from completing a left turn. That was enough to merit getting out of the car and unloading a semiautomatic weapon on Bologna's vehicle, killing him and both of his sons.

Ramos is a native of El Salvador. He was in the country illegally. He is a reputed member of the gang MS-13, and had previously been found guilty of two felonies as a juvenile; not exactly misdemeanors either, a gang-related assault and the attempted robbery of a pregnant woman. Ramos had been arrested at least three times before this triple murder. He was living illegally in the United States. There was no documentation of legal status, no temporary visa status.

So why wasn't he deported when he was arrested, particularly on violent charges? Because San Francisco is a sanctuary city. They have made the affirmative determination that established a policy of breaking Federal law and not having anything to do with immigration enforcement. That led directly to a triple murder of three inno-

cent American citizens. This is one tragic story. There are others.

The bottom line is, we have a Federal law that should prevent that. We need that law enforced and lived by, by all local jurisdictions. The Vitter amendment will put some reasonable teeth behind enforcement and some meaningful consequence when local authorities choose to completely ignore and violate Federal law.

I urge my colleagues to support this commonsense, reasonable amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2653

Mr. BUNNING. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 2653.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING], for himself, Mr. JOHANNES, Mr. CORNYN, Mr. DEMINT, Mr. ROBERTS, Mr. WICKER, Mr. ENSIGN, and Mr. BARRASSO, proposes an amendment numbered 2653.

Mr. BUNNING. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) COMMITTEES.—Rule XXVI of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"14. (a) It shall not be in order in a subcommittee or committee to proceed to any legislative matter unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 72 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

"(b) With respect to the requirements of subparagraph (a)—

"(1) the legislative matter shall be available on the official website of the committee; and

"(2) the final score shall be available on the official website of the Congressional Budget Office.

"(c) This paragraph may be waived or suspended in the subcommittee or committee only by an affirmative vote of ⅔ of the Members of the subcommittee or committee. An affirmative vote of ⅔ of the Members of the

subcommittee or committee shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

"(d)(1) It shall not be in order in the Senate to proceed to a legislative matter if the legislative matter was proceeded to in a subcommittee or committee in violation of this paragraph.

"(2) This subparagraph may be waived or suspended in the Senate only by an affirmative vote of ⅔ of the Members, duly chosen and sworn. An affirmative vote of ⅔ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subparagraph.

"(e) In this paragraph, the term 'legislative matter' means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment but does not include perfecting amendments."

(b) SENATE.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"6. (a) It shall not be in order in the Senate to proceed to any legislative matter unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 72 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

"(b) With respect to the requirements of subparagraph (a)—

"(1) the legislative matter shall be available on the official website of the committee with jurisdiction over the subject matter of the legislative matter; and

"(2) the final score shall be available on the official website of the Congressional Budget Office.

"(c) This paragraph may be waived or suspended in the Senate only by an affirmative vote of ⅔ of the Members, duly chosen and sworn. An affirmative vote of ⅔ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

"(d) In this paragraph, the term 'legislative matter' means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment but does not include perfecting amendments."

(c) PROTECTION OF CLASSIFIED INFORMATION.—Nothing in this section or any amendment made by it shall be interpreted to require or permit the declassification or posting on the Internet of classified information in the custody of the Senate. Such classified information shall be made available to Members in a timely manner as appropriate under existing laws and rules.

Mr. BUNNING. Mr. President, I will speak more on this amendment at a later time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, NASA is at a very difficult crossroads right



now in determining the future of human space flight, and I would like to talk about that.

NASA is in the process of deciding where to put its full support and funds—whether it should be behind the current Constellation Program or whether it should change course and go in another direction.

The Augustine Commission has announced some recommendations and described them both but leaves it up to NASA to make the decision as to where it will go. I am very concerned NASA will agree with those recommendations that will relate to access to the International Space Station and will affect low-Earth orbit in these difficult budgetary times.

We have just finished the space station. So the time comes now to decide how to use it to its greatest advantage. The space station was built with the shuttle program, and it has always been understood that the space shuttle will be retired next year. After that happens, we will be relying upon Russia to get our astronauts into space.

The original plan was that once the shuttle was retired, the next vehicle to get us into space would be the Ares I. That is the pivotal point where the decision has to be made: Shall we go ahead with Ares I?

I am very concerned that NASA may want to divert precious resources from the Ares I program in the hope that the commercial space industry can fill the void. Well, it is disconcerting to me because we have a successful track record of the Ares program but a less than desirable record of the commercial space industry. We have invested over 4 years and \$6 billion in the Ares I and Orion programs, and it is on track.

Just last month, we had a successful ground test of the new Ares I rocket in Utah. Later this month, NASA will conduct the first flight test—on track to deliver a safe, reliable rocket.

Changes in NASA's plan should only be made if alternatives are available to provide significant advantages in cost, schedule, performance, and safety. The program that is working should not be dropped unless those advantages are very clear, and as of now there are no credible alternatives. To me, it makes sense to stay committed to a program we have already invested billions of dollars in and which has met its significant benchmarks.

Right now, the Ares I is the only credible solution we have for getting crew and cargo services into space once the shuttle is retired. The Ares I system came out of the Gehman report that followed the Columbia accident, recommending that the shuttle be replaced with a launch system that would maximize crew safety. Aries will achieve those standards.

The system builds on an existing manufacturing infrastructure that builds on our strengths. We already

have the industrial base to go ahead with Ares. We do not have to invent anything new. We paid for the research. Why would we forego years of successful research and billions of dollars in the promise of an untested method of getting into space? Why would we take the gamble? If it turns out the hope that the commercial people could fill the void is wrong, we will have lost the industrial base that preserves our existing alternative to the commercial system.

What will NASA do then, if that which they might place their hopes in turns out to fail, and they have dismantled the program we now know works? How much money would we save if we were confronted with that situation a few years down the road? We risk losing the industrial base that is paramount to American competitiveness.

I know I will be accused of being parochial because a good portion of that industrial base is in my home State of Utah, but that does not lessen its significance or its competence.

The Ares program takes advantage of facilities and an already-trained workforce that has made the most reliable rockets in the world, having flown and tested over 200 of these solid rocket motors. We are already seeing reductions in our manufacturing base in this circumstance in Utah. Just this last week, 550 more people who would be critical to NASA in maintaining that base have lost their jobs, and if we abandon the Ares program, we could lose thousands more. Yes, I am interested because it is important to my State, but I am equally, if not more, interested because I think it is important to the Nation not to take this kind of gamble.

I seriously urge the administration to take a look at the bird they have in their hand, the bird that has flown over 200 times successfully, and not be too excited about the bird that may lie waiting for them somewhere in the bush.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to thank the Senator from Utah for his remarks. We have essentially three space Senators on the floor—the distinguished Senator from Florida, our Presiding Officer, who has actually been an astronaut, and you can ask him if he wants to go into space with the lowest bidder. I think there are certain things that one can't pick who the lowest bidder will be.

I think there is much to be debated. We have the Augustine report, on which there has been a hearing, and our bill, the CJS bill, we fully fund the reliable transportation system that would be developed by our government. If the President were to change that, that would be a new direction and a

new appropriation on which there would be tremendous debate and discussion.

So I wish to assure the Senator from Utah and the Presiding Officer, who often speaks for the brave men and women who go into space, that what the CJS bill does is fully fund, No. 1, what we need now to make sure our space shuttle is safe and fit for duty as it comes to the end in this decade of its usable service. Our No. 1 priority will always be the safety of the astronauts, not the bottom line.

The second thing is that in our appropriations we disagreed with the House. We actually put money in the Federal checkbook to develop the new programs, the new technologies for the next generation of reliable space transportation vehicles, and it follows very much the framework that the Senator from Utah has outlined.

So we look forward, once again, to working on our space program in a bipartisan way. One of the joys of chairing this committee is that when it comes to our National Space and Aeronautics Agency, we work on a bipartisan basis.

The Senator from Utah might be interested to know, when I first came to the Senate and went on the then VA-HUD Committee that funded NASA, the ranking member was Jake Garn, your colleague. As we all recall with fondness, Senator Garn was himself also a Senator astronaut. I must say it was Senator Garn who—I was a Goddard gal; Goddard is in Maryland. But space is about space, not about an individual State. Through his excellent workmanship, his patience, his guidance, I came to know the space program. Within 2 years, I happened to, with the retirement of Senator Proxmire, take over the committee. I could not have been an effective Senator had it not been for the wise guidance I received from Jake Garn. We did it because we worked together.

So this Senator has a real fondness for the Senator from Utah speaking about the space program. But I only want to reiterate how, when we work together, it is bipartisan, it is in the interests of our country, it is about the stars and the galaxies and the planets, but it is also about developing that new technology that creates the new jobs.

I am here sitting in a wheelchair wearing a space boot. I look like I am Sally Ride's advance woman. But it is a special device. Many materials were developed through our space program. It is an innovative technology, where you go beyond the outdated casts that neither expanded nor contracted during the day that this one can do. So this technology externally protects me from, quite frankly, anybody treading on me, if you can believe it, but it protects me. Internally, it has the genius devices that can deal with either the

contraction or the expansion of your leg in the course of a day. All of that came out of our space program. So it is not only about Senator BARBARA MIKULSKI and her space boot but all over we have been able to develop new medical devices because of our space program: digital mammography, saving the lives of women; a space boot that makes sure that after you have had the services of a talented and gifted surgeon, your leg is also protected. So you better believe I am going to protect the space program as much as the space program helped protect my leg today. So I wanted to let the Senator know that.

We are going to be voting in about 5 minutes on a Vitter amendment. I know there is another one that the Senator from Utah has cosponsored, which is going to be tomorrow. Right now, we are going to vote in a few minutes on sanctuary cities. I am going to yield the floor to the Senator from New Jersey, who is very knowledgeable on this topic.

I yield to Senator MENENDEZ.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I thank the distinguished Senator from Maryland for yielding.

#### AMENDMENT NO. 2630

Mr. President, I ask unanimous consent that the time until 5:55 p.m. be for debate prior to a vote in relation to the Vitter amendment No. 2630, with the time equally divided and controlled in the usual form, and that at 5:55 p.m. the Senate proceed to vote in relation to the Vitter amendment No. 2630, with no amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise to speak against the Vitter amendment. This amendment is downright dangerous. It is dangerous to threaten policing funds to cities such as New York, San Francisco, Los Angeles, Chicago, Washington, DC, and smaller towns across America that have chosen to encourage their community members to report crime.

The Senate tabled this same amendment last year. The reason this body was wise enough to defeat it last year was because we understood that some of the toughest law enforcement officials in our country, from sheriffs to prosecutors, and a whole host of law enforcement officials in between, understand the cooperation of the communities essential in fighting crime. Senator VITTER's amendment would deny moneys to at least 50 cities in a whole host of States represented by Members on both sides of the aisle.

I want to solve the crime. I want to get the perpetrator. I want to convict the person and put them in jail. I don't

want the opportunity to go to waste because of some political statement having nothing to do with the core issue of security in our communities. Do we want witnesses to be able to come forward and provide essential, crucial eye witness testimony about the crime or do we want them to hide in the darkness and not talk to police because they are afraid of their immigration status? I want to make sure a witness comes forth and testifies against a perpetrator and has no fear to do so. That is why local police oppose this amendment.

The unwillingness of that person to come forward because of a fear may lead to other crimes being committed by that same individual in the same community; perhaps to a child who might be molested, to a person who might be assaulted, to a family who might get robbed.

So instead of catching the perpetrator, we prefer to deny moneys to communities that have a view that community policing is in their best interests and that means bringing the community in as part of that effort. These cities have made decisions across the landscape of this country—urban, suburban, and rural—to say we care more about prosecuting the crime and finding the criminal and having the witness come forward to tell us all about that crime so we can stop that person from continuing to perpetrate crimes against other people in our communities than we care about the person's status. These cities have decided they do not want a chilling effect to prevent people from reporting crime.

That is what tough law enforcement will tell you. Sheriffs will tell you, prosecutors will tell you, police chiefs will tell you, and they will tell you they want the community to participate in fighting crime. That is why we should vote to table the Vitter amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the question is on agreeing to amendment No. 2630.

Mr. MENENDEZ. Mr. President, I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. BENNETT). Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 316 Leg.]

#### YEAS—61

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Bayh	Inouye	Reed
Begich	Johnson	Reid
Bennet	Kaufman	Rockefeller
Bingaman	Kerry	Sanders
Boxer	Kirk	Schumer
Brown	Klobuchar	Shaheen
Burris	Kohl	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	McCaskill	Voinovich
Dorgan	Menendez	Warner
Durbin	Merkley	Webb
Feingold	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

#### NAYS—38

Alexander	Crapo	Landrieu
Barrasso	DeMint	LeMieux
Bennett	Ensign	Lugar
Bond	Enzi	McCain
Brownback	Graham	McConnell
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Thune
Collins	Isakson	Vitter
Corker	Johanns	Wicker
Cornyn	Kyl	

#### NOT VOTING—1

Byrd

The motion was agreed to.

Mr. MENENDEZ. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

#### AMENDMENT NO. 2627

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I may call up, on behalf of myself and Senator COBURN, amendment No. 2627.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. COBURN, proposes an amendment numbered 2627.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure adequate resources for resolving thousands of offshore tax cases involving hidden accounts at offshore financial institutions)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) IN GENERAL.—The Attorney General shall direct sufficient funds to the Tax Division, including for hiring additional personnel, to ensure that the thousands of civil and criminal cases pending or referred during the 2010 fiscal year to the Tax Division or to an Office of a United States Attorney related to a United States person who owes taxes, interest, or penalties in connection with a foreign financial account at an

offshore financial institution or who assisted in the establishment or administration of such an account are—

(1) acted on in a prompt fashion by a Federal prosecutor or attorney;

(2) resolved within a reasonable time period; and

(3) not allowed to accumulate into a backlog of inactive cases due to insufficient resources.

(b) **REPROGRAMMING.**—If necessary to carry out this section, the Attorney General shall submit a request during the fiscal year 2010 to reprogram funds necessary for the processing of such civil and criminal cases.

Mr. LEVIN. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2647, AS MODIFIED

Mr. DURBIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I be allowed to offer an amendment to the pending legislation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I send an amendment to the desk and ask the clerk report the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2647, as modified.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To require the Comptroller General to review and audit Federal funds received by ACORN)

On page 203, between lines 23 and 24, insert the following:

#### SEC. 533. REVIEW AND AUDIT OF ACORN FEDERAL FUNDING.

(a) **REVIEW AND AUDIT.**—The Comptroller General of the United States shall conduct a review and audit of Federal funds received by the Association of Community Organizations for Reform Now (referred to in this section as “ACORN”) or any subsidiary or affiliate of ACORN to determine—

(1) whether any Federal funds were misused and, if so, the total amount of Federal funds involved and how such funds were misused;

(2) what steps, if any, have been taken to recover any Federal funds that were misused;

(3) what steps should be taken to prevent the misuse of any Federal funds; and

(4) whether all necessary steps have been taken to prevent the misuse of any Federal funds.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Com-

troller General shall submit to Congress a report on the results of the audit required under subsection (a), along with recommendations for Federal agency reforms.

Mr. DURBIN. Mr. President, this amendment relates to an organization that is controversial—an organization known as ACORN. We have seen videos in which the employees of ACORN were alleged to have said despicable things, and in fact, on those tapes, did say despicable things. The employees in question have been fired by their organization, and ACORN is being investigated by several State and Federal agencies because of their misconduct and potential misuse of government funds.

I am also troubled by the discoveries of voter registration fraud, and I am glad that ACORN reported those incidents to authorities. The employees involved have also been fired by ACORN. The actions by those employees were not tolerated, and should not be tolerated. They were inexcusable. Anyone who has broken the law should be held accountable and, if necessary, prosecuted.

ACORN deserves much of the criticism it has received for allowing this type of behavior to happen. However, although ACORN was clearly wrong, we are seeing in Congress an effort to punish ACORN that goes beyond any experience I can recall in the time I have been on Capitol Hill. We have put ourselves—with some of the pending amendments—in the position of prosecutor, judge, and jury.

Mr. President, I went to one of these old-fashioned law schools. We believed that first you have the trial, then you have the hanging. But, unfortunately, when it comes to this organization, there has been a summary execution order issued before the trial. I think that is wrong. In America, you have a trial before a hanging, no matter how guilty the party may appear. And you don't necessarily penalize an entire organization because of the sins or crimes of a limited number of employees. First, we should find out the facts.

I know ACORN is unpopular right now, and much of that scorn they deserve, but ACORN has a number of affiliated organizations. Incidentally, they are not in Illinois. They do not operate in my State. It is my understanding they have been gone for several years. But they have a number of affiliated organizations that would be affected by the approach which has been suggested, by an amendment which is pending on this legislation.

To my knowledge, we have not yet seen any review or analysis of whether the misconduct was the work of a few employees or whether the entire organization and all of its affiliates should be held responsible. There may well be entities affiliated with ACORN that are not at fault and that provide essential services to low-income communities.

Let's get to the bottom line. Why has this organization been treated dif-

ferently than others? Why has it been the focus of attention? This organization focuses on poor people in America. They have registered over 1 million voters, and I am sure most people believe those voters are going to vote in a certain political way. Folks on the other side of the political equation don't care for that—1 million voters voting against them. So they have been inspiring this effort against ACORN.

Also, over the years, ACORN has been involved in many different States to improve minimum wages for poor employees—poor people who are trying to get enough money to keep their families together. That doesn't sit well with a number of businesses, and I am sure they have increased the anger of a lot of people over their conduct. They have also been involved in counseling people who are about to lose their homes to foreclosures, how to avoid predatory lenders—banks that are unscrupulous. I am sure those banks don't care for ACORN either.

So they have made their share of enemies working with and standing up for poor people across America. They have certainly made their share of mistakes. We saw that in videotapes, and we have seen it in other disclosures. But Congress should not, without careful consideration, permanently deny assistance to the thousands of people and families who have been receiving ACORN's legitimate legal help to avoid predatory lending and foreclosure because of the misconduct of a handful of employees who have been terminated by ACORN.

That is why I am proposing that we get to the bottom of this by having a thorough investigation; that Congress direct the Government Accountability Office to review and report back to us within 180 days on whether any Federal funds have been misused by ACORN or its affiliates; and, if so, in what amounts and in what ways.

This doesn't stop this administration from deciding not to use the services of this organization when it comes to taking the census. The Obama administration announced they were not going to use this organization. That is within their right to do. I am not questioning that decision. But the efforts by Members on the Senate floor have gone far beyond any agency's single decision. They have tried to blackball this organization and say it shouldn't do any work of any kind in any capacity before we have thoroughly investigated the charges that have been raised against it.

The report I have called for should also identify the steps necessary to correct any deficiencies, along with an assessment of whether all necessary steps have been taken to prevent any future misuse of Federal funds. The GAO will be able to conduct a government-wide review—not just one agency—looking at any funds ACORN or its

affiliates have received from any Federal agency. It will be a complete and comprehensive review and investigation.

I am not excusing ACORN or its employees for any misconduct. To the contrary, I think they should be held accountable, particularly for the misuse of any Federal funds, if it occurred. But if we get into the business of passing bills and resolutions against unpopular people or organizations, this is a road we ought to carefully travel. There are a lot of companies and organizations out there that have received government funding and that have had employees commit fraud or other despicable acts.

I found it curious, the level of anger and the level of interest when it comes to ACORN. Yet when it turned out that Kellogg Brown & Root—a subsidiary of Halliburton, which was a sole-source contractor during our war in Iraq—was found to have been involved in conduct that led to shoddy workmanship and which cost the life of an American soldier by electrocution and endangered many others; when this same organization was involved in supplying water supplies and sources to our troops that were dangerous; when in fact there was evidence of sexual harassment, I didn't see the same level of anger coming from the media or from my colleagues on the floor of the Senate. No. But when it comes to ACORN, registering poor people to vote, then we have to take action.

We need an approach that can stand the test of time and the test of justice. My approach is based on some pretty fundamental American principles, calling for this GAO study and investigation. First, individuals should be held accountable for their actions. Second, organizations—and I might add corporations too—should be held accountable for the policies they set. Third, organizations and corporations should not be permanently cut off based on the actions of individual employees who violated the organizational policy and were fired.

There should be a process for addressing wrongs and moving forward with policies that will prevent future misdeeds. That isn't a new idea, it is a very old idea. It is the American system of justice. So let's let the Government Accountability Office get to the bottom of this. Let's make sure we have done our due diligence; have a thorough, complete, honest and accurate, fair investigation before we pass laws that turn us into judges and juries.

The report I am calling for will provide us with the guidance we need. Let's follow the facts. Let's not follow our passions. It is a clear call for accountability from the Government Accountability Office when it comes to this organization of ACORN. I urge my colleagues to support it.

Mr. President, I yield the floor.

Mr. INOUE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF CONGRESSIONALLY DIRECTED  
SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies H.R. 2847 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

Mr. BEGICH. Mr. President, I wish to speak on an amendment I have filed with my colleague from Alaska, Senator MURKOWSKI.

This amendment will repeal a provision contained in the Commerce, Justice, and Science Appropriations bill each year since 2004, which has prevented tribes in certain areas of Alaska—and only in Alaska—from receiving any Federal funds to support their programs. This rider was added several years ago as part of a dispute over tribal sovereignty, but I join with Senator MURKOWSKI to say to our colleagues that whatever the merits of the past dispute, this provision is having real and adverse impacts on the administration of justice in Alaska.

Perhaps no place is seeing the negative impacts of this policy quite as acutely as Sitka, AK. This provision is currently harming the efforts of the Sitka Tribe of Alaska to work with the judicial system of the State of Alaska, and everyone in that part of the State—Alaska Native or not—is paying the price.

The Sitka Tribe has been working with the State of Alaska's court system to create a collaborative effort to battle substance abuse in their community. Tribal leaders and local court officials created the Tribal Youth Diversion Effort, TYDE, which currently takes on the nonviolent drug possession cases of both native and non-native minors, rather than forcing local youth to go through the State court system. This program has reduced the caseload of the both the State courts and city attorney. Perhaps even more importantly, the TYDE program provides the youth with a comprehensive program to deal with substance abuse. It is a successful program, and both tribal leaders and local criminal justice officials would like the opportunity for the Sitka Tribe to receive Federal funds to support and expand their important work.

Currently, because of this 2004 rider, the Sitka Tribe cannot receive any Department of Justice funding for their programs. I believe we should do more to support local programs such as the TYDE in their efforts to prevent alco-

hol and drug abuse. This is a problem for American youth wherever they live, but it is an especially devastating circumstance for Alaska Natives. Tribal governments in the lower 48 do not face similar restrictions, and along with my colleague Senator MURKOWSKI, I respectfully request that my colleagues support this important amendment.

MORNING BUSINESS

Mr. BENNET. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR EDWARD  
M. KENNEDY

Mr. CASEY. Mr. President, today we remember our colleague and our friend Senator Ted Kennedy. There are few people alive today whose lives have not been impacted by the work of Senator Kennedy.

A brilliant legislator, Senator Kennedy championed bipartisanship and compromise to leave behind an incomparable record. In his 45 plus years in the U.S. Senate, he authored over 2,500 bills and several hundred became law. Today, people with disabilities cannot be discriminated against in the workplace because of Senator Kennedy. Women must be paid the same as men for the same work because of Senator Kennedy. And low-income children have access to health care because of Senator Kennedy.

Like his brothers before him, Senator Kennedy challenged young people across America and around the world to devote their lives to something more than just themselves and lead by example. Whether it was championing civil rights legislation in the 1960s, condemning apartheid in South Africa before it became politically popular to do so, promoting the need for early childhood education or advocating for health care, Senator Kennedy led the charge.

Senator Hubert Humphrey once said that the moral test of government is how it treats those in the dawn of life, our children, those in the twilight of life, our older citizens, and those in the shadows of life, people with disabilities, the homeless, the dispossessed. Senator Kennedy took up the causes of these Americans as his own. The poor, the powerless and the forgotten lost an ever-faithful protector and their tireless advocate.

On a personal note, I recall in early 2007, during my first weeks in the Senate, Senator Kennedy gave me and other freshman Senators floor time to speak about increasing the minimum wage. In early 2009, when I was named

to the HELP Committee, Senator Kennedy called to welcome me to the committee and invited me to hold field hearings in Pennsylvania on issues like health care and education. I will never forget his courtesy and the respect he showed to fellow Senators.

In closing, I am reminded of the words Senator Kennedy spoke about Mike Mansfield when the majority leader retired:

No one in this body personifies more nearly than Mike Mansfield the ideal of the Senate. Wisdom, integrity, compassion, fairness, humanity—these virtues are his daily life. He inspired all of us, Democrat and Republican, by his unequalled example. He could stretch this institution beyond its ordinary ability, as easily as he could shame it for failing to meet its responsibility.

The same can be said about Senator Kennedy. We will miss him in this Chamber, but we will never forget the lessons he taught us or the legacy he leaves behind.

#### HONORING OUR ARMED FORCES

SPECIALIST PAUL E. ANDERSEN

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of SPC Paul E. Andersen from South Bend, IN. Paul was 49 years old when he lost his life on October 1, 2009, due to injuries sustained from indirect fire in Baghdad, Iraq. He was a member of the 855th Quartermaster Company, U.S. Army Reserve, South Bend.

Today, I join Paul's family and friends in mourning his death. He will forever be remembered as a loving husband, father, and friend to many. Paul is survived by his wife Linda, children, grandchildren, and extended family.

Paul joined the Army in 1984. In November of 2008, he began his second tour in Iraq. Paul was a Michiana native who grew up in Elkhart and graduated from Buchanan High School in 1979. For the past 8 years he was living and working in South Bend. He loved his wife Linda deeply and returned home on leave this past August to celebrate their fifth wedding anniversary. Family members say he lived to be in the service and loved military life. Though he was scheduled to return from Iraq in early November, Paul had expressed a strong desire to stay in Iraq for another year. Just prior to his death, he had reenlisted for the next 6 years. His family takes comfort in the idea that he died doing what he loved most.

While we struggle to express our sorrow over this loss, we can take pride in the example Paul set as a soldier, father, and grandfather. Today and always, he will be remembered by family, friends and fellow Hoosiers as a true American hero, and we cherish the legacy of his service and his life.

It is my sad duty to enter the name of Paul E. Andersen in the official RECORD of the U.S. Senate for his serv-

ice to this country and for his profound commitment to freedom, democracy, and peace. I pray that Paul's family can find comfort in the words of the prophet Isaiah, who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Paul.

#### ADVANCED TACTICAL LASER

Mr. BINGAMAN. Mr. President, under paragraph 9 of rule XLIV of the Standing Rules of the Senate, I am here by submitting a description of Senate amendment No. 2605 that was accepted by unanimous consent to H.R. 3326 as follows:

Item: Additional User Evaluation and System Study for Advanced Tactical Laser (ATL)

Request Amount: \$5.0M.

Requestor: Boeing Corporation

Address: Boeing—SVS, 4411 The 25 Way NE #350, Albuquerque, NM 87109-5858

Suggested Location of Performance (major portion of the work): Albuquerque, NM.

Senate amendment No. 2605 proposes to allocate up to \$5 million consistent with the Air Force Scientific Advisory Board report entitled "The Airborne Tactical Laser (ATL) Feasibility for Gunship Operations" to conduct additional enhanced user evaluation of the ATL and enter into an agreement with a federally funded research and development center to conduct a system analysis of integrating solid state laser systems onto C-130, B-1, and F-35 platforms for the purpose of close air support. Such system study shall estimate per unit costs of such laser systems as well costs to operate and maintain each platform with the laser system.

Why Spending is in Interest to the Taxpayer: The Air Force Scientific Advisory Board report entitled "The Airborne Tactical Laser (ATL) Feasibility for Gunship Operations" made a number of recommendations regarding the advanced tactical laser. In addition to phasing out the ATL chemical laser system and transitioning to an electric laser system, the board recommended that additional enhanced user evaluations take place of the integrated laser-gunship system so that the most data possible can be collected of the funds spent to date on operational aspects of the tactical laser system regardless of laser characteristics. In addition, the board questioned the utility of placing tactical laser systems on high-speed platforms such as the F-35 and B-1, which were not designed for low speed, long-loiter close air support missions and recommended a system study of the available platforms to understand the cost per unit of integrating the laser onto each platform as

well as long-term operations and maintenance costs with each integrated system. Senate amendment No. 2605 carries out the recommendations of the board to get the best benefit of the taxpayer's dollar spent to date and into the future on tactical laser systems under development by the Air Force.

I ask unanimous consent to have printed in the RECORD a letter dated October 7, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, October 7, 2009.

Hon. DANIEL INOUE, Chairman, Committee on Appropriations, Subcommittee on Defense, Senate Appropriations Committee, Senate Dirksen Office Building, Washington, DC.

Hon. THAD COCHRAN, Vice Chairman, Committee on Appropriations, Subcommittee on Defense, Senate Appropriations Committee, Senate Dirksen Office Building, Washington, DC.

DEAR CHAIRMAN INOUE AND VICE-CHAIRMAN COCHRAN: On October 6th, the Senate adopted by unanimous consent Senate Amendment 2605, which proposes to allocate up to \$5 million consistent with the Air Force Scientific Advisory Board report entitled "The Airborne Tactical Laser (ATL) Feasibility for Gunship Operations" to conduct additional Enhanced User Evaluation of the ATL and enter into an agreement with a Federally Funded Research and Development Center to conduct a system analysis of integrating solid state laser systems onto C-130, B-1 and F-35 platforms for the purpose of close air support.

I certify that neither I nor my immediate family has a pecuniary interest in this congressionally directed spending item, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate. I further certify that I have submitted a description of the amendment in the Congressional Record and on my official website, along with the accompanying justification. If you have any questions, contact Dr. Jonathan S. Epstein on my staff.

Sincerely,

JEFF BINGAMAN,  
U.S. Senator.

#### REMEMBERING BELLE ACKERMAN LIPMAN

Mr. LEVIN. Mr. President, I wish to remember the life of an extraordinary woman. Belle Ackerman Lipman passed away at her home in Memphis, TN, on August 17, 2009, in the 100th year of her remarkable life. A beloved wife, mother, grandmother, great-grandmother, and friend, Mrs. Lipman is a model for all of us who hope to live life fully and for all the years granted us.

A daughter of Romanian immigrants, Belle Ackerman was born in 1910 in Philadelphia, where her parents owned a general store. Just five blocks away from the store lived young Mark Lipman, who would become the love of Belle's life. The businessman and his young wife moved not long after their marriage to Little Rock, AR, where

Mark saw new business opportunities, and then in 1958 to Memphis, TN. There, Belle Lipman became a pillar of the community. Her work in civic affairs was extensive. She was president of the Little Rock chapter of Hassadah, the worldwide Jewish women's organization, among a host of endeavors in charity, service and the arts.

But it is not those remarkable accomplishments alone that made Belle Lipman such a special woman. As years passed, her zest for life, for new experience, and to learn of new cultures grew apace. A lifelong interest in travel made her one of the first American citizens to travel to China after diplomatic relations with that nation were reestablished in 1979. Her travels took her to a hot-air balloon over the plains of Kenya, the rivers of the Amazon, and the ancient cities of Peru. She rode the Orient Express at the age of 87. At 92, she crossed the Arctic Circle. At 95, she visited the mountains of Tibet and a host of other places. At her 95th birthday party, she celebrated the only way she knew how, with verve by dancing the Charleston.

Belle Lipman was a model—a model of how to live life to the fullest and how a thirst for new experiences can fill a lifetime. My wife Barbara and I send our condolences to her beloved children, her son Ira and her daughter Carol, her grandchildren, and her great-grandchildren. We do so with the sure knowledge that the joy of Belle Lipman's life will over time ease the pain of her passing, leaving the warmest of memories to sustain family and friends.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO LOUISIANA WWII VETERANS

• Ms. LANDRIEU. Mr. President, I am proud to honor a group of 90 World War II veterans from all over Louisiana who traveled to Washington, DC, on September 26 to visit the various memorials and monuments that recognize the sacrifices of our Nation's invaluable service members.

Louisiana HonorAir, a group based in Lafayette, LA, sponsored this trip to the Nation's Capital. The organization is honoring surviving World War II Louisiana veterans by giving them an opportunity to see the memorials dedicated to their service. The veterans visited the World War II, Korea, Vietnam, and Iwo Jima Memorials. They also traveled to Arlington National Cemetery.

This was the first of three flights Louisiana HonorAir made to Washington, DC, this fall. It is the 18th flight to depart from Louisiana, which has sent more HonorAir flights than any other State to the Nation's Capital.

World War II was one of America's greatest triumphs but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American service members were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen, and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today about 30,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. This group had 25 veterans who served in the U.S. Army, 19 in the Army Air Corps, 29 in the Navy, 11 in the Marine Corps, 2 in the Merchant Marines, 2 in the Coast Guard, and 2 were Army nurses.

Our heroes, many of them from South Louisiana, trekked the world for their country. They fought in Germany, Holland, France, Italy, Africa, Guam, Bougainville, Guadalcanal, Iwo Jima, Okinawa, the Philippines, New Guinea, Japan and Saipan. Their journeys included the invasions of North Africa, Sicily, and Normandy.

One of our Army Air Corps veterans was declared missing in action for 58 days in Yugoslavia after bailing out of his aircraft. Another Army veteran fought bravely in the Battle of the Bulge, while an Army Air Corps veteran made the Bataan Death March and spent 5 years in prison camps before being liberated on August 17, 1946.

One Navy veteran earned a Gold star, Bronze star, and Hazardous Award for his service in the Pacific. An Army Air Corps veteran fought in Europe, Africa, and the Middle East where he received an Air Medal, three oak leaf clusters, and a Distinguished Unit Badge for his outstanding service.

A Navy veteran earned seven campaign stars and was in Tokyo Bay the morning of the Japanese surrender. Another veteran served as part of the 101st Airborne, fighting in Holland, Bastogne, Alsace, Ruhr, and Berchtesgarden.

I am also proud to acknowledge that of the 90 veterans who visited Washington this past weekend, 5 were women who served our country with honor and distinction during World War II. Three brothers also made the trip together.

I ask the Senate to join me in honoring these 90 veterans, all Louisiana heroes, who visited Washington, and Louisiana HonorAir for making these trips a reality. •

#### RECOGNIZING REED & REED, INC.

• Ms. SNOWE. Mr. President, as our Nation increases its efforts to be more

environmentally friendly, individuals, families, and businesses, both large and small, wisely continue to invest in green energy innovation. As we enter an exciting era of remarkable technological advances that will change the course of America forever, we are creating a more energy efficient and competitive Nation. I wish to recognize a small contracting firm from my home State of Maine that has become a leader in the promising field of wind power technology.

Located in the small midcoast town of Woolwich, Reed & Reed, Inc., is a general contracting company that focuses on a wide array of projects ranging from bridge construction to wind power services. Founded in 1928, the company was a partnership of Captain Josiah W. Reed and his son, Carlton Day Reed, with a mere \$2,000 capital investment. Presently run by two Colby College graduates, president and CEO Jackson A. Parker and treasurer Thomas C. Reed, Reed & Reed is well positioned to remain the premier wind power services contractor in New England for decades to come.

Throughout its storied history, Reed & Reed has been at the center of numerous critical projects across the region. From its early focus on constructing bridges, to more recent ventures including commercial buildings, marine terminals, and industrial facilities, the company has built a strong reputation based on the expansive breadth of its work. Among other efforts, Reed & Reed has helped construct facilities at the Brunswick Naval Air Station and Portland's International Ferry Terminal and has been involved in several transportation construction projects, including repairs to bridges on Maine's interstate highways and the Maine Turnpike Widening Project earlier this decade. One of the more impressive projects Reed & Reed has been associated with is the historic Penobscot Narrows Bridge, only the second cable-stayed bridge in all of New England and a massive accomplishment in its own right. Additionally, the company earned numerous recognitions and awards for this monumental task, including an Outstanding Civil Engineering Achievement Award from the American Society of Civil Engineers.

Reed & Reed has most recently taken the leading role in several wind power service projects in various spots across Maine. The firm is presently at work on the Kibby Mountain Wind Power Project, slated for completion 1 year from now. And Reed & Reed was at the heart of what is now Maine's largest wind power producer, the Stetson Mountain Project, which was completed last year in Danforth.

Earlier this year, the Maine Development Foundation selected Reed & Reed as one of its Champions of Economic Development because of the company's



broad commitment to economic growth in Maine, high professional standards, and innovativeness. Among countless other awards, Reed & Reed has also received seven Build Maine Awards from the Associated General Contractors of Maine, the most recent in recognition of the firm's extraordinary efforts on the Stetson wind project. Awarded based on a firm's innovation, environmental sensitivity, safety record, and general excellence, the Build Maine Award is a truly fitting tribute to Reed & Reed's superior quality of work.

Of note, leaders from Reed & Reed recently visited Spain and Germany with Maine Governor John Baldacci and other wind industry representatives as part of a weeklong trade mission. The trip provided a prime opportunity to showcase Maine's emergence as a leader in wind power, and it was a tremendous honor for such a deserving company to be invited to participate.

A name synonymous with ingenuity, Reed & Reed is leading Maine and New England into a new frontier of innovation and environmental responsibility. I commend Messrs. Parker and Reed, and everyone at Reed & Reed, for eight decades of unparalleled work in a variety of fields and wish them continued success in their multiple endeavors.●

#### RECOGNIZING LOUISVILLE, COLORADO

● Mr. UDALL of Colorado. Mr. President, today I congratulate the city of Louisville, CO, for being named recently as the top place to live in the Nation by Money Magazine. I know that Colorado is home to many amazing towns, cities and communities. It would be nearly impossible to choose which among them is the top place to live, but I am proud that Louisville received this prestigious honor.

Every 2 years, Money Magazine releases a ranking of cities under 50,000 residents. In compiling these rankings, the editors consider factors such as economic opportunity, schools, affordability of homes, crime rates, and entertainment options for families. This year marks the third consecutive time Louisville has made the list, ranking fifth in 2005 and third in 2007.

In addition to the usual factors, this year's survey had an added component. People from around the nation said that the availability of great jobs was the most important factor to them when deciding where to live. This does not come as a surprise to any of us, but makes Louisville's ranking all that much more impressive for Colorado. While Louisville has certainly seen the effects of the economic downturn, it has been able to continue to support and attract cutting-edge businesses. ConocoPhillips is an example of just one business that has recently decided to put down roots in Louisville, where it plans to build a renewable energy

and new technologies research facility. The businesses located in Louisville's Tech Center continue to be at the forefront of Colorado's high-tech development, and those located on Louisville's historic Main Street support jobs while continuing traditions started generations ago.

But more than its ability to attract businesses and jobs, the heart of Louisville and what makes it the top place to live is its solid community and commitment to the outdoors. Louisville supports a vibrant summer farmers' market and Friday night Street Faire, which brings to town musical acts from across the West. Earlier this summer, the annual Louisville Fourth of July celebration included the traditional fireworks show and a giveaway of 4,000 hot dogs and bratwursts cooked by the mayor and city council, part of a long-standing tradition. Money Magazine also remarked on Louisville's share of the legendary Colorado sunshine and beautiful open spaces. In a town of 18,000 residents, Louisville has over 2000 acres of open space, 26 parks and nearly 30 miles of trails, most with panoramic views of the Front Range Mountains.

I congratulate both Louisville and the town of Superior, CO, which earned a ranking of 13th on the list. We know that Coloradans are proud of their outstanding communities, and it is only appropriate that Colorado is home to the "Best Place to Live" in the Nation. Congratulations again to the residents of Louisville.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Commerce, Science, and Transportation.

(The nomination received today is printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3663. An act to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

##### ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, previously signed by the Speaker of the House:

H.R. 1687. An act to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse".

H.R. 2053. An act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr., United States Courthouse".

H.R. 2121. An act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 2498. An act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building".

H.R. 2913. An act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the "Sidney M. Aronovitz United States Courthouse".

S. 1289. An act to improve title 18 of the United States Code.

At 10:06 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to section 4 of the Ronald Reagan Centennial Commission Act of 2009 (Public Law 111-25), the Speaker appoints as members of the Ronald Reagan Centennial Commission the following Members on the part of the House: Mr. FOSTER of Illinois and Mr. MOORE of Kansas.

At 11:24 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 42: Concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama.

At 12:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill (H.R. 2647) entitled "An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.", and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that the following Members be the managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. SKELTON, SPRATT, ORTIZ, TAYLOR, ABERCROMBIE, REYES, SNYDER,



SMITH of Washington, Ms. LORETTA SANCHEZ, Messrs. MCINTYRE, BRADY of Pennsylvania, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, LARSEN of Washington, COOPER, MARSHALL, Ms. BORDALLO, Messrs. McKEON, BARTLETT, THORNBERRY, JONES, AKIN, FORBES, MILLER of Florida, WILSON of South Carolina, LOBIONDO, BISHOP of Utah, TURNER and WITTMAN;

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. REYES, SCHIFF and HOEKSTRA;

From the Committee on Education and Labor, for consideration of sections 243, 551–553, 585, 2833 and 2834 of the House bill and sections 531–534 and 3136 of the Senate amendment, and modifications committed to conference: Ms. WOOLSEY, Mr. ALTMIRE and Mrs. BIGGERT;

From the Committee on Energy and Commerce, for consideration of sections 247, 315 and 601 of the House bill and sections 311, 601, 2835 and 3118 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, MARKEY of Massachusetts and BARTON of Texas;

From the Committee on Foreign Affairs, for consideration of sections 812, 907, 912, 1011, 1013, 1046, 1201, 1211, 1213–1215, 1226, 1230A, 1231, 1236, 1239, 1240, title XIII, sections 1513, 1516, 1517, and 2903 of the House bill and sections 1021, 1023, 1201–1203, 1205–1208, 1211–1214, subtitle D of title XII, title XIII and section 1517 of the Senate amendment, and modifications committed to conference: Messrs. BERMAN, ACKERMAN and Ms. ROS-LEHTINEN;

From the Committee on Homeland Security, for consideration of section 1101 of the House bill, and modifications committed to conference: Mr. THOMPSON of Mississippi, Ms. TITUS and Mr. BILIRAKIS;

From the Committee on House Administration, for consideration of subtitle H of title V of the Senate amendment, and modifications committed to conference: Messrs. CAPUANO, GONZALEZ and LUNGREN of California;

From the Committee on the Judiciary, for consideration of sections 583, 584, 1021 and 1604 of the House bill and sections 821, 911, 1031, 1033, 1056, 1086 and division E of the Senate amendment, and modifications committed to conference: Mr. NADLER of New York, Ms. ZOE LOFGREN of California and Mr. GOHMERT;

From the Committee on Natural Resources, for consideration of sections 1091 and 2308 of the Senate amendment, and modifications committed to conference: Messrs. RAHALL, FALEOMAVAEGA and HASTINGS of Washington;

From the Committee on Oversight and Government Reform, for consideration of sections 321, 322, 326–329, 335, 537, 666, 814, 815, 834, 1101–1107, 1110–1113

and title II of division D of the House bill and sections 323, 323A–323C, 814, 822, 824, 901, 911, 1056, 1086, 1101–1105 and 1162 of the Senate amendment, and modifications committed to conference: Messrs. TOWNS, LYNCH and FORTENBERRY;

From the Committee on Science and Technology, for consideration of sections 248, 819, 836, and 911 of the House bill and sections 801, 814, 833, 834, 912 and division F of the Senate amendment, and modifications committed to conference: Messrs. GORDON of Tennessee, WU and SMITH of Nebraska;

From the Committee on Small Business, for consideration of section 830 of the House bill and sections 833, 834, 838, 1090 and division F of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ and Messrs. NYE and GRAVES;

From the Committee on Transportation and Infrastructure, for consideration of sections 315, 601 and 2811 of the House bill and sections 311, 601, 933, 2835, 8301, 6002, 6007, 6008, 6012 and 6013 of the Senate amendment, and modifications committed to conference: Mr. CUMMINGS, Ms. RICHARDSON and Mr. MICA;

From the Committee on Veterans Affairs, for consideration of sections 525, 583, 584 and section 121 of division D of the House bill and sections 573–575, 617, 711, subtitle E of title X, sections 1084 and 1085 of the Senate amendment, and modifications committed to conference: Messrs. RODRIGUEZ, DONNELLY of Indiana and BUYER.

Ordered further, that pursuant to clause 11 of rule I, the Speaker removes the gentleman from Texas, Mr. REYES, as a conferee from the Permanent Select Committee on Intelligence in the conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2647) entitled “An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.” and appoints the gentleman from Florida, Mr. ALCEE HASTINGS, to fill the vacancy.

At 6:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies pro-

grams for the fiscal year ending September 30, 2010, and for other purposes.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 7, 2009, she had presented to the President of the United States the following enrolled bill:

S. 1289. An act to improve title 18 of the United States Code.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3265. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to proposed changes to its Fiscal Year 2008 National Guard and Reserve Equipment Appropriation from the Fiscal Year 2008 Department of Defense Appropriations Act; to the Committee on Armed Services.

EC-3266. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully; to the Committee on Armed Services.

EC-3267. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled “Federal Home Loan Bank Boards of Directors: Eligibility and Elections Final Rule” (RIN2590-AA03) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3268. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled “Post-Employment Restriction for Senior Examiners” (RIN2590-AA19) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3269. A communication from the Acting Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the Office’s 2008 Annual Report to Congress; to the Committee on Energy and Natural Resources.

EC-3270. A communication from the Acting Administrator, General Services Administration, Department of Defense and National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to additional lease prospectuses that support the U.S. General Services Administration’s Fiscal Year 2010 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC-3271. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2009–2010 Per Diem Rates” (Rev. Proc. 2009–47) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Finance.

EC-3272. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on 2009 Required Minimum Distributions" (Notice 2009-82) received in the Office of the President of the Senate on October 1, 2009; to the Committee on Finance.

EC-3273. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier III—Industry Director Directive—Field Directive on the Planning and Examination of IRC Section 263A Issues in the Auto Dealership" (LMSB-04-0909-035) received in the Office of the President of the Senate on October 1, 2009; to the Committee on Finance.

EC-3274. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Genetic Information Nondiscrimination Act" (RIN1545-BI03) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Finance.

EC-3275. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 066-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-3276. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 092-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-3277. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 103-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-3278. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 105-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-3279. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a Selected Acquisition Report relative to the Average Procurement Unit Cost for the E-2D Advanced Hawkeye program; to the Committee on Foreign Relations.

EC-3280. A communication from the Secretary of Health and Human Services, trans-

mitting, pursuant to law, the report of a petition to add workers from Lake Ontario Ordnance Works, Niagara Falls, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3281. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Norton Company, Worcester, Massachusetts, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3282. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report relative to the People's Counsel Agency Fund for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC-3283. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report relative to the People's Counsel Agency Fund for Fiscal Year 2003; to the Committee on Homeland Security and Governmental Affairs.

EC-3284. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "General Schedule Locality Pay Areas" (RIN3206-AL27) received in the Office of the President of the Senate on October 1, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3285. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (RIN0648-XR32) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3286. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Gear Requirements for the U.S./Canada Management Area" (RIN0648-XR42) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3287. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2009 Winter II Quota" (RIN0648-XQ56) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3288. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure of the July-December 2009 Commercial Fishery for Vermillion Snapper in South Atlantic" (RIN0648-XR06) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3289. A communication from the Deputy Assistant Administrator for Regulatory

Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Compensation to Federal Commercial Bottomfish and Lobster Fishermen Due to Fishery Closures in the Papahānaumokuākea Marine National Monument, Northeastern Hawaiian Islands" (RIN0648-AW52) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3290. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XR78) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

\*M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

\*William E. Spriggs, of Virginia, to be an Assistant Secretary of Labor.

\*Joseph A. Main, of Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

\*Regina M. Benjamin, of Alabama, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service for a term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1759. A bill to authorize certain transfers of water in the Central Valley Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mrs. GILLIBRAND):

S. 1760. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 1761. A bill to provide an extension of the low-income housing credit placed-in-service date requirement for certain disaster areas; to the Committee on Finance.

By Mr. BROWNBAC (for himself and Mr. BROWN):

S. 1762. A bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to translational research and related activities concerning Down syndrome, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BUNNING (for himself, Mr. JOHANNES, Mr. DEMINT, Mr. CRAPO, Mr. VITTER, Mr. THUNE, Mr. RISC, Mr. GREGG, Mr. GRASSLEY, Mr. WICKER, Mr. ENSIGN, Mr. COBURN, Mr. INHOFE, Mr. SESSIONS, Mr. VOINOVICH, Mr. CHAMBLISS, Mr. CORNYN, Mr. BROWNBAC, Mr. BARRASSO, Mr. ENZI, Mr. BURR, Mr. CORKER, Mr. KYL, Mr. MCCAIN, Mr. ALEXANDER, and Mr. ROBERTS):

S. Res. 307. A resolution to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate; to the Committee on Rules and Administration.

By Mr. SHELBY (for himself and Mrs. LINCOLN):

S. Res. 308. A resolution recognizing and supporting the goals and ideals of National Runaway Prevention Month; considered and agreed to.

By Mrs. MURRAY (for herself, Mr. COCHRAN, Mr. DODD, Ms. MIKULSKI, Mr. FEINGOLD, Ms. COLLINS, Mr. BAYH, and Mrs. GILLIBRAND):

S. Con. Res. 46. A concurrent resolution recognizing the benefits of service-learning and expressing support for the goals of the National Learn and Serve Challenge; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 497

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 497, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 500

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 500, a bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions.

S. 524

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 526

At the request of Mrs. MCCASKILL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 526, a bill to provide in personam jurisdiction in civil actions against contractors of the United States Government performing contracts abroad with respect to serious bodily injuries of members of the Armed Forces, civilian employees of the United States Government, and United States citizen employees of companies performing work for the United States Government in connection with contractor activities, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 653

At the request of Mr. CARDIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 819

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 883

At the request of Mr. KERRY, the names of the Senator from Delaware (Mr. CARPER), the Senator from Idaho (Mr. CRAPO), the Senator from Montana (Mr. BAUCUS) and the Senator from Massachusetts (Mr. KIRK) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States,

to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 991

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 991, a bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a rule of naturalization under article I, section 8, of the Constitution.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1197

At the request of Mr. DORGAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1197, a bill to establish a grant program for automated external defibrillators in elementary and secondary schools.

S. 1273

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1379

At the request of Mr. THUNE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1379, a bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities.

S. 1382

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 1628

At the request of Mr. UDALL of Colorado, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 1628, a bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1685

At the request of Mr. SANDERS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1685, a bill to provide an emergency benefit of \$250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of a cost-of-living adjustment for such year, and for other purposes.

S. 1688

At the request of Mr. BENNETT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1688, a bill to prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States.

S. 1694

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1694, a bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1709, a bill to amend the National Agri-

cultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 1728

At the request of Mrs. MCCASKILL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 1728, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyer credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

S. 1731

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1731, a bill to require certain mortgagees to make loan modifications, to establish a grant program for State and local government mediation programs, to create databases on foreclosures, and for other purposes.

AMENDMENT NO. 2601

At the request of Mr. SANDERS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 2601 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1759. A bill to authorize certain transfers of water in the Central Valley Project, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator BOXER to introduce the Water Transfer Facilitation Act of 2009.

The measure should reduce unnecessary delays in water transfers at a time when Central Valley farmers have been hard hit by a 3-year drought. It would allow new water transfers of roughly 250,000 to 300,000 acre-feet of water per year, depending on the rainfall that year.

Here is how the bill would work: it would grant new authority to the Bureau of Reclamation to approve water transfers between sellers and buyers in the San Joaquin Valley. The measure also would streamline environmental reviews for Central Valley water transfers by ensuring that they occur on a programmatic basis, instead of project-by-project basis as is current practice.

Here is why we need this bill: this past water year, South of Delta agriculture users received 10 percent of their contractual allocation from the Central Valley Project. At the same

time others in the San Joaquin Valley, such as the Friant Division and the exchange contractors, had a surplus of water and were willing to sell some of their water to Westlands Water District, where fields have been fallowed and communities have close to 40 percent unemployment—yet there were serious obstacles to making those transfers happen.

That is why I am introducing this bill. It will address those obstacles.

Specifically, the bill will do three things to ease the drought crisis:

First, it would authorize transfers within San Joaquin Valley between Divisions of the Central Valley Project and among contractors within a Division by removing two of the biggest obstacles to these transfers.

Water users tell me that the Bureau of Reclamation has not allowed transfers of water if the water could have been used for irrigation or stored, or if the total amount of water transferred was more than what had been received on average the 3 years prior to 1992. These two conditions previously prevented a whole host of potential transfers of water.

Neither of these restrictions is necessary for environmental reasons, and removal of these two obstacles alone could make up to 100,000 or 150,000 acre-feet of water available for transfer to the communities most in need, according to the Bureau of Reclamation.

So, this bill would explicitly grant the Bureau the authority to approve these types of East-West transfers, as long as they qualify under environmental regulations.

Second, the bill directs the Department of the Interior to facilitate transfers from the Sacramento Valley to the San Joaquin Valley by doing programmatic consideration of all the environmental concerns, rather than requiring individual review on each transfer as is current practice.

Water users and the Bureau of Reclamation estimate that this step could facilitate up to 150,000 or 200,000 acre-feet of transfers each year.

Third, the bill also requires the Bureau of Reclamation to prepare a report and recommendations on how to facilitate transfers more efficiently and expeditiously, including transfers in all directions and between the state and federal projects.

The bill is supported by a great number of water users across the Central Valley, including: Friant Water Users Authority; San Joaquin River Exchange Contractors Authority; Delta-Mendota Canal Authority; Westlands Water District; Metropolitan Water District; Glen Colusa Irrigation District; Northern California Water Association; Banta-Carbona Irrigation District; Tehama-Colusa Canal Authority; Association of California Water Agencies; Placer County Water Agency; Conaway Preservation Group; Reclamation District 2035; and San Luis Water District.

Companion legislation is also being introduced today by Representatives COSTA and CARDOZA in the House of Representatives.

There is no question that the drought and federal pumping restrictions have had huge impacts on Central Valley Agriculture.

Nearly 500,000 acres of fields have been fallowed. Fields of fruit and nut trees have been stumped and uprooted. Some farmers simply chose to forego planting their row crops at all.

The agricultural industry estimates that about \$700 million in revenues have been lost.

About 21,000 agriculture jobs have been lost, nearly all in San Joaquin Valley.

For example, Mendota unemployment is currently 37.4 percent.

Workers who once tended America's "bread basket" are now standing in bread lines.

The impacts are not limited to agriculture:

Urban areas like Los Angeles are imposing rate hikes for non-conserving households, limiting lawn irrigation, and other conservation measures.

Municipal industrial users south of Delta are restricted to 60 percent of their contractual allocation.

The truth is that this crisis has been building for some time—and there are several causes to blame.

California's population is close to 40 million, but its water infrastructure hasn't been updated in three decades.

Due to groundwater pumping, the Central Valley lost 60 million acre-feet of groundwater since 1962.

This year, Federal agencies imposed pumping restrictions to protect endangered species—yet there is some misconception about the scope of these restrictions.

In 2009, roughly 25 percent of delivery shortages for farms and water users due to pumping restrictions, about 500,000 acre-feet.

The other 75 percent of the restrictions were due to lack of run-off, about 1.6 million acre-feet.

So, the drought is largely to blame for California's water shortages.

Invasive and non-native species are also a threat. The non-native striped bass, although a popular sport fish, are top predators on native fish like the smelt.

Pollution remains a problem, despite water quality standards. Ammonia discharge may be a problem from wastewater treatment discharge, and toxic insecticides accumulate and contribute to the deterioration of the ecosystem.

So, California's water crisis is a complicated issue that cannot be simply solved by saying "Turn on the Pumps."

It is clear that we need solutions for the Delta, both long-term and short-term.

I am working with my colleagues on both.

The bill we are introducing today will provide more flexibility in the system, allowing water to flow more freely around the Central Valley. Just this past water year, 600,000 acre feet were transferred around the Central Valley, and this bill will allow even more water to flow.

But transfers alone cannot provide the entire solution—they are costly, and they are still constrained by the pumping restrictions.

So this legislation is just one of several steps we are taking to provide timely relief to farmers in the San Joaquin Valley.

In the Energy and Water Appropriations bill, there is \$10 million for the construction of short term projects that could provide more water supply or flexibility, including Two Gates and the Intertie.

We also provided funding for the science that will be relied on by the Bay Delta Conservation Plan—our best long-term option to restore the Delta and improve water supply.

We also included funding for water recycling projects, and are working to authorize more projects to help communities develop local water supplies based on groundwater and desalination.

Finally, there is \$750,000 for the National Academy of Sciences review of the two biological opinions that currently govern water flows in the Central Valley. The independent scientific study, announced by Secretaries Salazar and Locke last week, should be completed within six months.

The National Academy study will assess whether there are other ways to provide the same protections for endangered species, while supplying more water to the drought-stricken Central Valley. And it will put to rest any lingering questions about whether pumping restrictions in the Delta are based on the best available science.

It is a critical step to moving forward with any near-term and long-term solutions for the Delta.

This bill we are introducing today is but one of several steps we are taking to address the water crisis in California.

We look forward to an early hearing on this bill, and working with others towards its passage and implementation. I thank Senator BINGAMAN for his commitment to hold an early hearing on the bill.

Mr. President, I ask that the text of the bill and the letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1759

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Transfer Facilitation Act of 2009".

#### SEC. 2. AUTHORIZATION OF IRRIGATION WATER TRANSFERS, CENTRAL VALLEY PROJECT.

(a) IN GENERAL.—Subject to subsection (b), the following voluntary water transfers shall be considered to meet the conditions described in subparagraphs (A) and (I) of section 3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4709):

(1) A transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divisions.

(2) A transfer of water among current or prior temporary or long-term water service, repayment, water rights settlement, or exchange contractors within a division of the Central Valley Project.

(b) CONDITION.—A transfer under subsection (a) shall be subject to the condition that the transfer not interfere with—

(1) the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1349), including the priorities described in section 10004(a)(4)(B) of that Act (123 Stat. 1350) relating to implementation of paragraph 16 of the Settlement (as defined in section 10003 of that Act (123 Stat. 1349)); and

(2) the Settlement.

#### SEC. 3. FACILITATION OF WATER TRANSFERS, CENTRAL VALLEY PROJECT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation (referred to in this section as the "Secretary"), using such sums as are necessary, shall initiate and complete, on the most expedited basis practicable, the programmatic development of environmental documentation to facilitate voluntary water transfers within the Central Valley Project.

(b) INCLUSIONS.—The environmental documentation under subsection (a) shall include all applicable environmental reviews, permitting, and consultations, including the environmental documentation needed to address concerns with respect to the Giant Garter Snake (*Thamnophis gigas*).

#### SEC. 4. REPORT ON CENTRAL VALLEY PROJECT WATER TRANSFERS.

(a) IN GENERAL.—Not later than January 10, 2010, the Commissioner of the Bureau of Reclamation (referred to in this section as the "Commissioner") shall submit to the appropriate committees of Congress a report that—

(1) describes the status of efforts to help facilitate and improve the water transfers under this Act; and

(2) provides recommendations on ways to facilitate, and improve the process for—

(A) water transfers within the Central Valley Project; and

(B) water transfers between the Central Valley Project and State water projects.

(b) UPDATES.—Not later than July 15, 2010, and every 180 days thereafter until the Commissioner determines that no further Federal action is warranted or authorized with respect to the water transfers under this Act, the Commissioner shall update the report submitted under subsection (a).

#### SEC. 5. TECHNICAL CORRECTIONS.

Section 3405(a)(1) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4710) is amended—

(1) in the first sentence, by striking "transfers to" and inserting "transfers of"; and

(2) in subparagraph (A), by striking "to combination" and inserting "or combination".

ASSOCIATION OF CALIFORNIA  
WATER AGENCIES,

October 5, 2009.

Re ACWA support for Water Transfer Legislation.

Senator DIANNE FEINSTEIN,  
*Hart Senate Office Building,*  
*Washington, DC.*

Senator BARBARA BOXER,  
*Hart Senate Office Building,*  
*Washington, DC*

DEAR SENATORS FEINSTEIN AND BOXER: Thank you for introducing water transfer legislation for the Central Valley Project (CVP) which ACWA is pleased to support. As California's water supply challenges multiply, this legislation can provide greater flexibility for management of CVP water supplies. As you know, ACWA's 450 public agency members are collectively responsible for 90 percent of the water delivered in California for residential and agricultural uses.

California's water supply situation is dire and worsening. Three years of below average precipitation along with heavy regulatory restrictions through the ESA and Biological Opinions, have seriously diminished California's water supplies. Under these conditions, it is essential that short term actions, such as provided by your legislation to flexibly enable water supplies to move across the San Joaquin Valley, be pursued.

Again, thank you for introducing water transfer legislation. ACWA looks forward to working with you to secure its passage in an expedited manner.

Sincerely,

TIMOTHY QUINN,  
*Executive Director.*

SAN JOAQUIN RIVER  
WATER AUTHORITY,

*San Joaquin, CA, October 5, 2009.*

Re Support for Transfer Legislation for the Central Valley Project.

Senator DIANNE FEINSTEIN,  
*Hart Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR FEINSTEIN: On behalf of the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors), we thank you for introducing transfer legislation for the Central Valley Project (CVP) and we support your efforts and this legislation as a means of providing greater flexibility for management of CVP water supplies.

The diminished water deliveries to the CVP as a result of various regulatory restrictions, including the most recent delta smelt and salmon Biological Opinions and three years of below average precipitation statewide, have, as you know, created a desperate situation in the San Joaquin Valley.

While long-term solutions are being sought, numerous short term efforts are needed to help bridge the water supply gap and great flexibility, as provided in your legislation, to move water supplies within the San Joaquin Valley would be a useful tool.

The Exchange Contractors consist of four member agencies serving over 240,000 acres in the San Joaquin Valley in Fresno, Madera, Merced, and Stanislaus Counties.

We look forward to engaging in this effort and working closely with you and your staff in advancing this legislation and addressing California water issues.

Sincerely,

STEVE CHEDESTER,  
*Executive Director.*

FRIANT WATER USERS AUTHORITY,  
*Lindsay, CA, October 1, 2009.*

Subject SUPPORT for Transfer legislation for the Central Valley Project.

Hon. DIANNE FEINSTEIN,  
*Hart Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR FEINSTEIN, On behalf of Friant Water Users Authority (Authority), we thank you for introducing transfer legislation for the Central Valley Project (CVP) and we support your efforts and this legislation as a means of providing greater flexibility for management of CVP water supplies.

The diminished water deliveries to the CVP as a result of three years of below average precipitation amplified by various regulatory restrictions, including the ESA and the most recent delta smelt and salmon Biological Opinions, have, as you know, created a desperate situation in the San Joaquin Valley.

While long-term solutions are being sought, numerous short term efforts are needed to help bridge the water supply gap and greater flexibility, as provided in your legislation, to move water supplies across the San Joaquin Valley would be a useful tool: In addition, the legislation would help Friant districts affected by the SJR Settlement improve management of surface and groundwater supplies.

The Authority consists of nineteen member water, irrigation and public utility districts. The Friant Service area includes approximately one million acres and 15,000 mostly small family farms on the east side of the southern San Joaquin Valley (Madera, Fresno, Tulare and Kern County). Friant Division water supplies are also relied upon by several cities and towns, including the City of Fresno, as a major portion of their municipal and industrial water supplies.

We look forward to engaging in this effort and working closely with you and your staff in advancing this legislation and addressing California water issues.

Sincerely,

RONALD D. JACOBSMA,  
*Consulting General Manager.*

PLACER COUNTY WATER AGENCY,  
*Auburn, CA, October 6, 2009.*

Re Support for Central Valley Project water transfer legislation.

Hon. DIANNE FEINSTEIN,  
*U.S. Senate, Hart Senate Office Building,*  
*Washington, DC*

DEAR SENATOR FEINSTEIN: On behalf of Placer County Water Agency (PCWA), we thank you for introducing legislation authorizing and establishing a programmatic approach to promote and manage water transfers in California. We support your efforts and this legislation as a means of providing greater regulatory certainty for the management of Central Valley Project (CVP) water supplies for water users.

As you may be aware, PCWA has participated in water transfers in the past to help meet the needs of water users within the CVP and is intimately aware of the impacts diminished water deliveries cause to farmers and communities. Because of PCWA's experience with previous water transfers, we also would like an opportunity to meet you and your staff to discuss additional regulatory improvements to Reclamation law that would streamline future transfers.

Because of below average precipitation and regulatory requirements placed upon the CVP and its water users through the requirements established by the recent National

Marine Fisheries Service biological opinions for endangered smelt and salmon, the impact to water users is severe. Your legislation will provide much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the State of California.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation and addressing California water issues so important to our collective future.

Sincerely,

GRAHAM L. ALLEN,  
*Chairman, Board of Directors.*

THE METROPOLITAN WATER  
DISTRICT OF SOUTHERN CALIFORNIA,  
*Los Angeles, CA, October 5, 2009.*

Hon. DIANNE FEINSTEIN,  
*U.S. Senate,*  
*Washington, DC.*

DEAR SENATOR FEINSTEIN: The Metropolitan Water District of Southern California is pleased to support the legislation you are introducing related to water transfers for the Central Valley Project (CVP). This legislation will help provide good water management while providing flexibility for CVP customers.

As a regional wholesale water provider, Metropolitan provides water for nearly 19 million people throughout our six-county service area in Southern California. As Metropolitan and the entire state continue to address water supply challenges throughout California, the vitality of our economy and environment has been seriously affected. Your proposed legislation will help address these critically important issues.

Please let me know if we can be helpful in any way.

Sincerely,

JEFFREY KIGHTLINGER,  
*General Manager.*

NORTHERN CALIFORNIA  
WATER ASSOCIATION,  
*Sacramento, CA, October 2, 2009.*

Re support for water transfer legislation.

Hon. DIANNE FEINSTEIN,  
*U.S. Senate,*  
*Washington, DC.*

DEAR SENATOR FEINSTEIN: On behalf of the Northern California Water Association (NCWA), we thank you for introducing legislation authorizing and establishing a permanent long-term program to promote and manage water transfers in the Central Valley of California. We support your efforts and this legislation as a means of providing greater flexibility in the management of Central Valley Project (CVP) and other water supplies to help meet unmet needs critical to the future of the State of California.

As you are aware, the devastating impacts of diminished water deliveries to the CVP as a result of three years of below average precipitation have been made even greater by the various regulatory restrictions, including the requirements established by the recent federal biological opinions for endangered fish under the ESA. Your legislation will provide immediate, much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the CVP.

NCWA was formed in 1992 to present a unified voice working to resolve California's water issues and protect the water rights and supplies of the diverse Northern California region, now and into the future. NCWA represents 54 agricultural water districts and



agencies, private water companies, and individual water rights holders with rights and entitlements to the surface waters and groundwater resources of the Sacramento Valley. Many of our members can and will actively participate in this water transfer program. The language in your legislation directing the Bureau of Reclamation to work with other federal agencies to implement the necessary long-term environmental processes addressing impacts of a water transfer program on the ESA-listed Giant Garter Snake will be imperative to its usefulness and success.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation and addressing California water issues so important to our collective future.

Sincerely,

DONN ZEA,  
President and CEO.

WESTLANDS WATER DISTRICT,  
Fresno, CA, October 6, 2009.

Re Water Transfer Facilitation Act of 2009.

Hon. DIANNE FEINSTEIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing on behalf of Westlands Water District to express its support for your bill, the Water Transfer Facilitation Act of 2009, authorizing certain transfers of water in the Central Valley Project and other purposes. Water transfers are a critical tool for providing water supplies for areas that are faced with chronic water supply shortages. However, the approval process for many transfers often distract from their usefulness. Your legislation will bring important reform to existing transfer authorization thus increasing the efficacy of this essential water management tool.

As you are keenly aware, the chronic water supply shortages impacting the area of the San Joaquin Valley served by the Central Valley Project demands that water users in the affected area rely on water transfers. Moreover, the need to transfer water is often urgent and in response to climactic conditions that are frequently sporadic and ephemeral. Regrettably, bureaucratic process can unnecessarily thwart successful execution of a transfer. The clarity your legislation brings to existing authorizations will only improve the capability of water managers throughout the State to effectively respond to the ongoing crisis and put our scant water resources to use even more efficiently.

The westside of the San Joaquin Valley is inarguably the most transfer dependent region of the State. Your efforts to address this important matter are greatly appreciated. If there is anything I can do to be of help in connection with your efforts, please let me know.

Very truly yours,

THOMAS W. BIRMINGHAM,  
General Manager General Counsel.

SAN LUIS AND DELTA MENDOTA

WATER AUTHORITY,

Los Banos, CA, October 5, 2009.

Re Water Transfer Facilitation Act of 2009.

Hon. DIANNE FEINSTEIN,  
U.S. Senate,  
Washington, DC.

Hon. BARBARA BOXER,  
U.S. Senate,  
Washington, DC.

Hon. DENNIS CARDOZA,  
House of Representatives,  
Washington, DC.

Hon. JIM COSTA,  
House of Representatives,  
Washington, DC.

DEAR SENATOR FEINSTEIN, SENATOR BOXER, MR. CARDOZA, AND MR. COSTA: I am writing on behalf of the San Luis & Delta-Mendota Water Authority to express our enthusiastic support for your bill, the Water Transfer Facilitation Act of 2009, authorizing certain transfers of water in the Central Valley Project and other purposes. Water transfers are essential to sound water management and often are time sensitive. Your legislation will bring important reform to existing transfer authorization thus increasing the efficacy of this essential water management tool.

As you are keenly aware, coping with California's water crisis and, in particular, the chronic water supply shortages impacting the Central Valley Project demands utilization of various best management practices including water transfers. Moreover, the need to transfer water is often urgent and in response to climactic conditions that are frequently sporadic and ephemeral. Regrettably, bureaucratic process can unnecessarily thwart successful execution of a transfer and the best management of this all too precious resource. The clarity your legislation brings to existing authorizations will only improve the capability of water managers throughout the State to effectively respond to the ongoing crisis and put our scant water resources to use even more efficiently.

The Westside of the great San Joaquin Valley is inarguably the most transfer dependent region of the State. Your efforts to address this important matter as well as your vast knowledge of and longstanding commitment to water resource issues vital to the State are most deeply appreciated. If there is anything I can do to be of further service to you in this cause, please do not hesitate to call.

Very truly yours,

DANIEL G NELSON,  
Executive Director.

Mrs. BOXER. Mr. President, I rise to discuss the Water Transfer Facilitation Act of 2009. Senator FEINSTEIN and I have introduced this legislation to facilitate voluntary water transfers within the San Joaquin Valley.

Three years of below-average precipitation have restricted water supplies for much of California. Drought conditions have particularly affected agricultural communities in the San Joaquin Valley.

As a result of these water shortages, more than 500,000 acres of cropland have been fallowed in the San Joaquin Valley, and some cities on the west side of the Valley are facing nearly 40 percent unemployment.

Senator FEINSTEIN and I have worked with Representatives CARDOZA and

COSTA to identify measures to address these water shortages. We included a measure in the Energy and Water appropriations bill allowing voluntary water transfers between water users on the east and west side of the San Joaquin Valley.

The final provision included in the conference report will allow these transfers for a two-year trial period. We are now seeking to extend this provision permanently and to enable more water users to participate in these transfers.

In addition, our legislation directs the Department of the Interior to use a programmatic approach to environmental review for certain types of water transfers, helping to expedite them.

Finally, it requires the Department of the Interior to prepare a report and recommendations on how to facilitate water transfers throughout California, including between the State and Federal water projects.

These water transfers are an important tool for improving flexibility in managing water supplies, providing a mechanism for getting water to those communities who need it most. Preliminary estimates suggest that this legislation may enable the transfer of as much as 250,000 to 300,000 acre-feet of water per year to communities in need. This will provide a crucial resource to agricultural communities in California that lost 90 percent of their expected water allocations this year.

I look forward to working with my colleagues in the Senate and in the California delegation to advance this important legislation.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 307—TO REQUIRE THAT ALL LEGISLATIVE MATTERS BE AVAILABLE AND FULLY SCORED BY CBO 72 HOURS BEFORE CONSIDERATION BY ANY SUBCOMMITTEE OR COMMITTEE OF THE SENATE OR ON THE FLOOR OF THE SENATE

Mr. BUNNING (for himself, Mr. JOHANNES, Mr. DEMINT, Mr. CRAPO, Mr. VITTER, Mr. THUNE, Mr. RISCH, Mr. GREGG, Mr. GRASSLEY: Mr. WICKER, Mr. ENSIGN, Mr. COBURN, Mr. INHOFE, Mr. SESSIONS, Mr. VOINOVICH, Mr. CHAMBLISS, Mr. CORNYN, Mr. BROWNBACK, Mr. BARRASSO, Mr. ENZI, Mr. BURR, Mr. CORKER, Mr. KYL, Mr. MCCAIN, Mr. ALEXANDER, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 307

SECTION 1. PUBLIC AVAILABILITY OF LEGISLATION AND THE COST OF THAT LEGISLATION.

(a) COMMITTEES.—Rule XXVI of the Standing Rules of the Senate is amended by inserting at the end thereof the following:



"14. (a) It shall not be in order in a subcommittee or committee to proceed to any legislative matter unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 72 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

"(b) With respect to the requirements of subparagraph (a)—

"(1) the legislative matter shall be available on the official website of the committee; and

"(2) the final score shall be available on the official website of the Congressional Budget Office.

"(c) This paragraph may be waived or suspended in the subcommittee or committee only by an affirmative vote of  $\frac{2}{3}$  of the Members of the subcommittee or committee. An affirmative vote of  $\frac{2}{3}$  of the Members of the subcommittee or committee shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

"(d)(1) It shall not be in order in the Senate to proceed to a legislative matter if the legislative matter was proceeded to in a subcommittee or committee in violation of this paragraph.

"(2) This subparagraph may be waived or suspended in the Senate only by an affirmative vote of  $\frac{2}{3}$  of the Members, duly chosen and sworn. An affirmative vote of  $\frac{2}{3}$  of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subparagraph.

"(e) In this paragraph, the term 'legislative matter' means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment but does not include perfecting amendments."

(b) SENATE.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"6. (a) It shall not be in order in the Senate to proceed to any legislative matter unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 72 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

"(b) With respect to the requirements of subparagraph (a)—

"(1) the legislative matter shall be available on the official website of the committee with jurisdiction over the subject matter of the legislative matter; and

"(2) the final score shall be available on the official website of the Congressional Budget Office.

"(c) This paragraph may be waived or suspended in the Senate only by an affirmative vote of  $\frac{2}{3}$  of the Members, duly chosen and sworn. An affirmative vote of  $\frac{2}{3}$  of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

"(d) In this paragraph, the term 'legislative matter' means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment but does not include perfecting amendments."

## SEC. 2. PROTECTION OF CLASSIFIED INFORMATION.

Nothing in this resolution or any amendment made by it shall be interpreted to re-

quire or permit the declassification or posting on the Internet of classified information in the custody of the Senate. Such classified information shall be made available to Members in a timely manner as appropriate under existing laws and rules.

## SENATE RESOLUTION 308—RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL RUNAWAY PREVENTION MONTH

Mr. SHELBY (for himself and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

### S. RES. 308

Whereas the number of runaway and homeless youth in the United States is staggering, with studies suggesting that between 1,600,000 and 2,800,000 youth live on the streets each year;

Whereas the problem of children who run away from home is widespread, as youth between 12 and 17 years of age are at a higher risk of homelessness than adults;

Whereas runaway youth are often expelled from their homes by their families, discharged by State custodial systems without adequate transition plans, separated from their parents by death and divorce, or physically, sexually, and emotionally abused at home;

Whereas runaway youth are often too poor to secure their own basic needs and are ineligible or unable to access adequate medical or mental health resources;

Whereas effective programs that provide support to runaway youth and assist them in remaining at home with their families can succeed through partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youth from running away from home and supporting youth in high-risk situations is a family, community, and national priority;

Whereas the future of the Nation is dependent on providing opportunities for youth to acquire the knowledge, skills, and abilities necessary to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth and provide an array of community-based support to address their critical needs;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth with their families and link youth to local resources that provide positive alternatives to running away from home; and

Whereas during the month of November, the National Network for Youth and the National Runaway Switchboard are co-sponsoring National Runaway Prevention Month, in order to increase public awareness of the circumstances faced by youth in high-risk situations and to address the need to provide resources and support for safe, healthy, and productive alternatives for at-risk youth, their families, and their communities: Now, therefore, be it

*Resolved*, That the Senate recognizes and supports the goals and ideals of National Runaway Prevention Month.

## SENATE CONCURRENT RESOLUTION 46—RECOGNIZING THE BENEFITS OF SERVICE-LEARNING AND EXPRESSING SUPPORT FOR THE GOALS OF THE NATIONAL LEARN AND SERVE CHALLENGE

Mrs. MURRAY (for herself, Mr. COCHRAN, Mr. DODD, Ms. MIKULSKI, Mr. FEINGOLD, Ms. COLLINS, Mr. BAYH, and Mrs. GILLIBRAND) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pension:

### S. CON. RES. 46

Whereas service-learning is a teaching method that enhances academic learning by integrating classroom content with relevant activities aimed at addressing identified needs in a community or school;

Whereas service-learning has been used both in school and community-based settings as a teaching strategy to enhance learning by building on youth experiences, granting youth a voice in learning, and making instructional goals and objectives more relevant to youth;

Whereas service-learning addresses the dropout epidemic in the United States by making education more "hands-on" and relevant, and has been especially effective in addressing the dropout epidemic with respect to disadvantaged youth;

Whereas service-learning is proven to provide the greatest benefits to disadvantaged and at-risk youth by building self-confidence, which often translates into overall academic and personal success;

Whereas service-learning provides not only meaningful experiences, but improves the quantity and quality of interactions between youth and potential mentors in the community;

Whereas service-learning empowers youth as actively engaged learners, citizens, and contributors to the community;

Whereas youth engaged in service-learning provide critical service to the community by addressing a variety of needs in towns, cities, and States, including needs such as tutoring young children, care of the elderly, community nutrition, disaster relief, environmental stewardship, financial education, and public safety;

Whereas far-reaching and diverse research shows that service-learning enhances the academic, career, cognitive, and civic development of students in kindergarten through 12th grade, and students at institutions of higher education;

Whereas service-learning strengthens and increases the number of partnerships among institutions of higher education, local schools, and communities, which strengthens communities and improves academic learning;

Whereas service-learning programs allow a multitude of skilled and enthusiastic college students to serve in the communities surrounding their colleges;

Whereas service-learning programs engage students in actively addressing and solving pressing community issues and strengthen the ability of nonprofit organizations to meet community needs;

Whereas Learn and Serve America, a program established under subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq.), is the only Federally funded program dedicated to service-learning and engages more than 1,100,000 youth in service-learning each year;

Whereas Learn and Serve America is a highly cost-effective program, with an average cost of approximately \$25 per participant and leverage of \$1 for every Federal dollar invested;

Whereas the National Learn and Serve Challenge is an annual event that, in 2009, will take place October 5 through October 11; and

Whereas the National Learn and Serve Challenge spotlights the value of service-learning to young people, schools, college campuses, and communities, encourages others to launch service-learning activities, and increases recognition of Learn and Serve America: Now, therefore, be it:

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) recognizes the benefits of service-learning, which include—

(A) enriching and enhancing academic outcomes for youth;

(B) engaging youth in positive experiences in the community; and

(C) encouraging youth to make more constructive choices with regards to their lives;

(2) encourages schools, school districts, college campuses, community-based organizations, nonprofit organizations, and faith-based organizations to provide youth with more service-learning opportunities; and

(3) expresses support for the goals of the National Learn and Serve Challenge.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2627. Mr. LEVIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

SA 2628. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2629. Mr. MCCAIN proposed an amendment to the bill H.R. 2847, supra.

SA 2630. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra.

SA 2631. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2632. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2633. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2634. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2635. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2636. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2637. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2638. Mr. BROWN submitted an amendment intended to be proposed by him to the

bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2639. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2640. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2641. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2642. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2643. Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2644. Mr. VITTER (for himself, Mr. BENNETT, and Mr. ENZI) proposed an amendment to the bill H.R. 2847, supra.

SA 2645. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2646. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2647. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra.

SA 2648. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2649. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2650. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2651. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2652. Mr. FEINGOLD (for himself, Mr. SANDERS, Mr. KOHL, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2653. Mr. BUNNING (for himself, Mr. VITTER, and Mr. BURR) proposed an amendment to the bill H.R. 2847, supra.

SA 2654. Mr. AKAKA proposed an amendment to the bill S. 728, to amend title 38, United States Code, to enhance veterans' insurance benefits, and for other purposes.

SA 2655. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2627. Mr. LEVIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related

Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) IN GENERAL.—The Attorney General shall direct sufficient funds to the Tax Division, including for hiring additional personnel, to ensure that the thousands of civil and criminal cases pending or referred during the 2010 fiscal year to the Tax Division or to an Office of a United States Attorney related to a United States person who owes taxes, interest, or penalties in connection with a foreign financial account at an offshore financial institution or who assisted in the establishment or administration of such an account are—

(1) acted on in a prompt fashion by a Federal prosecutor or attorney;

(2) resolved within a reasonable time period; and

(3) not allowed to accumulate into a backlog of inactive cases due to insufficient resources.

(b) REPROGRAMMING.—If necessary to carry out this section, the Attorney General shall submit a request during the fiscal year 2010 to reprogram funds necessary for the processing of such civil and criminal cases.

SA 2628. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 23 and 24, insert the following:

#### SEC. 533. STATE PRICE PARITIES.

(a) DEFINITIONS.—In this section:

(1) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) STATE PRICE PARITIES.—The term “State price parities” means the differences in consumer price levels between States, or “Regional Price Parities”, as calculated by the Bureau of Economic Analysis.

(b) CALCULATION.—The Director of the Bureau of Economic Analysis shall regularly calculate and make public as an official statistic, not less frequently than annually, State price parities to determine the differences in consumer price levels between States.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Bureau of Economic Analysis shall submit a report to Congress that describes—

(1) the method that will be used to calculate State price parities;

(2) the frequency with which such calculations will be made public; and

(3) the date on which State price parities shall first be published as an official statistic.

SA 2629. Mr. MCCAIN proposed an amendment to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 202, between lines 15 and 16, insert the following:

SEC. 530A. None of the funds made available in this Act for the Department of Justice may be used to investigate or enforce Federal laws related to the importation of prescription drugs by individuals for personal use, by pharmacists, or by wholesalers or to bring an action against such individuals, pharmacists, or wholesalers related to such importation: *Provided*, That the Department of Justice or its subagencies do not have a reasonable belief that the prescription drug at issue violates the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.): *Provided further*, That the prescription drug at issue is not a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), or a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

**SA 2630.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the amounts made available in this title under the heading "COMMUNITY ORIENTED POLICING SERVICES" may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

**SA 2631.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated under this Act may be used to carry out the functions of the Political Science Program in the Division of Social and Economic Sciences of the Directorate for Social, Behavioral, and Economic Sciences of the National Science Foundation.

**SA 2632.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

**SA 2633.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

**SEC. 220. EXEMPTION AUTHORITY.**

(a) IN GENERAL.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

"(d) The Attorney General may exempt from all or a part of the provisions of this chapter explosive materials or explosive devices containing such materials when a determination is made, by regulation, that the explosive materials or explosive devices—

"(1) are of a type that does not pose a threat to public safety; and

"(2) are unlikely to be used as a weapon."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

**SA 2634.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds provided in this Act may be used by the Department of Justice to prosecute or otherwise sanction any individual who—

(1) provided input into the legal opinions by the Office of Legal Counsel of the Department of Justice analyzing the legality of the enhanced interrogation program;

(2) relied in good faith on those legal opinions; or

(3) was a member of Congress and was briefed on the enhanced interrogation program and did not object to the program going forward.

**SA 2635.** Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. At the discretion of the Attorney General, funds appropriated under the heading "Byrne Discretionary grants" under funding for the Department of Justice in the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009 (Public Law 111-8) to the Louisiana District Attorney's Association for the purpose to support an early intervention program for at-risk elementary students may be available to the University of Louisiana-Lafayette for the same purpose.

**SA 2636.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 184, line 19, strike "representation expenses:" and insert "representation expenses: *Provided further*, That not more than \$500,000 shall be available for the establishment of an Assistant United States Trade Representative for Small Business:"

**SA 2637.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, line 21, before the period, insert the following: "": *Provided further*, That the International Trade Administration shall, not later than 180 days after the date of the enactment of this Act, report to Congress on the progress that has been made in carrying out the recommendations and objectives set forth in the 2003 report entitled 'Manufacturing in America: A Comprehensive Strategy to Address the Challenges to U.S. Manufacturers'."

**SA 2638.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, line 25, before the period insert the following: "": *Provided*, That, not later than 60 days after the date of enactment of this Act, the Inspector General of the Department of Justice shall evaluate actions taken by the Bureau of Prisons in response to recommendations issued by the Inspector General in 2007 and 2008 regarding exposure to cadmium, lead, and other metals at the Federal Correctional Institution located in Elkton, Ohio and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the findings of the evaluation under this proviso."

**SA 2639.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 185, line 5, before the period, insert the following: "": *Provided further*, That the United States Trade Representative shall, in the report to Congress required by section 163 of the Trade Act of 1974 (19 U.S.C. 2213), include information regarding the sanitary and phytosanitary standards of the countries

from which the United States imports food and food products”.

**SA 2640.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 185, line 5, before the period, insert the following: “; *Provided further*, That the United States Trade Representative shall, in the report to Congress required by section 163 of the Trade Act of 1974 (19 U.S.C. 2213), include detailed information regarding Trade and Investment Framework Agreements, including the criteria used to determine the countries with which such agreements are initiated, the commitments sought from those countries regarding such agreements, and the time frame with which those commitments are to be achieved”.

**SA 2641.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

SEC. 220. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under the heading “STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES” under title II of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act may be made available to My Brother’s Keeper of Genesee County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

**SA 2642.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

**SEC. 220. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS.**

(a) **SHORT TITLE.**—This section may be cited as the “Dale Long Emergency Medical Service Providers Protection Act”.

(b) **ELIGIBILITY.**—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking “public employee member of a rescue squad or ambu-

lance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) is officially designated as a pre-hospital emergency medical response agency;”;

and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking “as a chaplain” and all that follows through the semicolon, and inserting “or as a chaplain;”;

(B) in subparagraph (B)(ii), by striking “or” after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting “; or”; and

(D) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.”.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (b) shall apply only to injuries sustained on or after January 1, 2009.

(d) **OFFSET.**—The total amount appropriated under the heading “SALARIES AND EXPENSES” under the heading “GENERAL ADMINISTRATION” under this title is reduced by \$1,000,000.

**SA 2643.** Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . JUDICIAL EDUCATION.**

(a) **SHORT TITLE.**—This section may be cited as the “Judicial Education Act of 2009”.

(b) **FINDINGS.**—Congress finds that the National Judicial College—

(1) continues to be an invaluable national resource improving the lives of all Americans by advancing fair, impartial, accessible, and timely justice through judicial education;

(2) serves as the national judicial education entity that performs assessments to determine content of training or education programs, creates curriculum, presents judicial education programs, and acts as a resource to States supporting their judicial education efforts;

(3) collaborates with Federal and State agencies and a broad-based network of public and private justice improvement entities to advance justice system improvement through judicial education;

(4) operates a national judicial education entity that conducts judicial education programs at its state-of-the-art educational facility on the campus of the University of Nevada Reno, regionally at sites across the United States, and in States to enhance the professional competence of the judiciary;

(5) is a resource to all States and the United States territories by training judges, lawyers, physicians, and scientists as adult educators to present judicial education pro-

grams in an interactive adult learning environment, including training them to teach in a distance-learning format; and

(6) has educated over 80,000 judges from all 50 States and the United States territories since 1963.

(c) **ADDITIONAL NOTIFICATION AND REPORTING REQUIREMENTS.**—

(1) **NOTIFICATION.**—Not later than 90 days after the end of each fiscal year during which funds are obligated from appropriations made pursuant to the authorization under subsection (d), the recipient of any such funds for any project authorized under subsection (d) shall submit to the United States Attorney General and the Administrative Office of the United States Courts written notification specifying—

(A) an accounting of participation and subject matter covered by the National Judicial College, including any universal decisions or declarations applying to sentencing recommendations, the impact of laws adopted by Acts of Congress, Federal regulations, agency and State governmental actions, decisions of the Federal Judiciary and State Supreme Courts, as well as advances of science and technology, or any other relevant or appropriate items of jurisprudence, during that fiscal year;

(B) the authorized use specified in subsection (d) that the project satisfies; and

(C) the amount of State or private funds obligated or expended under the project during that fiscal year, including expenditures on or occurring on Federal lands, United States territories, State lands, and private lands.

(2) **REVIEW.**—The Attorney General shall review the notifications submitted under paragraph (1) for a fiscal year for the purpose of assessing the success of the National Judicial College in achieving the purposes of this section.

(3) **ANNUAL REPORT.**—The Attorney General shall prepare an annual report containing the results of the most recent review conducted under paragraph (2) and a summary of the notifications covered by the review.

(4) **SUBMISSION OF REPORT.**—Not later than 150 days after the end of each fiscal year, the report required under paragraph (3) for that fiscal year shall be submitted to the Committees on the Judiciary of the Senate and House of Representatives and the Committees on Appropriations of the Senate and the House of Representatives.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of Justice to support the National Judicial College’s judicial education activities, including those described under subsection (b) for improving the skills, abilities, and competency of State trial limited and general jurisdiction, appellate, tribal, military, municipal, adjunct judicial officers, magistrates, referees, justices of the peace, and administrative law judiciary—

(1) \$1,500,000 for fiscal year 2010;

(2) \$2,000,000 for fiscal year 2011;

(3) \$2,000,000 for fiscal year 2012; and

(4) \$2,000,000 for fiscal year 2013.

**SA 2644.** Mr. VITTER (for himself, Mr. BENNETT, and Mr. ENZI) proposed an amendment to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 110, line 7, strike “activities.” and insert “activities: *Provided further*, That

none of the funds provided in this Act or any other act for any fiscal year may be used for collection of census data that does not include questions regarding United States citizenship and immigration status."

**SA 2645.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 10 and 11, insert the following:

**SEC. 111. (a) REPORT ON DEPARTMENT OF COMMERCE ASSISTANCE TO COMMUNITIES.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report on the effectiveness of the activities of the Department of Commerce that assist communities with significant job losses and high unemployment.

(b) **CONTENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the effectiveness of the activities of the Department of Commerce that assist communities with significant job losses and high unemployment.

(2) An assessment of the efforts of the Secretary of Commerce to coordinate with other relevant Federal agencies to provide assistance to such communities, including the efficiency of such efforts.

(3) A summary of each memorandum of understanding between the Department of Commerce and another Federal agency relating to such assistance.

(4) A comparison of the role of the regional offices and the national office of the Department.

(5) The name or title of each person whom the Secretary has charged with coordinating with other Federal agencies for the provision of such assistance.

(6) A description of the impediments to coordination between the Department of Commerce and other Federal agencies for the provision of such assistance.

(7) A description of the instances in which the Secretary successfully coordinated with other Federal agencies to provide such assistance.

(8) The recommendations of the Secretary on how to improve the coordination among Federal agencies for the provision of such assistance, including with respect to the feasibility and advisability of establishing a single location where communities can obtain information about such assistance.

**SA 2646.** Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** Section 112(a)(1) of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 62) is repealed.

**SA 2647.** Mr. DURBIN submitted an amendment intended to be proposed by

him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 23 and 24, insert the following:

**SEC. 533. REVIEW AND AUDIT OF ACORN FEDERAL FUNDING.**

(a) **REVIEW AND AUDIT.**—The Comptroller General of the United States shall conduct a review and audit of Federal funds awarded to the Association of Community Organizations for Reform Now (referred to in this section as "ACORN") or any subsidiary or affiliate of ACORN to determine—

(1) whether any Federal funds were misused and, if so, the total amount of Federal funds involved and how such funds were misused;

(2) what steps, if any, have been taken to recover any Federal funds that were misused;

(3) what steps should be taken to prevent the misuse of any Federal funds; and

(4) whether all necessary steps have been taken to prevent the misuse of any Federal funds.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the audit required under subsection (a), along with recommendations for Federal agency reforms.

**SA 2648.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, strike beginning with line 7 through line 14 and insert the following:

**STATE CRIMINAL ALIEN ASSISTANCE PROGRAM**

For an additional amount for the State Criminal Alien Assistance Program \$172,000,000 to remain available until expended.

**SA 2649.** Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . 3-YEAR EXTENSION FOR ADMISSION OF NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.**

Section 2(e)(2) of the Nursing Relief for Disadvantaged Areas Act of 1999 (8 U.S.C. 1182 note) is amended by striking "3 years" and inserting "6 years".

**SA 2650.** Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science,

and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** The amount allocated under the Byrne discretionary grant program to the Marcus Institute, Atlanta, GA, to provide remediation for the potential consequences of childhood abuse and neglect, in the report accompanying the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009 (Public Law 111-8) may be deemed to refer to the Georgia State University Center for Healthy Development, Atlanta, GA.

**SA 2651.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

**SEC. 220.** Not later than 60 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of the Treasury shall jointly prepare and submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives. The report required under this section shall include—

(1) an explicit plan establishing specific and detailed milestones for the Integrated Wireless Network funded in this title under the heading "Tactical Law enforcement Wireless Communications", with dates for the planned completion of such network and the funds linked to achieving those milestones;

(2) a description of the technical standards and logical integration points between the law enforcement radio communications systems of the Department of Justice, the Department of Homeland Security, and the Department of the Treasury needed to support and achieve interoperability between the respective communications systems when interoperability is required for tactical reasons or emergency situations; and

(3) an explanation of how the Integrated Wireless Network will promote interoperability with other federal departments and State and local governments.

**SA 2652.** Mr. FEINGOLD (for himself, Mr. SANDERS, Mr. KOHL, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, line 15, before the period at the end, insert "": *Provided further*, That the Antitrust Division shall coordinate oversight, information-sharing, and joint activities concerning competition in the agriculture and related industries, including

farm suppliers, food processors, and retailers, with other relevant agencies, such as the Federal Trade Commission, Commodity Futures Trading Commission, Department of Agriculture, and State Attorneys General, and include an emphasis on asymmetric price transmission from the retail to farm level as related to competition and increasing processor and retailer share of retail price: *Provided further*, That if the Assistant Attorney General for Antitrust determines that the Antitrust Division requires additional authority, data collection, or resources to address those issues, the Division shall submit to Congress a report that includes recommendations and proposals for legislative action".

**SA 2653.** Mr. BUNNING proposed an amendment to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) COMMITTEES.—Rule XXVI of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"14. (a) It shall not be in order in a subcommittee or committee to proceed to any legislative matter unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 72 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

"(b) With respect to the requirements of subparagraph (a)—

"(1) the legislative matter shall be available on the official website of the committee; and

"(2) the final score shall be available on the official website of the Congressional Budget Office.

"(c) This paragraph may be waived or suspended in the subcommittee or committee only by an affirmative vote of  $\frac{2}{3}$  of the Members of the subcommittee or committee. An affirmative vote of  $\frac{2}{3}$  of the Members of the subcommittee or committee shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

"(d)(1) It shall not be in order in the Senate to proceed to a legislative matter if the legislative matter was proceeded to in a subcommittee or committee in violation of this paragraph.

"(2) This subparagraph may be waived or suspended in the Senate only by an affirmative vote of  $\frac{2}{3}$  of the Members, duly chosen and sworn. An affirmative vote of  $\frac{2}{3}$  of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subparagraph.

"(e) In this paragraph, the term 'legislative matter' means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment but does not include perfecting amendments."

(b) SENATE.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"6. (a) It shall not be in order in the Senate to proceed to any legislative matter unless the legislative matter and a final budget

scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 72 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

"(b) With respect to the requirements of subparagraph (a)—

"(1) the legislative matter shall be available on the official website of the committee with jurisdiction over the subject matter of the legislative matter; and

"(2) the final score shall be available on the official website of the Congressional Budget Office.

"(c) This paragraph may be waived or suspended in the Senate only by an affirmative vote of  $\frac{2}{3}$  of the Members, duly chosen and sworn. An affirmative vote of  $\frac{2}{3}$  of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

"(d) In this paragraph, the term 'legislative matter' means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment but does not include perfecting amendments."

(c) PROTECTION OF CLASSIFIED INFORMATION.—Nothing in this section or any amendment made by it shall be interpreted to require or permit the declassification or posting on the Internet of classified information in the custody of the Senate. Such classified information shall be made available to Members in a timely manner as appropriate under existing laws and rules.

**SA 2654.** Mr. AKAKA proposed an amendment to the bill S. 728, to amend title 38, United States Code, to enhance veterans' insurance benefits, and for other purposes; as follows:

On page 39, line 10, strike "September 30, 2014" and insert "April 30, 2016".

On page 54, strike line 18 and all that follows through page 61, line 6.

On page 61, strike line 7 and all that follows through page 64, line 16, and insert the following:

**SEC. 501. INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS.**

(a) INCREASE IN BURIAL AND FUNERAL EXPENSES FOR DEATHS IN DEPARTMENT FACILITIES.—Section 2303(a)(1)(A) is amended by striking "\$300" and inserting "\$745 (as increased from time to time under subsection (c))".

(b) INCREASE IN AMOUNT OF PLOT ALLOWANCES.—Section 2303(b) is amended by striking "\$300" each place it appears and inserting "\$745 (as increased from time to time under subsection (c))".

(c) ANNUAL ADJUSTMENT.—Section 2303 is amended by adding at the end the following new subsection:

"(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the burial and funeral expenses under subsection (a) and in the plot allowance under subsection (b), equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1)."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to deaths occurring on or after October 1, 2010.

(2) PROHIBITION ON COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2011.—No adjustments shall be made under section 2303(c) of title 38, United States Code, as added by subsection (c), for fiscal year 2011.

**SA 2655.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, between lines 15 and 16, insert the following:

SEC. 530A. None of the funds made available in this Act for the Department of Justice may be used to—

(1) prohibit the disclosure of information by any Federal Government agency or entity requested by a ranking minority member of any congressional committee of the Senate or the House of Representatives based upon section 552a(b)(9) of title 5, United States Code (commonly referred to as the Privacy Act of 1974); or

(2) advise, enforce, interpret, or provide guidance to the Department of Justice or any other Federal Government agency or entity, restricting disclosure of information to any ranking minority member of any congressional committee of the Senate or the House of Representatives based upon section 552a(b)(9) of title 5, United States Code (commonly referred to as the Privacy Act of 1974).

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing scheduled before the Senate Committee on Energy and Natural Resources, previously announced for October 1st, has been rescheduled and will now be held on Wednesday, October 14, 2009, at 10 a.m.

The purpose of this hearing is to receive testimony on Energy and Related Economic Effects of Global Climate Change Legislation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Gina\\_Weinstock@energy.senate.gov](mailto:Gina_Weinstock@energy.senate.gov)

For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.



# AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 7, 2009 at 2:30 p.m., to conduct a hearing entitled "Securitization of Assets: Problems and Solutions."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 7, 2009, at 10 a.m., to hold a hearing entitled "The Proposed U.S.-UAE Agreement on Civilian Nuclear Cooperation."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 7, 2009, at 10 a.m., to hold a hearing entitled "Confronting al-Qaeda: The Challenge Today and Tomorrow."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the sessions of the Senate on October 7, 2009, at 10 a.m. in room SD-430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 7, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Workplace Fairness: Has the Supreme Court Been Misinterpreting Laws Designed to Protect American Workers From Discrimination?"

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 7, 2009, at 4 p.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 7, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on October 7, 2009, at 3 p.m. to conduct a hearing entitled, "2010 Census: A Status Update of Key Decennial Operations."

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. DORGAN. I ask unanimous consent that the following three individuals from Senator REID's office be granted the privileges of the floor for Thursday, October 8: Lauren Bateman, Caren Street, and Maria Urbina.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The Senate, on Tuesday, October 6, 2009, passed H.R. 3326, as amended, as follows:

### H.R. 3326

*Resolved*, That the bill from the House of Representatives (H.R. 3326) entitled "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for military functions administered by the Department of Defense and for other purposes, namely:*

### TITLE I

#### MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursu-*

*ant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$41,267,448,000.*

##### MILITARY PERSONNEL, NAVY

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$25,440,472,000.*

##### MILITARY PERSONNEL, MARINE CORPS

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$12,883,790,000.*

##### MILITARY PERSONNEL, AIR FORCE

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$26,378,761,000.*

##### RESERVE PERSONNEL, ARMY

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,286,656,000.*

##### RESERVE PERSONNEL, NAVY

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,905,166,000.*

##### RESERVE PERSONNEL, MARINE CORPS

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active*



duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$611,500,000.

#### RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,584,712,000.

#### NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$7,535,088,000.

#### NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,923,599,000.

### TITLE II

#### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$30,667,886,000.

##### OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$14,657,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$34,773,497,000.

##### OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$5,435,923,000.

##### OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$33,739,447,000.

##### OPERATION AND MAINTENANCE, DEFENSE-WIDE

###### (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$28,205,050,000: Provided, That not more than \$50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than \$29,732,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That \$6,667,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

##### OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,582,624,000.

##### OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,272,501,000.

##### OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$219,425,000.

##### OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,085,700,000.

##### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$5,989,034,000.

##### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$5,857,011,000.

##### UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$13,932,000, of which not to exceed \$5,000 may be used for official representation purposes.

##### ENVIRONMENTAL RESTORATION, ARMY

###### (INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$430,864,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available

for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY  
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$285,869,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE  
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$494,276,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$11,100,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED  
DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$307,700,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC  
AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$109,869,000, to remain available until September 30, 2011.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$424,093,000, to remain available until September 30, 2012: Provided, That of the amounts provided under this heading, not less than \$15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

DEPARTMENT OF DEFENSE ACQUISITION  
WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, \$100,000,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing pur-

poses, \$5,244,252,000, to remain available for obligation until September 30, 2012.

Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,257,053,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED  
COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,310,007,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,049,995,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of eight vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$9,395,444,000, to remain available for obligation until September 30, 2012.

## AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$18,079,312,000, to remain available for obligation until September 30, 2012.

## WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,446,419,000, to remain available for obligation until September 30, 2012.

## PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, and other expenses necessary for the foregoing purposes, \$814,015,000, to remain available for obligation until September 30, 2012.

## SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, \$739,269,000;  
Carrier Replacement Program (AP), \$484,432,000;  
NSSN, \$1,964,317,000;  
NSSN (AP), \$1,959,725,000;  
CVN Refueling, \$1,563,602,000;  
CVN Refuelings (AP), \$211,820,000;  
DDG-1000 Program, \$1,393,797,000;  
DDG-51 Destroyer, \$3,650,000,000;  
DDG-51 Destroyer (AP), \$328,996,000;  
Littoral Combat Ship, \$1,080,000,000;  
LPD-17, \$872,392,000;  
LPD-17 (AP), \$184,555,000;  
LHA-R (AP), \$170,000,000;  
Intratheater Connector, \$177,956,000;  
LCAC Service Life Extension Program, \$63,857,000;  
Prior year shipbuilding costs, \$144,950,000;

Service Craft, \$3,694,000; and

For outfitting, post delivery, conversions, and first destination transportation, \$391,238,000.

In all: \$15,384,600,000, to remain available for obligation until September 30, 2014: Provided, That additional obligations may be incurred after September 30, 2014, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

## OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$5,499,413,000, to remain available for obligation until September 30, 2012.

## PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,550,080,000, to remain available for obligation until September 30, 2012.

## AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$13,148,720,000, to remain available for obligation until September 30, 2012.

## MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and

installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$6,070,344,000, to remain available for obligation until September 30, 2012.

## PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$815,246,000, to remain available for obligation until September 30, 2012.

## OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$17,283,800,000, to remain available for obligation until September 30, 2012.

## PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$4,017,697,000, to remain available for obligation until September 30, 2012.

## NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$1,500,000,000, to remain available for obligation until September 30, 2012: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

## DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$149,746,000, to remain available until expended.

## TITLE IV

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$10,653,126,000, to remain available for obligation until September 30, 2011.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$19,148,509,000, to remain available for obligation until September 30, 2011: Provided, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$28,049,015,000, to remain available for obligation until September 30, 2011.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$20,408,968,000, to remain available for obligation until September 30, 2011, of which \$2,500,000 shall be available only for the Missile Defense Agency to construct a replacement Patriot launcher pad for the Japanese Ministry of Defense.

## OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$190,770,000, to remain available for obligation until September 30, 2011.

## TITLE V

REVOLVING AND MANAGEMENT FUNDS  
DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,455,004,000.

## NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security

needs of the United States, \$1,242,758,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

## TITLE VI

## OTHER DEPARTMENT OF DEFENSE PROGRAMS

## DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, \$28,311,113,000; of which \$26,990,219,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2011, and of which up to \$15,093,539,000 may be available for contracts entered into under the TRICARE program; of which \$322,142,000, to remain available for obligation until September 30, 2012, shall be for procurement; and of which \$998,752,000, to remain available for obligation until September 30, 2011, shall be for research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS  
DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,539,869,000, of which \$1,125,911,000 shall be for operation and maintenance, of which no less than \$84,839,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$34,905,000 for activities on military installations and \$49,934,000, to remain available until September 30, 2011, to assist State and local governments; \$12,689,000 shall be for procurement, to remain available until September 30, 2012, of which no less than \$12,689,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and \$401,269,000, to remain available until September 30, 2011, shall be for research, development, test and evaluation, of which \$398,669,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG  
ACTIVITIES, DEFENSE

## (INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation

and maintenance; for procurement; and for research, development, test and evaluation, \$1,103,086,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

## OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$288,100,000, of which \$287,100,000 shall be for operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,000,000, to remain available until September 30, 2012, shall be for procurement.

## TITLE VII

## RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT  
AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$290,900,000.

INTELLIGENCE COMMUNITY MANAGEMENT  
ACCOUNT

For necessary expenses of the Intelligence Community Management Account, \$750,812,000.

## TITLE VIII

## GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply

to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2010: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: Provided further, That no obligation of funds may be made pursuant to section 1206 of Public Law 109-163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8007. The Secretaries of the Air Force and the Army are authorized, using funds available under the headings "Operation and Maintenance, Air Force" and "Operation and Maintenance, Army", to complete facility conversions and phased repair projects which may include upgrades and additions to Alaskan range infrastructure and training areas, and improved access to these ranges.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2010, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2011.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.

SEC. 8015. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated

in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

#### (TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States:

Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8019. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, \$15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for pur-

poses specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8024. (a) Of the funds made available in this Act, not less than \$25,756,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$22,433,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) \$2,426,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) \$897,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2010 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2010, not more than 5,600 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,100 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2011 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this



Act for FFRDCs is hereby reduced by \$120,200,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2010. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treas-

ury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, and Minnesota relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2011 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2011: Provided, That funds appropriated, trans-

ferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2011.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a



civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or  
(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

#### (RESCISSIONS)

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

“Research, Development, Test and Evaluation, Air Force, 2009/2010”, \$110,230,000;

“Research, Development, Test and Evaluation, Defense-Wide, 2009/2010”, \$199,750,000;

“Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011”, \$41,087,000;

“Other Procurement, Army, 2009/2011”, \$138,239,000;

“Aircraft Procurement, Air Force, 2009/2011”, \$628,900,000;

“Missile Procurement, Air Force, 2009/2011”, \$147,595,000;

“Other Procurement, Air Force, 2009/2011”, \$5,000,000;

“Procurement, Defense-Wide, 2009/2011”, \$5,200,000; and

“Procurement, Defense-Wide, 2008/2010”, \$2,000,000.

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from estab-

lished Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of “commercial items”, as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of

chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following—

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. (a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term “World War II” has the meaning given that term in section 101(8) of title 38, United States Code.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8054. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8056. None of the funds made available in this Act may be used to approve or license the sale of the F-22A advanced tactical fighter to any foreign government: Provided, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F-22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8057. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8058. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary

of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8059. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8060. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8061. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8062. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8063. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously

provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8064. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8065. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary-tracer (API-T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8066. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8067. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8068. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

## (INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", \$106,754,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8070. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2010.

## (INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", \$202,434,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, \$80,092,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, \$50,036,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and \$72,306,000 shall be for the Arrow Missile Defense Program, of which \$25,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

## (INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", \$144,950,000 shall be available until September 30, 2010, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading "Shipbuilding and Conversion, Navy, 2004/2010":

New SSN, \$26,906,000; and

LPD-17 Amphibious Transport Dock Program, \$16,844,000.

Under the heading "Shipbuilding and Conversion, Navy, 2005/2010":

New SSN, \$18,702,000; and

LPD-17 Amphibious Transport Dock Program, \$16,498,000.

Under the heading "Shipbuilding and Conversion, Navy, 2008/2012":

LPD-17 Amphibious Transport Dock Program, \$66,000,000.

SEC. 8073. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8074. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8075. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

SEC. 8076. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8077. In addition to funds made available elsewhere in this Act, \$5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as the provision of funds for information technology and textbook purchases, professional development for educators, and student transition support) to public schools in states that are considered overseas assignments with unusually high concentrations of special needs military dependents enrolled: Provided, That up to 2 percent of the total appropriated funds under this section shall be available for the administration and execution of the programs and/or events that promote the purpose of this appropriation: Provided further, That up to 5 percent of the total appropriated funds under this section shall be available to public schools that have entered into a military partnership: Provided further, That \$1,000,000 shall be available for a nonprofit trust fund to assist in the public-private funding of public school repair and maintenance projects: Provided further, That \$500,000 shall be available to fund an ongoing special education support program in public schools with unusually high concentrations of active duty military dependents enrolled: Provided further, That to the extent a Federal agency provides this assistance by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose.

SEC. 8078. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$50,500,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make grants in the amounts specified as follows: \$20,000,000 to the Edward M. Kennedy Institute for the Senate;

\$5,500,000 to the U.S.S. Missouri Memorial Association; and \$25,000,000 to the National World War II Museum.

SEC. 8079. The budget of the President for fiscal year 2011 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8080. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8081. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8082. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8083. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

## (INCLUDING TRANSFER OF FUNDS)

SEC. 8084. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed \$100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response

from the Committees is received sooner: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8085. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8086. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ-1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8087. Of the funds provided in this Act, \$10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8088. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8089. Up to \$16,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8090. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2011.

SEC. 8091. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this Act is hereby reduced by \$194,000,000, the total amount appropriated in title III of this Act is hereby reduced by \$322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by \$336,000,000, and the total amount appropriated in title V of this Act is hereby reduced by \$9,000,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, sub-activity group, and each program, project, and activity, within each appropriation account.

SEC. 8092. For purposes of section 1553(b) of title 31, United States Code, any subdivision of

appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8093. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8094. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than \$20,000,000 in any fiscal year, the P-1, Procurement Program; P-5, Cost Analysis; P-5a, Procurement History and Planning; P-21, Production Schedule; and P-40 Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than \$10,000,000 in any fiscal year, the R-1, RDT&E Program; R-2, RDT&E Budget Item Justification; R-3, RDT&E Project Cost Analysis; and R-4, RDT&E Program Schedule Profile.

SEC. 8095. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

SEC. 8096. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8097. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section

1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8098. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8099. The Department of Defense shall continue to report incremental contingency operations costs for Operation Iraqi Freedom and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005.

SEC. 8100. The amounts appropriated in title II of this Act are hereby reduced by \$500,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows:

From "Operation and Maintenance, Air Force", \$500,000,000.

SEC. 8101. During the current fiscal year, not to exceed \$10,000,000 from each of the appropriations made in title III of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

SEC. 8102. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, \$24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: Provided, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: Provided further, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8103. Funds appropriated by this Act for operation and maintenance shall be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8104. (a) REPORT ON GROUND-BASED INTERCEPTOR MISSILES.—Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the utilization of funds to maintain the production line of Ground-Based Interceptor (GBI) missiles. The report shall include a plan for the utilization of funds for Ground-Based Interceptor missiles made available by this Act for the Midcourse Defense Segment, including—

(1) the number of Ground-based Interceptor missiles proposed to be produced during fiscal year 2010; and

(2) any plans for maintaining production of such missiles and the subsystems and components of such missiles.

(b) REPORT ON GROUND-BASED MIDCOURSE DEFENSE SYSTEM.—Not later than 120 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit

to the congressional defense committees a report setting forth the acquisition strategy for the Ground-Based Midcourse Defense (GMD) system during fiscal years 2011 through 2016. The report shall include a description of the plans of the Missile Defense Agency for each of the following:

(1) To maintain the capability for production of Ground-Based Interceptor missiles.

(2) To address modernization and obsolescence of the Ground-Based Midcourse Defense system.

(3) To conduct a robust test program for the Ground-Based Midcourse Defense system.

SEC. 8105. (a) HIGH PRIORITY NATIONAL GUARD COUNTERDRUG PROGRAMS.—Of the amount appropriated or otherwise made available by title VI under the heading “DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE”, up to \$30,000,000 shall be available for the purpose of High Priority National Guard Counterdrug Programs.

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the purpose specified in that subsection is in addition to any other amounts made available by this Act for that purpose.

#### APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES

SEC. 8106. (a) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(b) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

SEC. 8107. (a) REPORT ON USE OF LIVE PRIMATES IN TRAINING RELATING TO CHEMICAL AND BIOLOGICAL AGENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a detailed description of the requirements for the use by the Department of Defense of live primates at the United States Army Medical Research Institute of Chemical Defense, and elsewhere, to demonstrate the effects of chemical or biological agents or chemical (such as physostigmine) or biological agent simulants in training programs.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The number of live primates used in the training described in subsection (a).

(2) The average lifespan of primates from the point of introduction into such training programs.

(3) An explanation why the use of primates in such training is more advantageous and realistic than the use of human simulators or other alternatives.

(4) An estimate of the cost of converting from the use of primates to human simulators in such training.

SEC. 8108. (a) FINDINGS.—The Senate makes the following findings:

(1) Real time intelligence, surveillance, and reconnaissance (ISR) is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan.

(2) Secretary of Defense Gates and the military leadership of the United States have highlighted the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground in Iraq and Afghanistan.

(3) The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is “all-in” for the joint fight.

(4) One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force’s E-8C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

(5) Commanders in the field rely on Joint STARS to give them a long range view of the battlefield and detect moving targets in all weather conditions as well as tactical support to Brigade Combat Teams, Joint Tactical Air Controllers and Special Operations Forces convoy overwatch.

(6) Joint STARS is a joint platform, flown by a mix of active duty Air Force and Air National Guard personnel and operated by a joint Army, Air Force, and Marine crew, supporting missions for all the Armed Forces.

(7) With a limited number of airframes, Joint STARS has flown over 55,000 combat hours and 900 sorties over Iraq and Afghanistan and directly contributed to the discovery of hundreds of Improvised Explosive Devices.

(8) The current engines greatly limit the performance of Joint STARS aircraft and are the highest cause of maintenance problems and mission aborts.

(9) There is no other current or programmed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter that Joint STARS provides.

(10) With the significant operational savings that new engines will bring to the Joint STARS, re-engining Joint STARS will pay for itself by 2017 due to reduced operations, sustainment, and fuel costs.

(11) In December 2002, a JSTARS re-engining study determined that re-engining provided significant benefits and cost savings. However, delays in executing the re-engining program continue to result in increased costs for the re-engining effort.

(12) The budget request for the Department of Defense for fiscal year 2010 included \$205,000,000 in Aircraft Procurement, Air Force, and \$16,000,000 in Research, Development, Test, and Evaluation, Air Force for Joint STARS re-engining.

(13) On September 22, 2009, the Department of Defense re-affirmed their support for the President’s Budget request for Joint STARS re-engining.

(14) On September 30, 2009, the Undersecretary of Defense (Acquisition, Technology, and Logistics) signed an Acquisition Decision Memorandum directing that the Air Force proceed

with the Joint STARS re-engining effort, to include expenditure of procurement and research, development, test, and evaluation funds.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Funds for re-engining of the E-8C Joint Surveillance Target Attack Radar System (Joint STARS) should be appropriated in the correct appropriations accounts and in the amounts required in fiscal year 2010 to execute the Joint STARS Re-Engining System Design and Development Program; and

(2) the Air Force should proceed with currently planned efforts to re-engine Joint STARS aircraft, to include expending both procurement and research, development, test, and evaluation funds.

SEC. 8109. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

SEC. 8110. (a) The Secretary of Defense shall conduct a study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) The report required under subsection (a) shall include—

(1) an assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government; and

(2) recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

SEC. 8111. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, \$12,000,000 shall be available for the peer-reviewed Gulf War Illness Research Program of the Army run by Congressionally Directed Medical Research Programs.

SEC. 8112. (a) It is the sense of Congress that—

(1) All of the National Nuclear Security Administration sites, including the Nevada Test Site can play an effective and essential role in developing and demonstrating—

(A) innovative and effective methods for treaty verification and the detection of nuclear weapons and other materials; and

(B) related threat reduction technologies; and

(2) the Administrator for Nuclear Security should expand the mission of the Nevada Test Site to carry out the role described in paragraph (1), including by—

(A) fully utilizing the inherent capabilities and uniquely secure location of the Site;

(B) continuing to support the Nation’s nuclear weapons program and other national security programs; and

(C) renaming the Site to reflect the expanded mission of the Site.

(b) Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan for improving

the infrastructure of the Nevada Test Site of the National Nuclear Security Administration and, if the Administrator deems appropriate, all other sites under the jurisdiction of the National Nuclear Security Administration—

(1) to fulfill the expanded mission of the Site described in subsection (a); and

(2) to make the Site available to support the threat reduction programs of the entire national security community, including threat reduction programs of the National Nuclear Security Administration, the Defense Threat Reduction Agency, the Department of Homeland Security, and other agencies as appropriate.

SEC. 8113. Of the amounts appropriated or otherwise made available by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE” and available for the Office of the Secretary of Defense, up to \$250,000 may be available to the Under Secretary of Defense for Policy for the declassification of the nuclear posture review conducted under section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-262) upon the release of the nuclear posture review to succeed such nuclear posture review.

SEC. 8114. Of the amount appropriated or otherwise made available by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, up to \$15,000,000 may be available for the implementation by the Department of Defense of the responsibilities of the Department under the Military and Overseas Voter Empowerment Act and the amendments made by that Act.

SEC. 8115. None of the funds appropriated or otherwise made available by this Act may be used to dispose of claims filed regarding water contamination at Camp Lejeune, North Carolina, until the Agency for Toxic Substances and Disease Registry (ATSDR) fully completes all current, ongoing epidemiological and water modeling studies pending as of the date of the enactment of this Act.

SEC. 8116. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—No later than 90 days after enactment of this Act none of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP) unless the Secretary of the Army determines that the contract explicitly requires the contractor—

(1) to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with generally accepted electrical standards as determined by the Secretary of Defense in work under the contract;

(2) monitor and immediately correct deficiencies in the quality of any potable or non-potable water provided under the contract to ensure that safe and sanitary water is provided; and

(3) establish and enforce strict standards for preventing, and immediately addressing and cooperating with the prosecution of, any instances of sexual assault in all of its operations and the operations of its subcontractors.

(b) WAIVER.—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the waiver is necessary for the provision of essential services or critical operating facilities for operational missions; or

(2) the work under such contract does not present an imminent threat of death or serious bodily injury.

SEC. 8117. None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of the Army to transfer by

sale, lease, loan, or donation government-owned ammunition production equipment or facilities to a private ammunition manufacturer until 60 days after the Secretary submits a certification to the congressional defense committees that the transfer will not increase the cost of ammunition procurement or negatively impact national security, military readiness, government ammunition production or the United States ammunition production industrial base. The certification shall include the Secretary of the Army's assessment of the following:

(1) A cost-benefit risk analysis for converting government-owned ammunition production equipment or facilities to private ammunition manufacturers, including cost-savings comparisons.

(2) A projection of the impact on the ammunition production industrial base in the United States of converting such equipment or facilities to private ammunition manufacturers.

(3) A projection of the capability to meet current and future ammunition production requirements by both government-owned and private ammunition manufacturers, as well as a combination of the two sources of production assets.

(4) Potential impact on national security and military readiness.

SEC. 8118. (a) None of the funds appropriated or otherwise made available by this Act may be used for any existing or new Federal contract if the contractor or a subcontractor at any tier requires that an employee or independent contractor, as a condition of employment, sign a contract that mandates that the employee or independent contractor performing work under the contract or subcontract resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) The prohibition in subsection (a) does not apply with respect to employment contracts that may not be enforced in a court of the United States.

SEC. 8119. (a) LIMITATION ON EARLY RETIREMENT OF TACTICAL AIRCRAFT.—The Secretary of the Air Force may not retire any tactical aircraft as announced in the Combat Air Forces structuring plan announced on May 18, 2009, until the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report described in this subsection is a report that sets forth the following:

(1) A detailed plan for how the Secretary of the Air Force will fill the force structure and capability gaps resulting from the retirement of tactical aircraft under the structuring plan described in subsection (a).

(2) A description of the follow-on missions for each base affected by the structuring plan.

(3) An explanation of the criteria used for selecting the bases referred to in paragraph (2) and for the selection of tactical aircraft for retirement under the structuring plan.

(4) A plan for the reassignment of the regular and reserve Air Force personnel affected by the retirement of tactical aircraft under the structuring plan.

(5) An estimate of the cost avoidance to be achieved by the retirement of such tactical aircraft, and a description how such funds would be invested under the period covered by the most current future-years defense program.

SEC. 8120. (a) NATURE OF FULL AND OPEN COMPETITION FOR CONGRESSIONALLY DIRECTED SPENDING ITEMS.—Each congressionally directed spending item specified in this Act or the report accompanying this Act that is intended for award to a for-profit entity shall be subject to acquisition regulations for full and open com-

petition on the same basis as each spending item intended for a for-profit entity that is contained in the budget request of the President.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any contract awarded—

(1) by a means that is required by Federal statute, including for a purchase made under a mandated preferential program;

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.); or

(3) in an amount less than the simplified acquisition threshold described in section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)).

(c) CONGRESSIONALLY DIRECTED SPENDING ITEM DEFINED.—In this section, the term “congressionally directed spending item” means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark for purposes of rule XXI of the House of Representatives.

SEC. 8121. (a) FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110-329) and available for obligation, no less than \$50,000,000, and up to \$151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) PROHIBITION ON DIVERSION OF FUNDS.—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) REPORT.—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

SEC. 8122. (a) AMOUNT FOR EVALUATIONS OF CERTAIN LASER SYSTEMS.—Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE” and available for Advanced Weapons Technology (PE# 0603605F), up to \$5,000,000 may be available to carry out the evaluations and analyses required by subsection (b).

(b) EVALUATIONS AND ANALYSES OF CERTAIN LASER SYSTEMS.—The Secretary of Defense shall, in a manner consistent with the October 8, 2008, report of the Air Force Scientific Advisory Board entitled “Airborne Tactical Laser (ATL) Feasibility for Gunship Operations”—

(1) carry out additional enhanced user evaluations of the Advanced Tactical Laser system on a variety of instrumented targets; and

(2) enter into an agreement with a federally funded research and development center under which the center shall—



(A) conduct an analysis of the feasibility of integrating solid state laser systems onto C-130, B-1, and F-35 aircraft platforms to provide close air support; and

(B) estimate the cost per unit of such laser systems and the cost of operating and maintaining each such platform with such laser systems.

#### TITLE IX

### OVERSEAS CONTINGENCY OPERATIONS

#### MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$9,597,340,000.

##### MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$1,175,601,000.

##### MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$670,722,000.

##### MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$1,445,376,000.

##### RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$293,637,000.

##### RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$37,040,000.

##### RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$31,337,000.

##### RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$19,822,000.

##### NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$824,966,000.

##### NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$9,500,000.

#### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$51,928,167,000.

##### OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$5,899,597,000.

##### OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$3,775,270,000.

##### OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$9,929,868,000.

##### OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$7,550,900,000, of which:

(1) Not to exceed \$12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) Not to exceed \$1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: Provided, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately ac-

count for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

##### OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$234,898,000.

##### OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$68,059,000.

##### OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$86,667,000.

##### OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$125,925,000.

##### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$450,246,000.

##### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$289,862,000.

#### AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", \$6,562,769,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation.

#### PROCUREMENT

##### AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$1,119,319,000, to remain available until September 30, 2012.

##### MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$475,954,000, to remain available until September 30, 2012.

##### PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$875,866,000, to remain available until September 30, 2012.

##### PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$365,635,000, to remain available until September 30, 2012.

##### OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$4,874,176,000, to remain available until September 30, 2012.

##### AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$1,342,577,000, to remain available until September 30, 2012.

##### WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$50,700,000, to remain available until September 30, 2012.

##### PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$681,957,000, to remain available until September 30, 2012.

##### OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$260,118,000, to remain available until September 30, 2012.

##### PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$868,197,000, to remain available until September 30, 2012.

##### AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$736,501,000, to remain available until September 30, 2012.

##### MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$36,625,000, to remain available until September 30, 2012.

##### PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$256,819,000, to remain available until September 30, 2012.

##### OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$3,138,021,000, to remain available until September 30, 2012.

##### PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$480,780,000, to remain available until September 30, 2012.

##### MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

##### (INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, \$6,656,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer



authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$57,962,000, to remain available until September 30, 2011.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$84,180,000, to remain available until September 30, 2011.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$39,286,000, to remain available until September 30, 2011.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$112,196,000, to remain available until September 30, 2011.

#### REVOLVING AND MANAGEMENT FUNDS

##### DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$412,215,000.

#### OTHER DEPARTMENT OF DEFENSE PROGRAMS

##### DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$1,563,675,000, which shall be for operation and maintenance.

##### DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

For an additional amount for "Drug Interdiction and Counter-Drug Activities", \$353,603,000, to remain available until September 30, 2011.

##### JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

###### (INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", \$2,033,560,000, to remain available until September 30, 2012: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and eval-

uation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That amounts transferred shall be merged with and available for the same purposes and time period as the appropriations to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

##### OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", \$8,876,000.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2010.

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to \$4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2010: Provided further, That the amount in this section is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the "Afghanistan Security Forces Fund" provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of \$75,000 per vehicle and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed \$1,200,000,000 of the amount appropriated in this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility: Provided, That not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any

other provision of law for the purposes described herein.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. Each amount in this title is designated as being for overseas deployments and other activities pursuant to section 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9008. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9009. (a) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander of the United States Central Command; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings "Iraq Security Forces Fund", "Afghanistan Security Forces Fund", and "Pakistan Counterinsurgency Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this section of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of the report, including estimates by the commanders referred to in subsection (a) of the costs to complete each project.

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in subsection (a) of the costs to complete each project.

(3) An estimated total cost to train and equip the Iraq, Afghanistan, and Pakistan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of \$20,000,000 using funds appropriated by this or any prior Act under the headings "Iraq Security Forces Fund", "Afghanistan Security Forces Fund", and "Pakistan Counterinsurgency Fund".

SEC. 9010. (a) None of the funds appropriated or otherwise made available by this Act or any

prior Act may be used to transfer, release, or incarcerate any individual who was detained as of October 1, 2009, at Naval Station, Guantanamo Bay, Cuba, to or within the United States or its territories.

(b) In this section, the term "United States" means the several States and the District of Columbia.

SEC. 9011. In addition to amounts made available elsewhere in this title there is hereby appropriated \$329,000,000 for the purchase of fuel to the following accounts in the specified amounts:

"Operation and Maintenance, Army", \$83,552,000;

"Operation and Maintenance, Navy", \$33,889,000;

"Operation and Maintenance, Marine Corps", \$1,619,000;

"Operation and Maintenance, Air Force", \$179,191,000;

"Operation and Maintenance, Army Reserve", \$8,567,000;

"Operation and Maintenance, Navy Reserve", \$3,007,000;

"Operation and Maintenance, Marine Corps Reserve", \$39,000; and

"Operation and Maintenance, Army National Guard", \$19,136,000.

SEC. 9012. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 9013. The Secretary of Defense may, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, continue to support requirements for monthly integrated civilian-military training for civilians deploying to Afghanistan at Camp Atterbury, Indiana, including through the allocation of military and civilian personnel, trainers, and other resources for that purpose.

SEC. 9014. (a) *HEARINGS ON STRATEGY AND RESOURCES WITH RESPECT TO AFGHANISTAN AND PAKISTAN.*—Appropriate committees of Congress shall hold hearings, in open and closed session, relating to the strategy and resources of the United States with respect to Afghanistan and Pakistan promptly after the decision by the President on those matters is announced.

(b) *TESTIMONY.*—The hearings described in subsection (a) should include testimony from senior civilian and military officials of the United States, including, but not limited to, the following:

(1) The Secretary of Defense.

(2) The Secretary of State

(3) The Chairman of the Joint Chiefs of Staff.

(4) The Commander of the United States Central Command.

(5) The Commander of the United States European Command and Supreme Allied Commander, Europe.

(6) The Commander of United States Forces-Afghanistan.

(7) The United States Ambassador to Afghanistan.

(8) The United States Ambassador to Pakistan.

SEC. 9015. (a) *FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.*—Of the amounts appropriated or otherwise made available by title IX, \$20,000,000 shall be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) *SUPPLEMENT NOT SUPPLANT.*—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

This Act may be cited as the "Department of Defense Appropriations Act, 2010".

## GOVERNMENT CHARGE CARD ABUSE PREVENTION ACT OF 2009

Mr. BENNET. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 163, S. 942.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 942) to prevent the abuse of Government charge cards.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNET. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 942) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 942

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Charge Card Abuse Prevention Act of 2009".

### SEC. 2. MANAGEMENT OF PURCHASE CARDS.

(a) *REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.*—The head of each executive agency that issues and uses purchase cards and convenience checks shall establish and maintain safeguards and internal controls to ensure the following:

(1) There is a record in each executive agency of each holder of a purchase card issued by the agency for official use, annotated with the limitations on single transactions and total transactions that are applicable to the use of each such card or check by that purchase cardholder.

(2) Each purchase cardholder and individual issued a convenience check is assigned an approving official other than the cardholder with the authority to approve or disapprove transactions.

(3) The holder of a purchase card and each official with authority to authorize expenditures charged to the purchase card are responsible for—

(A) reconciling the charges appearing on each statement of account for that purchase card with receipts and other supporting documentation; and

(B) forwarding such reconciliation to the certifying official in a timely manner to enable the certifying official to ensure that the Federal Government ultimately pays only for valid charges.

(4) Any disputed purchase card charge, and any discrepancy between a receipt and other supporting documentation and the purchase card statement of account, is resolved in the manner prescribed in the applicable governmentwide purchase card contract entered into by the Administrator of General Services and in accordance with all laws and executive agency regulations.

(5) Payments on purchase card accounts are made promptly within prescribed deadlines to avoid interest penalties.

(6) Rebates and refunds based on prompt payment, sales volume, or other actions by

the agency on purchase card accounts are reviewed for accuracy and properly recorded as a receipt to the agency that pays the monthly bill.

(7) Records of each purchase card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Government policies on the disposition of records.

(8) Periodic reviews are performed to determine whether each purchase cardholder has a need for the purchase card.

(9) Appropriate training regarding the proper use of purchase cards is provided to each purchase cardholder in advance of being issued a purchase card and periodically thereafter and to each official with responsibility for overseeing the use of purchase cards issued by an executive agency in advance of assuming such oversight duties and periodically thereafter.

(10) The executive agency has specific policies regarding the number of purchase cards issued by various component organizations and categories of component organizations, the credit limits authorized for various categories of cardholders, and categories of employees eligible to be issued purchase cards, and that those policies are designed to minimize the financial risk to the Federal Government of the issuance of the purchase cards and to ensure the integrity of purchase cardholders.

(11) The executive agency utilizes effective systems, techniques, and technologies to prevent or identify fraudulent purchases.

(12) The executive agency invalidates the purchase card of each employee who—

(A) ceases to be employed by the agency, immediately upon termination of the employment of the employee; or

(B) transfers to another unit of the agency immediately upon the transfer of the employee unless the agency determines that the units are covered by the same purchase card authority.

(13) The executive agency takes steps to recover the cost of any erroneous, improper, or illegal purchase made with a purchase card or convenience check by an employee, including, as necessary, through salary offsets.

(b) *GUIDANCE ON MANAGEMENT OF PURCHASE CARDS.*—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance governing the implementation of the safeguards and internal controls required by subsection (a) by executive agencies.

### (c) PENALTIES FOR VIOLATIONS.—

(1) *IN GENERAL.*—The head of each executive agency shall provide for appropriate adverse personnel actions or other punishment to be imposed in cases in which employees of the agency violate agency policies implementing the guidance required by subsection (b) or make improper, erroneous, or illegal purchases with purchase cards or convenience checks.

(2) *DISMISSAL.*—Penalties prescribed for employee misuse of purchase cards or convenience checks shall include dismissal of the employee, as appropriate.

(3) *REPORTS ON VIOLATIONS.*—The guidance prescribed under subsection (b) shall direct each head of an executive agency with more than \$10,000,000 in purchase card spending annually, and each Inspector General of such an executive agency on a semiannual basis, to submit to the Director of the Office of Management and Budget a joint report on violations or other actions covered by paragraph (1) by employees of such executive

agency. At a minimum, the report shall set forth the following:

(A) A description of each violation.  
(B) A description of any adverse personnel action, punishment, other action taken against the employee for such violation.

(d) **RISK ASSESSMENTS AND AUDITS.**—The Inspector General of each executive agency shall—

(1) conduct periodic assessments of the agency purchase card or convenience check programs to identify and analyze risks of illegal, improper, or erroneous purchases and payments in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase card or convenience check transactions;

(2) perform analysis or audits as necessary, of purchase card transactions designed to identify—

(A) potentially illegal, improper, erroneous, and abusive uses of purchase cards;

(B) any patterns of such uses; and

(C) categories of purchases that could be made by means other than purchase cards in order to better aggregate purchases and obtain lower prices (excluding transactions made under card-based strategic sourcing arrangements);

(3) report to the head of the executive agency concerned on the results of such analysis or audits; and

(4) report to the Director of the Office of Management and Budget on the implementation of recommendations made to the head of the executive agency to address findings of any analysis or audit of purchase card and convenience check transactions or programs for compilation and transmission by the Director to Congress and the Comptroller General.

(e) **DEFINITION OF EXECUTIVE AGENCY.**—In this section, the term “executive agency” has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)), except as provided under subsection (f)(1).

(f) **RELATIONSHIP TO DEPARTMENT OF DEFENSE PURCHASE CARD REGULATIONS.**—

(1) **IN GENERAL.**—The requirements of subsections (a) through (d) shall not apply to the Department of Defense.

(2) **CONFORMING AMENDMENTS.**—Section 2784 of title 10, United States Code, is amended—

(A) in subsection (b), by adding at the end the following new paragraphs:

“(11) That each purchase cardholder and individual issued a convenience check is assigned an approving official other than the cardholder with the authority to approve or disapprove transactions.

“(12) That the Department of Defense utilizes effective systems, techniques, and technologies to prevent or identify fraudulent purchases.

“(13) That the Department of Defense takes appropriate steps to invalidate the purchase card of each employee who—

“(A) ceases to be employed by the Department of Defense, immediately upon termination of the employment of the employee; or

“(B) transfers to another unit of the Department of Defense immediately upon the transfer of the employee unless the Secretary of Defense determines that the units are covered by the same purchase card authority.

“(14) That the Department of Defense takes appropriate steps to recover the cost of any erroneous, improper, or illegal purchase made with a purchase card or convenience check by an employee, including, as necessary, through salary offsets.

“(15) That the Inspector General of the Department of Defense conducts periodic assessments of purchase card or convenience check programs to identify and analyze risks of illegal, improper, or erroneous purchases and payments and uses such risk assessments to develop appropriate recommendations for corrective actions.”; and

(B) by adding at the end the following new subsection:

“(d) **SEMIANNUAL REPORT.**—The Secretary of Defense and the Inspector General of the Department of Defense, shall submit to the Director of the Office of Management and Budget on a semiannual basis a joint report on illegal, improper, or erroneous purchases and payments made with purchase cards or convenience checks by employees of the Department of Defense. At a minimum, the report shall include the following:

“(1) A description of each violation.

“(2) A description of any adverse personnel action, punishment, or other action taken against the employee for such violation.

“(3) A description of actions taken by the Department of Defense to address recommendations made to address findings arising out of risk assessments and audits conducted pursuant to this section.”.

### **SEC. 3. MANAGEMENT OF TRAVEL CARDS.**

Section 2 of the Travel and Transportation Reform Act of 1998 (Public Law 105-264; 5 U.S.C. 5701 note) is amended by adding at the end the following new subsection:

“(h) **MANAGEMENT OF TRAVEL CHARGE CARDS.**—

“(1) **REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.**—The head of each executive agency that has employees that use travel charge cards shall establish and maintain the fol-

lowing internal control activities to ensure the proper, efficient, and effective use of such travel charge cards:

“(A) There is a record in each executive agency of each holder of a travel charge card issued on behalf of the agency for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that travel charge cardholder.

“(B) Rebates and refunds based on prompt payment, sales volume, or other actions by the agency on travel charge card accounts are monitored for accuracy and properly recorded as a receipt of the agency that employs the cardholder.

“(C) Periodic reviews are performed to determine whether each travel charge cardholder has a need for the travel charge card.

“(D) Appropriate training is provided to each travel charge cardholder and each official with responsibility for overseeing the use of travel charge cards issued by an executive agency.

“(E) Each executive agency has specific policies regarding the number of travel charge cards issued for various component organizations and categories of component organizations, the credit limits authorized for various categories of cardholders, and categories of employees eligible to be issued travel charge cards, and designs those policies to minimize the financial risk to the Federal Government of the issuance of the travel charge cards and to ensure the integrity of travel charge cardholders.

“(F) Each executive agency ensures its contractual arrangement with each servicing travel charge card issuing contractor contains a requirement to evaluate the creditworthiness of an individual before issuing that individual a travel charge card, and that no individual be issued a travel charge card if that individual is found not creditworthy as a result of the evaluation (except that this paragraph shall not preclude issuance of a restricted use travel charge card or pre-paid card when the individual lacks a credit history or has a credit score below the minimum credit score established by the Office of Management and Budget). The Director of the Office of Management and Budget shall establish a minimum credit score for determining the creditworthiness of an individual based on rigorous statistical analysis of the population of cardholders and historical behaviors. Notwithstanding any other provision of law, such evaluation shall include an assessment of an individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act.

“(G) Each executive agency utilizes effective systems, techniques, and technologies to prevent or identify improper purchases.

“(H) Each executive agency ensures that the travel charge card of each employee who ceases to be employed by the agency is invalidated immediately upon termination of the employment of the employee.

“(I) Each executive agency utilizes, where appropriate, direct payment to the holder of the travel card contract.

“(2) **GUIDANCE ON MANAGEMENT OF TRAVEL CHARGE CARDS.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies governing the implementation of the requirements in paragraph (1).

“(3) **PENALTIES FOR VIOLATIONS.**—

“(A) **IN GENERAL.**—Consistent with the guidance prescribed under paragraph (2), each executive agency shall provide for appropriate adverse personnel actions to be imposed in cases in which employees of the executive agency fail to comply with applicable travel charge card terms and conditions or applicable agency regulations or commit fraud with respect to a travel charge card, including removal in appropriate cases.

“(B) **REPORTS ON VIOLATIONS.**—The guidance prescribed under paragraph (2) shall require each head of an executive agency with more than \$10,000,000 in travel card spending annually, and each inspector general of such an executive agency, on a semiannual basis, to submit to the Director of the Office of Management and Budget a joint report on violations or other actions covered by subparagraph (A) by employees of such executive agency. At a minimum, the report shall set forth the following:

“(i) A description of each violation.

“(ii) A description of any adverse personnel action, punishment, or other action taken against the employee for such violation or other action.

“(4) **RISK ASSESSMENTS AND AUDITS.**—The inspector general of each executive agency shall—

“(A) conduct periodic assessments of the agency travel charge card program and associated internal controls to identify and analyze risks of illegal, improper, or erroneous travel charges and payments in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of travel charge card transactions;

“(B) perform periodic analysis and audits, as appropriate, of travel charge card transactions designed to identify potentially improper, erroneous, and illegal uses of travel charge cards;

“(C) report to the head of the executive agency concerned on the results of such analysis and audits; and

“(D) report to the Director of the Office of Management and Budget on the implementation of recommendations made to the head of the executive agency to address findings of any analysis or audit of travel charge card transactions or programs for compilation and transmission by the Director to Congress and the Comptroller General.

“(5) **DEFINITIONS.**—In this subsection:

“(A) The term ‘executive agency’ means an agency as that term is defined in subparagraphs (A) and (B) of section 5701(1) of title 5, United States Code.

“(B) The term ‘travel charge card’ means any Federal contractor-issued travel charge card that is individually billed to each cardholder.”

#### **SEC. 4. MANAGEMENT OF CENTRALLY BILLED ACCOUNTS.**

(a) **REQUIRED INTERNAL CONTROLS FOR CENTRALLY BILLED ACCOUNTS.**—The head of an executive agency that has employees who use a travel charge card that is billed directly to the United States Government shall establish and maintain the following internal control activities:

(1) Items submitted on an employee's travel voucher shall be compared with items paid for using a centrally billed account on any related travel to ensure that an employee is not reimbursed for an item already paid for by the United States Government through a centrally billed account.

(2) The executive agency shall dispute unallowable and erroneous charges and track the status of the disputed transactions to ensure appropriate resolution.

(3) The executive agency shall submit requests to servicing airlines for refunds of fully or partially unused tickets, when entitled to such refunds, and track the status of unused tickets to ensure appropriate resolution.

(b) **GUIDANCE.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies implementing the requirements of subsection (a).

#### **SEC. 5. CONSTRUCTION.**

Nothing in this Act shall be construed to excuse the head of an executive agency from the responsibilities set out in section 3512 of title 31, United States Code, or in the Improper Payments Act of 2002 (31 U.S.C. 3321 note).

### **VETERANS' INSURANCE AND BENEFITS ENHANCEMENT ACT OF 2009**

Mr. BENNET. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 155, S. 728.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 728) to amend title 38, United States Code, to enhance veterans' insurance benefits, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans' Benefits Enhancement Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Reference to title 38, United States Code.

#### **TITLE I—INSURANCE MATTERS**

Sec. 101. Increase in amount of supplemental insurance for totally disabled veterans.

Sec. 102. Adjustment of coverage of dependents under Servicemembers' Group Life Insurance.

Sec. 103. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.

Sec. 104. Consideration of loss of dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers' Group Life Insurance.

Sec. 105. Enhancement of veterans' mortgage life insurance.

#### **TITLE II—COMPENSATION AND PENSION MATTERS**

Sec. 201. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.

Sec. 202. Eligibility of veterans 65 years of age or older for service pension for a period of war.

Sec. 203. Clarification of additional requirements for consideration to be afforded time, place, and circumstances of service in determinations regarding service-connected disabilities.

Sec. 204. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.

Sec. 205. Enhancement of disability compensation for certain disabled veterans with difficulties using prostheses and disabled veterans in need of regular aid and attendance for residuals of traumatic brain injury.

Sec. 206. Commencement of period of payment of original awards of compensation for veterans retired or separated from the uniformed services for catastrophic disability.

Sec. 207. Applicability of limitation to pension payable to certain children of veterans of a period of war.

Sec. 208. Payment of dependency and indemnity compensation to survivors of former prisoners of war who died on or before September 30, 1999.

#### **TITLE III—READJUSTMENT AND RELATED BENEFIT MATTERS**

Sec. 301. Repeal of limitation on number of veterans enrolled in programs of independent living services and assistance.

Sec. 302. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.

Sec. 303. Enhancement of automobile assistance allowance for veterans.

Sec. 304. Payment of unpaid balances of Department of Veterans Affairs guaranteed loans.

#### **TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES**

Sec. 401. Waiver of sovereign immunity under the 11th Amendment with respect to enforcement of USERRA.

Sec. 402. Clarifying the definition of "successor in interest".

Sec. 403. Clarifying that USERRA prohibits wage discrimination against members of the Armed Forces.

Sec. 404. Requirement that Federal agencies provide notice to contractors of potential USERRA obligations.

Sec. 405. Comptroller General of the United States study on effectiveness of Federal programs of education and outreach on employer obligations under USERRA.

Sec. 406. Technical amendments.

#### TITLE V—BURIAL AND MEMORIAL MATTERS

Sec. 501. Supplemental benefits for veterans for funeral and burial expenses.

Sec. 502. Supplemental plot allowances.

#### TITLE VI—OTHER MATTERS

Sec. 601. National Academies review of best treatments for Gulf War Illness.

Sec. 602. Extension of National Academy of Sciences reviews and evaluations regarding illness and service in Persian Gulf War.

Sec. 603. Extension of authority for regional office in Republic of the Philippines.

Sec. 604. Aggregate amount of educational assistance available to individuals who receive both survivors' and dependents educational assistance and other veterans and related educational assistance.

Sec. 605. Technical correction.

#### SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

#### TITLE I—INSURANCE MATTERS

##### SEC. 101. INCREASE IN AMOUNT OF SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.

Section 1922(a) is amended by striking "\$20,000" and inserting "\$30,000".

##### SEC. 102. ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

Clause (ii) of section 1968(a)(5)(B) is amended to read as follows:

"(ii)(I) in the case of a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in subparagraph (B) or (C) of section 1965(5) of this title, 120 days after separation or release from such assignment; or

"(II) in the case of any other member of the uniformed services, 120 days after the date of the member's separation or release from the uniformed services; or".

##### SEC. 103. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109-233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking ", if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom".

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking "IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

##### SEC. 104. CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Section 1980A(d) is amended—

(1) by striking "Payments under" and inserting "(1) Payments under"; and

(2) by adding at the end the following new paragraph:

"(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and a qualifying loss of a nondominant hand."

(b) PAYMENTS FOR QUALIFYING LOSSES INCURRED BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act by reason of the requirements of paragraph (2) of subsection (d) of such section (as added by subsection (a)(2) of this section).

(2) QUALIFYING LOSS DEFINED.—In this subsection, the term "qualifying loss" means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

##### SEC. 105. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

(a) IN GENERAL.—Section 2106(b) is amended by striking "\$90,000" and inserting "\$150,000, or \$200,000 after January 1, 2012,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2010.

#### TITLE II—COMPENSATION AND PENSION MATTERS

##### SEC. 201. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.

Section 1311(f) is amended—

(1) in paragraph (1), by inserting "(as increased from time to time under paragraph (4))" after "\$250";

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount."

##### SEC. 202. ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR SERVICE PENSION FOR A PERIOD OF WAR.

(a) IN GENERAL.—Section 1513 is amended—

(1) in subsection (a), by striking "by section 1521" and all that follows and inserting "by subsection (b), (c), (f)(1), (f)(5), or (g) of that section, as the case may be and as increased

from time to time under section 5312 of this title.";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) The conditions in subsections (h) and (i) of section 1521 of this title shall apply to determinations of income and maximum payments of pension for purposes of this section."

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to any claim for pension filed on or after the date of the enactment of this Act.

##### SEC. 203. CLARIFICATION OF ADDITIONAL REQUIREMENTS FOR CONSIDERATION TO BE AFFORDED TIME, PLACE, AND CIRCUMSTANCES OF SERVICE IN DETERMINATIONS REGARDING SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—Subsection (a) of section 1154 is amended to read as follows:

"(a) The Secretary shall include in the regulations pertaining to service-connection of disabilities the following:

"(1) Provisions requiring that, in each case where a veteran is seeking service-connection for any disability, due consideration shall be given to the places, types, and circumstances of such veteran's service as shown by—

"(A) such veteran's service record;

"(B) the official history of each organization in which such veteran served;

"(C) such veteran's medical records; and

"(D) all pertinent medical and lay evidence.

"(2) Provisions generally recognizing circumstances in which lay evidence consistent with the place, conditions, dangers, or hardships associated with particular military service does not require confirmatory official documentary evidence in order to establish the occurrence of an event or exposure during active military, naval, or air service.

"(3) The provisions required by section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542; 98 Stat. 2727)."

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall promulgate regulations to implement section 1154(a)(2) of title 38, United States Code, as added by subsection (a).

(2) INTERIM REGULATIONS.—In the case that the Secretary is unable to promulgate final regulations under paragraph (1) on or before the date that is 210 days after the date of the enactment of this Act, the Secretary shall promulgate interim regulations on or before such date to be in effect until such time as the Secretary promulgates final regulations.

##### SEC. 204. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) is amended by striking "September 30, 2011" and inserting "September 30, 2014".

##### SEC. 205. ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DIFFICULTIES USING PROSTHESES AND DISABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.

(a) VETERANS SUFFERING ANATOMICAL LOSS OF HANDS, ARMS, OR LEGS.—Section 1114 is amended—

(1) in subsection (m)—

(A) by striking "at a level, or with complications," and inserting "with factors"; and

(B) by striking "at levels, or with complications," and inserting "with factors";

(2) in subsection (n)—

(A) by striking “at levels, or with complications,” and inserting “with factors”;

(B) by striking “so near the hip as to” and inserting “with factors that”; and

(C) by striking “so near the shoulder and hip as to” and inserting “with factors that”; and

(3) in subsection (o), by striking “so near the shoulder as to” and inserting “with factors that”.

(b) **VETERANS WITH SERVICE-CONNECTED DISABILITIES IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.**—

(1) **IN GENERAL.**—Such section is further amended—

(A) in subsection (p), by striking the semicolon at the end and inserting a period; and

(B) by adding at the end the following new subsection:

“(t) Subject to section 5503(c) of this title, if any veteran, as the result of service-connected disability, is in need of regular aid and attendance for the residuals of traumatic brain injury, is not eligible for compensation under subsection (r)(2), and in the absence of such regular aid and attendance would require hospitalization, nursing home care, or other residential institutional care, the veteran shall be paid, in addition to any other compensation under this section, a monthly aid and attendance allowance equal to the rate described in subsection (r)(2), which for purposes of section 1134 of this title shall be considered as additional compensation payable for disability. An allowance authorized under this subsection shall be paid in lieu of any allowance authorized by subsection (r)(1).”.

(2) **CONFORMING AMENDMENT.**—Section 5503(c) is amended by striking “in section 1114(r)” and inserting “in subsection (r) or (t) of section 1114”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on August 31, 2010.

**SEC. 206. COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY.**

(a) **COMMENCEMENT OF PERIOD OF PAYMENT.**—Subsection (a) of section 5111 is amended—

(1) by inserting “(1)” after “(a)”;

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking “in subsection (c) of this section” and inserting “in paragraph (2) of this subsection and subsection (c)”;

(3) by adding at the end the following new paragraph:

“(2)(A) In the case of a veteran who is retired or separated from the active military, naval, or air service for a catastrophic disability or disabilities, payment of monetary benefits based on an award of compensation based on an original claim shall be made as of the date on which such award becomes effective as provided under section 5110 of this title or another applicable provision of law.

“(B) In this paragraph, the term ‘catastrophic disability’ means with respect to a veteran, means a permanent, severely disabling injury, disorder, or disease that compromises the ability of the veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to awards of compensation based on original claims that become effective on or after that date.

(c) **TECHNICAL CORRECTION REGARDING WAIVER OF RETIRED PAY.**—Section 5305 is amended

by striking “section 1414” and inserting “sections 1212(d)(2) and 1414”.

**SEC. 207. APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR.**

Section 5503(d)(5) is amended—

(1) by inserting “(A)” after “(5)”;

(2) by adding at the end the following new subparagraph:

“(B) The provisions of this subsection shall apply with respect to a child entitled to pension under section 1542 of this title in the same manner as they apply to a veteran having neither spouse nor child.”.

**SEC. 208. PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEPTEMBER 30, 1999.**

Section 1318(b)(3) is amended by striking “who died after September 30, 1999,”.

**TITLE III—READJUSTMENT AND RELATED BENEFIT MATTERS**

**SEC. 301. REPEAL OF LIMITATION ON NUMBER OF VETERANS ENROLLED IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.**

(a) **IN GENERAL.**—Section 3120 is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(b) **CONFORMING AMENDMENT.**—Subsection (a) of such section is amended by striking “described in subsection (f)” and inserting “described in subsection (e)”.

**SEC. 302. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.**

(a) **ELIGIBILITY.**—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “in subclause (i), (ii), or (iii) below” and inserting “in clause (i), (ii), (iii), or (iv) of this subparagraph”; and

(B) by adding at the end the following new clause:

“(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).”; and

(2) in subparagraph (B), by striking “subclause (i), (ii), or (iii) of clause (A) of this paragraph” and inserting “clause (i), (ii), (iii), or (iv) of subparagraph (A)”.

(b) **STYLISTIC AMENDMENTS.**—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter:”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “means—” and inserting “means the following:”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “any veteran” and inserting “Any veteran”;

(ii) in clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking “; or” and inserting a period; and

(C) in subparagraph (B), by striking “any member” and inserting “Any member”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2010.

**SEC. 303. ENHANCEMENT OF AUTOMOBILE ASSISTANCE ALLOWANCE FOR VETERANS.**

(a) **INCREASE IN AMOUNT OF ALLOWANCE.**—Subsection (a) of section 3902 is amended by striking “\$11,000” and inserting “\$22,500 (as adjusted from time to time under subsection (e))”.

(b) **ANNUAL ADJUSTMENT.**—Such section is further amended by adding at the end the following new subsection:

“(e)(1) Effective on October 1 of each year (beginning in 2011), the Secretary shall increase the dollar amount in effect under subsection (a) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

“(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2010.

**SEC. 304. PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS.**

Section 3732(a)(2) is amended—

(1) by striking “Before suit” and inserting “(A) Before suit”; and

(2) by adding at the end the following new subparagraph:

“(B) In the event that a housing loan guaranteed under this chapter is modified under the authority provided under section 1322(b) of title 11, the Secretary may pay the holder of the obligation the unpaid balance of the obligation due as of the date of the filing of the petition under title 11 plus accrued interest, but only upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evidence, and records with respect to the housing loan.”.

**TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES**

**SEC. 401. WAIVER OF SOVEREIGN IMMUNITY UNDER THE 11TH AMENDMENT WITH RESPECT TO ENFORCEMENT OF USERRA.**

(a) **IN GENERAL.**—Section 4323 is amended—

(1) in subsection (b) by striking paragraph (2) and inserting the following new paragraph:

“(2) In the case of an action against a State (as an employer) by a person, the action may be brought in the appropriate district court of the United States or State court of competent jurisdiction.”;

(2) by redesignating subsection (i) as subsection (j); and

(3) by inserting after subsection (h) the following new subsection (i):

“(i) **WAIVER OF STATE SOVEREIGN IMMUNITY.**—(1) A State’s receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment to the Constitution or otherwise, to a suit brought by—

“(A) a person who is or was an employee in that program or activity for the rights or benefits authorized the person by this chapter;

“(B) a person applying to be such an employee in that program or activity for the rights or benefits authorized the person by this chapter; or

“(C) a person seeking reemployment as an employee in that program or activity for the rights or benefits authorized the person by this chapter.

“(2) In this subsection, the term ‘program or activity’ has the meaning given that term in section 309 of the Age Discrimination Act of 1975 (42 U.S.C. 6107).”.

(b) **APPLICATION.**—The amendments made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and



(2) all actions or complaints filed under such chapter 43 that are commenced after the date of the enactment of this Act.

**SEC. 402. CLARIFYING THE DEFINITION OF "SUCCESSOR IN INTEREST".**

(a) *IN GENERAL.*—Section 4303(4) is amended by adding at the end the following new subparagraph:

"(D)(i) Whether the term 'successor in interest' applies with respect to an entity described in subparagraph (A) for purposes of clause (iv) of such subparagraph shall be determined on a case-by-case basis using a multi-factor test that considers the following factors:

"(I) Substantial continuity of business operations.

"(II) Use of the same or similar facilities.

"(III) Continuity of work force.

"(IV) Similarity of jobs and working conditions.

"(V) Similarity of supervisory personnel.

"(VI) Similarity of machinery, equipment, and production methods.

"(VII) Similarity of products or services.

"(ii) The entity's lack of notice or awareness of a potential or pending claim under this chapter at the time of a merger, acquisition, or other form of succession shall not be considered when applying the multi-factor test under clause (i)."

(b) *APPLICATION.*—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

**SEC. 403. CLARIFYING THAT USERRA PROHIBITS WAGE DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES.**

(a) *IN GENERAL.*—Section 4303(2) is amended by striking "other than" and inserting "including".

(b) *APPLICATION.*—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

**SEC. 404. REQUIREMENT THAT FEDERAL AGENCIES PROVIDE NOTICE TO CONTRACTORS OF POTENTIAL USERRA OBLIGATIONS.**

(a) *CIVILIAN AGENCIES.*—The Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

**"SEC. 318. NOTICE TO CONTRACTORS OF POTENTIAL OBLIGATIONS RELATING TO EMPLOYMENT AND REEMPLOYMENT OF MEMBERS OF THE ARMED FORCES.**

"Each contract for the procurement of property or services that is entered into by the head of an executive agency shall include a notice to the contractor that the contractor may have obligations under chapter 43 of title 38, United States Code."

(b) *ARMED FORCES.*—

(1) *IN GENERAL.*—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**"§2334. Notice to contractors of potential obligations relating to employment and reemployment of members of the armed forces**

"Each contract for the procurement of property or services that is entered into by the head of an executive agency shall include a notice to the contractor that the contractor may have obligations under chapter 43 of title 38."

(2) *CLERICAL AMENDMENT.*—The table of sections for such chapter is amended by adding at the end the following new item:

"2334. Notice to contractors of potential obligations relating to employment and reemployment of members of the armed forces."

**SEC. 405. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON EFFECTIVENESS OF FEDERAL PROGRAMS OF EDUCATION AND OUTREACH ON EMPLOYER OBLIGATIONS UNDER USERRA.**

(a) *STUDY REQUIRED.*—The Comptroller General of the United States shall conduct a study on the effectiveness of Federal programs of education and outreach on employer obligations under chapter 43 of title 38, United States Code.

(b) *CONTENTS OF STUDY.*—In carrying out the study required by subsection (a), the Comptroller General shall—

(1) assess current practices and procedures of Federal agencies for educating employers about their obligations under chapter 43 of title 38, United States Code;

(2) identify best practices for bringing the employment practices of small businesses into compliance with such chapter;

(3) determine whether the Employer Support for the Guard and Reserve, the Small Business Administration, or other agencies could collaborate to develop a program to educate employers regarding their obligations under such chapter; and

(4) determine the effect on recruitment and retention in the National Guard and Reserves of the failure of employers to meet their reemployment obligations under such chapter.

(c) *REPORT TO CONGRESS.*—Not later than June 30, 2010, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), including the following:

(1) The findings of the Comptroller General with respect to such study.

(2) The recommendations of the Comptroller General for the improvement of education and outreach for employers with respect to their obligations under chapter 43 of title 38, United States Code.

**SEC. 406. TECHNICAL AMENDMENTS.**

(a) *AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.*—Section 206(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1316(b)) is amended by striking "under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code" and inserting "under section 4323(d) of title 38, United States Code".

(b) *AMENDMENT TO SECTION 416 OF TITLE 3, UNITED STATES CODE.*—Section 416(b) of title 3, United States Code, is amended by striking "under paragraphs (1) and (2)(A) of section 4323(c) of title 38" and inserting "under section 4323(d) of title 38".

(c) *AMENDMENT TO SECTION 4324 OF TITLE 38, UNITED STATES CODE.*—Section 4324(b)(4) of title 38, United States Code, is amended by inserting before the period the following: "declining to initiate an action and represent the person before the Merit Systems Protection Board".

**TITLE V—BURIAL AND MEMORIAL MATTERS**

**SEC. 501. SUPPLEMENTAL BENEFITS FOR VETERANS FOR FUNERAL AND BURIAL EXPENSES.**

(a) *FUNERAL EXPENSES.*—

(1) *IN GENERAL.*—Chapter 23 is amended by inserting after section 2302 the following new section:

**"§2302A. Funeral expenses: supplemental benefits**

"(a) *IN GENERAL.*—(1) Subject to the availability of funds specifically provided for pur-

poses of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2302(a) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

"(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) *AMOUNT.*—The amount of the supplemental payment required by subsection (a) for any death is \$900 (as adjusted from time to time under subsection (c)).

"(c) *ADJUSTMENT.*—With respect to deaths that occur in any fiscal year after fiscal year 2010, the supplemental payment described in subsection (b) shall be equal to the sum of—

"(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

"(2) the sum of the amount described in section 2302(a) of this title and the amount under paragraph (1), multiplied by the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(d) *ESTIMATES.*—(1) From time to time, the Secretary shall make an estimate of—

"(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

"(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

"(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

"(3) The dates described in this paragraph are the following:

"(A) April 1 of each year.

"(B) July 1 of each year.

"(C) September 1 of each year.

"(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

"(e) *APPROPRIATE COMMITTEES OF CONGRESS DEFINED.*—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives."

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2302 the following new item:

"2302A. Funeral expenses: supplemental benefits."

(3) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2302A of title 38, United States Code (as added by this subsection).

(b) *DEATH FROM SERVICE-CONNECTED DISABILITY.*—



(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2307 the following new section:

**“§2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses**

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2307(1) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

“(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is \$2,100 (as adjusted from time to time under subsection (c)).

“(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2010, the supplemental payment described in subsection (b) shall be equal to the sum of—

“(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

“(2) the sum of the amount described in section 2307(1) of this title and the amount under paragraph (1), multiplied by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2307 the following new item:

“2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses.”.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2307A of title 38, United States Code (as added by this subsection).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to deaths occurring on or after that date.

**SEC. 502. SUPPLEMENTAL PLOT ALLOWANCES.**

(a) IN GENERAL.—Chapter 23 is amended by inserting after section 2303 the following new section:

**“§2303A. Supplemental plot allowance**

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2303(a)(1)(A) of this title, or for the burial of a veteran under paragraph (1) or (2) of section 2303(b) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral or burial, as applicable.

“(2) No supplemental plot allowance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is \$445 (as adjusted from time to time under subsection (c)).

“(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2010, the supplemental payment described in subsection (b) shall be equal to the sum of—

“(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

“(2) the sum of the amount described in section 2303(a)(1)(A) of this title and the amount under paragraph (1), multiplied by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental plot allowance payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental plot allowance payments under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2303 the following new item:

“2303A. Supplemental plot allowance.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to deaths occurring on or after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2303A of title 38, United States Code (as added by subsection (a)).

**TITLE VI—OTHER MATTERS**

**SEC. 601. NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR GULF WAR ILLNESS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct a comprehensive review of the best treatments for Gulf War Illness.

(b) GROUP OF MEDICAL PROFESSIONALS.—In conducting the study required under subsection (a), the Institute of Medicine shall convene a group of medical professionals who are experienced in treating individuals diagnosed with Gulf War illness as follows:

(1) Members of the Armed Forces who served during the Persian Gulf War in the Southwest Asia theater of operations.

(2) Members of the Armed Forces who served in the Post 9/11 Global Operations theaters.

(c) REPORTS.—The contract required by subsection (a) shall require the Institute of Medicine to submit to the Secretary and to the appropriate committees of Congress a report on the review required under subsection (a) not later than December 31, 2011. The final report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the review.

(d) FUNDING.—The Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the review required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Veterans’ Affairs of the House of Representatives.

(2) GULF WAR ILLNESS.—The term “Gulf War Illness” means a medically unexplained chronic multisymptom illness, such as chronic fatigue syndrome, fibromyalgia, and irritable bowel syndrome, that is defined by a cluster of signs or symptoms relating to service in the Persian Gulf War or Post 9/11 Global Operations theaters.

(3) PERSIAN GULF WAR.—The term “Persian Gulf War” has the meaning given that term in section 101(33) of title 38, United States Code.

(4) POST 9/11 GLOBAL OPERATIONS THEATERS.—The term “Post 9/11 Global Operations theaters” means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

**SEC. 602. EXTENSION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS REGARDING ILLNESS AND SERVICE IN PERSIAN GULF WAR.**

(a) REVIEW AND EVALUATION OF TOXIC DRUGS AND ILLNESSES ASSOCIATED WITH PERSIAN GULF WAR.—Section 1603(j) of the Persian Gulf War

Veterans Act of 1998 (38 U.S.C. 1117 note) is amended by striking "October 1, 2010" and inserting "October 1, 2015".

(b) REVIEW AND EVALUATION OF AVAILABLE EVIDENCE REGARDING ILLNESS AND SERVICE IN PERSIAN GULF WAR.—

(1) IN GENERAL.—Section 101(j) of the Veterans Programs Enhancement Act of 1998 (Public Law 105-368; 112 Stat. 3321) is amended by striking "11 years after" and all that follows through "under subsection (b)" and inserting "on October 1, 2018".

(2) CONFORMING AMENDMENT.—Section 1604 of the Persian Gulf War Veterans Act of 1998 (Public Law 105-277; 38 U.S.C. 1117 note) is repealed.

**SEC. 603. EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES.**

Section 315(b) is amended by striking "December 31, 2009" and inserting "December 31, 2011".

**SEC. 604. AGGREGATE AMOUNT OF EDUCATIONAL ASSISTANCE AVAILABLE TO INDIVIDUALS WHO RECEIVE BOTH SURVIVORS' AND DEPENDENTS EDUCATIONAL ASSISTANCE AND OTHER VETERANS AND RELATED EDUCATIONAL ASSISTANCE.**

(a) AGGREGATE AMOUNT AVAILABLE.—Section 3695 is amended—

(1) in subsection (a)(4), by striking "35,"; and

(2) by adding at the end the following new subsection:

"(c) The aggregate period for which any person may receive assistance under chapter 35 of this title, on the one hand, and any of the provisions of law referred to in subsection (a), on the other hand, may not exceed 81 months (or the part-time equivalent thereof)."

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on October 1, 2010, and shall not operate to revive any entitlement to assistance under chapter 35 of title 38, United States Code, or the provisions of law referred to in section 3695(a) of such title, as in effect on the day before such date, that was terminated by reason of the operation of section 3695(a) of such title, as so in effect, before such date.

(c) REVIVAL OF ENTITLEMENT REDUCED BY PRIOR UTILIZATION OF CHAPTER 35 ASSISTANCE.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual whose period of entitlement to assistance under a provision of law referred to in section 3695(a) of title 38, United States Code (other than chapter 35 of such title), as in effect on September 30, 2010, was reduced under such section 3695(a), as so in effect, by reason of the utilization of entitlement to assistance under chapter 35 of such title before October 1, 2010, the period of entitlement to assistance of such individual under such provision shall be determined without regard to any entitlement so utilized by the individual under chapter 35 of such title.

(2) LIMITATION.—The maximum period of entitlement to assistance of an individual under paragraph (1) may not exceed 81 months.

**SEC. 605. TECHNICAL CORRECTION.**

Section 5503(c) is amended by striking "veterans" and inserting "veteran's".

Mr. AKAKA. Mr. President, I am pleased that the Senate is acting on S. 728, the proposed "Veterans' Benefits Enhancement Act of 2009." This broad benefits package will help veterans young and old, as well as their survivors. The amended bill contains 6 titles and 28 provisions that are designed to enhance compensation, housing, labor and education, burial, and insurance benefits for veterans. A full explanation of the bill is available in the

Committee's report accompanying this legislation, Senate Report 111-71.

I will highlight a few of the provisions that I have sponsored in the legislation that is before us today. Before I begin, let me state that the version before us today includes a manager's amendment that makes a slight modification on the version passed by the Committee. The amendment's purpose is to pay for the bill's burial provisions by extending a mandatory offset currently in the underlying bill. The amendment would also eliminate two contingent entitlement provisions in the bill which are not paid for with mandatory funds. With this amendment incorporated, this bill would save, rather than cost, the American taxpayers.

Many disabled veterans find it difficult to obtain commercial life insurance, often due to their service-connected injuries. This legislation would improve the Service-Disabled Veterans' Insurance program for totally disabled veterans, by providing the first increase in the maximum amount of supplemental insurance they can purchase through SDVI since 1992. If enacted, the maximum amount would increase from the current level of \$20,000 to \$30,000 for all eligible totally disabled veterans.

This legislation would also increase the maximum amount of Veterans' Mortgage Life Insurance that a disabled veteran may purchase. The VMLI program was established in 1971 and is available to those service-connected disabled veterans who receive specially adapted housing grants from VA. In the event of the veteran's death, his or her family is protected because the Department of Veterans Affairs will pay the balance of the mortgage owed up to the maximum amount of insurance purchased.

In today's housing market where, according to the Federal Housing Finance Board, the average mortgage loan in the United States in May 2009 was \$221,200, the current maximum of \$90,000 in VMLI insurance protection is not adequate. This bill will increase the maximum amount of insurance that may be purchased under the VMLI program from the current maximum of \$90,000 to \$150,000 and then, on January 1, 2012, from \$150,000 to \$200,000.

This benefits package also includes a provision that will expand eligibility for retroactive benefits from traumatic injury protection coverage under the Servicemembers' Group Life Insurance program, commonly referred to as TSGLI. Section 1032 of Public Law 109-13, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, established traumatic injury protection under the SGLI program. TSGLI went into effect on December 1, 2005. Therefore, all insured servicemembers under SGLI from that point

forward are also insured under TSGLI and their injuries are covered regardless of where they occur. In order to provide assistance to those servicemembers who suffered traumatic injuries on or between October 7, 2001, and November 30, 2005, retroactive TSGLI payments were authorized under section 1032(c) of the Supplemental Appropriations Act to individuals whose qualifying losses were sustained "as a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom." Under section 501(b) of Public Law 109-233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained "as a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom."

However, without corrective action, men and women who were traumatically injured on or between October 7, 2001, and November 30, 2005, but were not in the OIF or OEF theaters of operation, will continue to be denied the same retroactive payment given to their wounded comrades. This legislation would correct that inequity.

Importantly, this legislation will also relieve the burden on certain combat veterans who seek to prove that their disabilities are service-connected. The committee bill would direct VA to promulgate regulations that direct how VA should generally consider lay evidence that is consistent with the place, conditions, dangers, or hardships associated with a particular veteran's military service. For example, in assessing lay testimony concerning a claimant's exposure to sub-freezing conditions, the regulation may acknowledge that lay evidence, such as weather reports or contemporaneous newspaper accounts of sub-freezing conditions, may provide corroboration of exposure to the cold when a servicemember was assigned to an area when sub-freezing conditions were present. Another example would be in a claim alleging hearing loss or tinnitus. Although an individual's service record might not include details of exposure to improvised explosive devices the individual may have been assigned to a particular unit at a particular location where lay evidence shows that the unit was repeatedly exposed to IEDs.

Currently, VA provides a special dependency and indemnity compensation payment to a surviving spouse with one or more children under the age of 18. However, these payments are not adjusted. This legislation would provide automatic cost-of-living adjustments for these payments.

For veterans whose injuries are so significant that employment is not an option, VA operates an independent living rehabilitation program to help

them achieve a maximum level of independence in daily life. Unfortunately, under current law, the number of veterans who in any one year can enroll in these programs is capped at 2,600. While I have heard from VA that this enrollment cap does not present any problem for the effective conduct of the program, I remain concerned that the effect of the cap is to put downward pressure on VA's enrollment of eligible veterans in this very important program. This is of particular concern today, as veterans are returning from the current conflicts with disabilities that may require extensive periods of rehabilitation and assistance in order to achieve independence in their daily lives. This legislation would remove the 2,600 cap and allow all qualified veterans to enroll in VA's independent living program.

This legislation would provide many other benefits that I have not mentioned, such as improving the lives of veterans and troops with severe burn injuries and clarifying veteran and reservists' employment rights. I thank the members of the Veterans' Affairs Committee and others in this Chamber who have worked hard to craft the many provisions in this bill.

I urge our colleagues to support this important legislation that would benefit many of this Nation's nearly 24 million veterans and their families.

Mr. BENNET. I ask unanimous consent the committee-reported substitute amendment be considered, that an Akaka amendment which is at the desk be agreed to, the committee-reported substitute, as amended, be agreed to, and the bill, as amended, be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2654) was agreed to, as follows:

On page 39, line 10, strike "September 30, 2014" and insert "April 30, 2016".

On page 54, strike line 18 and all that follows through page 61, line 6.

On page 61, strike line 7 and all that follows through page 64, line 16, and insert the following:

**SEC. 501. INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS.**

(a) INCREASE IN BURIAL AND FUNERAL EXPENSES FOR DEATHS IN DEPARTMENT FACILITIES.—Section 2303(a)(1)(A) is amended by striking "\$300" and inserting "\$745 (as increased from time to time under subsection (c))".

(b) INCREASE IN AMOUNT OF PLOT ALLOWANCES.—Section 2303(b) is amended by striking "\$300" each place it appears and inserting "\$745 (as increased from time to time under subsection (c))".

(c) ANNUAL ADJUSTMENT.—Section 2303 is amended by adding at the end the following new subsection:

"(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the burial and funeral expenses under subsection (a) and in the plot allowance under subsection (b), equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1)."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to deaths occurring on or after October 1, 2010.

(2) PROHIBITION ON COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2011.—No adjustments shall be made under section 2303(c) of title 38, United States Code, as added by subsection (c), for fiscal year 2011.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 728), as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. BENNET. I now ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 1037 and the Senate proceed to its consideration; that all after the enacting clause be stricken and the text of S. 728, as amended, be inserted in lieu thereof; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table; that upon passage of H.R. 1037, S. 728 be returned to the calendar, all with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1037), as amended, was read the third time and passed, as follows:

**H.R. 1037**

*Resolved*, That the bill from the House of Representatives (H.R. 1037) entitled "An Act to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code," do pass with the following amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) *SHORT TITLE*.—This Act may be cited as the "Veterans' Benefits Enhancement Act of 2009".

(b) *TABLE OF CONTENTS*.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Reference to title 38, United States Code.

**TITLE I—INSURANCE MATTERS**

Sec. 101. Increase in amount of supplemental insurance for totally disabled veterans.

Sec. 102. Adjustment of coverage of dependents under Servicemembers' Group Life Insurance.

Sec. 103. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.

Sec. 104. Consideration of loss of dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers' Group Life Insurance.

Sec. 105. Enhancement of veterans' mortgage life insurance.

**TITLE II—COMPENSATION AND PENSION MATTERS**

Sec. 201. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.

Sec. 202. Eligibility of veterans 65 years of age or older for service pension for a period of war.

Sec. 203. Clarification of additional requirements for consideration to be afforded time, place, and circumstances of service in determinations regarding service-connected disabilities.

Sec. 204. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.

Sec. 205. Enhancement of disability compensation for certain disabled veterans with difficulties using prostheses and disabled veterans in need of regular aid and attendance for residuals of traumatic brain injury.

Sec. 206. Commencement of period of payment of original awards of compensation for veterans retired or separated from the uniformed services for catastrophic disability.

Sec. 207. Applicability of limitation to pension payable to certain children of veterans of a period of war.

Sec. 208. Payment of dependency and indemnity compensation to survivors of former prisoners of war who died on or before September 30, 1999.

**TITLE III—READJUSTMENT AND RELATED BENEFIT MATTERS**

Sec. 301. Repeal of limitation on number of veterans enrolled in programs of independent living services and assistance.

Sec. 302. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.

Sec. 303. Enhancement of automobile assistance allowance for veterans.

Sec. 304. Payment of unpaid balances of Department of Veterans Affairs guaranteed loans.

**TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES**

Sec. 401. Waiver of sovereign immunity under the 11th Amendment with respect to enforcement of USERRA.

Sec. 402. Clarifying the definition of "successor in interest".

Sec. 403. Clarifying that USERRA prohibits wage discrimination against members of the Armed Forces.

Sec. 404. Requirement that Federal agencies provide notice to contractors of potential USERRA obligations.

Sec. 405. Comptroller General of the United States study on effectiveness of Federal programs of education and outreach on employer obligations under USERRA.

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# TITLE V—BURIAL AND MEMORIAL MATTERS

Sec. 501. Increase in certain burial and funeral benefits and plot allowances for veterans.

## TITLE VI—OTHER MATTERS

Sec. 601. National Academies review of best treatments for Gulf War Illness.

Sec. 602. Extension of National Academy of Sciences reviews and evaluations regarding illness and service in Persian Gulf War.

Sec. 603. Extension of authority for regional office in Republic of the Philippines.

Sec. 604. Aggregate amount of educational assistance available to individuals who receive both survivors' and dependents educational assistance and other veterans and related educational assistance.

Sec. 605. Technical correction.

## SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

## TITLE I—INSURANCE MATTERS

### SEC. 101. INCREASE IN AMOUNT OF SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.

Section 1922A(a) is amended by striking "\$20,000" and inserting "\$30,000".

### SEC. 102. ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

Clause (ii) of section 1968(a)(5)(B) is amended to read as follows:

"(ii)(I) in the case of a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in subparagraph (B) or (C) of section 1965(5) of this title, 120 days after separation or release from such assignment; or

"(II) in the case of any other member of the uniformed services, 120 days after the date of the member's separation or release from the uniformed services; or".

### SEC. 103. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109–233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking "if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom".

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking "IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

### SEC. 104. CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Section 1980A(d) is amended—

(1) by striking "Payments under" and inserting "(1) Payments under"; and

(2) by adding at the end the following new paragraph:

"(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and a qualifying loss of a nondominant hand."

(b) PAYMENTS FOR QUALIFYING LOSSES INCURRED BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act by reason of the requirements of paragraph (2) of subsection (d) of such section (as added by subsection (a)(2) of this section).

(2) QUALIFYING LOSS DEFINED.—In this subsection, the term "qualifying loss" means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

### SEC. 105. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

(a) IN GENERAL.—Section 2106(b) is amended by striking "\$90,000" and inserting "\$150,000, or \$200,000 after January 1, 2012,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2010.

## TITLE II—COMPENSATION AND PENSION MATTERS

### SEC. 201. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.

Section 1311(f) is amended—

(1) in paragraph (1), by inserting "(as increased from time to time under paragraph (4))" after "\$250";

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount."

### SEC. 202. ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR SERVICE PENSION FOR A PERIOD OF WAR.

(a) IN GENERAL.—Section 1513 is amended—

(1) in subsection (a), by striking "by section 1521" and all that follows and inserting "by subsection (b), (c), (f)(1), (f)(5), or (g) of that section, as the case may be and as increased from time to time under section 5312 of this title";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) The conditions in subsections (h) and (i) of section 1521 of this title shall apply to determinations of income and maximum payments of pension for purposes of this section."

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to any claim for pension filed on or after the date of the enactment of this Act.

### SEC. 203. CLARIFICATION OF ADDITIONAL REQUIREMENTS FOR CONSIDERATION TO BE AFFORDED TIME, PLACE, AND CIRCUMSTANCES OF SERVICE IN DETERMINATIONS REGARDING SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—Subsection (a) of section 1154 is amended to read as follows:

"(a) The Secretary shall include in the regulations pertaining to service-connection of disabilities the following:

"(1) Provisions requiring that, in each case where a veteran is seeking service-connection for any disability, due consideration shall be given to the places, types, and circumstances of such veteran's service as shown by—

"(A) such veteran's service record;

"(B) the official history of each organization in which such veteran served;

"(C) such veteran's medical records; and

"(D) all pertinent medical and lay evidence.

"(2) Provisions generally recognizing circumstances in which lay evidence consistent with the place, conditions, dangers, or hardships associated with particular military service does not require confirmatory official documentary evidence in order to establish the occurrence of an event or exposure during active military, naval, or air service.

"(3) The provisions required by section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98–542; 98 Stat. 2727)."

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall promulgate regulations to implement section 1154(a)(2) of title 38, United States Code, as added by subsection (a).

(2) INTERIM REGULATIONS.—In the case that the Secretary is unable to promulgate final regulations under paragraph (1) on or before the date that is 210 days after the date of the enactment of this Act, the Secretary shall promulgate interim regulations on or before such date to be in effect until such time as the Secretary promulgates final regulations.

### SEC. 204. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) is amended by striking "September 30, 2011" and inserting "April 30, 2016".

### SEC. 205. ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DIFFICULTIES USING PROSTHESES AND DISABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.

(a) VETERANS SUFFERING ANATOMICAL LOSS OF HANDS, ARMS, OR LEGS.—Section 1114 is amended—

(1) in subsection (m)—

(A) by striking "at a level, or with complications," and inserting "with factors"; and

(B) by striking "at levels, or with complications," and inserting "with factors";

(2) in subsection (n)—

(A) by striking "at levels, or with complications," and inserting "with factors";

(B) by striking "so near the hip as to" and inserting "with factors that"; and

(C) by striking "so near the shoulder and hip as to" and inserting "with factors that"; and

(3) in subsection (o), by striking "so near the shoulder as to" and inserting "with factors that".

(b) VETERANS WITH SERVICE-CONNECTED DISABILITIES IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (p), by striking the semicolon at the end and inserting a period; and

(B) by adding at the end the following new subsection:

“(t) Subject to section 5503(c) of this title, if any veteran, as the result of service-connected disability, is in need of regular aid and attendance for the residuals of traumatic brain injury, is not eligible for compensation under subsection (r)(2), and in the absence of such regular aid and attendance would require hospitalization, nursing home care, or other residential institutional care, the veteran shall be paid, in addition to any other compensation under this section, a monthly aid and attendance allowance equal to the rate described in subsection (r)(2), which for purposes of section 1134 of this title shall be considered as additional compensation payable for disability. An allowance authorized under this subsection shall be paid in lieu of any allowance authorized by subsection (r)(1).”.

(2) CONFORMING AMENDMENT.—Section 5503(c) is amended by striking “in section 1114(r)” and inserting “in subsection (r) or (t) of section 1114”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 31, 2010.

**SEC. 206. COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY.**

(a) COMMENCEMENT OF PERIOD OF PAYMENT.—Subsection (a) of section 5111 is amended—

(1) by inserting “(1)” after “(a)”;

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking “in subsection (c) of this section” and inserting “in paragraph (2) of this subsection and subsection (c)”;

(3) by adding at the end the following new paragraph:

“(2)(A) In the case of a veteran who is retired or separated from the active military, naval, or air service for a catastrophic disability or disabilities, payment of monetary benefits based on an award of compensation based on an original claim shall be made as of the date on which such award becomes effective as provided under section 5110 of this title or another applicable provision of law.

“(B) In this paragraph, the term ‘catastrophic disability’, with respect to a veteran, means a permanent, severely disabling injury, disorder, or disease that compromises the ability of the veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to awards of compensation based on original claims that become effective on or after that date.

(c) TECHNICAL CORRECTION REGARDING WAIVER OF RETIRED PAY.—Section 5305 is amended by striking “section 1414” and inserting “sections 1212(d)(2) and 1414”.

**SEC. 207. APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR.**

Section 5503(d)(5) is amended—

(1) by inserting “(A)” after “(5)”;

(2) by adding at the end the following new subparagraph:

“(B) The provisions of this subsection shall apply with respect to a child entitled to pension under section 1542 of this title in the same manner as they apply to a veteran having neither spouse nor child.”.

**SEC. 208. PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEPTEMBER 30, 1999.**

Section 1318(b)(3) is amended by striking “who died after September 30, 1999,”.

**TITLE III—READJUSTMENT AND RELATED BENEFIT MATTERS**

**SEC. 301. REPEAL OF LIMITATION ON NUMBER OF VETERANS ENROLLED IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.**

(a) IN GENERAL.—Section 3120 is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by striking “described in subsection (f)” and inserting “described in subsection (e)”.

**SEC. 302. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.**

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “in subclause (i), (ii), or (iii) below” and inserting “in clause (i), (ii), (iii), or (iv) of this subparagraph”; and

(B) by adding at the end the following new clause:

“(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).”; and

(2) in subparagraph (B), by striking “subclause (i), (ii), or (iii) of clause (A) of this paragraph” and inserting “clause (i), (ii), (iii), or (iv) of subparagraph (A)”.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter.”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “means—” and inserting “means the following.”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “any veteran” and inserting “Any veteran”;

(ii) in clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking “; or” and inserting a period; and

(C) in subparagraph (B), by striking “any member” and inserting “Any member”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

**SEC. 303. ENHANCEMENT OF AUTOMOBILE ASSISTANCE ALLOWANCE FOR VETERANS.**

(a) INCREASE IN AMOUNT OF ALLOWANCE.—Subsection (a) of section 3902 is amended by striking “\$11,000” and inserting “\$22,500 (as adjusted from time to time under subsection (e))”.

(b) ANNUAL ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

“(e)(1) Effective on October 1 of each year (beginning in 2011), the Secretary shall increase the dollar amount in effect under subsection (a) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

“(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

**SEC. 304. PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS.**

Section 3732(a)(2) is amended—

(1) by striking “Before suit” and inserting “(A) Before suit”; and

(2) by adding at the end the following new subparagraph:

“(B) In the event that a housing loan guaranteed under this chapter is modified under the authority provided under section 1322(b) of title 11, the Secretary may pay the holder of the obligation the unpaid balance of the obligation due as of the date of the filing of the petition under title 11 plus accrued interest, but only upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evidence, and records with respect to the housing loan.”.

**TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES**

**SEC. 401. WAIVER OF SOVEREIGN IMMUNITY UNDER THE 11TH AMENDMENT WITH RESPECT TO ENFORCEMENT OF USERRA.**

(a) IN GENERAL.—Section 4323 is amended—

(1) in subsection (b) by striking paragraph (2) and inserting the following new paragraph:

“(2) In the case of an action against a State (as an employer) by a person, the action may be brought in the appropriate district court of the United States or State court of competent jurisdiction.”;

(2) by redesignating subsection (i) as subsection (j); and

(3) by inserting after subsection (h) the following new subsection (i):

“(i) WAIVER OF STATE SOVEREIGN IMMUNITY.—(1) A State’s receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment to the Constitution or otherwise, to a suit brought by—

“(A) a person who is or was an employee in that program or activity for the rights or benefits authorized the person by this chapter;

“(B) a person applying to be such an employee in that program or activity for the rights or benefits authorized the person by this chapter; or

“(C) a person seeking reemployment as an employee in that program or activity for the rights or benefits authorized the person by this chapter.

“(2) In this subsection, the term ‘program or activity’ has the meaning given that term in section 309 of the Age Discrimination Act of 1975 (42 U.S.C. 6107).”.

(b) APPLICATION.—The amendments made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are commenced after the date of the enactment of this Act.

**SEC. 402. CLARIFYING THE DEFINITION OF “SUCCESSOR IN INTEREST”.**

(a) IN GENERAL.—Section 4303(4) is amended by adding at the end the following new subparagraph:

“(D)(i) Whether the term ‘successor in interest’ applies with respect to an entity described in subparagraph (A) for purposes of clause (iv) of such subparagraph shall be determined on a case-by-case basis using a multi-factor test that considers the following factors:

“(I) Substantial continuity of business operations.

“(II) Use of the same or similar facilities.

“(III) Continuity of work force.

“(IV) Similarity of jobs and working conditions.

“(V) Similarity of supervisory personnel.

“(VI) Similarity of machinery, equipment, and production methods.

“(VII) Similarity of products or services.

“(ii) The entity's lack of notice or awareness of a potential or pending claim under this chapter at the time of a merger, acquisition, or other form of succession shall not be considered when applying the multi-factor test under clause (i).”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

**SEC. 403. CLARIFYING THAT USERRA PROHIBITS WAGE DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Section 4303(2) is amended by striking “other than” and inserting “including”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

**SEC. 404. REQUIREMENT THAT FEDERAL AGENCIES PROVIDE NOTICE TO CONTRACTORS OF POTENTIAL USERRA OBLIGATIONS.**

(a) CIVILIAN AGENCIES.—The Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

**“SEC. 318. NOTICE TO CONTRACTORS OF POTENTIAL OBLIGATIONS RELATING TO EMPLOYMENT AND REEMPLOYMENT OF MEMBERS OF THE ARMED FORCES.**

“Each contract for the procurement of property or services that is entered into by the head of an executive agency shall include a notice to the contractor that the contractor may have obligations under chapter 43 of title 38, United States Code.”.

(b) ARMED FORCES.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2334. Notice to contractors of potential obligations relating to employment and reemployment of members of the armed forces**

“Each contract for the procurement of property or services that is entered into by the head of an executive agency shall include a notice to the contractor that the contractor may have obligations under chapter 43 of title 38.”.

(2) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following new item:

“2334. Notice to contractors of potential obligations relating to employment and reemployment of members of the armed forces.”.

**SEC. 405. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON EFFECTIVENESS OF FEDERAL PROGRAMS OF EDUCATION AND OUTREACH ON EMPLOYER OBLIGATIONS UNDER USERRA.**

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on the effectiveness of Federal programs of edu-

cation and outreach on employer obligations under chapter 43 of title 38, United States Code.

(b) CONTENTS OF STUDY.—In carrying out the study required by subsection (a), the Comptroller General shall—

(1) assess current practices and procedures of Federal agencies for educating employers about their obligations under chapter 43 of title 38, United States Code;

(2) identify best practices for bringing the employment practices of small businesses into compliance with such chapter;

(3) determine whether the Employer Support for the Guard and Reserve, the Small Business Administration, or other agencies could collaborate to develop a program to educate employers regarding their obligations under such chapter; and

(4) determine the effect on recruitment and retention in the National Guard and Reserves of the failure of employers to meet their reemployment obligations under such chapter.

(c) REPORT TO CONGRESS.—Not later than June 30, 2010, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), including the following:

(1) The findings of the Comptroller General with respect to such study.

(2) The recommendations of the Comptroller General for the improvement of education and outreach for employers with respect to their obligations under chapter 43 of title 38, United States Code.

**SEC. 406. TECHNICAL AMENDMENTS.**

(a) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—Section 206(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1316(b)) is amended by striking “under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code” and inserting “under section 4323(d) of title 38, United States Code”.

(b) AMENDMENT TO SECTION 416 OF TITLE 3, UNITED STATES CODE.—Section 416(b) of title 3, United States Code, is amended by striking “under paragraphs (1) and (2)(A) of section 4323(c) of title 38” and inserting “under section 4323(d) of title 38”.

(c) AMENDMENT TO SECTION 4324 OF TITLE 38, UNITED STATES CODE.—Section 4324(b)(4) of title 38, United States Code, is amended by inserting before the period the following: “declining to initiate an action and represent the person before the Merit Systems Protection Board”.

**TITLE V—BURIAL AND MEMORIAL MATTERS**

**SEC. 501. INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS.**

(a) INCREASE IN BURIAL AND FUNERAL EXPENSES FOR DEATHS IN DEPARTMENT FACILITIES.—Section 2303(a)(1)(A) is amended by striking “\$300” and inserting “\$745 (as increased from time to time under subsection (c))”.

(b) INCREASE IN AMOUNT OF PLOT ALLOWANCES.—Section 2303(b) is amended by striking “\$300” each place it appears and inserting “\$745 (as increased from time to time under subsection (c))”.

(c) ANNUAL ADJUSTMENT.—Section 2303 is amended by adding at the end the following new subsection:

“(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the burial and funeral expenses under subsection (a) and in the plot allowance under subsection (b), equal to the percentage by which—

“(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to deaths occurring on or after October 1, 2010.

(2) PROHIBITION ON COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2011.—No adjustments shall be made under section 2303(c) of title 38, United States Code, as added by subsection (c), for fiscal year 2011.

**TITLE VI—OTHER MATTERS**

**SEC. 601. NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR GULF WAR ILLNESS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct a comprehensive review of the best treatments for Gulf War Illness.

(b) GROUP OF MEDICAL PROFESSIONALS.—In conducting the study required under subsection (a), the Institute of Medicine shall convene a group of medical professionals who are experienced in treating individuals diagnosed with Gulf War illness as follows:

(1) Members of the Armed Forces who served during the Persian Gulf War in the Southwest Asia theater of operations.

(2) Members of the Armed Forces who served in the Post 9/11 Global Operations theaters.

(c) REPORTS.—The contract required by subsection (a) shall require the Institute of Medicine to submit to the Secretary and to the appropriate committees of Congress a report on the review required under subsection (a) not later than December 31, 2011. The final report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the review.

(d) FUNDING.—The Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the review required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(2) GULF WAR ILLNESS.—The term “Gulf War Illness” means a medically unexplained chronic multisymptom illness, such as chronic fatigue syndrome, fibromyalgia, and irritable bowel syndrome, that is defined by a cluster of signs or symptoms relating to service in the Persian Gulf War or Post 9/11 Global Operations theaters.

(3) PERSIAN GULF WAR.—The term “Persian Gulf War” has the meaning given that term in section 101(33) of title 38, United States Code.

(4) POST 9/11 GLOBAL OPERATIONS THEATERS.—The term “Post 9/11 Global Operations theaters” means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

**SEC. 602. EXTENSION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS REGARDING ILLNESS AND SERVICE IN PERSIAN GULF WAR.**

(a) REVIEW AND EVALUATION OF TOXIC DRUGS AND ILLNESSES ASSOCIATED WITH PERSIAN GULF WAR.—Section 1603(j) of the Persian Gulf War Veterans Act of 1998 (38 U.S.C. 1117 note) is amended by striking “October 1, 2010” and inserting “October 1, 2015”.

(b) REVIEW AND EVALUATION OF AVAILABLE EVIDENCE REGARDING ILLNESS AND SERVICE IN PERSIAN GULF WAR.—

(1) IN GENERAL.—Section 101(j) of the Veterans Programs Enhancement Act of 1998 (Public Law 105-368; 112 Stat. 3321) is amended by striking “11 years after” and all that follows through “under subsection (b)” and inserting “on October 1, 2018”.



(2) *CONFORMING AMENDMENT.*—Section 1604 of the Persian Gulf War Veterans Act of 1998 (Public Law 105–277; 38 U.S.C. 1117 note) is repealed.

**SEC. 603. EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES.**

Section 315(b) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

**SEC. 604. AGGREGATE AMOUNT OF EDUCATIONAL ASSISTANCE AVAILABLE TO INDIVIDUALS WHO RECEIVE BOTH SURVIVORS’ AND DEPENDENTS EDUCATIONAL ASSISTANCE AND OTHER VETERANS AND RELATED EDUCATIONAL ASSISTANCE.**

(a) *AGGREGATE AMOUNT AVAILABLE.*—Section 3695 is amended—

(1) in subsection (a)(4), by striking “35,”; and  
(2) by adding at the end the following new subsection:

“(c) The aggregate period for which any person may receive assistance under chapter 35 of this title, on the one hand, and any of the provisions of law referred to in subsection (a), on the other hand, may not exceed 81 months (or the part-time equivalent thereof).”.

(b) *APPLICABILITY.*—The amendment made by subsection (a) shall take effect on October 1, 2010, and shall not operate to revive any entitlement to assistance under chapter 35 of title 38, United States Code, or the provisions of law referred to in section 3695(a) of such title, as in effect on the day before such date, that was terminated by reason of the operation of section 3695(a) of such title, as so in effect, before such date.

(c) *REVIVAL OF ENTITLEMENT REDUCED BY PRIOR UTILIZATION OF CHAPTER 35 ASSISTANCE.*—

(1) *IN GENERAL.*—Subject to paragraph (2), in the case of an individual whose period of entitlement to assistance under a provision of law referred to in section 3695(a) of title 38, United States Code (other than chapter 35 of such title), as in effect on September 30, 2010, was reduced under such section 3695(a), as so in effect, by reason of the utilization of entitlement to assistance under chapter 35 of such title before October 1, 2010, the period of entitlement to assistance of such individual under such provision shall be determined without regard to any entitlement so utilized by the individual under chapter 35 of such title.

(2) *LIMITATION.*—The maximum period of entitlement to assistance of an individual under paragraph (1) may not exceed 81 months.

**SEC. 605. TECHNICAL CORRECTION.**

Section 5503(c) is amended by striking “veterans” and inserting “veteran’s”.

**NATIONAL RUNAWAY PREVENTION MONTH**

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 308, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 308) recognizing and supporting the goals and ideals of National Runaway Prevention Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 308) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 308**

Whereas the number of runaway and homeless youth in the United States is staggering, with studies suggesting that between 1,600,000 and 2,800,000 youth live on the streets each year;

Whereas the problem of children who run away from home is widespread, as youth between 12 and 17 years of age are at a higher risk of homelessness than adults;

Whereas runaway youth are often expelled from their homes by their families, discharged by State custodial systems without adequate transition plans, separated from their parents by death and divorce, or physically, sexually, and emotionally abused at home;

Whereas runaway youth are often too poor to secure their own basic needs and are ineligible or unable to access adequate medical or mental health resources;

Whereas effective programs that provide support to runaway youth and assist them in remaining at home with their families can succeed through partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youth from running away from home and supporting youth in high-risk situations is a family, community, and national priority;

Whereas the future of the Nation is dependent on providing opportunities for youth to acquire the knowledge, skills, and abilities necessary to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth and provide an array of community-based support to address their critical needs;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth with their families and link youth to local resources that provide positive alternatives to running away from home; and

Whereas during the month of November, the National Network for Youth and the National Runaway Switchboard are co-sponsoring National Runaway Prevention Month, in order to increase public awareness of the circumstances faced by youth in high-risk situations and to address the need to provide resources and support for safe, healthy, and productive alternatives for at-risk youth, their families, and their communities: Now, therefore, be it

*Resolved*, That the Senate recognizes and supports the goals and ideals of National Runaway Prevention Month.

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 458, the nomination of Paul Fishman to be U.S. attorney for New Jersey; that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further

motions be in order and any statements relating to the nomination be printed in the Record; that the President be immediately notified of the Senate’s action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

**DEPARTMENT OF JUSTICE**

Paul Joseph Fishman, of New Jersey, to be United States Attorney for the District of New Jersey for the term of four years.

**LEGISLATIVE SESSION**

The PRESIDING OFFICER. The Senate will resume legislative session.

**ORDERS FOR THURSDAY, OCTOBER 8, 2009**

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, October 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of H.R. 2847, the Commerce-Justice-Science appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

**ADJOURNMENT UNTIL 9:30 A.M. TOMORROW**

Mr. BENNET. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Thursday, October 8, 2009, at 9:30 a.m.

**NOMINATIONS**

Executive nomination received by the Senate:

**DEPARTMENT OF COMMERCE**

PATRICK GALLAGHER, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, VICE WILLIAM ALAN JEFFREY.

**CONFIRMATION**

Executive nomination confirmed by the Senate, October 7, 2009:

**DEPARTMENT OF JUSTICE**

PAUL JOSEPH FISHMAN, OF NEW JERSEY, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW JERSEY FOR THE TERM OF FOUR YEARS.

## HOUSE OF REPRESENTATIVES—Wednesday, October 7, 2009

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

Rev. Dr. Vaughn Baker, Christ United Methodist Church, Fort Worth, Texas, offered the following prayer:

Gracious God and Loving Lord, we, Your people, call to mind the scriptures which remind us, saying, "Blessed is the nation whose God is the Lord." You are our God, and we are Your people, the sheep of Your pasture. Lead us this day, O Gentle Shepherd, in the paths of righteousness for Your name's sake.

Send upon us this day the gifts that can only come from You. Grant us understanding, grant us wisdom, and grant us courage for the facing of these days. Give us as well the gift of unity, as we are reminded that a house divided against itself cannot stand. May we strive to be of one heart and mind as we seek to accomplish Your divine purpose, here on Earth, as it is in heaven.

We ask all of this in the name of our Lord and Savior, Jesus Christ. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Alabama (Mr. ROGERS) come forward and lead the House in the Pledge of Allegiance.

Mr. ROGERS of Alabama led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING DR. VAUGHN BAKER, CHRIST UNITED METHODIST CHURCH, FORT WORTH, TEXAS

The SPEAKER. Without objection, the gentlewoman from Texas, Congresswoman GRANGER, is recognized for 1 minute.

There was no objection.

Ms. GRANGER. Madam Speaker, it is a pleasure to welcome Dr. Vaughn Baker, his wife, Jacqueline, and his daughter, Amanda, to the House of

Representatives this morning to lead us in prayer. Dr. Baker is the senior pastor of Christ United Methodist Church in Fort Worth, Texas, and has various churches around Texas and the Republic of Ireland.

Dr. Baker earned his undergraduate degree from Miami University in Oxford, Ohio, and worked on his postgraduate degrees at the Perkins School of Theology at Southern Methodist University. Dr. Baker is also finishing his doctorate of theology dissertation from the University of South Africa in the field of missiology, the area of practical theology that investigates the mandate, message, and work of the Christian missionary.

Dr. Baker's family has also made service a core part of their lives. Dr. Baker's wife, Jacqueline, is a special education teacher in Weatherford, Texas, and his daughter, Amanda, is currently finishing two degrees at the University of Texas in Austin. Amanda has been involved in overseas education programs and has also been involved with mission work in Turkey. Dr. Baker and his wife currently live in Weatherford, Texas.

We thank Dr. Baker very much for leading us in prayer this morning.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

### HEALTH INSURANCE REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Reforming health insurance must be our duty and responsibility. The vast majority of Americans have health insurance. The question is what does our health insurance reform mean for them.

It means that insurance companies no longer will decide to deny your coverage or jack up your insurance rate because of preexisting conditions.

It means that it will be against the law for insurance companies to drop your coverage when you get sick or water it down when you need it the most.

It means that there will be a yearly limit on how much you can be charged for out-of-pocket expenses, because no one should go broke because they get sick.

It means that premiums will stop growing three times faster than your

wages, because more competitiveness in insurance markets will hold premiums down.

It means that if you lose your job or change your job, you'll be able to get affordable coverage.

In short, what health insurance reform means for millions of Americans who are insured today is more security and stability. Americans should not have to wait longer for this reform. Congress must act this year.

### CONGRATULATING THE CENTER FOR DOMESTIC PREPAREDNESS

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to congratulate the dedicated employees at the Center for Domestic Preparedness in Anniston, Alabama. This Friday, they will graduate their 500,000th trainee through the first responder training program.

As many of us here know, the CDP is a valuable training facility operated by the Department of Homeland Security. This facility is one of a kind in its mission as the only weapons of mass destruction training facility that provides hands-on training to civilian emergency responders, which includes the use of live agent training.

This graduation ceremony is a tremendous feat that we should all be proud of, not only because of this important milestone, but also for the unique and cutting-edge training that the CDP continues to provide to our Nation's first responders to this day.

To all the proud employees at the CDP in east Alabama and on behalf of all of us, congratulations.

### A TRIBUTE TO RAY CLIFTON

(Mr. SALAZAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALAZAR. Mr. Speaker, I would like to take a moment today to pay tribute to my very good friend Ray Clifton. Ray is the executive director of the Colorado Rural Electric Association, a position he has held since 1986. However, he will soon be retiring.

Ray is a graduate of the University of Georgia and began his career in the utility industry, working with the Georgia Statewide association of cooperatives, the Georgia Electric Membership Corporation. From there, he

came to Colorado to take on the job of running the CREA.

As executive director, he has helped guide the CREA through exciting and challenging times, as the needs of supplying energy to Colorado homes and businesses has grown exponentially. He has been a leader and an innovator. His work has earned him awards and accolades, not to mention the many people who call him friend. I can proudly say that Ray is, indeed, my friend.

Since my election to Congress in 2004, I have had many occasions to call upon Ray for advice and help as we deal with the difficult energy issues facing our State and our Nation. I always knew that Ray would tell it like it is and that his years of experience would be of great benefit to me as we in Congress wrestled with ensuring that our constituents had access to a reliable supply of electricity.

What I really want to say today is thank you. Thank you for your years of service. Thank you for your always excellent and sage advice, and more importantly, thank you for your friendship and for the kindness you have shown me. Ray, I wish you the best in your retirement.

#### THE STATUE OF HELEN KELLER

(Mr. BONNER asked and was given permission to address the House for 1 minute.)

Mr. BONNER. Mr. Speaker, in a few minutes over in the Rotunda of the United States Capitol, America will be introduced to the newest statue to grace this historic old building. The statue is unlike any other. It's not of a man or a woman, of a general or a President, but it's a statue of a little girl and how one person helped change the world for the better.

Left deaf and blind from an illness in her infancy, many saw Helen Keller as a wild and disorderly little girl. For Helen, she would see it very differently. Fueled by a passion for interaction and a hunger for knowledge, Helen Keller's life is a tremendous example of overcoming even the most disabling of situations.

Her determination soon overpowered her deafness, and her belief in herself prevailed over her blindness. Her intellectual cravings were but slightly inhibited by her disabilities. Helen learned to communicate and interact in a world that she would never see nor hear; yet through her works, wisdom and passion, Helen Keller still stands not only as a symbol of hope and determination for the deaf and blind, but for all of us who seek a more just and peaceful world.

Mr. Speaker, the people of Alabama are proud to bring one of our most beloved, favorite daughters to this grand old building for the world to see and know and hear.

#### HONORING SERGIO VELAZQUEZ

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in recognition of Hispanic Heritage Month, and I would like to recognize Sergio Velazquez, the publisher of Miniondas Newspaper and Farandula USA.

Sergio is a Hispanic American who has given so much to the Orange County community, exemplifying the principles of this month.

Sergio immigrated to the United States in 1961, and he established Velazquez Publications Incorporated in 1975. Today, his newspapers have a combined readership of over 100,000 people, and its focus is on politics, education, sports, and entertainment.

As a small business owner, Sergio has encouraged other entrepreneurs to seek business opportunities, and he serves as a board member on the Santa Ana Merchants Association. He is also an international first-place winner of the Boat Racers International competition, and he is a cancer survivor.

I'm very proud of Sergio's achievements and his work in fostering success in the Latino community.

#### HONORING SPECIALIST JOSEPH WHITE

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Mr. Speaker, I rise today to honor a fallen soldier from my district, Specialist Joseph White from Bellevue, Washington. Joseph, recently married in 2009, was killed in action in Afghanistan on September 24.

Joe's mom talked about her son's dedication to his country in this way: "Joe was not happy to be leaving his bride to go to Afghanistan, but he did not complain. Rather, he went with a strong sense of duty and desire to maintain freedom and safety for others."

This body, this House of Representatives, this government and the people of this country could not exist without the dedication and sacrifice from the soldiers that serve, soldiers like Joe; soldiers who, above all else, want to honor this country and those who have gone before to protect our freedom and the freedom of their families.

There is nothing we can say or do that will take away the pain, the suffering, and the sense of loss that the family feels at the loss of their son Joe. But Joe's family must always remember, the memory of Specialist Joe White will remain, we will never forget, and we will continue to honor his sacrifice each day.

□ 1015

#### MENTAL HEALTH PARITY

(Mr. KENNEDY asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY. Mr. Speaker, I want to implore my colleagues to support the House reform bill with respect to the mental health parity provisions. The mental health provisions in the House support complete coverage for mental illness.

The AMA in the 1950s recognized alcoholism as a disease. In the House bill, we have full health care coverage for alcoholism and substance abuse coverage and for schizophrenia and all biological mental health disorders. The Senate doesn't have those strong provisions. I implore my colleagues to accede to the House with respect to these provisions.

Suicide is the third leading cause of death for young people 15 to 35. It is a tragedy in this country that mental illness is the single leading cause of lost workdays and lost days of quality of life in this country.

It's time that we treat mental illness as the physical illness that it is.

#### KEEP THE INTERNET OPEN AND FAIR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the Internet has been a profound tool and resource of advanced knowledge to connect families and friends around the world. Internet users and providers have improved upon and utilized a free marketplace. However, there is a real concern that the new proposed "net neutrality" regulations may undermine or stifle innovation.

There is a time and a place for government to promote transparency in the pursuit of good business practices. However, the government and bureaucratic agencies should not needlessly impose regulations when the cause for concern is not justified. Before we move forward with new regulations on the Internet, we must weigh the consequences. We need to ensure we do not disrupt the necessary flexibility that has led to a vibrant marketplace, one which continues to foster new technology around the world, helping liberate people of Afghanistan, Iraq, and Iran.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### THE MAYO CLINIC: PROVIDING HIGH-QUALITY CARE AT A LOW COST

(Mr. WALZ asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, I am proud that this Congress has started tackling the difficult issue of health care reform in a real way. Already in this Congress, we have passed legislation to provide health insurance to millions of uninsured American children and to bring our health care system into the 21st century with new health information technology.

In my district, the Mayo Clinic, in particular, is a world-renowned medical institution that has always been at the forefront of efforts to reform and improve our health care system. Mayo has been a leader in providing high-quality care at a low cost. As we move forward on health care reform, we need to acknowledge that our current system rewards the quantity of procedures but doesn't account for quality of patient care. We can look to Mayo, which has been lauded for its ability to produce the highest patient satisfaction with the lowest cost, and others like it. Unfortunately, in our current health care system, doctors are paid per procedure, giving them no incentive to coordinate care and determine the best treatment regardless of cost.

I encourage President Obama and my colleagues in this Congress to continue to listen to places like the Mayo Clinic, building on its incredible leadership to improve the way we provide care to all Americans.

#### TAX DOLLARS ARE GOING UP IN SMOKE—LITERALLY

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, our tax dollars are going up in smoke. And this time where there's smoke, there's no fire. Literally.

Bureaucrats in Washington, DC, plan to spend \$2.8 million for wildland fire management right here in the District of Columbia. The trouble is there aren't any wild lands in DC, let alone wildfires.

Out West fires are a serious problem that cost billions of dollars. Because of poor forest management practices, combined with the Rocky Mountain pine beetle, fires are burning hotter and larger than ever before.

Spending millions on fire management in the District of Columbia is a poke in the eye to the American taxpayer and a slap in the face to the people living in danger of real wildfires in the Intermountain West like Montana.

Join me in extinguishing this wasteful use of so-called "stimulus" funds once and for all.

#### WEST POINT RESOLUTION

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, I rise today to congratulate the United States Military Academy on its selection as the Best College in America for 2009 by Forbes Magazine. I ask that my colleagues join me in cosponsoring H. Res. 747 honoring West Point's achievement.

I am proud to represent the Academy at West Point. Since 1802 it has trained and educated tens of thousands of Army officers, including two Presidents. In exchange for 5 years' service, the 1,000 cadets who graduate each year are exposed to world-class professors, a gorgeous campus, and, most importantly, a free education. U.S. News and World Report named it the Best Public Liberal Arts College, and it possesses a top-ranked engineering program. Eighty-eight Rhodes Scholars, 33 Marshall Scholars, and 28 Truman Scholars have graduated from West Point.

Mr. Speaker, I thank you for the opportunity to address this House and ask my colleagues to cosponsor House Resolution 747.

#### TRIBUTE TO LUCY BECKHAM

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BROWN of South Carolina. Mr. Speaker, I am pleased to extend my congratulations to Ms. Lucy Beckham of Wando High School in Mount Pleasant, South Carolina, on her selection as South Carolina's 2010 National Secondary Principal of the Year.

This distinction, presented by MetLife and the National Association of Secondary School Principals, is a most deserving recognition of her leadership and dedication to the students entrusted to her.

The National Principal of the Year program began in 1993 and was established to honor those education administrators that have set the highest examples for their peers. Ms. Beckham's contribution and sense of purpose extend beyond the campus of Wando to so many areas, including her church and numerous community activities.

I am certain that all of the faculty and staff of Wando are proud to have her at the helm. And as a grandparent of a Wando student, speaking for all the families of the greater Charleston area, we congratulate her for being number one at Wando and now being number one in all America.

#### A CLEAN ENERGY ECONOMY

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, while we consider what we can really do to reduce unemployment, I think we ought to consider something Secretary Steven Chu, the Secretary of Energy, said

yesterday. He told us that China will surpass or possibly has surpassed the United States, not in the ability to do low-wage manufacturing but to do high-technology manufacturing, unless we adopt an energy policy which will jump-start a clean energy economy for the United States and start bringing those high-tech manufacturing jobs home to the United States.

First Solar, a United States company using United States technology, will be building the largest solar plant but building it in China with manufacturing there. Applied Materials, a high-tech manufacturing company, an American company, is developing plants in China.

What Mr. Chu told us, Secretary Chu, is that we need to adopt the clean energy bill now pending in the Senate. This is the ticket out of this recession. This is how we're going to decrease unemployment. We urge the Senate to get moving on this bill.

#### AFGHANISTAN/PAKISTAN AID

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, day in and day out our soldiers in Afghanistan are fighting a resurgent Taliban that directs its activities out of the lawless regions of Pakistan. They are fighting bravely but are consistently undermined by the poor direction of resources meant to aid Afghanistan and Pakistan.

It is deeply disturbing to hear that the Taliban are successfully diverting our own U.S. aid money to fund their insurgency. According to recent reports from GlobalPost, the Taliban has extorted as much as \$80 million from American aid contractors in just the last year. Taliban insurgents insist on getting a cut before projects are built in areas under their control, and then they turn around and use these funds to fight coalition forces. Further reports out of Pakistan indicate that billions of dollars in military aid from the U.S. was diverted to nonmilitary purposes over the course of the last 6 years.

This region must not become a haven for worldwide terrorism. Supporting our troops means that we must do everything in our power to root out this corruption and stop our tax dollars from being diverted to our enemies or misused by our allies.

#### ADVANCED APPROPRIATIONS FOR VETERANS

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, we in Congress will be able to make a

real difference for the military veterans who have served our country so honorably this week.

From my first day in office, our local veterans groups in south Florida made it clear that one of their top priorities was securing advanced appropriations for the Veterans Administration. These dedicated servicemembers thought it was wrong that the VA, which provides health care and so many other critical services to our heroes, was subjected to the whims of an annual congressional budgeting process.

Mr. Speaker, I couldn't agree more. The needs of our veterans are too important to be bogged down and held up in this process. Putting advanced appropriations in place allows the VA to plan ahead, improve service delivery, and make smart, fiscally responsible budget decisions.

At long last this House will vote today on the Veterans Health Care Budget Reform and Transparency Act of 2009. This bill puts advanced appropriations in place, responding to the top priority of our veterans' organizations.

I strongly urge my colleagues to speak out with one voice as Democrats and Republicans alike to support our veterans and pass this legislation.

#### COMMENDING THE HOPKINS POLICE DEPARTMENT

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I want to congratulate the Hopkins Police Department for being awarded the 2009 Civil Rights Award by the International Association of Chiefs of Police.

By involving themselves in the Joint Community Policing Project, the Hopkins Police Department has enhanced communication and understanding between the law enforcement community and the multicultural residents of Hopkins. The department is setting a very strong example of leadership on this project through truly connecting with the community whom they protect.

I recently met with over a dozen police chiefs as part of my law enforcement advisory committee, and I continue to be very, very impressed with the level of service and dedication shown by our law enforcement community.

Congratulations again to the Hopkins Police Department for receiving this recognition and also for working hard for the community that they protect.

#### HEALTH CARE AND THE PUBLIC OPTION

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, last week the distinguished minority leader, Mr. BOEHNER, told the national media that he had not yet met the first average American who was for the public option in our health care reform package.

Well, I would like to introduce him to the woman who introduced herself to me yesterday morning in the Louisville airport. Her name was Margaret. She was in her late 50s. And the job that she had had with a restaurant ended when the restaurant closed a couple months ago. They had been paying her full insurance premium of \$700 a month. But now, because she has a preexisting condition, as do most people in her age category, she could not get any insurance in the private market and had to rely on the State insurance pool, where she now pays over \$1,000 a month for her coverage.

She asked me to inform not just Mr. BOEHNER but all my colleagues that she is in favor of a public option, and she is dramatically and enthusiastically in support of our health care reform effort.

So for Mr. BOEHNER, if he wants to come to Louisville, I'd be happy to introduce him to Margaret. He can probably find somebody in southern Ohio who is in support of a public option, because there are thousands and thousands of people like Margaret who need our help.

□ 1030

#### BAD PROCESS LEADS TO BAD POLICY

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Millions of Americans are frustrated with the lack of transparency and the Federal Government, and rightfully so. I was dismayed earlier this year when the cap-and-trade national energy tax and the enormous stimulus spending bill were rushed to the House floor just a few hours before Congress would vote on these massive pieces of legislation. There was simply no way for the public, the press, or Members of Congress to know exactly what was in these bills before they were required to vote on them. Bad process leads to bad policy.

Taxpayers deserve the ability to weigh in on these complicated pieces of legislation, and the leaders of Congress have denied the American public the right to full transparency in this process.

Along with more than 180 of my colleagues, Republican and Democrat, I have signed on to a discharge petition to force the Democratic House leadership to make legislation available for public viewing at least 72 hours before a scheduled vote. This commonsense rule will allow western New Yorkers

and Americans everywhere the ability to know what Congress is voting on and ensure a transparent legislative process.

#### CREDIT RATING

(Ms. SPEIER asked and was given permission to address the House for 1 minute.)

Ms. SPEIER. Mr. Speaker, more than one in 10 of fellow Californians is out of work. This is due in part to decisions made 3,000 miles away by analysts at America's credit rating agencies ranking funds at AIG and Lehman Brothers as AA or AAA one day, only to have these companies bankrupt the next.

Last week at the Financial Services Committee hearing, I asked the executives of the rating agencies why they kept Lehman Brothers so highly rated when there were plenty of warning signs they were in trouble. The answer I got was astounding. They kept Lehman highly rated because they assumed the government would bail it out. I then asked how many of these analysts who base these decisions on assumptions rather than evidence lost their jobs. Again, the answer was unfathomable: none, not one.

Mr. Speaker, I did not come down to the floor this morning to seek retribution, but rather some common sense. This situation underscores the urgent need to enact strong financial regulatory reform and specifically make the rating agencies accountable for their decisions.

When the decisions of a few in a Manhattan skyscraper affect the livelihoods of hardworking Americans all across our country, there must be accountability.

#### INDECISION IS A RECIPE FOR FAILURE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the country is at war in Afghanistan. Now there seems to be reevaluation and hesitation by the administration: Do we move forward with more energy and commitment to achieve total success? Do we pack up and abandon Afghanistan heeding the cries of the weak that demand peace, peace, any price for peace? Or do we hold the line preventing success or failure?

Our commander on the ground, General McChrystal, wants more troops to ensure American victory. Meanwhile, delays, deliberation, and indecision leave our troops prey to the Taliban.

Our troops are waiting for an answer; the Afghan people are waiting. Our enemy, the Taliban, is not waiting. They are encouraged by our inaction. They believe we will falter. They're on a determined mission to spread hate and terror throughout the region.

Indecision is a recipe for failure. We would do well to remember the words of President Kennedy when he said: "Let every nation know that we will pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty."

America must stop the enemy of humanity.

And that's just the way it is.

#### HEALTH REFORM DAILY MYTH-BUSTER: IMPACT ON SENIORS

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, there have been many myths about our health reform, and I want to give just a few facts.

Decisions about your health will be made by you, your doctor, and your family and not by anyone else.

They're saying that health care reform will lead to rationed care. Mr. Speaker, the fact is nothing will stand between you and your doctor or prevent you from making the best health care decisions yourself.

And, Mr. Speaker, there's a myth saying we can't afford to fix health care during an economic crisis. Well, rising health care costs are hurting our families and businesses now and driving up the budget deficit. If we do nothing, the cost of health care premiums will eat us up more and more. It will eat up your monthly paycheck, and the prescription drug doughnut hole won't get fixed.

#### CREATING JOBS SHOULD BE TOP PRIORITY

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, creating jobs and getting America back to work should be Congress' top priority. Unemployment nears 10 percent nationally and even higher in my district. We need to keep our efforts focused on the economy.

Today, there's a report the White House is looking for tax credits for companies that create new jobs. I fully support the incentive and think the American people would as well. According to *The New York Times*, the Federal Government tried this approach in 1977, 1978. During that period, employment climbed at a record pace. An economic review study suggested in 1970 that the policy was responsible for creating 700,000 jobs of the 2.1 million jobs created during that period.

I look forward to working with my colleagues on this important issue.

#### WORLD HABITAT DAY

(Mr. MILLER of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. MILLER of North Carolina. Mr. Speaker, in 1985 the United Nations General Assembly designated the first Monday in October as World Habitat Day. This year, the theme is Planning Our Urban Future.

Approximately half of the world's population now lives in urban areas, and that number will rise to two-thirds in a generation. Cities can be engines for economic growth; but they can also become home to extreme poverty, disease, environmental degradation, and conflict. In many parts of the world, government policies do not adequately respond to the challenges of growing urban populations.

Nearly one-third of the world's population of people living in cities around the world now already live in slums, and that number will also rise to double what it is now in 30 years.

I rise today to honor World Habitat Day and the goal of improved urban planning. We can have a sustainable prosperous future, but only if we help the rural cities address the needs that come from explosive growth.

#### "WHITE COATS" AT THE WHITE HOUSE

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I come to the floor today with my white physician's coat because apparently if you're a doctor, this white coat is a prerequisite for a meeting at the White House. You can see by this photo that the White House felt so strongly about this that they actually handed out white coats to the doctors that they invited to their photo-op on Monday.

Mr. Speaker, on September 11 I requested a meeting with the President, responding to his statement before Congress that his door is always open to talk about health care reform. Many of my colleagues in the GOP Doctors Caucus have also asked for meetings.

Mr. Speaker, I am here on the floor today to say to the President, I am a doctor, and I, too, have a white coat. I would like a meeting with you to talk about health care reform because I, like so many doctors across this country, we support meaningful reform, just not a government takeover.

And, Mr. Speaker, I am here to say I can even bring my own white coat.

#### SWIPE FEE LEGISLATION

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, tomorrow the Financial Services Committee will hear testimony from Kathy Miller from the northern Vermont town of Elmore.

Kathy and her husband run the Elmore Store; that is the general store, the post office, and the social hub of the small town of Elmore.

Kathy will be testifying in favor of interchange, or swipe fee, legislation which would finally prevent credit card companies from overcharging small businesses like the Millers and others around the country. With every purchase paid for by credit card, they are charged, the Millers, over 2 percent. And as they have with individuals, the credit card companies have come up with ever more reasons and gimmicks to squeeze money out of the bottom line of these small businesses.

Though the store itself in Elmore is a powerful force in the lives of the citizens, the Millers are absolutely powerless against the credit card companies and big banks. That's why Kathy Miller is coming to Washington to support legislation to end these abuses and to add fairness and transparency to swipe fees.

#### ACCOUNTING GIMMICKS IN PROPOSED HEALTH CARE

(Mr. CASSIDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASSIDY. Mr. Speaker, instead of passing health care reform that lowers costs, Democrats are positioned to pass a bill that hides costs by passing them on to State taxpayers. A frightening footnote in the Congressional Budget Office report on the Senate Financial Committee bill reveals a \$37 billion Medicaid mandate on State governments. Unlike the Federal Government, States can't just print money.

This \$37 billion mandate will force States across the Nation to choose between deep cuts to programs or steep tax hikes. In Louisiana alone, it's \$612 million over 5 years. That's \$612 million less for roads, for higher education, for secondary education, for economic development.

In addition to driving States into bankruptcy, this unfunded mandate deliberately hides the bill's true cost. Whether from Federal taxes or State taxes, the American people will have to absorb this.

If the bill actually lowered costs, its author would not have to hide behind accounting gimmicks to sell the bill.

#### BREAST CANCER AWARENESS MONTH

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today in recognition of Breast Cancer Awareness Month. It is perhaps appropriate that in this month we are all tasked to reform this Nation's health care system for the millions of women who each year are



screened and diagnosed with breast cancer and other breast disease.

And yet there is also a glaring disparity in the diagnosis and treatment of breast disease. According to the Office of Minority Health, African American women are 34 percent more likely to die from breast cancer than white women. African American women are also 10 percent less likely to be diagnosed with breast cancer.

This disparity in screening diagnosis and treatment leads to not only more expensive care in the long run, but far too often death. A report released by the Joint Center for Political and Economic Studies estimates that the combined costs of such health inequalities and premature deaths in the United States total \$1.24 trillion.

We must eliminate disparities and discriminatory insurance practices impacting minorities and women not only because it's cost effective but because it's the right thing to do.

It's time to provide quality, affordable, and accessible health care with a public plan that allows choice, care, and competition.

#### POST MAJOR LEGISLATION 72 HOURS BEFORE VOTE TAKES PLACE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, it's fitting that Congress pass a bill that gives Members of Congress and the American public 72 hours to read major legislation before Congress votes. Both the stimulus and the national energy bill passed in the House less than 1 day after coming to the floor.

In town halls all across the country, constituents have demanded that each major bill be made available to Members of Congress and the public for at least 72 hours before a vote takes place. We should not rush to pass a sweeping government takeover of health care and energy or advance any other important issue without taking the time to understand fully its impact on American families and small businesses.

Mr. Speaker, the American people have spoken. Let's give them and their elected leaders 72 hours to read what's in the bills before Congress.

#### ICE DETENTION REPORT

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, yesterday Secretary Napolitano and Immigration and Customs Enforcement Assistant Secretary John Morton released a much-anticipated report on ICE's detention policies, which detailed observations and recommendations made by

former detention policy and planning director, Dora Schriro.

Despite ICE's previously stated goals of focusing on the detention and deportation of dangerous criminal immigrants, Dr. Schriro's report clearly states that two-thirds of the individuals being detained at taxpayer expense by ICE are noncriminal immigrants, a proportion which has stayed constant over the past 2 years.

I am encouraged by Secretary Napolitano's commitment to reforming our Immigration Detention System and her acknowledgment that ICE must create a system that reflects the needs of a largely noncriminal civilian detainee population versus those of a prison population. We must ensure community members that those ICE has classified as "special population," such as parents with minor children, the ill and injured, women, non-violent asylum seekers, are not routinely detained. Those who are eligible and do not present a flight risk or a danger to their community should be able to pay a bond and seek parole.

Luckily, ICE has found successful alternatives to detentions. Secretary Napolitano should continue these alternatives to detention programs.

#### PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010.

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 799 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 799

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes. All points of order against the conference report and against its consideration are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

□ 1045

The SPEAKER pro tempore (Mr. BLUMENAUER). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

##### GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members be given 5

legislative days in which to revise and extend their remarks on H. Res. 799.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 799 provides for consideration of the conference report to accompany H.R. 2997, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010. The rule waives all points of order against the conference report on H.R. 2997 and against its consideration, and the rule provides that the previous question shall be considered as ordered without intervention of any motion except one hour of debate and one motion to recommit, if applicable.

Mr. Speaker, I rise in strong support of the conference report for the fiscal year 2010 Agriculture Appropriations conference report. This is a good bill, one that went through the regular order. It is, in fact, the third appropriations conference report that this body will consider this year. I want to especially commend Subcommittee Chairwoman ROSA DELAURIO and Ranking Member JACK KINGSTON, as well as the other subcommittee members, for their efforts in completing this bill.

Mr. Speaker, this bill is one that normally doesn't get a lot of attention but, in reality, is one of the most important bills that we can pass. I wish the allocation, Mr. Speaker, for this bill, quite frankly, was higher than it is because there is a great need for the programs that make up this bill. This conference report funds the following areas at the Department of Agriculture: public health programs, rural communities, agriculture research, animal health and marketing programs, and conservation. Most importantly, this bill funds domestic and international antihunger and nutrition programs, programs that literally put food in the mouths of hundreds of millions of hungry people here at home and around the world.

Mr. Speaker, this bill is \$2.7 billion more than last year and \$325 million more than the President's request, a 13 percent increase over last year's bill. Following my opening statement, we will hear from my friends on the other side, and I expect that they will talk about how this bill spends too much money and that this increase is simply unnecessary, especially during these difficult economic times.

Well, Mr. Speaker, this increase is needed now more than ever. Just look at where the increases in this bill are targeted: to the areas of nutrition, international food assistance, and food and drug safety. Simply, these increases go to protect our food supply and to provide food for those who either cannot afford it or do not have access to it. It is unconscionable to me

that anyone can complain about helping people in need during these tough economic times.

Today, there are over 36 million low-income individuals who rely on the SNAP program, formerly known as the Food Stamp Program. The sad fact is that this is a record number of people who are currently relying on this safety net program. This bill provides over \$58 billion for the SNAP program, an increase of more than \$4 billion from 2009.

WIC is funded at \$7.2 billion, an increase of almost \$400 million. This increase will provide up to 9.6 million women, infants, and children help with a healthy pregnancy and a healthy start in life.

The Commodity Supplemental Food Program, a program that provides nutritious food to low-income women, infants, children, and elderly citizens who all struggle with rising food costs, is funded at \$171 million. That is \$11 million more than 2009 and \$9 million more than the President's request.

Finally, the Child Nutrition Programs, school meals and snacks, receive almost \$17 billion, \$1.9 billion above the 2009 levels.

Hunger is a real problem in America, and this bill provides funding that keeps the safety net intact. Look at one of the more affluent areas in this country, Fairfax County in Virginia. According to a recent Washington Post article, Fairfax churches and nonprofit organizations report a 39 percent increase in food assistance in the fourth quarter of 2008 when compared with the fourth quarter of 2007. Let me repeat that, a 39 percent increase. "Almost half of the respondents reported helping families that had never asked for aid before, many of them former middle class residents now unemployment or facing foreclosure." I will insert this article into the RECORD at the end of my statement.

Mr. Speaker, this is just one example of how hunger is creeping into areas of the country that are not used to seeing hunger. Food banks, WIC clinics, and SNAP processors are the ones providing food for people who simply cannot make ends meet. Yet some of my colleagues on the other side of the aisle say we cannot afford to properly fund these programs, insinuating that we should turn our backs on these people who are in desperate need.

I, for one, make no apologies for these increases in food and nutrition programs. We have a moral obligation to step up to the plate to help the most vulnerable people during these difficult times.

Internationally, the need is just as great. This bill provides critical funding for the Food for Peace program and McGovern-Dole Food for Education program. Overall, there is \$1.89 billion provided for international food aid programs. That is an increase of \$564 million over 2009.

The P.L. 480 Food for Peace Title II grants program receives \$1.69 billion, which is \$464 million above 2009. And a program close to my heart, the McGovern-Dole program, is more than doubled from the previous year. In 2010, this important program will receive \$209.5 million, \$10 million more than President Obama's request and \$109.5 million more than 2009 levels.

Mr. Speaker, for too long this country has underfunded international food and nutrition programs. This bill is changing that course. We are putting more money up front for development, providing assistance before it becomes an emergency that we and the rest of the world have to respond to. This is appropriate and necessary, and I applaud Chairwoman DELAURO for working to right the misguided policies of the previous administration. I would add that investing in food and nutrition programs overseas and investing in smart development is in our national security interests. Taking a global leadership role in combating hunger and fighting global poverty I think is something that wins us the hearts and minds of people all over the world, and I want to again commend Chairwoman DELAURO for her leadership.

I am also pleased that there is more than \$33 million for eradication of the Asian longhorn beetle, an increase of more than \$13 million over last year. This funding will help USDA in their efforts to help in identifying and eradicating the infestation of this pest. While more funding is needed, and I will be asking the USDA for additional emergency funding for this effort, the funding included in this bill is welcome and I appreciate its inclusion.

Finally, Mr. Speaker, I want to address the tragic bombing of the United Nations World Food Program offices in Islamabad, Pakistan. The World Food Program benefits from the international food aid programs that are funded in this bill. WFP is an excellent partner and is on the front lines of many of the efforts to combat hunger and starvation around the world. Josette Sheeran and everyone at WFP do an excellent job, and I am pleased to be able to work with them as they work to end hunger around the world.

I want to convey my deepest condolences and sympathies to the family and friends and colleagues of the WFP staff who were killed in Pakistan. My thoughts and prayers are also with those who were wounded and injured in the bombing attack, and we hope for their full recovery. The bombing underscores the often dangerous situations in which the World Food Program and so many other humanitarian relief workers find themselves. And I, for one, can only thank them for their important and too often unrecognized service to humanity.

[From the Washington Post, Sept. 29, 2009]

#### WHOLE FOODS TO FOOD BANKS

(By Annie Gowen)

The Germantown woman was loading boxes of food from the Manna food bank into a shiny sport-utility vehicle one recent afternoon when she was approached by a donor dropping off food.

"What group are you with?" the donor asked the woman, who promptly burst into tears. With her Toyota Sequoia and quilted Vera Bradley bag, she had been mistaken for a volunteer—rather than a client waiting to take home a bag of potatoes.

"I'm a mother of four just trying to feed my kids," the woman sobbed to the donor, who was taken aback, then sympathetic.

Such awkward scenes are playing out frequently at food pantries and other charities across the region as they struggle to help the still upward-spiraling number of formerly middle-class people knocking on their doors.

For the charities, the surge in demand has tested their resourcefulness—and sometimes their patience. Not only must they stock millions of pounds of additional food in bigger warehouses, but they also must adopt fresh tactics to help the newly needy, who can be more bewildered, more emotional and more selective than their traditional clients.

One intake volunteer at Food for Others in Fairfax County, for example, has learned that the formerly affluent won't wait outside in line for food at evening neighborhood giveaways, lest they be spotted.

"We have more people than ever coming here thinking they'd never even be here," said Amy Ginsburg, executive director of Manna Food Center in Montgomery County. Manna, along with most food area pantries, requires people to prove by income that they need assistance.

The group is moving into a 12,000-square-foot warehouse in Gaithersburg on Oct. 5 to meet the growing need. Manna gave away 3.1 million pounds of food to 102,519 Montgomery County residents last fiscal year, up from 2.1 million pounds the year before. They've increased food drives, and cash donations have kept pace.

Manna's workers and volunteers try to make the experience as dignified as possible for everyone, helping clients load their cars and handing out juice boxes and pretzels to families waiting in increasingly longer lines. On a recent morning, residents dressed in pressed khakis waited for boxes of fresh produce, meat and canned goods alongside those in dirty T-shirts.

"Not having enough money for food is a bizarre, foreign experience" for the new needy, Ginsburg explained. "They're still getting over the shock."

Ginsburg and others running local charities expect the number of residents seeking help to continue to rise even as the economy improves. Jobless numbers are increasing, they point out, while severance checks and unemployment benefits are running out.

Fairfax found in a recent survey of 89 churches and nonprofit organizations that 32,044 households received food assistance in the last quarter of 2008, a 39 percent increase from the previous year's fourth quarter. Almost half of the respondents reported helping families that had never asked for aid before—many of them former middle-class residents now unemployed or facing foreclosure.

Wanda Moloney, client relations manager at Loudoun Interfaith Relief, which served 56,000 residents last year, said her group gives food to 100 new families a week. Increasingly, Interfaith volunteers from some of Loudoun's most affluent neighborhoods

find themselves packing boxes for their friends and neighbors.

Nobody knows what to say.

"You can see it in the eye contact," Moloney said. "The tears say it all."

Barbara Curtis, 61, said that the experience of getting groceries from the food pantry was "startling at first." She and her husband, Tripp, lost their sprawling Loudoun home this year after he became ill and was unable to work. With five children at home, their descent from a comfortable middle-class life seemed to happen overnight. "It really let me see how vulnerable we all are," Curtis said.

Terry Wilson, 43, a floral designer, also sought help in Loudoun after he was bumped from full time to part time at work and lost his benefits. But it wasn't easy. The first time he pulled open the door and took in the crowd in the waiting room, he turned around and walked out.

"It was like, 'Whoa . . . I can't do this,'" he recalled Wednesday as he picked up food for the second time. But then he realized having the groceries could help him shift money to his utility bill and his car payment. "Everyone else is doing it, and times are tough. Let's suck it up and see what happens."

Out in the Manna parking lot, the Germantown woman—who was visiting the food bank for the second time and did not want her name used to spare her children embarrassment—was inspecting her food allotment with the zeal of a soccer mom at Whole Foods. She turned to Manna for help after her husband refinanced their home into a costly subprime mortgage and then moved out. She has been able to get the mortgage modified, but her finances remain precarious.

She checked the expiration date on a carton of soy milk, unscrewed the lid of a jar of organic peanut butter to make sure it was sealed and read the label on a tube of ground turkey. The turkey did not pass muster, and she politely returned it to a Manna staffer. "I don't know what's in it," she explained.

"It's a double-edged sword," she said. "You can't go without food, but certain foods at Manna, no way I'm going to feed my kids. It's kind of snotty." She rejoiced in a big bag of day-old bagels, sport drinks and doughnuts, treats she could no longer afford to buy her sons.

At times, this changing face of need has sparked moments of confusion and discomfort for those who are trying to help.

Christine Lucas, executive director of the Arlington Food Assistance Center, said she is often asked by volunteers and donors about the number of clients driving fancy cars. (A well-dressed couple who declined to be interviewed was there recently, putting their sacks into a Cadillac.) Lucas responds that it could be an employer's car or a family hanging onto its last asset.

Or it could be the formerly middle-class mom with Calvin Klein sunglasses perched atop her head who said she was going to have to search Epicurious.com for recipes that use black beans because the pantry had given her so many cans.

Appearances can be deceiving, as Debbie Lane and her two children discovered when they drove out to an affluent neighborhood in Chantilly to deliver \$200 worth of school supplies to a needy family. Lane, of Fairfax, said her kids had offered to reuse some of their school supplies from last year so that they could contribute to the back-to-school drive, organized by the food pantry Our Daily Bread.

"My son, who is 8, said, 'Mom, if this is the neighborhood we're dropping these things off in, I think we should turn our car around,'" Lane recalled. "It was a great segue for me to talk about what poverty does and does not look like."

But even she was surprised at the size and scope of "this palatial home with two brand-new expensive cars in the driveway. I was really grappling with this. I was thinking, 'This is crazy.'" She later learned that what she had tried to explain to her kids was true: The family that needed the supplies was renting rooms in the home's basement and had recently seen its income drop when the mother died of cancer.

The Germantown mother of four said she knew why she'd been mistaken for a volunteer by the donor dropping off food—it was her car.

"Because I have the [Sequoia], she thought I was doing the same thing she was, I guess," the woman speculated. She watched the donor drive away with a mix of envy and sadness, remembering what it was like "to be normal."

"What a glorious feeling . . . to be able to give to other people," she said. "It is a better feeling to give than to receive. But sometimes you have to receive."

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I want to thank my colleague from Massachusetts for yielding me time, and I yield myself such time as I may consume.

Mr. Speaker, I come before you today deeply concerned by this conference agreement. This legislation that was originally brought to the House was offered under a closed rule. Throughout this appropriations season, the Democrat majority took unprecedented steps to silence both the minority and their own Democrat colleagues by offering all appropriations bills under closed rule. This has consistently eliminated the ability for Members to speak up for how their constituents believe their money should be spent.

This is not the way the House should be operating, and we want to express again our concern about this and will be doing that throughout our time in discussing the rule this morning.

I will urge my colleagues to vote not only against the rule but against the previous question.

I reserve the balance of my time.

Mr. McGOVERN. I will reserve my time at this point in time, Mr. Speaker.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the ranking member of the Rules Committee.

Mr. DREIER. Mr. Speaker, I thank my friend from Grandfather community for yielding me the time.

I rise with a great deal of concern, Mr. Speaker, for what is taking place here. My friend from Worcester has talked about the commitment to nutrition programs. I share his concern about nutrition, child nutrition especially. It is a very high priority. And anyone, anyone who tries to characterize those of us who are opposed to

this conference report as being opposed to child nutrition is totally off base.

I was just speaking to my good friend Mr. CONAWAY, who is a member of the Agriculture Authorization Committee, and he points to the fact that while we look at this conference report, every single line item, every single line item has had a plus-up, an increase, and it brings to that total a 14 percent increase.

Now, Mr. CONAWAY has reminded me that we can have that strong commitment, as we do in a bipartisan way, to nutrition. There are other areas where cuts can be made. And so again, once again, the tired old argument that somehow those of us who are Republicans want to throw children out in the street and have them starve is a nonstarter. So, Mr. Speaker, I urge my colleagues not to continue with that kind of argument.

Now, there are other concerns that exist. We have the 14 percent increase with this measure. We have something known as air-dropping, which is a violation of House rules, and this rule waives a measure which provides an addition of items that were never considered by this House or considered by our colleagues in the other body in the Senate. That is described as a scope violation. It means that neither House considered it and yet the conferees came together and without a single hearing, without any kind of deliberation, they just dropped a couple of provisions into the conference report.

Now, Mr. Speaker, this is what is leading us to raise concern that is bipartisan on the fact that this House is not taking the amount of time that it should to look at legislation, and this came to the forefront on June 26 of this year.

On June 26 at 3 in the morning, my Rules colleagues and I were sitting upstairs in the Rules Committee and my friend, Mr. McGOVERN, offered the motion that would allow us to move ahead with the cap-and-trade bill. As he was reading that motion, Mr. Speaker, as he was reading that motion, I had dropped on my lap at 3 in the morning a 300-page amendment to the cap-and-trade bill. No one on that committee had had an opportunity to look at it. We know that most Members of the House had not read it. What did it lead to? It led to our very, very strong level of degree of outrage, and it led our minority leader to use a great deal of time, taking 1 hour to actually walk through that 300-page amendment. The by-product of that, Mr. Speaker, has been outrage across this country.

I have spent most of my career here focused on process. I believe process is substance. But many of my colleagues on both sides of the aisle, when I talk about process, make it very clear that they and their constituents have their eyes glaze over. But guess what, Mr. Speaker? The American people understand when you don't take the time to

deliberate and read and look at legislation.

Now, I will admit that in Republican Congresses, we have waived the 3-day layover requirement. In fact, in the 109th Congress, on 40 occasions we waived the 3-day layover requirement. But, Mr. Speaker, we were told that in this new Congress there would be a better way and they would change those ways.

In the 110th Congress, this new majority waived the 3-day layover requirement 43 times. And so far in this Congress, and we are 40 percent of the way through this Congress, Mr. Speaker, the 3-day layover requirement has been waived 22 times already, and we are only 40 percent through this Congress.

□ 1100

And so this new majority has said we are not going to allow for the reading of legislation. We're not going to allow for an adequate amount of time. We're going to move quickly, without letting Members look at or the American people look at legislation to the floor.

So what is it that happened? A bipartisan group, led by our colleague from Washington, Mr. BAIRD, our colleague from Texas, Mr. CULBERSON, came together with legislation saying that there should, in fact, be a process that requires that that 3-day layover be maintained. Now, there was no opportunity provided by the majority to allow for consideration of this, and so it led my very good friend from Oregon, Mr. WALDEN, to launch a discharge petition, a discharge petition which, at this moment, has 181 signatories. A bipartisan group saying what we should do is, we should say that Members should look at legislation before it's considered.

And on this conference report, the notion of air-dropping measures in is just a further example of not allowing the membership to look at legislation. My colleague from Grandfather community, Ms. FOXX, is going to move to defeat the previous question, Mr. Speaker. When she does that, she is going to be seeking to make in order the bipartisan Baird-Culberson resolution, which states that we must have 72 hours to look at legislation before it is considered. It's a commonsense proposal that the American people understand and that this membership understands.

And so, Mr. Speaker, I'm going to urge my colleagues to join with Ms. FOXX and Mr. CONAWAY, and the wide range of people who are working on this, led by Mr. WALDEN, who's here on the floor and is going to have some very, very interesting numbers and figures to show to buttress this argument that we're making here. So I urge my colleagues to vote "no" on the previous question so that we'll be able to allow this measure to move forward so that

the commonsense idea of saying we should look at things before we vote on them is, in fact, able to prevail.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from California is correct when he says that his side was guilty of air-dropping provisions into conference reports. I remember one time being up in the Rules Committee when a Department of Defense bill came before the committee. And after the conferees had finished all their work, all of a sudden this kind of mysterious language appeared providing immunity to drug companies that produced drugs that were not safe. And the reality was, Mr. Speaker, that they did that after the conference had finished up.

In this case here it's very, very different. In this case here, the child nutrition reauthorization, a bill we had hoped to have already done by now, is not completed. And if, in fact, this language was not put in here to extend expiring child nutrition authorization programs—and let me just kind of tell people what that is. It's things like school breakfasts and school lunches and after-school meals for kids who otherwise wouldn't get access to meals or nutrition.

So that language, which was agreed to by the authorizers, was put into this bill. Now, if we want to have an argument about process, fine. But the reality is here: if you did not do this right now, these programs would expire. And I don't know of anybody, maybe on your side they do, but I know for the majority on this side, people do not want those programs to expire because people depend on them.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield the gentleman 30 seconds.

Mr. DREIER. I thank my friend for yielding. And let me just say, I will say to my friend that he must not have listened to my opening remarks. The notion of pointing the finger to the other side of the aisle and somehow saying that we have an interest in seeing child nutrition deteriorate is outrageous, and it should not be said on this House floor.

And I will say this, too. If you look at the number of times that that 3-day layover requirement was waived when we were in the majority, as I said, 40 times in the 109th Congress. And you promised a better way on the majority side of this aisle. And what has happened is you've bested us by doing it 44 times in the 110th Congress and so far 22 times, 40 percent of this. And I thank my friend for yielding.

Mr. MCGOVERN. I thank the gentleman for his comments. And I do think we have bested you in the area of responding to a need that, quite frankly, when your party was in control here, these areas were underfunded.

And the deal, this is about school breakfasts and school lunches and after-school snacks for kids who otherwise wouldn't get it. That's what this is about. That's what we are debating here.

Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from New York, a member of the Rules Committee, Mr. ARCURI.

Mr. ARCURI. I thank the gentleman for yielding, and I thank him for his leadership on nutritional issues. Clearly, we can't do enough, I think, for the people who need assistance in this country. And I rise in very strong support of this conference report that focuses, not only on nutritional issues, but focuses on the need for food safety in this country, and certainly, the need for our farmers and our agricultural industry.

And I want to talk specifically about dairy farmers. And what this bill does among other things, many other good things, is it appropriates \$350 million for dairy farmers. Now, I can tell you that in my district in upstate New York, dairy farmers have been hit extremely hard. We see the cost of 100 weight of milk about the same price, about \$10 or \$11, the same that it was 20 or 25 years ago. Yet the cost of feed, the cost of fuel, the cost of everything has gone up dramatically, and we see this real difficult time.

And I talk about this all the time. I did a town hall meeting in a place called Waterville, New York, and it was a dairy farming community. And I thought we were going to talk about health care, but that wasn't the most important issue to these dairy farmers. The most important issue was the cost of milk and the difficulty that they're having staying in business. And to see a grown man, a farmer who's worked his whole life, worked very hard, stand up and cry because he isn't sure he's going to be able to hold on to his farm is the kind of thing that we're up against.

So I think that the fact—and I want to compliment the chairlady, Ms. DELAURO, for the work she's done and the way that we've come forward to put \$350 million—again, it's not going to save the entire dairy industry, but it certainly is going to help dairy farmers, and they need it at this time. We need to continue this. We need to continue to move because dairy farming in America is not just an industry. It's not just a business, but it's a way of life, and we need to do everything we can, and I strongly support this conference report. And I urge my colleagues to do the same.

Ms. FOXX. Mr. Speaker, the gentleman from Massachusetts (Mr. MCGOVERN) blames Republicans. I mean we're used to it. We're being blamed for everything. And yet, you all are in the majority. You have the votes to do whatever you want to do. You've

been in the majority for the last 3 years. So I don't understand why it's our fault that these programs haven't been authorized at the appropriate levels for the last 3 years.

I would like to yield now 4 minutes to my colleague from Texas, Mr. CONAWAY.

Mr. CONAWAY. Mr. Speaker, I want to thank the gentlelady for giving me some time to speak.

First off, I want to brag on the majority. The gentlelady and the previous speaker and I talked about the 72-hour rule, the concept of a bill being available for not only Members to read but also constituents to read. This one's been available longer than 72 hours. And as far as I can tell, the sun came up in the east this morning and the world's continuing to turn, so this system can, in fact, work under a rational process that allows 72 hours to expire before something is voted on.

So I want to brag on the majority for conducting themselves in the way that they said they would do throughout the 2006 campaign. And now, at least with this one narrow example, they have shown that the 72-hour rule will, in fact, work.

Mr. Speaker, I am going to ask my colleagues to vote against the rule, to vote against this bill itself. I represent an agricultural district. I have a rural district in Texas. I represent 14 percent of the land mass of Texas. It is rural and it is agricultural. I'm going to vote against this bill because of the reckless increases in spending that are being proposed or being pushed forward. None of us are for hunger. None of us are for children getting up and going to school hungry. That's not what this is about.

This bill, with a 28 percent increase over what we spent in 2008, a 14 percent increase in what we spent over 2009, plus an \$8 billion stimulus infusion of cash, is reckless, simply reckless. We can't afford it. This will contribute to a \$1.3 trillion deficit for 2010. We will have to borrow all \$1.3 trillion.

Now, what that does in effect is it fixes today's problems for just 2010. It doesn't fix anything, but it addresses the problems for 2010. The interest on that debt will be paid for by every generation every year of their lives. They will not pay it back. We will not pay it back. So what we are saying is with respect to the interest on that debt is that future generations will have to tax themselves to pay for that. Those are resources that they will not have available to deal with the hungry and the hungered in their generations because, as Jesus Christ said, the poor you will always have with us. There will be hunger in this world as long as this world exists. And what we are doing today with this bill is contributing to the irresponsible resource reallocation from future generations to today's problems.

Both sides have made an art form over the last four years of taking fu-

ture resources to fix today's problems. It's been wrong in the past. It's wrong today. And I would urge my colleagues to vote against this rule and against this bill when it comes up later on this afternoon.

Mr. MCGOVERN. Mr. Speaker, let me just clarify for the record, because I think maybe there is a difference here between what some of us are saying on this side of the aisle compared to what some of my friends are saying on the other side of the aisle.

I don't believe a hungry child can wait. I don't believe we can put that problem off till next year or 5 years or 10 years down the road. And in fact, I would argue that investing and making sure that that child gets the proper nutrition and the proper food early on in their lifetime will probably save us a whole bunch of money in terms of health care costs and lost learning opportunities and so many other things that come as a result of people being hungry and not getting enough to eat.

So we don't have time to wait. And one of the reasons we are trying to tackle health care, Mr. Speaker, is to try to get this deficit and this debt under control, something, by the way, that when Bill Clinton left office, he left historic surpluses. After a few years of my friends on the other side of the aisle, we have historic deficits, and now we're trying to dig ourselves out of this ditch.

Mr. Speaker, at this time I would like to yield 4 minutes to the distinguished gentlewoman from Connecticut, the Chair of the Appropriations Subcommittee on Agriculture, Ms. DELAURO.

Ms. DELAURO. I thank the gentleman for yielding time, and I am delighted to present the 2010 Agriculture, Food and Drug Administration Appropriations Conference Report.

I wanted to note that this is the earliest that an Agriculture appropriations conference report has come to the floor of this House since 1999. In fact, we have been busy all year. The subcommittee has held seven hearings so far, including two hearings with the Secretary of Agriculture, a hearing with the Acting Commissioner of the Food and Drug Administration, another with the Inspector General of the Department of Health and Human Services. We had a hearing on domestic nutrition programs, a hearing on the equivalency process for imported meat and poultry. We also had a hearing at which Members discussed their priorities.

This report before us is then the culmination of this process. It focuses on several key areas, supporting agricultural research, investing in rural communities. My colleague from Texas was just up on his feet, and he represents a rural part of Texas. Well, in fact, what we did was increase resources for rural America, and I'm sure that that in-

cludes his portion in Texas. He ought to think twice about voting against a bill which is going to help his constituents. And that's probably true of agricultural research as well.

We also focused on protecting the public health, bolstering nutrition programs and food aid, and conserving our natural resources. I would just say that the report proposes investments in these priorities and the agencies that can help us to meet them while making specific and sensible budgets cuts where feasible. The appropriations bill on Agriculture and the Food and Drug Administration for 2010 provides for \$23 billion in funding. It is a 13 percent increase over the 2009 levels, the reason being, as our colleague from New York said a moment ago, because there was an additional \$350 million put in this bill in order to deal with the crisis amongst dairy farmers in this country.

Whether you are from the East Coast, the way I am, the middle of the country, where others are, or the West coast, dairy farmers are in critical difficulty. Now, if we propose not to do that, let's close it down. Let's close the dairy industry down, because, you know what? You can't stop milking cows just because the prices are low. You have to continually do it. And our small dairy farmers are going under. We also made responsible investments across the board and, yes, in fact, we did make cuts in programs. We made a significant investment in agricultural research, \$1.2 billion for the Agriculture Research Service, \$1.3 billion for the National Institute for Food and Agriculture.

□ 1115

Among the key programs that were funded was the Agriculture and Food Research Initiative.

In addition, the report seeks to create new opportunities for growth in the Nation's small-town economies, rural America. The conference agreement provides \$173 million for section 502 Guaranteed Single Family Housing Loans and \$40 million for the Renewable Energy Program to focus in on renewable energy projects so that rural communities can take advantage of this effort.

I also might say again to my colleague from Texas who was standing up there, the administration proposed to cut the Farm and Ranchland Program, the Wildlife Habitat Program, and several other very good conservation programs. The Resources Conservation Agency development offices, I would bet he's got those issues in his district.

Well, you know what we did? We restored that funding because those communities need to have these resources in order to succeed.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlelady an additional 2 minutes.

Ms. DELAURO. We did provide a substantial increase for the Food and Drug Administration, \$306 million, to conduct more inspections of domestic and foreign food and medical products. We fully fund the administration's request for the Food Safety and Inspection Service at the U.S. Department of Agriculture. We provided money for them the first time. Why? So that in fact we can make sure that our food supply is safe and that youngsters are not dying from an E. coli infection or hurt by an E. coli infection, like we saw on the front page of *The New York Times* this past week, or we're getting a tainted product from China which puts people in this country at risk.

The bill provides \$392 million for an increase for the WIC program to help those hit hardest by the current economic crisis. And, yes, per the request of the committees in both the House and the Senate and the Democratic and Republican members of those committees, the bill extends the important and expiring child nutrition programs such as School Lunch, School Breakfast, and other programs.

But, you know, if you had been here several years ago the way I was, a number of years ago, you know where the other side of the aisle comes from, because there was an attempt at that time to say, Let's end the School Lunch program.

Yes, nutrition is critical. This is a bill that deserves to be extended, and that was its purpose in putting it with the agricultural bill. It is self-contained, no additional money, and it was not air-dropped. It was not air-dropped.

These programs continue our long-standing commitment to international aid, to fighting hunger. It works to conserve America's natural resources, sustain our national priorities. It includes \$350 million for dairy assistance; \$290 million to the Secretary of Agriculture to supplement producers' income; \$60 million for purchasing surplus cheese and other dairy products to distribute to food banks. It continues to protect our Nation's families and our farmers from the dangers that are posed by unsafe, processed poultry imports from overseas.

Taken as a whole, I believe we have crafted a responsible agriculture legislation. It alleviates short-term suffering, encourages long-term growth, invests in our future, reflects our priorities.

Support this rule.

Ms. FOXX. I appreciate very much the sympathy and concern from our friends from urban areas for our dairy farmers and our farming interest. I come from a rural district.

I represent a rural district and many dairy farmers. I grew up milking a cow. I understand that cows have to be milked. I know they can't wait. But what we've done to hurt dairy farmers in this country is we're putting them

out of business because we've driven up the costs of doing business.

We have an EPA that is totally out of control in this country and that has harassed our farmers, and particularly dairy farmers, to the point where we have almost driven them completely out of business.

Yes, dairy farmers are hurting right now, and we need to do something to help them; but we could do a lot to help them by reducing the cost of their doing business with the ridiculous rules and regulations that we've put on them.

I also would like to say that we need to be setting priorities in this Congress, and that's one of the main problems that we have with the majority in charge right now.

I'd like to now yield 4 minutes to my colleague who also understands rural United States' needs, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I want to thank the gentlelady from North Carolina for her leadership consistently in this House for common sense. I'm glad that she understands agriculture like some of us do in the West as well.

I want to talk today about the rule and the rules of this House. As my colleague from California said pretty clearly, for too long we have had a process that's been followed in this House, regardless of who was in control of this House, to make sure that the people and the press and we politicians have a chance to read the bills before they're voted on.

Consistently, when the will of the majority has been exercised, we have waived the House rules of the 72-hour requirement. We need to change that, and we can do it on a bipartisan basis.

My colleagues, Mr. BAIRD and Mr. CULBERSON, have legislation, H. Res. 554, introduced in June, to change the House rules to require 72 hours for bills like this, the so-called "stimulus," to be put on the Internet for the people, the press, the public, people affected, and us, to actually read them.

Now this bill was 1,073 pages. It cost \$787 billion. And we were allowed 12 hours to consider it. This legislation is the national energy tax, the cap-and-trade bill. It's 1,420 pages, 16½ hours to review, and it cost \$846 billion.

Now, this House recently passed a resolution saying that on the Ag appropriations conference report, the issue before us at the moment, that we should have 72 hours to consider it before it's voted on. That hasn't always been the case on all these rules. As I mentioned, on the national energy tax, on the stimulus, even the health care bill before it came to the Energy and Commerce Committee, 1,026 pages, we had 14 hours and 43 minutes to consider.

You know, it's kind of interesting. If you go back to the beginning of our country, and I just put it in compari-

son, the Declaration of Independence, same type-face size, nine pages, 4 days; the entire United States Constitution, 82 days, 24 pages; Bill of Rights, 57 days and 3 pages. Yet one-sixth of the economy, we're given, what, 14 hours and 43 minutes for health care in committee; 16½ hours for the national energy tax, 12 hours for the stimulus.

It's time to change how our House operates. It's time for the Rules Committee to bring forward H. Res. 544. And since that doesn't appear to happen, that's why I filed the discharge petition No. 6 to bring forward House Resolution 544 so that we can improve this process and gain some credibility with the folks back home who think we actually should have time to read these bills, that they should have time to read these bills, including bills like the Ag conference report.

Now, 182 members, as of yesterday, have signed this petition. It only takes 218. We have six Democrats who have signed it. Yet there are 35 Democrats who have cosponsored the underlying resolution, but have not signed the petition.

I know the Speaker has been supportive of this similar process of changing the House rules a couple of sessions ago. It is a bipartisan calling. It is difficult when you're in the majority to change the rules that affect how you operate. But isn't that what real reform is all about? It's saying, For once, we will stand up; we will listen to the people; we will change the rules; and we will have a more open and transparent process, which should lead to better policy.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 30 seconds.

Mr. WALDEN. And it is a wonderful cleanser, if you will, to a process that, frankly, has lost most credibility among the people of America. You see, they think we should read the bills, and they think we ought to understand them. Moreover, they now, in this modern age of Internet communications, believe we should post them on the Internet so that they, the public, the taxpayers, the people writing the checks to pay for this government, can have an understanding of what is in there.

So I would encourage my colleagues to vote against the previous question and to allow us to move forward on reform and transparency in this House.

Mr. MCGOVERN. I yield myself 30 seconds. I find it interesting the gentleman's not talking about the bill before us, which, as he failed to mention, was actually filed last Wednesday. It's been over a week that people have had access to this bill.

He's right about one thing: we are changing the way we do business in this House compared to when the Republicans were in charge. We are



changing our priorities. When they were in charge, they were talking about immunity for big drug companies, talking about corporate tax breaks. What we're talking about in this bill is making sure that our kids have breakfasts and lunches and good nutritional programs; making sure that our farmers get the food they deserve.

I'd like to yield 5 minutes to the distinguished chairman of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Thank you, Mr. McGOVERN, for yielding me the time.

Mr. Speaker, before I start, let me say that although I represent New York State, I want to make sure everybody understands that agriculture is the largest business in New York State, most of that obviously taking place up in eastern-western New York along the border. And we do know our cows.

A lot of debate on this bill is about food safety and the need to ensure that the products we consume are as safe as they can be.

I want to pause a minute here to respond to some of the comments that were made in the Senate just this last week, to which I take very strong exception. As many of you know, or may not—I'd like you to know—I've introduced legislation that would phase out seven classes of antibiotics that are currently approved for nontherapeutic use in animal agriculture.

We held a hearing on the preservation of antibiotics for medical treatment last spring, which, for the first time, the new administration acknowledged that the issue of overuse of antibiotics in farm animals is serious and they are seeking a solution. The Rules Committee held a hearing on this on July 13 to gather testimony from the administration, the private sector, and the scientific community.

Now why is this bill necessary? Well, an estimated 90,000 Americans die every year from infections that are increasingly resilient against the most powerful antibiotics in the world. Seventy percent of those infections are associated with bacterial pathogens displaying resistance to at least one antimicrobial drug. And as much as 70 percent of all the antibiotics—I can't stress this enough—70 percent of all antibiotics and related drugs used in this country go to healthy food animals, not people, according to the Union of Concerned Scientists.

Our legislation would in no way infringe upon the use of these drugs to treat a sick animal. It simply bans the nontherapeutic use—the constant, daily use by farmers who mix the medicine they buy in 50-pound bags to mix it in the food of the livestock in the hope that doing so will prevent the animals from getting sick.

Think about that for a moment. If anyone suggested that you mixed anti-

biotics every day in your children's cereal, you would think that's crazy. Not only that, you would understand that it's very dangerous and, more importantly, likely only to lead to a new class of drug-resistant "super bugs" that eventually stop feeling the effects of our best antibiotics.

A Senator claimed on the floor this week that Denmark, which has instituted the same restriction that we call for in this bill on the overuse of antibiotics, the result was an increase in animal mortality.

While criticizing a Time magazine article on this issue, he said, "We only have to turn to our neighbor across the Atlantic to see how a ban on antibiotics has played out. The European Union made a decision to phase out the use of antibiotics as growth promoters over 15 years ago and in 1998 Denmark instituted a full voluntary ban, which in 2000 became mandatory. After the ban was implemented in 1999, pork producers saw an immediate increase in piglet mortality and post-weaning diarrhea."

□ 1130

In fact, just the opposite is true. In a recent letter to Speaker PELOSI and to me, the National Food Institute of Denmark, concerned about the wrongful debate taking place in the United States, has written us that production has actually increased by 47 percent from 1992 to 2008. He also said that mortality of livestock was largely "unaffected" by the ban—but I will assume that they cleaned up, that they didn't stack up the animals who lived in their feces and rarely set foot outside the confined bin—but has improved again more recently. I would like to put a copy of that letter and report into the RECORD today.

In fact, it is my guess that several of my colleagues would agree with me and disagree with our colleague in the Senate.

Finally, I want to touch on one other issue relating to the legislation which we are speaking of, and it's the economy. This is a looming trade issue. Denmark and other European countries already are using strict food safety regulations against American products as we know. We all know exactly what has happened to our industries with each domestic food poisoning or health scare: Other countries respond by telling us they do not want to import our products, and the losers are our farmers and industries.

As this trend continues, I see nothing but downside for American farmers who may soon be told by more and more countries that their pork or beef or poultry or other products are potentially hazardous and cannot be imported.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. McGOVERN. I yield the gentlelady 2 additional minutes.

Ms. SLAUGHTER. Before I close, I want to speak a bit about an article that appeared on the front page of the New York Times this past Sunday. It told about a young woman named Stephanie Smith, 22 years old, who was paralyzed from eating hamburger, frozen hamburger bought at a market. And they traced the genesis of this hamburger, and let me tell you what they found:

Meat companies and grocers have been barred from selling ground beef tainted by a virulent strain of E. coli after an outbreak at Jack in the Box left four children dead. Tens of thousands of people are sickened annually by this pathogen, and Federal health officials estimate that hamburger is the biggest culprit. This summer, contamination led to the recall of beef from nearly 3,000 grocers in 41 States.

Now we talk about the cuts of beef that are used in this hamburger. Most of them are trimmings that they get from God knows where. We found in the hamburger that paralyzed Ms. Smith that some of it came from Uruguay. They are low-grade ingredients cut from areas of the cow likely to have had contact with feces which carries E. coli.

So the filthy cattle is brought in. And one of the most telling things is there are unwritten agreements between some companies standing in the way of ingredient testing. Many big slaughterhouses will only sell to grinders who agree not to test their shipments for E. coli according to officials at two large grinding companies. Slaughterhouses fear that one grinder's discovery of E. coli will set off a recall that they sold to others.

Food scientists have expressed increasing concern about the virulence of this pathogen since only a few stray cells can make you sick and there are no safety issues that we require about washing up, scrubbing everything. None of them are at all sufficient against this bug which has become more virulent. And I avow that that is because they are fed the antibiotic to kill E. coli almost daily.

The SPEAKER pro tempore. The time of the gentlewoman has again expired.

Mr. McGOVERN. I yield the gentlelady an additional 30 seconds.

Ms. SLAUGHTER. On August 16, 2007, the day Ms. Smith's hamburger was made, the No. 3 grinder at the Cargill plant in Butler, Wisconsin, started up at 6:50 a.m. The largest ingredient was beef trimmings, which they call 50/50—half meat, half whatever—costing 60 cents a pound. Potential for this contamination is present every step of the way, according to both the workers and the Federal inspectors. The cattle arrive with smears of feces all over them. They are poorly kept. I would also like to put this article in the RECORD.

I hope people will read this. I think that we are really heading for a trade

disaster as well as, most importantly, not making 90,000 Americans sick every year.

NATIONAL FOOD INSTITUTE,  
DANISH TECHNICAL UNIVERSITY,  
Copenhagen, September 19, 2009.

Re meeting with a Congress delegation on the Danish experience with stop for non-therapeutic use of antimicrobials.

Hon. NANCY PELOSI,  
Speaker, House of Representatives, The Capitol,  
United States of America.

DEAR SPEAKER PELOSI: We have just had the pleasure of meeting with a delegation consisting of four members of the House of Representatives, where we presented our data on the effects of the stop for non-therapeutic use of antimicrobials for food animals in Denmark.

We know that various rumours and sometimes "creative" interpretations of what has taken place in Denmark have been circulated to members of the U.S. Congress, and we are grateful for having been given this opportunity to correct some of these stories.

We are very pleased that you have approved the visit by this delegation, and would hereby like to send you a complimentary copy of the data we presented to the delegation.

If any further information is required, please do not hesitate to contact me.

Sincerely yours,

FRANK M. AARESTRUP,  
Professor.

SUMMARY OF CONCLUSIONS: MEETING WITH  
NATIONAL FOOD INSTITUTE, TECHNICAL UNIVERSITY OF DENMARK ON DANISH EXPERIENCE WITH THE STOP FOR USE OF NON-THERAPEUTIC ANTIMICROBIALS

SWINE PRODUCTION, DISEASES AND  
ANTIMICROBIAL CONSUMPTION

The Danish swine production has increased from 18.4 millions in 1992 to 27.1 millions in 2008; a 47% increase.

Productivity increased continuously before and after NTA stop.

Weaner mortality increased before and a few years after NTA stop—the rate seemed unaffected, except the first year after the ban. Mortality has improved considerably in recent years (management).

Weaner average daily gain decreased until and increased after NTA stop (continuously during a decade).

Finisher mortality increased before and after NTA stop, similar rate. (mortality decreased first year).

Finisher average daily gain increased before and after NTA stop.

Total antimicrobial consumption has fluctuated over time, but has in summary decreased from 100.4 to 48.9 mg/Kg pork produced; a 51% reduction.

Major reductions in resistance among animal pathogens, indicator bacteria and zoonotic bacteria.

BROILER PRODUCTIVITY

Kg broilers produced per square meter: not affected.

The feed-conversion ratio: an increase of 0.9% (0.016 kg/kg) was observed after NTA withdrawal.

Percent dead broilers in total (mortality): increased until and decreased after NTA withdrawal. Positively affected.

[From the New York Times, Oct. 4, 2009]

E. COLI PATH SHOWS FLAWS IN BEEF  
INSPECTION

(By Michael Moss)

Meat companies and grocers have been barred from selling ground beef tainted by

the virulent strain of E. coli known as O157:H7 since 1994, after an outbreak at Jack in the Box restaurants left four children dead. Yet tens of thousands of people are still sickened annually by this pathogen, federal health officials estimate, with hamburger being the biggest culprit. Ground beef has been blamed for 16 outbreaks in the last three years alone, including the one that left Ms. Smith paralyzed from the waist down. This summer, contamination led to the recall of beef from nearly 3,000 grocers in 41 states.

Ms. Smith's reaction to the virulent strain of E. coli was extreme, but tracing the story of her burger, through interviews and government and corporate records obtained by The New York Times, shows why eating ground beef is still a gamble. Neither the system meant to make the meat safe, nor the meat itself, is what consumers have been led to believe.

Ground beef is usually not simply a chunk of meat run through a grinder. Instead, records and interviews show, a single portion of hamburger meat is often an amalgam of various grades of meat from different parts of cows and even from different slaughterhouses. These cuts of meat are particularly vulnerable to E. coli contamination, food experts and officials say. Despite this, there is no federal requirement for grinders to test their ingredients for the pathogen.

The meat industry treats much of its practices and the ingredient in ground beef as trade secrets. While the Department of Agriculture has inspectors posted in plants and has access to production records, it also guards those secrets. Federal records released by the department through the Freedom of Information Act blacked out details of Cargill's grinding operation that could be learned only through copies of the documents obtained from other sources. Those documents illustrate the restrained approach to enforcement by a department whose missions include ensuring meat safety and promoting agriculture markets.

Within weeks of the Cargill outbreak in 2007, U.S.D.A. officials swept across the country, conducting spot checks at 224 meat plants to assess their efforts to combat E. coli. Although inspectors had been monitoring these plants all along, officials found serious problems at 55 that were failing to follow their own safety plans.

"Every time we look, we find out that things are not what we hoped they would be," said Loren D. Lange, an executive associate in the Agriculture Department's food safety division.

In the weeks before Ms. Smith's patty was made, federal inspectors had repeatedly found that Cargill was violating its own safety procedures in handling ground beef, but they imposed no fines or sanctions, records show. After the outbreak, the department threatened to withhold the seal of approval that declares "U.S. Inspected and Passed by the Department of Agriculture."

In the end, though, the agency accepted Cargill's proposal to increase its scrutiny of suppliers. That agreement came early last year after contentious negotiations, records show. When Cargill defended its safety system and initially resisted making some changes, an agency official wrote back: "How is food safety not the ultimate issue?"

THE RISK

On Aug. 16, 2007, the day Ms. Smith's hamburger was made, the No. 3 grinder at the Cargill plant in Butler, Wis., started up at 6:50 a.m. The largest ingredient was beef trimmings known as "50/50"—half fat, half

meat—that cost about 60 cents a pound, making them the cheapest component.

Cargill bought these trimmings—fatty edges sliced from better cuts of meat—from Greater Omaha Packing, where some 2,600 cattle are slaughtered daily and processed in a plant the size of four football fields.

As with other slaughterhouses, the potential for contamination is present every step of the way, according to workers and federal inspectors. The cattle often arrive with smears of feedlot feces that harbor the E. coli pathogen, and the hide must be removed carefully to keep it off the meat. This is especially critical for trimmings sliced from the outer surface of the carcass.

Federal inspectors based at the plant are supposed to monitor the hide removal, but much can go wrong. Workers slicing away the hide can inadvertently spread feces to the meat, and large clamps that hold the hide during processing sometimes slip and smear the meat with feces, the workers and inspectors say.

Greater Omaha vacuums and washes carcasses with hot water and lactic acid before sending them to the cutting floor. But these safeguards are not foolproof.

"As the trimmings are going down the processing line into combos or boxes, no one is inspecting every single piece," said one federal inspector who monitored Greater Omaha and requested anonymity because he was not authorized to speak publicly.

The E. coli risk is also present at the gutting station, where intestines are removed, the inspector said.

Every five seconds or so, half of a carcass moves into the meat-cutting side of the slaughterhouse, where trimmers said they could keep up with the flow unless they spot any remaining feces.

"We would step in and stop the line, and do whatever you do to take it off," said Esley Adams, a former supervisor who said he was fired this summer after 16 years following a dispute over sick leave. "But that doesn't mean everything was caught."

Two current employees said the flow of carcasses keeps up its torrid pace even when trimmers get reassigned, which increases pressure on workers. To protest one such episode, the employees said, dozens of workers walked off the job for a few hours earlier this year. Last year, workers sued Greater Omaha, alleging that they were not paid for the time they need to clean contaminants off their knives and other gear before and after their shifts. The company is contesting the lawsuit.

Greater Omaha did not respond to repeated requests to interview company officials. In a statement, a company official said Greater Omaha had a "reputation for embracing new food safety technology and utilizing science to make the safest product possible."

Ms. Smith's burger also contained trimmings from a slaughterhouse in Uruguay, where government officials insist that they have never found E. coli O157:H7 in meat. Yet audits of Uruguay's meat operations conducted by the U.S.D.A. have found sanitation problems, including improper testing for the pathogen. Dr. Hector J. Lazaneo, a meat safety official in Uruguay, said the problems were corrected immediately. "Everything is fine, finally," he said. "That is the reason we are exporting."

Cargill's final source was a supplier that turns fatty trimmings into what it calls "fine lean textured beef." The company, Beef Products Inc., said it bought meat that averages between 50 percent and 70 percent fat, including "any small pieces of fat derived

from the normal breakdown of the beef carcass." It warms the trimmings, removes the fat in a centrifuge and treats the remaining product with ammonia to kill *e. coli*.

Ms. FOXX. Mr. Speaker, I now yield 3 minutes to our colleague from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from North Carolina for the time.

I have to rise today in strong opposition to this rule, and unfortunately and reluctantly in opposition to the conference report itself. The main reason, this rule is simply outrageous. We've had a long debate for years around here about air-dropping items in conference. What happens is that you have a bill that comes out of the House that does not have a provision in it, a bill that comes out of the Senate that does not have the provision in it, and then policies and new laws are dropped in in conference with no debate, no discussion, nothing passed off the floor of either body but just come from afar, air-dropped at conference time.

In this bill, there are at least five new programs that were air-dropped in conference costing \$150 million. That's in this bill. And it certainly is way beyond the scope of the Rules Committee to approve this. Maybe there was some debate in the Rules Committee sometime that they agreed to it, but certainly there is no other Member that knows what these provisions are for.

Again, to spend \$150 million, five new mandatory programs in this bill that no one has debated in either body is simply outrageous.

Mr. Speaker, I also today have to oppose the conference report reluctantly. There are things in this conference report that I support, such as the research for agriculture, child nutrition, aid to farmers, all of these things. However, this is not, in my opinion, a responsible bill.

Today we are going to vote on an agriculture appropriations package that exceeds \$121 billion. It contains huge increases in spending over last year's levels. Mandatory appropriations in this bill total \$97.8 billion. That is \$10 billion more than last year. And nearly two-thirds of this increase is for domestic nutrition programs. They may be very, very worthwhile and needed. That's a \$6.2 billion increase, 9 percent over last year's level. However, neither the House nor the Senate Appropriations Committee ever held a hearing on these items, where you're spending an additional \$6.2 billion, with the proper agency to actually discuss the need whether or not this spending is justified.

Farm commodity programs receive a \$2.8 billion increase. That's 25 percent over last year. And again Congress, the committee had no hearings to justify that kind of kind of an increase.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman 2 additional minutes.

Mr. LATHAM. I thank the gentleman.

Federal crop insurance that I very much support receives about \$900 million more than last year. That's a 14 percent increase, and yet never a hearing, no one from the agency that oversees crop insurance came to justify that kind of an increase.

Discretionary appropriations in the bill total \$23.3 billion, that's \$2.7 billion more than fiscal year 2009, a 13 percent increase. This is \$325 million more than the President requested, and \$404 million more than was passed in the House bill. The largest discretionary increases are for nutritional assistance, including a \$421 million increase for that. That's 6 over percent over last year. But did Congress have a hearing on it? No.

The agreement contains a \$590 million increase for foreign food assistance. That is a 39 percent increase. Again, neither the House nor the Senate held any hearings to discuss such an enormous spending increase.

This spending bill was written with virtually no congressional oversight. It also almost seems that the motto of the Appropriations Committee today should be "Spending Your Tax Dollars With No Questions Asked."

The American taxpayers deserve a heck of a lot better than this. Accountability matters for both the administration and this Congress. And at the very least, the Congress should be asking the tough questions about these budget requests, these spending increases, and we deserve to get answers about how these huge government programs are administered. To date, we haven't had hearings.

I urge my colleagues to vote "no" on this rule because of the air-dropped items and the spending increases and support accountability and responsibility in this Congress. Unfortunately, I ask them to vote against the conference report.

Mr. MCGOVERN. Mr. Speaker, I yield 1¼ minutes to the gentleman from California, the Chair of the Education and Labor Committee, Mr. MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

I rise in strong support of this conference report and the rule that enables it to come to the floor. I want to thank the chairwoman of the committee for bringing this matter to the floor. I also want to thank Chairman OBEY and Chairwoman DELAURO for their work on this conference report.

This legislation makes some important changes in child nutrition. First, this extension recognizes that hunger does not take a vacation during the summer. This extension provides \$85 million for pilot summer food service program demonstration projects that will help expand benefits for low-income children during the summer.

Secondly, the extension provides support to States to help increase the number of children who are automatically enrolled in the free school meals and to help reduce administrative errors in that program.

Third, we are responding to the calls of school food directors across the country by including funding for school food service equipment grants in order to improve the quality of school meals. The program was created in the Recovery Act and was immediately successful. The demand in fact outpaces resources 6-to-1.

Fourth, we know that promoting nutrition in school is not enough. Today almost 12 million children under 5 regularly spend time in child care, and that is why this bill invests \$8 million in competitive grants to improve the quality of meals and promote health in child care settings.

And finally, this bill supports our ongoing commitment to promote breastfeeding among the WIC population with \$5 million to incentivize States to achieve and sustain higher rates of breastfeeding.

These programs are a sound investment in the nutritional health of our children and come at no expense to the taxpayers because of the savings made elsewhere in the bill.

Ms. FOXX. Mr. Speaker, this rule and this conference report are emblematic of the problems of this Democratically controlled Congress. I want to quote from a piece called "A New Direction For America" which was on the Web site of then-Minority Leader PELOSI. "Our goal is to restore accountability, honesty and openness at all levels of government. To do so we will create and enforce rules that demand the highest ethics from every public servant, sever unethical ties between lawmakers and lobbyists and establish clear standards that prevent the trading of official business for gifts."

Despite this well-known promise, however, Representative CHARLIE RANGEL remains the chairman of the Ways and Means Committee even though he faces serious charges that are now the subject of an Ethics Committee investigation: failure to report \$75,000 in rental income on Federal and State tax returns; agreed to preserve tax breaks that would benefit a supporter who on the same day pledged to give \$1 million to RANGEL's "Monument to Me"; used official congressional letterhead to solicit support for his "Monument to Me"; rented four rent-stabilized apartments; took at least two corporate-funded trips; and failed to disclose millions of dollars in income and assets.

This promise has certainly not been adhered to. Neither have the promises that have been made on other issues such as allowing 72 hours for bills to be read before they are voted upon.

We are facing a serious economic situation in this country right now. In

September, according to the Heritage Foundation, every aspect of the labor market was negative. Labor force participation fell to 65 percent. Job losses were widespread. The negative statistics just go on and on and on: 15 million people unemployed and looking for work; 263,000 jobs eliminated in September; almost 2 million people laid off in September, the highest number in 1 month ever; and 3 million jobs lost since the Democrat stimulus was passed in February.

□ 1145

As I said, the numbers go on and on and on. The unemployment rate is at 25.9 percent among job seekers between the ages of 16 and 19, the highest level since the statistic was first measured in 1948.

The people in charge of this Congress, the Democrats, have not lived up to their promises, have not lived up to the expectations of the American people. They talk about a moral obligation. Our moral obligation is that to us personally. We don't have an obligation for wealth redistribution in this country. It is not our job to take from some Americans and give to others. Our moral obligation, again, is on a personal level. We're challenged by Jesus to look after people as individuals, not as a government. So we are not doing what we should have been doing.

As my other colleagues have said, we don't want to starve people. We don't want to starve children. We don't want to deny people the opportunity to succeed in this country.

I heard my colleagues talk about food safety from overseas, and yesterday we heard that less than 1 percent of foods being imported from overseas are being tested for food safety. But what are our colleagues on the other side of the aisle doing? Putting small farmers out of business just as fast as they possibly can, raising taxes by their cap-and-tax bill and by their proposed health care bill.

A large number of small businesses who make over \$250,000 a year file their taxes as individuals. There is this hatred, it appears, for success in this country by members of the opposite party. They don't make the connection that many of these small businesses file as individuals, and therefore, they are going to be taxed, despite the promises that individuals aren't going to be taxed.

They're out of touch. They don't understand rural America. They don't understand small businesses. They've never been there. They don't know what it's like to make a payroll, so they willy-nilly go ahead and raise taxes. They don't want to dole out money from the government to try to make people beholden to the government.

If we would talk to our farmers out there, particularly our dairy farmers,

we would find out that they don't want a handout from the government. They simply want rules and regulations lifted so that they can do the jobs that they want to do. They love farming. They want to stay in it, but they want the government to get out of their way and stop giving them a burden.

So what we need to do is we need to take into account the need to establish priorities, fund those things that the Federal Government should be funding, get out of the way of our farmers and our small businesses and not tax them out of existence. That's what we need to be doing in this Congress.

Mr. Speaker, I would like to submit for the RECORD a statement that says what 9.8 percent unemployment means by the numbers, which has in it many more things than I was able to say on the floor today.

#### WHAT 9.8 PERCENT UNEMPLOYMENT MEANS BY THE NUMBERS, OCTOBER 6, 2009

"I know that ultimately the measure of an economy is, is it producing jobs that help people support families, send their kids to college?"—President Barack Obama, September 20, 2009.

Last week, the Department of Labor reported the highest unemployment rate in 26 years—9.8 percent for the month of September. Sadly, 9.8 percent only tells part of the story of the struggles of average Americans. A deeper look at the numbers reveals the true cost of the Democrats' economic policies, especially for the nation's most vulnerable people.

People unemployed and looking for work—the highest number ever: 15,142,000.

Jobs eliminated in September: 263,000.

People laid off in September—the highest number in one month ever: 1,916,000.

Jobs lost since Democrats' "stimulus" was passed in February: 2,884,000.

People who are working only part-time because they cannot find full time employment: 9,179,000.

People who want work, but who are not currently looking because of state of the economy: 2,219,000.

People unemployed and searching for work for more than 27 weeks—the highest level ever: 5,438,000.

Job seekers that are new entrants to the workforce and have yet to find a job: 1,112,000.

Average number weeks job seekers are unemployed after losing their jobs—the highest number since the statistic was first recorded in 1948: 26.2.

Unemployment rate among job seekers between the ages of 16 and 19—the highest level since the statistic was first measured in 1948: 25.9%.

Unemployment rate among African Americans—the highest level since 1985: 15.4%.

Unemployment rate among Hispanics and Latinos: 12.7%.

Rate of underemployment, accounting for the unemployed and those who are unable to find adequate work: 17%.

Unemployment rate among job seekers without a high school degree: 15%.

Rate of the U.S. population in the workforce—the lowest level since 1986: 65.2%.

Rate of the U.S. population who currently have a job—the lowest level since 1985: 58.8%.

I want to urge my colleagues today to defeat the previous question so an amendment can be added to the rule.

The amendment to the rule would provide for separate consideration of H. Res. 544, a resolution to require that legislation and conference reports be posted on the Internet for 72 hours prior to consideration by the House. It does not affect the bill made in order by the rule. My colleagues have spoken very eloquently about this.

The amendment to the rule provides that the House will debate the issue of reading the bill within 3 legislative days. It does not disrupt the schedule. The discharge petition has 182 names, including 5 Democrats. This bill has gained the support of an overwhelming majority of Americans and is widely respected by government watchdogs.

I want to urge the citizens of this country to pay attention to the process, as was discussed earlier, because process is important. Whether people sign the discharge petition is really the measure of whether they support it. This is not a partisan measure, Mr. Speaker. As Members of Congress, we ought to agree that regardless of the legislation brought before us, we should always have the opportunity to read and understand the legislation before we vote. We need to have this debate.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. I encourage a "no" vote on the previous question, and I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to insert into the RECORD an article from the Star-News entitled, "Hungry Eyes—More N.C. children go without food."

[From the Wilmington (NC) Star News, Aug. 15, 2009]

#### HUNGRY EYES—MORE N.C. CHILDREN GO WITHOUT FOOD

(By Amanda Greene)

The three children hadn't eaten a full meal in two days.

In desperation, their grandparents knocked on the door of a downtown Wilmington church.

The children waited in the car as their grandparents asked the minister at the door for help.

He gave them a box of pop-top cans of Vienna sausages and pork and beans.

"They got the food, drove out of the parking lot and stopped beside the road to feed the kids right away," said Jennifer Caslin, development manager at the Wilmington branch of the Food Bank of Central and Eastern North Carolina.

Such scenes are increasingly common here and throughout the state as joblessness and the weak economy put ever greater strains on an already thin safety net. You don't have to look hard to see hungry children in North Carolina. Whether it's families skipping breakfast so the food will stretch through

dinner, or eating packaged foods, because fruits and vegetables are too expensive, many of the state's children aren't eating balanced, nutritious meals.

In May, Feeding America, the largest food bank network in the country, released the results of its first analysis of food insecurity in early childhood, "Child Food Insecurity in the United States: 2005-2007." North Carolina ranked second worst in the nation with 24.1 percent of its children under 5 judged to be food insecure and lacking regular access to nutritional food. The state was 10th worst in the same Feeding America study of food insecurity in children 0-18 years old, using figures from the U.S. Department of Agriculture. Nationally, the food insecurity average is 17 percent for children under 5.

Demand for food at the nation's food banks has increased 30 percent in the past year, said Ross Fraser, media relations manager for Feeding America. "So many people have been plunged into poverty," he said, "and it's terrible for children because it stunts their growth in all ways."

Indicators of food insecurity in North Carolina include high child poverty rates, the 11 percent unemployment rate, broken families, the high price of fresh food and a 21 percent increase in households with food stamps since 2007, said Alexandra Sirota, director of policy and research, Action for Children North Carolina in Raleigh.

North Carolina ranked 37th in child well-being in the recently released 2009 Kids Count Data Book from the Annie E. Casey Foundation using factors such as the percent of low-birth-weight babies, infant mortality rate, child death rate, teen death rate, teen birth rate, percent of teenaged high school dropouts, percent of teens not attending school and not working, percent of children in families without a parent with full-time and year-round employment, percent of children in poverty and percent of children in single-parent families. The state did improve one level from its 38th ranking in 2008.

Often the youngest children fall through the cracks, subject to their parents' ability—or inability—to provide nutritious foods.

"There are a lot of programs that are available once (kids) get into the school system, but those aren't always available for young children until school age," Sirota added. "The fact that families are both losing their jobs and earning such low wages that they're living in extreme poverty is an indicator of that added stress when you're trying to feed the family."

#### BRIDGING THE GAP

When parents can't feed their children regularly, often the schools, local social service networks and churches try to fill the need.

And in the summers, when school's out, the need for meals for children increases. The New Hanover County school district hosts a federally-funded Summer Food Service for Children Program at 15 schools and community centers in the county for any child, 18 years old or younger, to eat a lunch-time meal. For six weeks this summer, the program served about 700 kids each day. That number is slightly lower than previous years because funding for the program came in after the end of school this year and didn't get advertised, said Anne Ohlson, schools child nutrition supervisor.

"We do see a lot of hungry children who are waiting for us when we show up with the food," said Imer Smith, director of Child Nutrition for New Hanover County Schools. Historically, most of those children would show up at inner-city sites, but the number of children coming to the program's sites outside the city is increasing.

An 8-year-old girl and her 4-year-old brother were among a crowd of about 10 children who were waiting for the Food Service lunch to start at the doors of the Jervay Communities meeting center one day a few weeks ago. The girl and her brother walked from their Jervay home across the square to the center each day that week for lunch. Lunch was a turkey and cheese sandwich, cucumber slices with ranch dressing, a peach cup and skim chocolate milk.

"I love ranch on my sandwich," the little boy said, smiling and slathering his bun.

During the school year, Caroline Hines is seeing more and more parents who can't pay their child's food accounts as food service director at Rachel Freeman Elementary School. Parents who don't qualify for free or reduced meals have sent her notes asking her not to allow their children to eat if they don't bring money with them because the parents can't afford the charge: \$1.25 for breakfast or \$2 for lunch. Defaulted lunch accounts at all New Hanover schools have risen from \$18,223 in 2008 to \$29,203 at the end of last school year. New Hanover County Schools saw an increase in children in free and reduced lunch programs from 9,792 in 2007-08 to 10,375 in 2008-09.

"I had a child who came in at breakfast and waited until the end to get the leftover food that no one had opened," Hines said, adding that teachers and school social workers sometimes buy students meals. Some parents won't fill out the free lunch forms because "they think people will know their child needed it."

#### FEEDING THE POOR

What she sees during the school year frustrates Hines. The state "feeds prisoners," she added, "but our school children that have done nothing wrong are going hungry."

But just feeding children during the week often isn't enough. The local Food Bank's Backpack Program helped 75 children each week during school last year take meals home to help their family over the weekend. The children bring the backpacks back to school each week to be refilled at the Food Bank. One of the parents of the children who participated in the Backpack Program wrote: "I thank you for the program because so many kids might be in the same place as my girls were. They didn't have food before they went to bed at night."

In the tri-county area, many times churches are the main sources of food pantry help for the poor.

The South Brunswick Interchurch Council Food Pantry in Shallotte has seen a 33 percent increase in children ages 0-17 served there since August last year, said Mary Pritchard, a council member.

This spring, Life Community Church in Wilmington was distributing about 800 food boxes a month through the national Angel Food Ministries. Most of their box recipients were families. The church hopes its new location in Independence Mall will help people in need find Angel Food easier.

"We've had people make comments that if it wasn't for this program, we wouldn't be eating," said Mindy McAdams, church director of Angel Food Ministries.

One inner city pastor who works regularly with hungry families in his church blamed the child hunger he's seeing on the lack of family structure.

"I've seen latch-key situations where the parents aren't home and they tell the kids, there's something in the fridge for you to eat," he said, "But you're talking to an 8-year-old child or younger who doesn't know how to cook."

May I ask how much time I have left?

The SPEAKER pro tempore. The gentleman from Massachusetts has 30 seconds remaining.

Mr. MCGOVERN. Mr. Speaker, let me be clear to my colleagues, the bill before us was filed over a week ago, so this debate we're having is not about process. This really is about substance. And I am sad that my colleagues on the other side of the aisle have a problem with child nutrition programs. They have no problem when it comes to corporate tax breaks. They have no problems when it comes to immunity for big drug companies. But here they are on the floor today, they have a problem with child nutrition programs.

I should say to my colleague from North Carolina, poor kids don't want a handout. They don't want the government to provide them with a free meal. They wish that they weren't in that position. Unfortunately, the tough times that they find themselves in require us to help out. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 799 OFFERED BY MS.

FOXX OF NORTH CAROLINA

At the end of the resolution, insert the following new section:

SEC. \_\_\_\_\_. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for

the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's "American Congressional Dictionary"*: "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the [Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. McGOVERN. I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 45. Concurrent resolution encouraging the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3326) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appointees Mr. INOUE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. SPECTER, Mr. COCHRAN, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BENNETT, and Mr. BROWNBACK to be the conferees on the part of the Senate.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 52 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1216

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at 12 o'clock and 16 minutes p.m.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 701

Mr. BOREN. Mr. Speaker, I ask unanimous consent that I remove my name from H. Res. 701.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 799;

Adopting House Resolution 799, if ordered; and

Suspending the rules with regard to: House Resolution 701 and House Resolution 795.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 799, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 237, nays 180, not voting 15, as follows:

[Roll No. 756]

YEAS—237

Abercrombie	DeGette	Johnson, E.B.
Ackerman	Delahunt	Kagen
Adler (NJ)	DeLauro	Kanjorski
Altmire	Dicks	Kaptur
Andrews	Dingell	Kennedy
Arcuri	Doggett	Kildee
Baca	Donnelly (IN)	Kilpatrick (MI)
Baldwin	Doyle	Kilroy
Barrow	Driehaus	Kind
Bean	Edwards (MD)	Kirkpatrick (AZ)
Becerra	Edwards (TX)	Kissell
Berkley	Ellison	Klein (FL)
Berman	Ellsworth	Kosmas
Berry	Eshoo	Kucinich
Bishop (GA)	Etheridge	Langevin
Bishop (NY)	Farr	Larsen (WA)
Blumenauer	Fattah	Lee (CA)
Boccheri	Filner	Levin
Boswell	Frank (MA)	Lewis (GA)
Boucher	Fudge	Lipinski
Boyd	Giffords	Loeb sack
Brady (PA)	Gonzalez	Lofgren, Zoe
Brown, Corrine	Gordon (TN)	Lowe
Butterfield	Grayson	Lujan
Capps	Green, Al	Lynch
Capuano	Green, Gene	Maffei
Cardoza	Grijalva	Markey (CO)
Carnahan	Gutierrez	Markey (MA)
Carson (IN)	Hall (NY)	Marshall
Castor (FL)	Halvorson	Massa
Chandler	Hare	Matheson
Childers	Harman	Matsui
Chu	Hastings (FL)	McCarthy (NY)
Clarke	Heinrich	McCollum
Clay	Herseth Sandlin	McDermott
Cleaver	Higgins	McGovern
Clyburn	Hill	McIntyre
Cohen	Himes	McMahon
Connolly (VA)	Hinchey	McNerney
Cooper	Hinojosa	Meek (FL)
Costa	Hirono	Meeks (NY)
Costello	Hodes	Melancon
Courtney	Holden	Michaud
Crowley	Holt	Miller (NC)
Cuellar	Honda	Miller, George
Cummings	Hoyer	Mollohan
Dahlkemper	Inslee	Moore (KS)
Davis (AL)	Israel	Moore (WI)
Davis (CA)	Jackson (IL)	Moran (VA)
Davis (IL)	Jackson-Lee	Murphy (CT)
Davis (TN)	(TX)	Murphy (NY)
DeFazio	Johnson (GA)	Murphy, Patrick



Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)

Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Snyder  
Space  
Speier  
Spratt

Stark  
Stupak  
Sutton  
Tanner  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

## NAYS—180

Aderholt  
Akin  
Alexander  
Austria  
Bachus  
Baird  
Barrett (SC)  
Bartlett  
Barton (TX)  
Biggert  
Billbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxx

Franks (AZ)  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick

Mitchell  
Moran (KS)  
Murphy, Tim  
Myrick  
Nunes  
Nye  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Souder  
Stearns  
Sullivan  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—15

Bachmann  
Braley (IA)

Carney  
Conyers

Crenshaw  
Diaz-Balart, M.

Engel  
Frelinghuysen  
Johnson, Sam

Larson (CT)  
Maloney  
Neugebauer

Radanovich  
Tsongas  
Westmoreland

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1245

Ms. FALLIN and Mr. ROGERS of Alabama changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. BRALEY of Iowa. Mr. Speaker, on rollcall No. 756, I was unavoidably detained and missed the vote. Had I been present, I would have voted “yea.”

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 756, had I been present, I would have voted “yea.”

Mr. CONYERS. Mr. Speaker, on October 7, 2009, I regret that I was not present for the following vote:

On the Motion on Ordering the Previous Question for the Rule on the Conference Report on H.R. 2997. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

## RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 178, not voting 13, as follows:

[Roll No. 757]

## AYES—241

Abercrombie  
Ackerman  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boccieri  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carson (IN)  
Castor (FL)  
Chandler  
Childers  
Chu

Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dickens  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge

Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchee  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Hoyer  
Inlee  
Israel  
Jackson (IL)

Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Langevin  
Larsen (WA)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)

Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer

Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt

## NOES—178

Diaz-Balart, L.  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxx  
Franks (AZ)  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Jones  
Jordan (OH)  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta

Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Mitchell  
Moran (KS)  
Murphy, Tim  
Myrick  
Nunes  
Nye  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)

Rogers (MI)	Shuler	Tiberi
Rohrabacher	Shuster	Turner
Rooney	Simpson	Upton
Ros-Lehtinen	Smith (NE)	Walden
Roskam	Smith (NJ)	Wamp
Royce	Smith (TX)	Westmoreland
Ryan (WI)	Souder	Whitfield
Scalise	Stearns	Wilson (SC)
Schmidt	Sullivan	Wittman
Schock	Taylor	Wolf
Sensenbrenner	Terry	Young (AK)
Sessions	Thompson (PA)	Young (FL)
Shadegg	Thornberry	
Shimkus	Tiahrt	

## NOT VOTING—13

Bachmann	Honda	Neugebauer
Carney	Johnson, Sam	Radanovich
Crenshaw	Larson (CT)	Tsongas
Diaz-Balart, M.	Maloney	
Frelinghuysen	Murtha	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1253

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, in rollcall No. 757, had I been present, I would have voted "aye."

## RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. CARTER. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas the gentleman from New York, Charles B. Rangel, the fourth most senior Member of the House of Representatives, serves as chairman of the House Ways and Means Committee, a position of considerable power and influence within the House of Representatives;

Whereas clause one of Rule XXIII of the Rules of the House of Representatives provides, "A Member, Delegate, Resident Commissioner, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House.";

Whereas The New York Times reported on September 5, 2008, that, "Representative Charles B. Rangel has earned more than \$75,000 in rental income from a villa he has owned in the Dominican Republic since 1988, but never reported it on his federal or state tax returns, according to a lawyer for the congressman and documents from the resort";

Whereas in an article in the September 5, 2008 edition of The New York Times, his attorney confirmed that Representative Rangel's annual congressional Financial Disclosure statements failed to disclose the rental income from his resort villa;

Whereas The New York Times reported on September 6, 2008 that, "Representative Charles B. Rangel paid no interest for more than a decade on a mortgage extended to him to buy a villa at a beachfront resort in the Dominican Republic, according to Mr. Rangel's lawyer and records from the resort.

The loan, which was extended to Mr. Rangel in 1988, was originally to be paid back over seven years at a rate of 10.5 percent. But within two years, interest on the loan was waived for Mr. Rangel.";

Whereas clause 5(a)(2)(A) of House Rule 25 defines a gift as, "... a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value" and prohibits the acceptance of such gifts except in limited circumstances;

Whereas Representative Rangel's acceptance of thousands of dollars in interest forgiveness is a violation of the House gift ban;

Whereas Representative Rangel's failure to disclose the aforementioned gifts and income on his Personal Financial Disclosure Statements violates House rules and federal law;

Whereas Representative Rangel's failure to report the aforementioned gifts and income on federal, state and local tax returns is a violation of the tax laws of those jurisdictions;

Whereas the Committee on Ways and Means, which Representative Rangel chairs, has jurisdiction over the United States Tax Code;

Whereas the House Committee on Standards of Official Conduct first announced on July 31, 2008 that it was reviewing allegations of misconduct by Representative Rangel;

Whereas Roll Call newspaper reported on September 15, 2008 that, "The inconsistent reports are among myriad errors, discrepancies and unexplained entries on Rangel's personal disclosure forms over the past eight years that make it almost impossible to get a clear picture of the Ways and Means chairman's financial dealings.";

Whereas the House Committee on Standards of Official Conduct announced on September 24, 2008 that it had established an investigative subcommittee in the matter of Representative Rangel;

Whereas after the Ethics Committee probe was underway, The New York Times reported on November 24, 2008 that, "Congressional records and interviews show that Mr. Rangel was instrumental in preserving a lucrative tax loophole that benefitted Nabors Industries, an oil drilling company last year, while at the same time its chief executive was pledging \$1 million to the Charles B. Rangel School of Public Service at C.C.N.Y.";

Whereas the House Committee on Standards of Official Conduct announced on December 9, 2008 that it had expanded the jurisdiction of the aforementioned investigative subcommittee to examine the allegations related to Representative Rangel's involvement with Nabors Industries;

Whereas since then, further serious allegations of improper and potentially illegal conduct by Representative Rangel have surfaced;

Whereas during the recently completed August district work period, Representative Rangel acknowledged his failure to publicly disclose at least half a million dollars in cash assets, tens of thousands of dollars in investment income, and his ownership of two pieces of property in New Jersey;

Whereas corrected financial disclosure statements filed by Representative Rangel on August 12, 2009 now reveal his net worth to be nearly twice as much as he had previously revealed;

Whereas The New York Times newspaper reported on August 26, 2009 that, "United States Representative Charles B. Rangel, whose personal finances and fund raising are the subject of two House ethics investiga-

tions, failed to report at least \$500,000 in assets on his 2007 Congressional disclosure form, according to an amended report he filed this month. Among the dozen newly disclosed holdings revealed in the amended forms are a checking account at a federal credit union with a balance between \$250,000 and \$500,000; three vacant lots in Glassboro, N.J., valued at a total of \$1,000 to \$15,000; and stock in PepsiCo worth between \$15,000 and \$50,000.";

Whereas Roll Call newspaper reported on August 25, 2009 that Representative Rangel's corrected filings also revealed "at least \$250,001 in a fund called ML Allianz Global Investors Consults Diversified Port III.";

Whereas the aforementioned Roll Call story reported that "Rangel also originally misreported that his investments in 2007 netted him \$6,511-\$17,950 in dividends, capital gains and rental income. In his revised filing, that range jumped to between \$29,220 and \$81,200.";

Whereas these most recent revelations by Representative Rangel have resulted in heightened national news media coverage of alleged impropriety and potentially criminal conduct by one of the most senior Members of the House;

Whereas an editorial in The Washington Times newspaper on September 1, 2009 noted, "Charlie Rangel is one lucky guy. The Democratic congressman from Harlem, N.Y., just discovered that his net wealth is twice what he thought. That's a pretty good day at the office for a public servant. Mr. Rangel also realized that he made tens of thousands of dollars more than he reported in many different years over the past decade. This is the most recent string in a series of financial bonanzas for Mr. Rangel, who last year admitted he had forgotten about \$75,000 in rental income on his Caribbean resort property.";

Whereas the same editorial also noted, "The congressman has failed to pay property taxes on two lots in New Jersey, according to the New York Post. That's not all. In order to avoid taxes and get lower mortgage rates, Mr. Rangel simultaneously claimed three 'primary residences'.";

Whereas an editorial in the September 17, 2009 edition of the New Haven Register stated, "The ethics and tax complaints keep piling up against U.S. Rep. Charles B. Rangel, who as chairman of the House Ways and Means Committee controls writing of the nation's tax laws. The New York Democrat may write those laws, but he apparently feels no obligation to obey them. The investigation appears to have a long way to go. The man who is in charge of writing the nation's tax laws doesn't pay his federal income or local property taxes. He has such a poor grasp of his own finances that he neglects to list half his assets on a disclosure form intended to keep members of Congress accountable and honest. We can already hear the defense of the next tax deadbeat called into court. 'If Charlie Rangel doesn't have to pay his taxes, why should I?'"

Whereas an article in The Washington Post on September 15, 2009 stated, "Rangel is now the chairman of the House Ways and Means Committee and a man of immense importance in Washington. Nonetheless, he has been busy of late revising and amending the record, backing and filling, using buckets of Wite-Out as he discovers or remembers properties he has owned in New York, New Jersey, Florida, the Dominican Republic and God only knows where else. Rangel recently even discovered bank accounts that no one in the world, apparently including him, knew he had. One was with the Congressional Federal Credit Union; another was with Merrill

Lynch—each valued between \$250,000 and \$500,000. He somehow neglected to mention these accounts on his congressional disclosure forms, which means, if you can believe it, that when he signed the forms, he did not notice that maybe \$1 million was missing. Someone ought to check the lighting in his office.”;

Whereas the same article in The Washington Post stated, “There is something wrong with Charlie Rangel. Either he did not notice that he was worth about twice as much as he said he was—which is downright worrisome in a congressional leader—or he thinks he’s above the law, which is downright worrisome in a congressional leader.”;

Whereas it has been more than one year since an editorial in The New York Times on September 15, 2008 stated, “Mounting embarrassment for taxpayers and Congress makes it imperative that Representative Charles Rangel step aside as chairman of the Ways and Means Committee while his ethical problems are investigated.”;

Whereas at various times during the past twelve months Representative Rangel and Speaker Pelosi have made public statements asserting that the ongoing investigation of Representative Rangel by the Committee on Standards of Official Conduct would soon be concluded;

Whereas the Committee has to date issued no public statements concerning any expected time line for conducting or concluding its investigation of Representative Rangel;

Whereas major daily newspapers, including The New York Times, The Washington Post, and The New York Post have called for Representative Rangel’s removal from his powerful position at least until the House Ethics Committee has completed its ongoing probes of allegations against him;

Whereas Representative Rangel’s powerful position as chairman permits him to participate in high level decisions about critically important issues such as reform of the nation’s health care system;

Whereas an October 1, 2009 story in The New York Times stated, “Mr. Rangel is one of a small group of House leaders now meeting almost daily behind closed doors with Speaker Nancy Pelosi to distill from the three bills produced in separate committees the one package that will go to the House floor.”;

Whereas an Associated Press story on September 20, 2009 stated, “The ethics committee’s investigation of Rangel is almost a year old. It’s as much a problem for House Democratic leaders as for Rangel himself. Later this year, when Rangel’s committee considers estate tax legislation that could expand into other matters, the headlines will be a version of this message: ‘Tax scofflaw presiding over tax changes.’”;

#### PARLIAMENTARY INQUIRY

Mr. ACKERMAN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman will state his inquiry.

Mr. ACKERMAN. Can any Member of this body claim the privilege of the House for an hour based on something they read in a newspaper at any time they want?

The SPEAKER pro tempore. The gentleman is giving notice of a question of the privileges of the House.

The gentlemen from Texas may continue.

Mr. CARTER. The form of the remainder of my resolution is as follows:

Whereas the New York Post newspaper reported on September 2, 2009 that, “A review of property records for the borough of Glassboro revealed at least six tax liens levied against Rangel’s property during the past 16 years. Just last year, two separate liens were levied against both properties owned by Rangel.”;

Whereas on May 24, 2006, then Minority Leader Nancy Pelosi cited “high ethical standards” in a letter to former Representative William Jefferson asking that he resign his seat on the Committee on Ways and Means in light of ongoing investigations into alleged financial impropriety by Representative Jefferson;

Whereas Speaker Pelosi took the aforementioned action while Representative Jefferson was under investigation and the subject of considerable controversy in the news media, but prior to any indictment;

Whereas in April of 2007, Republican Leader John Boehner successfully urged several Republican Members to relinquish their committee assignments after learning that each had become the subject of investigations into possible criminal activity;

Whereas Leader Boehner took the aforementioned actions while the Members in question were under investigation and the subjects of widespread media controversy, but prior to any indictments; and

Whereas in the wake of the most recent allegations against Representative Rangel various editorials and articles in major national newspapers criticizing Speaker Pelosi’s continued refusal to remove Representative Rangel as chairman of the Committee on Ways and Means after promising she would preside over “the most ethical Congress in history” have held the House up to public ridicule: Now, therefore, be it

*Resolved*, That upon adoption of this resolution and pending completion of the investigation into his affairs by the Committee on Standards of Official Conduct, Representative Rangel is hereby removed as chairman of the Committee on Ways and Means.

The SPEAKER pro tempore. The gentleman from Texas is recognized to offer the resolution just noticed.

Mr. CARTER. I offer the resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

#### H. RES. 805

Whereas the gentleman from New York, Charles B. Rangel, the fourth most senior Member of the House of Representatives, serves as chairman of the House Ways and Means Committee, a position of considerable power and influence within the House of Representatives;

Whereas clause one of Rule XXIII of the Rules of the House of Representatives provides, “A Member, Delegate, Resident Commissioner, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House.”;

Whereas The New York Times reported on September 5, 2008, that, “Representative Charles B. Rangel has earned more than \$75,000 in rental income from a villa he has owned in the Dominican Republic since 1988, but never reported it on his federal or state tax returns, according to a lawyer for the congressman and documents from the resort”;

Whereas in an article in the September 5, 2008 edition of The New York Times, his at-

torney confirmed that Representative Rangel’s annual congressional Financial Disclosure statements failed to disclose the rental income from his resort villa;

Whereas The New York Times reported on September 6, 2008 that, “Representative Charles B. Rangel paid no interest for more than a decade on a mortgage extended to him to buy a villa at a beachfront resort in the Dominican Republic, according to Mr. Rangel’s lawyer and records from the resort. The loan, which was extended to Mr. Rangel in 1988, was originally to be paid back over seven years at a rate of 10.5 percent. But within two years, interest on the loan was waived for Mr. Rangel.”;

Whereas clause 5(a)(2)(A) of House Rule 25 defines a gift as, “. . . a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value” and prohibits the acceptance of such gifts except in limited circumstances;

Whereas Representative Rangel’s acceptance of thousands of dollars in interest forgiveness is a violation of the House gift ban;

Whereas Representative Rangel’s failure to disclose the aforementioned gifts and income on his Personal Financial Disclosure Statements violates House rules and federal law;

Whereas Representative Rangel’s failure to report the aforementioned gifts and income on federal, state and local tax returns is a violation of the tax laws of those jurisdictions;

Whereas the Committee on Ways and Means, which Representative Rangel chairs, has jurisdiction over the United States Tax Code;

Whereas the House Committee on Standards of Official Conduct first announced on July 31, 2008 that it was reviewing allegations of misconduct by Representative Rangel;

Whereas Roll Call newspaper reported on September 15, 2008 that, “The, inconsistent reports are among myriad errors, discrepancies and unexplained entries on Rangel’s personal disclosure forms over the past eight years that make it almost impossible to get a clear picture of the Ways and Means chairman’s financial dealings.”;

Whereas the House Committee on Standards of Official Conduct announced on September 24, 2008 that it had established an investigative subcommittee in the matter of Representative Rangel;

Whereas after the Ethics Committee probe was underway, The New York Times reported on November 24, 2008 that, “Congressional records and interviews show that Mr. Rangel was instrumental in preserving a lucrative tax loophole that benefitted Nabors Industries, an oil drilling company last year, while at the same time its chief executive was pledging \$1 million to the Charles B. Rangel School of Public Service at C.C.N.Y.”;

Whereas the House Committee on Standards of Official Conduct announced on December 9, 2008 that it had expanded the jurisdiction of the aforementioned investigative subcommittee to examine the allegations related to Representative Rangel’s involvement with Nabors Industries;

Whereas since then, further serious allegations of improper and potentially illegal conduct by Representative Rangel have surfaced;

Whereas during the recently completed August district work period, Representative Rangel acknowledged his failure to publicly disclose at least half a million dollars in cash assets, tens of thousands of dollars in investment income, and his ownership of two pieces of property in New Jersey;

Whereas corrected financial disclosure statements filed by Representative Rangel on August 12, 2009 now reveal his net worth to be nearly twice as much as he had previously revealed;

Whereas The New York Times newspaper reported on August 26, 2009 that, "United States Representative Charles B. Rangel, whose personal finances and fund raising are the subject of two House ethics investigations, failed to report at least \$500,000 in assets on his 2007 Congressional disclosure form, according to an amended report he filed this month. Among the dozen newly disclosed holdings revealed in the amended forms are a checking account at a federal credit union with a balance between \$250,000 and \$500,000; three vacant lots in Glassboro, N.J., valued at a total of \$1,000 to \$15,000; and stock in PepsiCo worth between \$15,000 and \$50,000.";

Whereas Roll Call newspaper reported on August 25, 2009 that Representative Rangel's corrected filings also revealed "at least \$250,001 in a fund called ML Allianz Global Investors Consults Diversified Port III.";

Whereas the aforementioned Roll Call story reported that "Rangel also originally misreported that his investments in 2007 netted him \$6,511–\$17,950 in dividends, capital gains and rental income. In his revised filing, that range jumped to between \$29,220 and \$81,200.";

Whereas these most recent revelations by Representative Rangel have resulted in heightened national news media coverage of alleged impropriety and potentially criminal conduct by one of the most senior Members of the House;

Whereas an editorial in The Washington Times newspaper on September 1, 2009 noted, "Charlie Rangel is one lucky guy. The Democratic congressman from Harlem, N.Y., just discovered that his net wealth is twice what he thought. That's a pretty good day at the office for a public servant. Mr. Rangel also realized that he made tens of thousands of dollars more than he reported in many different years over the past decade. This is the most recent string in a series of financial bonanzas for Mr. Rangel, who last year admitted he had forgotten about \$75,000 in rental income on his Caribbean resort property.";

Whereas the same editorial also noted, "The congressman has failed to pay property taxes on two lots in New Jersey, according to the New York Post. That's not all. In order to avoid taxes and get lower mortgage rates, Mr. Rangel simultaneously claimed three 'primary residences'.";

Whereas an editorial in the September 17, 2009 edition of the New Haven Register stated, "The ethics and tax complaints keep piling up against U.S. Rep. Charles B. Rangel, who as chairman of the House Ways and Means Committee controls writing of the nation's tax laws. The New York Democrat may write those laws, but he apparently feels no obligation to obey them. The investigation appears to have a long way to go. The man who is in charge of writing the nation's tax laws doesn't pay his federal income or local property taxes. He has such a poor grasp of his own finances that he neglects to list half his assets on a disclosure form intended to keep members of Congress accountable and honest. We can already hear the defense of the next tax deadbeat called into court. 'If Charlie Rangel doesn't have to pay his taxes, why should I?'"

Whereas an article in The Washington Post on September 15, 2009 stated, "Rangel is now the chairman of the House Ways and Means Committee and a man of immense impor-

tance in Washington. Nonetheless, he has been busy of late revising and amending the record, backing and filling, using buckets of Wite-Out as he discovers or remembers properties he has owned in New York, New Jersey, Florida, the Dominican Republic and God only knows where else. Rangel recently even discovered bank accounts that no one in the world, apparently including him, knew he had. One was with the Congressional Federal Credit Union; another was with Merrill Lynch—each valued between \$250,000 and \$500,000. He somehow neglected to mention these accounts on his congressional disclosure forms, which means, if you can believe it, that when he signed the forms, he did not notice that maybe \$1 million was missing. Someone ought to check the lighting in his office.";

Whereas the same article in The Washington Post stated, "There is something wrong with Charlie Rangel. Either he did not notice that he was worth about twice as much as he said he was—which is downright worrisome in a congressional leader—or he thinks he's above the law, which is downright worrisome in a congressional leader.";

Whereas it has been more than one year since an editorial in The New York Times on September 15, 2008 stated, "Mounting embarrassment for taxpayers and Congress makes it imperative that Representative Charles Rangel step aside as chairman of the Ways and Means Committee while his ethical problems are investigated.";

Whereas at various times during the past twelve months Representative Rangel and Speaker Pelosi have made public statements asserting that the ongoing investigation of Representative Rangel by the Committee on Standards of Official Conduct would soon be concluded;

Whereas the Committee has to date issued no public statements concerning any expected time line for conducting or concluding its investigation of Representative Rangel;

Whereas major daily newspapers, including The New York Times, The Washington Post, and The New York Post have called for Representative Rangel's removal from his powerful position at least until the House Ethics Committee has completed its ongoing probes of allegations against him;

Whereas Representative Rangel's powerful position as chairman permits him to participate in high level decisions about critically important issues such as reform of the nation's health care system;

Whereas an October 1, 2009 story in The New York Times stated, "Mr. Rangel is one of a small group of House leaders now meeting almost daily behind closed doors with Speaker Nancy Pelosi to distill from the three bills produced in separate committees the one package that will go to the House floor.";

Whereas an Associated Press story on September 20, 2009 stated, "The ethics committee's investigation of Rangel is almost a year old. It's as much a problem for House Democratic leaders as for Rangel himself. Later this year, when Rangel's committee considers estate tax legislation that could expand into other matters, the headlines will be a version of this message: 'Tax scofflaw presiding over tax changes.'";

Whereas the New York Post newspaper reported on September 2, 2009 that, "A review of property records for the borough of Glassboro revealed at least six tax liens levied against Rangel's property during the past 16 years. Just last year, two separate liens were levied against both properties owned by Rangel.";

Whereas on May 24, 2006, then Minority Leader Nancy Pelosi cited "high ethical standards" in a letter to former Representative William Jefferson asking that he resign his seat on the Committee on Ways and Means in light of ongoing investigations into alleged financial impropriety by Representative Jefferson;

Whereas Speaker Pelosi took the aforementioned action while Representative Jefferson was under investigation and the subject of considerable controversy in the news media, but prior to any indictment;

Whereas in April of 2007, Republican Leader John Boehner successfully urged several Republican Members to relinquish their committee assignments after learning that each had become the subject of investigations into possible criminal activity;

Whereas Leader Boehner took the aforementioned actions while the Members in question were under investigation and the subjects of widespread media controversy, but prior to any indictments; and

Whereas in the wake of the most recent allegations against Representative Rangel various editorials and articles in major national newspapers criticizing Speaker Pelosi's continued refusal to remove Representative Rangel as chairman of the Committee on Ways and Means after promising she would preside over "the most ethical Congress in history" have held the House up to public ridicule: Now, therefore, be it

*Resolved*, That upon adoption of this resolution and pending completion of the investigation into his affairs by the Committee on Standards of Official Conduct, Representative Rangel is hereby removed as chairman of the Committee on Ways and Means.

Mr. ACKERMAN (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be deemed as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. MILLER of Florida. Objection.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue.

The Clerk continued to read.

The SPEAKER pro tempore. The resolution qualifies.

#### MOTION TO REFER

Mr. CROWLEY. Mr. Speaker, I move that the resolution be referred to the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. CROWLEY. Mr. Speaker, this motion would refer this matter to the appropriate committee.

I yield back the balance of my time, and I move the previous question on the motion.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. CARTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX,

this 15-minute vote on ordering the previous question will be followed by 5-minute votes on the motion to refer and the motion to suspend on H. Res. 701.

The vote was taken by electronic device, and there were—ayes 243, noes 156, answered “present” 19, not voting 14, as follows:

## [Roll No. 758]

## AYES—243

Abercrombie	Griffith	Murphy (NY)
Ackerman	Grijalva	Murphy, Patrick
Adler (NJ)	Gutierrez	Murtha
Altmire	Hall (NY)	Nadler (NY)
Andrews	Halvorson	Napolitano
Arcuri	Hare	Neal (MA)
Baca	Harman	Nye
Baird	Hastings (FL)	Oberstar
Baldwin	Heinrich	Obey
Barrow	Herseth Sandlin	Oliver
Bean	Higgins	Ortiz
Becerra	Hill	Pallone
Berkley	Himes	Pascrell
Berman	Hinchey	Pastor (AZ)
Berry	Hinojosa	Payne
Bishop (GA)	Hirono	Perlmutter
Bishop (NY)	Hodes	Perriello
Blumenauer	Holden	Peters
Boccieri	Holt	Peterson
Boren	Honda	Pingree (ME)
Boswell	Hoyer	Polis (CO)
Boucher	Inlee	Pomeroy
Boyd	Israel	Price (NC)
Brady (PA)	Jackson (IL)	Rahall
Braley (IA)	Jackson-Lee	Rangel
Bright	(TX)	Reyes
Brown, Corrine	Johnson (GA)	Richardson
Capps	Johnson, E. B.	Rodriguez
Capuano	Kagen	Rohrabacher
Cardoza	Kanjorski	Ross
Carnahan	Kaptur	Rothman (NJ)
Carson (IN)	Kennedy	Roybal-Allard
Childers	Kildee	Ruppersberger
Chu	Kilpatrick (MI)	Rush
Clarke	Kilroy	Ryan (OH)
Clay	Kind	Salazar
Cleaver	King (NY)	Sánchez, Linda
Clyburn	Kirkpatrick (AZ)	T.
Cohen	Kissell	Sanchez, Loretta
Connolly (VA)	Klein (FL)	Sarbanes
Conyers	Kosmas	Schakowsky
Cooper	Kratovil	Schauer
Costa	Kucinich	Schiff
Costello	Langevin	Schrader
Courtney	Larsen (WA)	Schwartz
Crowley	Lee (CA)	Scott (GA)
Cuellar	Levin	Scott (VA)
Cummings	Lewis (GA)	Serrano
Dahlkemper	Lipinski	Sestak
Davis (AL)	Loeb sack	Shea-Porter
Davis (CA)	Lowey	Sherman
Davis (IL)	Luján	Shuler
Davis (TN)	Lynch	Sires
DeFazio	Maffei	Skelton
DeGette	Markey (CO)	Slaughter
Delahunt	Markey (MA)	Smith (WA)
DeLauro	Marshall	Snyder
Dicks	Massa	Space
Dingell	Matheson	Spratt
Doggett	Matsui	Stark
Donnelly (IN)	McCarthy (NY)	Stupak
Doyle	McCollum	Sutton
Driehaus	McDermott	Tanner
Edwards (MD)	McGovern	Teague
Edwards (TX)	McIntyre	Thompson (CA)
Ellison	McMahon	Thompson (MS)
Ellsworth	McNerney	Tierney
Engel	Meek (FL)	Titus
Etheridge	Meeks (NY)	Tonko
Farr	Melancon	Towns
Fattah	Michaud	Van Hollen
Filner	Miller (NC)	Velázquez
Foster	Miller, George	Visclosky
Frank (MA)	Minnick	Walz
Fudge	Mitchell	Waters
Giffords	Mollohan	Watson
Gonzalez	Moore (KS)	Watt
Gordon (TN)	Moore (WI)	Waxman
Grayson	Moran (VA)	Weiner
Green, Al	Murphy (CT)	

Wexler  
Wilson (OH)

Woolsey  
Wu

Yarmuth  
Young (AK)

## NOES—156

Aderholt	Franks (AZ)	Moran (KS)
Akin	Frelinghuysen	Murphy, Tim
Alexander	Gallegly	Nunes
Austria	Garrett (NJ)	Olson
Bachmann	Gerlach	Paul
Bachus	Gingrey (GA)	Paulsen
Barrett (SC)	Gohmert	Pence
Barton (TX)	Goodlatte	Petri
Biggart	Granger	Pitts
Bilbray	Graves	Platts
Bilirakis	Guthrie	Posey
Bishop (UT)	Hall (TX)	Price (GA)
Blackburn	Heller	Putnam
Blunt	Hensarling	Rehberg
Boehner	Herger	Reichert
Bono Mack	Hoekstra	Roe (TN)
Boozman	Hunter	Rogers (AL)
Boustany	Inglis	Rogers (KY)
Brady (TX)	Issa	Rogers (MI)
Brown (GA)	Jenkins	Rooney
Brown (SC)	Johnson (IL)	Ros-Lehtinen
Brown-Waite,	Jones	Roskam
Ginny	Jordan (OH)	Royce
Buchanan	King (IA)	Ryan (WI)
Burgess	Kingston	Scalise
Buyer	Kirk	Schmidt
Calvert	Kline (MN)	Schock
Camp	Lamborn	Sensenbrenner
Campbell	Lance	Sessions
Cantor	LaTourette	Shadegg
Cao	Latta	Shimkus
Capito	Lee (NY)	Shuster
Carter	Lewis (CA)	Simpson
Cassidy	Linder	Smith (NE)
Castle	LoBiondo	Smith (NJ)
Chaffetz	Lucas	Smith (TX)
Coble	Luetkemeyer	Souder
Coffman (CO)	Lummis	Stearns
Cole	Lungren, Daniel	Sullivan
Crenshaw	E.	Taylor
Culberson	Manzullo	Terry
Davis (KY)	Marchant	Thompson (PA)
Deal (GA)	McCarthy (CA)	Thornberry
Dreier	McClintock	Tiahrt
Duncan	McCotter	Tiberi
Ehlers	McHenry	Upton
Emerson	McKeon	Wamp
Fallin	McMorris	Westmoreland
Flake	Rodgers	Whitfield
Fleming	Mica	Wilson (SC)
Forbes	Miller (FL)	Wittman
Fortenberry	Miller (MI)	Wolf
Foxx	Miller, Gary	Young (FL)

## ANSWERED “PRESENT”—19

Bartlett	Dent	Myrick
Bonner	Diaz-Balart, L.	Poe (TX)
Burton (IN)	Green, Gene	Quigley
Butterfield	Harper	Walden
Castor (FL)	Hastings (WA)	Welch
Chandler	Latham	
Conaway	McCaul	

## NOT VOTING—14

Carney	Lofgren, Zoe	Speier
Diaz-Balart, M.	Mack	Tsongas
Eshoo	Maloney	Turner
Johnson, Sam	Neugebauer	Wasserman
Larson (CT)	Radanovich	Schultz

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1346

Mr. ADERHOLT changed his vote from “aye” to “no.”

Ms. KAPTUR, Ms. MOORE of Wisconsin, Messrs. BAIRD and CHILDERS changed their vote from “no” to “aye.”

Mr. BUTTERFIELD changed his vote from “aye” to “present.”

Messrs. LATHAM and BARTLETT changed their vote from “no” to “present.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 758, had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the motion to refer.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. CARTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 153, answered “present” 19, not voting 14, as follows:

## [Roll No. 759]

## AYES—246

Abercrombie	Ellsworth	Lowey
Ackerman	Engel	Luján
Adler (NJ)	Etheridge	Lynch
Altmire	Farr	Maffei
Andrews	Fattah	Markey (CO)
Arcuri	Filner	Markey (MA)
Baca	Foster	Marshall
Baird	Frank (MA)	Massa
Baldwin	Fudge	Matheson
Barrow	Giffords	Matsui
Bean	Gonzalez	McCarthy (NY)
Becerra	Gordon (TN)	McCollum
Berkley	Grayson	McDermott
Berman	Green, Al	McIntyre
Berry	Griffith	McMahon
Bishop (GA)	Grijalva	McNerney
Bishop (NY)	Gutierrez	Meek (FL)
Blumenauer	Hall (NY)	Meeks (NY)
Boccieri	Halvorson	Melancon
Boren	Hare	Michaud
Boswell	Harman	Miller (NC)
Boucher	Hastings (FL)	Miller, George
Boyd	Heinrich	Minnick
Brady (PA)	Herseth Sandlin	Mitchell
Braley (IA)	Higgins	Mollohan
Bright	Hill	Moore (KS)
Brown, Corrine	Himes	Moore (WI)
Capps	Hinchey	Moran (VA)
Capuano	Hinojosa	Murphy (CT)
Cardoza	Hirono	Murphy (NY)
Carnahan	Hodes	Murphy, Patrick
Carson (IN)	Holden	Murphy, Tim
Chu	Holt	Murtha
Clarke	Honda	Nadler (NY)
Clay	Hoyer	Napolitano
Cleaver	Inlee	Neal (MA)
Clyburn	Israel	Nye
Cohen	Jackson (IL)	Oberstar
Connolly (VA)	Jackson-Lee	Obey
Conyers	(TX)	Oliver
Cooper	Johnson (GA)	Ortiz
Costa	Johnson, E. B.	Pallone
Costello	Jones	Pascrell
Courtney	Kagen	Pastor (AZ)
Crowley	Kanjorski	Paul
Cuellar	Kaptur	Payne
Cummings	Kennedy	Perlmutter
Dahlkemper	Kildee	Perriello
Davis (AL)	Kilpatrick (MI)	Peters
Davis (CA)	Kilroy	Peterson
Davis (IL)	Kind	Pingree (ME)
Davis (TN)	King (NY)	Polis (CO)
DeFazio	Kirkpatrick (AZ)	Pomeroy
DeGette	Kissell	Price (NC)
Delahunt	Klein (FL)	Rahall
DeLauro	Kosmas	Rangel
Dicks	Kratovil	Reyes
Dingell	Kucinich	Richardson
Doggett	Langevin	Rodriguez
Donnelly (IN)	Larsen (WA)	Rohrabacher
Doyle	Lee (CA)	Ross
Driehaus	Levin	Rothman (NJ)
Edwards (MD)	Lewis (GA)	Roybal-Allard
Edwards (TX)	Lipinski	Ruppersberger
Ellison	Loeb sack	Rush

Ryan (OH) Sires  
Salazar Skelton  
Sánchez, Linda Slaughter  
T. Smith (WA)  
Sanchez, Loretta Snyder  
Sarbanes Space  
Schakowsky Speier  
Schauer Spratt  
Schiff Stark  
Schrader Stupak  
Schwartz Sutton  
Scott (GA) Tanner  
Scott (VA) Teague  
Serrano Thompson (CA)  
Sestak Thompson (MS)  
Shea-Porter Tierney  
Sherman Titus  
Shuler Tonko

## NOES—153

Aderholt Forbes  
Akin Fortenberry  
Alexander Foxx  
Austria Franks (AZ)  
Bachmann Frelinghuysen  
Bachus Gallegly  
Barrett (SC) Garrett (NJ)  
Bartlett Gerlach  
Barton (TX) Gingrey (GA)  
Biggert Gohmert  
Blibray Goodlatte  
Bilirakis Granger  
Bishop (UT) Graves  
Blackburn Guthrie  
Blunt Hall (TX)  
Boehner Heller  
Bono Mack Hensarling  
Boozman Herger  
Boustany Hoekstra  
Brady (TX) Hunter  
Broun (GA) Inglis  
Brown (SC) Issa  
Brown-Waite, Jenkins  
Ginny Johnson (IL)  
Buchanan Jordan (OH)  
Burgess King (IA)  
Buyer Kingston  
Calvert Kirk  
Camp Kline (MN)  
Campbell Lamborn  
Cantor Lance  
Cao Latta  
Capito Lee (NY)  
Carter Lewis (CA)  
Cassidy Linder  
Castle LoBiondo  
Chaffetz Lucas  
Childers Luetkemeyer  
Coble Lummis  
Coffman (CO) Lungren, Daniel  
Cole E.  
Crenshaw Manzullo  
Culberson Marchant  
Davis (KY) McCarthy (CA)  
Deal (GA) McClintock  
Dreier McCotter  
Duncan McHenry  
Ehlers McKeon  
Emerson McMorris  
Fallin Rodgers  
Flake Mica  
Fleming Miller (FL)

## ANSWERED "PRESENT"—19

Bonner Diaz-Balart, L.  
Burton (IN) Green, Gene  
Butterfield Harper  
Castor (FL) Hastings (WA)  
Chandler Latham  
Conaway McCaul  
Dent Myrick

## NOT VOTING—14

Carney LaTourette  
Diaz-Balart, M. Lofgren, Zoe  
Eshoo Mack  
Johnson, Sam Maloney  
Larson (CT) McGovern

Towns  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth  
Young (AK)

Miller (MI)  
Miller, Gary  
Moran (KS)  
Nunes  
Olson  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Posey  
Price (GA)  
Putnam  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Upton  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (FL)

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Madam Speaker, on rollcall No. 759, had I been present, I would have voted "aye."

## PARLIAMENTARY INQUIRY

Mr. CARTER. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The gentleman may state his inquiry.

Mr. CARTER. Clause 2(a)(2) of rule IX provides that debate on a question of privilege shall be divided equally between the proponent of the resolution and the majority leader or his designee.

Mr. CROWLEY, apparently as the designee of the majority leader, moved the previous question on the resolution after making his motion to refer the measure to the Committee on Standards of Official Conduct.

Madam Speaker, am I correct that Mr. CROWLEY's motion on the previous question had the effect of eliminating any debate on the motion to refer or the underlying resolution?

The SPEAKER pro tempore. The motion was to order the previous question on the motion to refer, not on the resolution.

Mr. CARTER. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. CARTER. Does this thus eliminate all debate not only on the motion but also on the underlying resolution?

The SPEAKER pro tempore. The ordering of the previous question prevents further debate.

Mr. CARTER. Thank you, Madam Speaker. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. CARTER. What is the effect of the motion to refer? Is there any requirement that the committee take any action on the measure referred?

The SPEAKER pro tempore. The measure is referred to the committee for its consideration.

Mr. CARTER. Is there any requirement that further action be taken by the committee?

The SPEAKER pro tempore. It would be up to the committee.

Mr. CARTER. Thank you, Madam Speaker.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

## RECOGNIZING DYKE MARSH WILDLIFE PRESERVE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 701, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 701.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 325, nays 93, not voting 14, as follows:

[Roll No. 760]

## YEAS—325

Abercrombie	Cummings	Inslee
Ackerman	Dahlkemper	Israel
Adler (NJ)	Davis (AL)	Jackson (IL)
Alexander	Davis (CA)	Jackson-Lee
Altmire	Davis (IL)	(TX)
Andrews	Davis (TN)	Johnson (GA)
Arcuri	Deal (GA)	Johnson (IL)
Austria	DeFazio	Johnson, E. B.
Baca	DeGette	Jones
Baird	Delahunt	Kagen
Baldwin	DeLauro	Kanjorski
Barrow	Dent	Kaptur
Bartlett	Diaz-Balart, L.	Kennedy
Barton (TX)	Dicks	Kildee
Bean	Dingell	Kilpatrick (MI)
Becerra	Doggett	Kilroy
Berkley	Donnelly (IN)	Kind
Berman	Doyle	King (NY)
Berry	Driehaus	Kirk
Biggert	Edwards (MD)	Kirkpatrick (AZ)
Bilirakis	Edwards (TX)	Kissell
Bishop (GA)	Ehlers	Klein (FL)
Bishop (NY)	Ellison	Kosmas
Blumenauer	Ellsworth	Kratovil
Blunt	Emerson	Kucinich
Bocchieri	Engel	Lance
Bono Mack	Etheridge	Langevin
Boswell	Farr	Larsen (WA)
Boucher	Fattah	Latham
Boustany	Filner	LaTourette
Boyd	Forbes	Lee (CA)
Brady (PA)	Fortenberry	Lee (NY)
Braley (IA)	Foster	Levin
Bright	Frank (MA)	Lewis (CA)
Brown, Corrine	Frelinghuysen	Lewis (GA)
Brown-Waite,	Fudge	Linder
Ginny	Gallegly	Lipinski
Buchanan	Gerlach	LoBiondo
Burgess	Giffords	Loeb sack
Butterfield	Gingrey (GA)	Lowey
Calvert	Gonzalez	Luetkemeyer
Campbell	Goodlatte	Luján
Cantor	Gordon (TN)	Lungren, Daniel
Cao	Grayson	E.
Capps	Green, Al	Lynch
Capuano	Green, Gene	Maffei
Cardoza	Griffith	Manzullo
Carnahan	Grijalva	Markey (CO)
Carson (IN)	Gutierrez	Markey (MA)
Castle	Hall (NY)	Marshall
Castor (FL)	Halvorson	Massa
Chaffetz	Hare	Matheson
Chandler	Harman	Matsui
Chu	Hastings (FL)	McCarthy (NY)
Clarke	Heinrich	McCaul
Clay	Herseth Sandlin	McClintock
Cleaver	Higgins	McCollum
Clyburn	Hill	McCotter
Cohen	Himes	McDermott
Connolly (VA)	Hinchey	McGovern
Conyers	Hinojosa	McIntyre
Cooper	Hirono	McKeon
Costa	Hodes	McMahon
Costello	Holden	McNerney
Courtney	Holt	Meek (FL)
Crowley	Honda	Meeks (NY)
Cuellar	Hoyer	Melancon

□ 1353

Mr. WELCH changed his vote from "aye" to "present."

So the motion to refer was agreed to.



Mica	Rahall	Snyder
Michaud	Rangel	Souder
Miller (MI)	Rehberg	Space
Miller (NC)	Reichert	Speier
Miller, Gary	Reyes	Spratt
Miller, George	Richardson	Stark
Minnick	Rodriguez	Stupak
Mitchell	Rogers (KY)	Sutton
Mollohan	Rogers (MI)	Tanner
Moore (KS)	Rooney	Taylor
Moore (WI)	Ros-Lehtinen	Teague
Moran (VA)	Ross	Terry
Murphy (CT)	Rothman (NJ)	Thompson (CA)
Murphy (NY)	Roybal-Allard	Thompson (MS)
Murphy, Patrick	Ruppersberger	Tiberi
Murphy, Tim	Rush	Tierney
Murtha	Ryan (OH)	Titus
Myrick	Salazar	Tonko
Nadler (NY)	Sánchez, Linda	Towns
Napolitano	T.	Upton
Neal (MA)	Sanchez, Loretta	Van Hollen
Nye	Sarbanes	Velázquez
Oberstar	Schakowsky	Visclosky
Obey	Schauer	Walden
Olver	Schiff	Walz
Ortiz	Schock	Wasserman
Pallone	Schrader	Schultz
Pascarell	Schwartz	Waters
Pastor (AZ)	Scott (GA)	Watson
Paulsen	Scott (VA)	Watt
Payne	Serrano	Waxman
Perlmutter	Sestak	Weiner
Perriello	Shea-Porter	Welch
Peters	Sherman	Wexler
Peterson	Shuler	Whitfield
Petri	Shuster	Wilson (SC)
Pingree (ME)	Simpson	Wittman
Platts	Sires	Wolf
Polis (CO)	Skelton	Woolsey
Pomeroy	Slaughter	Wu
Price (GA)	Smith (NJ)	Yarmuth
Price (NC)	Smith (TX)	Young (AK)
Quigley	Smith (WA)	Young (FL)

## NAYS—93

Aderholt	Fleming	Miller (FL)
Akin	Fox	Moran (KS)
Bachmann	Franks (AZ)	Nunes
Bachus	Garrett (NJ)	Olson
Barrett (SC)	Gohmert	Paul
Bishop (UT)	Granger	Pence
Blackburn	Graves	Pitts
Boehner	Guthrie	Poe (TX)
Bonner	Hall (TX)	Posey
Boozman	Harper	Putnam
Boren	Hastings (WA)	Roe (TN)
Brady (TX)	Heller	Rogers (AL)
Broun (GA)	Hensarling	Rohrabacher
Brown (SC)	Herger	Roskam
Burton (IN)	Hoekstra	Ryan (WI)
Buyer	Hunter	Scalise
Camp	Inglis	Schmidt
Capito	Issa	Sensenbrenner
Carter	Jenkins	Sessions
Cassidy	Jordan (OH)	Shadegg
Childers	King (IA)	Shimkus
Coble	Kingston	Smith (NE)
Coffman (CO)	Kline (MN)	Stearns
Cole	Lamborn	Sullivan
Conaway	Latta	Thompson (PA)
Crenshaw	Lucas	Thornberry
Culberson	Lummis	Tiahrt
Davis (KY)	Marchant	Wamp
Dreier	McCarthy (CA)	Westmoreland
Duncan	McHenry	Wilson (OH)
Fallin	McMorris	
Flake	Rodgers	

## NOT VOTING—14

Bilbray	Larson (CT)	Radanovich
Carney	Lofgren, Zoe	Royce
Diaz-Balart, M.	Mack	Tsongas
Eshoo	Maloney	Turner
Johnson, Sam	Neugebauer	

□ 1404

Messrs. CASSIDY and BURTON of Indiana changed their vote from “yea” to “nay.”

Mrs. BIGGERT and Mr. DANIEL E. LUNGREN changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Madam Speaker, on rollcall No. 760, had I been present, I would have voted “yea.”

## PERSONAL EXPLANATION

Ms. ZOE LOFGREN of California. Mr. Speaker, today I missed three rollcall votes because I was at the White House attending the Presidential presentation of The National Medal of Technology and Innovation to my constituents, John Warnock and Charles Geschke. Had I been present, I would have voted: rollcall 758: “present”; rollcall 759: “present”; rollcall 760: “yea.”

## PERSONAL EXPLANATION

Mr. TURNER. Mr. Speaker, on rollcall Nos. 758, 759, and 760, I was detained. Had I been present, I would have voted “no” on 758, “no” on 759 and “yea” on 760.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. PETERS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PROCLAIMING CASIMIR PULASKI  
TO BE AN HONORARY CITIZEN  
OF THE UNITED STATES POST-  
HUMOUSLY

Mr. WEINER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 26) proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

## H.J. RES. 26

Whereas Casimir Pulaski was a Polish military officer who fought on the side of the American colonists against the British in the American Revolutionary War;

Whereas Benjamin Franklin recommended that General George Washington accept Casimir Pulaski as a volunteer in the American Cavalry and said that Pulaski was “renowned throughout Europe for the courage and bravery he displayed in defense of his country’s freedom”;

Whereas, after arriving in America, Casimir Pulaski wrote to General Washington, “I came here, where freedom is being

defended, to serve it, and to live or die for it.”;

Whereas the first military engagement of Casimir Pulaski with the British was on September 11, 1777, at the Battle of Brandywine, and his courageous charge in this engagement averted a disastrous defeat of the American Cavalry and saved the life of George Washington;

Whereas, on September 15, 1777, George Washington elevated Casimir Pulaski to the rank of Brigadier General of the American Cavalry;

Whereas Casimir Pulaski formed the Pulaski Cavalry Legion, and in February 1779, this legion ejected the British occupiers from Charleston, South Carolina;

Whereas, in October 1779, Casimir Pulaski mounted an assault against British forces in Savannah, Georgia;

Whereas, on the morning of October 9, 1779, Casimir Pulaski was mortally wounded and was taken aboard the American ship USS Wasp, where he died at sea on October 11, 1779;

Whereas, before the end of 1779, the Continental Congress resolved that a monument should be erected in honor of Casimir Pulaski;

Whereas, in 1825, General Lafayette laid the cornerstone for the Casimir Pulaski monument in Savannah, Georgia; and

Whereas, in 1929, Congress passed a resolution recognizing October 11 of each year as Pulaski Day in the United States: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Casimir Pulaski is proclaimed to be an honorary citizen of the United States posthumously.

The SPEAKER pro tempore (Mr. PETERS). Pursuant to the rule, the gentleman from New York (Mr. WEINER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

## GENERAL LEAVE

Mr. WEINER. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEINER. I yield myself such time as I may consume.

Mr. Speaker, this resolution proclaims Casimir Pulaski to be an honorary citizen of the United States posthumously and recognizes his contributions in aiding the American colonists in their fight for independence against the British.

Casimir Pulaski came from Poland to fight on the side of the American colonists against the British. At the Battle of Brandywine, he led a courageous charge that averted defeat of the American Cavalry and saved the life of George Washington. Washington soon elevated Pulaski to the rank of brigadier general of the American Cavalry, and we know him now as the Father of the American Cavalry.

Two years later, Pulaski died heroically fighting for American independence. In 1929, the House of Representatives passed a resolution recognizing October 11 of each year as Pulaski Day.

Once in a great while, Congress bestows the honor of posthumous citizenship on a highly deserving person. We've done this previously for six such persons, most recently in 2002 when we honored the Marquis de Lafayette. Lafayette was the famed French general who, like General Pulaski, fought alongside the American colonists during the Revolutionary War.

This resolution is a symbolic honor that has no substantive effect on the immigration status of his surviving family, but the honor is well earned by General Pulaski.

I want to thank Mr. KUCINICH of Ohio for sponsoring this important resolution and for bringing General Pulaski's important contributions to our country to the attention of the United States Congress.

I also want to thank Chairman CONYERS who cosponsored House Joint Resolution 26, Chairwoman LOFGREN, and the ranking member of the committee and subcommittee for swiftly moving the resolution to the floor in advance of the celebration of Pulaski Day.

I urge my colleagues to support this amendment. This is important legislation.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over 220 years, Congress has awarded honorary citizenship to only five individuals: Winston Churchill, Raoul Wallenberg, William and Hannah Penn, Mother Theresa, and the Marquis de Lafayette. Those are the only members of this exclusive club that have been given honorary citizenship of the United States.

Honorary citizenship is an exceedingly rare honor for individuals who have made extraordinary contributions to America. It is especially fitting that the last person awarded honorary citizenship was another friend of America who valiantly came to our aid during our Revolutionary War. The Marquis de Lafayette and Casimir Pulaski both fought on our side when the outcome of the war was in doubt with the British, and they both made tremendous contributions to our eventual victory and American independence. Casimir Pulaski is well known for the founding of the American Cavalry.

The one difference between the two is that Lafayette lived to see the birth of the United States and Pulaski did not. He died of wounds received in combat while fighting to free Savannah from British occupation. It is one reflection of the regard in which many hold Casimir Pulaski in that he has already been honored by Congress in many States and cities throughout America.

In fact, a memorial to him is located in Washington, D.C. at Freedom Plaza.

Casimir Pulaski made tremendous contributions to America's victory in war and the independence that we enjoy today. United States citizenship is the highest award our country can confer upon a citizen of another land. It should be given rarely and selectively. And while I would expect this body to continue to maintain the highest standards that any honoree would have to meet in the future, I certainly believe that Casimir Pulaski meets it.

With that, I reserve the balance of my time.

Mr. WEINER. Mr. Speaker, I yield 3 minutes to the sponsor of this important resolution, the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Thank you, Mr. WEINER, and I want to thank Mr. POE, Mr. KING, and Mr. KINGSTON for their support, as well as Ranking Member SMITH, along with Chairwoman LOFGREN and Chairman CONYERS for their thoughtful consideration and support to ensure floor consideration of this bill.

As a sponsor of H.J. Res. 26, legislation to grant honorary citizenship to Casimir Pulaski posthumously, I rise in strong support and urge my colleagues to vote in favor of this bill. I also wish to extend my deep gratitude to the Polish community leaders in Cleveland, Ohio, who have long championed this cause. In Cleveland this includes John Borkowski, who's the president of the Polish American Congress; Mitchell Bienia, vice president of the Polish American Congress; and Francis Rutkowski, also vice president of the Polish American Congress.

Brigadier General Casimir Pulaski was a hero of the American Revolution.

Casimir Pulaski left his native Poland and fought on the side of the colonists against the British in the American Revolution. Although Pulaski met his untimely death on the battlefield in Savannah, Georgia, in 1779, consideration of this bill in his honor is timely because October 11, 2009, will mark the 230th anniversary of Pulaski's last breath.

Indeed, after bravely fighting at Brandywine and ejecting the British occupiers from Charleston, among other battles, General Pulaski was mortally wounded in Savannah, Georgia, and was taken aboard the American ship, USS *Wasp*, where he died at sea on October 11, 1779.

Casimir Pulaski's courageous charge in this engagement averted a disastrous defeat of the American Cavalry and is credited with saving the life of George Washington. On September 15, 1777, George Washington bestowed the rank of brigadier general on Pulaski, who organized a legion of cavalry known as the Pulaski legion.

Brigadier General Pulaski was a dedicated freedom fighter who's credited

with being the Father of the American Cavalry. He famously said: "I came here, where freedom is being defended, to serve it, and to live or die for it."

His actions speak to the strong bonds that have historically existed between the people of the United States and the people of Poland. They are also a reminder of the important contributions of Polish Americans to our Nation and communities.

This legislation is supported by the Polish Legion of American Veterans, the Veterans of Foreign Wars of the U.S., and the Polish American Congress.

It is my sincere hope that Brigadier General Pulaski will not have to wait any longer before he is bestowed with this honorary citizenship he so deserves for his sincere commitment and ultimate sacrifice for freedom for the people of the United States of America. With passage of this legislation, this body will ensure that General Pulaski is one step closer to receiving the honor and appreciation he deserves.

I urge my colleagues to support this important legislation granting honorary citizenship to Casimir Pulaski posthumously.

Mr. POE of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas for yielding time.

I want to thank my friend, DENNIS KUCINICH, for bringing this resolution to confer honorary citizenship on Casimir Pulaski. This is a rare honor and only having that happen a small number of times before in five separate incidents of people of the highest standard in the history of the United States and those that exemplified our values: Winston Churchill, Raoul Wallenberg, William and Hannah Penn—William Penn, of course—and also Mother Theresa and the Marquis de Lafayette.

I think it's very interesting that this proposal comes before this Congress as—I'll put it this way—Casimir Pulaski was endorsed and recruited into the military by the Marquis de Lafayette, and he was endorsed and, of course, promoted by George Washington. Now, when you're endorsed and promoted by people of that caliber—and now here we are more than two generations hence—I think that's a very high standard. And I want to maintain a very high standard for honorary citizenship.

It has been a slow process for me to get to this point of conviction on this because the standards are so high. When I see Mother Theresa, that's a really high standard. And I don't propose that Casimir Pulaski belongs in the league of any one of these individuals, but he belongs in this category of approval today.

So we've heard much of the history: a "freedom fighter" is the best way to

describe him, and the Father of the United States Cavalry; a person who was killed in battle, died 2 days later aboard a ship, the *Wasp*.

And I would also submit that we are here at least within a short period of time at a low point in U.S.-Polish relations. I won't embellish that in this discussion any further, but I am hopeful that this resolution which I expect to pass today sends the strongest and warmest message to our friends in Poland that we are allies, we are all freedom fighters together, and we'll stand together. And we'll stand together in the spirit of the Marquis de Lafayette, George Washington, whose life was saved by Casimir Pulaski, and in the spirit of Casimir Pulaski himself.

I thank my friend DENNIS KUCINICH for bringing this resolution.

Mr. WEINER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of this excellent resolution. Since its founding, the people of Poland have been great allies to the United States in our own struggle for freedom, and of course then our working with them in their struggle for freedom.

One of the first and finest Americans who was a great friend to our country was Brigadier General Casimir Pulaski. I want to commend Congressman DENNIS KUCINICH of Ohio for helping to make history correct today by granting honorary citizenship to this great Pole, whose life stood for freedom.

He was born on March 6, 1745, in Warsaw, Poland, and at the age of 15 he joined his father and other members of the Polish nobility in opposing the Russian and Prussian interference in Polish affairs. He moved to Paris where he befriended Benjamin Franklin and was fascinated by the idea of the American colonies and the new Nation it wished to become. He volunteered his services to fight for our nascent freedom.

□ 1415

Benjamin Franklin wrote to George Washington describing the young Pole as "an officer renowned throughout Europe for the courage and bravery he displayed in defense of his country's freedom."

Pulaski fought on the side of America against the British in the Revolutionary War and became known as the father of the American Cavalry. The brilliant history of the Polish Cavalry is now being restored at a location called Grudziadz, Poland, and Casimir Pulaski, with this honorary citizenship today, should become a part of those growing collections; and with passage of this bill today, we should seek, as a Congress, additional ways for us to link the history of our cavalry and the Polish cavalry in the world's struggle

for freedom. These are works not yet fully represented and remain largely unwritten.

After fighting bravely for our country, General Pulaski was mortally wounded at the Battle of Savannah in Georgia, and died there on October 11, 1779. Casimir Pulaski is a hero in his native country of Poland. He is also a hero in our country, one for which he fought so valiantly to create. This is why his being granted honorary citizenship in our country is so important and why he should be recognized permanently by the Nation that he helped to create and to defend in a singularly noble undertaking.

I urge my colleagues to support honorary citizenship for General Casimir Pulaski.

Mr. POE of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, as a Savannahian, I am very proud to support this resolution and thank all of the authors of it. I want to say it is somewhat of a shock that we haven't already done this resolution in past Congresses, and so I am very glad we are doing it today. Many of my remarks have already been said, but I think it is well worth reviewing everything.

Casimir Pulaski was a man who fought for freedom on two different continents and is given the title "Soldier of Liberty." He has been honored all over the United States with numerous streets and bridges and roads. In Savannah, we have an 11-foot obelisk that shows where he is buried as his grave and a Civil War fort named after him.

He was born March 4, 1747, in Poland and came from a family of knightly traditions. The Pulaskis took part in the victorious wars by King John III Sobieski against the Turks in the 17th century. By age 21, Casimir Pulaski proved to be a true military talent, fighting in battles across the European continent.

In 1776, Pulaski learned of America's struggle for independence, and as has been said, he met Benjamin Franklin in Paris and learned of the struggle. Inspired by freedom's call, he joined General George Washington in the cause of the American Revolution in 1776 and was soon commissioned as brigadier general. General Pulaski recruited and trained a special corps of American, Polish, Irish, French, and German troops, and became known as the "Father of the American Cavalry."

In 1778, he received his commission, and in 1779, he was ordered to South Carolina to support the American General Benjamin Lincoln. Benjamin Lincoln also has a street named after him in Savannah. They reached Charleston in May and helped defend the city against British attack. Later that year, Pulaski joined forces with Lin-

coln, who was assisted by a French force to defend Savannah.

Pulaski was mortally wounded in that battle on October 9, 1779, but there are actually two stories about how he died. Many believe that he was taken to sea and died 2 days later on board the American ship the *Wasp* en route to Charleston on October 11. Indeed, there were two people who were wounded and put on the ships because they did not want the British to know which ship was actually carrying Pulaski. So there was a decoy ruse.

The story, though, that we have grown to believe is actually true is that he died on October 15 and was buried at Greenwich Plantation just outside of Savannah. He was exhumed in 1853 and his remains were placed in the cornerstone of Pulaski Monument.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POE of Texas. I yield the gentleman another 1 minute.

Mr. KINGSTON. In 1996, the remains were exhumed again and DNA tests were run to determine if they were indeed General Pulaski's. Some of the smartest people of our day have determined that those bones from the DNA tests were probably General Pulaski's.

Several years ago, October 11, as we know, was named General Pulaski Memorial Day. I think we can be very proud that we are doing what I consider unfinished business to honor someone who has meant so much to the cause of American liberty and to liberty all around the globe. I am very proud to be part of this, and I want to invite everybody to come to Savannah and see Pulaski Monument and we will give you a little tour of the town and take you out to the Thunderbolt, where the USS *Wasp* departed from when he was on board.

Mr. WEINER. Mr. Speaker, there is no city with a richer tradition and a larger population of Polish Americans for whom this day represents another day of tribute for another one of their heroes than Chicago, and I would like to yield 2 minutes to the gentleman from the Chicago, Illinois area, Mr. LIPINSKI, to express the sentiments of his constituents.

Mr. LIPINSKI. Mr. Speaker, as a proud Polish American, I rise today to honor the life and service of Casimir Pulaski and ask my colleagues to support the passage of H.J. Res. 26. Pulaski played an instrumental role and gave the ultimate sacrifice in support of the American Revolution and deserves our utmost respect and gratitude.

Casimir Pulaski devoted his life to the cause of liberty around the world. Inspired by the plight of a young nation striving to be free, Pulaski traveled to America to serve under General George Washington.

Quickly distinguishing himself as a brilliant military tactician, Pulaski

was entrusted by General Washington with sole command of the fledgling national cavalry. Pulaski was appointed brigadier general 4 days after a heroic performance at Brandywine, where he rescued the cavalry from certain defeat and saved the life of General Washington. General Pulaski also played an instrumental role in conflicts with British forces in the battles of Germantown, Little Egg Harbor, and Minisink before heading south to Charleston and ultimately Savannah. It was in Savannah that General Pulaski was struck with cannon fire while charging into battle. He died a few days later at the age of 34.

In Chicago, we honor Casimir Pulaski with his name on a major road. In Illinois, we honor Pulaski with a State holiday of Pulaski Day. Today, let us do what he is truly deserving of; let us give Casimir Pulaski, this brave, deserving patriot, the rare honor of being named an honorary American citizen.

I urge my colleagues to support this resolution.

Mr. POE of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. WEINER. Mr. Speaker, I recognize the gentlewoman from Illinois (Ms. SCHAKOWSKY) for 2 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of proclaiming Casimir Pulaski to be an honorary citizen of the United States and to honor his legacy of heroism and military service. I want to thank Congressman DENNIS KUCINICH for introducing and promoting this resolution, and the gentleman from New York for yielding me this time to speak.

Casimir Pulaski's contributions to both his homeland and his adopted country are immeasurable. Born in 1747, Pulaski valiantly fought Russian control and domination of his native Poland. However, instead of being lauded for his heroism and his distinguished service toward freedom and independence on behalf of his people, he was forced to flee and became an exile.

Even after leaving Poland, Pulaski remained a voice for just causes and the unwavering spirit of freedom. He joined in colonial America's struggle against the British and fought alongside General George Washington during the Revolutionary War, and as the first commander of the American Cavalry, he became known as the "Father of the American Cavalry." He paid the ultimate price and was fatally wounded during the Battle of Savannah.

Mr. Speaker, Casimir Pulaski is a true American hero who fought and died for independence and freedom that we as Americans enjoy today. He is honored in Illinois with a State holiday in his name, and Chicago has the largest Polish population outside of Warsaw. He is a true American hero. He served our Nation with honor and courage, and I am proud today to support

legislation that will finally, over 200 years after his death, grant him honorary citizenship to the country for which he died.

I urge my colleagues to join me in supporting this legislation.

Mr. POE of Texas. I continue to reserve my time.

Mr. WEINER. Mr. Speaker, I yield 2 minutes to Mr. TONKO.

Mr. TONKO. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I rise in support of this resolution. I thank Member KUCINICH for the outstanding work that he has done on this resolution.

General Casimir Pulaski being designated as an honorary citizen of our country is a very valid and important resolution. This son of liberty, this patriot, lent his military expertise to more than just his motherland. It is obvious throughout this world he was concerned about promoting fairness and liberty, and he helped write in very sound terms American history. He helped make this country the great one that she is.

Throughout my congressional district, throughout the State of New York, and indeed throughout our country, there are semblances of recognition of this great general. Streets, roads, bridges and, indeed, monuments bear his name that reflect the greatness of the individual.

Polish Americans of this land throughout its history have made immense contributions, very valuable contributions to the betterment of America. Prime amongst them is this great general, one who helped write this history with his military expertise. Polish Americans have reached across many dynamics to make a sound difference in our great country.

I rise in support of this outstanding resolution, commend the sponsor, and encourage my colleagues to do likewise.

Mr. WEINER. Mr. Speaker, we are prepared to close.

Mr. POE of Texas. Mr. Speaker, I yield myself the balance of my time to close.

I want to thank Mr. KUCINICH for bringing this well-thought-out resolution and well-deserved honor to this general of the American troops. General Pulaski founded the American Cavalry, which has shown great bravery and courage as it later represented the United States.

I think it is timely that this resolution came to the House to grant honorary citizenship to this general. It is a big deal to be an American citizen, and it is a big deal for this Nation to confer that honor on some other individual who is a citizen of another nation. Polish Americans and the people in Poland have long been our allies when we needed them, and America has been the ally of Poland when they needed us.

Earlier this year, I had the chance to meet with numerous Polish individuals in Poland, and one of the things we talked about was the bond, the friendship that our two nations have as allies.

This resolution honoring General Pulaski is a symbol of that relationship that we have of continuing to be allies on our quest and their quest and universal quests for all people for freedom and liberty.

With that, I urge my colleagues to support this resolution.

I yield back the balance of my time.

Mr. WEINER. Mr. Speaker, I thank the gentleman from Texas. I just want to tell the gentleman that when that mistake was made by the Speaker, referring to you as a Member from New York, I think you would need a translator in New York as much as I would need one if I were ever to be the Representative from Texas. And I would like to thank him for his leadership.

□ 1430

I want to thank Representative KUCINICH for bringing this resolution to us. I also, on behalf of those of us in New York who represent large Polish American communities for whom Pulaski is an enduring hero, for communities like Green Point and Williamsburg that Congresswoman VELÁZQUEZ represents, this is a great moment of celebration. Those communities and Bridgewood also, Congresswoman VELÁZQUEZ and I represent that community of South Park Slope, these are communities that every day, proud Americans of Polish descent teach their children about the heroism of the many Polish Americans that came before, and how important that community has been to building this country to what it is.

You know, we forget it sometimes, but we never should on this floor, that all of us come from someplace else. And we do so with this notion that we are deeply American, but we never forget where we came from. And all of us point with great pride to the people, the ethnicities that we represent, that have their moments of celebration. And then Casimir Pulaski is someone not just who brings great pride to people of Polish descent, but who reminds us all what it took to make this country what it was at the very earliest days.

No one came here and says, Hey, I'm an American, so I'm going to fight for this country. We came from other places and fought for the American ideal, and that's something Casimir Pulaski reminds us. And by making him an honorary citizen posthumously, and by taking up Mr. KUCINICH's call, I think we do great honor, not only to the memory of Casimir Pulaski, but also to this House and the traditions of our fine country. And I ask a "yes" vote.

Mr. HIGGINS. Mr. Speaker, I rise today to support the passage of H.J. Res. 26, a resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

As a cosponsor of this resolution and a member of the Congressional Poland Caucus, I am honored to recognize this valiant soldier with citizenship to a country for which he literally gave his life.

Pulaski, a revered military officer in his native Poland, came to the United States and fought alongside American colonists in the Revolutionary War. Known as the "Father of the American Cavalry," Pulaski fought with distinction in several crucial battles, including the Battle of Brandywine, where he saved the life of George Washington, and the Battle of Savannah, where he was mortally wounded.

In a letter to Washington, Pulaski wrote: "I came here, where freedom is being defended, to serve it, and to live or die for it."

Pulaski is a well-respected figure in the United States, having been honored with numerous statues and monuments. One such statue stands in my Western New York district, where over 106,000 residents are of Polish ancestry. Each year in my district, the Western New York General Pulaski Association celebrates Pulaski's legacy with an annual wreath laying ceremony in the City of Buffalo and parade in the Town of Cheektowaga.

Mr. Speaker, I thank Representative KUCINICH for introducing this resolution and the nearly 40 cosponsors for their support of this long-overdue recognition.

Mr. FATTAH. Mr. Speaker, I rise in support of H.J. Res. 26, which grants honorary American citizenship to a great hero of the American Revolution whose amazing and admirable story is also, in part, a Philadelphia story.

Casimir Pulaski, the son of a Polish count renowned as a military leader in his own right, was forced to flee his native land and traveled to Paris, where in 1776 he met Benjamin Franklin. Franklin gave him a letter of introduction which Pulaski presented to General Washington in Philadelphia in 1777. He showed such bravery and military strategic skill in the battles of Brandywine and Germantown that Washington promoted him to brigadier general and chief of cavalry. Casimir Pulaski fought important battles at Little Egg Harbor, NJ, and along the Delaware River. Later he was sent south to lead troops at Charleston and Savannah, where he was fatally wounded in 1779.

To this day, General Pulaski—along with his compatriot Thaddeus Kosciuszko—is revered by Philadelphia's vibrant and sizeable Polish-American community, and throughout our region. A school is named for Casimir Pulaski in Wilmington, Delaware. His life and accomplishments are honored at Philadelphia's Polish American Cultural Center Museum, 308 Walnut Street. A statue of Pulaski stands in the Garden of Heroes on the west side of the Philadelphia Museum of Art. And this past Sunday, October 4, Philadelphia celebrated with the Pulaski Day Parade, an annual Polish-American heritage parade on the Benjamin Franklin Parkway.

The honorary citizenship we are endorsing today in the resolution put forward by Congressman KUCINICH and Senator DURBIN is

long overdue. It is nonetheless welcome and meaningful to Americans of Polish heritage and to all Americans who share Casimir Pulaski's love of liberty and willingness to offer his life for the cause. I urge my colleagues to support H.J. Res. 26.

Mr. QUIGLEY. Mr. Speaker, I rise today to recognize the great American and Polish hero Casimir Pulaski and to echo the sentiments of my colleagues in support of honoring him with posthumous citizenship.

Casimir Pulaski fought as a Polish military officer on the side of the American colonists against the British in the American Revolutionary War, writing to General George Washington, "I came here, where freedom is being defended, to serve it, and to live or die for it."

Pulaski first fought in 1777 and continued to demonstrate his courage and bravery in battle until his death in 1779. In the Battle of Brandywine, his courageous charge saved the life of our great forefather George Washington.

Additionally, Pulaski is known as the father of the American cavalry. He rose through the ranks to brigadier general, where he used his position to mount assaults, to remove British troops from our lands, and to defend freedom no matter the circumstances or opposition.

So great was Pulaski's dedication to the ideals of liberty and freedom that he made the ultimate sacrifice. He was mortally wounded in 1779 during the Battle of Savannah. In recognition of his service to this great country, in 1929 Congress passed a resolution recognizing October 11 as "Pulaski Day," a day Chicago has long celebrated.

Mr. Speaker, for these reasons, and many more, I encourage my colleagues to grant posthumous citizenship to Casimir Pulaski, a man who understood that freedom and democracy have no boundaries.

Mrs. MILLER of Michigan. Mr. Speaker, it has become the custom of this great country to recognize the contributions made on behalf of freedom for the American people. Each year we celebrate Memorial Day to commemorate lives that have been given in service of our Nation and Veterans Day to recognize our service men and women. But occasionally, it is necessary to commemorate the actions of individuals in furthering the cause of American freedom.

In this Chamber, we feature the portrait of Marquis de Lafayette, a Frenchman who left his family and the comforts of life in Europe to fight for freedom in the colonies. Lafayette sacrificed much to serve as an adviser to General Washington, and was rewarded by witnessing the surrender of the British at the Battle of Yorktown. Among honors conferred on General Lafayette was an honorary U.S. citizenship.

But less known and appreciated for his service is Casimir Pulaski, a Polish Revolutionary War hero who fought and died for our country over 200 years ago. Pulaski was a Polish commander who fought the Russians for Polish independence, and, as a result, he was renowned in Europe for his bravery and cavalry skills. Following the recommendation of Benjamin Franklin, General Washington brought him to America to help our forces fight the British.

Pulaski was promoted to general officer by Washington after showing incredible bravery

at the Battle of Brandywine. And when funding from Congress was tight, Pulaski used his own money to purchase necessary equipment for his soldiers. In 1779, after launching an assault against the British in the Battle of Savannah, Pulaski was wounded, and he died 2 days later. In his death, he fulfilled a commitment he had made to General Washington in which he stated "I came here, where freedom is being defended, to serve it, and to live or die for it."

I am a proud cosponsor of this joint resolution which would posthumously declare Casimir Pulaski to be an honorary citizen of the United States. This is one of the rarest honors that the Congress can bestow, and we have only done so on six previous occasions.

The concept of freedom drew patriots from across the colonies, and around the world, to our land to join in our struggle for freedom. Casimir Pulaski had the bravery, courage, and love of liberty and independence that the Polish people have been so well known for throughout history. He died for our freedom and he deserves this posthumous recognition.

Mr. CONYERS. Mr. Speaker, I rise today to commemorate the life and service of General Casimir Pulaski, who gave his life on October 11, 1779, to the cause of American independence. General Pulaski, born in Warsaw, Poland, on March 6, 1745, arrived in Philadelphia in 1777, where he met General George Washington and made the heroic decision to support the colonies through the American Revolution. Through subsequent battles, General Pulaski distinguished himself as a relentless, courageous, and unwavering leader towards the fight for our Nation's independence.

The life and valor of General Pulaski is celebrated with great pride back in my home district of Michigan. A statue of General Pulaski was erected in 1966 at the intersection of Michigan Avenue and Washington Boulevard in Detroit, a mere block and a half from my District office, as a gift from the large Polish-American population in the Metropolitan Detroit area. This community is one of many that together contribute to the richness and diversity of my home district, and that of this great Nation.

Even before America was a Nation, General Pulaski exhibited two traits that Americans still embody today: self-sacrifice and fighting for a cause greater than oneself. It is with great honor that I rise to express my support for House Joint Resolution 26, which will proclaim General Casimir Pulaski to be an honorary citizen of the United States of America.

Mr. DINGELL. Mr. Speaker, I rise today in support of H.J. Res. 26, a resolution granting honorary citizenship to the great Revolutionary War Hero, Casimir Pulaski. As a proud Pole, I am pleased to cosponsor this resolution and thank my friend, colleague, and fellow Pole from Ohio, Representative DENNIS KUCINICH, on its introduction.

Casimir Pulaski left Poland, already a renowned war hero, in search of freedom. Upon arriving in America, Pulaski wrote to George Washington, "I came here, where freedom is being defended, to serve it, and to live or die for it." During the Revolutionary War, Pulaski led a legion of cavalry known as the Pulaski legion, for which he later became known as the father of the American cavalry.

Casimir Pulaski played a major role in securing American freedom from the British. On September 11, 1777, Pulaski participated in his first military engagement at the Battle of Brandywine where he helped avert defeat and saved the life of George Washington. Four days later, Washington elevated Pulaski to rank of Brigadier General of the American Cavalry. In February, 1779, the Pulaski Cavalry Legion ejected the British from Charleston, South Carolina and in October of that year, Pulaski mounted an assault against British Forces in Savannah, Georgia. On October 9, 1779, Pulaski was mortally wounded and transferred aboard the USS *Wasp* where he died at sea on October 11, 1779.

Pulaski has long been recognized by our government as a vital figure in American history. In 1825, General Lafayette laid the cornerstone for the Casimir Pulaski monument in Savannah, Georgia, and in 1929, Congress passed a resolution recognizing October 11 of each year as Pulaski Day in the United States. I am proud to share a Polish heritage with Casimir Pulaski. The granting of honorary American citizenship is long overdue for this freedom-loving man who represents all that it means to be an American.

Mr. Speaker, I am pleased to support this resolution and urge my colleagues to do the same.

Mr. KINGSTON. Mr. Speaker, I rise today in support of H.J. Res. 26 to honor General Casimir Pulaski, a Polish born national hero, as an honorary American citizen.

Casimir Pulaski received designations ranging from "Soldier of Liberty" to "The Father of the American Cavalry" for his honorable service of fighting for freedom on two continents. In the United States, streets, counties, squares, and even an American submarine bear his name. Both the beginning and end of his noble life are cloaked with mystery—competing stories exist about his birth and death; however, his actions of defending freedom in his homeland of Poland as well as America are renowned.

Casimir Pulaski was born to a family of Polish nobility either on March 4 or 6, 1745, 1746 or 1747 in Winiary, Warsaw, or Waka on the Pilica, Poland. Pulaski's distant relatives give his birth date as March 4, 1747 in Winiary, Poland; however, scrupulous biographical notes of the Pulaski family history state that Casimir was born on March 4, 1746, but gives no mention of the place. On the other hand, baptismal records show March 4, 1745 as the date of birth, connecting his given name to his birth on the feastday of St. Casimir. The date of Casimir's actual baptism was recorded as March 6, 1745 in Warsaw on Nowy Swiat Street. Then again, the National Park Service records his birth date as March 4, 1747 in Waka on the Pilica, Poland.

Regardless of his curious beginning, historians agree that Casimir began his military career at the age of fifteen when young Pulaski joined his father and other members of the Polish nobility in opposing the Russian and Prussian interference in Polish affairs.

After being banished to Paris, Pulaski met Benjamin Franklin who urged him to support the colonies in the American Revolution. Pulaski was impressed with the ideals of a new nation struggling to be free and volunteered

his services. Franklin wrote to George Washington describing Pulaski as "an officer renowned throughout Europe for the courage and bravery he displayed in defense of his country's freedom."

In 1777, Pulaski arrived in Philadelphia where he met General Washington, the Commander-in-Chief of the Continental Army. After coming to the aid of Washington's forces and distinguishing himself as a talented military tactician, Pulaski was sent south to assist American colonial forces. Georgia became the only American colony to be re-conquered by the British on December 29, 1778, and Pulaski was sent to assist Comte Jean Baptiste Hector d'Estaing and Benjamin Lincoln regain control of Savannah from the British who had amassed about 3,000 defenders.

The areas surrounding Savannah created a difficult environment for the French and American forces. The left and right sides of Savannah are marshlands which created tough obstacles through which to advance. In the front of the city, a cleared plain of small rolling hills made it impossible for a group of soldiers to advance without being seen from the redoubts that encircled the city. The Siege of Savannah became one of the bloodiest battles of the Revolutionary War, and a military failure of colonists with more than 1,000 of the attacking forces killed. In 2005, archaeologists with Coastal Heritage Society discovered the long-lost Spring Hill Redoubt. This unearthed the site of the bloodiest fighting of the siege and scene of the mortal wounding of Brigadier General Casimir Pulaski.

While historians can agree that Pulaski commanded the French and American cavalry during the Siege of Savannah and sustained mortal wounds during fighting from grapeshot on October 9, 1779, consensus ends there.

Two divergent tales of his death continue today—one from a Georgia family, another from two of Pulaski's officers. The first has injured Pulaski being sent to Charleston aboard the *Wasp*, but passing on October 15 and taken to Greenwich Plantation, Georgia for burial. In 1854, bones were discovered in an unmarked grave at the former family plantation of William P. Bowen. Bowen said his grandmother and aunt told him the grave was Pulaski's. The bones were then entombed inside the marble cornerstone of the Pulaski Monument in Savannah. Restoration of the monument in 1996 led to another exhumation by Chatham County Coroner James C. Metts Jr. After eight years of attempts, investigators failed to extract a complete DNA sequence to compare with a living Pulaski descendant in Poland. A draft report by Metts' team concluded "the mystery remains unsolved." It also states that "strong circumstantial evidence does suggest that the remains are Casimir Pulaski."

However, historical accounts from two officers who served under Pulaski tell a different story. They report that General Pulaski was wounded on October 9, 1776, but that he died two days later on October 11 aboard the *Wasp* en route to Charleston. The two officers report that Pulaski was then buried at sea near the mouth of the Savannah River where it flows into the Atlantic Ocean.

Even with conflicting details of his birth and death, General Pulaski's military history is

commemorated in Savannah by multiple tributes including Fort Pulaski, Pulaski Elementary, Pulaski Square, and Pulaski National Monument. I am privileged to commend General Pulaski and his admirable service to our Nation and support his honorary citizenship.

Mr. WEINER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the joint resolution, H.J. Res. 26.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

Mr. BLUMENAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3590

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Service Members Home Ownership Tax Act of 2009".

#### SEC. 2. WAIVER OF RECAPTURE OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY.

(a) IN GENERAL.—Paragraph (4) of section 36(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES, ETC.—

“(i) IN GENERAL.—In the case of the disposition of a principal residence by an individual (or a cessation referred to in paragraph (2)) after December 31, 2008, in connection with Government orders received by such individual, or such individual's spouse, for qualified official extended duty service—

“(I) paragraph (2) and subsection (d)(2) shall not apply to such disposition (or cessation), and

“(II) if such residence was acquired before January 1, 2009, paragraph (1) shall not apply to the taxable year in which such disposition (or cessation) occurs or any subsequent taxable year.

“(ii) QUALIFIED OFFICIAL EXTENDED DUTY SERVICE.—For purposes of this section, the term ‘qualified official extended duty service’ means service on qualified official extended duty as—

“(I) a member of the uniformed services,

“(II) a member of the Foreign Service of the United States, or



“(III) as an employee of the intelligence community.

“(iii) DEFINITIONS.—Any term used in this subparagraph which is also used in paragraph (9) of section 121(d) shall have the same meaning as when used in such paragraph.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions and cessations after December 31, 2008.

**SEC. 3. EXTENSION OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.**

(a) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended—

(1) by striking “This section” and inserting the following:

“(1) IN GENERAL.—This section”, and

(2) by adding at the end the following:

“(2) SPECIAL RULES FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—In the case of any individual who serves on qualified official extended duty service outside the United States for at least 90 days in calendar year 2009 and, if married, such individual’s spouse—

“(A) paragraph (1) shall be applied by substituting ‘December 1, 2010’ for ‘December 1, 2009’;

“(B) subsection (f)(4)(D) shall be applied by substituting ‘December 1, 2010’ for ‘December 1, 2009’; and

“(C) in lieu of subsection (g), in the case of a purchase of a principal residence after December 31, 2009, and before July 1, 2010, the taxpayer may elect to treat such purchase as made on December 31, 2009, for purposes of this section (other than subsections (c) and (f)(4)(D)).”.

(b) COORDINATION WITH FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.—Paragraph (4) of section 1400C(e) of such Code is amended by inserting “(December 1, 2010, in the case of a purchase subject to section 36(h)(2))” after “December 1, 2009”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased after November 30, 2009.

**SEC. 4. EXCLUSION FROM GROSS INCOME OF QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.**

(a) IN GENERAL.—Subsection (n) of section 132 of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (1) by striking “this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure” and inserting “the American Recovery and Reinvestment Tax Act of 2009)”, and

(2) in subparagraph (2) by striking “clause (1) of”.

(b) EFFECTIVE DATE.—The amendments made by this act shall apply to payments made after February 17, 2009.

**SEC. 5. INCREASE IN PENALTY FOR FAILURE TO FILE A PARTNERSHIP OR S CORPORATION RETURN.**

(a) IN GENERAL.—Sections 6698(b)(1) and 6699(b)(1) of the Internal Revenue Code of 1986 are each amended by striking “\$89” and inserting “\$110”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2009.

**SEC. 6. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.**

The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the

enactment of this Act is increased by 0.5 percentage points.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. BLUMENAUER) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes. The Chair recognizes the gentleman from Oregon.

**GENERAL LEAVE**

Mr. BLUMENAUER. Mr. Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material in the record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BLUMENAUER. In addition, I, along with Ways and Means Ranking Member CAMP, have asked the non-partisan Joint Committee on Taxation to make available to the public a technical explanation of the bill. The technical explanation expresses the committee’s understanding and legislative intent behind this important legislation. It is available on the Joint Committee Web site at [www.jct.gov](http://www.jct.gov), and is listed under the document number JCX-3909.

Mr. Speaker, I yield myself such time as I may consume. H.R. 3590, the Service Members Home Ownership Tax Act, is about basic fairness for those who serve our country. In June of this year, a constituent contacted me regarding an issue of great concern to his family because they had purchased a home in my district, with the first-time homeowner tax credit. Yet, because of a temporary USAID Foreign Service assignment overseas, they must repay the credit.

This constituent eloquently expressed his frustration and asked my office to help him and the thousands of Foreign Service families like him. The next month I introduced the Call to Service Homebuyer tax credit to protect families in the Foreign Service, intelligence community and military who serve our country away from home. I would note that my friend and colleague, Congressman KIND from Wisconsin, has been working on similar legislation focused on the military, and I deeply appreciate his partnership and coordination in working together to move this expeditiously, and of course that of the Ways and Means leadership, Chairman RANGEL, Ranking Member CAMP and the Ways and Means staff.

Currently, the credit provides up to \$8,000 towards the purchase of a home through November 30 of this year, provided that the home is the primary residence for 36 months afterward. The program has been so successful that the National Association of Realtors estimates that almost 2 million families will file for the credit, and that approximately 350,000 wouldn’t have been able to purchase a home without it. But for all its popularity, the credit is

inaccessible to many Americans, who, like my constituents and Congressman KIND’s, are serving in the military, Foreign Service or intelligence sector. These occupations obviously often require time served abroad, rendering a 36-month commitment to a domestic residence difficult and, in some cases, impossible.

Even now there are hundreds of thousands of men and women who are overseas serving our country on bases and embassies and other posts away from family, friends and community, often in very hazardous circumstances. Those serving our government should not have to choose between their job and their home. This bill protects those called to service, now or in the future, by waiving the recapture time for duty away from home. It also gives a second chance for those who served away from home in 2009 by extending the credit for 1 year. I strongly urge my colleagues to support the legislation.

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume. Since September 11, American military, diplomatic and intelligence personnel have seen extended and recurring deployments in support of contingency operations in Iraq and Afghanistan. These brave Americans have answered the call and, at the drop of a hat, gone off to defend this great Nation in a most consequential time. This House and the American people are extremely grateful for their courage and sacrifice.

Today, as we rotate personnel home from Iraq and contemplate increasing force levels in Afghanistan, Congress can ease the transition for those in uniform by ensuring existing homeownership tax incentives are flexible for their circumstances. This bill does that. It modifies the existing first-time homebuyer tax credit to make it fairer for military and diplomatic families deploying overseas or returning home who, under the way the current credit is written, may be unable to take advantage. These provisions are based heavily on language included in bills that many, including my colleague from Louisiana, CHARLES BOUSTANY, and from North Carolina, WALTER JONES, have championed for some time.

The bill also helps military families relocating as part of the Base Realignment and Closure, or BRAC, process. As DOD has transformed its base infrastructure, many service families have had difficulty selling homes adjacent to military installations because of declining values and an unprecedented slowdown in the housing market. In the stimulus bill, Congress provided relief in the form of a one-time funding increase for DOD’s homeowners assistance program, which provides housing payments to these military families to help with relocation. H.R. 3590 clarifies that military families will not be taxed on these additional benefits.

In closing, Mr. Speaker, this is a good bill, and I'm proud to lend my support to it today. I'm hopeful the Senate will quickly approve the legislation so the President can sign it into law. We owe our men and women in uniform, as well as the families that support them, nothing less.

I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, it is my pleasure to recognize the gentleman from Tennessee (Mr. TANNER), the distinguished Chair of the Social Security Subcommittee of Ways and Means, for 2 minutes.

Mr. TANNER. Mr. Speaker, the bill has been explained. May I just simply say this is a bill that is completely bipartisan and, more importantly, or as importantly, fully paid for. It protects the Foreign Service officers, the military and the intelligence community members who may have been ordered or otherwise sent from their homes under the Homebuyers Act, and it protects their rights thereunder. Important. It should be done. They are risking not only their lives, but often, many times their liberties.

And so I want to thank everyone who's worked on this bill. Mr. CAMP, thank you, and others, for bringing to the floor a bipartisan, paid-for bill that will protect the rights of the Homebuyers Act of our Foreign Service officers, our military, and the intelligence community.

Mr. CAMP. At this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in strong support of H.R. 3590, the Service Members Home Ownership Tax Act of 2009.

The first-time homebuyer credit gives qualifying consumers a tax refund of up to \$8,000 when buying a primary residence. So far, over 1.4 million Americans have taken advantage of this credit. However, the men and women serving in our Nation's Armed Forces are largely unable to take advantage of this credit. Why? Because the current law requires consumers who utilize the first-time homebuyers' tax credit to repay the credit if they move from the primary residence within 36 months of the closing. This 3-year residency requirement disqualifies many military personnel from taking advantage of the tax credit.

Following the call of the military, armed services members regularly relocate duty stations, thus resulting in an immediate recapture of the credit. That's just not fair to our Armed Forces. Our military personnel, Foreign Service officers, intelligence agents and their families should not be penalized for required moving in service to our Nation. H.R. 3590 eliminates the inequities in the first-time homebuyers tax credit by waiving the 36-

month requirement for servicemembers, Foreign Service officers, and intelligence agents who must sell their homes in connection with Federal orders relating to official extended duty.

With over 116,000 veterans living in my district, I'm keenly aware of issues that are of interest to our military servicemembers. While we can never do enough to thank our men and women in uniform for their service, the Service Members Home Ownership Tax Act of 2009 is one way that we can demonstrate America's commitment to our troops while they are serving.

I thank my colleague from New York, Mr. RANGEL, for introducing this bill. And I'm proud to cosponsor it, and I urge its support. Hopefully the Senate will act in an expeditious manner so that we can truly make sure that this tax benefit extends to our servicemembers.

Mr. BLUMENAUER. Mr. Speaker, it is my pleasure to recognize the gentleman from Wisconsin (Mr. KIND), a tireless champion of veterans with whom I've been pleased to work with on this legislation, for 3 minutes.

Mr. KIND. Mr. Speaker, I rise in strong support of H.R. 3590, and thank my colleague and friend from Oregon, Mr. BLUMENAUER, not only for yielding me the time but for the work that he has put into this important piece of legislation. I also want to thank Chairman RANGEL and Ranking Member CAMP and the other members of the Ways and Means Committee, and the bipartisan support that this legislation has in Congress today. It is the right thing to do for our men and women in uniform.

As my colleague from Tennessee also indicated, Mr. TANNER, it is completely paid for. So it will not add a nickel to our national deficit. And it incorporates a number of very important proposals, including legislation that I had introduced earlier this year with a number of my colleagues to ensure that the men and women who are serving our country abroad are eligible for all the benefits and the opportunities that would be available to them as if they were stationed here in the United States instead of being deployed abroad in a conflict situation where they can't take advantage of these programs because of their deployment.

□ 1445

This sort of equity is the bare minimum that we should extend to these patriotic servicemembers, many of whom are serving us very bravely in very dangerous missions.

Earlier this year, Congress took an important step to rejuvenating the housing market and helping middle class families buy their first home by modifying and extending the First-Time Homebuyer Credit. This important provision provides first-time homebuyers with an \$8,000 tax credit

for homes purchased before November 31, 2009. Unfortunately, again, with our servicemembers serving overseas, they haven't been able to take advantage of that credit.

Earlier this year, I was joined by my colleague and friend from Wisconsin (Mr. KAGEN) along with Representatives SAM JOHNSON and CHARLES BOUTANY, to introduce H.R. 2562, the Service Members Home Ownership Act. All that did was extend the opportunity for our servicemen and -women who are serving us abroad by 1 year the opportunity to take advantage of the first-time homebuyer \$8,000 tax credit.

And with the work that Mr. BLUMENAUER did and his focus on extending that to Foreign Servicemembers deployed overseas and members of our intelligence community, these provisions are reflected in this legislation today.

I do want to thank Chairman RANGEL and others on the committee for understanding the basic equity that's enshrined in this legislation and also for clarifying the tax treatment of the Homeowner's Assistance Program, a program that is administered by the Department of Defense that was expanded in the American Recovery Act that makes it easier for certain members of the military to sell their homes as a result of their service to their country. The passage of this bill today will make sure that this assistance is not taxed as income.

I think these are very simple steps, steps that are necessary and fair to our servicemen and -women, including the largest call-up of National Guard members since World War II in the State of Wisconsin, who are serving us so very well overseas right now under trying and difficult circumstances. But the men and women who put their lives on the line for us every day deserve this kind of treatment from their government.

So I support the legislation, and I strongly encourage the rest of my colleagues to do so.

Mr. CAMP. At this time I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Speaker, I want to thank you and both sides for bringing this legislation to the floor today, the Service Members Home Ownership Tax Act. I got a call last January from a wife of a marine. The marine had been to Iraq twice. And she called me and said, Congressman, we cannot participate in this fine program that's been presented by the Congress of the United States. She said, My husband is getting ready to go back for his third tour. Is there something you can do to help our family?

I went ahead and wrote a letter to Mr. RANGEL and asked him to please, as this session started, to please consider making this necessary change so that our military and their families

could take part in this wonderful program of first-time buyers where they get a benefit of \$8,000.

I want to say to the lady, thank you for the service that you and your husband are giving to this country. And to all those in uniform, thank you for your service. And for those that might benefit from this wonderful bill that's on the floor today, and the families that will benefit, I say to both sides, the Democrats and the Republicans, Mr. RANGEL, Mr. CAMP, and all the members of Ways and Means, thank you for bringing this bill to the floor of the House.

Mr. BLUMENAUER. It is my privilege to yield 2 minutes to a tireless member of the Ways and Means Committee, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Thank you, my friend, Mr. BLUMENAUER. I stand before you to discuss H.R. 3590, the Service Members Home Ownership Tax Act of 2009. I want to congratulate Mr. RANGEL, Mr. CAMP, Mr. BLUMENAUER. This body stands tallest when we work together for our servicemembers. It really reflects the dignity of this body.

And I say this emphatically, that Mr. RANGEL and Mr. CAMP are always there, not only because they have a deep affection for their country, but because they have a deep connection with our service folks who defend us every day. This is the least we can do.

This legislation would extend the first-time homebuyer credit, the time limit by 1 year, for our military members serving outside the United States in 2009. The extension would allow servicemembers currently serving overseas to take advantage of an important tax credit offered to all citizens by the Recovery Act.

Our legislation would protect servicemembers from having to repay the credit if they are called up for service overseas and forced to sell their home within 3 years of purchasing.

Think of this, Mr. Speaker: this bill comes at a time when our servicemembers are challenged with the dual strain of war and economic strife. Taking care of the responsibilities in Iraq and Afghanistan and trying to take care of familial needs—just imagine, just imagine that stress.

The first-time homebuyer credit has already provided tax benefits to a million and a half families. Congress should do everything we can to ensure our servicemembers are also able to take full advantage of the programs we enact to benefit all Americans. And they need to know about it. We have an obligation to communicate to our service folks and our veterans what is available out there, because I think in the past 8 years we have surpassed in attempting to reach out to them so that they know what their benefits are.

I hope this bill sees swift passage in the House and the Senate. It's the right thing to do, Mr. Speaker.

Mr. CAMP. We have no further speakers at this time. I reserve the balance of my time.

Mr. BLUMENAUER. It is my pleasure to recognize for 2 minutes a gentleman who often shares his insights about military families, the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank Mr. BLUMENAUER for yielding. Let me thank Mr. RANGEL and the ranking member for their work on the committee, and all the members who have worked on it. I'm a proud cosponsor of H.R. 3590.

My congressional district includes Fort Bragg and Pope Air Force Base and is home to thousands of our brave military men and women, many of whom have been subject to multiple deployments, as well as the 30th Heavy Brigade National Guard Units, who are currently serving their second tour in Iraq.

This bill makes sure that servicemembers are able to take full advantages of the benefits available to all Americans, and I commend all of my colleagues who have worked on this and made a difference.

Under H.R. 3590, personnel overseas would have an extra year to take advantage of the first-time homebuyer tax credit. As an Army veteran myself, I understand that military members are subject to orders that may require them to uproot their homes and their families, move to another base, or even be shipped overseas with just a short notice. This bill would allow folks to keep the tax credit even if they have to sell their homes due to military relocations within 3 years of their home's purchase.

The first-time homebuyers tax credit has helped more, as you have already heard today, more than a million and a half homeowners. While the sluggish housing industry has been in a very difficult time, it's helped stimulate it. So let's help extend this successful provision to those Americans who are sacrificing so much for all of us.

Mr. Speaker, we've already heard today that this bill is paid for. It is bipartisan. It deserves not only our total support, but our trust that the Senate will move quickly and send it to the President of the United States for his signature.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I'm pleased to recognize for 2 minutes a gentleman who's been long active on this issue, the gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Mr. Speaker, I rise in strong support of H.R. 3590. I wish to compliment Mr. CAMP, Mr. BLUMENAUER, and everyone who's had a contribution to making this a very good bill. It's about teamwork. It's about making certain that our soldiers, our service men and women, have the support they need before, during, and after

they've been deployed. And certainly everyone here would agree that our service men and women shouldn't be punished for going overseas to serve our Nation anyplace, let alone Iraq or Afghanistan.

In April of this year I received a telephone call from the Kavanaugh family. Jerry in Kaukauna called up to say he was concerned his son might not be able to take advantage of the first-time homebuyer tax credit of nearly \$8,000. He wouldn't be able to take advantage of this because he was being deployed once more overseas.

Well, I think it's time to work together. We came up with a bill with RON KIND to address this issue, and it has been improved upon by the Ways and Means Committee.

Over 1.4 million people have already taken advantage of the First-Time HomeBuyer Act, and now it's a great opportunity for all service men and women to consider coming home and taking advantage of this opportunity to solidify not just their own home but the housing market here across the country.

I wish to honor all service men and women who have served overseas. I wish to thank as well Chairman RANGEL; Representatives BOUSTANY and JOHNSON, who also worked with me on preparing legislation that has been morphed into this act.

Again, I thank you for the hard work and teamwork to mend our Nation and make certain our service men and women are made whole when they return.

Mr. CAMP. I reserve the balance of my time.

Mr. BLUMENAUER. At this time I'm pleased to yield 2 minutes to a tireless champion of Las Vegas, the gentleman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman for the recognition. I rise in support of this important piece of legislation. This bill would ensure that members of the U.S. military, the Foreign Service, or the intelligence community who are deployed overseas are not penalized by the requirement to repay the first-time homebuyer tax credit.

For those who have been stationed abroad for at least 90 days this year, it would also provide an additional year to qualify for the first-time homebuyer tax credit. This would include the 1st Squadron, 221st Cavalry out of Las Vegas, Nevada, and the 1st Battalion of the 168th Medevac Unit of the Nevada National Guard. Both are deployed overseas in Afghanistan on behalf of their Nation.

The brave men and women who selflessly serve this country should not be penalized because of their commitment to our Nation. This legislation ensures that they do not miss out on the important housing tax benefit.

I encourage my colleagues to support the passage of this bill.

Mr. CAMP. Mr. Speaker, I would just yield back the balance of my time and urge support for H.R. 3560, the Service Members Home Ownership Tax Act of 2009.

Mr. BLUMENAUER. I would express my appreciation to Mr. CAMP and his team for helping move this legislation through in a bipartisan and expeditious fashion.

I would conclude, Mr. Speaker, by saying you have heard today strong testimony from people on both sides of the aisle why this legislation is important. Over the course of the last 6 months I've had an opportunity to make it personal in terms of Oregonians: people in the Peace Corps, in the Foreign Service in Swaziland, in China, in Mozambique, who are posted overseas but for whom their roots are still here. We want to make sure that it makes a difference for them.

Likewise, in Oregon we have significant deployment of our 41st Brigade of the Oregon National Guard who will be serving in Iraq and scheduled to not return until the spring of 2010. It's personal for all of these people.

□ 1500

It's a pleasure to see the rapid response to respond to the needs of these Americans serving abroad.

I note that this legislation is endorsed by The American Legion, the Military Officers Association of America, the National Association of Home Builders, the National Association of Realtors, the National Military Family Association and Veterans of Foreign Wars of the United States.

I strongly urge my colleagues to add their support to this bill and give the men and women who serve our country the same opportunity as other Americans to own a home.

Mr. CALVERT. Mr. Speaker, the Service Members Home Ownership Tax Act is a good bill that extends the availability of the homebuyer tax credit to our servicemembers serving our country overseas. The homebuyer tax credit has proven to be an effective measure in stimulating our housing market, and I'm hopeful more of our servicemembers will be able to use it now that it is being extended.

In fact, I know that many members, including myself, support extending the homebuyer tax credit for everyone. I have a bill, the Homebuyer Tax Credit Act, H.R. 1245, that would extend and expand the tax credit. My bill has almost fifty cosponsors and I am aware of other bills that have been introduced to extend the homebuyer tax credit.

I am hopeful that in addition to passing this bill today, the House leadership and the Ways and Means Committee will act on a broader extension of the homebuyer tax credit in the near future.

Mr. SKELTON. Mr. Speaker, first let me thank my good friend and a valued member of the House Armed Services Committee, WALTER B. JONES of North Carolina, for introducing the first bill in the House to fix the first time homebuyer tax issue for our servicemembers.

Mr. JONES is a good friend of the military, and I was proud to join him in this effort.

Let me also thank Ways and Means Committee Chairman CHARLIE RANGEL, a Korean war veteran and supporter of our troops, for recognizing that we needed to improve the Federal Tax Code for military personnel and their families and for wrapping together several related tax bills into the legislation we are considering today, the Service Members Home Ownership Tax Act.

The first time homebuyer tax credit, which was enacted as part of the American Recovery and Reinvestment Act, has been popular with the American people and has had a positive impact on the economy.

Since the tax credit took effect, home sales have increased and there have been glimpses of price stability in the housing market. While much work remains before a full recovery can be achieved in the real estate sector, this tax credit has produced results.

To qualify for the tax credit, a first time homebuyer must meet certain criteria, including a stipulation that he or she live in the house as a primary residence for 3 years or be forced to repay the credit to the Federal Government.

For those military personnel, Foreign Service officers, and intelligence officers who wish to purchase their first home but who might be required by government orders to move duty stations within a 3-year window, this stipulation has proven problematic.

To fix it, I recently co-authored the Service Members Home Ownership Tax Act, which would waive the repayment clause if the servicemember, State Department official, or intelligence officer receives official orders and is forced to sell his or her house within that 3-year window.

The measure would also allow qualifying Defense and State Department personnel and intelligence personnel who have served outside the United States for at least 90 days in 2009 to have an additional year to participate in the first time homebuyer tax credit, which is currently scheduled to expire on November 30, 2009.

In addition to these particular changes, the legislation would ensure that certain payments under the Department of Defense Homeowner's Assistance Program are exempt from taxation.

The Service Members Home Ownership Tax Act is important for our troops and their families and would foster economic activity in areas near military bases. I urge its quick passage in the House of Representatives.

Mr. BACA. Mr. Speaker, I ask for unanimous consent to address the House for one minute.

I stand in support of H.R. 3590 and commend Representative RANGEL for his leadership in protecting the livelihoods of our service men and women.

H.R. 3590 extends the first-time homebuyer tax credit for one year for qualifying service members and waives the recapture requirement for service members if they are forced to sell their home within three years because of a change in duty station.

The first-time homebuyer program works. We have already seen positive results.

According to the National Association of Home Builders, approximately 200,000 addi-

tional home sales are attributable to the present-law tax credit and that it has resulted in a net increase of 187,000 jobs.

H.R. 3590 will allow more families to buy a home and help our economy.

I am hopeful that we will extend the credit for all Americans, but I am most grateful that today we will do the right thing and provide this incentive to our service men and women.

It is in the top five for highest number of foreclosures.

Mr. MITCHELL. Mr. Speaker, I rise today on behalf of America's service members who devote their lives to defending and serving this great country.

The Service Members Home Ownership Tax Act of 2009, H.R. 3590, will help strengthen our Nation's housing industry while ensuring that our honorable service men and women can take full advantage of the benefits they have earned through their service and sacrifice.

Earlier this year, we enacted a temporary \$8000 tax credit for first time-time homebuyers.

So far, the tax credit has worked. According to Moody's chief economist Mark Zandi, almost 400,000 new and existing home sales are attributable to the tax break.

In the Phoenix metropolitan area—we have seen a growth in first-time home sales, especially of homes below \$150,000. According to at least one recent survey, home sales reached 9,614 in June, up 11 percent from May.

Current law, however, requires first-time homebuyers who use the \$8,000 tax credit to repay the credit if they move from their principal residence within three years of closing.

This is a problem for service members, who are often required to redeploy overseas within a three year period. We need to ensure that service members are not adversely impacted by simply carrying out their duties.

The Service Members Home Ownership Tax Act of 2009, would exempt service members from the repayment requirement if they are deployed overseas within three years of using the home buyer tax credit.

I encourage my colleagues to honor the men and women who serve this country and pass this important legislation.

Mr. MAFFEI. Mr. Speaker, today, I rise in support of H.R. 3590, the Service Members Home Ownership Tax Act. It is important that the brave men and women currently serving our country have an opportunity to take advantage of programs such as the First-Time Homebuyer Tax Credit. I was proud to introduce similar legislation with the same goal of extending the opportunity for service men and women to take advantage of the tax credit for twelve months. I ask that all my colleagues support the Service Members Home Ownership Tax Act.

Currently, there are approximately 190,000 U.S. troops fighting wars in Iraq and Afghanistan. They are making the ultimate sacrifice for their country. These brave men and women are putting their lives on the line every single day, and we, in Congress, must do all in our power to ensure that they are not excluded from participating in programs like the First-time Homebuyer Tax Credit because they are overseas.

In fact, a constituent of mine called my office to ask if anything was going to be done to ensure his son, a soldier, could benefit from the First-time Homebuyer Tax Credit. While these brave men and women are sacrificing to serve our country, we must ensure that they can take advantage of the same economic recovery resources the rest of us are enjoying.

The Service Members Home Ownership Tax Act also makes sure that members of the armed services are not required to pay back the tax credit if they are forced to sell their home because they have been deployed to a different location. This legislation, like mine, shows Congress's commitment to our troops, and I encourage other Members to join me in supporting the Service Members Home Ownership Tax Act.

Mr. BLUMENAUER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. BLUMENAUER) that the House suspend the rules and pass the bill, H.R. 3590.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BLUMENAUER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

**PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 1016, VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009**

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 804) providing for the concurrence by the House in the Senate amendment to H.R. 1016, with amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

**H. RES. 804**

*Resolved*, That upon the adoption of this resolution the bill (H.R. 1016) entitled "An Act to amend title 38, United States Code, to provide advance appropriations authority for certain medical care accounts of the Department of Veterans Affairs, and for other purposes", with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the following amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Veterans Health Care Budget Reform and Transparency Act of 2009".

**SEC. 2. PRESIDENT'S BUDGET SUBMISSION.**

Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(36) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

"(A) Medical Services.

"(B) Medical Support and Compliance.

"(C) Medical Facilities."

**SEC. 3. ADVANCE APPROPRIATIONS FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 116 the following new section:

**"§ 117. Advance appropriations for certain medical care accounts**

"(a) IN GENERAL.—For each fiscal year, beginning with fiscal year 2011, discretionary new budget authority provided in an appropriations Act for the medical care accounts of the Department shall—

"(1) be made available for that fiscal year; and

"(2) include, for each such account, advance discretionary new budget authority that first becomes available for the first fiscal year after the budget year.

"(b) ESTIMATES REQUIRED.—The Secretary shall include in documents submitted to Congress in support of the President's budget submitted pursuant to section 1105 of title 31, United States Code, detailed estimates of the funds necessary for the medical care accounts of the Department for the fiscal year following the fiscal year for which the budget is submitted.

"(c) MEDICAL CARE ACCOUNTS.—For purposes of this section, the term 'medical care accounts of the Department' means the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

"(1) Medical Services.

"(2) Medical Support and Compliance.

"(3) Medical Facilities.

"(d) ANNUAL REPORT.—Not later than July 31 of each year, the Secretary shall submit to Congress an annual report on the sufficiency of the Department's resources for the next fiscal year beginning after the date of the submittal of the report for the provision of medical care. Such report shall also include estimates of the workload and demand data for that fiscal year."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113 the following new line:

"117. Advance appropriations for certain medical care accounts."

**SEC. 4. COMPTROLLER GENERAL REVIEW OF THE ACCURACY OF VA MEDICAL CARE BUDGET SUBMISSION IN RELATION TO BASELINE HEALTH CARE MODEL PROJECTION.**

(a) REVIEW OF ACCURACY OF MEDICAL CARE BUDGET SUBMISSION.—The Comptroller General shall conduct a review of each budget of the President for a fiscal year that is submitted to Congress pursuant to section 1105(a) of title 31 in order to assess whether or not the relevant components of the amounts requested in such budget for such fiscal year for the medical care accounts of the Department of Veterans Affairs specified in section 117(c) of title 38, United States Code, as added by section 3, are consistent with estimates of the resources required by the Department for the provision of medical care and services in such fiscal year, as forecast using the Enrollee Health Care Projection Model, or other methodologies used by the Department.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate and the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives and to the Secretary a report on the review conducted under subsection (a).

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) An assessment of the review conducted under subsection (a).

(B) The basis for such assessment.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I rise in support of the Veterans Health Care Budget Reform and Transparency Act of 2009.

Mr. Speaker, this is a very important bill. It's a whole new approach to the funding of Veterans Administration health care programs, one that will allow our Nation's veterans to receive timely, high quality and well-funded care regardless of political considerations that go into the budget process every year. I'm glad I was able to work with my colleagues in the Committee on Veterans' Affairs in both the House and the Senate to get this bill to the House floor today.

This is a bipartisan response to years of chronic underfunding of VA medical care and happens to be the highest legislative priority of veterans' groups in this Nation.

In an unprecedented step, Mr. Speaker, nine veterans' groups formed the Partnership for Veterans Health Care Budget Reform. These groups, including The American Legion, AMVETS, Blinded Veterans Association, Disabled American Veterans, Jewish War Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, Veterans of Foreign Wars, and the Vietnam Veterans of America all formed together to advocate for a VA health care budget that is sufficient, timely and predictable.

In fact, the leadership of one of the prime organizations that took the leadership in this fight, the Disabled American Veterans, are watching this debate from the gallery. Their national commander, Bobby Barrera; their executive director, Dave Gorman; and their legislative director, Joe Violante, are watching this, and we thank them for their leadership in this fight.

These groups put together the idea that resources for VA health care should be provided through advance appropriations, so that when the fiscal year starts on October 1, the VA will already have its budget figure regardless of what occurred in the year's budget that was funding other agencies. The result of their advocacy is H.R. 1016, which will pass as we pass the resolution before us on the floor.

The VA budget, in fact, has been in place at the start of the fiscal year only four times in the last two decades. We all felt that this delay in providing vital funding, for whatever reasons that were going on in the House and the Senate, put the provision of health care to veterans at risk and hampered the VA's ability to plan its health care expenditures and hire needed health care professionals. This was a concern that was shared by current and former VA officials.

Again this year the VA was forced to rely on funding from a continuing resolution, even though the House acted in a timely fashion and passed the FY 2010 VA spending bill in July.

The House passed its version of the forward funding bill by a vote of 409-1 this June. Our other colleagues in the Senate acted in August, and the version of the legislation before us represents a compromise agreement between us and our colleagues on the Senate Committee on Veterans' Affairs.

The bill will ensure that VA can best plan and utilize taxpayer dollars to provide veterans with the health care they have earned and deserve. It provides a framework with which we can realize advance appropriations for VA medical care accounts.

As part of the annual budget submission, the President will be required to submit a request for certain VA accounts for the "fiscal year following the fiscal year for which the budget is submitted." For example, as part of the administration's fiscal year 2011 budget, the President will include budget estimates for VA medical care accounts for fiscal year 2012. The VA will be required to detail estimates in the budget documents it submits annually to Congress.

Each July, the VA will be required to report to Congress if it has the resources it needs in the upcoming fiscal year in order for Congress to address any funding imbalances. This will help to safeguard against the VA facing budget shortfalls such as it faced several years ago.

Finally, the Government Accountability Office will report, within 120 days of the annual budget submission, whether VA's advance appropriations requests are in line with workload and cost estimates and the VA's budget model. It sounds a little complicated. It was worked out by, as I said, this really hardworking coalition of vet-

erans' organizations and, in fact, bottom line and simple, it will make sure that a year in advance, the VA will be funded appropriately.

I want to thank both the Appropriations and the Budget Committees for their assistance in moving this measure forward. The Budget Committee, for example, in the fiscal year 2010 budget resolution provided explicit language exempting the three medical care accounts of the VA, the accounts covered by the compromise agreement on H.R. 1016, from many points of order against advance appropriations. The Appropriations Committee, under the leadership of Chairman OBEY and Chairman EDWARDS, provided for advance appropriations for the three medical care accounts representing an 8 percent increase above the historic levels provided for fiscal year 2010.

Mr. Speaker, I would like to insert a copy of the letter from the veterans' groups comprising the Partnership for Veterans Health Care Budget Reform expressing their full support of this measure and an explanatory statement on the bill in the CONGRESSIONAL RECORD.

By working together, Congress and the administration have provided veterans with their top legislative priority. They spoke, we listened, and today we are acting. I ask the rest of the House to join once again in unanimous support of this bipartisan bill and ask for swift action by the Senate before the end of this session.

THE PARTNERSHIP FOR VETERANS  
HEALTH CARE BUDGET REFORM,  
Washington, DC, September 29, 2009.

Hon. BOB FILNER,  
Chairman, House Committee on Veterans' Affairs,  
Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN FILNER: On behalf of the Partnership for Veterans Health Care Budget Reform, we write to fully endorse the substitute amendment that you intend to offer to H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act. We understand that this amendment has been developed in cooperation with Senate Veterans' Affairs Committee Chairman Akaka and Ranking Member Burr, who join you in support of this new language. We agree with all of you that adoption and enactment of H.R. 1016, as amended by this substitute amendment, will lead to VA health care funding that is sufficient, timely and predictable.

The Partnership, comprised of nine leading veterans service organizations, has long sought a solution to the recurring budget problems that have plagued the VA health care system for most of the past two decades. Last year we began advocating that Congress provide advance appropriations for VA medical care and we were grateful that you introduced legislation to authorize this funding reform. We supported your reintroduction of this legislation (H.R. 1016) in February and fully supported the substitute amendment you offered during the Committee's markup in June, that was subsequently approved by the full House with a vote of 409 to 1 on June 23rd. That amendment would add important new budget reporting provisions for VA medical care and would increase

transparency of the advance appropriation process, strengthening the legislation.

The compromise substitute amendment you plan to offer on the House floor retains these provisions and makes two other modifications. First, your new amendment provides the Government Accountability Office, GAO, with 120 days from the time the President submits his budget to Congress to review and report on whether the level of funding requested for VA's medical care accounts is consistent with the estimates generated by VA's Enrollee Health Care Projection Model. With this change, GAO would have ample time to complete the review and still report in a timeframe that allows Congress to consider this information before finalizing future appropriations levels for VA health care.

Second, this compromise amendment limits VA's advance appropriations to the three medical care accounts, Medical Services, Medical Facilities, and Medical Support and Compliance, contained in our original proposal, removing the two additional ones, Medical and Prosthetic Research, and Information Technology, added during the Committee's markup. We understand the reasons for this modification and support your compromise position. However, we expect that the Committee will closely monitor implementation of this legislation and carefully consider whether VA health care would be enhanced if additional budget accounts, such as IT and research, were similarly appropriated in advance.

Mr. Chairman, the Partnership has worked for over two decades to enact legislation that would assure sufficient, timely and predictable funding for VA health care. With your leadership, and that of Chairman Akaka, Ranking Member Burr and others, as well as the crucial support of President Obama, we are closer than ever to achieving an historic legislative victory on behalf of all veterans. We thank you for all that you have done to support these efforts, and look forward to working with you on future matters of importance to the men and women who have served, are serving, and will serve in our nation's armed forces.

Respectfully,

Steve Robertson, Legislative Director,  
The American Legion; Thomas  
Zampieri, Director of Government Relations,  
Blinded Veterans Association;  
Herb Rosenbleeth, National Executive Director,  
Jewish War Veterans of the USA;  
Carl Blake, Legislative Director,  
Paralyzed Veterans of America;  
Rick Weidman, Director of Government Relations,  
Vietnam Veterans of America, Inc.;  
Raymond C. Kelley, National Legislative Director,  
AMVETS (American Veterans);  
Joseph A. Violante, National Legislative Director,  
Disabled American Veterans;  
Hershel Gober, National Legislative Director,  
Military Order of the Purple Heart of the USA;  
Dennis Cullinan, Legislative Director,  
Veterans of Foreign Wars of the United States.

EXPLANATORY STATEMENT SUBMITTED BY MR. FILNER, CHAIRMAN OF THE HOUSE COMMITTEE ON VETERANS' AFFAIRS, REGARDING THE AMENDMENT OF THE HOUSE OF REPRESENTATIVES TO THE SENATE AMENDMENT TO H.R. 1016

VETERANS HEALTH CARE BUDGET REFORM AND  
TRANSPARENCY ACT OF 2009

H.R. 1016, as amended, the "Veterans Health Care Budget Reform and Transparency Act of 2009," reflects a Compromise



Agreement reached by the Senate and House Committees on Veterans' Affairs (the Committees) on the following bills reported during the 111th Congress: H.R. 1016, as amended (House bill); S. 423 (Senate bill). H.R. 1016, as amended, passed by the House of Representatives on June 23, 2009. The text of S. 423 passed the Senate as a substitute amendment to the House bill on August 6, 2009.

The Committees have prepared the following explanation of H.R. 1016, as further amended to reflect a compromise agreement between the Committees (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of the Senate Bill and the House Bill are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

#### *Section 1. Short title*

Both the House bill (section 1) and the Senate bill (section 1) would provide the short title as the "Veterans Health Care Budget Reform and Transparency Act of 2009."

The Compromise Agreement contains this provision.

#### *Section 2. President's budget submission*

The House bill (section 3) would amend section 1105 of title 31, United States Code, to require the President to submit information on the estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the Medical Services, Medical Support and Compliance, Medical Facilities, Information Technology Systems, and Medical and Prosthetic Research accounts of the Department of Veterans Affairs.

The Senate bill contains no similar provision.

The Compromise Agreement contains the House provision but modifies it to require information on the estimates for three accounts: the Medical Services, Medical Support and Compliance, and Medical Facilities accounts.

#### *Section 3. Advance appropriations for certain medical care accounts of the Department of Veterans Affairs*

The House bill (section 4) would amend title 38, United States Code, to add a new section providing authority, beginning with fiscal year 2011, for the provision of advance appropriations for the Medical Services, Medical Support and Compliance, Medical Facilities, Information Technology Systems, and Medical and Prosthetic Research accounts of the Department of Veterans Affairs. The new section would require the Department of Veterans Affairs to provide additional detailed budget estimates in support of advance appropriations for these accounts in the annual information it provides to Congress in support of the Department's budget request. The House bill would also require a report to be submitted annually to Congress, no later than July 31 of each year, on the sufficiency of the Department's resources for the fiscal year beginning after the date of the submission of the report for the provision of medical care and include estimates of the workload and demand data for that fiscal year.

The Senate bill (section 3) would amend title 38, United States Code, to add a new section providing that, beginning with fiscal year 2011, new discretionary budget authority for the provision of advance appropriations for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Department of Veterans Af-

fairs, shall be made available for the fiscal year involved, and shall include new discretionary budget authority for such accounts that become available for the first fiscal year after such fiscal year.

The Compromise Agreement contains the House provision modified to include only the three accounts specified in the Senate bill.

#### *Section 4. Comptroller General review of the accuracy of VA medical care budget submissions in relation to baseline health care model projection*

Both the House bill (section 5) and the Senate bill (section 4) would provide for enhanced oversight of the Department of Veterans Affairs budget process by requiring the Comptroller General to conduct a study of the adequacy and accuracy of baseline model projections for health care expenditures. Both the House bill and Senate bill would require the Comptroller General to submit reports on the dates in 2011, 2012, and 2013 that the President submits a budget request for the next fiscal year, to appropriate Committees of Congress and to the Secretary of Veterans Affairs, containing statements of whether the amounts requested in the budget by the President are consistent with anticipated expenditures for health care in such fiscal year as determined utilizing the Enrollee Health Care Projection Model, its equivalent, or other methodologies.

The Compromise Agreement contains this provision modified to require the annual reports to be submitted not later than 120 days after the submission of the President's budget and to include an assessment of the review conducted by the Comptroller General as to whether or not the relevant components of the budget request are consistent with the estimates of the Department of Veterans Affairs for the provision of medical care and services. The Committees have selected a 120-day deadline to give the Comptroller General sufficient time to review the President's budget following its submission and to, at the very least, inform the deliberations of the House and Senate Appropriations Committees prior to their consideration of VA appropriations bills. However, it is the Committees' desire that, notwithstanding the 120-day deadline, the reports under this section be submitted as quickly as possible after submission of the President's budget request so as to be useful by the Committees in meeting their responsibilities under the Congressional Budget Act of 1974 to provide views and estimates on matters within their jurisdiction to the House and Senate Budget Committees, as well as during deliberation on annual Congressional budget resolutions.

#### PROVISIONS NOT ADOPTED

Section 2 of the House bill would express the Sense of the Congress that the provision of health care services to veterans could be more effectively and efficiently planned and managed if funding was provided for the management and provision of such services in the form of advance appropriations.

Section 2 of the Senate amendment expresses Congressional findings which support the need for enactment of advance appropriations for VA medical care.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of House Resolution 804, a resolution providing for the concurrence by the House in the Senate

amendment to H.R. 1016, with amendments.

I want to thank my committee chair, Mr. FILNER. With this important legislation, he responded to the needs of our veterans who depend on the Veterans Health Administration.

This resolution represents an agreement between the Chambers and provides for advance appropriations authority for certain medical care accounts for the Department of Veterans Affairs. An advance appropriations means that Congress would approve funding for VA health care accounts 1 year in advance of the actual fiscal year in which the funding would become available.

The impetus for this legislation is clearly evident as last week we began a new fiscal year with a continuing resolution, because once again Congress failed to pass the annual funding for veterans health care on time. In fact, VA has received a timely budget on only four occasions during the last 21 years.

It is a disservice to our veterans and wounded warriors when legislative budgetary impasses delay funding and prevent VA from effectively planning for the day-to-day operations of its health care system.

It is disappointing, however, that the compromise agreement would provide for advance appropriations for just three VA accounts, Medical Services, Medical Support and Compliance, and Medical Facilities. It should also include advance appropriations for the information technology account and medical and prosthetic research accounts.

The former Chair and current ranking member of the VA Committee, STEVE BUYER, made a strong argument that the IT and research accounts should be included in any advance appropriations because they are closely related to the previously mentioned accounts, and having separate funding mechanisms could lead to unintended consequences.

The members of the VA Committee, including the chairman, recognized the importance of keeping the accounts together and included them in the House-passed bill.

Adding the IT accounts was also a recommendation of the Secretary of Veterans Affairs, Eric Shinseki. Likewise the Congressional Research Service analysis of advance appropriations gave support to including both accounts. It is unfortunate that the House position did not prevail in the compromise agreement. Inclusion of these accounts would have greatly improved the bill by providing a more comprehensive funding method for veterans' medical care needs.

Nonetheless, the legislation is a very positive development for the VA budgeting process. It will provide a procedure that could allow more predictable

funding. It would not guarantee the VA or Congress that we will get the amount of the veterans health care budget exactly right.

We must continue to work hard for the benefit of our veterans to get the VA budget as close as possible to the intended results. Implementation of this legislation will require strong congressional oversight to ensure we meet our objectives.

Mr. Speaker, this resolution is a new approach in trying to remove the uncertainty from veterans' health care and its funding, and is strongly supported, as the chairman said, by the Partnership for Veterans Health Care Budget Reform, a coalition of nine veterans service organizations.

I want to congratulate the chairman, and I strongly urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. FILNER. As I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD), I would just remind the gentleman from Florida that when the Senate saw that the prime mover of the amendment that put those two extra accounts in the bill was the only one in the House that voted against the bill that was sent to the Senate, they didn't take that too seriously. I just would remind the gentleman.

Mr. MICHAUD. Thank you very much, Mr. Chairman.

I rise in strong support of the Veterans Health Care Budget Reform and Transparency Act of 2009.

I am here today as original cosponsor of this legislation. I would like to express my appreciation for all of the work that the chairman has done on this legislation bringing it to the floor.

This bill accomplishes a simple but crucial goal that we all share, to provide family funding for veterans health care.

I represent the State of Maine with 1.3 million people. Out of that number, 155,000 are veterans. Maine is a State that works hard to honor our veterans. The talented and dedicated professional workers at Togus VA Medical Center do a terrific job. So do our community-based outpatient clinics and all VA partners. But all too often the VA's ability to provide the best possible care has been hamstrung by the appropriations process. In some cases VA has not been funded until after the beginning of the fiscal year. As a result, maintenance of facilities, cost-saving investments in technology, and ultimately care for our veterans was delayed or put in jeopardy. This cannot be allowed to occur when we are dealing with our veterans' health care benefits.

This is a bill that is timely. The bill will provide timely, sufficient and predictable funding streams for VA, and that is exactly what this legislation is designed to do.

Passage of this legislation today is a huge step that will help make sure our

veterans get access to the best possible care. I want to urge my colleagues to support it. I want to thank all the members of the Veterans' Affairs Committee for their willingness to move this legislation forward because it will make a difference in veterans' lives.

Finally, I want to thank the veterans service organizations for all their tenacity and hard work in getting this legislation through the committee and through Congress.

Mr. BILIRAKIS. I will continue to reserve.

Mr. FILNER. Mr. Speaker, I would yield 2 minutes to the gentlewoman from Illinois (Mrs. HALVORSON) who as a new Member has been an incredibly active and committed member of our committee.

□ 1515

Mrs. HALVORSON. Thank you, Mr. Chairman.

I rise in support of passage of H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act of 2009, which was introduced under the leadership of Chairman FILNER. I want to thank Mr. FILNER and the Subcommittee on Health chairman, Mr. MICHAUD, for their great leadership on this issue. This is an urgent issue for our country's veterans.

Almost 5.5 million people received care in VA health care facilities in 2008, and the VA's outpatient clinics registered over 60 million visits. This is one of the largest health care providers in the country. However, in fiscal 2009, for only one of the third or fourth times in the past 20 years, the VA received its budget prior to the start of the new fiscal year. So it isn't reasonable to expect that one of the largest and fastest-growing health care providers in the country can operate in the most efficient and effective manner if they don't even know what their budget is going to be. So this situation harms the VA's ability to plan services and deliver quality health care.

As we saw again this year, the VA will be forced to defer planning until Congress can complete its budget and appropriations work for the year. Medical staff cannot be hired, equipment cannot be procured, waiting times increase, and the quality of care suffers. So H.R. 1016 will solve many of these problems by funding the VA 1 year in advance. This bill will help the VA spend taxpayer money more efficiently while at the same time providing better and more comprehensive care for our veterans. H.R. 1016 will make sure that the VA has the resources that it needs to provide quality care in a timely manner without having to question what funds will be available next month.

So I'm here today in an attempt to serve our veterans' best interests and to fight to make sure that they receive the best care possible. I urge my col-

leagues to join me in accomplishing these goals by voting "yes" on H.R. 1016, as amended.

Mr. BILIRAKIS. I continue to reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield 3 minutes to another new Member who has been a great addition to our committee, the gentleman from New Mexico (Mr. TEAGUE).

Mr. TEAGUE. Mr. Speaker, I rise today to speak in support of H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act of 2009. I would like to thank the distinguished gentleman from California, BOB FILNER, for introducing this bill. I'm happy to be a cosponsor of the legislation, but it is through his leadership as chairman of the Committee on Veterans Affairs that we will finally be able to make advance appropriations of the VA's health budget a reality.

It's not right that we lapse in our care for our veterans when they never lapsed in the defense of our country, and it's not right that out of the last 22 budgets that were passed for the VA, 19 have been late. Our veterans served their country and provided us the security we often take for granted, and we owe them quality health care.

Without a predictable and on-time funding source, it is difficult, or impossible, for the VA to provide our veterans with the high level of health care and services they deserve. That is why I led 50 Members of Congress to demand a provision allowing for advance appropriations in the fiscal year 2010 budget, and we were fortunate enough to convince the Budget Conference Committee to support it.

As a result of allowing for advance appropriations in the budget, the Appropriations Committee decided that the Military Construction and VA spending bill should contain \$48.2 billion in advance appropriations for the VA for fiscal year 2011. This represents a 15 percent increase over fiscal year 2009 levels and a step in the right direction for veterans' health care.

Many people have compared advance appropriations to a family budget. A family needs to know how much their income is before they know what they can spend. I think that about sums up why we need this bill. I think that it's about common sense and being responsible.

As a businessman, I never tried to make a purchase without knowing what my budget was going to be. I had to plan ahead and have a roadmap for all of the company's finances. Because the VA is a direct provider of services, they need to have the same ability to plan ahead. It's about delivering a quality service for our veterans.

I urge my colleagues to take this giant step in improving the VA's ability to deliver quality health care services to our Nation's veterans.

Mr. BILIRAKIS. Mr. Speaker, I would ask if the gentleman from California has additional speakers.

Mr. FILNER. I do have more speakers, yes.

Mr. BILIRAKIS. I will continue to reserve the balance of my time.

Mr. FILNER. How much time do I have left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from California has 7 minutes remaining.

Mr. FILNER. I yield 2 minutes to another new member of our committee who has, again, given us a great commitment and energy to the cause of veterans, the gentleman from Virginia (Mr. NYE).

Mr. NYE. Mr. Speaker, I would like to thank Chairman FILNER for his leadership on this issue and also Chairman MICHAUD. I am proud to rise in support of this legislation that will bring a commonsense solution to a long-standing problem.

For far too long, the VA health care system has been plagued with budgets that were too little, too late. Insufficient funding for veterans' health care leads to waiting lists, delayed care and veterans being turned away from VA hospitals and clinics. Underfunding threatens the very quality of care that the VA has worked so hard to achieve.

But just as important as how much funding the VA receives is when the VA receives that funding. With just three exceptions, the budget has been late for 20 of the past 23 years, this year included. When funding is late, the budget levels are uncertain, and it makes it harder to plan ahead for the needs of our veterans.

H.R. 1016 will solve this problem by authorizing VA's medical care budget in advance. Moreover, to help ensure that we have sufficient funding, H.R. 1016 adds transparency to the budget process by requiring the Government Accountability Office to audit the VA's internal budget. This way, we can see if the budget request accurately reflects the projected needs of our veterans.

Mr. Speaker, the commitment of our men and women in uniform does not stop at the end of the fiscal year nor do the needs of our veterans. Our soldiers, sailors, airmen and marines stand ready to defend our Nation whenever they are called upon. We can plan for the future security of the United States because we know that our troops will be there. We owe them that same commitment in return.

The passage of this legislation is critical to ensure that our veterans receive their benefits on time, and it will allow the VA to plan ahead to meet the needs of the new veterans returning home each day from Iraq and Afghanistan. No longer can we allow the care of our Nation's veterans to be affected by the unstable budgetary process.

I am proud to support this legislation. I urge my colleagues to do the same.

Mr. BILIRAKIS. I will continue to reserve the balance of my time, Mr. Speaker.

Mr. FILNER. I yield myself 30 seconds just to say something I forgot when I introduced the gentleman from Maine (Mr. MICHAUD).

In this process, there was a time when the executive branch seemed to waiver in its commitment to this effort, and Mr. MICHAUD's tenacity and his steadfast support of this makes sure that we continue down this path. I want to thank him for doing that.

I yield as much time as he may consume to Mr. HARE from Illinois, a former member of the committee, who I wish was still on our committee.

Mr. HARE. Mr. Speaker, I rise in strong support of H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act of 2009. I would like to thank Chairman FILNER for introducing this very important bill.

In the 110th Congress, we gave the VA its largest funding increase in 77 years, and we gave it to them on time; but sadly, punctual VA funding has not always been the case. The VA received its annual funding for health care programs late in 19 of the last 22 years. This record of tardiness is deplorable. With the ongoing wars in Iraq and Afghanistan, the time to fix the broken system is now.

Late funding is more than a missed deadline. It is a veteran with posttraumatic stress disorder who cannot access the treatment that he or she needs. It's an injured hero who must wait for a prosthetic. It is the VA in disarray at a time when our wounded warriors are counting on the Department's services. That is why, in the last Congress, I introduced the Assured Funding for Veterans Health Care Act.

Like the bill I introduced, advance appropriations is a means to an end. That end is ensuring veterans receive the best care possible from a VA that has access to timely, sufficient, and predictable resources. The legislation we are considering today will do just that. It will allow the VA to effectively budget and manage its health care programs and services, meaning it can hire the appropriate number of doctors, nurses, clinicians, and support staff to meet the demand for high-quality medical care for our Nation's veterans. Anything less is unacceptable.

I would also like to acknowledge and commend Chairmen OBEY and EDWARDS for their strong proactive leadership in putting in an advance appropriation for VA health care in the fiscal year 2010 Military Construction and Veterans Affairs Appropriations bill. The bill that we're voting on today has been slightly amended from a version which the House passed earlier this Congress by a margin of 409-1. I enthusiastically support H.R. 1016.

I want to once again thank Chairman BOB FILNER for drafting a bill that will ensure that the VA has sufficient, timely, and predictable funding.

Mr. Speaker, I urge all my colleagues to support this legislation.

Mr. BILIRAKIS. Mr. Speaker, this compromise agreement will finally provide advance appropriations beginning for the fiscal year 2011 for three VA medical accounts. Although I prefer the House version of the bill, I think this is a great advancement, and I will congratulate the chairman and members of the VA Committee for a great job.

I urge my colleagues to vote for H.R. 1016, as amended.

I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I thank the gentleman from Florida for those words of support, and I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 804.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, this is a unique solution for a unique population, our veterans. Again, I want to thank the Disabled American Veterans and all of the members of the coalition who are watching this on television or in the gallery today for working so hard to come up with this unique approach. It is an incredibly good solution to what we saw as a real problem. It took creativity, it took commitment, and it took sticktuitiveness to get this done. I tell you, we would not have been here without the coalition's work. So I urge all my colleagues to adopt this legislation.

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, as a member of the House Committee on Veterans' Affairs, I am proud to have been an early co-sponsor of the Veterans Health Care Budget Reform and Transparency Act—a landmark piece of legislation which would require Congress to approve the Department of Veterans Affairs health care budget one year in advance.

Imagine being the sole breadwinner in your house and not knowing your annual salary until well after that year started. As you are forced each year to guess, you might alternate between underspending and overspending, between scrimping and splurging.

Now imagine that rather than the head of a small family, you were the VA.

The VA—despite its size and its undeniably important mission to fulfill our Nation's most sacred promise—has received its appropriation after the start of the fiscal year in 18 out of the last 21 years, including, now, this fiscal year.

The VA employs well over 250,000 staff nationwide, with more than 222,000 of those employees directly supporting the VA's health care system serving 5.6 million unique patients. Last year, the Veterans Health Administration spent approximately \$43.5 billion on medical care and research. These numbers make the VA the second largest agency in the federal government after the Department of Defense, and make the VHA both the Nation's

largest health care delivery system as well as its largest provider of health care education and training.

The late appropriations and insufficient budgets have meant restricted access for many Veterans. When funding is short, late, or unpredictable, it is our Veterans who pay the price.

Veterans in Greater Arizona are keenly aware that we need more medical facilities and the claims backlog is keeping many Veterans from the benefits they have earned. But once inside the VHA, there is no denying that the quality of service is very good. Numerous third party sources, including both the New England Journal of Medicine and Annals of Medicine, have concluded that the quality of care in the VA health care system is among the best available publicly or privately in the Nation.

However, its sheer size has amplified the problems stemming from late appropriations, which lead to rationed care, waiting lists and Veterans being turned away from service.

As Iraq and Afghanistan Veterans return and Veterans from prior conflicts continue to age, the number of those who need care will only increase, and the situation will become more critical.

It is heartening, then, that those who support the Veterans Health Care Budget Reform and Transparency Act are also increasing in number. General Eric Shinseki, voiced his support for advance appropriations shortly after becoming the Secretary of Veterans Affairs. The American Federation of Government Employees, which represents many of the federal employees who work for the VA, also supports the bill, as does the Partnership for Veterans Health Care Budget Reform—a coalition of eleven Veterans service organizations representing millions of Veterans, service-members, spouses and survivors.

In my short time on the House Committee on Veterans' Affairs, we have made great strides toward a budget that lives up to the sacrifices of our Veterans. We voted to increase the budget for the VA by \$5.6 billion—an increase of 11.7% for Veterans health care and other programs. We ensured that Veterans are given their fair share of the American Recovery and Reinvestment Act, providing \$1.4 billion for maintenance at VA medical facilities, construction of Veterans' extended care facilities, and Veteran cemetery repairs, as well as providing one-time payments of \$250 to disabled veterans.

However, we still struggle to provide sufficient, timely, and predictable funding for our Veterans. When the Veterans Health Care Budget Reform and Transparency Act arrives at the floor of the House, I would urge all Members of the Arizona delegation and from all across the Nation to support it to ensure Veterans can get the care they have earned.

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 1016—To amend title 38, United States Code, to provide new discretionary budget authority for certain medical care accounts of the Department of Veterans Affairs. This bill would ensure sufficient, timely, and predictable veterans funding so that the Department of Veterans Affairs would have the Federal funding to better serve veterans' medical needs and improve health care services.

This is a very timely and important measure as many of our troops today are returning home in need of accessible and adequate health care services. Therefore, I strongly commend my colleague BOB FILNER for bringing this measure before the floor.

This bill provides for a new two-fiscal-year discretionary budget authority for three critical accounts of the Department of Veterans Affairs: medical services, medical support and compliance, and medical facilities. Accordingly, this measure will give the Department of Veterans Affairs sufficient time to effectively plan how it will deliver the best care to a growing number of veterans with increasingly complex medical conditions. And to ensure that the funds are being used appropriately, H.R. 1016 requires the United States Comptroller General to conduct a study to determine the adequacy and accuracy of the department's budget model projections.

My military constituents often turn to me for support in confronting the many challenges they face when working with the Department of Veterans Affairs. We have come to understand, that many of the challenges in efficient health care services are attributable to the Department of Veterans Affairs' inadequate funding. Over the last two decades, the appropriated funds for medical care have not been provided to the Department of Veterans Affairs in a timely manner. This has resulted in the department's problems in planning and managing care for enrolled veterans. Accordingly, this bill addresses this budgetary problem and allows for advance appropriations to ensure the department has the Federal backing to effectively address the medical needs of our Nation's veterans.

As a vocal advocate for veterans' rights, I am pleased to add my voice of support for H.R. 1016. I look forward to working with my colleagues to ensure that we continue to provide the necessary resources towards improving our Department of Veterans Affairs' health care programs and administrative services.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 804.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES FOR DEPARTMENT OF VETERANS AFFAIRS FOR FISCAL YEAR 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1717) to authorize major medical facil-

ity leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1717

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AUTHORIZATION OF FISCAL YEAR 2010 MAJOR MEDICAL FACILITY LEASES.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following fiscal year 2010 major medical facility leases at the locations specified, in an amount not to exceed the amount shown for that location:

(1) Anderson, South Carolina, Outpatient Clinic, in an amount not to exceed \$4,774,000.

(2) Atlanta, Georgia, Specialty Care Clinic, in an amount not to exceed \$5,172,000.

(3) Bakersfield, California, Community Based Outpatient Clinic, in an amount not to exceed \$3,464,000.

(4) Birmingham, Alabama, Annex Clinic and Parking Garage, in an amount not to exceed \$6,279,000.

(5) Butler, Pennsylvania, Health Care Center, in an amount not to exceed \$16,482,000.

(6) Charlotte, North Carolina, Health Care Center, in an amount not to exceed \$30,457,000.

(7) Fayetteville, North Carolina, Health Care Center, in an amount not to exceed \$23,487,000.

(8) Huntsville, Alabama, Outpatient Clinic Expansion, in an amount not to exceed \$4,374,000.

(9) Kansas City, Kansas, Community Based Outpatient Clinic, in an amount not to exceed \$4,418,000.

(10) Loma Linda, California, Health Care Center, in an amount not to exceed \$31,154,000.

(11) McAllen, Texas, Outpatient Clinic, in an amount not to exceed \$4,444,000.

(12) Monterey, California, Health Care Center, in an amount not to exceed \$11,628,000.

(13) Montgomery, Alabama, Health Care Center, in an amount not to exceed \$9,943,000.

(14) Tallahassee, Florida, Outpatient Clinic, in an amount not to exceed \$13,165,000.

(15) Winston-Salem, North Carolina, Health Care Center, in an amount not to exceed \$26,986,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2010 or the year in which funds are appropriated for the Medical Facilities account \$196,227,000 for the leases authorized in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of S. 1717, a bill to authorize 15 major medical facility leases for the Department of Veterans Affairs' fiscal year 2010 budget. The bill would also authorize \$196 million to allow the VA to carry out these leases in a timely manner.

Mr. Speaker, the VA operates the largest direct health care delivery system in America. Providing timely access to high-quality health care to veterans is the work of the VA. It provides these services through their sizable inventory of buildings and properties that include 153 medical centers, 755 outpatient clinics, and 230 vet centers. This bill provides the VA the ability to move forward without delay on the execution of important leases. Veterans who have been anticipating new clinics opening up in their communities will not be disappointed if we act on time.

Mr. Speaker, I would like to take a moment to thank the Senate Veterans Affairs Committee for taking the lead and moving this bill so quickly. I urge support of the legislation.

I reserve the balance of my time.

□ 1530

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1717, a bill to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010 and other purposes.

S. 1717 would allow for new and expanded veterans' medical facilities throughout the United States. New VA outpatient facilities would be opened in Atlanta, Georgia; Butler, Pennsylvania; Birmingham, Alabama; Fayetteville, North Carolina; Huntsville, Alabama; Kansas City, Kansas; Loma Linda, California; and Montgomery, Alabama. These new facilities will provide the ability to handle larger veteran populations and deliver expanded services in modern state-of-the-art facilities.

This bill would also authorize the replacement of VA outpatient facilities in Anderson, South Carolina; Bakersfield, California; Charlotte, North Carolina; McAllen, Texas; Monterey, California; and Winston-Salem, North Carolina. It would also allow for the expansion of the outpatient facility in Tallahassee, Florida, my State. This would ensure that these locations can continue to provide veterans with effective, quality care. S. 1717 would ensure that VA medical facilities can deliver the highest quality of service, the key, to veterans by providing the authorization for these projects.

Mr. Speaker, I strongly support S. 1717 and the benefits it would provide to veterans with medical facility leases across the country. I encourage all of my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 5 minutes to Dr. DEAL from Georgia.

Mr. DEAL of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of Senate 1717.

As a veteran, I recognize the sacrifice our men and women in uniform are making on behalf of our country to defend our Nation and protect our liberties. But, unfortunately, notable deficiencies in capacity are limiting access to health care which many of our veterans desperately need.

This bill includes authorization of approximately \$5.1 million to establish an outpatient clinic for veterans throughout the metropolitan Atlanta area and across Georgia to improve access to care, particularly as the strain exists on existing VA facilities, and it will continue to increase that strain as servicemembers return home. This new facility will work in support of the Atlanta VA Medical Center, which is located in Decatur, Georgia.

Currently, over 630,000 veterans live within the Atlanta VA catchment area, and that number will continue to grow. Estimates further indicate that the number of outpatient visits in the area will grow by 120 percent by 2025, with a dramatic 170 percent surge in mental health visits.

The Atlanta Specialty Care Clinic lease, which this bill provides for, will provide an opportunity to serve our veterans in a contemporary facility, ensuring that maximum safety and security are going to be addressed. This facility will enhance the VA's ability to provide some of the highest-in-demand services in ophthalmology, podiatry, and dermatology, while allowing the existing areas at the Decatur VA facility to be expanded to address mental health services and traumatic brain injury.

I have introduced a similar piece of legislation in the House, H.R. 3704, which also authorizes the establishment of this much-needed facility. Over 17,000 unique patients representing 88,000 outpatient visits per year will benefit by this much-needed addition to our already strained system.

Mr. Speaker, our veterans deserve no less than our best, and I remain committed to ensuring that our servicemembers receive the health care that they deserve.

I thank the gentlemen for their support of this legislation.

Mr. FILNER. Mr. Speaker, I have no speakers running for Governor or Senator, so I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MORAN), a member of the VA Committee.

Mr. MORAN of Kansas. I thank the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from California (Mr. FILNER) for bringing this legislation to the House floor today. I'm here in support of it.

In particular, I am pleased with a provision that's included in this bill that authorizes a new community-

based outpatient clinic, or CBOC, to be located in Johnson County, Kansas.

As a member of the House Veterans' Affairs Committee and former chairman of the Subcommittee on Health, I have been an advocate for establishing a CBOC in our State. These VA clinics bring health care services closer to veterans who have served our country. During my time in Congress, I have helped open five other outpatient clinics in our State: Hays, Dodge City, Salina, Junction City, and Hutchinson. Especially in my own congressional district where there is no VA hospital, these health facilities have proven to be invaluable. These clinics are a successful part of a larger success story of our country's efforts to raise the standards of care for veterans.

Veterans in Johnson County, Kansas, deserve timely access to medical care, and I've been working to make sure that the VA recognizes this. Johnson County is our State's most populated county, so it's unusual in a sense for me to be here talking about them, but located in the suburbs of Kansas City, this area is home to hundreds of thousands of veterans. The VA patient workload in future years for this region is expected to increase significantly. And unless the capacity is created to care for these veterans, timely access will be threatened.

With the passage of this legislation, I'm pleased the VA can move forward on this clinic to provide quality medical care for northeast Kansans who've sacrificed in service to our country. The new outpatient clinic will mean closer medical services and less wait times for a large number of Kansas veterans who currently travel across the State line to Missouri for health care. With over 44,000 square feet authorized, this sizable clinic will provide comprehensive outpatient services, including mental health as well as radiology, laboratory services, and a pharmacy.

I want to thank the VISA in Kansas City and KC VA Medical Center for their foresight on this project and for their efforts to see that it's completed by the year 2012. I thank the gentleman from Kansas (Mr. MOORE) for his efforts, and I encourage my colleagues in this House to support this legislation.

Mr. FILNER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FARR), who has been an incredible advocate for, I think, a unique approach to serving the veterans in his area in Monterey, California.

Mr. FARR. I thank the chairman for yielding.

Mr. Speaker, I rise today in strong support of S. 1717.

This bill authorizes funds to lease 15 major medical facilities across the country. These are facilities that the VA desperately needs to meet the growing demand for outpatient health care, for veteran health care. In my district alone, hundreds of veterans are

forced to drive up to 2 hours to a VA hospital in Palo Alto for outpatient care. I know that many of these districts share the same situation. The bottom line is the VA is unable to meet our current needs through its traditional construction system. We must take action to ensure our veterans are receiving the health care they deserve.

The leasing program in this bill allows funds known as the Health Care Center Facilities program to use private-sector money. This innovative approach to funding construction and maintenance of VA hospitals is just the type of idea we need to plug these holes in service. In some ways the lease program builds off a similar program that the armed services use for residential community housing, essentially housing for men and women in uniform. The lesson from these programs is clear: we need to leverage private-sector investment for government benefits.

The health care needs of our returning and aging veterans will only continue to increase, and it is essential for the VA to meet this demand with modern, efficient, and accessible veterans' health facilities. In my district I have been working with the VA and with DOD, Department of Defense, officials to build a joint outpatient clinic for veterans and active and retired military servicemembers. This bill contains the lease authority for that joint VA/DOD clinic at the former Fort Ord. This clinic will serve more than 80,000 veterans and active and retired military servicemembers on the Monterey Peninsula.

There is a glaring need to provide care for our veterans. This bill will accomplish that. I urge my colleagues to support this legislation, to thank those that have been involved at the committee level to bring it to the floor, and to expand health care options for all our veterans.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the ranking member of the Appropriations Committee, Mr. LEWIS.

Mr. LEWIS of California. I very much appreciate my colleague's yielding.

Mr. Speaker, I rise today in support of this legislation because it will greatly benefit the thousands of veterans in my district and the greater Inland Empire.

With the passage of this bill, the Jerry Pettis Veterans Medical Center will begin the process of establishing a new health care center. This new 271,000-square-foot facility will directly benefit veterans of Riverside and San Bernardino Counties by increasing access to care, expanding services, and reducing wait times.

I would like to thank the staff of the Jerry Pettis VA Hospital for their very hard work and the fine service they're providing to veterans in our region.

Mr. FILNER. Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, this bill contains needed authorizations requested by the VA, and it is important that we move this legislation forward quickly.

I urge my colleagues to support S. 1717.

Mr. Speaker, I yield back the balance of my time.

#### GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 1717.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I think the importance of this bill and its quick passage has been proven by all the speakers.

Mrs. MYRICK. Mr. Speaker, I rise today in support of S. 1717. Within this request is funding for the Veterans Health Care Center in Charlotte, NC.

We currently have a Community-Based Outpatient Clinic that cannot meet the demands of our growing veteran population. Based on VA numbers, our veteran population is slated to increase 31 percent between 2007 and 2025.

This new Health Care Center will help the VA expand its service offerings in our area, and offer new ones which means that our veterans will not have to travel out of our area for the services they need.

We cannot thank our men and women in uniform—and their families for the sacrifices they make in defending our country. However, with this new Health Care Center in Charlotte, we can ensure that they are taken care of in a matter which fits their dedication and service.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, S. 1717.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### REX E. LEE POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3547) to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the "Rex E. Lee Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

#### H.R. 3547

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REX E. LEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 936

South 250 East in Provo, Utah, shall be known and designated as the "Rex E. Lee Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Rex E. Lee Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the subcommittee with jurisdiction over the United States Postal Service, I am proud to present H.R. 3547 for consideration. This legislation designates the facility of the United States Postal Service located at 936 South 250 East Street in Provo, Utah, as the "Rex E. Lee Post Office Building".

The measure before us was introduced on September 10 by my friend and colleague, Ranking Member JASON CHAFFETZ of Utah, and it was favorably reported out of the Oversight Committee on September 24, 2009, by unanimous consent. In addition, this measure enjoys the full support of the Utah House delegation.

Since it is the legislation sponsored by my friend, I will allow him to fill in the details.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the H.R. 3547, a bill to designate the facility of the United States Postal Service located at 936 South 250 East Street in Provo, Utah, as the "Rex E. Lee Post Office Building".

□ 1545

I happen to know Mr. Lee, as he served as the president of Brigham Young University. He was a great and amazing human being. All too often in our society we hope that our kids will emulate somebody of significance, and Rex Lee was certainly that kind of person.

He was a joy. He was full of life at every step and one of the smartest people you could ever meet. In fact, he had many dealings with the Supreme Court. In fact, Justice Sandra Day O'Connor said this about the passing of Rex Lee: "He inspired all of us with his courage in the face of a terminal illness. Knowing him was one of the



greatest privileges of my life. Remembering him will be one of the easiest." Amazing words from an amazing person.

In 1960, Rex Lee graduated with a BA from Brigham Young University. He served as the student body president. In 1963, Rex graduated first in his class from the University of Chicago Law School, and from law school he went on to serve as a law clerk for Byron White, Associate Justice of the United States Supreme Court.

From Washington, D.C., he returned to his home in the State of Arizona as a partner in the Phoenix law firm of Jennings, Strouss & Salmon. While there, Rex argued his first case in the United States Supreme Court just 4 years after graduating from law school.

In 1972, Rex returned to Brigham Young University to become the founding dean of the J. Reuben Clark Law School. From 1975 to 1976, he served as an assistant Attorney General in charge of the civil division in the United States Department of Justice; and from 1981 to 1985, Mr. Lee served as Solicitor General of the United States of America.

In 1986, Mr. Lee retired as Solicitor General and returned to Brigham Young University. He was diagnosed with cancer shortly thereafter. Mr. Lee practiced law with Sidley & Austin law firm and returned to teaching constitutional law at the George Sutherland Chair of Law at the J. Reuben Clark Law School.

Mr. Lee was then named the 10th president of Brigham Young University on May 12, 1989, and served in this capacity until December of 1995, just 2½ months before he passed away.

All told, he argued 59 cases before the Supreme Court and won 23 of the 30 cases he argued as the Solicitor General. In fact, he was preparing for his 60th case just months before he passed away.

He's known throughout the community in Utah for his great humility, for his great contribution to the United States of America. In fact, five Supreme Court Justices attended a memorial service for Rex Lee: Byron White, Justices John Paul Stevens, David H. Souter, Sandra Day O'Connor, and Clarence Thomas.

This is a great man. He's worthy of recognition of the United States Congress, and it's my honor to stand here and encourage the passage of this bill.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I commend my colleague's support of this bill and authorship and thank him for his energy on behalf of this measure.

The object of H.R. 3547, as my friend has indicated, will dedicate the United States Postal Service facility in Provo, Utah, to the life and legacy of Mr. Rex Lee.

Mr. Lee dedicated his entire life to serving others, as my friend has noted.

In 1972 he left a very promising legal career as a partner at the prestigious Arizona law firm of Jennings, Strouss & Salmon to become the founding dean of the J. Reuben Clark Law School at Brigham Young University.

It's no exaggeration to say that Mr. Lee's hard work as the law school's first dean really and truly put it on a track to become one of today's top American law schools.

After a successful tenure at the J. Reuben Clark Law School, Mr. Lee entered the field of public service, began his career as an assistant Attorney General in charge of the civil division of the United States Department of Justice from 1975 to 1976, and then went on to serve as Solicitor General for the United States from 1981 to 1985.

As Solicitor General, Mr. Lee was able to focus his attention on his favorite legal practice area: litigation. And he argued several cases before the United States Supreme Court.

During his time as America's Solicitor General, Mr. Lee developed a distinct and enduring reputation as a man of principle. In fact, he was so passionate that up until the time of his death Mr. Lee was still in the midst of preparation for arguing another case before the Supreme Court.

After resigning from his position as Solicitor General, Mr. Lee returned to Brigham Young University in 1986; and shortly thereafter, he was regrettably diagnosed with cancer. Following a year of medical treatment and therapy, Mr. Lee recovered for a time and was named president of BYU. He served the Brigham Young University community with distinction from July 1, 1989, through December 31, 1995, leaving the position 2½ months before he passed away on March 11, 1996.

Although Mr. Lee is no longer with us, his memory lives on through his wife, Janet, his seven children, 10 grandchildren, and all of those who were fortunate enough to know him.

As my friend, Mr. CHAFFETZ from Utah, has noted, Mr. Lee earned the great respect of quite a few people at the United States Supreme Court, and those quotes have been included.

In closing, I wholeheartedly support this measure, and I urge all of my colleagues to join with Mr. CHAFFETZ, the gentleman from Utah, and myself in favor of voting for H.R. 3547.

I reserve the balance of my time.

Mr. CHAFFETZ. I would simply thank Mr. LYNCH for his kind words, and I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing I encourage all of my friends on both sides of the aisle to join with Mr. CHAFFETZ, the gentleman from Utah, and myself in honoring the life of Rex Lee by voting in favor of H.R. 3547.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3547.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CLYDE HICHBORN POST OFFICE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2174) to designate the facility of the United States Postal Service located at 18 Main Street in Howland, Maine, as the "Clyde Hichborn Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2174

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CLYDE HICHBORN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 18 Main Street in Howland, Maine, shall be known and designated as the "Clyde Hichborn Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Clyde Hichborn Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present H.R. 2174 for consideration.

This measure will designate the United States Postal Service facility located at 18 Main Street in Howland, Maine, as the "Clyde Hichborn Post Office".

Introduced by my friend and colleague, Representative MICHAEL MICHAUD of Maine, on April 29, 2009, and reported out of the Oversight and Government Reform Committee on May 6, 2009, by unanimous consent, H.R. 2174 enjoys the support of the entire Maine House delegation.

Born on August 29, 1920, Clyde Hichborn dedicated over 60 years of his life to public service. A distinguished veteran of the United States Army, Mr. Hichborn served during World War II, including a 2-year tour in the European

theater as captain in the Adjutant General Corps.

Additionally, after receiving his bachelor's degree in education and a master's degree in school administration, Mr. Hichborn served his local community in the town of Howland as a long-time superintendent of schools. Notably, the Hichborn Middle School in Howland was named in his honor for his admirable service in the field of education.

Mr. Hichborn's dedication to his local community also included service as a town selectman, a town manager, and subsequently, a State legislator. Specifically, Mr. Hichborn's tenure in the Maine State Legislature included eight terms in the Maine House of Representatives, one term in the Maine State Senate, and service on the joint standing committees on education, transportation, appropriations, economic development, and State and local government.

Mr. Hichborn's legislative efforts in the Maine State House reflected his prior experience as an educator and town official. Mr. Hichborn focused his attention on school funding and improvements as well as enhancing the local business environment.

In addition to his distinguished career in public service, Mr. Hichborn is also fondly remembered for his love of adventure and his willingness to confront any challenge. In 1980, Mr. Hichborn embarked on a 7-hour climb to the top of Mt. Katahdin, the highest peak in the State of Maine, on his 80th birthday.

Regrettably, Mr. Hichborn passed away on March 31, 2005, at the age of 94.

Mr. Speaker, let us honor this outstanding public servant through the passage of this bill, which designates the Howland Post Office in honor of Clyde Hichborn. I urge all of my colleagues to join me in supporting H.R. 2174.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself as much time as I may consume.

I just simply want to rise in support of H.R. 2174, a bill to designate the facility of the United States Postal Service located at 18 Main Street in Howland, Maine, as the "Clyde Hichborn Post Office". He's a great American and a great public servant.

I rise in support of H.R. 2174, a bill to designate the facility of the United States Postal Service located at 18 Main Street in Howland, Maine, as the 'Clyde Hichborn Post Office'.

A life long resident of Medford, Maine, Clyde Hichborn served his state and country throughout his life. Mr. Hichborn received a bachelor's degree in education from the University of Maine Farmington in 1933 and a master's degree in school administration.

In 1942, he joined the army as a private and served in World War II. He rose to the rank of Captain in the Adjutant General's Corps when he left the Army in 1946.

After returning from war, he taught for many years, was principal and ultimately went on to serve as Superintendent of Schools. In recognition of their service to the community, the Howland Middle School was named for Clyde and his wife, Winona Hichborn in 1971.

In addition to serving more than 60 years as an educator, Mr. Hichborn continued to serve his community in a number of ways including as a town selectman, town manager and state legislator. He served a total of 18 years in the Maine state legislature, serving in both the House and Senate. When he retired at the age of 86, he was the oldest member of the house and one of its longest-serving veterans. Mr. Hichborn was also an avid hiker, climbing Mount Katahdin, the highest mountain in Maine, several times.

Most notable though was the seven-hour trek up the 5,267 foot mountain on his 80th birthday. "I just wanted something to do," he said. "I didn't want to sit in a rocking chair all summer." Mr. Hichborn's accomplishment even won him accolades from the director of Baxter State Park, where Mount Katahdin is located, noting that "there is no easy trail up Katahdin."

Sadly, Mr. Hichborn's life ended on March 31, 2005 at the age of 94. He was best described after his death by the Governor of Maine, John Baldacci, "Clyde was an extraordinarily caring and gentle man. He was a tireless advocate for the people and the region he served for so many years."

In recognition of Mr. Hichborn's contributions to the country and the state of Maine, let us recognize his many years of public service by naming the post office in Howland, Maine as the "Clyde Hichborn Post Office."

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this point, I would like to yield 5 minutes to the lead sponsor of this bill, Mr. MIKE MICHAUD of Maine who is also, as we have seen earlier today, a very powerful and able member of our Committee on Veterans' Affairs.

Mr. MICHAUD. I want to thank my distinguished colleague from Massachusetts (Mr. LYNCH) for allowing me to say a few words today.

I rise in strong support of H.R. 2174 to designate the facility of the United States Postal Service located at 18 Main Street in Howland as the "Clyde Hichborn Post Office."

As a veteran, an educator, a public servant, Clyde Hichborn lived a life fiercely dedicated to his community, his State, and his country. He worked in the field of education for 35 years interrupted only by his service in World War II. The Hichborn Middle School in Howland was named after him and his wife.

Clyde served 8 years in the Maine State House and one term in the State senate. His legacy for those years can be summed up for the kind of elected official he saw himself as. I would like to quote one of his statements: "I am not a politician," he said. "I am constituent-oriented and issue-oriented. My constituents don't care what party I am from."

I believe such a statement is the standard that we all should aspire to.

Clyde was a very dedicated individual. He cared about his constituents; he cared about his country. No matter where you go throughout the State of Maine, whether Republican, Democrat, Independent, Green Party, when people talk about Clyde Hichborn, they have nothing but kind things to say about him. And in the Howland region no matter where you went, what restaurant, what store, you always would run into someone who had Clyde as a teacher in high school. They have nothing but kindness to say. He was a very dedicated individual.

I am very glad to see that the House is taking appropriate steps to honor such an extraordinary man. I urge my colleagues to support this resolution.

Mr. CHAFFETZ. Mr. Speaker, Clyde Hichborn was a great American and great public servant. I urge support of this bill, and I yield back the balance of our time.

Mr. LYNCH. Mr. Speaker, in closing, I again urge my colleagues to join with me, Mr. CHAFFETZ, and the lead sponsor of this resolution, Mr. MICHAUD of Maine, in honoring Clyde Hichborn through the passage of H.R. 2174.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2174.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### KINGMAN AND HERITAGE ISLANDS ACT OF 2009

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2092) to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2092

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Kingman and Heritage Islands Act of 2009".

#### SEC. 2. AMENDMENTS TO NATIONAL CHILDREN'S ISLAND ACT OF 1995.

(a) EXPANSION OF ALLOWABLE USES FOR KINGMAN AND HERITAGE ISLAND.—The National Children's Island Act of 1995 (sec. 10-1401 et seq., D.C. Official Code) is amended by adding at the end the following:

#### "SEC. 7. COMPREHENSIVE AND ANACOSTIA WATERFRONT FRAMEWORK PLANS.

"(a) COMPLIANCE WITH PLANS.—Notwithstanding any other provision of this Act, it is not a violation of the terms and conditions

of this Act for the District of Columbia to use the lands conveyed and the easements granted under this Act in accordance with the Anacostia Waterfront Framework Plan and the Comprehensive Plan.

“(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

“(1) ANACOSTIA WATERFRONT FRAMEWORK PLAN.—The term ‘Anacostia Waterfront Framework Plan’ means the November 2003 Anacostia Waterfront Framework Plan to redevelop and revitalize the Anacostia waterfront in the District of Columbia, as may be amended from time to time, developed pursuant to a memorandum of understanding dated March 22, 2000, between the General Services Administration, Government of the District of Columbia, Office of Management and Budget, Naval District Washington, Military District Washington, Marine Barracks Washington, Department of Labor, Department of Transportation, National Park Service, Army Corps of Engineers, Environmental Protection Agency, Washington Metropolitan Area Transit Authority, National Capital Planning Commission, National Arboretum, and Small Business Administration.

“(2) COMPREHENSIVE PLAN.—The term ‘Comprehensive Plan’ means the Comprehensive Plan of the District of Columbia approved by the Council of the District of Columbia on December 28, 2006, as such plan may be amended or superseded from time to time.”.

(b) MODIFICATION OF REVERSIONARY INTEREST.—Paragraph (1) of section 3(d) of the National Children’s Island Act of 1995 (sec. 10–1402(d)(1), D.C. Official Code) is amended by striking “The transfer under subsection (a)” and all that follows and inserting the following: “Title in the property transferred under subsection (a) and the easements granted under subsection (b) shall revert to the United States upon the expiration of the 60-day period which begins on the date on which the Secretary provides written notice to the District that the Secretary has determined that the District is not using the property for recreational, environmental, or educational purposes in accordance with National Children’s Island, the Anacostia Waterfront Framework Plan, or for another recreational, environmental, or educational purpose, except that the reversionary interest of the United States under this paragraph shall expire upon the expiration of the 30-year period which begins on the date of the enactment of the Kingman and Heritage Islands Act of 2009. Such notice shall be made in accordance with chapter 5 of title 5, United States Code (relating to administrative procedures).”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1600

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I present the amended version of H.R. 2092, the Kingman and Heritage Islands Act of 2009, for consideration. This legislation would permit the District of Columbia to use Kingman and Heritage Islands for educational, environmental, and recreational purposes, thereby benefiting District residents and visitors.

I would like to thank the gentlewoman from the District of Columbia (Ms. NORTON) for introducing this bill and for her hard work and advocacy in support of this legislation. I would also like to thank our committee chairman, ED TOWNS of Brooklyn, New York, for his leadership and support on this particular measure.

Kingman and Heritage Islands were created in the Anacostia River from sediment gathered by the Army Corps of Engineers back in 1916. The islands were managed by the National Park Service of the Department of the Interior from 1916 to 1996. In 1996, Congress passed the National Children’s Island Act which required the Federal Government, specifically the Secretary of the Interior, to transfer title of these islands to the District of Columbia for use as a children’s recreational park. The law included a reversionary provision allowing the Department of the Interior to reclaim the islands if the theme park was not built, which is the reason H.R. 2092 is now needed.

In the years following passage of the Children’s Island Act, a variety of problems, including lengthy litigation, prevented full implementation of the original goal. The National Park Service did not take any steps towards reclaiming the land for another use. As times have changed, the District no longer believes that a theme park is the best use of the space.

In 2003, the District of Columbia developed the Anacostia Waterfront Framework Plan to redevelop and revitalize the Anacostia waterfront pursuant to a memorandum of understanding between the District and several Federal agencies, including the National Park Service. The waterfront plan envisions the use of the islands for nature-focused exhibitions and educational uses. The plan calls for a nature reserve park to restore the ecosystem and provide usable open space for visitors. The renovated islands will also include a memorial tree grove dedicated to District of Columbia schoolchildren who were victims of the September 11, 2001, terrorist attacks.

The District has taken steps towards implementing the plan by using the islands for environmental education programs. Currently, a renovated pedestrian bridge provides access to these islands for environmental programs and viewing by the general public.

H.R. 2092 would clarify that these activities are permissible under the law.

The bill would amend the Children’s Island Act to expand the allowable uses for the islands to include recreational, environmental, and educational uses consistent with the Anacostia Waterfront Plan.

The bill would retain a reversionary interest for the Federal Government for 30 years from the date of enactment of H.R. 2092. The Federal Government would be able to reclaim the islands in that period if the Secretary of the Interior determines that they are not being used for recreational, environmental, or educational purposes.

The provision retains a role for the Federal Government in ensuring that the islands are used for the purposes stated in the Children’s Island Act, as amended by H.R. 2092. At the same time, the provision encourages the District of Columbia to use the islands for productive purposes.

As Chair of the subcommittee with jurisdiction and oversight over the District of Columbia, I am pleased to see that the District of Columbia government is moving forward with its plans to develop and provide appropriate environmental and educational experiences, particularly for its children and young people. I wholeheartedly support the city’s efforts in this regard and urge my colleagues to do the same by voting in favor of H.R. 2092, the Kingman and Heritage Islands Act of 2009.

Lastly, Mr. Speaker, I would like to enter into the RECORD an exchange of letters between our committee, the Committee on Oversight and Government Reform, and the House’s Natural Resources Committee, which expresses Chairman RAHALL’s and the Natural Resources Committee’s support of H.R. 2092 and waives their jurisdictional interest in this bill.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, October 7, 2009.

Hon. EDOLPHUS TOWNS,  
Chairman, Committee on Oversight and Government Reform, Rayburn H.O.B., Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to work with you on H.R. 2092, the Kingman and Heritage Islands Act of 2009, which contains matters within the jurisdiction of the Committee on Natural Resources.

Knowing of your interest in expediting this legislation, I will not seek a sequential referral of H.R. 2092. Of course, this waiver is not intended to prejudice any future jurisdictional claims over the provisions of this legislation or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the Congressional Record during consideration of H.R. 2092 on the House floor.

With warm regards, I am  
Sincerely,

NICK J. RAHALL, II,  
Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, October 7, 2009.

Hon. NICK RAHALL,  
Chairman, Committee on Natural Resources,  
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RAHALL: Thank you for your recent letter regarding your Committee's jurisdictional interest in H.R. 2092, the Kingman and Heritage Islands Act of 2009.

I appreciate your willingness to work cooperatively on this legislation and I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Natural Resources. I understand and agree that your decision not to seek a sequential referral on H.R. 2092 is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work toward enactment of this legislation.

Sincerely,

EDOLPHUS TOWNS,  
Chairman.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

I simply want to say I am happy to support H.R. 2092 and the economic development efforts of the District of Columbia. I rise in support of this bill. I will insert the remainder of my comments into the RECORD.

The Kingman and Heritage Islands Act of 2009, passed out of Committee earlier in September, which amends the National Children's Island Act of 1995 to allow the District of Columbia to move forward with its economic development plans.

The bill will make Kingman and Heritage Islands a center for environmental education and recreation, and will provide for restoration of the Anacostia River ecosystem. The renovated islands will include a particularly appropriate memorial tree grove dedicated to the three District of Columbia school children who were victims of the September 11 terrorist attacks.

Kingman and Heritage Islands were created by the Army Corps of Engineers in the 1920s as part of the Anacostia Tidal Flats Reclamation project and were managed by the U.S. Department of the Interior and National Park Service through 1996.

At the request of District officials, Congress originally dedicated the two islands to be developed as a child-oriented theme park. The Act transferred title of certain Park Service property in Anacostia Park, including Heritage Island and a portion of Kingman Island, to the District of Columbia. However, the law included a reversionary provision if a theme park was not built, necessitating this bill.

The District has developed the "Anacostia Waterfront Framework Plan" to redevelop and revitalize the Anacostia waterfront, and this legislation will help them accomplish this goal.

I am happy to support this bill and the economic development efforts of the District of Columbia, and I urge my colleagues to support passage of H.R. 2092.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), who is the sponsor, the lead sponsor and the driving force behind H.R. 2092.

Ms. NORTON. Mr. Speaker, I thank the chairman of the subcommittee, Mr. LYNCH, not only for yielding to me, but especially for his hard work on this bill, and I thank our ranking member for his important work on this bill as well.

I want to associate myself with your remarks, Mr. Chairman, simply to indicate that this land is already in the possession of the District of Columbia, and yet the subcommittee had to be in pains to make sure that the reversionary clause was in keeping with the last bill, which I also sponsored, and with the changes we have asked for.

The District took what was an abandoned man-made island, but in our most valuable Anacostia River, and tried to make something of it when it looked like there were some people who wanted to make a children's theme park. That did not occur, yet we were left with a bill that said this shall be a children's theme park or it reverts. It was up to me to come and change the reversionary clause when the District abandoned the idea.

If I may say so, I am pleased the District has abandoned the idea and wants to use Kingman and Heritage Island to revitalize the Anacostia River and to essentially return this plot of land to use as an environmental natural reserve park which will help to restore the ecosystem and provide usable space, in addition, when people want to enjoy the river and nature in a place that is really in the middle of the District of Columbia, a big urban center.

The District also wants to build an environmental education center. You can see how well the uses fit the land than even a children's theme park. I am particularly enamored with the remembrance grove. We have not forgotten the three children who were on the plane that went down on 9/11 who had won a contest by the National Geographic Association and who were looking forward to that trip.

I am particularly pleased that the city's new plan complements my own work on the Anacostia Watershed Initiative bill which this Congress passed last session. I thank the chairman and the ranking member, and may I thank Mr. RAHALL and his ranking member as well for waiving jurisdiction and allowing us to get on with the work of taking Kingman and Heritage Islands back to where they belong.

Mr. CHAFFETZ. Mr. Speaker, this is a good bill with a lot of good work behind it. I appreciate the work my colleagues have done on this bill.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I simply ask all Members on both sides of the

aisle to support this measure sponsored by Ms. NORTON, the delegate from the District of Columbia, and also supported by Mr. RAHALL, the chairman of Natural Resources.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2092, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### CONFERENCE REPORT ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. ABERCROMBIE submitted the following conference report and statement on the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes:

#### CONFERENCE REPORT (H. REPT. 111-288)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2647), to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2010".

#### SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding tables.

(5) Division E—Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

**DIVISION A—DEPARTMENT OF DEFENSE  
AUTHORIZATIONS  
TITLE I—PROCUREMENT**

*Subtitle A—Authorization of Appropriations*

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. National Guard and Reserve equipment.
- Sec. 106. Mine Resistant Ambush Protected Vehicle Fund.
- Sec. 107. Relation to funding table.

*Subtitle B—Army Programs*

- Sec. 111. Procurement of Future Combat Systems spin out early-infantry brigade combat team equipment.

*Subtitle C—Navy Programs*

- Sec. 121. Littoral Combat Ship program.
- Sec. 122. Treatment of Littoral Combat Ship program as a major defense acquisition program.
- Sec. 123. Report on strategic plan for homeporting the Littoral Combat Ship.
- Sec. 124. Advance procurement funding.
- Sec. 125. Procurement programs for future naval surface combatants.
- Sec. 126. Ford-class aircraft carrier report.
- Sec. 127. Report on a service life extension program for Oliver Hazard Perry class frigates.
- Sec. 128. Conditional multiyear procurement authority for F/A-18E, F/A-18F, or EA-18G aircraft.

*Subtitle D—Air Force Programs*

- Sec. 131. Report on the procurement of 4.5 generation fighter aircraft.
- Sec. 132. Revised availability of certain funds available for the F-22A fighter aircraft.
- Sec. 133. Preservation and storage of unique tooling for F-22 fighter aircraft.
- Sec. 134. AC-130 gunships.
- Sec. 135. Report on E-8C Joint Surveillance and Target Attack Radar System re-engineing.
- Sec. 136. Repeal of requirement to maintain certain retired C-130E aircraft.
- Sec. 137. Limitation on retirement of C-5 aircraft.
- Sec. 138. Reports on strategic airlift aircraft.
- Sec. 139. Strategic airlift force structure.

*Subtitle E—Joint and Multiservice Matters*

- Sec. 141. Body armor procurement.
- Sec. 142. Unmanned cargo-carrying-capable aerial vehicles.
- Sec. 143. Modification of nature of data link for use by tactical unmanned aerial vehicles.

**TITLE II—RESEARCH, DEVELOPMENT,  
TEST, AND EVALUATION**

*Subtitle A—Authorization of Appropriations*

- Sec. 201. Authorization of appropriations.
- Sec. 202. Relation to funding table.

*Subtitle B—Program Requirements, Restrictions, and Limitations*

- Sec. 211. Extension and enhancement of Global Research Watch Program.
- Sec. 212. Permanent authority for the Joint Defense Manufacturing Technology Panel.
- Sec. 213. Elimination of report requirements regarding Defense Science and Technology Program.
- Sec. 214. Authorization for the Secretary of the Navy to purchase infrastructure and Government purpose rights license associated with the Navy-Marine Corps intranet.
- Sec. 215. Limitation on expenditure of funds for Joint Multi-Mission Submersible program.

Sec. 216. Separate program elements required for research and development of individual body armor and associated components.

Sec. 217. Separate procurement and research, development, test, and evaluation line items and program elements for the F-35B and F-35C joint strike fighter aircraft.

Sec. 218. Restriction on obligation of funds for Army tactical ground network program pending receipt of report.

Sec. 219. Programs for ground combat vehicle and self-propelled howitzer capabilities for the Army.

Sec. 220. Guidance on budget justification materials describing funding requested for operation, sustainment, modernization, and personnel of major ranges and test facilities.

Sec. 221. Assessment of technological maturity and integration risk of Army modernization programs.

Sec. 222. Assessment of activities for technology modernization of the combat vehicle and armored tactical wheeled vehicle fleets.

*Subtitle C—Missile Defense Programs*

Sec. 231. Sense of Congress on ballistic missile defense.

Sec. 232. Assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

Sec. 233. Continued production of Ground-based Interceptor missile and operation of Missile Field 1 at Fort Greely, Alaska.

Sec. 234. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.

Sec. 235. Authorization of funds for development and deployment of alternative missile defense systems in Europe.

Sec. 236. Comprehensive plan for test and evaluation of the ballistic missile defense system.

Sec. 237. Study on discrimination capabilities of ballistic missile defense system.

Sec. 238. Ascent phase missile defense strategy and plan.

Sec. 239. Extension of deadline for study on boost-phase missile defense.

*Subtitle D—Reports*

Sec. 241. Repeal of requirement for biennial joint warfighting science and technology plan.

Sec. 242. Modification of reporting requirement for defense nanotechnology research and development program.

Sec. 243. Comptroller General assessment of coordination of energy storage device requirements, purchases, and investments.

Sec. 244. Annual Comptroller General report on the F-35 Lightning II aircraft acquisition program.

Sec. 245. Report on integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities.

Sec. 246. Report on future research and development of man-portable and vehicle-mounted guided missile systems.

Sec. 247. Report on the development of command and control systems.

Sec. 248. Evaluation of Extended Range Modular Sniper Rifle Systems.

*Subtitle E—Other Matters*

Sec. 251. Enhancement of duties of Director of Department of Defense Test Resource Management Center with respect to the Major Range and Test Facility Base.

Sec. 252. Establishment of program to enhance participation of historically black colleges and universities and minority-serving institutions in defense research programs.

Sec. 253. Extension of authority to award prizes for advanced technology achievements.

Sec. 254. Authority for National Aeronautics and Space Administration federally funded research and development centers to participate in merit-based technology research and development programs.

Sec. 255. Next generation bomber aircraft.

**TITLE III—OPERATION AND  
MAINTENANCE**

*Subtitle A—Authorization of Appropriations*

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Relation to funding table.

*Subtitle B—Environmental Provisions*

Sec. 311. Clarification of requirement for use of available funds for Department of Defense participation in conservation banking programs.

Sec. 312. Reauthorization of title I of Sikes Act.

Sec. 313. Authority of Secretary of a military department to enter into interagency agreements for land management on Department of Defense installations.

Sec. 314. Reauthorization of pilot program for invasive species management for military installations in Guam.

Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

Sec. 316. Procurement and use of munitions.

Sec. 317. Prohibition on disposing of waste in open-air burn pits.

Sec. 318. Military munitions response sites.

*Subtitle C—Workplace and Depot Issues*

Sec. 321. Public-private competition required before conversion of any Department of Defense function performed by civilian employees to contractor performance.

Sec. 322. Time limitation on duration of public-private competitions.

Sec. 323. Policy regarding installation of major modifications and upgrades.

Sec. 324. Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.

Sec. 325. Temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by a contractor.

Sec. 326. Requirement for debriefings related to conversion of functions from performance by Federal employees to performance by a contractor.

Sec. 327. Amendments to bid protest procedures by Federal employees and agency officials in conversions of functions from performance by Federal employees to performance by a contractor.

Sec. 328. Improvement of inventory management practices.

Sec. 329. Modification of date for submittal to Congress of annual report on funding for public and private performance of depot-level maintenance and repair workloads.

*Subtitle D—Energy Security*

Sec. 331. Authorization of appropriations for Director of Operational Energy.

Sec. 332. Extension and expansion of reporting requirements regarding Department of Defense energy efficiency programs.

Sec. 333. Report on implementation of Comptroller General recommendations on fuel demand management at forward-deployed locations.

Sec. 334. Report on use of renewable fuels to meet energy requirements of Department of Defense.

Sec. 335. Energy security on Department of Defense installations.

*Subtitle E—Reports*

Sec. 341. Annual report on procurement of military working dogs.

Sec. 342. Plan for managing vegetative encroachment at training ranges.

Sec. 343. Comptroller General report on the sustainment strategy for the AV-8B Harrier aircraft.

Sec. 344. Study on Army modularity.

*Subtitle F—Other Matters*

Sec. 351. Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.

Sec. 352. Policy on ground combat and camouflage utility uniforms.

Sec. 353. Condition-based maintenance demonstration programs.

Sec. 354. Extension of arsenal support program initiative.

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

*Subtitle A—Active Forces*

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength minimum levels.

Sec. 403. Additional authority for increases of Army active-duty end strengths for fiscal years 2011 and 2012.

*Subtitle B—Reserve Forces*

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2010 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Sec. 416. Submittal of options for creation of Trainees, Transients, Holdees, and Students account for the Army National Guard.

Sec. 417. Report on requirements of the National Guard for non-dual status technicians.

Sec. 418. Expansion of authority of Secretaries of the military departments to increase certain end strengths to include Selected Reserve end strengths.

*Subtitle C—Authorization of Appropriations*

Sec. 421. Military personnel.

Sec. 422. Repeal of delayed one-time shift of military retirement payments.

**TITLE V—MILITARY PERSONNEL POLICY**

*Subtitle A—Officer Personnel Policy*

Sec. 501. Grade of Legal Counsel to the Chairman of the Joint Chiefs of Staff.

Sec. 502. Modification of limitations on general and flag officers on active duty.

Sec. 503. Revisions to annual reporting requirement on joint officer management.

Sec. 504. Extension of temporary increase in maximum number of days leave members may accumulate and carryover.

Sec. 505. Computation of retirement eligibility for enlisted members of the Navy who complete the Seaman to Admiral (STA-21) officer candidate program.

Sec. 506. Independent review of judge advocate requirements of the Department of the Navy.

*Subtitle B—General Service Authorities*

Sec. 511. Continuation on active duty of reserve component members during physical disability evaluation following mobilization and deployment.

Sec. 512. Medical examination required before administrative separation of members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury.

Sec. 513. Legal assistance for additional reserve component members.

Sec. 514. Limitation on scheduling of mobilization or pre-mobilization training for Reserve units when certain suspension of training is likely.

Sec. 515. Evaluation of test of utility of test preparation guides and education programs in improving qualifications of recruits for the Armed Forces.

Sec. 516. Report on presence in the Armed Forces of members associated or affiliated with groups engaged in prohibited activities.

*Subtitle C—Education and Training*

Sec. 521. Detail of commissioned officers as students at schools of psychology.

Sec. 522. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers' Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.

Sec. 523. Expansion of criteria for appointment as member of the Board of Regents of the Uniformed Services University of the Health Sciences.

Sec. 524. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals with skills to assist in providing mental health care.

Sec. 525. Department of Defense undergraduate nurse training program.

Sec. 526. Increase in number of private sector civilians authorized for admission to National Defense University.

Sec. 527. Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands.

Sec. 528. Athletic association for the Air Force Academy.

Sec. 529. Language training centers for members of the Armed Forces and civilian employees of the Department of Defense.

*Subtitle D—Defense Dependents' Education*

Sec. 531. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 532. Impact aid for children with severe disabilities.

Sec. 533. Two-year extension of authority for assistance to local educational agencies with enrollment changes due to base closures, force structure changes, or force relocations.

Sec. 534. Authority to extend eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents.

Sec. 535. Permanent authority for enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.

Sec. 536. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.

Sec. 537. Study on options for educational opportunities for dependent children of members of the Armed Forces when public schools attended by such children are determined to need improvement.

Sec. 538. Comptroller General audit of assistance to local educational agencies for dependent children of members of the Armed Forces.

Sec. 539. Sense of Congress on the Interstate Compact on Educational Opportunity for Military Children.

*Subtitle E—Missing or Deceased Persons*

Sec. 541. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing in conflicts occurring before enactment of new system for accounting for missing persons.

Sec. 542. Policy and procedures on media access and attendance by family members at ceremonies for the dignified transfer of remains of members of the Armed Forces who die overseas.

Sec. 543. Report on expansion of authority of a member to designate persons to direct disposition of the remains of a deceased member.

Sec. 544. Sense of Congress on the recovery of the remains of members of the Armed Forces who were killed during World War II in the battle of Tarawa Atoll.

*Subtitle F—Decorations and Awards*

Sec. 551. Authorization and request for award of Medal of Honor to Anthony T. Kaho'ohanohano for acts of valor during the Korean War.

Sec. 552. Authorization and request for award of Distinguished-Service Cross to Jack T. Stewart for acts of valor during the Vietnam War.

Sec. 553. Authorization and request for award of Distinguished-Service Cross to William T. Miles, Jr., for acts of valor during the Korean War.

*Subtitle G—Military Family Readiness Matters*

Sec. 561. Establishment of online resources to provide information about benefits and services available to members of the Armed Forces and their families.

Sec. 562. Additional members on Department of Defense Military Family Readiness Council.

Sec. 563. Support for military families with special needs.



- Sec. 564. Pilot program to secure internships for military spouses with Federal agencies.
- Sec. 565. Family and medical leave for family of servicemembers.
- Sec. 566. Deadline for report on sexual assault in the Armed Forces by Defense Task Force on Sexual Assault in the Military Services.
- Sec. 567. Improved prevention and response to allegations of sexual assault involving members of the Armed Forces.
- Sec. 568. Comptroller General report on progress made in implementing recommendations to reduce domestic violence in military families.
- Sec. 569. Report on impact of domestic violence on military families.
- Sec. 570. Report on international intrafamilial abduction of children of members of the Armed Forces.
- Sec. 571. Assessment of impact of deployment of members of the Armed Forces on their dependent children.
- Sec. 572. Report on child custody litigation involving service of members of the Armed Forces.
- Sec. 573. Comptroller General report on child care assistance for members of the Armed Forces.

#### Subtitle H—Military Voting

- Sec. 575. Short title.
- Sec. 576. Clarification regarding delegation of State responsibilities to local jurisdictions.
- Sec. 577. Establishment of procedures for absent uniformed services voters and overseas voters to request and for States to send voter registration applications and absentee ballot applications by mail and electronically.
- Sec. 578. Establishment of procedures for States to transmit blank absentee ballots by mail and electronically to absent uniformed services voters and overseas voters.
- Sec. 579. Ensuring absent uniformed services voters and overseas voters have time to vote.
- Sec. 580. Procedures for collection and delivery of marked absentee ballots of absent overseas uniformed services voters.
- Sec. 581. Federal write-in absentee ballot.
- Sec. 582. Prohibiting refusal to accept voter registration and absentee ballot applications, marked absentee ballots, and Federal write-in absentee ballots for failure to meet certain requirements.
- Sec. 583. Federal Voting Assistance Program Improvements.
- Sec. 584. Development of standards for reporting and storing certain data.
- Sec. 585. Repeal of provisions relating to use of single application for all subsequent elections.
- Sec. 586. Reporting requirements.
- Sec. 587. Annual report on enforcement.
- Sec. 588. Requirements payments.
- Sec. 589. Technology pilot program.

#### Subtitle I—Other Matters

- Sec. 591. Clarification of performance policies for military musical units and musicians.
- Sec. 592. Navy grants for purposes of Naval Sea Cadet Corps.
- Sec. 593. Modification of matching fund requirements under National Guard Youth Challenge Program.
- Sec. 594. Expansion of Military Leadership Diversity Commission to include reserve component representatives.

Sec. 595. Expansion of suicide prevention and community healing and response training under the Yellow Ribbon Reintegration Program.

Sec. 596. Comprehensive plan on prevention, diagnosis, and treatment of substance use disorders and disposition of substance abuse offenders in the Armed Forces.

Sec. 597. Reports on Yellow Ribbon Reintegration Program and other reintegration programs.

Sec. 598. Reports on progress in completion of certain incident information management tools.

### TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

#### Subtitle A—Pay and Allowances

- Sec. 601. Fiscal year 2010 increase in military basic pay.
- Sec. 602. Increase in maximum monthly amount of supplemental subsistence allowance for low-income members with dependents.
- Sec. 603. Special compensation for members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.
- Sec. 604. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.
- Sec. 605. Report on housing standards and housing surveys used to determine basic allowance for housing.
- Sec. 606. Comptroller General comparative assessment of military and private-sector pay and benefits.

#### Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
- Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
- Sec. 616. One-year extension of authorities relating to payment of referral bonuses.
- Sec. 617. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.
- Sec. 618. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.
- Sec. 619. Additional assignment pay or special duty pay authorized for members agreeing to serve in Afghanistan for extended periods.
- Sec. 620. Temporary authority for monthly special pay for members of the Armed Forces subject to continuing active duty or service under stop-loss authorities.
- Sec. 621. Army authority to provide additional recruitment incentives.
- Sec. 622. Report on recruitment and retention of members of the Air Force in nuclear career fields.

#### Subtitle C—Travel and Transportation Allowances

- Sec. 631. Travel and transportation for survivors of deceased members of the uniformed services to attend memorial ceremonies.
- Sec. 632. Travel and transportation allowances for designated individuals of wounded, ill, or injured members of the uniformed services for duration of inpatient treatment.
- Sec. 633. Authorized travel and transportation allowances for non-medical attendants for very seriously and seriously wounded, ill, or injured members.
- Sec. 634. Reimbursement of travel expenses of members of the Armed Forces on active duty and their dependents for travel for specialty care under exceptional circumstances.
- Sec. 635. Report on adequacy of weight allowances for transportation of baggage and household effects for members of the uniformed services.

#### Subtitle D—Disability, Retired Pay, and Survivor Benefits

- Sec. 641. Transition assistance for reserve component members injured while on active duty.
- Sec. 642. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
- Sec. 643. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.
- Sec. 644. Report on re-determination process for permanently incapacitated dependents of retired and deceased members of the Armed Forces.
- Sec. 645. Treatment as active service for retired pay purposes of service as member of Alaska Territorial Guard during World War II.

#### Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

- Sec. 651. Limitation on Department of Defense entities offering personal information services to members and their dependents.
- Sec. 652. Report on impact of purchasing from local distributors all alcoholic beverages for resale on military installations on Guam.

#### Subtitle F—Other Matters

- Sec. 661. Limitations on collection of overpayments of pay and allowances erroneously paid to members.
- Sec. 662. Sense of Congress on airfares for members of the Armed Forces.
- Sec. 663. Sense of Congress on establishment of flexible spending arrangements for the uniformed services.
- Sec. 664. Sense of Congress regarding support for compensation, retirement, and other military personnel programs.

### TITLE VII—HEALTH CARE PROVISIONS

#### Subtitle A—Improvements to Health Benefits

- Sec. 701. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
- Sec. 702. Health care for members of the reserve components.

Sec. 703. Enhancement of transitional dental care for members of the reserve components on active duty for more than 30 days in support of a contingency operation.

Sec. 704. Expansion of survivor eligibility under TRICARE dental program.

Sec. 705. TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.

Sec. 706. Constructive eligibility for TRICARE benefits of certain persons otherwise ineligible under retroactive determination of entitlement to Medicare part A hospital insurance benefits.

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Sec. 4701. Short title.

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#### SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

#### DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

##### TITLE I—PROCUREMENT

###### Subtitle A—Authorization of Appropriations

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Sec. 111. Procurement of Future Combat Systems spin out early-infantry brigade combat team equipment.



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- Sec. 121. Littoral Combat Ship program.  
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*Subtitle D—Air Force Programs*

- Sec. 131. Report on the procurement of 4.5 generation fighter aircraft.  
 Sec. 132. Revised availability of certain funds available for the F-22A fighter aircraft.  
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 Sec. 136. Repeal of requirement to maintain certain retired C-130E aircraft.  
 Sec. 137. Limitation on retirement of C-5 aircraft.  
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*Subtitle E—Joint and Multiservice Matters*

- Sec. 141. Body armor procurement.  
 Sec. 142. Unmanned cargo-carrying-capable aerial vehicles.  
 Sec. 143. Modification of nature of data link for use by tactical unmanned aerial vehicles.

**Subtitle A—Authorization of Appropriations****SEC. 101. ARMY.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Army as follows:

- (1) For aircraft, \$5,110,352,000.
- (2) For missiles, \$1,368,109,000.
- (3) For weapons and tracked combat vehicles, \$2,439,052,000.
- (4) For ammunition, \$2,058,895,000.
- (5) For other procurement, \$9,450,863,000.

**SEC. 102. NAVY AND MARINE CORPS.**

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Navy as follows:

- (1) For aircraft, \$18,842,112,000.
- (2) For weapons, including missiles and torpedoes, \$3,446,019,000.
- (3) For shipbuilding and conversion, \$13,776,867,000.
- (4) For other procurement, \$5,610,581,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Marine Corps in the amount of \$1,603,738,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement of ammunition for the Navy and the Marine Corps in the amount of \$814,015,000.

**SEC. 103. AIR FORCE.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Air Force as follows:

- (1) For aircraft, \$11,224,371,000.
- (2) For ammunition, \$822,462,000.
- (3) For missiles, \$6,037,459,000.
- (4) For other procurement, \$17,133,668,000.

**SEC. 104. DEFENSE-WIDE ACTIVITIES.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for Defense-wide procurement in the amount of \$4,090,816,000.

**SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of \$600,000,000.

**SEC. 106. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of \$600,000,000.

**SEC. 107. RELATION TO FUNDING TABLE.**

The amounts authorized to be appropriated by sections 101, 102, 103, 104, 105, and 106 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4101.

*Subtitle B—Army Programs***SEC. 111. PROCUREMENT OF FUTURE COMBAT SYSTEMS SPIN OUT EARLY-INFANTRY BRIGADE COMBAT TEAM EQUIPMENT.**

(a) LIMITATION ON LOW-RATE INITIAL PRODUCTION QUANTITIES.—Notwithstanding section 2400 of title 10, United States Code, and except as provided in subsection (b), the Secretary of Defense may not procure more than one Future Combat Systems spin out early-infantry brigade combat team equipment set (in this section referred to as a “brigade set”) for low-rate initial production.

(b) WAIVER.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the limitation in subsection (a) if—

(1) the Under Secretary submits to Congress written certification that—

(A) the Future Combat Systems spin out early-infantry brigade combat team program (in this section referred to as the “program”) requires low-rate initial production in excess of 10 percent of the total number of articles to be produced;

(B) the Director of Defense Research and Engineering has completed a technology readiness assessment of the program;

(C) the Director of Cost Assessment and Program Evaluation has completed an independent cost estimate of the program;

(D) the Under Secretary has approved an acquisition strategy and acquisition program baseline for the program; and

(E) all of the systems constituting the brigade set have been tested in their intended production configuration; and

(2) a period of 30 days has elapsed after the date on which the certification under paragraph (1) is received.

(c) EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.—The limitation on low-rate initial production in subsection (a) does not apply to the procurement of individual components of a brigade set if the procurement of such components is specifically intended to address an operational need statement requirement (as described in Army Regulation 71-9 or a successor regulation).

*Subtitle C—Navy Programs***SEC. 121. LITTORAL COMBAT SHIP PROGRAM.**

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy may procure up to ten Littoral Combat Ships and 15 Littoral Combat Ship ship control and weapon systems by entering into a contract using competitive procedures. Such procurement may also include—

(A) materiel and equipment in economic order quantities when cost savings are achievable; and

(B) cost reduction initiatives.

(2) LIABILITY.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at time of termination.

(b) TECHNICAL DATA PACKAGE.—

(1) REQUIREMENT.—As part of the solicitation for proposals for a procurement authorized by subsection (a), the Secretary shall require that an offeror submit a proposal that provides for conveying a complete technical data package as part of a proposal for a Littoral Combat Ship.

(2) RIGHTS OF THE UNITED STATES.—The Secretary shall ensure that the Government's rights in technical data for a Littoral Combat Ship are sufficient to permit the Government to—

(A) conduct a competition for a second shipyard, as soon as practicable; and

(B) transition the Littoral Combat Ship combat systems to Government-furnished equipment to achieve open architecture and foster competition to modernize future systems.

(c) LIMITATION OF COSTS.—

(1) LIMITATION.—Except as provided in subsection (d), and excluding amounts described in paragraph (2), beginning in fiscal year 2011, the total amount obligated or expended for the procurement of a Littoral Combat Ship awarded to a contractor selected as part of a procurement authorized by subsection (a) may not exceed \$480,000,000 per vessel.

(2) EXCLUSION.—The amounts described in this paragraph are amounts associated with the following:

(A) Elements designated by the Secretary of the Navy as a mission package.

(B) Plans.

(C) Technical data packages.

(D) Class design services.

(E) Post-delivery, outfitting, and program support costs.

(d) WAIVER AND ADJUSTMENT OF LIMITATION AMOUNT.—

(1) WAIVER.—The Secretary of the Navy may waive the limitation in subsection (c)(1) with respect to a vessel if—

(A) the Secretary provides supporting data and certifies in writing to the congressional defense committees that—

(i) the total amount obligated or expended for procurement of the vessel—

(I) is in the best interest of the United States; and

(II) is affordable, within the context of the annual naval vessel construction plan required by section 231 of title 10, United States Code; and

(ii) the total amount obligated or expended for procurement of at least one other vessel authorized by subsection (a) has been or is expected to be less than \$480,000,000; and

(B) a period of not less than 30 days has expired following the date on which such certification and data are submitted to the congressional defense committees.

(2) ADJUSTMENT.—The Secretary of the Navy may adjust the amount set forth in subsection (c)(1) for Littoral Combat Ship vessels referred to in that subsection by the following:

(A) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2009.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2009.

(C) The amounts of increases or decreases in costs of the vessel that are attributable to insertion of new technology into that vessel, as compared to the technology built into the first or

second vessels of the Littoral Combat Ship class of vessels, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology—

(i) is expected to decrease the life-cycle cost of the vessel; or

(ii) is required to meet an emerging threat that poses grave harm to national security.

(D) The amounts of increases or decreases in costs required to correct deficiencies that may affect the safety of the vessel and personnel or otherwise preclude the vessel from safe operations and crew certifications.

(e) **ANNUAL REPORTS.**—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for each fiscal year, the Secretary of the Navy shall submit to the congressional defense committees a report on Littoral Combat Ship vessels. Each such report shall include the following:

(1) The current (as of the date of the report) and projected total basic construction costs, Government-furnished equipment costs, and other program costs associated with each of the Littoral Combat Ships under construction.

(2) Written notice of any adjustment in the amount set forth in subsection (c)(1) made during the preceding fiscal year that the Secretary adjusted under the authority provided in subsection (d)(2).

(3) A summary of investment made by the Government for cost-reduction initiatives and the projected savings or cost avoidance based on those investments.

(4) A summary of investment made by the construction yard to improve efficiency and optimization of construction along with the projected savings or cost avoidance based on those investments.

(5) Information, current as of the date of the report, regarding—

(A) the content of any element of the Littoral Combat Ship class of vessels that is designated as a mission package;

(B) the estimated cost of any such element; and

(C) the total number of such elements anticipated.

(f) **DEFINITIONS.**—In this section:

(1) The term “mission package” means the interchangeable systems that deploy with a Littoral Combat Ship vessel.

(2) The term “technical data package” means a compilation of detailed engineering plans and specifications for construction of the vessels.

(3) The term “total amount obligated or expended for procurement”, with respect to a Littoral Combat Ship, means the sum of the costs of basic construction and Government-furnished equipment for the ship.

(g) **CONFORMING REPEAL.**—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3157), as amended by section 125 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 29) and section 122 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4376), is repealed.

#### **SEC. 122. TREATMENT OF LITTORAL COMBAT SHIP PROGRAM AS A MAJOR DEFENSE ACQUISITION PROGRAM.**

Effective as of the date of the enactment of this Act, the program for the Littoral Combat Ship shall be treated as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

#### **SEC. 123. REPORT ON STRATEGIC PLAN FOR HOMEPORING THE LITTORAL COMBAT SHIP.**

(a) **REPORT REQUIRED.**—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for fiscal year 2011, the Secretary of the Navy shall submit to the

congressional defense committees a report setting forth the strategic plan of the Navy for homeporting the Littoral Combat Ship on the east coast and west coast of the United States.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An analysis of how the homeporting plan would support the requirements of the commanders of the combatant commands, by geographic area of responsibility, for the capabilities delivered by Littoral Combat Ships, including the notional transit times to the various geographic areas of responsibility.

(2) An assessment of the effect that each type of Littoral Combat Ship would have on each port in which such ship could be homeported, including an identification of the infrastructure required to support each such ship with respect to—

(A) the availability of pier space with supporting ship services infrastructure, taking into account the largest fleet size envisioned by the long-term plan for the construction of naval vessels submitted for fiscal year 2011;

(B) the logistical and maintenance support services required in any port chosen for the Littoral Combat Ships; and

(C) any investment in naval station infrastructure required for homeporting Littoral Combat Ships (including a plan for such investment).

(3) With respect to the projected force structure size of the Navy in fiscal year 2020, a graphical depiction of the total planned ships berthing in the pier areas of any naval facility chosen to homeport Littoral Combat Ships, including the identification of the ships berthing plan for the maximum number of ships expected in-port at any one time.

#### **SEC. 124. ADVANCE PROCUREMENT FUNDING.**

(a) **ADVANCE PROCUREMENT.**—With respect to a naval vessel for which amounts are authorized to be appropriated or otherwise made available for fiscal year 2010 or any fiscal year thereafter for advance procurement in shipbuilding and conversion, Navy, the Secretary of the Navy may enter into a contract, in advance of a contract for construction of any vessel, for any of the following:

(1) Components, parts, or materiel.

(2) Production planning and other related support services that reduce the overall procurement lead time of such vessel.

(b) **AIRCRAFT CARRIER DESIGNATED CVN-79.**—With respect to components of the aircraft carrier designated CVN-79 for which amounts are authorized to be appropriated or otherwise made available for fiscal year 2010 or any fiscal year thereafter for advance procurement in shipbuilding and conversion, Navy, the Secretary of the Navy may enter into a contract for the advance construction of such components if the Secretary determines that cost savings, construction efficiencies, or workforce stability may be achieved for such aircraft carrier through the use of such contract.

(c) **CONDITION OF OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2010 is subject to the availability of appropriations for that purpose for such fiscal year.

#### **SEC. 125. PROCUREMENT PROGRAMS FOR FUTURE NAVAL SURFACE COMBATANTS.**

(a) **LIMITATION ON AVAILABILITY OF FUNDS.**—PENDING REPORTS ABOUT SURFACE COMBATANT SHIPBUILDING PROGRAMS.—The Secretary of the Navy may not obligate or expend funds for the construction of, or advanced procurement of materials for, a surface combatant to be constructed after fiscal year 2011 until the Secretary has submitted to Congress each of the following:

(1) An acquisition strategy for such surface combatants that has been approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Certification that the Joint Requirements Oversight Council—

(A) has been briefed on the acquisition strategy to procure such surface combatants; and

(B) has concurred that such strategy is the best preferred approach to deliver required capabilities to address future threats, as reflected in the latest assessment by the defense intelligence community.

(3) A verification by, and conclusions of, an independent review panel that, in evaluating the program or programs concerned, the Secretary of the Navy considered each of the following:

(A) Modeling and simulation, including war gaming conclusions regarding combat effectiveness for the selected ship platforms as compared to other reasonable alternative approaches.

(B) Assessments of platform operational availability.

(C) Life cycle costs, including vessel manning levels, to accomplish missions.

(D) The differences in cost and schedule arising from the need to accommodate new sensors and weapons in surface combatants to be constructed after fiscal year 2011 to counter the future threats referred to in paragraph (2), when compared with the cost and schedule arising from the need to accommodate sensors and weapons on surface combatants as contemplated by the 2009 shipbuilding plan for the vessels concerned.

(4) The conclusions of a joint review by the Secretary of the Navy and the Director of the Missile Defense Agency setting forth additional requirements for investment in Aegis ballistic missile defense beyond the number of DDG-51 and CG-47 vessels planned to be equipped for this mission area in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) **FUTURE SURFACE COMBATANT ACQUISITION STRATEGY.**—Not later than the date upon which the President submits to Congress the budget for fiscal year 2012 (as so submitted), the Secretary of the Navy shall submit to the congressional defense committees an update to the open architecture report to Congress that reflects the Navy's combat systems acquisition plans for the surface combatants to be procured in fiscal year 2012 and fiscal years thereafter.

(c) **NAVAL SURFACE FIRE SUPPORT.**—Not later than 120 days after the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees an update to the March 2006 Report to Congress on Naval Surface Fire Support. The update shall identify how the Department of Defense intends to address any shortfalls between required naval surface fire support capability and the plan of the Navy to provide that capability. The update shall include addenda by the Chief of Naval Operations and Commandant of the Marine Corps, as was the case in the 2006 report.

(d) **TECHNOLOGY ROADMAP FOR FUTURE SURFACE COMBATANTS AND FLEET MODERNIZATION.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall develop a plan to incorporate into surface combatants constructed after 2011, and into fleet modernization programs, the technologies developed for the DDG-1000 destroyer and the DDG-51 and CG-47 Aegis ships, including technologies and systems designed to achieve significant manpower savings.

(2) **SCOPE OF PLAN.**—The plan required by paragraph (1) shall include sufficient detail for systems and subsystems to ensure that the plan—

(A) avoids redundant development for common functions;

(B) reflects implementation of Navy plans for achieving an open architecture for all naval surface combat systems; and

(C) fosters competition.

(e) DEFINITIONS.—In this section:

(1) The term “2009 shipbuilding plan” means the 30-year shipbuilding plan submitted to Congress pursuant to section 231, title 10, United States Code, together with the budget of the President for fiscal year 2009 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(2) The term “surface combatant” means a cruiser, a destroyer, or any naval vessel, excluding Littoral Combat Ships, under a program currently designated as a future surface combatant program.

#### SEC. 126. FORD-CLASS AIRCRAFT CARRIER REPORT.

Not later than February 1, 2010, the Secretary of the Navy shall submit to the congressional defense committees a report on the effects of using a five-year interval for the construction of Ford-class aircraft carriers. The report shall include, at a minimum, an assessment of the effects of such five-year interval on the following:

(1) With respect to the supplier base—

(A) the viability of the base, including suppliers exiting the market or other potential reductions in competition; and

(B) cost increases to the Ford-class aircraft carrier program.

(2) Training of individuals in trades related to ship construction.

(3) Loss of expertise associated with ship construction.

(4) The costs of—

(A) any additional technical support or production planning associated with the start of construction;

(B) material and labor;

(C) overhead; and

(D) other ship construction programs, including the costs of existing and future contracts.

#### SEC. 127. REPORT ON A SERVICE LIFE EXTENSION PROGRAM FOR OLIVER HAZARD PERRY CLASS FRIGATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth the following:

(1) A detailed analysis of a service life extension program for the Oliver Hazard Perry class frigates, including—

(A) the cost of the program;

(B) a notional schedule for the program; and

(C) the shipyards available to carry out the work under the program.

(2) The strategic plan of the Navy for—

(A) the manner in which the Littoral Combat Ship will fulfill the roles and missions currently performed by the Oliver Hazard Perry class frigates as such frigates are decommissioned; and

(B) the year-by-year planned commissioning of Littoral Combat Ships and planned decommissioning of Oliver Hazard Perry class frigates through the projected service life of the Oliver Hazard Perry class frigates.

(3) An analysis of the necessary procurement rates of Littoral Combat Ships if the extension of the service life of the Oliver Hazard Perry class frigates alleviates capability gaps caused by a delay in the procurement rates of Littoral Combat Ships.

(4) A description of the manner in which the Navy has met the requirements of the United States Southern Command over time, including the assets and vessels the Navy has deployed for military-to-military engagements, UNITAS exercises, and counterdrug operations in support of the Commander of the United States Southern Command during the five-year period ending on the date of the report.

#### SEC. 128. CONDITIONAL MULTIYEAR PROCUREMENT AUTHORITY FOR F/A-18E, F/A-18F, OR EA-18G AIRCRAFT.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

(1) IN GENERAL.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract for the procurement of F/A-18E, F/A-18F, or EA-18G aircraft.

(2) SUBMISSION OF WRITTEN CERTIFICATION BY SECRETARY OF DEFENSE.—For purposes of paragraph (1), the term “March 1 of the year in which the Secretary requests legislative authority to enter into such contract” in section 2306b(i)(1) of such title shall be deemed to be a reference to March 1, 2010.

(b) CONTRACT REQUIREMENT.—A multiyear contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose.

(c) REPORT OF FINDINGS.—In addition to any reports or certifications required by section 2306b of title 10, United States Code, not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on how the findings and conclusions of the quadrennial defense review under section 118 of such title and the 30-year aviation plan under section 231a of such title have informed the acquisition strategy of the Secretary with regard to the F/A-18E, F/A-18F, and EA-18G aircraft programs of record.

(d) SUNSET.—

(1) TERMINATION DATE.—Except as provided in paragraph (2), the authority to enter into a multiyear contract under subsection (a) shall terminate on May 1, 2010.

(2) EXTENSION.—The Secretary of the Navy may enter into a multiyear contract under subsection (a) until September 30, 2010, if the Secretary notifies the congressional defense committees in writing—

(A) that the administrative processes or other contracting activities necessary for executing this authority cannot be completed before May 1, 2010; and

(B) of the date, on or before September 30, 2010, on which the Secretary plans to enter into such multiyear contract.

#### Subtitle D—Air Force Programs

#### SEC. 131. REPORT ON THE PROCUREMENT OF 4.5 GENERATION FIGHTER AIRCRAFT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the procurement of 4.5 generation fighter aircraft. The report shall include the following:

(1) The number of 4.5 generation fighter aircraft needed to be procured during fiscal years 2011 through 2025 to fulfill the requirement of the Air Force to maintain not less than 2,200 tactical fighter aircraft.

(2) The estimated procurement costs for those aircraft if procured through annual procurement contracts.

(3) The estimated procurement costs for those aircraft if procured through multiyear procurement contracts.

(4) The estimated savings that could be derived from the procurement of those aircraft through a multiyear procurement contract, and whether the Secretary determines the amount of those savings to be substantial.

(5) A discussion comparing the costs and benefits of obtaining those aircraft through annual procurement contracts with the costs and benefits of obtaining those aircraft through a multiyear procurement contract.

(6) A discussion regarding the availability and feasibility of procuring F-35 aircraft to propor-

tionally and concurrently recapitalize the Air National Guard during fiscal years 2015 through fiscal year 2025.

(b) 4.5 GENERATION FIGHTER AIRCRAFT DEFINED.—In this section, the term “4.5 generation fighter aircraft” means current fighter aircraft, including the F-15, F-16, and F-18, that—

(1) have advanced capabilities, including—

(A) AESA radar;

(B) high capacity data-link; and

(C) enhanced avionics; and

(2) have the ability to deploy current and reasonably foreseeable advanced armaments.

#### SEC. 132. REVISED AVAILABILITY OF CERTAIN FUNDS AVAILABLE FOR THE F-22A FIGHTER AIRCRAFT.

(a) REPEAL OF AUTHORITY ON AVAILABILITY OF FISCAL YEAR 2009 FUNDS.—Section 134 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4378) is repealed.

(b) AVAILABILITY OF ADVANCE PROCUREMENT FUNDS FOR OTHER F-22A AIRCRAFT MODERNIZATION PRIORITIES.—Subject to the provisions of appropriations Acts and applicable requirements relating to the transfer of funds, the Secretary of the Air Force may transfer amounts authorized to be appropriated for fiscal year 2009 by section 103(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4373) for aircraft procurement for the Air Force and available for advance procurement for the F-22A fighter aircraft within that subaccount or to other subaccounts for aircraft procurement for the Air Force for purposes of providing funds for other modernization priorities with respect to the F-22A fighter aircraft.

#### SEC. 133. PRESERVATION AND STORAGE OF UNIQUE TOOLING FOR F-22 FIGHTER AIRCRAFT.

(a) PLAN.—The Secretary of the Air Force shall develop a plan for the preservation and storage of unique tooling related to the production of hardware and end items for F-22 fighter aircraft. The plan shall—

(1) ensure that the Secretary preserves and stores required tooling in a manner that—

(A) allows the production of such hardware and end items to be restarted after a period of idleness; and

(B) provides for the long-term sustainment and repair of such hardware and end items;

(2) with respect to the supplier base of such hardware and end items, identify the costs of restarting production; and

(3) identify any contract modifications, additional facilities, or funding that the Secretary determines necessary to carry out the plan.

(b) RESTRICTION ON THE USE OF FUNDS.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2010 for aircraft procurement, Air Force, for F-22 fighter aircraft may be obligated or expended for activities related to disposing of F-22 production tooling until a period of 45 days has elapsed after the date on which the Secretary submits to Congress a report describing the plan required by subsection (a).

#### SEC. 134. AC-130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Commander of the United States Special Operations Command, shall submit to the congressional defense committees an assessment of the reduction in the service life of AC-130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year

that is similar to the average rate per year of the five years preceding the date of the report.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC-130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC-130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC-130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC-130 gunships and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) **ANALYSIS OF ALTERNATIVES.**—The Secretary of the Air Force, in consultation with the Commander of the United States Special Operations Command, shall conduct an analysis of alternatives for any gunship modernization requirements identified by the 2009 quadrennial defense review under section 118 of title 10, United States Code. The results of the analysis of alternatives shall be provided to the congressional defense committees not later than 18 months after the completion of the 2009 quadrennial defense review.

**SEC. 135. REPORT ON E-8C JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM RE-ENGINEING.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on replacing the engines of E-8C Joint Surveillance and Target Attack Radar System aircraft (in this section referred to as “Joint STARS aircraft”). The report shall include the following:

(1) An assessment of funding alternatives and options for accelerating funding for the fielding of Joint STARS aircraft with replaced engines.

(2) An analysis of the tradeoffs involved in the decision to replace the engines of Joint STARS aircraft or not to replace those engines, including the potential cost savings from replacing those engines and the operational impacts of not replacing those engines.

(3) An identification of the optimum path forward for replacing the engines of Joint STARS aircraft and modernizing the Joint STARS fleet.

(b) **LIMITATION ON CERTAIN ACTIONS.**—The Secretary of the Air Force may not take any action that would adversely impact the pace of the execution of the program to replace the engines of Joint STARS aircraft before submitting the report required by subsection (a).

**SEC. 136. REPEAL OF REQUIREMENT TO MAINTAIN CERTAIN RETIRED C-130E AIRCRAFT.**

Section 134 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 31) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) in subsection (b), by striking “subsection (d)” and inserting “subsection (c)”.

**SEC. 137. LIMITATION ON RETIREMENT OF C-5 AIRCRAFT.**

(a) **LIMITATION.**—The Secretary of the Air Force may not proceed with a decision to retire

C-5A aircraft from the active inventory of the Air Force in any number that would reduce the total number of such aircraft in the active inventory below 111 until—

(1) the Air Force has modified a C-5A aircraft to the configuration referred to as the Reliability Enhancement and Reengining Program (RERP) configuration, as planned under the C-5 System Development and Demonstration program as of May 1, 2003; and

(2) the Director of Operational Test and Evaluation of the Department of Defense—

(A) conducts an operational evaluation of that aircraft, as so modified; and

(B) provides to the Secretary of Defense and the congressional defense committees an operational assessment.

(b) **OPERATIONAL EVALUATION.**—An operational evaluation for purposes of paragraph (2)(A) of subsection (a) is an evaluation, conducted during operational testing and evaluation of the aircraft, as so modified, of the performance of the aircraft with respect to reliability, maintainability, and availability and with respect to critical operational issues.

(c) **OPERATIONAL ASSESSMENT.**—An operational assessment for purposes of paragraph (2)(B) of subsection (a) is an operational assessment of the program to modify C-5A aircraft to the configuration referred to in subsection (a)(1) regarding both overall suitability and deficiencies of the program to improve performance of the C-5A aircraft relative to requirements and specifications for reliability, maintainability, and availability of that aircraft as in effect on May 1, 2003.

(d) **ADDITIONAL LIMITATIONS ON RETIREMENT OF AIRCRAFT.**—The Secretary of the Air Force may not retire C-5 aircraft from the active inventory as of the date of the enactment of this Act until the later of the following:

(1) The date that is 90 days after the date on which the Director of Operational Test and Evaluation submits the report referred to in subsection (a)(2)(B).

(2) The date that is 90 days after the date on which the Secretary submits the report required under subsection (e).

(3) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that—

(A) the retirement of such aircraft will not increase the operational risk of meeting the National Defense Strategy; and

(B) the retirement of such aircraft will not reduce the total strategic airlift force structure below 316 strategic airlift aircraft.

(e) **REPORT ON RETIREMENT OF AIRCRAFT.**—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth the following:

(1) The rationale for the retirement of existing C-5 aircraft and a cost-benefit analysis of alternative strategic airlift force structures, including the force structure that would result from the retirement of such aircraft.

(2) An updated assessment to the assessment of the Under Secretary for Acquisition, Technology, and Logistics certified on February 14, 2008, concerning the costs and benefits of applying the Reliability Enhancement and Reengining Program (RERP) modification to the entire the C-5A aircraft fleet.

(3) An assessment of the implications for the Air Force, the Air National Guard, and the Air Force Reserve of operating a mix of C-5A aircraft and C-5M aircraft.

(4) An assessment of the costs and benefits of increasing the number of C-5 aircraft in Backup Aircraft Inventory (BAI) status as a hedge against future requirements of such aircraft.

(5) An assessment of the costs, benefits, and implications of transferring C-5 aircraft to United States flag carriers operating in the Civil

Reserve Air Fleet (CRAF) program or to coalition partners in lieu of the retirement of such aircraft.

(6) Such other matters relating to the retirement of C-5 aircraft as the Secretary considers appropriate.

**SEC. 138. REPORTS ON STRATEGIC AIRLIFT AIRCRAFT.**

At least 90 days before the date on which a C-5 aircraft is retired, the Secretary of the Air Force, in consultation with the Director of the Air National Guard, shall submit to the congressional defense committees a report on the proposed force structure and basing of strategic airlift aircraft (as defined in section 8062(g)(2) of title 10, United States Code). Each report shall include the following:

(1) A list of each aircraft in the inventory of strategic airlift aircraft, including for each such aircraft—

(A) the type;

(B) the variant; and

(C) the military installation where such aircraft is based.

(2) A list of each strategic airlift aircraft proposed for retirement, including for each such aircraft—

(A) the type;

(B) the variant; and

(C) the military installation where such aircraft is based.

(3) A list of each unit affected by a proposed retirement listed under paragraph (2) and how such unit is affected.

(4) For each military installation listed under paragraph (2)(C), changes, if any, to the mission of the installation as a result of a proposed retirement.

(5) Any anticipated reductions in manpower as a result of a proposed retirement listed under paragraph (2).

**SEC. 139. STRATEGIC AIRLIFT FORCE STRUCTURE.**

Subsection (g)(1) of section 8062 of title 10, United States Code, is amended—

(1) by striking “2008” and inserting “2009”; and

(2) by striking “299” and inserting “316”.

**Subtitle E—Joint and Multiservice Matters**

**SEC. 141. BODY ARMOR PROCUREMENT.**

(a) **PROCUREMENT.**—The Secretary of Defense shall ensure that body armor is procured using funds authorized to be appropriated by this title.

(b) **PROCUREMENT LINE ITEM.**—In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each military department procurement account, a separate, dedicated procurement line item is designated for body armor.

**SEC. 142. UNMANNED CARGO-CARRYING-CAPABLE AERIAL VEHICLES.**

None of the amounts authorized to be appropriated for procurement may be obligated or expended for an unmanned cargo-carrying-capable aerial vehicle until a period of 15 days has elapsed after the date on which the Vice Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Acquisition, Technology, and Logistics certify to the congressional defense committees that the Joint Requirements Oversight Council has approved a joint and common requirement for an unmanned cargo-carrying-capable aerial vehicle type.

**SEC. 143. MODIFICATION OF NATURE OF DATA LINK FOR USE BY TACTICAL UNMANNED AERIAL VEHICLES.**

Section 141(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law

109–163; 119 Stat. 3164) is amended by striking “, until such time as the Tactical Common Data Link standard is replaced by an updated standard for use by those vehicles” and inserting “or a data link that uses waveform capable of transmitting and receiving Internet Protocol communications”.

## **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

### *Subtitle A—Authorization of Appropriations*

Sec. 201. Authorization of appropriations.

Sec. 202. Relation to funding table.

### *Subtitle B—Program Requirements, Restrictions, and Limitations*

Sec. 211. Extension and enhancement of Global Research Watch Program.

Sec. 212. Permanent authority for the Joint Defense Manufacturing Technology Panel.

Sec. 213. Elimination of report requirements regarding Defense Science and Technology Program.

Sec. 214. Authorization for the Secretary of the Navy to purchase infrastructure and Government purpose rights license associated with the Navy-Marine Corps intranet.

Sec. 215. Limitation on expenditure of funds for Joint Multi-Mission Submersible program.

Sec. 216. Separate program elements required for research and development of individual body armor and associated components.

Sec. 217. Separate procurement and research, development, test, and evaluation line items and program elements for the F-35B and F-35C joint strike fighter aircraft.

Sec. 218. Restriction on obligation of funds for Army tactical ground network program pending receipt of report.

Sec. 219. Programs for ground combat vehicle and self-propelled howitzer capabilities for the Army.

Sec. 220. Guidance on budget justification materials describing funding requested for operation, sustainment, modernization, and personnel of major ranges and test facilities.

Sec. 221. Assessment of technological maturity and integration risk of Army modernization programs.

Sec. 222. Assessment of activities for technology modernization of the combat vehicle and armored tactical wheeled vehicle fleets.

### *Subtitle C—Missile Defense Programs*

Sec. 231. Sense of Congress on ballistic missile defense.

Sec. 232. Assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

Sec. 233. Continued production of Ground-based Interceptor missile and operation of Missile Field 1 at Fort Greely, Alaska.

Sec. 234. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.

Sec. 235. Authorization of funds for development and deployment of alternative missile defense systems in Europe.

Sec. 236. Comprehensive plan for test and evaluation of the ballistic missile defense system.

Sec. 237. Study on discrimination capabilities of ballistic missile defense system.

Sec. 238. Ascent phase missile defense strategy and plan.

Sec. 239. Extension of deadline for study on boost-phase missile defense.

### *Subtitle D—Reports*

Sec. 241. Repeal of requirement for biennial joint warfighting science and technology plan.

Sec. 242. Modification of reporting requirement for defense nanotechnology research and development program.

Sec. 243. Comptroller General assessment of coordination of energy storage device requirements, purchases, and investments.

Sec. 244. Annual Comptroller General report on the F-35 Lightning II aircraft acquisition program.

Sec. 245. Report on integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities.

Sec. 246. Report on future research and development of man-portable and vehicle-mounted guided missile systems.

Sec. 247. Report on the development of command and control systems.

Sec. 248. Evaluation of Extended Range Modular Sniper Rifle Systems.

### *Subtitle E—Other Matters*

Sec. 251. Enhancement of duties of Director of Department of Defense Test Resource Management Center with respect to the Major Range and Test Facility Base.

Sec. 252. Establishment of program to enhance participation of historically black colleges and universities and minority-serving institutions in defense research programs.

Sec. 253. Extension of authority to award prizes for advanced technology achievements.

Sec. 254. Authority for National Aeronautics and Space Administration federally funded research and development centers to participate in merit-based technology research and development programs.

Sec. 255. Next generation bomber aircraft.

### **Subtitle A—Authorization of Appropriations**

#### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, \$10,638,534,000.

(2) For the Navy, \$19,607,161,000.

(3) For the Air Force, \$28,401,642,000.

(4) For Defense-wide activities, \$20,604,271,000, of which \$190,770,000 is authorized for the Director of Operational Test and Evaluation.

#### **SEC. 202. RELATION TO FUNDING TABLE.**

The amounts authorized to be appropriated by section 201 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4201.

### **Subtitle B—Program Requirements, Restrictions, and Limitations**

#### **SEC. 211. EXTENSION AND ENHANCEMENT OF GLOBAL RESEARCH WATCH PROGRAM.**

(a) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR MILITARY DEPARTMENTS PENDING PROVISION OF ASSISTANCE UNDER PROGRAM.—Subsection (d) of section 2365 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) Funds available to a military department for a fiscal year for monitoring or analyzing the research activities and capabilities of

foreign nations may not be obligated or expended until the Director certifies to the Under Secretary of Defense for Acquisition, Technology, and Logistics that the Secretary of such military department has provided the assistance required under paragraph (2).

“(B) The limitation in subparagraph (A) shall not be construed to alter or effect the availability to a military department of funds for intelligence activities.”.

(b) FOUR-YEAR EXTENSION OF PROGRAM.—Subsection (f) of such section is amended by striking “September 30, 2011” and inserting “September 30, 2015”.

#### **SEC. 212. PERMANENT AUTHORITY FOR THE JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.**

Section 2521 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.—(1) There is in the Department of Defense the Joint Defense Manufacturing Technology Panel.

“(2)(A) The Chair of the Joint Defense Manufacturing Technology Panel shall be the head of the Panel. The Chair shall be appointed, on a rotating basis, from among the appropriate personnel of the military departments and Defense Agencies with manufacturing technology programs.

“(B) The Panel shall be composed of at least one individual from among appropriate personnel of each military department and Defense Agency with manufacturing technology programs. The Panel may include as ex-officio members such individuals from other government organizations, academia, and industry as the Chair considers appropriate.

“(3) The purposes of the Panel shall be as follows:

“(A) To identify and integrate requirements for the program.

“(B) To conduct joint planning for the program.

“(C) To develop joint strategies for the program.

“(4) In carrying out the purposes specified in paragraph (3), the Panel shall perform the functions as follows:

“(A) Conduct comprehensive reviews and assessments of defense-related manufacturing issues being addressed by the manufacturing technology programs and related activities of the Department of Defense.

“(B) Execute strategic planning to identify joint planning opportunities for increased cooperation in the development and implementation of technological products and the leveraging of funding for such purposes with the private sector and other government agencies.

“(C) Ensure the integration and coordination of requirements and programs under the program with the Office of the Secretary of Defense and other national-level initiatives, including the establishment of information exchange processes with other government agencies, private industry, academia, and professional associations.

“(D) Conduct such other functions as the Under Secretary of Defense for Acquisition, Technology, and Logistics shall specify.

“(5) The Panel shall report to and receive direction from the Director of Defense Research and Engineering on manufacturing technology issues of multi-service concern and application.

“(6) The administrative expenses of the Panel shall be borne by each military department and Defense Agency with manufacturing technology programs in such manner as the Panel shall provide.”.

**SEC. 213. ELIMINATION OF REPORT REQUIREMENTS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.**

Section 212 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 2501 note) is repealed.

**SEC. 214. AUTHORIZATION FOR THE SECRETARY OF THE NAVY TO PURCHASE INFRASTRUCTURE AND GOVERNMENT PURPOSE RIGHTS LICENSE ASSOCIATED WITH THE NAVY-MARINE CORPS INTRANET.**

(a) **PURCHASES AUTHORIZED.**—The Secretary of the Navy may enter into one or more contracts for the purchase of infrastructure and Government purpose rights for any or all technical data, computer software, and computer software documentation used or created under the Navy-Marine Corps Intranet multiyear contract, as in effect on the date of the enactment of this Act, if the Secretary determines that such a purchase would be in the best interest of the Department of the Navy.

(b) **CONTRACT REQUIREMENTS.**—Under a contract entered into under this section, the Secretary may purchase any discrete component or item of technical data, computer software, or computer software documentation of the Navy-Marine Corps Intranet and may obligate the Government only to amounts provided in advance in appropriations Acts specifically for the purpose of the contract. This section shall not apply to any purchases using funds available to the Department of the Navy for any fiscal year that begins before October 1, 2010.

(c) **LIMITATION.**—A contract entered into under this section may not, in any way, commit the Secretary or the Government to purchase any additional components or other items of technical data, computer software, or computer software documentation in subsequent years.

(d) **LIMITATION ON LIABILITY.**—A contract entered into under this section shall limit the amount of Government liability under the contract to the amount of appropriations available for such purpose at the time the Secretary enters into the contract or on the date an option is exercised.

(e) **PURCHASE BEFORE END OF CONTRACT PERIOD.**—Nothing in this section and nothing in any contract entered into under this section shall preclude the Secretary from purchasing the infrastructure and Government purpose rights for all technical data, computer software, and computer software documentation used or created under the Navy-Marine Corps Intranet multiyear contract, as in effect on the date of the enactment of this Act, prior to the end of the contract period, for whatever reason the Secretary determine is appropriate.

**SEC. 215. LIMITATION ON EXPENDITURE OF FUNDS FOR JOINT MULTI-MISSION SUBMERSIBLE PROGRAM.**

None of the funds authorized to be appropriated by this or any other Act for fiscal year 2010 may be obligated or expended for the Joint Multi-Mission Submersible program to proceed beyond Milestone B approval (as that term is defined in section 2366(e)(7) of title 10, United States Code) until the Secretary of Defense, in consultation with the Director of National Intelligence—

(1) completes an assessment on the feasibility of a cost-sharing agreement between the Department of Defense and the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), for the Joint Multi-Mission Submersible program;

(2) submits to the congressional defense committees and the intelligence committees (as that term is defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7))) the assessment referred to in paragraph (1); and

(3) certifies to the congressional defense committees and the intelligence committees that any agreement developed pursuant to the assessment referred to in paragraph (1) represents the most effective and affordable means of delivery for meeting a validated program requirement.

**SEC. 216. SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF INDIVIDUAL BODY ARMOR AND ASSOCIATED COMPONENTS.**

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account of each military department a separate, dedicated program element is assigned to the research and development of individual body armor and associated components.

**SEC. 217. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR THE F-35B AND F-35C JOINT STRIKE FIGHTER AIRCRAFT.**

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within the Navy research, development, test, and evaluation account and the Navy aircraft procurement account, a separate, dedicated line item and program element is assigned to each of the F-35B aircraft and the F-35C aircraft, to the extent that such accounts include funding for each such aircraft.

**SEC. 218. RESTRICTION ON OBLIGATION OF FUNDS FOR ARMY TACTICAL GROUND NETWORK PROGRAM PENDING RECEIPT OF REPORT.**

(a) **LIMITATION ON OBLIGATION OF RESEARCH AND DEVELOPMENT FUNDING.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2010 for research and development for the Army, for the program elements specified in subsection (c), not more than 50 percent may be obligated or expended until 30 days after the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to Congress a report on the acquisition strategy, requirements, and cost estimates for the Army tactical ground network program.

(b) **ARMY TACTICAL GROUND NETWORK PROGRAM DEFINED.**—For the purposes of subsection (a), the term “Army tactical ground network program” means the new tactical ground network major defense acquisition program derived from the Future Combat Systems Brigade Combat Team program network, and directed to be initiated by the memorandum entitled “Future Combat Systems Brigade Combat Team Acquisition Decision Memorandum”, which was signed by the Under Secretary of Defense for Acquisition, Technology, and Logistics on June 23, 2009.

(c) **ARMY TACTICAL GROUND NETWORK PROGRAM ELEMENTS SPECIFIED.**—The program elements specified in this subsection are the following:

(1) Future Combat Systems of Systems Engineering and Program Management.

(2) Future Combat Systems Sustainment and Training Research and Development.

(3) Any other program element specified by the Secretary of Defense to fund the Army tactical ground network program.

**SEC. 219. PROGRAMS FOR GROUND COMBAT VEHICLE AND SELF-PROPELLED HOWITZER CAPABILITIES FOR THE ARMY.**

(a) **PROGRAMS REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall carry out a separate program to achieve each of the following:

(A) The development, test, and fielding of an operationally effective, suitable, survivable, and affordable next generation ground combat vehicle for the Army.

(B) The development, test, and fielding of an operationally effective, suitable, survivable, and affordable next generation self-propelled howitzer capability for the Army.

(2) **COMPLIANCE WITH CERTAIN ACQUISITION REQUIREMENTS.**—Each program under paragraph (1) shall comply with the requirements of the Weapons Systems Acquisition Reform Act of 2009, and the amendments made by that Act.

(b) **STRATEGY AND PLAN FOR ACQUISITION.**—

(1) **IN GENERAL.**—Not later than March 31, 2010, the Secretary shall submit to the congressional defense committees a report setting forth a strategy and plan for the acquisition of weapon systems under the programs required by subsection (a). Each strategy and plan shall include measurable goals and objectives for the acquisition of such weapon systems, and shall identify all proposed major development, testing, procurement, and fielding events toward the achievement of such goals and objectives.

(2) **ELEMENTS.**—In developing each strategy and plan under paragraph (1), the Secretary shall consider the following:

(A) A single vehicle or family of vehicles utilizing a common chassis and automotive components.

(B) The incorporation of weapon, vehicle, communications, network, and system of systems common operating environment technologies developed under the Future Combat Systems program.

(c) **ANNUAL REPORTS.**—

(1) **REPORTS REQUIRED.**—The Secretary shall submit to the congressional defense committees, at the same time the President submits to Congress the budget for each of fiscal years 2011 through 2015 (as submitted pursuant to section 1105(a) of title 31, United States Code), a report on the investments proposed to be made under such budget with respect to each program required by subsection (a).

(2) **ELEMENTS.**—Each report under paragraph (1) shall set forth, for the fiscal year covered by the budget with which such report is submitted—

(A) the manner in which amounts requested in such budget would be available for each program required by subsection (a); and

(B) an assessment of the extent to which utilizing such amount in such manner would improve ground combat capabilities for the Army.

**SEC. 220. GUIDANCE ON BUDGET JUSTIFICATION MATERIALS DESCRIBING FUNDING REQUESTED FOR OPERATION, SUSTAINMENT, MODERNIZATION, AND PERSONNEL OF MAJOR RANGES AND TEST FACILITIES.**

(a) **GUIDANCE ON BUDGET JUSTIFICATION MATERIALS.**—The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller) and the Director of the Department of Defense Test Resource Management Center, shall issue guidance clarifying and standardizing the information required in budget justification materials describing amounts to be requested in the budget of the President for a fiscal year (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) for funding for each facility and resource of the Major Range and Test Facility Base in connection with each of the following:

(1) Operation.

(2) Sustainment.

(3) Investment and modernization.

(4) Government personnel.

(5) Contractor personnel.

(b) **APPLICABILITY.**—The guidance issued under subsection (a) shall apply with respect to



budgets of the President for fiscal years after fiscal year 2010.

(c) **MAJOR RANGE AND TEST FACILITY BASE DEFINED.**—In this section, the term “Major Range and Test Facility Base” has the meaning given that term in section 196(h) of title 10, United States Code.

**SEC. 221. ASSESSMENT OF TECHNOLOGICAL MATURITY AND INTEGRATION RISK OF ARMY MODERNIZATION PROGRAMS.**

(a) **ASSESSMENT REQUIRED.**—The Director of Defense Research and Engineering shall, in consultation with the Director of Developmental Test and Evaluation, review and assess the technological maturity and integration risk of critical technologies (as jointly identified by the Director and the Secretary of the Army for purposes of this section) of Army modernization programs and appropriate associated systems and programs, including the programs as follows:

- (1) Ground Combat Vehicle.
- (2) Future Combat Systems network hardware and software.
- (3) Warfighter Information Network—Tactical, Increment 3.
- (4) Appropriate portions of the Joint Tactical Radio System, including Ground Mobile Radios, Handheld, Manpack, Small Form Fit Radios, and Network Enterprise Domain.
- (5) Non-Line of Sight Launch System.
- (6) Small Unmanned Ground Vehicle.
- (7) Class I Unmanned Aerial Vehicle.
- (8) Class IV Unmanned Aerial Vehicle.
- (9) Multifunction Utility/Logistics Equipment Vehicle.
- (10) Tactical Unattended Ground Sensors.
- (11) Urban Unattended Ground Sensors.
- (12) Any other programs jointly identified by the Director and the Secretary for purposes of this section.

(b) **REPORT.**—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the technological maturity and integration risk of critical technologies of Army modernization programs and associated systems and programs covered by the review and assessment required under subsection (a), as determined pursuant to that assessment.

**SEC. 222. ASSESSMENT OF ACTIVITIES FOR TECHNOLOGY MODERNIZATION OF THE COMBAT VEHICLE AND ARMORED TACTICAL WHEELED VEHICLE FLEETS.**

(a) **INDEPENDENT ASSESSMENT OF STRATEGY REQUIRED.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an independent assessment of current, anticipated, and potential research, development, test, and evaluation activities for or applicable to the modernization of the combat vehicle fleet and armored tactical wheeled vehicle fleet of the Department of Defense.

(2) **ACCESS TO INFORMATION AND RESOURCES.**—The Secretary shall provide the entity with which the Secretary enters into a contract under paragraph (1) with access to such information and resources as are appropriate for the entity to conduct the assessment required by that paragraph.

(b) **REPORTS.**—

(1) **IN GENERAL.**—The contract required by subsection (a) shall provide that the entity with which the Secretary enters into a contract under that subsection shall submit to the Secretary and the congressional defense committees—

(A) an interim report on the assessment required by that subsection by not later than July 31, 2010; and

(B) a final report on such assessment by not later than December 31, 2010.

(2) **ELEMENTS.**—Each of the reports required by paragraph (1) shall include the following:

(A) A detailed discussion of the requirements and capability needs identified or proposed for current and prospective combat vehicles and armored tactical wheeled vehicles.

(B) An identification of capability gaps for combat vehicles and armored tactical wheeled vehicles based on lessons learned from recent conflicts and an assessment of emerging threats.

(C) An identification of the critical technology elements or integration risks associated with particular categories of combat vehicles and armored tactical wheeled vehicles, and with particular missions of such vehicles.

(D) Recommendations with respect to actions that could be taken to develop and deploy, during the ten-year period beginning on the date of the submittal of the report, critical technology capabilities to address the capability gaps identified pursuant to subparagraph (B), including an identification of high priority science and technology, research and engineering, and prototyping opportunities.

(E) Such other matters as the Secretary considers appropriate.

**Subtitle C—Missile Defense Programs**

**SEC. 231. SENSE OF CONGRESS ON BALLISTIC MISSILE DEFENSE.**

It is the sense of Congress that—

(1) the United States should develop, test, field, and maintain operationally-effective and cost-effective ballistic missile defense systems that are capable of defending the United States, its forward-deployed forces, allies, and other friendly nations from the threat of ballistic missile attacks from nations such as North Korea and Iran;

(2) the missile defense force structure and inventory levels of such missile defense systems should be determined based on an assessment of ballistic missile threats and a determination by senior military leaders, combatant commanders, and defense officials of the requirements and capabilities needed to address those threats; and

(3) the test and evaluation program for such missile defense systems should be operationally realistic and provide a high level of confidence in the capability of such systems (including their continuing effectiveness over the course of their service lives), and adequate resources should be available for that test and evaluation program (including interceptor missiles and targets for flight tests).

**SEC. 232. ASSESSMENT AND PLAN FOR THE GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF THE BALLISTIC MISSILE DEFENSE SYSTEM.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Defense should ensure the reliability, availability, maintainability, and supportability of the Ground-based Midcourse Defense element of the Ballistic Missile Defense system throughout the service life of such element.

(b) **ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—As part of the quadrennial defense review, the Nuclear Posture Review, and the Ballistic Missile Defense Review, the Secretary of Defense shall conduct an assessment of the following:

(A) Ground-based Midcourse Defense element of the Ballistic Missile Defense system.

(B) Future options for the Ground-based Midcourse Defense element.

(2) **ELEMENTS.**—The assessment required by paragraph (1) shall include an assessment of the following:

(A) The ballistic missile threat against which the Ground-based Midcourse Defense element is intended to defend.

(B) The military requirements for Ground-based Midcourse Defense capabilities against such missile threat.

(C) The capabilities of the Ground-based Midcourse Defense element as of the date of the assessment.

(D) The planned capabilities of the Ground-based Midcourse Defense element, if different from the capabilities under subparagraph (C).

(E) The force structure and inventory levels necessary for the Ground-based Midcourse Defense element to achieve the planned capabilities of that element, including an analysis of the costs and the potential advantages and disadvantages of deploying 44 operational Ground-based Interceptor missiles.

(F) The infrastructure necessary to achieve such capabilities, including the number and location of operational silos.

(G) The number of Ground-based Interceptor missiles necessary for operational assets, test assets (including developmental and operational test assets and aging and surveillance test assets), and spare missiles.

(3) **REPORT.**—At or about the same time the budget of the President for fiscal year 2011 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the results of the assessment required by paragraph (1). The report shall be in unclassified form, but may include a classified annex.

(c) **PLAN REQUIRED.**—

(1) **IN GENERAL.**—In addition to the assessment required by subsection (b), the Secretary shall establish a plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense system. The plan shall cover the period of the future-years defense program that is submitted to Congress under section 221 of title 10, United States Code, at or about the same time as the submittal to Congress of the budget of the President for fiscal year 2011.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall include the following elements:

(A) The schedule for achieving the planned capability of the Ground-based Midcourse Defense element, including the completion of operational silos, the delivery of operational Ground-Based Interceptors, and the deployment of such interceptors in those silos.

(B) The plan for funding the development, production, deployment, testing, improvement, and sustainment of the Ground-based Midcourse Defense element.

(C) The plan to maintain the operational effectiveness of the Ground-based Midcourse Defense element over the course of its service life, including any modernization or capability enhancement efforts, and any sustainment efforts.

(D) The plan for flight testing the Ground-based Midcourse Defense element, including aging and surveillance tests to demonstrate the continuing effectiveness of the system over the course of its service life.

(E) The plan for production of Ground-Based Interceptor missiles necessary for operational assets, developmental and operational test assets, aging and surveillance test assets, and spare missiles.

(3) **REPORT.**—At or about the same time the budget of the President for fiscal year 2011 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the plan required by paragraph (1). The report shall be in unclassified form, but may include a classified annex.

(d) **CONSTRUCTION.**—Nothing in this section shall be construed as altering or revising the continued production of all Ground-Based Interceptor missiles on contract as of June 23, 2009.

(e) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General of the United States shall—

(1) review the assessment required by subsection (b) and the plan required by subsection (c); and

(2) not later than 120 days after receiving the assessment and the plan, provide to the congressional defense committees the results of the review.

**SEC. 233. CONTINUED PRODUCTION OF GROUND-BASED INTERCEPTOR MISSILE AND OPERATION OF MISSILE FIELD 1 AT FORT GREELY, ALASKA.**

(a) **LIMITATION ON BREAK IN PRODUCTION.**—The Secretary of Defense shall ensure that the Director of the Missile Defense Agency does not allow a break in production of the Ground-based Interceptor missile until the Secretary has—

(1) completed the Ballistic Missile Defense Review;

(2) made a determination with respect to the number of Ground-based Interceptor missiles that will be necessary to support the service life of the Ground-based Midcourse Defense element of the Ballistic Missile Defense System; and

(3) submitted to the congressional defense committees a report containing such determination.

(b) **LIMITATION ON CERTAIN ACTIONS WITH RESPECT TO MISSILE FIELD 1 AND MISSILE FIELD 2 AT FORT GREELY, ALASKA.**—

(1) **LIMITATION ON DECOMMISSIONING OF MISSILE FIELD 1.**—The Secretary of Defense shall ensure that Missile Field 1 at Fort Greely, Alaska, is not completely decommissioned until six silos are operationally available in Missile Field 2 at Fort Greely.

(2) **LIMITATION WITH RESPECT TO DISPOSITION OF SILOS AT MISSILE FIELD 2.**—The Secretary of Defense shall ensure that no irreversible decision is made with respect to the number of silos at Missile Field 2 at Fort Greely, Alaska, until the date that is 60 days after the date on which the reports required by subsections (b)(3) and (c)(3) of section 232 are submitted to the congressional defense committees.

**SEC. 234. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OR DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.**

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2010 or any fiscal year thereafter may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and that such missile defense system has the ability to accomplish the mission.

**SEC. 235. AUTHORIZATION OF FUNDS FOR DEVELOPMENT AND DEPLOYMENT OF ALTERNATIVE MISSILE DEFENSE SYSTEMS IN EUROPE.**

(a) **AUTHORIZATION OF FUNDS FOR ALTERNATIVE EUROPEAN MISSILE DEFENSE SYSTEMS.**—Of the funds authorized to be appropriated or otherwise made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, \$309,000,000 shall be available for research, development, test, and evaluation, procurement, or deployment of alternative missile defense systems or their subsystems designed to protect Europe, and the United States in the case of long-range missile threats, from the threats posed by current and future Iranian ballistic missiles of all ranges, if the Secretary of Defense submits to the congressional defense committees a report certifying that such systems are expected to be—

(1) consistent with the direction from the North Atlantic Council to address ballistic mis-

sile threats to Europe and the United States in a prioritized manner that includes consideration of the imminence of the threat and the level of acceptable risk;

(2) operationally-effective and cost-effective in providing protection for Europe, and the United States in the case of long-range missile threats, against current and future Iranian ballistic missile threats; and

(3) interoperable, to the extent practical, with other components of missile defense and complementary to the missile defense strategy of the North Atlantic Treaty Organization.

(b) **CONSTRUCTION.**—Except as provided in subsection (a), nothing in this section shall be construed as limiting or preventing the Secretary of Defense from pursuing the development or deployment of operationally-effective and cost-effective ballistic missile defense systems in Europe.

(c) **INDEPENDENT ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a federally funded research and development center to conduct an independent assessment evaluating the operational-effectiveness and cost-effectiveness of the alternative missile defense architecture announced by the President on September 17, 2009.

(2) **REPORT.**—Not later than June 1, 2010, the Secretary shall submit to the congressional defense committees a report on the independent assessment conducted under paragraph (1).

**SEC. 236. COMPREHENSIVE PLAN FOR TEST AND EVALUATION OF THE BALLISTIC MISSILE DEFENSE SYSTEM.**

(a) **PLAN REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish a comprehensive plan for the developmental and operational testing and evaluation of the ballistic missile defense system and its various elements.

(2) **PERIOD OF PLAN.**—The plan shall cover the period covered by the future-years defense program that is submitted to Congress under section 221 of title 10, United States Code, at or about the same time as the submittal to Congress of the budget of the President for fiscal year 2011.

(3) **INPUT.**—In establishing the plan, the Secretary shall receive input on matters covered by the plan from the following:

(A) The Director of the Missile Defense Agency.

(B) The Director of Operational Test and Evaluation.

(C) The operational test components of the military departments.

(b) **ELEMENTS.**—The plan required by subsection (a) shall include, with respect to developmental and operational testing of the ballistic missile defense system, the following:

(1) Test and evaluation objectives.

(2) Test and evaluation criteria and metrics.

(3) Test and evaluation procedures and methodology.

(4) Data requirements.

(5) System and element configuration under test.

(6) Approaches to verification, validation, and accreditation of models and simulations.

(7) The relative role of models and simulations, ground tests, and flight tests in achieving the objectives of the plan.

(8) Test infrastructure and resources, including test range limitations and potential range enhancements.

(9) Test readiness review approaches and methodology.

(10) Testing for system and element integration and interoperability.

(11) Means for achieving operational realism and means of demonstrating operational effectiveness, suitability, and survivability.

(12) Detailed descriptions of planned tests.

(13) A description of the resources required to implement the plan.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than March 1, 2010, the Secretary shall submit to the congressional defense committees a report setting forth and describing the plan required by subsection (a) and each of the elements required in the plan under subsection (b).

(2) **ADDITIONAL INFORMATION ON GROUND-BASED MIDCOURSE DEFENSE.**—The report required by this subsection shall, in addition to the matters specified in paragraph (1), include a detailed description of the test and evaluation activities pertaining to the Ground-based Midcourse Defense element of the ballistic missile defense system as follows:

(A) Plans for salvo testing.

(B) Plans for multiple simultaneous engagement testing.

(C) Plans for intercept testing using the Cobra Dane radar as the engagement sensor.

(D) Plans to test and demonstrate the ability of the system to accomplish its mission over the planned term of its operational service life (also known as “sustainment testing”).

(3) **FORM.**—The report required by this subsection shall be submitted in unclassified form, but may include a classified annex.

**SEC. 237. STUDY ON DISCRIMINATION CAPABILITIES OF BALLISTIC MISSILE DEFENSE SYSTEM.**

(a) **STUDY.**—The Secretary of Defense shall enter into an arrangement with the JASON Defense Advisory Panel under which JASON shall carry out a study on the discrimination capabilities and limitations of the ballistic missile defense system of the United States, including such discrimination capabilities that exist or are planned as of the date of the study.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the study.

(c) **FORM.**—The report under subsection (b) may be submitted in classified form, but shall contain an unclassified summary.

**SEC. 238. ASCENT PHASE MISSILE DEFENSE STRATEGY AND PLAN.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a strategy and plan for ascent phase missile defense.

(b) **MATTERS INCLUDED.**—The report required by subsection (a) shall include each of the following:

(1) A description of the programs and activities, as of the date of the submission of the report, contained in the program of record of the Missile Defense Agency that provide or are planned to provide a capability to intercept ballistic missiles in their ascent phase.

(2) A description of the capabilities that are needed to accomplish the intercept of ballistic missiles in their ascent phase, including—

(A) the key technologies and associated technology readiness levels, plans for maturing such technologies, and any technology demonstrations for such capabilities;

(B) concepts of operation for how ascent phase capabilities would be employed, including the dependence of such capabilities on, and integration with, other functions, capabilities, and information, including those provided by other elements of the ballistic missile defense system;

(C) the criteria to be used to assess the technical progress, suitability, and effectiveness of such capabilities;

(D) a comprehensive plan for development of and investment in such capabilities, including an identification of specific program and technology investments to be made in such capabilities;

(E) a description of how, and to what extent, ascent phase missile defense can leverage the capabilities and investments made in boost phase, midcourse, and any other layer or elements of the ballistic missile defense system;

(F) a description of the benefits and limitations associated with ascent phase missile defense; and

(G) any other information the Secretary determines necessary.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 239. EXTENSION OF DEADLINE FOR STUDY ON BOOST-PHASE MISSILE DEFENSE.**

Section 232(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4392) is amended by striking “October 31, 2010” and inserting “March 1, 2011”.

**Subtitle D—Reports**

**SEC. 241. REPEAL OF REQUIREMENT FOR BIENNIAL JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.**

Section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note) is repealed.

**SEC. 242. MODIFICATION OF REPORTING REQUIREMENT FOR DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.**

Section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2358 note) is amended by striking subsection (e) and inserting the following new subsection (e):

“(e) **REPORTS.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the National Science and Technology Council information on the program that covers the information described in paragraphs (1) through (5) of section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) to be included in the annual report submitted by the Council under that section.”.

**SEC. 243. COMPTROLLER GENERAL ASSESSMENT OF COORDINATION OF ENERGY STORAGE DEVICE REQUIREMENTS, PURCHASES, AND INVESTMENTS.**

(a) **ASSESSMENT REQUIRED.**—The Comptroller General shall conduct an assessment of the degree to which requirements, technology goals, and research and procurement investments in energy storage technologies are coordinated within and among the military departments, appropriate Defense Agencies, and other elements of the Department of Defense. In carrying out such assessment, the Comptroller General shall—

(1) assess the expenses incurred by the Department of Defense in the research, development, testing, evaluation, and procurement of energy storage devices;

(2) compare quantities of types of devices in use or under development that rely on commercial energy storage technologies and that use military-unique, proprietary, or specialty devices;

(3) assess the process by which a determination is made by an acquisition official of the Department of Defense to pursue a commercially available or custom-made energy storage device;

(4) assess the process used to develop requirements for the development and procurement of energy storage devices;

(5) assess the coordination of the activities of the Department of Defense and the Department of Energy with respect to the research, development, procurement, and use of energy storage devices;

(6) assess the coordination of Department of Defense-wide activities in energy storage device research, development, procurement, and use;

(7) assess the process used to standardize the form, fit, and function of energy storage devices, and make recommendations with respect to how the Department should improve that process; and

(8) assess whether there are commercial advances in portable power technology, including hybrid systems, fuel cells, and electrochemical capacitors, or other relevant technologies, that could be better leveraged by the Department.

(b) **REPORT.**—Not later than December 31, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings and recommendations of the Comptroller General with respect to the assessment conducted under subsection (a).

(c) **COORDINATION.**—In carrying out subsection (a), the Comptroller General shall coordinate with the Secretary of Energy and the heads of other appropriate Federal agencies.

**SEC. 244. ANNUAL COMPTROLLER GENERAL REPORT ON THE F-35 LIGHTNING II AIRCRAFT ACQUISITION PROGRAM.**

(a) **ANNUAL GAO REVIEW.**—The Comptroller General shall conduct an annual review of the F-35 Lightning II aircraft acquisition program and shall, not later than March 15 of each of 2010 through 2015, submit to the congressional defense committees a report on the results of the most recent review.

(b) **MATTERS TO BE INCLUDED.**—Each report on the F-35 program under subsection (a) shall include each of the following:

(1) The extent to which the acquisition program is meeting development and procurement cost, schedule, and performance goals.

(2) The progress and results of developmental and operational testing and plans for correcting deficiencies in aircraft performance, operational effectiveness, and suitability.

(3) Aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

**SEC. 245. REPORT ON INTEGRATION OF DEPARTMENT OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.**

Of the amounts authorized to be appropriated in this Act for program element 11815F for advanced strategic programs, not more than 50 percent of such amounts may be obligated or expended until the date that is 30 days after the date on which the Under Secretary of Defense for Intelligence submits the report required under section 923(d)(1) of the National Defense Authorization Act for 2004 (Public Law 108-136; 117 Stat. 1576), including the elements of the report described in subparagraphs (D), (E), and (F) of such section 923(d)(1).

**SEC. 246. REPORT ON FUTURE RESEARCH AND DEVELOPMENT OF MAN-PORTABLE AND VEHICLE-MOUNTED GUIDED MISSILE SYSTEMS.**

(a) **REPORT.**—Not later than February 15, 2010, the Secretary of the Army shall submit to Congress a report on future research and development of man-portable and vehicle-mounted guided missile systems to replace the current Javelin and TOW systems. Such report shall include—

(1) an examination of current requirements for anti-armor missile systems;

(2) an analysis of battlefield uses other than anti-armor;

(3) an analysis of changes required to the current Javelin and TOW systems to maximize effectiveness and lethality in situations other than anti-armor;

(4) an analysis of the current family of Javelin and TOW warheads and a specific description of how they address threats other than armor;

(5) an examination of the need for changes to current or development of additional warheads

or a family of warheads to address threats other than armor;

(6) a description of any missile system design changes required to integrate current missile systems with current manned ground systems;

(7) a detailed and current analysis of the costs associated with the development of next-generation warheads or family of warheads to address threats other than armor, integration costs for current vehicles, integration costs for future vehicles and possible efficiencies of developing and procuring these systems at low rate and full rate based on current system production; and

(8) an analysis of the ability of the industrial base to support development and production of current and future Javelin and TOW systems.

(b) **RESTRICTION ON USE OF FUNDS.**—Of the amounts authorized to be appropriated under this Act for research, test, development, and evaluation for the Army, for missile and rocket advanced technology (program element 0603313A), not more than 70 percent may be obligated or expended until the Secretary of the Army submits the report required by subsection (a).

**SEC. 247. REPORT ON THE DEVELOPMENT OF COMMAND AND CONTROL SYSTEMS.**

(a) **REPORT REQUIRED.**—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report detailing the plans for the consolidation of the Net-Enabled Command Capability system (hereinafter in this section referred to as the “NECC system”) with the Global Command and Control System family of systems (hereinafter in this section referred to as the “GCCS family of systems”).

(b) **ELEMENTS.**—The report required by subsection (a) shall include each of the following:

(1) A description of the level of investment needed to develop, sustain, and modernize the GCCS family of systems in order to meet military requirements.

(2) A description of the actions needed to convert the GCCS family of systems to a services-oriented architecture, including a timeline and milestones.

(3) An identification of the components, including modules and other technologies, developed under the NECC systems that can be implemented in the GCCS family of systems.

(4) An identification of gaps in required capabilities not resident in the GCCS family of systems or provided by the NECC system.

(5) An identification of any science and technology efforts or developing commercial capabilities that might address capability gaps identified pursuant to paragraph (4).

(6) A description of the developmental and operational test plans for the GCCS family of systems, and resources programmed to support such plans.

(7) A description of the GCCS family of systems management and governance plan structure, including—

(A) organizations involved in program planning and execution;

(B) the delegation of authorities for programmatic and technical issues in the development of the GCCS family of systems, including architecture design and control, and funding; and

(C) the role of the command and control capabilities portfolio manager and the Office of Secretary of Defense oversight agencies.

(8) Such other elements as the Secretary of Defense considers appropriate.

(c) **COORDINATION.**—The report required by subsection (a) shall be developed jointly by the Vice-Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Networks and Information

Integration, the commander of the United States Joint Forces Command, the Director of Operational Test and Evaluation, and the Director of the Defense Information Systems Agency.

(d) **INTERIM REPORT.**—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees an interim report on the activities carried out to prepare the report required by subsection (a) and the preliminary findings and recommendations of the Secretary with respect to the plans for the consolidation of the NECC system with the GCCS family of systems based on such activities.

(e) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 248. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEMS.**

(a) **IN GENERAL.**—Not later than March 31, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct a comparative evaluation of extended range modular sniper rifle systems, including .300 Winchester Magnum, .338 Lapua Magnum, and other calibers. The evaluation shall identify and demonstrate an integrated suite of technologies with capabilities that include—

- (1) extending the effective range of snipers;
- (2) meeting service or unit requirements or operational need statements; or
- (3) closing documented capability gaps.

(b) **REPORT.**—Not later than April 30, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the evaluation required by subsection (a), including—

- (1) detailed ballistics and system performance data; and
- (2) an assessment of the operational capabilities of extended range modular sniper rifle systems to meet service or unit requirements or operational need statements or close documented capabilities gaps.

**Subtitle E—Other Matters**

**SEC. 251. ENHANCEMENT OF DUTIES OF DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER WITH RESPECT TO THE MAJOR RANGE AND TEST FACILITY BASE.**

(a) **AUTHORITY TO REVIEW PROPOSALS FOR SIGNIFICANT CHANGES.**—Section 196(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) by inserting “(1)” before “The Director”;

(4) by redesignating subparagraphs (B), (C), and (D), as so redesignated, as subparagraphs (C), (D), and (E), respectively; and

(5) by inserting after subparagraph (A), as so redesignated, the following new subparagraph (B):

“(B) To review proposed significant changes to the test and evaluation facilities and resources of the Major Range and Test Facility Base before they are implemented by the Secretaries of the military departments or the heads of the Defense Agencies with test and evaluation responsibilities and advise the Secretary of Defense and the Under Secretary of Acquisition, Technology, and Logistics of the impact of such changes on the adequacy of such test and evaluation facilities and resources to meet the test and evaluation requirements of the Department.”.

(b) **ACCESS TO RECORDS AND DATA.**—Such section is further amended by adding at the end the following new paragraph:

“(2) The Director shall have access to such records and data of the Department of Defense (including the appropriate records and data of each military department and Defense Agency) that are necessary in order to carry out the duties of the Director under this section.”.

**SEC. 252. ESTABLISHMENT OF PROGRAM TO ENHANCE PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS IN DEFENSE RESEARCH PROGRAMS.**

(a) **PROGRAM ESTABLISHED.**—Chapter 139 of title 10, United States Code, is amended by inserting after section 2361 the following new section:

**“§2362. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education**

“(a) **PROGRAM ESTABLISHED.**—The Secretary of Defense, acting through the Director of Defense Research and Engineering and the Secretary of each military department, shall carry out a program to provide assistance to covered educational institutions to assist the Department in defense-related research, development, testing, and evaluation activities.

“(b) **PROGRAM OBJECTIVE.**—The objective of the program established under subsection (a) is to enhance defense-related research and education at covered educational institutions. Such objective shall be accomplished through initiatives designed to—

“(1) enhance the research and educational capabilities of such institutions in areas of importance to national defense, as determined by the Secretary;

“(2) encourage the participation of such institutions in the research, development, testing, and evaluation programs and activities of the Department of Defense;

“(3) increase the number of graduates from such institutions engaged in disciplines important to the national security functions of the Department of Defense, as determined by the Secretary; and

“(4) encourage research and educational collaborations between such institutions and other institutions of higher education, Government defense organizations, and the defense industry.

“(c) **ASSISTANCE PROVIDED.**—Under the program established by subsection (a), the Secretary of Defense may provide covered educational institutions with funding or technical assistance, including any of the following:

“(1) Support for research, development, testing, evaluation, or educational enhancements in areas important to national defense through the competitive awarding of grants, cooperative agreements, contracts, scholarships, fellowships, or the acquisition of research equipment or instrumentation.

“(2) Support to assist in the attraction and retention of faculty in scientific disciplines important to the national security functions of the Department of Defense.

“(3) Establishing partnerships between such institutions and defense laboratories, Government defense organizations, the defense industry, and other institutions of higher education in research, development, testing, and evaluation in areas important to the national security functions of the Department of Defense.

“(4) Other such non-monetary assistance as the Secretary finds appropriate to enhance defense-related research, development, testing, and evaluation activities at such institutions.

“(d) **PRIORITY FOR FUNDING.**—The Secretary of Defense may establish procedures under which the Secretary may give priority in providing funding under this section to institutions that have not otherwise received a significant amount of funding from the Department of De-

fense for research, development, testing, and evaluation programs supporting the national security functions of the Department.

“(e) **DEFINITION OF COVERED EDUCATIONAL INSTITUTION.**—In this section the term ‘covered educational institution’ means—

“(1) an institution of higher education eligible for assistance under title III or IV of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.); or

“(2) an accredited postsecondary minority institution.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2361 the following new item:

“2362. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education.”.

**SEC. 253. EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.**

Subsection (f) of section 2374a of title 10, United States Code, is amended by striking “September 30, 2010” and inserting “September 30, 2013”.

**SEC. 254. AUTHORITY FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS TO PARTICIPATE IN MERIT-BASED TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAMS.**

Section 217(f)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat 2695), as amended by section 3136 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), is amended—

(1) in subparagraph (A) by inserting “, of the National Aeronautics and Space Administration,” after “the Department of Defense”; and

(2) by adding at the end the following new subparagraph (C):

“(C) A federally funded research and development center of the National Aeronautics and Space Administration that functions primarily as a research laboratory may respond to broad agency announcements under programs authorized by the Federal Government for the purpose of promoting the research, development, demonstration, or transfer of technology in a manner consistent with the terms and conditions of such program.”.

**SEC. 255. NEXT GENERATION BOMBER AIRCRAFT.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Long-range strike is a critical mission in which the United States needs to retain a credible and dominant capability.

(2) Long range, penetrating strike systems provide—

(A) a hedge against being unable to obtain access to forward bases for political reasons;

(B) a capacity to respond quickly to contingencies;

(C) the ability to base outside the reach of emerging adversary anti-access and area-denial capabilities; and

(D) the ability to impose disproportionate defensive costs on prospective adversaries of the United States.

(3) The 2006 quadrennial defense review found that there was a requirement for a next generation bomber aircraft and directed the United States Air Force to “develop a new land-based, penetrating long range strike capability to be fielded by 2018”.

(4) On April 6, 2009, Secretary of Defense Robert Gates announced that the United States “will not pursue a development program for a follow-on Air Force bomber until we have a better understanding of the need, the requirement and the technology”.

(5) On May 7, 2009, President Barack Obama announced the termination of the next generation bomber aircraft program in the document of the Office of Management and Budget entitled "Terminations, Reductions, and Savings", stating that "there is no urgent need to begin an expensive development program for a new bomber" and that "the future bomber fleet may not be affordable over the next six years".

(6) The United States will need a new long-range strike capability because the conflicts of the future will likely feature heavily defended airspace, due in large part to the proliferation of relatively inexpensive, but sophisticated and deadly, air defense systems.

(7) General Michael Maples, the Director of the Defense Intelligence Agency, noted during a March 10, 2009, hearing of the Committee on Armed Services of the Senate on worldwide threats that "Russia, quite frankly, is the developer of most of those [advanced air defense] systems and is exporting those systems both to China and to other countries in the world".

(8) The Final Report of the Congressional Commission on the Strategic Posture of the United States, submitted to Congress on May 6, 2009, states that "[t]he bomber force is valuable particularly for extending deterrence in time of crisis, as their deployment is visible and signals U.S. commitment. Bombers also impose a significant cost burden on potential adversaries in terms of the need to invest in advanced air defenses".

(9) The commanders of the United States Pacific Command, the United States Strategic Command, and the United States Joint Forces Command have each testified before the Committee on Armed Services of the Senate in support of the capability that the next generation bomber aircraft would provide.

(10) On June 17, 2009, General James Cartwright, Vice-Chairman of the Joint Chiefs of Staff and chair of the Joint Requirements Oversight Council, stated during a hearing before the Committee on Armed Services of the Senate that "the nation needs a new bomber".

(11) Nearly half of the United States bomber aircraft inventory (47 percent) pre-dates the Cuban Missile Crisis.

(12) The only air-breathing strike platforms the United States possesses today with reach and survivability to have a chance of successfully executing missions more than 1,000 nautical miles into enemy territory from the last air-to-air refueling are 16 combat ready B-2 bomber aircraft.

(13) The B-2 bomber aircraft was designed in the 1980s and achieved initial operational capability over a decade ago.

(14) The crash of an operational B-2 bomber aircraft during takeoff at Guam in early 2008 indicates that attrition can and does occur even in peacetime.

(15) The primary mission requirement of the next generation bomber aircraft is the ability to strike targets anywhere on the globe with whatever weapons the contingency requires.

(16) The requisite aerodynamic, structural, and low-observable technologies to develop the next generation bomber aircraft already exist in fifth-generation fighter aircraft.

(b) **POLICY ON CONTINUED DEVELOPMENT OF NEXT GENERATION BOMBER AIRCRAFT IN FISCAL YEAR 2010.**—It is the policy of the United States to support a development program for next generation bomber aircraft technologies.

### **TITLE III—OPERATION AND MAINTENANCE**

#### **Subtitle A—Authorization of Appropriations**

Sec. 301. Operation and maintenance funding.  
Sec. 302. Relation to funding table.

#### **Subtitle B—Environmental Provisions**

Sec. 311. Clarification of requirement for use of available funds for Department of Defense participation in conservation banking programs.  
Sec. 312. Reauthorization of title I of Sikes Act.  
Sec. 313. Authority of Secretary of a military department to enter into inter-agency agreements for land management on Department of Defense installations.  
Sec. 314. Reauthorization of pilot program for invasive species management for military installations in Guam.  
Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.  
Sec. 316. Procurement and use of munitions.  
Sec. 317. Prohibition on disposing of waste in open-air burn pits.  
Sec. 318. Military munitions response sites.

#### **Subtitle C—Workplace and Depot Issues**

Sec. 321. Public-private competition required before conversion of any Department of Defense function performed by civilian employees to contractor performance.  
Sec. 322. Time limitation on duration of public-private competitions.  
Sec. 323. Policy regarding installation of major modifications and upgrades.  
Sec. 324. Modification of authority for Army industrial facilities to engage in co-operative activities with non-Army entities.  
Sec. 325. Temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by a contractor.  
Sec. 326. Requirement for debriefings related to conversion of functions from performance by Federal employees to performance by a contractor.  
Sec. 327. Amendments to bid protest procedures by Federal employees and agency officials in conversions of functions from performance by Federal employees to performance by a contractor.  
Sec. 328. Improvement of inventory management practices.  
Sec. 329. Modification of date for submittal to Congress of annual report on funding for public and private performance of depot-level maintenance and repair workloads.

#### **Subtitle D—Energy Security**

Sec. 331. Authorization of appropriations for Director of Operational Energy.  
Sec. 332. Extension and expansion of reporting requirements regarding Department of Defense energy efficiency programs.  
Sec. 333. Report on implementation of Comptroller General recommendations on fuel demand management at forward-deployed locations.  
Sec. 334. Report on use of renewable fuels to meet energy requirements of Department of Defense.  
Sec. 335. Energy security on Department of Defense installations.

#### **Subtitle E—Reports**

Sec. 341. Annual report on procurement of military working dogs.  
Sec. 342. Plan for managing vegetative encroachment at training ranges.  
Sec. 343. Comptroller General report on the sustainment strategy for the AV-8B Harrier aircraft.  
Sec. 344. Study on Army modularity.

#### **Subtitle F—Other Matters**

Sec. 351. Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.  
Sec. 352. Policy on ground combat and camouflage utility uniforms.  
Sec. 353. Condition-based maintenance demonstration programs.  
Sec. 354. Extension of arsenal support program initiative.

### **Subtitle A—Authorization of Appropriations** **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$31,263,332,000.
- (2) For the Navy, \$35,041,274,000.
- (3) For the Marine Corps, \$5,543,223,000.
- (4) For the Air Force, \$34,527,149,000.
- (5) For Defense-wide activities, \$28,327,396,000.
- (6) For the Army Reserve, \$2,620,196,000.
- (7) For the Naval Reserve, \$1,278,501,000.
- (8) For the Marine Corps Reserve, \$228,925,000.
- (9) For the Air Force Reserve, \$3,079,228,000.
- (10) For the Army National Guard, \$6,262,184,000.
- (11) For the Air National Guard, \$5,885,761,000.
- (12) For the United States Court of Appeals for the Armed Forces, \$13,932,000.
- (13) For the Acquisition Development Workforce Fund, \$100,000,000.
- (14) For Environmental Restoration, Army, \$415,864,000.
- (15) For Environmental Restoration, Navy, \$285,869,000.
- (16) For Environmental Restoration, Air Force, \$494,276,000.
- (17) For Environmental Restoration, Defense-wide, \$11,000,000.
- (18) For Environmental Restoration, Formerly Used Defense Sites, \$267,700,000.
- (19) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$109,869,000.
- (20) For Cooperative Threat Reduction programs, \$424,093,000.

### **SEC. 302. RELATION TO FUNDING TABLE.**

The amounts authorized to be appropriated by section 301 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4301.

#### **Subtitle B—Environmental Provisions**

### **SEC. 311. CLARIFICATION OF REQUIREMENT FOR USE OF AVAILABLE FUNDS FOR DEPARTMENT OF DEFENSE PARTICIPATION IN CONSERVATION BANKING PROGRAMS.**

Section 2694c of title 10, United States Code, is amended—

- (1) in subsection (a), by striking "to carry out this section";
- (2) by redesignating subsection (d) as subsection (e); and
- (3) by inserting after subsection (c) the following new subsection (d):  
"(d) **SOURCE OF FUNDS.**—Amounts available from any of the following shall be available for activities under this section:  
"(1) Operation and maintenance.  
"(2) Military construction.  
"(3) Research, development, test, and evaluation.  
"(4) The Support for United States Relocation to Guam Account established under section 2824 of the Military Construction Act for Fiscal Year

2009 (division B of Public Law 110-417; 122 Stat. 4730; 10 U.S.C. 2687 note).”.

**SEC. 312. REAUTHORIZATION OF TITLE I OF SIKES ACT.**

(a) **REAUTHORIZATION.**—Section 108 of the Sikes Act (16 U.S.C. 670f) is amended by striking “fiscal years 2004 through 2008” each place it appears and inserting “fiscal years 2009 through 2014”.

(b) **CLARIFICATION OF AUTHORIZATIONS.**—Such section is further amended—

(1) in subsection (b), by striking “There are authorized” and inserting “Of the amounts authorized to be appropriated to the Department of Defense, there are authorized”; and

(2) in subsection (c), by striking “There are authorized” and inserting “Of the amounts authorized to be appropriated to the Department of the Interior, there are authorized”.

**SEC. 313. AUTHORITY OF SECRETARY OF A MILITARY DEPARTMENT TO ENTER INTO INTERAGENCY AGREEMENTS FOR LAND MANAGEMENT ON DEPARTMENT OF DEFENSE INSTALLATIONS.**

(a) **AUTHORITY.**—Section 103a of the Sikes Act (16 U.S.C. 670c-1) is amended—

(1) in subsection (a)—

(A) by inserting after “and individuals” the following: “, and into interagency agreements with the heads of other Federal departments and agencies.”; and

(B) in paragraph (2), by inserting “or interagency agreement” after “cooperative agreement”;

(2) in subsection (b), by inserting “or interagency agreement” after “cooperative agreement”;

(3) in subsection (c), by inserting “and interagency agreements” after “Cooperative agreements”.

(b) **CLERICAL AMENDMENTS.**—The heading for such section is amended by inserting “**AND INTERAGENCY**” after “**COOPERATIVE**”.

**SEC. 314. REAUTHORIZATION OF PILOT PROGRAM FOR INVASIVE SPECIES MANAGEMENT FOR MILITARY INSTALLATIONS IN GUAM.**

Section 101(g)(1) of the Sikes Act (16 U.S.C. 670a(g)(1)) is amended by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2014”.

**SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.**

(a) **AUTHORITY TO REIMBURSE.**—

(1) **TRANSFER AMOUNT.**—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than \$68,623 during fiscal year 2010 to the Former Nansemond Ordnance Depot Site Special Account, within the Hazardous Substance Superfund.

(2) **PURPOSE OF REIMBURSEMENT.**—The payment under paragraph (1) is final payment to reimburse the Environmental Protection Agency for all costs incurred in overseeing a time critical removal action performed by the Department of Defense under the Defense Environmental Restoration Program for ordnance and explosive safety hazards at the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

(3) **INTERAGENCY AGREEMENT.**—The reimbursement described in paragraph (2) is provided for in an interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Former Nansemond Ordnance Depot Site in December 1999.

(b) **SOURCE OF FUNDS.**—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(18) of this Act for operation and maintenance for En-

vironmental Restoration, Formerly Used Defense Sites.

(c) **USE OF FUNDS.**—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the agency at the Former Nansemond Ordnance Depot Site.

**SEC. 316. PROCUREMENT AND USE OF MUNITIONS.**

The Secretary of Defense shall—

(1) in making decisions with respect to the procurement of munitions, develop methods to account for the full life-cycle costs of munitions, including the effects of failure rates on the cost of disposal;

(2) undertake a review of live-fire practices for the purpose of reducing unexploded ordnance and munitions-constituent contamination without impeding military readiness; and

(3) not later than 180 days after the date of the enactment of this Act, submit to Congress a report on the methods developed pursuant to this section and the progress of the live-fire review and recommendations for reducing the life-cycle costs of munitions, unexploded ordnance, and munitions-constituent contamination.

**SEC. 317. PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS.**

(a) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations prohibiting the disposal of covered waste in open-air burn pits during contingency operations except in circumstances in which the Secretary determines that no alternative disposal method is feasible. Such regulations shall apply to contingency operations that are ongoing as of the date of the enactment of this Act, including Operation Iraqi Freedom and Operation Enduring Freedom, and to contingency operations that begin after the date of the enactment of this Act.

(2) **NOTIFICATION.**—In determining that no alternative disposal method is feasible for an open-air burn pit pursuant to regulations prescribed under paragraph (1), the Secretary shall—

(A) not later than 30 days after such determination is made, submit to the Committees on Armed Services of the Senate and House of Representatives notice of such determination, including the circumstances, reasoning, and methodology that led to such determination; and

(B) after notice is given under subparagraph (A), for each subsequent 180-day-period during which covered waste is disposed of in the open-air burn pit covered by such notice, submit to the Committees on Armed Services of the Senate and House of Representatives the justifications of the Secretary for continuing to operate such open-air burn pit.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of open-air burn pits by the United States Armed Forces. Such report shall include—

(1) an explanation of the situations and circumstances under which open-air burn pits are used to dispose of waste during military exercises and operations worldwide;

(2) a detailed description of the types of waste authorized to be burned in open-air burn pits;

(3) a plan through which the Secretary intends to develop and implement alternatives to the use of open-air burn pits;

(4) a copy of the regulations required to be prescribed by subsection (a);

(5) the health and environmental compliance standards the Secretary has established for military and contractor operations in Iraq and Afghanistan with regard to solid waste disposal,

including an assessment of whether those standards are being met;

(6) a description of the environmental, health, and operational impacts of open-pit burning of plastics and the feasibility of including plastics in the regulations prescribed pursuant to subsection (a); and

(7) an assessment of the ability of existing medical surveillance programs to identify and track exposures to toxic substances that result from open-air burn pits, including recommendations for such changes to such programs as would be required to more accurately identify and track such exposures.

(c) **DEFINITIONS.**—In this section:

(1) The term “contingency operation” has the meaning given that term by section 101(a)(13) of title 10, United States Code.

(2) The term “covered waste” includes—

(A) hazardous waste, as defined by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5));

(B) medical waste; and

(C) other waste as designated by the Secretary.

**SEC. 318. MILITARY MUNITIONS RESPONSE SITES.**

(a) **INFORMATION SHARING.**—Section

2710(a)(2)(B) of title 10, United States Code, is amended by inserting “, including the county, where applicable,” after “political subdivisions of the State”.

(b) **MILITARY MUNITIONS RESPONSE PROGRAM AND INSTALLATION RESTORATION PROGRAM.**—As part of the annual budget submission of the Secretary of Defense to Congress, the Secretary shall include the funding levels requested for the Military Munitions Response Program and the Installation Restoration Program.

**Subtitle C—Workplace and Depot Issues**

**SEC. 321. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION OF ANY DEPARTMENT OF DEFENSE FUNCTION PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.**

(a) **REQUIREMENT.**—Paragraph (1) of section 2461(a) of title 10, United States Code, is amended—

(1) by striking “A function” and inserting “No function”;

(2) by striking “10 or more”; and

(3) by striking “may not be converted” and inserting “may be converted”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to a function for which a public-private competition is commenced on or after the date of the enactment of this Act.

**SEC. 322. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.**

(a) **TIME LIMITATION.**—Section 2461(a) of title 10, United States Code, as amended by section 321, is further amended by adding at the end the following new paragraph:

“(5)(A) Except as provided in subparagraph (B), the duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A-76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 24 months, commencing on the date on which the preliminary planning for the public-private competition begins and ending on the date on which a performance decision is rendered with respect to the function.

“(B)(i) The Secretary of Defense may specify an alternative period of time for a public-private competition, which may not exceed 33 months, if the Secretary—

“(I) determines that the competition is of such complexity that it cannot be completed within 24 months; and

“(II) submits to Congress, as part of the formal congressional notification of a public-private competition pursuant to subsection (c),



written notification that explains the basis of such determination.

“(ii) The notification under clause (i)(II) shall also address each of the following:

“(I) Any efforts of the Secretary to break up the study geographically or functionally.

“(II) The Secretary’s justification for undertaking a public-private competition instead of using internal reengineering alternatives.

“(III) The cost savings that the Secretary expects to achieve as a result of the public-private competition.

“(iii) If the Secretary specifies an alternative time period under this subparagraph, the alternative time period shall be binding on the Department in the same manner and to the same extent as the limitation provided in subparagraph (A).

“(C) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of the filing of a protest before the Government Accountability Office or a complaint in the United States Court of Federal Claims up until the day the decision or recommendation of either authority becomes final. In the case of a protest before the Government Accountability Office, the recommendation becomes final after the period of time for filing a request for reconsideration, or if a request for reconsideration is filed, on the day the Government Accountability Office issues a decision on the reconsideration.

“(D) If a protest with respect to a public-private competition before the Government Accountability Office or the United States Court of Federal Claims is sustained, and the recommendation is final as described in subparagraph (C), and if such protest and recommendation result in an unforeseen delay in implementing a final performance decision, the Secretary of Defense may terminate the public-private competition or extend the period of time specified for the public-private competition under subparagraph (A) or subparagraph (B). If the Secretary decides not to terminate a competition, the Secretary shall submit to Congress written notice of such decision. Any such notification shall include a justification for the Secretary’s decision and a new time limitation for the competition, which shall not exceed 12 months from the final decision and shall be binding on the Department.

“(E) For the purposes of this paragraph, preliminary planning with respect to a public-private competition, begins on the date on which the Department of Defense obligates funds for the acquisition of contract support, or formally assigns Department of Defense personnel, to carry out any of the following activities:

“(i) Determining the scope of the competition.

“(ii) Conducting research to determine the appropriate grouping of functions for the competition.

“(iii) Assessing the availability of workload data, quantifiable outputs of functions, and agency or industry performance standards applicable to the competition.

“(iv) Determining the baseline cost of any function for which the competition is conducted.

“(F) To effectively establish the date that is the first day of preliminary planning for a public-private competition, the head of a military department shall submit to Congress written notice of such date and shall provide public notice by announcing such date on an appropriate Internet website. Such date is the first day of preliminary planning for a public-private competition for the purpose of computing the duration of the public private competition for purposes of this section.

“(G) The Secretary of Defense shall submit to the congressional defense committees an annual report on the use, during the year covered by

the report, of alternative time periods for public-private competitions under this section, and the explanations of the Secretary for such alternative time periods.”

(b) **EFFECTIVE DATE.**—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is initiated on or after the date of the enactment of this Act.

(c) **COMPTROLLER GENERAL REVIEWS.**—Not later than two years after the date of the enactment of this Act, and three years thereafter, the Comptroller General shall submit to the congressional defense committees a report on the use by the Secretary of Defense of the alternative time period authority under section 2461(a)(5)(B) of title 10, United States Code, and the appropriateness and thoroughness of the explanations of the Secretary for such use.

#### **SEC. 323. POLICY REGARDING INSTALLATION OF MAJOR MODIFICATIONS AND UPGRADES.**

It is the Sense of Congress that no changes should be made to—

(1) the policy of the Department of Defense that in the annual allocation of depot-level maintenance and repair required under section 2466 of title 10, United States Code, the installation of major modifications and upgrades are considered to be part of the definition of depot-level maintenance; and

(2) the interpretation and application of that policy as of the date of the enactment of this Act.

#### **SEC. 324. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.**

(a) **CLARIFICATION OF AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS.**—The second sentence of section 4544(a) of title 10, United States Code, as added by section 328(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 66), is amended by inserting after “not more than eight contracts or cooperative agreements” the following: “in addition to the contracts and cooperative agreements in place as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181)”.

(b) **ADDITIONAL ELEMENTS REQUIRED FOR ANALYSIS OF USE OF AUTHORITY.**—Section 328(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 67) is amended—

(1) by striking “a report assessing the advisability” and inserting the following: “a report—

“(A) assessing the advisability”; and

(2) by striking “pursuant to such authority.” and inserting the following: “pursuant to such authority;

“(B) assessing the benefit to the Federal Government of using such authority;

“(C) assessing the impact of the use of such authority on the availability of facilities needed by the Army and on the private sector; and

“(D) describing the steps taken to comply with the requirements under section 4544(g) of title 10, United States Code.”.

#### **SEC. 325. TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.**

(a) **TEMPORARY SUSPENSION.**—During the period beginning on the date of the enactment of this Act and ending on the date that is 30 days after the date on which the Secretary of Defense submits to the congressional defense committees the certification required under subsection (d), no study or competition regarding a public-private competition for the conversion to performance by a contractor for any function performed

by Department of Defense civilian employees may be begun or announced pursuant to 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A-76.

(b) **REVIEW AND REPORT TO CONGRESS.**—During fiscal year 2010, the Secretary of Defense, acting through the Under Secretary of Defense for Personnel Readiness, in consultation with the Under Secretary for Acquisition, Technology, and Logistics and the Comptroller of the Department of Defense, shall undertake a comprehensive review of the policies of the Department of Defense with respect to the conduct of public-private competitions. The Secretary shall submit to the congressional defense committees a report on such review not earlier than June 15, 2010. The review, at a minimum, shall address—

(1) the status of the compliance of the Department with the requirement of 2461(a)(1) of title 10, United States Code, as amended by section 321 of this Act;

(2) actions taken by the Secretary to address issues raised in the report of the Department of Defense Inspector General numbered D-2009-034 and dated December 15, 2008;

(3) the reliability of systems in effect as of the date of the enactment of this Act to provide comprehensive and reliable data to track and assess the cost and quality of the performance of functions that have been subjected to a public-private competition;

(4) the appropriateness of the cost differential in effect as of the date of the enactment of this Act for determining the quantifiable costs and the current overhead rates applied with respect to such functions; and

(5) the adequacy of the policies of the Department of Defense in implementing the requirements of section 2461(a)(4) of title 10, United States Code.

(c) **COMPTROLLER GENERAL REVIEW.**—Not later than 90 days after the date on which the report required under subsection (b) is submitted to the congressional defense committees, the Comptroller General shall conduct an assessment of the review required under paragraph (b) and shall submit to the congressional defense committees a report on the findings of such assessment and any conclusions or recommendations of the Comptroller General based on such assessment.

(d) **CERTIFICATION REQUIRED.**—The Secretary of Defense shall publish in the Federal Register and submit to the congressional defense committees certification that—

(1) the review required by subsection (b) has been completed, and that the 90-day period during which the assessment of the Comptroller General is to be completed under subsection (c) has expired;

(2) the Secretary of Defense has completed and submitted to the congressional defense committees a complete inventory of contracts for services for or on behalf of the Department in compliance with the requirements of subsection (c) of section 2330a of title 10, United States Code;

(3) the Secretary of each military department and the head of each Defense Agency responsible for activities in the inventory has initiated the review and planning activities of subsection (e) of such section; and

(4) the Secretary of Defense has submitted budget information on contract services in compliance with the requirements of section 236 of title 10, United States Code.

#### **SEC. 326. REQUIREMENT FOR DEBRIEFINGS RELATED TO CONVERSION OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.**

The Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation to allow for debriefings of Federal employee representatives designated pursuant to

3551(2)(B) of title 31, United States Code, to the same extent and under the same circumstances as any offeror, in the case of a conversion of any function from performance by Federal employees to performance by a contractor. Such debriefings will conform to the requirements of section 2305(b)(6)(A) of title 10, United States Code, section 303B(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(f)), and subparts 15.505 and 15.506 (as in effect on the date of the enactment of this Act) of the Federal Acquisition Regulation.

**SEC. 327. AMENDMENTS TO BID PROTEST PROCEDURES BY FEDERAL EMPLOYEES AND AGENCY OFFICIALS IN CONVERSIONS OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.**

(a) **PROTEST JURISDICTION OF THE COMPTROLLER GENERAL.**—Section 3551(1) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

“(E) Conversion of a function that is being performed by Federal employees to private sector performance.”.

(b) **ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.**—Clause (i) of paragraph (2)(B) of section 3551 of title 31, United States Code, is amended to read as follows:

“(i) any official who is responsible for submitting the agency tender in such competition; and”.

(c) **DECISIONS ON PROTESTS.**—Section 3554(b) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) cancel the solicitation issued pursuant to the public-private competition conducted under Office of Management and Budget Circular A-76 or any successor circular;” and

(3) in subparagraph (G), as redesignated by paragraph (1), by striking “, and (E)” and inserting “, (E), and (F)”.

(d) **APPLICABILITY.**—The amendments made by this section shall apply—

(1) to any protest or civil action that relates to a public-private competition conducted after the date of the enactment of this Act under Office of Management and Budget Circular A-76, or any successor circular; and

(2) to a decision made after the date of the enactment of this Act to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76.

**SEC. 328. IMPROVEMENT OF INVENTORY MANAGEMENT PRACTICES.**

(a) **INVENTORY MANAGEMENT PRACTICES IMPROVEMENT PLAN REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for improving the inventory management systems of the military departments and the Defense Logistics Agency with the objective of reducing the acquisition and storage of secondary inventory that is excess to requirements.

(b) **ELEMENTS.**—The plan under subsection (a) shall include the following:

(1) A plan for a comprehensive review of demand-forecasting procedures to identify and correct any systematic weaknesses in such procedures, including the development of metrics to identify bias toward over-forecasting and adjust forecasting methods accordingly.

(2) A plan to accelerate the efforts of the Department of Defense to achieve total asset visibility, including efforts to link wholesale and retail inventory levels through multi-echelon modeling.

(3) A plan to reduce the average level of on-order secondary inventory that is excess to re-

quirements, including a requirement for the systemic review of such inventory for possible contract termination.

(4) A plan for the review and validation of methods used by the military departments and the Defense Logistics Agency to establish economic retention requirements.

(5) A plan for an independent review of methods used by the military departments and the Defense Logistics Agency to establish contingency retention requirements.

(6) A plan to identify items stored in secondary inventory that require substantial amounts of storage space and shift such items, where practicable, to direct vendor delivery.

(7) A plan for a comprehensive assessment of inventory items on hand that have no recurring demands, including the development of—

(A) metrics to track years of no demand for items in stock; and

(B) procedures for ensuring the systemic review of such items for potential reutilization or disposal.

(8) A plan to more aggressively pursue disposal reviews and actions on stocks identified for potential reutilization or disposal.

(c) **GAO REPORTS.**—

(1) **ASSESSMENT OF PLAN.**—Not later than 60 days after the date on which the plan required by subsection (a) is submitted as specified in that subsection, the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the plan meets the requirements of this section.

(2) **ASSESSMENT OF IMPLEMENTATION.**—Not later than 18 months after the date on which the plan required by subsection (a) is submitted, the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the plan has been effectively implemented by each military department and by the Defense Logistics Agency.

(d) **INVENTORY THAT IS EXCESS TO REQUIREMENTS DEFINED.**—In this section, the term “inventory that is excess to requirements” means inventory that—

(1) is excess to the approved acquisition objective concerned; and

(2) is not needed for the purposes of economic retention or contingency retention.

**SEC. 329. MODIFICATION OF DATE FOR SUBMITTAL TO CONGRESS OF ANNUAL REPORT ON FUNDING FOR PUBLIC AND PRIVATE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.**

Section 2466(d)(1) of title 10, United States Code, is amended by striking “April 1 of each year” and inserting “90 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31”.

**Subtitle D—Energy Security**

**SEC. 331. AUTHORIZATION OF APPROPRIATIONS FOR DIRECTOR OF OPERATIONAL ENERGY.**

Of the amounts authorized to be appropriated for Operation and Maintenance, Defense-wide, \$5,000,000 is for the Director of Operational Energy Plans and Programs to carry out the duties prescribed for the Director under section 139b of title 10, United States Code, to be made available upon the confirmation of an individual to serve as the Director of Operational Energy Plans and Programs.

**SEC. 332. EXTENSION AND EXPANSION OF REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAMS.**

(a) **NEW REPORTING REQUIREMENTS.**—Section 2925(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting after “(Public Law 109–58),” the following: “section 2911(e)

of this title, section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b),”;

(2) by redesignating paragraphs (2) through (6) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (1) the following new paragraphs (2) and (3):

“(2) A table detailing funding, by account, for all energy projects funded through appropriations.

“(3) A table listing all energy projects financed through third party financing mechanisms (including energy savings performance contracts, enhanced use leases, utility energy service contracts, utility privatization agreements, and other contractual mechanisms), the duration of each such mechanism, an estimate of the financial obligation incurred through the duration of each such mechanism, and the estimated payback period for each such mechanism.”; and

(4) by adding at the end the following new paragraphs:

“(9) A description of steps taken to determine best practices for measuring energy consumption in Department of Defense facilities and installations, in order to use the data for better energy management.

“(10) A description of any other issues and strategies the Secretary determines relevant to a comprehensive and renewable energy policy.”.

(b) **ADDITIONAL MATERIAL REQUIRED FOR FIRST EXPANDED REPORT.**—The first report submitted by the Secretary of Defense under section 2925(a) of title 10, United States Code, as amended by subsection (a), after the date of the enactment of this Act shall include, in addition to the matters required under such section, as so amended, the following:

(1) A determination of whether the tools that exist as of the date of the enactment of this Act, including the Energy Conservation Investment Program and the Energy Savings Performance Contracts Program, are sufficient to support renewable energy projects to achieve the Department's installation energy goals, or if new funding mechanisms would be beneficial.

(2) A determination of the cost and feasibility of a policy that would require new power generation projects established on installations to be able to switch to provide power for military operations in the event of a commercial grid outage.

(3) An assessment of the extent to which State and regional laws and regulations and market structures provide opportunities or obstacles to establish renewable energy projects on military installations.

(4) A determination of the cost and feasibility of developing or acquiring equipment or systems that would result in maximized use of renewable energy sources at contingency locations.

(5) An assessment of the feasibility of meeting the Department's renewable energy goals with on-base renewable energy production rather than with renewable energy credits.

(6) An analysis of the percentage of new construction projects subject to the Department's current building construction sustainable design standards (Leadership in Energy and Environmental Design standards) that include a renewable energy component, and a determination as to whether the criteria of the Department's design standards, as in effect on the date of the enactment of this Act, are consistent with the overall goals, including renewable energy goals, of the Secretary.

(7) The feasibility and cost of developing net-zero energy installations and a detailed assessment, by installation, of power production (including renewable energy) measured against energy consumption.

(8) A determination of whether a dedicated funding mechanism for renewable energy projects for stand-alone facilities, including National Guard and Reserve centers, would encourage greater use of renewable energy sources

both at existing facilities and in new construction.

(c) **COMPTROLLER GENERAL REVIEW.**—Not later than 180 days after the date on which the Secretary of Defense submits the supplemental report required under subsection (b), the Comptroller General shall review the supplemental report and submit to Congress a report on such review. The Comptroller General may conduct such independent analysis of any issues covered by such supplemental report, as necessary in furtherance of the requirements of this section.

**SEC. 333. REPORT ON IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON FUEL DEMAND MANAGEMENT AT FORWARD-DEPLOYED LOCATIONS.**

Not later than February 1, 2010, the Director of Operational Energy Plans and Programs of the Department of Defense (or, in the event that no individual has been confirmed as the Director, the Secretary of Defense) shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any specific actions that have been taken to implement the following three recommendations made by the Comptroller General:

(1) The recommendation that each of the combatant commanders establish requirements for managing fuel demand at forward-deployed locations within their respective areas of responsibility.

(2) The recommendation that the head of each military department develop guidance to implement such requirements.

(3) The recommendation that the Chairman of the Joint Chiefs of Staff require that fuel demand considerations be incorporated into the Joint Staff's initiative to develop joint standards of life support at forward-deployed locations.

**SEC. 334. REPORT ON USE OF RENEWABLE FUELS TO MEET ENERGY REQUIREMENTS OF DEPARTMENT OF DEFENSE.**

Not later than February 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use and potential use of renewable fuels in meeting the energy requirements of the Department of Defense. Such report shall include each of the following:

(1) An assessment of the use of renewable fuels, including domestically produced algae-based, biodiesel, and biomass-derived fuels, as alternative fuels in aviation, maritime, and ground transportation fleets (including tactical vehicles and applications). Such assessment shall include technical, logistical, and policy considerations.

(2) An assessment of whether it would be beneficial to establish a renewable fuel commodity class that is distinct from petroleum-based products.

**SEC. 335. ENERGY SECURITY ON DEPARTMENT OF DEFENSE INSTALLATIONS.**

(a) **PLAN FOR ENERGY SECURITY REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan for identifying and addressing areas in which the electricity needed to carry out critical military missions on Department of Defense installations is vulnerable to disruption.

(2) **ELEMENTS.**—The plan developed under paragraph (1) shall include, at a minimum, the following:

(A) An identification of the areas of vulnerability as described in paragraph (1), and an identification of priorities in addressing such areas of vulnerability.

(B) A schedule for the actions to be taken by the Department to address such areas of vulnerability.

(C) A strategy for working with other public or private sector entities to address such areas of vulnerability that are beyond the control of the Department.

(D) An estimate of and consideration for the costs to the Department associated with implementation of the strategy.

(b) **WORK WITH NON-DEPARTMENT OF DEFENSE ENTITIES.**—The Secretary of Defense shall work with other Federal entities, and with State and local government entities, to develop any regulations or other mechanisms needed to require or encourage actions to address areas of vulnerability identified pursuant to the plan developed under subsection (a) that are beyond the control of the Department of Defense.

**Subtitle E—Reports**

**SEC. 341. ANNUAL REPORT ON PROCUREMENT OF MILITARY WORKING DOGS.**

Section 358 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4427; 10 U.S.C. 2302 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **ANNUAL REPORT.**—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter for each of the following five years, the Secretary, acting through the Executive Agent, shall submit to the congressional defense committees a report on the procurement of military working dogs for the fiscal year preceding the fiscal year during which the report is submitted. Such a report may be combined with the report required under section 2583(f) of title 10, United States Code, for the same fiscal year as the fiscal year covered by the report under this subsection. Each report under this subsection shall include the following for the fiscal year covered by the report:

“(1) The number of military working dogs procured, by source, by each military department or Defense Agency.

“(2) The cost of procuring military working dogs incurred by each military department or Defense Agency.

“(3) An explanation for any significant difference in the cost of procuring military working dogs from different sources.”.

**SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACHMENT AT TRAINING RANGES.**

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(1) An assessment of the extent to which vegetation and overgrowth limits the use of military lands available for training of the Armed Forces in the United States and overseas.

(2) An identification of the particular installations and training areas at which vegetation and overgrowth negatively impact the use of training space.

(3) A plan to address training constraints caused by vegetation and overgrowth.

**SEC. 343. COMPTROLLER GENERAL REPORT ON THE SUSTAINMENT STRATEGY FOR THE AV-8B HARRIER AIRCRAFT.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the sustainment strategy for the AV-8B Harrier aircraft.

(b) **MATTERS COVERED.**—The report under subsection (a) shall include, at a minimum, each of the following:

(1) An assessment of the AV-8B Integrated Maintenance Concept, including the acquisition strategy developed to conduct planned maintenance interval events.

(2) An evaluation of the process and criteria established to determine the assignment of non-core workload.

(3) An examination of the role of the single process owner in distribution of non-core workload, standardization of workload processes, facilitation of public-private partnering, implementation of lessons learned, and execution of contracting authority.

(4) An evaluation of the execution of responsibilities by the single process owner to reduce planned maintenance interval turn-around time, to reduce cost, to improve material availability, and to ensure necessary logistics and engineering functions are in place to meet objective goals.

**SEC. 344. STUDY ON ARMY MODULARITY.**

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center for the conduct of a study on the current and planned modularity structures of the Army to determine each of the following:

(A) The operational capability of the Army to execute the core mission of the Army to contribute land power to joint operations.

(B) The ability to manage the flexibility and versatility of Army forces across the range of military operations.

(C) The tactical, operational, and strategic risk associated with the heavy, medium, and light modular combat brigades and functional support and sustainment brigades.

(D) The required and planned end strength for the Army.

(2) **FACTORS TO CONSIDER.**—The study required under subsection (a) shall take into consideration the following factors:

(A) The historical experience of the Army with separate brigade structures.

(B) The original Army analysis or other relevant analyses, including explicit or implicit assumptions, upon which the modular brigade combat team, functional support and sustainment brigades, and higher headquarters' designs were based.

(C) Subsequent analysis that confirmed or modified the original designs.

(D) Lessons learned from Operation Iraqi Freedom and Operation Enduring Freedom, including an identification and analysis of how modular brigades or formations were task organized and employed that may have differed from the original modular concept and how that confirmed or modified the original designs.

(E) Improvements the Army has made or is implementing in brigade and headquarters designs.

(F) The deployability, employability, and sustainability of modular formations compared to the corresponding pre-modular designs of such formations.

(3) **ACCESS TO INFORMATION.**—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than December 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(A) the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study; and

(B) the separate and independent comments of the Secretary of the Army on the findings contained in the study.

(2) **CLASSIFIED ANNEX.**—The report shall be in unclassified form, but may contain a classified annex.

**Subtitle F—Other Matters****SEC. 351. AUTHORITY FOR AIRLIFT TRANSPORTATION AT DEPARTMENT OF DEFENSE RATES FOR NON-DEPARTMENT OF DEFENSE FEDERAL CAR- GOES.**

(a) *IN GENERAL.*—Section 2642(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, for military airlift services provided to any element of the Federal Government outside the Department of Defense in circumstances other than those specified in paragraphs (1) and (2), but only if the Secretary of Defense determines that the provision of such services will promote the improved use of airlift capacity without any negative effect on the national security objectives or the national security interests contained within the United States commercial air industry.”.

(b) *ANNUAL REPORT.*—Not later than March 1 of each year for which the paragraph (3) of section 2642(a) of title 10, United States Code, as added by subsection (a), is in effect, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report describing, in detail, the Secretary's use of the authority under that paragraph, including—

- (1) how the authority was used;
- (2) the frequency with which the authority was used;
- (3) the Secretary's rationale for the use of the authority; and
- (4) for which agencies the authority was used.

**SEC. 352. POLICY ON GROUND COMBAT AND CAMOUFLAGE UTILITY UNIFORMS.**

(a) *ESTABLISHMENT OF POLICY.*—It is the policy of the United States that the design and fielding of all future ground combat and camouflage utility uniforms of the Armed Forces may uniquely reflect the identity of the individual military services, as long as such ground combat and camouflage utility uniforms, to the maximum extent practicable—

- (1) provide members of every military service an equivalent level of performance, functionality, and protection commensurate with their respective assigned combat missions;
- (2) minimize risk to the individual soldier, sailor, airman, or marine operating in the joint battlespace; and
- (3) provide interoperability with other components of individual war fighter systems, including body armor and other individual protective systems.

(b) *COMPTROLLER GENERAL ASSESSMENT.*—The Comptroller General shall conduct an assessment of the ground combat uniforms and camouflage utility uniforms currently in use in the Department of Defense. The assessment shall examine, at a minimum, each of the following:

- (1) The overall performance of each uniform in various anticipated combat environments and theaters of operations.
- (2) Whether the uniform design of each uniform conforms adequately and is interoperable with currently issued personal protective gear and body armor.
- (3) Costs associated with the design, development, production, procurement, and fielding of existing service-specific ground combat and camouflage utility uniforms.

(4) Challenges and risks associated with fielding members of the Armed Forces into combat theaters in unique or service-specific ground combat or camouflage utility uniforms, including the tactical risk to the individuals serving in individual augmentee, in-lieu of force, or joint duty assignments of use of different ground combat uniforms in a combat environment.

(5) Implications of the use of patents and other proprietary measures that may preclude sharing of technology, advanced uniform design, camouflage techniques, and fire retardance.

(6) Logistical requirements to field and support forces in varying combat or utility uniforms.

(c) *REPORT REQUIRED.*—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees the results of the assessment conducted under subsection (b).

(d) *REQUIREMENT FOR JOINT CRITERIA.*—In support of the policy established in subsection (a), the Secretaries of the military departments, consistent with the authority set out in subtitles B, C, and D of title 10, United States Code, shall establish joint criteria for future ground combat uniforms by not later than 270 days after the Comptroller General submits the report required under subsection (c). The joint criteria shall take into account the findings and recommendations of such report and ensure that new technologies, advanced materials, and other advances in ground combat uniform design may be shared between the military services and are not precluded from being adapted for use by any military service due to military service-unique proprietary arrangements.

**SEC. 353. CONDITION-BASED MAINTENANCE DEMONSTRATION PROGRAMS.**

(a) *TACTICAL WHEELED VEHICLES PROGRAM.*—The Secretary of the Army may conduct a 12-month condition-based maintenance demonstration program on selected vehicle systems that include on-board diagnostic systems suitable to such a demonstration program.

(b) *SURFACE COMBATANT SHIP PROGRAM.*—The Secretary of the Navy may conduct a 12-month demonstration program on selected systems or components of surface combatant ships that include integral diagnostic systems suitable to such a demonstration program.

(c) *ISSUES TO BE ADDRESSED.*—The demonstration programs described in subsections (a) and (b) shall address, with respect to each vehicle, system, or component for which the program is conducted—

- (1) the top 10 maintenance issues;
- (2) non-evidence of failures; and
- (3) the projected return on investment analysis for a 10-year period.

(d) *OPEN ARCHITECTURE.*—The design, system integration, and operations of the demonstration programs described in subsections (a) and (b) shall be conducted with an open architecture designed to—

- (1) facilitate interface with industry standard computer languages, common software systems, diagnostics tools, reference models, diagnostics reasoners, electronic libraries, and user interfaces for multiple ship and vehicle types; and
- (2) promote competition and ensure the best overall value to the Department of Defense.

(e) *REPORT.*—Not later than October 1, 2010, the Secretary of the Army and the Secretary of the Navy shall jointly submit to the congressional defense committees a report containing the assessments of each of the Secretaries with respect to whether the respective military department could reduce maintenance costs and improve operational readiness by implementing condition-based maintenance for the current and future tactical wheeled vehicle fleets and Navy surface combatants.

**SEC. 354. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.**

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note), as amended by section 341 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 69), is further amended—

(1) in subsection (a), by striking “2010” and inserting “2011”; and

(2) in subsection (g)(1), by striking “2010” and inserting “2011”.

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS****Subtitle A—Active Forces**

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent active duty end strength minimum levels.
- Sec. 403. Additional authority for increases of Army active-duty end strengths for fiscal years 2011 and 2012.

**Subtitle B—Reserve Forces**

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2010 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
- Sec. 416. Submittal of options for creation of Trainees, Transients, Holders, and Students account for the Army National Guard.
- Sec. 417. Report on requirements of the National Guard for non-dual status technicians.
- Sec. 418. Expansion of authority of Secretaries of the military departments to increase certain end strengths to include Selected Reserve end strengths.

**Subtitle C—Authorization of Appropriations**

- Sec. 421. Military personnel.
- Sec. 422. Repeal of delayed one-time shift of military retirement payments.

**Subtitle A—Active Forces****SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2010, as follows:

- (1) The Army, 562,400.
- (2) The Navy, 328,800.
- (3) The Marine Corps, 202,100.
- (4) The Air Force, 331,700.

**SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.**

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

- “(1) For the Army, 547,400.
- “(2) For the Navy, 328,800.
- “(3) For the Marine Corps, 202,100.
- “(4) For the Air Force, 331,700.”.

**SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE-DUTY END STRENGTHS FOR FISCAL YEARS 2011 AND 2012.**

(a) *AUTHORITY TO INCREASE ARMY ACTIVE-DUTY END STRENGTHS.*—

(1) *AUTHORITY.*—For each of fiscal years 2011 and 2012, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline plus 30,000.

(2) *PURPOSE OF INCREASES.*—The purposes for which increases may be made in Army active-duty end strengths under paragraph (1) are—

- (A) to support operational missions; and
- (B) to achieve reorganizational objectives, including increased unit manning, force stabilization and shaping, and supporting wounded warriors.

(3) *FISCAL-YEAR 2010 BASELINE.*—In this subsection, the term “fiscal-year 2010 baseline”,

means the active-duty end strength authorized for the Army in section 401(1).

(4) **ACTIVE-DUTY END STRENGTH.**—In this subsection, the term “active-duty end strength” means the strength for active-duty personnel of one the Armed Forces as of the last day of a fiscal year.

(b) **RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.**—Nothing in this section shall be construed to limit the President’s authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) **RELATIONSHIP TO OTHER VARIANCE AUTHORITY.**—The authority under subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) **BUDGET TREATMENT.**—If the Secretary of Defense determines under subsection (a) that an increase in the Army active-duty end strength for a fiscal year is necessary, then the budget for the Department of Defense for that fiscal year as submitted to the President shall include the amounts necessary for funding that active-duty end strength in excess of the fiscal year 2010 active-duty end strength authorized for the Army under section 401(1).

#### **Subtitle B—Reserve Forces**

#### **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2010, as follows:

- (1) The Army National Guard of the United States, 358,200.
- (2) The Army Reserve, 205,000.
- (3) The Navy Reserve, 65,500.
- (4) The Marine Corps Reserve, 39,600.
- (5) The Air National Guard of the United States, 106,700.
- (6) The Air Force Reserve, 69,500.
- (7) The Coast Guard Reserve, 10,000.

(b) **END STRENGTH REDUCTIONS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) **END STRENGTH INCREASES.**—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

#### **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2010, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 32,060.
- (2) The Army Reserve, 16,261.
- (3) The Navy Reserve, 10,818.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,555.

(6) The Air Force Reserve, 2,896.

#### **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

The minimum number of military technicians (dual status) as of the last day of fiscal year 2010 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,417.

(4) For the Air National Guard of the United States, 22,313.

#### **SEC. 414. FISCAL YEAR 2010 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.**

(a) **LIMITATIONS.**—

(1) **NATIONAL GUARD.**—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2010, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) **ARMY RESERVE.**—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2010, may not exceed 595.

(3) **AIR FORCE RESERVE.**—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2010, may not exceed 90.

(b) **NON-DUAL STATUS TECHNICIANS DEFINED.**—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

#### **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

During fiscal year 2010, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

#### **SEC. 416. SUBMITTAL OF OPTIONS FOR CREATION OF TRAINEES, TRANSIENTS, HOLDEES, AND STUDENTS ACCOUNT FOR THE ARMY NATIONAL GUARD.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report evaluating options, and including a recommendation, for the creation of a Trainees, Transients, Holdees, and Students Account within the Army National Guard.

(b) **ELEMENTS.**—The report required by subsection (a) shall address, at a minimum, the following:

(1) The timelines, cost, force structure changes, and end strength changes associated with each option specified in the report.

(2) The force structure and end strength changes and growth of the Army National Guard needed to support the account referred to in subsection (a).

(3) An assessment of how the creation of such an account may affect plans under the Grow the Force initiative.

(4) An assessment of the impact of such an account on readiness and training ratings for Army National Guard forces.

#### **SEC. 417. REPORT ON REQUIREMENTS OF THE NATIONAL GUARD FOR NON-DUAL STATUS TECHNICIANS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the following:

(1) A description of the types of duties performed for the National Guard by non-dual status technicians.

(2) A description of the current requirements of the National Guard for non-dual status technicians.

(3) A description of various means of addressing any shortfalls in meeting such requirements, including both temporary shortfalls and permanent shortfalls.

(4) A description of the demands of the National Guard for non-dual status technicians under the current operational tempo, and a description of the current and anticipated demands of the National Guard for non-dual status technicians as a result of the National Guard moving from a reserve force to an operational force.

(5) An assessment whether an increase in the limit on the number of non-dual status technicians for the National Guard is advisable.

(6) Such specific recommendations, including recommendations for legislative action, as the Secretary of Defense considers appropriate regarding future requirements and numbers of non-dual status technicians that are required to manage and support the National Guard.

(b) **CONSIDERATIONS.**—The report required by subsection (a) shall take into consideration the effects of the mobilization of large numbers of National Guard military technicians (dual status) on the readiness of National Guard units in critically important areas and on the capacity of the National Guard to continue performing home-based missions and responsibilities for the States.

#### **SEC. 418. EXPANSION OF AUTHORITY OF SECRETARIES OF THE MILITARY DEPARTMENTS TO INCREASE CERTAIN END STRENGTHS TO INCLUDE SELECTED RESERVE END STRENGTHS.**

Subsection (g) of section 115 of title 10, United States Code, is amended to read as follows:

“(g) **AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS.**—(1) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may—

“(A) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength; and

“(B) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for the Selected Reserve of the reserve component of any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength.

“(2) Any increase under paragraph (1)(A) of the end strength for an armed force for a fiscal

year shall be counted as part of the increase for that armed force for that fiscal year authorized under subsection (f)(1). Any increase under paragraph (1)(B) of the end strength for the Selected Reserve of a reserve component of an armed force for a fiscal year shall be counted as part of the increase for that Selected Reserve for that fiscal year authorized under subsection (f)(3).''.

#### **Subtitle C—Authorization of Appropriations**

##### **SEC. 421. MILITARY PERSONNEL.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2010 a total of \$136,016,281,000.

(b) **CONSTRUCTION OF AUTHORIZATION.**—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2010.

##### **SEC. 422. REPEAL OF DELAYED ONE-TIME SHIFT OF MILITARY RETIREMENT PAYMENTS.**

(a) **REPEAL.**—Section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4581) is repealed.

(b) **EFFECT ON EARLIER TRANSFER.**—The repeal of section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 by subsection (a) shall not affect the validity of the transfer of funds made pursuant to subsection (e) of such section before the date of the enactment of this Act.

#### **TITLE V—MILITARY PERSONNEL POLICY**

##### **Subtitle A—Officer Personnel Policy**

- Sec. 501. Grade of Legal Counsel to the Chairman of the Joint Chiefs of Staff.
- Sec. 502. Modification of limitations on general and flag officers on active duty.
- Sec. 503. Revisions to annual reporting requirement on joint officer management.
- Sec. 504. Extension of temporary increase in maximum number of days leave members may accumulate and carryover.
- Sec. 505. Computation of retirement eligibility for enlisted members of the Navy who complete the Seaman to Admiral (STA-21) officer candidate program.
- Sec. 506. Independent review of judge advocate requirements of the Department of the Navy.

##### **Subtitle B—General Service Authorities**

- Sec. 511. Continuation on active duty of reserve component members during physical disability evaluation following mobilization and deployment.
- Sec. 512. Medical examination required before administrative separation of members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury.
- Sec. 513. Legal assistance for additional reserve component members.
- Sec. 514. Limitation on scheduling of mobilization or pre-mobilization training for Reserve units when certain suspension of training is likely.
- Sec. 515. Evaluation of test of utility of test preparation guides and education programs in improving qualifications of recruits for the Armed Forces.
- Sec. 516. Report on presence in the Armed Forces of members associated or affiliated with groups engaged in prohibited activities.

##### **Subtitle C—Education and Training**

- Sec. 521. Detail of commissioned officers as students at schools of psychology.
- Sec. 522. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers' Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.
- Sec. 523. Expansion of criteria for appointment as member of the Board of Regents of the Uniformed Services University of the Health Sciences.
- Sec. 524. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals with skills to assist in providing mental health care.
- Sec. 525. Department of Defense undergraduate nurse training program.
- Sec. 526. Increase in number of private sector civilians authorized for admission to National Defense University.
- Sec. 527. Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands.
- Sec. 528. Athletic association for the Air Force Academy.
- Sec. 529. Language training centers for members of the Armed Forces and civilian employees of the Department of Defense.

##### **Subtitle D—Defense Dependents' Education**

- Sec. 531. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 532. Impact aid for children with severe disabilities.
- Sec. 533. Two-year extension of authority for assistance to local educational agencies with enrollment changes due to base closures, force structure changes, or force relocations.
- Sec. 534. Authority to extend eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents.
- Sec. 535. Permanent authority for enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.
- Sec. 536. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.
- Sec. 537. Study on options for educational opportunities for dependent children of members of the Armed Forces when public schools attended by such children are determined to need improvement.
- Sec. 538. Comptroller General audit of assistance to local educational agencies for dependent children of members of the Armed Forces.
- Sec. 539. Sense of Congress on the Interstate Compact on Educational Opportunity for Military Children.

##### **Subtitle E—Missing or Deceased Persons**

- Sec. 541. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing in conflicts occurring before enactment of new system for accounting for missing persons.

Sec. 542. Policy and procedures on media access and attendance by family members at ceremonies for the dignified transfer of remains of members of the Armed Forces who die overseas.

Sec. 543. Report on expansion of authority of a member to designate persons to direct disposition of the remains of a deceased member.

Sec. 544. Sense of Congress on the recovery of the remains of members of the Armed Forces who were killed during World War II in the battle of Tarawa Atoll.

##### **Subtitle F—Decorations and Awards**

- Sec. 551. Authorization and request for award of Medal of Honor to Anthony T. Kaho'ohanohano for acts of valor during the Korean War.
- Sec. 552. Authorization and request for award of Distinguished-Service Cross to Jack T. Stewart for acts of valor during the Vietnam War.
- Sec. 553. Authorization and request for award of Distinguished-Service Cross to William T. Miles, Jr., for acts of valor during the Korean War.

##### **Subtitle G—Military Family Readiness Matters**

- Sec. 561. Establishment of online resources to provide information about benefits and services available to members of the Armed Forces and their families.
- Sec. 562. Additional members on Department of Defense Military Family Readiness Council.
- Sec. 563. Support for military families with special needs.
- Sec. 564. Pilot program to secure internships for military spouses with Federal agencies.
- Sec. 565. Family and medical leave for family of servicemembers.
- Sec. 566. Deadline for report on sexual assault in the Armed Forces by Defense Task Force on Sexual Assault in the Military Services.
- Sec. 567. Improved prevention and response to allegations of sexual assault involving members of the Armed Forces.
- Sec. 568. Comptroller General report on progress made in implementing recommendations to reduce domestic violence in military families.
- Sec. 569. Report on impact of domestic violence on military families.
- Sec. 570. Report on international intrafamilial abduction of children of members of the Armed Forces.
- Sec. 571. Assessment of impact of deployment of members of the Armed Forces on their dependent children.
- Sec. 572. Report on child custody litigation involving service of members of the Armed Forces.
- Sec. 573. Comptroller General report on child care assistance for members of the Armed Forces.

##### **Subtitle H—Military Voting**

- Sec. 575. Short title.
- Sec. 576. Clarification regarding delegation of State responsibilities to local jurisdictions.
- Sec. 577. Establishment of procedures for absent uniformed services voters and overseas voters to request and for States to send voter registration applications and absentee ballot applications by mail and electronically.



- Sec. 578. Establishment of procedures for States to transmit blank absentee ballots by mail and electronically to absent uniformed services voters and overseas voters.
- Sec. 579. Ensuring absent uniformed services voters and overseas voters have time to vote.
- Sec. 580. Procedures for collection and delivery of marked absentee ballots of absent overseas uniformed services voters.
- Sec. 581. Federal write-in absentee ballot.
- Sec. 582. Prohibiting refusal to accept voter registration and absentee ballot applications, marked absentee ballots, and Federal write-in absentee ballots for failure to meet certain requirements.
- Sec. 583. Federal Voting Assistance Program Improvements.
- Sec. 584. Development of standards for reporting and storing certain data.
- Sec. 585. Repeal of provisions relating to use of single application for all subsequent elections.
- Sec. 586. Reporting requirements.
- Sec. 587. Annual report on enforcement.
- Sec. 588. Requirements payments.
- Sec. 589. Technology pilot program.

**Subtitle I—Other Matters**

- Sec. 591. Clarification of performance policies for military musical units and musicians.
- Sec. 592. Navy grants for purposes of Naval Sea Cadet Corps.
- Sec. 593. Modification of matching fund requirements under National Guard Youth Challenge Program.
- Sec. 594. Expansion of Military Leadership Diversity Commission to include reserve component representatives.
- Sec. 595. Expansion of suicide prevention and community healing and response training under the Yellow Ribbon Reintegration Program.
- Sec. 596. Comprehensive plan on prevention, diagnosis, and treatment of substance use disorders and disposition of substance abuse offenders in the Armed Forces.
- Sec. 597. Reports on Yellow Ribbon Reintegration Program and other reintegration programs.
- Sec. 598. Reports on progress in completion of certain incident information management tools.

**Subtitle A—Officer Personnel Policy**

**SEC. 501. GRADE OF LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.**

(a) **IN GENERAL.**—Section 156(c) of title 10, United States Code, is amended by striking “, while so serving, hold the” and inserting “be appointed in the regular”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals appointed as Legal Counsel to the Chairman of the Joint Chiefs of Staff on or after that date.

**SEC. 502. MODIFICATION OF LIMITATIONS ON GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.**

(a) **REPORT ON STATUTES EXCLUDING CERTAIN OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES FROM LIMITATIONS ON AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.**—Not later than April 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report setting forth the following:

(1) An assessment of the provisions of title 10, United States Code, that exclude commissioned

officers of the Armed Forces on active duty in general officer and flag officer grades from the limitations on the authorized strengths of general and flag officers, including—

- (A) a list of each such provision; and
- (B) for each such provision—
- a statement whether such provision is redundant or necessary in light of recent legislation on such provision or related provisions; and
  - an assessment of the impact of the repeal of such provision on the Department of Defense.
- (2) A specific, comprehensive description of the legislative actions, including technical and conforming changes, necessary to conform sections 525, 526, and 528 of title 10, United States Code (and any other applicable provisions of such title), with the assessment required by paragraph (1) with a view towards increasing the transparency and comprehensiveness on the number of general and flag officers serving on active duty.

(3) An assessment of the following:

(A) Whether the authorized numbers of general and flag officers in an active status under section 12004(a) of title 10, United States Code, are adequate to provide the reserve components with a sufficient number of general and flag officers in an active status in order to meet increased authorizations for active duty service.

(B) Whether such numbers of general and flag officers provide the general and flag officers of the reserve components with appropriate opportunities for joint responsibility and joint officer development while simultaneously meeting reserve active-status requirements

(C) Whether legislative action with respect to section 12004(a) of title 10, United States Code, is necessary to achieve the purposes specified in subparagraphs (A) and (B) and, if so, a specific, comprehensive description of such legislative actions.

(4) An assessment of the following:

(A) Whether the requirements for general and flag officer positions resulting from recommendations for statutory authority to specify the grade of the Chief of the Navy Dental Corps, the Chief and Deputy Chief of Chaplains in the Air Force, the Chief of the Army Medical Specialist Corps, and to establish the position of Vice Chief of the National Guard Bureau, are necessary in light of recent legislative modifications of applicable provisions of law.

(B) The impact on the Department of each provision.

(C) If supported, the necessary technical and conforming changes that may be necessary to conform sections 535, 526, 528, and 12004 of title 10, United States Code, to increase the transparency and comprehensiveness of the number of general and flag officers on active duty or in an active status.

(b) **CLARIFICATION OF DISTRIBUTION LIMITS.**—Section 525 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

“(a) For purposes of the applicable limitation in section 526(a) of this title on general and flag officers on active duty, no appointment of an officer on the active duty list may be made as follows:

“(1) in the Army, if that appointment would result in more than—

“(A) 7 officers in the grade of general;

“(B) 45 officers in a grade above the grade of major general; or

“(C) 90 officers in the grade of major general;

“(2) in the Air Force, if that appointment would result in more than—

“(A) 9 officers in the grade of general;

“(B) 43 officers in a grade above the grade of major general; or

“(C) 73 officers in the grade of major general;

“(3) in the Navy, if that appointment would result in more than—

“(A) 6 officers in the grade of admiral;

“(B) 32 officers in a grade above the grade of rear admiral; or

“(C) 50 officers in the grade of rear admiral;

“(4) in the Marine Corps, if that appointment would result in more than—

“(A) 2 officers in the grade of general;

“(B) 15 officers in a grade above the grade of major general; or

“(C) 22 officers in the grade of major general.

“(b)(1) The limitations of subsection (a) do not include the following:

“(A) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than 3 officers from each armed forces may be on active duty who are excluded under this subparagraph.

“(B) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title.

“(C) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526(b) for each military service.

“(D) An officer while serving as Chief of the National Guard Bureau.

“(2) An officer of the Army while serving as Superintendent of the United States Military Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Army for officers serving on active duty in grades above major general under subsection (a). An officer of the Navy or Marine Corps while serving as Superintendent of the United States Naval Academy, if serving in the grade of vice admiral or lieutenant general, is in addition to the number that would otherwise be permitted for the Navy or Marine Corps, respectively, for officers serving on active duty in grades above major general or rear admiral under subsection (a). An officer while serving as Superintendent of the United States Air Force Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under subsection (a).”.

(c) **CLARIFICATION ON OFFSETTING REDUCTIONS.**—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

“(A) may make appointments in the Army, Air Force, and Marine Corps in the grades of lieutenant general and general in excess of the applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and”;

(B) in subparagraph (B), by striking “subsection (b)(2)” and inserting “this section”;

(2) in paragraph (3)(A), by striking “the number equal to 10 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps under subsection (b)” and inserting “15”;

(3) in paragraph (3)(B), by striking “the number equal to 15 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps” and inserting “5”.

(d) **OTHER DISTRIBUTION CLARIFICATIONS.**—Such section is further amended—

(1) in subsection (e), by striking “In determining the total number of general officers or flag officers of an armed force on active duty for

purposes of this section, the following officers shall not be counted:" in the matter preceding paragraph (1) and inserting "The following officers shall not be counted for purposes of this section:"; and

(2) by adding at the end the following new subsection:

"(g)(1) The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days, but not to exceed three years, except that the number of officers from each reserve component who are covered by this subsection and is not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed 5 per component, unless authorized by the Secretary of Defense

"(2) The exception in paragraph (1) does apply to the position of Chief of the National Guard Bureau.

"(3) Not later than 30 days after authorizing a number of reserve component general or flag officers in excess of the number specified in paragraph (1), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such authorization, and shall include with such notice a statement of the reason for such authorization."

(e) CHANGE TO AUTHORIZED STRENGTHS.—Subsection (a) of section 526 of such title is amended—

(1) in paragraph (1), by striking "307" and inserting "230";

(2) in paragraph (2), by striking "216" and inserting "160";

(3) in paragraph (3), by striking "279" and inserting "208"; and

(4) in paragraph (4), by striking "81" and inserting "60".

(f) CHANGES TO LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking "Chairman of the Joint Chiefs of Staff" and inserting "Secretary of Defense";

(B) by striking "65" and inserting "324"; and

(C) by striking the second sentence and inserting the following new sentence: "The Secretary of Defense shall allocate those exclusions to the armed forces based on the number of general or flag officers required from each armed force for assignment to these designated positions.";

(2) by redesignating paragraph (2) as paragraph (5); and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) Unless the Secretary of Defense determines that a lower number is in the best interest of the Department, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

"(A) For the Army, 85.

"(B) For the Navy, 61.

"(C) For the Air Force, 76.

"(D) For the Marine Corps, 21.

"(3) The number excluded under paragraph (1) and serving in positions designated under that paragraph—

"(A) in the grade of general or admiral may not exceed 20;

"(B) in a grade above the grade of major general or rear admiral may not exceed 68; and

"(C) in the grade of major general or rear admiral may not exceed 144.

"(4) Not later than 30 days after determining to raise or lower a number specified in paragraph (2), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such determination."

(g) OTHER AUTHORIZATION CLARIFICATIONS.—Such section is further amended—

(1) in subsection (d), by adding at the end the following new paragraph:

"(3) The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days but not to exceed three years, except that the number of such officers from each reserve component who are covered by this paragraph and not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed 5 per component, unless authorized by the Secretary of Defense.";

(2) by adding at the end the following new subsections:

"(g) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—(1) The limitations in subsection (a) and in section 525(a) of this title do not apply to a general or flag officer assigned to a temporary joint duty assignment designated by the Secretary of Defense.

"(2) A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period of longer than one year.

"(h) EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers on active duty from each armed force may be covered by an extension under this sentence at the same time."

(h) EXCLUSION OF RESERVE OFFICERS DEPARTING FROM JOINT OR OTHER ACTIVE DUTY ASSIGNMENTS.—Section 12004 of such title is amended by adding at the end the following new subsection:

"(f) The limitations in subsection (a) do not apply to an officer released from a joint duty assignment or other non-joint active duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty or other active duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers in an active status from each reserve component may be covered by an extension under this sentence at the same time."

(i) REPEAL OF LIMITATIONS ON GENERAL AND FLAG OFFICER ACTIVITIES OUTSIDE THE OFFICER'S OWN SERVICE.—

(1) REPEAL.—Section 721 of such title is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 721.

(j) REPEAL OF SUPERSEDED AUTHORITY.—Section 506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4434; 10 U.S.C. 525 note) is repealed.

#### SEC. 503. REVISIONS TO ANNUAL REPORTING REQUIREMENT ON JOINT OFFICER MANAGEMENT.

Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and their education and experience"; and

(B) by adding at the end the following new subparagraph:

"(C) A comparison of the number of officers who were designated as a joint qualified officer who had served in a Joint Duty Assignment List billet and completed Joint Professional Military

Education Phase II, with the number designated as a joint qualified officer based on their aggregated joint experiences and completion of Joint Professional Military Education Phase II.";

(2) by striking paragraphs (3), (4), (6), and (12);

(3) by redesignating paragraph (5) as paragraph (3);

(4) by redesignating paragraphs (7) through (11) as paragraphs (4) through (8), respectively;

(5) by inserting after paragraph (8), as so redesignated, the following new paragraph:

"(9) With regard to the principal courses of instruction for Joint Professional Military Education Level II, the number of officers graduating from each of the following:

"(A) The Joint Forces Staff College.

"(B) The National Defense University.

"(C) Senior Service Schools."; and

(6) by redesignating paragraph (13) as paragraph (10).

#### SEC. 504. EXTENSION OF TEMPORARY INCREASE IN MAXIMUM NUMBER OF DAYS LEAVE MEMBERS MAY ACCUMULATE AND CARRYOVER.

Section 701(d) of title 10, United States Code, is amended by striking "December 31, 2010" and inserting "September 30, 2013".

#### SEC. 505. COMPUTATION OF RETIREMENT ELIGIBILITY FOR ENLISTED MEMBERS OF THE NAVY WHO COMPLETE THE SEAMAN TO ADMIRAL (STA-21) OFFICER CANDIDATE PROGRAM.

Section 6328 of title 10, United States Code, is amended by adding the following new subsection:

"(c) TIME SPENT IN SEAMAN TO ADMIRAL PROGRAM.—The months of active service in pursuit of a baccalaureate-level degree under the Seaman to Admiral (STA-21) program of the Navy of officer candidates selected for the program on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010 shall be excluded in computing the years of service of an officer who was appointed to the grade of ensign in the Navy upon completion of the program to determine the eligibility of the officer for retirement, unless the officer becomes subject to involuntary separation or retirement due to physical disability. Such active service shall be counted in computing the years of active service of the officer for all other purposes."

#### SEC. 506. INDEPENDENT REVIEW OF JUDGE ADVOCATE REQUIREMENTS OF THE DEPARTMENT OF THE NAVY.

(a) INDEPENDENT PANEL FOR REVIEW.—

(1) ESTABLISHMENT.—There is hereby established an independent panel to review the judge advocate requirements of the Department of the Navy.

(2) COMPOSITION.—The panel shall be composed of five members, appointed by the Secretary of Defense from among private United States citizens who have expertise in law, military manpower policies, the missions of the Armed Forces, or the current responsibilities of judge advocates in ensuring competent legal representation and advice to commanders.

(3) CHAIR.—The chair of the panel shall be appointed by the Secretary from among the members of the panel appointed under paragraph (2).

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENTS.—All original appointments to the panel shall be made not later than 180 days after the date of the enactment of this Act.

(6) MEETINGS.—The panel shall meet at the call of the chair.

(7) FIRST MEETING.—The chair shall call the first meeting of the panel not later than 60 days

after the date of the appointment of all the members of the panel.

(b) DUTIES.—

(1) *IN GENERAL.*—The panel established under subsection (a) shall carry out a study of the policies and management and organizational practices of the Navy and Marine Corps with respect to the responsibilities, assignment, and career development of judge advocates for purposes of determining the number of judge advocates required to fulfill the legal mission of the Department of the Navy.

(2) *REVIEW.*—In carrying out the study required by paragraph (1), the panel shall—

(A) review the emergent operational law requirements of the Navy and Marine Corps, including requirements for judge advocates on joint task forces, in support of rule of law objectives in Iraq and Afghanistan, and in operational units;

(B) review new requirements to support the Office of Military Commissions and to support the disability evaluation system for members of the Armed Forces;

(C) review the judge advocate requirements of the Department of the Navy for the military justice mission, including assignment policies, training and education, increasing complexity of court-martial litigation, and the performance of the Navy and Marine Corps in providing legally sufficient post-trial processing of cases in general courts-martial and special courts-martial;

(D) review the role of the Judge Advocate General of the Navy, as the senior uniformed legal officer of the Department of the Navy, to determine whether additional authority for the Judge Advocate General over manpower policies and assignments of judge advocates in the Navy and Marine Corps is warranted;

(E) review directives issued by the Navy and the Marine Corps pertaining to jointly-shared missions requiring legal support;

(F) review career patterns for Marine Corps judge advocates in order to identify and validate assignments to nonlegal billets required for professional development and promotion; and

(G) review, evaluate, and assess such other matters and materials as the panel considers appropriate for purposes of the study.

(3) *UTILIZATION OF OTHER STUDIES.*—In carrying out the study required by paragraph (1), the panel may review, and incorporate as appropriate, the findings of applicable ongoing and completed studies in future manpower requirements, including the two-part study by CNA Analysis and Solutions entitled “An Analysis of Navy JAG Corps Future Manpower Requirements”.

(4) *REPORT.*—Not later than 120 days after its first meeting under subsection (a)(7), the panel shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the study. The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

(c) POWERS OF PANEL.—

(1) *HEARINGS.*—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers appropriate to carry out its duties under this section.

(2) *INFORMATION FROM FEDERAL AGENCIES.*—Upon request by the chair of the panel, any department or agency of the Federal Government may provide information that the panel considers necessary to carry out its duties under this section.

(d) PERSONNEL MATTERS.—

(1) *PAY OF MEMBERS.*—(A) Members of the panel established under subsection (a) shall

serve without pay by reason of their work on the panel.

(B) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this section.

(2) *TRAVEL EXPENSES.*—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance or services for the panel.

**Subtitle B—General Service Authorities**

**SEC. 511. CONTINUATION ON ACTIVE DUTY OF RESERVE COMPONENT MEMBERS DURING PHYSICAL DISABILITY EVALUATION FOLLOWING MOBILIZATION AND DEPLOYMENT.**

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of a military department shall ensure that each member of a reserve component under the jurisdiction of the Secretary who is determined, after a mobilization and deployment to an area in which imminent danger pay is authorized under section 310 of title 37, to require evaluation for a physical or mental disability which could result in separation or retirement for disability under this chapter or placement on the temporary disability retired list or inactive status list under this chapter is retained on active duty during the disability evaluation process until such time as such member is—

“(A) cleared by appropriate authorities for continuation on active duty; or

“(B) separated, retired, or placed on the temporary disability retired list or inactive status list.

“(2)(A) A member described in paragraph (1) may request termination of active duty under such paragraph at any time during the demobilization or disability evaluation process of such member.

“(B) Upon a request under subparagraph (A), a member described in paragraph (1) shall only be released from active duty after the member receives counseling about the consequences of termination of active duty.

“(C) Each release from active duty under subparagraph (B) shall be thoroughly documented.

“(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.”.

**SEC. 512. MEDICAL EXAMINATION REQUIRED BEFORE ADMINISTRATIVE SEPARATION OF MEMBERS DIAGNOSED WITH OR REASONABLY ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.**

(a) *MEDICAL EXAMINATION REQUIRED.*—

(1) *IN GENERAL.*—Chapter 59 of title 10, United States Code, is amended by inserting after section 1176 the following new section:

**“§1177. Members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before administrative separation**

“(a) *MEDICAL EXAMINATION REQUIRED.*—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department shall ensure that a member of the armed forces under the jurisdiction of the Secretary who has been deployed overseas in support of a contingency operation during the previous 24 months, and who is diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury or who otherwise reasonably alleges, based on the service of the member while de-

ployed, the influence of such a condition, receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.

“(2) A member covered by paragraph (1) shall not be administratively separated under conditions other than honorable until the results of the medical examination have been reviewed by appropriate authorities responsible for evaluating, reviewing, and approving the separation case, as determined by the Secretary concerned.

“(3) In a case involving post-traumatic stress disorder, the medical examination shall be performed by a clinical psychologist or psychiatrist. In cases involving traumatic brain injury, the medical examination may be performed by a physician, clinical psychologist, psychiatrist, or other health care professional, as appropriate.

“(b) *PURPOSE OF MEDICAL EXAMINATION.*—The medical examination required by subsection (a) shall assess whether the effects of post-traumatic stress disorder or traumatic brain injury constitute matters in extenuation that relate to the basis for administrative separation under conditions other than honorable or the overall characterization of service of the member as other than honorable.

“(c) *INAPPLICABILITY TO PROCEEDINGS UNDER UNIFORM CODE OF MILITARY JUSTICE.*—The medical examination and procedures required by this section do not apply to courts-martial or other proceedings conducted pursuant to the Uniform Code of Military Justice.”.

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1176 the following new item:

“1177. Members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before administrative separation.”.

(b) *REVIEW OF PREVIOUS DISCHARGES AND DISMISSALS.*—Section 1553 of such title is amended by adding at the end the following new subsection:

“(d)(1) In the case of a former member of the armed forces who, while serving on active duty as a member of the armed forces, was deployed in support of a contingency operation and who, at any time after such deployment, was diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury as a consequence of that deployment, a board established under this section to review the former member's discharge or dismissal shall include a member who is a physician, clinical psychologist, or psychiatrist.

“(2) In the case of a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale or as justification for priority consideration, the Secretary concerned shall expedite a final decision and shall accord such cases sufficient priority to achieve an expedited resolution. In determining the priority of cases, the Secretary concerned shall weigh the medical and humanitarian circumstances of all cases and accord higher priority to cases not involving post-traumatic stress disorder or traumatic brain injury only when the individual cases are considered more compelling.”.

(c) *REPORT REQUIRED.*—Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the detailed procedures and policies used by the Secretaries of the military department to implement the amendments made by this section, including—

(1) the list of officials identified by the Secretaries as required to review physical examinations to determine the possible influence of post-traumatic stress disorder or traumatic brain injury on the behavior of members before their separation under other than honorable conditions;

(2) the procedures adopted by the Secretaries to ensure that appropriate physical examinations required by the amendments are conducted;

(3) the procedures adopted by the Secretaries to ensure that the medical reviews required by the amendments are conducted; and

(4) the procedures adopted by the Secretaries to ensure that requests for review of discharges based on matters related to post-traumatic stress disorder or traumatic brain injury are considered in a timely manner by boards that include appropriate medical personnel, as required by the amendments.

#### **SEC. 513. LEGAL ASSISTANCE FOR ADDITIONAL RESERVE COMPONENT MEMBERS.**

Section 1044(a)(4) of title 10, United States Code, is amended by striking “the Secretary of Defense), for a period of time, prescribed by the Secretary of Defense,” and inserting “the Secretary), for a period of time (prescribed by the Secretary)”.

#### **SEC. 514. LIMITATION ON SCHEDULING OF MOBILIZATION OR PRE-MOBILIZATION TRAINING FOR RESERVE UNITS WHEN CERTAIN SUSPENSION OF TRAINING IS LIKELY.**

##### **(a) LIMITATION.—**

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary of a military department shall avoid scheduling mobilization training or pre-mobilization training for a unit of a reserve component of the Armed Forces at a temporary duty location that is outside the normal commuting distance of the unit (as determined pursuant to the regulations prescribed by the Secretary of Defense under subsection (c)) if a suspension of training at such temporary duty location of at least five days is anticipated to occur during any portion of such mobilization or pre-mobilization training.

(2) **WAIVER.**—The Secretary of a military department may waive the applicability of the limitation in paragraph (1) to a unit of a reserve component if the Secretary determines that the waiver is in the national security interests of the United States.

(3) **NOTICE TO CONGRESS.**—Until December 31, 2014, the Secretary of the military department concerned shall submit written notice of each waiver issued under paragraph (2) to the congressional defense committees. Notice of such waiver shall be so submitted at the time of the issuance of such waiver.

(b) **NOTICE OF OTHER SUSPENSIONS OF TRAINING.**—Until December 31, 2014, in the event of a suspension of training (other than an anticipated suspension of training described in subsection (a)(1)) of at least five days at a temporary duty location at which one or more units of the reserve components on active duty are engaged in mobilization training or pre-mobilization training, the Secretary of the military department having jurisdiction over such unit or units shall submit written notice of the suspension to the congressional defense committees. Notice of such suspension of training shall be so submitted at the time of such suspension of training.

(c) **REGULATIONS.**—The Secretaries of the military departments shall administer this section in accordance with regulations prescribed by the Secretary of Defense. Such regulations shall apply uniformly among the military departments.

#### **SEC. 515. EVALUATION OF TEST OF UTILITY OF TEST PREPARATION GUIDES AND EDUCATION PROGRAMS IN IMPROVING QUALIFICATIONS OF RECRUITS FOR THE ARMED FORCES.**

Section 546(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2215) is amended—

(1) in the second sentence, by striking “in training and unit settings” and inserting “during training and unit assignments”; and

(2) by adding at the end the following new sentence: “Data to make the comparison between the two groups shall be derived from existing sources, which may include performance ratings, separations, promotions, awards and decorations, and reenlistment statistics.”.

#### **SEC. 516. REPORT ON PRESENCE IN THE ARMED FORCES OF MEMBERS ASSOCIATED OR AFFILIATED WITH GROUPS ENGAGED IN PROHIBITED ACTIVITIES.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Attorney General, submit to the Committees on Armed Service of the Senate and the House of Representatives a report on the following:

(1) Any active participation by members of the Armed Forces in prohibited activities (as defined by subsection 3.5.8 of Department of Defense Directive 1325.6).

(2) The policies of the Department of Defense to prevent individuals who are active participants in such activities from enlisting in the Armed Forces.

##### **Subtitle C—Education and Training**

#### **SEC. 521. DETAIL OF COMMISSIONED OFFICERS AS STUDENTS AT SCHOOLS OF PSYCHOLOGY.**

(a) **IN GENERAL.**—Chapter 101 of title 10, United States Code, is amended by inserting after section 2004a the following new section:

##### **“§2004b. Detail of commissioned officers as students at schools of psychology**

“(a) **DETAIL AUTHORIZED.**—The Secretary of each military department may detail commissioned officers of the armed forces as students at accredited schools of psychology located in the United States for a period of training leading to the degree of Doctor of Philosophy in clinical psychology. No more than 25 officers from each military department may commence such training in any single fiscal year.

“(b) **ELIGIBILITY FOR DETAIL.**—To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must—

“(1) have served on active duty for a period of not less than two years nor more than six years and be in the pay grade 0-3 or below as of the time the training is to begin; and

“(2) sign an agreement that unless sooner separated the officer will—

“(A) complete the educational course of psychological training;

“(B) accept transfer or detail as a commissioned officer within the military department concerned when the officer's training is completed; and

“(C) agree to serve, following completion of the officer's training, on active duty (or on active duty and in the Selected Reserve) for a period as specified pursuant to subsection (c).

“(c) **SERVICE OBLIGATION.**—(1) Except as provided in paragraph (2), the agreement of an officer under subsection (b) shall provide that the officer shall serve on active duty for two years for each year or part thereof of the officer's training under subsection (a).

“(2) The agreement of an officer may authorize the officer to serve a portion of the officer's service obligation on active duty and to complete the service obligation that remains upon separation from active duty in the Selected Re-

serve. Under any such agreement, an officer shall serve three years in the Selected Reserve for each year or part thereof of the officer's training under subsection (a) for any service obligation that was not completed before separation from active duty.

“(d) **SELECTION OF OFFICERS FOR DETAIL.**—Officers detailed for training under subsection (a) shall be selected on a competitive basis by the Secretary of the military department concerned.

“(e) **RELATION OF SERVICE OBLIGATIONS TO OTHER SERVICE OBLIGATIONS.**—Any service obligation incurred by an officer under an agreement entered into under subsection (b) shall be in addition to any service obligation incurred by the officer under any other provision of law or agreement.

“(f) **EXPENSES.**—Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

“(g) **FAILURE TO COMPLETE PROGRAM.**—(1) An officer who is dropped from a program of psychological training to which detailed under subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed on the officer under regulations issued by the Secretary of Defense for purposes of this section.

“(2) In no case shall an officer be required to serve on active duty under paragraph (1) for any period in excess of one year for each year or part thereof the officer participated in the program.

“(h) **LIMITATION ON DETAILS.**—No agreement detailing an officer of the armed forces to an accredited school of psychology may be entered into during any period in which the President is authorized by law to induct persons into the armed forces involuntarily. Nothing in this subsection shall affect any agreement entered into during any period when the President is not authorized by law to so induct persons into the armed forces.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2004a the following new item:

“2004b. Detail of commissioned officers as students at schools of psychology.”.

#### **SEC. 522. APPOINTMENT OF PERSONS ENROLLED IN ADVANCED COURSE OF THE ARMY RESERVE OFFICERS' TRAINING CORPS AT MILITARY JUNIOR COLLEGES AS CADETS IN ARMY RESERVE OR ARMY NATIONAL GUARD OF THE UNITED STATES.**

Section 2107a(h) of title 10, United States Code, is amended—

(1) by striking “17 cadets” and inserting “22 cadets”;

(2) by striking “17 members” and inserting “22 members”; and

(3) by striking “17 such members” and inserting “22 such members”.

#### **SEC. 523. EXPANSION OF CRITERIA FOR APPOINTMENT AS MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.**

Section 2113a(b)(1) of title 10, United States Code, is amended by striking “health and health education” and inserting “health care, higher education administration, or public policy”.

**SEC. 524. USE OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM TO INCREASE NUMBER OF HEALTH PROFESSIONALS WITH SKILLS TO ASSIST IN PROVIDING MENTAL HEALTH CARE.**

(a) **ADDITIONAL ELEMENT WITHIN SCHOLARSHIP PROGRAM.**—Section 2121(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(a)”;

(2) by striking “in the various health professions” and inserting “(A) in the various health professions or (B) as a health professional with specific skills to assist in providing mental health care to members of the armed forces”;

(3) by adding at the end the following new paragraph:

“(2) Under the program of a military department, the Secretary of that military department shall allocate a portion of the total number of scholarships to members of the program described in paragraph (1)(B) for the purpose of assisting such members to pursue a degree at the masters and doctoral level in any of the following disciplines:

“(A) Social work.

“(B) Clinical psychology.

“(C) Psychiatry.

“(D) Other disciplines that contribute to mental health care programs in that military department.”.

(b) **AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.**—Section 2124 of such title is amended—

(1) by striking “The number” and inserting “(a) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—The number”;

(2) by striking “6,000” and inserting “6,300”;

(3) by adding at the end the following new subsection:

“(b) **MENTAL HEALTH PROFESSIONALS.**—Of the number of persons designated as members of the program at any time, 300 may be members of the program described in section 2121(a)(1)(B) of this title.”.

**SEC. 525. DEPARTMENT OF DEFENSE UNDERGRADUATE NURSE TRAINING PROGRAM.**

(a) **REVISION OF CURRENT SCHOOL OF NURSING AUTHORIZATIONS.**—

(1) **REPEAL OF ESTABLISHMENT WITHIN UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.**—Section 2117 of title 10, United States Code, is repealed.

(2) **ESTABLISHMENT AS DEPARTMENT OF DEFENSE SCHOOL.**—Chapter 108 of such title is amended by adding at the end the following new section:

**“§2169. School of Nursing: establishment**

“(a) **ESTABLISHMENT AUTHORIZED.**—The Secretary of Defense may establish a School of Nursing.

“(b) **DEGREE GRANTING AUTHORITY.**—The School of Nursing may include a program that awards a bachelor of science in nursing.

“(c) **PHASED DEVELOPMENT.**—The Secretary of Defense may develop the School of Nursing in phases as determined appropriate by the Secretary.”.

(3) **CLERICAL AMENDMENTS.**—

(A) **CHAPTER 104.**—The table of sections at the beginning of chapter 104 of such title is amended by striking the item relating to section 2117.

(B) **CHAPTER 108.**—The table of sections at the beginning of chapter 108 of such title is amended by adding at the end the following new item:

“2169. School of Nursing: establishment.”.

(b) **AUTHORITY TO ESTABLISH UNDERGRADUATE NURSE TRAINING PROGRAM.**—

(1) **IN GENERAL.**—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2016. Undergraduate nurse training program: establishment through agreement with academic institution**

“(a) **ESTABLISHMENT AUTHORIZED.**—(1) To increase the number of nurses in the armed forces, the Secretary of Defense may enter into an agreement with one or more academic institutions to establish and operate an undergraduate program (in this section referred to as a ‘undergraduate nurse training program’) under which participants will earn a nursing degree and serve as a member of the armed forces.

“(2) The Secretary of Defense may authorize the participation of members of the other uniformed services in the undergraduate nurse training program if the Secretary of Defense and the Secretary of Health and Human Services jointly determine the participation of such members in the program will facilitate an increase in the number of nurses in the other uniformed services.

“(b) **GRADUATION RATES.**—An undergraduate nurse training program shall have the capacity to graduate 25 students with a bachelor of science degree in the first class of the program, 50 in the second class, and 100 annually thereafter.

“(c) **ELEMENTS.**—An undergraduate nurse training program shall have the following elements:

“(1) It shall involve an academic partnership with one or more academic institutions with existing accredited schools of nursing.

“(2) It shall recruit as participants qualified individuals with at least two years of appropriate academic preparation, as determined by the Secretary of Defense.

“(d) **LOCATION OF PROGRAMS.**—An academic institution selected to operate an undergraduate nurse training program shall establish the program at or near a military installation. A military installation at or near which an undergraduate nurse training program is established must—

“(1) be one of the ten largest military installations in the United States, in terms of the number of active duty personnel assigned to the installation and family members residing on or in the vicinity of the installations; and

“(2) have a military treatment facility with inpatient capability designated as a medical center located on the installation or within 10 miles of the installation.

“(e) **LIMITATION ON FACULTY.**—An agreement entered into under subsection (a) shall not require members of the armed forces who are nurses to serve as faculty members for an undergraduate nurse training program.

“(f) **MILITARY SERVICE COMMITMENT.**—The Secretary of Defense shall encourage members of the armed forces to apply to participate in an undergraduate nurse training program. Graduates of the program shall incur a military service obligation in a regular or reserve component, as determined by the Secretary.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2016. Undergraduate nurse training program: establishment through agreement with academic institution.”.

(c) **UNDERGRADUATE NURSE TRAINING PROGRAM PLAN.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan to establish an undergraduate nurse training program in the Department of Defense in accordance with the authority provided by section 2169 of title 10, United States Code, as added by subsection (a), section 2016 of such title, as added by subsection (b), or any other authority available to the Secretary.

(d) **PILOT PROGRAM.**—

(1) **PILOT PROGRAM REQUIRED.**—The plan required by subsection (c) shall provide for the establishment of a pilot program to increase the number of nurses serving in the Armed Forces.

(2) **IMPLEMENTATION AND DURATION.**—The pilot program shall begin not later than July 1, 2011, and be of not less than five years in duration.

(3) **GRADUATION RATES.**—The pilot program shall achieve graduation rates at least equal to the rates required for the undergraduate nurse training program authorized by section 2016 of title 10, United States Code, as added by subsection (b).

(4) **IMPLEMENTATION REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the pilot program, including a description of the program selected to be undertaken, the program’s goals, and any additional legal authorities that may be needed to undertake the program.

(5) **PROGRESS REPORTS.**—Not later than 90 days after the end of each academic year of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report specifying the number of nurses accessed into the Armed Forces through the program and the number of students accepted for the upcoming academic year.

(6) **FINAL REPORT.**—Not later than one year before the end of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report specifying the number of nurses accessed through the program, evaluating the overall effectiveness of the program, and containing the Secretary’s recommendations regarding whether the program should be extended.

(e) **EFFECT ON OTHER NURSING PROGRAMS.**—Notwithstanding the development of undergraduate nurse training programs under the amendments made by this section and subsection (d), the Secretary of Defense shall ensure that graduate degree programs in nursing, including advanced practice nursing, continue.

(f) **EFFECT ON OTHER RECRUITMENT EFFORTS.**—Nothing in this section shall be construed as limiting or terminating any current or future program of the Department of Defense related to the recruitment, accession, training, or retention of nurses.

**SEC. 526. INCREASE IN NUMBER OF PRIVATE SECTOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE UNIVERSITY.**

Section 2167(a) of title 10, United States Code, is amended by striking “10 full-time student positions” and inserting “20 full-time student positions”.

**SEC. 527. APPOINTMENTS TO MILITARY SERVICE ACADEMIES FROM NOMINATIONS MADE BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

(a) **UNITED STATES MILITARY ACADEMY.**—Section 4342(a)(10) of title 10, United States Code, is amended by striking “One cadet” and inserting “Two cadets”.

(b) **UNITED STATES NAVAL ACADEMY.**—Section 6954(a)(10) of such title is amended by striking “One” and inserting “Two”.

(c) **UNITED STATES AIR FORCE ACADEMY.**—Section 9342(a)(10) of such title is amended by striking “One cadet” and inserting “Two cadets”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for

appointment to these military service academies after the date of the enactment of this Act.

**SEC. 528. ATHLETIC ASSOCIATION FOR THE AIR FORCE ACADEMY.**

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

**“§9362. Support of athletic programs**

“(a) CORPORATION FOR SUPPORT AUTHORIZED.—(1) The Secretary of the Air Force may, in accordance with the laws of the State of incorporation, establish a corporation (in this section referred to as the ‘corporation’) to support the athletic programs of the Academy. All stock of the corporation shall be owned by the United States and held in the name of and voted by the Secretary of the Air Force.

“(2) The corporation shall operate exclusively for charitable, educational, and civic purposes to support the athletic programs of the Academy.

“(b) CORPORATE ORGANIZATION.—The corporation shall be organized and operated—

“(1) as a nonprofit corporation under section 501 (c)(3) of the Internal Revenue Code of 1986;

“(2) in accordance with this section; and

“(3) pursuant to the laws of the State of incorporation, its articles of incorporation, and its bylaws.

“(c) CORPORATE BOARD OF DIRECTORS.—(1) The members of the board of directors of the corporation shall serve without compensation as members of the board, except for reasonable travel and other related expenses for attendance at meetings of the board.

“(2) The Secretary of the Air Force may authorize military and civilian personnel of the Air Force under section 1033 of this title to serve, in their official capacities, as members of the board of directors of the corporation, but such personnel shall not hold more than one-third of the directorships.

“(d) TRANSFERS FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property, but excluding any interest in real property.

“(e) ACCEPTANCE OF GIFTS.—The Secretary of the Air Force may accept from the corporation funds, supplies, and services for the support of cadets and Academy personnel during their participation in Academy or corporate events related to the athletic programs of the Academy.

“(f) LEASES.—The Secretary of the Air Force may, in accordance with section 2667 of this title, lease real and personal property to the corporation for purposes related to the athletic programs of the Academy. Funds received from any such lease may be retained and spent by the Secretary to support athletic programs of the Academy.

“(g) COOPERATIVE AGREEMENTS.—The Secretary of the Air Force may enter into cooperative agreements (as described in section 6305 of title 31) with the corporation for purposes related to the athletic programs of the Academy.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by adding at the end the following new item:

“9362. Support of athletic programs.”.

**SEC. 529. LANGUAGE TRAINING CENTERS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.**

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to establish

language training centers at accredited universities, senior military colleges, or other similar institutions of higher education for purposes of accelerating the development of foundational expertise in critical and strategic languages and regional area studies (as defined by the Secretary of Defense for purposes of this section) for members of the Armed Forces, including members of the reserve components and candidates of the Reserve Officers' Training Corps programs, and civilian employees of the Department of Defense.

(b) ELEMENTS.—Each language training center established under the program authorized by subsection (a) shall include the following:

(1) Programs to provide that members of the Armed Forces or civilian employees of the Department of Defense who graduate from the institution of higher education concerned include members or employees, as the case may be, who are skilled in the languages and area studies covered by the program from beginning through advanced skill levels.

(2) Programs of language proficiency training for such members and civilian employees at the institution of higher education concerned in critical and strategic languages tailored to meet operational readiness requirements.

(3) Alternative language training delivery systems and modalities to meet language and regional area study requirements for such members and employees whether prior to deployment, during deployment, or post-deployment.

(4) Programs on critical and strategic languages under the program that can be incorporated into Reserve Officers' Training Corps programs to facilitate the development of language skills in such languages among future officers of the Armed Forces.

(5) Training and education programs to expand the pool of qualified instructors and educators on critical and strategic languages and regional area studies under the program for the Armed Forces.

(6) Programs to facilitate and encourage the recruitment of native and heritage speakers of critical and strategic languages under the program into the Armed Forces and the civilian workforce of the Department of Defense and to support the Civilian Linguist Reserve Corps.

(c) PARTNERSHIPS WITH OTHER SCHOOLS.—Any language training center established under the program authorized by subsection (a) may enter into a partnership with one or more local educational agencies to facilitate the development of skills in critical and strategic languages under the program among students attending the elementary and secondary schools of such agencies who may pursue a military career.

(d) COORDINATION.—The Secretary of Defense shall ensure that the language training centers established under the program authorized by subsection (a) are aligned with those of the National Security Education Program, the Defense Language Institute, and other appropriate Department of Defense programs to facilitate and encourage the recruitment of native and heritage speakers of critical and strategic languages under the program into the Armed Forces and the civilian workforce of the Department of Defense and to support the Civilian Linguist Reserve Corps.

(e) REPORT.—Not later than one year after the date of the establishment of the program authorized by subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on the program. The report shall include the following:

(1) A description of each language training center established under the program.

(2) An assessment of the cost-effectiveness of the program in providing foundational expertise in critical and strategic languages and regional area studies in support of the Defense Language Transformation Roadmap.

(3) An assessment of the progress made by each language training center in providing capabilities in critical and strategic languages under the program to members of the Armed Forces and Department of Defense employees.

(4) A recommendation whether the program should be continued and, if so, recommendations as to any modifications of the program that the Secretary considers appropriate.

**Subtitle D—Defense Dependents' Education**

**SEC. 531. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$14,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572, as amended by section 533 of this Act.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

**SEC. 532. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.**

Of the amount authorized to be appropriated for fiscal year 2010 by section 301(5) for operation and maintenance for Defense-wide activities, \$5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

**SEC. 533. TWO-YEAR EXTENSION OF AUTHORITY FOR ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.**

Section 572(b)(4) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3271; 20 U.S.C. 7703b(b)(4)) is amended by striking “September 30, 2010” and inserting “September 30, 2012”.

**SEC. 534. AUTHORITY TO EXTEND ELIGIBILITY FOR ENROLLMENT IN DEPARTMENT OF DEFENSE ELEMENTARY AND SECONDARY SCHOOLS TO CERTAIN ADDITIONAL CATEGORIES OF DEPENDENTS.**

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) TUITION-FREE ENROLLMENT OF DEPENDENTS OF FOREIGN MILITARY PERSONNEL RESIDING ON DOMESTIC MILITARY INSTALLATIONS AND DEPENDENTS OF CERTAIN DECEASED MEMBERS OF THE ARMED FORCES.—(1) The Secretary may authorize the enrollment in a Department of Defense education program provided by the Secretary pursuant to subsection (a) of a dependent not otherwise eligible for such enrollment who is the dependent of an individual described in paragraph (2). Enrollment of such a dependent shall be on a tuition-free basis.



“(2) An individual referred to in paragraph (1) is any of the following:

“(A) A member of a foreign armed force residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States).

“(B) A deceased member of the armed forces who died in the line of duty in a combat-related operation, as designated by the Secretary.”.

**SEC. 535. PERMANENT AUTHORITY FOR ENROLLMENT IN DEFENSE DEPENDENTS' EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.**

(a) **PERMANENT ENROLLMENT AUTHORITY.**—Subsection (a)(2) of section 1404A of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923a) is amended by striking “, and only through the 2010-2011 school year”.

(b) **COMBATANT COMMANDER ADVICE AND ASSISTANCE.**—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: “The Secretary shall prescribe such methodology with the advice and assistance of the commander of the geographic combatant command with jurisdiction over Mons, Belgium.”.

**SEC. 536. DETERMINATION OF NUMBER OF WEIGHTED STUDENT UNITS FOR LOCAL EDUCATIONAL AGENCIES FOR RECEIPT OF BASIC SUPPORT PAYMENTS UNDER IMPACT AID.**

Section 8003(a)(2)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i)) is amended by striking “6,500” and inserting “5,000”.

**SEC. 537. STUDY ON OPTIONS FOR EDUCATIONAL OPPORTUNITIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES WHEN PUBLIC SCHOOLS ATTENDED BY SUCH CHILDREN ARE DETERMINED TO NEED IMPROVEMENT.**

(a) **STUDY ON OPTIONS FOR EDUCATIONAL OPPORTUNITIES.**—

(1) **STUDY REQUIRED.**—The Secretary of Defense shall, in consultation with the Secretary of Education, conduct a study on options for educational opportunities that are, or may be, available for dependent children of members of the Armed Forces who do not attend Department of Defense dependents' schools when the public elementary and secondary schools attended by such children are determined to be in need of improvement pursuant to section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(2) **OPTIONS.**—The options to be considered under the study required by paragraph (1) may include the following:

(A) Education programs offered through the Internet, including programs that are provided by the Department of Defense through the Internet.

(B) Charter schools.

(C) Such other public school options as the Secretary of Defense, in consultation with the Secretary of Education, considers appropriate for purposes of the study.

(3) **ELEMENTS.**—The study required by paragraph (1) shall address the following matters:

(A) The challenges faced by parents of military families in securing quality elementary and secondary education for their children when the public elementary and secondary schools attended by their children are identified as being in need of improvement.

(B) The extent to which perceptions of differing degrees of quality in public elementary and secondary schools in different regions of the United States affect plans of military families to relocate, including relocation pursuant to a permanent change of duty station.

(C) The various reasons why military families seek educational opportunities for their children

other than those available through local public elementary and secondary schools.

(D) The current level of student achievement in public elementary and secondary schools in school districts which have a high percentage of students who are children of military families.

(E) The educational needs of children of military families who are required by location to attend public elementary and secondary schools identified as being in need of improvement.

(F) The value and impact of other alternative educational programs for military families.

(G) The extent to which the options referred to in paragraph (2) would provide a meaningful option for education for military children when the public elementary and secondary schools attended by such children are determined to be in need of improvement.

(H) The extent to which the options referred to in paragraph (2) would improve the quality of education available for students with special needs, including students with learning disabilities and gifted students.

(I) Such other matters as the Secretary of Defense and Secretary of Education consider appropriate for purposes of the study.

(b) **REPORT.**—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Education and Labor of the House of Representatives a report on the study required by subsection (a). The report shall include the following:

(1) A description of the results of the study.

(2) Such recommendations for legislative or administrative action as the Secretary of Defense, in consultation with the Secretary of Education, considers appropriate in light of the results of the study.

**SEC. 538. COMPTROLLER GENERAL AUDIT OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.**

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct an audit of the utilization by local educational agencies of the assistance specified in subsection (b) provided to such agencies for fiscal years 2001 through 2009 for the education of dependent children of members of the Armed Forces. The audit shall include—

(1) an evaluation of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

(b) **ASSISTANCE SPECIFIED.**—The assistance specified in this subsection is the following:

(1) Assistance provided under the following:

(A) Section 551 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4468).

(B) Section 571 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 119).

(C) Section 572 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2225).

(D) Section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2226; 20 U.S.C. 7703b note).

(E) Section 575 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2227; 10 U.S.C. 1788 note).

(F) Section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3271; 20 U.S.C. 7703b).

(G) Section 574 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3273).

(H) Section 558 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1916).

(I) Section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (118 Stat. 1917).

(J) Section 536 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1474).

(K) Clauses (i) and (ii) of section 8003(b)(2)(H) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(H)).

(L) Section 341 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2514).

(M) Section 344 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (116 Stat. 2515).

(N) Section 351 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1063).

(O) Section 362 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-76).

(P) Section 364 of the National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654A-78).

(2) Payments made under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654A-77; 20 U.S.C. 7703a).

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the audit required by subsection (a).

**SEC. 539. SENSE OF CONGRESS ON THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.**

It is the sense of Congress to—

(1) express strong support and commendation for all the States that have successfully enacted the Interstate Compact on Educational Opportunity for Military Children;

(2) express its strong support and encourage all remaining States to enact the Interstate Compact on Educational Opportunity for Military Children;

(3) recognize the importance of the components of the Interstate Compact on Educational Opportunity for Military Children, including—

(A) the transfer of educational records to expedite the proper enrollment and placement of students;

(B) the ability of students to continue their enrollment at a grade level in the receiving State commensurate with their grade level from the sending State;

(C) priority for attendance to children of members of the Armed Forces assuming the school district accepts transfer students;

(D) the ability of students to continue their course placement, including but not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathways courses;

(E) the recalculation of grades to consider the weights offered by a receiving school for the same performance in the same course when a student transfers from one grading system to another system (for example, number-based system to letter-based system);

(F) the waiver of specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or the provision of an alternative means of acquiring required coursework so that graduation may occur on time; and

(G) the recognition of an appointed guardian as a custodial parent while the child's parent or parents are deployed; and

(4) express strong support for States to develop a State Council to provide for the coordination

among their agencies of government, local education agencies, and military installations concerning the participation of a State in the Interstate Compact on Educational Opportunity for Military Children.

**Subtitle E—Missing or Deceased Persons**

**SEC. 541. ADDITIONAL REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING IN CONFLICTS OCCURRING BEFORE ENACTMENT OF NEW SYSTEM FOR ACCOUNTING FOR MISSING PERSONS.**

(a) IMPOSITION OF ADDITIONAL REQUIREMENTS.—Section 1509 of title 10, United States Code, is amended to read as follows:

**“§1509. Program to resolve preenactment missing person cases**

“(a) PROGRAM REQUIRED; COVERED CONFLICTS.—The Secretary of Defense shall implement a comprehensive, coordinated, integrated, and fully resourced program to account for persons described in subparagraph (A) or (B) of section 1513(1) of this title who are unaccounted for from the following conflicts:

“(1) World War II during the period beginning on December 7, 1941, and ending on December 31, 1946, including members of the armed forces who were lost during flight operations in the Pacific theater of operations covered by section 576 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 1501 note).

“(2) The Cold War during the period beginning on September 2, 1945, and ending on August 21, 1991.

“(3) The Korean War during the period beginning on June 27, 1950, and ending on January 31, 1955.

“(4) The Indochina War era during the period beginning on July 8, 1959, and ending on May 15, 1975.

“(5) The Persian Gulf War during the period beginning on August 2, 1990, and ending on February 28, 1991.

“(6) Such other conflicts in which members of the armed forces served as the Secretary of Defense may designate.

“(b) IMPLEMENTATION PROCESS.—(1) The Secretary of Defense shall implement the program within the Department of Defense POW/MIA accounting community.

“(2) For purposes of paragraph (1), the term ‘POW/MIA accounting community’ means:

“(A) The Defense Prisoner of War/Missing Personnel Office (DPMO).

“(B) The Joint POW/MIA Accounting Command (JPAC).

“(C) The Armed Forces DNA Identification Laboratory (AFDIL).

“(D) The Life Sciences Equipment Laboratory of the Air Force (LSEL).

“(E) The casualty and mortuary affairs offices of the military departments.

“(F) Any other element of the Department of Defense whose mission (as designated by the Secretary of Defense) involves the accounting for and recovery of members of the armed forces who are missing in action, prisoners of war, or unaccounted for.

“(c) TREATMENT AS MISSING PERSONS.—Each unaccounted for person covered by subsection (a) shall be considered to be a missing person for purposes of the applicability of other provisions of this chapter to the person.

“(d) ESTABLISHMENT OF PERSONNEL FILES.—(1) The Secretary of Defense shall ensure that a personnel file is established and maintained for each person covered by subsection (a) if the Secretary—

“(A) possesses any information relevant to the status of the person; or

“(B) receives any new information regarding the missing person as provided in subsection (e).

“(2) The Secretary of Defense shall ensure that each file established under this subsection contains all relevant information pertaining to a person covered by subsection (a) and is readily accessible to all elements of the department, the combatant commands, and the armed forces involved in the effort to account for the person.

“(3) Each file established under this subsection shall be handled in accordance with, and subject to the provisions of, section 1506 of this title in the same manner as applies to the file of a missing person otherwise subject to such section.

“(e) REVIEW OF STATUS REQUIREMENTS.—(1) If new information (as described in paragraph (3)) is found or received that may be related to one or more unaccounted for persons covered by subsection (a), whether or not such information specifically relates (or may specifically relate) to any particular such unaccounted for person, that information shall be provided to the Secretary of Defense.

“(2) Upon receipt of new information under paragraph (1), the Secretary shall ensure that—

“(A) the information is treated under paragraph (2) of subsection (c) of section 1505 of this title, relating to addition of the information to the personnel file of a person and notification requirements, in the same manner as information received under paragraph (1) under such subsection; and

“(B) the information is treated under paragraph (3) of subsection (c) and subsection (d) of such section, relating to a board review under such section, in the same manner as information received under paragraph (1) of such subsection (c).

“(3) For purposes of this subsection, new information is information that is credible and that—

“(A) is found or received after November 18, 1997, by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title; or

“(B) is identified after November 18, 1997, in records of the United States as information that could be relevant to the case of one or more unaccounted for persons covered by subsection (a).

“(f) COORDINATION REQUIREMENTS.—(1) In establishing and carrying out the program, the Secretary of Defense shall coordinate with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the commanders of the combatant commands.

“(2) In carrying out the program, the Secretary of Defense shall establish close coordination with the Department of State, the Central Intelligence Agency, and the National Security Council to enhance the ability of the Department of Defense POW/MIA accounting community to account for persons covered by subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 76 of such title is amended by striking the item relating to section 1509 and inserting the following new item:

“1509. Program to resolve preenactment missing person cases.”.

(c) CONFORMING AMENDMENT.—Section 1513(1) of such title is amended in the matter after subparagraph (B) by striking “section 1509(b) of this title who is required by section 1509(a)(1) of this title” and inserting “subsection (a) of section 1509 of this title who is required by subsection (b) of such section”.

(d) IMPLEMENTATION.—

(1) PRIORITY.—A priority of the program required by section 1509 of title 10, United States Code, as amended by subsection (a), to resolve missing person cases arising before the enactment of chapter 76 of such title by section 569 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 336)

shall be the return of missing persons to United States control alive.

(2) ACCOUNTING FOR GOAL.—In implementing the program, the Secretary of Defense, in coordination with the officials specified in subsection (f)(1) of section 1509 of title 10, United States Code, shall provide such funds, personnel, and resources as the Secretary considers appropriate to increase significantly the capability and capacity of the Department of Defense, the Armed Forces, and commanders of the combatant commands to account for missing persons so that, beginning with fiscal year 2015, the POW/MIA accounting community has sufficient resources to ensure that at least 200 missing persons are accounted for under the program annually.

(3) DEFINITIONS.—In this subsection:

(A) The term “accounted for” has the meaning given such term in section 1513(3)(B) of title 10, United States Code.

(B) The term “POW/MIA accounting community” has the meaning given such term in section 1509(b)(2) of such title.

**SEC. 542. POLICY AND PROCEDURES ON MEDIA ACCESS AND ATTENDANCE BY FAMILY MEMBERS AT CEREMONIES FOR THE DIGNIFIED TRANSFER OF REMAINS OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.**

(a) DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON MEDIA ACCESS AT CEREMONIES FOR DIGNIFIED TRANSFER OF REMAINS OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.—

(1) POLICY REQUIRED.—Not later than April 1, 2010, the Secretary of Defense shall prescribe a policy guaranteeing media access at ceremonies for the dignified transfer of remains of members of the Armed Forces who die while located or serving overseas (in this section referred to as “military decedents”) when approved by the primary next of kin of such military decedents.

(2) PROCEDURES.—The policy developed under paragraph (1) shall include procedures to be followed by the military departments in conducting appropriate ceremonies for the dignified transfer of remains of military decedents. The procedures shall be uniform across the military departments except to the extent necessary to reflect the traditional practices or customs of a particular military department.

(3) ELEMENTS.—The policy developed under paragraph (1) shall include, but not be limited to, the following:

(A) Provision for access by media representatives to transfers described in paragraph (1) if approved in advance by the primary next of kin of the military decedent or their designee.

(B) Procedures for designating with certainty who is authorized to make the decision to approve media access at transfer ceremonies described in that paragraph under reasonable, foreseeable circumstances.

(C) Conditions for coverage that media representatives must comply with during such transfer ceremonies, and procedures for ensuring agreement in advance by media representatives with the conditions for coverage prescribed by military authorities.

(D) Procedures for the waiver by the primary next of kin or other designees of Departmental policies relating to delays in release of casualty information to the media and general public, when such waiver is required.

(b) TRANSPORTATION TO TRANSFER CEREMONIES.—

(1) PROVISION OF TRANSPORTATION REQUIRED.—Section 411f of title 37, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

“(e) TRANSPORTATION TO TRANSFER CEREMONIES OF MEMBERS OF THE ARMED FORCES

WHO DIE OVERSEAS.—(1) The Secretary of the military department concerned may provide round trip transportation to ceremonies for the transfer of a member of the armed forces who dies while located or serving overseas to the following:

“(A) The primary next of kin of the member.  
“(B) Two family members (other than primary next of kin) of the member.

“(C) One or more additional family members of the member, at the discretion of the Secretary.

“(2)(A) For purposes of this subsection, the primary next of kin of a member of the armed forces shall be the eligible relatives of the member specified in subparagraphs (A) through (D) of subsection (c)(1).

“(B) The Secretaries of the military departments shall prescribe in regulations the family members of a member of the armed forces who shall constitute family members for purposes of subparagraphs (B) and (C) of paragraph (1). The Secretary of Defense shall ensure that such regulations are uniform across the military departments.

“(3) Transportation shall be provided under this subsection by means of Invitational Travel Authorizations.

“(4) The Secretary of a military department may, upon the request of the primary next of kin covered by paragraph (1)(A) and at the discretion of the Secretary, provide for the accompaniment of such next of kin in travel under this subsection by a casualty assistance officer or family liaison officer of the military department who shall act as an escort in such accompaniment.”.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

**“§411f. Travel and transportation allowances: Transportation for survivors of deceased member to attend member's burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies”.**

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 411f and inserting the following new item:

“411f. Travel and transportation allowances: Transportation for survivors of deceased member to attend member's burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies.”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

**SEC. 543. REPORT ON EXPANSION OF AUTHORITY OF A MEMBER TO DESIGNATE PERSONS TO DIRECT DISPOSITION OF THE REMAINS OF A DECEASED MEMBER.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the potential effects of expanding the list of persons under section 1482(c) of title 10, United States Code, who may be designated by a member of the Armed Forces as the person authorized to direct disposition of the remains of the member if the member is deceased to include persons who are not family members of members of the Armed Forces.

**SEC. 544. SENSE OF CONGRESS ON THE RECOVERY OF THE REMAINS OF MEMBERS OF THE ARMED FORCES WHO WERE KILLED DURING WORLD WAR II IN THE BATTLE OF TARAWA ATOLL.**

(1) reaffirms its support for the recovery and return to the United States of the remains of members of the Armed Forces killed in battle, and for the efforts by the Joint POW-MIA Accounting Command to recover the remains of members of the Armed Forces from all wars;

(2) recognizes the courage and sacrifice of the members of the Armed Forces who fought on Tarawa Atoll;

(3) acknowledges the dedicated research and efforts by persons to identify, locate, and advocate for the recovery of remains from Tarawa; and

(4) encourages the Department of Defense to review this research and, as appropriate, pursue new efforts to conduct field studies, new research, and undertake all feasible efforts to recover, identify, and return remains of members of the Armed Forces from Tarawa.

**Subtitle F—Decorations and Awards**

**SEC. 551. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO ANTHONY T. KAHŌ'OHANO HANO FOR ACTS OF VALOR DURING THE KOREAN WAR.**

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to former Private First Class Anthony T. Kaho'ohanohano for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Private First Class Anthony T. Kaho'ohanohano of Company H of the 17th Infantry Regiment of the 7th Infantry Division on September 1, 1951, during the Korean War for which he was originally awarded the Distinguished-Service Cross.

**SEC. 552. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JACK T. STEWART FOR ACTS OF VALOR DURING THE VIETNAM WAR.**

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of such title to former Captain Jack T. Stewart of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Captain Jack T. Stewart as commander of a two-platoon Special Forces Mike Force element in combat with two battalions of the North Vietnamese Army on March 24, 1967, during the Vietnam War.

**SEC. 553. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO WILLIAM T. MILES, JR., FOR ACTS OF VALOR DURING THE KOREAN WAR.**

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of such title to former Sergeant First Class William T. Miles, Jr., of the United States Army for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the ac-

tions of Sergeant First Class William T. Miles, Jr., as a member of United States Special Forces from June 18, 1951, to July 6, 1951, during the Korean War, when he fought a delaying action against enemy forces in order to allow other members of his squad to escape an ambush.

**Subtitle G—Military Family Readiness Matters**

**SEC. 561. ESTABLISHMENT OF ONLINE RESOURCES TO PROVIDE INFORMATION ABOUT BENEFITS AND SERVICES AVAILABLE TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.**

(a) INTERNET OUTREACH WEBSITE.—

(1) ESTABLISHMENT.—The Secretary of Defense shall establish an Internet website or other online resources for the purpose of providing comprehensive information to members of the Armed Forces and their families about the benefits and services described in subsection (b) that are available to members of the Armed Forces and their families.

(2) CONTACT INFORMATION.—The online resources shall provide contact information, both telephone and e-mail, that a member of the Armed Forces or dependent of the member can use to get specific information about benefits and services that may be available for the member or dependent.

(b) COVERED BENEFITS AND SERVICES.—The information provided through the online resources established pursuant to subsection (a) shall include information regarding the following benefits and services that may be available to a member of the Armed Forces and dependents of the member:

(1) Financial compensation, including financial counseling.

(2) Health care and life insurance programs.

(3) Death benefits.

(4) Entitlements and survivor benefits for dependents, including offsets in the receipt of such benefits under the Survivor Benefit Plan and in connection with the receipt of dependency and indemnity compensation.

(5) Educational assistance benefits, including limitations on and the transferability of such assistance.

(6) Housing assistance benefits, including counseling.

(7) Relocation planning and preparation.

(8) Maintaining military records.

(9) Legal assistance.

(10) Quality of life programs.

(11) Family and community programs.

(12) Employment assistance upon separation or retirement of a member or for the spouse of the member.

(13) Reserve component service for members completing service in a regular component.

(14) Disability benefits, including offsets in connection with the receipt of such benefits.

(15) Benefits and services provided under laws administered by the Secretary of Veterans Affairs.

(16) Such other benefits and services as the Secretary of Defense considers appropriate.

(c) DISSEMINATION OF INFORMATION ON AVAILABILITY ON ONLINE RESOURCES.—The Secretaries of the military departments shall use public service announcements, publications, and such other announcements through the general media as the Secretaries consider appropriate to inform members of the Armed Forces and their families and the general public about the information available through the online resources established pursuant to subsection (a).

(d) IMPLEMENTATION REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the quality and scope of the online resources established pursuant to subsection (a) to provide information about benefits and services for members of the Armed Forces and their families.

**SEC. 562. ADDITIONAL MEMBERS ON DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.**

(a) RESERVE COMPONENT REPRESENTATION.—Paragraph (1) of section 1781a(b) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) In addition to the representatives appointed under subparagraph (B)—

“(i) one representative from the Army National Guard or Air National Guard, who shall be appointed by the Secretary of Defense; and

“(ii) one representative from the Army Reserve, Navy Reserve, Marine Corps Reserve, or Air Force Reserve, who shall be appointed by the Secretary of Defense.”; and

(3) in subparagraph (E), as redesignated by paragraph (1), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”.

(b) TERM; ROTATION AMONG RESERVE COMPONENTS.—Paragraph (2) of such section is amended—

(1) by striking “paragraph (1)(C)” and inserting “subparagraphs (C) and (D) of paragraph (1)”; and

(2) by adding at the end the following new sentences: “Representation on the Council required by clause (i) of paragraph (1)(C) shall rotate between the Army National Guard and Air National Guard. Representation required by clause (ii) of such paragraph shall rotate among the reserve components specified in such clause.”.

**SEC. 563. SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.**

(a) OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1781b the following new section:

**“§1781c. Office of Community Support for Military Families With Special Needs**

“(a) ESTABLISHMENT.—There is in the Office of the Under Secretary of Defense for Personnel and Readiness the Office of Community Support for Military Families With Special Needs (in this section referred to as the ‘Office’).

“(b) PURPOSE.—The purpose of the Office is to enhance and improve Department of Defense support around the world for military families with special needs (whether medical or educational needs) through the development of appropriate policies, enhancement and dissemination of appropriate information throughout the Department of Defense, support for such families in obtaining referrals for services and in obtaining service, and oversight of the activities of the military departments in support of such families.

“(c) DIRECTOR.—(1) The head of the Office shall be the Director of the Office of Community Support for Military Families With Special Needs, who shall be appointed by the Secretary of Defense from among civilian employees of the Department of Defense who are members of the Senior Executive Service or members of the Armed Forces in a general or flag grade.

“(2) The Director shall be subject to the supervision, direction, and control of the Under Secretary of Defense for Personnel and Readiness in the discharge of the responsibilities of the Office, and shall report directly to the Under Secretary regarding the discharge of such responsibilities.

“(d) RESPONSIBILITIES.—The Office shall have the responsibilities as follows:

“(1) To develop and implement a comprehensive policy on support for military families with special needs as required by subsection (e).

“(2) To establish and oversee the programs required by subsection (f).

“(3) To identify gaps in services available through the Department of Defense for military families with special needs.

“(4) To develop plans to address gaps identified under paragraph (3) through appropriate mechanisms, such as enhancing resources and training and ensuring the provision of special assistance to military families with special needs and military parents of individuals with special needs (including through the provision of training and seminars to members of the armed forces).

“(5) To monitor the programs of the military departments for the assignment of members of the Armed Forces who are members of military families with special needs, and the programs for the support of such military families, and to advise the Secretary of Defense on the adequacy of such programs in conjunction with the preparation of future-years defense programs and other budgeting and planning activities of the Department of Defense.

“(6) To monitor the availability and accessibility of programs provided by other Federal, State, local, and non-governmental agencies to military families with special needs.

“(7) To carry out such other matters with respect to the programs and activities of the Department of Defense regarding military families with special needs as the Under Secretary of Defense for Personnel and Readiness shall specify.

“(e) POLICY.—(1) The Office shall develop, and update from time to time, a uniform policy for the Department of Defense regarding military families with special needs. The policy shall apply with respect to members of the armed forces without regard to their location, whether within or outside the continental United States.

“(2) The policy developed under this subsection shall include elements regarding the following:

“(A) The assignment of members of the Armed Forces who are members of military families with special needs.

“(B) Support for military families with special needs.

“(3) In addressing the assignment of members of the Armed Forces under paragraph (2)(A), the policy developed under this subsection shall, in a manner consistent with the needs of the Armed Forces and responsive to the career development of members of the armed forces on active duty, provide for such members each of the following:

“(A) Assignment to locations where care and support for family members with special needs are available.

“(B) Stabilization of assignment for a minimum of 4 years.

“(4) In addressing support for military families under paragraph (2)(B), the policy developed under this subsection shall provide the following:

“(A) Procedures to identify members of the armed forces who are members of military families with special needs.

“(B) Mechanisms to ensure timely and accurate evaluations of members of such families who have special needs.

“(C) Procedures to facilitate the enrollment of such members of the armed forces and their families in programs of the military department for the support of military families with special needs.

“(D) Procedures to ensure the coordination of Department of Defense health care programs and support programs for military families with special needs, and the coordination of such programs with other Federal, State, local, and non-governmental health care programs and support programs intended to serve such families.

“(E) Requirements for resources (including staffing) to ensure the availability through the

Department of Defense of appropriate numbers of case managers to provide individualized support for military families with special needs.

“(F) Requirements regarding the development and continuous updating of an individualized services plan (medical and educational) for each military family with special needs.

“(G) Requirements for record keeping, reporting, and continuous monitoring of available resources and family needs under individualized services support plans for military families with special needs, including the establishment and maintenance of a central or various regional databases for such purposes.

“(f) PROGRAMS.—(1) The Office shall establish, maintain, and oversee a program to provide information and referral services on special needs matters to military families with special needs on a continuous basis regardless of the location of the member's assignment. The program shall provide for timely access by members of such military families to individual case managers and counselors on matters relating to special needs.

“(2) The Office shall establish, maintain, and oversee a program of outreach on special needs matters for military families with special needs. The program shall—

“(A) assist military families in identifying whether or not they have a member with special needs; and

“(B) provide military families with special needs with information on the services, support, and assistance available through the Department of Defense regarding such members with special needs, including information on enrollment in programs of the military departments for such services, support, and assistance.

“(3)(A) The Office shall provide support to the Secretary of each military department in the establishment and sustainment by such Secretary of a program for the support of military families with special needs under the jurisdiction of such Secretary. Each program shall be consistent with the policy developed by the Office under subsection (e).

“(B) Each program under this paragraph shall provide for appropriate numbers of case managers for the development and oversight of individualized services plans for educational and medical support for military families with special needs.

“(C) Services under a program under this paragraph may be provided by contract or other arrangements with non-Department of Defense entities qualified to provide such services.

“(g) RESOURCES.—The Secretary of Defense shall assign to the Office such resources, including personnel, as the Secretary considers necessary for the discharge of the responsibilities of the Office, including a sufficient number of members of the armed forces to ensure appropriate representation by the military departments in the personnel of the Office.

“(h) REPORTS.—(1) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the activities of the Office.

“(2) Each report under this subsection shall include the following:

“(A) A description of any gaps in services available through the Department of Defense for military families with special needs that were identified under subsection (d)(3).

“(B) A description of the actions being taken, or planned, to address such gaps, including any plans developed under subsection (d)(4).

“(C) Such recommendations for legislative action as the Secretary considers appropriate to provide for the continuous improvement of support and services for military families with special needs.

“(i) **MILITARY FAMILY WITH SPECIAL NEEDS.**—For purposes of this section, a military family with special needs is any military family with one or more members who has a medical or educational special need (as defined by the Secretary in regulations for purposes of this section), including a condition covered by the Extended Health Care Option Program under section 1079f of this title.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1781b the following new item:

“1781c. Office of Community Support for Military Families With Special Needs.”.

(3) **REPEAL OF SUPERSEDED AUTHORITY.**—Section 587 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 133; 10 U.S.C. 1781 note) is repealed.

(b) **FOUNDATION FOR SUPPORT OF MILITARY FAMILIES WITH SPECIAL NEEDS.**—

(1) **ESTABLISHMENT AUTHORIZED.**—The Secretary of Defense may establish a foundation for the provision of assistance to the Department of Defense in providing support to military families with special needs.

(2) **PURPOSES.**—The purposes of the foundation shall be to assist the Department of Defense as follows:

(A) In conducting outreach to identify military families with special needs.

(B) In developing programs to support and provide services to military families with special needs.

(C) In developing educational curricula for the training of professional and paraprofessional personnel providing support and services on special needs to military families with special needs.

(D) In conducting research on the following:

- (i) The unique factors associated with a military career (including deployments of members of the Armed Forces) and their effects on families and individuals with special needs.
- (ii) Evidence-based therapeutic and medical services for members of military families with special needs, including research in conjunction with non-Department of Defense entities such as the National Institutes of Health.

(E) In providing vocational education and training for adolescent and adult members of military families with special needs.

(F) In carrying out other initiatives to contribute to improved support for military families with special needs.

(3) **DEPARTMENT OF DEFENSE FUNDING.**—The Secretary may provide the foundation such financial support as the Secretary considers appropriate, including the provision to the foundation of appropriated funds and non-appropriated funds available to the Department of Defense.

(4) **ANNUAL REPORT.**—The foundation shall submit to the Secretary, and to the congressional defense committees, each year a report on its activities under this subsection during the preceding year. Each report shall include, for the year covered by such report, the following:

(A) A description of the programs and activities of the foundation.

(B) The budget of the foundation, including the sources of any funds provided to the foundation.

(5) **MILITARY FAMILY WITH SPECIAL NEEDS DEFINED.**—In this subsection, the term “military family with special needs” has the meaning given such term in section 1781c(i) of title 10, United States Code (as added by subsection (a)).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to any other amounts authorized to be appropriated for the Department of Defense for fiscal year 2010 for support of military families

with special needs, there is hereby authorized to be appropriated to the Department of Defense for fiscal year 2010 for military personnel, \$50,000,000 for purposes of carrying out this section and the amendments made by this section. Of such amount, not less than \$40,000,000 shall be allocated to the military departments for the execution of programs and activities in carrying out this section and the amendments made by this section in fiscal year 2010.

**SEC. 564. PILOT PROGRAM TO SECURE INTERNSHIPS FOR MILITARY SPOUSES WITH FEDERAL AGENCIES.**

(a) **COST-REIMBURSEMENT AGREEMENTS WITH FEDERAL AGENCIES.**—The Secretary of Defense may enter into an agreement with the head of an executive department or agency that has an established internship program to reimburse the department or agency for authorized costs associated with the first year of employment of an eligible military spouse who is selected to participate in the internship program of the department or agency.

(b) **ELIGIBLE MILITARY SPOUSES.**—

(1) **ELIGIBILITY.**—Except as provided in paragraph (2), any person who is married to a member of the Armed Forces on active duty is eligible for selection to participate in an internship program under a reimbursement agreement entered into under subsection (a).

(2) **EXCLUSIONS.**—Reimbursement may not be provided with respect to the following persons:

(A) A person who is legally separated from a member of the Armed Forces under court order or statute of any State, the District of Columbia, or possession of the United States when the person begins the internship.

(B) A person who is also a member of the Armed Forces on active duty.

(C) A person who is a retired member of the Armed Forces.

(c) **FUNDING SOURCE.**—Amounts authorized to be appropriated for operation and maintenance, for Defense-wide activities, shall be available to carry out this section.

(d) **DEFINITIONS.**—In this section:

(1) The term “authorized costs” includes the costs of the salary, benefits and allowances, and training for an eligible military spouse during the first year of the participation of the military spouse in an internship program pursuant to an agreement under subsection (a).

(2) The term “internship” means a professional, analytical, or administrative position in the Federal Government that operates under a developmental program leading to career advancement.

(e) **TERMINATION OF AGREEMENT AUTHORITY.**—No agreement may be entered into under subsection (a) after September 30, 2011. Authorized costs incurred after that date may be reimbursed under an agreement entered into before that date in the case of eligible military spouses who begin their internship by that date.

(f) **REPORTING REQUIREMENT.**—Not later than January 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report that provides information on how many eligible military spouses received internships pursuant to agreements entered into under subsection (a) and the types of internship positions they occupied. The report shall specify the number of interns who subsequently obtained permanent employment with the department or agency administering the internship program or with another department or agency. The Secretary shall include a recommendation regarding whether, given the investment of Department of Defense funds, the authority to enter into agreements should be extended, modified, or terminated.

**SEC. 565. FAMILY AND MEDICAL LEAVE FOR FAMILY OF SERVICEMEMBERS.**

(a) **GENERAL REQUIREMENTS FOR LEAVE.**—

(1) **DEFINITION OF COVERED ACTIVE DUTY.**—

(A) **DEFINITION.**—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

(i) by striking paragraph (14) and inserting the following:

“(14) **COVERED ACTIVE DUTY.**—The term ‘covered active duty’ means—

“(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

“(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.”; and

(ii) by striking paragraph (15) and redesignating paragraphs (16) through (19) as paragraphs (15) through (18), respectively.

(B) **LEAVE.**—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(i) in subsection (a)(1)(E)—

(I) by striking “active duty” each place it appears and inserting “covered active duty”; and

(II) by striking “in support of a contingency operation”; and

(ii) in subsection (e)(3)—

(I) in the paragraph heading, by striking “ACTIVE DUTY” and inserting “COVERED ACTIVE DUTY”; and

(II) by striking “active duty” each place it appears and inserting “covered active duty”; and

(III) by striking “in support of a contingency operation”.

(C) **CONFORMING AMENDMENT.**—Section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)) is amended, in the subsection heading, by striking “ACTIVE DUTY” each place it appears and inserting “COVERED ACTIVE DUTY”.

(2) **DEFINITION OF COVERED SERVICEMEMBER.**—Paragraph (15) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) (as redesignated by paragraph (1)(A)(ii)) is amended to read as follows:

“(15) **COVERED SERVICEMEMBER.**—The term ‘covered servicemember’ means—

“(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

“(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.”.

(3) **DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.**—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is further amended by striking paragraph (18) (as redesignated by paragraph (1)(A)(ii)) and inserting the following:

“(18) **SERIOUS INJURY OR ILLNESS.**—The term ‘serious injury or illness’—

“(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

“(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (15)(B), means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.”

“(19) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.”

(4) TECHNICAL AMENDMENT.—Section 102(e)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(e)(2)(A)) is amended by striking “or parent” and inserting “parent, or covered servicemember”.

(5) REGULATIONS.—In prescribing regulations to carry out the amendments made by this subsection, the Secretary of Labor shall consult with the Secretary of Defense and the Secretary of Veterans Affairs, as applicable.

(b) LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) EXIGENCY LEAVE FOR SERVICEMEMBERS ON COVERED ACTIVE DUTY.—

(A) DEFINITION.—Section 6381(7) of title 5, United States Code, is amended to read as follows:

“(7) the term ‘covered active duty’ means—

“(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

“(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.”

(B) LEAVE.—Section 6382 of title 5, United States Code, is amended—

(i) in subsection (a)(1), by adding at the end the following:

“(E) Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.”;

(ii) in subsection (b)(1), by inserting after the second sentence the following: “Subject to subsection (e)(3) and section 6383(f), leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.”;

(iii) in subsection (d), by striking “or (D)” and inserting “(D), or (E)”;

(iv) in subsection (e), by adding at the end the following:

“(3) In any case in which the necessity for leave under subsection (a)(1)(E) is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee shall provide such notice to the employer as is reasonable and practicable.”

(C) CERTIFICATION.—Section 6383(f) of title 5, United States Code, is amended by striking “section 6382(a)(3)” and inserting “paragraph (1)(E) or (3) of section 6382(a)”.

(2) DEFINITION OF COVERED SERVICEMEMBER.—Paragraph (8) of section 6381 of title 5, United States Code, is amended to read as follows:

“(8) the term ‘covered servicemember’ means—  
“(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

“(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.”

(3) DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.—Section 6381 of title 5, United States Code, is further amended—

(A) in paragraph (10), by striking “and” at the end; and

(B) by striking paragraph (11) and inserting the following:

“(11) the term ‘serious injury or illness’—

“(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

“(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (8)(B), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran; and

“(12) the term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.”

(4) TECHNICAL AMENDMENT.—Section 6382(e)(2)(A) of title 5, United States Code, is amended by striking “or parent” and inserting “parent, or covered servicemember”.

(5) REGULATIONS.—In prescribing regulations to carry out the amendments made by this subsection, the Office of Personnel Management shall consult with the Secretary of Defense and the Secretary of Veterans Affairs, as applicable.

#### **SEC. 566. DEADLINE FOR REPORT ON SEXUAL ASSAULT IN THE ARMED FORCES BY DEFENSE TASK FORCE ON SEXUAL ASSAULT IN THE MILITARY SERVICES.**

Section 576(e)(1) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1924; 10 U.S.C. 4331 note) is amended by striking “one year after the initiation of its examination under subsection (b)” and inserting “December 1, 2009”.

#### **SEC. 567. IMPROVED PREVENTION AND RESPONSE TO ALLEGATIONS OF SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) PREVENTION AND RESPONSE PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a revised plan for the implementation of policies aimed at preventing and responding effectively to sexual assaults involving members of the Armed Forces. The revised implementation plan shall include, at a minimum, the following elements:

(1) New initiatives aimed at reducing the number of sexual assaults, including timelines for implementation of such initiatives.

(2) Requirements for monitoring and reporting on progress in implementation of such initiatives and methods to measure the effectiveness of plans that implement the policies of the Department of Defense regarding sexual assaults involving members of the Armed Forces.

(3) Training programs for judge advocates, criminal investigators, commanders, prospective commanding officers, senior enlisted members, and personnel with less than six months of active-duty service.

(4) Information about the status of implementation, funding requirements and budgetary implications, and overall utility of data reporting systems on incidents of sexual assault involving members of the Armed Forces.

(5) Actions taken to implement recommendations of the Defense Task Force on Sexual Assault in the Military Services established pursuant to section 576 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 10 U.S.C. 4331 note).

(6) Information about the funding needed to fully implement initiatives aimed at preventing and responding to sexual assault involving members of the Armed Forces.

#### **(b) SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS.—**

(1) CAPABILITY TO CONDUCT TIMELY SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS IN COMBAT ZONES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the protocols and capabilities of the Armed Forces to conduct timely and effective sexual assault medical forensic examinations in combat zones. The report shall include, at a minimum, the following:

(A) The current availability of sexual assault medical forensic examination protocols, trained personnel, and requisite equipment in combat zones.

(B) An assessment of the barriers to providing timely sexual assault medical forensic examinations to victims of sexual assault at all echelons of care in combat zones.

(C) Recommendations regarding improved capability to conduct timely and effective sexual assault medical forensic examinations in combat zones.

(2) TRICARE COVERAGE FOR FORENSIC MEDICAL EXAMINATIONS FOLLOWING SEXUAL ASSAULTS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the progress made in implementing section 1079(a)(17) of title 10, United States Code, as added by section 701 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2279).

#### **(c) MILITARY PROTECTIVE ORDERS.—**

(1) REQUIREMENT FOR DATA COLLECTION.—

(A) IN GENERAL.—Pursuant to regulations prescribed by the Secretary of Defense, information shall be collected on—

(i) whether a military protective order was issued that involved either the victim or alleged perpetrator of a sexual assault; and

(ii) whether military protective orders involving members of the Armed Forces were violated in the course of substantiated incidents of sexual assaults against members of the Armed Forces.

(B) SUBMISSION OF DATA.—The data required to be collected under this subsection shall be included in the annual report submitted to Congress on sexual assaults involving members of the Armed Forces.

(2) INFORMATION TO MEMBERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report explaining the measures being taken to ensure that, when a military protective order has been



issued, the member of the Armed Forces who is protected by the order is informed, in a timely manner, of the member's option to request transfer from the command to which the member is assigned.

(d) **COMPTROLLER GENERAL REPORT.**—

(1) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a review of the capability of each of the Armed Forces to timely and effectively investigate and adjudicate allegations of sexual assault against members of the Armed Forces. The Comptroller General shall determine whether existing policies and implementation plans of the Department of Defense, and the resources devoted for this purpose, are adequate or negatively affect the ability of each of the Armed Forces to facilitate the prevention, investigation, and adjudication of such allegations under the Uniform Code of Military Justice.

(2) **ELEMENTS OF REPORT.**—The report required by paragraph (1) shall refer to and incorporate the recommendations of the Defense Task Force on Sexual Assault in the Military Services regarding investigation and adjudication of sexual assault, and include a review of the following:

(A) The procedures required by each of the Armed Forces for responding to allegations of sexual assault (including guidance to commanding officers, standard operating and reporting procedures, and related matters), and the personnel (including judge advocates) and budgetary resources available to each of the Armed Forces to respond to allegations of sexual assault.

(B) The scope and effectiveness of personnel training methods regarding investigation and adjudication of sexual assault cases.

(C) The capability to investigate and adjudicate sexual assault cases in combat zones.

(D) An assessment whether the existing policies of the Department of Defense aimed at preventing and responding to incidents of sexual assault are adequate.

**SEC. 568. COMPTROLLER GENERAL REPORT ON PROGRESS MADE IN IMPLEMENTING RECOMMENDATIONS TO REDUCE DOMESTIC VIOLENCE IN MILITARY FAMILIES.**

(a) **ASSESSMENT.**—The Comptroller General shall review and assess the progress made by the Department of Defense in implementing the recommendations contained in the report by the Comptroller General entitled "Military Personnel: Progress Made in Implementing Recommendations to Reduce Domestic Violence, but Further Management Action Needed" (GAO-06-540).

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review and assessment under subsection (a).

**SEC. 569. REPORT ON IMPACT OF DOMESTIC VIOLENCE ON MILITARY FAMILIES.**

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing—

(1) an assessment of the impact of domestic violence in families of members of the Armed Forces on the children of such families; and

(2) information on progress being made to ensure that children of families of members of the Armed Forces receive adequate care and services when such children are exposed to domestic violence.

**SEC. 570. REPORT ON INTERNATIONAL INTRAFAMILIAL ABDUCTION OF CHILDREN OF MEMBERS OF THE ARMED FORCES.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the total number of children abducted from and returned to members of the Armed Forces in international intrafamilial abductions during the years 2007 through 2009, as such number was included in the numbers and elements of the annual Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction with respect to such years.

(b) **ELEMENTS.**—The report shall include an assessment of the following:

(1) The current availability of, and the additional need for, assistance (including general information, psychological counseling, financial assistance, leave for travel, and legal services) provided by the military departments to left-behind members of the Armed Forces involved in international intrafamilial child abductions for the purpose of obtaining the return of their abducted children and ensuring the military readiness of such members of the Armed Forces.

(2) The measures taken by the Department of Defense and the military departments, including any written policy guidelines, to prevent the abduction of children of members of the Armed Forces.

(3) The means by which members of the Armed Forces are educated on the risks of international intrafamilial child abduction, particularly when they first arrive at a military installation overseas or when the Armed Forces receive notice that a member is considering marriage or divorce overseas.

**SEC. 571. ASSESSMENT OF IMPACT OF DEPLOYMENT OF MEMBERS OF THE ARMED FORCES ON THEIR DEPENDENT CHILDREN.**

(a) **ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall undertake a comprehensive assessment of the impacts of military deployment on the dependent children of deployed members of the Armed Forces.

(2) **CONSIDERATION OF SEPARATE CATEGORIES OF CHILDREN.**—In conducting the assessment under paragraph (1), the Secretary shall separately address each of the following categories of dependent children of deployed members:

(A) Preschool-age children.

(B) Elementary-school age children.

(C) Teenage or adolescent children.

(3) **CONSIDERATION OF SEPARATE CATEGORIES OF MEMBERS.**—In conducting the assessment under paragraph (1), the Secretary shall separately address children of deployed members in the following circumstances:

(A) Two-parent families with only one parent in the Armed Forces.

(B) Members who are single parents.

(C) Parents who are both members and subject to dual deployments.

(b) **ELEMENTS.**—The assessment undertaken under subsection (a) shall specifically address the following:

(1) The impact that separation due to the deployment of a military parent or parents has on children.

(2) The impact that multiple deployments of a military parent or parents have on children.

(3) The impact that the return from deployment of a severely wounded or injured military parent or parents has on children.

(4) The impact that the death of a military parent or parents in connection with a deployment has on children.

(5) The impact that deployment of a military parent or parents has on children with pre-existing psychological conditions, such as anxiety and depression.

(6) The impact that deployment of a military parent or parents has on risk factors, such as child abuse, child neglect, family violence, substance abuse by children, or parental substance abuse.

(7) Such other matters as the Secretary considers appropriate.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment undertaken under subsection (a), including the findings and recommendations of the Secretary as a result of the assessment.

**SEC. 572. REPORT ON CHILD CUSTODY LITIGATION INVOLVING SERVICE OF MEMBERS OF THE ARMED FORCES.**

(a) **REPORT REQUIRED.**—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all known reported cases since September 2003 involving child custody disputes in which the service of a member of the Armed Forces, whether a member of a regular component of the Armed Forces or a member of a reserve component of the Armed Forces, was an issue in the custody dispute.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A statement of the total number of cases, by Armed Force, in which members of the Armed Forces have lost custody of a child as a result of deployment, or the prospect of deployment, under military orders.

(2) A summary of applicable Federal law pertaining to child custody disputes involving members of the Armed Forces.

(3) An analysis of the litigation history of all available reported cases involving child custody disputes in which the deployment of a member of the Armed Forces was an issue in the dispute, and a discussion of the rationale presented by deciding judges and courts of the reasons for their rulings.

(4) An assessment of the nature and extent of the problem, if any, for members of the Armed Forces who are custodial parents in being able to deploy and perform their operational mission while continuing to fulfill their role as parents with sole or joint custody of minor children.

(5) A discussion of measures being taken by the States, or which are under consideration by State legislatures, to address matters relating to child custody disputes in which one of the parties is a member of the Armed Forces, and an assessment of whether State legislatures and State courts are cognizant of issues involving members of the Armed Forces with minor children.

(6) A discussion of Family Care Plan policies aimed at ensuring that appropriate measures are taken by members of the Armed Forces to avoid litigation in child custody disputes.

(7) Such recommendations as the Secretary considers appropriate regarding how best to assist members of the Armed Forces who are single, custodial parents with respect to child custody disputes in connection with the performance of military duties, including the need for legislative or administrative action to provide such assistance.

(8) Such other recommendations for legislative or administrative action as the Secretary considers appropriate.

**SEC. 573. COMPTROLLER GENERAL REPORT ON CHILD CARE ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.**

(a) **IN GENERAL.**—Not later than 18 months after the date of the enactment of this Act, the

Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on financial assistance for child care provided by the Department of Defense to members of the Armed Forces (including members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation).

(b) **ELEMENTS.**—The report required by subsection (a) shall include an assessment of the following:

(1) The types of financial assistance for child care made available by the Department of Defense to members of the Armed Forces (including members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation).

(2) The extent to which such members have taken advantage of such assistance since such assistance was first made available.

(3) The formulas used for calculating the amount of such assistance provided to such members.

(4) The funding allocated to such assistance.

(5) The remaining costs of child care to families of such members that are not covered by the Department of Defense.

(6) Any barriers to access to such assistance faced by such members and the families of such members.

(7) The different criteria used by different States with respect to the regulation of child care services and the potential impact differences in such criteria may have on the access of such members to such assistance.

(8) The different standards and criteria used by different programs of the Department of Defense for providing such assistance with respect to child care providers and the potential impact differences in such standards and criteria may have on the access of such members to such assistance.

(9) The number of qualified families that do not receive any financial assistance for child care made available by the Department of Defense.

(10) Any other matters the Comptroller General determines relevant to the improvement of financial assistance to expand access for child care made available by the Department of Defense to members of the Armed Forces (including members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation).

#### Subtitle H—Military Voting

##### SEC. 575. SHORT TITLE.

This subtitle may be cited as the “Military and Overseas Voter Empowerment Act”.

##### SEC. 576. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES TO LOCAL JURISDICTIONS.

Nothing in the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) may be construed to prohibit a State from delegating its responsibilities in carrying out the requirements of such Act, including any requirements imposed as a result of the provisions of and amendments made by this Act, to jurisdictions in the State.

##### SEC. 577. ESTABLISHMENT OF PROCEDURES FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS BY MAIL AND ELECTRONICALLY.

(a) **IN GENERAL.**—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

“(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

“(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

“(C) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically.”; and

(2) by adding at the end the following new subsection:

“(e) **DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.**—

“(1) **IN GENERAL.**—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

“(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

“(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

“(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

“(2) **CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.**—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

“(3) **INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.**—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

“(4) **AVAILABILITY AND MAINTENANCE OF ONLINE REPOSITORY OF STATE CONTACT INFORMATION.**—The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

“(5) **TRANSMISSION IF NO PREFERENCE INDICATED.**—In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(6) **SECURITY AND PRIVACY PROTECTIONS.**—

“(A) **SECURITY PROTECTIONS.**—To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

“(B) **PRIVACY PROTECTIONS.**—To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

##### SEC. 578. ESTABLISHMENT OF PROCEDURES FOR STATES TO TRANSMIT BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.

(a) **IN GENERAL.**—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 577, is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f).”; and

(2) by adding at the end the following new subsection:

“(f) **TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.**—

“(1) **IN GENERAL.**—Each State shall establish procedures—

“(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

“(B) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such blank absentee ballot be transmitted by mail or electronically.

“(2) **TRANSMISSION IF NO PREFERENCE INDICATED.**—In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(3) **SECURITY AND PRIVACY PROTECTIONS.**—

“(A) **SECURITY PROTECTIONS.**—To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

“(B) **PRIVACY PROTECTIONS.**—To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 579. ENSURING ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS HAVE TIME TO VOTE.**

(a) **IN GENERAL.**—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(1)), as amended by sections 577 and 578, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraph:

“(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

“(A) except as provided in subsection (g), in the case in which the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

“(B) in the case in which the request is received less than 45 days before an election for Federal office—

“(i) in accordance with State law; and

“(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot.”;

(2) by adding at the end the following new subsection:

“(g) **HARDSHIP EXEMPTION.**—

“(1) **IN GENERAL.**—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

“(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

“(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

“(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

“(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

“(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

“(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

“(iii) the underlying factual information which explains how the plan provides such suf-

ficient time to vote as a substitute for such requirements.

“(2) **APPROVAL OF WAIVER REQUEST.**—After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presidential designee determines each of the following requirements are met:

“(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

“(B) One or more of the following issues creates an undue hardship for the State:

“(i) The State’s primary election date prohibits the State from complying with subsection (a)(8)(A).

“(ii) The State has suffered a delay in generating ballots due to a legal contest.

“(iii) The State Constitution prohibits the State from complying with such subsection.

“(3) **TIMING OF WAIVER.**—

“(A) **IN GENERAL.**—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

“(B) **EXCEPTION.**—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

“(4) **APPLICATION OF WAIVER.**—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.”.

(b) **RUNOFF ELECTIONS.**—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)), as amended by subsection (a) and sections 577 and 578, is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner that gives them sufficient time to vote in the runoff election.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 580. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.**

(a) **IN GENERAL.**—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

**“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.**

“(a) **ESTABLISHMENT OF PROCEDURES.**—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering such marked absentee ballots to the appropriate election officials.

“(b) **DELIVERY TO APPROPRIATE ELECTION OFFICIALS.**—

“(1) **IN GENERAL.**—Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

“(2) **COOPERATION AND COORDINATION WITH THE UNITED STATES POSTAL SERVICE.**—The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

“(3) **DEADLINE DESCRIBED.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the seventh day preceding the date of the regularly scheduled general election for Federal office.

“(B) **AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.**—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to provide timely delivery of the ballot under paragraph (1).

“(4) **NO POSTAGE REQUIREMENT.**—In accordance with section 3406 of title 39, United States Code, such marked absentee ballots and other balloting materials shall be carried free of postage.

“(5) **DATE OF MAILING.**—Such marked absentee ballots shall be postmarked with a record of the date on which the ballot is mailed.

“(c) **OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.**—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots pursuant to this section.

“(d) **ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.**—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.”.

(b) CONFORMING AMENDMENT.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.”.

(c) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by sections 577, 578, and 579, is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by adding the following new paragraph:

“(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.”.

(d) TRACKING MARKED BALLOTS.—Section 102 of such Act (42 U.S.C. 1973ff-1(a)) is amended by adding at the end the following new subsection:

“(h) TRACKING MARKED BALLOTS.—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.”.

(e) PROTECTING VOTER PRIVACY AND SECRECY OF ABSENTEE BALLOTS.—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by subsection (b), is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) to the greatest extent practicable, take such actions as may be necessary—

“(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

“(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 581. FEDERAL WRITE-IN ABSENTEE BALLOT.**  
(a) USE IN GENERAL, SPECIAL, PRIMARY, AND RUNOFF ELECTIONS FOR FEDERAL OFFICE.—

(1) IN GENERAL.—Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(A) in subsection (a), by striking “general elections for Federal office” and inserting “general, special, primary, and runoff elections for Federal office”;

(B) in subsection (e), in the matter preceding paragraph (1), by striking “a general election” and inserting “a general, special, primary, and runoff election for Federal office”; and

(C) in subsection (f), by striking “the general election” each place it appears and inserting “the general, special, primary, or runoff election for Federal office”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December

31, 2010, and apply with respect to elections for Federal office held on or after such date.

(b) PROMOTION AND EXPANSION OF USE.—Section 103(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(1) by striking “GENERAL.—The Presidential” and inserting “GENERAL.—

“(1) FEDERAL WRITE-IN ABSENTEE BALLOT.—The Presidential”; and

(2) by adding at the end the following new paragraph:

“(2) PROMOTION AND EXPANSION OF USE OF FEDERAL WRITE-IN ABSENTEE BALLOTS.—

“(A) IN GENERAL.—Not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

“(B) USE OF TECHNOLOGY.—Under such procedures, the Presidential designee shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may—

“(i) enter the address of the voter or other information relevant in the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

“(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under section 102(b)).

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.”.

**SEC. 582. PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS, MARKED ABSENTEE BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.**

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended by adding at the end the following new subsection:

“(i) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”.

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 583. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.**

(a) FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended by section 580(a), is amended by inserting after section 103A the following new section:

**“SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.**

“(a) DUTIES.—The Presidential designee shall carry out the following duties:

“(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

“(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

“(b) CLARIFICATION REGARDING OTHER DUTIES AND OBLIGATIONS.—Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.”.

(2) CONFORMING AMENDMENTS.—Section 101 of such Act (42 U.S.C. 1973ff), as amended by section 580, is amended—

(A) in subparagraph (b)—

(i) by striking “and” at the end of paragraph (8);

(ii) by striking the period at the end of paragraph (9) and inserting “; and”; and

(iii) by adding at the end the following new paragraph:

“(10) carry out section 103B with respect to Federal Voting Assistance Program Improvements.”; and

(B) by adding at the end the following new subsection:

“(d) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(10).”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

(b) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1566 the following new section:

**“§1566a. Voting assistance: voter assistance offices**

“(a) DESIGNATION OF OFFICES ON MILITARY INSTALLATIONS AS VOTER ASSISTANCE OFFICES.—Not later than 180 days after the date of the enactment of the National Defense Authorization

Act for Fiscal Year 2010 and under regulations prescribed by the Secretary of Defense under subsection (f), the Secretaries of the military departments shall designate offices on installations under their jurisdiction to provide absent uniformed services voters, particularly those individuals described in subsection (b), and their family members with the following:

“(1) Information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff)).

“(2) Information and assistance, if requested, including access to the Internet where practicable, to register to vote in an election for Federal office.

“(3) Information and assistance, if requested, including access to the Internet where practicable, to update the individual's voter registration information, including instructions for absent uniformed services voters to change their address by submitting the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act to the appropriate State election official.

“(4) Information and assistance, if requested, to request an absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

“(b) COVERED INDIVIDUALS.—The individuals described in this subsection are absent uniformed services voters who—

“(1) are undergoing a permanent change of duty station;

“(2) are deploying overseas for at least six months;

“(3) are returning from an overseas deployment of at least six months; or

“(4) otherwise request assistance related to voter registration.

“(c) TIMING OF PROVISION OF ASSISTANCE.—The regulations prescribed by the Secretary of Defense under subsection (f) shall ensure, to the maximum extent practicable and consistent with military necessity, that the assistance provided under subsection (a) is provided to a covered individual described in subsection (b)—

“(1) if described in subsection (b)(1), as part of the administrative in-processing of the covered individual upon arrival at the new duty station of the covered individual;

“(2) if described in subsection (b)(2), as part of the administrative out-processing of the covered individual in preparation for deployment from the home duty station of the covered individual;

“(3) if described in subsection (b)(3), as part of the administrative in-processing of the covered individual upon return to the home duty station of the covered individual; or

“(4) if described in subsection (b)(4), at the time the covered individual requests such assistance.

“(d) OUTREACH.—The Secretary of each military department, or the Presidential designee, shall take appropriate actions to inform absent uniformed services voters of the assistance available under subsection (a), including—

“(1) the availability of information and voter registration assistance at offices designated under subsection (a); and

“(2) the time, location, and manner in which an absent uniformed services voter may utilize such assistance.

“(e) AUTHORITY TO DESIGNATE VOTING ASSISTANCE OFFICES AS VOTER REGISTRATION AGENCY ON MILITARY INSTALLATIONS.—The Secretary of Defense may authorize the Secretaries of the military departments to designate offices on military installations as voter registration agencies under section 7(a)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5(a)(2)) for all purposes of such Act. Any office so designated shall discharge the requirements

of this section, under the regulations prescribed by the Secretary of Defense under subsection (f).

“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations relating to the administration of the requirements of this section. The regulations shall be prescribed before the regularly scheduled general election for Federal office held in November 2010, and shall be implemented for such general election for Federal office and for each succeeding election for Federal office.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘absent uniformed services voter’ has the meaning given that term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1)).

“(2) The term ‘Federal office’ has the meaning given that term in section 107(3) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(3)).

“(3) The term ‘Presidential designee’ means the official designated by the President under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1566 the following new item:

“1566a. Voting assistance: voter assistance of offices.”

#### SEC. 584. DEVELOPMENT OF STANDARDS FOR REPORTING AND STORING CERTAIN DATA.

(a) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)), as amended by sections 580 and 583, is amended—

(1) by striking “and” at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards—

“(A) for States to report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate; and

“(B) for the Presidential designee to store the data reported.”

(b) CONFORMING AMENDMENT.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)), as amended by sections 577, 578, 579, and 580, is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

#### SEC. 585. REPEAL OF PROVISIONS RELATING TO USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

(a) IN GENERAL.—Subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) are repealed.

(b) CONFORMING AMENDMENTS.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended—

(1) in section 101(b)—

(A) in paragraph (2), by striking “, for use by States in accordance with section 104”; and

(B) in paragraph (4), by striking “for use by States in accordance with section 104”; and

(2) in section 104, as amended by subsection (a)—

(A) in the section heading, by striking “USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS” and inserting “PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION”; and

(B) in subsection (e), by striking “(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—”.

#### SEC. 586. REPORTING REQUIREMENTS.

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 105 the following new section:

##### “SEC. 105A. REPORTING REQUIREMENTS.

“(a) REPORT ON STATUS OF IMPLEMENTATION AND ASSESSMENT OF PROGRAMS.—Not later than 180 days after the date of the enactment of the Military and Overseas Voter Empowerment Act, the Presidential designee shall submit to the relevant committees of Congress a report containing the following information:

“(1) The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 103A, and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

“(2) An assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, which shall include the following:

“(A) A thorough and complete assessment of whether the Program, as configured and implemented as of such date of enactment, is effectively assisting absent uniformed services voters in exercising their right to vote.

“(B) An inventory and explanation of any areas of voter assistance in which the Program has failed to accomplish its stated objectives and effectively assist absent uniformed services voters in exercising their right to vote.

“(C) As necessary, a detailed plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.

“(3) A detailed description of the specific steps taken towards the implementation of voter registration assistance for absent uniformed services voters under section 1566a of title 10, United States Code.

“(b) ANNUAL REPORT ON EFFECTIVENESS OF ACTIVITIES AND UTILIZATION OF CERTAIN PROCEDURES.—Not later than March 31 of each year, the Presidential designee shall transmit to the President and to the relevant committees of Congress a report containing the following information:

“(1) An assessment of the effectiveness of activities carried out under section 103B, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed services voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between States and the Federal Government in carrying out such section.

“(2) A description of the utilization of voter registration assistance under section 1566a of title 10, United States Code, which shall include the following:

“(A) A description of the specific programs implemented by each military department of the Armed Forces pursuant to such section.

“(B) The number of absent uniformed services voters who utilized voter registration assistance provided under such section.

“(3) In the case of a report submitted under this subsection in the year following a year in which a regularly scheduled general election for Federal office is held, a description of the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A, which shall include the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

“(c) DEFINITIONS.—In this section:

“(1) ABSENT OVERSEAS UNIFORMED SERVICES VOTER.—The term ‘absent overseas uniformed services voter’ has the meaning given such term in section 103A(d).

“(2) PRESIDENTIAL DESIGNEE.—The term ‘Presidential designee’ means the Presidential designee under section 101(a).

“(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—The term ‘relevant committees of Congress’ means—

“(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

“(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.”.

#### SEC. 587. ANNUAL REPORT ON ENFORCEMENT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–4) is amended—

(1) by striking “The Attorney” and inserting “(a) IN GENERAL.—The Attorney”; and

(2) by adding at the end the following new subsection:

“(b) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.”.

#### SEC. 588. REQUIREMENTS PAYMENTS.

(a) USE OF FUNDS.—Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following new paragraph:

“(3) ACTIVITIES UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(a)(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(b) CONDITIONS FOR RECEIPT OF FUNDS.—

(1) INCLUSION OF COMPLIANCE IN STATE PLAN.—

(A) IN GENERAL.—Section 254(a) of the Help America Vote Act of 2002 (42 U.S.C. 15404(a)) is amended by adding at the end the following new paragraph:

“(14) How the State will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(B) CONFORMING AMENDMENT.—Section 253(b)(1)(A) of such Act (42 U.S.C. 15403(b)(1)(A)) is amended by striking “section 254” and inserting “section 254(a) (or, for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4), contains the element described in paragraph (14) of such section)”.

(2) WAIVER OF PLAN FOR APPLICATION OF ADMINISTRATIVE COMPLAINT PROCEDURES.—Section 253(b)(2) of such Act (42 U.S.C. 15403(b)(2)) is amended—

(A) by striking “(2) The State” and inserting “(2)(A) Subject to subparagraph (B), the State”; and

(B) by adding at the end the following new subparagraph:

“(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4).”.

(3) SPECIAL RULE FOR PROVISION OF 5 PERCENT MATCH.—Section 253(b)(5) of such Act (42 U.S.C. 15403(b)(5)) is amended—

(A) by striking “(5) The State” and inserting “(5)(A) Subject to subparagraph (B), the State”; and

(B) by adding at the end the following new subparagraph:

“(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4) for fiscal year 2010, except that if the State does not appropriate funds in accordance with subparagraph (A) prior to the last day of fiscal year 2011, the State shall repay to the Commission the requirements payment which is appropriated pursuant to such authorization.”.

(c) AUTHORIZATION.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

“(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 251(b)(3).”.

#### SEC. 589. TECHNOLOGY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—The term “absent uniformed services voter” has the meaning given such term in section 107(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) OVERSEAS VOTER.—The term “overseas voter” has the meaning given such term in section 107(5) of such Act.

(3) PRESIDENTIAL DESIGNEE.—The term “Presidential designee” means the individual designated under section 101(a) of such Act.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) DESIGN AND CONDUCT.—The design and conduct of a pilot program established under this subsection—

(A) shall be at the discretion of the Presidential designee; and

(B) shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal office.

(c) CONSIDERATIONS.—In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

(1) The transmission of electronic voting material across military networks.

(2) Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.

(3) The transmission of ballot representations and scanned pictures in a secure manner.

(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) REPORTS.—The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

(1) for the conduct of additional pilot programs under this section; and

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Election Assistance Commission and the National Institute of Standards and Technology shall provide the Presidential designee with best practices or standards in accordance with electronic absentee voting guidelines established under the first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note), as amended by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919) to support the pilot program or programs.

(2) REPORT.—In the case in which the Election Assistance Commission has not established electronic absentee voting guidelines under such section 1604(a)(2), as so amended, by not later than 180 days after enactment of this Act, the Election Assistance Commission shall submit to the relevant committees of Congress a report containing the following information:

(A) The reasons such guidelines have not been established as of such date.

(B) A detailed timeline for the establishment of such guidelines.

(C) A detailed explanation of the Commission’s actions in establishing such guidelines since the date of enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “relevant committees of Congress” means—

(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### Subtitle I—Other Matters

#### SEC. 591. CLARIFICATION OF PERFORMANCE POLICIES FOR MILITARY MUSICAL UNITS AND MUSICIANS.

(a) CLARIFICATION.—Section 974 of title 10, United States Code, is amended to read as follows:

“§974. **Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians**

“(a) MILITARY MUSICIANS PERFORMING IN AN OFFICIAL CAPACITY.—(1) A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not engage in the performance of music in competition with local civilian musicians.



“(2) For purposes of paragraph (1), the following shall, except as provided in paragraph (3), be included among the performances that are considered to be a performance of music in competition with local civilian musicians:

“(A) A performance that is more than incidental to an event that—

“(i) is not supported, in whole or in part, by United States Government funds; and

“(ii) is not free to the public.

“(B) A performance of background, dinner, dance, or other social music at an event that—

“(i) is not supported, in whole or in part, by United States Government funds; and

“(ii) is held at a location not on a military installation.

“(3) For purposes of paragraph (1), the following shall not be considered to be a performance of music in competition with local civilian musicians:

“(A) A performance (including background, dinner, dance, or other social music) at an official United States Government event that is supported, in whole or in part, by United States Government funds.

“(B) A performance at a concert, parade, or other event, that—

“(i) is a patriotic event or a celebration of a national holiday; and

“(ii) is free to the public.

“(C) A performance that is incidental to an event that—

“(i) is not supported, in whole or in part, by United States Government funds; or

“(ii) is not free to the public.

“(D) A performance (including background, dinner, dance, or other social music) at—

“(i) an event that is sponsored by a military welfare society, as defined in section 2566 of this title;

“(ii) an event that is a traditional military event intended to foster the morale and welfare of members of the armed forces and their families; or

“(iii) an event that is specifically for the benefit or recognition of members of the armed forces, their family members, veterans, civilian employees of the Department of Defense, or former civilian employees of the Department of Defense, to the extent provided in regulations prescribed by the Secretary of Defense.

“(E) A performance (including background, dinner, dance, or other social music)—

“(i) to uphold the standing and prestige of the United States with dignitaries and distinguished or prominent persons or groups of the United States or another nation; or

“(ii) in support of fostering and sustaining a cooperative relationship with another nation.

“(b) PROHIBITION OF MILITARY MUSICIANS ACCEPTING ADDITIONAL REMUNERATION FOR OFFICIAL PERFORMANCES.—A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not receive remuneration for an official performance, other than applicable military pay and allowances.

“(c) RECORDINGS.—(1) When authorized under regulations prescribed by the Secretary of Defense for purposes of this section, a military musical unit may produce recordings for distribution to the public, at a cost not to exceed expenses of production and distribution.

“(2) Amounts received in payment for a recording distributed to the public under this subsection shall be credited to the appropriation or account providing the funds for the production of the recording. Any amount so credited shall be merged with amounts in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) PERFORMANCES AT FOREIGN LOCATIONS.—Subsection (a) does not apply to a performance

outside the United States, its commonwealths, or its possessions.

“(e) MILITARY MUSICAL UNIT DEFINED.—In this section, the term ‘military musical unit’ means a band, ensemble, chorus, or similar musical unit of the armed forces.”

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

“974. Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians.”

#### SEC. 592. NAVY GRANTS FOR PURPOSES OF NAVAL SEA CADET CORPS.

(a) GRANTS AUTHORIZED.—Chapter 647 of title 10, United States Code, is amended by inserting after section 7541a the following new section:

##### “§7541b. Authority to make grants for purposes of Naval Sea Cadet Corps

“Subject to the availability of funds for this purpose, the Secretary of the Navy may make grants to support the purposes of Naval Sea Cadet Corps, a federally chartered corporation under chapter 1541 of title 36.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 647 of such title is amended by inserting after the item relating to section 7541a the following new item:

“7541b. Authority to make grants for purposes of Naval Sea Cadet Corps.”

#### SEC. 593. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) AUTHORITY TO INCREASE DOD SHARE OF PROGRAM.—Section 509(d)(1) of title 32, United States Code, is amended by striking “60 percent of the costs” and inserting “75 percent of the costs”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.

#### SEC. 594. EXPANSION OF MILITARY LEADERSHIP DIVERSITY COMMISSION TO INCLUDE RESERVE COMPONENT REPRESENTATIVES.

Section 596(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4476) is amended by striking subparagraphs (C), (D), (E) and inserting the following new subparagraphs:

“(C) An active commissioned officer from each of the Army, Navy, Air Force, and Marine Corps, an active commissioned officer from the National Guard, and an active commissioned officer from the Reserves, each of whom serves or has served in a leadership position with either a military department command or combatant command.

“(D) A retired general or flag officer from each of the Army, Navy, Air Force, and Marine Corps, a retired general or flag officer from the National Guard, and a retired general or flag officer from the Reserves.

“(E) A retired noncommissioned officer from each of the Army, Navy, Air Force, and Marine Corps, a retired noncommissioned officer from the National Guard, and a retired noncommissioned officer from the Reserves.”

#### SEC. 595. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 10101 note) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

(2) by adding at the end the following new subsection:

“(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

“(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members and their families, and in coordination with community programs, assist the communities, with training in suicide prevention and community healing and response to suicide.

“(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

“(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

“(B) the adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

“(3) OPERATION.—

“(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

“(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

“(ii) examining the influence of military culture on risk and protective factors for suicide; and

“(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

“(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

“(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

“(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

“(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

“(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

“(C) COLLABORATION WITH CENTERS OF EXCELLENCE.—The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

“(4) TERMINATION.—The program established under this subsection shall terminate on October 1, 2012.”

#### SEC. 596. COMPREHENSIVE PLAN ON PREVENTION, DIAGNOSIS, AND TREATMENT OF SUBSTANCE USE DISORDERS AND DISPOSITION OF SUBSTANCE ABUSE OFFENDERS IN THE ARMED FORCES.

(a) REVIEW AND ASSESSMENT OF CURRENT CAPABILITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall conduct a comprehensive review of the following:

(A) The programs and activities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(2) ELEMENTS.—The review conducted under paragraph (1) shall include an assessment of each of the following:

(A) The current state and effectiveness of the programs of the Department of Defense and the military departments relating to the prevention, diagnosis, and treatment of substance use disorders.

(B) The adequacy of the availability of care, and access to care, for substance abuse in military medical treatment facilities and under the TRICARE program.

(C) The adequacy of oversight by the Department of Defense of programs relating to the prevention, diagnosis, and treatment of substance abuse in members of the Armed Forces.

(D) The adequacy and appropriateness of current credentials and other requirements for healthcare professionals treating members of the Armed Forces with substance use disorders.

(E) The advisable ratio of physician and non-physician care providers for substance use disorders to members of the Armed Forces with such disorders.

(F) The adequacy and appropriateness of protocols and directives for the diagnosis and treatment of substance use disorders in members of the Armed Forces and for the disposition, including disciplinary action and administrative separation, of members of the Armed Forces for substance abuse.

(G) The adequacy of the availability of and access to care for substance use disorders for members of the reserve components of the Armed Forces, including an identification of any obstacles that are unique to the prevention, diagnosis, and treatment of substance use disorders among members of the reserve components, and the appropriate disposition, including disciplinary action and administrative separation, of members of the reserve components for substance abuse.

(H) The adequacy of the prevention, diagnosis, and treatment of substance use disorders in dependents of members of the Armed Forces.

(I) Any gaps in the current capabilities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the findings and recommendations of the Secretary as a result of the review conducted under paragraph (1). The report shall—

(A) set forth the findings and recommendations of the Secretary regarding each element of the review specified in paragraph (2);

(B) set forth relevant statistics on the frequency of substance use disorders, disciplinary actions, and administrative separations for substance abuse in members of the regular components of the Armed Forces, members of the reserve component of the Armed Forces, and to the extent applicable, dependents of such members (including spouses and children); and

(C) include such other findings and recommendations on improvements to the current capabilities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and the policies relating to the disposition, including disciplinary action and administrative separation, of members of the Armed

Forces for substance abuse, as the Secretary considers appropriate.

(b) PLAN FOR IMPROVEMENT AND ENHANCEMENT OF PROGRAMS AND POLICIES.—

(1) PLAN REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for the improvement and enhancement of the following:

(A) The programs and activities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and their dependents.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(2) BASIS.—The comprehensive plan required by paragraph (1) shall take into account the following:

(A) The results of the review and assessment conducted under subsection (a).

(B) Similar initiatives of the Secretary of Veterans Affairs to expand and improve care for substance use disorders among veterans, including the programs and activities conducted under title I of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110-387; 112 Stat. 4112).

(3) COMPREHENSIVE STATEMENT OF POLICY.—The comprehensive plan required by paragraph (1) shall include a comprehensive statement of the following:

(A) The policy of the Department of Defense regarding the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and their dependents.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(4) AVAILABILITY OF SERVICES AND TREATMENT.—The comprehensive plan required by paragraph (1) shall include mechanisms to ensure the availability to members of the Armed Forces and their dependents of a core of evidence-based practices across the spectrum of medical and non-medical services and treatments for substance use disorders, including the reestablishment of regional long-term inpatient substance abuse treatment programs. The Secretary may use contracted services for not longer than three years after the date of the enactment of this Act to perform such inpatient substance abuse treatment until the Department of Defense reestablishes this capability within the military health care system.

(5) PREVENTION AND REDUCTION OF DISORDERS.—The comprehensive plan required by paragraph (1) shall include mechanisms to facilitate the prevention and reduction of substance use disorders in members of the Armed Forces through science-based initiatives, including education programs, for members of the Armed Forces and their dependents.

(6) SPECIFIC INSTRUCTIONS.—The comprehensive plan required by paragraph (1) shall include each of the following:

(A) SUBSTANCES OF ABUSE.—Instructions on the prevention, diagnosis, and treatment of substance abuse in members of the Armed Forces, including the abuse of alcohol, illicit drugs, and nonmedical use and abuse of prescription drugs.

(B) HEALTHCARE PROFESSIONALS.—Instructions on—

(i) appropriate training of healthcare professionals in the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces;

(ii) appropriate staffing levels for healthcare professionals at military medical treatment facilities for the prevention, screening, diagnosis,

and treatment of substance use disorders in members of the Armed Forces; and

(iii) such uniform training and credentialing requirements for physician and nonphysician healthcare professionals in the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces as the Secretary considers appropriate.

(C) SERVICES FOR DEPENDENTS.—Instructions on the availability of services for substance use disorders for dependents of members of the Armed Forces, including instructions on making such services available to dependents to the maximum extent practicable.

(D) RELATIONSHIP BETWEEN DISCIPLINARY ACTION AND TREATMENT.—Policy on the relationship between disciplinary actions and administrative separation processing and prevention and treatment of substance use disorders in members of the Armed Forces.

(E) CONFIDENTIALITY.—Recommendations regarding policies pertaining to confidentiality for members of the Armed Forces in seeking or receiving services or treatment for substance use disorders.

(F) PARTICIPATION OF CHAIN OF COMMAND.—Policy on appropriate consultation, reference to, and involvement of the chain of command of members of the Armed Forces in matters relating to the diagnosis and treatment of substance abuse and disposition of members of the Armed Forces for substance abuse.

(G) CONSIDERATION OF GENDER.—Instructions on gender specific requirements, if appropriate, in the prevention, diagnosis, treatment, and management of substance use disorders in members of the Armed Forces, including gender specific care and treatment requirements.

(H) COORDINATION WITH OTHER HEALTHCARE INITIATIVES.—Instructions on the integration of efforts on the prevention, diagnosis, treatment, and management of substance use disorders in members of the Armed Forces with efforts to address co-occurring health care disorders (such as post-traumatic stress disorder and depression) and suicide prevention.

(7) OTHER ELEMENTS.—In addition to the matters specified in paragraph (3), the comprehensive plan required by paragraph (1) shall include the following:

(A) IMPLEMENTATION PLAN.—An implementation plan for the achievement of the goals of the comprehensive plan, including goals relating to the following:

(i) Enhanced education of members of the Armed Forces and their dependents regarding substance use disorders.

(ii) Enhanced and improved identification and diagnosis of substance use disorders in members of the Armed Forces and their dependents.

(iii) Enhanced and improved access of members of the Armed Forces to services and treatment for and management of substance use disorders.

(iv) Appropriate staffing of military medical treatment facilities and other facilities for the treatment of substance use disorders in members of the Armed Forces.

(B) BEST PRACTICES.—The incorporation of evidence-based best practices utilized in current military and civilian approaches to the prevention, diagnosis, treatment, and management of substance use disorders.

(C) AVAILABLE RESEARCH.—The incorporation of applicable results of available studies, research, and academic reviews on the prevention, diagnosis, treatment, and management of substance use disorders.

(8) UPDATE IN LIGHT OF INDEPENDENT STUDY.—Upon the completion of the study required by subsection (c), the Secretary of Defense shall—

(A) in consultation with the Secretaries of the military departments, make such modifications

and improvements to the comprehensive plan required by paragraph (1) as the Secretary of Defense considers appropriate in light of the findings and recommendations of the study; and

(B) submit to the congressional defense committees a report setting forth the comprehensive plan as modified and improved under subparagraph (A).

(C) INDEPENDENT REPORT ON SUBSTANCE USE DISORDERS PROGRAMS FOR MEMBERS OF THE ARMED FORCES.—

(1) STUDY REQUIRED.—Upon completion of the policy review required by subsection (a), the Secretary of Defense shall provide for a study on substance use disorders programs for members of the Armed Forces to be conducted by the Institute of Medicine of the National Academies of Sciences or such other independent entity as the Secretary shall select for purposes of the study.

(2) ELEMENTS.—The study required by paragraph (1) shall include a review and assessment of the following:

(A) The adequacy and appropriateness of protocols for the diagnosis, treatment, and management of substance use disorders in members of the Armed Forces.

(B) The adequacy of the availability of and access to care for substance use disorders in military medical treatment facilities and under the TRICARE program.

(C) The adequacy and appropriateness of current credentials and other requirements for physician and non-physician healthcare professionals treating members of the Armed Forces with substance use disorders.

(D) The advisable ratio of physician and non-physician care providers for substance use disorders to members of the Armed Forces with such disorders.

(E) The adequacy of the availability of and access to care for substance use disorders for members of the reserve components of the Armed Forces when compared with the availability of and access to care for substance use disorders for members of the regular components of the Armed Forces.

(F) The adequacy of the prevention, diagnosis, treatment, and management of substance use disorders programs for dependents of members of the Armed Forces, whether such dependents suffer from their own substance use disorder or because of the substance use disorder of a member of the Armed Forces.

(G) Such other matters as the Secretary considers appropriate for purposes of the study.

(3) REPORT.—Not later than two years after the date of the enactment of this Act, the entity conducting the study required by paragraph (1) shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the study. The report shall set forth the findings and recommendations of the entity as a result of the study.

#### SEC. 597. REPORTS ON YELLOW RIBBON REINTEGRATION PROGRAM AND OTHER REINTEGRATION PROGRAMS.

(a) REPORT ON REINTEGRATION PROGRAMS GENERALLY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the various reintegration programs being administered in support of members of the National Guard and Reserves and their families.

(b) ADDITIONAL ELEMENTS OF ANNUAL REPORTS ON YELLOW RIBBON REINTEGRATION PROGRAM.—The annual reports on the Yellow Ribbon Reintegration Program under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 122; 10 U.S.C. 10101 note) that are submitted under subsection (e)(4) of such section after the date of the enactment of this Act shall include the following:

(1) In the first such annual report submitted after the date of the enactment of this Act—

(A) a description and assessment of the implementation of the Yellow Ribbon Reintegration Program in fiscal year 2009, including—

(i) an assessment of best practices from pilot programs offered by various States to provide services to supplement the services available through the Yellow Ribbon Reintegration Program; and

(ii) an assessment of the feasibility of incorporating such practices into the Yellow Ribbon Reintegration Program; and

(B) current plans for the further implementation of the Yellow Ribbon Reintegration Program during fiscal year 2010.

(2) A list of the accounts (including accounts of the military departments and accounts for the Office of the Secretary of Defense) from which funds for the Yellow Ribbon Reintegration Program were derived during the most recent fiscal year, and an explanation why such accounts were the source of funding for programs and activities under the Yellow Ribbon Reintegration Program.

(3) An assessment of the extent to which funding for the Yellow Ribbon Reintegration Program during the most recent fiscal year supported robust joint programs that provided reintegration and support services to members of the National Guard and Reserves and their families regardless of Armed Force with which served.

(4) An assessment of the extent to which programs and activities under the Yellow Ribbon Reintegration Program during the preceding year were coordinating closely with appropriate programs and activities of the Department of Veterans Affairs.

(5) A description of current strategies to mitigate difficulties in sustaining attendance at events under the Yellow Ribbon Reintegration Program, and an explanation why funds, if any, that are available for the Yellow Ribbon Reintegration Program but remain unexpended have not been used for the Yellow Ribbon Reintegration Program.

#### SEC. 598. REPORTS ON PROGRESS IN COMPLETION OF CERTAIN INCIDENT INFORMATION MANAGEMENT TOOLS.

Not later than 120 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the progress of the Secretary with respect to the completion of the following:

(1) The Defense Incident-Based Reporting System.

(2) The Defense Sexual Assault Incident Database.

#### TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

##### Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2010 increase in military basic pay.

Sec. 602. Increase in maximum monthly amount of supplemental subsistence allowance for low-income members with dependents.

Sec. 603. Special compensation for members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.

Sec. 604. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.

Sec. 605. Report on housing standards and housing surveys used to determine basic allowance for housing.

Sec. 606. Comptroller General comparative assessment of military and private-sector pay and benefits.

##### Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.

Sec. 616. One-year extension of authorities relating to payment of referral bonuses.

Sec. 617. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.

Sec. 618. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.

Sec. 619. Additional assignment pay or special duty pay authorized for members agreeing to serve in Afghanistan for extended periods.

Sec. 620. Temporary authority for monthly special pay for members of the Armed Forces subject to continuing active duty or service under stop-loss authorities.

Sec. 621. Army authority to provide additional recruitment incentives.

Sec. 622. Report on recruitment and retention of members of the Air Force in nuclear career fields.

##### Subtitle C—Travel and Transportation Allowances

Sec. 631. Travel and transportation for survivors of deceased members of the uniformed services to attend memorial ceremonies.

Sec. 632. Travel and transportation allowances for designated individuals of wounded, ill, or injured members of the uniformed services for duration of inpatient treatment.

Sec. 633. Authorized travel and transportation allowances for non-medical attendants for very seriously and seriously wounded, ill, or injured members.

Sec. 634. Reimbursement of travel expenses of members of the Armed Forces on active duty and their dependents for travel for specialty care under exceptional circumstances.

Sec. 635. Report on adequacy of weight allowances for transportation of baggage and household effects for members of the uniformed services.

##### Subtitle D—Disability, Retired Pay, and Survivor Benefits

Sec. 641. Transition assistance for reserve component members injured while on active duty.

Sec. 642. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.

Sec. 643. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.

Sec. 644. Report on re-determination process for permanently incapacitated dependents of retired and deceased members of the Armed Forces.

Sec. 645. Treatment as active service for retired pay purposes of service as member of Alaska Territorial Guard during World War II.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Limitation on Department of Defense entities offering personal information services to members and their dependents.

Sec. 652. Report on impact of purchasing from local distributors all alcoholic beverages for resale on military installations on Guam.

Subtitle F—Other Matters

Sec. 661. Limitations on collection of overpayments of pay and allowances erroneously paid to members.

Sec. 662. Sense of Congress on airfares for members of the Armed Forces.

Sec. 663. Sense of Congress on establishment of flexible spending arrangements for the uniformed services.

Sec. 664. Sense of Congress regarding support for compensation, retirement, and other military personnel programs.

#### Subtitle A—Pay and Allowances

#### SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC PAY.

(a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The adjustment to become effective during fiscal year 2010 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) **INCREASE IN BASIC PAY.**—Effective on January 1, 2010, the rates of monthly basic pay for members of the uniformed services are increased by 3.4 percent.

#### SEC. 602. INCREASE IN MAXIMUM MONTHLY AMOUNT OF SUPPLEMENTAL SUBSISTENCE ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.

(a) **INCREASE IN MAXIMUM MONTHLY AMOUNT.**—Section 402a(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking “\$500” and inserting “\$1,100”; and

(2) in paragraph (3)(B), by striking “\$500” and inserting “\$1,100”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to monthly supplemental subsistence allowances for low-income members with dependents payable on or after that date.

(c) **REPORT ON ELIMINATION OF RELIANCE ON SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM TO MEET NUTRITIONAL NEEDS OF MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**—

(1) **IN GENERAL.**—Not later than September 1, 2010, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit to the congressional defense committees a report setting forth a plan for actions to eliminate the need for members of the Armed Forces and their dependents to rely on the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) for their monthly nutritional needs.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall address the following:

(A) An appropriate amount or amounts for the monthly supplemental subsistence allowance for

low-income members with dependents payable under section 402a of title 37, United States Code.

(B) Such modifications, if any, to the eligibility requirements for the monthly supplemental subsistence allowance, including limitations on the maximum size of the household of a member for purposes of eligibility for the allowance, as the Secretary of Defense considers appropriate.

(C) The advisability of requiring members of the Armed Forces to apply for the monthly supplemental subsistence allowance before seeking assistance under the supplemental nutrition assistance program and to notify their commanding officer if they are accepted for participation in the supplemental nutrition assistance program.

(D) A method for accurately determining the total number of members of the Armed Forces who are participating in the supplemental nutrition assistance program.

(E) Such other matters as the Secretary of Defense considers appropriate.

#### SEC. 603. SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH CATASTROPHIC INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING.

(a) **IN GENERAL.**—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

**“§439. Special compensation: members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living**

**“(a) MONTHLY COMPENSATION AUTHORIZED.**—The Secretary concerned may pay to any member of the uniformed services described in subsection (b) monthly special compensation in an amount determined under subsection (c).

**“(b) COVERED MEMBERS.**—A member eligible for monthly special compensation authorized by subsection (a) is a member who—

**“(1) has a catastrophic injury or illness that was incurred or aggravated in the line of duty;**

**“(2) has been certified by a licensed physician to be in need of assistance from another person to perform the personal functions required in everyday living;**

**“(3) in the absence of the provision of such assistance, would require hospitalization, nursing home care, or other residential institutional care; and**

**“(4) meets such other criteria, if any, as the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) prescribes for purposes of this section.**

**“(c) AMOUNT.**—(1) The amount of monthly special compensation payable to a member under subsection (a) shall be determined under criteria prescribed by the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard), but may not exceed the amount of aid and attendance allowance authorized by section 1114(r)(2) of title 38 for veterans in need of aid and attendance.

**“(2) In determining the amount of monthly special compensation, the Secretary concerned shall consider the following:**

**“(A) The extent to which home health care and related services are being provided by the Government.**

**“(B) The value of the aid and attendance care necessary to assist the member in performing the personal functions required in everyday living, to be determined regardless of the sources of the care (other than the source identified in subparagraph (A)) actually being provided to the member.**

**“(d) DURATION.**—The eligibility of a member to receive special monthly compensation under subsection (a) expires on the earlier of the following:

**“(1) The last day of the month during which a 90-day period ends that begins on the date of the separation or retirement of the member.**

**“(2) The last day of the month during which the member dies.**

**“(3) The last day of the month during which the member is determined to be no longer afflicted with the catastrophic injury or illness referred to in subsection (b)(1).**

**“(4) The last day of the month preceding the month during which the member begins receiving compensation under section 1114(r)(2) of title 38.**

**“(e) CONSTRUCTION WITH OTHER PAY AND ALLOWANCES.**—Monthly special compensation payable to a member under this section is in addition to any other pay and allowances payable to the member by law.

**“(f) BENEFIT INFORMATION.**—(1) The Secretary of Defense, in collaboration with the Secretary of Veterans Affairs, shall ensure that members of the uniformed services who may be eligible for compensation under this section are made aware of the availability of such compensation by including information about such compensation in written and online materials for such members and their families.

**“(2) The Secretary of Defense shall ensure that a member eligible to receive special monthly compensation under this section is aware that the member’s eligibility for such compensation will expire pursuant to subsection (d)(1) after the end of the 90-day period that begins on the date of the separation or retirement of the member even though the member has not begun to receive compensation under section 1114(r)(2) of title 38 before the end of such period.**

**“(g) CATASTROPHIC INJURY OR ILLNESS DEFINED.**—In this section, the term ‘catastrophic injury or illness’ means a permanent, severely disabling injury, disorder, or illness that the Secretary concerned determines compromises the ability of the afflicted person to carry out the activities of daily living to such a degree that the person requires—

**“(1) personal or mechanical assistance to leave home or bed; or**

**“(2) constant supervision to avoid physical harm to self or others.**

**“(h) REGULATIONS.**—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.”.

**(b) REPORT TO CONGRESS.**—

**(1) IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense (and the Secretary of Homeland Security, with respect to the Coast Guard) shall submit to Congress a report on the provision of compensation under section 439 of title 37, United States Code, as added by subsection (a) of this section.

**(2) ELEMENTS.**—The report required by paragraph (1) shall include the following:

**(A) An estimate of the number of members of the uniformed services eligible for compensation under such section 439.**

**(B) The number of members of the uniformed services receiving compensation under such section.**

**(C) The average amount of compensation provided to members of the uniformed services receiving such compensation.**

**(D) The average amount of time required for a member of the uniformed services to receive such compensation after the member becomes eligible for such compensation.**

**(E) A summary of the types of injuries, disorders, and illnesses of members of the uniformed services receiving such compensation that made such members eligible for such compensation.**

**(c) CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 7 of such title

is amended by adding at the end the following new item:

“439. Special compensation: members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.”.

**SEC. 604. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.**

(a) **IN GENERAL.**—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) **BENEFITS.**—The benefits specified in this subsection are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed \$200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed \$200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) **EXCLUSION OF CERTAIN FORMER MEMBERS.**—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) **FORM OF PAYMENT.**—The paid benefits providable under subsection (b) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(e) **CONSTRUCTION WITH OTHER PAY AND LEAVE.**—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(f) **DEFINITIONS.**—In this section:

(1) The term “Post-Deployment/Mobilization Respite Absence program” means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term “Secretary concerned” has the meaning given that term in section 101(5) of title 37, United States Code.

(g) **DURATION.**—

(1) **IN GENERAL.**—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) **CONSTRUCTION.**—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

**SEC. 605. REPORT ON HOUSING STANDARDS AND HOUSING SURVEYS USED TO DETERMINE BASIC ALLOWANCE FOR HOUSING.**

(a) **REPORT REQUIRED.**—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing the following reviews:

(1) A review of the housing standards used to determine the monthly rates of basic allowance for housing under section 403 of title 37, United States Code.

(2) A review of the process and schedule for conducting surveys used to establish locality rates in housing areas to determine such monthly rates of basic allowance for housing.

(b) **ELEMENTS OF HOUSING STANDARDS REVIEW.**—In conducting the reviews under subsection (a), the Secretary shall consider whether the housing standards and survey process are suitable in terms of—

(1) recognizing the societal needs and expectations of families in the United States;

(2) providing for an appropriate quality of life for members of the Armed Forces in all grades;

(3) recognizing the appropriate rewards and prestige associated with promotion to higher military grades throughout the rank structure; and

(4) reflecting the most current housing cost data available.

(c) **INCLUSION OF RECOMMENDED CHANGES.**—The report required by subsection (a) shall include—

(1) such recommended changes to the housing standards, including an estimate of the cost of each recommended change, as the Secretary considers appropriate; and

(2) such recommended changes to improve the survey process, including ensuring that the housing cost data used to establish the rates is the most current data available, as the Secretary considers appropriate.

**SEC. 606. COMPTROLLER GENERAL COMPARATIVE ASSESSMENT OF MILITARY AND PRIVATE-SECTOR PAY AND BENEFITS.**

(a) **STUDY REQUIRED.**—The Comptroller General shall conduct a study comparing pay and benefits provided by law to members of the Armed Forces with pay and benefits provided by the private sector to comparably situated private-sector employees to assess how the differences in pay and benefits effect recruiting and retention of members of the Armed Forces.

(b) **ELEMENTS.**—The study required by subsection (a) shall include, but not be limited to, the following:

(1) An assessment of total military compensation for officers and for enlisted personnel, including basic pay, the basic allowance for housing (BAH), the basic allowance for subsistence (BAS), tax benefits applicable to military pay and allowances under Federal law (including the Social Security laws) and State law, military retirement benefits, commissary and exchange privileges, and military healthcare benefits.

(2) An assessment of private-sector pay and benefits for civilians of similar age, education, and experience with similar job responsibilities and working conditions as officers and enlisted personnel of the Armed Forces, including pay, bonuses, employee options, fringe benefits, retirement benefits, individual retirement investment benefits, flexible spending accounts and health savings accounts, and any other elements of private-sector compensation that the Comptroller General considers appropriate.

(3) An identification of the percentile of comparable private-sector compensation at which members of the Armed Forces are paid, including an assessment of the adequacy of percentile comparisons generally and whether the Department of Defense goal of compensating members of the Armed Forces at the 80th percentile of comparable private-sector compensation, as de-

scribed in the 10th Quadrennial Review of Military Compensation, is appropriate and adequate to attract and retain quality individuals to serve in the Armed Forces.

(c) **REPORT.**—The Comptroller General shall submit to the congressional defense committees a report on the study required by subsection (a) by not later than April 1, 2010.

**Subtitle B—Bonuses and Special and Incentive Pays**

**SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

**SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.**

(a) **TITLE 10 AUTHORITIES.**—The following sections of title 10, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) **TITLE 37 AUTHORITIES.**—The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

**SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

**SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(j), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

**SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.**

The following sections of chapter 5 of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

**SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.**

The following sections of title 10, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

**SEC. 617. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUED PAYMENT OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.**

(a) TECHNICAL CORRECTIONS TO RECONCILE CONFLICTING AMENDMENTS.—Section 303a(e) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(3) in paragraph (5), as so redesignated, by striking “paragraph (3)(B)” and inserting “paragraph (4)(B)”;

(4) by redesignating paragraph (2), as added by section 651(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4495), as paragraph (3); and

(5) by redesignating the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 2(a)(3) of the Hubbard Act (Public Law 110-317; 122 Stat. 3526) and erroneously designated as subparagraph (B) by section 651(a)(3) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4495), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT IN CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—Section 373(b) of such title is amended—

(1) in paragraph (2), by striking the paragraph heading and inserting “SPECIAL RULE FOR DECEASED AND DISABLED MEMBERS.—”; and

(2) by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR MEMBERS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary concerned—

“(i) shall not require repayment by the member of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

“(ii) may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

“(B) In this paragraph, the term ‘sole survivorship discharge’ means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

“(i) the father or mother or one or more siblings—

“(I) served in the Armed Forces; and

“(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

“(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.”.

**SEC. 618. PRORATION OF CERTAIN SPECIAL AND INCENTIVE PAYS TO REFLECT TIME DURING WHICH A MEMBER SATISFIES ELIGIBILITY REQUIREMENTS FOR THE SPECIAL OR INCENTIVE PAY.**

(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.—Section 310 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “AND SPECIAL PAY AMOUNT” in the subsection heading; and

(B) by striking “at the rate of \$225 for any month” in the matter preceding paragraph (1) and inserting “under subsection (b) for any month or portion of a month”;

(2) in subsection (c), by striking paragraph (3);

(3) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(4) by inserting after subsection (a) the following new subsection:

“(b) SPECIAL PAY AMOUNT; PRORATION.—(1) The special pay authorized by subsection (a) may not exceed \$225 a month.

“(2) Except as provided in subsection (c), if a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of sub-

section (a) for an entire month for receipt of special pay under subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month.”.

(b) HAZARDOUS DUTY PAY.—Section 351 of such title is amended—

(1) by striking subsections (c) and (d) and redesignating subsections (e) through (i) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) METHOD OF PAYMENT; PRORATION.—

“(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

“(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month.”.

(c) ASSIGNMENT OR SPECIAL DUTY PAY.—Section 352(b)(1) of such title is amended by adding at the end the following new sentence: “If paid monthly, the Secretary concerned may prorate the monthly amount of the assignment or special duty pay for a member who does not satisfy the eligibility requirement for an entire month to reflect the duration of the member’s actual qualifying service during the month.”.

(d) SKILL INCENTIVE PAY.—Section 353 of such title is amended—

(1) by striking subsection (f) and redesignating subsections (g) through (j) as subsections (f) through (i), respectively; and

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

“(1) SKILL INCENTIVE PAY.—(A) Skill incentive pay under subsection (a) may not exceed \$1,000 a month.

“(B) If a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of skill incentive pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month. A member of a reserve component entitled to compensation under section 206 of this title who is authorized skill incentive pay under subsection (a) may be paid an amount of such pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.”.

**SEC. 619. ADDITIONAL ASSIGNMENT PAY OR SPECIAL DUTY PAY AUTHORIZED FOR MEMBERS AGREEING TO SERVE IN AFGHANISTAN FOR EXTENDED PERIODS.**

(a) AUTHORITY TO PROVIDE ADDITIONAL ASSIGNMENT PAY OR SPECIAL DUTY PAY.—The Secretary of Defense may provide assignment pay or special duty pay under section 352 of title 37, United States Code, in excess of the maximum amount of monthly or lump sum assignment or special duty pay authorized under subsection (b) of such section, to members of the Armed Forces (particularly members who achieve language proficiency at levels and in languages specified by the Secretary of Defense) who agree to serve on active duty in Afghanistan for a minimum of three years. The assignment period required by the agreement shall provide for reasonable periods of leave.

(b) REPORTING REQUIREMENTS.—The Secretary shall submit to Congress an annual report on the use of the authority provided under subsection (a) during the preceding year, including—

(1) the number of members of the Armed Forces receiving assignment pay or special duty pay under section 352 of title 37, United States



Code, in excess of the maximum amount otherwise authorized under such section; and

(2) an assessment of the impact of the use of such authority on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

(c) **DURATION OF AUTHORITY.**—The authority provided by subsection (a) to offer additional assignment pay or special duty pay under section 352 of title 37, United States Code, expires on December 31, 2012. The expiration of such authority shall not affect the terms or duration of any agreement entered into before that date to provide additional assignment pay or special duty pay under such section.

**SEC. 620. TEMPORARY AUTHORITY FOR MONTHLY SPECIAL PAY FOR MEMBERS OF THE ARMED FORCES SUBJECT TO CONTINUING ACTIVE DUTY OR SERVICE UNDER STOP-LOSS AUTHORITIES.**

(a) **SPECIAL PAY AUTHORIZED.**—The Secretary of the military department concerned may pay monthly special pay to any member of the Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) for any month, or portion of a month, in which the member serves on active duty in the Armed Forces, or has the member's eligibility for retirement from the Armed Forces suspended, as described in subsection (b).

(b) **ELIGIBILITY REQUIREMENTS.**—A member of the Armed Forces referred to in subsection (a) is eligible to receive special pay under this section if the member, at any time during the period beginning on October 1, 2009, and ending on June 30, 2011, serves on active duty while the member's enlistment or period of obligated service is extended, or has the member's eligibility for retirement suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a "stop-loss authority") that authorizes the President to extend an enlistment or period of obligated service, or suspend eligibility for retirement, of a member of the Armed Forces in time of war or national emergency declared by Congress or the President.

(c) **AMOUNT.**—The amount of monthly special pay payable to a member under this section for a month may not exceed \$500.

(d) **CONSTRUCTION WITH OTHER PAYS.**—Monthly special pay payable to a member under this section is in addition to any other amounts payable to the member by law.

**SEC. 621. ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.**

(a) **EXTENSION OF AUTHORITY.**—Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3321) is amended to read as follows:

"(i) **DURATION OF AUTHORITY.**—

"(1) **IN GENERAL.**—The Secretary may not develop an incentive under this section, or first provide an incentive developed under this section to an individual, after December 31, 2012.

"(2) **CONTINUATION OF INCENTIVES.**—Nothing in paragraph (1) shall be construed to prohibit or limit the continuing provision to an individual after the date specified in that paragraph of an incentive first provided the individual under this section before that date."

(b) **LIMITATION ON USE OF AUTHORITY.**—Subsection (e) of such section is amended by inserting "at the same time" after "provided".

**SEC. 622. REPORT ON RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the efforts of the Air Force to attract and retain qualified individuals for service as members of the Air Force involved in the operation, maintenance,

handling, and security of nuclear weapons.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of current reenlistment rates and officer retention rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) A description of the steps the Air Force has taken, including the use of retention bonuses or assignment incentive pay, to improve recruiting and reenlistment of enlisted personnel and accession and retention of officers by the Air Force for the positions described in paragraph (1).

(4) An assessment of the feasibility, advisability, utility, and cost effectiveness of establishing additional bonuses or incentive pay as a way to enhance the recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(5) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(6) An assessment of the long-term community management plan for recruitment, retention, and assignment by the Air Force of skilled personnel in the positions described in paragraph (1).

(7) Such other matters as the Secretary considers appropriate.

**Subtitle C—Travel and Transportation Allowances**

**SEC. 631. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.**

(a) **ALLOWANCES AUTHORIZED.**—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned."

(b) **CONFORMING AMENDMENTS.**—Subsection (c) of such section is amended—

(1) by striking "subsection (a)(1)" the first place it appears and inserting "paragraphs (1) and (2) of subsection (a)"; and

(2) by striking "subsection (a)(1)" the second place it appears and inserting "paragraph (1) or (2) of subsection (a)".

**SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DESIGNATED INDIVIDUALS OF WOUNDED, ILL, OR INJURED MEMBERS OF THE UNIFORMED SERVICES FOR DURATION OF INPATIENT TREATMENT.**

(a) **AUTHORITY TO PROVIDE TRAVEL TO DESIGNATED INDIVIDUALS.**—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "family members of a member described in paragraph (2)" and inserting "indi-

viduals who, with respect to a member described in paragraph (2), are designated individuals for that member";

(B) by striking "that the presence of the family member" and inserting ", with respect to any such individual, that the presence of such individual"; and

(C) by striking "of family members" and inserting "of designated individuals"; and

(2) by adding at the end the following new paragraph:

"(4) In the case of a designated individual who is also a member of the uniformed services, that member may be provided travel and transportation under this section in the same manner as a designated individual who is not a member."

(b) **DEFINITION OF DESIGNATED INDIVIDUAL.**—

(1) **IN GENERAL.**—Paragraph (1) of subsection (b) of such section is amended by striking "the term" and all that follows and inserting "the term 'designated individual', with respect to a member, means—

"(A) an individual designated by the member for the purposes of this section; or

"(B) in the case of a member who has not made a designation under subparagraph (A) and, as determined by the attending physician or surgeon, is not able to make such a designation, an individual who, as designated by the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member, is someone with a personal relationship to the member whose presence may aid and support the health and welfare of the member during the duration of the member's inpatient treatment."

(2) **DESIGNATIONS NOT PERMANENT.**—Paragraph (2) of such subsection is amended to read as follows:

"(2) The designation of an individual as a designated individual for purposes of this section may be changed at any time."

(c) **COVERAGE OF MEMBERS HOSPITALIZED OUTSIDE THE UNITED STATES WHO WERE WOUNDED OR INJURED IN A COMBAT OPERATION OR COMBAT ZONE.**—

(1) **COVERAGE FOR HOSPITALIZATION OUTSIDE THE UNITED STATES.**—Subparagraph (B) of subsection (a)(2) of such section is amended—

(A) in clause (i), by striking "in or outside the United States"; and

(B) in clause (ii), by striking "in the United States".

(2) **CLARIFICATION OF MEMBERS COVERED.**—Such subparagraph is further amended—

(A) in clause (i), by inserting "seriously wounded," after "(i) is"; and

(B) in clause (ii)—

(i) by striking "an injury" and inserting "a wound or an injury"; and

(ii) by striking "that injury" and inserting "that wound or injury".

(d) **COVERAGE OF MEMBERS WITH SERIOUS MENTAL DISORDERS.**—

(1) **IN GENERAL.**—Subsection (a)(2)(B)(i) of such section, as amended by subsection (c) of this section, is further amended by inserting "(including having a serious mental disorder)" after "seriously injured".

(2) **SERIOUS MENTAL DISORDER DEFINED.**—Subsection (b) of such section 411h, as amended by subsection (b) of this section, is further amended by adding at the end the following new paragraph:

"(4)(A) In this section, the term 'serious mental disorder', in the case of a member, means that the member has been diagnosed with a mental disorder that requires intensive mental health treatment or hospitalization.

"(B) The circumstances in which a member shall be considered to have a serious mental disorder for purposes of this section shall include, but not be limited to, the following:

“(i) The member is considered to be a potential danger to self or others as a result of a diagnosed mental disorder that requires intensive mental health treatment or hospitalization.

“(ii) The member is diagnosed with a mental disorder and has psychotic symptoms that require intensive mental health treatment or hospitalization.

“(iii) The member is diagnosed with a mental disorder and has severe symptoms or severe impairment in functioning that require intensive mental health treatment or hospitalization.”.

(e) FREQUENCY OF AUTHORIZED TRAVEL.—Paragraph (3) of subsection (a) of such section 411h is amended to read as follows:

“(3) Not more than a total of three roundtrips may be provided under paragraph (1) in any 60-day period at Government expense to the individuals who, with respect to a member, are the designated individuals of that member in effect during that period. However, if the Secretary concerned has granted a waiver under the second sentence of paragraph (1) with respect to a member, then for any 60-day period in which the waiver is in effect the limitation in the preceding sentence shall be adjusted accordingly. In addition, during any period during which there is in effect a non-medical attendant designation for a member under section 411k of this title, not more than a total of two roundtrips may be provided under paragraph (1) in any 60-day period at Government expense until there no longer is a designation of a non-medical attendant or that designation transfers to another individual, in which case during the transfer period three roundtrips may be provided.”.

(f) STYLISTIC AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking “(a)(1)” and inserting “(a) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1)”;

(2) in subsection (b)—

(A) by striking “(b)(1)” and inserting “(b) DEFINITIONS.—(1)”;

(B) in paragraph (3)—

(i) by inserting “(A)” after “(3)”;

(ii) by adding at the end the following new subparagraph:

“(B) In this paragraph, the term ‘family member’, with respect to a member, means the following:

“(i) The member’s spouse.

“(ii) Children of the member (including stepchildren, adopted children, and illegitimate children).

“(iii) Parents of the member or persons in loco parentis to the member, including fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service, except that only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

“(iv) Siblings of the member.

“(v) A person related to the member as described in clause (i), (ii), (iii), or (iv) who is also a member of the uniformed services.”;

(3) in subsection (c)—

(A) by striking “(c)(1)” and inserting “(c) ROUND TRIP TRANSPORTATION AND PER DIEM ALLOWANCE.—(1)”;

(B) in paragraph (1), by striking “family member” and inserting “designated individual”;

(4) in subsection (d), by striking “(d)(1)” and inserting “(d) METHOD OF TRANSPORTATION AUTHORIZED.—(1)”.

(g) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

**“§411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury”.**

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

“411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.”.

(h) CONFORMING AMENDMENT TO WOUNDED WARRIOR ACT.—Section 1602(4) of the Wounded Warrior Act (10 U.S.C. 1071 note) is amended by striking “411h(b)(1)” and inserting “411h(b)(3)(B)”.

(i) APPLICABILITY OF AMENDMENTS.—No reimbursement may be provided under section 411h of title 37, United States Code, by reason of the amendments made by this section for travel and transportation costs incurred before the date of the enactment of this Act.

**SEC. 633. AUTHORIZED TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR VERY SERIOUSLY AND SERIOUSLY WOUNDED, ILL, OR INJURED MEMBERS.**

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

**“§411k. Travel and transportation allowances: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured**

“(a) ALLOWANCE FOR NON-MEDICAL ATTENDANT.—Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for a qualified non-medical attendant for a covered member of the uniformed services described in subsection (c) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of such an attendant may contribute to the member’s health and welfare.

“(b) QUALIFIED NON-MEDICAL ATTENDANT.—For purposes of this section, a qualified non-medical attendant, with respect to a covered member, is an individual who—

“(1) is designated by the member to be a non-medical attendant for the member for purposes of this section; and

“(2) is determined by the attending physician or surgeon and the commander or head of the military medical facility to be appropriate to serve as a non-medical attendant for the member and whose presence may contribute to the health and welfare of the member.

“(c) COVERED MEMBERS.—A member of the uniformed services covered by this section is a member who—

“(1) as a result of a wound, illness, or injury, has been determined by the attending physician or surgeon to be in the category known as ‘very seriously wounded, ill, or injured’ or ‘seriously wounded, ill, or injured’; and

“(2) is hospitalized for treatment of the wound, illness, or injury or requires continuing outpatient treatment for the wound, illness, or injury.

“(d) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) for a qualified non-medical attendant for a member is round-trip transportation between the home of the attendant and the location at which the member is receiving treatment and may include transportation, while accompanying the member, to any other

location to which the member is subsequently transferred for further treatment. A designated non-medical attendant under this section may not also be a designated individual for travel and transportation allowances section 411h(a) of this title.

“(2) The transportation authorized by subsection (a) includes any travel necessary to obtain treatment for the member at the location to which the member is permanently assigned.

“(3) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

“(4) The transportation authorized by subsection (a) may be provided by any of the following means:

“(A) Transportation in-kind.

“(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

“(C) Reimbursement for the commercial cost of transportation.

“(5) An allowance payable under this subsection may be paid in advance.

“(6) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 411j the following new item:

“411k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.”.

(b) APPLICABILITY.—No reimbursement may be provided under section 411k of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before the date of the enactment of this Act.

**SEC. 634. REIMBURSEMENT OF TRAVEL EXPENSES OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND THEIR DEPENDENTS FOR TRAVEL FOR SPECIALTY CARE UNDER EXCEPTIONAL CIRCUMSTANCES.**

(a) REIMBURSEMENT AUTHORIZED.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) REIMBURSEMENT FOR TRAVEL UNDER EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Defense may provide reimbursement for reasonable travel expenses of travel of members of the armed forces on active duty and their dependents, and accompaniment, to a specialty care provider not otherwise authorized by subsection (a) under such exceptional circumstances as the Secretary considers appropriate for purposes of this section.”.

(b) TECHNICAL AMENDMENT.—Subsection (a) of such section is amended by inserting “of Defense” after “the Secretary”.

**SEC. 635. REPORT ON ADEQUACY OF WEIGHT ALLOWANCES FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE UNIFORMED SERVICES.**

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) a review of the weight allowances provided for the transportation of baggage and household goods under section 406(b)(1)(C) of title 37, United States Code; and

(2) such recommended changes to the weight allowance, including an estimate of the cost of each recommended change, as the Secretary considers appropriate.

(b) **ELEMENTS OF REVIEW.**—The Secretary shall consider whether the weight allowances reviewed under subsection (a) are suitable in terms of—

(1) recognizing the societal needs and expectations of families in the United States;

(2) providing for an appropriate quality of life for members of the Armed Forces in all grades; and

(3) recognizing the appropriate rewards and prestige associated with promotion to higher military grade, with particular attention to mid-grade and senior noncommissioned officer ranks.

#### **Subtitle D—Disability, Retired Pay, and Survivor Benefits**

#### **SEC. 641. TRANSITION ASSISTANCE FOR RESERVE COMPONENT MEMBERS INJURED WHILE ON ACTIVE DUTY.**

(a) **IN GENERAL.**—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

**“§1218a. Discharge or release from active duty: transition assistance for reserve component members injured while on active duty**

**“(a) PROVISION OF CERTAIN INFORMATION.**—Before a member of a reserve component described in subsection (b) is demobilized or separated from the armed forces, the Secretary of the military department concerned shall provide to the member the following information:

**“(1) Information on the availability of care and administrative processing through community based warrior transition units.**

**“(2) Information on the location of the community based warrior transition unit located nearest to the permanent place of residence of the member.**

**“(b) COVERED MEMBERS.**—Subsection (a) applies to members of a reserve component who are injured while on active duty in the armed forces.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

**“1218a. Discharge or release from active duty: transition assistance for reserve component members injured while on active duty.”.**

#### **SEC. 642. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.**

(a) **RECOMPUTATION OF RETIRED PAY.**—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

**“(e)(1) If a member of the Retired Reserve is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to the recomputation under this section of the retired pay of the member.**

**“(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—**

**“(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;**

**“(B) completes at least one year of service in such position; and**

**“(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.”.**

(b) **ADJUSTMENT OF RETIRED GRADE.**—Section 12771 of such title is amended—

(1) by striking “Unless” and inserting “(a) GRADE ON TRANSFER.—Unless”; and

(2) by adding at the end the following new subsection:

**“(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370(d) of this title.**

**“(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—**

**“(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;**

**“(B) completes at least one year of service in such position; and**

**“(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.”.**

#### **SEC. 643. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.**

(a) **ELECTION AUTHORITY; REQUIREMENTS.**—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

**“(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) Notwithstanding the requirement in paragraph (4) of section 12731(a) of this title that a person may not receive retired pay under this chapter when the person is entitled, under any other provision of law, to retired pay or retainer pay, a person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if the person—**

**“(A) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter;**

**“(B) served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters); and**

**“(C) completed not less than two years of satisfactory service (as determined by the Secretary concerned) in such active status (excluding any period of active service).**

**“(2) The Secretary concerned may reduce the minimum two-year service requirement specified in paragraph (1)(C) in the case of a person who—**

**“(A) completed at least one year of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and**

**“(B) failed to complete the minimum years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.”.**

(b) **ACTIONS TO EFFECTUATE ELECTION.**—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

**“(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already**

**receiving retired or retainer pay under one of those chapters; and”.**

(c) **CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.**—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking “attains 60 years of age” and inserting “attains the eligibility age applicable to the person under section 12731(f) of this title”; and

(2) in paragraph (2)(A), by striking “attains 60 years of age” and inserting “attains the eligibility age applicable to the person under such section”.

(d) **RETIRED PAY BASE.**—

(1) **MEMBERS BECOMING MEMBERS BEFORE SEPTEMBER 8, 1980.**—Section 1406(b)(2) of such title is amended by inserting after “when retired pay is granted” the following: “(or, in the case of a person entitled to retired pay by reason of an election under section 12741(a) of this title, at rates applicable on the date the person completes the service required under such section 12741(a)).”.

(2) **MEMBERS BECOMING MEMBERS AFTER SEPTEMBER 7, 1980.**—Section 1407(d)(4) of such title is amended by inserting after “became entitled to retired pay” the following: “(or, in the case of a member or former member entitled to retired pay by reason of an election under section 12741(a) of this title, before the member or former member completes the service required under such section 12741(a)).”.

(e) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading for section 12741 of such title is amended to read as follows:

**“§12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement”.**

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

**“12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.”.**

#### **SEC. 644. REPORT ON RE-DETERMINATION PROCESS FOR PERMANENTLY INCAPACITATED DEPENDENTS OF RETIRED AND DECEASED MEMBERS OF THE ARMED FORCES.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the re-determination process of the Department of Defense used to determine the eligibility of permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the re-determination process, including the following:

(A) The rationale for requiring a quadrennial recertification of financial support after issuance of a permanent identification card to a permanently incapacitated dependent.

(B) The administrative and other burdens the quadrennial recertification imposes on the affected sponsor and dependents, especially after the sponsor becomes ill, incapacitated, or deceased.

(C) The extent to which the quadrennial recertification undermines the utility of issuing a permanent identification card.

(D) The extent of the consequences entailed in eliminating the requirement for quadrennial recertification.

(2) Specific recommendations for the following:

(A) Improving the efficiency of the recertification process.

(B) Minimizing the burden of such process on the sponsors of such dependents.

(C) Eliminating the requirement for quadrennial recertification.

**SEC. 645. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS MEMBER OF ALASKA TERRITORIAL GUARD DURING WORLD WAR II.**

(a) *IN GENERAL.*—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) *APPLICABILITY.*—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) *WORLD WAR II DEFINED.*—In this section, the term “World War II” has the meaning given that term in section 101(8) of title 38, United States Code.

**Subtitle E—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations**

**SEC. 651. LIMITATION ON DEPARTMENT OF DEFENSE ENTITIES OFFERING PERSONAL INFORMATION SERVICES TO MEMBERS AND THEIR DEPENDENTS.**

(a) *IMPOSITION OF LIMITATION.*—Subchapter III of chapter 147 of title 10, United States Code, is amended by inserting after section 2492 the following new section:

**“§2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services**

“(a) *LIMITATION.*—(1) Notwithstanding section 2492 of this title, the Secretary of Defense may not authorize a Department of Defense entity to offer or provide personal information services directly to users using Department resources, personnel, or equipment, or compete for contracts to provide such personal information services directly to users, if users will be charged a fee for the personal information services to recover the cost incurred to provide the services or to earn a profit.

“(2) The limitation in paragraph (1) shall not be construed to prohibit or preclude the use of Department resources, personnel, or equipment to administer or facilitate personal information services contracts with private contractors.

“(b) *EXCEPTIONS.*—The limitation in subsection (a) shall not apply if the Secretary of Defense determines that—

“(1) a private sector vendor is not available to provide the personal information services at specific locations;

“(2) the interests of the user population would be best served by allowing the Government to provide such services; or

“(3) circumstances (as specified by the Secretary for purposes of this section) are such that the provision of such services by a Department entity is in the best interest of the Government or military users in general.

“(c) *PERSONAL INFORMATION SERVICES DEFINED.*—In this section, the term ‘personal information services’ means the provision of Internet, telephone, or television services to consumers.”.

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of such subchapter is

amended by inserting after section 2492 the following new item:

“2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services.”.

(c) *EFFECT ON EXISTING CONTRACTS.*—Section 2492a of title 10, United States Code, as added by subsection (a), does not affect the validity or terms of any contract for the provision of personal information services entered into before the date of the enactment of this Act.

**SEC. 652. REPORT ON IMPACT OF PURCHASING FROM LOCAL DISTRIBUTORS ALL ALCOHOLIC BEVERAGES FOR RESALE ON MILITARY INSTALLATIONS ON GUAM.**

(a) *REPORT REQUIRED.*—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the impact of reimposing the requirement, effective for fiscal year 2008 pursuant to section 8073 of the Department of Defense Appropriations Act, 2008 (division A of Public Law 110-116; 121 Stat. 1331) but not extended for fiscal year 2009, that all alcoholic beverages intended for resale on military installations on Guam be purchased from local sources.

(b) *ELEMENTS.*—The report required by subsection (a) shall include the following:

(1) The concerns of nonappropriated funds activities over the one-year imposition of the local purchase requirement and the impact the requirement had on alcohol resale prices.

(2) The stated justification for any change in the price of alcoholic beverages for resale on military installations on Guam.

(3) The actions of the nonappropriated fund activities in complying with the local purchase requirements for resale of alcoholic beverages and their purchase of such affected products before and after the effective date of the provision of law referred to in subsection (a).

(4) The extent to which nonappropriated funds activities on military installations on Guam are implementing the applicable Department of Defense instruction and the methods used to determine the resale price of alcoholic beverages.

**Subtitle F—Other Matters**

**SEC. 661. LIMITATIONS ON COLLECTION OF OVERPAYMENTS OF PAY AND ALLOWANCES ERRONEOUSLY PAID TO MEMBERS.**

(a) *MAXIMUM MONTHLY PERCENTAGE OF MEMBER'S PAY AUTHORIZED FOR DEDUCTION.*—Paragraph (3) of subsection (c) of section 1007 of title 37, United States Code, is amended by striking “20 percent” and inserting “15 percent”.

(b) *REQUESTS FOR DELAY IN REPAYMENT.*—Such paragraph is further amended—

(1) by inserting “(A)” after “(3)”; and

(2) by adding at the end the following new subparagraph:

“(B) In all cases described in subparagraph (A), the Secretary concerned shall provide a reasonable opportunity for the member to request a delay in the imposition of the repayment requirement to recover the indebtedness. Before beginning collection efforts, the Secretary concerned shall consider the reasons provided by the member for the requested delay, including the financial ability of the member to repay the indebtedness, and the hardship that immediate collection would impose on the member and the member's dependents.”.

(c) *DELAY IN INSTITUTING COLLECTIONS FROM WOUNDED OR INJURED MEMBERS.*—Paragraph (4) of such subsection is amended to read as follows:

“(4)(A) If a member of the uniformed services, through no fault of the member, incurs a

wound, injury, or illness while in the line of duty in a combat operation or combat zone designated by the President or the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member's pay until—

“(i) the member is notified of the overpayment; and

“(ii) the later of the following occurs:

“(I) The end of the 180-day period beginning on the date of the completion of the tour of duty of the member in the combat operation or combat zone.

“(II) The end of the 90-day period beginning on the date of the reassignment of the member from a military treatment facility or other medical unit outside of the theater of operations.

“(B) Subparagraph (A) shall not apply if the member, after receiving notification of the overpayment, requests or consents to initiation at an earlier date of the collection of the overpayment of the pay or allowances.”.

(d) *EFFECTIVE DATE.*—The amendments made by this section shall apply only with respect to an overpayment of pay or allowances made to a member of the uniformed services after the date of the enactment of this Act.

**SEC. 662. SENSE OF CONGRESS ON AIRFARES FOR MEMBERS OF THE ARMED FORCES.**

It is the sense of Congress that—

(1) all United States commercial air carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members, are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

**SEC. 663. SENSE OF CONGRESS ON ESTABLISHMENT OF FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.**

(a) *IN GENERAL.*—It is the sense of Congress that the Secretary of Defense, with respect to members of the Army, Navy, Marine Corps, and Air Force, the Secretary of Homeland Security, with respect to members of the Coast Guard, the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, and the Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration, should establish procedures to implement flexible spending arrangements with respect to basic pay and compensation for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) *CONSIDERATIONS.*—It is the sense of Congress that, in establishing the procedures described by subsection (a), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and

the Secretary of Commerce should consider life events of members of the uniformed services that are unique to them as members of the uniformed services, including changes relating to permanent changes of duty station and deployments to overseas contingency operations.

**SEC. 664. SENSE OF CONGRESS REGARDING SUPPORT FOR COMPENSATION, RETIREMENT, AND OTHER MILITARY PERSONNEL PROGRAMS.**

It is the sense of Congress that members of the Armed Forces and their families and survivors and military retirees deserve ongoing recognition and support for their service and sacrifices on behalf of the United States, and Congress will continue to be vigilant in identifying appropriate direct spending offsets that can be used to address shortcomings within those military personnel programs that incur mandatory spending obligations.

**TITLE VII—HEALTH CARE PROVISIONS**

*Subtitle A—Improvements to Health Benefits*

- Sec. 701. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
- Sec. 702. Health care for members of the reserve components.
- Sec. 703. Enhancement of transitional dental care for members of the reserve components on active duty for more than 30 days in support of a contingency operation.
- Sec. 704. Expansion of survivor eligibility under TRICARE dental program.
- Sec. 705. TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.
- Sec. 706. Constructive eligibility for TRICARE benefits of certain persons otherwise ineligible under retroactive determination of entitlement to Medicare part A hospital insurance benefits.
- Sec. 707. Notification of certain individuals regarding options for enrollment under Medicare part B.
- Sec. 708. Mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.
- Sec. 709. Temporary TRICARE inpatient fee modification.

*Subtitle B—Health Care Administration*

- Sec. 711. Comprehensive policy on pain management by the military health care system.
- Sec. 712. Administration and prescription of psychotropic medications for members of the Armed Forces before and during deployment.
- Sec. 713. Cooperative health care agreements between military installations and non-military health care systems.
- Sec. 714. Plan to increase the mental health capabilities of the Department of Defense.
- Sec. 715. Department of Defense study on management of medications for physically and psychologically wounded members of the Armed Forces.
- Sec. 716. Limitation on obligation of funds under defense health program information technology programs.

*Subtitle C—Other Matters*

- Sec. 721. Study and plan to improve military health care.
- Sec. 722. Study, plan, and pilot for the mental health care needs of dependent children of members of the Armed Forces.

Sec. 723. Clinical trial on cognitive rehabilitative therapy for members and former members of the Armed Forces.

Sec. 724. Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces.

Sec. 725. Chiropractic clinical trials.

Sec. 726. Independent study on post-traumatic stress disorder efforts.

Sec. 727. Report on implementation of requirements on the relationship between the TRICARE program and employer-sponsored group health plans.

Sec. 728. Report on stipends for members of reserve components for health care for certain dependents.

**Subtitle A—Improvements to Health Benefits**

**SEC. 701. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.**

Subsection (a) of section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 198; 10 U.S.C. 129c note) is amended—

- (1) by striking “during the period beginning on” and inserting “on or after”; and
- (2) by striking “,” and ending on September 30, 2012”.

**SEC. 702. HEALTH CARE FOR MEMBERS OF THE RESERVE COMPONENTS.**

Section 1074(d)(1)(B) of title 10, United States Code, is amended by striking “90 days” and inserting “180 days”.

**SEC. 703. ENHANCEMENT OF TRANSITIONAL DENTAL CARE FOR MEMBERS OF THE RESERVE COMPONENTS ON ACTIVE DUTY FOR MORE THAN 30 DAYS IN SUPPORT OF A CONTINGENCY OPERATION.**

Section 1145(a) of title 10, United States Code, is amended—

- (1) in paragraph (1)—
  - (A) in the matter preceding subparagraph (A), by striking “paragraph (3)” and inserting “paragraph (4)”; and
  - (B) in subparagraph (A), by inserting “except as provided in paragraph (3),” before “medical and dental care”;
- (2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;
- (3) by inserting after paragraph (2) the following new paragraph (3):

“(3) In the case of a member described in paragraph (2)(B), the dental care to which the member is entitled under this subsection shall be the dental care to which a member of the uniformed services on active duty for more than 30 days is entitled under section 1074 of this title.”;

- (4) in paragraph (4), as redesignated by paragraph (2) of this section, by striking “paragraph (6)” and inserting “paragraph (7)”; and
- (5) in subparagraph (A) of paragraph (6), as redesignated by paragraph (2) of this section, by striking “paragraph (4)” and inserting “paragraph (5)”.

**SEC. 704. EXPANSION OF SURVIVOR ELIGIBILITY UNDER TRICARE DENTAL PROGRAM.**

Paragraph (3) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

“(3) Such term does not include a dependent by reason of paragraph (2) after the end of the three-year period beginning on the date of the member's death, except that, in the case of a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

“(A) Three years.

“(B) The period ending on the date on which such dependent attains 21 years of age.

“(C) In the case of such dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of such dependent's support, the period ending on the earlier of the following dates:

“(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.

“(ii) The date on which such dependent attains 23 years of age.”.

**SEC. 705. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.**

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

**“§ 1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60**

“(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

“(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

“(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE STANDARD COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE Standard coverage at age 60 under section 1086 of this title.

“(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under this section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

“(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

“(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all members of the reserve components covered under this section.

“(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

“(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

“(5) Amounts collected as premiums under this subsection shall be credited to the appropriation

available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

“(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘immediate family’, with respect to a member of a reserve component, means all of the member’s dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

“(2) The term ‘TRICARE Standard’ means—

“(A) medical care to which a dependent described in section 1076(b)(1) of this title is entitled; and

“(B) health benefits contracted for under the authority of section 1086(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076d the following new item:

“1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.”.

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

**SEC. 706. CONSTRUCTIVE ELIGIBILITY FOR TRICARE BENEFITS OF CERTAIN PERSONS OTHERWISE INELIGIBLE UNDER RETROACTIVE DETERMINATION OF ENTITLEMENT TO MEDICARE PART A HOSPITAL INSURANCE BENEFITS.**

Section 1086(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4)(A) If a person referred to in subsection (c) and described by paragraph (2)(B) is subject to a retroactive determination by the Social Security Administration of entitlement to hospital insurance benefits described in paragraph (1), the person shall, during the period described in subparagraph (B), be deemed for purposes of health benefits under this section—

“(i) not to have been covered by paragraph (1); and

“(ii) not to have been subject to the requirements of section 1079(j)(1) of this title, whether through the operation of such section or subsection (g) of this section.

“(B) The period described in this subparagraph with respect to a person covered by subparagraph (A) is the period that—

“(i) begins on the date that eligibility of the person for hospital insurance benefits referred to in paragraph (1) is effective under the retroactive determination of eligibility with respect to the person as described in subparagraph (A); and

“(ii) ends on the date of the issuance of such retroactive determination of eligibility by the Social Security Administration.”.

**SEC. 707. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.**

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1110a. Notification of certain individuals regarding options for enrollment under Medicare part B**

“(a) IN GENERAL.—(1) As soon as practicable, the Secretary of Defense shall notify each individual described in subsection (b)—

“(A) that the individual is no longer eligible for health care benefits under the TRICARE program under this chapter; and

“(B) of options available for enrollment of the individual in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.).

“(2) In carrying out this subsection, the Secretary of Defense shall—

“(A) establish procedures for identifying individuals described in subsection (b); and

“(B) consult with the Secretary of Health and Human Services to accurately identify and notify such individuals.

“(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who is—

“(1) a covered beneficiary;

“(2) entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c) under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426–1); and

“(3) eligible to enroll in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1110 the following new item:

“1110a. Notification of certain individuals regarding options for enrollment under Medicare part B.”.

**SEC. 708. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.**

(a) MENTAL HEALTH ASSESSMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance for the provision of a person-to-person mental health assessment for each member of the Armed Forces who is deployed in connection with a contingency operation as follows:

(A) At a time during the period beginning 60 days before the date of deployment in connection with the contingency operation.

(B) At a time during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after the date of redeployment from the contingency operation.

(C) Subject to subsection (d), not later than each of 6 months, 12 months, and 24 months after return from deployment.

(2) EXCLUSION OF CERTAIN MEMBERS.—A mental health assessment is not required for a member of the Armed Forces under subparagraphs (B) and (C) of paragraph (1) if the Secretary determines that the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned.

(b) PURPOSE.—The purpose of the mental health assessments provided pursuant to this section shall be to identify post-traumatic stress disorder, suicidal tendencies, and other behavioral health conditions identified among members of the Armed Forces described in subsection (a) in order to determine which such members are in need of additional care and treatment for such health conditions.

(c) ELEMENTS.—

(1) IN GENERAL.—The mental health assessments provided pursuant to this section shall—

(A) be performed by personnel trained and certified to perform such assessments and may be performed by licensed mental health profes-

sionals if such professionals are available and the use of such professionals for the assessments would not impair the capacity of such professionals to perform higher priority tasks;

(B) include a person-to-person dialogue between members of the Armed Forces described in subsection (a) and the professionals or personnel described by paragraph (1), as applicable, on such matters as the Secretary shall specify in order that the assessments achieve the purpose specified in subsection (b) for such assessments;

(C) be conducted in a private setting to foster trust and openness in discussing sensitive health concerns; and

(D) be provided in a consistent manner across the military departments.

(2) TREATMENT OF CURRENT ASSESSMENTS.—The Secretary may treat periodic health assessments and other person-to-person assessments that are provided to members of the Armed Forces as of the date of the enactment of this Act as meeting the requirements for mental health assessments required under this section if the Secretary determines that such assessments and person-to-person assessments meet the requirements for mental health assessments established by this section.

(d) CESSATION OF ASSESSMENTS.—No mental health assessment is required to be provided to an individual under subsection (a)(1)(C) after the individual’s discharge or release from the Armed Forces.

(e) SHARING OF INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense shall share with the Secretary of Veterans Affairs such information on members of the Armed Forces that is derived from confidential mental health assessments, including mental health assessments provided pursuant to this section and health assessments and other person-to-person assessments provided before the date of the enactment of this Act, as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate to ensure continuity of mental health care and treatment of members of the Armed Forces during their transition from health care and treatment provided by the Department of Defense to health care and treatment provided by the Department of Veterans Affairs.

(2) PROTOCOLS.—Any sharing of information under paragraph (1) shall occur pursuant to a protocol jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection. Any such protocol shall be consistent with the following:

(A) Applicable provisions of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note), including in particular, section 1614 of that Act (122 Stat. 443; 10 U.S.C. 1071 note).

(B) Section 1720F of title 38, United States Code.

(f) CONTINGENCY OPERATION DEFINED.—In this section, the term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(g) REPORTS.—

(1) REPORT ON GUIDANCE.—Upon the issuance of the guidance required by subsection (a), the Secretary of Defense shall submit to Congress a report describing the guidance.

(2) REPORTS ON IMPLEMENTATION OF GUIDANCE.—

(A) INITIAL REPORT.—Not later than 270 days after the date of the issuance of the guidance, the Secretary shall submit to Congress an initial report on the implementation of the guidance by the military departments.

(B) SUBSEQUENT REPORT.—Not later than two years after the date of the issuance of the guidance, the Secretary shall submit to Congress a report on the implementation of the guidance by



the military departments. The report shall include an evidence-based assessment of the effectiveness of the mental health assessments provided pursuant to the guidance in achieving the purpose specified in subsection (b) for such assessments.

#### SEC. 709. TEMPORARY TRICARE INPATIENT FEE MODIFICATION.

Section 1086(b)(3) of title 10, United States Code, is amended by striking “September 30, 2009” and inserting “September 30, 2010”.

#### Subtitle B—Health Care Administration

#### SEC. 711. COMPREHENSIVE POLICY ON PAIN MANAGEMENT BY THE MILITARY HEALTH CARE SYSTEM.

(a) **COMPREHENSIVE POLICY REQUIRED.**—Not later than March 31, 2011, the Secretary of Defense shall develop and implement a comprehensive policy on pain management by the military health care system.

(b) **SCOPE OF POLICY.**—The policy required by subsection (a) shall cover each of the following:

(1) The management of acute and chronic pain.

(2) The standard of care for pain management to be used throughout the Department of Defense.

(3) The consistent application of pain assessments throughout the Department of Defense.

(4) The assurance of prompt and appropriate pain care treatment and management by the Department when medically necessary.

(5) Programs of research related to acute and chronic pain, including pain attributable to central and peripheral nervous system damage characteristic of injuries incurred in modern warfare, brain injuries, and chronic migraine headache.

(6) Programs of pain care education and training for health care personnel of the Department.

(7) Programs of patient education for members suffering from acute or chronic pain and their families.

(c) **UPDATES.**—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

#### (d) ANNUAL REPORT.—

(1) **IN GENERAL.**—Not later than 180 days after the date of the commencement of the implementation of the policy required by subsection (a), and on October 1 each year thereafter through 2018, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy.

(2) **ELEMENTS.**—Each report required by paragraph (1) shall include the following:

(A) A description of the policy implemented under subsection (a), and any revisions to such policy under subsection (c).

(B) A description of the performance measures used to determine the effectiveness of the policy in improving pain care for beneficiaries enrolled in the military health care system.

(C) An assessment of the adequacy of Department pain management services based on a current survey of patients managed in Department clinics.

(D) An assessment of the research projects of the Department relevant to the treatment of the types of acute and chronic pain suffered by members of the Armed Forces and their families.

(E) An assessment of the training provided to Department health care personnel with respect to the diagnosis, treatment, and management of acute and chronic pain.

(F) An assessment of the pain care education programs of the Department.

(G) An assessment of the dissemination of information on pain management to beneficiaries enrolled in the military health care system.

#### SEC. 712. ADMINISTRATION AND PRESCRIPTION OF PSYCHOTROPIC MEDICATIONS FOR MEMBERS OF THE ARMED FORCES BEFORE AND DURING DEPLOYMENT.

(a) **REPORT REQUIRED.**—Not later than October 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of policy guidance dated November 7, 2006, regarding deployment-limiting psychiatric conditions and medications.

(b) **POLICY REQUIRED.**—Not later than October 1, 2010, the Secretary shall establish and implement a policy for the use of psychotropic medications for deployed members of the Armed Forces. The policy shall, at a minimum, address the following:

(1) The circumstances or diagnosed conditions for which such medications may be administered or prescribed.

(2) The medical personnel who may administer or prescribe such medications.

(3) The method in which the administration or prescription of such medications will be documented in the medical records of members of the Armed Forces.

(4) The exam, treatment, or other care that is required following the administration or prescription of such medications.

#### SEC. 713. COOPERATIVE HEALTH CARE AGREEMENTS BETWEEN MILITARY INSTALLATIONS AND NON-MILITARY HEALTH CARE SYSTEMS.

(a) **AUTHORITY.**—The Secretary of Defense may establish cooperative health care agreements between military installations and local or regional health care systems.

(b) **REQUIREMENTS.**—In establishing an agreement under subsection (a), the Secretary shall—

(1) consult with—

(A) the Secretary of the military department concerned;

(B) representatives from the military installation selected for the agreement, including the TRICARE managed care support contractor with responsibility for such installation; and

(C) Federal, State, and local government officials;

(2) identify and analyze health care services available in the area in which the military installation is located, including such services available at a military medical treatment facility or in the private sector (or a combination thereof);

(3) determine the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector; and

(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including such resources of Federal, State, local, and private entities.

(c) **ANNUAL REPORTS.**—Not later than December 31 of each year an agreement entered into under this section is in effect, the Secretary shall submit to the congressional defense committees a report on each such agreement. Each report shall include, at a minimum, the following:

(1) A description of the agreement.

(2) Any cost avoidance, savings, or increases as a result of the agreement.

(3) A recommendation for continuing or ending the agreement.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as authorizing the provision of health care services at military medical treatment facilities or other facilities of the Department of Defense to individuals who are not otherwise entitled or eligible for such services under chapter 55 of title 10, United States Code.

#### SEC. 714. PLAN TO INCREASE THE MENTAL HEALTH CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

(a) **INCREASED AUTHORIZATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall increase the number of active duty mental health personnel authorized for the department under the jurisdiction of the Secretary in an amount equal to the sum of the following amounts:

(1) The greater of—

(A) the amount identified on personnel authorization documents as required but not authorized to be filled; or

(B) the amount that is 25 percent of the amount identified on personnel authorization documents as authorized.

(2) The amount required to fulfill the requirements of section 708, as determined by the Secretary concerned.

(b) **REPORT AND PLAN ON THE REQUIRED NUMBER OF MENTAL HEALTH PERSONNEL.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the appropriate number of mental health personnel required to meet the mental health care needs of members of the Armed Forces, retired members, and dependents. The report shall include, at a minimum, the following:

(A) An evaluation of the recommendation titled “Ensure an Adequate Supply of Uniformed Providers” made by the Department of Defense Task Force on Mental Health established by section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3348).

(B) The criteria and models used to determine the appropriate number of mental health personnel.

(C) The plan under paragraph (2).

(2) **PLAN.**—The Secretary shall develop and implement a plan to significantly increase the number of military and civilian mental health personnel of the Department of Defense by September 30, 2013. The plan may include the following:

(A) The allocation of scholarships and financial assistance under the Health Professions Scholarship and Financial Assistance Program under subchapter 1 of chapter 105 of title 10, United States Code, to students pursuing advanced degrees in clinical psychology and other mental health professions.

(B) The offering of accession and retention bonuses for psychologists pursuant to section 620 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4489).

(C) An expansion of the capacity for training doctoral-level clinical psychologists at the Uniformed Services University of the Health Sciences.

(D) An expansion of the capacity of the Department of Defense for training masters-level clinical psychologists and social workers with expertise in deployment-related mental health disorders, such as post-traumatic stress disorder.

(E) The detail of commissioned officers of the Armed Forces to accredited schools of psychology for training leading to a doctoral degree in clinical psychology or social work.

(F) The reassignment of military mental health personnel from administrative positions to clinical positions in support of military units.

(G) The offering of civilian hiring incentives and bonuses and the use of direct hiring authority to increase the number of mental health personnel of the Department of Defense.

(H) Such other mechanisms to increase the number of mental health personnel of the Department of Defense as the Secretary considers appropriate.

(c) **REPORT ON ADDITIONAL OFFICER OR ENLISTED MILITARY SPECIALTIES FOR MENTAL HEALTH.**—

(1) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the assessment of the Secretary of the feasibility and advisability of establishing one or more military mental health specialties for officers or enlisted members of the Armed Forces in order to better meet the mental health care needs of members of the Armed Forces and their families.

(2) **ELEMENTS.**—The report required by paragraph (1) shall set forth the following:

(A) A recommendation as to the feasibility and advisability of establishing one or more military mental health specialties for officers or enlisted members of the Armed Forces.

(B) For each military specialty recommended to be established under subparagraph (A)—

(i) a description of the qualifications required for such specialty, which shall reflect lessons learned from best practices in academia and the civilian health care industry regarding positions analogous to such specialty; and

(ii) a description of the incentives or other mechanisms, if any, that would be advisable to facilitate recruitment and retention of individuals to and in such specialty.

**SEC. 715. DEPARTMENT OF DEFENSE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.**

(a) **STUDY REQUIRED.**—The Secretary of Defense shall conduct a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) **ELEMENTS.**—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on the risks associated with the administration of medications, including accidental and intentional overdoses, under and over medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that may increase the risks associated with the administration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the Armed Forces, other departments and agencies of the Federal Government, and the private sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risks associated with the administration of medications and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) **REPORT.**—Not later than April 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study required under subsection (a). The report shall include such findings and recommendations as the Secretary considers appropriate in light of the study.

**SEC. 716. LIMITATION ON OBLIGATION OF FUNDS UNDER DEFENSE HEALTH PROGRAM INFORMATION TECHNOLOGY PROGRAMS.**

(a) **LIMITATION.**—Of each amount described in subsection (c), not more than 50 percent of the amount remaining unobligated as of the date of the enactment of this Act may be obligated until

30 days after the Deputy Secretary of Defense, acting in the capacity of Chief Management Officer of the Department of Defense pursuant to section 132 of title 10, United States Code, submits to the congressional defense committees a report in accordance with subsection (b).

(b) **REPORT.**—The report required under subsection (a) shall be on improvements to the governance and execution of health information management and information technology programs planned and programmed to electronically support clinical medical care within the military health system. Such report shall include each of the following:

(1) An assessment of the capability of the enterprise architecture to achieve optimal clinical practices and health care outcomes.

(2) For each health information management and information technology program covered by the report, an identification and assessment of the risks associated with achieving the timelines and goals of the program.

(3) A plan of action to mitigate the risks identified under paragraph (2).

(4) An assessment of the appropriateness of the health information management and information technology technical architecture and whether that architecture leverages the current best practices of industry, including the ability to meet the interoperability standards required by section 1635 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note), as amended by section 252 of the Duncan Hunter National Defense Authorization Act for Fiscal Year for 2009 (Public Law 110–417; 122 Stat. 4400).

(5) An assessment, in coordination with the Secretary of Veterans Affairs, of—

(A) the capability of the Department of Defense of meeting the requirements for joint interoperability with the Department of Veterans Affairs, as required by such section 1635; and

(B) the progress the Secretary of Defense and the Secretary of Veterans Affairs have made on the establishment of a joint virtual lifetime electronic record for members of the Armed Forces.

(6) A plan to take corrective actions that are necessary to remedy shortfalls identified as a result of the assessments under this subsection.

(7) An assessment of the estimated resources required in future years to achieve optimal information technology support for health care clinical practice and quality and compliance with the requirements of such section 1635.

(8) An analysis of the methods by which the Office of the Assistant Secretary of Defense for Health Affairs procures health information management and information technology goods and services, and of the appropriateness of the application of legal and acquisition authorities.

(9) An analysis of the capabilities of the Office of the Assistant Secretary of Defense for Health Affairs to carry out necessary governance, management, and development functions of health information management and information technology systems, including—

(A) the recommendations of the Assistant Secretary for improvements to the Office or alternative organizational structures for the Office; and

(B) alternative organizations within the Department of Defense with equal or greater management capabilities for health information management and information technology.

(10) A recommendation as to whether health information management and information technology systems of the Department of Defense should be included in and subject to the requirements of section 2222 of title 10, United States Code.

(c) **COVERED AUTHORIZATIONS OR APPROPRIATIONS.**—Amounts described in this section are the following amounts authorized to be appropriated for the Department of Defense for fiscal year 2010:

(1) Of the amounts authorized to be appropriated for operation and maintenance for the Defense Health Program (DHP IM/IT Support Program), \$116,200,000.

(2) Of the amounts authorized to be appropriated for procurement for the Defense Health Program, \$144,600,000.

(3) Of the amounts authorized to be appropriated for information technology development (program element 65013), \$124,400,000.

(d) **COMPTROLLER GENERAL REVIEW.**—Not later than 30 days after the Deputy Secretary submits the report required under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees the results of an assessment carried out by the Comptroller General of the report and plan of action to achieve Department goals and mitigate risk in the management and execution of health information management and information technology programs.

**Subtitle C—Other Matters**

**SEC. 721. STUDY AND PLAN TO IMPROVE MILITARY HEALTH CARE.**

(a) **STUDY AND REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the health care needs of dependents (as defined in section 1072(2) of title 10, United States Code). The report shall include, at a minimum, the following:

(1) With respect to both the direct care system and the purchased care system, an analysis of the type of health care facility in which dependents seek care.

(2) The 10 most common medical conditions for which dependents seek care.

(3) The availability of and access to health care providers to treat the conditions identified under paragraph (2), both in the direct care system and the purchased care system.

(4) Any shortfalls in the ability of dependents to obtain required health care services.

(5) Recommendations on how to improve access to care for dependents.

(6) With respect to dependents accompanying a member stationed at a military installation outside of the United States, the need for and availability of mental health care services.

(b) **ENHANCED MILITARY HEALTH SYSTEM AND IMPROVED TRICARE.**—

(1) **IN GENERAL.**—The Secretary of Defense, in consultation with the other administering Secretaries, shall undertake actions to enhance the capability of the military health system and improve the TRICARE program.

(2) **ELEMENTS.**—In undertaking actions to enhance the capability of the military health system and improve the TRICARE program under paragraph (1), the Secretary shall consider the following actions:

(A) Actions to guarantee the availability of care within established access standards for eligible beneficiaries, based on the results of the study required by subsection (a).

(B) Actions to expand and enhance sharing of health care resources among Federal health care programs, including designated providers (as that term is defined in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2593; 10 U.S.C. 1073 note)).

(C) Actions using medical technology to speed and simplify referrals for specialty care.

(D) Actions to improve regional or national staffing capabilities in order to enhance support provided to military medical treatment facilities facing staff shortages.

(E) Actions to improve health care access for members of the reserve components and their families, including such access with respect to mental health care and consideration of access issues for members and their families located in rural areas.

(F) Actions to ensure consistency throughout the TRICARE program to comply with access standards, which are applicable to both commanders of military treatment facilities and managed care support contractors.

(G) Actions to create new budgeting and resource allocation methodologies to fully support and incentivize care provided by military treatment facilities.

(H) Actions regarding additional financing options for health care provided by civilian providers.

(I) Actions to reduce administrative costs.

(J) Actions to control the cost of health care and pharmaceuticals.

(K) Actions to audit the Defense Enrollment Eligibility Reporting System to improve system checks on the eligibility of TRICARE beneficiaries.

(L) Actions, including a comprehensive plan, for the enhanced availability of prevention and wellness care.

(M) Actions using technology to improve direct communication with beneficiaries regarding health and preventive care.

(N) Actions to create performance metrics by which to measure improvement in the TRICARE program.

(O) Such other actions as the Secretary, in consultation with the other administering Secretaries, considers appropriate.

(c) **QUALITY ASSURANCE.**—In undertaking actions under this section, the Secretary of Defense and the other administering Secretaries shall continue or enhance the current level of quality health care provided by the Department of Defense and the military departments with no adverse impact to cost, access, or care.

(d) **CONSULTATION.**—In considering actions to be undertaken under this section, and in undertaking such actions, the Secretary shall consult with a broad range of national health care and military advocacy organizations.

(e) **REPORTS REQUIRED.**—

(1) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees an initial report on the progress made in undertaking actions under this section and future plans for improvement of the military health system.

(2) **REPORT REQUIRED WITH FISCAL YEAR 2012 BUDGET PROPOSAL.**—Together with the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2012 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) Updates on the progress made in undertaking actions under this section.

(B) Future plans for improvement of the military health system.

(C) An explanation of how the budget submission may reflect such progress and plans.

(3) **PERIODIC REPORTS.**—The Secretary shall, on a periodic basis, submit to the congressional defense committees a report on the progress being made in the improvement of the TRICARE program under this section.

(4) **ELEMENTS.**—Each report under this subsection shall include the following:

(A) A description and assessment of the progress made as of the date of such report in the improvement of the TRICARE program.

(B) Such recommendations for administrative or legislative action as the Secretary considers appropriate to expedite and enhance the improvement of the TRICARE program.

(f) **DEFINITIONS.**—In this section:

(1) The term “administering Secretaries” has the meaning given that term in section 1072(3) of title 10, United States Code.

(2) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

**SEC. 722. STUDY, PLAN, AND PILOT FOR THE MENTAL HEALTH CARE NEEDS OF DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.**

(a) **REPORT AND PLAN ON THE MENTAL HEALTH CARE AND COUNSELING SERVICES AVAILABLE TO MILITARY CHILDREN.**—

(1) **IN GENERAL.**—The Secretary of Defense shall conduct a comprehensive review of the mental health care and counseling services available to dependent children of members of the Armed Forces through the Department of Defense.

(2) **ELEMENTS.**—The review under paragraph (1) shall include an assessment of the following:

(A) The availability, quality, and effectiveness of Department of Defense programs intended to meet the mental health care needs of military children.

(B) The availability, quality, and effectiveness of Department of Defense programs intended to promote resiliency in military children in coping with deployment cycles, injury, or death of military parents.

(C) The extent of access to, adequacy, and availability of mental health care and counseling services for military children in military medical treatment facilities, in family assistance centers, through Military OneSource, under the TRICARE program, and in Department of Defense Education Activity schools.

(D) Whether the status of a member of the Armed Forces on active duty, or in reserve active status, affects the access of a military child to mental health care and counseling services.

(E) Whether, and to what extent, waiting lists, geographic distance, and other factors may obstruct the receipt by military children of mental health care and counseling services.

(F) The extent of access to, availability, and viability of specialized mental health care for military children (including adolescents).

(G) The extent of any gaps in the current capabilities of the Department of Defense to provide preventive mental health services for military children.

(H) Such other matters as the Secretary considers appropriate.

(3) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review conducted under paragraph (1), including the findings and recommendations of the Secretary as a result of the review.

(b) **COMPREHENSIVE PLAN FOR IMPROVEMENTS IN ACCESS TO CARE AND COUNSELING.**—The Secretary shall develop and implement a comprehensive plan for improvements in access to quality mental health care and counseling services for military children in order to develop and promote psychological health and resilience in children of deploying and deployed members of the Armed Forces. The information in the report required by subsection (a) shall provide the basis for the development of the plan.

(c) **PILOT PROGRAM.**—

(1) **ELEMENTS.**—The Secretary of the Army shall carry out a pilot program on the mental health care needs of military children and adolescents. In carrying out the pilot program, the Secretary shall establish a center to—

(A) develop teams to train primary care managers in mental health evaluations and treatment of common psychiatric disorders affecting children and adolescents;

(B) develop strategies to reduce barriers to accessing behavioral health services and encourage better use of the programs and services by children and adolescents; and

(C) expand the evaluation of mental health care using common indicators, including—

(i) psychiatric hospitalization rates;

(ii) non-psychiatric hospitalization rates; and

(iii) mental health relative value units.

(2) **REPORTS.**—

(A) Not later than 90 days after establishing the pilot program, the Secretary of the Army shall submit to the congressional defense committees a report describing the—

(i) structure and mission of the program; and

(ii) the resources allocated to the program.

(B) Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense committees a report that addresses the elements described under paragraph (1).

**SEC. 723. CLINICAL TRIAL ON COGNITIVE REHABILITATIVE THERAPY FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.**

(a) **CLINICAL TRIAL REQUIRED.**—The Secretary of Defense shall provide for a clinical trial to assess the efficacy of cognitive rehabilitative therapy for members or former members of the Armed Forces described in subsection (b).

(b) **COVERED MEMBERS AND FORMER MEMBERS.**—A member or former member of the Armed Forces described in this subsection is a member or former member of the Armed Forces who—

(1) has been diagnosed with a traumatic brain injury (TBI) incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom; and

(2) is referred by a qualified physician, as determined by the Secretary, for cognitive rehabilitative therapy.

(c) **FUNDING.**—

(1) **IN GENERAL.**—The trial required by subsection (a) shall be funded as a medical research project using amounts authorized to be appropriated for Defense Health Program for research and development.

(2) **PROHIBITION ON USE OF CERTAIN FUNDS.**—Amounts in the Department of Defense Medicare-Eligible Retiree Health Care Fund under chapter 56 of title 10, United States Code, may not be used to carry out the provisions of this section.

(d) **REPORTS.**—

(1) **REPORT ON PLAN AND DESIGN FOR TRIAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan for the conduct of the trial required by subsection (a), including a description of the proposed design of the trial.

(2) **FINAL REPORT.**—Not later than one year after the completion of the trial required by subsection (a), the Secretary shall submit to the congressional defense committees a report setting forth, at a minimum, the following:

(A) An assessment of the efficacy of cognitive rehabilitative therapy in treating traumatic brain injury in members and former members of the Armed Forces described in subsection (b).

(B) Such recommendations as the Secretary considers appropriate on means to provide increased access to safe, effective, and quality cognitive rehabilitative therapy services for such members and former members, including recommendations regarding the following:

(i) Procedures for access of such members and former members to cognitive rehabilitative therapy services, including appropriate treatment plans and outcome measures.

(ii) Qualifications and supervisory requirements for licensed and certified health care professionals in the provision of such services to such members and former members.

(iii) A methodology for reimbursing providers of such services in the provision of such services to such members and former members.

(C) The recommendation of the Secretary as to the advisability of including cognitive rehabilitative therapy as a benefit under the TRICARE program.

**SEC. 724. DEPARTMENT OF DEFENSE TASK FORCE ON THE CARE, MANAGEMENT, AND TRANSITION OF RECOVERING WOUNDED, ILL, AND INJURED MEMBERS OF THE ARMED FORCES.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish within the Department of Defense a task force to be known as the “Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces” (in this section referred to as the “Task Force”).

(2) **PURPOSE.**—The purpose of the Task Force shall be to assess the effectiveness of the policies and programs developed and implemented by the Department of Defense, and by each of the military departments, to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces, and to make recommendations for the continuous improvement of such policies and programs.

(3) **RELATION TO SENIOR OVERSIGHT COMMITTEE.**—The Secretary shall ensure that the Task Force is independent of the Senior Oversight Committee (as defined in section 726(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4509)).

(b) **COMPOSITION.**—

(1) **MEMBERS.**—The Task Force shall consist of not more than 14 members, appointed by the Secretary of Defense from among the individuals as described in paragraph (2).

(2) **COVERED INDIVIDUALS.**—The individuals appointed to the Task Force shall include the following:

(A) At least one member of each of the regular components of the Army, the Navy, the Air Force, and the Marine Corps.

(B) One member of the National Guard.

(C) One member of a reserve component of the Armed Forces other than National Guard.

(D) A number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the Task Force.

(E) Persons who have experience in—

(i) medical care and coordination for wounded, ill, and injured members of the Armed Forces;

(ii) medical case management;

(iii) non-medical case management;

(iv) the disability evaluation process for members of the Armed Forces;

(v) veterans benefits;

(vi) treatment of traumatic brain injury and post-traumatic stress disorder;

(vii) family support;

(viii) medical research;

(ix) vocational rehabilitation; or

(x) disability benefits.

(F) At least one family member of a wounded, ill, or injured member of the Armed Forces or veteran who has experience working with wounded, ill, and injured members of the Armed Forces or their families.

(3) **INDIVIDUALS APPOINTED FROM WITHIN DEPARTMENT OF DEFENSE.**—At least one of the individuals appointed to the Task Force from within the Department of Defense shall be the surgeon general of an Armed Force.

(4) **INDIVIDUALS APPOINTED FROM OUTSIDE DEPARTMENT OF DEFENSE.**—The individuals appointed to the Task Force from outside the Department of Defense—

(A) with the concurrence of the Secretary of Veterans Affairs, shall include an officer or employee of the Department of Veterans Affairs; and

(B) may include individuals from other departments or agencies of the Federal Govern-

ment, from State and local agencies, or from the private sector.

(5) **DEADLINE FOR APPOINTMENTS.**—All original appointments to the Task Force shall be made not later than 120 days after the date of the enactment of this Act.

(6) **CO-CHAIRS.**—There shall be two co-chairs of the Task Force. One of the co-chairs shall be designated by the Secretary of Defense at the time of appointment from among the individuals appointed to the Task Force from within the Department of Defense. The other co-chair shall be selected from among the individuals appointed from outside the Department of Defense by those individuals.

(c) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than 12 months after the date on which all members of the Task Force have been appointed, and each year thereafter for the life of the Task Force, the Task Force shall submit to the Secretary of Defense a report on the activities of the Task Force and the activities of the Department of Defense and the military departments to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces. The report shall include the following:

(A) The findings and conclusions of the Task Force as a result of its assessment of the effectiveness of the policies and programs developed and implemented by the Department of Defense, and by each of the military departments, to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(B) A description of best practices and various ways in which the Department of Defense and the military departments could more effectively address matters relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces, including members of the regular components, and members of the reserve components, and support for their families.

(C) A plan for the activities of the Task Force in the year following the year covered by the report.

(D) Such recommendations for other legislative or administrative action as the Task Force considers appropriate for measures to improve the policies and programs described in subparagraph (A).

(2) **METHODOLOGY.**—For purposes of the reports, the Task Force—

(A) shall conduct site visits and interviews as the Task Force considers appropriate;

(B) may consider the findings and recommendations of previous reviews and evaluations of the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces; and

(C) may use such other means for directly obtaining information relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces as the Task Force considers appropriate.

(3) **MATTERS TO BE REVIEWED AND ASSESSED.**—For purposes of the reports, the Task Force shall review and assess the following:

(A) Case management, including the numbers and types of medical and non-medical case managers (including Federal Recovery Coordinators, Recovery Care Coordinators, National Guard or Reserve case managers, and other case managers) assigned to recovering wounded, ill, and injured members of the Armed Forces, the training provided such case managers, and the effectiveness of such case managers in providing care and support to recovering wounded, ill, and injured members of the Armed Forces.

(B) Staffing of Army Warrior Transition Units, Marine Corps Wounded Warrior Regiments, Navy and Air Force Medical Hold or

Medical Holdover Units, and other service-related programs or units for recovering wounded, ill, and injured members of the Armed Forces, including the use of applicable hiring authorities to ensure the proper staffing of such programs and units.

(C) The establishment and effectiveness of performance and accountability standards for warrior transition units and programs.

(D) The availability of services for traumatic brain injury and post traumatic stress disorder.

(E) The establishment and effectiveness of the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, and the centers of excellence for military eye injuries, hearing loss and auditory system injuries, and traumatic extremity injuries and amputations.

(F) The effectiveness of the Interagency Program Office in achieving fully interoperable electronic health records by September 30, 2009, in accordance with section 1635 of the Wounded Warrior Act (title XVI of Public Law 110-181; 122 Stat. 460; 10 U.S.C. 1071 note).

(G) The effectiveness of wounded warrior information resources, including the Wounded Warrior Resource Center, the National Resource Directory, Military OneSource, Family Assistance Centers, and Service hotlines, in providing meaningful information for recovering wounded, ill, and injured members of the Armed Forces.

(H) The support available to family caregivers of recovering wounded, ill, and injured members of the Armed Forces.

(I) The legal support available to recovering wounded, ill, and injured members of the Armed Forces and their families.

(J) The availability of vocational training for recovering wounded, ill, and injured members of the Armed Forces seeking to transition to civilian life.

(K) The effectiveness of any measures under pilot programs to improve or enhance the military disability evaluation system.

(L) The support and assistance provided to recovering wounded, ill, and injured members of the Armed Forces as they progress through the military disability evaluation system.

(M) The support systems in place to ease the transition of recovering wounded, ill, and injured members of the Armed Forces from the Department of Defense to the Department of Veterans Affairs.

(N) Interagency matters affecting recovering wounded, ill, and injured members of the Armed Forces in their transition to civilian life.

(O) The effectiveness of the Senior Oversight Committee in facilitating and overseeing collaboration between the Department of Defense and the Department of Veterans Affairs on matters relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(P) Overall coordination between the Department of Defense and the Department of Veterans Affairs on the matters specified in this paragraph.

(Q) Such other matters as the Task Force considers appropriate in connection with the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(4) **TRANSMITTAL.**—Not later than 90 days after receipt of a report required by paragraph (1), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the report and the Secretary's evaluation of the report.

(d) **PLAN REQUIRED.**—Not later than six months after the receipt of a report under subsection (c), the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to implement the recommendations of the Task Force included in the report.

(e) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the Task Force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve on the Task Force without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the Task Force shall be appointed in accordance with, and subject to, the provisions of section 3161 of title 5, United States Code.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the Task Force. The Washington Headquarters Services of the Department of Defense shall provide the Task Force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the Task Force.

(3) VISITS TO MILITARY FACILITIES.—Any visit by the Task Force to a military installation or facility shall be undertaken through the Deputy Under Secretary of Defense for Personnel and Readiness, in coordination with the Secretaries of the military departments.

(f) TERMINATION.—The Task Force shall terminate on the date that is five years after the date of the enactment of this Act.

#### SEC. 725. CHIROPRACTIC CLINICAL TRIALS.

(a) CLINICAL TRIALS REQUIRED.—The Secretary of Defense shall provide for the clinical trials described under subsection (b) to be conducted by the National Institutes of Health or an independent academic institution as the Secretary shall select for the purposes of conducting each trial.

(b) CLINICAL TRIALS DESCRIBED.—

(1) CONTROLLED TRIALS.—The clinical trials required by subsection (a) shall include controlled trials that, at a minimum, compare the outcomes of chiropractic treatment, used either exclusively or as an adjunct to other treatments, with conventional treatment on the following topics:

(A) Pain management.

(B) Orthopedic injuries or disorders that do not require surgery.

(C) Smoking cessation.

(2) INTERVENTIONAL TRIALS.—The clinical trials required by subsection (a) shall include interventional trials that, at a minimum, cover the following topics:

(A) The effect of chiropractic treatment on the reflexes and reaction times of special operation forces.

(B) The effect of chiropractic treatment on strength, balance, and injury prevention for members of the Armed Forces with combat specialties operating in a combat theater.

(c) SCHEDULE.—

(1) FIRST TRIAL.—The first clinical trial required by subsection (a) shall begin not later than one year after the date of the enactment of this Act.

(2) FINAL TRIAL.—The final clinical trial required by subsection (a) shall begin not later than two years after the date of the enactment of this Act.

(d) TRIAL PARTICIPANTS.—A participant of a clinical trial required by subsection (a) shall be a member of the Armed Forces on active duty.

(e) CHIROPRACTIC PROVIDERS.—Chiropractic treatment provided during a clinical trial required by subsection (a) shall be provided by a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States, subject to credentialing requirements prescribed by the Secretary.

(f) REPORTS.—

(1) TRIAL PROTOCOL REPORTS.—Not later than 30 days before each clinical trial required by

subsection (a) is scheduled to begin, the Secretary shall submit to the congressional defense committees a report on the protocol of such clinical trial.

(2) FINAL REPORTS.—Not later than one year after the completion of each clinical trial required by subsection (a), the Secretary shall submit to the congressional defense committees a report on such clinical trial, including any recommendations regarding chiropractic treatment for covered beneficiaries (as such term is defined in section 1072(5) of title 10, United States Code).

#### SEC. 726. INDEPENDENT STUDY ON POST-TRAUMATIC STRESS DISORDER EFFORTS.

(a) STUDY REQUIRED.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall provide for a study on the treatment of post-traumatic stress disorder to be conducted by the Institute of Medicine of the National Academy of Sciences or such other independent entity as the Secretary shall select for purposes of the study.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) A list of each operative program and method available for the prevention, screening, diagnosis, treatment, or rehabilitation of post-traumatic stress disorder, including—

(A) the rates of success for each such program or method (including an operational definition of the term “success” and a discussion of the process used to quantify such rates);

(B) based on the incidence of actual diagnoses, an estimate of the number of members of the Armed Forces and veterans diagnosed by the Department of Defense or the Department of Veterans Affairs as having post-traumatic stress disorder and the number of such veterans who have been successfully treated; and

(C) any collaborative efforts between the Department of Defense and the Department of Veterans Affairs to prevent, screen, diagnose, treat, or rehabilitate post-traumatic stress disorder.

(2) The status of studies and clinical trials involving innovative treatments of post-traumatic stress disorder that are conducted by the Department of Defense, the Department of Veterans Affairs, or the private sector, including—

(A) efforts to identify physiological markers of post-traumatic stress disorder;

(B) with respect to efforts to determine causation of post-traumatic stress disorder, brain imaging studies and the correlation between brain region physiology and post-traumatic stress disorder diagnoses and the results (including any interim results) of such efforts;

(C) the effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals;

(D) the effectiveness of administering pharmaceutical agents before, during, or after a traumatic event in the prevention and treatment of post-traumatic stress disorder; and

(E) identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(3) A description of each treatment program for post-traumatic stress disorder, including a comparison of the methods of treatment by each program, at the following locations:

(A) Fort Hood, Texas.

(B) Fort Bliss, Texas.

(C) Fort Campbell, Tennessee.

(D) Other locations the entity conducting the study considers appropriate.

(4) The respective current and projected future annual expenditures by the Department of Defense and the Department of Veterans Affairs for the treatment and rehabilitation of post-traumatic stress disorder.

(5) A description of gender-specific and racial and ethnic group-specific mental health treat-

ment and services available for members of the Armed Forces, including—

(A) the availability of such treatment and services;

(B) the access to such treatment and services;

(C) the need for such treatment and services;

and

(D) the efficacy and adequacy of such treatment and services.

(6) A description of areas for expanded future research with respect to post-traumatic stress disorder.

(7) Any other matters the Secretary of Defense and Secretary of Veterans Affairs consider relevant with respect to the purposes of obtaining a comprehensive scientific assessment of—

(A) the incidence of post-traumatic stress disorder among members of the Armed Forces and veterans;

(B) the availability and effectiveness of various treatment programs and methods available for post-traumatic stress disorder;

(C) the current and future projected costs of such treatment programs and methods; or

(D) additional areas of needed research.

(8) Any other matters the entity conducting the study considers relevant.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than July 1, 2012, the entity conducting the study required by subsection (a) shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the appropriate committees a report on the study.

(2) RESPONSE.—Not later than January 1, 2013, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to the appropriate committees a response to the report submitted under paragraph (1), including any recommendations on the treatment of post-traumatic stress disorder based on such report.

(d) UPDATED REPORTS REQUIRED.—

(1) UPDATED REPORT.—Not later than July 1, 2014, the entity conducting the study required by subsection (a) shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the appropriate committees an update of the report required by subsection (c).

(2) UPDATED RESPONSE.—Not later than January 1, 2015, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to the appropriate committees a response to the updated report submitted under paragraph (1), including any recommendations on the treatment of post-traumatic stress disorder based on such updated report.

(e) APPROPRIATE COMMITTEES DEFINED.—In this section, the term “appropriate committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans’ Affairs, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans’ Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate.

#### SEC. 727. REPORT ON IMPLEMENTATION OF REQUIREMENTS ON THE RELATIONSHIP BETWEEN THE TRICARE PROGRAM AND EMPLOYER-SPONSORED GROUP HEALTH PLANS.

(a) REPORT REQUIRED.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of section 1097c of title 10, United States Code, relating to the relationship between the TRICARE program and employer-sponsored group health plans.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the extent to which the Secretary has established measures to assess the

effectiveness of section 1097c of title 10, United States Code, in reducing health care costs to the Department for military retirees and their families, and an assessment of the effectiveness of any measures so established.

(2) An assessment of the extent to which the implementation of such section 1097c has resulted in the migration of military retirees from coverage under the TRICARE Standard option of the TRICARE program to coverage under the TRICARE Prime option of the TRICARE program.

(3) A description of the exceptions adopted under subsection (a)(2) of such section 1097c to the requirements under such section 1097c, and an assessment of the effect of the exercise of any exceptions adopted on the administration of such section 1097c.

(4) An assessment of the extent to which the Secretary collects and assembles data on the treatment of employees eligible for participation in the TRICARE program in comparison with similar employees who are not eligible for participation in that program.

(5) A description of the outreach conducted by the Secretary to inform individuals eligible for participation in the TRICARE program and employers of their respective rights and responsibilities under such section 1097c, and an assessment of the effectiveness of any outreach so conducted.

(6) Such other matters with respect to the administration and effectiveness of the authorities in such section 1097c as the Secretary considers appropriate.

**SEC. 728. REPORT ON STIPENDS FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on stipends paid under section 704 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 188; 10 U.S.C. 1076 note). The report shall include—

- (1) the number of stipends paid;
- (2) the amount of the average stipend; and
- (3) the number of members who received such stipends.

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

**Subtitle A—Acquisition Policy and Management**

- Sec. 801. Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan; report.
- Sec. 802. Assessment of improvements in service contracting.
- Sec. 803. Display of annual budget requirements for procurement of contract services and related clarifying technical amendments.
- Sec. 804. Implementation of new acquisition process for information technology systems.
- Sec. 805. Life-cycle management and product support.
- Sec. 806. Treatment of non-defense agency procurements under joint programs with intelligence community.
- Sec. 807. Policy and requirements to ensure the safety of facilities, infrastructure, and equipment for military operations.

**Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitation**

- Sec. 811. Justification and approval of sole-source contracts.
- Sec. 812. Revision of Defense Supplement relating to payment of costs prior to definitization.

Sec. 813. Revisions to definitions relating to contracts in Iraq and Afghanistan.

Sec. 814. Amendment to notification requirements for awards of single source task or delivery orders.

Sec. 815. Clarification of uniform suspension and debarment requirement.

Sec. 816. Extension of authority for use of simplified acquisition procedures for certain commercial items.

Sec. 817. Reporting requirements for programs that qualify as both major automated information system programs and major defense acquisition programs.

Sec. 818. Small arms production industrial base matters.

Sec. 819. Contract authority for advanced component development or prototype units.

Sec. 820. Publication of notification of bundling of contracts of the Department of Defense.

**Subtitle C—Contractor Matters**

Sec. 821. Authority for Government support contractors to have access to technical data belonging to prime contractors.

Sec. 822. Extension and enhancement of authorities on the Commission on Wartime Contracting in Iraq and Afghanistan.

Sec. 823. Authority for Secretary of Defense to reduce or deny award fees to companies found to jeopardize health or safety of Government personnel.

**Subtitle D—Acquisition Workforce Matters**

Sec. 831. Enhancement of expedited hiring authority for defense acquisition workforce positions.

Sec. 832. Funding of Department of Defense Acquisition Workforce Development Fund.

Sec. 833. Review of post-employment restrictions applicable to the Department of Defense.

Sec. 834. Review of Federal acquisition workforce training and hiring.

**Subtitle E—Other Matters**

Sec. 841. Reports to Congress on full deployment decisions for major automated information system programs.

Sec. 842. Authorization to take actions to correct the industrial resource shortfall for high-purity beryllium metal.

Sec. 843. Report on rare earth materials in the defense supply chain.

Sec. 844. Comptroller General report on structure and management of subcontractors under contracts for major weapon systems.

Sec. 845. Study of the use of factors other than cost or price as the predominate factors in evaluating competitive proposals for defense procurement contracts.

Sec. 846. Repeal of requirements relating to the military system essential item breakout list.

Sec. 847. Extension of SBIR and STTR programs of the Department of Defense.

Sec. 848. Extension of authority for small business innovation research Commercialization Pilot Program.

**Subtitle A—Acquisition Policy and Management**

**SEC. 801. TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN; REPORT.**

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military or stability operations in Afghanistan for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from one or more countries along a major route of supply to Afghanistan; or

(2) a preference is provided for products or services that are from one or more countries along a major route of supply to Afghanistan.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used—

(A) in the country that is the source of the product or service;

(B) in the course of efforts by the United States and the NATO International Security Assistance Force to ship goods to Afghanistan in support of military or stability operations in Afghanistan; or

(C) by the military forces, police, or other security personnel of Afghanistan;

(2) it is in the national security interest of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(A) to reduce overall United States transportation costs and risks in shipping goods in support of military or stability operations in Afghanistan;

(B) to encourage countries along a major route of supply to Afghanistan to cooperate in expanding supply routes through their territory in support of military or stability operations in Afghanistan; or

(C) to help develop more robust and enduring routes of supply to Afghanistan; and

(3) limiting competition or providing a preference as described in subsection (a) will not adversely affect—

(A) military or stability operations in Afghanistan; or

(B) the United States industrial base.

(c) PRODUCTS AND SERVICES FROM A COUNTRY ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.—For the purposes of this section:

(1) A product is from a country along a major route of supply to Afghanistan if it is mined, produced, or manufactured in a covered country.

(2) A service is from a country along a major route of supply to Afghanistan if it is performed in a covered country by citizens or permanent resident aliens of a covered country.

(d) COVERED COUNTRY DEFINED.—In this section, the term “covered country” means Georgia, Kyrgyzstan, Pakistan, Armenia, Azerbaijan, Kazakhstan, Tajikistan, Uzbekistan, or Turkmenistan.

(e) CONSTRUCTION WITH OTHER AUTHORITY.—The authority provided in subsection (a) is in addition to the authority set forth in section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 266; 10 U.S.C. 2302 note).

(f) TERMINATION OF AUTHORITY.—The Secretary of Defense may not exercise the authority provided in subsection (a) on or after the date occurring three years after the date of the enactment of this Act.

(g) REPORT ON AUTHORITY.—Not later than April 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided in subsection (a). The report shall address, at a minimum, the following:



(1) The number of determinations made by the Secretary pursuant to subsection (b).

(2) A description of the products and services acquired using the authority.

(3) The extent to which the use of the authority has met the objectives of subparagraph (A), (B), or (C) of subsection (b)(2).

(4) A list of the countries providing products or services as a result of a determination made pursuant to subsection (b).

(5) Any recommended modifications to the authority.

#### **SEC. 802. ASSESSMENT OF IMPROVEMENTS IN SERVICE CONTRACTING.**

(a) **ASSESSMENT REQUIRED.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall direct the Defense Science Board to conduct an independent assessment of improvements in the procurement and oversight of services by the Department of Defense.

(b) **MATTERS COVERED.**—The assessment required by subsection (a) shall include the following:

(1) An assessment of the quality and completeness of guidance relating to the procurement of services, including implementation of statutory and regulatory authorities and requirements.

(2) A determination of the extent to which best practices are being developed for setting requirements and developing statements of work.

(3) An assessment of the contracting approaches and contract types used for the procurement of services and whether such contracting approaches and contract types best serve the interests of the Department of Defense.

(4) A determination of whether effective standards to measure performance have been developed.

(5) An assessment of the effectiveness of peer reviews within the Department of Defense of contracts for services and whether such reviews are being conducted at the appropriate dollar threshold.

(6) An assessment of the management structure for the procurement of services, including how the military departments and Defense Agencies have implemented section 2330 of title 10, United States Code.

(7) A determination of whether the performance savings goals required by section 802 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2330 note) are being achieved.

(8) An assessment of the effectiveness of the Acquisition Center of Excellence for Services established pursuant to section 1431(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108-136; 117 Stat. 1671; 41 U.S.C. 405 note) and the feasibility of creating similar centers of excellence in the military departments.

(9) An assessment of the quality and sufficiency of the acquisition workforce for the procurement and oversight of services.

(10) Such other related matters as the Under Secretary considers appropriate.

(c) **REPORT.**—Not later than March 10, 2010, the Under Secretary shall submit to the congressional defense committees a report on the results of the assessment, including such comments and recommendations as the Under Secretary considers appropriate.

#### **SEC. 803. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR PROCUREMENT OF CONTRACT SERVICES AND RELATED CLARIFYING TECHNICAL AMENDMENTS.**

(a) **CODIFICATION OF REQUIREMENT FOR SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES.**—

(1) **IN GENERAL.**—Chapter 9 of title 10, United States Code, is amended by inserting after section 234 the following new section:

#### **“§ 235. Procurement of contract services: specification of amounts requested in budget**

“(a) **SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION MATERIALS.**—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall include the information described in subsection (b) with respect to the procurement of contract services.

“(b) **INFORMATION PROVIDED.**—For each budget account, the materials submitted shall clearly and separately identify—

“(1) the amount requested for the procurement of contract services for each Department of Defense component, installation, or activity; and

“(2) the number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees) projected and justified for each Department of Defense component, installation, or activity based on the inventory of contracts for services required by subsection (c) of section 2330a of this title and the review required by subsection (e) of such section.

“(c) **CONTRACT SERVICES DEFINED.**—In this section, the term ‘contract services’—

“(1) means services from contractors; but

“(2) excludes services relating to research and development and services relating to military construction.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“235. Procurement of contract services: specification of amounts requested in budget.”.

(3) **REPEAL OF SUPERSEDED PROVISION.**—Section 806 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 221 note) is repealed.

(b) **CLARIFICATION OF CONTRACT SERVICES REVIEW AND PLANNING REQUIREMENTS.**—Section 2330a(e) of title 10, United States Code, is amended in paragraph (4) by inserting after “plan” the following: “, including an enforcement mechanism and approval process.”.

(c) **COMPTROLLER GENERAL REPORT ON INVENTORY.**—Not later than 180 days after the date on which the Secretary of Defense submits to Congress the inventory required by section 2330a(c) of title 10, United States Code, in each of 2010, 2011 and 2012, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the inventory so submitted, with such findings and recommendations as the Comptroller General considers appropriate.

#### **SEC. 804. IMPLEMENTATION OF NEW ACQUISITION PROCESS FOR INFORMATION TECHNOLOGY SYSTEMS.**

(a) **NEW ACQUISITION PROCESS REQUIRED.**—The Secretary of Defense shall develop and implement a new acquisition process for information technology systems. The acquisition process developed and implemented pursuant to this subsection shall, to the extent determined appropriate by the Secretary—

(1) be based on the recommendations in chapter 6 of the March 2009 report of the Defense Science Board Task Force on Department of Defense Policies and Procedures for the Acquisition of Information Technology; and

(2) be designed to include—

(A) early and continual involvement of the user;

(B) multiple, rapidly executed increments or releases of capability;

(C) early, successive prototyping to support an evolutionary approach; and

(D) a modular, open-systems approach.

(b) **REPORT TO CONGRESS.**—Not later than 270 days after the date of the enactment of this Act,

the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the new acquisition process developed pursuant to subsection (a). The report required by this subsection shall, at a minimum—

(1) describe the new acquisition process;

(2) provide an explanation for any decision by the Secretary to deviate from the criteria established for such process in paragraphs (1) and (2) of subsection (a);

(3) provide a schedule for the implementation of the new acquisition process;

(4) identify the categories of information technology acquisitions to which such process will apply; and

(5) include the Secretary's recommendations for any legislation that may be required to implement the new acquisition process.

#### **SEC. 805. LIFE-CYCLE MANAGEMENT AND PRODUCT SUPPORT.**

(a) **GUIDANCE ON LIFE-CYCLE MANAGEMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue comprehensive guidance on life-cycle management and the development and implementation of product support strategies for major weapon systems. The guidance issued pursuant to this subsection shall—

(1) maximize competition and make the best possible use of available Department of Defense and industry resources at the system, subsystem, and component levels; and

(2) maximize value to the Department of Defense by providing the best possible product support outcomes at the lowest operations and support cost.

(b) **PRODUCT SUPPORT MANAGERS.**—

(1) **REQUIREMENT.**—The Secretary of Defense shall require that each major weapon system be supported by a product support manager in accordance with this subsection.

(2) **RESPONSIBILITIES.**—A product support manager for a major weapon system shall—

(A) develop and implement a comprehensive product support strategy for the weapon system;

(B) conduct appropriate cost analyses to validate the product support strategy, including cost-benefit analyses as outlined in Office of Management and Budget Circular A-94;

(C) assure achievement of desired product support outcomes through development and implementation of appropriate product support arrangements;

(D) adjust performance requirements and resource allocations across product support integrators and product support providers as necessary to optimize implementation of the product support strategy;

(E) periodically review product support arrangements between the product support integrators and product support providers to ensure the arrangements are consistent with the overall product support strategy; and

(F) prior to each change in the product support strategy or every five years, whichever occurs first, revalidate any business-case analysis performed in support of the product support strategy.

(c) **GOVERNMENT PERFORMANCE OF PRODUCT SUPPORT MANAGER FUNCTION.**—Section 820(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2330) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5) and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) Product support manager.”.

(d) **DEFINITIONS.**—In this section:

(1) The term “product support” means the package of support functions required to field and maintain the readiness and operational capability of major weapon systems, subsystems,

and components, including all functions related to weapon system readiness.

(2) The term “product support arrangement” means a contract, task order, or any type of other contractual arrangement, or any type of agreement or non-contractual arrangement within the Federal Government, for the performance of sustainment or logistics support required for major weapon systems, subsystems, or components. The term includes arrangements for any of the following:

- (A) Performance-based logistics.
- (B) Sustainment support.
- (C) Contractor logistics support.
- (D) Life-cycle product support.
- (E) Weapon systems product support.

(3) The term “product support integrator” means an entity within the Federal Government or outside the Federal Government charged with integrating all sources of product support, both private and public, defined within the scope of a product support arrangement.

(4) The term “product support provider” means an entity that provides product support functions. The term includes an entity within the Department of Defense, an entity within the private sector, or a partnership between such entities.

(5) The term “major weapon system” has the meaning given that term in section 2302d of title 10, United States Code.

**SEC. 806. TREATMENT OF NON-DEFENSE AGENCY PROCUREMENTS UNDER JOINT PROGRAMS WITH INTELLIGENCE COMMUNITY.**

Section 801(b) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended by adding at the end the following new paragraph:

“(3) **TREATMENT OF PROCUREMENTS UNDER JOINT PROGRAMS WITH INTELLIGENCE COMMUNITY.**—For purposes of this subsection, a contract entered into by a non-defense agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) for the performance of a joint program conducted to meet the needs of the Department of Defense and the non-defense agency shall not be considered a procurement of property or services for the Department of Defense through a non-defense agency.”.

**SEC. 807. POLICY AND REQUIREMENTS TO ENSURE THE SAFETY OF FACILITIES, INFRASTRUCTURE, AND EQUIPMENT FOR MILITARY OPERATIONS.**

(a) **POLICY.**—It shall be the policy of the Department of Defense that facilities, infrastructure, and equipment that are intended for use by military or civilian personnel of the Department in current or future military operations should be inspected for safety and habitability prior to such use, and that such facilities should be brought into compliance with generally accepted standards for the safety and health of personnel to the maximum extent practicable and consistent with the requirements of military operations and the best interests of the Department of Defense, to minimize the safety and health risk posed to such personnel.

(b) **REQUIREMENTS.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall—

- (1) ensure that each contract or task or delivery order entered into for the construction, installation, repair, maintenance, or operation of facilities for use by military or civilian personnel of the Department complies with the policy established in subsection (a);
- (2) ensure that contracts entered into prior to the date that is 60 days after the date of the enactment of this Act comply with such policy to the maximum extent practicable;
- (3) define the term “generally accepted standards” with respect to fire protection, structural

integrity, electrical systems, plumbing, water treatment, waste disposal, and telecommunications networks for the purposes of this section; and

(4) provide such exceptions and limitations as may be needed to ensure that this section can be implemented in a manner that is consistent with the requirements of military operations and the best interests of the Department of Defense.

**Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitation**

**SEC. 811. JUSTIFICATION AND APPROVAL OF SOLE-SOURCE CONTRACTS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to provide that the head of an agency may not award a sole-source contract in a covered procurement for an amount exceeding \$20,000,000 unless—

(1) the contracting officer for the contract justifies the use of a sole-source contract in writing;

(2) the justification is approved by the appropriate official designated to approve contract awards for dollar amounts that are comparable to the amount of the sole-source contract; and

(3) the justification and related information are made public as provided in sections 2304(f)(1)(C) and 2304(l) of title 10, United States Code, or sections 303(f)(1)(C) and 303(j) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(C) and 253(j)), as applicable.

(b) **ELEMENTS OF JUSTIFICATION.**—The justification of a sole-source contract required pursuant to subsection (a) shall include the following:

(1) A description of the needs of the agency concerned for the matters covered by the contract.

(2) A specification of the statutory provision providing the exception from the requirement to use competitive procedures in entering into the contract.

(3) A determination that the use of a sole-source contract is in the best interest of the agency concerned.

(4) A determination that the anticipated cost of the contract will be fair and reasonable.

(5) Such other matters as the head of the agency concerned shall specify for purposes of this section.

(c) **DEFINITIONS.**—In this section:

(1) **COVERED PROCUREMENT.**—The term “covered procurement” means either of the following:

(A) A procurement described in section 2304(f)(2)(D)(ii) of title 10, United States Code.

(B) A procurement described in section 303(f)(2)(D)(ii) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(2)(D)(ii)).

(2) **HEAD OF AN AGENCY.**—The term “head of an agency”—

(A) in the case of a covered procurement as defined in paragraph (1)(A), has the meaning provided in section 2302(1) of title 10, United States Code; and

(B) in the case of a covered procurement as defined in paragraph (1)(B), has the meaning provided the term “agency head” in section 309(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(a)).

(3) **APPROPRIATE OFFICIAL.**—The term “appropriate official” means—

(A) in the case of a covered procurement as defined in paragraph (1)(A), an official designated in section 2304(f)(1)(B) of title 10, United States Code; and

(B) in the case of a covered procurement as defined in paragraph (1)(B), an official designated in section 303(f)(1)(B) of the Federal

Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B)).

**SEC. 812. REVISION OF DEFENSE SUPPLEMENT RELATING TO PAYMENT OF COSTS PRIOR TO DEFINITIZATION.**

(a) **REVISION REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to ensure that any limitations described in subsection (b) are applicable to all categories of undefinitized contractual actions (including undefinitized task orders and delivery orders).

(b) **LIMITATIONS.**—The limitations referred to in subsection (a) are any limitations on the reimbursement of costs and the payment of profits or fees with respect to costs incurred before the definitization of an undefinitized contractual action of the Department of Defense, including—

(1) such limitations as described in part 52.216-26 of the Federal Acquisition Regulation; and

(2) any such limitations implementing the requirements of section 809 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2326 note).

**SEC. 813. REVISIONS TO DEFINITIONS RELATING TO CONTRACTS IN IRAQ AND AFGHANISTAN.**

(a) **REVISIONS TO DEFINITION OF CONTRACT IN IRAQ OR AFGHANISTAN.**—Section 864(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended—

(1) by striking “or a task order or delivery order at any tier issued under such a contract” and inserting “a task order or delivery order at any tier issued under such a contract, a grant, or a cooperative agreement”; and

(2) by striking the parenthetical “or task order or delivery order” and inserting “task order, delivery order, grant, or cooperative agreement”; and

(3) by striking “or task or delivery order” after the parenthetical and inserting “task order, delivery order, grant, or cooperative agreement”; and

(4) by striking “14 days” and inserting “30 days”.

(b) **REVISION TO DEFINITION OF COVERED CONTRACT.**—Section 864(a)(3) of such Act (Public Law 110-181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) by striking the period and inserting a semicolon at the end of subparagraph (C); and

(3) by adding at the end the following new subparagraphs:

“(D) a grant for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c) of section 862; or

“(E) a cooperative agreement for the performance of services in such an area of combat operations.”.

(c) **REVISION TO DEFINITION OF CONTRACTOR.**—Paragraph (4) of section 864(a) of such Act (Public Law 110-181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended to read as follows:

“(4) **CONTRACTOR.**—The term “contractor”, with respect to a covered contract, means—

“(A) in the case of a covered contract that is a contract, subcontract, task order, or delivery order, the contractor or subcontractor carrying out the covered contract;

“(B) in the case of a covered contract that is a grant, the grantee; and

“(C) in the case of a covered contract that is a cooperative agreement, the recipient.”.

(d) **REVISION IN VALUE OF CONTRACTS COVERED BY CERTAIN REPORT.**—Section 1248(c)(1)(B) of such Act (Public Law 110-181;

122 Stat. 400) is amended by striking “\$25,000” and inserting “\$100,000”.

**SEC. 814. AMENDMENT TO NOTIFICATION REQUIREMENTS FOR AWARDS OF SINGLE SOURCE TASK OR DELIVERY ORDERS.**

(a) CONGRESSIONAL DEFENSE COMMITTEES.—Subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, is amended to read as follows:

“(B) The head of the agency shall notify the congressional defense committees within 30 days after any determination under clause (i), (ii), (iii), or (iv) of subparagraph (A).”.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES.—In the case of a task or delivery order contract awarded with respect to intelligence activities of the Department of Defense, any notification provided under subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, as amended by subsection (a), shall also be provided at the same time as notification is provided to the congressional defense committees under that subparagraph—

(1) to the Permanent Select Committee on Intelligence of the House of Representatives insofar as such task or delivery order contract relates to tactical intelligence and intelligence-related activities of the Department; and

(2) to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives insofar as such task or delivery order contract relates to intelligence and intelligence-related activities of the Department other than those specified in paragraph (1).

**SEC. 815. CLARIFICATION OF UNIFORM SUSPENSION AND DEBARMENT REQUIREMENT.**

Section 2455(c)(1) of the Federal Acquisition Streamlining Act of 1994 (31 U.S.C. 6101 note) is amended by adding at the end the following: “Such term includes subcontracts at any tier, other than subcontracts for commercially available off-the-shelf items (as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))), except that in the case of a contract for commercial items, such term includes only first-tier subcontracts.”.

**SEC. 816. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.**

Section 4202 of the Clinger-Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) as amended by section 822 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 226) is amended in subsection (e) by striking “2010” and inserting “2012”.

**SEC. 817. REPORTING REQUIREMENTS FOR PROGRAMS THAT QUALIFY AS BOTH MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS AND MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) IN GENERAL.—Section 2445d of title 10, United States Code, is amended by striking “of this title” and all that follows and inserting “of this title, the Secretary may designate the program to be treated only as a major automated information system program covered by this chapter or to be treated only as a major defense acquisition program covered by such chapter 144.”.

(b) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance on the implementation of section 2445d of title 10, United States Code (as amended by subsection (a)). The guidance shall provide that, as a general rule—

(1) a program covered by such section that requires the development of customized hardware shall be treated only as a major defense acquisition program under chapter 144 of title 10, United States Code; and

(2) a program covered by such section that does not require the development of customized hardware shall be treated only as a major automated information system program under chapter 144A of title 10, United States Code.

**SEC. 818. SMALL ARMS PRODUCTION INDUSTRIAL BASE MATTERS.**

(a) AUTHORITY TO MODIFY DEFINITION OF “SMALL ARMS PRODUCTION INDUSTRIAL BASE”.—Section 2473(c) of title 10, United States Code, is amended—

(1) by striking “In this section” and inserting “(1) Subject to paragraph (2), in this section”;

and

(2) by adding at the end the following new paragraph:

“(2) After March 31, 2010, the Secretary of Defense may eliminate, modify, or add to the firms included in the small arms production industrial base, as defined in paragraph (1), as he determines appropriate to best ensure the competitive development, production, and maintenance of small arms for the Department of Defense.”.

(b) REVIEW OF SMALL ARMS PRODUCTION INDUSTRIAL BASE.—

(1) REVIEW.—Not later than March 31, 2010, the Secretary of Defense shall review and determine, based on current and future Department requirements and competitive manufacturing capability and capacity—

(A) whether any firms included in the small arms production industrial base (as that term is defined in section 2473(c) of title 10, United States Code) should be eliminated or modified and whether any additional firms should be included; and

(B) whether any of the small arms listed in section 2473(d) of title 10, United States Code, should be eliminated from the list or modified on the list and whether any additional small arms should be included in the list.

(2) REPORTS.—

(A) Not later than March 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the review conducted under this subsection.

(B) The Secretary of Defense shall notify the congressional defense committees not later than 30 days after making any modification to the list maintained pursuant to subsection (c) of section 2473 of title 10, United States Code, or the list under subsection (d) of such section.

**SEC. 819. CONTRACT AUTHORITY FOR ADVANCED COMPONENT DEVELOPMENT OR PROTOTYPE UNITS.**

(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a general solicitation referred to in section 2302(2)(B) of title 10, United States Code, may contain a contract line item or contract option for—

(1) the provision of advanced component development or prototype of technology developed under the contract; or

(2) the delivery of initial or additional prototype items if the item or a prototype thereof is created as the result of work performed under the contract.

(b) LIMITATIONS.—

(1) MINIMAL AMOUNT.—A contract line item or contract option described in subsection (a)(2) shall require the delivery of the minimal amount of initial or additional prototype items to allow for the timely competitive solicitation and award of a follow-on development or production contract for those items.

(2) TERM.—A contract line item or contract option described in subsection (a) shall be for a term of not more than 12 months.

(3) DOLLAR VALUE OF WORK.—The dollar value of the work to be performed pursuant to a contract line item or contract option described in subsection (a) may not exceed the lesser of the amounts as follows:

(A) The amount that is three times the dollar value of the work previously performed under the contract.

(B) \$20,000,000.

(4) TERMINATION OF AUTHORITY.—A military department or defense agency may not exercise a contract line item or contract option pursuant to the authority provided in subsection (a) after September 30, 2014.

(c) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by subsection (a) not later than March 1, 2013. The report shall, at a minimum, describe—

(1) the number of times a contract line item or contract option was exercised under such authority, the dollar amount of each such line item or option, and the scope of each such line item or option;

(2) the circumstances that rendered the military department or defense agency unable to solicit and award a follow-on development or production contract in a timely fashion, but for the use of such authority;

(3) the extent to which such authority affected competition and technology transition; and

(4) such recommendations as the Secretary considers appropriate, including any recommendations regarding the modification or extension of such authority.

**SEC. 820. PUBLICATION OF NOTIFICATION OF BUNDLING OF CONTRACTS OF THE DEPARTMENT OF DEFENSE.**

(a) REQUIREMENT TO PUBLISH NOTIFICATION FOR BUNDLING.—A contracting officer of the Department of Defense carrying out a covered acquisition shall publish a notification consistent with the requirements of paragraph (c)(2) of subpart 10.001 of the Federal Acquisition Regulation on the website known as FedBizOpps.gov (or any successor site) at least 30 days prior to the release of a solicitation for such acquisition and, if the agency has determined that measurably substantial benefits are expected to be derived as a result of bundling such acquisition, shall include in the notification a brief description of the benefits.

(b) COVERED ACQUISITION DEFINED.—In this section, the term “covered acquisition” means an acquisition that is—

(1) funded entirely using funds of the Department of Defense; and

(2) covered by subpart 7.107 of the Federal Acquisition Regulation (relating to acquisitions involving bundling).

(c) CONSTRUCTION.—

(1) NOTIFICATION.—Nothing in this section shall be construed to alter the responsibility of a contracting officer to provide the notification referred to in subsection (a) with respect to a covered acquisition, or otherwise provide notification, to any party concerning such acquisition under any other requirement of law or regulation.

(2) DISCLOSURE.—Nothing in this section shall be construed to require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code, or is otherwise restricted from public disclosure by law or Executive order.

(3) ISSUANCE OF SOLICITATION.—Nothing in this section shall be construed to require a contracting officer to delay the issuance of a solicitation in order to meet the requirements of subsection (a) if the expedited issuance of such solicitation is otherwise authorized under any other requirement of law or regulation.

**Subtitle C—Contractor Matters**

**SEC. 821. AUTHORITY FOR GOVERNMENT SUPPORT CONTRACTORS TO HAVE ACCESS TO TECHNICAL DATA BELONGING TO PRIME CONTRACTORS.**

(a) AUTHORITY FOR ACCESS TO TECHNICAL DATA.—Subsection (c) of section 2320 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) notwithstanding any limitation upon the license rights conveyed under subsection (a), allowing a covered Government support contractor access to and use of any technical data delivered under a contract for the sole purpose of furnishing independent and impartial advice or technical assistance directly to the Government in support of the Government’s management and oversight of the program or effort to which such technical data relates; or”.

(b) COVERED GOVERNMENT SUPPORT CONTRACTOR DEFINED.—Such section is further amended by adding at the end the following new subsection:

“(f) In this section, the term ‘covered Government support contractor’ means a contractor under a contract the primary purpose of which is to furnish independent and impartial advice or technical assistance directly to the Government in support of the Government’s management and oversight of a program or effort (rather than to directly furnish an end item or service to accomplish a program or effort), which contractor—

“(1) is not affiliated with the prime contractor or a first-tier subcontractor on the program or effort, or with any direct competitor of such prime contractor or any such first-tier subcontractor in furnishing end items or services of the type developed or produced on the program or effort; and

“(2) executes a contract with the Government agreeing to and acknowledging—

“(A) that proprietary or nonpublic technical data furnished will be accessed and used only for the purposes stated in that contract;

“(B) that the covered Government support contractor will enter into a non-disclosure agreement with the contractor to whom the rights to the technical data belong;

“(C) that the covered Government support contractor will take all reasonable steps to protect the proprietary and nonpublic nature of the technical data furnished to the covered Government support contractor during the program or effort for the period of time in which the Government is restricted from disclosing the technical data outside of the Government;

“(D) that a breach of that contract by the covered Government support contractor with regard to a third party’s ownership or rights in such technical data may subject the covered Government support contractor—

“(i) to criminal, civil, administrative, and contractual actions in law and equity for penalties, damages, and other appropriate remedies by the United States; and

“(ii) to civil actions for damages and other appropriate remedies by the contractor or subcontractor whose technical data is affected by the breach; and

“(E) that such technical data provided to the covered Government support contractor under the authority of this section shall not be used by the covered Government support contractor to compete against the third party for Government or non-Government contracts.”.

**SEC. 822. EXTENSION AND ENHANCEMENT OF AUTHORITIES ON THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.**

(a) DATE OF FINAL REPORT.—Subsection (d)(3) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 230) is amended by striking “two years” and inserting “three years”.

(b) ASSISTANCE FROM FEDERAL AGENCIES.—Such section is further amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) ASSISTANCE FROM FEDERAL AGENCIES.—

“(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall provide to the Commission administrative support for the performance of the Commission’s functions in carrying out the requirements of this section.

“(2) TRAVEL AND LODGING IN COMBAT THEATERS.—The administrative support provided the Commission under paragraph (1) shall include travel and lodging undertaken in combat theaters, which support shall be provided through funds made available for that purpose through the Washington Headquarters Services or on a non-reimbursable basis, as appropriate.

“(3) OTHER DEPARTMENTS AND AGENCIES.—In addition to the support required by paragraph (1), any department or agency of the Federal Government may provide to the Commission such services, funds, facilities, staff, and other support services for the performance of the Commission’s functions as the head of such department or agency considers advisable, or as may otherwise be authorized by law.”.

**SEC. 823. AUTHORITY FOR SECRETARY OF DEFENSE TO REDUCE OR DENY AWARD FEES TO COMPANIES FOUND TO JEOPARDIZE HEALTH OR SAFETY OF GOVERNMENT PERSONNEL.**

(a) AUTHORITY TO REDUCE OR DENY AWARD FEES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the guidance issued pursuant to section 814 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 129 Stat. 2321) to ensure that all covered contracts using award fees—

(1) provide for the consideration of any incident described in subsection (b) in evaluations of contractor performance for the relevant award fee period; and

(2) authorize the Secretary to reduce or deny award fees for the relevant award fee period, or to recover all or part of award fees previously paid for such period, on the basis of the negative impact of such incident on contractor performance.

(b) COVERED INCIDENTS.—An incident referred to in subsection (a) is any incident in which the contractor—

(1) has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel; or

(2) has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), to be liable for actions of a subcontractor of the contractor that caused serious bodily injury or death to any civilian or military personnel of the Government, through gross negligence or with reckless disregard for the safety of such personnel.

(c) LIST OF DISPOSITIONS IN CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDINGS.—For purposes of subsection (a), the dispositions listed in this subsection are as follows:

(1) In a criminal proceeding, a conviction.

(2) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more.

(3) In an administrative proceeding, a finding of fault and liability that results in—

(A) the payment of a monetary fine or penalty of \$5,000 or more; or

(B) the payment of a reimbursement, restitution, or damages in excess of \$100,000.

(4) To the maximum extent practicable and consistent with applicable laws and regulations,

in a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the person if the proceeding could have led to any of the outcomes specified in paragraph (1), (2), or (3).

(d) DEFINITIONS.—In this section:

(1) The term “defense contractor” means a company awarded a covered contract.

(2) The term “covered contract” means a contract awarded by the Department of Defense for the procurement of goods or services.

(3) The term “serious bodily injury” means a grievous physical harm that results in a permanent disability.

(e) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into after the date occurring 180 days after the date of the enactment of this Act.

**Subtitle D—Acquisition Workforce Matters**

**SEC. 831. ENHANCEMENT OF EXPEDITED HIRING AUTHORITY FOR DEFENSE ACQUISITION WORKFORCE POSITIONS.**

(a) IN GENERAL.—Paragraph (1) of section 1705(h) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “acquisition positions within the Department of Defense as shortage category positions” and inserting “acquisition workforce positions as positions for which there exists a shortage of candidates or there is a critical hiring need”; and

(2) in subparagraph (B), by striking “highly”.

(b) EXTENSION.—Paragraph (2) of such section is amended by striking “September 30, 2012” and inserting “September 30, 2015”.

(c) TECHNICAL AMENDMENT.—Paragraph (1) of such section is further amended by striking “United States Code,” in the matter preceding subparagraph (A).

**SEC. 832. FUNDING OF DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.**

(a) ADDITIONAL ELEMENT OF FUND.—Subsection (d) of section 1705 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) Amounts transferred to the Fund pursuant to paragraph (3).”; and

(2) by adding at the end the following new paragraph:

“(3) TRANSFER OF CERTAIN UNOBLIGATED BALANCES.—To the extent provided in appropriations Acts, the Secretary of Defense may, during the 24-month period following the expiration of availability for obligation of any appropriations made to the Department of Defense for procurement, research, development, test, and evaluation, or operation and maintenance, transfer to the Fund any unobligated balance of such appropriations. Any amount so transferred shall be credited to the Fund.”.

(b) NATURE OF EXPENDED AMOUNTS PROVIDING BASIS FOR CREDIT TO FUND.—Subparagraph (A) of paragraph (2) of such subsection is amended by striking “, other than” and all that follows and inserting “from amounts available for contract services for operation and maintenance.”.

(c) REMITTANCES.—Subparagraph (B) of paragraph (2) of such subsection is amended by inserting “, from amounts available to such military department or Defense Agency, as the case may be, for contract services for operation and maintenance,” after “remit to the Secretary of Defense”.

(d) ADDITIONAL MATTERS RELATING TO REMITTANCES.—

(1) REMITTANCE BY FISCAL YEAR INSTEAD OF QUARTER.—Subparagraph (B) of paragraph (2) of such subsection is amended—

(A) in the first sentence, by striking “the third fiscal year quarter” and all that follows through “thereafter” and inserting “the first quarter of each fiscal year”; and

(B) by striking “quarter” before “for services”.

(2) **ADDITIONAL REQUIREMENTS AND LIMITATIONS.**—Such subsection is further amended—

(A) in paragraph (2)(B), by striking “Not later than” and inserting “Subject to paragraph (4), not later than”; and

(B) by adding at the end the following new paragraph:

“(4) **ADDITIONAL REQUIREMENTS AND LIMITATIONS ON REMITTANCES.**—(A) In the event amounts are transferred to the Fund during a fiscal year pursuant to paragraph (1)(B) or appropriated to the Fund for a fiscal year pursuant to paragraph (1)(C), the aggregate amount otherwise required to be remitted to the Fund for that fiscal year pursuant to paragraph (2)(B) shall be reduced by the amount equal to the amounts so transferred or appropriated to the Fund during or for that fiscal year. Any reduction in the aggregate amount required to be remitted to the Fund for a fiscal year under this subparagraph shall be allocated as provided in applicable provisions of appropriations Acts or, absent such provisions, on a pro rata basis among the military departments and Defense Agencies required to make remittances to the Fund for that fiscal year under paragraph (2)(B), subject to any exclusions the Secretary of Defense determines to be necessary in the best interests of the Department of Defense.

“(B) Any remittance of amounts to the Fund for a fiscal year under paragraph (2) shall be subject to the availability of appropriations for that purpose.”.

(e) **REMITTANCE AMOUNTS.**—Paragraph (2) of such subsection is further amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

“(C) For purposes of this paragraph, the applicable percentage for a fiscal year is the percentage that results in the credit to the Fund in such fiscal year of an amount as follows:

“(i) For fiscal year 2010, \$100,000,000.

“(ii) For fiscal year 2011, \$770,000,000.

“(iii) For fiscal year 2012, \$900,000,000.

“(iv) For fiscal year 2013, \$1,180,000,000.

“(v) For fiscal year 2014, \$1,330,000,000.

“(vi) For fiscal year 2015, \$1,470,000,000.

“(D) The Secretary of Defense may reduce an amount specified in subparagraph (C) for a fiscal year if the Secretary determines that the amount is greater than is reasonably needed for purposes of the Fund for such fiscal year. The Secretary may not reduce the amount for a fiscal year to an amount that is less than 80 percent of the amount otherwise specified in subparagraph (C) for such fiscal year.”.

(f) **CLARIFICATION OF LIMITATION ON PAY OF BASE SALARY OF CURRENT EMPLOYEES.**—Subsection (e)(5) of such section is amended by striking “as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008” and inserting “serving in a position in the acquisition workforce as of January 28, 2008”.

(g) **TECHNICAL AMENDMENTS.**—

(1) Subsection (a) of such section is amended by inserting “Development” after “Workforce”.

(2) Subsection (f) of such section is amended in the matter preceding paragraph (1) by striking “beginning with fiscal year 2008”.

(h) **EFFECTIVE DATES.**—

(1) **FUNDING AMENDMENTS.**—The amendments made by subsections (a) through (c) shall take effect as of October 1, 2009.

(2) **TECHNICAL AMENDMENTS.**—The amendments made by subsections (f) and (g) shall take effect on the date of the enactment of this Act.

## **SEC. 833. REVIEW OF POST-EMPLOYMENT RESTRICTIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE.**

(a) **REVIEW REQUIRED.**—The Panel on Contracting Integrity, established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), shall review policies relating to post-employment restrictions on former Department of Defense personnel to determine whether such policies adequately protect the public interest, without unreasonably limiting future employment options for former Department of Defense personnel.

(b) **MATTERS CONSIDERED.**—In performing the review required by subsection (a), the Panel shall consider the extent to which current post-employment restrictions—

(1) appropriately protect the public interest by preventing personal conflicts of interests and preventing former Department of Defense officials from exercising undue or inappropriate influence on the Department of Defense;

(2) appropriately require disclosure of personnel accepting employment with contractors of the Department of Defense involving matters related to their official duties;

(3) use appropriate thresholds, in terms of salary or duties, for the establishment of such restrictions;

(4) are sufficiently straightforward and have been explained to personnel of the Department of Defense so that such personnel are able to avoid potential violations of post-employment restrictions and conflicts of interest in interactions with former personnel of the Department;

(5) appropriately apply to all personnel performing duties in acquisition-related activities, such as personnel involved in—

(A) the establishment of requirements;

(B) testing and evaluation; and

(C) the development of doctrine;

(6) ensure that the Department of Defense has access to world-class talent, especially with respect to highly qualified technical, engineering, and acquisition expertise; and

(7) ensure that service in the Department of Defense remains an attractive career option.

(c) **COMPLETION OF THE REVIEW.**—The Panel shall complete the review required by subsection (a) not later than one year after the date of the enactment of this Act.

(d) **REPORT TO COMMITTEES ON ARMED SERVICES.**—Not later than 30 days after the completion of the review, the Panel shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the review and the recommendations of the Panel to the Secretary of Defense, including recommended legislative or regulatory changes, resulting from the review.

(e) **NATIONAL ACADEMY OF PUBLIC ADMINISTRATION ASSESSMENT.**—

(1) Not later than 30 days after the completion of the review, the Secretary of Defense shall enter into an arrangement with the National Academy of Public Administration to assess the findings and recommendations of the review.

(2) Not later than 210 days after the completion of the review, the National Academy of Public Administration shall provide its assessment of the review to the Secretary, along with such additional recommendations as the National Academy may have.

(3) Not later than 30 days after receiving the assessment, the Secretary shall provide the assessment, along with such comments as the Secretary considers appropriate, to the Committees on Armed Services of the Senate and the House of Representatives.

## **SEC. 834. REVIEW OF FEDERAL ACQUISITION WORKFORCE TRAINING AND HIRING.**

(a) **COMPTROLLER GENERAL REPORT ON THE GOVERNMENT-WIDE ACQUISITION WORKFORCE**

**DEVELOPMENT STRATEGIC PLAN.**—Not later than 180 days after the Acquisition Workforce Development Strategic Plan required by section 869 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4553) is completed, the Comptroller General of the United States shall submit to the relevant committees of Congress a report on the Plan.

(b) **MATTERS COVERED.**—The report required under subsection (a) shall include assessments of the following:

(1) The methodologies used to formulate the Acquisition Workforce Development Strategic Plan and its recommendations.

(2) The extent to which the Acquisition Workforce Development Strategic Plan addresses previously identified shortcomings in the acquisition workforce and prior efforts by agencies to develop acquisition workforce plans, including the strategies used to identify and hire acquisition personnel.

(3) The feasibility of the Acquisition Workforce Development Strategic Plan's recommendations and associated time frames for implementation, particularly as they relate to the development of a sustainable funding model and the applicability of the Defense Acquisition Workforce Development Fund model to civilian agencies.

(4) The extent to which the Acquisition Workforce Development Strategic Plan considered the use by agencies of contractor personnel to supplement the acquisition workforce.

(5) Whether the Acquisition Workforce Development Strategic Plan considered the full range of laws, regulations, and policies that currently apply to the acquisition workforce.

(6) The extent to which the Acquisition Workforce Development Strategic Plan considered the specific training and retention tools (whether located within or outside an agency) used to professionally develop and retain acquisition personnel, including the following:

(A) The Defense Acquisition University.

(B) The Federal Acquisition Institute.

(C) Continuing education and professional development opportunities available to acquisition professionals.

(D) Opportunities to pursue higher education available to acquisition personnel, including scholarships and student loan forgiveness.

(7) Such other matters, findings, and recommendations as the Comptroller General considers appropriate.

(c) **RELEVANT COMMITTEES.**—In this section, the term “relevant committees” means each of the following:

(1) The Committee on Oversight and Government Reform of the House of Representatives.

(2) The Committee on Armed Services of the House of Representatives.

(3) The Committee on Homeland Security and Government Affairs of the Senate.

(4) The Committee on Armed Services of the Senate.

### **Subtitle E—Other Matters**

## **SEC. 841. REPORTS TO CONGRESS ON FULL DEPLOYMENT DECISIONS FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.**

(a) **IMPLEMENTATION SCHEDULE.**—Section 2445b(b)(2) of title 10, United States Code, is amended by striking “initial operational capability, and full operational capability” and inserting “full deployment decision, and full deployment”.

(b) **CRITICAL CHANGES IN PROGRAM.**—Section 2445c(d)(2)(A) of such title is amended by striking “initial operational capability” and inserting “a full deployment decision”.

(c) **DEFINITIONS.**—Section 2445a of such title is amended by adding at the end the following new subsections:

“(e) **FULL DEPLOYMENT DECISION.**—In this chapter, the term ‘full deployment decision’ means, with respect to a major automated information system program, the final decision made by the Milestone Decision Authority authorizing an increment of the program to deploy software for operational use.

“(f) **FULL DEPLOYMENT.**—In this chapter, the term ‘full deployment’ means, with respect to a major automated information system program, the fielding of an increment of the program in accordance with the terms of a full deployment decision.”.

**SEC. 842. AUTHORIZATION TO TAKE ACTIONS TO CORRECT THE INDUSTRIAL RESOURCE SHORTFALL FOR HIGH-PURITY BERYLLIUM METAL.**

Notwithstanding any limitation in section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093), an action may be taken under such section to correct an industrial resource shortfall or domestic industrial base shortfall for high-purity beryllium metal if such action does not cause the aggregate outstanding amount of all such actions for such shortfall to exceed “\$85,000,000”.

**SEC. 843. REPORT ON RARE EARTH MATERIALS IN THE DEFENSE SUPPLY CHAIN.**

(a) **REPORT REQUIRED.**—Not later than April 1, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on rare earth materials in the supply chain of the Department of Defense.

(b) **MATTERS ADDRESSED.**—The report required by subsection (a) shall address, at a minimum, the following:

(1) An analysis of the current and projected domestic and worldwide availability of rare earths for use in defense systems, including an analysis of projected availability of these materials in the export market.

(2) An analysis of actions or events outside the control of the Government of the United States that could restrict the access of the Department of Defense to rare earth materials, such as past procurements and attempted procurements of rare earth mines and mineral rights.

(3) A determination as to which defense systems are currently dependent on, or projected to become dependent on, rare earth materials, particularly neodymium iron boron magnets, whose supply could be restricted—

(A) by actions or events identified pursuant to paragraph (2); or

(B) by other actions or events outside the control of the Government of the United States.

(4) The risk to national security, if any, of the dependencies (current or projected) identified pursuant to paragraph (3).

(5) Any steps that the Department of Defense has taken or is planning to take to address any such risk to national security.

(6) Such recommendations for further action to address the matters covered by the report as the Comptroller General considers appropriate.

(c) **DEFINITIONS.**—In this section:

(1) The term “rare earth” means the chemical elements, all metals, beginning with lanthanum, atomic number 57, and including all of the natural chemical elements in the periodic table following lanthanum up to and including lutetium, element number 71. The term also includes the elements yttrium and scandium.

(2) The term “rare earth material” includes rare earth ores, semi-finished rare earth products, and components containing rare earth materials.

**SEC. 844. COMPTROLLER GENERAL REPORT ON STRUCTURE AND MANAGEMENT OF SUBCONTRACTORS UNDER CONTRACTS FOR MAJOR WEAPON SYSTEMS.**

(a) **STUDY.**—The Comptroller General shall conduct a study on the structure and manage-

ment of major subcontracts under contracts for the acquisition of selected major weapon systems.

(b) **ISSUES TO BE ADDRESSED.**—At a minimum, the study required by subsection (a) shall address the following:

(1) The number of major subcontracts under each prime contract reviewed.

(2) The manner in which the prime contractor addressed decisions to conduct work in-house or through subcontracts.

(3) The manner in which any potential organizational conflicts of interest were addressed and the Government’s role (if any) in selecting the approach chosen.

(4) The manner in which such subcontracts were awarded (including the degree of competition) and the Government’s role (if any) in such award decisions.

(5) Any recommendations that the Comptroller General may have for improving Government oversight, reducing the oversight burden on the acquisition workforce, or otherwise improving the management of subcontractors under contracts for the acquisition of major weapon systems.

(c) **DEADLINE FOR SUBMISSION.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study required by subsection (a), with such findings and recommendations as the Comptroller General considers appropriate.

**SEC. 845. STUDY OF THE USE OF FACTORS OTHER THAN COST OR PRICE AS THE PREDOMINANT FACTORS IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE PROCUREMENT CONTRACTS.**

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study of Department of Defense procurements that use solicitations in which evaluation factors other than cost or price, when combined, are more important than cost or price.

(b) **ISSUES TO BE ADDRESSED.**—The study required by subsection (a) shall include, at a minimum, an assessment of—

(1) the frequency with which evaluation factors other than cost or price, when combined, are given more weight than cost or price in solicitations for competitive proposals;

(2) the types of contracts for products or services for which such evaluation factors are most frequently used;

(3) the reasons why the Department of Defense chooses to use such evaluation factors; and

(4) the extent to which the use of such factors is or is not in the interest of the Department of Defense.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Service of the Senate and the House of Representatives a report on the results of the study required by subsection (a).

**SEC. 846. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.**

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

**SEC. 847. EXTENSION OF SBIR AND STTR PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) **SBIR EXTENSION.**—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking “The authorization” and inserting the following:

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the authorization”; and

(2) by adding at the end the following:

“(2) **EXCEPTION FOR DEPARTMENT OF DEFENSE.**—The Secretary of Defense and the Sec-

retary of each military department is authorized to carry out the Small Business Innovation Research Program of the Department of Defense until September 30, 2010”.

(b) **STTR REAUTHORIZATION.**—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking “With respect” and inserting the following:

“(i) **FEDERAL AGENCIES GENERALLY.**—Except as provided in clause (ii), with respect”; and

(2) by adding at the end the following:

“(ii) **DEPARTMENT OF DEFENSE.**—The Secretary of Defense and the Secretary of each military department shall carry out clause (i) with respect to each fiscal year through fiscal year 2010.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as of July 30, 2009.

**SEC. 848. EXTENSION OF AUTHORITY FOR SMALL BUSINESS INNOVATION RESEARCH COMMERCIALIZATION PILOT PROGRAM.**

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended in paragraph (6) by striking “2009” and inserting “2010”.

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

Subtitle A—Department of Defense Management

Sec. 901. Authority to allow private sector civilians to receive instruction at Defense Cyber Investigations Training Academy of the Defense Cyber Crime Center.

Sec. 902. Organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

Sec. 903. Sense of Congress regarding the Director of Operational Energy Plans and Programs.

Sec. 904. Increased flexibility for combatant commander initiative fund.

Sec. 905. Repeal of requirement for a Deputy Under Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy.

Sec. 906. Deputy Under Secretaries of Defense and Assistant Secretaries of Defense.

Subtitle B—Space Activities

Sec. 911. Submission and review of space science and technology strategy.

Sec. 912. Provision of space situational awareness services and information to non-United States Government entities.

Sec. 913. Management and funding strategy and implementation plan for the National Polar-Orbiting Operational Environmental Satellite System Program.

Subtitle C—Intelligence-Related Matters

Sec. 921. Inclusion of Defense Intelligence Agency in authority to use proceeds from counterintelligence operations.

Sec. 922. Plan to address foreign ballistic missile intelligence analysis.

Subtitle D—Other Matters

Sec. 931. Implementation strategy for developing leap-ahead cyber operations capabilities.

Sec. 932. Defense integrated military human resources system development and transition.

Sec. 933. Report on special operations command organization, manning, and management.



Sec. 934. Study on the recruitment, retention, and career progression of uniformed and civilian military cyber operations personnel.

Sec. 935. Plan on access to national airspace for unmanned aircraft systems.

**Subtitle A—Department of Defense Management**

**SEC. 901. AUTHORITY TO ALLOW PRIVATE SECTOR CIVILIANS TO RECEIVE INSTRUCTION AT DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY OF THE DEFENSE CYBER CRIME CENTER.**

(a) ADMISSION OF PRIVATE SECTOR CIVILIANS.—Chapter 108 of title 10, United States Code, is amended by inserting after section 2167 the following new section:

**“§2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction**

“(a) AUTHORITY FOR ADMISSION.—The Secretary of Defense may permit eligible private sector employees to receive instruction at the Defense Cyber Investigations Training Academy operating under the direction of the Defense Cyber Crime Center. No more than the equivalent of 200 full-time student positions may be filled at any one time by private sector employees enrolled under this section, on a yearly basis. Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate certification or diploma.

“(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For purposes of this section, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense or other Government departments or agencies significant and substantial defense-related systems, products, or services, or whose work product is relevant to national security policy or strategy. A private sector employee remains eligible for such instruction only so long as that person remains employed by an eligible private sector firm.

“(c) PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

“(1) the curriculum in which private sector employees may be enrolled under this section is not readily available through other schools; and

“(2) the course offerings at the Defense Cyber Investigations Training Academy continue to be determined solely by the needs of the Department of Defense.

“(d) TUITION.—The Secretary of Defense shall charge private sector employees enrolled under this section tuition at a rate that is at least equal to the rate charged for employees of the United States. In determining tuition rates, the Secretary shall include overhead costs of the Defense Cyber Investigations Training Academy.

“(e) STANDARDS OF CONDUCT.—While receiving instruction at the Defense Cyber Investigations Training Academy, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the Academy.

“(f) USE OF FUNDS.—Amounts received by the Defense Cyber Investigations Training Academy for instruction of students enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the Academy.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2167 the following new item:

“2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction.”.

**SEC. 902. ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS AND THE TRICARE MANAGEMENT ACTIVITY.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) ORGANIZATIONAL CHARTS.—Organizational charts for both the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity showing, at a minimum, the senior positions in such office and such activity.

(2) SENIOR POSITION DESCRIPTIONS.—A description of the policy-making functions and oversight responsibilities of each senior position in the Office of the Assistant Secretary of Defense for Health Affairs and the policy and program execution responsibilities of each senior position of the TRICARE Management Activity.

(3) POSITIONS FILLED BY SAME INDIVIDUAL.—A description of which positions in both organizations are filled by the same individual.

(4) ASSESSMENT.—An assessment of whether the senior personnel of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity, as currently organized, are able to appropriately perform the discrete functions of policy formulation, policy and program execution, and program oversight.

(c) DEFINITIONS.—In this section:

(1) SENIOR POSITION.—The term “senior position” means a position filled by a member of the senior executive service, a position on the Executive Schedule established pursuant to title 5, United States Code, or a position filled by a general or flag officer.

(2) SENIOR PERSONNEL.—The term “senior personnel” means personnel who are members of the senior executive service, who fill a position listed on the Executive Schedule established pursuant to title 5, United States Code, or who are general or flag officers.

**SEC. 903. SENSE OF CONGRESS REGARDING THE DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The demand for operational energy within the Department of Defense imposes significant logistical burdens and operational vulnerabilities on the warfighter and increases force protection requirements.

(2) In March 2008, the Comptroller General of the United States found that responsibilities for operational energy strategy, management, and oversight within the Department are diffused throughout various offices and working groups, including the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; the Office of the Under Secretary of Defense for Policy; the Office of the Under Secretary of Defense (Comptroller); the Office of Program Analysis and Evaluation; the Office of the Chairman of the Joint Chiefs of Staff; the commanders of the combatant commands; and the offices of the Secretaries of the military departments.

(3) The Defense Science Board’s 2008 report titled “More Fight—Less Fuel” stated that “There are currently few efforts to manage energy demand by operational forces, which consume about three quarters of DoD energy, per-

haps because no one is in charge. The lowest organizational level where all decisions that drive DoD energy use come together is the Deputy Secretary of Defense, implying the need for a senior energy official, and oversight of the Department’s energy strategy and program by the Deputy’s Advisory Working Group (DAWG).”.

(4) Congress established the Director of Operational Energy Plans and Programs in section 139b of title 10, United States Code, to provide leadership, conduct oversight, and be accountable for operational energy plans and programs in the Department of Defense and the Army, Navy, Air Force, and Marine Corps.

(5) Congress envisioned that the Director would have a direct line of communication with the Secretary of Defense and the Deputy Secretary of Defense, including participation in the Deputy’s Advisory Working Group.

(6) The Department of Defense issued a statement that it “intends to establish this position as administratively reporting to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), and this official would report directly to the Secretary of Defense on issues related to Operational Energy”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Director of Operational Energy Plans and Programs should report directly to the Secretary of Defense on issues related to operational energy and be included as a fully participating member of the Advisory Working Group of the Deputy Secretary of Defense.

**SEC. 904. INCREASED FLEXIBILITY FOR COMBATANT COMMANDER INITIATIVE FUND.**

(a) INCREASE IN FUNDING LIMITATIONS.—Subparagraph (A) of section 166a(e)(1) of title 10, United States Code, is amended—

(1) by striking “\$10,000,000” and inserting “\$20,000,000”; and

(2) by striking “\$15,000” and inserting “the investment unit cost threshold in effect under section 2245a of this title”.

(b) COORDINATION WITH RELEVANT CHIEF OF MISSION.—Paragraph (6) of section 166a(b) of such title is amended by inserting after “assistance,” the following: “in coordination with the relevant chief of mission to the extent practicable,”.

**SEC. 905. REPEAL OF REQUIREMENT FOR A DEPUTY UNDER SECRETARY OF DEFENSE FOR TECHNOLOGY SECURITY POLICY WITHIN THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.**

(a) REPEAL OF REQUIREMENT FOR POSITION.—(1) REPEAL.—Section 134b of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 134b.

(b) PRIOR NOTIFICATION OF CHANGE IN REPORTING RELATIONSHIP FOR THE DEFENSE TECHNOLOGY SECURITY ADMINISTRATION.—The Secretary of Defense shall ensure that no covered action is taken until the expiration of 30 legislative days after providing notification of such action to the Committees on Armed Services of the Senate and the House of Representatives.

(c) COVERED ACTION DEFINED.—In this section, the term “covered action” means—

(1) the transfer of the Defense Technology Security Administration to an Under Secretary or other office of the Department of Defense other than the Under Secretary of Defense for Policy;

(2) the consolidation of the Defense Technology Security Administration with another office, agency, or field activity of the Department of Defense; or

(3) the addition of management layers between the Director of the Defense Technology Security Administration and the Under Secretary of Defense for Policy.

**SEC. 906. DEPUTY UNDER SECRETARIES OF DEFENSE AND ASSISTANT SECRETARIES OF DEFENSE.**

(a) DEPUTY UNDER SECRETARIES OF DEFENSE.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by adding after section 137 the following new section:

**“§ 137a. Deputy Under Secretaries of Defense**

“(a)(1) There are five Deputy Under Secretaries of Defense.

“(2)(A) The Deputy Under Secretaries of Defense referred to in paragraphs (1) through (3) of subsection (c) shall be appointed as provided in the applicable paragraph.

“(B) The Deputy Under Secretaries of Defense referred to in paragraphs (4) and (5) of subsection (c) shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) Each Deputy Under Secretary of Defense shall be the first assistant to an Under Secretary of Defense and shall assist such Under Secretary in the performance of the duties of the position of such Under Secretary and shall act for, and exercise the powers of, such Under Secretary when such Under Secretary is absent or disabled.

“(c)(1) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics appointed pursuant to section 133a of this title.

“(2) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Policy appointed pursuant to section 134a of this title.

“(3) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Personnel and Readiness appointed pursuant to section 136a of this title.

“(4) One of the Deputy Under Secretaries shall be the Principal Deputy Under Secretary of Defense (Comptroller).

“(5) One of the Deputy Under Secretaries shall be the Principal Deputy Under Secretary of Defense for Intelligence.

“(d) The Deputy Under Secretaries of Defense take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Deputy Chief Management Officer of the Department of Defense.”.

(2) DELAYED LIMITATION ON NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.—Effective as of January 1, 2011, the five Deputy Under Secretaries of Defense authorized by section 137a of title 10, United States Code (as added by paragraph (1)), shall be the only Deputy Under Secretaries of Defense.

(3) REPORT ON REVISED ORGANIZATIONAL STRUCTURE FOR OSD.—Not later than March 15, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for the realignment of the organizational structure of the Office of the Secretary of Defense to comply with the requirement in paragraph (2).

(b) ASSISTANT SECRETARIES OF DEFENSE.—

(1) REDESIGNATION OF DEPUTY UNDER SECRETARY FOR LOGISTICS AND MATERIEL READINESS AS ASSISTANT SECRETARY.—Chapter 4 of such title is further amended—

(A) by transferring section 133b to appear after section 138 and redesignating such section, as so transferred, as section 138a; and

(B) in such section, as so transferred and redesignated, by striking “Deputy Under Secretary” each place it appears and inserting “Assistant Secretary”.

(2) ADDITIONAL ASSISTANT SECRETARIES.—Section 138 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

“(a)(1) There are 12 Assistant Secretaries of Defense.

“(2)(A) The Assistant Secretary of Defense referred to in subsection (b)(7) shall be appointed as provided in that subsection.

“(B) The other Assistant Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.”; and

(B) in subsection (b), by adding the following new paragraphs:

“(6) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Acquisition. The Assistant Secretary of Defense for Acquisition is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to acquisition.

“(7) One of the Assistant Secretaries is the Assistant Secretary of Defense for Logistics and Materiel Readiness appointed pursuant to section 138a of this title. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Logistics and Materiel Readiness shall have the duties specified in section 138a of this title.”.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—

(A) Section 133a of such title is amended—

(i) by striking “Deputy Under Secretary of Defense for Acquisition and Technology” each place it appears and inserting “Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics”; and

(ii) by striking “duties relating to acquisition and technology” and inserting “duties”.

(B) Section 134a of such title is amended by striking “Deputy Under Secretary” each place it appears and inserting “Principal Deputy Under Secretary”.

(C) Section 136a of such title is amended by striking “Deputy Under Secretary” each place it appears and inserting “Principal Deputy Under Secretary”.

(2) SECTION HEADING AMENDMENTS.—

(A) The heading of section 133a of such title is amended to read as follows:

**“§ 133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics”.**

(B) The heading of section 134a of such title is amended to read as follows:

**“§ 134a. Principal Deputy Under Secretary of Defense for Policy”.**

(C) The heading of section 136a of such title is amended to read as follows:

**“§ 136a. Principal Deputy Under Secretary of Defense for Personnel and Readiness”.**

(D) The heading of section 138a of such title, as transferred and redesignated by subsection (b)(1) of this section, is amended to read as follows:

**“§ 138a. Assistant Secretary of Defense for Logistics and Materiel Readiness”.**

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 133a and inserting the following new item:

“133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.”;

(B) by striking the item relating to section 134a and inserting the following new item:

“134a. Principal Deputy Under Secretary of Defense for Policy.”;

(C) by striking the item relating to section 136a and inserting the following new item:

“136a. Principal Deputy Under Secretary of Defense for Personnel and Readiness.”;

(D) by inserting after the item relating to section 137 the following new item:

“137a. Deputy Under Secretaries of Defense.”; and

(E) by inserting after the item relating to section 138 the following new item:

“138a. Assistant Secretary of Defense for Logistics and Materiel Readiness.”.

(d) EXECUTIVE SCHEDULE MATTERS.—

(1) LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Under Secretary of Defense for Acquisition and Technology and inserting the following new item:

“Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.”.

(2) LEVEL IV.—Section 5315 of such title is amended—

(A) by striking the item relating to the Assistant Secretaries of Defense and inserting the following new item:

“Assistant Secretaries of Defense (12).”; and

(B) by striking the items relating to the Deputy Under Secretary of Defense for Policy, the Deputy Under Secretary of Defense for Personnel and Readiness, and the Deputy Under Secretary of Defense for Logistics and Materiel Readiness and inserting the following new items:

“Principal Deputy Under Secretary of Defense for Policy.

“Principal Deputy Under Secretary of Defense for Personnel and Readiness.

“Principal Deputy Under Secretary of Defense (Comptroller).

“Principal Deputy Under Secretary of Defense for Intelligence.”.

(e) INAPPLICABILITY OF APPOINTMENT REQUIREMENTS TO CERTAIN INDIVIDUALS SERVING ON DATE OF ENACTMENT.—

(1) IN GENERAL.—Notwithstanding the amendments made by this section, the individual serving in a position specified in paragraph (2) on the day before the date of the enactment of this Act may continue to serve in such position without the requirement for appointment by the President, by and with the advice and consent of the Senate, for a period of up to four years after the date of the enactment of this Act.

(2) COVERED POSITIONS.—The positions specified in this paragraph are the following:

(A) The Principal Deputy Under Secretary of Defense (Comptroller).

(B) The Principal Deputy Under Secretary of Defense for Intelligence.

**Subtitle B—Space Activities**

**SEC. 911. SUBMISSION AND REVIEW OF SPACE SCIENCE AND TECHNOLOGY STRATEGY.**

(a) STRATEGY.—

(1) DIRECTOR OF NATIONAL INTELLIGENCE.—Paragraph (1) of section 2272(a) of title 10, United States Code, is amended by striking “The Secretary of Defense shall develop” and inserting “The Secretary of Defense and the Director of National Intelligence shall jointly develop”.

(2) REQUIREMENTS.—Paragraph (2) of such section is amended by adding at the end the following new subparagraph:

“(D) The process for transitioning space science and technology programs to new or existing space acquisition programs.”.

(3) SUBMISSION TO CONGRESS.—Paragraph (5) of such section is amended to read as follows:

“(5) The Secretary of Defense and the Director of National Intelligence shall biennially submit the strategy developed under paragraph (1) to the congressional defense committees every other year on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31.”.

(4) **INITIAL REPORT.**—The first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by paragraph (3) of this subsection, shall be submitted on the date on which the President submits to Congress the budget for fiscal year 2012 under section 1105 of title 31, United States Code.

(b) **GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF STRATEGY.**—

(1) **REVIEW.**—The Comptroller General shall review and assess the first space science and technology strategy submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(3) of this section, and the effectiveness of the coordination process required under section 2272(b) of such title.

(2) **REPORT.**—Not later than 90 days after the date on which the Secretary of Defense and the Director of National Intelligence submit the first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(3) of this section, the Comptroller General shall submit to the congressional defense committees a report containing the findings and assessment under paragraph (1).

**SEC. 912. PROVISION OF SPACE SITUATIONAL AWARENESS SERVICES AND INFORMATION TO NON-UNITED STATES GOVERNMENT ENTITIES.**

(a) **IN GENERAL.**—Section 2274 of title 10, United States Code, is amended to read as follows:

**“§2274. Space situational awareness services and information: provision to non-United States Government entities**

“(a) **AUTHORITY.**—The Secretary of Defense may provide space situational awareness services and information to, and may obtain space situational awareness data and information from, non-United States Government entities in accordance with this section. Any such action may be taken only if the Secretary determines that such action is consistent with the national security interests of the United States.

“(b) **ELIGIBLE ENTITIES.**—The Secretary may provide services and information under subsection (a) to, and may obtain data and information under subsection (a) from, any non-United States Government entity, including any of the following:

- “(1) A State.
- “(2) A political subdivision of a State.
- “(3) A United States commercial entity.
- “(4) The government of a foreign country.
- “(5) A foreign commercial entity.

“(c) **AGREEMENT.**—The Secretary may not provide space situational awareness services and information under subsection (a) to a non-United States Government entity unless that entity enters into an agreement with the Secretary under which the entity—

“(1) agrees to pay an amount that may be charged by the Secretary under subsection (d);

“(2) agrees not to transfer any data or technical information received under the agreement, including the analysis of data, to any other entity without the express approval of the Secretary; and

“(3) agrees to any other terms and conditions considered necessary by the Secretary.

“(d) **CHARGES.**—(1) As a condition of an agreement under subsection (c), the Secretary may (except as provided in paragraph (2)) require the non-United States Government entity entering into the agreement to pay to the Department of Defense such amounts as the Secretary determines appropriate to reimburse the Department for the costs to the Department of providing space situational awareness services or information under the agreement.

“(2) The Secretary may not require the government of a State, or of a political subdivision of a State, to pay any amount under paragraph (1).

“(e) **CREDITING OF FUNDS RECEIVED.**—(1) Funds received for the provision of space situational awareness services or information pursuant to an agreement under this section shall be credited, at the election of the Secretary, to the following:

“(A) The appropriation, fund, or account used in incurring the obligation.

“(B) An appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

“(2) Funds credited under paragraph (1) shall be merged with, and remain available for obligation with, the funds in the appropriation, fund, or account to which credited.

“(f) **PROCEDURES.**—The Secretary shall establish procedures by which the authority under this section shall be carried out. As part of those procedures, the Secretary may allow space situational awareness services or information to be provided through a contractor of the Department of Defense.

“(g) **IMMUNITY.**—The United States, any agencies and instrumentalities thereof, and any individuals, firms, corporations, and other persons acting for the United States, shall be immune from any suit in any court for any cause of action arising from the provision or receipt of space situational awareness services or information, whether or not provided in accordance with this section, or any related action or omission.

“(h) **NOTICE OF CONCERNS OF DISCLOSURE OF INFORMATION.**—If the Secretary determines that a commercial or foreign entity has declined or is reluctant to provide data or information to the Secretary in accordance with this section due to the concerns of such entity about the potential disclosure of such data or information, the Secretary shall, not later than 60 days after the Secretary makes that determination, provide notice to the congressional defense committees of the declination or reluctance of such entity.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 135 of such title is amended by striking the item relating to section 2274 and inserting the following new item:

“2274. Space situational awareness services and information: provision to non-United States Government entities.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

**SEC. 913. MANAGEMENT AND FUNDING STRATEGY AND IMPLEMENTATION PLAN FOR THE NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM PROGRAM.**

(a) **MANAGEMENT AND FUNDING STRATEGY.**—

(1) **IN GENERAL.**—The President shall develop a strategy for the management and funding of the National Polar-Orbiting Operational Environmental Satellite System Program (in this section referred to as the “Program”) by the Department of Defense, the Department of Commerce, and the National Aeronautics and Space Administration.

(2) **ELEMENTS.**—The strategy required under paragraph (1) shall include the following:

(A) Requirements for the Program.

(B) The management structure of the Program.

(C) A funding profile for the Program for each year of the Program for the Department of Defense, the Department of Commerce, and the National Aeronautics and Space Administration.

(b) **IMPLEMENTATION PLAN.**—The President shall develop a plan to implement the strategy required under subsection (a)(1).

(c) **LIMITATION ON USE OF FUNDS.**—Of the amounts authorized to be appropriated for fiscal year 2010 by section 201(a)(3) for research, development, test, and evaluation for the Air Force and available for the Program—

(1) not more than 50 percent of such amounts may be obligated or expended before the date on which the strategy developed under subsection (a)(1) is submitted to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives; and

(2) not more than 75 percent of such amounts may be obligated or expended before the date on which the plan developed under subsection (c) is submitted to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives.

(d) **SENSE OF CONGRESS.**—It is the sense of Congress that once all requirements for the Program are fully agreed to by the Secretary of Defense, the Secretary of Commerce, and the Administrator of the National Aeronautics and Space Administration, the Program should be executed with no modifications to those requirements that would increase the cost, or extend the schedule, of the Program.

**Subtitle C—Intelligence-Related Matters**

**SEC. 921. INCLUSION OF DEFENSE INTELLIGENCE AGENCY IN AUTHORITY TO USE PROCEEDS FROM COUNTERINTELLIGENCE OPERATIONS.**

(a) **IN GENERAL.**—Section 423 of title 10, United States Code, is amended by inserting “or the Defense Intelligence Agency” after “the military departments” each place it appears in subsections (a) and (c).

(b) **CONFORMING AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of such section is amended to read as follows:

**“§423. Authority to use proceeds from counterintelligence operations of the military departments or the Defense Intelligence Agency”.**

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 21 of such title is amended by striking the item relating to section 423 and inserting the following new item:

“423. Authority to use proceeds from counterintelligence operations of the military departments or the Defense Intelligence Agency.”.

**SEC. 922. PLAN TO ADDRESS FOREIGN BALLISTIC MISSILE INTELLIGENCE ANALYSIS.**

(a) **ASSESSMENT AND PLAN.**—The Secretary of Defense, in consultation with the Director of National Intelligence, shall—

(1) conduct an assessment of foreign ballistic missile intelligence analytic gaps and shortfalls; and

(2) develop a plan to ensure that the appropriate intelligence centers have sufficient analytical capabilities to address such gaps and shortfalls.

(b) **REPORT.**—Not later than February 28, 2010, the Secretary of Defense shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the results of the assessment conducted under subsection (a)(1);

(2) the plan developed under subsection (a)(2); and

(3) a description of the resources required to implement such plan.

(c) **FORM.**—The report under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

**Subtitle D—Other Matters****SEC. 931. IMPLEMENTATION STRATEGY FOR DEVELOPING LEAP-AHEAD CYBER OPERATIONS CAPABILITIES.**

(a) **STRATEGY REPORT REQUIRED.**—Not later than March 1, 2010, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on a strategy for organizing the research and development bodies of the Department of Defense to develop leap-ahead cyber operations capabilities.

(b) **ELEMENTS.**—The report required by subsection (a) shall address the following:

(1) A description of the management structure and investment review process for coordinating the technology development of advanced offensive and defensive cyber operations capabilities—

(A) among the military departments, the Defense Agencies, the combatant commands, and the intelligence community;

(B) across all levels of classification, including relevant special access programs; and

(C) based on the identification and prioritization of joint cyber operations capabilities gaps.

(2) Actions taken and recommendations for further improving the coordination of research and development of offensive and defensive cyber operations capabilities among private sector, interagency, non-governmental, and international partners.

(3) Assessment of the feasibility and utility of regular national level, joint, interagency cyber exercises that would include, to the extent possible, participants from industry, international militaries, and non-governmental organizations to assess technologies, policies, and capabilities.

(c) **COORDINATION.**—The report required by subsection (a) shall be developed in coordination and concurrence with the Vice Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Intelligence, the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for Networks and Information Integration, the Director of the National Security Agency, and the commander of the United States Cyber Command.

(d) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) **CYBER OPERATIONS CAPABILITIES DEFINED.**—The term “cyber operations capabilities” means the range of capabilities needed for computer network defense, computer network attack, and computer network exploitations. Such term includes technical as well as non-material solutions.

**SEC. 932. DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM DEVELOPMENT AND TRANSITION.**

(a) **IN GENERAL.**—The Secretary of Defense shall establish a Defense Integrated Military Human Resources System development and transition Council to provide advice to the Secretary of Defense and the Secretaries of the military departments on the modernization of the integrated pay and personnel system for each military department and the collection of data generated by each such system into the enterprise information warehouse.

(b) **COUNCIL.**—The Council shall include the following members:

(1) The Deputy Chief Management Officer of the Department of Defense.

(2) The Director of the Business Transformation Agency.

(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics, or a designated representative.

(4) The Under Secretary of Defense for Personnel and Readiness, or a designated representative.

(5) One representative from each of the Army, Navy, Air Force, and Marine Corps who is a lieutenant general or vice admiral, or a civilian equivalent.

(6) One representative of the National Guard Bureau who is a lieutenant general or vice admiral, or a civilian equivalent.

(7) The Assistant Secretary of Defense for Networks and Information Integration, or a designated representative.

(8) The Director of Operational Test and Evaluation, or a designated representative.

(9) Such other individuals as may be designated by the Deputy Secretary of Defense, acting in the Deputy Secretary's capacity as the Chief Management Officer.

(c) **MEETINGS.**—The Council shall meet not less than twice a year, or more often as specified by the Deputy Secretary of Defense.

(d) **DUTIES.**—The Council shall have the following responsibilities:

(1) Resolution of significant policy, programmatic, or budgetary issues impeding modernization or deployment of integrated personnel and pay systems for each military department, including issues relating to—

(A) common interfaces, architectures, and systems engineering;

(B) ensuring that developmental systems are consistent with current and future enterprise accounting and pay and personnel standards and practices; and

(C) ensuring that developmental systems are consistent with current and future Department of Defense business enterprise architecture.

(2) Coordination of implementation of the integrated personnel and pay system within defense organizations to ensure interoperability between all appropriate elements of the system.

(3) Establishment of metrics to assess the following:

(A) Business process re-engineering needed for successful deployment of the integrated pay and personnel system.

(B) Interoperability between legacy, operational, and developmental pay and personnel systems.

(C) Interface and systems architecture control and standardization.

(D) Retirement of legacy systems.

(E) Use of the enterprise information warehouse.

(F) Any other relevant matters.

(4) Such other responsibilities as the Secretary determines are appropriate.

(e) **TERMINATION.**—This section shall not be in effect after September 30, 2013.

(f) **REPORT.**—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on actions taken pursuant to this section.

**SEC. 933. REPORT ON SPECIAL OPERATIONS COMMAND ORGANIZATION, MANNING, AND MANAGEMENT.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command shall prepare and submit to the Secretary of Defense a report and recommendations, in accordance with this section, on the organization, manning, and management of the command.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A comparison of current and projected fiscal year 2010 military and civilian end strength levels at special operations command headquarters with fiscal year 2000 levels, both actual and authorized.

(2) A comparison of fiscal year 2000 through 2010 special operations command headquarters end strength growth with the growth of each special operations forces component command headquarters over the same time period, both actual and authorized.

(3) A summary and assessment that identifies the resourcing, in terms of manning, training, equipping, and funding, that the United States Special Operations Command provides to each of the theater special operations commands under the geographical combatant commands and a summary of personnel specialties assigned to each such command.

(4) Options and recommendations for reducing staffing levels at special operations command headquarters by 5 and 10 percent, respectively, and an assessment of the opportunity costs and management risks associated with each option.

(5) Recommendations for increasing manning levels, if appropriate, at each component command, and especially at Army Special Operations Command.

(6) A plan to sustain the cultural engagement group of Special Operations Command Central.

(7) An assessment of the resourcing requirements to establish capability similar to the cultural engagement group capability at the other theater special operations command locations.

(8) A review and assessment for improving the relationship between the United States Special Operations Command and each of the theater special operations commands under the geographical combatant commands and the establishment of a more direct administrative and collaborative link between them.

(9) A review and assessment of existing Department of Defense executive agent support to the United States Special Operations Command and its subordinate components, as well as commentary about proposals to use the same executive agent throughout the special operations community.

(10) An updated assessment on the specific proposal to provide executive agent support from the Defense Logistics Agency for the United States Special Operations Command.

(11) A recommendation and plan for including international development and conflict prevention representatives as participants in the Interagency Task Force process.

(c) **SUBMISSION OF REPORT AND RECOMMENDATIONS TO CONGRESSIONAL DEFENSE COMMITTEES.**—Not later than 30 days after the date of the submission of the report and recommendations required under subsection (a) by the Commander of the United States Special Operations Command, the Secretary of Defense shall forward the report and recommendations to the congressional defense committees, together with such additional comments as the Secretary considers appropriate.

**SEC. 934. STUDY ON THE RECRUITMENT, RETENTION, AND CAREER PROGRESSION OF UNIFORMED AND CIVILIAN MILITARY CYBER OPERATIONS PERSONNEL.**

(a) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the challenges to retention and professional development of cyber operations personnel within the Department of Defense.

(b) **MATTERS TO BE ADDRESSED.**—The assessment by the Secretary of Defense shall address the following matters:

(1) The sufficiency of the numbers and types of personnel available for cyber operations, including an assessment of the balance between military and civilian positions and the availability of personnel with expertise in matters related to cyber operations from outside of the Department of Defense.

(2) The definition and coherence of career fields for both members of the Armed Forces and civilian employees of the Department of Defense, including the sufficiency of training and experience levels required, and measures to improve them if necessary.

(3) The types of recruitment and retention incentives available to members of the Armed

Forces and civilian employees of the Department of Defense.

(4) Identification of legal, policy, or administrative impediments to attracting and retaining cyber operations personnel.

(5) The standards used by the Department of Defense to measure effectiveness at recruiting, retaining, and ensuring an adequate career progression for cyber operations personnel.

(6) The effectiveness of educational and outreach activities used to attract, retain, and reward cyber operations personnel, including how to expand outreach to academic institutions and improve coordination with other civilian agencies and industrial partners.

(7) The management of educational and outreach activities used to attract, retain, and reward cyber operations personnel, such as the National Centers of Academic Excellence in Information Assurance Education.

(8) Efforts to establish public-private partnerships to meet the needs of the Department with respect to cyber operations personnel and training.

(9) Recommendations for legislative changes necessary to increase the availability of cyber operations personnel.

(c) **CYBER OPERATIONS PERSONNEL DEFINED.**—In this section, the term “cyber operations personnel” refers to members of the Armed Forces and civilian employees of the Department of Defense involved with the operations and maintenance of a computer network connected to the global information grid, as well as offensive, defensive, and exploitation functions of such a network.

**SEC. 935. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.**

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of Transportation shall, after consultation with the Secretary of Homeland Security, jointly develop a plan for providing expanded access to the national airspace for unmanned aircraft systems of the Department of Defense.

(b) **ELEMENTS.**—The plan required by subsection (a) shall include the following:

(1) A description of how the Department of Defense and the Department of Transportation will communicate and cooperate, at the executive, management, and action levels, to provide expanded access to the national airspace for unmanned aircraft systems of the Department of Defense.

(2) Specific milestones, taking into account the operational and training needs of the Department of Defense and the safety and air traffic management needs of the Department of Transportation, for providing expanded access to the national airspace for unmanned aircraft systems and a transition plan for sites programmed to be activated as unmanned aerial system sites during fiscal years 2010 through 2015.

(3) Recommendations for policies with respect to use of the national airspace, flight standards, and operating procedures that should be implemented by the Department of Defense and the Department of Transportation to accommodate unmanned aircraft systems assigned to any State or territory of the United States.

(4) An identification of resources required by the Department of Defense and the Department of Transportation to execute the plan.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit a report containing the plan required by subsection (a) to the following committees:

(1) The congressional defense committees.  
(2) The Committee on Commerce, Science, and Transportation of the Senate and the Committee

on Transportation and Infrastructure of the House of Representatives.

(3) The Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

**TITLE X—GENERAL PROVISIONS**

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Sec. 1055. Report on nuclear aspirations of non-state entities, nuclear weapons and related programs in non-nuclear-weapons states and countries not parties to the Nuclear Non-Proliferation Treaty, and certain foreign persons.

Sec. 1056. Comptroller General review of Department of Defense spending in final fiscal quarters.

Sec. 1057. Report on Air America.

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**Subtitle F—Other Matters**

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**Subtitle A—Financial Matters****SEC. 1001. GENERAL TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,000,000,000.

(3) **EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.**—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

**SEC. 1002. RELATIONSHIP OF THE QUADRENNIAL DEFENSE REVIEW AND THE ANNUAL BUDGET REQUEST.**

Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) **RELATIONSHIP TO BUDGET.**—Nothing in this section shall be construed to affect section 1105(a) of title 31.”.

**SEC. 1003. AUDIT READINESS OF FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.**

(a) **FINANCIAL IMPROVEMENT AUDIT READINESS PLAN.**—

(1) **IN GENERAL.**—The Chief Management Officer of the Department of Defense shall, in consultation with the Under Secretary of Defense (Comptroller), develop and maintain a plan to be known as the “Financial Improvement and Audit Readiness Plan”.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall—

(A) describe specific actions to be taken and the costs associated with—

(i) correcting the financial management deficiencies that impair the ability of the Department of Defense to prepare timely, reliable, and complete financial management information; and

(ii) ensuring the financial statements of the Department of Defense are validated as ready for audit by not later than September 30, 2017;

(B) systematically tie the actions described under subparagraph (A) to process and control improvements and business systems modernization efforts described in the business enterprise architecture and transition plan required by section 2222 of title 10, United States Code;

(C) prioritize—

(i) improving the budgetary information of the Department of Defense, in order to achieve an unqualified audit opinion on the Department's statements of budgetary resources; and

(ii) as a secondary goal, improving the accuracy and reliability of management information on the Department's mission-critical assets (military and general equipment, real property, inventory, and operating materials and supplies) and validating its accuracy through existence and completeness audits; and

(D) include interim goals, including—

(i) the objective of ensuring that the financial statement of each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency is validated as ready for audit; and

(ii) a schedule setting forth milestones for elements of the military departments and financial statements of the military departments to be made ready for audit as part of the progress required to meet the objectives established pursuant to clause (i) of this subparagraph and clause (ii) of subparagraph (A) of this paragraph.

(b) **SEMI-ANNUAL REPORTS ON FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN.**—

(1) **IN GENERAL.**—Not later than May 15 and November 15 each year, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on the status of the implementation by the Department of Defense of the Financial Improvement and Audit Readiness Plan required by subsection (a).

(2) **ELEMENTS.**—Each report under paragraph (1) shall include, at a minimum—

(A) an overview of the steps the Department has taken or plans to take to meet the objectives specified in subsection (a)(2)(A), including progress toward achieving the interim goals and milestone schedule established pursuant to subsection (a)(2)(D); and

(B) a description of any impediments identified in the efforts of the Department to meet such objectives, and of the actions the Department has taken or plans to take to address such impediments.

(3) **ADDITIONAL ISSUES TO BE ADDRESSED IN FIRST REPORT.**—The first report submitted under paragraph (1) after the date of the enactment of this Act shall address, in addition to the elements required by paragraph (2), the actions taken or to be taken by the Department as follows:

(A) To develop standardized guidance for financial improvement plans by components of the Department.

(B) To establish a baseline of financial management capabilities and weaknesses at the component level of the Department.

(C) To provide results-oriented metrics for measuring and reporting quantifiable results toward addressing financial management deficiencies.

(D) To define the oversight roles of the Chief Management Officer of the Department of Defense, the chief management officers of the military departments, and other appropriate elements of the Department to ensure that the requirements of the Financial Improvement and Audit Readiness Plan are carried out.

(E) To assign accountability for carrying out specific elements of the Financial Improvement and Audit Readiness Plan to appropriate officials and organizations at the component level of the Department.

(F) To develop mechanisms to track budgets and expenditures for the implementation of the requirements of the Financial Improvement and Audit Readiness Plan.

(G) To develop a mechanism to conduct audits of the military intelligence programs and agencies and to submit audited financial statements for such agencies to Congress in a classified manner.

(c) **RELATIONSHIP TO EXISTING LAW.**—The requirements of this section shall be implemented

in a manner that is consistent with the requirements of section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1204; 10 U.S.C. 2222 note).

**Subtitle B—Counter-Drug Activities****SEC. 1011. UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.**

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by section 1023 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4586), is further amended—

(1) in subsection (a), by striking “2009” and inserting “2010”; and

(2) in subsection (c), by striking “2009” and inserting “2010”.

**SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.**

(a) **EXTENSION OF AUTHORITY.**—Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 371 note), as most recently amended by section 1022 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4586), is further amended by striking “2009” and inserting “2010”.

(b) **ANNUAL REPORT.**—Subsection (c) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended to read as follows:

“(c) **ANNUAL REPORT.**—Not later than December 31 of each year after 2008 in which the authority in subsection (a) is in effect, the Secretary of Defense shall submit to Congress a report setting forth, for the one-year period ending on the date of such report, the following:

“(1) An assessment of the effect on counter-drug and counter-terrorism activities and objectives of using counter-drug funds of a joint task force to provide counterterrorism support authorized by subsection (a).

“(2) A description of the type of support and any recipient of support provided under subsection (a).

“(3) A list of current joint task forces conducting counter-drug operations.”.

**SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.**

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-255), as most recently amended by section 1021 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4586), is further amended by striking “April 15, 2006” and all that follows through “February 15, 2009” and inserting “February 15, 2010”.

**SEC. 1014. SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.**

(a) **IN GENERAL.**—Subsection (a)(2) section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881), as most recently amended by section 1024(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4587), is further amended by striking “2009” and inserting “2010”.

(b) **MAXIMUM AMOUNT OF SUPPORT.**—Subsection (e)(2) of such section is amended by striking “fiscal year 2009” and inserting “either of fiscal years 2009 and 2010”.

(c) **CONDITIONS ON PROVISION OF SUPPORT.**—Subsection (f)(2) of such section is amended in the matter preceding subparagraph (A) by striking “for fiscal year 2009 to carry out this section



and the first fiscal year in which the support is to be provided" and inserting "and available for support".

(d) COUNTER-DRUG PLAN.—Subsection (h) of such section is amended—

(1) in the matter preceding paragraph (1), by striking "fiscal year 2009" and inserting "for each fiscal year"; and

(2) in paragraph (7), by striking "fiscal year 2009, and thereafter, for the first fiscal year in which support is to be provided" and inserting "each fiscal year in which support is to be provided to a government".

#### SEC. 1015. BORDER COORDINATION CENTERS IN AFGHANISTAN AND PAKISTAN.

(a) PROHIBITION ON USE OF COUNTER-NARCOTIC ASSISTANCE FOR BORDER COORDINATION CENTERS.—

(1) PROHIBITION.—Amounts available for drug interdiction and counter-drug activities of the Department of Defense may not be expended for the construction, expansion, repair, or operation and maintenance of any existing or proposed border coordination center.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not prohibit or limit the use of other funds available to the Department of Defense to construct, expand, repair, or operate and maintain border coordination centers.

(b) LIMITATION ON ESTABLISHMENT OF ADDITIONAL CENTERS.—

(1) LIMITATION.—The Secretary of Defense may not authorize the establishment, or any construction in connection with the establishment, of a third border coordination center in the area of operations of Regional Command-East in the Islamic Republic of Afghanistan until a border coordination center has been constructed, or is under construction, in either—

(A) the area of operations of Regional Command-South in the Islamic Republic of Afghanistan; or

(B) Baluchistan in the Islamic Republic of Pakistan.

(2) NATIONAL SECURITY WAIVER.—The Secretary may waive the limitation under paragraph (1) if the Secretary determines that such a waiver is vital to the national security interests of the United States. The Secretary shall promptly submit to Congress notice in writing of any waiver under this paragraph.

(c) BORDER COORDINATION CENTER DEFINED.—In this section, the term "border coordination center" means a multilateral military coordination and intelligence center that is located, or intended to be located, near the border between the Islamic Republic of Afghanistan and the Islamic Republic of Pakistan.

#### SEC. 1016. COMPTROLLER GENERAL REPORT ON EFFECTIVENESS OF ACCOUNTABILITY MEASURES FOR ASSISTANCE FROM COUNTER-NARCOTICS CENTRAL TRANSFER ACCOUNT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the performance evaluation system used by the Secretary of Defense to assess the effectiveness of assistance provided for foreign nations to achieve the counter-narcotics objectives of the Department of Defense. The report shall be unclassified, but may contain a classified annex.

(b) ELEMENTS.—The report required by subsection (a) shall contain the following:

(1) A description of the performance evaluation system of the Department of Defense used to determine the efficiency and effectiveness of counter-narcotics assistance provided by the Department of Defense to foreign nations.

(2) An assessment of the ability of the performance evaluation system to accurately measure the efficiency and effectiveness of such counter-narcotics assistance.

(3) Detailed recommendations on how to improve the capacity of the performance evalua-

tion system for the counter-narcotics central transfer account.

#### Subtitle C—Naval Vessels and Shipyards

#### SEC. 1021. SENSE OF CONGRESS ON THE MAINTENANCE OF A 313-SHIP NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of the Navy has a stated requirement for a 313-ship fleet.

(2) The Navy can better meet this requirement—

(A) by procuring sufficient numbers of new ships; and

(B) by ensuring the sound material condition of existing ships that will enable the Navy to utilize them for their full planned service lives.

(3) When procuring new classes of ships, the Navy must exercise greater caution than it has exhibited to date in proceeding from one stage of the acquisition cycle to the next before a ship program has achieved a level of maturity that significantly lowers the risk of cost growth and schedule slippage.

(4) In retaining existing assets, the Navy can do a much better job of achieving the full planned service lives of ships and extending the service lives of certain ships so as to keep their unique capabilities in the fleet while the Navy takes the time necessary to develop and field next-generation capabilities under a low risk program.

(5) The Navy can undertake certain development approaches that can help the Navy control the total costs of ownership of a ship or class of ships, including emphasizing common hull designs, open architecture combat systems, and other common ship systems in order to achieve efficiency in acquiring and supporting various classes of ships.

(6) The Navy needs to continue its efforts toward achieving an open architecture for existing combat systems, as this will have great benefit in reducing the costs and risks of fielding new classes of ships, and will yield recurring savings from reducing the costs of buying later ships in a program and reducing life cycle support costs for ships and classes of ships.

(7) The Navy can also undertake other measures to acquire new ships and maintain the current fleet with greater efficiency, including—

(A) greater use of fixed-price contracts;

(B) maximizing competition (or the option of competition) throughout the life cycle of its ships;

(C) entering into multi-year contracts when warranted; and

(D) employing an incremental approach to developing new technologies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Navy should meet its requirement for a 313-ship fleet until such time that modifications to the Navy's ship fleet force structure are warranted, and the Secretary of the Navy provides Congress with a justification of any proposed modifications, supported by rigorous and sufficient warfighting analysis;

(2) the Navy should take greater care to achieve the full planned service life of existing ships and reduce the incidence of early ship decommissioning;

(3) the Navy should exercise greater restraint on the acquisition process for ships in order to achieve on-time, on-cost shipbuilding programs; and

(4) Congress should support the Navy when it is acting responsibly to undertake measures that can help the Navy achieve the requirement for a 313-ship fleet and maintain a fleet that is adequate to meet the national security needs of the United States.

#### SEC. 1022. DESIGNATION OF U.S.S. CONSTITUTION AS AMERICA'S SHIP OF STATE.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Act entitled "An Act to Provide a Naval Armament", approved on March 27, 1794 (1 Stat. 350, Chap. XII), the 3rd Congress authorized the construction of six frigates as the first ships to be built for the United States Navy.

(2) One of the six frigates was built in Boston, Massachusetts, between 1794 and 1797, and is the only one of the original six ships to survive.

(3) President George Washington named this frigate "Constitution" to represent the Nation's founding document.

(4) President Thomas Jefferson, asserting the right of the United States to trade on the high seas, dispatched the frigate Constitution in 1803 as the flagship of the Mediterranean Squadron to end the depredations of the Barbary States against United States ships and shipping, which led to a treaty being signed with the Bashaw of Tripoli in the captain's cabin aboard the frigate Constitution on June 4, 1805.

(5) The frigate Constitution, with her defeat of the H.M.S. Guerriere, secured the first major victory by the young United States Navy against the Royal Navy during the War of 1812, gaining in the process the nickname "Old Ironsides", which she has proudly carried since.

(6) Congress awarded gold medals to four of the ship's commanding officers (Preble, Hull, Stewart, and Bainbridge), a record unmatched by any other United States Navy vessel.

(7) The frigate Constitution emerged from the War of 1812 undefeated, having secured victories over three additional ships of the Royal Navy.

(8) As early as May 1815, the frigate Constitution had already been adopted as a symbol of the young Republic, as attested by the [Washington] National Intelligencer which proclaimed, "Let us keep 'Old Ironsides' at home. She has, literally become the Nation's Ship . . . and should thus be preserved . . . in honorable pomp, as a glorious Monument of her own, and our other Naval Victories."

(9) Rumors in 1830 that "Old Ironsides", an aging frigate, was about to be scrapped resulted in a public uproar demanding that the ship be restored and preserved, spurred by Oliver Wendell Holmes' immortal poem "Old Ironsides".

(10) "Old Ironsides" circumnavigated the world between 1844 and 1846, showing the American flag as she searched for future coaling stations that would eventually fuel the steam-powered navy of the United States.

(11) The first Pope to set foot on United States sovereign territory was Pius IX onboard the frigate Constitution in 1849.

(12) On April 25, 1860, "Old Ironsides" evacuated the midshipmen of the United States Naval Academy from Annapolis, Maryland, to Newport, Rhode Island, preventing the young officers and the esteemed ship from falling into Confederate hands.

(13) In 1896, Congressman John F. "Honey Fitz" Fitzgerald introduced legislation to return "Old Ironsides" from the Portsmouth Naval Shipyard in New Hampshire, where she was moored pier side and largely forgotten, to Boston for her 100th birthday.

(14) Thousands of school children contributed pennies between 1925 and 1927 to help fund a much needed restoration for "Old Ironsides".

(15) Between 1931 and 1934, more than 4,500,000 Americans gained inspiration, at the depth of the Great Depression, by going aboard "Old Ironsides" as she was towed to 76 ports on the Atlantic, Gulf, and Pacific coasts.

(16) The 83rd Congress enacted the Act of July 23, 1954 (68 Stat. 527, chapter 565), which directed the Secretary of the Navy to transfer to the States and appropriate commissions four other historic ships then on the Navy inventory, and to repair and equip the U.S.S. Constitution, as much as practicable, to her original condition, but not for active service.

(17) Queen Elizabeth II paid a formal visit to the U.S.S. Constitution in 1976, at the start of

her state visit marking the bicentennial of the United States.

(18) The U.S.S. Constitution, in celebration of her bicentennial, returned to sea under sail on July 21, 1997, for the first time since 1881, proudly setting sails purchased by the contributions of thousands of pennies given by school children across the United States.

(19) The U.S.S. Constitution is the oldest commissioned warship afloat in the world.

(20) The U.S.S. Constitution is a national historic landmark.

(21) The U.S.S. Constitution continues to perform official, ceremonial duties, including in recent years hosting a congressional dinner honoring the late Senator John Chafee of Rhode Island, a special salute for the dedication of the John Moakley Federal Courthouse, a luncheon honoring British Ambassador Sir David Manning, and a special underway demonstration during which 60 Medal of Honor recipients each received a personal Medal of Honor flag.

(22) The U.S.S. Constitution celebrated on October 21, 2007, the 210th anniversary of her launching.

(23) The U.S.S. Constitution will remain a commissioned ship in the United States Navy, with the Navy retaining control of the ship, its material condition, and its employment.

(24) The U.S.S. Constitution's primary mission will remain education and public outreach, and any Ship of State functions will be an adjunct to the ship's primary mission.

(b) DESIGNATION AS AMERICA'S SHIP OF STATE.—

(1) IN GENERAL.—The U.S.S. Constitution is hereby designated as "America's Ship of State".

(2) REFERENCES.—The U.S.S. Constitution may be known or referred to as "America's Ship of State".

(3) SENSE OF CONGRESS.—It is the sense of Congress that the President, Vice President, executive branch officials, and members of Congress should use the U.S.S. Constitution for the conducting of pertinent matters of state, such as hosting visiting heads of state, signing legislation relating to the Armed Forces, and signing maritime related treaties.

(4) FEE OR REIMBURSEMENT STRUCTURE FOR NON-DEPARTMENT OF THE NAVY USE.—The Secretary of the Navy shall determine an appropriate fee or reimbursement structure for any non-Department of the Navy entities using the U.S.S. Constitution for Ship of State purposes.

#### SEC. 1023. TEMPORARY REDUCTION IN MINIMUM NUMBER OF OPERATIONAL AIRCRAFT CARRIERS.

(a) TEMPORARY WAIVER.—Notwithstanding section 5062(b) of title 10, United States Code, during the period beginning on the date of the inactivation of the U.S.S. Enterprise (CVN-65) scheduled, as of the date of the enactment of this Act, for fiscal year 2013 and ending on the date of the commissioning into active service of the U.S.S. Gerald R. Ford (CVN-78), the number of operational aircraft carriers in the naval combat forces of the Navy may be 10.

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—During fiscal year 2012, the Chairman of the Joint Chiefs of Staff, in coordination with the commanders of the combatant commands, shall evaluate the required postures and capabilities of each of the combatant commands to assess the level of increased risk that could result due to a temporary reduction in the total number of operational aircraft carriers following the inactivation of the U.S.S. Enterprise (CVN-65).

(2) REPORT TO CONGRESS.—Together with the budget materials submitted to Congress by the Secretary of Defense in support of the President's budget for fiscal year 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the find-

ings of the evaluation conducted pursuant to paragraph (1), and the basis for each such finding.

#### SEC. 1024. SENSE OF CONGRESS CONCERNING THE DISPOSITION OF SUBMARINE NR-1.

(a) FINDINGS.—Congress makes the following findings:

(1) The Deep Submergence Vessel NR-1 (hereinafter in this section referred to as "NR-1") was built by the Electric Boat Company in Groton, Connecticut, entered service in 1969, and was the only nuclear-powered research submersible in the United States Navy.

(2) NR-1 was assigned to Naval Submarine Base New London, located in Groton, Connecticut, throughout her entire service life.

(3) NR-1 was inactivated in December 2008.

(4) Due to the unique capabilities of NR-1, it conducted numerous missions of significant military and scientific value most notably in the fields of geological survey and oceanographic research.

(5) In 1986, NR-1 played a key role in the search for and recovery of the Space Shuttle Challenger.

(6) The mission of the Submarine Force Library and Museum in Groton, Connecticut, is to collect, preserve, and interpret the history of the United States Naval Submarine Force in order to honor veterans and to educate naval personnel and the public in the heritage and traditions of the Submarine Force.

(7) NR-1 is a unique and irreplaceable part of the history of the Navy and the Submarine Force and an educational and historical asset that should be shared with the Nation and the world.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) NR-1 is a unique and irreplaceable part of the Nation's history and as much of the vessel as possible should be preserved for the historical and educational benefit of all Americans at the Submarine Force Library and Museum in Groton, Connecticut; and

(2) the Secretary of the Navy should ensure that as much of the vessel as possible, including unique components of on-board equipment and clearly recognizable sections of the hull and superstructure, to the full extent practicable, are made available for transfer to the Submarine Force Library and Museum.

#### Subtitle D—Miscellaneous Requirements, Authorities, and Limitations

#### SEC. 1031. PROHIBITION RELATING TO PROPAGANDA.

(a) IN GENERAL.—

(1) PROHIBITION.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2241 the following new section:

#### "§2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States

"Funds available to the Department of Defense may not be obligated or expended for publicity or propaganda purposes within the United States not otherwise specifically authorized by law."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States."

(b) EFFECTIVE DATE.—Section 2241a of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

#### SEC. 1032. RESPONSIBILITY FOR PREPARATION OF BIENNIAL GLOBAL POSITIONING SYSTEM REPORT.

(a) IN GENERAL.—Section 2281(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "the Secretary of Defense" and inserting "the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing,"; and

(B) by striking "the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives" and inserting "the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives"; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) In preparing each report required under paragraph (1), the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing, shall consult with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security."

(b) TECHNICAL AMENDMENTS.—Paragraph (1)(B)(ii) of such section is amended—

(1) by inserting "validated" before "performance requirements"; and

(2) by inserting "in accordance with Office of Management and Budget Circular A-109" after "Plan".

#### SEC. 1033. REPORTS ON BANDWIDTH REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEM ACQUISITION PROGRAMS.

Section 1047(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4603; 10 U.S.C. 2366b note) is amended to read as follows:

"(d) FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that—

"(A) the bandwidth requirements needed to support such program are or will be met; and

"(B) a determination will be made with respect to how to meet the bandwidth requirements for such program.

"(2) REPORTS.—Not later than January 1 of each year, the Secretary of Defense and the Director of National Intelligence shall each submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on any determinations made under paragraph (1) with respect to meeting the bandwidth requirements for major defense acquisition programs and major system acquisition programs during the preceding fiscal year."

#### SEC. 1034. ADDITIONAL DUTIES FOR ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

(a) ADDITIONAL DUTIES.—Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 337) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (6) the following new paragraphs:

"(7) assess the adequacy of the process and methodology by which the Department of Defense establishes and maintains dedicated, special, and general purpose forces for conducting operations described in paragraph (1);

“(8) assess the adequacy of the resources planned and programmed by the Department of Defense to ensure the preparedness and capability of dedicated, special, and general purpose forces for conducting operations described in paragraph (1);”.

(b) **TECHNICAL AMENDMENTS.**—Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 337) is further amended—

(1) in paragraph (1), by striking “in support to” and inserting “to provide support to”;

(2) in paragraph (2), by striking “purposes” and inserting “purpose”; and

(3) in paragraph (4), by striking “other department” and inserting “other departments”.

**SEC. 1035. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.**

Not later than February 1, 2010, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a revised charter for the National Reconnaissance Office (in this section referred to as the “NRO”). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) The role of the NRO in the development and generation of requirements and acquisition.

(3) The scope of the capabilities of the NRO.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other organizations and agencies in the intelligence and defense communities.

**SEC. 1036. NATIONAL STRATEGIC FIVE-YEAR PLAN FOR IMPROVING THE NUCLEAR FORENSIC AND ATTRIBUTION CAPABILITIES OF THE UNITED STATES.**

(a) **IN GENERAL.**—The President, with the participation of the officials specified in subsection (c), shall develop a national strategic plan for improving over a five-year period the nuclear forensic and attribution capabilities of the United States and the methods, capabilities, and capacity for nuclear materials forensics and attribution.

(b) **ELEMENTS.**—The plan required under subsection (a) shall include the following:

(1) An investment plan to support nuclear materials forensics and attribution.

(2) Recommendations with respect to—

(A) the allocation of roles and responsibilities for pre-detonation, detonation, and post-detonation activities; and

(B) methods for the attribution of nuclear or radiological material to the source when such material is intercepted by the United States, foreign governments, or international bodies or is dispersed in the course of a terrorist attack or other nuclear or radiological explosion.

(c) **OFFICIALS.**—The officials specified in this subsection are the following:

(1) The Secretary of Homeland Security.

(2) The Secretary of Defense.

(3) The Secretary of Energy.

(4) The Attorney General.

(5) The Secretary of State.

(6) The Director of National Intelligence.

(7) Such other officials as the President considers appropriate.

(d) **SUBMITTAL TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the plan required under subsection (a).

**SEC. 1037. AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS TO PORTUGUESE NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.**

(a) **AUTHORIZATION FOR PAYMENTS.**—Subject to subsection (b), the Secretary of Defense may authorize payments to Portuguese nationals employed by the Department of Defense in Portugal, for the difference between—

(1) the salary increases resulting from section 8002 of the Department of Defense Appropriations Act, 2006 (Public Law 109–148; 119 Stat. 2697; 10 U.S.C. 1584 note) and section 8002 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584 note); and

(2) salary increases supported by the Department of Defense Azores Foreign National wage surveys for survey years 2006 and 2007.

(b) **LIMITATION.**—The authority provided in subsection (a) may be exercised only if—

(1) the wage survey methodology described in the United States–Portugal Agreement on Co-operation and Defense, with supplemental technical and labor agreements and exchange of notes, signed at Lisbon on June 1, 1995, and entered into force on November 21, 1995, is eliminated; and

(2) the agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to provide that the obligations of the United States regarding annual pay increases are subject to United States appropriation law governing the funding available for such increases.

(c) **AUTHORIZATION FOR APPROPRIATION.**—Of the amounts authorized to be appropriated under title III, not less than \$240,000 is authorized to be appropriated for fiscal year 2010 for the purpose of the payments authorized by subsection (a).

**SEC. 1038. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.**

(a) **PROHIBITION.**—Except as provided in subsection (b), effective one year after the date of the enactment of this Act, no enemy prisoner of war, civilian internee, retained personnel, other detainee, or any other individual who is in the custody or under the effective control of the Department of Defense or otherwise under detention in a Department of Defense facility in connection with hostilities may be interrogated by contractor personnel.

(b) **AUTHORIZED FUNCTIONS OF CONTRACTOR PERSONNEL.**—Contractor personnel with proper training and security clearances may be used as linguists, interpreters, report writers, information technology technicians, and other employees filling ancillary positions, including as trainers of and advisors to interrogators, in interrogations of persons as described in subsection (a) if—

(1) such personnel are subject to the same rules, procedures, policies, and laws pertaining to detainee operations and interrogations as apply to government personnel in such positions in such interrogations; and

(2) appropriately qualified and trained military or civilian personnel of the Department of Defense are available to oversee the contractor's performance and to ensure that contractor personnel do not perform activities that are prohibited under this section.

(c) **DISCHARGE BY GOVERNMENT PERSONNEL.**—The Secretary of Defense shall take appropriate actions to ensure that, by not later than one year after the date of the enactment of this Act, the Department of Defense has the resources needed to ensure that interrogations described in subsection (a) are conducted by appropriately qualified government personnel.

(d) **WAIVER.**—

(1) **WAIVERS AUTHORIZED.**—The Secretary of Defense may waive the prohibition under subsection (a) for a period of 60 days if the Secretary determines such a waiver is vital to the national security interests of the United States. The Secretary may renew a waiver issued pursuant to this paragraph for an additional 30-day period, if the Secretary determines that such a renewal is vital to the national security interests of the United States.

(2) **LIMITATION ON DELEGATION.**—

(A) **IN GENERAL.**—The waiver authority under paragraph (1) may not be delegated to any official below the level of the Deputy Secretary of Defense, except in the case of a waiver for an individual interrogation that is based on military exigencies, in which case the delegation of the waiver authority shall be done pursuant to regulations that the Secretary of Defense shall prescribe but in no instance may the latter delegation be below the level of combatant commander of the theater in which the individual is in the custody or under the effective control of the Department of Defense or otherwise under detention in a Department of Defense facility within that theater.

(B) **DEADLINE FOR REGULATIONS.**—The Secretary of Defense shall prescribe the regulations referred to in subparagraph (A) by not later than 30 days after the date of the enactment of this Act.

(3) **CONGRESSIONAL NOTIFICATION.**—Not later than five days after the Secretary issues a waiver pursuant to paragraph (1), the Secretary shall submit to Congress written notification of the waiver.

**SEC. 1039. NOTIFICATION AND ACCESS OF INTERNATIONAL COMMITTEE OF THE RED CROSS WITH RESPECT TO DETAINEES AT THEATER INTERNMENT FACILITY AT BAGRAM AIR BASE, AFGHANISTAN.**

(a) **NOTIFICATION.**—The head of a military service or department that has custody or effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, or of any individual detained at such facility, shall, upon the detention of any such individual at such facility, notify the International Committee of the Red Cross (referred to in this section as the “ICRC”) of such custody or effective control, as soon as practicable.

(b) **ACCESS.**—

(1) **ICRC ACCESS.**—The head of a military service or department with effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, shall—

(A) endeavor to ensure prompt ICRC access to any individual described in subsection (a) upon receipt by such head of an ICRC request to visit the detainee, pursuant to subsection (a); or

(B) if access to a such individual is temporarily denied as an exceptional measure, due to reasons of imperative military necessity, as soon thereafter as practicable, consistent with Article 126 of the Geneva Convention Relative to the Treatment of Prisoners of War, done at Geneva on August 12, 1949 (6 UST 3316), but normally no later than the next regularly scheduled ICRC visit.

(2) **PROTOCOLS AND AGREEMENTS.**—Such access to the individual shall continue pursuant to ICRC protocols and agreements reached between the ICRC and the head of a military service or department with effective control over the Theater Internment Facility at Bagram Air Base, Afghanistan.

(c) **SCOPE OF ACCESS.**—The ICRC shall be provided access, in accordance with this section, to those physical localities within the Theater Internment Facility at Bagram Air Base, Afghanistan, that are determined to be relevant to the treatment of an individual described in subsection (a), including the individual's cell or room, interrogation facilities or rooms, hospital or related health care facilities or rooms, and recreation areas. The scope of access described in this subsection shall not be construed to apply to facilities other than the Theater Internment Facility at Bagram Air Base, Afghanistan.

(d) **EXCEPTION CONSISTENT WITH THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR.**—Consistent with Article 126 of the Geneva Convention Relative to the Treatment of Prisoners of War, access by the ICRC to

a detainee as provided for in subsections (b) and (c) may be temporarily denied, as an exceptional measure, for reasons of imperative military necessity.

(e) **CONSTRUCTION.**—Nothing in this section shall be construed to—

(1) create or modify the authority of the United States Armed Forces, the Department of Defense, a Federal law enforcement agency, or the intelligence community to detain an individual under existing law, as of the date of the enactment of this Act; or

(2) limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the ICRC is required or allowed.

#### **SEC. 1040. NO MIRANDA WARNINGS FOR AL QAEDA TERRORISTS.**

(a) **NO MIRANDA WARNINGS.**—

(1) **IN GENERAL.**—Absent a court order requiring the reading of such statements, no member of the Armed Forces and no official or employee of the Department of Defense or a component of the intelligence community (other than the Department of Justice) may read to a foreign national who is captured or detained outside the United States as an enemy belligerent and is in the custody or under the effective control of the Department of Defense or otherwise under detention in a Department of Defense facility the statement required by *Miranda v. Arizona* (384 U.S. 436 (1966)), or otherwise inform such an individual of any rights that the individual may or may not have to counsel or to remain silent consistent with *Miranda v. Arizona* (384 U.S. 436 (1966)).

(2) **NONAPPLICABILITY TO DEPARTMENT OF JUSTICE.**—This subsection shall not apply to the Department of Justice.

(3) **DEFINITIONS.**—In this subsection:

(A) The term “foreign national” means an individual who is not a citizen or national of the United States.

(B) The term “enemy belligerent” includes a privileged belligerent against the United States and an unprivileged enemy belligerent, as those terms are defined in section 948a of title 10, United States Code, as amended by section 1802 of this Act.

(b) **REPORT REQUIRED ON NOTIFICATION OF DETAINEES OF RIGHTS UNDER MIRANDA V. ARIZONA.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on how the reading of rights under *Miranda v. Arizona* (384 U.S. 436 (1966)) to individuals detained by the United States in Afghanistan may affect—

(1) the tactical questioning of detainees at the point of capture by United States Armed Forces deployed in support of Operation Enduring Freedom;

(2) post-capture theater-level interrogations and intelligence-gathering activities conducted as part of Operation Enduring Freedom;

(3) the overall counterinsurgency strategy and objectives of the United States for Operation Enduring Freedom;

(4) United States military operations and objectives in Afghanistan; and

(5) potential risks to members of the Armed Forces operating in Afghanistan.

#### **SEC. 1041. LIMITATION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) **RELEASE PROHIBITION.**—During the period beginning on October 1, 2009, and ending on December 31, 2010, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense to release into the

United States, its territories, or possessions, any individual described in subsection (e).

(b) **TRANSFER LIMITATION.**—During the period beginning on October 1, 2009, and ending on December 31, 2010, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense to transfer any individual described in subsection (e) to the United States, its territories, or possessions, until 45 days after the President has submitted to the congressional defense committees the plan described in subsection (c).

(c) **COMPREHENSIVE PLAN REQUIRED.**—The President shall submit to the congressional defense committees a plan for the disposition of each individual described in subsection (e) who is proposed to be transferred to the United States, its territories, or possessions. Such plan for each individual shall include, at a minimum—

(1) an assessment of the risk that the individual described in subsection (e) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition of each such individual;

(3) the measures to be taken to mitigate any risks described in paragraph (1);

(4) the location or locations at which the individual will be held under the proposal for disposition required by paragraph (2);

(5) the costs associated with executing the plan, including technical and financial assistance required to be provided to State and local law enforcement agencies, if necessary, to carry out the plan;

(6) a summary of the consultation required in subsection (d); and

(7) a certification by the Attorney General that under the plan the individual poses little or no security risk to the United States, its territories, or possessions.

(d) **CONSULTATION REQUIRED.**—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (c)(2) includes transfer to that State, District of Columbia, or territory or possession.

(e) **DETAINEES DESCRIBED.**—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

#### **SEC. 1042. ADDITIONAL SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.**

Section 8 of the Inspector General Act of 1978 (5 U.S.C. App. 8) is amended by adding at the end the following new subsection:

“(i)(1) The Inspector General of the Department of Defense is authorized to require by subpoena the attendance and testimony of witnesses as necessary in the performance of functions assigned to the Inspector General by this Act, except that the Inspector General shall use procedures other than subpoenas to obtain attendance and testimony from Federal employees.

“(2) A subpoena issued under this subsection, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

“(3) The Inspector General shall notify the Attorney General 7 days before issuing any subpoena under this section.”.

#### **SEC. 1043. LIMITATIONS ON MODIFICATIONS OF CERTAIN GOVERNMENT FURNISHED EQUIPMENT; ONE-TIME AUTHORITY TO TRANSFER CERTAIN MILITARY PROTOTYPE.**

(a) **LIMITATION.**—An article of military equipment that is an end item of a major weapon system may not be furnished or transferred to a private entity for the conduct of research, development, test and evaluation under contractual agreement with the Department of Defense, if such research, development, test, and evaluation necessitates significantly modifying the military equipment, until the senior acquisition official of a military department, or his designee, submits to the congressional defense committees certification in writing—

(1) that the modification of such article of military equipment is necessary to execute the contractual scope of work and there is no suitable alternative to modifying such article;

(2) that the research, development, test, and evaluation effort is of sufficient interest to the military department to warrant the modification of such article of military equipment;

(3) that—

(A) prior to the end of the period of performance of such a contractual agreement, the article of military equipment will be restored to its original condition; or

(B) it is not necessary to restore the article of military equipment to its original condition because the military department intends to dispose of the equipment or operate the equipment in its modified form.

(4) that the private entity has sufficient resources and capability to fully perform the contractual research, development, test, and evaluation; and

(5) that the military department has—

(A) identified the scope of future test and evaluation likely to be required prior to transition of the associated technology to a program of record; and

(B) a plan for the conduct of such future test and evaluation, including the anticipated roles and responsibilities of government and the private entity, as applicable.

(b) **CERTIFICATION.**—No military equipment that is an end item of a major weapons system may be transferred or furnished to a private entity for purposes of research and development as authorized under subsection (a) unless the senior officer of the military service concerned certifies to the congressional defense committees that such equipment is not essential to the defense of the United States.

(c) **ONE-TIME AUTHORITY TO TRANSFER.**—The Secretary of the Navy may transfer, to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as “transferee”), all right, title, and interest of the United States, except as otherwise provided in this subsection, in and to Navy aircraft N40VT (Bureau Number 163283), also known as the X-49A aircraft, and associated components and test equipment, previously specified as Government-furnished equipment in contract N00019-00-C-0284. The transferee shall provide consideration for the transfer of such military equipment to the transferor of an amount not to exceed fair value, as determined, on a non-delegable basis, by the Secretary.

(d) **APPLICABLE LAW.**—The transfer or use of military equipment is subject to all applicable Federal and State laws and regulations, including, but not limited to, the Arms Export Control Act, the Export Administration Act of 1979, continued under Executive Order 12924, International Traffic in Arms Regulations (22 C.F.R. 120 et seq.), Export Administration Regulations (15 C.F.R. 730 et seq.), Foreign Assets Control Regulations (31 C.F.R. 500 et 13 seq.), and the Espionage Act.

(e) **CONDITION OF EQUIPMENT TO BE TRANSFERRED.**—

(1) **AS-IS CONDITION.**—The military equipment transferred under subsection (c) shall be transferred in its current “as-is” condition. The Secretary is not required to repair or alter the condition of any military equipment before transferring any interest in such equipment under subsection (c).

(2) **SPARE PARTS OR EQUIPMENT.**—The Secretary of the Navy is not required to provide spare parts or equipment as a result of the transfer authorized under subsection (c).

(f) **TRANSFER AT NO COST TO THE UNITED STATES.**—The transfer of military equipment under subsection (c) shall be made at no cost to the United States. Any costs associated with the transfer shall be borne by the transferee.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary shall require that the transfer authorized by section (c) be carried out by means of a written agreement and shall require, at a minimum, the following conditions to the transfer:

(1) A condition stipulating that the transfer of the X-49A aircraft is for the sole purpose of further development, test, and evaluation of vectored thrust ducted propeller (hereinafter in this section referred to as “VTDP”) technology.

(2) A condition providing the Government the right to procure the VTDP technology demonstrated under this program at a discounted cost based on the value of the X-49A aircraft and associated equipment at the time of transfer, with such valuation and terms determined by the Secretary.

(3) A condition that the transferee not transfer any interest in, or transfer possession of, the military equipment transferred under subsection (b) to any other party without the prior written approval of the Secretary.

(4) A condition that if the Secretary determines at any time that the transferee has failed to comply with a condition set forth in paragraphs (1) through (3), all items referred to in subsection (b) shall be transferred back to the Navy, at no cost to the United States.

(5) A condition that the transferee acknowledges sole responsibility of the X-49A aircraft and associated equipment and assumes all liability for operation of the X-49A aircraft and associated equipment.

(h) **NO LIABILITY FOR THE UNITED STATES.**—Upon the transfer of military equipment under subsection (b), the United States shall not be liable for any death, injury, loss, or damage that results from the use of such military equipment by any person other than the United States.

(i) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a transfer under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(j) **DEFINITIONS.**—In this subsection:

(1) The term “major system” has the meaning provided in section 2302 of title 10, United States Code.

(2) The term “contractual agreement” includes contracts, grants, cooperative agreements, and other transactions.

#### **Subtitle E—Studies and Reports**

#### **SEC. 1051. REPORT ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.**

(a) **COMPTROLLER GENERAL REPORT.**—Not later than 90 days after the Secretary of Defense releases the report on the 2009 quadrennial defense review, the Comptroller General shall submit to the congressional defense committees and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review addresses each of the items required by subsection (d) of section 118 of title 10, United States Code.

(b) **SECRETARY OF DEFENSE REPORT.**—If the Comptroller General determines that the report

on the 2009 quadrennial defense review fails to directly address items required by subsection (d) of section 118 of such title, the Secretary of Defense shall submit to the congressional defense committees a report directly addressing those items not later than 30 days after the submission of the report by the Comptroller General required by paragraph (1).

#### **SEC. 1052. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.**

(a) **REPORT REQUIREMENT.**—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the previous quadrennial defense review to the minimum military requirements for major military capabilities.

(b) **MAJOR MILITARY CAPABILITIES DEFINED.**—In this section, the term “major military capabilities” includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

#### **SEC. 1053. ANNUAL REPORT ON THE ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE.**

(a) **ANNUAL REPORT REQUIRED.**—At the same time as the President submits to Congress the budget under section 1105(a) of title 31, United States Code, for each of fiscal years 2011 through 2015, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretary of each of the military departments, shall submit to the congressional defense committees an annual report on the electronic warfare strategy of the Department of Defense.

(b) **CONTENTS OF REPORT.**—Each report required under subsection (a) shall include each of the following:

(1) A description and overview of—

(A) the electronic warfare strategy of the Department of Defense;

(B) how such strategy supports the National Defense Strategy; and

(C) the organizational structure assigned to oversee the development of the Department's electronic warfare strategy, requirements, capabilities, programs, and projects.

(2) A list of all the electronic warfare acquisition programs and research and development projects of the Department of Defense and a description of how each program or project supports the Department's electronic warfare strategy.

(3) For each unclassified program or project on the list required by paragraph (2)—

(A) the senior acquisition executive and organization responsible for oversight of the program or project;

(B) whether or not validated requirements exist for the program or project and, if such requirements do exist, the date on which the requirements were validated and the organizational authority that validated such requirements;

(C) the total amount of funding appropriated, obligated, and forecasted by fiscal year for the program or project, including the program element or procurement line number from which the program or project receives funding;

(D) the development or procurement schedule for the program or project;

(E) an assessment of the cost, schedule, and performance of the program or project as it re-

lates to the program baseline for the program or project, as of the date of the submission of the report, and the original program baseline for such program or project, if such baselines are not the same;

(F) the technology readiness level of each critical technology that is part of the program or project;

(G) whether or not the program or project is redundant or overlaps with the efforts of another military department; and

(H) the capability gap that the program or project is being developed or procured to fulfill.

(4) A classified annex that contains the items described in subparagraphs (A) through (H) of paragraph (3) for each classified program or project on the list required by paragraph (2).

#### **SEC. 1054. STUDY ON A SYSTEM FOR CAREER DEVELOPMENT AND MANAGEMENT OF INTERAGENCY NATIONAL SECURITY PROFESSIONALS.**

(a) **STUDY REQUIRED.**—

(1) **DESIGNATION OF EXECUTIVE AGENCY.**—Not later than 30 days after the date of the enactment of this Act, the President shall designate an Executive agency to commission a study of the matters described in subsection (b) by an appropriate independent, nonprofit organization. The designated Executive agency shall select the organization and commission the study not later than 90 days after the date of the enactment of this Act.

(2) **QUALIFICATIONS OF ORGANIZATION SELECTED.**—The organization selected shall be qualified on the basis of having performed related work in the fields of national security and human capital development, and on the basis of such other criteria as the head of the designated Executive agency may determine.

(b) **MATTERS TO BE EXAMINED.**—The study required by subsection (a) shall examine matters pertaining to a system for the development and management of interagency national security professionals including, at a minimum, the following:

(1) **PROFESSIONAL DEVELOPMENT.**—The skills, education, training, and professional experiences desired in interagency national security professionals at various career stages, as well as the feasibility, benefits, and costs of developing a pool of personnel necessary to enable interagency national security professionals to undertake such professional development opportunities.

(2) **COORDINATION.**—Procedures for ensuring appropriate consistency and coordination among participating Executive agencies, such as methods for identifying positions and personnel that should be included in the system, and coordination of treatment in personnel and human resource systems, including performance review and promotion policies.

(3) **FUNDING.**—Potential mechanisms for funding an interagency national security professional development program.

(4) **MILITARY AND STATE AND LOCAL GOVERNMENT PERSONNEL.**—The feasibility of integrating, coordinating, or supplementing the systems and requirements regarding experience and education for military officers with an interagency national security professional system, as well as potential means of, and benefits and drawbacks of, including State and local government organizations and personnel in the system.

(5) **INCENTIVES TO PARTICIPATE.**—Incentives and requirements that could be implemented to encourage personnel and organizations to fully participate in the system across various career levels.

(6) **CURRENT EFFORTS.**—The effectiveness of, and lessons learned from, major current efforts at developing interagency national security professionals.

(c) **REPORT.**—A report containing the findings and recommendations resulting from the study

required by subsection (a), together with any views or recommendations of the President, shall be submitted to Congress not later than December 1, 2010.

(d) **DEFINITIONS.**—In this section:

(1) The term “Executive agency” has the meaning given such term by section 105 of title 5, United States Code.

(2) The term “employee” has the meaning given such term by section 2105 of title 5, United States Code.

(3) The term “interagency national security professional” means an employee of an Executive agency who plans, coordinates, or participates in activities relating to the national security of the United States that require significant interaction and engagement with other Executive agencies.

**SEC. 1055. REPORT ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES, NUCLEAR WEAPONS AND RELATED PROGRAMS IN NON-NUCLEAR-WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY, AND CERTAIN FOREIGN PERSONS.**

(a) **IN GENERAL.**—The Director of National Intelligence shall biennially submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report—

(1) on the nuclear weapons programs and any related programs of countries that are non-nuclear-weapons state parties to the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty”) and countries that are not parties to the Treaty;

(2) on the nuclear weapons aspirations of such non-state entities as the Director considers appropriate to include in the report; and

(3) that identifies each foreign person that, during the period covered by the report, made a material contribution to the research, development, production, or acquisition by a country of proliferation concern of—

(A) weapons of mass destruction (including nuclear weapons, chemical weapons, or biological weapons); or

(B) ballistic or cruise missile systems.

(b) **ELEMENTS.**—The report required under subsection (a) shall include, with respect to each country described in subsection (a)(1) and each non-state entity referred to in subsection (a)(2), the following:

(1) A statement of the number of nuclear weapons possessed by such country or non-state entity.

(2) An estimate of the total number of nuclear weapons that such country or non-state entity seeks to obtain and, in the case of such non-state entity, an assessment of the extent to which such non-state entity is seeking to develop a nuclear weapon or device or radiological dispersion device.

(3) A description of the technical characteristics of any nuclear weapons possessed by such country or non-state entity.

(4) A description of nuclear weapons designs available to such country or non-state entity.

(5) A description of any sources of assistance with respect to nuclear weapons design provided to or by such country or non-state entity and, in the case of assistance provided by such country or non-state entity, a description of to whom such assistance was provided.

(6) An assessment of the annual capability of such country and non-state entity to produce new or newly designed nuclear weapons.

(7) A description of the type of fissile materials used in any nuclear weapons possessed by such country or non-state entity.

(8) A description of the location and production capability of any fissile materials production facilities in such country or controlled by such non-state entity, the current status of any such facilities, and any plans by such country or non-state entity to develop such facilities.

(9) An identification of the source of any fissile materials used by such country or non-state entity, if such materials are not produced in facilities referred to in paragraph (8).

(10) An assessment of the intentions of such country or non-state entity to leverage civilian nuclear capabilities for a nuclear weapons program.

(11) A description of any delivery systems available to such country or non-state entity and an assessment of whether nuclear warheads have been mated, or there are plans for such warheads to be mated, to any such delivery system.

(12) An assessment of the physical security of the storage facilities for nuclear weapons in such country or controlled by such non-state entity.

(13) An assessment of whether such country is modernizing or otherwise improving the safety, security, and reliability of the nuclear weapons stockpile of such country.

(14) An assessment of the industrial capability and capacity of such country or non-state entity to produce nuclear weapons.

(15) In the case of a country, an assessment of the policy of such country on the employment and use of nuclear weapons.

(c) **REFERENCES TO OTHER REPORTS.**—Each report submitted under subsection (a) shall include a copy of any other report that is incorporated by reference into the report submitted under subsection (a).

(d) **UNCLASSIFIED SUMMARY.**—Each report submitted under subsection (a) shall include an unclassified summary of such report.

(e) **SUBMITTAL TO CONGRESS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Director of National Intelligence shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives the first report required under subsection (a) by not later than September 1, 2010.

(2) **NOTIFICATION OF DELAY IN SUBMITTAL.**—If the Director of National Intelligence determines that it will not be possible for the Director to submit the first report required under subsection (a) by September 1, 2010, the Director shall, not later than August 1, 2010, submit to the committees specified in paragraph (1) a notice—

(A) that such report will not be submitted by September 1, 2010; and

(B) setting forth the date by which the Director will submit such report.

(f) **CONFORMING AMENDMENT.**—Section 722 of the Combating Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369) is repealed.

(g) **DEFINITIONS.**—In this section:

(1) **FOREIGN PERSON.**—The term “foreign person” means any of the following:

(A) A natural person who is not a citizen of the United States.

(B) A corporation, business association, partnership, society, trust, or other nongovernmental entity, organization, or group that is organized under the laws of a foreign country or has its principal place of business in a foreign country.

(C) Any foreign government or foreign governmental entity operating as a business enterprise or in any other capacity.

(D) Any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(2) **COUNTRY OF PROLIFERATION CONCERN.**—The term “country of proliferation concern”

means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) or advanced conventional munitions—

(A) in the most recent report under section 721 of the Combating Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2366); or

(B) in any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.

**SEC. 1056. COMPTROLLER GENERAL REVIEW OF DEPARTMENT OF DEFENSE SPENDING IN FINAL FISCAL QUARTERS.**

(a) **REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.**—The Comptroller General shall conduct a review of obligations incurred by the Department of Defense in the final quarter each covered fiscal year, as compared to the obligations so incurred in the first three quarters of that fiscal year, to determine if policies with respect to financial execution by the Department contribute to hastened year-end spending and poor use or waste of taxpayer dollars. Such review shall include both one-year and multi-year appropriations for each covered fiscal year.

(b) **COVERED FISCAL YEARS.**—For purposes of this section, a covered fiscal year is fiscal year 2006, 2007, 2008, or 2009.

(c) **REPORT.**—Not later than March 31, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) the results of the review conducted under subsection (a); and

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts appropriated to the Department of Defense are obligated and expended in the final quarter of a fiscal year.

**SEC. 1057. REPORT ON AIR AMERICA.**

(a) **DEFINITIONS.**—In this section:

(1) **AIR AMERICA.**—The term “Air America” means Air America, Incorporated.

(2) **ASSOCIATED COMPANY.**—The term “associated company” means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport, during the period when such an entity was owned and controlled by the United States Government.

(b) **REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(2) **REPORT ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) The history of Air America and the associated companies prior to 1977, including a description of—

(i) the relationship between Air America and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(ii) the workforce of Air America and the associated companies;

(iii) the missions performed by Air America, the associated companies, and their employees for the United States; and



(iv) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(B) A description of—

(i) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(ii) the contributions made by such employees for such benefits;

(iii) the retirement benefits actually paid such employees;

(iv) the entitlement of such employees to the payment of future retirement benefits; and

(v) the likelihood that such employees will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(ii) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(D)(i) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(ii) If legislative action is considered advisable under clause (i), a proposal for such action and an assessment of its costs.

(E) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(3) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by paragraph (1).

(4) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 1058. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a comprehensive plan to simplify Department of Defense travel procedures.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A comprehensive discussion of aspects of the Department of Defense travel procedures that are most confusing, inefficient, and in need of revision.

(2) A critical review of opportunities to streamline and simplify defense travel policies and to reduce travel-related costs to the Department of Defense.

(3) A discussion of any actions to incorporate permanent duty travel that are being undertaken by the Secretary of Defense as of the date of the enactment of this Act.

(4) A plan to gather data on the number of manual temporary duty vouchers processed by the Department of Defense.

(5) Options to leverage industry capabilities and technologies that could enhance management responsiveness to changing markets.

(6) A discussion of pilot programs that the Secretary of Defense could carry out to dem-

onstrate the merit of improvements identified pursuant to preparing the report required by this section, including a discussion of—

(A) recommendations for legislative authority; and

(B) how the systems developed for purposes of such a pilot program would interact with the automated Defense Travel System in effect as of the date of the enactment of this Act.

(7) Such recommendations and an implementation plan for legislative or administrative action as the Secretary of Defense considers appropriate to improve defense travel.

#### SEC. 1059. REPORT ON MODELING AND SIMULATION TECHNOLOGICAL AND INDUSTRIAL BASE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, working through the Director for Defense Research and Engineering, the Deputy Under Secretary of Defense for Industrial Policy, the Commander of the United States Joint Forces Command, and other appropriate organizations, shall submit to the congressional defense committees a report that describes current and planned efforts to support and enhance the defense modeling and simulation technological and industrial base, including in academia, industry, and government.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of the current and future domestic defense modeling and simulation technological and industrial base and its ability to meet current and future defense requirements.

(2) A description of current and planned programs and activities of the Department of Defense to enhance the ability of the domestic defense modeling and simulation technological and industrial base to meet current and future defense requirements.

(3) A description of current and planned Department of Defense activities in cooperation with Federal, State, and local government organizations that promote the enhancement of the ability of the domestic defense modeling and simulation technological and industrial base to meet current and future defense requirements.

(4) A comparative assessment of current and future global modeling and simulation capabilities relative to those of the United States in areas related to defense applications of modeling and simulation.

(5) An identification of additional authorities or resources related to technology transfer, establishment of public-private partnerships, coordination with regional, State, or local initiatives, or other activities that would be required to enhance efforts to support the domestic defense modeling and simulation technological and industrial base.

(6) Other matters as determined appropriate by the Secretary.

#### SEC. 1060. REPORT ON ENABLING CAPABILITIES FOR SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command, jointly with the commanders of the combatant commands and the Chiefs of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report on the availability of enabling capabilities to support special operations forces requirements.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) An identification of the requirements for enabling capabilities for conventional forces and special operations forces globally, including current and projected needs in Iraq, Afghanistan, and other theaters of operation.

(2) A description of the processes used to prioritize and allocate enabling capabilities to meet the mission requirements of conventional forces and special operations forces.

(3) An identification and description of any shortfalls in enabling capabilities for special operations forces by function, region, and quantity, as determined by the Commander of the United States Special Operations Command and the commanders of the geographic combatant commands.

(4) An assessment of the current inventory of these enabling capabilities within the military departments and components and the United States Special Operations Command.

(5) An assessment of whether there is a need to create additional enabling capabilities by function and quantity.

(6) An assessment of the merits of creating additional enabling units, by type and quantity—

(A) within the military departments; and

(B) within the United States Special Operations Command.

(7) Recommendations for meeting the current and future enabling force requirements of the United States Special Operations Command, including an assessment of the increases in endstrength, equipment, funding, and military construction that would be required to support these recommendations.

(8) Any other matters the Commander of the United States Special Operations Command, the commanders of the combatant commands, and the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps consider useful and relevant.

(c) REPORT TO CONGRESS.—Not later than 30 days after receiving the report required under subsection (a), the Secretary of Defense shall forward the report to the congressional defense committees with any additional comments the Secretary considers appropriate.

#### SEC. 1061. ADDITIONAL MEMBERS AND DUTIES FOR THE INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of conducting the assessment of the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this section referred to as the “2009 QDR”), the independent panel established under subsection (f) of such section (in this section referred to as the “Panel”) shall include eight additional members as follows:

(A) Two appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two appointed by the chairman of the Committee on Armed Services of the Senate.

(C) Two appointed by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two appointed by the ranking member of the Committee on Armed Services of the Senate.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Members of the Panel appointed under paragraph (1) shall be appointed for the life of the Panel. Any vacancy in an appointment to the Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(b) ADDITIONAL DUTIES.—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) review the Secretary of Defense’s terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 QDR;

(2) conduct an assessment of the assumptions, strategy, findings, and risks in the report of the Secretary of Defense on the 2009 QDR, with particular attention paid to the risks described in that report;

(3) conduct an independent assessment of a variety of possible force structures for the Armed Forces, including the force structure identified in the report of the Secretary of Defense on the 2009 QDR; and

(4) review the resource requirements identified in the 2009 QDR pursuant to section 118(b)(3) of title 10, United States Code, and, to the extent practicable, make a general comparison of such resource requirements with the resource requirements to support the forces contemplated under the force structures assessed under paragraph (3).

(c) **REPORTS.**—

(1) **INITIAL REPORT OF PANEL.**—The report on the 2009 QDR that is submitted to Congress pursuant to section 118(f)(2) of title 10, United States Code, shall include, in addition to any other matters required by such section, the interim findings of the Panel with respect to the matters specified in subsection (b).

(2) **FINAL REPORT OF PANEL.**—Not later than July 15, 2010, the Panel shall submit to the Secretary of Defense, and to the congressional defense committees, the final report of the Panel on the matters specified in subsection (b). The report shall include such recommendations on such matters as the Panel considers appropriate.

(3) **REPORT OF SECRETARY OF DEFENSE.**—Not later than August 15, 2010, the Secretary of Defense shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report setting forth the Secretary's response to the final report of the Panel under paragraph (2).

(d) **TERMINATION OF PANEL.**—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (c)(2).

**SEC. 1062. CONGRESSIONAL EARMARKS RELATING TO THE DEPARTMENT OF DEFENSE.**

(a) **REPORT ON RECURRING EARMARKS.**—

(1) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report regarding covered earmarks.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) An identification of each covered earmark that has been included in a national defense authorization Act for three or more consecutive fiscal years as of the date of the enactment of this Act.

(B) A description of the extent to which competitive or merit-based procedures were used to award funding, or to enter into a contract, grant, or other agreement, pursuant to each covered earmark.

(C) An identification of the specific contracting vehicle used for each covered earmark.

(D) In the case of any covered earmark for which competitive or merit-based procedures were not used to award funding, or to enter into the contract, grant, or other agreement, a statement of the reasons competitive or merit-based procedures were not used.

(b) **DOD INSPECTOR GENERAL AUDIT OF CONGRESSIONAL EARMARKS.**—The Inspector General of the Department of Defense shall conduct an audit of contracts, grants, or other agreements pursuant to congressional earmarks of Department of Defense funds to determine whether or not the recipients of such earmarks are complying with requirements of Federal law on the use of appropriated funds to influence, whether directly or indirectly, congressional action on any legislation or appropriation matter pending before Congress.

(c) **DEFINITIONS.**—In this section:

(1) The term “congressional earmark” means any congressionally directed spending item (Senate) or congressional earmark (House of

Representatives) on a list published in compliance with rule XLIV of the Standing Rules of the Senate or rule XXI of the Rules of the House of Representatives.

(2) The term “covered earmark” means any congressional earmark identified in the joint explanatory statement to accompany the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) that was printed in the Congressional Record on September 23, 2008.

(3) The term “national defense authorization Act” means an Act authorizing funds for a fiscal year for the military activities of the Department of Defense, and for other purposes.

**SEC. 1063. REPORT ON BASING PLANS FOR CERTAIN UNITED STATES GEOGRAPHIC COMBATANT COMMANDS.**

(a) **REPORT REQUIREMENT.**—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report on the plan for basing of forces outside the United States.

(b) **MATTERS COVERED.**—The report required under subsection (a) shall contain a description of—

(1) how the plan supports the United States national security strategy;

(2) how the plan supports the security commitments undertaken by the United States pursuant to any international security treaty, including the North Atlantic Treaty, the Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America;

(3) how the plan addresses the current security environment in each geographic combatant command's area of responsibility, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises;

(4) the impact that a permanent change in the basing of a unit currently stationed outside the United States would have on the matters described in paragraphs (1) through (3);

(5) the impact the plan will have on the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States;

(6) any recommendations for additional closures or realignments of military installations outside of the United States; and

(7) any comments resulting from an inter-agency review of the plan that includes the Department of State and other relevant Federal departments and agencies.

(c) **NOTIFICATION REQUIREMENT.**—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the United States as of the date of the enactment of this Act.

(d) **DEFINITIONS.**—In this section:

(1) **UNIT.**—The term “unit” has the meaning determined by the Secretary of Defense for purposes of this section.

(2) **GEOGRAPHIC COMBATANT COMMAND.**—For purposes of this section, the term “geographic combatant command” means a combatant command with a geographic area of responsibility that does not include North America.

**Subtitle F—Other Matters**

**SEC. 1071. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.**

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking “2009” and inserting “2010”.

**SEC. 1072. BUSINESS PROCESS REENGINEERING.**

(a) **NEW PROGRAMS.**—Section 2222 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A) of this subsection, the following new paragraph (1):

“(1) the appropriate chief management officer for the defense business system modernization has determined whether or not—

“(A) the defense business system modernization is in compliance with the enterprise architecture developed under subsection (c); and

“(B) appropriate business process reengineering efforts have been undertaken to ensure that—

“(i) the business process to be supported by the defense business system modernization will be as streamlined and efficient as practicable; and

“(ii) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable.”;

(C) in paragraph (2), as redesignated by subparagraph (A) of this subsection, by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) has been determined by the appropriate chief management officer to be in compliance with the requirements of paragraph (1);”;

(D) in paragraph (3), as redesignated by subparagraph (A) of this paragraph, by striking “the certification by the approval authority is” and inserting “the certification by the approval authority and the determination by the chief management officer are”; and

(2) in subsection (f)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(B) by inserting “(1)” before “The Secretary of Defense”;

(C) in subparagraph (E) of paragraph (1), as designated by this paragraph, by striking “paragraphs (1) through (4)” and inserting “subparagraphs (A) through (D)”;

(D) by adding at the end the following new paragraph (2):

“(2) For purposes of subsection (a), the appropriate chief management officer for a defense business system modernization is as follows:

“(A) In the case of an Army program, the Chief Management Officer of the Army.

“(B) In the case of a Navy program, the Chief Management Officer of the Navy.

“(C) In the case of an Air Force program, the Chief Management Officer of the Air Force.

“(D) In the case of a program of a Defense Agency, the Deputy Chief Management Officer of the Department of Defense.

“(E) In the case of a program that will support the business processes of more than one military department or Defense Agency, the Deputy Chief Management Officer of the Department of Defense.”.

(b) **ONGOING PROGRAMS.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the appropriate chief management officer for each defense business system modernization approved by the Defense Business Systems Management Committee before the date of the enactment of this Act that will have a total cost in excess of \$100,000,000 shall review such defense business system modernization to determine whether or not appropriate business process reengineering efforts have been undertaken to ensure that—

(A) the business process to be supported by such defense business system modernization will be as streamlined and efficient as practicable; and

(B) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable.

(2) ACTION ON FINDING OF LACK OF REENGINEERING EFFORTS.—If the appropriate chief management officer determines that appropriate business process reengineering efforts have not been undertaken with regard to a defense business system modernization as described in paragraph (1), that chief management officer—

(A) shall develop a plan to undertake business process reengineering efforts with respect to the defense business system modernization; and

(B) may direct that the defense business system modernization be restructured or terminated, if necessary to meet the requirements of paragraph (1).

(3) DEFINITIONS.—In this subsection:

(A) The term “appropriate chief management officer”, with respect to a defense business system modernization, has the meaning given that term in paragraph (2) of subsection (f) of section 2222 of title 10, United States Code (as amended by subsection (a)(2) of this section).

(B) The term “defense business system modernization” has the meaning given that term in subsection (j)(3) of section 2222 of title 10, United States Code.

#### SEC. 1073. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of chapters at the beginning of subtitle A is amended—

(A) in the item relating to chapter 81, by striking “1581” and inserting “1580”; and

(B) in the item relating to chapter 152, by striking “2541” and inserting “2551”.

(2) Section 118(g) is amended by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008” in paragraphs (1) and (2) and inserting “January 28, 2008”.

(3) Section 184(b)(3) is amended by striking “the date of the enactment of this section” and inserting “October 17, 2006”.

(4) Section 438 at the end of subchapter I of chapter 21 is redesignated as section 428.

(5) The item relating to section 438 in the table of sections at the beginning of subchapter I of chapter 21 is redesignated as section 428.

(6) Section 490(b)(1) is amended by striking “180 days after date of the enactment of this section, and every even-numbered year thereafter” and inserting “July 28 of every even-numbered year”.

(7) The table of chapters at the beginning of part II of subtitle A is amended by striking “1581” in the item relating to chapter 81 and inserting “1580”.

(8) Section 992(b)(4) is amended by striking the period after “under this section”.

(9) Section 1074(f)(3) is amended by striking “contingency” and inserting “contingency”.

(10) Section 1074(g) is amended by striking “on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008” and inserting “after January 28, 2008”.

(11) The section heading for section 1076d is amended by striking “standard” and inserting “Standard”.

(12) Section 1079(f)(2)(B) is amended by striking the period after “year”.

(13) Section 1142(b) is amended—

(A) in paragraph (4)(C), by striking “the Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9301 et seq.)” and inserting “the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)”;

(B) in paragraph (15), by striking “federal” both places it appears and inserting “Federal”.

(14) Section 1175a(h)(1) is amended by striking “qualities” and inserting “qualifies”.

(15) Section 1408(h)(2) is amended by striking “and” at the end of subparagraph (A).

(16) The heading of section 1567 is amended to read as follows:

#### “§1567. Duration of military protective orders”.

(17) The heading of section 1567a is amended to read as follows:

#### “§1567a. Mandatory notification of issuance of military protective order to civilian law enforcement”.

(18) Section 2004a is amended—

(A) in subsection (b)(1), by striking “pay grade 0-3” and inserting “pay grade O-3”; and

(B) in subsection (1), by adding a period at the end.

(19) Section 2127(e) is amended by striking “of” after “an annual grant”.

(20) Section 2200a(e)(1) is amended by striking “section (b)” and inserting “subsection (b)”.

(21) The table of chapters at the beginning of part IV of subtitle A is amended by striking “2541” in the item relating to chapter 152 and inserting “2551”.

(22) Section 2306c(h) is amended by striking “section 2801(c)(2)” and inserting “section 2801(c)(4)”.

(23) Section 2333 is amended—

(A) in subsection (d)(1)(D)(ii), by striking “indefinite delivery indefinite quantity” and inserting “indefinite delivery-indefinite quantity”;

(B) in subsection (d)(2), by striking “this Act” and inserting “the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2388)”;

(C) in subsection (f)(3), by striking “section 101(13)” and inserting “section 101(a)(13)”.

(24) Section 2401(f)(2) is amended by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006” and inserting “January 6, 2006”.

(25) Section 2461(c)(3)(A) is amended by striking “public private competition” both places it appears in the first sentence and inserting “public-private competition”.

(26) Section 2667(g)(1) is amended by striking “law,” and all that follows through “may” and inserting “law, the Secretary concerned may”.

(27) Section 2684a(g)(2) is amended by striking “the following the following” and inserting “the following”.

(28) Section 2701(d)(5) is amended by striking “6920” and inserting “9620”.

(29) Sections 4348(f), 6959(f), and 9348(f) are amended by striking “section (a)” and inserting “subsection (a)”.

(30) The item relating to section 7317 in the table of sections at the beginning of chapter 633 is amended by inserting a period after “thereof”.

(31) Section 7306b(b)(1) is amended by striking “1802(14))” and inserting “1802(14))”.

(32) The item relating to section 9515 in the table of sections at the beginning of chapter 941 is transferred to appear after the item relating to section 9514 in the table of sections at the beginning of chapter 931.

(33) The item relating to chapter 1409 in the table of chapters at the beginning of subtitle E is amended by striking “Reserve-Active Status List” and inserting “Reserve Active-Status List”.

(34) Section 12310(c)(1)(A) is amended by striking “section 12304(i)(2) of this title” and inserting “section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))”.

(35) Section 12731(f)(2)(A) is amended by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008” and inserting “January 28, 2008”.

(36) Section 16163(e)(1) is amended by striking “programs” and inserting “program”.

(b) TITLE 37, UNITED STATES CODE.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking the comma before the period at the end.

(c) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Effective as of October 14, 2008, and as if included therein as enacted, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) is amended as follows:

(1) Section 314(a) (122 Stat. 4410; 10 U.S.C. 2710 note) is amended by striking “Secretary” and inserting “Secretary of Defense”.

(2) Section 523(1) (122 Stat. 4446) is amended by striking “serving or” and inserting “serving in or”.

(3) Section 616 (122 Stat. 4486) is amended by striking “of title” in subsections (b) and (c) and inserting “of such title”.

(4) Section 811(c)(6)(A)(iv)(I) (122 Stat. 4524) is amended by striking “after of the program” and inserting “after ‘of the program’”.

(5) Section 813(d)(3) (122 Stat. 4527) is amended by striking “each of subsections (c)(2)(A) and (d)(2)” and inserting “subsection (c)(2)(A)”.

(6) Section 834(a)(2) (122 Stat. 4537) is amended by inserting “subchapter II of” before “chapter 87”.

(7) Section 855 (122 Stat. 4545) is repealed.

(8) Section 921(1) (122 Stat. 4573) is amended by striking “subsections (f) and (g) as subsections (g) and (h)” and inserting “subsections (f), (g), and (h) as subsections (g), (h), and (i)”.

(9) Section 931(b)(5) (122 Stat. 4575) is amended—

(A) by striking “Section 201(e)(2)” and inserting “Section 201(f)(2)(E)”;

(B) by striking “(6 U.S.C. 121(e)(2))” and inserting “(6 U.S.C. 121(f)(2)(E))”.

(10) Section 932 (122 Stat. 4576) is repealed.

(11) Section 1059 (122 Stat. 4611) is amended by striking “Act of” and inserting “Act for”.

(12) Section 1061(b)(3) (122 Stat. 4613) is amended by striking “103” and inserting “188”.

(13) Section 2104(b) (122 Stat. 4664) is amended in the matter preceding paragraph (1) by striking “section 2401” and inserting “section 2101”.

(14) Section 3508(b) (122 Stat. 4769) is amended to read as follows:

“(b) CONFORMING AMENDMENT.—The chapter 541 of title 46, United States Code, as inserted and amended by the amendments made by subparagraphs (A) through (D) of section 3523(a)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 599), is repealed.”.

(15) Section 3511(d) (122 Stat. 4770) is amended by inserting before the period the following: “, and by striking ‘CALENDAR’ and inserting ‘FISCAL’ in the heading for paragraph (2)”.

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—Section 1107(e)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2358 note) is amended by striking “Not later than” and all that follows through “subsection is submitted,” and inserting “Not later than November 29, 2008, and not later than March 1 of each year thereafter,”.

#### SEC. 1074. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062(g) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 319) is amended by striking “September 30, 2009” and inserting “December 31, 2009”.

#### SEC. 1075. COMBAT AIR FORCES RESTRUCTURING.

(a) LIMITATIONS RELATING TO LEGACY AIRCRAFT.—Until the expiration of the 30-day period beginning on the date the Secretary of the

Air Force submits a report in accordance with subsection (b), the following provisions apply:

(1) **PROHIBITION ON RETIREMENT OF AIRCRAFT.**—The Secretary of the Air Force may not retire any fighter aircraft pursuant to the Combat Air Forces restructuring plan announced by the Secretary on May 18, 2009.

(2) **PROHIBITION ON PERSONNEL REASSIGNMENTS.**—The Secretary of the Air Force may not reassign any Air Force personnel (whether on active duty or a member of a reserve component, including the National Guard) associated with such restructuring plan.

(b) **REPORT.**—The report under subsection (a) shall be submitted to the Committees on Armed Services of the House of Representatives and the Senate and shall include the following information:

(1) A detailed plan of how the force structure and capability gaps resulting from the retirement actions will be addressed.

(2) An explanation of the assessment conducted of the current threat environment and current capabilities.

(3) A description of the follow-on mission assignments for each affected base.

(4) An explanation of the criteria used for selecting the affected bases and the particular fighters chosen for retirement.

(5) A description of the environmental analyses being conducted.

(6) An identification of the reassignment and manpower authorizations necessary for the Air Force personnel (both active duty and reserve component) affected by the retirements if such retirements are accomplished.

(7) A description of the funding needed in fiscal years 2010 through 2015 to cover operation and maintenance costs, personnel, and aircraft procurement, if the restructuring plan is not carried out.

(8) An estimate of the cost avoidance should the restructuring plan move forward and a description of how such funds would be invested during the future-years defense plan to ensure the remaining fighter force achieves the desired service life and is sufficiently modernized to outpace the threat.

(c) **EXCEPTION FOR CERTAIN AIRCRAFT.**—The prohibition in subsection (a)(1) shall not apply to the five fighter aircraft scheduled for retirement in fiscal year 2010, as announced when the budget for fiscal year 2009 was submitted to Congress.

#### **SEC. 1076. SENSE OF CONGRESS REGARDING CARRIER AIR WING FORCE STRUCTURE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Section 5062(b) of title 10, United States Code, requires the Department of the Navy to maintain not less than 11 operational aircraft carriers.

(2) In repeated testimony before Congress, the Navy has pledged its long-term commitment to naval combat forces that include 11 operational aircraft carriers and 10 carrier air wings, composed of 44 strike-fighter aircraft per wing.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) in addition to the forces described in section 5062(b) of title 10, United States Code, the Navy should meet its current requirement for 10 carrier air wings (even if the number of aircraft carriers is temporarily reduced) that are comprised of not less than 44 strike-fighter aircraft, in addition to any other aircraft associated with the air wing; and

(2) the Congress and the Secretary of the Navy should take all appropriate actions necessary to achieve the current requirement for such carrier air wings until such time that modifications to the carrier air wing force structure are warranted and the Secretary of the Navy provides Congress with a justification of any

proposed modifications, supported by rigorous and sufficient warfighting analysis.

#### **SEC. 1077. DEPARTMENT OF VETERANS AFFAIRS USE OF SERVICE DOGS FOR THE TREATMENT OR REHABILITATION OF VETERANS WITH PHYSICAL OR MENTAL INJURIES OR DISABILITIES.**

(a) **PROGRAM REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year study to assess the benefits, feasibility, and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, including post-traumatic stress disorder.

(b) **PARTNERSHIPS.**—

(1) **IN GENERAL.**—The Secretary shall carry out the study by partnering with nonprofit 501(c)(3) organizations that—

(A) would not charge veterans who participate in the study fees for the dogs, services, or lodging that they provide; and

(B) are accredited by, or adhere to standards comparable to those of, an accrediting organization with demonstrated experience, national scope, and recognized leadership and expertise in the training of service dogs and education in the use of service dogs.

(2) **REIMBURSEMENT OF COSTS.**—The Secretary shall reimburse partners \$10,000 for each dog provided to a veteran who enrolls in the study and successfully completes a training program offered by one of the partners.

(c) **PARTICIPATION.**—

(1) **IN GENERAL.**—As part of the study, the Secretary shall, subject to paragraph (2), arrange for the provision of a service dog to the greater of the following:

(A) 200 veterans.

(B) A sufficient number of such veterans to produce scientifically valid results with respect to assessing the benefits and costs of the use of such dogs for the treatment or rehabilitation of such veterans.

(2) **NUMBER OF VETERANS.**—The Department of Veterans Affairs may provide dogs to fewer than 200 veterans if, despite its sustained and repeated efforts, it is unable to recruit 200 veterans to participate in the study referred to in subsection (d).

(3) **ELIGIBLE VETERANS.**—A veteran is eligible to enroll and participate in the study on an ongoing basis if:

(A) The veteran has physical disabilities (other than blindness or hearing impairment) or mental injuries or disabilities.

(B) A Department of Veterans Affairs provider determines, based on clinical evaluation of efficacy, that the veteran is an appropriate candidate for the study and may potentially benefit from a service dog.

(C) The veteran agrees to successfully complete a training program arranged by the Department of Veterans Affairs and offered by a nonprofit 501(c)(3) organization that is accredited by, or adheres to standards comparable to those of, an accrediting organization with demonstrated experience, national scope, and recognized leadership and expertise in the training of service dogs and education in the use of service dogs.

(4) **COMPOSITION.**—The Secretary shall ensure that at least half of the participants in the study are veterans who suffer primarily from a mental health injury or disability.

(5) **AUTHORIZED BENEFITS.**—The Department of Veterans Affairs will provide to a veteran participating in this study:

(A) Veterinary treatment to maintain the health of the dog and keep it functioning in its prescribed role.

(B) Hardware required by the dog to perform its tasks, and repairs to such hardware.

(C) Payments and allowances for travel incurred in becoming adjusted to the service dogs,

to be paid in the same manner that payments and allowances are authorized under section 111 of title 38, United States Code, and its implementing regulations.

(6) **ADDITIONAL BENEFIT FOR ASSOCIATED EXPENSES.**—As an incentive for participation in the study, veterans participating in the study will receive from the Department of Veterans Affairs a monthly payment of \$75 to offset costs associated with the dog in addition to those identified in paragraph (5), such as services not prescribed or performed by a veterinarian, including but not limited to, license tags (if required), food, grooming, nail trimming, boarding, and over-the-counter medications.

(7) **OPTION FOR OWNERSHIP OF, AND RESPONSIBILITY FOR, THE DOG AFTER THE COMPLETION OF THE STUDY.**—At the end of the study the veteran will have the option of ownership of the dog. If the veteran does not wish to retain the dog, the 501(c)(3) organization that provided the dog will be responsible for caring for or appropriately placing the dog. In any case after completion of the study, or if and when the veteran chooses to not participate in the study until completion, further responsibility by the Department of Veterans Affairs for any benefits in this provision will cease. Further, the Department of Veterans Affairs' liability related to the dog will cease.

(d) **STUDY.**—The Secretary shall conduct a scientifically valid research study of the costs and benefits associated with the use of service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities. The matters studied shall include the following:

(1) The therapeutic benefits to such veterans, including the quality of life benefits reported by the veterans partaking in the study.

(2) The economic benefits of using service dogs for the treatment or rehabilitation of such veterans, including—

(A) savings on health care costs, including savings related to reductions in hospitalization and reductions in the use of prescription drugs; and

(B) productivity and employment gains for the veterans.

(e) **REPORTS.**—

(1) **ANNUAL REPORT OF THE SECRETARY.**—After each year of the study, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the study.

(2) **FINAL REPORT BY THE NATIONAL ACADEMY OF SCIENCES.**—Not later than 180 days after the date of the completion of the study, the National Academy of Sciences shall submit to Congress a report on the results of the study.

(f) **FUNDING.**—The study under this section is subject to the availability of appropriations provided to the Department of Veterans Affairs for such purpose.

#### **SEC. 1078. PLAN FOR SUSTAINMENT OF LAND-BASED SOLID ROCKET MOTOR INDUSTRIAL BASE.**

(a) **IN GENERAL.**—The Secretary of Defense shall review and establish a plan to sustain the solid rocket motor industrial base, including the ability to maintain and sustain currently deployed strategic and missile defense systems and to maintain an intellectual and engineering capacity to support next generation rocket motors, as needed.

(b) **SUBMISSION OF PLAN.**—Not later than June 1, 2010, the Secretary of Defense shall submit to the congressional defense committees the plan required under subsection (a).

#### **SEC. 1079. JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM.**

It is the sense of Congress that the claims of American victims of torture and hostage taking by the Government of Iraq during the regime of Saddam Hussein that are subject to Presidential Determination Number 2008-9 of January 28, 2008, which waived application of section 1083 of

the National Defense Authorization Act for Fiscal Year 2008, should be resolved by a prompt and fair settlement negotiated between the Government of Iraq and the Government of the United States, taking note of the provisions of H.R. 5167 of the 110th Congress, which was adopted by the United States House of Representatives.

**SEC. 1080. REQUIREMENT FOR VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.**

(a) **VIDEOTAPING OR OTHER ELECTRONIC RECORDING REQUIRED.**—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto, and the guidelines developed pursuant to subsection (f), the Secretary of Defense shall ensure that each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility is videotaped or otherwise electronically recorded.

(b) **CLASSIFICATION OF INFORMATION.**—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (a), the Secretary of Defense shall provide for the appropriate classification of videotapes or other electronic recordings made pursuant to subsection (a). The use of such classified videotapes or other electronic recordings in proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109-163 and title 10 of Public Law 109-148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109-366), as amended by section 1802 of this Act, or at any other judicial or administrative forum under any other provision of law shall be governed by applicable rules, regulations, and laws that protect classified information.

(c) **STRATEGIC INTELLIGENCE INTERROGATION DEFINED.**—For purposes of this section, the term “strategic intelligence interrogation” means an interrogation of a person described in subsection (a) conducted at a theater-level detention facility.

(d) **EXCLUSION.**—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record an interrogation of a person described in subsection (a); or

(2) the videotaping of or otherwise electronically recording of tactical questioning, as such term is defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto.

(e) **WAIVER.**—

(1) **WAIVERS AUTHORIZED.**—The Secretary of Defense may, as an exceptional measure, as part of a specific interrogation plan for a specific person described in subsection (a), waive the requirement in that subsection on a case-by-case basis for a period not to exceed 30 days, if the Secretary—

(A) makes a determination in writing that such a waiver is necessary to the national security interests of the United States; and

(B) by not later than five days after the date on which such a determination is made, submits to the Committees on Armed Services of the Senate and House of Representatives, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence notice of that determination, including a justification for that determination.

(2) **SUSPENSIONS AUTHORIZED.**—The Secretary may temporarily suspend the requirement under

subsection (a) at a specific theater-level detention facility for a period not to exceed 30 days, if the Secretary—

(A) makes a determination in writing that such a suspension is vital to the national security interests of the United States; and

(B) by not later than five days after the date on which such a determination is made, submits to the Committees on Armed Services of the Senate and House of Representatives, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence notice of that determination, including a justification for that determination.

(3) **LIMITATION ON DELEGATION OF AUTHORITY.**—This authority of the Secretary under this subsection may only be delegated as follows:

(A) In the case of the authority under paragraph (1), such authority may not be delegated below the level of the combatant commander of the theater in which the detention facility holding the person is located.

(B) In the case of the authority under paragraph (2), such authority may not be delegated below the level of the Deputy Secretary of Defense.

(4) **EXTENSIONS.**—The Secretary may extend a waiver under paragraph (1) for one additional 30-day period, or a suspension under paragraph (2) for one additional 30-day period, if—

(A) the Secretary—

(i) in the case of such a waiver, makes a determination in writing that such an extension is necessary to the national security interests of the United States; or

(ii) in the case of such a suspension, makes a determination in writing that such an extension is vital to the national security interests of the United States; and

(B) by not later than five days after the date on which such a determination is made, the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence notice of that determination, including a justification for that determination.

(f) **GUIDELINES.**—

(1) **DEVELOPMENT OF GUIDELINES.**—The Secretary of Defense, acting through the Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)), shall develop and adopt uniform guidelines for videotaping or otherwise electronically recording strategic intelligence interrogations as required under subsection (a). Such guidelines shall, at a minimum—

(A) promote full compliance with the laws of the United States;

(B) promote the exploitation of intelligence;

(C) address the retention, maintenance, and disposition of videotapes or other electronic recordings, consistent with subparagraphs (A) and (B) and with the interests of justice; and

(D) ensure the safety of all participants in the interrogations.

(2) **SUBMITTAL TO CONGRESS.**—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex.

**SEC. 1081. MODIFICATION OF PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.**

Section 1081(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 335; 10 U.S.C. 2461 note) is amended by inserting before the period at the end of the first sentence the following: “, unless the Secretary of Defense submits notification to

the congressional defense committees that pursuing such a program is not in the national interest”.

**SEC. 1082. MULTIYEAR CONTRACTS UNDER PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.**

(a) **MULTIYEAR CONTRACTS AUTHORIZED.**—The Secretary of the Air Force may enter into one or more multiyear contracts, beginning with the fiscal year 2011 program year, for purposes of conducting the pilot program on utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations required by section 1081 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 335).

(b) **COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.**—Any contract entered into under subsection (a) shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(1) the term of the contract may not be more than 8 years; and

(2) notwithstanding section 2306c(b) of such title, the authority under section 2306c(a) of such title shall apply to the fee-for-service air refueling pilot program.

(c) **COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.**—A contract entered into under subsection (a) shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(1) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining commercial fee-for-service air refueling tanker aircraft for Air Force operations; and

(2) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(d) **LIMITATION ON AMOUNT.**—The amount of a contract under subsection (a) may not exceed \$999,999,999.

(e) **PROVISION OF GOVERNMENT INSURANCE.**—A commercial air operator contracting with the Department of Defense under the pilot program referred to in subsection (a) shall be eligible to receive Government-provided insurance pursuant to chapter 443 of title 49, United States Code, if commercial insurance is unavailable on reasonable terms and conditions.

**SEC. 1083. DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.**

(a) **DISCLOSURE.**—

(1) **IN GENERAL.**—The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2009 and 2010.

(2) **CONTENT.**—The information to be released under paragraph (1) shall include, with respect to the fiscal year covered, the entire name, including the first, middle, and surnames, with respect to each student and instructor at the Western Hemisphere Institute for Security Cooperation.

(b) **WAIVER.**—The Secretary of Defense may waive the requirement under subsection (a) if the Secretary determines it to be in the national interest.

**SEC. 1084. SENSE OF CONGRESS REGARDING THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.**

It is the sense of Congress that—

(1) the Western Hemisphere Institute for Security Cooperation—

(A) offers quality professional military bilingual instruction for military officers and non-commissioned officers that promotes democracy, subordination to civilian authority, and respect for human rights; and

(B) is uniquely positioned to support the modernization of Latin America security forces as they work to transcend their own controversial pasts;

(2) the Western Hemisphere Institute for Security Cooperation is building partner capacity which enhances regional and global security while encouraging respect for human rights and promoting democratic principles among eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere;

(3) the Western Hemisphere Institute for Security Cooperation is an invaluable education and training facility the curriculum of which is not duplicated in any of the military departments and is not replaceable by professional military education funded by appropriations for International Military Education and Training, for which education is not conducted in Spanish and does not concentrate on regional challenges; and

(4) the Western Hemisphere Institute for Security Cooperation is an essential tool to educate future generations of Latin American leaders and improve United States relationships with partner nations that are working with the United States to promote democracy, prosperity, and stability in the Western Hemisphere.

#### **TITLE XI—CIVILIAN PERSONNEL MATTERS**

##### **Subtitle A—Personnel**

Sec. 1101. Authority to employ individuals completing the National Security Education Program.

Sec. 1102. Authority for employment by Department of Defense of individuals who have successfully completed the requirements of the science, mathematics, and research for transformation (SMART) defense scholarship program.

Sec. 1103. Authority for the employment of individuals who have successfully completed the Department of Defense information assurance scholarship program.

Sec. 1104. Extension and modification of experimental personnel management program for scientific and technical personnel.

Sec. 1105. Modification to Department of Defense laboratory personnel authority.

Sec. 1106. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.

Sec. 1107. Extension of certain benefits to Federal civilian employees on official duty in Pakistan.

Sec. 1108. Requirement for Department of Defense strategic workforce plans.

Sec. 1109. Adjustments to limitations on personnel and requirement for annual manpower reporting.

Sec. 1110. Pilot program for the temporary exchange of information technology personnel.

Sec. 1111. Availability of funds for compensation of certain civilian employees of the Department of Defense.

Sec. 1112. Department of defense civilian leadership program.

Sec. 1113. Provisions relating to the National Security Personnel System.

Sec. 1114. Provisions relating to the Defense Civilian Intelligence Personnel System.

##### **Subtitle B—Provisions Relating to Reemployment of Annuitants**

Sec. 1121. Authority to expand scope of provisions relating to unreduced compensation for certain reemployed annuitants.

Sec. 1122. Part-time reemployment.

Sec. 1123. Government Accountability Office report.

##### **Subtitle A—Personnel**

#### **SEC. 1101. AUTHORITY TO EMPLOY INDIVIDUALS COMPLETING THE NATIONAL SECURITY EDUCATION PROGRAM.**

Section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding at the end the following new subsection:

“(k) **EMPLOYMENT OF PROGRAM PARTICIPANTS.**—The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

“(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to a position that is identified under subsection (b)(2)(A)(i) as having national security responsibilities, or to a position in such Federal agency or office, in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to such Department or such Federal agency or office; and

“(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.”.

#### **SEC. 1102. AUTHORITY FOR EMPLOYMENT BY DEPARTMENT OF DEFENSE OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE REQUIREMENTS OF THE SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE SCHOLARSHIP PROGRAM.**

(a) **AUTHORITY FOR EMPLOYMENT.**—Subsection (d) of section 2192a of title 10, United States Code, is amended to read as follows:

“(d) **EMPLOYMENT OF PROGRAM PARTICIPANTS.**—The Secretary of Defense—

“(1) may, without regard to any provision of title 5 governing appointment of employees to competitive service positions within the Department of Defense, appoint to a position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment, owes a service commitment to the Department; and

“(2) may, upon satisfactory completion of 2 years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.”.

(b) **CONFORMING AMENDMENT.**—Subsection (c)(2) of such section is amended by striking “Except as provided in subsection (d), the” in the second sentence and inserting “The”.

(c) **TECHNICAL AMENDMENTS.**—Subsection (f) of such section is amended—

(1) by striking the first sentence; and

(2) by striking “the authorities provided in such chapter” and inserting “the other authorities provided in this chapter”.

(d) **REPEAL OF OBSOLETE PROVISIONS.**—(1) Such section is further amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subparagraph (B) of section 3304(a)(3) of title 5, United States Code, is amended to read as follows:

“(B) the Office of Personnel Management has determined that there exists a severe shortage of candidates or that there is a critical hiring need.”.

#### **SEC. 1103. AUTHORITY FOR THE EMPLOYMENT OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE DEPARTMENT OF DEFENSE INFORMATION ASSURANCE SCHOLARSHIP PROGRAM.**

(a) **IN GENERAL.**—Section 2200a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) **EMPLOYMENT OF PROGRAM PARTICIPANTS.**—The Secretary of Defense—

“(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to an information technology position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship under this section was awarded and who, under the terms of the agreement for such scholarship, at the time of such appointment owes a service commitment to the Department; and

“(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.”.

(b) **TECHNICAL AMENDMENT.**—Subsection (a) of such section is amended by striking “subsection (g),” and inserting “subsection (f),”.

#### **SEC. 1104. EXTENSION AND MODIFICATION OF EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.**

(a) **THREE-YEAR EXTENSION.**—Subsection (e)(1) of section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking “September 30, 2011” and inserting “September 30, 2014”.

(b) **LIMITATIONS ON ADDITIONAL PAYMENTS.**—Such section is further amended—

(1) in subsection (b)(3), by striking “under subsection (d)(1)” and inserting “under subsection (d)”;

(2) by striking subsection (d) and inserting the following:

“(d) **LIMITATIONS ON ADDITIONAL PAYMENTS.**—(1) Subject to paragraph (3), the total amount of additional payments paid to an employee under subsection (b)(3) for any 12-month period may not exceed the lesser of the following amounts:

“(A) \$50,000 in fiscal year 2010, which may be adjusted annually thereafter by the Secretary, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the second year before the preceding calendar year.

“(B) The amount equal to 50 percent of the employee’s annual rate of basic pay.

“(2) In paragraph (1), the term ‘base quarter’ has the meaning given that term in section 5302(3) of title 5, United States Code.

“(3) Notwithstanding any other provision of this section or section 5307 of title 5, United States Code, no additional payments may be paid to an employee under subsection (b)(3) in any calendar year if, or to the extent that, the employee’s total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the



salary set in accordance with section 104 of title 3, United States Code.

“(4) An employee appointed under the program is not eligible for any bonus, monetary award, or other monetary incentive for service under the appointment other than payments authorized by this section.”.

(c) **REPORTING REQUIREMENTS.**—Paragraph (1) of subsection (g) of such section is amended to read as follows:

“(1)(A) Not later than December 31 of each year in which the authority under this section is in effect, the Secretary of Defense shall submit to the committees of Congress specified in subparagraph (B) a report on the operation of this section. Each report shall cover the fiscal year that most recently ended before such December 31.

“(B) The committees of Congress specified in this subparagraph are—

“(i) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

“(ii) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.”.

**SEC. 1105. MODIFICATION TO DEPARTMENT OF DEFENSE LABORATORY PERSONNEL AUTHORITY.**

(a) **DESIGNATION OF LABORATORIES.**—Each of the following is hereby designated as a Department of Defense science and technology reinvention laboratory (as described in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001):

(1) The Aviation and Missile Research Development and Engineering Center.

(2) The Army Research Laboratory.

(3) The Medical Research and Materiel Command.

(4) The Engineer Research and Development Command.

(5) The Communications-Electronics Command.

(6) The Soldier and Biological Chemical Command.

(7) The Naval Sea Systems Command Centers.

(8) The Naval Research Laboratory.

(9) The Office of Naval Research.

(10) The Air Force Research Laboratory.

(11) The Tank and Automotive Research Development and Engineering Center.

(12) The Armament Research Development and Engineering Center.

(13) The Naval Air Warfare Center, Weapons Division.

(14) The Naval Air Warfare Center, Aircraft Division.

(15) The Space and Naval Warfare Systems Center, Pacific.

(16) The Space and Naval Warfare Systems Center, Atlantic.

(17) The laboratories within the Army Research Development and Engineering Command.

(b) **CONVERSION PROCEDURES.**—The Secretary of Defense shall implement procedures to convert the civilian personnel of each Department of Defense science and technology reinvention laboratory, as so designated by subsection (a), from the personnel system which applies as of the date of the enactment of this Act to the personnel system under an appropriate demonstration project (as referred to in such section 342(b)). Any conversion under this subsection—

(1) shall not adversely affect any employee with respect to pay or any other term or condition of employment;

(2) shall be consistent with section 4703(f) of title 5, United States Code;

(3) shall be completed within 18 months after the date of the enactment of this Act; and

(4) shall not apply to prevailing rate employees (as defined by section 5342(a)(2) of title 5, United States Code) or senior executives (as defined by section 3132(a)(3) of such title).

(c) **LIMITATION.**—The science and technology reinvention laboratories, as so designated by subsection (a), may not implement any personnel system, other than a personnel system under an appropriate demonstration project (as referred to in such section 342(b)), without prior congressional authorization.

**SEC. 1106. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.**

(a) **EXTENSION OF AUTHORITY.**—Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615) is amended by striking “calendar year 2009,” and inserting “calendar years 2009 and 2010.”.

(b) **RELATED PROVISION.**—Subsection (b) of such section 1101 is amended to read as follows:

“(b) **APPLICABILITY OF AGGREGATE LIMITATION ON PAY.**—

“(1) **IN GENERAL.**—Section 5307 of title 5, United States Code, shall not apply to any employee in any calendar year in which that employee is granted a waiver under subsection (a).

“(2) **OTHER LIMITATIONS.**—In the case of any employees who (disregarding subparagraph (A)) would otherwise be subject to a limitation on premium pay similar to one set forth in section 5547 of title 5, United States Code (as determined by the head of the Executive agency in or under which such employees are employed)—

“(A) the agency head may waive that otherwise applicable limitation, to the same extent and in the same manner as would be allowable under subsection (a) if those employees were instead subject to such section 5547; and

“(B) if a waiver under subparagraph (A) is granted with respect to such employees, then, neither section 5307 of title 5, United States Code, nor any other similar limitation (as determined by the agency head) shall apply with respect to such employees for purposes of any calendar year for which such waiver is so granted.”.

**SEC. 1107. EXTENSION OF CERTAIN BENEFITS TO FEDERAL CIVILIAN EMPLOYEES ON OFFICIAL DUTY IN PAKISTAN.**

Section 1603(a)(2) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as amended by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616), is amended by inserting “Pakistan or” after “is on official duty in”.

**SEC. 1108. REQUIREMENT FOR DEPARTMENT OF DEFENSE STRATEGIC WORKFORCE PLANS.**

(a) **CODIFICATION OF REQUIREMENT FOR STRATEGIC WORKFORCE PLAN.**—

(1) **IN GENERAL.**—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

**“§ 115b. Annual strategic workforce plan**

“(a) **ANNUAL PLAN REQUIRED.**—(1) The Secretary of Defense shall submit to the congressional defense committees on an annual basis a strategic workforce plan to shape and improve the civilian employee workforce of the Department of Defense.

“(2) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing and implementing the strategic workforce plan, in consultation with

the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(b) **CONTENTS.**—Each strategic workforce plan under subsection (a) shall include, at a minimum, the following:

“(1) An assessment of—

“(A) the critical skills and competencies that will be needed in the future within the civilian employee workforce by the Department of Defense to support national security requirements and effectively manage the Department during the seven-year period following the year in which the plan is submitted;

“(B) the appropriate mix of military, civilian, and contractor personnel capabilities;

“(C) the critical skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

“(D) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraphs (A) and (C).

“(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(D), including—

“(A) specific recruiting and retention goals, especially in areas identified as critical skills and competencies under paragraph (1), including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals;

“(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies;

“(C) any incentives necessary to attract or retain any civilian personnel possessing the skills and competencies identified under paragraph (1);

“(D) any changes in the number of personnel authorized in any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address such gaps and effectively meet the needs of the Department;

“(E) any changes in resources or in the rates or methods of pay for any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department; and

“(F) any legislative changes that may be necessary to achieve the goals referred to in subparagraph (A).

“(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic workforce plan under this section during the previous year.

“(4) Any additional matters the Secretary of Defense considers necessary to address.

“(c) **SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.**—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

“(2) For purposes of paragraph (1), each plan shall include, with respect to such senior management, functional, and technical workforce—

“(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

“(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

“(C) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities; and

“(D) specific steps that the Department has taken or plans to take to ensure that such workforce is managed in compliance with the requirements of section 129 of this title.

“(d) **DEFENSE ACQUISITION WORKFORCE.**—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

“(2) For purposes of paragraph (1), each plan shall include, with respect to the defense acquisition workforce—

“(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

“(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

“(C) specific steps that the Department has taken or plans to take to develop appropriate career paths for civilian employees in the acquisition field and to implement the requirements of section 1722a of this title with regard to members of the armed forces in the acquisition field; and

“(D) a plan for funding needed improvements in the acquisition workforce of the Department through the period of the future-years defense program, including—

“(i) the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title, along with a description of how such funding is being implemented and whether it is being fully used; and

“(ii) a description of any continuing shortfalls in funding available for the acquisition workforce.

“(e) **SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.**—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic workforce plan required by this section.

“(f) **DEFINITIONS.**—In this section:

“(1) The term ‘senior management, functional, and technical workforce of the Department of Defense’ includes the following categories of Department of Defense civilian personnel:

“(A) Appointees in the Senior Executive Service under section 3131 of title 5.

“(B) Persons serving in positions described in section 5376(a) of title 5.

“(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

“(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398 (114 Stat. 1654A-315)).

“(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

“(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

“(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

“(2) The term ‘acquisition workforce’ includes individuals designated under section 1721 as filling acquisition positions.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

“115b. Annual strategic workforce plan.”

(b) **COMPTROLLER GENERAL REPORTS.**—

(1) **REPORT ON STRATEGIC WORKFORCE PLAN.**—Not later than 180 days after the date on which the Secretary of Defense submits to the congressional defense committees an annual strategic workforce plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 2011, and 2012, the Comptroller General of the United States shall submit to the congressional defense committees a report on the plan so submitted.

(2) **REPORT ON THE TRAINING OF ACQUISITION AND AUDIT PERSONNEL OF THE DEPARTMENT OF DEFENSE.**—(A) Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the efficacy of Department of Defense training for acquisition and audit personnel of the Department of Defense.

(B) The report required under subparagraph (A) shall address the efficacy of training, the extent to which such training reaches appropriate personnel, and the extent to which the training recommendations of previous reviews (including the recommendations of the Commission on Army Acquisition and Program Management in Expeditionary Operations) have been implemented.

(c) **CONFORMING REPEALS.**—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

**SEC. 1109. ADJUSTMENTS TO LIMITATIONS ON PERSONNEL AND REQUIREMENT FOR ANNUAL MANPOWER REPORTING.**

(a) **AMENDMENTS.**—Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4619) is amended—

(1) in subsection (b), by striking “for four”;

(2) in paragraph (1) of subsection (b), by striking “requirements of—” and all that follows through the end of subparagraph (C) and inserting “the requirements of section 115b of this title; or”;

(3) in paragraph (2) of subsection (b), by striking “purpose described in paragraphs (1) through (4) of subsection (c).” and inserting the following:

“any of the following purposes:

“(A) Performance of inherently governmental functions.

“(B) Performance of work pursuant to section 2463 of title 10, United States Code.

“(C) Ability to maintain sufficient organic expertise and technical capability.

“(D) Performance of work that, while the position may not exercise an inherently governmental function, nevertheless should be per-

formed only by officers or employees of the Federal Government or members of the Armed Forces because of the critical nature of the work.”; and

(4) by striking subsections (c) and (d).

(b) **CONSOLIDATED ANNUAL REPORT.**—

(1) **INCLUSION IN ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.**—Section 115a of title 10, United States Code, is amended by inserting after subsection (e) the following new subsection:

“(f) The Secretary shall also include in each such report the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

“(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year and estimates of such numbers for the current fiscal year and subsequent fiscal years.

“(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number of contract workyears associated with the replacement of contracts performing inherently governmental or exempt functions.

“(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.

“(4) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the Secretary of a military department, and, for each adjustment made pursuant to section 1111(b)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note), the purpose of the adjustment.”

(2) **TECHNICAL AMENDMENTS TO REFLECT NAME OF REPORT.**—

(A) Subsection (a) of section 115a of such title is amended by inserting “defense” before “manpower requirements report.”

(B)(i) The heading of such section is amended to read as follows:

“§115a. Annual defense manpower requirements report”.

(ii) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

“115a. Annual defense manpower requirements report.”

(3) **CONFORMING REPEAL.**—Subsections (b) and (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 272; 10 U.S.C. 221 note) are repealed.

**SEC. 1110. PILOT PROGRAM FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.**

(a) **ASSIGNMENT AUTHORITY.**—The Secretary of Defense may, with the agreement of the private sector organization concerned, arrange for the temporary assignment of an employee to such private sector organization, or from such private sector organization to a Department of Defense organization under this section. An employee shall be eligible for such an assignment only if—

(1) the employee—

(A) works in the field of information technology management;

(B) is considered by the Secretary of Defense to be an exceptional employee;

(C) is expected to assume increased information technology management responsibilities in the future; and

(D) is compensated at not less than the GS-11 level (or the equivalent); and

(2) the proposed assignment meets applicable requirements of section 209(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

(b) **AGREEMENTS.**—The Secretary of Defense shall provide for a written agreement among the Department of Defense, the private sector organization, and the employee concerned regarding the terms and conditions of the employee's assignment under this section. The agreement—

(1) shall require that employees of the Department of Defense, upon completion of the assignment, will serve in the civil service for a period equal to the length of the assignment; and

(2) shall provide that if the employee of the Department of Defense or of the private sector organization (as the case may be) fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary of Defense.

An amount for which an employee is liable under paragraph (2) shall be treated as a debt due the United States.

(c) **TERMINATION.**—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private sector organization concerned.

(d) **DURATION.**—An assignment under this section shall be for a period of not less than 3 months and not more than 1 year, and may be extended in 3-month increments for a total of not more than 1 additional year; however, no assignment under this section may commence after September 30, 2013.

(e) **TERMS AND CONDITIONS FOR PRIVATE SECTOR EMPLOYEES.**—An employee of a private sector organization who is assigned to a Department of Defense organization under this section—

(1) may continue to receive pay and benefits from the private sector organization from which such employee is assigned;

(2) is deemed to be an employee of the Department of Defense for the purposes of—

(A) chapter 73 of title 5, United States Code;

(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code;

(C) sections 1343, 1344, and 1349(b) of title 31, United States Code;

(D) the Federal Tort Claims Act and any other Federal tort liability statute;

(E) the Ethics in Government Act of 1978;

(F) section 1043 of the Internal Revenue Code of 1986; and

(G) section 27 of the Office of Federal Procurement Policy Act; and

(3) may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which such employee is assigned.

(f) **PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.**—A private sector organization may not charge the Department of Defense or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to a Department of Defense organization under this section for the period of the assignment.

(g) **CONSIDERATIONS.**—In carrying out this section, the Secretary of Defense—

(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are from small business concerns (as defined by section 3703(e)(2)(A) of title 5, United States Code); and

(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the De-

partment of Defense with respect to the training of employees in information technology management.

(h) **NUMERICAL LIMITATION.**—In no event may more than 10 employees be participating in assignments under this section at any given time.

(i) **REPORTING REQUIREMENT.**—For each of fiscal years 2010 through 2015, the Secretary of Defense shall submit to the congressional defense committees, not later than 1 month after the end of the fiscal year involved, a report on any activities carried out under this section during such fiscal year, including information concerning—

(1) the respective organizations (as referred to in subsection (a)) to and from which any employee was assigned under this section;

(2) the positions those employees held while they were so assigned;

(3) a description of the tasks they performed while they were so assigned; and

(4) a discussion of any actions that might be taken to improve the effectiveness of the program under this section, including any proposed changes in law.

(j) **REPEAL OF SUPERSEDED SECTION.**—Section 1109 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 358) is repealed, except that—

(1) nothing in this subsection shall, in the case of any assignment commencing under such section 1109 on or before the date of the enactment of this Act, affect—

(A) the duration of such assignment or the authority to extend such assignment in accordance with subsection (d) of such section 1109, as last in effect; or

(B) the terms or conditions of the agreement governing such assignment, including with respect to any service obligation under subsection (b) thereof; and

(2) any employee whose assignment is allowed to continue by virtue of paragraph (1) shall be taken into account for purposes of—

(A) the numerical limitation under subsection (h); and

(B) the reporting requirement under subsection (i).

#### **SEC. 1111. AVAILABILITY OF FUNDS FOR COMPENSATION OF CERTAIN CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.**

(a) **AVAILABILITY OF FUNDS.**—Funds authorized to be appropriated for the Department of Defense that are available for the purchase of contract services to meet a requirement that is anticipated to continue for five years or more shall be available to provide compensation for civilian employees of the Department to meet the same requirement.

(b) **REGULATIONS.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prescribe regulations implementing the authority in subsection (a). Such regulations—

(1) shall ensure that the authority in subsection (a) is utilized to build government capabilities that are needed to perform inherently governmental functions, functions closely associated with inherently governmental functions, and other critical functions;

(2) shall include a mechanism to ensure that follow-on funding to provide compensation for civilian employees of the Department to perform functions described in paragraph (1) is provided from appropriate accounts; and

(3) may establish additional criteria and levels of approval within the Department for the utilization of funds to provide compensation for civilian employees of the Department pursuant to subsection (a).

(c) **ANNUAL REPORT.**—Not later than 60 days after the end of each fiscal year for which the authority in subsection (a) is in effect, the Secretary shall submit to the congressional defense

committees a report on the use of such authority. Each report shall cover the preceding fiscal year and shall identify, at a minimum, the following:

(1) The amount of funds used under the authority in subsection (a) to provide compensation for civilian employees.

(2) The source or sources of the funds so used.

(3) The number of civilian employees employed through the use of such funds.

(4) The actions taken by the Secretary to ensure that follow-on funding for such civilian employees is provided through appropriate accounts.

(d) **TEMPORARY AUTHORITY.**—The authority in subsection (a) shall apply to funds authorized to be appropriated for the Department of Defense for fiscal years 2010 through 2019.

#### **SEC. 1112. DEPARTMENT OF DEFENSE CIVILIAN LEADERSHIP PROGRAM.**

(a) **LEADERSHIP PROGRAM REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a program of leadership recruitment and development for civilian employees of the Department of Defense, to be known as the "Department of Defense Civilian Leadership Program" (in this section referred to as the "program").

(2) **OBJECTIVES.**—The objectives of the program shall be as follows:

(A) To develop a new generation of civilian leaders for the Department of Defense.

(B) To recruit individuals with the academic merit, work experience, and demonstrated leadership skills to meet the future needs of the Department.

(C) To offer rapid advancement, competitive compensation, and leadership opportunities to highly qualified civilian employees of the Department.

(3) **AVAILABLE AUTHORITIES.**—In carrying out the program, the Secretary may exercise any authority available to the Office of Personnel Management under section 4703 of title 5, United States Code, except that the Secretary shall not be bound by the limitations in subsection (d) of such section. Nothing in this section shall be construed to authorize the waiver of any part of chapter 71 of title 5, United States Code, or any regulation implementing such chapter, in the carrying out of the program.

(b) **ELIGIBLE INDIVIDUALS.**—

(1) **IN GENERAL.**—The following individuals shall be eligible to participate in the program:

(A) Current employees of the Department of Defense.

(B) Appropriate individuals in the private sector.

(2) **LIMITATION ON NUMBER OF PARTICIPANTS IN PROGRAM.**—The total number of individuals who may participate in the program in any fiscal year may not exceed 5,000.

(3) **LIMITATION ON PERIOD OF PARTICIPATION IN PROGRAM.**—The maximum period of time that an individual may participate in the program is three years.

(c) **ELEMENTS OF PROGRAM.**—

(1) **COMPETITIVE ENTRY.**—The selection of individuals for entry into the program shall be made on the basis of a competition conducted at least twice each year. In each competition, participants in the program shall be selected from among applicants determined by the Secretary to be the most highly qualified in terms of academic merit, work experience, and demonstrated leadership skills. Each competition shall provide for entry-level participants and midcareer participants in the program.

(2) **ALLOCATION OF POSITIONS.**—The Secretary shall allocate positions in the program among the components of the Department of Defense that—

(A) offer the most challenging assignments;

(B) provide the greatest level of responsibility; and

(C) demonstrate the greatest need for participants in the program.

(3) **ASSIGNMENTS TO POSITIONS.**—Participants in the program shall be assigned to components of the Department that best match their skills and qualifications. Participants in the program may be rotated among components of the Department of Defense at the discretion of the Secretary.

(4) **INITIAL COMPENSATION.**—The initial compensation of participants in the program shall be determined by the Secretary based on the qualifications of such participants and applicable market conditions.

(5) **EDUCATION AND TRAINING.**—The Secretary shall provide participants in the program with training, mentoring, and educational opportunities that are appropriate to facilitate the development of such participants into effective civilian leaders for the Department of Defense.

(6) **OBJECTIVE, MERIT-BASED PRINCIPLES FOR PERSONNEL DECISIONS.**—The Secretary shall make personnel decisions under the program in accordance with such objective, merit-based criteria as the Secretary shall prescribe in regulations for purposes of the program. Such criteria shall include, but not be limited to, criteria applicable to the following:

(A) The selection of individuals for entry into the program.

(B) The assignment of participants in the program to positions in the Department of Defense.

(C) The initial compensation of participants in the program.

(D) The access of participants in the program to training, mentoring, and educational opportunities under the program.

(E) The consideration of participants in the program for selection into the senior management, functional, and technical workforce of the Department.

(7) **CONSIDERATION FOR SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.**—Any participant in the program who, as determined by the Secretary, demonstrates outstanding performance shall be afforded priority in consideration for selection into the appropriate element of the senior management, functional, and technical workforce of the Department of Defense (as defined in section 115b(f) of title 10, United States Code).

#### **SEC. 1113. PROVISIONS RELATING TO THE NATIONAL SECURITY PERSONNEL SYSTEM.**

(a) **DEFINITIONS.**—For purposes of this section—

(1) the term “National Security Personnel System” or “NSPS” refers to a human resources management system established under authority of section 9902 of title 5, United States Code (as in effect before the date of the enactment of this Act); and

(2) the term “statutory pay system” means a pay system under—

(A) subchapter III of chapter 53 of title 5, United States Code (relating to General Schedule pay rates); or

(B) such other provisions of law as would apply if section 9902 of title 5, United States Code, had never been enacted.

(b) **REPEAL OF PROVISIONS RELATING TO NSPS.**—

(1) **IN GENERAL.**—Section 9902 of title 5, United States Code, is amended—

(A) by striking subsections (a), (b), (c), (d), (e), (i) and (j); and

(B) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

(2) **EXPANSION PROHIBITED.**—The National Security Personnel System may not be extended to any organizational or functional unit of the Department of Defense (or any component thereof) not included in such System as of March 1, 2009.

(3) **CURRENT RULES INVALID.**—Any regulations in effect as of the day before the date of the enactment of this Act which were issued pursuant to any provision of law repealed by paragraph (1)(A)—

(A) may not be modified on or after the date of the enactment of this Act, except as necessary to implement this Act; and

(B) shall cease to be effective as of January 1, 2012.

(c) **TERMINATION OF NSPS AND CONVERSION OF EMPLOYEES AND POSITIONS.**—

(1) **IN GENERAL.**—The Secretary of Defense shall take all actions which may be necessary to provide, beginning no later than 6 months after the date of enactment of this Act, for the orderly termination of the National Security Personnel System and conversion of all employees and positions from such System, by not later than January 1, 2012, to—

(A) the statutory pay system and all other aspects of the personnel system that last applied to such employee or position (as the case may be) before the National Security Personnel System applied; or

(B) if subparagraph (A) does not apply, the statutory pay system and all other aspects of the personnel system that would have applied if the National Security Personnel System had never been established.

No employee shall suffer any loss of or decrease in pay because of the preceding sentence, and, for purposes of carrying out such preceding sentence, any determination of the system that last applied (or that would have applied) with respect to an employee or position shall take into account any modifications to such system pursuant to the provisions of subsections (a) and (b) of section 9902 of title 5, United States Code, as amended by subsection (d).

(2) **TRANSITION PERIOD APPOINTMENTS.**—To the extent practicable, any individual who, during the NSPS transition period, is appointed to any position within the Department of Defense which is subject to the NSPS shall be subject to the statutory pay system and all other aspects of the personnel system to which such individual or position is to be converted in accordance with the requirements of paragraph (1).

(3) **TEMPORARY CONTINUATION OF NSPS.**—Notwithstanding any other provision of this section, the National Security Personnel System, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to any employees and positions remaining subject to the NSPS, in accordance with paragraph (1), during the NSPS transition period.

(4) **RESTORATION OF FULL ANNUAL PAY ADJUSTMENTS UNDER NSPS PENDING ITS TERMINATION.**—Notwithstanding subsection (b)(1)(A), section 9902(e)(7) of title 5, United States Code, to the extent that it remains in force under paragraph (3), shall be applied by substituting “100 percent” for “no less than 60 percent”.

(5) **NSPS TRANSITION PERIOD DEFINED.**—For purposes of this subsection, the term “NSPS transition period” means the period beginning on the date of the enactment of this Act and ending on January 1, 2012.

(d) **AUTHORITY RELATING TO PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES, HIRING FLEXIBILITIES, AND TRAINING OF SUPERVISORS.**—Section 9902 of title 5, United States Code, as amended by subsection (b)(1), is further amended by inserting before subsection (e) (as so redesignated by subsection (b)(1)(B)) the following:

“(a) **PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES.**—(1) The Secretary, in coordination with the Director, shall promulgate regulations providing for the following:

“(A) A fair, credible, and transparent performance appraisal system for employees.

“(B) A fair, credible, and transparent system for linking employee bonuses and other performance-based actions to performance appraisals of employees.

“(C) A process for ensuring ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the appraisal period and setting timetables for review.

“(D) Development of ‘performance assistance plans’ that are designed to give employees formal training, on-the-job training, counseling, mentoring, and other assistance.

“(2) In developing the regulations required by this subsection, the Secretary, in coordination with the Director, may waive the requirements of chapters 43 (other than sections 4302 and 4303(e)) and the regulations implementing such chapters, to the extent necessary to achieve the objectives of this subsection.

“(3)(A) The Secretary may establish a fund, to be known as the ‘Department of Defense Civilian Workforce Incentive Fund’ (in this paragraph referred to as the ‘Fund’).

“(B) The Fund shall consist of the following:

“(i) Amounts appropriated to the Fund.

“(ii) Amounts available for compensation of employees that are transferred to the Fund.

“(C) Amounts in the Fund shall be available for the following:

“(i) Incentive payments for employees based on team or individual performance (which payments shall be in addition to basic pay).

“(ii) Incentive payments to attract or retain employees with particular or superior qualifications or abilities.

“(D) The authority provided in this paragraph is in addition to, and does not supersede or replace, any authority or source of funding otherwise available to the Secretary to pay bonuses or make incentive payments to civilian employees of the Department.

“(4)(A) Any action taken by the Secretary under this subsection, or to implement this subsection, shall be subject to the requirements of subsection (c) and chapter 71.

“(B) Any rules or regulations promulgated pursuant to this subsection shall be deemed an agency rule or regulation under section 7117(a)(2), and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1).

“(b) **FLEXIBILITIES RELATING TO APPOINTMENTS.**—(1) The Secretary, in coordination with the Director, shall promulgate regulations to redesign the procedures which are applied by the Department of Defense in making appointments to positions within the competitive service in order to—

“(A) better meet mission needs;

“(B) respond to managers’ needs and the needs of applicants;

“(C) produce high-quality applicants;

“(D) support timely decisions;

“(E) uphold appointments based on merit system principles; and

“(F) promote competitive job offers.

“(2) In redesigning the process by which such appointments shall be made, the Secretary, in coordination with the Director, may waive the requirements of chapter 33, and the regulations implementing such chapter, to the extent necessary to achieve the objectives of this section, while providing for the following:

“(A) Fair, credible, and transparent methods of establishing qualification requirements for, recruitment for, and appointments to positions.

“(B) Fair and open competition and equitable treatment in the consideration and selection of individuals to positions.

“(C) Fair, credible, and transparent methods of assigning, reassigning, detailing, transferring, or promoting employees.

“(3) In implementing this subsection, the Secretary shall comply with the provisions of section 2302(b)(11), regarding veterans’ preference

requirements, in a manner consistent with that in which such provisions are applied under chapter 33.

“(4)(A) Any action taken by the Secretary under this subsection, or to implement this subsection, shall be subject to the requirements of subsection (c) and chapter 71.

“(B) Any rules or regulations promulgated pursuant to this section shall be deemed an agency rule or regulation under section 7117(a)(2), and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1).

“(C) **CRITERIA FOR USE OF NEW PERSONNEL AUTHORITIES.**—In establishing any new performance management and workforce incentive system under subsection (a) or utilizing appointment flexibilities under subsection (b), the Secretary shall—

“(1) adhere to merit principles set forth in section 2301;

“(2) include a means for ensuring employee involvement (for bargaining unit employees, through their exclusive representatives) in the design and implementation of such system;

“(3) provide for adequate training and retraining for supervisors, managers, and employees in the implementation and operation of such system;

“(4) develop—

“(A) a comprehensive management succession program to provide training to employees to develop managers for the agency; and

“(B) a program to provide training to supervisors on actions, options, and strategies a supervisor may use in administering such system;

“(5) include effective transparency and accountability measures and safeguards to ensure that the management of such system is fair, credible, and equitable, including appropriate independent reasonableness reviews, internal assessments, and employee surveys;

“(6) utilize the annual strategic workforce plan, required by section 115b of title 10; and

“(7) ensure that adequate agency resources are allocated for the design, implementation, and administration of such system.

“(d) **DEVELOPMENT OF TRAINING PROGRAM FOR SUPERVISORS.**—(1) The Secretary shall develop—

“(A) a program to provide training to supervisors on use of the new authorities provided in this section, including the actions, options, and strategies a supervisor may use in—

“(i) developing and discussing relevant goals and objectives with the employee, communicating and discussing progress relative to performance goals and objectives, and conducting performance appraisals;

“(ii) mentoring and motivating employees, and improving employee performance and productivity;

“(iii) fostering a work environment characterized by fairness, respect, equal opportunity, and attention to the quality of the work of employees;

“(iv) effectively managing employees with unacceptable performance;

“(v) addressing reports of a hostile work environment, reprisal, or harassment of or by another supervisor or employee; and

“(vi) otherwise carrying out the duties and responsibilities of a supervisor;

“(B) a program to provide training to supervisors on the prohibited personnel practices under section 2302 (particularly with respect to such practices described under subsections (b)(1) and (b)(8) of such section), employee collective bargaining and union participation rights, and the procedures and processes used to enforce employee rights; and

“(C) a program under which experienced supervisors mentor new supervisors by—

“(i) sharing knowledge and advice in areas such as communication, critical thinking, re-

sponsibility, flexibility, motivating employees, teamwork, leadership, and professional development; and

“(ii) pointing out strengths and areas for development.

“(2) Each supervisor shall be required to complete a program at least once every 3 years.”.

(e) **REPORTS.**—The Secretary of Defense shall provide a report to the covered committees (as defined by subsection (g)(6))—

(1) no later than 6 months after the date of enactment of this Act, on the initial steps being taken to reclassify positions from the NSPS and the initial conversion plan to begin converting employees from the NSPS, which information shall be supplemented by reports describing the progress of the conversion process which shall be submitted to the same committees on a semi-annual basis;

(2) no later than 12 months after date of enactment, a plan for the personnel management system as authorized by section 9902(a) of title 5, United States Code, as amended by this section, which plan shall not take effect until 90 days after the submission of the plan to Congress; and

(3) no later than 12 months after date of enactment, a plan for the appointment procedures as authorized by section 9902(b) of title 5, United States Code, as amended by this section.

(f) **CLERICAL AMENDMENTS.**—

(1) The heading of section 9902 of title 5, United States Code, is amended to read as follows:

“**§9902. Department of Defense personnel authorities**”.

(2) The table of sections at the beginning of chapter 99 of such title is amended by striking the item relating to section 9902 and inserting the following:

“9902. Department of Defense personnel authorities.”.

(g) **OTHER PERSONNEL FLEXIBILITIES.**—

(1) **IN GENERAL.**—If the Secretary of Defense determines that it would be in the best interest of the Department of Defense to implement personnel flexibilities in addition to those authorized under section 9902 of title 5, as amended by this section, the Secretary, in coordination with the Director of the Office of Personnel Management, may develop and submit to the covered committees, not later than 6 months after the date of the enactment of this Act, a proposal to implement—

(A) additional personnel flexibilities and associated statutory waivers with respect to the application of the General Schedule (as defined in section 5332 of title 5, United States Code); or

(B) additional personnel flexibilities and associated statutory waivers, which would require exemption from the application of the General Schedule (as so defined).

(2) **RATIONALE.**—If the Secretary's proposal is to implement authorities described in paragraph (1)(B), the Secretary shall provide a detailed rationale as to why implementation of authorities described in paragraph (1)(A) are not adequate or appropriate to meet the interests of the Department.

(3) **REQUIREMENTS.**—The Secretary's proposal (whether as described in paragraph (1)(A) or (1)(B))—

(A) shall be developed in a manner consistent with the requirements of subsections (c) and (d) of section 9902 of title 5, United States Code, as amended by this section;

(B) shall include a description of proposed regulations and implementing rules that the Secretary plans to adopt for the proposed system;

(C) shall identify and provide a rationale for any statutory waiver that would be required to implement the proposed system;

(D) shall describe the steps that the Department would take to avoid problems of the type

described in the report of the Defense Business Board, dated August 2009, regarding the National Security Personnel System; and

(E) may not provide for the waiver of any provision of law that cannot be waived under paragraph (3) of section 9902(b) of title 5, United States Code (as in effect on the day before the date of the enactment of this Act), and shall be subject to the requirements in paragraphs (4) and (5) of such section (as then in effect).

(4) **CONGRESSIONAL APPROVAL REQUIRED.**—If Congress approves the Secretary's proposal in the National Defense Authorization Act for Fiscal Year 2011, the Secretary may implement the proposal (subject to any changes required by law) and begin the implementation of such proposal for personnel included in the National Security Personnel System, in lieu of the transition that would otherwise be required by subsection (b), subject to paragraph (5).

(5) **RESTRICTIONS.**—Notwithstanding any approval under paragraph (4), the provisions of subsection (b)(2) and (c)(4) shall apply with respect to any proposal approved under such paragraph, unless and until modified or repealed in legislation enacted after the date of the enactment of this Act.

(6) **DEFINITIONS.**—For purposes of this subsection, the term “covered committees” means—

(A) the Committees on Armed Services of the Senate and the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Oversight and Government Reform of the House of Representatives.

(h) **MODIFICATION OF IMPLEMENTATION AUTHORITIES AND LIMITATIONS.**—Section 1106 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 349) is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (b); and

(3) in subsection (b) (as so redesignated by paragraph (2))—

(A) by striking paragraph (1) and inserting the following:

“(1) The Comptroller General shall conduct a review, in each of calendar years 2010, 2011, and 2012, of—

“(A) employee satisfaction with any processes established pursuant to regulations promulgated by the Secretary of Defense pursuant to section 9902 of title 5, United States Code (as amended by section 1113 of the National Defense Authorization Act for Fiscal Year 2011; and

“(B) the extent to which any processes so established are fair, credible, and transparent, as required by such section 9902 (as so amended).”;

and

(B) in paragraph (2), by striking “the National Security Personnel System” and inserting “any processes established pursuant to such regulations”.

#### **SEC. 1114. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.**

(a) **SUSPENSION OF CERTAIN PAY AUTHORITY.**—Effective with respect to amounts paid during the period beginning on the date of the enactment of this Act and ending on December 31, 2010, rates of basic pay for employees and positions within any element of the intelligence community (as defined by the National Security Act of 1947)—

(1) may not be fixed under the Defense Civilian Intelligence Personnel System; and

(2) shall instead be fixed in accordance with the provisions of law that (disregarding DCIPS) would then otherwise apply.

The preceding sentence shall not apply with respect to the National Geospatial-Intelligence Agency.

(b) **RESPONSE TO GAO REPORT.**—Not later than 3 months after the date of the enactment

of this Act, the Secretary of Defense shall submit to the congressional oversight committees a written description of any actions taken or proposed to be taken by such Secretary in response to the review and recommendations of the Government Accountability Office regarding the Defense Civilian Intelligence Personnel System.

(c) INDEPENDENT ORGANIZATION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, the Director of the Office of Personnel Management, and the Director of National Intelligence shall jointly designate an independent organization to review the operation of the Defense Civilian Intelligence Personnel System, including—

(A) its impact on career progression;

(B) its appropriateness or inappropriateness in light of the complexities of the workforce affected;

(C) its sufficiency in terms of providing protections for diversity in promotion and retention of personnel; and

(D) the adequacy of the training, policy guidelines, and other preparations afforded in connection with transitioning to that system.

(2) DEADLINE.—The independent organization shall, after appropriate consultation with employees and employee organizations, submit its findings and recommendations under this section to the Secretary of Defense and the congressional oversight committees, in a written report, not later than June 1, 2010.

(d) PROPOSED ACTIONS BASED ON REPORT.—Not later than 60 days after receiving the report of the independent organization under subsection (c), the Secretary of Defense, in coordination with the Director of the Office of Personnel Management and the Director of National Intelligence, shall submit to the congressional oversight committees a written report describing any actions that the Secretary has taken or proposes to take in response to such report.

(e) HOLD-HARMLESS PROVISION.—No employee shall suffer any loss of or decrease in pay as a result of being converted from DCIPS in compliance with subsection (a).

(f) DEFINITIONS.—For purposes of this section—

(1) the terms “Defense Civilian Intelligence Personnel System” and “DCIPS” mean the civilian personnel system established by the Secretary of Defense under regulations—

(A) prescribed pursuant to sections 1601 through 1614 of title 10, United States Code; and

(B) taking effect in September 2008 or thereafter; and

(2) the term “congressional oversight committees” means—

(A) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

#### Subtitle B—Provisions Relating to Reemployment of Annuitants

### SEC. 1121. AUTHORITY TO EXPAND SCOPE OF PROVISIONS RELATING TO UNREduced COMPENSATION FOR CERTAIN REEMPLOYED ANNUITANTS.

(a) IN GENERAL.—Section 9902(h) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) Benefits similar to those provided by paragraphs (1) and (2) may be extended, in accordance with regulations prescribed by the President, so as to be made available with respect to reemployed annuitants within the Department of Defense who are subject to such other retirement systems for Government em-

ployees (whose annuities are payable under authorities other than subchapter III of chapter 83 or chapter 84 of title 5) as may be provided for under such regulations.”.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9902(h) of such title 5 (as so designated by subsection (a)(1)) is amended by striking the period and inserting “, excluding paragraph (3).”.

#### SEC. 1122. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

“(l)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government

Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010.”; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking “(k)” and inserting “(l)”;

(B) in paragraph (2), by striking “or (k)” and inserting “(k), or (l)”.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

“(i)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency



determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for pur-

poses of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010.”; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking “(h)” and inserting “(i)”; and

(B) in paragraph (2), by striking “or (h)” and inserting “(h), or (i)”.

(c) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking “(l)(2)” and inserting “(m)(2)”; and

(2) by striking “(i)(2)” and inserting “(j)(2)”.

#### **SEC. 1123. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.**

(a) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 1122.

(b) **CONTENTS.**—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this subtitle, or subsection (i) of section 8468 of title 5, United States Code, as amended by this subtitle; and

(2) identify each agency that used the authority described in paragraph (1).

(c) **AGENCY DATA.**—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 1122 of this subtitle) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

#### **TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

##### **Subtitle A—Assistance and Training**

Sec. 1201. One-year extension of authority for security and stabilization assistance.

Sec. 1202. Expansion of authority and modification of notification and reporting requirements for use of authority for support of special operations to combat terrorism.

Sec. 1203. Modification of report on foreign-assistance related programs carried out by the Department of Defense.

Sec. 1204. Report on authorities to build the capacity of foreign military forces and related matters.

Sec. 1205. Authority to provide administrative services and support to coalition liaison officers of certain foreign nations assigned to United States Joint Forces Command.

Sec. 1206. Modification of authorities relating to program to build the capacity of foreign military forces.

Sec. 1207. Authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries.

Sec. 1208. Report on alternatives to use of acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.

Sec. 1209. Enhancing Iraqi security through defense cooperation between the United States and Iraq.

Sec. 1210. Availability of appropriated funds for the State Partnership Program.

##### **Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan**

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.

Sec. 1222. One-year extension and expansion of Commanders’ Emergency Response Program.

Sec. 1223. Modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.

Sec. 1224. Pakistan Counterinsurgency Fund.

Sec. 1225. Program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan.

Sec. 1226. Reports on campaign plans for Iraq and Afghanistan.

Sec. 1227. Report on responsible redeployment of United States Armed Forces from Iraq.

Sec. 1228. Report on community-based security programs in Afghanistan.

Sec. 1229. Updates of report on command and control structure for military forces operating in Afghanistan.

Sec. 1230. Report on feasibility and desirability of establishing general uniform procedures and guidelines for the provision of monetary assistance by the United States to civilian foreign nationals for losses incident to combat activities of the armed forces.

Sec. 1231. Assessment and report on United States-Pakistan military relations and cooperation.

Sec. 1232. Report on progress toward security and stability in Pakistan.

Sec. 1233. Repeal of GAO war-related reporting requirement.

Sec. 1234. Authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.

Sec. 1235. Analysis of required force levels and types of forces needed to secure southern and eastern regions of Afghanistan.

Sec. 1236. Modification of report on progress toward security and stability in Afghanistan.

Sec. 1237. No permanent military bases in Afghanistan.

##### **Subtitle C—Other Matters**

Sec. 1241. Report on United States engagement with Iran.

Sec. 1242. Annual counterterrorism status reports.

Sec. 1243. Report on United States contributions to the United Nations.

Sec. 1244. NATO Special Operations Coordination Center.

Sec. 1245. Annual report on military power of Iran.

Sec. 1246. Annual report on military and security developments involving the People’s Republic of China.

- Sec. 1247. Report on impacts of drawdown authorities on the Department of Defense.
- Sec. 1248. Risk assessment of United States space export control policy.
- Sec. 1249. Patriot air and missile defense battery in Poland.
- Sec. 1250. Report on potential foreign military sales of the F-22A fighter aircraft.
- Sec. 1251. Report on the plan for the nuclear weapons stockpile, nuclear weapons complex, and delivery platforms and sense of Congress on follow-on negotiations to START Treaty.
- Sec. 1252. Map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo.
- Sec. 1253. Sense of Congress relating to Israel.
- Sec. 1254. Sense of Congress on imposing sanctions with respect to Iran.
- Sec. 1255. Report and sense of Congress on North Korea.
- Sec. 1256. Report on potential missile defense cooperation with Russia.
- Subtitle D—VOICE Act
- Sec. 1261. Short title.
- Sec. 1262. Authorization of appropriations.
- Sec. 1263. Iranian Electronic Education, Exchange, and Media Fund.
- Sec. 1264. Annual report.
- Sec. 1265. Report on actions by non-Iranian companies.
- Sec. 1266. Human rights documentation.

#### Subtitle A—Assistance and Training

#### SEC. 1201. ONE-YEAR EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

Section 1207(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 369) and section 1207 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4625), is further amended by striking “September 30, 2009” and inserting “September 30, 2010”.

#### SEC. 1202. EXPANSION OF AUTHORITY AND MODIFICATION OF NOTIFICATION AND REPORTING REQUIREMENTS FOR USE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) **AUTHORITY.**—Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as amended by section 1208(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4626), is further amended by striking “\$35,000,000” and inserting “\$40,000,000”.

(b) **NOTIFICATION.**—Section 1208(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as amended by section 1208(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4626), is further amended—

(1) by striking “Upon using” and inserting the following:

“(1) **IN GENERAL.**—Upon using”;

(2) by inserting after “support of an approved military operation” the following: “or changing the scope or funding level of any support for such an operation”;

(3) by striking “Such a notification need be provided only once with respect to any such operation.”; and

(4) by adding at the end the following new paragraph:

“(2) **CONTENT.**—Notifications required under this subsection shall include the following information:

“(A) The type of support provided or to be provided to United States special operations forces.

“(B) The type of support provided or to be provided to the recipient of the funds.

“(C) The amount obligated under the authority to provide support.”.

(c) **ANNUAL REPORT.**—Section 1208(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086) is amended in the second sentence by striking “shall describe the support” and all that follows through the period at the end and inserting “shall include the following information:

“(1) A description of supported operations.

“(2) A summary of operations.

“(3) The type of recipients that received support, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

“(4) The total amount obligated in the previous fiscal year, including budget details.

“(5) The total amount obligated in prior fiscal years.

“(6) The intended duration of support.

“(7) A description of support or training provided to the recipients of support.

“(8) A value assessment of the operational support provided.”.

#### SEC. 1203. MODIFICATION OF REPORT ON FOREIGN-ASSISTANCE RELATED PROGRAMS CARRIED OUT BY THE DEPARTMENT OF DEFENSE.

(a) **AMENDMENT.**—Section 1209 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 368) is amended—

(1) in subsection (a), by striking “180 days after the date of the enactment of this Act” and inserting “February 1 of each year through February 1, 2013”;

(2) in subsection (b)(1)—

(A) in subparagraph (G), by striking “and” at the end; and

(B) by adding at the end the following new subparagraph:

“(I) subsection (b)(6) of section 166a of title 10, United States Code; and”.

(b) **REPORT FOR FISCAL YEARS 2008 AND 2009.**—The report required to be submitted not later than February 1, 2010, under section 1209(a) of the National Defense Authorization Act for Fiscal Year 2008, as amended by subsection (a), shall include information required under such section with respect to fiscal years 2008 and 2009.

#### SEC. 1204. REPORT ON AUTHORITIES TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES AND RELATED MATTERS.

(a) **REPORT REQUIRED.**—Not later than March 1, 2010, the President shall transmit to the congressional committees specified in subsection (b) a report on the following:

(1) The relationship between authorities of the Department of Defense to conduct security cooperation programs to train and equip, or otherwise build the capacity of, foreign military forces and security assistance authorities of the Department of State and other foreign assistance agencies to provide assistance to train and equip, or otherwise build the capacity of, foreign military forces, including the distinction, if any, between the purposes of such authorities, the processes to generate requirements to satisfy the purposes of such authorities, and the contribution such authorities make to the core missions of each such department and agency.

(2) The strengths and weaknesses of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Arms Export Control Act (22 U.S.C. 2171 et seq.), title 10, United States Code, and any other provision of law relating to training and equipping, or otherwise building the capacity of, foreign military forces, including to conduct counterterrorist operations or participate

in or support military and stability operations in which the United States Armed Forces are a participant.

(3) The changes, if any, that should be made to the provisions of law described in paragraph (2) that would improve the ability of the United States Government to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United States Armed Forces are a participant.

(4) The organizational and procedural changes, if any, that should be made in the Department of Defense and the Department of State and other foreign assistance agencies to improve the ability of such departments and agencies to conduct programs to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United States Armed Forces are a participant.

(5) The resources and funding mechanisms required to ensure adequate funding for such programs.

(b) **SPECIFIED CONGRESSIONAL COMMITTEES.**—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

#### SEC. 1205. AUTHORITY TO PROVIDE ADMINISTRATIVE SERVICES AND SUPPORT TO COALITION LIAISON OFFICERS OF CERTAIN FOREIGN NATIONS ASSIGNED TO UNITED STATES JOINT FORCES COMMAND.

(a) **EXTENSION OF AUTHORITY.**—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by striking “assigned temporarily” and inserting “assigned temporarily as follows”;

(2) by designating the remainder of the text of that subsection as paragraph (1) and indenting that text two ems from the left margin;

(3) in paragraph (1), as so designated, by striking “to the headquarters” and inserting “To the headquarters”; and

(4) by adding at the end the following new paragraph:

“(2) To the headquarters of the combatant command assigned by the Secretary of Defense the mission of joint warfighting experimentation and joint forces training.”.

(b) **EFFECTIVE DATE.**—Paragraph (2) of section 1051a(a) of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

#### SEC. 1206. MODIFICATION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) **TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY FOR MILITARY AND STABILITY OPERATIONS.**—Section 1206(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2418) and section 1206 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4625), is further amended by adding at the end the following new paragraph:

“(5) **TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT MILITARY AND STABILITY OPERATIONS.**—Of

the funds used to carry out a program under subsection (a), not more than \$75,000,000 may be used during fiscal year 2010, and not more than \$75,000,000 may be used during fiscal year 2011, for purposes described in subsection (a)(1)(B)."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to programs under section 1206(a) of the National Defense Authorization Act for Fiscal Year 2006 that begin on or after that date.

**SEC. 1207. AUTHORITY FOR NON-RECIPROCAL EXCHANGES OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.**

(a) **AUTHORITY TO ENTER INTO NON-RECIPROCAL INTERNATIONAL EXCHANGE AGREEMENTS.**—

(1) **IN GENERAL.**—The Secretary of Defense may enter into non-reciprocal international defense personnel exchange agreements.

(2) **INTERNATIONAL DEFENSE PERSONNEL EXCHANGE AGREEMENTS DEFINED.**—For purposes of this section, an international defense personnel exchange agreement is an agreement with the government of an ally of the United States or another friendly foreign country for the exchange of military and civilian personnel of the defense ministry of that foreign government.

(b) **ASSIGNMENT OF PERSONNEL.**—

(1) **IN GENERAL.**—Pursuant to a non-reciprocal international defense personnel exchange agreement, personnel of the defense ministry of a foreign government may be assigned to positions in the Department of Defense.

(2) **MUTUAL AGREEMENT REQUIRED.**—An individual may not be assigned to a position pursuant to a non-reciprocal international defense personnel exchange agreement unless the assignment is acceptable to both governments.

(c) **PAYMENT OF PERSONNEL COSTS.**—

(1) **IN GENERAL.**—The foreign government with which the United States has entered into a non-reciprocal international defense personnel exchange agreement shall pay the salary, per diem, cost of living, travel costs, cost of language or other training, and other costs for its personnel under such agreement in accordance with the applicable laws and regulations of such government.

(2) **EXCLUDED COSTS.**—Paragraph (1) does not apply to the following costs:

(A) The cost of training programs conducted to familiarize, orient, or certify exchanged personnel regarding unique aspects of the assignments of the exchanged personnel.

(B) Costs incident to the use of facilities of the United States Government in the performance of assigned duties.

(C) The cost of temporary duty of the exchanged personnel directed by the United States Government.

(d) **PROHIBITED CONDITIONS.**—No personnel exchanged pursuant to a non-reciprocal agreement under this section may take or be required to take an oath of allegiance or to hold an official capacity in the government.

(e) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the end of the fiscal year in which the authority in subsection (a) has been exercised, the Secretary of Defense shall submit to the appropriate congressional committees a report on the use of the authority through the end of such fiscal year.

(2) **MATTERS TO BE INCLUDED.**—The report required under paragraph (1) shall include the number of non-reciprocal international defense personnel exchange agreements, the number of personnel assigned pursuant to such agreements, the Department of Defense component to which the personnel have been assigned, the duty title of each assignment, and the countries with which the agreements have been concluded.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(f) **DURATION OF AUTHORITY.**—The authority under this section shall expire on September 30, 2012.

**SEC. 1208. REPORT ON ALTERNATIVES TO USE OF ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth and assessing various alternatives to the use of acquisition and cross-servicing agreements pursuant to the temporary authority in section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as amended by section 1252 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 402), for purposes of lending covered military equipment to military forces of nations as follows:

(1) A nation participating in combined operations with the United States in Iraq and Afghanistan.

(2) A nation participating in combined operations with the United States as part of a peace-keeping operation under the Charter of the United Nations or another international agreement.

(b) **COVERED MILITARY EQUIPMENT DEFINED.**—In this section, the term "covered military equipment" has the meaning given that term in section 1202(d)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007.

**SEC. 1209. ENHANCING IRAQI SECURITY THROUGH DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a report on the role of Foreign Military Sales in meeting the requirements of the military and security forces of Iraq for restoring and maintaining peace and security in Iraq.

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include the following:

(1) A description of the minimum requirements of the military and security forces of Iraq to achieve and sustain internal security.

(2) A description of how Foreign Military Sales may be leveraged to ensure the timely delivery of training, equipment, and supplies beyond the December 2011 drawdown deadline and any recommendations for improving the Foreign Military Sales process with respect to Iraq.

(3) An assessment of the feasibility and desirability of treating an undertaking by the Government of Iraq between the date of the enactment of this Act and December 31, 2011, as a dependable undertaking described in section 22(a) of the Arms Export Control Act (22 U.S.C. 2762(a)) for the purpose of entering into contracts for the procurement of defense articles and defense services as provided for in that section.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Defense should, with the concurrence of the Secretary of State, seek to increase the number of positions in professional military education courses, including

courses at command and general staff colleges, war colleges, and the service academies, that are made available annually to personnel of the security forces of the Government of Iraq.

(d) **DEFINITION.**—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

**SEC. 1210. AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE PARTNERSHIP PROGRAM.**

(a) **REGULATIONS REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with Secretary of State, shall prescribe regulations regarding the use of funds appropriated to the Department of Defense to pay the costs incurred by the National Guard in conducting activities under the State Partnership Program. The Secretary of Defense shall transmit to the appropriate congressional committees a copy of the regulations not later than 15 days after the date on which the regulations are prescribed under this subsection.

(b) **LIMITATIONS.**—

(1) **APPROVAL BY COMMANDER OF COMBATANT COMMAND AND CHIEF OF MISSION.**—Funds shall not be available under subsection (a) for activities conducted under the State Partnership Program in a foreign country unless such activities are jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

(2) **PARTICIPATION BY MEMBERS.**—Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities conducted under the State Partnership Program in a foreign country unless the member is on active duty in the Armed Forces at the time of such participation.

(c) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, and not later than the end of each of the fiscal years 2010 through 2013, the Secretary of Defense shall submit to the appropriate congressional committees a report describing the civilian engagement activities conducted under the State Partnership Program, including a detailed description of the activities undertaken and funds expended in the previous fiscal year under the State Partnership Program.

(d) **DEFINITION.**—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

**Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan**

**SEC. 1221. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.**

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

**SEC. 1222. ONE-YEAR EXTENSION AND EXPANSION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.**

(a) **ONE-YEAR EXTENSION OF AUTHORITY.**—

(1) **AUTHORITY FOR FISCAL YEAR 2010.**—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006

(Public Law 109-163; 119 Stat. 3455), as amended by section 1205 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 366) and section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4630), is further amended—

(A) in the heading, by striking “FISCAL YEARS 2008 AND 2009” and inserting “FISCAL YEAR 2010”;

(B) by striking “each of fiscal years 2008 and 2009” and inserting “fiscal year 2010”;

(C) by striking “for such fiscal year”; and

(D) by striking “\$1,700,000,000 in fiscal year 2008 and \$1,500,000,000 in fiscal year 2009” and inserting “\$1,300,000,000”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on October 1, 2009.

(b) **EXTENSION OF DUE DATE FOR QUARTERLY REPORTS.**—Subsection (b)(1) of such section is amended—

(1) by striking “15 days” and inserting “30 days”; and

(2) by striking “fiscal years 2008 and 2009” and inserting “any fiscal year during which the authority under subsection (a) is in effect”.

(c) **TECHNICAL AMENDMENTS.**—Subsections (e)(1) and (f)(1) of such section are amended by striking “the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009” and inserting “October 14, 2008.”.

(d) **AUTHORITY TO TRANSFER FUNDS FOR SUPPORT OF AFGHANISTAN NATIONAL SOLIDARITY PROGRAM.**—

(1) **AUTHORITY.**—If the Secretary of Defense determines that the use of Commanders’ Emergency Response Program funds to support the Afghanistan National Solidarity Program would enhance counterinsurgency operations or stability operations in Afghanistan, the Secretary of Defense may transfer funds, from amounts available for the Commanders’ Emergency Response Program for fiscal year 2010, to the Secretary of State for purposes of supporting the Afghanistan National Solidarity Program.

(2) **LIMITATION.**—The amount of funds transferrable under paragraph (1) may not exceed \$50,000,000.

(3) **CONGRESSIONAL NOTIFICATION.**—Not later than 15 days before transferring funds under paragraph (1), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary’s determination pursuant to paragraph (1) and a description of the amount of funds to be transferred under that paragraph.

(4) **EXPIRATION.**—The authority to transfer funds under paragraph (1) shall expire at the close of September 30, 2010.

(e) **USE OF FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.**—

(1) **AUTHORITY.**—The Secretary of Defense, in coordination with the Government of Afghanistan and with the concurrence of the Secretary of State, may utilize such funds as necessary from amounts available for the Commanders’ Emergency Response Program for fiscal year 2010 to support the reintegration into Afghan society of those individuals who have renounced violence against the Government of Afghanistan.

(2) **QUARTERLY REPORTS.**—

(A) **IN GENERAL.**—The Secretary of Defense shall submit to the congressional defense committees a report on activities carried out utilizing the authority of paragraph (1). Such report shall be included in the report required under section 1202(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455), and shall be specifically identified as having been carried out under the authority of paragraph (1).

(B) **COPY OF REPORT.**—The Secretary of Defense shall provide the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate with a copy of that portion of the report required by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455) that pertains to expenditures carried out under the authority of paragraph (1).

(3) **EXPIRATION.**—The authority to utilize funds under paragraph (1) shall expire at the close of September 30, 2010.

(f) **REVIEW OF PROGRAM.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a thorough review of the Commander’s Emergency Response Program and submit to the congressional defense committees the results of such review.

(g) **DEFINITION.**—In this section, the term “Commanders’ Emergency Response Program” has the meaning given the term in section 1202(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456).

**SEC. 1223. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.**

(a) **EXPANSION OF AUTHORITY.**—Section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393) is amended—

(1) in subsection (a)—

(A) by striking “section 1508” and inserting “section 1509(5) of the National Defense Authorization Act for Fiscal Year 2010”;

(B) by striking “key cooperating nation for logistical” and inserting the following: “key cooperating nation for the following:

“(1) Logistical”; and

(C) by adding at the end the following:

“(2) Logistical, military, and other support, including access, provided by that nation to or in connection with United States military operations described in paragraph (1).”;

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(3) by inserting after subsection (a) the following new subsection:

“(b) **OTHER SUPPORT.**—Using funds described in subsection (a)(2), the Secretary of Defense may also assist any key cooperating nation supporting United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom in Afghanistan through the following:

“(1) The provision of specialized training to personnel of that nation in connection with such operations, including training of such personnel before deployment in connection with such operations.

“(2) The procurement and provision of supplies to that nation in connection with such operations.

“(3) The procurement of specialized equipment and the loaning of such specialized equipment to that nation on a non-reimbursable basis in connection with such operations.”.

(b) **AMOUNTS OF SUPPORT.**—Paragraph (2) of subsection (c) of such section (as redesignated) is amended to read as follows:

“(2) **SUPPORT.**—Support authorized by subsection (b) may be provided in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget considers appropriate.”.

(c) **LIMITATION ON AMOUNT.**—Paragraph (1) of subsection (d) of such section (as redesignated) is amended by adding at the end the following: “The aggregate amount of reimbursements made under subsection (a) and support provided under subsection (b) during fiscal year 2010 may not exceed \$1,600,000,000.”.

(d) **NOTICE TO CONGRESS.**—Subsection (e) of such section (as redesignated) is amended by striking “shall—” and all that follows and inserting “shall notify the appropriate congressional committees not later than 15 days before making any reimbursement under the authority in subsection (a) or providing any support under the authority in subsection (b). In the case of any reimbursement to Pakistan under the authority of this section, such notice shall be made in accordance with the notice requirements under section 1232(b).”.

(e) **QUARTERLY REPORTS.**—Such section is further amended by adding at the end the following new subsection:

“(f) **QUARTERLY REPORTS.**—The Secretary of Defense shall submit to the appropriate congressional committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a), and any support provided under the authority in subsection (b), during such quarter.”.

(f) **DEFINITION.**—Such section is further amended by adding at the end the following new subsection:

“(g) **DEFINITION.**—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

“(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.”.

(g) **EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.**—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as amended by section 1217(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4635), is further amended by striking “September 30, 2010” and inserting “September 30, 2011”.

**SEC. 1224. PAKISTAN COUNTERINSURGENCY FUND.**

(a) **AVAILABILITY.**—

(1) **AMOUNTS IN THE FUND.**—The Pakistan Counterinsurgency Fund (in this section referred to as the “Fund”) shall consist of the following:

(A) Amounts appropriated to the Fund for fiscal year 2009.

(B) Amounts transferred to the Fund pursuant to subsection (d).

(2) **INITIAL ASSESSMENT REQUIRED.**—Concurrent with the initial use of funds available under this section, the Secretary of Defense shall submit to the appropriate congressional committees a report setting forth an assessment by the Secretary as to whether the Government of Pakistan is making concerted efforts to confront the threat posed by al Qa’ida, the Taliban, and other militant extremists based on the national security interests of Pakistan.

(b) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Amounts in the Fund shall be made available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance (including program management and the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction) to the security forces of Pakistan (including military forces, police forces, and the Frontier Corps) to build and maintain the counterinsurgency capability of such forces, and of which not more than \$4,000,000 may be made available to provide humanitarian assistance to the people of Pakistan only as part of civil-military training exercises for such forces receiving assistance under the Fund.

(2) **RELATION TO OTHER AUTHORITIES.**—Except as otherwise provided in section 1225 of this Act,

amounts in the Fund are authorized to be made available subject only to the terms and conditions of this section and notwithstanding any other provision of law. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(c) **TRANSFERS FROM FUND.**—

(1) **IN GENERAL.**—The Secretary of Defense may transfer such amounts as the Secretary determines to be appropriate from the Fund—

(A) to any account available to the Department of Defense, or

(B) with the concurrence of the Secretary of State and head of the relevant Federal department or agency, to any other non-intelligence related Federal account,

for purposes consistent with this section.

(2) **TREATMENT OF TRANSFERRED FUNDS.**—Subject to subsection (b)(2), amounts transferred to an account under the authority of paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(3) **TRANSFERS BACK TO FUND.**—Upon a determination by the Secretary of Defense with respect to funds transferred under paragraph (1)(A), or the head of the other Federal department or agency with the concurrence of the Secretary of State with respect to funds transferred under paragraph (1)(B), that all or part of amounts transferred from the Fund under paragraph (1) are not necessary for the purpose provided, such amounts may be transferred back to the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as originally applicable under subsection (b).

(d) **TRANSFERS TO FUND.**—

(1) **IN GENERAL.**—The Fund may include amounts transferred by the Secretary of State, with the concurrence of the Secretary of Defense, under any authority of the Secretary of State to transfer funds under any provision of law.

(2) **TREATMENT OF TRANSFERRED FUNDS.**—Amounts transferred to the Fund under the authority of paragraph (1) shall be subject to any restriction relating to payments for Letters of Offer and Acceptance as a condition of the authority to transfer funds under paragraph (1), and merged with amounts in the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in the Fund.

(e) **CONGRESSIONAL NOTIFICATION.**—Amounts in the Fund may not be transferred from the Fund under this section until 15 days after the date on which the Secretary of Defense notifies the appropriate congressional committees in writing of the details of the proposed transfer.

(f) **QUARTERLY REPORTS.**—Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall submit to the appropriate congressional committees a report that summarizes, on a project-by-project basis, any transfer of funds from the Fund under this section during such fiscal quarter.

(g) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(h) **SUNSET.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the authority provided under this section terminates at the close of September 30, 2010.

(2) **EXCEPTION.**—Any program supported from amounts in the Fund established before the close of September 30, 2010, may be completed after that date but only using amounts appropriated or transferred to the Fund on or before that date.

**SEC. 1225. PROGRAM TO PROVIDE FOR THE REGISTRATION AND END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES TRANSFERRED TO AFGHANISTAN AND PAKISTAN.**

(a) **PROGRAM REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish and carry out a program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan in accordance with the requirements under subsection (b) and to prohibit the retransfer of such defense articles and defense services without the consent of the United States. The program required under this subsection shall be limited to the transfer of defense articles and defense services—

(A) pursuant to authorities other than the Arms Export Control Act or the Foreign Assistance Act of 1961; and

(B) using funds made available to the Department of Defense, including funds available pursuant to the Pakistan Counterinsurgency Fund.

(2) **PROHIBITION.**—No defense articles or defense services that would be subject to the program required under this subsection may be transferred to—

(A) the Government of Afghanistan or any other group, organization, citizen, or resident of Afghanistan, or

(B) the Government of Pakistan or any other group, organization, citizen, or resident of Pakistan,

until the Secretary of Defense certifies to the specified congressional committees that the program required under this subsection has been established.

(b) **REGISTRATION AND END-USE MONITORING REQUIREMENTS.**—The registration and end-use monitoring requirements under this subsection shall include the following:

(1) A detailed record of the origin, shipping, and distribution of defense articles and defense services transferred to—

(A) the Government of Afghanistan and other groups, organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other groups, organizations, citizens, and residents of Pakistan.

(2) The registration of the serial numbers of all small arms to be provided to—

(A) the Government of Afghanistan and other groups, organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other groups, organizations, citizens, and residents of Pakistan.

(3) A program of end-use monitoring of lethal defense articles and defense services transferred to the entities and individuals described in subparagraphs (A) and (B) of paragraph (1).

(c) **REVIEW; EXEMPTION.**—

(1) **REVIEW.**—The Secretary of Defense shall periodically review the defense articles and defense services subject to the registration and end-use monitoring requirements under subsection (b) to determine which defense articles and defense services, if any, should no longer be subject to such registration and end-use monitoring requirements. The Secretary of Defense shall submit to the specified congressional committees the results of each review conducted under this paragraph.

(2) **EXEMPTION.**—The Secretary of Defense may exempt a defense article or defense service from the registration and end-use monitoring re-

quirements under subsection (b) beginning on the date that is 30 days after the date on which the Secretary provides notice of the proposed exemption to the specified congressional committees. Such notice shall describe any controls to be imposed on such defense article or defense service, as the case may be, under any other provision of law.

(d) **DEFINITIONS.**—In this section:

(1) **DEFENSE ARTICLE.**—The term “defense article” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(2) **DEFENSE SERVICE.**—The term “defense service” has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(3) **SMALL ARM.**—The term “small arm” means—

(A) a handgun or pistol;

(B) a shoulder-fired weapon, including a subcarbine, carbine, or rifle;

(C) a light, medium, or heavy automatic weapon up to and including a .50 caliber machine gun;

(D) a recoilless rifle up to and including 106mm;

(E) a mortar up to and including 81mm;

(F) a rocket launcher, man-portable;

(G) a grenade launcher, rifle and shoulder fired; and

(H) an individually-operated weapon which is portable or can be fired without special mounts or firing devices and which has potential use in civil disturbances and is vulnerable to theft.

(4) **SPECIFIED CONGRESSIONAL COMMITTEES.**—The term “specified congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), this section shall take effect 180 days after the date of the enactment of this Act.

(2) **EXCEPTION.**—The Secretary of Defense may delay the effective date of this section by an additional period of up to 120 days if the Secretary certifies in writing to the specified congressional committees for such additional period that it is in the vital interest of the United States to do so and includes in the certification a description of such vital interest.

**SEC. 1226. REPORTS ON CAMPAIGN PLANS FOR IRAQ AND AFGHANISTAN.**

(a) **REPORTS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees separate reports containing assessments of the extent to which the campaign plan for Iraq and the campaign plan for Afghanistan (including the supporting and implementing documents for each such plan) each adhere to military doctrine (as defined in the Department of Defense's Joint Publication 5-0, Joint Operation Planning), including the elements set forth in subsection (b).

(b) **MATTERS TO BE ASSESSED.**—The matters to be included in the assessments required under subsection (a) are as follows:

(1) The extent to which each campaign plan identifies and prioritizes the conditions that must be achieved in each phase of the campaign.

(2) The extent to which each campaign plan reports the number of combat brigade teams and other forces required for each campaign phase.

(3) The extent to which each campaign plan estimates the time needed to reach the desired end state and complete the military portion of the campaign.

(c) **UPDATE OF REPORT.**—The Comptroller General shall submit to the congressional defense committees an update of the report on the campaign plan for Iraq or the campaign plan for Afghanistan required under subsection (a) whenever the campaign plan for Iraq or the campaign plan for Afghanistan, as the case may be, is substantially updated or altered.

(d) **EXCEPTION.**—If the Comptroller General determines that a report submitted to Congress by the Comptroller General before the date of the enactment of this Act substantially meets the requirements of subsection (a) for the submission of a report on the campaign plan for Iraq or the campaign plan for Afghanistan, the Comptroller General shall so notify the congressional defense committees in writing, but shall provide an update of the report as required under subsection (c).

(e) **TERMINATION.**—

(1) **REPORTS ON IRAQ.**—The requirement to submit updates of reports on the campaign plan for Iraq under subsection (c) shall terminate on December 31, 2011.

(2) **REPORTS ON AFGHANISTAN.**—The requirement to submit updates of reports on the campaign plan for Afghanistan under subsection (c) shall terminate on September 30, 2012.

**SEC. 1227. REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, or December 31, 2009, whichever occurs later, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report concerning the responsible redeployment of United States Armed Forces from Iraq in accordance with the policy announced by the President on February 27, 2009, and the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces From Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following elements:

(1) The number of United States military personnel in Iraq by service and component for each month of the preceding 90-day period and an estimate of the personnel levels in Iraq for the 90-day period following submission of the report.

(2) The number and type of military installations in Iraq occupied by 100 or more United States military personnel and the number of such military installations closed, consolidated, or transferred to the Government of Iraq in the preceding 90-day period.

(3) An estimate of the number of military vehicles, containers of equipment, tons of ammunition, or other significant items belonging to the Department of Defense removed from Iraq during the preceding 90-day period, an estimate of the remaining amount of such items belonging to the Department of Defense, and an assessment of the likelihood of successfully removing, demilitarizing, or otherwise transferring all items belonging to the Department of Defense from Iraq on or before December 31, 2011.

(4) An assessment of United States detainee operations and releases. Such assessment should include the total number of detainees held by the United States in Iraq, the number of detainees in each threat level category, the number of detainees who are not nationals of Iraq, the number of detainees transferred to Iraqi authorities, the number of detainees who were released from United States custody and the reasons for their release, and the number of detainees who having been released in the past were recaptured or had their remains identified planning or after carrying out attacks on United States or Coalition forces.

(5) A listing of the objective and subjective factors utilized by the commander of Multi-National Force-Iraq, including any changes to that list in the case of an update to the report, to determine risk levels associated with the drawdown of United States Armed Forces, and the process and timing that will be utilized by the commander of Multi-National Force-Iraq and the Secretary of Defense to assess risk and make recommendations to the President about either continuing the redeployment of United States Armed Forces from Iraq in accordance with the schedule announced by the President or modifying the pace or timing of that redeployment.

(c) **INCLUSION IN OTHER REPORTS.**—The report required under subsection (a) and any updates to the report may be included in any other required report on Iraq submitted to Congress by the Secretary of Defense.

(d) **FORM.**—The report required under subsection (a), whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense, may include a classified annex.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

**SEC. 1228. REPORT ON COMMUNITY-BASED SECURITY PROGRAMS IN AFGHANISTAN.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Afghan Public Protection Program and other similar programs for community-based security forces in Afghanistan (in this section collectively referred to as the “programs”).

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include the following elements:

(1) An assessment of the programs in Afghanistan, including, at a minimum, the following elements:

(A) A listing and short description of the programs, including major elements of each program.

(B) An evaluation of the changes in security conditions in the districts in which each program is located, from each program’s inception to the date of the report.

(C) The extent to which the forces developed under the programs are generally representative of the ethnic groups in the respective districts in which the programs are located.

(D) If the forces developed under the programs are appropriately representative of the geographic area of responsibility.

(E) An assessment of the effectiveness of each program, including, to the extent practicable, the views of the local communities and Afghan national, provincial, and district governmental officials and leaders of the local communities.

(F) Any formal reviews of the programs that are planned for the future and the timelines on which the reviews would be conducted, by whom the reviews would be conducted, and the criteria that would be used.

(G) The selection criteria that were used to select members of the program in the initial pilot districts and how the members were vetted.

(H) The costs to the Department of Defense to support the program in the initial pilot districts, to include any Commanders’ Emergency Response Program funds spent as formal or informal incentives.

(I) The roles of the Afghanistan National Security Forces (ANSF) in supporting and training forces under each program.

(J) Any other criteria used to evaluate the programs by the Commander of United States Forces-Afghanistan.

(2) An assessment of the future of the programs, including, at a minimum, the following elements:

(A) A description of the goals and objectives expected to be met by the expansion of the programs or the establishment of similar programs.

(B) A description of how such expansions would support the functions of the Afghan National Police.

(C) A description of how districts or provinces will be chosen to participate in the programs, including an explanation of the following:

(i) What mechanisms the Government of Afghanistan will use to select additional districts or provinces, including participants in the decision process and the criteria used.

(ii) How the views of relevant United States Government departments and agencies and of the North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) will be taken into account by the Government of Afghanistan when choosing districts or provinces to participate in the programs.

(iii) What process will be used to evaluate any changes to the programs as executed in the past to account for different or unique circumstances in additional areas of expansion.

(D) An assessment of personnel, assets, or funding of the Department of Defense that would likely be required to support any expansion of the programs.

(E) A description of the formal process, led by the Government of Afghanistan, that will be used to evaluate the programs, including a description of the following:

(i) A listing of the criteria that are expected to be considered in the process.

(ii) The roles in the process of—

(I) the Government of Afghanistan;

(II) relevant United States Government departments and agencies;

(III) NATO-ISAF;

(IV) nongovernmental representatives of the people of Afghanistan; and

(V) any other appropriate individuals and entities.

(F) A description of whether members of the forces developed under the programs will be transitioned to the ANSF or to other employment in the future, including a description of—

(i) the process that will be used to transition the forces;

(ii) additional training that may be required; and

(iii) how decisions will be made to transition the forces to the ANSF or other employment.

(G) The Afghan chain of command that will be used to implement the programs and provide command and control over the units created by the programs.

**SEC. 1229. UPDATES OF REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.**

Section 1216(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4634) is amended by adding at the end the following new sentence: “Any update of the report required under subsection (c) may be included in the report required under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385).”.



**SEC. 1230. REPORT ON FEASIBILITY AND DESIRABILITY OF ESTABLISHING GENERAL UNIFORM PROCEDURES AND GUIDELINES FOR THE PROVISION OF MONETARY ASSISTANCE BY THE UNITED STATES TO CIVILIAN FOREIGN NATIONALS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES.**

(a) **REPORT.**—The Secretary of Defense shall submit to Congress a report on the feasibility and the desirability of establishing general uniform procedures and guidelines for the provision by the United States of monetary assistance to civilian foreign nationals for losses, injuries, or death (hereafter “harm”) incident to combat activities of the United States Armed Forces.

(b) **MATTERS TO BE INCLUDED IN REPORT.**—The Secretary shall include in the report the following:

(1) A description of the authorities under laws in effect as of the date of the enactment of this Act for the United States to provide compensation, monetary payments, or other assistance to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(2) A description of the practices in effect as of the date of enactment of this Act for the United States to provide *ex gratia*, solatia, or other types of condolence payments to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(3) A discussion of the historic practice of the United States to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to combat activities of the United States Armed Forces.

(4) A discussion of the practice of the United States in Operation Enduring Freedom and Operation Iraqi Freedom to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to the combat activities of the United States Armed Forces, including the procedures and guidelines used and an assessment of its effectiveness. This discussion will also include estimates of the total amount of funds disbursed to civilian foreign nationals who have incurred harm since the inception of Operation Iraqi Freedom and Operation Enduring Freedom. This discussion will also include how such procedures and guidelines compare to the processing of claims filed under the Foreign Claims Act.

(5) A discussion of the positive and negative effects of using different authorities, procedures, and guidelines to provide monetary assistance to civilian foreign nationals, based upon the culture and economic circumstances of the local populace and the operational impact on the military mission. This discussion will also include whether the use of different authorities, procedures, and guidelines has resulted in disparate monetary assistance to civilian foreign nationals who have incurred substantially similar harm, and if so, the frequency and effect of such results.

(6) A discussion of the positive and negative effects of establishing general uniform procedures and guidelines for the provision of such assistance, based upon the goals of timely commencement of a program of monetary assistance, efficient and effective implementation of such program, and consistency in the amount of assistance in relation to the harm incurred. This discussion will also include whether the implementation of general uniform procedures and guidelines would create a legally enforceable entitlement to “compensation” and, if so, any potential significant operational impact arising from such an entitlement.

(7) Assuming general uniform procedures and guidelines were to be established, a discussion of the following:

(A) Whether such assistance should be limited to specified types of combat activities or operations, e.g., such as during counterinsurgency operations.

(B) Whether such assistance should be contingent upon a formal determination that a particular combat activity/operation is a qualifying activity, and the criteria, if any, for such a determination.

(C) Whether a time limit from the date of loss for providing such assistance should be prescribed.

(D) Whether only monetary or other types of assistance should be authorized, and what types of nonmonetary assistance, if any, should be authorized.

(E) Whether monetary value limits should be placed on the assistance that may be provided, or whether the determination to provide assistance and, if so, the monetary value of such assistance, should be based, in whole or in part, on a legal advisor’s assessment of the facts.

(F) Whether a written record of the determination to provide or to not provide such assistance should be maintained and a copy made available to the civilian foreign national.

(G) Whether in the event of a determination to not provide such assistance the civilian foreign national should be afforded the option of a review of the determination by a higher ranking authority.

(c) **RECOMMENDATIONS.**—The Secretary shall include in the report such recommendations as the Secretary considers appropriate for legislative or administrative action with respect to the matters discussed in the report.

(d) **SUBMISSION OF REPORT.**—The report shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1231. ASSESSMENT AND REPORT ON UNITED STATES-PAKISTAN MILITARY RELATIONS AND COOPERATION.**

(a) **ASSESSMENT REQUIRED.**—The Secretary of Defense, in consultation with the Secretary of State, shall conduct an assessment of possible alternatives to reimbursements to Pakistan for logistical, military, or other support provided by Pakistan to or in connection with United States military operations, which could encourage the Pakistani military to undertake counterterrorism and counterinsurgency operations and achieve the goals and objectives for long-term United States-Pakistan military relations and cooperation.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the assessment required under subsection (a).

(c) **FORM.**—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex if necessary.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

**SEC. 1232. REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN PAKISTAN.**

(a) **REPORT REQUIRED.**—The President shall submit to Congress a report on the progress toward long-term security and stability in Pakistan. The report required under this subsection

shall be submitted concurrent with the submission of each report under section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 392), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4634), on or after the date of the enactment of this Act.

(b) **ELEMENTS.**—The report required under subsection (a) shall address, at a minimum, the following elements:

(1) The effectiveness of efforts to achieve the following strategic goals:

(A) To disrupt, dismantle, and defeat al Qaeda, its affiliated networks, and other extremist forces in Pakistan.

(B) To eliminate the safe havens for such forces in Pakistan.

(C) To prevent the return of such forces to Pakistan or Afghanistan.

(2) The effectiveness of United States security assistance to Pakistan to achieve the strategic goals described in paragraph (1).

(3) For any strategic goal addressed under this subsection, a description of any additional goals and objectives, and the timelines for meeting such goals and objectives.

(4) A description of the metrics used to assess progress toward each goal and objective and along each timeline described in paragraph (3).

(c) **FORM.**—The report required under subsection (a) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

**SEC. 1233. REPEAL OF GAO WAR-RELATED REPORTING REQUIREMENT.**

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3462) is amended by striking the following: “Based on these reports, the Comptroller General shall provide to Congress quarterly updates on the costs of Operation Iraqi Freedom and Operation Enduring Freedom.”.

**SEC. 1234. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.**

(a) **AUTHORITY.**—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to transfer defense articles from the stocks of the Department of Defense, without reimbursement from the Government of Iraq or the Government of Afghanistan, and to provide defense services in connection with the transfer of such defense articles, to—

(1) the military and security forces of Iraq to support the efforts of those forces to restore and maintain peace and security in that country; and

(2) the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(b) **LIMITATIONS.**—

(1) **VALUE.**—The aggregate replacement value of all defense articles transferred and defense services provided under subsection (a) may not exceed \$750,000,000.

(2) **SOURCE OF TRANSFERRED DEFENSE ARTICLES.**—The authority under subsection (a) may only be used for defense articles that—

(A)(i) were present in Iraq as of the date of the enactment of this Act;

(ii) immediately before the transfer were in use to support operations in Iraq; and

(iii) are no longer required by United States forces in Iraq; or

(B)(i) were present in Kuwait as of the date of enactment of this Act;

(ii) prior to being transferred to Kuwait were in use to support operations in Iraq; and

(iii) are no longer required by United States forces in Iraq or Kuwait (as the case may be).

(c) **APPLICABLE LAW.**—Any defense articles transferred or defense services provided to Iraq or Afghanistan under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations contained in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) **REPORT.**—

(1) **IN GENERAL.**—The Secretary of Defense may not exercise the authority under subsection (a) until 30 days after the Secretary of Defense, with the concurrence of the Secretary of State, provides the appropriate congressional committees a report on the plan for the disposition of equipment and other property of the Department of Defense in Iraq or Kuwait (as the case may be).

(2) **ELEMENTS OF REPORT.**—The report required under paragraph (1) shall include the following elements:

(A) An assessment of—

(i) the types and quantities of defense articles required by the military and security forces of Iraq to support the efforts of those military and security forces to restore and maintain peace and security in Iraq; and

(ii) the types and quantities of defense articles required by the military and security forces of Afghanistan to support the efforts of those military and security forces to restore and maintain peace and security in Afghanistan.

(B) A description of the authorities available for addressing the requirements identified in subparagraph (A).

(C) A description of the process for inventorying equipment and property, including defense articles, in Iraq or Kuwait owned by the Department of Defense, including equipment and property owned by the Department of Defense and under the control of contractors in Iraq.

(D) A description of the types of defense articles that the Department of Defense intends to transfer to the military and security forces of Iraq and an estimate of the quantity of such defense articles to be transferred.

(E) A description of the types of defense articles that the Department of Defense intends to transfer to the military and security forces of Afghanistan and an estimate of the quantity of such defense articles to be transferred.

(F) A description of the process by which potential requirements, including requirements related to responding to natural disasters and other domestic emergencies in the continental United States, for defense articles to be transferred under the authority provided in subsection (a), other than the requirements of the security forces of Iraq or Afghanistan, are identified and the mechanism for resolving any potential conflicting requirements for such defense articles.

(G) A description of the plan, if any, for reimbursing military departments from which non-excess defense articles are transferred under the authority provided in subsection (a).

(H) An assessment of the efforts by the Government of Iraq to identify the requirements of the military and security forces of Iraq for defense articles to support the efforts of those forces to restore and maintain peace and security in that country.

(I) An assessment of the ability of the Governments of Iraq and Afghanistan to absorb the costs associated with possessing and using the defense articles to be transferred.

(J) A description of the steps taken by the Government of Iraq to procure or acquire defense articles to meet the requirements of the military and security forces of Iraq, including through military sales from the United States.

(e) **NOTIFICATION.**—

(1) **IN GENERAL.**—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, has provided notice of the proposed transfer of defense articles or provision of defense services to the appropriate congressional committees.

(2) **CONTENTS.**—Such notification shall include—

(A) a description of the amount and type of each defense article to be transferred or defense services to be provided;

(B) a statement describing the current value of such article and the estimated replacement value of such article;

(C) a description of whether the article is considered to be an excess defense article or a non-excess defense article;

(D) an identification of the military department from which the defense articles being transferred are drawn;

(E) an identification of the element of the military or security force that is the proposed recipient of each defense article to be transferred or defense service to be provided; and

(F) a certification and determination by the Secretary of Defense that—

(i) the defense articles to be transferred are required by the military and security forces of Iraq or the military and security forces of Afghanistan, as applicable, to build their capacity to restore and maintain peace and security in their country;

(ii) the government of the recipient country has agreed to accept and take possession of the defense articles to be transferred and to receive the defense services in connection with that transfer; and

(iii) the proposed transfer of such defense articles and the provision of defense services in connection with such transfer is in the national interest of the United States.

(f) **QUARTERLY REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the report provided under subsection (d), and every 90 days thereafter during fiscal year 2010, the Secretary of Defense shall report to the appropriate congressional committees on the implementation of the authority under subsection (a). The report shall include the replacement value of defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and services provided to Iraq and Afghanistan during the previous 90 days.

(2) **INCLUSION IN OTHER REPORT.**—The report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2410) or any follow on report to such other report.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) **DEFENSE ARTICLES.**—The term “defense articles” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) **DEFENSE SERVICES.**—The term “defense services” has the meaning given the term in section 644(f) of such Act (22 U.S.C. 2403(f)).

(4) **MILITARY AND SECURITY FORCES.**—The term “military and security forces” means na-

tional armies, national air forces, national navies, national guard forces, police forces and border security forces, but does not include non-governmental or irregular forces (such as private militias).

(h) **EXPIRATION.**—The authority provided under subsection (a) may not be exercised after September 30, 2010.

(i) **EXCESS DEFENSE ARTICLES.**—

(1) **ADDITIONAL AUTHORITY.**—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) **AGGREGATE VALUE.**—The value of excess defense articles transferred to Iraq or Afghanistan during fiscal year 2010 pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such Act or against the limitation on the aggregate value of defense articles transferred contained in subsection (b)(1) of this section.

(j) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as to provide the authority to refurbish, transport, or otherwise assist in the transfer to Iraq or Afghanistan of excess defense articles outside of Iraq or Kuwait as of the date of the enactment of this Act.

#### **SEC. 1235. ANALYSIS OF REQUIRED FORCE LEVELS AND TYPES OF FORCES NEEDED TO SECURE SOUTHERN AND EASTERN REGIONS OF AFGHANISTAN.**

(a) **STUDY REQUIRED.**—The Secretary of Defense may, in support of the Commander of United States Forces for Afghanistan (USFOR-A), enter into a contract with a Federally Funded Research Development Center (FFRDC) to provide an analysis of the required force levels and types of forces needed to implement the Commander's strategic objectives in Afghanistan, including securing the southern and eastern regions of Afghanistan in order to provide a space for the Government of Afghanistan to establish effective government control and provide the Afghan security forces with the required training and mentoring.

(b) **FUNDING.**—From funds made available for the Department of Defense by section 301(5) for operation and maintenance, Defense-wide activities, \$3,000,000 may be used to carry out subsection (a).

#### **SEC. 1236. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.**

(a) **REPORT REQUIRED.**—Subsection (a) of section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385) is amended by striking “2010” and inserting “2011”.

(b) **MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.**—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

“(B) A description of commitments or agreements by NATO ISAF countries regarding the following:

“(i) Mutually agreed upon goals.

“(ii) Strategies to achieve such goals.

“(iii) Resource and force requirements.

“(iv) Commitments and pledges of support regarding troops and resource levels.”;

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) **NON-NATO ISAF TROOP-CONTRIBUTING COUNTRIES.**—A description of commitments or

agreements with non-NATO ISAF troop-contributing countries regarding the following:

“(A) Mutually agreed upon goals.

“(B) Strategies to achieve such goals.

“(C) Resource and force requirements.

“(D) Commitments and pledges of support regarding troops and resource levels.”.

(c) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (d)(2) of such section is amended—

(1) in subparagraph (A), by striking “individual NATO ISAF countries” and inserting “each individual NATO ISAF country”;

(2) by redesignating subparagraphs (C) through (K) as subparagraphs (D) through (L), respectively;

(3) by inserting after subparagraph (B) the following new subparagraph:

“(C) With respect to non-NATO ISAF troop-contributing countries, a listing of contributions from each individual country, including levels of troops and equipment, the effect of contributions on operations, and unfulfilled commitments.”;

(4) by redesignating subparagraphs (F) through (L) (as redesignated) as subparagraphs (G) through (M), respectively;

(5) by inserting after subparagraph (E) (as redesignated) the following new subparagraph:

“(F) An assessment of progress in ending the ability of the insurgency (including the Taliban, Al Qaeda, and other anti-government elements), to establish control over the population of Afghanistan or regions of Afghanistan and establish safe havens in Afghanistan, and to conduct attacks inside or outside Afghanistan from such safe havens.”; and

(6) in subparagraph (J) (as redesignated)—

(A) by redesignating clause (ii) as clause (iv); and

(B) by inserting after clause (i) the following:

“(ii) The coordination of reconstruction and development activities in Afghanistan, including—

“(I) the roles of members of the Armed Forces and non-Armed Forces personnel within the staffing of United States-led Provincial Reconstruction Teams;

“(II) the use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense; and

“(III) the coordination between United States-led and other international-led programs to develop the capacity of national, provincial, and local government and other civil institutions as well as reconstruction and development activities in Afghanistan.

“(iii) Unfilled staffing and resource requirements for United States reconstruction, development, and civil institution capacity building programs.”.

(d) CONFORMING AMENDMENT.—Subsection (d)(2) of such section, as amended, is further amended in subparagraph (K) (as redesignated) by striking “subsection (c)(4)” and inserting “subsection (c)(5)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any report required to be submitted under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385) after December 31, 2009.

#### SEC. 1237. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

#### Subtitle C—Other Matters

#### SEC. 1241. REPORT ON UNITED STATES ENGAGEMENT WITH IRAN.

(a) IN GENERAL.—Not later than January 31, 2010, the President shall submit to Congress a report on United States engagement with Iran.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) DIPLOMATIC ENGAGEMENT.—With respect to diplomatic engagement, the following:

(A) A description of areas of mutual interest to the Government of the United States and the Government of the Islamic Republic of Iran in which cooperation and discussion could be of mutual interest.

(B) A discussion and assessment of the commitment of the Government of the Islamic Republic of Iran to engage in good-faith discussions with the United States to resolve matters of concern through negotiation.

(C) An assessment of direct contacts between the Government of the United States and the Government of the Islamic Republic of Iran, including any direct discussions, exchange of letters, or other activities.

(2) SUPPORT FOR TERRORISM.—An assessment of the types and amount of support provided by Iran to groups designated by the United States as foreign terrorist organizations and regional militant groups, including organizations and groups present in Iraq and Afghanistan.

(3) NUCLEAR ACTIVITIES.—With respect to nuclear activities, an assessment of the extent to which the Government of the Islamic Republic of Iran has complied with United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008), and with any other applicable resolutions adopted by the United Nations Security Council as of the date of the report.

(4) MISSILE ACTIVITIES.—With respect to missile activities, an assessment of the extent to which the Government of the Islamic Republic of Iran has continued development of its ballistic missile program, including participation in any imports or exports of any items, materials, goods, and technologies related to that program and has complied with applicable United Nations Security Council Resolutions.

(5) SUPPORT TO NARCOTICS NETWORK IN AFGHANISTAN.—With respect to support to the narcotics network in Afghanistan, an assessment of the extent to which the Government of the Islamic Republic of Iran, or agencies under that government, has or have supported or facilitated the narcotics trade in Afghanistan.

(6) SANCTIONS AGAINST IRAN.—With regard to sanctions against Iran—

(A) a list of all current United States bilateral and multilateral sanctions against Iran;

(B) a description and discussion of United States diplomatic efforts to enforce bilateral and multilateral sanctions against Iran and to strengthen international efforts to enforce such sanctions;

(C) an assessment of the impact and effectiveness of existing bilateral and multilateral sanctions against Iran in achieving United States goals;

(D) a list of all United States and foreign registered entities that the Secretary of State has determined to be engaged in activities in violation of existing United States bilateral or multilateral sanctions against Iran; and

(E) a summary of United States efforts to enforce sanctions against Iran, including—

(i) a list of all investigations initiated in the 18-month period ending on the date of the enactment of this Act that have resulted in a determination that activities subject to sanctions have occurred; and

(ii) a description of the actions taken by the United States Government pursuant to each such determination.

(c) SUBMITTAL OF SIMILAR REPORTS AND MATERIALS.—If any report or other material, whether required by law or not, submitted to Congress or any committee of Congress substantially responds to any requirement contained in this section, such requirement shall be considered to have been satisfied by including in the report required by subsection (a) a listing the title and date of the other such report or material so submitted.

(d) SUBMITTAL IN CLASSIFIED FORM.—The report required by subsection (a), or any part of such report, may be submitted in classified form if the President considers it appropriate.

#### SEC. 1242. ANNUAL COUNTERTERRORISM STATUS REPORTS.

(a) SHORT TITLE.—This section may be cited as the “Success in Countering Al Qaeda Reporting Requirements Act of 2009”.

(b) ANNUAL COUNTERTERRORISM STATUS REPORTS.—

(1) IN GENERAL.—Not later than September 30, 2010, and every September 30 thereafter until September 30, 2012, the President shall submit to Congress a report that contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the adequacy of interagency integration of the counterterrorism programs and activities of the Department of Defense, the Central Intelligence Agency, the Department of State, the Department of the Treasury, the Department of Homeland Security, the Department of Justice, and other Federal departments and agencies and the balance of resource commitments among such departments and agencies;

(C) a delineation of the boundaries and integration between—

(i) the strategic operational planning role of the National Counterterrorism Center (NCTC) for counterterrorism;

(ii) the operational planning role of the Department of Defense and, if applicable, the Central Intelligence Agency, for counterinsurgency and foreign internal defense;

(iii) the operational planning role of the Department of State and other Federal departments and agencies for diplomacy and foreign assistance to promote stability, human rights, prosperity, and other general United States foreign policy goals; and

(iv) the role of the President’s National Security Council staff to coordinate the national security interagency process;

(D) a determination of whether the NCTC exercises the authority and has the resources and expertise required to fulfill the interagency strategic and operational planning role described in section 119(j) of the National Security Act of 1947 (50 U.S.C. 404o), as added by section 1012 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458);

(E) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President’s highest global counterterrorism priorities;

(ii) a description of the most challenging areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(F) a specific list of United States counterterrorism efforts, and the specific status and achievements of such efforts, through integrated military, financial, political, intelligence, paramilitary, economic, and law enforcement elements, relating to—

- (i) bilateral security and training programs;
- (ii) law enforcement and border security;
- (iii) the disruption of terrorist networks; and
- (iv) the denial of terrorist safe havens and sanctuaries;

(G) a description of United States Government activities to counter terrorist recruitment and radicalization, including coordinated interagency—

- (i) strategic communications;
- (ii) public diplomacy;
- (iii) support for economic development and political reform; and
- (iv) other efforts aimed at influencing public opinion;

(H) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(I) activities by foreign governments to combat Al Qaeda and its related affiliates and undermine violent extremism, and the extent of their cooperation with the United States Government;

(J) an analysis of the extent to which specific Federal appropriations—

(i) have been mapped to agency tasks as directed in the NCTC's National Implementation Plan;

(ii) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(iii) contribute to investments that have expected payoffs in the medium- to long-term;

(K) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States and foreign government counterterrorism efforts as compared to estimates of the total number of personnel belonging to Al Qaeda and its related affiliates; and

(L) a concise summary of the methods used by all elements of the United States Government to assess and evaluate progress in the Nation's overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) INTERAGENCY COOPERATION.—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) the Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence, including the Central Intelligence Agency;

(H) the Office of Management and Budget;

(I) the United States Agency for International Development; and

(J) any other Federal department that maintains relevant information.

(3) REPORT CLASSIFICATION.—Each report required under this subsection shall be submitted in an unclassified form, to the maximum extent practicable, and accompanied by a classified appendix, as appropriate.

#### SEC. 1243. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Section 1225 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2424) is amended—

(1) in subsection (a), by striking “until December 31, 2010, the President shall submit” and inserting “until September 30, 2011, the Director of the Office of Management and Budget shall submit”; and

(2) by adding at the end the following:

“(c) PUBLIC AVAILABILITY OF INFORMATION.—The Director of the Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet Web site.”.

#### SEC. 1244. NATO SPECIAL OPERATIONS COORDINATION CENTER.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for fiscal year 2010 pursuant to section 301(1) for operation and maintenance for the Army, to be derived from amounts made available for support of North Atlantic Treaty Organization (hereinafter in this section referred to as “NATO”) operations, the Secretary of Defense is authorized to use up to \$30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—The Secretary shall provide funds for the NATO Special Operations Coordination Center (hereinafter in this section referred to as the “NSCC”) to—

(1) improve coordination and cooperation between the special operations forces of NATO nations;

(2) facilitate joint operations by the special operations forces of NATO nations;

(3) support special operations forces peculiar command, control, and communications capabilities;

(4) promote special operations forces intelligence and informational requirements within the NATO structure; and

(5) promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of a multinational education and training program.

(c) CERTIFICATION.—Not less than 180 days after the date of enactment of this Act, the Secretary shall certify to the Committees on Armed Services of the Senate and House of Representatives that the Secretary of Defense has assigned executive agent responsibility for the NSCC to an appropriate organization within the Department of Defense, and detail the steps being undertaken by the Department of Defense to strengthen the role of the NSCC in fostering special operations capabilities within NATO.

#### SEC. 1245. ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) ANNUAL REPORT.—Not later than January 30 of each year, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, on the current and future military strategy of Iran.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the security posture of Iran, including at least the following:

(1) A description and assessment of Iranian grand strategy, security strategy, and military strategy, including—

(A) the goals of Iran's grand strategy, security strategy, and military strategy.

(B) trends in Iran's strategy that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world; and

(C) Iranian strategy regarding other countries in the region, including other specified countries.

(2) An assessment of the capabilities of Iran's conventional forces, including—

(A) the size and capabilities of Iran's conventional forces;

(B) an analysis of the effectiveness of Iran's conventional forces when facing United States

forces in the region and other specified countries;

(C) a description of Iranian military doctrine; and

(D) an estimate of the funding provided for each branch of Iran's conventional forces.

(3) An assessment of Iran's unconventional forces and related activities, including—

(A) the size and capability of Iranian special operations units, including the Iranian Revolutionary Guard Corps-Quds Force;

(B) the types and amount of support, including funding, lethal and non-lethal supplies, and training, provided to groups designated by the United States as foreign terrorist organizations and regional militant groups, including Hezbollah, Hamas, and the Special Groups in Iraq, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran or in response to a military attack by another country on Iran;

(C) an analysis of the effectiveness of Iran's unconventional forces when facing United States forces in the region and other specified countries in the region; and

(D) an estimate of the amount of funds spent by Iran to develop and support special operations forces and terrorist groups.

(4) An assessment of Iranian capabilities related to nuclear and missile forces, including—

(A) a summary of nuclear weapons capabilities and developments in the preceding year;

(B) a summary of the capabilities of Iran's ballistic missile forces, including developments in the preceding year, the size of Iran's ballistic missile forces and Iran's cruise missile forces, and the locations of missile launch sites;

(C) a detailed analysis of the effectiveness of Iran's ballistic missile forces and Iran's cruise missile forces when facing United States forces in the region and other specified countries; and

(D) an estimate of the amount of funding expended by Iran since 2004 on programs to develop a capability to build nuclear weapons or to enhance Iran's ballistic missile forces.

(c) DEFINITIONS.—In this section:

(1) IRAN'S CONVENTIONAL FORCES.—The term “Iran's conventional forces”—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's ballistic missile forces and Iran's cruise missile forces; and

(B) includes Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps-Quds Force.

(2) IRAN'S UNCONVENTIONAL FORCES.—The term “Iran's unconventional forces”—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps-Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on Iran.

(3) IRAN'S BALLISTIC MISSILE FORCES.—The term “Iran's ballistic missile forces” means those elements of the military forces of Iran that employ ballistic missiles.

(4) IRAN'S CRUISE MISSILE FORCES.—The term “Iran's cruise missile forces” means those elements of the military forces of Iran that employ cruise missiles capable of flights less than 500 kilometers.

(5) **SPECIFIED COUNTRIES.**—The term “specified countries” means the countries in the same geographic region as Iran, including Israel, Lebanon, Syria, Jordan, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(d) **TERMINATION.**—The requirement to submit the report required under subsection (a) shall terminate on December 31, 2014.

**SEC. 1246. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.**

(a) **ANNUAL REPORT.**—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) in the first sentence, by striking “on the current and future military strategy of the People's Republic of China” and inserting “on military and security developments involving the People's Republic of China”;

(2) in the second sentence—

(A) by striking “on the People's Liberation Army” and inserting “of the People's Liberation Army”; and

(B) by striking “Chinese grand strategy, security strategy,” and inserting “Chinese security strategy”; and

(3) by adding at the end the following new sentence: “The report shall also address United States-China engagement and cooperation on security matters during the period covered by the report, including through United States-China military-to-military contacts, and the United States strategy for such engagement and cooperation in the future.”.

(b) **MATTERS TO BE INCLUDED.**—Subsection (b) of such section, as amended by section 1263 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 407), is further amended—

(1) in paragraph (1)—

(A) by striking “goals of” inserting “goals and factors shaping”; and

(B) by striking “Chinese grand strategy, security strategy,” and inserting “Chinese security strategy”;

(2) by amending paragraph (2) to read as follows:

“(2) Trends in Chinese security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (1).”;

(3) in paragraph (6)—

(A) by inserting “and training” after “military doctrine”; and

(B) by striking “, focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes”; and

(4) by adding at the end the following new paragraphs:

“(10) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-China engagement and cooperation on security matters.

“(11) The current state of United States military-to-military contacts with the People's Liberation Army, which shall include the following:

“(A) A comprehensive and coordinated strategy for such military-to-military contacts and updates to the strategy.

“(B) A summary of all such military-to-military contacts during the period covered by the report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

“(C) A description of such military-to-military contacts scheduled for the 12-month period following the period covered by the report and the plan for future contacts.

“(D) The Secretary's assessment of the benefits the Chinese expect to gain from such military-to-military contacts.

“(E) The Secretary's assessment of the benefits the Department of Defense expects to gain

from such military-to-military contacts, and any concerns regarding such contacts.

“(F) The Secretary's assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People's Republic of China.

“(12) Other military and security developments involving the People's Republic of China that the Secretary of Defense considers relevant to United States national security.”.

(c) **CONFORMING AMENDMENT.**—Such section is further amended in the heading by striking “**MILITARY POWER OF**” and inserting “**MILITARY AND SECURITY DEVELOPMENTS INVOLVING**”.

(d) **REPEALS.**—Section 1201 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 779; 10 U.S.C. 168 note) is amended by striking subsections (e) and (f).

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

(2) **STRATEGY AND UPDATES FOR MILITARY-TO-MILITARY CONTACTS WITH PEOPLE'S LIBERATION ARMY.**—The requirement to include the strategy described in paragraph (11)(A) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000, as so amended, in the report required to be submitted under section 1202(a) of such Act, as so amended, shall apply with respect to the first report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act. The requirement to include updates to such strategy shall apply with respect to each subsequent report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act.

**SEC. 1247. REPORT ON IMPACTS OF DRAWDOWN AUTHORITIES ON THE DEPARTMENT OF DEFENSE.**

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report, in unclassified form but with a classified annex if necessary, on the impacts of drawdown authorities on the Department of Defense. The report required under this subsection shall be submitted concurrent with the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

(b) **ELEMENTS OF REPORT.**—The report required under subsection (a) shall contain the following elements:

(1) A list of each drawdown for which a presidential determination was issued in the preceding year.

(2) A summary of the types and quantities of equipment that was provided under each drawdown in the preceding year.

(3) The cost to the Department of Defense to replace any equipment transferred as part of each drawdown, not including any depreciation, in the preceding year.

(4) The cost to the Department of Defense of any other item, including fuel or services, transferred as part of each drawdown in the preceding year.

(5) The total amount of funds transferred under each drawdown in the preceding year.

(6) An assessment by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff of the impact of transfers carried out as part of drawdowns in the previous year on—

(A) the ability of the Armed Forces to meet the requirements of ongoing overseas contingency operations;

(B) the level of risk associated with the ability of the Armed Forces to execute the missions called for under the National Military Strategy as described in section 153(b) of title 10, United States Code;

(C) the ability of the Armed Forces to reset from current contingency operations;

(D) the ability of both the active and Reserve forces to conduct necessary training; and

(E) the ability of the Reserve forces to respond to domestic emergencies.

(c) **DEFINITIONS.**—In this section:

(1) **DRAWDOWN.**—The term “drawdown” means any transfer or package of transfers of equipment, services, fuel, funds or any other items carried out pursuant to a presidential determination issued under a drawdown authority.

(2) **DRAWDOWN AUTHORITY.**—The term “drawdown authority”—

(A) means an authority under—

(i) section 506(a) (1) or (2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a) (1) or (2));

(ii) section 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2)); or

(iii) any other substantially similar provision of law; but

(B) does not include the authority provided under section 1234 (relating to authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan).

(d) **TERMINATION.**—The requirement to submit the report required under subsection (a) shall terminate on December 31, 2013.

**SEC. 1248. RISK ASSESSMENT OF UNITED STATES SPACE EXPORT CONTROL POLICY.**

(a) **ASSESSMENT REQUIRED.**—The Secretary of Defense and the Secretary of State shall carry out an assessment of the national security risks of removing satellites and related components from the United States Munitions List.

(b) **MATTERS TO BE INCLUDED.**—The assessment required under subsection (a) shall include the following matters:

(1) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components.

(2) An assessment of the national security risks of removing certain space and space-related technologies identified under paragraph (1) from the United States Munitions List.

(3) An examination of the degree to which other nations' export control policies control or limit the export of space and space-related technologies for national security reasons.

(4) Recommendations for—

(A) the space and space-related technologies that should remain on, or may be candidates for removal from, the United States Munitions List based on the national security risk assessment required paragraph (2);

(B) the safeguards and verifications necessary to—

(i) prevent the proliferation and diversion of such space and space-related technologies;

(ii) confirm appropriate end use and end users; and

(iii) minimize the risk that such space and space-related technologies could be used in foreign missile, space, or other applications that may pose a threat to the security of the United States; and

(C) improvements to the space export control policy and processes of the United States that do not adversely affect national security.

(c) **CONSULTATION.**—In conducting the assessment required under subsection (a), the Secretary of Defense and the Secretary of State may consult with the heads of other relevant departments and agencies of the United States Government as the Secretaries determine is necessary.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the assessment required under subsection (a). The report shall be in unclassified form but may include a classified annex.

(e) **DEFINITION.**—In this section, the term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

**SEC. 1249. PATRIOT AIR AND MISSILE DEFENSE BATTERY IN POLAND.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) On August 20, 2008, representatives of the governments of the United States and Poland signed the “Declaration on Strategic Cooperation between the United States of America and the Republic of Poland”.

(2) The Declaration on Strategic Cooperation states, among other things, that the “United States and Poland intend to expand air and missile defense cooperation. In this regard, we have agreed on an important new area of such cooperation involving the deployment of a U.S. Army Patriot air and missile defense battery in Poland. We intend to begin this cooperation next year and to expand it with the aim of establishing by 2012 a garrison to support the U.S. Army Patriot battery. The Government of Poland intends to provide an appropriate site, infrastructure, and facilities for this garrison acceptable to both parties. Our cooperation in this area will include joint training opportunities that will enhance Polish air defense capabilities. In the coming months, we intend to reach agreement on the specific arrangements that will enable this cooperation to begin. These steps reflect the commitment of the United States to an expanded defense relationship with Poland.”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States and Poland should seek to implement the terms of the Declaration on Strategic Cooperation, including cooperation on the deployment of a United States Army Patriot air and missile defense battery in Poland.

(c) **REPORT.**—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the status of cooperation on the deployment of a United States Army Patriot air and missile defense battery in Poland. The report shall be in unclassified form, but may include a classified annex.

**SEC. 1250. REPORT ON POTENTIAL FOREIGN MILITARY SALES OF THE F-22A FIGHTER AIRCRAFT.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State and in consultation with the Secretary of the Air Force, submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on potential foreign military sales of the F-22A fighter aircraft.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An estimate of the costs to the United States Government, industry, and any foreign military sales customer of developing an exportable version of the F-22A fighter aircraft.

(2) An assessment whether an exportable version of the F-22A fighter aircraft is technically feasible and executable, and, if so, a timeline for achieving an exportable version of the aircraft.

(3) An assessment of the potential strategic implications of permitting foreign military sales of the F-22A fighter aircraft.

(4) An identification of any modifications to current law that are required to authorize foreign military sales of the F-22A fighter aircraft.

(c) **ADDITIONAL REPORT REQUIRED.**—The Secretary of Defense shall enter into an agreement with a federally funded research and development center to submit, not later than 180 days after the date of the enactment of this Act, to the committees identified in subsection (a), through the Secretary of Defense, a report on the impact of foreign military sales of the F-22A fighter aircraft on the United States aerospace and aviation industry, and the advantages and disadvantages of such sales for sustaining that industry.

**SEC. 1251. REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS AND SENSE OF CONGRESS ON FOLLOW-ON NEGOTIATIONS TO START TREATY.**

(a) **REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.**—

(1) **REPORT REQUIRED.**—Not later than 30 days after the date of the enactment of this Act or at the time a follow-on treaty to the Strategic Arms Reduction Treaty (START Treaty) is submitted by the President to the Senate for its advice and consent, whichever is later, the President shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the plan to—

(A) enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States;

(B) modernize the nuclear weapons complex; and

(C) maintain the delivery platforms for nuclear weapons.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following:

(A) A description of the plan to enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States.

(B) A description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A description of the plan to maintain delivery platforms for nuclear weapons.

(D) An estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (C), over a 10-year period.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the President should maintain the stated position of the United States that the follow-on treaty to the START Treaty not include any limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States;

(2) the enhanced safety, security, and reliability of the nuclear weapons stockpile, modernization of the nuclear weapons complex, and maintenance of the nuclear delivery systems are key to enabling further reductions in the nuclear forces of the United States; and

(3) the President should submit budget requests for fiscal year 2011 and subsequent fiscal years for the programs of the National Nuclear Security Administration of the Department of Energy that are adequate to sustain the needed capabilities to support the long-term maintenance of the nuclear stockpile of the United States.

**SEC. 1252. MAP OF MINERAL-RICH ZONES AND AREAS UNDER THE CONTROL OF ARMED GROUPS IN THE DEMOCRATIC REPUBLIC OF THE CONGO.**

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the

Secretary of State, in consultation with the Secretary of Defense, should, consistent with the recommendation from the United Nations Group of Experts on the Democratic Republic of the Congo in their December 2008 report, work with other member states of the United Nations and local and international nongovernmental organizations—

(1) to produce a map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo;

(2) to make such map available to the public; and

(3) to provide to the appropriate congressional committees, in classified form if necessary, an explanatory note describing in general terms the sources of information on which the map is based, the definition of the term “control of armed groups” utilized (for example, physical control of mines or forced labor of civilians, control of trade routes, and taxation or extortion of goods in transit), and the identification where possible of the armed groups or other forces in control of the mines depicted.

(b) **UPDATES.**—The Secretary of State should continue cooperation with the international community and sustain the intent of the report of the United Nations Group of Experts on the Democratic Republic of the Congo by assisting in the regular updating of the map required by subsection (a).

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

**SEC. 1253. SENSE OF CONGRESS RELATING TO ISRAEL.**

It is the sense of Congress that—

(1) Israel is one of the strongest allies of the United States;

(2) the United States remains vigorously committed to supporting Israel’s welfare, security, and survival as a democratic state;

(3) Israel and the United States face common enemies; and

(4) the United States should continue to provide critical security assistance needed to address existential threats.

**SEC. 1254. SENSE OF CONGRESS ON IMPOSING SANCTIONS WITH RESPECT TO IRAN.**

It is the sense of Congress that—

(1) the Government of Iran should—

(A) seize the historic offer put forward by President Barack Obama to engage in direct diplomacy with the United States;

(B) suspend all enrichment-related and reprocessing activities, as directed by the United Nations Security Council; and

(C) come into full compliance with Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty”), including the additional protocol to the Treaty; and

(2) the President should consider the imposition of additional, more restrictive sanctions on Iran if—

(A) the Government of Iran fails to enter into good faith talks which result in progress toward compliance with applicable United Nations Security Council resolutions; and

(B) the United Nations Security Council has failed to adopt significant and meaningful additional sanctions on the Government of Iran.

**SEC. 1255. REPORT AND SENSE OF CONGRESS ON NORTH KOREA.**

(a) **REPORT ON CONDUCT OF NORTH KOREA.**—Not later than 30 days after the date of the enactment of this Act, the President shall submit



to Congress a detailed report examining the conduct of the Government of North Korea since June 26, 2008, based on all available information, to determine whether North Korea meets the statutory criteria for listing as a state sponsor of terrorism. The report shall—

(1) present any credible evidence of support by the Government of North Korea for acts of terrorism, terrorists, or terrorist organizations;

(2) examine what steps the Government of North Korea has taken to fulfill its June 10, 2008, pledge to prevent weapons of mass destruction from falling into the hands of terrorists; and

(3) if North Korea does not meet the statutory criteria for being listed as a state sponsor of terrorism, examine whether re-listing North Korea as a state sponsor of terrorism would undermine the effectiveness of the state sponsor of terrorism designation in general and undermine United States efforts regarding existing state sponsors of terrorism.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the United States should—

(A) vigorously enforce United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) and other sanctions in place with respect to North Korea under United States law;

(B) urge all member states of the United Nations to fully implement the sanctions imposed by United Nations Security Council Resolutions 1718 and 1874; and

(C) explore the imposition of additional unilateral and multilateral sanctions against North Korea in furtherance of United States national security;

(2) the conduct of North Korea constitutes a threat to the northeast Asian region and to international peace and security; and

(3) if the United States determines that the Government of North Korea has provided assistance to terrorists or engaged in state sponsored acts of terrorism, the Secretary of State should immediately list North Korea as a state sponsor of terrorism.

(c) **STATE SPONSOR OF TERRORISM DEFINED.**—For purposes of this section, the term “state sponsor of terrorism” means a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

#### **SEC. 1256. REPORT ON POTENTIAL MISSILE DEFENSE COOPERATION WITH RUSSIA.**

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees a report setting forth potential options for cooperation among or between the United States, the North Atlantic Treaty Organization, and the Russian Federation on ballistic missile defense.

(2) **FORM.**—The report shall be submitted in unclassified form, but may include a classified annex.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of proposals made by the United States, the North Atlantic Treaty Organization, or the Russian Federation since January 1, 2007, for potential missile defense cooperation among or between such countries and that organization, including data sharing, cooperative regional missile defense architectures,

joint exercises, and transparency and confidence building measures.

(2) A description of options for the sharing by such countries and that organization of ballistic missile surveillance or early warning data, including data from the Russian early warning radars at Gabala in Azerbaijan and Armavir in southern Russia or other radars.

(3) An assessment of the potential for implementation of the agreement between the United States and the Russian Federation on the establishment of a Joint Data Exchange Center.

(4) An assessment of whether there is mutual interest in modifying the agreement on the establishment of the Joint Data Exchange Center to encompass other forms of cooperation.

(5) An assessment of the potential for missile defense cooperation between the Russian Federation and the North Atlantic Treaty Organization, including through the NATO-Russia Council.

(6) An assessment of the potential security benefits to the United States, Russia, and the North Atlantic Treaty Organization of the cooperation described in paragraph (5).

(7) Such other matters as the Secretary considers appropriate.

#### **Subtitle D—VOICE Act**

##### **SEC. 1261. SHORT TITLE.**

This subtitle may be cited as the “Victims of Iranian Censorship Act” or the “VOICE Act”.

##### **SEC. 1262. AUTHORIZATION OF APPROPRIATIONS.**

(a) **INTERNATIONAL BROADCASTING OPERATIONS FUND.**—In addition to amounts otherwise authorized for the Broadcasting Board of Governors’ International Broadcasting Operations Fund, there is authorized to be appropriated \$15,000,000 to expand Farsi language programming and to provide for the dissemination of accurate and independent information to the Iranian people through radio, television, Internet, cellular telephone, short message service, and other communications.

(b) **BROADCASTING CAPITAL IMPROVEMENTS FUND.**—In addition to amounts otherwise authorized for the Broadcasting Board of Governors’ Broadcasting Capital Improvements Fund, there is authorized to be appropriated \$15,000,000 to expand transmissions of Farsi language programs to Iran.

(c) **USE OF AMOUNTS.**—In pursuit of the objectives described in subsections (a) and (b), amounts in the International Broadcasting Operations Fund and the Capital Improvements Fund may be used to—

(1) develop additional transmission capability for Radio Farda and the Persian News Network to counter ongoing efforts to jam transmissions, including through additional shortwave and medium wave transmissions, satellite, and Internet mechanisms;

(2) develop additional proxy server capability and anti-censorship software to counter efforts to block Radio Farda and Persian News Network Web sites;

(3) develop technologies to counter efforts to block SMS text message exchange over cellular phone networks;

(4) expand program coverage and analysis by Radio Farda and the Persian News Network, including the development of broadcast platforms and programs, on the television, radio and Internet, for enhanced interactivity with and among the people of Iran;

(5) hire, on a permanent or short-term basis, additional staff for Radio Farda and the Persian News Network; and

(6) develop additional Internet-based, Farsi-language television programming, including a Farsi-language, Internet-based news channel.

##### **SEC. 1263. IRANIAN ELECTRONIC EDUCATION, EXCHANGE, AND MEDIA FUND.**

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States the Iranian

Electronic Education, Exchange, and Media Fund (referred to in this section as the “Fund”), consisting of amounts appropriated to the Fund pursuant to subsection (f).

(b) **ADMINISTRATION.**—The Fund shall be administered by the Secretary of State.

(c) **OBJECTIVE.**—The objective of the Fund shall be to support the development of technologies, including Internet Web sites, that will aid the ability of the Iranian people to—

(1) gain access to and share information;

(2) exercise freedom of speech, freedom of expression, and freedom of assembly through the Internet and other electronic media;

(3) engage in Internet-based education programs and other exchanges between Americans and Iranians; and

(4) counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text exchanges.

(d) **USE OF AMOUNTS.**—In pursuit of the objective described in subsection (c), amounts in the Fund may be used for grants to United States or foreign universities, nonprofit organizations, or companies for targeted projects that advance the purpose of the Fund, including projects that—

(1) develop Farsi-language versions of existing social-networking Web sites;

(2) develop technologies, including Internet-based applications, to counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text message exchanges;

(3) develop Internet-based, distance learning programs for Iranian students at United States universities; and

(4) promote Internet-based, people-to-people educational, professional, religious, or cultural exchanges and dialogues between United States citizens and Iranians.

(e) **TRANSFERS.**—Amounts in the Fund may be transferred to the United States Agency for International Development, the Broadcasting Board of Governors, or any other agency of the Federal Government to the extent that such amounts are used to carry out activities that will further the objective described in subsection (c).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$20,000,000 to the Fund.

##### **SEC. 1264. ANNUAL REPORT.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the President shall submit a report to Congress that provides a detailed description of—

(1) United States-funded international broadcasting efforts in Iran;

(2) efforts by the Government of Iran to block broadcasts sponsored by the United States or other non-Iranian entities;

(3) efforts by the Government of Iran to monitor or block Internet access, and gather information about individuals;

(4) plans by the Broadcasting Board of Governors for the use of the amounts appropriated pursuant to section 1244, including—

(A) the identification of specific programs and platforms to be expanded or created; and

(B) satellite, radio, or Internet-based transmission capacity to be expanded or created;

(5) plans for the use of the Iranian Electronic Education, Exchange, and Media Fund;

(6) a detailed breakdown of amounts obligated and disbursed from the Iranian Electronic Media Fund and an assessment of the impact of such amounts;

(7) the percentage of the Iranian population and of Iranian territory reached by shortwave and medium-wave radio broadcasts by Radio

Farda and Voice of America and any other relevant demographic information that can be ascertained about the audience for such broadcasts;

(8) the Internet traffic from Iran to Radio Farda and Voice of America Web sites; and

(9) the Internet traffic to proxy servers sponsored by the Broadcasting Board of Governors, and the provisioning of surge capacity.

(b) **CLASSIFIED ANNEX.**—The report submitted under subsection (a) may include a classified annex.

#### **SEC. 1265. REPORT ON ACTIONS BY NON-IRANIAN COMPANIES.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on non-Iranian persons, including corporations with United States subsidiaries, that, after the date of the enactment of this Act, have knowingly or negligently provided hardware, software, or other forms of assistance to the Government of Iran that has furthered Iran's efforts to—

(1) filter online political content;

(2) disrupt cell phone and Internet communications; and

(3) monitor the online activities of Iranian citizens.

(b) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex if necessary.

#### **SEC. 1266. HUMAN RIGHTS DOCUMENTATION.**

There are authorized to be appropriated \$5,000,000 to the Secretary of State to document, collect, and disseminate information about human rights in Iran, including abuses of human rights that have taken place since the Iranian presidential election conducted on June 12, 2009.

### **TITLE XIII—COOPERATIVE THREAT REDUCTION**

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Utilization of contributions to the Cooperative Threat Reduction Program.

Sec. 1304. Metrics for the Cooperative Threat Reduction Program.

Sec. 1305. Cooperative Threat Reduction Program authority for urgent threat reduction activities.

Sec. 1306. Cooperative Threat Reduction Defense and Military Contacts Program.

#### **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.**

(a) **SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.**—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) **FISCAL YEAR 2010 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—As used in this title, the term “fiscal year 2010 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2010, 2011, and 2012.

#### **SEC. 1302. FUNDING ALLOCATIONS.**

(a) **FUNDING FOR SPECIFIC PURPOSES.**—Of the \$424,093,000 authorized to be appropriated to the Department of Defense for fiscal year 2010 in section 301(20) for Cooperative Threat Reduction

programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, \$66,385,000.

(2) For strategic nuclear arms elimination in Ukraine, \$6,800,000.

(3) For nuclear weapons storage security in Russia, \$15,090,000.

(4) For nuclear weapons transportation security in Russia, \$46,400,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, \$90,886,000.

(6) For biological threat reduction in the former Soviet Union, \$152,132,000.

(7) For chemical weapons destruction, \$3,000,000.

(8) For defense and military contacts, \$5,000,000.

(9) For new Cooperative Threat Reduction initiatives, \$17,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, \$21,400,000.

(b) **REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.**—No fiscal year 2010 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2010 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) **LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2010 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) **NOTICE-AND-WAIT REQUIRED.**—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

#### **SEC. 1303. UTILIZATION OF CONTRIBUTIONS TO THE COOPERATIVE THREAT REDUCTION PROGRAM.**

(a) **IN GENERAL.**—The Secretary of Defense, with the concurrence of the Secretary of State, may enter into one or more agreements with any person (including a foreign government, international organization, multinational entity, or any other entity) that the Secretary of Defense considers appropriate under which the person contributes funds for activities conducted under the Cooperative Threat Reduction Program of the Department of Defense.

(b) **RETENTION AND USE OF AMOUNTS.**—Notwithstanding section 3302 of title 31, United States Code, and subject to subsections (c) and (d), the Secretary of Defense may retain and obligate or expend amounts contributed pursuant to subsection (a) for purposes of the Cooperative Threat Reduction Program of the Department of Defense. Amounts so contributed shall be retained in a separate fund established in the

Treasury for such purposes and shall be available to be obligated or expended without further appropriation.

(c) **RETURN OF AMOUNTS NOT OBLIGATED OR EXPENDED WITHIN THREE YEARS.**—If the Secretary of Defense does not obligate or expend an amount contributed pursuant to subsection (a) by the date that is three years after the date on which the contribution was made, the Secretary shall return the amount to the person who made the contribution.

(d) **NOTICE TO CONGRESSIONAL DEFENSE COMMITTEES.**—

(1) **IN GENERAL.**—Not later than 30 days after receiving an amount contributed pursuant to subsection (a), the Secretary shall submit to the appropriate congressional committees a notice—

(A) specifying the value of the contribution and the purpose for which the contribution was made; and

(B) identifying the person who made the contribution.

(2) **LIMITATION ON USE OF AMOUNTS.**—The Secretary may not obligate or expend an amount contributed pursuant to subsection (a) until the date that is 15 days after the date on which the Secretary submits the notice required by paragraph (1).

(e) **ANNUAL REPORT.**—Not later than October 31 each year, the Secretary of Defense shall submit to the appropriate congressional committees a report on amounts contributed pursuant to subsection (a) during the preceding fiscal year. Each such report shall include, for the fiscal year covered by the report, the following:

(1) A statement of any amounts contributed pursuant to subsection (a), including, for each such amount, the value of the contribution and the identity of the person who made the contribution.

(2) A statement of any amounts so contributed that were obligated or expended by the Secretary, including, for each such amount, the purposes for which the amount was obligated or expended.

(3) A statement of any amounts so contributed that were retained but not obligated or expended, including, for each such amount, the purposes (if known) for which the Secretary intends to obligate or expend the amount.

(f) **IMPLEMENTATION PLAN.**—The Secretary of Defense shall submit to the appropriate congressional committees an implementation plan for the authority provided under this section prior to obligating or expending any amounts contributed pursuant to subsection (a). The Secretary shall submit updates to such plan as needed.

(g) **TERMINATION.**—The authority provided under this section shall terminate on December 31, 2015.

(h) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

#### **SEC. 1304. METRICS FOR THE COOPERATIVE THREAT REDUCTION PROGRAM.**

(a) **METRICS REQUIRED.**—The Secretary of Defense shall develop and implement metrics to measure the impact and effectiveness of activities of the Cooperative Threat Reduction Program of the Department of Defense to address threats arising from the proliferation of chemical, nuclear, and biological weapons and weapons-related materials, technologies, and expertise.

(b) **SECRETARY OF DEFENSE REPORT ON METRICS.**—Not later than 270 days after the date of the enactment of this Act, the Secretary

of Defense shall submit to the appropriate congressional committees a report describing the metrics developed and implemented under subsection (a).

(c) NATIONAL ACADEMY OF SCIENCES ASSESSMENT AND REPORT ON METRICS.—

(1) ASSESSMENT.—Not later than 30 days after the date on which the report is submitted by the Secretary of Defense under subsection (b), the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out an assessment to review the metrics developed and implemented under subsection (a) and identify possible additional or alternative metrics, if necessary.

(2) REPORT.—The National Academy of Sciences shall submit to the appropriate congressional committees and the Secretary of Defense a report on the results of the assessment carried out under paragraph (1).

(3) SECRETARY OF DEFENSE REPORT.—

(A) Not later than 90 days after receipt of the report required by paragraph (2), the Secretary shall submit to the appropriate congressional committees a report on the assessment carried out by the National Academy of Sciences.

(B) The report under subparagraph (A) shall include the following:

(i) A summary of the results of the assessment carried out under paragraph (1).

(ii) An evaluation by the Secretary of the assessment.

(iii) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the assessment.

(C) The report under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amounts appropriated pursuant to the authorization of appropriations in section 301(20) or otherwise made available for Cooperative Threat Reduction Programs for fiscal year 2010, not more than \$1,000,000 may be obligated or expended to carry out paragraphs (1) and (2) of subsection (c).

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

#### SEC. 1305. COOPERATIVE THREAT REDUCTION PROGRAM AUTHORITY FOR URGENT THREAT REDUCTION ACTIVITIES.

(a) IN GENERAL.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the Cooperative Threat Reduction Program of the Department of Defense may be expended, notwithstanding any other law, for activities described under subsection (b)(1)(B).

(b) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—The Secretary of Defense, with the concurrence of the Secretary of State and the Secretary of Energy, may make a written determination that—

(A) threats arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise must be addressed urgently;

(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out activities of the Cooperative Threat Reduction Program of the Department of Defense to address such threats; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

(2) NOTICE REQUIRED.—Not later than 15 days before obligating or expending funds under the

authority provided in subsection (a), the Secretary of Defense shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) the activities to be undertaken by the Cooperative Threat Reduction Program;

(C) the expected time frame for such activities; and

(D) the expected costs of such activities.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

#### SEC. 1306. COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the Defense and Military Contacts Program under the Cooperative Threat Reduction Program of the Department of Defense—

(1) is executed pursuant to a well-developed strategy for advancing the mission of the Cooperative Threat Reduction Program;

(2) is focused and expanded to support specific relationship-building opportunities, which could lead to Cooperative Threat Reduction Program development in new geographic areas and achieve other Cooperative Threat Reduction Program benefits;

(3) is directly administered as part of the Cooperative Threat Reduction Program; and

(4) includes cooperation and coordination with—

(A) the unified combatant commands that operate in areas in which Cooperative Threat Reduction activities are carried out; and

(B) related diplomatic efforts.

(b) COOPERATIVE THREAT REDUCTION ANNUAL REPORT.—Paragraph (8) of section 1308(c) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–341; 22 U.S.C. 5959) is amended—

(1) by inserting “, including under the Defense and Military Contacts program,” after “programs”; and

(2) in subparagraph (B), by striking “the purposes” and inserting “the strategy”.

#### TITLE XIV—OTHER AUTHORIZATIONS

##### Subtitle A—Military Programs

Sec. 1401. Working capital funds.

Sec. 1402. National Defense Sealift Fund.

Sec. 1403. Chemical agents and munitions destruction, defense.

Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.

Sec. 1405. Defense Inspector General.

Sec. 1406. Defense Health Program.

Sec. 1407. Relation to funding table.

##### Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.

Sec. 1412. Extension of previously authorized disposal of cobalt from National Defense Stockpile.

Sec. 1413. Report on implementation of reconfiguration of the National Defense Stockpile.

##### Subtitle C—Armed Forces Retirement Home

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

##### Subtitle A—Military Programs

#### SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the

Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, \$141,388,000.

(2) For the Defense Working Capital Fund, Defense Commissary, \$1,313,616,000.

#### SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2010 for the National Defense Sealift Fund in the amount of \$1,642,758,000.

#### SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of \$1,560,760,000, of which—

(1) \$1,146,802,000 is for Operation and Maintenance;

(2) \$401,269,000 is for Research, Development, Test, and Evaluation; and

(3) \$12,689,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

#### SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of \$1,054,234,000.

#### SEC. 1405. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of \$288,100,000, of which—

(1) \$287,100,000 is for Operation and Maintenance; and

(2) \$1,000,000 is for Procurement.

#### SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of \$28,033,093,000, of which—

(1) \$27,094,849,000 is for Operation and Maintenance;

(2) \$616,102,000 is for Research, Development, Test, and Evaluation; and

(3) \$322,142,000 is for Procurement.

#### SEC. 1407. RELATION TO FUNDING TABLE.

The amounts authorized to be appropriated by sections 1401, 1402, 1403, 1404, 1405, and 1406 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4401.

##### Subtitle B—National Defense Stockpile

#### SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2010, the National Defense Stockpile Manager may obligate up to \$41,179,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the

authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) **ADDITIONAL OBLIGATIONS.**—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) **LIMITATIONS.**—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

**SEC. 1412. EXTENSION OF PREVIOUSLY AUTHORIZED DISPOSAL OF COBALT FROM NATIONAL DEFENSE STOCKPILE.**

Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4648), is further amended by striking “during fiscal year 2009” and inserting “by the end of fiscal year 2011”.

**SEC. 1413. REPORT ON IMPLEMENTATION OF RECONFIGURATION OF THE NATIONAL DEFENSE STOCKPILE.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any actions the Secretary plans to take in response to the recommendations contained in the report entitled “Reconfiguration of the National Defense Stockpile Report to Congress” dated April 2009 and submitted by the Under Secretary of Defense for Acquisition, Logistics, and Technology, as required by House Report 109–89, House Report 109–452, and Senate Report 110–115.

(b) **CONTENTS OF REPORT.**—The report required by subsection (a) shall include the Secretary’s recommendations for changes, based on the findings of the April 2009 report, to statutes, regulations, and policies, which the Secretary determines are necessary to enable the implementation of the recommendations contained in the April 2009 report or to improve Federal Government management of the National Defense Stockpile in the interest of the National Security Strategy.

(c) **CONGRESSIONAL NOTIFICATION.**—The Secretary may not take any action regarding the implementation of any initiative recommended in the report required by subsection (a) until 45 days after the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives such report.

**Subtitle C—Armed Forces Retirement Home**

**SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.**

There is authorized to be appropriated for fiscal year 2010 from the Armed Forces Retirement Home Trust Fund the sum of \$134,000,000 for the operation of the Armed Forces Retirement Home.

**TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

Sec. 1501. Purpose.

Sec. 1502. Army procurement.

Sec. 1503. Joint Improvised Explosive Device Defeat Fund.

Sec. 1504. Navy and Marine Corps procurement.

Sec. 1505. Air Force procurement.

Sec. 1506. Mine Resistant Ambush Protected Vehicle Fund.

Sec. 1507. Defense-wide activities procurement.

Sec. 1508. Research, development, test, and evaluation.

Sec. 1509. Operation and maintenance.

Sec. 1510. Limitations on availability of funds in Afghanistan Security Forces Fund.

Sec. 1511. Limitations on Iraq Security Forces Fund.

Sec. 1512. Military personnel.

Sec. 1513. Working capital funds.

Sec. 1514. Defense Health Program.

Sec. 1515. Drug Interdiction and Counter-Drug Activities, Defense-wide.

Sec. 1516. Defense Inspector General.

Sec. 1517. Relation to funding tables.

Sec. 1518. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.

Sec. 1519. Treatment as additional authorizations.

Sec. 1520. Special transfer authority.

**SEC. 1501. PURPOSE.**

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2010 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

**SEC. 1502. ARMY PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, \$1,636,229,000.

(2) For missile procurement, \$481,570,000.

(3) For weapons and tracked combat vehicles procurement, \$759,466,000.

(4) For ammunition procurement, \$370,635,000.

(5) For other procurement, \$5,600,326,000.

**SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Joint Improvised Explosive Device Defeat Fund in the amount of \$2,099,850,000.

(b) **USE AND TRANSFER OF FUNDS.**—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a) and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(c) **MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.**—Not later than 15 days after the end of each month of fiscal year 2010, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

(d) **REPEAL OF SUPERSEDED REPORTING REQUIREMENT.**—Section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by section 1503(e) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4650), is amended by striking subsection (e).

**SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, \$903,197,000.

(2) For weapons procurement, Navy, \$50,700,000.

(3) For ammunition procurement, Navy and Marine Corps, \$681,957,000.

(4) For other procurement, Navy, \$293,018,000.

(5) For procurement, Marine Corps, \$1,060,268,000.

**SEC. 1505. AIR FORCE PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Air Force in amounts as follows:

(1) For aircraft procurement, \$780,441,000.

(2) For ammunition procurement, \$256,819,000.

(3) For missile procurement, \$36,625,000.

(4) For other procurement, \$2,321,549,000.

**SEC. 1506. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of \$6,056,000,000.

**SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for Defense-wide activities in the amount of \$489,980,000.

**SEC. 1508. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, \$57,962,000.

(2) For the Navy, \$90,180,000.

(3) For the Air Force, \$29,286,000.

(4) For Defense-wide activities, \$115,826,000.

**SEC. 1509. OPERATION AND MAINTENANCE.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, \$52,166,761,000.

(2) For the Navy, \$6,219,583,000.

(3) For the Marine Corps, \$3,701,600,000.

(4) For the Air Force, \$10,026,868,000.

(5) For Defense-wide activities, \$7,583,400,000.

(6) For the Army Reserve, \$204,326,000.

(7) For the Navy Reserve, \$68,059,000.

(8) For the Marine Corps Reserve, \$86,667,000.

(9) For the Air Force Reserve, \$125,925,000.

(10) For the Army National Guard, \$321,646,000.

(11) For the Air National Guard, \$289,862,000.

(12) For the Afghanistan Security Forces Fund, \$7,462,769,000.

**SEC. 1510. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.**

Funds appropriated pursuant to the authorization of appropriations for the Afghanistan Security Forces Fund in section 1509(12) shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).

**SEC. 1511. LIMITATIONS ON IRAQ SECURITY FORCES FUND.**

Funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2010 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426).

**SEC. 1512. MILITARY PERSONNEL.**

Funds are hereby authorized to be appropriated for fiscal year 2010 to the Department of Defense for military personnel accounts in the total amount of \$14,146,341,000.

**SEC. 1513. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of \$396,915,000.

**SEC. 1514. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program in the amount of \$1,256,675,000 for operation and maintenance.

**SEC. 1515. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of \$356,603,000.

**SEC. 1516. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of \$8,876,000.

**SEC. 1517. RELATION TO FUNDING TABLES.**

(a) **AMOUNTS FOR PROCUREMENT.**—The amounts authorized to be appropriated by sections 1502, 1503, 1504, 1505, 1506, and 1507 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4102.

(b) **AMOUNTS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**—The amounts authorized to be appropriated by section 1508 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4202.

(c) **AMOUNTS FOR OPERATION AND MAINTENANCE.**—The amounts authorized to be appropriated by section 1509 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4302.

(d) **OTHER AMOUNTS.**—The amounts authorized to be appropriated by sections 1513, 1514, 1515, and 1516 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4402.

**SEC. 1518. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.**

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

**SEC. 1519. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

**SEC. 1520. SPECIAL TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,000,000,000.

(b) **TERMS AND CONDITIONS.**—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) **ADDITIONAL AUTHORITY.**—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

**TITLE XVII—DEPARTMENT OF DEFENSE—DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT**

Sec. 1701. Demonstration project authority.

Sec. 1702. Transfer of property.

Sec. 1703. Transfer of civilian personnel of the Department of Defense.

Sec. 1704. Joint funding authority.

Sec. 1705. Eligibility of members of the uniformed services for care and services.

Sec. 1706. Extension of DOD-VA Health Care Sharing Incentive Fund.

**SEC. 1701. DEMONSTRATION PROJECT AUTHORITY.**

(a) **EXECUTIVE AGREEMENT AUTHORIZED.**—Subject to subsection (b), the Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs may execute a signed executive agreement pursuant to section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 455) for the joint use by the Department of Defense and the Department of Veterans Affairs of the following:

(1) A new Navy ambulatory care center (on which construction commenced in July 2008), parking structure, and supporting structures and facilities in North Chicago, Illinois, and Great Lakes, Illinois.

(2) Medical personal property and equipment relating to the center, structures, and facilities described in paragraph (1).

(b) **DEADLINE FOR ENTRY INTO AGREEMENT.**—The executive agreement authorized by subsection (a) shall be entered into, if at all, by not later than 180 days after the date of the enactment of this Act.

(c) **SCOPE.**—The executive agreement under subsection (a) shall—

(1) be a binding operational agreement on matters under the areas specified in section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009; and

(2) contain additional terms and conditions as required by the provisions of this title.

(d) **REPORTS.**—

(1) **NOTICE ON AGREEMENT.**—Not later than seven days before executing an executive agreement under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report setting forth a copy of the proposed executive agreement.

(2) **FINAL REPORT.**—Not later than 180 days after the fifth anniversary of the date of the execution of the executive agreement under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the exercise of the authorities in this title at the facility (as defined in section 1702(a)(1)). The report shall include the following:

(A) A comprehensive description and assessment of the exercise of the authorities in this title.

(B) The recommendation of the Secretaries as to whether the exercise of the authorities in this title should continue.

(3) **REPORT ON ADDITIONAL LOCATIONS FOR SIMILAR AGREEMENTS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appro-

priate committees of Congress a report setting forth such recommendations as the Secretaries jointly consider appropriate for additional locations, if any, at which executive agreements like the executive agreement under subsection (a) would be advisable.

(e) **COMPTROLLER GENERAL REVIEWS.**—

(1) **IN GENERAL.**—Not later than one year after the execution of an executive agreement under subsection (a), and annually thereafter, the Comptroller General shall conduct a review and assessment of the following:

(A) The progress made in implementing the agreement.

(B) The effects of the agreement on the provision of care and operation of the facility (as so defined).

(2) **REPORTS.**—Not later than 90 days after the commencement of each review and assessment conducted under paragraph (1), the Comptroller General shall submit to the appropriate committees of Congress a report on such review and assessment. Each report shall set forth the following:

(A) The results of such review and assessment.

(B) Such recommendations for modifications of the executive agreement, or the authorities in this title, as the Comptroller General considers appropriate in light of the results of such review and assessment.

(f) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services and Veterans Affairs of the Senate; and

(2) the Committees on Armed Services and Veterans Affairs of the House of Representatives.

**SEC. 1702. TRANSFER OF PROPERTY.**

(a) **TRANSFER.**—

(1) **TRANSFER AUTHORIZED.**—The Secretary of Defense, acting through the Administrator of General Services, may transfer, without reimbursement, to the Secretary of Veterans Affairs jurisdiction, custody, and control over the center, structures, facilities, and property and equipment covered by the executive agreement under section 1701 (hereafter in this title referred to as the “facility”).

(2) **DATE OF TRANSFER.**—The transfer authorized by paragraph (1) may not occur before the earlier of—

(A) the date that is five years after the date of the execution under section 1701 of the executive agreement under that section; or

(B) the date of the completion of such specific benchmarks relating to the joint use by the Department of Defense and the Department of Veterans Affairs of the Navy ambulatory care center described in section 1701(a)(1) as the Secretary of Defense (in consultation with the Secretary of the Navy) and Secretary of the Department of Veterans Affairs shall jointly establish for purposes of this section not later than 180 days after the date of the enactment of this Act.

(3) **DELAY OF TRANSFER FOR COMPLETION OF CONSTRUCTION.**—If construction on the center, structures, and facilities described in paragraph (1) is not complete as of the date specified in subparagraph (A) or (B) of paragraph (2), as applicable, the transfer of the center, structures, and facilities under that paragraph may occur thereafter upon completion of the construction.

(4) **DISCHARGE OF TRANSFER.**—The Administrator of General Services shall complete the transfer as authorized by this subsection not later than 30 days after receipt of the request for the transfer.

(b) **REVERSION.**—

(1) **IN GENERAL.**—If any of the real and related personal property transferred pursuant to subsection (a) is subsequently used for purposes other than those specified in the executive agreement under section 1701, or is otherwise jointly determined by the Secretary of Defense

and the Secretary of Veterans Affairs to be excess to the needs of the facility, the Secretary of Veterans Affairs shall offer to transfer jurisdiction, custody, and control over such property, without reimbursement, to the Secretary of Defense. Any such transfer shall be carried out by the Administrator of General Services not later than one year after the acceptance of the offer of such transfer, plus such additional time as the Administrator may require to complete such transfer.

**(2) REVERSION IN EVENT OF LACK OF FACILITIES INTEGRATION.—**

(A) **WITHIN INITIAL PERIOD.**—During the five-year period beginning on the date of the transfer of real and related personal property pursuant to subsection (a), if the Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Navy jointly determine that the integration of the facilities transferred pursuant to that subsection should not continue, jurisdiction, custody, and control over such real and related personal property shall be transferred, without reimbursement, to the Secretary of Defense. The transfer under this subparagraph shall be carried out by the Administrator of General Services not later than 180 days after the date of the determination by the Secretaries, plus such additional time as the Administrator may require to complete such transfer.

(B) **AFTER INITIAL PERIOD.**—After the end of the five-year period described in subparagraph (A), if the Secretary of Veterans Affairs or the Secretary of Defense determines that the integration of the facilities transferred pursuant to subsection (a) should not continue, the Secretary of Veterans Affairs shall transfer, without reimbursement, to the Secretary of Defense jurisdiction, custody, and control over the real and related personal property described in subparagraph (A). Any transfer under this subparagraph shall be carried out by the Administrator of General Services not later than one year after the date of the determination by the applicable Secretary, plus such additional time as the Administrator may require to complete such transfer.

(C) **REVERSION PROCEDURES.**—The executive agreement under section 1701 shall provide the following:

(i) Specific procedures for the reversion of real and related personal property, as appropriate, transferred pursuant to subsection (a) to ensure the continuing accomplishment by the Department of Defense and the Department of Veterans Affairs of their missions in the event that the integration of facilities described transferred pursuant to that subsection (a) is not completed or a reversion of property occurs under subparagraph (A) or (B).

(ii) In the event of a reversion under this paragraph, the transfer from the Department of Veterans Affairs to the Department of Defense of associated functions including appropriate resources, civilian positions, and personnel, in a manner that will not result in adverse impact to the missions of Department of Defense or the Department of Veterans Affairs.

**SEC. 1703. TRANSFER OF CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.**

(a) **TRANSFER OF FUNCTIONS.**—The Secretary of Defense and the Secretary of the Navy may transfer to the Secretary of Veterans Affairs functions necessary for the effective operation of the facility. The Secretary of Veterans Affairs may accept any functions so transferred.

**(b) TERMS.—**

(1) **EXECUTIVE AGREEMENT.**—Any transfer of functions under subsection (a) shall be carried out as provided in the executive agreement under section 1701. The functions to be so transferred shall be identified utilizing the provisions of section 3503 of title 5, United States Code.

(2) **ELEMENTS.**—In providing for the transfer of functions under subsection (a), the executive

agreement under section 1701 shall provide for the following:

(A) The transfer of civilian employee positions of the Department of Defense identified in the executive agreement to the Department of Veterans Affairs, and of the incumbent civilian employees in such positions, and the transition of the employees so transferred to the pay, benefits, and personnel systems that apply to employees of the Department of Veterans Affairs (to the extent that different systems apply).

(B) The transition of employees so transferred to the pay systems of the Department of Veterans Affairs in a manner which will not result in any reduction in an employee's regular rate of compensation (including basic pay, locality pay, any physician comparability allowance, and any other fixed and recurring pay supplement) at the time of transition.

(C) The continuation after transfer of the same employment status for employees so transferred who have already successfully completed or are in the process of completing a one-year probationary period under title 5, United States Code, notwithstanding the provisions of section 7403(b)(1) of title 38, United States Code.

(D) The extension of collective bargaining rights under title 5, United States Code, to employees so transferred in positions listed in subsection 7421(b) of title 38, United States Code, notwithstanding the provisions of section 7422 of title 38, United States Code, for a two-year period beginning on the effective date of the executive agreement.

(E) At the end of the two-year period beginning on the effective date of the executive agreement, for the following actions by the Secretary of Veterans Affairs with respect to the extension of collective bargaining rights under subparagraph (D):

(i) Consideration of the impact of the extension of such rights.

(ii) Consultation with exclusive employee representatives of the transferred employees about such impact.

(iii) Determination, after consultation with the Secretary of Defense and the Secretary of the Navy, whether the extension of such rights should be terminated, modified, or kept in effect.

(iv) Submittal to Congress of a notice regarding the determination made under clause (iii).

(F) The recognition after transfer of each transferred physician's and dentist's total number of years of service as a physician or dentist in the Department of Defense for purposes of calculating such employee's rate of base pay, notwithstanding the provisions of section 7431(b)(3) of title 38, United States Code.

(G) The preservation of the seniority of the employees so transferred for all pay purposes.

(c) **RETENTION OF DEPARTMENT OF DEFENSE EMPLOYMENT AUTHORITY.**—Notwithstanding subsections (a) and (b), the Department of Defense may employ civilian personnel at the facility if the Secretary of the Navy, or a designee of the Secretary, determines it is necessary and appropriate to meet mission requirements of the Department of the Navy.

**SEC. 1704. JOINT FUNDING AUTHORITY.**

(a) **JOINT MEDICAL FACILITY DEMONSTRATION FUND.**—

(1) **ESTABLISHMENT.**—There is established on the books of the Treasury under the Department of Veterans Affairs a fund to be known as the "Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund" (in this section referred to as the "Fund").

(2) **ELEMENTS.**—The Fund shall consist of the following:

(A) Amounts transferred to the Fund by the Secretary of Defense, in consultation with the Secretary of the Navy, from amounts authorized and appropriated for the Department of Defense specifically for that purpose.

(B) Amounts transferred to the Fund by the Secretary of Veterans Affairs from amounts authorized and appropriated for the Department of Veterans Affairs specifically for that purpose.

(C) Amounts transferred to the Fund from medical care collections under paragraph (4).

(3) **DETERMINATION OF AMOUNTS TRANSFERRED GENERALLY.**—The amount transferred to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs under subparagraphs (A) and (B), as applicable, of paragraph (2) each fiscal year shall be such amount, as determined by a methodology jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection, that reflects the mission-specific activities, workload, and costs of provision of health care at the facility of the Department of Defense and the Department of Veterans Affairs, respectively.

**(4) TRANSFERS FROM MEDICAL CARE COLLECTIONS.—**

(A) **IN GENERAL.**—Amounts collected under the authorities specified in subparagraph (B) for health care provided at the facility may be transferred to the Fund under paragraph (2)(C).

(B) **AUTHORITIES.**—The authorities specified in this subparagraph are the following:

(i) Section 1095 of title 10, United States Code.

(ii) Section 1729 of title 38, United States Code.

(iii) Public Law 87-693, popularly known as the "Federal Medical Care Recovery Act" (42 U.S.C. 2651 et seq.).

(5) **ADMINISTRATION.**—The Fund shall be administered in accordance with such provisions of the executive agreement under section 1701 as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly include in the executive agreement. Such provisions shall provide for an independent review of the methodology established under paragraph (3).

**(b) AVAILABILITY.—**

(1) **IN GENERAL.**—Funds transferred to the Fund under subsection (a) shall be available to fund the operations of the facility, including capital equipment, real property maintenance, and minor construction projects that are not required to be specifically authorized by law under section 2805 of title 10, United States Code, or section 8104 of title 38, United States Code.

(2) **LIMITATION.**—The availability of funds transferred to the Fund under subsection (a)(2)(C) shall be subject to the provisions of section 1729A of title 38, United States Code.

**(3) PERIOD OF AVAILABILITY.—**

(A) **IN GENERAL.**—Except as provided in subparagraph (B), funds transferred to the Fund under subsection (a) shall be available under paragraph (1) for one fiscal year after transfer.

(B) **EXCEPTION.**—Of an amount transferred to the Fund under subsection (a), an amount not to exceed two percent of such amount shall be available under paragraph (1) for two fiscal years after transfer.

(c) **FINANCIAL RECONCILIATION.**—The executive agreement under section 1701 shall provide for the development and implementation of an integrated financial reconciliation process that meets the fiscal reconciliation requirements of the Department of Defense, the Department of the Navy, and the Department of Veterans Affairs. The process shall permit each of the Department of Defense, the Department of Navy, and the Department of Veterans Affairs to identify their fiscal contributions to the Fund, taking into consideration accounting, workload, and financial management differences.

(d) **ANNUAL REPORT.**—The Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall jointly provide for an annual independent review of the Fund for at least three years after the date of the enactment of this Act. Such review shall include detailed statements of the



uses of amounts of the Fund and an evaluation of the adequacy of the proportional share contributed to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs.

(e) **TERMINATION.**—The authorities in this section shall terminate on September 30, 2015.

**SEC. 1705. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR CARE AND SERVICES.**

(a) **IN GENERAL.**—For purposes of eligibility for health care under chapter 55 of title 10, United States Code, the facility may be treated as a facility of the uniformed services to the extent provided in the executive agreement under section 1701.

(b) **PRIORITY OF TREATMENT.**—The executive agreement under section 1701 shall provide an integrated priority list for access to health care at the facility, which list shall—

(1) integrate the respective health care priority lists of the Secretary of Defense and the Secretary of Veterans Affairs, giving first priority of care to members of the Armed Forces on active duty; and

(2) take into account categories of beneficiaries, enrollment program status, and such other matters as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate.

(c) **ADDITIONAL ELEMENTS.**—The executive agreement under section 1701 may include provisions as follows:

(1) To incorporate any resource-related limitations for access to health care at the facility that the Secretary of Defense may establish for purposes of administering space-available eligibility for care in facilities of the uniformed services under chapter 55 of title 10, United States Code.

(2) To waive the applicability to the facility of any provision of section 8111(e) of title 38, United States Code, that the Secretary of Defense and the Secretary of Veterans Affairs shall jointly specify.

(3) To allocate financial responsibility for care provided at the facility for individuals who are eligible for care under both chapter 55 of title 10, United States Code, and title 38, United States Code.

**SEC. 1706. EXTENSION OF DOD-VA HEALTH CARE SHARING INCENTIVE FUND.**

Section 8111(d)(3) of title 38, United States Code, is amended by striking “September 30, 2010” and inserting “September 30, 2015”.

**TITLE XVIII—MILITARY COMMISSIONS**

Sec. 1801. Short title.

Sec. 1802. Military commissions.

Sec. 1803. Conforming amendments.

Sec. 1804. Proceedings under prior statute.

Sec. 1805. Submittal to Congress of revised rules for military commissions.

Sec. 1806. Annual reports to Congress on trials by military commission.

Sec. 1807. Sense of Congress on military commission system.

**SEC. 1801. SHORT TITLE.**

This title may be cited as the “Military Commissions Act of 2009”.

**SEC. 1802. MILITARY COMMISSIONS.**

Chapter 47A of title 10, United States Code, is amended to read as follows:

**“CHAPTER 47A—MILITARY COMMISSIONS**

“SUBCHAPTER	Sec.
“I. General Provisions	948a.
“II. Composition of Military Commissions	948h.
“III. Pre-Trial Procedure	948q.
“IV. Trial Procedure	949a.
“V. Classified Information Procedures	949p–1.
“VI. Sentences	949s.
“VII. Post-Trial Procedures and Review of Military Commissions	950a.
“VIII. Punitive Matters	950p.

**“SUBCHAPTER I—GENERAL PROVISIONS**

“Sec.

“948a. Definitions.

“948b. Military commissions generally.

“948c. Persons subject to military commissions.

“948d. Jurisdiction of military commissions.

**“§948a. Definitions**

“In this chapter:

“(1) **ALIEN.**—The term ‘alien’ means an individual who is not a citizen of the United States.

“(2) **CLASSIFIED INFORMATION.**—The term ‘classified information’ means the following:

“(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

“(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

“(3) **COALITION PARTNER.**—The term ‘coalition partner’, with respect to hostilities engaged in by the United States, means any State or armed force directly engaged along with the United States in such hostilities or providing direct operational support to the United States in connection with such hostilities.

“(4) **GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR.**—The term ‘Geneva Convention Relative to the Treatment of Prisoners of War’ means the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).

“(5) **GENEVA CONVENTIONS.**—The term ‘Geneva Conventions’ means the international conventions signed at Geneva on August 12, 1949.

“(6) **PRIVILEGED BELLIGERENT.**—The term ‘privileged belligerent’ means an individual belonging to one of the eight categories enumerated in Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War.

“(7) **UNPRIVILEGED ENEMY BELLIGERENT.**—The term ‘unprivileged enemy belligerent’ means an individual (other than a privileged belligerent) who—

“(A) has engaged in hostilities against the United States or its coalition partners;

“(B) has purposefully and materially supported hostilities against the United States or its coalition partners; or

“(C) was a part of al Qaeda at the time of the alleged offense under this chapter.

“(8) **NATIONAL SECURITY.**—The term ‘national security’ means the national defense and foreign relations of the United States.

“(9) **HOSTILITIES.**—The term ‘hostilities’ means any conflict subject to the laws of war.

**“§948b. Military commissions generally**

“(a) **PURPOSE.**—This chapter establishes procedures governing the use of military commissions to try alien unprivileged enemy belligerents for violations of the law of war and other offenses triable by military commission.

“(b) **AUTHORITY FOR MILITARY COMMISSIONS UNDER THIS CHAPTER.**—The President is authorized to establish military commissions under this chapter for offenses triable by military commission as provided in this chapter.

“(c) **CONSTRUCTION OF PROVISIONS.**—The procedures for military commissions set forth in this chapter are based upon the procedures for trial by general courts-martial under chapter 47 of this title (the Uniform Code of Military Justice). Chapter 47 of this title does not, by its terms, apply to trial by military commission except as specifically provided therein or in this chapter, and many of the provisions of chapter 47 of this title are by their terms inapplicable to military commissions. The judicial construction and application of chapter 47 of this title, while instructive, is therefore not of its own force binding on military commissions established under this chapter.

“(d) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—(1) The following provisions of this title shall not apply to trial by military commission under this chapter:

“(A) Section 810 (article 10 of the Uniform Code of Military Justice), relating to speedy trial, including any rule of courts-martial relating to speedy trial.

“(B) Sections 831(a), (b), and (d) (articles 31(a), (b), and (d) of the Uniform Code of Military Justice), relating to compulsory self-incrimination.

“(C) Section 832 (article 32 of the Uniform Code of Military Justice), relating to pretrial investigation.

“(2) Other provisions of chapter 47 of this title shall apply to trial by military commission under this chapter only to the extent provided by the terms of such provisions or by this chapter.

“(e) **GENEVA CONVENTIONS NOT ESTABLISHING PRIVATE RIGHT OF ACTION.**—No alien unprivileged enemy belligerent subject to trial by military commission under this chapter may invoke the Geneva Conventions as a basis for a private right of action.

**“§948c. Persons subject to military commissions**

“Any alien unprivileged enemy belligerent is subject to trial by military commission as set forth in this chapter.

**“§948d. Jurisdiction of military commissions**

“A military commission under this chapter shall have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter, sections 904 and 906 of this title (articles 104 and 106 of the Uniform Code of Military Justice), or the law of war, whether such offense was committed before, on, or after September 11, 2001, and may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when specifically authorized under this chapter. A military commission is a competent tribunal to make a finding sufficient for jurisdiction.

**“SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS**

“Sec.

“948h. Who may convene military commissions.

“948i. Who may serve on military commissions.

“948j. Military judge of a military commission.

“948k. Detail of trial counsel and defense counsel.

“948l. Detail or employment of reporters and interpreters.

“948m. Number of members; excuse of members; absent and additional members.

**“§948h. Who may convene military commissions**

“Military commissions under this chapter may be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose.

**“§948i. Who may serve on military commissions**

“(a) **IN GENERAL.**—Any commissioned officer of the armed forces on active duty is eligible to serve on a military commission under this chapter, including commissioned officers of the reserve components of the armed forces on active duty, commissioned officers of the National Guard on active duty in Federal service, or retired commissioned officers recalled to active duty.

“(b) **DETAIL OF MEMBERS.**—When convening a military commission under this chapter, the convening authority shall detail as members thereof such members of the armed forces eligible under subsection (a) who, in the opinion of the convening authority, are best qualified for the duty by reason of age, education, training,

experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of a military commission when such member is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

“(c) **EXCUSE OF MEMBERS.**—Before a military commission under this chapter is assembled for the trial of a case, the convening authority may excuse a member from participating in the case.

**“§948j. Military judge of a military commission**

“(a) **DETAIL OF MILITARY JUDGE.**—A military judge shall be detailed to each military commission under this chapter. The Secretary of Defense shall prescribe regulations providing for the manner in which military judges are so detailed to military commissions. The military judge shall preside over each military commission to which such military judge has been detailed.

“(b) **ELIGIBILITY.**—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court, or a member of the bar of the highest court of a State, and who is certified to be qualified for duty under section 826 of this title (article 26 of the Uniform Code of Military Justice) as a military judge of general courts-martial by the Judge Advocate General of the armed force of which such military judge is a member.

“(c) **INELIGIBILITY OF CERTAIN INDIVIDUALS.**—No person is eligible to act as military judge in a case of a military commission under this chapter if such person is the accuser or a witness or has acted as investigator or a counsel in the same case.

“(d) **CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.**—A military judge detailed to a military commission under this chapter may not consult with the members except in the presence of the accused (except as otherwise provided in section 949d of this title), trial counsel, and defense counsel, nor may such military judge vote with the members.

“(e) **OTHER DUTIES.**—A commissioned officer who is certified to be qualified for duty as a military judge of a military commission under this chapter may perform such other duties as are assigned to such officer by or with the approval of the Judge Advocate General of the armed force of which such officer is a member or the designee of such Judge Advocate General.

“(f) **PROHIBITION ON EVALUATION OF FITNESS BY CONVENING AUTHORITY.**—The convening authority of a military commission under this chapter may not prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to the military commission which relates to such judge's performance of duty as a military judge on the military commission.

**“§948k. Detail of trial counsel and defense counsel**

“(a) **DETAIL OF COUNSEL GENERALLY.**—(1) Trial counsel and military defense counsel shall be detailed for each military commission under this chapter.

“(2) Assistant trial counsel and assistant and associate defense counsel may be detailed for a military commission under this chapter.

“(3) Military defense counsel for a military commission under this chapter shall be detailed as soon as practicable.

“(4) The Secretary of Defense shall prescribe regulations providing for the manner in which trial counsel and military defense counsel are detailed for military commissions under this chapter and for the persons who are authorized to detail such counsel for such military commissions.

“(b) **TRIAL COUNSEL.**—Subject to subsection (e), a trial counsel detailed for a military commission under this chapter shall be—

“(1) a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice)) who is—

“(A) a graduate of an accredited law school or a member of the bar of a Federal court or of the highest court of a State; and

“(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which such judge advocate is a member; or

“(2) a civilian who is—

“(A) a member of the bar of a Federal court or of the highest court of a State; and

“(B) otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.

“(c) **DEFENSE COUNSEL.**—(1) Subject to subsection (e), a military defense counsel detailed for a military commission under this chapter shall be a judge advocate (as so defined) who is—

“(A) a graduate of an accredited law school or a member of the bar of a Federal court or of the highest court of a State; and

“(B) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which such judge advocate is a member.

“(2) The Secretary of Defense shall prescribe regulations for the appointment and performance of defense counsel in capital cases under this chapter.

“(d) **CHIEF PROSECUTOR; CHIEF DEFENSE COUNSEL.**—(1) The Chief Prosecutor in a military commission under this chapter shall meet the requirements set forth in subsection (b)(1).

“(2) The Chief Defense Counsel in a military commission under this chapter shall meet the requirements set forth in subsection (c)(1).

“(e) **INELIGIBILITY OF CERTAIN INDIVIDUALS.**—No person who has acted as an investigator, military judge, or member of a military commission under this chapter in any case may act later as trial counsel or military defense counsel in the same case. No person who has acted for the prosecution before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter act later in the same case for the prosecution.

**“§948l. Detail or employment of reporters and interpreters**

“(a) **COURT REPORTERS.**—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter shall detail to or employ for the military commission qualified court reporters, who shall prepare a verbatim record of the proceedings of and testimony taken before the military commission.

“(b) **INTERPRETERS.**—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter may detail to or employ for the military commission interpreters who shall interpret for the military commission, and, as necessary, for trial counsel and defense counsel for the military commission, and for the accused.

“(c) **TRANSCRIPT; RECORD.**—The transcript of a military commission under this chapter shall be under the control of the convening authority of the military commission, who shall also be responsible for preparing the record of the proceedings of the military commission.

**“§948m. Number of members; excuse of members; absent and additional members**

“(a) **NUMBER OF MEMBERS.**—(1) Except as provided in paragraph (2), a military commis-

sion under this chapter shall have at least five members.

“(2) In a case in which the accused before a military commission under this chapter may be sentenced to a penalty of death, the military commission shall have the number of members prescribed by section 949m(c) of this title.

“(b) **EXCUSE OF MEMBERS.**—No member of a military commission under this chapter may be absent or excused after the military commission has been assembled for the trial of a case unless excused—

“(1) as a result of challenge;

“(2) by the military judge for physical disability or other good cause; or

“(3) by order of the convening authority for good cause.

“(c) **ABSENT AND ADDITIONAL MEMBERS.**—Whenever a military commission under this chapter is reduced below the number of members required by subsection (a), the trial may not proceed unless the convening authority details new members sufficient to provide not less than such number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members has been read to the military commission in the presence of the military judge, the accused (except as provided in section 949d of this title), and counsel for both sides.

**“SUBCHAPTER III—PRE-TRIAL PROCEDURE**

“Sec.

“948q. Charges and specifications.

“948r. Exclusion of statements obtained by torture or cruel, inhuman, or degrading treatment; prohibition of self-incrimination; admission of other statements of the accused.

“948s. Service of charges.

**“§948q. Charges and specifications**

“(a) **CHARGES AND SPECIFICATIONS.**—Charges and specifications against an accused in a military commission under this chapter shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

“(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

“(2) that such matters are true in fact to the best of the signer's knowledge and belief.

“(b) **NOTICE TO ACCUSED.**—Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges and specifications against the accused as soon as practicable.

**“§948r. Exclusion of statements obtained by torture or cruel, inhuman, or degrading treatment; prohibition of self-incrimination; admission of other statements of the accused**

“(a) **EXCLUSION OF STATEMENTS OBTAIN BY TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT.**—No statement obtained by the use of torture or by cruel, inhuman, or degrading treatment (as defined by section 1003 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd)), whether or not under color of law, shall be admissible in a military commission under this chapter, except against a person accused of torture or such treatment as evidence that the statement was made.

“(b) **SELF-INCRIMINATION PROHIBITED.**—No person shall be required to testify against himself or herself at a proceeding of a military commission under this chapter.

“(c) **OTHER STATEMENTS OF THE ACCUSED.**—A statement of the accused may be admitted in evidence in a military commission under this chapter only if the military judge finds—

“(1) that the totality of the circumstances renders the statement reliable and possessing sufficient probative value; and

“(2) that—

“(A) the statement was made incident to lawful conduct during military operations at the point of capture or during closely related active combat engagement, and the interests of justice would best be served by admission of the statement into evidence; or

“(B) the statement was voluntarily given.

“(d) DETERMINATION OF VOLUNTARINESS.—In determining for purposes of subsection (c)(2)(B) whether a statement was voluntarily given, the military judge shall consider the totality of the circumstances, including, as appropriate, the following:

“(1) The details of the taking of the statement, accounting for the circumstances of the conduct of military and intelligence operations during hostilities.

“(2) The characteristics of the accused, such as military training, age, and education level.

“(3) The lapse of time, change of place, or change in identity of the questioners between the statement sought to be admitted and any prior questioning of the accused.

#### “§948s. Service of charges

“The trial counsel assigned to a case before a military commission under this chapter shall cause to be served upon the accused and military defense counsel a copy of the charges upon which trial is to be had in English and, if appropriate, in another language that the accused understands, sufficiently in advance of trial to prepare a defense.

#### “SUBCHAPTER IV—TRIAL PROCEDURE

“Sec.

“949a. Rules.

“949b. Unlawfully influencing action of military commission and United States Court of Military Commission Review.

“949c. Duties of trial counsel and defense counsel.

“949d. Sessions.

“949e. Continuances.

“949f. Challenges.

“949g. Oaths.

“949h. Former jeopardy.

“949i. Pleas of the accused.

“949j. Opportunity to obtain witnesses and other evidence.

“949k. Defense of lack of mental responsibility.

“949l. Voting and rulings.

“949m. Number of votes required.

“949n. Military commission to announce action.

“949o. Record of trial.

#### “§949a. Rules

“(a) PROCEDURES AND RULES OF EVIDENCE.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense. Such procedures may not be contrary to or inconsistent with this chapter. Except as otherwise provided in this chapter or chapter 47 of this title, the procedures and rules of evidence applicable in trials by general courts-martial of the United States shall apply in trials by military commission under this chapter.

“(b) EXCEPTIONS.—(1) In trials by military commission under this chapter, the Secretary of Defense, in consultation with the Attorney General, may make such exceptions in the applicability of the procedures and rules of evidence otherwise applicable in general courts-martial as may be required by the unique circumstances of the conduct of military and intelligence operations during hostilities or by other practical need consistent with this chapter.

“(2) Notwithstanding any exceptions authorized by paragraph (1), the procedures and rules of evidence in trials by military commission under this chapter shall include, at a minimum, the following rights of the accused:

“(A) To present evidence in the accused's defense, to cross-examine the witnesses who testify against the accused, and to examine and respond to all evidence admitted against the accused on the issue of guilt or innocence and for sentencing, as provided for by this chapter.

“(B) To be present at all sessions of the military commission (other than those for deliberations or voting), except when excluded under section 949d of this title.

“(C)(i) When none of the charges preferred against the accused are capital, to be represented before a military commission by civilian counsel if provided at no expense to the Government, and by either the defense counsel detailed or the military counsel of the accused's own selection, if reasonably available.

“(ii) When any of the charges preferred against the accused are capital, to be represented before a military commission in accordance with clause (i) and, to the greatest extent practicable, by at least one additional counsel who is learned in applicable law relating to capital cases and who, if necessary, may be a civilian and compensated in accordance with regulations prescribed by the Secretary of Defense.

“(D) To self-representation, if the accused knowingly and competently waives the assistance of counsel, subject to the provisions of paragraph (4).

“(E) To the suppression of evidence that is not reliable or probative.

“(F) To the suppression of evidence the probative value of which is substantially outweighed by—

“(i) the danger of unfair prejudice, confusion of the issues, or misleading the members; or

“(ii) considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

“(3) In making exceptions in the applicability in trials by military commission under this chapter from the procedures and rules otherwise applicable in general courts-martial, the Secretary of Defense may provide the following:

“(A) Evidence seized outside the United States shall not be excluded from trial by military commission on the grounds that the evidence was not seized pursuant to a search warrant or authorization.

“(B) A statement of the accused that is otherwise admissible shall not be excluded from trial by military commission on grounds of alleged coercion or compulsory self-incrimination so long as the evidence complies with the provisions of section 948r of this title.

“(C) Evidence shall be admitted as authentic so long as—

“(i) the military judge of the military commission determines that there is sufficient evidence that the evidence is what it is claimed to be; and

“(ii) the military judge instructs the members that they may consider any issue as to authentication or identification of evidence in determining the weight, if any, to be given to the evidence.

“(D) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission only if—

“(i) the proponent of the evidence makes known to the adverse party, sufficiently in advance to provide the adverse party with a fair opportunity to meet the evidence, the proponent's intention to offer the evidence, and the particulars of the evidence (including information on the circumstances under which the evidence was obtained); and

“(ii) the military judge, after taking into account all of the circumstances surrounding the taking of the statement, including the degree to which the statement is corroborated, the indicia of reliability within the statement itself, and whether the will of the declarant was overborne, determines that—

“(I) the statement is offered as evidence of a material fact;

“(II) the statement is probative on the point for which it is offered;

“(III) direct testimony from the witness is not available as a practical matter, taking into consideration the physical location of the witness, the unique circumstances of military and intelligence operations during hostilities, and the adverse impacts on military or intelligence operations that would likely result from the production of the witness; and

“(IV) the general purposes of the rules of evidence and the interests of justice will best be served by admission of the statement into evidence.

“(4)(A) The accused in a military commission under this chapter who exercises the right to self-representation under paragraph (2)(D) shall conform the accused's deportment and the conduct of the defense to the rules of evidence, procedure, and decorum applicable to trials by military commission.

“(B) Failure of the accused to conform to the rules described in subparagraph (A) may result in a partial or total revocation by the military judge of the right of self-representation under paragraph (2)(D). In such case, the military counsel of the accused or an appropriately authorized civilian counsel shall perform the functions necessary for the defense.

“(c) DELEGATION OF AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary of Defense may delegate the authority of the Secretary to prescribe regulations under this chapter.

“(d) NOTICE TO CONGRESS OF MODIFICATION OF RULES.—Not later than 60 days before the date on which any proposed modification of the rules in effect for military commissions under this chapter goes into effect, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the proposed modification.

#### “§949b. Unlawfully influencing action of military commission and United States Court of Military Commission Review

“(a) MILITARY COMMISSIONS.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the military commission, or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the military commission, or with respect to any other exercises of its or their functions in the conduct of the proceedings.

“(2) No person may attempt to coerce or, by any unauthorized means, influence—

“(A) the action of a military commission under this chapter, or any member thereof, in reaching the findings or sentence in any case;

“(B) the action of any convening, approving, or reviewing authority with respect to their judicial acts; or

“(C) the exercise of professional judgment by trial counsel or defense counsel.

“(3) The provisions of this subsection shall not apply with respect to—

“(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

“(B) statements and instructions given in open proceedings by a military judge or counsel.

“(b) UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—(1) No person may attempt to coerce or, by any unauthorized means, influence—

“(A) the action of a military appellate judge or other duly appointed judge under this chapter on the United States Court of Military Commissions Review in reaching a decision on the findings or sentence on appeal in any case; or

“(B) the exercise of professional judgment by trial counsel or defense counsel appearing before the United States Court of Military Commission Review.

“(2) No person may censure, reprimand, or admonish a military appellate judge on the United States Court of Military Commission Review, or counsel thereof, with respect to any exercise of their functions in the conduct of proceedings under this chapter.

“(3) The provisions of this subsection shall not apply with respect to—

“(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

“(B) statements and instructions given in open proceedings by an appellate military judge or a duly appointed appellate judge on the United States Court of Military Commission Review, or counsel.

“(4) No appellate military judge on the United States Court of Military Commission Review may be reassigned to other duties, except under circumstances as follows:

“(A) The appellate military judge voluntarily requests to be reassigned to other duties and the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, approves such reassignment.

“(B) The appellate military judge retires or otherwise separates from the armed forces.

“(C) The appellate military judge is reassigned to other duties by the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, based on military necessity and such reassignment is consistent with service rotation regulations (to the extent such regulations are applicable).

“(D) The appellate military judge is withdrawn by the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, for good cause consistent with applicable procedures under chapter 47 of this title (the Uniform Code of Military Justice).

“(C) PROHIBITION ON CONSIDERATION OF ACTIONS ON COMMISSION IN EVALUATION OF FITNESS.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of any such officer or whether any such officer should be retained on active duty, no person may—

“(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

“(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

#### “§949c. Duties of trial counsel and defense counsel

“(a) TRIAL COUNSEL.—The trial counsel of a military commission under this chapter shall prosecute in the name of the United States.

“(b) DEFENSE COUNSEL.—(1) The accused shall be represented in the accused's defense before a military commission under this chapter as provided in this subsection.

“(2) The accused may be represented by military counsel detailed under section 948k of this title or by military counsel of the accused's own selection, if reasonably available.

“(3) The accused may be represented by civilian counsel if retained by the accused, provided that such civilian counsel—

“(A) is a United States citizen;

“(B) is admitted to the practice of law in a State, district, or possession of the United States, or before a Federal court;

“(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

“(D) has been determined to be eligible for access to information classified at the level Secret or higher; and

“(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

“(4) If the accused is represented by civilian counsel, military counsel shall act as associate counsel.

“(5) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel, in such person's sole discretion, may detail additional military counsel to represent the accused.

“(6) Defense counsel may cross-examine each witness for the prosecution who testifies before a military commission under this chapter.

“(7) Civilian defense counsel shall protect any classified information received during the course of representation of the accused in accordance with all applicable law governing the protection of classified information, and may not divulge such information to any person not authorized to receive it.

#### “§949d. Sessions

“(a) SESSIONS WITHOUT PRESENCE OF MEMBERS.—(1) At any time after the service of charges which have been referred for trial by military commission under this chapter, the military judge may call the military commission into session without the presence of the members for the purpose of—

“(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

“(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members;

“(C) if permitted by regulations prescribed by the Secretary of Defense, receiving the pleas of the accused; and

“(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members.

“(2) Except as provided in subsections (b), (c), and (d), any proceedings under paragraph (1) shall be conducted in the presence of the accused, defense counsel, and trial counsel, and shall be made part of the record.

“(b) DELIBERATION OR VOTE OF MEMBERS.—When the members of a military commission under this chapter deliberate or vote, only the members may be present.

“(c) CLOSURE OF PROCEEDINGS.—(1) The military judge may close to the public all or a portion of the proceedings of a military commission under this chapter.

“(2) The military judge may close to the public all or a portion of the proceedings under paragraph (1) only upon making a specific finding that such closure is necessary to—

“(A) protect information the disclosure of which could reasonably be expected to cause damage to the national security, including intel-

ligence or law enforcement sources, methods, or activities; or

“(B) ensure the physical safety of individuals.

“(3) A finding under paragraph (2) may be based upon a presentation, including a presentation ex parte or in camera, by either trial counsel or defense counsel.

“(d) EXCLUSION OF ACCUSED FROM CERTAIN PROCEEDINGS.—The military judge may exclude the accused from any portion of a proceeding upon a determination that, after being warned by the military judge, the accused persists in conduct that justifies exclusion from the courtroom—

“(1) to ensure the physical safety of individuals; or

“(2) to prevent disruption of the proceedings by the accused.

#### “§949e. Continuances

“The military judge in a military commission under this chapter may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

#### “§949f. Challenges

“(a) CHALLENGES AUTHORIZED.—The military judge and members of a military commission under this chapter may be challenged by the accused or trial counsel for cause stated to the military commission. The military judge shall determine the relevance and validity of challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by trial counsel shall ordinarily be presented and decided before those by the accused are offered.

“(b) PEREMPTORY CHALLENGES.—The accused and trial counsel are each entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

“(c) CHALLENGES AGAINST ADDITIONAL MEMBERS.—Whenever additional members are detailed to a military commission under this chapter, and after any challenges for cause against such additional members are presented and decided, the accused and trial counsel are each entitled to one peremptory challenge against members not previously subject to peremptory challenge.

#### “§949g. Oaths

“(a) IN GENERAL.—(1) Before performing their respective duties in a military commission under this chapter, military judges, members, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

“(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording thereof, and whether the oath shall be taken for all cases in which duties are to be performed or for a particular case, shall be as provided in regulations prescribed by the Secretary of Defense. The regulations may provide that—

“(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty; and

“(B) if such an oath is taken, such oath need not again be taken at the time the judge advocate or other person is detailed to that duty.

“(b) WITNESSES.—Each witness before a military commission under this chapter shall be examined on oath.

“(c) OATH DEFINED.—In this section, the term ‘oath’ includes an affirmation.

#### “§949h. Former jeopardy

“(a) IN GENERAL.—No person may, without the person's consent, be tried by a military commission under this chapter a second time for the same offense.

“(b) SCOPE OF TRIAL.—No proceeding in which the accused has been found guilty by

military commission under this chapter upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

#### **“§949i. Pleas of the accused**

“(a) PLEA OF NOT GUILTY.—If an accused in a military commission under this chapter after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the military commission shall proceed as though the accused had pleaded not guilty.

“(b) FINDING OF GUILT AFTER GUILTY PLEA.—With respect to any charge or specification to which a plea of guilty has been made by the accused in a military commission under this chapter and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. The finding shall constitute the finding of the military commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

#### **“§949j. Opportunity to obtain witnesses and other evidence**

“(a) IN GENERAL.—(1) Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence as provided in regulations prescribed by the Secretary of Defense. The opportunity to obtain witnesses and evidence shall be comparable to the opportunity available to a criminal defendant in a court of the United States under article III of the Constitution.

“(2) Process issued in military commissions under this chapter to compel witnesses to appear and testify and to compel the production of other evidence—

“(A) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

“(B) shall run to any place where the United States shall have jurisdiction thereof.

“(b) DISCLOSURE OF EXCULPATORY EVIDENCE.—(1) As soon as practicable, trial counsel in a military commission under this chapter shall disclose to the defense the existence of any evidence that reasonably tends to—

“(A) negate the guilt of the accused of an offense charged; or

“(B) reduce the degree of guilt of the accused with respect to an offense charged.

“(2) The trial counsel shall, as soon as practicable, disclose to the defense the existence of evidence that reasonably tends to impeach the credibility of a witness whom the government intends to call at trial.

“(3) The trial counsel shall, as soon as practicable upon a finding of guilt, disclose to the defense the existence of evidence that is not subject to paragraph (1) or paragraph (2) but that reasonably may be viewed as mitigation evidence at sentencing.

“(4) The disclosure obligations under this subsection encompass evidence that is known or reasonably should be known to any government officials who participated in the investigation and prosecution of the case against the defendant.

#### **“§949k. Defense of lack of mental responsibility**

“(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense in a trial by military commission under this chapter that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and

quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

“(b) BURDEN OF PROOF.—The accused in a military commission under this chapter has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

“(c) FINDINGS FOLLOWING ASSERTION OF DEFENSE.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue in a military commission under this chapter, the military judge shall instruct the members as to the defense of lack of mental responsibility under this section and shall charge the members to find the accused—

“(1) guilty;

“(2) not guilty; or

“(3) subject to subsection (d), not guilty by reason of lack of mental responsibility.

“(d) MAJORITY VOTE REQUIRED FOR FINDING.—The accused shall be found not guilty by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members present at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

#### **“§949l. Voting and rulings**

“(a) VOTE BY SECRET WRITTEN BALLOT.—Voting by members of a military commission under this chapter on the findings and on the sentence shall be by secret written ballot.

“(b) RULINGS.—(1) The military judge in a military commission under this chapter shall rule upon all questions of law, including the admissibility of evidence and all interlocutory questions arising during the proceedings.

“(2) Any ruling made by the military judge upon a question of law or an interlocutory question (other than the factual issue of mental responsibility of the accused) is conclusive and constitutes the ruling of the military commission. However, a military judge may change such a ruling at any time during the trial.

“(c) INSTRUCTIONS PRIOR TO VOTE.—Before a vote is taken of the findings of a military commission under this chapter, the military judge shall, in the presence of the accused and counsel, instruct the members as to the elements of the offense and charge the members—

“(1) that the accused must be presumed to be innocent until the accused's guilt is established by legal and competent evidence beyond a reasonable doubt;

“(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and the accused must be acquitted;

“(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

“(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

#### **“§949m. Number of votes required**

“(a) CONVICTION.—No person may be convicted by a military commission under this chapter of any offense, except as provided in section 949i(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

“(b) SENTENCES.—(1) Except as provided in paragraphs (2) and (3), sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

“(2) No person may be sentenced to death by a military commission, except insofar as—

“(A) the penalty of death has been expressly authorized under this chapter, chapter 47 of this title, or the law of war for an offense of which the accused has been found guilty;

“(B) trial counsel expressly sought the penalty of death by filing an appropriate notice in advance of trial;

“(C) the accused was convicted of the offense by the concurrence of all the members present at the time the vote is taken; and

“(D) all members present at the time the vote was taken concurred in the sentence of death.

“(3) No person may be sentenced to life imprisonment, or to confinement for more than 10 years, by a military commission under this chapter except by the concurrence of three-fourths of the members present at the time the vote is taken.

“(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members of the military commission under this chapter shall be not less than 12 members.

“(2) In any case described in paragraph (1) in which 12 members are not reasonably available for a military commission because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 9 members), and the military commission may be assembled, and the trial held, with not less than the number of members so specified. In any such case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

#### **“§949n. Military commission to announce action**

“A military commission under this chapter shall announce its findings and sentence to the parties as soon as determined.

#### **“§949o. Record of trial**

“(a) RECORD; AUTHENTICATION.—Each military commission under this chapter shall keep a separate, verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by a member of the commission if the trial counsel is unable to authenticate it by reason of death, disability, or absence. Where appropriate, and as provided in regulations prescribed by the Secretary of Defense, the record of a military commission under this chapter may contain a classified annex.

“(b) COMPLETE RECORD REQUIRED.—A complete record of the proceedings and testimony shall be prepared in every military commission under this chapter.

“(c) PROVISION OF COPY TO ACCUSED.—A copy of the record of the proceedings of the military commission under this chapter shall be given the accused as soon as it is authenticated. If the record contains classified information, or a classified annex, the accused shall receive a redacted version of the record consistent with the requirements of subchapter V of this chapter. Defense counsel shall have access to the unredacted record, as provided in regulations prescribed by the Secretary of Defense.

#### **“SUBCHAPTER V—CLASSIFIED INFORMATION PROCEDURES**

“Sec.

“949p-1. Protection of classified information: applicability of subchapter.

“949p-2. Pretrial conference.

“949p-3. Protective orders.

“949p-4. Discovery of, and access to, classified information by the accused.

“949p-5. Notice by accused of intention to disclose classified information.

“949p-6. Procedure for cases involving classified information.

“949p-7. Introduction of classified information into evidence.

**“§949p-1. Protection of classified information: applicability of subchapter**

“(a) PROTECTION OF CLASSIFIED INFORMATION.—Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. Under no circumstances may a military judge order the release of classified information to any person not authorized to receive such information.

“(b) ACCESS TO EVIDENCE.—Any information admitted into evidence pursuant to any rule, procedure, or order by the military judge shall be provided to the accused.

“(c) DECLASSIFICATION.—Trial counsel shall work with the original classification authorities for evidence that may be used at trial to ensure that such evidence is declassified to the maximum extent possible, consistent with the requirements of national security. A decision not to declassify evidence under this section shall not be subject to review by a military commission or upon appeal.

“(d) CONSTRUCTION OF PROVISIONS.—The judicial construction of the Classified Information Procedures Act (18 U.S.C. App.) shall be authoritative in the interpretation of this subchapter, except to the extent that such construction is inconsistent with the specific requirements of this chapter.

**“§949p-2. Pretrial conference**

“(a) MOTION.—At any time after service of charges, any party may move for a pretrial conference to consider matters relating to classified information that may arise in connection with the prosecution.

“(b) CONFERENCE.—Following a motion under subsection (a), or sua sponte, the military judge shall promptly hold a pretrial conference. Upon request by either party, the court shall hold such conference ex parte to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

“(c) MATTERS TO BE ESTABLISHED AT PRETRIAL CONFERENCE.—

“(1) TIMING OF SUBSEQUENT ACTIONS.—At the pretrial conference, the military judge shall establish the timing of—

“(A) requests for discovery;

“(B) the provision of notice required by section 949p-5 of this title; and

“(C) the initiation of the procedure established by section 949p-6 of this title.

“(2) OTHER MATTERS.—At the pretrial conference, the military judge may also consider any matter—

“(A) which relates to classified information; or

“(B) which may promote a fair and expeditious trial.

“(d) EFFECT OF ADMISSIONS BY ACCUSED AT PRETRIAL CONFERENCE.—No admission made by the accused or by any counsel for the accused at a pretrial conference under this section may be used against the accused unless the admission is in writing and is signed by the accused and by the counsel for the accused.

**“§949p-3. Protective orders**

“Upon motion of the trial counsel, the military judge shall issue an order to protect against the disclosure of any classified information that has been disclosed by the United States to any accused in any military commission under this chapter or that has otherwise been provided to, or obtained by, any such accused in any such military commission.

**“§949p-4. Discovery of, and access to, classified information by the accused**

“(a) LIMITATIONS ON DISCOVERY OR ACCESS BY THE ACCUSED.—

“(1) DECLARATIONS BY THE UNITED STATES OF DAMAGE TO NATIONAL SECURITY.—In any case

before a military commission in which the United States seeks to delete, withhold, or otherwise obtain other relief with respect to the discovery of or access to any classified information, the trial counsel shall submit a declaration invoking the United States' classified information privilege and setting forth the damage to the national security that the discovery of or access to such information reasonably could be expected to cause. The declaration shall be signed by a knowledgeable United States official possessing authority to classify information.

“(2) STANDARD FOR AUTHORIZATION OF DISCOVERY OR ACCESS.—Upon the submission of a declaration under paragraph (1), the military judge may not authorize the discovery of or access to such classified information unless the military judge determines that such classified information would be noncumulative, relevant, and helpful to a legally cognizable defense, rebuttal of the prosecution's case, or to sentencing, in accordance with standards generally applicable to discovery of or access to classified information in Federal criminal cases. If the discovery of or access to such classified information is authorized, it shall be addressed in accordance with the requirements of subsection (b).

“(b) DISCOVERY OF CLASSIFIED INFORMATION.—

“(1) SUBSTITUTIONS AND OTHER RELIEF.—The military judge, in assessing the accused's discovery of or access to classified information under this section, may authorize the United States—

“(A) to delete or withhold specified items of classified information;

“(B) to substitute a summary for classified information; or

“(C) to substitute a statement admitting relevant facts that the classified information or material would tend to prove.

“(2) EX PARTE PRESENTATIONS.—The military judge shall permit the trial counsel to make a request for an authorization under paragraph (1) in the form of an ex parte presentation to the extent necessary to protect classified information, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.). If the military judge enters an order granting relief following such an ex parte showing, the entire presentation (including the text of any written submission, verbatim transcript of the ex parte oral conference or hearing, and any exhibits received by the court as part of the ex parte presentation) shall be sealed and preserved in the records of the military commission to be made available to the appellate court in the event of an appeal.

“(3) ACTION BY MILITARY JUDGE.—The military judge shall grant the request of the trial counsel to substitute a summary or to substitute a statement admitting relevant facts, or to provide other relief in accordance with paragraph (1), if the military judge finds that the summary, statement, or other relief would provide the accused with substantially the same ability to make a defense as would discovery of or access to the specific classified information.

“(c) RECONSIDERATION.—An order of a military judge authorizing a request of the trial counsel to substitute, summarize, withhold, or prevent access to classified information under this section is not subject to a motion for reconsideration by the accused, if such order was entered pursuant to an ex parte showing under this section.

**“§949p-5. Notice by accused of intention to disclose classified information**

“(a) NOTICE BY ACCUSED.—

“(1) NOTIFICATION OF TRIAL COUNSEL AND MILITARY JUDGE.—If an accused reasonably expects to disclose, or to cause the disclosure of,

classified information in any manner in connection with any trial or pretrial proceeding involving the prosecution of such accused, the accused shall, within the time specified by the military judge or, where no time is specified, within 30 days before trial, notify the trial counsel and the military judge in writing. Such notice shall include a brief description of the classified information. Whenever the accused learns of additional classified information the accused reasonably expects to disclose, or to cause the disclosure of, at any such proceeding, the accused shall notify trial counsel and the military judge in writing as soon as possible thereafter and shall include a brief description of the classified information.

“(2) LIMITATION ON DISCLOSURE BY ACCUSED.—No accused shall disclose, or cause the disclosure of, any information known or believed to be classified in connection with a trial or pretrial proceeding until—

“(A) notice has been given under paragraph (1); and

“(B) the United States has been afforded a reasonable opportunity to seek a determination pursuant to the procedure set forth in section 949p-6 of this title and the time for the United States to appeal such determination under section 950d of this title has expired or any appeal under that section by the United States is decided.

“(b) FAILURE TO COMPLY.—If the accused fails to comply with the requirements of subsection (a), the military judge—

“(1) may preclude disclosure of any classified information not made the subject of notification; and

“(2) may prohibit the examination by the accused of any witness with respect to any such information.

**“§949p-6. Procedure for cases involving classified information**

“(a) MOTION FOR HEARING.—

“(1) REQUEST FOR HEARING.—Within the time specified by the military judge for the filing of a motion under this section, either party may request the military judge to conduct a hearing to make all determinations concerning the use, relevance, or admissibility of classified information that would otherwise be made during the trial or pretrial proceeding.

“(2) CONDUCT OF HEARING.—Upon a request by either party under paragraph (1), the military judge shall conduct such a hearing and shall rule prior to conducting any further proceedings.

“(3) IN CAMERA HEARING UPON DECLARATION TO COURT BY APPROPRIATE OFFICIAL OF RISK OF DISCLOSURE OF CLASSIFIED INFORMATION.—Any hearing held pursuant to this subsection (or any portion of such hearing specified in the request of a knowledgeable United States official) shall be held in camera if a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration that a public proceeding may result in the disclosure of classified information. Classified information is not subject to disclosure under this section unless the information is relevant and necessary to an element of the offense or a legally cognizable defense and is otherwise admissible in evidence.

“(4) MILITARY JUDGE TO MAKE DETERMINATIONS IN WRITING.—As to each item of classified information, the military judge shall set forth in writing the basis for the determination.

“(b) NOTICE AND USE OF CLASSIFIED INFORMATION BY THE GOVERNMENT.—

“(1) NOTICE TO ACCUSED.—Before any hearing is conducted pursuant to a request by the trial counsel under subsection (a), trial counsel shall provide the accused with notice of the classified information that is at issue. Such notice shall identify the specific classified information at



issue whenever that information previously has been made available to the accused by the United States. When the United States has not previously made the information available to the accused in connection with the case the information may be described by generic category, in such forms as the military judge may approve, rather than by identification of the specific information of concern to the United States.

“(2) ORDER BY MILITARY JUDGE UPON REQUEST OF ACCUSED.—Whenever the trial counsel requests a hearing under subsection (a), the military judge, upon request of the accused, may order the trial counsel to provide the accused, prior to trial, such details as to the portion of the charge or specification at issue in the hearing as are needed to give the accused fair notice to prepare for the hearing.

“(c) SUBSTITUTIONS.—

“(1) IN CAMERA PRETRIAL HEARING.—Upon request of the trial counsel pursuant to the Military Commission Rules of Evidence, and in accordance with the security procedures established by the military judge, the military judge shall conduct a classified in camera pretrial hearing concerning the admissibility of classified information.

“(2) PROTECTION OF SOURCES, METHODS, AND ACTIVITIES BY WHICH EVIDENCE ACQUIRED.—When trial counsel seeks to introduce evidence before a military commission under this chapter and the Executive branch has classified the sources, methods, or activities by which the United States acquired the evidence, the military judge shall permit trial counsel to introduce the evidence, including a substituted evidentiary foundation pursuant to the procedures described in subsection (d), while protecting from disclosure information identifying those sources, methods, or activities, if—

“(A) the evidence is otherwise admissible; and

“(B) the military judge finds that—

“(i) the evidence is reliable; and

“(ii) the redaction is consistent with affording the accused a fair trial.

“(d) ALTERNATIVE PROCEDURE FOR DISCLOSURE OF CLASSIFIED INFORMATION.—

“(1) MOTION BY THE UNITED STATES.—Upon any determination by the military judge authorizing the disclosure of specific classified information under the procedures established by this section, the trial counsel may move that, in lieu of the disclosure of such specific classified information, the military judge order—

“(A) the substitution for such classified information of a statement admitting relevant facts that the specific classified information would tend to prove;

“(B) the substitution for such classified information of a summary of the specific classified information; or

“(C) any other procedure or redaction limiting the disclosure of specific classified information.

“(2) ACTION ON MOTION.—The military judge shall grant such a motion of the trial counsel if the military judge finds that the statement, summary, or other procedure or redaction will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

“(3) HEARING ON MOTION.—The military judge shall hold a hearing on any motion under this subsection. Any such hearing shall be held in camera at the request of a knowledgeable United States official possessing authority to classify information.

“(4) SUBMISSION OF STATEMENT OF DAMAGE TO NATIONAL SECURITY IF DISCLOSURE ORDERED.—The trial counsel may, in connection with a motion under paragraph (1), submit to the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information certifying that disclosure of classified information would cause identifiable

damage to the national security of the United States and explaining the basis for the classification of such information. If so requested by the trial counsel, the military judge shall examine such declaration during an ex parte presentation.

“(e) SEALING OF RECORDS OF IN CAMERA HEARINGS.—If at the close of an in camera hearing under this section (or any portion of a hearing under this section that is held in camera), the military judge determines that the classified information at issue may not be disclosed or elicited at the trial or pretrial proceeding, the record of such in camera hearing shall be sealed and preserved for use in the event of an appeal. The accused may seek reconsideration of the military judge's determination prior to or during trial.

“(f) PROHIBITION ON DISCLOSURE OF CLASSIFIED INFORMATION BY THE ACCUSED; RELIEF FOR ACCUSED WHEN THE UNITED STATES OPPOSES DISCLOSURE.—

“(1) ORDER TO PREVENT DISCLOSURE BY ACCUSED.—Whenever the military judge denies a motion by the trial counsel that the judge issue an order under subsection (a), (c), or (d) and the trial counsel files with the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information objecting to disclosure of the classified information at issue, the military judge shall order that the accused not disclose or cause the disclosure of such information.

“(2) RESULT OF ORDER UNDER PARAGRAPH (1).—Whenever an accused is prevented by an order under paragraph (1) from disclosing or causing the disclosure of classified information, the military judge shall dismiss the case, except that, when the military judge determines that the interests of justice would not be served by dismissal of the case, the military judge shall order such other action, in lieu of dismissing the charge or specification, as the military judge determines is appropriate. Such action may include, but need not be limited to, the following:

“(A) Dismissing specified charges or specifications.

“(B) Finding against the United States on any issue as to which the excluded classified information relates.

“(C) Striking or precluding all or part of the testimony of a witness.

“(3) TIME FOR THE UNITED STATES TO SEEK INTERLOCUTORY APPEAL.—An order under paragraph (2) shall not take effect until the military judge has afforded the United States—

“(A) an opportunity to appeal such order under section 950d of this title; and

“(B) an opportunity thereafter to withdraw its objection to the disclosure of the classified information at issue.

“(g) RECIPROCITY.—

“(1) DISCLOSURE OF REBUTTAL INFORMATION.—Whenever the military judge determines that classified information may be disclosed in connection with a trial or pretrial proceeding, the military judge shall, unless the interests of fairness do not so require, order the United States to provide the accused with the information it expects to use to rebut the classified information. The military judge may place the United States under a continuing duty to disclose such rebuttal information.

“(2) SANCTION FOR FAILURE TO COMPLY.—If the United States fails to comply with its obligation under this subsection, the military judge—

“(A) may exclude any evidence not made the subject of a required disclosure; and

“(B) may prohibit the examination by the United States of any witness with respect to such information.

“§949p-7. Introduction of classified information into evidence

“(a) PRESERVATION OF CLASSIFICATION STATUS.—Writings, recordings, and photographs

containing classified information may be admitted into evidence in proceedings of military commissions under this chapter without change in their classification status.

“(b) PRECAUTIONS BY MILITARY JUDGES.—

“(1) PRECAUTIONS IN ADMITTING CLASSIFIED INFORMATION INTO EVIDENCE.—The military judge in a trial by military commission, in order to prevent unnecessary disclosure of classified information, may order admission into evidence of only part of a writing, recording, or photograph, or may order admission into evidence of the whole writing, recording, or photograph with excision of some or all of the classified information contained therein, unless the whole ought in fairness be considered.

“(2) CLASSIFIED INFORMATION KEPT UNDER SEAL.—The military judge shall allow classified information offered or accepted into evidence to remain under seal during the trial, even if such evidence is disclosed in the military commission, and may, upon motion by the United States, seal exhibits containing classified information for any period after trial as necessary to prevent a disclosure of classified information when a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration setting forth the damage to the national security that the disclosure of such information reasonably could be expected to cause.

“(c) TAKING OF TESTIMONY.—

“(1) OBJECTION BY TRIAL COUNSEL.—During the examination of a witness, trial counsel may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

“(2) ACTION BY MILITARY JUDGE.—Following an objection under paragraph (1), the military judge shall take such suitable action to determine whether the response is admissible as will safeguard against the compromise of any classified information. Such action may include requiring trial counsel to provide the military judge with a proffer of the witness' response to the question or line of inquiry and requiring the accused to provide the military judge with a proffer of the nature of the information sought to be elicited by the accused. Upon request, the military judge may accept an ex parte proffer by trial counsel to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

“(d) DISCLOSURE AT TRIAL OF CERTAIN STATEMENTS PREVIOUSLY MADE BY A WITNESS.—

“(1) MOTION FOR PRODUCTION OF STATEMENTS IN POSSESSION OF THE UNITED STATES.—After a witness called by the trial counsel has testified on direct examination, the military judge, on motion of the accused, may order production of statements of the witness in the possession of the United States which relate to the subject matter as to which the witness has testified. This paragraph does not preclude discovery or assertion of a privilege otherwise authorized.

“(2) INVOCATION OF PRIVILEGE BY THE UNITED STATES.—If the United States invokes a privilege, the trial counsel may provide the prior statements of the witness to the military judge during an ex parte presentation to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

“(3) ACTION BY MILITARY JUDGE ON MOTION.—If the military judge finds that disclosure of any portion of the statement identified by the United States as classified would be detrimental to the national security in the degree to warrant classification under the applicable Executive Order, statute, or regulation, that such portion of the statement is consistent with the testimony of the

witness, and that the disclosure of such portion is not necessary to afford the accused a fair trial, the military judge shall excise that portion from the statement. If the military judge finds that such portion of the statement is inconsistent with the testimony of the witness or that its disclosure is necessary to afford the accused a fair trial, the military judge, shall, upon the request of the trial counsel, review alternatives to disclosure in accordance with section 949p-6(d) of this title.

#### **"SUBCHAPTER VI—SENTENCES**

"Sec.

"949s. Cruel or unusual punishments prohibited.

"949t. Maximum limits.

"949u. Execution of confinement.

#### **"§949s. Cruel or unusual punishments prohibited**

"Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission under this chapter or inflicted under this chapter upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited under this chapter.

#### **"§949t. Maximum limits**

"The punishment which a military commission under this chapter may direct for an offense may not exceed such limits as the President or Secretary of Defense may prescribe for that offense.

#### **"§949u. Execution of confinement**

"(a) IN GENERAL.—Under such regulations as the Secretary of Defense may prescribe, a sentence of confinement adjudged by a military commission under this chapter may be carried into execution by confinement—

"(1) in any place of confinement under the control of any of the armed forces; or

"(2) in any penal or correctional institution under the control of the United States or its allies, or which the United States may be allowed to use.

"(b) TREATMENT DURING CONFINEMENT BY OTHER THAN THE ARMED FORCES.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of an armed force are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, District of Columbia, or place in which the institution is situated.

#### **"SUBCHAPTER VII—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS**

"Sec.

"950a. Error of law; lesser included offense.

"950b. Review by the convening authority.

"950c. Appellate referral; waiver or withdrawal of appeal.

"950d. Interlocutory appeals by the United States.

"950e. Rehearings.

"950f. Review by United States Court of Military Commission Review.

"950g. Review by United States Court of Appeals for the District of Columbia Circuit; writ of certiorari to Supreme Court.

"950h. Appellate counsel.

"950i. Execution of sentence; suspension of sentence.

"950j. Finality of proceedings, findings, and sentences.

#### **"§950a. Error of law; lesser included offense**

"(a) ERROR OF LAW.—A finding or sentence of a military commission under this chapter may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

"(b) LESSER INCLUDED OFFENSE.—Any reviewing authority with the power to approve or affirm a finding of guilty by a military commission under this chapter may approve or affirm, instead, so much of the finding as includes a lesser included offense.

#### **"§950b. Review by the convening authority**

"(a) NOTICE TO CONVENING AUTHORITY OF FINDINGS AND SENTENCE.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

"(b) SUBMITTAL OF MATTERS BY ACCUSED TO CONVENING AUTHORITY.—(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

"(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after the accused has been given an authenticated record of trial under section 949o(c) of this title.

"(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority may, for good cause, extend the applicable period under subparagraph (A) for not more than an additional 20 days.

"(3) The accused may waive the accused's right to make a submittal to the convening authority under paragraph (1). Such a waiver shall be made in writing, and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submittal under this subsection shall be deemed to have expired upon the submittal of a waiver under this paragraph to the convening authority.

"(c) ACTION BY CONVENING AUTHORITY.—(1) The authority under this subsection to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

"(2) The convening authority is not required to take action on the findings of a military commission under this chapter. If the convening authority takes action on the findings, the convening authority may, in the sole discretion of the convening authority, only—

"(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

"(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

"(3)(A) The convening authority shall take action on the sentence of a military commission under this chapter.

"(B) Subject to regulations prescribed by the Secretary of Defense, action under this paragraph may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

"(C) In taking action under this paragraph, the convening authority may, in the sole discretion of the convening authority, approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase a sentence beyond that which is found by the military commission.

"(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

"(d) ORDER OF REVISION OR REHEARING.—(1) Subject to paragraphs (2) and (3), the convening authority of a military commission under this chapter may, in the sole discretion of the convening authority, order a proceeding in revision or a rehearing.

"(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered by the convening authority if—

"(i) there is an apparent error or omission in the record; or

"(ii) the record shows improper or inconsistent action by the military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

"(B) In no case may a proceeding in revision—

"(i) reconsider a finding of not guilty of a specification or a ruling which amounts to a finding of not guilty;

"(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation; or

"(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

"(3) A rehearing may be ordered by the convening authority if the convening authority disapproves the findings and sentence and states the reasons for disapproval of the findings. If the convening authority disapproves the finding and sentence and does not order a rehearing, the convening authority shall dismiss the charges. A rehearing as to the findings may not be ordered by the convening authority when there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered by the convening authority if the convening authority disapproves the sentence.

#### **"§950c. Appellate referral; waiver or withdrawal of appeal**

"(a) AUTOMATIC REFERRAL FOR APPELLATE REVIEW.—Except as provided in subsection (b), in each case in which the final decision of a military commission under this chapter (as approved by the convening authority) includes a finding of guilty, the convening authority shall refer the case to the United States Court of Military Commission Review. Any such referral shall be made in accordance with procedures prescribed under regulations of the Secretary.

"(b) WAIVER OF RIGHT OF REVIEW.—(1) Except in a case in which the sentence as approved under section 950b of this title extends to death, an accused may file with the convening authority a statement expressly waiving the right of the accused to appellate review by the United States Court of Military Commission Review under section 950f of this title of the final decision of the military commission under this chapter.

"(2) A waiver under paragraph (1) shall be signed by both the accused and a defense counsel.

"(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice of the action is served on the accused or on defense counsel under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

"(c) WITHDRAWAL OF APPEAL.—Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused may withdraw an appeal at any time.

"(d) EFFECT OF WAIVER OR WITHDRAWAL.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f of this title.

#### **"§950d. Interlocutory appeals by the United States**

"(a) INTERLOCUTORY APPEAL.—Except as provided in subsection (b), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the United States Court of Military Commission Review of any order or ruling of the military judge—

“(1) that terminates proceedings of the military commission with respect to a charge or specification;

“(2) that excludes evidence that is substantial proof of a fact material in the proceeding;

“(3) that relates to a matter under subsection (c) or (d) of section 949d of this title; or

“(4) that, with respect to classified information—

“(A) authorizes the disclosure of such information;

“(B) imposes sanctions for nondisclosure of such information; or

“(C) refuses a protective order sought by the United States to prevent the disclosure of such information.

“(b) **LIMITATION.**—The United States may not appeal under subsection (a) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

“(c) **SCOPE OF APPEAL RIGHT WITH RESPECT TO CLASSIFIED INFORMATION.**—The United States has the right to appeal under paragraph (4) of subsection (a) whenever the military judge enters an order or ruling that would require the disclosure of classified information, without regard to whether the order or ruling appealed from was entered under this chapter, another provision of law, a rule, or otherwise. Any such appeal may embrace any preceding order, ruling, or reasoning constituting the basis of the order or ruling that would authorize such disclosure.

“(d) **TIMING AND ACTION ON INTERLOCUTORY APPEALS RELATING TO CLASSIFIED INFORMATION.**—

“(1) **APPEAL TO BE EXPEDITED.**—An appeal taken pursuant to paragraph (4) of subsection (a) shall be expedited by the United States Court of Military Commission Review.

“(2) **APPEALS BEFORE TRIAL.**—If such an appeal is taken before trial, the appeal shall be taken within 10 days after the order or ruling from which the appeal is made and the trial shall not commence until the appeal is decided.

“(3) **APPEALS DURING TRIAL.**—If such an appeal is taken during trial, the military judge shall adjourn the trial until the appeal is decided, and the court of appeals—

“(A) shall hear argument on such appeal within 4 days of the adjournment of the trial (excluding weekends and holidays);

“(B) may dispense with written briefs other than the supporting materials previously submitted to the military judge;

“(C) shall render its decision within four days of argument on appeal (excluding weekends and holidays); and

“(D) may dispense with the issuance of a written opinion in rendering its decision.

“(e) **NOTICE AND TIMING OF OTHER APPEALS.**—The United States shall take an appeal of an order or ruling under subsection (a), other than an appeal under paragraph (4) of that subsection, by filing a notice of appeal with the military judge within 5 days after the date of the order or ruling.

“(f) **METHOD OF APPEAL.**—An appeal under this section shall be forwarded, by means specified in regulations prescribed by the Secretary of Defense, directly to the United States Court of Military Commission Review.

“(g) **APPEALS COURT TO ACT ONLY WITH RESPECT TO MATTER OF LAW.**—In ruling on an appeal under paragraph (1), (2), or (3) of subsection (a), the appeals court may act only with respect to matters of law.

“(h) **SUBSEQUENT APPEAL RIGHTS OF ACCUSED NOT AFFECTED.**—An appeal under paragraph (4) of subsection (a), and a decision on such appeal, shall not affect the right of the accused, in a subsequent appeal from a judgment of conviction, to claim as error reversal by the military

judge on remand of a ruling appealed from during trial.

#### “§950e. Rehearings

“(a) **COMPOSITION OF MILITARY COMMISSION FOR REHEARING.**—Each rehearing under this chapter shall take place before a military commission under this chapter composed of members who were not members of the military commission which first heard the case.

“(b) **SCOPE OF REHEARING.**—(1) Upon a rehearing—

“(A) the accused may not be tried for any offense of which the accused was found not guilty by the first military commission; and

“(B) no sentence in excess of or more than the original sentence may be imposed unless—

“(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

“(ii) the sentence prescribed for the offense is mandatory.

“(2) Upon a rehearing, if the sentence approved after the first military commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first military commission.

#### “§950f. Review by United States Court of Military Commission Review

“(a) **ESTABLISHMENT.**—There is a court of record to be known as the ‘United States Court of Military Commission Review’ (in this section referred to as the ‘Court’). The Court shall consist of one or more panels, each composed of not less than three appellate military judges. For the purpose of reviewing decisions of military commissions under this chapter, the Court may sit in panels or as a whole, in accordance with rules prescribed by the Secretary of Defense.

“(b) **JUDGES.**—(1) Judges on the Court shall be assigned or appointed in a manner consistent with the provisions of this subsection.

“(2) The Secretary of Defense may assign persons who are appellate military judges to be judges on the Court. Any judge so assigned shall be a commissioned officer of the armed forces, and shall meet the qualifications for military judges prescribed by section 948j(b) of this title.

“(3) The President may appoint, by and with the advice and consent of the Senate, additional judges to the United States Court of Military Commission Review.

“(4) No person may serve as a judge on the Court in any case in which that person acted as a military judge, counsel, or reviewing official.

“(c) **CASES TO BE REVIEWED.**—The Court shall, in accordance with procedures prescribed under regulations of the Secretary, review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter properly raised by the accused.

“(d) **STANDARD AND SCOPE OF REVIEW.**—In a case reviewed by the Court under this section, the Court may act only with respect to the findings and sentence as approved by the convening authority. The Court may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as the Court finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, the Court may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the military commission saw and heard the witnesses.

“(e) **REHEARINGS.**—If the Court sets aside the findings or sentence, the Court may, except

where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If the Court sets aside the findings or sentence and does not order a rehearing, the Court shall order that the charges be dismissed.

#### “§950g. Review by United States Court of Appeals for the District of Columbia Circuit; writ of certiorari to Supreme Court

“(a) **EXCLUSIVE APPELLATE JURISDICTION.**—Except as provided in subsection (b), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of a final judgment rendered by a military commission (as approved by the convening authority and, where applicable, the United States Court of Military Commission Review) under this chapter.

“(b) **EXHAUSTION OF OTHER APPEALS.**—The United States Court of Appeals for the District of Columbia Circuit may not review a final judgment described in subsection (a) until all other appeals under this chapter have been waived or exhausted.

“(c) **TIME FOR SEEKING REVIEW.**—A petition for review by the United States Court of Appeals for the District of Columbia Circuit must be filed by the accused in the Court of Appeals not later than 20 days after the date on which—

“(1) written notice of the final decision of the United States Court of Military Commission Review is served on the accused or on defense counsel; or

“(2) the accused submits, in the form prescribed by section 950c of this title, a written notice waiving the right of the accused to review by the United States Court of Military Commission Review.

“(d) **SCOPE AND NATURE OF REVIEW.**—The United States Court of Appeals for the District of Columbia Circuit may act under this section only with respect to the findings and sentence as approved by the convening authority and as affirmed or set aside as incorrect in law by the United States Court of Military Commission Review, and shall take action only with respect to matters of law, including the sufficiency of the evidence to support the verdict.

“(e) **REVIEW BY SUPREME COURT.**—The Supreme Court may review by writ of certiorari pursuant to section 1254 of title 28 the final judgment of the United States Court of Appeals for the District of Columbia Circuit under this section.

#### “§950h. Appellate counsel

“(a) **APPOINTMENT.**—The Secretary of Defense shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications of counsel for appearing before military commissions under this chapter.

“(b) **REPRESENTATION OF UNITED STATES.**—Appellate counsel appointed under subsection (a)—

“(1) shall represent the United States in any appeal or review proceeding under this chapter before the United States Court of Military Commission Review; and

“(2) may, when requested to do so by the Attorney General in a case arising under this chapter, represent the United States before the United States Court of Appeals for the District of Columbia Circuit or the Supreme Court.

“(c) **REPRESENTATION OF ACCUSED.**—The accused shall be represented by appellate counsel appointed under subsection (a) before the United States Court of Military Commission Review, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court, and by civilian counsel if retained by the accused. Any such civilian counsel shall meet the qualifications under paragraph (3) of section 949c(b) of this title for civilian counsel appearing before military commissions under this

chapter and shall be subject to the requirements of paragraph (7) of that section.

**“§950i. Execution of sentence; suspension of sentence**

“(a) *IN GENERAL.*—The Secretary of Defense is authorized to carry out a sentence imposed by a military commission under this chapter in accordance with such procedures as the Secretary may prescribe.

“(b) *EXECUTION OF SENTENCE OF DEATH ONLY UPON APPROVAL BY THE PRESIDENT.*—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

“(c) *EXECUTION OF SENTENCE OF DEATH ONLY UPON FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.*—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to death, approval under subsection (b)).

“(2) A judgment as to legality of proceedings is final for purposes of paragraph (1) when review is completed in accordance with the judgment of the United States Court of Military Commission Review and—

“(A) the time for the accused to file a petition for review by the United States Court of Appeals for the District of Columbia Circuit has expired, the accused has not filed a timely petition for such review, and the case is not otherwise under review by the Court of Appeals; or

“(B) review is completed in accordance with the judgment of the United States Court of Appeals for the District of Columbia Circuit and—

“(i) a petition for a writ of certiorari is not timely filed;

“(ii) such a petition is denied by the Supreme Court; or

“(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

“(d) *SUSPENSION OF SENTENCE.*—The Secretary of the Defense, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case, except a sentence of death.

**“§950j. Finality of proceedings, findings, and sentences**

“The appellate review of records of trial provided by this chapter, and the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions under this chapter are binding upon all departments, courts, agencies, and officers of the United States, subject only to action by the Secretary or the convening authority as provided in section 950i(c) of this title and the authority of the President.

**“SUBCHAPTER VIII—PUNITIVE MATTERS**

“Sec.

“950p. Definitions; construction of certain offenses; common circumstances.

“950q. Principals.

“950r. Accessory after the fact.

“950s. Conviction of lesser offenses.

“950t. Crimes triable by military commission.

**“§950p. Definitions; construction of certain offenses; common circumstances**

“(a) *DEFINITIONS.*—In this subchapter:

“(1) The term ‘military objective’ means combatants and those objects during hostilities which, by their nature, location, purpose, or use, effectively contribute to the war-fighting or war-sustaining capability of an opposing force and whose total or partial destruction, capture,

or neutralization would constitute a definite military advantage to the attacker under the circumstances at the time of an attack.

“(2) The term ‘protected person’ means any person entitled to protection under one or more of the Geneva Conventions, including civilians not taking an active part in hostilities, military personnel placed out of combat by sickness, wounds, or detention, and military medical or religious personnel.

“(3) The term ‘protected property’ means any property specifically protected by the law of war, including buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, but only if and to the extent such property is not being used for military purposes or is not otherwise a military objective. The term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.

“(b) *CONSTRUCTION OF CERTAIN OFFENSES.*—The intent required for offenses under paragraphs (1), (2), (3), (4), and (12) of section 950t of this title precludes the applicability of such offenses with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

“(c) *COMMON CIRCUMSTANCES.*—An offense specified in this subchapter is triable by military commission under this chapter only if the offense is committed in the context of and associated with hostilities.

“(d) *EFFECT.*—The provisions of this subchapter codify offenses that have traditionally been triable by military commission. This chapter does not establish new crimes that did not exist before the date of the enactment of this subchapter, as amended by the National Defense Authorization Act for Fiscal Year 2010, but rather codifies those crimes for trial by military commission. Because the provisions of this subchapter codify offenses that have traditionally been triable under the law of war or otherwise triable by military commission, this subchapter does not preclude trial for offenses that occurred before the date of the enactment of this subchapter, as so amended.

**“§950q. Principals**

“Any person punishable under this chapter who—

“(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission;

“(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

“(3) is a superior commander who, with regard to acts punishable by this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and who failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof, is a principal.

**“§950r. Accessory after the fact**

“Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission under this chapter may direct.

**“§950s. Conviction of lesser offenses**

“An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an attempt to commit either the offense charged or an offense necessarily included therein.

**“§950t. Crimes triable by military commission**

“The following offenses shall be triable by military commission under this chapter at any time without limitation:

“(1) *MURDER OF PROTECTED PERSONS.*—Any person subject to this chapter who intentionally kills one or more protected persons shall be punished by death or such other punishment as a military commission under this chapter may direct.

“(2) *ATTACKING CIVILIANS.*—Any person subject to this chapter who intentionally engages in an attack upon a civilian population as such, or individual civilians not taking active part in hostilities, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(3) *ATTACKING CIVILIAN OBJECTS.*—Any person subject to this chapter who intentionally engages in an attack upon a civilian object that is not a military objective shall be punished as a military commission under this chapter may direct.

“(4) *ATTACKING PROTECTED PROPERTY.*—Any person subject to this chapter who intentionally engages in an attack upon protected property shall be punished as a military commission under this chapter may direct.

“(5) *PILLAGING.*—Any person subject to this chapter who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be punished as a military commission under this chapter may direct.

“(6) *DENYING QUARTER.*—Any person subject to this chapter who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those groups that there shall be no survivors or surrender accepted, with the intent to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be punished as a military commission under this chapter may direct.

“(7) *TAKING HOSTAGES.*—Any person subject to this chapter who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(8) *EMPLOYING POISON OR SIMILAR WEAPONS.*—Any person subject to this chapter who intentionally, as a method of warfare, employs a substance or weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(9) *USING PROTECTED PERSONS AS A SHIELD.*—Any person subject to this chapter who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished, if

death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(10) USING PROTECTED PROPERTY AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of the location of, protected property with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished as a military commission under this chapter may direct.

“(11) TORTURE.—

“(A) OFFENSE.—Any person subject to this chapter who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(B) SEVERE MENTAL PAIN OR SUFFERING DEFINED.—In this paragraph, the term ‘severe mental pain or suffering’ has the meaning given that term in section 2340(2) of title 18.

“(12) CRUEL OR INHUMAN TREATMENT.—Any person subject to this chapter who subjects another person in their custody or under their physical control, regardless of nationality or physical location, to cruel or inhuman treatment that constitutes a grave breach of common Article 3 of the Geneva Conventions shall be punished, if death results to the victim, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to the victim, by such punishment, other than death, as a military commission under this chapter may direct.

“(13) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—

“(A) OFFENSE.—Any person subject to this chapter who intentionally causes serious bodily injury to one or more persons, including privileged belligerents, in violation of the law of war shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(B) SERIOUS BODILY INJURY DEFINED.—In this paragraph, the term ‘serious bodily injury’ means bodily injury which involves—

“(i) a substantial risk of death;

“(ii) extreme physical pain;

“(iii) protracted and obvious disfigurement; or

“(iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

“(14) MUTILATING OR MAIMING.—Any person subject to this chapter who intentionally injures one or more protected persons by disfiguring the person or persons by any mutilation of the person or persons, or by permanently disabling any member, limb, or organ of the body of the person or persons, without any legitimate medical or dental purpose, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(15) MURDER IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally kills one or more persons, including privileged belligerents, in violation of the law of war shall be punished by death or such other punishment as a military commission under this chapter may direct.

“(16) DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally destroys property belonging to another person in violation of the law of war shall be punished as a military commission under this chapter may direct.

“(17) USING TREACHERY OR PERFDY.—Any person subject to this chapter who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(18) IMPROPERLY USING A FLAG OF TRUCE.—Any person subject to this chapter who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise suspend hostilities when there is no such intention shall be punished as a military commission under this chapter may direct.

“(19) IMPROPERLY USING A DISTINCTIVE EMBLEM.—Any person subject to this chapter who intentionally uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of war shall be punished as a military commission under this chapter may direct.

“(20) INTENTIONALLY MISTREATING A DEAD BODY.—Any person subject to this chapter who intentionally mistreats the body of a dead person, without justification by legitimate military necessity, shall be punished as a military commission under this chapter may direct.

“(21) RAPE.—Any person subject to this chapter who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object, shall be punished as a military commission under this chapter may direct.

“(22) SEXUAL ASSAULT OR ABUSE.—Any person subject to this chapter who forcibly or with coercion or threat of force engages in sexual contact with one or more persons, or causes one or more persons to engage in sexual contact, shall be punished as a military commission under this chapter may direct.

“(23) HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT.—Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of a vessel or aircraft that is not a legitimate military objective shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(24) TERRORISM.—Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more protected persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be punished, if death results to one or more of the victims, by death or such

other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(25) PROVIDING MATERIAL SUPPORT FOR TERRORISM.—

“(A) OFFENSE.—Any person subject to this chapter who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as set forth in paragraph (24) of this section), or who intentionally provides material support or resources to an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism (as so set forth), shall be punished as a military commission under this chapter may direct.

“(B) MATERIAL SUPPORT OR RESOURCES DEFINED.—In this paragraph, the term ‘material support or resources’ has the meaning given that term in section 2339A(b) of title 18.

“(26) WRONGFULLY AIDING THE ENEMY.—Any person subject to this chapter who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished as a military commission under this chapter may direct.

“(27) SPYING.—Any person subject to this chapter who, in violation of the law of war and with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign power, collects or attempts to collect information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished by death or such other punishment as a military commission under this chapter may direct.

“(28) ATTEMPTS.—

“(A) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a military commission under this chapter may direct.

“(B) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

“(C) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

“(29) CONSPIRACY.—Any person subject to this chapter who conspires to commit one or more substantive offenses triable by military commission under this subchapter, and who knowingly does any overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(30) SOLICITATION.—Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission under this chapter shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, shall be punished as a military commission under this chapter may direct.

“(31) CONTEMPT.—A military commission under this chapter may punish for contempt

any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.

“(32) PERJURY AND OBSTRUCTION OF JUSTICE.—A military commission under this chapter may try offenses and impose such punishment as the military commission may direct for perjury, false testimony, or obstruction of justice related to the military commission.”.

#### SEC. 1803. CONFORMING AMENDMENTS.

(a) **UNIFORM CODE OF MILITARY JUSTICE.**—

(1) **PERSONS SUBJECT TO UCMJ.**—Paragraph (13) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended to read as follows:

“(13) Individuals belonging to one of the eight categories enumerated in Article 4 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316), who violate the law of war.”.

(2) **CONSTRUCTION OF MILITARY COMMISSIONS WITH COURTS-MARTIAL.**—Section 839 of such title (article 39 of the Uniform Code of Military Justice) is amended by adding at the end the following new subsection:

“(d) The findings, holdings, interpretations, and other precedents of military commissions under chapter 47A of this title—

“(1) may not be introduced or considered in any hearing, trial, or other proceeding of a court-martial under this chapter; and

“(2) may not form the basis of any holding, decision, or other determination of a court-martial.”.

(b) **APPELLATE REVIEW UNDER DETAINEE TREATMENT ACT OF 2005.**—Section 1005(e) of the Detainee Treatment Act of 2005 (title X of Public Law 109–359; 10 U.S.C. 801 note) is amended by striking paragraph (3).

#### SEC. 1804. PROCEEDINGS UNDER PRIOR STATUTE.

(a) **PRIOR CONVICTIONS.**—The amendment made by section 1802 shall have no effect on the validity of any conviction pursuant to chapter 47A of title 10, United States Code (as such chapter was in effect on the day before the date of the enactment of this Act).

(b) **COMPOSITION OF MILITARY COMMISSIONS.**—Notwithstanding the amendment made by section 1802—

(1) any commission convened pursuant to chapter 47A of title 10, United States Code (as such chapter was in effect on the day before the date of the enactment of this Act), shall be deemed to have been convened pursuant to chapter 47A of title 10, United States Code (as amended by section 1802);

(2) any member of the Armed Forces detailed to serve on a commission pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code (as so amended);

(3) any military judge detailed to a commission pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code (as so amended);

(4) any trial counsel or defense counsel detailed for a commission pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code (as so amended);

(5) any court reporters detailed to or employed by a commission pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed or employed pursuant to chapter 47A of title 10, United States Code (as so amended); and

(6) any appellate military judge or other duly appointed appellate judge on the Court of Military Commission Review pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed or appointed to the United States Court of Military Commission Review pursuant to chapter 47A of title 10, United States Code (as so amended).

(c) **CHARGES AND SPECIFICATIONS.**—Notwithstanding the amendment made by section 1802—

(1) any charges or specifications sworn or referred pursuant to chapter 47A of title 10, United States Code (as such chapter was in effect on the day before the date of the enactment of this Act), shall be deemed to have been sworn or referred pursuant to chapter 47A of title 10, United States Code (as amended by section 1802); and

(2) any charges or specifications described in paragraph (1) may be amended, without prejudice, as needed to properly allege jurisdiction under chapter 47A of title 10, United States Code (as so amended), and crimes triable under such chapter.

(d) **PROCEDURES AND REQUIREMENTS.**—

(1) **IN GENERAL.**—Except as provided in subsections (a) through (c) and subject to paragraph (2), any commission convened pursuant to chapter 47A of title 10, United States Code (as such chapter was in effect on the day before the date of the enactment of this Act), shall be conducted after the date of the enactment of this Act in accordance with the procedures and requirements of chapter 47A of title 10, United States Code (as amended by section 1802).

(2) **TEMPORARY CONTINUATION OF PRIOR PROCEDURES AND REQUIREMENTS.**—Any military commission described in paragraph (1) may be conducted in accordance with any procedures and requirements of chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), that are not inconsistent with the provisions of chapter 47A of title 10, United States Code, (as so amended), until the earlier of—

(A) the date of the submittal to Congress under section 1805 of the revised rules for military commissions under chapter 47A of title 10, United States Code (as so amended); or

(B) the date that is 90 days after the date of the enactment of this Act.

#### SEC. 1805. SUBMITTAL TO CONGRESS OF REVISED RULES FOR MILITARY COMMISSIONS.

(a) **DEADLINE FOR SUBMITTAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the revised rules for military commissions prescribed by the Secretary for purposes of chapter 47A of title 10, United States Code (as amended by section 1802).

(b) **TREATMENT OF REVISED RULES UNDER REQUIREMENT FOR NOTICE AND WAIT REGARDING MODIFICATION OF RULES.**—The revised rules submitted to Congress under subsection (a) shall not be treated as a modification of the rules in effect for military commissions for purposes of section 949a(d) of title 10, United States Code (as so amended).

#### SEC. 1806. ANNUAL REPORTS TO CONGRESS ON TRIALS BY MILITARY COMMISSION.

(a) **ANNUAL REPORTS REQUIRED.**—Not later than January 31 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any trials conducted by military commissions under chapter 47A of title 10, United States Code (as amended by section 1802), during the preceding year.

(b) **FORM.**—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 1807. SENSE OF CONGRESS ON MILITARY COMMISSION SYSTEM.

It is the sense of Congress that—

(1) the fairness and effectiveness of the military commissions system under chapter 47A of title 10, United States Code (as amended by section 1802), will depend to a significant degree on the adequacy of defense counsel and associated resources for individuals accused, particularly in the case of capital cases, under such chapter 47A; and

(2) defense counsel in military commission cases, particularly in capital cases, under such chapter 47A of title 10, United States Code (as so amended), should be fully resourced as provided in such chapter 47A.

#### TITLE XIX—FEDERAL EMPLOYEE BENEFITS

##### Subtitle A—General Provisions

Sec. 1901. Credit for unused sick leave.

Sec. 1902. Limited expansion of the class of individuals eligible to receive an actuarially reduced annuity under the Civil Service Retirement System.

Sec. 1903. Computation of certain annuities based on part-time service.

Sec. 1904. Authority to deposit refunds under FERS.

Sec. 1905. Retirement credit for service of certain employees transferred from District of Columbia service to Federal service.

##### Subtitle B—Non-Foreign Area Retirement Equity Assurance

Sec. 1911. Short title.

Sec. 1912. Extension of locality pay.

Sec. 1913. Adjustment of special rates.

Sec. 1914. Transition schedule for locality-based comparability payments.

Sec. 1915. Savings provision.

Sec. 1916. Application to other eligible employees.

Sec. 1917. Election of additional basic pay for annuity computation by employees.

Sec. 1918. Regulations.

Sec. 1919. Effective dates.

##### Subtitle A—General Provisions

#### SEC. 1901. CREDIT FOR UNUSED SICK LEAVE.

(a) **IN GENERAL.**—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(l) In computing” and inserting “(l)(1) In computing”; and

(B) by adding at the end the following:

“(2)(A) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the applicable percentage of the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.

“(B) For purposes of subparagraph (A), the term ‘applicable percentage’ means—

“(i) 50 percent in the case of an annuity, entitlement to which is based on a death or other separation occurring during the period beginning on the date of enactment of this paragraph and ending on December 31, 2013; and

“(ii) 100 percent in the case of an annuity, entitlement to which is based on a death or other separation occurring after December 31, 2013.”.



(b) **EXCEPTION FROM DEPOSIT REQUIREMENT.**—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(l)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to any annuity, entitlement to which is based on a death or other separation from service occurring on or after the date of enactment of this Act.

**SEC. 1902. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.**

(a) **IN GENERAL.**—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

**SEC. 1903. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.**

(a) **IN GENERAL.**—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

**SEC. 1904. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.**

(a) **DEPOSIT AUTHORITY.**—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **DEFINITIONAL AMENDMENT.**—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) **CREDITING OF DEPOSITS.**—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”.

(3) **SECTION HEADING.**—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

**“§8422. Deductions from pay; contributions for other service; deposits”.**

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”.

(4) **RESTORATION OF ANNUITY RIGHTS.**—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based.” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”.

**SEC. 1905. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.**

(a) **RETIREMENT CREDIT.**—

(1) **IN GENERAL.**—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under section 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) **TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.**—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) **SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.**—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) **QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.**—In this section, “qualifying District of Columbia service” means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) **CERTIFICATION OF SERVICE.**—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

**Subtitle B—Non-Foreign Area Retirement Equity Assurance**

**SEC. 1911. SHORT TITLE.**

This subtitle may be cited as the “Non-Foreign Area Retirement Equity Assurance Act of 2009” or the “Non-Foreign AREA Act of 2009”.

**SEC. 1912. EXTENSION OF LOCALITY PAY.**

(a) **LOCALITY-BASED COMPARABILITY PAYMENTS.**—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

“(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality; and”;

(2) in subsection (g)—

(A) in paragraph (2)—

(i) by striking “and” at the end of subparagraph (A); and

(ii) by striking subparagraph (B) and inserting the following:

“(B) positions under subsection (h)(1)(C) not covered by appraisal systems certified under subsection 5307(d); and

“(C) any positions under subsection (h)(1)(D) as the President may determine.”; and

(B) by adding at the end the following:

“(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).”;

(3) in subsection (h)(1)—

(A) in subparagraph (B), by striking “and” after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

“(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the effective date of section 1912 of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941 and who thereafter has served continuously in an area in which such an allowance was payable; and”;

(D) in clause (iv) (in the matter following subparagraph (D)), by inserting “, except for a position covered by subparagraph (C)” before the semicolon;

(E) in clause (v) (in the matter following subparagraph (D)), by inserting “, except for a position covered by subparagraph (C)” before the semicolon; and

(F) in clause (vii) (in the matter following subparagraph (D)), by inserting “, except for a position covered by subparagraph (C)” before the period; and

(4) in subsection (h)(2)—

(A) in subparagraph (B)(i), by striking “and (B)” and inserting “through (C)”; and

(B) in subparagraph (B)(ii), by striking “(1)(C)” and inserting “(1)(D)”.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: “Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).”;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

“(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

“(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

“(A) January 1, 2010; and

“(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under paragraphs (2) and (3), respectively, of section 1914 of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(2)(A) In this paragraph, the term ‘applicable locality-based comparability pay percentage’ means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under paragraph (1), (2), or (3) of section 1914 of Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

“(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

“(ii) dividing the resulting percentage determined under clause (i) by the sum of—

“(I) one; and

“(II) the applicable locality-based comparability payment percentage expressed as a numeral.

“(3) No allowance rate computed under paragraph (2) may be less than zero.

“(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).”.

#### SEC. 1913. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 1914, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 1918.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

#### SEC. 1914. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this subtitle or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this subtitle, for each non-foreign area determined under section 5941(b) of such title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of such title shall be adjusted, effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using 1/3 of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using 2/3 of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

#### SEC. 1915. SAVINGS PROVISION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the application of this subtitle to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the “Rest of the United States”, the President’s Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President’s Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee’s special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 1914 of this subtitle, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this subtitle, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate, but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under

section 1914 of this subtitle which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

**SEC. 1916. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.**

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term “covered employee” means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) becomes eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this subtitle (including the amendments made by this subtitle) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 1912 of this subtitle), and section 1914 of this subtitle apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this subtitle shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this subtitle including section 5941 of title 5, United States Code (as amended by section 1912 of this

subtitle), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting “(1)” after “(b)”;

(B) by striking “Section 5941,” and inserting “Except as provided under paragraph (2), section 5941”;

(C) by striking “For purposes of such section,” and inserting “Except as provided under paragraph (2), for purposes of section 5941 of that title,”; and

(D) by adding at the end the following:

“(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

“(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

“(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 1916(b)(2) of that Act shall apply.”.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this subtitle (including the amendments made by this subtitle) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 1914.

(B) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 1917 of this subtitle.

**SEC. 1917. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.**

(a) DEFINITION.—In this section the term “covered employee” means any employee—

(1) to whom section 1914 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31,

2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—An employee’s cost-of-living allowance may be considered basic pay under paragraph (1) only to the extent that, when added to the employee’s locality-based comparability payments, the resulting sum does not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 1914 did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

**SEC. 1918. REGULATIONS.**

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this subtitle, including—

(1) rules for special rate employees described under section 1913;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this subtitle with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

**SEC. 1919. EFFECTIVE DATES.**

(a) *IN GENERAL.*—Except as provided by subsection (b), this subtitle (including the amendments made by this subtitle) shall take effect on the date of enactment of this Act.

(b) *LOCALITY PAY AND SCHEDULE.*—The amendments made by section 1912 and the provisions of section 1914 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS****SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2010”.

**SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) *EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.*—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(b) *EXCEPTION.*—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing

projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2013 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

**SEC. 2003. RELATION TO FUNDING TABLES.**

(a) *MILITARY CONSTRUCTION, MILITARY FAMILY HOUSING, AND RELATED ACTIVITIES.*—The amounts authorized to be appropriated by sections 2104, 2204, 2304, 2404, 2411, 2502, and 2606 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4501.

(b) *BASE CLOSURE AND REALIGNMENT ACTIVITIES.*—The amounts authorized to be appropriated by section 2703 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4502.

(c) *OVERSEAS CONTINGENCY OPERATIONS.*—The amounts authorized to be appropriated by sections 2901 and 2902 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4503.

**SEC. 2004. GENERAL REDUCTION ACROSS DIVISION.**

(a) *REDUCTION.*—Of the amounts provided in the authorizations of appropriations in this division, the overall authorization of appropriations in this division is reduced by \$529,091,000.

(b) *REPORT ON APPLICATION.*—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing how the reduction required by subsection (a) is applied.

**TITLE XXI—ARMY**

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.

Sec. 2106. Extension of authorizations of certain fiscal year 2006 projects.

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

State	Installation or Location	Amount
Alabama	Anniston Army Depot	\$3,300,000
	Redstone Arsenal	\$3,550,000
Alaska	Fort Richardson	\$56,050,000
	Fort Wainwright	\$198,000,000
Arizona	Fort Huachuca	\$27,700,000
Arkansas	Pine Bluff Arsenal	\$25,000,000
California	Fort Irwin	\$9,500,000
Colorado	Fort Carson	\$240,950,000
Florida	Eglin Air Force Base	\$132,800,000
Georgia	Fort Benning	\$295,300,000
	Fort Gillem	\$10,800,000
	Fort Stewart	\$100,400,000
Hawaii	Schofield Barracks	\$184,000,000
	Wheeler Army Air Field	\$7,500,000
Kansas	Fort Riley	\$168,500,000
Kentucky	Fort Campbell	\$14,400,000
	Fort Knox	\$70,000,000
Louisiana	Fort Polk	\$55,400,000
Maryland	Aberdeen Proving Ground	\$15,500,000
	Fort Detrick	\$46,400,000
	Fort Meade	\$2,350,000
Missouri	Fort Leonard Wood	\$170,800,000
New Jersey	Picatinny Arsenal	\$10,200,000
New York	Fort Drum	\$92,700,000
North Carolina	Fort Bragg	\$114,600,000
	Sunny Point Military Ocean Terminal	\$28,900,000
Oklahoma	Fort Sill	\$90,500,000
	McAlester Army Ammunition Plant	\$12,500,000
South Carolina	Charleston Naval Weapons Station	\$21,800,000
	Fort Jackson	\$103,500,000
Texas	Fort Bliss	\$219,400,000
	Fort Hood	\$42,900,000
	Fort Sam Houston	\$19,800,000
Utah	Dugway Proving Ground	\$25,000,000
Virginia	Fort A.P. Hill	\$23,000,000
	Fort Belvoir	\$17,900,000
	Fort Eustis	\$8,900,000
	Fort Lee	\$5,000,000
Washington	Fort Lewis	\$18,700,000
Various locations	Troop Trainee Housing	\$350,000,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

Country	Installation or Location	Amount
Afghanistan .....	Bagram Air Base .....	\$87,100,000
Belgium .....	Mons .....	\$20,000,000
Germany .....	Ansbach .....	\$31,700,000
	Kleber Kaserne .....	\$20,000,000
Japan .....	Okinawa .....	\$6,000,000
	Sagamihara .....	\$6,000,000
Korea .....	Camp Humphreys .....	\$50,200,000
Kuwait .....	Camp Arifjan .....	\$82,000,000

**SEC. 2102. FAMILY HOUSING.**

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

**Army: Family Housing**

Country	Installation or Location	Units	Amount
Germany .....	Baumholder .....	38 .....	\$18,000,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$3,936,000.

**SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$219,300,000.

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$4,516,073,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$2,752,500,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$303,000,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$25,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$200,519,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$241,236,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$523,418,000.

(6) For the construction of increment 4 of a brigade complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110-5; 121 Stat 41) \$102,000,000.

(7) For the construction of increment 3 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authoriza-

tion Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 504), \$55,400,000.

(8) For the construction of increment 3 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 505), \$23,500,000.

(9) For the construction of increment 3 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 505), \$22,500,000.

(10) For the construction of increment 2 of a barracks and dining complex at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4659), \$60,000,000.

(11) For the construction of increment 2 of a barracks and dining complex at Fort Stewart, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4659), \$80,000,000.

(12) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4663), \$10,000,000.

(13) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4663), \$11,000,000.

(14) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4663), \$11,000,000.

(15) For the construction of increment 1 of an Aviation Task Force Complex Phase 1 at Fort Wainwright, Alaska, authorized by section 2101(a), \$95,000,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) \$95,000,000 (the balance of the amount authorized under section 2101(a) for an aviation task force complex, Phase I at Fort Wainwright, Alaska).

(3) \$25,000,000 (the balance of the amount authorized under section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 505) for construction of a brigade complex operations support facility at Vicenza, Italy).

(4) \$26,000,000 (the balance of the amount authorized under section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 505) for construction of a brigade complex operations support facility at Vicenza, Italy).

(c) **LIMITATION ON IMPLEMENTATION OF TROOP TRAINEE BARRACKS PROJECTS.**—The Secretary of the Army may not enter into an award of a project for any troop trainee barracks authorized under section 2101(a) until the Secretary submits to the congressional defense committees a report that includes the following:

(1) Within the amounts authorized to be appropriated under subsection (a), a list of the proposed projects.

(2) A Military Construction Data Sheet for each project.

(3) A certification that the projects can be awarded in the year for which the appropriation of funds is made.

(4) A certification that the projects are listed in the current Future Years Defense Program for the Army.

**SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.**

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4659) for Fort Bragg, North Carolina, for construction of a chapel at the installation, the Secretary of the Army may construct up to a 22,600 square-foot (400 person) chapel consistent with the Army's standard square footage for chapel construction guidelines.

**SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.**

(a) **EXTENSION.**—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3501), authorizations set forth

in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485) and extended by section 2107 of the Military Construction Authorization Act for Fiscal Year 2009 (di-

vision B of Public Law 110-417; 122 Stat. 4665), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing

funds for military construction for fiscal year 2011, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army: Extension of 2006 Project Authorizations**

State	Installation or Location	Project	Amount
Hawaii .....	Pohakuloa .....	Tactical Vehicle Wash Facility .....	\$9,207,000
		Battle Area Complex .....	\$33,660,000

**TITLE XXII—NAVY**

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification and extension of authority to carry out certain fiscal year 2006 project.

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1),

the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	\$28,770,000
California .....	Mountain Warfare Training Center Bridgeport .....	\$11,290,000
	Marine Corps Base, Camp Pendleton .....	\$775,162,000
	Edwards Air Force Base .....	\$3,007,000
	Naval Station Monterey .....	\$10,240,000
	Marine Corps Base, Twentynine Palms .....	\$513,680,000
	Marine Corps Air Station, Miramar .....	\$9,280,000
	Point Loma Annex .....	\$11,060,000
	Naval Station, San Diego .....	\$23,590,000
Connecticut .....	Naval Submarine Base, New London .....	\$6,570,000
Florida .....	Blount Island Command .....	\$3,760,000
	Eglin Air Force Base .....	\$26,287,000
	Naval Air Station, Jacksonville .....	\$5,917,000
	Naval Station, Mayport .....	\$102,345,000
	Naval Air Station, Pensacola .....	\$26,161,000
	Naval Air Station, Whiting Field .....	\$4,120,000
Georgia .....	Marine Corps Logistics Base, Albany .....	\$4,870,000
Hawaii .....	Oahu .....	\$5,380,000
	Naval Station, Pearl Harbor .....	\$60,252,000
Indiana .....	Naval Support Activity .....	\$13,710,000
Maine .....	Portsmouth Naval Shipyard .....	\$7,090,000
Maryland .....	Naval Surface Warfare Center, Carderock .....	\$6,520,000
	Naval Air Station, Patuxent River .....	\$11,043,000
Nevada .....	Naval Air Station, Fallon .....	\$10,670,000
North Carolina .....	Marine Corps Base, Camp Lejeune .....	\$673,570,000
	Marine Corps Air Station, Cherry Point .....	\$22,960,000
	Marine Corps Air Station, New River .....	\$107,090,000
Rhode Island .....	Naval Station, Newport .....	\$64,883,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	\$1,280,000
	Marine Corps Recruit Depot, Parris Island .....	\$6,972,000
Texas .....	Naval Air Station, Corpus Christi .....	\$19,764,000
	Naval Air Station, Kingsville .....	\$4,470,000
Virginia .....	Naval Amphibious Base, Little Creek .....	\$13,095,000
	Naval Station Norfolk .....	\$18,139,000
	Naval Special Weapons Center, Dahlgren .....	\$3,660,000
	Dam Neck .....	\$14,170,000
	Norfolk Naval Shipyard, Portsmouth .....	\$226,969,000
	Marine Corps Base, Quantico .....	\$105,240,000
Washington .....	Bremerton .....	\$108,939,000
	Naval Station, Everett .....	\$3,810,000
	Naval Magazine, Indian Island .....	\$13,130,000
	Spokane .....	\$12,707,000
West Virginia .....	Naval Security Group, Sugar Grove .....	\$10,990,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

Country	Installation or Location	Amount
Bahrain .....	Southwest Asia .....	\$41,526,000
Djibouti .....	Camp Lemonier .....	\$41,845,000
Guam .....	Naval Activities, Guam .....	\$575,006,000
Spain .....	Naval Station, Rota .....	\$26,278,000



**SEC. 2202. FAMILY HOUSING.**

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

**Navy: Family Housing**

Location	Installation or Location	Units	Amount
Korea .....	Pusan .....	Welcome center/ warehouse .....	\$4,376,000
Mariana Islands .....	Naval Activities, Guam .....	30 .....	\$20,730,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$2,771,000.

**SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$118,692,000.

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$4,284,112,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$2,746,704,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$233,445,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$12,483,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$179,652,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$146,569,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$368,540,000.

(6) For the construction of increment 6 of a limited area production and storage complex at Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2106), \$87,292,000.

(7) For the construction of increment 2 of enclave fencing at Naval Submarine Base, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3490), as amended by section 2205 of this Act, \$67,419,000.

(8) For the construction of increment 2 of a replacement maintenance pier at Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 510), \$69,064,000.

(9) For the construction of increment 3 of a submarine drive-in magazine silencing facility at Naval Base Pearl Harbor, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 510), \$8,645,000.

(10) For the construction of the first increment of a ship repair pier replacement at Norfolk Naval Shipyard, Virginia, authorized by section 2201(a), \$126,969,000.

(11) For the construction of the first increment of a wharves improvement, Apra Harbor, Guam, authorized by section 2201(b), \$127,033,000.

(12) For the construction of the first increment of north ramp utilities, Andersen Air Force Base, Guam, authorized by section 2201(b), \$21,500,000.

(13) For the construction of the first increment of north ramp parking, Andersen Air Force Base, Guam, authorized by section 2201(b), \$88,797,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) \$100,000,000 (the balance of the amount authorized under section 2201(a) for Ship Repair Pier Replacement at the Norfolk Naval Shipyard, Virginia).

(3) \$40,000,000 (the balance of the amount authorized under section 2201(b) for wharves improvements, Apra Harbor, Guam).

(4) \$41,520,000 (the balance of the amount authorized under section 2201(a) for Enclave Fencing/Parking at Bremerton, Washington).

(5) \$94,100,000 (the balance of the amount authorized under section 2201(b) for north ramp parking at Andersen Air Force Base, Guam).

(6) \$79,780,000 (the balance of the amount authorized under section 2201(b) for north ramp utilities at Andersen Air Force Base, Guam).

**SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.**

(a) **MODIFICATION.**—The table in section 2201(a) of the Military Construction Authoriza-

tion Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3490) is amended in the item relating to Naval Submarine Base, Bangor, Washington, by striking “\$60,160,000” and inserting “\$127,163,000”.

(b) **CONFORMING AMENDMENT.**—Section 2204(b) of that Act (119 Stat. 3492) is amended by adding at the end the following new paragraph:

“(11) \$67,003,000 (the balance of the amount authorized under section 2201(a) for construction of a waterfront security enclave at Naval Submarine Base, Bangor, Washington).”.

(c) **EXTENSION.**—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3501), the authorization relating to enclave fencing/parking at Naval Submarine Base, Bangor, Washington (formerly referred to as a project at Naval Submarine Base, Bangor, Washington), as provided in section 2201 of that Act, shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

**TITLE XXIII—AIR FORCE**

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Termination of authority to carry out certain fiscal year 2009 Air Force project.

Sec. 2306. Extension of authorizations of certain fiscal year 2007 projects.

Sec. 2307. Extension of authorizations of certain fiscal year 2006 projects.

Sec. 2308. Conveyance to Indian tribes of certain housing units.

**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

State	Installation or Location	Amount
Alaska .....	Clear Air Force Station .....	\$24,300,000
.....	Eielson Air Force Base .....	\$13,350,000
.....	Elmendorf Air Force Base .....	\$15,700,000
Arizona .....	Davis-Monthan Air Force Base .....	\$41,900,000
Arkansas .....	Little Rock Air Force Base .....	\$16,200,000
California .....	Los Angeles Air Force Base .....	\$8,000,000
.....	Travis Air Force Base .....	\$12,900,000
.....	Vandenberg Air Force Base .....	\$13,000,000
Colorado .....	Peterson Air Force Base .....	\$32,300,000

*Air Force: Inside the United States—Continued*

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
Delaware .....	United States Air Force Academy .....	\$17,500,000
Florida .....	Dover Air Force Base .....	\$24,900,000
Florida .....	Eglin Air Force Base .....	\$84,360,000
Florida .....	Hurlburt Field .....	\$19,900,000
Florida .....	MacDill Air Force Base .....	\$59,300,000
Georgia .....	Patrick Air Force Base .....	\$8,400,000
Georgia .....	Moody Air Force Base .....	\$10,000,000
Hawaii .....	Warner Robins Air Force Base .....	\$6,200,000
Hawaii .....	Hickam Air Force Base .....	\$4,000,000
Hawaii .....	Wheeler Air Force Base .....	\$15,000,000
Idaho .....	Mountain Home Air Force Base .....	\$20,000,000
Illinois .....	Scott Air Force Base .....	\$7,400,000
Louisiana .....	Barksdale Air Force Base .....	\$12,800,000
Maryland .....	Andrews Air Force Base .....	\$9,300,000
Mississippi .....	Columbus Air Force Base .....	\$9,800,000
Missouri .....	Whiteman Air Force Base .....	\$12,900,000
Montana .....	Malstrom Air Force Base .....	\$10,600,000
Nebraska .....	Offutt Air Force Base .....	\$10,400,000
Nevada .....	Creech Air Force Base .....	\$2,700,000
New Jersey .....	McGuire Air Force Base .....	\$7,900,000
New Mexico .....	Cannon Air Force Base .....	\$15,000,000
New Mexico .....	Holloman Air Force Base .....	\$53,400,000
New Mexico .....	Kirtland Air Force Base .....	\$22,500,000
North Carolina .....	Pope Air Force Base .....	\$9,000,000
North Carolina .....	Seymour Johnson Air Force Base .....	\$6,900,000
North Dakota .....	Grand Forks Air Force Base .....	\$12,000,000
Ohio .....	Minot Air Force Base .....	\$11,500,000
Oklahoma .....	Wright-Patterson Air Force Base .....	\$58,600,000
Oklahoma .....	Altus Air Force Base .....	\$20,300,000
Oklahoma .....	Tinker Air Force Base .....	\$18,237,000
Oklahoma .....	Vance Air Force Base .....	\$10,700,000
South Carolina .....	Shaw Air Force Base .....	\$21,183,000
South Dakota .....	Ellsworth Air Force Base .....	\$14,500,000
Texas .....	Dyess Air Force Base .....	\$4,500,000
Texas .....	Goodfellow Air Force Base .....	\$44,400,000
Texas .....	Lackland Air Force Base .....	\$113,879,000
Texas .....	Sheppard Air Force Base .....	\$13,450,000
Utah .....	Hill Air Force Base .....	\$26,153,000
Virginia .....	Langley Air Force Base .....	\$10,000,000
Washington .....	Fairchild Air Force Base .....	\$15,150,000
Wyoming .....	F. E. Warren Air Force Base .....	\$9,100,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

*Air Force: Outside the United States*

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
Afghanistan .....	Bagram Air Base .....	\$22,000,000
Colombia .....	Palanquero Air Base .....	\$46,000,000
Germany .....	Ramstein Air Base .....	\$34,700,000
Germany .....	Spangdahlem Air Base .....	\$23,500,000
Guam .....	Andersen Air Force Base .....	\$61,702,000
Italy .....	Naval Air Station Sigonella .....	\$31,300,000
Qatar .....	Al Udeid Air Base .....	\$60,000,000
Turkey .....	Incirlik Air Base .....	\$9,200,000

**SEC. 2302. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,314,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$61,737,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$1,984,963,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$1,003,962,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$288,402,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$103,562,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$66,101,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$502,936,000.

**SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 AIR FORCE PROJECT.**

(a) *TERMINATION.*—The table in section 2301(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4682) is amended in the item relating to Unspecified Worldwide Locations by striking “\$38,391,000” in the amount column and inserting “\$891,000”.

(b) *CONFORMING AMENDMENTS.*—Section 2304 of that Act (122 Stat. 4683) is amended—

(1) in the matter preceding paragraph (1), by striking “\$2,108,090,000” and inserting “\$2,070,590,000”; and

(2) in paragraph (3), by striking “\$38,391,000” and inserting “\$891,000”.

**SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.**

(a) *EXTENSION.*—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in sec-

tions 2301 and 2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) *TABLE.*—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 2007 Project Authorizations**

State/Country	Installation or Location	Project	Amount
Delaware .....	Dover Air Force Base .....	C-17 Aircrew Life Support .....	\$7,400,000
Idaho .....	Mountain Home Air Force Base .....	Replace Family Housing (457 units) .....	\$107,800,000

**SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.**

(a) *EXTENSION.*—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law

109–163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act (119 Stat. 3495) and extended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4684),

shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) *TABLE.*—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 2006 Project Authorizations**

State	Installation or Location	Project	Amount
Alaska .....	Eielson Air Force Base .....	Replace Family Housing (92 units) .....	\$37,650,000
North Dakota .....	Eielson Air Force Base .....	Purchase Build/Lease Housing (300 units) ...	\$18,144,000
	Grand Forks Air Force Base .....	Replace Family Housing (150 units) .....	\$43,353,000

**SEC. 2308. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.**

(a) *DEFINITIONS.*—In this section:

(1) *EXECUTIVE DIRECTOR.*—The term “Executive Director” means the Executive Director of Walking Shield, Inc.

(2) *INDIAN TRIBE.*—The term “Indian tribe” means any Indian tribe included on the list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(b) *REQUESTS FOR CONVEYANCE.*—

(1) *IN GENERAL.*—The Executive Director may submit to the Secretary of the Air Force, on behalf of any Indian tribe located in the State of Idaho, Nevada, North Dakota, Oregon, South Dakota, Montana, or Minnesota, a request for conveyance of any relocatable military housing unit located at Grand Forks Air Force Base, Minot Air Force Base, Malmstrom Air Force Base, Ellsworth Air Force Base, or Mountain Home Air Force Base.

(2) *CONFLICTS.*—The Executive Director shall resolve any conflict among requests of Indian tribes for housing units described in paragraph

(1) before submitting a request to the Secretary of the Air Force under this subsection.

(c) *CONVEYANCE BY SECRETARY.*—Notwithstanding any other provision of law, on receipt of a request under subsection (b)(1), the Secretary of the Air Force may convey to the Indian tribe that is the subject of the request, at no cost to the Air Force and without consideration, any relocatable military housing unit described in subsection (b)(1) that, as determined by the Secretary, is in excess of the needs of the military.

**TITLE XXIV—DEFENSE AGENCIES**

**Subtitle A—Defense Agency Authorizations**

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Family Housing.

Sec. 2403. Energy conservation projects.

Sec. 2404. Authorization of appropriations, Defense Agencies.

Sec. 2405. Termination or modification of authority to carry out certain fiscal year 2009 projects.

Sec. 2406. Modification of authority to carry out certain fiscal year 2008 project.

Sec. 2407. Extension of authorizations of certain fiscal year 2007 project.

**Subtitle B—Chemical Demilitarization Authorizations**

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.

**Subtitle A—Defense Agency Authorizations**

**SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

**Defense Education Activity**

State	Installation or Location	Amount
Georgia .....	Fort Benning .....	\$2,330,000
	Fort Stewart/Hunter Army Air Field .....	\$22,501,000
North Carolina .....	Fort Bragg .....	\$3,439,000

**Defense Information Systems Agency**

State	Installation or Location	Amount
Hawaii .....	Naval Station Pearl Harbor, Ford Island .....	\$9,633,000

**Defense Logistics Agency**

State	Installation or Location	Amount
California .....	El Centro .....	\$11,000,000
	Travis Air Force Base .....	\$15,357,000
Florida .....	Jacksonville International Airport (Air National Guard) .....	\$11,500,000
Minnesota .....	Duluth International Airport (Air National Guard) .....	\$15,000,000
Oklahoma .....	Altus Air Force Base .....	\$2,700,000
Texas .....	Fort Hood .....	\$3,000,000
Washington .....	Fairchild Air Force Base .....	\$7,500,000

*Missile Defense Agency*

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
Alabama .....	Redstone Arsenal .....	\$12,000,000
Virginia .....	Naval Support Facility, Dahlgren .....	\$24,500,000

*National Security Agency*

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
Maryland .....	Fort Meade .....	\$203,800,000

*Special Operations Command*

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
California .....	Naval Amphibious Base, Coronado .....	\$15,722,000
Colorado .....	Fort Carson .....	\$48,246,000
Florida .....	Eglin Air Force Base .....	\$3,046,000
	Hurlburt Field .....	\$8,156,000
Georgia .....	Fort Benning .....	\$3,046,000
Kentucky .....	Fort Campbell .....	\$39,135,000
New Mexico .....	Cannon Air Force Base .....	\$58,864,000
North Carolina .....	Fort Bragg .....	\$101,488,000
	Marine Corps Base, Camp Lejeune .....	\$11,791,000
Virginia .....	Naval Amphibious Base, Little Creek .....	\$18,669,000
Washington .....	Fort Lewis .....	\$14,500,000

*TRICARE Management Activity*

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
Alaska .....	Elmendorf Air Force Base .....	\$25,017,000
	Fort Richardson .....	\$3,518,000
Colorado .....	Fort Carson .....	\$31,900,000
Georgia .....	Fort Benning .....	\$17,200,000
	Fort Stewart/Hunter Army Field .....	\$22,200,000
Kentucky .....	Fort Campbell .....	\$8,600,000
Maryland .....	Fort Detrick .....	\$29,807,000
Missouri .....	Fort Leonard Wood .....	\$5,570,000
North Carolina .....	Fort Bragg .....	\$57,658,000
Oklahoma .....	Fort Sill .....	\$10,554,000
Texas .....	Lackland Air Force Base .....	\$101,928,000
	Fort Bliss .....	\$990,600,000
Washington .....	Fort Lewis .....	\$15,636,000

*Washington Headquarters Services*

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
Virginia .....	Pentagon Reservation .....	\$27,672,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

*Defense Education Activity*

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
Belgium .....	Brussels .....	\$38,124,000
Germany .....	Boeblingen .....	\$50,000,000
	Kaiserslautern .....	\$93,545,000
	Wiesbaden Air Base .....	\$5,379,000
United Kingdom .....	Royal Air Force Lakenheath .....	\$4,509,000

*Defense Intelligence Agency*

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
Korea .....	K-16 Airfield .....	\$5,050,000

*Defense Logistics Agency*

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
Cuba .....	Naval Air Station, Guantanamo Bay .....	\$12,500,000
Greece .....	Souda Bay .....	\$24,000,000
Guam .....	Naval Air Station, Agana .....	\$4,900,000
Korea .....	Osan Air Base .....	\$28,000,000
United Kingdom .....	Royal Air Force Mildenhall .....	\$4,700,000

**National Security Agency**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
United Kingdom .....	Royal Air Force Menwith Hill Station .....	\$37,588,000

**North Atlantic Treaty Organization**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Belgium .....	NATO Headquarters .....	\$41,400,000

**TRICARE Management Activity**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Guam .....	Naval Activities, Guam .....	\$446,450,000
United Kingdom .....	Royal Air Force Alconbury .....	\$14,227,000

**SEC. 2402. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(7), the Secretary of Defense may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

**Defense Logistics Agency: Family Housing**

<b>State</b>	<b>Location</b>	<b>Units</b>	<b>Amount</b>
Pennsylvania .....	Cumberland Depot .....	6 .....	\$2,859,000

**SEC. 2403. ENERGY CONSERVATION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of \$123,013,000.

**SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

(a) *IN GENERAL.*—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$3,177,496,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$1,048,783,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$188,762,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, \$33,025,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$121,442,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, \$123,013,000.

(7) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$49,214,000.

(B) For construction and acquisition of military family housing and facilities, \$2,859,000.

(C) For credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), \$302,600,000.

(8) For the construction of increment 4 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2457), \$108,000,000.

(9) For the construction of increment 2 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 521), as amended by section 2406 of this Act, \$92,300,000.

(10) For the construction of increment 3 of a special operations facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 521), \$15,967,000.

(11) For the construction of increment 2 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110-417 122 Stat. 4689), \$111,400,000.

(12) For the construction of fuel storage tanks and pipeline replacement at Souda Bay, Greece, authorized by section 2401(b) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4691), as amended by section 2405 of this Act, \$24,000,000.

(13) For the construction of increment 2 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1888), \$600,000,000.

(14) For the construction of the first increment of a hospital at Fort Bliss, Texas, authorized by section 2401(a), \$86,975,000.

(15) For the construction of the first increment of a hospital at Naval Activities, Guam, authorized by section 2401(b), \$259,156,000.

(b) *LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.*—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) \$187,294,000 (the balance of the amount authorized by section 2401(b) for the hospital replacement, Guam).

(3) \$820,000,000 (the balance of the amount authorized in the Supplemental Appropriations Act, 2009 (Public Law 111-32) for the Utah Data Center, Camp Williams, Utah).

(4) \$879,025,000 (the balance of the amount authorized by section 2401(a) for the hospital replacement phase I, Fort Bliss, Texas).

(5) \$290,000,000 (the balance of the amount authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4689) for the USAMRIID replacement facility at Aberdeen Proving Ground, Maryland).

(6) \$47,000,000 (the balance of the amount authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 521), as modified by section 2406(a) of this Act, for the replacement of fuel storage facilities at Point Loma Annex, California).

(c) *AVAILABILITY OF FUNDS FOR ENERGY CONSERVATION PROJECTS OF RESERVE COMPONENTS.*—Of the amount authorized to be appropriated by subsection (a)(6) for energy conservation projects under chapter 173 of title 10, United States Code, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that is not less than an amount that bears the same proportion to the total amount authorized to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of such title) during fiscal year 2009 bears to the total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

**SEC. 2405. TERMINATION OR MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECTS.**

(a) *TERMINATION.*—Section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4690) is amended by striking the table relating to the Missile Defense Command.

(b) *MODIFICATION.*—The table relating to the Defense Logistics Agency in such section is amended in the item relating to Souda Bay, Greece, by striking “\$8,000,000” in the amount column and inserting “\$32,000,000”.

(c) *CONFORMING AMENDMENTS.*—Section 2403 of that Act (122 Stat. 4692) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “\$1,639,050,000” and inserting “\$1,487,890,000”;

(B) in paragraph (2), by striking “\$246,360,000” and inserting “\$87,200,000”; and

(C) by adding at the end the following new paragraph:

“(11) For construction of the first increment of fuel storage tanks and pipeline replacement at Souda Bay, Greece, \$8,000,000.”; and

(2) in subsection (b), by striking paragraphs (3) and (4) and inserting the following new paragraph:

“(3) \$24,000,000 (the balance of the amount authorized for the Defense Logistics Agency

under section 2401(b) for fuel storage tanks and pipeline replacement at Souda Bay, Greece).”.

**SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.**

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521) is amended in the item relating to Point Loma Annex, California, by striking “\$140,000,000” in the amount column and inserting “\$195,000,000”.

(b) CONFORMING AMENDMENT.—Section 2403(b)(2) of that Act (122 Stat. 524) is amended

by striking “\$84,300,000” and inserting “\$139,300,000”.

**SEC. 2407. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Defense Logistics Agency: Family Housing**

State	Location	Units	Amount
Virginia .....	Defense Supply Center, Richmond .....	Whole House Renovation ....	\$484,000

**Subtitle B—Chemical Demilitarization Authorizations**

**SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction and land acquisition for chemical demilitarization in the total amount of \$151,541,000 as follows:

(1) For the construction of phase 11 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), \$92,500,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization

Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), \$59,041,000.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

**SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of \$197,414,000.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Sec. 2607. Extension of authorizations of certain fiscal year 2007 projects.

Sec. 2608. Extension of authorizations of certain fiscal year 2006 project.

**SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Army National Guard: Inside the United States**

State	Location	Amount
Alabama .....	Fort McClellan .....	\$3,000,000
Arizona .....	Camp Navajo .....	\$3,000,000
California .....	Los Alamitos Joint Forces Training Base .....	\$31,000,000
Georgia .....	Fort Benning .....	\$15,500,000
	Hunter Army Air Field .....	\$8,967,000
Idaho .....	Gowen Field .....	\$16,100,000
Illinois .....	Milan .....	\$5,600,000
Indiana .....	Muscatatuck Urban Training Center .....	\$10,100,000
Iowa .....	Camp Dodge .....	\$4,000,000
Kansas .....	Salina Army National Guard Aviation Facility .....	\$2,227,000
Massachusetts .....	Hanscom Air Force Base .....	\$29,000,000
Michigan .....	Fort Custer .....	\$7,732,000
Minnesota .....	Arden Hills Army Training Site .....	\$6,700,000
	Camp Ripley .....	\$1,710,000
Mississippi .....	Camp Shelby .....	\$16,100,000
	Monticello .....	\$14,350,000
Missouri .....	Boonville .....	\$1,800,000
Nebraska .....	Lincoln Municipal Airport .....	\$23,000,000
Nevada .....	Carson City .....	\$2,000,000
	North Las Vegas .....	\$26,000,000
New Mexico .....	Santa Fe .....	\$39,000,000



*Army National Guard: Inside the United States—Continued*

<i>State</i>	<i>Location</i>	<i>Amount</i>
North Carolina .....	East Flat Rock .....	\$2,516,000
	Fort Bragg .....	\$6,038,000
Oregon .....	Clatsop County .....	\$3,369,000
	Polk County .....	\$12,100,000
South Carolina .....	Eastover .....	\$26,000,000
	Greenville .....	\$40,000,000
South Dakota .....	Camp Rapid .....	\$9,840,000
Texas .....	Austin .....	\$22,200,000
Vermont .....	Ethan Allen Firing Range .....	\$1,996,000
Virginia .....	Fort Pickett .....	\$32,000,000
West Virginia .....	St. Albans Armory .....	\$2,000,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

*Army National Guard: Outside the United States*

<i>Country</i>	<i>Location</i>	<i>Amount</i>
Guam .....	Barrigada .....	\$30,000,000
Virgin Islands .....	St. Croix .....	\$20,000,000

(c) *UNSPECIFIED WORLDWIDE.*—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

*Army National Guard*

<i>Location</i>	<i>Location or Installation</i>	<i>Amount</i>
Worldwide Unspecified .....	Unspecified Worldwide Locations .....	\$30,000,000

**SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

*Army Reserve: Inside the United States*

<i>State</i>	<i>Location</i>	<i>Amount</i>
California .....	Camp Pendleton .....	\$19,500,000
	Los Angeles .....	\$29,000,000
Colorado .....	Colorado Springs .....	\$13,000,000
Connecticut .....	Bridgeport .....	\$18,500,000
Florida .....	Panama City .....	\$7,300,000
	West Palm Beach .....	\$26,000,000
Georgia .....	Atlanta .....	\$14,000,000
Illinois .....	Chicago .....	\$23,000,000
Minnesota .....	Fort Snelling .....	\$12,000,000
New York .....	Rochester .....	\$13,600,000
Ohio .....	Cincinnati .....	\$13,000,000
Pennsylvania .....	Ashley .....	\$9,800,000
	Harrisburg .....	\$7,600,000
	Newton Square .....	\$20,000,000
	Uniontown .....	\$11,800,000
Texas .....	Austin .....	\$20,000,000
	Bryan .....	\$12,200,000
	Fort Bliss .....	\$9,500,000
	Houston .....	\$24,000,000
	Robstown .....	\$10,200,000
	San Antonio .....	\$20,000,000
Wisconsin .....	Fort McCoy .....	\$28,550,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve location outside the United States, and in the amount, set forth in the following table:

*Army Reserve: Outside the United States*

<i>Country</i>	<i>Location</i>	<i>Amount</i>
Puerto Rico .....	Caguas .....	\$12,400,000

(c) *UNSPECIFIED WORLDWIDE.*—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

**Army Reserve**

<b>Location</b>	<b>Location or Installation</b>	<b>Amount</b>
Worldwide Unspecified .....	Unspecified Worldwide Locations .....	\$30,000,000

**SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

<b>State</b>	<b>Location</b>	<b>Amount</b>
Arizona .....	Luke Air Force Base .....	\$10,986,000
California .....	Alameda .....	\$5,960,000
Illinois .....	Joliet Army Ammunition Plant .....	\$7,957,000
South Carolina .....	Goose Creek .....	\$4,240,000
Texas .....	San Antonio .....	\$2,210,000
Virginia .....	Fort Worth Naval Air Station Joint Reserve Base .....	\$6,170,000
	Oceana Naval Air Station .....	\$30,400,000

(b) *UNSPECIFIED WORLDWIDE.*—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

<b>Location</b>	<b>Location or Installation</b>	<b>Amount</b>
Worldwide Unspecified .....	Unspecified Worldwide Locations .....	\$55,000,000

**SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(4), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

**Air National Guard**

<b>State</b>	<b>Location</b>	<b>Amount</b>
Arizona .....	Davis-Monthan Air Force Base .....	\$5,600,000
California .....	Fresno Yosemite International Airport .....	\$9,800,000
	South California Logistics Airport .....	\$8,400,000
Colorado .....	Buckley Air National Guard Base .....	\$4,500,000
Connecticut .....	Bradley International Airport .....	\$9,000,000
Hawaii .....	Hickam Air Force Base .....	\$33,000,000
Illinois .....	Lincoln Capital Airport .....	\$3,000,000
Iowa .....	Des Moines .....	\$4,600,000
Kansas .....	McConnell Air Force Base .....	\$8,700,000
Maine .....	Bangor International Airport .....	\$28,000,000
Maryland .....	Andrews Air Force Base .....	\$14,000,000
Massachusetts .....	Barnes Air National Guard Base .....	\$8,100,000
	Otis Air National Guard Base .....	\$12,800,000
Michigan .....	Alpena Combat Readiness Training Center .....	\$8,900,000
	Battle Creek Air National Guard Base .....	\$14,000,000
	Selfridge Air National Guard Base .....	\$7,100,000
Minnesota .....	Minnesota/St. Paul International Airport 133rd Airlift Wing Base .....	\$1,900,000
Mississippi .....	Gulfport-Biloxi Regional Airport .....	\$6,500,000
Missouri .....	Rosecrans Memorial Airport .....	\$9,300,000
Nebraska .....	Lincoln Municipal Airport .....	\$1,500,000
Nevada .....	Reno .....	\$10,800,000
New Hampshire .....	Pease Air National Guard Base .....	\$10,000,000
New Jersey .....	McGuire Air Force Base .....	\$9,700,000
New York .....	Wheeler Sack Army Airfield .....	\$2,700,000
Ohio .....	Mansfield Lahm Airport .....	\$11,400,000
Oklahoma .....	Will Rogers World Airport .....	\$7,300,000
South Carolina .....	McEntire Joint Air National Guard Base .....	\$1,300,000
South Dakota .....	Joe Foss Field .....	\$2,600,000
Tennessee .....	Memphis, 164th Airlift Wing .....	\$9,800,000
Texas .....	Kelly Field Annex .....	\$7,900,000
Vermont .....	Burlington International Airport .....	\$6,000,000
West Virginia .....	Martinsburg .....	\$19,500,000
Wisconsin .....	General Mitchell International Airport .....	\$5,000,000
Wyoming .....	Cheyenne Airport .....	\$1,500,000

(b) *UNSPECIFIED WORLDWIDE.*—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(4), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air National Guard

Location	Location or Installation	Amount
Worldwide Unspecified .....	Unspecified Worldwide Locations .....	\$30,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(5), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California .....	March Air Reserve Base .....	\$9,800,000
Colorado .....	Schriever Air Force Base .....	\$10,200,000
Mississippi .....	Keesler Air Force Base .....	\$9,800,000
New York .....	Niagara Falls Air Reserve Station .....	\$5,700,000
Pennsylvania .....	Pittsburgh Air Force Base .....	\$12,400,000
Texas .....	Lackland Air Force Base .....	\$1,500,000
Utah .....	Hill Air Force Base .....	\$3,200,000

(b) *UNSPECIFIED WORLDWIDE.*—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(5), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force Reserve

Location	Location or Installation	Amount
Worldwide Unspecified .....	Unspecified Worldwide Locations .....	\$55,000,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

(a) *IN GENERAL.*—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, for the Army National Guard of the United States, \$582,056,000.

(2) For the Department of the Army, for the Army Reserve, \$431,566,000.

(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, \$125,874,000.

(4) For the Department of the Air Force, for the Air National Guard of the United States, \$364,226,000.

(5) For the Department of the Air Force, for the Air Force Reserve, \$112,269,000.

(b) *LIMITATION ON IMPLEMENTATION OF PROJECTS AT CERTAIN UNSPECIFIED WORLDWIDE LOCATIONS.*—The Secretary of the military department concerned may not enter into an award of a project at an unspecified worldwide location authorized under section 2601(c), 2602(c), 2603(b), 2604(b), or 2605(b) until the Secretary submits to the congressional defense committees a report that includes the following:

(1) Within the amounts authorized to be appropriated under the applicable paragraph of subsection (a), a list of the proposed projects.

(2) A Military Construction Data Sheet for each project.

(3) A certification that the projects can be awarded in the year for which the appropriation of funds is made.

(4) A certification that the projects are listed in the current Future Years Defense Program for the reserve component involved.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) *EXTENSION.*—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) *TABLE.*—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
California .....	Fresno .....	AVCRAD Add/Alt, PH I .....	\$30,000,000
New Jersey .....	Lakehurst .....	Consolidated Logistics Training Facility, PH II.	\$20,024,000

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) *EXTENSION.*—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law

109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act (119 Stat. 3501) and extended by section 2608 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat.

4710), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) *TABLE.*—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorization

State	Installation or Location	Project	Amount
Montana .....	Townsend .....	Automated Qualification Training Range	\$2,532,000

**TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES****Subtitle A—Authorizations**

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

**Subtitle B—Other Matters**

Sec. 2711. Relocation of certain Army Reserve units in Connecticut.

Sec. 2712. Authority to construct Armed Forces Reserve Center in vicinity of Pease Air National Guard Base, New Hampshire.

Sec. 2713. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.

Sec. 2714. Requirements related to providing world class military medical facilities in the National Capital Region.

Sec. 2715. Use of economic development conveyances to implement base closure and realignment property recommendations.

**Subtitle A—Authorizations****SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of \$496,768,000, as follows:

(1) For the Department of the Army, \$138,723,000.

(2) For the Department of the Navy, \$228,000,000.

(3) For the Department of the Air Force, \$127,364,000.

(4) For the Defense Agencies, \$2,681,000.

**SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of \$5,934,740,000.

**SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of \$7,455,498,000, as follows:

(1) For the Department of the Army, \$4,057,037,000.

(2) For the Department of the Navy, \$591,572,000.

(3) For the Department of the Air Force, \$418,260,000.

(4) For the Defense Agencies, \$2,388,629,000.

**Subtitle B—Other Matters****SEC. 2711. RELOCATION OF CERTAIN ARMY RESERVE UNITS IN CONNECTICUT.**

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 for the purpose of constructing an Army Reserve Center and Maintenance Facility in the vicinity of Newtown, Connecticut, at a location determined by the Secretary to be in the best interest of national security and in the public interest.

**SEC. 2712. AUTHORITY TO CONSTRUCT ARMED FORCES RESERVE CENTER IN VICINITY OF PEASE AIR NATIONAL GUARD BASE, NEW HAMPSHIRE.**

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4715) for the purpose of constructing an Armed Forces Reserve Center at Pease Air National Guard Base, New Hampshire, to construct instead an Armed Forces Reserve Center in the vicinity of Pease Air National Guard Base at a location determined by the Secretary to be in the best interest of national security and in the public interest.

**SEC. 2713. SENSE OF CONGRESS ON ENSURING JOINT BASING RECOMMENDATIONS DO NOT ADVERSELY AFFECT OPERATIONAL READINESS.**

It is the sense of Congress that, in implementing the joint basing recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), the Secretary of Defense should ensure that the joint basing of military installations at any of the recommended locations does not adversely impact—

(1) the ability of commanders, and the units of the Armed Forces under their command, to perform their operational missions;

(2) the command and control of commanders at each military installation that has an operational mission requirement; and

(3) the readiness of the units of the Armed Forces under their command.

**SEC. 2714. REQUIREMENTS RELATED TO PROVIDING WORLD CLASS MILITARY MEDICAL FACILITIES IN THE NATIONAL CAPITAL REGION.**

(a) MASTER PLAN REQUIRED.—Not later than March 31, 2010, the Secretary of Defense shall develop and implement a comprehensive master plan to provide sufficient world class military

medical facilities and an integrated system of health care delivery for the National Capital Region that—

(1) addresses—

(A) the unique needs of members of the Armed Forces and retired members of the Armed Forces and their families;

(B) the care, management, and transition of seriously ill and injured members of the Armed Forces and their families;

(C) the missions of the branch or branches of the Armed Forces served; and

(D) performance expectations for the future integrated health care delivery system, including—

(i) information management and information technology support; and

(ii) expansion of support services;

(2) delineates the process for the development of budgets, prioritization of requirements, and the allocation of funds;

(3) delineates budget and operational authority to provide and operate world class military medical facilities in the National Capital Region;

(4) incorporates all ancillary and support facilities at the National Naval Medical Center, Bethesda, Maryland, including education and research facilities as well as centers of excellence, transportation, and parking structures required to provide a full range of adequate care and services for members of the Armed Forces and their families;

(5) incorporates a facilities needs assessment, including an assessment of standards for patient rooms, and provides a program to meet the facility requirements;

(6) specifies the personnel authorizations and personnel systems required to provide and operate a world class military medical facility;

(7) can be used as a basis to develop similar master plans for other military medical facilities of the Department of Defense; and

(8) includes a community development plan that incorporates multiple options to alleviate traffic congestion related to the expansion of the National Naval Medical Center and Fort Belvoir Community Hospital, including a review of options—

(A) to expand adjacent highways;

(B) improvements to nearby intersections;

(C) on-facility site queuing; and

(D) multimodal expansion that could include expanded support for buses and subways.

(b) SUBMISSION OF MASTER PLAN AND RELATED MATERIALS.—Not later than March 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the master plan developed under subsection (a);

(2) the certification of the Secretary that the requirements specified in paragraphs (1), (2), and (3) of section 1650(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 475) remain satisfied and accurate;

(3) the certification of the Secretary that the master plan ensures that each facility covered by the plan meets or exceeds applicable Joint Commission hospital design standards; and

(4) an assessment of the risks and benefits to patient care associated with completing the realignment of Walter Reed National Military Medical Center by the statutory deadline imposed for implementation of the recommendations contained in the report of the Defense Base Closure and Realignment Commission transmitted to Congress on September 15, 2005.

(c) SUBMISSION OF MILESTONE SCHEDULE AND COST ESTIMATES.—Not later than June 30, 2010, the Secretary of Defense shall submit to the congressional defense committees a report describing—

(1) the schedule for completion of requirements identified in the master plan developed under subsection (a); and

(2) updated cost estimates to provide world class military medical facilities for the National Capital Region.

(d) **SENSE OF CONGRESS REGARDING TRAFFIC MITIGATION IN VICINITY OF NATIONAL NAVAL MEDICAL CENTER.**—Given the anticipated significant increases in local traffic in the vicinity of the National Naval Medical Center, and the unusual impact that such traffic increases will have on the surrounding community due to the planned expansion of the installation, it is the sense of Congress that—

(1) multiple methods are available to the Department of Defense to implement the defense access roads program (section 210 of title 23, United States Code) to help alleviate traffic congestion, including expansion of adjacent highways, improvements to nearby intersections, on-base queuing options, and multi-modal expansion, including expanded support of buses and subways and other measures; and

(2) all of the efforts to alleviate the significant traffic impact need to be pursued to ensure readily available access to health care at the installation.

(e) **DEFINITIONS.**—In this section:

(1) **NATIONAL CAPITAL REGION.**—The term “National Capital Region” has the meaning given the term in section 2674(f) of title 10, United States Code.

(2) **WORLD CLASS MILITARY MEDICAL FACILITY.**—The term “world class military medical facility” has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report entitled “Achieving World Class – An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital”, published in May, 2009.

**SEC. 2715. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.**

(a) **ECONOMIC REDEVELOPMENT CONVEYANCE AUTHORITY.**—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (B), by striking the matter preceding clause (i) of such subparagraph and inserting the following:

“(B) The transfer of property located at a military installation under subparagraph (A) may be for consideration at or below the estimated fair market value or without consideration. The determination of such consideration may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary may accept, as consideration, a share of the revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property, consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The transfer of property located at a military installation under subparagraph (A) may be made for consideration below the estimated fair market value or without consideration only if the redevelopment authority with respect to the installation—”; and

(2) in subparagraph (C), by striking “subparagraph (B)” and inserting “subparagraph (B)(i)”.

(b) **REPORT CONCERNING PROPERTY CONVEYANCES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of current and anticipated

economic development conveyances involving surplus real and personal property at closed or realigned military installations, projected job creation as a result of the conveyances, community reinvestment, and the progress made as a result of the implementation of the amendments made by subsection (a).

**TITLE XXVIII—MILITARY CONSTRUCTION  
GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and  
Military Family Housing Changes**

Sec. 2801. Modification of unspecified minor construction authorities.

Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.

Sec. 2803. Modification of authority for scope of work variations.

Sec. 2804. Modification of conveyance authority at military installations.

Sec. 2805. Imposition of requirement that acquisition of reserve component facilities be authorized by law.

Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.

Sec. 2807. Expansion of First Sergeants Barracks Initiative.

Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.

Sec. 2809. Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.

**Subtitle B—Real Property and Facilities  
Administration**

Sec. 2821. Modification of utility systems conveyance authority.

Sec. 2822. Report on global defense posture realignment and interagency review.

Sec. 2823. Property and facilities management of the Armed Forces Retirement Home.

Sec. 2824. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.

Sec. 2825. Selection of military installations to serve as locations of brigade combat teams.

Sec. 2826. Report on Federal assistance to support communities adversely impacted by expansion of military installations.

**Subtitle C—Provisions Related to Guam  
Realignment**

Sec. 2831. Role of Department of Defense in management and coordination of Defense activities relating to Guam realignment.

Sec. 2832. Clarifications regarding use of special purpose entities to assist with Guam realignment.

Sec. 2833. Workforce issues related to military construction and certain other transactions on Guam.

Sec. 2834. Composition of workforce for construction projects funded through the Support for United States Relocation to Guam Account.

Sec. 2835. Interagency Coordination Group of Inspectors General for Guam Realignment.

Sec. 2836. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Futenma, Okinawa.

Sec. 2837. Report and sense of Congress on Marine Corps requirements in Asia-Pacific region.

**Subtitle D—Energy Security**

Sec. 2841. Adoption of unified energy monitoring and utility control system specification for military construction and military family housing activities.

Sec. 2842. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.

Sec. 2843. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.

Sec. 2844. Department of Defense use of electric and hybrid motor vehicles.

Sec. 2845. Study on development of nuclear power plants on military installations.

Sec. 2846. Comptroller General report on Department of Defense renewable energy initiatives, including solar initiatives, on military installations.

**Subtitle E—Land Conveyances**

Sec. 2851. Land conveyance, Haines Tank Farm, Haines, Alaska.

Sec. 2852. Release of reversionary interest, Camp Joseph T. Robinson, Arkansas.

Sec. 2853. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.

Sec. 2854. Land conveyance, Ferndale housing at Centerville Beach Naval Facility to City of Ferndale, California.

Sec. 2855. Land conveyances, Naval Air Station, Barbers Point, Hawaii.

Sec. 2856. Land conveyances of certain parcels in the Camp Catlin and Ohana Nui areas, Pearl Harbor, Hawaii.

Sec. 2857. Modification of land conveyance, former Griffiss Air Force Base, New York.

Sec. 2858. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.

Sec. 2859. Land conveyance, Ellsworth Air Force Base, South Dakota.

Sec. 2860. Land conveyance, Lackland Air Force Base, Texas.

Sec. 2861. Land Conveyance, Naval Air Station Oceana, Virginia.

Sec. 2862. Completion of land exchange and consolidation, Fort Lewis, Washington.

Sec. 2863. Land conveyance, F.E. Warren Air Force Base, Cheyenne, Wyoming.

**Subtitle F—Other Matters**

Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.

Sec. 2872. National D-Day Memorial study.

Sec. 2873. Conditions on establishment of Cooperative Security Location in Palanquero, Colombia.

Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.

**Subtitle A—Military Construction Program  
and Military Family Housing Changes**

**SEC. 2801. MODIFICATION OF UNSPECIFIED  
MINOR CONSTRUCTION AUTHORITIES.**

(a) **REPEAL OF LIMITATIONS ON EXERCISE-RELATED PROJECTS OVERSEAS.**—

(1) **AUTHORITY TO CARRY OUT PROJECTS.**—Subsection (a) of section 2805 of title 10, United States Code, is amended—

(A) by striking “Except as provided in paragraph (2), within” and inserting “Within”;

(B) by striking paragraph (2); and

(C) by striking “An unspecified” and inserting the following:

“(2) An unspecified”.

(2) **USE OF OPERATION AND MAINTENANCE FUNDS.**—Subsection (c) of such section is amended—

(A) by striking “Except as provided in paragraphs (2) and (3)” and inserting “Except as provided in paragraph (2)”;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) **CONFORMING AMENDMENT.**—Section 2806(c)(1) of such title is amended by striking “section 2805(a)(2)” and inserting “section 2805(a)”.

(b) **LABORATORY REVITALIZATION AUTHORIZED.**—Section 2805(d) of such title is amended—

(1) in paragraph (1)(B), by inserting “or from funds authorized to be made available under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2358 note)” after “authorized by law”;

(2) by striking paragraph (3); and

(3) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(c) **MECHANISMS TO PROVIDE FUNDS FOR LABORATORY REVITALIZATION.**—

(1) **ADDITIONAL PURPOSE.**—Subsection (a)(1) of section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2358 note) is amended by adding at the end the following new subparagraph:

“(D) To fund the revitalization and recapitalization of the laboratory pursuant to section 2805(d) of title 10, United States Code.”.

(2) **MODIFICATION OF REPORTING REQUIREMENTS.**—Subsection (b) of such section is amended—

(A) by striking paragraph (2); and

(B) by striking “AUTHORITY” and all that follows through “Not” and inserting “AUTHORITY.—Not”.

**SEC. 2802. CONGRESSIONAL NOTIFICATION OF FACILITY REPAIR PROJECTS CARRIED OUT USING OPERATION AND MAINTENANCE FUNDS.**

Section 2811(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end; and

(2) by striking paragraph (2) and inserting the following new paragraphs:

“(2) if the current estimate of the cost of the repair project exceeds 75 percent of the estimated cost of a military construction project to replace the facility, an explanation of the reasons why replacement of the facility is not in the best interest of the Government; and

“(3) a description of the elements of military construction, including the elements specified in section 2802(b) of this title, incorporated into the repair project.”.

**SEC. 2803. MODIFICATION OF AUTHORITY FOR SCOPE OF WORK VARIATIONS.**

Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “Except as provided in subsection (c)” and inserting “(1) Except as provided in subsection (c)”;

(B) by striking “may be reduced by not more than 25 percent from the amount approved for that project, construction, improvement, or acquisition by Congress.” and inserting “may be reduced by not more than 25 percent from the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request

for authorization of the project, construction, improvement, or acquisition.”; and

(C) by adding at the end the following new paragraph:

“(2) The scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may not be increased above the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.”; and

(2) in subsection (c), by striking “limitation on scope reduction in subsection (b)” and inserting “limitation on scope reduction in subsection (b)(1)”.

**SEC. 2804. MODIFICATION OF CONVEYANCE AUTHORITY AT MILITARY INSTALLATIONS.**

(a) **LIMITED PURPOSES FOR WHICH REAL PROPERTY MAY BE CONVEYED.**—Section 2869 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “agrees, in exchange for the real property—” and all that follows through “to carry out a military construction project or land acquisition” and inserting “agrees, in exchange for the real property, to carry out a land acquisition”;

(ii) by striking “; or” and inserting a period; and

(iii) by striking subparagraph (B); and

(B) by striking paragraph (3);

(2) in subsection (b), by striking “fair market value of the military construction, military family housing, or military unaccompanied housing” both places it appears and inserting “fair market value of the land”;

(3) by striking subsection (c) and inserting the following new subsection:

“(c) **LIMITATION ON USE OF CONVEYANCE AUTHORITY AT INSTALLATIONS CLOSED UNDER BASE CLOSURE LAWS.**—The authority under subsection (a)(2)(A) to convey property located on a military installation may only be used to the extent the conveyance is consistent with an approved redevelopment plan for such installation.”; and

(4) in subsection (d)(2)(A), by striking “military construction project, land acquisition, military family housing, or military unaccompanied housing” both places it appears and inserting “land acquisition”.

(b) **REQUIREMENT TO DEPOSIT FUNDS IN FOREIGN CURRENCY FLUCTUATIONS, CONSTRUCTION, DEFENSE ACCOUNT.**—Subsection (e) of such section is amended by striking “(1) Except as provided in paragraph (2), the Secretary concerned may deposit funds” and all that follows through “funds deposited under paragraph (2) shall be available” in paragraph (3) and inserting “The Secretary concerned shall deposit funds received under subsection (b) in the appropriation ‘Foreign Currency Fluctuations, Construction, Defense’. The funds deposited shall be available”.

(c) **ELIMINATION OF ANNUAL REPORT REQUIREMENT; SUNSET.**—Subsection (f) of such section is amended to read as follows:

“(f) **SUNSET.**—The authority to enter into an agreement under this section shall expire on September 30, 2013.”.

(d) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of such section is amended to read as follows:

“**§2869. Conveyance of property at military installations to limit encroachment**”.

(2) **TABLE OF SECTIONS.**—The item relating to such section in the table of sections at the beginning of chapter 169 of such title is amended to read as follows:

“2869. Conveyance of property at military installations to limit encroachment.”.

**SEC. 2805. IMPOSITION OF REQUIREMENT THAT ACQUISITION OF RESERVE COMPONENT FACILITIES BE AUTHORIZED BY LAW.**

Section 18233(a)(1) of title 10, United States Code, is amended by striking “as he determines to be necessary” and inserting “as are authorized by law”.

**SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.**

(a) **ONE-YEAR EXTENSION OF AUTHORITY.**—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 112 Stat. 4724), is amended—

(1) in subsection (a), by striking “During fiscal year 2004” and all that follows through “obligate” and inserting “The Secretary of Defense may obligate”; and

(2) by adding at the end the following new subsection:

“(h) **EXPIRATION OF AUTHORITY.**—The authority to obligate funds under this section expires on the later of—

“(1) September 30, 2010; or

“(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011.”.

(b) **GEOGRAPHIC AREA OF AUTHORITY.**—Subsection (a) of such section is further amended by striking “and United States Africa Command areas of responsibility” and inserting “area of responsibility”.

(c) **ANNUAL FUNDING LIMITATION ON USE OF AUTHORITY; EXCEPTION.**—Subsection (e) of such section is amended—

(1) in paragraph (2)—

(A) in the first sentence, by inserting “for fiscal year 2010” after “operation and maintenance”; and

(B) in the second sentence, by striking “fiscal year 2009” and inserting “that fiscal year”; and

(2) by adding at the end the following new paragraph:

“(3) Notwithstanding paragraph (1), the Secretary of Defense may authorize the obligation under this section of not more than an additional \$10,000,000 of appropriated funds available for operation and maintenance for a fiscal year if the Secretary determines that the additional funds are needed for costs associated with contract closeouts. Funds obligated under this paragraph are not subject to the limitation in the second sentence of paragraph (2).”.

(d) **CLERICAL AMENDMENT TO CORRECT REFERENCE TO CONGRESSIONAL COMMITTEE.**—Subsection (f) of such section is amended by striking “Subcommittees on Defense and Military Construction” both places it appears and inserting “Subcommittee on Defense and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies”.

**SEC. 2807. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.**

(a) **EXPANSION OF INITIATIVE.**—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) **PROGRESS REPORTS.**—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to the congressional defense committees a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations.



**SEC. 2808. REPORTS ON PRIVATIZATION INITIATIVES FOR MILITARY UNACCOMPANIED HOUSING.**

(a) **SECRETARY OF DEFENSE REPORT.**—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) an evaluation of the process by which the Secretary develops, implements, and oversees housing privatization transactions involving military unaccompanied housing;

(2) recommendations regarding additional opportunities for members of the Armed Forces to utilize housing privatization transactions involving military unaccompanied housing;

(3) an evaluation of the impact of a prohibition on civilian occupancy of such housing on the ability to secure private partners for such housing privatization transactions; and

(4) the Secretary's assessment of the feasibility and cost of privatizing military unaccompanied housing for all members of the Armed Forces.

(b) **COMPTROLLER GENERAL REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the Secretary of Defense submits the report under subsection (a), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating such report. The report of the Comptroller General shall include the Comptroller General's assessment of the process used by the Secretary in preparing the report under subsection (a) and the Comptroller General's assessment of the extent to which such report addresses the elements required under subsection (a).

(2) **INDEPENDENT RESEARCH.**—The Comptroller General may conduct such independent research and make such independent findings and recommendations as the Comptroller General determines appropriate for purposes of the report submitted under this subsection.

(c) **HOUSING PRIVATIZATION TRANSACTION DEFINED.**—In this section, the term "housing privatization transaction" means any contract or other transaction for the construction or acquisition of military unaccompanied housing entered into under the authority of subchapter IV of chapter 169 of title 10, United States Code.

**SEC. 2809. REPORT ON DEPARTMENT OF DEFENSE CONTRIBUTIONS TO STATES FOR ACQUISITION, CONSTRUCTION, EXPANSION, REHABILITATION, OR CONVERSION OF RESERVE COMPONENT FACILITIES.**

(a) **REPORT REQUIRED.**—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report specifying, for each of fiscal years 2005 through 2009, the total amount of contributions by project made by the Secretary to each State under the authority of paragraphs (2) through (6) of section 18233(a) of title 10, United States Code, for reserve component facilities. The amounts contributed under each of such paragraphs for each State shall be specified separately.

(b) **DEFINITIONS.**—In this section, the terms "State" and "facility" have the meanings given those terms in section 18232 of such title.

**Subtitle B—Real Property and Facilities Administration**

**SEC. 2821. MODIFICATION OF UTILITY SYSTEMS CONVEYANCE AUTHORITY.**

(a) **CLARIFICATION OF REQUIRED DETERMINATION THAT CONVEYANCE REDUCE LONG-TERM COSTS.**—Paragraph (2)(A)(ii) of subsection (a) of section 2688 of title 10, United States Code, is amended by striking "system; and" and inserting the following: "system by 10 percent of the long-term cost for provision of those utility services in the agency tender; and".

(b) **LIMITATION ON REPEATED USE OF AUTHORITY FOR SAME UTILITY SYSTEM.**—Such sub-

section is further amended by adding at the end the following new paragraph:

"(3)(A) If, as a result of the economic analysis required by paragraph (2)(A), the Secretary concerned determines that a utility system, or part of a utility system, is not eligible for conveyance under this subsection, the Secretary concerned may not further reconsider the utility system, or part of a utility system, for conversion to contractor operation under section 2461 of this title for a period of five years beginning on the date of the determination.

"(B) If the results of a public-private competition for conversion of a utility system, or part of a utility system, to operation by a contractor favors continued operation by civilian employees of the Department of Defense, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conversion under section 2461 of this title or for conveyance under this subsection for a period of five years beginning on the date of the completion of the public-private competition."

**SEC. 2822. REPORT ON GLOBAL DEFENSE POSTURE REALIGNMENT AND INTERAGENCY REVIEW.**

(a) **ANNUAL REVIEW OF OVERSEAS BASE CLOSURE AND REALIGNMENT ACTIONS AND BASING MASTER PLANS.**—

(1) **IN GENERAL.**—Chapter 159 of title 10, United States Code, is amended by inserting after section 2687 the following new section:

**"§2687a. Overseas base closures and realignments and basing master plans**

"(a) **ANNUAL STATUS REPORT.**—At the same time that the budget is submitted under section 1105(a) of title 31 for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on—

"(1) the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy; and

"(2) the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations.

"(b) **REPORT ELEMENTS.**—A report under subsection (a) shall address the following:

"(1) How the master plans described in subsection (a)(2) would support the security commitments undertaken by the United States pursuant to any international security treaty, including, the North Atlantic Treaty, The Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

"(2) The impact of such plans on the current security environments in the combatant commands, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

"(3) Any comments of the Secretary of Defense resulting from an interagency review of these plans that includes the Department of State and other Federal departments and agencies that the Secretary of Defense considers necessary for national security."

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2687 the following new item:

"2687a. Overseas base closures and realignments and basing master plans."

(b) **INTERAGENCY OVERSEAS BASING REPORT IN RESPONSE TO QUADRENNIAL DEFENSE REVIEW.**—Section 118 of title 10, United States Code, is amended by inserting after subsection (h), as added by section 1002, the following new subsection:

"(i) **INTERAGENCY OVERSEAS BASING REPORT.**—(1) Not later than 90 days after submitting a report on a quadrennial defense review under subsection (d), the Secretary of Defense shall submit to the congressional defense committees a report detailing how the results of the assessment conducted as part of such review will impact—

"(A) the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy; and

"(B) the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States.

"(2) A report under paragraph (1) shall include any recommendations for additional closures or realignments of military installations outside of the United States and any comments resulting from an interagency review of these plans that includes the Department of State and other relevant Federal departments and agencies."

**SEC. 2823. PROPERTY AND FACILITIES MANAGEMENT OF THE ARMED FORCES RETIREMENT HOME.**

(a) **ACQUISITION OF REAL PROPERTY.**—Subsection (e)(2) of section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended by adding at the end the following new sentence: "If the purchase price to acquire fee title to real property for inclusion in the Retirement Home is more than \$750,000, the Secretary may acquire the real property only if the acquisition is specifically authorized by law."

(b) **DISPOSAL OF EXCESS PROPERTY AND LEASE OF NON-EXCESS PROPERTY.**—Such section is further amended—

(1) in subsection (e), by striking paragraph (3) and inserting the following new paragraph:

"(3) If the Secretary of Defense determines that any property of the Retirement Home is excess to the needs of the Retirement Home, the Secretary shall dispose of the property in accordance with subchapter III of chapter 5 of title 40, United States Code (40 U.S.C. 541 et seq.). The proceeds from the disposal of property under this paragraph shall be deposited in the Armed Forces Retirement Home Trust Fund."; and

(2) by adding at the end the following new subsection:

"(i) **AUTHORITY TO LEASE NON-EXCESS PROPERTY.**—(1) Whenever the Chief Operating Officer of the Armed Forces Retirement Home considers it advantageous to the Retirement Home, the Secretary of Defense (acting on behalf of the Chief Operating Officer) may lease to such lessee and upon such terms as the Secretary considers will promote the purpose and financial stability of the Retirement Home or be in the public interest, real or personal property that is—

"(A) under the control of the Retirement Home; and

"(B) not excess property (as defined by section 102 of title 40, United States Code) subject to disposal under subsection (e)(3).

"(2) A lease under this subsection—

"(A) may not be for more than five years, unless the Chief Operating Officer determines that a lease for a longer period will promote the purpose and financial stability of the Retirement Home or be in the public interest;

"(B) may give the lessee the first right to buy the property if the lease is revoked to allow the United States to sell the property under any other provision of law;

"(C) shall permit the Chief Operating Officer to revoke the lease at any time, unless the Chief Operating Officer determines that the omission of such a provision will promote the purpose and financial stability of the Retirement Home or be in the public interest;

“(D) shall provide for the payment (in cash or in kind) by the lessee of consideration in an amount that is not less than the fair market value of the lease interest, as determined by the Chief Operating Officer; and

“(E) may provide, notwithstanding section 1302 of title 40, United States Code, or any other provision of law, for the alteration, repair, or improvement, by the lessee, of the property leased as the payment of part or all of the consideration for the lease.

“(3) In addition to any in-kind consideration accepted under subparagraph (D) or (E) of paragraph (2), in-kind consideration accepted with respect to a lease under this subsection may include the following:

“(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Retirement Home.

“(B) Construction of new facilities for the Retirement Home.

“(C) Provision of facilities for use by the Retirement Home.

“(D) Facilities operation support for the Retirement Home.

“(E) Provision of such other services relating to activities that will occur on the leased property as the Chief Operating Officer considers appropriate.

“(4) In-kind consideration under paragraph (3) may be accepted at any property or facilities of the Retirement Home that are selected for that purpose by the Chief Operating Officer.

“(5) In the case of a lease for which all or part of the consideration proposed to be accepted under this subsection is in-kind consideration with a value in excess of \$500,000, the Secretary of Defense may not enter into the lease on behalf of the Chief Operating Officer until at least 30 days after the date on which a report on the facts of the lease is submitted to Congress. This paragraph does not apply to a lease covered by paragraph (6).

“(6)(A) If a proposed lease under this subsection involves only personal property, the lease term exceeds one year, or the fair market value of the lease interest exceeds \$100,000, as determined by the Chief Operating Officer, the Secretary of Defense shall use competitive procedures to select the lessee unless the Chief Operating Officer determines that—

“(i) a public interest will be served as a result of the lease; and

“(ii) the use of competitive procedures for the selection of certain lessees is unobtainable or not compatible with the public benefit served under clause (i).

“(B) Not later than 45 days before entering into a lease described in subparagraph (A), the Chief Operating Officer shall submit to Congress written notice describing the terms of the proposed lease and—

“(i) the competitive procedures used to select the lessee; or

“(ii) in the case of a lease involving the public benefit exception authorized by subparagraph (A)(ii), a description of the public benefit to be served by the lease.

“(7) The proceeds from the lease of property under this subsection shall be deposited in the Armed Forces Retirement Home Trust Fund.

“(8) The interest of a lessee of property leased under this subsection may be taxed by State or local governments. A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State or local governments under an Act of Congress, the lease shall be renegotiated.”

#### **SEC. 2824. ACCEPTANCE OF CONTRIBUTIONS TO SUPPORT CLEANUP EFFORTS AT FORMER ALMADEN AIR FORCE STATION, CALIFORNIA.**

(a) **ACCEPTANCE OF CONTRIBUTIONS; PURPOSE.**—The Secretary of the Army may accept

contributions from other Federal entities, the State of California, and other entities, both public and private, for the purposes of helping to cover the costs of—

(1) demolition of property at former Almaden Air Force Station, California; and

(2) environmental remediation and restoration.

(b) **AVAILABILITY.**—Amounts received as contributions under subsection (a) may be merged with other amounts available to the Secretary to carry out the purposes described in such subsection and shall be available without further appropriations and until expended.

#### **SEC. 2825. SELECTION OF MILITARY INSTALLATIONS TO SERVE AS LOCATIONS OF BRIGADE COMBAT TEAMS.**

In selecting the military installations at which brigade combat teams will be stationed, the Secretary of the Army shall take into consideration the availability and proximity of training spaces for the units and the capacity of the installations to support the units.

#### **SEC. 2826. REPORT ON FEDERAL ASSISTANCE TO SUPPORT COMMUNITIES ADVERSELY IMPACTED BY EXPANSION OF MILITARY INSTALLATIONS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following information:

(1) A description of the current authorities under which the Secretary may assist a community that is adversely impacted by the expansion of a military installation (in this section referred to as “impacted community”).

(2) A description of the current authorities under which heads of other Federal agencies may assist an impacted community.

(3) A review of additional authorities that the Secretary requires to assist impacted communities, including an assessment on the following:

(A) Methods to obtain educational opportunities for members of the Armed Forces and their dependents in impacted communities.

(B) Opportunities to use payments in lieu of taxes under chapter 69 of title 31, United States Code, to offset impacts on impacted communities.

(C) In remote locations where the Armed Forces does not have a presence and significant military expansion has been proposed, the ability to augment local medical capacities and public utilities to support expansion requirements.

#### **Subtitle C—Provisions Related to Guam Realignment**

#### **SEC. 2831. ROLE OF DEPARTMENT OF DEFENSE IN MANAGEMENT AND COORDINATION OF DEFENSE ACTIVITIES RELATING TO GUAM REALIGNMENT.**

(a) **DEPUTY SECRETARY OF DEFENSE.**—Section 132 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) Until September 30, 2015, the Deputy Secretary of Defense shall lead the Guam Executive Council and shall be the Department of Defense’s principal representative for coordinating the interagency efforts in matters relating to Guam, including the following executive orders:

“(1) Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451; relating to the Interagency Group on Insular Affairs).

“(2) Executive Order No. 12788 of January 15, 1992, as amended (57 Fed. Reg. 2213; relating to the Defense Economic Adjustment Program).”

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report including the charter that establishes the Guam Executive Council.

#### **SEC. 2832. CLARIFICATIONS REGARDING USE OF SPECIAL PURPOSE ENTITIES TO ASSIST WITH GUAM REALIGNMENT.**

(a) **SPECIAL PURPOSE ENTITY DEFINED.**—In this section, the term “special purpose entity” means any private person, corporation, firm, partnership, company, State or local government, or authority or instrumentality of a State or local government that the Secretary of Defense determines is capable of producing military family housing or providing utilities to support the realignment of military installations and the relocation of military personnel on Guam.

(b) **REPORT ON INTENDED USE SPECIAL PURPOSE ENTITIES.**—

(1) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the intended use of special purpose entities to provide military family housing or utilities to support the realignment of military installations and the relocation of military personnel on Guam.

(2) **NOTICE AND WAIT.**—The Secretary of Defense may not authorize the use of special use entities as described in paragraph (1) until the end of the 30-day period (15-day period if the report is submitted electronically) beginning on the date on which the report required by such paragraph is submitted.

(c) **APPLICABILITY OF UNIFIED FACILITIES CRITERIA.**—

(1) **APPLICABILITY TO SECTION 2350K CONTRIBUTIONS.**—Section 2824(c)(4) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

“(D) **APPLICABILITY OF UNIFIED FACILITIES CRITERIA.**—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, and any successor to such criteria shall be the minimum standard applicable to projects funded using contributions referred to in subsection (b)(1) for a transaction authorized by paragraph (1).”

(2) **APPLICABILITY TO SPECIAL PURPOSE ENTITY CONTRIBUTIONS.**—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, and any successor to such criteria shall be the minimum standard applicable to projects funded using contributions provided by a special purpose entity.

(3) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an evaluation of various options, including a preferred option, that the Secretary could utilize to comply with the unified facilities criteria referred to in paragraph (2) in the acquisition of military housing on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam. In preparing the report, the Secretary shall consider the impact of—

(A) increasing the overseas housing allowance for members of the Armed Forces serving on Guam; and

(B) providing a direct Federal subsidy to public-private ventures.

(d) **SENSE OF CONGRESS ON SCOPE OF UTILITY INFRASTRUCTURE IMPROVEMENTS.**—Section 2821 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4729) is amended—

(1) by redesignating subsection (c) as subsection (b); and

(2) in such subsection, by striking “should incorporate the civilian and military infrastructure into a single grid to realize and maximize

the effectiveness of the overall utility system” and inserting “should support proposed utility infrastructure improvements on Guam that incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system, rather than simply supporting one or more military installations”.

**SEC. 2833. WORKFORCE ISSUES RELATED TO MILITARY CONSTRUCTION AND CERTAIN OTHER TRANSACTIONS ON GUAM.**

(a) **PREVAILING WAGE REQUIREMENTS.**—Subsection (c) of section 2824 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

“(5) **APPLICATION OF PREVAILING WAGE REQUIREMENTS.**—

“(A) **IN GENERAL.**—The requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to any military construction project or other transaction authorized by paragraph (1) that is carried out on Guam using contributions referred to in subsection (b)(1) or appropriated funds.

“(B) **SECRETARY OF LABOR AUTHORITIES.**—In order to carry out the requirements of subparagraph (A) and paragraph (6) (relating to composition of workforce for construction projects), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 and section 3145 of title 40, United States Code.

“(C) **WAGE RATE DETERMINATION.**—In making wage rate determinations pursuant to subparagraph (A), the Secretary of Labor shall not include in the wage survey any persons who hold a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

“(D) **ADDITION TO WEEKLY STATEMENT ON THE WAGES PAID.**—In the case of projects and other transactions covered by subparagraph (A), the weekly statement required by section 3145 of title 40, United States Code, shall also identify each employee working on the project or transaction who holds a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

“(E) **DURATION OF REQUIREMENTS.**—The Secretary of Labor shall make and issue a wage rate determination for Guam annually until 90 percent of the funds in the Account and other funds made available for the realignment of military installations and the relocation of military personnel on Guam have been expended.”.

(b) **REPORTING REQUIREMENTS REGARDING SUPPORT OF CONSTRUCTION WORKFORCE.**—Subsection (e) of such section is amended—

(1) by striking “Not later than” and inserting the following:

“(1) **MILITARY CONSTRUCTION INFORMATION.**—Not later than”; and

(2) by adding at the end the following new paragraph:

“(2) **CONSTRUCTION WORKFORCE INFORMATION.**—The annual report shall also include an assessment of the living standards of the construction workforce employed to carry out military construction projects covered by the report, including, at a minimum, the adequacy of contract standards and infrastructure that support temporary housing the construction workforce and their medical needs.”.

**SEC. 2834. COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS FUNDED THROUGH THE SUPPORT FOR UNITED STATES RELOCATION TO GUAM ACCOUNT.**

(a) **COMPOSITION OF WORKFORCE.**—Section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by inserting after paragraph (5), as added by section 2833, the following new paragraph:

“(6) **COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS.**—

“(A) **LIMITATION.**—With respect to each construction project that is carried out using amounts described in subparagraph (B), no work may be performed by a person holding a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) unless—

“(i) the application for that visa has been approved pursuant to the issuance of a temporary labor certification by the Governor of Guam as provided under section 214.2 of title 8, Code of Federal Regulations; and

“(ii) the Governor of Guam, in consultation with the Secretary of Labor, makes the certification described in subparagraph (C) to the Secretary of Defense.

“(B) **SOURCE OF FUNDS.**—Subparagraph (A) applies to—

“(i) amounts in the Account used for projects associated with the realignment of military installations and the relocation of military personnel on Guam;

“(ii) funds associated with activities under section 2821 of this Act; and

“(iii) funds for authorized military construction projects.

“(C) **CERTIFICATION.**—The certification referred to in subparagraph (A) is a certification, in addition to the certifications required by section 214.2 of title 8, Code of Federal Regulations, that—

“(i) there are not sufficient United States workers who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place where the persons holding visas described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) are to perform such skilled or unskilled labor; and

“(ii) the employment of such persons holding visas described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) will not adversely affect the wages and working conditions of workers in Guam similarly employed.

“(D) **SOLICITATION OF WORKERS.**—In order to ensure compliance with subparagraph (A), as a condition of a contract covered by such subparagraph, the contractor shall be required to advertise and solicit for construction workers in the United States, including Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico, in accordance with a recruitment plan approved by the Secretary of Labor. The contractor shall submit a copy of the employment offer, including a description of wages and other terms and conditions of employment, to the Secretary of Labor at least 60 days before the start date of the workers under a contract. The contractor shall authorize the Secretary of Labor to post a notice of the employment offer on a website, with State, territorial, and local job banks, with State and territorial workforce agencies, and with any other referral and recruitment sources the Secretary of Labor determines may be pertinent to the employment opportunity.

“(E) **RECRUITMENT PERIOD.**—The Secretary of Labor shall ensure that a contractor’s recruitment of construction workers complies with the recruitment plan required by subparagraph (D) for a period beginning 60 days before the start date of workers under a contract and continuing for the next 28 days. During the recruitment period, the contractor shall interview all qualified and available United States construction workers who have applied for the employment opportunity, and, at the close of the recruitment period, the contractor shall provide the Secretary of Labor with a recruitment report

providing any reasons for which the contractor did not hire an applicant who is a qualified United States construction worker. Not later than 21 days before the start date of the workers under a contract, the Secretary of Labor shall certify to the Governor of Guam whether the contractor has satisfied the recruitment plan created under subparagraph (D).

“(F) **LIMITATION.**—An employer, its attorney or agent, the Secretary of Labor, the Governor of Guam, and any designee thereof, may not seek or receive payment of any kind from any worker for any activity related to obtaining an H-2B labor certification with respect to any construction project that is carried out using amounts described in subparagraph (B).”.

(b) **REPORTING REQUIREMENTS.**—

(1) **SECRETARY OF DEFENSE.**—Not later than June 30, 2010, the Secretary of Defense shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of efforts to establish a Project Labor Agreement for construction projects associated with the Guam realignment as encouraged by Executive Order 13502, entitled “Use of Project Labor Agreements for Federal Construction Projects” (74 Fed. Reg. 6985), as a means of complying with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a).

(2) **SECRETARY OF LABOR.**—Not later than June 30, 2010, the Secretary of Labor shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of—

(A) the opportunities to expand the recruitment of construction workers in the United States, including Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico, to support the realignment of military installations and the relocation of military personnel on Guam, consistent with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a);

(B) the ability of labor markets to support the Guam realignment;

(C) the sufficiency of efforts to recruit United States construction workers; and

(D) The costs to the United States for recruitment plans required by such paragraph (6) and a proposed method to cover such costs.

(3) **COVERED CONGRESSIONAL COMMITTEES.**—The reports required by this subsection shall be submitted to the congressional defense committees, the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

**SEC. 2835. INTERAGENCY COORDINATION GROUP OF INSPECTORS GENERAL FOR GUAM REALIGNMENT.**

(a) **INTERAGENCY COORDINATION GROUP.**—There is hereby established the Interagency Coordination Group of Inspectors General for Guam Realignment (in this section referred to as the “Interagency Coordination Group”)—

(1) to provide for the objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam; and

(2) to provide for coordination of, and recommendations on, policies designed—

(A) to promote economic efficiency and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) to prevent and detect waste, fraud, and abuse in such programs and operations.

## (b) MEMBERSHIP.—

(1) CHAIRPERSON.—The Inspector General of the Department of Defense shall serve as chairperson of the Interagency Coordination Group.

(2) ADDITIONAL MEMBERS.—Additional members of the Interagency Coordination Group shall include the Inspector General of the Department of Interior and the Inspector General of such other Federal agencies as the chairperson considers appropriate to carry out the duties of the Interagency Coordination Group.

## (c) DUTIES.—

(1) OVERSIGHT OF GUAM CONSTRUCTION.—It shall be the duty of the Interagency Coordination Group to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for military construction on Guam and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of construction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such fund; and

(F) the monitoring and review of the implementation of the Defense Posture Review Initiative relating to the realignment of military installations and the relocation of military personnel on Guam.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Interagency Coordination Group shall establish, maintain, and oversee such systems, procedures, and controls as the Interagency Coordination Group considers appropriate to discharge the duties under paragraph (1).

(3) OVERSIGHT PLAN.—The chairperson of the Interagency Coordination Group shall prepare an annual oversight plan detailing planned audits and reviews related to the Guam realignment.

## (d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) PROVISION OF ASSISTANCE.—Upon request of the Interagency Coordination Group for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Interagency Coordination Group.

(2) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Interagency Coordination Group is, in the judgment of the chairperson of the Interagency Coordination Group, unreasonably refused or not provided, the chairperson shall report the circumstances to the Secretary of Defense and to the congressional defense committees without delay.

## (e) REPORTS.—

(1) ANNUAL REPORTS.—Not later than February 1 of each year, the chairperson of the Interagency Coordination Group shall submit to the congressional defense committees, the Secretary of Defense, and the Secretary of the Interior a report summarizing, for the preceding calendar year, the activities of the Interagency Coordination Group during such year and the activities under programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam. Each report shall include, for the year covered by the report, a detailed statement of all obligations, expenditures, and revenues associated with such construction, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for military construction in connection with the realignment of military installations and the relocation of military personnel on Guam, together with the estimate of the Department of Defense and the Department of the Interior, as applicable, of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds contributed by the Government of Japan in connection with the realignment of military installations and the relocation of military personnel on Guam and any obligations or expenditures of such revenues.

(D) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for military construction on Guam.

(E) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that—

(A) is entered into by any department or agency of the United States Government with any public or private sector entity; and

(B) involves the use of amounts appropriated or otherwise made available for military construction on Guam.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Interagency Coordination Group considers it necessary.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(5) SUBMISSION OF COMMENTS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of Defense or the Secretary of the Interior may submit to the congressional defense committees any comments on the matters covered by the report as the Secretary concerned considers appropriate. Any comments on the matters covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary concerned considers it necessary.

## (f) PUBLIC AVAILABILITY; WAIVER.—

(1) PUBLIC AVAILABILITY.—The Interagency Coordination Group shall publish on a pub-

lically-available Internet website each report prepared under subsection (e). Any comments on the report submitted under paragraph (5) of such subsection shall also be published on such website.

(2) WAIVER AUTHORITY.—The President may waive the requirement under paragraph (1) with respect to availability to the public of any element in a report under subsection (e), or any comment with respect to a report, if the President determines that the waiver is justified for national security reasons.

(3) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (e), or any comment under paragraph (5) of such subsection, is submitted to the congressional defense committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

## (g) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE.—The term “amounts appropriated or otherwise made available for military construction on Guam” includes amounts derived from the Support for United States Relocation to Guam Account.

(2) GUAM.—The term “Guam” includes any island in the Northern Mariana Islands.

## (h) TERMINATION.—

(1) IN GENERAL.—The Interagency Coordination Group shall terminate upon the expenditure of 90 percent of all funds appropriated or otherwise made available for Guam realignment.

(2) FINAL REPORT.—Before the termination of the Interagency Coordination Group pursuant to paragraph (1), the chairperson of the Interagency Coordination Group shall prepare and submit to the congressional defense committees a final report containing—

(A) notice that the termination condition in paragraph (1) has occurred; and

(B) a final forensic audit on programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam.

**SEC. 2836. COMPLIANCE WITH NAVAL AVIATION SAFETY REQUIREMENTS AS CONDITION ON ACCEPTANCE OF REPLACEMENT FACILITY FOR MARINE CORPS AIR STATION, FUTENMA, OKINAWA.**

(a) IN GENERAL.—The Secretary of Defense may not accept, or authorize any other official of the Department of Defense to accept, a replacement facility in Okinawa for air operations conducted at Marine Corps Air Station, Futenma, Okinawa until the Secretary reports to the congressional defense committees that the replacement facility and its planned operating procedures are consistent with naval aviation safety requirements.

## (b) EXERCISE OF WAIVER AUTHORITIES.—

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as preventing the Secretary from exercising existing waiver authorities provided the Secretary first determines the waiver is necessary in the interest of national defense.

(2) REQUIRED REPORTING OF EFFORTS.—The report specified under subsection (a) shall clearly identify efforts made to mitigate deviations from criteria in the planning and construction of the replacement facility described in such subsection.

**SEC. 2837. REPORT AND SENSE OF CONGRESS ON MARINE CORPS REQUIREMENTS IN ASIA-PACIFIC REGION.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the training and readiness requirements necessary

for Marine Forces Pacific, the field command of the Marine Corps within the United States Pacific Command.

(b) **CONTENTS OF REPORT.**—The report required under subsection (a) shall contain each of the following:

(1) A description of the units of the Marine Corps expected to be assigned or realigned on a permanent or temporary basis to Marine Forces Pacific, including the type of unit, the organizational element, the current location of the unit, and proposed location for the unit.

(2) A description of the training requirements necessary to sustain the current and planned realignment of forces specified in paragraph (1).

(3) A description of the strategic- and tactical-lift requirements associated with the training, operational readiness, and movement of Marine Forces Pacific, including programming information regarding the intent of the Department of Defense to eliminate deficiencies in the strategic-lift capabilities.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that an evaluation of training and readiness requirements for Marine Forces Pacific—

(1) should be conducted and completed as soon as possible;

(2) should include an analysis that, at a minimum, reviews the capabilities required to support the training, operational readiness, and movement of Marine Air-Ground Task Force; and

(3) should not impact the implementation of the recently signed international agreement entitled “Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the Relocation of the III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam”.

#### **Subtitle D—Energy Security**

#### **SEC. 2841. ADOPTION OF UNIFIED ENERGY MONITORING AND UTILITY CONTROL SYSTEM SPECIFICATION FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.**

(a) **ADOPTION REQUIRED.**—

(1) **IN GENERAL.**—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2866 the following new section:

#### **“§2867. Energy monitoring and utility control system specification for military construction and military family housing activities**

“(a) **ADOPTION OF DEPARTMENT-WIDE, OPEN PROTOCOL, ENERGY MONITORING AND UTILITY CONTROL SYSTEM SPECIFICATION.**—(1) The Secretary of Defense shall adopt an open protocol energy monitoring and utility control system specification for use throughout the Department of Defense in connection with a military construction project, military family housing activity, or other activity under this chapter for the purpose of monitoring and controlling, with respect to the project or activity, the items specified in paragraph (2) with the goal of establishing installation-wide energy monitoring and utility control systems.

“(2) The energy monitoring and utility control system specification required by paragraph (1) shall cover the following:

“(A) Utilities and energy usage, including electricity, gas, steam, and water usage.

“(B) Indoor environments, including temperature and humidity levels.

“(C) Heating, ventilation, and cooling components.

“(D) Central plant equipment.

“(E) Renewable energy generation systems.

“(F) Lighting systems.

“(G) Power distribution networks.

“(b) **EXCLUSION.**—(1) The energy monitoring and utility control system specification required

by subsection (a) is not required to apply to projects carried out under the authority provided in subchapter IV of chapter 169 of this title.

“(2) The Secretary concerned may waive the application of the energy monitoring and utility control system specification required by subsection (a) with respect to a specific military construction project, military family housing activity, or other activity under this chapter if the Secretary determines that the application of the specification to the project or activity is not life cycle cost-effective. The Secretary concerned shall notify the congressional defense committees of any waiver granted under this paragraph.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter III is amended by inserting after the item relating to section 2866 the following new item:

“2867. Energy monitoring and utility control system specification for military construction and military family housing activities.”

(3) **DEADLINE FOR ADOPTION.**—The Secretary of Defense shall adopt the open protocol energy monitoring and utility control system specification required by section 2867 of title 10, United States Code, as added by paragraph (1), not later than 180 days after the date of the enactment of this Act.

(b) **REPORTING REQUIREMENT.**—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following items:

(1) A contract specification that will implement the open protocol energy monitoring and utility control system specification required by section 2867 of title 10, United States Code, as added by subsection (a).

(2) A description of the method to ensure compliance of the Department of Defense information assurance certification and accreditation process.

(3) A plan and expected timetable for integration of the standard with the energy monitoring and utility control systems.

(4) A list of the justifications and authorizations provided by the Department, pursuant to Federal Acquisition Regulation Chapter 6.3, relating to Other Than Full and Open Competition, for energy monitoring and utility control systems during fiscal year 2009.

#### **SEC. 2842. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY SOURCES TO MEET FACILITY ENERGY NEEDS.**

(a) **FACILITY BASIS OF GOAL.**—Subsection (e) of section 2911 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in subparagraph (A) (as so redesignated)—

(A) by striking “electric energy” and inserting “facility energy”;

(B) by striking “and in its activities”; and

(C) by striking “(as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)))”; and

(3) in subparagraph (B) (as so redesignated), by striking “electric energy” and inserting “facility energy”.

(b) **DEFINITION OF RENEWABLE ENERGY SOURCE.**—Such subsection is further amended—

(1) by striking “It shall be” and inserting “(1) It shall be”; and

(2) by adding at the end the following new paragraph:

“(2) In this subsection, the term ‘renewable energy source’ means energy generated from renewable sources, including the following:

“(A) Solar.

“(B) Wind.

“(C) Biomass.

“(D) Landfill gas.

“(E) Ocean, including tidal, wave, current, and thermal.

“(F) Geothermal, including electricity and heat pumps.

“(G) Municipal solid waste.

“(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is ‘new’ if it was placed in service on or after January 1, 1999.

“(I) Thermal energy generated by any of the preceding sources.”

(c) **CLERICAL AMENDMENT.**—The heading of such subsection is amended by striking “ELECTRICITY NEEDS” and inserting “FACILITY ENERGY NEEDS”.

#### **SEC. 2843. DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.**

(a) **IN GENERAL.**—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

#### **“§2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods**

“(a) **PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.**—The Secretary of Defense, the Secretaries of the military departments, the heads of the Defense Agencies, and the heads of other instrumentalities of the Department of Defense are authorized to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by any of the following parties:

“(1) An electric utility.

“(2) An independent system operator.

“(3) A State agency.

“(4) A third party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

“(b) **TREATMENT OF CERTAIN FINANCIAL INCENTIVES.**—Financial incentives received from an entity specified in subsection (a) shall be—

“(1) received as a cost reduction in the utility bill for a facility; or

“(2) deposited into the fund established under subsection (c) for use, to the extent provided for in an appropriations Act, by the military department, Defense Agency, or instrumentality receiving such financial incentive for energy management initiatives.

“(c) **ENERGY SAVINGS FINANCIAL INCENTIVES FUND.**—There is established in the Treasury a fund to be known as the ‘Energy Savings Financial Incentives Fund’. The Fund shall consist of any amount deposited in the Fund pursuant to subsection (b)(2) and amounts appropriated or otherwise made available to the Fund by law.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.”

#### **SEC. 2844. DEPARTMENT OF DEFENSE USE OF ELECTRIC AND HYBRID MOTOR VEHICLES.**

(a) **PREFERENCE.**—Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

#### **“§2922g. Preference for motor vehicles using electric or hybrid propulsion systems**

“(a) **PREFERENCE.**—In leasing or procuring motor vehicles for use by a military department

or Defense Agency, the Secretary of the military department or the head of the Defense Agency shall provide a preference for the lease or procurement of motor vehicles using electric or hybrid propulsion systems, including plug-in hybrid systems, if the electric or hybrid vehicles—

“(1) will meet the requirements or needs of the Department of Defense; and

“(2) are commercially available at a cost, including operating cost, reasonably comparable to motor vehicles containing only an internal combustion or heat engine using combustible fuel.

“(b) EXCEPTION.—Subsection (a) does not apply with respect to tactical vehicles designed for use in combat.

“(c) RELATION TO OTHER VEHICLE TECHNOLOGIES THAT REDUCE CONSUMPTION OF FOSSIL FUELS.—The preference required by subsection (a) does not preclude the Secretary of Defense from authorizing the Secretary of a military department or head of a Defense Agency to provide a preference for another vehicle technology that reduces the consumption of fossil fuels if the Secretary of Defense determines that the technology is consistent with the energy performance goals and plan of the Department required by section 2911 of this title.

“(d) HYBRID DEFINED.—In this section, the term ‘hybrid’, with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

“(1) an internal combustion or heat engine using combustible fuel; and

“(2) a rechargeable energy storage system.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2922g. Preference for motor vehicles using electric or hybrid propulsion systems.”.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement section 2922g of title 10, United States Code, as added by subsection (a), within one year after the date of the enactment of this Act.

#### **SEC. 2845. STUDY ON DEVELOPMENT OF NUCLEAR POWER PLANTS ON MILITARY INSTALLATIONS.**

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to assess the feasibility of developing nuclear power plants on military installations.

(b) ELEMENTS.—As part of the study required by subsection (a), the Secretary shall—

(1) summarize options available to the Department to enter into public-private partnerships or other transactions for the construction and operation of the nuclear power plants;

(2) estimate the potential cost per kilowatt-hour and life-cycle cost savings to the Department;

(3) consider the potential energy security advantages of generating electricity on military installations through the use of nuclear power plants;

(4) assess the additional infrastructure that would be needed to enable the power plants to provide power through the general electricity grid and to military installations in the event of a commercial grid failure;

(5) consider the potential impact on the quality of life of personnel stationed at military installations at which a nuclear power plant is installed and ways to mitigate those impacts;

(6) review the range of Federal, State, and local regulatory processes governing the establishment of nuclear power plants on military installations;

(7) assess the degree to which nuclear power plants might adversely affect operations on military installations, including consideration of training and readiness requirements;

(8) assess potential environmental liabilities for the Department;

(9) consider factors impacting safe co-location and operation of nuclear power plants on military installations; and

(10) consider other factors that affect the development of nuclear power plants on military installations.

(c) SUBMISSION OF RESULTS OF STUDY.—Not later than June 1, 2010, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study required by subsection (a).

#### **SEC. 2846. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE RENEWABLE ENERGY INITIATIVES, INCLUDING SOLAR INITIATIVES, ON MILITARY INSTALLATIONS.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report describing all renewable energy initiatives, including projects involving the installation of solar panels, that are currently producing energy or are under development on military installations.

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) specify the costs associated with each renewable energy initiative;

(2) address whether the renewable energy initiative has a clearly delineated set of goals or targets and whether the goals or targets are being met or are likely to be met by the completion of the renewable energy initiative; and

(3) contain recommendations for legislative or administrative actions that will assist—

(A) renewable energy initiatives in meeting the goals or targets; and

(B) the Department of Defense in achieving its renewable energy goal by 2025, as specified in section 2911(e) of title 10, United States Code.

#### **Subtitle E—Land Conveyances**

#### **SEC. 2851. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the “Association”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be in-

curred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

#### **SEC. 2852. RELEASE OF REVERSIONARY INTEREST, CAMP JOSEPH T. ROBINSON, ARKANSAS.**

The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled “An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas”, approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which is comprised of 40.515 acres of land to be acquired by the United States of America and 40.513 acres to be acquired by the City of North Little Rock, Arkansas, and lies in sections 6, 8, and 9 of township 2 North, Range 12 West, Pulaski County, Arkansas.

#### **SEC. 2853. TRANSFER OF ADMINISTRATIVE JURISDICTION, PORT CHICAGO NAVAL MAGAZINE, CALIFORNIA.**

(a) TRANSFER REQUIRED; ADMINISTRATION.—Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102-562; 16 U.S.C. 431 note; 106 Stat. 4235) is amended by striking subsection (c) and inserting the following new subsections:

“(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

“(d) TRANSFER OF LAND.—The Secretary of the Army shall transfer to the Secretary of the Interior administrative jurisdiction over of a



parcel of land consisting of approximately five acres, depicted within the proposed boundary on the map entitled 'Port Chicago Naval Magazine National Memorial, Proposed Boundary', numbered 018/80,001, and dated August 2005, if the Secretary of the Army determines that the land is in excess to military needs. At the time of the transfer of administrative jurisdiction, the Secretary of the Army and the Secretary of the Interior shall enter into an agreement to determine the responsibilities of the respective agencies in the application of, or obligation to comply with, any applicable environmental law affecting the transferred land, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

"(e) PUBLIC ACCESS.—The Secretary of the Army shall enter into an agreement with the Secretary of the Interior to provide as much public access as possible to the Port Chicago Naval Magazine National Memorial without interfering with military needs. This subsection shall no longer apply if, at some point in the future, the National Memorial ceases to be an enclave within the Military Ocean Terminal-Concord.

"(f) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial.

"(g) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)."

(b) SENSE OF CONGRESS ON REPAIR AND MODIFICATION OF NATIONAL MEMORIAL.—In accordance with public access provided by section 203(e) of the Port Chicago National Memorial Act of 1992, as amended by subsection (a), it is the sense of Congress that the Secretary of the Army and the Secretary of the Interior should work together to develop a process by which future repairs and modifications to mutually used infrastructure at the Port Chicago Naval Magazine National Memorial can be carried out in as timely and cost-effective a manner as possible.

**SEC. 2854. LAND CONVEYANCE, FERNDAL HOUSING AT CENTERVILLE BEACH NAVAL FACILITY TO CITY OF FERNDAL, CALIFORNIA.**

(a) CONVEYANCE AUTHORIZED.—At such time as the Navy vacates the Ferndale Housing, which previously supported the now closed Centerville Beach Naval Facility in the City of Ferndale, California, the Secretary of the Navy may convey, at fair market value, to the City of Ferndale (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcels of real property, including improvements thereon, for the purpose of permitting the City to utilize the property for low- and moderate-income housing for seniors, families, or both.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a),

including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the city in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary of the Navy in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) TRANSFER OF PROCEEDS AUTHORIZED.—The Secretary of Defense may transfer any proceeds received from the conveyance under subsection (a), less amounts received as reimbursement for costs under subsection (c), to the Department of Defense Family Housing Improvement Fund established under section 2883(a) of title 10, United States Code, for the purposes of carrying out activities under subchapter IV of chapter 169 of that title with respect to military family housing.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary of the Navy considers appropriate to protect the interests of the United States.

**SEC. 2855. LAND CONVEYANCES, NAVAL AIR STATION, BARBERS POINT, HAWAII.**

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Navy may convey all right, title, and interest of the United States in and to the parcels of real property, including any improvements thereon, described in subsection (b) and located at former Naval Air Station, Barbers Point, Oahu, Hawaii—

(1) to the Hawaii Community Development Authority (in this section referred to as the "Authority"), which is the local redevelopment authority for former Naval Air Station, Barbers Point; or

(2) to the Department of Hawaiian Homelands (in this section referred to as the "Department").

(b) COVERED PARCELS.—The real property authorized to be conveyed under subsection (a) includes the following:

(1) An approximately 10.569-acre parcel of land identified as "Parcel No. 13126 B" and further identified by Oahu Tax Map Key No. 9-1-031:047.

(2) An approximately 145.785-acre parcel of land identified as "Parcel No. 13058 D" and further identified by Oahu Tax Map Key No. 9-1-013:039.

(3) An approximately 9.303-acre parcel of land identified as "Parcel No. 13058 F" and further identified by Oahu Tax Map Key No. 9-1-013:041.

(4) An approximately 57.937-acre parcel of land identified as "Parcel No. 13058 G" and further identified by Oahu Tax Map Key No. 9-1-013:042.

(5) An approximately 11.501-acre parcel of land identified as "Parcel No. 13073 D" and further identified by Oahu Tax Map Key No. 9-1-013:069.

(6) An approximately 65.356-acre parcel of land identified as "Parcel No. 13073 B" and further identified by Oahu Tax Map Key No. 9-1-013:067.

(7) Any other property at former Naval Air Station, Barbers Point identified for closure through the base closure process.

(c) CONSIDERATION.—

(1) AUTHORITY CONVEYANCES.—Any conveyance under subsection (a)(1) to the Authority shall be made without consideration if the conveyed real property is to be used for public benefit, as determined by the Secretary.

(2) DEPARTMENT CONVEYANCES.—Any conveyance under subsection (a)(2) to the Department shall be made to mitigate further claims associated with the Hawaiian Home Lands Recovery Act (title II of Public Law 104-42; 109 Stat. 357; 48 U.S.C. 491 note prec.).

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Authority or the Department, as the case may be, to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority or the Department, whichever entity paid the excess amount.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions, including easements or covenants to protect cultural or natural resources, in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2856. LAND CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.**

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Navy may convey to any person or entity leasing or licensing real property located at Camp Catlin and Ohana Nui areas, Hawaii, as of the date of the enactment of this Act (in this section referred to as the "lessee") all right, title, and interest of the United States in and to the portion of such property that is respectively leased or licensed by such person or entity for the purpose of continuing the same functions as are being conducted on the property as of the date of the enactment of this Act.

(b) CONSIDERATION.—As consideration for a conveyance under subsection (a), the lessee shall provide the United States, whether by cash payment, in-kind consideration described in section 2667(c) of title 10, United States Code, or a combination thereof, an amount that is not less than the fair market of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) EXERCISE OF RIGHT TO PURCHASE PROPERTY.—

(1) **ACCEPTANCE OF OFFER.**—For a period of 180 days beginning on the date the Secretary makes a written offer to convey the property or any portion thereof under subsection (a), the lessee shall have the exclusive right to accept such offer by providing written notice of acceptance to the Secretary within the specified 180-day time period. If the Secretary's offer is not so accepted within the 180-day period, the offer shall expire.

(2) **CONVEYANCE DEADLINE.**—If a lessee accepts the offer to convey the property or a portion thereof in accordance with paragraph (1), the conveyance shall take place not later than 2 years after the date of the lessee's written acceptance, provided that the conveyance date may be extended for a reasonable period of time by mutual agreement of the parties, evidenced by a written instrument executed by the parties prior to the end of the 2-year period. If the lessee's lease or license term expires before the conveyance is completed, the Secretary may extend the lease or license term up to the date of conveyance, provided that the lessee shall be required to pay for such extended term at the rate in effect at the time it was declared excess property.

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the lessee to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the lessee in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the lessee.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of any real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2857. MODIFICATION OF LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.**

(a) **ADDITIONAL CONVEYANCE.**—Subsection (a)(1) of section 2873 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2152) is amended by striking “two parcels” and all that follows through the period at the end and inserting the following: “three parcels of real property consisting of 7.897 acres, 1.742 acres, and 5.037 acres, respectively, and containing all or a portion of the five buildings specified in paragraph (2), which were vacated, or will be vacated, by the Air Force in conjunction with its relocation to the Consolidated Intelligence and Reconnaissance Laboratory and to a replacement Modification and Fabrication Facility at Air Force Research Laboratory—Rome Research Site, Rome, New York.”.

(b) **DESCRIPTION OF PROPERTY.**—Subsection (a)(2) of such section is amended by adding at the end the following new subparagraph:

“(E) Bay Number 4 in Building 101 (approximately 115,000 square feet).”.

(c) **PURPOSE OF CONVEYANCE.**—Subsection (a)(3) of such section is amended by adding before the period at the end the following: “and to provide adequate reimbursement, real property, and replacement facilities for the Air Force Research Laboratory units that are relocated as a result of the conveyance”.

(d) **CONSIDERATION.**—Subsection (c) of such section is amended—

(1) by striking “in-kind contribution” and inserting “in-kind consideration (including land and new facilities)”;

(2) by adding at the end the following new sentence: “Any cash payment received by the Secretary under this subsection shall be deposited in the special account established for the Secretary under section 2667(e) of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.”.

**SEC. 2858. LAND CONVEYANCE, ARMY RESERVE CENTER, CHAMBERSBURG, PENNSYLVANIA.**

(a) **CONVEYANCE AUTHORIZED.**—At such time as the Army Reserve vacates the Army Reserve Center at 721 South Sixth Street, Chambersburg, Pennsylvania, the Secretary of the Army may convey, without consideration, to the Chambersburg Area School District (in this section referred to as the “School District”), all right, title, and interest of the United States in and to the Reserve Center for the purpose of permitting the School District to utilize the property for educational and educational-support activities.

(b) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the School District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the School District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the School District.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2859. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.**

(a) **CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.**—

(1) **IN GENERAL.**—Section 2863(a) of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010), as amended by section 2865(a) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-435), is further amended by striking “West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the ‘Foundation’)” and inserting “South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this section referred to as the ‘Authority’)”.

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 2863 of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-435), is further amended—

(A) by striking “Foundation” each place it appears in subsections (c) and (e) and inserting “Authority”;

(B) in subsection (b)(1)—

(i) in subparagraph (B), by striking “137.56 acres” and inserting “120.70 acres”; and

(ii) by striking subparagraphs (C), (D), and (E).

(b) **NEW CONVEYANCE AUTHORITY.**—

(1) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, without consideration, to the South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this subsection referred to as the “Authority”), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in paragraph (2).

(2) **COVERED PROPERTY.**—The real property referred to in paragraph (1) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 2.37 acres and comprising the 11000 West Communications Annex.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 6.643 acres and comprising the South Nike Education Annex.

(3) **CONDITION.**—As a condition of the conveyance under this subsection, the Authority, and any person or entity to which the Authority transfers the property, shall comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(4) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

(5) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under this subsection shall

be determined by a survey satisfactory to the Secretary.

(6) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2860. LAND CONVEYANCE, LACKLAND AIR FORCE BASE, TEXAS.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey to an eligible entity, all right, title, and interest of the United States to not more than 250 acres of real property and associated easements and improvements on Lackland Air Force Base, Texas, in exchange for real property adjacent to or near the installation for the purpose of relocating and consolidating Air Force tenants located on the former Kelly Air Force Base, Texas, onto the main portion of Lackland Air Force Base.

(b) **CONDITION OF CONVEYANCE.**—The conveyance under subsection (a) shall be subject to the condition that the eligible entity accept the real property in its condition at the time of the conveyance.

(c) **ELIGIBLE ENTITIES.**—A conveyance under this section may be made to the City of San Antonio, Texas, or an organization or agency chartered or sponsored by the local or State government.

(d) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the eligible entity shall provide the Air Force with real property or real property improvements, or a combination of both, of equal value, as determined by the Secretary. If the fair market value of the real property or real property improvements, or combination thereof, is less than the fair market value of the real property to be conveyed by the Air Force, the eligible entity shall provide cash payment to the Air Force, or provide Lackland Air Force Base with in-kind consideration of an amount equal to the difference in the fair market values. Any cash payment received by the Air Force for the conveyance authorized by subsection (a) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **IN GENERAL.**—The Secretary may require the eligible entity to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from the eligible entity in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the eligible entity.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) **SAVINGS PROVISION.**—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(g) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2861. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2.4 acres at Naval Air Station, Oceana, Virginia, for the purpose of permitting the City to expand services to support the Marine Animal Care Center.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the City shall provide compensation to the Secretary of the Navy in an amount equal to the fair market value of the real property conveyed under such subsection, as determined by appraisals acceptable to the Secretary.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2862. COMPLETION OF LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.**

Subsection (a)(1) of section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315), as amended by section 2852 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2143), is further amended—

(1) in the first sentence, by striking “The Secretary of the Army may transfer” and inserting “Not later than 60 days after the date of the enactment of the Military Construction Authorization Act for Fiscal Year 2010, the Secretary of the Army shall transfer”; and

(2) in the second sentence—

(A) by striking “may make the transfer” and inserting “shall make the transfer”; and

(B) by striking “may accept” and inserting “shall accept”.

**SEC. 2863. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey to the County of Laramie, Wyoming (in this section referred to as the “County”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) **CONSIDERATION.**—

(1) **IN GENERAL.**—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) **IN-KIND CONSIDERATION.**—In-kind consideration provided by the County under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) **RELATION TO OTHER LAWS.**—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) **NOTICE TO CONGRESS.**—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) **TREATMENT OF CASH CONSIDERATION RECEIVED.**—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) **REVERSIONARY INTEREST.**—

(1) **IN GENERAL.**—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) **RELEASE OF REVERSIONARY INTEREST.**—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal

costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance and implementing the receipt of in-kind consideration. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **DESCRIPTION OF REAL PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### Subtitle F—Other Matters

#### SEC. 2871. REVISED AUTHORITY TO ESTABLISH NATIONAL MONUMENT TO HONOR UNITED STATES ARMED FORCES WORKING DOG TEAMS.

Section 2877 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 563; 16 U.S.C. 431 note) is amended by striking “National War Dogs Monument, Inc.,” both places it appears and inserting “John Burnam Monument Foundation, Inc.”.

#### SEC. 2872. NATIONAL D-DAY MEMORIAL STUDY.

(a) **DEFINITIONS.**—In this section:

(1) **AREA.**—The term “Area” means in the National D-Day Memorial in Bedford, Virginia.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretary may conduct a study of the Area to evaluate the national significance of the Area and suitability and feasibility of designating the Area as a unit of the National Park System.

(2) **CRITERIA.**—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(3) **CONTENTS.**—The study authorized under paragraph (1) shall—

(A) determine the suitability and feasibility of designating the Area as a unit of the National Park System;

(B) include cost estimates for any necessary acquisition, development, operation, and maintenance of the Area; and

(C) identify alternatives for the management, administration, and protection of the Area.

(c) **REPORT.**—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct of the study authorized under this section, except that the study shall be submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 3 years after the date on which funds are first made available for the study.

#### SEC. 2873. CONDITIONS ON ESTABLISHMENT OF COOPERATIVE SECURITY LOCATION IN PALANQUERO, COLOMBIA.

(a) **CONGRESSIONAL NOTIFICATION OF AGREEMENT.**—None of the amounts authorized to be appropriated by this division or otherwise made available for military construction for fiscal year 2010 may be obligated to commence construction of a Cooperative Security Location at the German Olano Moreno Airbase (the Palanquero AB Development Project) in Palanquero, Colombia, until at least 15 days after the date on which the Secretary of Defense certifies to the congressional defense committees that an agreement has been entered into with

the Government of Colombia to allow access to and use of its facilities at the German Olano Moreno Airbase for the duration of the agreement to carry out mutually agreed-upon activities.

(b) **PROHIBITION ON PERMANENT UNITED STATES MILITARY INSTALLATION.**—The agreement referred to in subsection (a) may not provide for or authorize the establishment of a United States military installation or base for the permanent stationing of United States Armed Forces in Colombia.

#### SEC. 2874. MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.

Section 1806 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1059; 16 U.S.C. 460vvv) is amended by adding at the end the following new subsection:

“(g) **MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.**—The designation of the Bridgeport Winter Recreation Area by this section is not intended to restrict or preclude the activities conducted by the United States Armed Forces at the United States Marine Corps Mountain Warfare Training Center.”.

#### TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2901. Authorized Army construction and land acquisition projects.

Sec. 2902. Authorized Air Force construction and land acquisition projects.

Sec. 2903. Construction authorization for facilities for Office of Defense Representative—Pakistan.

#### SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Country	Installation or Location	Amount
Afghanistan .....	Airborne .....	\$7,800,000
	Altimur .....	\$7,750,000
	Asadabad .....	\$5,500,000
	Bagram Air Base .....	\$132,850,000
	Camp Joyce .....	\$7,700,000
	Camp Kabul .....	\$137,000,000
	Camp Kandahar .....	\$132,500,000
	Camp Salerno .....	\$50,200,000
	Forward Operating Base Blessing .....	\$5,600,000
	Forward Operating Base Bostick .....	\$5,500,000
	Forward Operating Base Dwyer .....	\$19,300,000
	Forward Operating Base Ghazni .....	\$5,500,000
	Forward Operating Base Shank .....	\$19,700,000
	Forward Operating Base Sharana .....	\$60,800,000
	Frontenac .....	\$2,200,000
	Jalalabad Airfield .....	\$41,400,000
	Maywand .....	\$7,800,000
	Methar-Lam .....	\$4,150,000
	Provincial Reconstruction Team Gardez .....	\$36,200,000
	Provincial Reconstruction Team Tarin Kowt .....	\$55,800,000
	Tombstone/Bastion .....	\$71,800,000
	Wolverine .....	\$17,050,000

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$924,484,000 as follows:

(1) For military construction projects outside the United States authorized by subsection (a), \$834,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, \$20,100,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$70,284,000.

#### Army: Outside the United States

**SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the author-

ization of appropriations in subsection (b)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside

the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

Country	Installation or Location	Amount
Afghanistan .....	Bagram Air Base .....	\$29,100,000
	Camp Kandahar .....	\$234,600,000
	Forward Operating Base Dwyer .....	\$4,900,000
	Forward Operating Base Shank .....	\$4,900,000
	Provincial Reconstruction Team Tarin Kowt .....	\$4,900,000
	Tombstone/Bastion .....	\$156,200,000
	Wolverine .....	\$4,900,000

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$474,500,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), \$439,500,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$35,000,000.

**SEC. 2903. CONSTRUCTION AUTHORIZATION FOR FACILITIES FOR OFFICE OF DEFENSE REPRESENTATIVE-PAKISTAN.**

(a) **USE OF FUNDS AUTHORIZED.**—

(1) **IN GENERAL.**—Of the amounts authorized to be appropriated by this title, the Secretary of Defense may use not more than \$10,000,000 to plan, design, and construct facilities on the United States Embassy Compound in Islamabad, Pakistan, in support of the Office of the Defense Representative-Pakistan (in this section referred to as the “ODRP”).

(2) **NOTICE AND WAIT.**—The Secretary may not obligate funds made available pursuant to paragraph (1) until the end of the 14-day period beginning on the date on which the Secretary submits to the appropriate congressional committees a report containing notice of the proposed obligation of the funds and addressing the items specified in subsection (b)(2).

(b) **ADDITIONAL REPORTING REQUIREMENTS.**—

(1) **IN GENERAL.**—Not later than 90 days after the submission of the notice under subsection (a)(2), and every 180 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the number of personnel and activities of the ODRP.

(2) **ELEMENTS.**—The report under paragraph (1) shall include the following:

(A) A detailed accounting of the number of personnel permanently assigned or on temporary duty in the ODRP.

(B) A description of the mission of those personnel assigned on a temporary or permanent basis to the ODRP.

(C) A projection of space requirements for the ODRP.

(3) **TERMINATION.**—The requirement to submit a report under paragraph (1) terminates on the date occurring two years after the date on which the first report under such paragraph is submitted.

(c) **FORM.**—A report under this section may be submitted in a classified form.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—For the purposes of this section, the appropriate congressional committees are the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the House of Representatives.

(3) The Committee on Foreign Relations of the Senate.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS****TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS****Subtitle A—National Security Programs Authorizations**

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental cleanup.

Sec. 3103. Other defense activities.

Sec. 3104. Defense nuclear waste disposal.

Sec. 3105. Energy security and assurance.

Sec. 3106. Relation to funding tables.

**Subtitle B—Program Authorizations, Restrictions, and Limitations**

Sec. 3111. Stockpile stewardship program.

Sec. 3112. Report on stockpile stewardship criteria and assessment of stockpile stewardship program.

Sec. 3113. Stockpile management program.

Sec. 3114. Dual validation of annual weapons assessment and certification.

Sec. 3115. Elimination of nuclear weapons life extension program from exception to requirement to request funds in budget of the President.

Sec. 3116. Long-term plan for the modernization and refurbishment of the nuclear security complex.

Sec. 3117. Repeal of prohibition on funding activities associated with international cooperative stockpile stewardship.

Sec. 3118. Modification of minor construction threshold for plant projects.

Sec. 3119. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.

Sec. 3120. National Nuclear Security Administration authority for urgent nonproliferation activities.

Sec. 3121. Repeal of sunset date for consolidation of counterintelligence programs of Department of Energy and National Nuclear Security Administration.

**Subtitle C—Reports**

Sec. 3131. National Academy of Sciences review of national security laboratories.

Sec. 3132. Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

Sec. 3133. Comptroller General study of stockpile stewardship program.

Sec. 3134. Comptroller General of the United States review of projects carried out by the Office of Environmental Management of the Department of Energy pursuant to the American Recovery and Reinvestment Act of 2009.

**Subtitle D—Other Matters**

Sec. 3141. Ten-year plan for use and funding of certain Department of Energy facilities.

Sec. 3142. Expansion of authority of Ombudsman of Energy Employees Occupational Illness Compensation Program.

Sec. 3143. Identification in budget materials of amounts for certain Department of Energy pension obligations.

Sec. 3144. Sense of Congress on production of molybdenum-99.

**Subtitle A—National Security Programs Authorizations****SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of \$10,033,477,000, to be allocated as follows:

(1) For weapons activities, \$6,433,131,000.

(2) For defense nuclear nonproliferation activities, \$2,176,459,000.

(3) For naval reactors, \$1,003,133,000.

(4) For the Office of the Administrator for Nuclear Security, \$420,754,000.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant project:

Project 10-D-501, nuclear facilities risk reduction, Y-12 National Security Complex, Oak Ridge, Tennessee, \$12,500,000.

(2) For safeguards and security, the following new plant project:

Project 10-D-701, security improvement project, Y-12 National Security Complex, Oak Ridge, Tennessee, \$49,000,000.

(3) For naval reactors, the following new plant projects:

Project 10-D-903, KAPL security upgrades, Schenectady, New York, \$1,500,000.

Project 10-D-904, Naval Reactors Facility infrastructure upgrades, Naval Reactors Facility, Idaho, \$700,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of \$5,495,831,000.

**SEC. 3103. OTHER DEFENSE ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for other defense activities in carrying out programs necessary for national security in the amount of \$852,468,000.

**SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$98,400,000.

**SEC. 3105. ENERGY SECURITY AND ASSURANCE.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for energy security and assurance programs necessary for national security in the amount of \$6,188,000.

**SEC. 3106. RELATION TO FUNDING TABLES.**

The amounts authorized to be appropriated by sections 3101, 3102, 3103, 3104, and 3105 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4601.

**Subtitle B—Program Authorizations, Restrictions, and Limitations**

**SEC. 3111. STOCKPILE STEWARDSHIP PROGRAM.**

(a) IN GENERAL.—Subsection (a) of section 4201 of the Atomic Energy Defense Act (division D of Public Law 107-314; 50 U.S.C. 2521) is amended to read as follows:

“(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall establish a stewardship program to ensure—

“(1) the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

“(2) that the nuclear weapons stockpile is safe, secure, and reliable without the use of underground nuclear weapons testing.”.

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “detonation” and inserting “performance over time”; and

(2) by adding at the end the following new paragraphs:

“(4) Support for the use of, and experiments facilitated by, the advanced experimental facilities of the United States, including—

“(A) the National Ignition Facility at Lawrence Livermore National Laboratory;

“(B) the Dual Axis Radiographic Hydrodynamic Test Facility at Los Alamos National Laboratory;

“(C) the Z Machine at Sandia National Laboratories; and

“(D) the experimental facilities at the Nevada test site.

“(5) Support for the sustainment and modernization of facilities with production and manufacturing capabilities that are necessary to ensure the safety, security, and reliability of the nuclear weapons stockpile, including—

“(A) the Pantex Plant;

“(B) the Y-12 National Security Complex;

“(C) the Kansas City Plant;

“(D) the Savannah River Site; and

“(E) production and manufacturing capabilities resident in the national security laboratories (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).”.

(c) PRIOR AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1994.—Such section is further amended by striking subsection (c).

**SEC. 3112. REPORT ON STOCKPILE STEWARDSHIP CRITERIA AND ASSESSMENT OF STOCKPILE STEWARDSHIP PROGRAM.**

(a) IN GENERAL.—Subsection (c) of section 4202 of the Atomic Energy Defense Act (division D of Public Law 107-314; 50 U.S.C. 2522) is amended to read as follows:

“(c) REPORT.—(1) In each odd-numbered year, beginning in 2011, the Secretary of Energy shall include in the stockpile stewardship plan required by section 4203 a report containing the following elements:

“(A) A description of the information needed to determine that the nuclear weapons stockpile is safe and reliable and the relationship of the science-based tools to the collection of that information.

“(B) A description of any updates to the criteria established under subsection (a) during—

“(i) the previous two years; or

“(ii) with respect to the report in 2011, the period beginning on the date of the submission of the report under section 3133 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1751; 50 U.S.C. 2523 note) and ending on the date of the submission of the 2011 stockpile stewardship plan required by section 4203.

“(C) For each science-based tool to collect information needed to determine that the nuclear weapons stockpile is safe, secure, and reliable that is developed or modified by the Department of Energy during the relevant period described in subparagraph (B)—

“(i) a description of the relationship of the science-based tool to the collection of such information; and

“(ii) a description of criteria for assessing the effectiveness of the science-based tool in collecting such information.

“(D) An assessment described in paragraph (2).

“(2) An assessment described in this paragraph is an assessment of the stockpile stewardship program conducted by the Administrator for Nuclear Security in consultation with the directors of the national security laboratories. Such assessment shall set forth the following:

“(A) An identification and description of—

“(i) any key technical challenges to the stockpile stewardship program; and

“(ii) the strategies to address such challenges without the use of nuclear testing.

“(B) A strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

“(C) An assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the assessment compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program.

“(D) An assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons activities and weapons-related activities of the Department of Energy, including—

“(i) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

“(ii) a description of any shortage of such individuals that exists at the time of the assessment compared with any shortage expected to exist during the period covered by the future-years nuclear security program.”.

(b) DEFINITIONS.—Such section is further amended by adding at the end the following subsection:

“(d) DEFINITIONS.—In this section:

“(1) The term ‘future-years nuclear security program’ means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

“(2) The term ‘national security laboratory’ has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

“(3) The term ‘weapons activities’ means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

“(4) The term ‘weapons-related activities’ means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

“(A) nuclear nonproliferation;

“(B) nuclear forensics;

“(C) nuclear intelligence;

“(D) nuclear safety; and

“(E) nuclear incident response.”.

**SEC. 3113. STOCKPILE MANAGEMENT PROGRAM.**

(a) IN GENERAL.—The Atomic Energy Defense Act (division D of Public Law 107-314; 50 U.S.C. 2501 et seq.) is amended—

(1) by repealing section 4204A (50 U.S.C. 2524a); and

(2) by amending section 4204 (50 U.S.C. 2524) to read as follows:

**“SEC. 4204. STOCKPILE MANAGEMENT PROGRAM.**

“(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Administrator for Nuclear Security and in consultation with the Secretary of Defense, shall carry out a program, in support of the stockpile stewardship program, to provide for the effective management of the weapons in the nuclear weapons stockpile, including the extension of the effective life of such weapons. The program shall have the following objectives:

“(1) To increase the reliability, safety, and security of the nuclear weapons stockpile of the United States.

“(2) To further reduce the likelihood of the resumption of underground nuclear weapons testing.

“(3) To achieve reductions in the future size of the nuclear weapons stockpile.

“(4) To reduce the risk of an accidental detonation of an element of the stockpile.

“(5) To reduce the risk of an element of the stockpile being used by a person or entity hostile to the United States, its vital interests, or its allies.

“(b) PROGRAM LIMITATIONS.—In carrying out the stockpile management program under subsection (a), the Secretary of Energy shall ensure that—

“(1) any changes made to the stockpile shall be made to achieve the objectives identified in subsection (a); and

“(2) any such changes made to the stockpile shall—

“(A) remain consistent with basic design parameters by including, to the maximum extent feasible, components that are well understood or are certifiable without the need to resume underground nuclear weapons testing; and

“(B) use the design, certification, and production expertise resident in the nuclear complex to fulfill current mission requirements of the existing stockpile.

“(c) PROGRAM PLAN.—In carrying out the stockpile management program under subsection (a), the Secretary of Energy shall develop a long-term plan to extend the effective life of the weapons in the nuclear weapons stockpile without the use of nuclear weapons testing. The plan shall include the following:

“(1) Mechanisms to provide for the manufacture, maintenance, and modernization of each weapon design in the nuclear stockpile, as needed.

“(2) Mechanisms to expedite the collection of information necessary for carrying out the program, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials.

“(3) Mechanisms to ensure the appropriate assignment of roles and missions for each nuclear



weapons laboratory and production plant of the Department of Energy, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel.

“(4) Mechanisms to ensure that each national laboratory of the National Nuclear Security Administration has full and complete access to all weapons data to enable a rigorous peer review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 4205.

“(5) Mechanisms for allocating funds for activities under the program, including allocations of funds by weapon type and facility.

“(6) An identification of the funds needed, in the fiscal year in which the plan is developed and in each of the following five fiscal years, to carry out the program.

“(d) ANNUAL UPDATES.—The Secretary of Energy shall annually update the plan required under subsection (c) and shall submit the updated plan to Congress as part of the stockpile stewardship plan required by section 4203(c).

“(e) PROGRAM BUDGET.—In accordance with the requirements under section 4209, for each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program under this section shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by striking the items relating to sections 4204 and 4204A and inserting the following new item:

“Sec. 4204. Stockpile management program.”.

**SEC. 3114. DUAL VALIDATION OF ANNUAL WEAPONS ASSESSMENT AND CERTIFICATION.**

(a) DUAL VALIDATION.—

(1) PLAN.—Not later than March 1, 2010, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan (including a schedule) to carry out subsection (c) of section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2525), as added by paragraph (2) of this subsection.

(2) DUAL VALIDATION.—Section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2525) is amended—

(A) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

(B) by inserting after subsection (b) the following new subsection (c):

“(c) DUAL VALIDATION TEAMS IN SUPPORT OF ASSESSMENTS.—In support of the assessments required by subsection (a), the Administrator for Nuclear Security may establish teams, known as ‘dual validation teams’, to provide each national security laboratory responsible for weapons design with independent evaluations of the condition of each warhead for which such laboratory has lead responsibility. A dual validation team established by the Administrator shall—

“(1) be comprised of weapons experts from the laboratory that does not have lead responsibility for fielding the warhead being evaluated;

“(2) have access to all surveillance and underground test data for all stockpile systems for use in the independent evaluations;

“(3) use all relevant available data to conduct independent calculations; and

“(4) pursue independent experiments to support the independent evaluations.”.

(b) RED TEAM REVIEWS.—Subsection (d)(1) of such section, as redesignated by subsection (a)(2)(A) of this section, is amended—

(1) by inserting “both” after “review”; and

(2) by inserting after “that laboratory” the following: “and any independent evaluations conducted by a dual validation team under subsection (c)”.

(c) SUMMARY.—Subsection (e)(3) of such section, as redesignated by subsection (a)(2)(A) of this section, is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) a concise summary of the results of any independent evaluation conducted by a dual validation team under subsection (c).”.

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (3)(C) of subsection (e), as redesignated by subsection (a)(2)(A) of this section, by striking “subsection (c)” and inserting “subsection (d)”;

(2) in paragraph (1)(A) of subsection (f), as redesignated by subsection (a)(2)(A) of this section, by striking “subsection (d)” and inserting “subsection (e)”;

(3) in subsection (g), as redesignated by subsection (a)(2)(A) of this section, by striking “subsection (e)” and inserting “subsection (f)”;

(4) in subsection (i), as redesignated by subsection (a)(2)(A) of this section—

(A) in paragraph (1), by striking “subsection (d)” and inserting “subsection (e)”;

(B) in paragraph (2), by striking “subsection (e)” and inserting “subsection (f)”.

**SEC. 3115. ELIMINATION OF NUCLEAR WEAPONS LIFE EXTENSION PROGRAM FROM EXCEPTION TO REQUIREMENT TO REQUEST FUNDS IN BUDGET OF THE PRESIDENT.**

Section 4209 of the Atomic Energy Defense Act (50 U.S.C. 2529) is amended—

(1) in subsection (c), by striking “necessary—” and all that follows through the period and inserting “necessary to address proliferation concerns.”; and

(2) in subsection (d)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

**SEC. 3116. LONG-TERM PLAN FOR THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.**

(a) IN GENERAL.—Subtitle D of the National Nuclear Security Administration Act (50 U.S.C. 2451 et seq.) is amended by adding at the end the following new section:

**“SEC. 3255. BIENNIAL PLAN AND BUDGET ASSESSMENT ON THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.**

“(a) NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT PLAN AND ASSESSMENT.—The Administrator for Nuclear Security shall include with the nuclear security budget materials submitted for each odd-numbered fiscal year—

“(1) the plan for the modernization and refurbishment of the nuclear security complex described under subsection (b); and

“(2) an assessment by the Administrator of whether both the budget for such fiscal year and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex in accordance with the plan described under subsection (b).

“(b) PLAN ELEMENTS.—(1) The plan required under subsection (a)(1) shall be designed so that the nuclear security complex is capable of supporting—

“(A) the national security strategy of the United States, as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the nuclear security budget materials a national security strategy report required under such section 108 has not been submitted to Congress, then such plan shall be designed so that the modernization and refurbishment of the nuclear security complex provided for under such plan is capable of supporting the nuclear security complex recommended in the report of the most recent Quadrennial Defense Review; and

“(B) the nuclear posture of the United States as set forth in the most recent Nuclear Posture Review.

“(2) The plan required under subsection (a)(1) shall include the following:

“(A) A description of the modernization and refurbishment measures the Administrator determines necessary to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1)(A), and the Nuclear Posture Review.

“(B) A schedule for implementing those measures determined necessary under subparagraph (A) during the 10 years following the date of the plan.

“(C) The estimated levels of annual funds the Administrator determines necessary to carry out the program, including a discussion of the criteria, evidence, and strategies on which such estimated levels of annual funds are based.

“(c) BUDGET ASSESSMENT.—If the Administrator determines a budget request is insufficient for the modernization and refurbishment of the nuclear security complex provided for in the plan required under subsection (a)(1), the Administrator shall include with the nuclear security budget materials for such fiscal year a further assessment that describes and discusses the risks and implications associated with the ability of the nuclear security complex to support the annual certification of the nuclear stockpile of the United States and maintain its long-term safety, security, and reliability. Such assessment shall be coordinated in advance with the Secretary of Defense and the Commander of the United States Strategic Command.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘nuclear security complex’ means the physical facilities, technology, and human capital of—

“(A) the national security laboratories;

“(B) the Pantex Plant;

“(C) the Y–12 National Security Complex;

“(D) the Kansas City Plant;

“(E) the Savannah River Site; and

“(F) the Nevada test site.

“(2) The term ‘budget’, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

“(3) The term ‘nuclear security budget materials’, with respect to a fiscal year, means the materials submitted to Congress by the Administrator for Nuclear Security in support of the budget for that fiscal year.

“(4) The term ‘Quadrennial Defense Review’ means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3254 the following new item:

“3255. Biennial plan and budget assessment on the modernization and refurbishment of the nuclear security complex.”.

**SEC. 3117. REPEAL OF PROHIBITION ON FUNDING ACTIVITIES ASSOCIATED WITH INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.**

(a) IN GENERAL.—Section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by striking the item relating to section 4301.

**SEC. 3118. MODIFICATION OF MINOR CONSTRUCTION THRESHOLD FOR PLANT PROJECTS.**

(a) INCREASE.—Paragraph (3) of section 4701 of the Atomic Energy Defense Act (50 U.S.C. 2741(3)) is amended by striking “\$5,000,000” and inserting “\$10,000,000”.

(b) SUNSET.—Effective September 30, 2010, such paragraph, as amended by subsection (a), is amended by striking “\$10,000,000” and inserting “\$5,000,000”.

(c) NOTIFICATION.—Notwithstanding section 4703 of such Act (50 U.S.C. 2743), in carrying out construction projects during fiscal year 2010, the Secretary of Energy may not start a general plant project with a total estimated cost of more than \$5,000,000 until—

(1) the Secretary notifies the congressional defense committees of such project and total estimated cost; and

(2) a period of 15 days has elapsed after the date on which such notification is received.

**SEC. 3119. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.**

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking “September 30, 2009” and inserting “September 30, 2011”.

**SEC. 3120. NATIONAL NUCLEAR SECURITY ADMINISTRATION AUTHORITY FOR URGENT NONPROLIFERATION ACTIVITIES.**

(a) IN GENERAL.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the nonproliferation programs of the Department of Energy National Nuclear Security Administration may be expended, notwithstanding any other law, for activities described under subsection (b)(1)(B).

(b) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—The Secretary of Energy, with the concurrence of the Secretary of State and the Secretary of Defense, may make a written determination that—

(A) threats arising from the proliferation of nuclear or radiological weapons or weapons-related materials, technologies, and expertise must be addressed urgently;

(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out nonproliferation activities of the National Nuclear Security Administration to address such threats; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

(2) NOTICE REQUIRED.—Not later than 15 days before obligating or expending funds under the authority provided in subsection (a), the Secretary of Energy shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) the activities to be undertaken by the nonproliferation programs of the National Nuclear Security Administration;

(C) the expected time frame for such activities; and

(D) the expected costs of such activities.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

**SEC. 3121. REPEAL OF SUNSET DATE FOR CONSOLIDATION OF COUNTERINTELLIGENCE PROGRAMS OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

Subsection (a) of section 3117 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2507; 42 U.S.C. 7144b note) is amended to read as follows:

“(a) TRANSFER OF FUNCTIONS.—The functions, personnel, funds, assets, and other resources of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration are transferred to the Secretary of Energy, to be administered (except to any extent otherwise directed by the Secretary) by the Director of the Office of Counterintelligence of the Department of Energy.”.

**Subtitle C—Reports**

**SEC. 3131. NATIONAL ACADEMY OF SCIENCES REVIEW OF NATIONAL SECURITY LABORATORIES.**

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an agreement with the National Academy of Sciences to conduct a study of the following laboratories:

(1) The Lawrence Livermore National Laboratory, California.

(2) The Los Alamos National Laboratory, New Mexico.

(3) The Sandia National Laboratories, California and New Mexico.

(b) ELEMENTS.—The study required under subsection (a) shall include, with respect to each laboratory specified in such subsection, an evaluation of the following:

(1) The quality of the scientific research being conducted at the laboratory, including research with respect to weapons science, nonproliferation, energy, and basic science.

(2) The quality of the engineering being conducted at the laboratory.

(3) The criteria used to assess the quality of scientific research and engineering being conducted at the laboratory.

(4) The relationship between the quality of the science and engineering at the laboratory and the contract for managing and operating the laboratory.

(5) The management of work conducted by the laboratory for entities other than the Department of Energy, including academic institutions and other Federal agencies, and interactions between the laboratory and such entities.

(c) COOPERATION.—The Secretary of Energy shall, in consultation with the Secretary of Defense and the Director of National Intelligence, ensure that the National Academy of Sciences receives full and timely cooperation from the Department of Energy, the Department of Defense, and the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) in conducting the study required under subsection (a).

(d) REPORT.—The National Academy of Sciences shall submit to the Secretary of Energy a report containing the results of the study and any recommendations resulting from the study.

(e) SUBMITTAL TO CONGRESS.—

(1) IN GENERAL.—Not later than January 1, 2011, the Secretary of Energy shall submit to the appropriate congressional committees the report submitted under subsection (d) and any comments or recommendations of the Secretary with respect to that report.

(2) FORM.—The report shall be submitted to the appropriate congressional committees in unclassified form, but may include a classified annex.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Science and Technology of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate.

**SEC. 3132. PLAN TO ENSURE CAPABILITY TO MONITOR, ANALYZE, AND EVALUATE FOREIGN NUCLEAR WEAPONS ACTIVITIES.**

(a) PLAN.—The Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, shall prepare a plan to ensure that the national laboratories overseen by the Department of Energy maintain a robust technical capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Energy shall submit to the appropriate congressional committees a report describing the plan required under subsection (a) and the resources necessary to implement the plan. The report shall be in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

**SEC. 3133. COMPTROLLER GENERAL STUDY OF STOCKPILE STEWARDSHIP PROGRAM.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the stockpile stewardship program established under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) to determine if the program was functioning, as of December 2008, as envisioned when the program was established.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An assessment of whether the capabilities determined to be necessary to maintain the nuclear weapons stockpile without the use of nuclear testing have been implemented and the extent to which such capabilities are functioning.

(2) A review and description of the agreements governing use, management, and support of the capabilities developed for the stockpile stewardship program and an assessment of enforcement of, and compliance with, those agreements.

(3) An assessment of plans for surveillance and testing of nuclear weapons in the stockpile and the extent of the compliance with such plans.

(4) An assessment of—

(A) the condition of the infrastructure at the plants and laboratories of the nuclear weapons complex;

(B) the value of nuclear weapons facilities built after 1992;

(C) any plans that are in place to maintain, improve, or replace such infrastructure;

(D) whether there is a validated requirement for all planned infrastructure replacement projects; and

(E) the projected costs for each such project and the time line for completion of each such project.

(5) An assessment of the efforts to ensure and maintain the intellectual and technical capability of the nuclear weapons complex to support the nuclear weapons stockpile.

(6) Recommendations for the stockpile stewardship program going forward.

(c) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the study required by subsection (a).

**SEC. 3134. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF PROJECTS CARRIED OUT BY THE OFFICE OF ENVIRONMENTAL MANAGEMENT OF THE DEPARTMENT OF ENERGY PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.**

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a series of three reviews, as described in subsections (b), (c), and (d), of projects carried out by the Office of Environmental Management of the Department of Energy (in this section referred to as the “Office”) using American Recovery and Reinvestment Act funds.

(b) **PHASE ONE REVIEW.**—

(1) **IN GENERAL.**—Beginning on the date of the enactment of this Act, the Comptroller General shall conduct a review of the following:

(A) The criteria used by the Office to select projects to be carried out using American Recovery and Reinvestment Act funds.

(B) The extent to which lessons learned during previous accelerations of defense environmental cleanup efforts were used in the development of such criteria.

(C) The process used by the Office to estimate costs and develop schedules for such projects.

(D) The process used by the Office for the independent validation of the scope, cost, and schedule for such projects.

(E) The criteria and methodology used by the Office to measure the contribution of each such project toward reducing the overall costs, and meeting the goals, of defense environmental cleanup.

(2) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review conducted under paragraph (1).

(c) **PHASE TWO REVIEW.**—

(1) **IN GENERAL.**—The Comptroller General shall conduct a review, during the period described in paragraph (2), of the following:

(A) The implementation of each project carried out using American Recovery and Reinvestment Act funds.

(B) The extent to which each such project is meeting the cost and scheduling goals of the project.

(C) The number of jobs created or maintained through such projects.

(D) The adequacy of contract oversight for such projects.

(E) Any program management, implementation or technical problems, or other problems in connection with such projects that are identified by the Comptroller General in the course of the review.

(F) Any management and implementation issues or actions, or other systemic issues, identified by the Comptroller General in the course of the review that either hinder or assist the effective management of defense environmental cleanup efforts.

(2) **PERIOD DESCRIBED.**—The period described in this paragraph is the period—

(A) beginning on the date on which the Comptroller General submits the report required under subsection (b)(2); and

(B) ending on the later of—

(i) the date on which all projects carried out using American Recovery and Reinvestment Act funds have been completed; or

(ii) the date on which all American Recovery and Reinvestment Act funds have been obligated or expended or are no longer available to be obligated or expended.

(3) **REPORTS.**—The Comptroller General shall submit to the congressional defense committees a report on the status of the review conducted under paragraph (1) not later than 30 days after submitting the report required under subsection (b)(2) and every 120 days thereafter until the end of the period described in paragraph (2).

(d) **PHASE THREE REVIEW.**—

(1) **IN GENERAL.**—Beginning on the date on which the Comptroller General submits the last report required under subsection (c)(3), the Comptroller General shall conduct a review of the following:

(A) The implementation of all projects carried out using American Recovery and Reinvestment Act funds, including the number of such projects—

(i) that were completed;

(ii) that were not completed;

(iii) that were completed on budget;

(iv) that exceeded the budget for such project;

(v) that were completed on schedule; and

(vi) that exceeded the scheduling goals for such project.

(B) The impact on employment as a result of the completion of such projects.

(C) Any lessons learned as a result of accelerating such projects.

(D) The extent to which the achievement of the overall goals of defense environmental cleanup were accelerated, and the overall costs of defense environmental cleanup were reduced, as a result of such projects.

(E) Any other issues the Comptroller General considers appropriate with respect to such projects.

(2) **REPORT.**—Not later than 90 days after submitting the last report required under subsection (c)(3), the Comptroller General shall submit to the congressional defense committees a report containing the results of the review conducted under paragraph (1).

(e) **AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS DEFINED.**—In this section, the term “American Recovery and Reinvestment Act funds” means funds made available for the Office of Environmental Management under the heading “DEFENSE ENVIRONMENTAL CLEANUP” under the heading “ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES” under the heading “DEPARTMENT OF ENERGY” under title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 140).

**Subtitle D—Other Matters**

**SEC. 3141. TEN-YEAR PLAN FOR USE AND FUNDING OF CERTAIN DEPARTMENT OF ENERGY FACILITIES.**

(a) **IN GENERAL.**—The Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall jointly develop a plan to use and fund, over a ten-year period, the following facilities of the Department of Energy:

(1) The National Ignition Facility at the Lawrence Livermore National Laboratory, California.

(2) The Los Alamos Neutron Science Center at the Los Alamos National Laboratory, New Mexico.

(3) The Z Machine at the Sandia National Laboratories, New Mexico.

(4) The Microsystems and Engineering Sciences Application Facility at the Sandia National Laboratories, New Mexico.

(b) **SUBMITTAL OF PLAN.**—Not later than 45 days after the date of the enactment of this Act,

the Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall submit to the appropriate congressional committees the plan required by subsection (a).

(c) **REQUIREMENT TO SPECIFY SOURCE OF FACILITY FUNDING IN BUDGET REQUESTS.**—In any budget request for the Department of Energy for a fiscal year that is submitted to Congress after the date of the enactment of this Act, the Secretary of Energy shall identify for that fiscal year the portion of the funding for each facility specified in subsection (a) that is to be provided by the National Nuclear Security Administration and by the Office of Science of the Department of Energy.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Science and Technology of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate.

**SEC. 3142. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.**

(a) **IN GENERAL.**—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended—

(1) in subsection (c), by inserting “and subtitle B” after “this subtitle” each place it appears;

(2) in subsection (d), by inserting “and subtitle B” after “this subtitle”;

(3) in subsection (e), by inserting “and subtitle B” after “this subtitle” each place it appears;

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following new subsection:

“(g) **NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH OMBUDSMAN.**—In carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B.”.

(b) **CONSTRUCTION.**—Except as specifically provided in subsection (g) of section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (a) of this section, nothing in the amendments made by such subsection (a) shall be construed to alter or affect the duties and functions of the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384i et seq.).

**SEC. 3143. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR CERTAIN DEPARTMENT OF ENERGY PENSION OBLIGATIONS.**

The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) specific identification, as a budgetary line item, of the amounts required to meet the pension obligations of the Department of Energy for contractor employees at each facility of the Department of Energy operated using amounts authorized to be appropriated for the Department of Energy.

**SEC. 3144. SENSE OF CONGRESS ON PRODUCTION OF MOLYBDENUM-99.**

(a) **FINDINGS.**—Congress finds the following:

(1) There are fewer than five reactors around the world currently capable of producing molybdenum-99 (in this section referred to as “Mo-99”) and there are no such reactors in the United States that can provide a reliable supply of Mo-99 to meet medical needs.

(2) Since November 2007, there have been major disruptions in the global availability of Mo-99, including at facilities in Canada and the Netherlands, which have led to shortages of Mo-99-based medical products in the United States and around the world.

(3) Ensuring a reliable supply of medical radioisotopes, including Mo-99, is of great importance to the public health.

(4) It is also a national security priority of the United States, and specifically of the Department of Energy, to encourage the production of low-enriched uranium-based radioisotopes in order to promote a more peaceful international nuclear order.

(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo-99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support the development of Mo-99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests worldwide.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) radioisotopes and radiopharmaceuticals, including Mo-99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people each year; and

(2) the Secretary of Energy should continue and expand a program to meet the need identified by the National Academy of Sciences to ensure a source of Mo-99 and its derivatives for use in medical tests to help ensure the health security of the United States and around the world and promote peaceful nuclear industries through the use of low-enriched uranium.

#### **TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

#### **TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

Sec. 3201. Authorization.

#### **SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2010, \$26,086,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

#### **TITLE XXXIV—NAVAL PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

#### **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AMOUNT.**—There are hereby authorized to be appropriated to the Secretary of Energy \$23,627,000 for fiscal year 2010 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) **PERIOD OF AVAILABILITY.**—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

#### **TITLE XXXV—MARITIME ADMINISTRATION**

Sec. 3501. Authorization of appropriations for fiscal year 2010.

Sec. 3502. Unused leave balances.

Sec. 3503. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy.

Sec. 3504. Maritime loan guarantee program.

Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.

Sec. 3506. Report on restrictions on United States-flagged commercial vessel security.

Sec. 3507. Technical corrections to State maritime academies student incentive program.

Sec. 3508. Cooperative agreements, administrative expenses, and contracting authority.

Sec. 3509. Use of funding for DOT maritime heritage property.

Sec. 3510. Use of midshipman fees.

Sec. 3511. Construction of vessels in the United States policy.

Sec. 3512. Port infrastructure development program.

Sec. 3513. Reefs for marine life conservation program.

Sec. 3514. United States Merchant Marine Academy graduate program receipt, disbursement, and accounting for nonappropriated funds.

Sec. 3515. America's short sea transportation grants for the development of marine highways.

Sec. 3516. Expansion of the Marine View system.

#### **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.**

Funds are hereby authorized to be appropriated for fiscal year 2010, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, \$152,900,000, of which—

(A) \$15,391,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy;

(B) \$11,240,000 shall remain available until expended for maintenance and repair of training ships of the State Maritime Academies; and

(C) \$74,500,000 shall be available for operations at the United States Merchant Marine Academy.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$174,000,000.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, \$15,000,000.

(4) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$60,000,000.

(5) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to the implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the program of assistance for small shipyards and maritime communities under section 54101 of title 46, United States Code, \$4,000,000.

#### **SEC. 3502. UNUSED LEAVE BALANCES.**

The Maritime Administrator may, subject to the availability of appropriations, make a lump-sum payment for the accumulated balance of unused annual leave, at a rate of pay that existed on the date of termination or on the day before conversion to the Civil Service, to any former employee of a United States Merchant Marine Academy nonappropriated fund instrumentality who was terminated from such employment in the period September 2008 through March 2009 under authority granted by section 3506 of the Duncan Hunter National Defense Authorization Act for fiscal year 2009 (Public Law 110-417; 122 Stat. 4356).

#### **SEC. 3503. TEMPORARY PROGRAM AUTHORIZING CONTRACTS WITH ADJUNCT PROFESSORS AT THE UNITED STATES MERCHANT MARINE ACADEMY.**

(a) **IN GENERAL.**—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

##### **“§51317. Adjunct professors**

“(a) **IN GENERAL.**—The Maritime Administrator may establish a program for the purpose of contracting with individuals as personal services contractors to provide services as adjunct professors at the Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

“(b) **CONTRACT REQUIREMENTS.**—Each contract under the program—

“(1) must be approved by the Maritime Administrator; and

“(2) shall be for a duration, including options, of not to exceed one year unless the Maritime Administrator finds that exceptional circumstances justify an extension of up to one additional year.

“(3) shall be subject to the availability of appropriations.

“(c) **LIMITATION ON NUMBER OF CONTRACTORS.**—In awarding contracts under this section, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under subsection (a).

“(d) **REPORTING REQUIREMENTS.**—When the authority granted by subsection (a) is used to hire an adjunct professor at the Academy in fiscal year 2010 or fiscal year 2011, the Administrator shall notify the Committee on Armed Services of the House of Representatives, the Committee on Armed Services of the Senate, and the Committee on Commerce, Science, and Transportation of the Senate, including the need for and the term of employment for the adjunct professor.”.

(b) **CLERICAL AND CONFORMING AMENDMENTS.**—

(1) **CLERICAL AMENDMENT.**—The table of contents for chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following new item:

“51317. Adjunct professors.”.

(2) **CONFORMING AMENDMENT.**—Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 53101 note) is repealed.

#### **SEC. 3504. MARITIME LOAN GUARANTEE PROGRAM.**

The Congress finds that—

(1) it is in the national security interest of the United States to foster commercial shipbuilding in the United States;

(2) the maritime loan guarantee program authorized by chapter 537 of title 46, United States Code, has a long and successful history of facilitating construction of commercial vessels in domestic shipyards;

(3) the Maritime Loan Guarantee Program strengthens our Nation's industrial base by allowing domestic shipyards and their allied service and supply industries to more effectively produce commercial vessels that enhance the commercial seafight capability of the Department of Defense; and

(4) a revitalized and effective Maritime Loan Guarantee Program would result in construction of a more modern and larger fleet of commercial vessels manned by United States citizens, thereby providing a pool of trained United States citizen mariners available to assist the Department of Defense in times of war or national emergency.

**SEC. 3505. DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES OF MARITIME SECURITY FLEET VESSELS.**

Section 53107(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

“(3) DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES.—(A) The Emergency Preparedness Agreement for any operating agreement that first takes effect or is renewed after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 shall require that any vessel operating under the agreement in the carriage of cargo for the Department of Defense in an area that is designated by the Coast Guard as an area of high risk of piracy shall be equipped with, at a minimum, appropriate non-lethal defense measures to protect the vessel, crew, and cargo from unauthorized seizure at sea.

“(B) The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating shall jointly prescribe the non-lethal defense measures that are required under this paragraph.”.

**SEC. 3506. REPORT ON RESTRICTIONS ON UNITED STATES-FLAGGED COMMERCIAL VESSEL SECURITY.**

(a) REPORT REQUIRED.—The Secretary of Defense and the Secretary of State shall prepare and submit a joint report to the appropriate congressional committees not later than 60 days after the date of the enactment of this Act on actions within their respective departments to—

(1) eliminate or reduce restrictions under any regulation or provision of law on the carriage of arms and use of armed security teams on United States-flagged commercial vessels for purpose of self defense in areas that are designated as being at a high risk of piracy;

(2) negotiate bilateral agreements with coastal states to allow United States-flagged commercial vessels carrying United States Government cargoes, such as food aid, that must transit areas designated as being at high risk of piracy, to enter the ports of those coastal states while carrying arms or embarked armed security teams for the purpose of self-defense; and

(3) establish common standards, in coordination with the Secretary of Homeland Security and the Commandant of the United States Coast Guard, for the training and professional qualifications of armed security teams.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) ARMED SECURITY TEAMS.—The term “armed security teams” means security guards employed from the private sector for the purpose of self-defense of the vessel.

**SEC. 3507. TECHNICAL CORRECTIONS TO STATE MARITIME ACADEMIES STUDENT INCENTIVE PROGRAM.**

(a) INSTALLMENT PAYMENTS.—Section 51509(b) of title 46, United States Code, is amended—

(1) by striking “and be paid before the start of each academic year, as prescribed by the Secretary,” and inserting “and be paid in such installments as the Secretary shall determine”;

(2) by striking “academy,” and inserting “academy, as prescribed by the Secretary.”.

(b) REPEAL OF REDUNDANT SECTION.—Section 177 of division I of Public Law 111–8 (123 Stat. 945; relating to amendments previously enacted by section 3503 of division C of Public Law 110–417 (122 Stat. 4762)) is repealed and shall have no force or effect.

**SEC. 3508. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EXPENSES, AND CONTRACTING AUTHORITY.**

Section 109 of title 49, United States Code, is amended—

(1) by striking the headline for subsection (h) and inserting the following:

“(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.”;

(2) by striking the heading for paragraph (1) of subsection (h) and inserting the following:

“(1) CONTRACTS AND COOPERATIVE AGREEMENTS.”;

(3) by striking “make contracts” in subsection (h)(1) and inserting “make contracts and cooperative agreements”;

(4) by striking “section and” in subsection (h)(1)(A) and inserting “section,”;

(5) by striking “title 46,” in subsection (h)(1)(A) and insert “title 46, and all other Maritime Administration programs;”;

(6) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

“(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.”.

**SEC. 3509. USE OF FUNDING FOR DOT MARITIME HERITAGE PROPERTY.**

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking subparagraph (C) and inserting the following:

“(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010, shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section or, if otherwise determined by the Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.”.

**SEC. 3510. USE OF MIDSHIPMAN FEES.**

Section 51314 of title 46, United States Code, is amended by striking “1994.” in subsection (b) and inserting “1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and Coast Guard license fees.”.

**SEC. 3511. CONSTRUCTION OF VESSELS IN THE UNITED STATES POLICY.**

Section 50101(a)(4) of title 46, United States Code, is amended by inserting “constructed in the United States” after “vessels”.

**SEC. 3512. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.**

Section 50302 of title 46, United States Code, is amended by adding at the end thereof the following:

“(c) PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.—

“(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation, through the Maritime Administrator, shall establish a port infrastructure development program for the improvement of port facilities as provided in this subsection.

“(2) AUTHORITY OF THE ADMINISTRATOR.—In order to carry out any project under the program established under paragraph (1), the Administrator may—

“(A) receive funds provided for the project from Federal, non-Federal, and private entities that have a specific agreement or contract with the Administrator to further the purposes of this subsection;

“(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to improve the efficiency of the transportation system, to increase port security, or to provide greater access to port facilities;

“(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies; and

“(D) provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.

“(3) PORT INFRASTRUCTURE DEVELOPMENT FUND.—

“(A) ESTABLISHMENT.—There is a Port Infrastructure Development Fund for use by the Administrator in carrying out projects under the port infrastructure development program. The Fund shall be available to the Administrator—

“(i) to administer and carry out projects under the program;

“(ii) to receive Federal, non-Federal, and private funds from entities which have specific agreements or contracts with the Administrator; and

“(iii) to make refunds for projects that will not be completed.

“(B) CREDITS.—There may be deposited into the Fund—

“(i) funds from Federal, non-Federal, and private entities which have agreements or contracts with the Administrator and which shall remain in the Fund until expended or refunded; and

“(ii) such amounts as may be appropriated or transferred, subject to subparagraph (C), to the Fund under this subsection.

“(C) TRANSFERS.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), amounts appropriated or otherwise made available for any fiscal year for a marine facility or intermodal facility that includes maritime transportation may be transferred, at the option of the recipient of such amounts, to the Fund and administered by the Administrator as a component of a project under the program.

“(ii) PROHIBITION ON TRANSFERS.—Except as provided in clause (iii), no funds appropriated or made available under title 23 or chapter 53 of title 49, United States Code, including funds from the Highway Trust Fund (section 9503(c) of the Internal Revenue Code of 1986), funds from the Mass Transit Account of the Highway Trust Fund (section 9503(e) of Internal Revenue Code of 1986), and funds provided for public transportation programs within the mass transit category (as defined in section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985), shall be transferred into the Fund.

“(iii) EXCEPTION.—

“(I) IN GENERAL.—Amounts described in subclause (II) are eligible for transfer into the Fund if—

“(aa) the recipient of the amounts has a specific agreement or contract with the Administrator;

“(bb) the Department of Transportation agency that administers the amounts to be transferred has granted project approval for each component of the project that is to be funded using such amounts;

“(cc) the Department of Transportation agency that administers the amounts to be transferred and the Maritime Administration agree to the transfer through a signed Memorandum of Understanding; and

“(dd) the amounts will be used only to carry out the project for which funds were approved, and in accordance with any conditions governing the amounts under title 23 or chapter 53 of title 49, United States Code.

“(II) AMOUNTS DESCRIBED.—The amounts referred to in subclause (I) are amounts appropriated or made available—

“(aa) for loans, loan guarantees, or lines of credit under chapter 6 of title 23, United States Code, for a project eligible under such chapter to facilitate direct intermodal exchange, transfer, and access into and out of a port as defined

under section 601(a)(8)(D)(iii) of such title, as in effect on the date of enactment of this subsection; or

“(bb) for projects under title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

“(D) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect existing authorities to conduct port infrastructure programs in Hawaii (as authorized by section 9008 of Public Law 109-59), Alaska (as authorized by section 10205 of Public Law 109-59), or Guam (as authorized by section 3512 of Public Law 110-417).

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the program, taking into account amounts received under paragraph (3)(A)(ii).”.

**SEC. 3513. REEFS FOR MARINE LIFE CONSERVATION PROGRAM.**

(a) IN GENERAL.—Section 3 of Public Law 92-402 (16 U.S.C. 1220) is amended by adding at the end thereof the following:

“(d) Any territory, possession, or Commonwealth of the United States, and any foreign country, may apply to the Secretary for an obsolete vessel to be used for an artificial reef under this section. The application process and reefing of any such obsolete vessel shall be performed in a manner consistent with the process jointly developed by the Secretary of Transportation and the Administrator of the Environmental Protection Agency under section 3504(b) of Public Law 107-314 (16 U.S.C. 1220 note).”.

(b) LIMITATION.—Section 7 of Public Law 92-402 (16 U.S.C. 1220c-1) is amended by adding at the end thereof the following:

“(d) LIMITATION.—The Secretary may not provide assistance under this section to a foreign country to which an obsolete ship is transferred under this Act.”.

**SEC. 3514. UNITED STATES MERCHANT MARINE ACADEMY GRADUATE PROGRAM RECEIPT, DISBURSEMENT, AND ACCOUNTING FOR NONAPPROPRIATED FUNDS.**

Section 51309(b) of title 46, United States Code, is amended by inserting after “body.” the following: “Nonappropriated funds received for this purpose shall be credited to the Maritime Administration’s Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purpose of such receipts. The Superintendent shall maintain a separate and detailed accounting of nonappropriated fund receipts and all associated expenses.”.

**SEC. 3515. AMERICA’S SHORT SEA TRANSPORTATION GRANTS FOR THE DEVELOPMENT OF MARINE HIGHWAYS.**

Section 55601 of title 46, United States Code, is amended by adding at the end the following:

“(g) GRANTS.—

“(1) IN GENERAL.—The Secretary shall establish and implement a short sea transportation grant program to implement projects or components of a project designated under subsection (d).

“(2) APPLICATIONS.—In order to receive a grant under the program, an applicant shall—

“(A) submit an application to the Secretary, in such form and manner, at such time, and containing such information as the Secretary may require; and

“(B) demonstrate to the satisfaction of the Secretary that—

“(i) the project is financially viable;

“(ii) the funds received will be spent efficiently and effectively; and

“(iii) a market exists for the services of the proposed project as evidenced by contracts or written statements of intent from potential customers.

“(3) NON-FEDERAL SHARE.—An applicant shall provide at least 20 percent of the project costs from non-Federal sources. In awarding grants under the program, the Secretary shall give a preference to those projects or components that present the most financially viable transportation services and require the lowest percentage Federal share of the costs.”.

**SEC. 3516. EXPANSION OF THE MARINE VIEW SYSTEM.**

(a) DEFINITIONS.—In this section:

(1) MARINE TRANSPORTATION SYSTEM.—The term “marine transportation system” means the navigable water transportation system of the United States, including the vessels, ports (and intermodal connections thereto), and shipyards and other vessel repair facilities that are components of that system.

(2) MARINE VIEW SYSTEM.—The term “Marine View system” means the information system of the Maritime Administration known as Marine View.

(b) PURPOSES.—The purposes of this section are—

(1) to expand the Marine View system; and

(2) to provide support for the strategic requirements of the marine transportation system and its contribution to the economic viability of the United States.

(c) EXPANSION OF MARINE VIEW SYSTEM.—To accomplish the purposes of this section, the Secretary of Transportation shall expand the Marine View system so that such system is able to identify, collect, integrate, secure, protect, store, and securely distribute throughout the marine transportation system information that—

(1) provides access to many disparate marine transportation system data sources;

(2) enables a system-wide view of the marine transportation system;

(3) fosters partnerships between the Government of the United States and private entities;

(4) facilitates accurate and efficient modeling of the entire marine transportation system environment;

(5) monitors and tracks threats to the marine transportation system, including areas of severe weather or reported piracy; and

(6) provides vessel tracking and rerouting, as appropriate, to ensure that the economic viability of the United States waterways is maintained.

**DIVISION D—FUNDING TABLES**

**SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.**

(a) AMOUNTS SPECIFIED IN FUNDING TABLES ARE AUTHORIZED BY LAW.—Wherever a funding table in this Division specifies a dollar amount for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the indicated project, program, or activity is hereby authorized by law, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—This section does not prevent an amount covered by this section from being transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in a funding table referred to in subsection (a) shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATION.—No oral or written communication concerning any amount specified in a funding table referred to in subsection (a) shall supersede the requirements of this section.

**TITLE XLI—PROCUREMENT**

**SEC. 4101. PROCUREMENT.**

PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2010 Request	Conference Agreement
<b>AIRCRAFT PROCUREMENT, ARMY</b>			
<b>AIRCRAFT</b>			
<b>FIXED WING</b>			
001	JOINT CARGO AIRCRAFT (JCA) .....		
002	UTILITY F/W AIRCRAFT .....		
003	MQ-1 UAV .....	401,364	201,364
	Avoid forward funding of production .....		[-200,000]
004	RQ-11 (RAVEN) .....	35,008	35,008
004A	C-12A .....		
<b>ROTARY WING</b>			
006	ARMED RECONNAISSANCE HELICOPTER .....		
007	ADVANCE PROCUREMENT (CY) .....		
008	HELICOPTER, LIGHT UTILITY (LUH) .....	326,040	326,040
009	AH-64 APACHE BLOCK III .....	161,280	161,280



**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
010	ADVANCE PROCUREMENT (CY) .....	57,890	57,890
011	UH-60 BLACKHAWK (MYP) .....	1,258,374	1,258,374
012	ADVANCE PROCUREMENT (CY) .....	98,740	98,740
013	CH-47 HELICOPTER .....	860,087	882,087
	Transfer From APA 22 .....		[22,000]
014	ADVANCE PROCUREMENT (CY) .....	50,676	50,676
015	HELICOPTER NEW TRAINING .....	19,639	0
	Program Not Justified .....		[-19,639]
	<b>MODIFICATION OF AIRCRAFT</b>		
016	MQ-1 PAYLOAD—UAS .....	87,424	87,424
017	MQ-1 WEAPONIZATION—UAS .....	14,832	14,832
018	GUARDRAIL MODS (MIP) .....	61,517	61,517
019	MULTI SENSOR ABN RECON (MIP) .....	21,457	21,457
020	AH-64 MODS .....	426,415	427,415
	Air Filtration Systems .....		[1,000]
021	ADVANCE PROCUREMENT (CY) .....		
022	CH-47 CARGO HELICOPTER MODS (MYP) .....	102,876	85,876
	Common Avionics Architecture System .....		[2,000]
	Vibration Management Enhancement Program .....		[3,000]
	Transfer to APA 13 .....		[-22,000]
023	ADVANCE PROCUREMENT (CY) .....		
024	UTILITY/CARGO AIRPLANE MODS .....	39,547	39,547
025	AIRCRAFT LONG RANGE MODS .....	823	823
026	UTILITY HELICOPTER MODS .....	66,682	71,682
	UH-60 ARNG Rewiring Program .....		[5,000]
027	KIOWA WARRIOR .....	140,768	140,768
028	AIRBORNE AVIONICS .....	241,287	241,287
029	GATM ROLLUP .....	103,142	103,142
030	RQ-7 UAV MODS .....	283,012	283,012
030A	C-12A .....		
	<b>SPARES AND REPAIR PARTS</b>		
031	SPARE PARTS (AIR) .....	7,083	7,083
	<b>SUPPORT EQUIPMENT AND FACILITIES</b>		
	<b>GROUND SUPPORT AVIONICS</b>		
032	AIRCRAFT SURVIVABILITY EQUIPMENT .....	25,975	25,975
033	ASE INFRARED CM .....	186,356	186,356
	<b>OTHER SUPPORT</b>		
034	AVIONICS SUPPORT EQUIPMENT .....	4,933	4,933
035	COMMON GROUND EQUIPMENT .....	87,682	87,682
036	AIRCREW INTEGRATED SYSTEMS .....	52,725	55,725
	Air warrior ensemble—generation III .....		[3,000]
037	AIR TRAFFIC CONTROL .....	76,999	76,999
038	INDUSTRIAL FACILITIES .....	1,533	1,533
039	LAUNCHER, 2.75 ROCKET .....	2,716	2,716
040	AIRBORNE COMMUNICATIONS .....	11,109	11,109
	<b>TOTAL—AIRCRAFT PROCUREMENT, ARMY</b> .....	<b>5,315,991</b>	<b>5,110,352</b>
	<b>MISSILE PROCUREMENT, ARMY</b>		
	<b>OTHER MISSILES</b>		
	<b>SURFACE-TO-AIR MISSILE SYSTEM</b>		
001	PATRIOT SYSTEM SUMMARY .....	348,351	348,351
002	PATRIOT/MEADS CAP SYSTEM SUMMARY .....	16,406	16,406
003	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY: .....	72,920	72,920
004	ADVANCE PROCUREMENT (CY) .....		
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>		
005	HELLFIRE SYS SUMMARY .....	31,154	29,154
	Unjustified cost growth .....		[-2,000]
	<b>ANTI-TANK/ASSAULT MISSILE SYSTEM</b>		
006	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	148,649	148,649
007	TOW 2 SYSTEM SUMMARY .....	108,066	108,066
008	GUIDED MLRS ROCKET (GMLRS) .....	293,617	293,617
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) .....	15,663	15,663
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS) .....	209,061	209,061
011	ARMY TACTICAL MSL SYS (ATACMS)—SYS SUM .....		
	<b>MODIFICATIONS</b>		
012	PATRIOT MODS .....	44,775	44,775
013	ITAS/TOW MODS .....	6,983	6,983
014	MLRS MODS .....	3,662	3,662
015	HIMARS MODIFICATIONS .....	38,690	38,690
016	HELLFIRE MODIFICATIONS .....	10	10
	<b>SPARES AND REPAIR PARTS</b>		
017	SPARES AND REPAIR PARTS .....	22,338	22,338
	<b>SUPPORT EQUIPMENT AND FACILITIES</b>		
018	AIR DEFENSE TARGETS .....	4,188	4,188
019	ITEMS LESS THAN \$5.0M (MISSILES) .....	1,178	1,178
020	PRODUCTION BASE SUPPORT .....	4,398	4,398
	<b>TOTAL—MISSILE PROCUREMENT, ARMY</b> .....	<b>1,370,109</b>	<b>1,368,109</b>

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
<b>PROCUREMENT OF WEAPONS &amp; TRACKED COMBAT VEHICLES</b>			
<b>TRACKED COMBAT VEHICLES</b>			
001	BRADLEY PROGRAM .....		
002	BRADLEY TRAINING DEVICES (MOD) .....		
003	ABRAMS TANK TRAINING DEVICES .....		
004	STRYKER VEHICLE .....	388,596	364,196
	Program Reduction .....		[-24,400]
005	FUTURE COMBAT SYSTEMS: (FCS) .....		
006	ADVANCE PROCUREMENT (CY) .....		
007	FCS SPIN OUTS .....	285,920	285,920
008	ADVANCE PROCUREMENT (CY) .....	42,001	42,001
<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>			
009	FIST VEHICLE (MOD) .....	34,192	34,192
010	BRADLEY PROGRAM (MOD) .....	526,356	526,356
011	HOWITZER, MED SP FT 155MM M109A6 (MOD) .....	96,503	5,003
	Army requested transfer to RDT&E, A, line 114 .....		[-91,500]
012	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....	96,814	96,814
013	ARMORED BREACHER VEHICLE .....	63,250	63,250
014	JOINT ASSAULT BRIDGE .....	70,637	70,637
015	M1 ABRAMS TANK (MOD) .....	183,829	183,829
016	ABRAMS UPGRADE PROGRAM .....	185,611	185,611
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>			
017	ITEMS LESS THAN \$5.0M (TCV-WTCV) .....		
018	PRODUCTION BASE SUPPORT (TCV-WTCV) .....	6,601	6,601
<b>WEAPONS AND OTHER COMBAT VEHICLES</b>			
019	HOWITZER, LIGHT, TOWED, 105MM, M119 .....	95,631	95,631
020	M240 MEDIUM MACHINE GUN (7.62MM) .....	32,919	32,919
021	MACHINE GUN, CAL .50 M2 ROLL .....	84,588	84,588
022	LIGHTWEIGHT .50 CALIBER MACHINE GUN .....	977	977
023	M249 SAW MACHINE GUN (5.56MM) .....	7,535	7,535
024	MK-19 GRENADE MACHINE GUN (40MM) .....	7,700	7,700
025	MORTAR SYSTEMS .....	14,779	14,779
026	M107, CAL. 50, SNIPER RIFLE .....	224	224
027	XM320 GRENADE LAUNCHER MODULE (GLM) .....	16,023	16,023
028	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS) .....	6,223	6,223
029	M4 CARBINE .....	20,500	20,500
030	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) .....	6,945	6,945
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO) .....		100,000
	Program Increase .....		[100,000]
032	HANDGUN .....	3,389	3,389
033	HOWITZER LT WT 155MM (T) .....	49,572	49,572
<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>			
034	MK-19 GRENADE MACHINE GUN MODS .....	8,164	8,164
035	M4 CARBINE MODS .....	31,472	31,472
036	M2 50 CAL MACHINE GUN MODS .....	7,738	7,738
037	M249 SAW MACHINE GUN MODS .....	7,833	7,833
038	M240 MEDIUM MACHINE GUN MODS .....	17,964	17,964
039	PHALANX MODS .....		
040	M119 MODIFICATIONS .....	25,306	25,306
041	M16 RIFLE MODS .....	4,186	4,186
041A	M14 7.62 RIFLE MODS .....		
042	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV) .....	6,164	6,164
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>			
043	ITEMS LESS THAN \$5.0M (WOCV-WTCV) .....	551	551
044	PRODUCTION BASE SUPPORT (WOCV-WTCV) .....	9,855	12,855
	Arsenal Support Program Initiative (ASPI) at Rock Island .....		[3,000]
045	INDUSTRIAL PREPAREDNESS .....	392	392
046	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) .....	5,012	5,012
<b>TOTAL—PROCUREMENT OF WTCV, ARMY .....</b>		<b>2,451,952</b>	<b>2,439,052</b>
<b>PROCUREMENT OF AMMUNITION, ARMY</b>			
<b>AMMUNITION</b>			
<b>SMALL/MEDIUM CALIBER AMMUNITION</b>			
001	CTG, 5.56MM, ALL TYPES .....	207,752	207,752
002	CTG, 7.62MM, ALL TYPES .....	77,602	77,602
003	CTG, HANDGUN, ALL TYPES .....	5,120	5,120
004	CTG, .50 CAL, ALL TYPES .....	162,342	162,342
005	CTG, 25MM, ALL TYPES .....	17,054	17,054
006	CTG, 30MM, ALL TYPES .....	96,572	96,572
007	CTG, 40MM, ALL TYPES .....	172,675	175,675
	Additional 40mm Mortar Rounds—Milan AAP .....		[3,000]
<b>MORTAR AMMUNITION</b>			
008	60MM MORTAR, ALL TYPES .....	23,607	25,607
	M722 60mm White Phosphorous Smoke Mortar Rounds .....		[2,000]
009	81MM MORTAR, ALL TYPES .....	28,719	28,719
010	CTG, MORTAR, 120MM, ALL TYPES .....	104,961	104,961
<b>TANK AMMUNITION</b>			

**PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Agreement</b>
011	CTG TANK 105MM: ALL TYPES .....	7,741	7,741
012	CTG, TANK, 120MM, ALL TYPES .....	113,483	113,483
	<b>ARTILLERY AMMUNITION</b>		
013	CTG, ARTY, 75MM: ALL TYPES .....	5,229	5,229
014	CTG, ARTY, 105MM: ALL TYPES .....	90,726	90,726
015	CTG, ARTY, 155MM, ALL TYPES .....	54,546	54,546
016	PROJ 155MM EXTENDED RANGE XM982 .....	62,292	62,292
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T .....	33,441	33,441
	<b>ARTILLERY FUZES</b>		
018	ARTILLERY FUZES, ALL TYPES .....	19,870	19,870
	<b>MINES</b>		
019	MINES, ALL TYPES .....	815	815
020	MINE, CLEARING CHARGE, ALL TYPES .....		
021	ANTIPERSONNEL LANDMINE ALTERNATIVES .....	56,387	56,387
022	INTELLIGENT MUNITIONS SYSTEM (IMS), ALL TYPES .....	19,507	19,507
	<b>ROCKETS</b>		
023	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....	45,302	45,302
024	ROCKET, HYDRA 70, ALL TYPES .....	99,904	99,904
	<b>OTHER AMMUNITION</b>		
025	DEMOLITION MUNITIONS, ALL TYPES .....	18,793	18,793
026	GRENADES, ALL TYPES .....	49,910	49,910
027	SIGNALS, ALL TYPES .....	83,094	83,094
028	SIMULATORS, ALL TYPES .....	12,081	12,081
	<b>MISCELLANEOUS</b>		
029	AMMO COMPONENTS, ALL TYPES .....	17,968	17,968
030	NON-LETHAL AMMUNITION, ALL TYPES .....	7,378	7,378
031	CAD/PAD ALL TYPES .....	3,353	3,353
032	ITEMS LESS THAN \$5 MILLION .....	8,826	8,826
033	AMMUNITION PECULIAR EQUIPMENT .....	11,187	11,187
034	FIRST DESTINATION TRANSPORTATION (AMMO) .....	14,354	14,354
035	CLOSEOUT LIABILITIES .....	99	99
	<b>AMMUNITION PRODUCTION BASE SUPPORT</b>		
	<b>PRODUCTION BASE SUPPORT</b>		
036	PROVISION OF INDUSTRIAL FACILITIES .....	151,943	153,943
	Bomb line modernization .....		[2,000]
037	LAYAWAY OF INDUSTRIAL FACILITIES .....	9,529	9,529
038	MAINTENANCE OF INACTIVE FACILITIES .....	8,772	8,772
039	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL .....	145,777	145,777
040	ARMS INITIATIVE .....	3,184	3,184
	<b>TOTAL—PROCUREMENT OF AMMUNITION, ARMY .....</b>	<b>2,051,895</b>	<b>2,058,895</b>
	<b>OTHER PROCUREMENT, ARMY</b>		
	<b>TACTICAL AND SUPPORT VEHICLES</b>		
	<b>TACTICAL VEHICLES</b>		
001	TACTICAL TRAILERS/DOLLY SETS .....	95,893	95,893
002	SEMITRAILERS, FLATBED: .....	20,870	20,870
003	SEMITRAILERS, TANKERS .....	13,217	13,217
004	H1 MOB MULTI-PURP WHLD VEH (HMMWV) .....	281,123	281,123
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	1,158,522	1,033,522
	Program reduction .....		[-125,000]
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN .....	17,575	17,575
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	812,918	812,918
008	PLS ESP .....	18,973	18,973
009	ARMORED SECURITY VEHICLES (ASV) .....	136,605	136,605
010	MINE PROTECTION VEHICLE FAMILY .....	402,517	312,517
	Reassessment of program requirement .....		[-90,000]
011	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP) .....		
012	TRUCK, TRACTOR, LINE HAUL, M915/M916 .....	74,703	74,703
013	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV P .....	180,793	180,793
014	HMMWV RECAPITALIZATION PROGRAM .....	2,904	2,904
015	MODIFICATION OF IN SVC.		
UIP	10,314 .....	10,314	
016	ITEMS LESS THAN \$5.0M (TAC VEH) .....	298	298
017	TOWING DEVICE-FIFTH WHEEL .....	414	414
	<b>NON-TACTICAL VEHICLES</b>		
018	HEAVY ARMORED SEDAN .....	1,980	1,980
019	PASSENGER CARRYING VEHICLES .....	269	269
020	NONTACTICAL VEHICLES, OTHER .....	3,052	3,052
	<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>		
	<b>COMM-JOINT COMMUNICATIONS</b>		
021	COMBAT IDENTIFICATION PROGRAM .....		
022	JOINT COMBAT IDENTIFICATION MARKING SYSTEM .....	11,868	11,868
023	WIN-T—GROUND FORCES TACTICAL NETWORK .....	544,202	544,202
024	JCSE EQUIPMENT (USREDCOM) .....	4,868	4,868
	<b>COMM—SATELLITE COMMUNICATIONS</b>		
025	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS (S .....	145,108	145,108
026	SHF TERM .....	90,918	90,918
027	SAT TERM, EMUT (SPACE) .....	653	653

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) .....	72,735	72,735
029	SMART-T (SPACE) .....	61,116	61,116
030	SCAMP (SPACE) .....	1,834	1,834
031	GLOBAL BRDCST SVC—GBS .....	6,849	6,849
032	MOD OF IN-SVC EQUIP (TAC SAT) .....	2,862	2,862
	<b>COMM—COMBAT SUPPORT COMM</b>		
032A	MOD-IN-SERVICE PROFILER .....		
	<b>COMM—C3 SYSTEM</b>		
033	ARMY GLOBAL CMD & CONTROL SYS (AGCCS) .....	22,996	22,996
	<b>COMM—COMBAT COMMUNICATIONS</b>		
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) .....	1,705	1,705
035	JOINT TACTICAL RADIO SYSTEM .....	90,204	35,040
	Testing delays in JTRS GMR .....		[–55,164]
036	RADIO TERMINAL SET, MIDS LVT(2) .....	8,549	8,549
037	SINGARS FAMILY .....	6,812	0
	Program Reduction .....		[–6,812]
038	AMC CRITICAL ITEMS—OPA2 .....		
038A	SINGARS—GROUND .....		
039	MULTI-PURPOSE INFORMATIONS OPERATIONS SYSEMS .....	6,164	6,164
040	BRIDGE TO FUTURE NETWORKS .....		
041	COMMS-ELEC EQUIP FIELDING .....		
042	SPIDER APLA REMOTE CONTROL UNIT .....	21,820	21,820
043	IMS REMOTE CONTROL UNIT .....	9,256	9,256
044	SOLDIER ENHANCEMENT PROGRAM COMME/ELECTRONICS .....	4,646	4,646
045	COMBAT SURVIVOR EVADER LOCATOR (CSEL) .....	2,367	2,367
046	RADIO, IMPROVED HF (COTS) FAMILY .....	6,555	6,555
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4) .....	18,583	18,583
	<b>COMM—INTELLIGENCE COMM</b>		
048	CI AUTOMATION ARCHITECTURE (MIP) .....	1,414	1,414
	<b>INFORMATION SECURITY</b>		
049	TSEC—ARMY KEY MGT SYS (AKMS) .....	29,525	29,525
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....	33,189	33,189
	<b>COMM—LONG HAUL COMMUNICATIONS</b>		
051	TERRESTRIAL TRANSMISSION .....	1,890	1,890
052	BASE SUPPORT COMMUNICATIONS .....	25,525	25,525
053	ELECTROMAG COMP PROG (EMCP) .....		
054	WW TECH CON IMP PROG (WWTCIP) .....	31,256	31,256
	<b>COMM—BASE COMMUNICATIONS</b>		
055	INFORMATION SYSTEMS .....	216,057	216,057
056	DEFENSE MESSAGE SYSTEM (DMS) .....	6,203	6,203
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....	147,111	147,111
058	PENTAGON INFORMATION MGT AND TELECOM .....	39,906	39,906
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>		
061	ALL SOURCE ANALYSIS SYS (ASAS) (MIP) .....		
062	JTT/CIBS-M (MIP) .....	3,279	3,279
063	PROPHET GROUND (MIP) .....	64,498	64,498
064	TACTICAL UNMANNED AERIAL SYS (TUAS)MIP .....		
065	SMALL UNMANNED AERIAL SYSTEM (SUAS) .....		
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP) .....		
067	DRUG INTERDICTION PROGRAM (DIP) (TIARA) .....		
068	TACTICAL EXPLOITATION SYSTEM (MIP) .....		
069	DCGS-A (MIP) .....	85,354	85,354
070	JOINT TACTICAL GROUND STATION (JTGS) .....	6,703	6,703
071	TROJAN (MIP) .....	26,659	26,659
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....	7,021	7,021
073	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP) .....	4,509	4,509
074	SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM .....	6,420	6,420
075	ITEMS LESS THAN \$5.0M (MIP) .....	17,053	17,053
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>		
076	LIGHTWEIGHT COUNTER MORTAR RADAR .....	31,661	31,661
077	WARLOCK .....		
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	1,284	1,284
079	CI MODERNIZATION (MIP) .....	1,221	1,221
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>		
080	SENTINEL MODS .....	25,863	25,863
081	SENSE THROUGH THE WALL (STTW) .....	25,352	25,352
082	NIGHT VISION DEVICES .....	366,820	191,158
	Contractor production delays in Enhanced Night Vision Goggle line .....		[–175,662]
083	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM .....	133,836	133,836
084	NIGHT VISION, THERMAL WPN SIGHT .....	313,237	313,237
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....	9,179	9,179
086	RADIATION MONITORING SYSTEMS .....	2,198	2,198
087	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM) .....		
088	BASE EXPEDITIONARY TARGETING AND SURV SYS .....		
089	ARTILLERY ACCURACY EQUIP .....	5,838	5,838
090	MOD OF IN-SVC EQUIP (MMS) .....		
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE .....	1,178	1,178
092	PROFILER .....	4,766	4,766
093	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....	2,801	2,801

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2) .....	271,979	271,979
095	JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....	17,242	17,242
096	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD) .....	59,080	59,080
097	COMPUTER BALLISTICS: LHMBC XM32 .....		
098	MORTAR FIRE CONTROL SYSTEM .....	15,520	15,520
099	COUNTERFIRE RADARS .....	194,665	194,665
100	INTEGRATED MET SYS SENSORS (IMETS)—MIP .....		
101	ENHANCED SENSOR & MONITORING SYSTEM .....	1,944	1,944
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>		
102	TACTICAL OPERATIONS CENTERS .....	29,934	29,934
103	FIRE SUPPORT C2 FAMILY .....	39,042	39,042
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC) .....	31,968	31,968
105	FAAD C2 .....	8,289	8,289
106	AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD) .....	62,439	62,439
107	KNIGHT FAMILY .....	80,831	80,831
108	LIFE CYCLE SOFTWARE SUPPORT (LCSS) .....	1,778	1,778
109	AUTOMATIC IDENTIFICATION TECHNOLOGY .....	31,542	31,542
110	TC AIMS II .....	11,124	11,124
111	JOINT NETWORK MANAGEMENT SYSTEM (JNMS) .....		
112	TACTICAL INTERNET MANAGER .....		
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....	53,898	53,898
114	MANEUVER CONTROL SYSTEM (MCS) .....	77,646	77,646
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....	46,861	46,861
116	RECONNAISSANCE AND SURVEYING INSTRUMENT SET .....	11,118	11,118
117	MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM) .....	926	926
	<b>ELECT EQUIP—AUTOMATION</b>		
118	GENERAL FUND ENTERPRISE BUSINESS SYSTEM .....	85,801	85,801
119	ARMY TRAINING MODERNIZATION .....	12,823	12,823
120	AUTOMATED DATA PROCESSING EQUIP .....	254,723	239,723
	Program Reduction .....		[-15,000]
121	CSS COMMUNICATIONS .....	33,749	33,749
122	RESERVE COMPONENT AUTOMATION SYS (RCAS) .....	39,675	39,675
	<b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>		
123	AFRTS .....		
124	ITEMS LESS THAN \$5.0M (A/V) .....	2,709	2,709
125	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT) .....	5,172	5,172
	<b>ELECT EQUIP—MODS TACTICAL SYS/EP</b>		
126	WEAPONIZATION OF UNMANNED AERIAL SYSTEM (UAS) .....		
	<b>ELECT EQUIP—SUPPORT</b>		
127	ITEMS UNDER \$5M (SSE) .....		
128	PRODUCTION BASE SUPPORT (C-E) .....	518	518
	CLASSIFIED PROGRAMS .....	2,522	2,522
	<b>OTHER SUPPORT EQUIPMENT</b>		
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>		
129	PROTECTIVE SYSTEMS .....	2,081	2,081
130	CBRN SOLDIER PROTECTION .....	108,334	108,334
131	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM) .....	7,135	7,135
	<b>BRIDGING EQUIPMENT</b>		
132	TACTICAL BRIDGING .....	58,509	58,509
133	TACTICAL BRIDGE, FLOAT-RIBBON .....	135,015	135,015
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>		
134	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST .....	42,264	42,264
135	GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS) .....	56,123	59,123
	FIDO explosives detector .....		[3,000]
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	49,333	49,333
137	< \$5M, COUNTERMINE EQUIPMENT .....	3,479	3,479
138	AERIAL DETECTION .....	11,200	200
	Funding ahead of need .....		[-11,000]
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>		
139	HEATERS AND ECU'S .....	11,924	11,924
140	LAUNDRIES, SHOWERS AND LATRINES .....		
141	SOLDIER ENHANCEMENT .....	4,071	4,071
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME) .....		
142A	LAND WARRIOR .....		
143	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....	6,981	6,981
144	GROUND SOLDIER SYSTEM .....	1,809	1,809
145	MOUNTED SOLDIER SYSTEM .....	1,085	1,085
146	FORCE PROVIDER .....		
147	FIELD FEEDING EQUIPMENT .....	57,872	57,872
148	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	66,381	66,381
149	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM: .....	16,585	16,585
150	ITEMS LESS THAN \$5M (ENG SPT) .....	25,531	25,531
	<b>PETROLEUM EQUIPMENT</b>		
151	QUALITY SURVEILLANCE EQUIPMENT .....		
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	84,019	84,019
	<b>WATER EQUIPMENT</b>		
153	WATER PURIFICATION SYSTEMS .....	7,173	7,173
	<b>MEDICAL EQUIPMENT</b>		
154	COMBAT SUPPORT MEDICAL .....	33,694	37,694

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	Combat casualty care equipment upgrade program .....		[3,000]
	Life Support for Trauma and Transport (LSTAT) .....		[1,000]
	<b>MAINTENANCE EQUIPMENT</b>		
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	137,002	137,002
156	ITEMS LESS THAN \$5.0M (MAINT EQ) .....	812	812
	<b>CONSTRUCTION EQUIPMENT</b>		
157	GRADER, ROAD MTZD, HVY, 6X4 (CCE) .....	50,897	50,897
158	SKID STEER LOADER (SSL) FAMILY OF SYSTEM .....	18,387	18,387
159	SCRAPERS, EARTHMOVING .....		
160	DISTR, WATER, SP MIN 2500G SEC/NON-SEC .....		
161	MISSION MODULES—ENGINEERING .....	44,420	44,420
162	LOADERS .....	20,824	20,824
163	HYDRAULIC EXCAVATOR .....	18,785	18,785
164	TRACTOR, FULL TRACKED .....	50,102	50,102
165	CRANES .....		
166	PLANT, ASPHALT MIXING .....	12,915	12,915
167	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS .....	36,451	36,451
168	CONST EQUIP ESP .....	8,391	8,391
169	ITEMS LESS THAN \$5.0M (CONST EQUIP) .....	12,562	12,562
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>		
170	JOINT HIGH SPEED VESSEL (JHSV) .....	183,666	183,666
171	HARBORMASTER COMMAND AND CONTROL CENTER (HCCC) .....	10,962	10,962
172	ITEMS LESS THAN \$5.0M (FLOAT/RAIL) .....	6,785	6,785
	<b>GENERATORS</b>		
173	GENERATORS AND ASSOCIATED EQUIP .....	146,067	146,067
	<b>MATERIAL HANDLING EQUIPMENT</b>		
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH) .....	41,239	41,239
175	ALL TERRAIN LIFTING ARMY SYSTEM .....	44,898	44,898
	<b>TRAINING EQUIPMENT</b>		
176	COMBAT TRAINING CENTERS SUPPORT .....	22,967	22,967
177	TRAINING DEVICES, NONSYSTEM .....	261,348	276,698
	Operator driving simulator .....		[350]
	Joint fires & effects training systems (JFETS) .....		[5,000]
	Virtual interactive combat environment (VICE) .....		[4,000]
	Mobile Firing Range—TX ARNG .....		[1,500]
	Virtual Interactive Combat Environment (V.I.C.E.) Training System—VA ARNG .....		[2,000]
	Immersive Group Simulation Virtual Training Systems for the Hawaii ARNG .....		[2,500]
178	CLOSE COMBAT TACTICAL TRAINER .....	65,155	65,155
179	AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA) .....	12,794	12,794
180	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....	7,870	7,870
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>		
181	CALIBRATION SETS EQUIPMENT .....	16,844	16,844
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....	101,320	101,320
183	TEST EQUIPMENT MODERNIZATION (TEMOD) .....	15,526	15,526
	<b>OTHER SUPPORT EQUIPMENT</b>		
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....	21,770	21,770
185	PHYSICAL SECURITY SYSTEMS (OPA3) .....	49,758	49,758
186	BASE LEVEL COM'L EQUIPMENT .....	1,303	1,303
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....	53,884	53,884
188	PRODUCTION BASE SUPPORT (OTH) .....	3,050	3,050
189	BUILDING, PRE-FAB, RELOCATABLE .....		
190	SPECIAL EQUIPMENT FOR USER TESTING .....	45,516	45,516
191	AMC CRITICAL ITEMS OPA3 .....	12,232	12,232
192	MA8975 .....	4,492	4,492
	<b>SPARES AND REPAIR PARTS</b>		
	<b>OPA2</b>		
193	INITIAL SPARES—C&E .....	25,867	25,867
194	WIN-T INCREMENT 2 SPARES .....	9,758	9,758
194a	Procurement of computer services / systems .....		
	<b>TOTAL—OTHER PROCUREMENT, ARMY</b> .....	<b>9,907,151</b>	<b>9,450,863</b>
	<b>JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND</b>		
	<b>NETWORK ATTACK</b>		
001	ATTACK THE NETWORK .....	203,100	0
	Transfer to OCO .....		[–203,100]
	<b>JIEDDO DEVICE DEFEAT</b>		
002	DEFEAT THE DEVICE .....	199,100	0
	Transfer to OCO .....		[–199,100]
	<b>FORCE TRAINING</b>		
003	TRAIN THE FORCE .....	41,100	0
	Transfer to OCO .....		[–41,100]
	<b>STAFF AND INFRASTRUCTURE</b>		
004	OPERATIONS .....	121,550	0
	Transfer to OCO .....		[–121,550]
	<b>TOTAL—JOINT IED DEFEAT FUND</b> .....	<b>564,850</b>	<b>0</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>		



**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
<b>COMBAT AIRCRAFT</b>			
001	AV-8B (V/STOL) HARRIER .....		
002	EA-18G .....	1,611,837	1,611,837
003	ADVANCE PROCUREMENT (CY) .....	20,559	20,559
004	F/A-18E/F (FIGHTER) HORNET .....	1,009,537	1,521,817
	Additional aircraft .....		[512,280]
005	ADVANCE PROCUREMENT (CY) .....	51,431	159,431
	EOQ for MYP III .....		[108,000]
006	JOINT STRIKE FIGHTER .....	3,997,048	3,997,048
007	ADVANCE PROCUREMENT (CY) .....	481,000	481,000
008	V-22 (MEDIUM LIFT) .....	2,215,829	2,215,829
009	ADVANCE PROCUREMENT (CY) .....	84,342	84,342
010	UH-1Y/AH-1Z .....	709,801	609,801
	UH-1Y/AH-1Z Program Reduction .....		[-100,000]
011	ADVANCE PROCUREMENT (CY) .....	70,550	70,550
012	MH-60S (MYP) .....	414,145	414,145
013	ADVANCE PROCUREMENT (CY) .....	78,830	78,830
014	MH-60R .....	811,781	811,781
015	ADVANCE PROCUREMENT (CY) .....	131,504	131,504
016	P-8A POSEIDON .....	1,664,525	1,664,525
017	ADVANCE PROCUREMENT (CY) .....	160,526	149,646
	Excessive advance procurement growth .....		[-7,680]
	Funding for production line slots .....		[-3,200]
018	E-2D ADV HAWKEYE .....	511,245	511,245
019	ADVANCE PROCUREMENT (CY) .....	94,924	94,924
<b>AIRLIFT AIRCRAFT</b>			
020	C-40A .....	74,381	74,381
<b>TRAINER AIRCRAFT</b>			
021	T-45TS (TRAINER) GOSHAWK .....		
022	JPATS .....	266,539	266,539
<b>OTHER AIRCRAFT</b>			
023	KC-130J .....		
024	ADVANCE PROCUREMENT (CY) .....		
025	RQ-7 UAV .....	56,797	53,797
	Attrition vehicles .....		[-3,000]
026	MQ-8 UAV .....	77,616	77,616
027	OTHER SUPPORT AIRCRAFT .....		
<b>MODIFICATION OF AIRCRAFT</b>			
028	EA-6 SERIES .....	39,977	39,977
029	AV-8 SERIES .....	35,668	35,668
030	F-18 SERIES .....	484,129	480,729
	Excessive growth of IR Marker ECP .....		[-3,400]
031	H-46 SERIES .....	35,325	35,325
032	AH-1W SERIES .....	66,461	66,461
033	H-53 SERIES .....	68,197	68,197
034	SH-60 SERIES .....	82,253	82,253
035	H-1 SERIES .....	20,040	20,040
036	EP-3 SERIES .....	92,530	92,530
037	P-3 SERIES .....	485,171	445,571
	P-3 Series Program Reduction .....		[-39,600]
038	S-3 SERIES .....		
039	E-2 SERIES .....	22,853	22,853
040	TRAINER A/C SERIES .....	20,907	20,907
041	C-2A .....	21,343	21,343
042	C-130 SERIES .....	22,449	22,449
043	FEWSG .....	9,486	9,486
044	CARGO/TRANSPORT A/C SERIES .....	19,429	19,429
045	E-6 SERIES .....	102,646	102,646
046	EXECUTIVE HELICOPTERS SERIES .....	42,456	42,456
047	SPECIAL PROJECT AIRCRAFT .....	14,869	14,869
048	T-45 SERIES .....	51,484	51,484
049	POWER PLANT CHANGES .....	26,395	26,395
050	JPATS SERIES .....	4,922	4,922
051	AVIATION LIFE SUPPORT MODS .....	5,594	5,594
052	COMMON ECM EQUIPMENT .....	47,419	49,419
	Crane Integrated Defensive Countermeasures (IDECM) Depot Capability .....		[2,000]
053	COMMON AVIONICS CHANGES .....	151,112	151,112
054	COMMON DEFENSIVE WEAPON SYSTEM .....		
055	ID SYSTEMS .....	24,125	24,125
056	V-22 (TILT/ROTOR ACFT) OSPREY .....	24,502	24,502
<b>AIRCRAFT SPARES AND REPAIR PARTS</b>			
057	SPARES AND REPAIR PARTS .....	1,264,012	1,262,412
	UH-1Y/AH-1Z reduction .....		[-1,600]
<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>			
058	COMMON GROUND EQUIPMENT .....	363,588	363,588
059	AIRCRAFT INDUSTRIAL FACILITIES .....	11,075	11,075
060	WAR CONSUMABLES .....	55,406	55,406
061	OTHER PRODUCTION CHARGES .....	23,861	23,861
062	SPECIAL SUPPORT EQUIPMENT .....	42,147	42,147

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
063	FIRST DESTINATION TRANSPORTATION .....	1,734	1,734
064	CANCELLED ACCOUNT ADJUSTMENTS .....		
	<b>TOTAL—AIRCRAFT PROCUREMENT, NAVY .....</b>	<b>18,378,312</b>	<b>18,842,112</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>		
	<b>BALLISTIC MISSILES</b>		
	<b>MODIFICATION OF MISSILES</b>		
001	TRIDENT II MODS .....	1,060,504	1,060,504
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
002	MISSILE INDUSTRIAL FACILITIES .....	3,447	3,447
	<b>OTHER MISSILES</b>		
	<b>STRATEGIC MISSILES</b>		
003	TOMAHAWK .....	283,055	283,055
	<b>TACTICAL MISSILES</b>		
004	AMRAAM .....	145,506	140,506
	Diminished manufacturing sources funding ahead of need .....		[-5,000]
005	SIDEWINDER .....	56,845	56,845
006	JSOW .....	145,336	145,336
007	SLAM-ER .....		
008	STANDARD MISSILE .....	249,233	249,233
009	RAM .....	74,784	74,784
010	HELLFIRE .....	59,411	59,411
011	AERIAL TARGETS .....	47,003	47,003
012	OTHER MISSILE SUPPORT .....	3,928	3,928
	<b>MODIFICATION OF MISSILES</b>		
013	ESSM .....	51,388	51,388
014	HARM MODS .....	47,973	47,973
015	STANDARD MISSILES MODS .....	81,451	81,451
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
016	WEAPONS INDUSTRIAL FACILITIES .....	3,211	13,211
	Accelerate facility restoration program .....		[10,000]
017	FLEET SATELLITE COMM FOLLOW-ON .....	487,280	487,280
018	ADVANCE PROCUREMENT (CY) .....	28,847	28,847
	<b>ORDNANCE SUPPORT EQUIPMENT</b>		
019	ORDNANCE SUPPORT EQUIPMENT .....	48,883	48,883
	<b>TORPEDOES AND RELATED EQUIPMENT</b>		
	<b>TORPEDOES AND RELATED EQUIP.</b>		
020	SSTD .....		
021	ASW TARGETS .....	9,288	9,288
	<b>MOD OF TORPEDOES AND RELATED EQUIP</b>		
022	MK-46 TORPEDO MODS .....	94,159	87,023
	Support funding carryover .....		[-7,136]
023	MK-48 TORPEDO ADCAP MODS .....	61,608	56,308
	Support funding carryover .....		[-5,300]
024	QUICKSTRIKE MINE .....	4,680	4,680
	<b>SUPPORT EQUIPMENT</b>		
025	TORPEDO SUPPORT EQUIPMENT .....	39,869	39,869
026	ASW RANGE SUPPORT .....	10,044	10,044
	<b>DESTINATION TRANSPORTATION</b>		
027	FIRST DESTINATION TRANSPORTATION .....	3,434	3,434
	<b>OTHER WEAPONS</b>		
	<b>GUNS AND GUN MOUNTS</b>		
028	SMALL ARMS AND WEAPONS .....	12,742	12,742
	<b>MODIFICATION OF GUNS AND GUN MOUNTS</b>		
029	CIWS MODS .....	158,896	158,896
030	COAST GUARD WEAPONS .....	21,157	21,157
031	GUN MOUNT MODS .....	30,761	30,761
032	LCS MODULE WEAPONS .....		
033	CRUISER MODERNIZATION WEAPONS .....	51,227	51,227
034	AIRBORNE MINE NEUTRALIZATION SYSTEMS .....	12,309	12,309
	<b>OTHER</b>		
035	MARINE CORPS TACTIAL UNMANNED AERIAL SYSTEM .....		
036	CANCELLED ACCOUNT ADJUSTMENTS .....		
	<b>SPARES AND REPAIR PARTS</b>		
037	SPARES AND REPAIR PARTS .....	65,196	65,196
	<b>TOTAL—WEAPONS PROCUREMENT, NAVY .....</b>	<b>3,453,455</b>	<b>3,446,019</b>
	<b>PROCUREMENT OF AMMUNITION, NAVY &amp; MARINE CORPS</b>		
	<b>PROC AMMO, NAVY</b>		
	<b>NAVY AMMUNITION</b>		
001	GENERAL PURPOSE BOMBS .....	75,227	75,227
002	JDAM .....	1,968	1,968
003	AIRBORNE ROCKETS, ALL TYPES .....	38,643	38,643
004	MACHINE GUN AMMUNITION .....	19,622	12,062
	20MM linkless TP cost growth .....		[-2,900]
	20MM linked TP cost growth .....		[-1,990]
	20MM linked HEI cost growth .....		[-2,670]

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
005	PRACTICE BOMBS .....	33,803	24,503
	Enhanced laser guided training round cost growth .....		[-9,300]
006	CARTRIDGES & CART ACTUATED DEVICES .....	50,600	50,600
007	AIR EXPENDABLE COUNTERMEASURES .....	79,102	69,302
	MJU-55 production termination .....		[-9,800]
008	JATOS .....	3,230	3,230
009	5 INCH/54 GUN AMMUNITION .....	27,483	27,483
010	INTERMEDIATE CALIBER GUN AMMUNITION .....	25,974	25,974
011	OTHER SHIP GUN AMMUNITION .....	35,934	35,934
012	SMALL ARMS & LANDING PARTY AMMO .....	43,490	43,490
013	PYROTECHNIC AND DEMOLITION .....	10,623	10,623
014	AMMUNITION LESS THAN \$5 MILLION .....	3,214	3,214
	<b>PROC AMMO, MC</b>		
	<b>MARINE CORPS AMMUNITION</b>		
015	SMALL ARMS AMMUNITION .....	87,781	87,781
016	LINEAR CHARGES, ALL TYPES .....	23,582	23,582
017	40 MM, ALL TYPES .....	57,291	57,291
018	60MM, ALL TYPES .....	22,037	22,037
019	81MM, ALL TYPES .....	54,869	54,869
020	120MM, ALL TYPES .....	29,579	29,579
021	CTG 25MM, ALL TYPES .....	2,259	2,259
022	GRENADES, ALL TYPES .....	10,694	10,694
023	ROCKETS, ALL TYPES .....	13,948	13,948
024	ARTILLERY, ALL TYPES .....	57,948	57,948
025	EXPEDITIONARY FIGHTING VEHICLE .....		
026	DEMOLITION MUNITIONS, ALL TYPES .....	14,886	14,886
027	FUZE, ALL TYPES .....	575	575
028	NON LETHALS .....	3,034	3,034
029	AMMO MODERNIZATION .....	8,886	8,886
030	ITEMS LESS THAN \$5 MILLION .....	4,393	4,393
	<b>TOTAL—PROCUREMENT OF AMMUNITION, NAVY &amp; MARINE CORPS .....</b>	<b>840,675</b>	<b>814,015</b>
	<b>SHIPBUILDING AND CONVERSION, NAVY</b>		
	<b>OTHER WARSHIPS</b>		
001	CARRIER REPLACEMENT PROGRAM .....	739,269	739,269
002	ADVANCE PROCUREMENT (CY) .....	484,432	484,432
003	VIRGINIA CLASS SUBMARINE .....	1,964,317	1,964,317
004	ADVANCE PROCUREMENT (CY) .....	1,959,725	1,959,725
005	CVN REFUELING OVERHAULS .....	1,563,602	1,563,602
006	ADVANCE PROCUREMENT (CY) .....	211,820	211,820
007	SSBN ERO .....		
008	ADVANCE PROCUREMENT (CY) .....		
009	DDG 1000 .....	1,084,161	1,084,161
010	ADVANCE PROCUREMENT (CY) .....		
011	DDG-51 .....	1,912,267	1,912,267
012	ADVANCE PROCUREMENT (CY) .....	328,996	328,996
013	LITTORAL COMBAT SHIP .....	1,380,000	1,380,000
	<b>AMPHIBIOUS SHIPS</b>		
014	LPD-17 .....	872,392	872,392
015	ADVANCE PROCUREMENT (CY) .....	184,555	184,555
016	LHA REPLACEMENT .....		
017	ADVANCE PROCUREMENT (CY) .....		
018	INTRATHEATER CONNECTOR .....	177,956	177,956
	<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>		
019	OUTFITTING .....	391,238	391,238
020	SERVICE CRAFT .....	3,694	3,694
021	LCAC SLEP .....	63,857	63,857
022	COMPLETION OF PY SHIPBUILDING PROGRAMS .....	454,586	454,586
	<b>TOTAL—SHIPBUILDING AND CONVERSION, NAVY .....</b>	<b>13,776,867</b>	<b>13,776,867</b>
	<b>OTHER PROCUREMENT, NAVY</b>		
	<b>SHIPS SUPPORT EQUIPMENT</b>		
	<b>SHIP PROPULSION EQUIPMENT</b>		
001	LM-2500 GAS TURBINE .....	8,014	8,014
002	ALLISON 501K GAS TURBINE .....	9,162	9,162
003	OTHER PROPULSION EQUIPMENT .....		
	<b>NAVIGATION EQUIPMENT</b>		
004	OTHER NAVIGATION EQUIPMENT .....	34,743	34,743
	<b>PERISCOPES</b>		
005	SUB PERISCOPES & IMAGING EQUIP .....	75,127	70,127
	Digital periscope contract delay .....		[-5,000]
	<b>OTHER SHIPBOARD EQUIPMENT</b>		
006	DDG MOD .....	142,262	142,262
007	FIREFIGHTING EQUIPMENT .....	11,423	14,523
	Smart valves for fire suppression .....		[3,100]
008	COMMAND AND CONTROL SWITCHBOARD .....	4,383	4,383
009	POLLUTION CONTROL EQUIPMENT .....	24,992	24,992

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
010	SUBMARINE SUPPORT EQUIPMENT .....	16,867	16,867
011	VIRGINIA CLASS SUPPORT EQUIPMENT .....	103,153	103,153
012	SUBMARINE BATTERIES .....	51,482	51,482
013	STRATEGIC PLATFORM SUPPORT EQUIP .....	15,672	15,672
014	DSSP EQUIPMENT .....	10,641	10,641
015	CG MODERNIZATION .....	315,323	315,323
016	LCAC .....	6,642	6,642
017	MINESWEEPING EQUIPMENT .....		
018	UNDERWATER EOD PROGRAMS .....	19,232	19,232
019	ITEMS LESS THAN \$5 MILLION .....	127,554	124,430
	CVN auto voltage regulators ahead of need .....		[-3,124]
020	CHEMICAL WARFARE DETECTORS .....	8,899	8,899
021	SUBMARINE LIFE SUPPORT SYSTEM .....	14,721	14,721
	<b>REACTOR PLANT EQUIPMENT</b>		
022	REACTOR POWER UNITS .....		
023	REACTOR COMPONENTS .....	262,354	262,354
	<b>OCEAN ENGINEERING</b>		
024	DIVING AND SALVAGE EQUIPMENT .....	5,304	5,304
	<b>SMALL BOATS</b>		
025	STANDARD BOATS .....	35,318	35,318
	<b>TRAINING EQUIPMENT</b>		
026	OTHER SHIPS TRAINING EQUIPMENT .....	15,113	15,113
	<b>PRODUCTION FACILITIES EQUIPMENT</b>		
027	OPERATING FORCES IPE .....	47,172	47,172
	<b>OTHER SHIP SUPPORT</b>		
028	NUCLEAR ALTERATIONS .....	136,683	136,683
029	LCS MODULES .....	137,259	137,259
	<b>LOGISTIC SUPPORT</b>		
030	LSD MIDLIFE .....	117,856	117,856
	<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>		
	<b>SHIP RADARS</b>		
031	RADAR SUPPORT .....	9,968	9,968
032	SPQ-9B RADAR .....	13,476	13,476
033	AN/SQQ-89 SURF ASW COMBAT SYSTEM .....	111,093	95,593
	SQQ-89 backfit suites ahead of need .....		[-15,500]
034	SSN ACOUSTICS .....	299,962	303,962
	TB-33 thinline towed array .....		[4,000]
035	UNDERSEA WARFARE SUPPORT EQUIPMENT .....	38,705	38,705
036	SONAR SWITCHES AND TRANSDUCERS .....	13,537	13,537
	<b>ASW ELECTRONIC EQUIPMENT</b>		
037	SUBMARINE ACOUSTIC WARFARE SYSTEM .....	20,681	20,681
038	SSTD .....	2,184	2,184
039	FIXED SURVEILLANCE SYSTEM .....	63,017	63,017
040	SURTASS .....	24,108	24,108
041	TACTICAL SUPPORT CENTER .....	22,464	22,464
	<b>ELECTRONIC WARFARE EQUIPMENT</b>		
042	AN/SLQ-32 .....	34,264	34,264
	<b>RECONNAISSANCE EQUIPMENT</b>		
043	SHIPBOARD IW EXPLOIT .....	105,883	105,883
	<b>SUBMARINE SURVEILLANCE EQUIPMENT</b>		
044	SUBMARINE SUPPORT EQUIPMENT PROG .....	98,645	83,495
	Multi-function modular mast units ahead of need .....		[-15,150]
	<b>OTHER SHIP ELECTRONIC EQUIPMENT</b>		
045	NAVY TACTICAL DATA SYSTEM .....		
046	COOPERATIVE ENGAGEMENT CAPABILITY .....	30,522	30,522
047	GCCS-M EQUIPMENT .....	13,594	13,594
048	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) .....	35,933	35,933
049	ATDLS .....	7,314	7,314
050	MINESWEEPING SYSTEM REPLACEMENT .....	79,091	74,291
	RMS restructure .....		[-4,800]
051	SHALLOW WATER MCM .....	7,835	7,835
052	NAVSTAR GPS RECEIVERS (SPACE) .....	10,845	10,845
053	ARMED FORCES RADIO AND TV .....	3,333	3,333
054	STRATEGIC PLATFORM SUPPORT EQUIP .....	4,149	4,149
	<b>TRAINING EQUIPMENT</b>		
055	OTHER TRAINING EQUIPMENT .....	36,784	36,784
	<b>AVIATION ELECTRONIC EQUIPMENT</b>		
056	MATCALS .....	17,468	17,468
057	SHIPBOARD AIR TRAFFIC CONTROL .....	7,970	7,970
058	AUTOMATIC CARRIER LANDING SYSTEM .....	18,878	18,878
059	NATIONAL AIR SPACE SYSTEM .....	28,988	28,988
060	AIR STATION SUPPORT EQUIPMENT .....	8,203	8,203
061	MICROWAVE LANDING SYSTEM .....	10,526	10,526
062	ID SYSTEMS .....	38,682	38,682
063	TAC A/C MISSION PLANNING SYS(TAMPS) .....	9,102	9,102
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>		
064	DEPLOYABLE JOINT COMMAND AND CONT .....	8,719	11,719
	Shelter Upgrade Program .....		[3,000]
065	TADIX-B .....	793	793

**PROCUREMENT**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Agreement</b>
066	GCCS-M EQUIPMENT TACTICAL/MOBILE .....	11,820	11,820
067	COMMON IMAGERY GROUND SURFACE SYSTEMS .....	27,632	27,632
068	CANES .....	1,181	1,181
069	RADIAC .....	5,990	5,990
070	GPETE .....	3,737	3,737
071	INTEG COMBAT SYSTEM TEST FACILITY .....	4,423	4,423
072	EMI CONTROL INSTRUMENTATION .....	4,778	4,778
073	ITEMS LESS THAN \$5 MILLION .....	65,760	65,760
	<b>SHIPBOARD COMMUNICATIONS</b>		
074	SHIPBOARD TACTICAL COMMUNICATIONS .....		
075	PORTABLE RADIOS .....		
076	SHIP COMMUNICATIONS AUTOMATION .....	310,605	290,305
	Shipboard network systems ahead of need .....		[-20,300]
077	AN/URC-82 RADIO .....	4,913	4,913
078	COMMUNICATIONS ITEMS UNDER \$5M .....	25,314	25,314
	<b>SUBMARINE COMMUNICATIONS</b>		
079	SUBMARINE BROADCAST SUPPORT .....	105	105
080	SUBMARINE COMMUNICATION EQUIPMENT .....	48,729	48,729
	<b>SATELLITE COMMUNICATIONS</b>		
081	SATELLITE COMMUNICATIONS SYSTEMS .....	50,172	50,172
082	NAVY MULTIBAND TERMINAL (NMT) .....	72,496	72,496
	<b>SHORE COMMUNICATIONS</b>		
083	JCS COMMUNICATIONS EQUIPMENT .....	2,322	2,322
084	ELECTRICAL POWER SYSTEMS .....	1,293	1,293
085	NAVAL SHORE COMMUNICATIONS .....	2,542	2,542
	<b>CRYPTOGRAPHIC EQUIPMENT</b>		
086	INFO SYSTEMS SECURITY PROGRAM (ISSP) .....	119,054	119,054
087	CRYPTOLOGIC COMMUNICATIONS EQUIP .....	16,839	16,839
	<b>OTHER ELECTRONIC SUPPORT</b>		
088	COAST GUARD EQUIPMENT .....	18,892	18,892
	<b>DRUG INTERDICTION SUPPORT</b>		
089	OTHER DRUG INTERDICTION SUPPORT .....		
	<b>AVIATION SUPPORT EQUIPMENT</b>		
	<b>SONOBUOYS</b>		
090	SONOBUOYS—ALL TYPES .....	91,976	91,976
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>		
091	WEAPONS RANGE SUPPORT EQUIPMENT .....	75,329	75,329
092	EXPEDITIONARY AIRFIELDS .....	8,343	8,343
093	AIRCRAFT REARMING EQUIPMENT .....	12,850	12,850
094	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT .....	48,670	46,849
	ADMACS Block II upgrade cost growth .....		[-1,821]
095	METEOROLOGICAL EQUIPMENT .....	21,458	21,458
096	OTHER PHOTOGRAPHIC EQUIPMENT .....	1,582	1,582
097	AVIATION LIFE SUPPORT .....	27,367	32,367
	Multi Climate Protection System .....		[5,000]
098	AIRBORNE MINE COUNTERMEASURES .....	55,408	55,408
099	LAMPS MK III SHIPBOARD EQUIPMENT .....	23,694	23,694
100	PORTABLE ELECTRONIC MAINTENANCE AIDS .....	9,710	9,710
101	OTHER AVIATION SUPPORT EQUIPMENT .....	16,541	16,541
	<b>ORDNANCE SUPPORT EQUIPMENT</b>		
	<b>SHIP GUN SYSTEM EQUIPMENT</b>		
102	NAVAL FIRES CONTROL SYSTEM .....	1,391	1,391
103	GUN FIRE CONTROL EQUIPMENT .....	7,891	7,891
	<b>SHIP MISSILE SYSTEMS EQUIPMENT</b>		
104	NATO SEASPARROW .....	13,556	13,556
105	RAM GMLS .....	7,762	7,762
106	SHIP SELF DEFENSE SYSTEM .....	34,079	34,079
107	AEGIS SUPPORT EQUIPMENT .....	108,886	108,886
108	TOMAHAWK SUPPORT EQUIPMENT .....	88,475	88,475
109	VERTICAL LAUNCH SYSTEMS .....	5,513	5,513
	<b>FBM SUPPORT EQUIPMENT</b>		
110	STRATEGIC MISSILE SYSTEMS EQUIP .....	155,579	155,579
	<b>ASW SUPPORT EQUIPMENT</b>		
111	SSN COMBAT CONTROL SYSTEMS .....	118,528	118,528
112	SUBMARINE ASW SUPPORT EQUIPMENT .....	5,200	5,200
113	SURFACE ASW SUPPORT EQUIPMENT .....	13,646	13,646
114	ASW RANGE SUPPORT EQUIPMENT .....	7,256	7,256
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....	54,069	54,069
116	ITEMS LESS THAN \$5 MILLION .....	3,478	3,478
	<b>OTHER EXPENDABLE ORDNANCE</b>		
117	ANTI-SHIP MISSILE DECOY SYSTEM .....	37,128	37,128
118	SURFACE TRAINING DEVICE MODS .....	7,430	7,430
119	SUBMARINE TRAINING DEVICE MODS .....	25,271	25,271
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
120	PASSENGER CARRYING VEHICLES .....	4,139	4,139
121	GENERAL PURPOSE TRUCKS .....	1,731	1,731
122	CONSTRUCTION & MAINTENANCE EQUIP .....	12,931	12,931
123	FIRE FIGHTING EQUIPMENT .....	12,976	12,976

**PROCUREMENT**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Agreement</b>
124	TACTICAL VEHICLES .....	25,352	25,352
125	AMPHIBIOUS EQUIPMENT .....	2,950	2,950
126	POLLUTION CONTROL EQUIPMENT .....	5,097	5,097
127	ITEMS UNDER \$5 MILLION .....	23,787	23,787
128	PHYSICAL SECURITY VEHICLES .....	1,115	1,115
	<b>SUPPLY SUPPORT EQUIPMENT</b>		
129	MATERIALS HANDLING EQUIPMENT .....	17,153	17,153
130	OTHER SUPPLY SUPPORT EQUIPMENT .....	6,368	6,368
131	FIRST DESTINATION TRANSPORTATION .....	6,217	6,217
132	SPECIAL PURPOSE SUPPLY SYSTEMS .....	71,597	71,597
	<b>PERSONNEL AND COMMAND SUPPORT EQUIPMENT</b>		
	<b>TRAINING DEVICES</b>		
133	TRAINING SUPPORT EQUIPMENT .....	12,944	12,944
	<b>COMMAND SUPPORT EQUIPMENT</b>		
134	COMMAND SUPPORT EQUIPMENT .....	55,267	55,267
135	EDUCATION SUPPORT EQUIPMENT .....	2,084	2,084
136	MEDICAL SUPPORT EQUIPMENT .....	5,517	5,517
137	NAVAL MIP SUPPORT EQUIPMENT .....	1,537	1,537
139	OPERATING FORCES SUPPORT EQUIPMENT .....	12,250	12,250
140	C4ISR EQUIPMENT .....	5,324	5,324
141	ENVIRONMENTAL SUPPORT EQUIPMENT .....	18,183	18,183
142	PHYSICAL SECURITY EQUIPMENT .....	128,921	128,921
143	ENTERPRISE INFORMATION TECHNOLOGY .....	79,747	79,747
	<b>OTHER</b>		
144	CANCELLED ACCOUNT ADJUSTMENTS .....		
	<b>CLASSIFIED PROGRAMS</b>		
999	CLASSIFIED PROGRAMS .....	19,463	19,463
	<b>SPARES AND REPAIR PARTS</b>		
145	SPARES AND REPAIR PARTS .....	247,796	247,796
145a	Procurement of computer services / systems .....		
	<b>TOTAL—OTHER PROCUREMENT, NAVY</b> .....	<b>5,661,176</b>	<b>5,610,581</b>
	<b>PROCUREMENT, MARINE CORPS</b>		
	<b>WEAPONS AND COMBAT VEHICLES</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
001	AAV7A1 PIP .....	9,127	9,127
002	LAV PIP .....	34,969	34,969
003	IMPROVED RECOVERY VEHICLE (IRV) .....		
004	M1A1 FIREPOWER ENHANCEMENTS .....		
	<b>ARTILLERY AND OTHER WEAPONS</b>		
005	EXPEDITIONARY FIRE SUPPORT SYSTEM .....	19,591	19,591
006	155MM LIGHTWEIGHT TOWED HOWITZER .....	7,420	7,420
007	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	71,476	71,476
008	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....	25,949	25,949
	<b>WEAPONS</b>		
009	MODULAR WEAPON SYSTEM .....		
	<b>OTHER SUPPORT</b>		
010	MODIFICATION KITS .....	33,990	33,990
011	WEAPONS ENHANCEMENT PROGRAM .....	22,238	22,238
	<b>GUIDED MISSILES AND EQUIPMENT</b>		
	<b>GUIDED MISSILES</b>		
012	GROUND BASED AIR DEFENSE .....	11,387	11,387
013	JAVELIN .....		
014	FOLLOW ON TO SMAW .....	25,333	25,333
015	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H) .....	71,225	71,225
	<b>OTHER SUPPORT</b>		
016	MODIFICATION KITS .....	2,114	2,114
	<b>COMMUNICATIONS &amp; ELECTRONICS EQUIPMENT</b>		
	<b>COMMAND AND CONTROL SYSTEMS</b>		
017	UNIT OPERATIONS CENTER .....	19,832	19,832
	<b>REPAIR AND TEST EQUIPMENT</b>		
018	REPAIR AND TEST EQUIPMENT .....	31,087	31,087
	<b>OTHER SUPPORT (TEL)</b>		
019	COMBAT SUPPORT SYSTEM .....	11,368	11,368
020	MODIFICATION KITS .....		
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		
021	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....	3,531	3,531
022	AIR OPERATIONS C2 SYSTEMS .....	45,084	45,084
	<b>RADAR + EQUIPMENT (NON-TEL)</b>		
023	RADAR SYSTEMS .....	7,428	7,428
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		
024	FIRE SUPPORT SYSTEM .....	2,580	2,580
025	INTELLIGENCE SUPPORT EQUIPMENT .....	37,581	37,581
026	RQ-11 UAV .....	42,403	42,403
	<b>OTHER COMMELEC EQUIPMENT (NON-TEL)</b>		
027	NIGHT VISION EQUIPMENT .....	10,360	10,360
	<b>OTHER SUPPORT (NON-TEL)</b>		
028	COMMON COMPUTER RESOURCES .....	115,263	115,263



**PROCUREMENT**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Agreement</i>
029	COMMAND POST SYSTEMS .....	49,820	49,820
030	RADIO SYSTEMS .....	61,954	61,954
031	COMM SWITCHING & CONTROL SYSTEMS .....	98,254	98,254
032	COMM & ELEC INFRASTRUCTURE SUPPORT .....	15,531	15,531
	<b>SUPPORT VEHICLES</b>		
	<b>ADMINISTRATIVE VEHICLES</b>		
033	COMMERCIAL PASSENGER VEHICLES .....	1,265	1,265
034	COMMERCIAL CARGO VEHICLES .....	13,610	13,610
035	54T TRUCK HMMWV (MYP) .....	9,796	9,796
036	MOTOR TRANSPORT MODIFICATIONS .....	6,111	6,111
037	MEDIUM TACTICAL VEHICLE REPLACEMENT .....	10,792	10,792
038	LOGISTICS VEHICLE SYSTEM REP .....	217,390	217,390
039	FAMILY OF TACTICAL TRAILERS .....	26,497	26,497
040	TRAILERS .....	18,122	18,122
	<b>OTHER SUPPORT</b>		
041	ITEMS LESS THAN \$5 MILLION .....	5,948	5,948
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
042	ENVIRONMENTAL CONTROL EQUIP ASSORT .....	5,121	5,121
043	BULK LIQUID EQUIPMENT .....	13,035	13,035
044	TACTICAL FUEL SYSTEMS .....	35,059	38,159
	Nitrile Rubber Collapsible Storage Units .....		[3,100]
045	POWER EQUIPMENT ASSORTED .....	21,033	21,033
046	AMPHIBIOUS SUPPORT EQUIPMENT .....	39,876	39,876
047	EOD SYSTEMS .....	93,335	93,335
	<b>MATERIALS HANDLING EQUIPMENT</b>		
048	PHYSICAL SECURITY EQUIPMENT .....	12,169	12,169
049	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE) .....	11,825	11,825
050	MATERIAL HANDLING EQUIP .....	41,430	41,430
051	FIRST DESTINATION TRANSPORTATION .....	5,301	5,301
	<b>GENERAL PROPERTY</b>		
052	FIELD MEDICAL EQUIPMENT .....	6,811	6,811
053	TRAINING DEVICES .....	14,854	14,854
054	CONTAINER FAMILY .....	3,770	3,770
055	FAMILY OF CONSTRUCTION EQUIPMENT .....	37,735	37,735
056	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV) .....	10,360	10,360
057	BRIDGE BOATS .....		
058	RAPID DEPLOYABLE KITCHEN .....	2,159	2,159
	<b>OTHER SUPPORT</b>		
059	ITEMS LESS THAN \$5 MILLION .....	8,792	8,792
	<b>SPARES AND REPAIR PARTS</b>		
060	SPARES AND REPAIR PARTS .....	41,547	41,547
	<b>TOTAL—PROCUREMENT, MARINE CORPS</b> .....	<b>1,600,638</b>	<b>1,603,738</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>COMBAT AIRCRAFT</b>		
	<b>TACTICAL FORCES</b>		
001	F-35 .....	2,048,830	2,178,830
	F136 engine procurement .....		[130,000]
002	ADVANCE PROCUREMENT (CY) .....	300,600	278,600
	Reduction of 2 aircraft previously funded in fiscal year 2009 .....		[-22,000]
003	F-22A .....	95,163	95,163
004	ADVANCE PROCUREMENT (CY) .....		
	<b>AIRLIFT AIRCRAFT</b>		
	<b>TACTICAL AIRLIFT</b>		
005	C-17A (MYP) .....	88,510	88,510
	<b>OTHER AIRLIFT</b>		
006	C-130J .....	285,632	285,632
007	ADVANCE PROCUREMENT (CY) .....	108,000	108,000
008	HC/MC-130 RECAP .....	879,231	375,231
	Funded in fiscal year 2009 supplemental .....		[-504,000]
009	ADVANCE PROCUREMENT (CY) .....	137,360	137,360
010	JOINT CARGO AIRCRAFT .....	319,050	319,050
	<b>TRAINER AIRCRAFT</b>		
	<b>UPT TRAINERS</b>		
011	USAF POWERED FLIGHT PROGRAM .....	4,144	4,144
	<b>OPERATIONAL TRAINERS</b>		
012	JPATS .....	15,711	15,711
	<b>OTHER AIRCRAFT</b>		
	<b>HELICOPTERS</b>		
013	V22 OSPREY .....	437,272	437,272
014	ADVANCE PROCUREMENT (CY) .....	13,835	13,835
	<b>MISSION SUPPORT AIRCRAFT</b>		
015	C-29A FLIGHT INSPECTION ACFT .....		
016	C-12 A .....		
017	C-40 .....	154,044	259,294
	Program Increase .....		[105,250]
018	CIVIL AIR PATROL A/C .....	2,426	2,426
	<b>OTHER AIRCRAFT</b>		

**PROCUREMENT**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Agreement</b>
020	TARGET DRONES .....	78,511	78,511
021	C-37A .....	66,400	66,400
022	GLOBAL HAWK .....	554,775	554,775
023	ADVANCE PROCUREMENT (CY) .....	113,049	113,049
024	MQ-1 .....		
025	MQ-9 .....	489,469	489,469
	<b>CLASSIFIED PROGRAMS</b>		
999	CLASSIFIED PROGRAMS .....	3,608	3,608
	<b>MODIFICATION OF IN-SERVICE AIRCRAFT</b>		
	<b>STRATEGIC AIRCRAFT</b>		
026	B-2A .....	283,955	264,155
	USAF requested transfer to APAF 78A, B-2 Post Production Support for the B-2 Weapon System Support Center .....		[-19,800]
027	ADVANCE PROCUREMENT (CY) .....		
028	B-1B .....	107,558	78,558
	Program delay for various programs. Funding transferred to PE 11126F (RDAF 119) .....		[-29,000]
029	B-52 .....	78,788	61,466
	Air Force identified excess .....		[-17,322]
	<b>TACTICAL AIRCRAFT</b>		
030	A-10 .....	252,488	252,488
031	F-15 .....	92,921	143,421
	5 AESA Radars .....		[50,500]
032	F-16 .....	224,642	221,875
	Funding ahead of need—BLOS Installs .....		[-2,767]
033	F-22A .....	350,735	192,336
	Common Configuration—Early to need .....		[-158,399]
	<b>AIRLIFT AIRCRAFT</b>		
034	C-5 .....	606,993	578,993
	Funding ahead of need—RERP Install .....		[-28,000]
035	ADVANCE PROCUREMENT (CY) .....	108,300	108,300
036	C-9C .....	10	10
037	C-17A .....	469,731	424,431
	Funding requested ahead of need .....		[-45,300]
038	C-21 .....	562	562
039	C-32A .....	10,644	10,644
040	C-37A .....	4,336	4,336
	<b>TRAINER AIRCRAFT</b>		
041	GLIDER MODS .....	119	119
042	T-6 .....	33,074	33,074
043	T-1 .....	35	35
044	T-38 .....	75,274	61,057
	Improved Brake System Program Termination .....		[-14,217]
045	T-43 .....		
	<b>OTHER AIRCRAFT</b>		
046	KC-10A (ATCA) .....	9,441	9,441
047	C-12 .....	472	472
048	MC-12W .....	63,000	63,000
049	C-20 MODS .....	734	734
050	VC-25A MOD .....	15,610	15,610
051	C-40 .....	9,162	9,162
052	C-130 .....	354,421	134,171
	Scathe View Hyper-Spectral Imagery Upgrade .....		[4,500]
	Senior Scout COMINT Capability Upgrade .....		[3,750]
	Program Excess .....		[-209,500]
	Centerwing Replacements—Early to need .....		[-19,000]
053	CI30J MODS .....	13,627	13,627
054	C-135 .....	150,425	150,425
055	COMPASS CALL MODS .....	29,187	29,187
056	DARP .....	107,859	107,859
057	E-3 .....	79,263	79,263
058	E-4 .....	73,058	73,058
059	E-8 .....	225,973	225,973
060	H-1 .....	18,280	18,280
061	H-60 .....	14,201	95,201
	HH-60G AAQ-29 FLIR .....		[81,000]
062	GLOBAL HAWK MODS .....	134,864	134,864
063	HC/MC-130 MODIFICATIONS .....	1,964	1,964
064	OTHER AIRCRAFT .....	103,274	127,274
	Litening ATP upgrade kits .....		[24,000]
065	MQ-1 MODS .....	123,889	123,889
066	MQ-9 MODS .....	48,837	48,837
	Reflect USAF decision to change sensor payload .....		
067	CV-22 MODS .....	24,429	24,429
067A	CAF Restructure .....		
	<b>AIRCRAFT SPARES + REPAIR PARTS</b>		
068	INITIAL SPARES/REPAIR PARTS .....	418,604	418,604
	<b>AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES</b>		
	<b>COMMON SUPPORT EQUIP</b>		
069	AIRCRAFT REPLACEMENT SUPPORT EQUIP .....	105,820	105,820
	<b>POST PRODUCTION SUPPORT</b>		

<b>PROCUREMENT</b> <b>(In Thousands of Dollars)</b>				
<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Agreement</b>	
070	B-1 .....	3,929	3,929	
071	B-2A .....			
072	B-2A .....	24,481	24,481	
073	C-5 .....	2,259	2,259	
074	C-5 .....	11,787	11,787	
075	KC-10A (ATCA) .....	4,125	4,125	
076	C-17A .....	91,400	0	
	Funding requested ahead of need .....		[-91,400]	
077	C-130 .....	28,092	28,092	
078	EC-130J .....	5,283	5,283	
078A	B-2 POST PRODUCTION SUPPORT .....		19,800	
	USAF requested transfer from APAF 26 for the B-2 Weapon System Support Center .....		[19,800]	
079	F-15 .....	15,744	15,744	
080	F-16 .....	19,951	19,951	
081	OTHER AIRCRAFT .....	51,980	51,980	
082	T-1 .....			
	<b>INDUSTRIAL PREPAREDNESS</b>			
083	INDUSTRIAL RESPONSIVENESS .....	25,529	25,529	
	<b>WAR CONSUMABLES</b>			
084	WAR CONSUMABLES .....	134,427	134,427	
	<b>OTHER PRODUCTION CHARGES</b>			
085	OTHER PRODUCTION CHARGES .....	490,344	490,344	
	<b>OTHER PRODUCTION CHARGES—SOF</b>			
087	CANCELLED ACCT ADJUSTMENTS .....			
	<b>DARP</b>			
088	DARP .....	15,323	15,323	
	<b>CLASSIFIED PROGRAMS</b>			
999	CLASSIFIED PROGRAMS .....	19,443	19,443	
	<b>TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE</b> .....	<b>11,966,276</b>	<b>11,224,371</b>	
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>			
	<b>PROCUREMENT OF AMMO, AIR FORCE</b>			
	<b>ROCKETS</b>			
001	ROCKETS .....	43,461	43,461	
	<b>CARTRIDGES</b>			
002	CARTRIDGES .....	123,886	123,886	
	<b>BOMBS</b>			
003	PRACTICE BOMBS .....	52,459	52,459	
004	GENERAL PURPOSE BOMBS .....	225,145	225,145	
005	JOINT DIRECT ATTACK MUNITION .....	103,041	103,041	
	<b>FLARE, IR MJU-7B</b>			
006	CAD/PAD .....	40,522	40,522	
007	EXPLOSIVE ORDINANCE DISPOSAL (EOD) .....	3,302	3,302	
008	SPARES AND REPAIR PARTS .....	4,582	4,582	
009	MODIFICATIONS .....	1,289	1,289	
010	ITEMS LESS THAN \$5,000,000 .....	5,061	5,061	
	<b>FUZES</b>			
011	FLARES .....	152,515	152,515	
012	FUZES .....	61,037	61,037	
	<b>WEAPONS</b>			
	<b>SMALL ARMS</b>			
013	SMALL ARMS .....	6,162	6,162	
	<b>TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....	<b>822,462</b>	<b>822,462</b>	
	<b>MISSILE PROCUREMENT, AIR FORCE</b>			
	<b>BALLISTIC MISSILES</b>			
	<b>MISSILE REPLACEMENT EQUIPMENT-BALLISTIC</b>			
001	MISSILE REPLACEMENT EQ-BALLISTIC .....	58,139	58,139	
	<b>OTHER MISSILES</b>			
	<b>TACTICAL</b>			
002	JASSM .....	52,666	52,666	
003	SIDEWINDER (AIM-9X) .....	78,753	78,753	
004	AMRAAM .....	291,827	286,827	
	Funding ahead of need for DMS .....		[095,000]	
005	PREDITOR HELLFIRE MISSILE .....	79,699	64,530	
	Updated pricing .....		[-15,169]	
006	SMALL DIAMETER BOMB .....	134,801	134,801	
	<b>INDUSTRIAL FACILITIES</b>			
007	INDUSTRIAL PREPAREDNS/POL PREVENTION .....	841	841	
	<b>MODIFICATION OF IN-SERVICE MISSILES</b>			
	<b>CLASS IV</b>			
008	ADVANCED CRUISE MISSILE .....	32	32	
009	MM III MODIFICATIONS .....	199,484	199,484	
010	AGM-65D MAVERICK .....	258	258	
011	AGM-88A HARM .....	30,280	30,280	
012	AIR LAUNCH CRUISE MISSILE (ALCM) .....			
	<b>SPARES AND REPAIR PARTS</b>			

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	<b>MISSILE SPARES + REPAIR PARTS</b>		
013	INITIAL SPARES/REPAIR PARTS .....	70,185	70,185
	<b>OTHER SUPPORT</b>		
	<b>SPACE PROGRAMS</b>		
014	ADVANCED EHF .....	1,843,475	1,843,475
015	ADVANCE PROCUREMENT (CY) .....		
016	WIDEBAND GAFILLER SATELLITES(SPACE) .....	201,671	151,671
	Program delay .....		[-50,000]
017	ADVANCE PROCUREMENT (CY) .....	62,380	62,380
018	SPACEBORNE EQUIP (COMSEC) .....	9,871	9,871
019	GLOBAL POSITIONING (SPACE) .....	53,140	53,140
020	ADVANCE PROCUREMENT (CY) .....		
021	NUDET DETECTION SYSTEM .....		
022	DEF METEOROLOGICAL SAT PROG(SPACE) .....	97,764	97,764
023	TITAN SPACE BOOSTERS(SPACE) .....		
024	EVOLVED EXPENDABLE LAUNCH VEH(SPACE) .....	1,295,325	1,102,225
	Reduction in Requirement for Launch Vehicles .....		[-88,100]
	EELV reduction for AFSPC 4 .....		[-105,000]
025	MEDIUM LAUNCH VEHICLE(SPACE) .....		
026	SBIR HIGH (SPACE) .....	307,456	307,456
027	ADVANCE PROCUREMENT (CY) .....	159,000	159,000
028	NATL POLAR-ORBITING OP ENV SATELLITE .....	3,900	3,900
	<b>SPECIAL PROGRAMS</b>		
29	DEFENSE SPACE RECONN PROGRAM .....	105,152	105,152
031	SPECIAL UPDATE PROGRAMS .....	311,070	311,070
	<b>CLASSIFIED PROGRAMS</b>		
999	CLASSIFIED PROGRAMS .....	853,559	853,559
	<b>TOTAL—MISSILE PROCUREMENT, AIR FORCE .....</b>	<b>6,300,728</b>	<b>6,037,459</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>		
	<b>VEHICULAR EQUIPMENT</b>		
	<b>CARGO + UTILITY VEHICLES</b>		
002	MEDIUM TACTICAL VEHICLE .....	25,922	25,922
003	CAP VEHICLES .....	897	897
	<b>SPECIAL PURPOSE VEHICLES</b>		
004	SECURITY AND TACTICAL VEHICLES .....	44,603	44,603
	<b>FIRE FIGHTING EQUIPMENT</b>		
005	FIRE FIGHTING/CRASH RESCUE VEHICLES .....	27,760	27,760
	<b>MATERIALS HANDLING EQUIPMENT</b>		
006	HALVERSEN LOADER .....		
	<b>BASE MAINTENANCE SUPPORT</b>		
007	RUNWAY SNOW REMOV AND CLEANING EQU .....	24,884	24,884
008	ITEMS LESS THAN \$5,000,000(VEHICLES) .....	57,243	40,243
	Reduce program growth .....		[-17,000]
	<b>CLASSIFIED PROGRAMS</b>		
999	CLASSIFIED PROGRAMS .....	18,163	18,163
	<b>ELECTRONICS AND TELECOMMUNICATIONS</b>		
	<b>COMM SECURITY EQUIPMENT(COMSEC)</b>		
009	COMSEC EQUIPMENT .....	209,249	209,249
010	MODIFICATIONS (COMSEC) .....	1,570	1,570
	<b>INTELLIGENCE PROGRAMS</b>		
011	INTELLIGENCE TRAINING EQUIPMENT .....	4,230	4,230
012	INTELLIGENCE COMM EQUIPMENT .....	21,965	27,465
	Eagle Vision-ANG .....		[4,000]
	Eagle Vision Upgrade-ANG .....		[1,500]
	<b>ELECTRONICS PROGRAMS</b>		
013	AIR TRAFFIC CONTROL & LANDING SYS .....	22,591	22,591
014	NATIONAL AIRSPACE SYSTEM .....	47,670	47,670
015	THEATER AIR CONTROL SYS IMPROVEMEN .....	56,776	56,776
016	WEATHER OBSERVATION FORECAST .....	19,357	19,357
017	STRATEGIC COMMAND AND CONTROL .....	35,116	35,116
018	CHEYENNE MOUNTAIN COMPLEX .....	28,608	28,608
019	DRUG INTERDICTION SPT .....	452	452
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
020	GENERAL INFORMATION TECHNOLOGY .....	111,282	111,282
021	AF GLOBAL COMMAND & CONTROL SYS .....	15,499	15,499
022	MOBILITY COMMAND AND CONTROL .....	8,610	8,610
023	AIR FORCE PHYSICAL SECURITY SYSTEM .....	137,293	77,293
	Weapons Storage Area—Request ahead of need .....		[-60,000]
024	COMBAT TRAINING RANGES .....	40,633	44,633
	Unmanned modular threat emitter (UMTE) .....		[3,000]
	Joint threat emitter (JTE) .....		[1,000]
025	C3 COUNTERMEASURES .....	8,177	8,177
026	GCSS-AF FOS .....	81,579	81,579
027	THEATER BATTLE MGT C2 SYSTEM .....	29,687	29,687
028	AIR & SPACE OPERATIONS CTR-WPN SYS .....	54,093	54,093
	<b>AIR FORCE COMMUNICATIONS</b>		
029	BASE INFO INFRASTRUCTURE .....	433,859	384,859

**PROCUREMENT**  
**(In Thousands of Dollars)**

<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Agreement</i>
	<i>Excess funding</i> .....		[–49,000]
030	USCENTCOM .....	38,958	38,958
031	AUTOMATED TELECOMMUNICATIONS PRG .....		
	<b>DISA PROGRAMS</b>		
032	SPACE BASED IR SENSOR PGM SPACE .....	34,440	34,440
033	NAVSTAR GPS SPACE .....	6,415	6,415
034	NUDET DETECTION SYS SPACE .....	15,436	15,436
035	AF SATELLITE CONTROL NETWORK SPACE .....	58,865	58,865
036	SPACELIFT RANGE SYSTEM SPACE .....	100,275	100,275
037	MILSATCOM SPACE .....	110,575	110,575
038	SPACE MODS SPACE .....	30,594	30,594
039	COUNTERSPACE SYSTEM .....	29,793	29,793
	<b>ORGANIZATION AND BASE</b>		
040	TACTICAL C-E EQUIPMENT .....	240,890	207,890
	Reduce Vehicle Communication Systems .....		[–33,000]
041	COMBAT SURVIVOR EVADER LOCATER .....	35,029	35,029
042	RADIO EQUIPMENT .....	15,536	15,536
043	TV EQUIPMENT (AFRTV) .....		
044	CCTV/AUDIOVISUAL EQUIPMENT .....	12,961	12,961
045	BASE COMM INFRASTRUCTURE .....	121,049	121,049
	<b>MODIFICATIONS</b>		
046	COMM ELECT MODS .....	64,087	64,087
	<b>OTHER BASE MAINTENANCE AND SUPPORT EQUIP</b>		
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
047	NIGHT VISION GOGGLES .....	28,226	28,226
048	ITEMS LESS THAN \$5,000,000 (SAFETY) .....	17,223	17,223
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>		
049	MECHANIZED MATERIAL HANDLING EQUIP .....	15,449	15,449
	<b>BASE SUPPORT EQUIPMENT</b>		
050	BASE PROCURED EQUIPMENT .....	14,300	14,300
051	CONTINGENCY OPERATIONS .....	22,973	10,000
	Reduce program growth .....		[–12,973]
052	PRODUCTIVITY CAPITAL INVESTMENT .....	3,020	3,020
053	MOBILITY EQUIPMENT .....	32,855	32,855
054	ITEMS LESS THAN \$5,000,000 (BASE S) .....	8,195	11,195
	Aircrew Body Armor and Load Carriage Vest .....		[3,000]
	<b>SPECIAL SUPPORT PROJECTS</b>		
056	DARP RC135 .....	23,132	23,132
057	DISTRIBUTED GROUND SYSTEMS .....	293,640	293,640
059	SPECIAL UPDATE PROGRAM .....	471,234	471,234
060	DEFENSE SPACE RECONNAISSANCE PROG. ....	30,041	30,041
	<b>CLASSIFIED PROGRAMS</b>		
999	CLASSIFIED PROGRAMS .....	13,830,722	13,830,722
	<b>SPARES AND REPAIR PARTS</b>		
061	SPARES AND REPAIR PARTS .....	19,460	19,460
061a	Procurement of computer services / systems .....		
	<b>TOTAL—OTHER PROCUREMENT, AIR FORCE</b> .....	<b>17,293,141</b>	<b>17,133,668</b>
	<b>MINE RESISTANT AMBUSH PROT VEH FUND</b>		
	MINE RESISTANT AMBUSH PROT VEH FUND .....		600,000
	Additional MRAP vehicles to meet new requirement .....		[600,000]
	<b>TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND</b> .....		<b>600,000</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT</b>		
	<b>MAJOR EQUIPMENT, AFIS</b>		
001	MAJOR EQUIPMENT, AFIS .....		
	<b>MAJOR EQUIPMENT, BTA</b>		
002	MAJOR EQUIPMENT, BTA .....	8,858	8,858
	<b>MAJOR EQUIPMENT, DCAA</b>		
003	ITEMS LESS THAN \$5 MILLION .....	1,489	1,489
	<b>MAJOR EQUIPMENT, DCMA</b>		
004	MAJOR EQUIPMENT .....	2,012	2,012
	<b>MAJOR EQUIPMENT, DHRA</b>		
005	PERSONNEL ADMINISTRATION .....	10,431	10,431
	<b>MAJOR EQUIPMENT, DISA</b>		
017	INTERDICTION SUPPORT .....		
018	INFORMATION SYSTEMS SECURITY .....	13,449	13,449
019	GLOBAL COMMAND AND CONTROL SYSTEM .....	7,053	7,053
020	GLOBAL COMBAT SUPPORT SYSTEM .....	2,820	2,820
021	TELEPORT PROGRAM .....	68,037	68,037
022	ITEMS LESS THAN \$5 MILLION .....	196,232	196,232
023	NET CENTRIC ENTERPRISE SERVICES (NCES) .....	3,051	3,051
024	DEFENSE INFORMATION SYSTEM NETWORK (DISN) .....	89,725	89,725
025	PUBLIC KEY INFRASTRUCTURE .....	1,780	1,780
026	JOINT COMMAND AND CONTROL PROGRAM .....	2,835	2,835
027	CYBER SECURITY INITIATIVE .....	18,188	18,188

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	<b>MAJOR EQUIPMENT, DLA</b>		
028	MAJOR EQUIPMENT .....	7,728	7,728
	<b>MAJOR EQUIPMENT, DMACT</b>		
029	MAJOR EQUIPMENT .....	10,149	10,149
	<b>MAJOR EQUIPMENT, DODEA</b>		
030	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....	1,463	1,463
	<b>MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY</b>		
031	EQUIPMENT .....		
032	VEHICLES .....	50	50
033	OTHER MAJOR EQUIPMENT .....	7,447	7,447
	<b>MAJOR EQUIPMENT, DTSA</b>		
034	MAJOR EQUIPMENT .....	436	436
	<b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>		
035	THAAD SYSTEM .....	420,300	420,300
036	SM-3 .....	168,723	191,923
	Additional SM-3 Block 1A missiles .....		[23,200]
036A	TPY-2 Radar .....		
	<b>MAJOR EQUIPMENT, NSA</b>		
044	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....	4,013	4,013
	<b>MAJOR EQUIPMENT, OSD</b>		
047	MAJOR EQUIPMENT, OSD .....	111,487	111,487
	<b>MAJOR EQUIPMENT, TJS</b>		
048	MAJOR EQUIPMENT, TJS .....	12,065	12,065
	<b>MAJOR EQUIPMENT, WHS</b>		
049	WHS MOTOR VEHICLES .....		
050	MAJOR EQUIPMENT, WHS .....	26,945	26,945
	<b>CLASSIFIED PROGRAMS</b>		
999	CLASSIFIED PROGRAMS .....	818,766	818,766
	<b>SPECIAL OPERATIONS COMMAND</b>		
	<b>AVIATION PROGRAMS</b>		
051	ROTARY WING UPGRADES AND SUSTAINMENT .....	101,936	101,936
052	MH-47 SERVICE LIFE EXTENSION PROGRAM .....	22,958	22,958
053	MH-60 SOF MODERNIZATION PROGRAM .....	146,820	146,820
054	NON-STANDARD AVIATION .....	227,552	197,552
	Procurement Schedule .....		[-30,000]
055	UNMANNED VEHICLES .....		
056	SOF TANKER RECAPITALIZATION .....	34,200	34,200
057	SOF U-28 .....	2,518	2,518
058	MC-130H, COMBAT TALON II .....		
059	CV-22 SOF MOD .....	114,553	114,553
060	MQ-1 UAV .....	10,930	10,930
061	MQ-9 UAV .....	12,671	12,671
062	STUASLO .....	12,223	12,223
063	C-130 MODIFICATIONS .....	59,950	145,950
	MC-130W multi-mission modifications .....		[85,000]
	Intelligence Broadcast Receiver (IBR) for AFSOC MC-130 .....		[1,000]
064	AIRCRAFT SUPPORT .....	973	973
	<b>SHIPBUILDING</b>		
065	ADVANCED SEAL DELIVERY SYSTEM (ASDS) .....	5,236	0
	Program termination .....		[-5,236]
066	MK8 MOD1 SEAL DELIVERY VEHICLE .....	1,463	1,463
	<b>AMMUNITION PROGRAMS</b>		
067	SOF ORDNANCE REPLENISHMENT .....	61,360	61,360
068	SOF ORDNANCE ACQUISITION .....	26,791	26,791
	<b>OTHER PROCUREMENT PROGRAMS</b>		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....	55,080	55,080
070	SOF INTELLIGENCE SYSTEMS .....	72,811	72,811
071	SMALL ARMS AND WEAPONS .....	35,235	42,735
	Advanced lightweight grenade launcher .....		[5,000]
	Special Operations Forces Combat Assault Rifle (SCAR) .....		[2,500]
072	MARITIME EQUIPMENT MODIFICATIONS .....	791	791
073	SPEC APPLICATION FOR CONT .....		
074	SOF COMBATANT CRAFT SYSTEMS .....	6,156	16,156
	Special Operations Craft-Riverine .....		[10,000]
075	SPARES AND REPAIR PARTS .....	2,010	2,010
076	TACTICAL VEHICLES .....	18,821	18,821
077	MISSION TRAINING AND PREPARATION SYSTEMS .....	17,265	17,265
078	COMBAT MISSION REQUIREMENTS .....	20,000	20,000
079	MILCON COLLATERAL EQUIPMENT .....	6,835	6,835
081	SOF AUTOMATION SYSTEMS .....	60,836	60,836
082	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	12,401	12,401
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	26,070	26,070
084	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	550	550
085	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS .....	33,741	38,741
	Special operations visual augmentation systems .....		[5,000]
086	SOF TACTICAL RADIO SYSTEMS .....	53,034	63,034
	Special operations forces multi-band inter/intra team radio .....		[10,000]
087	SOF MARITIME EQUIPMENT .....	2,777	2,777
088	DRUG INTERDICTION .....		



<b>PROCUREMENT</b> (In Thousands of Dollars)				
<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Agreement</b>	
089	MISCELLANEOUS EQUIPMENT .....	7,576	7,576	
090	SOF OPERATIONAL ENHANCEMENTS .....	273,998	273,998	
091	PSYOP EQUIPMENT .....	43,081	43,081	
	<b>CLASSIFIED PROGRAMS</b>			
999	CLASSIFIED PROGRAMS .....	5,573	5,573	
	<b>CHEMICAL/BIOLOGICAL DEFENSE</b>			
	<b>CBDP</b>			
092	Installation Force Protection .....	65,590	65,590	
093	Individual Force Protection .....	92,004	92,004	
094	Decontamination .....	22,008	22,008	
095	Joint Bio Defense Program (Medical) .....	12,740	12,740	
096	Collective Protection .....	27,938	27,938	
097	Contamination Avoidance .....	151,765	151,765	
097a	Procurement of computer services / systems .....			
	<b>TOTAL—PROCUREMENT, DEFENSE-WIDE .....</b>	<b>3,984,352</b>	<b>4,090,816</b>	
	<b>RAPID ACQUISITION FUND</b>			
001	JOINT RAPID ACQUISITION CELL .....	79,300	0	
	Program Reduction .....		[-79,300]	
	<b>TOTAL—RAPID ACQUISITION FUND .....</b>	<b>79,300</b>	<b>0</b>	
	<b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>			
	<b>RESERVE EQUIPMENT</b>			
	UNDISTRIBUTED .....		600,000	
	<b>ARMY RESERVE</b>			
001	MISCELLANEOUS EQUIPMENT .....			
	<b>NAVY RESERVE</b>			
002	MISCELLANEOUS EQUIPMENT .....			
	<b>MARINE CORPS RESERVE</b>			
003	MISCELLANEOUS EQUIPMENT .....			
	<b>AIR FORCE RESERVE</b>			
004	MISCELLANEOUS EQUIPMENT .....			
	<b>ARMY NATIONAL GUARD</b>			
005	MISCELLANEOUS EQUIPMENT .....			
	<b>AIR NATIONAL GUARD</b>			
006	MISCELLANEOUS EQUIPMENT .....			
	<b>TOTAL—NATIONAL GUARD &amp; RESERVE EQUIPMENT .....</b>	<b>0</b>	<b>600,000</b>	
	<b>Total Procurement .....</b>	<b>105,819,330</b>	<b>105,029,379</b>	

## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

<b>PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS</b> (In Thousands of Dollars)				
<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Agreement</b>	
	<b>AIRCRAFT PROCUREMENT, ARMY</b>			
	<b>AIRCRAFT</b>			
	<b>FIXED WING</b>			
003	MQ-1 UAV .....	250,000	250,000	
004	RQ-11 (RAVEN) .....	44,640	44,640	
004A	C-12A .....	45,000	45,000	
	<b>ROTARY WING</b>			
011	UH-60 BLACKHAWK (MYP) .....	74,340	74,340	
013	CH-47 HELICOPTER .....	141,200	141,200	
	<b>MODIFICATION OF AIRCRAFT</b>			
018	GUARDRAIL MODS (MIP) .....	50,210	50,210	
019	MULTI SENSOR ABN RECON (MIP) .....	54,000	54,000	
020	AH-64 MODS .....	315,300	315,300	
026	UTILITY HELICOPTER MODS .....	2,500	2,500	
027	KIOWA WARRIOR .....	94,335	94,335	
030	RQ-7 UAV MODS .....	326,400	326,400	
030A	C-12A .....	60,000	60,000	
	<b>SPARES AND REPAIR PARTS</b>			
031	SPARE PARTS (AIR) .....	18,200	18,200	
	<b>SUPPORT EQUIPMENT AND FACILITIES</b>			
	<b>GROUND SUPPORT AVIONICS</b>			
033	ASE INFRARED CM .....	111,600	111,600	
	<b>OTHER SUPPORT</b>			
035	COMMON GROUND EQUIPMENT .....	23,704	23,704	
036	AIRCREW INTEGRATED SYSTEMS .....	24,800	24,800	
	<b>TOTAL—AIRCRAFT PROCUREMENT, ARMY .....</b>	<b>1,636,229</b>	<b>1,636,229</b>	

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Agreement</i>
<b>MISSILE PROCUREMENT, ARMY</b>			
<b>OTHER MISSILES</b>			
<b>AIR-TO-SURFACE MISSILE SYSTEM</b>			
005	HELLFIRE SYS SUMMARY .....	219,700	219,700
<b>ANTI-TANK/ASSAULT MISSILE SYSTEM</b>			
006	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	140,979	115,979
	Funding ahead of need .....		[-25,000]
007	TOW 2 SYSTEM SUMMARY .....	59,200	34,200
	Funding ahead of need .....		[-25,000]
008	GUIDED MLRS ROCKET (GMLRS) .....	60,600	60,600
<b>MODIFICATIONS</b>			
014	MLRS MODS .....	18,772	18,772
015	HIMARS. IFICATIONS .....	32,319	32,319
<b>TOTAL—MISSILE PROCUREMENT, ARMY .....</b>		<b>531,570</b>	<b>481,570</b>
<b>PROCUREMENT OF WEAPONS &amp; TRACKED COMBAT VEHICLES</b>			
<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>			
009	FIST VEHICLE (MOD) .....	36,000	36,000
010	BRADLEY PROGRAM (MOD) .....	243,600	243,600
011	HOWITZER, MED SP FT 155MM M109A6 (MOD) .....	37,620	37,620
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>			
<b>WEAPONS AND OTHER COMBAT VEHICLES</b>			
027	XM320 GRENADE LAUNCHER MODULE (GLM) .....	13,900	13,900
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO .....	235,000	235,000
033	HOWITZER LT WT 155MM (T) .....	107,996	107,996
<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>			
036	M2 50 CAL MACHINE GUN MODS .....	27,600	27,600
037	M249 SAW MACHINE GUN MODS .....	20,900	20,900
038	M240 MEDIUM MACHINE GUN MODS .....	4,800	4,800
040	M119 MODIFICATIONS .....	21,250	21,250
041A	M14 7.62 RIFLE MODS .....	5,800	5,800
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>			
043	ITEMS LESS THAN \$5.0M (WOCV-WTCV) .....	5,000	5,000
<b>TOTAL—PROCUREMENT OF WTCV, ARMY .....</b>		<b>759,466</b>	<b>759,466</b>
<b>PROCUREMENT OF AMMUNITION, ARMY</b>			
<b>AMMUNITION</b>			
<b>SMALL/MEDIUM CALIBER AMMUNITION</b>			
001	CTG, 5.56MM, ALL TYPES .....	22,000	22,000
002	CTG, 7.62MM, ALL TYPES .....	8,300	8,300
003	CTG, HANDGUN, ALL TYPES .....	500	500
004	CTG, .50 CAL, ALL TYPES .....	26,500	26,500
006	CTG, 30MM, ALL TYPES .....	530	530
<b>MORTAR AMMUNITION</b>			
008	60MM MORTAR, ALL TYPES .....	20,000	20,000
<b>TANK AMMUNITION</b>			
<b>ARTILLERY AMMUNITION</b>			
014	CTG, ARTY, 105MM: ALL TYPES .....	9,200	9,200
016	PROJ 155MM EXTENDED RANGE XM982 .....	52,200	52,200
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T .....	10,000	10,000
<b>ARTILLERY FUZES</b>			
018	ARTILLERY FUZES, ALL TYPES .....	7,800	7,800
<b>MINES</b>			
019	MINES, ALL TYPES .....	5,000	5,000
020	MINE, CLEARING CHARGE, ALL TYPES .....	7,000	7,000
<b>ROCKETS</b>			
024	ROCKET, HYDRA 70, ALL TYPES .....	169,505	169,505
<b>OTHER AMMUNITION</b>			
027	SIGNALS, ALL TYPES .....	100	100
<b>MISCELLANEOUS</b>			
030	NON-LETHAL AMMUNITION, ALL TYPES .....	32,000	32,000
<b>TOTAL—PROCUREMENT OF AMMUNITION, ARMY .....</b>		<b>370,635</b>	<b>370,635</b>
<b>OTHER PROCUREMENT, ARMY</b>			
<b>TACTICAL AND SUPPORT VEHICLES</b>			
<b>TACTICAL VEHICLES</b>			
001	TACTICAL TRAILERS/DOLLY SETS .....	1,948	1,948
002	SEMITRAILERS, FLATBED: .....	40,403	40,403
003	SEMITRAILERS, TANKERS .....	8,651	8,651
004	HI MOB MULTI-PURP WHLD VEH (HMMWV) .....	1,251,038	875,718
	Army end strength budget amendment .....		[-375,320]
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	461,657	286,337
	Army end strength budget amendment .....		[-175,320]
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	623,230	623,230

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Agreement</b>
009	ARMORED SECURITY VEHICLES (ASV) .....	13,206	13,206
012	TRUCK, TRACTOR, LINE HAUL, M915/M916 .....	62,654	62,654
	<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>		
	<b>COMM—JOINT COMMUNICATIONS</b>		
023	WIN-T—GROUND FORCES TACTICAL NETWORK .....	13,500	13,500
	<b>COMM—SATELLITE COMMUNICATIONS</b>		
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) .....	53,486	53,486
029	SMART-T (SPACE) .....	26,000	26,000
032	MOD OF IN-SVC EQUIP (TAC SAT) .....	23,900	23,900
	<b>COMM—COMBAT SUPPORT COMM</b>		
032A	MOD-IN-SERVICE PROFILER .....	6,070	6,070
	<b>COMM—COMBAT COMMUNICATIONS</b>		
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) .....	239	239
037	SINGARS FAMILY .....	128,180	53,180
	Unjustified program growth .....		[–75,000]
038	AMC CRITICAL ITEMS—OPA2 .....	100,000	100,000
046	RADIO, IMPROVED HF (COTS) FAMILY .....	11,286	11,286
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4) .....	18	18
	<b>INFORMATION SECURITY</b>		
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....	32,095	32,095
	<b>COMM—BASE COMMUNICATIONS</b>		
055	INFORMATION SYSTEMS .....	330,342	330,342
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....	227,733	227,733
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>		
062	JTT/CIBS-M (MIP) .....	1,660	1,660
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP) .....	265	265
069	DCGS-A (MIP) .....	167,100	167,100
073	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP) .....	34,208	34,208
075	ITEMS LESS THAN \$5.0M (MIP) .....	5,064	5,064
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>		
076	LIGHTWEIGHT COUNTER MORTAR RADAR .....	58,590	58,590
077	WARLOCK .....	164,435	164,435
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	126,030	126,030
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>		
082	NIGHT VISION DEVICES .....	93,183	93,183
084	NIGHT VISION, THERMAL WPN SIGHT .....	25,000	25,000
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....	15,000	15,000
087	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM) .....	150,400	150,400
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE .....	1,900	1,900
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2) .....	242,999	242,999
096	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD) .....	97,020	97,020
097	COMPUTER BALLISTICS: LHMBC XM32 .....	3,780	3,780
099	COUNTERFIRE RADARS .....	26,000	26,000
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>		
103	FIRE SUPPORT C2 FAMILY .....	14,840	14,840
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC .....	16	16
107	KNIGHT FAMILY .....	178,500	178,500
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....	58,900	58,900
114	MANEUVER CONTROL SYSTEM (MCS) .....	5,000	5,000
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....	1,440	1,440
	<b>ELECT EQUIP—SUPPORT</b>		
	CLASSIFIED PROGRAMS .....	760	760
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>		
129	PROTECTIVE SYSTEMS .....	44,460	44,460
130	CBRN SOLDIER PROTECTION .....	38,811	38,811
	<b>BRIDGING EQUIPMENT</b>		
133	TACTICAL BRIDGE, FLOAT-RIBBON .....	13,525	13,525
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>		
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	10,800	10,800
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>		
140	LAUNDRIES, SHOWERS AND LATRINES .....	21,561	21,561
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME) .....	1,955	1,955
146	FORCE PROVIDER .....	245,382	245,382
147	FIELD FEEDING EQUIPMENT .....	4,011	4,011
150	ITEMS LESS THAN \$5M (ENG SPT) .....	4,987	4,987
	<b>PETROLEUM EQUIPMENT</b>		
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	58,554	58,554
	<b>WATER EQUIPMENT</b>		
153	WATER PURIFICATION SYSTEMS .....	3,017	3,017
	<b>MEDICAL EQUIPMENT</b>		
154	COMBAT SUPPORT MEDICAL .....	11,386	11,386
	<b>MAINTENANCE EQUIPMENT</b>		
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	12,365	12,365
156	ITEMS LESS THAN \$5.0M (MAINT EQ) .....	546	546
	<b>CONSTRUCTION EQUIPMENT</b>		
162	LOADERS .....	1,100	1,100
163	HYDRAULIC EXCAVATOR .....	290	290
166	PLANT, ASPHALT MIXING .....	2,500	2,500
167	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS .....	16,500	16,500

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Agreement</i>
169	ITEMS LESS THAN \$5.0M (CONST EQUIP) .....	360	360
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>		
172	ITEMS LESS THAN \$5.0M (FLOAT/RAIL) .....	3,550	3,550
	<b>GENERATORS</b>		
173	GENERATORS AND ASSOCIATED EQUIP .....	62,210	62,210
	<b>MATERIAL HANDLING EQUIPMENT</b>		
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH) .....	54,360	54,360
175	ALL TERRAIN LIFTING ARMY SYSTEM .....	49,319	49,319
	<b>TRAINING EQUIPMENT</b>		
176	COMBAT TRAINING CENTERS SUPPORT .....	60,200	60,200
177	TRAINING DEVICES, NONSYSTEM .....	28,200	28,200
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>		
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....	1,524	1,524
183	TEST EQUIPMENT MODERNIZATION (TEMOD) .....	3,817	3,817
	<b>OTHER SUPPORT EQUIPMENT</b>		
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....	27,000	27,000
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....	555,950	555,950
	<b>TOTAL—OTHER PROCUREMENT, ARMY</b> .....	<b>6,225,966</b>	<b>5,600,326</b>
	<b>JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND</b>		
	<b>NETWORK ATTACK</b>		
001	ATTACK THE NETWORK .....	812,000	1,015,100
	Transfer from base budget .....		[203,100]
	<b>JIEDDO DEVICE DEFEAT</b>		
002	DEFEAT THE DEVICE .....	536,000	735,100
	Transfer from base budget .....		[199,100]
	<b>FORCE TRAINING</b>		
003	TRAIN THE FORCE .....	187,000	228,100
	Transfer from base budget .....		[41,100]
	<b>STAFF AND INFRASTRUCTURE</b>		
004	OPERATIONS .....		121,550
	Transfer from base budget .....		[121,550]
	<b>TOTAL—JOINT IED DEFEAT FUND</b> .....	<b>1,535,000</b>	<b>2,099,850</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>		
	<b>COMBAT AIRCRAFT</b>		
010	UH-1Y/AH-1Z .....	55,006	55,006
	<b>MODIFICATION OF AIRCRAFT</b>		
028	EA-6 SERIES .....	45,000	45,000
029	AV-8 SERIES .....	28,296	19,396
	ALE-47 upgrades complete .....		[-8,900]
030	F-18 SERIES .....	96,000	96,000
031	H-46 SERIES .....	17,485	17,485
033	H-53 SERIES .....	164,730	164,730
034	SH-60 SERIES .....	11,192	11,192
035	H-1 SERIES .....	11,217	11,217
037	P-3 SERIES .....	74,900	74,900
039	E-2 SERIES .....	17,200	17,200
041	C-2A .....	14,100	14,100
042	C-130 SERIES .....	52,324	52,324
049	POWER PLANT CHANGES .....	4,456	0
	Non-emergency modifications .....		[-4,456]
052	COMMON ECM EQUIPMENT .....	263,382	263,382
054	COMMON DEFENSIVE WEAPON SYSTEM .....	5,500	5,500
056	V-22 (TILT/ROTOR ACFT) OSPREY .....	53,500	53,500
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
057	SPARES AND REPAIR PARTS .....	2,265	2,265
	<b>TOTAL—AIRCRAFT PROCUREMENT, NAVY</b> .....	<b>916,553</b>	<b>903,197</b>
010	HELLFIRE .....	73,700	50,700
	Army end strength budget amendment .....		[-23,000]
	<b>TOTAL—WEAPONS PROCUREMENT, NAVY</b> .....	<b>73,700</b>	<b>50,700</b>
	<b>PROCUREMENT OF AMMUNITION, NAVY &amp; MARINE CORPS</b>		
	<b>PROC AMMO, NAVY</b>		
	<b>NAVY AMMUNITION</b>		
001	GENERAL PURPOSE BOMBS .....	40,500	40,500
003	AIRBORNE ROCKETS, ALL TYPES .....	42,510	42,510
004	MACHINE GUN AMMUNITION .....	109,200	80,377
	Army end strength budget amendment .....		[-28,823]
007	AIR EXPENDABLE COUNTERMEASURES .....	5,501	5,501
009	5 INCH/54 GUN AMMUNITION .....	352	352
011	OTHER SHIP GUN AMMUNITION .....	2,835	2,835
012	SMALL ARMS & LANDING PARTY AMMO .....	14,229	14,229
013	PYROTECHNIC AND DEMOLITION .....	1,442	1,442

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
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<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Agreement</i>
	<b>PROC AMMO, MC</b>		
	<b>MARINE CORPS AMMUNITION</b>		
015	SMALL ARMS AMMUNITION .....	16,930	16,930
016	LINEAR CHARGES, ALL TYPES .....	5,881	5,881
017	40 MM, ALL TYPES .....	104,824	104,824
018	60MM, ALL TYPES .....	43,623	43,623
019	81MM, ALL TYPES .....	103,647	103,647
020	120MM, ALL TYPES .....	62,265	62,265
021	CTG 25MM, ALL TYPES .....	563	563
022	GRENADES, ALL TYPES .....	6,074	6,074
023	ROCKETS, ALL TYPES .....	8,117	8,117
024	ARTILLERY, ALL TYPES .....	81,975	81,975
026	DEMOLITION MUNITIONS, ALL TYPES .....	9,241	9,241
027	FUZE, ALL TYPES .....	51,071	51,071
	<b>TOTAL—PROCUREMENT OF AMMUNITION, NAVY &amp; MARINE CORPS .....</b>	<b>710,780</b>	<b>681,957</b>
	<b>OTHER PROCUREMENT, NAVY</b>		
	<b>OTHER SHIPBOARD EQUIPMENT</b>		
018	UNDERWATER EOD PROGRAMS .....	12,040	12,040
	<b>SMALL BOATS</b>		
025	STANDARD BOATS .....	13,000	13,000
	<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>		
	<b>AVIATION ELECTRONIC EQUIPMENT</b>		
056	MATCALS .....	400	400
	<b>SHIPBOARD COMMUNICATIONS</b>		
076	SHIP COMMUNICATIONS AUTOMATION .....	1,500	1,500
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>		
092	EXPEDITIONARY AIRFIELDS .....	37,345	37,345
097	AVIATION LIFE SUPPORT .....	17,883	17,883
	<b>ORDNANCE SUPPORT EQUIPMENT</b>		
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....	43,650	43,650
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
120	PASSENGER CARRYING VEHICLES .....	25	25
121	GENERAL PURPOSE TRUCKS .....	93	93
122	CONSTRUCTION & MAINTENANCE EQUIP .....	11,167	11,167
124	TACTICAL VEHICLES .....	54,008	54,008
127	ITEMS UNDER \$5 MILLION .....	10,842	10,842
128	PHYSICAL SECURITY VEHICLES .....	1,130	1,130
	<b>SUPPLY SUPPORT EQUIPMENT</b>		
129	MATERIALS HANDLING EQUIPMENT .....	25	25
	<b>PERSONNEL AND COMMAND SUPPORT EQUIPMENT</b>		
	<b>COMMAND SUPPORT EQUIPMENT</b>		
134	COMMAND SUPPORT EQUIPMENT .....	4,000	4,000
139	OPERATING FORCES SUPPORT EQUIPMENT .....	15,452	15,452
140	C4ISR EQUIPMENT .....	3,100	3,100
142	PHYSICAL SECURITY EQUIPMENT .....	89,521	64,521
	OCO unjustified request .....		[-25,000]
	<b>SPARES AND REPAIR PARTS</b>		
145	SPARES AND REPAIR PARTS .....	2,837	2,837
	<b>TOTAL—OTHER PROCUREMENT, NAVY .....</b>	<b>318,018</b>	<b>293,018</b>
	<b>PROCUREMENT, MARINE CORPS</b>		
	<b>WEAPONS AND COMBAT VEHICLES</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
002	LAV PIP .....	58,229	58,229
	<b>ARTILLERY AND OTHER WEAPONS</b>		
006	155MM LIGHTWEIGHT TOWED HOWITZER .....	54,000	0
	Army end strength budget amendment .....		[-54,000]
008	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....	3,351	3,351
	<b>OTHER SUPPORT</b>		
010	MODIFICATION KITS .....	20,183	20,183
011	WEAPONS ENHANCEMENT PROGRAM .....	9,151	9,151
	<b>GUIDED MISSILES AND EQUIPMENT</b>		
	<b>OTHER SUPPORT</b>		
016	MODIFICATION KITS .....	8,506	8,506
	<b>COMMUNICATIONS &amp; ELECTRONICS EQUIPMENT</b>		
	<b>REPAIR AND TEST EQUIPMENT</b>		
018	REPAIR AND TEST EQUIPMENT .....	11,741	11,741
	<b>OTHER SUPPORT (TEL)</b>		
019	COMBAT SUPPORT SYSTEM .....	462	462
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		
021	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....	4,153	4,153
022	AIR OPERATIONS C2 SYSTEMS .....	3,096	3,096
	<b>RADAR + EQUIPMENT (NON-TEL)</b>		
023	RADAR SYSTEMS .....	3,417	3,417
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
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<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Agreement</b>
024	FIRE SUPPORT SYSTEM .....	521	521
025	INTELLIGENCE SUPPORT EQUIPMENT .....	37,547	37,547
026	RQ-11 UAV .....	13,000	13,000
	<b>OTHER COMMELEC EQUIPMENT (NON-TEL)</b>		
027	NIGHT VISION EQUIPMENT .....	12,570	0
	Army end strength budget amendment .....		[-12,570]
	<b>OTHER SUPPORT (NON-TEL)</b>		
028	COMMON COMPUTER RESOURCES .....	23,105	23,105
029	COMMAND POST SYSTEMS .....	23,041	23,041
030	RADIO SYSTEMS .....	32,497	32,497
031	COMM SWITCHING & CONTROL SYSTEMS .....	2,044	2,044
032	COMM & ELEC INFRASTRUCTURE SUPPORT .....	64	64
	<b>SUPPORT VEHICLES</b>		
	<b>ADMINISTRATIVE VEHICLES</b>		
035	54T TRUCK HMMWV (MYP) .....	205,036	205,036
036	MOTOR TRANSPORT MODIFICATIONS .....	10,177	0
	Army end strength budget amendment .....		[-10,177]
037	MEDIUM TACTICAL VEHICLE REPLACEMENT .....	131,044	131,044
038	LOGISTICS VEHICLE SYSTEM REP .....	59,219	59,219
039	FAMILY OF TACTICAL TRAILERS .....	13,388	13,388
	<b>OTHER SUPPORT</b>		
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
042	ENVIRONMENTAL CONTROL EQUIP ASSORT .....	5,119	5,119
043	BULK LIQUID EQUIPMENT .....	4,549	4,549
044	TACTICAL FUEL SYSTEMS .....	33,421	33,421
045	POWER EQUIPMENT ASSORTED .....	24,860	24,860
047	EOD SYSTEMS .....	47,697	47,697
	<b>MATERIALS HANDLING EQUIPMENT</b>		
048	PHYSICAL SECURITY EQUIPMENT .....	19,720	2,720
	Army end strength budget amendment .....		[-17,000]
050	MATERIAL HANDLING EQUIP .....	56,875	56,875
	<b>GENERAL PROPERTY</b>		
053	TRAINING DEVICES .....	157,734	147,304
	Army end strength budget amendment .....		[-10,430]
055	FAMILY OF CONSTRUCTION EQUIPMENT .....	35,818	35,818
058	RAPID DEPLOYABLE KITCHEN .....	55	55
	<b>OTHER SUPPORT</b>		
059	ITEMS LESS THAN \$5 MILLION .....	39,055	39,055
	<b>SPARES AND REPAIR PARTS</b>		
	<b>TOTAL—PROCUREMENT, MARINE CORPS</b> .....	<b>1,164,445</b>	<b>1,060,268</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>OTHER AIRLIFT</b>		
006	C-130J .....	72,000	72,000
	<b>OTHER AIRCRAFT</b>		
	<b>CLASSIFIED PROGRAMS</b>		
	<b>MODIFICATION OF IN-SERVICE AIRCRAFT</b>		
	<b>STRATEGIC AIRCRAFT</b>		
028	B-1B .....	20,500	20,500
	<b>TACTICAL AIRCRAFT</b>		
030	A-10 .....	10,000	10,000
032	F-16 .....	20,025	0
	Army end strength budget amendment—secure line-of-sight/beyond line-of-sight mods .....		[-20,025]
	<b>AIRLIFT AIRCRAFT</b>		
034	C-5 .....	57,400	57,400
037	C-17A .....	132,300	120,725
	Army end strength budget amendment—LAIRCM mods .....		[-11,575]
	<b>OTHER AIRCRAFT</b>		
052	C-130 .....	210,800	86,400
	Army end strength budget amendment—LAIRCM mods .....		[-124,400]
054	C-135 .....	16,916	16,916
056	DARP .....	10,300	10,300
063	HC/MC-130 MODIFICATIONS .....	7,000	7,000
064	OTHER AIRCRAFT .....	90,000	90,000
065	MQ-1 MODS .....	65,000	65,000
066	MQ-9 MODS .....	99,200	99,200
	<b>AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES</b>		
	<b>POST PRODUCTION SUPPORT</b>		
076	C-17A .....	11,000	11,000
	<b>WAR CONSUMABLES</b>		
	<b>OTHER PRODUCTION CHARGES</b>		
085	OTHER PRODUCTION CHARGES .....	114,000	114,000
	<b>TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE</b> .....	<b>936,441</b>	<b>780,441</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>		
	<b>ROCKETS</b>		
001	ROCKETS .....	3,488	3,488



**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
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<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Agreement</i>
	<b>CARTRIDGES</b>		
002	CARTRIDGES .....	39,236	39,236
	<b>BOMBS</b>		
004	GENERAL PURPOSE BOMBS .....	34,085	34,085
005	JOINT DIRECT ATTACK MUNITION .....	97,978	97,978
	<b>FLARE, IR MJU-7B</b>		
007	EXPLOSIVE ORDINANCE DISPOSAL (EOD) .....	4,800	4,800
	<b>FUZES</b>		
011	FLARES .....	41,000	41,000
012	FUZES .....	14,595	14,595
	<b>WEAPONS</b>		
	<b>SMALL ARMS</b>		
013	SMALL ARMS .....	21,637	21,637
	<b>TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....	<b>256,819</b>	<b>256,819</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>		
	<b>OTHER MISSILES</b>		
	<b>TACTICAL</b>		
005	PREDITOR HELLFIRE MISSILE .....	29,325	29,325
006	SMALL DIAMETER BOMB .....	7,300	7,300
	<b>TOTAL—MISSILE PROCUREMENT, AIR FORCE</b> .....	<b>36,625</b>	<b>36,625</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>		
	<b>VEHICULAR EQUIPMENT</b>		
	<b>CARGO + UTILITY VEHICLES</b>		
002	MEDIUM TACTICAL VEHICLE .....	3,364	3,364
	<b>SPECIAL PURPOSE VEHICLES</b>		
004	SECURITY AND TACTICAL VEHICLES .....	11,337	11,337
	<b>FIRE FIGHTING EQUIPMENT</b>		
005	FIRE FIGHTING/CRASH RESCUE VEHICLES .....	8,626	8,626
	<b>MATERIALS HANDLING EQUIPMENT</b>		
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
023	AIR FORCE PHYSICAL SECURITY SYSTEM .....	1,600	1,600
	<b>DISA PROGRAMS</b>		
037	MILSATCOM SPACE .....	714	714
	<b>OTHER BASE MAINTENANCE AND SUPPORT EQUIP</b>		
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
047	NIGHT VISION GOGGLES .....	14,528	14,528
048	ITEMS LESS THAN \$5,000,000 (SAFETY) .....	4,900	4,900
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>		
	<b>BASE SUPPORT EQUIPMENT</b>		
051	CONTINGENCY OPERATIONS .....	11,300	11,300
	<b>SPECIAL SUPPORT PROJECTS</b>		
060	DEFENSE SPACE RECONNAISSANCE PROG. ....	34,400	34,400
	<b>CLASSIFIED PROGRAMS</b>		
999	CLASSIFIED PROGRAMS .....	2,230,780	2,230,780
	<b>TOTAL—OTHER PROCUREMENT, AIR FORCE</b> .....	<b>2,321,549</b>	<b>2,321,549</b>
	<b>MINE RESISTANT AMBUSH PROT VEH FUND</b>		
	<b>MINE RESISTANT AMBUSH PROT VEH FUND</b>		
	MINE RESISTANT AMBUSH PROT VEH FUND .....	5,456,000	6,056,000
	Additional MRAP vehicles to meet new requirement .....		[600,000]
	<b>TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND</b> .....	<b>5,456,000</b>	<b>6,056,000</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, DISA</b>		
019	GLOBAL COMMAND AND CONTROL SYSTEM .....	1,500	1,500
021	TELEPORT PROGRAM .....	7,411	7,411
	<b>CLASSIFIED PROGRAMS</b>		
999	CLASSIFIED PROGRAMS .....	304,794	304,794
	<b>SPECIAL OPERATIONS COMMAND</b>		
	<b>AVIATION PROGRAMS</b>		
052	MH-47 SERVICE LIFE EXTENSION PROGRAM .....	5,900	5,900
057	SOF U-28 .....	3,000	3,000
060	MQ-1 UAV .....	1,450	0
	Funding Early to Need .....		[-1,450]
062	STUASLO .....	12,000	12,000
063	C-130 MODIFICATIONS .....	19,500	19,500
	<b>SHIPBUILDING</b>		
	<b>AMMUNITION PROGRAMS</b>		
067	SOF ORDNANCE REPLENISHMENT .....	51,156	51,156
068	SOF ORDNANCE ACQUISITION .....	17,560	17,560
	<b>OTHER PROCUREMENT PROGRAMS</b>		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....	2,000	2,000
070	SOF INTELLIGENCE SYSTEMS .....	23,260	23,260

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
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<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Agreement</i>
071	SMALL ARMS AND WEAPONS .....	3,800	3,800
076	TACTICAL VEHICLES .....	6,865	6,865
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	11,000	11,000
086	SOF TACTICAL RADIO SYSTEMS .....	5,448	5,448
090	SOF OPERATIONAL ENHANCEMENTS .....	11,900	11,900
	<b>CLASSIFIED PROGRAMS</b>		
999	CLASSIFIED PROGRAMS .....	2,886	2,886
	<b>TOTAL—PROCUREMENT, DEFENSE-WIDE .....</b>	<b>491,430</b>	<b>489,980</b>
	<b>Total Procurement .....</b>	<b>23,741,226</b>	<b>23,878,630</b>

**TITLE XLII—RESEARCH, DEVELOPMENT, TEST AND EVALUATION**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION.**

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Con- ference Author- ized</i>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, ARMY</b>		
		<b>BASIC RESEARCH</b>		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	19,671	19,671
002	0601102A	DEFENSE RESEARCH SCIENCES .....	173,024	176,524
		Ballistic materials research .....		[3,500]
003	0601103A	UNIVERSITY RESEARCH INITIATIVES .....	88,421	92,421
		Nanocomposite materials research .....		[2,000]
		Open source intelligence research .....		[1,000]
		Smart Wound Dressing for MRSA-Infected Battle Wounds .....		[1,000]
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....	96,144	98,844
		Immersive simulation research .....		[1,200]
		Materials processing research .....		[1,500]
		<b>SUBTOTAL, BASIC RESEARCH, ARMY .....</b>	<b>377,260</b>	<b>387,460</b>
		<b>APPLIED RESEARCH</b>		
005	0602105A	MATERIALS TECHNOLOGY .....	27,206	47,206
		Advanced renewable jet fuels .....		[3,000]
		Applied composite materials research .....		[3,000]
		High strength fibers for ballistic armor applications .....		[2,000]
		Moldable fabric armor .....		[2,000]
		Smart materials and structures .....		[1,000]
		Dual Stage Variable Energy Absorber .....		[3,000]
		Next Generation High Strength Glass Fibers for Ballistic Armor Applications .....		[2,000]
		Ultra Lightweight Metallic Armor .....		[1,000]
		Nanomufacturing of Multifunctional Sensors .....		[3,000]
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY .....	50,641	53,141
		Nanoelectronic memory, sensor and energy devices .....		[2,500]
007	0602122A	TRACTOR HIP .....	14,324	14,324
008	0602211A	AVIATION TECHNOLOGY .....	41,332	41,332
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY .....	16,119	16,119
010	0602303A	MISSILE TECHNOLOGY .....	50,716	50,716
011	0602307A	ADVANCED WEAPONS TECHNOLOGY .....	19,678	19,678
012	0602308A	ADVANCED CONCEPTS AND SIMULATION .....	17,473	19,473
		Cognitive modeling and simulation research .....		[2,000]
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....	55,937	74,437
		Advanced composite materials research .....		[3,500]
		Composite vehicle shelters .....		[2,000]
		Tactical metal fabrication program .....		[1,000]
		Tribology research .....		[2,000]
		Vehicle systems engineering and integration activities .....		[10,000]
014	0602618A	BALLISTICS TECHNOLOGY .....	61,843	65,843
		Electromagnetic gun .....		[-2,000]
		Reactive armor research .....		[3,000]
		Beneficial Infrastructure for Rotorcraft Risk Reduction .....		[1,000]
		Lethality research .....		[2,000]
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY .....	5,293	5,293
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM .....	7,674	7,674
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY .....	41,085	59,085
		Acoustic gun detection systems .....		[2,000]
		Acoustic research .....		[3,000]
		UGV weaponization .....		[2,500]
		Highly Integrated Production for Expediting RESET .....		[2,500]
		Hybrid Projectile Program .....		[3,000]

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Con- ference Author- ized</i>
		<i>Specialized Compact Automated Mechanical Clearance Platform .....</i>		[4,000]
		<i>Defense Support for Civil Authorities (DSCA) for Key Resource Protection—South Central, PA .....</i>		[1,000]
018	0602705A	<b>ELECTRONICS AND ELECTRONIC DEVICES .....</b>	61,404	67,104
		<i>Hybrid portable power program .....</i>		[3,200]
		<i>Novel Zinc Air Power Sources for Military .....</i>		[2,500]
019	0602709A	<b>NIGHT VISION TECHNOLOGY .....</b>	26,893	26,893
020	0602712A	<b>COUNTERMINE SYSTEMS .....</b>	18,945	18,945
021	0602716A	<b>HUMAN FACTORS ENGINEERING TECHNOLOGY .....</b>	18,605	33,605
		<i>LWI Training-Based Collaborative Research .....</i>		[15,000]
022	0602720A	<b>ENVIRONMENTAL QUALITY TECHNOLOGY .....</b>	15,902	20,402
		<i>Cluster Bomb Unit &amp; Combined Effects Munitions Demil System .....</i>		[1,000]
		<i>SUNY Cobleskill Biowaste-to-Bioenergy Center .....</i>		[2,500]
		<i>Renewable Energy Testing Center .....</i>		[1,000]
023	0602782A	<b>COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....</b>	24,833	24,833
024	0602783A	<b>COMPUTER AND SOFTWARE TECHNOLOGY .....</b>	5,639	5,639
025	0602784A	<b>MILITARY ENGINEERING TECHNOLOGY .....</b>	54,818	59,818
		<i>Cellulose Nanocomposite Panels for Ballistic Protection .....</i>		[2,000]
		<i>Geosciences Atmospheric Research .....</i>		[3,000]
026	0602785A	<b>MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....</b>	18,701	18,701
027	0602786A	<b>WARFIGHTER TECHNOLOGY .....</b>	27,109	29,609
		<i>Thermal resistant fiber research .....</i>		[2,500]
028	0602787A	<b>MEDICAL TECHNOLOGY .....</b>	99,027	134,527
		<i>Biomechanics research .....</i>		[3,500]
		<i>Blast wave modeling .....</i>		[3,000]
		<i>Hemorrhage research .....</i>		[3,000]
		<i>Malaria vaccine development .....</i>		[2,500]
		<i>Neurotrauma research .....</i>		[3,500]
		<i>Secondary trauma research .....</i>		[2,500]
		<i>Advanced Functional Nanomaterials for Biological Processes .....</i>		[2,500]
		<i>Improving Soldier Recovery from Catastrophic Bone Injuries .....</i>		[4,000]
		<i>Advanced Bio-Engineering for Enhancement of Soldier Survivability .....</i>		[3,000]
		<i>Self-Powered Prosthetic Limb Technology .....</i>		[2,000]
		<i>Human Organ and Tissue Preservation Technology .....</i>		[2,000]
		<i>Optical Neural Techniques for Combat and Post Trauma Care .....</i>		[4,000]
		<b>SUBTOTAL, APPLIED RESEARCH, ARMY .....</b>	<b>781,197</b>	<b>914,397</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
029	0603001A	<b>WARFIGHTER ADVANCED TECHNOLOGY .....</b>	37,574	45,874
		<i>High Pressure Pasteurization &amp; Pressure Assisted Thermal Sterilization .....</i>		[4,300]
		<i>Next Generation Precision Airdrop System .....</i>		[2,500]
		<i>Onyx System Precision Guided Airdropped Equipment .....</i>		[1,500]
030	0603002A	<b>MEDICAL ADVANCED TECHNOLOGY .....</b>	72,940	124,240
		<i>Biosensor controller systems development .....</i>		[2,000]
		<i>Body temperature conditioner systems .....</i>		[2,500]
		<i>Gulf War illness research .....</i>		[12,000]
		<i>Integrated medical technology program .....</i>		[7,500]
		<i>Lower limb prosthetics research .....</i>		[2,000]
		<i>Regenerative medical research .....</i>		[4,000]
		<i>Proton Treatment and Research Center—Northern Illinois .....</i>		[2,000]
		<i>Wounded Service Member Bioelectrics Research .....</i>		[1,500]
		<i>Malaria Vaccine Development .....</i>		[5,000]
		<i>Regenerative Medicine to Address Astute Hearing Loss .....</i>		[3,000]
		<i>Multi-Dose Closed Loop pH Monitoring System for Platelets .....</i>		[1,000]
		<i>Carbide-Derived Carbon for Treatment of Combat Related Sepsis .....</i>		[1,000]
		<i>Clinical Technology Integration for Military Health .....</i>		[2,000]
		<i>Institute for Simulation and Interprofessional Studies .....</i>		[5,800]
031	0603003A	<b>AVIATION ADVANCED TECHNOLOGY .....</b>	60,097	80,597
		<i>Advanced Affordable Turbine Engine Program .....</i>		[5,000]
		<i>Robust Composite Structural Core for Army Helicopters .....</i>		[2,000]
		<i>UH-60 Transmission/Gearbox Galvanic Corrosion Reduction .....</i>		[1,500]
		<i>Drive System Composite Structural Component Risk Reduction Program .....</i>		[3,000]
		<i>Universal Control—FADEC .....</i>		[9,000]
032	0603004A	<b>WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....</b>	66,410	61,410
		<i>Electromagnetic gun .....</i>		[-11,500]
		<i>Lethality research .....</i>		[6,500]
033	0603005A	<b>COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY .....</b>	89,586	174,986
		<i>Advanced APU development .....</i>		[2,000]
		<i>Advanced battery development program .....</i>		[10,000]
		<i>Advanced lithium ion battery systems .....</i>		[3,000]
		<i>Advanced suspension systems for heavy vehicles .....</i>		[2,700]
		<i>Advanced thermal management systems .....</i>		[3,000]
		<i>Alternative energy research .....</i>		[20,000]
		<i>Hybrid engine development program .....</i>		[4,000]
		<i>Hybrid truck development .....</i>		[4,000]
		<i>Smart plug-in hybrid electric vehicle program .....</i>		[4,100]
		<i>Threat cue research .....</i>		[2,000]
		<i>Unmanned ground vehicle initiative .....</i>		[12,000]

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Authorized</b>
		Vehicle prognostics technologies .....		[3,100]
		Unmanned Robotic System Utilizing Hydrocarbon Fueled Solid Oxide Fuel Cell .....		[3,000]
		Advanced Composites for Light Weight, Low Cost Transportation Systems Using a 3+ Ring Extruder .....		[3,000]
		Protective 3-D Armor Structure to Safeguard Military Vehicles and Troops .....		[2,000]
		Fire Shield .....		[2,000]
		Hydraulic Hybrid Vehicle (HHV) for the Tactical Wheeled Fleet .....		[3,500]
		Heavy Duty Hybrid Electric Vehicle .....		[2,000]
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY .....	8,667	12,467
		Applied Communications and Information Networking (ACIN) .....		[3,800]
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY .....	7,410	7,410
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY .....	50,458	50,458
037	0603009A	TRACTOR HIKE .....	11,328	11,328
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....	19,415	24,915
		Combat medic training systems .....		[2,000]
		Joint Fires & Effects Trainer System enhancements .....		[2,500]
		HapMed Combat Medic Trainer .....		[1,000]
039	0603020A	TRACTOR ROSE .....	14,569	14,569
040	0603103A	EXPLOSIVES DEMILITARIZATION TECHNOLOGY .....		2,000
		Propellant Conversion to Fertilizer Program for Tooele Army Depot .....		[2,000]
041	0603105A	MILITARY HIV RESEARCH .....	6,657	6,657
042	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT .....	11,989	11,989
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY .....	19,192	22,692
		Laser systems for light aircraft missile defense .....		[1,000]
		Advanced Ground Electronic Warfare & Signals Intelligence System .....		[2,500]
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY .....	63,951	67,251
		Discriminatory imaging research .....		[2,500]
		Scenario Generation for Integrated Air and Missile Defense Evaluation .....		[800]
045	0603322A	TRACTOR CAGE .....	12,154	12,154
046	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY .....	30,317	30,317
047	0603607A	JOINT SERVICE SMALL ARMS PROGRAM .....	8,996	8,996
048	0603710A	NIGHT VISION ADVANCED TECHNOLOGY .....	40,329	52,329
		Bradley third generation FLIR .....		[5,000]
		Buster/Blacklight UAV Development .....		[1,000]
		Hyper Spectral Sensor for Improved Force Protection System .....		[2,000]
		Brownout Situational Awareness .....		[3,000]
		High Resolution Personal Miniature Thermal Viewer .....		[1,000]
049	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS .....	15,706	15,706
050	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY .....	5,911	19,211
		Permafrost tunnel .....		[500]
		Photovoltaic technology development .....		[2,000]
		PacCom Renewable Energy Security System .....		[3,000]
		Field Deployable Hologram Production System .....		[4,800]
		Demonstration of Thin Film Solar Modules as a Renewable Energy Source .....		[1,000]
		Nanotechnology for Potable Water and Waste Treatment .....		[2,000]
051	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY .....	41,561	45,061
		Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar .....		[2,000]
		Optimizing Natural Language Processing of Open Source Intelligence (OSINT) .....		[1,500]
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY .....</b>	<b>695,217</b>	<b>902,617</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
052	0603024A	UNIQUE ITEM IDENTIFICATION (UID) .....		
053	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE) .....	14,683	30,183
		Biological Air Filtering System Technology .....		[3,000]
		Compact Pulsed Power for Military Applications .....		[4,000]
		Adaptive robotic technology .....		[3,500]
		Advanced electronics integration .....		[3,000]
		Advanced environmental controls .....		[2,000]
054	0603308A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE) .....	117,471	117,471
055	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING .....	209,531	160,531
		Center for Defense Systems Research .....		[1,000]
		Excessive Project Cost Growth—Integrated Air and Missile Defense .....		[-50,000]
056	0603460A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....		
057	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV .....	17,536	17,536
058	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV .....	4,920	4,920
059	0603639A	TANK AND MEDIUM CALIBER AMMUNITION .....	33,934	33,934
060	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS) .....	90,299	90,299
061	0603747A	SOLDIER SUPPORT AND SURVIVABILITY .....	31,752	31,752
062	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV .....	18,228	18,228
063	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT .....		
064	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	4,770	8,770
		Cadmium Emissions Reduction—Letterkenny Army Depot .....		[1,000]
		Vanadium Technology Program .....		[3,000]
065	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL .....	180,673	180,673
066	0603790A	NATO RESEARCH AND DEVELOPMENT .....	5,048	5,048
067	0603801A	AVIATION—ADV DEV .....	8,537	8,537
068	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	56,373	46,373
		Premature JLTV program growth .....		[-10,000]

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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Authorized</b>
069	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS .....	9,868	9,868
070	0603807A	MEDICAL SYSTEMS—ADV DEV .....	31,275	31,275
071	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....	71,832	73,832
		Acid Alkaline Direct Methanol Fuel Cell .....		[2,000]
072	0603850A	INTEGRATED BROADCAST SERVICE .....	1,476	1,476
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, ARMY .....</b>	<b>908,206</b>	<b>870,706</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
073	0604201A	AIRCRAFT AVIONICS .....	92,977	92,977
074	0604220A	ARMED, DEPLOYABLE HELOS .....	65,515	65,515
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT .....	248,463	248,463
076	0604321A	ALL SOURCE ANALYSIS SYSTEM .....	13,107	13,107
077	0604328A	TRACTOR CAGE .....	16,286	16,286
078	0604601A	INFANTRY SUPPORT WEAPONS .....	74,814	78,814
		Lightweight caliber .50 machine gun .....		[4,000]
079	0604604A	MEDIUM TACTICAL VEHICLES .....	5,683	5,683
080	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD .....	978	978
081	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES .....	7,477	9,477
		Heavy tactical vehicle development .....		[2,000]
082	0604633A	AIR TRAFFIC CONTROL .....	7,578	7,578
083	0604646A	NON-LINE OF SIGHT LAUNCH SYSTEM .....	88,660	88,660
084	0604647A	NON-LINE OF SIGHT CANNON .....	58,216	31,216
		Unjustified Termination Costs .....		[-27,000]
085	0604660A	FCS MANNED GRD VEHICLES & COMMON GRD VEHICLE .....	368,557	184,557
		Unjustified Termination Costs .....		[-184,000]
086	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT .....	1,067,191	1,067,191
087	0604662A	FCS RECONNAISSANCE (UAV) PLATFORMS .....	68,701	68,701
088	0604663A	FCS UNMANNED GROUND VEHICLES .....	125,616	125,616
089	0604664A	FCS UNATTENDED GROUND SENSORS .....	26,919	26,919
090	0604665A	FCS SUSTAINMENT & TRAINING R&D .....	749,182	749,182
091	0604666A	SPIN OUT TECHNOLOGY/CAPABILITY INSERTION		
092	0604710A	NIGHT VISION SYSTEMS—SDD .....	55,410	55,410
093	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....	2,092	2,092
094	0604715A	NON-SYSTEM TRAINING DEVICES—SDD .....	30,209	30,209
095	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—SDD .....	28,936	28,936
096	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....	33,213	33,213
097	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....	15,320	15,320
098	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD .....	15,727	15,727
099	0604778A	POSITIONING SYSTEMS DEVELOPMENT (SPACE) .....	9,446	9,446
100	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....	26,243	26,243
101	0604783A	JOINT NETWORK MANAGEMENT SYSTEM		
102	0604802A	WEAPONS AND MUNITIONS—SDD .....	34,878	42,378
		Common guidance control module .....		[7,500]
103	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—SDD .....	36,018	37,518
		Autonomous Sustainment Cargo Container Sea Truck .....		[1,500]
104	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD .....	88,995	88,995
105	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD .....	33,893	34,693
		Plasma Sterilizer .....		[800]
106	0604808A	LANDMINE WARFARE/BARRIER—SDD .....	82,260	60,960
		Program reduction .....		[-21,300]
107	0604814A	ARTILLERY MUNITIONS .....	42,452	42,452
108	0604817A	COMBAT IDENTIFICATION .....	20,070	20,070
109	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE .....	90,864	90,864
110	0604820A	RADAR DEVELOPMENT		
111	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS) .....	6,002	6,002
112	0604823A	FIREFINDER .....	20,333	20,333
113	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL .....	19,786	19,786
114	0604854A	ARTILLERY SYSTEMS .....	23,318	81,534
		Accelerate Paladin integration management .....		[58,216]
115	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP) .....	569,182	569,182
116	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK .....	7,140	7,140
117	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT .....	35,309	66,109
		Transfer from RDDW, line 117, for DIMHRS execution .....		[30,800]
118	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	127,439	127,439
119	0605625A	MANNED GROUND VEHICLE .....	100,000	100,000
		<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION, ARMY .....</b>	<b>4,640,455</b>	<b>4,512,971</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
120	0604256A	THREAT SIMULATOR DEVELOPMENT .....	22,222	22,222
121	0604258A	TARGET SYSTEMS DEVELOPMENT .....	13,615	13,615
122	0604759A	MAJOR T&E INVESTMENT .....	51,846	51,846
123	0605103A	RAND ARROYO CENTER .....	16,305	18,305
		Program Increase .....		[2,000]
124	0605301A	ARMY KWAJALEIN ATOLL .....	163,514	163,514
125	0605326A	CONCEPTS EXPERIMENTATION PROGRAM .....	23,445	23,445
126	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH		

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127	0605601A	ARMY TEST RANGES AND FACILITIES .....	354,693	354,693
128	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS .....	72,911	84,111
		Common regional operational systems .....		[3,000]
		Data fusion systems .....		[2,500]
		Dugway field test improvements .....		[4,500]
		MOTS All Sky Imager .....		[1,200]
129	0605604A	SURVIVABILITY/LETHALITY ANALYSIS .....	45,016	45,016
130	0605605A	DOD HIGH ENERGY LASER TEST FACILITY .....	2,891	8,891
		Program increase .....		[6,000]
131	0605606A	AIRCRAFT CERTIFICATION .....	3,766	3,766
132	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES .....	8,391	8,391
133	0605706A	MATERIEL SYSTEMS ANALYSIS .....	19,969	19,969
134	0605709A	EXPLOITATION OF FOREIGN ITEMS .....	5,432	5,432
135	0605712A	SUPPORT OF OPERATIONAL TESTING .....	77,877	77,877
136	0605716A	ARMY EVALUATION CENTER .....	66,309	66,309
137	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....	5,357	5,357
138	0605801A	PROGRAMWIDE ACTIVITIES .....	77,823	77,823
139	0605803A	TECHNICAL INFORMATION ACTIVITIES .....	51,620	51,620
140	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY .....	45,053	47,053
		3D woven preform technology for Army munitions .....		[2,000]
141	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....	5,191	5,191
142	0605898A	MANAGEMENT HQ—R&D .....	15,866	15,866
143	0909999A	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....		
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT, ARMY .....</b>	<b>1,149,112</b>	<b>1,170,312</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
144	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM .....	27,693	27,693
145	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV .....		
146	0102419A	AEROSTAT JOINT PROJECT OFFICE .....	360,076	340,076
		Program delay reduction .....		[-20,000]
147	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM .....	23,727	26,227
		AFATDS Voice Recognition and Cross Platform Speech Interface System .....		[2,500]
148	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....	190,301	190,301
149	0203740A	MANEUVER CONTROL SYSTEM .....	21,394	21,394
150	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS .....	209,401	209,401
151	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	792	792
152	0203758A	DIGITIZATION .....	10,692	10,692
153	0203759A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2) .....		
154	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....	39,273	39,273
155	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS .....		5,000
		Javelin Warhead Improvement Plan .....		[5,000]
156	0203808A	TRACTOR CARD .....	20,035	20,035
157	0208010A	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC) .....		
158	0208053A	JOINT TACTICAL GROUND SYSTEM .....	13,258	13,258
159	0208058A	JOINT HIGH SPEED VESSEL (JHSV) .....	3,082	3,082
160	0301359A	SPECIAL ARMY PROGRAM .....	[ ]	[ ]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	2,144	2,144
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM .....	74,355	74,355
163	0303141A	GLOBAL COMBAT SUPPORT SYSTEM .....	144,733	144,733
164	0303142A	SATCOM GROUND ENVIRONMENT (SPACE) .....	40,097	40,097
165	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	12,034	12,034
166	0303158A	JOINT COMMAND AND CONTROL PROGRAM (JC2) .....	20,365	20,365
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	202,521	202,521
168	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	188,414	190,714
		Joint STARS Surveillance and Control Data Link (SCDL) Technology Refresh .....		[1,000]
		Adaptive Defense High-Speed IP Packet Inspection Engine on a Chip .....		[1,300]
169	0305287A	BASE EXPED TARGETING SURVEILLANCE SYS-COMBINED .....		
170	0307207A	AERIAL COMMON SENSOR (ACS) .....	210,035	210,035
171	0702239A	AVIONICS COMPONENT IMPROVEMENT PROGRAM .....		
172	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....	68,466	71,966
		Smart machine platform initiative .....		[2,000]
		Weapon systems repair technologies .....		[1,500]
999	9999999	OTHER PROGRAMS .....	3,883	3,883
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY .....</b>	<b>1,886,771</b>	<b>1,880,071</b>
		<b>TOTAL, RDT&amp;E ARMY .....</b>	<b>10,438,218</b>	<b>10,638,534</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, NAVY</b>		
		<b>BASIC RESEARCH</b>		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES .....	99,472	99,472
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	18,076	18,076
003	0601153N	DEFENSE RESEARCH SCIENCES .....	413,743	416,243
		Nanoelectronics, Nanometrology, and Nanobiology Initiative .....		[2,500]
		<b>SUBTOTAL, BASIC RESEARCH, NAVY .....</b>	<b>531,291</b>	<b>533,791</b>

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Authorized</b>
<b>APPLIED RESEARCH</b>				
004	0602114N	POWER PROJECTION APPLIED RESEARCH .....	59,787	64,787
		Energetics research .....		[3,000]
		Multifunctional Materials, their Applications and Devices .....		[2,000]
005	0602123N	FORCE PROTECTION APPLIED RESEARCH .....	91,400	124,400
		Alternative energy research .....		[20,000]
		Energy systems integration research .....		[4,000]
		Port security technologies .....		[2,000]
		Design Optimization of Composite High-Speed Boats Using Advanced Composite and Manufacturing and Non-destructive Evaluation.		[2,000]
		Lithium Ion Storage Advancement for Aircraft Applications .....		[2,500]
		Non-Traditional Weaving Applications for Aramid Ballistic Fibers and Fabrics .....		[2,500]
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY .....	39,308	39,308
007	0602234N	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY .....		
008	0602235N	COMMON PICTURE APPLIED RESEARCH .....	83,163	83,163
009	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....	104,169	107,169
		Anti-reverse engineering technologies .....		[1,000]
		Managing and Extending DOD Asset Lifecycles (MEDAL) .....		[2,000]
010	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....	64,816	64,816
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....	48,750	51,750
		Advanced UV research .....		[1,000]
		Laser underwater imaging and communications research .....		[2,000]
012	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....	6,008	6,008
013	0602747N	UNDERSEA WARFARE APPLIED RESEARCH .....	55,694	55,694
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....	40,880	42,880
		Electromagnetic signature assessment system .....		[2,000]
<b>SUBTOTAL, APPLIED RESEARCH, NAVY .....</b>			<b>593,975</b>	<b>639,975</b>
<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>				
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY .....	107,969	116,369
		Countermine Lidar UAV-Based System (CLUBS) .....		[2,000]
		Detection, Tracking, and Identification for ISRTE of Mobile Asymmetric Targets .....		[2,500]
		Quiet Drive Advanced Rotary Actuator .....		[2,000]
		Tactical High Speed Anti-Radiation Missile Demonstration .....		[1,900]
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY .....	66,035	78,035
		Advance coatings for aviation components .....		[2,000]
		Single generator operations lithium ion battery .....		[5,000]
		High-Temperature Radar Dome Materials .....		[2,000]
		Pure Hydrogen Supply from Logistic Fuels .....		[3,000]
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY .....	108,394	49,294
		High-integrity GPS .....		[-59,100]
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY .....	86,239	86,239
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....	65,827	65,827
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....	107,363	112,363
		Acoustic combat sensors .....		[5,000]
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....	10,998	10,998
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....	18,609	21,109
		Navy Special Warfare Performance and Injury Prevention Program for SBT 22 at Stennis Space Center .....		[2,500]
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY .....	68,037	68,037
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....	52,643	52,643
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY .....	28,782	28,782
<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, NAVY .....</b>			<b>720,896</b>	<b>689,696</b>
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>				
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	116,082	117,482
		Semi-submersible for UAV sensor developments .....		[1,400]
027	0603216N	AVIATION SURVIVABILITY .....	6,505	9,505
		Lighter Than Air Stratospheric UAV for Persistent Communications Relay and Surveillance .....		[3,000]
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL .....	6,032	6,032
029	0603254N	ASW SYSTEMS DEVELOPMENT .....	16,585	20,585
		Sonobuoy wave energy module .....		[1,000]
		Marine Mammal Awareness, Alert, and Response Systems .....		[3,000]
030	0603261N	TACTICAL AIRBORNE RECONNAISSANCE .....	7,713	7,713
031	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY .....	1,677	1,677
032	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES .....	76,739	76,739
033	0603506N	SURFACE SHIP TORPEDO DEFENSE .....	57,538	62,038
		Continuous Active Sonar for Torpedo Systems .....		[4,500]
034	0603512N	CARRIER SYSTEMS DEVELOPMENT .....	173,594	173,594
035	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT .....	1,691	18,791
		DDG-51 hybrid propulsion system .....		[8,100]
		Advanced Steam Turbine .....		[4,000]
		Next Generation Shipboard Integrated Power: Fuel Efficiency and Advanced Capability Enhancer .....		[5,000]
036	0603525N	PILOT FISH .....	79,194	79,194
037	0603527N	RETRACT LARCH .....	99,757	99,757
038	0603536N	RETRACT JUNIPER .....	120,752	120,752



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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Authorized</b>
039	0603542N	RADIOLOGICAL CONTROL .....	1,372	1,372
040	0603553N	SURFACE ASW .....	21,995	21,995
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	551,836	553,836
		Submarine Fatline Vector Sensor Towed Array .....		[2,000]
042	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS .....	10,172	10,172
043	0603563N	SHIP CONCEPT ADVANCED DESIGN .....	22,541	22,541
044	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....	28,135	32,135
		Support for Naval Ship Hydrodynamics Test Facilities .....		[4,000]
045	0603570N	ADVANCED NUCLEAR POWER SYSTEMS .....	259,887	259,887
046	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS .....	5,599	9,099
		High Density Power Conversion and Distribution Equipment .....		[1,500]
		Hybrid Electric Drive .....		[2,000]
047	0603576N	CHALK EAGLE .....	443,555	443,555
048	0603581N	LITTORAL COMBAT SHIP (LCS) .....	360,518	360,518
049	0603582N	COMBAT SYSTEM INTEGRATION .....	22,558	22,558
050	0603609N	CONVENTIONAL MUNITIONS .....	3,458	3,458
051	0603611M	MARINE CORPS ASSAULT VEHICLES .....	293,466	293,466
052	0603612M	USMC MINE COUNTERMEASURES SYSTEMS—ADV DEV .....		
053	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....	73,798	61,798
		Premature JLTIV program growth .....		[-12,000]
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	21,054	21,054
055	0603658N	COOPERATIVE ENGAGEMENT .....	56,586	56,586
056	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....	17,328	17,328
057	0603721N	ENVIRONMENTAL PROTECTION .....	20,661	20,661
058	0603724N	NAVY ENERGY PROGRAM .....	8,476	16,226
		Molten carbonate fuel cell demonstrator .....		[3,000]
		Solar heat reflective film development .....		[4,750]
059	0603725N	FACILITIES IMPROVEMENT .....	4,002	9,602
		Wave Energy Powerbuoy Generating System .....		[2,400]
		Photovoltaic Rooftop Systems—Navy .....		[1,500]
		Regenerative Fuel Cell Back-Up Power .....		[1,700]
060	0603734N	CHALK CORAL .....	70,772	70,772
061	0603739N	NAVY LOGISTIC PRODUCTIVITY .....	4,301	6,301
		Highly integrated optical interconnects for advanced air vehicles .....		[1,000]
		RFID technology exploitation .....		[1,000]
062	0603746N	RETRACT MAPLE .....	210,237	210,237
063	0603748N	LINK PLUMERIA .....	69,313	69,313
064	0603751N	RETRACT ELM .....	152,151	152,151
065	0603755N	SHIP SELF DEFENSE .....	6,960	6,960
066	0603764N	LINK EVERGREEN .....	123,660	123,660
067	0603787N	SPECIAL PROCESSES .....	54,115	54,115
068	0603790N	NATO RESEARCH AND DEVELOPMENT .....	10,194	10,194
069	0603795N	LAND ATTACK TECHNOLOGY .....	1,238	1,238
070	0603851M	NONLETHAL WEAPONS .....	46,971	46,971
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS .....	150,304	150,304
072	0603879N	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE) .....	52,716	52,716
073	0603889N	COUNTERDRUG RDT&E PROJECTS .....		
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS .....	5,003	7,003
		Joint Technology Insertion & Accelerated System Intergration Capability for Electronic Warfare .....		[2,000]
075	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM) .....	63,702	63,702
076	0604450N	JOINT AIR-TO-GROUND MISSILE (JAGM) .....		
077	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW) .....	67,843	67,843
078	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....	40,926	40,926
079	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT .....	42,533	42,533
<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, NAVY .....</b>			<b>4,163,795</b>	<b>4,208,645</b>
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>				
080	0604212N	OTHER HELO DEVELOPMENT .....	54,092	54,092
081	0604214N	AV-8B AIRCRAFT—ENG DEV .....	20,886	20,886
082	0604215N	STANDARDS DEVELOPMENT .....	53,540	55,540
		Measurement Standards Research and Development .....		[2,000]
083	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....	81,953	86,653
		USN MH-60S "Close the Lethality Gap" M230 Pylon Qualification .....		[4,700]
084	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING .....	7,485	7,485
085	0604221N	P-3 MODERNIZATION PROGRAM .....	3,659	3,659
086	0604230N	WARFARE SUPPORT SYSTEM .....	6,307	6,307
087	0604231N	TACTICAL COMMAND SYSTEM .....	86,462	86,462
088	0604234N	ADVANCED HAWKEYE .....	364,557	364,557
089	0604245N	H-1 UPGRADES .....	32,830	32,830
090	0604261N	ACOUSTIC SEARCH SENSORS .....	56,369	56,369
091	0604262N	V-22A .....	89,512	89,512
092	0604264N	AIR CREW SYSTEMS DEVELOPMENT .....	14,265	14,265
093	0604269N	EA-18 .....	55,446	55,446
094	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	97,635	97,635
095	0604273N	VH-71A EXECUTIVE HELO DEVELOPMENT .....	85,240	85,240
096	0604274N	NEXT GENERATION JAMMER (NGJ) .....	127,970	127,970
097	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTIRS-NAVY) .....	876,374	876,374

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098	0604300N	SC-21 TOTAL SHIP SYSTEM ENGINEERING		
099	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....	178,459	180,459
		Surface Ship Advanced Capability Build .....		[2,000]
100	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION .....	5,304	5,304
101	0604329N	SMALL DIAMETER BOMB (SDB) .....	43,902	43,902
102	0604366N	STANDARD MISSILE IMPROVEMENTS .....	182,197	182,197
103	0604373N	AIRBORNE MCM .....	48,712	48,712
104	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING .....	11,727	11,727
105	0604501N	ADVANCED ABOVE WATER SENSORS .....	236,078	251,078
		Mobile maritime sensor technology development .....		[15,000]
106	0604503N	SSN-688 AND TRIDENT MODERNIZATION .....	122,733	122,733
107	0604504N	AIR CONTROL .....	6,533	6,533
108	0604512N	SHIPBOARD AVIATION SYSTEMS .....	80,623	80,623
109	0604518N	COMBAT INFORMATION CENTER CONVERSION .....	13,305	13,305
110	0604558N	NEW DESIGN SSN .....	154,756	162,756
		Common command & control system module .....		[6,000]
		Mold-in-Place Coating for Development of U.S. Submarine Fleet .....		[2,000]
111	0604561N	SSN-21 DEVELOPMENTS		
112	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM .....	59,703	69,703
		Artificial Intelligence-based combat system kernel .....		[4,000]
		Submarine environment for evaluation & development .....		[3,000]
		Weapon acquisition & firing system .....		[3,000]
113	0604567N	SHIP CONTRACT DESIGN/LIVE FIRE T&E .....	89,988	92,488
		Automated Fiber Optic Manufacturing Initiative for Navy Ships .....		[2,500]
114	0604574N	NAVY TACTICAL COMPUTER RESOURCES .....	4,620	4,620
115	0604601N	MINE DEVELOPMENT .....	2,249	2,249
116	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT .....	21,105	21,105
117	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	10,327	10,327
118	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....	5,898	5,898
119	0604727N	JOINT STANDOFF WEAPON SYSTEMS .....	10,022	10,022
120	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) .....	35,459	38,459
		AUSV .....		[3,000]
121	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....	34,236	46,236
		Phalanx Next Generation .....		[12,000]
122	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....	88,895	88,895
123	0604761N	INTELLIGENCE ENGINEERING .....	14,438	14,438
124	0604771N	MEDICAL DEVELOPMENT .....	9,888	23,488
		Composite tissue transplantation research .....		[2,000]
		Custom body implant development .....		[2,000]
		Multivalent dengue vaccine program .....		[1,600]
		Orthopedic surgery instrumentation .....		[3,000]
		U.S. Navy Vaccine Program .....		[3,000]
		U.S. Navy Pandemic Influenza Vaccine Program: Enhancement of Influenza Vaccine Efficacy .....		[2,000]
125	0604777N	NAVIGATION/ID SYSTEM .....	63,184	63,184
126	0604784N	DISTRIBUTED SURVEILLANCE SYSTEM		
127	0604800N	JOINT STRIKE FIGHTER (JSF) .....	1,741,296	1,956,296
		F136 Development .....		[215,000]
128	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT .....	9,868	9,868
129	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT .....	69,026	77,126
		Information systems research .....		[4,000]
		Integrated network-centric technology systems .....		[2,600]
		Maintenance Planning and Assessment Technology (MPAT) Insertion .....		[1,500]
130	0605212N	CH-53K RDTE .....	554,827	554,827
131	0605430N	C/KC-130 AVIONICS MODERNIZATION PROGRAM (AMP)		
132	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	81,434	81,434
133	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) .....	1,162,417	1,162,417
134	0204201N	CG(X) .....	150,022	110,022
		Program delay .....		[-40,000]
135	0204202N	DDG-1000 .....	539,053	539,053
136	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS .....	19,016	19,016
<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION, NAVY .....</b>			<b>7,975,882</b>	<b>8,231,782</b>
<b>RDT&amp;E MANAGEMENT SUPPORT</b>				
137	0604256N	THREAT SIMULATOR DEVELOPMENT .....	25,534	25,534
138	0604258N	TARGET SYSTEMS DEVELOPMENT .....	79,603	79,603
139	0604759N	MAJOR T&E INVESTMENT .....	44,844	49,844
		Aviation enterprise interoperability upgrades .....		[5,000]
140	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY .....	11,422	11,422
141	0605154N	CENTER FOR NAVAL ANALYSES .....	49,821	49,821
142	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH		
143	0605804N	TECHNICAL INFORMATION SERVICES .....	735	3,235
		Center for Commercialization of Advanced Technology .....		[2,500]
144	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT .....	60,590	60,590
145	0605856N	STRATEGIC TECHNICAL SUPPORT .....	3,633	3,633
146	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT .....	70,942	70,942
147	0605862N	RDT&E INSTRUMENTATION MODERNIZATION		
148	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT .....	193,353	193,353

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Authorized</b>
149	0605864N	TEST AND EVALUATION SUPPORT .....	380,733	380,733
150	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY .....	12,010	12,010
151	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	2,703	2,703
152	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....	20,921	20,921
153	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT .....	19,004	19,004
154	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES .....	2,464	2,464
155	0804758N	SERVICE SUPPORT TO JFCOM, JNTC .....	4,197	4,197
156	0909999N	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....		
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT, NAVY .....</b>	<b>982,509</b>	<b>990,009</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
158	0604227N	HARPOON MODIFICATIONS .....		
159	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT .....	311,204	311,204
160	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....	74,939	76,109
		Advanced LINAC Facility .....		[1,170]
161	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM .....	34,479	34,479
162	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....	7,211	7,211
163	0101402N	NAVY STRATEGIC COMMUNICATIONS .....	43,982	46,982
		E-6B Strategic Communications Upgrade Block 1A (VLF-TX & HPTS) .....		[3,000]
164	0203761N	RAPID TECHNOLOGY TRANSITION (RTT) .....	39,125	39,125
165	0204136N	F/A-18 SQUADRONS .....	127,733	127,733
166	0204152N	E-2 SQUADRONS .....	63,058	63,058
167	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL) .....	37,431	37,431
168	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) .....	13,238	13,238
169	0204311N	INTEGRATED SURVEILLANCE SYSTEM .....	24,835	24,835
170	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....	2,324	2,324
171	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....	49,293	49,293
172	0204574N	CRYPTOLOGIC DIRECT SUPPORT .....	1,609	1,609
173	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT .....	37,524	37,524
174	0205601N	HARM IMPROVEMENT .....	30,045	30,045
175	0205604N	TACTICAL DATA LINKS .....	25,003	25,003
176	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION .....	41,803	41,803
177	0205632N	MK-48 ADCAP .....	28,438	28,438
178	0205633N	AVIATION IMPROVEMENTS .....	135,840	123,349
		F135 engine funding ahead of need .....		[-12,491]
179	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM .....	3,716	3,716
180	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS .....	72,031	72,031
181	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	287,348	287,348
182	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....	120,379	124,379
		Expandable rigid wall composite shelters .....		[1,000]
		Marine personnel carrier support system .....		[3,000]
183	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	17,057	18,057
		High performance capabilities for military vehicles .....		[1,000]
184	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....	30,167	30,167
185	0207161N	TACTICAL AIM MISSILES .....	2,298	2,298
186	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	3,604	3,604
187	0208058N	JOINT HIGH SPEED VESSEL (JHSV) .....	8,431	8,431
188	0301303N	MARITIME INTELLIGENCE .....		[ ]
189	0301323N	COLLECTION MANAGEMENT .....		[ ]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE .....		[ ]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP .....		[ ]
192	0303109N	SATELLITE COMMUNICATIONS (SPACE) .....	474,009	474,009
193	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....	45,513	45,513
194	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM .....	24,226	24,226
195	0303158M	JOINT COMMAND AND CONTROL PROGRAM (JC2) .....	2,453	2,453
196	0303158N	JOINT COMMAND AND CONTROL PROGRAM (JC2) .....	4,139	4,139
197	0305149N	COBRA JUDY .....	62,061	62,061
198	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC) .....	28,094	28,094
199	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....	4,600	4,600
200	0305204N	TACTICAL UNMANNED AERIAL VEHICLES .....	8,971	8,971
201	0305205N	ENDURANCE UNMANNED AERIAL VEHICLES .....		
202	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS .....	46,208	46,208
203	0305207N	MANNED RECONNAISSANCE SYSTEMS .....	22,599	22,599
204	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	18,079	18,079
205	0305220N	RQ-4 UAV .....	465,839	465,839
206	0305231N	MQ-8 UAV .....	25,639	25,639
207	0305232M	RQ-11 UAV .....	553	553
208	0305233N	RQ-7 UAV .....	986	986
209	0305234M	SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....	18,763	18,763
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....	23,594	23,594
211	0307207N	AERIAL COMMON SENSOR (ACS) .....		
212	0307217N	EP-3E REPLACEMENT (EPX) .....	11,976	11,976
213	0308601N	MODELING AND SIMULATION SUPPORT .....	8,028	8,028
214	0702207N	DEPOT MAINTENANCE (NON-IF) .....	14,675	14,675
215	0702239N	AVIONICS COMPONENT IMPROVEMENT PROGRAM .....	2,725	2,725
216	0708011N	INDUSTRIAL PREPAREDNESS .....	56,691	66,691
		Integrated manufacturing enterprise .....		[5,000]

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Con- ference Author- ized</i>
		<i>Life extension of weapon system structures research .....</i>		[2,500]
		<i>Laser Optimization Remote Lighting Systems .....</i>		[2,500]
217	0708730N	MARITIME TECHNOLOGY (MARITECH) .....		4,000
		<i>National Shipbuilding Research Program .....</i>		[4,000]
999	9999999	OTHER PROGRAMS .....	1,258,018	1,258,018
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&amp;E .....</b>	<b>4,302,584</b>	<b>4,313,263</b>
		<b>TOTAL, RDT&amp;E NAVY .....</b>	<b>19,270,932</b>	<b>19,607,161</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, AIR FORCE</b>		
		<b>BASIC RESEARCH</b>		
001	0601102F	DEFENSE RESEARCH SCIENCES .....	321,028	322,028
		<i>Coal transformation research .....</i>		[1,000]
002	0601103F	UNIVERSITY RESEARCH INITIATIVES .....	132,249	138,449
		<i>Cybersecurity for control networks research .....</i>		[1,700]
		<i>End-user software safeguard research .....</i>		[2,000]
		<i>Informatics research .....</i>		[1,000]
		<i>Information security research .....</i>		[1,500]
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES .....	12,834	12,834
004	0301555F	CLASSIFIED PROGRAMS .....	[ ]	[ ]
005	0301556F	SPECIAL PROGRAM .....	[ ]	[ ]
		<b>SUBTOTAL, BASIC RESEARCH, AIR FORCE .....</b>	<b>466,111</b>	<b>473,311</b>
		<b>APPLIED RESEARCH</b>		
006	0602015F	MEDICAL DEVELOPMENT .....		
007	0602102F	MATERIALS .....	127,957	136,957
		<i>Advanced aerospace heat exchangers .....</i>		[3,000]
		<i>Energy and automation technologies .....</i>		[2,000]
		<i>Energy efficiency, recovery, and generation systems .....</i>		[1,000]
		<i>Health monitoring sensors for aerospace components .....</i>		[2,000]
		<i>Mid-infrared laser source research .....</i>		[1,000]
008	0602201F	AEROSPACE VEHICLE TECHNOLOGIES .....	127,129	136,529
		<i>Unmanned aerial system collaboration technologies .....</i>		[2,500]
		<i>UAV Sensor and Maintenance Development .....</i>		[4,900]
		<i>Unmanned Sense, Track, and Avoid Radar .....</i>		[2,000]
009	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH .....	85,122	85,122
010	0602203F	AEROSPACE PROPULSION .....	196,529	210,029
		<i>Hybrid bearing development .....</i>		[1,000]
		<i>Integrated electrical starter/generator systems .....</i>		[2,000]
		<i>Lithium ion technologies for aviation batteries .....</i>		[1,500]
		<i>Thermally efficient engine pumping system .....</i>		[2,000]
		<i>Advanced Lithium Battery Scale-Up and Manufacturing .....</i>		[2,000]
		<i>Advanced Vehicle Propulsion Center (AVPC) .....</i>		[3,000]
		<i>Multi-Mode Propulsion Phase IIA: High Performance Green Propellant .....</i>		[2,000]
011	0602204F	AEROSPACE SENSORS .....	121,768	126,568
		<i>Net-Centric Sensor Grids .....</i>		[3,000]
		<i>Information Quality Tools for Persistent Surveillance Data Sets .....</i>		[1,800]
012	0602601F	SPACE TECHNOLOGY .....	104,148	113,248
		<i>Reconfigurable electronics research .....</i>		[1,000]
		<i>Seismic research program .....</i>		[5,000]
		<i>Advanced Modular Avionics for ORS Use .....</i>		[3,100]
013	0602602F	CONVENTIONAL MUNITIONS .....	58,289	58,289
014	0602605F	DIRECTED ENERGY TECHNOLOGY .....	105,677	101,427
		<i>Chemical laser technology .....</i>		[-4,250]
015	0602702F	COMMAND CONTROL AND COMMUNICATIONS		
016	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS .....	115,278	115,278
017	0602890F	HIGH ENERGY LASER RESEARCH .....	52,754	48,654
		<i>Advanced deformable mirrors for high energy laser weapons .....</i>		[2,000]
		<i>Chemical laser technology .....</i>		[-6,100]
		<b>SUBTOTAL, APPLIED RESEARCH, AIR FORCE .....</b>	<b>1,094,651</b>	<b>1,132,101</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
018	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS .....	37,901	54,201
		<i>Sewage-derived biofuels program .....</i>		[4,800]
		<i>Metals Affordability Initiative .....</i>		[10,000]
		<i>Rapid Automated Processing of Advances Low Observables .....</i>		[1,500]
019	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....	2,955	2,955
020	0603203F	ADVANCED AEROSPACE SENSORS .....	51,482	53,482
		<i>Reconfigurable secure computing technologies .....</i>		[2,000]
021	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO .....	76,844	81,844
		<i>Long Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence .....</i>		[5,000]
022	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY .....	175,676	198,676
		<i>Alternative energy research .....</i>		[20,000]

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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Line	Program Element	Item	FY 2010 Request	Conference Authorized
		<i>Silicon carbide power electronics research</i> .....		[3,000]
023	0603231F	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY .....		
024	0603270F	ELECTRONIC COMBAT TECHNOLOGY .....	31,021	31,021
025	0603401F	ADVANCED SPACECRAFT TECHNOLOGY .....	83,909	86,909
		<i>Small Responsive Spacecraft at Low-Cost (SRSL)</i> .....		[3,000]
026	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....	5,813	5,813
027	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT .....	24,565	24,565
028	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY .....	14,356	14,356
029	0603605F	ADVANCED WEAPONS TECHNOLOGY .....	30,056	30,056
030	0603680F	MANUFACTURING TECHNOLOGY PROGRAM .....	39,913	45,163
		<i>Next generation casting initiative</i> .....		[3,250]
		<i>Production of Nanocomposites for Aerospace Applications</i> .....		[2,000]
031	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION .....	39,708	46,208
		<i>Optical interconnects research</i> .....		[2,500]
		<i>Cyber Attack and Security Environment</i> .....		[4,000]
032	0603789F	C3I ADVANCED DEVELOPMENT		
033	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM .....	3,831	3,831
<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE</b> .....			<b>618,030</b>	<b>679,080</b>
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>				
034	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT .....	5,009	5,009
035	0603287F	PHYSICAL SECURITY EQUIPMENT .....	3,623	3,623
036	0603421F	NAVSTAR GLOBAL POSITIONING SYSTEM III		
037	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT		
038	0603430F	ADVANCED EHF MILSATCOM (SPACE) .....	464,335	464,335
039	0603432F	POLAR MILSATCOM (SPACE) .....	253,150	253,150
040	0603438F	SPACE CONTROL TECHNOLOGY .....	97,701	102,701
		<i>Space situational awareness</i> .....		[5,000]
041	0603742F	COMBAT IDENTIFICATION TECHNOLOGY .....	27,252	27,252
042	0603790F	NATO RESEARCH AND DEVELOPMENT .....	4,351	4,351
043	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D .....	632	632
044	0603845F	TRANSFORMATIONAL SATCOM (TSAT)		
045	0603850F	INTEGRATED BROADCAST SERVICE .....	20,739	20,739
046	0603851F	INTERCONTINENTAL BALLISTIC MISSILE .....	66,079	66,079
047	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE) .....	70,956	70,956
048	0603859F	POLLUTION PREVENTION .....	2,896	2,896
049	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS .....	23,174	23,174
050	0604015F	NEXT GENERATION BOMBER		
051	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT .....	22,612	22,612
052	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM .....	20,891	20,891
053	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE .....	6,882	6,882
054	0604337F	REQUIREMENTS ANALYSIS AND MATURATION .....	35,533	35,533
055	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....	18,778	18,778
056	0604796F	ALTERNATIVE FUELS .....	89,020	91,020
		<i>Advanced Propulsion Non-Tactical Vehicle</i> .....		[2,000]
057	0604830F	AUTOMATED AIR-TO-AIR REFUELING .....	43,158	43,158
058	0604856F	COMMON AERO VEHICLE (CAV)		
059	0604857F	OPERATIONALLY RESPONSIVE SPACE .....	112,861	112,861
060	0604858F	TECH TRANSITION PROGRAM .....	9,611	9,611
061	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS) .....	396,641	396,641
061a	604xxxxF	NEXT GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT .....		50,000
		<i>Next generation MILSATCOM technology development</i> .....		[50,000]
<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, AIR FORCE</b> .....			<b>1,795,884</b>	<b>1,852,884</b>
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>				
062	0603840F	GLOBAL BROADCAST SERVICE (GBS) .....	31,124	31,124
063	0604222F	NUCLEAR WEAPONS SUPPORT .....	37,860	37,860
064	0604226F	B-1B .....		
065	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....	6,227	6,227
066	0604240F	B-2 ADVANCED TECHNOLOGY BOMBER .....		12,000
		<i>Advanced Data Link</i> .....		[12,000]
067	0604261F	PERSONNEL RECOVERY SYSTEMS		
068	0604270F	ELECTRONIC WARFARE DEVELOPMENT .....	97,275	97,275
069	0604281F	TACTICAL DATA NETWORKS ENTERPRISE .....	88,444	88,444
070	0604287F	PHYSICAL SECURITY EQUIPMENT .....	50	50
071	0604329F	SMALL DIAMETER BOMB (SDB) .....	153,815	153,815
072	0604421F	COUNTERSPACE SYSTEMS .....	64,248	64,248
073	0604425F	SPACE SITUATION AWARENESS SYSTEMS .....	308,134	271,434
		<i>SBSS follow-on—program delay</i> .....		[–36,700]
074	0604429F	AIRBORNE ELECTRONIC ATTACK .....	11,107	11,107
075	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....	512,642	512,642
076	0604443F	THIRD GENERATION INFRARED SURVEILLANCE (3GIRS) .....	143,169	143,169
077	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT .....	18,671	18,671
078	0604604F	SUBMUNITIONS .....	1,784	1,784
079	0604617F	AGILE COMBAT SUPPORT .....	11,261	12,261
		<i>Backpack Medical Oxygen System</i> .....		[1,000]

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Authorized</b>
080	0604706F	LIFE SUPPORT SYSTEMS .....	10,711	13,111
		ACES 5 Ejection Seat .....		[2,400]
081	0604735F	COMBAT TRAINING RANGES .....	29,718	29,718
082	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A) .....	10	4,010
		Distributed Mission Interoperability Toolkit (DMIT) .....		[4,000]
083	0604750F	INTELLIGENCE EQUIPMENT .....	1,495	1,495
084	0604800F	JOINT STRIKE FIGHTER (JSF) .....	1,858,055	2,073,055
		F136 Engine Development .....		[215,000]
085	0604851F	INTERCONTINENTAL BALLISTIC MISSILE .....	60,010	60,010
086	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE) .....	26,545	26,545
087	0605011F	RDT&E FOR AGING AIRCRAFT .....		
088	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT .....	439,615	439,615
089	0605277F	CSAR-X RDT&E .....	89,975	0
		Use available prior year funds .....		[-89,975]
090	0605278F	HC/MC-130 RECAP RDT&E .....		
091	0605452F	JOINT SIAP EXECUTIVE PROGRAM OFFICE .....	20,582	20,582
092	0207434F	LINK-16 SUPPORT AND SUSTAINMENT .....	34,877	34,877
093	0207450F	E-10 SQUADRONS .....		
094	0207451F	SINGLE INTEGRATED AIR PICTURE (SIAP) .....	13,466	13,466
095	0207701F	FULL COMBAT MISSION TRAINING .....	99,807	99,807
096	0305176F	COMBAT SURVIVOR EVADER LOCATOR .....		
097	0401138F	JOINT CARGO AIRCRAFT (JCA) .....	9,353	9,353
098	0401318F	CV-22 .....	19,640	19,640
099	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S) .....	20,056	20,056
<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION, AIR FORCE .....</b>			<b>4,219,726</b>	<b>4,327,451</b>
<b>RDT&amp;E MANAGEMENT SUPPORT</b>				
100	0604256F	THREAT SIMULATOR DEVELOPMENT .....	27,789	27,789
101	0604759F	MAJOR T&E INVESTMENT .....	60,824	68,324
		Holloman High Speed Test Track .....		[5,000]
		Eglin AFB Range Operations Control Center .....		[2,500]
102	0605101F	RAND PROJECT AIR FORCE .....	27,501	27,501
103	0605502F	SMALL BUSINESS INNOVATION RESEARCH .....		
104	0605712F	INITIAL OPERATIONAL TEST & EVALUATION .....	25,833	25,833
105	0605807F	TEST AND EVALUATION SUPPORT .....	736,488	755,788
		Program increase .....		[19,300]
106	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....	14,637	14,637
107	0605864F	SPACE TEST PROGRAM (STP) .....	47,215	47,215
108	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT .....	52,409	52,409
109	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....	29,683	29,683
110	0702806F	ACQUISITION AND MANAGEMENT SUPPORT .....	18,947	18,947
111	0804731F	GENERAL SKILL TRAINING .....	1,450	1,450
112	0909999F	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....		
113	1001004F	INTERNATIONAL ACTIVITIES .....	3,748	3,748
<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT, AIR FORCE .....</b>			<b>1,046,524</b>	<b>1,073,324</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>				
114	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM .....	9,513	9,513
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....	47,276	47,276
116	0605798F	ANALYSIS SUPPORT GROUP .....	[ ]	[ ]
117	0101113F	B-52 SQUADRONS .....	93,930	93,930
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM) .....	3,652	3,652
119	0101126F	B-1B SQUADRONS .....	148,025	177,025
		Transferred from APAF Line 28 .....		[29,000]
120	0101127F	B-2 SQUADRONS .....	415,414	415,414
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM .....	33,836	33,836
122	0101314F	NIGHT FIST—USSTRATCOM .....	5,328	5,328
123	0101815F	ADVANCED STRATEGIC PROGRAMS .....	[ ]	[ ]
124	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM .....	9,832	9,832
125	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM .....	25,734	25,734
126	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES .....	18	18
127	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND .....	11,996	11,996
128	0205219F	MQ-9 UAV .....	39,245	39,245
129	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT .....	14,747	14,747
130	0207131F	A-10 SQUADRONS .....	9,697	9,697
131	0207133F	F-16 SQUADRONS .....	141,020	141,020
132	0207134F	F-15E SQUADRONS .....	311,167	312,167
		Corrosion Detection and Visualization Program .....		[1,000]
133	0207136F	MANNED DESTRUCTIVE SUPPRESSION .....	10,748	10,748
134	0207138F	F-22A SQUADRONS .....	569,345	569,345
135	0207161F	TACTICAL AIM MISSILES .....	5,915	5,915
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	49,971	49,971
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) .....	2,529	2,529
138	0207227F	COMBAT RESCUE—PARARESCUE .....	2,950	2,950
139	0207247F	AF TENCAP .....	11,643	11,643
140	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT .....	2,950	2,950

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Authorized</b>
141	0207253F	COMPASS CALL .....	13,019	13,019
142	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	166,563	154,563
		F135 Engine—Early to need .....		[-12,000]
143	0207277F	CSAF INNOVATION PROGRAM .....	4,621	4,621
144	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....	29,494	29,494
145	0207410F	AIR & SPACE OPERATIONS CENTER (AOC) .....	99,405	99,405
146	0207412F	CONTROL AND REPORTING CENTER (CRC) .....	52,508	52,508
147	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....	176,040	176,040
148	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS .....		
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS .....	63,782	63,782
150	0207424F	EVALUATION AND ANALYSIS PROGRAM .....	[ ]	[ ]
151	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....	1,475	1,475
152	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I .....	19,067	19,067
153	0207445F	FIGHTER TACTICAL DATA LINK .....	72,106	72,106
154	0207446F	BOMBER TACTICAL DATA LINK .....		
155	0207448F	C2ISR TACTICAL DATA LINK .....	1,667	1,667
156	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION .....	26,792	26,792
157	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS) .....	140,670	140,670
158	0207590F	SEEK EAGLE .....	22,071	22,071
159	0207601F	USAF MODELING AND SIMULATION .....	27,245	27,245
160	0207605F	WARGAMING AND SIMULATION CENTERS .....	7,018	7,018
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES .....	6,740	6,740
162	0208006F	MISSION PLANNING SYSTEMS .....	91,995	91,995
163	0208021F	INFORMATION WARFARE SUPPORT .....	12,271	12,271
164	0208161F	SPECIAL EVALUATION SYSTEM .....	[ ]	[ ]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER .....	[ ]	[ ]
		Open Source Research Centers .....		[1,000]
166	0301314F	COBRA BALL .....	[ ]	[ ]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION .....	[ ]	[ ]
168	0301324F	FOREST GREEN .....	[ ]	[ ]
169	0301386F	GDIP COLLECTION MANAGEMENT .....	[ ]	[ ]
170	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....	26,107	26,107
171	0303112F	AIR FORCE COMMUNICATIONS (AIRCOM) .....		
172	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	72,694	72,694
173	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM .....	196,621	196,621
174	0303141F	GLOBAL COMBAT SUPPORT SYSTEM .....	3,375	3,375
175	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM .....	3,149	3,149
176	0303158F	JOINT COMMAND AND CONTROL PROGRAM (JC2) .....	3,087	3,087
177	0303601F	MILSATCOM TERMINALS .....	257,693	257,693
179	0304260F	AIRBORNE SIGINT ENTERPRISE .....	176,989	176,989
180	0304311F	SELECTED ACTIVITIES .....	[ ]	[ ]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI) .....	[ ]	[ ]
		Advanced Technical Intelligence Center .....		[6,500]
182	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....	6,028	6,028
183	0305103F	CYBER SECURITY INITIATIVE .....	2,065	2,065
184	0305110F	SATELLITE CONTROL NETWORK (SPACE) .....	20,991	20,991
185	0305111F	WEATHER SERVICE .....	33,531	33,531
186	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) .....	9,006	9,006
187	0305116F	AERIAL TARGETS .....	54,807	54,807
188	0305124F	SPECIAL APPLICATIONS PROGRAM .....	[ ]	[ ]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]
190	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	742	742
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION .....	[ ]	[ ]
192	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	39	39
194	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....	137,692	137,692
195	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS) .....	52,039	52,039
196	0305172F	COMBINED ADVANCED APPLICATIONS .....	[ ]	[ ]
197	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER .....	3,599	3,599
198	0305174F	SPACE WARFARE CENTER .....	3,009	3,009
199	0305182F	SPACELIFT RANGE SYSTEM (SPACE) .....	9,957	9,957
200	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	1,240	1,240
201	0305202F	DRAGON U-2 .....		
202	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES .....	73,736	38,736
		ISIS .....		[-35,000]
203	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS .....	143,892	145,892
		GORGON STARE .....		
		Multiple UAS Cooperative Concentrated Observation and Engagement Against a Common Ground Objective .....		[2,000]
204	0305207F	MANNED RECONNAISSANCE SYSTEMS .....	12,846	15,346
		Rivet Joint Services Oriented Architecture (SOA) .....		[2,500]
205	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	82,765	82,765
206	0305219F	MQ-1 PREDATOR A UAV .....	18,101	22,101
		Sense and avoid .....		[4,000]
207	0305220F	RQ-4 UAV .....	317,316	317,316
208	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING .....	8,160	8,160
209	0305265F	GPS III SPACE SEGMENT .....	815,095	717,695
		GPS Control Segment (OCX) .....		[-97,400]
210	0305614F	JSPOC MISSION SYSTEM .....	131,271	137,271
		Karnac .....		[6,000]



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211	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE .....	5,267	5,267
212	0305906F	NCMC—TW/AA SYSTEM .....		
213	0305913F	NUDET DETECTION SYSTEM (SPACE) .....	84,021	84,021
214	0305924F	NATIONAL SECURITY SPACE OFFICE .....	10,634	10,634
215	0305940F	SPACE SITUATION AWARENESS OPERATIONS .....	54,648	54,648
216	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT .....	30,076	30,076
217	0308699F	SHARED EARLY WARNING (SEW) .....	3,082	3,082
218	0401115F	C-130 AIRLIFT SQUADRON .....	201,250	201,250
219	0401119F	C-5 AIRLIFT SQUADRONS (IF) .....	95,266	95,266
220	0401130F	C-17 AIRCRAFT (IF) .....	161,855	161,855
221	0401132F	C-130J PROGRAM .....	30,019	30,019
222	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) .....	31,784	31,784
223	0401218F	KC-135S .....	10,297	10,297
224	0401219F	KC-10S .....	35,586	35,586
225	0401221F	KC-135 TANKER REPLACEMENT .....		
226	0401314F	OPERATIONAL SUPPORT AIRLIFT .....	4,916	4,916
227	0401839F	AIR MOBILITY TACTICAL DATA LINK .....		
228	0408011F	SPECIAL TACTICS / COMBAT CONTROL .....	8,222	8,222
229	0702207F	DEPOT MAINTENANCE (NON-IF) .....	1,508	1,508
230	0702976F	FACILITIES RESTORATION & MODERNIZATION—LOGISTICS .....		
231	0708011F	INDUSTRIAL PREPAREDNESS .....		2,000
		Wire Integrity Technology .....		[2,000]
232	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....	246,483	246,483
233	0708611F	SUPPORT SYSTEMS DEVELOPMENT .....	6,288	8,288
		ALC Logistics Integration Environment .....		[2,000]
234	0804743F	OTHER FLIGHT TRAINING .....	805	805
235	0804757F	JOINT NATIONAL TRAINING CENTER .....	3,220	3,220
236	0804772F	TRAINING DEVELOPMENTS .....	1,769	1,769
237	0808716F	OTHER PERSONNEL ACTIVITIES .....	116	116
238	0901202F	JOINT PERSONNEL RECOVERY AGENCY .....	6,376	11,376
		Biometric signature and passive physiological monitoring .....		[5,000]
239	0901212F	SERVICE-WIDE SUPPORT (NOT OTHERWISE ACCOUNTED FOR) .....		
240	0901218F	CIVILIAN COMPENSATION PROGRAM .....	8,174	8,174
241	0901220F	PERSONNEL ADMINISTRATION .....	10,492	30,982
		DIMHRS—OSD requested transfer from RDDW, Line 117 .....		[20,490]
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT .....	55,991	55,991
999	9999999	OTHER PROGRAMS .....	11,955,084	12,137,084
		Program Increase .....		[172,500]
		Carbon Nanotube Enhanced Power Sources for Space .....		[2,000]
<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE .....</b>			<b>18,751,901</b>	<b>18,863,491</b>
<b>TOTAL, RDT&amp;E AIR FORCE .....</b>			<b>27,992,827</b>	<b>28,401,642</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, DEFENSE-WIDE</b>				
<b>BASIC RESEARCH</b>				
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE .....	48,544	48,544
002	0601101E	DEFENSE RESEARCH SCIENCES .....	226,125	226,125
003	0601111D8Z	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH .....		
004	0601114D8Z	DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH .....		
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM .....	89,980	89,980
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	58,974	64,874
		In-vitro models for bio-defense vaccines .....		[1,900]
		Synchrotron Beamline and Experimental Station .....		[4,000]
<b>SUBTOTAL, BASIC RESEARCH, DEFENSE-WIDE .....</b>			<b>423,623</b>	<b>429,523</b>
<b>APPLIED RESEARCH</b>				
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY .....	22,669	18,961
		Partial Program Growth Reduction .....		[-3,708]
008	0602227D8Z	MEDICAL FREE ELECTRON LASER .....		
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE .....	15,164	20,164
		Historically Black Colleges and Universities and Minority Serving Institutions Program .....		[5,000]
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM .....	34,034	34,034
011	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY .....	282,749	272,749
		Program Reduction .....		[-10,000]
012	0602304E	COGNITIVE COMPUTING SYSTEMS .....	142,840	142,840
013	0602383E	BIOLOGICAL WARFARE DEFENSE .....	40,587	40,587
014	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	209,072	212,972
		Chemical and biological infrared detector .....		[1,900]
		Chemical and Biological Resistant Clothing .....		[2,000]
015	0602663D8Z	JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT .....	4,940	4,940
016	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH .....	9,446	9,446
017	0602702E	TACTICAL TECHNOLOGY .....	276,075	266,075
		Program Reduction .....		[-10,000]
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY .....	268,859	263,859
		Program Reduction .....		[-5,000]

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019	0602716E	ELECTRONICS TECHNOLOGY .....	223,841	213,841
		Program Reduction .....		[-10,000]
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES .....	219,130	220,630
		Blast mitigation and protection .....		[1,500]
021	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT .....	27,384	27,384
022	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT .....		
<b>SUBTOTAL, APPLIED RESEARCH, DEFENSE-WIDE .....</b>			<b>1,776,790</b>	<b>1,748,482</b>
<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>				
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY .....	23,538	16,754
		Partial Program Growth Reduction .....		[-6,784]
024	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT .....	43,808	43,808
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT .....	81,868	92,368
		Reconnaissance and data exploitation systems .....		[3,500]
		Affordable Robust Mid-Sized UGV .....		[2,000]
		Integrated Rugged Checkpoint Container .....		[2,500]
		Combating Terrorism: Threat and Risk Assessment .....		[2,500]
026	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT .....	233,203	233,203
027	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY .....	109,760	104,760
		General Reduction .....		[-5,000]
028	0603200D8Z	JOINT ADVANCED CONCEPTS .....	7,817	7,817
029	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....	23,276	23,276
030	0603286E	ADVANCED AEROSPACE SYSTEMS .....	338,360	249,360
		Program Reduction .....		[-89,000]
031	0603287E	SPACE PROGRAMS AND TECHNOLOGY .....	200,612	200,612
032	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT .....	282,235	284,235
		Total Perimeter Surveillance .....		[2,000]
033	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY .....	10,838	10,838
034	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	198,352	177,352
		JCTD new starts .....		[-25,000]
		High Accuracy Network Determination System—Intelligent Optical Networks (HANDS-ION) .....		[2,000]
		Distributed Network Switching and Security .....		[2,000]
035	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES .....	28,212	28,212
036	0603663D8Z	JOINT DATA MANAGEMENT RESEARCH .....	4,935	4,935
037	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY .....	10,993	10,993
038	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT .....	11,480	11,480
039	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM .....	14,638	24,638
		High performance defense manufacturing technology .....		[10,000]
040	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS .....	9,110	11,110
		Robotics training systems .....		[2,000]
041	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS .....	19,043	33,643
		Biofuels program .....		[2,000]
		Biomass conversion research .....		[1,600]
		Fuel cell manufacturing research .....		[1,000]
		Vehicle fuel cell and hydrogen logistics program .....		[8,000]
		Next Generation Manufacturing Technologies Initiative .....		[2,000]
042	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY .....	29,356	29,356
043	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....	69,175	69,175
044	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT .....	26,310	30,810
		Feature Size Yield Enhancement at DMEA's Semiconductors Foundry .....		[2,500]
		End to End Semi Fab Alpha Tool .....		[2,000]
045	0603727D8Z	JOINT WARFIGHTING PROGRAM .....	11,135	11,135
046	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES .....	205,912	190,912
		Program Reduction .....		[-15,000]
047	0603745D8Z	SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD) .....	4,864	4,864
048	0603750D8Z	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS .....		
049	0603755D8Z	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....	221,286	224,286
		Computational design of novel materials .....		[3,000]
050	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....	293,476	275,326
		CCC-CLS execution delays .....		[-18,150]
051	0603764E	LAND WARFARE TECHNOLOGY .....		
052	0603765E	CLASSIFIED DARPA PROGRAMS .....	186,526	186,526
053	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY .....	135,941	135,941
054	0603767E	SENSOR TECHNOLOGY .....	243,056	218,056
		Program Reduction .....		[-15,000]
		SEN-CLS execution delays .....		[-10,000]
055	0603768E	GUIDANCE TECHNOLOGY .....	37,040	37,040
056	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT .....	13,822	13,822
057	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE .....	31,298	31,298
058	0603805S	DUAL USE TECHNOLOGY .....		
059	0603826D8Z	QUICK REACTION SPECIAL PROJECTS .....	107,984	94,484
		Quick Reaction Fund .....		[-15,000]
		Special warfare domain awareness .....		[1,500]
060	0603828D8Z	JOINT EXPERIMENTATION .....	124,480	122,180
		Tidevater Full Scale Exercise .....		[2,700]
		National Center for Small Unit Excellence .....		[-5,000]
061	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE .....	38,505	38,505

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062	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY .....	95,734	95,734
063	0603942D8Z	TECHNOLOGY TRANSFER .....	2,219	5,219
		National Radio Frequency RD&T Transfer Center .....		[3,000]
064	0909999D8Z	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
065	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT .....	31,675	36,775
		Lithium ion battery safety research .....		[1,600]
		Partnership for Defense Innovation Wi-Fi Laboratory Testing and Assessment Center .....		[3,500]
066	1160422BB	AVIATION ENGINEERING ANALYSIS .....	3,544	3,544
067	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY .....	4,988	4,988
<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, DEFENSE-WIDE .....</b>			<b>3,570,404</b>	<b>3,429,370</b>
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>				
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P .....	36,019	36,019
069	0603228D8Z	PHYSICAL SECURITY EQUIPMENT		
070	0603527D8Z	RETRACT LARCH .....	21,718	21,718
071	0603709D8Z	JOINT ROBOTICS PROGRAM .....	11,803	13,803
		Autonomous Machine Vision for Mapping and Investigation of Remote Sites .....		[2,000]
072	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM .....	17,771	17,771
073	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM .....	31,613	31,613
074	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT .....	719,465	719,465
075	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT .....	982,922	1,002,922
		GBI vendor base sustainment .....		[20,000]
076	0603883C	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT .....	186,697	186,697
077	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	205,952	207,552
		Real-time non-specific viral agent detector .....		[1,600]
078	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....	636,856	636,856
079	0603886C	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR		
080	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS .....	966,752	940,752
		Target Synchronization with Test Schedule .....		[-26,000]
081	0603890C	BMD ENABLING PROGRAMS .....	369,145	354,145
		Programs Reduction .....		[-15,000]
082	0603891C	SPECIAL PROGRAMS—MDA .....	301,566	286,566
		Program Decrease due to excessive growth .....		[-15,000]
083	0603892C	AEGIS BMD .....	1,690,758	1,690,758
084	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM .....	180,000	173,200
		Demonstration Satellites .....		[-6,800]
085	0603894C	MULTIPLE KILL VEHICLE		
086	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....	12,549	12,549
087	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATIONS		
088	0603897C	BALLISTIC MISSILE DEFENSE HERCULES .....	340,014	340,014
089	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT .....	48,186	48,186
		Independent Advisory Group to Review Ballistic Missile Defense Training Needs .....	60,921	61,421
				[500]
090	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC) .....	86,949	86,949
091	0603906C	REGARDING TRENCH .....	6,164	6,164
092	0603907C	SEA BASED X-BAND RADAR (SBX) .....	174,576	174,576
093	0603908C	BMD EUROPEAN INTERCEPTOR SITE		
094	0603909C	BMD EUROPEAN MIDCOURSE RADAR		
095	0603911C	BMD EUROPEAN CAPABILITY .....	50,504	50,504
096	0603912C	BMD EUROPEAN COMMUNICATIONS SUPPORT		
097	0603913C	ISRAELI COOPERATIVE PROGRAMS .....	119,634	144,634
		Short-range ballistic missile defense .....		[25,000]
098	0603920D8Z	HUMANITARIAN DEMINING .....	14,687	14,687
099	0603923D8Z	COALITION WARFARE .....	13,885	13,885
100	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM .....	4,887	8,387
		Corrosion control research .....		[3,500]
101	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT .....	55,289	55,289
102	0604648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	18,577	18,577
103	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING .....	7,006	7,006
104	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC) .....	19,744	19,744
105	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM .....	16,972	16,972
106	0605017D8Z	REDUCTION OF TOTAL OWNERSHIP COST .....	24,647	24,647
107	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM .....	3,949	3,949
<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, DEFENSE-WIDE .....</b>			<b>7,438,177</b>	<b>7,427,977</b>
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>				
108	0604051D8Z	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP) .....	28,862	28,862
109	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD .....	7,628	7,628
110	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....	166,913	166,913
111	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	332,895	332,895
112	0604709D8Z	JOINT ROBOTICS PROGRAM .....	5,127	5,127
113	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) .....	39,911	39,911
114	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) .....	20,633	20,633
115	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES .....	8,735	8,735
116	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT .....	11,705	11,705
117	0605018BTA	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS) .....	70,000	18,710
		Transfer to RDA, line 117 for DIMHRS execution .....		[-30,800]

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Transfer to RDAF, line 241 for DIMHRS execution .....		[-20,490]
118	0605020BTA	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES .....	197,008	197,008
119	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE .....	395	395
120	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES .....	5,000	5,000
121	0605140D8Z	TRUSTED FOUNDRY .....	41,223	41,223
122	0605648D8Z	DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM .....	4,267	4,267
123	0303141K	GLOBAL COMBAT SUPPORT SYSTEM .....	18,431	18,431
124	0303158K	JOINT COMMAND AND CONTROL PROGRAM (JC2) .....	49,047	49,047
125	0807708D8Z	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE .....	1,609	1,609
		<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION, DEFENSE-WIDE .....</b>	<b>1,009,389</b>	<b>958,099</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
126	0603757D8Z	TRAINING TRANSFORMATION (T2) .....		
127	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS) .....	13,121	13,121
128	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....	15,247	15,247
129	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP) .....	145,052	155,052
		Joint Gulf Range Test and Training Complex .....		[3,000]
		Gulf Range Mobile Instrumentation Capability .....		[3,000]
		Advanced SAM Hardware Simulator Development .....		[4,000]
130	0604943D8Z	THERMAL VICAR .....	9,045	9,045
131	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) .....	9,455	9,455
132	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....	44,760	44,760
133	0605110D8Z	USD(A&T)—CRITICAL TECHNOLOGY SUPPORT .....	4,914	4,914
134	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION .....	94,921	94,921
135	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO) .....	96,909	96,909
136	0605128D8Z	CLASSIFIED PROGRAM USD(P) .....	[ ]	[ ]
137	0605130D8Z	FOREIGN COMPARATIVE TESTING .....	35,054	35,054
138	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY .....	6,474	6,474
139	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION .....	14,916	14,916
140	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) .....	5,888	5,888
141	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	106,477	106,477
142	0605502BR	SMALL BUSINESS INNOVATION RESEARCH		
143	0605502C	SMALL BUSINESS INNOVATIVE RESEARCH—MDA		
144	0605502D8Z	SMALL BUSINESS INNOVATIVE RESEARCH		
145	0605502E	SMALL BUSINESS INNOVATIVE RESEARCH		
146	0605502S	SMALL BUSINESS INNOVATIVE RESEARCH		
147	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTRATION .....	2,163	4,063
		Anti-tamper software systems .....		[1,900]
148	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS .....	11,005	11,005
149	0605798S	DEFENSE TECHNOLOGY ANALYSIS		
150	0605799D8Z	FORCE TRANSFORMATION DIRECTORATE .....	19,981	19,981
151	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....	54,411	49,411
		Program Reduction .....		[-5,000]
152	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION .....	19,554	19,554
153	0605804D8Z	DEVELOPMENT TEST AND EVALUATION .....	23,512	23,512
154	0605897E	DARPA AGENCY RELOCATION .....	45,000	45,000
155	0605898E	MANAGEMENT HQ—R&D .....	51,055	51,055
156	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS .....	5,929	5,929
157	0606301D8Z	AVIATION SAFETY TECHNOLOGIES .....	8,000	8,000
158	0204571J	JOINT STAFF ANALYTICAL SUPPORT .....	1,250	1,250
159	0301555G	CLASSIFIED PROGRAMS .....	[ ]	[ ]
160	0301556G	SPECIAL PROGRAM .....	[ ]	[ ]
161	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES .....	30,604	30,604
162	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION .....	4,667	4,667
163	0305103E	CYBER SECURITY INITIATIVE .....	50,000	50,000
164	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	20,648	20,648
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	[ ]	[ ]
166	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT .....	829	829
167	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2) .....	34,306	34,306
168	0901585C	PENTAGON RESERVATION .....	19,709	19,709
169	0901598C	MANAGEMENT HQ—MDA .....	57,403	57,403
170	0901598D8W	IT SOFTWARE DEV INITIATIVES .....	980	980
170A	9999999	OTHER PROGRAMS .....	124,705	124,705
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT, DEFENSE-WIDE .....</b>	<b>1,187,944</b>	<b>1,194,844</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
171	0604130V	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS) .....	1,384	1,384
172	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA .....	2,001	2,001
173	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHAIS) .....	292	292
174	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT) .....	6,198	6,198
175	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY .....	46,214	46,214
176	0204571J	JOINT STAFF ANALYTICAL SUPPORT		
177	0208043J	CLASSIFIED PROGRAMS .....	2,179	2,179
178	0208045K	C4I INTEROPERABILITY .....	74,786	74,786
180	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING .....	10,767	10,767
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM .....	[ ]	[ ]

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Advanced Scientific Missile Intelligence Preparation of the Battlespace (IPB) .....		[2,500]
		Portable Device for Latent Fingerprint Identification .....		[1,800]
182	0301318BB	HUMINT (CONTROLLED) .....	[ ]	[ ]
183	0301371G	CYBER SECURITY INITIATIVE—CCP .....	[ ]	[ ]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP .....	[ ]	[ ]
185	0301555BZ	CLASSIFIED PROGRAMS .....	[ ]	[ ]
186	0301556BZ	SPECIAL PROGRAM .....	[ ]	[ ]
187	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT .....	548	548
188	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION .....	17,655	17,655
189	0303126K	LONG-HAUL COMMUNICATIONS—DCS .....	9,406	9,406
190	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	9,830	9,830
191	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI) .....	8,116	8,116
192	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI) .....	41,002	41,002
193	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM .....	13,477	13,477
194	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	408,316	408,316
195	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM .....		
196	0303148K	DISA MISSION SUPPORT OPERATIONS .....	1,205	1,205
197	0303149J	C4I FOR THE WARRIOR .....	4,098	4,098
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	23,761	23,761
199	0303153K	JOINT SPECTRUM CENTER .....	18,944	18,944
200	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES) .....	1,782	1,782
201	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE .....	942	942
202	0303610K	TELEPORT PROGRAM .....	5,239	5,239
203	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES .....	16,381	16,381
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP) .....	[ ]	[ ]
206	0305103D8Z	CYBER SECURITY INITIATIVE .....	993	993
207	0305103G	CYBER SECURITY INITIATIVE .....	[ ]	[ ]
208	0305103K	CYBER SECURITY INITIATIVE .....	10,080	10,080
209	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP) .....	12,725	12,725
210	0305127BZ	FOREIGN COUNTERINTELLIGENCE ACTIVITIES .....		
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES .....	[ ]	[ ]
215	0305186D8Z	POLICY R&D PROGRAMS .....	6,948	6,948
216	0305193L	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....		
217	0305199D8Z	NET CENTRICITY .....	1,479	1,479
218	0305202G	DRAGON U-2 .....	[ ]	[ ]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS .....	[ ]	[ ]
220	0305207G	MANNED RECONNAISSANCE SYSTEMS .....		
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	1,407	1,407
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]
224	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	3,158	3,158
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]
226	0305219BB	MQ-1 PREDATOR A UAV .....	2,067	2,067
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10) .....	[ ]	[ ]
228	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM .....	2,963	2,963
229	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY ASSESSMENT, ADVANCEMENT AND INTEGRATION .....	1,389	1,389
230	0305866L	DIA SUPPORT TO SOUTHCOM INTELLIGENCE ACTIVITIES .....		
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS .....		
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT .....	[ ]	[ ]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES .....	[ ]	[ ]
		Technology applications for security enhancement .....		[3,000]
235	0305889G	COUNTERDRUG INTELLIGENCE SUPPORT .....		
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV .....	[ ]	[ ]
237	0307207G	AERIAL COMMON SENSOR (ACS) .....	[ ]	[ ]
238	0708011S	INDUSTRIAL PREPAREDNESS .....	20,514	51,714
		Industrial Base Innovation Fund .....		[30,000]
		Northwest Manufacturing Initiative .....		[1,200]
239	0708012S	LOGISTICS SUPPORT ACTIVITIES .....	2,798	2,798
240	0902298J	MANAGEMENT HEADQUARTERS (JCS) .....	8,303	8,303
241	1001018D8Z	NATO AGS .....	74,485	74,485
242	1105219BB	MQ-9 UAV .....	4,380	4,380
243	1130435BB	STORM .....		
244	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG .....		
245	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT .....	82,621	72,621
		Avionics Modernization Program .....		[-10,000]
246	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT .....	6,182	1,594
		SOF Resource Business Information System .....		[-4,588]
247	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT .....	21,273	33,173
		Biometric Optical Surveillance System (BOSS) .....		[2,000]
		Counterproliferation Analysis and Planning System (CAPS) .....		[5,000]
		Advanced long endurance unattended ground sensor technologies .....		[4,900]
248	1160408BB	SOF OPERATIONAL ENHANCEMENTS .....	60,310	60,310
249	1160421BB	SPECIAL OPERATIONS CV-22 DEVELOPMENT .....	12,687	12,687
250	1160423BB	JOINT MULTI-MISSION SUBMERSIBLE .....	43,412	43,412
251	1160425BB	SPECIAL OPERATIONS AIRCRAFT DEFENSIVE SYSTEMS .....		

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Authorized</b>
252	1160426BB	OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT .....	1,321	0
		ASDS .....		[-1,321]
253	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS) .....	3,192	3,192
254	1160428BB	UNMANNED VEHICLES (UV) .....		
255	1160429BB	MC130J SOF TANKER RECAPITALIZATION .....	5,957	5,957
256	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS .....	733	733
257	1160476BB	SOF TACTICAL RADIO SYSTEMS .....	2,368	2,368
258	1160477BB	SOF WEAPONS SYSTEMS .....	1,081	1,081
259	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	597	597
260	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS .....	3,369	4,869
		Miniature Day Night Sight for Crew Served Weapons .....		[1,500]
261	1160480BB	SOF TACTICAL VEHICLES .....	1,973	1,973
262	1160482BB	SOF ROTARY WING AVIATION .....	18,863	18,863
263	1160483BB	SOF UNDERWATER SYSTEMS .....	3,452	7,452
		Transformer Technology for Combat Submersibles (TTCS) .....		[4,000]
264	1160484BB	SOF SURFACE CRAFT .....	12,250	12,250
265	1160488BB	SOF PSYOP .....	9,887	9,887
266	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	4,944	4,944
267	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	11,547	11,547
999	9999999	OTHER PROGRAMS .....	4,148,984	4,156,284
<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE .....</b>			<b>5,335,215</b>	<b>5,375,206</b>
DARPA execution adjustment .....				-150,000
<b>Total, RDT&amp;E Defense-Wide .....</b>			<b>20,741,542</b>	<b>20,413,501</b>
<b>OPERATIONAL TEST &amp; EVALUATION, DEFENSE</b>				
001	0605118OTE	OPERATIONAL TEST AND EVALUATION .....	58,647	58,647
002	0605131OTE	LIVE FIRE TEST AND EVALUATION .....	12,285	12,285
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES .....	119,838	119,838
<b>Total, Operational Test &amp; Evaluation, Defense .....</b>			<b>190,770</b>	<b>190,770</b>
<b>TOTAL RDT&amp;E .....</b>			<b>78,634,289</b>	<b>79,251,608</b>

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.**

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Authorized</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, ARMY</b>				
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>				
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT .....	18,598	18,598
<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION, ARMY .....</b>			<b>18,598</b>	<b>18,598</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>				
160	0301359A	SPECIAL ARMY PROGRAM .....	[ ]	[ ]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	7,644	7,644
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM .....	2,220	2,220
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	29,500	29,500
<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY .....</b>			<b>39,364</b>	<b>39,364</b>
<b>TOTAL, RDT&amp;E ARMY .....</b>			<b>57,962</b>	<b>57,962</b>
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>				
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....		
027	0603216N	AVIATION SURVIVABILITY .....	8,000	0
		Non-emergency development funding .....		[-8,000]
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	9,000	0
		Non-emergency development funding .....		[-9,000]
<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, NAVY .....</b>			<b>17,000</b>	<b>0</b>
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>				
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>				
188	0301303N	MARITIME INTELLIGENCE .....	[ ]	[ ]
189	0301323N	COLLECTION MANAGEMENT .....	[ ]	[ ]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE .....	[ ]	[ ]

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Con- ference Author- ized</i>
191	0301372N	CYBER SECURITY INITIATIVE—GDIP .....	[ ]	[ ]
203	0305207N	MANNED RECONNAISSANCE SYSTEMS .....	51,900	51,900
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0) .....	6,000	6,000
999	9999999	OTHER PROGRAMS .....	32,280	32,280
<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&amp;E .....</b>			<b>90,180</b>	<b>90,180</b>
<b>TOTAL, RDT&amp;E NAVY .....</b>			<b>107,180</b>	<b>90,180</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, AIR FORCE</b>				
<b>BASIC RESEARCH</b>				
004	0301555F	CLASSIFIED PROGRAMS .....	[ ]	[ ]
005	0301556F	SPECIAL PROGRAM .....	[ ]	[ ]
<b>SUBTOTAL, BASIC RESEARCH, AIR FORCE .....</b>			<b>0</b>	<b>0</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>				
116	0605798F	ANALYSIS SUPPORT GROUP .....	[ ]	[ ]
123	0101815F	ADVANCED STRATEGIC PROGRAMS .....	[ ]	[ ]
128	0205219F	MQ-9 UAV .....	1,400	1,400
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS .....	9,375	9,375
150	0207424F	EVALUATION AND ANALYSIS PROGRAM .....	[ ]	[ ]
164	0208161F	SPECIAL EVALUATION SYSTEM .....	[ ]	[ ]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER .....	[ ]	[ ]
166	0301314F	COBRA BALL .....	[ ]	[ ]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION .....	[ ]	[ ]
168	0301324F	FOREST GREEN .....	[ ]	[ ]
169	0301386F	GDIP COLLECTION MANAGEMENT .....	[ ]	[ ]
180	0304311F	SELECTED ACTIVITIES .....	[ ]	[ ]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI) .....	[ ]	[ ]
188	0305124F	SPECIAL APPLICATIONS PROGRAM .....	[ ]	[ ]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION .....	[ ]	[ ]
196	0305172F	COMBINED ADVANCED APPLICATIONS .....	[ ]	[ ]
206	0305219F	MQ-1 PREDATOR A UAV .....	1,400	1,400
999	9999999	OTHER PROGRAMS .....	17,111	17,111
<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE .....</b>			<b>29,286</b>	<b>29,286</b>
<b>TOTAL, RDT&amp;E AIR FORCE .....</b>			<b>29,286</b>	<b>29,286</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, DEFENSE-WIDE</b>				
<b>RDT&amp;E MANAGEMENT SUPPORT</b>				
159	0301555G	CLASSIFIED PROGRAMS .....	[ ]	[ ]
160	0301556G	SPECIAL PROGRAM .....	[ ]	[ ]
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	[ ]	[ ]
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM .....	[ ]	[ ]
182	0301318BB	HUMINT (CONTROLLED) .....	[ ]	[ ]
183	0301371G	CYBER SECURITY INITIATIVE—CCP .....	[ ]	[ ]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP .....	[ ]	[ ]
185	0301555BZ	CLASSIFIED PROGRAMS .....	[ ]	[ ]
186	0301556BZ	SPECIAL PROGRAM .....	[ ]	[ ]
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	2,750	2,750
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP) .....	[ ]	[ ]
207	0305103G	CYBER SECURITY INITIATIVE .....	[ ]	[ ]
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES .....	[ ]	[ ]
218	0305202G	DRAGON U-2 .....	[ ]	[ ]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS .....	[ ]	[ ]
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]
226	0305219BB	MQ-1 PREDATOR A UAV .....	[ ]	[ ]
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10) .....	[ ]	[ ]
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS .....	[ ]	[ ]
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT .....	[ ]	[ ]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES .....	[ ]	[ ]
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV .....	[ ]	[ ]
237	0307207G	AERIAL COMMON SENSOR (ACS) .....	[ ]	[ ]
999	9999999	OTHER PROGRAMS .....	113,076	113,076
<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE .....</b>			<b>115,826</b>	<b>115,826</b>



RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Line	Program Element	Item	FY 2010 Request	Con- ference Author- ized
		Total, RDT&E Defense-Wide .....	115,826	115,826
		TOTAL RDT&E .....	310,254	293,254

## TITLE XLIII—OPERATION AND MAINTENANCE

## SEC. 4301. OPERATION AND MAINTENANCE.

OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2010 Request	Conference Authorized
<b>Operation and Maintenance, Army</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>LAND FORCES</b>			
010	MANEUVER UNITS .....	1,020,490	1,020,490
020	MODULAR SUPPORT BRIGADES .....	105,178	105,178
030	ECHELONS ABOVE BRIGADE .....	708,038	708,038
040	THEATER LEVEL ASSETS .....	718,233	718,233
050	LAND FORCES OPERATIONS SUPPORT .....	1,379,529	1,315,129
	Budget realignment of combat training center transportation funding in support of helicopter training .....		[-64,400]
060	AVIATION ASSETS .....	850,750	773,350
	Budget realignment in support of helicopter training .....		[-77,400]
<b>LAND FORCES READINESS</b>			
070	FORCE READINESS OPERATIONS SUPPORT .....	2,088,233	2,088,233
080	LAND FORCES SYSTEMS READINESS .....	633,704	633,704
090	LAND FORCES DEPOT MAINTENANCE .....	692,601	695,601
	Texas Defense Manufacturing Supply Chain Initiative .....		[3,000]
<b>LAND FORCES READINESS SUPPORT</b>			
100	BASE OPERATIONS SUPPORT .....	7,586,455	7,588,155
	Fort Bliss Data Center .....		[1,700]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	2,221,446	2,221,446
120	MANAGEMENT AND OPERATIONAL HQ .....	333,119	333,119
130	COMBATANT COMMANDERS CORE OPERATIONS .....	123,163	123,163
140	ADDITIONAL ACTIVITIES .....	0	0
150	COMMANDERS EMERGENCY RESPONSE PROGRAM .....	0	0
160	RESET .....	0	0
170	COMBATANT COMMANDERS ANCILLARY MISSIONS .....	460,159	460,159
<b>TOTAL, BA 01: OPERATING FORCES .....</b>		<b>18,921,098</b>	<b>18,783,998</b>
<b>BUDGET ACTIVITY 02: MOBILIZATION</b>			
<b>MOBILITY OPERATIONS</b>			
180	STRATEGIC MOBILITY .....	228,376	228,376
190	ARMY PREPOSITIONING STOCKS .....	98,129	98,129
200	INDUSTRIAL PREPAREDNESS .....	5,705	5,705
<b>TOTAL, BA 02: MOBILIZATION .....</b>		<b>332,210</b>	<b>332,210</b>
<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>			
<b>ACCESSION TRAINING</b>			
210	OFFICER ACQUISITION .....	125,615	125,615
220	RECRUIT TRAINING .....	87,488	87,488
230	ONE STATION UNIT TRAINING .....	59,302	59,302
240	SENIOR RESERVE OFFICERS TRAINING CORPS .....	449,397	449,397
<b>BASIC SKILL/ADVANCE TRAINING</b>			
250	SPECIALIZED SKILL TRAINING .....	970,777	971,277
	Rule of law increase .....		[500]
260	FLIGHT TRAINING .....	843,893	985,693
	Budget realignment in support of helicopter training .....		[141,800]
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	166,812	166,812
280	TRAINING SUPPORT .....	702,031	702,031
<b>RECRUITING/OTHER TRAINING</b>			
290	RECRUITING AND ADVERTISING .....	541,852	541,852
300	EXAMINING .....	147,915	147,915
310	OFF-DUTY AND VOLUNTARY EDUCATION .....	238,353	238,353
320	CIVILIAN EDUCATION AND TRAINING .....	217,386	217,386
330	JUNIOR ROTC .....	156,904	156,904
<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>		<b>4,707,725</b>	<b>4,850,025</b>

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Authorized</i>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>			
<b>SECURITY PROGRAMS</b>			
340	SECURITY PROGRAMS .....	1,017,055	1,017,055
<b>LOGISTICS OPERATIONS</b>			
350	SERVICEWIDE TRANSPORTATION .....	540,249	540,249
360	CENTRAL SUPPLY ACTIVITIES .....	614,093	614,093
370	LOGISTIC SUPPORT ACTIVITIES .....	481,318	481,318
380	AMMUNITION MANAGEMENT .....	434,661	435,661
	M24 Sniper Weapons System Upgrade .....		[1,000]
<b>SERVICEWIDE SUPPORT</b>			
390	ADMINISTRATION .....	776,866	776,866
400	SERVICEWIDE COMMUNICATIONS .....	1,166,491	1,141,491
	Service-wide communications underexecution .....		[-25,000]
410	MANPOWER MANAGEMENT .....	289,383	289,383
420	OTHER PERSONNEL SUPPORT .....	221,779	229,029
	Transfer from O&M, DW BTA for DIMHRS .....		[7,250]
430	OTHER SERVICE SUPPORT .....	993,852	993,852
440	ARMY CLAIMS ACTIVITIES .....	215,168	215,168
450	REAL ESTATE MANAGEMENT .....	118,785	118,785
<b>SUPPORT OF OTHER NATIONS</b>			
460	SUPPORT OF NATO OPERATIONS .....	430,449	430,449
470	MISC. SUPPORT OF OTHER NATIONS .....	13,700	13,700
<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>		<b>7,313,849</b>	<b>7,297,099</b>
<b>Total Operation and Maintenance, Army .....</b>		<b>31,274,882</b>	<b>31,263,332</b>
<b>Operation and Maintenance, Navy</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>AIR OPERATIONS</b>			
010	MISSION AND OTHER FLIGHT OPERATIONS .....	3,814,000	3,814,000
020	FLEET AIR TRAINING .....	120,868	120,868
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	52,259	52,259
040	AIR OPERATIONS AND SAFETY SUPPORT .....	121,649	121,649
050	AIR SYSTEMS SUPPORT .....	485,321	485,321
060	AIRCRAFT DEPOT MAINTENANCE .....	1,057,747	1,127,774
	Aviation Depot Maintenance .....		[70,027]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	32,083	32,083
<b>SHIP OPERATIONS</b>			
080	MISSION AND OTHER SHIP OPERATIONS .....	3,320,222	3,320,222
090	SHIP OPERATIONS SUPPORT & TRAINING .....	699,581	699,581
100	SHIP DEPOT MAINTENANCE .....	4,296,544	4,296,544
110	SHIP DEPOT OPERATIONS SUPPORT .....	1,170,785	1,170,785
<b>COMBAT OPERATIONS/SUPPORT</b>			
120	COMBAT COMMUNICATIONS .....	601,595	601,595
130	ELECTRONIC WARFARE .....	86,019	86,019
140	SPACE SYSTEMS AND SURVEILLANCE .....	167,050	167,050
150	WARFARE TACTICS .....	407,674	407,674
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	315,228	315,228
170	COMBAT SUPPORT FORCES .....	758,789	758,789
180	EQUIPMENT MAINTENANCE .....	186,794	186,794
190	DEPOT OPERATIONS SUPPORT .....	3,305	3,305
200	COMBATANT COMMANDERS CORE OPERATIONS .....	167,789	167,789
210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	259,188	252,188
	Reduction for National Program for Small Unit Excellence .....		[-7,000]
<b>WEAPONS SUPPORT</b>			
220	CRUISE MISSILE .....	131,895	131,895
230	FLEET BALLISTIC MISSILE .....	1,145,020	1,145,020
240	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	64,731	64,731
250	WEAPONS MAINTENANCE .....	448,777	460,777

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Authorized</i>
	<i>Gun depot overhauls .....</i>		[12,000]
260	OTHER WEAPON SYSTEMS SUPPORT .....	326,535	326,535
	<b>BASE SUPPORT</b>		
270	ENTERPRISE INFORMATION .....	1,095,587	1,095,587
280	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	1,746,418	1,746,418
290	BASE OPERATING SUPPORT .....	4,058,046	4,058,046
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>27,141,499</b>	<b>27,216,526</b>
	<b>BUDGET ACTIVITY 02: MOBILIZATION</b>		
	<b>READY RESERVE AND PREPOSITIONING FORCES</b>		
300	SHIP PREPOSITIONING AND SURGE .....	407,977	407,977
	<b>ACTIVATIONS/INACTIVATIONS</b>		
310	AIRCRAFT ACTIVATIONS/INACTIVATIONS .....	7,491	7,491
320	SHIP ACTIVATIONS/INACTIVATIONS .....	192,401	195,401
	Navy Ship Disposal-Carrier Demonstration Program .....		[3,000]
	<b>MOBILIZATION PREPAREDNESS</b>		
330	FLEET HOSPITAL PROGRAM .....	24,546	24,546
340	INDUSTRIAL READINESS .....	2,409	2,409
350	COAST GUARD SUPPORT .....	25,727	25,727
	<b>TOTAL, BA 02: MOBILIZATION .....</b>	<b>660,551</b>	<b>663,551</b>
	<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>		
	<b>ACCESSION TRAINING</b>		
360	OFFICER ACQUISITION .....	145,027	145,027
370	RECRUIT TRAINING .....	11,011	11,011
380	RESERVE OFFICERS TRAINING CORPS .....	127,490	127,490
	<b>BASIC SKILLS AND ADVANCED TRAINING</b>		
390	SPECIALIZED SKILL TRAINING .....	477,383	477,383
400	FLIGHT TRAINING .....	1,268,846	1,268,846
410	PROFESSIONAL DEVELOPMENT EDUCATION .....	161,922	161,922
420	TRAINING SUPPORT .....	158,685	158,685
	<b>RECRUITING, AND OTHER TRAINING AND EDUCATION</b>		
430	RECRUITING AND ADVERTISING .....	276,564	277,215
	Navy Sea Cadet Corps .....		[651]
440	OFF-DUTY AND VOLUNTARY EDUCATION .....	154,979	154,979
450	CIVILIAN EDUCATION AND TRAINING .....	101,556	101,556
460	JUNIOR ROTC .....	49,161	49,161
	<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>	<b>2,932,624</b>	<b>2,933,275</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>		
	<b>SERVICEWIDE SUPPORT</b>		
470	ADMINISTRATION .....	768,048	768,048
480	EXTERNAL RELATIONS .....	6,171	6,171
490	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT .....	114,675	114,675
500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	182,115	189,365
	Transfer from O&M, DW BTA for DIMHRS .....		[7,250]
510	OTHER PERSONNEL SUPPORT .....	298,729	298,729
520	SERVICEWIDE COMMUNICATIONS .....	408,744	393,744
	Servicewide communications underexecution .....		[-15,000]
530	MEDICAL ACTIVITIES .....	0	0
	<b>LOGISTICS OPERATIONS AND TECHNICAL SUPPORT</b>		
540	SERVICEWIDE TRANSPORTATION .....	246,989	246,989
550	ENVIRONMENTAL PROGRAMS .....	0	0
560	PLANNING, ENGINEERING AND DESIGN .....	244,337	244,337
570	ACQUISITION AND PROGRAM MANAGEMENT .....	778,501	778,501
580	HULL, MECHANICAL AND ELECTRICAL SUPPORT .....	60,223	60,223
590	COMBAT/WEAPONS SYSTEMS .....	17,328	17,328
600	SPACE AND ELECTRONIC WARFARE SYSTEMS .....	79,065	79,065

OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2010 Request	Conference Authorized
<b>INVESTIGATIONS AND SECURITY PROGRAMS</b>			
610	NAVAL INVESTIGATIVE SERVICE .....	515,989	515,989
<b>SUPPORT OF OTHER NATIONS</b>			
670	INTERNATIONAL HEADQUARTERS AND AGENCIES .....	5,918	5,918
<b>CANCELLED ACCOUNTS</b>			
680	CANCELLED ACCOUNT ADJUSTMENTS .....	0	0
690	JUDGMENT FUND .....	0	0
<b>OTHER PROGRAMS</b>			
999	OTHER PROGRAMS .....	608,840	608,840
<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>		<b>4,335,672</b>	<b>4,327,922</b>
Unobligated balances estimate .....			-100,000
<b>Total Operation and Maintenance, Navy .....</b>		<b>35,070,346</b>	<b>35,041,274</b>
<b>Operation and Maintenance, Marine Corps</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>EXPEDITIONARY FORCES</b>			
010	OPERATIONAL FORCES .....	730,931	737,931
	Family of shelter and tents .....		[2,000]
	Flame Resistant Organizational Gear .....		[1,500]
	Ultra Lightweight Camouflage Net System .....		[3,500]
020	FIELD LOGISTICS .....	591,020	591,020
030	DEPOT MAINTENANCE .....	80,971	80,971
<b>USMC PREPOSITIONING</b>			
050	MARITIME PREPOSITIONING .....	72,182	72,182
060	NORWAY PREPOSITIONING .....	5,090	5,090
<b>COMBAT OPERATIONS/SUPPORT</b>			
070	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	0	0
<b>BASE SUPPORT</b>			
080	SUSTAINMENT, RESTORATION, & MODERNIZATION .....	666,330	666,330
090	BASE OPERATING SUPPORT .....	2,250,191	2,250,191
<b>TOTAL, BA 01: OPERATING FORCES .....</b>		<b>4,396,715</b>	<b>4,403,715</b>
<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>			
<b>ACCESSION TRAINING</b>			
100	RECRUIT TRAINING .....	16,129	16,129
110	OFFICER ACQUISITION .....	418	418
<b>BASIC SKILLS AND ADVANCED TRAINING</b>			
120	SPECIALIZED SKILL TRAINING .....	67,336	67,336
130	FLIGHT TRAINING .....	369	369
140	PROFESSIONAL DEVELOPMENT EDUCATION .....	28,112	28,112
150	TRAINING SUPPORT .....	330,885	330,885
<b>RECRUITING AND OTHER TRAINING EDUCATION</b>			
160	RECRUITING AND ADVERTISING .....	240,832	240,832
170	OFF-DUTY AND VOLUNTARY EDUCATION .....	64,254	64,254
180	JUNIOR ROTC .....	19,305	19,305
<b>BASE SUPPORT</b>			
190	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	0	0
200	BASE OPERATING SUPPORT .....	0	0
<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>		<b>767,640</b>	<b>767,640</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>			

OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2010 Request	Conference Authorized
	<b>SERVICEWIDE SUPPORT</b>		
210	SPECIAL SUPPORT .....	299,065	299,065
220	SERVICEWIDE TRANSPORTATION .....	28,924	28,924
230	ADMINISTRATION .....	43,879	43,879
	<b>BASE SUPPORT</b>		
240	SUSTAINMENT, RESTORATION, AND MODERNIZATION .....	0	0
250	BASE OPERATING SUPPORT .....	0	0
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>371,868</b>	<b>371,868</b>
	<b>Total Operation and Maintenance, Marine Corps .....</b>	<b>5,536,223</b>	<b>5,543,223</b>
	<b>Operation and Maintenance, Air Force</b>		
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>		
	<b>AIR OPERATIONS</b>		
010	PRIMARY COMBAT FORCES .....	4,017,156	4,017,156
020	COMBAT ENHANCEMENT FORCES .....	2,754,563	2,754,563
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	1,414,913	1,416,413
	Air Education and Training Command Range Improvements .....		[1,500]
050	DEPOT MAINTENANCE .....	2,389,738	2,389,738
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	1,420,083	1,420,083
070	BASE SUPPORT .....	2,859,943	2,860,183
	Wage Modification for US Azores Portugese National Employees .....		[240]
	<b>COMBAT RELATED OPERATIONS</b>		
080	GLOBAL C3I AND EARLY WARNING .....	1,411,813	1,411,813
090	OTHER COMBAT OPS SPT PROGRAMS .....	880,353	880,353
110	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	552,148	552,148
	<b>SPACE OPERATIONS</b>		
120	LAUNCH FACILITIES .....	356,367	356,367
130	SPACE CONTROL SYSTEMS .....	725,646	725,646
	<b>COCOM</b>		
140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	608,796	608,796
150	COMBATANT COMMANDERS CORE OPERATIONS .....	216,073	216,073
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>19,607,592</b>	<b>19,609,332</b>
	<b>BUDGET ACTIVITY 02: MOBILIZATION</b>		
	<b>MOBILITY OPERATIONS</b>		
160	AIRLIFT OPERATIONS .....	2,932,080	2,934,080
	Warner Robins Air Logistics Center Strategic Airlift Aircraft Availability Improvements .....		[2,000]
170	MOBILIZATION PREPAREDNESS .....	211,858	211,858
180	DEPOT MAINTENANCE .....	332,226	332,226
190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	362,954	362,954
200	BASE SUPPORT .....	657,830	657,830
	<b>TOTAL, BA 02: MOBILIZATION .....</b>	<b>4,496,948</b>	<b>4,498,948</b>
	<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>		
	<b>ACCESSION TRAINING</b>		
210	OFFICER ACQUISITION .....	120,870	120,870
220	RECRUIT TRAINING .....	18,135	18,135
230	RESERVE OFFICERS TRAINING CORPS (ROTC) .....	88,414	88,414
240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	372,788	372,788
250	BASE SUPPORT .....	685,029	685,029
	<b>BASIC SKILLS AND ADVANCED TRAINING</b>		
260	SPECIALIZED SKILL TRAINING .....	514,048	514,048
270	FLIGHT TRAINING .....	833,005	833,005
280	PROFESSIONAL DEVELOPMENT EDUCATION .....	215,676	215,676
290	TRAINING SUPPORT .....	118,877	118,877

OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2010 Request	Conference Authorized
300	DEPOT MAINTENANCE .....	576	576
	<b>RECRUITING, AND OTHER TRAINING AND EDUCATION</b>		
320	RECRUITING AND ADVERTISING .....	152,983	152,983
330	EXAMINING .....	5,584	5,584
340	OFF-DUTY AND VOLUNTARY EDUCATION .....	188,198	188,198
350	CIVILIAN EDUCATION AND TRAINING .....	174,151	174,151
360	JUNIOR ROTC .....	67,549	67,549
	<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>	<b>3,555,883</b>	<b>3,555,883</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>		
	<b>LOGISTICS OPERATIONS</b>		
370	LOGISTICS OPERATIONS .....	1,055,672	1,055,672
380	TECHNICAL SUPPORT ACTIVITIES .....	735,036	735,036
400	DEPOT MAINTENANCE .....	15,411	15,411
410	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	359,562	359,562
420	BASE SUPPORT .....	1,410,097	1,410,097
	<b>SERVICEWIDE ACTIVITIES</b>		
430	ADMINISTRATION .....	646,080	643,330
	Servicewide administration .....		[-10,000]
	Transfer from O&M, DW BTA for DIMHRS .....		[7,250]
440	SERVICEWIDE COMMUNICATIONS .....	581,951	581,951
450	OTHER SERVICEWIDE ACTIVITIES .....	1,062,803	1,062,803
460	CIVIL AIR PATROL .....	22,433	22,433
	<b>SECURITY PROGRAMS</b>		
470	SECURITY PROGRAMS .....	1,148,704	1,148,704
	<b>SUPPORT TO OTHER NATIONS</b>		
480	INTERNATIONAL SUPPORT .....	49,987	49,987
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>7,087,736</b>	<b>7,084,986</b>
	USAF Civilian Underexecution .....		-50,000
	Unobligated Balances Estimate .....		-172,000
	<b>Total Operation and Maintenance, Air Force .....</b>	<b>34,748,159</b>	<b>34,527,149</b>
	<b>Operation and Maintenance, Defense-wide</b>		
	<b>BUDGET ACTIVITY 1: OPERATING FORCES</b>		
	<b>DEFENSE-WIDE ACTIVITIES</b>		
010	JOINT CHIEFS OF STAFF .....	457,169	457,169
020	SPECIAL OPERATIONS COMMAND .....	3,611,492	3,612,992
	Special Operations Forces Modular Glove System .....		[1,500]
	<b>TOTAL, BUDGET ACTIVITY 1: .....</b>	<b>4,068,661</b>	<b>4,070,161</b>
	<b>BUDGET ACTIVITY 3: TRAINING AND RECRUITING</b>		
	<b>DEFENSE-WIDE ACTIVITIES</b>		
030	DEFENSE ACQUISITION UNIVERSITY .....	115,497	115,497
	<b>RECRUITING AND OTHER TRAINING EDUCATION</b>		
040	NATIONAL DEFENSE UNIVERSITY .....	103,408	103,408
	<b>TOTAL, BUDGET ACTIVITY 3: .....</b>	<b>218,905</b>	<b>218,905</b>
	<b>BUDGET ACTIVITY 4: ADMIN &amp; SERVICEWIDE ACTIVITIES</b>		
	<b>DEFENSE-WIDE ACTIVITIES</b>		
050	AMERICAN FORCES INFORMATION SERVICE .....	0	0
060	CIVIL MILITARY PROGRAMS .....	132,231	152,231
	National Guard Youth Challenge Program .....		[5,000]
	Junior ROTC .....		[15,000]



**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Conference Authorized</b>
080	CLASSIFIED AND INTELLIGENCE .....	0	0
090	DEFENSE BUSINESS TRANSFORMATION AGENCY .....	139,579	117,829
	DIMHRS Transfer to Services (Army, Navy and Air Force) .....		[-21,750]
100	DEFENSE CONTRACT AUDIT AGENCY .....	458,316	458,316
110	DEFENSE FINANCE AND ACCOUNTING SERVICE .....	0	0
120	DEFENSE HUMAN RESOURCES ACTIVITY .....	665,743	665,743
130	DEFENSE INFORMATION SYSTEMS AGENCY .....	1,322,163	1,322,163
150	DEFENSE LEGAL SERVICES .....	42,532	42,532
160	DEFENSE LOGISTICS AGENCY .....	405,873	414,873
	Procurement and Technical Assistance Program .....		[9,000]
170	DEFENSE MEDIA ACTIVITY .....	253,667	253,667
180	DEFENSE POW/MIA OFFICE .....	20,679	20,679
190	DEFENSE TECHNOLOGY SECURITY AGENCY .....	34,325	34,325
200	DEFENSE THREAT REDUCTION AGENCY .....	385,453	385,453
210	DEPARTMENT OF DEFENSE EDUCATION AGENCY .....	2,302,116	2,305,516
	SoAR Recruiting Initiative .....		[3,400]
220	DEFENSE CONTRACT MANAGEMENT AGENCY .....	1,058,721	1,058,721
230	DEFENSE SECURITY COOPERATION AGENCY .....	721,756	621,756
	Security and Stabilization (1207) .....		[-100,000]
240	DEFENSE SECURITY SERVICE .....	497,857	497,857
	NATIONAL GUARD BORDER SECURITY .....	0	0
260	OFFICE OF ECONOMIC ADJUSTMENT .....	37,166	38,166
	Redevelopment of Naval Station Ingleside .....		[1,000]
270	OFFICE OF THE SECRETARY OF DEFENSE .....	1,955,985	1,977,985
	Readiness and Environmental Protection Initiative .....		[20,000]
	Critical Language Training .....		[2,000]
280	WASHINGTON HEADQUARTERS SERVICE .....	589,309	589,309
<b>OTHER PROGRAMS</b>			
999	OTHER PROGRAMS .....	13,046,209	13,046,209
<b>TOTAL, BUDGET ACTIVITY 4:</b> .....		<b>24,069,680</b>	<b>24,003,330</b>
	Impact Aid .....		30,000
	Impact aid for children with severe disabilities .....		5,000
<b>Total Operation and Maintenance, Defense-Wide</b> .....		<b>28,357,246</b>	<b>28,327,396</b>
<b>Operation and Maintenance, Army Reserve</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>LAND FORCES</b>			
010	MANEUVER UNITS .....	1,403	1,403
020	MODULAR SUPPORT BRIGADES .....	12,707	12,707
030	ECHELONS ABOVE BRIGADE .....	468,288	468,288
040	THEATER LEVEL ASSETS .....	152,439	152,439
050	LAND FORCES OPERATIONS SUPPORT .....	520,420	520,420
060	AVIATION ASSETS .....	61,063	61,063
<b>LAND FORCES READINESS</b>			
070	FORCE READINESS OPERATIONS SUPPORT .....	290,443	290,443
080	LAND FORCES SYSTEMS READINESS .....	106,569	106,569
090	LAND FORCES DEPOT MAINTENANCE .....	94,499	94,499
<b>LAND FORCES READINESS SUPPORT</b>			
100	BASE OPERATIONS SUPPORT .....	522,310	522,310
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	234,748	234,748
120	ADDITIONAL ACTIVITIES .....	0	0
<b>TOTAL, BA 01: OPERATING FORCES</b> .....		<b>2,464,889</b>	<b>2,464,889</b>
<b>LOGISTICS OPERATIONS</b>			
130	SERVICEWIDE TRANSPORTATION .....	9,291	9,291
<b>SERVICEWIDE SUPPORT</b>			
140	ADMINISTRATION .....	72,075	72,075
150	SERVICEWIDE COMMUNICATIONS .....	3,635	3,635
160	MANPOWER MANAGEMENT .....	9,104	9,104

OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2010 Request	Conference Authorized
170	RECRUITING AND ADVERTISING .....	61,202	61,202
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>155,307</b>	<b>155,307</b>
	<b>Total Operation and Maintenance, Army Reserve .....</b>	<b>2,620,196</b>	<b>2,620,196</b>
<b>Operation and Maintenance, Navy Reserve</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>AIR OPERATIONS</b>			
010	MISSION AND OTHER FLIGHT OPERATIONS .....	570,319	570,319
020	INTERMEDIATE MAINTENANCE .....	16,596	16,596
030	AIR OPERATIONS AND SAFETY SUPPORT .....	3,171	3,171
040	AIRCRAFT DEPOT MAINTENANCE .....	125,004	125,004
050	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	397	397
<b>SHIP OPERATIONS</b>			
060	MISSION AND OTHER SHIP OPERATIONS .....	55,873	55,873
070	SHIP OPERATIONS SUPPORT & TRAINING .....	592	592
080	SHIP DEPOT MAINTENANCE .....	41,899	41,899
<b>COMBAT OPERATIONS SUPPORT</b>			
090	COMBAT COMMUNICATIONS .....	15,241	15,241
100	COMBAT SUPPORT FORCES .....	142,924	142,924
<b>WEAPONS SUPPORT</b>			
110	WEAPONS MAINTENANCE .....	5,494	5,494
<b>BASE SUPPORT</b>			
120	ENTERPRISE INFORMATION .....	83,611	83,611
130	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	69,853	69,853
140	BASE OPERATING SUPPORT .....	124,757	124,757
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>1,255,731</b>	<b>1,255,731</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>			
<b>SERVICEWIDE SUPPORT</b>			
150	ADMINISTRATION .....	3,323	3,323
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	13,897	13,897
170	SERVICEWIDE COMMUNICATIONS .....	1,957	1,957
180	OTHER SERVICEWIDE POWER .....	0	0
<b>LOGISTICS OPERATIONS AND TECHNICAL SUPPORT</b>			
190	ACQUISITION AND PROGRAM MANAGEMENT .....	3,593	3,593
<b>CANCELLED ACCOUNTS</b>			
200	CANCELLED ACCOUNT ADJUSTMENTS .....	0	0
210	JUDGMENT FUND .....	0	0
<b>OTHER PROGRAMS</b>			
999	OTHER PROGRAMS .....	0	0
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>22,770</b>	<b>22,770</b>
	<b>Total Operation and Maintenance, Navy Reserve .....</b>	<b>1,278,501</b>	<b>1,278,501</b>
<b>Operation and Maintenance, Marine Corps Reserve</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>EXPEDITIONARY FORCES</b>			
010	OPERATING FORCES .....	61,117	61,117
020	DEPOT MAINTENANCE .....	13,217	13,217
030	TRAINING SUPPORT .....	29,373	29,373

OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2010 Request	Conference Authorized
<b>BASE SUPPORT</b>			
040	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	25,466	25,466
050	BASE OPERATING SUPPORT .....	73,899	73,899
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>203,072</b>	<b>203,072</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>			
<b>SERVICEWIDE ACTIVITIES</b>			
060	SPECIAL SUPPORT .....	5,639	5,639
070	SERVICEWIDE TRANSPORTATION .....	818	818
080	ADMINISTRATION .....	10,642	10,642
090	RECRUITING AND ADVERTISING .....	8,754	8,754
<b>BASE SUPPORT</b>			
100	BASE OPERATING SUPPORT .....	0	0
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>25,853</b>	<b>25,853</b>
	<b>Total Operation and Maintenance, Marine Corps Reserve .....</b>	<b>228,925</b>	<b>228,925</b>
<b>Operation and Maintenance, Air Force Reserve</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>AIR OPERATIONS</b>			
010	PRIMARY COMBAT FORCES .....	2,049,303	2,049,303
020	MISSION SUPPORT OPERATIONS .....	121,417	121,417
030	DEPOT MAINTENANCE .....	441,958	441,958
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	78,763	78,763
050	BASE SUPPORT .....	258,091	258,091
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>2,949,532</b>	<b>2,949,532</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>			
<b>SERVICEWIDE ACTIVITIES</b>			
060	ADMINISTRATION .....	77,476	77,476
070	RECRUITING AND ADVERTISING .....	24,553	24,553
080	MILITARY MANPOWER AND PERS MGMT (ARPC) .....	20,838	20,838
090	OTHER PERS SUPPORT (DISABILITY COMP) .....	6,121	6,121
100	AUDIOVISUAL .....	708	708
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>129,696</b>	<b>129,696</b>
	<b>Total Operation and Maintenance, Air Force Reserve .....</b>	<b>3,079,228</b>	<b>3,079,228</b>
<b>Operation and Maintenance, Army National Guard</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>LAND FORCES</b>			
010	MANEUVER UNITS .....	876,269	876,269
020	MODULAR SUPPORT BRIGADES .....	173,843	173,843
030	ECHELONS ABOVE BRIGADE .....	615,160	615,160
040	THEATER LEVEL ASSETS .....	253,997	253,997
050	LAND FORCES OPERATIONS SUPPORT .....	34,441	34,441
060	AVIATION ASSETS .....	819,031	821,281
	Joint Command Vehicle and Supporting C3 Systems .....		[2,250]
<b>LAND FORCES READINESS</b>			
070	FORCE READINESS OPERATIONS SUPPORT .....	436,799	436,799
080	LAND FORCES SYSTEMS READINESS .....	99,757	99,757

OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2010 Request	Conference Authorized
090	LAND FORCES DEPOT MAINTENANCE .....	379,646	379,646
	<b>LAND FORCES READINESS SUPPORT</b>		
100	BASE OPERATIONS SUPPORT .....	798,343	800,943
	North Carolina National Guard Family Assistance Centers .....		[1,600]
	Our Military Kids .....		[1,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	580,171	580,471
	Camp Ethan Allen Training Site Road Equipment .....		[300]
120	MANAGEMENT AND OPERATIONAL HQ .....	573,452	573,452
130	ADDITIONAL ACTIVITIES .....	0	0
	<b>TOTAL, BA 01: OPERATING FORCES</b> .....	<b>5,640,909</b>	<b>5,646,059</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>		
	<b>SERVICEWIDE SUPPORT</b>		
140	ADMINISTRATION .....	119,186	119,186
150	SERVICEWIDE COMMUNICATIONS .....	48,020	48,020
160	MANPOWER MANAGEMENT .....	7,920	7,920
170	RECRUITING AND ADVERTISING .....	440,999	440,999
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b> .....	<b>616,125</b>	<b>616,125</b>
	<b>Total Operation and Maintenance, Army National Guard</b> .....	<b>6,257,034</b>	<b>6,262,184</b>
	<b>Operation and Maintenance, Air National Guard</b>		
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>		
	<b>AIR OPERATIONS</b>		
010	AIRCRAFT OPERATIONS .....	3,347,685	3,347,685
020	MISSION SUPPORT OPERATIONS .....	779,917	779,917
030	DEPOT MAINTENANCE .....	780,347	780,347
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	302,949	302,949
050	BASE SUPPORT .....	606,916	606,916
	<b>TOTAL, BA 01: OPERATING FORCES</b> .....	<b>5,817,814</b>	<b>5,817,814</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>		
	<b>SERVICEWIDE ACTIVITIES</b>		
060	ADMINISTRATION .....	35,174	35,174
070	RECRUITING AND ADVERTISING .....	32,773	32,773
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b> .....	<b>67,947</b>	<b>67,947</b>
	<b>Total Operation and Maintenance, Air National Guard</b> .....	<b>5,885,761</b>	<b>5,885,761</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....	13,932	13,932
010	ACQUISITION WORKFORCE DEVELOPMENT FUND .....	100,000	100,000
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....	109,869	109,869
010	COOPERATIVE THREAT REDUCTION .....	404,093	424,093
	Program increase .....		[20,000]
020	ENVIRONMENTAL RESTORATION, ARMY .....	415,864	415,864
030	ENVIRONMENTAL RESTORATION, NAVY .....	285,869	285,869
040	ENVIRONMENTAL RESTORATION, AIR FORCE .....	494,276	494,276
050	ENVIRONMENTAL RESTORATION, DEFENSE .....	11,100	11,100
060	ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....	267,700	267,700
070	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND .....	5,000	0
	Program decrease .....		[-5,000]
080	IRAQ FREEDOM FUND .....	0	0
	<b>TOTAL, MISCELLANEOUS APPROPRIATIONS</b> .....	<b>2,107,703</b>	<b>2,122,703</b>
	<b>TOTAL TITLE III—OPERATION AND MAINTENANCE</b> .....	<b>156,444,204</b>	<b>156,179,872</b>

## SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
<b>Operation and Maintenance, Army</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>LAND FORCES READINESS SUPPORT</b>			
140	ADDITIONAL ACTIVITIES .....	36,330,899	36,330,899
150	COMMANDERS EMERGENCY RESPONSE PROGRAM .....	1,500,000	1,300,000
	Program reduction .....		[-200,000]
160	RESET .....	7,867,551	7,867,551
<b>TOTAL, BA 01: OPERATING FORCES .....</b>		<b>45,698,450</b>	<b>45,498,450</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>			
<b>SECURITY PROGRAMS</b>			
340	SECURITY PROGRAMS .....	1,426,309	1,426,309
<b>LOGISTICS OPERATIONS</b>			
350	SERVICEWIDE TRANSPORTATION .....	5,045,902	5,045,902
<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>		<b>6,472,211</b>	<b>6,472,211</b>
	Army end strength budget amendment .....		[196,100]
<b>Total Operation and Maintenance, Army .....</b>		<b>52,170,661</b>	<b>52,166,761</b>
<b>Operation and Maintenance, Navy</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>AIR OPERATIONS</b>			
010	MISSION AND OTHER FLIGHT OPERATIONS .....	1,138,398	1,138,398
020	FLEET AIR TRAINING .....	2,640	2,640
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	1,212	1,212
040	AIR OPERATIONS AND SAFETY SUPPORT .....	26,815	26,815
050	AIR SYSTEMS SUPPORT .....	44,532	44,532
060	AIRCRAFT DEPOT MAINTENANCE .....	158,559	158,559
<b>SHIP OPERATIONS</b>			
080	MISSION AND OTHER SHIP OPERATIONS .....	651,209	651,209
090	SHIP OPERATIONS SUPPORT & TRAINING .....	22,489	22,489
100	SHIP DEPOT MAINTENANCE .....	1,001,037	1,001,037
	Transfer to base .....		
<b>COMBAT OPERATIONS/SUPPORT</b>			
120	COMBAT COMMUNICATIONS .....	20,704	20,704
150	WARFARE TACTICS .....	15,918	15,918
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	16,889	16,889
170	COMBAT SUPPORT FORCES .....	1,891,799	1,891,799
180	EQUIPMENT MAINTENANCE .....	306	306
200	COMBATANT COMMANDERS CORE OPERATIONS .....	6,929	6,929
210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	7,344	7,344
<b>WEAPONS SUPPORT</b>			
240	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	68,759	68,759
250	WEAPONS MAINTENANCE .....	82,496	82,496
260	OTHER WEAPON SYSTEMS SUPPORT .....	16,902	16,902
<b>BASE SUPPORT</b>			
280	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	7,629	7,629
290	BASE OPERATING SUPPORT .....	338,604	338,604
<b>TOTAL, BA 01: OPERATING FORCES .....</b>		<b>5,521,170</b>	<b>5,521,170</b>
<b>BUDGET ACTIVITY 02: MOBILIZATION</b>			
<b>READY RESERVE AND PREPOSITIONING FORCES</b>			
300	SHIP PREPOSITIONING AND SURGE .....	27,290	27,290

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Authorized</i>
<b>MOBILIZATION PREPAREDNESS</b>			
330	FLEET HOSPITAL PROGRAM .....	4,336	4,336
350	COAST GUARD SUPPORT .....	245,039	245,039
	<b>TOTAL, BA 02: MOBILIZATION .....</b>	<b>276,665</b>	<b>276,665</b>
<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>			
<b>BASIC SKILLS AND ADVANCED TRAINING</b>			
390	SPECIALIZED SKILL TRAINING .....	97,995	97,995
420	TRAINING SUPPORT .....	5,463	5,463
	<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>	<b>103,458</b>	<b>103,458</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>			
<b>SERVICEWIDE SUPPORT</b>			
470	ADMINISTRATION .....	3,899	3,899
480	EXTERNAL RELATIONS .....	463	463
500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	563	563
510	OTHER PERSONNEL SUPPORT .....	2,525	2,525
520	SERVICEWIDE COMMUNICATIONS .....	23,557	23,557
<b>LOGISTICS OPERATIONS AND TECHNICAL SUPPORT</b>			
540	SERVICEWIDE TRANSPORTATION .....	223,890	223,890
570	ACQUISITION AND PROGRAM MANAGEMENT .....	642	642
<b>INVESTIGATIONS AND SECURITY PROGRAMS</b>			
610	NAVAL INVESTIGATIVE SERVICE .....	37,452	37,452
<b>OTHER PROGRAMS</b>			
999	OTHER PROGRAMS .....	25,299	25,299
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>318,290</b>	<b>318,290</b>
	<b>Total Operation and Maintenance, Navy .....</b>	<b>6,219,583</b>	<b>6,219,583</b>
<b>Operation and Maintenance, Marine Corps</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>EXPEDITIONARY FORCES</b>			
010	OPERATIONAL FORCES .....	2,048,844	2,048,844
020	FIELD LOGISTICS .....	486,014	486,014
030	DEPOT MAINTENANCE .....	554,000	554,000
<b>USMC PREPOSITIONING</b>			
060	NORWAY PREPOSITIONING .....	950	950
<b>BASE SUPPORT</b>			
090	BASE OPERATING SUPPORT .....	121,700	121,700
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>3,211,508</b>	<b>3,211,508</b>
<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>			
<b>BASIC SKILLS AND ADVANCED TRAINING</b>			
120	SPECIALIZED SKILL TRAINING .....	6,303	6,303
140	PROFESSIONAL DEVELOPMENT EDUCATION .....	923	923
150	TRAINING SUPPORT .....	205,625	205,625
	<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>	<b>212,851</b>	<b>212,851</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>			
<b>SERVICEWIDE SUPPORT</b>			
210	SPECIAL SUPPORT .....	2,576	2,576

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Authorized</i>
220	SERVICEWIDE TRANSPORTATION .....	269,415	269,415
230	ADMINISTRATION .....	5,250	5,250
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>277,241</b>	<b>277,241</b>
	<b>Total Operation and Maintenance, Marine Corps .....</b>	<b>3,701,600</b>	<b>3,701,600</b>
	<b>Operation and Maintenance, Air Force</b>		
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>		
	<b>AIR OPERATIONS</b>		
010	PRIMARY COMBAT FORCES .....	1,582,431	1,582,431
020	COMBAT ENHANCEMENT FORCES .....	1,460,018	1,460,018
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	109,255	109,255
050	DEPOT MAINTENANCE .....	304,540	304,540
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	121,881	121,881
070	BASE SUPPORT .....	1,394,809	1,394,809
	<b>COMBAT RELATED OPERATIONS</b>		
080	GLOBAL C3I AND EARLY WARNING .....	130,885	130,885
090	OTHER COMBAT OPS SPT PROGRAMS .....	407,554	407,554
	<b>SPACE OPERATIONS</b>		
130	SPACE CONTROL SYSTEMS .....	38,677	38,677
	<b>COCOM</b>		
140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	157,000	157,000
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>5,707,050</b>	<b>5,707,050</b>
	<b>BUDGET ACTIVITY 02: MOBILIZATION</b>		
	<b>MOBILITY OPERATIONS</b>		
160	AIRLIFT OPERATIONS .....	3,171,148	3,171,148
170	MOBILIZATION PREPAREDNESS .....	169,659	169,659
180	DEPOT MAINTENANCE .....	167,070	167,070
190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	942	942
200	BASE SUPPORT .....	45,998	45,998
	<b>TOTAL, BA 02: MOBILIZATION .....</b>	<b>3,554,817</b>	<b>3,554,817</b>
	<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>		
	<b>ACCESSION TRAINING</b>		
240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	1,019	1,019
250	BASE SUPPORT .....	19,361	19,361
	<b>BASIC SKILLS AND ADVANCED TRAINING</b>		
260	SPECIALIZED SKILL TRAINING .....	48,442	48,442
270	FLIGHT TRAINING .....	291	291
280	PROFESSIONAL DEVELOPMENT EDUCATION .....	1,500	1,500
290	TRAINING SUPPORT .....	1,427	1,427
	<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>	<b>72,040</b>	<b>72,040</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>		
	<b>LOGISTICS OPERATIONS</b>		
370	LOGISTICS OPERATIONS .....	328,009	328,009
420	BASE SUPPORT .....	35,322	35,322
	<b>SERVICEWIDE ACTIVITIES</b>		
430	ADMINISTRATION .....	9,000	9,000
440	SERVICEWIDE COMMUNICATIONS .....	178,470	178,470
	<b>SECURITY PROGRAMS</b>		
470	SECURITY PROGRAMS .....	142,160	142,160



**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Authorized</i>
<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>			
		<b>692,961</b>	<b>692,961</b>
<b>Total Operation and Maintenance, Air Force .....</b>			
		<b>10,026,868</b>	<b>10,026,868</b>
<b>Operation and Maintenance, Defense-wide</b>			
<b>BUDGET ACTIVITY 1: OPERATING FORCES</b>			
<b>DEFENSE-WIDE ACTIVITIES</b>			
010	JOINT CHIEFS OF STAFF .....	25,000	25,000
020	SPECIAL OPERATIONS COMMAND .....	2,519,935	2,519,935
<b>TOTAL, BUDGET ACTIVITY 1: .....</b>		<b>2,544,935</b>	<b>2,544,935</b>
<b>BUDGET ACTIVITY 4: ADMIN &amp; SERVICEWIDE ACTIVITIES</b>			
<b>DEFENSE-WIDE ACTIVITIES</b>			
100	DEFENSE CONTRACT AUDIT AGENCY .....	13,908	13,908
130	DEFENSE INFORMATION SYSTEMS AGENCY .....	245,117	245,117
150	DEFENSE LEGAL SERVICES .....	115,000	115,000
170	DEFENSE MEDIA ACTIVITY .....	13,364	13,364
200	DEFENSE THREAT REDUCTION AGENCY .....	2,018	2,018
210	DEPARTMENT OF DEFENSE EDUCATION AGENCY .....	553,600	553,600
220	DEFENSE CONTRACT MANAGEMENT AGENCY .....	63,130	63,130
230	DEFENSE SECURITY COOPERATION AGENCY .....	1,950,000	1,950,000
270	OFFICE OF THE SECRETARY OF DEFENSE .....	79,047	79,047
<b>OTHER PROGRAMS</b>			
999	OTHER PROGRAMS .....	1,998,181	1,998,181
<b>TOTAL, BUDGET ACTIVITY 4: .....</b>		<b>5,033,365</b>	<b>5,033,365</b>
	Army end strength budget amendment .....		5,100
<b>Total Operation and Maintenance, Defense-Wide .....</b>		<b>7,578,300</b>	<b>7,583,400</b>
<b>Operation and Maintenance, Army Reserve</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>LAND FORCES</b>			
030	ECHELONS ABOVE BRIGADE .....	86,881	86,881
050	LAND FORCES OPERATIONS SUPPORT .....	40,675	40,675
<b>LAND FORCES READINESS</b>			
070	FORCE READINESS OPERATIONS SUPPORT .....	21,270	21,270
080	LAND FORCES SYSTEMS READINESS .....	17,500	17,500
<b>LAND FORCES READINESS SUPPORT</b>			
100	BASE OPERATIONS SUPPORT .....	38,000	38,000
<b>TOTAL, BA 01: OPERATING FORCES .....</b>		<b>204,326</b>	<b>204,326</b>
<b>Total Operation and Maintenance, Army Reserve .....</b>		<b>204,326</b>	<b>204,326</b>
<b>Operation and Maintenance, Navy Reserve</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>AIR OPERATIONS</b>			
010	MISSION AND OTHER FLIGHT OPERATIONS .....	26,673	26,673
020	INTERMEDIATE MAINTENANCE .....	400	400
040	AIRCRAFT DEPOT MAINTENANCE .....	3,600	3,600

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Authorized</i>
<b>SHIP OPERATIONS</b>			
060	MISSION AND OTHER SHIP OPERATIONS .....	7,416	7,416
080	SHIP DEPOT MAINTENANCE .....	8,917	8,917
<b>COMBAT OPERATIONS SUPPORT</b>			
090	COMBAT COMMUNICATIONS .....	3,147	3,147
100	COMBAT SUPPORT FORCES .....	13,428	13,428
<b>BASE SUPPORT</b>			
140	BASE OPERATING SUPPORT .....	4,478	4,478
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>68,059</b>	<b>68,059</b>
	<b>Total Operation and Maintenance, Navy Reserve .....</b>	<b>68,059</b>	<b>68,059</b>
 <b>Operation and Maintenance, Marine Corps Reserve</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>EXPEDITIONARY FORCES</b>			
010	OPERATING FORCES .....	77,849	77,849
<b>BASE SUPPORT</b>			
050	BASE OPERATING SUPPORT .....	8,818	8,818
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>86,667</b>	<b>86,667</b>
	<b>Total Operation and Maintenance, Marine Corps Reserve .....</b>	<b>86,667</b>	<b>86,667</b>
 <b>Operation and Maintenance, Air Force Reserve</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>AIR OPERATIONS</b>			
010	PRIMARY COMBAT FORCES .....	3,618	3,618
020	MISSION SUPPORT OPERATIONS .....	7,276	7,276
030	DEPOT MAINTENANCE .....	114,531	114,531
050	BASE SUPPORT .....	500	500
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>125,925</b>	<b>125,925</b>
	<b>Total Operation and Maintenance, Air Force Reserve .....</b>	<b>125,925</b>	<b>125,925</b>
 <b>Operation and Maintenance, Army National Guard</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
<b>LAND FORCES</b>			
010	MANEUVER UNITS .....	89,666	89,666
020	MODULAR SUPPORT BRIGADES .....	1,196	1,196
030	ECHELONS ABOVE BRIGADE .....	18,360	18,360
040	THEATER LEVEL ASSETS .....	380	380
060	AVIATION ASSETS .....	59,357	59,357
<b>LAND FORCES READINESS</b>			
070	FORCE READINESS OPERATIONS SUPPORT .....	94,458	94,458
<b>LAND FORCES READINESS SUPPORT</b>			
100	BASE OPERATIONS SUPPORT .....	22,536	22,536
120	MANAGEMENT AND OPERATIONAL HQ .....	35,693	35,693

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Conference Authorized</i>
	<b>TOTAL, BA 01: OPERATING FORCES</b>	<b>321,646</b>	<b>321,646</b>
	<b>Total Operation and Maintenance, Army National Guard</b>	<b>321,646</b>	<b>321,646</b>
	<b>Operation and Maintenance, Air National Guard</b>		
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>		
	<b>AIR OPERATIONS</b>		
010	AIRCRAFT OPERATIONS	103,259	103,259
020	MISSION SUPPORT OPERATIONS	51,300	51,300
030	DEPOT MAINTENANCE	135,303	135,303
	<b>TOTAL, BA 01: OPERATING FORCES</b>	<b>289,862</b>	<b>289,862</b>
	<b>Total Operation and Maintenance, Air National Guard</b>	<b>289,862</b>	<b>289,862</b>
	<b>Afghanistan Security Forces Fund</b>		
010	INFRASTRUCTURE	868,320	868,320
020	EQUIPMENT AND TRANSPORTATION	1,615,192	1,615,192
030	TRAINING AND OPERATIONS	272,998	272,998
040	SUSTAINMENT	1,945,887	1,945,887
060	INFRASTRUCTURE	605,584	605,584
070	EQUIPMENT AND TRANSPORTATION	279,186	279,186
080	TRAINING AND OPERATIONS	648,217	648,217
090	SUSTAINMENT	1,219,966	1,219,966
120	SUSTAINMENT	5,919	5,919
130	TRAINING AND OPERATIONS	1,500	1,500
	<b>TOTAL, Afghanistan Security Forces Fund</b>	<b>7,462,769</b>	<b>7,462,769</b>
	<b>Pakistan Counterinsurgency Capability Fund</b>		
	INFRASTRUCTURE	41,970	0
	Realigned from Defense to International Affairs		[-41,970]
	EQUIPMENT/TRANSPORTATION	397,907	0
	Realigned from Defense to International Affairs		[-397,907]
	TRAINING AND OPERATIONS	67,953	0
	Realigned from Defense to International Affairs		[-67,953]
	INFRASTRUCTURE	73,000	0
	Realigned from Defense to International Affairs		[-73,000]
	EQUIPMENT/TRANSPORTATION	107,000	0
	Realigned from Defense to International Affairs		[-107,000]
	TRAINING AND OPERATIONS	8,170	0
	Realigned from Defense to International Affairs		[-8,170]
	HUMANITARIAN ASSISTANCE	4,000	0
	Realigned from Defense to International Affairs		[-4,000]
	<b>TOTAL, Pakistan Counterinsurgency Capability Fund</b>	<b>700,000</b>	<b>0</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
080	IRAQ FREEDOM FUND	115,300	0
	Program reduction		[-115,300]
	<b>TOTAL, MISCELLANEOUS APPROPRIATIONS</b>	<b>115,300</b>	<b>0</b>
	<b>TOTAL TITLE III—OPERATION AND MAINTENANCE</b>	<b>89,071,566</b>	<b>88,257,466</b>

## TITLE XLIV—OTHER AUTHORIZATIONS

## SEC. 4401. OTHER AUTHORIZATIONS.

OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2010 Request	Conference Authorized
<b>REVOLVING AND MANAGEMENT FUNDS</b>		
<b>DEFENSE WORKING CAPITAL FUNDS</b>		
DEFENSE WORKING CAPITAL FUNDS .....	141,388	141,388
DEFENSE COMMISSARY AGENCY .....	1,313,616	1,313,616
<b>Total, Defense Working Capital Funds</b> .....	<b>1,455,004</b>	<b>1,455,004</b>
<b>NATIONAL DEFENSE SEALIFT FUND</b>		
<b>Strategic Ship Acquisition</b>		
T-AKE .....	940,115	940,115
MLP .....	120,047	120,047
OUTFITTING AND POST DELIVERY .....	29,740	29,740
<b>DoD Mobilization Assets</b>		
NATIONAL DEFENSE SEALIFT VESSEL .....	1,438	1,438
LMSR MAINTENANCE .....	96,363	96,363
DOD MOBILIZATION ALTERATIONS .....	64,167	64,167
T-AH MAINTENANCE .....	37,627	37,627
<b>Strategic Sealift Support</b>		
STRATEGIC SEALIFT SUPPORT .....	4,794	4,794
<b>Sealift Research and Development</b>		
RESEARCH AND DEVELOPMENT .....	72,983	72,983
<b>Ready Reserve Force</b>		
READY RESERVE FORCE .....	275,484	275,484
<b>Total, National Defense Sealift Fund</b> .....	<b>1,642,758</b>	<b>1,642,758</b>
<b>DEFENSE COALITION SUPPORT FUND</b>		
DEFENSE COALITION SUPPORT FUND .....	22,000	0
<b>Total Revolving and Management Funds</b> .....	<b>3,119,762</b>	<b>3,097,762</b>
<b>MILITARY PROGRAMS</b>		
<b>DEFENSE HEALTH PROGRAM</b>		
DEFENSE HEALTH PROGRAM—O&M .....	26,967,919	27,094,849
TRICARE Continuation Pending MEDICARE Eligibility .....		[4,000]
Transitional Dental Care (S712) .....		[11,000]
Pre-mobilization health care coverage for Reservists and their families .....		[92,000]
Madigan Medical Center Trauma Assistance Program .....		[2,500]
Fort Drum Regional Health Planning Organization .....		[430]
Extend Dental Coverage to Dependent Survivors .....		[2,000]
Chiropractic Clinical Trials .....		[5,000]
TRICARE Coverage for Gray-Area Retirees .....		[10,000]
DEFENSE HEALTH PROGRAM—R&D .....	613,102	616,102
USUHS Immersive, Wide Area Virtual Environment .....		[3,000]
DEFENSE HEALTH PROGRAM—PROCUREMENT .....	322,142	322,142
<b>Total Defense Health Program</b> .....	<b>27,903,163</b>	<b>28,033,093</b>
<b>CHEMICAL AGENTS AND MUNITIONS DESTRUCTION</b>		
CHEM DEMILITARIZATION—O&M .....	1,146,802	1,146,802
CHEM DEMILITARIZATION—RDT&E .....	401,269	401,269
CHEM DEMILITARIZATION—PROC .....	12,689	12,689
<b>Total Chemical Agents and Munitions Destruction</b> .....	<b>1,560,760</b>	<b>1,560,760</b>
<b>DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES</b>		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	1,058,984	1,054,234
EUCOM Interagency Fusion Centers (PC2365) .....		[–750]
PC9205 EUCOM CN Operation Support—excessive growth .....		[–2,000]
PC9206 AFRICOM CN Operational Support—excessive growth .....		[–2,000]
<b>Total Drug Interdiction and Counter-Drug Activities</b> .....	<b>1,058,984</b>	<b>1,054,234</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>		
OFFICE OF THE INSPECTOR GENERAL—O&M .....	271,444	287,100
Second year growth plan .....		[15,656]
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT .....	1,000	1,000
<b>Total Office of the Inspector General</b> .....	<b>272,444</b>	<b>288,100</b>
<b>TOTAL OTHER AUTHORIZATIONS</b> .....	<b>33,915,113</b>	<b>34,033,949</b>

**OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

<i>Program Title</i>	<i>FY 2010 Request</i>	<i>Conference Authorized</i>
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**Memorandum: Civil Program (non-defense)**

Armed Forces Retirement Home (Budget Function 600) ..... 134,000 134,000

**SEC. 4402. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.**

**OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Program Title</i>	<i>FY 2010 Request</i>	<i>Conference Authorized</i>
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**REVOLVING AND MANAGEMENT FUNDS****DEFENSE WORKING CAPITAL FUNDS**

DEFENSE WORKING CAPITAL FUNDS ..... 396,915 396,915

**Total, Defense Working Capital Funds** ..... **396,915 396,915**

**Total Revolving and Management Funds** ..... **396,915 396,915**

**MILITARY PROGRAMS****DEFENSE HEALTH PROGRAM**

DEFENSE HEALTH PROGRAM—O&M ..... 1,155,235 1,256,675

Army end strength budget amendment ..... [101,440]

**Total Defense Health Program** ..... **1,155,235 1,256,675**

**DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES**

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE ..... 324,603 356,603

International Support—US CENTCOM CN Training—Mi-17 Procurement ..... [32,000]

**Total Drug Interdiction and Counter-Drug Activities** ..... **324,603 356,603**

**OFFICE OF THE INSPECTOR GENERAL**

OFFICE OF THE INSPECTOR GENERAL—O&M ..... 8,876 8,876

**Total Office of the Inspector General** ..... **8,876 8,876**

**TOTAL OTHER AUTHORIZATIONS** ..... **1,885,629 2,019,069**

**TITLE XLV—MILITARY CONSTRUCTION****SEC. 4501. MILITARY CONSTRUCTION.**

**MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Con- ference Agreement</i>
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<b>Alabama</b>				
Army	Anniston Army Depot	Industrial Area Elec System Upgrade .....		3,300
ARNG	Fort McClellan	Urban Assault Course .....	3,000	3,000
Army	Redstone Arsenal	Gate 7 Access Control Point .....		3,550
Def-Wide	Redstone Arsenal	Missile and Space Intel Center Eoe Complex .....		12,000
<b>Alaska</b>				
Air Force	Clear AFS	Power Plant Facility .....	24,300	24,300
Air Force	Eielson AFB	Arctic Utilidors—phase 1 .....		9,900
Air Force	Eielson AFB	Taxiway Lighting .....		3,450
Air Force	Elmendorf AFB	Red Flag Alaska Add/Alter Operations Center .....	3,100	3,100
Air Force	Elmendorf AFB	F-22 Weapons Load Training Facility .....	12,600	12,600
Def-Wide	Elmendorf AFB	Aeromedical Services/Mental Health Clinic .....	25,017	25,017
Army	Fort Richardson	Airborne Sustainment Training Complex .....	6,100	6,100
Army	Fort Richardson	Training Aids Center .....	2,050	2,050
Army	Fort Richardson	Warrior In Transition Complex .....	43,000	43,000
Army	Fort Richardson	Combat Pistol Range .....		4,900
Def-Wide	Fort Richardson	Health Clinic .....	3,518	3,518
Army	Fort Wainwright	Railhead Complex .....	26,000	26,000
Army	Fort Wainwright	Aviation Unit Operations Complex .....	19,000	19,000
Army	Fort Wainwright	Aviation Task Force Complex, Ph 1, Inc 1 .....	125,000	95,000
Army	Fort Wainwright	Warrior In Transition Complex .....	28,000	28,000
<b>Arizona</b>				
ARNG	Camp Navajo	Combat Pistol Qualification Course .....	3,000	3,000
Air_Guard	Davis-Monthan AFB	TFI-Predator Beddown-FOC .....	5,600	5,600
Air Force	Davis-Monthan AFB	Dormitory (144 Rm) .....	20,000	20,000
Air Force	Davis-Monthan AFB	CSAR HC-130J Simulator Facility .....	8,400	8,400
Air Force	Davis-Monthan AFB	CSAR HC-130J Rqs Operations Facility .....	8,700	8,700
Air Force	Davis-Monthan AFB	CSAR HC-130J Infrastructure .....	4,800	4,800
Army	Fort Huachuca	UAV ER/MPER/MP .....	15,000	15,000

**MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>Conference Agreement</b>
Army	Fort Huachuca	Battalion Headquarters UAV .....	6,000	6,000
Army	Fort Huachuca	Fire Station, Two company .....		6,700
Milcon, Naval Res	Phoenix	Reserve Center Move To Luke AFB, NOSC Phoenix .....	10,986	10,986
Navy	Yuma	Aircraft Maintenance Hanger (phase 1) .....	27,050	27,050
Navy	Yuma	Airfield Elec. Dist. and Contol .....	1,720	1,720
	Arkansas			
Air Force	Little Rock AFB	C-130 Flight Simulator Addition .....	5,800	5,800
Air Force	Little Rock AFB	Security Forces Operations Facility .....		10,400
Army	Pine Bluff Arsenal	Fuse & Detonator Magazine, Depot Level .....	25,000	25,000
	California			
Milcon, Naval Res	Alameda	Reserve Training Center—Alameda, Ca .....	5,960	5,960
Navy	Bridgeport	Fire Station—Renovation—MWTC .....	4,460	4,460
Navy	Bridgeport	Mountain Warfare Training, Commissary .....		6,830
Navy	Camp Pendleton	Anglico Operations Complex .....	25,190	25,190
Navy	Camp Pendleton	Recon Bn Operations Complex .....	77,660	77,660
Navy	Camp Pendleton	Comm/elec Maintenance Facility .....	13,170	13,170
Navy	Camp Pendleton	Expansion Of SRTTP To 7.5 MGD .....	55,180	55,180
Navy	Camp Pendleton	North Region Tertiary Treatment Plant (Incr 1) .....	142,330	112,330
Navy	Camp Pendleton	Gas/Electrical Upgrades .....	51,040	51,040
Navy	Camp Pendleton	Recruit Barracks—School of Infantry .....	53,320	53,320
Navy	Camp Pendleton	Enlisted Dining Facility .....	32,300	32,300
Navy	Camp Pendleton	Recruit Barracks—field/K-span .....	23,200	23,200
Navy	Camp Pendleton	Communications Upgrades .....	79,492	79,492
Navy	Camp Pendleton	Electrical Distribution System .....	76,950	76,950
Navy	Camp Pendleton	Operations Access Points .....	12,740	12,740
Navy	Camp Pendleton	Enlisted Dining Facility—Edson Range .....	37,670	37,670
Navy	Camp Pendleton	BEQ .....	39,610	39,610
Navy	Camp Pendleton	Recruit Marksmanship Training Facility .....	13,730	13,730
Navy	Camp Pendleton	Expand Combat Aircraft Loading Apron .....	12,240	12,240
Navy	Camp Pendleton	Aviation Transmitter/Receiver Site .....	13,560	13,560
Navy	Camp Pendleton	WFTBN Support Facilities .....	15,780	15,780
USAR	Camp Pendleton	Army Reserve Center .....	19,500	19,500
Def-Wide	Coronado	SOF Close Quarters Combat Training Facility .....	15,722	15,722
Navy	Edwards AFB	Edwards Ramp Extension .....	3,007	3,007
Def-Wide	El Centro	Aircraft Direct Fueling Station .....	11,000	11,000
Army	Fort Irwin	Mout Assault Course, Ph 4 .....	9,500	9,500
Air_Guard	Fresno Yosemite IAP ANG	144th Squadron Operations Facility .....		9,800
ARNG	Los Alamitos	Readiness Center Ph1 .....	31,000	31,000
USAR	Los Angeles	Army Reserve Center .....	29,000	29,000
Air Force	Los Angeles AFB	Consolidated Parking Area, Ph1 .....		8,000
AF Reserve	March ARB	Small Arms Firing Range .....		9,800
Navy	Miramar	Aircraft Parking Apron Modification .....	9,280	9,280
Navy	Monterey NSA	Marine Meteorology Center .....		10,240
Def-Wide	Point Loma Annex	Replace Fuel Storage Fac Incr 2 .....	92,300	92,300
Navy	Point Loma Annex	Alter/Add Marine Mammal Surgical Center .....		2,330
Navy	Point Loma Annex	Public Works Shops Consolidation .....	8,730	8,730
Navy	San Diego	Messhall Expansion .....	23,590	23,590
Air_Guard	Socal Logistics Airport	TFI-Predator Beddown—FTU/LRE Site .....	8,400	8,400
Air Force	Travis AFB	Construct Kc-10 Cargo Load Training Facility .....	6,900	6,900
Air Force	Travis AFB	Taxiway M Bypass Load .....		6,000
Def-Wide	Travis AFB	Replace Fuel Distribution System .....	15,357	15,357
Navy	Twentynine Palms	Station Comm Facility and Infrastructure .....	49,040	49,040
Navy	Twentynine Palms	Sub-Station and Electrical Upgrades .....	31,310	31,310
Navy	Twentynine Palms	Elec. Infra. Upgrade—34.5kv To 115kv .....	46,220	46,220
Navy	Twentynine Palms	Elec. Power Plant/CO—GEN/Gas Turbine—n .....	53,260	53,260
Navy	Twentynine Palms	Water Improvements and Storage Tank .....	30,610	30,610
Navy	Twentynine Palms	Sevage System Imp. and Lift Station .....	5,800	5,800
Navy	Twentynine Palms	HTHW/chilled Water System .....	25,790	25,790
Navy	Twentynine Palms	Natural Gas System Extension .....	19,990	19,990
Navy	Twentynine Palms	Industrial Waste Water Pretreatment Sys. ....	3,330	3,330
Navy	Twentynine Palms	Laydown Site Work—north mainside .....	21,740	21,740
Navy	Twentynine Palms	Secondary elec.dist.—north mainside .....	31,720	31,720
Navy	Twentynine Palms	Construct Loads—north mainside .....	29,360	29,360
Navy	Twentynine Palms	Maint. Shop—wheeled .....	16,040	16,040
Navy	Twentynine Palms	Maint. Sunshades— wheeled .....	12,580	12,580
Navy	Twentynine Palms	Comm/Elect Maint/Storage .....	12,660	12,660
Navy	Twentynine Palms	Dining Facility—north mainside .....	17,200	17,200
Navy	Twentynine Palms	BEQ .....	37,290	37,290
Navy	Twentynine Palms	Maint. Shop—tracked .....	19,780	19,780
Navy	Twentynine Palms	BEQ .....	37,290	37,290
Navy	Twentynine Palms	Consolidated Armory— tanks .....	12,670	12,670
Air Force	Vandenberg AFB	Child Development Center .....	13,000	13,000
	Colorado			
Air_Guard	Buckley Ang Base	Add/Alter Weapons Release .....		4,500
USAR	Colorado Springs	Army Reserve Center/land .....	13,000	13,000
Army	Fort Carson	Training Aids Center .....	18,500	18,500
Army	Fort Carson	Brigade Complex .....	69,000	69,000

**MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>Conference Agreement</b>
Army	Fort Carson	Brigade Complex, Ph 1 .....	102,000	
Army	Fort Carson	Railroad Tracks .....	14,000	14,000
Army	Fort Carson	Warrior In Transition (WT) Complex .....	56,000	56,000
Army	Fort Carson	Automated Qualification Training Range .....	11,000	11,000
Army	Fort Carson	Modified Record Fire Range .....	4,450	4,450
Army	Fort Carson	Automated Multipurpose Machine Gun Range .....	7,400	7,400
Army	Fort Carson	Scout/rece Gunnery Complex .....	16,000	16,000
Army	Fort Carson	Urban Assault Course .....	3,100	3,100
Army	Fort Carson	Convoy Live Fire Range .....	6,500	6,500
Army	Fort Carson	Commissary .....	35,000	35,000
Army	Fort Carson	Barracks & dining, Increment 2 .....	60,000	60,000
Def-Wide	Fort Carson	SOF Battalion Ops Complex .....	45,200	45,200
Def-Wide	Fort Carson	SOF Military Working Dog Facility .....	3,046	3,046
Def-Wide	Fort Carson	Health and Dental Clinic .....	52,773	31,900
Air Force	Peterson AFB	East Gate Realignment .....		7,200
Air Force	Peterson AFB	C-130 Squad Ops/AMU (TFI) .....	5,200	5,200
Air Force	Peterson AFB	National Security Space Institute .....	19,900	19,900
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph XI .....	92,500	92,500
AF Reserve	Schriever AFB	Wing Headquarters .....	10,200	10,200
Air Force	U.S. Air Force Academy	Add To Cadet Fitness Center .....	17,500	17,500
<b>Connecticut</b>				
Air Guard	Bradley National Airport	CNAF Beddown Upgrade Facilities .....		9,000
USAR	Bridgeport	Army Reserve Center/land .....	18,500	18,500
Navy	New London NSB	Mk-48 Torpedo Magazine .....		6,570
<b>Delaware</b>				
Air Force	Dover AFB	C-5 Cargo Aircraft maint Training Facility P1 .....	5,300	5,300
Air Force	Dover AFB	Consol Comm Fac .....	12,100	12,100
Air Force	Dover AFB	Chapel Center .....		7,500
<b>Florida</b>				
Navy	Blount Island	Port Operations Facility .....	3,760	3,760
Air Force	Eglin AFB	F-35 Duke Control Tower .....	3,420	3,420
Air Force	Eglin AFB	Construct Dormitory (96 rm) .....	11,000	11,000
Air Force	Eglin AFB	F-35 Pol Ops Facility .....	3,180	5,236
Air Force	Eglin AFB	F-35 Hydrant Refueling System Phase 1 .....	8,100	14,308
Air Force	Eglin AFB	F-35 Parallel Taxiway Ladder .....	1,440	2,371
Air Force	Eglin AFB	F-35 JPS Flightline fillstands .....	5,400	8,892
Air Force	Eglin AFB	F-35 JP-8 West Side bulk Fuel Tank Upgrades .....	960	1,581
Air Force	Eglin AFB	F-35 Live Ordinance Load Facility .....	9,900	9,900
Air Force	Eglin AFB	F-35 A/C Parking Apron .....	16,400	27,652
Army	Eglin AFB	Operations Complex, Ph 3 .....	80,000	80,000
Army	Eglin AFB	Indoor Firing Range .....	8,900	8,900
Army	Eglin AFB	Live Fire Exercise Shoothouse .....	8,000	8,000
Army	Eglin AFB	Live Fire Exercise Breach Facility .....	4,950	4,950
Army	Eglin AFB	Non-standard Small Arms range .....	3,400	3,400
Army	Eglin AFB	Grenade Launcher Range .....	1,600	1,600
Army	Eglin AFB	Hand Grenade Qualification Course .....	1,400	1,400
Army	Eglin AFB	Urban Assault Course .....	2,700	2,700
Army	Eglin AFB	Anti-armor, Tracking & Live Fire Range .....	3,400	3,400
Army	Eglin AFB	Automated Qualification/Training Range .....	12,000	12,000
Army	Eglin AFB	Light Demolition Range .....	2,200	2,200
Army	Eglin AFB	Basic 10m-25m Firing range (zero) .....	3,050	3,050
Def-Wide	Eglin AFB	SOF Military Working Dog Facility .....	3,046	3,046
Navy	Eglin AFB	F-35 Hydrant Refueling sys, Ph 1 .....	6,208	
Navy	Eglin AFB	F-35 Parallel Taxiway ladder .....	931	
Navy	Eglin AFB	F-35 A/C Parking Apron .....	11,252	
Navy	Eglin AFB	Bachelor Enlisted Quarters, EOD School, Phase .....	26,287	26,287
Navy	Eglin AFB	F-35 JP8 West Side Bulk Tank Upgrades .....	621	
Navy	Eglin AFB	F-35 Pol Operations Facility (Eglin) .....	2,056	
Navy	Eglin AFB	F-35 JP8 Flightline Fillstands (Eglin) .....	3,492	
Army	Eglin AFB (Camp Rudder)	Elevated Water Storage Tank .....		1,200
Air Force	Hurlburt Field	Refueling Vehicle Maintenance Facility .....	2,200	2,200
Air Force	Hurlburt Field	Electrical Distribution Substation .....	8,300	8,300
Air Force	Hurlburt Field	Flight Test Opns Fac (413 Flts) .....		9,400
Def-Wide	Hurlburt Field	SOF Simulator Facility for Mc-130 (recap) .....	8,156	8,156
Navy	Jacksonville	P-8/MMA Facilities Modification .....	5,917	5,917
Def-Wide	Jacksonville IAP	Replace Jet Fuel Storage Complex .....	11,500	11,500
Air Force	Macdill AFB	Dormitory (120 Room) .....	16,000	16,000
Air Force	Macdill AFB	Child Development Center .....	7,000	7,000
Air Force	Macdill AFB	Centcom Commandant Facility .....	15,300	15,300
Air Force	Macdill AFB	Consolidated Commo Facility .....		21,000
Navy	Mayport	Fitness Ctr .....		26,360
Navy	Mayport	Wharf Charlie Repair .....	29,682	29,682
Navy	Mayport	Channel Dredging .....	46,303	46,303
Army	Miami Doral	Southcom Headquarters, incr 3 .....	55,400	55,400
USAR	Panama City	Army Reserve Center/land .....	7,300	7,300
Air Force	Patrick AFB	Combat Weapons Training Facility .....		8,400
Navy	Pensacola	Corry "A" School bachelor Enlisted Quarters R .....	22,950	22,950
Navy	Pensacola	Simulator Addition For umfo Program .....	3,211	3,211
USAR	West Palm Beach	Army Reserve Center/land .....	26,000	26,000



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Navy	Whiting Field	T-6B JPATS Trng. Ops Paraloft Facility .....	4,120	4,120
	Georgia			
Navy	Albany MCLB	Wpns Maint Hardstand Fac .....		4,870
USAR	Atlanta	Army Reserve Center/land .....	14,000	14,000
Army	Fort Benning	Combined Arms Collective Training Facility .....	10,800	10,800
Army	Fort Benning	Fire and Movement Range .....	2,800	2,800
Army	Fort Benning	Battle Lab .....	30,000	30,000
Army	Fort Benning	Training Area Tank Trails .....	9,700	9,700
Army	Fort Benning	Training Battalion Complex .....	38,000	38,000
Army	Fort Benning	Dining Facility .....	15,000	15,000
Army	Fort Benning	Warrior In Transition (WT) Complex .....	53,000	53,000
Army	Fort Benning	Training Battalion Complex, Ph 1 .....	31,000	31,000
Army	Fort Benning	Training Battalion Complex, Ph 1 .....	31,000	31,000
Army	Fort Benning	Trainee Barracks Complex, Ph 1 .....	74,000	74,000
ARNG	Fort Benning	Readiness Center .....	15,500	15,500
Def-Wide	Fort Benning	Wilson Es Construct Gymnasium .....	2,330	2,330
Def-Wide	Fort Benning	SOF Expand Battalion Headquarters .....	3,046	3,046
Def-Wide	Fort Benning	Blood Donor Center Replacement .....	12,313	12,313
Def-Wide	Fort Benning	Dental Clinic .....	4,887	4,887
Army	Fort Gillem	Forensic Lab .....	10,800	10,800
Army	Fort Stewart	Brigade Complex .....	93,000	48,000
Army	Fort Stewart	Automated Sniper Field Fire Range .....	3,400	3,400
Army	Fort Stewart	Warrior In Transition (WT) Complex .....	49,000	49,000
Army	Fort Stewart	Barracks & Dining, Increment 2 .....	80,000	80,000
Def-Wide	Fort Stewart	New Elementary School .....	22,502	
Def-Wide	Fort Stewart	New Elementary School .....	22,501	22,501
Def-Wide	Fort Stewart	Health and Dental Clinic .....	26,386	22,200
ARNG	Hunter Army Airfield	Aviation Readiness Center .....		8,967
Air Force	Moody AFB	Rescue Ops/maint HQ Fac .....		10,000
Air Force	Warner Robins AFB	Hot Cargo Pad/taxiway .....		6,200
	Hawaii			
Def-Wide	Ford Island	Pacific Operations Facility Upgrade .....	9,633	9,633
Air Force	Hickam AFB	Ground Control Tower .....		4,000
Air_Guard	Hickam AFB	TFI—F-22 LO/composite repair Facility .....	26,000	26,000
Air_Guard	Hickam AFB	TFI—F-22 Parking Apron and Taxiways .....	7,000	7,000
Navy	Navsta Pearl Harbor	Production Services Support Facility .....		25,070
Navy	Oahu	Range, 1000 - Puuloa .....	5,380	5,380
Navy	Pearl Harbor	Pacflt Sub Drive-in Mag Silencing Fac (inc) .....	8,645	8,645
Navy	Pearl Harbor	APCSS Conference & Technology Learning Center .....	12,775	12,775
Navy	Pearl Harbor	Missile Magazines (5), West Loch .....	22,407	22,407
Army	Schofield Barracks	Vehicle Maintenance Shop .....	63,000	63,000
Army	Schofield Barracks	Vehicle Maintenance Shop .....	36,000	36,000
Army	Schofield Barracks	Warrior In Transition (WT) Barracks .....	55,000	55,000
Army	Schofield Barracks	Warrior In Transition Complex .....	30,000	30,000
Air Force	Wheeler AAF	Construct ASOC Complex .....	15,000	15,000
Army	Wheeler AAF	Regional SATCOM Information Center .....	7,500	7,500
	Idaho			
ARNG	Gowen Field	Combined Arms Collective Training Facility .....	16,100	16,100
Air Force	Mountain Home AFB	Logistics Readiness Center .....	20,000	20,000
	Illinois			
USAR	Chicago	Army Reserve Center .....	23,000	23,000
Milcon, Naval	Joliet Army Ammo Plant	Reserve Training Center—Joliet, IL .....	7,957	7,957
Res				
Air_Guard	Lincoln Capital Airport	Security Improv—Relocate Entrance .....		3,000
ARNG	Milan	Readiness Center .....		5,600
Air Force	Scott AFB	Aeromedical Evac Facility .....		7,400
	Indiana			
ARNG	Muscatatuck	Combined Arms Collective Training Facility Ph .....	10,100	10,100
Navy	Naval Support Activity Crane	Strategic Weapons Systems Engineering Facility .....		13,710
	Iowa			
ARNG	Camp Dodge	US Property and Fiscal Office .....		4,000
Air_Guard	Des Moines	Des Moines Alt Security Forces Fac .....		4,600
	Kansas			
Army	Fort Riley	Training Aids Center .....	15,500	15,500
Army	Fort Riley	Advanced Waste Water Treatment Plant .....	28,000	28,000
Army	Fort Riley	Igloo Storage, Installation .....	7,200	7,200
Army	Fort Riley	Brigade Complex .....	49,000	49,000
Army	Fort Riley	Battalion Complex .....	59,000	59,000
Army	Fort Riley	Land Vehicle Fueling Facility .....	3,700	3,700
Army	Fort Riley	Estes Load Access Control Point .....		6,100
Air_Guard	McConnell AFB	TFI-Upgrade DCGS .....		8,700
ARNG	Salina Army NG Aviation Facility	Taxiway Alterations .....		2,227
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph X .....	54,041	54,041
Chem Demil	Blue Grass Army Depot	Blue Grass Army Depot Chem Demil Project .....		5,000
Army	Fort Campbell	Installation Chapel Center .....		14,400
Def-Wide	Fort Campbell	5th SFG Language Sustainment Trng Fac .....		6,800
Def-Wide	Fort Campbell	SOF Battalion Operations Complex .....	29,289	29,289
Def-Wide	Fort Campbell	SOF Military Working Dog Facility .....	3,046	3,046

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Def-Wide	Fort Campbell	Health Clinic .....	8,600	8,600
Army	Fort Knox	Warrior In Transition (WT) Complex .....	70,000	70,000
	Louisiana			
Air Force	Barksdale Air Force Base	Phase Five Ramp Replacement—Aircraft Apron .....		12,800
Army	Fort Polk	Multipurpose Machinegun Range .....		6,400
Army	Fort Polk	Warrior In Transition (WT) Complex .....	32,000	32,000
Army	Fort Polk	Land Purchases .....	17,000	17,000
	Maine			
Air_Guard	Bangor IAP	Replace Aircraft Maint Hanger/shops .....	28,000	28,000
Navy	Portsmouth Naval Shipyard	Gate 2 Security Improvements .....		7,090
	Maryland			
Army	Aberdeen PG	Analytical Chem Wing—Advanced Chem Lab .....		15,500
Def-Wide	Aberdeen PG	USAMRICD Replacement, inc 1 .....	111,400	111,400
Air Force	Andrews AFB	Replace Munitions Storage Area .....	9,300	9,300
Air_Guard	Andrews AFB	Rpl Munitions maintenance and Storage Complex .....	14,000	14,000
Navy	Carderock Nswc Det	RDTE Support Facility, ph2 .....		6,520
Army	Fort Detrick	ATL Auditorium & Tng Cntr Expand .....		7,400
Army	Fort Detrick	Satellite Communications Center .....	18,000	18,000
Army	Fort Detrick	Satellite Communications Facility .....	21,000	21,000
Def-Wide	Fort Detrick	Boundary Gate At Nalin Pond .....	10,750	10,750
Def-Wide	Fort Detrick	Emergency Service Center .....	16,125	16,125
Def-Wide	Fort Detrick	USAMRIID Stage I, Inc IV .....	108,000	108,000
Def-Wide	Fort Detrick	Nibc Truck Inspection Station & RLoad .....	2,932	2,932
Army	Fort Meade	Intersection, Rockenbach Rd & Cooper Ave .....		2,350
Def-Wide	Fort Meade	South Campus Utility Plant Ph 2 .....	175,900	175,900
Def-Wide	Fort Meade	NSAW Campus Chilled Water Backup .....	19,100	19,100
Def-Wide	Fort Meade	Mission Support—PSAT .....	8,800	8,800
Navy	Patuxent River NAS	Special Commo Rqts Eng Facility .....		11,043
	Massachusetts			
Air_Guard	Barnes ANGB	F-15 Aircraft Ready Shelters .....		8,100
ARNG	Hanscom AFB	Armed Forces Reserve Center (JFHQ) .....	29,000	29,000
Air_Guard	Otis Air National Guard Base	Composite Operations and Training Facility .....		12,800
	Michigan			
Air_Guard	Alpena CRTC	Replace Troop Quarters .....		8,900
Air_Guard	Battle Creek ANG Base	CNAF Bed Down Facilities .....		14,000
ARNG	Fort Custer	Org Maint Shop (ADRS) .....		7,732
Air_Guard	Selfridge ANG Base	A-10 Squad Operations Facility .....		7,100
	Minnesota			
ARNG	Arden Hills	Readiness Center Ph2 .....	6,700	6,700
ARNG	Camp Ripley	Urban Assault Course .....	1,710	1,710
Def-Wide	Duluth IAP	Jet Fuel Storage Complex .....	15,000	15,000
USAR	Fort Snelling (Minneapolis)	Army Reserve Center .....	12,000	12,000
Air_Guard	Minn/St. Paul IAP 133rd AW Base	Minnesota Starbase Facility Alteration .....		1,900
	Mississippi			
ARNG	Camp Shelby	Combined Arms Collective Tng Fac Add/alt .....	16,100	16,100
Air Force	Columbus AFB	Aircraft Fuel Systems Maint Dock .....		9,800
Air_Guard	Gulfport-biloxi RA	Relocate Base Entrance .....		6,500
AF Reserve	Keesler AFB	Aerial Port Squadron Facility .....	9,800	9,800
ARNG	Monticello	Monticello National guard Readiness Center .....		14,350
	Missouri			
ARNG	Boonville	Readiness Center Add/alt .....	1,800	1,800
Army	Fort Leonard Wood	Automated-aided Instruction Facility .....	27,000	27,000
Army	Fort Leonard Wood	Wheeled Vehicle Drivers Course .....	17,500	17,500
Army	Fort Leonard Wood	Warrior In Transition Complex .....	19,500	19,500
Army	Fort Leonard Wood	Transient Advanced Trainee Barracks, Ph 1 .....	99,000	99,000
Army	Fort Leonard Wood	Health Clinic .....		7,800
Def-Wide	Fort Leonard Wood	Dental Clinic Addition .....	5,570	5,570
Air_Guard	Rosecrans Memorial Airport	Replace Fire/crash rescue Station Phase I .....		9,300
Air Force	Whiteman AFB	EOD Opns Complex .....		7,400
Air Force	Whiteman AFB	Land Acquisition North & South Bdry .....		5,500
	Montana			
Air Force	Malmstrom AFB	Upgrade Weapons Storage Area .....		10,600
	Nebraska			
ARNG	Lincoln	Armed Forces Reserve Center (JFHQ) .....	23,000	23,000
Air_Guard	Lincoln Map	Joint Forces Operations Center—ANG Share .....	1,500	1,500
Air Force	Offutt AFB	STRATCOM Gate .....		10,400
	Nevada			
ARNG	Carson City	National Guard Energy Sustainable Projects .....		2,000
Air Force	Creech AFB	UAS AT/FP Security Updates .....	2,700	2,700
Navy	Naval Air Station Fallon	Warrior Physical Training Facility .....		10,670
ARNG	North Las Vegas	Readiness Center .....	26,000	26,000
Air_Guard	Reno, NV	NV Air National Guard Fire Station Replacement .....		10,800
	New Hampshire			
Air_Guard	Pease ANGB	Replace Squadron Operations Facilities .....		10,000
	New Jersey			
Air Force	McGuire AFB	Warfighter & Family Sup Cntr .....		7,900
Air_Guard	McGuire AFB	108th Air Refuel Wng, Base Civil Eng Complex .....		9,700
Army	Picatinny Arsenal	Ballistic Eval Facility, Ph 2 .....		10,200
Air Force	Cannon AFB	WB—Consolidated Communication Fac .....	15,000	15,000

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<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>Conference Agreement</b>
<i>New Mexico</i>				
Def-Wide	Cannon AFB	SOF Fuel Cell Hanger (MC-130) .....	41,269	41,269
Def-Wide	Cannon AFB	SOF AMU Addition (CV-22) .....	11,595	11,595
Def-Wide	Cannon AFB	SOF Ac-130 Load Out Apron PhI .....		6,000
Air Force	Holloman AFB	F-22a Consolidated Munitions Maint (TFI) .....	5,500	5,500
Air Force	Holloman AFB	Fire-crash Rescue Station .....		10,400
Air Force	Holloman AFB	UAS Field Training Complex .....		37,500
Air Force	Kirtland AFB	Add To Space RDT&E Opns Cntr .....		5,800
Air Force	Kirtland AFB	MC-130J Simulator Facility .....	8,000	8,000
Air Force	Kirtland AFB	HC-130J Simulator Facility .....	8,700	8,700
ARNG	Santa Fe	Army Aviation Support Facility .....	39,000	39,000
<i>New York</i>				
Army	Fort Drum	All Wt Marksmanship Facility .....		8,200
Army	Fort Drum	Water System Expansion .....	6,500	6,500
Army	Fort Drum	Barracks .....	57,000	57,000
Army	Fort Drum	Warrior In Transition Complex .....	21,000	21,000
AF Reserve	Niagra Falls ARB	Indoor Small Arms Range .....		5,700
USAR	Rochester	Army Reserve Center/land .....	13,600	13,600
Air Guard	Wheeler Sack AAF	TFI-reaper LRE Beddown .....		2,700
<i>North Carolina</i>				
Def-Wide	Camp Lejeune	SOF Academic Instruction Facility Expansion .....	11,791	11,791
Navy	Camp Lejeune	Maintenance/OPS Complex .....	52,390	52,390
Navy	Camp Lejeune	BEQ—Wallace Creek .....	34,160	34,160
Navy	Camp Lejeune	Utility Expansion—Courthouse Bay .....	56,280	56,280
Navy	Camp Lejeune	SOI-east Facilities—Camp Geiger .....	56,940	56,940
Navy	Camp Lejeune	Field Training fac.—Devil Dog - SOI .....	37,170	37,170
Navy	Camp Lejeune	Road Network—Wallace creek .....	15,130	15,130
Navy	Camp Lejeune	MP Working Dog Kennel—relocation .....	8,370	8,370
Navy	Camp Lejeune	Consolidated Info tech/telecom Complex .....	46,120	46,120
Navy	Camp Lejeune	New Base Entry Point and Road (phase 1) .....	79,150	79,150
Navy	Camp Lejeune	BEQ—Wallace Creek .....	43,480	43,480
Navy	Camp Lejeune	BEQ—Wallace Creek .....	44,390	44,390
Navy	Camp Lejeune	BEQ—Wallace Creek .....	44,390	44,390
Navy	Camp Lejeune	BEQ—Wallace Creek .....	42,110	42,110
Navy	Camp Lejeune	Pre-trial Detainee Facility .....	18,580	18,580
Navy	Camp Lejeune	Physical Fitness Center .....	39,760	39,760
Navy	Camp Lejeune	4th Infantry Battalion Ops Complex .....	55,150	55,150
Navy	Cherry Point MCAS	Ordnance Magazines .....	12,360	12,360
Navy	Cherry Point MCAS	EMS/fire Vehicle Facility .....	10,600	10,600
ARNG	East Flat Rock	Readiness Center Add/alt .....		2,516
Army	Fort Bragg	Vehicle Maintenance Shop .....	19,500	19,500
Army	Fort Bragg	Simulations Center .....	50,000	50,000
Army	Fort Bragg	Vehicle Maintenance Shop .....	17,500	17,500
Army	Fort Bragg	Company Operations Facility .....	3,300	3,300
Army	Fort Bragg	Transient Training Barracks Complex .....	16,500	16,500
Army	Fort Bragg	Automated Sniper Field Fire Range .....		3,450
Army	Fort Bragg	Automated Multipurpose Machine Gun .....	4,350	4,350
ARNG	Fort Bragg	TUAS Support Facility .....		6,038
Def-Wide	Fort Bragg	Albritton JHS Addition .....	3,439	3,439
Def-Wide	Fort Bragg	Special Ops Prep & Conditioning Course .....	24,600	24,600
Def-Wide	Fort Bragg	SOF Battalion & Company HQ .....	15,500	15,500
Def-Wide	Fort Bragg	SOF Operations Support Addition .....	13,756	13,756
Def-Wide	Fort Bragg	SOF Military Working Dog Facility .....	1,125	1,125
Def-Wide	Fort Bragg	SOF Battalion Headquarters Facility .....	13,000	13,000
Def-Wide	Fort Bragg	SOF Operations Addition North .....	27,513	27,513
Def-Wide	Fort Bragg	SOF TUAV Hanger .....	2,948	2,948
Def-Wide	Fort Bragg	SOF Military Working Dog Facility .....	3,046	3,046
Def-Wide	Fort Bragg	Consolidated Health Clinic .....	26,386	26,386
Def-Wide	Fort Bragg	Health Clinic .....	31,272	31,272
Navy	New River	Apron Expansion (phase 2) .....	35,600	35,600
Navy	New River	VMMT-204 Maintenance Hanger—phase 3 .....	28,210	28,210
Navy	New River	Parallel Taxiway .....	17,870	17,870
Navy	New River	Tactical Support Van Pad Addition .....	5,490	5,490
Navy	New River	Gymnasium/outdoor Pool .....	19,920	19,920
Air Force	Pope AFB	Pope AFB Air Traffic Control Tower .....		9,000
Air Force	Seymour Johnson AFB	Radar Approach Control Complex, PhI .....		6,900
Army	Sunny Point Mot	Towers .....	3,900	3,900
Army	Sunny Point Mot	Lightning Protection System .....	25,000	25,000
<i>North Dakota</i>				
Air Force	Grand Forks AFB	Consolidated Security Forces Facility .....		12,000
Air Force	Minot AFB	Munitions Trailer Storage Facility .....	1,500	1,500
Air Force	Minot AFB	Missile Procedures Trng Operations .....	10,000	10,000
<i>Ohio</i>				
USAR	Cincinnati	Army Reserve Center/land .....	13,000	13,000
Air Guard	Mansfield Lahm Airport	TFI—Red Horse Squadron Beddown .....	11,400	11,400
Air Force	Wright-Patterson AFB	Info Tech Complex Ph 1 .....	27,000	27,000
Air Force	Wright-Patterson AFB	Conversion For Advanced Power Research Lab .....	21,000	21,000
Air Force	Wright-Patterson AFB	Replace West Ramp, phase 1 .....		10,600
<i>Oklahoma</i>				

**MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>Conference Agreement</b>
Air Force	Altus AFB	Repair Taxiways .....	20,300	20,300
Def-Wide	Altus AFB	Replace Upload Facility .....	2,700	2,700
Army	Fort Sill	Automated Infantry Squad Battle Course .....	3,500	3,500
Army	Fort Sill	Barracks .....	65,000	65,000
Army	Fort Sill	Warrior In Transition Complex .....	22,000	22,000
Def-Wide	Fort Sill	Dental Clinic .....	10,554	10,554
Army	McAlester	High Explosive Magazine, Depot Level .....	1,300	1,300
Army	McAlester	General Purpose Storage Building .....	11,200	11,200
Air Force	Tinker AFB	T-9 Noise Suppressor .....		5,200
Air Force	Tinker AFB	Building 3001 Hanger Door .....	13,037	13,037
Air Force	Vance AFB	Control Tower .....		10,700
Air_Guard	Will Rogers World Airport	TFI—Air Supt Opers Sqdn (ASOS) Beddn .....	7,300	7,300
	Oregon			
ARNG	Clatsop County, Warrenton	Camp Rilea Infrastructure (Water Supply System) .....		3,369
ARNG	Polk County	Readiness Center .....		12,100
	Pennsylvania			
USAR	Ashley	Army Reserve Center .....	9,800	9,800
FH Con DW	Def Distro Depot	Def Distribution Depot New Cumberland .....	2,859	2,859
USAR	Harrisburg	Army Reserve Center .....	7,600	7,600
USAR	Newton Square	Army Reserve Center/land .....	20,000	20,000
AF Reserve	Pittsburgh AFR Base	Visiting Quarters Phase 1 .....		12,400
USAR	Uniontown	Army Reserve Center/land .....	11,800	11,800
	Rhode Island			
Navy	Newport	Officer Training Command Quarters .....	45,803	45,803
Navy	Newport	Renovate of Senior Enlisted Academy .....		10,550
Navy	Newport	Renovate Perry Hall .....		8,530
	South Carolina			
Navy	Beaufort	Widebody Aircraft Fuel Lane .....	1,280	1,280
Milcon, Naval Res	Charleston	Reserve Vehicle Maintenance Facility .....	4,240	4,240
Army	Charleston NWS	Staging Area .....	4,100	4,100
Army	Charleston NWS	Railroad Tracks .....	12,000	12,000
Army	Charleston NWS	Pier and Loading/Unloading Ramps .....	5,700	5,700
ARNG	Eastover	Army Aviation Support Facility Add/Alt .....	26,000	26,000
Army	Fort Jackson	Advanced Skills Trainee Barracks .....	32,000	32,000
Army	Fort Jackson	Modified Record Fire Range .....	3,600	3,600
Army	Fort Jackson	Training Battalion Complex .....	66,000	66,000
Army	Fort Jackson	Infiltration Course .....	1,900	1,900
ARNG	Greenville	Army Aviation Support Facility .....	40,000	40,000
Air_Guard	McEntire JNGB	Joint Force headquarters Building .....		1,300
Navy	Parris Island	Electrical SubStation and Improvements .....	6,972	6,972
Air Force	Shaw AFB	Add/Alter USAFCENT HQ .....		21,183
	South Dakota			
ARNG	Camp Rapid	Joint Force HQ Readiness Center Supplement .....		7,890
ARNG	Camp Rapid	Troop Medical Clinic Addition and Alteration .....		1,950
Air Force	Ellsworth AFB	Add/Alter Deployment Center .....		14,500
Air_Guard	Joe Foss Field	Add and Alter Munitions Maintenance Complex .....		1,300
Air_Guard	Joe Foss Field	Above Ground Multi-cubicle Magazine Storage .....		1,300
	Tennessee			
Air_Guard	164 AirLift Wing, Mem	164th AirLift Wing ANG Eng Maint Trng Fac .....		9,800
	Texas			
ARNG	Austin	Armed Forces Reserve Center .....	16,500	16,500
ARNG	Austin	Field Maintenance Shop, joint .....	5,700	5,700
USAR	Austin	Armed Forces Reserve Center/AMSA .....	20,000	20,000
USAR	Bryan	Army Reserve Center .....		12,200
Navy	Corpus Christi	Operational Facilities for T-6 .....	19,764	19,764
Air Force	Dyess AFB	C-130J Alter Hanger .....	4,500	4,500
Army	Fort Bliss	Vehicle Maintenance Shop .....	16,000	16,000
Army	Fort Bliss	Brigade Staging Area Complex .....	14,800	14,800
Army	Fort Bliss	Digital Multipurpose Range Complex .....	45,000	45,000
Army	Fort Bliss	Fire and Military Police Stations .....	16,500	16,500
Army	Fort Bliss	Aircraft Fuel Storage .....	10,800	10,800
Army	Fort Bliss	Vehicle Maintenance Shop .....	20,000	20,000
Army	Fort Bliss	Automated Sniper Field Fire Range .....	4,250	4,250
Army	Fort Bliss	Known Distance Range .....	4,750	4,750
Army	Fort Bliss	Automated Multipurpose Machine Gun Range .....	6,900	6,900
Army	Fort Bliss	Scout/recece Gunnery Complex .....	17,000	17,000
Army	Fort Bliss	Light Demolition Range .....	2,400	2,400
Army	Fort Bliss	Automated Infantry Platoon Battle Course .....	7,000	7,000
Army	Fort Bliss	Simulation Center .....	23,000	23,000
Army	Fort Bliss	Vehicle Maintenance & Company Ops Fac .....	31,000	31,000
Def-Wide	Fort Bliss	Health and Dental Clinic .....	30,295	24,600
Def-Wide	Fort Bliss	Hospital Replacement Incl .....	86,975	86,975
USAR	Fort Bliss	Army Reserve Center .....	9,500	9,500
Army	Fort Hood	Vehicle Maintenance Shop .....	23,000	23,000
Army	Fort Hood	Urban Assault Course .....	2,400	2,400
Army	Fort Hood	Automated Multipurpose Machine Gun Range .....	6,700	6,700
Army	Fort Hood	Family Life Center .....		10,800
Def-Wide	Fort Hood	Alter Fuel Pump House and Fill Stand .....	3,000	3,000

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<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>Conference Agreement</b>
Army	Fort Sam Houston	Access Control Point and Road Improvements .....	10,800	10,800
Army	Fort Sam Houston	General Instruction building .....	9,000	9,000
Milcon, Naval Res	Fort Worth NAS/JRB	Replace Joint Base Comms .....		6,170
Air Force	Goodfellow AFB	Joint Intel Tech Trng Jac, Ph 1 (tfi) .....	18,400	18,400
Air Force	Goodfellow AFB	Student Dormitory (100 rm) .....	14,000	14,000
Air Force	Goodfellow AFB	Consolidated Learning Center .....		12,000
USAR	Houston	Army Reserve Center/Land .....	24,000	24,000
Air_Guard	Kelly Field Annex	Add/Alter Aircraft Maint Shops .....		7,900
Navy	Kingsville NAS	Solar Panel Array .....		4,470
AF Reserve	Lackland AFB	C-5 Ground Training Schoolhouse Addition .....	1,500	1,500
Air Force	Lackland AFB	Evasion, Conduct After Capture Trng .....	4,879	4,879
Air Force	Lackland AFB	Recruit Dormitory 2, phase 2 .....	77,000	77,000
Air Force	Lackland AFB	Bmt Satellite Classroom/dining Fac .....	32,000	32,000
Def-Wide	Lackland AFB	Dental Clinic replacement .....	29,318	29,318
Def-Wide	Lackland AFB	Ambulatory Care Center, phase 1 .....	72,610	72,610
USAR	Robstown	Tactical Equip Maint Facility .....		10,200
Milcon, Naval Res	San Antonio	Reserve Training Center .....	2,210	2,210
USAR	San Antonio	Army Reserve Center .....	20,000	20,000
Air Force	Sheppard Air Force Base	ENJJPT Operations Complex, Phase 1 .....		13,450
	Utah			
Def-Wide	Camp Williams	IC CNCI Data Center (Incr. 2) .....	800,000	600,000
Army	Dugway Proving Ground	Water Treatment Systems .....	25,000	25,000
AF Reserve	Hill AFB	Reserve Squad Ops/AMU Facility .....	3,200	3,200
Air Force	Hill AFB	F-22A Radar Cross Section Testing Fac .....	21,053	21,053
Air Force	Hill AFB	PCC Apron Northwest End Taxiway .....		5,100
	Vermont			
Air_Guard	Burlington IAP	Fire Crash and Rescue Station Addition and Alteration .....		6,000
ARNG	Ethan Allen Firing Range	BOQ Additions and Improvements .....		1,996
	Virginia			
Def-Wide	Dahlgren	Aegis BMD Facility Expansion .....	24,500	24,500
Navy	Dahlgren	Electromagnetic Research and Engineering Facility .....		3,660
Def-Wide	Dam Neck	SOF Operations Facility inc III .....	15,967	15,967
Navy	Dam Neck	SOF Cafeteria .....		14,170
Army	Fort A.P. Hill	Automated Infantry Platoon Battle Course .....	4,900	4,900
Army	Fort A.P. Hill	Field Training Area .....	9,000	9,000
Army	Fort A.P. Hill	Training Aids Center .....	9,100	9,100
Army	Fort Belvoir	Flight Control Tower .....	8,400	8,400
Army	Fort Belvoir	Road and Access Control Point .....	9,500	9,500
Army	Fort Belvoir	Road and Infrastructure Improvements .....	20,000	
Army	Fort Lee	Defense Access Roads .....		5,000
ARNG	Fort Pickett	Regional Training Institute Ph2 .....	32,000	32,000
Army	Ft. Eustis	Upgrade Marshalling Area .....		8,900
Air Force	Langley AFB	West & Lasalle Gates Force Protection/access .....	10,000	10,000
Def-Wide	Little Creek	SOF Support Activity Operation Facility .....	18,669	18,669
Navy	Little Creek	Naval Construction Division Operations Fac .....	13,095	13,095
Navy	Norfolk	E-2D Trainer Facility .....	11,737	11,737
Navy	Norfolk	Facility Upgrades For E-2D Program .....	6,402	6,402
Milcon, Naval Res	Oceana Naval Air Station	C-40 Hanger .....	30,400	30,400
Def-Wide	Pentagon	Pentagon Electrical Upgrade .....	19,272	19,272
Def-Wide	Pentagon	Secondary Uninterruptible Power Raven Rock .....	8,400	8,400
Navy	Portsmouth	Ship Repair Pier replacement (Incr. 1) .....	226,969	126,969
Navy	Quantico	Student Quarters—TBS (phase 4) .....	32,060	32,060
Navy	Quantico	Battalion Training Facility—MSGBN .....	10,340	10,340
Navy	Quantico	MC Information Operations Center—MCIOC .....	29,620	29,620
Navy	Quantico	Aircraft Trainer .....	3,170	3,170
Navy	Quantico	Dining Facility - TBS .....	14,780	14,780
Navy	Quantico	South Mainside Electrical SubStation .....	15,270	15,270
	Washington			
Navy	Bangor	Limited Area Production/strg Cmplx (inc 6) .....	87,292	87,292
Navy	Bremerton	Enclave Fencing/ parking, Silverdale WA .....	67,419	67,419
Navy	Bremerton	CVN Maintenance Pier replacement (inc 2) .....	69,064	69,064
Navy	Everett NS	Small Craft Launch .....		3,810
Air Force	Fairchild AFB	SERE Force Support Complex, Phase 1 .....		11,000
Air Force	Fairchild AFB	TFI Refuel Veh Maint Facility .....		4,150
Def-Wide	Fairchild AFB	Replace Fuel Distribution System .....	7,500	7,500
Army	Fort Lewis	Live Fire Exercise Shoothouse .....	2,550	2,550
Army	Fort Lewis	Animal Building .....	3,050	3,050
Army	Fort Lewis	Brigade Complex, Inc 4 .....	102,000	102,000
Army	Fort Lewis	Modified Record Fire Range .....	4,100	4,100
Army	Fort Lewis	Ft Lewis-Mchord AFB Joint Access .....		9,000
Def-Wide	Fort Lewis	SOF Support Company Facility .....	14,500	14,500
Def-Wide	Fort Lewis	Health and Dental Clinic .....	15,636	15,636
Navy	Indian Island NM	Ord Storage Pads W/2 Covers .....		13,130
Navy	Spokane	Jnt Pers Recovery agency Specialized SERE Tra .....	12,707	12,707
	West Virginia			
Air_Guard	Martinsburg	C-5 Taxiway Upgrades .....		19,500

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<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>Conference Agreement</b>
Navy	Navy, Sugar Grove	Emergency Services Center .....		10,990
ARNG	St. Albans Armory	Readiness Center Additions .....		2,000
	Wisconsin			
USAR	Fort McCoy	Combined Arms Collective Training Facility .....	25,000	25,000
USAR	Fort McCoy	Range Utility Upgrade .....		3,850
Air Guard	General Mitchell IAP	Upgrade Corrosion Control Hanger .....		5,000
	Wyoming			
Air Guard	Cheyenne Airport	Squadron Operations .....		1,500
Air Force	F. E. Warren AFB	ADAL Missile Service Complex .....	9,100	9,100
	Zu			
Air Force	Unspecified Worldwide	Recission Pl 110-417 UAS Maint Complex .....		-22,000
Air Force	Unspecified Worldwide	Recission Pl 110-417 UAS Ops Complex .....		-15,500
BRAC 05	Unspecified Worldwide	Base Realignment and Closure 2005 .....	7,479,498	7,455,498
BRAC IV	Unspecified Worldwide	Base Realignment and Closure IV .....	396,768	496,768
Army	Various Locations	Brigade Combat Team Stationing .....		-166,000
Army	Various Locations	Trainee Troop Housing .....		350,000
	Afghanistan			
Air Force	Bagram Air Base	Passenger Terminal .....	22,000	22,000
Army	Bagram Air Base	Fuel System Ph 6 .....	12,000	12,000
Army	Bagram Air Base	Fuel System Ph 7 .....	5,000	5,000
Army	Bagram Air Base	Coalition Operation Center .....	49,000	49,000
Army	Bagram Air Base	APS Compound .....	38,000	
Army	Bagram Air Base	Aviation Support Facility .....	2,600	2,600
Army	Bagram Air Base	Barracks .....	18,500	18,500
Army	Bagram Air Base	Command and Control Facility .....	38,000	
Army	Bagram Air Base	Perimeter Fence and Guard Towers .....	7,000	
	Bahrain			
Navy	SW Asia	Waterfront Development phase 2 .....	41,526	41,526
	Belgium			
Def-Wide	Brussels	Replace Elementary School (shape) .....	38,124	38,124
Army	Mons	NATO SOF Operational Support .....		20,000
Def-Wide	Brussels	NATO Headquarters .....		41,400
	Colombia			
Air Force	Palanquero Ab	Palanquero AB Development .....	46,000	46,000
	Czech Republic			
Def-Wide	Various Locations	Recission Pl 110-417 Emcr Site .....		-108,560
	Djibouti			
Navy	Camp Lemonier	Interior Paved Roads Phase A .....	7,275	7,275
Navy	Camp Lemonier	Ammo Supply Point .....	21,689	21,689
Navy	Camp Lemonier	Security Fencing I .....	8,109	8,109
Navy	Camp Lemonier	Fire Station .....	4,772	4,772
	Germany			
Army	Ansbach	Barracks .....	17,500	17,500
Army	Ansbach	Barracks .....	14,200	14,200
FH Con Army	Baumholder	Family Housing Replacement Constr(138 Units) .....	18,000	18,000
Def-Wide	Boeblingen	New Elementary School .....		50,000
Def-Wide	Kaiserslautern AB	Kaiserslautern Complex-phase 1 .....	19,380	19,380
Def-Wide	Kaiserslautern AB	Kaiserslautern HS Replace School .....	74,165	74,165
Army	Kleber Kaserne	Barracks .....	20,000	20,000
Army	Landstuhl	Warrior In Transition (WT) Complex .....	25,000	
Air Force	Ramstein AB	Construct Age Maint Complex .....	11,500	11,500
Air Force	Ramstein AB	Contingency Response Group Command .....	23,200	23,200
Air Force	Spangdahlem AB	Fitness Ctr .....	23,500	23,500
Def-Wide	Weisbaden	Wiesbaden HS New Cafeteria and Kitchen .....	5,379	5,379
FH Con Army	Weisbaden	Family Housing replacement Const Inc 2 .....	10,000	10,000
FH Con Army	Weisbaden	Family Housing replacement Const Inc 2 .....	11,000	11,000
FH Con Army	Weisbaden	Family Housing replacement Const Inc 2 .....	11,000	11,000
	Greece			
Def-Wide	Souda Bay	Fuel Storage Tanks & Pipeline Rpl .....	24,000	24,000
	Guam			
Def-Wide	Agana Naval Air Station	Replace Gas Cylander Storage Facility .....	4,900	4,900
Air Force	Andersen AFB	Postal Service Center .....		3,500
Air Force	Andersen AFB	Strike Fol Electrical Infrastructure .....	33,750	33,750
Air Force	Andersen AFB	NW Field ATFP Perimeter Fence and Road .....	4,752	4,752
Air Force	Andersen AFB	Commando Warrior Operations Fac .....	4,200	4,200
Air Force	Andersen AFB	NW Field Combat Spt Vehicle Maint Fac .....	15,500	15,500
ARNG	Barrigada	Readiness Center .....	30,000	30,000
Def-Wide	Guam	Hospital Replacement incr I .....	259,156	259,156
FH Con Navy	Guam	Replace Guam N. Tipalao ph III .....	20,730	20,730
Navy	Guam	Consolidated Slc Training & CSS-15 HQ Fac .....	45,309	45,309
Navy	Guam	Military Working Dog Relocation, Apra Harbor .....	27,070	14,000
Navy	Guam	Defense Access Road improvements .....	48,860	48,860
Navy	Guam	AAFB North Ramp Utilities Incr 1 .....	21,500	21,500
Navy	Guam	AAFB North Ramp Parking incr 1 .....	88,797	88,797
Navy	Guam	Apra Harbor Wharves Imp. Incr 1 .....	167,033	127,033
Navy	Guam	Torpedo Exercise Support Building .....	15,627	15,627
Def-Wide	Various Locations	Unspecified Various locations .....		
	Guantanamo			
Def-Wide	Guantanamo Bay	Replace Fuel Storage Tanks .....	12,500	12,500

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	<i>Italy</i>			
Air Force	Signonella	Global Hawk Aircraft Maint and Ops Complex .....	31,300	31,300
Army	Vicenza	Bde Complex—Operations spt Fac, Incr 3 .....	23,500	23,500
Army	Vicenza	Bde Complex—Barracks/community, Incr 3 .....	22,500	22,500
	<i>Japan</i>			
Army	Okinawa	Training Aids Center .....	6,000	6,000
Army	Sagamihara	Training Aids Center .....	6,000	6,000
	<i>Korea</i>			
Army	Camp Humphreys	Vehicle Maintenance Shop .....	19,000	19,000
Army	Camp Humphreys	Vehicle Maintenance Shop .....	18,000	18,000
Army	Camp Humphreys	Fire Stations .....	13,200	13,200
Def-Wide	K-16 Airfield	Convert Warehouses .....	5,050	5,050
Def-Wide	Osan AB	Replace Hydrant Fuel System .....	28,000	28,000
FH Con Navy	Pusan	Constr Chinhae Welcome Ctr/warehouse .....	4,376	4,376
	<i>Kuwait</i>			
Army	Camp Arifjan	APS Warehouses .....	82,000	82,000
Air Force	Al Musannah AB	War Reserve Material Compound .....	47,000	
Air Force	Al Musannah AB	Air Lift Ramp and Fuel Facilities .....	69,000	
	<i>Poland</i>			
Def-Wide	Various Locations	Recission PI 110-417 European Interceptor Site .....		-42,600
	<i>Puerto Rico</i>			
USAR	Caguas	Army Reserve Center/land .....	12,400	12,400
	<i>Qatar</i>			
Air Force	Al Udeid, Qatar	Blatchford-preston Complex Ph Ii .....	60,000	60,000
	<i>Spain</i>			
Navy	Rota	Reception Airfield Facilities .....	26,278	26,278
	<i>Turkey</i>			
Air Force	Incirlik Ab	Construct Consolidated Community Ctr .....	9,200	9,200
	<i>United Kingdom</i>			
Def-Wide	Menwith Hill Station	MHS PSC Construction .....	37,588	37,588
Def-Wide	Raf Mildenhall	Connect Fuel Tank Distribution Pipe Ln .....	4,700	4,700
Def-Wide	Royal Air Force Alconbury	Medical/dental Clinic replacement .....	14,227	14,227
Def-Wide	Royal Air Force Lakenheath	Liberty IS—Gymnasium .....	4,509	4,509
	<i>Virgin Islands</i>			
ARNG	St. Croix	Regional Training Institute Ph1 .....	20,000	20,000
	<i>Zc</i>			
Air Force	Classified Location	Classified Planning & Design .....	3,000	3,000
	<i>Zu</i>			
NSIP	NATO Security Invest Prgm	NATO Security Investment Program .....	276,314	197,414
AF Reserve	Unspecified Worldwide	Planning and Design .....	1,976	3,869
AF Reserve	Unspecified Worldwide	Minor Construction .....	800	800
Air Force	Unspecified Worldwide	Unspecified minor construction .....	18,000	20,000
Air Force	Unspecified Worldwide	Planning & design .....	79,363	100,562
Air Guard	Unspecified Worldwide	Minor Construction .....	9,000	17,005
Air Guard	Unspecified Worldwide	Planning & design .....	10,061	13,021
Army	Unspecified Worldwide	Minor Construction FY 10 .....	23,000	25,000
Army	Unspecified Worldwide	Planning & design FY 10 .....	153,029	175,519
Army	Unspecified Worldwide	Host Nation Support FY 10 .....	25,000	25,000
ARNG	Unspecified Worldwide	Unspecified Minor construction .....	10,300	29,682
ARNG	Unspecified Worldwide	Planning and Design .....	23,981	47,429
Def-Wide	Unspecified Worldwide	.....		
Def-Wide	Unspecified Worldwide	Unspecified Minor construction .....	6,800	6,800
Def-Wide	Unspecified Worldwide	Planning and Design .....	8,855	8,855
Def-Wide	Unspecified Worldwide	Unspecified Minor construction .....	4,100	4,100
Def-Wide	Unspecified Worldwide	Minor Construction .....	3,717	3,717
Def-Wide	Unspecified Worldwide	Planning and Design .....	2,000	2,000
Def-Wide	Unspecified Worldwide	Planning and Design .....	10,534	10,534
Def-Wide	Unspecified Worldwide	Unspecified Minor construction .....	6,022	6,022
Def-Wide	Unspecified Worldwide	Planning and Design .....	4,425	4,425
Def-Wide	Unspecified Worldwide	JEP Exercise Related construction .....	7,861	7,861
Def-Wide	Unspecified Worldwide	Minor Construction .....	4,525	4,525
Def-Wide	Unspecified Worldwide	Planning and Design .....	72,974	72,974
Def-Wide	Unspecified Worldwide	Energy Conservation Improvement Program .....	90,000	123,013
Def-Wide	Unspecified Worldwide	Contingency construction .....	10,000	10,000
Def-Wide	Unspecified Worldwide	Unspecified Minor construction .....	3,000	
Def-Wide	Unspecified Worldwide	Planning and Design .....	35,579	19,079
Def-Wide	Unspecified Worldwide	Planning and Design .....	3,575	3,575
FH Con AF	Unspecified Worldwide	Construction improvements .....	61,737	61,737
FH Con AF	Unspecified Worldwide	Classified Project .....	50	50
FH Con AF	Unspecified Worldwide	Planning and Design .....	4,314	4,314
FH Con Army	Unspecified Worldwide	Construction improvements (2428 Units) .....	219,300	219,300
FH Con Army	Unspecified Worldwide	Family Housing P&D .....	3,936	3,936
FH Con Navy	Unspecified Worldwide	Improvements .....	118,692	118,692
FH Con Navy	Unspecified Worldwide	Design .....	2,771	2,771
FH Ops AF	Unspecified Worldwide	Utilities Account .....	81,686	81,686
FH Ops AF	Unspecified Worldwide	Management Account .....	1,557	1,557
FH Ops AF	Unspecified Worldwide	Management Account .....	51,334	51,334
FH Ops AF	Unspecified Worldwide	Services Account .....	20,183	20,183
FH Ops AF	Unspecified Worldwide	Furnishings Account .....	39,182	39,182



**MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>Conference Agreement</b>
FH Ops AF	Unspecified Worldwide	Miscellaneous Account .....	1,543	1,543
FH Ops AF	Unspecified Worldwide	Leasing Account .....	548	548
FH Ops AF	Unspecified Worldwide	Leasing .....	102,858	102,858
FH Ops AF	Unspecified Worldwide	Maintenance Account .....	1,911	1,911
FH Ops AF	Unspecified Worldwide	Maintenance (RPMA & RPMC) .....	148,318	148,318
FH Ops AF	Unspecified Worldwide	Housing Privatization .....	53,816	53,816
FH Ops Army	Unspecified Worldwide	Utilities Account .....	81,650	81,650
FH Ops Army	Unspecified Worldwide	Operations .....	87,263	87,263
FH Ops Army	Unspecified Worldwide	Miscellaneous Account .....	1,177	1,177
FH Ops Army	Unspecified Worldwide	Leasing .....	205,685	205,685
FH Ops Army	Unspecified Worldwide	Maintenance of Real Property .....	115,854	115,854
FH Ops Army	Unspecified Worldwide	Privatization Support Costs .....	31,789	31,789
FH Ops DW	Unspecified Worldwide	Furnishings Account .....	4,426	4,426
FH Ops DW	Unspecified Worldwide	Leasing .....	33,579	33,579
FH Ops DW	Unspecified Worldwide	Utilities Account .....	274	274
FH Ops DW	Unspecified Worldwide	Furnishings Account .....	19	19
FH Ops DW	Unspecified Worldwide	Services Account .....	29	29
FH Ops DW	Unspecified Worldwide	Management Account .....	309	309
FH Ops DW	Unspecified Worldwide	Maintenance of Real Property .....	366	366
FH Ops DW	Unspecified Worldwide	Recission (Public Law 110-5) .....		
FH Ops DW	Unspecified Worldwide	Operations .....	35	35
FH Ops DW	Unspecified Worldwide	Leasing .....	10,108	10,108
FH Ops DW	Unspecified Worldwide	Maintenance of Real Property .....	69	69
FH Ops Navy	Unspecified Worldwide	Utilities Account .....	53,956	53,956
FH Ops Navy	Unspecified Worldwide	Furnishings Account .....	14,624	14,624
FH Ops Navy	Unspecified Worldwide	Management Account .....	60,278	60,278
FH Ops Navy	Unspecified Worldwide	Miscellaneous Account .....	457	457
FH Ops Navy	Unspecified Worldwide	Services Account .....	16,462	16,462
FH Ops Navy	Unspecified Worldwide	Leasing .....	101,432	101,432
FH Ops Navy	Unspecified Worldwide	Maintenance of Real Property .....	94,184	94,184
FH Ops Navy	Unspecified Worldwide	Privatization Support Costs .....	27,147	27,147
FHIF	Unspecified Worldwide	Family Housing improvement Fund .....	2,600	2,600
HOAP	Unspecified Worldwide	Homeowners Assistance program .....	23,225	300,000
Milcon, Naval Res	Unspecified Worldwide	Planning and Design .....	2,371	2,951
Navy	Unspecified Worldwide	Unspecified minor construction .....	12,483	12,483
Navy	Unspecified Worldwide	Planning and Design .....	166,896	179,652
USAR	Unspecified Worldwide	Unspecified minor construction .....	3,600	3,600
USAR	Unspecified Worldwide	Planning and Design .....	22,262	22,716
AF Reserve	Unspecified Worldwide	Programmatic Plus Up .....		55,000
Air_Guard	Unspecified Worldwide	Programmatic Plus Up .....		30,000
ARNG	Unspecified Worldwide	Programmatic Plus Up .....		30,000
Milcon, Naval Res	Unspecified Worldwide	Programmatic Plus Up .....		55,000
USAR	Unspecified Worldwide	Programmatic Plus Up .....		30,000
<b>Total FY2010 Authorizations</b> .....			<b>22,946,036</b>	<b>23,879,856</b>
Prior Year Savings .....				-175,800
General Reduction .....				-529,091
<b>Grand Total</b> .....			<b>22,946,036</b>	<b>23,174,965</b>

## SEC. 4502. 2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING.

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING (In Thousands of Dollars)				
Account	State and Location	Project Title	Project Author- ization	Con- ference Author- ization
	AL			
Army	Anniston (Pelham Range)	Armed Forces Reserve Center .....	8,000	8,000
Army	Birmingham	Armed Forces Reserve Center .....	10,000	10,000
Army	Mobile	Armed Forces Reserve Center .....	20,430	20,430
Defense Wide	Redstone Arsenal	Von Braun Complex .....	0	27,800
Army	Tuscaloosa	Armed Forces Reserve Center .....	18,000	18,000
	AR			
Army	Camden	Armed Forces Reserve Center .....	9,800	9,800
Army	El Dorado	Armed Forces Reserve Center .....	14,000	14,000
Army	Hot Springs	Armed Forces Reserve Center .....	14,600	14,600
Army	Pine Bluff	Armed Forces Reserve Center .....	15,500	15,500
	AZ			
Army	Marana	Armed Forces Reserve Center .....	31,000	31,000
	CA			
Navy	Barstow	Industrial Machine Shop Facility .....	14,131	14,130
Navy	China Lake	Shipboard Shock Test Facility .....	3,160	3,160
Navy	China Lake	Weapons Dynamics RDT&E Center .....	5,970	5,970
	CT			
Army	Middletown	Armed Forces Reserve Center, Incr 2 .....	37,000	37,000
	DC			
Navy	Washington	Navy Systems Management Activity Relocation (INCR II of II) .....	71,929	71,929
Navy	Washington	Renovate 3rd Floor Building 176, Washington Navy Yard .....	750	750
	FL			
Army	Eglin AFB	Special Forces Complex, Incr 2 .....	8,000	8,000
Air Force	Eglin AFB	BRAC F-35 Live Ordnance Load Area (LOLA) .....	6,624	6,624
Air Force	Eglin AFB	CE Facility .....	2,000	2,000
Air Force	Eglin AFB	F-35 (JSF) Duke Field Control Tower .....	2,280	2,280
Air Force	Eglin AFB	Fitness Facility .....	2,750	2,750
Air Force	Eglin AFB	STOVL Simulated Carrier Practice Landing Deck .....	27,690	27,690
Air Force	Eglin AFB	School Age Facility .....	2,600	2,600
Air Force	Eglin AFB	Security Forces Facility .....	890	890
Air Force	Eglin AFB	Taxiway Extension .....	13,000	13,000
Air Force	Eglin AFB	Traffic Management Cargo Processing Facility .....	900	900
	GA			
Army	Benning	AAFES Troop Store .....	1,950	1,950
Army	Benning	Armed Forces Reserve Center .....	18,000	18,000
Army	Benning	Equipment Concentration Site .....	43,000	43,000
Army	Benning	General Instruction Complex 2, Incr 2 .....	58,000	58,000
Army	Benning	Maneuver Ctr HQ & CDI Bldg Expansion .....	42,000	42,000
Army	Benning	Medical Facility, Incr 2 .....	77,000	77,000
	IA			
Army	Cedar Rapids	Armed Forces Reserve Center .....	42,000	42,000
Army	Iowa AAP	Armed Forces Reserve Center .....	27,000	27,000
Army	Muscatine	Armed Forces Reserve Center .....	8,800	8,800
	IL			
Army	Rock Island	Army Headquarters Building Renovation .....	20,000	20,000
	KY			
Army	Campbell	Armed Forces Reserve Center .....	5,900	5,900
Army	Campbell	Headquarters Building, Group .....	14,800	14,800
Army	Knox	Armed Forces Reserve Center .....	2,300	2,300
	MD			
Army	Aberdeen PG	C4ISR, Phase 2, Incr 2 .....	156,000	156,000
Defense Wide	Bethesda (WRNMMC)	Medical Center Addition—Increment 3 .....	108,850	108,850
Defense Wide	Bethesda (WRNMMC)	Traffic Mitigation Increment 1 .....	18,400	18,400
Defense Wide	Bethesda (WRNMMC)	Site Utility Infrastructure Upgrade for NICOE .....	0	6,500
Army	Detrick	Joint Bio-Med RDA Management Center .....	8,300	8,300
Army	Forest Glenn	Museum .....	12,200	12,200
Defense Wide	Fort Meade	Construct DISA Building .....	131,662	131,662
Army	Fort Meade	Defense Media Activity, Incr 2 .....	17,000	17,000
	ME			
Navy	Brunswick	Marine Corps Reserve Center .....	12,960	12,960
	MI			
Army	Detroit Arsenal	Administrative Office Buildings, Incr 2 .....	0	21,384
Army	Detroit Arsenal	Weapons Systems Support and Training .....	8,300	8,300
Army	Ft. Custer (Augusta)	Armed Forces Reserve Center .....	18,500	18,500
Air Force	Selfridge ANGB	A10 Arm/Disarm Apron .....	1,350	1,350
Air Force	Selfridge ANGB	Repair Munitions Admin Building 891 .....	3,100	3,100
Air Force	Selfridge ANGB	Upgrade Munitions Maintenance Shop .....	1,650	1,650
Air Force	Selfridge ANGB	Upgrade Munitions Missile Maintenance Bays .....	2,350	2,350

**2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING**  
(In Thousands of Dollars)

<b>Account</b>	<b>State and Location</b>	<b>Project Title</b>	<b>Project Author- ization</b>	<b>Con- ference Author- ization</b>
	MO			
Army	Kirksville	Armed Forces Reserve Center .....	6,600	6,600
	MT			
Army	Great Falls	Armed Forces Reserve Center .....	7,600	7,600
	NC			
Army	Bragg	Band Training Facility .....	4,200	4,200
Army	Bragg	Headquarters Bldg, FORSCOM/USARC, Incr 3 .....	124,000	124,000
Army	Wilmington	Armed Forces Reserve Center .....	17,500	17,500
	ND			
Army	Fargo	Armed Forces Reserve Center .....	11,200	11,200
	NE			
Army	Columbus	Armed Forces Reserve Center .....	9,300	9,300
Army	McCook	Armed Forces Reserve Center .....	7,900	7,900
	NJ			
Army	Camden	Armed Forces Reserve Center .....	21,000	21,000
	NY			
Army	West Point	US Military Academy Prep School, Incr 2 .....	0	98,000
	OH			
Army	Columbus	Armed Forces Reserve Center, Incr 2 .....	0	30,218
Navy	Akron	Armed Forces Reserve Center .....	13,840	13,840
	OK			
Army	Sill	Joint Fires & Effects Simulator Building .....	28,000	28,000
Air Force	Will Rogers World APT AGS	Relocate Global Air Traffic Operation Program Office .....	1,200	1,200
	PA			
Army	Allentown	Armed Forces Reserve Center .....	15,000	15,000
Army	Tobyhanna	Electronics Maintenance Shop, Depot Level .....	3,200	3,200
Air Force	Willow Grove ARS, NAS Wil- low Grove JRB	Establish Enclave .....	4,000	4,000
	RI			
Army	Bristol	Armed Forces Reserve Center .....	17,500	17,500
	SC			
Navy	Charleston	SPAWAR Data Center .....	9,670	9,670
Navy	Goose Creek	Consolidated Brig Addition .....	9,790	9,790
Army	Shaw AFB	Headquarters Building, Third US Army, Incr 2 .....	55,000	55,000
	TN			
Army	Chattanooga	Armed Forces Reserve Center .....	8,900	8,900
	TX			
Army	Bliss	Brigade Combat Team Complex #3, Incr 3 .....	110,000	110,000
Army	Bliss	Combat Aviation Brigade Complex, Incr 3 .....	94,000	94,000
Army	Bliss	Hospital Add/Alt, WBAMC .....	24,000	0
Army	Bliss	Hospital Replacement .....	89,000	89,000
Army	Bliss	Tactical Equipment Maintenance Facility 2 .....	104,000	104,000
Army	Brownsville	Armed Forces Reserve Center .....	15,000	15,000
Army	Huntsville	Armed Forces Reserve Center .....	16,000	16,000
Army	Kingsville	Armed Forces Reserve Center .....	17,500	17,500
Air Force	Lackland AFB	Joint Base San Antonio Headquarters Facility .....	8,500	8,500
Army	Lufkin	Armed Forces Reserve Center .....	15,500	15,500
Air Force	Randolph AFB	Renovate Building 38 .....	2,050	2,050
Army	Red River	Armed Forces Reserve Center .....	14,200	14,200
Defense	Fort Sam Houston	San Antonio Military Medical Center (North) Incr 3 .....	0	163,750
Wide				
Army	Sam Houston	Add/Alt Building 2270 .....	18,000	18,000
Army	Sam Houston	Housing, Enlisted Permanent Party .....	10,800	10,800
Army	Sam Houston	IMCOM Campus Area Infrastructure .....	11,000	11,000
Army	Sam Houston	Headquarters Bldg, IMCOM .....	48,000	48,000
	VA			
Army	Belvoir	Infrastructure Support, Incr 3 .....	13,000	13,000
Army	Belvoir	Infrastructure Support, Incr 3 .....	39,400	39,400
Army	Belvoir	NARMC HQ Building .....	17,500	17,500
Defense	Fort Belvoir	NGA Headquarters Facility .....	0	168,749
Wide				
Defense	Fort Belvoir	Hospital Replacement—Increment 4 .....	140,750	140,750
Wide				
Defense	Fort Belvoir	Dental Clinic .....	12,600	12,600
Wide				
Defense	Fort Belvoir	Office Complex Increment 3 .....		360,533
Wide				
Army	Eustis	Bldg 705 Renv (AAA & 902d MI) .....	1,600	1,600
Army	Eustis	Headquarters Bldg, IMCOM Eastern Region .....	5,700	5,700
Army	Eustis	Headquarters Building, TRADOC, Incr 2 .....	34,300	34,300
Army	Eustis	Joint Task Force—Civil Support .....	19,000	19,000
Army	Eustis	Renovation for ACA and NETCOM .....	4,800	4,800
Army	Lee	AAFES Troop Store .....	1,850	1,850
Army	Lee	Administrative Building (DCMA) .....	28,000	28,000
Army	Lee	Combat Service Support School, Ph 1, Incr 4 .....	0	30,000
Army	Lee	Combat Service Support School, Ph 2, Incr 3 .....	137,000	137,000

**2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING**  
(In Thousands of Dollars)

<b>Account</b>	<b>State and Location</b>	<b>Project Title</b>	<b>Project Author- ization</b>	<b>Con- ference Author- ization</b>
Army	Lee	Combat Service Support School, Ph 3, Incr 2 .....	145,000	145,000
Army	Lee	Consolidated Troop Med/Dntl Clinic .....	20,000	20,000
Army	Lee	HQs, Transportation Management Detachment .....	1,200	1,200
Army	Lee	USMC Training Facilities .....	25,000	25,000
Navy	Arlington	Crystal Park 5 to Arlington Service Center .....	33,660	33,660
Navy	Chesapeake	Joint Regional Correctional Facility (INCR II of II) .....	0	47,560
Navy	Norfolk	Building 1558 Renovations for SPAWAR .....	2,510	2,510
	WV			
Army	Elkins	Armed Forces Reserve Center .....	22,000	22,000
Army	Fairmont	Armed Forces Reserve Center .....	21,000	21,000
Army	Spencer-Ripley	Armed Forces Reserve Center .....	19,540	19,540
	WW			
Army	Various	Planning and Design .....	26,100	26,100
Army	Various	Environmental .....	147,693	147,693
Navy	Various	Environmental .....	16,529	16,529
Air Force	Various	Environmental .....	19,454	19,454
Defense	Various	Environmental .....	0	0
	Wide			
Army	Various	Operation and Maintenance .....	1,169,334	1,169,334
Navy	Various	Operation and Maintenance .....	322,495	322,495
Air Force	Various	Operation and Maintenance .....	288,459	288,459
Defense	Various	Operation and Maintenance .....	836,715	836,715
	Wide			
Army	Various	MilPers PCS .....	0	0
Navy	Various	MilPers PCS .....	6,504	6,504
Air Force	Various	MilPers PCS .....	3,970	3,970
Defense	Various	MilPers PCS .....	0	0
	Wide			
Army	Various	Other .....	311,138	311,138
Navy	Various	Other .....	20,115	20,115
Air Force	Various	Other .....	23,443	23,443
Defense	Various	Other .....	412,320	412,320
	Wide			
Defense	Various	Other .....		
	Wide			
		Subtotal BRAC 2005 FY 2010, Army .....		4,057,037
		Subtotal BRAC 2005 FY 2010, Navy .....		591,572
		Subtotal BRAC 2005 FY 2010, Air Force .....		418,260
		Subtotal BRAC 2005 FY 2010, Defense Wide .....		2,388,629
		<b>Total BRAC 2005 FY 2010 All Categories</b> .....	<b>5,934,740</b>	<b>7,455,498</b>
Army	Various	Base Realignment and Closure IV, Army .....		138,723
Navy	Various	Base Realignment and Closure IV, Navy .....		228,000
Air Force	Various	Base Realignment and Closure IV, Air Force .....		127,364
Defense	Various	Base Realignment and Closure IV, Defense Wide .....		2,681
	Wide			
		<b>Total BRAC IV for FY 2010</b> .....		<b>496,768</b>

## SEC. 4503. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Service	Country and Location	Project	Request	Conference Authorized
	<b>Afghanistan</b>			
Army	Airborne .....	Dining Facility .....	2,200	2,200
Army	Airborne .....	Waste Management Area .....	5,600	5,600
Army	Altimur .....	Dining Facility .....	2,150	2,150
Army	Altimur .....	Waste Management Area .....	5,600	5,600
Army	Asadabad .....	Waste Management Area .....	5,500	5,500
Air	Bagram Air Base .....	Cargo Terminal .....	13,800	13,800
Force				
Air	Bagram Air Base .....	Aviation Operations & Maintenance Facilities .....	8,900	8,900
Force				
Air	Bagram Air Base .....	Expeditionary Fighter Shelter .....	6,400	6,400
Force				
Army	Bagram Air Base .....	Troop Housing Phase 3 .....	22,000	0
Army	Bagram Air Base .....	Drainage System, Ph 2 .....	21,000	21,000
Army	Bagram Air Base .....	APS Compound .....	0	38,000
Army	Bagram Air Base .....	Barracks .....	0	0
Army	Bagram Air Base .....	Perimeter Fence and Guard Towers .....	0	7,000
Army	Bagram Air Base .....	Command and Control Facility .....	0	38,000
Army	Bagram Air Base .....	Access Roads .....	21,000	21,000
Army	Bagram Air Base .....	Command and Control Facility .....	4,500	4,500
Army	Bagram Air Base .....	Medlog Warehouse .....	3,350	3,350
Army	Blessing .....	Waste Management Area .....	5,600	5,600
Army	Bostick .....	Waste Management Area .....	5,500	5,500
Air	Dwyer .....	Cargo Handling Area .....	4,900	4,900
Force				
Army	Dwyer .....	Contingency Housing Phase 1 .....	8,600	0
Army	Dwyer .....	Contingency Housing Phase 2 .....	6,900	0
Army	Dwyer .....	Fuel System, Ph 1 .....	5,800	5,800
Army	Dwyer .....	Waste Management Complex .....	6,900	6,900
Army	Dwyer .....	Dining Facility .....	6,600	6,600
Army	Frontenac .....	Dining Facility .....	2,200	2,200
Army	Frontenac .....	Contingency Housing .....	3,800	0
Army	Gardez .....	Tactical Runway .....	28,000	28,000
Army	Gardez .....	Dining Facility .....	2,200	2,200
Army	Gardez .....	Contingency Housing .....	8,400	0
Army	Gardez .....	Fuel System, Ph 1 .....	6,000	6,000
Army	Ghazni .....	Waste Management Complex .....	5,500	5,500
Army	Jalalabad .....	Dining Facility .....	4,350	4,350
Army	Jalalabad .....	Ammunition Supply Point .....	35,000	35,000
Army	Jalalabad .....	Contingency Housing .....	6,900	0
Army	Jalalabad .....	Perimeter Fencing .....	2,050	2,050
Army	Joyce .....	Dining Facility .....	2,100	2,100
Army	Joyce .....	Waste Management Area .....	5,600	5,600
Army	Kabul .....	USFOR-A Headquarters & Housing .....	98,000	98,000
Army	Kabul .....	Camp Phoenix West Expansion .....	39,000	39,000
Air	Kandahar .....	Secure RSOI Facility .....	9,700	9,700
Force				
Air	Kandahar .....	Tactical Airlift Apron .....	29,000	29,000
Force				
Air	Kandahar .....	Refueler Apron/Relocate HCP .....	66,000	66,000
Force				
Air	Kandahar .....	CAS Apron Expansion .....	25,000	25,000
Force				
Air	Kandahar .....	ISR Apron Expansion .....	40,000	40,000
Force				
Air	Kandahar .....	Aviation Operations & Maintenance Facilities .....	10,500	10,500
Force				
Air	Kandahar .....	Expeditionary Fighter Shelter .....	6,400	6,400
Force				
Air	Kandahar .....	Cargo Helicopter Apron .....	32,000	32,000
Force				
Air	Kandahar .....	Relocate North Airfield Road .....	16,000	16,000
Force				
Army	Kandahar .....	Troop Housing Phase 2 .....	4,250	0
Army	Kandahar .....	Command and Control Facility .....	4,500	4,500
Army	Kandahar .....	Tanker Truck Offload Facility .....	23,000	23,000
Army	Kandahar .....	Command and Control Facility .....	4,500	4,500
Army	Kandahar .....	Command and Control Facility .....	4,500	4,500
Army	Kandahar .....	Southpark Roads .....	11,000	11,000
Army	Kandahar .....	Waste Management Complex .....	10,000	10,000
Army	Kandahar .....	Warehouse .....	20,000	20,000
Army	Kandahar .....	Theater Vehicle Maintenance Facility .....	55,000	55,000
Army	Maywand .....	Dining Facility .....	2,200	2,200
Army	Maywand .....	Waste Management Area .....	5,600	5,600
Army	Methar-lam .....	Waste Management Area .....	4,150	4,150
Army	Salerno .....	Waste Management Complex .....	5,500	5,500
Army	Salerno .....	Electrical Distribution Grid .....	2,600	2,600
Army	Salerno .....	Fuel System, Ph 1 .....	12,800	12,800

**MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Service	Country and Location	Project	Request	Conference Authorized
Army	Salerno .....	Dining Facility .....	4,300	4,300
Army	Salerno .....	Runway Upgrade .....	25,000	25,000
Air	Shank .....	Cargo Handling Area .....	4,900	4,900
Force				
Army	Shank .....	Dining Facility .....	4,350	4,350
Army	Shank .....	Electrical Distribution Grid .....	4,600	4,600
Army	Shank .....	Waste Management Complex .....	8,100	8,100
Army	Shank .....	Water Distribution System .....	2,650	2,650
Army	Shank .....	Troup Housing Phase 2 .....	8,600	0
Army	Sharana .....	Rotary Wing Parking .....	32,000	32,000
Army	Sharana .....	Ammunition Supply Point .....	14,000	14,000
Army	Sharana .....	Aircraft Maintenance Facilities .....	12,200	12,200
Army	Sharana .....	Electrical Distribution Grid .....	2,600	2,600
Air	Tarin Kowt .....	Cargo Handling Area .....	4,900	4,900
Force				
Army	Tarin Kowt .....	Fuel System Phase 2 .....	11,800	11,800
Army	Tarin Kowt .....	Waste Management Area .....	6,800	6,800
Army	Tarin Kowt .....	Ammunition Supply Point .....	35,000	35,000
Army	Tarin Kowt .....	Dining Facility .....	2,200	2,200
Air	Tombstone/Bastion ...	Strategic Airlift Apron Expansion .....	32,000	32,000
Force				
Air	Tombstone/Bastion ...	CAS Apron Expansion .....	40,000	40,000
Force				
Air	Tombstone/Bastion ...	ISR Apron .....	41,000	41,000
Force				
Air	Tombstone/Bastion ...	Secure RSOI Facility .....	10,000	10,000
Force				
Air	Tombstone/Bastion ...	Cargo Handling Area .....	18,000	18,000
Force				
Air	Tombstone/Bastion ...	Aviation Operations & Maintenance Facs .....	8,900	8,900
Force				
Air	Tombstone/Bastion ...	Expeditionary Fighter Shelter .....	6,300	6,300
Force				
Army	Tombstone/Bastion ...	Basic Load Ammunition Holding Area .....	7,500	7,500
Army	Tombstone/Bastion ...	Dining Facility .....	8,900	8,900
Army	Tombstone/Bastion ...	Entry Control Point and Access Roads .....	14,200	14,200
Army	Tombstone/Bastion ...	Fuel System, Ph 2 .....	14,200	14,200
Army	Tombstone/Bastion ...	Roads .....	4,300	4,300
Army	Tombstone/Bastion ...	Troop Housing Phase 3 .....	3,250	0
Army	Tombstone/Bastion ...	Troop Housing Phase 4 .....	3,800	0
Army	Tombstone/Bastion ...	Level 3 Medical Facility .....	16,500	16,500
Army	Tombstone/Bastion ...	Water Supply and Distribution System .....	6,200	6,200
Air	Wolverine .....	Cargo Handling Area .....	4,900	4,900
Force				
Army	Wolverine .....	Dining Facility .....	4,350	4,350
Army	Wolverine .....	Fuel System, Ph 1 .....	5,800	5,800
Army	Wolverine .....	Waste Management Complex .....	6,900	6,900
Army	Belgium			
	Mons .....	NATO SOF Operational Support .....		
Army	ZU			
Air	Unspecified World-	Planning and Design .....	35,000	29,000
Force	wide.			
Army	Unspecified World-	Minor Construction .....	20,000	20,100
	wide.			
Army	Unspecified World-	Planning and Design .....	76,284	76,284
	wide.			
NSA	Unspecified World-	Classified Project .....	6,000	0
	wide.			
NSA	Unspecified World-	Planning and Design .....	600	0
	wide.			
<b>Grand Total Military Construction .....</b>			<b>1,404,984</b>	<b>1,398,984</b>

## TITLE XLVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2010 Request	Conference Authorized
<b>Electricity Delivery &amp; Energy Reliability</b>		
<b>Electricity Delivery &amp; Energy Reliability</b>		
Infrastructure security & energy restoration .....	6,188	6,188
<b>Weapons Activities</b>		
<b>Directed stockpile work</b>		
<b>Life extension programs</b>		
W76 Life extension program .....	209,196	209,196
<b>Total, Life extension programs</b> .....	<b>209,196</b>	<b>209,196</b>
<b>Stockpile systems</b>		
B61 Stockpile systems .....	124,456	124,456
W76 Stockpile systems .....	65,497	65,497
W78 Stockpile systems .....	50,741	50,741
W80 Stockpile systems .....	19,064	19,064
B83 Stockpile systems .....	35,682	35,682
W87 Stockpile systems .....	51,817	51,817
W88 Stockpile systems .....	43,043	43,043
<b>Total, Stockpile systems</b> .....	<b>390,300</b>	<b>390,300</b>
<b>Weapons dismantlement and disposition</b>		
Operation and maintenance .....	84,100	94,100
<b>Total, Weapons dismantlement and disposition</b> .....	<b>84,100</b>	<b>94,100</b>
<b>Stockpile services</b>		
Production support .....	301,484	301,484
Research and development support .....	37,071	37,071
R&D certification and safety .....	143,076	153,076
Dynamic plutonium experiment—NTS .....		[10,000]
Management, technology, and production .....	200,223	200,223
Plutonium infrastructure sustainment .....	149,201	149,201
<b>Total, Stockpile services</b> .....	<b>831,055</b>	<b>841,055</b>
<b>Total, Directed stockpile work</b> .....	<b>1,514,651</b>	<b>1,534,651</b>
<b>Campaigns:</b>		
<b>Science campaign</b>		
Advanced certification .....	19,400	19,400
Primary assessment technologies .....	80,181	80,181
Dynamic materials properties .....	86,617	86,617
Academic alliances .....	30,251	30,251
Advanced radiography .....	22,328	22,328
Secondary assessment technologies .....	77,913	77,913
<b>Total, Science campaign</b> .....	<b>316,690</b>	<b>316,690</b>
<b>Engineering campaign</b>		
Enhanced surety .....	42,000	47,000
Program increase .....		[5,000]
Weapon systems engineering assessment technology .....	18,000	18,000
Nuclear survivability .....	21,000	21,000
Enhanced surveillance .....	69,000	69,000
<b>Total, Engineering campaign</b> .....	<b>150,000</b>	<b>155,000</b>
<b>Inertial confinement fusion ignition and high yield campaign</b>		
Ignition .....	106,734	106,734
NIF diagnostics, cryogenics and experimental support .....	72,252	73,252
National Ignition Campaign program increase .....		[1,000]
Pulsed power inertial confinement fusion .....	5,000	5,000
Joint program in high energy density laboratory plasmas .....	4,000	4,000
Facility operations and target production .....	248,929	266,629
Omega operations .....		[6,500]
National Ignition Campaign program increase .....		[11,200]
<b>Total, Inertial confinement fusion and high yield campaign</b> .....	<b>436,915</b>	<b>455,615</b>
<b>Advanced simulation and computing campaign</b>		
Operation and maintenance .....	556,125	556,125
<b>Total, Advanced simulation and computing campaign</b> .....	<b>556,125</b>	<b>556,125</b>



**DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
<b>Readiness Campaign</b>		
Stockpile readiness .....	5,746	5,746
High explosives and weapon operations .....	4,608	4,608
Nonnuclear readiness .....	12,701	12,701
Tritium readiness .....	68,246	68,246
Advanced design and production technologies .....	8,699	8,699
<b>Total, Readiness campaign</b> .....	<b>100,000</b>	<b>100,000</b>
<b>Total, Campaigns</b> .....	<b>1,559,730</b>	<b>1,583,430</b>
<b>Readiness in technical base and facilities (RTBF)</b>		
Operation of facilities .....	1,342,303	1,360,303
Pantex Plant program increase .....		[8,000]
Y-12 National Security Complex program increase .....		[10,000]
<b>Total, Operation of facilities</b> .....	<b>1,342,303</b>	<b>1,360,303</b>
Program readiness .....	73,021	73,021
Material recycle and recovery .....	69,542	69,542
Containers .....	23,392	23,392
Storage .....	24,708	24,708
<b>Subtotal, Readiness in technical base and facilities (RTBF)</b> .....	<b>1,532,966</b>	<b>1,550,966</b>
<b>Construction:</b>		
10-D-501 Nuclear facilities risk reduction Y-12 National Security Complex, Oakridge, TN .....	12,500	12,500
99-D-141 Pit disassembly and conversion facility, Savannah River Site, Aiken, SC .....	30,321	30,321
09-D-007, LANSCE—Refurbishment, Los Alamos National Laboratory, NM .....	0	24,000
Program increase in support of RTBF .....		[24,000]
09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM .....	0	5,000
Program increase in support of RTBF .....		[5,000]
08-D-801 High pressure fire loop (HPFL), Pantex, TX .....	31,910	31,910
08-D-804 TA-55 Reinvestment project, Los Alamos National Laboratory .....	0	
08-D-802 High Explosive Pressing Facility, Pantex Plant, Amarillo, TX .....	0	
06-D-140 Project engineering design (PED), various locations .....	70,678	70,678
06-D-402 NTS replace fire stations 1 & 2 Nevada Test Site, NV .....	1,473	1,473
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM .....	55,000	55,000
04-D-128 TA-18 Criticality experiments facility (CEF), Los Alamos National Laboratory, Nevada Test Site, NV ....	1,500	1,500
<b>Total, Construction</b> .....	<b>203,382</b>	<b>232,382</b>
<b>Total, Readiness in technical base and facilities</b> .....	<b>1,736,348</b>	<b>1,783,348</b>
<b>Secure transportation asset</b>		
Operation and equipment .....	138,772	138,772
Program direction .....	96,143	96,143
<b>Total, Secure transportation asset</b> .....	<b>234,915</b>	<b>234,915</b>
<b>Nuclear counterterrorism incident response</b> .....	<b>221,936</b>	<b>221,936</b>
<b>Facilities and infrastructure recapitalization program</b>		
Operation and maintenance .....	144,959	144,959
Construction		
07-D-253 TA 1 heating systems modernization (HSM) Sandia National Laboratory .....	9,963	9,963
<b>Total, Construction</b> .....	<b>9,963</b>	<b>9,963</b>
<b>Total, Facilities and infrastructure recapitalization program</b> .....	<b>154,922</b>	<b>154,922</b>
<b>Site stewardship</b>		
Environmental projects and operations .....	41,288	41,288
Nuclear materials integration .....	20,000	20,000
Stewardship planning .....	29,086	29,086
<b>Total, Site stewardship</b> .....	<b>90,374</b>	<b>90,374</b>
<b>Safeguards and security</b>		
<b>Defense nuclear security</b>		
Operation and maintenance .....	700,044	700,044
<b>Construction:</b>		
10-D-701 Security improvements project Y-12 National Security Complex, Oak Ridge, TN .....	49,000	49,000
<b>Total, Construction</b> .....	<b>49,000</b>	<b>49,000</b>
<b>Total, Defense nuclear security</b> .....	<b>749,044</b>	<b>749,044</b>
Cyber security .....	122,511	122,511
<b>Total, Safeguards and security</b> .....	<b>871,555</b>	<b>871,555</b>
Use of prior year balances .....		-42,000
<b>Total, Weapons Activities</b> .....	<b>6,384,431</b>	<b>6,433,131</b>

**DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
<b>Defense Nuclear Nonproliferation</b>		
<b>Nonproliferation and verification research and development</b>		
Operation and maintenance .....	297,300	337,300
<b>Nonproliferation and international security</b> .....	207,202	187,202
<b>International nuclear materials protection and cooperation</b> .....	552,300	592,050
MPC&A .....		[39,750]
<b>Elimination of weapons-grade plutonium production program</b> .....	24,507	24,507
<b>Fissile materials disposition</b>		
<b>U.S. surplus fissile materials disposition</b>		
Operation and maintenance		
U.S. plutonium disposition .....	90,896	90,896
U.S. uranium disposition .....	34,691	34,691
Supporting activities .....	1,075	1,075
<b>Total, Operation and maintenance</b> .....	<b>126,662</b>	<b>126,662</b>
<b>Construction:</b>		
99-D-143 Mixed oxide fuel fabrication facility, Savannah River Site, SC .....	504,238	504,238
99-D-141-02 Waste solidification building, Savannah River, SC .....	70,000	70,000
<b>Total, Construction</b> .....	<b>574,238</b>	<b>574,238</b>
<b>Total, U.S. surplus fissile materials disposition</b> .....	<b>700,900</b>	<b>700,900</b>
Russian surplus materials disposition .....	1,000	1,000
<b>Total, Fissile materials disposition</b> .....	<b>701,900</b>	<b>701,900</b>
<b>Global threat reduction initiative</b> .....	353,500	333,500
<b>Subtotal, Defense Nuclear Nonproliferation</b> .....	<b>2,136,709</b>	<b>2,176,459</b>
<b>Total, Defense Nuclear Nonproliferation</b> .....	<b>2,136,709</b>	<b>2,176,459</b>
<b>Naval Reactors</b>		
<b>Naval reactors development</b>		
<b>Operation and maintenance</b>		
Operation and maintenance .....	935,533	935,533
<b>Total, Operation and maintenance</b> .....	<b>935,533</b>	<b>935,533</b>
<b>Construction:</b>		
10-D-903, KAPL Security upgrades, Schnectady, NY .....	1,500	1,500
10-D-904, NRF infrastructure upgrades, ID .....	700	700
09-D-190, PED, Infrastructure upgrades, KAPL, Schnectady, NY .....	1,000	1,000
09-D-902, NRF Production Support Complex, ID .....	6,400	6,400
08-D-190 NRF Project engineering and design Expended Core Facility M-290 receiving/discharge station, ID .....	9,500	9,500
07-D-190 Materials research and technology complex, BAPL, Pittsburgh, PA .....	11,700	11,700
<b>Total, Construction</b> .....	<b>30,800</b>	<b>30,800</b>
<b>Total, Naval reactors development</b> .....	<b>966,333</b>	<b>966,333</b>
Program direction .....	36,800	36,800
<b>Total, Naval Reactors</b> .....	<b>1,003,133</b>	<b>1,003,133</b>
<b>Office Of The Administrator</b>		
Office of the administrator .....	431,074	431,074
Use of prior year balances .....	-10,320	-10,320
<b>Total, Office Of The Administrator</b> .....	<b>420,754</b>	<b>420,754</b>
<b>Total, National Nuclear Security Administration</b> .....	<b>9,945,027</b>	<b>10,033,477</b>
<b>Defense Environmental Cleanup</b>		
<b>Closure sites:</b>		
Closure sites administration .....	8,225	8,225
Miamisburg .....	33,243	33,243
<b>Total, Closure sites</b> .....	<b>41,468</b>	<b>41,468</b>
<b>Hanford site:</b>		
<b>2012 accelerated completions</b>		
Nuclear facility D&D river corridor closure project .....	327,955	327,955
Nuclear material stabilization and disposition PFP .....	118,087	118,087

**DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
SNF stabilization and disposition .....	55,325	55,325
<b>Total, 2012 accelerated completions</b> .....	<b>501,367</b>	<b>501,367</b>
<b>2035 accelerated completions</b>		
Nuclear facility D&D—remainder of Hanford .....	70,250	70,250
Richland community and regulatory support .....	21,940	21,940
Soil and water remediation—groundwater vadose zone .....	176,766	176,766
Solid waste stabilization and disposition 200 area .....	132,757	132,757
<b>Total, 2035 accelerated completions</b> .....	<b>401,713</b>	<b>401,713</b>
<b>Total, Hanford site</b> .....	<b>903,080</b>	<b>903,080</b>
<b>Idaho National Laboratory:</b>		
SNF stabilization and disposition—2012 .....	14,768	14,768
Solid waste stabilization and disposition .....	137,000	137,000
Radioactive liquid tank waste stabilization and disposition .....	95,800	95,800
<b>Construction</b>		
06-D-401 Sodium bearing waste treatment project, Idaho .....	83,700	83,700
Soil and water remediation—2012 .....	71,000	71,000
Idaho community and regulatory support .....	3,900	3,900
<b>Total, Idaho National Laboratory</b> .....	<b>406,168</b>	<b>406,168</b>
<b>NNSA sites</b>		
Lawrence Livermore National Laboratory .....	910	910
NNSA Service Center/SPRU .....	17,938	17,938
Nevada .....	65,674	65,674
California site support .....	238	238
Sandia National Laboratories .....	2,864	2,864
Los Alamos National Laboratory .....	189,000	189,000
<b>Total, NNSA sites and Nevada off-sites</b> .....	<b>276,624</b>	<b>276,624</b>
<b>Oak Ridge Reservation:</b>		
Building 3019 .....	38,900	38,900
Nuclear facility D & D ORNL .....	38,900	38,900
Nuclear facility D & D Y-12 .....	34,000	34,000
Nuclear facility D & D, E. Tennessee technology park .....	100	100
OR reservation community and regulatory support .....	6,253	6,253
Solid waste stabilization and disposition—2012 .....	35,615	35,615
<b>Total, Oak Ridge Reservation</b> .....	<b>153,768</b>	<b>153,768</b>
<b>Office of River Protection:</b>		
<b>Waste treatment and immobilization plant</b>		
<b>Construction:</b>		
01-D-416 Waste treatment and immobilization plant .....		
01-D-16A Low activity waste facility .....	100,000	100,000
01-D-16B Analytical laboratory .....	55,000	55,000
01-D-16C Balance of facilities .....	50,000	50,000
01-D-16D High level waste facility .....	160,000	160,000
01-D-16E Pretreatment facility .....	325,000	325,000
<b>Total, Waste treatment and immobilization plant</b> .....	<b>690,000</b>	<b>690,000</b>
<b>Tank farm activities</b>		
Rad liquid tank waste stabilization and disposition .....	408,000	408,000
<b>Total, Office of River protection</b> .....	<b>1,098,000</b>	<b>1,098,000</b>
<b>Savannah River sites:</b>		
<b>Nuclear material stabilization and disposition</b>		
Nuclear material stabilization and disposition .....	385,310	385,310
<b>Construction:</b>		
08-D-414 Project engineering and design Plutonium Vittrification Facility, VL .....	6,315	6,315
<b>Total, Nuclear material stabilization and disposition</b> .....	<b>391,625</b>	<b>391,625</b>
<b>2035 accelerated completions</b>		
SR community and regulatory support .....	18,300	18,300
Spent nuclear fuel stabilization and disposition .....	38,768	38,768
<b>Total, 2035 accelerated completions</b> .....	<b>57,068</b>	<b>57,068</b>
<b>Tank farm activities</b>		
Radioactive liquid tank waste stabilization and disposition .....	527,138	527,138
<b>Construction:</b>		
05-D-405 Salt waste processing facility, Savannah River .....	234,118	234,118
<b>Total, Tank farm activities</b> .....	<b>761,256</b>	<b>761,256</b>

**DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2010 Request</i>	<i>Conference Authorized</i>
<b>Total, Savannah River site</b> .....	<b>1,209,949</b>	<b>1,209,949</b>
<b>Waste Isolation Pilot Plant</b>		
Waste isolation pilot plant .....	144,902	144,902
Central characterization project .....	13,730	13,730
Transportation .....	33,851	33,851
Community and regulatory support .....	27,854	27,854
<b>Total, Waste Isolation Pilot Plant</b> .....	<b>220,337</b>	<b>220,337</b>
Program direction .....	355,000	355,000
Program support .....	34,000	34,000
<b>Safeguards and Security:</b>		
Waste Isolation Pilot Project .....	4,644	4,644
Oak Ridge Reservation .....	32,400	32,400
West Valley .....	1,859	1,859
Paducah .....	8,190	8,190
Portsmouth .....	17,509	17,509
Richland/Hanford Site .....	82,771	82,771
Savannah River Site .....	132,064	132,064
<b>Total, Safeguards and Security</b> .....	<b>279,437</b>	<b>279,437</b>
Technology development .....	55,000	55,000
Uranium enrichment D&D fund contribution .....	463,000	463,000
<b>Subtotal, Defense environmental cleanup</b> .....	<b>5,495,831</b>	<b>5,495,831</b>
<b>UNDISTRIBUTED</b>		
Realignment to support NNSA Weapons Activities .....	0	
Transfer to Title II .....	0	
<b>Total, Defense Environmental Cleanup</b> .....	<b>5,495,831</b>	<b>5,495,831</b>
<b>Other Defense Activities</b>		
<b>Health, safety and security</b>		
Health, safety and security .....	337,757	337,757
Program direction .....	112,125	112,125
<b>Total, Health, safety and security</b> .....	<b>449,882</b>	<b>449,882</b>
<b>Office of Legacy Management</b>		
Legacy management .....	177,618	177,618
Program direction .....	12,184	12,184
<b>Total, Office of Legacy Management</b> .....	<b>189,802</b>	<b>189,802</b>
<b>Nuclear energy</b>		
<b>Infrastructure</b>		
<b>Idaho facilities management</b>		
INL infrastructure O&M .....	83,358	83,358
<b>Total, Infrastructure</b> .....	<b>83,358</b>	<b>83,358</b>
<b>Total, Nuclear energy</b> .....	<b>83,358</b>	<b>83,358</b>
Defense related administrative support .....	122,982	122,982
Office of hearings and appeals .....	6,444	6,444
<b>Total, Other Defense Activities</b> .....	<b>852,468</b>	<b>852,468</b>
<b>Defense Nuclear Waste Disposal</b>		
Defense nuclear waste disposal .....	98,400	98,400
<b>Total, Environmental &amp; other defense activities</b> .....	<b>6,446,699</b>	<b>6,446,699</b>
<b>Total, Atomic Energy Defense Activities</b> .....	<b>16,391,726</b>	<b>16,480,176</b>
<b>Total, Department of Energy</b> .....	<b>16,397,914</b>	<b>16,486,364</b>

**DIVISION E—MATTHEW SHEPARD AND JAMES BYRD, JR. HATE CRIMES PREVENTION ACT**

Sec. 4701. Short title.

Sec. 4702. Findings.

Sec. 4703. Definitions.

Sec. 4704. Support for criminal investigations and prosecutions by State, local, and tribal law enforcement officials.

Sec. 4705. Grant program.

Sec. 4706. Authorization for additional personnel to assist State, local, and tribal law enforcement.

Sec. 4707. Prohibition of certain hate crime acts.

Sec. 4708. Statistics.

Sec. 4709. Severability.

Sec. 4710. Rule of construction.

Sec. 4711. Guidelines for hate-crimes offenses.

Sec. 4712. Attacks on United States servicemen.

Sec. 4713. Report on mandatory minimum sentencing provisions.

**SEC. 4701. SHORT TITLE.**

This division may be cited as the “Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act”.

**SEC. 4702. FINDINGS.**

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the

United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct “races”. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

**SEC. 4703. DEFINITIONS.**

(a) AMENDMENT.—Section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2096) is amended by inserting “gender identity,” after “gender.”.

(b) THIS DIVISION.—In this division—

(1) the term “crime of violence” has the meaning given that term in section 16 of title 18, United States Code;

(2) the term “hate crime” has the meaning given that term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2096), as amended by this Act;

(3) the term “local” means a county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(4) the term “State” includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

**SEC. 4704. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.**

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, and tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, and tribal law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2011, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2010, 2011, and 2012.

**SEC. 4705. GRANT PROGRAM.**

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 4706. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.**

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2010, 2011, and 2012 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 4707 of this division.

**SEC. 4707. PROHIBITION OF CERTAIN HATE CRIME ACTS.**

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

**“§249. Hate crime acts**

“(a) IN GENERAL.—

“(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under

color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(I) death results from the offense; or

“(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as prescribed in those paragraphs.

“(b) CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

“(A) the State does not have jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

“(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘bodily injury’ has the meaning given such term in section 1365(h)(4) of this title, but does not include solely emotional or psychological harm to the victim;

“(2) the term ‘explosive or incendiary device’ has the meaning given such term in section 232 of this title;

“(3) the term ‘firearm’ has the meaning given such term in section 921(a) of this title;

“(4) the term ‘gender identity’ means actual or perceived gender-related characteristics; and

“(5) the term ‘State’ includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

“(d) STATUTE OF LIMITATIONS.—

“(1) OFFENSES NOT RESULTING IN DEATH.—Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

“(2) DEATH RESULTING OFFENSES.—An indictment or information alleging that an offense under this section resulted in death may be found or instituted at any time without limitation.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“249. Hate crime acts.”

#### SEC. 4708. STATISTICS.

(a) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender and gender identity,” after “race.”

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “, including data about crimes committed by, and crimes directed against, juveniles” after “data acquired under this section”.

#### SEC. 4709. SEVERABILITY.

If any provision of this division, an amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this division, the amendments made by this division, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

#### SEC. 4710. RULE OF CONSTRUCTION.

For purposes of construing this division and the amendments made by this division the following shall apply:

(1) IN GENERAL.—Nothing in this division shall be construed to allow a court, in any criminal trial for an offense described under this division or an amendment made by this division, in the absence of a stipulation by the parties, to admit evidence of speech, beliefs, association, group membership, or expressive conduct unless that evidence is relevant and admissible under the Federal Rules of Evidence. Nothing in this division is intended to affect the existing rules of evidence.

(2) VIOLENT ACTS.—This division applies to violent acts motivated by actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of a victim.

(3) CONSTRUCTION AND APPLICATION.—Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes any rights under the first amendment to the Constitution of the United States. Nor shall anything in this division, or an amendment made by this division, be construed or applied in a manner that substantially burdens a person’s exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, or association, unless the Government demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest, if such exercise of religion, speech, expression, or association was not intended to—

(A) plan or prepare for an act of physical violence; or

(B) incite an imminent act of physical violence against another.

(4) FREE EXPRESSION.—Nothing in this division shall be construed to allow prosecution based solely upon an individual’s expression of racial, religious, political, or other beliefs or solely upon an individual’s membership in a group advocating or espousing such beliefs.

(5) FIRST AMENDMENT.—Nothing in this division, or an amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

(6) CONSTITUTIONAL PROTECTIONS.—Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution of the United States does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

#### SEC. 4711. GUIDELINES FOR HATE-CRIMES OFFENSES.

Section 249(a) of title 18, United States Code, as added by section 4707 of this Act, is amended by adding at the end the following:

“(4) GUIDELINES.—All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney General, to be included in the United States Attorneys’ Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person.”

#### SEC. 4712. ATTACKS ON UNITED STATES SERVICEMEN.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 1389. Prohibition on attacks on United States servicemen on account of service

“(a) IN GENERAL.—Whoever knowingly assaults or batters a United States serviceman or an immediate family member of a United States serviceman, or who knowingly destroys or injures the property of such serviceman or immediate family member, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

“(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is

not more than \$500, be fined under this title in an amount not less than \$500 nor more than \$10,000 and imprisoned not more than 2 years;

“(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than \$500, be fined under this title in an amount not less than \$1000 nor more than \$100,000 and imprisoned not more than 5 years; and

“(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than \$2500 and imprisoned not less than 6 months nor more than 10 years.

“(b) *EXCEPTION.*—This section shall not apply to conduct by a person who is subject to the Uniform Code of Military Justice.

“(c) *DEFINITIONS.*—In this section—

“(1) the term ‘Armed Forces’ has the meaning given that term in section 1388;

“(2) the term ‘immediate family member’ has the meaning given that term in section 115; and

“(3) the term ‘United States serviceman’—

“(A) means a member of the Armed Forces; and

“(B) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces.”.

(b) *TECHNICAL AND CONFORMING AMENDMENT.*—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

“1389. Prohibition on attacks on United States servicemen on account of service.”.

#### **SEC. 4713. REPORT ON MANDATORY MINIMUM SENTENCING PROVISIONS.**

(a) *REPORT.*—Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on mandatory minimum sentencing provisions under Federal law.

(b) *CONTENTS OF REPORT.*—The report submitted under subsection (a) shall include—

(1) a compilation of all mandatory minimum sentencing provisions under Federal law;

(2) an assessment of the effect of mandatory minimum sentencing provisions under Federal law on the goal of eliminating unwarranted sentencing disparity and other goals of sentencing;

(3) an assessment of the impact of mandatory minimum sentencing provisions on the Federal prison population;

(4) an assessment of the compatibility of mandatory minimum sentencing provisions under Federal law and the sentencing guidelines system established under the Sentencing Reform Act of 1984 (Public Law 98-473; 98 Stat. 1987) and the sentencing guidelines system in place after *Booker v. United States*, 543 U.S. 220 (2005);

(5) a description of the interaction between mandatory minimum sentencing provisions under Federal law and plea agreements;

(6) a detailed empirical research study of the effect of mandatory minimum penalties under Federal law;

(7) a discussion of mechanisms other than mandatory minimum sentencing laws by which Congress can take action with respect to sentencing policy; and

(8) any other information that the Commission determines would contribute to a thorough assessment of mandatory minimum sentencing provisions under Federal law.

Amend the title to as to read: “A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”.

And the Senate agree to the same.

Congresswoman Ellen O. Tauscher resigned from the U.S. House of Representatives on June 26, 2009. Congressman John M. McHugh resigned from the U.S. House of Representatives on September 21, 2009.

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

IKE SKELTON,  
JOHN M. SPRATT, Jr.,  
SOLOMON P. ORTIZ,  
NEIL ABERCROMBIE,  
SILVESTRE REYES,  
VIC SNYDER,  
ADAM SMITH,  
LORETTA SANCHEZ,  
ROBERT A. BRADY,  
ROBERT E. ANDREWS,  
SUSAN A. DAVIS,  
JAMES R. LANGEVIN,  
RICK LARSEN,  
JIM COOPER,  
JIM MARSHALL,  
MADELEINE Z. BORDALLO,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

ALCEE L. HASTINGS,  
ADAM B. SCHIFF,

From the Committee on Education and Labor, for consideration of secs. 243, 551–553, 585, 2833, and 2834 of the House bill and secs. 531–534, and 3136 of the Senate amendment, and modifications committed to conference:

LYNN C. WOOLSEY,  
JASON ALTMIRE,  
JUDY BIGGERT,

From the Committee on Energy and Commerce, for consideration of secs. 247, 315, and 601 of the House bill and secs. 311, 601, 2835, and 3118 of the Senate amendment, and modifications committed to conference:

HENRY A. WAXMAN,  
EDWARD J. MARKEY,

From the Committee on Foreign Affairs, for consideration of secs. 812, 907, 912, 1011, 1013, 1046, 1201, 1211, 1213–1215, 1226, 1230A, 1231, 1236, 1239, 1240, Title XIII, secs. 1513, 1516, 1517, and 2903 of the House bill and secs. 1021, 1023, 1201–1203, 1205–1208, 1211–1214, Subtitle D of Title XII, Title XIII, and sec. 1517 of the Senate amendment, and modifications committed to conference:

HOWARD L. BERMAN,  
GARY L. ACKERMAN,  
ILEANA ROS-LEHTINEN,

From the Committee on Homeland Security, for consideration of sec. 1101 of the House bill, and modifications committed to conference:

BENNIE G. THOMPSON,  
DINA TITUS,  
GUS M. BILIRAKIS,

From the Committee on House Administration, for consideration of Subtitle H of Title V of the Senate amendment, and modifications committed to conference:

MICHAELA E. CAPUANO,  
CHARLES A. GONZALEZ,  
DANIEL E. LUNGREN,

From the Committee on Judiciary, for consideration of secs. 583, 584, 1021, and 1604 of the House bill and secs. 821, 911, 1031, 1033, 1056, 1086, and Division E of the Senate amendment, and modifications committed to conference:

JERROLD NADLER,  
ZOE LOFGREN,

From the Committee on Natural Resources, for consideration of secs. 1091 and 2308 of the Senate amendment, and modifications committed to conference:

NICK J. RAHALL II,

From the Committee on Oversight and Government Reform, for consideration of secs. 321, 322, 326–329, 335, 537, 666, 814, 815, 834, 1101–1107, 1110–1113, and Title II of Division D of the House bill and secs. 323, 323A–323C, 814, 822, 824, 901, 911, 1056, 1086, 1101–1105, and 1162 of the Senate amendment, and modifications committed to conference:

EDOLPHUS TOWNS,  
STEPHEN F. LYNCH,

From the Committee on Science and Technology, for consideration of secs. 248, 819, 836, and 911 of the House bill and secs. 801, 814, 833, 834, 912 and Division F of the Senate amendment, and modifications committed to conference:

BART GORDON,  
DAVID WU,

From the Committee on Small Business, for consideration of secs. 830 of the House bill and secs. 833, 834 838, 1090 and Division F of the Senate amendment, and modifications committed to conference:

NYDIA M. VELÁZQUEZ,  
GLENN C. NYE,

From the Committee on Transportation and Infrastructure, for consideration of secs. 315, 601, and 2811 of the House bill and secs. 311, 601, 933, 2835, 3301, 6002, 6007, 6008, 6012 and 6013 of the Senate amendment, and modifications committed to conference:

ELIJAH J. CUMMINGS,  
LAURA RICHARDSON,

From the Committee on Veterans' Affairs, for consideration of secs. 525, 583, 584, and sec. 121 of Division D of the House bill and secs. 573–575, 617, 711, Subtitle E of Title X, secs. 1084, and 1085 of the Senate amendment, and modifications committed to conference:

CIRO D. RODRIGUEZ,

*Managers on the Part of the House.*

CARL LEVIN,  
ROBERT C. BYRD,  
JOSEPH I. LIEBERMAN,  
JACK REED,  
DANIEL K. AKAKA,  
BILL NELSON,  
BEN NELSON,  
EVAN BAYH,  
JIM WEBB,  
CLAIRE MCCASKILL,  
MARK UDALL,  
KAY R. HAGAN,  
MARK BEGICH,  
ROLAND W. BURRIS,  
JOHN MCCAIN,  
SUSAN M. COLLINS,  
PAUL G. KIRK, Jr.,

*Managers on the Part of the Senate.*

#### **JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE**

##### **SUMMARY STATEMENT OF CONFERENCE ACTIONS**

##### *Explanation of funding summary*

The administration's budget request for national defense discretionary programs for fiscal year 2010 was \$680.2 billion. This amount was primarily comprised of \$550.2 billion for the base budget of which \$533.8 billion was for the Department of Defense and \$16.4 billion was for the Department of Energy. The discretionary budget request also included \$130.0 billion for overseas contingency operations. In total, the conference agreement authorizes \$680.2 billion, which matches the request. The conference agreement authorizes \$550.2 billion for the base budget and \$130.0 billion for overseas contingency operations. The agreement accommodates a budget amendment received on August 13, 2009, to reallocate approximately \$1.0 billion from lower-priority Department of



Defense contingency operations' requirements to expand the Army's active component by up to 22,000 personnel in 2010.

The administration's budget for national defense also included discretionary programs outside the jurisdiction of the committees, discretionary programs that do not require further authorizations, mandatory programs that are part of current law, and a new mandatory proposal dealing with concurrent receipt. When these programs are added the

total request for national defense equaled \$693.1 billion as re-estimated by the Congressional Budget Office. The bill is consistent with this level with one exception. The administration's concurrent receipt proposal was not included in this bill as acceptable and specific offsets were not proposed by the administration.

The following two tables summarize the direct authorizations and the equivalent budget authority levels for fiscal year 2010 de-

fense programs. The first table summarizes the conference agreement on national defense authorizations. It also includes a memorandum of non-defense authorizations in the agreement. The second table summarizes the total budget authority implication for national defense by adding funding for items that are not within the jurisdiction of the committees or that do not require an annual authorization.

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2010**  
(In Thousands of Dollars)

	Authorization Request	Conference Change	Conference Authorization
<b>DISCRETIONARY AUTHORIZATIONS WITHIN THE JURISDICTION OF THE ARMED SERVICES COMMITTEES</b>			
<b>Department of Defense Authorizations—Base Bill</b>			
<b>Division A: Department of Defense Authorization</b>			
<b>Title I—PROCUREMENT</b>			
Aircraft Procurement, Army .....	5,315,991	-205,639	5,110,352
Missile Procurement, Army .....	1,370,109	-2,000	1,368,109
Weapons & Tracked Combat Vehicles, Army .....	2,451,952	-12,900	2,439,052
Procurement of Ammunition, Army .....	2,051,895	7,000	2,058,895
Other Procurement, Army .....	9,907,151	-456,288	9,450,863
Joint Improvised Explosive Device Defeat Fund .....	564,850	-564,850	
Aircraft Procurement, Navy .....	18,378,312	463,800	18,842,112
Weapons Procurement, Navy .....	3,453,455	-7,436	3,446,019
Procurement of Ammunition, Navy & Marine Corps .....	840,675	-26,660	814,015
Shipbuilding & Conversion, Navy .....	13,776,867		13,776,867
Other Procurement, Navy .....	5,661,176	-50,595	5,610,581
Procurement, Marine Corps .....	1,600,638	3,100	1,603,738
Aircraft Procurement, Air Force .....	11,966,276	-741,905	11,224,371
Procurement of Ammunition, Air Force .....	822,462		822,462
Missile Procurement, Air Force .....	6,300,728	-263,269	6,037,459
Other Procurement, Air Force .....	17,293,141	-159,473	17,133,668
Mine Resistant Ambush Protection Veh Fund .....		600,000	600,000
Procurement, Defense-Wide .....	3,984,352	106,464	4,090,816
Rapid Acquisition Fund .....	79,300	-79,300	
National Guard and Reserve Equipment .....		600,000	600,000
<b>Subtotal, PROCUREMENT</b> .....	<b>105,819,330</b>	<b>-789,951</b>	<b>105,029,379</b>
<b>Title II—RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION</b>			
RDT&E, Army .....	10,438,218	200,316	10,638,534
RDT&E, Navy .....	19,270,932	336,229	19,607,161
RDT&E, Air Force .....	27,992,827	408,815	28,401,642
RDT&E, Defense-Wide .....	20,741,542	-328,041	20,413,501
Operational Test & Evaluation, Defense .....	190,770		190,770
<b>Subtotal, RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION</b> .....	<b>78,634,289</b>	<b>617,319</b>	<b>79,251,608</b>
<b>Title III—OPERATION AND MAINTENANCE</b>			
Operation and Maintenance, Army .....	31,274,882	-11,550	31,263,332
Operation and Maintenance, Navy .....	35,070,346	-29,072	35,041,274
Operation and Maintenance, Marine Corps .....	5,536,223	7,000	5,543,223
Operation and Maintenance, Air Force .....	34,748,159	-221,010	34,527,149
Operation and Maintenance, Defense-Wide .....	28,357,246	-29,850	28,327,396
Operation and Maintenance, Army Reserve .....	2,620,196		2,620,196
Operation and Maintenance, Navy Reserve .....	1,278,501		1,278,501
Operation and Maintenance, Marine Corps Reserve .....	228,925		228,925
Operation and Maintenance, Air Force Reserve .....	3,079,228		3,079,228
Operation and Maintenance, Army National Guard .....	6,257,034	5,150	6,262,184
Operation and Maintenance, Air National Guard .....	5,885,761		5,885,761
US Court of Appeals for The Armed Forces, Defense .....	13,932		13,932
Defense Acquisition Development Workforce Fund .....	100,000		100,000
Overseas Humanitarian, Disaster And Civic Aid .....	109,869		109,869
CooperativeThreat Reduction .....	404,093	20,000	424,093
Environmental Restoration, Army .....	415,864		415,864
Environmental Restoration, Navy .....	285,869		285,869
Environmental Restoration, Air Force .....	494,276		494,276
Environmental Restoration, Defense-Wide .....	11,100		11,100
Environmental Restoration Formerly Used Sites .....	267,700		267,700
Overseas Contingency Operations Transfer Fund .....	5,000	-5,000	
<b>Subtotal, OPERATION AND MAINTENANCE</b> .....	<b>156,444,204</b>	<b>-264,332</b>	<b>156,179,872</b>

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2010**  
(In Thousands of Dollars)

	Authorization Request	Conference Change	Conference Authorization
<b>Title IV—MILITARY PERSONNEL</b> .....	<b>136,016,281</b>		<b>136,016,281</b>
<b>Title XIV—OTHER AUTHORIZATIONS</b>			
Defense Working Capital Funds .....	141,388		141,388
Defense Commissary Agency .....	1,313,616		1,313,616
National Defense Sealift Fund .....	1,642,758		1,642,758
Defense Coalition Support Fund .....	22,000	-22,000	
Defense Health Program .....	27,903,163	129,930	28,033,093
Chemical Agents & Munitions Destruction, Defense .....	1,560,760		1,560,760
Drug Interdiction & Counter-Drug Activities, Defense .....	1,058,984	-4,750	1,054,234
Office of the Inspector General .....	272,444	15,656	288,100
<b>Subtotal, OTHER AUTHORIZATIONS</b> .....	<b>33,915,113</b>	<b>118,836</b>	<b>34,033,949</b>
<b>Division B: Military Construction Authorization</b>			
<b>MILITARY CONSTRUCTION</b>			
Military Construction, Army .....	3,660,779	58,640	3,719,419
Military Construction, Navy and Marine Corps .....	3,763,264	5,739	3,769,003
Military Construction, Air Force .....	1,145,434	270,492	1,415,926
Military Construction, Defense-Wide .....	3,097,526	-274,703	2,822,823
Chemical Demilitarization Construction .....	146,541	5,000	151,541
NATO Security Investment Program .....	276,314	-78,900	197,414
Military Construction, Army National Guard .....	426,491	155,565	582,056
Military Construction, Army Reserve .....	374,862	56,704	431,566
Military Construction, Naval Reserve .....	64,124	61,750	125,874
Military Construction, Air National Guard .....	128,261	235,965	364,226
Military Construction, Air Force Reserve .....	27,476	84,793	112,269
<b>Subtotal, MILITARY CONSTRUCTION</b> .....	<b>13,111,072</b>	<b>581,045</b>	<b>13,692,117</b>
<b>FAMILY HOUSING</b>			
Family Housing Construction, Army .....	273,236		273,236
Family Housing O&M, Army .....	523,418		523,418
Family Housing Construction, Navy & Marine Corps .....	146,569		146,569
Family Housing O&M, Navy & Marine Corps .....	368,540		368,540
Family Housing Construction, Air Force .....	66,101		66,101
Family Housing O&M, Air Force .....	502,936		502,936
Family Housing Construction, Defense-Wide .....	2,859		2,859
Family Housing O&M, Defense-Wide .....	49,214		49,214
Homeowners Assistance Fund .....	23,225	276,775	300,000
DoD Family Housing Improvement Fund .....	2,600		2,600
<b>Subtotal, FAMILY HOUSING</b> .....	<b>1,958,698</b>	<b>276,775</b>	<b>2,235,473</b>
<b>BRAC</b>			
Base Realignment and Closure Account 1990 .....	396,768	100,000	496,768
Base Realignment and Closure Account 2005 .....	7,479,498	-24,000	7,455,498
<b>Subtotal, BRAC</b> .....	<b>7,876,266</b>	<b>76,000</b>	<b>7,952,266</b>
Prior Year Savings .....		-175,800	-175,800
General Reduction FY 10 (Title XX) .....		-529,091	-529,091
<b>Subtotal, MILITARY CONSTRUCTION, FAMILY HOUSING &amp; BRAC</b> .....	<b>22,946,036</b>	<b>228,929</b>	<b>23,174,965</b>
General Transfer Authority (non-add) .....	[5,000,000]	[-1,000,000]	[4,000,000]
<b>SUBTOTAL, DEPARTMENT OF DEFENSE (051)</b> .....	<b>533,775,253</b>	<b>-89,199</b>	<b>533,686,054</b>
<b>Department of Energy Authorization (Division C)</b>			
<b>Electricity Delivery and Energy Reliability</b> .....	<b>6,188</b>		<b>6,188</b>
<b>NATIONAL NUCLEAR SECURITY ADMINISTRATION</b>			
Weapons Activities .....	6,384,431	48,700	6,433,131
Defense Nuclear Nonproliferation .....	2,136,709	39,750	2,176,459
Naval Reactors .....	1,003,133		1,003,133
Office of the Administrator .....	420,754		420,754
<b>Subtotal NATIONAL NUCLEAR SECURITY ADMINISTRATION</b> .....	<b>9,945,027</b>	<b>88,450</b>	<b>10,033,477</b>
<b>ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES</b>			
Defense Environmental Cleanup .....	5,495,831		5,495,831

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2010**  
(In Thousands of Dollars)

	Authorization Request	Conference Change	Conference Authorization
Other Defense Activities .....	852,468		852,468
Defense Nuclear Waste Disposal .....	98,400		98,400
<b>Subtotal ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES .....</b>	<b>6,446,699</b>		<b>6,446,699</b>
<b>TOTAL, DEPARTMENT OF ENERGY .....</b>	<b>16,397,914</b>	<b>88,450</b>	<b>16,486,364</b>
<b>Independent Federal Agency Authorization</b>			
Defense Nuclear Facilities Safety Board .....	26,086		26,086
<b>Subtotal, DEFENSE NUCLEAR FACILITIES SAFETY BOARD .....</b>	<b>26,086</b>		<b>26,086</b>
<b>SUBTOTAL, ATOMIC ENERGY DEFENSE PROGRAMS (053) .....</b>	<b>16,424,000</b>	<b>88,450</b>	<b>16,512,450</b>
<b>TOTAL, NATIONAL DEFENSE (050)—BASE BILL .....</b>	<b>550,199,253</b>	<b>−749</b>	<b>550,198,504</b>
<b>Department of Defense Authorizations—Overseas Contingency Operations (Title XV)</b>			
<b>Division A: Department of Defense Authorization</b>			
<b>Title XV—OVERSEAS CONTINGENCY OPERATIONS (OCO)</b>			
<b>PROCUREMENT</b>			
Aircraft Procurement, Army .....	1,636,229		1,636,229
Missile Procurement, Army .....	531,570	−50,000	481,570
Procurement of WTCV, Army .....	759,466		759,466
Procurement of Ammunition, Army .....	370,635		370,635
Other Procurement, Army .....	6,225,966	−625,640	5,600,326
Joint Improvised Explosive Device Defeat Fund .....	1,535,000	564,850	2,099,850
Aircraft Procurement, Navy .....	916,553	−13,356	903,197
Weapons Procurement, Navy .....	73,700	−23,000	50,700
Procurement of Ammunition, Navy and MC .....	710,780	−28,823	681,957
Other Procurement, Navy .....	318,018	−25,000	293,018
Procurement, Marine Corps .....	1,164,445	−104,177	1,060,268
Aircraft Procurement, Air Force .....	936,441	−156,000	780,441
Procurement of Ammunition, AF .....	256,819		256,819
Missile Procurement, AF .....	36,625		36,625
Other Procurement, Air Force .....	2,321,549		2,321,549
Mine Resistant Ambush Protected Vehicle Fund .....	5,456,000	600,000	6,056,000
Procurement, Defense-Wide .....	491,430	−1,450	489,980
<b>Subtotal, PROCUREMENT, OCO .....</b>	<b>23,741,226</b>	<b>137,404</b>	<b>23,878,630</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION</b>			
RDT&E, Army .....	57,962		57,962
RDT&E, Navy .....	107,180	−17,000	90,180
RDT&E, Air Force .....	29,286		29,286
RDT&E, Defense-Wide .....	115,826		115,826
<b>Subtotal, RDT&amp;E, OCO .....</b>	<b>310,254</b>	<b>−17,000</b>	<b>293,254</b>
<b>OPERATION AND MAINTENANCE</b>			
Operation & Maintenance, Army .....	52,170,661	−3,900	52,166,761
Operation & Maintenance, Navy .....	6,219,583		6,219,583
Operation & Maintenance, Marine Corps .....	3,701,600		3,701,600
Operation & Maintenance, Air Force .....	10,026,868		10,026,868
Operation & Maintenance, Defense-Wide .....	7,578,300	5,100	7,583,400
Operation & Maintenance, Army Reserve .....	204,326		204,326
Operation & Maintenance, Navy Reserve .....	68,059		68,059
Operation & Maintenance, Marine Corps Reserve .....	86,667		86,667
Operation & Maintenance, Air Force Reserve .....	125,925		125,925
Operation & Maintenance, Army National Guard .....	321,646		321,646
Operation & Maintenance, Air National Guard .....	289,862		289,862
Afghanistan Security Forces Fund .....	7,462,769		7,462,769
Pakistan Counterinsurgency Capability Fund .....	700,000	−700,000	
Iraq Freedom Fund .....	115,300	−115,300	
<b>Subtotal, OPERATION AND MAINTENANCE, OCO .....</b>	<b>89,071,566</b>	<b>−814,100</b>	<b>88,257,466</b>
<b>MILITARY PERSONNEL, OCO .....</b>	<b>13,586,341</b>	<b>560,000</b>	<b>14,146,341</b>
<b>OTHER AUTHORIZATIONS</b>			
Defense Working Capital Funds .....	396,915		396,915
Defense Health Program .....	1,155,235	101,440	1,256,675

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2010**  
(In Thousands of Dollars)

	Authorization Request	Conference Change	Conference Authorization
Drug Interdiction and Counter-Drug Activities, Defense .....	324,603	32,000	356,603
Office of the Inspector General .....	8,876		8,876
<b>Subtotal, OTHER AUTHORIZATIONS, OCO</b> .....	<b>1,885,629</b>	<b>133,440</b>	<b>2,019,069</b>
Special Transfer Authority (non-add) .....	[4,000,000]		[4,000,000]
<b>Division B: Military Construction Authorization</b>			
<b>MILITARY CONSTRUCTION</b>			
Military Construction, Army .....	923,884	600	924,484
Military Construction, Air Force .....	474,500		474,500
Military Construction, Defense-Wide .....	6,600	-6,600	
<b>Subtotal, MILITARY CONSTRUCTION, OCO</b> .....	<b>1,404,984</b>	<b>-6,000</b>	<b>1,398,984</b>
<b>TOTAL, OVERSEAS CONTINGENCY OPERATIONS</b> .....	<b>130,000,000</b>	<b>-6,256</b>	<b>129,993,744</b>
<b>TOTAL, DEPARTMENT OF DEFENSE</b> .....	<b>663,775,253</b>	<b>-95,455</b>	<b>663,679,798</b>
<b>GRAND TOTAL, NATIONAL DEFENSE</b> .....	<b>680,199,253</b>	<b>-7,005</b>	<b>680,192,248</b>
<b>MEMORANDUM: NON-DEFENSE AUTHORIZATIONS</b>			
Title IV—Armed Forces Retirement Home (Function 600) .....	134,000		134,000
Title XII—Voice Act (Function 150) .....		55,000	55,000
Title XXXIV—Naval Petroleum and Oil Shale Reserves (Function 270) .....	23,627		23,627
Title XXXV—Maritime Administration (Function 400) .....	152,900		152,900

**NATIONAL DEFENSE BUDGET AUTHORITY IMPLICATION**  
(In Thousands of Dollars)

	Authorization Request	Conference Change	Conference Authorization
<b>Summary, Discretionary Authorizations Within the Jurisdiction of the Armed Services Committee</b>			
SUBTOTAL, DEPARTMENT OF DEFENSE (051) .....	533,775,253	-89,199	533,686,054
SUBTOTAL, ATOMIC ENERGY DEFENSE PROGRAMS (053) .....	16,424,000	88,450	16,512,450
TOTAL, NATIONAL DEFENSE (050)—BASE BILL .....	550,199,253	-749	550,198,504
TOTAL, OVERSEAS CONTINGENCY OPERATIONS .....	130,000,000	-6,256	129,993,744
<b>GRAND TOTAL, NATIONAL DEFENSE</b> .....	<b>680,199,253</b>	<b>-7,005</b>	<b>680,192,248</b>
<b>Base National Defense Discretionary Programs that are Not In the Jurisdiction of the Armed Services Committee or Do Not Require Additional Authorization</b>			
Defense Production Act Purchases .....	38,246		38,246
National Science Center, Army .....	25		25
Disposal of DOD Real Property .....	10,393		10,393
Lease of DOD Real Property .....	8,856		8,856
DOD Overseas Military Facility Investment Recovery .....	1,227		1,227
<b>Subtotal, Budget Sub-Function 051</b> .....	<b>58,747</b>		<b>58,747</b>
Formerly Utilized Sites Remedial Action Program .....	134,000		134,000
<b>Subtotal, Budget Sub-Function 053</b> .....	<b>134,000</b>		<b>134,000</b>
Other Discretionary Programs .....	6,751,000		6,751,000
<b>Subtotal, Budget Sub-Function 054</b> .....	<b>6,751,000</b>		<b>6,751,000</b>
<b>Total Defense Discretionary Adjustments (050)</b> .....	<b>6,943,747</b>		<b>6,943,747</b>
<b>OCO National Defense Discretionary Programs that are Not In the Jurisdiction of the Armed Services Committee</b>			
FBI Salaries and Expenses .....	101,066		101,066
<b>Subtotal, Budget Sub-Function 054</b> .....	<b>101,066</b>		<b>101,066</b>
<b>Budget Authority Implication, National Defense Discretionary</b>			
Department of Defense—Military (051) .....	663,834,000	-95,455	663,738,545
Atomic Energy Defense Activities (053) .....	16,558,000	88,450	16,646,450
Defense-Related Activities (054) .....	6,852,066		6,852,066
<b>Total BA Implication, National Defense Discretionary</b> .....	<b>687,244,066</b>	<b>-7,005</b>	<b>687,237,061</b>
<b>National Defense Mandatory Programs, Current Law (CBO Estimates)</b>			
Concurrent receipt accrual payments to the Military Retirement Fund .....	4,376,000		4,376,000
Concurrent receipt policy proposal .....	330,000	-330,000	
Revolving, trust and other DOD Mandatory .....	1,240,000		1,240,000
Offsetting receipts .....	-1,741,000		-1,741,000
<b>Subtotal, Budget Sub-Function 051</b> .....	<b>4,205,000</b>	<b>-330,000</b>	<b>3,875,000</b>
Energy employees occupational illness compensation programs and other .....	1,377,000		1,377,000
Expansion of Authority of EEOIC Ombudsman .....		1,000	1,000

**NATIONAL DEFENSE BUDGET AUTHORITY IMPLICATION**  
(In Thousands of Dollars)

	Authorization Request	Conference Change	Conference Authorization
<b>Subtotal, Budget Sub-Function 053</b> .....	<b>1,377,000</b>	<b>1,000</b>	<b>1,378,000</b>
Radiation exposure compensation trust fund .....	32,000		32,000
Payment to CIA retirement fund and other .....	291,000		291,000
<b>Subtotal, Budget Sub-Function 054</b> .....	<b>323,000</b>		<b>323,000</b>
<b>Total National Defense Mandatory (050)</b> .....	<b>5,905,000</b>	<b>-329,000</b>	<b>5,576,000</b>
<b>Budget Authority Implication, National Defense Discretionary and Mandatory</b>			
Department of Defense—Military (051) .....	668,039,000	-425,455	667,613,545
Atomic Energy Defense Activities (053) .....	17,935,000	89,450	18,024,450
Defense-Related Activities (054) .....	7,175,066		7,175,066
<b>Total BA Implication, National Defense Discretionary and Mandatory</b> .....	<b>693,149,066</b>	<b>-336,005</b>	<b>692,813,061</b>

*DIVISION A—DEPARTMENT OF DEFENSE  
AUTHORIZATIONS*

*TITLE I—PROCUREMENT*

*BUDGET ITEMS*

*Paladin Integration Management*

The budget request included \$96.5 million in Weapons and Tracked Combat Vehicles, Army, for M109A6 Paladin Integration Management (PIM).

The House bill and the Senate amendment would authorize the budget request.

The conferees agree to a \$91.5 million decrease for PIM procurement as requested by the Army.

*Standard Missile-3 procurement*

The budget request included \$168.7 million in Procurement, Defense-wide, for procurement of Standard Missile-3 (SM-3) Block IA interceptors for the Aegis Ballistic Missile Defense (BMD) system.

The House bill would authorize the budget request.

The Senate amendment would authorize the budget request.

The conference agreement would authorize \$191.9 million in Procurement, Defense-wide, for procurement of SM-3 Block IA missiles, an increase of \$23.2 million.

The conferees note that on September 17, 2009, the President announced a new missile defense architecture for Europe that will rely heavily on the SM-3 interceptor, to be used both on ships and on land. The first phase of the architecture, to be deployed in 2011, would include deployment of Aegis BMD ships equipped with SM-3 Block IA interceptors to defend against existing Iranian short- and medium-range ballistic missiles. The conferees believe it would be valuable to increase the inventory of SM-3 Block IA interceptors to defend against Iran's existing ballistic missile capabilities.

*National Guard and Reserve Equipment—Overview*

The budget request for fiscal year 2010 included an authorization request for National Guard and Reserve Equipment procurement within various accounts in the Department of Defense.

The House bill would authorize \$600.0 million specifically for National Guard and Reserve Equipment.

The Senate amendment would provide no authorization for National Guard and Reserve Equipment.

The conferees recommend an authorization of \$600.0 million for National Guard and Reserve Equipment. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

The conferees expect that the National Guard and Reserve forces to use this funding

to procure high priority equipment that would be used by these units in their critical dual mission role of full-spectrum combat operations and domestic civil support missions.

*ITEMS OF SPECIAL INTEREST*

*VH-71 Presidential helicopter program*

In April 2009, the administration proposed in budget documents, including a document called "Terminations, Reductions, and Savings, Fiscal Year 2010," to terminate the Presidential helicopter replacement (VH-71) program and initiate a new Presidential helicopter replacement program.

The Secretary of Defense announced on April 6, 2009, the cancellation of the VH-71 program, after that program experienced a history of excessive and uncontrolled cost growth and persistent slips in its delivery schedule. On May 15, 2009, the Under Secretary of Defense for Acquisitions, Technology, and Logistics issued an acquisition decision memorandum implementing the Secretary's decision and the Department of the Navy issued a stop-work order on the program. Subsequently, on June 1, 2009, the Secretary of the Navy canceled the System Development and Design contract for the program.

While the conferees agree that cancellation of the program was warranted under the circumstances, they are disappointed that:

(1) the Nation has invested more than \$3.0 billion in this program and has little to show for that investment;

(2) the Navy invested considerable time and talent in trying to implement the acquisition program without success; and

(3) the "requirements" system failed to do its fair share of trading requirements or adding resources when the acquisition program ran into immovable obstacles.

During this process, the Navy and its acquisition system failed to receive adequate support, resources, and authority from the Office of the Secretary of Defense (OSD) and the White House Military Office (WHMO) to execute a successful acquisition program. The conferees understand that despite the many warnings and expert advice from the Government Accountability Office, Navy acquisition officials were directed by OSD and WHMO to execute a schedule-driven program and were unable to adhere to prudent acquisition practices.

The conferees note that a June 5, 2009, Congressional Research Service report cites Navy estimates that a new acquisition program would probably cost between \$10.0 billion and \$17.0 billion.

Therefore, given that level of possible investment, the conferees strongly encourage the Department of Defense and the Executive Branch to consider a complete range of

alternatives for meeting requirements. The conferees believe that such consideration must include evaluating both single- and multi-platform solutions to meet the complete transportation requirements of the President, and evaluating costs, consider the investment already made in the VH-71 program for possible use for some portion of the mission within a multi-platform solution. The conferees also believe that a program to replace the Presidential helicopter presents a particularly valuable opportunity for the Department of Defense to demonstrate the right way to develop and procure major weapon systems. Accordingly, the conferees expect that, in implementing such a program, the Department will fully comply with the letter and the spirit of the recently enacted Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23).

*Subtitle A—Authorization of Appropriations*

*LEGISLATIVE PROVISIONS ADOPTED*

*Authorization of appropriations (secs. 101–106)*

The House bill contained provisions (secs. 101–106) that would authorize the recommended fiscal year 2010 funding levels for procurement for the Army, Navy, Marine Corps, Air Force, Defense-wide activities, and National Guard and reserve equipment, and Rapid Acquisition Fund.

The Senate amendment contained provisions (secs. 101–104) that would authorize the recommended fiscal year 2010 funding levels for procurement for the Army, Navy, Marine Corps, Air Force, and Defense-wide activities.

The conferees agree to include provisions that would authorize the recommended fiscal year 2010 funding levels for procurement for the Army, Navy, Marine Corps, Air Force, Defense-wide activities, National Guard and reserve equipment, and Mine Resistant Ambush Protected Vehicle Fund.

*Relation to funding table (sec. 107)*

The Senate amendment contained a provision that would specify that the amounts authorized to be appropriated by sections 101, 102, 103, and 104 of the amendment would be available, in accordance with the requirements of section 4001 of the amendment, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4101 of the amendment.

The House bill contained no similar provision.

The House recedes with a technical amendment.

### Subtitle B—Army Programs

#### *Procurement of future combat systems spin out early-infantry brigade combat team equipment (sec. 111)*

The House bill contained a provision (sec. 112) that would limit the Army to the procurement of one brigade set of Future Combat Systems spin out early-infantry brigade combat team equipment in order to allow for adequate testing prior to full-rate production.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Army to increase the quantity of equipment procured through low-rate initial production provided that the Under Secretary of Defense for Acquisition, Technology, and Logistics makes certain certifications with respect to the program's strategy and baseline, testing, technology readiness, and independent cost estimates.

### Subtitle C—Navy Programs

#### *Littoral Combat Ship program (sec. 121)*

The House bill contained a provision (sec. 121) that would restructure the cost cap for the Littoral Combat Ship (LCS) program, subject to certain prerequisites and certifications. The bill would also authorize the Secretary to obligate funds to compile a technical data package necessary for future competition.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide authority to the Secretary of the Navy to implement a new acquisition strategy, as requested by the Secretary, that would utilize a block-buy approach for the procurement of LCS vessels during the period of fiscal year 2010 through 2014, and would include authority to obligate funds for economic order quantity buys and cost reduction initiatives, should such measures improve overall program affordability. The conferees note that, unlike a multiyear procurement, a block-buy is useful here in that it conveys a long-term commitment by the Government to execute the program in a way that allows the Government to extract economic advantages from its purchases. However, a block-buy does not bind the government to performance under a multiyear contract, thereby subjecting the government to liability for cancellation or termination costs in the event of non-performance under the contract.

In addition, the amendment would apply a revised cost cap to the fiscal 2011 ships, which could be waived under certain circumstances. The amendment would also require the Navy to obtain a technical data package from the winning LCS contractor.

The conferees support the revised acquisition strategy for the program, which is based upon many of the principles long advocated by the conferees, including enhancing competition, assuring more program stability, achieving more efficient construction rates, incentivizing industry investment, and increasing commonality.

The conferees recognize that the existing cost cap for the LCS program has been effective, prohibiting the Navy from awarding an unaffordable contract in fiscal year 2010. Consequently, the conferees agree to retain a cost cap, while giving the Secretary of the Navy significant discretion in the award of the fiscal year 2010 through 2014 ships. The conferees intend the cost cap described in subsection (c)(1) to apply to the fiscal year 2011 ships and any additional ship constructed through 2014 at the shipyard that is

a member of the contractor team selected in response to the solicitation for the fiscal year 2010 ships.

The conferees expect that, if contractors and suppliers respond to this solicitation with aggressive pricing proposals that result in a more affordable program, the government will guarantee long-term stability in the procurement plan. The conferees believe that, with aggressive construction yard investment and "design for affordability" changes, costs for vessels should continue to decline (in constant dollars) over the period of the block-buy.

The amendment would also require that the Navy report yearly on specific costs incurred in the construction of LCS vessels and adjustments to the cost caps. The conferees intend that this annual report would assist in providing strong oversight on the costs of this program. If the Navy and contractors are unable to achieve significant cost savings under this new acquisition strategy, the conferees' support for this program will not be assured.

#### *Treatment of Littoral Combat Ship program as a major defense acquisition program (sec. 122)*

The Senate amendment contained a provision (sec. 111) that would require the Littoral Combat Ship program be designated as a major defense acquisition program.

The House bill contained no similar provision.

The House recedes.

The conferees note that the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23), if interpreted properly, would require this program already to be so designated.

#### *Report on strategic plan for homeporting the Littoral Combat Ship (sec. 123)*

The Senate amendment contained a provision (sec. 112) that would require the Secretary of the Navy to submit a strategic plan for homeporting vessels in the Littoral Combat Ship program.

The House bill contained no similar provision.

The House recedes with technical amendments.

#### *Advance procurement funding (sec. 124)*

The House bill contained a provision (sec. 123) that would authorize the Secretary of the Navy to use advance procurement funds to enter into contracts for production planning and other related support services that reduce overall procurement lead time of the vessel. Additionally, this section would authorize the Secretary to enter into contracts for advance construction efforts for the aircraft carrier designated CVN-79, if the Secretary determines that cost savings, construction efficiencies, or workforce stability would be achieved through the use of such contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

#### *Procurement programs for future naval surface combatants (sec. 125)*

The Senate amendment contained a provision (sec. 113) that would prevent the Navy from obligating any funds for building surface combatants after 2011 until the Navy conducts particular analyses, and completes certain tasks that should be required at the beginning of major defense acquisition programs. The committee report (S. Rept. 111-35) also would direct that the Secretary of the Navy obligate no more than 50 percent of the funds authorized for fiscal year 2010 in PE 24201N, CG(X), until the Navy submits a

plan for implementing the requirements of this section to the congressional defense committees.

The House bill contained no similar provision.

The House recedes with technical amendments. The conferees agree to direct that the Secretary submit the plan for implementing the requirements of this section to the congressional defense committees at the same time as the President submits the budget request for fiscal year 2011.

#### *Ford-class aircraft carrier report (sec. 126)*

The House bill contained a provision (sec. 122) that would require the Secretary of the Navy to make an assessment of the cost of shifting to 5-year intervals for the construction of aircraft carriers, including the effect of such shifting of that interval on other programs. The House bill would have placed a limitation on the use of any funds for the aircraft carrier, designated CVN-79, for shifting to a 5-year interval.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the limitation on the use of funds for CVN-79.

The conferees note that a 5-year interval for aircraft carrier construction, as proposed by the Secretary of Defense, may be the appropriate course of action for the Department of the Navy. However, the conferees are concerned that this decision may not have been made following a rigorous cost-benefit analysis. Therefore, the conferees expect that the Secretary of the Navy will take no further action to preclude the ability of the Secretary to award a construction contract for CVN-79 in fiscal year 2012 or the aircraft carrier designated CVN-80 in fiscal year 2016, consistent with the Annual Long-Range Plan for Construction of Naval Vessels for Fiscal Year 2009, until he completes the required assessment and fully informs the congressional defense committees of any such a decision.

#### *Report on service life extension program for Oliver Hazard Perry class frigates (sec. 127)*

The Senate amendment contained a provision (sec. 114) that would require the Secretary of the Navy to submit a report on a service life extension program for the Oliver Hazard Perry class frigates.

The House bill contained no similar provision.

The House recedes with a technical amendment.

#### *Conditional multiyear procurement authority for F/A-18E, F/A-18F, or EA-18G aircraft (sec. 128)*

The House bill contained a provision (sec. 124) that would authorize the Secretary of the Navy to buy F/A-18E/F or EA-18G aircraft under a multiyear contract.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would, notwithstanding only that element within section 2306b(i)(1) of title 10, United States Code, that requires the Secretary of Defense to provide required certifications (in this case) by March 1, 2009, and authorize the Secretary of the Navy to buy F/A-18E/F or EA-18G aircraft under a multiyear contract, but only if that multiyear contract otherwise fully complies with the requirements of section 2306b of title 10, United States Code. In addition, the amendment would require by March 1, 2010, that the Secretary of the Defense submit to the congressional defense committees a report on how the findings and conclusions of

the Quadrennial Defense Review and 30-year aviation procurement plan have informed the Department's acquisition strategy with regard to the F/A-18E/F and EA-18G aircraft programs-of-record.

The conferees note that the authority granted under this provision would expire on May 1, 2010, unless the Secretary of the Navy provides Congress written notification that the Department intends to execute the authority provided by this provision, but that administrative processes or other contracting activities necessary for execution of this authority cannot be completed by May 1, 2010. The provision would require that any such notification: (1) include a date certain for execution of the authority; and (2) specify a date no later than September 30, 2010, for such completion.

With this provision, the conferees convey general support for the Department's current plans to ensure that it meets the Navy's forward presence and operational requirements, while the F-35B and F-35C are being developed and ultimately fielded. However, this provision is also intended to reflect the conferees' continuing concerns that, in light of the continuing increase in the strike-fighter shortfall, definitive actions that mitigate the stated shortfall cannot be delayed for too much longer. Should the Quadrennial Defense Review and the 30-year aviation procurement plan warrant a change in the programs-of-record for either the F/A-18E/F or EA-18G, the conferees expect that the Department of the Defense will give full and fair consideration to buying additional F/A-18E/F or EA-18G aircraft under a multiyear contract.

On August 17, 2009, the Under Secretary of Defense for Acquisition, Technology, and Logistics provided the congressional defense committees with a report, required by section 123 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), detailing a cost and benefit comparison between an annual and multiyear F/A-18E/F and EA-18G aircraft procurement through fiscal year 2015. In that report, the Under Secretary, using the current pricing agreement data provided by the contractor, estimated that the savings that the Navy could expect to achieve, procuring the remaining program of record 89 F/A-18E/F and EA-18G aircraft, equated to 6.48 percent, or \$315.0 million. The conferees expect that, should the Navy exercise the authority granted under this provision, the contractors and suppliers would respond to any solicitation with aggressive pricing proposals that would allow the Navy to achieve greater savings.

In view of the lateness with which the Department submitted the fiscal year 2010 budget to Congress, the conferees agree to grant this narrow exception to the requirements of section 2306b, title 10, United States Code, as amended in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181). However, the conferees fully expect the Department to address with due diligence and spirit of intent, items of interest addressed by conferees in section 811 of the statement of managers (H. Rept. 110-477) accompanying that Act. Finally, the conferees expect that all subsequent multiyear procurement authority requests from the Department of Defense will be fully compliant with the requirements set forth in section 2306b, title 10, United States Code.

#### Subtitle D—Air Force Programs

##### *Report on the procurement of 4.5 generation fighter aircraft (sec. 131)*

The House bill contained a provision (sec. 133) that would report on various aspects of

potential procurement of 4.5 generation fighter aircraft.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete references in the provision to multiyear procurement and certifications.

The conferees agree that the investment strategy that the Department of the Air Force intends to help the Department of Defense transition from, the capability provided by the current tactical fighter force to a smaller but more flexible, lethal and capable strike fighter force, will be challenging. As the Air Force implements that strategy but where circumstances warrant, the conferees expect the Air Force will analyze the viability of procuring additional 4.5 generation fighter aircraft under a multiyear contract and, where those conditions required to be present under Section 2306b of title 10, United States Code, as amended, exist, submit a multiyear procurement proposal to Congress, accompanied with certifications required under Section 2306b of title 10, United States Code, as amended.

With this provision, the conferees merely intend for the Air Force to conduct, and provide the congressional defense committees with, the analysis necessary to support, where warranted, a multiyear purchase of additional 4.5 generation fighter aircraft, specifically defined under this provision to capture the F-15, F-16, and F-18 that have advanced radar, data-link and avionics capabilities and the capability to deploy advanced armaments. The conferees do not intend that this provision will modify in any way the requirements of Section 2306b of title 10, United States Code, as amended, by section 811 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), and the statement of managers accompanying those amendments (H. Rept. 110-477).

##### *Revised availability of certain funds available for the F-22A fighter aircraft (sec. 132)*

The House bill contained a provision (sec. 131) that would repeal section 134 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

The Senate amendment contained a similar provision (sec. 122) that would (1) repeal section 134; and (2) allow the Secretary of the Air Force to reallocate fiscal year 2009 F-22A advanced procurement funds to other F-22A priorities.

The House recedes.

##### *Preservation and storage of unique tooling for F-22 fighter aircraft (sec. 133)*

The House bill contained a provision (sec. 132) that would require the Secretary of the Air Force to develop a plan for the preservation and storage of unique tooling related to the production of hardware and end items for F-22 fighter aircraft which would: (1) ensure that the Secretary preserves and stores such tooling in a manner that allows the production of such hardware and end items to be restarted after a period of idleness; (2) identify the costs of restarting production with respect to the supplier base of such hardware and end items; and (3) identify any contract modifications, additional facilities, or funding that the Secretary determines necessary to carry out the plan. This section would also prevent the Secretary from spending any funds to dispose of F-22 production tooling until 45 days after the Secretary submits the required report.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

##### *AC-130 gunships (sec. 134)*

The Senate amendment contained a provision (sec. 125) that would require a report on the service life of AC-130 gunships and an analysis of alternatives for any gunship modernization requirements identified by the 2009 Quadrennial Defense Review.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

##### *Report on E-8C Joint Surveillance and Target Attack Radar System re-engining (sec. 135)*

The Senate amendment contained a provision (sec. 126) that would require the Secretary of the Air Force to provide a report on various aspects of the Air Force's plan to provide new engines to the E-8C joint surveillance and target attack radar system (JSTARS) aircraft. The provision would also prevent the Air Force from taking any action that would disrupt execution of that re-engining program until the Secretary submits that report.

The House bill no similar provision.

The House recedes.

##### *Repeal of requirement to maintain certain retired C-130E aircraft (sec. 136)*

The House bill contained a provision (sec. 136) that would amend section 134 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to repeal the requirement to maintain certain retired C-130E aircraft.

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Limitation on retirement of C-5 aircraft (sec. 137)*

The Senate amendment contained a provision (sec. 121) that would prevent the Air Force from retiring any C-5 aircraft until certain conditions are met. These include: (1) completing operational testing of the C-5 Reliability Enhancement and Re-engining Program; (2) providing a report by the Director of Operational Testing on the results of that operational testing; and (3) delivering reports on the economic and risk analyses that led to any decision to retire the aircraft before the end of their useful service lives.

The House bill contained no similar provision.

The House recedes with an amendment that would, among other things, reduce the required waiting period after notification by the Secretary and eliminate the requirement that any aircraft retired be maintained in Type 1000 storage.

##### *Reports on strategic airlift aircraft (sec. 138)*

The House bill contained a provision (sec. 134) that would require the Secretary of the Air Force, in consultation with the Director of the Air National Guard, to submit a report to the congressional defense committees on the proposed force structure and basing of strategic airlift aircraft at least 120 days before the date on which any C-5 aircraft is retired.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) change the reporting period to 90 days before any retirement; and (2) remove a reporting requirement related to military construction funding increases.

##### *Strategic airlift force structure (sec. 139)*

The House bill contained a provision (sec. 135) that would increase the minimum required strategic airlift force structure by amending subsection (g)(1) of section 8062 of title 10, United States Code, by striking



“2008” and inserting “2009,” and by striking “299” and inserting “316.”

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle E—Joint and Multiservice Matters  
*Body armor procurement (sec. 141)*

The House bill contained a provision (sec. 141) that would require the Secretary of Defense to establish within each military service procurement account a separate procurement budget line item assigned for body armor investment and funding transparency.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment. The conferees do not intend that this provision should limit the military departments' ability to use other rapid development or acquisition authorities to ensure the fastest possible exploitation of body armor material improvements, production, or fielding to our deployed or deploying forces.

*Unmanned cargo-carrying-capable aerial vehicles (sec. 142)*

The House bill contained a provision (sec. 142) that would prohibit obligation or expenditure of procurement funding for an unmanned cargo-carrying-capable aerial vehicle until 15 days after the Department had certified that the Joint Requirements Oversight Council has approved a joint and common requirement for such a vehicle type.

The Senate amendment contained no similar provision.

The Senate recedes.

*Modification of nature of data link for use by tactical unmanned aerial vehicles (sec. 143)*

The Senate amendment contained a provision (sec. 131) that would amend section 141(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) to add Internet Protocol-capable communications relays as an additional standard for Department of Defense unmanned aerial vehicles.

The House bill contained no similar provision.

The House recedes, with a technical amendment.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Elimination of F-22A aircraft procurement funding*

The Senate amendment contained a provision (sec. 106) that eliminated funding from the bill as reported by the Senate Committee on Armed Services that would have authorized additional F-22A procurement funding.

The House bill contained no similar provision and no authorization of funding for additional procurement of F-22A in fiscal year 2010.

The Senate recedes.

The conferees agree not to authorize funding for additional procurement of F-22A in fiscal year 2010.

*Restriction on obligation of funds for Army tactical radio systems*

The House bill contained a provision (sec. 111) that would restrict the obligation of funds for all Army tactical radio sets except for those approved by the joint tactical radio system (JTRS) joint program office and those specifically procured to meet an operational needs statement or joint urgent operational need statement.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are concerned that the Army lacks clear requirements, or a comprehen-

sive acquisition strategy, for the procurement and upgrade of its tactical radio systems. Given the billions of dollars requested each year by the Army for communications equipment, and the importance of this equipment in ongoing combat operations, the conferees are alarmed that the Army has been unable to put a disciplined acquisition process in place to procure the needed equipment in a manner that avoids waste, fosters true competition, moves the Army away from reliance on legacy radio systems, and anticipates and bridges to next generation radio communications.

The conferees believe that despite clear congressional intent and guidance, the Army continues to rely on legacy radio systems awarded through a marginally competitive process, has failed to update requirements, has not provided adequate internal oversight and discipline to its radio acquisition plans, and is potentially jeopardizing its ability to create and transition affordably to the future battlefield network. For example, the Army has yet to adjust its requirements for the various models of the JTRS program 6 months after the Department of Defense's (DOD) termination of the Future Combat Systems program. In addition, the Army, in the fiscal year 2010 budget, requested \$135.0 million in funding for the Single Channel Ground and Airborne Radio system despite the fact that Congress had already provided funding adequate to procure the current acquisition objective. Finally, the Army has yet to develop a plan to integrate into its inventory or requirements more than 20,000 vehicular radio sets procured from commercial sources that the Army still claims do not meet full Army requirements despite their use in combat operations for more than 5 years.

The conferees understand that managing the requirements and acquisition system for such a large and diverse set of equipment is not easy, especially with the funding demands of ongoing combat operations. Therefore, instead of dictating specific legislative guidance for fiscal year 2010, the conferee's urge the Army in 2010 to reassess its tactical radio requirements, make all needed adjustments based on force structure and programmatic changes, and deliver to Congress as part of its fiscal year 2012 budget submission a new comprehensive tactical radio plan that addresses the numerous concerns expressed by Congress. The conferees also urge senior Army and DOD leaders to take a direct role in developing this new plan, in order to ensure that the various competing interests and demands within the Army are reconciled and accounted for in the new path forward.

*Competitive bidding for procurement of steam turbines for ship service turbine generators and main propulsion turbines for Ohio-class submarine replacement program*

The Senate bill contained a provision (sec. 115) that would require the Secretary of the Navy to take measures to ensure appropriate competition is conducted for procurement of steam turbines for both the ships service turbine generators and main engines of the Ohio-class submarine replacement program.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that section 202 of the Weapons Systems Acquisition Reform Act of 2009 (Public Law 111-23) requires that the Secretary of Defense ensure that the acquisition strategy for each major defense acquisition program include measures to preserve the option of competition through the life of

the program. Such a requirement would apply to the Ohio-class replacement program.

The Secretary of the Navy should consider means of preserving competition for this program at the system, subsystem, and component level to the maximum extent practicable. In particular, the conferees agree that steam turbines for this new class of submarine should be procured in a competitive environment. The conferees direct that, if the Secretary of the Navy were to decide in favor of sole source procurement of steam turbines, the Secretary must forward the justification required by section 2302 of title 10, United States Code, to the congressional defense committees not later than 30 days prior to awarding such a contract.

*Multiyear procurement authority for DDG-51 Burke-class destroyers*

The House bill contained a provision (sec. 125) that would authorize the Secretary of the Navy to enter into a multiyear contract, beginning in fiscal year 2010, for procuring DDG-51 Burke-class destroyers.

The Senate amendment contained no similar provision.

The House recedes.

*Conversion of certain vessels; leasing rates*

The House bill contained a provision (sec. 126) that would permit the Secretary of the Navy to use up to \$35.0 million from the Weapons Procurement, Navy, account to lease and convert vessels that have defaulted on construction loan guarantees: (1) that have become the property of the United States; and (2) for which, the Maritime Administrator has a right of disposal.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that the Navy should, in trying to make near-term additions to the high speed vessel fleet, consider fully the possibility of using vessels within the control of the Maritime Administration.

#### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION BUDGET ITEMS

##### *Minerva*

The conferees note the potential of social science research to contribute to vital national security missions. The conferees are concerned over the dearth of social science expertise within the Department, and believe that as new initiatives are started or expanded, such as the Minerva Initiative and the Human Terrain System, that lack of organic expertise is becoming more acute and apparent.

The conference agreement includes an authorization of \$13.3 million in PE 61103A for the Minerva Research Initiative, a portion of the roughly \$20.0 million being requested for this purpose across the Department of Defense. The conferees direct that at least \$5.0 million of the Initiative's fiscal year 2010 funding be used to develop in-house Department of Defense capabilities at defense laboratories and schools consistent with the research goals of the Minerva Initiative. The conferees support the greater development of in-house social science capabilities in order to reduce dependencies on contractors on the battlefield, and to enable the Department to more effectively fund, manage, and oversee extramural social science research activities.

##### *Electromagnetic gun*

The budget request included \$11.7 million in PE 63004A, \$4.1 million in PE 62618A, and \$6.4 million in PE 61104A for activities related to the Army's Electromagnetic (EM) Gun initiative.

The House bill would authorize the budget request for these programs.

The Senate amendment would authorize reductions of \$11.5 million in PE 63004A and \$2.0 million in PE 62618A for these programs.

The conferees agree to authorize reductions of \$11.5 million in PE 63004A and \$2.0 million in PE 62618A for these programs. The conferees note that the Army has terminated its program to develop a vehicle-mounted EM gun due to significant questions raised about the technical feasibility of the program. The conferees further note that the Army still has a need to develop advanced lethality capabilities, leveraging technologies and mechanisms such as advanced energetic materials, hypervelocity, and novel penetrators. Therefore, the conferees authorize increases of \$2.0 million in PE 62618A and \$6.5 million in PE 63004A for advanced lethality research efforts.

The conferees note that the Army's reassessment of the large planned investments of its limited science and technology resources into the EM gun program and the ultimate termination of the effort was largely based on the independent analyses of the program performed by the JASON scientific advisory board, the Office of the Director of Defense Research and Engineering, and the Defense Advanced Research Projects Agency. The conferees are concerned that internal Army scientific and technical organizations appear to have been unable to identify and highlight the technical shortfalls in the envisioned program to decision-makers, and further that the Army did not task the National Research Council's Board on Army Science and Technology to examine the technical feasibility of the program.

The conferees believe that the Army should place a higher priority on robust technical analysis of modernization programs. The difficulties that the EM gun and Future Combat Systems development efforts have encountered can be partially attributed to a lack of independent, technically informed discussion within the Army's decision making process. The conferees recommend that the Secretary and Chief of Staff of the Army closely examine how they obtain independent technical advice to support technical and programmatic decision-making.

#### *Joint Future Theater Lift*

The budget request included \$8.5 million in PE 63801A for Aviation Advanced Development.

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional \$50.0 million for risk reduction activities for the Joint Future Theater Lift (JFTL). The Senate amendment also would require a report from the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) by December 1, 2009.

The conferees do not expect that additional funds will be appropriated for JFTL risk-reduction activities, and therefore agree to authorize the requested amount for Army Aviation Advanced Development. The conferees also agree to modify the reporting requirement contained in the Senate amendment.

The conferees direct the USD(AT&L), in coordination with the Chairman of the Joint Requirements Oversight Council, to report to the congressional defense committees coincident with submission of the fiscal year 2011 budget request with answers to the following questions:

1. What is the Department's acquisition strategy regarding a C-130 replacement and what is the schedule for such a program?

2. What is the Department's strategy for maintaining the advanced tiltrotor industrial base?

3. Are there operational benefits of a vertical takeoff and landing heavy transport worth paying a premium over the acquisition cost of a conventional fixed wing transport?

4. Does the operational requirement justify proceeding with an acquisition strategy requiring investing in a heavy lift vertical takeoff and landing transport program of record without first building a technology prototype to demonstrate technical feasibility and cost?

#### *Future combat system non-line-of-sight cannon*

The budget request included \$58.2 million in PE 64647A for the contract termination liability associated with the cancellation of the Future Combat Systems non-line-of-sight cannon.

The House bill would authorize a decrease of \$58.2 million in PE 64660A for excess contract termination liability.

The Senate amendment would authorize an identical decrease.

The conferees agree to authorize a decrease of \$27.0 million in PE 64647A for excess contract termination liability.

#### *Future combat system manned ground vehicles and common ground vehicle*

The budget request included \$368.6 million in PE 64660A for the contract termination liability associated with the cancellation of the Future Combat Systems manned ground vehicle.

The House bill would authorize a decrease of \$268.6 million in PE 64660A for excess contract termination liability.

The Senate amendment would authorize a decrease of \$368.6 million in PE 64660A for excess contract termination liability.

The conferees agree to authorize a decrease of \$184.0 million in PE 64660A for excess contract termination liability.

#### *Life support systems*

The budget request contained \$10.7 million in PE 64706F for life support systems development.

The House bill would add \$7.0 million for the advanced common ejection seat 5 (ACES 5) development program.

The Senate amendment would approve the budget request.

The conferees agree to authorize an additional \$2.4 million for the ACES 5 program within PE 64706F.

The conferees understand that the ACES 5 program might be able to serve as a competitor for the ejection seat system in the F-35 Joint Strike Fighter program. At this time, the F-35 Joint Program Office is considering the procurement of only one ejection seat system for all variants of the F-35 aircraft.

This approach raises a broader question about the implementation of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23). Section 202 of that Act requires that the Secretary of Defense ensure that the acquisition strategy of every major defense acquisition program (MDAP) includes "measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level (at such tier or tiers as are appropriate) of such program throughout the life-cycle of such program as a means to improve contractor performance." The Act also lists a number of measures that such competition may include if such measures are cost-effective. These measures include dual sourcing and unbundling of contracts.

The conferees believe that the F-35 ejection seat system could be such a system

where the benefits of competition would be cost-effective. The conferees believe that there may be other systems as well, such as training systems, logistics management systems, etc., that could lend themselves to increasing the competitive options for the F-35 program. As the Defense Department's largest MDAP, the conferees believe the F-35 program should be one of the first to benefit from implementation of the Weapon Systems Acquisition Reform Act of 2009. The conferees expect that, over the next budget cycle, the Department and the F-35 Program Executive Office (PEO) will develop a specific plan for how the F-35 PEO will implement the provisions of that Act.

#### *Wide-area airborne surveillance*

The budget request included \$46.0 million in PE 35206F for Research, Development, Test, and Evaluation of the Gorgon Stare wide-area airborne surveillance system (WAAS); \$19.9 million in Aircraft Procurement Air Force, Line 25, and \$13.0 million in Operations and Maintenance, Air Force. The budget request also included \$39.0 million in PE 35206F to begin development of the WAAS program of record following the Gorgon Stare quick reaction capability (QRC).

The House bill would authorize the requested amounts.

The Senate amendment would authorize no funds to continue the Gorgon Stare Quick Reaction Capability (QRC).

The conferees are concerned that the Air Force is rushing to develop a WAAS program of record in fiscal year 2010 with the requirement, the mission, and the concept of operations remaining ill-defined. Based on the limited analysis done on systems with similar mission requirements, it is evident that Gorgon Stare does not currently have the resolution required to meet the full mission set of requirements. It is also evident that the technology required to meet the full mission set is several years away and program personnel are hoping that the technology required will evolve on a schedule to provide affordable capabilities.

The conferees believe that the Department should proceed expeditiously to deploy the Gorgon Stare QRC and Blue Devil to support ongoing military operations and to determine the value of WAAS imagery, in conjunction with other types of sensors, to support ground force overwatch operations and high-value individual targeting.

The conferees agree that WAAS technology development programs should be pursued to provide the necessary resolution and associated technology required and only at such time as technology readiness levels are satisfactorily demonstrated should a program of record be initiated.

The conferees direct that the Under Secretary of Defense for Acquisition, Technology, and Logistics provide to the congressional defense and intelligence committees, not later than April 1, 2010, a report, for each WAAS project for which funding is requested in the fiscal year 2011 budget request, detailing:

(1) the operational requirement, including requirements for observing, identifying, and tracking individuals;

(2) the results of operations research studies associated with the WAAS requirement for high-value targeting, forensic analysis, and overwatch of ground operations;

(3) the concept of operations for each;

(4) lessons learned from the deployment of Constant Hawk, Angel Fire, and Gorgon Stare quick reaction capability;

(5) the number of sensors and orbits planned for each service and platform;

(6) the resolution, frame rate, area coverage, and look angles required to support operational requirements to track vehicles and individuals;

(7) data processing advances, data storage requirements, processing, exploitation, distribution requirements, and their associated costs and budgets to meet operational requirements;

(8) the relationship between the WAAS program of record and the Long Endurance, Multi-intelligence hybrid airship program; and

(9) the requirements and plans for multi-sensor integration, tipping and cueing necessary for the WAAS program of record to meet operational requirements.

#### *Irregular Warfare Support*

The budget request included \$43.8 million in PE 63121D8Z for Special Operations and Low Intensity Conflict advanced development, including funding for the Irregular Warfare Support Program (IWSP), in the base budget, and no funding in this PE in Research, Development, Test, & Evaluation for Overseas Contingency Operations (OCO).

The House bill would authorize an increase of \$100.0 million in this PE in Research, Development, Test, & Evaluation for OCO for expansion of IWSP.

The Senate amendment would authorize the budget request in PE 63121D8Z for both the base and OCO budget.

The conferees agree to authorize the requested amount in PE 63121D8Z for both the base and OCO budget. The conferees recognize the importance of enhancing the counterterrorism and counterinsurgency capabilities of the Department of Defense (DOD), and the government as a whole, through the types of innovative projects and activities undertaken and proposed by IWSP within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD(SO/LIC)).

The conferees are aware of concerns about whether this program office within ASD(SO/LIC) is the appropriate location for a substantial effort to support the combatant commands through unconventional, creative, and multi-disciplinary (military, cultural, social, ideological, economic, and legal) approaches to counterinsurgency and counterterrorism. The conferees are more concerned, however, that: (1) this small program office in the Office of the Secretary of Defense appears to be the only entity in the Department, and perhaps in the executive branch, engaged in these types of activities; and (2) that so little funding is requested each year to sustain such activities and to scale up those that prove to be successful. The conferees are aware that the Commander of the International Security Assistance Force (ISAF) in Afghanistan, General Stanley McChrystal, requested substantial, specific support from the IWSP office on an urgent basis, citing a "critical gap" in capabilities.

The conferees direct the ASD(SO/LIC) to inform the congressional defense committees, within 90 days of enactment of this Act, how DOD intends to respond to the ISAF Commander's request. The conferees also direct the Assistant Secretary to provide a report to the congressional defense committees, coincident with the submission of the fiscal year 2011 budget request, describing all activities and programs within DOD and elsewhere in the executive branch that are similar to those projects underway or proposed by IWSP, their level of funding, and the executing organization. The report also should include an assessment of the results

to date and the potential utility of the ongoing and proposed IWSP programs, at their present scope and if they were to be scaled up substantially.

#### *Ground-Based Interceptor vendor base sustainment*

The budget request included \$982.9 million in PE 63882C for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System, including funds for the Ground-Based Interceptor (GBI). The request did not include funds for continued sustainment of the active vendor base for GBIs.

The House bill would authorize the budget request.

The Senate amendment would authorize the budget request.

The conference agreement includes an authorization of \$1.0 billion in PE 63882C, an additional \$20.0 million for sustainment of the GBI vendor base.

The conferees note a number of new developments since the budget submission that affect consideration of the GBI vendor base. In late summer, the Department of Defense approved the new Integrated Master Test Plan for the Ballistic Missile Defense System. The Missile Defense Agency acknowledges that it will need an additional seven GBIs to implement the new test plan. These GBIs would be in addition to the ones currently on contract, and would require new production. In September, 2009, the Missile Defense Agency informed the congressional defense committees that a recently finished study of the GBI vendor base concluded that additional funding in fiscal year 2010 would permit sustainment of active GBI vendors and reduce the amount of funding that would be needed for the same function in fiscal year 2011. The conferees believe such additional funding will help keep active vendors producing needed parts, and will reduce risk to the future production of GBIs for the test program.

#### *National Cyber Range*

The budget request included \$50.0 million in PE 35103E for Defense Advanced Research Projects Agency (DARPA)-funded efforts in Comprehensive National Cybersecurity Initiative.

The House bill would authorize the budget request.

The Senate amendment would authorize a decrease of \$19.6 million for the DARPA National Cyber Range (NCR) program.

The conferees agree to authorize the budget request for the NCR program. The conferees agree that DARPA is uniquely qualified to develop the test tools and infrastructure needed to assess potential future cyber capabilities. The conferees also agree that DARPA is not qualified to provide for the long-term operation of this type of infrastructure, which is intended to be shared between the Federal Government, industry and academia, and that there has been insufficient attention paid to the transition of this resource to an organization that can operate, maintain, and sustain the capability. The conferees note that DARPA has indicated that it "envision[s] transitioning the NCR program to a U.S. government operational partner after prototype development in the late 2010/early 2011 timeframe." However, this partner has yet to be identified to the conferees' knowledge and no funding has been programmed in any other organization's budget to support continued operations of the NCR.

The conferees note that there has been a proliferation of network testbeds across the

Department of Defense, the Federal Government, and even among contractors that operate program-specific testbeds. This creates an environment of unnecessary duplication and waste of resources and expertise. The conferees note that the Director of the Test Resource Management Center is currently assessing the Department's overall capabilities for network systems testing, including for cyber security capabilities. The conferees look forward to reviewing the results of this assessment, and urge the leadership of the Department to pay greater attention to ensure a comprehensive approach to development, testing, and evaluation of cyber operations systems and capabilities.

#### ITEM OF SPECIAL INTEREST

##### *Utilization of Future Combat Systems contract vehicles*

The conferees note that, consistent with the direction of the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Army intends to continue some second-tier technology development efforts that were initiated under the Future Combat Systems (FCS) program, including the development of active protection systems. The conferees understand that this work continues to be funded through the FCS Lead Systems Integrator (LSI) contract vehicle, despite the termination of the FCS program, thereby potentially incurring additional costs to the government. The conferees believe that any use of FCS contract vehicles for continuing FCS-related technology development efforts should only be temporary, and that the work should be transitioned into new contract vehicles as soon as practicable. The conferees direct the Secretary of the Army to report to the congressional defense committees no later than 45 days after the date of enactment of this Act, as to the contract vehicles being used to continue FCS-related technology development work, the plan and schedule for the establishment of new contract vehicles, and the role of the LSI in these programs.

##### Subtitle A—Authorization of Appropriations *Authorization of appropriations (sec. 201)*

The House bill contained a provision (sec. 201) that would authorize appropriations for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation.

The Senate bill contained a similar provision (sec. 201).

The agreement includes a provision that would authorize appropriations for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation.

##### *Relation to funding table (sec. 202)*

The Senate amendment contained a provision (sec. 201(b)) that would authorize funds in this title in accordance with the requirements of section 4001 and in the amounts specified in the funding table in section 4201.

The House bill contained no similar provision.

The House recedes.

##### Subtitle B—Program Requirements, Restrictions, and Limitations

##### *Extension and enhancement of Global Research Watch Program (sec. 211)*

The Senate amendment contained a provision (sec. 215) that would extend and enhance the Global Research Watch program.

The House bill contained no similar provision.

The House recedes.

##### *Permanent authority for the Joint Defense Manufacturing Technology Panel (sec. 212)*

The Senate amendment contained a provision (sec. 214) that would provide permanent

authority for the Joint Defense Manufacturing Technology Panel.

The House bill contained no similar provision.

The House recesses.

*Elimination of report requirements regarding defense science and technology program (sec. 213)*

The Senate amendment contained a provision (sec. 217) that would modify report requirements related to the defense science and technology program.

The House bill contained no similar provision.

The House recesses with an amendment that would eliminate the reporting requirement that is the subject of the Senate provision. The conferees continue to support strong and stable investment in defense science and technology programs in order to support the development of advanced warfighting capabilities.

The conferees note that the recent JASON report entitled "S&T [Science and Technology] for National Security" raised a number of critical concerns with respect to the Department of Defense's (DOD) basic research program. The JASONS observed that "important aspects of the DOD basic research programs are broken" and that "throwing more money at the problems will not fix them." The study group further observed that "basic research funding is not exploited to seed inventions and discoveries that can shape the future; investments tend to be technological expenditures at the margin" and that "the portfolio balance of DOD basic research is generally not critically reviewed by independent, technically knowledgeable individuals," adding that the Office of the Director of Defense Research and Engineering "has too little time, staff, and authority to do this properly." Finally, the JASONS observed that "civilian career paths in the DOD research labs and program management are not competitive to other opportunities in attracting outstanding young scientists and retaining the best people."

The conferees note that the Secretary of Defense has called for significant increases in investments in basic research, and the conferees have supported that effort in this authorization act. However, given the significant concerns that a respected, independent review board have raised with the program, the conferees will carefully review how the DOD reacts to the JASON study and what steps it takes to address the issues raised in the study, before authorizing further increases in the basic research program.

*Authorization for the Secretary of the Navy to purchase infrastructure and government purpose rights license associated with the Navy-Marine Corps Intranet (sec. 214)*

The House bill contained a provision (sec. 211) that would limit the obligation of funds for the Navy Next-Generation Enterprise Network (NGEN) program until a detailed architectural specification for the network was submitted to the congressional defense committees.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would provide the Secretary of the Navy with the authority to enter into one or more contracts for the purpose of purchasing infrastructure, technical data, and intellectual property related to the Navy-Marine Corps Intranet (NMCI) program. The intent of the provision is to authorize the Secretary of the Navy to establish contractual arrangements that would permit budgeting for these purchases over multiple years.

The conferees note that the purchase of the infrastructure and intellectual property related to the NMCI program is a critical step in the development and procurement of NGEN. The conferees are concerned that the Navy and the current NMCI contractor have yet to come to an agreement on the valuation, or terms of purchase, of the critical elements of NMCI that are the subject of this provision. As the NMCI program has been in planning and execution for over 10 years and represents a large investment of Department of Defense resources, it is a poor reflection on Navy planning and Office of the Secretary of Defense oversight that the detailed plans for the completion of the NMCI program and the transition to NGEN are still so uncertain.

The conferees direct that the Secretary of the Navy provide a detailed discussion of the use of the authority provided by the provision as part of the reporting requirement established by section 1034 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

*Limitation on expenditure of funds for Joint Multi-Mission Submersible program (sec. 215)*

The House bill contained a provision (sec. 212) that would require the Secretary of Defense, in consultation with the Director of National Intelligence, to complete an assessment of the feasibility of implementing a cost-sharing agreement between the Department of Defense and the intelligence community pertaining to the Joint Multi-Mission Submersible Program. The provision would also prohibit the expenditure of funds for the Joint Multi-Mission Submersible Program until such an assessment is complete.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would prohibit the expenditure of funds for the Joint Multi-Mission Submersible Program to proceed beyond Defense Acquisition Milestone B Approval until such time as the Secretary of Defense, in consultation with the Director of National Intelligence, certifies that the agreement reached as a result of the assessment represents the most effective and affordable means of delivery for meeting a validated program requirement. The conferees expect that the required assessment will take into account any past use of submersible assets by the Department of Defense and the intelligence community.

The conferees strongly support the Department's decision to designate the Joint Multi-Mission Submersible Program as an Acquisition Category 1D Special Interest program, significantly increasing the level of program oversight from what was given to the Advanced SEAL Delivery System.

*Separate program elements required for research and development of individual body armor and associated components (sec. 216)*

The House bill contained a provision (sec. 213) that would require the Secretary of Defense to establish within each military service research, development, test, and evaluation account a separate program element assigned to the research and development of individual body armor.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment. The conferees do not intend that this provision should limit the military departments' ability to use other rapid development or acquisition authorities to ensure the fastest possible exploitation of body armor material improvements, production,

or fielding to our deployed or deploying forces.

*Separate procurement and research, development, test, and evaluation line items and program elements for the F-35B and F-35C Joint Strike Fighter aircraft (sec. 217)*

The House bill contained a provision (sec. 214) that would require the Secretary of Defense to ensure that the Department of Defense procurement and research, development, test, and evaluation program and budget exhibits provide separate data for the Navy and Marine Corps variants of the Joint Strike Fighter aircraft (F-35C and F-35B, respectively).

The Senate amendment contained no similar provision.

The Senate recesses.

*Restriction on obligation of funds for Army tactical ground network program pending receipt of report (sec. 218)*

The House bill contained a provision (sec. 216) that would restrict the obligation of 75 percent of fiscal year 2010 Future Combat Systems (FCS) research and development funds pending receipt of the milestone review report required by section 214(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would narrow the scope of the funding limitation to the Army tactical ground network program.

The conferees are concerned that despite termination of the FCS Brigade Combat Team program in June 2009, the Office of the Secretary of Defense (OSD) has not issued specific guidance to the Army with regard to network hardware and software development which could lead to a stop work order for, or modification to, the base FCS contract. As a result, the conferees note that, according to the Department's budget documentation, the Army continues to spend millions of dollars a day on a contract for which no approved program of record currently exists. The conferees note that the Army was directed in June 2009 to establish a separate, new major defense acquisition program for an Army tactical ground network, but that no such program has been established. In addition, OSD and the Army have yet to determine the new program's acquisition strategy, structure, estimated cost, or technology readiness levels, all of which the conferees consider essential to ensure that the new Army tactical ground network program complies with existing DOD policy and the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23).

Therefore, the conferees have agreed to an amendment that would restrict the obligation of certain funds for the new Army tactical ground network program until Congress receives additional detailed information on the new program from the Under Secretary of Defense for Acquisition, Technology, and Logistics.

*Programs for ground combat vehicle and self-propelled howitzer capabilities for the Army (sec. 219)*

The House bill contained a provision (sec. 219) that would require the Secretary of Defense to carry out programs to develop and field new or upgraded Army ground combat vehicle and self-propelled artillery capabilities.

The Senate amendment contained a similar provision (sec. 218).

The managers note that cancellation of the Non-Line of Sight Cannon (NLOS-C) vehicle

leaves the Army solely dependent upon the Paladin Integrated Management (PIM) program for upgrading its self-propelled howitzer fleet. The managers direct the Army to prioritize the development and fielding of the PIM upgrade program. In doing so, it should ensure that maximum value is derived from the many years of research and development on the Crusader and NLOS-C programs. Efforts should be made to integrate relevant mature technologies from NLOS-C to the PIM.

The House recedes.

*Guidance on budget justification materials describing funding requested for operation, sustainment, modernization, and personnel of major ranges and test facilities (sec. 220)*

The Senate amendment contained a provision (sec. 213) that that would clarify and standardize the information required in budget justification materials delivered to Congress describing amounts requested for funding of major range and test facilities.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Assessment of technological maturity and integration risk of Army modernization programs (sec. 221)*

The Senate amendment contained a provision (sec. 219) that would require the Director of Defense Research and Engineering (DDRE) to review and assess the technological maturity and integration risk of the technologies critical to the development and deployment of systems and technologies related to the platforms, sensors, and networks of Army modernization programs.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the requirements of the required technology assessment.

The conferees note that the restructuring of the Future Combat Systems (FCS) program has resulted in a number of continuing changes in the nomenclature and execution of Army modernization programs. The intent of this provision is to require an assessment of the technological maturity and integration risk of all critical systems and technologies supportive of Army modernization efforts that were formerly within the FCS program. As the required assessment is initiated, the conferees direct that the DDRE consult with Congress on which systems are included and excluded from the assessment.

*Assessment of activities for technology modernization of the combat vehicle and armored tactical wheeled vehicle fleets (sec. 222)*

The Senate amendment contained a provision (sec. 220) that would require an independent assessment of the strategy for technology for modernization of combat and tactical wheeled vehicle fleets.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the timing of the delivery of the assessment and clarify that the assessment should cover the combat vehicle fleet and armored tactical wheeled vehicle fleet.

#### Subtitle C—Missile Defense Programs

*Sense of Congress on ballistic missile defense (sec. 231)*

The House bill contained a provision (sec. 224) that would express the sense of Congress reaffirming support for protecting the United States against limited ballistic missile attack.

The Senate amendment contained a related provision (sec. 241) that would express the sense of the Congress on the development, testing, fielding, and maintenance of ballistic missile defense systems that are capable of defending the United States, its forward-deployed forces, allies, and other friendly nations from the threat of ballistic missile attacks from nations such as North Korea and Iran.

The House recedes with a clarifying amendment.

The conferees note that the terms “operationally effective” and “cost effective” encompass the qualities of affordable, reliable, suitable, and survivable missile defense systems.

*Assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System (sec. 232)*

The House bill contained a provision (sec. 222) that would require the Secretary of Defense to establish a sustainment and modernization program for the Ground-based Midcourse Defense (GMD) element of the Ballistic Missile Defense System (BMDS), to ensure the long-term reliability, availability, maintainability, and supportability of the GMD element.

The Senate amendment contained a similar provision (sec. 243) that would require the Secretary of Defense to conduct a detailed assessment of the GMD element, and establish a plan for the GMD element, and to submit reports on the assessment and the plan at about the time of the submission of the budget request for fiscal year 2011. The assessment and the plan would each include consideration of issues related to the ability of the GMD element to maintain its operational effectiveness over the course of its service life.

The House recedes with an amendment that would add a statement of the sense of Congress that the Secretary of Defense should ensure the reliability, availability, maintainability, and supportability of the GMD element throughout its service life. The amendment would also require the assessment of, and the plan for, the GMD element.

The conferees note that the GMD element is expected to have a service life of approximately 20 years, and stress the importance of ensuring that the GMD element should remain operationally effective throughout its service life. In order to ensure this effectiveness, the Department of Defense should take appropriate actions to preserve the reliability, availability, and maintainability of the GMD element over its entire service life.

The conferees note that these actions include maintaining the ability to produce any Ground-Based Interceptors (GBIs) needed for the element, including those needed to implement the newly approved Integrated Master Test Plan (IMTP). The Missile Defense Agency (MDA) recently acknowledged a need for seven additional GBIs for that purpose. Accordingly, the conferees urge MDA to take appropriate actions to reduce risk to the production capability for the additional GBIs, and for future GBI refurbishment and sustainment work. The conferees agree to authorize additional funding for the active GBI vendor base, as described elsewhere in this report.

The conferees note that a number of developments have occurred since the submission of the budget request, which affect the GMD element. These include the approval of the IMTP, the acknowledgment of a need for seven additional test GBIs, a new GBI industrial base study, and the decision to build

seven silos at Missile Field 2 at Fort Greely, Alaska, and to decommission Missile Field 1. The conferees expect MDA to keep the congressional defense committees informed in a timely manner of any such changes in the future that would affect the reliability, availability, and maintainability of the GMD element.

*Continued production of Ground-Based Interceptor missile and operation of Missile Field 1 at Fort Greely, Alaska (sec. 233)*

The Senate amendment contained a provision (sec. 245) that would require the Secretary of Defense to not allow a break in the production of the Ground-Based Interceptor (GBI) missiles for the Ground-based Midcourse Defense (GMD) element until the Department of Defense completes the Ballistic Missile Defense Review and makes a determination on how many GBIs will be needed to support the service life of the GMD element. The provision would also require the Secretary to ensure that Missile Field 1 at Fort Greely, Alaska, is not completely decommissioned until seven GBI silos have been emplaced at Missile Field 2 at Fort Greely, and would require the Secretary to ensure that no irreversible decision is made with respect to the disposition of GBI silos at Missile Field 2 until 60 days after submitting the reports required in another section of the Senate amendment that would describe the Department's assessment of, and plan for, the GMD element.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

*Limitation on availability of funds for acquisition or deployment of missile defenses in Europe (sec. 234)*

The House bill contained a provision (sec. 223) that would limit the availability of fiscal year 2010 or future funds for the acquisition (other than initial long-lead procurement) or deployment of operational interceptors of a long-range missile defense system in Europe until the Secretary of Defense submits a report certifying that the proposed interceptor and the proposed radars to be deployed as part of such missile defense system have demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and the ability to accomplish the mission.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the specific reference to the radars and clarify that the certification would include information about the ability of the proposed ballistic missile defense system to accomplish the mission.

The conferees note that this provision would extend a limitation contained in section 233(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417, 122 Stat. 4393).

*Authorization of funds for development and deployment of alternative missile defense systems in Europe (sec. 235)*

The House bill contained a provision (sec. 226) that would authorize the use of \$353.1 million in fiscal year 2009 and 2010 funds authorized or otherwise made available for the Missile Defense Agency for the development of missile defenses in Europe to be used for the development and deployment of an alternative missile defense system that would protect Europe and the United States, subject to a certification by the Secretary of Defense that the alternative defense system is expected to meet certain conditions.

The Senate amendment contained a similar provision (sec. 246) that would authorize the use of the fiscal year 2009 and 2010 funds for the development and deployment of alternative missile defense systems designed to protect Europe, and the United States in the case of long-range missile threats, from the threats posed by current and future Iranian ballistic missiles of all ranges, if the Secretary certifies that the alternative systems are expected to meet certain conditions. The provision also included a rule of construction stating that it would not limit or prevent the Department of Defense from pursuing the development or deployment of operationally effective and cost effective missile defense systems in Europe.

The House recedes with an amendment that would add a requirement for an independent assessment of the operational effectiveness and cost-effectiveness of the alternative missile defense architecture announced by the President on September 17, 2009. The Secretary of Defense would be required to submit a report to the congressional defense committees by June 1, 2010, on the independent assessment.

The conference agreement would authorize the use of \$309.0 million in fiscal year 2009 and 2010 funds, the amount of funding available other than for military construction, for alternative European missile defense systems or their subsystems. The conferees expect the Department of Defense to promptly provide to the congressional defense committees an expenditure plan for any of these funds planned to be used for such missile defense systems in Europe pursuant to a certification by the Secretary.

*Comprehensive plan for test and evaluation of the ballistic missile defense system (sec. 236)*

The Senate amendment contained a provision (sec. 242) that would require the Secretary of Defense to establish a comprehensive plan for the developmental and operational test and evaluation of the Ballistic Missile Defense System. The provision would require the Secretary of Defense to submit a report to the congressional defense committees setting forth the plan by March 1, 2011.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to submit the report by March 1, 2010.

*Study on discrimination capabilities of ballistic missile defense system (sec. 237)*

The House bill contained a provision (sec. 227) that would require the Secretary of Defense to enter into an arrangement with the JASON Defense Advisory Panel to conduct a study on the discrimination capabilities of the Ballistic Missile Defense System. The provision would require the Secretary to submit to the appropriate congressional committees a report on the study.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Ascent phase missile defense strategy and plan (sec. 238)*

The House bill contained a provision (sec. 225) that would require the Secretary of Defense to submit to the congressional defense committees a strategy for ascent phase missile defense.

The Senate amendment contained no similar provision.

The House recedes with an amendment that would clarify that the Secretary's report would include both a strategy and a plan for ascent phase missile defense.

*Extension of deadline for study on boost-phase missile defense (sec. 239)*

The Senate amendment contained a provision (sec. 247) that would extend by 4 months the deadline for the submission of the boost-phase missile defense study required by section 232 of the Duncan Hunter National Defense Act for Fiscal Year 2009 (Public Law 110-417).

The House bill contained no similar provision.

The House recedes.

Subtitle D—Reports

*Repeal of requirement for biennial joint warfighting science and technology plan (sec. 241)*

The Senate amendment contained a provision (sec. 251) that would eliminate the biennial Joint Warfighting Science and Technology Plan reporting requirement.

The House bill contained no similar provision.

The House recedes.

*Modification of reporting requirement for defense nanotechnology research and development program (sec. 242)*

The Senate amendment contained a provision (sec. 252) that would modify the reporting requirement for the defense nanotechnology research and development program.

The House bill contained no similar provision.

The House recedes.

*Comptroller General assessment of coordination of energy storage device requirements, purchases, and investments (sec. 243)*

The House bill contained a provision (sec. 231) that would require a Comptroller General assessment of energy storage device requirements and investments.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the details of the required assessment.

*Annual Comptroller General report on the F-35 Lightning II aircraft acquisition program (sec. 244)*

The House bill contained a provision (sec. 232) that would require the Comptroller General to conduct, during the period from 2010 to 2015, an annual review of the F-35 Lightning II Aircraft acquisition program.

The Senate amendment contained no similar provision.

The Senate recedes.

*Report on integration of Department of Defense Intelligence, Surveillance, and Reconnaissance capabilities (sec. 245)*

The House bill contained a provision (sec. 233) that would limit the obligation and expenditure of funds to 25 percent of the amount authorized to be appropriated for program element 35884L until 30 days after the Under Secretary of Defense for Intelligence submits all elements of the report required under section 923(d)(1) of the National Defense Authorization Act for 2004 (Public Law 108-136).

The Senate amendment contained no similar provision.

Senate recedes with an amendment that would limit the obligation and expenditure of funds to 50 percent of program element 11815F.

*Report on future research and development of man-portable and vehicle-mounted guided missile systems (sec. 246)*

The House bill contained a provision (sec. 234) that would require a report from the Secretary of the Army on the Army's future

plans for upgrades to and replacement of selected missile systems. The provision would also limit the obligation of funds pending submission of the report.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Report on the development of command and control systems (sec. 247)*

The House bill contained a provision (sec. 217) that would limit the obligation of funds for the Net Enabled Command Capability (NECC) system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report detailing the Department of Defense's (DOD) plans for consolidating the systems and technologies of the NECC program into the Global Command and Control System (GCCS) family of systems.

The conferees note the NECC program was originally intended to modernize DOD command and control systems, building them into a web-based, open architecture, interoperable set of systems that would better support joint warfighting operational capabilities. However, the NECC program has not managed to overcome significant technical, programmatic, and bureaucratic challenges and so is expected to be terminated or significantly restructured in the near future.

The conferees direct that the Department of Defense merge the NECC program and the GCCS family of systems and transition appropriate technologies from NECC into the GCCS family of systems. The conferees further expect that lessons learned from the attempted development of NECC be incorporated as DOD develops a plan of governance and development for next-generation command and control systems. The conferees note that the evolution of the GCCS family of systems into a more capable system may be best served using an incremental, spiral approach to modernizing the GCCS family of systems, deploying modular, operationally useful, and tested capabilities while moving towards a net-centric, web-based, standards-based service oriented architecture.

Since both the NECC program and the GCCS family of systems are currently undergoing significant restructuring, the conferees direct that the Department actively engage with the congressional defense committees during the development of the report required by this provision to ensure that the intent of the conferees is satisfied.

*Evaluation of Extended Range Modular Sniper Rifle Systems (sec. 248)*

The Senate amendment contained a provision (sec. 253) that would require the Assistant Secretary of the Army for Acquisition, Logistics, and Technology to conduct a comparative evaluation of extended range modular sniper rifles.

The House bill contained no similar provision.

The House recedes with an amendment that would strike language making available unobligated balances from prior years' appropriations.

Subtitle E—Other Matters

*Enhancement of duties of Director of Department of Defense Test Resource Management Center with respect to the major range and test facility base (sec. 251)*

The House bill contained a provision (sec. 241) that would authorize the Director of the Test Resource Management Center (TRMC) to have access to all of the data and records



he or she needs to make recommendations to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) on test resource issues.

The Senate amendment contained a provision (sec. 212) that would similarly authorize access to data and records, as well as authorizing the Director, TRMC to review changes to major test range funding before those changes are implemented.

The House recedes with a clarifying amendment.

The conferees note that the intent of this provision is to facilitate the Director, TRMC's ability to conduct appropriate oversight and analysis of changes to the Major Range and Test Facility Base (MTRFB) made outside the existing budget review mechanisms, and to enhance the Director's access to information. It is not the conferees' intent to create a new administrative function so onerous that it detracts from the ability of the service testing organizations to accomplish their designated missions. The conferees' intent is to authorize the Director, TRMC to review and advise the USD(AT&L) on changes to test facilities and resources that would result in the inability to adequately test critical defense systems, or that would place an undue burden on programs or other elements of the MTRFB. The provision is not intended to convey new authority to the Director, TRMC to unilaterally restrict service or agency efforts to execute improvements or upgrades, or to improve operational efficiency.

Therefore, the conferees direct that the USD(AT&L) work in conjunction with the Director, TRMC and appropriate service and agency organizations to establish procedures under which the review processes and access to records and data authorized by this provision are not overly intrusive and do not place an undue burden, in terms of workload or funding, on service and agency personnel and resources.

*Establishment of program to enhance participation of historically black colleges and universities and minority-serving institutions in defense research programs (sec. 252)*

The House bill contained a provision (sec. 243) that would authorize a program to enhance participation of historically black colleges and minority-serving institutions in defense research programs.

The Senate amendment contained no similar provision.

The House recedes with an amendment that would clarify the details of the program, modify the description of the types of institutions that could participate in the program, and authorize the Secretary of Defense, if so desired, to limit the participation of institutions that can successfully compete for research funding outside the program.

*Extension of authority to award prizes for advanced technology achievements (sec. 253)*

The House bill contained a provision (sec. 244) that would extend the authority for organizations within the Department of Defense to award prizes for advanced technology development.

The Senate amendment contained an identical provision (sec. 216).

The conference agreement includes the provision.

*Authority for National Aeronautics and Space Administration federally funded research and development centers to participate in merit-based technology research and development programs (sec. 254)*

The House bill contained a provision (sec. 248) that would authorize federally funded re-

search and development centers of the National Aeronautics and Space Administration respond to Department of Defense broad agency announcements for research funding opportunities.

The Senate amendment contained no similar provision.

The House recedes with a clarifying amendment.

*Next generation bomber aircraft (sec. 255)*

The Senate amendment contained a provision (sec. 124) that would make a series of findings with respect to the next-generation bomber and that would declare that it is the policy of the United States to support a development program for next-generation bomber technologies.

The House bill contained no similar provision.

The House recedes.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*F-35 and alternate propulsion system program*

The Senate amendment contained a provision (sec. 211) that would: (1) increase in funding for procurement of UH-1Y/AH-1Z rotary wing aircraft and for management reserves for the F-35 Joint Strike Fighter program; and (2) prohibit the obligation of funds authorized to be appropriated for development or procurement of an alternate propulsion system for the F-35 until the Secretary of Defense certifies in writing to the congressional defense committees that development and procurement of the alternate propulsion system would: (a) reduce life cycle costs of the F-35; (b) improve operational readiness of the fleet of F-35 aircraft; (c) will not disrupt the F-35 research, development, test, and evaluation (RDT&E) and procurement phases of the program; and (d) will not result in the procurement of fewer F-35 aircraft during the life cycle of the program.

The House bill contained a provision (sec. 218) that would limit obligations for the F-35 RDT&E program to 75 percent until 15 days after the later of the dates on which: (1) the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies in writing to the congressional defense committees that all fiscal year 2010 funds for the F-35 competitive propulsion system have been obligated; (2) the Secretary of Defense submits the report on F/A-18 multiyear procurement costs required by section 123 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417); and (3) the Department submits the 30-year aircraft procurement plan required by section 231a of title 10, United States Code.

The House bill also contained a provision (sec. 242) that would require the Secretary of Defense to include in annual budget requests submitted to the President, beginning in 2011, such amounts as are necessary for the full funding of continued development and procurement of a competitive propulsion system for the F-35.

Both the House and Senate recede from their respective provisions.

The conferees agree to authorize the budget request for 30 F-35 aircraft in Aircraft Procurement, Navy, and Aircraft Procurement, Air Force. The conferees also agree to authorize an increase of a total of \$430.0 million in RDT&E, Navy, and RDT&E, Air Force for continued F136 engine development; and \$130.0 million in Aircraft Procurement, Air Force, for F136 engine procurement. The conferees expect that the Secretary of Defense will comply with the direction in section 213 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), and ensure that sufficient annual amounts are

obligated and expended, in each fiscal year, for the continued development and procurement of two options for the F-35 propulsion system in order to ensure the development and competitive production of the F-35 propulsion system.

*Restriction on obligation of funds pending submission of Selected Acquisition Report*

The House bill contained a provision (sec. 215) that would restrict certain research and development accounts pending submission of comprehensive annual Selected Acquisition Reports for seven Army programs.

The Senate amendment contained no similar provision.

The House recedes.

*Integrated Air and Missile Defense system project*

The House bill contained a provision (sec. 221) that would restrict the availability of fiscal year 2010 funds for the Army's Integrated Air and Missile Defense project until the Secretary of Defense certifies to the congressional defense committees that certain conditions have been met.

The Senate amendment contained no similar provision.

The House recedes.

*Systems engineering and prototyping program*

The Senate amendment contained a provision (sec. 221) that would establish a systems engineering and prototyping program in the Department of Defense.

The House bill contained no similar provision.

The Senate recedes.

*Sense of Congress reaffirming the requirement to thoroughly consider the role of ballistic missile defenses during the Quadrennial Defense Review and the Nuclear Posture Review*

The House bill contained a provision (sec. 228) that would express the sense of Congress that the Secretary of Defense should thoroughly consider the role of ballistic missile defenses during the Quadrennial Defense Review and the Nuclear Posture Review.

The Senate amendment contained no similar provision.

The House recedes.

*Executive agent for advanced energetics*

The House bill contained a provision (sec. 245) that would have established an executive agent for advanced energetics within the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the importance of advanced energetic materials in the development of next-generation defense capabilities. The conferees direct the Under Secretary of Defense for Acquisition, Technology, and Logistics to provide a report describing the plan and process it is using to address the concerns raised in the original House provision (sec. 245). The report should clearly indicate how the activities envisioned to be undertaken by the proposed executive agent are currently being executed with existing Departmental processes. The report should be provided to the congressional defense committees no later than October 1, 2010.

*Study on thorium-liquid fueled reactors for Naval forces*

The House bill contained a provision (sec. 246) that would have directed the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to carry out jointly a study on the use of thorium-liquid fueled nuclear reactors for naval propulsion.



The Senate amendment contained no similar provision.

The House recedes.

The conferees note that while there may be credible research initiatives to explore the use of molten salt reactors for commercial power generation, the use of molten salt reactors on naval vessels is not currently technically feasible and a requirement to perform a study on the use of molten salt reactors is premature. This is due to technology challenges with material construction (molten salt reactors are inherently corrosive to metals), storage of the liquid fuel, and radiation shielding for the crew from a non-solid fuel reactor. The conferees recommend that the Navy continue to monitor the progress of technology development in commercial application of molten salt reactors, including licensing, for potential future application.

*Visiting National Institutes of Health Senior Neuroscience Fellowship Program*

The House bill contained a provision (sec. 247) that would establish a neuroscience fellowship program within the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Department of Defense to continue to support neuroscience research to support the development of military capabilities.

**TITLE III—OPERATION AND MAINTENANCE**

**BUDGET ITEM**

*Commercial imagery augmentation*

The budget request included classified amounts in Operations and Maintenance, Defense-wide, in the National Geospatial Intelligence Agency budget to begin acquiring the equivalent capacity of two additional 1.1-meter electro-optical (EO) imaging satellites.

The House bill would authorize the Department of Defense (DOD) to implement the initiative as requested.

The Senate amendment would direct DOD to acquire the capacity of one 1.5-meter EO satellite in lieu of one of the two proposed 1.1-meter satellite equivalents "on a schedule keyed to the risks identified" by the Secretary of Defense in congressional testimony.

The conferees agree that DOD should consider obtaining the capabilities of 1.5-meter aperture EO satellites for multiple reasons: to hedge against the risk of gaps in national intelligence collection capabilities; to determine how well 1.5-meter EO satellites can meet imagery collection requirements; to better support combatant commander requirements for point-target and area imagery; and to ensure that U.S. industry retains world leadership in commercial remote sensing.

The conferees agree that the DOD should plan to acquire the capacity of one or more 1.5-meter satellites by the middle of the coming decade, consistent with the administration's plans for replenishment in the mid-decade timeframe, and with the estimates of the time needed to develop and construct 1.5-meter aperture satellites.

The conferees understand that fulfilling this plan would require that the fiscal year 2011 budget request include funding to begin the process of acquiring the capacity of a 1.5-meter aperture satellite. The conferees expect that it will take at least 60 months to deliver a 1.5-meter EO satellite (1 year of non-recurring development and 4 years to build the satellite).

The conferees direct the Secretary of Defense to develop a plan to acquire the capacity of at least one 1.5-meter aperture EO satellite on the schedule outlined above and provide this plan to the congressional defense and intelligence committees when the fiscal year 2011 budget request is submitted.

The conferees also agree on the need to review the existing limitation on the resolution of the imagery that the space commercial data providers (CDP) are allowed to sell commercially. The conferees agree that controls remain necessary on what targets the CDPs can image for commercial sale, but are skeptical that the current limit on resolution makes sense. The conferees direct that the Secretary of Defense request that the Office of Science and Technology Policy undertake an interagency review of current regulatory policy. The conferees further request that the administration provide the results of this review to the congressional intelligence and defense committees by June 1, 2010.

**ITEM OF SPECIAL INTEREST**

*Navy depot maintenance*

The conferees note that the budget request for ship maintenance would leave \$200.0 million in deferred maintenance in fiscal year 2010 for active and reserve ships at a time when it is questionable whether the Navy can sustain ship material readiness while serving as a key element of the Nation's strategic reserve force. The conferees also note that depot maintenance programs were identified by the Chief of Naval Operations as the sole priorities in the Navy's unfunded priority list for fiscal year 2010 that was submitted to the committee.

The conferees are very concerned that continued underfunding of these critical sustainment programs jeopardizes ship material readiness, reduces the service life of the fleet, drives up long-term sustainment costs, and increases strategic risk for the Nation. The conferees urge the Secretary of the Navy to fully resource ship depot maintenance requirements in the future.

While the House and Senate bills added funding to meet 100 percent of the Navy's ship depot maintenance requirement for fiscal year 2010, the conferees note that the House and Senate appropriations committees chose not to provide additional funding, leaving the conferees no option but to authorize at the appropriators' level or risk hollow budget authority. The conferees understand this decision was based on Government Accountability Office analysis of the Navy's historical execution of its ship depot maintenance budget.

Likewise, the conferees have provided additional funding for Navy aviation depot maintenance at the same level as the allowable appropriation but still short of the Navy's unfunded requirement.

The conferees urge the Secretary of the Navy to take action as necessary to demonstrate that the Navy can successfully execute its depot maintenance account to the fullest extent to ensure material readiness.

**Subtitle A—Authorization of Appropriations**  
*Operation and maintenance funding (sec. 301)*

The House bill contained a provision (sec. 301) that would authorize fiscal year 2010 funding levels for all operation and maintenance accounts.

The Senate amendment contained a similar provision (sec. 301).

The conference agreement includes this provision.

*Relation to funding table (sec. 302)*

The Senate amendment contained a provision (sec. 301(b)) that would authorize funds

in this title in accordance with the requirements of section 4001 and in the amounts specified in the funding table in section 4301.

The House bill contained no similar provision.

The House recedes.

**Subtitle B—Environmental Provisions**

*Clarification of requirement for use of available funds for Department of Defense participation in conservation banking programs (sec. 311)*

The House bill contained a provision (sec. 311) that would clarify the authorization for use of funds for Department of Defense participation in conservation banking programs.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Reauthorization of title I of Sikes Act (sec. 312)*

The House bill contained a provision (sec. 312) that would reauthorize title I of the Sikes Act (16 U.S.C. 670f).

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that extends the authorization through fiscal year 2014.

*Authority of secretary of a military department to enter into interagency agreements for land management on Department of Defense installations (sec. 313)*

The House bill contained a provision (sec. 313) that would authorize the secretaries of the military departments to enter into interagency agreements for land management on Department of Defense installations.

The Senate amendment contained no similar provision.

The Senate recedes.

*Reauthorization of pilot program for invasive species management for military installations in Guam (sec. 314)*

The House bill contained a provision (sec. 314) that would reauthorize the pilot program for invasive species management for military installations in Guam.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that extends the program through fiscal year 2014.

*Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia (sec. 315)*

The House bill contained a provision (sec. 315) that would authorize the Secretary of Defense to reimburse the Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

The Senate amendment contained an identical provision (sec. 311).

The Senate recedes.

*Procurement and use of munitions (sec. 316)*

The House bill contained a provision (sec. 316) that would require the Secretary of Defense to develop methods to account for the full life-cycle costs of munitions, undertake a review of live-fire practices for the purpose of reducing unexploded ordnance and munitions-constituent contamination, and to submit to Congress a report on the methods developed pursuant to this section and recommendations for reducing life-cycle costs of munitions, unexploded ordnance, and munitions-constituent contamination.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Prohibition on disposing of waste in open-air burn pits (sec. 317)*

The House bill contained a provision (sec. 317) that would require the Secretary of Defense to prohibit the disposal of certain waste in open-air burn pits during contingency operations lasting longer than 1 year. The provision would also require the Secretary to issue regulations and to provide a report to Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require: (1) the Secretary to issue regulations that prohibit the disposal of certain waste in open-air burn pits during contingency operations except in circumstances in which the Secretary determines that no alternative disposal method is feasible; (2) notification to congressional defense committees when the Secretary determines that no alternative disposal method is feasible; and (3) a report on the use of open-air burn pits by the United States armed forces. For purposes of this provision, "waste" is defined as: (1) hazardous waste as defined by the Solid Waste Disposal Act; (2) medical waste; and (3) other waste as designated by the Secretary.

*Military munitions response sites (sec. 318)*

The House bill contained a provision (sec. 318) that would require the Secretary of Defense to specify in the annual budget submission to Congress the funding levels requested for the Military Munitions Response Program and the Installation Restoration Program. The provision would also clarify that the inventories required by section 2710(a)(2) of title 10, United States Code, must include identification of sites by county and would require additional information in the Defense Environmental Program's annual report to Congress.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle C—Workplace and Depot Issues

*Public-private competition required before conversion of any Department of Defense function performed by civilian employees to contractor performance (sec. 321)*

The House bill contained a provision (sec. 321) that would eliminate the de minimis standard from section 2461 of title 10, United States Code.

The Senate amendment contained an identical provision (sec. 323A). The conference agreement includes this provision.

*Time limitation on duration of public-private competitions (sec. 322)*

The House bill contained a provision (sec. 322) that would establish an 18-month time limitation on public-private competitions, starting with the date on which preliminary planning begins.

The Senate amendment contained a provision (sec. 323B) that would establish a time limitation of 30 months for single function activities and 36 months for multi-function activities.

The Senate recedes with an amendment that would establish a time limitation of 24 months, while providing the Secretary of Defense with the flexibility to extend the time for a competition (up to specified limits) in certain circumstances.

*Policy regarding installation of major modifications and upgrades (sec. 323)*

The House bill contained a provision (sec. 323) that would amend section 2460 of title 10,

United States Code, to include the installation of major modifications and upgrades to major weapon systems in the definition of depot-level maintenance and repair.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the Sense of Congress that no changes should be made to: (1) the Department of Defense policy that in the annual allocation of depot-level maintenance and repair work under section 2466 of title 10, United States Code, the installation of major modifications and upgrades are considered to be part of the definition of depot-level maintenance; and (2) the interpretation and application of that policy as of the date of the enactment of this Act.

*Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities (sec. 324)*

The House bill contained a provision (sec. 324) that would modify and clarify the authority of the Army to enter in cooperative activities with non-Army entities.

The Senate amendment contained a similar provision (sec. 321).

The House recedes.

*Temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by a contractor (sec. 325)*

The House bill contained a provision (sec. 327) that would suspend for 3 years the authority of the Secretary of Defense to initiate public-private competitions for the conversion of Department of Defense functions to contractor performance.

The Senate amendment contained a provision (sec. 323) that would suspend such authority until the Secretary of Defense certifies that the Department of Defense is in compliance with the requirements of section 2330a of title 10, United States Code.

The Senate recedes with an amendment that would suspend the authority to initiate public-private competitions until the Secretary certifies that the Department is in compliance with certain statutory requirements. Based on the timing of a required review and report, the earliest date on which this certification could be made would be October 15, 2010.

*Requirement for debriefings related to conversion of functions from performance by Federal employees to performance by a contractor (sec. 326)*

The House bill contained a provision (sec. 328) that would require that federal employee representatives receive pre- and post-award debriefings in any case where a public-private competition results in the conversion of a function from performance by federal employees to performance by a contractor.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment clarifying that such debriefings will be available: (1) to federal employee representatives designated pursuant to section 3551(2)(B) of title 31, United States Code; and (2) to the same extent and under the same circumstances as such debriefings would be available to an offeror in such a competition.

*Amendments to bid protest procedures by Federal employees and agency officials in conversions of functions from performance by Federal employees to performance by a contractor (sec. 327)*

The House bill contained a provision (sec. 329) that would clarify language in section 3551 of title 31, United States Code, address-

ing bid protests filed on behalf of federal employees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment deleting language that would have expanded standing in bid protests.

*Improvement of inventory management practices (sec. 328)*

The Senate amendment contained a provision (sec. 322) that would require the Secretary of Defense to develop a comprehensive plan for improving its inventory management systems.

The House bill contained no similar provision.

The House recedes.

*Modification of date for submittal to Congress of annual report on funding for public and private performance of depot-level maintenance and repair workloads (sec. 329)*

The Senate amendment contained a provision (sec. 325) that would amend section 2466(d)(1) of title 10, United States Code, by replacing April 1 of each year with 90 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code.

The House bill contained no similar provision.

The House recedes.

Subtitle D—Energy Security

*Authorization of appropriations for Director of Operational Energy (sec. 331)*

The House bill contained a provision (sec. 331) that would authorize \$5.0 million for the Office of the Director of Operational Energy Plans and Programs.

The Senate amendment contained an identical provision (sec. 334).

The conference agreement includes this provision.

*Extension and expansion of reporting requirements regarding Department of Defense energy efficiency programs (sec. 332)*

The Senate amendment contained a provision (sec. 332) that would expand Department of Defense reporting requirements regarding energy efficiencies, energy projects and investments, best practices, and recommendations on areas which could improve.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Report on implementation of Comptroller General recommendations on fuel demand management at forward-deployed locations (sec. 333)*

The House bill contained a provision (sec. 332) that would require the Director of Operational Energy Plans and Programs of the Department of Defense (DOD) to submit a report on the implementation of the recommendations made by the Comptroller General in their report entitled, "Increased Attention on Fuel Demand Management at DOD's Forward-Deployed Locations Could Reduce Operational Risks and Costs."

The Senate amendment contained no similar provision.

The Senate recedes.

*Report on use of renewable fuels to meet energy requirements of Department of Defense (sec. 334)*

The House bill contained a provision (sec. 333) that would direct the Secretary of Defense to consider renewable fuels and to assess and report on the use of renewable fuels in aviation, maritime, and ground transportation fleets.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Energy security on Department of Defense installations (sec. 335)*

The Senate amendment contained a provision (sec. 331) that would require the Secretary of Defense to develop a plan for identifying and addressing areas in which the electricity needed to carry out military missions on Department of Defense installations is vulnerable to disruption.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) clarify that the Secretary should consider cost effectiveness in developing the required strategy; and (2) delete a paragraph providing the Secretary with contracting authority to achieve the purposes of the section. The conferees conclude that the Secretary already has broad contracting authority to execute projects that support the national defense.

#### Subtitle E—Reports

*Annual report on procurement of military working dogs (sec. 341)*

The House bill contained a provision (sec. 341) that would require an annual report on the procurement of military working dogs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would sunset the reporting requirement after 5 years and clarify the contents of the report.

The conferees note that the provision would require that certain information be provided with regard to working dogs provided by different sources. The conferees expect that report will identify each source by State or country.

*Plan for managing vegetative encroachment at training ranges (sec. 342)*

The Senate amendment contained a provision (sec. 342) that would require the Secretary of Defense to report on the extent to which vegetation and overgrowth limits the use of military land for training, to identify the installations impacted by overgrowth, to provide a plan to address the constraints caused by vegetation, and to provide updates to the plan, as necessary. The Senate provision would have required this information be included in the Department of Defense's annual sustainable range report.

The House bill contained no similar provision.

The House recedes with an amendment that would make the report a single report separate from the Department of Defense's sustainable range report.

*Comptroller General report on the sustainment strategy for the AV-8B Harrier aircraft (sec. 343)*

The House bill contained a provision (sec. 325) that would require a report and cost-benefit analysis on the planned maintenance internal events and concurrent modifications performed on the AV-8B Harrier weapon system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Comptroller General to conduct a review of the sustainment strategy and produce the accompanying report.

*Study on Army modularity (sec. 344)*

The Senate amendment contained a provision (sec. 341) that would require the Secretary of Defense to contract for an inde-

pendent study on the current and planned modularity structures of the Army.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

#### Subtitle F—Other Matters

*Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes (sec. 351)*

The House bill contained a provision (sec. 351) that would allow the Secretary of Defense to charge other Federal Government agencies the same rate for airlift services as the Department charges internal Department of Defense customers, whenever the Secretary determines that such action would promote efficiency and would not have any negative effect on national security objectives.

The Senate amendment contained no similar provision.

The Senate recedes.

*Policy on ground combat and camouflage utility uniforms (sec. 352)*

The House bill contained a provision (sec. 352) that would direct the Secretary of Defense, in consultation with the Defense Logistics Agency, to require that future ground combat uniforms be standardized in order to ensure increased interoperability of ground combat forces, and reduce tactical risks encountered when military personnel wear a different uniform from their counterparts in the other military services in a combat area.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish, as policy of the United States, that the design and fielding of all future ground combat and camouflage utility uniforms of the armed forces may uniquely reflect the identity of the individual military services, provided that the ground combat and utility uniforms, to the maximum extent practicable provide members of every service an equivalent level of performance, functionality, and protection commensurate with their respective assigned combat missions, minimize the risk to the individual, and provide interoperability with other components of individual war fighter systems. The Senate amendment would direct the Comptroller General to conduct an assessment of the ground combat uniforms and camouflage utility uniforms currently in use in the Department of Defense, and report within 180 days of enactment of this Act. The Senate amendment would also require the Secretaries of the military departments, consistent with their title 10 authority over acquisition matters, to establish joint criteria for future ground combat uniforms.

The conferees note that this section is not intended to impair or reduce the authority of special operations forces under section 167 of this title to design and employ combat uniforms to meet their specific mission requirements. However, the conferees believe that the technological advances and improvements made in support of special operations forces uniform requirements should be shared across the Department for incorporation in other uniforms when appropriate and cost-effective.

The conferees note that Department of Defense Instruction (DODI) 4140.63, dated August 5, 2008, establishes the Joint Clothing and Textiles Governance Board and assigns the Director, Defense Logistics Agency (DLA) as chair of the Board. The conferees also note that DODI 4140.63 prescribes that the Director, DLA is responsible to "ensure

collaboration and DoD-wide integration of clothing and textile activities" and shall "participate as an advisor on joint Service boards and committees established to facilitate research, development and inter-service product standardization opportunities". In establishing the joint criteria for future ground combat uniforms, the conferees expect that the Secretaries of the military departments will collaborate with the Director, DLA.

*Condition-based maintenance demonstration programs (sec. 353)*

The House bill contained a provision (sec. 355) that would authorize the Secretaries of the Army and Navy to conduct 12-month condition-based maintenance (CBM) demonstration programs on specific tactical wheeled vehicle systems and on four systems or components of the guided missile destroyer class of surface combatant ships.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize CBM demonstration programs on selected tactical wheeled vehicles and selected systems or components of surface combatant ships, such as guided missile destroyers. The Senate amendment would allow the services flexibility in the selection of systems which include on-board diagnostic systems suitable to such a program, would promote open architecture, and would ensure competition and best value to the Department of Defense.

*Extension of arsenal support program initiative (sec. 354)*

The House bill contained a provision (sec. 357) that would extend the Arsenal Support Program Initiative (ASPI) for an additional year pending the findings of a comprehensive depot study which will assess a wide range of manufacturing activities to include ASPI.

The Senate amendment contained a similar provision (sec. 324).

The House recedes with a technical amendment.

The conferees remain concerned that cost savings to the Army have not been significant and encourage the Army to explore the use of other existing and readily available authorities to accomplish the same goals as ASPI.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Exception to alternative fuel procurement requirement*

The House bill contained a provision (sec. 335) that would amend section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140) to specify that federal agencies are not prohibited from entering into contracts to purchase generally-available fuels that are not alternative or synthetic fuels or predominantly produced from nonconventional petroleum sources in certain circumstances.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 526 was not intended to preclude the Department of Defense from purchasing the fuel that it needs for national defense from the generally-available fuel supply. The conferees believe that clarification would be helpful and that such clarification should take place in the context of pending energy or climate change legislation.

*Termination of certain public-private competitions for conversion of Department of Defense functions to performance by a contractor*

The House bill contained a provision (sec. 326) that would halt all ongoing public-private competitions being conducted by the

Department of Defense pursuant to Office of Management and Budget Circular A-76, and establish a review and approval process for recommencing such competitions.

The Senate amendment contained a provision (sec. 323) that would terminate public-private competitions that exceed certain time limitations.

The conference agreement does not include either provision.

Defense Science Board review of alternative fuel goals and certification activities

The Senate amendment contained a provision (sec. 333) that would direct the Secretary of the Air Force to continue alternative aviation fuel initiatives with specific goals, and would require a notification to Congress if the goals were adjusted. The provision would direct the Army, Navy, and Air Force to submit annual reports on goals and progress to research, test, and certify the use of alternative fuels in their respective aircraft fleets. The provision would also direct the Defense Science Board to assess the feasibility and advisability of achieving the alternative fuel goals.

The House bill contained a provision (sec. 334) that would establish a goal for the Department of Defense to procure 25 percent of the total quantity of aviation fuel consumed by the Department in the contiguous United States from renewable aviation fuel sources in fiscal year 2025 and each subsequent fiscal year.

Both the Senate and House recede.

The conferees direct the Defense Science Board to report to the Secretary of Defense and to the Director of Operational Energy Plans and Programs, not later than February 1, 2011, on the alternative fuel certification efforts of the military services. The report shall include a review and comparison of the military services' existing alternative fuel goals and alternative fuel certification activities, including a comparison of the different types of alternative fuels being considered by each service, an assessment of the technological and economic achievability of the services' current goals, a review of the role of renewable fuels in the services' alternative fuel strategies and a detailed summary of resources being applied to renewable fuels as compared with non-renewable alternatives, an assessment of the military utility of military goals for domestic alternative fuel use, an assessment of the military utility of technologies that reduce fuel consumption by forward-deployed forces, consid-

eration of the environmental impacts of the different types of alternative fuels under consideration or use by each of the services in comparison with fuels from conventional petroleum sources, an assessment of the advisability of the services' current alternative fuel goals, and recommendations for the Department of Defense and military services relating to fuel use in the future.

Report on status of Air National Guard and Air Force Reserve

The Senate bill contained a provision (sec. 343) that would require a report from the Secretary of Defense on the status and readiness of the Air National Guard and Air Force Reserve.

The House bill contained no similar provision.

The Senate recedes.

Restriction on use of funds for counterthreat finance efforts

The House bill contained a provision (sec. 353) that would require the Secretary of Defense to limit Department of Defense (DOD) financial support of counterthreat finance (CTF) efforts to only those activities carried out by DOD personnel and supporting DOD contract personnel until a report is provided to the congressional defense committees describing the nature, extent, and expected future cost requirements associated with the mission.

The Senate amendment contained no similar provision.

The House recedes.

The conferees, however, direct the Secretary of Defense to provide a classified report to the congressional defense committees 120 days after the enactment of this Act outlining each counterthreat finance activity currently being conducted by the Department of Defense, including the defense intelligence agencies, and including those efforts the Department may be a part of but for which other government agencies may be the lead. The outline of each program should include a description of the activity, the component of the Department leading the activity, the level of funding and manpower, the source of funding, the authority under which the activity is being conducted, and, if applicable, other government agencies involved in the activity. The report should also include counter threat finance challenges, if any, related to funding, authorities, interagency issues, and any other matters deemed appropriate by the Secretary.

Limitation on obligation of funds pending submission of classified justification material

The House bill contained a provision (sec. 354) that would limit the obligation of funds authorized to be appropriated for the Office of the Secretary of Defense for budget activity four, line 270, until classified justification material is provided to Congress.

Senate amendment contained no similar provision.

The House recedes.

Study on distribution of hemostatic agents

The House bill contained a provision (sec. 356) that would require the Secretary of Defense to submit a report on the distribution of hemostatic agents to service members serving in Iraq and Afghanistan.

The Senate amendment contained no similar provision.

The House recedes.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize the following end strengths for active-duty personnel of the armed forces as of September 30, 2010: Army, 547,400; Navy, 328,800; Marine Corps, 202,100; and Air Force, 331,700.

The Senate bill contained an identical provision (sec. 401).

The agreement includes a provision that would authorize an active-duty end strength for the Army of 562,400.

The conferees remain concerned about the stress on all of the services, but most particularly the Army and the Marine Corps. To help ease this stress, the conferees support the President's request for increased active-duty end strengths for all components, totaling over 55,000 more active-duty service members than authorized in 2009. After passage of the House and the Senate bills, the administration submitted a budget amendment to Congress that proposed additional Army active-duty end strength of 15,000, funded out of 2010 overseas contingency operation funds. In light of the budget amendment, and the continued stress on the Army, the conferees believe the Army should be authorized the additional end strength requested by the President.

End strength levels for the active forces for fiscal year 2010 are set forth in the following table:

Service	FY 2009 authorized	FY 2010		Change from	
		Request	Recommendation	FY 2010 request	FY 2009 authorized
Army .....	532,400	562,400	562,400	0	30,000
Navy .....	326,323	328,800	328,800	0	2,477
Marine Corps .....	194,000	202,100	202,100	0	8,100
Air Force .....	317,050	331,700	331,700	0	14,650
DOD Total .....	1,369,773	1,425,000	1,425,000	0	55,227

Revision in permanent active duty end strength minimum levels (sec. 402)

The House bill contained a provision (sec. 402) that would establish the following minimum end strengths for active-duty per-

sonnel as of September 30, 2010: Army, 547,400; Navy, 328,800; Marine Corps, 202,100; and Air Force 331,700.

The Senate amendment contained no similar provision.

The Senate recedes.

Minimum end strength levels for active forces are set forth in the following table:

Service	FY 2009 authorized	FY 2010 Recommendation	Change from FY 2009
Army .....	532,400	547,400	15,000
Navy .....	325,300	328,800	3,500
Marine Corps .....	194,000	202,100	8,100
Air Force .....	317,050	331,700	14,650

Service	FY 2009 authorized	FY 2010 Recommendation	Change from FY 2009
DOD Total .....	1,368,750	1,410,000	41,250

*Additional authority for increases of Army active-duty end strengths for fiscal years 2011 and 2012 (sec. 403)*

The House bill contained a provision (sec. 403) that would authorize the Secretary of Defense to increase the Army's active-duty end strength by 30,000 over the fiscal year 2010 level during fiscal years 2011 and 2012 provided the Secretary included the cost of such increases in the annual budget request for those fiscal years.

The Senate amendment contained a provision (sec. 402) that would authorize the Secretary of Defense to increase the active-duty end strength of the Army by 30,000 over the

fiscal year 2010 level during fiscal year 2010 provided that the Secretary funded the increase through Department of Defense reserve funds or an emergency supplemental, and in fiscal years 2011 and 2012 provided the Secretary included the costs of such increases in the annual budget request for those fiscal years.

The Senate recedes.

#### Subtitle B—Reserve Forces

##### *End strengths for Selected Reserve (sec. 411)*

The House bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel, in-

cluding the end strengths for reserves on active duty in support of the reserves as of September 30, 2010: the Army National Guard of the United States, 358,200; the Army Reserve, 205,000; the Navy Reserve, 65,500; the Marine Corps Reserve, 39,600; the Air National Guard of the United States, 106,700; the Air Force Reserve, 69,500; and the Coast Guard Reserve, 10,000.

The Senate amendment contained a similar provision (sec. 411).

The Senate recedes.

End strength levels for the Selected Reserve are set forth in the following table:

Service	FY 2009 authorized	FY 2010		Change from	
		Request	Conferee recommendation	FY 2010 request	FY 2009 authorized
Army National Guard .....	352,600	358,200	358,200	0	5,600
Army Reserve .....	205,000	205,000	205,000	0	0
Navy Reserve .....	66,700	65,500	65,500	0	-1,200
Marine Corps Reserve .....	39,600	39,600	39,600	0	0
Air National Guard .....	106,756	106,700	106,700	0	-56
Air Force Reserve .....	67,400	69,500	69,500	0	2,100
Coast Guard Reserve .....	10,000	10,000	10,000	0	0
DOD Total .....	838,056	844,500	844,500	0	6,444

##### *End strengths for Reserves on active duty in support of the Reserves (sec. 412)*

The House bill contained a provision (sec. 412) that would authorize the following end strengths for Reserves on active duty in support of the reserve components as of September 30, 2010: the Army National Guard of

the United States, 32,060; the Army Reserve, 16,261; the Navy Reserve, 10,818; the Marine Corps Reserve, 2,261; the Air National Guard of the United States, 14,555; and the Air Force Reserve, 2,896.

The Senate amendment contained an identical provision (sec. 412).

The conference agreement includes the provision.

End strength levels for reserves on active duty in support of the reserves are set forth in the following table:

Service	FY 2009 authorized	FY 2010		Change from	
		Request	Recommendation	FY 2010 request	FY 2009 authorized
Army National Guard .....	32,060	32,060	32,060	0	0
Army Reserve .....	16,170	16,261	16,261	0	91
Navy Reserve .....	11,099	10,818	10,818	0	-281
Marine Corps Reserve .....	2,261	2,261	2,261	0	0
Air National Guard .....	14,360	14,555	14,555	0	195
Air Force Reserve .....	2,733	2,896	2,896	0	163
DOD Total .....	78,683	78,851	78,851	0	168

##### *End strengths for military technicians (dual status) (sec. 413)*

The House bill contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2010: the Army Re-

serve, 8,395; the Army National Guard of the United States, 27,210; the Air Force Reserve, 10,417; and the Air National Guard of the United States, 22,313.

The Senate amendment contained an identical provision (sec. 413).

The conference agreement includes the provision.

End strength levels for military technicians (dual status) are set forth in the following table:

Service	FY 2009 authorized	FY 2010		Change from	
		Request	Recommendation	FY 2010 request	FY 2009 authorized
Army Reserve .....	8,395	8,154	8,395	241	0
Army National Guard .....	27,210	26,901	27,210	309	0
Air Force Reserve .....	10,003	10,417	10,417	0	414
Air National Guard .....	22,452	22,313	22,313	0	-139
DOD Total .....	68,060	67,785	68,335	550	275

##### *Fiscal year 2010 limitation on number of non-dual status technicians (sec. 414)*

The House bill contained a provision (sec. 414) that would establish the following maximum end strengths for the reserve components of the Army and Air Force for non-dual status technicians as of September 30, 2010: the Army National Guard of the United

States, 2,191; the Air National Guard of the United States, 350; the Army Reserve, 595; and the Air Force Reserve, 90.

The Senate amendment contained a similar provision (sec. 414) that would establish a maximum end strength for the Army National Guard for non-dual status technicians of 1,600.

The House recedes.

The conferees understand that the operational tempo for the reserve components has increased during the current conflicts, and that higher tempo in turn necessitates higher numbers of full-time support personnel to support the reserve components. Consequently, Congress has acted in recent years to increase the number of Army full-

time support personnel, including military technicians. In some cases, Congress has authorized more full-time support personnel than was requested by the administration. The conferees understand that the Army continues to assess their temporary and permanent full-time support requirements and is working on a comprehensive study that will address its needs.

Under a Presidential waiver of end strength limitations, the Army National Guard's non-dual status technician population is now over 3,000 strong, despite the 1,600 cap on permanent end strength. As such, the conferees feel it is prudent to wait for the result of the full-time support report, as well as the report on non-dual status technician requirements found elsewhere in this Act, before increasing the permanent cap. The purpose of the Presidential waiver authority is precisely to satisfy short-term emergency needs. In light of the reports still outstanding and the current strength of the Army National Guard's non-dual status technician population under the Presidential waiver, the conferees feel that the permanent cap of 1,600 remains sufficient for fiscal year 2010.

*Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)*

The House bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2010 to provide operational support.

The Senate amendment contained an identical provision (sec. 415).

The conference agreement includes this provision.

*Submittal of options for creation of trainees, transients, holdees, and students account for the Army National Guard (sec. 416)*

The House bill contained a provision (sec. 416) that would require the Secretary of the Army to report to the congressional defense committees on options for the creation of a trainee, transients, holdees, and students (TTHS) account within the Army National Guard.

The Senate amendment contained a similar provision (sec. 416).

The Senate recedes with a technical amendment.

*Report on requirements of the National Guard for non-dual status technicians (sec. 417)*

The Senate amendment contained a provision (sec. 511) that would require the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives within 180 days of the date of enactment of this Act on the roles, duties, and requirements for non-dual status technicians in the National Guard.

The House bill contained no similar provision.

The House recedes with an amendment that would add to the report elements a description of the demands for non-dual status technicians given current operational tempo and a description of the current and anticipated demands of the National Guard for non-dual status technicians as a result of the evolution of the National Guard into an operational force.

*Expansion of authority of secretaries of the military departments to increase certain end strengths to include Selected Reserve end strengths (sec. 418)*

The Senate amendment contained a provision (sec. 417) that would amend section

115(g) of title 10, United States Code, to authorize the secretaries of the military departments to increase their authorized Selected Reserve end strengths by up to 2 percent.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Subtitle C—Authorization of Appropriations  
Military personnel (sec. 421)*

The House bill contained a provision (sec. 421) that would authorize appropriations for military personnel.

The Senate amendment contained a similar provision (sec. 421).

The conference agreement includes this provision.

The following are the changes from the budget request for the military personnel accounts:

<i>[Changes in millions of dollars]</i>	
Increase in military pay raise .....	351.0
Post Deployment/Mobilization Respite Absence Program .....	59.0
Mental health assessments .....	3.0
Substance abuse study .....	1.5
Critical and Strategic Languages Program .....	5.0
Limitations on collections .....	15.0
Army additional recruitment incentives .....	5.0
Mental health HPSP scholarships .....	20.0
Community support for families with special needs .....	50.0
Family Supplemental Subsistence Allowance .....	0.5
Psychology officer .....	0.2
Reimbursement for exceptional travel for medical benefits .....	10.0
Reduction of unobligated military personnel balances .....	-520.2
Total .....	0.0

*Repeal of delayed one-time shift of military retirement payments (sec. 422)*

The House bill contained a provision (sec. 422) that would repeal section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), which required a one-time delay in military retirement payments from September 1, 2013, to October 1, 2013.

The Senate amendment contained no similar provision.

The Senate recedes.

**TITLE V—MILITARY PERSONNEL POLICY**  
*Subtitle A—Officer Personnel Policy*

*Grade of Legal Counsel to the Chairman of the Joint Chiefs of Staff (sec. 501)*

The Senate amendment contained a provision (sec. 503) that would amend section 156(c) of title 10, United States Code, to require that an officer appointed to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff be appointed in the regular grade of brigadier general or rear admiral (lower half).

The House bill contained no similar provision.

The House recedes.

*Modification of limitations on general and flag officers on active duty (sec. 502)*

The Senate amendment contained a provision (sec. 501) that would amend sections 525, 526, and 721 of title 10, United States Code, to implement section 506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to modify the distribution and authorized end strengths of general and flag officers on active duty.

The House bill contained no similar provision.

The House recedes with an amendment that would add a requirement that the Secretary of Defense submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of: (1) the provisions of title 10, United States Code, that exclude commissioned officers of the armed forces on active duty in general and flag officer grades from the limitations on the authorized strengths of general and flag officers; (2) whether the authorized numbers of general and flag officers in active status under section 12004(a) of title 10, United States Code, are adequate to provide the reserve components a sufficient number of general and flag officers on active status in order to meet increased authorizations for active duty service and provide these officers with appropriate opportunities for joint responsibility and joint officer development; and (3) whether the requirements for general and flag officer positions resulting from recommendations for statutory authority to specify the grade of the Chief of the Navy Dental Corps, the Chief and Deputy Chief of Chaplains in the Air Force, the Chief of the Army Medical Specialist Corps, and the establishment of the Vice Chief of the National Guard Bureau are necessary in light of recent legislative modifications of applicable provisions of law.

*Revisions to annual report requirement on joint officer management (sec. 503)*

The House bill contained a provision (sec. 511) that would amend section 667 of title 10, United States Code, to align the reporting requirement on joint officer management with joint programs and policies of the Department of Defense, and remove the requirement to report on the joint qualifications of critical occupational specialty officers and the analysis of assignments of officers after designation as joint qualified officers.

The Senate amendment contained a similar provision (sec. 502).

The Senate recedes.

The conferees believe that the limitation contained in section 668(b)(1)(B) of title 10, United States Code, that excludes assignments as instructor at joint professional military education Phase I courses from the joint duty assignment list may be inappropriate and could negatively impact the quality of instructors. The conferees intend to address this issue in the National Defense Authorization Act for Fiscal Year 2011 with the goal of improving instructor quality.

*Extension of temporary increase in maximum number of days leave members may accumulate and carryover (sec. 504)*

The House bill contained a provision (sec. 501) that would extend to December 31, 2012, the temporary authority for service members to accumulate and carryover 75 days of leave from one fiscal year to the next.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the temporary authority to September 30, 2013.

*Computation of retirement eligibility for enlisted members of the Navy who complete the Seaman to Admiral (STA-21) officer candidate program (sec. 505)*

The House bill contained a provision (sec. 503) that would amend section 6328 of title 10, United States Code, to exclude from years of service for retirement purposes the months of active service spent in pursuit of a baccalaureate degree under the Seaman to Admiral (STA-21) program of the Navy of officer candidates selected after January 1, 2011.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit this provision to officer candidates selected for this program after the date of enactment of this Act and allow this service to be included in computing retirement eligibility for officers subject to involuntary separation or retirement due to disability.

*Independent review of judge advocate requirements of the Department of the Navy (sec. 506)*

The Senate amendment contained a provision (sec. 541) that would establish an independent panel to review the judge advocate requirements of the Department of the Navy. The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Subtitle B—General Service Authorities*  
*Continuation on active duty of reserve component members during physical disability evaluation following mobilization and deployment (sec. 511)*

The Senate amendment contained a provision (sec. 654) that would amend section 1218 of title 10, United States Code, to require retention on active duty of reserve component members following mobilization and deployment to an area in which imminent danger pay is authorized until completion of any required physical or mental disability evaluation unless the member requests termination of active duty. The provision would require counseling of members who request termination of active duty about the consequences of such action.

The House bill contained no similar provision.

The House recedes.

*Medical examination required before administrative separation of members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury (sec. 512)*

The House bill contained a provision (sec. 521) that would amend chapter 59 of title 10, United States Code, to require a medical examination of a member who has been deployed overseas in support of a contingency operation to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury before the member may be involuntarily separated under conditions other than honorable. The provision would also amend section 1553 of title 10, United States Code, to require that a discharge review board render a decision within 6 months of receipt of an application for relief and include in its membership a physician, clinical psychologist, or psychiatrist when reviewing a discharge or dismissal of a former member of the armed forces who, while a member, was deployed in support of a contingency operation and has been diagnosed as experiencing post-traumatic stress disorder or traumatic brain injury.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would require discharge review boards to accord applications for relief based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury sufficient priority, based on medical and humanitarian circumstances, to expedite a final decision. The amendment would also require the Secretary of Defense, not later than 240 days after the date of enactment of this Act, to submit to the Committees on Armed Services of the Senate and

the House of Representatives a report containing the detailed procedures and policies used to implement this provision.

*Legal assistance for additional reserve component members (sec. 513)*

The House bill contained a provision (sec. 598) that would amend section 1044(a)(4) of title 10, United States Code, to authorize the service secretary, rather than the Secretary of Defense, to prescribe the mobilization authority and period of active duty necessary to authorize legal assistance to members of reserve components following release from active duty under a call or order to active duty for more than 30 days.

The Senate amendment contained no similar provision.

The Senate recedes.

*Limitation on scheduling of mobilization or pre-mobilization training for reserve units when certain suspension of training is likely (sec. 514)*

The Senate amendment contained a provision (sec. 633) that would authorize travel and transportation allowances for reserve component service members on active duty for more than 30 days to travel from a temporary duty station to their permanent duty station and back again when training is suspended at the temporary duty station for a period of 5 days or more.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the secretaries of the military departments to avoid scheduling mobilization or pre-mobilization training for a unit of a reserve component at a temporary duty location outside the normal commuting distance of the unit if a suspension of training of at least 5 days is anticipated during such training. The amendment would authorize the secretary concerned to waive the applicability of this limitation when the secretary determines it is in the national security interests of the United States to do so. Finally, the amendment would require the secretary concerned to notify the congressional defense committees when such waivers are granted or when unanticipated suspensions of training occur.

*Evaluation of test of utility of test preparation guides and education programs in improving qualifications of recruits for the Armed Forces (sec. 515)*

The House bill contained a provision (sec. 522) that would amend section 546(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to clarify that the evaluation of job performance required to complete the test of the utility of using test preparation guides to improve the qualification test scores of new recruits will be derived from existing sources, including performance ratings, separations, promotions, awards and decorations, and reenlistment statistics.

The Senate amendment contained no similar provision.

The Senate recedes.

*Report on presence in the Armed Forces of members associated or affiliated with groups engaged in prohibited activities (sec. 516)*

The House bill contained a provision (sec. 524) that would amend section 504 of title 10, United States Code, to prohibit the recruitment, enlistment, or retention in the armed forces of a person associated or affiliated with a group associated with hate-related violence against groups or persons or the United States Government. The provision would also require a report to the Commit-

tees on Armed Service of the Senate and the House of Representatives on the presence in the armed forces of members associated or affiliated with a group associated with hate-related violence and describing actions to discharge such members and describing actions to prevent such persons from enlisting in the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, in consultation with the Attorney General, to submit a report not later than 180 days after the date of enactment of this Act on active participation by members of the armed forces in prohibited activities as defined by Department of Defense Directive 1325.6, and the policies of the Department of Defense to prevent individuals who are active participants in such prohibited activities from enlisting in the armed forces.

*Subtitle C—Education and Training*

*Detail of commissioned officers as students at schools of psychology (sec. 521)*

The Senate amendment contained a provision (sec. 523) that would amend chapter 101 of title 10, United States Code, to authorize the secretary of each military department to detail up to 25 commissioned officers each year as students at accredited schools of psychology for training leading to the degree of Doctor of Philosophy in clinical psychology.

The House bill contained no similar provision.

The House recedes.

*Appointment of persons enrolled in Advanced Course of the Army Reserve Officers' Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States (sec. 522)*

The House bill contained a provision (sec. 531) that would amend section 2107a(h) of title 10, United States Code, to increase from 17 to 22 the number of cadets at each of the military junior colleges who may be enrolled in the financial assistance program for specially selected members as cadets in the Army Reserve and Army National Guard of the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

*Expansion of criteria for appointment as member of the Board of Regents of the Uniformed Services University of the Health Sciences (sec. 523)*

The Senate amendment contained a provision (sec. 522) that would amend section 2113a(b)(1) of title 10, United States Code, to authorize appointment of individuals with experience in the fields of health care, higher education administration, or public policy as members of the Board of Regents of the Uniformed Services University of the Health Sciences.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Use of Armed Forces Health Professions Scholarship and Financial Assistance Program to increase number of health professionals with skills to assist in providing mental health care (sec. 524)*

The House bill contained a provision (sec. 535) that would amend sections 2121 and 2124 of title 10, United States Code, to increase the authorized number of Armed Forces Health Professions Scholarship and Financial Assistance Program scholarships from 6,000 to 6,300 and to require that a portion of



the scholarships be allocated for social work, clinical psychology, psychiatry, and other disciplines that contribute to mental health care programs of the military departments.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove a funding limitation of \$20.0 million.

*Department of Defense undergraduate nurse training program (sec. 525)*

The House bill contained a provision (sec. 933) that would require the Secretary of Defense to establish a School of Nursing within the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to establish a School of Nursing and to enter into agreements with one or more academic institutions to establish and operate an undergraduate nurse training program under which participants would earn a nursing degree and serve as a member of a uniformed service. The amendment would also require submission of a plan to establish an undergraduate nurse training program to the Committees on Armed Services of the Senate and House of Representatives not later than 180 days after the date of enactment of this Act. This plan must provide for the establishment of a pilot program to increase the number of nurses in the armed forces.

The conferees acknowledge the need for additional nurse officers in the military services and intend that the Department of Defense pursue the most cost-effective option for increasing the number of military nurses. The conferees encourage the Secretary of Defense to incorporate as many of the programs listed in section 955(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) as possible. The conferees note the discussions between the Department of Defense and Texas A&M Health Science Center referenced on page 35 of the report to Congress required by section 955(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

*Increase in number of private sector civilians authorized for admission to National Defense University (sec. 526)*

The House bill contained a provision (sec. 532) that would amend section 2167 of title 10, United States Code, to increase from 10 to 20 the maximum number of private sector employees who work in organizations relevant to national security who may be authorized admission to the professional military education program at the National Defense University.

The Senate amendment contained no similar provision.

The Senate recedes.

*Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands (sec. 527)*

The House bill contained a provision (sec. 533) that would amend sections 4342(a)(10), 6954(a)(10), and 9342(a)(10) of title 10, United States Code, to increase from 1 to 2 the number of cadets or midshipmen appointed to each military service academy from nominations made by the Delegate from the Commonwealth of the Northern Mariana Islands.

The Senate amendment contained no similar provision.

The Senate recedes.

*Athletic association for the Air Force Academy (sec. 528)*

The House bill contained a provision (sec. 537) that would authorize the Secretary of

the Air Force to establish a nonprofit corporation, to be known as the Air Force Academy Athletic Association, to support the athletic programs of the Air Force Academy.

The Senate amendment contained a similar provision (sec. 524).

The House recedes with a clarifying amendment.

The conferees are mindful that the United States Military Academy and the United States Naval Academy have benefited for many years from their working relationship with the Army Athletic Association and Naval Academy Athletic Association respectively. The conferees expect the Secretary of the Army and Secretary of the Navy to provide their assessment of the need for additional legislation regarding their respective athletic associations in view of this provision.

*Language training centers for members of the Armed Forces and civilian employees of the Department of Defense (sec. 529)*

The House bill contained a provision (sec. 534) that would require the Secretary of Defense to carry out a pilot program to establish at least three language training centers at accredited universities, senior military colleges, or other similar institutions of higher education to create the foundational critical and strategic language and regional area expertise for members of the armed forces, including reserve component members and Reserve Officers' Training Corps candidates, and civilian employees of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to carry out a program to establish language training centers at accredited universities, senior military colleges, or other similar institutions of higher education for the purposes of accelerating the development of foundational expertise in critical and strategic languages and regional area studies for members of the armed forces, including reserve component members and Reserve Officers' Training Corps candidates, and civilian employees of the Department of Defense.

*Subtitle D—Defense Dependents' Education*  
*Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees (sec. 531)*

The House bill contained a provision (sec. 551) that would authorize \$50.0 million for continuation of the Department of Defense (DOD) assistance program to local educational agencies that are impacted by enrollment of dependent children of military members and DOD civilian employees. This provision would also authorize \$15.0 million for assistance to local educational agencies with significant changes in enrollment of school-aged dependents of military members and civilian employees due to base closures, force structure changes, or force relocations.

The Senate amendment contained a similar provision (sec. 531) that would authorize \$30.0 million and \$10.0 million for each assistance program, respectively.

The House recedes with an amendment that would authorize \$30.0 million for continuation of assistance to agencies impacted by enrollment of DOD military and civilian employee dependents, and \$14.0 million for assistance to agencies with significant changes in enrollment of children due to base closures, force structure changes, or force relocations.

*Impact aid for children with severe disabilities (sec. 532)*

The Senate amendment contained a provision (sec. 532) that would authorize \$5.0 million in Operation and Maintenance, Defense-wide, for impact aid payments for children with disabilities under section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)), using the formula set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), for continuation of the Department of Defense's assistance to local educational agencies that benefit dependents with severe disabilities.

The House bill contained no similar provision.

The House recedes.

*Two-year extension of authority for assistance to local educational agencies with enrollment changes due to base closures, force structure changes, or force relocations (sec. 533)*

The Senate amendment contained a provision (sec. 533) that would extend for 2 years, from September 30, 2010, to September 30, 2012, the authority of the Secretary of Defense to provide financial assistance to local educational agencies with enrollment changes due to base closures, force structure changes, or force relocations.

The House bill contained no similar provision.

The House recedes.

*Authority to extend eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents (sec. 534)*

The Senate amendment contained a provision (sec. 538) that would authorize the Secretary of Defense to enroll in a Department of Defense education program a dependent not otherwise eligible for enrollment who is the dependent of a member of a foreign armed force residing on a military installation in the United States, or a dependent of a deceased service member who died in the line of duty in a combat-related operation, as designated by the Secretary.

The House bill contained no similar provision.

The House recedes with an amendment clarifying that this provision would authorize enrollment only at Department of Defense schools.

*Permanent authority for enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe (sec. 535)*

The House bill contained a provision (sec. 553) that would make permanent the temporary authority provided to the Secretary of Defense in section 571 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to enroll on a space-required, tuition-free basis a limited number of dependents of foreign military members who are assigned to the Supreme Headquarters Allied Powers, Europe, in the Department of Defense dependents' education system in Mons, Belgium.

The Senate amendment contained a similar provision (sec. 534).

The Senate recedes.

*Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid (sec. 536)*

The House bill contained a provision (sec. 552) that would amend the Elementary and Secondary Education Act of 1965 (Public Law

89-10) to change the requisite number of federally connected children that attend area schools daily in order for a school district to receive impact aid from 6,500 to 5,000 students.

The Senate amendment contained no similar provision.

The Senate recedes.

*Study on options for educational opportunities for dependent children of members of the Armed Forces when public schools attended by such children are determined to need improvement (sec. 537)*

The Senate amendment contained a provision (sec. 535) that would require the Secretary of Defense, in consultation with the Secretary of Education, to conduct a study on options for educational opportunities that are, or may be, available for dependent children of members of the armed forces who do not attend Department of Defense dependents' schools when the public elementary and secondary schools are determined to be in need of improvement.

The House bill contained no similar provision.

The House recedes with an amendment that would remove vouchers from the options to be studied.

*Comptroller General audit of assistance to local educational agencies for dependent children of members of the Armed Forces (sec. 538)*

The Senate amendment contained a provision (sec. 537) that would require the Comptroller General to conduct an audit of the utilization by local educational agencies of Department of Defense supplemental impact aid assistance provided to support the education of dependent children of service members.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the list of impact aid statutes to be assessed by the Comptroller General.

*Sense of Congress on the Interstate Compact on Educational Opportunity for Military Children (sec. 539)*

The Senate amendment contained a provision (sec. 536) that would express the sense of the Senate to endorse the Interstate Compact on Educational Opportunity for Military Children developed by the Council of State Governments, in cooperation with the Department of Defense, commend States that have successfully enacted it, and encourage all remaining States to enact the Interstate Compact.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees acknowledge that incongruous State requirements for school enrollment, eligibility, placement, and graduation create unique challenges for military families whose school-aged children move, on average, six to nine times between kindergarten and high school graduation. The conferees believe that enactment of the Interstate Compact, which includes development of State councils to provide for coordination among government agencies and military installations, will improve educational opportunities and support for military school-aged children.

#### Subtitle E—Missing or Deceased Persons

*Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing in conflicts occurring before enactment of new system for accounting for missing persons (sec. 541)*

The House bill contained a provision (sec. 561) that would amend section 1509 of title 10, United States Code, to require the Secretary of Defense to implement a comprehensive and fully resourced program to account for missing persons from all conflicts beginning with World War II. The provision would expand the prisoner of war/missing in action (POW/MIA) community to include other elements of the Department which are involved in the accounting for and recovery of missing persons, such as the Defense Intelligence Agency's Stony Beach program. Finally, the provision would require the Secretary of Defense to take necessary measures to ensure that the number of missing persons annually accounted for increases to 200 by 2015 and 350 by 2020.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to ensure adequate resources are provided to the POW/MIA accounting community necessary to account for 200 persons annually by 2015. The conferees understand that accounting for 200 persons annually by 2015 represents a significant increase from the current accounting effort. Given that more than 80,000 service members remain missing from the Nation's conflicts from World War II to the present, and that achieving the fullest possible accounting of those missing has been a long-standing national priority, the conferees believe that the Department should make every effort to increase the number of persons accounted for annually. As accounting efforts become more difficult with the passage of time, the conferees urge the Secretary of Defense to increase annual accounting to 350 by 2020.

*Policy and procedures on media access and attendance by family members at ceremonies for the dignified transfer of remains of members of the Armed Forces who die overseas (sec. 542)*

The House bill contained a provision (sec. 562) that would codify the Department of Defense policy on media access at ceremonies for the dignified transfer of remains from a theater of combat operations to Dover Air Force Base.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to prescribe a policy not later than April 1, 2010, guaranteeing media access at ceremonies conducted for the dignified transfer of remains of members who die while located or serving overseas when approved by the military decedent's primary next of kin. The amendment would also amend section 411f of title 37, United States Code, to authorize service secretaries to provide round trip transportation to primary next of kin and family members of a service member who dies while located or serving overseas.

*Report on expansion of authority of a member to designate persons to direct disposition of the remains of a deceased member (sec. 543)*

The House bill contained a provision (sec. 563) that would require the Secretary of Defense to report to Congress on the potential effects of expanding the list of persons under section 1482(c) of title 10, United States Code,

eligible to be designated as the person authorized to direct disposition of remains to persons who are not family members of the deceased.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Sense of Congress on the recovery of the remains of members of the Armed Forces who were killed during World War II in the battle of Tarawa Atoll (sec. 544)*

The House bill contained a provision (sec. 564) that would express the sense of the Congress reaffirming its support for the recovery of remains of service members killed in all wars, recognizing the courage and sacrifice of the members of the armed forces who fought on Tarawa Atoll, acknowledging the dedicated research and efforts undertaken to identify and locate remains from Tarawa Atoll, and encouraging the Department of Defense to review its research and, if appropriate, pursue new efforts to increase the recovery of remains from Tarawa Atoll.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

#### Subtitle F—Decorations and Awards

*Authorization and request for award of Medal of Honor to Anthony T. Kaho'ohanohano for acts of valor during the Korean War (sec. 551)*

The House bill contained a provision (sec. 572) that would waive the time limitation contained in section 3744 of title 10, United States Code, and would authorize and request the President to award the Medal of Honor to former Private First Class Anthony T. Kaho'ohanohano for acts of valor during the Korean War.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Authorization and request for award of Distinguished-Service Cross to Jack T. Stewart for acts of valor during the Vietnam War (sec. 552)*

The House bill contained a provision (sec. 573) that would waive the time limitation contained in section 3744 of title 10, United States Code, and would authorize and request the Secretary of the Army to award the Distinguished-Service Cross to former Captain Jack T. Stewart for acts of valor during the Vietnam War.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Authorization and request for award of Distinguished-Service Cross to William T. Miles, Jr., for acts of valor during the Korean War (sec. 553)*

The House bill contained a provision (sec. 574) that would waive the time limitation contained in section 3744 of title 10, United States Code, and would authorize and request the Secretary of the Army to award the Distinguished-Service Cross to former Sergeant First Class William T. Miles, Jr., for acts of valor during the Korean War.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Subtitle G—Military Family Readiness Matters

*Establishment of online resources to provide information about benefits and services available to members of the Armed Forces and their families (sec. 561)*

The Senate amendment contained a provision (sec. 577) that would require the service secretaries to provide certain information to service members and their families at certain points in their career concerning service and veteran benefits, including disability and survivor benefits and mandatory offsets thereto. The provision would also require the service secretaries to provide biennial notice of benefits to all service members, perform public outreach on benefits, and to establish and maintain a website providing comprehensive benefit information to service members and their families. Finally, the provision would require the Secretary of Defense to report to Congress within 1 year on the implementation of the provision.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to establish and maintain a website to provide comprehensive benefit information to service members and their families, and to conduct public service outreach on the availability of the website.

The conferees remain concerned that service members and their families lack essential information about the compensation, benefits, services, and programs available to them. Similarly, the conferees believe that many service members, retirees, their families, and their survivors, are unaware, to their detriment, of disability and survivor benefits and statutorily-mandated offsets affecting those benefits. The conferees urge the Department to take necessary initiatives to enhance the knowledge and understanding of service members, retirees, and their survivors concerning pay and compensation matters, veteran benefits, and survivor benefits.

*Additional members on Department of Defense Military Family Readiness Council (sec. 562)*

The Senate amendment contained a provision (sec. 551) that would mandate the addition of two members to the Department of Defense Military Family Readiness Council. One representative would be from the National Guard, and the other representative would be from a reserve component other than the National Guard, and each would be appointed by the Secretary of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would specify that one representative must be from the Army National Guard or Air National Guard, and the other must be from the Army Reserve, Navy Reserve, Marine Corps Reserve, or the Air Force Reserve. The amendment would also limit these representatives' terms to 3 years, as well as require that the Guard representative rotate between the Army National Guard and the Air National Guard, and the reserve component representative that is not National Guard must rotate among the specified reserve components.

*Support for military families with special needs (sec. 563)*

The House bill contained a provision (sec. 710B) that would require coverage under the TRICARE program for any treatment of autism spectrum disorders that a health care professional determines to be medically necessary, and would prohibit the Secretary of

Defense from considering applied behavior analysis or other structured behavior programs as special education services not otherwise authorized under TRICARE.

The Senate amendment contained a provision (sec. 553) that would require the Secretary to develop and implement a policy and program to provide community support for military dependent children with autism and their families, including two or more pilot projects to evaluate the effectiveness of various approaches to provide such support.

The House recedes with an amendment that would establish an Office of Community Support for Military Families with Special Needs within the Office of the Under Secretary of Defense for Personnel and Readiness, which would have the responsibility to develop and implement comprehensive policy and program of support for military families with special needs, to establish the capability to provide timely access to information and referral services, and to oversee the expansion of case management and individualized support services provided by the military departments. The amendment would also authorize the Secretary to establish a foundation to enhance the Department of Defense's programs, training, and research.

The conferees agree to an increase of \$50.0 million to be available for this purpose, which is reflected in the tables for this Act.

The conferees believe that expanding support for families with special needs is a critical requirement for the all-volunteer force. Regrettably such programs have not been a priority for the Department, as evidenced by its failure to implement requirements for expanded services for autism support as required by section 587 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181). The conferees are also concerned that enrollment in the Exceptional Family Member Program, which is crucial to ensuring that the needs of eligible dependents are met, is far lower than necessary to reach the estimated 220,000 family members who are eligible for such enrollment.

The conferees expect that implementation of this section will result in substantial improvements in identification and outreach to larger numbers of individuals who need support and coordination of available services, expansion of case management services, more direct training and counseling for parents and families, and timely access to information and referral to both Department of Defense and other federal, State, and local special needs resources and services.

The conferees direct the Secretary to examine ways to mitigate the challenges for families who may be disadvantaged by relocation during their military service, and to ensure that enrollment in the Exceptional Family Member Program, or any successor to that program, is perceived as a positive and necessary family readiness resource.

The conferees applaud those who, through their advocacy for families with autism, have illuminated the shortfalls in support for families with all special needs that this section is intended to address.

*Pilot program to secure internships for military spouses with Federal agencies (sec. 564)*

The House bill contained a provision (sec. 581) that would authorize the Secretary of Defense to establish an internship pilot program for certain military spouses to obtain employment with other federal agencies or departments that could potentially lead to career portability and advancement. The provision would also require a report on the utilization and effectiveness of the pilot pro-

gram, and the Secretary's recommendation on the need to extend, modify, or terminate the program authority.

The Senate amendment contained no similar provision.

The Senate recedes.

*Family and medical leave for family of servicemembers (sec. 565)*

The House bill contained a provision (sec. 585) that would expand coverage of exigency leave available under the Family and Medical Leave Act of 1993 (Public Law 103-3) to eligible family members of active-duty service members deployed to a foreign country. The provision would also modify the definition of a covered active-duty service member, and expand coverage of such members to include a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the armed forces at any time during the period of 5 years preceding the date on which the veteran receives treatment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide for similar expansion of eligibility for family and medical leave under title 5, United States Code, for federal civil service employees.

*Deadline for report on sexual assault in the Armed Forces by Defense Task Force on Sexual Assault in the Military Services (sec. 566)*

The Senate amendment contained a provision (sec. 571) that would amend section 576(e)(1) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) to change the date for the report of the Defense Task Force on Sexual Assault in the Military Services to December 1, 2009.

The House bill contained no similar provision.

The House recedes.

*Improved prevention and response to allegations of sexual assault involving members of the Armed Forces (sec. 567)*

The House bill contained a provision (sec. 592) that would require a Comptroller General report on the capacity of each military service to investigate and adjudicate allegations of sexual assault, a sexual assault prevention program developed by the Secretary of Defense, a report by the Secretary of Defense evaluating the availability of sexual assault forensic examinations in combat zones, and collection of statistical information on the issuance of military protective orders involving either the victim or alleged perpetrator of a sexual assault.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Comptroller General report on progress made in implementing recommendations to reduce domestic violence in military families (sec. 568)*

The House bill contained a provision (sec. 582) that would require the Comptroller General to review and assess the progress made by the Department of Defense in implementing the recommendations contained in the Comptroller General report entitled "Military Personnel: Progress made in implementing Recommendations to reduce Domestic Violence, but Further Management Action Needed" (GAO-06-540). The provision would require the Comptroller General to report the results of this review and assessment to the congressional defense committees not later than 180 days after enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Report on impact of domestic violence on military families (sec. 569)*

The House bill contained a provision (sec. 586) that would require the Comptroller General to submit to Congress a report on the impact of domestic violence on military families, and to include an assessment of such impact and information on progress being made to ensure care and services are provided to children exposed to domestic violence.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, rather than the Comptroller General, to submit the report, and would clarify a reporting deadline.

*Report on international intrafamilial abduction of children of members of the Armed Forces (sec. 570)*

The House bill contained a provision (sec. 588) that would express a sense of Congress that intra-familial abduction to foreign countries of children of members of the armed forces constitutes a grave violation of the rights of military parents whose children are abducted and poses a significant threat to the psychological well-being and development of the abducted children. The provision also required recurring reports on the programs, projects, and activities carried out by the Department of Defense to assist members of the armed forces whose children are abducted.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report to the Committees on Armed Services of the Senate and the House of Representatives, not later than 180 days after enactment of this Act, on international intrafamilial abduction of children of members of the armed forces and an assessment of assistance available to parents of abducted children, measures taken to prevent abduction of children of military personnel, and education available to military parents on the risks of international intrafamilial child abduction.

*Assessment of impact of deployment of members of the Armed Forces on their dependent children (sec. 571)*

The Senate amendment contained a provision (sec. 554) that would require the Secretary of Defense to undertake a comprehensive assessment of the impact of deployment on dependent children and adolescents of military service members. The provision would also require the Secretary to conduct a review of the mental health care and counseling services available to children of service members; whether the status of a service member as active duty or reserve affects the access of a military child to such services; and whether and to what extent waiting lists, geographic distance, and other factors may obstruct military children's receipt of such services.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary also to address children of deployed service members in families in which one parent is in the armed forces, both parents are in the armed forces, and the service member is a single parent.

The conferees note that the requirement for the Secretary to review the mental

health care and counseling services available to dependent children is addressed elsewhere in this Act.

*Report on child custody litigation involving service of members of the Armed Forces (sec. 572)*

The House bill contained a provision (sec. 584) that would amend title II of the Servicemembers Civil Relief Act (50 U.S.C. 521 et seq.) to provide that if a motion for change of custody of a child of a service member is filed while the service member is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes custody arrangements for that child that existed as of the date of the deployment of the service member, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child. The provision would also preclude a court from considering the absence of a service member by reason of deployment, or possibility of deployment, in determining the best interest of the child.

The Senate amendment contained a provision (sec. 555) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than June 1, 2010, a report on reported judicial cases involving child custody disputes in which the service of a deployed or deploying member of the armed forces, active or reserve, was an issue in a child custody dispute.

The House recedes with an amendment that would change the date for the report on judicial cases involving child custody disputes to March 31, 2010.

The conferees believe that actions need to be taken by the Secretary of Defense and by military leaders and legal assistance personnel to assist in preventing, where possible, legal disputes over child custody involving military members who are custodial parents.

The conferees have raised concerns in previous conference agreements since 2008 that service members who have been awarded custody of minor children but who are required to deploy in defense of the Nation or be absent from their children as a result of their military duties are vulnerable to litigation by non-custodial, biological parents. The conferees believe that providing assistance and education regarding measures service members can take in advance of deployment to prevent child custody disputes will serve to prevent many lawsuits and minimize the distraction of having to fight to retain custody of children while our service members are deployed. Further, the conferees are concerned that service members faced with the risk of losing custody of children as a result of military service may opt to leave the military, and potential recruits may choose not to join a military service.

The conferees commend the several States that have enacted legislation to address child custody circumstances that arise from the current demands of military service.

The conferees believe that the Secretary of Defense must also take steps to assist deployed members of the armed forces in child custody disputes that arise as a result of their military service. Although the Secretary has concluded that it would be unwise to push for federal legislation in an area that is typically a matter of state law concern, he did identify several steps that the Department should take to address this issue.

The conferees commend the Secretary for his initiative, and ask that he report to the

Committees on Armed Services of the Senate and the House of Representatives not later than 180 days after enactment of this Act on the measures the Department has taken to prevent child custody litigation involving military members who are custodial parents to include contacting the governors of each of the States that have yet to pass legislation addressing the special considerations of child custody cases in the military to urge them to pass such legislation, asking the Chief of the National Guard Bureau to follow up with the Adjutant General of those States on the issue of child custody in the military, including concerns over child custody matters on the list of 10 key quality of life issues that will be presented to governors, outreach activities by the Department of Defense Regional State Liaisons with States whose legislatures have not addressed military custody concerns, efforts by the Judge Advocate General of the Army, Navy, and Air Force and the Staff Judge Advocate to the Commandant of the Marine Corps to work with the American Bar Association to publicize and support the national pro bono project of the American Bar Association, and engaging with the military services to update and standardize the family care plans to provide for long-term and short-term care, care and support for children, and financial arrangements including power of attorney when the service members are deployed. The conferees request a second and final report assessing the effectiveness of these actions no later than 1 year after the initial report.

*Comptroller General report on child care assistance for members of the Armed Forces (sec. 573)*

The Senate amendment contained a provision (sec. 561) that would require the Comptroller General to submit a report on financial assistance for child care provided by the Department of Defense to members of the reserve components who are deployed in connection with a contingency operation.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the scope of the report to include an assessment of the financial assistance for child care provided to all active-duty service members, as well as to members of the reserve components who are deployed in connection with a contingency operation.

#### Subtitle H—Military Voting

*Short Title (sec. 575)*

The Senate amendment contained a provision (sec. 581) that would cite this subtitle as the "Military and Overseas Voter Empowerment Act".

The House bill contained no similar provision.

The House recedes.

*Clarification regarding delegation of State responsibilities to local jurisdictions (sec. 576)*

The Senate amendment contained a provision (sec. 583) that would authorize a State to delegate its responsibilities in carrying out the requirements under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) imposed as a result of the provisions of and amendments made by this Act to jurisdictions of the State.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Establishment of procedures for absent uniformed services voters and overseas voters to request and for States to send voter registration applications and absentee ballot applications by mail and electronically (sec. 577)*

The Senate amendment contained a provision (sec. 584) that would amend section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) to require States to establish procedures for absent uniformed services voters and overseas voters to request, and for States to send, voter registration and absentee ballot applications by mail and electronically with respect to general, special, primary and runoff elections for federal office. The provision would also require each State to designate not less than one means of electronic communication for use by absentee uniform service voters and overseas voters.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Establishment of procedures for States to transmit blank absentee ballots by mail and electronically to absent uniformed services voters and overseas voters (sec. 578)*

The Senate amendment contained a provision (sec. 585) that would amend section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) to require States to establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary and runoff elections for federal elections.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Ensuring absent uniformed services voters and overseas voters have time to vote (sec. 579)*

The Senate amendment contained a provision (sec. 586) that would amend section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) (42 U.S.C. 1973ff-1(a)(1)) to require States to transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter at least 45 days before an election for federal office unless the request is received less than 45 days before the election or a hardship exemption is approved by the Presidential designee responsible for federal functions under UOCAVA. The provision also amends section 102(a) of UOCAVA to require States holding a runoff election for federal office to establish a written plan that would provide that absentee ballots are made available to absent uniformed services voters and overseas voters in a manner that gives them sufficient time to vote in the runoff election.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Procedures for collection and delivery of marked absentee ballots of absent overseas uniformed services voters (sec. 580)*

The Senate amendment contained a provision (sec. 587) that would amend section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) to require the Presidential designee in coordination with the United States Postal Service to establish procedures for collecting marked absentee ballots of absent overseas uniformed voters and for delivering such marked absentee ballots to the appropriate election officials not later than the date by which an absentee ballot must be received in

order to be counted in a federal election. The provision would also require chief State election officials to develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.

The House bill contained no similar provision.

The House recedes.

*Federal write-in absentee ballot (sec. 581)*

The Senate amendment contained a provision (sec. 588) that would amend section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) to require the Presidential designee to prescribe a federal write-in absentee ballot for general, special, primary, and runoff elections for federal office and to require the Presidential designee to adopt procedures to promote and expand the use of the federal write-in absentee ballot as a back-up measure to vote in elections for federal office. This provision would also require the Presidential designee to use technological advances to implement a system under which absentee voters may obtain a list of all candidates in federal elections and submit the marked federal write-in absentee ballot.

The House bill contained no similar provision.

The House recedes.

*Prohibiting refusal to accept voter registration and absentee ballot applications, marked absentee ballots, and Federal write-in absentee ballots for failure to meet certain requirements (sec. 582)*

The Senate amendment contained a provision (sec. 589) that would amend section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) to prohibit a State from refusing to accept and process any otherwise valid voter registration application, absentee ballot application, or marked absentee ballot solely on the basis of notarization requirements or restrictions on paper or envelope type.

The House bill contained no similar provision.

The House recedes.

*Federal Voting Assistance Program Improvements (sec. 583)*

The House bill contained a provision (sec. 587) that would establish the Overseas Voting Advisory Board.

The Senate amendment contained a provision (sec. 590) that would amend the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) (42 U.S.C. 1973ff et seq.) to require: (1) the Presidential designee to develop online portals of information to inform absent uniformed services voters regarding voter registration and absentee ballot procedures for elections for federal office; and (2) to establish a program to notify absentee uniformed services voters of voter registration information and resources, the availability of the federal postcard application, and the availability of the federal write-in absentee ballot on the military Global Network. The provision would also amend section 102 of UOCAVA to require each service secretary to designate an office on each installation as a voter registration agency designated under section 7(a)(2) of the National Voter Registration Act of 1993 (Public Law 103-31), and authorize the Secretary of Defense to designate pay, personnel, and identification offices as designated voter registration agencies.

The House recedes with an amendment that would amend chapter 80 of title 10,

United States Code, to require service secretaries to designate offices on military installations to provide absent uniformed services voters and their family members with written information on voter registration procedures and absentee ballot procedures, information and assistance to register to vote in federal elections, information and assistance to update the individual's voter registration information, and information and assistance to request an absentee ballot.

*Development of standards for reporting and storing certain data (sec. 584)*

The Senate amendment contained a provision (sec. 591) that would amend section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)) to require the Presidential designee to work with the Election Assistance Commission and the chief State election official of each State, to develop standards for States to report data on the number of absentee ballots transmitted and received from absentee uniformed and overseas voters and such other data as the Presidential designee determines appropriate, and for the Presidential designee to store the data.

The House bill contained no similar provision.

The House recedes.

*Repeal of provisions relating to use of single application for all subsequent elections (sec. 585)*

The Senate amendment contained a provision (sec. 592) that would amend subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) to repeal the requirement that States use an absent uniformed voter's application for registration and absentee ballot for the next two regularly scheduled general elections for federal office.

The House bill contained no similar provision.

The House recedes.

*Reporting requirements (sec. 586)*

The Senate amendment contained a provision (sec. 593) that would amend the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-et seq.) to require the Presidential designee to submit a report, not later than 180 days after the date of enactment of this Act, to the relevant congressional committees on the status of implementation of procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters, an assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, and a detailed description of voter registration assistance for absent uniformed services voters required elsewhere in this Act.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Annual report on enforcement (sec. 587)*

The Senate amendment contained a provision (sec. 594) that would amend section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) (42 U.S.C. 1973f-4) to require the Attorney General to submit an annual report to Congress on any civil action brought for declaratory or injunctive relief necessary to carry out UOCAVA.

The House bill contained no similar provision.

The House recedes.

*Requirements payments (sec. 588)*

The Senate amendment contained a provision (sec. 595) that would amend section

251(b) of the Help America Vote Act of 2002 (HAVA) (42 U.S.C. 15401(b)) to provide that States shall use a requirements payment made under section 357(4) of HAVA only to meet requirements under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) imposed as a result of the provisions and amendments made by this Act.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Technology pilot program (sec. 589)*

The Senate amendment contained a provision (sec. 596) that would authorize the Presidential designee to establish one or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Subtitle I—Other Matters*

*Clarification of performance policies for military musical units and musicians (sec. 591)*

The Senate amendment contained a provision (sec. 572) that would amend section 974 of title 10, United States Code, to clarify the restrictions on performances in competition with local musicians and the authority of military musical units and musicians to support official events that are funded, in whole or in part, by appropriated or non-appropriated funds.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Navy grants for purposes of Naval Sea Cadet Corps (sec. 592)*

The House bill contained a provision (sec. 591) that would amend chapter 647 of title 10, United States Code, to authorize the Secretary of the Navy to make grants to support the purposes of Naval Sea Cadet Corps, a federally chartered corporation.

The Senate amendment contained no similar provision.

The House recedes with a technical amendment.

*Modification of matching fund requirements under National Guard Youth Challenge Program (sec. 593)*

The House bill contained a provision (sec. 593) that would amend section 509(d)(1) of title 32, United States Code, to increase the maximum cost share of the Department of Defense (DOD) for state National Guard Youth Challenge Programs from 60 to 75 percent of the costs of the program, beginning October 1, 2009.

The Senate amendment contained a similar provision (sec. 576) that would also authorize the Department of Defense to fund 100 percent of a new program's costs during the first 2 years of operation.

The Senate recedes.

The conferees are aware that the National Guard Youth Challenge Program is an effective youth outreach and mentoring program that benefits both the States in which it operates and the Nation, and that there is continued pressure for the Department of Defense to assume a larger funding role for this program. The conferees understand that the Department currently allows States to include in-kind, non-cash support as part of

the statutorily mandated State share of the cost of operating the program.

To better understand the nature and extent to which the States' required contributions for operation of the program are fulfilled by monetary contributions and also by in-kind, non-cash support, the conferees direct the Secretary of Defense to report to the Committees on Armed Service of the Senate and the House of Representatives no later than 180 days after enactment of this Act on: 1) the annual overall cost in each State over the last 3 years of operating the Challenge program; 2) the annual amounts of cash and value of in-kind contributions by each State for those years; 3) a description of the in-kind, non-cash contributions that made up each State's required share; and 4) the total DOD cash contribution, to include personnel costs, to support the program in each State for the last 3 years. The conferees also direct the Secretary of Defense to prescribe regulations to clearly define and specify the criteria for allowable in-kind, non-cash support for both the Department and the participating States that will fulfill the requirement of section 509(d)(1) of title 32, United States Code.

*Expansion of Military Leadership Diversity Commission to include reserve component representatives (sec. 594)*

The House bill contained a provision (sec. 595) that would amend section 596(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) by including reserve component representatives in the membership of the Military Leadership Diversity Commission.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Expansion of suicide prevention and community healing and response training under the Yellow Ribbon Reintegration Program (sec. 595)*

The House bill contained a provision (sec. 596) that would require the Office for Reintegration Programs in the Department of Defense to establish, as part of the Yellow Ribbon Reintegration Program, a program to provide National Guard and reserve members and their families, in coordination with community programs, with training in suicide prevention and community healing and response to suicide.

The Senate amendment contained a similar provision (sec. 557).

The House recedes.

*Comprehensive plan on prevention, diagnosis, and treatment of substance use disorders and disposition of substance abuse offenders in the Armed Forces (sec. 596)*

The Senate amendment contained a provision (sec. 552) that would require the Secretary of Defense to conduct a comprehensive review of and report on the programs and activities of the Department of Defense for the prevention, diagnosis, and treatment of substance abuse disorders and the policies of the Department relating to the disposition of substance abuse offenders. The provision would also require a study by an independent entity on substance abuse disorder programs for members of the armed forces and require the Secretary of Defense to submit a comprehensive plan to improve these programs, activities, and policies to the Committees on Armed Services of the Senate and the House of Representatives.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would require the reestab-

lishment of regional long-term inpatient substance abuse treatment programs.

The conferees note that overall responsibility for substance abuse programs is a personnel function of the military departments, but that medical treatment policy is formulated and resourced by the Assistant Secretary of Defense for Health Affairs. The conferees expect a better integration of these functions.

The conferees note the success of regional residential rehabilitation programs that the Department of Defense disestablished in the 1990s, and consequently this provision would require the Department of Defense to reestablish this capability.

*Reports on Yellow Ribbon Reintegration Program and other reintegration programs (sec. 597)*

The Senate amendment contained a provision (sec. 558) that would require the Secretary of Defense to report on the various reintegration programs being administered in support of National Guard and reserve members and their families, to include assessments of various elements of the Yellow Ribbon Reintegration Program and administration of the program.

The House bill contained no similar provision.

The House recedes with an amendment that would create two separate reporting requirements; one on the various reintegration programs being administered in support of National Guard and reserve members and their families, and one on the Yellow Ribbon Reintegration Program, and would add to the required reporting elements for the Yellow Ribbon Reintegration Program a list of accounts from which funds for the program were derived during the last fiscal year and why funds from those accounts were chosen.

*Reports on progress in completion of certain incident information management tools (sec. 598)*

The House bill contained a provision (sec. 597) that would require the Secretary of Defense to report to the Committees on Armed Services of the Senate and House of Representatives, not later than 120 days after the enactment of this Act and every 6 months thereafter, on the progress with respect to the completion of the Defense Incident-Based Reporting System (DIBRS).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would also require reports on progress with respect to the completion of the Defense Sexual Assault Incident Database (DSAID).

The conferees are concerned that the Department of Defense has failed to take the steps necessary to ensure compliance with section 563 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417). The Department of Defense's experience with the Defense Integrated Military Human Resources System, and the Defense Personal Property System, among others, demonstrate that a centralized, joint military program office with proven information system acquisition expertise, as well as necessary resourcing, personnel, and organizational authority is essential for success. The lack of progress in implementing DIBRS illustrates the problems the DSAID will encounter if it is not managed properly. The conferees expect the Department of Defense, not just the Sexual Assault Prevention and Response Office, to take the measures necessary to complete these critical information systems.

## LEGISLATIVE PROVISIONS NOT ADOPTED

*Rank requirement for officer serving as Chief of the Navy Dental Corps to correspond to Army and Air Force requirements*

The House bill contained a provision (sec. 502) that would amend section 5138(a) of title 10, United States Code, to require that the Chief of the Dental Corps of the Navy be appointed in the grade of rear admiral.

The Senate amendment contained no similar provision.

The House recedes.

A separate provision in this Act would require the Secretary of Defense to include an assessment of this provision in a report on general and flag officers.

*Chief and Deputy Chief of Chaplains of the Air Force*

The Senate amendment contained a provision (sec. 504) that would amend chapter 805 of title 10, United States Code, to establish in statute the positions of Chief and Deputy Chief of Chaplains in the Air Force and require their appointment in the grades of major general and brigadier general, respectively.

The House bill contained no similar provision.

The Senate recedes.

A separate provision in this Act would require the Secretary of Defense to include an assessment of this provision in a report on general and flag officers.

*Grade of commissioned officers in uniformed medical accession programs*

The Senate amendment contained a provision (sec. 521) that would amend sections 2114(b) and 2121(c) of title 10, United States Code, to authorize medical students attending the Uniformed Services University of the Health Sciences (USUHS) and students participating in the armed forces Health Professions Scholarship and Financial Assistance Programs (HPSP) who have prior commissioned service to serve, while on active duty, in pay grade O-1, or in pay grade O-2 if they meet specified promotion criteria prescribed by the service secretary. The amendment would also amend section 2004a of title 10, United States Code, to provide that an officer detailed as a student at a medical school would serve on active duty in the same grade with the same entitlement to pay as specified in section 2114(b) of title 10, United States Code.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that the requirement that USUHS and HPSP students remain in the grade of O-1 throughout their 4-year course of medical study appears to be a vestige of the conscription era. This requirement lacks adequate justification at a time when the Army, Navy, and Air Force urgently need to attract and retain highly capable and motivated medical officers who, per section 2114(a) of title 10, United States Code, demonstrate "dedication to a career in the uniformed services." In this regard, the conferees question this requirement when no other category of commissioned officer currently is denied regular promotion opportunity. If the Department of Defense desires to retain the policy in section 2114(b), the conferees expect the services, in consultation with the Surgeons General of the Army, Navy, and Air Force, to explain why it should be retained, and whether it should also be applied to other categories of military officers in a student status.

*Inclusion of email address on Certificate of Release or Discharge from Active Duty (DD Form 214)*

The House bill contained a provision (sec. 523) that would amend section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to require the Secretary of Defense to modify the Certificate of Release or Discharge from Active Duty (DD Form 214) in order to permit a member of the armed forces to include an email address on the form.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that Department of Defense Instruction 1336.01, issued on August 20, 2009, provides that if the service member elects, the member's email address will be included on the DD Form 214.

*Secure electronic delivery of Certificate of Release or Discharge from Active Duty*

The House bill contained a provision (sec. 525) that would amend section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to require the Secretary of Veterans Affairs to develop and implement a secure electronic method of forwarding the Certificate of Release or Discharge from Active Duty (DD Form 214) to the appropriate state or local office of the Department of Veterans Affairs.

The Senate amendment contained no similar provision.

The House recedes.

*Establishment of Junior Reserve Officer's Training Corps units for students in grades above sixth grade*

The House bill contained a provision (sec. 536) that would amend section 2031 of title 10, United States Code, to authorize service secretaries to carry out a pilot program to establish and support Junior Officer's Training Corps (JROTC) units at public and private educational institutions that are not secondary educational institutions to permit the enrollment of students in a grade above the sixth grade in JROTC.

The Senate amendment contained no similar provision.

The House recedes.

*Sense of Senate on preparation and coordination of family care plans*

The Senate amendment contained a provision (sec. 556) that would express the sense of the Senate that a properly prepared and coordinated family care plan is essential for service members who have custody of a child pursuant to a court order or separation agreement.

The House bill contained no similar provision.

The Senate recedes.

*Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation*

The House bill contained a provision (sec. 571) that would authorize the secretary of a military department to award the Vietnam Service Medal to eligible veterans in lieu of any Armed Forces Expeditionary Medal awarded to the veteran for participation in the Mayaguez rescue operation.

The Senate amendment contained no similar provision.

The House recedes.

*Guarantee of residency for spouses of military personnel for voting purposes*

The Senate amendment contained a provision (sec. 573) that would amend section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) to provide that, for the pur-

poses of voting in federal, state, or local elections, a person who is absent from a state because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence, be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State, to have acquired a residence or domicile in any other State, or to have become a resident in or a resident of any other State.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that this provision was included in S.475, the Military Spouses Residency Relief Act, which passed in the Senate on August 4, 2009, and is under review by the Committee on Veterans' Affairs of the House of Representatives.

*Determination for tax purposes of residence of spouses of military personnel*

The Senate amendment contained a provision (sec. 574) that would amend section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571) to provide that a spouse of a service member shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the service member in compliance with the service member's military orders if the residence or domicile is the same for the service member and the spouse.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that this provision was included in S.475, the Military Spouses Residency Relief Act, which passed in the Senate on August 4, 2009, and is under review by the Committee on Veterans' Affairs of the House of Representatives.

*Retroactive Award of Army Combat Action Badge*

The House bill contained a provision (sec. 575) that would authorize the Secretary of the Army to award the Army Combat Action Badge to a person who, while a member of the Army, participated in combat between December 7, 1941, and September 18 2001, if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

The Senate amendment contained no similar provision.

The House recedes.

*Suspension of land rights residency requirement for spouses of military personnel*

The Senate amendment contained a provision (sec. 575) that would amend section 508 of the Servicemembers Civil Relief Act (50 U.S.C. App. 568) to suspend for spouses of military personnel residency requirements for land rights under laws relating to federally owned lands, including mining and mineral leasing laws.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that this provision was included in S.475, the Military Spouses Residency Relief Act, which passed in the Senate on August 4, 2009, and is under review by the Committee on Veterans' Affairs of the House of Representatives.

*Establishment of Combat Medevac Badge*

The House bill contained a provision (sec. 576) that would require service secretaries to



issue a Combat Medevac Badge to each qualified person who, while a member of military service, served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance.

The Senate amendment contained no similar provision.

The House recedes.

#### Findings

The Senate amendment contained a provision (sec. 582) that would express the following congressional findings: (1) the right to vote is a fundamental right; (2) due to logistical, geographic, operational, and environmental barriers, military and overseas voters are burdened by many obstacles that impact their ability to vote and register to vote, the most critical of which include problems transmitting balloting materials and not being given enough time to vote; (3) States play an essential role in facilitating the ability of military and overseas voters to register to vote and have their ballots cast and counted, especially with respect to implementing improvements in absentee voter registration and absentee ballot procedures; (4) the Department of Defense educates military and overseas voters about their rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and plays an indispensable role in taking measures which allow military and overseas voters to have their votes count; and (5) local, State, and Federal Government entities involved with getting ballots to military and overseas voters must work in cooperation to provide voter registration services and balloting materials in a secure and expeditious manner.

The House bill contained no similar provision.

The Senate recedes.

#### *Modification of Servicemembers Civil Relief Act regarding termination or suspension of service contracts and effect of violation of interest rate limitation*

The House bill contained a provision (sec. 583) that would amend section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) to authorize a service member to terminate or suspend a contract for cellular phone service, telephone exchange service, multichannel video programming service, Internet access service, water, electricity, oil, gas, or other utility if the service member receives orders to deploy in support of a contingency operation or for a permanent change of station that does not support the contract.

The Senate amendment contained no similar provision.

The House recedes.

#### *Modification of Servicemembers Civil Relief Act regarding residential and motor vehicle leases*

The House bill contained a provision (sec. 594) that would amend section 305(e) of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) to require that rent amounts for leases of premises and motor vehicles that are unpaid for the period preceding the effective date of the lease termination be paid on a prorated basis and to prohibit early termination charges.

The Senate amendment contained no similar provision.

The House recedes.

#### TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

##### Subtitle A—Pay and Allowances

#### *Fiscal year 2010 increase in military basic pay (sec. 601)*

The House bill contained a provision (sec. 601) that would authorize a pay raise for the

members of the uniformed services of 3.4 percent effective January 1, 2010. This across-the-board pay raise is 0.5 percent above the Administration request.

The Senate amendment contained an identical provision (sec. 601).

The conference agreement includes this provision.

#### *Increase in maximum monthly amount of supplemental subsistence allowance for low-income members with dependents (sec. 602)*

The Senate amendment contained a provision (sec. 603) that would amend section 402a of title 37, United States Code, to increase the maximum monthly amount of the supplemental subsistence allowance from \$500 to \$1,100 per month. The provision would also require the Secretary of Defense to submit to the congressional defense committees by September 1, 2010, a plan, in consultation with the Secretary of Agriculture, to ensure members of the armed forces and their dependents need not rely on the Supplemental Nutrition Assistance Program (SNAP) under chapter 51 of title 7, United States Code, for nutritional assistance.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to report on the advisability of requiring service members to notify their commands if they participate in SNAP and on a method for accurately determining how many service members participate in SNAP.

#### *Special compensation for members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living (sec. 603)*

The House bill contained a provision (sec. 602) that would authorize special monthly compensation for members of the uniformed services with a combat-related catastrophic injury or illness who are certified by a physician as requiring assistance in performing functions necessary in everyday living. The provision would cap the amount of special compensation at the amount authorized for aid and attendance compensation for veterans under section 1114(r) of title 38, United States Code, and would terminate following the separation, death, or recovery of the service member.

The Senate amendment contained a similar provision (sec. 617) that would authorize special monthly compensation for members of the uniformed services whose injury or illness was incurred or aggravated in the line of duty. The provision would cap the amount of special compensation at the amount authorized for aid and attendance compensation for veterans under section 1114(r)(2) of title 38, United States Code.

The House recedes with an amendment that would authorize special compensation for service members with a catastrophic injury or illness incurred or aggravated in the line of duty if, in the absence of such assistance, the member would require hospitalization or other institutional care.

The conferees believe it is imperative that the Department of Defense and the Department of Veterans Affairs ensure the seamless transition of care of all service members retiring for disability. This provision would recognize that family members are making life altering sacrifices in order to care for service members at home. By aligning the authority available under this provision with the authority to provide aid and attendance compensation for veterans under section 1114 of title 38, United States Code, the conferees expect there to be no gaps in coverage and

care for catastrophically injured service members transitioning from the Department of Defense to the Department of Veterans Affairs.

#### *Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program (sec. 604)*

The House bill contained a provision (sec. 663) that would authorize the secretaries of the military departments, under regulations prescribed by the Secretary of Defense, to provide any member or former member of the armed forces up to \$200 for each day of administrative absence that such member would have earned between January 19, 2007, and the date of their respective service's implementation of the Post-Deployment/Mobilization Respite Absence program, up to a maximum of 40 days, had the program been implemented during that time. The authority would expire 1 year from the date of enactment of this Act.

The Senate amendment contained a similar provision (sec. 604).

The House recedes with an amendment that would remove the 40 day limitation on the number of days that may be compensated under this provision.

#### *Report on housing standards and housing surveys used to determine basic allowance for housing (sec. 605)*

The House bill contained a provision (sec. 604) that would require the Secretary of Defense to review the housing standards used to calculate the monthly rates of basic allowance for housing (BAH) and to report on the findings of the study, including recommended changes to the housing standards and associated cost estimates, by July 1, 2010.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include in the study a review of the process and schedule for conducting surveys used to establish locality rates in housing areas that form the basis for changes to monthly BAH rates with the goal of ensuring that amounts budgeted for housing costs are sufficient to cover actual costs.

#### *Comptroller General comparative assessment of military and private-sector pay and benefits (sec. 606)*

The Senate amendment contained a provision (sec. 602) that would require the Comptroller General to conduct a comprehensive study comparing military pay and benefits with comparable private-sector pay and benefits and to report to the congressional defense committees on the study by April 1, 2010.

The House bill contained no similar provision.

The House recedes with an amendment clarifying that the purpose of the study is to assess how the differences in pay and benefits affect recruiting and retention of members of the armed forces.

#### Subtitle B—Bonuses and Special and Incentive Pays

#### *One-year extension of certain bonus and special pay authorities for reserve forces (sec. 611)*

The House bill contained provisions (sections 611 and 101D) that would extend for 1 year the authority to pay the Selected Reserve reenlistment bonus; the Selected Reserve affiliation or enlistment bonus; the special pay for enlisted members assigned to certain high-priority units; the Ready Reserve enlistment bonus for persons without prior service; the Ready Reserve enlistment and reenlistment bonus for persons with

prior service; the Selected Reserve enlistment and reenlistment bonus for persons with prior service; and income replacement payments for certain reserve component members.

The Senate amendment contained a similar provision (sec. 611).

The Senate recedes.

*One-year extension of certain bonus and special pay authorities for health care professionals (sec. 612)*

The House bill contained provisions (sections 612 and 102D) that would extend for 1 year the authority to pay the nurse officer candidate accession bonus; the repayment of education loans for certain health professionals who serve in the Selected Reserve; accession and retention bonuses for psychologists; the accession bonus for registered nurses; incentive special pay for nurse anesthetists; special pay for Selected Reserve health professionals in critically short wartime specialties; the accession bonus for dental officers; the accession bonus for pharmacy officers; the accession bonus for medical officers in critically short wartime specialties; and the accession bonus for dental specialist officers in critically short wartime specialties.

The Senate amendment contained a similar provision (sec. 612).

The Senate recedes.

*One-year extension of special pay and bonus authorities for nuclear officers (sec. 613)*

The House bill contained provisions (sections 613 and 103D) that would extend for 1 year the authority to pay the special pay for nuclear-qualified officers extending their period of active service; the nuclear career accession bonus; and the nuclear career annual incentive bonus.

The Senate amendment contained a similar provision (sec. 613).

The Senate recedes.

*One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities (sec. 614)*

The House bill contained provisions (sections 614 and 104D) that would extend for 1 year the general bonus authority for enlisted members; the general bonus authority for officers; the special bonus and incentive pay authorities for nuclear officers; the special aviation incentive pay and bonus authorities; and the special bonus and incentive pay authorities for officers in the health professions. The provision would also extend for 1 year the authority to pay hazardous duty pay; assignment pay or special duty pay; the skill incentive pay or proficiency bonus; and the retention bonus for members with critical military skills or assigned to high priority units.

The Senate amendment contained a similar provision (sec. 614).

The Senate recedes.

*One-year extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 615)*

The House bill contained provisions (sections 615 and 105D) that would extend for 1 year the authority to pay the aviation officer retention bonus; assignment incentive pay; the reenlistment bonus for active members; the enlistment bonus; the accession bonus for new officers in critical skills; the incentive bonus for conversion to military occupational specialty to ease personnel shortage; the incentive bonus for transfer between armed forces; and the accession bonus for officer candidates.

The Senate amendment contained a similar provision (sec. 615).

The Senate recedes with a technical amendment.

*One-year extension of authorities relating to payment of referral bonuses (sec. 616)*

The House bill contained provisions (sections 616 and 106D) that would extend for 1 year the authority to pay the health professions referral bonus and the Army referral bonus under sections 1030 and 3252 of title 10, United States Code, respectively.

The Senate amendment contained a similar provision (sec. 616).

The Senate recedes.

*Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members (sec. 617)*

The House bill contained provisions (sections 617 and 107D) that would make technical and conforming amendments to sections 303a and 373 of title 37, United States Code, to reconcile provisions concerning the payment of bonuses that were included in the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) and the Hubbard Act (Public Law 110-317).

The Senate amendment contained no similar provision.

The Senate recedes.

*Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay (sec. 618)*

The House bill contained a provision (sec. 618) that would clarify that the monthly payment of hostile fire pay, imminent danger pay, hazardous duty pay, assignment or special duty pay, and skill incentive pay may be prorated to reflect the actual qualifying service that active and reserve component members performed during the month.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make the provision effective on the date of enactment of this Act.

*Additional assignment pay or special duty pay authorized for members agreeing to serve in Afghanistan for extended periods (sec. 619)*

The House bill contained a provision (sec. 619) that would authorize the Secretary of Defense to establish a demonstration program that would allow the payment of assignment or special duty pay in amounts exceeding the maximum monthly cap for service members, particularly those demonstrating critical language proficiency, who agree to serve in Afghanistan for 6 years. The provision would also require the Secretary to submit to Congress an annual report on the Department's use of this authority. The authority would expire December 31, 2012.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide an exception to the maximum monthly cap on assignment or special duty pay under section 352 of title 37, United States Code, for qualified service members demonstrating critical language proficiency who agree to serve in Afghanistan for a minimum of 3 years.

*Temporary authority for monthly special pay for members of the Armed Forces subject to continuing active duty or service under stop-loss authorities (sec. 620)*

The Senate amendment contained a provision (sec. 618) that would authorize the secretaries of the military departments to pay,

until June 30, 2011, stop-loss special pay in an amount not to exceed \$500 per month for service members on active-duty or in an active status in a reserve component whose enlistment or period of obligated service is extended, or whose retirement is suspended, pursuant to stop-loss authorities.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the stop-loss special pay for service members on active-duty.

*Army authority to provide additional recruitment incentives (sec. 621)*

The House bill contained a provision (sec. 662) that would amend section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) to extend from December 31, 2009, to December 31, 2012, the authority of the Secretary of the Army to develop and implement Army recruiting and incentive programs and permit new recruitment incentives provided that the total number of ongoing recruitment programs is limited to four at the same time.

The Senate amendment contained a provision (sec. 651) that would amend section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) to authorize the continuation of an Army recruitment incentive for 3 years from the date the recruitment incentive is first provided.

The Senate recedes with an amendment that would combine the provisions.

*Report on recruitment and retention of members of the Air Force in nuclear career fields (sec. 622)*

The Senate amendment contained a provision (sec. 657) that would require the Secretary of the Air Force to submit a report to the congressional defense committees on the efforts of the Air Force to attract and retain qualified individuals for service that involved the operation, maintenance, handling, or security of nuclear weapons. The report would be due no later than 180 days after the date of enactment of this Act.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

#### Subtitle C—Travel and Transportation Allowances

*Travel and transportation for survivors of deceased members of the uniformed services to attend memorial ceremonies (sec. 631)*

The Senate amendment contained a provision (sec. 635) that would authorize the secretary concerned to provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order for the eligible relatives to travel to a memorial service.

The House bill contained no similar provision.

The House recedes.

*Travel and transportation allowances for designated individuals of wounded, ill, or injured members of the uniformed services for duration of inpatient treatment (sec. 632)*

The House bill contained a provision (sec. 632) that would amend section 411h of title 37, United States Code, to authorize the secretary concerned to provide travel and transportation allowances for designated individuals to visit certain wounded, ill, or injured service members for the duration of inpatient treatment. The authority would include up to three roundtrips in any 60-day period for a maximum of three designated individuals per injured service member.

The Senate amendment contained a similar provision (sec. 631) that would also clarify the definition of "seriously injured" in section 411h of title 37, United States Code, to include serious mental disorders.

The House recedes with a technical amendment.

*Authorized travel and transportation allowances for non-medical attendants for very seriously and seriously wounded, ill, or injured members (sec. 633)*

The House bill contained a provision (sec. 633) that would authorize the secretary concerned to provide travel and transportation benefits to non-medical attendants serving very seriously or seriously wounded, ill, or injured service members when such persons are designated as non-medical attendants by the injured service members and proper medical authorities agree that the designee is qualified to serve as a non-medical attendant and would contribute to the health and welfare of the service member.

The Senate amendment contained a similar provision (sec. 632).

The Senate recedes.

*Reimbursement of travel expenses of members of the Armed Forces on active duty and their dependents for travel for specialty care under exceptional circumstances (sec. 634)*

The Senate amendment contained a provision (sec. 634) that would amend section 1074i of title 10, United States Code, to authorize the Secretary of Defense to provide, in exceptional circumstances, reimbursement for the travel expenses of active-duty beneficiaries and their dependents otherwise ineligible for reimbursement.

The House bill contained no similar provision.

The House recedes.

*Report on adequacy of weight allowances for transportation of baggage and household effects for members of the uniformed services (sec. 635)*

The House bill contained a provision (sec. 634) that would authorize an increased weight allowance for shipping household goods during permanent changes of station for noncommissioned officers in the grades of E-5 through E-9.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to submit a report to the congressional defense committees by July 1, 2010, that reviews the weight allowances provided for the transportation of baggage and household goods and that includes any recommendations for changing the weight allowances, including the estimated cost of such changes, as the Secretary considers appropriate.

Subtitle D—Disability, Retired Pay, and Survivor Benefits

*Transition assistance for reserve component members injured while on active duty (sec. 641)*

The Senate amendment contained a provision (sec. 656) that would require service secretaries to provide to reserve component members injured on active duty: (1) information on the availability of care and administrative processing through community based warrior transition units, (2) the location of the nearest community based warrior transition unit, and (3) an opportunity to consult with a member of the applicable judge advocate general's corps, or other qualified legal assistance attorney, regarding the member's eligibility for compensation, disability, or other transitional benefits.

The House bill contained no similar provision.

The House recedes with an amendment that would remove the requirement to provide an opportunity to consult with a judge advocate or other legal assistance attorney. The conferees believe that, while the counseling regarding the member's eligibility for compensation, disability, or other transitional benefits is vitally important, such counseling can be provided by properly trained personnel who are not licensed attorneys.

*Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement (sec. 642)*

The House bill contained provisions (sections 641 and 111D) that would authorize the secretaries of the military departments to recompute the retired pay and adjust the retired grade of reserve retirees who have been recalled to an active status in the Selected Reserve for at least 2 years. The provision would authorize the secretaries concerned to reduce the 2-year service requirement for members recalled to serve in the position of adjutant general or assistant adjutant general when the members serve at least 6 months in such position but fail to complete the 2-year service requirement due to the requirements of applicable State law.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require adjutants general or assistant adjutants general to serve at least 1 year in such positions before their retired pay could be recomputed or their retired grade adjusted, and that would change the effective date of the provision to the date of enactment of this Act.

*Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement (sec. 643)*

The House bill contained provisions (sections 642 and 112D) that would authorize members of the reserve components who serve in an active status in the Selected Reserve for at least 2 years after becoming eligible for an active-duty retirement to elect to receive a non-regular retirement. The provision would also authorize the secretary of a military department to reduce the 2-year requirement for a member recalled to serve in the position of adjutant general or assistant adjutant general within the National Guard when the member serves at least 6 months but fails to complete the 2 years of service by operation of State law.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize members of the reserve components who have served at least 2 years in the Selected Reserve and who have already qualified for an active-duty retirement to elect to receive the non-regular retirement, but at the rates applicable at the time they leave active service in the Selected Reserve. The amendment would also require adjutants general and assistant adjutants general to serve at least 1 year before becoming eligible to elect non-regular retirement. Finally, the amendment would make this authority effective on the date of enactment of this Act.

*Report on re-determination process for permanently incapacitated dependents of retired and deceased members of the Armed Forces (sec. 644)*

The Senate amendment contained a provision (sec. 1073) that would require the Sec-

retary of Defense to submit a report on the re-determination process of the Department of Defense used to determine the eligibility of permanently incapacitated dependents of retired and deceased service members for benefits provided under laws administered by the Secretary.

The House bill contained no similar provision.

The House recedes with a technical change.

*Treatment as active service for retired pay purposes of service as member of Alaska Territorial Guard during World War II (sec. 645)*

The Senate amendment contained a provision (sec. 659) that would require that service in the Alaska Territorial Guard during World War II be treated as active service for the purposes of computing military retired pay.

The House bill contained no similar provision.

The House recedes.

Subtitle E—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations

*Limitation on Department of Defense entities offering personal information services to members and their dependents (sec. 651)*

The House bill contained a provision (sec. 652) that would prohibit the Secretary of Defense from authorizing a Department of Defense entity to offer or provide Internet, telephone, or television services directly to users using Department resources, personnel, or equipment, or compete for contracts to provide such personal information services directly to users if users will be charged a fee to recover the cost incurred to provide the services or earn a profit. The prohibition would apply unless a private sector vendor is not available or the interests of the user population would be best served by allowing the government to provide the services.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow a Department of Defense entity to provide such services under circumstances specified by the Secretary of Defense as being in the best interest of the government or military users in general.

*Report on impact of purchasing from local distributors all alcoholic beverages for resale on military installations on Guam (sec. 652)*

The House bill contained a provision (sec. 653) that would require the Comptroller General to report, within 90 days of enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives on the impact of requiring that all alcoholic beverages intended for resale on military installations on Guam be purchased from local sources.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would require the report within 180 days of enactment of this Act.

Subtitle F—Other Matters

*Limitations on collection of overpayments of pay and allowances erroneously paid to members (sec. 661)*

The House bill contained a provision (sec. 661) that would reduce the maximum percentage of monthly compensation that may be involuntarily collected to repay overpayments erroneously paid to a service member from 20 percent to 10 percent. The provision would also require the secretaries of the military departments to consult with service members when establishing a repayment plan, delay collection from wounded warriors

for 180 days, and consider forgiving the debt when the service member relies on social security benefits or if repayment would impose an undue financial hardship. Finally, the provision would establish a bar on collection activities after 5 years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would reduce the maximum percentage of monthly compensation that may be involuntarily collected to repay overpayments from 20 percent to 15 percent. The amendment would also require the secretaries of the military departments to provide a reasonable opportunity for members to request a delay in collection and to consider any hardship to the service member or former member caused by the collection efforts.

The conferees believe that the Department of Defense should consider the financial consequences of requiring repayment of erroneous overpayments made to service members including the extent to which a repayment plan would leave service members or former service members with inadequate resources to cover their reasonable monthly expenses. This is especially the case when a former member relies on social security benefits or veterans disability compensation for their living expenses.

Additionally, the Department should consider the length of time that has passed between the time the overpayment occurred and the collection effort. As a general matter, the conferees believe that the secretaries concerned should not collect debts that are identified more than 6 years after they are incurred unless not collecting the debt would amount to an unjust enrichment. The Department should weigh all these factors when considering whether to waive the debt and in determining an appropriate repayment plan for members or former members to ensure a fair and equitable result for a debt that resulted from Department error, through no fault of the member.

*Sense of Congress on airfares for members of the Armed Forces (sec. 662)*

The Senate amendment contained a provision (sec. 653) that would express the sense of Congress that United States commercial air carriers should seek to lend their support to members of the armed forces traveling on leave or liberty at their own expense by reducing air fares and waiving or eliminating additional fees.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Sense of Congress on establishment of flexible spending arrangements for the uniformed services (sec. 663)*

The Senate amendment contained a provision (sec. 658) that expressed the sense of the Congress that members of the uniformed services should have access to flexible spending arrangements for health care and dependent care on a pre-tax basis in accordance with established programs under sections 106(c) and 125 of the Internal Revenue Code of 1986 that are widely available to civilian employees.

The House bill contained no similar provision.

The House recedes.

*Sense of Congress regarding support for compensation, retirement, and other military personnel programs (sec. 664)*

The House bill contained a provision (sec. 664) that would express the sense of the Congress that members of the armed forces,

military retirees, and their families deserve ongoing recognition and support for their service, and that Congress would continue to look for appropriate direct spending offsets that could be used to address shortcomings within military personnel programs that incur direct spending obligations.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade*

The House bill contained a provision (sec. 603) that would authorize a member of the armed forces who accepts an appointment as an officer or a reappointment as an officer in a lower grade without a break in service to retain the pay and allowances to which the member was entitled while serving in the rank immediately preceding the appointment or reappointment, if the pay and allowances were greater than what the officer would receive in the newly appointed or reappointed grade.

The Senate amendment contained no similar provision.

The House recedes.

*Transportation of additional motor vehicle of members on change of permanent station to or from nonforeign areas outside the continental United States*

The House bill contained a provision (sec. 631) that would authorize service members with at least one dependent of driving age to ship two privately owned vehicles during permanent change of station moves to or from nonforeign duty locations outside the continental United States.

The Senate amendment contained no similar provision.

The House recedes.

*Additional exception to limitation on use of appropriated funds for Department of Defense golf courses*

The House bill contained a provision (sec. 651) that would authorize the use of appropriated funds to purchase, operate, or maintain equipment to ensure compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) at Department of Defense golf courses.

The Senate amendment contained no similar provision.

The House recedes.

*Repeal of requirement of reduction of SBP survivor annuities by Dependency and Indemnity Compensation*

The Senate amendment contained a provision (sec. 652) that would eliminate the offset of Survivor Benefit Plan annuities by the amount of Dependency and Indemnity Compensation received from the Department of Veterans Affairs.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the mandatory spending associated with this provision, and consistent with the sense of Congress stated elsewhere in this Act regarding congressional support for compensation, retirement, and other military personnel programs, the conferees would support the provision provided that acceptable offsets are identified consistent with budgetary requirements of both the Senate and the House of Representatives.

*Use of local residences for community-based care for certain reserve component members*

The Senate amendment contained a provision (sec. 655) that would authorize certain reserve component members who require an evaluation for a physical or mental disability to be assigned to the community-based warrior transition unit located nearest to the member's permanent place of residence if residing at that location is medically feasible and consistent with the needs of the armed forces and the optimal course of medical treatment of the member.

The House bill contained no similar provision.

The Senate recedes.

*Inclusion of service after September 11, 2001, in determination of reduced eligibility age for receipt of non-regular service retired pay*

The Senate amendment contained a provision (sec. 660) that would make retroactive to September 11, 2001, the authority in section 12731 of title 10, United States Code, to reduce the age at which a reserve retiree may receive retired pay below the age of 60 by 3 months for every aggregate 90 days of active duty performed.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the mandatory spending associated with this provision, and consistent with the sense of Congress stated elsewhere in this Act regarding congressional support for compensation, retirement, and other military personnel programs, the conferees would support the provision provided that acceptable offsets are identified consistent with budgetary requirements of both the Senate and the House of Representatives.

*Comptroller General report on cost to cities and other municipalities that cover the difference between an employee's military salary and municipal salary*

The House bill contained a provision (sec. 665) that would require the Comptroller General of the United States to submit to Congress a report on the costs incurred by cities and other municipalities that elect to cover the difference between their employees' military and municipal salaries when their employees are called or ordered to active duty.

The Senate amendment contained no similar provision.

The House recedes.

*Postal benefits program for sending free mail to members of the armed forces serving in certain overseas operations and hospitalized members*

The House bill contained a provision (sec. 666) that would require the Secretary of Defense, in consultation with the United States Postal Service, to provide a postal benefits program to service members serving in certain overseas locations or who are hospitalized in a Department of Defense facility as a result of service in certain overseas locations.

The Senate amendment contained no similar provision.

The House recedes.

*Short title*

The House bill contained a provision (sec. 1D) that would establish a short title for the Disabled Military Retiree Relief Act of 2009.

The Senate amendment contained no similar provision.

The House recedes.

*Table of contents*

The House bill contained a provision (sec. 2D) that would provide a table of contents

for the Disabled Military Retiree Relief Act of 2009.

The Senate amendment contained no similar provision.

The House recedes.

*One-year expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all chapter 61 disability retirees regardless of disability rating percentage or years of service*

The House bill contained a provision (sec. 121D) that would authorize for 1 year the phased implementation of concurrent receipt of military retired pay and veteran disability compensation for medical retirees retired under chapter 61 of title 10, United States Code.

The Senate amendment contained no similar provision.

The House recedes.

The conferees acknowledge and in principle support the administration's proposal to permanently authorize concurrent receipt of military retired pay and veteran disability compensation for all medical retirees. In its budget submission, however, the administration failed to identify an acceptable and specific funding source to offset the increase in mandatory spending. Under House and Senate budget rules that derive from the Congressional Budget Act, Congress must offset increases in mandatory spending in non-emergency legislation with cuts in other entitlement programs or through increased revenues. Although the House provision included offsets sufficient to authorize concurrent receipt for 9 months, those offsets did not comply with Senate budget rules. Accordingly, the provision could not be included.

The conferees urge the administration to resubmit its proposal next year and to include specific offsets that would allow Congress to permanently authorize concurrent receipt for medical retirees.

#### TITLE VII—HEALTH CARE PROVISIONS

##### Subtitle A—Improvements to Health Benefits

*Prohibition on conversion of military medical and dental positions to civilian medical and dental positions (sec. 701)*

The House bill contained a provision (sec. 701) that would prohibit the secretary of a military department from converting military medical and dental positions to civilian medical and dental positions.

The Senate amendment contained no similar provision.

The Senate recedes with a technical change.

*Health care for members of the reserve components (sec. 702)*

The House bill contained a provision (sec. 706) that would extend the eligibility of reserve component members who are issued or covered by a delayed-effective-date active-duty order in support of a contingency operation for TRICARE coverage under section 1074 of title 10, United States Code, from 90 days before the date on which the period of active duty is to commence, to 180 days before that date.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Enhancement of transitional dental care for members of the reserve components on active duty for more than 30 days in support of a contingency operation (sec. 703)*

The Senate amendment contained a provision (sec. 712) that would modify the transi-

tional health care benefit for reservists who separate after more than 30 days of active duty in support of a contingency operation, giving them the same priority for dental care in a military treatment facility as an active-duty member.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Expansion of survivor eligibility under TRICARE Dental Program (sec. 704)*

The House bill contained a provision (sec. 703) that would expand the eligibility of surviving children under the TRICARE Dental Program. Current law allows survivors to keep this dental coverage for a period of 3 years after the service member's death. The provision would increase the eligibility for surviving dependent children from 3 years to the longer of the following periods: (1) 3 years; (2) until they reach age 21; or (3) until age 23 if the dependent is a full-time student at age 21 and is or was dependent on the member for at least half of their support. The provision would make the dental benefit provided to surviving children consistent with the medical benefit for which they are already eligible.

The Senate amendment contained a similar provision (sec. 702).

The Senate recedes with a clarifying amendment.

*TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60 (sec. 705)*

The House bill contained a provision (sec. 704) that would extend eligibility for TRICARE Standard to members of the Retired Reserve who are qualified for non-regular retirement but who are not yet age 60, and their dependents. Eligibility would terminate when the member becomes eligible for TRICARE coverage as a retiree at age 60. Members would be responsible for paying a premium equal to the total cost of coverage as determined by the Secretary of Defense, based on actual program costs.

The Senate amendment contained a similar provision (sec. 701).

The Senate recedes with a technical amendment.

*Constructive eligibility for TRICARE benefits of certain persons otherwise ineligible under retroactive determination of entitlement to Medicare part A hospital insurance benefits (sec. 706)*

The Senate amendment contained a provision (sec. 703) that would exempt TRICARE beneficiaries under the age of 65 who become disabled from the requirement to enroll in Medicare part B for the retroactive months of entitlement to Medicare part A in order to maintain TRICARE coverage.

Eligible beneficiaries would still be required to enroll in Medicare part B in order to maintain TRICARE coverage for future months, but would be considered to have coverage under the TRICARE program for the months retroactive to their entitlement to Medicare part A.

The House bill contained no similar provision.

The House recedes.

*Notification of certain individuals regarding options for enrollment under Medicare part B (sec. 707)*

The Senate amendment contained a provision (sec. 707) that would require the Secretary of Defense to identify eligible TRICARE beneficiaries who are entitled to

benefits under Medicare part A and who are eligible to enroll in Medicare part B of the options available to them for enrollment in Medicare part B and the potential consequences to TRICARE coverage of waiving enrollment in part B.

The House bill contained no similar provision.

The House recedes with several technical changes.

*Mental health assessments for members of the Armed Forces deployed in connection with a contingency operation (sec. 708)*

The House bill contained a provision (sec. 709) that would require the Secretary of Defense to conduct a demonstration project to assess the feasibility and efficacy of providing a service member with a post-deployment mental health screening that is conducted in person by a mental health provider.

The Senate amendment contained provision (sec. 711) that would require the Secretary to issue guidance for the provision of a person-to-person mental health assessment for each service member deployed in connection with a contingency operation during the 60-day period before deployment, between 90 and 180 days after deployment, and not later than 6 months, 12 months, and 24 months after return from deployment. A mental health assessment would not be required by this provision for service members who are not subjected or exposed to operational risk factors during deployment.

The House recedes with a clarifying amendment.

*Temporary TRICARE inpatient fee modification (sec. 709)*

The Senate amendment contained a provision (sec. 706) that would express the sense of the Senate that in the past, the Department of Defense has proposed fee increases on certain military health care beneficiaries in order to cover the growing cost of health care, that the Department has additional options to constrain the growth of health care spending, and that it should consider such options rather than increasing certain fees.

The House bill contained no similar provision.

The House recedes with an amendment that would extend for 1 year the current limitation on charges for inpatient care in a civilian hospital under TRICARE Standard.

*Subtitle B—Health Care Administration*  
*Comprehensive policy on pain management by the military health care system (sec. 711)*

The Senate amendment contained a provision (sec. 721) that would require the Secretary of Defense to develop and implement a comprehensive policy on pain management by the military health care system.

The House bill contained no similar provision.

The House recedes with an amendment that would change the date by which the Secretary is required to develop and implement this policy from October 1, 2010 to March 31, 2011.

In developing and implementing this policy, the conferees urge the Department to examine best practices in pain management used by public and private health care institutions, including treatment methods and approaches designed to lessen reliance on multiple medications for the purpose of pain management.

*Administration and prescription of psychotropic medications for members of the Armed Forces before and during deployment (sec. 712)*

The Senate amendment contained a provision (sec. 724) that would require the Secretary of Defense to submit an annual report

to Congress on the prescription of antidepressants and drugs to treat anxiety for troops serving in Iraq and Afghanistan.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit a report to the congressional defense committees not later than October 1, 2010, on the implementation of policy guidance dated November 7, 2006, regarding deployment-limiting psychiatric conditions and medications. The amendment would also require the Secretary of Defense to establish and implement by October 1, 2010, a policy for the use of psychotropic medications for deployed members of the armed forces.

*Cooperative health care agreements between military installations and non-military health care systems (sec. 713)*

The House bill contained a provision (sec. 705) that would authorize the Secretary of Defense to establish cooperative health care agreements between military installations and local or regional health care systems.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Plan to increase the mental health capabilities of the Department of Defense (sec. 714)*

The House bill contained a provision (sec. 715) that would require the Secretary of Defense to report on the appropriate number of military mental health providers required to meet the mental health care needs of members of the armed forces, retired members, and dependents. The provision would also require the Secretary to provide a plan on how the Department of Defense (DOD) will achieve the appropriate number of military mental health providers.

The Senate amendment contained a provision (sec. 722) that would require the Secretary to develop and implement a plan to significantly increase the number of DOD military and civilian behavioral health personnel.

The House recedes with an amendment that would: require the Secretary of each military department to increase by a specified amount the number of active-duty mental health personnel authorized for each department; require the Secretary of Defense to report on the appropriate number of mental health personnel required to meet mental health care needs of service members, retired members, and dependents; require the Secretary to develop and implement a plan to significantly increase the number of DOD military and civilian mental health personnel; and require the Secretary to assess the feasibility and advisability of establishing one or more military mental health specialties for officers or enlisted service members.

*Department of Defense study on management of medications for physically and psychologically wounded members of the Armed Forces (sec. 715)*

The Senate amendment contained a provision (sec. 723) that would require the Secretary of Defense to conduct a study on the management of medications for physically and psychologically wounded service members.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Limitation on obligation of funds under defense health program information technology programs (sec. 716)*

The House bill contained a provision (sec. 1403) that would authorize \$26.9 billion in fis-

cal year 2010 funds for the Defense Health Program (DHP) and would recommend a transfer of funds from the DHP to the Office of the Secretary of Defense from several accounts relating to information management, technology, and support, which is reflected in the tables.

The House bill contained a provision (sec. 710) that would require the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, to submit a report to Congress on the progress that has been made on the establishment of a Joint Virtual Lifetime Electronic Record for members of the armed forces.

The Senate amendment contained a provision (sec. 1403) that would authorize \$27.9 billion in fiscal year 2010 to be appropriated for the DHP.

The Senate recedes with an amendment that would limit the obligation of funds under DHP information technology programs so that not more than 50 percent of the amount remaining unobligated from certain accounts may be obligated until 30 days after the Deputy Secretary of Defense, acting in the capacity of the Chief Management Officer of the Department of Defense (DOD), submits a report on improvements to the governance and execution of health information management and information technology programs planned and programmed to electronically support clinical medical care within the military health system. The report would include an assessment of the capabilities of the Office of the Assistant Secretary of Defense for Health Affairs to carry out necessary governance, management, and development functions of such systems, and an analysis of the alternative organizations within DOD with equal or greater management capabilities for health information management and technology.

The conferees are concerned that significant doubts have been raised in relation to both health information systems performance and program integrity, which require attention and resolution at the highest levels of the Department.

The authorization for appropriations for the Defense Health Program is included elsewhere in this act.

#### Subtitle C—Other Matters

*Study and plan to improve military health care (sec. 721)*

The House bill contained a provision (sec. 713) that would require the Secretary of Defense to submit a report on the health care needs of military family members, and require the Secretary of the Army to establish a pilot program focused on the needs of military children and adolescents.

The House bill contained a provision (sec. 716) that would require the Secretary of Defense to submit a report on the access to health care of service members and other eligible beneficiaries who live in rural areas.

The Senate amendment contained two provisions (sec. 559 and sec. 560) that would require the Secretary to develop and implement a plan to expand existing Department of Defense initiatives to increase access to mental health care for family members of members of the National Guard and reserve deployed overseas during periods of mobilization, deployment, and demobilization of such members of the reserve component.

The Senate amendment contained a provision (sec. 704) that would require the Department of Defense (DOD) to initiate a process of improvement of the TRICARE health system.

The House recedes with an amendment that would require the Secretary to submit a

report on the health care needs of military family members and to undertake actions to enhance the capability of the military health system and improve the TRICARE program, to include addressing access issues for National Guard and reserve members and their families and those beneficiaries living in rural areas. The amendment would also require the Secretary to submit reports on the progress made in undertaking such actions and future plans for improvement of the military health system, to include the submission of a report together with the budget justification materials submitted to Congress in support of the DOD budget for fiscal year 2012.

The conferees note that private sector care, which was originally intended to be and is still described by the DOD as a program to fill gaps in the direct care system, now accounts for nearly 70 percent of DOD health care expenditures. The conferees recognize that several factors have contributed to the unintentional growth in private sector care: staffing shortages, mobilization, and training demands. The conferees are concerned that without appropriate planning, the effect of these factors could be an irreversible trend, placing medical readiness for future contingencies in jeopardy. The conferees believe the Secretary must develop a long-term plan to maximize the capabilities of the direct care system.

In addition, the conferees recognize that improvements to health information technology are a crucial component to improvement of the overall military health system, and note that it is addressed elsewhere in this Act. Finally, the conferees note that the requirement for the Secretary of the Army to establish a pilot program focused on the needs of military children and adolescents is addressed elsewhere in this Act.

*Study, plan, and pilot for the mental health care needs of dependent children of members of the Armed Forces (sec. 722)*

The House bill contained a provision (sec. 713) that would require the Secretary of Defense to submit a report on the health care needs of military family members, and require the Secretary of the Army to establish a pilot program focused on the needs of military children and adolescents.

The Senate amendment contained a provision (sec. 554) that would require the Secretary to undertake a comprehensive assessment of the impacts of military deployment on dependent children of service members. The provision would also require the Secretary to conduct a comprehensive review of the mental health care and counseling services available to children of service members.

The Senate recedes with an amendment that would require the Secretary to conduct a comprehensive review of the mental health care and counseling services available to dependent children of members of the armed forces and to develop and implement a plan for improvements in access to quality mental health care and counseling services for such children. The amendment would also require the Secretary of the Army to conduct a pilot program to address the mental health care needs of military children and adolescents.

The conferees note that the requirements for the Secretary to submit a report on the health care needs of military family members and to assess the impacts of military deployment on dependent children of service members are addressed elsewhere in this Act.

*Clinical trial on cognitive rehabilitative therapy for members and former members of the Armed Forces (sec. 723)*

The Senate amendment contained a provision (sec. 731) that would require the Secretary of Defense to carry out a pilot program under the TRICARE program to determine the feasibility and advisability of expanding coverage for cognitive rehabilitative therapy for members and former members of the armed forces.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to provide for a clinical trial to assess the efficacy of cognitive rehabilitative therapy for members or former members of the armed forces who have been diagnosed with a traumatic brain injury incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom.

The conferees recognize that the body of scientific knowledge on the efficacy of cognitive rehabilitative therapy is growing and intend that as part of the Department of Defense's expanded research program for wounded warriors the project required by this section will contribute to that knowledge.

*Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces (sec. 724)*

The Senate amendment contained a provision (sec. 732) that would require the Secretary of Defense to establish a task force to assess the effectiveness of the policies and programs developed and implemented by the Department of Defense and each of the military departments to assist and support the care, management, and transition of recovering wounded, ill, and injured service members.

The House bill contained no similar provision.

The House recedes with an amendment that would change the reporting required under the provision and clarify that the task force is to be an entity separate from the Department of Defense and Department of Veterans Affairs Senior Oversight Committee.

*Chiropractic clinical trials (sec. 725)*

The House bill contained a provision (sec. 702) that would require the Secretary of Defense to provide chiropractic services and benefits as a permanent part of the Defense Health Program, including the TRICARE program, for all active-duty service members.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to provide for and report on clinical trials to be conducted by the National Institutes of Health or a similar independent academic institution to compare the outcomes of chiropractic treatment, used either exclusively or as an adjunct to other treatments, with conventional treatment, and to assess the effect of chiropractic treatment on certain service member groups.

*Independent study on post-traumatic stress disorder efforts (sec. 726)*

The House bill contained a provision (sec. 711) that would require the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, to submit a report itemizing the current treatments of post-traumatic stress disorder (PTSD), ongoing research, and areas for future exploration.

The Senate amendment contained a provision (sec. 733) that would require the Secretary of Defense and the Secretary of Veterans Affairs to jointly submit a report on research related to PTSD.

The Senate recedes with an amendment that would require the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to provide for a study on the treatment of PTSD to be conducted by the Institute of Medicine of the National Academy of Sciences or another independent entity, and a clarifying amendment.

*Report on implementation of requirements on the relationship between the TRICARE program and employer-sponsored group health plans (sec. 727)*

The Senate amendment contained a provision (sec. 705) that would require the Comptroller General to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than March 31, 2010, on the implementation of the requirements of section 1097c of title 10, United States Code, relating to the relationship between the TRICARE program and employer-sponsored group health plans.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to report on the implementation of section 1097c of title 10, United States Code.

The conferees are concerned that the Secretary of Defense has not yet promulgated implementing regulations for section 1097c of title 10, United States Code, which was effective on January 1, 2008. The conferees believe that implementing regulations are essential for accurate application of the law both to employers and employees, and urge the Secretary of Defense to expedite the publication of these regulations.

*Report on stipends for members of reserve components for health care for certain dependents (sec. 728)*

The House bill contained a provision (sec. 714) that would require the Secretary of Defense to submit a report on the extent to which the Secretary has exercised the authority provided in section 704 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to provide a health care stipend for members of the reserve component who are called or ordered to active duty for more than 30 days.

The Senate amendment contained no similar provision.

The Senate recedes.

**LEGISLATIVE PROVISIONS NOT ADOPTED**

*National Casualty Care Research Center*

The House bill contained a provision (sec. 707) that would require the Secretary of Defense to designate a National Casualty Care Research Center at the Army Medical Research and Materiel Command.

The Senate amendment contained no similar provision.

The House recedes.

*Notification of members of the Armed Forces of exposure to potentially harmful materials and contaminants*

The House bill contained a provision (sec. 708) that would require the Secretary of Defense to notify service members and the State military department of reserve component members who are exposed to a potentially harmful material or contaminant of the exposure and associated health risks.

The Senate amendment contained no similar provision.

The House recedes.

*Suicide among members of the Individual Ready Reserve*

The House bill contained a provision (sec. 710A) that would require the Secretary of Defense to ensure that all eligible members of the Individual Ready Reserve (IRR) receive a counseling call not less than once every 90 days, for as long as the member remains in the IRR.

The Senate amendment contained no similar provision.

The House recedes.

*Report on the feasibility of TRICARE Prime in certain commonwealths and territories of the United States*

The House bill contained a provision (sec. 712) that would require the Secretary of Defense to examine the feasibility and cost-effectiveness of offering TRICARE Prime in certain commonwealths and territories of the United States.

The Senate amendment contained no similar provision.

The House recedes.

*Reduction of minimum distance of travel for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care*

The Senate amendment contained a provision (sec. 713) that would amend section 1074i of title 10, United States Code, to change the minimum distance required for reimbursement for travel for specialty health care under TRICARE from 100 miles to 50 miles.

The House bill contained no similar provision.

The Senate recedes.

*Report on post-deployment health assessments of Guard and reserve members*

The Senate amendment contained a provision (sec. 714) that would require the Secretary of Defense to report on the feasibility of administering a post-deployment health assessment to Guard and reserve members at their home station or in the county of residence of the member.

The House bill contained no similar provision.

The Senate recedes.

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

**Subtitle A—Acquisition Policy and Management**

*Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan; report (sec. 801)*

The House bill contained a provision (sec. 801) that would authorize the Secretary of Defense to establish a preference for the acquisition of certain products and services produced in countries along a major route of supply to Afghanistan.

The Senate amendment contained a similar provision (sec. 831).

The Senate recedes with an amendment clarifying the scope of the Secretary's authority.

*Assessment of improvements in service contracting (sec. 802)*

The House bill contained a provision (sec. 802) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to contract with a federally funded research and development center to conduct an independent assessment of improvements in the procurement and oversight of contracting for services by the Department of Defense.

The Senate amendment contained no similar provision.



The Senate recedes with an amendment that would: (1) require that the study be conducted by the Defense Science Board; and (2) provide for the study to review additional issues.

*Display of annual budget requirements for procurement of contract services and related clarifying technical amendments (sec. 803)*

The House bill contained a provision (sec. 803) that would codify and expand the requirement in section 806 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) for the Secretary of Defense to include information on contracts for services in the materials submitted to Congress in support of the President's budget request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the reporting requirement and require the Comptroller General to conduct a review of the Department's efforts to compile an annual inventory of contract services in accordance with the requirements of section 2330a of title 10, United States Code.

The conferees note that including in the annual budget submission the total amounts for the procurement of services and the number of full-time equivalents requested by each Department of Defense component, installation or activity should provide greater clarity on amounts proposed to be spent annually on contract services. In addition, specific break-outs of how that money is obligated for each type of service should be reflected in the annual contract inventories compiled by the military departments and defense agencies. The information in the budget submission, together with the detail provided in the annual inventories, should provide the information needed for improved oversight by both the Department and Congress of the procurement of contractor services.

*Implementation of new acquisition process for information technology systems (sec. 804)*

The House bill contained a provision (sec. 804) that would authorize the Secretary of Defense to designate up to 10 information technology programs annually to be included in a demonstration of an alternative acquisition process for rapidly acquiring information technology capabilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary to develop and implement an alternative acquisition process for the rapid acquisition of information technology systems. The new acquisition process would be designed to include, to the extent determined appropriate by the Secretary, early and continual involvement of the user; multiple, rapidly executed increments or releases of capability; early, successive prototyping to support an evolutionary approach; and a modular, open-systems approach. The Secretary would be required to report to Congress on the new acquisition process, including a schedule for implementation and identification of the categories of information technology acquisitions to which the process will apply.

*Life-cycle management and product support (sec. 805)*

The House bill contained a provision (sec. 805) that would have prohibited contractors from performing product support integrator functions for a major system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) require the Secretary of Defense to issue comprehensive guidance on life-cycle management and the development and implementation of product support strategies for major weapon systems; (2) require that each major weapon system be supported by a product support manager; and (3) amend section 802 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to require that each such position be performed by a properly qualified member of the armed forces or full-time employee of the Department of Defense (DOD).

The conferees understand that product support encompasses all critical functions related to weapon-system readiness, including materiel management, distribution, technical data management, maintenance, training, cataloging, configuration management, engineering support, repair parts management, failure reporting and analyses, and reliability growth. Included within logistics and sustainment functions are the tasks normally performed as part of the logistics support required for a major weapon system that are designed to focus on such metrics as readiness, reliability, availability, mean down time, customer wait time, footprint reduction, and reduced ownership costs.

The conferees note that in implementation of this provision, the positions of product support manager, assistant program manager for logistics, deputy program manager for logistics, and system support manager shall be considered synonymous. However, the conferees emphasize that the product support manager is a separate position from the program manager with distinct responsibilities.

Additionally, the conferees in no way intend to limit DOD from establishing product support managers and comprehensive product support strategies for other acquisition programs that are not designated major weapon systems as defined by section 2302d of title 10, United States Code.

*Treatment of non-defense agency procurements under joint programs with intelligence community (sec. 806)*

The Senate amendment contained a provision (sec. 814) that would exclude a contract entered into by a non-defense agency for the performance of a joint program conducted to meet the needs of both the Department of Defense and the non-defense agency from the prohibition in section 801(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

The House bill contained no similar provision.

The House recedes with an amendment that would limit the provision to contracts with non-defense agencies that are members of the intelligence community, as defined in section 401a of title 50, United States Code.

*Policy and requirements to ensure the safety of facilities, infrastructure, and equipment for military operations (sec. 807)*

The Senate amendment contained a provision (sec. 835) that would require the Department of Defense (DOD) to establish appropriate health and safety standards for incorporation into contracts for the construction, installation, repair, maintenance, and operation of expeditionary facilities for use by military or civilian personnel of the Department in current and future military operations overseas.

The House bill contained no similar provision.

The House recedes with an amendment that would ensure that DOD has the flexi-

bility needed to address health and safety issues in a manner that is consistent with the requirements of military operations and the best interests of the Department of Defense.

*Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitation*

*Justification and approval of sole-source contracts (sec. 811)*

The Senate amendment contained a provision (sec. 802) that would require a written justification and approval for Department of Defense contracts in excess of \$20.0 million dollars that are awarded on a sole-source basis.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) clarify that this section applies specifically to procurements that are exempted by section 2304(f)(2)(D)(ii) of title 10, United States Code, from generally applicable justification and approval requirements; and (2) make the provision applicable government-wide. The conferees intend this provision to ensure that sole-source contracts may be awarded in such procurements only when those awards have been determined to be in the best interest of the Department of Defense or other agency concerned.

*Revision of Defense Supplement relating to payment of costs prior to definitization (sec. 812)*

The House bill contained a provision (sec. 811) that would require the Secretary of Defense to revise the Department of Defense Supplement to the Federal Acquisition Regulation to ensure that regulatory limitations applicable to undefinitized contract actions apply to all categories of such contract actions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment clarifying the provision. The conferees agree that the limitations in the Supplement should apply to all categories of undefinitized contract actions, including undefinitized task orders and delivery orders, and undefinitized modifications to contracts, task orders, and delivery orders.

*Revisions to definitions relating to contracts in Iraq and Afghanistan (sec. 813)*

The House bill contained a provision (sec. 812) that would clarify reporting requirements relating to contracts in Iraq and Afghanistan.

The Senate amendment contained no similar provision.

The Senate recedes.

*Amendment to notification requirements for awards of single source task or delivery orders (sec. 814)*

The House bill contained a provision (sec. 813) that would clarify the congressional committees required to be notified of the award of a single source task or delivery order under section 2304a(d)(3) of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Clarification of uniform suspension and debarment requirement (sec. 815)*

The House bill contained a provision (sec. 814) that would clarify the applicability of a suspension or debarment decision to the award of subcontracts.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide that a decision to suspend or debar a contractor applies to subcontracts at any tier, other than: (1) subcontracts for commercially available off-the-shelf items; and (2) subcontracts (other than first-tier subcontracts) under contracts for commercial items.

The conferees note that contractor representatives have expressed concern about due process and coordination between federal agencies in suspension and debarment decisions. Section 2 of Executive Order 12549 requires federal agencies to follow government-wide criteria and government-wide minimum due process procedures when they act to debar or suspend contractors. The conferees expect the Department of Defense and other affected agencies to review these procedures to ensure that: (1) federal agencies coordinate with other affected federal agencies on suspension or debarment decisions, as appropriate; and (2) contractors are notified of the basis for suspension or debarment decisions and provided an opportunity to respond as early as practicable, consistent with the fundamental purpose of protecting the Federal Government and the taxpayers from unscrupulous contractors.

*Extension of authority for use of simplified acquisition procedures for certain commercial items (sec. 816)*

The House bill contained a provision (sec. 815) that would extend for 2 years the authority for federal agencies to use simplified acquisition procedures to acquire certain commercial items.

The Senate amendment contained no similar provision.

The House recedes.

*Reporting requirements for programs that qualify as both major automated information system programs and major defense acquisition programs (sec. 817)*

The House bill contained a provision (sec. 816) that would address reporting requirements for programs that qualify as both major automated information system programs under chapter 144A of title 10, United States Code, and major defense acquisition programs under chapter 144 of such title.

The Senate amendment contained a similar provision (sec. 811).

The House recedes.

*Small arms production industrial base matters (sec. 818)*

The House bill contained a provision (sec. 817) that would define the small arms production base to mean the persons and organizations that are engaged in the production or maintenance of small arms within the United States.

The Senate amendment contained a provision (sec. 832) that would authorize the Secretary to modify the definition of the small arms production industrial base.

House recedes with an amendment that would clarify the Secretary's authority under the provision.

The conferees understand the current small arms production industrial base is defined by an Army Science Board report from 1994 entitled "Preservation of Critical Elements of the Small Arms Industrial Base" and is statutorily limited to three manufacturers. The conferees also note the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) required the Secretary of Defense to submit a report to the congressional defense committees on the military's requirements for sustaining and managing the small arms industrial base, however this report has yet to be

submitted to Congress. The conferees recognize the need to preserve reliable sources for the development, production, and maintenance of small arms, and note the benefits full and open competition could have, particularly in the areas of small arms technological innovation and more competitive pricing in small arms and critical small arms parts manufacturing.

*Contract authority for advanced component development or prototype units (sec. 819)*

The House bill contained a provision (sec. 819) that would authorize the use of a contract option to extend, subject to certain limitations, a basic research contract awarded on a competitive basis pursuant to a broad agency announcement, as described in section 2302(2)(B) of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 801).

The Senate recedes with an amendment combining the two provisions. Under the conference agreement, a covered contract may be extended for the purpose of providing advanced component development and prototyping, subject to strict limitations on time and cost. The authority to so extend contracts would expire on September 30, 2014.

*Publication of notification of bundling of contracts of the Department of Defense (sec. 820)*

The House bill contained a provision (sec. 818) that would require the Department of Defense to publish the justification for bundling of contracts at least 30 days prior to the release of a solicitation that requires such bundling.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the publication of a notification that is consistent with existing requirements and includes a brief description of the benefits that are expected as a result of the bundling.

*Subtitle C—Contractor Matters*

*Authority for Government support contractors to have access to technical data belonging to prime contractors (sec. 821)*

The Senate amendment contained a provision (sec. 821) that would authorize the Department of Defense (DOD) to provide access to technical data delivered under a DOD contract to a support contractor providing advice and assistance to the government.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) delete the criminal penalties for disclosure of information; and (2) require the support contractor to agree to enter into a non-disclosure agreement with the contractor to whom the technical data rights belong. This modification would result in civil enforcement, rather than criminal enforcement, for violations of the non-disclosure requirements in the provision.

*Extension and enhancement of authorities on the Commission on Wartime Contracting in Iraq and Afghanistan (sec. 822)*

The Senate amendment contained a provision (sec. 822) that would extend the life of the Commission on Wartime Contracting in Iraq and Afghanistan and clarify the nature of the support to be provided to the Commission by the Department of Defense and other federal agencies.

The House bill contained no similar provision.

The House bill recedes with a clarifying amendment.

*Authority for Secretary of Defense to reduce or deny award fees to companies found to jeopardize health or safety of Government personnel (sec. 823)*

The House bill contained a provision (sec. 824) that would prohibit the payment of award and incentive fees to any defense contractor that has been determined to have caused the death or serious bodily injury of Department of Defense personnel.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) require the Secretary of Defense to consider any such contractor misconduct in assessments of contractor performance; and (2) authorize the Secretary to withhold or recover all or part of award fees for the relevant period of time on the basis of the negative impact of such misconduct on contractor performance.

*Subtitle D—Acquisition Workforce Matters*  
*Enhancement of expedited hiring authority for defense acquisition workforce positions (sec. 831)*

The House bill contained a provision (sec. 821) that would clarify the expedited hiring authority for the defense acquisition workforce in section 1705 of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 813) that would also extend the authority to cover the period of the acquisition workforce build-up announced by the Secretary of Defense.

The House recedes with an amendment combining the two provisions.

The conferees acknowledge that there is intense competition for skilled workers and that the current hiring process is too lengthy and complicated to attract quality candidates to the acquisition workforce. Rather than continually relying on temporary authorities such as the expedited hiring authorities provided by this section, the conferees agree that the Department should undertake a comprehensive effort to redesign its hiring procedures to meet its mission needs and promote competitive job offers, including improvements in recruitment, better assessment of candidates, and timely, merit-based hiring decisions.

*Funding of Department of Defense Acquisition Workforce Development Fund (sec. 832)*

The House bill contained a provision (sec. 822) that would amend section 1705 of title 10, United States Code, to streamline and clarify the requirements for the Department of Defense Acquisition Workforce Development Fund (the "Fund").

The Senate amendment contained a similar provision (sec. 812).

The House recedes with an amendment combining elements of the two provisions. Under the conference agreement: (1) remissions to the Fund would be made on an annual basis, rather than a quarterly basis; (2) such remissions would be made exclusively from operation and maintenance accounts; (3) the Department could transfer certain unobligated balances to the Fund, as provided in appropriations Acts; and (4) the annual amounts to be deposited in the Fund would be adjusted to reflect the funding requirements of the hiring plan announced by the Secretary of Defense.

The conferees support the Secretary's initiative to increase the size of the Department's acquisition workforce by hiring 9,000 new government personnel and converting 11,000 contractor positions to civilian employee positions by 2015. The Fund, as revised by this section, should provide a critical tool to enable the Department to

achieve this objective. The conferees conclude that the Fund must be used as intended, to increase the size of the acquisition workforce and to ensure such workforce has the appropriate skill mix rather than merely to subsidize the military departments and defense agencies in training and maintaining their existing workforces.

*Review of post-employment restrictions applicable to the Department of Defense (sec. 833)*

The House bill contained a provision (sec. 826) that would require the Department of Defense Panel on Contracting Integrity and the National Academy of Public Administration to review and assess post-employment restrictions applicable to former Department of Defense personnel.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Review of federal acquisition workforce training and hiring (sec. 834)*

The House bill contained a provision (sec. 833) that would require the Comptroller General to convene a panel of experts to study the ethics, competence, and effectiveness of acquisition personnel in federal agencies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment requiring that the Comptroller General review and report to Congress on the Acquisition Workforce Development Strategic Plan developed pursuant to Sec. 869 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417). The report shall include a review of the methodologies used to formulate the plan and the extent to which the plan identified shortcomings in the acquisition workforce, highlighted strategies needed to recruit appropriately qualified personnel, and considered the specific training and retention tools needed to professionally develop and retain such personnel.

#### Subtitle E—Other Matters

*Reports to Congress on full deployment decisions for major automated information system programs (sec. 841)*

The House bill contained a provision (sec. 823) that would amend section 2445b(b)(2) of title 10, United States Code, to replace terms generally used for major defense acquisition programs with terms more appropriate to the major automated information system programs covered by the provision.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Authorization to take actions to correct the industrial resource shortfall for high-purity beryllium metal (sec. 842)*

The House bill contained a provision (sec. 825) that would correct the industrial resource shortfall for high-purity beryllium with a limitation of \$85.0 million.

The Senate amendment contained a similar provision (sec. 1412).

The Senate recedes with a technical amendment.

*Report on rare earth materials in the defense supply chain (sec. 843)*

The House bill contained a provision (sec. 828) that would require a report on the usage of rare earth materials in the supply chain of the Department of Defense.

The Senate amendment contained a similar provision (sec. 837).

The House recedes with an amendment combining the requirements of the two provisions.

*Comptroller General report on structure and management of subcontractors under contracts for major weapon systems (sec. 844)*

The House bill contained a provision (sec. 831) that would require the Secretary of Defense to conduct a study on the management of subcontractors on Department of Defense contracts for major weapon systems.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the study to be conducted by the Comptroller General and clarify the issues to be addressed.

*Study of the use of factors other than cost or price as the predominate factors in evaluating competitive proposals for defense procurement contracts (sec. 845)*

The House bill contained a provision (sec. 836) that would require the Department of Defense to justify each contract solicitation that gives greater weight to factors relating to performance than to cost or price.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Comptroller General to review Department of Defense procurements in which performance-related factors are given greater weight than cost or price and to assess the extent to which the use of such weights is likely to be in the best interest of the Department.

*Repeal of requirements relating to the military system essential item breakout list (sec. 846)*

The Senate amendment contained a provision (sec. 836) that would repeal section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), which requires the Secretary of Defense to prepare an annual list of essential items, assemblies, and components of each military system.

The House bill contained no similar provision.

The House recedes.

*Extension of SBIR and STTR programs of the Department of Defense (sec. 847)*

The Senate amendment contained a provision (sec. 833) that would reauthorize the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs of the Department of Defense (DOD) through fiscal year 2023.

The House bill contained no similar provision.

The House recedes with an amendment that would reduce the period of reauthorization of the programs to 1 year.

The conferees believe that this limited reauthorization will provide time for the passage of a more complete reauthorization of the government-wide SBIR/STTR program. The conferees note that the House and Senate committees of jurisdiction are working towards such a reauthorization. The conferees further expect that the DOD SBIR/STTR programs and the authorities for those programs will be modified by that reauthorization, including potentially changing the reauthorization period for the DOD programs established by this conference agreement. The conferees note that the Department of Defense has indicated that a 2-year reauthorization of the SBIR/STTR is not appropriate since it does not cover the length of consecutive Phase I and Phase II awards, and would compromise SBIR/STTR program planning, execution, and evaluation, and will make the program difficult to align within the broader context of the DOD program, planning, budgeting, and execution process. The conferees believe that any reauthorization of the

SBIR/STTR program should reflect these DOD concerns.

The conferees further note that DOD represents, by far, the largest SBIR/STTR program in the federal government. The conferees expect that any reauthorization of the program should strongly take into advisement concerns related to the practical executability of the authorizing statutes, the burdens they may place on limited staff and management resources, and their impact on technology development and deployment of new technologies to support the missions of the Department of Defense. The conferees expect to work closely with the committees of jurisdiction as they work towards a complete reauthorization of the government-wide SBIR/STTR program.

*Extension of authority for Small Business Innovation Research Commercialization Pilot Program (sec. 848)*

The Senate amendment contained a provision (sec. 834) that would make permanent the Small Business Innovation Research Commercialization Pilot Program and extend the authority to include projects under the Small Business Technology Transfer (STTR) program, as requested by the Department of Defense (DOD).

The House bill contained no similar provision.

The House recedes with an amendment that would limit the period of reauthorization to 1 year and not authorize the expansion of the successful program to include projects under the STTR program.

The conferees note that DOD has viewed this program as a success, and from the limited data available the conferees have seen no evidence to indicate otherwise. Further, the conferees understand that the National Research Council has indicated that "case studies . . . support the view that small businesses, especially less experienced small businesses, value commercialization assistance programs as a forum to present their technologies and gain information on government procurement needs." The conferees intend to continue to review progress on this pilot program and, if appropriate, expand and reauthorize it in the future.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Additional reporting requirements for inventory relating to contracts for services*

The House bill contained a provision (sec. 835) that would amend section 2330a of title 10, United States Code, to add certain additional reporting requirements.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that it would be premature to add new reporting requirements to section 2330a when the Department of Defense (DOD) has not yet submitted an inventory meeting the existing requirements. Once such an inventory has been completed, Congress will have an opportunity to review the inventory to determine whether additional reporting requirements would be appropriate to facilitate DOD management or congressional oversight functions.

*Comptroller General report on defense contract cost overruns*

The House bill contained a provision (sec. 832) that would require the Comptroller General to conduct a study of cost overruns in the performance of Department of Defense contracts.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that the Government Accountability Office (GAO) has performed,

and continues to perform, substantial work on cost overruns in the performance of defense contracts. This work includes GAO's annual assessment of the performance of the Department's major defense acquisition programs.

*Follow-on contracts for certain items acquired for special operations forces*

The House bill contained a provision (sec. 830) that would have authorized the Commander of U.S. Special Operations Command (SOCOM) to award sole-source contracts in certain cases where other contract approaches would unduly delay the fielding of an item to forces preparing for or participating in overseas contingency operations or for other deployments undertaken in response to a request from a combatant commander.

The Senate amendment contained no similar provision.

The House recedes.

*Furniture standards*

The House bill contained a provision (sec. 829) that would require that all Department of Defense purchases of furniture meet quality standards established by the General Services Administration.

The Senate amendment contained no similar provision.

The House recedes.

*Modifications to requirement for database of information regarding the integrity and performance of persons awarded federal contracts and grants*

The House bill contained a provision (sec. 834) that would amend the contractor database requirement in section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

The Senate amendment contained a provision (sec. 824) that would make unrelated changes to the same provision.

The conference report does not contain either provision.

The conferees agree that it would be premature to amend section 872 before the required database has been operational for a sufficient period to determine its effectiveness.

*Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States*

The House bill contained a provision (sec. 827) that would require that all military decorations, ribbons, badges, medals, insignia, and other uniform accouterments be produced in the United States.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware of allegations that substandard medals and decorations, produced in foreign countries, may have been sold to some service members or their families. The conferees note that the production and sale of such medals and decorations would be criminal violations under existing law. Title 32, Part 507 of the Code of Regulations prohibits the manufacture or sale of heraldic items unless they are "manufactured in accordance with Government specifications using government furnished tools" by a company that has received a certificate of authority to manufacture the articles by the Institute of Heraldry. Each certified manufacturer is assigned a hallmark, which must be placed on all insignia that it manufactures. Section 704 of title 18, United States Code, establishes criminal penalties for anybody who knowingly "sells, attempts

to sell, [or] advertises for sale" any medals or decorations that fail to comply with these regulations.

The conferees direct the Inspector General of the Department of Defense to investigate allegations of the sale of substandard medals and decorations and to refer any potential violations of the applicable laws and regulations to the appropriate criminal enforcement agencies.

*Small business contracting programs parity*

The Senate amendment contained a provision (sec. 838) that would amend section 31(b)(2)(B) of the Small Business Act (15 U.S.C. Section 657a(b)(2)(B)), relating to the HUBZone small business program, to clarify that when a contract could be awarded pursuant to more than one small business program, the Department of Defense and other federal agencies have discretion as to which program to apply.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Department of Justice has concluded that no change to the Small Business Act is required to ensure that contracting officers of the Department of Defense and other federal agencies have the discretion whether or not to award contracts pursuant to the HUBZone program. The conferees direct the Secretary of Defense to continue to administer the HUBZone program in a manner consistent with the Department of Justice opinion.

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

**Subtitle A—Department of Defense Management**

*Authority to allow private sector civilians to receive instruction at Defense Cyber Investigations Training Academy of the Defense Cyber Crime Center (sec. 901)*

The House bill contained a provision (sec. 904) that would permit private sector employees to receive instruction at the Defense Cyber Investigations Training Academy operating under the direction of the Defense Cyber Crime Center.

The Senate amendment contained a similar provision (sec. 932).

The Senate recedes.

*Organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity (sec. 902)*

The House bill contained a provision (sec. 905) that would require the Secretary of Defense to submit, not later than 180 days after the date of enactment of this Act, a report on the organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity. The provision would also require an assessment of whether the senior personnel of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity, as currently organized, are able to appropriately perform the discrete functions of policy formulation, policy and program execution, and program oversight.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees are concerned that in the area of health care, as with other elements of the Department of Defense (DOD) civilian workforce, the Department lacks plans and programs to ensure that employees possess or are able to obtain critical skills needed

for the most effective administration of the Department's \$45.0 billion military health care program. The conferees expect the Secretary, in the development of the Strategic Workforce Plan required elsewhere in this Act, to assess the skills and competencies that will be needed in the future in health care policy and administration, health economics, contracting, health information management and health information technology, and to ensure that gaps in such skills in the DOD workforce are addressed as part of the Strategic Workforce Plan.

*Sense of Congress regarding the Director of Operational Energy Plans and Programs (sec. 903)*

The House bill contained a provision (sec. 906) that would amend section 139b(c) of title 10, United States Code, to have the Director of Operational Energy Plans and Programs report directly to the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that the Director of Operational Energy Plans and Programs should report directly to the Secretary of Defense on certain issues and be included in the Deputy's Advisory Working Group.

*Increased flexibility for combatant commander initiative fund (sec. 904)*

The House bill contained a provision (sec. 907) that would amend section 166a of title 10, United States Code, to provide the Chairman of the Joint Chiefs of Staff increased flexibility in the use of funds available under the Combatant Commander Initiative Fund (CCIF). The provision would increase the limit, from \$10.0 million to \$20.0 million, on the amount of CCIF funds in a fiscal year that may be used to purchase items. The provision would also increase the limit on the per unit cost of items that may be purchased using CCIF funds from \$15,000 to the investment unit cost threshold in effect under section 2245a of title 10, United States Code, currently \$250,000. The provision would also require the Chairman to coordinate with the Secretary of State in approving the use of CCIF funds for humanitarian and civic assistance, to include urgent and unanticipated humanitarian relief and reconstruction assistance.

The Senate amendment contained a similar provision that would raise the per unit cost of items that may be purchased using CCIF funds from \$15,000 to the investment unit cost threshold in effect under section 2245a of title 10, United States Code, currently \$250,000.

The Senate recedes with an amendment that would require the Chairman to coordinate with the relevant chief of mission to the extent practicable in the use of CCIF funds for humanitarian and civic assistance, to include urgent and unanticipated humanitarian relief and reconstruction assistance.

*Repeal of requirement for a Deputy Under Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy (sec. 905)*

The House bill contained a provision (sec. 908) that would repeal section 134b of title 10, United States Code, which establishes the position of Deputy Under Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy.

The Senate amendment contained no similar provision.

The Senate recedes.

*Deputy Under Secretaries of Defense and Assistant Secretaries of Defense (sec. 906)*

The Senate amendment contained a provision (sec. 901) that would establish five Principal Deputy Under Secretaries of Defense (DUSDs), each of whom would serve as the first assistant to an Under Secretary of Defense, and each of whom would be subject to confirmation by the Senate; abolish all other DUSD provisions in the Department; and establish six new Assistant Secretary of Defense positions, subject to Senate confirmation.

The House bill contained no similar provision.

The House recedes with an amendment that would establish the new Principal DUSD positions, but delay the effective date for the abolition of other DUSD positions until January 1, 2011, to provide the Secretary of Defense with an opportunity to plan for the realignment and replacement of these positions. The amendment would also authorize individuals currently serving in Principal DUSD positions to continue to serve for up to 4 years after the date of the enactment of this Act without Senate confirmation.

#### Subtitle B—Space Activities

*Submission and review of space science and technology strategy (sec. 911)*

The House bill contained a provision (sec. 911) that would amend section 2271(a) of title 10, United States Code, to require that the space science and technology strategy submitted by the Secretary of Defense be modified to an annual reporting requirement and include a transition plan for new space technologies. In addition, the provision would direct the Comptroller General to review the first strategy within 90 days of the date the strategy is submitted to the congressional defense committees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the space science and technology strategy to be developed and submitted jointly by the Secretary of Defense and the Director of National Intelligence. In addition, the amendment would require the strategy to be submitted biennially, in odd-numbered years, with the first strategy to be submitted in 2011 for fiscal year 2012. The first strategy would be submitted with the budget request for fiscal year 2012.

The Comptroller General review would be due 90 days after the first strategy is submitted to the congressional defense committees.

Both the strategy and Comptroller General review should also be submitted to the Senate Select Committee on Intelligence and House Permanent Select Committee on Intelligence.

*Provision of space situational awareness services and information to non-United States Government entities (sec. 912)*

The Senate amendment contained a provision (sec. 911) that would modify section 2274 of title 10, United States Code, to make the program known as the commercial and foreign entities (CFE) program a permanent program. The provision included an exemption from the Freedom of Information Act (FOIA) to exclude from disclosure any data or analyses provided pursuant to a space situational awareness (SSA) agreement, as well as the SSA agreement itself.

The House bill contained a similar provision (sec. 912).

The House recedes with an amendment that would delete the exemption from the

FOIA. In addition, the amendment would require that the Secretary of Defense notify the congressional defense committees if any commercial or foreign entity has declined or is reluctant to provide SSA data or information due to concerns about potential disclosure.

The CFE program was originally started as a pilot program to allow the Department of Defense (DOD), working through the Air Force, to provide non-United States Government entities, including commercial entities, State and local governments, and foreign governments and entities, SSA data to among other things, avoid damage to satellites in space. This provision will expand the CFE program to allow the DOD to receive SSA data and information from commercial and foreign entities if the Secretary of Defense determines that it is in the national security interest to do so. Any data provided would be provided pursuant to SSA agreements.

The commercial and foreign entities, including satellite owners and operators, are under no obligation to provide any data to the DOD under SSA agreements. Not only would the information be voluntarily provided, but in many instances, the SSA data or information could be proprietary, business sensitive, or trade secrets. In evaluating whether an agency may protect certain kinds of financial or commercial information from public release under the FOIA, the courts have looked at whether the information was provided to the government voluntarily or under compulsion.

The conferees believe that the current exemptions in law pertaining to the FOIA are adequate to protect the SSA data and information, related analysis, and the agreements under which the data and information are provided from disclosure.

*Management and funding strategy and implementation plan for the National Polar-Orbiting Operational Environmental Satellite System Program (sec. 913)*

The Senate amendment contained a provision (sec. 912) that would direct the Secretaries of Defense and Commerce, and the Administrator of the National Aeronautics and Space Administration (NASA) to jointly develop a plan for the management and funding of the National Polar-Orbiting Operational Environmental Satellite System (NPOESS). The plan would include the NPOESS requirements, the management structure, and the funding profile for each participating agency.

The provision would also prohibit the obligation and expenditure of more than 50 percent of the Air Force funds available for the NPOESS program until the plan has been submitted to the relevant congressional committees.

The provision would also set forth an extensive sense of the Senate with respect to the NPOESS program including that the NPOESS program should be maintained as an operational satellite.

The House bill contained no similar provision, although the report accompanying the House bill did include language directing the Executive Agent for Space at the Department of Defense (DOD) to develop options for restructuring the program. These options, with an accompanying evaluation of such options, would be due to the congressional defense committees by October 1, 2009.

The House recedes with an amendment that would direct the President to develop a strategy for the management and funding of the NPOESS program that would include a funding profile for each year of the program

by department or agency. The President would also be required to develop an implementing plan to carry out the management and funding strategy.

The amendment would prohibit the Air Force from spending more than 50 percent of the funds available for NPOESS until the management and funding strategy is submitted to the relevant congressional committees. When the strategy is submitted the Air Force would be prohibited from spending more than 75 percent of the funds available to it for NPOESS until the implementation plan is submitted to the relevant congressional committees.

The conferees believe that this two step process of a management and funding strategy followed by an implementing plan is consistent with the direction provided to the NPOESS agencies by the Executive Office of the President.

The conferees are deeply concerned about the current status of the NPOESS program, a technically complex, expensive program that is behind schedule and over budget, with a complicated management structure and the funding split between two agencies, DOD and the Department of Commerce. Although the approach to resolving the NPOESS issues adopted by the Executive Office of the President will take longer than the conferees would like to see, the conferees acknowledge that there are many issues to be resolved.

The conferees also want to express their strongly held view that this program has suffered greatly from the past management approach and that once a path forward is developed, all involved departments and agencies should stick with the plan. The conferees are very concerned that if the disagreements amongst the departments and agencies continue, the NPOESS program runs the risk of being truncated into several different programs that will cost more in the long run and potentially damage all the communities NPOESS serves.

The conferees agree that this provision would obviate the NPOESS reporting requirement included in the House report accompanying the House bill.

#### Subtitle C—Intelligence-Related Matters

*Inclusion of Defense Intelligence Agency in authority to use proceeds from counterintelligence operations (sec. 921)*

The Senate amendment contained a provision (sec. 921) that would provide the same authority accorded the military departments to use proceeds from counterintelligence operations to offset necessary and reasonable expenses incurred in such operations under section 423 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Plan to address foreign ballistic missile intelligence analysis (sec. 922)*

The House bill contained a provision (sec. 921) that would require the Secretary of Defense, in consultation with the Director of National Intelligence, to conduct an assessment of foreign ballistic missile intelligence gaps and shortfalls, and to develop a plan to ensure that the appropriate intelligence centers have sufficient analytical capabilities to address such gaps and shortfalls. The provision would also require the Secretary to submit a report on the assessment and plan, including a description of the resources needed to implement the plan.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

#### Subtitle D—Other Matters

##### *Implementation strategy for developing leap-ahead cyber operations capabilities (sec. 931)*

The House bill contained a provision (sec. 931) that would establish a joint program office for cyber operations capabilities to assist the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) in improving the development of leap-ahead capabilities for offensive and defensive cyber operations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the USD(AT&L) to report on a strategy for organizing the research and development bodies of the Department of Defense to develop leap-ahead cyber operations capabilities.

##### *Defense integrated military human resources system development and transition (sec. 932)*

The House bill contained a provision (sec. 932) that would establish a Defense Integrated Military Human Resources System (DIMHRS) transition council and require an annual report on DIMHRS transition activities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the composition, meeting frequency, and duties of the transition council.

The conferees note that the Department of Defense (DOD) has invested nearly \$1.0 billion in the development of DIMHRS, which was intended to be a single integrated pay and personnel information system for the Department. To this point, the DIMHRS program has not yet been successfully developed or deployed due to a number of technical and organizational difficulties. The conferees believe that the transition council required by the provision will help ease the development and transition issues that face the program, by creating a senior level body to adjudicate the funding, architectural, process, and other technical issues that plague enterprise information systems programs. The conferees believe that the council can be easily integrated into the DIMHRS governance system that is being developed currently by DOD.

The conferees direct that the report required under this section should specifically address: implementation status of integrated pay and personnel systems in defense organizations, description of developmental and operational testing activities for the systems, plans and progress in terminating the use and support of legacy pay and personnel information systems, and identification of resources to be invested by all organizations involved in the development of integrated pay and personnel systems.

##### *Report on special operations command organization, manning, and management (sec. 933)*

The House bill contained a provision (sec. 934) that would require the Commander of the U.S. Special Operations Command to submit to the congressional defense committees a report and recommendations on the Commander's efforts to provide increased special operations capability through organization, manning, and management of special operations forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that requires the Commander of the U.S.

Special Operations Command to submit the report and recommendations to the Secretary of Defense within 120 days of enactment of this Act. The amendment further requires that the Secretary forward to the congressional defense committees the report and recommendations with any appropriate comments within 30 days of receipt.

##### *Study on the recruitment, retention, and career progression of uniformed and civilian military cyber operations personnel (sec. 934)*

The House bill contained a provision (sec. 935) that would require a report from the Secretary of Defense assessing the challenges to recruitment, retention, and professional development of cyber operations personnel.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the report to describe efforts to establish public-private partnerships to meet the cyber operations personnel needs of the Department, to assess the required levels of experience and training of cyber operations personnel, and to include recommendations for legislative changes.

##### *Plan on access to national airspace for unmanned aircraft systems (sec. 935)*

The Senate amendment contained a provision (sec. 933) that would require that the Secretary of Defense and Secretary of Transportation, after consultation with the Secretary of Homeland Security, to jointly develop a plan for providing expanded access to the national airspace for unmanned aircraft systems of the Department of Defense.

The House bill contained no similar provision.

The House recedes with a technical amendment.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

##### *Recognition of and support for state defense forces*

The House bill contained a provision (sec. 936) that would amend section 109 of title 32, United States Code, to recognize state defense forces as integral military components of the homeland security effort of the United States, while reaffirming that those forces would remain entirely state regulated, organized and equipped exclusively for the purposes of homeland security at the local level.

The Senate amendment contained no similar provision.

The House recedes.

##### *Recommendations to Congress by members of the Joint Chiefs of Staff*

The House bill contained a provision (sec. 909) that would amend section 151(f) of title 10, United States Code, to require the members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisors, to provide advice to Congress on a particular matter when Congress requests such advice.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense has repeatedly failed to provide information and documents to Congress in a timely manner as required by law. In order to exercise its legislative and oversight responsibilities, it is important that congressional defense committees and other appropriate committees of Congress receive testimony, briefings, and other communications of information. The conferees remind those uniformed military officers subject to confirmation by the Senate of their obligations as a result of confirmation. In particular, the

conferees remind these officers of their affirmative answers to the following questions: Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents? Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

##### *Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps*

The House bill contained a provision (sec. 903) that would redesignate the Department of the Navy as the Department of the Navy and the Marine Corps and change the title of its secretary to the Secretary of the Navy and Marine Corps.

The Senate amendment contained no similar provision.

The House recedes.

##### *Reestablishment of position of Vice Chief of the National Guard Bureau*

The Senate amendment contained a provision (sec. 904) that would amend chapter 1011 of title 10, United States Code, to reestablish the position of the Vice Chief of the National Guard Bureau.

The House bill contained no similar provision.

The Senate recedes.

A separate provision in this Act would require the Secretary of Defense to include an assessment of this provision in a report on general and flag officers.

##### *Role of the Commander of U.S. Special Operations Command regarding personnel management policy and plans affecting special operations forces*

The House bill contained a provision (sec. 901) that would modify section 167 of title 10, United States Code, to require the secretaries of the military services to coordinate certain personnel management policy and plans affecting special operations personnel with the Commander of the U.S. Special Operations Command.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense is in the process of finalizing a revised Department of Defense Directive which will establish a means by which the service secretaries and the Commander of the U.S. Special Operations Command can coordinate on personnel management policy and plans as they relate to accessions, assignments, compensation, promotions, professional development, readiness, retention, sustainment, and training of all special operations personnel.

The conferees appreciate this approach, but remain concerned that the intent of the Department's policy revision may not be fully realized without strong implementation procedures. The conferees direct the Secretary of Defense, in consultation with the service secretaries, to establish procedures to implement the revised policy and report the implementation plans to the congressional defense committees not later than 90 days after the date of enactment of this Act.

##### *Special operations activities*

The House bill contained a provision (sec. 902) that would revise section 167 of title 10, United States Code, defining the activities of special operations forces.

The Senate amendment contained no similar provision.

The House recedes.

The conferees understand that the Department recently updated its policy related to special operations activities to better reflect the current mission requirements of the U.S. Special Operations Command. Given this change, the conferees expect the Department to submit a legislative proposal in the next budgetary cycle recommending any appropriate legislative changes to the special operations activities defined in section 167 of title 10, United States Code.

#### *United States Military Cancer Institute*

The Senate amendment contained a provision (sec. 931) that would amend chapter 104 of title 10, United States Code, to require the Secretary of Defense to establish a United States Military Cancer Institute in the Uniformed Services University of the Health Sciences.

The House bill contained no similar provision.

The Senate recedes.

### TITLE X—GENERAL PROVISIONS

#### ITEMS OF SPECIAL INTEREST

#### *Fiscal year 2011 congressional budget justification documents for drug interdiction and counter-drug activities*

The conferees direct the Secretary of Defense to provide a report documenting the total amount of counterdrug assistance that foreign countries have received in fiscal years (FY) 2009 and 2010 under section 1004 of the National Defense Authorization Act (NDAA) for FY 1991 (Public Law 101-510), as amended, and section 1033 of the NDAA for FY 1998 (Public Law 105-85), as amended, on a per country basis and organized by the location of that country within a combatant command's area of responsibility. At a minimum, the conferees believe this report should include: recipient partner nation and recipient within the partner nation's government (i.e. national police, border patrol, customs enforcement, etc...); type and level of support provided; expected duration; and entity (i.e. Department of Defense, Department of State, Drug Enforcement Administration, contractor, etc...) executing said support.

The conferees encourage the Secretary of Defense to provide the same type of information but for the proposed budget for FY 2011. The FY 2011 information should be provided in a report that should be presented to the congressional defense committees on the same date as the budget justification materials for the FY 2011 are presented to Congress.

#### *Information operations and strategic communications programs*

The conferees note that the Department of Defense's (DOD) funding for strategic communication and information operations (IO) programs has steadily increased over the past 8 years. Since the September 11, 2001, terrorist attacks, the U.S. Government, according to the Government Accountability Office, has spent at least \$10.0 billion on these communications efforts designed to advance the interests of the United States. The DOD's funding for these programs has grown from approximately \$103.3 million in fiscal year 2006 to approximately \$626.0 million in fiscal year 2010. The conferees note that much of this funding is for IO and psychological operations in Afghanistan and Iraq, but a growing portion is for broader purposes or is focused on other geographic regions.

The conferees also note that the congressional defense committees have all raised

similar concerns about the Department's strategic communications and IO activities. These concerns include the fact that the Department's policy oversight mechanisms have not kept pace with the growth in the funding, scope, and variety of IO and strategic communications activities. For example, the disestablishment of the Office of the Deputy Assistant Secretary of Defense for Military Support to Public Diplomacy has left a void within the Department and potentially across the interagency inhibiting the comprehensive, enterprise-wide oversight and coordination of these programs.

The conferees believe IO and strategic communications programs are important activities and are aware of numerous successes in the Iraq and Afghanistan theaters of operations from tactical IO and psychological operations. The conferees doubt, however, that DOD's IO and strategic communications activities outside of those theaters are adequately integrated and considered carefully enough within broader strategic and operational planning across the whole of government. Further, the conferees remind the Department that such activities executed outside of Iraq and Afghanistan should be coordinated closely with the respective chiefs of mission.

Given the consistent level of concern and interest in these programs by Congress and military leadership, the conferees direct the Under Secretary of Defense (Comptroller) and Chief Financial Officer to develop separate budget documentation materials to accompany the fiscal year 2011 budget request and any future supplemental budget requests for IO and strategic communications programs.

While Congress awaits delivery of the report on strategic communication and public diplomacy activities of the Federal Government required under section 1055 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), the conferees further direct the Under Secretary of Defense for Policy to report to the congressional defense committees 90 days after the enactment of this Act with a reassessment of the Department's efforts to develop an enterprise-wide oversight and coordination mechanism, including strategic objectives and metrics for IO and strategic communications programs.

#### Subtitle A—Financial Matters

##### *General transfer authority (sec. 1001)*

The House bill contained a provision (sec. 1001) that would allow the Secretary of Defense to make transfers between any amounts of authorizations for fiscal year 2010 in Division A of this Act. This section would limit the total amount transferred under this authority to \$5.0 billion with an exception that a transfer of funds between military personnel authorizations under title IV shall not be counted against the dollar limitation. This section would also require prompt notification to Congress of each transfer made.

The Senate amendment contained a similar provision (sec. 1001) that would provide \$4.0 billion in transfer authority.

The House recedes.

##### *Relationship of the Quadrennial Defense Review and the annual budget request (sec. 1002)*

The House bill contained a provision (sec. 1033) that would express the sense of Congress that the Quadrennial Defense Review (QDR) should not be budget constrained and would also amend section 118(a) of title 10, United States Code, stipulating that the ex-

istence of an ongoing QDR does not exempt the Department of Defense from submitting annual budget materials as required by law.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the sense of Congress and would add a subsection (h) to section 118 of title 10, United States Code, clarifying that the development of the QDR should not interfere with or delay delivery of budget materials and congressional reporting requirements tied to section 1105(a) of title 31, United States Code.

##### *Audit readiness of financial statements of the Department of Defense (sec. 1003)*

The House bill contained a provision (sec. 1052) that would require the Secretary of Defense to develop a plan to achieve a full, unqualified audit of the Department of Defense by September 30, 2013.

The Senate amendment contained a provision (sec. 1002) that would require the Secretary to develop a plan to ensure that the financial statements of the Department are validated as ready for audit by not later than September 30, 2017.

The House recedes with an amendment that would require the Secretary to ensure that the financial statements of the Department of Defense are validated as ready for audit by not later than September 30, 2017, and to establish interim objectives, including objectives for the audit readiness of each of the military departments and a schedule of milestones for elements of the military departments and financial statements of the military departments to be made ready for audit.

#### Subtitle B—Counter-Drug Activities

##### *Unified counter-drug and counterterrorism campaign in Colombia (sec. 1011)*

The House bill contained a provision (sec. 1011(b)) that would extend for 1 fiscal year the continuation of the authorities provided in section 1021 of the Ronald W. Reagan National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2005 (Public Law 108-375), as amended most recently by section 1023 of the Duncan Hunter NDAA for FY 2009 (Public Law 110-417), which allows the Department of Defense to support a unified campaign against narcotics trafficking and activities by the Revolutionary Armed Forces of Colombia; the United Self-Defense Forces of Colombia; and the National Liberation Army.

The Senate amendment contained an identical provision (sec. 1023).

The conference agreement includes this provision.

##### *Joint task forces support to law enforcement agencies conducting counterterrorism activities (sec. 1012)*

The House bill contained a provision (sec. 1012) that would extend, by 1 year, the support by joint task forces under section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), as most recently amended by section 1022 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

The Senate amendment contained a similar provision (sec. 1022) that would extend the authority as well and require the Secretary of Defense to submit to Congress a report evaluating the effect on counterdrug and counterterrorism activities and objectives of using counterdrug funds of a joint task force to provide counterterrorism support, a description of the type of support and recipient(s) of support provided, and a list of



current joint task forces conducting counterdrug operations.

The House recedes with a technical amendment to the Senate amendment.

*Reporting requirement on expenditures to support foreign counter-drug activities (sec. 1013)*

The House bill contained a provision (sec. 1011(a)) that would extend, by 1 year, the reporting requirement on expenditures to support foreign counterdrug activities under section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), as most recently amended by section 1021 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

The Senate amendment contained no similar provision.

The Senate recedes.

*Support for counter-drug activities of certain foreign governments (sec. 1014)*

The House bill contained a provision (sec. 1011(c)) that would extend by 1 fiscal year (FY) the duration of authority for assistance under section 1033 of the National Defense Authorization Act (NDAA) for FY 1998 (Public Law 105-85), as most recently amended by section 1024 of the Duncan Hunter NDAA for FY 2009 (Public Law 110-417).

The Senate amendment contained a similar provision (sec. 1023) that would also extend this authority. The provision would also increase the funding limitation under section 1033 from \$75.0 million to \$100.0 million for fiscal year 2010; and would require more regular reports to the congressional defense committees.

The conference agreement includes the 1-year extension of the authority.

The House recedes with an amendment that would incorporate the enhanced reporting requirements from the Senate amendment.

*Border coordination centers in Afghanistan and Pakistan (sec. 1015)*

The House bill contained a provision (sec. 1013) that would prohibit the use of drug interdiction and counterdrug funds of the Department of Defense for the construction, expansion, repair, or operation and maintenance of any existing or proposed border coordination center. The House bill also prohibited the construction of a third Border Coordination Center in the area of operations for Regional Command East, Afghanistan, until a Border Coordination Center is, at least, under construction in Baluchistan, Pakistan, or the area of operations of Regional Command South, Afghanistan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the Secretary of Defense to waive the first limitation of the provision should he determine it to be vital for the national security interests of the United States.

*Comptroller General report on effectiveness of accountability measures for assistance from counter-narcotics central transfer account (sec. 1016)*

The House bill contained a provision (sec. 1014) that would require the Comptroller General to present a report to the appropriate defense committees within 180 days after the date of enactment of this Act, which would: describe the performance evaluation system of the Department of Defense for measuring the effectiveness of the Department of Defense's counterdrug activities; assess the ability of this system to

measure such activities effectively; and recommend improvements to such a system.

The Senate amendment contained no similar provision.

The Senate recedes.

*Subtitle C—Naval Vessels and Shipyards*

*Sense of Congress on the maintenance of a 313-ship Navy (sec. 1021)*

The Senate amendment contained a provision (sec. 1013) that would express the sense of the Senate that the Navy should achieve and maintain the goal of having a 313-ship fleet.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) make the provision a sense of Congress; and (2) state that the Navy should meet its current requirement for a 313-ship fleet until such time that modifications to the Navy's surface fleet force structure are warranted, and the Secretary of the Navy provides Congress with a justification of any proposed modifications, supported by rigorous and sufficient analysis.

*Designation of U.S.S. Constitution as America's Ship of State (sec. 1022)*

The Senate amendment contained a provision (sec. 1014) that would designate the USS Constitution as "America's Ship of State," and state the sense of Congress that the members of the Executive and Legislative Branches of the Federal Government should use the vessel for official functions.

The House bill contained no similar provision.

The House recedes.

*Temporary reduction in minimum number of operational aircraft carriers (sec. 1023)*

The House bill contained a provision (sec. 1022) that would provide a temporary waiver in the requirement in section 5306(b) of title 10, United States Code, that the Navy maintain at least 11 operational aircraft carriers. The provision also would require that the Secretary of Defense provide a report on additional risks, as assessed by the commanders of the combatant commands, resulting from that reduction.

The Senate amendment contained a similar provision (sec. 1011) that would provide a temporary waiver, but not require any report.

The Senate recedes.

*Sense of Congress concerning the disposition of Submarine NR-1 (sec. 1024)*

The House bill contained a provision (sec. 1049) that would state the sense of Congress that the Secretary of the Navy should ensure that as much of the vessel NR-1 as possible is maintained at the Submarine Force Museum and Library.

The Senate amendment contained no similar provision.

The Senate recedes.

*Subtitle D—Miscellaneous Requirements, Authorities, and Limitations*

*Prohibition relating to propaganda (sec. 1031)*

The House bill contained a provision (sec. 1041) that would prohibit the expenditure of Department of Defense funds for publicity or propaganda purposes within the United States not specifically authorized by law.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees intend the term "publicity or propaganda," as used in this section, to have the meaning given to such term in decisions of the Government Accountability Office on this subject.

*Responsibility for preparation of biennial global positioning system report (sec. 1032)*

The Senate amendment contained a provision (sec. 1055) that would shift the responsibility for preparation of the biennial Global Positioning System report from the Secretary of Defense to the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation and Timing. The provision would also direct that the report be provided to additional congressional committees.

The House bill contained no similar provision.

The House recedes.

*Reports on bandwidth requirements for major defense acquisition programs and major system acquisition programs (sec. 1033)*

The Senate amendment contained a provision (sec. 1057) that would amend section 1047(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to require a report on the bandwidth determinations made each year by the Secretary of Defense and the Director of National Intelligence for each major defense acquisition program and each major systems acquisition program respectively.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Additional duties for advisory panel on Department of Defense capabilities for support of civil authorities after certain incidents (sec. 1034)*

The Senate amendment contained a provision (sec. 1059) that would amend section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 337) to provide for additional duties for the advisory panel required by section 1082. The provision would require the panel to assess the adequacy of the process and methodology by which the Department of Defense establishes, maintains, and resources forces to provide support to civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident. The provision would also require the panel to assess the adequacy of the resources planned and programmed by the Department to ensure the preparedness and capability of its forces to provide such support.

The House bill contained no similar amendment.

The House recedes with a technical amendment.

*Charter for the National Reconnaissance Office (sec. 1035)*

The House bill contained a provision (sec. 1024) that would require the Secretary of Defense and the Director of National Intelligence to jointly submit to the congressional intelligence and defense committees a revised charter for the National Reconnaissance Office (NRO).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish February 1, 2010, as the required date for submission of the report and would clarify the requirement to address the NRO role in the requirements process. The conferees agree that the NRO, as the agency responsible for acquisition of space reconnaissance systems for the intelligence community, should not develop or define operational requirements. The conferees

agree that the NRO should provide technical and cost-estimating support to the requirements process, and must translate approved system performance requirements into design requirements and engineering specifications.

*National strategic five-year plan for improving the nuclear forensic and attribution capabilities of the United States (sec. 1036)*

The Senate amendment contained a provision (sec. 1052) that would direct the President to develop a strategic plan for improving over a 5 year period the nuclear forensic and attribution capability of the United States and the methods, capabilities and capacity for nuclear materials forensics and attribution.

The House bill contained no similar provision.

The House recedes.

The managers note that the Department of Homeland Security is the agency tasked with responsibility to coordinate the actions of the federal agencies. As such, the Secretary of Homeland Security should be the lead secretary in preparing the plan with the approval and participation of the Secretaries of Defense, Energy, and State, the Attorney General, the Director of National Intelligence, and other such officials as the President considers appropriate. The plan is to be submitted to Congress 180 days after date of enactment of this Act.

*Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense (sec. 1037)*

The House bill contained a provision (sec. 1046) that would authorize payments for salary increases for Portuguese nationals employed by the Department of Defense based on survey data for fiscal years 2006 and 2007 under certain limited circumstances.

The Senate amendment contained no similar provision.

The Senate recedes.

*Prohibition on interrogation of detainees by contractor personnel (sec. 1038)*

The Senate amendment contained a provision (sec. 823) that would provide that the interrogation of detainees during or in the aftermath of hostilities is an inherently governmental function that cannot be transferred to private sector contractors.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit contractor employees from conducting the interrogation of detainees in connection with hostilities, subject to a limited waiver authority.

The conferees note that the provision would permit the continued use of contractors to perform supporting functions such as providing training to government interrogators and supplying advice in the development of government interrogation plans, provided that contractor employees are subject to rules, procedures, policies, and laws pertaining to detainee operations and interrogations, and are supervised by appropriately qualified and trained government personnel.

*Notification and access of International Committee of the Red Cross with respect to detainees at Theater Internment Facility at Bagram Air Base, Afghanistan (sec. 1039)*

The House bill contained a provision (sec. 1055) that would require the head of a military service or department that has control of the Bagram Theater Internment Facility (BTIF) in Afghanistan, or the head of a federal department or agency that has custody or effective control of any individual de-

tained at that facility, to notify the International Committee of the Red Cross (ICRC) of the detention of any individual at that facility as soon as possible and that the ICRC be given access to such an individual within 24 hours of the receipt of an ICRC request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the head of a military service or department that has custody or effective control of the BTIF, or of any individual detained at that facility, to notify the ICRC of the detention of an individual at the BTIF as soon as practicable. The amendment would also require that the ICRC be provided prompt access to any individual detained at the BTIF upon receipt of an ICRC request. If, however, access to the individual is temporarily denied due to reasons of imperative military necessity, consistent with Article 126 of the Geneva Convention Relative to the Treatment of Prisoners of War, the ICRC would be granted access as soon thereafter as practicable, normally no later than the next regularly scheduled ICRC visit. The conferees take no position on whether the provisions of the Geneva Convention Relative to the Treatment of Prisoners of War apply to detainees at the BTIF.

*No Miranda warnings for al Qaeda terrorists (sec. 1040)*

The House bill contained a provision (sec. 1036) that would require the Secretary of Defense to report to the congressional defense committees on the impact of the reading of rights under *Miranda v. Arizona* (384 U.S. 436 (1966)) to detainees in Afghanistan on United States military and intelligence operations in that country.

The Senate amendment contained a provision (sec. 1033) that would prohibit the reading of such rights to enemy belligerents, subject to certain limitations.

The Senate recedes with an amendment that would combine the two provisions.

*Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1041)*

The House bill contained a provision (sec. 1023) that would prohibit the Secretary of Defense from using Department of Defense (DOD) funds to transfer or release any detainee at United States Naval Station, Guantanamo Bay, Cuba, to the United States until 120 days after the President submits a disposition plan for any such detainee. The provision would specify elements of that plan, including a proposal for disposition; an assessment of the risks posed to U.S. national security; a plan for mitigating those risks; and the results of required consultations with the chief executives of the state, District of Columbia, territory or possession to which a detainee is to be transferred or released.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit the use of funds available to DOD from October 1, 2009, until December 31, 2010, to release any Guantanamo detainee into the United States, its territories, or possessions. The amendment would also prohibit the use of funds available to DOD from October 1, 2009, until December 31, 2010, for the transfer of any Guantanamo detainee into the United States until 45 days after the President submits a comprehensive plan for the disposition of any such detainee. In addition to the elements of the plan required under the House bill, the amendment

would require that the plan also include: a certification by the Attorney General that the detainee poses little or no security risk to the United States given the mitigation that the plan provides; the location or locations at which the detainee would be held, including should the detainee be convicted, the place of incarceration; and the costs associated with executing the risk mitigation plan, including any technical and financial assistance to state and local law enforcement necessary to carry out that plan.

*Additional subpoena authority for the Inspector General of the Department of Defense (sec. 1042)*

The Senate amendment contained a provision (sec. 1056) that would authorize the Inspector General of the Department of Defense to subpoena the testimony of a witness, where necessary to carry out an audit or investigation, unless disapproved by the Attorney General.

The House bill contained no similar provision.

The House recedes with an amendment that would require notice to the Attorney General, but would not make subpoenas subject to the Attorney General's disapproval.

*Limitations on modifications of certain government furnished equipment; one time authority to transfer certain military prototype (sec. 1043)*

The House bill contained a provision (sec. 1021) that would direct the senior military officer of each military service, in consultation with the senior acquisition executive of each military department, to develop and prescribe guidance for conducting test and evaluation efforts of experimental military prototypes. This guidance would allow for the testing of equipment or systems that have been modified from their original condition for the purpose of developing new technology or improving system capability. The provision would require that the secretary of each military department submit a report detailing the development of the required guidance within 12 months of the date of enactment of the Act.

Additionally, the House provision would authorize the Secretary of the Navy to transfer to Piasecki Aircraft Corporation of Essington, Pennsylvania, all rights, title, and interest to Navy aircraft N40VT (Bureau Number 163283) under certain conditions.

The Senate amendment contained a similar provision (sec. 1081) that would merely authorize the Secretary to transfer to Navy aircraft N40VT to Piasecki Aircraft Corporation, also under certain conditions.

The Senate recedes with technical amendments.

Subtitle E—Studies and Reports

*Report on statutory compliance of the report on the 2009 Quadrennial Defense Review (sec. 1051)*

The House bill contained a provision (sec. 1031) that would require the Comptroller General to issue a report on the degree to which the report of the Quadrennial Defense Review (QDR) complies with the requirements found in section 118(d) of title 10, United States Code, as amended. It would also require the Secretary of Defense to issue a report addressing the elements of the report of the QDR that the Comptroller General determined were insufficiently addressed.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment. The conferees intend that in the required report the Comptroller General

should determine whether the Secretary's report of the 2009 Quadrennial Defense Review directly addresses, indirectly addresses, or does not address each of the items identified in section 118(d) of title 10, United States Code, as amended.

For purposes of this report, the conferees intend for "directly addresses" to mean that the required element is easily identified and the report of the QDR clearly articulates the position of the Department of Defense (DOD). "Indirectly addresses" is meant to convey that the required element is present in one or more places within the report of the QDR, but the DOD position is not easily inferred. "Does not address" means that there is no mention of the required element.

If the Comptroller General's report required by this section does determine that the report of the QDR did fail to directly address a required element, the conferees expect that the Secretary will directly address those elements in the second report required by this section.

*Report on the force structure findings of the 2009 Quadrennial Defense Review (sec. 1052)*

The House bill contained a provision (sec. 1032) that would require the Secretary of Defense to submit a report concurrently with the report on the 2009 Quadrennial Defense Review (QDR) containing the analyses used to determine and support the findings on force structure in the QDR.

The Senate amendment contained no similar provision.

The Senate recedes.

*Annual report on the electronic warfare strategy of the Department of Defense (sec. 1053)*

The House bill contained a provision (sec. 1037) that would require an annual report on various aspects of the Defense Department's strategy for electronic warfare.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would sunset the requirement for an annual report after 5 years.

*Study on a system for career development and management of interagency national security professionals (sec. 1054)*

The House bill contained a provision (sec. 1040) that would require an independent study to address the design and implementation of an interagency system for the career development and support of national security professionals.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Report on nuclear aspirations of non-state entities, nuclear weapons and related programs in non-nuclear weapons states and countries not parties to the Nuclear Non-Proliferation Treaty, and certain foreign persons (sec. 1055)*

The Senate amendment contained a provision (sec. 1071) that would direct the Director of National Intelligence (DNI) to prepare a national intelligence estimate (NIE) on nuclear weapons and related programs of non-nuclear weapons state parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the weapons aspirations of such non-state actors as the DNI considers appropriate to include in the estimate. The NIE would be due on September 1, 2010. If the DNI determines that it is not possible to complete the NIE by such date then the DNI shall provide notification not later than August 1 2010, that the NIE will be late and the date that the NIE will be submitted. The

completed NIE would be submitted to the congressional defense committees and the intelligence committees of the Senate and the House of Representatives.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the DNI to complete a biennial report on the nuclear weapons programs and any related programs of countries that are non-state parties to the NPT and countries that are not parties to the NPT.

Because the conferees recognize that elements of the required report may be included in other reports prepared by the intelligence community for this particular report only, the conferees have agreed to allow the DNI to incorporate by reference other reports. The conferees expect that when this option is exercised the DNI will include in the report required by this provision a summary of the report included by reference and an update if needed. In addition, a copy of the referenced report should be included when the required report is submitted. The conferees direct that this report be coordinated amongst the member agencies of the intelligence community.

*Comptroller General review of Department of Defense spending in final fiscal quarters (sec. 1056)*

The Senate amendment contained a provision (sec. 1074) that would require the Comptroller General to review the Department of Defense (DOD) in the final quarter of fiscal year 2009 to determine whether DOD policies contributed to hastened year-end spending and poor use or waste of taxpayer dollars.

The House bill contained no similar provision.

The House recedes with an amendment clarifying the issues to be addressed in the review.

The conferees note that in 1979 and 1980, the Senate Committee on Governmental Affairs, Subcommittee on Oversight of Government Management, held hearings and issued a report, "Hurry-Up Spending", in which it found that "the rush to obligate expiring funds before the end of the fiscal year frequently resulted in lack of competition, poorly defined statements of work, inadequately negotiated contacts, and the procurement of low-priority items or services." The subcommittee's work contributed to the enactment of the Competition in Contracting Act of 1984 (P.L. 98-369, Div B., title VIII). A follow-up review conducted by the Government Accountability Office (GAO) in 1998 concluded that "systemic procurement reforms addressed most of the issues raised in the Subcommittee's report," but that some problems persisted. The conferees conclude that, with the passage of 10 more years, another GAO follow-up review is justified.

*Report on Air America (sec. 1057)*

The Senate amendment contained a provision (sec. 1075) that would require a report from the Director of National Intelligence within 180 days of enactment of this Act on the advisability of providing Federal retirement benefits to United States citizens who were employed by Air America prior to 1977.

The House bill contained no similar provision.

The House recedes.

*Report on defense travel simplification (sec. 1058)*

The Senate amendment contained a provision (sec. 1077) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the

House of Representatives a report setting forth a comprehensive plan to simplify defense travel procedures.

The House bill contained no similar provision.

The House recedes with an amendment that would add to the reporting requirements a discussion of any actions underway to incorporate permanent duty travel into the automated web-based Defense Travel System (DTS), a plan to gather data on the number of temporary duty vouchers being processed manually by the Department of Defense, and options to leverage industry capabilities and technologies that could enhance management responsiveness to changing markets.

The conferees believe that these amendments will provide the Department a foundation to improve and simplify defense travel procedures in a way that will benefit service members and reduce travel-related costs. The conferees note that the House report accompanying H.R. 2647 (H. Rept. 111-166) requires a report from the Secretary of Defense on the Department's progress in making DTS the single online system for arranging defense travel. The conferees believe that the information in this report will assist the Department's reform efforts by providing an assessment of DTS, a single system that can be further simplified and streamlined.

*Report on modeling and simulation industrial base (sec. 1059)*

The Senate amendment contained a provision (sec. 1078) that would require a report on modeling and simulation industrial base.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Report on enabling capabilities for special operations forces (sec. 1060)*

The Senate amendment contained a provision (sec. 1079) that would require the Commander of U.S. Special Operations Command, jointly with the commanders of the combatant commands and the chiefs of the services, to submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report on the availability of enabling capabilities to support the requirements of special operations forces. The Secretary would then be required to forward the report to the congressional defense committees with any additional comments the Secretary considers appropriate.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Additional members and duties for the independent panel to assess the Quadrennial Defense Review (sec. 1061)*

The House bill contained a provision (sec. 1035) that would create a separate 12-member, bipartisan National Defense Panel to review the work of the Department of Defense on the 2009 Quadrennial Defense Review (QDR). It would further require the panel to provide its recommendations and findings in interim and final reports to Congress and the Secretary of Defense.

The Senate amendment contained a similar provision (sec. 1089) that would add eight congressionally appointed members to the Independent Panel required by section 118(f) of title 10, United States Code, and would expand the duties of that panel.

The House recedes with an amendment that would strike the findings and sense of Congress, clarify and expand the tasks of the Independent Panel, and change the Panel's

reporting requirements and timeline for the 2009 QDR.

The conferees agree that an independent review of the Quadrennial Defense Review is a useful part of this important strategic assessment and that such a review by a bipartisan independent panel of experts should build confidence in the objectivity and comprehensiveness of the Department's analytical processes, findings, and recommendations. Conferees acknowledge, however, that there is not enough time to create a separate National Defense Panel without risking the availability of such a panel's report in time for full and careful consideration during Congress's fiscal year 2011 defense authorization bill legislative cycle. The conferees do note that the Department of Defense's charter for the independent panel commits to providing the funds, staff, access to information, and analytical support necessary to assure the independence of the panel and timely completion.

The conferees believe that an analysis of different force structure options suitable to meet the national security challenges identified in the review is essential for Congress to make informed decisions as it raises and sustains the Nation's military forces. An important input into that decision-making process is an understanding of the cost comparison between options. The conferees understand that a fully formed budget proposal for each of the options the panel may consider is well beyond the panel's capabilities, given its resources. Nevertheless, the conferees expect that the panel could provide a cost comparison of the force structure options to the force structure recommended in the review in a general way. A graduated scale that ranges from "considerably less expensive" to "considerably more expensive" is one example of how the panel might make such a comparison.

The conferees agree that the Committees on Armed Services of the Senate and the House of Representatives will study the processes, outcomes, and lessons from the conduct of the 2009 QDR and Independent Panel and consider options for potential changes to future QDR's and their independent review, to include the possibility of the formation of a National Defense Panel in lieu of the independent panel currently provided in statute. The conferees note that elsewhere in this bill the Comptroller General is tasked to report on the degree to which the 2009 QDR addresses statutorily required assessments and recommendations which will contribute significantly to Congress's consideration of any change to current QDR law.

*Congressional earmarks relating to the Department of Defense (sec. 1062)*

The House bill contained a provision (sec. 1039) that would require the Secretary of Defense to report to the congressional defense committees on the extent to which competitive or merit-based procedures were used to award contracts based on congressional earmarks and if not, why not.

The Senate amendment contained a similar provision (sec. 1051) that would also require a report by the Department of Defense Inspector General on compliance with restrictions on lobbying with appropriated funds by recipients of congressional earmarks.

The House recedes with an amendment combining the requirements of the two provisions.

*Report on basing plans for certain United States geographic combatant commands (sec. 1063)*

The House bill contained a provision (sec. 1034) that requires the Secretary of Defense

to submit a report concurrently with the report on the 2009 Quadrennial Defense Review (QDR) required by section 118 of title 10, United States Code, which describes the plan for basing forces in Europe. The report would be required to be submitted to the congressional defense committees, the Senate Committee on Foreign Relations, and the House Committee on Foreign Affairs. This section also requires that the Secretary of Defense notify Congress at least 30 days prior to permanently relocating a unit stationed outside the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that makes this reporting requirement applicable to all geographic combatant commands.

*Subtitle F—Other Matters*

*Extension of certain authority for making rewards for combating terrorism (sec. 1071)*

The House bill contained a provision (sec. 1042) that would extend for 1 year the authority provided in section 127b(c)(3)(C) of title 10, United States Code, to offer and make rewards through government personnel of allied forces to persons who provide information or nonlethal assistance that is beneficial to operations against international terrorism conducted by U.S. Armed Forces or allied forces operating in combination with U.S. Armed Forces, or is beneficial to force protection.

The Senate amendment contained an identical provision (sec. 1053).

The conference report includes this provision.

*Business process reengineering (sec. 1072)*

The Senate amendment contained a provision (sec. 1054) that would require the Department of Defense to undertake business process reengineering efforts before approving the acquisition of a new business system. The provision would also require the Department to ensure that appropriate business process reengineering efforts are undertaken for business system acquisitions that are already under way.

The House bill contained no similar provision.

The House recedes.

*Technical and clerical amendments (sec. 1073)*

The House bill contained a provision (sec. 1043) that would make technical and clerical amendments.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment adding additional technical and clerical changes.

*Extension of sunset for congressional commission on the strategic posture of the United States (sec. 1074)*

The House bill contained a provision (sec. 1045) that would extend the Congressional Commission on the Strategic Posture of the United States (Commission) for 1 year and require the Commission to submit a follow-on report to their original report.

The Senate amendment contained a similar provision (sec. 1088) that would also extend the Commission for 1 year and that would allow the Commission to conduct public outreach. The Senate provision would not require a follow-on report.

The conferees agree to include a provision that would extend the Commission for 3 months until December 31, 2009. This extension is to allow the Commission to discuss the findings and conclusions in its final report with officials in the Department of De-

fense (DOD) as the DOD prepares its Nuclear Posture Review and Quadrennial Defense Review.

The conferees would like to thank the commissioners for their hard work in examining the many contentious issues, striving to achieve consensus where possible and explaining the nature of the differences where consensus was not possible.

*Combat air forces restructuring (sec. 1075)*

The House bill contained a provision (sec. 1047) that would prohibit the Secretary of the Air Force from retiring additional legacy fighter aircraft, announced in the Combat Air Forces restructuring plan on May 18, 2009, until the Secretary: (1) submits a report to the Committees on Armed Services of the Senate and the House of Representatives; and (2) waits 90 days. The provision would also include requirements for continued funding of aircraft operations for the aircraft identified in the restructuring plan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) shorten the waiting period to 30 days; and (2) eliminate the requirements for continued funding.

*Sense of Congress regarding carrier air wing force structure (sec. 1076)*

The House bill contained a provision (sec. 1051) that would express the sense of Congress that the Navy should achieve and maintain the goal of having a 10 carrier air wings with 44 strike-fighter aircraft.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the provision to state that the Navy should meet its current requirement for 10 carrier air wings with 44 strike-fighter aircraft until such time that modifications to the carrier air wing force structure are warranted, and the Secretary of the Navy provides Congress with a justification of any proposed modifications, supported by rigorous and sufficient analysis.

*Department of Veterans Affairs use of service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities (sec. 1077)*

The Senate amendment contained a provision (sec. 1084) that would require the Secretary of Veterans Affairs to conduct a 3-year pilot program to assess the benefits, feasibility, and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, including post-traumatic stress disorder.

The House bill contained no similar provision.

The House recedes with an amendment that would change the pilot program to a study and clarify that the Secretary shall partner with organizations that would not charge veterans participating in the study for the dogs, services, and lodging that they provide.

*Plan for sustainment of land-based solid rocket motor industrial base (sec. 1078)*

The Senate amendment contained a provision (sec. 1083) that would direct the Secretary of Defense to review and establish a plan to sustain the solid rocket motor industrial base to maintain and sustain currently deployed strategic and missile defense systems and to maintain an intellectual and engineering capacity to support next-generation rocket motors as needed. The report would be required no later than March 1,

2010, and would include an expenditure plan for how the fiscal year 2010 funds will be used to support the plan.

The House bill contained no similar provision, although the House report accompanying the House bill did include a requirement that the Secretary of Defense submit a plan to Congress to sustain the strategic solid rocket motor industrial base no later than February 1, 2010. This plan would also include an expenditure plan for the fiscal year 2010 funds.

The House recedes with an amendment that would direct the Secretary of Defense to review and establish a plan to sustain the solid rocket motor industrial base, including both strategic and missile defense rockets, and to maintain an intellectual and engineering capacity to support next-generation rocket motors as needed. The plan should also identify capability requirements and production capacity to support such requirements. The plan would be due no later than June 1, 2010.

In preparing the plan, the conferees direct the Secretary to review the solid rocket motor plans and programs of other agencies, including the National Aeronautics and Space Administration, to determine how or if the programs and plans of other agencies assist the Department of Defense in maintaining a solid rocket motor industrial base.

The conferees also direct the Secretary to provide the expenditure plan for fiscal year 2010 to sustain the solid rocket motor industrial base in fiscal year 2010. This plan should be submitted by February 1, 2010.

The conferees agree that the reports required in this provision and in this statement of managers obviate the need for the reports on the solid rocket motor industrial base required in the House report accompanying the House bill.

*Justice for victims of torture and terrorism (sec. 1079)*

The House bill contained a provision (sec. 1053) that makes a number of findings related to American victims of torture and kidnapping by the former regime in the Islamic Republic of Iraq and states that it is the sense of Congress that the claims of these individuals should be resolved.

The Senate amendment contained no similar provision.

The House recedes with an amendment that states that it is the sense of Congress that the claims of American victims of torture and kidnapping by the former regime in the Islamic Republic of Iraq should be resolved by a prompt and fair settlement negotiated between the Government of the United States and the Government of the Islamic Republic of Iraq.

*Requirement for videotaping or otherwise electronically recording strategic intelligence interrogations of persons in the custody of or under the effective control of the Department of Defense (sec. 1080)*

The House bill contained a provision (sec. 1058) that would require the Secretary of Defense to ensure that each strategic intelligence interrogation of any person in the custody of or under the effective control of the Department of Defense (DOD) or under detention in a DOD facility is videotaped or otherwise electronically recorded. The Secretary of Defense would also be required to provide for the appropriate classification of videotapes or other electronic recordings to protect U.S. national security and address safety and privacy concerns. The requirements of this section would not apply to any member of the armed forces engaged in di-

rect combat operations or to tactical questioning. The provision would also require the Secretary of Defense to develop, and report to Congress on, uniform guidelines for the videotaping or other electronic recording required under this section, including guidelines to ensure that videotapes and recordings are maintained for a length of time that serves the interests of justice in cases for which trials are being or may be conducted.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary of Defense to waive the requirements of this section with regard to a specific interrogation plan for a specific individual for up to 30 days, if he determines that such a waiver is necessary for U.S. national security interests and notifies the relevant committees of Congress of that determination within 5 days. The amendment would also allow the Secretary of Defense to suspend the requirements of this section at a specific theater-level detention facility for up to 30 days, if he determines that such a waiver is vital for U.S. national security interests and notifies the relevant committees of Congress of that determination within 5 days. Each such waiver or suspension could be extended for one additional 30-day period.

The amendment would also clarify that the use of classified videotapes or other electronic recordings in administrative or judicial proceedings would be governed by applicable rules, regulations, and laws that protect classified information from public disclosure, including the exemptions under section 552 of title 5, United States Code.

*Modification of pilot program on commercial fee-for-service air refueling support for the Air Force (sec. 1081)*

The House bill contained a provision (sec. 1044) that would repeal section 1081 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), which directed the Secretary of the Air Force to undertake a pilot program to determine the feasibility and advisability of utilizing commercial fee-for-service aerial refueling support for the Air Force.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Air Force to conduct the pilot program, unless the Secretary of Defense were to notify the congressional defense committees in writing that pursuing such a pilot program is not in the national interest.

*Multiyear contracts under pilot program on commercial fee-for-service air refueling support for the Air Force (sec. 1082)*

The Senate amendment contained a provision (sec. 1058) that would: (1) provide multiyear contract authority for commercial fee-for-service air refueling support for the Air Force for a duration of up to 8 years, an exemption to the 5-year limitation on multiyear contracts under section 2306b of title 10, United States Code; (2) waive the required cancellation ceiling and the unfunded contingent liability limits contained in section 2306c, title 10, United States Code; (3) exempt the Secretary of the Air Force from certifying that the contract is the most cost-effective means of obtaining the services; (4) exempt the Secretary of the Air Force from certifying that there is no alternative for meeting urgent operational requirements other than making the contract; (5) establish a contract ceiling of \$999,999,999; and (6) provide eligibility for government-provided in-

surance to commercial air operators contracting with the Department of Defense for refueling services.

The House bill contained no similar provision.

The House recedes with an amendment that would not waive the cancellation ceiling and the unfunded contingent liability limits contained in section 2306c, title 10, United States Code.

*Disclosure of names of students and instructors at Western Hemisphere Institute for Security Cooperation (sec. 1083)*

The House bill contained a provision (sec. 1057) that would amend section 2166 of title 10, United States Code, to require the Secretary of Defense to release to the public, upon request, the full names, ranks, countries of origin, and other information of students and instructors of the Western Hemisphere Institute for Security Cooperation (WHINSEC) for fiscal years 2005, 2006, 2007, 2008, 2009, and any fiscal year (FY) thereafter.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to release the full name of the students and instructors at WHINSEC for FY 2009 and FY 2010. The provision, however, would permit the Secretary to waive this provision should it be deemed to be in the national interest.

*Sense of Congress regarding the Western Hemisphere Institute for Security Cooperation (sec. 1084)*

The Senate amendment contained a provision (sec. 903) that would express the sense of Senate that the Western Hemisphere Institute for Security Cooperation (WHINSEC), among other things, is an essential tool to educate future leaders of the Western Hemisphere and improve relationships with partner nations that are working with the United States to promote democracy, prosperity, and stability in the Western Hemisphere.

The House bill contained no similar provision.

The House recedes with an amendment that would remove the findings of the Senate amendment and retains the resolved clauses and changes it to a sense of Congress.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Adjustment of certain authorizations of appropriations*

The House bill contained a provision (sec. 1003) that would provide for the adjustment of certain authorization of appropriations.

The Senate amendment contained no similar provision.

The House recedes.

*Compliance with requirement for plan on the disposition of detainees at Naval Station, Guantanamo Bay, Cuba*

The House bill contained a provision (sec. 1050) that would require that the President comply with House bill section 1023, Limitation on Use of Funds for the Transfer or Release of Individuals Detained at United States Naval Station, Guantanamo Bay, Cuba.

The Senate amendment contained no similar provision.

The House recedes.

*Comptroller General of the United States assessment of military whistleblower protections*

The Senate amendment contained a provision (sec. 1072) that would require the Comptroller General to review protections afforded to members of the armed services by the Inspector General of the Department of Defense (DOD IG).

The House bill contained no similar provision.

The Senate recedes.

The conferees note that in July 2009, the Inspector General of the Department of Justice (DOJ IG) completed a report entitled "A Review of the Department of Defense Office of Inspector General's Process for Handling Military Whistleblower Reprisal Investigations." The conferees direct the DOD IG to report to the Committees on Armed Services of the Senate and the House of Representatives by no later than 6 months after the date of the enactment of this Act on the steps that the DOD IG has taken to implement the recommendations of the DOJ IG report.

#### *Contracting improvements*

The Senate amendment contained a provision (sec. 1090) that would have made certain modifications relating to the HUBZone program established pursuant to section 31 of the Small Business Act (15 U.S.C. Section 657a)

The House bill contained no similar provision.

The Senate recedes.

#### *Expansion of state home care for parents of veterans who died while serving in Armed Forces*

The Senate amendment contained a provision (sec. 1085) that would require the Secretary of Veterans Affairs to permit a state home to provide services to a nonveteran any of whose children died while serving in the armed forces.

The House bill contained no similar provision.

The Senate recedes.

#### *Federal Employees Retirement System age and retirement treatment for certain retirees of the Armed Forces*

The Senate amendment contained a provision (sec. 1086) that would set the maximum age limit for certain federal law enforcement and firefighter positions at 47 years old.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that there is existing authority for heads of agencies to determine and fix the maximum age limit for an original appointment to a firefighter or law enforcement officer, and encourage the agencies to consider this authority when filling such positions.

#### *Guam World War II Loyalty Recognition Act*

The House bill included provisions (secs. 1601-1606) that would recognize the suffering and loyalty of the people of Guam during World War II. The provisions would authorize payments to people of Guam for World War II claims involving death, personal injury, forced labor, forced march and internment, and would provide for the adjudication of associated claims. Criminal penalties for false statements would apply to claims. The provisions would authorize \$126.0 million in appropriations for the payment and adjudication of claims, and would authorize \$5.0 million for a grants program to memorialize the occupation of Guam during World War II.

The Senate amendment contained no similar provisions.

The House recedes.

The conferees emphasize that the issues involved in the House provisions are important and complex and deserve to be considered fully by Congress. The conferees also acknowledge the findings of the Guam War Claims Review Commission, which was established to examine these issues in accord-

ance with Public Law 107-333, and believe further deliberations on the Commission's recommendations are needed. This matter falls within the jurisdiction of committees other than the Committees on Armed Services of the Senate and the House of Representatives. Nevertheless, the Committees on Armed Services of the Senate and the House of Representatives are willing to hold hearings on these issues in the coming year and, in the absence of resolution of these matters elsewhere, are willing to consider them in the National Defense Authorization Act for Fiscal Year 2011.

#### *Repeal of certain laws pertaining to the joint committee for the review of counterproliferation programs of the United States*

The House bill contained a provision (sec. 1054) that would repeal section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), as amended, and section 1503 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) as amended.

The Senate amendment contained no similar provision.

The House recedes.

Since September 11, 2001, many changes have occurred in the organization and management of Executive Branch agencies, as well as many new governing statutes to deal with increasing threats from proliferation of weapons of mass destruction (WMD) and associated materials and technologies, to include the recently implemented Office of the United States Coordinator for Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

The conferees continue to believe that there is value in an interagency coordinating function and a biennial report that brings together the actions of the government to address these programs. Until such time as the roles of the new Coordinator and the Counterproliferation Program Review Committee (CPRC) have been reconciled, the conferees believe that it is premature to repeal the various provisions governing the CPRC.

The conferees direct the agencies involved with the CPRC to work with the Coordinator to determine and propose legislative recommendations that will ensure interagency coordination and a single coordinated report on the activities to prevent the proliferation of WMD and associated materials and technologies.

#### *Report on criteria for selection of strategic embarkation ports and ship layberthing locations*

The Senate amendment contained a provision (sec. 1076) that would require the Commander of the United States Transportation Command to develop criteria for selection of strategic embarkation ports and ship layberthing locations and report on those criteria to the congressional defense committees within 180 days of enactment of this Act.

The House bill contained no similar provision. The House report (H. Rept. 111-166) contained direction similar to that included in the Senate provision.

The Senate recedes.

The conferees agree to direct the Commander of the U.S. Transportation Command to: (1) develop criteria for the selection of strategic embarkation ports and ship layberthing locations; and (2) submit the report to the congressional defense committees within 180 days of enactment of this Act.

#### *Small Business Innovation Research and Small Business Technology Transfer reauthorization*

The Senate amendment contained a provision (Division F) that would reauthorize the

government-wide Small Business Innovation Research and Small Business Technology Transfer programs.

The House bill contained no similar provision.

The Senate recedes.

#### *Sense of Congress honoring the Honorable Ellen O. Tauscher*

The House bill contained a provision (sec. 1048) that would express the sense of Congress honoring the Honorable Ellen O. Tauscher.

The Senate amendment contained no similar provision.

The House recedes.

#### *Sense of Congress honoring the Honorable John M. McHugh*

The House bill contained a provision (sec. 1056) that would express the sense of Congress honoring the Honorable John M. McHugh.

The Senate amendment contained no similar provision.

The House recedes.

#### *Sense of Congress on manned airborne irregular warfare platforms*

The Senate amendment contained a provision (sec. 1087) that would state that it is the sense of Congress that the Secretary of Defense should, with regard to the development of manned airborne irregular warfare platforms, coordinate requirements for such weapons systems with the military services, including the reserve components.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree that the Secretary should coordinate requirements for such weapon systems with the military services, including the reserve components.

#### *Studies to analyze alternative models for acquisition and funding of technologies supporting network-centric operations*

The House bill contained a provision (sec. 1038) that would require concurrent studies by an independent federally funded research and development center and the Joint Staff to analyze alternative models and recommend changes to the present Service-based approach for acquisition and funding of interconnected systems for network-centric operations.

The Senate amendment contained no similar provision.

The House recedes.

#### *Transfer of Big Crow aircraft*

The Senate amendment included a provision (sec. 1082) that would provide permissive authority to the Secretary of the Air Force to sell the Big Crow aircraft to a private sector entity, at a cost determined by the Air Force, and with no liability to the government.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Big Crow test aircraft represent another example of the underfunding of "orphan" test assets. These assets have significant joint use for research, development, test and evaluation activities, but not enough support within any one service or agency to warrant priority for funding for sustainment within that service or agency's budget. The conferees note that many of the new technologies that are currently being deployed to support current operations were not tied to formal requirements, programmed activities, or programs of record and required specialized research or testing to accelerate their transition into operational use. The test and research assets

used to support these types of programs need to be preserved despite the lack of formal "requirements".

Therefore, the conferees direct the Under Secretary of Defense for Acquisition, Logistics, and Technology, through the Director of the Test Resource Management Center, and in conjunction with the Director of Operational Test and Evaluation to review issues related to "orphan" test assets, including their funding for sustainment and operations, and make recommendations on methods for ensuring that appropriate assets are preserved for DOD use in the absence of resource support by any single service or agency, including direct management by the Office of the Secretary of Defense or other joint entity, or potentially acquiring test services from private sector organizations. The conferees direct that the Under Secretary of Defense for Acquisition, Logistics, and Technology provide a report on the review and recommendations no later than 1 year after the date of enactment of this Act.

*Trial by military commission of alien unprivileged belligerents for violations of the law of war*

The Senate amendment contained a provision (sec. 1032) that would express the sense of Congress that the preferred forum for the trial of alien unprivileged enemy belligerents for violations of the law of war is trial by military commission.

The House bill contained no similar provision.

The Senate recedes.

*Repeal of policy relating to the major combatant vessels of the United States Navy*

The Senate amendment contained a provision (sec. 1012) that would repeal section 1012 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181). Section 1012, as amended, would require that all new classes of surface combatants and all new amphibious assault ships larger than 15,000 deadweight ton light ship displacement have integrated nuclear power systems, unless the Secretary of Defense determines that the inclusion of an integrated nuclear power system in such vessel is not in the national interest.

The House bill contained no similar provision.

The Senate recedes.

Title XI—Civilian Personnel Matters

Subtitle A—Personnel

*Authority to employ individuals completing the National Security Education Program (sec. 1101)*

The House bill contained a provision (sec. 1101) that would authorize the Secretary of Defense and other agencies and organizations with national security responsibilities to appoint individuals who have successfully completed the National Security Education Program to a position in the excepted service.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Authority for employment by Department of Defense of individuals who have successfully completed the requirements of the Science, Mathematics, and Research for Transformation (SMART) defense scholarship program (sec. 1102)*

The House bill contained a provision (sec. 1102) that would authorize the direct hire of graduates of the Science, Mathematics, and Research for Transformation Defense Scholarship Program.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Authority for the employment of individuals who have successfully completed the Department of Defense information assurance scholarship program (sec. 1103)*

The House bill contained a provision (sec. 1103) that would authorize direct hire authority of graduates of the Information Assurance Scholarship Program.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Extension and modification of experimental personnel management program for scientific and technical personnel (sec. 1104)*

The Senate amendment contained a provision (sec. 1102) that would extend and modify the authorities of an experimental personnel management program for scientific and technical personnel.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Modification to Department of Defense laboratory personnel authority (sec. 1105)*

The House bill contained a provision (sec. 1110) that would modify the Department of Defense laboratory personnel demonstration system by authorizing additional laboratories to participate in the program and extend the exclusion of demonstration program laboratories from inclusion into the National Security Personnel System (NSPS).

The Senate amendment contained a provision (sec. 1106) that would require the Department of Defense (DOD) to study the possibility of including additional laboratories into the laboratory demonstration program.

The Senate recedes with an amendment.

The conferees agree to a provision that requires the inclusion of a number of additional laboratories into the laboratory personnel demonstration programs and would require congressional approval before DOD could move these laboratories into any other personnel system.

The conferees are concerned that DOD is not expeditiously moving to implement legislated authorities that are intended to improve the quality of the science and engineering workforce. The conferees note that DOD has been slow in implementing the authorities provided by section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) relating to sharing of successfully demonstrated personnel management initiatives between demonstration laboratories, and section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) which grants select direct hiring authorities at the demonstration laboratories. Given the widely accepted assessment that the quality of DOD laboratories has declined over the years, and recent claims by DOD that the Department is working to reinvigorate its in-house technical expertise as part of acquisition reform, the conferees believe the utilization of these authorities is necessary to revitalize DOD laboratory mission performance.

*One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas (sec. 1106)*

The House bill contained a provision (sec. 1105) that would extend for 1 year the author-

ity of the head of an executive agency to waive the limitations on the amount of premium pay that may be paid to a civilian employee who performs work in an overseas location that is in the area of responsibility of the Commander, United States Central Command (USCENTCOM), or an overseas location that was formerly in the area of responsibility of the Commander, USCENTCOM but has been moved to the area of responsibility of the Commander, United States Africa Command, in support of a contingency operation or an operation in response to a declared emergency.

The Senate amendment contained a similar provision (sec. 1103).

The House recedes with a technical amendment.

*Extension of certain benefits to Federal civilian employees on official duty in Pakistan (sec. 1107)*

The House bill contained a provision (sec. 1106) that would extend to Department of Defense (DOD) civilian employees working in the Islamic Republic of Pakistan the same benefits that are currently provided to DOD civilians on official duty in a specified combat zone.

The Senate amendment contained no similar provision.

The Senate recedes.

*Requirement for Department of Defense strategic workforce plans (sec. 1108)*

The House bill contained a provision (sec. 1108) that would codify the requirement for the Secretary of Defense to develop and submit to the congressional defense committees an annual plan for shaping and improving the civilian employee workforce of the Department of Defense.

The Senate amendment contained a provision (sec. 815) that would require the Comptroller General to assess the efficacy of Department of Defense (DOD) training for acquisition and audit personnel.

The Senate recedes with an amendment that would include both the requirement for an annual strategic workforce plan and the requirement for a report on DOD training for acquisition and audit personnel.

*Adjustments to limitations on personnel and requirement for annual manpower reporting (sec. 1109)*

The House bill contained a provision (sec. 1109) that would amend section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417) to clarify the authority of the Secretary of Defense to waive annual limitations on major headquarters personnel.

The Senate amendment contained a provision (sec. 902) that would repeal the annual limitations.

The Senate recedes with an amendment that would remove the sunset date on the Secretary's waiver authority, making that authority permanent.

*Pilot program for the temporary exchange of information technology personnel (sec. 1110)*

The House bill contained a provision (sec. 1111) that would authorize the Secretary of Defense to carry out a pilot program for the temporary assignment of Department of Defense (DOD) employees to private sector organizations and of private sector employees to DOD.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would specify legal and ethical requirements applicable to an employee of a private sector organization who is assigned to DOD under the pilot program.



In 2006, the DOD Chief Information Officer published the “DOD ITEP Toolkit” in connection with a predecessor program, known as the Information Technology Exchange Program (ITEP). That document required a three-way agreement between the appropriate federal agency, the participating private sector organization, and the individual program participant spelling out the rights and responsibilities—including statutory and regulatory requirements—applicable to each of the parties to an exchange. The conferees direct DOD to use the DOD ITEP Toolkit, including the three-party agreements prescribed by that document, as a model for carrying out the program authorized by this section.

*Availability of funds for compensation of certain civilian employees of the Department of Defense (sec. 1111)*

The Senate amendment contained a provision (sec. 1104) that would authorize the Department of Defense to use funds available for the purchase of contract services to instead provide compensation for civilian employees to meet the same requirement.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Department of Defense Civilian Leadership Program (sec. 1112)*

The Senate amendment contained a provision (sec. 1105) that would authorize the Secretary of Defense to establish a Department of Defense Civilian Leadership Program (DCLP) to recruit and develop individuals with the academic merit, work experience, and leadership skills needed for the civilian employee workforce of the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment limiting the participation of any individual in the DCLP to a 3-year period.

*Provisions relating to the National Security Personnel System (sec. 1113)*

The House bill contained a provision (sec. 1112) that would require the Secretary of Defense to transition all employees in the National Security Personnel System (NSPS) back to previously existing civilian compensation systems within 1 year of the date of the enactment of this Act.

The Senate amendment contained a provision (sec. 1101) that would freeze the expansion of NSPS and terminate the program unless the Secretary of Defense certifies that termination is not in the best interest of the Department and provides a specific schedule of changes that will be made to improve the fairness, credibility, and transparency of the system.

The Senate recedes with an amendment that would repeal the authority for NSPS and require the transition of NSPS employees to previously existing civilian personnel systems by January 1, 2012.

The amendment would also provide the Secretary of Defense with new personnel flexibilities, which would apply across the civilian workforce of the Department. In particular, the amendment would authorize the Secretary, in coordination with the Director of the Office of Personnel Management, to develop new regulations for the civilian workforce which include fair, credible, and transparent methods for hiring and assigning personnel, and for appraising employee performance. The conferees agree that these flexibilities can be exercised consistent with the existing General Schedule pay system,

without the need for any legislative change to that system. In addition, the amendment would direct the Secretary to develop special training programs for managers to implement the authorities granted.

Finally, the amendment would authorize the Secretary, upon a determination that it is in the best interest of the Department of Defense, to request additional personnel authorities within the context of the General Schedule pay system, or to develop a proposal for the use of personnel authorities that would require exemption from the application of the General Schedule pay system. If approved by Congress in the National Defense Authorization Act for Fiscal Year 2011, the Secretary would be permitted to implement the latter proposal in lieu of making the transition to the General Schedule pay system that would otherwise be required by the provision. Any proposal submitted by the Secretary would be required to guarantee collective bargaining rights and would not be permitted to cover prevailing wage employees.

The conferees note that section 9902 of title 5, United States Code, as amended by this section, would not include an exemption for the defense laboratories, because such an exemption is unnecessary in light of the continuing authority for the laboratories to conduct personnel demonstration projects in accordance with section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (P.L. 103-337), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (P.L. 106-398). The conferees expect the Department to fully utilize the authority to carry out demonstration projects for such laboratories, as required by section 1105 of this Act.

*Provisions relating to the Defense Civilian Intelligence Personnel System (sec. 1114)*

The House bill contained a provision (sec. 1113) that would require the termination of the pay system under the Defense Civilian Intelligence Personnel System (DCIPS) and require the transfer of individuals covered by DCIPS to other pay systems.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would suspend the implementation of the DCIPS pay system until January 1, 2011, and require an independent study and review of the system.

**Subtitle B—Provisions Relating to Reemployment of Annuitants**

*Authority to expand scope of provisions relating to unreduced compensation for certain reemployed annuitants (sec. 1121)*

The House bill contained a provision (sec. 1107) that would allow former federal employees who receive a federal annuity from other than the Civil Service Retirement and Disability Fund to retain their annuity if reemployed by the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Part-time reemployment (sec. 1122)*

The Senate amendment contained a provision (sec. 1162) that would provide temporary authority to federal agencies to reemploy retired federal civilian employees under limited conditions, without offset of annuity against salary, for certain specified purposes.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Government Accountability Office report (sec. 1123)*

The Senate amendment contained a provision (sec. 1163) that would require the Comptroller General to submit a report regarding the use of the authority provided elsewhere in this Act, which would authorize federal agencies to reemploy retired federal civilian employees under limited conditions, without offset of annuity against salary, for certain specified purposes.

The House bill contained no similar provision.

The House recedes.

**LEGISLATIVE PROVISIONS NOT ADOPTED**

*Additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction*

The House bill contained a provision (sec. 1104) that would provide the Special Inspector General for Afghanistan Reconstruction additional personnel authorities similar to those provided to the Special Inspector General for Iraq Reconstruction.

The Senate amendment contained no similar provision.

The House recedes. The authority provided to the Special Inspector General for Afghanistan Reconstruction was enacted in separate legislation and signed into law (Public Law 111-38) on June 30, 2009.

*Sense of Congress on pay parity for Federal employees service at Joint Base McGuire/Dix/Lakehurst*

The House bill contained a provision (sec. 1114) that would express the sense of Congress that the pay schedules and rates for federal employees serving at the Joint Base McGuire/Dix/Lakehurst should be the same, and that the Office of Personnel Management (OPM) should develop regulations ensuring pay parity among civilian employees employed by different military services at joint bases.

The Senate amendment contained no similar provision.

The House recedes.

The conferees have been informed that OPM is developing regulations to address the issue of pay parity at this joint base.

*Short title*

The Senate amendment contained a provision (sec. 1161) that would allow a subtitle of this Act to be cited as the “Part-Time Reemployment of Annuitants Act of 2009”.

The House bill contained no similar provision.

The Senate recedes.

**TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

**Subtitle A—Assistance and Training**

*One-year extension of authority for security and stabilization assistance (sec. 1201)*

The House bill contained a provision (sec. 1201) that would extend through September 30, 2010, the authority provided in section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as amended by section 1207(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), for the Secretary of Defense to provide support to Department of State programs of security and stabilization assistance. The provision would reduce the amount authorized for these purposes to \$25.0 million.

The Senate amendment contained a provision (sec. 1207) that would extend through September 30, 2010, the authority provided under section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as amended by section 1210

of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) and section 1207 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417). The provision makes no change to \$100.0 million limitation on the amount authorized for these purposes. The House recedes.

While the conferees believe that the increased coordination between the Department of Defense and Department of State resulting from the joint formulation and implementation of security and stabilization projects under the section 1207 authority has value, the conferees reaffirm that Congress has always intended for this transfer authority to be temporary and are disappointed that the Department of State has not yet achieved the capacity to fulfill its statutory requirements. The conferees urge the administration to work toward this goal as rapidly as possible. They further recommend that the administration examine ways to maintain this coordination in the absence of this authority.

*Expansion of authority and modification of notification and reporting requirements for use of authority for support of special operations to combat terrorism (sec. 1202)*

The House bill contained a provision (sec. 1202) that would increase the amount of funds available to provide assistance to foreign forces, irregular forces, groups, or individuals supporting or facilitating military operations by U.S. special operations forces to combat terrorism, as authorized by section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), as amended by section 1208 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), from \$35.0 million to \$50.0 million during any fiscal year.

The Senate amendment contained a provision (sec. 1204) that would require the Secretary of Defense to notify the congressional defense committees at least 72 hours prior to the Department's providing assistance, under this authority, to irregular forces, groups, or individuals. This provision would also require the Department to notify the congressional defense committees should there be any change in the scope or level of funding for such assistance. The Senate provision would also enhance the notification and annual reporting requirements.

The Senate recedes with an amendment that would increase the amount of funds available from \$35.0 million to \$40.0 million during any fiscal year.

The House recedes with an amendment that would require notification to the congressional defense committees upon the use of this authority to support an approved military operation or change in scope or funding level for any support to such an operation.

The conferees agree that, to date, the Department's notifications and annual report have been insufficient and that some of the projects entered into by U.S. Special Operations Command (USSOCOM) under this authority have appeared to be focused on long-term engagement with foreign forces, irregular forces, groups, or individuals, rather than exclusively for support of or facilitating of ongoing military operations by U.S. special operations forces to combat terrorism. The conferees urge USSOCOM to review the current programs to ensure they are being executed in a manner consistent with the intent of this authority and that enduring programs continue to provide an appropriate payback for the command. Until

such a review is complete, the conferees would be reluctant to approve any additional increases to the maximum amount that can be expended under this authority in any given fiscal year.

*Modification of report on foreign-assistance related programs carried out by the Department of Defense (sec. 1203)*

The House bill contained a provision (sec. 1203) that would amend section 1209 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to require a permanent, annual report on certain foreign-assistance related programs carried out by the Department of Defense. The provision also added the humanitarian and civil assistance provided through the Combatant Commander's Initiative Fund as an authority subject to this reporting requirement.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide for the annual reporting requirement contained in the House bill through February 1, 2013.

*Report on authorities to build the capacity of foreign military forces and related matters (sec. 1204)*

The House bill contained a provision (sec. 1204) that would require a report from the President by March 1, 2010, on the relationship between security cooperation authorities of the Department of Defense and security assistance authorities of the Department of State and other agencies to train and equip, or otherwise build the capacity of, foreign military forces, and the distinctions, if any, between those authorities. The provision would also require information regarding the strengths and weaknesses of current laws governing and relating to the provision of this type of assistance; recommended changes, if any, to those laws; any organizational and procedural changes that should be made in the Department of Defense and Department of State to improve their ability to conduct such programs; and the funding and resources mechanisms required to assure adequate funding for such programs.

The Senate amendment contained no similar provision.

The Senate recedes.

*Authority to provide administrative services and support to coalition liaison officers of certain foreign nations assigned to United States Joint Forces Command (sec. 1205)*

The Senate amendment contained a provision (sec. 1202) that would modify the authority provided under section 1051a of title 10, United States Code, to permit the Secretary of Defense to provide administrative services and support to, as well as to pay travel and subsistence expenses of, certain coalition liaison officers while they are temporarily assigned to U.S. Joint Forces Command.

The House bill contained no similar provision.

The House recedes.

*Modification of authorities relating to program to build the capacity of foreign military forces (sec. 1206)*

The Senate amendment contained a provision (sec. 1203) that would allow that, of the funds authorized annually for fiscal years 2010 and 2011 for capacity building programs under section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2418), as amended, no more than \$75.0 million may be used for programs to build the capacity of foreign military forces to participate in or

support military or stability operations in which the United States Armed Forces are a participant.

The House bill contained no similar provision.

The House recedes.

The conferees note the legislative proposals of the Department for new authorities to build the capacity of foreign military general purpose forces and special operations forces to support ongoing coalition operations in the Republic of Iraq and the Islamic Republic of Afghanistan. The conferees agree that the existing authority of section 1206 of Public Law 109-364, as amended, is sufficient to permit these activities and would be open to consider programs to build the capacity of North Atlantic Treaty Organization and other coalition partners whose ability to contribute to ongoing operations in Iraq and Afghanistan would otherwise be limited. The conferees believe that one appropriate use of this authority would be to build the capacity of foreign military's Operational and Mentoring Liaison Teams for deployment to Afghanistan.

*Authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries (sec. 1207)*

The Senate amendment contained a provision (sec. 1208) that would permit the Department of Defense to accept, on a non-reciprocal basis, defense personnel of the defense ministry of an ally or friendly foreign government.

The House bill contained no similar provision.

The House recedes with a series of amendments that would: (1) permit the Department of Defense to pay for the cost of temporary duty of the exchanged personnel when it is directed by the United States Government; (2) require the Secretary of Defense to report to the appropriate congressional committees annually on the use of this authority; and (3) adjust the expiration of the authority to align with the end of the fiscal year vice the calendar year.

The conferees agree that the authority is not to be used as a mechanism to require the Department of Defense to fund visits and training of military and civilian personnel from allied and other foreign countries. Further, the conferees caution the Department that this authority should be used to accept personnel where the duties contemplated either necessitate or would be enhanced by the presence of foreign defense personnel. The authority should not be used to provide training or educational opportunities that are more properly conducted under the International Military Education and Training or Counterterrorism Fellowship programs. Additionally, the authority should not be used as an alternative to existing engagement programs, including those activities conducted pursuant to section 168 of title 10, United States Code. Temporary duty authorized under this exchange program should be directly related to the duties and responsibilities of the position to which the individual is assigned.

*Report on alternatives to use of acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability (sec. 1208)*

The Senate amendment contained a provision (sec. 1210) that would require the Secretary of Defense to assess and report on possible alternatives to the temporary authority provided under section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120

Stat. 2412), as amended, which allows for the lending or leasing under acquisition and cross-servicing agreements of certain significant military equipment to military forces of countries participating in combined operations with the United States in Iraq or Afghanistan, or as part of peacekeeping operations under the United Nations Charter or another international agreement.

The House bill contained no similar provision.

The House recesses.

*Enhancing Iraqi security through defense cooperation between the United States and Iraq (sec. 1209)*

The Senate amendment contained a provision (sec. 1211) that would permit the President to treat an undertaking by the Government of Iraq, made between the date of the enactment of this Act and December 31, 2011, as a dependable undertaking described in section 22(a) of the Arms Export Control Act (22 U.S.C. 2762(a)) for the purposes of entering into contracts for the procurement of defense articles and defense services as provided for in that section.

The House bill contained no similar provision.

The House recesses with an amendment that would require the Secretary of Defense, in consultation with the Secretary of State, to provide a report on the role of Foreign Military Sales in meeting the requirements of the military and security forces of Iraq for restoring and maintaining peace and security in Iraq.

It also includes a sense of Congress that encourages the Secretary of Defense, in consultation with the Secretary of State, to increase the number of positions available in professional military education courses available annually to personnel of the security forces of the Government of Iraq.

*Availability of appropriated funds for the State Partnership Program (sec. 1210)*

The Senate amendment contained a provision (sec. 1212) that would allow the Secretary of Defense, under regulations prescribed by the Secretary, to use Department of Defense (DOD) funds for fiscal year 2010 to pay costs associated with the National Guard's State Partnership Program, in support of the objectives of the combatant commanders or to build international civil-military partnerships and capacity on matters relating to defense and security.

The House bill contained no similar provision.

The House recesses with an amendment that would require, not later than 90 days after the date of the enactment of this Act, that the Secretary of Defense, in consultation with the Secretary of State, prescribe regulations regarding the use of DOD funds to pay the costs of the National Guard in conducting activities under the State Partnership Program. The Secretary of Defense will transmit a copy of these regulations to the Committee on Armed Services and the Committee on Foreign Relations of the Senate, and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

The conferees believe that the security cooperation activities of the State Partnership Program of the National Guard have made a valuable contribution to global security through building relationships between State National Guard units and over 60 partner nations throughout the world.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

*Limitation on availability of funds for certain purposes relating to Iraq (sec. 1221)*

The House bill contained a provision (sec. 1211) that would prohibit the use of funds authorized by this Act to establish permanent U.S. military installations or bases in Iraq or to exercise U.S. control of Iraqi oil resources.

The Senate amendment contained no similar provision.

The Senate recesses.

*One-year extension and expansion of Commanders' Emergency Response Program (sec. 1222)*

The House bill contained a provision (sec. 1212) that would amend section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 106-163), as amended, to authorize \$1.3 billion in fiscal year 2010 for the Commanders' Emergency Response Program (CERP).

The Senate amendment contained a provision (sec. 1206) that would authorize \$1.4 billion in fiscal year 2010 for CERP. The provision of the Senate amendment would also authorize the Secretary of Defense to transfer up to \$100.0 million of CERP funds to the Department of State to support the Afghanistan National Solidarity Program (NSP) if the Secretary of Defense determines that doing so would enhance counterinsurgency or stability operations in Afghanistan.

The House recesses with an amendment that would authorize \$1.3 billion in fiscal year 2010 for CERP and provide the Secretary of Defense the authority to transfer to the Department of State up to \$50.0 million of CERP funds to support the NSP.

The amendment would also provide the Secretary of Defense with the authority, in concurrence with the Secretary of State, to use funds provided for CERP to support the reintegration of those who have renounced violence against the Government of Afghanistan. The conferees note that the authority to use CERP funds for this purpose has been provided for 1 year only. The conferees expect that the administration will submit a request for any required legal authority and funding to carry out a reintegration program separate from the CERP program with the President's budget request.

In addition, the amendment would require the Secretary of Defense to conduct, not later than 180 days after the date of enactment of this Act, a thorough review of CERP and report to Congress on the results of that review. The conferees direct the Secretary of Defense to include as part of this review an assessment of the following: the process for generating and justifying CERP budget; the existing management and oversight of CERP funds and contracts; personnel requirements specifically in support of CERP and the number of personnel deployed to meet those requirements in Afghanistan, including with the Joint Contracting Command and U.S. Forces—Afghanistan; the extent and effectiveness of coordination of projects with other U.S. Government agencies, international organizations, and Non-Governmental Organizations carrying out projects in Iraq and Afghanistan; and coordination with the host government on CERP projects, including procedures for ensuring the sustainment of those projects by the host government over the long run.

*Modification of authority for reimbursement of certain coalition nations for support provided to United States military operations (sec. 1223)*

The House bill contained a provision (sec. 1213) that would authorize the Secretary of

Defense to reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with U.S. military operations in Operation Iraqi Freedom (OIF) or Operation Enduring Freedom (OEF), also known as Coalition Support Fund reimbursements. Total reimbursements under this authority during fiscal year 2010 are limited to \$1.6 billion.

The Senate amendment contained a similar provision (sec. 1205) that would extend through fiscal year 2010 the authority provided in section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393) for the Secretary of Defense to pay Coalition Support Fund reimbursements. In addition, this provision would modify section 1233 of Public Law 110-181 to allow funds under that section to be used to provide key cooperating nations with specialized training and supplies, or to loan them specialized equipment. The provision in the Senate amendment would also limit reimbursements under this authority during fiscal year 2010 to \$1.6 billion.

The House recesses with clarifying and technical amendments.

Prior to making any reimbursement to Pakistan in fiscal year 2010 under the authority provided in this section, the conferees direct the Secretary of Defense, with the concurrence of the Secretary of State, to make a determination based on reasonably available information as to whether such reimbursement is consistent with the national security interest of the United States and will not adversely impact the balance of power in the region. The conferees direct the Secretary to include any such determination in the relevant quarterly report to Congress required under this section.

*Pakistan Counterinsurgency Fund (sec. 1224)*

The House bill contained a provision (sec. 1214) that would provide that the Pakistan Counterinsurgency Fund (PCF) would consist of amounts appropriated to the PCF for fiscal year 2009 and amounts transferred to the PCF by the Secretary of State, with the concurrence of the Secretary of Defense. The Secretary of Defense, with the concurrence of the Secretary of State, may use amounts in the PCF to improve the counterinsurgency capabilities of the security forces of the Islamic Republic of Pakistan (including Pakistan's military, Frontier Corps, and other security forces), and to provide limited humanitarian assistance to the people of Pakistan as part of civil-military training exercises for Pakistani security forces receiving assistance under the PCF.

The Senate amendment contained a similar provision (sec. 1517) specifying that funds in the PCF pursuant to a transfer by the Secretary of State to the Secretary of Defense during fiscal year 2010 will be available to the Secretary of Defense to provide assistance to the security forces of Pakistan to build the counterinsurgency capability of the Pakistan military forces and the Pakistan Frontier Corps. The provision would require prior to the expenditure of PCF funds that the Secretary of Defense provide an assessment as to whether the Government of Pakistan is committed to confronting the threat posed by al Qaeda, the Taliban, and other militant extremists based on a determination by the Government of Pakistan that confronting these extremist groups is critical to Pakistan's own national interest.

The Senate recesses with an amendment that would require that concurrent with the initial use of funds available under this section, the Secretary of Defense will provide an assessment as to whether the Government

of Pakistan is making concerted efforts to confront the threat posed by al Qaeda, the Taliban, and other militant extremists based on Pakistan's national security interests. The amendment also requires quarterly reports summarizing, on a project-by-project basis, any transfer of funds from the PCF during the fiscal quarter. Section (d)(2) of the amendment regarding any restriction relating to payments for Letters of Offer and Acceptance refers to section 203(d) of S. 1707, as enrolled, regarding limitations on certain assistance.

*Program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan (sec. 1225)*

The House bill contained a provision (sec. 1215) that would require the Secretary of Defense to establish programs to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan.

The Senate amendment contained no similar provision.

The House recedes with clarifying and technical amendments.

The conferees expect that the registration and end-use monitoring programs established pursuant to this section will be implemented so as to minimize both the risks to U.S. personnel carrying out these programs and the impact on ongoing military operations, including ongoing Pakistani military operations against terrorists and militants in Pakistan.

*Reports on campaign plans for Iraq and Afghanistan (sec. 1226)*

The House bill contained a provision (sec. 1216) that would require that the Comptroller General of the Government Accountability Office submit separate assessments of the campaign plans for the Republic of Iraq and the Islamic Republic of Afghanistan.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Report on responsible redeployment of United States Armed Forces from Iraq (sec. 1227)*

The House bill contained a provision (sec. 1218) that would require the Secretary of Defense to submit a quarterly report on the responsible redeployment of U.S. forces out of the Republic of Iraq.

The Senate amendment contained no similar provision.

The Senate recedes.

*Report on community-based security programs in Afghanistan (sec. 1228)*

The House bill contained a provision (sec. 1219) that would require the Secretary of Defense to report, not later than 90 days after the date of enactment of this Act, on the Afghan Public Protection Program (APPP). The report would include an assessment of the program as implemented in the initial pilot districts of the Islamic Republic of Afghanistan, and an assessment of the future of the program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to report, not later than 120 days after the date of enactment of this Act, on the APPP and other similar programs for community-based security forces in Afghanistan. The report would include an assessment of these programs in the initial pilot districts and of the future of each program.

*Updates of report on command and control structure for military forces operating in Afghanistan (sec. 1229)*

The House bill contained a provision (sec. 1220) that would clarify that any updates of the report on command and control arrangements in Afghanistan as required by section 1216 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) can be provided as part of the reports on Progress Toward Security and Stability in Afghanistan as required by section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

The Senate amendment contained no similar provision.

The Senate recedes.

*Report on feasibility and desirability of establishing general uniform procedures and guidelines for the provision of monetary assistance by the United States to civilian foreign nationals for losses incident to combat activities of the armed forces (sec. 1230)*

The House bill contained a provision (sec. 1221) that would require the Secretary of Defense to report semi-annually on payments made to noncombatant residents of the Islamic Republic of Afghanistan for losses caused by United States military operations.

The Senate amendment contained a provision (sec. 1236) that would require the Secretary of Defense to submit a report to Congress on the feasibility of establishing general uniform procedures and guidelines for the United States to provide monetary assistance to civilian foreign nationals for losses, injuries, or death incident to combat activities of the United States Armed Forces during contingency operations.

The House recedes with a clarifying amendment.

*Assessment and report on United States-Pakistan military relations and cooperation (sec. 1231)*

The House bill contained a provision (sec. 1222) that would require that the Secretary of Defense, in consultation with the Secretary of State, to assess possible alternatives to Department of Defense reimbursements to Pakistan for logistical, military, or other support provided by Pakistan to, or in connection with, U.S. military operations (Coalition Support Fund reimbursements), which could encourage the Pakistani military to undertake counterterrorism and counterinsurgency operations and achieve the goals and objectives for long-term U.S.-Pakistan military relations and cooperation.

The Senate amendment contained no similar provision.

The Senate recedes.

*Report on progress toward security and stability in Pakistan (sec. 1232)*

The House bill contained a provision (sec. 1223) that would require the President, 180 days after the date of enactment of this Act and every 180 days thereafter, to conduct an assessment of progress toward long-term security and stability in the Islamic Republic of Pakistan in a number of specified areas. The provision would also require the President to establish goals, objectives, and timelines for achieving progress in the areas specified in this provision to be assessed, and metrics to measure such progress. The provision would also require the President to report to Congress on the assessment and how it was conducted.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide that the report required

by this section is to be submitted concurrent with the submission of each report under section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 392), as amended. The amendment would also make certain other clarifying and technical changes.

*Repeal of GAO war-related reporting requirement (sec. 1233)*

The House bill contained a provision (sec. 1224) that would eliminate the requirement that the Government Accountability Office report quarterly to Congress on the costs of Operation Iraqi Freedom and Operation Enduring Freedom as required under section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163).

The Senate amendment contained no similar provision.

The Senate recedes.

*Authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan (sec. 1234)*

The House bill contained a provision (sec. 1225) that would require the Secretary of Defense to develop a plan for the disposition of major end items and tactical equipment in the Republic of Iraq and address a number of specified elements as part of that plan. The provision would also require the Secretary of Defense to report to Congress on the plan required by this section no later than the time of the President's budget submission for fiscal year 2011. The provision did not provide any additional authority to transfer U.S. equipment to Iraq or any other entity outside the Department of Defense.

The Senate amendment contained a provision (sec. 1213) that would authorize the President to transfer defense articles in Iraq, and provide defense services in connection with the transfer of those defense articles, to the military and security forces of Iraq or the military and security forces of Afghanistan to support their efforts to restore and maintain peace and security internally. The aggregate replacement value of defense articles transferred and defense services provided would be limited to \$500,000,000. The provision would also require that the President may not exercise the authority under this section until 30 days after the Secretary of Defense, with the concurrence of the Secretary of State, submits a report on a plan for the disposition of equipment and other property of the Department of Defense in Iraq.

The House recedes with an amendment that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to transfer defense articles, without reimbursement from the Government of Iraq or the Government of Afghanistan, and to provide defense services in connection with those transfers, to the military and security forces of Iraq and the military and security forces of Afghanistan. The amendment would clarify that defense articles that may be transferred under this authority includes equipment that was used in support of operations in Iraq but at the time of enactment of this Act is present in Kuwait. The conferees expect that any equipment located in Kuwait that is transferred under this authority will not have been transferred to Kuwait from a location other than Iraq for the purpose of being transferred under this authority.

The amendment would increase the limit on the aggregate replacement value of defense articles transferred and defense services provided to \$750,000,000.

The amendment would provide that the report required prior to the exercise of this authority will also include a description of the types of defense articles the Department of Defense intends to transfer to the military and security forces of Afghanistan. The conferees urge the Secretary of Defense to develop a plan to reimburse the military departments for non excess defense articles transferred to Iraq and Afghanistan under this authority.

The amendment would also provide that the report to be provided quarterly on the implementation of the authority under this section may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2410). The conferees direct the Secretary of Defense to ensure that, if the quarterly report required under this section is included in the section 9204 report, that report will be provided to the committees designated to receive the quarterly report under this section.

*Analysis of required force levels and types of forces needed to secure southern and eastern regions of Afghanistan (sec. 1235)*

The House bill contained a provision (sec. 1229) that would require the Secretary of Defense, at the request of the Commander of United States Forces for Afghanistan (USFOR-A), to enter into a contract with a Federally Funded Research Development Center (FFRDC) that would provide analysis on the required force levels and types of forces needed to secure southern and eastern Afghanistan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the Secretary of Defense, in support of the Commander of USFOR-A, to contract with a FFRDC to provide analysis on the required force levels and types of forces needed to secure southern and eastern Afghanistan.

*Modification of report on progress toward security and stability in Afghanistan (sec. 1236)*

The House bill contained a provision (sec. 1230) that would modify the report on Progress Toward Security and Stability in Afghanistan required by section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 11-181; 122 Stat. 385) to require additional information on the commitments of North Atlantic Treaty Organization (NATO) countries and non-NATO countries to meeting International Security Assistance Force goals and force requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment clarifying certain matters to be included in the report and requiring additional information on: the progress in ending the ability of the insurgency to establish control over the population of Afghanistan and establish safe havens within Afghanistan; and the coordination of reconstruction and development activities in Afghanistan.

*No permanent military bases in Afghanistan (sec. 1237)*

The House bill contained a provision (sec. 1230A) that would prohibit the establishment of any military installation or base for purposes of permanently stationing U.S. Armed Forces in Afghanistan.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Subtitle C—Other Matters

*Report on United States engagement with Iran (sec. 1241)*

The Senate amendment contained a provision (sec. 1221) that would require the President, no later than January 31, 2010, to deliver a report to Congress on U.S. engagement with the Islamic Republic of Iran.

The House bill contained no similar provision.

The House recedes with a series of technical amendments.

*Annual counterterrorism status reports (sec. 1242)*

The Senate amendment contained a provision (sec. 1225) that would require the President to provide a report annually to Congress on the status of U.S. efforts and the level of progress achieved to defeat al Qaeda and its affiliates. More specifically, the report would require: (1) an assessment of the scope, status, and progress of U.S. counterterrorism efforts in fighting al Qaeda and its affiliates abroad; (2) a description of U.S. counterterrorism activities (political, economic, military, intelligence, etc.) including a description of efforts to counter terrorist recruitment and financing and support public diplomacy efforts; (3) an analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding; and (4) an analysis of the extent to which specific federal appropriations have provided a return on investment on efforts to combat and defeat al Qaeda.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) sunset the annual reporting requirement in 2012; (2) require the administration to delineate the boundaries between the strategic operational planning mission assigned to the National Counterterrorism Center (NCTC) by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) and the broad military and diplomatic planning missions of the Defense Department, the State Department, and other agencies; and (3) strengthen reporting requirements on joint, interagency operations.

The conferees agree that, 8 years after the terrorist attacks of September 11, 2001, the terrorist threat remains formidable, and that despite the amount of news coverage and public analyses of the evolving threat and counterterrorist operations, objective measures of progress are inadequate. Existing executive branch reporting on various aspects of the national struggle against terrorism is piecemeal and does not address the full scope of U.S. activities or assess overall effectiveness. The conferees note that this fragmentation of assessment and reporting is itself a reflection of the fact that, while many Federal departments and agencies have critical roles in countering terrorism, interagency coordination and integration remains elusive and difficult. It is now understood that success in countering terrorism requires the mobilization and effective integration of all elements of national power. It is also widely perceived that the Nation has yet to achieve a “whole-of-government” effort.

The annual reporting requirement required by this provision is intended to help multiple congressional committees, and Congress as a whole, to conduct oversight. It is also intended to enable the public to gain a better understanding of how well the government is performing in this vital mission. The reporting requirement is also intended to assist the new administration in identifying and over-

coming challenges in harnessing all the Nation's capabilities.

*Report on United States contributions to the United Nations (sec. 1243)*

The Senate amendment contained a provision (sec. 1227) that would amend and extend permanently an existing reporting requirement relating to contributions by the United States to the United Nations (section 1225 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (public law 109-364). The provision would also direct the Director of the Office of Management and Budget to post a public version of each report on its website.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the reporting requirement until September 30, 2011.

*NATO Special Operations Coordination Center (sec. 1244)*

The House bill contained a provision (sec. 1231) that would authorize the Secretary of Defense to allocate up to \$30.0 million to improve the capacity and capabilities of the North Atlantic Treaty Organization (NATO) Special Operations Coordination Center. Funds under this section would be available for the purposes of:

- (1) improving coordination and cooperation among the special operations forces of NATO nations;
- (2) facilitating joint operations by the special operations forces of NATO nations;
- (3) supporting special operations-peculiar command, control, and communications capabilities;
- (4) promoting special operations forces' intelligence and informational requirements within the NATO structure; and
- (5) promoting interoperability.

This section would further require the Secretary of Defense, within 180 days after the enactment of this Act, to certify to the Committees on Armed Services of the Senate and the House of Representatives that the Department of Defense (DOD) has assigned executive agent responsibility for the NATO Special Operations Coordination Center to an appropriate DOD organization.

The Senate amendment contained no similar provision. The Senate recedes.

*Annual report on military power of Iran (sec. 1245)*

The House bill contained a provision (sec. 1232) that would require the Secretary of Defense to submit an annual report by March 1 of each year to the congressional defense committees, the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, and the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs on the current and future military strategy of the Islamic Republic of Iran.

The Senate amendment contained a similar provision (sec. 1224).

The conference report includes this provision with a series of conforming and technical amendments.

*Annual report on military and security developments involving the People's Republic of China (sec. 1246)*

The House bill contained a provision (sec. 1233) that would amend section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) by changing the title of the report to “Annual Report on Military and Security Developments Involving the People's Republic of China” and by making certain clarifying and technical

changes. The provision would also expand the scope of the report to include information regarding U.S. engagement and cooperation with China on security matters, and information on additional developments involving China that the Secretary of Defense considers relevant to national security. In addition, the provision would repeal the reporting requirements on military-to-military contacts under sections 1201(e) and (f) of the National Defense Authorization Act for Fiscal Year 2000 and add these requirements to the reporting requirements under section 1202 of that Act. Details of the provision's reporting requirements are set forth in the report accompanying the House bill (House Report 111-166).

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees encourage the Secretary to further examine the implications of China's concepts of psychological warfare, media warfare, and legal warfare on U.S. military affairs in the region and include additional detail on each of these concepts, including examples and trends, in the fiscal year 2010 report to Congress required under this section.

*Report on impacts of drawdown authorities on the Department of Defense (sec. 1247)*

The House bill contained a provision (sec. 1234) that would require the Secretary of Defense to report on the impact of authorities to drawdown Department of Defense equipment, services, and other items on the Department of Defense in a number of specified areas.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment clarifying the elements of the report and providing that the requirement to report under this section will terminate on December 31, 2013.

*Risk assessment of United States space export control policy (sec. 1248)*

The House bill contained a provision (sec. 1235) that would require the Secretary of Defense and the Secretary of State to carry out an assessment of the national security risks of removing satellites and related components from the United States Munitions List (USML). A report on the assessment would be due 180 days after the date of enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees believe that the time has come for an analysis of the risks and benefits of satellites and related components remaining on the USML. While clearly the conferees want to protect national security interests, it is also in the national security interest of the United States to maintain a robust satellite industrial base. Over the past several years it has become clear that satellite manufacturers in other countries have used the USML status as a competitive tool against U.S. satellite manufactures and U.S. satellite manufacturers have been hampered in their manufacturing and marketing efforts as a result of the USML status. The conferees hope that this risk assessment and report will serve as the basis for future discussion about possible revisions to U.S. export policy.

*Patriot air and missile defense battery in Poland (sec. 1249)*

The House bill contained a provision (sec. 1236) that would direct the Secretary of Defense, subject to the availability of appro-

priations, to seek to deploy a United States Army Patriot air and missile defense battery, and the personnel required to operate and maintain such battery, to Poland by 2012.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that the United States and Poland should seek to implement the terms of their Declaration on Strategic Cooperation, dated August 20, 2008, including cooperation on the deployment of a U.S. Army Patriot air and missile defense battery in Poland. The amendment would also require the Secretary of Defense to report to the congressional defense committees on the status of cooperation on the deployment of the Patriot battery.

*Report on potential foreign military sales of the F-22A fighter aircraft (sec. 1250)*

The House bill contained a provision (sec. 1237) that would require the Secretary of Defense, in coordination with the Secretary of State, and in consultation with the Secretary of the Air Force, to report on: (1) the costs of developing an exportable version of the F-22A; (2) an assessment of whether such development is technically feasible, and if so, how long it would take; (3) an assessment of the strategic implications of permitting foreign sales of the F-22A; (4) an assessment of the potential impact of foreign sales on the domestic aerospace industry; and (5) any changes in law that would be required to permit such sales.

The Senate amendment contained a similar provision (sec. 123).

The House recedes with a technical amendment.

*Report on the plan for the nuclear weapons stockpile, nuclear weapons complex, and delivery platforms and sense of Congress on follow-on negotiations to START Treaty (sec. 1251)*

The House bill contained a provision (sec. 1239) that would prohibit fiscal year 2010 funds from being used to implement reductions in the strategic nuclear forces of the United States pursuant to a treaty or other agreement entered into between the United States and the Russian Federation on strategic nuclear forces, after the date of enactment of this Act, until the President makes certain certifications. The certifications would include: that the treaty or agreement was verifiable; that the treaty or agreement does not place any restrictions on U.S. ballistic missile, space, or advanced conventional weapons capabilities; and that the fiscal year 2011 budget request for the Department of Energy (DOE) National Nuclear Security Administration (NNSA) was sufficiently funded to maintain the reliability, safety and security of the remaining strategic nuclear forces, and modernize and refurbish the nuclear weapons complex. In addition, the provision would require the President to submit a report to the congressional defense committees on the stockpiles of the strategic and nonstrategic weapons of the United States and the Russian Federation.

The Senate amendment contained a similar provision (sec. 1234) that would require the President to submit a report to the congressional defense and foreign relations committees on the plan to enhance the safety, security and reliability of the U.S. nuclear weapons stockpile, to modernize the nuclear weapons complex, and to maintain the delivery platforms for nuclear weapons. This report would be due with the submission of any

follow-on to the Strategic Arms Reduction (START) Treaty or 30 days after enactment of this Act, whichever is earlier.

The provision would also set forth the sense of the Senate urging the President to maintain his stated position to not include any limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States in any follow-on to the START Treaty.

The House recedes with an amendment that requires the report to be submitted 30 days after the date of enactment of this Act or when any follow-on to the START Treaty is submitted to the Senate, whichever is later. The amendment would also change the sense of the Senate to a sense of Congress and expand the sense of Congress to include two additional items. The first item is that enhanced safety, security, and reliability of the nuclear weapons stockpile, the modernization of the nuclear weapons complex, and the maintenance of the nuclear delivery systems are key to enabling further reductions in our nuclear forces. The second item is that the President should submit a budget request for fiscal year 2011 for the NNSA that is adequate to sustain the needed capabilities to support the long-term maintenance of the U.S. nuclear weapon stockpile.

*Map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo (sec. 1252)*

The House bill contained a provision (sec. 1240) that would require the Secretary of Defense, in consultation with the Secretary of State, to produce a map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would call on the Secretary of State, in consultation with the Secretary of Defense, to work with other member states of the United Nations and non-governmental organizations to produce a publicly available map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo and to provide to the appropriate congressional committees an explanatory note regarding sources, definitions, and identification of armed groups or other forces in control of the mines.

*Sense of Congress relating to the State of Israel (sec. 1253)*

The House bill contained a provision (sec. 1241) that would express Congress' commitment to maintaining the State of Israel's qualitative military edge.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Sense of Congress on imposing sanctions with respect to Iran (sec. 1254)*

The Senate amendment contained a provision (sec. 1232) that would express the sense of the Senate on imposing additional sanctions against the Islamic Republic of Iran should they: fail to accept the offer of the United States to engage in diplomatic talks; fail to suspend all enrichment-related and reprocessing activities; and the United Nations Security Council fails to adopt additional sanctions against the Islamic Republic of Iran.

The House bill contained no similar provision.

The House recedes with a series of technical amendments.

*Report and sense of Congress on North Korea (sec. 1255)*

The Senate amendment contained a provision (sec. 1233) that would require the President to submit to Congress a report examining the conduct of the Government of North Korea to determine whether North Korea meets the statutory criteria for listing as a state sponsor of terrorism. The provision also expresses the sense of the Senate that the United States should enforce United Nations Security Council Resolution 1718 and 1874, urge other member states of the United Nations to fully implement those sanctions, and explore imposition of additional sanctions. It also expresses the sense that North Korea should be immediately re-listed as a state sponsor of terrorism if it is determined that the Government of North Korea has provided assistance to terrorists or engaged in terrorism, or if it failed to fulfill the pledges it made in its statement of June 10, 2008.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) narrow the sense of the Congress; and (2) modify an element of the report to require an examination of whether relisting North Korea as a state sponsor of terrorism, if North Korea does not meet the statutory criteria for listing, would undermine the effectiveness of the state sponsor of terrorism designation in general and undermine United States efforts regarding existing state sponsors of terrorism.

*Report on potential missile defense cooperation with Russia (sec. 1256)*

The House bill contained a provision (sec. 1238) that would authorize the expansion of the activities of the planned U.S.-Russian Joint Data Exchange Center beyond the exchange of data on ballistic missile early warning, to include the exchange of data on missile defense-related activities.

The Senate amendment contained a related provision (sec. 244) that would require the Secretary of Defense to submit to the congressional defense committees a report setting forth potential options for cooperation among or between the United States, the North Atlantic Treaty Organization, and the Russian Federation on ballistic missile defense.

The House recedes with an amendment that would require the report to include an assessment of whether there is mutual interest in modifying the U.S.-Russian agreement on the establishment of the Joint Data Exchange Center to encompass other forms of cooperation.

Subtitle D—VOICE Act

*Short title (sec. 1261)*

The Senate amendment contained a provision that would name this subtitle the Victims of Iranian Censorship Act or the 'VOICE' Act (section 1241).

The House bill contained no similar amendment.

The House recedes.

*Authorization of appropriations (sec. 1262)*

The Senate amendment would authorize \$30.0 million to the Broadcasting Board of Governors to expand Farsi language broadcasting into Iran. These funds would be available to develop additional transmission capability to counter Iranian government efforts to jam radio, satellite, and Internet-based transmissions; establish additional proxy server capability and anti-censorship software to counter efforts to block access to websites in Iran; and develop technologies to

counter efforts to block text message exchanges over cellular phone networks.

The House bill contained no similar provision.

The House recedes.

The conferees note that this authorization of appropriations is not an authorization for Department of Defense funds (i.e. 050 funding), but rather an authorization for Department of State funds (i.e. 150 funding).

*Iranian Electronic Education, Exchange, and Media Fund (sec. 1263)*

The Senate amendment contained a provision (sec. 1245) that would authorize \$20.0 million for a new fund, which would support the development of technologies that will enhance the Iranian people's ability to access and share information; counter efforts to block, censor, or monitor the Internet in Iran; and engage in Internet-based education programs and other exchanges online.

The House bill contained no similar provision.

The House recedes.

The conferees note that this authorization of appropriations is not an authorization for Department of Defense funds (i.e. 050 funding), but rather an authorization for Department of State funds (i.e. 150 funding).

*Annual report (sec. 1264)*

The Senate amendment contained a provision (Sec. 1246) that would require the President to submit an annual report for the next 5 years describing in depth U.S. broadcasting into Iran, Iranian government efforts to jam U.S. broadcasting, and U.S. efforts to counter Iranian jamming.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Report on actions by non-Iranian companies (sec. 1265)*

The Senate amendment contained a provision (Sec. 1247) that would require a study by the President on non-Iranian companies that have aided the Iranian government's Internet censorship efforts.

The House bill contained no similar provision.

The House recedes with a series of clarifying amendments.

*Human rights documentation (sec. 1266)*

The Senate amendment contained a provision (Sec. 1248) that would authorize \$5.0 million for the Secretary of State to document, collect, and dissemination information about human rights in Iran, including abuses of human rights that have taken place since the June 12, 2009, election in the Islamic Republic of Iran.

The House bill contained no similar provision.

The House recedes.

The conferees note that this authorization of appropriations is not an authorization for Department of Defense funds (i.e. 050 funding), but rather an authorization for Department of State funds (i.e. 150 funding).

LEGISLATIVE PROVISIONS NOT ADOPTED

*Defense cooperation between the United States and Iraq*

The Senate amendment contained a provision (sec. 1209) that would encourage the Secretary of Defense to increase the number of positions available annually to the Government of Iraq in professional military education courses at command and general staff colleges, war colleges, and the service academies.

The House bill contained no similar provision.

The Senate recedes.

*Certification requirement for Coalition Support Fund reimbursements*

The Senate amendment contained a provision (sec. 1214) that would modify the notification requirement under section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008, as amended, regarding Coalition Support Fund reimbursements to Pakistan. The modification would require the Secretary of Defense, after consultation with the Secretary of State, to provide in the notification a certification that the reimbursement to Pakistan: (1) is consistent with the national security interests of the United States; and (2) will not adversely impact the balance of power in the region.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that matters raised by this provision of the Senate amendment are addressed in another section of this report relating to Coalition Support Fund reimbursements.

*Required assessments of United States efforts in Afghanistan*

The House bill contained a provision (sec. 1217) that would require the President, to conduct a semi-annual assessment and report on the progress of U.S. efforts in Afghanistan in a number of specified areas. This section would require that the President develop goals, timelines, and metrics for measuring progress toward achieving U.S. goals in these areas.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that information similar to certain assessments required by section 1217 of the House bill has been incorporated into reporting requirements under other provisions in this title of this Act.

*Report on the Republic of Cuba and Cuba's relations with other countries*

The Senate amendment contained a provision (sec. 1222) that would require the Director of National Intelligence to provide a report to the congressional defense and intelligence committees on a number of matters relating to the Republic of Cuba's military and intelligence activities.

The House bill contained no similar provision.

The Senate recedes.

*Report on Bolivarian Republic of Venezuela*

The Senate amendment contained a provision (sec. 1223) that would require the Director of National Intelligence to provide a report to the congressional defense and intelligence committees on a number of matters relating to the Bolivarian Republic of Venezuela's military and intelligence activities. The House bill contained no similar provision.

The Senate recedes.

*Civilian Ministry of Defense Advisor Program*

The House bill contained a provision (sec. 1226) that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to provide civilian advisors to the Republic of Iraq and Islamic Republic of Afghanistan to offer institutional, ministerial-level advice and training to senior civilian and military officials of those countries.

The Senate amendment contained no similar provision.

The House recedes.

*Report on Taiwan's Air Defense Force*

The Senate amendment contained a provision (sec. 1226) that would have required a report on Taiwan's Air Forces.



The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit to Congress, not later than 90 days after the date of enactment of this Act, a report that contains an assessment of the following: (1) the current state of Taiwan's air defense forces; (2) the ability of Taiwan's air defense forces to defend Taiwan's air space in response to a range of cross-Straits scenarios; and (3) possible measures, if any, that Taiwan could undertake to strengthen its air defense forces. The report shall be submitted in an unclassified form, but may include a classified annex if necessary.

*Report on the status of interagency coordination in the Afghanistan and Operation Enduring Freedom theater of operations*

The House bill contained a provision (sec. 1227) that would require the Secretary of Defense and the Secretary of State to submit a semi-annual report on the status of interagency cooperation in the Islamic Republic of Afghanistan and Operation Enduring Freedom theater of operations.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that information similar to certain matters required by section 1227 of the House bill has been included in reporting requirements under other provisions in this title of this Act.

*Sense of Congress supporting United States policy for Afghanistan*

The House bill contained a provision (sec. 1228) that would express the sense of Congress regarding the strategy for Afghanistan and Pakistan announced by the President on March 27, 2009, and the funding and resources to support that strategy.

The Senate amendment contained no similar provision.

The House recedes.

*Sense of Congress on establishment of measures of progress to evaluate United States strategic objectives in Afghanistan and Pakistan*

The Senate amendment contained a provision (sec. 1231) that would express the sense of Congress that the administration should review any previously established measures of progress for Afghanistan as required by section 1230(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) and modify, add, or further establish appropriate measures of progress for Afghanistan and Pakistan, as part of the report on Afghanistan required by section 1230 of Public Law 110-181 and the report on Pakistan required by section 1232 of Public Law 110-181, as amended, consistent with the administration's new strategy for the region announced by the President on March 27, 2009.

The House bill contained no similar provision.

The Senate recedes.

*Sense of Congress on continued support by the United States for a stable and democratic Republic of Iraq*

The Senate amendment contained a provision (sec. 1235) that would express the sense of Congress on the United States continued support for a stable and democratic Republic of Iraq.

The House bill contained no similar provision.

The Senate recedes.

*Iran VOICE Act-Sense of Congress*

The Senate contained a provision that would express Congress' respect for the sov-

ereignty, proud history, and rich culture of the Iranian people; condemn acts of censorship and intimidation by the Government of Iran; and support the Iranian people's desire to peacefully express their voices, opinions, and aspirations (section 1242).

The House bill contained no similar amendment.

The Senate recedes.

*Iran VOICE Act-Statement of Policy*

The Senate amendment contained a provision which would state U.S. policy relating to supporting for freedom of the press, freedom of speech, and freedom of assembly in Iran, discouraging businesses from aiding efforts to interfere with the ability of the people of Iran to access freely information, and encouraging the developing of technologies to enable the people of Iran to access electronic media on the internet (section 1243).

The House bill contained no similar amendment.

The Senate recedes.

**TITLE XIII—COOPERATIVE THREAT REDUCTION**

*Specification of Cooperative Threat Reduction programs and funds (sec. 1301)*

The House bill contained a provision (sec. 1301) that would define the Cooperative Threat Reduction (CTR) programs, define the funds as authorized to be appropriated in section 301 of this Act, and authorize CTR funds to be available for obligation for 3 fiscal years.

The Senate amendment contained an identical provision (sec. 1301).

The conference agreement includes this provision.

*Funding allocations (sec. 1302)*

The House bill contained a provision (sec. 1302) that would authorize \$434.1 million for the Cooperative Threat Reduction (CTR) program, an increase of \$30.0 million above the budget request. The provision would also authorize specific amounts for each CTR program element.

The Senate amendment contained a similar provision (sec. 1302) that would authorize \$424.1 million for the CTR program, an increase of \$20.0 million above the budget request. The provision would also authorize specific amounts for each CTR program element.

The conferees agree to authorize \$424.1 million for the CTR program, an increase of \$20.0 million above the budget request, including an increase of \$17.0 million for new initiatives and \$3.0 million for chemical demilitarization.

*Utilization of contributions to the Cooperative Threat Reduction Program (sec. 1303)*

The House bill contained a provision (sec. 1303) that would authorize the Secretary of Defense, in consultation with the Secretary of State, to accept contributions from any person, including any foreign government or entity, for the Cooperative Threat Reduction (CTR) program. The Secretary would be required to submit quarterly reports to the appropriate congressional committees on the use and purpose of the funds, plus a one-time implementation plan. Funds received would be maintained in a separate account in the Treasury and would be subject to appropriation. Any funds not used within 5 years from receipt would be returned to the original donor. The authority to accept contributions would expire on December 2012.

The Senate amendment contained a similar provision (sec. 1303) that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to receive

contributions from any person, including any foreign government or entity, for the biological threat reduction program (BTRP) carried out under the CTR program. The Secretary would be required to notify the congressional defense committees within 30 days after receiving any contributions, and would include the name of the person who made the contribution and the value and purpose of the contribution. The provision would also direct the Secretary of Defense to submit an annual report for each fiscal year in which funds are accepted describing the contributions received in that fiscal year. Any funds received would be maintained in a separate account in the Treasury, but would be available for obligation and expenditure without further appropriation. Any funds not used within 3 years from receipt would be returned to the original donor. The authority to accept contributions would expire on December 31, 2015.

The House recedes with an amendment that would broaden the authority of the Secretary of Defense to receive funds for any CTR activity. In addition, the amendment would require the Secretary of Defense to submit an implementation plan prior to obligating or expending any funds received by any entity. The amendment would also require that the notifications and reports be submitted to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs.

*Metrics for the Cooperative Threat Reduction Program (sec. 1304)*

The House bill contained a provision (sec. 1304) that would require the Secretary of Defense to enter into an arrangement with the National Academy of Sciences (NAS) to carry out a study to identify metrics to measure the impact and effectiveness of activities under the Cooperative Threat Reduction (CTR) program at the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to develop metrics for the CTR program. Not later than 270 days after enactment of this Act, the Secretary of Defense is directed to submit a report to the appropriate congressional committees describing the metrics developed and implemented.

Not later than 30 days after the Secretary of Defense submits the metrics report, the Secretary shall enter into an agreement for the NAS to review and assess the metrics report. The NAS shall submit the results of its assessment of the metrics report to the Secretary of Defense and the appropriate congressional committees.

No later than 90 days after receiving the NAS report the Secretary shall submit a report to the appropriate congressional committees on the assessment carried by the NAS and shall include actions, if any, to be taken by the Secretary to implement any recommendation in the NAS assessment.

*Cooperative Threat Reduction Program authority for urgent threat reduction activities (sec. 1305)*

The House bill contained a provision (sec. 1305) that would authorize the Secretary of Defense, in consultation with the Secretary of State, to expend not more than 10 percent of the funds available for the Cooperative Threat Reduction (CTR) program, notwithstanding any other provision of law, for CTR activities to address urgent threats from chemical, nuclear or biological weapons, or weapons-related materials, technologies and

expertise, subject to certain conditions. These conditions would include a series of determinations and written notification 15 days in advance of the use of the authority.

The Senate amendment contained a similar provision (sec. 1304) that would authorize the Secretary of Defense to obligate not more than 10 percent of the funds authorized to be appropriated for the Cooperative Threat Reduction (CTR) program for any bilateral or multilateral activities relating to nonproliferation or disarmament, notwithstanding any other provision of law, subject to a certification by the President that the action is necessary to support national security objectives.

The Senate recedes with an amendment that would require the Secretary of Defense to exercise the authority only with the concurrence of the Secretaries of State and Energy. The amendment would also include technical changes to the determinations and the notification.

*Cooperative Threat Reduction Defense and Military Contacts Program (sec. 1306)*

The House bill contained a provision (sec. 1306) that would require the Secretary of Defense to ensure that the defense and military contacts program under the Department of Defense Cooperative Threat Reduction (CTR) program be administered by the CTR program office and be used to support and advance the mission of the CTR program, as well as be coordinated with relevant combatant commanders.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

#### TITLE XIV—OTHER AUTHORIZATIONS

##### Subtitle A—Military Programs

*Working capital funds (sec. 1401)*

The House bill contained a provision (sec. 1401) that would authorize funds to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital and revolving funds.

The Senate amendment contained a similar provision (sec. 1401).

The conference agreement includes this provision.

*National Defense Sealift Fund (sec. 1402)*

The budget request for fiscal year 2010 included an authorization of \$1,642.8 million for various programs within the National Defense Sealift Fund (NDSF).

The House bill would authorize an increase of \$60.0 million for additional funding for the mobile landing platform program that would be a key enabler of the Maritime Prepositioning Force (Future) (MPF(F)) program.

The Senate amendment would authorize a reduction of \$400.0 million for the T-AKE dry cargo/ammunition ship program because the Secretary of Defense announced that the Quadrennial Defense Review would be reconsidering the MPF(F) concept and program.

The conferees agree to authorize \$1,642.8 million for the NDSF as requested.

*Chemical agents and munitions destruction, defense (sec. 1403)*

The House bill contained a provision (sec. 1404) that would authorize fiscal year 2010 funds for Chemical Agents and Munitions Destruction.

The Senate amendment contained an identical provision (sec. 1404).

The conference agreement includes this provision.

*Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1404)*

The House bill contained a provision (sec. 1405) that would authorize \$1.1 billion for Drug Interdiction and Counterdrug Activities.

The Senate amendment contained an identical provision (sec. 1405).

The conference agreement includes this provision.

*Defense Inspector General (sec. 1405)*

The House bill contained a provision (sec. 1406) that would authorize funds to be appropriated for fiscal year 2010 for the office of the Inspector General of the Department of Defense.

The Senate amendment contained an identical provision (sec. 1406).

The conference agreement includes a provision that authorizes funds for the Office of the Inspector General.

*Defense Health Program (sec. 1406)*

The House bill contained a provision (sec. 1403) that would authorize fiscal year 2010 funds for the Defense Health Program (DHP) and other programs and would recommend a transfer of funds from the DHP to the Office of the Secretary of Defense from several accounts relating to information management, technology, and support, which is reflected in the tables.

The Senate amendment contained a similar provision authorizing appropriations for the DHP (sec. 1403).

The conference agreement includes this provision.

*Relation to funding table (sec. 1407)*

The Senate amendment contained a provision (sec. 1407) that authorizes funds in this title in accordance with section 4001 and in the amounts specified in the funding table in section 4401.

The House bill contained no similar provision.

The House recedes.

##### Subtitle B—National Defense Stockpile

*Authorized uses of National Defense Stockpile funds (sec. 1411)*

The House bill contained a provision (sec. 1411) that would authorize uses of National Defense Stockpile funds during fiscal year 2010.

The Senate amendment contained no similar provision.

The Senate recedes.

*Extension of previously authorized disposal of cobalt from National Defense Stockpile (sec. 1412)*

The House bill contained a provision (sec. 1412) that would extend the authorization of disposal of cobalt from the National Defense Stockpile from fiscal year 2009 to fiscal year 2011.

The Senate amendment contained a similar provision.

The House recedes.

*Report on implementation of reconfiguration of the National Defense Stockpile (sec. 1413)*

The House bill contained a provision (sec. 1413) that would require the Secretary of Defense to submit a report on actions planned or taken in response to the recommendations in the April 2009 report entitled, "Reconfiguration of the National Defense Stockpile Report to Congress" submitted by the Under Secretary of Defense for Acquisition, Logistics, and Technology.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Subtitle C—Armed Forces Retirement Home Authorization of appropriations for Armed Forces Retirement Home (sec. 1421)*

The House bill contained a provision (sec. 1421) that would authorize \$134.0 million to be appropriated for fiscal year 2010 from the Armed Forces Retirement Home Trust Fund for the operation of the Armed Forces Retirement Home.

The Senate amendment contained an identical provision (sec. 1421).

The conference agreement includes this provision.

#### TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

##### BUDGET ITEM

*Joint Improvised Explosive Device Defeat Organization*

The budget request for Overseas Contingency Operations (OCO) includes \$1,535.0 million for the Joint Improvised Explosive Device Defeat Fund (JIEDDF), and \$564.9 million in the base budget request, reflecting the administration's decision to make the Joint Improvised Explosive Device Defeat Organization (JIEDDO) a permanent institution.

The House bill would have reorganized the JIEDDF base budget request to reflect better the enduring costs of the JIEDDO. Additionally, the House bill would have transferred from the JIEDDF to Research, Development, Test, and Evaluation, Army (RDTEA) for JIEDDO RDTEA and to Operation and Maintenance, Army for JIEDDO operations and information fusion support, for the Joint Center of Excellence, and for staff and infrastructure. The House bill would also have transferred \$100.0 million from the JIEDDF OCO request to help accelerate the Irregular Warfare Support (IWS) program.

The Senate amendment would have transferred the \$564.9 million requested in the base budget to the OCO account because the Senate views JIEDDO as a temporary organization created to support U.S. forces in the theaters of operation in Iraq and Afghanistan.

The conferees agree to transfer the JIEDDO funds requested in title I to the title XV JIEDDF OCO account and endorse the concerns and direction noted in the Senate amendment.

##### LEGISLATIVE PROVISIONS ADOPTED

*Purpose (sec. 1501)*

The House bill contained a provision (sec. 1501) stating the purpose of this title which is to authorize additional appropriations for overseas contingency operations.

The Senate amendment contained a similar provision (sec. 1501).

The Senate recedes.

*Army procurement (sec. 1502)*

The House bill contained a provision (sec. 1502) that would authorize appropriations for Army procurement.

The Senate amendment contained a similar provision (sec. 1502).

The Senate recedes with an amendment with agreement on funding levels.

*Joint Improvised Explosive Device Defeat Fund (sec. 1503)*

The House bill contained a provision (sec. 1503) that would authorize funding for the Joint Improvised Explosive Device Defeat Fund; extend the funding transfer authorities for the fund; and extend the requirement for Joint Improvised Explosive Device Defeat Organization (JIEDDO) to provide monthly obligation and expenditure reports to congressional defense committees.

The Senate amendment contained an identical provision (sec. 1502(6)) funding authorization.

The conference agreement includes the JIEDDO funding authorization. The funding authorization levels are reflected in title XV tables.

The Senate recedes to the House bill's transfer authority extension.

The Senate recedes with an amendment that would include the House bill's requirement for monthly obligation and expenditure reports, but would repeal the requirement for JIEDDO to provide quarterly obligation and expenditure reports required under section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), as amended.

The conferees are concerned by JIEDDO's inability to provide the required monthly obligation and expenditure reports on a timely basis. The conferees believe that JIEDDO has become a sufficiently mature organization to allow it to plan and program in advance for continuing and enduring costs. Further, in order for the congressional defense committees to conduct adequate oversight of JIEDDO and its efforts to accomplish its mandate, the conferees believe JIEDDO must submit timely detailed budgetary and programmatic information.

#### *Navy and Marine Corps procurement (sec. 1504)*

The House bill contained a provision (sec. 1505) that would authorize appropriations for Navy and Marine Corps procurement.

The Senate amendment contained a similar provision (sec. 1503).

The Senate recedes with an amendment with agreement on funding levels.

#### *Air Force procurement (sec. 1505)*

The House bill contained a provision (sec. 1506) that would authorize appropriations for Air Force procurement.

The Senate amendment contained a similar provision (sec. 1504).

The Senate recedes with an amendment with agreement on funding levels.

#### *Mine Resistant Ambush Protected Vehicle Fund (sec. 1506)*

The House bill contained a provision (sec. 1508) that would authorize \$5.5 billion for the Mine Resistant Ambush Protected (MRAP) Vehicle Fund.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would increase the total authorization for the MRAP Vehicle Fund to \$6.7 billion—\$6.1 billion in title XV of this Act and \$600.0 million in title I of this Act.

The conferees are aware that MRAP vehicles continue to be high priority assets in Operation Enduring Freedom (OEF) and Operation Iraqi Freedom and save lives in combat. The committee notes the extraordinary effort to produce over 16,000 MRAP vehicles in 2 years and commends the Secretary of Defense for acknowledging the importance of this program by making it a top priority.

The conferees understand that in response to a joint, urgent operational needs statement from OEF, the MRAP joint program office is now procuring an MRAP all-terrain variant (M-ATV) that is a smaller, lighter-weight version of the original MRAP vehicle. The conferees are aware the M-ATV requirement has increased from 2,080 to 6,466. The conferees expect the Secretary of Defense to use the funds provided to fund fully this new requirement in fiscal year 2010.

The conferees also believe troops in pre-mobilization training should have training on the same types of equipment they will op-

erate while deployed in combat. The committee understands MRAP vehicles are currently in short supply for home-station training at joint national training centers, and at combined training centers. The conferees urge the Secretary of Defense to address these shortfalls and facilitate the fielding of MRAP vehicles for pre-mobilization training.

#### *Defense-wide activities procurement (sec. 1507)*

The House bill contained a provision (sec. 1507) that would authorize appropriations for Defense-wide activities procurement.

The Senate amendment contained a similar provision (sec. 1505).

The Senate recedes with an amendment with agreement on funding levels.

#### *Research, development, test, and evaluation (sec. 1508)*

The House bill contained a provision (sec. 1509) that would authorize appropriations for research, development, test and evaluation.

The Senate amendment contained a similar provision (sec. 1506).

The Senate recedes with an amendment with agreement on funding levels.

#### *Operation and maintenance (sec. 1509)*

The House bill contained a provision (sec. 1510) that would authorize appropriations for operations and maintenance programs.

The Senate amendment contained a similar provision (sec. 1507).

The House recedes with an amendment with agreement on funding levels.

#### *Limitations on availability of funds in Afghanistan Security Forces Fund (sec. 1510)*

The House bill contained a provision (sec. 1513) that would authorize to be appropriated for fiscal year 2010 \$7.5 billion for the Afghanistan Security Forces Fund and would subject these funds or any funds made available for the Afghanistan Security Forces Fund to the certain terms and conditions of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

The Senate amendment contained a similar provision (sec. 1516).

The House recedes.

#### *Limitations on Iraq Security Forces Fund (sec. 1511)*

The House bill contained a provision (sec. 1516) that would make certain terms and conditions contained in section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) applicable to funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2010.

The Senate amendment contained no similar provision.

The Senate recedes.

#### *Military personnel (sec. 1512)*

The House bill contained a provision (sec. 1512) that would authorize appropriations for military personnel accounts.

The Senate amendment contained a similar provision (sec. 1508).

The Senate recedes with an amendment with agreement on funding levels.

#### *Working Capital Funds (sec. 1513)*

The House bill contained a provision (sec. 1511) that would authorize appropriations for Working Capital Funds.

The Senate amendment contained a similar provision (sec. 1509).

The Senate recedes.

#### *Defense Health Program (sec. 1514)*

The House bill contained a provision (sec. 1515(a)) that would authorize appropriations for the Defense Health Program.

The Senate amendment contained a similar provision (sec. 1510).

The House recedes with an amendment with agreement on the funding level.

#### *Drug Interdiction and Counter-drug Activities, Defense-wide (sec. 1515)*

The House bill contained a provision (sec. 1515(b)) that would authorize appropriations for drug interdiction and counterdrug activities, defense-wide.

The Senate amendment contained a similar provision (sec. 1511).

The House recedes with agreement on the funding level.

#### *Defense Inspector General (sec. 1516)*

The House bill contained a provision (sec. 1515(c)) that would authorize appropriations for the Office of the Inspector General of the Department of Defense.

The Senate amendment contained a similar provision (sec. 1512).

The House recedes with agreement on the funding level.

#### *Relation to funding tables (sec. 1517)*

The Senate amendment contained a provision (sec. 1514) that would authorize funds in this title in accordance with the requirements of section 4001 and in the amounts specified in the funding tables in sections 4102, 4202, 4302, and 4402.

The House bill contained no similar provision.

The House recedes.

#### *Continuation of prohibition on use of United States funds for certain facilities projects in Iraq (sec. 1518)*

The House bill contained a provision (sec. 1517) that would make funds authorized to be appropriated under this title subject to the prohibition in section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) on the use of authorized funds for the acquisition, conversion, rehabilitation, or installation of facilities in Iraq for the use of the Government of Iraq, political subdivisions of Iraq, or agencies, departments, or forces of the Government of Iraq or its subdivisions.

The Senate amendment contained no similar provision.

The Senate recedes.

#### *Treatment as additional authorizations (sec. 1519)*

The House bill contained a provision (sec. 1519) that would treat the amounts authorized in this title as additional to amounts otherwise authorized by this Act.

The Senate amendment contained an identical provision (sec. 1513).

The conference agreement includes this provision.

#### *Special transfer authority (sec. 1520)*

The House bill contained a provision (sec. 1518) that would authorize the transfer of up to \$4.0 billion of authorizations for war-related funding authorizations in this title.

The Senate amendment contained a similar provision (sec. 1515) that would authorize transfers of up to \$4.5 billion.

The Senate recedes.

#### LEGISLATIVE ITEMS NOT ADOPTED

#### *Limitation on obligation of funds for Joint Improvised Explosive Device Defeat Organization pending report to Congress*

The House bill contained a provision (sec. 1504) that would limit the amount of funds that the Joint Improvised Explosive Device Defeat Organization (JIEDDO) may obligate until the committee is provided JIEDDO's detailed budget and program information.

The Senate amendment contained no similar provision.

The House recedes.

#### *Iraq Freedom Fund*

The House bill contained a provision (sec. 1514) that would authorize an additional \$115.3 million for the Iraq Freedom Fund.

The Senate amendment contained no similar provision.

The House recedes.

#### *Other Department of Defense programs*

The House bill contained a provision (sec. 1515) that would authorize funding for the Defense Health Program, Drug Interdiction and Counterdrug Activities, and the Office of the Inspector General of the Department of Defense.

The Senate amendment contained similar provisions (sec. 1510, sec. 1511, sec. 1512) that were adopted.

The House recedes.

#### TITLE XVII—DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT

##### *Demonstration project authority (sec. 1701)*

The Senate amendment contained a provision (sec. 1042) that would require the Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs to execute a signed agreement for the joint use by the Department of Defense and the Department of Veterans Affairs of the Navy ambulatory care center, parking structure, supporting structures and facilities, and related medical personal property and equipment in North Chicago, Illinois, and Great Lakes, Illinois.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) authorize, but not require, the secretaries to execute the agreement; (2) require the Secretary of Defense and the Secretary of Veterans Affairs to jointly submit to the appropriate committees of Congress a copy of the proposed executive agreement not later than 7 days before executing the agreement, and to submit a final report on the exercise of the authorities granted for the demonstration project not later than 180 days after the fifth anniversary of the date of execution of the agreement; (3) require the Secretary of Defense and the Secretary of Veterans Affairs to jointly submit a report to Congress setting forth recommendations for additional locations, if any, at which similar executive agreements would be advisable; and (4) require the Comptroller General, not later than 1 year after the execution of an executive agreement, and annually thereafter, to review and assess the progress made by the departments in implementing the agreement and the effects of the agreement on the provision of care and operation of the facility.

##### *Transfer of property (sec. 1702)*

The Senate amendment contained a provision (sec. 1043) that would authorize the Secretary of Defense, acting through the Administrator of General Services, to transfer, without reimbursement, to the Secretary of Veterans Affairs, jurisdiction over the Navy ambulatory care center and supporting structures in North Chicago, Illinois, and Great Lakes, Illinois. The provision would also designate the center, structure, and facilities transferred to the Secretary of Veterans Affairs as the "Captain James A. Lovell Federal Health Care Center".

The House bill contained no similar provision.

The House recedes with an amendment that would remove the designation of the fa-

cility and to authorize transfer of jurisdiction, custody, and control over the center, structures, facilities, and property and equipment covered by the executive agreement.

The conferees encourage the Secretary of Veterans Affairs to use customary procedures for designation of federal facilities if and when the transfer is completed.

##### *Transfer of civilian personnel of the Department of Defense (sec. 1703)*

The Senate amendment contained a provision (sec. 1044) that would authorize the Secretary of Defense and the Secretary of the Navy to transfer to the Secretary of Veterans Affairs civilian employee positions necessary for the effective operation of the facility.

The House bill contained no similar provision.

The House recedes with a conforming amendment.

##### *Joint funding authority (sec. 1704)*

The Senate amendment contained a provision (sec. 1045) that would authorize the Department of Veterans Affairs/Department of Defense Health-Care Resources Sharing Committee to provide for the joint funding of the facility and establish on the books of the Treasury a Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund to fund the operations of the facility, including capital equipment, real property maintenance, and certain minor construction projects.

The House bill contained no similar provision.

The House recedes with an amendment that would require that funds be authorized and appropriated specifically for the purpose of funding the Department of Defense-Department of Veterans Affairs joint medical facility, and would remove the authorization for the Department of Veterans Affairs/Department of Defense Health-Care Resources Sharing Committee to provide for the joint funding of the facility.

##### *Eligibility of members of the uniformed services for care and services (sec. 1705)*

The Senate amendment contained a provision (sec. 1046) that would authorize the Captain James A. Lovell Federal Health Care Center to be treated as a facility of the uniformed services under chapter 55 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes with a conforming amendment and an amendment that would give first priority for care in the integrated priority lists of the Secretary of Defense and the Secretary of Veterans Affairs to members of the armed forces on active duty.

##### *Extension of DOD-VA Health Care Sharing Incentive Fund (sec. 1706)*

The Senate amendment contained a provision (sec. 1047) that would change the termination date for the DOD-VA Health Care Sharing Incentive Fund from September 30, 2010, to September 30, 2015.

The House bill contained no similar provision.

The House recedes.

#### LEGISLATIVE PROVISION NOT ADOPTED

##### *Short title*

The Senate amendment contained a provision (sec. 1041) that would cite this subtitle as the "Captain James A. Lovell Federal Health Care Center Act of 2009".

The House bill contained no similar provision.

The Senate recedes.

#### TITLE XVIII—MILITARY COMMISSIONS

##### *Military commissions (secs. 1801–1807)*

The Senate amendment contained a provision (sec. 1031) that would amend chapter 47A of title 10, United States Code, addressing the trial by military commission of certain detainees for violations of the law of war.

The House bill contained no similar provision.

The House recedes with an amendment that would break up the provision into seven sections and provide it with a new short title: the Military Commissions Act of 2009. The amendment would also modify language addressing the qualifications of defense counsel and the resources available to such counsel, standards precluding the use of coerced testimony, standards applicable to the use of hearsay evidence, the protection of classified information, the appellate process, implementing regulations, and reports to Congress, and make other clarifying changes.

Section 948a(7) of title 10, United States Code, as amended by section 1802, would define the term "unprivileged enemy belligerent." This definition is included for the purpose of establishing persons subject to trial by military commission in accordance with section 948c, of title 10, United States Code, and is not intended to address the scope of the authority of the United States to detain individuals in accordance with the laws of war or for any other purpose.

The conferees note that section 948k(c)(2) of title 10, United States Code, as amended by section 1802, would require the Secretary of Defense to prescribe regulations for the appointment and performance of defense counsel in capital cases. The conferees are aware that the Chief Defense Counsel for the Office of Military Commissions has expressed concern about what he and his office perceive to be systemic under-resourcing of the defense needs of capital and other cases brought before military commissions. Witnesses testifying on behalf of the administration before the Committees on Armed Services of the Senate and the House of Representatives have indicated that they share many of these concerns. Accordingly, the conferees strongly encourage the Secretary of Defense to take appropriate steps to ensure the adequacy of representation for detainees, particularly in capital cases. The conferees further expect the Secretary, in prescribing regulations under section 948k(c)(2), of title 10, United States Code, to give appropriate consideration to the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases (February 2003) and other comparable guidelines.

The conferees also note that section 949a(b)(2), of title 10, United States Code, as amended by section 1802, would require that defendants in capital cases be represented, to the greatest extent practicable, by counsel who is "learned in applicable law related to capital cases." The conferees understand this phrase to have the same meaning that is commonly attributed to the same words in section 3005 of title 18, United States Code.

The conference agreement would permit the admission of a statement by the accused if, among other criteria, the military judge finds that the statement is reliable, probative, was made incident to lawful conduct during military operations at the point of capture or during closely related active combat engagement, and the interests of justice would best be served by its admission. The conferees expect the phrase "closely related active combat engagement," to be interpreted in the context of testimony before the

Committees on Armed Services of the Senate and the House of Representatives addressing the unique circumstances applicable to statements that are made during a force-protection, tactical, or intelligence-related interrogation which occurs within a reasonable proximity in time and location to the point of capture given the unique circumstance of active combat operations.

The conferees note the Supreme Court's opinion in *Roper v. Simmons*, 543 U.S. 551 (2005), in which a majority of the court determined that the Eighth and Fourteenth Amendments of the United States Constitution did not permit the imposition of the death penalty on offenders who were under the age of 18 at the time of their offense. The conferees take no position as to the applicability of this decision to the detainees at the United States Naval Station, Guantanamo Bay, Cuba, or any other detainee who may be tried by a military commission established pursuant to chapter 47A, of title 10, United States Code, as amended by section 1802. However, the conferees encourage the Secretary of Defense to give appropriate consideration to this decision in light of Common Article 3 of the Geneva Conventions, which requires that military commissions afford "all of the judicial guarantees which are recognized as indispensable by civilized peoples."

Lastly, the conferees are aware that pending prosecutions before military commissions have been delayed on several occasions during the consideration of this legislation. The conferees believe that it would be in the interest of justice to minimize any further delay in such cases. While section 1805 would provide up to 90 days for the Secretary of Defense to revise rules to be consistent with the requirements of chapter 47A of title 10, United States Code, as amended by this provision, the conferees urge the Secretary of Defense to promulgate such rules sooner.

#### TITLE XIX—FEDERAL EMPLOYEE BENEFITS

##### Subtitle A—General Provisions

###### *Credit for unused sick leave (sec. 1901)*

The House bill contained a provision in Division D (sec. 201) that would allow unused sick leave to be applied toward length of service for purposes of computing a retirement annuity under the Federal Employee Retirement System (FERS).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the annuity of an employee retiring under FERS to include an applicable percentage of unused sick leave. The applicable percentage would be 50 percent of such leave between the date of enactment of this Act and December 31, 2013, and 100 percent of unused sick leave thereafter.

###### *Limited expansion of the class of individuals eligible to receive an actuarially reduced annuity under the Civil Service Retirement System (sec. 1902)*

The House bill contained a provision in Division D (sec. 202) that would allow employees who were refunded Civil Service Retirement System contributions made during the period from October 1, 1990, to February 28, 1991, and who were subsequently reemployed with the government, to satisfy the redeposit requirement by receiving an actuarially-reduced annuity in lieu of making cash payment to cover the interest. The Senate amendment contained no similar provision.

The Senate recedes.

###### *Computation of certain annuities based on part-time service (sec. 1903)*

The House bill contained a provision in Division D (sec. 203) that would allow an em-

ployee under the Civil Service Retirement System to take their highest salary, including their deemed full-time salary for years of part-time work, to be used in computing benefits derived from a pre-1986 salary.

The Senate amendment contained no similar provision.

The Senate recedes.

###### *Authority to deposit refunds under FERS (sec. 1904)*

The House bill contained a provision in Division D (sec. 204) that would allow former federal employees under the Federal Employee Retirement System (FERS) who withdrew their contributions to the retirement trust fund, thereby waiving retirement credit for those years of service, to redeposit their earlier contributions, plus interest, upon reemployment with the Federal Government.

The Senate amendment contained no similar provision.

The Senate recedes.

###### *Retirement credit for service of certain employees transferred from District of Columbia service to Federal service (sec. 1905)*

The House bill contained a provision in Division D (sec. 205) that would provide certain District of Columbia employees whose positions were converted into federal positions with pension credit for their service prior to the transition for the purpose of determining federal retirement benefits.

The Senate amendment contained no similar provision.

The Senate recedes.

###### Subtitle B—Non-Foreign Area Retirement Equity Assurance *Non-Foreign Area Retirement Equity Assurance (secs. 1911–1919)*

The House bill contained several provisions in Division D (sections 211 through 219) that would phase out cost of living allowances for federal employees working in Hawaii, Alaska, and other non-foreign U.S. territories, and would phase in locality comparability pay in place of the allowances. This locality pay could be counted toward an employees' salary for retirement pay purposes, whereas cost of living allowances are not.

The Senate amendment contained no similar provisions.

The Senate recedes with several technical amendments.

#### LEGISLATIVE PROVISION NOT ADOPTED

##### *Repeal*

The House bill contained a provision (sec. 301D) that would amend section 999h of the Energy Policy Act of 2005, codified in section 16378 of title 42, United States Code, to repeal the federal subsidy to the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research program.

The Senate amendment contained no similar provision.

The House recedes.

#### DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

##### *Short title (sec. 2001)*

The House bill contained a provision (sec. 2001) that would designate Division B of this Act as the Military Construction Authorization Act for Fiscal Year 2010.

The Senate amendment contained an identical provision (sec. 2001).

The conference agreement includes this provision.

##### *Expiration of authorizations and amounts required to be specified by law (sec. 2002)*

The House bill contained a provision (sec. 2002) that would establish the expiration

date for authorizations in this Act for military construction projects, land acquisition, family housing projects, and contributions to the North Atlantic Treaty Organization infrastructure program, as October 1, 2012, or the date of enactment of an act authorizing funds for military construction for fiscal year 2013, whichever is later.

The Senate amendment contained a similar provision (sec. 2002).

The Senate recedes.

##### *Relation to funding tables (sec. 2003)*

The Senate amendment contained a provision (sec. 2004) that directs the funding authorized for appropriations in sections 2104, 2204, 2304, 2404, 2411, 2502, 2606, and 2703 shall be available, in accordance with the requirements of these sections for projects, programs, and activities, and in the amounts specified in sections 4501, 4502, 4503, and 4504. The House bill contained no similar provision.

The House recedes with an amendment which eliminates section 4504.

##### *General reduction across division (sec. 2004)*

The conference agreement includes a provision (sec. 2005) that reduces the amount authorized for appropriations in Division B by \$529.1 million. The provision requires a report from the Secretary of Defense not later than 90 days after enactment of this Act describing how the reduction will be applied. The conferees note that because of a favorable construction climate, the Department is currently averaging savings of about 8 percent in fiscal year 2009 military construction contract awards. The conferees are also aware that the Department has budgeted an additional 4.4 percent for inflation, across the board, in the fiscal year 2010 military construction budget request. Therefore, the projected savings for military construction projects are substantial and are growing. This general reduction is in anticipation of continued substantial contract savings in fiscal year 2010, and is not intended to reduce or eliminate any individual construction projects authorized for appropriations in this Act.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

##### *Effective date*

The House bill contained a provision (sec. 2003) that would provide that titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX of this Act take effect on October 1, 2009, or the date of enactment of this Act, whichever is later.

The Senate amendment contained a similar provision (sec. 2003).

Because the conference report was not adopted prior to October 1, 2009, this provision is no longer required.

##### *Technical corrections regarding certain military construction projects, New Mexico*

The Senate amendment contained a provision (sec. 2005) that would make technical corrections to two military construction projects in New Mexico. Those changes were incorporated into the military construction tables and at the other appropriate places in the bill.

The House bill contained no similar provision.

The Senate recedes.

#### TITLE XXI—ARMY BUDGET ITEMS

##### *Summary*

The budget request included authorization of appropriations of \$3.66 billion for military construction and \$796.65 million for family housing for the Army for fiscal year 2010.

The conference agreement includes authorization of appropriations of \$3.72 billion for military construction and \$796.65 million for family housing for fiscal year 2010.

The conferees note that in December 2007, the Army announced its specific force structure and stationing strategy to accommodate active end strength growth of 65,000 personnel. As part of that strategy the Army indicated that it would increase its number of brigade combat teams (BCTs) by six, from 42 to 48. In fiscal year 2009 the Army was authorized and had appropriated more than \$1.1 billion in military construction funding and \$333.0 million in Army Family Housing for BCTs 46, 47, and 48 at Fort Stewart, Georgia, Fort Carson, Colorado, and Fort Bliss, Texas. The fiscal year 2010 budget request included a proposal to reduce the total number of BCTs from 48 to 45.

As a consequence, the conference agreement reduces or eliminates specific authorizations for military construction projects included in the budget request for fiscal year 2010 that the Army's "gap analysis" has determined to be excess of requirements. The conference agreement also includes a general reduction of \$166.0 million for the Army and requests that the Department apply those reductions after a thorough review of military requirements affected by the reduction of three BCTs.

Additionally, the conference agreement includes a reduction of \$150.0 million in authorization of appropriations contained in the Military Construction Authorization Act for Fiscal Year 2009 (Division B of Public Law 110-417) for Army Family Housing at Fort Carson and Ft Stewart, to account for a reduction in requirements. The Army has indicated to the conferees that because of the elimination of one BCT from each installation, there exists adequate family housing without the fiscal year 2009 appropriations.

The conference agreement includes \$350.0 million to be applied by the Department of the Army to requirements for the construction of trainee troop barracks to meet critical shortfalls in housing for trainees. The conferees expect the Army to utilize this funding to reduce the need for relocatable facilities that are in use at all installations where basic and advance individual training is conducted. The conference agreement includes a legislative provision (sec. 2104) that requires the funds be available only after the Secretary of the Army provides a list of projects to the congressional defense committees along with a certification that the projects can be executed in fiscal year 2010, have a valid DD form 1391, and are in the Defense Department's current future-years defense program (FYDP).

The conference agreement includes a reduction in the authorization of appropriations without prejudice of \$20.0 million requested to prepare a site for the eventual construction of the National Museum of the U.S. Army at Fort Belvoir, Virginia. The conferees note that the construction of the museum is contingent on the availability of certain levels of private donations, which to date, have not been raised. The conferees are concerned that a delay in museum construction may result in a military construction project that is not complete and useable. Therefore, the conferees encourage the Department to include authorization of this project in a future budget request when donated funds will permit the construction of the museum to commence. The conferees do not intend for this deferment in the authorization of appropriations to indicate any concern about the site for the National Museum of the United States Army.

Finally, the conference agreement includes a reduction in the authorization of the appropriation of \$25.0 million for the Warrior Transition Complex at Landstuhl, Germany, pending a decision on the final location of a hospital replacement facility for the Landstuhl Regional Medical Center.

#### LEGISLATIVE PROVISIONS ADOPTED

##### *Authorized Army construction and land acquisition projects (sec. 2101)*

The House bill contained a provision (sec. 2101) that would authorize military construction projects for the active component of the Army for fiscal year 2010.

The Senate amendment contained a similar provision (sec. 2101).

The conference agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4501 of this Act provides the binding list of specific construction projects authorized at each location.

##### *Family housing (sec. 2102)*

The House bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army for fiscal year 2010. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained an identical provision (sec. 2102).

The conference agreement includes this provision.

##### *Improvements to military family housing units (sec. 2103)*

The House bill contained a provision (sec. 2103) that would authorize funding for fiscal year 2010 to improve existing Army family housing units.

The Senate amendment contained an identical provision (sec. 2103).

The conference agreement includes this provision.

##### *Authorization of appropriations, Army (sec. 2104)*

The House bill contained a provision (sec. 2104) that would authorize appropriations for the active component military construction and family housing projects of the Army for fiscal year 2010. This provision would also provide an overall limitation on the cost of the fiscal year 2010 military construction and family housing projects authorized for the active-duty component of the Army.

The Senate amendment contained a similar provision (sec. 2104).

The conference agreement includes these provisions.

##### *Modification of authority to carry out certain fiscal year 2009 project (sec. 2105)*

The House bill contained a provision (sec. 2105) that authorizes the Secretary of the Army to construct a chapel at Ft Bragg, North Carolina, that is increased in scope over that previously authorized in fiscal year 2009.

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Extension of authorizations of certain fiscal year 2006 projects (sec. 2106)*

The House bill contained a provision (sec. 2106) that would extend the authorization for Army fiscal year 2006 military construction projects at Pohakuloa, Hawaii, until October 1, 2010, or the date of enactment of an act authorizing funds for military construction for fiscal year 2011, whichever is later.

The Senate amendment contained a similar provision (sec. 2105).

The Senate recedes.

#### TITLE XXII—NAVY

##### BUDGET ITEM

##### *Summary*

The budget request included authorization of appropriations of \$3.76 billion for military construction and \$515.11 million for family housing for the Department of the Navy for fiscal year 2010. The conferees recommend authorization of appropriations of \$3.77 billion for military construction and \$515.11 million for family housing for fiscal year 2010.

The budget request contains the first substantial increment of funding for the relocation of Marines from Okinawa to Guam. The conferees are concerned about the lack of a Guam Master Plan with budget level detail as well as firm commitments to funding as reflected in a future-years defense program for the Department of Defense. Because a long range master plan has not been submitted to Congress, the projects included in the fiscal year 2010 budget request seem disjointed and premature. For example, the acquisition of real estate to complete the Finegayan site for both the stationing and training of Marine forces would appear to be the highest priority for the use of military construction funds, along with a reliable road network and supporting utilities infrastructure. The conferees are also concerned that the Andersen Air Force Base north ramp and utilities projects intended to support the redeployment of Marine Corps aviation did not represent complete and usable facilities as required by section 2801 of title 10, United States Code. Therefore, the conference agreement includes an authorization for a military construction project that results in a complete and useable facility. The conference report also authorizes incremental appropriations conditioned on receipt of the final Guam master plan from the Department of Defense.

The conference agreement also includes a reduction of the authorization for a Marine Corps Military Working Dog facility on Guam, based on the conferee assessment that the supporting construction costs for the facility were overstated.

The conference agreement includes an authorization for the Ship Repair Pier Replacement Facility at Norfolk, Virginia, the Apra Harbor Wharves Improvement project on Guam, and the North Region Tertiary Treatment Plant at Camp Pendleton, California, that will result in complete and useable facilities. The conference agreement includes an authorization of incremental appropriations required to carry out construction activities in fiscal year 2010, as the conferees note that these large projects are projected for late fiscal year 2010 award, and will take several years to complete construction.

The conference agreement includes authorization for \$46.3 million for channel and turning basin dredging at Naval Station (NS) Mayport, Florida. The Navy requested this project in order to allow a nuclear aircraft carrier to enter Naval Station Mayport on a temporary basis with an embarked air wing, full stores, and under any tidal conditions. The conferees authorize funding for this project based on the Secretary of the Navy and Chief of Naval Operations' assurances that the dredging is needed for current operational considerations to permit the use of Mayport as a transient dock and is "required irrespective of the final decision on aircraft carrier homeporting at Mayport."

The conferees emphasize that the inclusion of an authorization for dredging at NS Mayport is not an indication of conferee support for the establishment of an additional homeport for nuclear aircraft carriers on the east coast, or intended to influence the ongoing Quadrennial Defense Review, which may include a recommendation on the establishment of a second east coast homeport for nuclear aircraft carriers. Furthermore, the conferees note that this funding is provided solely to permit use of Mayport as a transient port, and that any potential designation of Mayport as a nuclear carrier homeport will require future authorizations from the Committees on Armed Services of the Senate and the House of Representatives.

#### LEGISLATIVE PROVISIONS ADOPTED

##### *Authorized Navy construction and land acquisition projects (sec. 2201)*

The House bill contained a provision (sec. 2201) that would authorize military construction projects for the active component of the Navy and Marine Corps for fiscal year 2010.

The Senate amendment contained a similar provision (sec. 2201).

The conference agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4501 of this Act provides the binding list of specific construction projects authorized at each location.

##### *Family housing (sec. 2202)*

The House bill contained a provision (sec. 2202) that would authorize new construction and planning and design of family housing units for the Navy for fiscal year 2010. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained an identical provision (sec. 2202).

The conference agreement includes this provision.

##### *Improvements to military family housing units (sec. 2203)*

The House bill contained a provision (sec. 2203) that would authorize funding for fiscal year 2010 to improve existing Navy and Marine Corps family housing units.

The Senate amendment contained an identical provision (sec. 2203).

The conference agreement includes this provision.

##### *Authorization of appropriations, Navy (sec. 2204)*

The House bill contained a provision (sec. 2204) that would authorize appropriations for the active component military construction and family housing projects of the Department of the Navy for fiscal year 2010. This provision would also provide an overall limitation on the cost of the fiscal year 2010 military construction and family housing projects authorized for the active-duty component of the Navy and Marine Corps.

The Senate amendment contained a similar provision (sec. 2204).

The conference agreement includes these provisions.

##### *Modification and extension of authority to carry out certain fiscal year 2006 project (sec. 2205)*

The House bill contained a provision (sec. 2205) that would increase and extend the authorization until October 1, 2012, or the date of enactment of an act authorizing funds for military construction for fiscal year 2013 whichever is later, for a project at the Naval

Submarine Base Bangor, Washington, for construction of a waterfront security enclave.

The Senate amendment contained a similar provision (sec. 2205).

The Senate recedes.

#### TITLE XXIII—AIR FORCE BUDGET ITEM

##### *Summary*

The budget request included authorization of appropriations of \$1.15 billion for military construction and \$569.04 million for family housing for the Air Force in fiscal year 2010. The committee recommends authorization of appropriations of \$1.42 billion for military construction, and \$569.04 million for family housing for fiscal year 2010.

The conferees do not recommend authorization of appropriations at this time for the War Reserve Material Compound and the Airlift Ramp and Fuel Facilities at Al Musannah Air Base in Oman. The projects were proposed as a result of a Government of Oman request to U.S. Central Command to relocate existing U.S. military facilities from Seeb International Airport, Oman, in order to facilitate commercial development. The conferees are concerned that projects have been requested for Al Musannah Air Base, without a base master plan, without the appropriate long-term agreements in place with the Omani Government, and without consideration of contributions from the host nation. Furthermore, an additional \$350.0 million would need to be included in U.S. defense future budgets in order to ensure these projects could be used for their intended purpose. The conferees recommend that the Department of Defense confirm the existence of an updated host nation agreement that will detail the terms of the United States' presence at Al Musannah Air Base, before considering this project for inclusion in a President's budget request.

The conferees are aware that future Department of Defense and North Atlantic Treaty Organization plans may result in the construction of separate facilities supporting the Global Hawk aircraft at Naval Station Sigonella, Sicily. Therefore, the conferees encourage the Department of Defense to explore options for the use of existing facilities and the consolidation of facility requirements for the stationing and operation of Global Hawk before carrying out the project to construct the hangar authorized in this Act.

At the request of the Department of the Air Force, the conferees have included an authorization of \$37.5 million for a project for the bed down of the Unmanned Aerial Systems Field Training Unit Squadron at Holloman Air Force Base, New Mexico. The conferees also rescinded the fiscal year 2009 authorization of \$37.5 million for this same project which had been included under World-wide Unspecified Locations. This was necessary because the fiscal year 2009 project was generic in nature. Once a bed down location was determined, the scope of the project changed and required a new authorization.

#### LEGISLATIVE PROVISIONS ADOPTED

##### *Authorized Air Force construction and land acquisition projects (sec. 2301)*

The House bill contained a provision (sec. 2301) that would authorize military construction projects for the active component of the Air Force for fiscal year 2010.

The Senate amendment contained a similar provision (sec. 2301).

The conference agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation

basis. A State list of projects contained in the table in section 4501 of this Act provides the binding list of specific construction projects authorized at each location.

##### *Family housing (sec. 2302)*

The House bill contained a provision (sec. 2302) that would authorize new construction and planning and design of family housing units for the Air Force for fiscal year 2010. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained an identical provision (sec. 2302).

The conference agreement includes this provision.

##### *Improvements to military family housing units (sec. 2303)*

The House bill contained a provision (sec. 2303) that would authorize funding for fiscal year 2010 to improve existing Air Force family housing units.

The Senate amendment contained an identical provision (sec. 2303).

The conference agreement includes this provision.

##### *Authorization of appropriations, Air Force (sec. 2304)*

The House bill contained a provision (sec. 2304) that would authorize appropriations for the active component military construction and family housing projects of the Air Force for fiscal year 2010. This provision would also provide an overall limitation on the cost of the fiscal year 2010 military construction and family housing projects authorized for the active-duty component of the Air Force.

The Senate amendment contained a similar provision (sec. 2304).

The conference agreement includes these provisions.

##### *Termination of authority to carry out certain fiscal year 2009 Air Force project (sec. 2305)*

The conferees recommend a provision that terminates two Air Force projects for Unmanned Aerial Vehicles previously authorized in the tables of the Military Construction Authorization Act for Fiscal Year 2009 (Division B of Public Law 110-417; Stat. 4682).

##### *Extension of authorizations of certain fiscal year 2007 projects (sec. 2306)*

The House bill contained a provision (sec. 2305) that would extend the authorizations for certain Air Force fiscal year 2007 military construction projects until October 1, 2010, or the date of enactment of an act authorizing funds for military construction for fiscal year 2011, whichever is later.

The Senate amendment contained an identical provision (sec. 2305).

The conference agreement includes this provision.

##### *Extension of authorizations of certain fiscal year 2006 projects (sec. 2307)*

The House bill contained a provision (sec. 2306) that would extend the authorizations for certain Air Force fiscal year 2006 military construction projects until October 1, 2010, or the date of enactment of an act authorizing funds for military construction for fiscal year 2011, whichever is later.

The Senate amendment contained a similar provision (sec. 2306).

The Senate recedes.

##### *Conveyance to Indian tribes of certain housing units (sec. 2308)*

The Senate amendment contained a provision (sec. 2308) that would permit the Secretary of the Air Force to convey excess relocatable military housing units to certain



Indian tribes, at no cost, and without consideration. The provision also provides a mechanism for the tribes to make requests to the Air Force as well as designating eligible bases.

The House bill contained no similar provision.

The House recedes.

#### TITLE XXIV—DEFENSE AGENCIES

##### BUDGET ITEMS

##### Summary

The budget request included authorization of appropriations of \$3.1 billion for military construction for the defense agencies, \$146.54 million for chemical demilitarization construction, and \$75.04 million for family housing for the defense agencies, the Family Housing Improvement Fund, and the Homeowners Assistance Program for fiscal year 2010.

The conferees recommend authorization of appropriations of \$2.82 billion (including fiscal year 2009 reductions) for military construction, \$151.54 million for chemical demilitarization construction, and \$354.67 million for family housing programs for fiscal year 2010, including an increase of \$276.8 million for the Homeowners Assistance Program.

The conference agreement includes a reduction to the budget request of \$200.0 million for the second increment of the National Security Agency's Data Center at Camp Williams, Utah. This \$1.59 billion facility was fully authorized as a military construction project in the Supplemental Appropriations Act, 2009 (P.L. 111-32). The conferees believe that the amount provided for the second increment for this project in this Act is adequate to maintain the construction schedule provided to the conferees through fiscal year 2010 with no delays.

The conference agreement includes a full authorization and incremental funding for hospital replacement projects in Guam and Fort Bliss, Texas, in order to permit the Department of Defense to proceed with design and construction of complete facilities fully satisfying the military requirement. The Department has estimated that these full authorizations will save over \$300.0 million through the construction period and will ensure complete and useable facilities as required by law. The conferees strongly encourage the Department of Defense to take into consideration the potential costs, delays in project completion schedules, and impact to military operations before including phased military construction projects in future budget requests.

The conference agreement also includes reductions in funding for Health and Dental Clinics at Fort Carson, Colorado, Fort Stewart, Georgia, and Fort Bliss, Texas, in order to adjust requirements to account for the elimination of a brigade combat team from the Army at each of those installations.

The conference agreement includes a reduction of \$22.5 million for one of two elementary schools requested for Fort Stewart, Georgia, which the Department of Defense Educational Activity has indicated is no longer required given the current plan for assigned soldiers and dependents.

The conference agreement includes an increase of \$50.0 million for construction of an elementary school at Boeblingen, Germany. The current facility is located in a converted World War II era troop barracks and has significant life, health, and safety concerns.

As a result of the administration's recently announced decision to restructure the European missile defense architecture, the

conference agreement includes a reduction of \$151.2 million to the authorization of appropriations provided in the Military Construction Authorization Act for Fiscal Year 2009 (Division D of Public Law 110-417) for the interceptor site in Poland and the mid course radar site in the Czech Republic without prejudice. Although, the new architecture will likely require new military construction projects in the future, those projects must be requested individually in the year of anticipated construction.

The conference agreement includes a transfer to the Defense-wide account from the North Atlantic Treaty Organization (NATO) Security Investment Program of \$41.4 million to account for the United States contribution to the construction of the new NATO headquarters.

#### Subtitle A—Defense Agency Authorizations

##### LEGISLATIVE PROVISIONS ADOPTED

##### *Authorized defense agencies construction and land acquisition projects (sec. 2401)*

The House bill contained a provision (sec. 2401) that would authorize construction projects for the defense agencies for fiscal year 2010.

The Senate amendment contained similar provisions (sec. 2401 and sec. 2402).

The conference agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4501 of this Act provides the binding list of specific construction projects authorized at each location.

##### *Family housing (sec. 2402)*

The Senate amendment contained a provision (sec. 2402) that would authorize the Secretary of Defense to carry out new construction of family housing units for fiscal year 2010.

The House bill contained no similar provision.

The House recedes.

##### *Energy conservation projects (sec. 2403)*

The Senate amendment contained a provision (sec. 2403) that would authorize the Secretary of Defense to carry out energy conservation projects.

The House bill contained no similar provision.

The House recedes.

##### *Authorization of appropriations, defense agencies (sec. 2404)*

The House bill contained a provision (sec. 2402) that would authorize specific appropriations for each line item contained in the budget request for fiscal year 2010 for the defense agencies. This section provides an overall limit on the amount the defense agencies may spend on military construction projects. Lastly, this section requires that a proportion of the funds for energy conservation projects equivalent to the proportion of energy used by reserve component facilities as a percentage of the total energy consumed by military installations be made available for reserve components.

The Senate amendment contained two similar provisions (sec. 2403 and 2404).

The Senate recedes with a clarifying amendment.

##### *Termination or modification of authority to carry out certain fiscal year 2009 projects (sec. 2405)*

The House bill contained a provision (sec. 2404) that would increase the authorization for a Defense Logistics Agency project authorized in the Military Construction Au-

thorization Act for Fiscal Year 2009 (Division B of Public Law 110-417) for a project at Souda Bay, Greece.

The Senate amendment contained a similar provision (sec. 2406).

The Senate recedes with an amendment terminating the authority for construction projects for the Missile Defense Agency previously authorized in the Military Construction Authorization Act for Fiscal Year 2009 (Division B of Public Law 110-417: 122 Stat. 4690).

##### *Modification of authority to carry out certain fiscal year 2008 project (sec. 2406)*

The House bill contained a provision (sec. 2403) that would increase the authorization for a Defense Logistics Agency project authorized in the Military Construction Authorization Act for Fiscal Year 2008 (Division B of Public Law 110-181) for a project at Point Loma Annex, California.

The Senate amendment contained an identical provision (sec. 2405).

The conference agreement includes this provision.

##### *Extension of authorizations of certain fiscal year 2007 project (sec. 2407)*

The House bill contained a provision (sec. 2405) that would extend the authorization for a fiscal year 2007 military construction project for the Defense Logistics Agency until October 1, 2010, or the date of enactment of an act authorizing funds for military construction for fiscal year 2011, whichever is later.

The Senate amendment contained an identical provision (sec. 2407).

The conference agreement includes this provision.

#### Subtitle B—Chemical Demilitarization Authorizations

##### *Authorization of appropriations, chemical demilitarization construction, defense-wide (sec. 2411)*

The House bill contained a provision (sec. 2411) that would authorize military construction projects for the chemical demilitarization program for fiscal year 2010.

The Senate amendment contained a similar provision (sec. 2411).

The Senate recedes with an amendment increasing the authorized amount and making other technical changes.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4501 of this Act provides the binding list of specific construction projects authorized at each location.

#### TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

##### LEGISLATIVE PROVISIONS ADOPTED

##### *Authorized NATO construction and land acquisition projects (sec. 2501)*

The House bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of this title and the amount of recoupment due to the United States for construction previously financed by the United States.

The Senate amendment contained an identical provision (sec. 2501).

The conference agreement includes this provision.

##### *Authorization of appropriations, NATO (sec. 2502)*

The House bill contained a provision (sec. 2502) that would authorize \$276,314,000 as the

U.S. contribution to the North Atlantic Treaty Organization (NATO) Security Investment Program.

The Senate amendment contained a similar provision (sec. 2502).

The Senate recedes with an amendment that reduces the amount authorized to \$197,417,000. The reduction is caused by the transfer of \$41,400,000 to the Defense-wide account for the United States contribution to the construction of a new NATO headquarters. The total authorization was also reduced by \$37,500,000 to account for the United States prefinancing of the NATO International Security Assistance Force Headquarters in Afghanistan.

#### TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

##### BUDGET ITEMS

##### Summary

The budget request included authorization of appropriations of \$1.02 billion for military construction in fiscal year 2010 for National Guard and Reserve facilities. The conferees recommend a total of \$1.61 billion for military construction for the reserve components. This authorization for appropriations includes programmatic increases of \$200.0 million divided among the components as provided in the tables in title 26 of this Act. The conferees have included a legislative provision (sec. 2606) that requires that prior to an award using certain authorized amounts, the secretary of the military department concerned provides a list of projects to the congressional defense committees along with a certification that the projects can be executed in fiscal year 2010, have a valid DD form 1391, and are included in the future-years defense program of the involved reserve component.

##### LEGISLATIVE PROVISIONS ADOPTED

*Authorized Army National Guard construction and land acquisition projects (sec. 2601)*

The House bill contained a provision (sec. 2601) that would authorize military construction projects for the Army National Guard for fiscal year 2010.

The Senate amendment contained a similar provision (sec. 2601).

The conference agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4501 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorized Army Reserve construction and land acquisition projects (sec. 2602)*

The House bill contained a provision (sec. 2602) that would authorize military construction projects for the Army Reserve for fiscal year 2010.

The Senate amendment contained a similar provision (sec. 2602).

The conference agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4501 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects (sec. 2603)*

The House bill contained a provision (sec. 2603) that would authorize military construction projects for the Navy Reserve and Marine Corps Reserve for fiscal year 2010.

The Senate amendment contained a similar provision (sec. 2603).

The conference agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4501 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorized Air National Guard construction and land acquisition projects (sec. 2604)*

The House bill contained a provision (sec. 2604) that would authorize military construction projects for the Air National Guard for fiscal year 2010.

The Senate amendment contained a similar provision (sec. 2604).

The conference agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4501 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorized Air Force Reserve construction and land acquisition projects (sec. 2605)*

The House bill contained a provision (sec. 2605) that would authorize military construction projects for the Air Force Reserve for fiscal year 2010.

The Senate amendment contained a similar provision (sec. 2605).

The conference agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4501 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorization of appropriations, National Guard and Reserve (sec. 2606)*

The House bill contained a provision (sec. 2606) that would authorize appropriations for reserve component military construction projects for fiscal year 2010.

The Senate amendment contained a similar provision (sec. 2606).

The conference agreement includes these provisions.

*Extension of authorizations of certain fiscal year 2007 projects (sec. 2607)*

The House bill contained a provision (sec. 2607) that would extend the authorizations for certain Guard and reserve fiscal year 2007 military construction projects until October 1, 2010, or the date of enactment of an act authorizing funds for military construction for fiscal year 2011, whichever is later.

The Senate amendment contained an identical provision (sec. 2607).

The conference agreement includes this provision.

*Extension of authorizations of certain fiscal year 2006 project (sec. 2608)*

The House bill contained a provision (sec. 2608) that would extend the authorization for an Army National Guard fiscal year 2006 military construction project in Montana until October 1, 2010, or the date of enactment of an act authorizing funds for military construction for fiscal year 2011, whichever is later.

The Senate amendment contained a similar provision (sec. 2608).

The Senate recedes.

#### TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

##### Subtitle A—Authorizations

##### LEGISLATIVE PROVISIONS ADOPTED

*Authorization of appropriations for base closure and realignment activities funded through Department of Defense base closure account 1990 (sec. 2701)*

The House bill contained a provision (sec. 2701) that would authorize appropriations for fiscal year 2010 for ongoing activities that are required to implement the decision of the 1988, 1991, 1993, and 1995 Base Closure and Realignment.

The Senate amendment contained a similar provision (sec. 2701).

The Senate recedes with an amendment to increase the amount authorized by \$100.0 million.

*Authorized base closure and realignment activities funded through Department of Defense base closure account 2005 (sec. 2702)*

The House bill contained a provision (sec. 2702) that would authorize military construction projects for fiscal year 2010 for ongoing activities that are required to implement the decisions of the 2005 Base Closure and Realignment.

The Senate amendment contained a similar provision (sec. 2702).

The Senate recedes with an amendment to the amounts authorized.

The table included in this title lists the specific amounts authorized at each location.

*Authorization of appropriations for base closure and realignment activities funded through Department of Defense base closure account 2005 (sec. 2703)*

The House bill contained a provision (sec. 2703) that would authorize appropriations for military construction projects for fiscal year 2010 for the Department of Defense that are required to implement the decisions of the 2005 Base Realignment and Closure round.

The Senate amendment contained a similar provision (sec. 2703).

The Senate recedes with an amendment that changes the amount authorized.

The State list contained in this Act is the binding list of the specific projects authorized at each location.

##### Subtitle B—Other Matters

*Relocation of certain Army Reserve units in Connecticut (sec. 2711)*

The Senate amendment contained a provision (sec. 2706) that would authorize the Secretary of the Army to locate a new Armed Forces Reserve Center in the vicinity of Newtown, Connecticut, at a location determined by the Secretary to be in the best interest of national security and in the public interest.

The House bill contained no similar provision.

The House recedes.

*Authority to construct Armed Forces Reserve Center in vicinity of Pease Air National Guard Base, New Hampshire (sec. 2712)*

The Senate amendment contained a provision (sec. 2707) that would authorize the Secretary of the Army to locate a new Armed Forces Reserve Center in the vicinity of Pease Air National Guard Base, New Hampshire, at a location determined by the Secretary to be in the best interest of national security and in the public interest.

The House bill contained a similar provision (sec. 2722).

The House recedes with a clerical amendment.

*Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness (sec. 2713)*

The House bill contained a provision (sec. 2721) that would express the sense of Congress that, in implementing joint basing recommendations associated with the recommendations of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510), the Secretary of Defense should ensure that the operational employment of units at the joint base are not adversely impacted.

The Senate amendment contained no similar provision.

The Senate recedes.

*Requirements related to providing world class military medical facilities in the National Capital Region (sec. 2714)*

The House bill contained a provision (sec. 2723) that expressed a sense of the Congress that the Department of Defense should use all available methods to implement the defense access road program to mitigate traffic congestion in and around the National Naval Medical Center, Bethesda, Maryland.

The Senate amendment contained a provision (sec. 2708) that would require a master plan from the Secretary of Defense for the development of world class medical facilities and an integrated system of health care delivery for the National Capital Region. The provision provides a specific list of issues to be addressed from wounded warrior care, to information technology integration, to ancillary and support facilities.

The House recedes with an amendment that integrates the sense of the Congress on traffic management into the requirement for a master plan for the National Capital Region. The conferees are concerned that the Department lacks a plan for the entirety of facilities at the Walter Reed National Military Medical Center and that there may be differing standards and levels of construction and funding that could result in a facility that is not in totality a world class medical facility. The conferees believe that the quality of patient care should be at the foundation of all decisions regarding the development of these facilities and the closure of facilities at the current Walter Reed Army Medical Center.

*Use of economic development conveyances to implement base closure and realignment property recommendations (sec. 2715)*

The House bill contained a provision (sec. 2711) that would amend section 2905 of the Defense Base Closure and Realignment (BRAC) Act of 1990 (part A of title XXIX of Public Law 101-510) redefining the role of economic development conveyances. Furthermore, the provision would eliminate fair market value negotiations between eligible parties and the Department of Defense prior to a conveyance, instead relying on actual market returns realized at the completion of the development. Finally, the Secretary of Defense would be required to complete implementing regulations within 60 days after the date of enactment of this Act and be required to submit a report to Congress within 180 days after the date of enactment of this Act regarding the status of ongoing economic development conveyances.

The Senate amendment contained a provision (sec. 2705) that would express the sense of the Senate that, as the Federal Government implements base closures and realignments, global repositioning, and initiatives to increase the end strength of the Army and the Marine Corps, it is necessary to assist local communities coping with these pro-

grams and to comprehensively assess the needs and degree of assistance to communities to effectively implement the various initiatives of the Department of Defense while aiding communities to either recover quickly from closures or to accommodate growth associated with troop influxes.

The Senate recedes with an amendment that would amend section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510) that would replace the requirement for the Secretary to seek fair market value as consideration for the conveyance of properties disposed as a result of the 2005 BRAC round with an authority that grants the Secretary the discretion to account for the local economic conditions of affected communities and the cost of public infrastructure when determining the amount of consideration to be requested for properties affected by all BRAC rounds. The amendment would also authorize the Secretary to receive as consideration a range of resources including in-kind services or goods, or a share of revenues that the local redevelopment authority receives from third party buyers or from lessees from sales and long-term leases of the conveyed property.

The conferees note that negotiations between the Department of Defense and local redevelopment authorities at many locations over the value of property to be disposed under an economic development conveyance (EDC) have stalled over the past 2 years due to difficulties in the nation's financial markets, the deterioration of local economic conditions, and the potential of legislative changes. The conferees are concerned that these stalled negotiations are detrimental to both local communities, which are denied an expansion of their tax revenue base and the opportunity for jobs generation and economic redevelopment, and to the Department of Defense, which must maintain the properties, some dating back to the 1993 BRAC round, with scarce resources. The conferees intend for the Department to use the language contained in this conference agreement to conclude negotiations and expedite the transfer of properties in order to allow for affected communities to proceed with economic redevelopment initiatives. The conferees have included a specific authorization to the Secretary to accept consideration in the form of revenues received from third-party buyers, or lessees from sales and long-term leases. This "back end" funding is also intended to speed the process without putting undue burden on local communities to provide large initial contributions, or to burden taxpayers to provide public contributions as a condition of property conveyance.

The conferees agree that the Secretary of Defense should have the discretion to receive consideration up to and including fair market value for a property when warranted by the proposed economic redevelopment plan submitted by the local redevelopment authority. The conferees note that proceeds gained from consideration received as a result of a property disposed under BRAC authorities are used to supplement appropriated funds to accelerate environmental clean-up, remediation, and compliance actions for other BRAC property. Therefore, funds received as a result of BRAC conveyances have a direct impact on the Department's timing and ability to dispose of additional properties. However, the conferees also note that the cost avoidance realized as a result of quickly disposing of property and not maintaining the required repair and overhead associated with BRAC properties needs to be equally valued.

The conference agreement provides broad permissive authorities aimed at balancing the requirements of the Department with the needs of the local communities. The conferees believe that by providing sufficient authorities to the Department without mandating courses of action for the transfer of the property, and by permitting a range of considerations and funding methods for proposal by local redevelopment authorities, property transfers negotiations can, within a reasonable time, conclude with an agreement that serves the best interests of both parties.

#### TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS Subtitle A—Military Construction Program and Military Family Housing Changes

##### LEGISLATIVE PROVISIONS ADOPTED

*Modification of unspecified minor construction authorities (sec. 2801)*

The House bill contained a provision (sec. 2801) that would amend section 2805 of title 10, United States Code, to eliminate exercise-related project restrictions. This section also would expand the authority to receive funds provided in section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) for revitalization and recapitalization of the defense laboratory complex.

The Senate amendment contained no similar provision.

The Senate recedes with a conforming amendment that alters section 2806 of title 10, United States Code, and amends the reporting requirements pursuant to section 219(a) of the Duncan Hunter National Defense Act for Fiscal Year 2009 (Public Law 110-417).

*Congressional notification of facility repair projects carried out using operations and maintenance funds (sec. 2802)*

The House bill contained a provision (sec. 2802) that would amend section 2811 of title 10, United States Code, to require that congressional notice of repair projects in excess of \$7.5 million include comparison of the repair versus replacement cost of a specific project if the repair exceeds 50 percent of replacement cost, and to require a description of the military construction contemplated in the repair.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the requirement for cost comparisons only for projects exceeding 75 percent of replacement cost.

*Modification of authority for scope of work variations (sec. 2803)*

The House bill contained a provision (sec. 2803) that would amend section 2853 of title 10, United States Code, and authorize the Department of Defense to exceed the scope of a military construction project after providing notification to the appropriate committees of Congress.

The Senate amendment contained a provision (sec. 2812) that would amend section 2853 of title 10, United States Code, to prohibit the Department of Defense from carrying out military construction projects or the construction, improvement, or acquisition of a military family housing project in which the scope of work exceeds the amount specifically authorized by Congress.

The House recedes.

*Modification of conveyance authority at military installations (sec. 2804)*

The Senate amendment contained a provision (sec. 2813) that would amend section 2869

of title 10, United States Code, to authorize the secretary concerned to enter into an agreement to convey real property, including any improvements thereon, to any person who agrees, in exchange for the real property, to carry out a land acquisition to limit encroachment around Department of Defense installations and ranges. This provision would also require the authority to sunset on September 20, 2013.

The House bill contained no similar provision.

The House recedes with a minor clarifying amendment.

*Imposition of requirement that acquisition of reserve component facilities be authorized by law (sec. 2805)*

The House bill contained a provision (sec. 2804) that would amend section 18233(a)(1) of title 10, United States Code, to require reserve components have a military construction authorization prior to initiating construction.

The Senate amendment contained no similar provision.

The Senate recedes.

*Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility (sec. 2806)*

The House bill contained a provision (sec. 2806) that would amend section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (Division B of Public Law 108-136), as most recently amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2009 (Division B of Public Law 110-417) to extend the use of operation and maintenance funds for construction projects at locations in the United States Central Command for an additional year. This section would eliminate the discretion of the Secretary of Defense to expand the authority from \$200.0 million to \$500.0 million, provided in the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417). Finally, expanded authority to include an additional \$10.0 million would be provided to the Secretary of Defense if the Secretary determines that additional funds are required to complete contract closeouts.

The Senate amendment contained a similar provision (sec. 2811).

The Senate recedes with an amendment that retains the expanded authority for projects in Afghanistan provided in the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), but limits the authority to United States Central Command only.

*Expansion of First Sergeants Barracks Initiative (sec. 2807)*

The House bill contained a provision (sec. 2807) that would require the Secretary of the Army to implement the First Sergeants Barracks Initiative to improve the quality of life for single soldiers and promote higher use of barracks spaces. Furthermore, it would require the Secretary of the Army to submit a report to the congressional defense committees by February 15, 2010, and February 15, 2011, on efforts the Army has taken to achieve the goals stipulated in the provision.

The Senate amendment contained a similar provision (sec. 2841).

The Senate recedes.

*Reports on privatization initiatives for military unaccompanied housing (sec. 2808)*

The House bill contained a provision (sec. 2808) that would require the Secretary of De-

fense to submit a report on options to expand the privatization of military unaccompanied housing authority associated with section 2881a of title 10, United States Code. The Comptroller General of the United States also would be required to submit a concurrent report on the same subject.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment requiring the Secretary to assess the feasibility and cost of privatizing military unaccompanied housing for all members of the armed forces.

*Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities (sec. 2809)*

The House bill contained a provision (sec. 2805) that would require the Secretary of Defense to submit a report on disbursements made to States associated with section 18233(a) of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle B—Real Property and Facilities Administration

*Modification of utility systems conveyance authority (sec. 2821)*

The House bill contained a provision (sec. 2814) that would amend section 2688 of title 10, United States Code, to require, in the consideration of a utility privatization proposal, a 10 percent preference to a government proposal when the period of performance is less than 10 years and a 20 percent preference to a government proposal when the period of performance is more than 10 years and less than 50 years. Furthermore, this provision would restrict review under this section when a similar review has been completed using the authority of section 2461 of title 10, United States Code, within the past 5 years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the government preference to 10 percent regardless of the period of performance.

*Report on global defense posture realignment and interagency review (sec. 2822)*

The Senate amendment contained a provision (sec. 2704) that would require the Secretary of Defense to submit to the congressional defense committees an annual report on the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations. In addition, the report would require the Secretary of Defense to include comments resulting from a review by the Department of State and other federal departments and agencies deemed necessary to national security. The provision would also amend section 118 of title 10, United States Code, to direct the Secretary of Defense to submit a report to the congressional defense committees 90 days after completing a Quadrennial Defense Review (QDR) on the impact of that review on the global posture of United States military forces.

The House bill contained no similar provision.

The House recedes with a technical amendment that would include the report under section 2687 of title 10, United States Code.

*Property and facilities management of the Armed Forces Retirement Home (sec. 2823)*

The House bill contained a provision (sec. 2816) that would amend section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) to require the Secretary of Defense to dispose of excess property in accordance with subchapter III of chapter 5 of title 40, United States Code. This type of property disposal method brings the Armed Forces Retirement Home into alignment with the Department of Defense on methods to dispose property.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that more closely aligns the property disposal and lease process with the principles of 10 USC 2667. It also places responsibility for approving disposal of excess property and leases of non-excess property for the Armed Forces Retirement Home under the authority of the Secretary of Defense acting on behalf of the Chief Operating Officer and provides for competitive procedures for certain leases.

*Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California (sec. 2824)*

The House bill contained a provision (sec. 2817) that would authorize the Secretary of the Air Force to accept contributions from the State of California that would allow the demolition of property and to provide environmental remediation at the former Almaden Air Force Station.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of the Army to receive the contributions, and limit the scope of activities authorized to be funded with these contributions.

*Selection of military installations to serve as locations of brigade combat teams (sec. 2825)*

The House bill contained a provision (sec. 2820) that would require the Secretary of the Army to take into consideration the availability and proximity of training spaces and the capacity of the installations to support the possible relocations of brigade combat teams to the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment eliminating the names of specific candidate installations.

*Report on Federal assistance to support communities adversely impacted by expansion of military installations (sec. 2826)*

The House bill contained a provision (sec. 2821) that would amend section 2391 of title 10, United States Code, to allow the Department of Defense Office of Economic Adjustment to use operation and maintenance funds authorized for the purpose of making grants to communities to also fund public infrastructure projects.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment requiring a report only from the Secretary of Defense on what additional authorities may be required to assist impacted communities in absorbing growth at expanding military installations.

Subtitle C—Provisions Related to Guam Realignment

*Role of Department of Defense in management and coordination of defense activities relating to Guam realignment (sec. 2831)*

The House bill contained a provision (sec. 2831) that would amend section 132 of title 10,

United States Code, and delegate responsibility for coordinating the Guam realignment activities of the Department of Defense, and the activities of the Joint Guam Program Office, to the Under Secretary of Defense for Policy. Programming authority would remain the responsibility of the secretaries of the military departments.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment designating the Deputy Secretary of Defense to lead the Guam Executive Council and to be the Department's principal representative for coordinating the interagency efforts in matters related to Guam.

*Clarifications regarding use of special purpose entities to assist with Guam realignment (sec. 2832)*

The House bill contained a provision (sec. 2832) that would require the Secretary of Defense to submit a report on the proposed implementing guidance associated with the special purpose entities that would be used in the Guam realignment.

This section also would apply the United States Unified Facilities Criteria to all projects supported by the "Support for United States Relocation to Guam Account" established in section 2824 of the Military Construction Authorization Act for Fiscal Year 2009 (Division B of Public Law 110-417). Finally, this section would express the sense of Congress that utility improvements on Guam should incorporate military and civilian utilities on Guam into a unified grid.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the definition of a special purpose entity as well as changing the reporting requirement and the notice and wait requirements.

*Workforce issues related to military construction and certain other transactions on Guam (sec. 2833)*

The House bill contained a provision (sec. 2833) that would amend section 2824 of the Military Construction Authorization Act for Fiscal Year 2009 (Division B of Public Law 110-417) to require military construction contracts comply with subchapter IV of chapter 31 of title 40, United States Code, and requires a construction wage determination to be determined at the rate of the lowest wage rate on a project of similar character for Hawaii. This section would also require the Secretary of Defense to submit a report to Congress by February 15 of each year, on an assessment of the living standards of the construction workforce employed to carry out military construction projects and the adequacy of the contract standards and infrastructure that support temporary housing for the construction workforce and their medical needs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that requires compliance with subchapter IV of chapter 31 of title 40, United States Code, at the local rate only for military construction contracts related to the realignment of military installations and the relocation of military personnel on Guam. It also requires that the Secretary of Labor issue a wage rate determination annually, until 90 percent of the funds for this project are expended.

*Composition of workforce for construction projects funded through the Support for United States Relocation to Guam Account (sec. 2834)*

The House bill contained a provision (sec. 2834) that would amend section 2824 of the

Military Construction Authorization Act for Fiscal Year 2009 (Division B of Public Law 110-417) and provide a 30 percent limit to the total hours worked per month by H2B visa holders on construction projects that support the realignment of military installations and the relocation of military personnel on Guam. This authority would expire for construction projects whose groundbreaking extends beyond October 1, 2011. Furthermore, the construction contractor would be required to advertise and solicit for construction workers in the United States. Additionally, the Secretary of Defense would be required to submit a report to the congressional defense committees by June 30, 2010, on efforts to implement Executive Order 13502, entitled "Use of Project Labor Agreements for Federal Construction Projects". Finally, the Secretary of Labor would be required to submit a report to the committees of jurisdiction by June 30, 2010, on efforts to expand the recruitment of construction workers in the United States to support this effort; on the ability of labor markets to support the Guam realignment; and the sufficiency of efforts to recruit United States construction workers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that eliminates the percentage limitation on H2B waivers. It also requires that the Governor of Guam consult with the Secretary of Labor and certify to the Secretary of Defense that the requirements of section 214.2 of title 8, Code of Federal Regulations, are being met with regard to construction projects supporting the realignment of military installations and the relocation of military personnel to Guam.

The conference agreement specifies a number of measures aimed at insuring the maximum numbers of United States workers are solicited before H2B visa waivers are issued and further requires the Secretary of Labor to approve a recruitment plan.

The conference agreement provides a limitation that would prevent public officials, attorneys, or agents from receiving payments on behalf of any worker attempting to obtain an H2B labor certification.

*Interagency Coordination Group of Inspectors General for Guam Realignment (sec. 2835)*

The House bill contained a provision (sec. 2835) that would establish the Interagency Coordination Group for Guam Realignment in order to provide independent and objective oversight and a transparent and reliable source of information relating to the programs and operations funded by the Department of Defense for military construction activities on Guam.

This section would require the Inspector General of the Department of Defense to serve as chairperson of the Interagency Coordination Group and include the Inspector General of the Department of the Interior and Inspectors General of such other federal agencies as the chairperson considers appropriate. This section would require the Interagency Coordination Group for Guam Realignment to submit to the congressional defense committees an annual report summarizing Guam realignment activities and activities under the programs and operations funded by the Department for military construction activities in Guam. The Interagency Coordination Group for Guam Realignment shall terminate upon the expenditure of 90 percent of all funds appropriated or otherwise made available for Guam realignment.

The Senate amendment contained no similar provision.

The Senate recedes.

*Compliance with naval aviation safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Futenma, Okinawa (sec. 2836)*

The House bill contained a provision (sec. 2836) that would require the Secretary of Defense to certify to the congressional defense committees that the Marine Corps Air Station, Futenma, replacement facility meets minimum naval aviation safety requirements before final acceptance of the facility.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that conditions acceptance of the Futenma replacement facility on a report by the Secretary of Defense to the congressional defense committees that the planned replacement facility and the operating procedures are consistent with naval aviation safety requirements. The provision does not prevent the Secretary from exercising existing waiver authorities.

*Report and sense of Congress on Marine Corps requirements in Asia-Pacific region (sec. 2837)*

The House bill contained a provision (sec. 2837) that would require the Secretary of Defense, in consultation with the Secretary of the Navy and the Joint Guam Program Office, to submit a report on the command structure associated with the current and future locations of Marine Corps units in the Pacific, within 180 days after the date of enactment of this Act. Furthermore, the Secretary of Defense report would assess the training expectations associated with the Marine Corps realignment to Guam and the overall training requirements in the Northern Mariana Islands. This section also would express the sense of Congress that the Marine Corps training expansion should be completed as soon as possible and should not impact the overall rebasing of Marines from Okinawa to Guam. This supports a two-tiered approach to reviewing training requirements for the Marine Forces Pacific. The upper tier would include a comprehensive strategy that includes transient forces that train Marine Corps elements up to and including a Marine Air-Ground Task Force. The lower tier would include elements associated with current Marine Corps training capabilities available in Japan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove reference to any potential National Environmental Policy Act timing or other activities and would broaden the reporting requirement. The new reporting requirement should address training, readiness, and movement requirements for all Marine Corps forces in the Pacific.

*Subtitle D—Energy Security*

*Adoption of unified energy monitoring and utility control system specification for military construction and military family housing activities (sec. 2841)*

The House bill contained a provision (sec. 2841) that would create section 2867 of title 10, United States Code, and require the Department of Defense to adopt a single specification for an energy management and monitoring system for use in military construction projects. The Secretary concerned would be able to waive the requirements to adopt a single specification if the Secretary determines that the inclusion in a military construction project is not cost effective over the life cycle of the project. This section also would require the Secretary of Defense to submit a report to the congressional

defense committees within 180 days after the date of enactment of this Act on the items associated with the adoption of a single specification for an energy management and monitoring system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that changes the term energy management system to energy and utilities control system, and makes other clarifying changes.

*Department of Defense goal regarding use of "renewable energy sources to meet facility energy needs (sec. 2842)*

The House bill contained a provision (sec. 2843) that would amend section 2911(e) of title 10, United States Code, by changing the definition of renewable energy source" from the definition provided in section 203(b) of the Energy Policy Act of 2005 (Public Law 109-58) to a new definition that includes non-electric renewable energy such as thermal energy. This change applies to the Department of Defense goal to produce or procure renewable energy equivalent to 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter.

The Senate amendment contained no similar provision.

The Senate recedes.

*Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods (sec. 2843)*

The House bill contained a provision (sec. 2846) that would authorize the Department of Defense to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods.

The Senate amendment contained a similar provision (sec. 335).

The House recedes with a clarifying amendment.

*Department of Defense use of electric and hybrid motor vehicles (sec. 2844)*

The House bill contained a provision (sec. 2842) that would establish a preference for the lease or procurement of motor vehicles using electric or hybrid propulsion systems.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the preference and require the establishment of regulations to implement the preference.

*Study on development of nuclear power plants on military installations (sec. 2845)*

The House bill contained a provision (sec. 2845) that would require the Secretary of Defense to conduct a study on the feasibility of developing nuclear power plants on military installations. The provision directs the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by June 1, 2010.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Comptroller General report on Department of Defense renewable energy initiatives, including solar initiatives, on military installations (sec. 2846)*

The Senate amendment contained a provision (sec. 2821) that would require a report no later than 180 days after enactment of this Act on the Department's efforts to place solar panels and other renewable energy projects on military installations.

The House bill contained a similar provision (sec. 2844).

The House recedes with an amendment that would require the report be provided by the Comptroller General.

*Subtitle E—Land Conveyances*

*Land conveyance, Haines Tank Farm, Haines, Alaska (sec. 2851)*

The Senate amendment contained a provision (sec. 2836) that would authorize the Secretary of the Army to convey 201 acres at the former Haines Fuel Terminal to the Chilkoot Indian Association for industrial and commercial development purposes.

The House bill contained a similar provision.

The House recedes with an amendment that eliminates any reference to ongoing remediation efforts.

*Release of reversionary interest, Camp Joseph T. Robinson, Arkansas (sec. 2852)*

The Senate amendment contained a provision (sec. 2832) that would release the reversionary interest in two parcels of land on the former Camp Joseph T. Robinson to the State of Arkansas.

The House bill contained no similar provision.

The House recedes with an amendment changing the title of the section.

*Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California (sec. 2853)*

The House bill contained a provision (sec. 2851) that would amend section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102-562) to require the Secretary of Defense to transfer five acres of land to the administrative jurisdiction of the Secretary of the Interior if the Secretary of Defense determines that the land is excess to military needs and all environmental remediation has been completed. The land would be used by the National Park System for purposes of administering the Port Chicago Naval Magazine National Memorial. The Secretary of Defense shall provide as much public access as possible without interfering with military needs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that makes the Secretary of the Army the responsible official and expresses a sense of the Congress that the Secretary of the Army and the Secretary of the Interior should develop a process to maintain the infrastructure of the memorial.

*Land conveyance, Ferndale housing at Centerville Beach Naval Facility to City of Ferndale, California (sec. 2854)*

The House bill contained a provision (sec. 2858) that would permit fair market conveyance of former Navy housing on the closed Centerville Beach Naval Facility to the City of Ferndale, California.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment eliminating the reversionary clause because the sale is to be at fair market value.

*Land conveyances, Naval Air Station, Barbers Point, Hawaii (sec. 2855)*

The House bill contained a provision (sec. 2852) that would require the Secretary of the Navy to convey, without consideration, six parcels of the former Naval Air Station, Barbers Point to the Hawaii Community Development Authority.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that authorizes the Secretary to transfer the

parcels for no consideration if the parcels to be conveyed will be for public benefit as determined by the Secretary.

*Land conveyances of certain parcels in the Camp Catlin and Ohana Nui areas, Pearl Harbor, Hawaii (sec. 2856)*

The Senate amendment contained a provision (sec. 2837) that would permit the Secretary of the Navy to convey to any person or entity leasing or licensing real property located at Camp Catlin and Ohana Nui areas, Hawaii, all right, title, and interest in that property for the purpose of continuing the same functions as are currently being conducted on the property.

The House bill contained no similar provision.

The House recedes with an amendment which clarifies the continuance of functions being conducted on the property.

*Modification of land conveyance, former Griffiss Air Force Base, New York (sec. 2857)*

The House bill contained a provision (sec. 2853) that would amend section 2873 of the Military Construction Authorization Act for Fiscal Year 2005 (Division B of Public Law 108-375) and allow the Secretary of the Air Force to convey a third parcel at the former Griffiss Air Force Base to the Oneida County Industrial Development Agency.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would specify that any cash payments received by the Secretary shall be deposited in an account established under section 2667(e) of title 10, United States Code, and should be available for the same uses and subject to the same limitations as provided in that section.

*Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania (sec. 2858)*

The House bill contained a provision (sec. 2854) that would authorize the Secretary of the Army to convey the Army Reserve Center in Chambersburg, Pennsylvania without consideration, to the Chambersburg Area School District for educational, education support, and community activities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate community activities as one of the purposes for property transfer.

*Land conveyance, Ellsworth Air Force Base, South Dakota (sec. 2859)*

The Senate amendment contained a provision (sec. 2833) that would authorize the Secretary of the Air Force to convey, without consideration, two small parcels of property on Ellsworth Air Force Base, South Dakota, to the South Dakota Ellsworth Development Authority.

The House bill contained no similar provision.

The House recedes.

*Land conveyance, Lackland Air Force Base, Texas (sec. 2860)*

The Senate amendment contained a provision (sec. 2835) that would permit the Secretary of the Air Force to convey 250 acres of real property at Lackland Air Force Base in exchange for real property adjacent to the installation for the purpose of relocating and consolidating Air Force tenants located on the former Kelly Air Force Base onto the main portion of Lackland Air Force Base.

The House bill contained no similar provision.

The House recedes with an amendment that clarifies that the property shall be conveyed as is. Furthermore, a savings provision

was included that requires this provision to comply with applicable environmental laws.  
*Land conveyance, Naval Air Station Oceana, Virginia (sec. 2861)*

The House bill contained a provision (sec. 2855) that would authorize the Secretary of the Navy to convey 2.4 acres at Naval Air Station Oceana, to the City of Virginia Beach, Virginia, for the purpose of permitting the City to expand services to support the Marine Animal Care Center.

The Senate amendment contained a similar provision (sec. 2831).

The House recedes.

*Completion of land exchange and consolidation, Fort Lewis, Washington (sec. 2862)*

The House bill contained a provision (sec. 2857) that would amend section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (Division B of Public Law 107-107), as amended by section 2852 of the Military Construction Authorization Act for Fiscal Year 2005 (Division B of Public Law 108-375) and change the nature of the land conveyance from the Secretary of the Army to the Nisqually Tribe. Specifically, the conveyance would be modified by striking "may make the transfer" and inserting "shall make the transfer".

The Senate amendment contained no similar provision.

The House recedes.

*Land conveyance, F.E. Warren Air Force Base, Cheyenne, Wyoming (sec. 2863)*

The Senate amendment contained a provision (sec. 2834) that would permit the Secretary of the Air Force to convey approximately 73 acres along the southeastern boundary of the installation to the County of Laramie, Wyoming, for the purpose of permitting the County to preserve the entire property for healthcare facilities.

The House bill contained no similar provision.

The House recedes with an amendment that specifies that the treatment of cash consideration received will be deposited in a special account described in section 2667(e) of title 10, United States Code.

#### Subtitle F—Other Matters

*Revised authority to establish national monument to honor United States Armed Forces working dog teams (sec. 2871)*

The House bill contained a provision (sec. 2871) that would revise the authority provided in the Military Construction Authorization Act for Fiscal Year 2008 (Division B of Public Law 110-181) for the armed forces Working Dog Monument.

The Senate amendment contained no similar provision.

The Senate recedes.

*National D-day Memorial study (sec. 2872)*

The Senate amendment contained a provision (sec. 1091) that would authorize the Secretary of the Interior acting through the Director of the National Park Service to conduct a study of the suitability of the National D-day Memorial in Bedford, Virginia, for designation as a unit of the National Park System.

The House bill contained no similar provision.

The House recedes with an amendment making the study permissive rather than directive.

*Conditions on establishment of Cooperative Security Location in Palanquero, Colombia (sec. 2873)*

The House bill contained a provision (sec. 2873) that would prohibit funds being made

available for military construction of a cooperative security location (CSL) at German Olano Airbase in Palanquero, Republic of Colombia, until 15 days from the date on which the Secretary of Defense certifies to the congressional defense committees that an agreement has been entered into with the government of Colombia that will enable the United States Southern Command to execute its Theater Posture Strategy in cooperation with the armed forces of Colombia.

The Senate amendment contained an almost identical provision (sec. 2307).

The conference report includes this provision with a series of technical amendments.

*Military activities at United States Marine Corps Mountain Warfare Training Center (sec. 2874)*

The House bill contained a provision (sec. 2874) that would amend section 1806 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11) by ensuring the United States Marine Corps Mountain Warfare Training Center is not restricted or precluded by conducting activities at the Bridgeport Winter Recreation Center, California.

The Senate amendment contained no similar provision.

The Senate recedes.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Military construction and land acquisition projects authorized by American Recovery and Reinvestment Act of 2009*

The Senate amendment contained a provision (sec. 2801) that would authorize military construction and land acquisition projects for the Department of Defense for projects authorized by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

The House bill contained no similar provision.

The Senate recedes.

*Imposition of requirement that leases of real property to the United States with annual rental costs of more than \$750,000 be authorized by law*

The House bill contained a provision (sec. 2811) that would amend section 2661 of title 10, United States Code, and require that leases to the United States, in excess of \$750,000, be specifically authorized by law.

The Senate amendment contained no similar provision.

The House recedes.

*Consolidation of notice-and-wait requirements applicable to leases of real property owned by the United States*

The House bill contained a provision (sec. 2812) that would amend section 2662 of title 10, United States Code, and require additional reporting requirements associated with leases of real property owned by the United States that were previously included in section 2667 of title 10, United States Code.

The Senate amendment contained no similar provision.

The House recedes.

*Clarification of authority of military departments to acquire low cost interests in land and interests in land when need is urgent*

The House bill contained a provision (sec. 2813) that would amend section 2664 of title 10, United States Code, and clarify that the requirement to obtain an authorization for land acquisition may be superseded when the elements of section 2663 of title 10, United States Code, are met.

The Senate amendment contained no similar provision.

The House recedes.

*Two-year extension of authority for pilot projects for acquisition or construction of military unaccompanied housing*

The Senate amendment contained a provision (sec. 2814) that would extend the Navy's authority to conduct pilot projects to acquire or construct unaccompanied housing for 2 years.

The House bill contained no similar provision.

The Senate recedes.

*Decontamination and use of former bombardment area on Island of Culebra*

The House bill contained a provision (sec. 2815) that would amend the Military Construction Authorization Act of 1974 (Public Law 93-166) and remove restrictions pertaining to environmental remediation and land use on the Island of Culebra, Puerto Rico, that were incorporated to protect the former bombardment area on the island from further development.

The Senate amendment contained no similar provision.

The House recedes.

*Limitation on establishment of Navy outlying landing fields*

The House bill contained a provision (sec. 2818) that would limit the Secretary of the Navy from establishing an outlying landing field at a proposed location if the Secretary determines that the governmental body of the political subdivision of a state containing the proposed location is formally opposed to the establishment of the outlying landing field. This provision shall not apply if Congress enacts a law authorizing the Secretary to proceed with the outlying landing field notwithstanding the local government action.

The Senate amendment contained no similar provision.

The House recedes.

*Prohibition on outlying landing field at Sandbanks or Hale's Lake, North Carolina, for Oceana Naval Air Station*

The House bill contained a provision (sec. 2819) that would prohibit the Sandbanks and Hale's Lake sites in North Carolina from further consideration as an Outlying Landing Field to support field carrier landing practice for naval aircraft operating out of Naval Air Station, Oceana, Virginia.

The Senate amendment contained no similar provision.

The House recedes.

*Comptroller General Report on Navy security measures for Laurelwood housing complex, Naval Weapons Station Earle, New Jersey*

The House bill contained a provision (sec. 2822) that would require the Comptroller General to report on the sufficiency of the Navy's security measures in advance of the proposed occupancy by the general public of units of the Laurelwood housing complex on Naval Weapons Station, Earle.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the military services still have leasing agreements for military housing units on base but operated by private entities such as those known as Section 801 Housing which by contract are scheduled to transition to outlease periods in which the military departments are required to permit the owner-operator to lease these units inside the military installation to unvetted civilians. Upon transfer to the outlease period of the contract, certain responsibilities for security, land/utility management, education, emergency services, and



other civic functions are shared with the military department or fully assumed by the local and State governments.

The conferees note that in specific cases, such as the proposed public occupancy the Laurelwood housing complex inside Naval Weapons Station Earle, New Jersey, local communities have raised concerns about the anticipated costs of governance and the ability of the Navy to provide added security since public occupants will have to have unfettered access to the housing complex inside the base.

Therefore, the conferees direct the Comptroller General to prepare a report to the congressional defense committees that examines and provides full cost estimates for the impact on local communities (including but not limited to impact costs in the areas of security, education, transportation, environment) resulting from the transfer of responsibilities inherent in the change of occupancy from military to civilian residents as defined in Section 801 lease agreements. The report shall study the specific situation of the Laurelwood housing complex as one example to determine accurate costs for civic service and the sufficiency and costs of proposed security measures to the Department of Defense (DOD) for housing units that remain on DOD land. The report shall also provide a review of the Department's plans for military housing disposals or lease terminations in the United States and the Department's plan for community interaction to ensure a smooth transition of civic responsibilities.

*Naming of child development center at Fort Leonard Wood, Missouri, in honor of Mr. S. Lee Kling*

The House bill contained a provision (sec. 2872) that would designate a child development center at Fort Leonard Wood, Missouri as the "S. Lee Kling Child Development Center."

The Senate amendment contained no similar provision.

The House recedes.

The Army has independently decided to name the child development center after Mr. Kling through their normal facilities naming procedures.

#### TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

##### LEGISLATIVE PROVISIONS ADOPTED

*Authorized Army construction and land acquisition projects (sec. 2901)*

The House bill contained a provision (sec. 2901) that would authorize war-related military construction projects for the Army.

The Senate amendment contained a similar provision.

The Senate recedes.

The authorized amounts are listed in this provision on an installation-by-installation basis. A list of projects contained in the table in section 4503 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorized Air Force construction and land acquisition projects (sec. 2902)*

The House bill contained a provision (sec. 2902) that would authorize war-related military construction projects for the Air Force.

The Senate amendment contained a similar provision.

The Senate recedes.

The authorized amounts are listed in this provision on an installation-by-installation basis. A list of projects contained in the table in section 4503 of this Act provides the

binding list of specific construction projects authorized at each location.

*Construction authorization for facilities for Office of Defense Representative-Pakistan (sec. 2903)*

The House bill contained a provision (sec. 2903) that would waive section 2801 of title 10, United States Code, and would authorize to be appropriated, up to \$25.0 million for the planning, design, and construction of facilities on the United States Embassy Compound in Islamabad, Islamic Republic of Pakistan, for use by the Office of Defense Representative-Pakistan (ODRP). This section would also require the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives, the Senate Committee on Foreign Relations, and the House Committee on Foreign Affairs on the number of personnel and the activities of the ODRP beginning with a report 90 days after the date of the enactment of this Act, and continuing semi-annually thereafter. This section would allow the submission of the report in classified form. The report would terminate after 2 years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that provides a specific one time authority for the Secretary of Defense to use up to \$10.0 million to plan, design, and construct facilities on the United States Embassy Compound in Islamabad, Pakistan, in support of the Office of the Defense Representative-Pakistan. The amendment also requires congressional notification and a 14 day waiting requirement. The reporting requirements of the House provision remain.

#### DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

##### TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

##### SUBTITLE A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

##### Overview

Title XXXI authorizes appropriations for atomic energy defense activities of the Department of Energy for fiscal year 2010, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons activities; nuclear nonproliferation activities; naval nuclear propulsion; environmental cleanup; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95-91). This title authorizes appropriations in five categories: (1) National Nuclear Security Administration (NNSA); (2) defense environmental cleanup; (3) other defense activities; (4) defense nuclear waste disposal; and (5) energy security and assurance.

The budget request for atomic energy defense activities at the Department of Energy included \$16.4 billion for atomic energy defense activities, a 1 percent increase above the fiscal year 2009 appropriated level. Of the total amount requested:

- (1) \$9.9 billion is for NNSA, of which:
  - (a) \$6.4 billion is for weapons activities;
  - (b) \$2.1 billion is for defense nuclear nonproliferation activities;
  - (c) \$1.0 billion is for naval reactors; and (d) \$420.7 million is for the Office of the Administrator;
- (2) \$5.5 billion is for defense environmental cleanup;
- (3) \$852.5 million is for other defense activities; and

(4) \$98.4 million is for defense nuclear waste disposal.

The budget request also included \$6.2 million for energy security and assurance within energy supply.

The conferees agree to authorize \$16.5 billion for atomic energy defense activities, an increase of \$88.4 million above the budget request.

Of this amount, the conferees agree to authorize:

- (1) \$10.1 billion for NNSA, of which:
  - (a) \$6.4 billion would be for weapons activities, an increase of \$48.7 million above the budget request;
  - (b) \$2.2 billion would be for defense nuclear nonproliferation, an increase of \$39.7 million above the budget request;
  - (c) \$1.0 billion would be for naval reactors, the amount of the budget request; and
  - (d) \$420.7 million would be for the Office of the Administrator, the amount of the budget request;
- (2) \$5.5 billion would be for defense environmental cleanup activities, the amount of the budget request;
- (3) \$852.5 million would be for other defense activities, the amount of the budget request; and
- (4) \$98.4 million would be for defense nuclear waste disposal, the amount of the budget request.

The conferees agree to authorize \$6.2 million for energy security and assurance, the amount of the budget request.

##### ITEMS OF SPECIAL INTEREST

##### Reports

The conferees direct that all reports requested by this or any other act and that address the programs and activities funded by the fiscal year 2010 Atomic Energy Defense funds, should be provided to the congressional defense committees in addition to any committees specifically specified in the provision or requirement directing such report.

##### Department of Energy protective forces

In section 3124 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), the Comptroller General was directed to submit to Committees on Armed Services of the Senate and the House of Representatives a report on the management of the protective forces at the Department of Energy (DOE). Section 3124 also directed the Secretary of Energy to review the Comptroller General report, and submit no later than 90 days after receiving the Comptroller General report, the results of that review including any additional options, to the Committees on Armed Services of the Senate and the House of Representatives.

The report was completed in August 2009, and will be formally published shortly. The report identified a series of issues and concerns with the management of the DOE protective forces. These issues include rigid physical fitness and other requirements and the relationship these requirements have to recruitment, hiring, training, retirement, retention, and health care. In addition the report found significant differences amongst the sites as to how the forces were managed, trained, and compensated. Other issues were identified, including varying hot pursuit policies and varying law enforcement authorities.

After September 11, 2001, the requirements for security at the DOE facilities with Category I nuclear materials were increased significantly. The conferees note that the effect of the new requirements has placed many of the members of the DOE protective force in a situation where they will not meet the

physical and other requirements long before they reach retirement age.

Of the many issues identified in the Comptroller General's report that should be addressed by the DOE, the disconnect between the physical demands and requirements of the protective forces on the one hand, and the retirement program on the other is the most problematic. Each of the relevant sites has seen increased injury and attrition rates. Because recruiting, hiring, training, and obtaining clearances for the protective forces is a time consuming and costly process, increased attrition rates will drive up the overall security costs. The conferees are concerned that the attrition rate is connected to the changes in the requirements and the lack of a career path that reflects these requirements.

DOE is aware of the problem and earlier this year assembled a group with representatives from each of the relevant DOE offices to examine "realistic and reasonable options for improving the career opportunities and retirement prospects of protective force members while maintaining, within current and anticipated budgetary constraints a robust and effective security posture." This study group made 29 recommendations to address the issues in the protective forces.

The conferees believe that DOE needs to take seriously the concerns raised in the Government Accountability Office report and the recommendations of the study committee to ensure that the protective forces are able to carry out reliably their responsibilities to prevent nuclear material and nuclear weapons from being stolen or worse. To that end, the conferees direct the Secretary of Energy and the Administrator of the National Nuclear Security Administration to develop a comprehensive, DOE-wide plan to identify and implement the recommendations of the study group. This implementation plan should be submitted with the plan required to be submitted by section 3124, as discussed above.

The conferees recognize that the protective forces fall under a wide arrange of contractual mechanisms. The conferees do not believe, however, that the different contractual mechanisms are the problem; rather it is the lack of clear, uniform, and realistic guidance and policy from DOE to the various contractors who manage the protective forces that is at the root of the problems.

#### LEGISLATIVE PROVISIONS ADOPTED

##### *National Nuclear Security Administration (sec. 3101)*

The House bill contained a provision (sec. 3101) that would authorize \$10.5 billion for the National Nuclear Security Administration (NNSA), an increase of \$534.6 million above the budget request.

The Senate amendment contained a similar provision (sec. 3101) that would authorize \$10.1 billion for the NNSA, an increase of \$106.2 million above the budget request.

The conferees agree to include a provision (sec. 3101) that would authorize \$10.0 billion, an increase of \$88.4 million above the budget request.

Within NNSA, the provision would authorize \$6.4 billion for weapons activities, an increase of \$48.7 million above the budget request; \$2.2 billion for defense nuclear nonproliferation, an increase of \$39.8 million above the budget request; \$1.0 billion for naval reactors, the amount of the budget request; and \$420.8 million for the Office of the Administrator, the amount of the request. This includes an offset of \$42.0 million for prior year balances in weapons activities.

The budget request included \$6.4 billion for weapons activities. The provision would au-

thorize \$6.4 billion, an increase of \$48.7 million above the budget request. Within directed stockpile work the provision would authorize \$1.5 billion, an increase of \$20.0 million above the budget request, including an increase of \$10.0 million for dynamic plutonium experimentation at the Nevada Test Site, and an increase of \$10.0 million for weapons dismantlement and disposition. Within campaigns, the provision would authorize \$1.6 billion an increase of \$23.7 million above the budget request, including \$5.0 million for enhanced surety, and an increase of \$18.7 million above the budget request for inertial confinement fusion including, an increase of \$1.0 million for National Ignition Facility diagnostics, cryogenics, and experimental support, an increase of \$6.5 million for Omega operations and an increase of \$11.2 million for the national ignition campaign. Within readiness in the technical base and facilities, the provision would authorize \$1.4 billion for operations of facilities, an increase of \$18.0 million above the budget request, including an increase of \$8.0 million for the Pantex Plant and \$10.0 million for the Y-12 National Security Complex, and \$232.4 million for construction, an increase of \$29.0 million including, \$24.0 million for the LANSCE refurbishment at Los Alamos National Laboratory, project number 09-D-007, and \$5.0 million for test capabilities revitalization at Sandia National Laboratories, project number 09-D-104.

The budget request included \$2.1 billion for defense nuclear nonproliferation. The provision would authorize \$2.2 billion for defense nuclear nonproliferation, an increase of \$39.8 million. The provision would include an increase of \$40.0 million above the budget request for the Nonproliferation and Verification Research and Development program to support international safeguards technologies, advanced nuclear detection technologies, and to support the joint Department of Energy Air Force space situational awareness activities. The provision would authorize a reduction of \$20.0 million below the budget request for the Nonproliferation and International Security program. The provision would authorize an increase of \$39.8 million above the budget request for the International Nuclear Materials and Cooperation program to secure nuclear weapons and weapons materials outside the United States and to deploy radiation detection equipment and related capabilities at high-threat border crossings and ports of transit. Funding for the fissile materials disposition program is authorized at the budget request. The conferees continue to believe that the NNSA is the responsible entity within the Department of Energy to manage nonproliferation programs and have included funding for fissile materials disposition in the NNSA. The provision would authorize a decrease of \$20.0 million below the budget request for the Global Threat Reduction Initiative.

The conferees note, regretfully, that no funds are provided for nonproliferation work in North Korea. If the North Koreans return to the Six-Party Talks and real progress is possible to disable and dismantle the North Korean nuclear weapons program, the conferees would consider a reprogramming or other request for funds to address the North Korean nuclear weapons program at such time.

The budget request included \$1.0 billion for naval reactors. The provision would authorize the amount of the budget request.

The budget request included \$420.8 million for the Office of the Administrator. The pro-

vision would authorize the amount of the budget request.

##### *Defense environmental cleanup (sec. 3102)*

The House bill contained a provision (sec. 3102) that would authorize \$5.1 billion for defense environmental cleanup, a decrease of \$471.3 million below the amount of the budget request.

The Senate amendment contained a similar provision (sec. 3102) that would authorize \$5.4 billion for defense environmental cleanup, a decrease of \$100.0 million below the amount of the budget request.

The conferees agree to include a provision (sec. 3102) that would authorize \$5.5 billion, the amount of the budget request.

##### *Other defense activities (sec. 3103)*

The House bill contained a provision (sec. 3103) that would authorize \$872.4 million for other defense activities including \$357.8 million for health, safety, and security, an increase of \$20.0 million above the budget request.

The Senate amendment contained a similar provision (sec. 3103) that would authorize \$852.5 for other defense activities, the amount of the budget request.

The conferees agree to include a provision (sec. 3101) that would authorize \$852.5 million the amount of the budget request.

##### *Defense nuclear waste disposal (sec. 3104)*

The House bill contained a provision (sec. 3104) that would authorize \$98.4 million for the defense nuclear waste disposal payment to the Nuclear Waste Fund.

The Senate amendment contained an identical provision (sec. 3104).

The conference agreement includes this provision.

##### *Energy security assistance (sec. 3105)*

The House bill contained a provision (sec. 3105) that would authorize \$6.2 million for energy security and assurance.

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Relation to funding tables (sec. 3106)*

The Senate amendment contained a provision (sec. 3105) that would provide that the amounts authorized for the Department of Energy in this title are available for the projects, programs, or activities and in the dollar amounts indicated by the funding tables in Division D of the Act.

The House bill contained no similar provision.

The House recedes.

Subtitle B—Program Authorizations, Restrictions, and Limitations

##### *Stockpile stewardship program (sec. 3111)*

The House bill contained a provision (sec. 3111) that would amend section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) to update the goals and objectives of the stockpile stewardship program (SSP) carried out by the Administrator of the National Nuclear Security Administration (NNSA) at the Department of Energy. The provision would restate a current objective of the SSP to preserve core intellectual and technical competencies and establish a second broad objective to assure that the nuclear weapons stockpile remains safe, secure, and reliable without underground testing. In addition, the provision would expand the goals of the advanced computing and simulation capabilities to include improved understanding of the performance over time of nuclear weapons. The provision would also add new requirements for the SSP to support the laboratories and manufacturing facilities needed to support the U.S. nuclear weapons stockpile.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand and clarify the facilities and experimental tools that should be maintained and supported under the SSP to include the experimental facilities at the Nevada Test Site (NTS) and the production and manufacturing capabilities of the national security laboratories.

The conferees note that the NTS, the national security laboratories, and the production and manufacturing facilities also support the nonproliferation programs and other nuclear security activities of the NNSA. While this provision includes supporting these facilities in support of the weapons activities, the conferees also believe that it is equally important to support the NNSA facilities in support of the nonproliferation programs and additional nuclear security programs of the NNSA.

*Report on stockpile stewardship criteria and assessment of stockpile stewardship program (sec. 3112)*

The House bill contained a provision (sec. 3113) that would modify existing requirements for annual plans to support execution of the stockpile stewardship and management programs, including a new requirement for an assessment of the stockpile stewardship program by the directors of the national laboratories.

The Senate amendment contained a provision (sec. 3133) that would require an update of the stockpile stewardship criteria and direct the Secretary of Energy to include, in the annual stockpile stewardship plan for fiscal year 2010, an update on the stewardship criteria used to assess the safety, security, and reliability of the nuclear weapons stockpile. The 2010 plan would also include a review of each science-based tool, such as experimental facilities, developed or modified in the last 5 years.

The House recedes with an amendment that would amend section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522) to include in the annual stockpile stewardship plan for each odd-numbered year the information needed to determine that the nuclear weapons are safe, secure and reliable, an update of the stockpile stewardship criteria used to determine the information needed, the relationship of the science-based tools to the collection of that information, and an update to the criteria used for assessing the effectiveness of each science based-stockpile tool.

In addition, the provision would require an assessment of any key technical challenges to the stockpile stewardship program and strategies to address such challenges. The provision would also require development of a strategy for using each science-based tool and to determine what future science-based tools are needed and how they would be used. Finally the assessment would include the core scientific and technical competencies needed to achieve the objectives of the stockpile stewardship program. The assessment would be conducted in consultation with each of the directors of the national security laboratories.

*Stockpile management program (sec. 3113)*

The House bill contained a provision (sec. 3112) that would amend section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) to direct the Secretary of Energy acting through the Administrator of the National Nuclear Security Administration (NNSA) to carry out a new stockpile management program (SMP) and establish objectives for the

program. The provision would also establish program limitations for the SMP and repeal section 4204A of the Atomic Energy Defense Act, (50 U.S.C. 2524a) which established a requirement for a reliable replacement warhead (RRW).

The Senate amendment contained a provision (sec. 3113) that would also repeal section 4204A of the Atomic Energy Defense Act.

The Senate amendment also contained a provision (sec. 3111) that would amend section 4204 of the Atomic Energy Defense Act to expand and update the goals and objectives of the stockpile life extension program, to develop a life extension plan, to direct the manner in which funds for the life extension plan are requested, and to ensure that the life extension plan is updated as needed. The Senate provision would also set forth the sense of Congress that the President should include in each fiscal year budget request for the NNSA sufficient funds to carry the activities under the life extension plan for that fiscal year.

The Senate recedes with an amendment to clarify that the SMP is part of the stockpile stewardship program and that the SMP includes stockpile life extension activities. The provision would also direct the Secretary of Energy to develop a long-term SMP plan to extend the effective life of the weapons in the nuclear weapons stockpile without the use of nuclear weapons testing. The plan would be updated annually as needed, and any updates would be included in the annual stockpile stewardship plan required under section 4203(c) of the Atomic Energy Defense Act. The provision would also direct that each budget submitted by the President that includes funds for the SMP should clearly identify the funds requested for the SMP.

*Dual validation of annual weapons assessment and certification (sec. 3114)*

The House bill contained a provision (sec. 3114) that would amend section 4205 of the Atomic Energy Defense Act (50 U.S.C. 2525) to modify existing requirements for annual assessments and reports to the President and Congress on the condition of the United States' nuclear weapons stockpile to require the Administrator of the National Nuclear Security Administration (NNSA) to establish a dual validation process.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the Administrator of NNSA to establish dual validation teams.

The conferees believe that a rigorous surveillance, and annual assessment and certification process is essential to sustain the United States' nuclear weapons stockpile. Reluctantly, the conferees have agreed to provide the Administrator with discretionary authority to conduct a dual validation process and to not make dual validation mandatory. Without an understanding of the complexity and cost of dual revalidation the conferees believe that it is premature to mandate dual validation for fiscal year 2010. Nevertheless, the conferees believe that a dual validation process should be instituted in the future and have directed the Administrator to submit a report to the congressional defense committees no later than March 1, 2010, to carry out a dual validation program. This report should include a plan to implement dual validation beginning in fiscal year 2011.

*Elimination of nuclear weapons life extension program from exception to requirement to request funds in budget of the President (sec. 3115)*

The Senate amendment contained a provision (sec. 3112) that would amend section 4209

of the Atomic Energy Defense Act (50 U.S.C. 2529) to eliminate the nuclear weapons life extension program exception in the budget request.

The House bill contained no similar provision.

The House recedes.

*Long-term plan for the modernization and refurbishment of the nuclear security complex (sec. 3116)*

The House bill contained a provision (sec. 3115) that would establish the policy of the United States that sustainment, modernization and refurbishment of the nuclear security complex is mandatory for any reductions in the nuclear weapons stockpile. In addition, the provision would require the development of an annual plan for the modernization and refurbishment of the nuclear complex, an annual determination as to the adequacy of the budget request to support the plan, and an assessment as to the risks and implications of the stockpile if the budget request is inadequate.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Administrator of the National Nuclear Security Administration (NNSA) to develop a biennial plan for the modernization and refurbishment of the nuclear security complex. The plan should be submitted in each odd-numbered fiscal year beginning in 2011. The provision would also require an assessment by the Administrator of the budget for such fiscal year and the future-years nuclear security program as to whether the funding is adequate to support the modernization and refurbishment plan. If the Administrator determines that the budget request is insufficient for the modernization and refurbishment of the nuclear security complex as provided in the plan, the Administrator shall include with the budget materials for that fiscal year a further assessment that describes and discusses the risks and implications associated with the ability of the nuclear security complex to support the annual certification of the nuclear stockpile. This assessment is to be coordinated with the Secretary of Defense and the Commander of U.S. Strategic Command.

*Repeal of prohibition on funding activities associated with international cooperative stockpile stewardship (sec. 3117)*

The Senate amendment contained a provision (sec. 3115) that would repeal section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561).

The House bill contained no similar provision.

The House recedes.

*Modification of minor construction threshold for plant projects (sec. 3118)*

The Senate amendment contained a provision (sec. 3116) that would amend section 4701(3) of the Atomic Energy Defense Act (50 U.S.C. 2741(3)) to modify permanently the threshold for general plant projects (GPP) from \$5.0 million to \$7.0 million.

The House bill contained no similar provision.

The House recedes with an amendment that would temporarily increase the threshold for general plant projects to \$10.0 million for fiscal year 2010. The amendment would also prohibit the Secretary of Energy from initiating any GPP that is in excess of \$5.0 million until 15 days after submitting a notification to the congressional defense committees setting forth the total estimated cost of the GPP. For fiscal year 2011 and beyond the threshold would revert back to \$5.0 million.

The conferees remind the Secretary of the obligation to submit an annual report briefly describing the GPPs for the preceding fiscal year. The conferees expect this report to be submitted in the first quarter of the fiscal year following the fiscal year covered by the report.

*Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel (sec. 3119)*

The Senate amendment contained a provision (sec. 3117) that would extend until September 30, 2011, the authority for the Secretary of Energy to hire, establish, and set rates of pay for not more than 200 positions in the Department of Energy for scientific, engineering, and technical personnel whose duties will relate to safety at defense nuclear facilities.

The House bill contained no similar provision.

The House recedes.

*National Nuclear Security Administration authority for urgent nonproliferation activities (sec. 3120)*

The Senate amendment contained a provision (sec. 3114) that would authorize the Secretary of Energy to obligate not more than 10 percent of the funds for the international nuclear materials protection and cooperation program in the National Nuclear Security Administration (NNSA) for any bilateral or multilateral activities relating to nonproliferation or disarmament, notwithstanding any other provision of law. The authority could be exercised by the Secretary after notifying the congressional defense committees 15 days in advance of the intent to exercise this authority and if the President certifies the action is necessary to support the national security objectives of the United States.

The House amendment contained no similar provision.

The House recedes with an amendment that would authorize the Secretary to utilize 10 percent of the funds available for the NNSA nonproliferation programs to address certain urgent nonproliferation threats and require that the Secretary of Energy obtain the concurrence of the Secretaries of State and Defense prior to exercising the authority. The amendment would also clarify that the activities carried out to address the urgent threats would be the nonproliferation activities of the NNSA nonproliferation program.

Prior to utilizing the authority the Secretary of Energy would be required to make a series of determinations, and submit written notification to the appropriate congressional committees, 15 days before using the authority.

*Repeal of sunset date for consolidation of counterintelligence programs of the Department of Energy and National Nuclear Security Administration (sec. 3121)*

The Senate amendment contained a provision (sec. 3118) that would repeal section 3117 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), which established a sunset date for the authority to consolidate the offices of intelligence and counterintelligence at the Department of Energy.

The House bill contained no similar provision.

The House recedes.

#### Subtitle C—Reports

National Academy of Sciences review of national security laboratories (sec. 3131)

The House bill contained a provision (sec. 3121) that would require the Comptroller

General to assess the costs associated with the transition to new management and operations (M&O) contracts, which took place at Los Alamos National Laboratory (LANL) in 2006 and at Lawrence Livermore National Laboratory (LLNL) in 2007. A report on the results of the assessment would be due to the congressional defense committees on March 1, 2010.

The Senate amendment contained a provision (sec. 3132) that would direct the Secretary of Energy, in consultation with the Committees on Armed Services of the Senate and the House of Representatives, to appoint an independent panel of experts to conduct a review of the management and operation of the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, and the Sandia National Laboratories (SNL).

The conferees agree to include a provision that would direct the Secretary of Energy to enter into a contract with the National Academy of Sciences to conduct a study of the three laboratories, LANL, LLNL, and SNL.

The study would include an evaluation for each of the laboratories of the quality of the scientific research and engineering conducted at each lab; the criteria used to assess the quality of the scientific research and engineering; the relationship between the quality of the work and the contract for managing and operating the laboratory; and the management of the work that the laboratories perform for other entities.

There is a growing concern about the ability of the Department of Energy to maintain the overall quality of the scientific research and engineering capability at the three laboratories. This concern was most recently highlighted in the report of the Congressional Commission on the Strategic Posture of the United States. The conferees believe that an even handed, unbiased assessment of the quality of the scientific research and engineering at each of the three laboratories, with a clear understanding of the criteria used to measure quality and what factors influence quality would be useful in long-term planning for the operations of the laboratories.

*Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities (sec. 3132)*

The House bill contained a provision (sec. 3122) that would direct the Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, to prepare a plan to ensure that the national laboratories overseen by the Department of Energy maintain a robust technical capability to monitor, analyze, and evaluate foreign nuclear weapons and related activities.

The Senate amendment contained no similar provision.

The Senate recedes.

*Comptroller General study of stockpile stewardship program (sec. 3133)*

The Senate amendment contained a provision (sec. 3137) that would direct the Comptroller General to conduct a study of the stockpile stewardship program to determine if the program was functioning, as of December 2008, as envisioned when the program was established. A report on the study would be due to the congressional defense committees 270 days after the date of enactment of this Act.

The House bill contained no similar provision.

The House recedes.

*Comptroller General of the United States review of projects carried out by the Office of Environmental Management of the Department of Energy pursuant to the American Recovery and Reinvestment Act of 2009 (sec. 3134)*

The Senate amendment contained a provision (sec. 3134) that would direct the Comptroller General to review and report on the efforts of the Department of Energy's (DOE) Office of Environmental Management (EM) to identify and implement cleanup projects using the funds received pursuant to the American Recovery and Reinvestment Act of 2009 (Public Law 111-5). The review would occur in three phases. The first phase is an initial review focused on the criteria used for project selection and the process to develop cost and schedules for the projects. The second phase is an ongoing review of the project implementation with quarterly reports on the ongoing work. The third and final phase of the review is a recap of the entire effort that would look at areas such as cost and schedule compliance and how the overall effort has led to an accelerated cleanup schedule.

The House contained no similar provision. The House recedes with a clarifying amendment.

#### Subtitle D—Other Matters

*Ten-year plan for use and funding of certain Department of Energy facilities (sec. 3141)*

The Senate amendment contained a provision (sec. 3131) that would direct the Administrator of the National Nuclear Security Administration and the Under Secretary of Science at the Department of Energy to jointly develop a plan to use and fund, over a 10-year period, the National Ignition Facility at the Livermore National Laboratory, the Los Alamos Neutron Science Center at the Los Alamos National Laboratory, and the "Z" Machine at the Sandia National Laboratory.

The House bill contained no similar provision.

The House recedes.

*Expansion of authority of Ombudsman of Energy Employees Occupational Illness Compensation Program (sec. 3142)*

The Senate amendment contained a provision (sec. 3136) that would amend section 3686 of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) (42 U.S.C. 7385s-15) to include part B of the program under the EEOICPA ombudsman and direct the ombudsman in carrying out his duties, to work with the ombudsman of the National Institute for Occupational Safety and Health (NIOSH).

The House bill contained no similar provision.

The House recedes.

The conferees note that the EEOICPA ombudsman has been helpful to claimants under part E of EEOICPA program in navigating the claims process and could provide the same assistance to claimants under part B of the program.

The conferees note that nothing in this expanded authority for the EEOICPA ombudsman is intended to provide authority for the EEOICPA ombudsman to participate directly in the NIOSH process to determine exposures. On the other hand, the conferees recognize a need for the two offices to work cooperatively in assisting claimants process their claims.

*Identification in budget materials of amounts for certain Department of Energy pension obligations (sec. 3143)*

The Senate amendment contained a provision (sec. 3135) that would require the funding needed to meet pension obligations of

contractor employees at each Department of Energy (DOE) facility operated using funds authorized in the National Defense Authorization Acts be included and specifically identified in the DOE budget materials in support of each DOE budget request for each fiscal year for which funds are requested.

The House bill contained no similar provision.

The House recedes.

*Sense of Congress on production of Molybdenum-99 (sec. 3144)*

The Senate amendment contained a provision (sec. 3138) that would set forth the sense of Congress that the Secretary of Energy should continue and expand the program to meet the need identified by the National Academy of Sciences for Molybdenum-99 (Mo-99) for medical purposes in the United States by developing a source of Mo-99 using low enriched uranium.

The House had no similar provision.

The House recedes.

#### TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

*Authorization (sec. 3201)*

The House bill contained a provision (sec. 3201) that would authorize \$26.1 million for the Defense Nuclear Facilities Safety Board (DNFSB).

The Senate amendment contained an identical provision (sec. 3201).

The conference agreement includes this provision.

The conferees note that DNFSB brings a consultative, interactive, technically competent approach to oversight that is well suited to the work at Department of Energy defense nuclear facilities.

#### TITLE XXXIV—NAVAL PETROLEUM RESERVES

*Authorization of appropriations (sec. 3401)*

The House bill contained a provision (sec. 3401) that would authorize \$23.6 million for the Department of Energy for the naval petroleum reserves.

The Senate amendment contained no similar provision.

The Senate recedes.

#### TITLE XXXV—MARITIME ADMINISTRATION

##### LEGISLATIVE PROVISIONS ADOPTED

*Authorization of appropriations for fiscal year 2010 (sec. 3501)*

The House bill contained a provision (sec. 3501) that would authorize a total of \$152.9 million for fiscal year 2010 for operations and training. Of that amount, \$52.2 million would be available for operations of the United States Merchant Marine Academy; \$15.4 million would be available for the capital improvement program at the United States Merchant Marine Academy; and \$11.24 million would be available for the State maritime academies Schoolship Maintenance and Repair Program for training ships. Additionally, the provision would authorize \$60.0 million to execute loan guarantees under the title XI loan guarantee program.

The Senate amendment contained a similar provision (sec. 6014)

The Senate recedes with an amendment that would authorize funding consistent with the President's fiscal year 2010 budget proposal to Congress, with the exception that the provision would authorize \$60.0 million for the title XI loan guarantee program, consistent with the House position.

*Unused leave balances (sec. 3502)*

The House bill contained a provision (sec. 3502) that would authorize the Maritime Ad-

ministration to use appropriated funds to make a lump-sum payment for any unused annual leave accrued by a non-appropriated fund instrumentality employee who was terminated if determined ineligible for conversion, or converted to the Civil Service as a United States Merchant Marine Academy during Fiscal Year 2009.

The Senate amendment contained a similar provision (sec. 6004).

The Senate recedes with an amendment that would include conversions that took place between September 2008 and March 2009.

*Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy (sec. 3503)*

The House bill contained a provision (sec. 3503) that would make permanent a temporary authority for the U.S. Merchant Marine Academy to hire adjunct professors, up to a level of 25 professors per trimester. The provision would also require that the Maritime Administrator provide a report whenever he chooses to exercise that authority.

The Senate amendment contained a similar provision (sec. 6005).

The Senate recedes with an amendment changing the reporting requirement to an annual report, and to eliminate the reporting requirement after 2 years.

*Maritime loan guarantee program (sec. 3504)*

The House bill contained a provision (sec. 3504) that would express the sense of Congress that the maritime loan guarantee program is important in encouraging the production of U.S.-built vessels and in increasing the pool of U.S. mariners.

The Senate amendment contained no similar provision.

The Senate recedes.

*Defense measures against unauthorized seizures of Maritime Security Fleet vessels (sec. 3505)*

The House bill contained a provision (sec. 3505) that would amend section 53107(b) of title 46, United States Code, to require that vessels operating under agreements with the United States under that section and in areas designated by the Coast Guard or International Maritime Bureau of the International Chamber of Commerce as areas of high risk of piracy, be equipped with appropriate non-lethal defense measures to protect the vessel from acts of piracy.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment which would delete the designation authority of the International Maritime Bureau of the International Chamber of Commerce. The amendment would also clarify that the requirement for such vessels to be equipped with non-lethal measures does not preclude the use of lethal measures.

*Report on restrictions on United States-flagged commercial vessel security (sec. 3506)*

The House bill contained a provision (sec. 3506) that would require the Department of Defense to embark military personnel on commercial ships transiting certain areas designated as high risk for pirate attacks.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of State and Secretary of Defense to report jointly to Congress on efforts to: (1) eliminate or reduce restrictions on the carriage of arms and use of armed security teams on United States-flag commercial vessels for purpose of self defense in areas that are designated as being at a high risk of piracy; (2) negotiate

bilateral agreements with coastal states to allow United States-flag commercial vessels carrying United States Government cargos that must transit areas designated as being at high risk of piracy to enter ports of those coastal states while carrying arms or embarked security teams for the purpose of self-defense; and (3) establish common standards, in coordination with the Secretary of Homeland Security and the Commandant of the United States Coast Guard, for the training and professional qualifications of armed security teams.

*Technical corrections to State maritime academies student incentive program (sec. 3507)*

The House bill contained a technical correction (sec. 3507) that would clarify when and how student incentive payments can be made.

The Senate amendment contained a similar provision (sec. 6010).

The Senate recedes.

*Cooperative agreements, administrative expenses, and contracting authority (sec. 3508)*

The Senate amendment contained a provision (sec. 6002) that would clarify the Maritime Administration's authority to enter into cooperative agreements and collect administrative expenses.

The House bill contained no similar provision.

The House recedes.

*Use of funding for DOT maritime heritage property (sec. 3509)*

The Senate amendment contained a provision (sec. 6003) that would allow the Maritime Administration to use proceeds from the sale of National Defense Reserve Fleet vessels for the purpose of preserving their historic maritime property, with the permission and concurrence of the National Park Service.

The House bill contained no similar provision.

The House recedes.

*Use of midshipman fees (sec. 3510)*

The Senate amendment contained a provision (sec. 6006) that would authorize the Maritime Administration to credit receipts of midshipman fees to a separate account within its Operations and Training appropriation account and restrict the items for which fees could be assessed.

The House bill contained no similar provision.

The House recedes with an amendment that would eliminate the authority to credit receipts of midshipman fees to a separate account.

*Construction of vessels in the United States policy (sec. 3511)*

The Senate amendment contained a provision (sec. 6007) that would correct a codification error to clarify section 50101(a)(4) in title 46, United States Code, to make certain that the intent of the section was to include vessels constructed in the United States.

The House bill contained no similar provision.

The House recedes.

*Port infrastructure development program (sec. 3512)*

The Senate amendment contained a provision (sec. 6008) that would authorize the Maritime Administration to assist States, territories, municipalities, and port facilities with management and federal coordination of their port infrastructure development projects.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit funds from title 23 and Chapter 53 of title 49, United States Code, from being eligible for transfer, with the exception of amounts made available for loans, loan guarantees, and lines of credit under chapter 6 of title 23, United States Code, and amounts made available under the American Recovery and Reinvestment Act for 2009 (Public Law 111-5).

The revised provision would not affect or otherwise alter any existing authorities for the Hawaii Port Infrastructure Expansion Program (authorized by section 9008 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users, or SAFETEA-LU (Public Law 109-59)), the Port of Anchorage Intermodal Expansion Program (authorized by section 10205 of the SAFETEA-LU), or the Guam Port Infrastructure Expansion Program (authorized by section 3512 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417)).

*Reefs for marine life conservation program (sec. 3513)*

The Senate amendment contained a provision (sec. 6009) that would codify in title 46, United States Code, existing authority for the Maritime Administration to convey obsolete vessels to foreign countries, consistent with current authorities in the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136).

The House bill contained no similar provision.

The House recedes.

*United States Merchant Marine Academy graduate program receipt, disbursement, and accounting for nonappropriated funds (sec. 3514)*

The Senate amendment contained a provision (sec. 6011) that would authorize the Maritime Administration to credit tuition and

designated gifts to its Operations and Training appropriation account and would provide that such receipts remain available until expended.

The House bill contained no similar provision.

The House recedes.

*America's short sea transportation grants for the development of marine highways (sec. 3515)*

The Senate amendment contained a provision (sec. 6012) that would allow the Secretary to establish a grant program to support the short sea transportation initiative he was directed to develop.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Expansion of the Marine View system (sec. 3516)*

The Senate amendment contained a provision (sec. 6013) that would authorize the information technology system Marine View to support the strategic requirements of the marine transportation system.

The House bill contained no similar provision.

The House recedes.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Limitation on disposal of interest in certain vessels*

The House bill contained a provision (sec. 3508) that would prevent the Maritime Administrator from disposing of any interest in a vessel in which the United States acquires an interest due to a loan default until the Administrator has: (1) notified the Secretary of the Navy of such interest; and (2) allowed 180 days to elapse.

The Senate amendment contained no similar provision.

The House recedes.

#### Maritime Administration

The Senate amendment contained a provision (sec. 3301) that would re-authorize certain aspects of the Maritime Administration.

The House bill contained no similar provision.

The Senate recedes.

#### Short title

The Senate amendment contained a provision (sec. 6001) that would name the title within the Act as the "Maritime Administration Authorization Act for Fiscal Year 2010."

The House bill contained no similar provision.

The Senate recedes.

#### DIVISION D—FUNDING TABLES

*Authorization of amounts in funding tables (sec. 4001)*

The Senate amendment contained a provision (sec. 4001) that would provide for the allocation of funds among programs, projects, and activities in accordance with the tables in Division D of the bill, subject to reprogramming in accordance with established procedures.

The House bill contained a similar provision (sec. 1002) that would incorporate by reference the funding tables in the committee report.

The House recedes with a clarifying amendment.

#### TITLE XLI—PROCUREMENT

*Procurement (sec. 4101)*

The Senate amendment contained an authorization funding table (sec. 4101) for procurement.

The House bill contained no similar provision.

The House recedes with an amendment authorizing specific projects, programs, or activities and associated dollar amounts subject to appropriations.

#### PROCUREMENT (In Thousands of Dollars)

Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY										
	AIRCRAFT										
	FIXED WING										
001	JOINT CARGO AIRCRAFT (JCA) .....										
002	UTILITY F/W AIRCRAFT .....										
003	MQ-1 UAV .....	24	401,364			12	201,364	-12	-200,000	12	201,364
	Avoid forward funding of production .....						[-200,000]	[-12]	[-200,000]		
	Program Requested Not Executable .....			[-12]	[-163,375]						
	Transfer to Title XV .....			[-12]	[-237,989]						
004	RQ-11 (RAVEN) .....	618	35,008	618	35,008	618	35,008			618	35,008
004A	C-12A .....										
	ROTARY WING										
006	ARMED RECONNAISSANCE HELICOPTER .....										
007	ADVANCE PROCUREMENT (CY) .....										
008	HELICOPTER, LIGHT UTILITY (LUH) .....	54	326,040	54	326,040	54	326,040			54	326,040
009	AH-64 APACHE BLOCK III .....	8	161,280	8	161,280		161,280			8	161,280
010	ADVANCE PROCUREMENT (CY) .....		57,890		57,890		57,890				57,890
011	UH-60 BLACKHAWK (MYP) .....	79	1,258,374	79	1,258,374	79	1,258,374			79	1,258,374
012	ADVANCE PROCUREMENT (CY) .....		98,740		98,740		98,740				98,740
013	CH-47 HELICOPTER .....	35	860,087	35	882,087	35	882,087		22,000	35	882,087
	Multiyear procurement execution .....						[22,000]				
	Transfer From APA 22 .....				[22,000]				[22,000]		
014	ADVANCE PROCUREMENT (CY) .....		50,676		50,676		50,676				50,676
015	HELICOPTER NEW TRAINING .....		19,639				19,639		-19,639		
	Program Not Justified .....				[-19,639]				[-19,639]		
	MODIFICATION OF AIRCRAFT										
016	MQ-1 PAYLOAD—UAS .....		87,424				87,424				87,424
	Transfer to Title XV .....				[-87,424]						
017	MQ-1 WEAPONIZATION—UAS .....		14,832				14,832				14,832
	Transfer to Title XV .....				[-14,832]						
018	GUARDRAIL MODS (MIP) .....		61,517		61,517		61,517				61,517
019	MULTI SENSOR ABN RECON (MIP) .....		21,457		21,457		21,457				21,457

## PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES



PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
TRACKED COMBAT VEHICLES											
001	BRADLEY PROGRAM .....										
002	BRADLEY TRAINING DEVICES (MOD) .....										
003	ABRAMS TANK TRAINING DEVICES .....										
004	STRYKER VEHICLE .....		388,596		334,596		388,596		–24,400		364,196
	Program Reduction .....				[–54,000]				[–24,400]		
005	FUTURE COMBAT SYSTEMS: (FCS) .....										
006	ADVANCE PROCUREMENT (CY) .....										
007	FCS SPIN OUTS .....		285,920		285,920		285,920				285,920
008	ADVANCE PROCUREMENT (CY) .....		42,001		42,001		42,001				42,001
MODIFICATION OF TRACKED COMBAT VEHICLES											
009	FIST VEHICLE (MOD) .....		34,192		34,192		34,192				34,192
010	BRADLEY PROGRAM (MOD) .....		526,356		526,356		526,356				526,356
011	HOWITZER, MED SP FT 155MM M109A6 (MOD) .....		96,503		96,503		96,503		–91,500		5,003
	Army requested transfer to RDT&E, A, line 114 .....								[–91,500]		
012	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....	12	96,814	12	96,814	12	96,814			12	96,814
013	ARMORED BREACHER VEHICLE .....		63,250		63,250		63,250				63,250
014	JOINT ASSAULT BRIDGE .....		70,637		70,637		70,637				70,637
015	M1 ABRAMS TANK (MOD) .....		183,829		183,829		183,829				183,829
016	ABRAMS UPGRADE PROGRAM .....	22	185,611	22	185,611	22	185,611			22	185,611
SUPPORT EQUIPMENT & FACILITIES											
017	ITEMS LESS THAN \$5.0M (TCV-WTCV) .....										
018	PRODUCTION BASE SUPPORT (TCV-WTCV) .....		6,601		6,601		6,601				6,601
WEAPONS AND OTHER COMBAT VEHICLES											
019	HOWITZER, LIGHT, TOWED, 105MM, M119 .....	70	95,631	70	95,631	70	95,631			70	95,631
020	M240 MEDIUM MACHINE GUN (7.62MM) .....	2010	32,919	2,010	32,919	2,010	32,919			2010	32,919
021	MACHINE GUN, CAL .50 M2 ROLL .....	4825	84,588	4,825	84,588	4,825	84,588			4825	84,588
022	LIGHTWEIGHT .50 CALIBER MACHINE GUN .....		977		977		977				977
023	M249 SAW MACHINE GUN (5.56MM) .....	1550	7,535	1,550	7,535	1,550	7,535			1550	7,535
024	MK–19 GRENADE MACHINE GUN (40MM) .....	349	7,700	349	7,700	349	7,700			349	7,700
025	MORTAR SYSTEMS .....	315	14,779	315	14,779	315	14,779			315	14,779
026	M107, CAL. 50, SNIPER RIFLE .....		224		224		224				224
027	XM320 GRENADE LAUNCHER MODULE (GLM) .....	4740	16,023	4,740	16,023	4,740	16,023			4740	16,023
028	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS) .....	448	6,223	448	6,223	448	6,223			448	6,223
029	M4 CARBINE .....	12000	20,500	12,000	20,500	12,000	20,500			12000	20,500
030	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) .....	3738	6,945	3,738	6,945	3,738	6,945			3738	6,945
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO) .....				100,000				100,000		100,000
	Program Increase .....				[100,000]				[100,000]		
032	HANDGUN .....	5000	3,389	5,000	3,389	5,000	3,389			5000	3,389
033	HOWITZER LT WT 155MM (T) .....	17	49,572	17	49,572	17	49,572			17	49,572
MOD OF WEAPONS AND OTHER COMBAT VEH											
034	MK–19 GRENADE MACHINE GUN MODS .....		8,164		8,164		8,164				8,164
035	M4 CARBINE MODS .....		31,472		31,472		31,472				31,472
036	M2 50 CAL MACHINE GUN MODS .....		7,738		7,738		7,738				7,738
037	M249 SAW MACHINE GUN MODS .....		7,833		7,833		7,833				7,833
038	M240 MEDIUM MACHINE GUN MODS .....		17,964		17,964		17,964				17,964
039	PHALANX MODS .....										
040	M119 MODIFICATIONS .....		25,306		25,306		25,306				25,306
041	M16 RIFLE MODS .....		4,186		4,186		4,186				4,186
041A	M14 7.62 RIFLE MODS .....										
042	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV) .....		6,164		6,164		6,164				6,164
SUPPORT EQUIPMENT & FACILITIES											
043	ITEMS LESS THAN \$5.0M (WOCV-WTCV) .....		551		551		551				551
044	PRODUCTION BASE SUPPORT (WOCV-WTCV) .....		9,855		12,855		9,855		3,000		12,855
	Arsenal Support Program Initiative (ASPI) at Rock Island .....				[3,000]				[3,000]		
045	INDUSTRIAL PREPAREDNESS .....		392		392		392				392
046	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) .....		5,012		5,012		5,012				5,012
TOTAL—PROCUREMENT OF WTCV, ARMY .....			2,451,952		2,500,952		2,451,952		–12,900		2,439,052
PROCUREMENT OF AMMUNITION, ARMY											
AMMUNITION											
SMALL/MEDIUM CALIBER AMMUNITION											
001	CTG, 5.56MM, ALL TYPES .....		207,752		207,752		207,752				207,752
002	CTG, 7.62MM, ALL TYPES .....		77,602		77,602		77,602				77,602
003	CTG, HANDGUN, ALL TYPES .....		5,120		5,120		5,120				5,120
004	CTG, .50 CAL, ALL TYPES .....		162,342		162,342		162,342				162,342
005	CTG, 25MM, ALL TYPES .....		17,054		17,054		17,054				17,054
006	CTG, 30MM, ALL TYPES .....		96,572		90,572		96,572				96,572
	Unjustified Cost Growth .....				[–6,000]						
007	CTG, 40MM, ALL TYPES .....		172,675		175,675		172,675		3,000		175,675
	Additional 40mm Mortar Rounds—Milan AAP .....				[3,000]				[3,000]		
MORTAR AMMUNITION											
008	60MM MORTAR, ALL TYPES .....		23,607		26,607		26,607		2,000		25,607
	Additional ammunition .....						[3,000]				
	M722 60mm White Phosphorous Smoke Mortar Rounds .....				[3,000]				[2,000]		
009	81MM MORTAR, ALL TYPES .....		28,719		28,719		28,719				28,719



PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
022	JOINT COMBAT IDENTIFICATION MARKING SYSTEM .....		11,868		11,868		11,868				11,868
023	WIN-T—GROUND FORCES TACTICAL NETWORK .....		544,202		544,202		544,202				544,202
024	JCSE EQUIPMENT (USREDCOM) .....		4,868		4,868		4,868				4,868
	<b>COMM—SATELLITE COMMUNICATIONS</b>										
025	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS (S) .....		145,108		145,108		145,108				145,108
026	SHF TERM .....		90,918		90,918		90,918				90,918
027	SAT TERM, EMUT (SPACE) .....		653		653		653				653
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) .....		72,735		72,735		72,735				72,735
029	SMART-T (SPACE) .....		61,116		61,116		61,116				61,116
030	SCAMP (SPACE) .....		1,834		1,834		1,834				1,834
031	GLOBAL BRDCST SVC—GBS .....		6,849		6,849		6,849				6,849
032	MOD OF IN-SVC EQUIP (TAC SAT) .....		2,862		2,862		2,862				2,862
	<b>COMM—COMBAT SUPPORT COMM</b>										
032A	MOD-IN-SERVICE PROFILER .....										
	<b>COMM—C3 SYSTEM</b>										
033	ARMY GLOBAL CMD & CONTROL SYS (AGCCS) .....		22,996		22,996		22,996				22,996
	<b>COMM—COMBAT COMMUNICATIONS</b>										
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) .....		1,705		1,705		1,705				1,705
035	JOINT TACTICAL RADIO SYSTEM .....		90,204		35,004		35,004		–55,164		35,040
	Testing delays in JTRS GMR .....						[–55,200]		[–55,164]		
	JTRS Program Reduction .....				[–55,200]						
036	RADIO TERMINAL SET, MIDS LVT(2) .....		8,549		8,549		8,549				8,549
037	SINGARS FAMILY .....		6,812				6,812		–6,812		
	Program Reduction .....				[–6,812]				[–6,812]		
038	AMC CRITICAL ITEMS—OPA2 .....										
038A	SINGARS—GROUND .....										
039	MULTI-PURPOSE INFORMATIONS OPERATIONS SYSMS .....		6,164		6,164		6,164				6,164
040	BRIDGE TO FUTURE NETWORKS .....										
041	COMMS-ELEC EQUIP FIELDING .....										
042	SPIDER APLA REMOTE CONTROL UNIT .....		21,820		21,820		21,820				21,820
043	IMS REMOTE CONTROL UNIT .....		9,256		9,256		9,256				9,256
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS .....		4,646		4,646		4,646				4,646
045	COMBAT SURVIVOR EVADER LOCATOR (CSEL) .....		2,367		2,367		2,367				2,367
046	RADIO, IMPROVED HF (COTS) FAMILY .....		6,555		6,555		6,555				6,555
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4) .....		18,583		18,583		18,583				18,583
	<b>COMM—INTELLIGENCE COMM</b>										
048	CI AUTOMATION ARCHITECTURE (MIP) .....		1,414		1,414		1,414				1,414
	<b>INFORMATION SECURITY</b>										
049	TSEC—ARMY KEY MGT SYS (AKMS) .....		29,525		29,525		29,525				29,525
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....		33,189		33,189		33,189				33,189
	<b>COMM—LONG HAUL COMMUNICATIONS</b>										
051	TERRESTRIAL TRANSMISSION .....		1,890		46,690		1,890				1,890
	Information Security System COMSEC .....				[44,800]						
052	BASE SUPPORT COMMUNICATIONS .....		25,525		25,525		25,525				25,525
053	ELECTROMAG COMP PROG (EMCP) .....										
054	VW TECH CON IMP PROG (WWTCP) .....		31,256		31,256		31,256				31,256
	<b>COMM—BASE COMMUNICATIONS</b>										
055	INFORMATION SYSTEMS .....		216,057		216,057		216,057				216,057
056	DEFENSE MESSAGE SYSTEM (DMS) .....		6,203		6,203		6,203				6,203
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....		147,111		147,111		147,111				147,111
058	PENTAGON INFORMATION MGT AND TELECOM .....		39,906		39,906		39,906				39,906
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>										
061	ALL SOURCE ANALYSIS SYS (ASAS) (MIP) .....										
062	JTT/CIBS-M (MIP) .....		3,279		3,279		3,279				3,279
063	PROPHET GROUND (MIP) .....		64,498		64,498		64,498				64,498
064	TACTICAL UNMANNED AERIAL SYS (TUAS)MIP .....										
065	SMALL UNMANNED AERIAL SYSTEM (SUAS) .....										
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP) .....										
067	DRUG INTERDICTION PROGRAM (DIP) (TIARA) .....										
068	TACTICAL EXPLOITATION SYSTEM (MIP) .....										
069	DCGS-A (MIP) .....		85,354		85,354		85,354				85,354
070	JOINT TACTICAL GROUND STATION (JTGS) .....		6,703		6,703		3				6,703
	Program reduction .....						[–6,700]				
071	TROJAN (MIP) .....		26,659		26,659		26,659				26,659
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....		7,021		7,021		7,021				7,021
073	CI HUMINT AUTO REPRING AND COLL(CHARCS) (MIP) .....		4,509		4,509		4,509				4,509
074	SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM .....		6,420		6,420		6,420				6,420
075	ITEMS LESS THAN \$5.0M (MIP) .....		17,053		17,053		17,053				17,053
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>										
076	LIGHTWEIGHT COUNTER MORTAR RADAR .....		31,661		31,661		31,661				31,661
077	WARLOCK .....										
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....		1,284		1,284		1,284				1,284
079	CI MODERNIZATION (MIP) .....		1,221		1,221		1,221				1,221
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>										
080	SENTINEL MODS .....		25,863		25,863		25,863				25,863
081	SENSE THROUGH THE WALL (STTW) .....		25,352		25,352		25,352				25,352
082	NIGHT VISION DEVICES .....		366,820		166,820		266,820		–175,662		191,158



PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
143	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....		6,981		6,981		6,981				6,981
144	GROUND SOLDIER SYSTEM .....		1,809		1,809		1,809				1,809
145	MOUNTED SOLDIER SYSTEM .....		1,085		1,085		1,085				1,085
146	FORCE PROVIDER .....										
147	FIELD FEEDING EQUIPMENT .....		57,872		57,872		57,872				57,872
148	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....		66,381		66,381		66,381				66,381
149	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM: .....		16,585		16,585		16,585				16,585
150	ITEMS LESS THAN \$5M (ENG SPT) .....		25,531		25,531		25,531				25,531
	<b>PETROLEUM EQUIPMENT</b>										
151	QUALITY SURVEILLANCE EQUIPMENT .....										
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....		84,019		84,019		84,019				84,019
	<b>WATER EQUIPMENT</b>										
153	WATER PURIFICATION SYSTEMS .....		7,173		7,173		7,173				7,173
	<b>MEDICAL EQUIPMENT</b>										
154	COMBAT SUPPORT MEDICAL .....		33,694		36,694		41,994		4,000		37,694
	Combat casualty care equipment upgrade program .....						[8,300]		[3,000]		
	Life Support for Trauma and Transport (LSTAT) .....				[3,000]				[1,000]		
	<b>MAINTENANCE EQUIPMENT</b>										
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....		137,002		137,002		137,002				137,002
156	ITEMS LESS THAN \$5.0M (MAINT EQ) .....		812		812		812				812
	<b>CONSTRUCTION EQUIPMENT</b>										
157	GRADER, ROAD MTZD, HVY, 6X4 (CCE) .....		50,897		50,897		50,897				50,897
158	SKID STEER LOADER (SSL) FAMILY OF SYSTEM .....		18,387		18,387		18,387				18,387
159	SCRAPERS, EARTHMOVING .....										
160	DISTR, WATER, SP MIN 2500G SEC/NON-SEC .....										
161	MISSION MODULES—ENGINEERING .....		44,420		44,420		44,420				44,420
162	LOADERS .....		20,824		20,824		20,824				20,824
163	HYDRAULIC EXCAVATOR .....		18,785		18,785		18,785				18,785
164	TRACTOR, FULL TRACKED .....		50,102		50,102		50,102				50,102
165	CRANES .....										
166	PLANT, ASPHALT MIXING .....		12,915		12,915		12,915				12,915
167	HIGH MOBILITY ENGINEER EXCAVATOR (HME) FOS .....		36,451		36,451		36,451				36,451
168	CONST EQUIP ESP .....		8,391		8,391		8,391				8,391
169	ITEMS LESS THAN \$5.0M (CONST EQUIP) .....		12,562		12,562		12,562				12,562
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>										
170	JOINT HIGH SPEED VESSEL (JHSV) .....		183,666		183,666		183,666				183,666
171	HARBORMASTER COMMAND AND CONTROL CENTER (HCCC) .....		10,962		10,962		10,962				10,962
172	ITEMS LESS THAN \$5.0M (FLOAT/RAIL) .....		6,785		6,785		6,785				6,785
	<b>GENERATORS</b>										
173	GENERATORS AND ASSOCIATED EQUIP .....		146,067		146,067		146,067				146,067
	<b>MATERIAL HANDLING EQUIPMENT</b>										
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH) .....		41,239		41,239		41,239				41,239
175	ALL TERRAIN LIFTING ARMY SYSTEM .....		44,898		44,898		44,898				44,898
	<b>TRAINING EQUIPMENT</b>										
176	COMBAT TRAINING CENTERS SUPPORT .....		22,967		22,967		22,967				22,967
177	TRAINING DEVICES, NONSYSTEM .....		261,348		282,148		283,788		15,350		276,698
	Operator driving simulator .....						[5,000]		[350]		
	Immersive group simulation virtual training system .....						[5,500]				
	Joint fires & effects training systems (JFETS) .....						[5,000]		[5,000]		
	Urban training instrumentation .....						[2,000]				
	Virtual interactive combat environment (VICE) .....						[4,940]		[4,000]		
	Basic Rifle and Pistol Marksmanship Program—U.S. Army Reserve .....				[2,500]						
	Marksmanship Skills Trainer—TX ARNG .....				[2,200]						
	Mobile Firing Range—TX ARNG .....				[1,500]				[1,500]		
	Training Aid Enhancements—VT ARNG .....				[1,300]						
	Virtual Door Gunner—TX ARNG .....				[1,100]						
	Virtual Interactive Combat Environment (V.I.C.E.) Training System—VA ARNG .....				[4,900]				[2,000]		
	Immersive Group Simulation Virtual Training Systems for the Hawaii ARNG .....				[2,500]				[2,500]		
	Virtual Interactive Combat Environment (V.I.C.E.) Training System—Ft. Jackson .....				[4,800]						
178	CLOSE COMBAT TACTICAL TRAINER .....		65,155		65,155		65,155				65,155
179	AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA) .....		12,794		12,794		12,794				12,794
180	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....		7,870		7,870		7,870				7,870
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>										
181	CALIBRATION SETS EQUIPMENT .....		16,844		16,844		16,844				16,844
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....		101,320		101,320		101,320				101,320
183	TEST EQUIPMENT MODERNIZATION (TEMOD) .....		15,526		15,526		15,526				15,526
	<b>OTHER SUPPORT EQUIPMENT</b>										
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....		21,770		21,770		21,770				21,770
185	PHYSICAL SECURITY SYSTEMS (OPA3) .....		49,758		49,758		49,758				49,758
186	BASE LEVEL COM'L EQUIPMENT .....		1,303		1,303		1,303				1,303
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....		53,884		53,884		53,884				53,884
188	PRODUCTION BASE SUPPORT (OTH) .....		3,050		3,050		3,050				3,050
189	BUILDING, PRE-FAB, RELOCATABLE .....										
190	SPECIAL EQUIPMENT FOR USER TESTING .....		45,516		45,516		45,516				45,516
191	AMC CRITICAL ITEMS OPA3 .....		12,232		12,232		12,232				12,232

PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
192	MA8975 .....		4,492		4,492		4,492				4,492
	<b>SPARES AND REPAIR PARTS</b>										
	<b>OPA2</b>										
193	INITIAL SPARES—C&E .....		25,867		25,867		25,867				25,867
194	WIN-T INCREMENT 2 SPARES .....		9,758		9,758		9,758				9,758
194a	Procurement of computer services / systems .....						-75,000				
	Eliminate redundant activities .....						[-75,000]				
	<b>TOTAL—OTHER PROCUREMENT, ARMY .....</b>		<b>9,907,151</b>		<b>9,762,539</b>		<b>9,617,991</b>		<b>-456,288</b>		<b>9,450,863</b>
	<b>JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND</b>										
	<b>NETWORK ATTACK</b>										
001	ATTACK THE NETWORK .....		203,100						-203,100		
	Transfer to OCO .....						[-203,100]		[-203,100]		
	Transfer to Title II and Title III .....				[-203,100]						
	<b>JIEDDO DEVICE DEFEAT</b>										
002	DEFEAT THE DEVICE .....		199,100						-199,100		
	Transfer to OCO .....						[-199,100]		[-199,100]		
	Transfer to Title II and Title III .....				[-199,100]						
	<b>FORCE TRAINING</b>										
003	TRAIN THE FORCE .....		41,100						-41,100		
	Transfer to OCO .....						[-41,100]		[-41,100]		
	Transfer to Title II and Title III .....				[-41,100]						
	<b>STAFF AND INFRASTRUCTURE</b>										
004	OPERATIONS .....		121,550						-121,550		
	Transfer to OCO .....						[-121,550]		[-121,550]		
	Transfer to Title II and Title III .....				[-121,550]						
	<b>TOTAL—JOINT IED DEFEAT FUND .....</b>		<b>564,850</b>		<b>0</b>		<b>0</b>		<b>-564,850</b>		<b>0</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>										
	<b>COMBAT AIRCRAFT</b>										
001	AV-8B (V/STOL) HARRIER .....										
002	EA-18G .....	22	1,611,837	22	1,667,837		1,611,837			22	1,611,837
	Aircraft Support Equipment .....				[56,000]						
003	ADVANCE PROCUREMENT (CY) .....		20,559		20,559		20,559				20,559
004	F/A-18E/F (FIGHTER) HORNET .....	9	1,009,537	9	1,009,537		1,569,537	9	512,280	18	1,521,817
	Additional aircraft .....						[560,000]		[512,280]		
005	ADVANCE PROCUREMENT (CY) .....		51,431		159,431		51,431		108,000		159,431
	EOQ for MYP III .....				[108,000]				[108,000]		
006	JOINT STRIKE FIGHTER .....	20	3,997,048	19	3,875,048		3,997,048			20	3,997,048
	Program Reduction .....				[-1]		[-164,000]				
	F136 Procurement .....				[42,000]						
007	ADVANCE PROCUREMENT (CY) .....		481,000		486,000		481,000				481,000
	F136 Procurement .....				[5,000]						
008	V-22 (MEDIUM LIFT) .....	30	2,215,829	30	2,215,829		2,215,829			30	2,215,829
009	ADVANCE PROCUREMENT (CY) .....		84,342		84,342		84,342				84,342
010	UH-1Y/AH-1Z .....	28	709,801	18	426,901		709,801	-4	-100,000	24	609,801
	UH-1Y/AH-1Z Program Reduction .....				[-10]		[-282,900]		[-4]		[-100,000]
011	ADVANCE PROCUREMENT (CY) .....		70,550		70,550		70,550				70,550
012	MH-60S (MYP) .....	18	414,145	18	414,145		414,145			18	414,145
013	ADVANCE PROCUREMENT (CY) .....		78,830		78,830		78,830				78,830
014	MH-60R .....	24	811,781	24	811,781		811,781			24	811,781
015	ADVANCE PROCUREMENT (CY) .....		131,504		131,504		131,504				131,504
016	P-8A POSEIDON .....	6	1,664,525	6	1,664,525		1,664,525			6	1,664,525
017	ADVANCE PROCUREMENT (CY) .....		160,526		160,526		160,526		-10,880		149,646
	Excessive advance procurement growth .....								[-7,680]		
	Funding for production line slots .....								[-3,200]		
018	E-2D ADV HAWKEYE .....	2	511,245	2	511,245		511,245			2	511,245
019	ADVANCE PROCUREMENT (CY) .....		94,924		94,924		94,924				94,924
	<b>AIRLIFT AIRCRAFT</b>										
020	C-40A .....	1	74,381	1	74,381		74,381			1	74,381
	<b>TRAINER AIRCRAFT</b>										
021	T-45TS (TRAINER) GOSHAWK .....										
022	JPATS .....	38	266,539	38	266,539		266,539			38	266,539
	<b>OTHER AIRCRAFT</b>										
023	KC-130J .....										
024	ADVANCE PROCUREMENT (CY) .....										
025	RQ-7 UAV .....	11	56,797	11	56,797		56,797		-3,000	11	53,797
	Attrition vehicles .....								[-3,000]		
026	MQ-8 UAV .....	5	77,616	5	77,616		77,616			5	77,616
027	OTHER SUPPORT AIRCRAFT .....										
	<b>MODIFICATION OF AIRCRAFT</b>										
028	EA-6 SERIES .....		39,977		39,977		39,977				39,977
029	AV-8 SERIES .....		35,668		35,668		35,668				35,668
030	F-18 SERIES .....		484,129		484,129		484,129		-3,400		480,729
	Excessive growth of IR Marker ECP .....								[-3,400]		

PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
031	H-46 SERIES .....		35,325		35,325		35,325				35,325
032	AH-1W SERIES .....		66,461		66,461		66,461				66,461
033	H-53 SERIES .....		68,197		68,197		68,197				68,197
034	SH-60 SERIES .....		82,253		82,253		82,253				82,253
035	H-1 SERIES .....		20,040		20,040		20,040				20,040
036	EP-3 SERIES .....		92,530		92,530		92,530				92,530
037	P-3 SERIES .....		485,171		435,171		485,171		-39,600		445,571
	P-3 Series Program Reduction .....				[-50,000]				[-39,600]		
038	S-3 SERIES .....										
039	E-2 SERIES .....		22,853		22,853		22,853				22,853
040	TRAINER A/C SERIES .....		20,907		20,907		20,907				20,907
041	C-2A .....		21,343		21,343		21,343				21,343
042	C-130 SERIES .....		22,449		22,449		22,449				22,449
043	FEWSG .....		9,486		9,486		9,486				9,486
044	CARGO/TRANSPORT A/C SERIES .....		19,429		19,429		19,429				19,429
045	E-6 SERIES .....		102,646		102,646		102,646				102,646
046	EXECUTIVE HELICOPTERS SERIES .....		42,456		42,456		42,456				42,456
047	SPECIAL PROJECT AIRCRAFT .....		14,869		14,869		14,869				14,869
048	T-45 SERIES .....		51,484		51,484		51,484				51,484
049	POWER PLANT CHANGES .....		26,395		26,395		26,395				26,395
050	JPATS SERIES .....		4,922		4,922		4,922				4,922
051	AVIATION LIFE SUPPORT MODS .....		5,594		5,594		5,594				5,594
052	COMMON ECM EQUIPMENT .....		47,419		55,719		47,419		2,000		49,419
	Crane Integrated Defensive Countermeasures (IDECM) Depot Capability .....				[8,300]				[2,000]		
053	COMMON AVIONICS CHANGES .....		151,112		151,112		151,112				151,112
054	COMMON DEFENSIVE WEAPON SYSTEM .....										
055	ID SYSTEMS .....		24,125		24,125		24,125				24,125
056	V-22 (TILT/ROTOR ACFT) OSPREY .....		24,502		24,502		24,502				24,502
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>										
057	SPARES AND REPAIR PARTS .....		1,264,012		1,262,012		1,264,012		-1,600		1,262,412
	F-35 Spares Reduction .....				[-4,000]						
	F136 Spares .....				[2,000]						
	UH-1Y/AH-1Z reduction .....								[-1,600]		
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>										
058	COMMON GROUND EQUIPMENT .....		363,588		366,988		363,588				363,588
	Engine Intallation & Removal Vehicle (EIRV) .....				[3,400]						
059	AIRCRAFT INDUSTRIAL FACILITIES .....		11,075		11,075		11,075				11,075
060	WAR CONSUMABLES .....		55,406		55,406		55,406				55,406
061	OTHER PRODUCTION CHARGES .....		23,861		23,861		23,861				23,861
062	SPECIAL SUPPORT EQUIPMENT .....		42,147		42,147		42,147				42,147
063	FIRST DESTINATION TRANSPORTATION .....		1,734		1,734		1,734				1,734
064	CANCELLED ACCOUNT ADJUSTMENTS .....										
	<b>TOTAL—AIRCRAFT PROCUREMENT, NAVY .....</b>		<b>18,378,312</b>		<b>18,102,112</b>		<b>18,938,312</b>		<b>463,800</b>		<b>18,842,112</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>										
	<b>BALLISTIC MISSILES</b>										
	<b>MODIFICATION OF MISSILES</b>										
001	TRIDENT II MODS .....	24	1,060,504	24	1,060,504	24	1,060,504			24	1,060,504
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>										
002	MISSILE INDUSTRIAL FACILITIES .....		3,447		3,447		3,447				3,447
	<b>OTHER MISSILES</b>										
	<b>STRATEGIC MISSILES</b>										
003	TOMAHAWK .....	196	283,055	196	283,055	196	283,055			196	283,055
	<b>TACTICAL MISSILES</b>										
004	AMRAAM .....	79	145,506	79	145,506	79	145,506		-5,000	79	140,506
	Diminished manufacturing sources funding ahead of need .....								[-5,000]		
005	SIDEWINDER .....	161	56,845	161	56,845	161	56,845			161	56,845
006	JSOW .....	430	145,336	430	145,336	430	145,336			430	145,336
007	SLAM-ER .....										
008	STANDARD MISSILE .....	62	249,233	62	249,233	62	249,233			62	249,233
009	RAM .....	90	74,784	90	74,784	90	74,784			90	74,784
010	HELLFIRE .....	818	59,411	818	59,411	818	59,411			818	59,411
011	AERIAL TARGETS .....		47,003		47,003		47,003				47,003
012	OTHER MISSILE SUPPORT .....		3,928		3,928		3,928				3,928
	<b>MODIFICATION OF MISSILES</b>										
013	ESSM .....	50	51,388	50	51,388	50	51,388			50	51,388
014	HARM MODS .....		47,973		47,973		47,973				47,973
015	STANDARD MISSILES MODS .....		81,451		81,451		81,451				81,451
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>										
016	WEAPONS INDUSTRIAL FACILITIES .....		3,211		3,211		33,211		10,000		13,211
	Accelerate facility restoration program .....						[30,000]		[10,000]		
017	FLEET SATELLITE COMM FOLLOW-ON .....	1	487,280	1	487,280	1	487,280			1	487,280
018	ADVANCE PROCUREMENT (CY) .....		28,847		28,847		60,847				28,847
	MUOS UHF augmentation—transfer from PE 33109N (RDN 192) .....						[32,000]				
	<b>ORDNANCE SUPPORT EQUIPMENT</b>										
019	ORDNANCE SUPPORT EQUIPMENT .....		48,883		48,883		48,883				48,883



SHIPBUILDING AND CONVERSION, NAVY

PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	OTHER WARSHIPS										
001	CARRIER REPLACEMENT PROGRAM .....		739,269		739,269		739,269				739,269
002	ADVANCE PROCUREMENT (CY) .....		484,432		484,432		484,432				484,432
003	VIRGINIA CLASS SUBMARINE .....	1	1,964,317	1	1,964,317	1	1,964,317			1	1,964,317
004	ADVANCE PROCUREMENT (CY) .....		1,959,725		1,959,725		1,959,725				1,959,725
005	CVN REFUELING OVERHAULS .....		1,563,602		1,563,602		1,563,602				1,563,602
006	ADVANCE PROCUREMENT (CY) .....		211,820		211,820		211,820				211,820
007	SSBN ERO .....										
008	ADVANCE PROCUREMENT (CY) .....										
009	DDG 1000 .....		1,084,161		1,084,161		1,084,161				1,084,161
010	ADVANCE PROCUREMENT (CY) .....										
011	DDG-51 .....	1	1,912,267	1	1,912,267	1	1,912,267			1	1,912,267
012	ADVANCE PROCUREMENT (CY) .....		328,996		428,996		328,996				328,996
	Program Increase—EOQ Quantity .....				[100,000]						
013	LITTORAL COMBAT SHIP .....	3	1,380,000	3	1,380,000	3	1,380,000	-1		2	1,380,000
	AMPHIBIOUS SHIPS										
014	LPD-17 .....		872,392		872,392		872,392				872,392
015	ADVANCE PROCUREMENT (CY) .....		184,555		244,555		184,555				184,555
	Program Increase .....				[60,000]						
016	LHA REPLACEMENT .....										
017	ADVANCE PROCUREMENT (CY) .....										
018	INTRATHEATER CONNECTOR .....	1	177,956	1	177,956	1	177,956			1	177,956
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST										
019	OUTFITTING .....		391,238		391,238		391,238				391,238
020	SERVICE CRAFT .....		3,694		3,694		3,694				3,694
021	LCAC SLEP .....	3	63,857	3	63,857	3	63,857			3	63,857
022	COMPLETION OF PY SHIPBUILDING PROGRAMS .....		454,586		304,586		454,586				454,586
	Completion of Prior Year Shipbuilding (DDG 1000) .....				[-150,000]						
	TOTAL—SHIPBUILDING AND CONVERSION, NAVY .....		13,776,867		13,786,867		13,776,867		0		13,776,867
	OTHER PROCUREMENT, NAVY										
	SHIPS SUPPORT EQUIPMENT										
	SHIP PROPULSION EQUIPMENT										
001	LM-2500 GAS TURBINE .....		8,014		8,014		8,014				8,014
002	ALLISON 501K GAS TURBINE .....		9,162		9,162		9,162				9,162
003	OTHER PROPULSION EQUIPMENT .....										
	NAVIGATION EQUIPMENT										
004	OTHER NAVIGATION EQUIPMENT .....		34,743		34,743		34,743				34,743
	PERISCOPES										
005	SUB PERISCOPES & IMAGING EQUIP .....		75,127		75,127		75,127		-5,000		70,127
	Digital periscope contract delay .....								[-5,000]		
	OTHER SHIPBOARD EQUIPMENT										
006	DDG MOD .....		142,262		142,262		142,262				142,262
007	FIREFIGHTING EQUIPMENT .....		11,423		11,423		15,423		3,100		14,523
	Smart valves for fire suppression .....						[4,000]		[3,100]		
008	COMMAND AND CONTROL SWITCHBOARD .....		4,383		4,383		4,383				4,383
009	POLLUTION CONTROL EQUIPMENT .....		24,992		24,992		24,992				24,992
010	SUBMARINE SUPPORT EQUIPMENT .....		16,867		16,867		16,867				16,867
011	VIRGINIA CLASS SUPPORT EQUIPMENT .....		103,153		103,153		103,153				103,153
012	SUBMARINE BATTERIES .....		51,482		51,482		51,482				51,482
013	STRATEGIC PLATFORM SUPPORT EQUIP .....		15,672		15,672		15,672				15,672
014	DSSP EQUIPMENT .....		10,641		10,641		10,641				10,641
015	CG MODERNIZATION .....		315,323		315,323		315,323				315,323
016	LCAC .....		6,642		6,642		6,642				6,642
017	MINESWEEPING EQUIPMENT .....										
018	UNDERWATER EOD PROGRAMS .....		19,232		19,232		19,232				19,232
019	ITEMS LESS THAN \$5 MILLION .....		127,554		131,554		127,554		-3,124		124,430
	M952 Weapon Light .....				[4,000]						
	CVN auto voltage regulators ahead of need .....								[-3,124]		
020	CHEMICAL WARFARE DETECTORS .....		8,899		8,899		8,899				8,899
021	SUBMARINE LIFE SUPPORT SYSTEM .....		14,721		14,721		14,721				14,721
	REACTOR PLANT EQUIPMENT										
022	REACTOR POWER UNITS .....										
023	REACTOR COMPONENTS .....		262,354		262,354		262,354				262,354
	OCEAN ENGINEERING										
024	DIVING AND SALVAGE EQUIPMENT .....		5,304		5,304		5,304				5,304
	SMALL BOATS										
025	STANDARD BOATS .....		35,318		40,318		35,318				35,318
	Barrier Boat Craft .....				[5,000]						
	TRAINING EQUIPMENT										
026	OTHER SHIPS TRAINING EQUIPMENT .....		15,113		15,113		15,113				15,113
	PRODUCTION FACILITIES EQUIPMENT										
027	OPERATING FORCES IPE .....		47,172		47,172		47,172				47,172
	OTHER SHIP SUPPORT										
028	NUCLEAR ALTERATIONS .....		136,683		136,683		136,683				136,683
029	LCS MODULES .....		137,259		137,259		137,259				137,259

PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>LOGISTIC SUPPORT</b>										
030	LSD MIDLIFE .....		117,856		117,856		117,856				117,856
	<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>										
	<b>SHIP RADARS</b>										
031	RADAR SUPPORT .....		9,968		9,968		9,968				9,968
032	SPQ-9B RADAR .....		13,476		13,476		13,476				13,476
033	AN/SQQ-89 SURF ASW COMBAT SYSTEM .....		111,093		111,093		111,093		-15,500		95,593
	SQQ-89 backfit suites ahead of need .....								[-15,500]		
034	SSN ACOUSTICS .....		299,962		299,962		303,962		4,000		303,962
	TB-33 thinline towed array .....						[4,000]		[4,000]		
035	UNDERSEA WARFARE SUPPORT EQUIPMENT .....		38,705		38,705		38,705				38,705
036	SONAR SWITCHES AND TRANSDUCERS .....		13,537		13,537		13,537				13,537
	<b>ASW ELECTRONIC EQUIPMENT</b>										
037	SUBMARINE ACOUSTIC WARFARE SYSTEM .....		20,681		20,681		20,681				20,681
038	SSTD .....		2,184		2,184		2,184				2,184
039	FIXED SURVEILLANCE SYSTEM .....		63,017		63,017		63,017				63,017
040	SURTASS .....		24,108		24,108		24,108				24,108
041	TACTICAL SUPPORT CENTER .....		22,464		22,464		22,464				22,464
	<b>ELECTRONIC WARFARE EQUIPMENT</b>										
042	AN/SLQ-32 .....		34,264		34,264		34,264				34,264
	<b>RECONNAISSANCE EQUIPMENT</b>										
043	SHIPBOARD IW EXPLOIT .....		105,883		105,883		105,883				105,883
	<b>SUBMARINE SURVEILLANCE EQUIPMENT</b>										
044	SUBMARINE SUPPORT EQUIPMENT PROG .....		98,645		98,645		98,645		-15,150		83,495
	Multi-function modular mast units ahead of need .....								[-15,150]		
	<b>OTHER SHIP ELECTRONIC EQUIPMENT</b>										
045	NAVY TACTICAL DATA SYSTEM .....				3,000						
	AN/USQ-167 COMSEC Upgrade .....				[3,000]						
046	COOPERATIVE ENGAGEMENT CAPABILITY .....		30,522		30,522		30,522				30,522
047	GCCS-M EQUIPMENT .....		13,594		13,594		13,594				13,594
048	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) .....		35,933		35,933		35,933				35,933
049	ATDLs .....		7,314		7,314		7,314				7,314
050	MINESWEEPING SYSTEM REPLACEMENT .....		79,091		79,091		79,091		-4,800		74,291
	RMS restructure .....								[-4,800]		
051	SHALLOW WATER MCM .....		7,835		7,835		7,835				7,835
052	NAVSTAR GPS RECEIVERS (SPACE) .....		10,845		10,845		10,845				10,845
053	ARMED FORCES RADIO AND TV .....		3,333		3,333		3,333				3,333
054	STRATEGIC PLATFORM SUPPORT EQUIP .....		4,149		4,149		4,149				4,149
	<b>TRAINING EQUIPMENT</b>										
055	OTHER TRAINING EQUIPMENT .....		36,784		36,784		36,784				36,784
	<b>AVIATION ELECTRONIC EQUIPMENT</b>										
056	MATCALs .....		17,468		17,468		17,468				17,468
057	SHIPBOARD AIR TRAFFIC CONTROL .....		7,970		7,970		7,970				7,970
058	AUTOMATIC CARRIER LANDING SYSTEM .....		18,878		18,878		18,878				18,878
059	NATIONAL AIR SPACE SYSTEM .....		28,988		28,988		28,988				28,988
060	AIR STATION SUPPORT EQUIPMENT .....		8,203		8,203		8,203				8,203
061	MICROWAVE LANDING SYSTEM .....		10,526		10,526		10,526				10,526
062	ID SYSTEMS .....		38,682		38,682		38,682				38,682
063	TAC A/C MISSION PLANNING SYS(TAMPS) .....		9,102		9,102		9,102				9,102
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>										
064	DEPLOYABLE JOINT COMMAND AND CONT .....		8,719		12,719		8,719		3,000		11,719
	Shelter Upgrade Program .....				[4,000]				[3,000]		
065	TADIX-B .....		793		793		793				793
066	GCCS-M EQUIPMENT TACTICAL/MOBILE .....		11,820		11,820		11,820				11,820
067	COMMON IMAGERY GROUND SURFACE SYSTEMS .....		27,632		27,632		27,632				27,632
068	CANES .....		1,181		1,181		1,181				1,181
069	RADIAC .....		5,990		5,990		5,990				5,990
070	GPETE .....		3,737		3,737		3,737				3,737
071	INTEG COMBAT SYSTEM TEST FACILITY .....		4,423		4,423		4,423				4,423
072	EMI CONTROL INSTRUMENTATION .....		4,778		4,778		4,778				4,778
073	ITEMS LESS THAN \$5 MILLION .....		65,760		65,760		65,760				65,760
	<b>SHIPBOARD COMMUNICATIONS</b>										
074	SHIPBOARD TACTICAL COMMUNICATIONS .....										
075	PORTABLE RADIOS .....										
076	SHIP COMMUNICATIONS AUTOMATION .....		310,605		310,605		310,605		-20,300		290,305
	Shipboard network systems ahead of need .....								[-20,300]		
077	AN/URC-82 RADIO .....		4,913		4,913		4,913				4,913
078	COMMUNICATIONS ITEMS UNDER \$5M .....		25,314		25,314		25,314				25,314
	<b>SUBMARINE COMMUNICATIONS</b>										
079	SUBMARINE BROADCAST SUPPORT .....		105		105		105				105
080	SUBMARINE COMMUNICATION EQUIPMENT .....		48,729		48,729		48,729				48,729
	<b>SATELLITE COMMUNICATIONS</b>										
081	SATELLITE COMMUNICATIONS SYSTEMS .....		50,172		50,172		50,172				50,172
082	NAVY MULTIBAND TERMINAL (NMT) .....		72,496		72,496		72,496				72,496
	<b>SHORE COMMUNICATIONS</b>										
083	JCS COMMUNICATIONS EQUIPMENT .....		2,322		2,322		2,322				2,322
084	ELECTRICAL POWER SYSTEMS .....		1,293		1,293		1,293				1,293

PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
085	NAVAL SHORE COMMUNICATIONS .....		2,542		2,542		2,542				2,542
	<b>CRYPTOGRAPHIC EQUIPMENT</b>										
086	INFO SYSTEMS SECURITY PROGRAM (ISSP) .....		119,054		119,054		119,054				119,054
087	CRYPTOLOGIC COMMUNICATIONS EQUIP .....		16,839		16,839		16,839				16,839
	<b>OTHER ELECTRONIC SUPPORT</b>										
088	COAST GUARD EQUIPMENT .....		18,892		18,892		18,892				18,892
	<b>DRUG INTERDICTION SUPPORT</b>										
089	OTHER DRUG INTERDICTION SUPPORT .....										
	<b>AVIATION SUPPORT EQUIPMENT</b>										
	<b>SONOBUOYS</b>										
090	SONOBUOYS—ALL TYPES .....		91,976		91,976		91,976				91,976
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>										
091	WEAPONS RANGE SUPPORT EQUIPMENT .....		75,329		75,329		75,329				75,329
092	EXPEDITIONARY AIRFIELDS .....		8,343		8,343		8,343				8,343
093	AIRCRAFT REARMING EQUIPMENT .....		12,850		12,850		12,850				12,850
094	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT .....		48,670		48,670		48,670		–1,821		46,849
	ADMACS Block II upgrade cost growth .....								[–1,821]		
095	METEOROLOGICAL EQUIPMENT .....		21,458		21,458		21,458				21,458
096	OTHER PHOTOGRAPHIC EQUIPMENT .....		1,582		1,582		1,582				1,582
097	AVIATION LIFE SUPPORT .....		27,367		32,367		27,367		5,000		32,367
	Multi Climate Protection System .....				[5,000]				[5,000]		
098	AIRBORNE MINE COUNTERMEASURES .....		55,408		55,408		55,408				55,408
099	LAMPS MK III SHIPBOARD EQUIPMENT .....		23,694		23,694		23,694				23,694
100	PORTABLE ELECTRONIC MAINTENANCE AIDS .....		9,710		9,710		9,710				9,710
101	OTHER AVIATION SUPPORT EQUIPMENT .....		16,541		16,541		16,541				16,541
	<b>ORDNANCE SUPPORT EQUIPMENT</b>										
	<b>SHIP GUN SYSTEM EQUIPMENT</b>										
102	NAVAL FIRES CONTROL SYSTEM .....		1,391		1,391		1,391				1,391
103	GUN FIRE CONTROL EQUIPMENT .....		7,891		7,891		7,891				7,891
	<b>SHIP MISSILE SYSTEMS EQUIPMENT</b>										
104	NATO SEASPARROW .....		13,556		13,556		13,556				13,556
105	RAM GMLS .....		7,762		7,762		7,762				7,762
106	SHIP SELF DEFENSE SYSTEM .....		34,079		34,079		34,079				34,079
107	AEGIS SUPPORT EQUIPMENT .....		108,886		108,886		108,886				108,886
108	TOMAHAWK SUPPORT EQUIPMENT .....		88,475		88,475		88,475				88,475
109	VERTICAL LAUNCH SYSTEMS .....		5,513		5,513		5,513				5,513
	<b>FBM SUPPORT EQUIPMENT</b>										
110	STRATEGIC MISSILE SYSTEMS EQUIP .....		155,579		155,579		155,579				155,579
	<b>ASW SUPPORT EQUIPMENT</b>										
111	SSN COMBAT CONTROL SYSTEMS .....		118,528		118,528		118,528				118,528
112	SUBMARINE ASW SUPPORT EQUIPMENT .....		5,200		5,200		5,200				5,200
113	SURFACE ASW SUPPORT EQUIPMENT .....		13,646		13,646		13,646				13,646
114	ASW RANGE SUPPORT EQUIPMENT .....		7,256		7,256		7,256				7,256
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>										
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....		54,069		54,069		54,069				54,069
116	ITEMS LESS THAN \$5 MILLION .....		3,478		3,478		3,478				3,478
	<b>OTHER EXPENDABLE ORDNANCE</b>										
117	ANTI-SHIP MISSILE DECOY SYSTEM .....		37,128		37,128		37,128				37,128
118	SURFACE TRAINING DEVICE MODS .....		7,430		7,430		7,430				7,430
119	SUBMARINE TRAINING DEVICE MODS .....		25,271		25,271		25,271				25,271
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>										
120	PASSENGER CARRYING VEHICLES .....		4,139		4,139		4,139				4,139
121	GENERAL PURPOSE TRUCKS .....		1,731		1,731		1,731				1,731
122	CONSTRUCTION & MAINTENANCE EQUIP .....		12,931		12,931		12,931				12,931
123	FIRE FIGHTING EQUIPMENT .....		12,976		12,976		12,976				12,976
124	TACTICAL VEHICLES .....		25,352		25,352		25,352				25,352
125	AMPHIBIOUS EQUIPMENT .....		2,950		2,950		2,950				2,950
126	POLLUTION CONTROL EQUIPMENT .....		5,097		5,097		5,097				5,097
127	ITEMS UNDER \$5 MILLION .....		23,787		23,787		23,787				23,787
128	PHYSICAL SECURITY VEHICLES .....		1,115		6,115		1,115				1,115
	LRAD (Long Range Acoustical Device) Anti-Terrorism Force Protection Equipment for USN Assets.				[5,000]						
	<b>SUPPLY SUPPORT EQUIPMENT</b>										
129	MATERIALS HANDLING EQUIPMENT .....		17,153		17,153		17,153				17,153
130	OTHER SUPPLY SUPPORT EQUIPMENT .....		6,368		6,368		6,368				6,368
131	FIRST DESTINATION TRANSPORTATION .....		6,217		6,217		6,217				6,217
132	SPECIAL PURPOSE SUPPLY SYSTEMS .....		71,597		71,597		71,597				71,597
	<b>PERSONNEL AND COMMAND SUPPORT EQUIPMENT</b>										
	<b>TRAINING DEVICES</b>										
133	TRAINING SUPPORT EQUIPMENT .....		12,944		12,944		12,944				12,944
	<b>COMMAND SUPPORT EQUIPMENT</b>										
134	COMMAND SUPPORT EQUIPMENT .....		55,267		57,267		56,267				55,267
	National small unit center of excellence .....								[–3,000]		
	Man overboard indicators .....				[2,000]				[4,000]		
135	EDUCATION SUPPORT EQUIPMENT .....		2,084		2,084		2,084				2,084
136	MEDICAL SUPPORT EQUIPMENT .....		5,517		5,517		5,517				5,517
137	NAVAL MIP SUPPORT EQUIPMENT .....		1,537		1,537		1,537				1,537

PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
139	OPERATING FORCES SUPPORT EQUIPMENT .....		12,250		12,250		12,250				12,250
140	C4ISR EQUIPMENT .....		5,324		5,324		5,324				5,324
141	ENVIRONMENTAL SUPPORT EQUIPMENT .....		18,183		18,183		18,183				18,183
142	PHYSICAL SECURITY EQUIPMENT .....		128,921		128,921		128,921				128,921
143	ENTERPRISE INFORMATION TECHNOLOGY .....		79,747		79,747		79,747				79,747
	<b>OTHER</b>										
144	CANCELLED ACCOUNT ADJUSTMENTS .....										
	<b>SPARES AND REPAIR PARTS</b>										
145	SPARES AND REPAIR PARTS .....		247,796		247,796		247,796				247,796
145a	PROCUREMENT OF COMPUTER SERVICES / SYSTEMS .....						-75,000				
	Eliminate redundant activities .....						[-75,000]				
	<b>CLASSIFIED PROGRAMS</b>										
999	CLASSIFIED PROGRAMS .....		19,463		19,463		19,463				19,463
	<b>TOTAL—OTHER PROCUREMENT, NAVY .....</b>		<b>5,661,176</b>		<b>5,689,176</b>		<b>5,595,176</b>		<b>-50,595</b>		<b>5,610,581</b>
	<b>PROCUREMENT, MARINE CORPS</b>										
	<b>WEAPONS AND COMBAT VEHICLES</b>										
	<b>TRACKED COMBAT VEHICLES</b>										
001	AAV7A1 PIP .....		9,127		9,127		9,127				9,127
002	LAV PIP .....		34,969		34,969		34,969				34,969
003	IMPROVED RECOVERY VEHICLE (IRV) .....										
004	M1A1 FIREPOWER ENHANCEMENTS .....										
	<b>ARTILLERY AND OTHER WEAPONS</b>										
005	EXPEDITIONARY FIRE SUPPORT SYSTEM .....	20	19,591	20	19,591	20	19,591			20	19,591
006	155MM LIGHTWEIGHT TOWED HOWITZER .....		7,420		7,420		7,420				7,420
007	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....		71,476		71,476		71,476				71,476
008	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....		25,949		25,949		25,949				25,949
	<b>WEAPONS</b>										
009	MODULAR WEAPON SYSTEM .....										
	<b>OTHER SUPPORT</b>										
010	MODIFICATION KITS .....		33,990		33,990		33,990				33,990
011	WEAPONS ENHANCEMENT PROGRAM .....		22,238		22,238		22,238				22,238
	<b>GUIDED MISSILES AND EQUIPMENT</b>										
	<b>GUIDED MISSILES</b>										
012	GROUND BASED AIR DEFENSE .....		11,387		11,387		11,387				11,387
013	JAVELIN .....										
014	FOLLOW ON TO SMAW .....		25,333		25,333		25,333				25,333
015	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H) .....		71,225		71,225		71,225				71,225
	<b>OTHER SUPPORT</b>										
016	MODIFICATION KITS .....		2,114		2,114		2,114				2,114
	<b>COMMUNICATIONS &amp; ELECTRONICS EQUIPMENT</b>										
	<b>COMMAND AND CONTROL SYSTEMS</b>										
017	UNIT OPERATIONS CENTER .....		19,832		19,832		19,832				19,832
	<b>REPAIR AND TEST EQUIPMENT</b>										
018	REPAIR AND TEST EQUIPMENT .....		31,087		31,087		31,087				31,087
	<b>OTHER SUPPORT (TEL)</b>										
019	COMBAT SUPPORT SYSTEM .....		11,368		11,368		11,368				11,368
020	MODIFICATION KITS .....										
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>										
021	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....		3,531		3,531		3,531				3,531
022	AIR OPERATIONS C2 SYSTEMS .....		45,084		45,084		45,084				45,084
	<b>RADAR + EQUIPMENT (NON-TEL)</b>										
023	RADAR SYSTEMS .....		7,428		7,428		7,428				7,428
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>										
024	FIRE SUPPORT SYSTEM .....		2,580		2,580		2,580				2,580
025	INTELLIGENCE SUPPORT EQUIPMENT .....		37,581		48,081		37,581				37,581
	Tier I Unmanned Aircraft Systems .....				[10,500]						
026	RQ-11 UAV .....	517	42,403	517	42,403	517	42,403			517	42,403
	<b>OTHER COMM/ELEC EQUIPMENT (NON-TEL)</b>										
027	NIGHT VISION EQUIPMENT .....		10,360		10,360		10,360				10,360
	<b>OTHER SUPPORT (NON-TEL)</b>										
028	COMMON COMPUTER RESOURCES .....		115,263		115,263		115,263				115,263
029	COMMAND POST SYSTEMS .....		49,820		49,820		49,820				49,820
030	RADIO SYSTEMS .....		61,954		61,954		61,954				61,954
031	COMM SWITCHING & CONTROL SYSTEMS .....		98,254		98,254		98,254				98,254
032	COMM & ELEC INFRASTRUCTURE SUPPORT .....		15,531		15,531		15,531				15,531
	<b>SUPPORT VEHICLES</b>										
	<b>ADMINISTRATIVE VEHICLES</b>										
033	COMMERCIAL PASSENGER VEHICLES .....		1,265		1,265		1,265				1,265
034	COMMERCIAL CARGO VEHICLES .....		13,610		16,610		13,610				13,610
	Mountain Terrain Support Vehicles .....				[3,000]						
035	5/4T TRUCK HMMWV (MYP) .....	54	9,796	54	9,796	54	9,796			54	9,796
036	MOTOR TRANSPORT MODIFICATIONS .....		6,111		6,111		6,111				6,111
037	MEDIUM TACTICAL VEHICLE REPLACEMENT .....		10,792		39,692		10,792				10,792
	Medium Tactical Vehicle Replacement Trailers .....				[28,900]						
038	LOGISTICS VEHICLE SYSTEM REP .....	495	217,390	495	217,390	495	217,390			495	217,390

PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
039	FAMILY OF TACTICAL TRAILERS .....		26,497		26,497		26,497				26,497
040	TRAILERS .....		18,122		18,122		18,122				18,122
	OTHER SUPPORT										
041	ITEMS LESS THAN \$5 MILLION .....		5,948		5,948		5,948				5,948
	ENGINEER AND OTHER EQUIPMENT										
042	ENVIRONMENTAL CONTROL EQUIP ASSORT .....		5,121		5,121		5,121				5,121
043	BULK LIQUID EQUIPMENT .....		13,035		13,035		13,035				13,035
044	TACTICAL FUEL SYSTEMS .....		35,059		40,159		35,059		3,100		38,159
	Nitrile Rubber Collapsible Storage Units .....				[5,100]				[3,100]		
045	POWER EQUIPMENT ASSORTED .....		21,033		21,033		21,033				21,033
046	AMPHIBIOUS SUPPORT EQUIPMENT .....		39,876		39,876		39,876				39,876
047	EOD SYSTEMS .....		93,335		93,335		93,335				93,335
	MATERIALS HANDLING EQUIPMENT										
048	PHYSICAL SECURITY EQUIPMENT .....		12,169		12,169		12,169				12,169
049	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE) .....		11,825		11,825		11,825				11,825
050	MATERIAL HANDLING EQUIP .....		41,430		105,430		41,430				41,430
	Tractors, Rubber Tired, Articulated Steering, Multi-purpose (TRAM) .....				[21,000]						
	Light Rough Terrain Forks (LRTF) .....				[13,000]						
	Millennia Military Vehicle/Extendable Boom Fork Lift (MMV/EBFL) .....				[30,000]						
051	FIRST DESTINATION TRANSPORTATION .....		5,301		5,301		5,301				5,301
	GENERAL PROPERTY										
052	FIELD MEDICAL EQUIPMENT .....		6,811		6,811		6,811				6,811
053	TRAINING DEVICES .....		14,854		14,854		14,854				14,854
054	CONTAINER FAMILY .....		3,770		3,770		3,770				3,770
055	FAMILY OF CONSTRUCTION EQUIPMENT .....		37,735		37,735		37,735				37,735
056	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV) .....	52	10,360	52	10,360	52	10,360			52	10,360
057	BRIDGE BOATS .....										
058	RAPID DEPLOYABLE KITCHEN .....		2,159		2,159		2,159				2,159
	OTHER SUPPORT										
059	ITEMS LESS THAN \$5 MILLION .....		8,792		8,792		8,792				8,792
	SPARES AND REPAIR PARTS										
060	SPARES AND REPAIR PARTS .....		41,547		41,547		41,547				41,547
	TOTAL—PROCUREMENT, MARINE CORPS .....		1,600,638		1,712,138		1,600,638		3,100		1,603,738
	AIRCRAFT PROCUREMENT, AIR FORCE										
	COMBAT AIRCRAFT										
	TACTICAL FORCES										
001	F–35 .....	10	2,048,830	9	2,115,830	10	2,048,830		130,000	10	2,178,830
	Program Reduction .....				[–131,000]						
	Spares Decrease .....				[–9,000]						
	F136 Engine Procurement .....				[57,000]				[130,000]		
	F136 Engine Spares .....				[21,000]						
	F–35 Spares and Support Equipment .....				[129,000]						
002	ADVANCE PROCUREMENT (CY) .....		300,600		313,600		300,600		–22,000		278,600
	F136 Advance Procurement .....				[13,000]						
	Reduction of 2 aircraft previously funded in fiscal year 2009 .....								[–22,000]		
003	F–22A .....		95,163		95,163		62,898				95,163
	Use FY 09 funds to offset FY 10 requirements .....						[–32,265]				
	Unneeded production shutdown costs .....						[–64,000]				
	Other program requirements .....						[64,000]				
004	ADVANCE PROCUREMENT (CY) .....				368,800						
	Program Increase .....				[368,800]						
	AIRLIFT AIRCRAFT										
	TACTICAL AIRLIFT										
005	C–17A (MYP) .....		88,510		88,510		88,510				88,510
	OTHER AIRLIFT										
006	C–130J .....	3	285,632	3	285,632	3	285,632			3	285,632
007	ADVANCE PROCUREMENT (CY) .....		108,000		96,000		108,000				108,000
	Excess AP Based on FY09 Projections .....				[–12,000]						
008	HC/MC–130 RECAP .....	9	879,231	9	879,231	9	879,231	–7	–504,000	2	375,231
	Funded in fiscal year 2009 supplemental .....								[–504,000]		
009	ADVANCE PROCUREMENT (CY) .....		137,360		87,360		137,360				137,360
	Excess AP Based on FY09 Projections .....				[–50,000]						
010	JOINT CARGO AIRCRAFT .....	8	319,050	8	319,050	8	319,050			8	319,050
	TRAINER AIRCRAFT										
	UPT TRAINERS										
011	USAF A POWERED FLIGHT PROGRAM .....	13	4,144	13	4,144	13	4,144			13	4,144
	OPERATIONAL TRAINERS										
012	JPATS .....		15,711		15,711		15,711				15,711
	OTHER AIRCRAFT										
	HELICOPTERS										
013	V22 OSPREY .....	5	437,272	5	437,272	5	437,272			5	437,272
014	ADVANCE PROCUREMENT (CY) .....		13,835		13,835		13,835				13,835
	MISSION SUPPORT AIRCRAFT										
015	C–29A FLIGHT INSPECTION ACFT .....										
016	C–12 A .....										

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
017	C-40 .....	3	154,044	4	259,294	3	154,044	1	105,250	4	259,294
	Program Increase .....				[105,250]				[105,250]		
018	CIVIL AIR PATROL A/C .....		2,426		2,426		2,426				2,426
	<b>OTHER AIRCRAFT</b>										
020	TARGET DRONES .....		78,511		78,511		78,511				78,511
021	C-37A .....	1	66,400	1	66,400	1	66,400			1	66,400
022	GLOBAL HAWK .....	5	554,775	5	554,775	5	504,775			5	554,775
	Reduction due to program delays .....						[-50,000]				
023	ADVANCE PROCUREMENT (CY) .....		113,049		113,049		113,049				113,049
024	MQ-1 .....										
025	MQ-9 .....	24	489,469	13	274,134	24	469,569			24	489,469
	Gorgon Stare .....						[-19,900]				
	Transfer to Title XV .....			[-11]	[-215,335]						
	<b>CLASSIFIED PROGRAMS</b>										
999	CLASSIFIED PROGRAMS .....		3,608		3,608		3,608				3,608
	<b>MODIFICATION OF IN-SERVICE AIRCRAFT</b>										
	<b>STRATEGIC AIRCRAFT</b>										
026	B-2A .....		283,955		283,955		283,955		-19,800		264,155
	USAF requested transfer to APAF 78A, B-2 Post Production Support for the B-2 Weapon System Support Center. ....								[-19,800]		
027	ADVANCE PROCUREMENT (CY) .....										
028	B-1B .....		107,558		107,558		107,558		-29,000		78,558
	Program delay for various programs. Funding transferred to PE 11126F (RDAF 119). ....								[-29,000]		
029	B-52 .....		78,788		78,788		78,788		-17,322		61,466
	Air Force identified excess .....								[-17,322]		
	<b>TACTICAL AIRCRAFT</b>										
030	A-10 .....		252,488		319,588		252,488				252,488
	AAR-47 Kits/Installations .....				[67,100]						
031	F-15 .....		92,921		143,421		92,921		50,500		143,421
	5 AESA Radars .....				[50,500]				[50,500]		
032	F-16 .....		224,642		224,642		224,642		-2,767		221,875
	Funding ahead of need—BLOS Installs .....								[-2,767]		
033	F-22A .....		350,735		12,735				-158,399		192,336
	Use FY 09 funds to offset FY 10 requirements .....						[-350,735]				
	FY 09 Funds Available to Meet Requirement .....				[-338,000]						
	Common Configuration—Early to need .....								[-158,399]		
	<b>AIRLIFT AIRCRAFT</b>										
034	C-5 .....		606,993		606,993		606,993		-28,000		578,993
	Funding ahead of need—RERP Install .....								[-28,000]		
035	ADVANCE PROCUREMENT (CY) .....		108,300		108,300		108,300				108,300
036	C-9C .....		10		10		10				10
037	C-17A .....		469,731		469,731		469,731		-45,300		424,431
	Funding requested ahead of need .....								[-45,300]		
038	C-21 .....		562		562		562				562
039	C-32A .....		10,644		10,644		10,644				10,644
040	C-37A .....		4,336		4,336		4,336				4,336
	<b>TRAINER AIRCRAFT</b>										
041	GLIDER MODS .....		119		119		119				119
042	T-6 .....		33,074		33,074		33,074				33,074
043	T-1 .....		35		35		35				35
044	T-38 .....		75,274		75,274		75,274		-14,217		61,057
	Improved Brake System Program Termination .....								[-14,217]		
045	T-43 .....										
	<b>OTHER AIRCRAFT</b>										
046	KC-10A (ATCA) .....		9,441		9,441		9,441				9,441
047	C-12 .....		472		472		472				472
048	MC-12W .....		63,000		63,000		63,000				63,000
049	C-20 MODS .....		734		734		734				734
050	VC-25A MOD .....		15,610		15,610		15,610				15,610
051	C-40 .....		9,162		9,162		9,162				9,162
052	C-130 .....		354,421		154,321		144,921		-220,250		134,171
	Use FY 08 & FY 09 resources to fund AMP production .....						[-209,500]				
	Scathe View Hyper-Spectral Imagery Upgrade .....				[5,400]				[4,500]		
	Senior Scout COMINT Capability Upgrade .....				[4,000]				[3,750]		
	Program Excess .....				[-209,500]				[-209,500]		
	Centerwing Replacements—Early to need .....								[-19,000]		
053	C130J MODS .....		13,627		13,627		13,627				13,627
054	C-135 .....		150,425		150,425		150,425				150,425
055	COMPASS CALL MODS .....		29,187		107,187		29,187				29,187
	Baseline 1 Group B Kits .....				[78,000]						
056	DARP .....		107,859		107,859		107,859				107,859
057	E-3 .....		79,263		79,263		79,263				79,263
058	E-4 .....		73,058		73,058		73,058				73,058
059	E-8 .....		225,973		225,973		225,973				225,973
060	H-1 .....		18,280		18,280		18,280				18,280
061	H-60 .....		14,201		95,201		14,201		81,000		95,201



PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	HH-60G AAQ-29 FLIR .....				[81,000]				[81,000]		
062	GLOBAL HAWK MODS .....		134,864		134,864		134,864				134,864
063	HC/MC-130 MODIFICATIONS .....		1,964		1,964		1,964				1,964
064	OTHER AIRCRAFT .....		103,274		103,274		127,274		24,000		127,274
	Litening ATP upgrade kits .....						[24,000]		[24,000]		
065	MQ-1 MODS .....		123,889		123,889		123,889				123,889
066	MQ-9 MODS .....		48,837		48,837		48,837				48,837
	Reflect USAF decision to change sensor payload .....										
067	CV-22 MODS .....		24,429		24,429		24,429				24,429
067A	CAF Restructure .....				10,500						
	<b>AIRCRAFT SPARES + REPAIR PARTS</b>										
068	INITIAL SPARES/REPAIR PARTS .....		418,604		418,604		418,604				418,604
	<b>AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES</b>										
	<b>COMMON SUPPORT EQUIP</b>										
069	AIRCRAFT REPLACEMENT SUPPORT EQUIP .....		105,820		105,820		105,820				105,820
	<b>POST PRODUCTION SUPPORT</b>										
070	B-1 .....		3,929		3,929		3,929				3,929
071	B-2A .....										
072	B-2A .....		24,481		24,481		24,481				24,481
073	C-5 .....		2,259		2,259		2,259				2,259
074	C-5 .....		11,787		11,787		11,787				11,787
075	KC-10A (ATCA) .....		4,125		4,125		4,125				4,125
076	C-17A .....		91,400		91,400		91,400				
	Funding requested ahead of need .....								-91,400		
									[-91,400]		
077	C-130 .....		28,092		28,092		28,092				28,092
078	EC-130J .....		5,283		5,283		5,283				5,283
078A	B-2 POST PRODUCTION SUPPORT .....								19,800		19,800
	USAF requested transfer from APAF 26 for the B-2 Weapon System Support Center.								[19,800]		
079	F-15 .....		15,744		15,744		15,744				15,744
080	F-16 .....		19,951		19,951		19,951				19,951
081	OTHER AIRCRAFT .....		51,980		51,980		51,980				51,980
082	T-1 .....										
	<b>INDUSTRIAL PREPAREDNESS</b>										
083	INDUSTRIAL RESPONSIVENESS .....		25,529		25,529		25,529				25,529
	<b>WAR CONSUMABLES</b>										
084	WAR CONSUMABLES .....		134,427		134,427		134,427				134,427
	<b>OTHER PRODUCTION CHARGES</b>										
085	OTHER PRODUCTION CHARGES .....		490,344		490,344		490,344				490,344
	<b>OTHER PRODUCTION CHARGES—SOF</b>										
087	CANCELLED ACCT ADJUSTMENTS .....										
	<b>DARP</b>										
088	DARP .....		15,323		15,323		15,323				15,323
	<b>CLASSIFIED PROGRAMS</b>										
999	CLASSIFIED PROGRAMS .....		19,443		19,443		19,443				19,443
	<b>TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE .....</b>		<b>11,966,276</b>		<b>11,991,991</b>		<b>11,327,876</b>		<b>-741,905</b>		<b>11,224,371</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>										
	<b>PROCUREMENT OF AMMO, AIR FORCE</b>										
	<b>ROCKETS</b>										
001	ROCKETS .....		43,461		43,461		43,461				43,461
	<b>CARTRIDGES</b>										
002	CARTRIDGES .....		123,886		123,886		123,886				123,886
	<b>BOMBS</b>										
003	PRACTICE BOMBS .....		52,459		52,459		52,459				52,459
004	GENERAL PURPOSE BOMBS .....		225,145		225,145		225,145				225,145
005	JOINT DIRECT ATTACK MUNITION .....	3592	103,041	3,592	103,041	3,592	103,041			3592	103,041
	<b>FLARE, IR MJU-7B</b>										
006	CAD/PAD .....		40,522		40,522		40,522				40,522
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....		3,302		3,302		3,302				3,302
008	SPARES AND REPAIR PARTS .....		4,582		4,582		4,582				4,582
009	MODIFICATIONS .....		1,289		1,289		1,289				1,289
010	ITEMS LESS THAN \$5,000,000 .....		5,061		5,061		5,061				5,061
	<b>FUZES</b>										
011	FLARES .....		152,515		152,515		152,515				152,515
012	FUZES .....		61,037		61,037		61,037				61,037
	<b>WEAPONS</b>										
	<b>SMALL ARMS</b>										
013	SMALL ARMS .....		6,162		6,162		6,162				6,162
	<b>TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE .....</b>		<b>822,462</b>		<b>822,462</b>		<b>822,462</b>		<b>0</b>		<b>822,462</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>										
	<b>BALLISTIC MISSILES</b>										
	<b>MISSILE REPLACEMENT EQUIPMENT-BALLISTIC</b>										
001	MISSILE REPLACEMENT EQ-BALLISTIC .....		58,139		58,139		58,139				58,139

PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>OTHER MISSILES</b>										
	<b>TACTICAL</b>										
002	JASSM .....		52,666		51,666		52,666				52,666
	Program Decrease .....				[-1,000]						
003	SIDEWINDER (AIM-9X) .....	219	78,753	219	78,753	219	78,753			219	78,753
004	AMRAAM .....	196	291,827	196	291,827	196	291,827		-5,000	196	286,827
	Funding ahead of need for DMS .....								[-5,000]		
005	PREDITOR HELLFIRE MISSILE .....	792	79,699	792	79,699	792	79,699		-15,169	792	64,530
	Updated pricing .....								[-15,169]		
006	SMALL DIAMETER BOMB .....	2340	134,801	2,340	134,801	2,340	134,801			2340	134,801
	<b>INDUSTRIAL FACILITIES</b>										
007	INDUSTR'L PREPAREDNS/POL PREVENTION .....		841		841		841				841
	<b>MODIFICATION OF IN-SERVICE MISSILES</b>										
	<b>CLASS IV</b>										
008	ADVANCED CRUISE MISSILE .....		32		32		32				32
009	MM III MODIFICATIONS .....		199,484		199,484		199,484				199,484
010	AGM-65D MAVERICK .....		258		258		258				258
011	AGM-88A HARM .....		30,280		30,280		30,280				30,280
012	AIR LAUNCH CRUISE MISSILE (ALCM) .....										
	<b>SPARES AND REPAIR PARTS</b>										
	<b>MISSILE SPARES + REPAIR PARTS</b>										
013	INITIAL SPARES/REPAIR PARTS .....		70,185		70,185		70,185				70,185
	<b>OTHER SUPPORT</b>										
	<b>SPACE PROGRAMS</b>										
014	ADVANCED EHF .....	1	1,843,475	1	1,843,475	1	1,843,475			1	1,843,475
015	ADVANCE PROCUREMENT (CY) .....										
016	WIDEBAND GAFILLER SATELLITES(SPACE) .....		201,671		201,671		201,671		-50,000		151,671
	Program delay .....								[-50,000]		
017	ADVANCE PROCUREMENT (CY) .....		62,380		62,380		62,380				62,380
018	SPACEBORNE EQUIP (COMSEC) .....		9,871		9,871		9,871				9,871
019	GLOBAL POSITIONING (SPACE) .....		53,140		53,140		53,140				53,140
020	ADVANCE PROCUREMENT (CY) .....										
021	NUDET DETECTION SYSTEM .....										
022	DEF METEOROLOGICAL SAT PROG(SPACE) .....		97,764		97,764		97,764				97,764
023	TITAN SPACE BOOSTERS(SPACE) .....										
024	EVOLVED EXPENDABLE LAUNCH VEH(SPACE) .....	5	1,295,325	4	1,207,225	5	1,102,325	-2	-193,100	3	1,102,225
	EELV reduction for GPS IF8 .....						[-88,000]				
	EELV reduction for AFSPC4 .....						[-105,000]	[-1]	[-105,000]		
	Reduction in Requirement for Launch Vehicles .....			[-1]	[-88,100]			[-1]	[-88,100]		
025	MEDIUM LAUNCH VEHICLE(SPACE) .....										
026	SBIR HIGH (SPACE) .....	1	307,456	1	307,456	1	307,456			1	307,456
027	ADVANCE PROCUREMENT (CY) .....		159,000		159,000		159,000				159,000
028	NATL POLAR-ORBITING OP ENV SATELLITE .....		3,900		3,900		3,900				3,900
	<b>SPECIAL PROGRAMS</b>										
029	DEFENSE SPACE RECONN PROGRAM .....		105,152		105,152		105,152				105,152
031	SPECIAL UPDATE PROGRAMS .....		311,070		311,070		311,070				311,070
	<b>CLASSIFIED PROGRAMS</b>										
999	CLASSIFIED PROGRAMS .....		853,559		853,559		853,559				853,559
	<b>TOTAL—MISSILE PROCUREMENT, AIR FORCE</b> .....		<b>6,300,728</b>		<b>6,211,628</b>		<b>6,107,728</b>		<b>-263,269</b>		<b>6,037,459</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>										
	<b>VEHICULAR EQUIPMENT</b>										
	<b>CARGO + UTILITY VEHICLES</b>										
002	MEDIUM TACTICAL VEHICLE .....		25,922		25,922		25,922				25,922
003	CAP VEHICLES .....		897		897		897				897
	<b>SPECIAL PURPOSE VEHICLES</b>										
004	SECURITY AND TACTICAL VEHICLES .....		44,603		44,603		44,603				44,603
	<b>FIRE FIGHTING EQUIPMENT</b>										
005	FIRE FIGHTING/CRASH RESCUE VEHICLES .....		27,760		27,760		27,760				27,760
	<b>MATERIALS HANDLING EQUIPMENT</b>										
006	HALVERSEN LOADER .....						12,000				
	Procure additional loaders .....						[12,000]				
	<b>BASE MAINTENANCE SUPPORT</b>										
007	RUNWAY SNOW REMOV AND CLEANING EQU .....		24,884		24,884		24,884				24,884
008	ITEMS LESS THAN \$5,000,000(VEHICLES) .....		57,243		57,243		57,243		-17,000		40,243
	Reduce program growth .....								[-17,000]		
	<b>CLASSIFIED PROGRAMS</b>										
999	CLASSIFIED PROGRAMS .....		18,163		18,163		18,163				18,163
	<b>ELECTRONICS AND TELECOMMUNICATIONS</b>										
	<b>COMM SECURITY EQUIPMENT(COMSEC)</b>										
009	COMSEC EQUIPMENT .....		209,249		209,249		209,249				209,249
010	MODIFICATIONS (COMSEC) .....		1,570		1,570		1,570				1,570
	<b>INTELLIGENCE PROGRAMS</b>										
011	INTELLIGENCE TRAINING EQUIPMENT .....		4,230		4,230		4,230				4,230
012	INTELLIGENCE COMM EQUIPMENT .....		21,965		27,965		21,965		5,500		27,465
	Eagle Vision-ANG .....				[4,000]				[4,000]		

PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Eagle Vision Upgrade-ANG .....				[2,000]				[1,500]		
	<b>ELECTRONICS PROGRAMS</b>										
013	AIR TRAFFIC CONTROL & LANDING SYS .....		22,591		22,591		22,591				22,591
014	NATIONAL AIRSPACE SYSTEM .....		47,670		47,670		47,670				47,670
015	THEATER AIR CONTROL SYS IMPROVEMEN .....		56,776		56,776		56,776				56,776
016	WEATHER OBSERVATION FORECAST .....		19,357		19,357		19,357				19,357
017	STRATEGIC COMMAND AND CONTROL .....		35,116		35,116		35,116				35,116
018	CHEYENNE MOUNTAIN COMPLEX .....		28,608		28,608		28,608				28,608
019	DRUG INTERDICTION SPT .....		452		452		452				452
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>										
020	GENERAL INFORMATION TECHNOLOGY .....		111,282		111,282		111,282				111,282
	Program Reduction .....				[–5,000]						
	Application Software Assurance Center of Excellence .....				[5,000]						
021	AF GLOBAL COMMAND & CONTROL SYS .....		15,499		15,499		15,499				15,499
022	MOBILITY COMMAND AND CONTROL .....		8,610		8,610		8,610				8,610
023	AIR FORCE PHYSICAL SECURITY SYSTEM .....		137,293		137,293		137,293		–60,000		77,293
	Weapons Storage Area—Request ahead of need .....								[–60,000]		
024	COMBAT TRAINING RANGES .....		40,633		40,633		46,833		4,000		44,633
	Unmanned modular threat emitter (UMTE) .....						[3,000]		[3,000]		
	Joint threat emitter (JTE) .....						[3,200]		[1,000]		
025	C3 COUNTERMEASURES .....		8,177		8,177		8,177				8,177
026	GCSS-AF FOS .....		81,579		81,579		81,579				81,579
027	THEATER BATTLE MGT C2 SYSTEM .....		29,687		29,687		29,687				29,687
028	AIR & SPACE OPERATIONS CTR-WPN SYS .....		54,093		54,093		54,093				54,093
	<b>AIR FORCE COMMUNICATIONS</b>										
029	BASE INFO INFRASTRUCTURE .....		433,859		433,859		433,859		–49,000		384,859
	Excess funding .....								[–49,000]		
030	USCENTCOM .....		38,958		38,958		38,958				38,958
031	AUTOMATED TELECOMMUNICATIONS PRG .....										
	<b>DISA PROGRAMS</b>										
032	SPACE BASED IR SENSOR PGM SPACE .....		34,440		34,440		34,440				34,440
033	NAVSTAR GPS SPACE .....		6,415		6,415		6,415				6,415
034	NUDET DETECTION SYS SPACE .....		15,436		15,436		15,436				15,436
035	AF SATELLITE CONTROL NETWORK SPACE .....		58,865		58,865		58,865				58,865
036	SPACELIFT RANGE SYSTEM SPACE .....		100,275		100,275		100,275				100,275
037	MILSATCOM SPACE .....		110,575		110,575		119,575		[9,000]		110,575
	Application software assurance .....										
038	SPACE MODS SPACE .....		30,594		30,594		30,594				30,594
039	COUNTERSPACE SYSTEM .....		29,793		29,793		29,793				29,793
	<b>ORGANIZATION AND BASE</b>										
040	TACTICAL C-E EQUIPMENT .....		240,890		230,890		240,890		–33,000		207,890
	Network Control Center-Deployed Cost Growth .....				[–10,000]						
	Reduce Vehicle Communication Systems .....								[–33,000]		
041	COMBAT SURVIVOR EVADER LOCATER .....		35,029		35,029		35,029				35,029
042	RADIO EQUIPMENT .....		15,536		15,536		15,536				15,536
043	TV EQUIPMENT (AFRTV) .....										
044	CCTV/AUDIOVISUAL EQUIPMENT .....		12,961		12,961		12,961				12,961
045	BASE COMM INFRASTRUCTURE .....		121,049		121,049		121,049				121,049
	<b>MODIFICATIONS</b>										
046	COMM ELECT MODS .....		64,087		64,087		64,087				64,087
	<b>OTHER BASE MAINTENANCE AND SUPPORT EQUIP</b>										
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>										
047	NIGHT VISION GOGGLES .....		28,226		28,226		28,226				28,226
048	ITEMS LESS THAN \$5,000,000 (SAFETY) .....		17,223		17,223		17,223				17,223
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>										
049	MECHANIZED MATERIAL HANDLING EQUIP .....		15,449		15,449		15,449				15,449
	<b>BASE SUPPORT EQUIPMENT</b>										
050	BASE PROCURED EQUIPMENT .....		14,300		14,300		14,300				14,300
051	CONTINGENCY OPERATIONS .....		22,973		22,973		22,973		–12,973		10,000
	Reduce program growth .....								[–12,973]		
052	PRODUCTIVITY CAPITAL INVESTMENT .....		3,020		3,020		3,020				3,020
053	MOBILITY EQUIPMENT .....		32,855		32,855		32,855				32,855
054	ITEMS LESS THAN \$5,000,000 (BASE S) .....		8,195		18,895		8,195		3,000		11,195
	Advanced Reconfigurable Containers .....				[1,700]						
	Aircrew Body Armor and Load Carriage Vest .....				[9,000]				[3,000]		
	<b>SPECIAL SUPPORT PROJECTS</b>										
056	DARP RC135 .....		23,132		23,132		23,132				23,132
057	DISTRIBUTED GROUND SYSTEMS .....		293,640		293,640		293,640				293,640
059	SPECIAL UPDATE PROGRAM .....		471,234		471,234		471,234				471,234
060	DEFENSE SPACE RECONNAISSANCE PROG. ....		30,041		30,041		30,041				30,041
	<b>CLASSIFIED PROGRAMS</b>										
999	CLASSIFIED PROGRAMS .....		13,830,722		13,830,722		13,830,722				13,830,722
	<b>SPARES AND REPAIR PARTS</b>										
061	SPARES AND REPAIR PARTS .....		19,460		19,460		19,460				19,460
061a	Procurement of computer services / systems .....						–75,000				
	Eliminate redundant activities .....						[–75,000]				

PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>TOTAL—OTHER PROCUREMENT, AIR FORCE</b> .....		17,293,141		17,299,841		17,245,341		−159,473		17,133,668
	<b>MINE RESISTANT AMBUSH PROT VEH FUND</b>										
	MINE RESISTANT AMBUSH PROT VEH FUND .....						1,200,000		600,000		600,000
	Additional MRAP vehicles to meet new requirement .....						[1,200,000]		[600,000]		
	<b>TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND</b> .....		0		0		1,200,000		600,000		600,000
	<b>PROCUREMENT, DEFENSE-WIDE</b>										
	<b>MAJOR EQUIPMENT</b>										
	<b>MAJOR EQUIPMENT, AFIS</b>										
001	MAJOR EQUIPMENT, AFIS .....										
	<b>MAJOR EQUIPMENT, BTA</b>										
002	MAJOR EQUIPMENT, BTA .....		8,858		8,858		8,858				8,858
	<b>MAJOR EQUIPMENT, DCAA</b>										
003	ITEMS LESS THAN \$5 MILLION .....		1,489		1,489		1,489				1,489
	<b>MAJOR EQUIPMENT, DCMA</b>										
004	MAJOR EQUIPMENT .....		2,012		2,012		2,012				2,012
	<b>MAJOR EQUIPMENT, DHRA</b>										
005	PERSONNEL ADMINISTRATION .....		10,431		10,431		10,431				10,431
	<b>MAJOR EQUIPMENT, DISA</b>										
017	INTERDICTION SUPPORT .....										
018	INFORMATION SYSTEMS SECURITY .....		13,449		13,449		13,449				13,449
019	GLOBAL COMMAND AND CONTROL SYSTEM .....		7,053		7,053		7,053				7,053
020	GLOBAL COMBAT SUPPORT SYSTEM .....		2,820		2,820		2,820				2,820
021	TELEPORT PROGRAM .....		68,037		68,037		68,037				68,037
022	ITEMS LESS THAN \$5 MILLION .....		196,232		196,232		196,232				196,232
023	NET CENTRIC ENTERPRISE SERVICES (NCES) .....		3,051		3,051		3,051				3,051
024	DEFENSE INFORMATION SYSTEM NETWORK (DISN) .....		89,725		89,725		89,725				89,725
025	PUBLIC KEY INFRASTRUCTURE .....		1,780		1,780		1,780				1,780
026	JOINT COMMAND AND CONTROL PROGRAM .....		2,835		2,835		2,835				2,835
027	CYBER SECURITY INITIATIVE .....		18,188		18,188		18,188				18,188
	<b>MAJOR EQUIPMENT, DLA</b>										
028	MAJOR EQUIPMENT .....		7,728		7,728		7,728				7,728
	<b>MAJOR EQUIPMENT, DMACT</b>										
029	MAJOR EQUIPMENT .....	4	10,149	4	10,149	4	10,149			4	10,149
	<b>MAJOR EQUIPMENT, DODEA</b>										
030	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....		1,463		1,463		1,463				1,463
	<b>MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY</b>										
031	EQUIPMENT .....										
032	VEHICLES .....		50		50		50				50
033	OTHER MAJOR EQUIPMENT .....		7,447		7,447		7,447				7,447
	<b>MAJOR EQUIPMENT, DTSA</b>										
034	MAJOR EQUIPMENT .....		436		436		436				436
	<b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>										
035	THAAD SYSTEM .....		420,300		420,300		420,300				420,300
036	SM-3 .....		168,723		168,723		168,723		23,200		191,923
	Additional SM-3 Block 1A missiles .....								[23,200]		
036A	TPY-2 Radar .....										
	<b>MAJOR EQUIPMENT, NSA</b>										
044	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....		4,013		4,013		4,013				4,013
	<b>MAJOR EQUIPMENT, OSD</b>										
047	MAJOR EQUIPMENT, OSD .....		111,487		256,097		111,487				111,487
	Transfer from Title XIV .....				[144,610]						
	<b>MAJOR EQUIPMENT, TJS</b>										
048	MAJOR EQUIPMENT, TJS .....		12,065		12,065		12,065				12,065
	<b>MAJOR EQUIPMENT, WHS</b>										
049	WHS MOTOR VEHICLES .....										
050	MAJOR EQUIPMENT, WHS .....		26,945		26,945		26,945				26,945
	<b>CLASSIFIED PROGRAMS</b>										
999	CLASSIFIED PROGRAMS .....		818,766		818,766		818,766				818,766
	<b>SPECIAL OPERATIONS COMMAND</b>										
	<b>AVIATION PROGRAMS</b>										
051	ROTARY WING UPGRADES AND SUSTAINMENT .....		101,936		101,936		101,936				101,936
052	MH-47 SERVICE LIFE EXTENSION PROGRAM .....		22,958		22,958		22,958				22,958
053	MH-60 SOF MODERNIZATION PROGRAM .....		146,820		146,820		146,820				146,820
054	NON-STANDARD AVIATION .....	9	227,552	9	227,552	9	227,552		−30,000	9	197,552
	Procurement Schedule .....								[−30,000]		
055	UNMANNED VEHICLES .....										
056	SOF TANKER RECAPITALIZATION .....		34,200		34,200		34,200				34,200
057	SOF U-28 .....		2,518		2,518		2,518				2,518
058	MC-130H, COMBAT TALON II .....										
059	CV-22 SOF MOD .....	5	114,553	5	114,553	5	114,553			5	114,553
060	MQ-1 UAV .....		10,930		10,930		10,930				10,930
061	MQ-9 UAV .....		12,671		12,671		12,671				12,671
062	STUASLO .....	9	12,223	9	12,223	9	12,223			9	12,223
063	C-130 MODIFICATIONS .....		59,950		66,450		144,950		86,000		145,950

PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	MC-130W multi-mission modifications .....						[85,000]		[85,000]		
	Intelligence Broadcast Receiver (IBR) for AFSOC MC-130 .....				[2,500]				[1,000]		
	LAIRCM for AFSOC MC-130 .....				[4,000]						
064	AIRCRAFT SUPPORT .....		973		973		973				973
	<b>SHIPBUILDING</b>										
065	ADVANCED SEAL DELIVERY SYSTEM (ASDS) .....		5,236		5,236		5,236		-5,236		
	Program termination .....								[-5,236]		
066	MK8 MOD1 SEAL DELIVERY VEHICLE .....		1,463		1,463		1,463				1,463
	<b>AMMUNITION PROGRAMS</b>										
067	SOF ORDNANCE REPLENISHMENT .....		61,360		61,360		61,360				61,360
068	SOF ORDNANCE ACQUISITION .....		26,791		26,791		26,791				26,791
	<b>OTHER PROCUREMENT PROGRAMS</b>										
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....		55,080		55,080		55,080				55,080
070	SOF INTELLIGENCE SYSTEMS .....		72,811		72,811		72,811				72,811
071	SMALL ARMS AND WEAPONS .....		35,235		39,535		40,235		7,500		42,735
	Advanced lightweight grenade launcher .....						[5,000]		[5,000]		
	Special Operations Forces Combat Assault Rifle (SCAR) .....				[4,300]				[2,500]		
072	MARITIME EQUIPMENT MODIFICATIONS .....		791		791		791				791
073	SPEC APPLICATION FOR CONT .....										
074	SOF COMBATANT CRAFT SYSTEMS .....		6,156		16,956		6,156		10,000		16,156
	Special Operations Craft-Riverine .....				[10,800]				[10,000]		
075	SPARES AND REPAIR PARTS .....		2,010		2,010		2,010				2,010
076	TACTICAL VEHICLES .....		18,821		18,821		18,821				18,821
077	MISSION TRAINING AND PREPARATION SYSTEMS .....		17,265		17,265		17,265				17,265
078	COMBAT MISSION REQUIREMENTS .....		20,000		20,000		20,000				20,000
079	MILCON COLLATERAL EQUIPMENT .....		6,835		6,835		6,835				6,835
081	SOF AUTOMATION SYSTEMS .....		60,836		60,836		60,836				60,836
082	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....		12,401		12,401		12,401				12,401
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....		26,070		26,070		26,070				26,070
084	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....		550		550		550				550
085	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS .....		33,741		33,741		49,141		5,000		38,741
	Special operations visual augmentation systems .....						[15,400]		[5,000]		
086	SOF TACTICAL RADIO SYSTEMS .....		53,034		53,034		84,334		10,000		63,034
	Special operations forces multi-band inter/intra team radio .....						[31,300]		[10,000]		
087	SOF MARITIME EQUIPMENT .....		2,777		2,777		2,777				2,777
088	DRUG INTERDICTION .....										
089	MISCELLANEOUS EQUIPMENT .....		7,576		7,576		7,576				7,576
090	SOF OPERATIONAL ENHANCEMENTS .....		273,998		273,998		273,998				273,998
091	PSYOP EQUIPMENT .....		43,081		43,081		43,081				43,081
	<b>CLASSIFIED PROGRAMS</b>										
999	CLASSIFIED PROGRAMS .....		5,573		5,573		5,573				5,573
	<b>CHEMICAL/BIOLOGICAL DEFENSE</b>										
	<b>CBDP</b>										
092	Installation Force Protection .....		65,590		65,590		65,590				65,590
093	Individual Force Protection .....		92,004		92,004		96,004				92,004
	M53 joint chemical biological protection mask .....						[4,000]				
094	Decontamination .....		22,008		22,008		22,008				22,008
095	Joint Bio Defense Program (Medical) .....		12,740		12,740		12,740				12,740
096	Collective Protection .....		27,938		27,938		27,938				27,938
097	Contamination Avoidance .....		151,765		151,765		151,765				151,765
097a	Procurement of computer services / systems .....						-75,000				
	<b>TOTAL—PROCUREMENT, DEFENSE-WIDE</b> .....		<b>3,984,352</b>		<b>4,150,562</b>		<b>4,050,052</b>		<b>106,464</b>		<b>4,090,816</b>
	<b>RAPID ACQUISITION FUND</b>										
001	JOINT RAPID ACQUISITION CELL .....		79,300		55,000		79,300		-79,300		
	Program Reduction .....				[-24,300]				[-79,300]		
	<b>TOTAL—RAPID ACQUISITION FUND</b> .....		<b>79,300</b>		<b>55,000</b>		<b>79,300</b>		<b>-79,300</b>		<b>0</b>
	<b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>										
	<b>RESERVE EQUIPMENT</b>										
	UNDISTRIBUTED .....				600,000				600,000		600,000
	<b>ARMY RESERVE</b>										
001	MISCELLANEOUS EQUIPMENT .....										
	<b>NAVY RESERVE</b>										
002	MISCELLANEOUS EQUIPMENT .....										
	<b>MARINE CORPS RESERVE</b>										
003	MISCELLANEOUS EQUIPMENT .....										
	<b>AIR FORCE RESERVE</b>										
004	MISCELLANEOUS EQUIPMENT .....										
	<b>ARMY NATIONAL GUARD</b>										
005	MISCELLANEOUS EQUIPMENT .....										
	<b>AIR NATIONAL GUARD</b>										
006	MISCELLANEOUS EQUIPMENT .....										
	<b>TOTAL—NATIONAL GUARD &amp; RESERVE EQUIPMENT</b> .....		<b>0</b>		<b>600,000</b>		<b>0</b>		<b>600,000</b>		<b>600,000</b>

PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Total Procurement .....		105,819,330		105,198,234		105,749,720		-789,951		105,029,379

Procurement for overseas contingency operations (sec. 4102)

The Senate amendment contained an authorization funding table (sec. 4102) for pro-

curement for overseas contingency operations.

The House bill contained no similar provision.

The House recedes with an amendment authorizing specific projects, programs, or activities and associated dollar amounts subject to appropriations.

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)											
Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY										
	AIRCRAFT										
	FIXED WING										
003	MQ-1 UAV .....	12	250,000	24	487,989	12	250,000			12	250,000
	Transfer from Title I .....			[12]	[237,989]						
004	RQ-11 (RAVEN) .....	86	44,640	86	44,640	86	44,640			86	44,640
004A	C-12A .....	6	45,000	6	45,000	6	45,000			6	45,000
	ROTARY WING										
011	UH-60 BLACKHAWK (MYP) .....	4	74,340	4	74,340	4	74,340			4	74,340
013	CH-47 HELICOPTER .....	4	141,200	4	141,200	4	141,200			4	141,200
	MODIFICATION OF AIRCRAFT										
016	MQ-1 PAYLOAD—UAS .....				87,424						
	Transfer from Title I .....				[87,424]						
017	MQ-1 WEAPONIZATION—UAS .....				14,832						
	Transfer from Title I .....				[14,832]						
018	GUARDRAIL MODS (MIP) .....		50,210		50,210		50,210				50,210
019	MULTI SENSOR ABN RECON (MIP) .....		54,000		54,000		54,000				54,000
020	AH-64 MODS .....	4	315,300	4	315,300	4	315,300			4	315,300
026	UTILITY HELICOPTER MODS .....		2,500		2,500		2,500				2,500
027	KIOWA WARRIOR .....	6	94,335	6	94,335	6	94,335			6	94,335
030	RQ-7 UAV MODS .....		326,400		326,400		326,400				326,400
030A	C-12A .....		60,000		60,000		60,000				60,000
	SPARES AND REPAIR PARTS										
031	SPARE PARTS (AIR) .....		18,200		18,200		18,200				18,200
	SUPPORT EQUIPMENT AND FACILITIES										
	GROUND SUPPORT AVIONICS										
033	ASE INFRARED CM .....		111,600		111,600		111,600				111,600
	OTHER SUPPORT										
035	COMMON GROUND EQUIPMENT .....		23,704		23,704		23,704				23,704
036	AIRCREW INTEGRATED SYSTEMS .....		24,800		24,800		24,800				24,800
	TOTAL—AIRCRAFT PROCUREMENT, ARMY .....		1,636,229		1,976,474		1,636,229		0		1,636,229
	MISSILE PROCUREMENT, ARMY										
	OTHER MISSILES										
	AIR-TO-SURFACE MISSILE SYSTEM										
005	HELLFIRE SYS SUMMARY .....	2133	219,700	2,133	219,700	2,133	219,700			2133	219,700
	ANTI-TANK/ASSAULT MISSILE SYSTEM										
006	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	864	140,979	864	140,979	864	140,979		-25,000	864	115,979
	Funding ahead of need .....								[-25,000]		
007	TOW 2 SYSTEM SUMMARY .....	1294	59,200	1,294	59,200	1,294	59,200		-25,000	1294	34,200
	Funding ahead of need .....								[-25,000]		
008	GUIDED MLRS ROCKET (GMLRS) .....	678	60,600	678	60,600	678	60,600			678	60,600
	MODIFICATIONS										
014	MLRS MODS .....		18,772		18,772		18,772				18,772
015	HIMARS MODIFICATIONS .....		32,319		32,319		32,319				32,319
	TOTAL—MISSILE PROCUREMENT, ARMY .....		531,570		531,570		531,570		-50,000		481,570
	PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES										
	MODIFICATION OF TRACKED COMBAT VEHICLES										
009	FIST VEHICLE (MOD) .....		36,000		36,000		36,000				36,000
010	BRADLEY PROGRAM (MOD) .....		243,600		243,600		243,600				243,600
011	HOWITZER, MED SP FT 155MM M109A6 (MOD) .....		37,620		37,620		37,620				37,620
012	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....				115,000						
	M88A2 Program Increase .....				[115,000]						
	SUPPORT EQUIPMENT & FACILITIES										
	WEAPONS AND OTHER COMBAT VEHICLES										
027	XM320 GRENADE LAUNCHER MODULE (GLM) .....	3643	13,900	3,643	13,900	3,643	13,900			3643	13,900

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO)	1000	235,000	1,000	235,000	1,000	235,000			1000	235,000
033	HOWITZER LT WT 155MM (T)	36	107,996	36	107,996	36	107,996			36	107,996
	MOD OF WEAPONS AND OTHER COMBAT VEH										
036	M2 50 CAL MACHINE GUN MODS		27,600		27,600		27,600				27,600
037	M249 SAW MACHINE GUN MODS		20,900		20,900		20,900				20,900
038	M240 MEDIUM MACHINE GUN MODS		4,800		4,800		4,800				4,800
040	M119 MODIFICATIONS		21,250		21,250		21,250				21,250
041A	M14 7.62 RIFLE MODS		5,800		5,800		5,800				5,800
	SUPPORT EQUIPMENT & FACILITIES										
043	ITEMS LESS THAN \$5.0M (WOCV-WTCV)		5,000		5,000		5,000				5,000
	TOTAL—PROCUREMENT OF WTCV, ARMY		759,466		874,466		759,466		0		759,466
	PROCUREMENT OF AMMUNITION, ARMY										
	AMMUNITION										
	SMALL/MEDIUM CALIBER AMMUNITION										
001	CTG, 5.56MM, ALL TYPES		22,000		22,000		22,000				22,000
002	CTG, 7.62MM, ALL TYPES		8,300		8,300		8,300				8,300
003	CTG, HANDGUN, ALL TYPES		500		500		500				500
004	CTG, .50 CAL, ALL TYPES		26,500		26,500		26,500				26,500
006	CTG, 30MM, ALL TYPES		530		530		530				530
	MORTAR AMMUNITION										
008	60MM MORTAR, ALL TYPES		20,000		20,000		20,000				20,000
	TANK AMMUNITION										
	ARTILLERY AMMUNITION										
014	CTG, ARTY, 105MM: ALL TYPES		9,200		9,200		9,200				9,200
016	PROJ 155MM EXTENDED RANGE XM982		52,200		52,200		52,200				52,200
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T		10,000		10,000		10,000				10,000
	ARTILLERY FUZES										
018	ARTILLERY FUZES, ALL TYPES		7,800		7,800		7,800				7,800
	MINES										
019	MINES, ALL TYPES		5,000		5,000		5,000				5,000
020	MINE, CLEARING CHARGE, ALL TYPES		7,000		7,000		7,000				7,000
	ROCKETS										
024	ROCKET, HYDRA 70, ALL TYPES		169,505		169,505		169,505				169,505
	OTHER AMMUNITION										
027	SIGNALS, ALL TYPES		100		100		100				100
	MISCELLANEOUS										
030	NON-LETHAL AMMUNITION, ALL TYPES		32,000		32,000		32,000				32,000
	TOTAL—PROCUREMENT OF AMMUNITION, ARMY		370,635		370,635		370,635		0		370,635
	OTHER PROCUREMENT, ARMY										
	TACTICAL AND SUPPORT VEHICLES										
	TACTICAL VEHICLES										
001	TACTICAL TRAILERS/DOLLY SETS	185	1,948	185	1,948	185	1,948			185	1,948
002	SEMITRAILERS, FLATBED:	670	40,403	670	40,403	670	40,403			670	40,403
003	SEMITRAILERS, TANKERS	44	8,651	44	8,651	44	8,651			44	8,651
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	8,444	1,251,038	8,444	1,251,038	8,444	1,251,038	−375,320		8,444	875,718
	Army end strength budget amendment							[−375,320]			
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	1,643	461,657	1,643	261,657	1,643	461,657	−175,320		1,643	286,337
	Production and Delivery Delays				[−200,000]						
	Army end strength budget amendment							[−175,320]			
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)		623,230		623,230		623,230				623,230
009	ARMORED SECURITY VEHICLES (ASV)		13,206		13,206		13,206				13,206
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	259	62,654	259	62,654	259	62,654			259	62,654
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT										
	COMM-JOINT COMMUNICATIONS										
023	WIN-T—GROUND FORCES TACTICAL NETWORK		13,500		13,500		13,500				13,500
	COMM—SATELLITE COMMUNICATIONS										
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)		53,486		58,486		53,486				53,486
	Defense Advanced GPS Receiver (DAGR)				[5,000]						
029	SMART-T (SPACE)		26,000		26,000		26,000				26,000
032	MOD OF IN-SVC EQUIP (TAC SAT)		23,900		23,900		23,900				23,900
	COMM—COMBAT SUPPORT COMM										
032A	MOD-IN-SERVICE PROFILER		6,070		6,070		6,070				6,070
	COMM—COMBAT COMMUNICATIONS										
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)		239		239		239				239
037	SINGGARS FAMILY		128,180				53,180	−75,000			53,180
	Unjustified program growth						[−75,000]	[−75,000]			
	SINGGARS Family				[−128,180]						
038	AMC CRITICAL ITEMS—OPA2		100,000		100,000		100,000				100,000
046	RADIO, IMPROVED HF (COTS) FAMILY		11,286		11,286		11,286				11,286
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)		18		18		18				18
	INFORMATION SECURITY										
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP		32,095		32,095		32,095				32,095
	COMM—BASE COMMUNICATIONS										



**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
055	INFORMATION SYSTEMS .....		330,342		330,342		330,342				330,342
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....		227,733		227,733		227,733				227,733
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>										
062	JTT/CIBS-M (MIP) .....		1,660		1,660		1,660				1,660
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP) .....		265		265		265				265
069	DCGS-A (MIP) .....		167,100		167,100		167,100				167,100
073	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP .....		34,208		34,208		34,208				34,208
075	ITEMS LESS THAN \$5.0M (MIP) .....		5,064		5,064		5,064				5,064
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>										
076	LIGHTWEIGHT COUNTER MORTAR RADAR .....		58,590		58,590		58,590				58,590
077	WARLOCK .....		164,435		164,435		164,435				164,435
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....		126,030		126,030		126,030				126,030
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>										
082	NIGHT VISION DEVICES .....		93,183		93,183		93,183				93,183
084	NIGHT VISION, THERMAL WPN SIGHT .....		25,000		25,000		25,000				25,000
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....		15,000		15,000		15,000				15,000
087	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM) .....		150,400		150,400		150,400				150,400
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE .....		1,900		1,900		1,900				1,900
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2) .....		242,999		421,999		421,999				242,999
	Unfunded requirement .....				[179,000]		[179,000]				
096	LIGHTWEIGHT LASER DESIGNATOR/RANGFINDER (LLD .....		97,020		97,020		97,020				97,020
097	COMPUTER BALLISTICS: LHMBC XM32 .....		3,780		3,780		3,780				3,780
099	COUNTERFIRE RADARS .....		26,000		26,000		26,000				26,000
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>										
103	FIRE SUPPORT C2 FAMILY .....		14,840		14,840		14,840				14,840
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC .....		16		16		16				16
107	KNIGHT FAMILY .....		178,500		178,500		178,500				178,500
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....		58,900		58,900		58,900				58,900
114	MANEUVER CONTROL SYSTEM (MCS) .....		5,000		5,000		5,000				5,000
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....		1,440		1,440		1,440				1,440
	<b>ELECT EQUIP—SUPPORT</b>										
	CLASSIFIED PROGRAMS .....		760		760		760				760
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>										
129	PROTECTIVE SYSTEMS .....		44,460		44,460		44,460				44,460
130	CBRN SOLDIER PROTECTION .....		38,811		38,811		38,811				38,811
	<b>BRIDGING EQUIPMENT</b>										
133	TACTICAL BRIDGE, FLOAT-RIBBON .....		13,525		13,525		13,525				13,525
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>										
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....		10,800		10,800		10,800				10,800
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>										
140	LAUNDRIES, SHOWERS AND LATRINES .....		21,561		21,561		21,561				21,561
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME) .....		1,955		1,955		1,955				1,955
146	FORCE PROVIDER .....		245,382		185,382		245,382				245,382
	Funding in Excess of Requirement .....				[-60,000]						
147	FIELD FEEDING EQUIPMENT .....		4,011		4,011		4,011				4,011
150	ITEMS LESS THAN \$5M (ENG SPT) .....		4,987		4,987		4,987				4,987
	<b>PETROLEUM EQUIPMENT</b>										
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....		58,554		58,554		58,554				58,554
	<b>WATER EQUIPMENT</b>										
153	WATER PURIFICATION SYSTEMS .....		3,017		3,017		3,017				3,017
	<b>MEDICAL EQUIPMENT</b>										
154	COMBAT SUPPORT MEDICAL .....		11,386		11,386		11,386				11,386
	<b>MAINTENANCE EQUIPMENT</b>										
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....		12,365		12,365		12,365				12,365
156	ITEMS LESS THAN \$5.0M (MAINT EQ) .....		546		546		546				546
	<b>CONSTRUCTION EQUIPMENT</b>										
162	LOADERS .....		1,100		1,100		1,100				1,100
163	HYDRAULIC EXCAVATOR .....		290		290		290				290
166	PLANT, ASPHALT MIXING .....		2,500		2,500		2,500				2,500
167	HIGH MOBILITY ENGINEER EXCAVATOR (HME) FOS .....		16,500		16,500		16,500				16,500
169	ITEMS LESS THAN \$5.0M (CONST EQUIP) .....		360		360		360				360
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>										
172	ITEMS LESS THAN \$5.0M (FLOAT/RAIL) .....		3,550		3,550		3,550				3,550
	<b>GENERATORS</b>										
173	GENERATORS AND ASSOCIATED EQUIP .....		62,210		62,210		62,210				62,210
	<b>MATERIAL HANDLING EQUIPMENT</b>										
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH) .....		54,360		54,360		54,360				54,360
175	ALL TERRAIN LIFTING ARMY SYSTEM .....		49,319		49,319		49,319				49,319
	<b>TRAINING EQUIPMENT</b>										
176	COMBAT TRAINING CENTERS SUPPORT .....		60,200		60,200		60,200				60,200
177	TRAINING DEVICES, NONSYSTEM .....		28,200		28,200		28,200				28,200
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>										
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....		1,524		1,524		1,524				1,524
183	TEST EQUIPMENT MODERNIZATION (TEMOD) .....		3,817		3,817		3,817				3,817
	<b>OTHER SUPPORT EQUIPMENT</b>										
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....		27,000		27,000		27,000				27,000
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....		555,950		555,950		555,950				555,950

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>TOTAL—OTHER PROCUREMENT, ARMY</b>		<b>6,225,966</b>		<b>6,021,786</b>		<b>6,329,966</b>		<b>−625,640</b>		<b>5,600,326</b>
	<b>JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND</b>										
	<b>NETWORK ATTACK</b>										
001	ATTACK THE NETWORK		812,000		712,000		1,015,100		203,100		1,015,100
	Transfer from base budget						[203,100]		[203,100]		
	Transfer to RDDW-24				[−100,000]						
	<b>JIEDDO DEVICE DEFEAT</b>										
002	DEFEAT THE DEVICE		536,000		536,000		735,100		199,100		735,100
	Transfer from base budget						[199,100]		[199,100]		
	<b>FORCE TRAINING</b>										
003	TRAIN THE FORCE		187,000		187,000		228,100		41,100		228,100
	Transfer from base budget						[41,100]		[41,100]		
	<b>STAFF AND INFRASTRUCTURE</b>										
004	OPERATIONS						121,550		121,550		121,550
	Transfer from base budget						[121,550]		[121,550]		
	<b>TOTAL—JOINT IED DEFEAT FUND</b>		<b>1,535,000</b>		<b>1,435,000</b>		<b>2,099,850</b>		<b>564,850</b>		<b>2,099,850</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>										
	<b>COMBAT AIRCRAFT</b>										
010	UH-1Y/AH-1Z	2	55,006	2	55,006	2	55,006			2	55,006
	<b>MODIFICATION OF AIRCRAFT</b>										
028	EA-6 SERIES		45,000		45,000		45,000				45,000
029	AV-8 SERIES		28,296		28,296		28,296		−8,900		19,396
	ALE-47 upgrades complete								[−8,900]		
030	F-18 SERIES		96,000		96,000		96,000				96,000
031	H-46 SERIES		17,485		17,485		17,485				17,485
033	H-53 SERIES		164,730		164,730		164,730				164,730
034	SH-60 SERIES		11,192		11,192		11,192				11,192
035	H-1 SERIES		11,217		11,217		11,217				11,217
037	P-3 SERIES		74,900		74,900		74,900				74,900
039	E-2 SERIES		17,200		17,200		17,200				17,200
041	C-2A		14,100		14,100		14,100				14,100
042	C-130 SERIES		52,324		52,324		52,324				52,324
049	POWER PLANT CHANGES		4,456		4,456		4,456		−4,456		
	Non-emergency modifications								[−4,456]		
052	COMMON ECM EQUIPMENT		263,382		263,382		263,382				263,382
054	COMMON DEFENSIVE WEAPON SYSTEM		5,500		5,500		5,500				5,500
056	V-22 (TILT/ROTOR ACFT) OSPREY		53,500		53,500		53,500				53,500
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>										
057	SPARES AND REPAIR PARTS		2,265		2,265		2,265				2,265
	<b>TOTAL—AIRCRAFT PROCUREMENT, NAVY</b>		<b>916,553</b>		<b>916,553</b>		<b>916,553</b>		<b>−13,356</b>		<b>903,197</b>
010	HELLFIRE	782	73,700	782	73,700	782	73,700	−381	−23,000	401	50,700
	Army end strength budget amendment								[−23,000]		
	<b>TOTAL—WEAPONS PROCUREMENT, NAVY</b>		<b>73,700</b>		<b>73,700</b>		<b>73,700</b>		<b>−23,000</b>		<b>50,700</b>
	<b>PROCUREMENT OF AMMUNITION, NAVY &amp; MARINE CORPS</b>										
	<b>PROC AMMO, NAVY</b>										
	<b>NAVY AMMUNITION</b>										
001	GENERAL PURPOSE BOMBS		40,500		40,500		40,500				40,500
003	AIRBORNE ROCKETS, ALL TYPES		42,510		42,510		42,510				42,510
004	MACHINE GUN AMMUNITION		109,200		109,200		109,200		−28,823		80,377
	Army end strength budget amendment								[−28,823]		
007	AIR EXPENDABLE COUNTERMEASURES		5,501		5,501		5,501				5,501
009	5 INCH/54 GUN AMMUNITION		352		352		352				352
011	OTHER SHIP GUN AMMUNITION		2,835		2,835		2,835				2,835
012	SMALL ARMS & LANDING PARTY AMMO		14,229		14,229		14,229				14,229
013	PYROTECHNIC AND DEMOLITION		1,442		1,442		1,442				1,442
	<b>PROC AMMO, MC</b>										
	<b>MARINE CORPS AMMUNITION</b>										
015	SMALL ARMS AMMUNITION		16,930		16,930		16,930				16,930
016	LINEAR CHARGES, ALL TYPES		5,881		5,881		5,881				5,881
017	40 MM, ALL TYPES		104,824		104,824		104,824				104,824
018	60MM, ALL TYPES		43,623		43,623		43,623				43,623
019	81MM, ALL TYPES		103,647		103,647		103,647				103,647
020	120MM, ALL TYPES		62,265		62,265		62,265				62,265
021	CTG 25MM, ALL TYPES		563		563		563				563
022	GRENADES, ALL TYPES		6,074		6,074		6,074				6,074
023	ROCKETS, ALL TYPES		8,117		8,117		8,117				8,117
024	ARTILLERY, ALL TYPES		81,975		81,975		81,975				81,975
026	DEMOLITION MUNITIONS, ALL TYPES		9,241		9,241		9,241				9,241
027	FUZE, ALL TYPES		51,071		51,071		51,071				51,071

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>TOTAL—PROCUREMENT OF AMMUNITION, NAVY &amp; MARINE CORPS .....</b>		<b>710,780</b>		<b>710,780</b>		<b>710,780</b>		<b>–28,823</b>		<b>681,957</b>
	<b>OTHER PROCUREMENT, NAVY</b>										
	<b>OTHER SHIPBOARD EQUIPMENT</b>										
018	UNDERWATER EOD PROGRAMS .....		12,040		12,040		12,040				12,040
	<b>SMALL BOATS</b>										
025	STANDARD BOATS .....		13,000		13,000		13,000				13,000
	<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>										
	<b>AVIATION ELECTRONIC EQUIPMENT</b>										
056	MATCALS .....		400		400		400				400
	<b>SHIPBOARD COMMUNICATIONS</b>										
076	SHIP COMMUNICATIONS AUTOMATION .....		1,500		1,500		1,500				1,500
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>										
092	EXPEDITIONARY AIRFIELDS .....		37,345		37,345		37,345				37,345
097	AVIATION LIFE SUPPORT .....		17,883		17,883		17,883				17,883
	<b>ORDNANCE SUPPORT EQUIPMENT</b>										
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>										
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....		43,650		43,650		43,650				43,650
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>										
120	PASSENGER CARRYING VEHICLES .....		25		25		25				25
121	GENERAL PURPOSE TRUCKS .....		93		93		93				93
122	CONSTRUCTION & MAINTENANCE EQUIP .....		11,167		11,167		11,167				11,167
124	TACTICAL VEHICLES .....		54,008		54,008		54,008				54,008
127	ITEMS UNDER \$5 MILLION .....		10,842		10,842		10,842				10,842
128	PHYSICAL SECURITY VEHICLES .....		1,130		1,130		1,130				1,130
	<b>SUPPLY SUPPORT EQUIPMENT</b>										
129	MATERIALS HANDLING EQUIPMENT .....		25		25		25				25
	<b>PERSONNEL AND COMMAND SUPPORT EQUIPMENT</b>										
	<b>COMMAND SUPPORT EQUIPMENT</b>										
134	COMMAND SUPPORT EQUIPMENT .....		4,000		4,000		4,000				4,000
139	OPERATING FORCES SUPPORT EQUIPMENT .....		15,452		15,452		15,452				15,452
140	C4ISR EQUIPMENT .....		3,100		3,100		3,100				3,100
142	PHYSICAL SECURITY EQUIPMENT .....		89,521		89,521		89,521		–25,000		64,521
	OCO unjustified request .....								[–25,000]		
	<b>SPARES AND REPAIR PARTS</b>										
145	SPARES AND REPAIR PARTS .....		2,837		2,837		2,837				2,837
	<b>TOTAL—OTHER PROCUREMENT, NAVY .....</b>		<b>318,018</b>		<b>318,018</b>		<b>318,018</b>		<b>–25,000</b>		<b>293,018</b>
	<b>PROCUREMENT, MARINE CORPS</b>										
	<b>WEAPONS AND COMBAT VEHICLES</b>										
	<b>TRACKED COMBAT VEHICLES</b>										
002	LAV PIP .....		58,229		58,229		58,229				58,229
	<b>ARTILLERY AND OTHER WEAPONS</b>										
006	155MM LIGHTWEIGHT TOWED HOWITZER .....	18	54,000	18	54,000	18	54,000	–18	–54,000		
	Army end strength budget amendment .....								[–54,000]		
008	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....		3,351		3,351		3,351				3,351
	<b>OTHER SUPPORT</b>										
010	MODIFICATION KITS .....		20,183		20,183		20,183				20,183
011	WEAPONS ENHANCEMENT PROGRAM .....		9,151		9,151		9,151				9,151
	<b>GUIDED MISSILES AND EQUIPMENT</b>										
	<b>OTHER SUPPORT</b>										
016	MODIFICATION KITS .....		8,506		8,506		8,506				8,506
	<b>COMMUNICATIONS &amp; ELECTRONICS EQUIPMENT</b>										
	<b>REPAIR AND TEST EQUIPMENT</b>										
018	REPAIR AND TEST EQUIPMENT .....		11,741		11,741		11,741				11,741
	<b>OTHER SUPPORT (TEL)</b>										
019	COMBAT SUPPORT SYSTEM .....		462		462		462				462
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>										
021	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....		4,153		4,153		4,153				4,153
022	AIR OPERATIONS C2 SYSTEMS .....		3,096		3,096		3,096				3,096
	<b>RADAR + EQUIPMENT (NON-TEL)</b>										
023	RADAR SYSTEMS .....		3,417		3,417		3,417				3,417
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>										
024	FIRE SUPPORT SYSTEM .....		521		521		521				521
025	INTELLIGENCE SUPPORT EQUIPMENT .....		37,547		37,547		37,547				37,547
026	RQ–11 UAV .....		13,000		13,000		13,000				13,000
	<b>OTHER COMM/ELEC EQUIPMENT (NON-TEL)</b>										
027	NIGHT VISION EQUIPMENT .....		12,570		12,570		12,570		–12,570		
	Army end strength budget amendment .....								[–12,570]		
	<b>OTHER SUPPORT (NON-TEL)</b>										
028	COMMON COMPUTER RESOURCES .....		23,105		23,105		23,105				23,105
029	COMMAND POST SYSTEMS .....		23,041		23,041		23,041				23,041
030	RADIO SYSTEMS .....		32,497		32,497		32,497				32,497
031	COMM SWITCHING & CONTROL SYSTEMS .....		2,044		2,044		2,044				2,044
032	COMM & ELEC INFRASTRUCTURE SUPPORT .....		64		64		64				64

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	SUPPORT VEHICLES										
	ADMINISTRATIVE VEHICLES										
035	5/4T TRUCK HMMWV (MYP) .....		205,036		205,036		205,036				205,036
036	MOTOR TRANSPORT MODIFICATIONS .....		10,177		10,177		10,177		−10,177		
	Army end strength budget amendment .....								[−10,177]		
037	MEDIUM TACTICAL VEHICLE REPLACEMENT .....		131,044		131,044		131,044				131,044
038	LOGISTICS VEHICLE SYSTEM REP .....		59,219		59,219		59,219				59,219
039	FAMILY OF TACTICAL TRAILERS .....		13,388		13,388		13,388				13,388
	OTHER SUPPORT										
	ENGINEER AND OTHER EQUIPMENT										
042	ENVIRONMENTAL CONTROL EQUIP ASSORT .....		5,119		5,119		5,119				5,119
043	BULK LIQUID EQUIPMENT .....		4,549		4,549		4,549				4,549
044	TACTICAL FUEL SYSTEMS .....		33,421		33,421		33,421				33,421
045	POWER EQUIPMENT ASSORTED .....		24,860		24,860		24,860				24,860
047	EOD SYSTEMS .....		47,697		47,697		47,697				47,697
	MATERIALS HANDLING EQUIPMENT										
048	PHYSICAL SECURITY EQUIPMENT .....		19,720		19,720		19,720		−17,000		2,720
	Army end strength budget amendment .....								[−17,000]		
050	MATERIAL HANDLING EQUIP .....		56,875		56,875		56,875				56,875
	GENERAL PROPERTY										
053	TRAINING DEVICES .....		157,734		157,734		157,734		−10,430		147,304
	Army end strength budget amendment .....								[−10,430]		
055	FAMILY OF CONSTRUCTION EQUIPMENT .....		35,818		35,818		35,818				35,818
058	RAPID DEPLOYABLE KITCHEN .....		55		55		55				55
	OTHER SUPPORT										
059	ITEMS LESS THAN \$5 MILLION .....		39,055		39,055		39,055				39,055
	SPARES AND REPAIR PARTS										
	TOTAL—PROCUREMENT, MARINE CORPS .....		1,164,445		1,164,445		1,164,445		−104,177		1,060,268
	AIRCRAFT PROCUREMENT, AIR FORCE										
	OTHER AIRLIFT										
006	C−130J .....		72,000		72,000		72,000				72,000
	OTHER AIRCRAFT										
025	MQ−9 .....			11	215,335						
	Transfer from Title I .....			[11]	[215,335]						
	CLASSIFIED PROGRAMS										
	MODIFICATION OF IN-SERVICE AIRCRAFT										
	STRATEGIC AIRCRAFT										
028	B−1B .....		20,500		20,500		20,500				20,500
	TACTICAL AIRCRAFT										
030	A−10 .....		10,000		10,000		10,000				10,000
032	F−16 .....		20,025		20,025		20,025		−20,025		
	Army end strength budget amendment—secure line-of-sight/beyond line-of-sight mods.								[−20,025]		
	AIRLIFT AIRCRAFT										
034	C−5 .....		57,400		57,400		57,400				57,400
037	C−17A .....		132,300		132,300		132,300		−11,575		120,725
	Army end strength budget amendment—LAIRCM mods .....								[−11,575]		
	OTHER AIRCRAFT										
052	C−130 .....		210,800		210,800		210,800		−124,400		86,400
	Army end strength budget amendment—LAIRCM mods .....								[−124,400]		
054	C−135 .....		16,916		16,916		16,916				16,916
056	DARP .....		10,300		10,300		10,300				10,300
063	HC/MC−130 MODIFICATIONS .....		7,000		7,000		7,000				7,000
064	OTHER AIRCRAFT .....		90,000		90,000		90,000				90,000
065	MQ−1 MODS .....		65,000		65,000		65,000				65,000
066	MQ−9 MODS .....		99,200		99,200		99,200				99,200
	Reflect USAF decision to change sensor payload .....								[−40,000]		
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES										
	POST PRODUCTION SUPPORT										
076	C−17A .....		11,000		11,000		11,000				11,000
	WAR CONSUMABLES										
	OTHER PRODUCTION CHARGES										
085	OTHER PRODUCTION CHARGES .....		114,000		114,000		114,000				114,000
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE .....		936,441		1,151,776		896,441		−156,000		780,441
	PROCUREMENT OF AMMUNITION, AIR FORCE										
	ROCKETS										
001	ROCKETS .....		3,488		3,488		3,488				3,488
	CARTRIDGES										
002	CARTRIDGES .....		39,236		39,236		39,236				39,236
	BOMBS										
004	GENERAL PURPOSE BOMBS .....		34,085		34,085		34,085				34,085
005	JOINT DIRECT ATTACK MUNITION .....	3,860	97,978	3,860	97,978	3,860	97,978			3,860	97,978
	FLARE, IR MJU−7B										

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....		4,800		4,800		4,800				4,800
	<b>FUZES</b>										
011	FLARES .....		41,000		41,000		41,000				41,000
012	FUZES .....		14,595		14,595		14,595				14,595
	<b>WEAPONS</b>										
	<b>SMALL ARMS</b>										
013	SMALL ARMS .....		21,637		21,637		21,637				21,637
	<b>TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE .....</b>		<b>256,819</b>		<b>256,819</b>		<b>256,819</b>		<b>0</b>		<b>256,819</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>										
	<b>OTHER MISSILES</b>										
	<b>TACTICAL</b>										
005	PREDATOR HELLFIRE MISSILE .....	385	29,325	385	29,325	385	29,325			385	29,325
006	SMALL DIAMETER BOMB .....	100	7,300	100	7,300	100	7,300			100	7,300
	<b>TOTAL—MISSILE PROCUREMENT, AIR FORCE .....</b>		<b>36,625</b>		<b>36,625</b>		<b>36,625</b>		<b>0</b>		<b>36,625</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>										
	<b>VEHICULAR EQUIPMENT</b>										
	<b>CARGO + UTILITY VEHICLES</b>										
002	MEDIUM TACTICAL VEHICLE .....		3,364		3,364		3,364				3,364
	<b>SPECIAL PURPOSE VEHICLES</b>										
004	SECURITY AND TACTICAL VEHICLES .....		11,337		11,337		11,337				11,337
	<b>FIRE FIGHTING EQUIPMENT</b>										
005	FIRE FIGHTING/CRASH RESCUE VEHICLES .....		8,626		8,626		8,626				8,626
	<b>MATERIALS HANDLING EQUIPMENT</b>										
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>										
023	AIR FORCE PHYSICAL SECURITY SYSTEM .....		1,600		1,600		1,600				1,600
	<b>DISA PROGRAMS</b>										
037	MILSATCOM SPACE .....		714		714		714				714
	<b>OTHER BASE MAINTENANCE AND SUPPORT EQUIP</b>										
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>										
047	NIGHT VISION GOGGLES .....		14,528		14,528		14,528				14,528
048	ITEMS LESS THAN \$5,000,000 (SAFETY) .....		4,900		4,900		4,900				4,900
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>										
	<b>BASE SUPPORT EQUIPMENT</b>										
051	CONTINGENCY OPERATIONS .....		11,300		11,300		11,300				11,300
	<b>SPECIAL SUPPORT PROJECTS</b>										
060	DEFENSE SPACE RECONNAISSANCE PROG. ....		34,400		34,400		34,400				34,400
	<b>CLASSIFIED PROGRAMS</b>										
999	CLASSIFIED PROGRAMS .....		2,230,780		2,230,780		2,230,780				2,230,780
	<b>TOTAL—OTHER PROCUREMENT, AIR FORCE .....</b>		<b>2,321,549</b>		<b>2,321,549</b>		<b>2,321,549</b>		<b>0</b>		<b>2,321,549</b>
	<b>MINE RESISTANT AMBUSH PROT VEH FUND</b>										
	MINE RESISTANT AMBUSH PROT VEH FUND .....		5,456,000		5,456,000		5,456,000		600,000		6,056,000
	Additional MRAP vehicles to meet new requirement .....								[600,000]		
	<b>TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND .....</b>		<b>5,456,000</b>		<b>5,456,000</b>		<b>5,456,000</b>		<b>600,000</b>		<b>6,056,000</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>										
	<b>MAJOR EQUIPMENT, DISA</b>										
019	GLOBAL COMMAND AND CONTROL SYSTEM .....		1,500		1,500		1,500				1,500
021	TELEPORT PROGRAM .....		7,411		7,411		7,411				7,411
	<b>CLASSIFIED PROGRAMS</b>										
999	CLASSIFIED PROGRAMS .....		304,794		304,794		304,794				304,794
	<b>SPECIAL OPERATIONS COMMAND</b>										
	<b>AVIATION PROGRAMS</b>										
052	MH-47 SERVICE LIFE EXTENSION PROGRAM .....		5,900		5,900		5,900				5,900
055	UNMANNED VEHICLES .....						14,000				
	All Environment Capable Variant UAV .....						[14,000]				
057	SOF U-28 .....		3,000		3,000		3,000				3,000
060	MQ-1 UAV .....		1,450		1,450		1,450				
	Funding Early to Need .....								-1,450		
062	STUASLO .....	9	12,000	9	12,000	9	12,000			9	12,000
063	C-130 MODIFICATIONS .....		19,500		104,500		19,500				19,500
	MC-130W Dragon Spear Modifications .....				[85,000]						
	<b>SHIPBUILDING</b>										
	<b>AMMUNITION PROGRAMS</b>										
067	SOF ORDNANCE REPLENISHMENT .....		51,156		51,156		51,156				51,156
068	SOF ORDNANCE ACQUISITION .....		17,560		17,560		17,560				17,560
	<b>OTHER PROCUREMENT PROGRAMS</b>										
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....		2,000		2,000		2,000				2,000
070	SOF INTELLIGENCE SYSTEMS .....		23,260		57,060		23,260				23,260
	HF-TTL Mission Set .....				[33,800]						
071	SMALL ARMS AND WEAPONS .....		3,800		3,800		3,800				3,800

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		House Authorized		Senate Authorized		Conference Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
076	TACTICAL VEHICLES .....		6,865		50,165		6,865				6,865
	Ground Mobility Vehicle SOF Mod Kits .....				[43,300]						
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....		11,000		11,000		11,000				11,000
085	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS .....				28,900						
	Hand Held Imager—Pocket/Short Range and Long Range .....				[28,900]						
086	SOF TACTICAL RADIO SYSTEMS .....		5,448		36,748		5,448				5,448
	MultiBand Inter/Intra Team Radios .....				[31,300]						
090	SOF OPERATIONAL ENHANCEMENTS .....		11,900		84,000		11,900				11,900
	Classified .....				[9,500]						
	PRC 117G .....				[23,900]						
	Hatch Mounted Satellite Antenna .....				[13,000]						
	Multi-Discipline Intel PED Capability .....				[6,200]						
	Classified .....				[19,500]						
	<b>CLASSIFIED PROGRAMS</b>										
999	CLASSIFIED PROGRAMS .....		2,886		2,886		2,886				2,886
	<b>TOTAL—PROCUREMENT, DEFENSE-WIDE .....</b>		<b>491,430</b>		<b>799,830</b>		<b>491,430</b>		<b>–1,450</b>		<b>489,980</b>
	<b>Total Procurement .....</b>		<b>23,741,226</b>		<b>24,416,026</b>		<b>24,370,076</b>		<b>137,404</b>		<b>23,878,630</b>

**TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

*Research, development, test, and evaluation (sec. 4201)*

The Senate amendment contained an authorization funding table (sec. 4201) for research, development, test, and evaluation.

The House bill contained no similar provision.

The House recedes with an amendment authorizing specific projects, programs, or activities and associated dollar amounts subject to appropriations.

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, ARMY</b>							
<b>BASIC RESEARCH</b>							
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	19,671	19,671	19,671		19,671
002	0601102A	DEFENSE RESEARCH SCIENCES .....	173,024	173,024	178,524	3,500	176,524
		Ballistic materials research .....			[3,500]	[3,500]	
		Military operating environments research .....			[2,000]		
003	0601103A	UNIVERSITY RESEARCH INITIATIVES .....	88,421	92,421	92,421	4,000	92,421
		Nanocomposite materials research .....			[2,000]	[2,000]	
		Open source intelligence research .....			[2,000]	[1,000]	
		Smart Wound Dressing for MRSA-Infected Battle Wounds .....		[4,000]		[1,000]	
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....	96,144	101,144	103,844	2,700	98,844
		Advanced nanomaterials design .....			[2,000]		
		Electrolyte research for batteries .....			[1,000]		
		Immersive simulation research .....			[1,200]	[1,200]	
		Materials processing research .....			[2,000]	[1,500]	
		Structural modeling and analysis .....			[1,500]		
		Performance Steel Castings for Improved Weapons Systems Reliability .....		[4,000]			
		AEOP eCybermission .....		[1,000]			
		<b>SUBTOTAL, BASIC RESEARCH, ARMY .....</b>	<b>377,260</b>	<b>386,260</b>	<b>394,460</b>	<b>10,200</b>	<b>387,460</b>
<b>APPLIED RESEARCH</b>							
005	0602105A	MATERIALS TECHNOLOGY .....	27,206	50,576	50,206	20,000	47,206
		Advanced manufacturing technologies .....			[2,000]		
		Advanced renewable jet fuels .....			[4,000]	[3,000]	
		Applied composite materials research .....			[3,000]	[3,000]	
		High strength fibers for ballistic armor applications .....			[3,000]	[2,000]	
		Moldable fabric armor .....			[2,500]	[2,000]	
		Nanosensor manufacturing research .....			[4,000]		
		Smart materials and structures .....			[4,500]	[1,000]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Multi-Scale Modeling of 3-D Damage Tolerant Composite Materials.		[1,000]			
		Dual Stage Variable Energy Absorber .....		[4,070]		[3,000]	
		Hardmetal Epidemiology Investigation .....		[7,000]			
		Next Generation High Strength Glass Fibers for Ballistic Armor Applications.		[3,300]		[2,000]	
		Ultra Lightweight Metallic Armor .....		[3,000]		[1,000]	
		Advanced Nanoscale Tungsten Kinetic Energy Composites .....		[2,000]			
		Nanomanufacturing of Multifunctional Sensors .....		[3,000]		[3,000]	
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY .....	50,641	52,641	53,141	2,500	53,141
		Nanoelectronic memory, sensor and energy devices .....			[2,500]	[2,500]	
		Electromagnetic Geolocation .....		[2,000]			
007	0602122A	TRACTOR HIP .....	14,324	14,324	14,324		14,324
008	0602211A	AVIATION TECHNOLOGY .....	41,332	41,332	43,332		41,332
		Manned-unmanned aerial system teaming technologies .....			[2,000]		
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY .....	16,119	16,119	16,119		16,119
010	0602303A	MISSILE TECHNOLOGY .....	50,716	54,466	50,716		50,716
		Anti-Material Explosive Round for Javelin .....		[3,000]			
		CoE in Integrated Sensor Systems .....		[750]			
011	0602307A	ADVANCED WEAPONS TECHNOLOGY .....	19,678	19,678	19,678		19,678
012	0602308A	ADVANCED CONCEPTS AND SIMULATION .....	17,473	17,473	19,473	2,000	19,473
		Cognitive modeling and simulation research .....			[2,000]	[2,000]	
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....	55,937	65,487	118,937	18,500	74,437
		Advanced composite materials research .....			[4,000]	[3,500]	
		Army vehicle modernization research .....			[25,000]		
		Composite vehicle shelters .....			[2,500]	[2,000]	
		Fuel cell APU systems .....			[3,000]		
		Hybrid electric vehicle reliability research .....			[2,000]		
		Materials research for alternative energy and transportation .....			[1,500]		
		Tactical metal fabrication program .....		[4,800]	[3,000]	[1,000]	
		Tribology research .....			[2,000]	[2,000]	
		Vehicle systems engineering and integration activities .....			[20,000]	[10,000]	
		Advanced Lightweight Opaque Ceramic Armor .....		[1,250]			
		Digital Engine/Hydraulic Value Actuation Technology .....		[3,500]			
014	0602618A	BALLISTICS TECHNOLOGY .....	61,843	63,843	87,843	4,000	65,843
		Army vehicle survivability research .....			[25,000]		
		Electromagnetic gun .....			[-2,000]	[-2,000]	
		Reactive armor research .....			[3,000]	[3,000]	
		Beneficial Infrastructure for Rotorcraft Risk Reduction .....		[2,000]		[1,000]	
		Lethality research .....				[2,000]	
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY .....	5,293	5,293	5,293		5,293
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM .....	7,674	7,674	7,674		7,674
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY .....	41,085	68,285	50,085	18,000	59,085
		Acoustic gun detection systems .....			[2,000]	[2,000]	
		Acoustic research .....			[3,000]	[3,000]	
		UGV weaponization .....			[4,000]	[2,500]	
		Highly Integrated Production for Expediting RESET .....		[8,200]		[2,500]	
		Hybrid Projectile Program .....		[3,000]		[3,000]	
		High Power Electrolytic Conducting Polymer Super-Capacitors .....		[9,000]			
		Specialized Compact Automated Mechanical Clearance Platform ...		[4,000]		[4,000]	
		Defense Support for Civil Authorities (DSCA) for Key Resource Protection—South Central, PA.		[3,000]		[1,000]	
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES .....	61,404	68,904	67,404	5,700	67,104
		Hybrid battery systems .....			[2,500]		
		Hybrid portable power program .....			[3,500]	[3,200]	
		Recon Scout Robot .....		[3,500]			
		Novel Zinc Air Power Sources for Military .....		[4,000]		[2,500]	
019	0602709A	NIGHT VISION TECHNOLOGY .....	26,893	26,893	26,893		26,893
020	0602712A	COUNTERMINE SYSTEMS .....	18,945	18,945	18,945		18,945
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY .....	18,605	33,605	18,605	15,000	33,605
		LWI Training-Based Collaborative Research .....		[15,000]		[15,000]	
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	15,902	29,752	15,902	4,500	20,402
		Cluster Bomb Unit & Combined Effects Munitions Demil System ...		[1,000]		[1,000]	



**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Self-Inerting Munitions .....		[4,500]			
		SUNY Cobleskill Biowaste-to-Bioenergy Center .....		[4,650]		[2,500]	
		Range Scrap Demil System .....		[1,500]			
		Renewable Energy Testing Center .....		[2,200]		[1,000]	
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....	24,833	26,833	24,833		24,833
		Portable Non-Magnetic Compass Positioning and Timing Device ...		[2,000]			
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY .....	5,639	9,639	5,639		5,639
		SIDEP Supporting Project National Shield .....		[4,000]			
025	0602784A	MILITARY ENGINEERING TECHNOLOGY .....	54,818	69,318	63,318	5,000	59,818
		Ballistic materials for force protection .....			[3,000]		
		Critical infrastructure monitoring and protection research .....			[3,500]		
		Geosciences research .....			[2,000]		
		Cellulose Nanocomposite Panels for Ballistic Protection .....		[5,000]		[2,000]	
		Encapsulated Ballistic Protection System .....		[5,000]			
		Geosciences Atmospheric Research .....		[3,000]		[3,000]	
		Photovoltaic Rooftop Systems .....		[1,500]			
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....	18,701	18,701	18,701		18,701
027	0602786A	WARFIGHTER TECHNOLOGY .....	27,109	27,109	35,609	2,500	29,609
		Airbeam shelter protection systems .....			[3,000]		
		Enhanced ballistic protection research .....			[3,000]		
		Thermal resistant fiber research .....			[2,500]	[2,500]	
028	0602787A	MEDICAL TECHNOLOGY .....	99,027	138,077	125,527	35,500	134,527
		Bioengineering research .....			[2,500]		
		Biomechanics research .....			[3,500]	[3,500]	
		Blast protection for ground soldiers .....			[2,000]		
		Blast wave modeling .....			[3,000]	[3,000]	
		Dengue fever research .....			[2,000]		
		Hemorrhage research .....			[3,000]	[3,000]	
		Malaria vaccine development .....			[2,500]	[2,500]	
		Nanomaterials for biological processes .....			[2,000]		
		Neurotrauma research .....			[3,500]	[3,500]	
		Secondary trauma research .....			[2,500]	[2,500]	
		Plasma Technologies .....		[1,000]			
		Prevention of Compartment Syndrome with Ultrafiltration Catheters.		[1,900]			
		Advanced Functional Nanomaterials for Biological Processes .....		[2,500]		[2,500]	
		Post Traumatic Stress Disorder Attention Modification .....		[1,250]			
		Locally Delivered Treatments for Noise Induced Hearing Loss .....		[1,500]			
		Improving Soldier Recovery from Catastrophic Bone Injuries .....		[5,000]		[4,000]	
		Developing Interventions to Repress Viral Replication .....		[2,500]			
		Advanced Bio-Engineering for Enhancement of Soldier Survivability.		[3,000]		[3,000]	
		Self-Powered Prosthetic Limb Technology .....		[2,000]		[2,000]	
		Center for Vaccine Scale-Up/Process Research .....		[1,700]			
		Human Organ and Tissue Preservation Technology .....		[3,000]		[2,000]	
		Optical Neural Techniques for Combat and Post Trauma Care .....		[4,700]		[4,000]	
		Brain Injury Recovery Clinic .....		[6,000]			
		Military Photomedicine Program .....		[3,000]			
		<b>SUBTOTAL, APPLIED RESEARCH, ARMY .....</b>	<b>781,197</b>	<b>944,967</b>	<b>958,197</b>	<b>133,200</b>	<b>914,397</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>					
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY .....	37,574	48,764	37,574	8,300	45,874
		High Pressure Pasteurization & Pressure Assisted Thermal Sterilization.		[4,300]		[4,300]	
		Next Generation Precision Airdrop System .....		[3,000]		[2,500]	
		Onyx System Precision Guided Airdropped Equipment .....		[3,890]		[1,500]	
030	0603002A	MEDICAL ADVANCED TECHNOLOGY .....	72,940	110,490	110,940	51,300	124,240
		Biosensor controller systems development .....			[2,000]	[2,000]	
		Body temperature conditioner systems .....			[2,500]	[2,500]	
		Gulf War illness research .....			[12,000]	[12,000]	
		Integrated medical technology program .....			[7,500]	[7,500]	
		Lower limb prosthetics research .....			[2,000]	[2,000]	

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Prosthetics technology transition .....			[8,000]		
		Regenerative medical research .....			[4,000]	[4,000]	
		Nightengale .....		[5,000]			
		Proton Treatment and Research Center—Northern Illinois .....		[2,000]		[2,000]	
		Pediatric Adolescent Trauma and Resuscitation .....		[2,900]			
		Wounded Service Member Bioelectronics Research .....		[2,000]		[1,500]	
		Malaria Vaccine Development .....		[5,000]		[5,000]	
		Regenerative Medicine to Address Astute Hearing Loss .....		[3,000]		[3,000]	
		Multi-Dose Closed Loop pH Monitoring System for Platelets .....		[1,000]		[1,000]	
		Carbide-Derived Carbon for Treatment of Combat Related Sepsis .....		[2,750]		[1,000]	
		Clinical Technology Integration for Military Health .....		[8,100]		[2,000]	
		Institute for Simulation and Interprofessional Studies .....		[5,800]		[5,800]	
031	0603003A	AVIATION ADVANCED TECHNOLOGY .....	60,097	95,097	79,847	20,500	80,597
		Advanced Affordable Turbine Engine Program .....		[6,000]	[4,000]	[5,000]	
		Advanced ultrasonic inspections .....			[2,000]		
		Aviation weapons technology integration .....			[2,000]		
		Full authority digital engine control systems .....			[5,000]		
		Heavy fuel UAV propulsion systems .....			[3,000]		
		Integration facility enterprise resource planning system .....			[3,750]		
		Robust Composite Structural Core for Army Helicopters .....		[4,000]		[2,000]	
		Mission Equipment Technology Implementation .....		[5,300]			
		UH-60 Transmission/Gearbox Galvanic Corrosion Reduction .....		[3,800]		[1,500]	
		Advanced Performance for Military Helicopters .....		[1,900]			
		Drive System Composite Structural Component Risk Reduction Program .....		[5,000]		[3,000]	
		Universal Control—FADEC .....		[9,000]		[9,000]	
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....	66,410	75,910	61,910	–5,000	61,410
		Electromagnetic gun .....			[–11,500]	[–11,500]	
		Lightweight advanced metals program .....			[3,000]		
		Nanotechnology manufacturing research .....			[4,000]		
		Dual Mode Mortar SAL Integration .....		[7,500]			
		Remote Sighting System .....		[2,000]			
		Lethality research .....				[6,500]	
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY .....	89,586	121,986	272,686	85,400	174,986
		Advanced APU development .....			[6,000]	[2,000]	
		Advanced battery development program .....			[20,000]	[10,000]	
		Advanced lithium ion battery systems .....		[3,000]	[3,000]	[3,000]	
		Advanced suspension systems for heavy vehicles .....			[3,500]	[2,700]	
		Advanced thermal management systems .....			[5,500]	[3,000]	
		Alternative energy research .....			[20,000]	[20,000]	
		Applied power management controls .....			[3,000]		
		Army vehicle modernization technologies .....			[50,000]		
		Dynamometer facility upgrade .....			[4,000]		
		Electric drive advanced tactical wheeled armored vehicle system .....			[5,500]		
		Fuel cell unmanned robotic system .....			[4,500]		
		Ground robotics reliability research .....			[2,000]		
		Heavy fuel engines for unmanned ground vehicles .....			[2,500]		
		Hybrid blast protected vehicle technologies .....			[4,000]		
		Hybrid engine development program .....			[8,000]	[4,000]	
		Hybrid truck development .....			[4,000]	[4,000]	
		Next generation superchargers for military engines .....			[3,000]		
		Silicon carbide electronics for ground vehicles .....			[2,500]		
		Simulations for vehicle reliability and performance .....			[2,000]		
		Smart plug-in hybrid electric vehicle program .....			[4,100]	[4,100]	
		Threat cue research .....			[2,000]	[2,000]	
		Tire development for JLTV program .....			[1,500]		
		Unmanned ground vehicle initiative .....			[12,000]	[12,000]	
		Vehicle autonomy research .....			[1,500]		
		Vehicle prognostics technologies .....			[4,000]	[3,100]	
		Water analysis technologies .....			[2,000]		
		Unmanned Robotic System Utilizing Hydrocarbon Fueled Solid Oxide Fuel Cell .....		[6,000]		[3,000]	

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Advanced Composites for Light Weight, Low Cost Transportation Systems Using a 3+ Ring Extruder.		[4,000]		[3,000]	
		Protective 3-D Armor Structure to Safeguard Military Vehicles and Troops.		[2,000]		[2,000]	
		Automatic Data Organization for Vehicle and Diagnostic Systems		[1,500]			
		Industry Innovation for Defense Sustainment Program .....		[5,000]			
		Fire Shield .....		[2,000]		[2,000]	
		Hydraulic Hybrid Vehicle (HHV) for the Tactical Wheeled Fleet .....		[3,500]	[3,000]	[3,500]	
		Heavy Duty Hybrid Electric Vehicle .....		[3,000]		[2,000]	
		Vehicle Electronics SWaP2-C2 Optimization .....		[2,400]			
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY .....	8,667	15,667	8,667	3,800	12,467
		Applied Communications and Information Networking (ACIN) .....		[7,000]		[3,800]	
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY .....	7,410	7,410	7,410		7,410
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY .....	50,458	50,458	50,458		50,458
037	0603009A	TRACTOR HIKE .....	11,328	11,328	11,328		11,328
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....	19,415	22,915	26,415	5,500	24,915
		Combat medic training systems .....			[2,500]	[2,000]	
		Joint Fires & Effects Trainer System enhancements .....		[2,500]	[4,500]	[2,500]	
		HapMed Combat Medic Trainer .....		[1,000]		[1,000]	
039	0603020A	TRACTOR ROSE .....	14,569	14,569	14,569		14,569
040	0603103A	EXPLOSIVES DEMILITARIZATION TECHNOLOGY .....		8,400		2,000	2,000
		Propellant Conversion to Fertilizer Program for Tooele Army Depot		[3,400]		[2,000]	
		Development of Demilitarized Equipment for Cluster Ammunition—MCAAP.		[5,000]			
041	0603105A	MILITARY HIV RESEARCH .....	6,657	6,657	6,657		6,657
042	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT .....	11,989	11,989	15,489		11,989
		Mid-sized unmanned ground vehicle .....			[3,500]		
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY .....	19,192	26,192	21,192	3,500	22,692
		Laser systems for light aircraft missile defense .....			[2,000]	[1,000]	
		Advanced Ground Electronic Warfare & Signals Intelligence System.		[7,000]		[2,500]	
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY .....	63,951	64,751	66,951	3,300	67,251
		Discriminatory imaging research .....			[3,000]	[2,500]	
		Scenario Generation for Integrated Air and Missile Defense Evaluation.		[800]		[800]	
045	0603322A	TRACTOR CAGE .....	12,154	12,154	12,154		12,154
046	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY .....	30,317	30,317	30,317		30,317
047	0603607A	JOINT SERVICE SMALL ARMS PROGRAM .....	8,996	8,996	8,996		8,996
048	0603710A	NIGHT VISION ADVANCED TECHNOLOGY .....	40,329	59,129	45,329	12,000	52,329
		Bradley third generation FLIR .....			[5,000]	[5,000]	
		Buster/Blacklight UAV Development .....		[5,000]		[1,000]	
		Hyper Spectral Sensor for Improved Force Protection System .....		[5,400]		[2,000]	
		Brownout Situational Awareness .....		[3,000]		[3,000]	
		Infrared Goggle Upgrade System .....		[3,200]			
		High Resolution Personal Miniature Thermal Viewer .....		[2,200]		[1,000]	
049	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS .....	15,706	15,706	15,706		15,706
050	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY .....	5,911	23,261	14,411	13,300	19,211
		Permafrost tunnel .....			[500]	[500]	
		Photovoltaic technology development .....			[8,000]	[2,000]	
		PacCom Renewable Energy Security System .....		[3,500]		[3,000]	
		Electric Vehicle Charging Network .....		[2,500]			
		Field Deployable Hologram Production System .....		[4,800]		[4,800]	
		Demonstration of Thin Film Solar Modules as a Renewable Energy Source.		[1,000]		[1,000]	
		Renewable Energy Project—Fort Jackson .....		[3,550]			
		Nanotechnology for Potable Water and Waste Treatment .....		[2,000]		[2,000]	
051	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	41,561	58,061	45,561	3,500	45,061
		Wideband digital airborne electronic sensing array .....			[4,000]		
		Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar.		[5,000]		[2,000]	
		X Band Interferometric Radar .....		[5,000]			
		Optimizing Natural Language Processing of Open Source Intelligence (OSINT).		[1,500]		[1,500]	

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Software Lifecycle Affordability Management (SLAM) .....		[5,000]			
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY .....</b>	<b>695,217</b>	<b>900,207</b>	<b>964,567</b>	<b>207,400</b>	<b>902,617</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
052	0603024A	UNIQUE ITEM IDENTIFICATION (UID) .....					
053	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE) .....	14,683	27,183	14,683	15,500	30,183
		Biological Air Filtering System Technology .....		[4,000]		[3,000]	
		Compact Pulsed Power for Military Applications .....		[8,500]		[4,000]	
		Adaptive robotic technology .....				[3,500]	
		Advanced electronics integration .....				[3,000]	
		Advanced environmental controls .....				[2,000]	
054	0603308A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE) .....	117,471	117,471	117,471		117,471
055	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING .....	209,531	32,057	222,031	−49,000	160,531
		Adaptive robotic technology .....			[3,500]		
		Advanced electronics integration .....			[4,000]		
		Advanced environmental controls .....			[5,000]		
		Center for Defense Systems Research .....		[1,000]		[1,000]	
		Excessive Project Cost Growth—Integrated Air and Missile De- fense. ....		[−178,474]		[−50,000]	
056	0603460A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....					
057	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV .....	17,536	17,536	17,536		17,536
058	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV .....	4,920	4,920	4,920		4,920
059	0603639A	TANK AND MEDIUM CALIBER AMMUNITION .....	33,934	23,134	33,934		33,934
		Funding Ahead of Need for Advanced Kinetic Energy Cartridge .....		[−10,800]			
060	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS) .....	90,299	90,299	140,299		90,299
		Advanced Tank Armament Systems .....			[50,000]		
061	0603747A	SOLDIER SUPPORT AND SURVIVABILITY .....	31,752	31,752	31,752		31,752
062	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV .....	18,228	18,228	18,228		18,228
063	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT .....		10,000			
		Enhanced Threat Imaging .....		[10,000]			
064	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	4,770	10,970	4,770	4,000	8,770
		Cadmium Emissions Reduction—Letterkenny Army Depot .....		[1,000]		[1,000]	
		Vanadium Technology Program .....		[4,000]		[3,000]	
		Zero Waste to Landfill Demonstration—Washington State .....		[1,200]			
065	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL .....	180,673	165,673	180,673		180,673
		Program Reduction .....		[−15,000]			
066	0603790A	NATO RESEARCH AND DEVELOPMENT .....	5,048	5,048	5,048		5,048
067	0603801A	AVIATION—ADV DEV .....	8,537	8,537	58,537		8,537
		Joint Future Theater Lift .....			[50,000]		
068	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	56,373	46,373	46,373	−10,000	46,373
		Premature JLTV program growth .....			[−10,000]	[−10,000]	
		Unjustified Cost Growth (RDA 068a) .....		[−10,000]			
069	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS. ....	9,868	9,868	9,868		9,868
070	0603807A	MEDICAL SYSTEMS—ADV DEV .....	31,275	33,475	31,275		31,275
		Leishmaniasis Skin Test .....		[1,000]			
		Rapid Bone Fracture Reduction and Fixation .....		[1,200]			
071	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....	71,832	76,832	71,832	2,000	73,832
		Acid Alkaline Direct Methanol Fuel Cell .....		[5,000]		[2,000]	
072	0603850A	INTEGRATED BROADCAST SERVICE .....	1,476	1,476	1,476		1,476
072A	XXXXXXA	JOINT IMPROVISED EXPLOSIVE DEVICE .....		327,100			
		Transfer from Title I .....		[327,100]			
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, ARMY. ....</b>	<b>908,206</b>	<b>1,057,932</b>	<b>1,010,706</b>	<b>−37,500</b>	<b>870,706</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
073	0604201A	AIRCRAFT AVIONICS .....	92,977	92,977	92,977		92,977
074	0604220A	ARMED, DEPLOYABLE HELOS .....	65,515	65,515	65,515		65,515
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT .....	248,463	248,463	248,463		248,463
076	0604321A	ALL SOURCE ANALYSIS SYSTEM .....	13,107	13,107	13,107		13,107
077	0604328A	TRACTOR CAGE .....	16,286	16,286	16,286		16,286

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
078	0604601A	INFANTRY SUPPORT WEAPONS .....	74,814	74,814	82,814	4,000	78,814
		Lightweight caliber .50 machine gun .....			[5,000]	[4,000]	
		Next generation helmet ballistic materials technology .....			[3,000]		
079	0604604A	MEDIUM TACTICAL VEHICLES .....	5,683	5,683	15,683		5,683
		Medium tactical vehicle development .....			[10,000]		
080	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD .....	978	978	978		978
081	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES .....	7,477	7,477	17,477	2,000	9,477
		Heavy tactical vehicle development .....			[10,000]	[2,000]	
082	0604633A	AIR TRAFFIC CONTROL .....	7,578	7,578	7,578		7,578
083	0604646A	NON-LINE OF SIGHT LAUNCH SYSTEM .....	88,660	88,660	88,660		88,660
084	0604647A	NON-LINE OF SIGHT CANNON .....	58,216	0	0	-27,000	31,216
		Unjustified Termination Costs .....		[-58,216]	[-58,216]	[-27,000]	
085	0604660A	FCS MANNED GRD VEHICLES & COMMON GRD VEHICLE .....	368,557	100,000	45,000	-184,000	184,557
		Unjustified Termination Costs .....		[-268,557]	[-323,557]	[-184,000]	
086	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT .....	1,067,191	1,067,191	1,067,191		1,067,191
087	0604662A	FCS RECONNAISSANCE (UAV) PLATFORMS .....	68,701	68,701	68,701		68,701
088	0604663A	FCS UNMANNED GROUND VEHICLES .....	125,616	125,616	125,616		125,616
089	0604664A	FCS UNATTENDED GROUND SENSORS .....	26,919	26,919	26,919		26,919
090	0604665A	FCS SUSTAINMENT & TRAINING R&D .....	749,182	749,182	749,182		749,182
091	0604666A	SPIN OUT TECHNOLOGY/CAPABILITY INSERTION					
092	0604710A	NIGHT VISION SYSTEMS—SDD .....	55,410	55,410	55,410		55,410
093	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....	2,092	2,092	2,092		2,092
094	0604715A	NON-SYSTEM TRAINING DEVICES—SDD .....	30,209	30,209	33,209		30,209
		Urban training development .....			[3,000]		
095	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—SDD .....	28,936	28,936	28,936		28,936
096	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....	33,213	33,213	33,213		33,213
097	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....	15,320	15,320	15,320		15,320
098	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD .....	15,727	15,727	15,727		15,727
099	0604778A	POSITIONING SYSTEMS DEVELOPMENT (SPACE) .....	9,446	9,446	9,446		9,446
100	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....	26,243	26,243	26,243		26,243
101	0604783A	JOINT NETWORK MANAGEMENT SYSTEM					
102	0604802A	WEAPONS AND MUNITIONS—SDD .....	34,878	34,878	42,378	7,500	42,378
		Common guidance control module .....			[7,500]	[7,500]	
103	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—SDD .....	36,018	43,518	36,018	1,500	37,518
		Autonomous Sustainment Cargo Container Sea Truck .....		[7,500]		[1,500]	
104	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD .....	88,995	88,995	88,995		88,995
105	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD.	33,893	37,193	33,893	800	34,693
		Rotary Valve Pressure Swing Absorption Oxygen Generator .....		[2,500]			
		Plasma Sterilizer .....		[800]		[800]	
106	0604808A	LANDMINE WARFARE/BARRIER—SDD .....	82,260	60,960	82,260	21,300	60,960
		Program Reduction .....		[-21,300]		[-21,300]	
107	0604814A	ARTILLERY MUNITIONS .....	42,452	42,452	42,452		42,452
108	0604817A	COMBAT IDENTIFICATION .....	20,070	20,070	20,070		20,070
109	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE .....	90,864	90,864	90,864		90,864
110	0604820A	RADAR DEVELOPMENT					
111	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS) .....	6,002	6,002	6,002		6,002
112	0604823A	FIREFINDER .....	20,333	20,333	20,333		20,333
113	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL .....	19,786	19,786	19,786		19,786
114	0604854A	ARTILLERY SYSTEMS .....	23,318	32,318	81,534	58,216	81,534
		Accelerate Paladin integration management .....		[9,000]	[58,216]	[58,216]	
115	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP) .....	569,182	568,182	569,182		569,182
		Program Reduction .....		[-5,000]			
		Ultra Low Phase Noise Oscillator .....		[4,000]			
116	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK .....	7,140	7,140	7,140		7,140
117	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT .....	35,309	35,309	35,309	30,800	66,109
		Transfer from RDDW, line 117, for DIMHRS execution .....				[30,800]	
118	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	127,439	127,439	127,439		127,439
119	0605625A	MANNED GROUND VEHICLE .....	100,000	50,000	100,000		100,000
		Program Reduction .....		[-50,000]			
119A	XXXXXXA	AERIAL COMMON SENSOR .....		210,035			
		Transfer from RDA 170 .....		[210,035]			

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION, ARMY .....</b>	<b>4,640,455</b>	<b>4,471,217</b>	<b>4,355,398</b>	<b>-127,484</b>	<b>4,512,971</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
120	0604256A	THREAT SIMULATOR DEVELOPMENT .....	22,222	22,222	22,222		22,222
121	0604258A	TARGET SYSTEMS DEVELOPMENT .....	13,615	13,615	13,615		13,615
122	0604759A	MAJOR T&E INVESTMENT .....	51,846	51,846	51,846		51,846
123	0605103A	RAND ARROYO CENTER .....	16,305	20,305	16,305	2,000	18,305
		Program Increase .....		[4,000]		[2,000]	
124	0605301A	ARMY KWAJALEIN ATOLL .....	163,514	163,514	163,514		163,514
125	0605326A	CONCEPTS EXPERIMENTATION PROGRAM .....	23,445	23,445	23,445		23,445
126	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH					
127	0605601A	ARMY TEST RANGES AND FACILITIES .....	354,693	354,693	380,293		354,693
		Program increase .....			[25,600]		
128	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS .....	72,911	74,111	82,911	11,200	84,111
		Common regional operational systems .....			[3,000]	[3,000]	
		Data fusion systems .....			[2,500]	[2,500]	
		Dugway field test improvements .....			[4,500]	[4,500]	
		MOTS All Sky Imager .....		[1,200]		[1,200]	
129	0605604A	SURVIVABILITY/LETHALITY ANALYSIS .....	45,016	45,016	45,016		45,016
130	0605605A	DOD HIGH ENERGY LASER TEST FACILITY .....	2,891	2,891	8,891	6,000	8,891
		Program increase .....			[6,000]	[6,000]	
131	0605606A	AIRCRAFT CERTIFICATION .....	3,766	3,766	3,766		3,766
132	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES .....	8,391	8,391	8,391		8,391
133	0605706A	MATERIEL SYSTEMS ANALYSIS .....	19,969	19,969	19,969		19,969
134	0605709A	EXPLOITATION OF FOREIGN ITEMS .....	5,432	5,432	5,432		5,432
135	0605712A	SUPPORT OF OPERATIONAL TESTING .....	77,877	77,877	77,877		77,877
136	0605716A	ARMY EVALUATION CENTER .....	66,309	66,309	66,309		66,309
137	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....	5,357	5,357	5,357		5,357
138	0605801A	PROGRAMWIDE ACTIVITIES .....	77,823	77,823	77,823		77,823
139	0605803A	TECHNICAL INFORMATION ACTIVITIES .....	51,620	51,620	51,620		51,620
140	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY .....	45,053	45,053	47,253	2,000	47,053
		3D woven preform technology for Army munitions .....			[2,200]	[2,000]	
141	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....	5,191	5,191	5,191		5,191
142	0605898A	MANAGEMENT HQ—R&D .....	15,866	15,866	15,866		15,866
143	0909999A	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS					
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT, ARMY .....</b>	<b>1,149,112</b>	<b>1,154,312</b>	<b>1,192,912</b>	<b>21,200</b>	<b>1,170,312</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
144	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM .....	27,693	27,693	27,693		27,693
145	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV					
146	0102419A	AEROSTAT JOINT PROJECT OFFICE .....	360,076	238,076	340,076	-20,000	340,076
		Program delay reduction .....		[-122,000]	[-20,000]	[-20,000]	
147	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM .....	23,727	26,227	23,727	2,500	26,227
		AFATDS Voice Recognition and Cross Platform Speech Interface System.		[2,500]		[2,500]	
148	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....	190,301	190,301	190,301		190,301
149	0203740A	MANEUVER CONTROL SYSTEM .....	21,394	21,394	21,394		21,394
150	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS .....	209,401	213,001	209,401		209,401
		Boned Cellular Aluminum Tail Rotor Blades .....		[3,600]			
151	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	792	792	792		792
152	0203758A	DIGITIZATION .....	10,692	10,692	10,692		10,692
153	0203759A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)					
154	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....	39,273	39,273	39,273		39,273
155	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS .....		10,000	5,000	5,000	5,000
		TOW LBS .....			[5,000]		
		Javelin Warhead Improvement Plan .....		[10,000]		[5,000]	
156	0203808A	TRACTOR CARD .....	20,035	20,035	20,035		20,035
157	0208010A	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)					
158	0208053A	JOINT TACTICAL GROUND SYSTEM .....	13,258	13,258	0		13,258
		Joint Tactical Ground System .....			[-13,258]		
159	0208058A	JOINT HIGH SPEED VESSEL (JHSV) .....	3,082	3,082	3,082		3,082
160	0301359A	SPECIAL ARMY PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	2,144	2,144	7,144		2,144
		Collection management tools .....			[5,000]		
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM .....	74,355	74,355	74,355		74,355
163	0303141A	GLOBAL COMBAT SUPPORT SYSTEM .....	144,733	144,733	144,733		144,733
164	0303142A	SATCOM GROUND ENVIRONMENT (SPACE) .....	40,097	40,097	40,097		40,097
165	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	12,034	12,034	12,034		12,034
166	0303158A	JOINT COMMAND AND CONTROL PROGRAM (JC2) .....	20,365	20,365	20,365		20,365
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	202,521	202,521	288,521		202,521
		A160 Afghanistan deployment .....			[86,000]		
168	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	188,414	204,414	188,414	2,300	190,714
		Joint STARS Surveillance and Control Data Link (SCDL) Technology Refresh. ....		[5,000]		[1,000]	
		Adaptive Defense High-Speed IP Packet Inspection Engine on a Chip. ....		[6,000]		[1,300]	
		Asymmetric Threat Response and Analysis .....		[5,000]			
169	0305287A	BASE EXPED TARGETING SURVEILLANCE SYS-COMBINED .....					
170	0307207A	AERIAL COMMON SENSOR (ACS) .....	210,035	0	210,035		210,035
		Transfer to RDA 119A .....		[-210,035]			
171	0702239A	AVIONICS COMPONENT IMPROVEMENT PROGRAM .....					
172	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....	68,466	73,466	105,716	3,500	71,966
		Combat vehicle manufacturing technology .....			[30,000]		
		Manufacturing metrology research .....			[2,750]		
		Smart machine platform initiative .....			[2,000]	[2,000]	
		Weapon systems repair technologies .....			[2,500]	[1,500]	
		Lightweight Armored Windows for Airborne Vehicles .....		[3,000]			
		Moldable Ceramic Composite for Tactical Vehicle Protection .....		[2,000]			
999	9999999	OTHER PROGRAMS .....	3,883	3,883	3,883		3,883
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY .....</b>	<b>1,886,771</b>	<b>1,591,836</b>	<b>1,986,763</b>	<b>-6,700</b>	<b>1,880,071</b>
		<b>TOTAL, RDT&amp;E ARMY .....</b>	<b>10,438,218</b>	<b>10,506,731</b>	<b>10,863,003</b>	<b>200,316</b>	<b>10,638,534</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, NAVY</b>							
<b>BASIC RESEARCH</b>							
001	0601103N	UNIVERSITY RESEARCH INITIATIVES .....	99,472	104,972	101,472		99,472
		Blast and impact resistant structures .....			[2,000]		
		Gulf of Mexico Geoid Model .....		[3,500]			
		Study of Renewable and Alternative Energy Options for Military Build-Up. ....		[2,000]			
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	18,076	18,076	19,076		18,076
		S&T educational outreach .....			[1,000]		
003	0601153N	DEFENSE RESEARCH SCIENCES .....	413,743	417,743	415,743	2,500	416,243
		Nanoscale research program .....			[2,000]		
		Nanoelectronics, Nanometrology, and Nanobiology Initiative .....		[2,000]		[2,500]	
		Development of Cyber Security K-12 Outreach Program .....		[2,000]			
		<b>SUBTOTAL, BASIC RESEARCH, NAVY .....</b>	<b>531,291</b>	<b>540,791</b>	<b>536,291</b>	<b>2,500</b>	<b>533,791</b>
<b>APPLIED RESEARCH</b>							
004	0602114N	POWER PROJECTION APPLIED RESEARCH .....	59,787	67,337	62,787	5,000	64,787
		Energetics research .....			[3,000]	[3,000]	
		Multifunctional Materials, their Applications and Devices .....		[5,000]		[2,000]	
		Whale and Dolphin Hearing and Echolocation .....		[2,550]			
005	0602123N	FORCE PROTECTION APPLIED RESEARCH .....	91,400	106,186	123,400	33,000	124,400
		Alternative energy research .....			[20,000]	[20,000]	
		Energy systems integration research .....			[4,000]	[4,000]	
		Port security technologies .....			[3,500]	[2,000]	
		Reconfigurable shipboard power systems .....			[2,500]		
		SOF combatant research .....			[2,000]		
		Standoff Explosive Detection System .....		[2,000]			
		Advanced Energy Storage Technologies for UUVs .....		[3,000]			



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		Design Optimization of Composite High-Speed Boats Using Advanced Composite and Manufacturing and Non-destructive Evaluation.		[2,000]		[2,000]	
		Lithium Ion Storage Advancement for Aircraft Applications .....		[4,200]		[2,500]	
		Non-Traditional Weaving Applications for Aramid Ballistic Fibers and Fabrics.		[3,586]		[2,500]	
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY .....	39,308	39,308	39,308		39,308
007	0602234N	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY					
008	0602235N	COMMON PICTURE APPLIED RESEARCH .....	83,163	85,163	83,163		83,163
		Coordinated Operation of Unmanned Vehicles for Littoral Defense		[2,000]			
009	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....	104,169	109,169	109,169	3,000	107,169
		Anti-reverse engineering technologies .....			[1,000]	[1,000]	
		Asset lifecycle program .....			[4,000]		
		Remote Fuel Assessment System .....		[2,000]			
		Managing and Extending DOD Asset Lifecycles (MEDAL) .....		[3,000]		[2,000]	
010	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....	64,816	70,316	67,816		64,816
		Photonic digital radar systems .....			[3,000]		
		Photonic Digital Radar for the Next Generation of Electronic Warfare Systems.		[5,500]			
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....	48,750	48,750	54,250	3,000	51,750
		Advanced UUV research .....			[3,500]	[1,000]	
		Laser underwater imaging and communications research .....			[2,000]	[2,000]	
012	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....	6,008	6,008	6,008		6,008
013	0602747N	UNDERSEA WARFARE APPLIED RESEARCH .....	55,694	55,694	59,444		55,694
		Littoral glider systems .....			[3,000]		
		Quiet power technologies .....			[750]		
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....	40,880	40,880	42,880	2,000	42,880
		Electromagnetic signature assessment system .....			[2,000]	[2,000]	
		<b>SUBTOTAL, APPLIED RESEARCH, NAVY .....</b>	<b>593,975</b>	<b>628,811</b>	<b>648,225</b>	<b>46,000</b>	<b>639,975</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>					
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY .....	107,969	117,969	111,969	8,400	116,369
		Mobile target tracking technologies .....			[4,000]		
		Countermine Lidar UAV-Based System (CLUBS) .....		[2,600]		[2,000]	
		Detection, Tracking, and Identification for ISRTE of Mobile Asymmetric Targets.		[3,500]		[2,500]	
		Quiet Drive Advanced Rotary Actuator .....		[2,000]		[2,000]	
		Tactical High Speed Anti-Radiation Missile Demonstration .....		[1,900]		[1,900]	
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY .....	66,035	82,535	74,035	12,000	78,035
		Advanced coatings for aviation components .....			[3,000]	[2,000]	
		Single generator operations lithium ion battery .....			[5,000]	[5,000]	
		Euler Turbine for Fuel Cell Energy Recovery .....		[2,000]			
		High Speed Power Node Switching and Power Node Control Centers.		[5,000]			
		High-Temperature Radar Dome Materials .....		[2,250]		[2,000]	
		ASC-1187 ADV Countermeasures .....		[1,250]			
		Pure Hydrogen Supply from Logistic Fuels .....		[4,000]		[3,000]	
		Strategic Mobility 21 .....		[2,000]			
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY .....	108,394	49,284	49,294	-59,100	49,294
		High-integrity GPS .....		[-59,110]	[-59,100]	[-59,100]	
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY .....	86,239	90,239	86,239		86,239
		Active Acoustic Analysis and Mitigation System .....		[4,000]			
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....	65,827	65,827	65,827		65,827
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....	107,363	107,363	116,863	5,000	112,363
		Acoustic combat sensors .....			[7,500]	[5,000]	
		Unmanned vehicle conversion kits .....			[2,000]		
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....	10,998	10,998	10,998		10,998
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....	18,609	21,109	18,609	2,500	21,109
		Navy Special Warfare Performance and Injury Prevention Program for SBT 22 at Stennis Space Center.		[2,500]		[2,500]	
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY .....	68,037	71,537	68,037		68,037
		Navy Use of UNOLS Fleet .....		[3,500]			

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024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....	52,643	52,643	52,643		52,643
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY .....	28,782	28,782	28,782		28,782
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, NAVY .....</b>	<b>720,896</b>	<b>698,286</b>	<b>683,296</b>	<b>−31,200</b>	<b>689,696</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	116,082	116,082	117,482	1,400	117,482
		Semi-submersible for UUV sensor developments .....			[1,400]	[1,400]	
027	0603216N	AVIATION SURVIVABILITY .....	6,505	12,505	6,505	3,000	9,505
		Lighter Than Air Stratospheric UAV for Persistent Communications Relay and Surveillance .....		[6,000]		[3,000]	
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL .....	6,032	6,032	6,032		6,032
029	0603254N	ASW SYSTEMS DEVELOPMENT .....	16,585	28,785	20,585	4,000	20,585
		Sonobuoy wave energy module .....			[4,000]	[1,000]	
		Marine Mammal Awareness, Alert, and Response Systems .....		[3,500]		[3,000]	
		Trigger and Alert Sonobuoy System Project .....		[1,500]			
		Air Deployable ASW Cluster Sensors for Non-Acoustic Detection ....		[2,000]			
		Airborne Aquatic Detection Sensor System .....		[1,200]			
		NIR Sight (Near-Infra-Red Ranging) .....		[4,000]			
030	0603261N	TACTICAL AIRBORNE RECONNAISSANCE .....	7,713	7,713	7,713		7,713
031	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY .....	1,677	1,677	1,677		1,677
032	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES .....	76,739	76,739	76,739		76,739
033	0603506N	SURFACE SHIP TORPEDO DEFENSE .....	57,538	62,538	57,538	4,500	62,038
		Continuous Active Sonar for Torpedo Systems .....		[5,000]		[4,500]	
034	0603512N	CARRIER SYSTEMS DEVELOPMENT .....	173,594	173,594	173,594		173,594
035	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT .....	1,691	15,191	10,991	17,100	18,791
		DDG-51 hybrid propulsion system .....			[9,300]	[8,100]	
		Advanced Steam Turbine .....		[7,500]		[4,000]	
		Mobile Valve and Flex Hose Maintenance (MVFM) .....		[1,000]			
		Next Generation Shipboard Intergrated Power: Fuel Efficiency and Advanced Capability Enhancer .....		[5,000]		[5,000]	
036	0603525N	PILOT FISH .....	79,194	79,194	79,194		79,194
037	0603527N	RETRACT LARCH .....	99,757	99,757	99,757		99,757
038	0603536N	RETRACT JUNIPER .....	120,752	120,752	120,752		120,752
039	0603542N	RADIOLOGICAL CONTROL .....	1,372	1,372	1,372		1,372
040	0603553N	SURFACE ASW .....	21,995	21,995	21,995		21,995
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	551,836	561,236	551,836	2,000	553,836
		Future Generation Thinline Towed Array .....		[4,700]			
		Submarine Fatline Vector Sensor Towed Array .....			[3,200]	[2,000]	
		Low-Cost Laser Module Assembly for Navy's Acoustic Sensors (LC-LMA) .....		[1,500]			
042	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS .....	10,172	10,172	10,172		10,172
043	0603563N	SHIP CONCEPT ADVANCED DESIGN .....	22,541	22,541	28,361		22,541
		Remote monitoring & troubleshooting project .....			[5,820]		
044	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....	28,135	38,135	28,135	4,000	32,135
		Support for Naval Ship Hydrodynamics Test Facilities .....		[10,000]		[4,000]	
045	0603570N	ADVANCED NUCLEAR POWER SYSTEMS .....	259,887	259,887	259,887		259,887
046	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS .....	5,599	13,999	5,599	3,500	9,099
		High Density Power Conversion and Distribution Equipment .....		[3,400]		[1,500]	
		Hybrid Electric Drive .....		[5,000]		[2,000]	
047	0603576N	CHALK EAGLE .....	443,555	443,555	443,555		443,555
048	0603581N	LITTORAL COMBAT SHIP (LCS) .....	360,518	360,518	360,518		360,518
049	0603582N	COMBAT SYSTEM INTEGRATION .....	22,558	22,558	22,558		22,558
050	0603609N	CONVENTIONAL MUNITIONS .....	3,458	3,458	3,458		3,458
051	0603611M	MARINE CORPS ASSAULT VEHICLES .....	293,466	293,466	293,466		293,466
052	0603612M	USMC MINE COUNTERMEASURES SYSTEMS—ADV DEV					
053	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....	73,798	73,798	66,298	−12,000	61,798
		Model-based management decision tools .....			[4,500]		
		Premature JLTV program growth .....			[−12,000]	[−12,000]	
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	21,054	21,054	21,054		21,054
055	0603658N	COOPERATIVE ENGAGEMENT .....	56,586	56,586	56,586		56,586
056	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....	17,328	17,328	17,328		17,328
057	0603721N	ENVIRONMENTAL PROTECTION .....	20,661	20,661	20,661		20,661

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058	0603724N	NAVY ENERGY PROGRAM .....	8,476	8,476	10,250	7,750	16,226
		Fuel cell and hydrogen generation technologies .....			[2,500]		
		Molten carbonate fuel cell demonstrator .....			[3,000]	[3,000]	
		Solar heat reflective film development .....			[4,750]	[4,750]	
		Unjustified request .....			[-8,476]		
059	0603725N	FACILITIES IMPROVEMENT .....	4,002	14,002	4,002	5,600	9,602
		Wave Energy Powerbuoy Generating System .....		[3,000]		[2,400]	
		Photovoltaic Rooftop Systems—Navy .....		[1,500]		[1,500]	
		Regenerative Fuel Cell Back-Up Power .....		[1,700]		[1,700]	
		Testing of Critical Components for Ocean Alternate Energy Options		[3,800]			
060	0603734N	CHALK CORAL .....	70,772	70,772	70,772		70,772
061	0603739N	NAVY LOGISTIC PRODUCTIVITY .....	4,301	5,501	9,301	2,000	6,301
		Highly integrated optical interconnects for advanced air vehicles			[4,000]	[1,000]	
		RFID technology exploitation .....			[1,000]	[1,000]	
		In Transit Visibility System .....		[1,200]			
062	0603746N	RETRACT MAPLE .....	210,237	210,237	210,237		210,237
063	0603748N	LINK PLUMERIA .....	69,313	69,313	69,313		69,313
064	0603751N	RETRACT ELM .....	152,151	152,151	152,151		152,151
065	0603755N	SHIP SELF DEFENSE .....	6,960	6,960	6,960		6,960
066	0603764N	LINK EVERGREEN .....	123,660	123,660	123,660		123,660
067	0603787N	SPECIAL PROCESSES .....	54,115	54,115	54,115		54,115
068	0603790N	NATO RESEARCH AND DEVELOPMENT .....	10,194	10,194	10,194		10,194
069	0603795N	LAND ATTACK TECHNOLOGY .....	1,238	6,238	1,238		1,238
		Land Attack Technology .....		[5,000]			
070	0603851M	NONLETHAL WEAPONS .....	46,971	46,971	46,971		46,971
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS .....	150,304	150,304	150,304		150,304
072	0603879N	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE) .....	52,716	52,716	52,716		52,716
073	0603889N	COUNTERDRUG RDT&E PROJECTS					
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS .....	5,003	12,003	5,003	2,000	7,003
		High Energy Density Capacitors for Military Applications .....		[3,000]			
		Joint Technology Insertion & Accelerated System Intergration Capability for Electronic Warfare.		[4,000]		[2,000]	
075	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	63,702	63,702	63,702		63,702
076	0604450N	JOINT AIR-TO-GROUND MISSILE (JAGM)					
077	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW).	67,843	67,843	67,843		67,843
078	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....	40,926	40,926	40,926		40,926
079	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	42,533	42,533	42,533		42,533
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, NAVY.</b>	<b>4,163,795</b>	<b>4,251,495</b>	<b>4,183,589</b>	<b>44,850</b>	<b>4,208,645</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
080	0604212N	OTHER HELO DEVELOPMENT .....	54,092	54,092	54,092		54,092
081	0604214N	AV-8B AIRCRAFT—ENG DEV .....	20,886	20,886	20,886		20,886
082	0604215N	STANDARDS DEVELOPMENT .....	53,540	55,540	53,540	2,000	55,540
		Measurement Standards Research and Development .....		[2,000]		[2,000]	
083	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....	81,953	86,653	81,953	4,700	86,653
		USN MH-60S "Close the Lethality Gap" M230 Pylon Qualification		[4,700]		[4,700]	
084	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING .....	7,485	7,485	7,485		7,485
085	0604221N	P-3 MODERNIZATION PROGRAM .....	3,659	3,659	3,659		3,659
086	0604230N	WARFARE SUPPORT SYSTEM .....	6,307	6,307	6,307		6,307
087	0604231N	TACTICAL COMMAND SYSTEM .....	86,462	86,462	86,462		86,462
088	0604234N	ADVANCED HAWKEYE .....	364,557	364,557	364,557		364,557
089	0604245N	H-1 UPGRADES .....	32,830	32,830	32,830		32,830
090	0604261N	ACOUSTIC SEARCH SENSORS .....	56,369	56,369	56,369		56,369
091	0604262N	V-22A .....	89,512	92,512	89,512		89,512
		MV-22 Satellite Weather Systems Development .....		[3,000]			
092	0604264N	AIR CREW SYSTEMS DEVELOPMENT .....	14,265	14,265	14,265		14,265
093	0604269N	EA-18 .....	55,446	55,446	55,446		55,446
094	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	97,635	101,635	97,635		97,635

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Electronic Warfare Technology, Doctrine, and Tactics Development		[4,000]			
095	0604273N	VH-71A EXECUTIVE HELO DEVELOPMENT .....	85,240	85,240	85,240		85,240
096	0604274N	NEXT GENERATION JAMMER (NGJ) .....	127,970	127,970	127,970		127,970
097	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....	876,374	876,374	876,374		876,374
098	0604300N	SC-21 TOTAL SHIP SYSTEM ENGINEERING					
099	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....	178,459	183,459	178,459	2,000	180,459
		Surface Ship Advanced Capability Build .....		[5,000]		[2,000]	
100	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION .....	5,304	5,304	5,304		5,304
101	0604329N	SMALL DIAMETER BOMB (SDB) .....	43,902	43,902	43,902		43,902
102	0604366N	STANDARD MISSILE IMPROVEMENTS .....	182,197	182,197	182,197		182,197
103	0604373N	AIRBORNE MCM .....	48,712	48,712	48,712		48,712
104	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	11,727	11,727	11,727		11,727
105	0604501N	ADVANCED ABOVE WATER SENSORS .....	236,078	236,078	286,078	15,000	251,078
		Mobile maritime sensor technology development .....			[50,000]	[15,000]	
106	0604503N	SSN-688 AND TRIDENT MODERNIZATION .....	122,733	122,733	127,733		122,733
		SSN Communications .....			[5,000]		
107	0604504N	AIR CONTROL .....	6,533	6,533	6,533		6,533
108	0604512N	SHIPBOARD AVIATION SYSTEMS .....	80,623	80,623	80,623		80,623
109	0604518N	COMBAT INFORMATION CENTER CONVERSION .....	13,305	13,305	13,305		13,305
110	0604558N	NEW DESIGN SSN .....	154,756	165,756	165,756	8,000	162,756
		Common command & control system module .....		[9,000]	[9,000]	[6,000]	
		Mold-in-place coating development .....			[2,000]		
		Mold-in-Place Coating for Development of U.S. Submarine Fleet ...		[2,000]		[2,000]	
111	0604561N	SSN-21 DEVELOPMENTS					
112	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM .....	59,703	59,703	72,703	10,000	69,703
		Artificial Intelligence-based combat system kernel .....			[5,000]	[4,000]	
		Submarine environment for evaluation & development .....			[4,000]	[3,000]	
		Weapon acquisition & firing system .....			[4,000]	[3,000]	
113	0604567N	SHIP CONTRACT DESIGN/LIVE FIRE T&E .....	89,988	95,188	91,988	2,500	92,488
		Automated fiber optic manufacturing .....			[2,000]		
		Automated Fiber Optic Manufacturing Initiative for Navy Ships .....		[5,200]		[2,500]	
114	0604574N	NAVY TACTICAL COMPUTER RESOURCES .....	4,620	4,620	4,620		4,620
115	0604601N	MINE DEVELOPMENT .....	2,249	2,249	2,249		2,249
116	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT .....	21,105	21,105	21,105		21,105
117	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	10,327	10,327	10,327		10,327
118	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....	5,898	5,898	5,898		5,898
119	0604727N	JOINT STANDOFF WEAPON SYSTEMS .....	10,022	16,522	10,022		10,022
		Extended Range Joint Stand-Off Weapon .....		[6,500]			
120	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) .....	35,459	35,459	40,459	3,000	38,459
		AUSV .....			[5,000]	[3,000]	
121	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....	34,236	34,236	46,236	12,000	46,236
		Phalanx Next Generation .....			[12,000]	[12,000]	
122	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....	88,895	88,895	97,895		88,895
		NULKA decoy R&D .....			[9,000]		
123	0604761N	INTELLIGENCE ENGINEERING .....	14,438	14,438	14,438		14,438
124	0604771N	MEDICAL DEVELOPMENT .....	9,888	33,388	20,388	13,600	23,488
		Composite tissue transplantation research .....			[2,000]	[2,000]	
		Custom body implant development .....			[2,000]	[2,000]	
		Multivalent dengue vaccine program .....			[3,500]	[1,600]	
		Orthopedic surgery instrumentation .....			[3,000]	[3,000]	
		Flexible Medical Solutions FlexMedPatch Program .....		[2,000]			
		HI-CA Biorepository Consortium for DOD Research .....		[2,500]			
		Neurogenesis Therapeutics for PTSD .....		[3,000]			
		Strategies to Reduce Post Traumatic Stress Disorder (PTSD) & Traumatic Brain Injury (TBI) Burden.		[4,000]			
		U.S. Navy Vaccine Program .....		[4,000]		[3,000]	
		U.S. Navy Pandemic Influenza Vaccine Program: Enhancement of Influenza Vaccine Efficacy.		[8,000]		[2,000]	
125	0604777N	NAVIGATION/ID SYSTEM .....	63,184	63,184	63,184		63,184
126	0604784N	DISTRIBUTED SURVEILLANCE SYSTEM					
127	0604800N	JOINT STRIKE FIGHTER (JSF) .....	1,741,296	1,894,796	1,741,296	215,000	1,956,296
		F136 Development .....		[231,500]		[215,000]	

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Program Excess .....		[-78,000]			
128	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT .....	9,868	9,868	9,868		9,868
129	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT .....	69,026	72,626	81,026	8,100	77,126
		Information systems research .....			[7,000]	[4,000]	
		Integrated network-centric technology systems .....			[5,000]	[2,600]	
		Maintenance Planning and Assessment Technology (MPAT) Insertion.		[3,000]		[1,500]	
		Advanced Maintenance and Environmental Monitoring Technologies for Public Shipyards.		[600]			
130	0605212N	CH-53K RDTE .....	554,827	554,827	554,827		554,827
131	0605430N	C/KC-130 AVIONICS MODERNIZATION PROGRAM (AMP)					
132	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	81,434	81,434	81,434		81,434
133	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) .....	1,162,417	1,162,417	1,162,417		1,162,417
134	0204201N	CG(X) .....	150,022	150,022	150,022	-40,000	110,022
		Program delay .....				[-40,000]	
135	0204202N	DDG-1000 .....	539,053	539,053	539,053		539,053
136	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS .....	19,016	19,016	19,016		19,016
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION, NAVY .....</b>	<b>7,975,882</b>	<b>8,197,882</b>	<b>8,105,382</b>	<b>255,900</b>	<b>8,231,782</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
137	0604256N	THREAT SIMULATOR DEVELOPMENT .....	25,534	25,534	25,534		25,534
138	0604258N	TARGET SYSTEMS DEVELOPMENT .....	79,603	79,603	79,603		79,603
139	0604759N	MAJOR T&E INVESTMENT .....	44,844	44,844	49,844	5,000	49,844
		Aviation enterprise interoperability upgrades .....			[5,000]	[5,000]	
140	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY .....	11,422	11,422	11,422		11,422
141	0605154N	CENTER FOR NAVAL ANALYSES .....	49,821	49,821	49,821		49,821
142	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH					
143	0605804N	TECHNICAL INFORMATION SERVICES .....	735	3,735	735	2,500	3,235
		Center for Commercialization of Advanced Technology .....		[3,000]		[2,500]	
144	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT .....	60,590	60,590	60,590		60,590
145	0605856N	STRATEGIC TECHNICAL SUPPORT .....	3,633	3,633	3,633		3,633
146	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT .....	70,942	70,942	70,942		70,942
147	0605862N	RDT&E INSTRUMENTATION MODERNIZATION					
148	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT .....	193,353	193,353	193,353		193,353
149	0605864N	TEST AND EVALUATION SUPPORT .....	380,733	380,733	380,733		380,733
150	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY .....	12,010	12,010	12,010		12,010
151	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	2,703	2,703	2,703		2,703
152	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....	20,921	20,921	20,921		20,921
153	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT .....	19,004	19,004	19,004		19,004
154	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES .....	2,464	2,464	2,464		2,464
155	0804758N	SERVICE SUPPORT TO JFCOM, JNTC .....	4,197	4,197	4,197		4,197
156	0909999N	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS					
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT, NAVY .....</b>	<b>982,509</b>	<b>985,509</b>	<b>987,509</b>	<b>7,500</b>	<b>990,009</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
158	0604227N	HARPOON MODIFICATIONS					
159	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT.	311,204	311,204	311,204		311,204
160	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....	74,939	76,109	76,109	1,170	76,109
		Advanced LINAC Facility .....		[1,170]	[1,170]	[1,170]	
161	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM .....	34,479	34,479	34,479		34,479
162	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....	7,211	7,211	7,211		7,211
163	0101402N	NAVY STRATEGIC COMMUNICATIONS .....	43,982	47,982	43,982	3,000	46,982
		E-6B Strategic Communications Upgrade Block 1A (VLF-TX & HPTS).		[4,000]		[3,000]	
164	0203761N	RAPID TECHNOLOGY TRANSITION (RTT) .....	39,125	39,125	39,125		39,125
165	0204136N	F/A-18 SQUADRONS .....	127,733	127,733	127,733		127,733
166	0204152N	E-2 SQUADRONS .....	63,058	63,058	63,058		63,058
167	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL) .....	37,431	37,431	37,431		37,431
168	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) .....	13,238	13,238	13,238		13,238
169	0204311N	INTEGRATED SURVEILLANCE SYSTEM .....	24,835	28,435	24,835		24,835

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Deployable Autonomous Distributed System .....		[3,600]			
170	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....	2,324	2,324	2,324		2,324
171	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....	49,293	49,293	49,293		49,293
172	0204574N	CRYPTOLOGIC DIRECT SUPPORT .....	1,609	1,609	1,609		1,609
173	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT .....	37,524	37,524	37,524		37,524
174	0205601N	HARM IMPROVEMENT .....	30,045	31,945	30,045		30,045
		AARGM Derivative Program .....		[1,900]			
175	0205604N	TACTICAL DATA LINKS .....	25,003	25,003	25,003		25,003
176	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION .....	41,803	41,803	41,803		41,803
177	0205632N	MK-48 ADCAP .....	28,438	28,438	28,438		28,438
178	0205633N	AVIATION IMPROVEMENTS .....	135,840	139,840	135,840	-12,491	123,349
		Reduction of Weapon System Downtime Rapid Repair Structural Adhesives.		[4,000]			
		F135 engine funding ahead of need .....				[-12,491]	
179	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM .....	3,716	3,716	3,716		3,716
180	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS .....	72,031	72,031	72,031		72,031
181	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	287,348	287,348	287,348		287,348
182	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....	120,379	120,379	128,579	4,000	124,379
		Expandable rigid wall composite shelters .....			[1,300]	[1,000]	
		Marine personnel carrier support system .....			[3,000]	[3,000]	
		Ultrasonic armor consolidation .....			[3,900]		
183	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	17,057	17,057	18,057	1,000	18,057
		High performance capabilities for military vehicles .....			[1,000]	[1,000]	
184	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....	30,167	30,167	30,167		30,167
185	0207161N	TACTICAL AIM MISSILES .....	2,298	2,298	2,298		2,298
186	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	3,604	3,604	3,604		3,604
187	0208058N	JOINT HIGH SPEED VESSEL (JHSV) .....	8,431	8,431	8,431		8,431
188	0301303N	MARITIME INTELLIGENCE .....	[ ]	[ ]	[ ]	[ ]	[ ]
189	0301323N	COLLECTION MANAGEMENT .....	[ ]	[ ]	[ ]	[ ]	[ ]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE .....	[ ]	[ ]	[ ]	[ ]	[ ]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP .....	[ ]	[ ]	[ ]	[ ]	[ ]
192	0303109N	SATELLITE COMMUNICATIONS (SPACE) .....	474,009	474,009	442,009		474,009
		MUOS program transfer to WPN .....			[-32,000]		
193	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....	45,513	45,513	45,513		45,513
194	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM .....	24,226	24,226	27,726		24,226
		Policy decision point for Consolidated Afloat Networks and Enterprise Services.			[3,500]		
195	0303158M	JOINT COMMAND AND CONTROL PROGRAM (JC2) .....	2,453	2,453	2,453		2,453
196	0303158N	JOINT COMMAND AND CONTROL PROGRAM (JC2) .....	4,139	4,139	4,139		4,139
197	0305149N	COBRA JUDY .....	62,061	62,061	62,061		62,061
198	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC) .....	28,094	28,094	28,094		28,094
199	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....	4,600	4,600	4,600		4,600
200	0305204N	TACTICAL UNMANNED AERIAL VEHICLES .....	8,971	8,971	8,971		8,971
201	0305205N	ENDURANCE UNMANNED AERIAL VEHICLES .....					
202	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS .....	46,208	46,208	46,208		46,208
203	0305207N	MANNED RECONNAISSANCE SYSTEMS .....	22,599	22,599	22,599		22,599
204	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	18,079	18,079	18,079		18,079
205	0305220N	RQ-4 UAV .....	465,839	465,839	465,839		465,839
206	0305231N	MQ-8 UAV .....	25,639	25,639	25,639		25,639
207	0305232M	RQ-11 UAV .....	553	553	553		553
208	0305233N	RQ-7 UAV .....	986	986	986		986
209	0305234M	SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....	18,763	18,763	18,763		18,763
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....	23,594	23,594	23,594		23,594
211	0307207N	AERIAL COMMON SENSOR (ACS) .....					
212	0307217N	EP-3E REPLACEMENT (EPX) .....	11,976	11,976	11,976		11,976
213	0308601N	MODELING AND SIMULATION SUPPORT .....	8,028	8,028	8,028		8,028
214	0702207N	DEPOT MAINTENANCE (NON-IF) .....	14,675	14,675	14,675		14,675
215	0702239N	AVIONICS COMPONENT IMPROVEMENT PROGRAM .....	2,725	2,725	2,725		2,725
216	0708011N	INDUSTRIAL PREPAREDNESS .....	56,691	59,191	64,191	10,000	66,691
		Integrated manufacturing enterprise .....			[5,000]	[5,000]	
		Life extension of weapon system structures research .....			[2,500]	[2,500]	
		Laser Optimization Remote Lighting Systems .....		[2,500]		[2,500]	
217	0708730N	MARITIME TECHNOLOGY (MARITECH) .....			20,000	4,000	4,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)							
Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
999	9999999	National Shipbuilding Research Program .....			[20,000]	[4,000]	
		OTHER PROGRAMS .....	1,258,018	1,258,018	1,258,018		1,258,018
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&amp;E .....</b>	<b>4,302,584</b>	<b>4,319,754</b>	<b>4,311,954</b>	<b>10,679</b>	<b>4,313,263</b>
		<b>TOTAL, RDT&amp;E NAVY .....</b>	<b>19,270,932</b>	<b>19,622,528</b>	<b>19,456,246</b>	<b>336,229</b>	<b>19,607,161</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, AIR FORCE</b>							
<b>BASIC RESEARCH</b>							
001	0601102F	DEFENSE RESEARCH SCIENCES .....	321,028	321,028	323,528	1,000	322,028
		Coal transformation research .....			[1,000]	[1,000]	
		Nanotechnology for portable power research .....			[1,500]		
002	0601103F	UNIVERSITY RESEARCH INITIATIVES .....	132,249	132,249	145,749	6,200	138,449
		Cybersecurity for control networks research .....			[4,000]	[1,700]	
		End-user software safeguard research .....			[2,000]	[2,000]	
		Informatics research .....			[1,500]	[1,000]	
		Information security research .....			[4,000]	[1,500]	
		Integrated design and manufacturing research .....			[2,000]		
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES .....	12,834	12,834	12,834		12,834
004	0301555F	CLASSIFIED PROGRAMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
005	0301556F	SPECIAL PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]
		<b>SUBTOTAL, BASIC RESEARCH, AIR FORCE .....</b>	<b>466,111</b>	<b>466,111</b>	<b>482,111</b>	<b>7,200</b>	<b>473,311</b>
<b>APPLIED RESEARCH</b>							
006	0602015F	MEDICAL DEVELOPMENT .....		1,000			
		AFSOC Injury Prevention and Human Performance Initiative .....		[1,000]			
007	0602102F	MATERIALS .....	127,957	132,957	147,707	9,000	136,957
		Advanced aerospace heat exchangers .....			[3,000]	[3,000]	
		Aircraft active corrosion protection systems .....			[2,000]		
		Energy and automation technologies .....			[4,000]	[2,000]	
		Energy efficiency, recovery, and generation systems .....			[4,000]	[1,000]	
		Health monitoring sensors for aerospace components .....			[2,000]	[2,000]	
		Intelligent manufacturing research .....			[1,000]		
		Light alloy aerospace and automotive parts development .....			[1,000]		
		Mid-infrared laser source research .....			[2,750]	[1,000]	
		Rio Grande Valley Nanotech Institute .....		[5,000]			
008	0602201F	AEROSPACE VEHICLE TECHNOLOGIES .....	127,129	135,629	129,629	9,400	136,529
		Unmanned aerial system collaboration technologies .....			[2,500]	[2,500]	
		UAV Sensor and Maintenance Development .....		[5,500]		[4,900]	
		Unmanned Sense, Track, and Avoid Radar .....		[3,000]		[2,000]	
009	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH .....	85,122	85,122	85,122		85,122
010	0602203F	AEROSPACE PROPULSION .....	196,529	218,029	214,529	13,500	210,029
		Hybrid bearing development .....			[1,000]	[1,000]	
		Integrated electrical starter/generator systems .....		[3,500]	[2,500]	[2,000]	
		Lithium battery manufacturing .....			[5,000]		
		Lithium ion technologies for aviation batteries .....			[2,000]	[1,500]	
		Scramjet research .....			[3,500]		
		Thermally efficient engine pumping system .....			[4,000]	[2,000]	
		Advanced Lithium Battery Scale-Up and Manufacturing .....		[10,000]		[2,000]	
		Advanced Vehicle Propulsion Center (AVPC) .....		[3,000]		[3,000]	
		Multi-Mode Propulsion Phase IIA: High Performance Green Propel- lant .....		[5,000]		[2,000]	
011	0602204F	AEROSPACE SENSORS .....	121,768	130,518	121,768	4,800	126,568
		Net-Centric Sensor Grids .....		[3,000]		[3,000]	
		Advanced Meta Materials .....		[3,750]			
		Information Quality Tools for Persistent Surveillance Data Sets .....		[2,000]		[1,800]	
012	0602601F	SPACE TECHNOLOGY .....	104,148	108,948	113,648	9,100	113,248
		Reconfigurable electronics research .....			[2,000]	[1,000]	
		Seismic research program .....			[7,500]	[5,000]	
		Advanced Modular Avionics for ORS Use .....		[4,800]		[3,100]	

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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013	0602602F	CONVENTIONAL MUNITIONS .....	58,289	58,289	58,289		58,289
014	0602605F	DIRECTED ENERGY TECHNOLOGY .....	105,677	105,677	99,927	-4,250	101,427
		Chemical laser technology .....			[-5,750]	[-4,250]	
015	0602702F	COMMAND CONTROL AND COMMUNICATIONS					
016	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS .....	115,278	116,278	115,278		115,278
		Cyber Boot Camp .....		[1,000]			
017	0602890F	HIGH ENERGY LASER RESEARCH .....	52,754	54,754	48,654	-4,100	48,654
		Advanced deformable mirrors for high energy laser weapons .....		[2,000]	[2,000]	[2,000]	
		Chemical laser technology .....			[-6,100]	[-6,100]	
		<b>SUBTOTAL, APPLIED RESEARCH, AIR FORCE .....</b>	<b>1,094,651</b>	<b>1,147,201</b>	<b>1,134,551</b>	<b>37,450</b>	<b>1,132,101</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>					
018	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS .....	37,901	52,401	51,901	16,300	54,201
		Sewage-derived biofuels program .....			[5,000]	[4,800]	
		Sonic infrared imaging technology development .....			[2,000]		
		Metals Affordability Initiative .....		[10,000]	[7,000]	[10,000]	
		Rapid Automated Processing of Advances Low Observables .....		[4,500]		[1,500]	
019	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....	2,955	2,955	2,955		2,955
020	0603203F	ADVANCED AEROSPACE SENSORS .....	51,482	54,482	55,482	2,000	53,482
		Reconfigurable secure computing technologies .....			[4,000]	[2,000]	
		Moving Target Strike .....		[3,000]			
021	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO .....	76,844	84,844	76,844	5,000	81,844
		Long Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence .....		[8,000]		[5,000]	
022	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY .....	175,676	184,876	215,176	23,000	198,676
		Alternative energy research .....			[20,000]	[20,000]	
		Long range supersonic engine for high speed strike .....			[10,000]		
		Scalable UAV engines .....			[3,500]		
		Silicon carbide power electronics research .....			[6,000]	[3,000]	
		150 Shaft HP Scaleable UAV Engine .....		[5,000]			
		Adaptable Integrated Vapor Cycle Based Environmental Control and Power System .....		[4,200]			
023	0603231F	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY .....		5,000			
		JSF Tactical Air Configuration Module .....		[5,000]			
024	0603270F	ELECTRONIC COMBAT TECHNOLOGY .....	31,021	32,521	31,021		31,021
		COTS Analysis Tools for Navigational Warfare .....		[1,500]			
025	0603401F	ADVANCED SPACECRAFT TECHNOLOGY .....	83,909	90,409	83,909	3,000	86,909
		Department of Defense Cubesat Bus Development .....		[2,000]			
		Small Responsive Spacecraft at Low-Cost (SRSL) .....		[4,500]		[3,000]	
026	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....	5,813	5,813	5,813		5,813
027	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT .....	24,565	24,565	24,565		24,565
028	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY .....	14,356	14,356	14,356		14,356
029	0603605F	ADVANCED WEAPONS TECHNOLOGY .....	30,056	30,056	30,056		30,056
030	0603680F	MANUFACTURING TECHNOLOGY PROGRAM .....	39,913	55,613	43,163	5,250	45,163
		Next generation casting initiative .....			[3,250]	[3,250]	
		Nano-Composite and Structures Manufacturing Technology Development .....		[4,000]			
		Repair Technology Insertion Program .....		[5,200]			
		Advanced Integrated Structure for Affordable Transport Aircraft .....		[3,000]			
		Production of Nanocomposites for Aerospace Applications .....		[3,500]		[2,000]	
031	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION .....	39,708	44,708	42,208	6,500	46,208
		Optical interconnects research .....			[2,500]	[2,500]	
		Cyber Attack and Security Environment .....		[5,000]		[4,000]	
032	0603789F	C3I ADVANCED DEVELOPMENT					
033	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM .....	3,831	3,831	3,831		3,831
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE .....</b>	<b>618,030</b>	<b>686,430</b>	<b>681,280</b>	<b>61,050</b>	<b>679,080</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
034	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT .....	5,009	5,009	5,009		5,009
035	0603287F	PHYSICAL SECURITY EQUIPMENT .....	3,623	3,623	3,623		3,623
036	0603421F	NAVSTAR GLOBAL POSITIONING SYSTEM III					



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037	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT					
038	0603430F	ADVANCED EHF MILSATCOM (SPACE) .....	464,335	464,335	464,335		464,335
039	0603432F	POLAR MILSATCOM (SPACE) .....	253,150	253,150	253,150		253,150
040	0603438F	SPACE CONTROL TECHNOLOGY .....	97,701	97,701	110,201	5,000	102,701
		Space protection program .....			[6,500]		
		Space situational awareness .....			[6,000]	[5,000]	
041	0603742F	COMBAT IDENTIFICATION TECHNOLOGY .....	27,252	27,252	27,252		27,252
042	0603790F	NATO RESEARCH AND DEVELOPMENT .....	4,351	4,351	4,351		4,351
043	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D .....	632	632	632		632
044	0603845F	TRANSFORMATIONAL SATCOM (TSAT) .....					
045	0603850F	INTEGRATED BROADCAST SERVICE .....	20,739	20,739	20,739		20,739
046	0603851F	INTERCONTINENTAL BALLISTIC MISSILE .....	66,079	66,079	61,079		66,079
		Program decrease .....			[-5,000]		
047	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE) .....	70,956	70,956	70,956		70,956
048	0603859F	POLLUTION PREVENTION .....	2,896	2,896	2,896		2,896
049	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS .....	23,174	23,174	23,174		23,174
050	0604015F	NEXT GENERATION BOMBER					
051	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT .....	22,612	22,612	22,612		22,612
052	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	20,891	20,891	20,891		20,891
053	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE .....	6,882	6,882	6,882		6,882
054	0604337F	REQUIREMENTS ANALYSIS AND MATURATION .....	35,533	35,533	35,533		35,533
055	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....	18,778	18,778	18,778		18,778
056	0604796F	ALTERNATIVE FUELS .....	89,020	97,520	89,020	2,000	91,020
		Bio-Diesel Algae Fuel Production Program .....		[3,000]			
		Advanced Propulsion Non-Tactical Vehicle .....		[5,500]		[2,000]	
057	0604830F	AUTOMATED AIR-TO-AIR REFUELING .....	43,158	43,158	43,158		43,158
058	0604856F	COMMON AERO VEHICLE (CAV)					
059	0604857F	OPERATIONALLY RESPONSIVE SPACE .....	112,861	136,261	282,861		112,861
		ORS smallsat imaging prototyping .....			[115,000]		
		ORS-1 .....			[40,000]		
		RSLV .....			[15,000]		
		Program Increase .....		[23,400]			
060	0604858F	TECH TRANSITION PROGRAM .....	9,611	9,611	9,611		9,611
061	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS).	396,641	396,641	476,641		396,641
		Program increase .....			[80,000]		
061a	604xxxxF	NEXT GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT .....			53,000	50,000	50,000
		IRIS .....			[3,000]		
		Next generation MILSATCOM technology development .....			[50,000]	[50,000]	
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, AIR FORCE.</b>	<b>1,795,884</b>	<b>1,827,784</b>	<b>2,106,384</b>	<b>57,000</b>	<b>1,852,884</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
062	0603840F	GLOBAL BROADCAST SERVICE (GBS) .....	31,124	31,124	31,124		31,124
063	0604222F	NUCLEAR WEAPONS SUPPORT .....	37,860	37,860	37,860		37,860
064	0604226F	B-1B .....			2,000		
		B-1B AESA radar .....			[2,000]		
065	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....	6,227	6,227	6,227		6,227
066	0604240F	B-2 ADVANCED TECHNOLOGY BOMBER .....		14,600		12,000	12,000
		Advanced Data Link .....		[14,600]		[12,000]	
067	0604261F	PERSONNEL RECOVERY SYSTEMS					
068	0604270F	ELECTRONIC WARFARE DEVELOPMENT .....	97,275	102,175	97,275		97,275
		Rapid Replacement of Mission Critical Logistics Electronics .....		[4,900]			
069	0604281F	TACTICAL DATA NETWORKS ENTERPRISE .....	88,444	88,444	88,444		88,444
070	0604287F	PHYSICAL SECURITY EQUIPMENT .....	50	50	50		50
071	0604329F	SMALL DIAMETER BOMB (SDB) .....	153,815	153,815	153,815		153,815
072	0604421F	COUNTERSPACE SYSTEMS .....	64,248	64,248	64,248		64,248
073	0604425F	SPACE SITUATION AWARENESS SYSTEMS .....	308,134	308,134	308,134	-36,700	271,434
		SBSS follow-on—program delay .....				[-36,700]	
074	0604429F	AIRBORNE ELECTRONIC ATTACK .....	11,107	11,107	11,107		11,107
075	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....	512,642	512,642	527,642		512,642

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076	0604443F	HEO ground and data exploitation .....			[15,000]		
		THIRD GENERATION INFRARED SURVEILLANCE (3GIRS) .....	143,169	123,169	143,169		143,169
		Program Reduction .....		[-20,000]			
077	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT .....	18,671	18,671	18,671		18,671
078	0604604F	SUBMUNITIONS .....	1,784	1,784	1,784		1,784
079	0604617F	AGILE COMBAT SUPPORT .....	11,261	14,161	11,261	1,000	12,261
		Backpack Medical Oxygen System .....		[2,900]		[1,000]	
080	0604706F	LIFE SUPPORT SYSTEMS .....	10,711	17,711	10,711	2,400	13,111
		ACES 5 Ejection Seat .....		[7,000]		[2,400]	
081	0604735F	COMBAT TRAINING RANGES .....	29,718	29,718	29,718		29,718
082	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A) .....	10	7,010	10	4,000	4,010
		Distributed Mission Interoperability Toolkit (DMIT) .....		[7,000]		[4,000]	
083	0604750F	INTELLIGENCE EQUIPMENT .....	1,495	1,495	1,495		1,495
084	0604800F	JOINT STRIKE FIGHTER (JSF) .....	1,858,055	2,011,555	1,858,055	215,000	2,073,055
		F136 Engine Development .....		[231,500]		[215,000]	
		Program Excess .....		[-78,000]			
085	0604851F	INTERCONTINENTAL BALLISTIC MISSILE .....	60,010	60,010	60,010		60,010
086	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE) .....	26,545	26,545	38,545		26,545
		EELV metric tracking .....			[12,000]		
087	0605011F	RDT&E FOR AGING AIRCRAFT .....					
088	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT .....	439,615	439,615	439,615		439,615
089	0605277F	CSAR-X RDT&E .....	89,975	14,975	0	-89,975	0
		Use available prior year funds .....			[-89,975]	[-89,975]	
		Unjustified Request for HH-60M .....		[-75,000]			
090	0605278F	HC/MC-130 RECAP RDT&E .....	20,582	20,582	20,582		20,582
091	0605452F	JOINT SIAP EXECUTIVE PROGRAM OFFICE .....	34,877	34,877	34,877		34,877
092	0207434F	LINK-16 SUPPORT AND SUSTAINMENT .....					
093	0207450F	E-10 SQUADRONS .....					
094	0207451F	SINGLE INTEGRATED AIR PICTURE (SIAP) .....	13,466	13,466	13,466		13,466
095	0207701F	FULL COMBAT MISSION TRAINING .....	99,807	99,807	99,807		99,807
096	0305176F	COMBAT SURVIVOR EVADER LOCATOR .....					
097	0401138F	JOINT CARGO AIRCRAFT (JCA) .....	9,353	9,353	9,353		9,353
098	0401318F	CV-22 .....	19,640	19,640	19,640		19,640
099	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S) .....	20,056	20,056	20,056		20,056
		<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION, AIR FORCE ..</b>	<b>4,219,726</b>	<b>4,314,626</b>	<b>4,158,751</b>	<b>107,725</b>	<b>4,327,451</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
100	0604256F	THREAT SIMULATOR DEVELOPMENT .....	27,789	27,789	27,789		27,789
101	0604759F	MAJOR T&E INVESTMENT .....	60,824	63,824	65,824	7,500	68,324
		Holloman High Speed Test Track .....			[5,000]	[5,000]	
		Eglin AFB Range Operations Control Center .....		[3,000]		[2,500]	
102	0605101F	RAND PROJECT AIR FORCE .....	27,501	27,501	27,501		27,501
103	0605502F	SMALL BUSINESS INNOVATION RESEARCH .....					
104	0605712F	INITIAL OPERATIONAL TEST & EVALUATION .....	25,833	25,833	25,833		25,833
105	0605807F	TEST AND EVALUATION SUPPORT .....	736,488	736,488	756,488	19,300	755,788
		Program increase .....			[20,000]	[19,300]	
106	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....	14,637	14,637	14,637		14,637
107	0605864F	SPACE TEST PROGRAM (STP) .....	47,215	47,215	47,215		47,215
108	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT .....	52,409	52,409	52,409		52,409
109	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....	29,683	31,433	29,683		29,683
		Computer-Control Upgrade to the BAK-12 .....		[1,750]			
110	0702806F	ACQUISITION AND MANAGEMENT SUPPORT .....	18,947	18,947	18,947		18,947
111	0804731F	GENERAL SKILL TRAINING .....	1,450	1,450	1,450		1,450
112	0909999F	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....					
113	1001004F	INTERNATIONAL ACTIVITIES .....	3,748	3,748	3,748		3,748
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT, AIR FORCE .....</b>	<b>1,046,524</b>	<b>1,051,274</b>	<b>1,071,524</b>	<b>26,800</b>	<b>1,073,324</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
114	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM .....	9,513	9,513	9,513		9,513
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....	47,276	47,276	47,276		47,276

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116	0605798F	ANALYSIS SUPPORT GROUP .....	[ ]	[ ]	[ ]	[ ]	[ ]
117	0101113F	B-52 SQUADRONS .....	93,930	93,930	93,930		93,930
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM) .....	3,652	3,652	3,652		3,652
119	0101126F	B-1B SQUADRONS .....	148,025	148,025	148,025	29,000	177,025
		Transferred from APAF Line 28 .....				[29,000]	
120	0101127F	B-2 SQUADRONS .....	415,414	415,414	415,414		415,414
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM .....	33,836	33,836	33,836		33,836
122	0101314F	NIGHT FIST—USSTRATCOM .....	5,328	5,328	5,328		5,328
123	0101815F	ADVANCED STRATEGIC PROGRAMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
		DaVinci Project .....		[1,250]			
124	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM .....	9,832	9,832	9,832		9,832
125	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM .....	25,734	25,734	25,734		25,734
126	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES .....	18	18	18		18
127	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND .....	11,996	11,996	11,996		11,996
128	0205219F	MQ-9 UAV .....	39,245	39,245	39,245		39,245
129	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT .....	14,747	14,747	14,747		14,747
130	0207131F	A-10 SQUADRONS .....	9,697	9,697	9,697		9,697
131	0207133F	F-16 SQUADRONS .....	141,020	141,020	141,020		141,020
132	0207134F	F-15E SQUADRONS .....	311,167	313,167	311,167	1,000	312,167
		Corrosion Detection and Visualization Program .....		[2,000]		[1,000]	
133	0207136F	MANNED DESTRUCTIVE SUPPRESSION .....	10,748	10,748	10,748		10,748
134	0207138F	F-22A SQUADRONS .....	569,345	569,345	569,345		569,345
135	0207161F	TACTICAL AIM MISSILES .....	5,915	5,915	5,915		5,915
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	49,971	49,971	49,971		49,971
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) .....	2,529	2,529	2,529		2,529
138	0207227F	COMBAT RESCUE—PARARESCUE .....	2,950	2,950	2,950		2,950
139	0207247F	AF TENCAP .....	11,643	11,643	11,643		11,643
140	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT .....	2,950	2,950	2,950		2,950
141	0207253F	COMPASS CALL .....	13,019	13,019	13,019		13,019
142	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	166,563	166,563	166,563	-12,000	154,563
		F135 Engine—Early to need .....				[-12,000]	
143	0207277F	CSAF INNOVATION PROGRAM .....	4,621	4,621	4,621		4,621
144	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....	29,494	29,494	29,494		29,494
145	0207410F	AIR & SPACE OPERATIONS CENTER (AOC) .....	99,405	99,405	99,405		99,405
146	0207412F	CONTROL AND REPORTING CENTER (CRC) .....	52,508	52,508	52,508		52,508
147	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....	176,040	176,040	176,040		176,040
148	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS .....					
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS .....	63,782	63,782	63,782		63,782
150	0207424F	EVALUATION AND ANALYSIS PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]
151	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....	1,475	1,475	1,475		1,475
152	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I .....	19,067	19,067	19,067		19,067
153	0207445F	FIGHTER TACTICAL DATA LINK .....	72,106	72,106	72,106		72,106
154	0207446F	BOMBER TACTICAL DATA LINK .....					
155	0207448F	C2ISR TACTICAL DATA LINK .....	1,667	1,667	1,667		1,667
156	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION .....	26,792	26,792	26,792		26,792
157	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS) .....	140,670	140,670	232,670		140,670
		MP-RTIP integration & test on JSTARS aircraft .....			[92,000]		
158	0207590F	SEEK EAGLE .....	22,071	22,071	22,071		22,071
159	0207601F	USAF MODELING AND SIMULATION .....	27,245	27,245	27,245		27,245
160	0207605F	WARGAMING AND SIMULATION CENTERS .....	7,018	7,018	7,018		7,018
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES .....	6,740	6,740	6,740		6,740
162	0208006F	MISSION PLANNING SYSTEMS .....	91,995	91,995	91,995		91,995
163	0208021F	INFORMATION WARFARE SUPPORT .....	12,271	12,271	12,271		12,271
164	0208161F	SPECIAL EVALUATION SYSTEM .....	[ ]	[ ]	[ ]	[ ]	[ ]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER .....	[ ]	[ ]	[ ]	[ ]	[ ]
		Open Source Research Centers .....		[4,000]		[1,000]	
166	0301314F	COBRA BALL .....	[ ]	[ ]	[ ]	[ ]	[ ]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION .....	[ ]	[ ]	[ ]	[ ]	[ ]
		Technical Sensors Integrated Ground Station .....		[4,800]			
168	0301324F	FOREST GREEN .....	[ ]	[ ]	[ ]	[ ]	[ ]
169	0301386F	GDIP COLLECTION MANAGEMENT .....	[ ]	[ ]	[ ]	[ ]	[ ]

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170	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....	26,107	26,107	26,107		26,107
171	0303112F	AIR FORCE COMMUNICATIONS (AIRCOM)					
172	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	72,694	72,694	72,694		72,694
173	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM .....	196,621	196,621	196,621		196,621
174	0303141F	GLOBAL COMBAT SUPPORT SYSTEM .....	3,375	3,375	3,375		3,375
175	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM .....	3,149	3,149	3,149		3,149
176	0303158F	JOINT COMMAND AND CONTROL PROGRAM (JC2) .....	3,087	3,087	3,087		3,087
177	0303601F	MILSATCOM TERMINALS .....	257,693	257,693	257,693		257,693
179	0304260F	AIRBORNE SIGINT ENTERPRISE .....	176,989	176,989	176,989		176,989
180	0304311F	SELECTED ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI) .....	[ ]	[ ]	[ ]	[ ]	[ ]
		Advanced Technical Intelligence Center .....		[9,000]		[6,500]	
182	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....	6,028	9,328	6,028		6,028
		Carbon Nanotube Enhanced Power Sources for Space .....		[3,300]			
183	0305103F	CYBER SECURITY INITIATIVE .....	2,065	2,065	2,065		2,065
184	0305110F	SATELLITE CONTROL NETWORK (SPACE) .....	20,991	20,991	20,991		20,991
185	0305111F	WEATHER SERVICE .....	33,531	33,531	33,531		33,531
186	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) ..	9,006	9,006	9,006		9,006
187	0305116F	AERIAL TARGETS .....	54,807	54,807	54,807		54,807
188	0305124F	SPECIAL APPLICATIONS PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
190	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	742	742	742		742
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION .....	[ ]	[ ]	[ ]	[ ]	[ ]
192	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	39	39	39		39
194	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	137,692	137,692	137,692		137,692
195	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	52,039	52,039	52,039		52,039
196	0305172F	COMBINED ADVANCED APPLICATIONS .....	[ ]	[ ]	[ ]	[ ]	[ ]
197	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER .....	3,599	3,599	3,599		3,599
198	0305174F	SPACE WARFARE CENTER .....	3,009	3,009	3,009		3,009
199	0305182F	SPACELIFT RANGE SYSTEM (SPACE) .....	9,957	9,957	9,957		9,957
200	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	1,240	1,240	1,240		1,240
201	0305202F	DRAGON U-2					
202	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES .....	73,736	73,736	38,736	-35,000	38,736
		ISIS .....			[-35,000]	[-35,000]	
203	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS .....	143,892	151,392	97,892	2,000	145,892
		GORGON STARE .....			[-46,000]		
		Multiple UAS Cooperative Concentrated Observation and Engagement Against a Common Ground Objective.		[7,500]		[2,000]	
204	0305207F	MANNED RECONNAISSANCE SYSTEMS .....	12,846	15,346	12,846	2,500	15,346
		Rivet Joint Services Oriented Architecture (SOA) .....		[2,500]		[2,500]	
205	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	82,765	82,765	82,765		82,765
206	0305219F	MQ-1 PREDATOR A UAV .....	18,101	18,101	22,101	4,000	22,101
		Sense and avoid .....			[4,000]	[4,000]	
207	0305220F	RQ-4 UAV .....	317,316	317,316	317,316		317,316
208	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING .....	8,160	8,160	8,160		8,160
209	0305265F	GPS III SPACE SEGMENT .....	815,095	815,095	815,095	-97,400	717,695
		GPS Control Segment (OCX) .....				[-97,400]	
210	0305614F	JSPOC MISSION SYSTEM .....	131,271	131,271	137,271	6,000	137,271
		Karnac .....			[6,000]	[6,000]	
211	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE .....	5,267	5,267	5,267		5,267
212	0305906F	NCMC—TW/AA SYSTEM					
213	0305913F	NUDET DETECTION SYSTEM (SPACE) .....	84,021	84,021	84,021		84,021
214	0305924F	NATIONAL SECURITY SPACE OFFICE .....	10,634	10,634	10,634		10,634
215	0305940F	SPACE SITUATION AWARENESS OPERATIONS .....	54,648	54,648	54,648		54,648
216	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT.	30,076	30,076	30,076		30,076
217	0308699F	SHARED EARLY WARNING (SEW) .....	3,082	3,082	3,082		3,082
218	0401115F	C-130 AIRLIFT SQUADRON .....	201,250	201,250	201,250		201,250
219	0401119F	C-5 AIRLIFT SQUADRONS (IF) .....	95,266	95,266	95,266		95,266
220	0401130F	C-17 AIRCRAFT (IF) .....	161,855	161,855	161,855		161,855
221	0401132F	C-130J PROGRAM .....	30,019	30,019	30,019		30,019

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222	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) .....	31,784	31,784	31,784		31,784
223	0401218F	KC-135S .....	10,297	10,297	10,297		10,297
224	0401219F	KC-10S .....	35,586	35,586	35,586		35,586
225	0401221F	KC-135 TANKER REPLACEMENT					
226	0401314F	OPERATIONAL SUPPORT AIRLIFT .....	4,916	0	4,916		4,916
		Unjustified Requirement for PAR .....		[-4,916]			
227	0401839F	AIR MOBILITY TACTICAL DATA LINK					
228	0408011F	SPECIAL TACTICS / COMBAT CONTROL .....	8,222	10,922	8,222		8,222
		Special Mission Clothing for AFSOC .....		[2,700]			
229	0702207F	DEPOT MAINTENANCE (NON-IF) .....	1,508	1,508	1,508		1,508
230	0702976F	FACILITIES RESTORATION & MODERNIZATION—LOGISTICS					
231	0708011F	INDUSTRIAL PREPAREDNESS .....		2,000		2,000	2,000
		Wire Integrity Technology .....		[2,000]		[2,000]	
232	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....	246,483	246,483	246,483		246,483
233	0708611F	SUPPORT SYSTEMS DEVELOPMENT .....	6,288	17,488	6,288	2,000	8,288
		Warner-Robins Air Logistics Center Streamlined Processes .....		[4,200]			
		Micro-Grid Energy Storage Utilizing a Deployable Zinc-Bromide Flow Battery.		[5,000]			
		ALC Logistics Integration Environment .....		[2,000]		[2,000]	
234	0804743F	OTHER FLIGHT TRAINING .....	805	805	805		805
235	0804757F	JOINT NATIONAL TRAINING CENTER .....	3,220	3,220	3,220		3,220
236	0804772F	TRAINING DEVELOPMENTS .....	1,769	1,769	1,769		1,769
237	0808716F	OTHER PERSONNEL ACTIVITIES .....	116	116	116		116
238	0901202F	JOINT PERSONNEL RECOVERY AGENCY .....	6,376	6,376	11,376	5,000	11,376
		Biometric signature and passive physiological monitoring .....			[5,000]	[5,000]	
239	0901212F	SERVICE-WIDE SUPPORT (NOT OTHERWISE ACCOUNTED FOR)					
240	0901218F	CIVILIAN COMPENSATION PROGRAM .....	8,174	8,174	8,174		8,174
241	0901220F	PERSONNEL ADMINISTRATION .....	10,492	10,492	10,492	20,490	30,982
		DIMHRS—OSD requested transfer from RDDW, Line 117 .....				[20,490]	
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT .....	55,991	55,991	55,991		55,991
999	9999999	OTHER PROGRAMS .....	11,955,084	12,189,134	12,095,084	182,000	12,137,084
		Program Increase .....		[215,000]	[140,000]	[172,500]	
		Carbon Nanotube Enhanced Power Sources for Space .....				[2,000]	
<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE .....</b>			<b>18,751,901</b>	<b>19,012,235</b>	<b>18,917,901</b>	<b>111,590</b>	<b>18,863,491</b>
<b>TOTAL, RDT&amp;E AIR FORCE .....</b>			<b>27,992,827</b>	<b>28,505,661</b>	<b>28,552,502</b>	<b>408,815</b>	<b>28,401,642</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, DEFENSE-WIDE</b>							
<b>BASIC RESEARCH</b>							
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE .....	48,544	50,544	48,544		48,544
		Virtual Perimeter Monitoring System (VPMS) .....		[2,000]			
002	0601101E	DEFENSE RESEARCH SCIENCES .....	226,125	230,325	226,125		226,125
		Development of Low-Cost, Stable Vaccines for Field Application ....		[3,200]			
		High School Science Study Group/CS Futures .....		[1,000]			
003	0601111D8Z	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH					
004	0601114D8Z	DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.			8,000		
		Program Increase .....			[8,000]		
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM .....	89,980	89,980	89,980		89,980
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	58,974	63,974	60,974	5,900	64,874
		In-vitro models for bio-defense vaccines .....			[2,000]	[1,900]	
		Synchrotron Beamline and Experimental Station .....		[5,000]		[4,000]	
<b>SUBTOTAL, BASIC RESEARCH, DEFENSE-WIDE .....</b>			<b>423,623</b>	<b>434,823</b>	<b>433,623</b>	<b>5,900</b>	<b>429,523</b>
<b>APPLIED RESEARCH</b>							
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY .....	22,669	22,669	22,669	-3,708	18,961
		Partial Program Growth Reduction .....				[-3,708]	
008	0602227D8Z	MEDICAL FREE ELECTRON LASER					
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE	15,164	20,164	15,164	5,000	20,164

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		Historically Black Colleges and Universities and Minority Serving Institutions Program.		[5,000]		[5,000]	
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM .....	34,034	34,034	34,034		34,034
011	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY .....	282,749	272,749	270,749	−10,000	272,749
		Content distribution .....			[−4,500]		
		CORONET .....			[−7,500]		
		Program Reduction .....		[−10,000]		[−10,000]	
012	0602304E	COGNITIVE COMPUTING SYSTEMS .....	142,840	142,840	117,840		142,840
		Cognitive networking .....			[−25,000]		
013	0602383E	BIOLOGICAL WARFARE DEFENSE .....	40,587	40,587	40,587		40,587
014	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	209,072	211,072	222,950	3,900	212,972
		Chemical and biological infrared detector .....			[3,000]	[1,900]	
		Biological decontamination research .....			[1,000]		
		Funding for meritorious unfunded TMTI projects .....			[9,878]		
		Chemical and Biological Resistant Clothing .....		[2,000]		[2,000]	
015	0602663D8Z	JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT .....	4,940	4,940	4,940		4,940
016	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH.	9,446	9,446	9,446		9,446
017	0602702E	TACTICAL TECHNOLOGY .....	276,075	266,075	263,075	−10,000	266,075
		EXACTO .....			[−10,000]		
		Submersible aircraft .....			[−3,000]		
		Program Reduction .....		[−10,000]		[−10,000]	
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY .....	268,859	265,859	268,859	−5,000	263,859
		Improved Performance of ODS Ferritic Steels .....		[2,000]			
		Program Reduction .....		[−5,000]		[−5,000]	
019	0602716E	ELECTRONICS TECHNOLOGY .....	223,841	213,841	223,841	−10,000	213,841
		Program Reduction .....		[−10,000]		[−10,000]	
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES .....	219,130	222,730	221,130	1,500	220,630
		Blast mitigation and protection .....			[2,000]	[1,500]	
		Eagles Eyes—Stand-off Radiation Detection .....		[3,600]			
021	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT .....	27,384	31,634	27,384		27,384
		SOF Craft Integrated Backbone .....		[2,000]			
		Rapid and Low Cost Development of Next Generation Patrol Ships for Special Operations.		[2,250]			
022	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT					
		<b>SUBTOTAL, APPLIED RESEARCH, DEFENSE-WIDE .....</b>	<b>1,776,790</b>	<b>1,758,640</b>	<b>1,742,668</b>	<b>−28,308</b>	<b>1,748,482</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>					
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY .....	23,538	23,538	23,538	−6,784	16,754
		Partial Program Growth Reduction .....				[−6,784]	
024	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT .....	43,808	46,808	43,808		43,808
		Lasercomm Link for Explosive Ordnance Disposal Robot Operations .....		[3,000]			
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT .....	81,868	95,268	87,868	10,500	92,368
		Impact and blast loading laboratory testing program .....			[2,500]		
		Reconnaissance and data exploitation systems .....			[3,500]	[3,500]	
		Affordable Robust Mid-Sized UGV .....		[4,000]		[2,000]	
		Advanced Transparent LAS Glass Ceramic Armor Systems for Force Protection.		[1,250]			
		Integrated Rugged Checkpoint Container .....		[2,500]		[2,500]	
		Combating Terrorism: Threat and Risk Assessment .....		[2,650]		[2,500]	
		Thresholds for Neurological Injuries from Repeated Blast Exposures.		[3,000]			
026	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	233,203	233,203	233,203		233,203
027	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY .....	109,760	109,760	109,760	−5,000	104,760
		General Reduction .....				[−5,000]	
028	0603200D8Z	JOINT ADVANCED CONCEPTS .....	7,817	11,817	10,817		7,817
		Joint Future Theater Lift joint advanced concepts .....			[3,000]		
		Robotic Border Area Surveillance System Program .....		[4,000]			
029	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....	23,276	23,276	23,276		23,276
030	0603286E	ADVANCED AEROSPACE SYSTEMS .....	338,360	253,360	232,360	−89,000	249,360
		Disc-rotor compound helicopter .....			[−5,000]		

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		Endurance UAS programs .....			[-90,000]		
		Heliplane .....			[-4,000]		
		Triple target terminator .....			[-7,000]		
		Program Reduction .....		[-75,000]		[-89,000]	
		Integrated Sensor is Structure .....		[-10,000]			
031	0603287E	SPACE PROGRAMS AND TECHNOLOGY .....	200,612	200,612	200,612		200,612
032	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	282,235	284,235	282,235	2,000	284,235
		Total Perimeter Surveillance .....		[2,000]		[2,000]	
033	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY .....	10,838	10,838	10,838		10,838
034	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	198,352	202,652	173,352	-21,000	177,352
		JCTD new starts .....			[-25,000]	[-25,000]	
		High Accuracy Network Determination System—Intelligent Optical Networks (HANDS-ION).		[2,000]		[2,000]	
		Distributed Network Switching and Security .....		[2,300]		[2,000]	
035	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES .....	28,212	28,212	28,212		28,212
036	0603663D8Z	JOINT DATA MANAGEMENT RESEARCH .....	4,935	4,935	4,935		4,935
037	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY .....	10,993	10,993	10,993		10,993
038	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT.	11,480	11,480	11,480		11,480
039	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	14,638	14,638	24,638	10,000	24,638
		High performance defense manufacturing technology .....			[10,000]	[10,000]	
040	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS .....	9,110	9,110	11,110	2,000	11,110
		Robotics training systems .....			[2,000]	[2,000]	
041	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS .....	19,043	21,043	60,293	14,600	33,643
		Alternative energy research .....			[20,000]		
		Biofuels program .....			[4,000]	[2,000]	
		Biomass conversion research .....			[2,500]	[1,600]	
		Fuel cell manufacturing research .....			[3,750]	[1,000]	
		Renewable power for forward operating bases .....			[3,000]		
		Vehicle fuel cell and hydrogen logistics program .....			[8,000]	[8,000]	
		Next Generation Manufacturing Technologies Initiative .....		[2,000]		[2,000]	
042	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY .....	29,356	29,356	29,356		29,356
043	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....	69,175	69,175	69,175		69,175
044	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT .....	26,310	33,810	26,310	4,500	30,810
		Feature Size Yield Enhancement at DMEA's Semiconductors Foundry.		[2,500]		[2,500]	
		End to End Semi Fab Alpha Tool .....		[5,000]		[2,000]	
045	0603727D8Z	JOINT WARFIGHTING PROGRAM .....	11,135	11,135	11,135		11,135
046	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES .....	205,912	190,912	205,912	-15,000	190,912
		Program Reduction .....		[-15,000]		[-15,000]	
047	0603745D8Z	SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD).	4,864	4,864	4,864		4,864
048	0603750D8Z	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS					
049	0603755D8Z	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....	221,286	221,286	224,286	3,000	224,286
		Computational design of novel materials .....			[3,000]	[3,000]	
050	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....	293,476	293,476	283,476	-18,150	275,326
		Deep Green .....			[-10,000]		
		CCC-CLS execution delays .....				[-18,150]	
051	0603764E	LAND WARFARE TECHNOLOGY					
052	0603765E	CLASSIFIED DARPA PROGRAMS .....	186,526	186,526	186,526		186,526
053	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY .....	135,941	135,941	135,941		135,941
054	0603767E	SENSOR TECHNOLOGY .....	243,056	228,056	235,556	-25,000	218,056
		SUDS .....			[-7,500]		
		Program Reduction .....		[-15,000]		[-15,000]	
		SEN-CLS execution delays .....				[-10,000]	
055	0603768E	GUIDANCE TECHNOLOGY .....	37,040	37,040	37,040		37,040
056	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT .....	13,822	13,822	13,822		13,822
057	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE .....	31,298	31,298	31,298		31,298
058	0603805S	DUAL USE TECHNOLOGY					
059	0603826D8Z	QUICK REACTION SPECIAL PROJECTS .....	107,984	97,984	94,784	-13,500	94,484
		Quick Reaction Fund .....			[-15,000]	[-15,000]	

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Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Special warfare domain awareness .....			[1,800]	[1,500]	
		Program Reduction .....		[-10,000]			
060	0603828D8Z	JOINT EXPERIMENTATION .....	124,480	127,180	119,480	-2,300	122,180
		Space control and GPS experimentation .....			[-5,000]		
		Tidewater Full Scale Exercise .....		[2,700]		[2,700]	
		National Center for Small Unit Excellence .....				[-5,000]	
061	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE .....	38,505	38,505	38,505		38,505
062	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY .....	95,734	95,734	95,734		95,734
063	0603942D8Z	TECHNOLOGY TRANSFER .....	2,219	5,219	2,219	3,000	5,219
		National Radio Frequency RD&T Transfer Center .....		[3,000]		[3,000]	
064	0909999D8Z	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS					
065	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT .....	31,675	35,175	33,275	5,100	36,775
		Lithium ion battery safety research .....			[1,600]	[1,600]	
		Partnership for Defense Innovation Wi-Fi Laboratory Testing and Assessment Center.		[3,500]		[3,500]	
066	1160422BB	AVIATION ENGINEERING ANALYSIS .....	3,544	3,544	3,544		3,544
067	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY.	4,988	4,988	4,988		4,988
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, DEFENSE-WIDE</b>	<b>3,570,404</b>	<b>3,490,804</b>	<b>3,470,554</b>	<b>-141,034</b>	<b>3,429,370</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	36,019	36,019	36,019		36,019
069	0603228D8Z	PHYSICAL SECURITY EQUIPMENT					
070	0603527D8Z	RETRACT LARCH .....	21,718	21,718	21,718		21,718
071	0603709D8Z	JOINT ROBOTICS PROGRAM .....	11,803	15,653	11,803	2,000	13,803
		Autonomous Machine Vision for Mapping and Investigation of Remote Sites.		[2,250]		[2,000]	
		RobonostiX Integration to Improve Readiness of Robotic Unmanned Systems.		[1,600]			
072	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM .....	17,771	17,771	17,771		17,771
073	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM .....	31,613	31,613	31,613		31,613
074	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT .....	719,465	719,465	719,465		719,465
075	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT .....	982,922	982,922	982,922	20,000	1,002,922
		GBI vendor base sustainment .....				[20,000]	
076	0603883C	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT .....	186,697	186,697	186,697		186,697
077	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	205,952	205,952	207,952	1,600	207,552
		Real-time non-specific viral agent detector .....			[2,000]	[1,600]	
078	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....	636,856	636,856	641,856		636,856
		Airborne infrared surveillance technology .....			[5,000]		
079	0603886C	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR					
080	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS .....	966,752	966,752	966,752	-26,000	940,752
		Target Synchronization with Test Schedule .....				[-26,000]	
081	0603890C	BMD ENABLING PROGRAMS .....	369,145	344,145	369,145	-15,000	354,145
		Programs Reduction .....		[-25,000]		[-15,000]	
082	0603891C	SPECIAL PROGRAMS—MDA .....	301,566	301,566	301,566	-15,000	286,566
		Program Decrease due to excessive growth .....				[-15,000]	
083	0603892C	AEGIS BMD .....	1,690,758	1,690,758	1,660,758		1,690,758
		Excess to execution .....			[-30,000]		
084	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM .....	180,000	180,000	180,000	-6,800	173,200
		Demonstration Satellites .....				[-6,800]	
085	0603894C	MULTIPLE KILL VEHICLE					
086	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....	12,549	12,549	12,549		12,549
087	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATIONS.	340,014	340,014	340,014		340,014
088	0603897C	BALLISTIC MISSILE DEFENSE HERCULES .....	48,186	48,186	48,186		48,186
089	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT .....	60,921	61,421	60,921	500	61,421
		Independent Advisory Group to Review Ballistic Missile Defense Training Needs.		[500]		[500]	
090	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC) .....	86,949	91,949	86,949		86,949
		Joint Data Exchange Center—Missile Defense .....		[5,000]			
091	0603906C	REGARDING TRENCH .....	6,164	6,164	6,164		6,164



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092	0603907C	SEA BASED X-BAND RADAR (SBX) .....	174,576	174,576	174,576		174,576
093	0603908C	BMD EUROPEAN INTERCEPTOR SITE .....					
094	0603909C	BMD EUROPEAN MIDCOURSE RADAR .....					
095	0603911C	BMD EUROPEAN CAPABILITY .....	50,504	50,504	50,504		50,504
096	0603912C	BMD EUROPEAN COMMUNICATIONS SUPPORT .....					
097	0603913C	ISRAELI COOPERATIVE PROGRAMS .....	119,634	140,134	144,634	25,000	144,634
		Short-range ballistic missile defense .....		[20,500]	[25,000]	[25,000]	
098	0603920D8Z	HUMANITARIAN DEMINING .....	14,687	14,687	14,687		14,687
099	0603923D8Z	COALITION WARFARE .....	13,885	13,885	13,885		13,885
100	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM .....	4,887	4,887	8,387	3,500	8,387
		Corrosion control research .....			[3,500]	[3,500]	
101	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT .....	55,289	55,289	55,289		55,289
102	0604648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	18,577	22,877	18,577		18,577
		Mobile Detection Assessment Response System Enhancements .....		[4,300]			
103	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING .....	7,006	7,006	7,006		7,006
104	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC) .....	19,744	19,744	69,744		19,744
		Systems engineering and prototyping program .....			[50,000]		
105	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM .....	16,972	16,972	16,972		16,972
106	0605017D8Z	REDUCTION OF TOTAL OWNERSHIP COST .....	24,647	24,647	24,647		24,647
107	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM .....	3,949	3,949	3,949		3,949
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, DEFENSE-WIDE.</b>	<b>7,438,177</b>	<b>7,447,327</b>	<b>7,493,677</b>	<b>-10,200</b>	<b>7,427,977</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
108	0604051D8Z	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP) .....	28,862	28,862	28,862		28,862
109	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD .....	7,628	7,628	7,628		7,628
110	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....	166,913	166,913	166,913		166,913
111	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	332,895	332,895	332,895		332,895
112	0604709D8Z	JOINT ROBOTICS PROGRAM .....	5,127	5,127	5,127		5,127
113	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) .....	39,911	39,911	39,911		39,911
114	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) .....	20,633	20,633	20,633		20,633
115	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES .....	8,735	8,735	8,735		8,735
116	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT .....	11,705	136,115	11,705		11,705
		Transfer from Title XIV .....		[124,410]			
117	0605018BTA	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS) .....	70,000	70,000	70,000	-51,290	18,710
		Transfer to RDA, line 117 for DIMHRS execution .....				[-30,800]	
		Transfer to RDAF, line 241 for DIMHRS execution .....				[-20,490]	
118	0605020BTA	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES .....	197,008	197,008	197,008		197,008
119	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE .....	395	395	395		395
120	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES .....	5,000	5,000	5,000		5,000
121	0605140D8Z	TRUSTED FOUNDRY .....	41,223	41,223	41,223		41,223
122	0605648D8Z	DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM .....	4,267	4,267	4,267		4,267
123	0303141K	GLOBAL COMBAT SUPPORT SYSTEM .....	18,431	18,431	18,431		18,431
124	0303158K	JOINT COMMAND AND CONTROL PROGRAM (JC2) .....	49,047	49,047	49,047		49,047
125	0807708D8Z	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE .....	1,609	1,609	1,609		1,609
		<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION, DEFENSE-WIDE.</b>	<b>1,009,389</b>	<b>1,133,799</b>	<b>1,009,389</b>	<b>-51,290</b>	<b>958,099</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
126	0603757D8Z	TRAINING TRANSFORMATION (T2) .....					
127	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS) .....	13,121	13,121	13,121		13,121
128	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....	15,247	15,247	15,247		15,247
129	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP) .....	145,052	152,552	149,052	10,000	155,052
		SAM hardware simulators .....			[4,000]		
		Joint Gulf Range Test and Training Complex .....		[3,000]		[3,000]	
		Gulf Range Mobile Instrumentation Capability .....		[3,000]		[3,000]	

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		Advanced SAM Hardware Simulator Development .....		[1,500]		[4,000]	
130	0604943D8Z	THERMAL VICAR .....	9,045	9,045	9,045		9,045
131	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) .....	9,455	9,455	9,455		9,455
132	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....	44,760	45,760	44,760		44,760
		Center for Technology and National Security Policy at the National Defense University.		[1,000]			
133	0605110D8Z	USD(A&T)—CRITICAL TECHNOLOGY SUPPORT .....	4,914	4,914	4,914		4,914
134	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION .....	94,921	94,921	94,921		94,921
135	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	96,909	75,909	96,909		96,909
		Information System Security—Program Not Justified .....		[-21,000]			
136	0605128D8Z	CLASSIFIED PROGRAM USD(P) .....	[ ]	[ ]	[ ]	[ ]	[ ]
137	0605130D8Z	FOREIGN COMPARATIVE TESTING .....	35,054	35,054	35,054		35,054
138	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY .....	6,474	6,474	6,474		6,474
139	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION .....	14,916	14,916	14,916		14,916
140	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) .....	5,888	5,888	5,888		5,888
141	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	106,477	106,477	106,477		106,477
142	0605502BR	SMALL BUSINESS INNOVATION RESEARCH					
143	0605502C	SMALL BUSINESS INNOVATIVE RESEARCH—MDA					
144	0605502D8Z	SMALL BUSINESS INNOVATIVE RESEARCH					
145	0605502E	SMALL BUSINESS INNOVATIVE RESEARCH					
146	0605502S	SMALL BUSINESS INNOVATIVE RESEARCH					
147	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTRATION.	2,163	2,163	5,163	1,900	4,063
		Anti-tamper software systems .....			[3,000]	[1,900]	
148	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS .....	11,005	11,005	11,005		11,005
149	0605798S	DEFENSE TECHNOLOGY ANALYSIS					
150	0605799D8Z	FORCE TRANSFORMATION DIRECTORATE .....	19,981	19,981	19,981		19,981
151	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....	54,411	49,411	54,411	-5,000	49,411
		Program Reduction .....		[-5,000]		[-5,000]	
152	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION ....	19,554	19,554	19,554		19,554
153	0605804D8Z	DEVELOPMENT TEST AND EVALUATION .....	23,512	26,512	23,512		23,512
		Renewable Energy Systems (RES) for Defense Applications .....		[3,000]			
154	0605897E	DARPA AGENCY RELOCATION .....	45,000	35,000	45,000		45,000
		Program Reduction .....		[-10,000]			
155	0605898E	MANAGEMENT HQ—R&D .....	51,055	51,055	51,055		51,055
156	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS .....	5,929	5,929	5,929		5,929
157	0606301D8Z	AVIATION SAFETY TECHNOLOGIES .....	8,000	8,000	8,000		8,000
158	0204571J	JOINT STAFF ANALYTICAL SUPPORT .....	1,250	1,250	1,250		1,250
159	0301555G	CLASSIFIED PROGRAMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
160	0301556G	SPECIAL PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]
161	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES .....	30,604	30,604	30,604		30,604
162	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION .....	4,667	4,667	4,667		4,667
163	0305103E	CYBER SECURITY INITIATIVE .....	50,000	50,000	30,400		50,000
		Program decrease .....			[-19,600]		
164	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	20,648	20,648	20,648		20,648
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	[ ]	[ ]	[ ]	[ ]	[ ]
166	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT .....	829	829	829		829
167	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2).	34,306	34,306	34,306		34,306
168	0901585C	PENTAGON RESERVATION .....	19,709	19,709	19,709		19,709
169	0901598C	MANAGEMENT HQ—MDA .....	57,403	57,403	57,403		57,403
170	0901598D8W	IT SOFTWARE DEV INITIATIVES .....	980	980	980		980
170A	9,999,999	OTHER PROGRAMS .....	124,705	124,705	124,705		124,705
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT, DEFENSE-WIDE .....</b>	<b>1,187,944</b>	<b>1,163,444</b>	<b>1,175,344</b>	<b>6,900</b>	<b>1,194,844</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
171	0604130V	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS) .....	1,384	1,384	1,384		1,384
172	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	2,001	2,001	2,001		2,001
173	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	292	292	292		292

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174	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	6,198	6,198	6,198		6,198
175	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY .....	46,214	46,214	46,214		46,214
176	0204571J	JOINT STAFF ANALYTICAL SUPPORT .....					
177	0208043J	CLASSIFIED PROGRAMS .....	2,179	2,179	2,179		2,179
178	0208045K	C4I INTEROPERABILITY .....	74,786	74,786	74,786		74,786
180	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING .....	10,767	10,767	10,767		10,767
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]
		Advanced Scientific Missile Intelligence Preparation of the Battlespace (IPB).		[4,000]		[2,500]	
		Portable Device for Latent Fingerprint Identification .....		[1,800]		[1,800]	
182	0301318BB	HUMINT (CONTROLLED) .....	[ ]	[ ]	[ ]	[ ]	[ ]
183	0301371G	CYBER SECURITY INITIATIVE—CCP .....	[ ]	[ ]	[ ]	[ ]	[ ]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP .....	[ ]	[ ]	[ ]	[ ]	[ ]
185	0301555BZ	CLASSIFIED PROGRAMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
186	0301556BZ	SPECIAL PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]
187	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT .....	548	548	548		548
188	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION .....	17,655	17,655	17,655		17,655
189	0303126K	LONG-HAUL COMMUNICATIONS—DCS .....	9,406	9,406	9,406		9,406
190	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	9,830	9,830	9,830		9,830
191	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI) .....	8,116	8,116	8,116		8,116
192	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI) .....	41,002	41,002	41,002		41,002
193	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM .....	13,477	13,477	13,477		13,477
194	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	408,316	408,316	410,116		408,316
		Software assurance courseware .....			[1,800]		
195	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM .....					
196	0303148K	DISA MISSION SUPPORT OPERATIONS .....	1,205	1,205	1,205		1,205
197	0303149J	C4I FOR THE WARRIOR .....	4,098	4,098	4,098		4,098
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	23,761	23,761	23,761		23,761
199	0303153K	JOINT SPECTRUM CENTER .....	18,944	18,944	18,944		18,944
200	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES) .....	1,782	1,782	1,782		1,782
201	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE .....	942	942	942		942
202	0303610K	TELEPORT PROGRAM .....	5,239	5,239	5,239		5,239
203	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES .....	16,381	16,381	16,381		16,381
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP) .....	[ ]	[ ]	[ ]	[ ]	[ ]
206	0305103D8Z	CYBER SECURITY INITIATIVE .....	993	993	993		993
207	0305103G	CYBER SECURITY INITIATIVE .....	[ ]	[ ]	[ ]	[ ]	[ ]
208	0305103K	CYBER SECURITY INITIATIVE .....	10,080	10,080	10,080		10,080
209	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP) .....	12,725	12,725	12,725		12,725
210	0305127BZ	FOREIGN COUNTERINTELLIGENCE ACTIVITIES .....					
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
215	0305186D8Z	POLICY R&D PROGRAMS .....	6,948	6,948	948		6,948
		Program reduction .....			[-6,000]		
216	0305193L	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....					
217	0305199D8Z	NET CENTRICITY .....	1,479	1,479	1,479		1,479
218	0305202G	DRAGON U-2 .....	[ ]	[ ]	[ ]	[ ]	[ ]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
220	0305207G	MANNED RECONNAISSANCE SYSTEMS .....		3,000			
		Personal Area Network for Land Soldiers (PANLS) .....		[3,000]			
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	1,407	1,407	1,407		1,407
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
224	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	3,158	3,158	3,158		3,158
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
226	0305219BB	MQ-1 PREDATOR A UAV .....	2,067	2,067	2,067		2,067
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10) .....	[ ]	[ ]	[ ]	[ ]	[ ]
228	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM .....	2,963	2,963	2,963		2,963
229	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY ASSESSMENT, ADVANCEMENT AND INTEGRATION.	1,389	1,389	1,389		1,389

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
230	0305866L	DIA SUPPORT TO SOUTHCOM INTELLIGENCE ACTIVITIES					
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS					
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT .....	[ ]	[ ]	[ ]	[ ]	[ ]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
		Technology applications for security enhancement .....			[4,000]	[3,000]	
235	0305889G	COUNTERDRUG INTELLIGENCE SUPPORT					
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV ..	[ ]	[ ]	[ ]	[ ]	[ ]
237	0307207G	AERIAL COMMON SENSOR (ACS) .....	[ ]	[ ]	[ ]	[ ]	[ ]
238	0708011S	INDUSTRIAL PREPAREDNESS .....	20,514	24,714	60,514	31,200	51,714
		Advanced microcircuit emulation .....			[4,500]		
		Castings for improved defense readiness .....			[3,000]		
		Industrial Base Innovation Fund .....			[30,000]	[30,000]	
		Insensitive munitions manufacturing .....			[2,500]		
		Commercialization of High Rate Polyimide Composites for Military & Commercial Aircraft .....		[2,000]			
		Optical Fiber Assembly Manufacturing .....		[1,000]			
		Northwest Manufacturing Initiative .....		[1,200]		[1,200]	
239	0708012S	LOGISTICS SUPPORT ACTIVITIES .....	2,798	2,798	2,798		2,798
240	0902298J	MANAGEMENT HEADQUARTERS (JCS) .....	8,303	8,303	8,303		8,303
241	1001018D8Z	NATO AGS .....	74,485	74,485	74,485		74,485
242	1105219BB	MQ-9 UAV .....	4,380	4,380	4,380		4,380
243	1130435BB	STORM					
244	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG					
245	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT ..	82,621	82,621	82,621	-10,000	72,621
		Avionics Modernization Program .....				[-10,000]	
246	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT .....	6,182	6,182	6,182	-4,588	1,594
		SOF Resource Business Information System .....				[-4,588]	
247	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT .....	21,273	51,373	26,273	11,900	33,173
		Biometric Optical Surveillance System (BOSS) .....		[2,000]		[2,000]	
		Counterproliferation Analysis and Planning System (CAPS) .....		[20,100]		[5,000]	
		Advanced long endurance unattended ground sensor technologies .....		[8,000]	[5,000]	[4,900]	
248	1160408BB	SOF OPERATIONAL ENHANCEMENTS .....	60,310	60,310	60,310		60,310
249	1160421BB	SPECIAL OPERATIONS CV-22 DEVELOPMENT .....	12,687	12,687	12,687		12,687
250	1160423BB	JOINT MULTI-MISSION SUBMERSIBLE .....	43,412	43,412	43,412		43,412
251	1160425BB	SPECIAL OPERATIONS AIRCRAFT DEFENSIVE SYSTEMS					
252	1160426BB	OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT.	1,321	1,321	1,321	-1,321	0
		ASDS .....				[-1,321]	
253	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS) .....	3,192	3,192	3,192		3,192
254	1160428BB	UNMANNED VEHICLES (UV)					
255	1160429BB	MC130J SOF TANKER RECAPITALIZATION .....	5,957	5,957	5,957		5,957
256	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS .....	733	733	733		733
257	1160476BB	SOF TACTICAL RADIO SYSTEMS .....	2,368	2,368	2,368		2,368
258	1160477BB	SOF WEAPONS SYSTEMS .....	1,081	1,081	1,081		1,081
259	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	597	597	597		597
260	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS .....	3,369	5,119	3,369	1,500	4,869
		Miniature Day Night Sight for Crew Served Weapons .....		[1,750]		[1,500]	
261	1160480BB	SOF TACTICAL VEHICLES .....	1,973	1,973	1,973		1,973
262	1160482BB	SOF ROTARY WING AVIATION .....	18,863	18,863	18,863		18,863
263	1160483BB	SOF UNDERWATER SYSTEMS .....	3,452	7,452	3,452	4,000	7,452
		Transformer Technology for Combat Submersibles (TTCS) .....		[4,000]		[4,000]	
264	1160484BB	SOF SURFACE CRAFT .....	12,250	12,250	12,250		12,250
265	1160488BB	SOF PSYOP .....	9,887	9,887	9,887		9,887
266	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	4,944	4,944	4,944		4,944
267	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	11,547	11,547	11,547		11,547
999	9999999	OTHER PROGRAMS .....	4,148,984	4,157,784	4,152,984	7,300	4,156,284
		Final E-Curfew (FeC) Enhancements .....		[3,000]			
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE ...</b>	<b>5,335,215</b>	<b>5,387,065</b>	<b>5,380,015</b>	<b>39,991</b>	<b>5,375,206</b>
		DARPA execution adjustment .....			-150,000	-150,000	-150,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)							
Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		<b>Total, RDT&amp;E Defense-Wide .....</b>	<b>20,741,542</b>	<b>20,815,902</b>	<b>20,555,270</b>	<b>−328,041</b>	<b>20,413,501</b>
		<b>OPERATIONAL TEST &amp; EVALUATION, DEFENSE</b>					
001	06051180TE	OPERATIONAL TEST AND EVALUATION .....	58,647	58,647	58,647		58,647
002	06051310TE	LIVE FIRE TEST AND EVALUATION .....	12,285	12,285	12,285		12,285
003	06058140TE	OPERATIONAL TEST ACTIVITIES AND ANALYSES .....	119,838	119,838	119,838		119,838
		<b>Total, Operational Test &amp; Evaluation, Defense .....</b>	<b>190,770</b>	<b>190,770</b>	<b>190,770</b>		<b>190,770</b>
		<b>TOTAL RDT&amp;E .....</b>	<b>78,634,289</b>	<b>79,641,592</b>	<b>79,617,791</b>	<b>617,319</b>	<b>79,251,608</b>

*Research, development, test, and evaluation for overseas contingency operations (sec. 4202)*

The Senate amendment contained an authorization funding table (sec. 4202) for re-

search, development, test, and evaluation for overseas contingency operations.

The House bill contained no similar provision.

The House recedes with an amendment authorizing specific projects, programs, or activities and associated dollar amounts subject to appropriations.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)							
Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, ARMY</b>					
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT .....	18,598	18,598	18,598		18,598
		<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION, ARMY .....</b>	<b>18,598</b>	<b>18,598</b>	<b>18,598</b>	<b>0</b>	<b>18,598</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
160	0301359A	SPECIAL ARMY PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	7,644	7,644	7,644		7,644
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM .....	2,220	2,220	2,220		2,220
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	29,500	29,500	29,500		29,500
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY .....</b>	<b>39,364</b>	<b>39,364</b>	<b>39,364</b>	<b>0</b>	<b>39,364</b>
		<b>TOTAL, RDT&amp;E ARMY .....</b>	<b>57,962</b>	<b>57,962</b>	<b>57,962</b>	<b>0</b>	<b>57,962</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS					
027	0603216N	AVIATION SURVIVABILITY .....	8,000	8,000	8,000	−8,000	0
		Non-emergency development funding .....				[−8,000]	
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	9,000	9,000	9,000	−9,000	0
		Non-emergency development funding .....				[−9,000]	
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, NAVY .....</b>	<b>17,000</b>	<b>17,000</b>	<b>17,000</b>	<b>−17,000</b>	<b>0</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
188	0301303N	MARITIME INTELLIGENCE .....	[ ]	[ ]	[ ]	[ ]	[ ]
189	0301323N	COLLECTION MANAGEMENT .....	[ ]	[ ]	[ ]	[ ]	[ ]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE .....	[ ]	[ ]	[ ]	[ ]	[ ]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP .....	[ ]	[ ]	[ ]	[ ]	[ ]
203	0305207N	MANNED RECONNAISSANCE SYSTEMS .....	51,900	51,900	51,900		51,900
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....	6,000	6,000	6,000		6,000
999	9999999	OTHER PROGRAMS .....	32,280	32,280	32,280		32,280
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&amp;E .....</b>	<b>90,180</b>	<b>90,180</b>	<b>90,180</b>	<b>0</b>	<b>90,180</b>
		<b>TOTAL, RDT&amp;E NAVY .....</b>	<b>107,180</b>	<b>107,180</b>	<b>107,180</b>	<b>−17,000</b>	<b>90,180</b>

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, AIR FORCE</b>							
<b>BASIC RESEARCH</b>							
004	0301555F	CLASSIFIED PROGRAMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
005	0301556F	SPECIAL PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]
<b>SUBTOTAL, BASIC RESEARCH, AIR FORCE .....</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>							
116	0605798F	ANALYSIS SUPPORT GROUP .....	[ ]	[ ]	[ ]	[ ]	[ ]
123	0101815F	ADVANCED STRATEGIC PROGRAMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
128	0205219F	MQ-9 UAV .....	1,400	1,400	1,400		1,400
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS .....	9,375	9,375	9,375		9,375
150	0207424F	EVALUATION AND ANALYSIS PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]
164	0208161F	SPECIAL EVALUATION SYSTEM .....	[ ]	[ ]	[ ]	[ ]	[ ]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER .....	[ ]	[ ]	[ ]	[ ]	[ ]
166	0301314F	COBRA BALL .....	[ ]	[ ]	[ ]	[ ]	[ ]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION .....	[ ]	[ ]	[ ]	[ ]	[ ]
168	0301324F	FOREST GREEN .....	[ ]	[ ]	[ ]	[ ]	[ ]
169	0301386F	GDIP COLLECTION MANAGEMENT .....	[ ]	[ ]	[ ]	[ ]	[ ]
180	0304311F	SELECTED ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI) .....	[ ]	[ ]	[ ]	[ ]	[ ]
188	0305124F	SPECIAL APPLICATIONS PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION .....	[ ]	[ ]	[ ]	[ ]	[ ]
196	0305172F	COMBINED ADVANCED APPLICATIONS .....	[ ]	[ ]	[ ]	[ ]	[ ]
206	0305219F	MQ-1 PREDATOR A UAV .....	1,400	1,400	1,400		1,400
999	9999999	OTHER PROGRAMS .....	17,111	17,111	17,111		17,111
<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE .....</b>			<b>29,286</b>	<b>29,286</b>	<b>29,286</b>	<b>0</b>	<b>29,286</b>
<b>TOTAL, RDT&amp;E AIR FORCE .....</b>			<b>29,286</b>	<b>29,286</b>	<b>29,286</b>	<b>0</b>	<b>29,286</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, DEFENSE-WIDE</b>							
<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>							
024	060312108Z	SO/LIC ADVANCED DEVELOPMENT .....		100,000			
		Transfer from JIEDDO OCO .....		[100,000]			
<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, DEFENSE-WIDE ...</b>			<b>0</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>RDT&amp;E MANAGEMENT SUPPORT</b>							
159	0301555G	CLASSIFIED PROGRAMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
160	0301556G	SPECIAL PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	[ ]	[ ]	[ ]	[ ]	[ ]
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]
182	0301318BB	HUMINT (CONTROLLED) .....	[ ]	[ ]	[ ]	[ ]	[ ]
183	0301371G	CYBER SECURITY INITIATIVE—CCP .....	[ ]	[ ]	[ ]	[ ]	[ ]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP .....	[ ]	[ ]	[ ]	[ ]	[ ]
185	0301555BZ	CLASSIFIED PROGRAMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
186	0301556BZ	SPECIAL PROGRAM .....	[ ]	[ ]	[ ]	[ ]	[ ]
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	2,750	2,750	2,750		2,750
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP) .....	[ ]	[ ]	[ ]	[ ]	[ ]
207	0305103G	CYBER SECURITY INITIATIVE .....	[ ]	[ ]	[ ]	[ ]	[ ]
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
218	0305202G	DRAGON U-2 .....	[ ]	[ ]	[ ]	[ ]	[ ]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]	[ ]	[ ]	[ ]

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	[ ]	[ ]	[ ]	[ ]	[ ]
226	0305219BB	MQ-1 PREDATOR A UAV .....	[ ]	[ ]	[ ]	[ ]	[ ]
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10) .....	[ ]	[ ]	[ ]	[ ]	[ ]
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS .....	[ ]	[ ]	[ ]	[ ]	[ ]
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT .....	[ ]	[ ]	[ ]	[ ]	[ ]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES .....	[ ]	[ ]	[ ]	[ ]	[ ]
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV ....	[ ]	[ ]	[ ]	[ ]	[ ]
237	0307207G	AERIAL COMMON SENSOR (ACS) .....	[ ]	[ ]	[ ]	[ ]	[ ]
999	9999999	OTHER PROGRAMS .....	113,076	113,076	113,076		113,076
<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE .....</b>			<b>115,826</b>	<b>115,826</b>	<b>115,826</b>	<b>0</b>	<b>115,826</b>
<b>Total, RDT&amp;E Defense-Wide .....</b>			<b>115,826</b>	<b>215,826</b>	<b>115,826</b>	<b>0</b>	<b>115,826</b>
<b>TOTAL RDT&amp;E .....</b>			<b>310,254</b>	<b>410,254</b>	<b>310,254</b>	<b>-17,000</b>	<b>293,254</b>

**TITLE XLIII—OPERATION AND MAINTENANCE**

*Operation and maintenance (sec. 4301)*

The Senate amendment contained an authorization funding table (sec. 4301) for operation and maintenance.

The House bill contained no similar provision.

The House recedes with an amendment authorizing specific projects, programs, or activities and associated dollar amounts subject to appropriations.

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Operation and Maintenance, Army</b>						
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>						
<b>LAND FORCES</b>						
010	MANEUVER UNITS .....	1,020,490	1,020,490	1,020,490		1,020,490
020	MODULAR SUPPORT BRIGADES .....	105,178	105,178	105,178		105,178
030	ECHELONS ABOVE BRIGADE .....	708,038	708,038	708,038		708,038
040	THEATER LEVEL ASSETS .....	718,233	718,233	718,233		718,233
050	LAND FORCES OPERATIONS SUPPORT .....	1,379,529	1,381,529	1,379,529	-64,400	1,315,129
	M-Gator .....		[2,000]			
	Budget realignment of combat training center transportation funding in support of helicopter training .....				[-64,400]	
060	AVIATION ASSETS .....	850,750	858,750	850,750	-77,400	773,350
	MI-17 Aircraft Modifications .....		[8,000]			
	Budget realignment in support of helicopter training .....				[-77,400]	
<b>LAND FORCES READINESS</b>						
070	FORCE READINESS OPERATIONS SUPPORT .....	2,088,233	2,088,233	2,096,233		2,088,233
	Generation III Extended Cold Weather Clothing System .....			[8,000]		
080	LAND FORCES SYSTEMS READINESS .....	633,704	634,704	633,704		633,704
	Operational and Technical Training Validation for Joint Maneuver Forces at Fort Bliss .....		[1,000]			
090	LAND FORCES DEPOT MAINTENANCE .....	692,601	697,601	692,601	3,000	695,601
	Texas Defense Manufacturing Supply Chain Initiative .....		[5,000]		[3,000]	
<b>LAND FORCES READINESS SUPPORT</b>						
100	BASE OPERATIONS SUPPORT .....	7,586,455	7,588,155	7,586,455	1,700	7,588,155

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Fort Bliss Data Center .....		[1,700]		[1,700]	
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	2,221,446	2,465,446	2,221,446		2,221,446
	Increase in sustainment to 100% .....		[244,000]			
120	MANAGEMENT AND OPERATIONAL HQ .....	333,119	333,119	333,119		333,119
130	COMBATANT COMMANDERS CORE OPERATIONS .....	123,163	123,163	123,163		123,163
140	ADDITIONAL ACTIVITIES .....	0	237,750			0
	Transfer from Title I .....		[237,750]			
150	COMMANDERS EMERGENCY RESPONSE PROGRAM .....	0				0
160	RESET .....	0				0
170	COMBATANT COMMANDERS ANCILLARY MISSIONS .....	460,159	460,159	460,159		460,159
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>18,921,098</b>	<b>19,420,548</b>	<b>18,929,098</b>	<b>-137,100</b>	<b>18,783,998</b>
	<b>BUDGET ACTIVITY 02: MOBILIZATION</b>					
	<b>MOBILITY OPERATIONS</b>					
180	STRATEGIC MOBILITY .....	228,376	228,376	228,376		228,376
190	ARMY PREPOSITIONING STOCKS .....	98,129	98,129	98,129		98,129
200	INDUSTRIAL PREPAREDNESS .....	5,705	5,705	5,705		5,705
	<b>TOTAL, BA 02: MOBILIZATION .....</b>	<b>332,210</b>	<b>332,210</b>	<b>332,210</b>	<b>0</b>	<b>332,210</b>
	<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>					
	<b>ACCESSION TRAINING</b>					
210	OFFICER ACQUISITION .....	125,615	125,615	125,615		125,615
220	RECRUIT TRAINING .....	87,488	87,488	87,488		87,488



230	ONE STATION UNIT TRAINING .....	59,302	59,302	59,302	59,302
240	SENIOR RESERVE OFFICERS TRAINING CORPS .....	449,397	449,397	449,397	449,397
	<b>BASIC SKILL/ADVANCE TRAINING</b>				
250	SPECIALIZED SKILL TRAINING .....	970,777	970,777	971,277	971,277
	Rule of law increase .....			[500]	500
260	FLIGHT TRAINING .....	843,893	843,893	843,893	985,693
	Budget realignment in support of helicopter training .....				141,800
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	166,812	166,812	166,812	166,812
280	TRAINING SUPPORT .....	702,031	702,031	702,031	702,031
	<b>RECRUITING/OTHER TRAINING</b>				
290	RECRUITING AND ADVERTISING .....	541,852	541,852	541,852	541,852
300	EXAMINING .....	147,915	147,915	147,915	147,915
310	OFF-DUTY AND VOLUNTARY EDUCATION .....	238,353	238,353	238,353	238,353
320	CIVILIAN EDUCATION AND TRAINING .....	217,386	217,386	217,386	217,386
330	JUNIOR ROTC .....	156,904	169,904	156,904	156,904
	Junior ROTC .....		[13,000]		
	<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>	<b>4,707,725</b>	<b>4,720,725</b>	<b>4,708,225</b>	<b>4,850,025</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>				
	<b>SECURITY PROGRAMS</b>				
340	SECURITY PROGRAMS .....	1,017,055	1,017,055	1,017,055	1,017,055
	<b>LOGISTICS OPERATIONS</b>				
350	SERVICEWIDE TRANSPORTATION .....	540,249	540,249	540,249	540,249
360	CENTRAL SUPPLY ACTIVITIES .....	614,093	614,093	614,093	614,093
370	LOGISTIC SUPPORT ACTIVITIES .....	481,318	484,318	481,318	481,318
	Operational and Tactical Logistics Asset Visibility (Fuel/Ammo) .....		[3,000]		
380	AMMUNITION MANAGEMENT .....	434,661	435,661	434,661	435,661
				1,000	

OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	M24 Sniper Weapons System Upgrade .....		[1,000]		[1,000]	
	<b>SERVICEWIDE SUPPORT</b>					
390	ADMINISTRATION .....	776,866	776,866	776,866		776,866
400	SERVICEWIDE COMMUNICATIONS .....	1,166,491	1,141,491	1,166,491	-25,000	1,141,491
	Servicewide communications underexecution .....		[-25,000]		[-25,000]	
410	MANPOWER MANAGEMENT .....	289,383	289,383	289,383		289,383
420	OTHER PERSONNEL SUPPORT .....	221,779	221,779	221,779	7,250	229,029
	Transfer from O&M, DW BTA for DIMHRS .....				[7,250]	
430	OTHER SERVICE SUPPORT .....	993,852	993,852	993,852		993,852
440	ARMY CLAIMS ACTIVITIES .....	215,168	205,168	215,168		215,168
	Unexpended balance .....		[-10,000]			
450	REAL ESTATE MANAGEMENT .....	118,785	118,785	118,785		118,785
	<b>SUPPORT OF OTHER NATIONS</b>					
460	SUPPORT OF NATO OPERATIONS .....	430,449	440,449	430,449		430,449
	NATO Special Operations Coordination Center .....		[10,000]			
470	MISC. SUPPORT OF OTHER NATIONS .....	13,700	13,700	13,700		13,700
	Unobligated balances estimate .....		[-351,700]			
	Fuel reduction .....		[-69,200]			
	Postal Benefit Program .....		[50,000]			
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>7,313,849</b>	<b>6,921,949</b>	<b>7,313,849</b>	<b>-16,750</b>	<b>7,297,099</b>
	<b>Total Operation and Maintenance, Army .....</b>	<b>31,274,882</b>	<b>31,395,432</b>	<b>31,283,382</b>	<b>-11,550</b>	<b>31,293,332</b>

## Operation and Maintenance, Navy

## BUDGET ACTIVITY 01: OPERATING FORCES

## AIR OPERATIONS

010	MISSION AND OTHER FLIGHT OPERATIONS .....	3,814,000	3,814,000	3,814,000	3,814,000
020	FLEET AIR TRAINING .....	120,868	120,868	120,868	120,868
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	52,259	52,259	52,259	52,259
040	AIR OPERATIONS AND SAFETY SUPPORT .....	121,649	121,649	121,649	121,649
050	AIR SYSTEMS SUPPORT .....	485,321	485,321	485,321	485,321
060	AIRCRAFT DEPOT MAINTENANCE .....	1,057,747	1,252,747	1,252,747	1,127,774
	Aviation Depot Maintenance .....		[195,000]		70,027
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	32,083	32,083	[195,000]	[70,027]

## SHIP OPERATIONS

080	MISSION AND OTHER SHIP OPERATIONS .....	3,320,222	3,320,222	3,320,222	3,320,222
090	SHIP OPERATIONS SUPPORT & TRAINING .....	699,581	699,581	699,581	699,581
100	SHIP DEPOT MAINTENANCE .....	4,296,544	4,482,544	5,065,394	4,296,544
	Ship Depot Maintenance .....		[186,000]	[200,000]	
	Transfer from OCO .....			[568,850]	
110	SHIP DEPOT OPERATIONS SUPPORT .....	1,170,785	1,172,285	1,170,785	1,170,785
	Ship Life Assessment Pilot Program .....		[1,500]		

## COMBAT OPERATIONS/SUPPORT

120	COMBAT COMMUNICATIONS .....	601,595	601,595	601,595	601,595
130	ELECTRONIC WARFARE .....	86,019	86,019	86,019	86,019
140	SPACE SYSTEMS AND SURVEILLANCE .....	167,050	167,050	167,050	167,050
150	WARFARE TACTICS .....	407,674	407,674	407,674	407,674
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	315,228	315,228	315,228	315,228
170	COMBAT SUPPORT FORCES .....	758,789	759,789	758,789	758,789
	Navy Tactical Development .....		[1,000]		

OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
180	EQUIPMENT MAINTENANCE .....	186,794	186,794	186,794		186,794
190	DEPOT OPERATIONS SUPPORT .....	3,305	3,305	3,305		3,305
200	COMBATANT COMMANDERS CORE OPERATIONS .....	167,789	167,789	167,789		167,789
210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	259,188	259,188	252,188	-7,000	252,188
	Reduction for National Program for Small Unit Excellence .....			[-7,000]	[-7,000]	
	<b>WEAPONS SUPPORT</b>					
220	CRUISE MISSILE .....	131,895	131,895	131,895		131,895
230	FLEET BALLISTIC MISSILE .....	1,145,020	1,145,020	1,145,020		1,145,020
240	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	64,731	64,731	64,731		64,731
250	WEAPONS MAINTENANCE .....	448,777	448,777	460,777	12,000	460,777
	Gun depot overhauls .....			[12,000]	[12,000]	
260	OTHER WEAPON SYSTEMS SUPPORT .....	326,535	326,535	326,535		326,535
	<b>BASE SUPPORT</b>					
270	ENTERPRISE INFORMATION .....	1,095,587	1,095,587	1,095,587		1,095,587
280	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	1,746,418	1,894,418	1,746,418		1,746,418
	Increase in sustainment to 100% .....		[148,000]			
290	BASE OPERATING SUPPORT .....	4,058,046	4,058,046	4,058,046		4,058,046
	<b>TOTAL, BA 01: OPERATING FORCES</b> .....	<b>27,141,499</b>	<b>27,672,999</b>	<b>28,110,349</b>	<b>75,027</b>	<b>27,216,526</b>
	<b>BUDGET ACTIVITY 02: MOBILIZATION</b>					
	<b>READY RESERVE AND PREPOSITIONING FORCES</b>					
300	SHIP PREPOSITIONING AND SURGE .....	407,977	407,977	407,977		407,977

310	ACTIVATIONS/INACTIVATIONS					
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS .....	7,491	7,491	7,491	7,491	7,491
	SHIP ACTIVATIONS/INACTIVATIONS .....	192,401	198,401	192,401	195,401	195,401
	Navy Ship Disposal-Carrier Demonstration Program .....		[6,000]		3,000	[3,000]
330	MOBILIZATION PREPAREDNESS					
340	FLEET HOSPITAL PROGRAM .....	24,546	24,546	24,546	24,546	24,546
350	INDUSTRIAL READINESS .....	2,409	2,409	2,409	2,409	2,409
	COAST GUARD SUPPORT .....	25,727	25,727	25,727	25,727	25,727
	TOTAL, BA 02: MOBILIZATION .....	660,551	666,551	660,551	3,000	663,551
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
	ACCESSION TRAINING					
360	OFFICER ACQUISITION .....	145,027	145,027	145,027	145,027	145,027
370	RECRUIT TRAINING .....	11,011	11,011	11,011	11,011	11,011
380	RESERVE OFFICERS TRAINING CORPS .....	127,490	127,490	127,490	127,490	127,490
	BASIC SKILLS AND ADVANCED TRAINING					
390	SPECIALIZED SKILL TRAINING .....	477,383	478,883	478,233	477,383	477,383
	Naval Strike Air Warfare Center training .....			[850]		
	Mobile Learning Cultural Training for Military Personnel .....		[1,500]			
400	FLIGHT TRAINING .....	1,268,846	1,268,846	1,268,846	1,268,846	1,268,846
410	PROFESSIONAL DEVELOPMENT EDUCATION .....	161,922	161,922	161,922	161,922	161,922
420	TRAINING SUPPORT .....	158,685	158,685	158,685	158,685	158,685
	RECRUITING, AND OTHER TRAINING AND EDUCATION					
430	RECRUITING AND ADVERTISING .....	276,564	277,215	276,564	651	277,215
	Navy Sea Cadet Corps .....		[651]		[651]	
440	OFF-DUTY AND VOLUNTARY EDUCATION .....	154,979	154,979	154,979	154,979	154,979
450	CIVILIAN EDUCATION AND TRAINING .....	101,556	101,556	101,556	101,556	101,556

OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
460	JUNIOR ROTC .....	49,161	54,061	49,161		49,161
	Junior ROTC .....		[4,900]			
	<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>	<b>2,932,624</b>	<b>2,939,675</b>	<b>2,933,474</b>	<b>651</b>	<b>2,933,275</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>					
	<b>SERVICEWIDE SUPPORT</b>					
470	ADMINISTRATION .....	768,048	768,048	768,048		768,048
480	EXTERNAL RELATIONS .....	6,171	6,171	6,171		6,171
490	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT .....	114,675	114,675	114,675		114,675
500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	182,115	182,115	182,115	7,250	189,365
	Transfer from O&M, DW BTA for DIMHRS .....				[7,250]	
510	OTHER PERSONNEL SUPPORT .....	298,729	298,729	298,729		298,729
520	SERVICEWIDE COMMUNICATIONS .....	408,744	383,744	408,744	-15,000	393,744
	Servicewide communications underexecution .....				[-15,000]	
530	MEDICAL ACTIVITIES .....	0				0
	<b>LOGISTICS OPERATIONS AND TECHNICAL SUPPORT</b>					
540	SERVICEWIDE TRANSPORTATION .....	246,989	246,989	246,989		246,989
550	ENVIRONMENTAL PROGRAMS .....	0				0
560	PLANNING, ENGINEERING AND DESIGN .....	244,337	247,337	244,337		244,337
	Mobile Condition Assessment System Pilot for Commander, Navy Region Hawaii .....		[3,000]			
570	ACQUISITION AND PROGRAM MANAGEMENT .....	778,501	778,501	778,501		778,501
580	HULL, MECHANICAL AND ELECTRICAL SUPPORT .....	60,223	60,223	60,223		60,223
590	COMBAT/WEAPONS SYSTEMS .....	17,328	17,328	17,328		17,328
600	SPACE AND ELECTRONIC WARFARE SYSTEMS .....	79,065	79,065	79,065		79,065

610	INVESTIGATIONS AND SECURITY PROGRAMS					
	NAVAL INVESTIGATIVE SERVICE .....	515,989	515,989	515,989	515,989	515,989
670	SUPPORT OF OTHER NATIONS					
	INTERNATIONAL HEADQUARTERS AND AGENCIES .....	5,918	3,418	5,918	5,918	5,918
	International Headquarters and Agencies .....		[-2,500]			
680	CANCELLED ACCOUNTS					
	CANCELLED ACCOUNT ADJUSTMENTS .....	0				0
690	JUDGMENT FUND .....	0				0
999	OTHER PROGRAMS					
	OTHER PROGRAMS .....	608,840	608,840	608,840	608,840	608,840
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES .....	4,335,672	4,311,172	4,335,672	-7,750	4,327,922
	Unobligated balances estimate .....		[-177,700]			
	Fuel reduction .....		[-123,600]			
	Total Operation and Maintenance, Navy .....	35,070,346	35,289,097	35,990,046	20,928	35,041,274
	Operation and Maintenance, Marine Corps					
	BUDGET ACTIVITY 01: OPERATING FORCES					
010	EXPEDITIONARY FORCES					
	OPERATIONAL FORCES .....	730,931	742,531	741,931	7,000	737,931
	Advanced load bearing equipment .....			[3,000]		
	Family of shelter and tents .....			[3,000]	[2,000]	

OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Cold Weather Layering System .....		[2,600]	[5,000]		
	Flame Resistant Organizational Gear .....		[5,000]		[1,500]	
	Ultra Lightweight Camouflage Net System .....		[4,000]		[3,500]	
020	FIELD LOGISTICS .....	591,020	591,020	591,020		591,020
030	DEPOT MAINTENANCE .....	80,971	80,971	80,971		80,971
	<b>USMC PREPOSITIONING</b>					
050	MARITIME PREPOSITIONING .....	72,182	72,182	72,182		72,182
060	NORWAY PREPOSITIONING .....	5,090	5,090	5,090		5,090
	<b>COMBAT OPERATIONS/SUPPORT</b>					
070	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	0				0
	<b>BASE SUPPORT</b>					
080	SUSTAINMENT, RESTORATION, & MODERNIZATION .....	666,330	666,330	666,330		666,330
090	BASE OPERATING SUPPORT .....	2,250,191	2,250,191	2,250,191		2,250,191
	<b>TOTAL, BA 01: OPERATING FORCES</b> .....	<b>4,396,715</b>	<b>4,408,315</b>	<b>4,407,715</b>	<b>7,000</b>	<b>4,403,715</b>
	<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>					
	<b>ACCESSION TRAINING</b>					
100	RECRUIT TRAINING .....	16,129	16,129	16,129		16,129
110	OFFICER ACQUISITION .....	418	418	418		418
	<b>BASIC SKILLS AND ADVANCED TRAINING</b>					
120	SPECIALIZED SKILL TRAINING .....	67,336	67,336	67,336		67,336



130	FLIGHT TRAINING .....	369	369	369	369
140	PROFESSIONAL DEVELOPMENT EDUCATION .....	28,112	28,112	28,112	28,112
150	TRAINING SUPPORT .....	330,885	330,885	330,885	330,885
<b>RECRUITING AND OTHER TRAINING EDUCATION</b>					
160	RECRUITING AND ADVERTISING .....	240,832	240,832	240,832	240,832
170	OFF-DUTY AND VOLUNTARY EDUCATION .....	64,254	64,254	64,254	64,254
180	JUNIOR ROTC .....	19,305	19,305	19,305	19,305
	Junior ROTC .....		[1,000]		
<b>BASE SUPPORT</b>					
190	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	0	66,000	0	0
	Increase in sustainment to 100% .....		[66,000]		
200	BASE OPERATING SUPPORT .....	0		0	0
	<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>	<b>767,640</b>	<b>834,640</b>	<b>767,640</b>	<b>767,640</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>					
<b>SERVICEWIDE SUPPORT</b>					
210	SPECIAL SUPPORT .....	299,065	299,065	299,065	299,065
220	SERVICEWIDE TRANSPORTATION .....	28,924	28,924	28,924	28,924
230	ADMINISTRATION .....	43,879	43,879	43,879	43,879
<b>BASE SUPPORT</b>					
240	SUSTAINMENT, RESTORATION, AND MODERNIZATION .....	0		0	0
250	BASE OPERATING SUPPORT .....	0		0	0
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>371,868</b>	<b>371,868</b>	<b>371,868</b>	<b>371,868</b>
	Unobligated balances estimate .....		[-36,100]		
	Fuel reduction .....		[-9,900]		

OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Total Operation and Maintenance, Marine Corps .....	5,536,223	5,568,823	5,547,223	7,000	5,543,223
	Operation and Maintenance, Air Force					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	AIR OPERATIONS					
010	PRIMARY COMBAT FORCES .....	4,017,156	4,162,856	4,017,156		4,017,156
	Advanced Autonomous Robotic Inspections for Aging Aircraft .....		[2,000]			
	Restoration of legacy aircraft retirements .....		[143,700]			
020	COMBAT ENHANCEMENT FORCES .....	2,754,563	2,754,563	2,754,563		2,754,563
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	1,414,913	1,549,968	1,414,913	1,500	1,416,413
	Air Education and Training Command Range Improvements .....		[4,555]		[1,500]	
	Restoration of legacy aircraft retirements .....		[130,500]			
050	DEPOT MAINTENANCE .....	2,389,738	2,386,138	2,389,738		2,389,738
	Restoration of legacy aircraft retirements .....		[-3,600]			
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	1,420,083	1,709,083	1,420,083		1,420,083
	Increase in sustainment to 100% .....		[289,000]			
070	BASE SUPPORT .....	2,859,943	2,860,183	2,863,443	240	2,860,183
	Mission essential airfield operations equipment .....		[240]		[240]	
	Wage Modification for US Azores Portuguese National Employees .....			[3,500]		
	COMBAT RELATED OPERATIONS					
080	GLOBAL C3I AND EARLY WARNING .....	1,411,813	1,411,813	1,411,813		1,411,813

090	OTHER COMBAT OPS SPT PROGRAMS .....	880,353	884,353	883,353	880,353
	National Security Space Institute .....			[3,000]	
	Restoration of legacy aircraft retirements .....		[4,000]		
110	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	552,148	552,148	539,148	552,148
	Program decrease for Gorgon Stare .....			[-13,000]	
	<b>SPACE OPERATIONS</b> .....				
120	LAUNCH FACILITIES .....	356,367	356,367	356,367	356,367
130	SPACE CONTROL SYSTEMS .....	725,646	725,646	725,646	725,646
	<b>COCOM</b> .....				
140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	608,796	608,796	608,796	608,796
150	COMBATANT COMMANDERS CORE OPERATIONS .....	216,073	216,073	216,073	216,073
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>19,507,592</b>	<b>20,177,987</b>	<b>19,501,092</b>	<b>19,509,332</b>
	<b>BUDGET ACTIVITY 02: MOBILIZATION</b> .....				
	<b>MOBILITY OPERATIONS</b> .....				
160	AIRLIFT OPERATIONS .....	2,932,080	2,924,080	2,932,080	2,934,080
	Warner Robins Air Logistics Center Strategic Airlift Aircraft Availability Improvements .....		[2,000]		
	Fee for Service Refueling .....		[-10,000]		
170	MOBILIZATION PREPAREDNESS .....	211,858	211,858	211,858	211,858
180	DEPOT MAINTENANCE .....	332,226	332,226	332,226	332,226
190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	362,954	362,954	362,954	362,954
200	BASE SUPPORT .....	657,830	657,830	657,830	657,830
	<b>TOTAL, BA 02: MOBILIZATION .....</b>	<b>4,496,948</b>	<b>4,488,948</b>	<b>4,496,948</b>	<b>4,498,948</b>
	<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b> .....				
	<b>ACCESSION TRAINING</b> .....				

OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
210	OFFICER ACQUISITION .....	120,870	120,870	120,870		120,870
220	RECRUIT TRAINING .....	18,135	18,135	18,135		18,135
230	RESERVE OFFICERS TRAINING CORPS (ROTC) .....	88,414	88,414	88,414		88,414
240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	372,788	372,788	372,788		372,788
250	BASE SUPPORT .....	685,029	685,029	685,029		685,029
	<b>BASIC SKILLS AND ADVANCED TRAINING</b>					
260	SPECIALIZED SKILL TRAINING .....	514,048	514,048	514,048		514,048
270	FLIGHT TRAINING .....	833,005	833,005	833,005		833,005
280	PROFESSIONAL DEVELOPMENT EDUCATION .....	215,676	215,676	215,676		215,676
290	TRAINING SUPPORT .....	118,877	118,877	118,877		118,877
300	DEPOT MAINTENANCE .....	576	576	576		576
	<b>RECRUITING, AND OTHER TRAINING AND EDUCATION</b>					
320	RECRUITING AND ADVERTISING .....	152,983	152,983	152,983		152,983
330	EXAMINING .....	5,584	5,584	5,584		5,584
340	OFF-DUTY AND VOLUNTARY EDUCATION .....	188,198	188,198	188,198		188,198
350	CIVILIAN EDUCATION AND TRAINING .....	174,151	174,151	174,151		174,151
360	JUNIOR ROTC .....	67,549	72,049	67,549		67,549
	Junior ROTC .....		(4,500)			
	<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>	<b>3,555,883</b>	<b>3,560,383</b>	<b>3,555,883</b>	<b>0</b>	<b>3,555,883</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>					
	<b>LOGISTICS OPERATIONS</b>					
370	LOGISTICS OPERATIONS .....	1,055,672	1,055,672	1,055,672		1,055,672

380	TECHNICAL SUPPORT ACTIVITIES .....	735,036	699,036	735,036	735,036
	Servicewide technical support .....		[-36,000]		
400	DEPOT MAINTENANCE .....	15,411	15,411	15,411	15,411
410	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	359,562	359,562	359,562	359,562
420	BASE SUPPORT .....	1,410,097	1,410,097	1,410,097	1,410,097
	<b>SERVICEWIDE ACTIVITIES</b>				
430	ADMINISTRATION .....	646,080	591,380	646,080	643,330
	Servicewide administration .....		[-54,700]		[-10,000]
	Transfer from O&M, DW BTA for DIMHRS .....				[7,250]
440	SERVICEWIDE COMMUNICATIONS .....	581,951	551,951	581,951	581,951
	Unexecutable growth .....		[-30,000]		
450	OTHER SERVICEWIDE ACTIVITIES .....	1,062,803	1,009,803	1,062,803	1,062,803
	Servicewide other activities .....		[-53,000]		
460	CIVIL AIR PATROL .....	22,433	22,433	22,433	22,433
	<b>SECURITY PROGRAMS</b>				
470	SECURITY PROGRAMS .....	1,148,704	1,148,704	1,148,704	1,148,704
	<b>SUPPORT TO OTHER NATIONS</b>				
480	INTERNATIONAL SUPPORT .....	49,987	49,987	49,987	49,987
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>7,087,736</b>	<b>6,914,036</b>	<b>7,087,736</b>	<b>-2,750</b>
	Overstatement of civilian pay .....		[-288,100]		-50,000
	Unobligated balances estimate .....		[-132,300]		
	USAF civilian underexecution .....		[-400,000]		-172,000
	Fuel reduction .....		[-212,400]		
	<b>Total Operation and Maintenance, Air Force .....</b>	<b>34,748,159</b>	<b>34,396,554</b>	<b>34,303,559</b>	<b>990</b>
					<b>34,527,149</b>

OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Operation and Maintenance, Defense-wide						
BUDGET ACTIVITY 1: OPERATING FORCES						
DEFENSE-WIDE ACTIVITIES						
010	JOINT CHIEFS OF STAFF .....	457,169	457,169	457,169		457,169
020	SPECIAL OPERATIONS COMMAND .....	3,611,492	3,613,992	3,611,492	1,500	3,612,992
	Special Operations Forces Modular Glove System .....		[2,500]		[1,500]	
	TOTAL, BUDGET ACTIVITY 1: .....	4,068,661	4,071,161	4,068,661	1,500	4,070,161
BUDGET ACTIVITY 3: TRAINING AND RECRUITING						
DEFENSE-WIDE ACTIVITIES						
030	DEFENSE ACQUISITION UNIVERSITY .....	115,497	115,497	115,497		115,497
RECRUITING AND OTHER TRAINING EDUCATION						
040	NATIONAL DEFENSE UNIVERSITY .....	103,408	103,408	103,408		103,408
	TOTAL, BUDGET ACTIVITY 3: .....	218,905	218,905	218,905	0	218,905
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES						
DEFENSE-WIDE ACTIVITIES						
050	AMERICAN FORCES INFORMATION SERVICE .....	0				0
060	CIVIL MILITARY PROGRAMS .....	132,231	159,231	132,231	20,000	152,231

080	National Guard Youth Challenge Program	[20,000]			[5,000]
090	Starbase	17,000]			[15,000]
100	Junior ROTC		0		0
110	CLASSIFIED AND INTELLIGENCE		139,579	139,579	-21,750
120	DEFENSE BUSINESS TRANSFORMATION AGENCY				117,829
130	DIMHRS Transfer to Services (Army, Navy and Air Force)				[-21,750]
140	DEFENSE CONTRACT AUDIT AGENCY		458,316	458,316	
150	DEFENSE FINANCE AND ACCOUNTING SERVICE		0		458,316
160	DEFENSE HUMAN RESOURCES ACTIVITY		665,743	665,743	0
170	DEFENSE INFORMATION SYSTEMS AGENCY		1,322,163	1,322,163	665,743
180	DEFENSE LEGAL SERVICES		42,532	42,532	1,322,163
190	DEFENSE LOGISTICS AGENCY		405,873	405,873	42,532
200	Procurement and Technical Assistance Program		19,000]		414,873
210	DEFENSE MEDIA ACTIVITY		253,667	253,667	9,000
220	DEFENSE POW/MIA OFFICE		20,679	20,679	[9,000]
230	DEFENSE TECHNOLOGY SECURITY AGENCY		34,325	34,325	
240	DEFENSE THREAT REDUCTION AGENCY		385,453	385,453	
250	DEPARTMENT OF DEFENSE EDUCATION AGENCY		2,302,116	2,302,116	
260	Family support for military children with autism		2,316,516	2,316,516	3,400
270	SoAR Recruiting Initiative			[5,000]	
280	Increase DoDEA schools sustainment to 100%				[3,400]
290	DEFENSE CONTRACT MANAGEMENT AGENCY		1,058,721	1,058,721	
300	DEFENSE SECURITY COOPERATION AGENCY		721,756	721,756	
310	Security and Stabilization (1207)				
320	DEFENSE SECURITY SERVICE		497,857	497,857	
330	NATIONAL GUARD BORDER SECURITY		0		
340	OFFICE OF ECONOMIC ADJUSTMENT		37,166	37,166	
350	Impact Aid				
360	Redevelopment of Naval Station Ingleside				
370	OFFICE OF THE SECRETARY OF DEFENSE		1,955,985	1,990,985	
380	Readiness and Environmental Protection Initiative			[25,000]	
390	Director of operational energy plans and programs			[5,000]	

OPERATION AND MAINTENANCE (In Thousands of Dollars)					
Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change Authorized
	Acceleration of Defense Readiness Reporting System .....			[5,000]	
	Transfer from Title XIV .....				
	Corrosion Prevention and Control .....		[6,000]		
	Critical Language Training .....		[2,000]		[2,000]
	Reduction to Security and Stabilization Assistance .....		[-175,000]		
	Tools for Implementation of Weapons Systems Acquisition Reform Act of 2009 .....		[10,000]		
280	WASHINGTON HEADQUARTERS SERVICE .....	589,309	589,309	589,309	589,309
	OTHER PROGRAMS .....				
999	OTHER PROGRAMS .....	13,046,209	13,046,209	13,046,209	13,046,209
	TOTAL, BUDGET ACTIVITY 4: .....	24,069,680	24,859,466	24,109,680	-66,350
	Impact Aid .....			[30,000]	[30,000]
	Impact aid for children with severe disabilities .....			[5,000]	[5,000]
	Special assistance to local education agencies .....			[10,000]	
	Undistributed bulk fuel adjustment .....			[-596,249]	
	Decrease for software licenses .....			[-50,000]	
	Unobligated balances estimate .....		[-128,300]	[-14,000]	
	Fuel reduction .....		[-9,900]		
	Total Operation and Maintenance, Defense-Wide .....	28,357,246	29,011,332	27,781,997	-29,850
	Operation and Maintenance, Army Reserve .....				28,327,396



## BUDGET ACTIVITY 01: OPERATING FORCES

010	LAND FORCES	1,403	1,403	1,403	1,403
	MANEUVER UNITS .....	12,707	12,707	12,707	12,707
020	MODULAR SUPPORT BRIGADES .....	468,288	468,288	468,288	468,288
030	ECHELONS ABOVE BRIGADE .....	152,439	152,439	152,439	152,439
040	THEATER LEVEL ASSETS .....	520,420	520,420	520,420	520,420
050	LAND FORCES OPERATIONS SUPPORT .....	61,063	61,063	61,063	61,063
060	AVIATION ASSETS .....				
	LAND FORCES READINESS	290,443	290,443	290,443	290,443
070	FORCE READINESS OPERATIONS SUPPORT .....	106,569	106,569	110,169	106,569
080	LAND FORCES SYSTEMS READINESS .....			[3,600]	
	Mobile corrosion protection .....				
090	LAND FORCES DEPOT MAINTENANCE .....	94,499	94,499	94,499	94,499
	LAND FORCES READINESS SUPPORT	522,310	522,310	522,310	522,310
100	BASE OPERATIONS SUPPORT .....	234,748	234,748	234,748	234,748
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	0	0	0	0
120	ADDITIONAL ACTIVITIES .....				
	TOTAL, BA 01: OPERATING FORCES .....	2,464,889	2,464,889	2,464,889	2,464,889
	LOGISTICS OPERATIONS	9,291	9,291	9,291	9,291
130	SERVICEWIDE TRANSPORTATION .....				
	SERVICEWIDE SUPPORT	72,075	72,075	72,075	72,075
140	ADMINISTRATION .....	3,635	3,635	3,635	3,635
150	SERVICEWIDE COMMUNICATIONS .....	9,104	9,104	9,104	9,104
160	MANPOWER MANAGEMENT .....	61,202	61,202	61,202	61,202
170	RECRUITING AND ADVERTISING .....				

OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>	155,307	155,307	155,307	0	155,307
	Unobligated balances estimate		[-48,000]			
	<b>Total Operation and Maintenance, Army Reserve</b>	2,620,196	2,572,196	2,623,796	0	2,620,196
	<b>Operation and Maintenance, Navy Reserve</b>					
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>					
	<b>AIR OPERATIONS</b>					
010	MISSION AND OTHER FLIGHT OPERATIONS	570,319	570,319	570,319		570,319
020	INTERMEDIATE MAINTENANCE	16,596	16,596	16,596		16,596
030	AIR OPERATIONS AND SAFETY SUPPORT	3,171	3,171	3,171		3,171
040	AIRCRAFT DEPOT MAINTENANCE	125,004	125,004	125,004		125,004
050	AIRCRAFT DEPOT OPERATIONS SUPPORT	397	397	397		397
	<b>SHIP OPERATIONS</b>					
060	MISSION AND OTHER SHIP OPERATIONS	55,873	55,873	55,873		55,873
070	SHIP OPERATIONS SUPPORT & TRAINING	592	592	592		592
080	SHIP DEPOT MAINTENANCE	41,899	55,899	41,899		41,899
	Ship Depot Maintenance		[14,000]			
	<b>COMBAT OPERATIONS SUPPORT</b>					
090	COMBAT COMMUNICATIONS	15,241	15,241	15,241		15,241

100	COMBAT SUPPORT FORCES .....	142,924	142,924	142,924	142,924
	WEAPONS SUPPORT				
110	WEAPONS MAINTENANCE .....	5,494	5,494	5,494	5,494
	BASE SUPPORT				
120	ENTERPRISE INFORMATION .....	83,611	83,611	83,611	83,611
130	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	69,853	69,853	69,853	69,853
140	BASE OPERATING SUPPORT .....	124,757	124,757	124,757	124,757
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>1,255,731</b>	<b>1,269,731</b>	<b>1,255,731</b>	<b>1,255,731</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>				
	SERVICEWIDE SUPPORT				
150	ADMINISTRATION .....	3,323	3,323	3,323	3,323
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	13,897	13,897	13,897	13,897
170	SERVICEWIDE COMMUNICATIONS .....	1,957	1,957	1,957	1,957
180	OTHER SERVICEWIDE POWER .....	0			0
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT				
190	ACQUISITION AND PROGRAM MANAGEMENT .....	3,593	3,593	3,593	3,593
	CANCELLED ACCOUNTS				
200	CANCELLED ACCOUNT ADJUSTMENTS .....	0			0
210	JUDGMENT FUND .....	0			0
	OTHER PROGRAMS				
999	OTHER PROGRAMS .....	0			0
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>22,770</b>	<b>22,770</b>	<b>22,770</b>	<b>22,770</b>

OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Total Operation and Maintenance, Navy Reserve .....	1,278,501	1,292,501	1,278,501	0	1,278,501
	Operation and Maintenance, Marine Corps Reserve					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	EXPEDITIONARY FORCES					
010	OPERATING FORCES .....	61,117	61,117	61,117		61,117
020	DEPOT MAINTENANCE .....	13,217	13,217	13,217		13,217
030	TRAINING SUPPORT .....	29,373	29,373	29,373		29,373
	BASE SUPPORT					
040	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	25,466	25,466	25,466		25,466
050	BASE OPERATING SUPPORT .....	73,899	73,899	73,899		73,899
	TOTAL, BA 01: OPERATING FORCES .....	203,072	203,072	203,072	0	203,072
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	SERVICEWIDE ACTIVITIES					
060	SPECIAL SUPPORT .....	5,639	5,639	5,639		5,639
070	SERVICEWIDE TRANSPORTATION .....	818	818	818		818
080	ADMINISTRATION .....	10,642	10,642	10,642		10,642
090	RECRUITING AND ADVERTISING .....	8,754	8,754	8,754		8,754

100	BASE SUPPORT								
	BASE OPERATING SUPPORT .....	0							0
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES .....	25,853	25,853	25,853	0	25,853			25,853
	Total Operation and Maintenance, Marine Corps Reserve .....	228,925	228,925	228,925	0	228,925			228,925
	Operation and Maintenance, Air Force Reserve								
	BUDGET ACTIVITY 01: OPERATING FORCES								
	AIR OPERATIONS								
010	PRIMARY COMBAT FORCES .....	2,049,303	2,060,103	2,049,303		2,049,303			2,049,303
	Restoration of legacy aircraft retirements .....		[10,800]						
020	MISSION SUPPORT OPERATIONS .....	121,417	119,917	121,417		121,417			121,417
	Restoration of legacy aircraft retirements .....		[-1,500]						
030	DEPOT MAINTENANCE .....	441,958	441,958	441,958		441,958			441,958
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	78,763	78,763	78,763		78,763			78,763
050	BASE SUPPORT .....	258,091	258,091	258,091		258,091			258,091
	TOTAL, BA 01: OPERATING FORCES .....	2,949,532	2,958,832	2,949,532	0	2,949,532			2,949,532
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES								
	SERVICEWIDE ACTIVITIES								
060	ADMINISTRATION .....	77,476	77,476	77,476		77,476			77,476
070	RECRUITING AND ADVERTISING .....	24,553	24,553	24,553		24,553			24,553
080	MILITARY MANPOWER AND PERS MGMT (ARPC) .....	20,838	20,838	20,838		20,838			20,838
090	OTHER PERS SUPPORT (DISABILITY COMP) .....	6,121	6,121	6,121		6,121			6,121

OPERATION AND MAINTENANCE (in Thousands of Dollars)						
Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
100	AUDIOVISUAL .....	708	708	708		708
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>129,696</b>	<b>129,696</b>	<b>129,696</b>	<b>0</b>	<b>129,696</b>
	<b>Total Operation and Maintenance, Air Force Reserve .....</b>	<b>3,079,228</b>	<b>3,088,528</b>	<b>3,079,228</b>	<b>0</b>	<b>3,079,228</b>
	<b>Operation and Maintenance, Army National Guard</b>					
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>					
	<b>LAND FORCES</b>					
010	MANEUVER UNITS .....	876,269	876,269	876,269		876,269
020	MODULAR SUPPORT BRIGADES .....	173,843	173,843	173,843		173,843
030	ECHELONS ABOVE BRIGADE .....	615,160	615,160	615,160		615,160
040	THEATER LEVEL ASSETS .....	253,997	253,997	253,997		253,997
050	LAND FORCES OPERATIONS SUPPORT .....	34,441	36,641	34,441		34,441
	Modular Shoot House .....		[2,200]			
060	AVIATION ASSETS .....	819,031	821,281	819,031	2,250	821,281
	Joint Command Vehicle and Supporting C3 Systems .....		[2,250]		[2,250]	
	<b>LAND FORCES READINESS</b>					
070	FORCE READINESS OPERATIONS SUPPORT .....	436,799	436,799	436,799		436,799
080	LAND FORCES SYSTEMS READINESS .....	99,757	99,757	103,357		99,757

090	Mobile corrosion protection .....				[3,600]		
	LAND FORCES DEPOT MAINTENANCE .....	379,646	379,646		379,646		379,646
	<b>LAND FORCES READINESS SUPPORT</b>						
100	BASE OPERATIONS SUPPORT .....					2,600	800,943
	North Carolina National Guard Family Assistance Centers .....	798,343	803,443		798,343	[1,600]	
	Our Military Kids .....		[1,600]			[1,000]	
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....		[3,500]				
	Camp Ethan Allen Training Site Road Equipment .....	580,171	580,471		580,171	300	580,471
120	MANAGEMENT AND OPERATIONAL HQ .....		[300]			[300]	
130	ADDITIONAL ACTIVITIES .....	573,452	573,452		573,452		573,452
		0					0
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>5,640,909</b>	<b>5,650,759</b>		<b>5,644,509</b>	<b>5,150</b>	<b>5,646,059</b>
	<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>						
	<b>SERVICEWIDE SUPPORT</b>						
140	ADMINISTRATION .....	119,186	119,186		119,186		119,186
150	SERVICEWIDE COMMUNICATIONS .....	48,020	50,020		48,020		48,020
	Emergency Management Staff Trainer Distributed Learning Courseware .....		[2,000]				
160	MANPOWER MANAGEMENT .....	7,920	7,920		7,920		7,920
170	RECRUITING AND ADVERTISING .....	440,999	440,999		440,999		440,999
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>616,125</b>	<b>618,125</b>		<b>616,125</b>	<b>0</b>	<b>616,125</b>
	<b>Total Operation and Maintenance, Army National Guard .....</b>	<b>6,257,034</b>	<b>6,268,884</b>		<b>6,260,634</b>	<b>5,150</b>	<b>6,262,184</b>
	<b>Operation and Maintenance, Air National Guard</b>						

## MISCELLANEOUS APPROPRIATIONS



010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....	13,932	13,932	13,932	13,932
010	ACQUISITION WORKFORCE DEVELOPMENT FUND .....	100,000	100,000	100,000	100,000
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....	109,869	109,869	109,869	109,869
010	COOPERATIVE THREAT REDUCTION .....	404,093	434,093	424,093	424,093
	Program increase .....		[30,000]	20,000	[20,000]
020	ENVIRONMENTAL RESTORATION, ARMY .....	415,864	415,864	415,864	415,864
030	ENVIRONMENTAL RESTORATION, NAVY .....	285,869	285,869	285,869	285,869
040	ENVIRONMENTAL RESTORATION, AIR FORCE .....	494,276	494,276	494,276	494,276
050	ENVIRONMENTAL RESTORATION, DEFENSE .....	11,100	11,100	11,100	11,100
060	ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....	267,700	267,700	267,700	267,700
070	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND .....	5,000	5,000	-5,000	0
	Program decrease .....			[-5,000]	
080	IRAQ FREEDOM FUND .....	0	0	0	0
	TOTAL, MISCELLANEOUS APPROPRIATIONS .....	2,107,703	2,137,703	15,000	2,122,703
	TOTAL TITLE III—OPERATION AND MAINTENANCE .....	156,444,204	157,169,536	-284,332	156,179,872

Operation and maintenance for overseas contingency operations (sec. 4302)

The Senate amendment contained an authorization funding table (sec. 4302) for oper-

ation and maintenance for overseas contingency operations.

The House bill contained no similar provision.

The House recedes with an amendment authorizing specific projects, programs, or activities and associated dollar amounts subject to appropriations.

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Operation and Maintenance, Army</b>						
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>						
<b>LAND FORCES READINESS SUPPORT</b>						
140	ADDITIONAL ACTIVITIES .....	36,330,899	36,330,899	36,330,899		36,330,899
150	COMMANDERS EMERGENCY RESPONSE PROGRAM .....	1,500,000	1,300,000	1,400,000	–200,000	1,300,000
	Program reduction .....		[–200,000]	[–100,000]	[–200,000]	
160	RESET .....	7,867,551	7,867,551	7,867,551		7,867,551
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>45,698,450</b>	<b>45,498,450</b>	<b>45,598,450</b>	<b>–200,000</b>	<b>45,498,450</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>						
<b>SECURITY PROGRAMS</b>						
340	SECURITY PROGRAMS .....	1,426,309	1,426,309	1,426,309		1,426,309
<b>LOGISTICS OPERATIONS</b>						
350	SERVICEWIDE TRANSPORTATION .....	5,045,902	5,045,902	5,045,902		5,045,902
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>6,472,211</b>	<b>6,472,211</b>	<b>6,472,211</b>	<b>0</b>	<b>6,472,211</b>
	Army end strength budget amendment .....				[196,100]	[196,100]
	<b>Total Operation and Maintenance, Army .....</b>	<b>52,170,661</b>	<b>51,970,661</b>	<b>52,070,661</b>	<b>–3,900</b>	<b>52,166,761</b>
<b>Operation and Maintenance, Navy</b>						
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>						
<b>AIR OPERATIONS</b>						
010	MISSION AND OTHER FLIGHT OPERATIONS .....	1,138,398	1,138,398	1,138,398		1,138,398
020	FLEET AIR TRAINING .....	2,640	2,640	2,640		2,640
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	1,212	1,212	1,212		1,212
040	AIR OPERATIONS AND SAFETY SUPPORT .....	26,815	26,815	26,815		26,815
050	AIR SYSTEMS SUPPORT .....	44,532	44,532	44,532		44,532
060	AIRCRAFT DEPOT MAINTENANCE .....	158,559	158,559	158,559		158,559
<b>SHIP OPERATIONS</b>						
080	MISSION AND OTHER SHIP OPERATIONS .....	651,209	651,209	651,209		651,209
090	SHIP OPERATIONS SUPPORT & TRAINING .....	22,489	22,489	22,489		22,489
100	SHIP DEPOT MAINTENANCE .....	1,001,037	1,001,037	432,187		1,001,037
	Transfer to base .....			[–568,850]		
<b>COMBAT OPERATIONS/SUPPORT</b>						
120	COMBAT COMMUNICATIONS .....	20,704	20,704	20,704		20,704
150	WARFARE TACTICS .....	15,918	15,918	15,918		15,918
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	16,889	16,889	16,889		16,889
170	COMBAT SUPPORT FORCES .....	1,891,799	1,891,799	1,891,799		1,891,799
180	EQUIPMENT MAINTENANCE .....	306	306	306		306
200	COMBATANT COMMANDERS CORE OPERATIONS .....	6,929	6,929	6,929		6,929
210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	7,344	7,344	7,344		7,344
<b>WEAPONS SUPPORT</b>						
240	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	68,759	68,759	68,759		68,759
250	WEAPONS MAINTENANCE .....	82,496	82,496	82,496		82,496
260	OTHER WEAPON SYSTEMS SUPPORT .....	16,902	16,902	16,902		16,902

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>BASE SUPPORT</b>						
280	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	7,629	7,629	7,629		7,629
290	BASE OPERATING SUPPORT .....	338,604	338,604	338,604		338,604
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>5,521,170</b>	<b>5,521,170</b>	<b>4,952,320</b>	<b>0</b>	<b>5,521,170</b>
<b>BUDGET ACTIVITY 02: MOBILIZATION</b>						
<b>READY RESERVE AND PREPOSITIONING FORCES</b>						
300	SHIP PREPOSITIONING AND SURGE .....	27,290	27,290	27,290		27,290
<b>MOBILIZATION PREPAREDNESS</b>						
330	FLEET HOSPITAL PROGRAM .....	4,336	4,336	4,336		4,336
350	COAST GUARD SUPPORT .....	245,039	245,039	245,039		245,039
	<b>TOTAL, BA 02: MOBILIZATION .....</b>	<b>276,665</b>	<b>276,665</b>	<b>276,665</b>	<b>0</b>	<b>276,665</b>
<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>						
<b>BASIC SKILLS AND ADVANCED TRAINING</b>						
390	SPECIALIZED SKILL TRAINING .....	97,995	97,995	97,995		97,995
420	TRAINING SUPPORT .....	5,463	5,463	5,463		5,463
	<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>	<b>103,458</b>	<b>103,458</b>	<b>103,458</b>	<b>0</b>	<b>103,458</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>						
<b>SERVICEWIDE SUPPORT</b>						
470	ADMINISTRATION .....	3,899	3,899	3,899		3,899
480	EXTERNAL RELATIONS .....	463	463	463		463
500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	563	563	563		563
510	OTHER PERSONNEL SUPPORT .....	2,525	2,525	2,525		2,525
520	SERVICEWIDE COMMUNICATIONS .....	23,557	23,557	23,557		23,557
<b>LOGISTICS OPERATIONS AND TECHNICAL SUPPORT</b>						
540	SERVICEWIDE TRANSPORTATION .....	223,890	223,890	223,890		223,890
570	ACQUISITION AND PROGRAM MANAGEMENT .....	642	642	642		642
<b>INVESTIGATIONS AND SECURITY PROGRAMS</b>						
610	NAVAL INVESTIGATIVE SERVICE .....	37,452	37,452	37,452		37,452
<b>OTHER PROGRAMS</b>						
999	OTHER PROGRAMS .....	25,299	25,299	25,299		25,299
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>318,290</b>	<b>318,290</b>	<b>318,290</b>	<b>0</b>	<b>318,290</b>
	<b>Total Operation and Maintenance, Navy .....</b>	<b>6,219,583</b>	<b>6,219,583</b>	<b>5,650,733</b>	<b>0</b>	<b>6,219,583</b>
<b>Operation and Maintenance, Marine Corps</b>						
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>						
<b>EXPEDITIONARY FORCES</b>						
010	OPERATIONAL FORCES .....	2,048,844	2,048,844	2,048,844		2,048,844
020	FIELD LOGISTICS .....	486,014	486,014	486,014		486,014
030	DEPOT MAINTENANCE .....	554,000	554,000	554,000		554,000
<b>USMC PREPOSITIONING</b>						
060	NORWAY PREPOSITIONING .....	950	950	950		950

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>BASE SUPPORT</b>						
090	BASE OPERATING SUPPORT .....	121,700	121,700	121,700		121,700
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>3,211,508</b>	<b>3,211,508</b>	<b>3,211,508</b>	<b>0</b>	<b>3,211,508</b>
<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>						
<b>BASIC SKILLS AND ADVANCED TRAINING</b>						
120	SPECIALIZED SKILL TRAINING .....	6,303	6,303	6,303		6,303
140	PROFESSIONAL DEVELOPMENT EDUCATION .....	923	923	923		923
150	TRAINING SUPPORT .....	205,625	205,625	205,625		205,625
	<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>	<b>212,851</b>	<b>212,851</b>	<b>212,851</b>	<b>0</b>	<b>212,851</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>						
<b>SERVICEWIDE SUPPORT</b>						
210	SPECIAL SUPPORT .....	2,576	2,576	2,576		2,576
220	SERVICEWIDE TRANSPORTATION .....	269,415	269,415	269,415		269,415
230	ADMINISTRATION .....	5,250	5,250	5,250		5,250
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>277,241</b>	<b>277,241</b>	<b>277,241</b>	<b>0</b>	<b>277,241</b>
	<b>Total Operation and Maintenance, Marine Corps .....</b>	<b>3,701,600</b>	<b>3,701,600</b>	<b>3,701,600</b>	<b>0</b>	<b>3,701,600</b>
<b>Operation and Maintenance, Air Force</b>						
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>						
<b>AIR OPERATIONS</b>						
010	PRIMARY COMBAT FORCES .....	1,582,431	1,582,431	1,582,431		1,582,431
020	COMBAT ENHANCEMENT FORCES .....	1,460,018	1,460,018	1,460,018		1,460,018
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	109,255	109,255	109,255		109,255
050	DEPOT MAINTENANCE .....	304,540	304,540	304,540		304,540
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	121,881	121,881	121,881		121,881
070	BASE SUPPORT .....	1,394,809	1,394,809	1,394,809		1,394,809
<b>COMBAT RELATED OPERATIONS</b>						
080	GLOBAL C3I AND EARLY WARNING .....	130,885	256,085	130,885		130,885
	Battlefield Airborne Communications Node .....		[125,200]			
090	OTHER COMBAT OPS SPT PROGRAMS .....	407,554	407,554	407,554		407,554
<b>SPACE OPERATIONS</b>						
130	SPACE CONTROL SYSTEMS .....	38,677	38,677	38,677		38,677
<b>COCOM</b>						
140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	157,000	157,000	157,000		157,000
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>5,707,050</b>	<b>5,832,250</b>	<b>5,707,050</b>	<b>0</b>	<b>5,707,050</b>
<b>BUDGET ACTIVITY 02: MOBILIZATION</b>						
<b>MOBILITY OPERATIONS</b>						
160	AIRLIFT OPERATIONS .....	3,171,148	3,171,148	3,171,148		3,171,148
170	MOBILIZATION PREPAREDNESS .....	169,659	169,659	169,659		169,659
180	DEPOT MAINTENANCE .....	167,070	167,070	167,070		167,070
190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	942	942	942		942
200	BASE SUPPORT .....	45,998	45,998	45,998		45,998
	<b>TOTAL, BA 02: MOBILIZATION .....</b>	<b>3,554,817</b>	<b>3,554,817</b>	<b>3,554,817</b>	<b>0</b>	<b>3,554,817</b>

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>						
<b>ACCESSION TRAINING</b>						
240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	1,019	1,019	1,019		1,019
250	BASE SUPPORT .....	19,361	19,361	19,361		19,361
<b>BASIC SKILLS AND ADVANCED TRAINING</b>						
260	SPECIALIZED SKILL TRAINING .....	48,442	48,442	48,442		48,442
270	FLIGHT TRAINING .....	291	291	291		291
280	PROFESSIONAL DEVELOPMENT EDUCATION .....	1,500	1,500	1,500		1,500
290	TRAINING SUPPORT .....	1,427	1,427	1,427		1,427
	<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>	<b>72,040</b>	<b>72,040</b>	<b>72,040</b>	<b>0</b>	<b>72,040</b>
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>						
<b>LOGISTICS OPERATIONS</b>						
370	LOGISTICS OPERATIONS .....	328,009	328,009	328,009		328,009
420	BASE SUPPORT .....	35,322	35,322	35,322		35,322
<b>SERVICEWIDE ACTIVITIES</b>						
430	ADMINISTRATION .....	9,000	9,000	9,000		9,000
440	SERVICEWIDE COMMUNICATIONS .....	178,470	178,470	178,470		178,470
<b>SECURITY PROGRAMS</b>						
470	SECURITY PROGRAMS .....	142,160	142,160	142,160		142,160
	<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>692,961</b>	<b>692,961</b>	<b>692,961</b>	<b>0</b>	<b>692,961</b>
	<b>Total Operation and Maintenance, Air Force .....</b>	<b>10,026,868</b>	<b>10,152,068</b>	<b>10,026,868</b>	<b>0</b>	<b>10,026,868</b>
<b>Operation and Maintenance, Defense-wide</b>						
<b>BUDGET ACTIVITY 1: OPERATING FORCES</b>						
<b>DEFENSE-WIDE ACTIVITIES</b>						
010	JOINT CHIEFS OF STAFF .....	25,000	25,000	25,000		25,000
020	SPECIAL OPERATIONS COMMAND .....	2,519,935	2,519,935	2,519,935		2,519,935
	<b>TOTAL, BUDGET ACTIVITY 1: .....</b>	<b>2,544,935</b>	<b>2,544,935</b>	<b>2,544,935</b>	<b>0</b>	<b>2,544,935</b>
<b>BUDGET ACTIVITY 4: ADMIN &amp; SERVICEWIDE ACTIVITIES</b>						
<b>DEFENSE-WIDE ACTIVITIES</b>						
100	DEFENSE CONTRACT AUDIT AGENCY .....	13,908	13,908	13,908		13,908
130	DEFENSE INFORMATION SYSTEMS AGENCY .....	245,117	245,117	245,117		245,117
150	DEFENSE LEGAL SERVICES .....	115,000	115,000	115,000		115,000
170	DEFENSE MEDIA ACTIVITY .....	13,364	13,364	13,364		13,364
200	DEFENSE THREAT REDUCTION AGENCY .....	2,018	2,018	2,018		2,018
210	DEPARTMENT OF DEFENSE EDUCATION AGENCY .....	553,600	553,600	553,600		553,600
220	DEFENSE CONTRACT MANAGEMENT AGENCY .....	63,130	63,130	63,130		63,130
230	DEFENSE SECURITY COOPERATION AGENCY .....	1,950,000	1,950,000	1,950,000		1,950,000
270	OFFICE OF THE SECRETARY OF DEFENSE .....	79,047	79,047	79,047		79,047
<b>OTHER PROGRAMS</b>						
999	OTHER PROGRAMS .....	1,998,181	1,998,181	1,998,181		1,998,181
	<b>TOTAL, BUDGET ACTIVITY 4: .....</b>	<b>5,033,365</b>	<b>5,033,365</b>	<b>5,033,365</b>	<b>0</b>	<b>5,033,365</b>

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Army end strength budget amendment .....				[5,100]	5,100
	<b>Total Operation and Maintenance, Defense-Wide .....</b>	<b>7,578,300</b>	<b>7,578,300</b>	<b>7,578,300</b>	<b>5,100</b>	<b>7,583,400</b>
	<b>Operation and Maintenance, Army Reserve</b>					
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>					
	<b>LAND FORCES</b>					
030	ECHELONS ABOVE BRIGADE .....	86,881	86,881	86,881		86,881
050	LAND FORCES OPERATIONS SUPPORT .....	40,675	40,675	40,675		40,675
	<b>LAND FORCES READINESS</b>					
070	FORCE READINESS OPERATIONS SUPPORT .....	21,270	21,270	21,270		21,270
080	LAND FORCES SYSTEMS READINESS .....	17,500	17,500	17,500		17,500
	<b>LAND FORCES READINESS SUPPORT</b>					
100	BASE OPERATIONS SUPPORT .....	38,000	38,000	38,000		38,000
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>204,326</b>	<b>204,326</b>	<b>204,326</b>	<b>0</b>	<b>204,326</b>
	<b>Total Operation and Maintenance, Army Reserve .....</b>	<b>204,326</b>	<b>204,326</b>	<b>204,326</b>	<b>0</b>	<b>204,326</b>
	<b>Operation and Maintenance, Navy Reserve</b>					
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>					
	<b>AIR OPERATIONS</b>					
010	MISSION AND OTHER FLIGHT OPERATIONS .....	26,673	26,673	26,673		26,673
020	INTERMEDIATE MAINTENANCE .....	400	400	400		400
040	AIRCRAFT DEPOT MAINTENANCE .....	3,600	3,600	3,600		3,600
	<b>SHIP OPERATIONS</b>					
060	MISSION AND OTHER SHIP OPERATIONS .....	7,416	7,416	7,416		7,416
080	SHIP DEPOT MAINTENANCE .....	8,917	8,917	8,917		8,917
	<b>COMBAT OPERATIONS SUPPORT</b>					
090	COMBAT COMMUNICATIONS .....	3,147	3,147	3,147		3,147
100	COMBAT SUPPORT FORCES .....	13,428	13,428	13,428		13,428
	<b>BASE SUPPORT</b>					
140	BASE OPERATING SUPPORT .....	4,478	4,478	4,478		4,478
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>68,059</b>	<b>68,059</b>	<b>68,059</b>	<b>0</b>	<b>68,059</b>
	<b>Total Operation and Maintenance, Navy Reserve .....</b>	<b>68,059</b>	<b>68,059</b>	<b>68,059</b>	<b>0</b>	<b>68,059</b>
	<b>Operation and Maintenance, Marine Corps Reserve</b>					
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>					
	<b>EXPEDITIONARY FORCES</b>					
010	OPERATING FORCES .....	77,849	77,849	77,849		77,849
	<b>BASE SUPPORT</b>					
050	BASE OPERATING SUPPORT .....	8,818	8,818	8,818		8,818

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
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Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>86,667</b>	<b>86,667</b>	<b>86,667</b>	<b>0</b>	<b>86,667</b>
	<b>Total Operation and Maintenance, Marine Corps Reserve .....</b>	<b>86,667</b>	<b>86,667</b>	<b>86,667</b>	<b>0</b>	<b>86,667</b>
	 <b>Operation and Maintenance, Air Force Reserve</b>					
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>					
	<b>AIR OPERATIONS</b>					
010	PRIMARY COMBAT FORCES .....	3,618	3,618	3,618		3,618
020	MISSION SUPPORT OPERATIONS .....	7,276	7,276	7,276		7,276
030	DEPOT MAINTENANCE .....	114,531	114,531	114,531		114,531
050	BASE SUPPORT .....	500	500	500		500
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>125,925</b>	<b>125,925</b>	<b>125,925</b>	<b>0</b>	<b>125,925</b>
	<b>Total Operation and Maintenance, Air Force Reserve .....</b>	<b>125,925</b>	<b>125,925</b>	<b>125,925</b>	<b>0</b>	<b>125,925</b>
	 <b>Operation and Maintenance, Army National Guard</b>					
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>					
	<b>LAND FORCES</b>					
010	MANEUVER UNITS .....	89,666	89,666	89,666		89,666
020	MODULAR SUPPORT BRIGADES .....	1,196	1,196	1,196		1,196
030	ECHELONS ABOVE BRIGADE .....	18,360	18,360	18,360		18,360
040	THEATER LEVEL ASSETS .....	380	380	380		380
060	AVIATION ASSETS .....	59,357	59,357	59,357		59,357
	<b>LAND FORCES READINESS</b>					
070	FORCE READINESS OPERATIONS SUPPORT .....	94,458	94,458	94,458		94,458
	<b>LAND FORCES READINESS SUPPORT</b>					
100	BASE OPERATIONS SUPPORT .....	22,536	22,536	22,536		22,536
120	MANAGEMENT AND OPERATIONAL HQ .....	35,693	35,693	35,693		35,693
130	ADDITIONAL ACTIVITIES .....	0				
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>321,646</b>	<b>321,646</b>	<b>321,646</b>	<b>0</b>	<b>321,646</b>
	<b>Total Operation and Maintenance, Army National Guard .....</b>	<b>321,646</b>	<b>321,646</b>	<b>321,646</b>	<b>0</b>	<b>321,646</b>
	 <b>Operation and Maintenance, Air National Guard</b>					
	<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>					
	<b>AIR OPERATIONS</b>					
010	AIRCRAFT OPERATIONS .....	103,259	103,259	103,259		103,259
020	MISSION SUPPORT OPERATIONS .....	51,300	51,300	51,300		51,300
030	DEPOT MAINTENANCE .....	135,303	135,303	135,303		135,303
	<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>289,862</b>	<b>289,862</b>	<b>289,862</b>	<b>0</b>	<b>289,862</b>

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	<b>Total Operation and Maintenance, Air National Guard .....</b>	<b>289,862</b>	<b>289,862</b>	<b>289,862</b>	<b>0</b>	<b>289,862</b>
	<b>Afghanistan Security Forces Fund</b>					
010	INFRASTRUCTURE .....	868,320	868,320	868,320		868,320
020	EQUIPMENT AND TRANSPORTATION .....	1,615,192	1,615,192	1,615,192		1,615,192
030	TRAINING AND OPERATIONS .....	272,998	272,998	272,998		272,998
040	SUSTAINMENT .....	1,945,887	1,945,887	1,945,887		1,945,887
060	INFRASTRUCTURE .....	605,584	605,584	605,584		605,584
070	EQUIPMENT AND TRANSPORTATION .....	279,186	279,186	279,186		279,186
080	TRAINING AND OPERATIONS .....	648,217	648,217	648,217		648,217
090	SUSTAINMENT .....	1,219,966	1,219,966	1,219,966		1,219,966
120	SUSTAINMENT .....	5,919	5,919	5,919		5,919
130	TRAINING AND OPERATIONS .....	1,500	1,500	1,500		1,500
	<b>TOTAL, Afghanistan Security Forces Fund .....</b>	<b>7,462,769</b>	<b>7,462,769</b>	<b>7,462,769</b>	<b>0</b>	<b>7,462,769</b>
	<b>Pakistan Counterinsurgency Capability Fund</b>					
	INFRASTRUCTURE .....	41,970	0	0	-41,970	0
	Realigned from Defense to International Affairs .....		[-41,970]	[-41,970]	[-41,970]	
	EQUIPMENT/TRANSPORTATION .....	397,907	0	0	-397,907	0
	Realigned from Defense to International Affairs .....		[-397,907]	[-397,907]	[-397,907]	
	TRAINING AND OPERATIONS .....	67,953	0	0	-67,953	0
	Realigned from Defense to International Affairs .....		[-67,953]	[-67,953]	[-67,953]	
	INFRASTRUCTURE .....	73,000	0	0	-73,000	0
	Realigned from Defense to International Affairs .....		[-73,000]	[-73,000]	[-73,000]	
	EQUIPMENT/TRANSPORTATION .....	107,000	0	0	-107,000	0
	Realigned from Defense to International Affairs .....		[-107,000]	[-107,000]	[-107,000]	
	TRAINING AND OPERATIONS .....	8,170	0	0	-8,170	0
	Realigned from Defense to International Affairs .....		[-8,170]	[-8,170]	[-8,170]	
	HUMANITARIAN ASSISTANCE .....	4,000	0	0	-4,000	0
	Realigned from Defense to International Affairs .....		[-4,000]	[-4,000]	[-4,000]	
	<b>TOTAL, Pakistan Counterinsurgency Capability Fund .....</b>	<b>700,000</b>		<b>0</b>	<b>-700,000</b>	<b>0</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>					
080	IRAQ FREEDOM FUND .....	115,300	115,300	115,300	-115,300	0
	Program reduction .....				[-115,300]	
	<b>TOTAL, MISCELLANEOUS APPROPRIATIONS .....</b>	<b>115,300</b>	<b>115,300</b>	<b>115,300</b>	<b>0</b>	<b>0</b>
	<b>TOTAL TITLE III—OPERATION AND MAINTENANCE .....</b>	<b>89,071,566</b>	<b>88,296,766</b>	<b>87,702,716</b>	<b>-814,100</b>	<b>88,257,466</b>

**TITLE XLIV—OTHER AUTHORIZATIONS**  
*Other authorizations (sec. 4401)*

The Senate amendment contained an authorization funding table (sec. 4401) for other authorizations.

The House bill contained no similar provision.

The House recedes with an amendment authorizing specific projects, programs, or ac-

tivities and associated dollar amounts subject to appropriations.

**OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

Program Title	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
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**REVOLVING AND MANAGEMENT FUNDS**



OTHER AUTHORIZATIONS (In Thousands of Dollars)					
Program Title	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>DEFENSE WORKING CAPITAL FUNDS</b>					
DEFENSE WORKING CAPITAL FUNDS .....	141,388	141,388	141,388		141,388
DEFENSE COMMISSARY AGENCY .....	1,313,616	1,313,616	1,313,616		1,313,616
<b>Total, Defense Working Capital Funds .....</b>	<b>1,455,004</b>	<b>1,455,004</b>	<b>1,455,004</b>	<b>0</b>	<b>1,455,004</b>
<b>NATIONAL DEFENSE SEALIFT FUND</b>					
<b>Strategic Ship Acquisition</b>					
T-AKE .....	940,115	940,115	540,115		940,115
T-AKE Program Reduction .....			[-400,000]		
MLP .....	120,047	180,047	120,047		120,047
Program Increase .....		[60,000]			
OUTFITTING AND POST DELIVERY .....	29,740	29,740	29,740		29,740
<b>DoD Mobilization Assets</b>					
NATIONAL DEFENSE SEALIFT VESSEL .....	1,438	1,438	1,438		1,438
LMSR MAINTENANCE .....	96,363	96,363	96,363		96,363
DOD MOBILIZATION ALTERATIONS .....	64,167	64,167	64,167		64,167
T-AH MAINTENANCE .....	37,627	37,627	37,627		37,627
<b>Strategic Sealift Support</b>					
STRATEGIC SEALIFT SUPPORT .....	4,794	4,794	4,794		4,794
<b>Sealift Research and Development</b>					
RESEARCH AND DEVELOPMENT .....	72,983	72,983	72,983		72,983
<b>Ready Reserve Force</b>					
READY RESERVE FORCE .....	275,484	275,484	275,484		275,484
<b>Total, National Defense Sealift Fund .....</b>	<b>1,642,758</b>	<b>1,702,758</b>	<b>1,242,758</b>	<b>0</b>	<b>1,642,758</b>
<b>DEFENSE COALITION SUPPORT FUND</b>					
DEFENSE COALITION SUPPORT FUND .....	22,000	0	0	-22,000	0
<b>Total Revolving and Management Funds .....</b>	<b>3,119,762</b>	<b>3,157,762</b>	<b>2,697,762</b>	<b>-22,000</b>	<b>3,097,762</b>
<b>MILITARY PROGRAMS</b>					
<b>DEFENSE HEALTH PROGRAM</b>					
DEFENSE HEALTH PROGRAM—O&M .....	26,967,919	26,342,463	27,007,919	126,930	27,094,849
TRICARE Continuation Pending MEDICARE Eligibility .....			[4,000]	[4,000]	
Reimbursement for exceptional travel under TRICARE .....			[10,000]		
TRICARE eligibility for Retired Reservists under the age of 60 .....			[10,000]		
Expansion of survivor eligibility for the TRICARE dental program .....			[2,000]		
Reimbursement for travel over 50 miles under TRICARE .....			[14,000]		
Transitional Dental Care (S712) .....				[11,000]	
Transfer to Title III .....		[-808,386]			
Pre-mobilization health care coverage for Reservists and their families .....		[92,000]		[92,000]	
Establish the Military School of Nursing .....		[10,000]			
Madigan Medical Center Trauma Assistance Program .....		[2,500]		[2,500]	
Fort Drum Regional Health Planning Organization .....		[430]		[430]	
Extend Dental Coverage to Dependent Survivors .....		[2,000]		[2,000]	
National Casualty Care Research Center .....		[1,000]			
Chiropractic Clinical Trials .....		[5,000]		[5,000]	
TRICARE Coverage for Gray-Area Retirees .....		[10,000]		[10,000]	
TRICARE Coverage for Autism Treatment .....		[50,000]			
Center of Care for Military Family Members .....		[10,000]			
DEFENSE HEALTH PROGRAM—R&D .....	613,102	493,192	597,802	3,000	616,102
Program Reduction (PE 67100HP) .....			[-10,000]		
Cancer Center of Excellence (PE 63115HP) .....			[-5,300]		
Combined Injury Consortium .....		[1,500]			
Transfer to Title III .....		[-124,410]			
USUHS Immersive, Wide Area Virtual Environment .....		[3,000]		[3,000]	
DEFENSE HEALTH PROGRAM—PROCUREMENT .....	322,142	177,532	322,142		322,142
Transfer to Title I .....		[-144,610]			
<b>Total Defense Health Program .....</b>	<b>27,903,163</b>	<b>27,013,187</b>	<b>27,927,863</b>	<b>129,930</b>	<b>28,033,093</b>
<b>CHEMICAL AGENTS AND MUNITIONS DESTRUCTION</b>					
CHEM DEMILITARIZATION—O&M .....	1,146,802	1,146,802	1,146,802		1,146,802

OTHER AUTHORIZATIONS (In Thousands of Dollars)					
Program Title	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
CHEM DEMILITARIZATION—RDT&E .....	401,269	401,269	401,269		401,269
CHEM DEMILITARIZATION—PROC .....	12,689	12,689	12,689		12,689
<b>Total Chemical Agents and Munitions Destruction .....</b>	<b>1,560,760</b>	<b>1,560,760</b>	<b>1,560,760</b>		<b>1,560,760</b>
<b>DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES</b>					
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	1,058,984	1,050,984	1,077,784	–4,750	1,054,234
High Priority National Guard Counterdrug Programs .....			[30,000]		
Mobile Sensor Barrier .....			[5,000]		
United States European Command (EUCOM) Counternarcotics Support (Project Code (PC) 9205) .....			[–8,000]		
EUCOM Headquarters Support (PC2346) .....			[–800]		
EUCOM Interagency Fusion Centers (PC2365) .....			[–1,000]	[–750]	
Relocatable Over-the Horizon-Radar (PC3217) .....			[–5,000]		
U.S. Special Operations Command Support to Combatant Commanders (PC6505)			[–200]		
EUCOM Counternarcotics Reserve Support (PC9215) .....			[–1,200]		
International Support .....		[–32,000]			
International Support—USEUCOM .....		[–5,000]			
International Support—USNORTHCOM/USSOUTHCOM .....		[5,600]			
International Support—US CENTCOM CN Training .....		[24,000]			
PC9205 EUCOM CN Operation Support—excessive growth .....				[–2,000]	
PC9206 AFRICOM CN Operational Support—excessive growth .....				[–2,000]	
<b>Total Drug Interdiction and Counter-Drug Activities .....</b>	<b>1,058,984</b>	<b>1,050,984</b>	<b>1,077,784</b>	<b>–4,750</b>	<b>1,054,234</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>					
OFFICE OF THE INSPECTOR GENERAL—O&M .....	271,444	278,224	286,444	15,656	287,100
Second year growth plan .....		[6,780]	[15,000]	[15,656]	
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT .....	1,000	1,000	2,000		1,000
Second year growth plan .....			[1,000]		
<b>Total Office of the Inspector General .....</b>	<b>272,444</b>	<b>279,224</b>	<b>288,444</b>	<b>15,656</b>	<b>288,100</b>
<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>33,915,113</b>	<b>33,061,917</b>	<b>33,552,613</b>	<b>118,836</b>	<b>34,033,949</b>
<b>Memorandum: Civil Program (non-defense)</b>					
Armed Forces Retirement Home (Budget Function 600) .....	134,000	134,000	134,000		134,000

Other authorizations for overseas contingency operations (sec. 4402)

The Senate amendment contained an authorization funding table (sec. 4402) for other

authorizations for overseas contingency operations.

The House bill contained no similar provision.

The House recedes with an amendment authorizing specific projects, programs, or activities and associated dollar amounts subject to appropriations.

OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)					
Program Title	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>REVOLVING AND MANAGEMENT FUNDS</b>					
<b>DEFENSE WORKING CAPITAL FUNDS</b>					
DEFENSE WORKING CAPITAL FUNDS .....	396,915	396,915	396,915		396,915
<b>Total, Defense Working Capital Funds .....</b>	<b>396,915</b>	<b>396,915</b>	<b>396,915</b>	<b>0</b>	<b>396,915</b>
<b>Total Revolving and Management Funds .....</b>	<b>396,915</b>	<b>396,915</b>	<b>396,915</b>	<b>0</b>	<b>396,915</b>
<b>MILITARY PROGRAMS</b>					
<b>DEFENSE HEALTH PROGRAM</b>					
DEFENSE HEALTH PROGRAM—O&M .....	1,155,235	1,155,235	1,155,235	101,440	1,256,675
Army end strength budget amendment .....				[101,440]	
<b>Total Defense Health Program .....</b>	<b>1,155,235</b>	<b>1,155,235</b>	<b>1,155,235</b>	<b>101,440</b>	<b>1,256,675</b>
<b>DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES</b>					

**OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Program Title	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	324,603			32,000	356,603
International Support—US CENTCOM CN Training—Mi-17 Procurement .....				[32,000]	
<b>Total Drug Interdiction and Counter-Drug Activities .....</b>	<b>324,603</b>	<b>0</b>	<b>0</b>	<b>32,000</b>	<b>356,603</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>					
OFFICE OF THE INSPECTOR GENERAL—O&M .....	8,876				8,876
<b>Total Office of the Inspector General .....</b>	<b>8,876</b>	<b>0</b>	<b>0</b>		<b>8,876</b>
<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>1,885,629</b>	<b>1,552,150</b>	<b>1,949,065</b>	<b>133,440</b>	<b>2,019,069</b>

**TITLE XLV—MILITARY CONSTRUCTION AUTHORIZATIONS**

*Military construction (sec. 4501)*

The Senate amendment contained an authorization funding table (sec. 4501) for military construction.

The House bill contained no similar provision.

The House recedes with an amendment authorizing specific projects, programs, or activities and associated dollar amounts subject to appropriations.

**MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/Country	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Army	ALABAMA	ANNISTON ARMY DEPOT	INDUSTRIAL AREA ELEC SYSTEM UPGRADE		3,300		3,300	3,300
ARNG	ALABAMA	FORT MC CLELLAN	URBAN ASSAULT COURSE	3,000	3,000	3,000		3,000
Army	ALABAMA	REDSTONE ARSENAL	GATE 7 ACCESS CONTROL POINT		3,550	3,550	3,550	3,550
Def-Wide	ALABAMA	REDSTONE ARSENAL	MISSILE AND SPACE INTEL CENTER EOE COMPLEX			12,000	12,000	12,000
Air Force	ALASKA	CLEAR AFS	POWER PLANT FACILITY	24,300	24,300	24,300		24,300
Air Force	ALASKA	EIELSON AFB	ARCTIC UTILIDORS, PHASE 1			9,900	9,900	9,900
Air Force	ALASKA	EIELSON AFB	TAXIWAY LIGHTING			3,450	3,450	3,450
Air Force	ALASKA	ELMENDORF AFB	RED FLAG ALASKA ADD/ALTER OPERATIONS CENTER	3,100	3,100	3,100		3,100
Air Force	ALASKA	ELMENDORF AFB	F-22 WEAPONS LOAD TRAINING FACILITY	12,600	12,600	12,600		12,600
Def-Wide	ALASKA	ELMENDORF AFB	AEROMEDICAL SERVICES/MENTAL HEALTH CLINIC	25,017	25,017	25,017		25,017
Army	ALASKA	FORT RICHARDSON	AIRBORNE SUSTAINMENT TRAINING COMPLEX	6,100	6,100	6,100		6,100
Army	ALASKA	FORT RICHARDSON	TRAINING AIDS CENTER	2,050	2,050	2,050		2,050
Army	ALASKA	FORT RICHARDSON	WARRIOR IN TRANSITION COMPLEX	43,000	43,000	43,000		43,000
Army	ALASKA	FORT RICHARDSON	COMBAT PISTOL RANGE			4,900	4,900	4,900
Def-Wide	ALASKA	FORT RICHARDSON	HEALTH CLINIC	3,518	3,518	3,518		3,518
Army	ALASKA	FORT WAINWRIGHT	RAILHEAD COMPLEX	26,000	26,000	26,000		26,000
Army	ALASKA	FORT WAINWRIGHT	AVIATION UNIT OPERATIONS COMPLEX	19,000	19,000	19,000		19,000
Army	ALASKA	FORT WAINWRIGHT	AVIATION TASK FORCE COMPLEX, PH 1, Inc 1	125,000	95,000	125,000	-30,000	95,000
Army	ALASKA	FORT WAINWRIGHT	WARRIOR IN TRANSITION COMPLEX	28,000	28,000	28,000		28,000
ARNG	ARIZONA	CAMP NAVAJO	COMBAT PISTOL QUALIFICATION COURSE	3,000	3,000	3,000		3,000
Air Guard	ARIZONA	DAVIS MONTHAN AFB	TFI-PREDATOR BEDDOWN-FOC	5,600	5,600	5,600		5,600
Air Force	ARIZONA	DAVIS-MONTHAN AFB	DORMITORY (144 RM)	20,000	20,000	20,000		20,000
Air Force	ARIZONA	DAVIS-MONTHAN AFB	CSAR HC-130J SIMULATOR FACILITY	8,400	8,400	8,400		8,400
Air Force	ARIZONA	DAVIS-MONTHAN AFB	CSAR HC-130J RQS OPERATIONS FACILITY	8,700	8,700	8,700		8,700
Air Force	ARIZONA	DAVIS-MONTHAN AFB	CSAR HC-130J INFRASTRUCTURE	4,800	4,800	4,800		4,800
Army	ARIZONA	FORT HUACHUCA	UAV ER/MPER/MP	15,000	15,000	15,000		15,000
Army	ARIZONA	FORT HUACHUCA	BATTALION HEADQUARTERS UAV	6,000	6,000	6,000		6,000
Army	ARIZONA	FORT HUACHUCA	FIRE STATION, TWO COMPANY		6,700		6,700	6,700
Milcon, Naval Res	ARIZONA	PHOENIX	RESERVE CENTER MOVE TO LUKE AFB, NOSC PHOENIX	10,986	10,986	10,986		10,986

MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Navy	ARIZONA	YUMA	AIRCRAFT MAINTENANCE HANGAR (PHASE 1)	27,050	27,050	27,050		27,050
Navy	ARIZONA	YUMA	AIRFIELD ELEC. DIST. AND CONTROL	1,720	1,720	1,720		1,720
Air Force	ARKANSAS	LITTLE ROCK AFB	C-130 FLIGHT SIMULATOR ADDITION	5,800	5,800	5,800		5,800
Air Force	ARKANSAS	LITTLE ROCK AFB	SECURITY FORCES OPERATIONS FACILITY		10,400	10,400	10,400	10,400
Army	ARKANSAS	PINE BLUFF ARSENAL	FUSE & DETONATOR MAGAZINE, DEPOT LEVEL	25,000	25,000	25,000		25,000
Milcon, Naval Res	CALIFORNIA	ALAMEDA	RESERVE TRAINING CENTER—ALAMEDA, CA	5,960	5,960	5,960		5,960
Navy	CALIFORNIA	BRIDGEPORT	FIRE STATION—RENOVATION—MWTC	4,460	4,460	4,460		4,460
Navy	CALIFORNIA	BRIDGEPORT	MOUNTAIN WARFARE TRAINING, COMMISSARY		6,830		6,830	6,830
Navy	CALIFORNIA	CAMP PENDLETON	ANGLICO OPERATIONS COMPLEX	25,190	25,190	25,190		25,190
Navy	CALIFORNIA	CAMP PENDLETON	RECON BN OPERATIONS COMPLEX	77,660	77,660	77,660		77,660
Navy	CALIFORNIA	CAMP PENDLETON	COMMELEC MAINTENANCE FACILITY	13,170	13,170	13,170		13,170
Navy	CALIFORNIA	CAMP PENDLETON	EXPANSION OF SRTIP TO 7.5 MGD	55,180	55,180	55,180		55,180
Navy	CALIFORNIA	CAMP PENDLETON	NORTH REGION TERTIARY TREATMENT PLANT, Inc 1	142,330	112,330	142,330	-30,000	112,330
Navy	CALIFORNIA	CAMP PENDLETON	GAS/ELECTRICAL UPGRADES	51,040	51,040	51,040		51,040
Navy	CALIFORNIA	CAMP PENDLETON	RECRUIT BARRACKS—SCHOOL OF INFANTRY	53,320	53,320	53,320		53,320
Navy	CALIFORNIA	CAMP PENDLETON	ENLISTED DINING FACILITY	32,300	32,300	32,300		32,300
Navy	CALIFORNIA	CAMP PENDLETON	RECRUIT BARRACKS—FIELD/A-SPAN	23,200	23,200	23,200		23,200
Navy	CALIFORNIA	CAMP PENDLETON	COMMUNICATIONS UPGRADES	79,492	79,492	79,492		79,492
Navy	CALIFORNIA	CAMP PENDLETON	ELECTRICAL DISTRIBUTION SYSTEM	76,950	76,950	76,950		76,950
Navy	CALIFORNIA	CAMP PENDLETON	OPERATIONS ACCESS POINTS	12,740	12,740	12,740		12,740
Navy	CALIFORNIA	CAMP PENDLETON	ENLISTED DINING FACILITY—EDSON RANGE	37,670	37,670	37,670		37,670
Navy	CALIFORNIA	CAMP PENDLETON	BEQ	39,610	39,610	39,610		39,610
Navy	CALIFORNIA	CAMP PENDLETON	RECRUIT MARKSMANSHIP TRAINING FACILITY	13,730	13,730	13,730		13,730
Navy	CALIFORNIA	CAMP PENDLETON	EXPAND COMBAT AIRCRAFT LOADING APRON	12,240	12,240	12,240		12,240
Navy	CALIFORNIA	CAMP PENDLETON	AVIATION TRANSMITTER/RECEIVER SITE	13,560	13,560	13,560		13,560
Navy	CALIFORNIA	CAMP PENDLETON	WFTBN SUPPORT FACILITIES	15,780	15,780	15,780		15,780
Navy	CALIFORNIA	CAMP PENDLETON	ARMY RESERVE CENTER	19,500	19,500	19,500		19,500
USAR	CALIFORNIA	CAMP PENDLETON	SOF CLOSE QUARTERS COMBAT TRAINING FACILITY	15,722	15,722	15,722		15,722
Def-Wide	CALIFORNIA	CORONADO	EDWARDS RAMP EXTENSION	3,007	3,007	3,007		3,007
Navy	CALIFORNIA	EDWARDS AFB	AIRCRAFT DIRECT FUELING STATION	11,000	11,000	11,000		11,000
Def-Wide	CALIFORNIA	EL CENTRO						

Army	CALIFORNIA	FORT IRWIN	MOUT ASSAULT COURSE, PH 4	9,500	9,500	9,500
Air_Guard	CALIFORNIA	FRESNO YOSEMITE IAP	144th SQUADRON OPERATIONS FACILITY	9,500	9,900	9,800
		ANG				
ARNG	CALIFORNIA	LOS ALAMITOS	READINESS CENTER PH1	31,000	31,000	31,000
USAR	CALIFORNIA	LOS ANGELES	ARMY RESERVE CENTER	29,000	29,000	29,000
Air Force	CALIFORNIA	LOS ANGELES AFB	CONSOLIDATED PARKING AREA, PH1	8,000	8,000	8,000
AF Reserve	CALIFORNIA	MARCH AFB	SMALL ARMS FIRING RANGE	9,800	9,800	9,800
Navy	CALIFORNIA	MIRAMAR	AIRCRAFT PARKING APRON MODIFICATION	9,280	9,280	9,280
Navy	CALIFORNIA	MONTREY NSA	MARINE METEOROLOGY CENTER	10,240	10,240	10,240
Def-Wide	CALIFORNIA	POINT LOMA ANNEX	REPLACE FUEL STORAGE FAC INCR 2	92,300	92,300	92,300
Navy	CALIFORNIA	POINT LOMA ANNEX	ALTER/ADD MARINE MAMMAL SURGICAL CENTER	2,330	2,330	2,330
Navy	CALIFORNIA	POINT LOMA ANNEX	PUBLIC WORKS SHOPS CONSOLIDATION	8,730	8,730	8,730
Navy	CALIFORNIA	SAN DIEGO	MESSHALL EXPANSION	23,590	23,590	23,590
Air_Guard	CALIFORNIA	SOCAL LOGISTICS AIR-PORT	TFT-PREDATOR BEDDOWN—FT/LRE SITE	8,400	8,400	8,400
Air Force	CALIFORNIA	TRAVIS AFB	CONSTRUCT KC-10 CARGO LOAD TRAINING FACILITY	6,900	6,900	6,900
Air Force	CALIFORNIA	TRAVIS AFB	TAXWAY M BYPASS ROAD	6,000	6,000	6,000
Def-Wide	CALIFORNIA	TRAVIS AFB	REPLACE FUEL DISTRIBUTION SYSTEM	15,357	15,357	15,357
Navy	CALIFORNIA	TWENTYNINE PALMS	STATION COMM FACILITY AND INFRASTRUCTURE	49,040	49,040	49,040
Navy	CALIFORNIA	TWENTYNINE PALMS	SUB-STATION AND ELECTRICAL UPGRADES	31,310	31,310	31,310
Navy	CALIFORNIA	TWENTYNINE PALMS	ELEC. INFRA. UPGRADE—34.5KV TO 115KV	46,220	46,220	46,220
Navy	CALIFORNIA	TWENTYNINE PALMS	ELEC. POWER PLANT/CO-GEN/GAS TURBINE—N	53,260	53,260	53,260
Navy	CALIFORNIA	TWENTYNINE PALMS	WATER IMPROVEMENTS AND STORAGE TANK	30,610	30,610	30,610
Navy	CALIFORNIA	TWENTYNINE PALMS	SEWAGE SYSTEM IMP. AND LIFT STATION	5,800	5,800	5,800
Navy	CALIFORNIA	TWENTYNINE PALMS	HTHW/CHILLED WATER SYSTEM	25,790	25,790	25,790
Navy	CALIFORNIA	TWENTYNINE PALMS	NATURAL GAS SYSTEM EXTENSION	19,990	19,990	19,990
Navy	CALIFORNIA	TWENTYNINE PALMS	INDUSTRIAL WASTE WATER PRETREATMENT SYS.	3,330	3,330	3,330
Navy	CALIFORNIA	TWENTYNINE PALMS	LAYDOWN SITE WORK—NORTH MAINSIDE	21,740	21,740	21,740
Navy	CALIFORNIA	TWENTYNINE PALMS	SECONDARY ELEC.DIST.—NORTH MAINSIDE	31,720	31,720	31,720
Navy	CALIFORNIA	TWENTYNINE PALMS	CONSTRUCT ROADS—NORTH MAINSIDE	29,360	29,360	29,360
Navy	CALIFORNIA	TWENTYNINE PALMS	MAINT. SHOP—WHEELED	16,040	16,040	16,040
Navy	CALIFORNIA	TWENTYNINE PALMS	MAINT. SUNSHADES—WHEELED	12,580	12,580	12,580
Navy	CALIFORNIA	TWENTYNINE PALMS	COMM/ELECT MAINT/STORAGE	12,660	12,660	12,660
Navy	CALIFORNIA	TWENTYNINE PALMS	DINING FACILITY—NORTH MAINSIDE	17,200	17,200	17,200
Navy	CALIFORNIA	TWENTYNINE PALMS	BEQ	37,290	37,290	37,290
Navy	CALIFORNIA	TWENTYNINE PALMS	MAINT. SHOP—TRACKED	19,780	19,780	19,780

MILITARY CONSTRUCTION (In Thousands of Dollars)						
Account	State/ Country	Installation	Project Title	Budget Request	House Authorized	Senate Authorized
Navy	CALIFORNIA	TWENTYNINE PALMS	BEQ	37,290	37,290	37,290
Navy	CALIFORNIA	TWENTYNINE PALMS	CONSOLIDATED ARMORY—TANKS	12,670	12,670	12,670
Air Force	CALIFORNIA	VANDENBERG AFB	CHILD DEVELOPMENT CENTER	13,000	13,000	13,000
Air Guard	COLORADO	BUCKLEY ANG BASE	ADD/ALTER WEAPONS RELEASE		4,500	4,500
USAR	COLORADO	COLORADO SPRINGS	ARMY RESERVE CENTER/LAND	13,000	13,000	13,000
Army	COLORADO	FORT CARSON	TRAINING AIDS CENTER	18,500	18,500	18,500
Army	COLORADO	FORT CARSON	BRIGADE COMPLEX	69,000	69,000	69,000
Army	COLORADO	FORT CARSON	BRIGADE COMPLEX, PH 1	102,000	102,000	-102,000
Army	COLORADO	FORT CARSON	RAILROAD TRACKS	14,000	14,000	14,000
Army	COLORADO	FORT CARSON	WARRIOR IN TRANSITION (WT) COMPLEX	56,000	56,000	56,000
Army	COLORADO	FORT CARSON	AUTOMATED QUALIFICATION TRAINING RANGE	11,000	11,000	11,000
Army	COLORADO	FORT CARSON	MODIFIED RECORD FIRE RANGE	4,450	4,450	4,450
Army	COLORADO	FORT CARSON	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE	7,400	7,400	7,400
Army	COLORADO	FORT CARSON	SCOUT/RECCE GUNNERY COMPLEX	16,000	16,000	16,000
Army	COLORADO	FORT CARSON	URBAN ASSAULT COURSE	3,100	3,100	3,100
Army	COLORADO	FORT CARSON	CONVOY LIVE FIRE RANGE	6,500	6,500	6,500
Army	COLORADO	FORT CARSON	COMMISSARY	35,000	35,000	35,000
Army	COLORADO	FORT CARSON	BARRACKS & DINING, INCREMENT 2	60,000	60,000	60,000
Def-Wide	COLORADO	FORT CARSON	SOF BATTALION OPS COMPLEX	45,200	45,200	45,200
Def-Wide	COLORADO	FORT CARSON	SOF MILITARY WORKING DOG FACILITY	3,046	3,046	3,046
Def-Wide	COLORADO	FORT CARSON	HEALTH AND DENTAL CLINIC	52,773	52,773	-20,873
Air Force	COLORADO	PETERSON AFB	EAST GATE REALIGNMENT		7,200	7,200
Air Force	COLORADO	PETERSON AFB	C-130 SQUAD OPS/AMU (TFI)	5,200	5,200	5,200
Air Force	COLORADO	PETERSON AFB	NATIONAL SECURITY SPACE INSTITUTE	19,900	19,900	19,900
Chem Demil	COLORADO	PUEBLO DEPOT	AMMUNITION DEMILITARIZATION FACILITY, PH XI	92,500	92,500	92,500
AF Reserve	COLORADO	SCHRIEVER AFB	WING HEADQUARTERS	10,200	10,200	10,200
Air Force	COLORADO	U.S. AIR FORCE ACADEMY	ADD TO CADET FITNESS CENTER	17,500	17,500	17,500
Air Guard	CONNECTICUT	BRADLEY NATIONAL AIR- PORT	CNAF BEDDOWN UPGRADE FACILITIES		9,100	9,000
USAR	CONNECTICUT	BRIDGEPORT	ARMY RESERVE CENTER/LAND	18,500	18,500	18,500

Agency	State	Facility	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	2962	2963	2964	2965	2966	2967	2968	2969	2970	2971	2972	2973	2974	2975	2976	2977	2978	2979	2980	2981	2982	2983	2984	2985	2986	2987	2988	2989	2990	2991	2992	2993	2994	2995	2996	2997	2998	2999	3000
Navy	CONNECTICUT	NEW LONDON NSB	6,570	5,300	12,100	7,500	3,760	3,420	11,000	5,236	14,308	2,371	8,892	1,581	9,900	27,652	80,000	8,900	8,000	4,950	3,400	1,600	1,400	2,700	3,400	12,000	2,200	3,050	3,046	6,208	931	11,252	26,287	621	2,056	3,492																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
Air Force	DELAWARE	DOVER AFB	5,300	12,100	7,500	3,760	3,420	11,000	5,236	14,308	2,371	8,892	1,581	9,900	27,652	80,000	8,900	8,000	4,950	3,400	1,600	1,400	2,700	3,400	12,000	2,200	3,050	3,046	6,208	931	11,252	26,287	621	2,056	3,492																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
Air Force	DELAWARE	DOVER AFB	5,300	12,100	7,500	3,760	3,420	11,000	5,236	14,308	2,371	8,892	1,581	9,900	27,652	80,000	8,900	8,000	4,950	3,400	1,600	1,400	2,700	3,400	12,000	2,200	3,050	3,046	6,208	931	11,252	26,287	621	2,056	3,492																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
Air Force	DELAWARE	DOVER AFB	5,300	12,100	7,500	3,760	3,420	11,000	5,236	14,308	2,371	8,892	1,581	9,900	27,652	80,000	8,900	8,000	4,950	3,400	1,600	1,400	2,700	3,400	12,000	2,200	3,050	3,046	6,208	931	11,252	26,287	621	2,056	3,492																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
Navy	FLORIDA	BLOUNT ISLAND	6,570	5,300	12,100	7,500	3,760	3,420	11,000	5,236	14,308	2,371	8,892	1,581	9,900	27,652	80,000	8,900	8,000	4,950	3,400	1,600	1,400	2,700	3,400	12,000	2,200	3,050	3,046	6,208	931	11,252	26,287	621	2,056	3,492																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
Air Force	FLORIDA	EGLIN AFB	5,300	12,100	7,500	3,760	3,420	11,000	5,236	14,308	2,371	8,892	1,581	9,900	27,652	80,000	8,900	8,000	4,950	3,400	1,600																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													

MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Army	FLORIDA	EGLIN AFB (CAMP RUD- DER)	ELEVATED WATER STORAGE TANK			1,200	1,200	1,200
Air Force	FLORIDA	HURLBURT FIELD	REFUELING VEHICLE MAINTENANCE FACILITY	2,200	2,200			2,200
Air Force	FLORIDA	HURLBURT FIELD	ELECTRICAL DISTRIBUTION SUBSTATION	8,300	8,300			8,300
Air Force	FLORIDA	HURLBURT FIELD	FLIGHT TEST OPNS FAC (413 FLTS)		9,400		9,400	9,400
Def-Wide	FLORIDA	HURLBURT FIELD	SOF SIMULATOR FACILITY FOR MC-130 (RECAP)	8,156	8,156	8,156		8,156
Navy	FLORIDA	JACKSONVILLE	P-8/MMA FACILITIES MODIFICATION	5,917	5,917	5,917		5,917
Def-Wide	FLORIDA	JACKSONVILLE IAP	REPLACE JET FUEL STORAGE COMPLEX	11,500	11,500	11,500		11,500
Air Force	FLORIDA	MACDILL AFB	DORMITORY (120 ROOM)	16,000	16,000	16,000		16,000
Air Force	FLORIDA	MACDILL AFB	CHILD DEVELOPMENT CENTER	7,000	7,000	7,000		7,000
Air Force	FLORIDA	MACDILL AFB	CENTCOM COMMANDANT FACILITY	15,300	15,300	15,300		15,300
Air Force	FLORIDA	MACDILL AFB	CONSOLIDATED COMMO FACILITY		21,000		21,000	21,000
Navy	FLORIDA	MAYPORT	FITNESS CTR		26,360		26,360	26,360
Navy	FLORIDA	MAYPORT	WHARF CHARLIE REPAIR	29,682	29,682	29,682		29,682
Navy	FLORIDA	MAYPORT	CHANNEL DREDGING	46,303		46,303		46,303
Army	FLORIDA	MIAMI DORAL	SOUTHCOM HEADQUARTERS, INCR 3	55,400	55,400	55,400		55,400
USAR	FLORIDA	PANAMA CITY	ARMY RESERVE CENTER/LAND	7,300	7,300	7,300		7,300
Air Force	FLORIDA	PATRICK AFB	COMBAT WEAPONS TRAINING FACILITY		8,400	8,400		8,400
Navy	FLORIDA	PENSACOLA	CORRY "A" SCHOOL BACHELOR ENLISTED QUAR- TERS R	22,950	22,950	22,950		22,950
Navy	FLORIDA	PENSACOLA	SIMULATOR ADDITION FOR UMFO PROGRAM	3,211	3,211	3,211		3,211
USAR	FLORIDA	WEST PALM BEACH	ARMY RESERVE CENTER/LAND	26,000	26,000	26,000		26,000
Navy	FLORIDA	WHITING FIELD	T-6B JPATS TRNG. OPS PARALOFT FACILITY	4,120	4,120	4,120		4,120
Navy	GEORGIA	ALBANY MCLB	WPNS MAINT HARDSTAND FAC		4,870		4,870	4,870
USAR	GEORGIA	ATLANTA	ARMY RESERVE CENTER/LAND	14,000	14,000	14,000		14,000
Army	GEORGIA	FORT BENNING	COMBINED ARMS COLLECTIVE TRAINING FACILITY	10,800	10,800	10,800		10,800
Army	GEORGIA	FORT BENNING	FIRE AND MOVEMENT RANGE	2,800	2,800	2,800		2,800
Army	GEORGIA	FORT BENNING	BATTLE LAB	30,000	30,000	30,000		30,000
Army	GEORGIA	FORT BENNING	TRAINING AREA TANK TRAILS	9,700	9,700	9,700		9,700
Army	GEORGIA	FORT BENNING	TRAINING BATTALION COMPLEX	38,000	38,000	38,000		38,000



Army	GEORGIA	FORT BENNING	DINING FACILITY	15,000	15,000	15,000
Army	GEORGIA	FORT BENNING	WARRIOR IN TRANSITION (WT) COMPLEX	53,000	53,000	53,000
Army	GEORGIA	FORT BENNING	TRAINING BATTALION COMPLEX, PH 1	31,000	31,000	31,000
Army	GEORGIA	FORT BENNING	TRAINING BATTALION COMPLEX, PH 1	31,000	31,000	31,000
Army	GEORGIA	FORT BENNING	TRAINEE BARRACKS COMPLEX, PH 1	74,000	74,000	74,000
ARMG	GEORGIA	FORT BENNING	READINESS CENTER	15,500	15,500	15,500
Def-Wide	GEORGIA	FORT BENNING	WILSON ES CONSTRUCT GYMNASIUM	2,330	2,330	2,330
Def-Wide	GEORGIA	FORT BENNING	SOF EXPAND BATTALION HEADQUARTERS	3,046	3,046	3,046
Def-Wide	GEORGIA	FORT BENNING	BLOOD DONOR CENTER REPLACEMENT	12,313	12,313	12,313
Def-Wide	GEORGIA	FORT BENNING	DENTAL CLINIC	4,887	4,887	4,887
Army	GEORGIA	FORT GILLEM	FORENSIC LAB	10,800	10,800	10,800
Army	GEORGIA	FORT STEWART	BRIGADE COMPLEX	93,000	93,000	48,000
Army	GEORGIA	FORT STEWART	AUTOMATED SNIPER FIELD FIRE RANGE	3,400	3,400	3,400
Army	GEORGIA	FORT STEWART	WARRIOR IN TRANSITION (WT) COMPLEX	49,000	49,000	49,000
Army	GEORGIA	FORT STEWART	BARRACKS & DINING, INCREMENT 2	80,000	80,000	80,000
Def-Wide	GEORGIA	FORT STEWART	NEW ELEMENTARY SCHOOL	22,502	22,502	-22,502
Def-Wide	GEORGIA	FORT STEWART	NEW ELEMENTARY SCHOOL	22,501	22,501	22,501
Def-Wide	GEORGIA	FORT STEWART	HEALTH AND DENTAL CLINIC	26,386	26,386	-4,186
ARMG	GEORGIA	HUNTER ARMY AIRFIELD	AVIATION READINESS CENTER	8,967	8,967	8,967
Air Force	GEORGIA	MOODY AFB	RESCUE OPNS/MAINT HQ FAC	8,900	8,900	10,000
Air Force	GEORGIA	WARNER ROBINS AFB	HOT CARGO PAD/TAXIWAY	6,200	6,200	6,200
Def-Wide	HAWAII	FORD ISLAND	PACIFIC OPERATIONS FACILITY UPGRADE	9,633	9,633	9,633
Air Force	HAWAII	HICKAM AFB	GROUND CONTROL TOWER	4,000	4,000	4,000
Air_Guard	HAWAII	HICKAM AFB	TF1—F-22 LO/COMPOSITE REPAIR FACILITY	26,000	26,000	26,000
Air_Guard	HAWAII	HICKAM AFB	TF1—F-22 PARKING APRON AND TAXIWAYS	7,000	7,000	7,000
Navy	HAWAII	NAVSTA PEARL HARBOR	PRODUCTION SERVICES SUPPORT FACILITY	30,360	30,360	25,070
Navy	HAWAII	OAHU	RANGE, 1000 - PUULOA	5,380	5,380	5,380
Navy	HAWAII	PEARL HARBOR	PACFLT SUB DRIVE-IN MAG SILENCING FAC (INC)	8,645	8,645	8,645
Navy	HAWAII	PEARL HARBOR	APCSS CONFERENCE & TECHNOLOGY LEARNING CENTER	12,775	12,775	12,775
Navy	HAWAII	PEARL HARBOR	MISSILE MAGAZINES (5), WEST LOCH	22,407	22,407	22,407
Army	HAWAII	SCHOFIELD BARRACKS	VEHICLE MAINTENANCE SHOP	63,000	63,000	63,000
Army	HAWAII	SCHOFIELD BARRACKS	VEHICLE MAINTENANCE SHOP	36,000	36,000	36,000
Army	HAWAII	SCHOFIELD BARRACKS	WARRIOR IN TRANSITION (WT) BARRACKS	55,000	55,000	55,000
Army	HAWAII	SCHOFIELD BARRACKS	WARRIOR IN TRANSITION COMPLEX	30,000	30,000	30,000
Air Force	HAWAII	WHEELER AAF	CONSTRUCT ASOC COMPLEX	15,000	15,000	15,000

MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Army	HAWAII	WHEELER AAF	REGIONAL SATCOM INFORMATION CENTER	7,500	7,500	7,500		7,500
ARNG	IDAHO	GOWEN FIELD	COMBINED ARMS COLLECTIVE TRAINING FACILITY	16,100	16,100	16,100		16,100
Air Force	IDAHO	MOUNTAIN HOME AFB	LOGISTICS READINESS CENTER	20,000	20,000	20,000		20,000
USAR	ILLINOIS	CHICAGO	ARMY RESERVE CENTER	23,000	23,000	23,000		23,000
Milcom, Naval Res	ILLINOIS	JOLIET ARMY AMMO PLANT	RESERVE TRAINING CENTER—JOLIET, IL	7,957	7,957	7,957		7,957
Air Guard	ILLINOIS	LINCOLN CAPITAL AIR- PORT	SECURITY IMPROV.—RELOCATE ENTRANCE		3,000		3,000	3,000
ARNG	ILLINOIS	MILAN	READINESS CENTER			5,600	5,600	5,600
Air Force	ILLINOIS	SCOTT AFB	AEROMEDICAL EVAC FACILITY		7,400	7,400	7,400	7,400
ARNG	INDIANA	MUSCATATUCK	COMBINED ARMS COLLECTIVE TRAINING FACILITY PH	10,100	10,100	10,100		10,100
Navy	INDIANA	NAVAL SUPPORT ACTIVITY CRANE	STRATEGIC WEAPONS SYSTEMS ENGINEERING FACIL- ITY			13,710	13,710	13,710
ARNG	IOWA	CAMP DODGE	US PROPERTY AND FISCAL OFFICE			4,000	4,000	4,000
Air Guard	IOWA	DES MOINES	DES MOINES ALT SECURITY FORCES FAC			4,600	4,600	4,600
Army	KANSAS	FORT RILEY	TRAINING AIDS CENTER	15,500	15,500	15,500		15,500
Army	KANSAS	FORT RILEY	ADVANCED WASTE WATER TREATMENT PLANT	28,000	28,000	28,000		28,000
Army	KANSAS	FORT RILEY	IGLOO STORAGE, INSTALLATION	7,200	7,200	7,200		7,200
Army	KANSAS	FORT RILEY	BRIGADE COMPLEX	49,000	49,000	49,000		49,000
Army	KANSAS	FORT RILEY	BATTALION COMPLEX	59,000	59,000	59,000		59,000
Army	KANSAS	FORT RILEY	LAND VEHICLE FUELING FACILITY	3,700	3,700	3,700		3,700
Army	KANSAS	FORT RILEY	ESTES ROAD ACCESS CONTROL POINT			6,100	6,100	6,100
Air Guard	KANSAS	MCCONNELL AFB	TFI-UPGRADE DCGS		8,700		8,700	8,700
ARNG	KANSAS	SALINA ARMY NG AVIA- TION FACILITY	TAXIWAY ALTERATIONS			2,227	2,227	2,227
Chem Demil	KENTUCKY	BLUE GRASS ARMY DEPOT	AMMUNITION DEMILITARIZATION PH X	54,041	54,041	54,041		54,041
Chem Demil	KENTUCKY	BLUE GRASS ARMY DEPOT	BLUE GRASS ARMY DEPOT CHEM DEMIL PROJECT			5,000	5,000	5,000
Army	KENTUCKY	FORT CAMPBELL	INSTALLATION CHAPEL CENTER	14,400	14,400	14,400		14,400
Def-Wide	KENTUCKY	FORT CAMPBELL	5TH SFG LANGUAGE SUSTAINMENT TRNG FAC			5,800	5,800	5,800

Def-Wide	KENTUCKY	FORT CAMPBELL	SOF BATTALION OPERATIONS COMPLEX	29,289	29,289	29,289	29,289
Def-Wide	KENTUCKY	FORT CAMPBELL	SOF MILITARY WORKING DOG FACILITY	3,046	3,046	3,046	3,046
Def-Wide	KENTUCKY	FORT CAMPBELL	HEALTH CLINIC	8,600	8,600	8,600	8,600
Army	KENTUCKY	FORT KNOX	WARRIOR IN TRANSITION (WIT) COMPLEX	70,000	70,000	70,000	70,000
Air Force	LOUISIANA	BARKSDALE AIR FORCE BASE	PHASE FIVE RAMP REPLACEMENT—AIRCRAFT APRON	12,800	12,800	12,800	12,800
Army	LOUISIANA	FORT POLK	MULTIPURPOSE MACHINEGUN RANGE	6,400	6,400	6,400	6,400
Army	LOUISIANA	FORT POLK	WARRIOR IN TRANSITION (WIT) COMPLEX	32,000	32,000	32,000	32,000
Army	LOUISIANA	FORT POLK	LAND PURCHASES	17,000	17,000	17,000	17,000
Air_Guard	MAINE	BANGOR IAP	REPLACE AIRCRAFT MAINT HANGAR/SHOPS	28,000	28,000	28,000	28,000
Navy	MAINE	PORTSMOUTH NAVAL SHIPYARD	GATE 2 SECURITY IMPROVEMENTS	7,090	7,100	7,090	7,090
Army	MARYLAND	ABERDEEN PG	ANALYTICAL CHEM WING—ADVANCED CHEM LAB	15,500	15,500	15,500	15,500
Def-Wide	MARYLAND	ABERDEEN PG	USAMRIID REPLACEMENT, INC II	111,400	111,400	111,400	111,400
Air Force	MARYLAND	ANDREWS AFB	REPLACE MUNITIONS STORAGE AREA	9,300	9,300	9,300	9,300
Air_Guard	MARYLAND	ANDREWS AFB	RPL MUNITIONS MAINTENANCE AND STORAGE COM- PLEX	14,000	14,000	14,000	14,000
Navy	MARYLAND	CARDEROCK NSWC DET	ROUTE SUPPORT FACILITY, PH2	6,520	6,520	6,520	6,520
Army	MARYLAND	FORT DETRICK	ATL AUDITORIUM & TNG CNTR EXPAND	7,400	7,400	7,400	7,400
Army	MARYLAND	FORT DETRICK	SATELLITE COMMUNICATIONS CENTER	18,000	18,000	18,000	18,000
Army	MARYLAND	FORT DETRICK	SATELLITE COMMUNICATIONS FACILITY	21,000	21,000	21,000	21,000
Def-Wide	MARYLAND	FORT DETRICK	BOUNDARY GATE AT NALIN POND	10,750	10,750	10,750	10,750
Def-Wide	MARYLAND	FORT DETRICK	EMERGENCY SERVICE CENTER	16,125	16,125	16,125	16,125
Def-Wide	MARYLAND	FORT DETRICK	USAMRIID STAGE 1, INC IV	108,000	108,000	108,000	108,000
Def-Wide	MARYLAND	FORT DETRICK	NIBC TRUCK INSPECTION STATION & ROAD	2,932	2,932	2,932	2,932
Army	MARYLAND	FORT MEADE	INTERSECTION, ROCKENBACH RD & COOPER AVE	2,350	2,350	2,350	2,350
Def-Wide	MARYLAND	FORT MEADE	SOUTH CAMPUS UTILITY PLANT PH 2	175,900	175,900	175,900	175,900
Def-Wide	MARYLAND	FORT MEADE	NSAW CAMPUS CHILLED WATER BACKUP	19,100	19,100	19,100	19,100
Def-Wide	MARYLAND	FORT MEADE	MISSION SUPPORT—PSAT	8,800	8,800	8,800	8,800
Navy	MARYLAND	PATUXENT RIVER NAS	SPECIAL COMMO RQTS ENG FACILITY	11,043	11,043	11,043	11,043
Air_Guard	MASSACHUSETTS	BARNES ANGB	F-15 AIRCRAFT READY SHELTERS	8,100	8,100	8,100	8,100
ARNG	MASSACHUSETTS	HANSCOM AFB	ARMED FORCES RESERVE CENTER (JFHQ)	29,000	29,000	29,000	29,000
Air_Guard	MASSACHUSETTS	OTIS AIR NATIONAL GUARD BASE	COMPOSITE OPERATIONS AND TRAINING FACILITY	12,800	12,800	12,800	12,800
Air_Guard	MICHIGAN	ALPENA CRTIC	REPLACE TROOP QUARTERS	8,900	8,900	8,900	8,900
Air_Guard	MICHIGAN	BATTLE CREEK ANG BASE	CNAF BED DOWN FACILITIES	14,000	14,000	14,000	14,000

MILITARY CONSTRUCTION (In Thousands of Dollars)						
Account	State/ Country	Installation	Project Title	Budget Request	House Authorized	Senate Authorized
ARNG	MICHIGAN	FORT CUSTER	ORG MAINT SHOP (ADRS)		7,732	7,732
Air_Guard	MICHIGAN	SELFEDGE ANG BASE	A-10 SQUAD OPERATIONS FACILITY			7,100
ARNG	MINNESOTA	ARDEN HILLS	READINESS CENTER PH2	6,700	6,700	6,700
ARNG	MINNESOTA	CAMP RIPLEY	URBAN ASSAULT COURSE	1,710	1,710	1,710
Def-Wide	MINNESOTA	DULUTH IAP	JET FUEL STORAGE COMPLEX	15,000	15,000	15,000
USAR	MINNESOTA	FORT SNELLING (MIN-NEAPOLIS)	ARMY RESERVE CENTER	12,000	12,000	12,000
Air_Guard	MINNESOTA	MINN/ST. PAUL IAP 133RD	MINNESOTA STARBASE FACILITY ALTERATION		1,900	1,900
ARNG	MISSISSIPPI	AW BASE				
Air Force	MISSISSIPPI	CAMP SHELBY	COMBINED ARMS COLLECTIVE TNG FAC ADD/ALT	16,100	16,100	16,100
Air_Guard	MISSISSIPPI	COLUMBUS AFB	AIRCRAFT FUEL SYSTEMS MAINT DOCK		9,800	9,800
AF Reserve	MISSISSIPPI	GULFPORT-BILOXI RA	RELOCATE BASE ENTRANCE		6,500	6,500
ARNG	MISSISSIPPI	KEESLER AFB	AERIAL PORT SQUADRON FACILITY	9,800	9,800	9,800
ARNG	MISSISSIPPI	MONTECELLO	MONTECELLO NATIONAL GUARD READINESS CENTER		14,350	14,350
ARNG	MISSOURI	BOONVILLE	READINESS CENTER ADD/ALT	1,800	1,800	1,800
Army	MISSOURI	FORT LEONARD WOOD	AUTOMATED-AIDED INSTRUCTION FACILITY	27,000	27,000	27,000
Army	MISSOURI	FORT LEONARD WOOD	WHEELED VEHICLE DRIVERS COURSE	17,500	17,500	17,500
Army	MISSOURI	FORT LEONARD WOOD	WARRIOR IN TRANSITION COMPLEX	19,500	19,500	19,500
Army	MISSOURI	FORT LEONARD WOOD	TRANSIENT ADVANCED TRAINEE BARRACKS, PH 1	99,000	99,000	99,000
Army	MISSOURI	FORT LEONARD WOOD	HEALTH CLINIC		7,800	7,800
Def-Wide	MISSOURI	FORT LEONARD WOOD	DENTAL CLINIC ADDITION	5,570	5,570	5,570
Air_Guard	MISSOURI	ROSECRANS MEMORIAL AIRPORT	REPLACE FIRE/CRASH RESCUE STATION PHASE II		9,300	9,300
Air Force	MISSOURI	WHITEMAN AFB	EOD OPNS COMPLEX		7,400	7,400
Air Force	MISSOURI	WHITEMAN AFB	LAND ACQUISITION NORTH & SOUTH BDY		5,500	5,500
Air Force	MONTANA	MALMSTROM AFB	UPGRADE WEAPONS STORAGE AREA		9,600	10,600
ARNG	NEBRASKA	LINCOLN	ARMED FORCES RESERVE CENTER (JFHQ)	23,000	23,000	23,000
Air_Guard	NEBRASKA	LINCOLN MAP	JOINT FORCES OPERATIONS CENTER—ANG SHARE	1,500	1,500	1,500
Air Force	NEBRASKA	OFFUTT AFB	STRATCOM GATE		10,400	10,400
ARNG	NEVADA	CARSON CITY	NATIONAL GUARD ENERGY SUSTAINABLE PROJECTS		2,000	2,000

Air Force	NEVADA	CREECH AFB	UAS AT/FP SECURITY UPDATES	2,700	2,700	2,700	2,700
Navy	NEVADA	NAVAL AIR STATION FALLON	WARRIOR PHYSICAL TRAINING FACILITY	10,670	11,450	10,670	10,670
ARMG	NEVADA	NORTH LAS VEGAS	READINESS CENTER	26,000	26,000	26,000	26,000
Air_Guard	NEVADA	RENO, NV	NV AIR NATIONAL GUARD FIRE STATION REPLACEMENT	10,800	10,800	10,800	10,800
Air_Guard	NEW HAMPSHIRE	PEASE ANGB	REPLACE SQUADRON OPERATIONS FACILITIES	10,000	10,000	10,000	10,000
Air Force	NEW JERSEY	MCGUIRE AFB	WRIGHT & FAMILY SUP CNTR	7,900	7,900	7,900	7,900
Air_Guard	NEW JERSEY	MCGUIRE AFB	108TH AIR REFUEL WING, BASE CIVIL ENG COMPLEX	9,700	9,700	9,700	9,700
Army	NEW JERSEY	PICATINNY ARSENAL	BALLISTIC EVAL FACILITY, PH 2	10,200	10,200	10,200	10,200
Air Force	NEW MEXICO	CANNON AFB	WB—CONSOLIDATED COMMUNICATION FAC	15,000	15,000	15,000	15,000
Def-Wide	NEW MEXICO	CANNON AFB	SOF FUEL CELL HANGAR (MC-130)	41,269	41,269	41,269	41,269
Def-Wide	NEW MEXICO	CANNON AFB	SOF AMU ADDITION (CV-22)	11,595	11,595	11,595	11,595
Def-Wide	NEW MEXICO	CANNON AFB	SOF AC-130 LOAD OUT APRON PH1	6,000	6,000	6,000	6,000
Air Force	NEW MEXICO	HOLLOWMAN AFB	F-22A CONSOLIDATED MUNITIONS MAINT (TF1)	5,500	5,500	5,500	5,500
Air Force	NEW MEXICO	HOLLOWMAN AFB	FIRE-CRASH RESCUE STATION	10,400	10,400	10,400	10,400
Air Force	NEW MEXICO	HOLLOWMAN AFB	UAS FIELD TRAINING COMPLEX	5,800	5,800	5,800	5,800
Air Force	NEW MEXICO	KIRTLAND AFB	ADD TO SPACE ROT&E OPNS CNTR	8,000	8,000	8,000	8,000
Air Force	NEW MEXICO	KIRTLAND AFB	MC-130J SIMULATOR FACILITY	8,700	8,700	8,700	8,700
Air Force	NEW MEXICO	KIRTLAND AFB	HC-130J SIMULATOR FACILITY	39,000	39,000	39,000	39,000
ARMG	NEW MEXICO	SANTA FE	ARMY AVIATION SUPPORT FACILITY	8,200	8,200	8,200	8,200
Army	NEW YORK	FORT DRUM	ALL WX MARKSMANSHIP FACILITY	6,500	6,500	6,500	6,500
Army	NEW YORK	FORT DRUM	WATER SYSTEM EXPANSION	57,000	57,000	57,000	57,000
Army	NEW YORK	FORT DRUM	BARRACKS	21,000	21,000	21,000	21,000
Army	NEW YORK	FORT DRUM	WARRIOR IN TRANSITION COMPLEX	13,600	13,600	13,600	13,600
AF Reserve	NEW YORK	NIAGRA FALLS ARB	INDOOR SMALL ARMS RANGE	11,791	11,791	11,791	11,791
USAR	NEW YORK	ROCHESTER	ARMY RESERVE CENTER/LAND	52,390	52,390	52,390	52,390
Air_Guard	NEW YORK	WHEELER SACK AAF	TF1-REAPER LRE BEDDOWN	34,160	34,160	34,160	34,160
Def-Wide	NORTH CAROLINA	CAMP LEJEUNE	SOF ACADEMIC INSTRUCTION FACILITY EXPANSION	56,280	56,280	56,280	56,280
Navy	NORTH CAROLINA	CAMP LEJEUNE	MAINTENANCE/OPS COMPLEX	56,940	56,940	56,940	56,940
Navy	NORTH CAROLINA	CAMP LEJEUNE	BEQ—WALLACE CREEK	37,170	37,170	37,170	37,170
Navy	NORTH CAROLINA	CAMP LEJEUNE	UTILITY EXPANSION—COURTHOUSE BAY	15,130	15,130	15,130	15,130
Navy	NORTH CAROLINA	CAMP LEJEUNE	SOI-EAST FACILITIES—CAMP GEIGER	8,370	8,370	8,370	8,370
Navy	NORTH CAROLINA	CAMP LEJEUNE	FIELD TRAINING FAC.—DEVIL DOG - SOI				
Navy	NORTH CAROLINA	CAMP LEJEUNE	ROAD NETWORK—WALLACE CREEK				
Navy	NORTH CAROLINA	CAMP LEJEUNE	MP WORKING DOG KENNEL - RELOCATION				

MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Navy	NORTH CAROLINA	CAMP LEJUNE	CONSOLIDATED INFO TECH/TELECOM COMPLEX	46,120	46,120	46,120		46,120
Navy	NORTH CAROLINA	CAMP LEJUNE	NEW BASE ENTRY POINT AND ROAD (PHASE 1)	79,150	79,150	79,150		79,150
Navy	NORTH CAROLINA	CAMP LEJUNE	BEQ—WALLACE CREEK	43,480	43,480	43,480		43,480
Navy	NORTH CAROLINA	CAMP LEJUNE	BEQ—WALLACE CREEK	44,390	44,390	44,390		44,390
Navy	NORTH CAROLINA	CAMP LEJUNE	BEQ—WALLACE CREEK	44,390	44,390	44,390		44,390
Navy	NORTH CAROLINA	CAMP LEJUNE	BEQ—WALLACE CREEK	42,110	42,110	42,110		42,110
Navy	NORTH CAROLINA	CAMP LEJUNE	PRE—TRIAL DETAINEE FACILITY	18,580	18,580	18,580		18,580
Navy	NORTH CAROLINA	CAMP LEJUNE	PHYSICAL FITNESS CENTER	39,760	39,760	39,760		39,760
Navy	NORTH CAROLINA	CAMP LEJUNE	4TH INFANTRY BATTALION OPS COMPLEX	55,150	55,150	55,150		55,150
Navy	NORTH CAROLINA	CHERRY POINT MCAS	ORDNANCE MAGAZINES	12,360	12,360	12,360		12,360
Navy	NORTH CAROLINA	CHERRY POINT MCAS	EMS/FIRE VEHICLE FACILITY	10,600	10,600	10,600		10,600
ARNG	NORTH CAROLINA	EAST FLAT ROCK	READINESS CENTER ADD/ALT		2,516		2,516	
Army	NORTH CAROLINA	FORT BRAGG	VEHICLE MAINTENANCE SHOP	19,500	19,500	19,500		19,500
Army	NORTH CAROLINA	FORT BRAGG	SIMULATIONS CENTER	50,000	50,000	50,000		50,000
Army	NORTH CAROLINA	FORT BRAGG	VEHICLE MAINTENANCE SHOP	17,500	17,500	17,500		17,500
Army	NORTH CAROLINA	FORT BRAGG	COMPANY OPERATIONS FACILITY	3,300	3,300	3,300		3,300
Army	NORTH CAROLINA	FORT BRAGG	TRANSIENT TRAINING BARRACKS COMPLEX	16,500	16,500	16,500		16,500
Army	NORTH CAROLINA	FORT BRAGG	AUTOMATED SNIPER FIELD FIRE RANGE			2,500	3,450	3,450
Army	NORTH CAROLINA	FORT BRAGG	AUTOMATED MULTIPURPOSE MACHINE GUN	4,350	4,350	4,350		4,350
ARNG	NORTH CAROLINA	FORT BRAGG	TUAS SUPPORT FACILITY		6,038		6,038	6,038
Def-Wide	NORTH CAROLINA	FORT BRAGG	ALBRITTON JHS ADDITION	3,439	3,439	3,439		3,439
Def-Wide	NORTH CAROLINA	FORT BRAGG	SPECIAL OPS PREP & CONDITIONING COURSE	24,600	24,600	24,600		24,600
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF BATTALION & COMPANY HQ	15,500	15,500	15,500		15,500
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF OPERATIONS SUPPORT ADDITION	13,756	13,756	13,756		13,756
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF MILITARY WORKING DOG FACILITY	1,125	1,125	1,125		1,125
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF BATTALION HEADQUARTERS FACILITY	13,000	13,000	13,000		13,000
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF OPERATIONS ADDITION NORTH	27,513	27,513	27,513		27,513
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF TUAV HANGAR	2,948	2,948	2,948		2,948
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF MILITARY WORKING DOG FACILITY	3,046	3,046	3,046		3,046
Def-Wide	NORTH CAROLINA	FORT BRAGG	CONSOLIDATED HEALTH CLINIC	26,386	26,386	26,386		26,386

Def-Wide	NORTH CAROLINA	FORT BRAGG	HEALTH CLINIC	31,272	31,272	31,272	31,272
Navy	NORTH CAROLINA	NEW RIVER	APRON EXPANSION (PHASE 2)	35,600	35,600	35,600	35,600
Navy	NORTH CAROLINA	NEW RIVER	VMMT-204 MAINTENANCE HANGAR—PHASE 3	28,210	28,210	28,210	28,210
Navy	NORTH CAROLINA	NEW RIVER	PARALLEL TAXIWAY	17,870	17,870	17,870	17,870
Navy	NORTH CAROLINA	NEW RIVER	TACTICAL SUPPORT VAN PAD ADDITION	5,490	5,490	5,490	5,490
Navy	NORTH CAROLINA	NEW RIVER	GYMNASIUM/OUTDOOR POOL	19,920	19,920	19,920	19,920
Air Force	NORTH CAROLINA	POPE AFB	POPE AFB AIR TRAFFIC CONTROL TOWER		9,000	9,000	9,000
Air Force	NORTH CAROLINA	SEYMOUR JOHNSON AFB	RADAR APPROACH CONTROL COMPLEX, PH1		6,900	6,900	6,900
Army	NORTH CAROLINA	SUNNY POINT MOT	TOWERS	3,900	3,900	3,900	3,900
Army	NORTH CAROLINA	SUNNY POINT MOT	LIGHTNING PROTECTION SYSTEM	25,000	25,000	25,000	25,000
Air Force	NORTH DAKOTA	GRAND FORKS AFB	CONSOLIDATED SECURITY FORCES FACILITY		12,000	12,000	12,000
Air Force	NORTH DAKOTA	MINOT AFB	MUNITIONS TRAILER STORAGE FACILITY	1,500	1,500	1,500	1,500
Air Force	NORTH DAKOTA	MINOT AFB	MISSILE PROCEDURES TRNG OPERATIONS	10,000	10,000	10,000	10,000
USAR	OHIO	CINCINNATI	ARMY RESERVE CENTER/LAND	13,000	13,000	13,000	13,000
Air_Guard	OHIO	MANSFIELD LAHM AIR-PORT	TFL—RED HORSE SQUADRON BEDDOWN	11,400	11,400	11,400	11,400
Air Force	OHIO	WRIGHT-PATTERSON AFB	INFO TECH COMPLEX PH 1	27,000	27,000	27,000	27,000
Air Force	OHIO	WRIGHT-PATTERSON AFB	CONVERSION FOR ADVANCED POWER RESEARCH LAB	21,000	21,000	21,000	21,000
Air Force	OHIO	WRIGHT-PATTERSON AFB	REPLACE WEST RAMP, PHASE II		10,600	10,600	10,600
Air Force	OKLAHOMA	ALTUS AFB	REPAIR TAXIWAYS	20,300	20,300	20,300	20,300
Def-Wide	OKLAHOMA	ALTUS AFB	REPLACE UPLAND FACILITY	2,700	2,700	2,700	2,700
Army	OKLAHOMA	FORT SILL	AUTOMATED INFANTRY SQUAD BATTLE COURSE	3,500	3,500	3,500	3,500
Army	OKLAHOMA	FORT SILL	BARRACKS	65,000	65,000	65,000	65,000
Army	OKLAHOMA	FORT SILL	WARRIOR IN TRANSITION COMPLEX	22,000	22,000	22,000	22,000
Def-Wide	OKLAHOMA	FORT SILL	DENTAL CLINIC	10,554	10,554	10,554	10,554
Army	OKLAHOMA	MCALESTER	HIGH EXPLOSIVE MAGAZINE, DEPOT LEVEL	1,300	1,300	1,300	1,300
Army	OKLAHOMA	MCALESTER	GENERAL PURPOSE STORAGE BUILDING	11,200	11,200	11,200	11,200
Air Force	OKLAHOMA	TINKER AFB	I-9 NOISE SUPPRESSOR		5,100	5,100	5,100
Air Force	OKLAHOMA	TINKER AFB	BUILDING 3001 HANGER DOOR	13,037	13,037	13,037	13,037
Air Force	OKLAHOMA	VANCE, AFB	CONTROL TOWER		10,700	10,700	10,700
Air_Guard	OKLAHOMA	WILL ROGERS WORLD AIRPORT	TFL—AIR SUPT OPERS SODN (ASOS) BEDDN	7,300	7,300	7,300	7,300
ARNG	OREGON	CLATSOP COUNTY, WARRENTON	CAMP RULEA INFRASTRUCTURE (WATER SUPPLY SYSTEM)		3,369	3,369	3,369
ARNG	OREGON	POLK COUNTY	READINESS CENTER		12,100	12,100	12,100

MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
USAR	PENNSYLVANIA	ASHLEY	ARMY RESERVE CENTER	9,800	9,800	9,800		9,800
FH Con DW	PENNSYLVANIA	DEF DISTRO DEPOT	DEF DISTRIBUTION DEPOT NEW CUMBERLAND	2,859	2,859	2,859		2,859
USAR	PENNSYLVANIA	HARRISBURG	ARMY RESERVE CENTER	7,600	7,600	7,600		7,600
USAR	PENNSYLVANIA	NEWTON SQUARE	ARMY RESERVE CENTER/LAND	20,000	20,000	20,000		20,000
AF Reserve	PENNSYLVANIA	PITTSBURGH AFR BASE	VISITING QUARTERS PHASE 1				12,400	12,400
USAR	PENNSYLVANIA	UNIONTOWN	ARMY RESERVE CENTER/LAND	11,800	11,800	11,800		11,800
Navy	RHODE ISLAND	NEWPORT	OFFICER TRAINING COMMAND QUARTERS	45,803	45,803	45,803		45,803
Navy	RHODE ISLAND	NEWPORT	RENOVATE OF SENIOR ENLISTED ACADEMY			10,550	10,550	10,550
Navy	RHODE ISLAND	NEWPORT	RENOVATE PERRY HALL		8,530		8,530	8,530
Navy	SOUTH CAROLINA	BEAUFORT	WIDEBOY AIRCRAFT FUEL LANE	1,280	1,280	1,280		1,280
Milcon, Naval Res	SOUTH CAROLINA	CHARLESTON	RESERVE VEHICLE MAINTENANCE FACILITY	4,240	4,240	4,240		4,240
Army	SOUTH CAROLINA	CHARLESTON NWS	STAGING AREA	4,100	4,100	4,100		4,100
Army	SOUTH CAROLINA	CHARLESTON NWS	RAILROAD TRACKS	12,000	12,000	12,000		12,000
Army	SOUTH CAROLINA	CHARLESTON NWS	PIER AND LOADING/UNLOADING RAMPS	5,700	5,700	5,700		5,700
ARNG	SOUTH CAROLINA	EASTOVER	ARMY AVIATION SUPPORT FACILITY ADD/ALT	26,000	26,000	26,000		26,000
Army	SOUTH CAROLINA	FORT JACKSON	ADVANCED SKILLS TRAINEE BARRACKS	32,000	32,000	32,000		32,000
Army	SOUTH CAROLINA	FORT JACKSON	MODIFIED RECORD FIRE RANGE	3,600	3,600	3,600		3,600
Army	SOUTH CAROLINA	FORT JACKSON	TRAINING BATTALION COMPLEX	66,000	66,000	66,000		66,000
Army	SOUTH CAROLINA	FORT JACKSON	INFILTRATION COURSE	1,900	1,900	1,900		1,900
ARNG	SOUTH CAROLINA	GREENVILLE	ARMY AVIATION SUPPORT FACILITY	40,000	40,000	40,000		40,000
Air_Guard	SOUTH CAROLINA	MCENTIRE JNGB	JOINT FORCE HEADQUARTERS BUILDING			1,300	1,300	1,300
Navy	SOUTH CAROLINA	PARRIS ISLAND	ELECTRICAL SUBSTATION AND IMPROVEMENTS	6,972	6,972	6,972		6,972
Air Force	SOUTH CAROLINA	SHAW AFB	ADD/ALTER USAFCEHT HQ		21,183		21,183	21,183
ARNG	SOUTH DAKOTA	CAMP RAPID	JOINT FORCE HQ READINESS CENTER SUPPLEMENT			7,890	7,890	7,890
ARNG	SOUTH DAKOTA	CAMP RAPID	TROOP MEDICAL CLINIC ADDITION AND ALTERATION			1,950	1,950	1,950
Air Force	SOUTH DAKOTA	ELLSWORTH AFB	ADD/ALTER DEPLOYMENT CENTER			14,500	14,500	14,500
Air_Guard	SOUTH DAKOTA	JOE FOSS FIELD	ADD AND ALTER MUNITIONS MAINTENANCE COM- PLEX			1,300	1,300	1,300
Air_Guard	SOUTH DAKOTA	JOE FOSS FIELD	ABOVE GROUND MULTI-CUBICLE MAGAZINE STOR- AGE			1,300	1,300	1,300



Air Guard	TENNESSEE	164 AIRLIFT WING, MEM	164TH AIRLIFT WING ANG ENG MAINT TRNG FAC				
ARMG	TEXAS	AUSTIN	ARMED FORCES RESERVE CENTER	16,500	16,500	9,800	9,800
ARMG	TEXAS	AUSTIN	FIELD MAINTENANCE SHOP, JOINT	5,700	5,700	16,500	16,500
USAR	TEXAS	AUSTIN	ARMED FORCES RESERVE CENTER/AMSA	20,000	20,000	5,700	5,700
USAR	TEXAS	BRYAN	ARMY RESERVE CENTER		12,200	20,000	20,000
Navy	TEXAS	CORPUS CHRISTI	OPERATIONAL FACILITIES FOR I-6	19,764	19,764	12,200	12,200
Air Force	TEXAS	DYESS AFB	C-130J ALTER HANGAR	4,500	4,500	19,764	19,764
Army	TEXAS	FORT BLISS	VEHICLE MAINTENANCE SHOP	16,000	16,000	4,500	4,500
Army	TEXAS	FORT BLISS	BRIGADE STAGING AREA COMPLEX	14,800	14,800	16,000	16,000
Army	TEXAS	FORT BLISS	DIGITAL MULTIPURPOSE RANGE COMPLEX	45,000	45,000	14,800	14,800
Army	TEXAS	FORT BLISS	FIRE AND MILITARY POLICE STATIONS	16,500	16,500	45,000	45,000
Army	TEXAS	FORT BLISS	AIRCRAFT FUEL STORAGE	10,800	10,800	16,500	16,500
Army	TEXAS	FORT BLISS	VEHICLE MAINTENANCE SHOP	20,000	20,000	10,800	10,800
Army	TEXAS	FORT BLISS	AUTOMATED SNIPER FIELD FIRE RANGE	4,250	4,250	20,000	20,000
Army	TEXAS	FORT BLISS	KNOWN DISTANCE RANGE	4,750	4,750	4,250	4,250
Army	TEXAS	FORT BLISS	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE	6,900	6,900	4,750	4,750
Army	TEXAS	FORT BLISS	SCOUT/RECCE GUNNERY COMPLEX	17,000	17,000	6,900	6,900
Army	TEXAS	FORT BLISS	LIGHT DEMOLITION RANGE	2,400	2,400	17,000	17,000
Army	TEXAS	FORT BLISS	AUTOMATED INFANTRY PLATOON BATTLE COURSE	7,000	7,000	2,400	2,400
Army	TEXAS	FORT BLISS	SIMULATION CENTER	23,000	23,000	7,000	7,000
Army	TEXAS	FORT BLISS	VEHICLE MAINTENANCE & COMPANY OPS FAC	31,000	31,000	23,000	23,000
Def-Wide	TEXAS	FORT BLISS	HEALTH AND DENTAL CLINIC	30,295	30,295	31,000	31,000
Def-Wide	TEXAS	FORT BLISS	HOSPITAL REPLACEMENT INC1	86,975	86,975	24,600	24,600
USAR	TEXAS	FORT BLISS	ARMY RESERVE CENTER	9,500	9,500	86,975	86,975
Army	TEXAS	FORT HOOD	VEHICLE MAINTENANCE SHOP	23,000	23,000	9,500	9,500
Army	TEXAS	FORT HOOD	URBAN ASSAULT COURSE	2,400	2,400	23,000	23,000
Army	TEXAS	FORT HOOD	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE	6,700	6,700	2,400	2,400
Army	TEXAS	FORT HOOD	FAMILY LIFE CENTER	8,500	8,500	6,700	6,700
Def-Wide	TEXAS	FORT HOOD	ALTER FUEL PUMP HOUSE AND FILL STAND	3,000	3,000	10,800	10,800
Army	TEXAS	FORT SAM HOUSTON	ACCESS CONTROL POINT AND ROAD IMPROVEMENTS	10,800	10,800	3,000	3,000
Army	TEXAS	FORT SAM HOUSTON	GENERAL INSTRUCTION BUILDING	9,000	9,000	10,800	10,800
Milcon, Naval Res	TEXAS	FORT WORTH NAS/IRB	REPLACE JOINT BASE COMMS	6,170	6,170	9,000	9,000
Air Force	TEXAS	GOODFELLOW AFB	JOINT INTEL TECH TRNG FAC, PH 1 (TFI)	18,400	18,400	6,170	6,170
Air Force	TEXAS	GOODFELLOW AFB	STUDENT DORMITORY (100 RM)	14,000	14,000	18,400	18,400
Air Force	TEXAS	GOODFELLOW AFB	CONSOLIDATED LEARNING CENTER			14,000	14,000
USAR	TEXAS	HOUSTON	ARMY RESERVE CENTER/LAND	24,000	24,000	12,000	12,000
						24,000	24,000

MILITARY CONSTRUCTION (In Thousands of Dollars)								
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Air Guard	TEXAS	KELLY FIELD ANNEX	ADD/ALTER AIRCRAFT MAINT SHOPS		7,900		7,900	7,900
Navy	TEXAS	KINGSVILLE NAS	SOLAR PANEL ARRAY		4,470		4,470	4,470
AF Reserve	TEXAS	LACKLAND AFB	C-5 GROUND TRAINING SCHOOLHOUSE ADDITION	1,500	1,500	1,500		1,500
Air Force	TEXAS	LACKLAND AFB	EVASION, CONDUCT AFTER CAPTURE TRNG	4,879	4,879	4,879		4,879
Air Force	TEXAS	LACKLAND AFB	RECRUIT DORMITORY 2, PHASE 2	77,000	77,000	77,000		77,000
Air Force	TEXAS	LACKLAND AFB	BMT SATELLITE CLASSROOM/DINING FAC	32,000	32,000	32,000		32,000
Def-Wide	TEXAS	LACKLAND AFB	DENTAL CLINIC REPLACEMENT	29,318	29,318	29,318		29,318
Def-Wide	TEXAS	LACKLAND AFB	AMBULATORY CARE CENTER, PHASE 1	72,610	72,610	72,610		72,610
USAR	TEXAS	ROBSTOWN	TACTICAL EQUIP MAINT FACILITY		10,200		10,200	10,200
Milcon, Naval Res	TEXAS	SAN ANTONIO	RESERVE TRAINING CENTER	2,210	2,210	2,210		2,210
USAR	TEXAS	SAN ANTONIO	ARMY RESERVE CENTER	20,000	20,000	20,000		20,000
Air Force	TEXAS	SHEPPARD AIR FORCE BASE	ENUPT OPERATIONS COMPLEX, PHASE 1			11,600	13,450	13,450
Def-Wide	UTAH	CAMP WILLIAMS	IC CMCI CENTER, Inc 1	800,000	500,000	600,000	-200,000	600,000
Army	UTAH	DUGWAY PROVING GROUND	WATER TREATMENT SYSTEMS	25,000	25,000	25,000		25,000
AF Reserve	UTAH	HILL AFB	RESERVE SQUAD OPS/AMU FACILITY	3,200	3,200	3,200		3,200
Air Force	UTAH	HILL AFB	F-22A RADAR CROSS SECTION TESTING FAC	21,053	21,053	21,053		21,053
Air Force	UTAH	HILL AFB	PCC APRON NORTHWEST END TAXIWAY		5,100	5,100	5,100	5,100
Air Guard	VERMONT	BURLINGTON IAP	FIRE CRASH AND RESCUE STATION ADDITION AND ALTERATION			6,000	6,000	6,000
ARNG	VERMONT	ETHAN ALLEN FIRING RANGE	BOQ ADDITIONS AND IMPROVEMENTS			1,996	1,996	1,996
Def-Wide	VIRGINIA	DAHLGREN	AEGIS BMD FACILITY EXPANSION	24,500	24,500	24,500		24,500
Navy	VIRGINIA	DAHLGREN	ELECTROMAGNETIC RESEARCH AND ENGINEERING FACILITY		3,660	3,660	3,660	3,660
Def-Wide	VIRGINIA	DAM NECK	SOF OPERATIONS FACILITY INC III	15,967	15,967	15,967		15,967
Navy	VIRGINIA	DAM NECK	SOF CAFETERIA		6,100		14,170	14,170
Army	VIRGINIA	FORT A.P. HILL	AUTOMATED INFANTRY PLATOON BATTLE COURSE	4,900	4,900	4,900		4,900
Army	VIRGINIA	FORT A.P. HILL	FIELD TRAINING AREA	9,000	9,000	9,000		9,000

Army	VIRGINIA	FORT A.P. HILL	TRAINING AIDS CENTER	9,100	9,100	9,100
Army	VIRGINIA	FORT BELVOIR	FLIGHT CONTROL TOWER	8,400	8,400	8,400
Army	VIRGINIA	FORT BELVOIR	ROAD AND ACCESS CONTROL POINT	9,500	9,500	9,500
Army	VIRGINIA	FORT BELVOIR	ROAD AND INFRASTRUCTURE IMPROVEMENTS	20,000	20,000	-20,000
Army	VIRGINIA	FORT LEE	DEFENSE ACCESS ROADS	5,000	5,000	5,000
ARMG	VIRGINIA	FORT PICKETT	REGIONAL TRAINING INSTITUTE PH2	32,000	32,000	32,000
Army	VIRGINIA	FT. EUSTIS	UPGRADE MARSHALLING AREA	8,900	8,900	8,900
Air Force	VIRGINIA	LANGLEY AFB	WEST & LASALLE GATES FORCE PROTECTION/ACCESS	10,000	10,000	10,000
Def-Wide	VIRGINIA	LITTLE CREEK	SOF SUPPORT ACTIVITY OPERATION FACILITY	18,669	18,669	18,669
Navy	VIRGINIA	LITTLE CREEK	NAVAL CONSTRUCTION DIVISION OPERATIONS FAC	13,095	13,095	13,095
Navy	VIRGINIA	NORFOLK	E-2D TRAINER FACILITY	11,737	11,737	11,737
Navy	VIRGINIA	NORFOLK	FACILITY UPGRADES FOR E-2D PROGRAM	6,402	6,402	6,402
Milcon, Naval Res	VIRGINIA	OCEANA NAVAL AIR STATION	C-40 HANGAR	30,400	30,400	30,400
Def-Wide	VIRGINIA	PENTAGON	PENTAGON ELECTRICAL UPGRADE	19,272	19,272	19,272
Def-Wide	VIRGINIA	PENTAGON	SECONDARY UNINTERRUPTIBLE POWER RAVEN ROCK	8,400	8,400	8,400
Navy	VIRGINIA	PORTSMOUTH	SHIP REPAIR PIER REPLACEMENT, Inc 1	226,969	176,969	-100,000
Navy	VIRGINIA	QUANTICO	STUDENT QUARTERS—TBS (PHASE 4)	32,060	32,060	32,060
Navy	VIRGINIA	QUANTICO	BATTALION TRAINING FACILITY—MCSBN	10,340	10,340	10,340
Navy	VIRGINIA	QUANTICO	MC INFORMATION OPERATIONS CENTER—MCIOC	29,620	29,620	29,620
Navy	VIRGINIA	QUANTICO	AIRCRAFT TRAINER	3,170	3,170	3,170
Navy	VIRGINIA	QUANTICO	DINING FACILITY - TBS	14,780	14,780	14,780
Navy	VIRGINIA	QUANTICO	SOUTH MAINSIDE ELECTRICAL SUBSTATION	15,270	15,270	15,270
Navy	WASHINGTON	BANGOR	LIMITED AREA PRODUCTION/STRG CMPLX (INC 6)	87,292	87,292	87,292
Navy	WASHINGTON	BREMERTON	ENCLAVE FENCING/ PARKING, SILVERDALE WA	67,419	67,419	67,419
Navy	WASHINGTON	BREMERTON	CYN MAINTENANCE PIER REPLACEMENT (INC 2)	69,064	69,064	69,064
Navy	WASHINGTON	EVERETT NS	SMALL CRAFT LAUNCH	3,810	3,810	3,810
Air Force	WASHINGTON	FAIRCHILD AFB	SERE FORCE SUPPORT COMPLEX, PHASE I	11,000	11,000	11,000
Air Force	WASHINGTON	FAIRCHILD AFB	TFI REFUEL VEH MAINT FACILITY	4,150	4,150	4,150
Def-Wide	WASHINGTON	FAIRCHILD AFB	REPLACE FUEL DISTRIBUTION SYSTEM	7,500	7,500	7,500
Army	WASHINGTON	FORT LEWIS	LIVE FIRE EXERCISE SHOOTHOUSE	2,550	2,550	2,550
Army	WASHINGTON	FORT LEWIS	ANIMAL BUILDING	3,050	3,050	3,050
Army	WASHINGTON	FORT LEWIS	BRIGADE COMPLEX, INC 4	102,000	102,000	102,000
Army	WASHINGTON	FORT LEWIS	MODIFIED RECORD FIRE RANGE	4,100	4,100	4,100
Army	WASHINGTON	FORT LEWIS	FT LEWIS-MCCHORD AFB JOINT ACCESS	9,000	9,000	9,000

MILITARY CONSTRUCTION (In Thousands of Dollars)								
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Def-Wide	WASHINGTON	FORT LEWIS	SOF SUPPORT COMPANY FACILITY	14,500	14,500	14,500		14,500
Def-Wide	WASHINGTON	FORT LEWIS	HEALTH AND DENTAL CLINIC	15,636	15,636	15,636		15,636
Navy	WASHINGTON	INDIAN ISLAND NM	ORD STORAGE PADS W/2 COVERS		13,130		13,130	13,130
Navy	WASHINGTON	SPOKANE	JMT PERS RECOVERY AGENCY SPECIALIZED SERE TRA	12,707	12,707	12,707		12,707
Air_Guard	WEST VIRGINIA	MARTINSBURG	C-5 TAXIWAY UPGRADES			19,500	19,500	19,500
Navy	WEST VIRGINIA	NAVY, SUGAR GROVE	EMERGENCY SERVICES CENTER			9,560	10,990	10,990
ARNG	WEST VIRGINIA	ST. ALBANS ARMORY	READINESS CENTER ADDITIONS			2,000	2,000	2,000
USAR	WISCONSIN	FORT MCCOY	COMBINED ARMS COLLECTIVE TRAINING FACILITY	25,000	25,000	25,000		25,000
USAR	WISCONSIN	FORT MCCOY	RANGE UTILITY UPGRADE			3,850	3,850	3,850
Air_Guard	WISCONSIN	GENERAL MITCHELL IAP	UPGRADE CORROSION CONTROL HANGAR		5,000	5,000	5,000	5,000
Air_Guard	WYOMING	CHEYENNE AIRPORT	SQUADRON OPERATIONS		9,100	1,500	1,500	1,500
Air Force	WYOMING	F. E. WARREN AFB	ADAL MISSILE SERVICE COMPLEX	9,100	9,100	9,100		9,100
Air Force	ZU	UNSPECIFIED WORLDWIDE	RECISSION PL 110-417 UAS MAINT COMPLEX				-22,000	-22,000
Air Force	ZU	UNSPECIFIED WORLDWIDE	RECISSION PL 110-417 UAS OPS COMPLEX				-15,500	-15,500
BBRAC 05	ZU	UNSPECIFIED WORLDWIDE	BASE REALIGNMENT AND CLOSURE 2005	7,479,498	7,129,498	7,479,498	-24,000	7,455,498
BBRAC IV	ZU	UNSPECIFIED WORLDWIDE	BASE REALIGNMENT AND CLOSURE IV	396,768	536,768	396,768	100,000	496,768
Army	ZU	VARIOUS LOCATIONS	BRIGADE COMBAT TEAM STATIONING		-500,000		-166,000	-166,000
Army	ZU	VARIOUS LOCATIONS	TRAINEE TROOP HOUSING		450,000		350,000	350,000
Air Force	AFGHANISTAN	BAGRAM AIR BASE	PASSENGER TERMINAL	22,000	22,000	22,000		22,000
Army	AFGHANISTAN	BAGRAM AIR BASE	FUEL SYSTEM PH 6	12,000	12,000	12,000		12,000
Army	AFGHANISTAN	BAGRAM AIR BASE	FUEL SYSTEM PH 7	5,000	5,000	5,000		5,000
Army	AFGHANISTAN	BAGRAM AIR BASE	COALITION OPERATION CENTER	49,000	49,000	49,000		49,000
Army	AFGHANISTAN	BAGRAM AIR BASE	APS COMPOUND	38,000		38,000	-38,000	
Army	AFGHANISTAN	BAGRAM AIR BASE	AVIATION SUPPORT FACILITY	2,600	2,600	2,600		2,600
Army	AFGHANISTAN	BAGRAM AIR BASE	BARRACKS	18,500	18,500			18,500
Army	AFGHANISTAN	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY	38,000			-38,000	
Army	AFGHANISTAN	BAGRAM AIR BASE	PERIMETER FENCE AND GUARD TOWERS	7,000			-7,000	
Army	AFGHANISTAN	BAGRAM AIR BASE	WATERFRONT DEVELOPMENT PHASE 2	41,526	41,526	41,526		41,526
Navy	BAHRAIN	SW ASIA	REPLACE ELEMENTARY SCHOOL (SHAPE)	38,124	38,124	38,124		38,124
Def-Wide	BELGIUM	BRUSSELS						

Army	BELGIUM	MONS	NATO SDF OPERATIONAL SUPPORT	20,000	20,000	20,000
Def-Wide	BELGIUM	BRUSSELS	NATO HEADQUARTERS	41,400	41,400	41,400
Air Force	COLOMBIA	PALANQUERO AB	PALANQUERO AB DEVELOPMENT	46,000	46,000	46,000
Def-Wide	CZECH REPUBLIC	VARIOUS LOCATIONS	RECESSION PL 110-417 EMCR SITE		-108,560	-108,560
Navy	DJIBOUTI	CAMP LEMONIER	INTERIOR PAVED ROADS PHASE A	7,275	7,275	7,275
Navy	DJIBOUTI	CAMP LEMONIER	AMMO SUPPLY POINT	21,689	21,689	21,689
Navy	DJIBOUTI	CAMP LEMONIER	SECURITY FENCING I	8,109	8,109	8,109
Navy	DJIBOUTI	CAMP LEMONIER	FIRE STATION	4,772	4,772	4,772
Army	GERMANY	ANSBACH	BARRACKS	17,500	17,500	17,500
Army	GERMANY	ANSBACH	BARRACKS	14,200	14,200	14,200
FH Con Army	GERMANY	BAUMHOLDER	FAMILY HOUSING REPLACEMENT CONSTRU(138	18,000	18,000	18,000
			UNITS)			
Def-Wide	GERMANY	BOEHLINGEN	NEW ELEMENTARY SCHOOL	50,000	50,000	50,000
Def-Wide	GERMANY	KAISERLAUTERN AB	KAISERLAUTERN COMPLEX-PHASE 1	19,380	19,380	19,380
Def-Wide	GERMANY	KAISERLAUTERN AB	KAISERLAUTERN HS REPLACE SCHOOL	74,165	74,165	74,165
Army	GERMANY	KLEBER KASERNE	BARRACKS	20,000	20,000	20,000
Army	GERMANY	LANDSTUHL	WARRIOR IN TRANSITION (WT) COMPLEX	25,000	-25,000	
Air Force	GERMANY	RAMSTEIN AB	CONSTRUCT AGE MAINT COMPLEX	11,500	11,500	11,500
Air Force	GERMANY	RAMSTEIN AB	CONTINGENCY RESPONSE GROUP COMMAND	23,200	23,200	23,200
Air Force	GERMANY	SPANGDAHEM AB	FITNESS CTR	23,500	23,500	23,500
Def-Wide	GERMANY	WEISBADEN	WEISBADEN HS NEW CAFETERIA AND KITCHEN	5,379	5,379	5,379
FH Con Army	GERMANY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2	10,000	10,000	10,000
FH Con Army	GERMANY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2	11,000	11,000	11,000
FH Con Army	GERMANY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2	11,000	11,000	11,000
Def-Wide	GREECE	SOUIDA BAY	FUEL STORAGE TANKS & PIPELINE RPL	24,000	24,000	24,000
Def-Wide	GUAM	AGANA NAVAL AIR STA- TION	REPLACE GAS CYLINDER STORAGE FACILITY	4,900	4,900	4,900
Air Force	GUAM	ANDERSEN AFB	POSTAL SERVICE CENTER	3,500	3,500	3,500
Air Force	GUAM	ANDERSEN AFB	STRIKE FOL ELECTRICAL INFRASTRUCTURE	33,750	33,750	33,750
Air Force	GUAM	ANDERSEN AFB	NW FIELD ATP PERIMETER FENCE AND ROAD	4,752	4,752	4,752
Air Force	GUAM	ANDERSEN AFB	COMMANDO WARRIOR OPERATIONS FAC	4,200	4,200	4,200
Air Force	GUAM	ANDERSEN AFB	NW FIELD COMBAT SPT VEHICLE MAINT FAC	15,500	15,500	15,500
ARNG	GUAM	BARRIGADA	READINESS CENTER	30,000	30,000	30,000
Def-Wide	GUAM		HOSPITAL REPLACEMENT INCR I	259,156	200,000	259,156
FH Con Navy	GUAM		REPLACE GUAM N. TIPALAO PH III	20,730	20,730	20,730
Navy	GUAM		CONSOLIDATED SLC TRAINING & CSS-15 HQ FAC	45,309	45,309	45,309

MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Navy	GUAM	GUAM	MILITARY WORKING DOG RELOCATION, APRA HAR- BOR	27,070	27,070	10,000	-13,070	14,000
Navy	GUAM	GUAM	DEFENSE ACCESS ROAD IMPROVEMENTS	48,860	48,860			48,860
Navy	GUAM	GUAM	AAFB NORTH RAMP UTILITIES INCR 1	21,500	21,500			21,500
Navy	GUAM	GUAM	AAFB NORTH RAMP PARKING INCR 1	88,797	88,797			88,797
Navy	GUAM	GUAM	APRA HARBOR WHARVES IMP. INCR 1	167,033	127,033	83,517	-40,000	127,033
Navy	GUAM	GUAM	TORPEDO EXERCISE SUPPORT BUILDING	15,627	15,627	15,627		15,627
Def-Wide	GUAM	VARIOUS LOCATIONS	UNSPECIFIED VARIOUS LOCATIONS		350,000			
Def-Wide	GUANTANAMO	GUANTANAMO BAY	REPLACE FUEL STORAGE TANKS	12,500	12,500	12,500		12,500
Air Force	ITALY	SGONELLA	GLOBAL HAWK AIRCRAFT MAINT AND OPS COMPLEX	31,300	31,300			31,300
Army	ITALY	VICENZA	BDE COMPLEX—OPERATIONS SPT FAC, INCR 3	23,500	23,500	23,500		23,500
Army	ITALY	VICENZA	BDE COMPLEX—BARRACKS/COMMUNITY, INCR 3	22,500	22,500	22,500		22,500
Army	JAPAN	OKINAWA	TRAINING AIDS CENTER	6,000	6,000	6,000		6,000
Army	JAPAN	SAGAMIHARA	TRAINING AIDS CENTER	6,000	6,000	6,000		6,000
Army	KOREA	CAMP HUMPHREYS	VEHICLE MAINTENANCE SHOP	19,000	19,000	19,000		19,000
Army	KOREA	CAMP HUMPHREYS	VEHICLE MAINTENANCE SHOP	18,000	18,000	18,000		18,000
Army	KOREA	CAMP HUMPHREYS	FIRE STATIONS	13,200	13,200	13,200		13,200
Def-Wide	KOREA	K-16 AIRFIELD	CONVERT WAREHOUSES	5,050	5,050	5,050		5,050
Def-Wide	KOREA	OSAN AB	REPLACE HYDRANT FUEL SYSTEM	28,000	28,000	28,000		28,000
Def-H Con Navy	KOREA	PUSAN	CONSTR CHINHAIE WELCOME CTR/WAREHOUSE	4,376	4,376	4,376		4,376
Army	KUWAIT	CAMP ARIFJAN	APS WAREHOUSES	82,000	82,000	82,000		82,000
Air Force	OMAN	AL MUSANNAH AB	WAR RESERVE MATERIAL COMPOUND	47,000	47,000		-47,000	
Air Force	OMAN	AL MUSANNAH AB	AIRLIFT RAMP AND FUEL FACILITIES	69,000	69,000		-69,000	
Def-Wide	POLAND	VARIOUS LOCATIONS	RECISSION PL 110-417 EUROPEAN INTERCEPTOR SITE				-42,600	-42,600
USAR	PUERTO RICO	CAGUAS	ARMY RESERVE CENTER/LAND	12,400	12,400	12,400		12,400
Air Force	QATAR	AL UDEID, QATAR	BLATCHFORD-PRESTON COMPLEX PH II	60,000	60,000	60,000		60,000
Navy	SPAIN	ROTA	RECEPTION AIRFIELD FACILITIES	26,278	26,278	26,278		26,278
Air Force	TURKEY	INCIRLIK AB	CONSTRUCT CONSOLIDATED COMMUNITY CTR	9,200	9,200	9,200		9,200
Def-Wide	UNITED KINGDOM	MENWITH HILL STATION	MHS PSC CONSTRUCTION	37,588	37,588	37,588		37,588

Def-Wide	UNITED KINGDOM	RAF MILDENHALL	CONNECT FUEL TANK DISTRIBUTION PIPE LN	4,700	4,700	4,700	4,700
Def-Wide	UNITED KINGDOM	ROYAL AIR FORCE ALCONBURY	MEDICAL/DENTAL CLINIC REPLACEMENT	14,227	14,227	14,227	14,227
Def-Wide	UNITED KINGDOM	ROYAL AIR FORCE	LIBERTY IS—GYMNASIUM	4,509	4,509	4,509	4,509
ARMG	VIRGIN ISLANDS	LALASKAENHEATH	REGIONAL TRAINING INSTITUTE PHI				
Air Force	ZC	ST. CROIX	CLASSIFIED PLANNING & DESIGN	20,000	20,000	20,000	20,000
NSIP	ZU	NATO SECURITY INVEST	NATO SECURITY INVESTMENT PROGRAM	3,000	3,000	3,000	3,000
		PRGM		276,314	234,914	276,314	-78,900
AF Reserve	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	1,976	4,669	1,976	1,893
AF Reserve	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	800	3,300	800	800
Air Force	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	18,000	23,000	18,000	20,000
Air Force	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	79,363	90,407	79,363	21,199
Air Guard	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	9,000	24,005	9,000	8,005
Air Guard	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	10,061	12,021	10,061	13,021
Army	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION FY 10	23,000	33,000	23,000	25,000
Army	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN FY 10	153,029	162,872	153,029	175,519
Army	ZU	UNSPECIFIED WORLDWIDE	HOST NATION SUPPORT FY 10	25,000	25,000	25,000	25,000
ARMG	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	10,300	29,078	10,300	29,682
ARMG	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	23,981	40,488	23,981	47,429
Def-Wide	ZU	UNSPECIFIED WORLDWIDE					
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION—DODEA	6,800	6,800	6,800	6,800
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN—DODEA	8,855	8,855	8,855	8,855
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION—DLA	4,100	4,100	4,100	4,100
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION—MDA	3,717	3,717	3,717	3,717
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN—MDA	2,000	2,000	2,000	2,000
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN—NSA	10,534	10,534	10,534	10,534
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION—SOCOM	6,022	6,022	6,022	6,022
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN—SOCOM	4,425	4,425	4,425	4,425
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	JEP EXERCISE RELATED CONSTRUCTION—TIS	7,861	7,861	7,861	7,861
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION—TMA	4,525	4,525	4,525	4,525
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN—TMA	72,974	72,974	72,974	72,974
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	ENERGY CONSERVATION IMPROVEMENT PROGRAM	90,000	90,000	123,013	123,013
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	CONTINGENCY CONSTRUCTION—UNDD	10,000	10,000	10,000	10,000
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION—UNDD	3,000	3,000	3,000	-3,000
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN—UNDD	35,579	19,079	35,579	19,079

MILITARY CONSTRUCTION (In Thousands of Dollars)						
Account	State/ Country	Installation	Project Title	Budget Request	House Authorized	Senate Authorized
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN—WHS	3,575	3,575	3,575
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	CONSTRUCTION IMPROVEMENTS	61,737	61,737	61,737
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	CLASSIFIED PROJECT	50	50	50
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	4,314	4,314	4,314
FH Con Army	ZU	UNSPECIFIED WORLDWIDE	CONSTRUCTION IMPROVEMENTS (2428 UNITS)	219,300	219,300	219,300
FH Con Army	ZU	UNSPECIFIED WORLDWIDE	FAMILY HOUSING P&D	3,936	3,936	3,936
FH Con Navy	ZU	UNSPECIFIED WORLDWIDE	IMPROVEMENTS	118,692	118,692	118,692
FH Con Navy	ZU	UNSPECIFIED WORLDWIDE	DESIGN	2,771	2,771	2,771
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	81,686	81,686	81,686
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	1,557	1,557	1,557
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	51,334	51,334	51,334
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	20,183	20,183	20,183
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	39,182	39,182	39,182
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	1,543	1,543	1,543
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	LEASING ACCOUNT	548	548	548
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	LEASING	102,858	102,858	102,858
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE ACCOUNT	1,911	1,911	1,911
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE (RPMA & RPMC)	148,318	148,318	148,318
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	HOUSING PRIVATIZATION	53,816	53,816	53,816
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	81,650	81,650	81,650
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	OPERATIONS	87,263	87,263	87,263
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	1,177	1,177	1,177
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	LEASING	205,685	205,685	205,685
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	115,854	115,854	115,854
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	PRIVATIZATION SUPPORT COSTS	31,789	31,789	31,789
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	4,426	4,426	4,426
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	LEASING	33,579	33,579	33,579
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	274	274	274
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	19	19	19
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	29	29	29



FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	309	309	309	309
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	366	366	366	366
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	RECISSION (PUBLIC LAW 110-5)				
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	OPERATIONS	35	35	35	35
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	LEASING	10,108	10,108	10,108	10,108
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	69	69	69	69
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	53,956	53,956	53,956	53,956
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	14,624	14,624	14,624	14,624
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	60,278	60,278	60,278	60,278
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	457	457	457	457
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	16,462	16,462	16,462	16,462
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	LEASING	101,432	101,432	101,432	101,432
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	94,184	94,184	94,184	94,184
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	PRIVATIZATION SUPPORT COSTS	27,147	27,147	27,147	27,147
FHIF	ZU	UNSPECIFIED WORLDWIDE	FAMILY HOUSING IMPROVEMENT FUND	2,600	2,600	2,600	2,600
HOAP	ZU	UNSPECIFIED WORLDWIDE	HOMEOWNERS ASSISTANCE PROGRAM	23,225	23,225	23,225	23,225
Milcon, Naval Res	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	2,371	2,371	2,371	2,371
Navy	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	12,483	12,483	12,483	12,483
Navy	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	166,896	166,896	166,896	166,896
USAR	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	3,600	3,600	3,600	3,600
USAR	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	22,262	22,262	22,262	22,262
AF Reserve	ZU	UNSPECIFIED WORLDWIDE	PROGRAMMATIC PLUS UP	25,016	25,016	25,016	25,016
Air Guard	ZU	UNSPECIFIED WORLDWIDE	PROGRAMMATIC PLUS UP	55,000	55,000	55,000	55,000
ARNG	ZU	UNSPECIFIED WORLDWIDE	PROGRAMMATIC PLUS UP	30,000	30,000	30,000	30,000
Milcon, Naval Res	ZU	UNSPECIFIED WORLDWIDE	PROGRAMMATIC PLUS UP	101,303	101,303	101,303	101,303
USAR	ZU	UNSPECIFIED WORLDWIDE	PROGRAMMATIC PLUS UP	30,000	30,000	30,000	30,000
		TOTAL FY2010 AUTHORIZATIONS		22,946,036	22,918,593	23,260,265	23,879,856
		Prior Year Savings		-85,300	-112,500	-175,800	-175,800
		General Reduction				-529,091	-529,091
		GRAND TOTAL		22,946,036	2,806,093	23,174,965	23,174,965

2005 Base Realignment and Closure round FY 2010 project listing (sec. 4502)

The Senate amendment contained an authorization funding table (sec. 4502) for 2005

Base Realignment and Closure round FY 2010 project listing.

The House bill contained no similar provision.

The House recedes with an amendment authorizing specific projects, programs, or activities and associated dollar amounts subject to appropriations.

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING  
(In Thousands of Dollars)

Account	Commission Recommendation	Location	State	Project Title	Project Authorization	House Authorization	Senate Authorization	Conference Authorization of Appropriation
Army	11	Anniston (Pelham Range)	AL	Armed Forces Reserve Center .....	8,000	8,000	8,000	8,000
Army	11	Birmingham	AL	Armed Forces Reserve Center .....	10,000	10,000	10,000	10,000
Army	11	Mobile	AL	Armed Forces Reserve Center .....	20,430	20,430	20,430	20,430
Defense Wide	134	Redstone Arsenal	AL	Von Braun Complex .....	0	27,800	27,800	27,800
Army	11	Tuscaloosa	AL	Armed Forces Reserve Center .....	18,000	18,000	18,000	18,000
Army	13	Camden	AR	Armed Forces Reserve Center .....	9,800	9,800	9,800	9,800
Army	13	El Dorado	AR	Armed Forces Reserve Center .....	14,000	14,000	14,000	14,000
Army	13	Hot Springs	AR	Armed Forces Reserve Center .....	14,600	14,600	14,600	14,600
Army	13	Pine Bluff	AR	Armed Forces Reserve Center .....	15,500	15,500	15,500	15,500
Army	12	Marana	AZ	Armed Forces Reserve Center .....	31,000	31,000	31,000	31,000
Navy	57	Barstow	CA	Industrial Machine Shop Facility .....	14,131	14,130	14,130	14,130
Navy	184	China Lake	CA	Shipboard Shock Test Facility .....	3,160	3,160	3,160	3,160
Navy	184	China Lake	CA	Weapons Dynamics RDT&E Center .....	5,970	5,970	5,970	5,970
Army	15	Middletown	CT	Armed Forces Reserve Center, Incr 2 .....	37,000	37,000	37,000	37,000
Navy	149	Washington	DC	Navy Systems Management Activity Relocation (INCR II of II).	71,929	71,929	71,929	71,929
Navy	149	Washington	DC	Renovate 3rd Floor Building 176, Washington Navy Yard.	750	750	750	750
Army	4	Eglin AFB	FL	Special Forces Complex, Incr 2 .....	8,000	8,000	8,000	8,000
Air Force	125	Eglin AFB	FL	BRAC F-35 Live Ordnance Load Area (LOLA) ..	6,624	6,624	6,624	6,624
Air Force	4B, 125	Eglin AFB	FL	CE Facility .....	2,000	2,000	2,000	2,000
Air Force	125	Eglin AFB	FL	F-35 (USF) Duke Field Control Tower .....	2,280	2,280	2,280	2,280
Air Force	4B, 125	Eglin AFB	FL	Fitness Facility .....	2,750	2,750	2,750	2,750
Air Force	125	Eglin AFB	FL	STOVL Simulated Carrier Practice Landing Deck.	27,690	27,690	27,690	27,690
Air Force	125	Eglin AFB	FL	School Age Facility .....	2,600	2,600	2,600	2,600
Air Force	125	Eglin AFB	FL	Security Forces Facility .....	890	890	890	890
Air Force	125	Eglin AFB	FL	Taxiway Extension .....	13,000	13,000	13,000	13,000
Air Force	125	Eglin AFB	FL	Traffic Management Cargo Processing Facility	900	900	900	900
Army	9	Benning	GA	AAFES Troop Store .....	1,950	1,950	1,950	1,950
Army	17	Benning	GA	Armed Forces Reserve Center .....	18,000	18,000	18,000	18,000
Army	2	Benning	GA	Equipment Concentration Site .....	43,000	43,000	43,000	43,000
Army	9	Benning	GA	General Instruction Complex 2, Incr 2 .....	58,000	58,000	58,000	58,000
Army	9	Benning	GA	Maneuver Ctr HQ & CDI Bldg Expansion .....	42,000	42,000	42,000	42,000
Army	9	Benning	GA	Medical Facility, Incr 2 .....	77,000	77,000	77,000	77,000
Army	21	Cedar Rapids	IA	Armed Forces Reserve Center .....	42,000	42,000	42,000	42,000
Army	21	Iowa AAP	IA	Armed Forces Reserve Center .....	27,000	27,000	27,000	27,000
Army	21	Muscatine	IA	Armed Forces Reserve Center .....	8,800	8,800	8,800	8,800
Army	2	Rock Island	IL	Army Headquarters Building Renovation .....	20,000	20,000	20,000	20,000
Army	43	Campbell	KY	Armed Forces Reserve Center .....	5,900	5,900	5,900	5,900
Army	2	Campbell	KY	Headquarters Building, Group .....	14,800	14,800	14,800	14,800
Army	55	Knox	KY	Armed Forces Reserve Center .....	2,300	2,300	2,300	2,300
Army	5	Aberdeen PG	MD	C4ISR, Phase 2, Incr 2 .....	156,000	156,000	156,000	156,000
Defense Wide	169	Bethesda (WRNMMC)	MD	Medical Center Addition—Increment 3 .....	108,850	108,850	108,850	108,850
Defense Wide	169	Bethesda (WRNMMC)	MD	Traffic Mitigation Increment 1 .....	18,400	18,400	18,400	18,400
Defense Wide	169	Bethesda (WRNMMC)	MD	Site Utility Infrastructure Upgrade for NCoE ..	0	6,500	6,500	6,500
Army	174	Detrick	MD	Joint Bio-Med RDA Management Center .....	8,300	8,300	8,300	8,300
Army	169	Forest Glenn	MD	Museum .....	12,200	12,200	12,200	12,200
Defense Wide	140	Fort Meade	MD	Construct DISA Building .....	131,662	131,662	131,662	131,662
Army	141	Fort Meade	MD	Defense Media Activity, Incr 2 .....	17,000	17,000	17,000	17,000
Navy	65	Brunswick	ME	Marine Corps Reserve Center .....	12,960	12,960	12,960	12,960
Army	176	Detroit Arsenal	MI	Administrative Office Buildings, Incr 2 .....	0	21,384	21,384	21,384
Army	176	Detroit Arsenal	MI	Weapons Systems Support and Training .....	8,300	8,300	8,300	8,300
Army	26	Ft. Custer (Augusta)	MI	Armed Forces Reserve Center .....	18,500	18,500	18,500	18,500
Air Force	95	Selfridge ANGB	MI	A10 Arm/Disarm Apron .....	1,350	1,350	1,350	1,350
Air Force	95	Selfridge ANGB	MI	Repair Munitions Admin Building 891 .....	3,100	3,100	3,100	3,100
Air Force	95	Selfridge ANGB	MI	Upgrade Munitions Maintenance Shop .....	1,650	1,650	1,650	1,650
Air Force	95	Selfridge ANGB	MI	Upgrade Munitions Missile Maintenance Bays	2,350	2,350	2,350	2,350
Army	28	Kirksville	MO	Armed Forces Reserve Center .....	6,600	6,600	6,600	6,600
Army	29	Great Falls	MT	Armed Forces Reserve Center .....	7,600	7,600	7,600	7,600
Army	3	Bragg	NC	Band Training Facility .....	4,200	4,200	4,200	4,200
Army	3	Bragg	NC	Headquarters Bldg. FORSCOM/USARC, Incr 3	124,000	124,000	124,000	124,000
Army	35	Wilmington	NC	Armed Forces Reserve Center .....	17,500	17,500	17,500	17,500
Army	36	Fargo	ND	Armed Forces Reserve Center .....	11,200	11,200	11,200	11,200
Army	30	Columbus	NE	Armed Forces Reserve Center .....	9,300	9,300	9,300	9,300
Army	30	McCook	NE	Armed Forces Reserve Center .....	7,900	7,900	7,900	7,900
Army	32	Camden	NJ	Armed Forces Reserve Center .....	21,000	21,000	21,000	21,000
Army	5	West Point	NY	US Military Academy Prep School, Incr 2 .....	0	98,000	98,000	98,000
Army	37	Columbus	OH	Armed Forces Reserve Center, Incr 2 .....	0	30,218	30,218	30,218
Navy	73	Akron	OH	Armed Forces Reserve Center .....	13,840	13,840	13,840	13,840
Army	126	Sill	OK	Joint Fires & Effects Simulator Building .....	28,000	28,000	28,000	28,000
Air Force	92	Will Rogers World APT AGS	OK	Relocate Global Air Traffic Operation Program Office.	1,200	1,200	1,200	1,200
Army	40	Allentown	PA	Armed Forces Reserve Center .....	15,000	15,000	15,000	15,000

**2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING**  
(In Thousands of Dollars)

Account	Commission Recom- mendation	Location	State	Project Title	Project Authorization	House Authorization	Senate Authorization	Conference Authorization of Appropriation
Army	150	Tobyhanna	PA	Electronics Maintenance Shop, Depot Level ....	3,200	3,200	3,200	3,200
Air Force	68	Willow Grove ARS, NAS Willow Grove JRB	PA	Establish Enclave .....	4,000	4,000	4,000	4,000
Army	42	Bristol	RI	Armed Forces Reserve Center .....	17,500	17,500	17,500	17,500
Navy	181	Charleston	SC	SPAWAR Data Center .....	9,670	9,670	9,670	9,670
Navy	138	Goose Creek	SC	Consolidated Brig Addition .....	9,790	9,790	9,790	9,790
Army	3	Shaw AFB	SC	Headquarters Building, Third US Army, Incr 2 .....	55,000	55,000	55,000	55,000
Army	43	Chattanooga	TN	Armed Forces Reserve Center .....	8,900	8,900	8,900	8,900
Army	10	Bliss	TX	Brigade Combat Team Complex #3, Incr 3 .....	110,000	110,000	110,000	110,000
Army	10	Bliss	TX	Combat Aviation Brigade Complex, Incr 3 .....	94,000	94,000	94,000	94,000
Army	10	Bliss	TX	Hospital Add/Alt, WBAMC .....	24,000	24,000	24,000	0
Army	10	Bliss	TX	Hospital Replacement .....	89,000	89,000	89,000	89,000
Army	10	Bliss	TX	Tactical Equipment Maintenance Facility 2 ....	104,000	104,000	104,000	104,000
Army	44	Brownsville	TX	Armed Forces Reserve Center .....	15,000	15,000	15,000	15,000
Army	44	Huntsville	TX	Armed Forces Reserve Center .....	16,000	16,000	16,000	16,000
Army	44	Kingsville	TX	Armed Forces Reserve Center .....	17,500	17,500	17,500	17,500
Air Force	146	Lackland AFB	TX	Joint Base San Antonio Headquarters Facility .....	8,500	8,500	8,500	8,500
Army	44	Lufkin	TX	Armed Forces Reserve Center .....	15,500	15,500	15,500	15,500
Air Force	128	Randolph AFB	TX	Renovate Building 38 .....	2,050	2,050	2,050	2,050
Army	44	Red River	TX	Armed Forces Reserve Center .....	14,200	14,200	14,200	14,200
Defense Wide	172	Fort Sam Houston	TX	San Antonio Military Medical Center (North) Incr 3.	0	163,750	163,750	163,750
Army	148	Sam Houston	TX	Add/Alt Building 2270 .....	18,000	18,000	18,000	18,000
Army	148	Sam Houston	TX	Housing, Enlisted Permanent Party .....	10,800	10,800	10,800	10,800
Army	148	Sam Houston	TX	IMCOM Campus Area Infrastructure .....	11,000	11,000	11,000	11,000
Army	148	Sam Houston	TX	Headquarters Bldg, IMCOM .....	48,000	48,000	48,000	48,000
Army	132	Belvoir	VA	Infrastructure Support, Incr 3 .....	13,000	13,000	13,000	13,000
Army	168	Belvoir	VA	Infrastructure Support, Incr 3 .....	39,400	39,400	39,400	39,400
Army	169	Belvoir	VA	NARMC HQ Building .....	17,500	17,500	17,500	17,500
Defense Wide	168	Fort Belvoir	VA	NGA Headquarters Facility .....	0	168,749	168,749	168,749
Defense Wide	169	Fort Belvoir	VA	Hospital Replacement—Increment 4 .....	140,750	140,750	140,750	140,750
Defense Wide	169	Fort Belvoir	VA	Dental Clinic .....	12,600	12,600	12,600	12,600
Defense Wide	133	Fort Belvoir	VA	Office Complex Increment 3 .....	360,533	360,533	360,533	360,533
Army	8	Eustis	VA	Bldg 705 Renv (AAA & 902d MI) .....	1,600	1,600	1,600	1,600
Army	8	Eustis	VA	Headquarters Bldg, IMCOM Eastern Region ....	5,700	5,700	5,700	5,700
Army	8	Eustis	VA	Headquarters Building, TRADOC, Incr 2 .....	34,300	34,300	34,300	34,300
Army	8	Eustis	VA	Joint Task Force—Civil Support .....	19,000	19,000	19,000	19,000
Army	3	Eustis	VA	Renovation for ACA and NETCOM .....	4,800	4,800	4,800	4,800
Army	121	Lee	VA	AAFES Troop Store .....	1,850	1,850	1,850	1,850
Army	133	Lee	VA	Administrative Building (DCMA) .....	28,000	28,000	28,000	28,000
Army	121	Lee	VA	Combat Service Support School, Ph 1, Incr 4 .....	0	30,000	30,000	30,000
Army	121	Lee	VA	Combat Service Support School, Ph 2, Incr 3 .....	137,000	137,000	137,000	137,000
Army	121	Lee	VA	Combat Service Support School, Ph 3, Incr 2 .....	145,000	145,000	145,000	145,000
Army	121	Lee	VA	Consolidated Troop Med/Dntl Clinic .....	20,000	20,000	20,000	20,000
Army	122	Lee	VA	HQs, Transportation Management Detachment .....	1,200	1,200	1,200	1,200
Army	121	Lee	VA	USMC Training Facilities .....	25,000	25,000	25,000	25,000
Navy	149	Arlington	VA	Crystal Park 5 to Arlington Service Center .....	33,660	33,660	33,660	33,660
Navy	138	Chesapeake	VA	Joint Regional Correctional Facility (INCR II of II).	0	47,560	47,560	47,560
Navy	181	Norfolk	VA	Building 1558 Renovations for SPAWAR .....	2,510	2,510	2,510	2,510
Army	47	Elkins	WV	Armed Forces Reserve Center .....	22,000	22,000	22,000	22,000
Army	47	Fairmont	WV	Armed Forces Reserve Center .....	21,000	21,000	21,000	21,000
Army	47	Spencer-Ripley	WV	Armed Forces Reserve Center .....	19,540	19,540	19,540	19,540
Army	PM	Various	WV	Planning and Design .....	26,100	26,100	26,100	26,100
Army	Various	Various	Various	Environmental .....	147,693	147,693	147,693	147,693
Navy	Various	Various	Various	Environmental .....	16,529	16,529	16,529	16,529
Air Force	Various	Various	Various	Environmental .....	19,454	19,454	19,454	19,454
Defense Wide	Various	Various	Various	Environmental .....	0	0	0	0
Army	Various	Various	Various	Operation and Maintenance .....	1,169,334	1,169,334	1,169,334	1,169,334
Navy	Various	Various	Various	Operation and Maintenance .....	322,495	322,495	322,495	322,495
Air Force	Various	Various	Various	Operation and Maintenance .....	288,459	288,459	288,459	288,459
Defense Wide	Various	Various	Various	Operation and Maintenance .....	836,715	836,715	836,715	836,715
Army	Various	Various	Various	MilPers PCS .....	0	0	0	0
Navy	Various	Various	Various	MilPers PCS .....	6,504	6,504	6,504	6,504
Air Force	Various	Various	Various	MilPers PCS .....	3,970	3,970	3,970	3,970
Defense Wide	Various	Various	Various	MilPers PCS .....	0	0	0	0
Army	Various	Various	Various	Other .....	311,138	311,138	311,138	311,138
Navy	Various	Various	Various	Other .....	20,115	20,115	20,115	20,115
Air Force	Various	Various	Various	Other .....	23,443	23,443	23,443	23,443
Defense Wide	Various	Various	Various	Other .....	412,320	412,320	412,320	412,320
Defense Wide	Various	Various	Various	Other .....		-350,000		
				Subtotal BRAC 2005 FY 2010, Army .....		4,081,037	4,081,037	4,057,037
				Subtotal BRAC 2005 FY 2010, Navy .....		591,572	591,572	591,572
				Subtotal BRAC 2005 FY 2010, Air Force .....		418,260	418,260	418,260
				Subtotal BRAC 2005 FY 2010, Defense Wide ..		2,038,629	2,388,629	2,388,629
				<b>Total BRAC 2005 FY 2010 All Categories .....</b>	<b>5,934,740</b>	<b>7,129,498</b>	<b>7,479,498</b>	<b>7,455,498</b>
Army	Various	Various	Various	Base Realignment and Closure IV, Army .....		133,723	98,723	138,723

**2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING**  
(In Thousands of Dollars)

Account	Commission Recommendation	Location	State	Project Title	Project Authorization	House Authorization	Senate Authorization	Conference Authorization of Appropriation
Navy	Various		Various	Base Realignment and Closure IV, Navy .....		228,000	168,000	228,000
Air Force	Various		Various	Base Realignment and Closure IV, Air Force ..		172,364	127,364	127,364
Defense Wide	Various		Various	Base Realignment and Closure IV, Defense Wide.		2,681	2,681	2,681
<b>Total BRAC IV for FY 2010 .....</b>						<b>536,768</b>	<b>396,768</b>	<b>496,768</b>

*Military construction for overseas contingency operations (sec. 4503)*

The Senate amendment contained an authorization funding table (sec. 4504) for mili-

tary construction for overseas contingency operations.

The House bill contained no similar provision.

The House recedes with an amendment authorizing specific projects, programs, or activities and associated dollar amounts subject to appropriations.

**MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Service	Country	Location	Project	Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Army	AFGHANISTAN	AIRBORNE	DINING FACILITY .....	2,200	2,200	2,200		2,200
Army	AFGHANISTAN	AIRBORNE	WASTE MANAGEMENT AREA .....	5,600	5,600	5,600		5,600
Army	AFGHANISTAN	ALTIMUR	DINING FACILITY .....	2,150	2,150	2,150		2,150
Army	AFGHANISTAN	ALTIMUR	WASTE MANAGEMENT AREA .....	5,600	5,600	5,600		5,600
Army	AFGHANISTAN	ASADABAD	WASTE MANAGEMENT AREA .....	5,500	5,500	5,500		5,500
Air Force	AFGHANISTAN	BAGRAM AIR BASE	CARGO TERMINAL .....	13,800	13,800	13,800		13,800
Air Force	AFGHANISTAN	BAGRAM AIR BASE	AVIATION OPERATIONS & MAINTENANCE FACILITIES.	8,900	8,900	8,900		8,900
Air Force	AFGHANISTAN	BAGRAM AIR BASE	EXPEDITIONARY FIGHTER SHELTER .....	6,400	6,400	6,400		6,400
Army	AFGHANISTAN	BAGRAM AIR BASE	TROOP HOUSING PHASE 3 .....	22,000	0	0	-22,000	0
Army	AFGHANISTAN	BAGRAM AIR BASE	DRAINAGE SYSTEM, PH 2 .....	21,000	21,000	21,000		21,000
Army	AFGHANISTAN	BAGRAM AIR BASE	APS COMPOUND .....	0	38,000	0	38,000	38,000
Army	AFGHANISTAN	BAGRAM AIR BASE	BARRACKS .....	0	0	18,500	0	0
Army	AFGHANISTAN	BAGRAM AIR BASE	PERIMETER FENCE AND GUARD TOWERS .....	0	7,000	7,000	7,000	7,000
Army	AFGHANISTAN	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY .....	0	38,000	38,000	38,000	38,000
Army	AFGHANISTAN	BAGRAM AIR BASE	ACCESS ROADS .....	21,000	21,000	21,000		21,000
Army	AFGHANISTAN	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY .....	4,500	4,500	4,500		4,500
Army	AFGHANISTAN	BAGRAM AIR BASE	MEDLOG WAREHOUSE .....	3,350	3,350	3,350		3,350
Army	AFGHANISTAN	BLESSING	WASTE MANAGEMENT AREA .....	5,600	5,600	5,600		5,600
Army	AFGHANISTAN	BOSTICK	WASTE MANAGEMENT AREA .....	5,500	5,500	5,500		5,500
Air Force	AFGHANISTAN	DWYER	CARGO HANDLING AREA .....	4,900	4,900	4,900		4,900
Army	AFGHANISTAN	DWYER	CONTINGENCY HOUSING PHASE 1 .....	8,600	0	0	-8,600	0
Army	AFGHANISTAN	DWYER	CONTINGENCY HOUSING PHASE 2 .....	6,900	0	0	-6,900	0
Army	AFGHANISTAN	DWYER	FUEL SYSTEM, PH 1 .....	5,800	5,800	5,800		5,800
Army	AFGHANISTAN	DWYER	WASTE MANAGEMENT COMPLEX .....	6,900	6,900	6,900		6,900
Army	AFGHANISTAN	DWYER	DINING FACILITY .....	6,600	6,600	2,200		6,600
Army	AFGHANISTAN	FRONTENAC	DINING FACILITY .....	2,200	2,200	2,200		2,200
Army	AFGHANISTAN	FRONTENAC	CONTINGENCY HOUSING .....	3,800	0	0	-3,800	0
Army	AFGHANISTAN	GARDEZ	TACTICAL RUNWAY .....	28,000	28,000	28,000		28,000
Army	AFGHANISTAN	GARDEZ	DINING FACILITY .....	2,200	2,200	2,200		2,200
Army	AFGHANISTAN	GARDEZ	CONTINGENCY HOUSING .....	8,400	0	0	-8,400	0
Army	AFGHANISTAN	GARDEZ	FUEL SYSTEM, PH 1 .....	6,000	6,000	6,000		6,000
Army	AFGHANISTAN	GHAZNI	WASTE MANAGEMENT COMPLEX .....	5,500	5,500	5,500		5,500
Army	AFGHANISTAN	JALALABAD	DINING FACILITY .....	4,350	4,350	4,350		4,350
Army	AFGHANISTAN	JALALABAD	AMMUNITION SUPPLY POINT .....	35,000	35,000	35,000		35,000
Army	AFGHANISTAN	JALALABAD	CONTINGENCY HOUSING .....	6,900	0	0	-6,900	0
Army	AFGHANISTAN	JALALABAD	PERIMETER FENCING .....	2,050	2,050	2,050		2,050
Army	AFGHANISTAN	JOYCE	DINING FACILITY .....	2,100	2,100	2,100		2,100
Army	AFGHANISTAN	JOYCE	WASTE MANAGEMENT AREA .....	5,600	5,600	5,600		5,600
Army	AFGHANISTAN	KABUL	USFOR-A HEADQUARTERS & HOUSING .....	98,000	98,000	98,000		98,000
Army	AFGHANISTAN	KABUL	CAMP PHOENIX WEST EXPANSION .....	39,000	39,000	39,000		39,000
Air Force	AFGHANISTAN	KANDAHAR	SECURE RSOI FACILITY .....	9,700	9,700	9,700		9,700
Air Force	AFGHANISTAN	KANDAHAR	TACTICAL AIRLIFT APRON .....	29,000	29,000	29,000		29,000
Air Force	AFGHANISTAN	KANDAHAR	REFUELER APRON/RELOCATE HCP .....	66,000	66,000	66,000		66,000
Air Force	AFGHANISTAN	KANDAHAR	CAS APRON EXPANSION .....	25,000	25,000	25,000		25,000
Air Force	AFGHANISTAN	KANDAHAR	ISR APRON EXPANSION .....	40,000	40,000	40,000		40,000
Air Force	AFGHANISTAN	KANDAHAR	AVIATION OPERATIONS & MAINTENANCE FACILITIES.	10,500	10,500	10,500		10,500
Air Force	AFGHANISTAN	KANDAHAR	EXPEDITIONARY FIGHTER SHELTER .....	6,400	6,400	6,400		6,400
Air Force	AFGHANISTAN	KANDAHAR	CARGO HELICOPTER APRON .....	32,000	32,000	32,000		32,000
Air Force	AFGHANISTAN	KANDAHAR	RELOCATE NORTH AIRFIELD ROAD .....	16,000	16,000	16,000		16,000
Army	AFGHANISTAN	KANDAHAR	TROOP HOUSING PHASE 2 .....	4,250	0	0	-4,250	0
Army	AFGHANISTAN	KANDAHAR	COMMAND AND CONTROL FACILITY .....	4,500	4,500	4,500		4,500
Army	AFGHANISTAN	KANDAHAR	TANKER TRUCK OFFLOAD FACILITY .....	23,000	23,000	23,000		23,000
Army	AFGHANISTAN	KANDAHAR	COMMAND AND CONTROL FACILITY .....	4,500	4,500	4,500		4,500

**MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Service	Country	Location	Project	Request	House Author- ized	Senate Author- ized	Conference Change	Conference Au- thorized
Army	AFGHANISTAN	KANDAHAR	COMMAND AND CONTROL FACILITY .....	4,500	4,500	4,500		4,500
Army	AFGHANISTAN	KANDAHAR	SOUTHPARK ROADS .....	11,000	11,000	11,000		11,000
Army	AFGHANISTAN	KANDAHAR	WASTE MANAGEMENT COMPLEX .....	10,000	10,000	10,000		10,000
Army	AFGHANISTAN	KANDAHAR	WAREHOUSE .....	20,000	20,000	20,000		20,000
Army	AFGHANISTAN	KANDAHAR	THEATER VEHICLE MAINTENANCE FACILITY ....	55,000	55,000	55,000		55,000
Army	AFGHANISTAN	MAYWAND	DINING FACILITY .....	2,200	2,200	6,600		2,200
Army	AFGHANISTAN	MAYWAND	WASTE MANAGEMENT AREA .....	5,600	5,600	5,600		5,600
Army	AFGHANISTAN	METHAR-LAM	WASTE MANAGEMENT AREA .....	4,150	4,150	4,150		4,150
Army	AFGHANISTAN	SALERNO	WASTE MANAGEMENT COMPLEX .....	5,500	5,500	5,500		5,500
Army	AFGHANISTAN	SALERNO	ELECTRICAL DISTRIBUTION GRID .....	2,600	2,600	2,600		2,600
Army	AFGHANISTAN	SALERNO	FUEL SYSTEM, PH 1 .....	12,800	12,800	12,800		12,800
Army	AFGHANISTAN	SALERNO	DINING FACILITY .....	4,300	4,300	4,300		4,300
Army	AFGHANISTAN	SALERNO	RUNWAY UPGRADE .....	25,000	25,000	25,000		25,000
Air Force	AFGHANISTAN	SHANK	CARGO HANDLING AREA .....	4,900	4,900	4,900		4,900
Army	AFGHANISTAN	SHANK	DINING FACILITY .....	4,350	4,350	4,350		4,350
Army	AFGHANISTAN	SHANK	ELECTRICAL DISTRIBUTION GRID .....	4,600	4,600	4,600		4,600
Army	AFGHANISTAN	SHANK	WASTE MANAGEMENT COMPLEX .....	8,100	8,100	8,100		8,100
Army	AFGHANISTAN	SHANK	WATER DISTRIBUTION SYSTEM .....	2,650	2,650	2,650		2,650
Army	AFGHANISTAN	SHANK	TROUP HOUSING PHASE 2 .....	8,600	0	0	-8,600	0
Army	AFGHANISTAN	SHARANA	ROTARY WING PARKING .....	32,000	32,000	32,000		32,000
Army	AFGHANISTAN	SHARANA	AMMUNITION SUPPLY POINT .....	14,000	14,000	14,000		14,000
Army	AFGHANISTAN	SHARANA	AIRCRAFT MAINTENANCE FACILITIES .....	12,200	12,200	12,200		12,200
Army	AFGHANISTAN	SHARANA	ELECTRICAL DISTRIBUTION GRID .....	2,600	2,600	2,600		2,600
Air Force	AFGHANISTAN	TARIN KOWT	CARGO HANDLING AREA .....	4,900	4,900	4,900		4,900
Army	AFGHANISTAN	TARIN KOWT	FUEL SYSTEM PHASE 2 .....	11,800	11,800	11,800		11,800
Army	AFGHANISTAN	TARIN KOWT	WASTE MANAGEMENT AREA .....	6,800	6,800	6,800		6,800
Army	AFGHANISTAN	TARIN KOWT	AMMUNITION SUPPLY POINT .....	35,000	35,000	35,000		35,000
Army	AFGHANISTAN	TARIN KOWT	DINING FACILITY .....	2,200	2,200	2,200		2,200
Air Force	AFGHANISTAN	TOMBSTONE/BASTION	STRATEGIC AIRLIFT APRON EXPANSION .....	32,000	32,000	32,000		32,000
Air Force	AFGHANISTAN	TOMBSTONE/BASTION	CAS APRON EXPANSION .....	40,000	40,000	40,000		40,000
Air Force	AFGHANISTAN	TOMBSTONE/BASTION	ISR APRON .....	41,000	41,000	41,000		41,000
Air Force	AFGHANISTAN	TOMBSTONE/BASTION	SECURE RSOI FACILITY .....	10,000	10,000	10,000		10,000
Air Force	AFGHANISTAN	TOMBSTONE/BASTION	CARGO HANDLING AREA .....	18,000	18,000	18,000		18,000
Air Force	AFGHANISTAN	TOMBSTONE/BASTION	AVIATION OPERATIONS & MAINTENANCE FACS	8,900	8,900	8,900		8,900
Air Force	AFGHANISTAN	TOMBSTONE/BASTION	EXPEDITIONARY FIGHTER SHELTER .....	6,300	6,300	6,300		6,300
Army	AFGHANISTAN	TOMBSTONE/BASTION	BASIC LOAD AMMUNITION HOLDING AREA ....	7,500	7,500	7,500		7,500
Army	AFGHANISTAN	TOMBSTONE/BASTION	DINING FACILITY .....	8,900	8,900	8,900		8,900
Army	AFGHANISTAN	TOMBSTONE/BASTION	ENTRY CONTROL POINT AND ACCESS ROADS	14,200	14,200	14,200		14,200
Army	AFGHANISTAN	TOMBSTONE/BASTION	FUEL SYSTEM, PH 2 .....	14,200	14,200	14,200		14,200
Army	AFGHANISTAN	TOMBSTONE/BASTION	ROADS .....	4,300	4,300	4,300		4,300
Army	AFGHANISTAN	TOMBSTONE/BASTION	TROOP HOUSING PHASE 3 .....	3,250	0	0	-3,250	0
Army	AFGHANISTAN	TOMBSTONE/BASTION	TROOP HOUSING PHASE 4 .....	3,800	0	0	-3,800	0
Army	AFGHANISTAN	TOMBSTONE/BASTION	LEVEL 3 MEDICAL FACILITY .....	16,500	16,500	16,500		16,500
Army	AFGHANISTAN	TOMBSTONE/BASTION	WATER SUPPLY AND DISTRIBUTION SYSTEM ..	6,200	6,200	6,200		6,200
Air Force	AFGHANISTAN	WOLVERINE	CARGO HANDLING AREA .....	4,900	4,900	4,900		4,900
Army	AFGHANISTAN	WOLVERINE	DINING FACILITY .....	4,350	4,350	4,350		4,350
Army	AFGHANISTAN	WOLVERINE	FUEL SYSTEM, PH 1 .....	5,800	5,800	5,800		5,800
Army	AFGHANISTAN	WOLVERINE	WASTE MANAGEMENT COMPLEX .....	6,900	6,900	6,900		6,900
Army	BELGIUM	MONS	NATO SOF OPERATIONAL SUPPORT .....			20,000		
Air Force	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN .....	35,000	29,000	35,000	-6,000	29,000
Army	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION .....	20,000	20,100	20,000	100	20,100
Army	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN .....	76,284	76,284	75,884		76,284
NSA	ZU	UNSPECIFIED WORLDWIDE	CLASSIFIED PROJECT .....	6,000	0	0	-6,000	0
NSA	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN .....	600	0	0	-600	0
<b>Grand Total Military Construction .....</b>				<b>1,404,984</b>	<b>1,398,984</b>	<b>1,404,984</b>	<b>-6,000</b>	<b>1,398,984</b>

**TITLE XLVI—DEPARTMENT OF ENERGY  
NATIONAL SECURITY PROGRAMS**

*Department of Energy national security programs (sec. 4601)*

The Senate amendment contained an authorization funding table (sec. 4601) for De-

partment of Energy national security programs.

The House bill contained no similar provision.

The House recedes with an amendment authorizing specific projects, programs, or ac-

tivities and associated dollar amounts subject to appropriations.

**DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
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**Electricity Delivery & Energy Reliability**

**DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Electricity Delivery &amp; Energy Reliability</b>					
Infrastructure security & energy restoration .....	6,188	6,188	0	0	6,188
<b>Weapons Activities</b>					
<b>Directed stockpile work</b>					
<b>Life extension programs</b>					
W76 Life extension program .....	209,196	209,196	209,196		209,196
<b>Total, Life extension programs</b> .....	<b>209,196</b>	<b>209,196</b>	<b>209,196</b>	<b>0</b>	<b>209,196</b>
<b>Stockpile systems</b>					
B61 Stockpile systems .....	124,456	124,456	124,456		124,456
W76 Stockpile systems .....	65,497	65,497	65,497		65,497
W78 Stockpile systems .....	50,741	50,741	50,741		50,741
W80 Stockpile systems .....	19,064	19,064	19,064		19,064
B83 Stockpile systems .....	35,682	35,682	35,682		35,682
W87 Stockpile systems .....	51,817	51,817	51,817		51,817
W88 Stockpile systems .....	43,043	43,043	43,043		43,043
<b>Total, Stockpile systems</b> .....	<b>390,300</b>	<b>390,300</b>	<b>390,300</b>	<b>0</b>	<b>390,300</b>
<b>Weapons dismantlement and disposition</b>					
Operation and maintenance .....	84,100	84,100	99,100	10,000	94,100
<b>Total, Weapons dismantlement and disposition</b> .....	<b>84,100</b>	<b>84,100</b>	<b>99,100</b>	<b>10,000</b>	<b>94,100</b>
<b>Stockpile services</b>					
Production support .....	301,484	301,484	301,484		301,484
Research and development support .....	37,071	37,071	37,071		37,071
R&D certification and safety .....	143,076	153,076	173,076	10,000	153,076
Dynamic plutonium experiment—NTS .....		[10,000]		[10,000]	
Management, technology, and production .....	200,223	200,223	200,223		200,223
Plutonium infrastructure sustainment .....	149,201	149,201	149,201		149,201
<b>Total, Stockpile services</b> .....	<b>831,055</b>	<b>841,055</b>	<b>861,055</b>	<b>10,000</b>	<b>841,055</b>
<b>Total, Directed stockpile work</b> .....	<b>1,514,651</b>	<b>1,524,651</b>	<b>1,559,651</b>	<b>20,000</b>	<b>1,534,651</b>
<b>Campaigns:</b>					
<b>Science campaign</b>					
Advanced certification .....	19,400	29,400	24,400		19,400
Program increase .....		[6,000]			
Dual Validation .....		[4,000]			
Primary assessment technologies .....	80,181	80,181	80,181		80,181
Dynamic materials properties .....	86,617	86,617	86,617		86,617
Academic alliances .....	30,251	30,251	30,251		30,251
Advanced radiography .....	22,328	22,328	22,328		22,328
Secondary assessment technologies .....	77,913	77,913	77,913		77,913
<b>Total, Science campaign</b> .....	<b>316,690</b>	<b>326,690</b>	<b>321,690</b>	<b>0</b>	<b>316,690</b>
<b>Engineering campaign</b>					
Enhanced surety .....	42,000	47,000	47,000	5,000	47,000
Program increase .....		[5,000]		[5,000]	
Weapon systems engineering assessment technology .....	18,000	18,000	18,000		18,000
Nuclear survivability .....	21,000	21,000	21,000		21,000
Enhanced surveillance .....	69,000	69,000	79,000		69,000
<b>Total, Engineering campaign</b> .....	<b>150,000</b>	<b>155,000</b>	<b>165,000</b>	<b>5,000</b>	<b>155,000</b>
<b>Inertial confinement fusion ignition and high yield campaign</b>					
Ignition .....	106,734	111,734	106,734		106,734
National Ignition Campaign program increase .....		[5,000]			
NIF diagnostics, cryogenics and experimental support .....	72,252	77,252	72,252	1,000	73,252
National Ignition Campaign program increase .....		[5,000]		[1,000]	
Pulsed power inertial confinement fusion .....	5,000	15,000	5,000		5,000
Z Machine operations, Sandia National Laboratory .....		[10,000]			
Joint program in high energy density laboratory plasmas .....	4,000	4,000	4,000		4,000
Facility operations and target production .....	248,929	260,929	255,429	17,700	266,629

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Omega operations .....			[6,500]	[6,500]	
National Ignition Campaign program increase .....		[12,000]		[11,200]	
<b>Total, Inertial confinement fusion and high yield campaign .....</b>	<b>436,915</b>	<b>468,915</b>	<b>443,415</b>	<b>18,700</b>	<b>455,615</b>
<b>Advanced simulation and computing campaign</b>					
Operation and maintenance .....	556,125	586,125	565,125		556,125
Program increase .....		[30,000]			
<b>Total, Advanced simulation and computing campaign .....</b>	<b>556,125</b>	<b>586,125</b>	<b>565,125</b>	<b>0</b>	<b>556,125</b>
<b>Readiness Campaign</b>					
Stockpile readiness .....	5,746	5,746	5,746		5,746
High explosives and weapon operations .....	4,608	4,608	4,608		4,608
Nonnuclear readiness .....	12,701	12,701	12,701		12,701
Tritium readiness .....	68,246	68,246	48,246		68,246
Advanced design and production technologies .....	8,699	8,699	8,699		8,699
<b>Total, Readiness campaign .....</b>	<b>100,000</b>	<b>100,000</b>	<b>80,000</b>	<b>0</b>	<b>100,000</b>
<b>Total, Campaigns .....</b>	<b>1,559,730</b>	<b>1,636,730</b>	<b>1,575,230</b>	<b>23,700</b>	<b>1,583,430</b>
<b>Readiness in technical base and facilities (RTBF)</b>					
Operation of facilities .....	1,342,303		1,342,303	18,000	1,360,303
Kansas City Plant .....		169,056			
Lawrence Livermore National Laboratory .....		86,670			
Los Alamos National Laboratory .....		311,776			
Nevada Test Site .....		79,583			
Panex Plant .....		146,602			
Pantex Plant program increase .....		[15,000]		[8,000]	
Sandia National Laboratories .....		114,133			
Sandia National Laboratories program increase .....		[10,000]			
Savannah River Site .....		128,580			
Y-12 National Security Complex .....		225,774			
Y-12 National Security Complex program increase .....		[15,000]		[10,000]	
Institutional Site Support .....		120,129			
<b>Total, Operation of facilities .....</b>	<b>1,342,303</b>	<b>1,382,303</b>	<b>1,342,303</b>	<b>18,000</b>	<b>1,360,303</b>
Program readiness .....	73,021	73,021	73,021		73,021
Material recycle and recovery .....	69,542	69,542	69,542		69,542
Containers .....	23,392	23,392	23,392		23,392
Storage .....	24,708	24,708	24,708		24,708
<b>Subtotal, Readiness in technical base and facilities (RTBF) .....</b>	<b>1,532,966</b>	<b>1,572,966</b>	<b>1,532,966</b>	<b>18,000</b>	<b>1,550,966</b>
<b>Construction:</b>					
10-D-501 Nuclear facilities risk reduction Y-12 National Security Complex, Oakridge, TN .....	12,500	12,500	12,500		12,500
99-D-141 Pit disassembly and conversion facility, Savannah River Site, Aiken, SC .....	30,321	30,321	30,321		30,321
09-D-007, LANSCE—Refurbishment, Los Alamos National Laboratory, NM .....	0	15,000	30,000	24,000	24,000
Program increase in support of RTBF .....		[15,000]		[24,000]	
09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albu- querque, NM .....	0	5,000		5,000	5,000
Program increase in support of RTBF .....		[5,000]		[5,000]	
08-D-801 High pressure fire loop (HPFL), Pantex, TX .....	31,910	31,910	31,910		31,910
08-D-804 TA-55 Reinvestment project, Los Alamos National Laboratory .....	0	5,000			
Program increase in support of RTBF .....		[5,000]			
08-D-802 High Explosive Pressing Facility, Pantex Plant, Amarillo, TX .....	0	-20,000			
Prior year savings .....		[-20,000]			
06-D-140 Project engineering design (PED), various locations .....	70,678	70,678	70,678		70,678
06-D-402 NTS replace fire stations 1 & 2 Nevada Test Site, NV .....	1,473	1,473	1,473		1,473
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM .....	55,000	55,000	35,000		55,000
04-D-128 TA-18 Criticality experiments facility (CEF), Los Alamos National Lab- oratory, Nevada Test Site, NV .....	1,500	1,500	1,500		1,500
<b>Total, Construction .....</b>	<b>203,382</b>	<b>208,382</b>	<b>213,382</b>	<b>29,000</b>	<b>232,382</b>
<b>Total, Readiness in technical base and facilities .....</b>	<b>1,736,348</b>	<b>1,781,348</b>	<b>1,746,348</b>	<b>47,000</b>	<b>1,783,348</b>

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Secure transportation asset</b>					
Operation and equipment .....	138,772	138,772	138,772		138,772
Program direction .....	96,143	96,143	96,143		96,143
<b>Total, Secure transportation asset .....</b>	<b>234,915</b>	<b>234,915</b>	<b>234,915</b>	<b>0</b>	<b>234,915</b>
<b>Nuclear counterterrorism incident response .....</b>	<b>221,936</b>	<b>221,936</b>	<b>227,624</b>	<b>0</b>	<b>221,936</b>
National technical forensics .....			[5,688]		
<b>Facilities and infrastructure recapitalization program</b>					
Operation and maintenance .....	144,959	144,959	144,959		144,959
Construction					
07–D–253 TA 1 heating systems modernization (HSM) Sandia National Labora- tory .....	9,963	9,963	9,963		9,963
<b>Total, Construction .....</b>	<b>9,963</b>	<b>9,963</b>	<b>9,963</b>	<b>0</b>	<b>9,963</b>
<b>Total, Facilities and infrastructure recapitalization program .....</b>	<b>154,922</b>	<b>154,922</b>	<b>154,922</b>	<b>0</b>	<b>154,922</b>
<b>Site stewardship</b>					
Environmental projects and operations .....	41,288	41,288	41,288		41,288
Nuclear materials integration .....	20,000	20,000	20,000		20,000
Stewardship planning .....	29,086	29,086	29,086		29,086
<b>Total, Site stewardship .....</b>	<b>90,374</b>	<b>90,374</b>	<b>90,374</b>	<b>0</b>	<b>90,374</b>
<b>Safeguards and security</b>					
<b>Defense nuclear security</b>					
Operation and maintenance .....	700,044	700,044	700,044		700,044
Construction:					
10–D–701 Security improvements project Y–12 National Security Complex, Oak Ridge, TN .....	49,000	49,000	49,000		49,000
<b>Total, Construction .....</b>	<b>49,000</b>	<b>49,000</b>	<b>49,000</b>	<b>0</b>	<b>49,000</b>
<b>Total, Defense nuclear security .....</b>	<b>749,044</b>	<b>749,044</b>	<b>749,044</b>	<b>0</b>	<b>749,044</b>
Cyber security .....	122,511	122,511	122,511		122,511
<b>Total, Safeguards and security .....</b>	<b>871,555</b>	<b>871,555</b>	<b>871,555</b>	<b>0</b>	<b>871,555</b>
Support to intelligence .....			30,000		
Use of prior year balances .....				–42,000	–42,000
<b>Total, Weapons Activities .....</b>	<b>6,384,431</b>	<b>6,516,431</b>	<b>6,490,619</b>	<b>48,700</b>	<b>6,433,131</b>
<b>Defense Nuclear Nonproliferation</b>					
<b>Nonproliferation and verification research and development</b>					
Operation and maintenance .....	297,300	297,300	347,300	40,000	337,300
<b>Nonproliferation and international security .....</b>	<b>207,202</b>	<b>207,202</b>	<b>193,202</b>	<b>–20,000</b>	<b>187,202</b>
Nuclear noncompliance verification .....			[–12,000]		
Global initiatives for proliferation prevention .....			[–2,000]		
<b>International nuclear materials protection and cooperation .....</b>	<b>552,300</b>	<b>731,400</b>	<b>552,300</b>	<b>39,750</b>	<b>592,050</b>
Program Increase .....		[179,100]			
MPC&A .....				[39,750]	
<b>Elimination of weapons-grade plutonium production program .....</b>	<b>24,507</b>	<b>24,507</b>	<b>24,507</b>		<b>24,507</b>
<b>Fissile materials disposition</b>					
<b>U.S. surplus fissile materials disposition</b>					
Operation and maintenance					
U.S. plutonium disposition .....	90,896	90,896	90,896		90,896
U.S. uranium disposition .....	34,691	34,691	32,691		34,691
Supporting activities .....	1,075	1,075	1,075		1,075
<b>Total, Operation and maintenance .....</b>	<b>126,662</b>	<b>126,662</b>	<b>124,662</b>	<b>0</b>	<b>126,662</b>
Construction:					
99–D–143 Mixed oxide fuel fabrication facility, Savannah River Site, SC .....	504,238	504,238	504,238		504,238
99–D–141–02 Waste solidification building, Savannah River, SC .....	70,000	70,000	70,000		70,000



DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Total, Construction</b> .....	<b>574,238</b>	<b>574,238</b>	<b>574,238</b>	<b>0</b>	<b>574,238</b>
<b>Total, U.S. surplus fissile materials disposition</b> .....	<b>700,900</b>	<b>700,900</b>	<b>698,900</b>	<b>0</b>	<b>700,900</b>
Russian surplus materials disposition .....	1,000	1,000	7,000		1,000
<b>Total, Fissile materials disposition</b> .....	<b>701,900</b>	<b>701,900</b>	<b>705,900</b>	<b>0</b>	<b>701,900</b>
<b>Global threat reduction initiative</b> .....	<b>353,500</b>	<b>577,000</b>	<b>313,500</b>	<b>-20,000</b>	<b>333,500</b>
Gap nuclear material .....			[-40,000]		
Program Increase .....		[223,500]			
<b>Subtotal, Defense Nuclear Nonproliferation</b> .....	<b>2,136,709</b>	<b>2,539,309</b>	<b>2,136,709</b>	<b>39,750</b>	<b>2,176,459</b>
<b>Total, Defense Nuclear Nonproliferation</b> .....	<b>2,136,709</b>	<b>2,539,309</b>	<b>2,136,709</b>	<b>39,750</b>	<b>2,176,459</b>
<b>Naval Reactors</b>					
<b>Naval reactors development</b>					
<b>Operation and maintenance</b>					
Operation and maintenance .....	935,533	935,533	935,533		935,533
<b>Total, Operation and maintenance</b> .....	<b>935,533</b>	<b>935,533</b>	<b>935,533</b>	<b>0</b>	<b>935,533</b>
<b>Construction:</b>					
10-D-903, KAPL Security upgrades, Schnectady, NY .....	1,500	1,500	1,500		1,500
10-D-904, NRF infrastructure upgrades, ID .....	700	700	700		700
09-D-190, PED, Infrastructure upgrades, KAPL, Schnectady, NY .....	1,000	1,000	1,000		1,000
09-D-902, NRF Production Support Complex, ID .....	6,400	6,400	6,400		6,400
08-D-190 NRF Project engineering and design Expended Core Facility M-290 receiving/discharge station, ID .....	9,500	9,500	9,500		9,500
07-D-190 Materials research and technology complex, BAPL, Pittsburgh, PA .....	11,700	11,700	11,700		11,700
<b>Total, Construction</b> .....	<b>30,800</b>	<b>30,800</b>	<b>30,800</b>	<b>0</b>	<b>30,800</b>
<b>Total, Naval reactors development</b> .....	<b>966,333</b>	<b>966,333</b>	<b>966,333</b>	<b>0</b>	<b>966,333</b>
Program direction .....	36,800	36,800	36,800		36,800
<b>Total, Naval Reactors</b> .....	<b>1,003,133</b>	<b>1,003,133</b>	<b>1,003,133</b>	<b>0</b>	<b>1,003,133</b>
<b>Office Of The Administrator</b>					
Office of the administrator .....	431,074	431,074	431,074		431,074
Use of prior year balances .....	-10,320	-10,320	-10,320		-10,320
<b>Total, Office Of The Administrator</b> .....	<b>420,754</b>	<b>420,754</b>	<b>420,754</b>	<b>0</b>	<b>420,754</b>
<b>Total, National Nuclear Security Administration</b> .....	<b>9,945,027</b>	<b>10,479,627</b>	<b>10,051,215</b>	<b>88,450</b>	<b>10,033,477</b>
<b>Defense Environmental Cleanup</b>					
<b>Closure sites:</b>					
Closure sites administration .....	8,225	8,225	8,225		8,225
Miamisburg .....	33,243	33,243	33,243		33,243
<b>Total, Closure sites</b> .....	<b>41,468</b>	<b>41,468</b>	<b>41,468</b>	<b>0</b>	<b>41,468</b>
<b>Hanford site:</b>					
<b>2012 accelerated completions</b>					
Nuclear facility D&D river corridor closure project .....	327,955	327,955	327,955		327,955
Nuclear material stabilization and disposition PFP .....	118,087	118,087	118,087		118,087
SNF stabilization and disposition .....	55,325	55,325	55,325		55,325
<b>Total, 2012 accelerated completions</b> .....	<b>501,367</b>	<b>501,367</b>	<b>501,367</b>	<b>0</b>	<b>501,367</b>
<b>2035 accelerated completions</b>					
Nuclear facility D&D—remainder of Hanford .....	70,250	70,250	70,250		70,250
Richland community and regulatory support .....	21,940	21,940	21,940		21,940
Soil and water remediation—groundwater vadose zone .....	176,766	176,766	176,766		176,766
Solid waste stabilization and disposition 200 area .....	132,757	132,757	132,757		132,757
<b>Total, 2035 accelerated completions</b> .....	<b>401,713</b>	<b>401,713</b>	<b>401,713</b>	<b>0</b>	<b>401,713</b>
<b>Total, Hanford site</b> .....	<b>903,080</b>	<b>903,080</b>	<b>903,080</b>	<b>0</b>	<b>903,080</b>
<b>Idaho National Laboratory:</b>					
SNF stabilization and disposition—2012 .....	14,768	14,768	14,768		14,768

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Solid waste stabilization and disposition .....	137,000	137,000	137,000		137,000
Radioactive liquid tank waste stabilization and disposition .....	95,800	95,800	95,800		95,800
<b>Construction</b>					
06-D-401 Sodium bearing waste treatment project, Idaho .....	83,700	83,700	83,700		83,700
Soil and water remediation—2012 .....	71,000	71,000	71,000		71,000
Idaho community and regulatory support .....	3,900	3,900	3,900		3,900
<b>Total, Idaho National Laboratory .....</b>	<b>406,168</b>	<b>406,168</b>	<b>406,168</b>	<b>0</b>	<b>406,168</b>
<b>NNSA sites</b>					
Lawrence Livermore National Laboratory .....	910	910	910		910
NNSA Service Center/SPRU .....	17,938	17,938	17,938		17,938
Nevada .....	65,674	65,674	65,674		65,674
California site support .....	238	238	238		238
Sandia National Laboratories .....	2,864	2,864	2,864		2,864
Los Alamos National Laboratory .....	189,000	189,000	189,000		189,000
<b>Total, NNSA sites and Nevada off-sites .....</b>	<b>276,624</b>	<b>276,624</b>	<b>276,624</b>	<b>0</b>	<b>276,624</b>
<b>Oak Ridge Reservation:</b>					
Building 3019 .....	38,900	38,900	38,900		38,900
Nuclear facility D & D ORNL .....	38,900	38,900	38,900		38,900
Nuclear facility D & D Y-12 .....	34,000	34,000	34,000		34,000
Nuclear facility D & D, E. Tennessee technology park .....	100	100	100		100
OR reservation community and regulatory support .....	6,253	6,253	6,253		6,253
Solid waste stabilization and disposition—2012 .....	35,615	35,615	35,615		35,615
<b>Total, Oak Ridge Reservation .....</b>	<b>153,768</b>	<b>153,768</b>	<b>153,768</b>	<b>0</b>	<b>153,768</b>
<b>Office of River Protection:</b>					
<b>Waste treatment and immobilization plant</b>					
<b>Construction:</b>					
01-D-416 Waste treatment and immobilization plant .....					
01-D-16A Low activity waste facility .....	100,000	100,000	100,000		100,000
01-D-16B Analytical laboratory .....	55,000	55,000	55,000		55,000
01-D-16C Balance of facilities .....	50,000	50,000	50,000		50,000
01-D-16D High level waste facility .....	160,000	160,000	160,000		160,000
01-D-16E Pretreatment facility .....	325,000	325,000	325,000		325,000
<b>Total, Waste treatment and immobilization plant .....</b>	<b>690,000</b>	<b>690,000</b>	<b>690,000</b>	<b>0</b>	<b>690,000</b>
<b>Tank farm activities</b>					
Rad liquid tank waste stabilization and disposition .....	408,000	408,000	408,000		408,000
<b>Total, Office of River protection .....</b>	<b>1,098,000</b>	<b>1,098,000</b>	<b>1,098,000</b>	<b>0</b>	<b>1,098,000</b>
<b>Savannah River sites:</b>					
<b>Nuclear material stabilization and disposition</b>					
Nuclear material stabilization and disposition .....	385,310	385,310	385,310		385,310
<b>Construction:</b>					
08-D-414 Project engineering and design Plutonium Vitrification Facility, VL .....	6,315	6,315	6,315		6,315
<b>Total, Nuclear material stabilization and disposition .....</b>	<b>391,625</b>	<b>391,625</b>	<b>391,625</b>	<b>0</b>	<b>391,625</b>
<b>2035 accelerated completions</b>					
SR community and regulatory support .....	18,300	18,300	18,300		18,300
Spent nuclear fuel stabilization and disposition .....	38,768	38,768	38,768		38,768
<b>Total, 2035 accelerated completions .....</b>	<b>57,068</b>	<b>57,068</b>	<b>57,068</b>	<b>0</b>	<b>57,068</b>
<b>Tank farm activities</b>					
Radioactive liquid tank waste stabilization and disposition .....	527,138	527,138	527,138		527,138
<b>Construction:</b>					
05-D-405 Salt waste processing facility, Savannah River .....	234,118	234,118	234,118		234,118
<b>Total, Tank farm activities .....</b>	<b>761,256</b>	<b>761,256</b>	<b>761,256</b>	<b>0</b>	<b>761,256</b>
<b>Total, Savannah River site .....</b>	<b>1,209,949</b>	<b>1,209,949</b>	<b>1,209,949</b>	<b>0</b>	<b>1,209,949</b>
<b>Waste Isolation Pilot Plant</b>					
Waste isolation pilot plant .....	144,902	144,902	144,902		144,902

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Central characterization project .....	13,730	13,730	13,730		13,730
Transportation .....	33,851	33,851	33,851		33,851
Community and regulatory support .....	27,854	27,854	27,854		27,854
<b>Total, Waste Isolation Pilot Plant .....</b>	<b>220,337</b>	<b>220,337</b>	<b>220,337</b>	<b>0</b>	<b>220,337</b>
Program direction .....	355,000	355,000	355,000		355,000
Program support .....	34,000	34,000	34,000		34,000
<b>Safeguards and Security:</b>					
Waste Isolation Pilot Project .....	4,644	4,644	4,644		4,644
Oak Ridge Reservation .....	32,400	32,400	32,400		32,400
West Valley .....	1,859	1,859	1,859		1,859
Paducah .....	8,190	8,190	8,190		8,190
Portsmouth .....	17,509	17,509	17,509		17,509
Richland/Hanford Site .....	82,771	82,771	82,771		82,771
Savannah River Site .....	132,064	132,064	132,064		132,064
<b>Total, Safeguards and Security .....</b>	<b>279,437</b>	<b>279,437</b>	<b>279,437</b>	<b>0</b>	<b>279,437</b>
Technology development .....	55,000	55,000	55,000		55,000
Uranium enrichment D&D fund contribution .....	463,000	463,000	463,000		463,000
General reduction .....			-100,000		
<b>Subtotal, Defense environmental cleanup .....</b>	<b>5,495,831</b>	<b>5,495,831</b>	<b>5,395,831</b>	<b>0</b>	<b>5,495,831</b>
<b>UNDISTRIBUTED</b>					
Realignment to support NNSA Weapons Activities .....	0	-102,540			
Transfer to Title II .....	0	-368,800			
<b>Total, Defense Environmental Cleanup .....</b>	<b>5,495,831</b>	<b>5,024,491</b>	<b>5,395,831</b>	<b>0</b>	<b>5,495,831</b>
<b>Other Defense Activities</b>					
<b>Health, safety and security</b>					
Health, safety and security .....	337,757	357,757	337,757		337,757
Program increase .....		[20,000]			
Program direction .....	112,125	112,125	112,125		112,125
<b>Total, Health, safety and security .....</b>	<b>449,882</b>	<b>469,882</b>	<b>449,882</b>	<b>0</b>	<b>449,882</b>
<b>Office of Legacy Management</b>					
Legacy management .....	177,618	177,618	177,618		177,618
Program direction .....	12,184	12,184	12,184		12,184
<b>Total, Office of Legacy Management .....</b>	<b>189,802</b>	<b>189,802</b>	<b>189,802</b>	<b>0</b>	<b>189,802</b>
<b>Nuclear energy</b>					
<b>Infrastructure</b>					
Idaho facilities management					
INL infrastructure O&M .....	83,358	83,358	83,358		83,358
<b>Total, Infrastructure .....</b>	<b>83,358</b>	<b>83,358</b>	<b>83,358</b>	<b>0</b>	<b>83,358</b>
<b>Total, Nuclear energy .....</b>	<b>83,358</b>	<b>83,358</b>	<b>83,358</b>	<b>0</b>	<b>83,358</b>
Defense related administrative support .....	122,982	122,982	122,982		122,982
Office of hearings and appeals .....	6,444	6,444	6,444		6,444
<b>Total, Other Defense Activities .....</b>	<b>852,468</b>	<b>872,468</b>	<b>852,468</b>	<b>0</b>	<b>852,468</b>
<b>Defense Nuclear Waste Disposal</b>					
Defense nuclear waste disposal .....	98,400	98,400	98,400		98,400
<b>Total, Environmental &amp; other defense activities .....</b>	<b>6,446,699</b>	<b>5,995,359</b>	<b>6,346,699</b>	<b>0</b>	<b>6,446,699</b>
<b>Total, Atomic Energy Defense Activities .....</b>	<b>16,391,726</b>	<b>16,474,986</b>	<b>16,397,914</b>	<b>88,450</b>	<b>16,480,176</b>

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2010 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Total, Department of Energy .....	16,397,914	16,481,174	16,397,914	88,450	16,486,364

LEGISLATIVE PROVISION NOT ADOPTED

*American Recovery and Reinvestment Act military construction*

The Senate amendment contained an authorization funding table (sec. 4503) for military construction using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

The House bill contained no similar provision.

The Senate recedes.

*DIVISION E—MATTHEW SHEPARD AND JAMES BYRD, JR. HATE CRIMES PREVENTION ACT*

TITLE XLVII

*Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (secs. 4701–4713)*

The Senate amendment contained a Division (secs. 4701–4714) that would provide support for criminal investigations and prosecutions of hate crimes by State, local, and tribal law enforcement officials; add a new section to title 18, United States Code, prohibiting certain hate crime acts; establish certain limitations and guidelines for the prosecution of hate crimes; and add a new section to title 18, United States Code, prohibiting attacks on United States service members on account of their service.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the First Amendment protections in the provision; eliminate language authorizing the death penalty for certain hate crimes; direct the U.S. Sentencing Commission to produce a report on mandatory minimum sentencing provisions under Federal law; and make other technical and clarifying amendments.

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>TITLE 1</b>					
<b>AIRCRAFT PROCUREMENT, ARMY</b>					
36	Air warrior ensemble generation III	3,000	Warner	Aerial Machine and Tool Company	Vesta, VA
36	Air warrior ensemble generation III	3,000	Webb	Aerial Machine and Tool Company	Vesta, VA
<b>PROCUREMENT OF AMMUNITION, ARMY</b>					
8	M722 60mm white phosphorous smoke mortar rounds	2,000	Lincoln	Pine Bluff Arsenal	Pine Bluff, AR
8	M722 60mm white phosphorous smoke mortar rounds	2,000	Pryor	Pine Bluff Arsenal	Pine Bluff, AR
36	Bomb line modernization	2,000	Inhole	McAister Defense Support Association	McAister, OK
<b>OTHER PROCUREMENT, ARMY</b>					
135	FIDO explosive detector	3,000	Inhole	ICx Nomadics	Stillwater and Norman, OK
154	Combat casualty care equipment upgrade program	3,000	Graham	North American Rescue	Greer, SC
177	Immersive group simulation virtual training system for the Hawaii ARNG	2,500	Alaska	Atlantis Cyberspace	Honolulu, HI
177	Joint fires & effects trainer systems (JFETS)	5,000	Inhole	Stanley Associates	Fort Sill, OK
177	Operator driving simulator	350	Levin	FAAC, Inc	Ann Arbor, MI
177	Operator driving simulator	350	Stabenow	FAAC Inc	Ann Arbor, MI
177	Operator driving simulator	350	Corker	TN National Guard	Nashville, TN
177	Virtual interactive combat environment (VICE)	4,000	Chambliss	Dynamic Animation Systems, Inc.	Fort Benning Infantry School
177	Virtual interactive combat environment (VICE)	4,000	Wicker	Dynamic Animation Systems, Inc	Halliesburg, MS
177	Virtual interactive combat environment (VICE)	4,000	Warner	Dynamic Animation Systems, Inc.	Fairfax, VA
177	Virtual interactive combat environment (VICE)	4,000	Webb	Dynamic Animation Systems, Inc.	Fairfax, VA
177	Virtual interactive combat environment (VICE) training system - VA ARNG	2,000	Warner	Dynamic Animation Systems, Inc.	Fairfax, VA

NMR indicates no member request

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>OTHER PROCUREMENT, ARMY</b>					
177	Virtual interactive combat environment (VICE) training system - VA ARNG	2,000	Webb	Dynamic Animation Systems, Inc.	Fairfax, VA
<b>AIRCRAFT PROCUREMENT, NAVY</b>					
4	F/A-18E/F additional aircraft	512,280	NMR	n/a	n/a
<b>WEAPONS PROCUREMENT, NAVY</b>					
16	Accelerate facility restoration program			NavSea	ABL, Rockat Center, WV
<b>OTHER PROCUREMENT, NAVY</b>					
7	Smart valves for fire suppression	3,100	Collins	Portland Valve	S. Portland, ME
7	Smart valves for fire suppression	3,100	Snowe	Portland Valve, Inc	South Portland, ME
34	TB-33 thinline towed array	4,000	Dodd	L-3 Chesapeake Sciences Corporation	Storington, CT
34	TB-33 thinline towed array	4,000	Leiberman	L-3 Chesapeake Sciences	Storington, CT
34	TB-33 thinline towed array	4,000	Reed	L-3 Chesapeake Sciences Corporation	Ashaway, RI
<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>					
64	Litering ATP upgrade kits	24,000	Nelson, Bill	Northrop Grumman	Arlington, VA
64	Litering ATP upgrade kits	24,000	Landrieu	Northrop Grumman Corporation	Bossier City, LA
64	Litering ATP upgrade kits	24,000	Thune	Northrop Grumman Corporation	Rolling Meadows, IL
<b>OTHER PROCUREMENT, AIR FORCE</b>					
24	Joint threat emitter (JTE)	1,000	Crapo	Mountain Home AFB	Mountain Home, ID
24	Joint threat emitter (JTE)	1,000	Riech	Mountain Home AFB	Mountain Home, ID
24	Joint threat emitter (JTE)	1,000	Levin	Michigan Air National Guard	Lansing, MI
24	Unmanned modular threat emitter (UMTE)	3,000	Reid	98th Range Wing	Nellis AFB

NMR indicates no member request

MINE RESISTANT AMBUSH PROT VEH FUND

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
PROCUREMENT, DEFENSE-WIDE					
	Additional MRAP/ATVs to meet new requirement	600,000	NMR	n/a	n/a
36	Additional SM-3 Block 1A missiles	23,200	NMR	n/a	n/a
63	MC-130W multi-mission modifications	85,000	NMR	n/a	n/a
71	Advanced lightweight grenade launcher	5,000	Collins	General Dynamics/ATP	Saco, ME
71	Advanced lightweight grenade launcher	5,000	Snowe	General Dynamics - SACO	Saco, ME
85	Special operations visual augmentation systems	5,000	Kennedy	FLIR Systems Inc.	North Billerica, MA
85	Special operations visual augmentation systems	5,000	Kerry	FLIR Systems, Inc	North Billerica, MA
86	Special operations forces multi-band inter/intra team radio	10,000	NMR	n/a	n/a

## TITLE 2

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

2	Ballistic materials research	3,500	Collins	Tex Tech Industries	N. Monmouth, ME
3	Nanocomposite materials research	2,000	Martinez	Florida State University	Tallahassee, FL
3	Nanocomposite materials research	2,000	Nelson, Bill	Florida State University	Tallahassee, FL
3	Open source intelligence research	1,000	Dodd	University of New Haven	West Haven, CT
3	Open source intelligence research	1,000	Brown	Advanced Technical Intelligence Center for Human Capital Development	Beaverbrook, Ohio
3	Open source intelligence research	1,000	Bennett	Attensity, INC	Salt Lake City, UT
3	Open source intelligence research	1,000	Hatch	Attensity Corporation	Salt Lake City, UT
4	Immersive simulation research	1,200	McConnell	University of Kentucky	Lexington, KY
4	Materials processing research	1,500	Sessions	University of Alabama at Birmingham (UAB)	Birmingham, AL

'NMR' indicates no member request

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY					
5	Advanced renewable jet fuels	3,000	Thune	SDSU	Brookings, SD
5	Applied composite materials research	3,000	Carper	University of Delaware	Newark, DE
5	Applied composite materials research	3,000	Kaulman	University of Delaware	Newark, DE
5	High strength fibers for ballistic armor applications	2,000	Graham	AGY Holding Corp	Aiken, SC
5	Moldable fabric armor	2,000	Graham	Milkken & Company	Spartanburg, SC
5	Nanomanufacturing of multifunctional sensors	3,000	Kennedy	UMass Lowell's Center for High-rate Nanomanufacturing	Lowell, MA
5	Nanomanufacturing of multifunctional sensors	3,000	Kerry	University of Massachusetts - Lowell	Lowell, MA
5	Smart materials and structures	1,000	Thune	SDSMA&T	Rapid City, SD
6	Nanoelectronic memory, sensor and energy devices	2,500	Nelson, Ben	University of Nebraska - Lincoln	Lincoln, NE
12	Cognitive modeling and simulation research	2,000	Chambliss	Columbus State University	CSU in cooperation with Fort Benning
12	Cognitive modeling and simulation research	2,000	Isakson	Columbus State University	Columbus, GA
13	Advanced composite materials research	3,500	Levin	Michigan State University	East Lansing, MI
13	Advanced composite materials research	3,500	Stabenow	Michigan State University	East Lansing, MI
13	Composite vehicle shelters	2,000	Begich	Alkan Shelter, LLC	Fairbanks, AK
13	Tactical metal fabrication program	1,000	Kennedy	Thermo Fisher Scientific	Billerica, MA
13	Tactical metal fabrication program	1,000	Kerry	Thermo Fisher Scientific	Billerica, MA
13	Tactical metal fabrication program	1,000	Inhofe	IMTEC	Ardmore, OK
13	Tribology research	2,000	Levin	Oakland University	Rochester, MI
13	Tribology research	2,000	Stabenow	Oakland University	Rochester, MI
13	Vehicle systems engineering and integration activities	10,000	Levin	U.S. Army Tank-Automotive Research, Development and Engineering Center	Warren, MI

NMR<sup>1</sup> indicates no member request



## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY</b>					
14	Lethality research	2,000	NMR	n/a	n/a
14	Reactive armor research	3,000	Dodd	Ensign Bickford Aerospace and Defense	Simsbury, CT
14	Reactive armor research	3,000	Lieberman	Ensign Bickford Aerospace and Defense	Simsbury, CT
14	Reactive armor research	3,000	McConnell	Ensign-Bickford Industries	Graham, KY
17	Acoustic gun detection systems	2,000	Kennedy	BBN Technologies	Cambridge, MA
17	Acoustic gun detection systems	2,000	Kerry	BBN Technologies	Cambridge, MA
17	Acoustic research	3,000	Wicker	University of Mississippi - National Center for Physical Acoustics	University, MS
17	UGV weaponization	2,500	Collins	Howe and Howe Technologies, Inc.	N. Berwick, ME
17	UGV weaponization	2,500	Snowe	Howe and Howe Technologies	N. Berwick, ME
18	Hybrid portable power program	3,200	Kennedy	Protonex Technology Corporation	Southborough, MA
18	Hybrid portable power program	3,200	Kerry	Protonex Technology, LLC	Southborough, MA
18	Hybrid portable power program	3,200	Wicker	Ultralife	West Point, MS
25	Cellulose nanocomposite panels for ballistic protection	2,000	Collins	University of Maine	Orono, ME
25	Cellulose nanocomposite panels for ballistic protection	2,000	Snowe	University of Maine	Orono, ME
25	Geosciences atmospheric research	3,000	Bennet	Colorado State University	Fort Collins, CO
25	Geosciences atmospheric research	3,000	Udall, Mark	Colorado State University	Fort Collins, CO
27	Thermal resistant fiber research	2,500	Carper	INVISTA S.a.r.l.	Seaford, DE
27	Thermal resistant fiber research	2,500	Kaufman	INVISTA S.a.r.l.	Seaford, DE
27	Thermal resistant fiber research	2,500	Graham	Greenwood Mills	Greenwood, SC
28	Advanced bio-engineering for enhancement of soldier survivability	3,000	Chambliss	Georgia Tech	Atlanta, GA

\*NMR\* indicates no member request

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY</b>					
28	Advanced functional nanomaterials for biological processes	2,500	Lincoln	University of Arkansas Little Rock	Little Rock, AR
28	Advanced functional nanomaterials for biological processes	2,500	Pryor	University of Arkansas Little Rock	Little Rock, AR
28	Biomechanics research	3,500	Warner	Virginia Polytechnic Institute and State University	Blacksburg, VA
28	Biomechanics research	3,500	Webb	Virginia Polytechnic Institute and State University	Blacksburg, VA
28	Blast wave modeling	3,000	Wicker	Diversified Technology	Ridgeland, MS
28	Blast wave modeling	3,000	Nelson, Ben	University of Nebraska - Lincoln	Lincoln, NE
28	Hemorrhage research	3,000	Nelson, Ben	University of Nebraska Medical Center	Omaha, NE
28	Malaria vaccine development	2,500	Schumer	SUNY Upstate	Syracuse, NY
28	Malaria vaccine development	2,500	Cantwell	Seattle Biomedical Research Institute (SBRi)	Seattle, WA
28	Neurotrauma research	3,500	Lugar	Purdue University	West Lafayette, IN
28	Neurotrauma research	3,500	Gillibrand	University of Rochester	Rochester, NY
28	Secondary trauma research	2,500	Udall, Mark	University of Colorado, Colorado Springs	Colorado Springs, CO
30	Biosensor controller systems development	2,000	Reid	Eye-Com Corporation	Reno, NV
30	Body temperature conditioner systems	2,500	Reid	University of NV School of Medicine	Las Vegas, NV
30	Gulf War illness research	12,000	Feinstein		
30	Gulf War illness research	12,000	Dodd		
30	Gulf War illness research	12,000	Alaska		
30	Gulf War illness research	12,000	Burris		
30	Gulf War illness research	12,000	Kennedy	ALS Therapy Development Institute	Cambridge, MA

\*NMR\* indicates no member request

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY					
30	Gulf War illness research	12,000	Kerry	ALS Therapy Development Institute	Cambridge, MA
30	Gulf War illness research	12,000	Snowe		
30	Gulf War illness research	12,000	Bond		
30	Gulf War illness research	12,000	Teelster		
30	Gulf War illness research	12,000	Brown		
30	Gulf War illness research	12,000	Sanders	US Army Medical Research and Material Command	Fort Detrick, MD
30	Gulf War illness research	12,000	Murray		
30	Gulf War illness research	12,000	Kohl		
30	Gulf War illness research	12,000	Rothefeller		
30	Integrated medical technology program	7,500	Kennedy	Center for Integration of Medicine and Innovative Technology	Boston, MA
30	Integrated medical technology program	7,500	Kerry	Center for Integration of Medicine and Innovative Technology	Boston, MA
30	Lower limb prosthetics research	2,000	Kennedy	Foster-Miller, Inc. and Liberring Technologies	Waltham and Holliston, MA
30	Lower limb prosthetics research	2,000	Kerry	Foster-Miller, Inc.	Waltham, MA
30	Regenerative medical research	4,000	Collins	Mount Desert Island Biological Laboratory	Salisbury Cove, ME
30	Regenerative medical research	4,000	Snowe	Mount Desert Island Biological Laboratory	Salisbury Cove
30	Regenerative medical research	4,000	Hagan	Institute for Regenerative Medicine at Wake Forest University	Winston-Salem, NC
31	Advanced affordable turbine engine	5,000	Dodd	Pratt & Whitney	Middletown, CT

\*NMR indicates no member request

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY</b>					
31	Advanced affordable turbine engine	5,000	Lieberman	United Technologies	Hartford, CT
31	Universal control FADEC	9,000	Dodd	Goodrich Pump and Engine Control Systems	West Hartford, CT
31	Universal control FADEC	9,000	Lieberman	Goodrich Engine Controls	West Hartford, CT
32	Lethality research	6,500	NMR	n/a	n/a
33	Advanced APU development	2,000	Marlinez	Florida Institute of Technology	Rockledge, FL
33	Advanced APU development	2,000	Nelson, Bill	Advent Power Systems, Inc.	Coconut Creek, FL
33	Advanced APU development	2,000	Nelson, Bill	Mainstream Engineering Corporation	Rockledge, FL
33	Advanced battery development program	10,000	Levin	U.S. Army Tank-Automotive Research, Development and Engineering Center	Warren, MI
33	Advanced lithium ion battery systems	3,000	Levin	A123 Systems, Inc	Ann Arbor, MI
33	Advanced lithium ion battery systems	3,000	Stabenow	A123 Systems	Ann Arbor, MI
33	Advanced suspension systems for heavy vehicles	2,700	Reid	Advanced Materials and Devices, Inc.	Reno, NV
33	Advanced thermal management systems	3,000	Levin	Engineered Machined Products, Inc.	Escanaba, MI
33	Advanced thermal management systems	3,000	Stabenow	Engineered Machined Products Inc.	Escanaba, MI
33	Alternative energy research	20,000	NMR	n/a	n/a
33	Hybrid engine development program	4,000	Levin	U.S. Army Tank-Automotive Research, Development and Engineering Center	Warren, MI
33	Hybrid truck development	4,000	Boxer	National Automotive Center	Pasadena, CA
33	Hybrid truck development	4,000	Cardin	Volvo Powertrain of North America	Hagerstown, MD
33	Hydraulic hybrid vehicles (HHV) for the tactical wheeled fleet	3,500	Lugar	Navistar, Inc. Truck Group	Fort Wayne, IN
33	Hydraulic hybrid vehicles (HHV) for the tactical wheeled fleet	3,500	Levin	Bosch Rexroth Corporation	Rochester Hills, MI

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## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY</b>					
33	Hydraulic hybrid vehicles (HHV) for the tactical wheeled fleet	3,500	Stabenow	Bosch Rexroth Corporation	Rochester Hills, MI
33	Smart plug-in hybrid electric vehicle program	4,100	Levin	NextEnergy	Detroit, MI
33	Smart plug-in hybrid electric vehicle program	4,100	Stabenow	NextEnergy	Detroit, MI
33	Threat cue research	2,000	Levin	Michigan Tech University	Houghton, MI
33	Threat cue research	2,000	Stabenow	Michigan Technological University	Houghton, MI
33	Unmanned ground vehicle initiative	12,000	Levin	U.S. Army Tank-Automotive Research, Development and Engineering Center	Warren, MI
33	Unmanned robotic system utilizing hydrocarbon fueled solid oxide fuel cell	3,000	Levin	Adaptive Materials	Ann Arbor, MI
33	Unmanned robotic system utilizing hydrocarbon fueled solid oxide fuel cell	3,000	Stabenow	Adaptive Materials, Inc.	Ann Arbor, MI
33	Vehicle prognostics technologies	3,100	Wicker	HBM-nCode Products	Starkville, MS
38	Combat medic training systems	2,000	Martinez	University of Central Florida	Orlando, FL
38	Combat medic training systems	2,000	Nelson, Bill	Chi Systems, Inc.	Orlando, FL
38	Joint fires & effects trainer system enhancements	2,500	Inhofe	Creative Technologies, Inc.	Los Angeles, CA
43	Laser systems for light aircraft missile defense	1,000	Levin	Omni Sciences, Inc.	Ann Arbor, MI
43	Laser systems for light aircraft missile defense	1,000	Stabenow	Omni Sciences, Inc.	Ann Arbor, MI
44	Discriminatory imaging research	2,500	McConnell	University of Kentucky	Lexington, KY
48	Bradley third generation FLIR	5,000	Nelson, Bill	DRS Technologies Optonics	Palm Bay, FL
50	Permafrost tunnel	500	Beight	Cold Regions Research and Engineering Laboratory: US Army Corps of Engineers	Fox, AK
50	Photovoltaic technology development	2,000	Levin	United Solar Oronic	Auburn Hills, MI
53	Adaptive robotic technology	3,500	Sessions	Calhoun Community College	Decatur, AL

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## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY</b>					
53	Advanced electronics integration	3,000	Thune	Rosebud Sioux Tribe	Rosebud, SD
53	Advanced environmental controls	2,000	Reid	Rocky Research	Boulder City, NV
78	Lightweight caliber .50 machine gun	4,000	Collins	General Dynamics/ATP	Saco, ME
78	Lightweight caliber .50 machine gun	4,000	Stowe	General Dynamics - SACO	Saco, ME
81	Heavy tactical vehicle development	2,000	NMR	n/a	n/a
102	Common guidance control module	7,500	Inhofe	ATK	Plymouth, MN
114	Accelerate Paladin integration management	58,216	NMR	n/a	n/a
128	Common regional operational systems	3,000	Bingaman	White Sands Missile Range	White Sands Missile Range, NM
128	Common regional operational systems	3,000	Udall, Tom	White Sands Missile Range	White Sands Missile Range, NM
128	Data fusion systems	2,500	Bennett	ITT Advanced Engineering and Sciences	Dugway, UT
128	Data fusion systems	2,500	Hatch	Dugway Proving Ground, Utah; Utah State University's Space Dynamics Laboratory; and ITT	Logan, UT
128	Dugway field test improvements	4,500	Bennett	ITT Advanced Engineering and Sciences	Dugway, UT
128	Dugway field test improvements	4,500	Hatch	Dugway Proving Ground, Utah State University's Space Dynamics Laboratory, ITT	Logan, UT
130	Program increase	6,000	Bingaman	Northrop Grumman	White Sands Missile Range, NM
130	Program increase	6,000	Udall, Tom	Northrop Grumman	White Sands Missile Range, NM
140	3D woven preform technology for Army munitions	2,000	Reed	Textile Engineering & Manufacturing	Woonsocket, RI
172	Smart machine platform initiative	2,000	Brown	TechSolve	Cincinnati, OH
172	Smart machine platform initiative	2,000	Voinovich	TechSolve, Inc	Cincinnati, OH

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## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY</b>					
172	Weapon systems repair technologies	1,500	Thune	H.F. Webster Inc.	Rapid City, SD
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY</b>					
4	Energetics research	3,000	Cardin	Indian Head Division / Naval Surface Warfare Center	Indian Head, MD
4	Energetics research	3,000	Bingaman	Applied Research Associates	Albuquerque, NM
4	Energetics research	3,000	Udall, Tom	Applied Research Associates	Albuquerque, NM
5	Alternative energy research	20,000	NMR	n/a	n/a
5	Design optimization of composite high-speed boats using advanced composite and manufacturing and non-destructive evaluation	2,000	Collins	Hodgdon Defense Composites	Portland, ME
5	Design optimization of composite high-speed boats using advanced composite and manufacturing and non-destructive evaluation	2,000	Snowe	Hodgdon Defense Composites	E. Boothbay, ME
5	Energy systems integration research	4,000	Martinez	Florida State University	Tallahassee, FL
5	Energy systems integration research	4,000	Nelson, Bill	Florida State University	Tallahassee, FL
5	Port security technologies	2,000	Voinovich	Battelle Memorial Institute	Columbus, OH
5	Port security technologies	2,000	Reed	Naval Undersea Warfare Center and Battelle	Newport, RI
9	Anti-reverse engineering technologies	1,000	Lincoln	Space Photonics	Fayetteville, AR
9	Anti-reverse engineering technologies	1,000	Pryor	Space Photonics	Fayetteville, AR
9	Managing and extending DOD asset lifecycles (MEDAL)	2,000	Alaska	Referentia Systems	Honolulu, HI
11	Advanced unmanned underwater vehicle research	1,000	Landrieu	C&C Technologies Inc	Lafayette, LA
11	Advanced unmanned underwater vehicle research	1,000	Cardin	Phoenix International Holdings Inc.	Largo, MD
11	Advanced unmanned underwater vehicle research	1,000	Reed	Alion Science and Technology	Middletown, RI

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## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY</b>					
11	Laser underwater imaging and communications research	2,000	Martinez	Harbor Branch Oceanographic Institute at Florida Atlantic University	Fort Pierce, FL
11	Laser underwater imaging and communications research	2,000	Nelson, Bill	Florida Atlantic University (Harbor Branch Oceanographic Institution)	Fort Pierce, FL
14	Electromagnetic signature assessment system	2,000	Crapo	University of Idaho	Moscow, ID
14	Electromagnetic signature assessment system	2,000	Risch	University of Idaho	Moscow, ID
15	Detection, tracking, and identification for ISRT of mobile asymmetric targets	2,500	Alaska	Pulaski Scientific	Honolulu, HI
16	Advanced coatings for aviation components	2,000	Levin	Focus: HOPE	Detroit, MI
16	Advanced coatings for aviation components	2,000	Stabenow	Focus: Hope	Detroit, MI
16	Single Generator Operations Lithium Ion Battery	5,000	Lugar	Altair Nanotechnologies	Anderson, IN
16	Single Generator Operations Lithium Ion Battery	5,000	Reid	Altair Nanotechnologies Inc.	Reno, NV
20	Acoustic combat sensors	5,000	Inhofe	GWACS Defense, Inc.	Tulsa, OK
26	Semi-submersible for UAV sensor developments	1,400	Vitter	C&C Technologies	Lafayette, LA
29	Sonobuoy wave energy module	1,000	Landrieu	QinetiQ North America	Sidell, LA
29	Sonobuoy wave energy module	1,000	Vitter	QinetiQ-North America, Technology Solutions Group	Sidell, LA
35	DDG-51 hybrid propulsion system	8,100	Kennedy	DRS Power Technology, Inc.	Fitchburg, MA
35	DDG-51 hybrid propulsion system	8,100	Wicker	General Atomics EMS Tupelo Facility	Shannon, MS
58	Molten carbonate fuel cell demonstrator	3,000	Dodd	FuelCell Energy	Torrington, CT
58	Molten carbonate fuel cell demonstrator	3,000	Lieberman	Fuel Cell Energy	Danbury, CT
58	Solar heat reflective film development	4,750	Sessions	3M Company	Decatur, AL
61	Highly integrated optical interconnects for advanced air vehicles	1,000	Levin	Calumet Electronics Corporation	Calumet, MI

NIMP\* indicates no member request



## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY</b>					
61	Highly integrated optical interconnects for advanced air vehicles	1,000	Stabenow	Calumet Electronics Corporation	Calumet, MI
61	RFID technology exploitation	1,000	McConnell	University of Louisville	Louisville, KY
105	Mobile maritime sensor technology development	15,000	Kennedy	Raytheon, Integrated Defense Systems	Tewksbury, MA
110	Common command & control system module	6,000	Dodd	Electric Boat	Groton, CT
110	Common command & control system module	6,000	Lieberman	General Dynamics	Groton, CT
110	Common command & control system module	6,000	Reed	Electric Boat	Groton, CT and Quonset Point, RI
110	Mod-in-place coating for development of U.S. submarine fleet	2,000	Wicker	Seeman Composites, Inc	Gulfport, MS
112	Artificial Intelligence-based combat system kernel	4,000	Reed	Rite Solutions	Middletown, RI
112	Submarine environment for evaluation & development	3,000	Reed	Advanced Solutions for Tomorrow	Newport, RI
112	Weapon acquisition & firing system	3,000	Reed	Naval Undersea Warfare Center and Mikel	Newport and Middletown, RI
113	Automated fiber optic manufacturing initiative for Navy ships	2,500	Kennedy	IsSaria	Lawrence, MA and Virginia Beach, VA
113	Automated fiber optic manufacturing initiative for Navy ships	2,500	Kerry	Ksaria	Lawrence, MA
113	Automated fiber optic manufacturing initiative for Navy ships	2,500	Warner	Kito Fiber Optics	Virginia Beach, VA
113	Automated fiber optic manufacturing initiative for Navy ships	2,500	Webb	Kito Fiber Optics	Virginia Beach, VA
120	AUSV	3,000	Alaska	Harbor Wing Technologies	Pearl Harbor, Hawaii
121	Phalanx Next Generation	12,000	McConnell	Raytheon Missile Systems	Louisville, KY
121	Phalanx Next Generation	12,000	Bennett	Colmek Systems Engineering	Salt Lake City, UT
121	Phalanx Next Generation	12,000	Hatch	Coda Octopus Colmek Systems Engineering; Raytheon	Salt Lake City, UT
124	Composite tissue transplantation research	2,000	Chambliss	Emory	Emory
124	Custom body implant development	2,000	Levin	University of Michigan- Dearborn	Dearborn, MI

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## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY</b>					
124	Custom body implant development	2,000	Stabenow	University of Michigan-Dearborn	Dearborn, MI
124	Multivalent dengue vaccine program	1,600	Graham	GenPhar, Inc.	Mount Pleasant, SC
124	Orthopedic surgery instrumentation	3,000	Nelson, Ben	University of Nebraska Medical Center	Omaha, NE
129	Information systems research	4,000	Landrieu	New Orleans IT Companies, UNO/ Business Council	Orleans
129	Information systems research	4,000	Vitter	SSC Atlantic New Orleans Office (Formerly SSCATC New Orleans)	New Orleans, LA
129	Integrated network-centric technology systems	2,600	Landrieu	SPAWAR Systems Center, Atlantic, New Orleans office	Statewide
129	Integrated network-centric technology systems	2,600	Vitter	SPAWAR Systems Center, Atlantic, New Orleans Office	New Orleans, LA
139	Aviation enterprise interoperability upgrades	5,000	Cardin	Patuxent River Naval Air Station	Lexington Park, MD
160	Advanced LINAC facility	1,170	Lugar	Indiana University	Crane, IN
182	Expandable rigid wall composite shelters	1,000	Begich	Allian Shelter, LLC	Fairbanks, AK
182	Marine personnel carrier support system	3,000	Reed	Group 81, Inc.	Newport, RI
183	High performance capabilities for military vehicles	1,000	Hagan	Institute for Defense and Business	Chapel Hill, NC
216	Integrated manufacturing enterprise	5,000	Landrieu	Louisiana Center for Manufacturing Sciences (LCMS)	Shreveport, LA
216	Integrated manufacturing enterprises	5,000	Vitter	Louisiana Center for Manufacturing Sciences	Shreveport, LA
216	Life extension of weapon system structures research	2,500	Thune	SDSMAIT	Rapid City, SD
217	National Shipbuilding Research Program	4,000	Sessions	National Shipbuilding Research Program	Mobile, AL
217	National Shipbuilding Research Program	4,000	Wicker	VT Halter Marine	Pascagoula, MS

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE**

\*NIMR\* indicates no member request

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE					
1	Coal transformation research	1,000	Lugar	Purdue University	West Lafayette, IN
2	Cybersecurity for control networks research	1,700	Landrieu	Louisiana Tech University	Ruston, LA
2	Cybersecurity for control networks research	1,700	Nelson, Ben	University of Nebraska - Omaha	Omaha, NE
2	Cybersecurity for control networks research	1,700	Gillibrand	SUNY Institute of Technology	Utica, NY
2	End-user software safeguard research	2,000	Nelson, Ben	University of Nebraska - Lincoln	Lincoln, NE
2	Informatics research	1,000	Schumer	SUNY Buffalo	Buffalo, NY
2	Information security research	1,500	Inhofe	University of Tulsa	Tulsa, OK
7	Advanced aerospace heat exchangers	3,000	Voinovich	Ohio Aerospace Institute	Cleveland, OH
7	Energy and automation technologies	2,000	Bingaman	Univ. N.M.	Albuquerque, N.M.
7	Energy and automation technologies	2,000	Udall, Tom	University of New Mexico	Albuquerque, NM
7	Energy and automation technologies	2,000	Cortez	Competitive Program	n/a
7	Energy efficiency, recovery, and generation systems	1,000	Thune	SDSMA&T	Rapid City, SD
7	Health monitoring sensors for aerospace components	2,000	Collins	University of Maine	Orono, ME
7	Health monitoring sensors for aerospace components	2,000	Snowe	University of Maine	Orono, ME
7	Mid-infrared laser source research	1,000	Sessions	Photonics, Inc.	Birmingham, AL
8	Unmanned aerial system collaboration technologies	2,500	Voinovich	University of Dayton Research Institute	Dayton, OH
10	Advanced lithium battery scale-up and manufacturing	2,000	Chambliss	Excellation Solid State	Decatur, GA
10	Hybrid bearing development	1,000	Dodd	Timken Company	Manchester, CT
10	Hybrid bearing development	1,000	Lieberman	Timken Company	Manchester, CT
10	Hybrid bearing development	1,000	Hagan	Timken Company	Randleman, NC
10	Hybrid bearing development	1,000	Shaheen	The Timken Company	Lebanon, NH

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## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE</b>					
10	Integrated electrical starter/generator systems	2,000	Brown	GE Aviation Systems, Electrical Power	Vandalia, OH
10	Integrated electrical starter/generator systems	2,000	Voinovich	GE Aviation Systems, Electrical Power	Vandalia, OH
10	Lithium ion technologies for aviation batteries	1,500	Chambliss	Satl America Inc	Vaktoola, GA
10	Lithium ion technologies for aviation batteries	1,500	Isakson	Satl America	Vaktoola, GA
10	Thermally efficient engine pumping system	2,000	Dodd	Goodrich Pump and Engine Control Systems	West Hartford, CT
10	Thermally efficient engine pumping system	2,000	Lieberman	Goodrich Engine Controls	West Hartford, CT
12	Reconfigurable electronics research	1,000	Crapo	Boise State University	Boise, ID
12	Reconfigurable electronics research	1,000	Risch	Boise State University	Boise, ID
12	Seismic research program	5,000	Kennedy	Weston Geophysical Corp.	Hanscom AFB
12	Seismic research program	5,000	Kerry	Weston Geophysical Corp	Lexington, MA
17	Advanced deformable mirrors for high energy laser weapons	2,000	Bingaman	MZA Associates	Albuquerque, NM
17	Advanced deformable mirrors for high energy laser weapons	2,000	Udall, Tom	MZA Associates	Albuquerque, NM
18	Metals Affordability Initiative	10,000	Dodd	Competitive	n/a
18	Metals Affordability Initiative	10,000	Lieberman	Competitive	n/a
18	Metals Affordability Initiative	10,000	Reid	TIMET Global	Toronto, OH
18	Metals Affordability Initiative	10,000	Brown	Competitive	n/a
18	Metals Affordability Initiative	10,000	Wyden	Competitive	n/a
18	Metals Affordability Initiative	10,000	Reed	Competitive	n/a
18	Metals Affordability Initiative	10,000	Bennett	Metals Affordability Initiative Consortium	Dayton, OH
18	Metals Affordability Initiative	10,000	Kohl	Competitive	n/a

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## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE					
18	Sewage-derived biofuels program	4,800	Wicker	General Atomics	Starkville, MS
20	Reconfigurable secure computing technologies	2,000	Warner	Curtiss-Wright Controls Embedded Computing	Leeburg, VA
20	Reconfigurable secure computing technologies	2,000	Webb	Curtiss-Wright Controls Embedded Computing	Leeburg, VA
22	Alternative energy research	20,000	NMR	n/a	n/a
22	Silicon carbide power electronics research	3,000	Lincoln	Arkansas Power Electronics International, Inc.	Fayetteville, AR
22	Silicon carbide power electronics research	3,000	Pryor	Arkansas Power Electronics International, Inc.	Fayetteville, AR
22	Silicon carbide power electronics research	3,000	Wicker	SemiSouth Laboratories, Inc.	Starkville, MS
30	Next generation casting initiative	3,250	Levin	Alcoa Howmet	Whitehall, MI
30	Next generation casting initiative	3,250	Stabenow	Alcoa Howmet	Whitehall, MI
30	Next generation casting initiative	3,250	Reid	PCC Structural Inc.	Carson City, NV
31	Optical interconnects research	2,500	Reid	OptiComp Corporation	Zephyr Cove, NV
40	Space situational awareness	5,000	Kennedy	Raytheon, Integrated Defense Systems	Tewksbury, MA
40	Space situational awareness	5,000	Kerry	Raytheon Company	Tewksbury, MA
61	Next generation MILSATCOM technology development	50,000	NMR	n/a	n/a
101	Holloman high speed test track	5,000	Bingaman	General Atomics	White Sands Missile Range, NM
101	Holloman high speed test track	5,000	Udall, Tom	General Atomics	Holloman AFB, NM
105	Program increase	19,300	NMR	n/a	n/a
206	Sense and avoid	4,000	Reid	Sierra Nevada Corp	Sparks, NV
210	Karnac	6,000	NMR	n/a	n/a

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## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE</b>					
238	Biometric signature and passive physiological monitoring	5,000	Reid	Noninvasive Medical Technologies, Inc.	Las Vegas, NV
999	Classified programs	172,500	NMR	n/a	n/a
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE</b>					
6	In-vitro models for bio-defense vaccines	1,900	Martinez	University Central Florida	Orlando, FL
6	In-vitro models for bio-defense vaccines	1,900	Nelson, BM	University Of Central Florida	Orlando, FL
14	Chemical and biological infrared detector	1,900	Collins	Orono Spectral Solutions	Old Town, ME
20	Blast mitigation and protection	1,500	Warner	George Mason University	Fairfax, VA
20	Blast mitigation and protection	1,500	Webb	George Mason University	Fairfax, VA
25	Reconnaissance and data exploitation systems	3,500	Ataska	NovaSol	Honolulu, HI
39	High performance defense manufacturing technology	10,000	NMR	n/a	n/a
40	Robotics training systems	2,000	Graham	Florence Darlington Technical College	Florence, SC
40	Robotics training systems	2,000	Warner	Hampton Roads Military and Federal Facilities Alliance	Norfolk, VA
40	Robotics training systems	2,000	Webb	Hampton Roads Military and Federal Facilities Alliance	Norfolk, VA
41	Biofuels program	2,000	Levin	Defense Logistics Agency	Fort Belvoir, VA
41	Biomass conversion research	1,600	Collins	University of Maine	Orono, ME
41	Biomass conversion research	1,600	Snowe	University of Maine	Orono, ME
41	Fuel cell manufacturing research	1,000	Cardin	Ballard Power Systems	College Park, MD
41	Fuel cell manufacturing research	1,000	Reid	Scheffle Technologies	Reno, NV
41	Fuel cell manufacturing research	1,000	Graham	South Carolina Research Authority	Charleston, SC
41	Vehicle fuel cell and hydrogen logistics program	8,000	Levin	Defense Logistics Agency	Fort Belvoir, VA

NMR indicates no member request

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE</b>					
49	Computational design of novel materials	3,000	Wicker	Jackson State University	Jackson, MS
59	Special warfare domain awareness	1,500	Collins	Technology Systems Inc. (TSI)	Brunswick, ME
59	Special warfare domain awareness	1,500	Snowe	Technology Systems Inc	Brunswick, ME
65	Lithium ion battery safety research	1,600	Lugar	Indiana University	Indianapolis, IN
75	GBI vendor base sustainment	20,000	NMUR	n/a	n/a
77	Real-time non-specific viral agent detector	1,600	Collins	Sensor Research & Development, Inc.	Orono, ME
97	Short-range ballistic missile defense	25,000	Nelson, Bill	Honeywell	Various
97	Short-range ballistic missile defense	25,000	Wicker	ATK	Luka, MS
100	Corrosion control research	3,500	Wicker	The University of Southern Mississippi	Hattiesburg, MS
100	Corrosion control research	3,500	Brown	The University of Akron	Akron, OH
129	Advanced SAM hardware simulator development	4,000	Chambliss	GTRI	Atlanta and Smyrna, GA
129	Advanced SAM hardware simulator development	4,000	Isakson	Georgia Institute of Technology, Georgia Tech Research Institute	Atlanta, GA
147	Anti-tamper software systems	1,900	Collins	ANGEL Secure Networks, Inc.	Orono, ME
147	Anti-tamper software systems	1,900	Snowe	Angel Technologies	Orono, ME
233	Technology applications for security enhancement	3,000	Inhofe	Oklahoma State University	Stillwater, OK
238	Industrial base innovation fund	30,000	NMUR	n/a	n/a
247	Advanced, long endurance unattended ground sensor	4,900	Wicker	Mississippi State University	Starkville, MS

## TITLE 3

## OPERATION AND MAINTENANCE, ARMY

250	Rule of law increase	500	Graham	University of South Carolina	Columbia, SC
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NMUR indicates no member request

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>OPERATION AND MAINTENANCE, NAVY</b>					
60	Aviation depot maintenance increase	70,027	NMR	n/a	n/a
250	Gun depot overhauls	12,000	McConnell	BAE Systems	Louisville, KY
<b>OPERATION AND MAINTENANCE, MARINE CORPS</b>					
10	Family of shelters and tents	2,000	Warner	Base-X, Inc.	Rockbridge, Pulaski, Salem, Verona, VA
10	Family of shelters and tents	2,000	Webb	Base-X, Inc.	Rockbridge, Pulaski, Salem, Verona, VA
<b>OPERATION AND MAINTENANCE, DEFENSE-WIDE</b>					
60	Junior ROTC	15,000	NMR	n/a	n/a
270	Readiness and environmental protection initiative	20,000	Boxer	n/a	n/a
270	Readiness and environmental protection initiative	20,000	Bennet	n/a	n/a
270	Readiness and environmental protection initiative	20,000	Udall, Mark	n/a	n/a
270	Readiness and environmental protection initiative	20,000	Dodd	n/a	n/a
270	Readiness and environmental protection initiative	20,000	Martinez	Department of Defense	Multiple, nationwide
270	Readiness and environmental protection initiative	20,000	Nelson, Bill	n/a	n/a
270	Readiness and environmental protection initiative	20,000	Alaska	Military installations nationwide	Various
270	Readiness and environmental protection initiative	20,000	Landrieu	The Nature Conservancy (TNC), Louisiana Field Office (LAFO)	Nationwide
270	Readiness and environmental protection initiative	20,000	Cardin	n/a	n/a
270	Readiness and environmental protection initiative	20,000	Burr	n/a	n/a
270	Readiness and environmental protection initiative	20,000	Hagan	n/a	n/a
270	Readiness and environmental protection initiative	20,000	Inhofe	Land Legacy	Tulsa, OK
270	Readiness and environmental protection initiative	20,000	Cantwell	n/a	n/a

\*NMR\* indicates no member request



## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient Agency	Suggested Location of Performance
<b>OPERATION AND MAINTENANCE, DEFENSE-WIDE</b>					
999	Impact aid	35,000	Burris	Department of Defense Education Agency	Arlington, VA
999	Impact aid for children with severe disabilities	5,000	Ataka	n/a	n/a
999	Impact aid for children with severe disabilities	5,000	Roberts	n/a	n/a
999	Impact aid for children with severe disabilities	5,000	Conrad	n/a	n/a
999	Impact aid for children with severe disabilities	5,000	Menendez	n/a	n/a
999	Impact aid for children with severe disabilities	5,000	Schumer	n/a	n/a
999	Impact aid for children with severe disabilities	5,000	Inhofe	n/a	n/a
999	Impact aid for children with severe disabilities	5,000	Reed	n/a	n/a
999	Impact aid for children with severe disabilities	5,000	Whitehouse	n/a	n/a

## TITLE 4

## MILITARY PERSONNEL

Amy additional recruitment incentives	5,000	NMR	n/a	n/a
Community support for families with special needs	50,000	NMR	n/a	n/a
Family supplemental subsistence allowance	500	NMR	n/a	n/a
Mental health assessments	3,000	Kennedy	n/a	n/a
Pay raise	351,000	NMR	n/a	n/a
PMRA	59,000	Grassley	n/a	n/a
PMRA	59,000	Harlan	n/a	n/a
PMRA	59,000	Roberts	n/a	n/a
PMRA	59,000	Klobuchar	n/a	n/a

\*NMR\* indicates no member request

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>MILITARY PERSONNEL</b>					
	PDMPA	59,000	Lautenberg	n/a	n/a
	PDMPA	59,000	Menendez	n/a	n/a
	PDMPA	59,000	Wyden	n/a	n/a
	PDMPA	59,000	Murray	n/a	n/a
	Psychology officers	200	NMR	n/a	n/a
	Reimbursement for exceptional travel for medical benefits	10,000	NMR	n/a	n/a
	Substance abuse study	1,500	NMR	n/a	n/a
<b>TITLE 13</b>					
<b>COOPERATIVE THREAT REDUCTION</b>					
10	Program increase	20,000	NMR	n/a	n/a
<b>TITLE 14</b>					
<b>DEFENSE HEALTH PROGRAM</b>					
	Extend dental coverage to dependent survivors	2,000	NMR	n/a	n/a
	Transitional dental care	11,000	NMR	n/a	n/a
	TRICARE continuation pending MEDICARE eligibility	4,000	NMR	n/a	n/a
	TRICARE coverage for gray-area retirees	10,000	NMR	n/a	n/a
<b>DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE</b>					
	International support—US CENTCOM CN training—MI-17 procurement	32,000	NMR	n/a	n/a
<b>OFFICE OF THE INSPECTOR GENERAL</b>					

'NMR' indicates no member request

## COMPLIANCE WITH RULE XLV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>OFFICE OF THE INSPECTOR GENERAL</b>					
10	Second year growth plan	15,656	NMR	n/a	n/a
<b>TITLE 21</b>					
<b>MILITARY CONSTRUCTION, ARMY</b>					
	Combat pistol range	4,900	Beigich		Fort Richardson
	Galle 7 access control point	3,550	Sessions		Redstone Arsenal
	Elevated water storage tank	1,200	Nelson, BM		Camp Rudder, Eglin AFB
	Estes Road access control point	6,100	Brownback		Fort Riley
	Estes Road access control point	6,100	Roberts		Fort Riley
	Installation chapel center	14,400	Bunning		Fort Campbell
	Installation chapel center	14,400	McConnell		Fort Campbell
	Analytical chemistry wing - advanced chemistry laboratory	15,500	Cardin		Aberdeen Proving Ground
	Analytical chemistry wing - advanced chemistry laboratory	15,500	Mikulski		Aberdeen Proving Ground
	Automated sniper field fire range	3,450	NMR		Fort Bragg, NC
	Upgrade marshalling area	8,900	Warner		Fort Eustis
	Upgrade marshalling area	8,900	Webb		Fort Eustis

**TITLE 22**

<b>MILITARY CONSTRUCTION, NAVY</b>					
	Production services support facility	25,070	Alaska		NAVSTA Pearl Harbor
	Production services support facility	25,070	Inouye		NAVSTA Pearl Harbor
	Strategic weapons systems engineering facility	13,710	Lugar		Naval Support Activity Crane

NMR indicates no member request

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>MILITARY CONSTRUCTION, NAVY</b>					
	Gale #2 security improvements	7,090	Collins		Portsmouth Naval Shipyard
	Gale #2 security improvements	7,090	Snowe		Portsmouth Naval Shipyard
	Warrior physical training facility	10,670	Ensign		NAS Fallon
	Warrior physical training facility	10,670	Reid		NAS Fallon
	Renovation of senior enlisted academy	10,550	Reed		NAVSTA Newport
	Electromagnetic research & engineering facility	3,660	Warner		NSCW Dahlgren, VA
	Electromagnetic research & engineering facility	3,660	Webb		NSCW Dahlgren, VA
	Emergency services center	10,990	Byrd		Naval Security Group Activity, Sugar Grove

## TITLE 23

## MILITARY CONSTRUCTION, AIR FORCE

Arctic utilities - phase 11	9,900	Murkowski	Eielson AFB
Taxiway lighting	3,450	Murkowski	Eielson AFB
Security forces operations facility	10,400	Lincoln	Little Rock AFB
Security forces operations facility	10,400	Pryor	Little Rock AFB
Chapel center	7,500	Carper	Dover AFB
Chapel center	7,500	Kaufman	Dover AFB
Combat weapons training facility	8,400	Nelson, Bill	Patrick AFB
Rescue operations/maintenance headquarters facility	10,000	Chambliss	Moody AFB
Rescue operations/maintenance headquarters facility	10,000	Iscakson	Moody AFB
Aeromedical evacuation facility	7,400	Dubin	Scott AFB

'NMR' indicates no member request

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>MILITARY CONSTRUCTION, AIR FORCE</b>					
	Phase five ramp replacement - aircraft apron pavement	12,800	Landrieu		Barksdale AFB
	Phase five ramp replacement - aircraft apron pavement	12,800	Vitter		Barksdale AFB
	Air traffic control tower	9,000	NMR		Pope AFB
	Consolidated security forces facility	12,000	Conrad		Grand Forks AFB
	Consolidated security forces facility	12,000	Dorgan		Grand Forks AFB
	STRATCOM gate	10,400	Nelson, Ben		Offutt AFB
	Replace west ramp, phase two	10,600	Brown		Wright-Patterson AFB
	Replace west ramp, phase two	10,500	Voinovich		Wright-Patterson AFB
	Control tower	10,700	Inhofe		Vance AFB
	Addition/allocation to deployment center	14,500	Johnson		Ellsworth AFB
	Addition/allocation to deployment center	14,500	Thune		Ellsworth AFB
	Consolidated learning center	12,000	Comyn		Goodfellow AFB
	Consolidated learning center	12,000	Hutchison		Goodfellow AFB
	ENLUP operations complex, phase one	13,450	Comyn		Sheppard AFB
	ENLUP operations complex, phase one	13,450	Hutchison		Sheppard AFB
	SERE force support complex, phase one	11,000	Cantwell		Fairchild AFB
	SERE force support complex, phase one	11,000	Murray		Fairchild AFB

## TITLE 24

## MILITARY CONSTRUCTION, DEFENSE-WIDE

Missile and Space Intelligence Center Explosive Ordnance Exploitation Complex	12,000	Shelby	Redstone Arsenal
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\*NMR\* indicates no member request

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>MILITARY CONSTRUCTION, DEFENSE-WIDE</b>					
	5th Special Forces Group language sustainment training facility	6,800	Alexander		Fort Campbell, KY
	5th Special Forces Group language sustainment training facility	6,800	Corker		Fort Campbell, KY
	SOF AC-130 load out apron PH1	6,000	Udall, Tom		Cannon AFB
	New elementary school	50,000	NMR		Boeblingen, Germany
<b>CHEMICAL AGENTS AND MUNITIONS DESTRUCTION</b>					
	Blue Grass Army Depot chemical demilitarization project	5,000	McConnell		Blue Grass Army Depot

## TITLE 26

<b>MILITARY CONSTRUCTION, ARMY NATIONAL GUARD</b>					
	144th Squadron operations facility	9,800	Boxer		Fresno-Yosemite Intl ANG
	144th Squadron operations facility	9,800	Feinstein		Fresno-Yosemite Intl ANG
	Aviation readiness center	8,967	Chambliss		Hunter Army Airfield
	Aviation readiness center	8,967	Leahson		Hunter Army Airfield
	US Property and Fiscal Office	4,000	NMR		Johnston, VA
	Readiness center expansion	5,600	Dubin		Wilan Readiness Center
	Taxiway alterations, ARNG aviation support facility	2,227	Brownback		Army National Guard Aviation Support Facility, Salina, KS
	Taxiway alterations, ARNG aviation support facility	2,227	Roberts		Salina Aviation Facility, Kansas
	Monticello National Guard readiness center	14,350	Cochran		Monticello
	Monticello National Guard readiness center	14,350	Wicker		Monticello
	National Guard renewable energy sustainable projects	2,000	Field		NV National Guard
	Camp Riley infrastructure (water supply system)	3,369	Merkey		Claatsop County, Wamanton

NMR indicates no member request

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>MILITARY CONSTRUCTION, ARMY NATIONAL GUARD</b>					
	Camp Riley infrastructure (water supply system)	3,369	Wyden		Clatsop County, Warrenton
	Joint force headquarters readiness center supplement	7,890	Johnson		Camp Rapid
	Joint force headquarters readiness center supplement	7,890	Thune		Camp Rapid
	Troop medical clinic addition/alteration	1,950	Thune		Camp Rapid
	BOQ additions and improvements	1,996	Leahy		Ethan Allen Firing Range
	BOQ additions and improvements	1,996	Sanders		Ethan Allen Firing Range
<b>MILITARY CONSTRUCTION, ARMY RESERVES</b>					
	Range utility upgrade	3,850	Kohn		Fort McCoy
<b>MILITARY CONSTRUCTION, AIR NATIONAL GUARD</b>					
	Adit/zaller weapons release	4,500	Bennet		Buckley ANG Base
	Adit/zaller weapons release	4,500	Udall, Mark		Buckley ANG Base
	CNAF beddown upgrade facilities	9,000	Dodd		Bradley National Airport
	CNAF beddown upgrade facilities	9,000	Lieberman		Bradley National Airport
	Des Moines alteration to security forces facility	4,500	Grassley		Des Moines
	Des Moines alteration to security forces facility	4,500	Harkin		Des Moines
	Composite operations and training facility	12,800	Kennedy		Otis ANG Base
	Composite operations and training facility	12,800	Kerry		Otis ANG Base
	A-10 squad operations facility	7,100	Levin		Selridge ANG Base
	A-10 squad operations facility	7,100	Stabenow		Selridge ANG Base
	CNAF beddown facilities	14,000	Levin		Battle Creek ANG Base
	CNAF beddown facilities	14,000	Stabenow		Battle Creek ANG Base

<sup>1</sup>“NMR” indicates no member requested

## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>MILITARY CONSTRUCTION, AIR NATIONAL GUARD</b>					
	Replace troop quarters	8,900	Levin		Alpena Combat Readiness Training Center
	Replace troop quarters	8,900	Stabenow		Alpena Combat Readiness Training Center
	Minnesota STARBASE facility alteration	1,900	Klobuchar		Minneapolis/St. Paul IAP 133rd AW Base
	Replace fire/crash rescue station, phase two	9,300	NMR		Rosecrans Memorial Airport, MO
	Upgrade weapons storage area	10,600	Tester		Malstrom AFB
	Replace squadron operations facilities	10,000	Gregg		Pease ANG Base
	Replace squadron operations facilities	10,000	Shaheen		Pease ANG Base
	Base civil engineering complex	9,700	Lautenberg		108th Air Refueling Wing, McGuire AFB
	Base civil engineering complex	9,700	Menendez		108th Air Refueling Wing, McGuire AFB
	NV Air National Guard fire station replacement	10,800	Ensign		Reno, NV
	NV Air National Guard fire station replacement	10,800	Reid		Reno, NV
	Joint force headquarters building	1,300	Graham		Air National Guard
	Above ground multi-cubicle magazine storage	1,300	Thune		Joe Foss Field
	Addition/alteration to munitions maintenance complex	1,300	Thune		Joe Foss Field
	ANG engineer maintenance and training facility	9,800	Alexander		164th Airlift Wing, Memphis
	ANG engineer maintenance and training facility	9,800	Corker		164th Airlift Wing, Memphis
	Fire crash and rescue station addition/alteration	6,000	Leahy		Burlington International Airport
	Fire crash and rescue station addition/alteration	6,000	Sanders		Burlington International Airport
	Upgrade corrosion control hangar	5,000	Kohl		General Mitchell International Airport

\*NMR\* indicates no member request



## COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (in thousands)	Member	Suggested Recipient	Suggested Location of Performance
<b>MILITARY CONSTRUCTION, AIR NATIONAL GUARD</b>					
	C-5 taxiway upgrades	19,500	Byrd		Shepherd Airbase, Martinsburg
	Squadron operations	1,500	Barraesso		Cheyenne Airport/WY National Guard
	Squadron operations	1,500	Enzi		Cheyenne Airport/WY National Guard
<b>MILITARY CONSTRUCTION, AIR FORCE RESERVES</b>					
	Indoor small arms range	5,700	Gillibrand		Niagara Falls Air Reserve Station, NY
	Indoor small arms range	5,700	Schumer		Niagara Falls Air Reserve Station, NY
	Visiting quarters phase one	12,400	Casey		Pittsburgh Air Reserve Base
	Visiting quarters phase one	12,400	Speier		Pittsburgh Air Reserve Base

## TITLE 31

## DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS; WEAPONS ACTIVITIES

Engineering campaign; enhanced surety	5,000	NMR	n/a	n/a
Inertial confinement fusion and high yield campaign; facility operations and target production; Omega operations	6,500	NMR	University of Rochester	Rochester, NY
International nuclear materials protection and cooperation; MPC&A	39,750	NMR	n/a	n/a
Readiness in technical base and facilities; construction; OS-D-007, LANSCE refurbishment	24,000	NMR	Los Alamos National Laboratory	Los Alamos, NM
Weapons dismantlement and disposition; operation and maintenance	10,000	NMR	n/a	n/a

\*NMR\* indicates no member request

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
I	APA		20	Air filtration systems	\$1,000	Akin (MO)	Aerospace Filtration Systems, Inc.	St. Charles, MO
I	APA		22	Common Avionics Architecture System (CAAS-PVI) CH-47F	\$2,000	McHugh (NY)	Rockwell Collins (HQ Cedar Rapids, IA)	Binghamton, NY
I	APA		22	Vibration Management Enhancement Program (VMEP)	\$3,000	Wilson (SC)	South Carolina Army National Guard	Columbia, SC
I	APA		26	UH-60 Rewiring Program - Army National Guard	\$5,000	Granger (TX)	InterConnect Wiring L.L.P.	Fort Worth, TX
I	WTCV		44	Arsenal Support Program Initiative (ASPI) at Rock Island Arsenal	\$3,000	Briley (IA)	Rock Island Arsenal	Rock Island, IL
I	WTCV		44	Arsenal Support Program Initiative (ASPI) at Rock Island Arsenal	\$3,000	Hare (IL)	Rock Island Arsenal	Rock Island, IL
I	PAA		7	40MM Tactical All Types - Mortar Rounds	\$3,000	Tahner (TN)	Milan AAP	Milan, TN
I	PAA		8	M722 60mm White Phosphorus Smoke Mortar	\$2,000	Ross (AR)	Pine Bluff Arsenal	Pine Bluff, AR
I	PAA		36	Bomb Line Modernization	\$2,000	Boren (OK)	McAlester Army Ammunition Plant	McAlester, OK
I	OPA		135	FIDO Explosive Detector	\$3,000	Fallin (OK)	Nomadics	Stillwater, OK
I	OPA		154	Life Support for Trauma and Transport (LSTAT)	\$1,000	Loretta Sanchez (CA)	Integrated Medical Systems	Signal Hill, CA
I	OPA		154	Life Support for Trauma and Transport (LSTAT)	\$1,000	Reyes (TX)	Integrated Medical Systems	Signal Hill, CA
I	OPA		177	Immersive Group Simulation Virtual Training System for the Hawaii Army National Guard	\$2,500	Abercrombie (HI)	Atlantis Cyberspace	Honolulu, HI
I	OPA		177	Mobile Firing Range for TXARNG	\$1,500	Conaway (TX)	Texas Army National Guard	Austin, TX
I	OPA		177	Mobile Firing Range for TXARNG	\$1,500	Granger (TX)	Texas National Guard	Fort Worth, TX
I	OPA		177	Virtual Interactive Combat Environment (V.I.C.E.) training system for the Virginia National Guard	\$2,000	Connolly (VA)	Dynamic Animation Systems, Inc.	Fairfax County, VA
I	APN		52	Crane Integrated Defensive Countermeasures (IDECM) Depot Capability	\$2,000	Elsworth (IN)	ITT Electronic Systems and NSWC, Crane	Crane, IN

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
1	OPN		64	Deployable Joint Command and Control (DJC2) Shelter Upgrade Program	\$3,000	Salazar (CO)	Weatherport/Alaska Structures	Delta, CO
1	OPN		97	Multi-Climate Protection System (MCPS)	\$5,000	Hodes (NH)	Polartec, LLC	Hudson, NH
1	OPN		97	Multi-Climate Protection System (MCPS)	\$5,000	Rogers (MI)	Peckham	Lansing, MI
1	OPN		97	Multi-Climate Protection System (MCPS)	\$5,000	Shea-Porter (NH)	Polartec, LLC	Hudson, NH
1	OPN		97	Multi-Climate Protection System (MCPS)	\$5,000	Tsongas (MA)	Polartec, LLC	Lawrence, MA
1	PMC		44	USMC Tactical Fuel Systems (Nitrile Rubber Collapsible Storage Units)	\$3,100	Taylor (MS)	Avon Engineered Fabrications, Inc	Pikayune, MS
1	APAF		17	C-40C Aircraft, Scott AFB	\$105,250	Costello (IL)	932nd Airlift Wing	Scott AFB, IL
1	APAF		52	Scathe View Hyper-Spectral Imagery Upgrade	\$4,500	Berkley (NV)	Nevada Military Department	Carson City, NV
1	APAF		52	Scathe View Hyper-Spectral Imagery Upgrade	\$4,500	Titus (NV)	Nevada Military Department/Nevada National Guard	Carson City, NV
1	APAF		52	Senior Scout COMINT (Communications Intelligence) Capability Upgrade	\$3,750	Andrews (NJ)	L-3 Communications - East	Camden, NJ
1	APAF		52	Senior Scout COMINT (Communications Intelligence) Capability Upgrade	\$3,750	LoBiondo (NJ)	L-3 Communications Systems	Camden, NJ
1	OPAF		12	Eagle Vision III, 147th Combat Communications Squadron, San Diego, California	\$4,000	Billrey (CA)	147th Combat Communications Squadron, California Air National Guard, San Diego, California	San Diego, CA
1	OPAF		12	Eagle Vision III, 147th Combat Communications Squadron, San Diego, California	\$4,000	Davis (CA)	147th Combat Communications Squadron, California Air National Guard, San Diego, California	San Diego, CA
1	OPAF		12	Eagle Vision Upgrade	\$1,500	Wilson (SC)	South Carolina Air National Guard	Eastover, SC
1	OPAF		54	Aircrew Body Armor and Load Carriage Vest System	\$3,000	Alkin (MO)	Eagle Industries	Fenton, MO
1	PDW		63	Intelligence Broadcast Receiver (IBR) for AFSOC MC-130	\$1,000	Miller (FL)	DRS Technologies	Fort Walton Beach, FL

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars In Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
I	PDW		71	Special Operations Forces Combat Assault Rifle (SCAR)	\$2,500	Wilson (SC)	FN Manufacturing, LLC	Columbia, SC
I	PDW		74	Special Operations Craft-Riverine	\$10,000	Taylor (MS)	United States Marine, Inc	Gulfport, MS
II	RDA	0601103A	3	Smart Wound Dressing for MRSA-infected Battle Wounds	\$1,000	Cummings (MD)	Soluble Systems, LLC	Newport News, VA
II	RDA	0601103A	3	Smart Wound Dressing for MRSA-infected Battle Wounds	\$1,000	Scott (VA)	Eastern Virginia Medical School	Norfolk, VA
II	RDA	0602105A	5	Dual Stage Variable Energy Absorber	\$3,000	Murphy (PA)	ARCCA, Inc.	Penns Park, PA
II	RDA	0602105A	5	Nanomanufacturing of Multifunctional Sensors	\$3,000	Tsongas (MA)	University of Massachusetts Lowell	Lowell, MA
II	RDA	0602105A	5	Next Generation High Strength Glass Fibers for Ballistic Armor Applications	\$2,000	Wilson (SC)	AGY Holding Corporation	Aiken, SC
II	RDA	0602105A	5	Ultra Lightweight Metallic Armor	\$1,000	Costello (IL)	Magnesium Elektron North America	Madison, IL
II	RDA	0602601A	13	Tactical Metal Fabrication (TacFab)	\$1,000	Adler (NJ)	SeaBox	East Rutherford, NJ
II	RDA	0602601A	13	Tactical Metal Fabrication (TacFab)	\$1,000	Andrews (NJ)	SeaBox, Inc.	East Rutherford, NJ
II	RDA	0602601A	13	Tactical Metal Fabrication (TacFab)	\$1,000	Lance (NJ)	SeaBox, Inc.	No. Brunswick, NJ
II	RDA	0602601A	13	Tactical Metal Fabrication (TacFab)	\$1,000	Markey (MA)	Thermo Fisher Scientific	Waltham, Woburn, Billerica, Beverly, Lowell, MA
II	RDA	0602601A	13	Tactical Metal Fabrication (TacFab)	\$1,000	Tsongas (MA)	Thermo Fisher Scientific	Billerica, MA
II	RDA	0602601A	13	Tactical Metal Fabrication (TacFab)	\$1,000	Turner (OH)	BuyCASTINGS.com, Inc.	Miamisburg, OH
II	RDA	0602618A	14	Beneficial Infrastructure for Rotorcraft Risk Reduction Demonstrations (BIRRD) Program	\$1,000	Sestak (PA)	Dragonfly Pictures, Inc.	Essington, PA
II	RDA	0602624A	17	Defense Support for Civil Authorities (DSCA) for Key Resource Protection - South Central, PA	\$1,000	Shuster (PA)	L. Robert Kimball & Associates	Ebensburg, PA
II	RDA	0602624A	17	Highly Integrated Production for Expediting RESET	\$2,500	Rogers (AL)	Annikston Army Depot	Annikston, AL
II	RDA	0602624A	17	Highly Integrated Production for Expediting RESET	\$2,500	Wilson (SC)	South Carolina Research Authority	Columbia, SC

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACT	FE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
II	RDA	0602624A	17	Hybrid Projectile Program	\$3,000	Courtney (CT)	University of Hartford	West Hartford, CT
II	RDA	0602624A	17	Hybrid Projectile Program	\$3,000	Larson (CT)	University of Hartford	West Hartford, CT
II	RDA	0602624A	17	Specialized Compact Automated Mechanical Clearance Platform (SCAMP)	\$4,000	Murphy (PA)	Humanistic Robotics, Inc.	Bristol, PA
II	RDA	0602705A	18	Novel Zinc Air Power Sources for Military	\$2,500	Rogers (AL)	Electric Fuel Battery Corporation (Arotech Subsidiary)	Auburn, AL
II	RDA	0602716A	21	LWI Training-based Collaborative Research	\$15,000	Skelton (MO)	Leonard Wood Institute	Fort Leonard Wood, MO
II	RDA	0602720A	22	Cluster Bomb Unit/ Combined Effects Munitions (CBU/CEM) Demil System	\$1,000	Brady (PA)	Day & Zimmermann	Philadelphia, PA
II	RDA	0602720A	22	Renewable Energy Testing Center	\$1,000	Matsui (CA)	Renewable Energy Institute International	Sacramento, CA
II	RDA	0602720A	22	SUNY Cobleskill Blowaste-to-Bioenergy Center	\$2,500	Murphy (NY)	State University of New York	Cobleskill, NY
II	RDA	0602720A	22	SUNY Cobleskill Blowaste-to-Bioenergy Center	\$2,500	Tonko (NY)	State University of New York College of Agriculture and Technology at Cobleskill	Cobleskill, NY
II	RDA	0602784A	25	Cellulose Nanocomposite Panels for Ballistic Protection	\$2,000	Michaud (ME)	University of Maine	Orono, ME
II	RDA	0602784A	25	Cellulose Nanocomposite Panels for Ballistic Protection	\$2,000	Pingree (ME)	University of Maine	Orono, ME
II	RDA	0602784A	25	Geosciences/Atmospheric Research (CG/AR)	\$3,000	Markley (CO)	Colorado State University	Fort Collins, CO
II	RDA	0602787A	28	Advanced Bio-engineering for Enhancement of Soldier Survivability	\$3,000	Gingrey (GA)	Georgia Institute of Technology	Atlanta, GA
II	RDA	0602787A	28	Advanced Bio-engineering for Enhancement of Soldier Survivability	\$3,000	Johnson (GA)	Georgia Institute of Technology	Atlanta, GA
II	RDA	0602787A	28	Advanced Functional Nanomaterials for Biological Processes	\$2,500	Snyder (AR)	University of Arkansas at Little Rock	Little Rock, AR
II	RDA	0602787A	28	Human Organ and Tissue Preservation Technology	\$2,000	Wilson (SC)	Lifblood Medical	Columbia, SC

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars In Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
II	RDA	0602787A	28	Improving Soldier Recovery from Catastrophic Bone Injuries	\$4,000	Murphy (CT)	University of Connecticut Health Center	Farmington, CT
II	RDA	0602787A	28	Optical Neural Techniques for Combat and Post-Trauma Healthcare	\$4,000	Smith (WA)	Lockheed Martin Aculight	Bothell, WA
II	RDA	0602787A	28	Self Powered Prosthetic Limb Technology	\$2,000	Thompson (PA)	KCF Technologies	State College, PA
II	RDA	0603001A	29	High Pressure Pasteurization & Pressure Assisted Thermal Sterilization Project	\$4,300	Ellsworth (IN)	AmeriQual Group, LLC and Natick Soldier Research, Development and Engineering Center	Evansville, IN
II	RDA	0603001A	29	Next Generation Precision Airdrop System (Next-Gen PADS)	\$2,500	Larson (CT)	Capewell Components Company, LLC	South Windsor, CT
II	RDA	0603001A	29	Onyx System Precision Guided Airdrop Equipment	\$1,500	McMahon (NY)	Atair Aerospace	Brooklyn, NY
II	RDA	0603001A	29	Onyx System Precision Guided Airdrop Equipment	\$1,500	Towns (NY)	Atair Aerospace	Brooklyn, NY
II	RDA	0603001A	29	Onyx System Precision Guided Airdrop Equipment	\$1,500	Velazquez (NY)	Atair Aerospace	Brooklyn, NY
II	RDA	0603002A	30	Carbide Derived Carbon for Treatment of Combat Related Sepsis	\$1,000	Sestak (PA)	Y-Carbon Inc.	King of Prussia, PA
II	RDA	0603002A	30	Clinical Technology Integration for Military Health	\$2,000	Markey (MA)	DocBox, Inc.	Waltham, MA
II	RDA	0603002A	30	Institute for Simulation and Interprofessional Studies	\$5,800	Smith (WA)	University of Washington	Seattle, WA
II	RDA	0603002A	30	Malaria Vaccine Development: Protecting our Troops	\$5,000	Smith (WA)	Seattle Biomedical Research Initiative	Seattle, WA
II	RDA	0603002A	30	Multi-dose Closed-loop pH Monitoring System for Platelets	\$1,000	Smith (WA)	Blood Cell Storage, Inc.	Seattle, WA
II	RDA	0603002A	30	Northern Illinois Proton Treatment and Research Center	\$2,000	Foster (IL)	Northern Illinois University	DeKalb, IL
II	RDA	0603002A	30	Regenerative Medicine to Address Acute Hearing Loss	\$3,000	Smith (WA)	FATE Therapeutics	Seattle, WA
II	RDA	0603002A	30	Wounded Servicemember Bioelectronics Research	\$1,500	Nye (VA)	Old Dominion University (ODU)	Norfolk, VA
II	RDA	0603003A	31	Advanced Affordable Turbine Engine (AATE) Program	\$5,000	DeLauro (CT)	Pratt & Whitney	East Hartford/Middletown, CT

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	FE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
II	RDA	0603003A	31	Advanced Affordable Turbine Engine (AAFE) Program	\$5,000	Larson (CT)	Pratt & Whitney	East Hartford, CT
II	RDA	0603003A	31	Drive System Composite Structural Component Risk Reduction Program	\$3,000	Brady (PA)	V System Composites, Inc.	Chester, PA
II	RDA	0603003A	31	Robust Composite Structural Core for Army Helicopters	\$2,000	Shea-Porter (NH)	Albany Engineered Composites	Rochester, NH
II	RDA	0603003A	31	UH-60 Transmission/Gearbox Galvanic Corrosion Reduction	\$1,500	Kissell (NC)	United Protective Technologies	Locust, NC
II	RDA	0603003A	31	Universal Control Program - FADEC	\$9,000	Larson (CT)	Goodrich Pump & Engine Controls	West Hartford, CT
II	RDA	0603005A	33	Advanced Composites for Light Weight, Low Cost Transportation Systems using a 3+ Ring Extruder	\$3,000	Stupak (MI)	Century/3 Plus, LLC	Traverse City, MI
II	RDA	0603005A	33	Advanced Lithium Ion Phosphate Battery System for Army Combat Hybrid HMMWV and Other Army Vehicle P	\$3,000	Dingell (MI)	A123Systems, Inc.	Ann Arbor, MI
II	RDA	0603005A	33	Fire Shield	\$2,000	Drieler (CA)	Chang Industry, Inc	La Verne, CA
II	RDA	0603005A	33	Hybrid Electric (Heavy Truck) Vehicle	\$2,000	Bartlett (MD)	Volvo Powertrain of North America	Hagerstown, MD
II	RDA	0603005A	33	Hydraulic Hybrid Vehicle (HHV) for the Tactical Wheeled Fleet	\$3,500	Peters (MI)	Bosch Rexroth Corporation	Rochester Hills, MI
II	RDA	0603005A	33	Protective 3-D Armor Structure to Safeguard Military Vehicles and Troops	\$2,000	Levin (MI)	Lawrence Technological University	Southfield, MI
II	RDA	0603005A	33	Unmanned Robotic System Utilizing a Hydrocarbon Fueled Solid Oxide Fuel Cell System	\$3,000	Dingell (MI)	Adaptive Materials, Inc.	Ann Arbor, MI
II	RDA	0603006A	34	Applied Communications and Information Networking (ACIN)	\$3,800	Andrews (NJ)	Drexel University	Camden, NJ
II	RDA	0603006A	34	Applied Communications and Information Networking (ACIN)	\$3,800	LoBlundo (NJ)	Drexel University	Philadelphia, PA
II	RDA	0603015A	38	HapMed Combat Medic Trainer	\$1,000	Hunter (CA)	CHI Systems	Poway, CA
II	RDA	0603015A	38	HapMed Combat Medic Trainer	\$1,000	Schwartz (PA)	CHI Systems, Inc.	Fort Washington, PA

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
II	RDA	0603015A	38	Joint Fires and Effects Trainer System Enhancements	\$2,500	Fallin (OK)	Creative Technologies Inc.	Fort Sill, OK
II	RDA	0603103A	40	Propellant Conversion to Fertilizer Program for Tooele Army Depot	\$2,000	Bishop (UT)	Tooele Army Depot, Utah	Tooele, UT
II	RDA	0603270A	43	Advanced Ground Electronic Warfare & Signals Intelligence System	\$2,500	Larsen (WA)	Agilent Technologies	Everett, WA
II	RDA	0603270A	43	Advanced Ground Electronic Warfare & Signals Intelligence System	\$2,500	Smith (WA)	Agilent Technologies	Everett, WA
II	RDA	0603313A	44	Scenario Generation for Integrated Air and Missile Defense (IAMD) Evaluation (SGIE)	\$800	Reyes (TX)	Integrated Defense Applications and QNA SEG and Integration Innovation, Incorporated (I3)	El Paso, Union Grove, AL and Huntsville, AL, TX
II	RDA	0603710A	48	Brownout Situational Awareness Sensor	\$3,000	Hunter (CA)	Trex Enterprises	San Diego, CA
II	RDA	0603710A	48	Brownout Situational Awareness Sensor	\$3,000	Oliver (MA)	Trex Enterprises	West Hatfield, MA
II	RDA	0603710A	48	Buster/Blacklight UAV Development	\$1,000	Ortiz (TX)	Mission Technologies	San Antonio, TX
II	RDA	0603710A	48	Buster/Blacklight UAV Development	\$1,000	Rodriguez (TX)	Mission Technologies, Inc.	San Antonio, TX
II	RDA	0603710A	48	High Resolution Personal Miniature Thermal Viewer (PMTV)	\$1,000	Loretta Sanchez (CA)	Irvine Sensors	Costa Mesa, CA
II	RDA	0603710A	48	Hyper-IRP (Hyper spectral Sensor for Improved Force Protection)	\$2,000	Akin (MO)	Clean Earth Technologies, LLC	St. Louis, MO
II	RDA	0603734A	50	Demonstration of Thin Film Solar Modules as a Renewable Energy Source - Fort Bliss	\$1,000	Reyes (TX)	Florida Solar Energy	Boca Raton, TX
II	RDA	0603734A	50	Field Deployable Hologram Production System	\$4,800	Conaway (TX)	Zebra Imaging, Inc.	Austin, TX
II	RDA	0603734A	50	Field Deployable Hologram Production System	\$4,800	Granger (TX)	Zebra Imaging, Inc.	Austin, TX
II	RDA	0603734A	50	Nanotechnology for Potable Water and Waste Treatment	\$2,000	Murphy (PA)	PPG Industries	Monroeville, PA
II	RDA	0603734A	50	PacCom Renewable Energy Security Systems	\$3,000	Abercrombie (HI)	Pacific Biodiesel	Honolulu, HI



## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
II	RDA	0603772A	51	Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar (FORESTER)	\$2,000	Maffei (NY)	Syracuse Research Corporation	North Syracuse, NY
II	RDA	0603772A	51	Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar (FORESTER)	\$2,000	McHugh (NY)	Syracuse Research Corporation	North Syracuse, NY
II	RDA	0603772A	51	Optimizing Natural Language Processing of Open Source Intelligence (OSINT)	\$1,500	Bishop (UT)	Army / Attensity, Inc., / partnered with University of Buffalo	Salt Lake City, UT
II	RDA	0603305A	53	Biological Air Filtering System Technology (BAFST)	\$3,000	Berry (AR)	Arkansas State University	Jonesboro, AR
II	RDA	0603305A	53	Compact Pulsed Power Initiative	\$4,000	Conaway (TX)	Texas Tech University	Lubbock, TX
II	RDA	0603305A	53	Compact Pulsed Power Initiative	\$4,000	Neugebauer (TX)	Texas Tech University	Lubbock, TX
II	RDA	0603327A	55	Center for Defense Systems Research (CDSR)	\$1,000	Reyes (TX)	University of Texas at El Paso	El Paso, TX
II	RDA	0603779A	64	Cadmium Emissions Reduction - Letterkenny Army Depot	\$1,000	Shuster (PA)	Mountain Research, LLC	Altoona, PA
II	RDA	0603779A	64	Vanadium Technology Program	\$3,000	Wilson (SC)	Advanced Technology Institute	North Charleston, SC
II	RDA	0603827A	71	Acid Alkaline Direct Methanol Fuel Cell	\$2,000	McIntyre (NC)	Fayetteville Works Plant	Fayetteville, NC
II	RDA	0604804A	103	Autonomous Sustainment Cargo Container (ASCC), "Sea Truck"	\$1,500	Bartlett (MD)	AEFLOG Inc.	Germanstown, MD
II	RDA	0604807A	105	Plasma Sterilizer	\$800	Elison (MN)	Phygen, Inc	Minneapolis, MN
II	RDA	0604807A	105	Plasma Sterilizer	\$800	McCollum (MN)	Phygen-Steriluent	Minneapolis, MN
II	RDA	0604854A	114	Paladin Integrated Management, M109A6	\$9,000	Platts (PA)	BAE Systems	Arlington, VA
II	RDA	0604854A	114	Paladin Integrated Management, M109A6	\$9,000	Rogers (AL)	BAE Systems	Arlington, VA
II	RDA	0605602A	128	MIOTS All Sky Imager	\$1,200	Reyes (TX)	Aerospace Missions Corporation and Trex Enterprises	El Paso and San Diego, CA, TX
II	RDA	0203726A	147	AFATDS Voice Recognition and Cross Platform Speech Interface System	\$2,500	Shuster (PA)	Szanca Solutions, Inc.	Bedford, PA
II	RDA	0203802A	155	Javelin Warhead Improvement Plan	\$5,000	Bright (AL)	Lockheed Martin Corporation	Troy, AL

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
II	RDA	0305208A	168	Adaptive-Defense HIPPIE (High-speed Internet Protocol Packet Inspection Engine) on a Chip	\$1,300	Akin (MO)	TechGuard Security, LLC	Chesterfield, MO
II	RDA	0305208A	168	Joint STARS Surveillance and Control Data Link (SCDL) Technology Refresh	\$1,000	Davis (CA)	Cubic Defense Applications	San Diego, CA
II	RDN	0601153N	3	ONAMI Nanoelectronics, Nanometrology and Nanobiotechnology (N31) Initiative	\$2,500	Blumenauer (OR)	Portland State University (with Subcontracting to Oregon State University and University of Oregon)	Portland, OR
II	RDN	0601153N	3	ONAMI Nanoelectronics, Nanometrology and Nanobiotechnology (N31) Initiative	\$2,500	DeFazio (OR)	University of Oregon	Eugene, OR
II	RDN	0601153N	3	ONAMI Nanoelectronics, Nanometrology and Nanobiotechnology (N31) Initiative	\$2,500	Schradler (OR)	ONAMI	Corvallis, OR
II	RDN	0601153N	3	ONAMI Nanoelectronics, Nanometrology and Nanobiotechnology (N31) Initiative	\$2,500	Walden (OR)	University of Oregon; Oregon State University; Portland State University; ONAMI	Eugene; Corvallis; Portland; Corvallis, OR
II	RDN	0602114N	4	Multifunctional Materials, Their Applications and Devices	\$2,000	Kilroy (OH)	The Ohio State University	Columbus, OH
II	RDN	0602123N	5	Design Optimization of Composite High-Speed Boats using Advanced Composite Manufacturing and Non-Des	\$2,000	Pingree (ME)	Hodgdon Defense Composites	Portland, ME
II	RDN	0602123N	5	Force Protection – Non Traditional Weaving Application for Aramid (Ballistic) Fibers and Fabrics	\$2,500	LoBlundo (NJ)	Absecon Mills Inc.	Cologne, NJ
II	RDN	0602123N	5	Lithium Ion Storage Advancement for Aircraft Applications	\$2,500	Blunt (MO)	EaglePicher Technologies LLC	Joplin, MO
II	RDN	0602236N	9	Managing and Extending DoD Asset Lifecycles (MEDAL)	\$2,000	Abercrombie (HI)	Referentia Systems	Honolulu, HI
II	RDN	0603114N	15	Counterline Lidar UAV-based System (CLUBS)	\$2,000	Taylor (MS)	Optech International Inc.	Klin, MS
II	RDN	0603114N	15	Detection, Tracking, and Identification for ISRT of Mobile and Asymmetric Targets	\$2,500	Abercrombie (HI)	Pulco Scientific	Honolulu, HI
II	RDN	0603114N	15	Quiet Drive Advanced Rotary Actuator	\$2,000	Higgins (NY)	Moog Inc.	East Aurora, NY
II	RDN	0603114N	15	Quiet Drive Advanced Rotary Actuator	\$2,000	Sertak (PA)	Moog Inc.	East Aurora, NY

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
II	RDN	0603114N	15	Tactical High Speed Anti-Radiation Missile Demonstration	\$1,900	Connolly (VA)	Aerojet-General Corporation	Gainesville, VA
II	RDN	0603114N	15	Tactical High Speed Anti-Radiation Missile Demonstration	\$1,900	McKeon (CA)	Naval Air Warfare Center, China Lake	China Lake, CA
II	RDN	0603123N	16	High-Temperature Radar Dome Materials	\$2,000	Giffords (AZ)	University of Arizona	Tucson, AZ
II	RDN	0603123N	16	Pure Hydrogen Supply from Logistic Fuels	\$3,000	Murphy (PA)	Power and Energy, Inc.	Ivins, PA
II	RDN	0603640M	20	Acoustic Combat Sensors	\$5,000	Boren (OK)	GWACS Defense, Inc.	Tulsa, OK
II	RDN	0603729N	22	Navy Special Warfare Performance and Injury Prevention Program for SBT 22 at Stennis Space Center	\$2,500	Taylor (MS)	University of Pittsburgh School of Health and Rehabilitation	Pittsburgh, PA
II	RDN	0603216N	27	Lighter-Than-Air Stratospheric UAV for Persistent Communications Relay and Surveillance	\$3,000	Lamborn (CO)	U.S. Northern Command	Colorado Springs, CO
II	RDN	0603254N	29	Marine Mammal Detection System	\$3,000	Smith (NJ)	Integrated Systems Solutions, Inc. (ISSI)	Lakehurst, NJ
II	RDN	0603506N	33	Continuous Active Sonar (CAS) for Torpedo DCL Systems	\$4,500	Courtney (CT)	Allon Science and Technology	Mystic, CT
II	RDN	0603513N	35	Advanced Steam Turbine	\$4,000	Massa (NY)	Dresser-Rand	Wellsville, Painted Post, Olean, NY
II	RDN	0603513N	35	Advanced Steam Turbine	\$4,000	Oliver (MA)	DRS	Fitchburg, MA
II	RDN	0603513N	35	Advanced Steam Turbine	\$4,000	Tsongas (MA)	DRS Power Technology, Inc	Fitchburg and Hudson, MA
II	RDN	0603513N	35	Next Generation Shipboard Integrated Power: Fuel Efficiency and Advanced Capability Enhancer	\$5,000	Bartlett (MD)	Northrop Grumman	Los Angeles, CA
II	RDN	0603561N	41	Submarine Fatigue Vector Sensor Towed Array	\$2,000	Kratovil (MD)	L3 Chesapeake Sciences Corporation	Millersville, MD
II	RDN	0603564N	44	Support for Naval Ship Hydrodynamics Test Facilities	\$4,000	Van Hollen (MD)	Carderock Division, Naval Surface Warfare Center	West Bethesda, MD
II	RDN	0603573N	46	High Density Power Conversion and Distribution Equipment	\$1,500	Boren (OK)	Westwood Corporation, L-3	Tulsa, OK
II	RDN	0603573N	46	High Density Power Conversion and Distribution Equipment	\$1,500	Sullivan (OK)	L-3 Westwood Corporation	Tulsa, OK

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
II	RDN	0603573N	46	Hybrid Propulsion / Power Generation for Increased Fuel Efficiency for Surface Combatants	\$2,000	Loretta Sanchez (CA)	L-3 Power Paragon, Inc.	Anaheim, CA
II	RDN	0603573N	46	Hybrid Propulsion / Power Generation for Increased Fuel Efficiency for Surface Combatants	\$2,000	Miller (CA)	NAVSEA Electric Ship Office	Washington, DC
II	RDN	0603725N	59	Photovoltaic Rooftop Systems - Navy	\$1,500	Peters (MI)	United Solar Oxonic	Auburn Hills, MI
II	RDN	0603725N	59	Regenerative Fuel Cell Back-up Power	\$1,700	Larson (CT)	Infinity Fuel Cell and Hydrogen, Inc.	Windsor, CT
II	RDN	0603725N	59	Wave Energy PowerBuoy Generating System	\$2,400	Abercrombie (HI)	Ocean Power Technologies	Honolulu, HI
II	RDN	0603725N	59	Wave Energy PowerBuoy Generating System	\$2,400	Hirono (HI)	Ocean Power Technologies	Honolulu, HI
II	RDN	0603925N	74	Joint Technology Insertion & Accelerated System Integration Capability for Electronic Warfare	\$2,000	Ellsworth (IN)	Science Applications International Corporation (SAIC) and NSWC, Crane	Crane, IN
II	RDN	0604215N	82	Measurement Standards Research and Development	\$2,000	Calvert (CA)	Naval Surface Warfare Center, Corona Division, Corona, CA 92878-5000	Corona, CA
II	RDN	0604216N	83	USN MH-60S 'Close the Lethality Gap' M230 Pylon Qualification	\$4,700	Massa (NY)	Navy Strike and Air Warfare Center	Fallon, NV
II	RDN	0604307N	99	Advanced Capability Build 12 and ACB 14	\$2,000	Adler (NJ)	Lockheed Martin MS2	Moorestown, NJ
II	RDN	0604558N	110	Common Command and Control System Module (CCCS)	\$6,000	Courtney (CT)	General Dynamics Electric Boat	Groton, CT
II	RDN	0604558N	110	Common Command and Control System Module (CCCS)	\$6,000	Langevin (RI)	General Dynamics Electric Boat	North Kingstown, RI
II	RDN	0604558N	110	Mold -In-Place (MIP) Coating Development for the U.S. Submarine Fleet	\$2,000	Taylor (MS)	Seeman Composites, Inc	Gulfport, MS
II	RDN	0604567N	113	Automated Fiber Optic Manufacturing Initiative for Navy Ships	\$2,500	Nye (VA)	CAPT Brian Antonio, PEO Aircraft Carriers PMS 378, Washington Navy Yard	Washington, DC
II	RDN	0604567N	113	Automated Fiber Optic Manufacturing Initiative for Navy Ships	\$2,500	Tsongas (MA)	LSaria	Lawrence, MA

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
II	RDN	0604771N	124	U.S. Navy Pandemic Influenza Vaccine Program: Enhancement of Influenza Vaccine Efficacy	\$2,000	McHugh (NY)	Trudeau Institute (Saranac Lake, NY) and Naval Health Research Center (NHRC) (San Diego, CA)	Saranac Lake, NY
II	RDN	0604771N	124	U.S. Navy Vaccine Program	\$3,000	Alexander (LA)	The Breast Foundation	Baton Rouge, LA
II	RDN	0604771N	124	U.S. Navy Vaccine Program	\$3,000	Jones (NC)	OncBioMune, LLC	Baton Rouge, LA
II	RDN	0605013N	129	Maintenance Planning and Assessment Technology (MPAT) Insertion	\$1,500	Brady (PA)	Progeny Systems	Philadelphia, PA
II	RDN	0605804N	143	Center for Commercialization of Advanced Technology	\$2,500	Davis (CA)	San Diego State University Research Foundation	San Diego, CA
II	RDN	0101221N	160	Advanced LINAC Facility	\$1,170	Hill (IN)	Indiana University	Bloomington, IN
II	RDN	0101402N	163	E-68 Strategic Communications Upgrade Block 1A (VLF-TX & HPTS)	\$3,000	Fallin (OK)	Rockwell Collins through the US Navy	Tinker AFB, OK
II	RDN	0101402N	163	E-68 Strategic Communications Upgrade Block 1A (VLF-TX & HPTS)	\$3,000	Loebback (IA)	Rockwell Collins	Cedar Rapids, IA
II	RDN	0708011N	216	Laser Optimization Remote Lighting Systems	\$2,500	Larson (CT)	RSL Fiber Systems, LLC	East Hartford, CT
II	RDAF	0602201F	8	UAV Sensor and Maintenance Development Center	\$4,900	Bishop (UT)	Utah State University Space Dynamics Lab / Ogden ALC	Logan, UT
II	RDAF	0602201F	8	Unmanned Sense, Track, and Avoid Radar (USTAR)	\$2,000	Lamborn (CO)	N/A	Colorado Springs, CO
II	RDAF	0602203F	10	Advanced Lithium Battery Scale-up and Manufacturing	\$2,000	Johnson (GA)	Excellatron Solid State, LLC	Atlanta, GA
II	RDAF	0602203F	10	Advanced Vehicle Propulsion Center (AVPC)	\$3,000	McKeon (CA)	Advatech Pacific, Inc.	Redlands, CA
II	RDAF	0602203F	10	Integrated Electrical Starter	\$2,000	Turner (OH)	GE Aviation Systems, Electrical Power	Vandalia, OH
II	RDAF	0602203F	10	Multi-Mode Propulsion Phase IIA: High Performance Green Propellant	\$2,000	Kratovil (MD)	Alliant Techsystems Inc. (ATK)	Baltimore, MD
II	RDAF	0602204F	11	Information Quality Tools for Persistent Surveillance Data Sets	\$1,800	Snyder (AR)	University of Arkansas at Little Rock	Little Rock, AR

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

LINE	ACT	PE OR PROJECT	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
11	RDAF	0602204F	Net-Centric Sensor Grids	\$3,000	Hill (IN)	Indiana University	Bloomington, IN
12	RDAF	0602601F	Advanced Modular Avionics for ORS Use	\$3,100	Heinrich (NM)	Goodrich ISR Systems Albuquerque	Albuquerque, NM
17	RDAF	0602890F	Advanced Deformable Mirrors for High Energy Laser Weapons	\$2,000	Heinrich (NM)	MZA Associates Corporation and Active Optical Systems	Albuquerque, NM
18	RDAF	0603112F	Metals Affordability Initiative	\$10,000	Arcuri (NY)	Air Force Research Laboratory (AFRL)	Multiple Locations, OH
18	RDAF	0603112F	Metals Affordability Initiative	\$10,000	DeFazio (OR)	Air Force Research Laboratory (AFRL)	Multiple Locations, OH
18	RDAF	0603112F	Metals Affordability Initiative	\$10,000	DeLauro (CT)	Air Force Research Laboratory (AFRL)	Multiple Locations, OH
18	RDAF	0603112F	Metals Affordability Initiative	\$10,000	Holden (PA)	Air Force Research Laboratory (AFRL)	Multiple Locations, OH
18	RDAF	0603112F	Metals Affordability Initiative	\$10,000	Kaptur (OH)	Air Force Research Laboratory (AFRL)	Multiple Locations, OH
18	RDAF	0603112F	Metals Affordability Initiative	\$10,000	Kissell (NC)	Air Force Research Laboratory (AFRL)	Metals Affordability Initiative Consortium Program, CT
18	RDAF	0603112F	Metals Affordability Initiative	\$10,000	Latta (OH)	Air Force Research Laboratory (AFRL)	Multiple Locations, OH
18	RDAF	0603112F	Metals Affordability Initiative	\$10,000	Ryan (OH)	Air Force Research Laboratory (AFRL)	Multiple Locations, OH
18	RDAF	0603112F	Rapid Automated Processing of Advanced Low Observables	\$1,500	Turner (OH)	ATK Aerospace Structures	Dayton, OH
21	RDAF	0603211F	Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence	\$5,000	Blunt (MO)	QinetiQ North America	Springfield, MO
25	RDAF	0603401F	Small Responsive Spacecraft at Low-Cost (SRSL)	\$3,000	Bishop (UT)	Utah State University Space Dynamics Laboratory / Air Force Research Laboratory	Logan, UT
30	RDAF	0603680F	Production of Nanocomposites for Aerospace Applications	\$2,000	Turner (OH)	NanoSpense, LLC	Kettering, OH
31	RDAF	0603788F	Cyber Attack and Security Environment	\$4,000	Arcuri (NY)	Air Force Research Laboratory/RI	Rome, NY
31	RDAF	0603788F	Cyber Attack and Security Environment	\$4,000	McHugh (NY)	Clarkson University and ITT	Clarkson (Prossdam) and ITT (Rome), NY

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars In Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
II	RDAF	0604796F	56	Advanced Propulsion Non-Tactical Vehicle (APNTV)	\$2,000	Massa (NY)	Steven McTier, Project Manager (Robbins AFB)	Honeoye Falls, NY
II	RDAF	0604240F	66	B-2 Advanced Tactical Data Link	\$12,000	McKeon (CA)	Northrop Grumman Corporation	Los Angeles, CA
II	RDAF	0604617F	79	Backpack Medical Oxygen System (BMOS)	\$1,000	Akin (MO)	Esex Cryogenics	St. Louis, MO
II	RDAF	0604706F	80	ACES 5 Ejection Seat	\$2,400	Lamborn (CO)	Aircrew Performance Systems Acquisition Program, SAF/AOPC, Combat Support and Joint Counterair Div.	Washington, DC
II	RDAF	0604706F	80	ACES 5 Ejection Seat	\$2,400	Pastor (AZ)	Goodrich Corporation	Phoenix, AZ
II	RDAF	0604706F	80	ACES 5 Ejection Seat	\$2,400	Tauscher (CA)	Goodrich Corporation	Phoenix, AZ
II	RDAF	0604740F	82	Distributed Mission Interoperability Toolkit (DMIT)	\$4,000	Andrews (NJ)	Accenture National Security Services	Camden, NJ
II	RDAF	0604740F	82	Distributed Mission Interoperability Toolkit (DMIT)	\$4,000	LoBiondo (NJ)	Accenture	Camden, NJ
II	RDAF	0604740F	82	Distributed Mission Interoperability Toolkit (DMIT)	\$4,000	Sestak (PA)	Accenture National Security Services	King of Prussia, PA
II	RDAF	0604759F	101	Eglin AFB Range Operations Control Center (ROCC)	\$2,500	Miller (FL)	Cubic Corporation	Arlington, VA
II	RDAF	0207134F	132	Corrosion Detection and Visualization Program	\$1,000	Smith (WA)	Quest Integrated, Inc.	Kent, WA
II	RDAF	0301310F	165	Open Source Research Centers	\$1,000	Turner (OH)	Radiance Technologies	Fairborn, OH
II	RDAF	0304348F	181	Advanced Technical Intelligence Center	\$6,500	Turner (OH)	Advanced Technical Intelligence Center for Human Capital Development (ATIC)	Beavercreek, OH
II	RDAF	0305159F	193	Carbon Nanotube Enhanced Power Sources for Space	\$2,000	Markley (MA)	Northeastern University	Boston, MA
II	RDAF	0305206F	203	Multiple UAS Cooperative Concentrated Observation and Engagement Against a Common Ground Objective	\$2,000	Bartlett (MD)	Proxy Aviation Systems	Germanstown, MD
II	RDAF	0305207F	204	Rivet Joint Services Oriented Architecture (SOA)	\$2,500	Hall (TX)	L-3 Communications Integrated Systems	Greenville, TX
II	RDAF	0708011F	231	Wire Integrity Technology	\$2,000	Marshall (GA)	WR-ALC	Warner Robins, GA

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
II	RDAF	0708611F	233	ALC Logistics Integration Environment	\$2,000	Shuster (PA)	IS2 Technologies, Inc.	Altoona, PA
II	RDDW	0601384BP	6	Synchrotron Beamline and Experimental Station	\$4,000	Ackerman (NY)	New York Structural Biology Center	New York, NY
II	RDDW	0601384BP	6	Synchrotron Beamline and Experimental Station	\$4,000	Arcuri (NY)	New York Structural Biology Center	New York, NY
II	RDDW	0601384BP	6	Synchrotron Beamline and Experimental Station	\$4,000	Bishop (NY)	New York Structural Biology Center	New York, NY
II	RDDW	0601384BP	6	Synchrotron Beamline and Experimental Station	\$4,000	Clarke (NY)	New York Structural Biology Center	New York, NY
II	RDDW	0601384BP	6	Synchrotron Beamline and Experimental Station	\$4,000	Israel (NY)	New York Structural Biology Center	New York, NY
II	RDDW	0601384BP	6	Synchrotron Beamline and Experimental Station	\$4,000	Maloney (NY)	New York Structural Biology Center	New York, NY
II	RDDW	0601384BP	6	Synchrotron Beamline and Experimental Station	\$4,000	McCarthy (NY)	New York Structural Biology Center	New York, NY
II	RDDW	0601384BP	6	Synchrotron Beamline and Experimental Station	\$4,000	Rangel (NY)	New York Structural Biology Center	New York, NY
II	RDDW	0601384BP	6	Synchrotron Beamline and Experimental Station	\$4,000	Tonko (NY)	New York Structural Biology Center	New York, NY
II	RDDW	0601384BP	6	Synchrotron Beamline and Experimental Station	\$4,000	Towns (NY)	New York Structural Biology Center	New York, NY
II	RDDW	0602384BP	14	Chemical and Biological Resistant Clothing	\$2,000	Sestak (PA)	Artema, Inc.	King of Prussia, PA
II	RDDW	0603122D&Z	25	Affordable Robust Mid-Sized (ARMS) Unmanned Ground Vehicle	\$2,000	Tsongas (MA)	Black-I Robotics, Inc.	Tyngsborough, MA
II	RDDW	0603122D&Z	25	Combating Terrorism: Threat and Risk Assessment	\$2,500	Brady (PA)	Foreign Policy Research Institute	Philadelphia, PA
II	RDDW	0603122D&Z	25	Integrated Rugged Checkpoint Container	\$2,500	Taylor (MS)	Rapiscan Systems, Inc.	Ocean Springs, MS
II	RDDW	0603384BP	32	Total Perimeter Surveillance	\$2,000	Schauer (MI)	Dexter Research Center, Inc.	Dexter, MI
II	RDDW	0603648D&Z	34	Distributed Network Switching and Security	\$2,000	Loretta Sanchez (CA)	Raptor Networks Technology, Inc.	Santa Ana, CA
II	RDDW	0603648D&Z	34	High Accuracy Network Determination System - Intelligent Optical Networks (HANDS-IIONS)	\$2,000	Abercrombie (HI)	Oceanit	Honolulu, HI
II	RDDW	06037125	41	Next Generation Manufacturing Technologies Initiative	\$2,000	Loebback (IA)	The University of Iowa	Iowa City, IA



## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PC OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
II	RDDW	06037205	44	End to End Semi Fab Alpha Tool	\$2,000	Loretta Sanchez (CA)	Digibeam Corporation	San Juan Capistrano, CA
II	RDDW	06037205	44	Feature Size Yield Enhancement at DMEA's Semiconductors Foundry	\$2,500	Matsui (CA)	Defense Microelectronics Activity	McClellan, CA
II	RDDW	0603828D8Z	60	Tidewater Full Scale Exercise	\$2,700	Forbes (VA)	N/A	various, VA
II	RDDW	0603942D8Z	63	National Radio Frequency RD&T Transfer Center	\$3,000	Buyer (IN)	Technology Service Corporation	Bloomington, IN
II	RDDW	0603942D8Z	63	National Radio Frequency RD&T Transfer Center	\$3,000	Ellsworth (IN)	Technology Service Corporation and NSWC Crane	Crane, IN
II	RDDW	1160402B8	65	Partnership for Defense Innovation Wi-Fi Laboratory Testing and Assessment Center	\$3,500	Etheridge (NC)	Partnership for Defense Innovation	Fayetteville, NC
II	RDDW	1160402B8	65	Partnership for Defense Innovation Wi-Fi Laboratory Testing and Assessment Center	\$3,500	Kissell (NC)	Partnership for Defense Innovation	Fayetteville, NC
II	RDDW	1160402B8	65	Partnership for Defense Innovation Wi-Fi Laboratory Testing and Assessment Center	\$3,500	McIntyre (NC)	Partnership for Defense Innovation	Fayetteville, NC
II	RDDW	0603709D8Z	71	Autonomous Machine Vision for Mapping and Investigation of Remote Sites	\$2,000	Davis (CA)	Vision Robotics Corp	San Diego, CA
II	RDDW	0603898C	89	Independent Advisory Group to Review Ballistic Missile Defense Training Needs	\$500	Lamborn (CO)	Missile Defense Agency	Colorado Springs, CO
II	RDDW	0603913C	97	Short-Range Ballistic Missile Defense	\$25,000	Blunt (MO)	LaBarge	Joplin, MO
II	RDDW	0604940D8Z	129	Advanced SAM Hardware Simulator Development	\$4,000	Johnson (GA)	Georgia Institute of Technology	Atlanta, GA
II	RDDW	0604940D8Z	129	Gulf Range Mobile Instrumentation Capability	\$3,000	Miller (FL)	Prologic	Manassas, VA
II	RDDW	0604940D8Z	129	Joint Gulf Range Complex Test and Training	\$9,000	Miller (FL)	Boeing	Fort Walton Beach, FL
II	RDDW	0301301L	181	Advanced Scientific Missile Intelligence Preparation of the Battlespace (IPB)	\$2,500	Griffith (AL)	SPARTA Inc.	Huntsville, AL
II	RDDW	0301301L	181	Portable Device for Latent Fingerprint Identification	\$1,800	Smith (WA)	Sagem Morpho	Tacoma, WA

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
II	RDDW	07080115	238	Northwest Manufacturing Initiative	\$1,200	Blumenauer (OR)	Manufacturing 21 Coalition	Portland, OR
II	RDDW	07080115	238	Northwest Manufacturing Initiative	\$1,200	DeFazio (OR)	Manufacturing 21 Coalition	Portland, OR
II	RDDW	07080115	238	Northwest Manufacturing Initiative	\$1,200	Walden (OR)	Manufacturing 21 Coalition	Portland, OR
II	RDDW	116040588	247	Advanced, Long Endurance Unattended Ground Sensor	\$4,900	Harper (MS)	Mississippi State University	Starkville, MS
II	RDDW	116040588	247	Advanced, Long Endurance Unattended Ground Sensor	\$4,900	Taylor (MS)	Mississippi State University, Camigian Microsystems Corp.	Starkville, MS
II	RDDW	116040588	247	Biometric Optical Surveillance System (BOSS)	\$2,000	Guthrie (KY)	EWA, Inc.	Bowling Green, KY
II	RDDW	116040588	247	Counterproliferation Analysis and Planning System (CAPS)	\$5,000	McNemey (CA)	Captain Jeff Trumbell	MacDill Air Force Base, FL
II	RDDW	116040588	247	Counterproliferation Analysis and Planning System (CAPS)	\$5,000	Tauscher (CA)	Lawrence Livermore National Laboratory	Livermore, CA
II	RDDW	116047988	260	Miniature Day Night Sight for Crew Served Weapons	\$1,500	Sestak (PA)	Peak Beam Systems Inc.	Edgmont, PA
II	RDDW	116048388	263	Transformer Technology for Combat Submersibles (TTCS)	\$4,000	Bishop (NY)	STIDD Systems Inc	Greenport, NY
II	RDDW	116048388	263	Transformer Technology for Combat Submersibles (TTCS)	\$4,000	Ros-Lehtinen (FL)	STIDD Systems Inc	Marathon, FL
III	OMA	ba01-2020a	90	Texas Defense Manufacturing Supply Chain Initiative	\$3,000	Ortiz (TX)	US - Mexico Cultural and Educational Foundation	Irving, TX
III	OMA	ba01-2020a	100	Fort Bliss Data Center	\$1,700	Reyes (TX)	Fort Bliss	El Paso, TX
III	OMA	ba04-2020a	380	M24 Sniper Weapons System Upgrade	\$1,000	Arcuri (NY)	US Army Military Center - Small Arms Division - Combat Developments	Fort Benning, GA
III	OMN	ba02-1804n	320	Navy Ship Disposal - Carrier Demonstration Program	\$3,000	Ortiz (TX)	United States Navy	Washington, DC
III	OMN	ba03-1804n	430	Navy Sea Cadet Corps	\$651	Bishop (NY)	U.S. Naval Sea Cadet Corps	Arlington, VA
III	OMN	ba03-1804n	430	Navy Sea Cadet Corps	\$651	Calvert (CA)	U.S. Naval Sea Cadet Corps	Arlington, VA
III	OMN	ba03-1804n	430	Navy Sea Cadet Corps	\$651	Loretta Sanchez (CA)	Navy Recruiting Command	Millington, TN

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
III	OMN	ba03-1804n	430	Navy Sea Cadet Corps	\$651	Ortiz (TX)	U.S. Naval Sea Cadet Corps	Arlington, VA
III	OMMC	ba01-1106n	10	Flame Resistant Organizational Gear	\$1,500	Cummings (MD)	180s, LLC	Baltimore, MD
III	OMMC	ba01-1106n	10	Flame Resistant Organizational Gear	\$1,500	Kissell (NC)	Longworth Industries	Candor, NC
III	OMMC	ba01-1106n	10	Ultra Lightweight Camouflage Net System	\$3,500	Etheridge (NC)	Seab	Lillington, NC
III	OMAF	ba01-3400f	30	Air Education and Training Command Range Improvements	\$1,500	Giffords (AZ)	Barry M. Goldwater Range - Luke Air Force Base	Luke Air Force Base, AZ
III	OMAF	ba01-3400f	70	Wage Modification for US Azores Portuguese National Employees	\$240	Frank (MA)	N/A	N/A, nonUSA
III	OMAF	ba02-3400f	160	Warner Robins Air Logistics Center Strategic Airlift Aircraft Availability Improvements	\$2,000	Marshall (GA)	WR-ALC	Warner Robins, GA
III	OMDW	ba01-0100d	20	Special Operations Forces Modular Glove System	\$1,500	Kratovil (MD)	W.L. Gore and Associates	Ekton, MD
III	OMDW	ba04-0100d	210	SOAR Recruiting Initiative	\$3,400	Brakey (IA)	University of Northern Iowa	Cedar Falls, IA
III	OMDW	ba04-0100d	210	SOAR Recruiting Initiative	\$3,400	Wilson (SC)	Celebrate Freedom Foundation	Columbia, SC
III	OMDW	ba04-0100d	260	Redevelopment of Naval Station Ingleside	\$1,000	Ortiz (TX)	Ingleside Local Redevelopment Authority	Ingleside, TX
III	OMDW	ba04-0100d	270	Critical Language Training	\$2,000	Davis (CA)	San Diego State University Research Foundation	San Diego, CA
III	OMNG	ba01-2065a	60	Joint Command Vehicle and Supporting C3 Systems	\$2,250	Shea-Porter (NH)	New Hampshire National Guard	Concord, NH
III	OMNG	ba01-2065a	100	North Carolina National Guard Family Assistance Centers	\$1,600	Butterfield (NC)	North Carolina National Guard	Raleigh, NC
III	OMNG	ba01-2065a	100	North Carolina National Guard Family Assistance Centers	\$1,600	Etheridge (NC)	North Carolina National Guard	Raleigh, NC
III	OMNG	ba01-2065a	100	North Carolina National Guard Family Assistance Centers	\$1,600	Kissell (NC)	North Carolina National Guard	Raleigh, NC
III	OMNG	ba01-2065a	100	North Carolina National Guard Family Assistance Centers	\$1,600	McIntyre (NC)	North Carolina National Guard	Raleigh, NC
III	OMNG	ba01-2065a	100	North Carolina National Guard Family Assistance Centers	\$1,600	Miller (NC)	North Carolina National Guard	Raleigh, NC

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars In Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
III	OMNG	ba01-2065a	100	North Carolina National Guard Family Assistance Centers	\$1,600	Watt (NC)	North Carolina National Guard	Raleigh, NC
III	OMNG	ba01-2065a	100	Our Military Kids	\$1,000	Kilroy (OH)	Our Military Kids, Inc.	McLean, VA
III	OMNG	ba01-2065a	100	Our Military Kids	\$1,000	Ortiz (TX)	Our Military Kids, Inc.	McLean, VA
III	OMNG	ba01-2065a	100	Our Military Kids	\$1,000	Taylor (MS)	Our Military Kids, Inc.	McLean, VA
III	OMNG	ba01-2065a	110	Camp Ethan Allen Training Site Road Equipment	\$300	Welch (VT)	Vermont Army National Guard	Jericho, VT
VII	DHP			Fort Drum Regional Health Planning Organization	\$430	McHugh (NY)	Fort Drum Regional Health Planning Organization	Watertown, NY
VII	DHP			Tacoma Trauma Trust	\$2,500	Smith (WA)	Madigan Army Medical Center, MultiCare Health System, and Franciscan Health System	Tacoma, WA
VII	DHP			USUHS Immersive, Wide Area Virtual Environment (WAVE) Simulation for Medical Readiness Training	\$3,000	Van Hollen (MD)	The Uniformed Services University of the Health Sciences (USUHS)	Bethesda, MD
XV	OCO - DICA			MH-17 Aircraft Modifications	\$16,000	Reyes (TX)	Army Threat Simulation Management Office	Redstone Arsenal, AL
XXIII	MCA			All Wx Marksmanship Facility	\$8,200	McHugh (NY)	Fort Drum	Watertown, NY
XXIII	MCA			Analytical Chem Wing - Advanced Chem Lab	\$15,500	Kratovil (MD)	Aberdeen Proving Ground	Aberdeen, MD
XXIII	MCA			ATL Auditorium & Trng Cntr Expand	\$7,400	Bartlett (MD)	Fort Detrick	Fort Detrick, MD
XXIII	MCA			Ballistic Eval Facility PH2	\$10,200	Frelinghuysen (NJ)	Picatinny Arsenal	Picatinny, NJ
XXIII	MCA			Defense Access Roads	\$5,000	Forbes (VA)	Fort Lee	Fort Lee, VA
XXIII	MCA			Family Life Center	\$10,800	Carter (TX)	Fort Hood	Fort Hood, TX
XXIII	MCA			Fire Station, Two Company	\$6,700	Giffords (AZ)	Fort Huachuca	Fort Huachuca, AZ
XXIII	MCA			Ft Lewis-McChord AFB Joint Access	\$9,000	Smith (WA)	Fort Lewis	Fort Lewis, WA
XXIII	MCA			Gate 7 Access Control Point	\$3,550	Griffith (AL)	Redstone Arsenal	Huntsville, AL

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
XXIII	MCA			Health Clinic	\$7,800	Skelton (MO)	Fort Leonard Wood	Fort Leonard Wood, MO
XXIII	MCA			Industrial Area Elec System Upgrade	\$3,300	Rogers (AL)	Anniston Army Depot	Anniston Army Depot, AL
XXIII	MCA			Installation Chapel Center	\$14,400	Tanner (TN)	Fort Campbell	Fort Campbell, KY
XXIII	MCA			Installation Chapel Center	\$14,400	Wamp (TN)	Fort Campbell	Fort Campbell, KY
XXIII	MCA			Installation Chapel Center	\$14,400	Whitfield (KY)	Fort Campbell	Fort Campbell, KY
XXIII	MCA			Intersection, Rockenbach Rd & Cooper Ave	\$2,350	Kratovil (MD)	Fort Meade	Ft. Meade, MD
XXIII	MCA			Intersection, Rockenbach Rd & Cooper Ave	\$2,350	Sarbanes (MD)	Fort Meade	Fort Meade, MD
XXIII	MCA			Multipurpose Machine Gun Range	\$6,400	Fleming (LA)	Fort Polk	Leesville, LA
XXIII	MCN			Alter/Add Marine Mammal Surgical Center	\$2,330	Davis (CA)	Point Loma Annex	San Diego, CA
XXIII	MCN			Electromagnetic Research and Engineering Facility	\$3,660	Wittman (VA)	Dahlgren	Dahlgren, VA
XXIII	MCN			Fitness Ctr	\$26,360	Crenshaw (FL)	Mayport	Jacksonville, FL
XXIII	MCN			Gate 2 Security Improvements	\$7,090	Hodes (NH)	Portsmouth Naval Shipyard	Kittery, ME
XXIII	MCN			Gate 2 Security Improvements	\$7,090	Pligree (ME)	Portsmouth Naval Shipyard	Kittery, ME
XXIII	MCN			Gate 2 Security Improvements	\$7,090	Shea-Porter (NH)	Portsmouth Naval Shipyard	Kittery, ME
XXIII	MCN			Marine Meteorology Center	\$10,240	Farr (CA)	Monterey NSA	Monterey, CA
XXIII	MCN			MK-48 Torpedo Magazine	\$6,570	Courtney (CT)	New London Naval Submarine Base	Groton, CT
XXIII	MCN			Mountain Warfare Training, Commissary	\$6,830	McKeon (CA)	Bridgeport	Bridgeport, CA
XXIII	MCN			Ord Storage Pads w/2 Covers	\$13,130	Dicks (WA)	Indian Island Naval Magazine	Port Townsend, WA
XXIII	MCN			ROTE Support Facility, PH2	\$6,520	Van Hollen (MD)	Carderock NSWC Det	West Bethesda, MD
XXIII	MCN			Renovate Perry Hall	\$8,530	Kennedy (RI)	Newport	Newport, RI
XXIII	MCN			Small Craft Launch	\$3,810	Larsen (WA)	Everett Naval Station	Everett, WA

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
XXIII	MCN			SOF Cafeteria	\$14,170	Nye (VA)	Dam Neck	Dam Neck, VA
XXIII	MCN			Solar Panel Array	\$4,470	Ortiz (TX)	Kingsville Naval Air Station	Delray Beach, FL
XXIII	MCN			Special Commo Rpts Eng Facility	\$11,043	Hoyer (MD)	Patuxent River Naval Air Station	Patuxent River, MD
XXIII	MCN			Strategic Weapons Systems Engineering Facility	\$13,710	Elsworth (IN)	Naval Support Activity Crane	Crane, IN
XXIII	MCN			Wpns Maint Hardstand Fac	\$4,870	Bishop (GA)	Albany Marine Corps Logistics Base	Albany, GA
XXIII	MCAF			Add to Space RDT&E Opns Cntr	\$5,800	Heinrich (NM)	Kirtland Air Force Base	Albuquerque, NM
XXIII	MCAF			Add/Alter USAFCEM HQ	\$21,183	Spratt (SC)	Shaw Air Force Base	Shaw Air Force Base, SC
XXIII	MCAF			Aeromedical Evac Facility	\$7,400	Costello (IL)	Scott Air Force Base	Scott Air Force Base, IL
XXIII	MCAF			Arctic Utilidors - Phase 11	\$9,900	Young (AK)	Eielson Air Force Base	Eielson Air Force Base, AK
XXIII	MCAF			Consolidated Commo Facility	\$21,000	Young (FL)	MacDill Air Force Base	MacDill Air Force Base, FL
XXIII	MCAF			Consolidated Parking Area, PH 1	\$8,000	Loretta Sanchez (CA)	Los Angeles Air Force Base	El Segundo, CA
XXIII	MCAF			East Gate Realignment	\$7,200	Lamborn (CO)	Peterson Air Force Base	Peterson Air Force Base, CO
XXIII	MCAF			EOD Opns Complex	\$7,400	Skelton (MO)	Whiteman Air Force Base	Whiteman Air Force Base, MO
XXIII	MCAF			Fire-Crash Rescue Station	\$10,400	Teague (NM)	Holloman Air Force Base	Holloman Air Force Base, NM
XXIII	MCAF			Flight Test Opns Fac (413 FLT's)	\$9,400	Miller (FL)	Hurlburt Field	Hurlburt Air Force Base, FL
XXIII	MCAF			Ground Control Tower	\$4,000	Abercrombie (HI)	Hickam Air Force Base	Hickam Air Force Base, HI
XXIII	MCAF			Hot Cargo Pad/Taxiway	\$6,200	Marshall (GA)	Warner Robins Air Force Base	Warner Robins, GA
XXIII	MCAF			Land Acquisition North & South Bdry	\$5,500	Skelton (MO)	Whiteman Air Force Base	Whiteman Air Force Base, MO

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
XXIII	MCAF			PCC Apron Northwest End Taxiway A	\$5,100	Bishop (UT)	Hill Air Force Base	Clearfield, VA
XXIII	MCAF			Postal Service Center	\$3,500	Bordallo (GU)	Andersen Air Force Base	Yigo, GU
XXIII	MCAF			Radar Approach Control Complex, PH1	\$6,900	Jones (NC)	Seymour Johnson Air Force Base	Goldsboro, NC
XXIII	MCAF			Replace West Ramp, Phase II	\$10,600	Turner (OH)	Wright-Patterson Air Force Base	Dayton, OH
XXIII	MCAF			Security Forces Operations Facility	\$10,400	Snyder (AR)	Little Rock Air Force Base	Jacksonville, AR
XXIII	MCAF			T-9 Noise Suppressor	\$5,200	Fallin (OK)	Tinker Air Force Base	Tinker Air Force Base, OK
XXIII	MCAF			Taxiway Lighting	\$3,450	Young (AK)	Eielson Air Force Base	Eielson Air Force Base, AK
XXIII	MCAF			Taxiway M Bypass Road	\$6,000	Tauscher (CA)	Travis Air Force Base	Travis Air Force Base, CA
XXIII	MCAF			TFH Refuel Veh Maint Facility	\$4,150	McMorris Rodgers (WA)	Fairchild Air Force Base	Spokane, WA
XXIII	MCAF			Warfighter & Family Sup Cntr	\$7,900	Adler (NJ)	McGuire Air Force Base	McGuire Air Force Base, NJ
XXVII	MCANG			Add/Alter Aircraft Maint Shops	\$7,900	Gonzalez (TX)	Kelly Field Annex	San Antonio, TX
XXVII	MCANG			Add/Alter Aircraft Maint Shops	\$7,900	Rodriguez (TX)	Kelly Field Annex	San Antonio, TX
XXVII	MCANG			CNAF Beddown Upgrade Facilities	\$9,000	Courtney (CT)	Bradley National Airport	Windsor Locks, CT
XXVII	MCANG			CNAF Beddown Upgrade Facilities	\$9,000	DeLauro (CT)	Bradley National Airport	Windsor Locks, CT
XXVII	MCANG			CNAF Beddown Upgrade Facilities	\$9,000	Himes (CT)	Bradley National Airport	Windsor Locks, CT
XXVII	MCANG			CNAF Beddown Upgrade Facilities	\$9,000	Larson (CT)	Bradley National Airport	Windsor Locks, CT
XXVII	MCANG			CNAF Beddown Upgrade Facilities	\$9,000	Murphy (CT)	Bradley National Airport	Windsor Locks, CT
XXVII	MCANG			F-15 Aircraft Ready Shelters	\$8,100	Olver (MA)	Barnes Air National Guard Base	Westfield, MA
XXVII	MCANG			Joint Force Headquarters Building	\$1,300	Wilson (SC)	McEntire Joint National Guard Base	Eastover, SC
XXVII	MCANG			Minnesota Starbase Facility Alteration	\$1,900	Ellison (MN)	Minn/St. Paul IAP 133rd AW Base	Minneapolis, MN

## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
XXVII	MCANG			Relocate Base Entrance	\$6,500	Taylor (MS)	Gulfport - Biloxi Regional Airport	Gulfport, MS
XXVII	MCANG			Replace Squadron Operations Facilities	\$10,000	Shea-Porter (NH)	Pease Air National Guard Base	Portsmouth, NH
XXVII	MCANG			Security Improv-Relocate Base Entrance	\$3,000	Hare (IL)	Lincoln Capital Airport	Springfield, IL
XXVII	MCANG			Security Improv-Relocate Base Entrance	\$3,000	Shinkus (IL)	Lincoln Capital Airport	Springfield, IL
XXVII	MCANG			TFI - Resaper LRE Beddown	\$2,700	Maffei (NY)	Wheeler Sack AAF	Fort Drum Military Reservation, NY
XXVII	MCANG			TFI - Upgrade DCGS	\$8,700	Tlahrt (KS)	McConnell Air Force Base	Wichita, KS
XXVII	MCAR			Army Reserve Center	\$12,200	Edwards (TX)	Bryan	Bryan, TX
XXVII	MCAR			Tactical Equip Maint Facility	\$10,200	Ortiz (TX)	Robstown	Robstown, TX
XXVII	MCNR			Replace Joint Base Comms	\$6,170	Granger (TX)	Fort Worth NAS/IRB	Fort Worth, TX
XXVII	MCARNG			Add and Alter Munitions Maintenance Complex	\$1,300	Herseth (SD)	Joe Foss Field	Sioux Falls, SD
XXVII	MCARNG			Aviation Readiness Center	\$8,967	Kingston (GA)	Hunter Army Airfield	Savannah, GA
XXVII	MCARNG			Aviation Readiness Center	\$8,967	Marshall (GA)	Hunter Army Airfield	Savannah, GA
XXVII	MCARNG			BOQ Additions and Improvements	\$1,996	Welch (VT)	Ethan Allen Firing Range	Jericho, VT
XXVII	MCARNG			Camp Rilea Infrastructure (Water Supply System)	\$3,369	Wu (OR)	Clatsop County, Warrenton	Camp Rilea, OR
XXVII	MCARNG			Org Maint Shop (ADRS)	\$7,732	Schauer (MI)	Fort Custer	Augusta, MI
XXVII	MCARNG			Readiness Center	\$12,100	Schrader (OR)	Polk County	Dallas, OR
XXVII	MCARNG			Readiness Center Add/Alt	\$2,516	Shuler (NC)	East Flatrock	East Flat Rock, NC
XXVII	MCARNG			TUAS Support Facility	\$6,038	Kissell (NC)	Fort Bragg	Raleigh, NC
XXVII	MCARNG			TUAS Support Facility	\$6,038	McIntyre (NC)	Fort Bragg	Raleigh, NC
XXVII	MCARNG			Upgrade Corrosion Control Hangar	\$5,000	Moore (WI)	General Mitchell International Airport	Milwaukee, WI
XXVII	MCATR			Indoor Small Arms Range	\$5,700	Lee (NY)	Niagara Falls Air Reserve Base	Niagara Falls, NY



## COMPLIANCE WITH HOUSE RULE XXI

(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
XXVII	MCAFR			Indoor Small Arms Range	\$5,700	Slaughter (NY)	Niagara Falls Air Reserve Base	Niagara Falls, NY
XXVII	MCAFR			Small Arms Firing Range	\$9,800	Calvert (CA)	March Air Reserve Base	Riverside, CA
XXXI	NNSA			National Ignition Campaign	\$12,200	Tauscher (CA)	Lawrence Livermore National Security, LLC	Livermore, CA
XXXI	NNSA			Readiness in Technical Base and Facilities - Operations of Facilities	\$10,000	Wamp (TN)	B&W Y-12 National Security Complex	Oak Ridge, TN

Congresswoman Ellen O. Tauscher resigned from the U.S. House of Representatives on June 26, 2009. Congressman John M. McHugh resigned from the U.S. House of Representatives on September 21, 2009.

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

IKE SKELTON,  
JOHN M. SPRATT, Jr.,  
SOLOMON P. ORTIZ,  
NEIL ABERCROMBIE,  
SILVESTRE REYES,  
VIC SNYDER,  
ADAM SMITH,  
LORETTA SANCHEZ,  
ROBERT A. BRADY,  
ROBERT E. ANDREWS,  
SUSAN A. DAVIS,  
JAMES R. LANGEVIN,  
RICK LARSEN,  
JIM COOPER,  
JIM MARSHALL,  
MADELEINE Z. BORDALLO,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

ALCEE L. HASTINGS,  
ADAM B. SCHIFF,

From the Committee on Education and Labor, for consideration of secs. 243, 551-553, 585, 2833, and 2834 of the House bill and secs. 531-534 and 3136 of the Senate amendment, and modifications committed to conference:

LYNN C. WOOLSEY,  
JASON ALTMIRE,  
JUDY BIGGERT,

From the Committee on Energy and Commerce, for consideration of secs. 247, 315, and 601 of the House bill and secs. 311, 601, 2835, and 3118 of the Senate amendment, and modifications committed to conference:

HENRY A. WAXMAN,  
EDWARD J. MARKEY,

From the Committee on Foreign Affairs, for consideration of secs. 812, 907, 912, 1011, 1013, 1046, 1201, 1211, 1213-1215, 1226, 1230A, 1231, 1236, 1239, 1240, Title XIII, secs. 1513, 1516, 1517, and 2903 of the House bill and secs. 1021, 1023, 1201-1203, 1205-1208, 1211-1214, Subtitle D of Title XII, Title XIII, and sec. 1517 of the Senate amendment, and modifications committed to conference:

HOWARD L. BERMAN,  
GARY L. ACKERMAN,  
ILEANA ROS-LEHTINEN,

From the Committee on Homeland Security, for consideration of sec. 1101 of the House bill, and modifications committed to conference:

BENNIE G. THOMPSON,  
DINA TITUS,  
GUS M. BILIRAKIS,

From the Committee on House Administration, for consideration of Subtitle H of Title V of the Senate amendment, and modifications committed to conference:

MICHAEL E. CAPUANO,  
CHARLES A. GONZALEZ,  
DANIEL E. LUNGREN,

From the Committee on the Judiciary, for consideration of secs. 583, 584, 1021, and 1604 of the House bill and secs. 821, 911, 1031, 1033, 1056, 1086, and Division E of the Senate amendment, and modifications committed to conference:

JERROLD NADLER,  
ZOE LOFGREN,

From the Committee on Natural Resources, for consideration of secs. 1091 and 2308 of the Senate amendment, and modifications committed to conference:

NICK J. RAHALL II,

From the Committee on Oversight and Government Reform, for consideration of secs. 321, 322, 326-329, 335, 537, 666, 814, 815, 834, 1101-1107, 1110-1113, and Title II of Division D of the House bill and secs. 323, 323A-323C, 814, 822, 824, 901, 911, 1056, 1086, 1101-1105, and 1162 of the Senate amendment, and modifications committed to conference:

EDOLPHUS TOWNS,  
STEPHEN F. LYNCH,

From the Committee on Science and Technology, for consideration of secs. 248, 819, 836, and 911 of the House bill and secs. 801, 814, 833, 834, 912, and Division F of the Senate amendment, and modifications committed to conference:

BART GORDON,  
DAVID WU,

From the Committee on Small Business, for consideration of sec. 830 of the House bill and secs. 833, 834, 838, 1090 and Division F of the Senate amendment, and modifications committed to conference:

NYDIA M. VELÁZQUEZ,  
GLENN C. NYE,

From the Committee on Transportation and Infrastructure, for consideration of secs. 315, 601, and 2811 of the House bill and secs. 311, 601, 933, 2835, 3301, 6002, 6007, 6008, 6012, and 6013 of the Senate amendment, and modifications committed to conference:

ELIJAH E. CUMMINGS,  
LAURA RICHARDSON,

From the Committee on Veterans' Affairs, for consideration of secs. 525, 583, 584, and sec. 121 of Division D of the House bill and secs. 573-575, 617, 711, Subtitle E of Title X, secs. 1084, and 1085 of the Senate amendment, and modifications committed to conference:

CIRO D. RODRIGUEZ,

*Managers on the Part of the House.*

CARL LEVIN,  
ROBERT C. BYRD,  
JOSEPH I. LIEBERMAN,  
JACK REED,  
DANIEL K. AKAKA,  
BILL NELSON,  
BEN NELSON,  
EVAN BAYH,  
JIM WEBB,  
CLAIRE McCASKILL,  
MARK UDALL,  
KAY R. HAGAN,  
MARK BEGICH,  
ROLAND W. BURRIS,  
JOHN MCCAIN,  
SUSAN M. COLLINS,  
PAUL G. KIRK, Jr.,

*Managers on the Part of the Senate.*

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 1035, MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY AMENDMENTS ACT OF 2009

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 806) providing for the concurrence by the House in the Senate amendment to H.R. 1035, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 806

*Resolved*, That upon the adoption of this resolution the bill (H.R. 1035) entitled "An Act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.", with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the following amendment:

At the end of the Senate amendment, add the following:

At the end of the bill, add the following new section:

**SEC. 11. TRAVEL PROMOTION ACT OF 2009.**

(a) **SHORT TITLE.**—This section may be cited as the "Travel Promotion Act of 2009".

(b) **THE CORPORATION FOR TRAVEL PROMOTION.**—

(1) **ESTABLISHMENT.**—The Corporation for Travel Promotion is established as a nonprofit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-1001 et seq.), to the extent that such provisions are consistent with this subsection, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(2) **BOARD OF DIRECTORS.**—

(A) **IN GENERAL.**—The Corporation shall have a board of directors of 11 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(i) 1 shall have appropriate expertise and experience in the hotel accommodations sector;

(ii) 1 shall have appropriate expertise and experience in the restaurant sector;

(iii) 1 shall have appropriate expertise and experience in the small business or retail sector or in associations representing that sector;

(iv) 1 shall have appropriate expertise and experience in the travel distribution services sector;

(v) 1 shall have appropriate expertise and experience in the attractions or recreations sector;

(vi) 1 shall have appropriate expertise and experience as officials of a city convention and visitors' bureau;

(vii) 2 shall have appropriate expertise and experience as officials of a State tourism office;

(viii) 1 shall have appropriate expertise and experience in the passenger air sector;

(ix) 1 shall have appropriate expertise and experience in immigration law and policy, including visa requirements and United States entry procedures; and

(x) 1 shall have appropriate expertise in the intercity passenger railroad business.

(B) **INCORPORATION.**—The members of the initial board of directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-301.01 et seq.).

(C) **TERM OF OFFICE.**—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(i) 3 shall be appointed for terms of 1 year;  
 (ii) 4 shall be appointed for terms of 2 years; and

(iii) 4 shall be appointed for terms of 3 years.

(D) REMOVAL FOR CAUSE.—The Secretary of Commerce may remove any member of the board for good cause.

(E) VACANCIES.—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this subsection. Any member whose term has expired may serve until the member's successor has taken office, or until the end of the calendar year in which the member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term. No member of the board shall be eligible to serve more than 2 consecutive full 3-year terms.

(F) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—Members of the board shall annually elect one of the members to be Chairman and elect 1 or 2 of the members as Vice Chairman or Vice Chairmen.

(G) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding any provision of law to the contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(H) COMPENSATION; EXPENSES.—No member shall receive any compensation from the Federal government for serving on the Board. Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

#### (3) OFFICERS AND EMPLOYEES.—

(A) IN GENERAL.—The Corporation shall have an executive director and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The Corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(B) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(4) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

(A) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(B) PROFIT.—No part of the income or assets of the Corporation shall inure to the

benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(C) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(D) SENSE OF CONGRESS REGARDING LOBBYING ACTIVITIES.—It is the sense of Congress that the Corporation should not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7)).

#### (5) DUTIES AND POWERS.—

(A) IN GENERAL.—The Corporation shall develop and execute a plan—

(i) to provide useful information to foreign tourists, business people, students, scholars, scientists, and others interested in traveling to the United States, including the distribution of material provided by the Federal government concerning entry requirements, required documentation, fees, processes, and information concerning declared public health emergencies, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(ii) to identify, counter, and correct misperceptions regarding United States entry policies around the world;

(iii) to maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities;

(iv) to ensure that international travel benefits all States and the District of Columbia and to identify opportunities and strategies to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers; and

(v) to give priority to the Corporation's efforts with respect to countries and populations most likely to travel to the United States.

(B) SPECIFIC POWERS.—In order to carry out the purposes of this subsection, the Corporation may—

(i) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(ii) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(iii) take such other actions as may be necessary to accomplish the purposes set forth in this subsection.

(C) PUBLIC OUTREACH AND INFORMATION.—The Corporation shall develop and maintain a publicly accessible website.

(6) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(7) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than \$25,000,000 on any advertising campaign, promotion, or related effort unless—

(A) the obligation or expenditure is approved by an affirmative vote of at least 2/3 of the members of the board present at the meeting;

(B) at least 6 members of the board are present at the meeting at which it is approved; and

(C) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

#### (8) FISCAL ACCOUNTABILITY.—

(A) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(B) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(C) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this paragraph by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(D) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this section, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

#### (C) ACCOUNTABILITY MEASURES.—

(1) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(2) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of \$5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(3) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(A) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this section;

(B) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(C) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(D) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(E) an explanation of the reason for any failure to achieve an objective established by

the board and any revisions or alterations to the Corporation's objectives under paragraph (1);

(F) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(G) such recommendations as the Corporation deems appropriate.

(4) **LIMITATION ON USE OF FUNDS.**—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this subsection.

(d) **MATCHING PUBLIC AND PRIVATE FUNDING.**—

(1) **ESTABLISHMENT OF TRAVEL PROMOTION FUND.**—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(2) **FUNDING.**—

(A) **START-UP EXPENSES.**—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed \$10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this section. Transfers shall be made at least quarterly, beginning on January 1, 2010, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(B) **SUBSEQUENT YEARS.**—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than \$100,000,000 to the Fund, which shall be made available to the Corporation, subject to paragraph (3) of this subsection, to carry out its functions under this section. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(3) **MATCHING REQUIREMENT.**—

(A) **IN GENERAL.**—No amounts may be made available to the Corporation under this subsection after fiscal year 2010, except to the extent that—

(i) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under paragraph (2); and

(ii) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under paragraph (2) for the fiscal year.

(B) **GOODS AND SERVICES.**—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(i) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this section may be included in the determination; but

(ii) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under subparagraph (A) for the Corporation in any fiscal year.

(C) **RIGHT OF REFUSAL.**—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(D) **LIMITATION.**—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(4) **CARRYFORWARD.**—

(A) **FEDERAL FUNDS.**—Amounts transferred to the Fund under paragraph (2)(B) shall remain available until expended.

(B) **MATCHING FUNDS.**—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under paragraph (3)(A) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of paragraph (3)(A) in such succeeding fiscal year.

(e) **TRAVEL PROMOTION FUND FEES.**—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

“(B) **FEES.**—

“(i) **IN GENERAL.**—No later than 6 months after the date of enactment of the Travel Promotion Act of 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

“(I) \$10 per travel authorization; and

“(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

“(ii) **DISPOSITION OF AMOUNTS COLLECTED.**—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by subsection (d) of section 11 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

“(iii) **SUNSET OF TRAVEL PROMOTION FUND FEE.**—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.”

(f) **ASSESSMENT AUTHORITY.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in subsection (b)(2)(A)(iii) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this subsection.

(2) **INITIAL ASSESSMENT LIMITED.**—The Corporation may establish the initial assessment after the date of enactment of this section at no greater, in the aggregate, than \$20,000,000.

(3) **REFERENDA.**—

(A) **IN GENERAL.**—The Corporation may not impose an annual assessment unless—

(i) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(ii) the assessment is approved by a majority of those voting in the referendum.

(B) **PROCEDURAL REQUIREMENTS.**—In conducting a referendum under this paragraph, the Corporation shall—

(i) provide written or electronic notice not less than 60 days before the date of the referendum;

(ii) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(iii) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(4) **COLLECTION.**—

(A) **IN GENERAL.**—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this section.

(B) **ENFORCEMENT.**—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this section.

(5) **INVESTMENT OF FUNDS.**—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(g) **OFFICE OF TRAVEL PROMOTION.**—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

“**SEC. 202. OFFICE OF TRAVEL PROMOTION.**

“(a) **OFFICE ESTABLISHED.**—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

“(b) **DIRECTOR.**—

“(1) **APPOINTMENT.**—The Office shall be headed by a Director who shall be appointed by the Secretary.

“(2) **QUALIFICATIONS.**—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

“(3) **DUTIES.**—The Director shall be responsible for ensuring the office is carrying out its functions effectively and shall report to the Secretary.

“(c) **FUNCTIONS.**—The Office shall—

“(1) serve as liaison to the Corporation for Travel Promotion established by subsection (b) of section 11 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

“(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

“(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

“(B) to ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner;

“(C) to collect accurate data on the total number of international visitors that visit each State; and

“(D) enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

“(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

“(d) REPORTS TO CONGRESS.—Within a year after the date of enactment of the Travel Promotion Act of 2009, and periodically thereafter as appropriate, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Foreign Relations, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Foreign Affairs describing the Office's work with the Corporation, the Secretary of State and the Secretary of Homeland Security to carry out subsection (c)(2).”

(h) RESEARCH PROGRAM.—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.), as amended by subsection (g), is further amended by inserting after section 202 the following:

**“SEC. 203. RESEARCH PROGRAM.**

“(a) IN GENERAL.—The Office of Travel and Tourism Industries shall expand and continue its research and development activities in connection with the promotion of international travel to the United States, including—

“(1) expanding access to the official Mexican travel surveys data to provide the States with traveler characteristics and visitation estimates for targeted marketing programs;

“(2) expanding the number of inbound air travelers sampled by the Commerce Department's Survey of International Travelers to reach a 1 percent sample size and revising the design and format of questionnaires to accommodate a new survey instrument, improve response rates to at least double the number of States and cities with reliable international visitor estimates and improve market coverage;

“(3) developing estimates of international travel exports (expenditures) on a State-by-State basis to enable each State to compare its comparative position to national totals and other States;

“(4) evaluate the success of the Corporation in achieving its objectives and carrying out the purposes of the Travel Promotion Act of 2009; and

“(5) research to support the annual reports required by section 202(d) of this Act.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2010 through 2014 such sums as may be necessary to carry out this section.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

**GENERAL LEAVE**

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent for 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 806 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this bill that enhances the Morris K. Udall Foundation and honors the life of Stewart Udall.

The Morris K. Udall Foundation is an independent Federal agency based in Tucson, Arizona, which operates exceptional educational programs focused on developing leadership on environmental issues and Native American issues. It also includes the U.S. Institute for Environmental Conflict Resolution, the only program within the Federal Government focused entirely on preventing, managing, and resolving Federal environmental conflicts.

The legislation today will enhance the foundation's programs and operations, and at the same time honor one of the greatest public servants and conservationists in history, Stewart L. Udall, by adding his name to the foundation of his late brother, Morris K. Udall.

The Udall Foundation was established by Congress in 1992. Initially, the foundation's mission was to provide educational opportunities for studies related to the environment and Native American tribal policy and health care.

In 1998, Congress amended the Udall Foundation's enabling legislation to add a new mission: resolving conflicts related to the environment, natural resources, and public lands through services including mediation, facilitation, and training. The work of the Udall Foundation has become even more important today as the Nation seeks long-term responses to climate change, sustainable energy supplies, and a sustainable economy for all Americans.

Through its education programs, the Udall Foundation identifies and educates tomorrow's leaders in fields that are critical to the energy, climate change, and economic issues that face our Nation. These programs include:

The premier college scholarship and doctoral fellowship for studies related to the environment and a scholarship for Native Americans studying tribal policy or health care.

The Native American Congressional Internship Program that has provided to many of our offices over 150 young Native American leaders that have been part of that internship program.

The Native Nations Institute for Leadership, Management, and Policy that provides both governance and economic development resources for tribal nations as they develop their own self-determination and fully develop the sovereignty that they have.

The Parks in Focus Program which connects underserved youth to nature through the art of photography and instilling them with a long-lasting understanding and appreciation for our national parks and other public lands.

□ 1615

I think it is very appropriate for Congress to provide solid support for the Udall Foundation and very important programs through this legislation, while at the same time recognizing the unsurpassed contributions of Stewart Udall by adding his name to the foundation's title. Stewart Udall served in the House of Representatives with distinction from 1955, representing an area that included what is now my district, until he was appointed Secretary of the Interior in 1961 by President John F. Kennedy.

As Secretary of the Interior, Stewart Udall had an unmatched record of environmental leadership, overseeing the creation of 4 national parks, 6 national monuments, 8 national sea shore and lake shores, 9 recreation areas, 20 historic sites, and 56 wildlife refuges. He continued to make substantial contributions to environmental and Native American policy as a lawyer and author following his tenure at the Interior.

For these reasons, I believe that the legislation deserves the support of the House.

At this point, Mr. Speaker, I yield the remainder of my time to the gentlelady from Florida (Ms. CASTOR) and ask unanimous consent that she manage the remainder of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume. I rise today in support of H.R. 1035, a bill that amends the Morris K. Udall Scholarship and Excellence in National Environmental Policy Act. The Morris K. Udall Foundation was created by Congress in 1992 to honor Mr. Udall's 30 years of public service. The Foundation was created to help educate new generations to protect the environment. The Foundation works to increase the awareness of our Nation's natural resources, foster a greater recognition and understanding of the role of the environment and the development of our Nation, and through the U.S. Institute for Environmental Conflict Resolution, provide for mediation and other services to resolve environmental disputes involving Federal agencies.

The Foundation operates several educational programs. The Morris K. Udall scholarship program awards approximately 80 merit-based scholarships of about \$5,000 each year. It also supports about 12 Native Americans or Alaskan natives every summer for a 10-week bipartisan congressional internship program.

Finally, the foundation supports two fellows every year in a doctoral program whose research focuses on environmental policy.

As we noted when this passed the House this summer, the legislation before us honors Stewart L. Udall's service to the Nation by adding his name to the foundation, making it the Morris K. Udall and Stewart L. Udall Foundation. Mr. Udall served in Congress and the administration, and then continued his work for the environment in the private sector. I would like to point out that there is one difference between this bill and the version passed by the House in July. The other body removed the authorization level of "such sums," thereby leaving the authorization of these programs at \$40 million, which is current law.

Finally, I would like to note this bill is being amended by the House to include the Travel Promotion Act, which creates a corporation to promote travel in the United States. My colleague from Missouri, Mr. BLUNT, a member of the Energy and Commerce Committee, will speak to these provisions. But let me just say that I'm glad that we are acting to promote tourism in this economic downturn. Attractions like the Great Smoky Mountains National Park, the most visited park in America, Dollywood, Jonesboro, the oldest town in Tennessee, and Sycamore Shoals historic site in my district stand to benefit greatly from increased tourism. The Senate amendment to the underlying Udall scholarship bill makes this legislation better. I urge my colleagues to support this bill.

Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. BLUNT) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Ms. CASTOR of Florida. Mr. Speaker, I rise in strong support of the Udall Scholarship in Excellence in NEPA Act by Congressman GRIJALVA. As part of the act, the House will consider Senate bill 1023, the Travel Promotion Act, which is similar to H.R. 2935 by Representative DELAHUNT of Massachusetts, a bill of which I'm pleased to be an original cosponsor.

The Travel Promotion Act is a jobs bill. It's a vital economic development initiative to combat the economic downturn that we've been battling since the spring of 2008. The Travel Promotion Act establishes a nonprofit corporation for travel promotion to promote tourism in the United States and provide travel information to people around the world.

Tourism is particularly important to my home State of Florida. Florida is a top travel destination from across the globe. The millions and millions of tourists who travel to Florida support a \$57 billion tourism industry and our economy. People come from every nation to visit our beautiful beaches,

Busch Gardens, Disneyworld and Universal Studios, the Everglades and more, and the Florida economy thrives and families have good jobs in a clean industry because of tourism.

Having the beaches and attractions is not enough, however. Florida also communicates to the world about Florida vacations through the Visit Florida tourism Web site and outreach and advertising campaigns. But, you know, there is no similar initiative for the United States as a whole internationally. So the USA needs to get creative and create new jobs through growing tourism nationwide.

Unfortunately, there are a lot of misconceptions out there that the United States is not a friendly place for international tourists. Other nations actively promote international tourism through advertising campaigns and outreach, but some say that we've allowed our image to become an unwelcoming one. Nations that project a welcoming image are reaping economic benefits, while we run the risk of being left behind. Overseas travel in the United States has declined by 10 percent in the first quarter of 2009.

Our travel bill would let world travelers know that we want them to visit America's great cities and natural wonders. We want the world to come and share our culture and experience the richness that is the United States of America. Therefore, I urge adoption of the Travel Promotion Act to get our economy moving and create jobs.

Mr. Speaker, I now recognize Congresswoman LORETTA SANCHEZ of the Committee on Homeland Security.

Ms. LORETTA SANCHEZ of California. I thank my colleague for recognizing me to express support for the travel promotion legislation being considered today. I do, however, have a few concerns that I would like to discuss in a colloquy with the gentlelady from Florida.

First, I am concerned that the bill would allow the Corporation For Travel Promotion to distribute information on Federal entry and exit requirements to foreign tourists without the Department of Homeland Security or the State Department reviewing that information. To ensure accuracy and consistency it's imperative that the DHS and the State Department have the opportunity to review this information before it is released to the public. Do I understand that the gentlelady shares my concern and is willing to work with me to resolve that matter?

I yield to the gentlelady for a response.

Ms. CASTOR of Florida. I thank the gentlelady from California for raising this important issue. Yes, it is extremely important that the U.S. has a unified voice abroad, and that all information about Federal travel requirements is properly vetted. I look forward to working with you and the committee to address this issue.

Ms. LORETTA SANCHEZ of California. I thank my colleague. And the other concern that I have relates to the fee provision and its mandatory nature. I have heard concerns expressed by our European partners and others about these fees. And under the 9/11 Act, the Secretary of Homeland Security has discretion about how to fund the Electronic System For Travel Authorization program. This legislation appears to remove that discretion and to require our Secretary to collect fees for ESTA in addition to the fees collected for the corporation.

So I believe the Secretary should retain that discretion to determine how to fund the ESTA program. And I also believe that any fees collected in excess of the needs of the corporation should be made available to the Department of Homeland Security to fund important travel, security, and facilitation programs, including our US-VISIT and our Global Entry program.

Would my colleague work with me to ensure that the Secretary has this flexibility and the resources needed to effectively carry out the missions of the department?

Ms. CASTOR of Florida. I share your concern about the fee structure, and I will be happy to work with you and the committee to ensure that these matters are addressed.

I would also like to submit for the RECORD an exchange of letters between the leadership of the Energy and Commerce Committee and the Senate Commerce Committee that reflects a shared commitment to work on these very issues as well as other important issues raises by other Members.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, October 7, 2009.

Hon. JOHN D. ROCKEFELLER IV,  
Chairman, Senate Committee on Commerce,  
Science, and Transportation.

Hon. AMY KLOBUCHAR,  
Chairman, Subcommittee on Competitiveness,  
Innovation, and Export Promotion.

Hon. BYRON L. DORGAN,  
U.S. Senator.

DEAR SENATORS ROCKEFELLER, KLOBUCHAR, AND DORGAN: As the House may consider S. 1023, the Travel Promotion Act of 2009, shortly, we write to clarify your intent with regard to several provisions in the bill.

#### I. CREATION OF THE CORPORATION

It is our understanding that the intent of the legislation is for the Department of Commerce to administer grants to the newly created nonprofit, "Corporation for Travel Promotion." It will be left to the judgment of the Secretary of Commerce to transfer sums necessary for the operations of the nonprofit and the administration of the grants. We understand further that the Department of Treasury will hold the separate "Travel Promotion Fund," but will have no substantive role with regard to the Corporation. By having the Department of Commerce issue grants to the Corporation, we can assure the application of Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations. A-110 imposes a number of requirements on non-profit entities spending

federal dollars, including the requirement that contracts target small businesses owned by women and minorities.

In addition, we appreciate that you share our commitment to diversity on the Corporation Board of Directors. We want to stress that the Secretary of Commerce should make every effort to ensure that the homeland security and small business communities are adequately represented on the Corporation's Board, and that the Board has a balance of gender, ethnicity, and economic status, as well as representatives from both urban and rural areas.

Also, we understand the importance of a functioning Corporation and the decision to allow expenditures to be made when six Board members are present. We would suggest that for expenditures over \$25 million, the Board strive to have more than four members support approval of such an expenditure.

Moreover, we would expect the Corporation's campaigns to target travelers from a diverse set of regions of the world and to advertise a wide range of destinations across the United States and its territories.

#### II. COORDINATION WITH THE FEDERAL GOVERNMENT

Although the legislation creates a requirement that the Corporation consult with the Department of Commerce, we believe that the Corporation should consult regularly with the Departments of State and Homeland Security which also have key responsibilities relating to travel and tourism. For example, it is imperative that the Corporation coordinate on any information it may disseminate regarding entry requirements, required documentation, fees, processes, and information concerning declared public health emergencies and requirements for entering the United States. This coordination is necessary in order to avoid the risk that prospective travelers to the United States could receive conflicting or confusing information regarding entry requirements and processes.

#### III. TRAVEL PROMOTION FUND FEES

Under the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 100-53), the Secretary of Homeland Security already has authority to charge a fee to cover the cost of administering the Electronic System for Travel Authorization (ESTA), but also has discretion to pay for ESTA with other funds. Similarly, the legislation before us should maintain the Secretary's discretion to determine the most appropriate manner to fund ESTA administration.

The legislation does not specify how funds collected in excess of \$100 million or greater than the needs of the Corporation for Travel Promotion should be used. We believe that these funds should be transferred to the Department of Homeland Security to: (1) reinvest in ESTA to support changes necessary to collect the new fee, and (2) enhance critical border security programs such as US-VISIT and Global Entry. Under the Implementing Recommendations of the 9/11 Commission Act of 2007, full implementation of the US-VISIT air exit capability is required for increased flexibility to expand the Visa Waiver Program, which would help increase tourism to the United States.

#### IV. LIMITATIONS AND ACCOUNTABILITY

Furthermore, we believe it is essential to ensure that the Corporation's funds are invested only in low risk vehicles and that none of the funds provided to the Corporation be used to directly promote or advertise

a specific corporation. Finally, we understand that under this bill, Congress has full and complete access to the books and records of the Corporation. We would suggest that the Corporation proactively send its marketing plan to Congress.

#### V. SUMMARY

While there is strong support in the House for passage of S. 1023, the Travel Promotion Act of 2009, we remain concerned about some aspects of the bill. We look forward to working with you to conduct vigorous oversight of the Travel Promotion Act once it is law and to make any changes to the legislation that may become necessary. Thank you in advance for clarifying your thoughts on the matters discussed in this letter.

Sincerely,

HENRY A. WAXMAN,  
*Chairman.*  
JOHN D. DINGELL,  
*Chairman Emeritus.*

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,

Washington, DC, October 7, 2009.

Hon. HENRY A. WAXMAN,  
*Chairman, House Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.*

Hon. JOHN D. DINGELL,  
*Chairman Emeritus, House Committee on Energy and Commerce, Rayburn House Office Building, Washington DC.*

DEAR CHAIRMAN WAXMAN AND CHAIRMAN EMERITUS DINGELL, Thank you for your letter regarding S. 1023, the Travel Promotion Act of 2009. We appreciate your significant interest in and contributions to this important piece of economic development legislation.

Many members of the Senate have praised this legislation for two main reasons. First, the legislation would stimulate the economy at a time when our country is facing record level job losses and deficits. A study by Oxford Economics showed that a coordinated international travel promotion campaign, such as the type that would be created by S. 1023, could drive as much as \$8 billion in new spending and create nearly \$1 billion in tax revenues annually. Additionally, the Congressional Budget Office found that enacting S. 1023 would have the added benefit of reducing budget deficits by \$425 million over fiscal years 2010–2019. This is the rare bill that stimulates economic growth while reducing the deficit at the same time.

Second, S. 1023 is a broadly bipartisan piece of legislation. Authored by Senators Dorgan and Ensign, 53 senators signed on as co-sponsors to the measure. The Travel Promotion Act of 2009 passed the Senate on September 9, 2009 by a vote of 79–19. While bipartisanship has been difficult to achieve on many issues, the solidarity of support across the aisle shows the Senate's strong commitment to enacting this legislation. The travel industry is crucial to every state and region, and we are excited to join together with you and the members of the House to aid in sending this important bill to President Obama's desk.

Presuming House passage of the Travel Promotion Act of 2009 on Wednesday, October 7, 2009 and the President's signature thereafter, we agree that the efficient and proper implementation of the Act is the cornerstone of a successful and equitable program. As Chairman of the Senate Committee on Commerce, Science, and Transportation, joined by the Chairman of the Subcommittee on Competitiveness, Innovation, and Export

Promotion and the author of S. 1023, please find the following statements of intent regarding the Travel Promotion Act of 2009.

Consultation with the Department of Homeland Security and the Department of State: One of the central purposes of the Travel Promotion Act of 2009 is to assist in disseminating information to foreign travelers about documents and procedures required for admission to the United States. While the Office of Travel Promotion and the Corporation would have the mandated responsibility to serve as an outlet for this information, in no way does the Act change the primary responsibilities of the Departments of State and Homeland Security for this function. The Department of Homeland Security has authority over the entry portals to the United States, and the Department of State is responsible for the execution of the visa policy. The Act does not create an express or implied ability for the Department of Commerce to supersede either agency's responsibilities. The purpose of the Office of Travel Promotion is to educate potential foreign tourists regarding the visa and entry policies set by those agencies—not to change visa and entry policies.

It is our expectation that the consultation requirements established in Sections 3 and 7 of the Act will establish an open, ongoing and vigorous line of communication between the Departments of Commerce, Homeland Security and State. The goal is for the Commerce Department and the Office of Travel Promotion to work closely with the other agencies to clearly and accurately communicate visa and entry policies and to improve the entry experience for international arrivals. In that vein, we expect the Departments of Homeland Security and State to work with the Department of Commerce to achieve the goals of the Act, and we would insist that the Department of Commerce, the Office of Travel Promotion, or the Corporation for Travel Promotion not go forward with any communication regarding the entry or visa process without prior consultation with the Departments of State and Homeland Security.

Board of Directors Composition and Guidance: The Secretary of Commerce has the responsibility of appointing the Board of Directors for the Corporation for Travel Promotion, after consultation with the Secretaries of Homeland Security and State. In addition to the mandates regarding the Board expressed in Section 2(a), (b), (c) and (d), we strongly encourage the Secretary of Commerce to select board members that are reflective of the diversity of our country. As with any governmental posting, we would expect the Board to reflect a balance of gender, racial and ethnic diversity.

Section 2(g) limits the Board's ability to obligate or expend more than \$25 million without at least 6 members of the Board present. We would strongly suggest that as part of the Board's procedures and rules of corporate governance that at least 5 members be present before the authorization, obligation or expenditure of any funds for campaigns, promotions or related efforts.

Small Business Representation and Diversity of Contractors: Approximately 90 percent of all employers that are part of the travel industry are small businesses. One of the primary purposes of the Act is to craft campaigns to encourage overseas travelers to come to America so these small businesses generate new revenue and create new jobs. Because small businesses play a vital role in the travel industry, we strongly encourage the Secretary of Commerce to select



board members who have knowledge and expertise of small businesses. We expect the Board and the Executive Director to strive to make certain that promotional efforts benefit small businesses in every region. In the planning and execution of campaigns, the Corporation should make special efforts in the bidding and contract process to target small businesses and businesses owned by women and minorities.

**Considerations for Promotion Campaigns:** The Corporation and the Office for Travel Promotion shall plan and execute the promotion campaigns to maximize the return of investment for each advertising dollar expended. The campaigns should be comprehensive in scope and should advertise in all regions of the world to encourage overseas arrivals to the United States.

Per the mandate in Section 2(e)(1)(D), the Corporation shall develop and execute a plan to generate international tourism benefits for all states and the District of Columbia and to identify opportunities and strategies to encourage tourism to underserved rural and urban areas equally, including areas not traditionally visited by international travelers. It is our intention that U.S. territories are included in the promotional plan along with the states and District of Columbia. We expect the Corporation and the Office of Travel Promotion to vigorously implement and execute this mandate.

**Accountability and Oversight:** Section 3(c) of the Act mandates that the Secretary of Commerce transmit an annual report to Congress, which shall include a comprehensive and detailed report of the operations, activities, financial condition and accomplishments of the Corporation. To aid in the oversight of the Corporation and the Office of Travel Promotion, we strongly suggest the Corporation submit its marketing plan to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Energy and Commerce.

**Corporation for Travel Promotion Funding:** The Corporation has the fiduciary duty to collect and ascertain the quality of the private sector contributions, protect the corpus of the fund from undue and unnecessary risks, and to make certain that the funds are not used in a discriminatory fashion.

**In-Kind Goods and Services:** The Act allows for up to 80 percent of the private sector contribution be fulfilled with in-kind contributions of goods and services that are appropriate to carry out the dictates of the Act. The Corporation shall be very conservative in its acceptance of these goods and services. The contributions must be directly useable for the campaigns, their value assessed at current fair market rates, and they must have true commercial value. In making that evaluation, we suggest that the good or service be able to be sold on the open market and garner the assessed fair market return. As example, but not for the purposes of limiting the discretion of the Corporation, we would consider television air-time or print advertising space to be examples of goods and services that would be appropriate for acceptance and usage.

**Protecting the Corpus of the Fund:** As part of its fiduciary duties to protect the Fund, the Board of Directors must invest the fund in conservative investment vehicles, such as United States Government Treasury Bills. While the Corporation should invest a \$200 million dollar corpus to take advantage of the fund's size to benefit American travel businesses and taxpayers, the Fund should not be exposed to undue risk.

**Prohibition on Discriminatory Fund Distribution and Campaign Focus:** As mandated

in Section 2(e), the international travel advertising campaign must benefit all states and the District of Columbia. We read this mandate as strictly forbidding the Corporation from expending funds to promote one specific company. The campaign should promote travel to the United States to provide benefits to multiple regions and businesses. A campaign singling out specific travel related companies would violate Section 3(d) of the Act.

**Governmental Responsibilities for Collecting and Distributing Funds:** We expect the Departments of Commerce, Homeland Security and Treasury to work together collaboratively to execute the collection and distribution of monies to the Travel Promotion Fund.

**Department of Homeland Security and Electronic System for Travel Authorization (ESTA) Funding Discretion:** The Travel Promotion Act of 2009 mandates that the Secretary of Homeland Security establish and collect a fee from visa waiver travelers to use the ESTA for the Travel Promotion Fund and an amount to ensure the costs of providing and administering the system. This mandate does not supersede or limit any additional authority or discretion for the Department of Homeland Security to pay for ESTA administration with other funds. The need for this additional ESTA fee is at the determination of the Secretary. If the ESTA system is funded by other means, the Secretary of Homeland Security shall collect the minimum \$10 for the Travel Promotion Fund as mandated by the Travel Promotion Act of 2009.

**Usage of Fees after seeding the Travel Promotion Fund:** The Travel Promotion Fund Fee as established in Section 5 of the Act is to provide the funding level mandated by the year of collection. After the Federal contribution level for the Fund has reached its annual cap, we strongly suggest that any funds collected beyond that level may be used to complete visa waiver system improvements to the ESTA.

The Department of Commerce is the Primary Agency: The Department of Commerce is responsible for administering the Travel Promotion Fund. As part of the Secretary's duties, which include selecting the Board of Directors of the Corporation, overseeing the Office of Travel Promotion within the Department, and executing the accountability measures mandated by the Act, the Secretary also is responsible for administering the Fund. The Department of the Treasury is not responsible for administering the Travel Promotion Fund; its responsibilities are limited to holding and distributing the funds to the Corporation of Travel Promotion.

Again, we thank you for your consideration and assistance in bringing the Travel Promotion Act of 2009 before the House for a vote. The Senate Committee on Commerce, Science and Transportation will stand with you to execute aggressive and exacting oversight of the implementation and execution of S. 1023. As always, we look forward to working with you on this and other matters before our Committees.

Sincerely,

JOHN D. ROCKEFELLER IV,  
*Chairman*

AMY KLOBUCHAR,  
*Chairman, Subcommittee on Competitiveness, Innovation and Export Promotion.*

BYRON L. DORGAN,  
*U.S. Senator.*

Ms. LORETTA SANCHEZ of California. I thank my colleague for her continued support, and I look forward to working with you on this issue.

Mr. Speaker, I rise in support of S. 1023 the Travel Promotion Act, and the underlying bill, H.R. 1035, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009.

The Travel Promotion Act would help establish an independent non-profit corporation that would provide and maintain useful tourist information.

Most importantly, this bill will further educate potential tourists abroad about the U.S. entry policies.

As the Chairwoman of the Subcommittee in charge of all ingress and egress into our country, this bill will play an important role in educating foreign travelers about our border and port of entry procedures and will help clear up misconceptions about traveling to the United States.

This outreach and expansion will improve research and development activities to promote international travel to the United States at a time when many foreigners are wary of traveling to our country.

Foreign travelers traditionally stay in a visited region longer and spend more money during their stay than domestic travelers do.

This bill will find ways to encourage more foreign travelers to visit the United States.

As the Representative of the district that includes the happiest place on earth, Disneyland, this bill is crucial to my district.

In Orange County, the tourist industry alone supports approximately 160,000 jobs, both directly and indirectly.

Furthermore, in 2008 tourism brought in over 43 million visitors, including 2.5 million foreign visitors, to Orange County, California.

These visitors generated over 7.9 billion dollars in spending which provided critical support to local businesses and governments.

I want to thank Representative DELAHUNT, Senator DORGAN, and the leadership of both the House and Senate for advocating for this legislation.

I urge my colleagues to vote for the underlying legislation and pass H.R. 1035.

Ms. CASTOR of Florida. Mr. Speaker, I'd also like to add for the RECORD that we intend to work with Congressman DOYLE of Pennsylvania regarding non-profit cultural destinations as part of the bill.

I reserve the balance of my time.

Mr. BLUNT. Mr. Speaker, I would like to join Mr. ROE in supporting the Morris K. Udall Act, and that now includes the Travel Promotion Act, an act that passed this body in the last Congress with 244 cosponsors and by voice vote, a very similar piece of legislation we sent to the Senate and to the other body in the last Congress. I'd also like to thank my good friend, Mr. DELAHUNT from Massachusetts, for his sponsorship of the House version of this legislation, and my co-Chair of the House Travel and Tourism Caucus, Mr. FARR from California, for his support and advocacy of this bill. Also, Mr. BARTON from Texas, Mr. RADANOVICH



from California, Mr. KING from New York and Mr. SMITH from Texas have been helpful in moving this bill through the process.

I believe that the House bill was superior in some ways to the Senate bill, but the goal of both of these bills is a worthy goal. It's a goal that this Congress should move forward with. Every State and every congressional district is a tourism destination. In Missouri, whether it's the St. Louis Arch, the world's largest sporting goods store in Springfield, Missouri, the Bass Pro Shop, or for the 8.4 million tourists that visited Branson, Missouri, last year, all benefit from tourism, and our country benefits from international visitors and international tourism.

This bill does create a fee paid by visitors to the United States that, in fact, based on information I have, is lower than the entry and exit fees in the countries that are generally discussed. The Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Lithuania, the Netherlands, Slovenia, Spain, Sweden, and the U.K. all have entry fees for Americans that would exceed this entry fee that would allow us to have a matching fund to encourage international tourism.

After barely recovering to its pre-9/11 numbers in 2007, international tourism took a 17 percent decline. The bill we're considering today will remind people overseas of what the United States has to offer. The corporation created by this bill will be composed of individuals with expertise across the spectrum that will show the value and the logistics of international travel. Foreign travelers to the United States spend more time in the country than the average domestic traveler. They spend more money, and frankly, in virtually every case, they like Americans and America better after they've visited here than they did when they first came. I'm hopeful the House will pass this legislation today, and I'm looking forward to seeing it signed into law.

I reserve the balance of my time.

Ms. CASTOR of Florida. Mr. Speaker, I am proud to yield 1 minute to my colleague from the House Energy and Commerce Committee, Mrs. CHRISTENSEN from the Virgin Islands.

Mrs. CHRISTENSEN. Mr. Speaker, as a member of Energy and Commerce and also a former Steering Committee Member of the Travel and Tourism Caucus and a cosponsor of this bill, I too support its enactment with the understanding that its implementation will benefit the territories and not just the 50 States. So I want to thank Ms. CASTOR, Mr. DELAHUNT, Mr. BLUNT and others for their work on the bill; thank them for the exchange of letters clarifying the application of the territories, and we look forward to working with you on the implementation of the bill.

□ 1630

Mr. BLUNT. I am wondering if I can enter into a colloquy with the gentleman from Massachusetts, the principal sponsor of this bill, Mr. DELAHUNT.

Mr. DELAHUNT, as this legislation advances, it's important that tour operators, most of which are small businesses involved in inbound U.S. travel, are not adversely affected and that any marketing Web site the corporation will create is protected from being misused in a way that would favor particular companies or segments of the industry over any other and would provide equal access and choice. There are three issues I need to have further clarification on as we move forward.

First, the board of directors of the Corporation for Travel Promotion created by this legislation will include representatives from many sectors of the travel industry. I'm hopeful that at least one member of this board will be a representative from the receptive/inbound tour operator sector. In addition, given their current efforts to market the United States as part of their business model, tour operators should be excluded from any assessment the corporation may impose.

Second, any marketing Web site the corporation might create may include destination information for all 50 States, the U.S. territories, and the District of Columbia; but it should not include an internal consumer booking engine or reservation system that would infringe on the services provided by existing travel operators.

A Web site should include no link to sites promoting non-U.S. destinations except those I mentioned, and any external Web links on the site, including those connected to paid advertisements, should be prohibited from the homepage.

Third, any advertising space on a Web site the corporation might create should be equally available to any sector or company promoting travel to the United States and should not be focused on any one sector. To ensure this availability, I'd encourage the corporation to ensure that no single entity be allowed to purchase more than 5 percent of the total advertising space available on the marketing Web site, and at least 10 percent of the space offered should be reserved for small businesses. No industry segment should receive any favored pricing or access.

I respectfully ask my friend from Massachusetts that he work with me to ensure that all sectors of our travel industry be protected and any Web site created by the corporation be used effectively and without abuse.

I yield to the gentleman.

Mr. DELAHUNT. I want to thank the gentleman from Missouri for bringing these concerns to our attention and to the floor. I want to assure the gentleman that these points and these

issues are important to the success and effectiveness of this legislation, and I'm in full agreement with the gentleman.

Mr. BLUNT. I reserve the balance of my time, Mr. Speaker.

Ms. CASTOR of Florida. Mr. Speaker, I yield 3 minutes to the original sponsor of the Travel Promotion Act, the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. I thank the gentleman for her leadership on this effort and the work that many who are sitting here have contributed to today's debate on the floor.

As has been indicated, the bill addresses the sharp decline in the number of overseas visitors to the United States. There were over 600,000 fewer visitors in 2008 than there were in 2000. This is happening as the world travel market is expanding but our market share is plummeting. In other words, overseas tourists and businessmen and students are going elsewhere. This has a devastating consequence to our economy, as one of every eight nonfarm jobs is created directly or indirectly through travel and tourism.

This drop in foreign travel during the 7-year period from 2001 to 2008 translates into a loss of \$182 billion in visitor spending, a loss of \$27 billion in tax revenue, and the loss of more than 200,000 American jobs annually. The question is: Why? Why did this happen?

The reason is painfully simple. We don't make a coherent effort to tell America's story, to say to foreign visitors that they are welcome here or to explain the confusing and sometimes intimidating rules and delays and even indignities that have become part of our visa and border entry process since 9/11.

Just last week, an International Olympic Committee member from Pakistan went out of his way in explaining his vote against Chicago to host the games to note that going through the United States customs can be a harrowing experience.

This legislation would clarify misperceptions about security protocols and other confusing aspects of our entry process that scare away potential visitors in droves and to communicate unambiguously: welcome to the United States.

And the best part: it would not cost U.S. taxpayers a penny. The program is partially funded by a \$10 fee charged to visitors under the Visa Waiver Program. The rest of the cost is defrayed by the U.S. travel industry itself. In fact, it will actually reduce the deficit by some \$400 million. So it's a win for the economy, it's a win for American foreign policy, and it's a win for fiscal responsibility.

So I urge my colleagues to join my friend from Missouri (Mr. BLUNT) and I, along with the co-Chair of the Travel Caucus, Mr. FARR, in voting for this

legislation. I look forward to getting this program under way within the next few months.

I understand that the gentlelady from Guam wishes to enter into a colloquy.

Ms. CASTOR of Florida. I'll yield the gentleman an additional 1½ minutes.

Mr. DELAHUNT. I yield to the gentlelady from Guam.

Ms. BORDALLO. I thank my colleague for yielding, and I rise to clarify the application of the Travel Promotion Act to the territories. Of chief interest to me and my colleagues representing the territories is ensuring that the travel promotion mandates of this legislation fully encompass and take into account the territories.

Tourism is a critical component of the economies of the territories Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Northern Mariana Islands.

I support the underlying bill. Given the territories depend heavily on tourism and will make contributions to the Travel Promotion Fund, they should be included.

I ask my colleagues, Mr. DELAHUNT and Mr. BLUNT, to clarify its application of the territories.

Mr. DELAHUNT. I thank the gentlelady from Guam for raising this issue and for her leadership. It is not the intent of this body for the territories to be excluded from the mandate of the Corporation for Travel Promotion or from the scope of duties prescribed by the bill for the offices within the Department of Commerce.

This bill should be interpreted, rather, as granting the corporation both the authority and obligation to promote tourism in the territories.

Ms. BORDALLO. I thank the gentleman.

Mr. BLUNT. Mr. Speaker, I second the views expressed by my friend from Massachusetts. The territories should, without question, be made part of the corporation's and the Commerce Department's effort to promote international travel.

Having traveled to the territories, I recognize the value of their visitor industries to their economic development and reiterate our expectation that this legislation, when implemented, will take into account travel promotion for the territories.

Mr. Speaker, I'd like to yield 2 minutes to my friend from California (Mr. FARR). He and I are co-Chair of the Travel and Tourism Caucus. Again, every State and probably every congressional district feels that it has a tourism destination. And over 100 Members of the Congress are members of the Travel and Tourism Caucus to promote that important part of our economy, and nobody more actively does that than Mr. FARR.

Mr. FARR. Thank you very much, Mr. BLUNT, for yielding and for the nice

comments. I co-chair, as Mr. BLUNT said, the Travel and Tourism Caucus. This is a caucus that is essentially looking at how we can increase the usage of travel and tourism in the United States. The travel and tourism industry is the biggest industry in the United States—in fact, the world.

If you really look at this bill, it's called the Travel Promotion Act, but this is really about jobs—jobs and jobs. It's about understanding the United States of America and its territories. It's about peace, because it's about people. I think it's especially about jobs everywhere, because every part of the United States has something special to offer. Yet, we never take the advantage of telling anybody overseas about that. We have never done that.

You watch television today and there's countries all over the world advertising for you to come there. We're not doing that. This allows us to do that, but with private money, not taxpayer money. So it's a paid-for bill.

If anybody has been watching the Ken Burns series on the national parks, the comments I've heard and I felt were, Wow, I'm really proud to be an American. That is a beautiful series about the United States. That's not shown overseas. People don't know about all these assets that we have.

This act is going to allow that process to attract people. So, in a way, it is the biggest job promoter that we do, because it's the biggest industry, and it's everywhere.

The average international visitor spends \$4,500 per visit. That's more than we spend when we're traveling around the United States.

So I think this is good for America, it's good for the world, it's good for peace and understanding. But, most of all, it's good for putting people back to work in the United States of America. Please support this act.

Ms. CASTOR of Florida. Mr. Speaker, may I inquire how much time is left on both sides.

The SPEAKER pro tempore. The gentlewoman from Florida has 5 minutes remaining. The gentleman from Missouri has 9½ minutes remaining.

Ms. CASTOR of Florida. At this time I am pleased to yield 1 minute to my good friend, the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. I rise in strong support of the Travel Promotion Act of 2009. Passage of the Travel Promotion Act is vital to my congressional district in southern Nevada. The current economic recession has hit our area especially hard, and unemployment is at an all-time high because travel and tourism revenue, the driver of our local economy, has declined dramatically.

Travel and tourism generate billions in tax revenue for local, State and Federal governments. Nationally, the travel and tourism industry employs 7.7 million people. In Nevada, more than

450,000 jobs are created by travelers who pumped \$34.5 billion into the Nevada economy in 2007.

This act will bring millions of additional travelers to the United States at no cost to our taxpayers; it will create a public-private partnership to promote our Nation as a leading international travel destination; and it will communicate U.S. security and entry policies to people abroad. It's estimated that the program will generate \$4 billion in new spending and \$321 million in new Federal tax revenue annually.

So I strongly support passage of the Travel Promotion Act. It will help our economy in Nevada and across the Nation.

Mr. BLUNT. I continue to reserve the balance of my time.

Ms. CASTOR of Florida. At this time I'm very pleased to yield 1 minute to my good friend, the gentleman from the great State of Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentlelady. Mr. Speaker, I rise to support the Travel Promotion Act for all the reasons that have been discussed so far. Tourism is an economic engine for our home State of Florida. From our pristine beaches to the Everglades to our large destination amusement parks, Florida has so much to offer both international and domestic tourists.

The tourism industry creates jobs in all sorts of sectors: hospitality, construction, travel. In fact, in my home county of Palm Beach, as well as Broward County, 160,000 people are employed in tourism-related jobs, contributing over \$11 billion to our local economy.

The tourism industry has faced challenges this year, which is why it is imperative that Congress pass the Travel Promotion Act. This bill will greatly strengthen south Florida's ability and all over the United States the ability to attract tourists from abroad, which will in turn reinforce our local economies.

I encourage our colleagues to join me in supporting this legislation.

Mr. BLUNT. I continue to reserve the balance of my time.

Ms. CASTOR of Florida. At this time I'm very pleased to yield 1 minute to my good friend, the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentlelady for yielding, and I particularly thank Mr. DELAHUNT for his steadfast leadership on this issue.

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Mr. Speaker, I rise today in strong support of the Travel Promotion Act. In these difficult economic times, this bill is vital for our Nation's economy. It is essential to my hometown and congressional district of Las Vegas, which is the very definition of tourism and travel.

Last year, the United States lost nearly 200,000 travel-related jobs. In my district of Las Vegas and North Las Vegas, we've been hit particularly hard, with one of the highest unemployment rates in the country and a hotel occupancy rate just about as low as we've ever seen it.

This bill will bring back these jobs and put Americans back to work. Independent economists say that for every dollar we spend on this program, we will bring in \$3 of increased revenue from added jobs and economic growth that will be created by increased tourism to our country. And this could be accomplished without adding to our national debt.

Every State in our Nation benefits from tourism. Tourism is one of the largest industries in America. Whether you have mountains, beaches, amusement parks, vineyards, ballparks, historic monuments or gaming, we all benefit from this bill.

This is a great piece of legislation that will help energize our economy at a time when we need it most. I urge support for this bill.

Mr. BLUNT. I continue to reserve the balance of my time.

Ms. CASTOR of Florida. Mr. Speaker, I am the last speaker on my side, so I will reserve my time. I have the right to close.

Mr. BLUNT. Mr. Speaker, I would say that I'm as hopeful as all the speakers have been that this bill passes, that this effort encourages foreign travel and that this effort encourages that important segment of our economy. This is an area where the United States has a lot to gain by encouraging foreign travelers who, as we've said before, come, stay longer, they spend more and they like us better. It's an important part of our diplomacy. It's an important part of our economy.

I urge the passage of this bill, and I yield back the balance of my time.

Ms. CASTOR of Florida. Mr. Speaker, I would like to thank the gentleman from Missouri for his support in all of his endeavors to promote travel and tourism in the United States of America.

My hat is also off to Congressman DELAHUNT from Massachusetts who certainly understands the importance of reviving our economy and bringing good, clean industry jobs in the tourism and travel sector to our great Nation.

We need the Travel Promotion Act now more than ever during this economic downturn. The Travel Promotion Act is a jobs bill. It is a vital economic development initiative to help us combat this horrendous economic downturn.

Mr. SABLON. Mr. Speaker, I rise today in support of H.R. 1035, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009, as

amended. Specifically Title II, which consists of the full text of S-1023, the Travel Promotion Act of 2009. Tourism is the main driver of the economy of the Northern Mariana Islands and for the other U.S. Territories. S-1023 would establish the Corporation for Travel Promotion (Corporation) and the Travel Promotion Fund, both of which I support, and recognizes the need for the United States government to have an active role in promoting tourism to the U.S. In addition, it allows the collection of an entry fee through 2014 for foreign visitors to the U.S., including the Territories. However, S-1023 as currently written does not recognize the Territories, even though the majority of our visitors are foreign visitors and will be paying the assessed fee. Like a taxpayer who pays into a system, you should expect to get some benefit, and this is no different. I appreciate the gentlelady from Guam and Representative DELAHUNT for their colloquy in ensuring that the intent of this Congress in S-1023 is to include the Territories and ensure they receive the full benefits of the activities of the Corporation under this important legislation. Tourism is one of the major industries in our country and in the Northern Mariana and the Territories, it is our economic lifeline and I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, while I support H.R. 1035, the "Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009," I rise to voice my most rigorous protest at its inclusion of S. 1023, the "Travel Promotion Act of 2009." This legislation, which has not benefitted from proper consideration by the various committees of jurisdiction in this body, creates an unnecessary Corporation for Travel Promotion. In sharp contrast to my long-held view that private corporations can and should promote travel to the United States on their own, the Corporation for Travel Promotion, comprised of companies from the travel and tourism industry, will be the recipient of taxpayer funds to finance its operations. Admittedly, the Corporation will be required to match public sector funds with contributions from its members, but these matching contributions may be up to 80 percent in the form of goods and services, whose value is to be determined by the Corporation itself. This outrage underscores the deficient public oversight to which the Corporation will be subject, as well as the fundamental dearth in meaningful constraints placed on its operation under pending statute. Further illustration of this is the legislation's omission of a provision to prevent the Corporation from acting solely in the benefit of one constituent member, as well as no requirement that public funds appropriated to the Corporation be returned to the Treasury in the event they are not expended.

The questions of the Corporation's establishment, functioning, and funding aside, I feel S. 1023 neglects to consider the more basic reasons for declining travel to the United States. Anecdotal evidence suggests potential foreign visitors take issue with America's reputation of late, particularly in the wake of the Iraq War, and moreover are confused and very likely offended by the difficulties of obtaining a visa to this country and the unfriendly treatment when they arrive at its borders. We

would do well to examine what must be done in order to rehabilitate our image internationally, as well as how to facilitate easier entry into this country, while maintaining a necessary degree of security. In short, simply creating a corporation to promote travel to the U.S. will not address the more essential elements of why fewer foreigners decide to come to our country as tourists.

Finally, I must also object to the apparent failure of this body to afford the Travel Promotion Act proper consideration under the auspices of regular order. I would note that during the 110th Congress, the Committees on Energy and Commerce, the Judiciary, and Homeland Security worked cooperatively to produce an amended version of this legislation for consideration by the full House. While I confess that bill was in no way perfect, it included much-needed improvements to the oversight and accountability measures applicable to the Corporation and, in my view, represented a more palatable alternative to the measure before us for consideration today.

In closing, I intend to vote in favor of H.R. 1035 but must voice my most rigorous protest at its inclusion of the Travel Promotion Act, legislation I find remarkably lacking in merit and deficient in due deliberation by this body.

Ms. CASTOR of Florida. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 806.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CASTOR of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CONFERENCE REPORT ON H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. DELAUNO. Mr. Speaker, pursuant to House Resolution 799, I call up the conference report on the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of September 30, 2009, at page 23257.)

The SPEAKER pro tempore. Pursuant to House Resolution 799, the gentlewoman from Connecticut (Ms. DELAUNO) and the gentleman from

Georgia (Mr. KINGSTON) each will control 30 minutes.

The Chair recognizes the gentleman from Connecticut.

#### GENERAL LEAVE

Ms. DELAURO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 2997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

I am delighted to present the 2010 Agriculture-Food and Drug Administration appropriations conference report. I want to note for my colleagues that this is the earliest that an Agriculture appropriations conference report has come to the House floor since 1999.

This report represents a culmination of many months of hard work in both Houses of Congress. I want to offer my thanks to the ranking member, Congressman JACK KINGSTON, for his collaboration and input over these months, and I also want to say "thank you" to the minority and majority staff for all of their tireless work in this effort, a "thank you" to our ranking member, Mr. LEWIS, and a special "thank you" to Chairman OBEY for his counsel on this effort.

We have been busy all year. The subcommittee has held seven hearings so far, including two hearings with the Secretary of Agriculture, a hearing with the Acting Commissioner of the Food and Drug Administration and another with the Inspector General of the Department of Health and Human Services. We had a hearing on domestic nutrition programs, a hearing on the equivalency process for imported meat and poultry. We also had a hearing in which members discussed their priorities.

The fiscal year 2010 conference report before us, the culmination of the process, focuses on several key areas such as: supporting agricultural research, investing in rural communities, protecting public health, bolstering food nutrition programs and food aid, and conserving our natural resources. The final bill invests in these priorities and the agencies that can help us to meet them while making specific and sensible budget cuts where feasible.

The 2010 Agriculture-FDA appropriations conference report provides for \$23.3 billion in funding, a 13 percent increase over 2009 levels, with major and responsible investments across the board.

In terms of protecting public health, the bill provides a substantial increase for the Food and Drug Administration—\$306 million—to conduct more inspections of domestic and foreign food and medical products.

In addition, the bill fully funds the administration's request for the Food Safety and Inspection Service at the United States Department of Agriculture, providing over \$1 billion for FSIS for the first time in history.

The appropriate funding of FDA and FSIS is not only a matter of public health and consumer safety, it is a matter of national and economic security. Not all of the dangers that threaten the health and safety of American families can be found in airports, border checkpoints or harbor containers. Sometimes they lurk in our refrigerators and on our kitchen tables. We cannot afford to neglect our food safety system any longer, and I am pleased that we fund the FDA and the FSIS adequately in this bill.

With regards to nutrition, the bill provides \$7.25 billion for WIC, the women, infants and children program, to serve our Nation's vulnerable populations and help those hit hardest by the economic crisis.

Our fundamental responsibility as legislators and as leaders, to say nothing of basic morality and fairness, demands that we do everything that we can to help Americans suffering right now from poverty and malnutrition. Each dollar we spend on nutrition here in this bill means food on the table for hungry families who are struggling.

The bill also includes \$171 million for the Commodity Supplemental Food Program, or CSFP, and expands assistance to seven new States: Arkansas, Oklahoma, Delaware, Utah, New Jersey, Georgia and Maine.

In addition, conferees agreed to extend the school lunch program for 1 year at the request of the Education and Labor Committee to ensure that the school lunch program remains operational and that schoolchildren will not go hungry.

The bill makes significant investments in agricultural research: \$1.2 billion for the Agricultural Research Service, over \$1.3 billion for the National Institute for Food and Agriculture, and among the key programs funded is \$262.5 million for the Agriculture and Food Research Initiative, a competitive research program.

In addition, the report seeks to create new opportunities for growth in the Nation's small-town economies with rural development and conservation. The agreement provides \$12 billion for the section 502 Guaranteed Single-Family Housing Loans and \$164 million for the Rural Energy for America Program, just two of the important programs funded here to encourage rural development.

The bill addresses concerns raised on a bipartisan basis about the need to modernize the Farm Service Agency's information technology networks and databases in order to provide more effective and secure service for the agency's customers. It fully funds the request of \$67.3 million for this work.

The conference report increases funding for key safety nets for our farmers, \$257 million more in farm ownership loans and \$676 million more in farm operating loans than the President's request.

This agreement includes \$350 million for dairy assistance, \$290 million to the Secretary of Agriculture to supplement producers' income and \$60 million for purchasing surplus cheese and other dairy products to distribute to food banks.

The conference agreement also works to conserve America's natural resources and thus sustain our national prosperity. It includes approximately \$1 billion for the Natural Resources Conservation Service to improve service in the field, conserve and protect the environment and upgrade aging dams at risk of catastrophic failure. It restores funding eliminated in the budget for the Resource Conservation and Development program and maintains the House position of keeping it in a separate account.

It funds the Commodity Futures Trading Commission above the President's request to better secure the markets from improper speculation. And it continues to protect our Nation's families and farmers from the dangers posed by unsafe processed poultry imports from overseas. Some of you may be familiar with the long debate we've had over processed poultry from China. From the very beginning, I have insisted that the question of processed Chinese poultry imports be taken as a public health issue that must not be entangled in trade discussions. This conference report language provides meaningful assurances that the public health will be protected and that adequate preventive measures will be taken to ensure poultry products from China are safe.

The final conference language firmly establishes that Chinese poultry imports must live up to American sanitary conditions before being shipped to the United States. This includes requiring new onsite audits, new onsite inspections and an increased level of port-of-entry reinspections. The language also requires USDA to report frequently to the Congress on the implementation of any rule authorizing China to export poultry products to the U.S. This will allow the Congress to monitor USDA's work in this area on a frequent basis.

In short, the new language ensures the USDA will perform the necessary inspection and monitoring functions to minimize possible food safety threats from Chinese processed poultry imports. I look forward to working with the Secretary as this process moves forward.

Finally, for all the important investments in this bill, we have also made responsible cuts where warranted. This report includes \$194 million in cuts

below 2009, more than \$1 billion in cuts below the 2010 budget request, and \$346 million in cuts below the 2010 House-passed bill.

Taken as a whole, I believe we have crafted responsible agriculture legislation that alleviates short-term suffering, encourages long-term growth,

invests in our future and reflects our priorities as a Nation.

In closing, let me take a moment to thank the staff who have worked diligently to help to put this bill together. Subcommittee majority staff—Martha Foley, our clerk, Leslie Barrack, Matthew Smith, Jason Weller, Cliff Isenberg and Kerstin Millius have

worked closely with David Gibbons on the minority staff. In addition, Brian Ronholm and Letty Mederos on my staff, and Merritt Myers and Meg Gilley from Mr. KINGSTON's staff have been of tremendous help to this subcommittee.

I urge you to support this bill.

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2010  
H.R. 2997 (H.Rept. 111-279)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
<b>TITLE I - AGRICULTURAL PROGRAMS</b>						
<b>Production, Processing, and Marketing</b>						
Office of the Secretary.....	5,174	5,285	5,285	5,285	5,285	+111
Office of Tribal Relations.....	---	1,000	1,000	1,000	1,000	+1,000
<b>Executive Operations:</b>						
Office of Chief Economist.....	10,651	16,732	12,982	13,032	13,032	+2,381
National Appeals Division.....	14,711	15,559	15,289	15,219	15,254	+543
Office of Budget and Program Analysis.....	9,054	9,436	9,436	9,436	9,436	+382
Office of Homeland Security.....	974	2,994	2,494	1,859	1,859	+885
Office of Advocacy and Outreach.....	---	3,000	---	---	1,700	+1,700
Office of the Chief Information Officer.....	17,527	63,579	48,541	63,579	61,579	+44,052
Office of the Chief Financial Officer.....	5,954	6,566	6,466	6,566	6,566	+612
<b>Total, Executive Operations.....</b>	<b>58,871</b>	<b>117,866</b>	<b>98,208</b>	<b>109,691</b>	<b>109,426</b>	<b>+50,555</b>
Office of the Assistant Secretary for Civil Rights....	871	895	888	895	895	+24
Office of Civil Rights.....	21,551	23,922	23,922	23,422	23,922	+2,371
Office of the Assistant Secretary for Administration..	687	806	700	806	806	+119
Agriculture buildings and facilities and rental						
payments.....	(244,244)	(346,182)	(326,482)	(274,482)	(293,093)	(+48,849)
Payments to GSA.....	168,901	237,901	223,901	168,901	184,812	+15,911
Department of Homeland Security.....	13,500	13,500	13,500	13,500	13,500	---
Building operations and maintenance.....	61,843	94,781	89,081	92,081	94,781	+32,938
Hazardous materials management.....	5,100	5,125	5,125	5,125	5,125	+25
Departmental administration.....	27,011	43,319	37,319	41,319	41,319	+14,308
Office of the Assistant Secretary for Congressional						
Relations.....	3,877	3,968	3,968	3,968	3,968	+91
Office of Communications.....	9,514	9,922	9,722	9,722	9,722	+208
Office of the Inspector General.....	85,766	88,781	89,281	88,025	88,725	+2,959
Office of the General Counsel.....	41,620	44,651	43,601	43,551	43,551	+1,931
Office of the Under Secretary for Research, Education,						
and Economics.....	609	895	620	895	895	+286
Economic Research Service.....	79,500	82,478	82,528	82,078	82,478	+2,978
National Agricultural Statistics Service.....	151,565	161,830	161,830	161,830	161,830	+10,265
Census of Agriculture.....	(37,265)	(37,908)	(37,908)	(37,908)	(37,908)	(+643)
<b>Agricultural Research Service:</b>						
Salaries and expenses.....	1,140,406	1,153,368	1,157,568	1,181,632	1,179,639	+39,233
Buildings and facilities.....	46,752	---	35,000	47,027	70,873	+24,121
<b>Total, Agricultural Research Service.....</b>	<b>1,187,158</b>	<b>1,153,368</b>	<b>1,192,568</b>	<b>1,228,659</b>	<b>1,250,512</b>	<b>+63,354</b>
<b>National Institute of Food and Agriculture:</b>						
Research and education activities.....	691,043	622,892	711,523	757,821	788,243	+97,200
Native American Institutions Endowment Fund.....	(11,880)	(11,880)	(11,880)	(11,880)	(11,880)	---
Extension activities.....	474,250	487,005	485,466	491,292	494,923	+20,673
Integrated activities.....	56,864	56,864	60,022	56,864	60,022	+3,158
Outreach for socially disadvantaged farmers.....	---	---	---	---	---	---
<b>Total, National Institute of Food</b>						
<b>    and Agriculture.....</b>	<b>1,222,157</b>	<b>1,166,761</b>	<b>1,257,011</b>	<b>1,305,977</b>	<b>1,343,188</b>	<b>+121,031</b>
Office of the Under Secretary for Marketing and						
Regulatory Programs.....	737	895	753	895	895	+158
<b>Animal and Plant Health Inspection Service:</b>						
Salaries and expenses.....	876,675	872,423	881,019	909,394	904,953	+28,278
Inspections (user fees) (leg. proposal) NA....	---	(20,000)	---	---	---	---
Buildings and facilities.....	4,712	4,712	4,712	4,712	4,712	---
<b>Total, Animal and Plant Health Inspection</b>						
<b>    Service.....</b>	<b>881,387</b>	<b>877,135</b>	<b>885,731</b>	<b>914,106</b>	<b>909,665</b>	<b>+28,278</b>
<b>Agricultural Marketing Service:</b>						
Marketing Services.....	66,711	90,848	90,848	90,848	91,148	+4,437
Standardization (user fees) (leg. proposal) NA						
(Limitation on administrative expenses, from fees						
collected).....	(62,888)	(64,583)	(64,583)	(64,583)	(64,583)	(+1,695)
Permanent, Section 32.....	1,169,000	1,300,000	1,300,000	1,300,000	1,300,000	+131,000 M
Funds for strengthening markets, income, and						
supply (transfer from section 32).....	17,270	20,056	20,056	20,056	20,056	+2,786 M
Commodity purchases support system.....	(10,000)	(20,000)	(20,000)	(20,000)	(10,000)	---
Payments to states and possessions.....	1,334	1,334	1,334	1,334	1,334	---
<b>Total, Agricultural Marketing Service program...</b>	<b>1,347,203</b>	<b>1,496,821</b>	<b>1,496,821</b>	<b>1,496,821</b>	<b>1,487,121</b>	<b>+139,918</b>

## AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2010

H.R. 2997 (H.Rept. 111-279)

(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
<b>Grain Inspection, Packers and Stockyards</b>						
<b>Administration:</b>						
Salaries and expenses.....	40,342	41,964	41,964	41,564	41,964	+1,622
Limitation on inspection and weighing services.....	(42,463)	(42,463)	(42,463)	(42,463)	(42,463)	---
Office of the Under Secretary for Food Safety.....	613	813	622	813	813	+200
<b>Food Safety and Inspection Service.....</b>						
Lab accreditation fees.....	971,566	1,018,520	1,018,520	1,018,520	1,018,520	+46,954
	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	---
<b>Total, Production, Processing, and Marketing....</b>	<b>6,314,235</b>	<b>6,608,619</b>	<b>6,699,866</b>	<b>6,774,866</b>	<b>6,850,135</b>	<b>+535,900</b>
<b>Farm Assistance Programs</b>						
<b>Office of the Under Secretary for Farm and Foreign</b>						
<b>Agricultural Services.....</b>						
	646	895	662	895	895	+249
<b>Farm Service Agency:</b>						
Salaries and expenses.....	1,170,273	1,253,777	1,248,777	1,603,777	1,253,777	+83,504
(Transfer from export loans).....	(348)	(355)	(355)	(355)	(355)	(+7)
(Transfer from P.L. 480).....	(2,736)	(2,812)	(2,812)	(2,812)	(2,812)	(+78)
(Transfer from ACIF).....	(309,403)	(318,173)	(317,654)	(313,173)	(313,173)	(+3,770)
<b>Subtotal, transfers from program accounts.....</b>	<b>(312,487)</b>	<b>(321,340)</b>	<b>(320,821)</b>	<b>(316,340)</b>	<b>(316,340)</b>	<b>(+3,853)</b>
<b>Total, Salaries and expenses.....</b>	<b>(1,482,780)</b>	<b>(1,575,117)</b>	<b>(1,569,598)</b>	<b>(1,920,117)</b>	<b>(1,570,117)</b>	<b>(+87,357)</b>
State mediation grants.....	4,369	4,369	4,000	4,369	4,369	---
Grassroot source water protection program.....	5,000	5,000	5,000	5,000	5,000	---
Dairy indemnity program.....	1,700	930	930	930	930	-770 H
<b>Subtotal, Farm Service Agency.....</b>	<b>1,181,342</b>	<b>1,264,076</b>	<b>1,258,707</b>	<b>1,614,076</b>	<b>1,264,076</b>	<b>+82,734</b>
<b>Agricultural Credit Insurance Fund Program</b>						
<b>Account:</b>						
<b>Loan authorizations:</b>						
<b>Farm ownership loans:</b>						
Direct.....	(222,298)	(392,990)	(392,990)	(392,990)	(650,000)	(+427,702)
Guaranteed.....	(1,238,768)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(+261,232)
<b>Subtotal.....</b>	<b>(1,461,066)</b>	<b>(1,892,990)</b>	<b>(1,892,990)</b>	<b>(1,892,990)</b>	<b>(2,150,000)</b>	<b>(+688,934)</b>
<b>Farm operating loans:</b>						
Direct.....	(575,095)	(700,000)	(700,000)	(700,000)	(1,000,000)	(+424,905)
Unsubsidized guaranteed.....	(1,017,497)	(1,150,000)	(1,150,000)	(1,150,000)	(1,500,000)	(+482,503)
Subsidized guaranteed.....	(269,986)	(144,467)	(144,467)	(144,467)	(170,000)	(-99,986)
<b>Subtotal.....</b>	<b>(1,862,578)</b>	<b>(1,994,467)</b>	<b>(1,994,467)</b>	<b>(1,994,467)</b>	<b>(2,670,000)</b>	<b>(+807,422)</b>
Indian tribe land acquisition loans.....	(3,940)	(2,000)	(3,940)	(2,000)	(3,940)	---
<b>Conservation loans:</b>						
Direct.....	---	(75,000)	(75,000)	(75,000)	(75,000)	(+75,000)
Guaranteed.....	---	(75,000)	(75,000)	(75,000)	(75,000)	(+75,000)
<b>Subtotal.....</b>	<b>---</b>	<b>(150,000)</b>	<b>(150,000)</b>	<b>(150,000)</b>	<b>(150,000)</b>	<b>(+150,000)</b>
Indian Highly Fractionated Land Loans.....	---	(10,000)	(10,000)	(10,000)	(10,000)	(+10,000)
Boll weevil eradication loans.....	(100,000)	(60,000)	(100,000)	(100,000)	(100,000)	---
<b>Total, Loan authorizations.....</b>	<b>(3,427,584)</b>	<b>(4,109,457)</b>	<b>(4,151,397)</b>	<b>(4,149,457)</b>	<b>(5,083,940)</b>	<b>(+1,656,356)</b>
<b>Loan subsidies:</b>						
<b>Farm ownership loans:</b>						
Direct.....	12,715	16,034	16,034	16,034	26,520	+13,805
Guaranteed.....	4,088	5,550	5,550	5,550	5,550	+1,462
<b>Subtotal.....</b>	<b>16,803</b>	<b>21,584</b>	<b>21,584</b>	<b>21,584</b>	<b>32,070</b>	<b>+15,267</b>
<b>Farm operating loans:</b>						
Direct.....	67,804	33,180	33,180	33,180	47,400	-20,404
Unsubsidized guaranteed.....	25,336	26,910	26,910	26,910	35,100	+9,764
Subsidized guaranteed.....	37,231	20,312	20,312	20,312	23,902	-13,329
<b>Subtotal.....</b>	<b>130,371</b>	<b>80,402</b>	<b>80,402</b>	<b>80,402</b>	<b>106,402</b>	<b>-23,969</b>
Indian tribe land acquisition.....	248	---	---	---	---	-248
<b>Conservation loans:</b>						
Direct.....	---	1,065	1,065	1,065	1,065	+1,065
Guaranteed.....	---	278	278	278	278	+278
<b>Subtotal.....</b>	<b>---</b>	<b>1,343</b>	<b>1,343</b>	<b>1,343</b>	<b>1,343</b>	<b>+1,343</b>

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	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Indian Highly Fractionated Land Loans.....	---	793	793	793	793	+793
Individual Development Accounts.....	---	5,000	---	---	---	---
Total, Loan subsidies.....	147,422	109,122	104,122	104,122	140,608	-6,814
ACIF expenses:						
Salaries and expense (transfer to FSA)....	309,403	318,173	317,654	313,173	313,173	+3,770
Administrative expenses.....	7,920	7,920	7,920	7,920	7,920	---
Total, ACIF expenses.....	317,323	326,093	325,574	321,093	321,093	+3,770
Total, Agricultural Credit Insurance Fund... (Loan authorization).....	464,745 (3,427,584)	435,215 (4,109,457)	429,898 (4,151,397)	425,215 (4,149,457)	461,701 (5,083,940)	-3,044 (+1,656,356)
Total, Farm Service Agency.....	1,646,087	1,899,291	1,688,403	2,039,291	1,725,777	+79,690
Risk Management Agency, Administrative and operating expenses.....	77,177	80,325	80,325	79,425	80,325	+3,148
Total, Farm Assistance Programs.....	1,723,910	1,780,511	1,769,390	2,119,611	1,806,997	+83,087
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund.....	6,582,945	7,502,601	7,502,601	7,502,601	7,502,601	+919,656 M
Commodity Credit Corporation Fund:						
Reimbursement for net realized losses.....	11,106,324	13,878,054	13,878,054	13,878,054	13,878,054	+2,771,730 M
Hazardous waste management (limitation on expenses).....	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	---
Total, Corporations.....	17,689,269	21,380,655	21,380,655	21,380,655	21,380,655	+3,691,386
Total, Title I, Agricultural Programs.....	25,727,414	29,769,785	29,849,931	30,275,132	30,037,787	+4,310,373
(By transfer).....	(312,487)	(321,340)	(320,821)	(316,340)	(316,340)	(+3,853)
(Loan authorization).....	(3,427,584)	(4,109,457)	(4,151,397)	(4,149,457)	(5,083,940)	(+1,656,356)
(Limitation on administrative expenses).....	(110,351)	(112,046)	(112,046)	(112,046)	(112,046)	(+1,695)
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment.....	758	895	774	895	895	+137
Natural Resources Conservation Service:						
Conservation operations.....	853,400	867,197	874,397	949,577	887,629	+34,229
Watershed and flood prevention operations.....	24,289	---	20,000	24,394	30,000	+5,711
Watershed rehabilitation program.....	40,000	40,161	40,161	40,161	40,161	+161
Resource conservation and development.....	50,730	---	50,730	---	50,730	---
Total, Natural Resources Conservation Service...	968,419	907,358	985,288	1,014,132	1,008,520	+40,101
Total, Title II, Conservation Programs.....	969,177	908,253	986,062	1,015,027	1,009,415	+40,238
TITLE III - RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development...	646	895	660	895	895	+249
Rural Development:						
Rural development expenses:						
Salaries and expenses.....	192,484	195,987	193,987	207,237	201,987	+9,503
(Transfer from RHIF).....	(460,217)	(468,593)	(468,593)	(468,593)	(468,593)	(+8,378)
(Transfer from RDLFP).....	(4,853)	(4,941)	(4,941)	(4,941)	(4,941)	(+88)
(Transfer from RETLP).....	(39,245)	(39,959)	(39,959)	(39,959)	(39,959)	(+714)
Subtotal, Transfers from program accounts...	(504,315)	(513,493)	(513,493)	(513,493)	(513,493)	(+9,178)
Total, Rural development expenses.....	(696,799)	(709,480)	(707,480)	(720,730)	(715,480)	(+18,681)
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family direct (sec. 502).....	(1,121,488)	(1,121,488)	(1,121,488)	(1,226,501)	(1,121,488)	---
Unsubsidized guaranteed.....	(6,223,859)	(6,204,444)	(6,204,444)	(12,000,000)	(12,000,000)	(+5,776,141)
Subtotal, Single family.....	(7,345,347)	(7,325,932)	(7,325,932)	(13,226,501)	(13,121,488)	(+5,776,141)
Housing repair (sec. 504).....	(34,410)	(34,412)	(34,412)	(34,412)	(34,412)	(+2)
Rental housing (sec. 515).....	(69,512)	(69,512)	(80,000)	(69,512)	(69,512)	---
Site loans (sec. 524).....	(5,045)	(5,045)	(5,045)	(5,045)	(5,045)	---
Multi-family housing guarantees (sec. 538)	(129,090)	(129,090)	(129,090)	(129,090)	(129,090)	---
Multi-family housing credit sales.....	(1,447)	(1,448)	(1,448)	(1,448)	(1,448)	(+1)
Single family housing credit sales.....	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	---



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	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Self-help housing land develop. (sec. 523)	(4,970)	(4,970)	(4,970)	(4,970)	(4,970)	---
Total, Loan authorizations.....	(7,599,821)	(7,580,409)	(7,590,897)	(13,480,978)	(13,375,965)	(+5,776,144)
Loan subsidies:						
Single family direct (sec. 502).....	75,364	40,710	40,710	44,522	40,710	-34,654
Unsubsidized guaranteed.....	79,043	89,624	89,624	172,800	172,800	+93,757
Subtotal, Single family.....	154,407	130,334	130,334	217,322	213,510	+59,103
Housing repair (sec. 504).....	9,246	4,422	4,422	4,422	4,422	-4,824
Rental housing (sec. 515).....	28,611	18,935	21,792	18,935	18,935	-9,676
Multi-family housing guarantees (sec. 538)	8,082	1,485	1,485	1,485	1,485	-6,597
Multi-family housing credit sales.....	523	556	556	556	556	+33
Self-help housing land develop. (sec. 523)	82	---	---	---	---	-82
Total, Loan subsidies.....	200,951	155,732	158,589	242,720	238,908	+37,957
RHIF administrative expenses (transfer to RD).	460,217	468,593	468,593	468,593	468,593	+8,376
Total, Rural Housing Insurance Fund program. (Loan authorization).....	661,168	624,325	627,182	711,313	707,501	+46,333
	(7,599,821)	(7,580,409)	(7,590,897)	(13,480,978)	(13,375,965)	(+5,776,144)
Rental assistance program:						
Rental assistance (Sec. 521).....	891,112	1,080,042	968,612	968,612	968,612	+77,500
Eligible households (Sec. 502(c)(5)(D)).....	5,958	5,958	5,958	5,958	5,958	---
New construction (Sec. 515).....	2,030	2,030	2,030	2,030	2,030	---
New construction (Farm Labor Housing).....	3,400	3,400	3,400	3,400	3,400	---
Total, Rental assistance program.....	902,500	1,091,430	980,000	980,000	980,000	+77,500
Rural housing voucher program.....	4,965	4,965	4,965	18,000	16,400	+11,435
Multifamily housing revitalization program account	19,860	19,860	25,000	19,860	25,000	+5,140
Multifamily housing preservation revolving loans..	2,889	1,791	1,791	1,791	1,791	-1,098
Total, Multifamily housing revitalization...	27,714	26,616	31,756	39,651	43,191	+15,477
Mutual and self-help housing grants.....	38,727	38,727	45,000	38,727	41,864	+3,137
Rural housing assistance grants.....	41,500	41,500	45,500	41,500	45,500	+4,000
Farm labor housing program account:						
(Loan authorization).....	(21,678)	(21,677)	(30,501)	(21,677)	(27,319)	(+5,641)
Loan subsidy.....	9,135	7,834	11,023	7,834	9,873	+738
Grants.....	9,134	9,134	11,500	9,134	9,873	+739
Total, Farm Labor Housing Program Account...	18,269	16,968	22,523	16,968	19,746	+1,477
Rural community facilities program account:						
Loan authorizations:						
Community facility:						
Direct.....	(294,948)	(294,962)	(294,962)	(294,962)	(294,962)	(+14)
Guaranteed.....	(206,425)	(206,417)	(206,417)	(206,417)	(206,417)	(-8)
Total, Loan authorizations.....	(501,373)	(501,379)	(501,379)	(501,379)	(501,379)	(+6)
Loan subsidies and grants:						
Community facility:						
Direct.....	16,871	3,864	3,864	3,864	3,864	-13,007
Guaranteed.....	6,358	6,626	6,626	6,626	6,626	+268
Grants.....	20,373	20,373	20,373	20,373	20,373	---
Rural community development initiative....	6,256	6,256	6,256	6,256	6,256	---
Economic impact initiative grants.....	10,000	13,902	10,000	13,902	13,902	+3,902
Tribal college grants.....	3,972	3,972	3,972	3,972	3,972	---
Total, RCP Loan subsidies and grants....	63,830	54,993	51,091	54,993	54,993	-8,837
Subtotal, grants and payments.....	162,326	152,188	164,114	152,188	162,103	-223
Total, Rural Housing Service.....	1,753,708	1,894,559	1,803,052	1,883,152	1,892,795	+139,087
(Loan authorization).....	(8,122,872)	(8,103,465)	(8,122,777)	(14,004,034)	(13,904,663)	(+5,761,791)
Rural Business-Cooperative Service:						
Rural Business Program Account:						
(Guaranteed business and industry loans).....	(993,000)	(993,002)	(993,002)	(993,002)	(993,002)	(+2)
Loan subsidies and grants:						
Guaranteed business and industry subsidy..	43,196	52,927	52,927	52,927	52,927	+9,731

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	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Grants:						
Rural business enterprise.....	38,727	38,727	38,727	38,727	38,727	---
Rural business opportunity.....	2,483	2,483	2,483	2,483	2,483	---
Delta regional authority.....	2,979	2,979	2,979	2,979	2,979	---
Total, RBP loan subsidies and grants.....	87,385	97,116	97,116	97,116	97,116	+9,731
Rural Development Loan Fund Program Account:						
(Loan authorization).....	(33,536)	(33,536)	(33,536)	(33,536)	(33,536)	---
Loan subsidy.....	14,035	8,464	8,464	8,464	8,464	-5,571
Administrative expenses (transfer to RD).....	4,853	4,941	4,941	4,941	4,941	+88
Total, Rural Development Loan Fund.....	18,888	13,405	13,405	13,405	13,405	-5,483
Rural Economic Development Loans Program Account:						
(Loan authorization).....	(33,077)	(33,077)	(33,077)	(33,077)	(33,077)	---
Rural cooperative development grants:						
Cooperative development.....	4,424	10,424	5,424	10,424	7,924	+3,500
Appropriate technology transfer						
for rural areas.....	2,582	2,582	2,582	2,800	2,800	+218
Cooperative research agreement.....	300	300	300	300	300	---
Value-added agricultural product						
market development.....	3,867	21,867	18,867	21,867	20,367	+16,500
Grants to assist minority producers.....	1,483	3,463	3,463	3,463	3,463	+2,000
Total, Rural Cooperative development grants.....	12,636	38,636	30,636	38,854	34,854	+22,218
Rural Microenterprise Investment Program Account:						
(Loan authorization).....	---	(51,522)	---	(51,522)	(11,710)	(+11,710)
Loan subsidy.....	---	11,000	---	11,000	2,500	+2,500
Grants.....	---	11,000	---	11,000	2,500	+2,500
Total, Rural Microenterprise Investment.....	---	22,000	---	22,000	5,000	+5,000
Rural empowerment zones and enterprise communities						
grants.....	8,130	---	---	---	---	-8,130
Renewable energy program(Rural energy for America)						
(Loan authorization).....	(25,780)	(246,334)	(73,314)	(246,334)	(144,209)	(+118,429)
Loan subsidy.....	2,500	33,600	10,000	33,600	19,670	+17,170
Grants.....	2,500	34,530	12,000	34,530	19,670	+17,170
Total, Renewable energy program.....	5,000	68,130	22,000	68,130	39,340	+34,340
Biorefinery Assistance Program:						
(Loan authorization).....	---	(48,884)	---	(48,884)	---	---
Loan subsidy.....	---	17,339	---	17,339	---	---
Total, Biorefinery Assistance Program.....	---	17,339	---	17,339	---	---
Total, Rural Business-Cooperative Service.....	132,039	256,626	163,157	256,844	189,715	+67,676
(Loan authorization).....	(1,085,393)	(1,406,355)	(1,132,929)	(1,406,355)	(1,215,534)	(+130,141)
Rural Utilities Service:						
Rural water and waste disposal program account:						
Loan authorizations:						
Direct.....	---	(1,022,163)	(1,022,163)	(1,022,163)	(1,022,163)	(+1,022,163)
Guaranteed.....	(75,000)	(75,000)	(75,000)	(75,000)	(75,000)	---
Total, Loan authorization.....	75,000	1,097,163	1,097,163	1,097,163	1,097,163	+1,022,163
Loan subsidies and grants:						
Subsidy and grants.....	537,278	---	---	---	---	-537,278
Direct subsidy.....	---	77,071	77,071	77,071	77,071	+77,071
Water and waste grants.....	---	464,228	464,228	469,228	469,228	+469,228
Solid waste management grants.....	---	3,441	3,441	3,441	3,441	+3,441
Water and waste financing revolving fund..	497	497	497	497	497	---
Water well system grants.....	993	993	993	993	993	---
High energy cost grants.....	17,500	---	---	17,500	17,500	---
Rural water and waste disposal.....	---	---	10,038	---	---	---
Total, Water loan subsidies and grants..	556,268	546,230	556,268	568,730	568,730	+12,462
Rural Electrification and Telecommunications Loans						
Program Account:						
Loan authorizations:						
Electric:						
Direct, 5%.....	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	---
Direct, FFB.....	(6,500,000)	(6,500,000)	(6,500,000)	(6,500,000)	(6,500,000)	---
Guaranteed underwriting.....	---	---	---	(500,000)	(500,000)	(+500,000)
Subtotal, Electric.....	(6,600,000)	(6,600,000)	(6,600,000)	(7,100,000)	(7,100,000)	(+500,000)

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<b>Telecommunications:</b>						
Direct, 5%.....	(145,000)	(145,000)	(145,000)	(145,000)	(145,000)	---
Direct, Treasury rate.....	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	---
Direct, FFB.....	(295,000)	(295,000)	(295,000)	(295,000)	(295,000)	---
Subtotal, Telecommunications.....	(690,000)	(690,000)	(690,000)	(690,000)	(690,000)	---
Total, Loan authorizations.....	(7,290,000)	(7,290,000)	(7,290,000)	(7,790,000)	(7,790,000)	(+500,000)
<b>Loan subsidies:</b>						
Telecommunications:						
Direct, Treasury rate.....	525	---	---	---	---	-525
Subtotal, Telecommunications.....	525	---	---	---	---	-525
RETLF administrative expenses (transfer to RD)	39,245	39,959	39,959	39,959	39,959	+714
Total, Rural Electrification and Telecommunications Loans Program Account.. (Loan authorization).....	39,770 (7,290,000)	39,959 (7,290,000)	39,959 (7,290,000)	39,959 (7,790,000)	39,959 (7,790,000)	+189 (+500,000)
<b>Distance learning, telemedicine, and broadband program:</b>						
Loan authorizations:						
Broadband telecommunications.....	(400,487)	(531,699)	(400,000)	(531,699)	(400,000)	(-487)
Total, Loan authorizations.....	(400,487)	(531,699)	(400,000)	(531,699)	(400,000)	(-487)
Loan subsidies and grants:						
Distance learning and telemedicine:						
Grants.....	34,755	29,790	34,755	37,755	37,755	+3,000
Broadband telecommunications:						
Direct.....	15,619	38,495	28,980	38,495	28,960	+13,341
Grants.....	13,406	13,406	17,976	13,406	17,976	+4,570
Total, Loan subsidies and grants.....	63,780	81,691	81,691	89,656	84,691	+20,911
Broadband loans (rescission).....	-6,404	---	---	---	---	+6,404
Total, Rural Utilities Service..... (Loan authorization).....	653,414 (7,765,487)	667,880 (8,918,862)	677,918 (8,787,163)	698,345 (9,418,862)	693,380 (9,287,163)	+39,966 (+1,521,676)
Total, Title III, Rural Development Programs.... (By transfer)..... (Loan authorization).....	2,732,291 (504,315) (16,973,752)	3,015,947 (513,493) (18,428,682)	2,838,774 (513,493) (18,042,869)	3,046,473 (513,493) (24,829,251)	2,978,772 (513,493) (24,407,360)	+246,481 (+9,178) (+7,433,608)
<b>TITLE IV - DOMESTIC FOOD PROGRAMS</b>						
Office of the Under Secretary for Food, Nutrition and Consumer Services.....	810	813	823	813	813	+203
Food and Nutrition Service:						
Child nutrition programs.....	8,496,109	10,044,369	10,046,707	10,046,707	9,859,930	+1,363,821 M
Competitive grants.....	---	5,000	5,000	5,000	5,000	+5,000
Nutrition education.....	---	---	---	2,000	1,000	+1,000
Transfer from section 32.....	6,455,802	6,747,877	6,747,877	6,747,877	6,989,899	+534,097 M
Total, Child nutrition programs.....	14,951,911	16,797,246	16,799,584	16,801,584	16,855,829	+1,903,918
Special supplemental nutrition program for women, infants, and children (WIC).....	6,860,000	7,777,000	7,541,000	7,552,000	7,252,000	+392,000
Supplemental nutrition assistance program:						
Expenses.....	48,843,897	56,105,314	56,105,314	56,105,314	53,164,019	+4,320,122 M
Indian reservations (FDIR).....	114,914	112,656	112,656	112,656	112,797	-2,117 M
Reserve.....	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	---
Nutrition assistance for Puerto Rico and Samoa	1,760,435	1,880,626	1,880,626	1,880,826	1,753,365	-7,070 M
The emergency food assistance program.....	250,000	253,250	253,250	253,250	248,000	-2,000 M
Total, Food stamp program.....	53,989,246	61,351,846	61,351,846	61,351,846	58,278,181	+4,308,935
Commodity assistance program:						
Commodity supplemental food program.....	160,430	162,818	180,000	162,818	171,409	+10,979
Farmers market nutrition program.....	19,800	20,000	20,000	20,000	20,000	+200
Emergency food assistance program.....	49,500	49,500	49,500	49,500	49,500	---
Emergency food program infrastructure grants..	---	---	5,000	---	6,000	+6,000
Pacific island and disaster assistance.....	1,070	1,070	1,070	1,070	1,070	---
Total, Commodity assistance program.....	230,800	233,386	255,570	233,386	247,979	+17,179

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	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Nutrition programs administration.....	142,595	150,139	147,801	147,801	147,801	+5,206
Total, Food and Nutrition Service.....	76,154,552	86,309,619	86,095,801	86,086,619	82,781,790	+6,627,238
Total, Title IV, Domestic Food Programs.....	76,155,162	86,310,432	86,096,424	86,087,432	82,782,603	+6,627,441
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service						
Salaries and expenses, direct appropriation.....	165,436	180,367	177,136	180,367	180,367	+14,931
(Transfer from export loans).....	(4,985)	(6,465)	(6,465)	(6,465)	(6,465)	(+1,480)
Total, Salaries and expenses program level.....	(170,421)	(186,832)	(183,601)	(186,832)	(186,832)	(+16,411)
Public Law 480 Program and Grant Accounts:						
Title II - Commodities for disposition abroad:						
Program level.....	(1,225,900)	(1,690,000)	(1,690,000)	(1,690,000)	(1,690,000)	(+464,100)
Appropriation.....	1,225,900	1,690,000	1,690,000	1,690,000	1,690,000	+464,100 150
Salaries and expenses:						
Farm Service Agency (transfer to FSA).....	2,736	2,812	2,812	2,812	2,812	+76
Subtotal.....	2,736	2,812	2,812	2,812	2,812	+76
Total, Public Law 480:						
Program level.....	(1,225,900)	(1,690,000)	(1,690,000)	(1,690,000)	(1,690,000)	(+464,100)
Appropriation.....	1,228,636	1,692,812	1,692,812	1,692,812	1,692,812	+464,176
Commodity Credit Corporation Export Loans						
Program Account (administrative expenses):						
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS).....	4,985	6,465	6,465	6,465	6,465	+1,480
Farm Service Agency (transfer to FSA).....	348	355	355	355	355	+7
Total, CCC Export Loans Program Account.....	5,333	6,820	6,820	6,820	6,820	+1,487
McGovern-Dole international food for education and child nutrition program grants.....	100,000	199,500	199,500	199,500	209,500	+109,500 150
Total, Title V, Foreign Assistance and Related Programs.....	1,499,405	2,079,499	2,076,268	2,079,499	2,069,499	+590,094
(By transfer).....	(4,985)	(6,465)	(6,465)	(6,465)	(6,465)	(+1,480)
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation.....	2,038,964	2,337,656	2,337,656	2,337,656	2,344,656	+305,692
Prescription drug user fee act.....	(510,665)	(578,162)	(578,162)	(578,162)	(578,162)	(+67,497)
Medical device user fee act.....	(52,547)	(57,014)	(57,014)	(57,014)	(57,014)	(+4,467)
Animal drug user fee act.....	(15,260)	(17,280)	(17,280)	(17,280)	(17,280)	(+2,020)
Generic animal drug user fees.....	(4,831)	(5,106)	(5,106)	(5,106)	(5,106)	(+275)
Tobacco product user fees.....	---	---	(235,000)	(235,000)	(235,000)	(+235,000)
Subtotal (including user fees).....	(2,622,267)	(2,995,218)	(3,230,218)	(3,230,218)	(3,237,218)	(+614,951)
New User Fees (Legislative proposals)(NA):						
Generic drug user fees.....	---	(36,000)	---	---	---	---
Food and Feed Export Certification.....	---	(4,152)	---	---	---	---
Reinspection fees.....	---	(25,848)	---	---	---	---
Subtotal, New User fees (NA).....	---	(66,000)	---	---	---	---
Food Facility Registration and Inspection.....	---	(75,000)	---	---	---	---
Mammography clinics user fees (outlay savings) ...	(19,318)	(19,318)	(19,318)	(19,318)	(19,318)	---
Export and color certification.....	(10,300)	(10,400)	(10,400)	(10,400)	(10,400)	(+100)
Buildings and facilities.....	12,433	12,433	12,433	12,433	12,433	---
Total, Food & Drug Administration (w/user fees).....	(2,664,318)	(3,037,369)	(3,272,369)	(3,272,369)	(3,279,369)	(+615,051)
Total, Food and Drug Administration.....	2,051,397	2,350,089	2,350,089	2,350,089	2,357,089	+305,692

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	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
<b>INDEPENDENT AGENCIES</b>						
Commodity Futures Trading Commission 1/.....	148,000	160,600	160,600	177,000	168,800	+22,800
Farm Credit Administration (limitation on administrative expenses).....	(49,000)	(54,500)	(54,500)	(54,500)	(54,500)	(+5,500)
<b>Total, Title VI, Related Agencies and Food and Drug Administration.....</b>	<b>2,197,397</b>	<b>2,510,689</b>	<b>2,510,689</b>	<b>2,527,089</b>	<b>2,525,889</b>	<b>+328,492</b>
<b>TITLE VII - GENERAL PROVISIONS</b>						
Denali Commission.....	434	---	---	---	---	-434
Section 32 (rescission).....	-293,530	-43,000	-52,000	-52,000	-52,470	+241,060
Agricultural Research Service, Buildings and and facilities (rescission).....	---	-49,885	---	---	---	---
Nat'l Center for Natural Products Research (Sec. 725).....	3,497	---	---	3,497	3,497	---
Hawaii APHIS facility (Sec. 726).....	469	---	---	2,800	2,600	+2,131
Hardwoods Trees (Sec. 728).....	794	---	---	800	800	+6
Hunger Fellowships (Sec. 731).....	2,347	---	2,500	3,000	3,000	+653
Market development (WI, VT) (Sec. 732).....	1,877	---	1,408	3,000	3,000	+1,123
Carbon Inventory and Accounting System.....	---	---	1,000	---	1,000	+1,000
International Food Protection Training Institute.....	---	---	1,000	---	1,000	+1,000
Rural Community Out Migration.....	---	---	---	499	499	+499
Food-borne illness health Registry.....	---	---	200	---	200	+200
Food Aid Products.....	---	---	---	4,000	4,000	+4,000
Food Bank Infrastructure.....	---	---	---	7,000	---	---
Graham Avenue business improvement district (Sec. 732).....	94	---	---	---	---	-94
Geographic Disadvantaged.....	---	---	---	2,600	2,600	+2,600
Product Access.....	---	---	---	1,000	1,000	+1,000
Durum Wheat.....	---	---	---	4,000	3,000	+3,000
Kansas Farm Bureau Foundation.....	---	---	---	250	250	+250
Specialty market (Sec. 732).....	338	---	---	350	350	+12
Limit Environmental Quality Incentives program.....	-270,000	-250,000	-270,000	-250,000	-270,000	---
Limit Agriculture management assistance (sec.1524).....	---	-5,000	---	---	---	---
Limit wildlife habitat incentives program.....	---	-43,000	---	---	---	---
Limit farmland protection program.....	---	-30,000	---	---	---	---
Limit Section 32 (Sec. 723).....	-52,470	---	---	---	---	+52,470
Limit fruit and vegetable program (Sec. 723).....	-49,000	---	---	-76,000	-76,000	-27,000
Limit healthy forests reserve program.....	---	-5,000	---	---	---	---
Limit Wetlands Reserve program.....	---	-184,000	---	---	---	---
Limit Plant Pest and Disease Management and Disaster Prevention program.....	---	-30,000	---	---	---	---
Limit National Clean Plant Network.....	---	-5,000	---	---	---	---
Limit Dam Rehab.....	-165,000	-30,000	-165,000	-165,000	-165,000	---
Supplemental Nutrition Assistance Program Employment and Training (rescission).....	---	---	-11,000	---	-11,000	-11,000
W&W Alaska Village (rescission).....	---	---	-25,008	---	---	---
At risk supper program.....	---	---	---	---	1,000	+1,000
Methamphetamine inhibitor grant program.....	---	---	2,000	---	1,000	+1,000
Dairy.....	---	---	---	---	350,000	+350,000
H1N1 program.....	---	---	---	---	2,000	+2,000
<b>Total, Title VII, General provisions.....</b>	<b>-820,150</b>	<b>-674,885</b>	<b>-514,900</b>	<b>-510,404</b>	<b>-193,674</b>	<b>+626,476</b>
<b>OTHER APPROPRIATIONS</b>						
<b>SUPPLEMENTAL APPROPRIATIONS ACT, 2008 (PL 110-252)</b>						
<b>DEPARTMENT OF AGRICULTURE</b>						
<b>Foreign Agricultural Service</b>						
Public Law 480 Title II Grants (emergency).....	395,000	---	---	---	---	-395,000 150
<b>DISASTER RELIEF AND RECOVERY SUPPLEMENTAL (PL 110-329)</b>						
<b>DEPARTMENT OF AGRICULTURE</b>						
<b>General Provision</b>						
Sec.20001. Bill Emerson humanitarian trust (emergency).....	10,000	---	---	---	---	-10,000

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	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
AMERICAN RECOVERY & REINVESTMENT ACT, 2009 (PL 111-5)						
TITLE I - AGRICULTURE, NUTRITION, & RURAL DEVELOPMENT						
Department of Agriculture.....	11,329,500	---	---	---	---	-11,329,500
Rural Housing Service Loan authorizations.....	(11,472,000)	---	---	---	---	(-11,472,000)
SUPPLEMENTAL APPROPRIATIONS ACT, 2009 (PL 111-32)						
DEPARTMENT OF AGRICULTURE						
Foreign Agricultural Service						
Public Law 480 Title II Grants (emergency).....	700,000	---	---	---	---	-700,000 150
Agriculture Credit Insurance Fund (emergency).....	71,270	---	---	---	---	-71,270
Loan authorization.....	(810,201)	---	---	---	---	(-810,201)
Total, Other appropriations.....	12,505,770	---	---	---	---	-12,505,770
Grand total.....	120,966,466	123,919,720	123,843,248	124,520,248	121,230,291	+263,825
Appropriations.....	(108,760,630)	(124,012,605)	(123,931,256)	(124,572,248)	(121,293,761)	(+12,533,131)
Emergency Appropriations.....	(12,505,770)	---	---	---	---	(-12,505,770)
Rescissions.....	(-299,934)	(-92,885)	(-88,008)	(-52,000)	(-83,470)	(+236,464)
(By transfer).....	(821,787)	(841,298)	(840,779)	(836,298)	(836,298)	(+14,511)
(Loan authorization).....	(32,683,537)	(22,538,139)	(22,194,266)	(28,978,708)	(29,491,300)	(-3,192,237)
(Limitation on administrative expenses).....	(159,351)	(166,546)	(166,546)	(166,546)	(166,546)	(+7,195)
1/ FY 2009 CFTC funding of \$146M and Senate's FY 2010 recommendation of \$177M was provided in the Financial Services and General Government Appropriations Act.						
RECAPITULATION						
Title I - Agricultural programs.....	25,727,414	29,769,785	29,849,931	30,275,132	30,037,787	+4,310,373
Mandatory.....	(18,877,239)	(22,701,641)	(22,701,641)	(22,701,641)	(22,701,641)	(+3,824,402)
Discretionary.....	(6,850,175)	(7,068,144)	(7,148,290)	(7,573,491)	(7,336,146)	(+485,971)
Title II - Conservation programs (discretionary).....	969,177	908,253	986,082	1,015,027	1,009,415	+40,238
Title III - Rural development programs (discretionary).....	2,732,291	3,015,947	2,838,774	3,046,473	2,978,772	+246,481
Title IV - Domestic food programs.....	76,155,162	86,310,432	86,096,424	86,087,432	82,782,603	+6,627,441
Mandatory.....	(68,921,157)	(78,144,092)	(78,146,430)	(78,146,430)	(75,128,010)	(+6,208,853)
Discretionary.....	(7,234,005)	(8,166,340)	(7,949,994)	(7,941,002)	(7,654,593)	(+420,588)
Title V - Foreign assistance and related programs (discretionary).....	1,499,405	2,079,499	2,076,268	2,079,499	2,089,499	+590,094
Title VI - Related agencies and Food and Drug Administration (discretionary).....	2,197,397	2,510,689	2,510,689	2,527,089	2,525,889	+328,492
Title VII - General provisions (discretionary).....	-820,150	-674,885	-514,900	-510,404	-193,674	+626,476
Other appropriations (discretionary).....	12,505,770	---	---	---	---	-12,505,770
Total.....	120,966,466	123,919,720	123,843,248	124,520,248	121,230,291	+263,825

I reserve the balance of my time.

□ 1700

Mr. KINGSTON. Mr. Speaker, I yield myself as much time as I may consume.

I want to tell a story about Kika de la Garza who at one time was chairman of the Ag Committee. Chairman de la Garza came down to Georgia and visited the Kings Bay nuclear submarine plant. At that time, as it still is, our nuclear submarine plant was a marvel of technology and was really a floating and submerged fortress that was one of the most powerful weapons on the globe today.

He asked the captain, Tell me about this nuclear generator. Well, the generator goes on and on, and of course nuclear is a very powerful source of fuel. He said, Well, what would make you turn the submarine around? If the nuclear generation can make this submarine go all over the globe without stopping, without ever having to stop to refuel, what makes you go back to port? And the captain of the nuclear submarine looked at the chairman of the Agriculture Committee with some amazement and amusement and said, Well, Mr. Chairman, we turn around when we run out of food. That's a very profound statement. It's something that as we debate this bill, I think we should be aware of.

Our agricultural policies can be a little peculiar, can be a little bit difficult to follow, and can be open to a lot of criticism, but our food policy works. We have a large food supply, an abundant food supply at very low prices. Indeed, when you go into a grocery store, you complain if you can't get fruit 12 months a year or if the milk isn't at a good price or whatever it is. We have a good food policy in America and, as a result, we spend more time talking about obesity than we do hunger. So I think all Members should be very appreciative of the Ag appropriations conference report. We all support it in some fashion, sometimes not necessarily casting a vote "yes," but the vote, nonetheless, isn't indicative of how we feel about the importance of agriculture.

I have some concerns about this bill. We have worked very closely as a subcommittee. We've had a lot of hearings. The chairwoman is a very vigorous, energized member and has a lot of passion on lots of different issues. We have a lot of great agreements and a lot of disagreements on some things that she feels passionately about and some things I feel passionately about. As she has mentioned, we both have very strong staffs on the majority and on the minority side. We're very appreciative of that, and I think we have got a good ag family. My concerns about this bill though, Mr. Speaker, focus on the spending levels.

This bill was higher than last year when it left the House, and now it's

again higher, now that it's come back to the House from the Senate. The bill is nearly 14 percent higher than it was last year. The discretionary spending level is \$23.3 billion, and it's about \$2.8 billion over last year's level. The mandatory spending is 11 percent higher than 2009. Combined, the mandatory and the discretionary spending levels are about 12 percent higher than last year. I'm concerned about that because, you know, food prices haven't gone up that much.

Think about Social Security. Our seniors will not be receiving a COLA this year because, among other things, Social Security is based on inflation, which has a reflection of food. So they are scheduled not to receive a COLA, and yet people on food stamps are going to get a huge increase. I find that bothersome. If we look at some of the individual accounts, I could tick them off. But I would just say, if you look at some things, why is the spending up so high?

Well, take broadband. Broadband has about \$4 million in it this year, yet in the stimulus package which was passed—the stimulus package which was financed not on tax dollars but on borrowed dollars and printed dollars. It's a package that our children's children will be paying for. In that package, the Rural Utility Service received \$2.5 billion, not to mention another \$2.5 billion—actually, about \$3 billion—that was in another account that the Department of Commerce will be funding. None of that has been spent yet. So we've got \$6 billion to \$7 billion in broadband that came out of the stimulus bill that has not been used, yet this bill gives them another \$4.5 billion. That defies common sense.

Food stamps, this bill has \$4.3 billion more than 2009. Half of the mandatory spending is in food stamps, \$58.3 billion. But in the stimulus bill, food stamps received a \$19 billion slug of money. It wasn't because of an increase in food prices. It was allegedly because of new enrollment or anticipated new enrollment. But this bill still gives food stamps an increase. It's ironic, because one of the things this bill also does in reaction to falling milk prices is it gives the dairy farmers more money. So we're giving people who get food stamps an increase.

This bill does not fund Social Security, but just to think about this in a sequence, Social Security recipients do not get an increase; food stamp recipients do get an increase because of a rise in food costs and dairy farmers get money because of falling dairy prices. That's not consistent. I think we could do better than that.

Food for Peace gets \$1.69 billion. That's an increase of \$462 million on top of what they just got in the stimulus bill of \$700 million. I don't think that is justified at this point in time. So I have some real concerns about our

spending. Keep in mind that the Obama administration will have the historical record of the highest deficit in the history of the United States Congress, three times as high as the highest deficit in the history of the United States. I want to repeat that. The Obama-Pelosi deficit will be \$1.5 trillion this year. That's three times as high as the highest deficit in the history of the United States of America.

Now, we had an opportunity to save some money. We had an opportunity to save \$150 million, but instead, what we did in the conference report was air-drop five new pilot programs: a summer food program for \$85 million; equipment assistance program, \$25 million; WIC breast-feeding outreach at about \$5 million; nutrition outreach for day care, \$8 million; and direct certification expansion of \$25 million. These programs may have some merit. Perhaps we can easily get these programs passed by Members of the House and Members of the Senate, but they did not come through the authorizing committee. They did not come through the Ag Committee. They were not debated. There were not hearings on it. They were air-dropped in this committee, and I'm not convinced that the administration formally asked for them.

There was a lot of discussion about these so-called pilot programs. But why not give the money back to the taxpayers? Why not say, Okay, we have got \$150 million. Let's not go out and create new programs because we know what happens to new programs. Ronald Reagan said it best. He said, If you don't believe in eternal life, try killing a Federal program. It's impossible. You find out how many people have a brother-in-law who works for the particular agency anytime you try to kill any program whatsoever.

So I'm very concerned about the spending of the Obama-Pelosi team, and it has less to do with the Ag appropriations bill but much more to do with the direction of Congress. So my worry about this bill was really tied into a bigger picture of spending.

As I said, I think we've done a good job this year. We've worked hard on a lot of things. Many of these accounts are things that I would fight for and I would certainly support 100 percent of what we're doing with them. But I am concerned about the big picture, because when I talk about that big Pelosi-Obama deficit of \$1.5 trillion, that doesn't even talk about the \$1.29 trillion health care bill that we will be facing soon, which I would say that even if you think a public option is great, if you think that the government who brought us Cash for Clunkers can run health care, you've still got to step back and say, But can you afford it?

So as we look at these appropriations bills, I think more and more people in America are saying, You know what?

You Republicans spent too much money, but doggone it if it's not on supercharge right now. You've got to do something about it.

With that, Mr. Speaker, I'll reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, just to set the record straight on one or two items, as the gentleman from Georgia knows, the difference between a little over 11 percent and a little over 13 percent comes from the \$350 million allocation for U.S. dairy farmers. Now, I don't know if the gentleman has dairy farmers in his district, but North, South, East and West, the dairy industry is collapsing.

Now, it may be that you and your side of the aisle would like to see the dairy industry collapse. We pay for it. It's within the allocation, in addition to which we thought it was the right thing to do in order to deal with small farmers, people who are on their knees with regard to the dairy industry, and essentially because of what happened in China. If the truth be known, it is that given the tainted product in China, we were exporting—we were doing a voluminous export business to China. Because the product was tainted, the Chinese were not buying their product because it killed their kids. So they are not buying milk, and our dairy farmers are suffering as a result of that.

Now, I happen to believe it is an appropriate responsibility for our government to look at what was happening to the U.S. dairy farmers and to provide them with assistance, and the gentleman knows what that is.

In addition to this, one additional point. We keep hearing about air-dropping. You know, it sounds good, and maybe the view is that if you continue to repeat it often enough, it will somehow in some way catch on. There was no such thing as air-dropping anything into this bill. As a matter of fact, as far as I know, Education and Labor is an authorizing committee. This went through the authorizing committee, and essentially, as I said in my opening remarks, conferees—House, Senate, Democrat, Republican—agreed to extend for 1 year the child nutrition program because it isn't ready to move to reauthorization yet. And what would that cut off if we did not, if we did not extend it under this bill? It would mean the school breakfast program, the school lunch program.

I know several years ago folks on the other side of the aisle thought it was a good idea to end the school lunch program. I think probably on a bipartisan basis these days no one believes that we should end these nutrition programs. So nothing was air-dropped. It was vetted by the committee, supported by Chairs and ranking members, both sides of the aisle, House and Senate, and essentially what we did, at no cost within this allocation, was to extend this program for a year.

With that, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Thank you, Madam Chair, for yielding time to me.

Mr. Speaker, as chairman of the Congressional Rural Housing Caucus, I rise in strong support of the Agriculture appropriations conference report for fiscal year 2010. It goes a long way to improving the affordability, availability, and quality of housing in rural America.

On April 2, 2009, several of my colleagues and I sent a letter to Chairwoman ROSA DELAURO and to Ranking Member JACK KINGSTON from Georgia encouraging them to provide significant funding for several rural housing programs. I am pleased with the amount of funding each of these have received and look forward to providing additional funding to some of those that were kept at the fiscal year 2009 appropriations level.

Mr. Speaker, rural America needs our help. Our rural constituents, their families and their communities need our support. This conference report will improve the quality of life in rural America, an area of the country that was neglected for quite some time.

I want to thank Chairwoman ROSA DELAURO and Ranking Member JACK KINGSTON of the Appropriations Subcommittee on Agriculture for finding and for providing the ways and means to improve the affordability, availability and quality of housing in rural America. I also want to thank Chairman OBEY and Ranking Member LEWIS for bringing this conference report to the floor. I applaud you for your efforts and thank you for this conference report. I look forward to continuing to work with all of you to increase funding in future fiscal years for programs that help rural America.

I urge all my colleagues to support this conference report that will bring much-needed help to our neighbors in rural America.

Mr. KINGSTON. Mr. Speaker, I would just like to make the point that an earmark that has not been vetted by the subcommittee, not been voted on by the full committee and appears in a conference report is an air-dropped earmark. In this case, the Education and Labor Committee debated these, but they never voted on it. And if they did vote on it, we could have had the vote on the House floor on suspension.

□ 1715

Maybe we could say it's an unauthorized earmark, but it did not come through the House, did not come through the Senate. It appeared in conference committee. And as my friend knows, I have been very steadfast and maybe the only Republican to constantly compliment the majority on a very good job of reducing the number of earmarks. In fact, I have said that at the subcommittee level, at the full

committee level, and at the conference committee level. So credit where credit is due. But I really think on this one these things have been air dropped because they did not come through our committee and they did not come through the Senate. Maybe there's a better word than "air dropped," but they were not voted on by the committee.

Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. I am happy to yield 3 minutes to a member of the committee and former member of the committee, the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank Chairwoman DELAURO for her excellent work on this bill and the open and bipartisan process that yielded it, and the ranking member, Mr. KINGSTON of Georgia, for his great work always.

I rise in support of this measure because it truly undergirds the four pillars of U.S. agriculture: food, forestry, fiber, and, the most recent, fuel to help America become energy independent.

The American people know that in the area of nutrition truly the funding in this bill, especially for those who are out of work and their families, is extraordinarily important. The Commodity Supplemental Food Program will be expanded to seven States, and we really have no choice in this and the other programs in the bill to try to help the American people weather this really terrible economy. The Special Nutritional Assistance Program and the Women, Infants and Children food program are essentials. They're not frills. They're not unnecessary.

I am particularly pleased that through the Department of Agriculture, and through this measure and the leadership of the chairwoman, that community gardening and hunger-free communities are highlighted so that people become involved in the production of their own food to try to alleviate some of the growing want across the country. These are really very important and they really work.

In the area of rural development, we know that energy independence has to be our future, and agriculture has a rare opportunity to become a part of the green revolution. Really this initiative started with Congress. It really didn't start with USDA. Some of the folks over there have seen the light, and we know that the farmers of our country have to help our Nation transition in this new millennium to an energy-independent future.

In terms of sustainable agriculture, I again want to compliment the chairwoman for the growing efforts in the Urban and Sustainable Agriculture arena to help a whole new generation of American farmers reinvent American agriculture. If you look at our imports, they've increased from \$43 billion in food in 1997 to over \$85 billion



today. They've doubled. In our Nation we can produce our own food. What are we doing? The Agricultural Research Service has ways and means to help us invest and invent new growing platforms in this country to recapture these markets 12 months out of the year. So sustainable farming is given a real boost in this bill.

And I want to praise Chairwoman DELAURO again for her steadfast leadership on this and so many other areas, including food safety, to produce a fair and honest bill that maintains a leadership role for American agriculture and protects the health and safety of our citizens while investing in very important conservation and development tools for rural America and for a sustainable ecosystem. I thank the gentlewoman for yielding me time.

Ms. DELAURO. I am delighted to yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. I thank the chairwoman for yielding time to me.

I rise in strong support of the Agriculture appropriations conference report. I'm really proud that I think I'm the only member of the committee who sits in the Western United States, where an awful lot of our agriculture in this country comes from. And one of the things I've learned about being on this committee, in the regular authorization committee, is that there is probably no other subject matter that touches every part of the United States as much as the Department of Agriculture. One of the oldest departments in government, essentially touching all the cultures and all of the qualities of rural America.

And in a very urbanized country right now, it's important that we think about rural America because that's the part of America that feeds us and in many cases feeds much of the world. The food and fiber produced in this country is the lifeblood of our Nation. This bill continues the focus on the needs of all Americans, both rural and urban.

Just a few of the things I am very keen on is that I don't think we can stay ahead of the rest of the world in any field unless we commit our best brains and talent to it. The best resources of America are intellectual resources. So you apply those intellectual resources to research, staying ahead of the curve. I am fortunate to represent "the salad bowl of the United States," the Salinas Valley in Monterey County. The production of agriculture there in just one county is about \$4 billion, and it's about 85 different crops. And those crops are what we call fresh crops. That means they go from the field to your fork. And we need to make sure we have all the research that's necessary to make those things fresh and safe for you.

I am also keen on this committee because this is the committee that's in

charge of putting the funds in for school nutrition programs and all the other kinds of nutrition programs, food stamps and the WIC program, Women, Infants, and Children. And these are the nutrition programs that are so essential to getting the right start and a healthy start not only in the beginning of life but for every day in our schools. And we have a lot of work to do in that area.

I'd also like to thank the chairwoman because she has been very involved in plusing-up the Buildings and Facilities Account in order to advance some of these important construction projects that would allow research to continue. I have a very active agriculture research station in Salinas, and it's leading the way on crop improvement protection.

So I appreciate what both Mr. KINGSTON and Ms. DELAURO have done in bringing this bill and the conference report to us today, and I would strongly urge that all our Members support this. This is going to appropriate money to keep the Department of Agriculture and Food and Drug and safety going for another year with conditions that I think are very meaningful for this year in the United States.

It's a good bill and it deserves support. A lot of hard work went into it, and I thank them for their leadership.

Mr. Speaker, I rise in strong support of the Agriculture Appropriations Conference Report for fiscal year 2010.

Chairwoman DELAURO and Ranking Member KINGSTON are to be commended for the product they helped craft. As a member of the Subcommittee I know that there are differences in ideas and I appreciate the Chairwoman's efforts to have open debate.

Mr. Speaker—the food and fiber produced in this country is the lifeblood of our nation. This bill continues to focus on the needs of all Americans, both rural and urban.

It is imperative that we continue to fund priority areas such as research, food safety, nutrition programs and pest detection—just to name a few—that are important to the nation as well as my constituents on California's Central Coast.

I am fortunate to represent the Salad Bowl of the World, the Salinas Valley in Monterey County, that has a production value for agriculture of almost \$4 billion last year, according to Eric Lauritzen, our County Agriculture Commissioner.

We grow primarily for a fresh market, and the investments made in this bill for research, pest detection and food safety are paramount to the growers because without them they couldn't do business.

Agricultural research is an everyday job for many in the Salinas Valley, and the Agriculture Research Service's Research Station in Salinas is leading the way in crop improvement and protection.

Every day, the station's researchers are making agriculture better for all of us. From organics, verticillium wilt and vine mealy bug research to methyl bromide alternatives and treatments for postharvest pest control on per-

ishable commodities, Salinas is leading the charge to keep our food supplies healthy and safe.

The Chairwoman and I have discussed at length many times the need to plus-up the Buildings and Facilities Account in order to advance some of these important construction projects.

I appreciate the gentlewoman's efforts to increase the B&F this year and look forward to working with you in the future to find a solution so we can get shovels in the ground for many of these vital research facilities.

Having the largest fresh production capacity in the world, my growers know how important food safety is. They have already invested millions of dollars in their own resources to provide safe and wholesome food to the nation and the world.

I also appreciate the gentlewoman's efforts to help FDA improve the safety of domestic and imported food by adding \$306 million above the investment we made 2009.

It is time that FDA receives necessary resources to perform time-critical inspections when dealing with the fresh market.

No less important than food safety is pest detection. I am especially glad this conference agreement bolstered the APHIS account in this area. We have in recent outbreaks that strong pest detection program that prevent outbreaks of invasive species in the first place is the most cost-effective way to deal with pests and diseases that are not native to our country.

Finally I would be remiss not to mention the investment made in this conference report for nutrition. In a country as bountiful as ours, it is unacceptable that so many still go to bed hungry.

This conference report includes a one-year extension for the child nutrition program authorities and has reinvested \$150 million in savings back into the child nutrition programs to fund select administration and committee priorities for reducing childhood hunger and improving child nutrition, building program capacity and improving program access and program performance.

Thank you Chairwoman DELAURO for crafting another outstanding bill, and I urge my colleagues to join me in supporting this conference report.

Ms. DELAURO. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. I thank the chairwoman for yielding.

Mr. Speaker, I rise in strong support of the fiscal year 2010 Agriculture appropriations conference report, and specifically the provision included in the bill that will grant Wisconsin a waiver in the Child and Adult Food Care Program to serve a third meal through the At-Risk After-School Supper Program. As a matter of fact, Representative ANDRÉ CARSON and I have introduced H.R. 3321 that would also provide a third After-School Supper meal. I want to thank the chairwoman here and Senator HERB KOHL in the Senate for diligently putting together a bill with record funding that will help to meet the needs of all those who are food insecure.

Every 35 seconds a child is born into poverty, and in the United States 12 million children are at risk of going hungry. In the city of Milwaukee, a city I represent, this is the 11th-poorest large city in the Nation, and we are in dire need of this expansion.

Mr. Speaker, as a school-aged youth, I attended school hungry every day. But now that our country is facing a recession, all signs point to an epidemic of hunger unlike anything we have seen in our lifetime. Between 2000 and 2007, the number of people we have seen living in poverty and suffering from very low food security rose from 8.5 million to 11.9 million. This is a 40 percent increase in the numbers of households living in poverty.

In my own city of Milwaukee, we have the largest achievement gap between blacks and whites in Wisconsin. But studies have shown that students who eat nutritious meals every day perform better on standardized tests, improve reading and are more attentive in class. Every single day this program provides 3.1 million children with nutritious meals.

Mr. Speaker, I again congratulate the gentlewoman.

Mr. KINGSTON. Mr. Speaker, I want to talk about some of the great research that we have done in agriculture which I think is important.

A few years ago I was talking to an ag researcher down in south Georgia, and he's an entomologist and has been doing some work with wasps, and he found out that wasps react differently around gunpowder. And it was a fascinating study because they thought maybe there would be an application in the war on terrorism with wasps, and they might be cheaper than using these very expensive canine dogs to sniff cars. I thought that's pretty interesting. I don't know how they're going to do it. I don't want wasps let loose in my car the way these dogs are. But that's just one example of some of the research that's being done that could potentially save us money.

Another example of some of the great research is, take a city like New Orleans. They have a huge problem with subterranean termites. Termites are a fascinating animal. The more you learn about it, the more you appreciate them. They actually can change sexes. They can live underground in colonies for years and years. But when they run out of wood, they start burrowing holes in all directions trying to find another piece of wood, and when they can't find one, they start coming up to our foundation. Now, that is millions of dollars a year, millions of dollars a year that we have in termite damage that this bill seeks to study.

Another thing, and it doesn't affect my friend up in Connecticut, but everybody in the South who has ever eaten a proper breakfast with grits knows that if you leave the grits in the cabinet too

long, it doesn't matter how good your bug spray is. There are grubs coming up. I know I shouldn't be telling you this before I invite you over to eat at my house. But a problem in any household that has flour or something is that after a while, if you leave it on the shelf, you start getting these bugs that get in it. And you wonder how do they get in there? They actually come as part of the meal, and that's not the meal you eat but the meal from the meal. And the question is, how do you stop that problem? Ag research is doing that kind of work, and it's an example of some of the things that we're looking at in this bill.

So while we do have some disagreements on the funding, we both believe passionately, as Mr. FARR said, let the smart guys with the white coats in the back room study these things and come up with new inventions and new technologies.

At the University of Georgia one of the labs is studying getting fuel from algae. And, of course, we know algae can be a problem. If they can figure out how to make fuel out of it, it would be a wonderful thing. Kudzu, a plant that we actually imported from China maybe 60 or 70 years ago to stop erosion in the South, has grown wild, and yet the University of Tennessee is trying to figure out can you get fuel from kudzu?

□ 1730

They're doing the same thing with pine trees. Can you make cellulosic ethanol out of pine trees and, if so, a State like Georgia, which is about 66 percent in trees, we would become the Saudi Arabia of cellulosic ethanol. So it would be a great thing.

We're excited about this. There are so many great mysteries that we have yet to solve in our plants and animal world that this bill does study.

With that, I reserve the balance of my time.

Ms. DELAURO. I would be happy to accept an invitation for breakfast. I love grits with butter and salt. What do you put first, the butter or the salt? I'll take your advice on that.

Mr. KINGSTON. If my friend will yield.

Ms. DELAURO. I'd be happy to yield.

Mr. KINGSTON. The great thing about really great grits is you put cheese in them.

Ms. DELAURO. Amen.

Mr. KINGSTON. But the invitation is open.

Ms. DELAURO. With that, let me yield 3 minutes to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. I thank the chairman and ranking member for their work in bringing before the floor the conference agreement between the House and the Senate.

I rise in support of the conference agreement for H.R. 2997, the Agri-

culture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations for Fiscal Year 2010. I believe this is a robust investment in America's farming and rural development needs, and it ensures a brighter economic future for all Americans.

I am particularly pleased with the investment in America's farmers, both through funding for agriculture research and for farm production. As a long-time farmer, and also a former employee of the United States Department of Agriculture, I understand firsthand how focused investments make concrete differences in America's food production as well as the folks that work tirelessly to provide it.

Contained in this conference agreement, the Agriculture Research receives a 5 percent increase from the current level of funding. This vital service provides research in a variety of areas, including bio-based products, bioenergy, floriculture, and nurseries. Included in the approximate 100 research locations nationwide that are funded by ARS is the University of Tennessee; the Institute of Agriculture, which is conducting bioenergy research on converting switchgrass into cellulosic ethanol. Research on clean bioenergy is vital to America's quest to become energy independent.

Also included is increased funding for research to provide early warning technologies for the detection of crop disease to prevent crop failure from natural causes or a terrorist event. The research addresses needs to produce such a system that could take advantage of biotech advances to develop a precision agriculture tool for guarding America's crops.

Further, I am pleased by the increase in funding for the Farm Service Agency. The FSA administers major commodity programs and farm loan programs such as the Farm Ownership and Farm Operating loan programs. Farm Ownership loans, which received a 47 percent increase through fiscal year 2009 funding levels, often provided the initial investments to help farmers acquire and expand land ownership. Farm operating loans, which receive a 43 percent increase from fiscal year 2009 funding levels, allow farmers to purchase equipment, livestock, and seed. This funding is critical to ensure the continued role of America as the world's greatest agriculture producer.

As a lifelong farmer representing the district with the fourth largest percentage of rural residents, I am proud to support these investments and urge passage of the conference agreement for H.R. 2997. Saying that is the fourth largest congressional district, as far as rural residents that I represent, means we have a variety and probably one of the most diverse agriculture districts in America: cotton, soybeans, corn, nursery stock. We have timber; both beef cattle and dairy cattle.

We also have a large poultry, the broiler industry, across the Cumberland Plateau, in the southern part of the plateau and the northern part of the plateau.

The SPEAKER pro tempore (Mr. WEINER). The time of the gentleman has expired.

Ms. DELAURO. Mr. Speaker, I am happy to yield the gentleman an additional 1 minute.

Mr. DAVIS of Tennessee. I am pleased that in this legislation it at least addresses import and reimportation of poultry that may be produced here in America. There are some guards and some guidelines that I think we must have.

I have been a poultry producer of broilers as a youngster growing up on a farm in Fentress County, Tennessee; and I know if we allow the poultry industry to be run out of business, it will destroy many of the farms in the Fourth Congressional District that I represent.

So I am pleased that our chairman was willing to work an agreement that would at least require certain inspection to be sure that safe food was imported into America from poultry and to also help protect our poultry industry in America and certainly in the Fourth Congressional District.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to thank the Chair and the majority staff for all of the good work. We have had a very good process. I congratulate you on passing this bill as among the very first—and let the record show that if it was up to Agriculture, we would adjourn on time, whenever that may be.

And also I want to thank you for working with us on poultry, as Mr. DAVIS said. It's very, very important to particular States especially. And having a Chinese market is important but at the same time—you know, what Ms. KAPTUR said is very interesting. She said we don't need to be importing food; we need to produce our own food and then exporting that which is left. And yet as important as that is economically, you have always focused on the food safety as you should as the number one value. And I think that's important because if you are importing or exporting food that is not inspected and it is not at the highest quality and standard of food safety, then we're not doing our job.

So I certainly commend you for keeping that bar very high, and yet we were able to work something out. I've enjoyed the whole process.

My concern with the bill—as you know I've been very open about it—has something to do beyond this room, if you will, in terms of the spending picture. But having been in the majority, I know that your job is to come together with lots of different factions and philosophies, and I think you have

done a great job on it. I am proud to be your ranking member and look forward to a long relationship, and you are going to love my grits.

I yield back the balance of my time.

Ms. DELAURO. First of all, let me just say thank you to the ranking member, Mr. KINGSTON; and, in fact, it is a pleasure to work with Mr. KINGSTON. We always say that we may have philosophical differences, but we are good-natured about it and understand that and work in a very collaborative effort. And I, too, thank you for all of your help and your input with regard to the issue of Chinese poultry. It was a long discussion, but one in which I think we came to a conclusion as our colleague, Mr. DAVIS, said being able to strike that balance where we are able to protect the public health and at the same time to protect an industry. And I feel good about that.

And I, too, look forward to our continued efforts together as we approach problems—as you know and I do—that really face people with the jurisdiction that we have that comes under this portfolio. It really touches people's lives in so, so many ways. And I know that you have a deep and abiding concern for what happens to our farmers and our ranchers, what's happening to our industries and to making sure that we have the wherewithal and provide the resources people need to succeed.

I would like to, if I might, just make one further comment, and then we'll yield back whatever time is remaining.

I wanted to bring the attention of my colleagues to an important matter of health and safety. And when we talked about the child nutrition program and its extension, our Nation's schoolchildren and the people who work with them on a daily basis are faced with a growing public health concern. Awareness of vaccine for H1N1 flu, annual flu has made the front pages of our communities these days.

You've got school food service workers who face a very difficult dilemma in trying to do their jobs. They don't have any paid sick leave. These are people without any leave. So there's thousands of food service workers who pose a real risk to the health and safety of our Nation's kids. And the comment is “show up for work or do not get paid.”

So rather than exacerbating the problems, these workers can and should be part of the solution to ensuring the health and safety of our children. I look forward to working in the months ahead as Education and Labor looks to reauthorize their legislation, and I pledge to work with my colleagues to see if we can provide a minimum and a reasonable standard for paid sick leave for school service workers.

In the meantime, I am also encouraging the administration to examine this issue because I think it is a health

problem and the Nation's well-being depends on it.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the FY 2010 Agriculture, Rural Development, and Food and Drug Administration Appropriations Conference Report, and I commend Chairwoman DELAURO for bringing this bipartisan legislation to the floor today.

The FY 2010 Agriculture, Rural Development, and Food and Drug Administration Appropriations bill makes key investments in protecting our public health, bolstering food nutrition programs, and conserving our natural resources.

The conference report provides \$2.36 billion for the Food and Drug Administration, which represents a 15 percent increase over last year. We need to ensure that the FDA has the necessary tools and resources to fulfill its vital mission in protecting the American public so that FDA-regulated products, like food, are safe. This important investment in the FDA will help the agency in meeting its mission in protecting the public health.

The \$58 billion provided for the Supplemental Nutrition Assistance Program will help low income and elderly Americans struggling with rising food costs in this current economic downturn. In addition, \$7.3 billion is provided for the Special Supplemental Nutrition Program for Women, Infants, and Children, WIC, to help encourage a healthy pregnancy for women and promote a healthy start for their children.

This legislation provides \$1 billion for the Natural Resources Conservation Service to help face the demands for cleaner water, reduced soil erosion, and more wildlife habitat. I am particularly pleased that almost \$4 million is provided for Chesapeake Bay restoration activities that will provide farmers, landowners, and communities within the Chesapeake Bay watershed technical assistance in implementing important conservation programs which will help improve the health of the Chesapeake Bay.

Mr. Speaker, I urge adoption of this conference report.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of the Conference Report for H.R. 2997, the Agriculture Appropriations Act of 2010.

My district is home to some of the most fertile farm land in our great nation, as well as some of the hardest working farmers.

While so many people identify Michigan with manufacturing, it can be easy to forget that agriculture is Michigan's second leading industry, and the bright spot in a struggling Michigan economy.

As you drive through my district, you will see fields full of dry beans, sugar beets, corn, wheat, soybeans, various vegetables, and other crops needed to feed our nation and the rest of the world. You will also see thriving cattle and pork industries.

This bill is important because it provides much needed funding for the Farm Services Agency which administers disaster and loan programs, farm commodities and conservation programs directed towards producers.

The bill also goes a long way in providing money for continued agriculture research which is so important in increasing harvest yields and furthering education for our producers. Agriculture research is vitally important

to ensure that America remains the greatest food producer in the world.

Finally, this legislation will provide necessary money for our nation's struggling dairy farmers. In these tough economic times, dairy producers have been struggling with a steep drop in price for their product. My district is home to a large dairy industry, and it is of vital importance that we do all that we can to help these producers out.

While there are certainly challenges with this bill, it is vital that we move this important funding bill forward. The funding provided by this bill will serve as strong support for an industry that is crucial for our national economy.

I strongly urge my colleagues to vote in favor of this important legislation.

Ms. DELAURO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 799, the previous question is ordered.

The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adopting the conference report will be followed by 5-minute votes on suspending the rules and agreeing to H. Res. 806 and H. Res. 795.

The vote was taken by electronic device, and there were—yeas 263, nays 162, not voting 7, as follows:

[Roll No. 761]

YEAS—263

Abercrombie	Courtney	Halvorson
Ackerman	Crowley	Hare
Andrews	Cuellar	Harman
Arcuri	Cummings	Harper
Baca	Dahlkemper	Hastings (FL)
Baird	Davis (AL)	Heinrich
Baldwin	Davis (CA)	Herseth Sandlin
Barrow	Davis (IL)	Higgins
Becerra	Davis (TN)	Himes
Berkley	DeFazio	Hinchey
Berman	DeGette	Hinojosa
Berry	Delahunt	Hirono
Bishop (GA)	DeLauro	Hodes
Bishop (NY)	Diaz-Balart, L.	Holden
Blumenauer	Diaz-Balart, M.	Holt
Boccieri	Dicks	Honda
Boren	Dingell	Hoyer
Boswell	Doggett	Inslee
Boucher	Donnelly (IN)	Israel
Boyd	Doyle	Jackson (IL)
Brady (PA)	Driebeaus	Jackson-Lee
Braley (IA)	Edwards (MD)	(TX)
Bright	Edwards (TX)	Johnson (GA)
Brown, Corrine	Ellison	Johnson, E.B.
Brown-Waite,	Ellsworth	Jones
Ginny	Emerson	Kagen
Butterfield	Engel	Kanjorski
Cao	Eshoo	Kaptur
Capps	Etheridge	Kennedy
Capuano	Farr	Kildee
Cardoza	Fattah	Kilpatrick (MI)
Carnahan	Filner	Kilroy
Carson (IN)	Fortenberry	Kirkpatrick (AZ)
Carter	Foster	Kissell
Castor (FL)	Frank (MA)	Klein (FL)
Chandler	Fudge	Kosmas
Childers	Giffords	Kratovil
Chu	Gonzalez	Kucinich
Clarke	Gordon (TN)	Langevin
Clay	Grayson	Larsen (WA)
Cleaver	Green, Al	Larson (CT)
Clyburn	Green, Gene	Lee (CA)
Cohen	Griffith	Lee (NY)
Connolly (VA)	Grijalva	Levin
Conyers	Gutierrez	Lewis (GA)
Cooper	Hall (NY)	Lipinski
Costa	Hall (TX)	LoBiondo

Loeb sack	Ortiz	Shea-Porter
Lofgren, Zoe	Pallone	Sherman
Lowey	Pascarell	Shuler
Luetkemeyer	Pastor (AZ)	Sires
Lujan	Payne	Skelton
Lynch	Perlmutter	Slaughter
Maffei	Perriello	Smith (NJ)
Markey (CO)	Peterson	Smith (WA)
Markey (MA)	Pingree (ME)	Snyder
Marshall	Polis (CO)	Souder
Massa	Pomeroy	Space
Matsui	Price (NC)	Speier
McCarthy (NY)	Putnam	Spratt
McCollum	Quigley	Stark
McDermott	Rahall	Stupak
McGovern	Rangel	Sutton
McIntyre	Reyes	Tanner
McMahon	Richardson	Teague
McNerney	Rodriguez	Thompson (CA)
Meek (FL)	Rogers (AL)	Thompson (MS)
Meeks (NY)	Rooney	Tierney
Melancon	Ros-Lehtinen	Titus
Michaud	Ross	Tonko
Miller (MI)	Rothman (NJ)	Towns
Miller (NC)	Roybal-Allard	Van Hollen
Miller, George	Rush	Velázquez
Minnick	Ryan (OH)	Visclosky
Mollohan	Salazar	Walz
Moore (KS)	Sánchez, Linda	Wasserman
Moore (WI)	T.	Schultz
Moran (VA)	Sanchez, Loretta	Waters
Murphy (CT)	Sarbanes	Watson
Murphy (NY)	Schakowsky	Watt
Murphy, Patrick	Schauer	Waxman
Murphy, Tim	Schiff	Weiner
Murtha	Schock	Welch
Nadler (NY)	Schrader	Wexler
Napolitano	Schwartz	Wilson (OH)
Neal (MA)	Scott (GA)	Woolsey
Oberstar	Scott (VA)	Wu
Obey	Serrano	Yarmuth
Oliver	Sestak	Young (AK)

NAYS—162

Aderholt	Fallin	McClintock
Adler (NJ)	Flake	McCotter
Akin	Fleming	McHenry
Alexander	Forbes	McKeon
Altmire	Fox	McMorris
Austria	Franks (AZ)	Rodgers
Bachmann	Frelinghuysen	Mica
Bachus	Gallegly	Miller (FL)
Barrett (SC)	Garrett (NJ)	Miller, Gary
Bartlett	Gerlach	Mitchell
Barton (TX)	Gingrey (GA)	Moran (KS)
Bean	Gohmert	Myrick
Biggert	Goodlatte	Nunes
Bilbray	Granger	Nye
Bilirakis	Graves	Olson
Bishop (UT)	Guthrie	Paul
Blackburn	Hastings (WA)	Paulsen
Blunt	Heller	Pence
Boehner	Hensarling	Peters
Bonner	Herger	Petri
Bono Mack	Hill	Pitts
Boozman	Hoekstra	Platts
Boustany	Hunter	Poe (TX)
Brady (TX)	Inglis	Posey
Broun (GA)	Issa	Price (GA)
Brown (SC)	Jenkins	Rehberg
Buchanan	Johnson (IL)	Reichert
Burgess	Jordan (OH)	Roe (TN)
Burton (IN)	Kind	Rogers (KY)
Buyer	King (IA)	Rogers (MI)
Calvert	King (NY)	Rohrabacher
Camp	Kingston	Roskam
Campbell	Kirk	Royce
Cantor	Kline (MN)	Ryan (WI)
Capito	Lamborn	Scalise
Cassidy	Lance	Schmidt
Castle	Latham	Sensenbrenner
Chaffetz	LaTourette	Sessions
Coble	Latita	Shadegg
Coffman (CO)	Lewis (CA)	Shimkus
Cole	Linder	Shuster
Conaway	Lucas	Simpson
Costello	Lummis	Smith (NE)
Crenshaw	Lungren, Daniel	Smith (TX)
Culberson	E.	Stearns
Davis (KY)	Mack	Sullivan
Deal (GA)	Manzullo	Taylor
Dent	Marchant	Terry
Dreier	Matheson	Thompson (PA)
Duncan	McCarthy (CA)	Thornberry
Ehlers	McCaul	Tiahrt

Tiberi	Wamp	Wittman
Turner	Westmoreland	Wolf
Upton	Whitfield	Young (FL)
Walden	Wilson (SC)	

NOT VOTING—7

Carney	Neugebauer	Tsongas
Johnson, Sam	Radanovich	
Maloney	Ruppersberger	

□ 1805

Mr. ALTMIRE changed his vote from “yea” to “nay.”

Mr. SPRATT, Mr. CARTER and Mrs. MILLER of Michigan changed their vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 1035, MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY AMENDMENTS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 806, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 806.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 358, nays 66, not voting 8, as follows:

[Roll No. 762]

YEAS—358

Abercrombie	Boozman	Chu
Ackerman	Boren	Clarke
Aderholt	Boswell	Clay
Adler (NJ)	Boucher	Cleaver
Alexander	Boustany	Clyburn
Altmire	Boyd	Cohen
Andrews	Brady (PA)	Cole
Arcuri	Braley (IA)	Connolly (VA)
Austria	Bright	Conyers
Baca	Brown (SC)	Cooper
Baird	Brown, Corrine	Costa
Baldwin	Brown-Waite,	Costello
Barrow	Ginny	Courtney
Bartlett	Buchanan	Crenshaw
Barton (TX)	Butterfield	Crowley
Bean	Buyer	Cuellar
Becerra	Camp	Cummings
Berkley	Campbell	Dahlkemper
Berman	Cao	Davis (AL)
Berry	Capito	Davis (CA)
Biggert	Capps	Davis (IL)
Bilbray	Capuano	Davis (KY)
Bilirakis	Cardoza	Davis (TN)
Bishop (GA)	Carnahan	DeFazio
Bishop (NY)	Carson (IN)	DeGette
Bishop (UT)	Carter	Delahunt
Blumenauer	Cassidy	DeLauro
Blunt	Castle	Dent
Boccieri	Castor (FL)	Diaz-Balart, L.
Boehner	Chaffetz	Diaz-Balart, M.
Bonner	Chandler	Dicks
Bono Mack	Childers	Dingell

Doggett	Langevin	Reichert	Coffman (CO)	Kingston	Poe (TX)	Cantor	Grijalva	Matsui
Donnelly (IN)	Larsen (WA)	Reyes	Conaway	Lamborn	Price (GA)	Cao	Guthrie	McCarthy (CA)
Doyle	Larson (CT)	Richardson	Culberson	Latta	Rohrabacher	Capito	Gutierrez	McCarthy (NY)
Dreier	Latham	Rodriguez	Deal (GA)	Lewis (CA)	Ryan (WI)	Capps	Hall (NY)	McCaul
Driehaus	LaTourette	Roe (TN)	Duncan	Linder	Schmidt	Capuano	Hall (TX)	McClintock
Edwards (MD)	Lee (CA)	Rogers (AL)	Flake	Lucas	Sensenbrenner	Cardoza	Halvorson	McCollum
Edwards (TX)	Lee (NY)	Rogers (KY)	Fox	Lungren, Daniel	Shadegg	Carnahan	Hare	McCotter
Ehlers	Levin	Rogers (MI)	Franks (AZ)	E.	Shimkus	Carson (IN)	Harman	McDermott
Ellison	Lewis (GA)	Rooney	Garrett (NJ)	Mack	Simpson	Carter	Harper	McGovern
Ellsworth	Lipinski	Ros-Lehtinen	Gingrey (GA)	Manzullo	Smith (NE)	Cassidy	Hastings (FL)	McHenry
Emerson	LoBiondo	Roskam	Gohmert	Marchant	Sullivan	Castle	Hastings (WA)	McIntyre
Engel	Loebach	Ross	Goodlatte	McClintock	Thornberry	Castor (FL)	Heinrich	McKeon
Eshoo	Lofgren, Zoe	Rothman (NJ)	Hensarling	McHenry	Tiahrt	Chaffetz	Heller	McMahon
Etheridge	Lowey	Roybal-Allard	Herger	Miller (FL)	Tiberi	Chandler	Hensarling	McMorris
Fallin	Luetkemeyer	Royce	Hoekstra	Miller, Gary	Turner	Childers	Herger	Rodgers
Farr	Lujan	Ruppersberger	Inglis	Nunes	Westmoreland	Chu	Herseth Sandlin	McNerney
Fattah	Lummis	Rush	Issa	Paul	Young (FL)	Clarke	Higgins	Meek (FL)
Filner	Lynch	Ryan (OH)	Jordan (OH)	Paulsen		Clay	Hill	Meeks (NY)
Fleming	Maffei	Salazar	King (IA)	Pence		Cleaver	Himes	Melancon
Forbes	Markey (CO)	Sánchez, Linda				Clyburn	Hinchee	Mica
Fortenberry	Markey (MA)	T.				Coble	Hinojosa	Michaud
Foster	Marshall	Sanchez, Loretta	Carney	Maloney	Space	Coffman (CO)	Hirono	Miller (FL)
Frank (MA)	Massa	Sarbanes	Johnson, E. B.	Neugebauer	Tsongas	Cohen	Hodes	Miller (MI)
Frelinghuysen	Matheson	Scalise	Johnson, Sam	Radanovich		Cole	Hoekstra	Miller (NC)
Fudge	Matsui	Schakowsky				Conaway	Holden	Miller, Gary
Gallely	McCarthy (CA)	Schauer				Connolly (VA)	Holt	Miller, George
Gerlach	McCarthy (NY)	Schiff				Conyers	Honda	Minnick
Giffords	McCaul	Schock				Cooper	Hoyer	Mitchell
Gonzalez	McCollum	Schrader				Costa	Hunter	Mollohan
Gordon (TN)	McCotter	Schwartz				Costello	Inglis	Moore (KS)
Granger	McDermott	Scott (GA)				Courtney	Inslee	Moore (WI)
Graves	McGovern	Scott (VA)				Crenshaw	Israel	Moran (KS)
Grayson	McIntyre	Serrano				Crowley	Issa	Moran (VA)
Green, Al	McKeon	Sessions				Cuellar	Jackson (IL)	Murphy (CT)
Green, Gene	McMahon	Sestak				Culberson	Jackson-Lee	Murphy (NY)
Griffith	McMorris	Shea-Porter				Cummings	(TX)	Murphy, Patrick
Grijalva	Rodgers	Sherman				Dahlkemper	Jenkins	Murphy, Tim
Guthrie	McNerney	Shuler				Davis (AL)	Johnson (GA)	Murtha
Gutierrez	Meek (FL)	Shuster				Davis (CA)	Johnson (IL)	Myrick
Hall (NY)	Meeks (NY)	Sires				Davis (IL)	Johnson, E. B.	Nadler (NY)
Hall (TX)	Melancon	Skelton				Davis (KY)	Jones	Napolitano
Halvorson	Mica	Slaughter				Davis (TN)	Jordan (OH)	Neal (MA)
Hare	Michaud	Smith (NJ)				Deal (GA)	Kagen	Nunes
Harman	Miller (MI)	Smith (TX)				DeFazio	Kanjorski	Nye
Harper	Miller (NC)	Smith (WA)				DeGette	Kaptur	Oberstar
Hastings (FL)	Miller, George	Snyder				DeLauro	Kennedy	Obey
Hastings (WA)	Minnick	Souder				Dent	Kildee	Olson
Heinrich	Mitchell	Speier				Diaz-Balart, L.	Kilpatrick (MI)	Olver
Heller	Mollohan	Spratt				Diaz-Balart, M.	Kilroy	Ortiz
Herseth Sandlin	Moore (KS)	Stark				Dicks	Kind	Pallone
Higgins	Moore (WI)	Stearns				Dingell	King (IA)	Pascarell
Hill	Moran (KS)	Stupak				Doggett	King (NY)	Pastor (AZ)
Himes	Moran (VA)	Sutton				Donnelly (IN)	Kingston	Paul
Hinchee	Murphy (CT)	Tanner				Doyle	Kirk	Paulsen
Hinojosa	Murphy (NY)	Taylor				Dreier	Kirkpatrick (AZ)	Payne
Hirono	Murphy, Patrick	Teague				Driehaus	Kissell	Pence
Hodes	Murphy, Tim	Terry				Duncan	Klein (FL)	Perlmutter
Holden	Murtha	Thompson (CA)				Edwards (MD)	Kline (MN)	Perriello
Holt	Myrick	Thompson (MS)				Edwards (TX)	Kosmas	Peters
Honda	Nadler (NY)	Thompson (PA)				Ehlers	Kratovil	Peterson
Hoyer	Napolitano	Tierney				Ellison	Kucinich	Petri
Hunter	Neal (MA)	Titus				Ellsworth	Lamborn	Pingree (ME)
Inslee	Nye	Tonko				Emerson	Lance	Pitts
Israel	Oberstar	Towns				Engel	Langevin	Platts
Jackson (IL)	Obey	Upton				Eshoo	Larsen (WA)	Poe (TX)
Jackson-Lee	Olson	Van Hollen				Etheridge	Larson (CT)	Polis (CO)
(TX)	Olver	Velázquez				Fallin	Latham	Pomeroy
Jenkins	Ortiz	Visclosky				Farr	LaTourette	Posey
Johnson (GA)	Pallone	Walden				Fattah	Latta	Price (GA)
Johnson (IL)	Pascarell	Walz				Filner	Lee (CA)	Price (NC)
Jones	Pastor (AZ)	Wamp				Flake	Lee (NY)	Putnam
Kagen	Payne	Wasserman				Fleming	Levin	Quigley
Kanjorski	Perlmutter	Schultz				Forbes	Lewis (CA)	Rahall
Kaptur	Perriello	Waters				Fortenberry	Lewis (GA)	Rangel
Kennedy	Peters	Watson				Foster	Linder	Rehberg
Kildee	Peterson	Watt				Fox	Lipinski	Reichert
Kilpatrick (MI)	Petri	Waxman				Frank (MA)	LoBiondo	Reyes
Kilroy	Pingree (ME)	Weiner				Franks (AZ)	Loebach	Richardson
Kind	Pitts	Welch				Frelinghuysen	Lofgren, Zoe	Rodriguez
King (NY)	Platts	Wexler				Fudge	Lowey	Roe (TN)
Kirk	Polis (CO)	Whitfield				Gallegly	Lucas	Rogers (AL)
Kirkpatrick (AZ)	Pomeroy	Wilson (OH)				Garrett (NJ)	Luetkemeyer	Rogers (KY)
Kissell	Posey	Wilson (SC)				Giffords	Lujan	Rogers (MI)
Klein (FL)	Price (NC)	Wittman				Gerlach	Lummis	Rohrabacher
Kline (MN)	Putnam	Wolf				Gordon (TN)	Lungren, Daniel	Rooney
Kosmas	Quigley	Woolsey				Gingrey (GA)	E.	Ros-Lehtinen
Kratovil	Rahall	Wu				Gohmert	Lynch	Roskam
Kucinich	Rangel	Yarmuth				Gonzalez	Mack	Ross
Lance	Rehberg	Young (AK)				Goodlatte	Maffei	Rothman (NJ)
						Gordon (TN)	Manzullo	Roybal-Allard
						Granger	Marchant	Royce
						Graves	Markey (CO)	Ruppersberger
						Grayson	Markey (MA)	Rush
						Green, Al	Marshall	Ryan (OH)
						Green, Gene	Massa	Ryan (WI)
						Griffith	Matheson	Salazar

## NOT VOTING—8

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). Members are advised there is less than 1 minute remaining in this vote.

□ 1812

Mr. WILSON of South Carolina changed his vote from “nay” to “yea.” So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## HONORING EFFORTS TO CREATE A FLIGHT 93 MEMORIAL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 795, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 795.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 6, as follows:

[Roll No. 763]

YEAS—426

Abercrombie	Becerra	Boucher
Ackerman	Berkley	Boustany
Aderholt	Berman	Boyd
Adler (NJ)	Berry	Brady (PA)
Akin	Biggert	Brady (TX)
Alexander	Bilbray	Braley (IA)
Altmire	Bilirakis	Bright
Andrews	Bishop (GA)	Brown (GA)
Arcuri	Bishop (NY)	Brown (SC)
Austria	Bishop (UT)	Brown, Corrine
Baca	Blackburn	Brown-Waite,
Bachmann	Blumenauer	Ginny
Bachus	Blunt	Buchanan
Baird	Bocchieri	Burgess
Baldwin	Boehner	Burton (IN)
Barrett (SC)	Bonner	Butterfield
Barrow	Bono Mack	Buyer
Bartlett	Bosman	Calvert
Barton (TX)	Boren	Camp
Bean	Boswell	Campbell

## NAYS—66

Akin	Blackburn	Burton (IN)
Bachmann	Brady (TX)	Calvert
Bachus	Brown (GA)	Cantor
Barrett (SC)	Burgess	Coble

Sánchez, Linda T.	Smith (NE)	Turner
Sanchez, Loretta	Smith (NJ)	Upton
Sarbanes	Smith (TX)	Van Hollen
Scalise	Smith (WA)	Velázquez
Schakowsky	Snyder	Visclosky
Schauer	Souder	Walden
Schiff	Space	Walz
Schmidt	Speier	Wamp
Schock	Spratt	Wasserman
Schrader	Stark	Schultz
Schwartz	Stearns	Waters
Scott (GA)	Stupak	Watson
Scott (VA)	Sullivan	Watt
Sensenbrenner	Sutton	Waxman
Serrano	Tanner	Weiner
Sessions	Taylor	Welch
Sestak	Teague	Westmoreland
Shadegg	Terry	Wexler
Shea-Porter	Thompson (CA)	Whitfield
Sherman	Thompson (MS)	Wilson (OH)
Shimkus	Thompson (PA)	Wilson (SC)
Shuler	Thornberry	Wittman
Shuster	Tiahrt	Wolf
Simpson	Tiberi	Woolsey
Sires	Tierney	Wu
Skelton	Titus	Yarmuth
Slaughter	Tonko	Young (AK)
	Towns	Young (FL)

## NOT VOTING—6

Carney	Maloney	Radanovich
Johnson, Sam	Neugebauer	Tsongas

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CONNOLLY of Virginia) (during the vote). There are 2 minutes remaining in this vote.

□ 1820

Mr. BURGESS changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ELECTING A MINORITY MEMBER TO A STANDING COMMITTEE

Mr. PENCE. Mr. Speaker, by direction of the Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 807

*Resolved*, That the following member be, and is hereby, elected to the following standing committee:

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM—Mr. CAO.

Mr. PENCE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-289) on the resolution (H. Res. 808) providing for consideration of the conference report to accompany the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## SUSAN G. KOMEN RACE FOR THE CURE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Ms. ROS-LEHTINEN. Saturday, October 17, at Bayfront Park in Miami, in my congressional district, we will be having the 14th Annual Miami/Fort Lauderdale Susan G. Komen Race for the Cure. Since its inception in 1996, the Miami/Fort Lauderdale Race for the Cure has raised more than \$4.5 million and has reached hundreds of thousands of people through educational outreach and grassroots efforts.

Volunteers are dedicated to ending breast cancer by making it a nonlife-threatening disease through community grants to support research, education, screening, and treatment.

More than 465,000 die from this disease every year, Mr. Speaker. But there are more than 2.5 million breast cancer survivors alive in the U.S. today, the largest group of all cancer survivors.

The Susan G. Komen Race for the Cure helps them fight the disease through breast cancer survivors networks. Thanks to this Race for the Cure, we are making great strides toward a world without breast cancer.

I encourage all in our community in south Florida to participate on Saturday, October 17, at Bayfront Park in Miami, to fight breast cancer.

## DISCOVERY OF GLOBALLY RARE PLANT COMMUNITIES

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. I rise to congratulate the Prince William Conservation Alliance, the Prince William Wildflower Society, and the Prince William County Park Authority for their discovery of globally rare plant communities at Silver Lake Park. The Virginia Department of Conservation and Recreation confirmed that the diabase flatwoods and a pin oak-white oak upland depression swamp qualify as globally rare or threatened species.

Diabase flatwoods are a rare type of oak-hickory forest that are only found in northern Virginia and central Maryland. It's very rare to find a site such as this, which has not been substantially disturbed by land development or incursion of invasive species.

The rare pin oak-white oak upland depression swamp habitat is characterized by small wetlands with hardwood forests. These environments have often been disturbed by past development.

I applaud local activists in Prince William County in my district, the 11th District of Virginia, for their work to protect these rare plant communities and offer them my full support and congratulations in permanently preserving these important ecological resources.

## DEDICATION TO OUR FIREFIGHTERS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, this is National Fire Prevention Week. Last weekend, the National Fallen Firefighters Foundation held their memorial service out in Emmitsburg, Maryland. They added the names of 103 firefighters who died this year in the line of duty. That brings the total to 3,330 names on the memorial to fallen firefighters since it was established in 1981.

As a volunteer firefighter and EMT, I've seen the bravery and dedication of the men and women who face infernos to save lives and property. They walk into hell, and they do so knowingly. Many never walk out again. That was the case on September 11, 2001, when 343 firefighters lost their lives.

There are more than a million firefighters across this country who respond to more than 2 million calls per year. We owe them a debt of gratitude that cannot be repaid.

But there is something we can do. This week I cosponsored H. Res. 729, a measure to request that the President designate a day as National Firefighters Memorial Day to commemorate Federal, State, and local firefighters killed or disabled in the line of duty. It's the least we can do for these heroes.

## AVOID MISTAKES OF THE PAST

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. "This is not a war of choice. This is a war of necessity." But just 7 weeks after the President spoke those words, White House political advisers consider rejecting General McChrystal's assessment.

To win in Afghanistan, we must provide the general the resources he needs. Insufficient troop levels is a mistake that must not be repeated.

Servicemembers from my district from Fort Leavenworth, Fort Riley, and the Kansas National Guard are putting their lives on the line in this war of necessity. As the President decides on his strategy in Afghanistan, I remind him of his words.

Leaving our brave soldiers in Afghanistan without the resources they need is indefensible. Our duty is to avoid the mistakes of the past.

Mr. President, please listen to the generals you have placed in command.

## TRIBUTE TO PATRICK JOYCE, JR.

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. I rise today to speak on behalf of a fallen hero from my district. On October 2, Patrick Joyce, Jr., and his fellow firefighters responded to a call of a burning building in Yonkers, New York. He was searching the burning building when an explosion of flame hurled him and two other firefighters out of a third-story window. The other two survived with serious injuries; but, sadly, Patrick, married and the father of two little girls, did not survive.

Patrick and his wife, Tara, met as teenagers in my neighborhood of Riverdale the year before I first came to Congress. They married and had two daughters, Charlotte and Isabella. The family was planning to visit an apple orchard this weekend. Instead, they attended his funeral.

I also attended Patrick Joyce's funeral mass. He was beloved by not only his family but by his fellow firefighters and his community. The loss of any life is one to be mourned, but the loss of a life such as Patrick's is doubly devastating. The Nation truly honors people like Patrick who are willing to risk their lives to save others.

Little Charlotte said of her father, "This wasn't supposed to happen. Daddy fixed everything. He made everything better." Now he's gone at age 39, and we all miss him.

It's become almost a cliché to praise our firefighters since the heroism shown on 9/11 but, for me, there will never be enough. Patrick Joyce, Jr. was taken from us far too early. On be-

half of his wife, Tara; his children, Charlotte and Isabella; his friends and family; and the people of Yonkers, I would like to state for the record, in conclusion, in the words of Charlotte, that this was not supposed to happen. You did make everything better.

Patrick, you will be sorely missed by everyone you touched in life and those of us who are saddened by your death.

## DEFUND ACORN ACT

(Mr. INGLIS asked and was given permission to address the House for 1 minute.)

Mr. INGLIS. Recently on this House floor, Mr. BOEHNER was successful in getting the Defund ACORN Act attached to the student aid bill. By a vote of 345-75, this House voted to cut off funding to ACORN.

My constituents are very relieved by that because throughout August I heard from them very clearly that they don't want an organization that's been up to the things that ACORN has been up to receiving Federal funds.

In fact, since 1994, according to Leader BOEHNER's office, they may have received directly as much as \$53 million; more than that indirectly through block grants that may have come from State sources.

Madam Speaker, that's got to stop. It's a good step that we took in the Defund ACORN Act, but we're not through yet, because something tells me that throughout the appropriations process there's money tucked away.

And so we must remain vigilant and see this organization associated with voter fraud and other irregularities must be cut off at the Federal trough.

## WHAT TO DO IN AFGHANISTAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Very quickly, I know that all of us understand you're innocent until proven guilty. We are very pleased with the leadership that ACORN is taking in addressing the needs of those who cannot speak for themselves.

They understand the need for transparency; they understand the need for audits; they understand the need for new leadership in many of their areas. And they are doing it. And I'm grateful for the fact that we have congressional oversight. But I'm not going to demonize an organization that helps those that cannot help themselves.

Very quickly, it is important for the President to be addressing the question of: What do we do in Afghanistan, counterinsurgency or counterterrorism? I believe we should surge up diplomacy, fight the terrorists, and gain the friendship of the Afghan people, and let the Afghans fight the fight alongside of us—and not send 40,000 troops into Afghanistan.

□ 1830

## WHAT HAPPENED TO AUGUST?

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, before I return to my district this weekend, I thought I might ask the question on this floor once again, what happened to August? What happened to August? What happened to those town hall meetings? What happened to the pleas we heard from average, everyday Americans coming to town hall meetings by ones, twos and threes, coming with families, not coming bused, not coming organized, but just coming out of a concern about what we were about to do on this floor.

And yet I returned here after that period of time, and I have heard deafening silence from the White House about August. I have heard an absolute repudiation of August by the Democrats in the House and in the Senate.

No. We are talking about health care reform as if August did not exist, as if the American people did not exist and as if their concerns were not our concerns.

What happened to August? What happened to August?

## HATE CRIMES BILL

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, today we had a conference report after just voting to send the matter to conference last night on the Defense authorization bill.

This authorizes what is being done in the military. On the backs of our soldiers is put the hate crimes bill. That is unbelievable. As if our soldiers don't have enough to do, we are going to put social bills like that on their shoulders and say, If you don't pass this to help the soldiers, then we are going to say, gee, you're against the soldiers.

It's outrageous. They deserve better treatment. They deserve a straight-up vote on the Defense authorization without a hate crimes bill that will be, when coupled with 18 U.S.C. 2(a), the mechanism to muzzle ministers. I stood with dozens of African American ministers out here who knew they would be muzzled under this bill. It's not the right thing to do.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.



## DANCING WITH CZARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, we have 45 czars in America, and the dance card keeps growing. The President has the right to get advice from as many people as he wants to. And that's not new with our Presidents, and that is not a problem. Advisers are one thing, but policymakers are another thing altogether.

If someone is putting a policy in place, if someone is to govern and rule over the rest of us, they must be confirmed by the United States Senate. That's what the Constitution says and demands. After all, article II, section 2 states in part that the President may appoint ambassadors and other public ministers with the advice and consent of the Senate.

The American people have been asking a lot of questions about these czars. Who are these czars? What do they do? Is this a shadow government? What are the Cabinet secretaries doing? Why aren't they in charge of implementing policy instead of these czars? Do Cabinet secretaries report to our shadow government czars? Is that what happens? And why haven't we had transparency or confirmation hearings on these czars?

Now, Madam Speaker, here are some of the czars that we have. It's not all 45, but it's some of them. And let me list some of them for you. We have the Afghan-Pakistan czar. We have the AIDS czar and the auto recovery czar. We are getting a behavioral science czar. Now, what's that about, spanking of kids? No. It is actually about the study of human behavior and how the government can influence human conduct. Sounds a bit like the book "1984" to me.

We have a bailout czar. We have a border czar. Is the border czar supposed to secure the border or open up the border? Who knows? Nobody is telling us.

We have a climate change czar, a copyright czar, a counterterrorism czar. We have a cyber security czar and a communications diversity czar. Let me repeat that one. A communications diversity czar. Ironically, this communications diversity czar is now barred from talking or communicating with the media. Now isn't that lovely? That's kind of odd in my opinion.

We have the disinformation czar. Now what does that person do? It sounds like he should be called the government propaganda czar to me.

We have two economic czars. We probably could use a few more of those. We have an education czar. We have an energy CIA. There's a food czar, the government performance czar, the Great Lakes czar, the Gitmo closure czar and the health care czar.

We have an info tech czar—well, we had an info tech czar, Madam Speaker.

His last day in D.C. Government was March 4, but on March 12 the FBI raided his office and arrested two staffers. That position is still open for people who want to apply.

We have an intelligence czar. We have a Latin American czar, a Mideast peace czar and a Mideast policy czar. We have a pay czar and a regulatory czar. We have a religion, or God, czar; a safe school czar and a science czar. Now there's a beaut. Our science czar wrote a controversial book promoting population control.

We have a stimulus czar. And then, of course, there's the TARP czar, the technology czar, the trade czar and the urban affairs czar. We have the war czar, the water czar and, of course, there is a weapons czar.

Now, Madam Speaker, we know very little about those czars or what they do. We don't know who pays them or whether they paid their income tax. So Congress should defund these czars and no taxpayer money should go to pay for them or their salaries or their staffs.

After all, Madam Speaker, since we continue to dance with the czars, it would be nice to know who brought us to the dance.

And that's just the way it is.

## COMMENDING OUR FIRST RESPONDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Madam Speaker, I rise in support of H. Res. 731 to commend our first responders for their tireless efforts to ensure our safety as they serve on our Nation's front lines. These brave men and women are often the first ones on the scene and the last ones to leave.

Firefighters in Lorain, Elyria, Barberton, Akron, Brunswick, Strongsville and throughout my district and our Nation deserve our deepest gratitude. In spite of all of the cuts that our firefighters are facing, they continue to put their lives on the line to save ours.

Far too many communities in the 13th District of Ohio have had to lay off firefighters. In Lorain, 33 percent of the time, fire station No. 4 is closed. But even with these frequent closures, they still put their lives on the line. They risk their lives without hesitation. Lorain firefighters Shawn Lloyd and Dan Russell were injured as they pulled a 6-year-old girl from a fire. Four firefighters from Elyria saved the 56-year old life of Russell Bowles, who wasn't breathing and had no heartbeat. They used a defibrillator to bring him back to life and then rushed him to the hospital.

In August, an Elyria Township firefighter was injured by a gas tank explosion as he was responding to a house

fire. In Akron, fire captains Albert Bragg and Charles Twigg arrived at a house fire and were told someone was still in the home. Without hesitation, they ran into the house. They found the man and they carried him to safety. And when a man in Brunswick was experiencing a type of cardiac arrest known as the "widow maker" because it almost always results in death, it was firefighter Russ Merhaut and his fellow team members who arrived on the scene and resuscitated him.

First responders not only keep us safe, they also actively support our communities. This year, Barberton police officers and firefighters helped raise about \$1,800 for the Youth in Action fund during the Police versus Fire Olympics. In Strongsville, the fire department plays an active role in Safety Town, which is a fire safety program that teaches children about fire safety and prevention.

We can sleep soundly at night knowing that these men and women are here to serve and protect us. But all too often, their service comes at a costly price. Each year, approximately 80,000 of our Nation's firefighters are injured. And last year, 103 firefighters were killed. Those who have made the ultimate sacrifice put their community and their neighbors above their own lives. And even though our departed firefighters are no longer with us, the lessons they taught us will last forever. Their noble and unrelenting allegiance to public service embodies the American spirit, and I cannot imagine better role models.

For these reasons, our Nation's firefighters and first responders deserve our continued praise and support. H. Res. 731 expresses our great appreciation for these great men and women. However, true support should come in the form of job stability. Protecting the jobs of our first responders is a top priority in ensuring the safety of all communities.

I was very pleased that language included in the supplemental appropriations bill this year expanded the use of the SAFER grants to allow communities to retain and rehire firefighters. Communities in my district are looking forward to applying for those grants that they so desperately need.

Given the economic hardships currently facing our country, these grants are critically important to the wellbeing of our firefighters and communities. Far too many communities have had to lay off firefighters. And as we all know, these fire department closures cause response times to be longer. This can be risky for emergency callers as well as for our firefighters because a working fire has more time to grow and become more dangerous.

Lorain firefighters need these SAFER grants, and Fire Chief Tom Brown is ready and waiting to apply



for them. Elyria firefighters need these SAFER grants, and Elyria Fire Chief Rich Benton is ready and waiting to apply for them. In Akron, 38 firefighters have been laid off. Our firefighters are people with mortgages and young children. Akron firefighters need these SAFER grants, and Fire Chief Larry Bunner is ready and waiting to apply for them.

Competition for the estimated \$630 million for the entire country will be intense. In 2008, 72 firefighters protected the city of Elyria, but today only 46 are tasked with the duty. And our union presidents like Dean Marks and Jon George are working hard to preserve jobs and the safety of their communities. The IAFF and the OAPF are working hard to protect the jobs of these brave men and women.

Our Nation's first responders can never be thanked enough for their efforts. Through this resolution, we recognize their brave work, and it does not go unnoticed. We salute the sacrifices and commitment to our State and local government officials for their efforts to keep our communities safe and deter acts of terrorism. Let's get those SAFER grants out.

□ 1845

#### CZARS NEED TO BE CONFIRMED BY THE SENATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, the reason I rise tonight is to follow up on my good friend Mr. POE of Texas. He was talking about 45 czars being appointed by the President to run this government in large part. The thing that bothers me about that and what Mr. POE said is that these people do not have to go through the normal process of confirmation in the Senate.

The reason we have that process of advice and consent of the Senate is to make sure that the people that are being appointed are not only capable of doing the job, but they don't have anything in their closets that is going to cause disrepute, disrespect, or anything on the administration. But the administration continues to appoint these people as czars in large part, I believe, because he doesn't want the American people to know their backgrounds.

We've had people that have been appointed who are admitted Communists, people who have been appointed who have been involved in supporting nefarious activities and deviant kinds of activities, and it just seems to me that the American people need to know those things. But unfortunately, the administration continues to appoint these czars because they know they do not have to go through the confirmation process. I think that's just wrong.

So, if I were talking to the President, I think if the American people were talking to the President tonight, as would Mr. POE, my good friend from Texas, would like to say, Hey, let's have these people unveiled. Let's find out what they're all about before they take on positions of responsibility, positions that spend taxpayers' money and make decisions on how this government is run. We need to know what kind of people they are. We need to know their backgrounds.

So I would just like to say, if I were talking to the President on behalf of the American people, Let's go through the regular process, Mr. President, just like you do with Cabinet appointees. Make sure that there is a background check done on them by the FBI so we know what they're about. Let's make sure they go through the confirmation process, through the Senate, through the committee system and are voted upon by the United States Senate so that they are confirmed. And if we do that, we'll know that they're competent people, honorable people who will do the job for the American people and not people that we're going to be embarrassed by later on.

#### IN AFGHANISTAN, "EIGHT IS ENOUGH" TO PROVE THERE'S NO MILITARY SOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, today is the eighth anniversary of American involvement in Afghanistan. America will soon be at war in Afghanistan longer than we were in World War I, World War II, and the Korean War combined.

For 8 long years we've been trying to find a military solution in Afghanistan, but we have not succeeded. Hundreds of billions of dollars have been spent, and over 850 of our brave troops have died, but the insurgency continues to grow. Now President Obama is being urged to double down on the military option. Some people believe that all we need to do is send in 40,000 more troops, and then we can roll out the "mission accomplished" sign. But the last 8 years of fighting, Madam Speaker, have proven beyond doubt that there is no military solution to Afghanistan, and escalating the war now will only make things worse, not better.

A study done by the Carnegie Endowment for International Peace found that "the presence of foreign troops is the most important element driving the resurgence of the Taliban." That's why I have joined with 56 of my colleagues in the House on both sides of the aisle to send a letter to President Obama urging him to reject calls to increase the number of combat troops in

Afghanistan. But I'm not urging the President to walk away from Afghanistan; far from it.

America needs to stay involved, but we need a winning strategy, and that means understanding the plight of the Afghan people and what they need so that they can reject the Taliban and violent extremism. They desperately need food, education, economic development, agricultural enrichment, better infrastructure, protection from disease, and a government that they can trust.

Afghanistan is easy pickings for violent extremists because it's virtually the poorest nation on Earth, and without assistance from the outside world, the Afghan people have little hope for a better future. The United Nations issues its annual Human Development Index on Monday, and it ranks the countries of the world on criteria such as life expectancy, literacy, school enrollment, and gross domestic product. Out of 182 countries, Afghanistan ranks 181, next to last.

That's why, Madam Speaker, the United States must break from the military-only approach that hasn't worked for the past 8 years and change our mission to emphasize development, reconstruction, humanitarian aid, and civil affairs. NGOs and military forces can be directed to support these efforts. That would improve the lives of the Afghan people, and it would achieve the crucial goal of removing the impression that America is an occupying country.

We must also step up our diplomatic efforts. We've got to do a better job of engaging all the Nations in the region that have an interest in stabilizing Afghanistan. President Obama himself has recognized that military power alone is not the answer to our problems. In his inaugural address, he said that—and I quote him—"Our power alone cannot protect us, nor does it entitle us to do as we please . . . Our power grows through its prudent use (and) our security emanates from the justness of our cause, the force of our example, and the tempering qualities of humility and restraint."

President Obama is right to believe that America does best when we demonstrate our commitment to peace, to democracy, to human rights and progress.

Madam Speaker, I urge the President to remember his words and use them to guide his decisions about Afghanistan in the coming days. If he does, he will take important steps toward defeating violent extremism and making America and the world safer.

#### HONDURAS' UPCOMING ELECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROSLEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I rise tonight to express my strong support for the upcoming November elections in Honduras and to underscore my ongoing concern with the current U.S. policy toward this Central American nation and its people.

I have just returned from Honduras, where I had the opportunity to see with my own eyes what is happening on the ground there. Let me tell you, Madam Speaker, it's very quiet on the streets of Tegucigalpa. Despite the efforts of the pro-Zelaya camp to create the impression that chaos is reigning in Honduras, there are no fires burning in the streets, there are no massive protests urging Manuel Zelaya's return, no collapse of democratic order or institutions.

I met with officials of the constitutional, democratic Government of Honduras. I met with Honduran civil society. I met with their religious leaders. I met with the Honduran press. I even had the opportunity to meet with some of our fellow Americans who are living in Honduras now. And through it all, there was a very consistent and a very clear message. That is: The Honduran people are committed to the defense and the protection of their democracy, of their constitution, of the rule of law.

The people of Honduras do not want Manuel Zelaya back in office. The Honduran people do not want outside actors infringing upon and determining their democracy and their rule of law. For the Honduran people, the November 29 elections are the solution, they are the way forward, and I couldn't agree with them more.

I introduced House Resolution 749. What does it do? It calls on Secretary Clinton to support the efforts of the appropriate authorities in Honduras to ensure that the November elections are free, are fair, are now transparent.

It calls on President Obama to recognize these elections as an important step in the consolidation of democracy and the rule of law in Honduras. No matter how one views the events of June 28, it is critical that the implementation and the recognition of the validity of the November 29 Honduran elections remains separate and independent from the current political fray.

The date of the elections, the presidential candidates, and the presidential term were determined long before Zelaya's removal, and nothing has changed since then. Again, the Honduran electoral process is continuing in accordance with the Honduran Constitution.

The U.S. has historically recognized free, fair, and transparent elections as a fundamental component of a democracy. So why now is the U.S. so quick to admonish what appears to be the only viable way forward for a peaceful resolution in Honduras? How could the U.S. help to open the door to the Cuban

tyranny to rejoin the Organization of American States but yet push for Honduras' expulsion because the Honduran people defended their constitution and their democracy? How could the U.S. directly engage with Ahmadinejad, let him into the United States to address the General Assembly at the United Nations yet revoke the visas of the constitutionally democratic constituted representatives of the Honduran Government? These are all questions that I have been asking officials in this administration and have been asked time and time again.

Madam Speaker, I'm concerned that if we in the U.S. continue along this misguided path and continue to impose this misguided Zelaya-centric policy, that the goodwill and the respect and the admiration that the U.S. currently enjoys in Honduras will now start to dissipate. We can't afford for that to happen. The United States has always been the beacon of democracy. How can we take this undemocratic way forward for Honduras?

I'm deeply concerned about the impact that this action will have on our U.S. security interests as well, Madam Speaker. After all of my meetings and briefings and during my visit in Honduras, I'm more concerned and more convinced than ever that the current U.S. approach is severely undermining our immediate security interests in Honduras—in fact, in Central America as a whole—and it will significantly impact and have detrimental long-term ramifications for the stability and the security of our hemisphere.

But there is still time to reconsider. There is still time to correct our wrongs and find a way forward, and that can begin with the U.S. Government publicly announcing that it will respect the sovereignty of the free Honduran people and respect what it says in the Honduran Constitution, that the U.S. will support the will of the Honduran people and recognize free, fair, transparent elections in Honduras this November. The future and the will of the Honduran people are far too important to let Manuel Zelaya or his puppeteers run the show any longer.

#### BATTLING BREAST CANCER THROUGH HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Madam Speaker, I would like to offer my sincere thanks to my colleagues and friends Congresswoman WASSERMAN SCHULTZ and Congresswoman MYRICK for their incredible courage and leadership in fighting for those who are affected by breast cancer.

October, as we know, is National Breast Cancer Awareness Month, and I can think of no better way to honor

and support the women living with this disease or to honor the memories of those who have lost their battle with breast cancer than to help raise awareness by sharing some of our own personal stories. Each one of us has a personal story to tell about how breast cancer touched the lives of our families and has changed our lives, and I'm no exception.

My mother is a breast cancer survivor. She beat this disease several years ago, and I'm so proud of her for the strength and the courage that she has shown throughout a very difficult journey. She has served as an inspiration to me to be a voice here in Washington, not just for her, but for the hundreds of thousands of women and men who are diagnosed with breast cancer each year.

For far too long, our Nation was silent about this disease because of a pervasive fear and stigma. Thankfully, education and advocacy efforts over the past several decades have empowered survivors to come out of the shadows and walk down the Halls of Congress to demand action.

It's because of my mother and the Rhode Island advocates who I am so proud to represent that I joined with a strong majority of my colleagues to fight for increased funding for research at the National Institutes of Health and the Department of Defense so that we may continue to advance lifesaving treatments for breast cancer patients everywhere.

However, this is not just about research. We must also ensure that every patient has access to proper medical care. I believe that the only way to do this is through comprehensive health insurance reform.

□ 1900

Madam Speaker, Congress certainly must pass a bill that covers preventative services such as mammograms and MRIs, that eliminates discriminatory exclusions for individuals with pre-existing conditions, and ensures gender parity. I strongly believe that access to quality health care should be a fundamental right and not a privilege for the wealthy who can afford it.

I hear stories daily from friends and constituents whose lives are turned upside down due to a cancer diagnosis. Our Nation can and we must do better. Together we can make a difference in the lives of breast cancer patients everywhere.

I would like to once again acknowledge my colleagues here this evening for speaking out in the fight against breast cancer, and I look forward to my continued work with them in the future.

# CONSTITUTIONALITY OF HEALTH CARE REFORM LEGISLATION PENDING CONSIDERATION BY THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Madam Speaker, I rise tonight to address this body about a document that is sometimes forgotten. A document that gives meaning and purpose to what we do in this body, that in fact is the basis upon which this body actually exists. And that is the Constitution of the United States.

For over two centuries, this document has been the foundation for our free people. It has become the model for other governments who have copied it around the world. And yet too often it appears that the very document that is the core of our liberties, the core of our existence in this representative democracy, is overlooked in this body. It's as if it were treated as a document of antiquity to be given proper respect in the Library of Congress but to be paid no attention to in our deliberations here. I think that is quite ironic.

I had a town hall meeting this weekend, and one of my constituents raised the issue of the constitutionality of one of the bills that are pending before this body. I promised him I would address that issue, and that is what I intend to do very briefly this evening.

When those 56 men met in Philadelphia, they understood the significance of trying to write a document that controlled the actions of legislative and executive bodies. And they did a very good job of it. Over these two centuries plus, there have only been some 27 amendments that have been adopted.

It used to be that when Congress would legislate on an issue that it would preface it with the constitutional basis upon which the legislation would be even authorized to be considered. That practice has, unfortunately, been abandoned. For those who are familiar with our Federal courts, it is not unlike what a party going into that court would be required to do, and that is to specify the basis on which the Federal court has jurisdiction to consider the issue that is presented to the court.

I think we should do the same thing here in this body. We should ask ourselves the question before any piece of legislation is even considered, Upon what basis of the Constitution do we even have a right to consider to legislate on this subject?

Now, this subject is not just something that I want to talk in generalities about. I think we have a concrete example of a piece of legislation where the core issue is that of its constitutionality, and that is the health care reform legislation.

Now, admittedly, Congress has, under the commerce clause of the Constitu-

tion, reached into many realms of our activity in this country. But here in this bill there is one central ingredient, and that is the mandate on an individual that they must purchase a health insurance policy. Now, I think that is where the unconstitutionality of that proposition rises to the fore. And I suggest it for this reason:

First of all, it imposes what is presumed to be a tax if you do not comply. I think it is very clear under the interpretations of our Constitution that Congress cannot impose a tax unless it first has the authority under other parts of the Constitution to regulate the activity, namely the commerce clause or some other designated ability to regulate under the enumerated powers of the Constitution. Here there is no such enumeration. And certainly buying a health insurance policy, the requisite of that is not engaging in interstate commerce. Somebody doesn't go to the doctor to engage in interstate commerce; they go for their own health care concerns.

Some would argue, well, we mandate that people have to have automobile liability insurance. I remind them that it is a quid pro quo in which the State issues a driver's license as a condition for requiring the mandate of insurance. We do not issue a license to the citizens of this country to breathe or to exist. Therefore, by what right do we have the ability to impose a personal mandate?

Now, this issue is not new. I want to quote from a report from the Congressional Budget Office back in 1993 when they were considering the Clinton health care proposal, and I quote:

"A mandate requiring all individuals to purchase health insurance would be an unprecedented form of Federal action. The government has never required people to buy any good or service as a condition of lawful residence in the United States."

## HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. CHU) is recognized for 5 minutes.

Ms. CHU. Madam Speaker, America has made great strides in the last century to provide rights and protections to our most disadvantaged communities. Laws were made that limited the workday and made it illegal for companies to profit from child labor. Women were given the right to vote. The Civil Rights Act codified Martin Luther King's dream by ensuring that all people of color could obtain equal rights.

But the fight is not over. People are still trying to deny Americans equal protection under the law for being who they are. Yesterday Republicans tried to block an important provision to protect gays, lesbians, transgenders, and

bisexuals from being targeted, harassed, injured, or even killed due to acts of bias and hatred. The Matthew Shepherd Hate Crimes Prevention Act would give the LGBT community the same protections already provided to other groups that have been discriminated against in our Nation's history.

Many are familiar with the hatred and bigotry perpetrated against people of different races and religions. Take the case of Kenny Chiu, a 17-year-old Asian American from Orange County, California, who was simply standing in the driveway of his own home when he was grabbed and brutally stabbed 26 times. In the last hour of his life, he was able to identify his killer. It was his 20-year-old next-door neighbor, who was a Neo-Nazi sympathizer and was looking for a minority to kill.

But members of the LGBT community face the same harassment every day just for being who they are. Larry King was a gay eighth-grader from Ventura, California, who used to come to school dressed differently. He was the subject of great harassment. Other boys made fun of him, called him names, and threw wet paper towels at him in the boys' restroom. Then one morning behind the computer lab at his junior high school, a fellow classmate shot him twice in the head. In contrast to the case of Kenny Chiu, Larry King's murder is not covered by our Federal hate crimes law. This must change.

When asked by my constituents why I support this bill, I describe my experience as Chair of the California State Assembly's Select Committee on Hate Crimes, where I held hearings on hate crimes across all the communities of the State. After hearing these horrific stories and listening to their heartbroken families, I know I cannot fight for the civil rights of one group without fighting for the civil rights of the other. Things will not change until people stand up and say we will not tolerate making anybody in America a second-class citizen. As long as intolerance exists, as long as there are people out there that turn a blind eye to hate and bigotry, then we as a human race are doomed to repeat the horrors of the past.

In California what happened to Larry King is considered a hate crime. It is one of only five States in the Nation that include sexual orientation and gender identity in the definition of a hate crime. But in the Nation many are left without such protection because Federal law leaves many States without the resources or expertise to effectively investigate and prosecute bias-motivated violent crimes in the LGBT community. That is why tomorrow we must pass the Matthew Shepherd Hate Crimes Prevention Act so that every teenager who goes to school can be who they are knowing they are protected by the United States of America.

### SAVING A MILLION JOBS AT \$787,000 PER JOB

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, in a column last month for RealClearMarkets, businessman Bill Frezza took on the idea that the stimulus package had somehow "saved" jobs in America. He writes:

"The White House Council of Economic Advisers said Thursday the \$787 billion stimulus plan kept 1 million people working who would otherwise not have had jobs.

"You wouldn't let me stand up and make the simplistic claim that these million jobs were saved at a cost of \$787,000 per job without challenging the details of my accounting, would you? Surely reality is more complex.

"But when the White House Council of Economic Advisers calculated the number of jobs saved by our government's massive stimulus spending, how is it that they entirely neglected to account for the impact on employment of removing \$787 billion from the balance sheet of the private economy?"

He continues by discussing those from the White House Council of Economic Advisers who make these dubious claims about the so-called "saved" jobs:

"They never had to meet a payroll," Mr. Frezza writes. "They never had to raise money to fund their businesses from skeptical investors. They never bet their life savings on their own business judgment. They never had to scramble to pay off a banker who called in a loan. They never had to decide whether to take a calculated risk to expand their workforce, hoping to take market share from a fierce competitor. They never had to make a judgment call on whether or not to launch an unproven new product. They never had to manage a new reduction in force, explaining to employees that their jobs have been eliminated because the tax and regulatory burdens imposed by some new law forced them to cut costs.

"They never lost business to a government-subsidized competitor whose cost of capital was vastly lower than theirs. They never had to grease the palms of politicians offering constituent services to resolve a bureaucratic hangup caused by the labyrinthine government approvals these selfsame politicians inflict on many businesses.

"They never had to deal with a missed sales forecast caused by an economy so roiled by capricious and uncertain fiscal policy that frightened customers were holding back orders. They never had to deal with a key supplier that unexpectedly went bankrupt because their source of credit dried up as dollars got sucked out of the com-

mercial economy into government debt. They never had to negotiate with angry landlords after being forced to shut down a business destroyed by spurious mass-manufactured class-action suits. They never had to stand up in front of disappointed investors to explain why they lost money that had been entrusted to them.

"And you can be sure that none of them ever fell on their face and had to pick themselves up, dust themselves off, and decide whether it was worth going through all the joys described above to take another shot at building a business from scratch."

Then he launches into his final broadside against the assumption of the council's economists:

"All three have Ph.D.s from fancy universities," he writes. "They are prize-winning experts in macroeconomics. To have come this far, you can bet they are ambitious, articulate, well connected, and brilliant. Yet when the Council of Economic Advisers did its calculations to determine the numbers of jobs saved by the stimulus, they shamelessly counted assets and totally ignored liabilities.

"People this smart cannot be easily fooled. People so visibly in the public eye cannot remain willfully blind.

"No, these people and those who appointed them are cunningly smart. It's we who are the fools for listening to them. Long after these experts return to their sinecures in academia to train another generation of economists on the wisdom of central planning and Keynesian pump priming, it's we and our children and our grandchildren who will be paying the price."

□ 1915

### THE MACKAY FAMILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Yesterday I came on the floor, and I introduced this body to the Mackay family, a doctor of 30 years, a certified orthopedic surgeon in our community. Dr. Mackay, as has been alleged by the Drug Enforcement Administration, has been giving improper prescriptions to patients in a way that has caused addiction within our community.

Now, the investigation had taken apparently about a year, starting in 2007; but I wanted to pick up the story of this family on June 6 of 2008.

It was on that day that a hard knock came on the door of Dr. Mackay's home. He said it was so loud he thought that had he not answered the door quickly they would have broken the door in, but he did answer the door.

In a rush, 20 agents in full riot gear and armed, they handcuffed Dr. Mackay, took him to the front room,

sat him on a chair, and then stuck a gun in his stomach. His wife was also escorted into the front room and held at gunpoint for 4 hours. DEA did not have a search warrant at this time. They said one was coming as they were going through his office at the same time. And sure enough, after the 4-hour ransacking of his home, they finally did show Dr. Mackay and his wife the one-page search warrant.

I suppose he could have objected earlier to that, but usually when a gun is pointed at your stomach, you have a tendency not to be too talkative in those situations.

What they did in his office is take almost two-thirds of his files, hundreds of patients' files. In his personal home, they confiscated all of his personal records, his tax records, his children's personal records. They downloaded his computer, his cell phones; they took his textbooks and medical journals. They also confiscated his savings and checking account and put a hold on his retirement fund. They also took both his car and his truck.

They did not at any of this time charge him with any crime. They didn't arrest him for anything. In fact, if the issue is prescribing improperly prescription drugs, they did not take away his license to be a doctor. He could still function as a doctor, I suppose, if he could walk to work. And he did. The State of Utah never did go after his particular license.

However, with all of his money confiscated, he is relegated to a position of no money for food, which is okay because he has no vehicles to drive to the store if he needed to. For several months his family survived on the food storage that they had put away as a family for an emergency situation. And during this time, once again, there have been no charges, no arrests; but his property has been confiscated.

He was finally able to get enough money together to hire an attorney; and in November of 2008, 5 months after the initial raid, he went to court. And the courts did demand that some of his property be returned to him. He was given his pension fund back. He was allowed his car but not his truck, nor was he allowed access to his personal savings account or to his personal checking account. Nor was he allowed access to his files or to his textbooks. I have a hard time wondering why DEA, the Drug Enforcement Administration, wants his textbooks and his truck; but they kept them.

Everything he has done up until this time is in trying to meagerly pay off defense bills that he is now accumulating to try and clear his name.

Now, I don't want to give an opinion as to the element of what may or may not have been the legal situation here. I can say from my understanding of this family and the situation that is involved that I do not find Dr. Mackay or

his family to be a threat to our community. In fact, if one looks at the sworn statements from almost all of the physicians in our area, they do not find Dr. Mackay a threat to our community. If I read the letters to the editor in our local paper, the constituents' mail that I have read, no one still considers his family a threat to the community.

Nevertheless, this family, since June of 2008, has been terrorized, a profession has been destroyed, a reputation has been besmirched, property has been confiscated; and still there are no charges, there are no arrests.

Justice, as I always understood it, is supposed to work in a way in which the bad guys are accused and charged and then go before a judge and a jury of their peers. That has not been the situation.

And with that, Madam Speaker, I appreciate the time here. And what I would like to do is once again come in for installment number three, because this story of the Mackay story is not over, and tell you what has still continued to happen to this family in contradiction of what could be or should be the rule of law.

#### HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Madam Speaker, thank you for this opportunity to once again take a look at some of the very significant questions that face our country this evening in this 1-hour. We're going to be taking a look at the subject of health care in America, something that has absorbed the attention of citizens and political leaders now for a number of months. Something that is, of course, important to every single one of us.

We each have to live inside the bodies that we have, and how health care is run in this country is not only very important from a financial and economic and policy point of view; it's very personal because it's our bodies, after all.

So what we're going to take a look at this evening once again is the question as to what are the reforms that should be made in American health care.

Now, sometimes people when we deal with this want to say that everything is wrong; we need to just burn the entire barn down and start completely over. But of course people from foreign countries that have millions and millions of dollars come to America all the time as their choice for the best health care that they can buy anywhere in this planet.

So, certainly, there are many good aspects to our health system even

though it may need some reforms in some areas.

What is being proposed here is not minor. In fact, that's one of the problems with the fact that legislation has not moved in months on the health care subject and that's because what was being attempted is to do a great, great deal. What's being attempted is the government, essentially over time, is going to take over 18 percent of the entire U.S. economy, that is, the government is going to run the health care system.

Now, this is a rather bold proposal. When Lyndon Johnson discovered hunger as an issue, he didn't propose that the government was going to take over all of the grocery stores and farms and all of the trucking in between, but rather that he would propose food stamps. This, instead, is the idea the government is going to take over everything in medicine over a period of time.

So the question is, is this a good thing. Does it really meet the problems, and what are the potential dangers of it.

When the government does too much, we have seen a pattern in the past of things that happen. We have examples of England and Canada where the government is running their health care systems but also examples in our own country of government getting involved in things that it's not very well positioned to do. And we see some inefficient allocation of resources, excessive expenses, degraded quality, and bureaucratic rationing. All of these are part of what can happen if the government does too much.

In fact, it led someone to quip, If you think health care is too expensive now, just wait until it's free.

One of the things that happens when the government does too much is they tend to make things very complicated. This is a chart that we have that tries on one chart to summarize a 1,000-plus-page bill. All of these different groups—the heart, of course, is not really a czar, but it might as well be a czar. It's either a commi-czar—we're very, very fond of czars lately. And commi-czars are I guess a sort of a form of a czar, but it's telling everybody what they're going to do in health care.

But this is an organization chart, and I've often thought we can almost turn this into a maze. And we can put the patients here and the doctors over there, and we can see and give people a crayon and do it as a doily, and they could see if they could get their patient over to the doctor. I am not sure whether it's possible to do that or not, but it would make a good maze.

This is a good chart that we have trying to depict what happens when the government takes over 18 percent of our economy.

Another aspect of that is an objection that the President has tried to respond to.

He says, Here's what you need to know. First, I will not sign a plan that adds one dime to our deficits either now or in the future. Period. Boy, that's reassuring to have the President tell us that he's not going to sign a plan that adds one dime to our deficit either now or in the future. That's reassuring, if it were true.

Well, this is what we've got going so far this year. We've got the Wall Street bailout, that's \$350 billion; economic stimulus—I don't think it's really stimulus—but whatever it was, it was mostly just increasing government programs, \$787 billion; SCHIP at \$6.6 billion. Then there's the appropriations bills at \$410 billion; and IMF bailout. And then you've got some taxes, also.

So when you put it all together, we're talking about a total of \$3.6 trillion. I don't have a lot of confidence with this level of spending that this idea about one dime, he's not going to add one dime to the deficit when we've got \$3.6 trillion that we've already done this year. Somehow this is not reassuring, this promise that he made.

Most of this plan can be paid for by finding savings within the existing health care system, a system that is currently full of waste and abuse. Of course, our health care system—I don't know of anything in our budgets that say waste and abuse. So you can just delete a line that says waste and abuse all through it.

But he says this will be paid for by savings within the existing health care system. Well, what is he talking about?

Of course, what he's talking about is taking \$500 billion out of Medicare. I don't know if that makes the older people in my district very happy to know that we're going to take all of this money out of Medicare to try to pay for the thing. In fact, what's the track records of these great big socialized programs? You've got Social Security, Medicare, and Medicaid; and if you take a look at the projected trend in these things, by the time you get up here to about 18 or 20 percent, you just can't raise taxes enough to pay for them.

What this chart is saying is when you see the growth of Medicare, Medicaid, and Social Security, they will eventually absorb the entire Federal budget.

So we've got Medicare and Medicaid, government-run socialized-type programs, and they're out of control economically.

And so the President says, Well, don't worry, but this one is not even a dime. I don't know that that really helps a lot.

I am joined by several good friends of mine, one I just found out is a Ph.D., and I didn't realize that we had a Ph.D. joining us.

But I would yield the floor to the good doctor.

Ms. FOXX. Well, I want to thank my colleague from Missouri. It's not important what credentials we have. I think it's important how we feel about serving the people that we serve, and so—if I have any accolades for myself, it's that I want to be known as a Member of Congress who cared for her constituents and worked hard to serve them. But thank you for your recognition.

I just heard tonight on the news about a study that evidently came out last week that somehow or another I missed it. And it fits into what you're talking about there. I am not sure if you've heard about it.

There's a GAO report that came out, I think September 29, and there was an article about it in USA Today: "Millions in fraud and drug abuse clogs Medicaid."

Now, I know the President has said that he expects to fund a lot of the health care bill, the government takeover of health care with weeding out waste, fraud, and abuse; but that's never happened in any kind of government plan, as you say. We don't have a line item in the budget that says we're going to reclaim X amount of money from waste, fraud, and abuse and plug that into the system. Perhaps we should do that.

□ 1930

But if we have waste, fraud and abuse now, wouldn't it make sense for us to just go ahead and go after that?

Let me tell you about that. It is a staggering study with staggering results. An audit of the government program Medicaid in five large States found 65,000 instances of beneficiaries improperly obtaining potentially addictive drugs at a cost of about \$65 million during 2006 and 2007, including thousands of prescriptions written for dead patients or by people posing as doctors.

You know, we could save millions of dollars and we should be doing that whether there is any health care plan out there or not.

Mr. AKIN. Congresswoman FOXX, how is it that dead people could be eating all of those narcotic drugs? That is kind of an interesting equation, isn't it?

Ms. FOXX. Well, I think what is happening is you have people who are addicted to drugs, and they figure out ways to get prescriptions written. What they did, the GAO looked—well, the program for low income and disabled Americans, run jointly by States and the Federal Government, underwrote, get this figure, more than \$23 billion in drug costs last year.

Mr. AKIN. \$23 billion in drug costs?

Ms. FOXX. For drugs alone in the Medicaid program.

Mr. AKIN. Drugs in the Medicaid program.

Now, just sort of seeing where you are going, if you allow me, what this

makes me think is that the government is running this program now. If the government is so efficient in running this program, what confidence does that give us that the government should take care of your personal and my personal health? Is that the direction you are going in?

Ms. FOXX. Exactly. Here is a program that has been around since 1965, I believe I am right, and yet we have millions, potentially billions of dollars of fraud, and the government hasn't been able to figure out a way to collect that money or to stop it from happening. That is my concern. And it deals only with a rather small segment of our population. Here the government wants to run health care for everybody in this country. Imagine the kind of fraud that we are going to have, because there is no incentive when you have a government-run program to knock out fraud, waste, and abuse.

People in the private sector, people either are punished or rewarded, depending on what direction they go in. That doesn't happen with a government-run program. This is just the tip of the iceberg.

Mr. AKIN. If that happens in a short period of time, what happens when the program gets older and older and gets more encrusted with bureaucracy?

We are joined here by Congressman BISHOP who has shared with us some very good insights in the past.

Mr. BISHOP of Utah. I thank the gentleman from Missouri very much.

The gentlelady from North Carolina may be by her degree and education a good doctor. I at least directed and starred in the play a couple of times, if that helps. That is as close to "The Good Doctor" as I can get. And the way I did Neil Simon's play is not a pretty sight.

Mr. AKIN. I just want to add a couple of elements to this. I had a constituent who came into my office today talking about how the Senate intends to pay for this new health care plan to try to reduce it: by adding a fee on medical devices to try and raise \$4 billion.

Now I hate to say this, we all know that companies don't pay taxes. They pass on the fees. And I find this somewhat incredible that we are in a situation here, to pay for the Senate health care plan, we are going to add to the cost of those who will be using the Senate health care plan and somehow say that is not an additional cost to anybody.

I find it difficult to figure out how this system has evolved into the way it is, but it seems very clear that we do not have a handle on what this will cost. We now are stretching and scratching and clinging for any kind of straw to try and give some reason to say this can work, when in reality we don't have a system involved that makes it work.

Part of the reason it doesn't work is I think we have missed the focus of the

problem and the issue. The issue is not insurance. The issue is the cost of health care. What we should be looking at, which is not allowed to be debated on this floor or in the Senate committees, is how to bring down cost of health care as opposed to how to make sure everyone has some kind of health care coverage.

If you have insurance, the cost is still too much. We should be looking at a different approach than what we are doing, because we are playing game after game after game on this issue.

Mr. AKIN. It strikes me, not dealing with tort reform, you can talk to any physician, that builds a lot of cost into medicine. Although the President made sort of a passing reference to it, there is no genuine interest in dealing with tort reform, which is something that Republicans do support.

We are blessed with a couple of doctors here tonight. Dr. PRICE is also joining us. Let's talk a little bit about the cost of all of these things.

Mr. PRICE of Georgia. Mr. AKIN, I appreciate your leadership on this and always bringing truth to these issues on the floor of the House.

As you mentioned, before I came to Congress, I practiced medicine. I was an orthopedic surgeon and took care of patients for over 20 years. One of the things that I recognize and certainly my patients recognize is that when the government gets involved in the practice of medicine, which is what they do when they stick their fingers in the pot, it confounds things.

You had a chart up earlier on the machinations, the diagram of the plan. There it is. This chart is astounding to me. I have shared this with my town halls back home, any number of them, and what I ask folks to look for on that chart is not whether they can figure out all of the lines and boxes and squares and triangles, but I ask them to concentrate on the colors on the chart, because every single configuration on the chart is a new bureaucrat or new bureaucratic program.

When they recognize that they say, Oh, my goodness, that is not what I want for my health care, because they know that already in place, either through the government or through the insurance companies, the bureaucrats make it incredibly difficult to get the kind of care that they desire.

The good news is we don't have to move in that direction, and I know that we are going to talk about that some tonight, the solutions. There are positive solutions that put patients in charge. I appreciate you bringing that chart because it points out the increase in bureaucracy which will increase cost and decrease the quality of care, just that diagram right there.

Mr. AKIN. Just thinking for a minute, you've grown up in the medical profession. I actually came out of engineering. I used to work for IBM

and some businesses, but I have also been a legislator for some number of years. One thing that we all experience as legislators, we have our constituents call us up and they have a problem and they want us to help them fix it.

Now I am picturing to myself, on top of everything else we have got, now we have people calling us and saying, you know, my dad needs a hip replacement and he went to the government bureaucrat and the bureaucrat told him he is too old and he can't get his hip replacement. Also, my mother needs a heart bypass. And, Congressman, won't you go to bat with this bureaucracy and get them to give medical care to my relatives? And we are supposed to take a look at this mess and say somehow we are going to get past all of the rationing for health care and bureaucracy and are supposed to get people the medical care that they need. It is asking too much of people's Congressman. Anybody who sets this system up is just creating a complete disaster.

Mr. PRICE of Georgia. I appreciate that point because we do. We get calls from our constituents all the time to help people work through the morass of government bureaucracy in whatever arena. I get calls about the passport office or the post office or the IRS when they have a challenge with them. We may talk about that in a moment. If you think about just the calls that you get on Medicare and Medicaid and the VA health system itself, and some of our colleagues on the Indian Health Services, it is astounding the challenges people have just to get through, the ability to be able to be seen by a doctor and get the kind of care that they want.

What this administration apparently wants and the Speaker wants is to turn all of us over to a bureaucracy that would increase certainly the number of folks calling our offices and trying to work through that bureaucracy because they will never figure it out because that is not the role of government to help them figure that out.

Mr. AKIN. The thing that scares me to death is my first experience as a State legislator was trying to get a left-turn signal put into a traffic light. Now, there was a lane marked in the pavement. They had a left arrow, but they didn't have a light that had a left arrow. That took me about 4 years and probably over 150 phone calls to the highway department to get them to put that little lens in there with a light that says left turn.

I am thinking, if I have trouble with that, how in the world are we going to make something like this work. This is just bizarre. Then I start to think who in the world would have the faith to want to put this system together. Let's take a look at how well our current different departments are doing.

You have the post office department known for its efficiency.

Then you have an energy department. It was created with the purpose of making sure that we weren't dependent on foreign oil. Oh, that is helpful to know that.

Then you have the people who took care of Hurricane Katrina and our emergency management services there.

Then you have the education department. They set some records, too, because a study was done of the U.S. Education Department and the conclusion was, if a foreign power had done to America what the Department of Education had done, it would be considered an act of war.

Then you have the CIA. Now, there is an interesting operation. In Gulf War I they tell us, well, Iraq is probably 10 years away from making a bomb. We get in there, they are 1 year away. Gulf War II they say they are 1 year away from making a bomb. We get in there and they are not doing it at all.

So we have all of these agencies with a great track record, and now we are saying, yeah, so let's turn our health over to the Federal Government. I mean, this takes a lot more faith.

I would yield to my good friend, Congresswoman FOXX.

Ms. FOXX. Well, I think all of these issues that you and Dr. PRICE, and he is a real doctor, he is an orthopedic surgeon and we are really glad he is around, but all of these things that you have brought up are extraordinarily important. But we might need to bring up another one that is very important, and that is that the American people have become awakened as a result of this issue of health care. I think it is the best thing that has happened to our country perhaps since the founding. People are saying we want to know what is going on and we are voicing our concern. They want to read the bills, and they are incensed that the bills are not being put online and out there for them to read and for us to read.

Mr. AKIN. Reclaiming my time, there may be some people here that have forgotten, but we took a vote saying that at least you should have a couple of days, especially on a thousand-page bill.

We have heard all kinds of promises about transparency from Speaker PELOSI, and yet the bottom line is it is not transparent at all. We do not have a chance to read bills. The spectacular one was the 300 pages of amendments passed at 3 in the morning and brought out here, and we are debating and voting on a bill on the floor and there wasn't even a copy of the thing here in the Chamber. It is almost laughable it was so silly. And the American public was going, we don't have to be very sophisticated, but we would at least like you to read the bills.

Ms. FOXX. Obviously the majority party hasn't learned any lessons because right now they have no bill in the Senate. They have been dealing with concepts.

Mr. PRICE of Georgia. Wait a minute. Are you telling me that the Senate is about to vote on a health care bill and they don't even have a bill?

Ms. FOXX. That's exactly right. They have no bill, and they are about to vote on it. They have even asked the CBO to score it, and the CBO has scored against an outline of what the Senate says it is dealing with.

Mr. PRICE of Georgia. So the Congressional Budget Office is trying to figure out how much this is going to cost, and they don't even have the text of the bill before them to figure it out; is that correct?

Ms. FOXX. That's exactly right. The American people should be up in arms.

Mr. AKIN. Jumping in here, I didn't realize that the economists who can score outlines are so smart.

□ 1945

I don't even know how I'd start scoring an outline of a bill when you don't have anything that says—that's really an amazing—I wonder if the American public is going to be impressed with the fact that we're scoring an outline of a bill?

Ms. FOXX. Well, I think the attitude of the people in the Senate is, we're smarter than the American public. We know better than the American public. That's really been the attitude of this entire Congress, and this administration, and that is, the American public doesn't need to read these bills. And, in fact, some Senators have said they're not smart enough to read them and understand them. I think even some House Members have said that. They don't expect them to read them and understand them.

But what we need is the transparency that the American people were promised. In the elections in '06 and '08, they were promised by the people in charge of this Congress, and by the administration, that we wouldn't have these kinds of shenanigans anymore, that the bills would be out there, they'd be out there for 72 hours, even 5 days before they'd be voted on. I believe the President promised 5 days after a bill was passed—he wouldn't sign it until 5 days had passed. That's not happened on any significant legislation, maybe no legislation that's passed in this entire House. We have a real need to hold people accountable in this body.

Mr. AKIN. Just reclaiming my time for a minute. You know, what has really encouraged me in the last 3 or 4 months is the American public is really engaged. They're starting to pay attention, and they're starting to make comparisons between claims and what the bill actually says, if they can get copies of it. Here's one. This is kind of an interesting deal. Again our President says, There are also those who claim that our reform effort will insure illegal immigrants. This too is false.



The reforms I'm proposing would not apply to those who are here illegally.

So I mean, this is what's being said by the President, and yet the public is starting to say, wait just a minute.

Ms. FOXX. Would the gentleman yield for just a moment?

Mr. AKIN. I do yield, lady.

Ms. FOXX. I see you have a wonderful chart here, and I want to say, isn't it true that the Republicans have put up on the Internet a section-by-section breakdown of H.R. 3200, so the public doesn't have to wonder are we telling the truth, is the President telling the truth? Are the Democrats telling the truth? They can go to the Internet or, in my case, I made these available to the libraries in my district. They can go read for themselves. Isn't that true?

Mr. AKIN. That is correct. People are starting to cross-check Congress, and they know the bills better than some of the Congressmen that are proposing them. And that's exactly what's happened. One of the things, and I don't know if it's quite as easy to catch on the Internet, lady, would be also these amendments. This is the Heller amendment, which was on that very subject of illegal immigrants. What this says: In order to utilize the public health insurance option, an individual must have his or her eligibility determined and approved under the income and eligibility verification system. In other words, what this is saying is, before you come and can get this socialized medicine and everything and tap into that that you, first of all, have to prove that you're a citizen.

So this amendment was offered in committee and the amendment failed, which doesn't give us a whole lot of room for confidence that we're really serious about cracking down on illegals who are illegally taking money out of the health care system.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. AKIN. I do yield.

Mr. PRICE of Georgia. Now, this is, again, a very interesting point. So the President is saying that none of the monies in this health care bill will go to cover medical treatment on a non-emergency basis for folks that are here illegally. That's what the President says, right?

Mr. AKIN. That's what he said.

Mr. PRICE of Georgia. And then we have an amendment proposed by Mr. HELLER from Nevada in committee that outlines the process that you'd go through to be able to make certain that that wasn't the case, and the amendment failed. And as I see on your chart there, the vote was taken on July 16. Fifteen Republicans voted in favor of it; 26 Democrats voted no. So 26–15, it failed because the Democrats apparently don't believe that you need to have any process in place to determine whether somebody's here legally. That's the only conclusion I can draw.

Mr. AKIN. That's correct. The bill has something in it that says well, illegals shouldn't access it, but there isn't any protection whatsoever in terms of the mechanics of the bill. So anybody who wants to can just walk right in and help themselves. And this amendment, I don't know if this amendment is available to the American public, but I think this pretty much says, you know, there's a huge difference between the two parties, first of all, and second of all, that this amendment really calls into question what the President is promising. And there's a whole series of other promises that we can talk about as well.

Mr. PRICE of Georgia. If the gentleman will yield, there is a spot where folks can go to look at the amendments that were offered in committee. In fact, I think there were 57 or 58 of them that failed virtually along party lines. It's at the Republican Study Committee Web site if folks were interested in doing that, colleagues were interested in going to the Republican Study Committee Web site and looking up, and there's a document there that has all of the amendments that were offered on the Republican side of the aisle in the three committees of jurisdiction, and the vote that was taken, and in fact what it shows time after time after time, as the gentleman from Missouri so well knows, is that the statements that are made by the President and by Members of the folks in charge here, the Democrat party in charge, so oftentimes are at odds with the policy that they're putting in place.

So they know what they want to tell their constituents, but in fact the policy that they put in place doesn't match what they're saying. And that's why I believe the American people have been so incredibly outraged over the past couple of months, because they don't see Congress doing what they say they're going to do or what they want them to do.

Mr. AKIN. You know, gentleman, that's exactly right. And the thing that I find perhaps encouraging at least, maybe it's a bright side to a dark cloud, and that is that the public is becoming aware of what's going on, and the mainstream media is putting this out. The President is putting this stuff out. And yet, you take a look at the polling information and the public is starting to pick up on this. And they're realizing that what the media tells them and what the President tells them just isn't true, just isn't true.

And as they start to read it, they start citing sections of the bill. And here's another one. This is perhaps—and I know we have a couple of doctors joining me on the floor here. If there's anything that as a patient is a big deal to me, if you want to boil health care down to one thing, I want the doctor and the patient to be making the deci-

sions. As a Republican, I don't like it when insurance companies stick their big nose into that relationship. The only thing I could think of that's worse than that is some government bureaucrat sticking their big nose in that relationship.

So here's another promise that the President has been saying, and this one too isn't true. First, if you're among the hundreds of millions of Americans who already have health insurance through your job, Medicare, Medicaid or VA, nothing in this plan will require you or your employer to change the coverage or the doctor you have. That's wonderful if it were true. But the trouble is, it ain't necessarily so, one more time.

Here's the first. There's a Congressional Research Service. This is an unbiased—it's very professional people that we use, count on them. Hear what they say, okay: Under this bill, this is PELOSI's bill, under H.R. 3200, a health insurance exchange would begin operation in 2013, would offer a private plan alongside a public option. And it goes on to say, it does not contain any restrictions on noncitizens. Well, this is the one about legal or illegal immigrants.

But here's another amendment that's along the same lines. This is Dr. GINGREY. Nothing in this section shall be construed to allow any Federal employee or political appointee, that means bureaucrat, to dictate how a medical provider practices medicine. This is the heart of what we believe in as Republicans, the doctor-patient relationship. This is an amendment offered. It says no bureaucrat's going to get in the way of your health care.

Mr. PRICE of Georgia. Does the gentleman yield?

Mr. AKIN. I do yield.

Mr. PRICE of Georgia. This is a remarkably important amendment that was offered in committee because, as a physician, my patients would literally bristle at the knowledge that somebody was affecting what I could do for and with them. But this amendment, which was offered in committee, this is not conjecture. This actually happened. Was offered in committee. And it said that nothing in the bill would allow any Federal employee or political appointee, these are nonmedical people, to dictate, that's the language, to dictate how a medical provider practices medicine. And the vote, as I see there, was 23 Republican and one Democrat supported it, so that was 24. And 32 Democrats voted no, which tells me, the only conclusion I can reach from that is that the Democrats want Federal employees and bureaucrats to dictate to doctors how to practice medicine. That's the only conclusion I can draw.

Mr. AKIN. You know, the thing that's scary to me about that is, the way the Federal Government's going to



go about that, they're going to start taking a look at your age and how much it costs and everything, and I'm getting to be kind of old. I mean, I just hit 62, and I'm not too encouraged by the idea of some bureaucrat saying, look you old geezer AKIN, you can't have that hip replacement that you need. I've been talking to you, Doctor, about getting some help with that because I've been limping around. We have Dr. BURGESS here, and I would just really appreciate it, as a medical doctor, if you could shed some light on the situation.

Mr. BURGESS. I thank the gentleman for yielding. I thank him for putting this hour together this evening. I think it's terribly important. Rumor mill out there is that we will have this bill next week or the week after on the floor of the House. People do need to be paying attention to this. I am on one of the committees of jurisdiction, on the committee of Energy and Commerce. We had this bill in our committee for a couple of weeks in July. I thought that it would pass along party lines and the Democrats would vote this favorably out of committee. I thought we would have it on the House floor in the month of July, and I thought that the Democratic leadership would force this bill through passage again on a party line vote in July.

It didn't happen that way. I think it's because they pushed the cap-and-trade bill through at the end of June. Many Members went home and were startled by the reactions of their constituents and said, hey, maybe we'd better study about this a little bit before we just go ahead and pass it. As a consequence, we didn't pass the bill on the floor of the House, passed it out of the three committees, and then we hit August. And what happened in August was, the same sort of anxiety that we encountered in July after cap-and-trade came back big-time in the month of August. And little sleepy town halls that I would normally do in August that might command the attention of a dozen people, maybe 50 people if there's something big going on, 2,000 people would show up. They wanted to look—

Mr. AKIN. 2,000 people?

Mr. BURGESS. On a hot Saturday morning in Denton, Texas, we had to call an audible and change it from inside to a parking lot location and, with no thought to my personal safety, I took my jacket off and my tie off, grabbed the microphone, stood under the hot sun and answered questions for an hour, 2 hours, about this bill that we had just passed.

Now, I will admit that I had a little bit of an advantage being on the committee. I could hold a copy of the bill up, because I had a copy of the bill, and say that I can truthfully say I'm one of the Members of Congress who's voted no on this bill because we had it in

committee, and that I will likely vote no every time it comes back again. And that seemed to be a reasonable approach for the people in my district.

But I've got to tell you, I was astounded, I was stunned, coming back in September, after all this angst and anxiety we encountered during the month of August, and it was like it never happened. It was like the Democratic leadership assumed that the country was in some sort of fugue state in August and they weren't really serious about the opposition to this bill because we came back to committee in September. We had a few more amendments that they said we could consider after the fact and we did. Many of us brought up the fact that boy, August was a game-changer, and really the American people want us to be more serious about and more thoughtful about our approach to this bill.

And the chairman of the committee said, no. We're not paying any attention to August. August didn't happen. It was a mirage, it was a heat-induced hallucination. It wasn't the American people speaking, it was made up.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. BURGESS. I'll be happy to yield on that point.

Mr. PRICE of Georgia. I appreciate you bringing that up because I was so astounded as well by this incredible outpouring by the American people of their concern and fear about what their government was about to do to them. And then the President seemed to just dismiss it, didn't even recognize that it had happened, and the Members of Congress, including the Speaker of the House and others, seemed to be saying, don't pay any attention to that man behind the curtain. You know, it was like they didn't even acknowledge that, in fact, the American people were concerned, which is—I appreciate you saying that because it's one of the things that has further angered my constituents and the folks that I talk to across this land, who say, is anybody listening there? Is anybody paying attention?

Mr. BURGESS. Reclaiming my time, if the gentleman will continue to yield, the fact is the American people do not trust us to do something this big. They look at this 1,000-page bill, they recognize that it will go to a Federal agency, the interpretation of those thousand pages will lead to 10,000 or 20,000 or 30,000 pages in the Federal Register, years of rulemaking, and years of rules that will be rained down upon a free society because of the actions taken on the floor of this House within the next couple of weeks.

Mr. AKIN. Well, you know, gentlemen, a number of you have raised the point that there's a whole lot of Americans that are not very thrilled with this approach of government takeover of health care. But let's just think

about it for a minute: Why it is that you had that reaction, 2,000 people come out of nowhere, and they're all hotter than hornets about how this is lousy stuff, we don't want some bureaucrat rationing our health care.

Let's talk about who might be against this bill. First of all, if you're an older guy like I am, you're going to be worried, because statistically you're at the point where they're saying it's not worth it for the government to pay for you to get your health care.

□ 2000

So if you're an older person, all they're going to give you is aspirin and some pain pills or something. And so if you're an older person—you're not going to like this—if you're an older person, you're probably also on Medicare. And you want \$500 billion taken out of Medicare? I just don't think that's going to be very popular with some of our older voters.

But let's say that you're a different person. Let's say that you have a small business. This bill is going to tax your small business a whole lot. You're saying, I'm already struggling. I'm barely making ends meet. We've got a lot of unemployment in America. If I had some money, I'd be able to add some new machines, get my small business going, and we could help the unemployment. But now you're going to tax me to death on a bunch of this socialized medicine. So the small businessman is not going to like it, the guy who is pro-life is not going to like this.

I yield.

Mr. BURGESS. I thank the gentleman for yielding, because that's a very good point. I had several roundtables with small business in my district over the summer. An 8 percent payroll tax will be the largest single tax ever levied upon small businesses in this country. Think about that for a minute. We just hit, what, 9.6, 9.7 national unemployment.

Mr. AKIN. We've got unemployment that's just running away. The statistic almost everybody knows is that I think it's pretty close to 79 percent of the jobs in America are with companies with 500 or fewer employees. So small business employs almost 80 percent of Americans. And what are we going to do? We're going to slam them with an 8 percent tax on top of things right now with unemployment already at 8 or 9 percent.

Mr. BURGESS. If the gentleman will further yield, all last month I heard from small business people either at home or who came up to Washington to see me. I heard from a lady who has a saddle manufacturing plant in Fort Worth; I heard from cardiologists; I heard from air-conditioner compressor remanufacturers in my district. I heard from literally butchers, bakers, and candlestick makers, all concerned, yeah, the economy may be doing a little bit better in north Texas. Yeah,

maybe those aren't wild leaves; maybe those are in fact green shoots.

I said, Well, are you looking to expand business or add any jobs? No, I am not, because I don't know what you're doing to me in health care. I'm scared to death about what you're going to do with this energy bill. I haven't a clue what you might do with this financial service reregulation you're going to do, and it is too uncertain.

When I look across the horizon, all I see is the abyss. I cannot possibly add a job in this environment that Congress is doing. Forget the economy; forget the worldwide situation. It is what Congress is doing; the uncertainty that Congress has now injected into the small business climate, small business environment.

They are holding back on adding jobs in a climate where, otherwise, maybe if I could find a banker to loan me some money to do something, I might do it, but not if I'm going to face an 8 percent payroll tax, not if I'm going to have to pay more for my energy or, by the way, pay some sort of premium in a carbon offset somewhere at some point in the future. And, oh yeah, who knows what this financial regulation is going to do to me if I'm a financial planner.

All kinds of businesses in my district, the multiplier effect of perhaps those one or two jobs in every small business spread out across my district, spread out across my State, spread out across the country; and is it any wonder that our unemployment rate is 9.7 percent?

Mr. AKIN. The sad thing is that, to a large degree, we're doing it to ourselves with this kind of overkill legislation. This almost looks like somebody has got a solution looking for a problem to justify it.

I notice that we're joined by my good friend, Congressman FORTENBERRY. I'd like to yield some time to you so you can be part of our discussion.

I have to say that Congressman FORTENBERRY is highly respected. He is one of these level-headed kind of decent guys. Everybody likes him.

You've got to have some people in your district talking to you about this. What are you hearing, Congressman?

Mr. FORTENBERRY. Well, first of all, thank you for your comments, and it's a pleasure to join you this evening. I didn't have the benefit of the conversation in its fullness before joining you just a moment ago, but I would like to try to make a contribution to what you're saying, if you can yield a few minutes to me.

Mr. AKIN. I yield. We're basically enjoying having a conversation here. A little bit like going to dinner with your Congressman, except the food, you have to provide that for yourself.

Proceed, please

Mr. FORTENBERRY. Thank you. I think, if I could reframe this for just a

moment, I think there's a central question we should all be asking ourselves on both sides of the aisle, and including the administration: How do we actually strengthen health care in America? How do we answer a fundamental question as to reducing cost, improving health care for all Americans, and protecting vulnerable people?

If you start to frame how we move forward on appropriate public policies that improve health care, reduce cost, and protect our vulnerable people, you begin to get actually underneath the reasons that we're in a circumstance now where you have a large section of America that is pretty happy with its health care, but generally unhappy with the rising cost. You have another section of America that has real problems with gaps of insurance coverage either because of preexisting conditions or loss of job and an inability to afford a product individually. That's a real problem.

Then you have certain vulnerable populations who, frankly, end up in the emergency room a lot of times; whereas, if there were alternative methods of care, primarily for primary care, that would reduce that cost as well. So how do you begin to answer those questions, I think.

One is—and I think there has been a certain bipartisan focus on this—and that's this positive in this overall debate—but it's the whole issue of health and wellness.

Our total health care bill in this country is about \$2.2 trillion. About 75 percent of that is actually due to the onset of chronic disease. A major portion of that could actually be prevented or better managed with significant cost reductions.

For instance, some estimates suggest that 80 percent of cardiovascular disease could actually be prevented or better managed. Can you imagine the hundreds of billions of dollars that we could be saving if we had a cultural shift in the paradigm of health that looked at incentivizing both prevention and wellness? I will give you a few examples.

In Nebraska, we have a rehabilitation hospital called Madonna Rehab Hospital, and we actually held a committee hearing, a public hearing in the field back home on putting the health back in health care. It was a subcommittee of the Agriculture Committee, which we held back in August.

Madonna Rehabilitation Hospital's principal testified they have a 1.7 percent increase in their annual health care bill over the last 5 years. Incredibly low.

Mr. AKIN. Only 1.7, gentleman? That's not very much increase. Most people's insurance jumps 20 percent a year.

Mr. FORTENBERRY. Exactly right. They have a very aggressive, progressive health and wellness program

where you're actually incentivized to watch your health, to take measures to actually engage in preventative care. The largest employer in Nebraska actually has a 50 percent lower increase—it's still increasing—in their own health care cost because they aggressively incentivize prevention as well.

A manufacturing entity in my hometown of Lincoln has a \$5,000 per employee cost for their health insurance versus \$8,000 dollars in the industry average because, again, a strong focus on health and wellness.

Right now—and, Doc, you might want to add something—we tend to pay the medical establishment, the systems, to fix or cut or prescribe. And if we incentivize wellness for persons who are in insurance plans to actually have incentives to watch their own cost, perhaps through expansion of health savings accounts and other entities that allow for the creative opportunity for families and individuals to better control their own health care as well as companies paying directly for prevention, and then incentivizing the medical establishment to be paid or to be reimbursed basically for that type of care, you'll begin to get to one of the major cost drivers that has left us in this situation. Hundreds of billions of dollars could potentially be saved.

Mr. AKIN. Gentleman, I really appreciate your approach of trying to solve problems. We have focused for some of our discussion this evening on the things that are wrong with basically having the government take the whole thing over and socialize it. But we have also been criticized by the President and others that the Republicans don't have any kind of solutions to health care, which you just showed was a tremendous amount of innovative and very kind of strategic thinking in terms of how do you approach this. I think maybe it would be worthwhile. Doctor, I ask you to join us, please.

Let's just kind of tick off some things that—just think about our Republican colleagues and friends. I'm going to just toss out a few things that I would figure get at least 90 percent, probably 95 percent from our colleagues.

One of them is that the big companies and employees of big companies get to pay for health care with pretax dollars, but the small business guy and the individual has to pay with after-tax dollars. I think most of us would say justice means that people are treated equally before the law, and that if we're going to allow people to buy their medical insurance with pretax dollars, that should be made available to everybody.

Don't you think that we'd get a 95 percent on that, probably?

Mr. FORTENBERRY. If I could speak, Doctor, real quick.

Mr. BURGESS. I think on our side of the aisle, no question, you'd get 95 percent. I can't speak for the whole House.

Mr. AKIN. I'm not speaking for the whole House because they want the government to take things over, apparently. That's just one idea. I toss out another one.

Mr. FORTENBERRY. You've made a very good point that there is an unequal tax treatment based upon your defined status in the Tax Code. And if you're an individual left out there on your own versus a multistate corporation, you have a different incentive, basically, based on the Tax Code structure. I agree with you, it's unfair.

Mr. BURGESS. Further, a multistate corporation actually has the ability to deliver their health care product over State lines. Individuals in the individual market are prohibited from buying insurance across State lines.

Mr. AKIN. Which therefore, Doctor, suggests?

Mr. BURGESS. It would suggest when the President stands up before us and says there's a place in Alabama where there's only one insurance company—sure, insurance companies tend to form natural monopolies. But if you remove the barriers rather than adding another company for competition, which is a government-run option, why not remove the barriers and open it up to the 1,200 or 1,300 companies that might like to compete for that business in Alabama.

Mr. AKIN. Fleshing that idea out a little bit, in the case of Missouri, where I'm from, you've got Kansas City; half of it's in Missouri and half of it's in Kansas. So if somebody in Missouri kind of goes over the line into Kansas and finds out, Hey, I can get a couple hundred bucks less a month on the same health policy, why can't I buy that policy from an insurance company in Kansas?

So what you're saying is, Yeah, that's okay. Allow people to shop for insurance across lines, which then reduces the monopoly problem in the insurance industry. That's something that don't you think most Republicans would support that idea?

Mr. BURGESS. The real tragedy in this debate is we've never really explored those types of ideas. Maybe it doesn't need to be throughout the entire United States. Maybe there could be regions. Maybe there can be reciprocity between States that make that agreement. But we've never even explored that.

One of the things that really concerns a lot of people when they look at this bill is you get 10 years of taxes and 6 years of benefits. Remember, none of these good things that are going to come people's way and lift the burden of health care off their shoulders, none of them happen until after the next Presidential election.

Part of that is to keep the score low on the Congressional Budget Office; part of that is because, again, it's going to take a long time to set up

those programs. We don't even have an administrator at the Centers for Medicare and Medicaid Services right now. And that's the individual who's going to be charged with setting up many of these programs.

So, in the meantime, we do need to do something to cover those individuals with preexisting conditions, those individuals who get a tough medical diagnosis, their insurance is rescinded from them. Nothing is more offensive to Americans than to think that someone has played by the rules, written that check every month, they get a tough diagnosis and the insurance company finds a reason to drop them.

If there's been outright fraud in purchasing the policy, maybe so. But in so many of those cases it is really iffy why those policies are dropped. We could fix that.

Mr. AKIN. Which, again, gets to another Republican proposal for portability. I mean, you know something isn't right with the way insurance is written when somebody does all the right things. They run for a number of years, they buy insurance, and all of a sudden their kid gets sick with juvenile diabetes or something very expensive. Then they changes jobs or something and now they're uninsurable. They fall through the cracks.

That's not the way the system should work. That would be a very admirable thing if the House were to just focus on fixing that problem. That would be very good work. No, we have to scrap everything. We've got a hundred million Americans with insurance policies and doctors and doctor-patient relationships, a hundred million of them, and we're going to scrap the whole thing and have the government take it over. That's irrational.

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Mr. BURGESS. But even the President himself said here the other night when he addressed the joint session of Congress, because these programs won't be up and running quickly, maybe we should take the JOHN MCCAIN idea of the high-risk pools, the reinsurance and get people some immediate help now.

I would submit to you that if we would work a little harder on that, it may not be necessary to go the full strength of the government program. Why do we have to fix a program that is arguably working well for 60, 70, 80 percent of the population? Why do we have to change it for everyone to capture those 8 to 10 million people who get caught in that cycle of having a preexisting condition?

I yield to my friend from Nebraska.

Mr. FORTENBERRY. This is well stated, doctor, that the injustice of a person who has wrongly had their insurance rescinded has to be addressed by this body, another clear point of bipartisan agreement. Persons who have

preexisting conditions through no fault of their own and are caught in a cycle of not being able to find insurance for the type of problem that they're dealing with is another point of real unfairness that I think you could find appropriate solutions for in a bipartisan way and fix.

It leads to my second point that we really ought to focus on creative new risk pools for insurance affordability and innovation as well as increased access for people out there.

I got a letter from Affiliated Foods in Norfolk, Nebraska, the other day. They are a cooperative. Now in Texas, Missouri and Nebraska we are used to the concept of cooperatives. That's where we leverage our buying power to get agriculture inputs a lot less expensively and sell our grain a lot of times. This is a cooperative grocer who basically uses their group buying power to provide the products for mom-and-pop grocery stores throughout rural Nebraska and other States. They used to be able to buy their insurance through that cooperative, but because of the change of the law a few years ago, they can no longer do so. So it leaves the small business entrepreneur out in the rural community who is struggling to make it, to have to go out on the very expensive individual or small business market instead of using the group buying power.

Now this is a legitimate business. It is a group of people who have bought into a business plan and have ownership in it. They are stakeholders. They're going to be appropriately capitalized. There's no reason that they shouldn't be allowed to use that entity as a creative form of association to leverage group buying power to provide more affordable insurance for themselves.

Mr. AKIN. So what you're talking about now, just to kind of summarize what we have talked about, what you're talking about is what people call in this business associated health plans, the idea that people can create these pools and buy, on a discount rate, their health care. That's a pretty straightforward idea. That's something that Republicans have voted for dozens of times. So we have got associated health plans. We're saying people should have their tax treatment and when they buy health insurance should be the same. We're going to deal with the issue of portability so that when you own a policy you get to keep it and the insurance company can't just dump you.

The other thing we haven't, of course, talked about is tort reform which we have good support for that. That drives health care costs tremendously. And yet we are unwilling to really be serious about it. All of these ideas Republicans are supportive of. So the charge that we're not willing to deal with this debate is not true.

Go ahead, my friend.

Mr. FORTENBERRY. There's another option out there that we should actually have a creative policy discussion about in a bipartisan way which the good doctor just mentioned as well, high-risk pools is another option you have to insure or have the government basically subsidizing a market that does not exist for people who are priced out of because of preexisting conditions or other affordability problems, normal market rates through their business, through their individual policy. You could look at the expansion of those opportunities. We have a fairly good one in Nebraska. It's argued that it's a bit expensive for folks, but that's another way that the government, again, could use public dollars to ensure that people are adequately covered and pay normal rates or provide a reinsurance mechanism, and then as the doctor was saying, you will have gone a long way toward resolving the real difficult problems that exist for about 10 million Americans in providing affordable, good coverage. You'd probably have a bipartisan winner on your hands.

If I could add one more point, there are certain other options, maybe this is a little more controversial, but I think it's worth exploring, in terms of basic public health expansions like community health centers, where you actually help persons who are in more vulnerable situations avoid ending up in the emergency room for primary care treatment.

A combination of this, a focus on health and wellness incentives, new insurance risk pools for affordable innovative options and protecting those who are, because of preexisting conditions or other problems, priced out of those markets with perhaps other types of high-risk pool entities combined with other public health initiatives like that, you would have answered the question I posed initially: How do we improve the health of all America, reduce costs, particularly for families and small businesses, and protect vulnerable persons? We could all applaud and have a big bipartisan agreement and have accomplished, I think, what the people have sent us here to do.

Mr. AKIN. Except instead what we've had is apparently our Speaker has pulled together various people, ignored the recommendations that we had and decided, well, we just know what's best, that is the government is going to run it all, we want this public option, and we're charging down this aisle.

Basically people are wondering, well, why is this health care thing stalled? Well, the reason it's stalled is you don't just take over 18 percent of the economy, take \$500 billion out of Medicare, basically allow a program which is going to allow public funding for abortion and illegal immigrants getting access to this money and all that

stuff without people having something to say about it.

Mr. BURGESS. And if I may, the taxes and fees that are added on top of medical devices and insurance policies in order to pay for these programs are going to drift down to the middle class. There is no way to avoid taxing the middle class or putting a fee schedule on the middle class with the structure that has been proposed by the Senate Finance Committee.

With the gentleman's indulgence, I would just make a point that if people are interested in this debate, [healthcaucus.org](http://healthcaucus.org) has documented the debate that has gone on since January and February of this year. I would just further like to point out, we do hear the complaint that Republicans have not been involved or engaged in this process. I met with the transition team in November and offered my assistance. I was never called back. I met with the chairman of my Committee on Energy and Commerce in January and never received a call back. I submitted 50 amendments to our bill in committee and had several of them accepted toward the end.

Republicans do have ideas. They are reasonable ideas. They deserved a fair hearing and a fair airing in committee. Unfortunately we were denied that opportunity, because as the gentleman correctly points out, as the deputy President has said, "Never let a good crisis go to waste." They were determined to use this economic crisis to expand the reach and grasp of the Federal Government in health care.

Here is the reality: If the President had really wanted to do this, they could have done it in February when the Presidential approval rating was near 80 percent. No one would have been able to stop him. It could have been signed into law before the month was over.

Mr. AKIN. I would like to thank my good friend, Congressman BURGESS and also Congressman FORTENBERRY. Thank you very much.

#### BREAST CANCER AWARENESS

The SPEAKER pro tempore (Mr. MCMAHON). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the majority leader.

#### GENERAL LEAVE

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of this bipartisan Special Order on the subject of breast cancer awareness.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, tonight, like so many times before, I stand with my friends and colleagues on both sides of the aisle to address an issue that is both personal and universal.

As you may know, October is National Breast Cancer Awareness Month. It is a privilege to be with fellow survivors and advocates celebrating 25 years of breast health awareness education and empowerment.

Breast cancer is the leading cause of cancer deaths in women ages 15 to 54 according to the National Cancer Institute. In 2009 alone, the American National Cancer Society estimates that there will be 194,280 new cases of breast cancer across the nation, and 40,610 of these Americans will die from the disease.

Although these statistics may seem discouraging, we have made significant progress. Steady declines in breast cancer mortality among women since 1990 have been attributed to a combination of early detection and improvements in treatment. When breast cancer is detected at early stages, the survival rate for women is 98 percent. Simply stated, many of these improvements would not have happened without Breast Cancer Awareness Month and its focus on research, education and awareness which increase early diagnoses and save lives.

On a personal level, I know the importance of early detection. Nearly 2 years ago, after I found a lump in my breast while doing a self exam in the shower, my doctor diagnosed me with breast cancer. I had just turned 41. Having been a legislator for more than 17 years and having passed breast cancer legislation, I knew a lot about breast cancer. I knew the importance of early detection, clinical exams every 3 years after age 20, every year after 40, mammograms every year after 40, and yet for all that I knew, I soon realized how much I didn't know. I knew about the BRCA1 and BRCA2 gene mutations, the so-called breast cancer genes, but I didn't know that some women were more likely to have the mutation. I didn't know that even with no immediate family history of breast cancer, as an Ashkenazi Jew I was five times more likely to have the mutation or that I would have up to an 85 percent lifetime chance of getting breast cancer and up to a 60 percent chance of getting ovarian cancer.

I knew that young women can and do get breast cancer. But like a lot of young women, I didn't know just how many of us it touches. And after talking with health care providers, survivors and advocates, it became clear that many other young women did not know these things either. Despite our seeming wealth of knowledge on breast cancer, an astounding 40 percent of young women with breast cancer said that prior to their diagnosis, they did

not know that a young woman could get breast cancer.

That's why on March 26, cancer-free and determined to be among the last young women who did not know enough about breast cancer, I introduced H.R. 1740, the Breast Cancer Education and Awareness Requires Learning Young Act, or the EARLY Act. And just this morning, the Energy and Commerce Committee's Health subcommittee held a hearing on this critical legislation as well as several other important breast cancer legislation.

The EARLY Act is designed to educate young women and their physicians about breast health and provide support for young women diagnosed with breast cancer. Young women must learn to be their own voices, to speak up for themselves and know when they need to go to their doctor, because at the end of the day the old saying rings true, "knowledge is power." And when the EARLY Act becomes law, we will fulfill the vital goals of Breast Cancer Awareness Month, increasing education, research and awareness all year long.

However, research, education and awareness are not all that we focus on when it comes to Breast Cancer Awareness Month. We must also take this opportunity to honor and recognize the people close to us who have won their fight against breast cancer, those still fighting, those we have lost, and those who are working hard every day to make sure no one else dies from breast cancer.

We honor the determination of those women and the hope that their courage gives us all. It is an honor to be here tonight, standing together in solidarity as we observe Breast Cancer Awareness Month, wholly committed to increasing early diagnoses, saving more lives and ultimately finding a cure to wipe out this deadly disease. Together, we will save more of our moms, our sisters, our grandmas, our daughters and our loved ones. We can and will empower women to learn the facts, know their bodies, speak up for their health and embrace support.

Mr. Speaker, I am particularly pleased tonight in an environment in which sometimes, in fact too recently, we struggle to do almost anything in a bipartisan fashion, and the intensity and the fervor in which we engage in debate here often prevents us from coming together. The Members of the House of Representatives truly came together today in support and in honor of Breast Cancer Awareness Month. They came together in honor of women who have passed away from breast cancer, in honor of survivors, in honor of women still fighting the disease.

It is my privilege to yield to and introduce my very good friend, fellow breast cancer survivor, someone who has been there for me even before I shared my own story publicly, Con-

gresswoman SUE MYRICK, the gentlelady from North Carolina.

Mrs. MYRICK. Thank you so much. I really appreciate Ms. WASSERMAN SCHULTZ for her efforts in organizing this Special Order tonight. I especially want to commend her for the courage that she had in being willing to share her story, because she won't have any idea of how much this is going to mean to people. There will be people that will be touched by what you did for years to come because you were willing to speak out and to do this legislation. So thank you for introducing the bill as well.

As was noted, October is the 25th anniversary of Breast Cancer Awareness Month. And we have made great strides. Just this week, it was announced that scientists in Canada have, for the first time, decoded all of the 3 billion letters in the DNA sequence of a certain type of tumor. And in the process, they found all the mutations, or the spelling mistakes, that caused the cancer to spread. We know there is a lot to be done in this fight. And I'm also particularly concerned about young women who are diagnosed with aggressive cancers. We've been concerned for some time. That's why we worked with the National Institutes of Health and the environmental people to see if there are links there to figure out why young women in their 20s and 30s are developing breast cancer. It used to be an older person's disease.

□ 2030

So there is a lot of work to be done in that area as we move forward.

But in my city of Charlotte, there was a group of young women in their twenties who were survivors of breast cancer, which they didn't expect. They really just felt so alone, and they formed a group called Breast Friends as a support group. The unfortunate part is this group is growing. It's growing a lot faster than we would like to see it grow. That's one of the challenges we're facing is that so many young women are being diagnosed with this disease. That's the reason I'm pleased to be the lead cosponsor on this bill, the EARLY Act.

Representative WASSERMAN SCHULTZ has done an excellent job, and it does address some of the needs that younger women who are breast cancer patients and survivors have because it's a unique battle. It's different than has been faced in the past when it comes to diagnosis and treatment and decisions that need to be made. It's a lot different than what those of us who are older, who are survivors have had to face and will have to face in the future.

I have always supported breast cancer research funding over these many years, and there is no doubt that it's an important piece of the puzzle, but education efforts like those in the EARLY

Act are also an important piece, because most younger women don't think they can get breast cancer and society tends to tell them, Wait until you are older to get a mammogram. Now there is even talk that self-exams aren't really the way to go. Well, I disagree with that. You are a good example of that one.

We all need to help spread the word. We have got a lot of work to do, not only in our districts, but we need to continue this fight to find a cure. So I thank all of the colleagues that have joined us tonight in this Special Order. It means a lot to everyone, and I also know that they're going to go home to their own districts and do all the advocacy work that we all do over a period of time, and hopefully we will find a cure one day.

With that, I yield back.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the gentlelady from North Carolina (Mrs. MYRICK) has been such a passionate advocate on behalf of all cancer patients. As the co-Chair of the Congressional Cancer Caucus, she has done an absolutely incredible job at raising awareness not just about breast cancer but about all types of cancer. I think, given how much cancer has touched Americans' lives in a very personal way, it's important that we have local advocates like SUE MYRICK, and it's my privilege to be side by side with you as cosponsors of the EARLY Act. Thank you so much.

It's now my privilege to yield 4 minutes to the gentlelady from California, LOIS CAPPS, who has a health care professional background as an RN, prior to her election to Congress, and has been one of the leading voices in women's health in the House of Representatives.

Mrs. CAPPS. As one of the co-Chairs of the House Cancer Caucus, along with my friend and colleague SUE MYRICK, I am so pleased to join my colleagues here tonight. I applaud you DEBBIE WASSERMAN SCHULTZ and SUE MYRICK for organizing this Special Order, this time together, and for the legislation that you have introduced. I acknowledge my own sister, a breast cancer survivor, and I acknowledge our sisterhood.

There were men and women standing on the Capitol steps today who have worn pink today in recognition. It's a lot deeper than that, but there is a sisterhood of those who have been touched by this disease, and the men who have been touched as well, some with breast cancer, also men who love people with breast cancer and have stood by them and supported them, and that network has really made all the difference.

I applaud the amazing work of the advocacy groups for all that they do on behalf of breast cancer patients and their families. It's because of them that we've really come such a long way in the fight against this disease. And

because of them, we've taken this disease out of the closet. The advocates against breast cancer and for understanding it have paved the way for many other disease entities to have survivors, and those touched by it really become vocal and become the strong voices.

When I first became a nurse—and that was many years ago—the word “cancer” was hardly ever said out loud in public, and you never said the word “breast” in public. But everyone who has worked so tirelessly over all the years to make sure that people understood that these are not words to be embarrassed by or shamed by but, rather, to be empowered by, they encourage us to know how to be more aware of how to take care of our own bodies through prevention and early detection, and that's a lot about what this legislation is about.

So now we've reached an age and a time where more and more women know the importance of self-exams, of learning about family histories and risk factors and taking advantage of early detection mechanisms like mammograms. But far too many women still face barriers. Too many women are discriminated against by insurance companies for having this disease. Whether it's the egregious practice of kicking you out of the hospital too soon after reconstructive surgery or posing barriers to accessing annual mammography, we need to put an end to these practices, and I am proud to be a cosponsor of legislation to do so.

I also applaud efforts to target populations that are still marginalized—minorities and young women. Both of these populations need better access to information and better access to quality care. We need to pass legislation to make information and quality care more accessible.

So I proudly stand with my colleagues who are championing efforts in Congress to improve breast cancer research, awareness, detection, and treatment. I do this on behalf of my constituents, my family, my friends, people who know all too well what it's like to receive the diagnosis of breast cancer.

Ms. WASSERMAN SCHULTZ. Thank you so much. Again, the gentlelady from California, LOIS CAPPS, has been just one of the most outstanding health care advocates in the Congress. I knew about her advocacy and her leadership in health care even before I arrived in Congress in 2004, and it is a privilege to serve with you. It truly is.

It's now my privilege to yield 2 minutes to a woman who has recently joined the Congress, was elected in the class of 2008, worked hard to get here and has been doing a fantastic job, served in the Nevada State Senate as the State Senate minority leader and is a good friend of mine, Congresswoman DINA TITUS from the great State of Nevada.

Ms. TITUS. Thank you so much.

As we begin Breast Cancer Awareness Month, I'm honored to stand here with my colleagues and recognize those women we know who have battled breast cancer. First let me thank DEBBIE WASSERMAN SCHULTZ for her leadership on this issue. Her personal courage and subsequent push for education and early detection are both inspiring and encouraging.

Unfortunately, everyone has a story, one of their own experiences or those of a friend or a family member who has battled cancer. Each year we lose mothers, sisters, daughters, and friends to breast cancer. In Nevada, an estimated 1,270 new cases of invasive breast cancer were diagnosed among women in 2008, and 430 of those women died of the disease. This is a tragedy, and what makes it even more tragic is that many of those deaths could have been prevented if women knew the risk factors and if researchers had what they needed to make breakthroughs in understanding and curing cancer. I believe we must empower every woman with the tools she needs to fight this deadly disease. Women should have access to the latest health information, undergo frequent health screenings, and receive preventive care.

Sadly, Nevada has one of the lowest mammogram screening rates nationally. Recent estimates are that only 54 percent of women over the age of 40 have had a mammogram in the past year. Nevada is currently ranked 48th in the Nation for percentage of women ages 40 to 69 who obtain mammograms annually. This is just unacceptable.

And unfortunately, too many younger women think that breast cancer is something that happens to older women, yet it's the leading cause of cancer deaths in women under the age of 40. So we must redouble our efforts to reach out to young women, to increase awareness of the threats and the warning signs that lead to early diagnosis. That's why I'm proud to also be a cosponsor of the EARLY Act.

Too often, women who have undergone a difficult surgery, both emotionally and physically, find themselves forced by their insurance companies to leave the hospital before they're ready. This, too, is unacceptable. Women must have the adequate support after breast cancer surgery that they need to get them on the road to recovery.

Indeed, we have all been touched by cancer. It can be a devastating disease, and those who have fought and are fighting it demonstrate a remarkable strength every day. They teach us all the lessons of life and living and the importance of family and friends. I believe they are true heroes who are role models for us when it comes to strength and courage.

While breast cancer has affected too many women in Nevada and across the country, there is also an enduring hope

that we can join together to search for a cure. Between the strength and determination of breast cancer survivors and the generous spirit of volunteers, I'm optimistic that we can defeat breast cancer if we stand together in this fight.

Ms. WASSERMAN SCHULTZ. Thank you so much, Congresswoman TITUS. Your leadership and the fact that you've joined the Congress added another woman to our ranks. Women's health and making sure that we can focus the attention and the agenda on women's health here in the United States House of Representatives is so incredibly important. We already have a sort of head cheerleader, so to speak, although I don't mean to trivialize her position. But the first woman Speaker of the House of Representatives has been a passionate advocate for women's health and has always encouraged making sure that we have more women join our ranks. You've done an incredible job since you've been here. I'm so pleased that you've joined us in the House of Representatives.

Mr. Speaker, I want to spend a couple of minutes just highlighting some unique facts that, really, most people are unaware of when it comes to breast cancer. What I've learned since my own diagnosis and since getting involved in a more personal way in trying to pass the EARLY Act is—we all hear the expression, Everyone knows someone who has breast cancer. Well, today we really can say that everyone had someone close to them that had breast cancer.

It's just amazing after I shared my own story how many—I was standing there in the well the day that I shared my story with folks, and I can't tell you how many Members came up to me and touched my arm and said, DEBBIE, my daughter had breast cancer, my mother, my sister, my wife. People stopping me on the street, on the airplane, on the ball field with my kids. It's amazing. The outpouring of people reaching out to connect with me has just been absolutely incredible, because breast cancer touches so many people and touches women in a very personal way. But what's really frustrating about breast cancer is how it strikes certain populations in a more deadly way.

Another thing that I realized is that there are higher risk populations that too often are unaware of their risk. Like me, as an Ashkenazi Jewish woman, I was not really aware of my risk of having a greater likelihood of carrying the BRCA1 or BRCA2 gene mutation. Subsequently when I was diagnosed with breast cancer, I did a genetic blood test and found out that I am a carrier of the BRCA2 gene. But in doing research for the EARLY Act, the statistics that I learned about African American women and breast cancer were really startling.

African American women have the highest breast cancer death rate among



minority women. It's 34 per 100,000 people in the population, African American women from ages 35 to 44. So younger African American women have a breast cancer death rate more than twice the rate of white women in the same age group, and they are 34 percent more likely to die of cancer than are whites, and more than twice as likely to die of cancer as are Asians or Pacific Islanders, American Indians or Hispanics.

We have got to raise awareness in higher-risk populations and minority populations, and we have to change the disparity, the disparity in the survival rate and the disparity in terms of access to health care for their populations, because we know that early detection is the key.

At this time, to talk some more about that, is a very good friend of mine, another newly elected Member from the great State of Pennsylvania, professionally a dietitian before she was elected to Congress, a small business owner, and most importantly, a mother of five. I now yield 3 minutes to the gentlelady from Pennsylvania, KATHY DAHLKEMPER.

Mrs. DAHLKEMPER. Thank you so much for asking me to join you tonight as we have this very Special Order hour to honor Breast Cancer Awareness Month and to recognize those that battle breast cancer across this country. But more than that, we're here to deliver an important message to the American people tonight.

Not only are we on your side in the fight against breast cancer, but we are one with you in the fight against breast cancer. We are one with you not simply because we believe in your cause and to share your goals, and it's not only because we empathize with your hardship, we are one with you because breast cancer is just as real for us as it is for millions of Americans across the country.

This disease, as it's been said tonight, knows no boundaries, knows no borders. It's blind to race, socioeconomic status, and age, and it certainly does not care whether you are a Member of Congress. All in all, nearly 150,000 women will be diagnosed with breast cancer this year, and more than 40,000 women will, sadly, succumb to the disease.

But what do these numbers really mean? They are certainly alarming and give us pause, but the truth behind these numbers is that 150,000 families will confront a crisis this year; 150,000 families will be subjected to the fear they may lose a mother, a sister, a daughter or a dear friend, and 40,000 families will see that fear become a reality.

□ 2045

Like so many American women, breast cancer became a real cause of concern for me, but I was one of the

lucky ones. When my doctor told me I needed a biopsy to check for breast cancer, I was scared and worried what it would mean for my family. But, thankfully, breast cancer never became a reality for me. My biopsy came back clear.

Other women I know were not as lucky as I. Numerous friends have lost their mothers to breast cancer. Witnessing our loved ones suffer is a pain that cannot be accurately described. And that's why we are here, to honor Breast Cancer Awareness Month and to show our solidarity with the hundreds of thousands of women battling breast cancer now and celebrate the more than 2½ million women who are breast cancer survivors.

I would like to share with you some stories from real women from the Third District of Pennsylvania.

Cindy Hanna of Mercer County was 38 years old when she was diagnosed with breast cancer in 2003. Cindy was one of the lucky ones. She had a mammogram on her doctor's recommendation that caught her cancer early, and she is now a breast cancer survivor.

Cindy shared her experience in the Sharon Herald paper. She quotes: "I had no symptoms. I wasn't even thinking cancer. My cancer was very close to my spine, and if I had waited until I was 40, like most doctors recommend, who knows what would have happened." Cindy is now the coordinator of the Medical Equipment Recycling Program at UPMC Horizon in Farrell. This month she is tying pink ribbons in towns across her county to help raise awareness and encourage women to get mammograms early, like she did.

Sue Kilburn of Meadville, Pennsylvania, was diagnosed with breast cancer when she was in her late 40s after an annual mammogram. Her doctor told her she had to choose between a lumpectomy and a mastectomy to treat the disease. She shared her journal with the Meadville Tribune Newspaper, and she writes:

"The words ring out unlike anything I have ever experienced before. I find no anger, just feel numb, dumbfounded and questioning how? When? It was just a routine mammogram."

She survived her battle with breast cancer, and now she works as a clinical nurse breast care educator at the Yolanda G. Barco Oncology Institute. The position is funded through a grant from the Susan G. Komen Foundation.

Cindy and Sue are heroes. They are survivors. And they are committed to helping women beat breast cancer. For Cindy and Sue and thousands like them, early detection saved their lives. Because they had regular mammograms, their cancer was detected early. When tumors are detected early, we know they are nearly 100 percent treatable.

This Breast Cancer Awareness Month, let's encourage the women in

our lives, our mothers, our sisters, our daughters, and friends, to get a mammogram. Early detection saved Cindy and Sue, and that's why I support the EARLY Act. Let's work together to make their stories the story for every woman diagnosed with breast cancer.

I thank you.

Ms. WASSERMAN SCHULTZ. Thank you so much, Congresswoman DAHLKEMPER. Again, it was a thrill to see you come to the House of Representatives and add your expertise, particularly as a dietitian, and thank you for sharing those personal stories from your district in Pennsylvania.

The important thing about Breast Cancer Awareness Month, and when we talk about breast cancer it is putting a face on it, helping people to understand, because so often statistics are really easy to just kind of glaze over and stop paying attention to.

Here tonight to help us continue to raise awareness is the gentlewoman from southern California, SUSAN DAVIS, who has made health care a signature issue during her time in both the California Assembly as well as the United States House of Representatives, a member of the Education and Labor Committee, one of the three committees in the House of Representatives that passed part of the health care reform legislation, and she has also been a leader by pushing for billions of dollars in funding for NIH.

I yield to the gentlewoman from California.

Mrs. DAVIS of California. I am so happy to join my colleagues here this evening, and I want to thank you, Congresswoman WASSERMAN SCHULTZ and Congresswoman MYRICK, for your leadership on this issue.

Some years ago I decided to participate in a 3-Day Breast Cancer Walk in my hometown of San Diego. I had had a college roommate who, with successful treatment, had survived breast cancer, and I wanted to show my support. Walking would mean being with many women and men across San Diego who, like her, had fought the disease, and I knew I'd also be supporting many organizations that have worked to heal them.

I remember thinking about how I would find the time to train for the walk, because I wanted to be certain that if I took it on that I was going to complete the walk. And with time-management skills and congressional travel schedules, I wasn't sure how that all would work out, but I was really delighted to have signed up.

Breast cancer hadn't really affected me personally. The disease hadn't struck my family. I just felt the need to walk with others.

Soon after I signed up for the event, I was looking forward to joining my sister and her husband for dinner and just catching up on our lives and sharing stories of our children. I was actually really excited to also tell her that

I had signed up for the walk. She's a marathon runner, and I thought maybe she wanted to join me since walking for 3 days would probably be really easy for her.

But my sister at that dinner had news of her own to share. She had just had a biopsy and it had come back malignant. Her diagnosis: breast cancer.

Far too many people know what it's like to sit there as I did and hear that news from someone that you love so dearly. And I know my colleagues on the floor today have expressed that as well. At that point my commitment and passion for the walk was only heightened, particularly as I spent the next 6 months or more talking with my sister about her treatment and her progress.

During the 3-day walk, I listened to so many people whose loved ones had been personally affected by breast cancer. As you know, each story is really heartbreaking and inspiring all at one time. I remember all the T-shirts with the pictures, and many of them were of loved ones who had lost their lives to breast cancer.

It's because of my sister and my roommate and my colleagues here that I have heard so much about breast cancer. And I'm so proud to work here in Congress to promote much of the legislation that we have talked about today. Legislation like the Breast Cancer Patient Protection Act, the Breast Cancer Education and Awareness Requires Learning Young Act, the EARLY Act, and other bills on this issue. I also strongly support the Department of Defense Breast Cancer Research Program, which is resulting in exciting advances to find better treatments and eventually a cure. And I know that so much has changed since that 3-day walk I took quite a few years ago.

As everyone has said, at some point in their lives, nearly every American will have a family member or friend who battles breast cancer. We must do more to ensure that women of all ages, including younger women, know how breast cancer can affect them.

My sister was fortunate to have treatment that allowed her to continue her work and take care of her family. And I am so grateful and happy to stand here and say that she has been in remission for more than 6 years.

But I know that everyone's story is not like hers. Many women, and men, lose this battle every year.

I am just proud to join with my colleagues this evening, and I want to thank them again for honoring so many who in their lives have survived breast cancer and remembering those who didn't. We need to continue to support increased education awareness and the momentum that will bring us all to a cure.

Ms. WASSERMAN SCHULTZ. Thank you very much.

It's now my privilege to introduce and yield to a gentleman who is, again, another recent addition to the House of Representatives, elected in November of 2008, someone who I have really seen exercise incredible leadership since his election to the United States Congress, and apparently the token man here tonight. So it's really especially wonderful that he has joined us.

STEVE DRIEHAUS hails from Ohio and is the former minority whip in the Ohio House of Representatives. He is also a former Peace Corps volunteer, which, to me, that kind of altruism and volunteerism is so incredibly admirable. He is the father of three young children, whom I know he is most proud of.

It's my pleasure to yield to him on behalf of Breast Cancer Awareness Month.

Mr. DRIEHAUS. I thank the gentleman for yielding. And I want to acknowledge the tremendous work of Congresswoman WASSERMAN SCHULTZ and Congresswoman MYRICK on this issue.

I hail from the great State of Ohio. We looked into the breast cancer statistics in the State of Ohio, and we learned that more than 8,000 new diagnoses occur every year for men and women in the State of Ohio with breast cancer. And nearly 2,000 breast cancer fatalities still occur every year in the State of Ohio.

While this rate has declined in recent years, in part due to the emphasis on early detection and treatment, we all know that it's still way too high.

In Southwest Ohio, we've made progress. We have the Breast Cancer Alliance of Greater Cincinnati, focusing on advocacy, education, and communication. We have the Cris Collinsworth ProScan Fund, promoting breast cancer awareness and education, providing access to early breast cancer detection services, and offering support to breast cancer patients. We've got the Breast Cancer Registry of Greater Cincinnati, housed at the University of Cincinnati College of Medicine, which is designed to obtain information from and about women and men diagnosed with breast cancer, with a purpose to support research about the causes of breast cancer.

But while all of these things lead to greater awareness and greater education around breast cancer, it's interventions like the EARLY Act and the Breast Cancer Awareness Month that help us bring national attention and national focus to young women, older women, young men, and older men about the dangers of breast cancer.

I remember when I was just a little boy my grandma's being diagnosed with breast cancer. I didn't know what it meant at the time. I knew grandma was sick. I knew she was in trouble. She eventually succumbed to cancer. And I think just like every one of us,

we have those stories. But back then when I was a little boy, we didn't have this awareness about breast cancer. We didn't have the early diagnosis that we have today. And that's why so many women lost their lives to this dreaded disease.

We are making progress in this country. We are making tremendous progress. And it's through actions like the EARLY Act, it's through actions like Breast Cancer Awareness Month that we make that progress.

So I again want to applaud my colleagues on the floor tonight and lend the voice of the men of America in support of these efforts. I am proud to be a cosponsor of the legislation. I think it's a critically important piece of legislation, and I appreciate your taking the time tonight to again educate the people in America on the issue.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. DRIEHAUS. Again, it has absolutely been a privilege to work with you since you joined us in the House of Representatives. You've been really doing an incredible job, and I appreciate especially your taking time out of your evening, especially late in the evening, 9 o'clock at night, to help raise awareness about the importance for women to focus on their breast health and to help women and men be focused on breast cancer awareness in this month of October and all throughout the year.

It's now my privilege to introduce someone whom I have come to know over the last number of years and whose district I have traveled to on a number of occasions and whose leadership I've seen demonstrated both in her hometown of Columbus as well as here on the floor of the House. She served as a former school board member in Franklin County, a former county commissioner in Franklin County, and now serves in the United States House of Representatives with distinction.

I yield to the gentlelady from Ohio, MARY JO KILROY.

Ms. KILROY. I want to say thank you to both of my colleagues, Representative MYRICK, with whom I have the great honor of serving as one of the co-Chairs of the bipartisan Congressional Cancer Caucus, and of course the gentlewoman from Florida for your strength as cancer survivors and for leadership on this issue.

I am lucky, Representative WASSERMAN SCHULTZ, to have you as a friend, and I appreciate very much the kind comments you made just a few minutes ago about me. You have taught me so much about this Chamber and what it means to serve here as a Member of this House.

□ 2100

Last weekend, we saw some very interesting things happen on the football fields. We heard earlier from Representative CAPPS—and I remember



those days when breast cancer was something to be whispered, when my mother and her sisters or my father's sisters would whisper in the other room about somebody who had been diagnosed, and things have changed that way.

And last weekend we saw some very large athletes who are man enough to wear pink. Hundreds of NFL football players shed their dirty cleats for fresh pink and white athletic shoes to show their support for Breast Cancer Awareness Month, to show their support for their mothers or sisters or aunts or grandmothers or for the thousands of women diagnosed with breast cancer in this country.

Awareness is very important. And I think awareness helps lead to action, the kind of action that we've talked about tonight with our sponsorship of the EARLY Act, the kind of action that dedicates resources to research and to access to health care.

The pink wave was a wonderful show of solidarity for cancer survivors and for continued research funding that we in this Chamber have supported. And while professional athletes get a lot of attention, I would like to call your attention to the next generation of athletes, to some women in my district who are also drawing attention to the cause and to the fight for a cure. In fact, they are instead of running for the cure, they are volleying for the cure.

And this week I visited Hilliard Bradley High School and presented each member of the Hilliard Bradley volleyball team with a recognition certificate for their service to the community through the Volley for the Cure event that took place at their high school on September 14. The Hilliard Bradley volleyball team and their coach, RyAnne Ufferman, with the support of small businesses and the community of Hilliard, raised \$2,300 for the local affiliate of the Susan G. Komen Race for the Cure. The team had a T-shirt, a bake sale, and a raffle at their match against Fairbanks Local to raise awareness and money for the cause.

It's great that these young women recognize an issue that is facing us as women in this country, the need to raise further awareness and further resources so that we have a cure. And I was so pleased with them for their leadership. This is a new high school. These are not the seniors that are looking for something on their resume. These are freshman, sophomores, and juniors in this new high school on this new team stepping out beyond their comfort zone to go out and knock on doors and ask for money to join us in this cause to find the cause and the cure for breast cancer, a disease that affects in one way or another almost every single American. And it can only be eradicated if we all continue our efforts at the Federal level to support

and to fund important research and to continue the grassroots support that we see at important organizations like Susan G. Komen.

I cannot tell you how proud I am of the 25 young women who put this event together, as well as for their four coaches.

These young women and this 25th anniversary of Breast Cancer Awareness Month should serve as a reminder to all of us to take breast cancer screening seriously and to make sure eliminating breast cancer is a priority for our country. We hold the key to this in our incredible doctors, in our scientists; and I hope that they will continue to receive the support they need.

People will learn how to be more aware of breast cancer and the need for examinations and prevention and detection, and we'll continue to work so that all of us, all women, have access to the women's health care that they need.

Thank you very much for this opportunity.

Ms. WASSERMAN SCHULTZ. Thank you so much, Congresswoman KILROY. It is so wonderful to serve in the House of Representatives with you, and as someone who has recently shared her personal health care battle and highlighted the need for health care reform as a reflection of your own personal story, I really just admire your courage. And it's been an incredible privilege to work with you. Thank you so much.

It's now my privilege to introduce not only my friend but my next-door neighbor in Washington, D.C., a woman who has been a passionate advocate, a fighter—really you look in the dictionary and look up the word “fighter” and “passion” and SHELLEY BERKLEY is right there.

She served prior to her election to Congress in the Nevada State Assembly. And I would like some credit for pronouncing “Nevada” correctly. So I want to pat myself on the back for that. Ms. BERKLEY served on the Nevada State Community College Board of Regents as well. She is the mom of two wonderful sons, both of whom I've met and who have done her proud.

And it's my privilege to yield time to her tonight for Breast Cancer Awareness Month.

Ms. BERKLEY. Thank you, Congresswoman.

I would like to thank both Congresswoman DEBBIE WASSERMAN SCHULTZ and my dear friend Congressman SUE MYRICK for leading the charge, and a special thank you to DEBBIE. She did mention that we're next-door neighbors.

And I want to tell you, DEBBIE, I used to—you know, in the morning before I start getting ready to come to work—and I am always at work by 8 o'clock no matter where I have to be; it's usually by 8. And I would be sitting at my

dining room table having my cup of coffee and reading the newspaper, and at ungodly hours there was DEBBIE getting into her car, and I couldn't for the life of me figure out where she was going at this hour. I said, Where can this woman be going?

But then by 8 o'clock I would see her at whatever meeting we were at. And I never knew until you made that public disclosure of what you were going through and that you were going through it by yourself, with your loved ones, but not sharing with your colleagues because you wanted to keep this personal and not tell people at that time. And I cannot tell you the admiration I had for you long before that, but particularly afterwards.

And, SUE, same thing. I recall distinctly when you were going through your treatments and how brave you were during that time, and it's an inspiration for all of us.

This is a very important piece of legislation, and that's why I came to the floor at 9 o'clock in the evening. It's particularly personal to me.

There isn't a woman in my family that has not died of cancer, of breast cancer: both my grandmothers, all of my aunts, my mother. The worst day of my life is when my sister, Wendy, 47 at the time, called me up and told me that she had been diagnosed with cancer. Given the background of my family, listening to this my knees buckled because I was so fearful of her fate. But because times have changed and there's early detection and better awareness of this dreaded, horrible disease, horrible disease, she was able to get the treatment that she needed. They practically killed her to cure her, but she's alive today and doing not only very well but she just became a grandmother last Friday. And that could not have happened in my mother's generation or my grandmothers' because they weren't aware of what they needed to do in order to protect themselves.

I am hoping that when we are discussing health care in this country that we are able to change the paradigm of how we deliver health care services to the people that we represent throughout the United States of America. This is a perfect example of legislation that is important because it raises awareness for all women, young and old, but particularly younger women that need to know what to look for, what to expect, what are the signs, and what they can do when they suspect that they have the early signs of cancer.

I think the reality is with early detection, you can prevent these diseases and seek the treatment that you need so that you can go on to lead a long and wonderful life and have children and grandchildren just like my sister Wendy.

Women don't take very good care of ourselves. We're always taking care of

everyone else. And the little aches and pains we have we tend to ignore because we're too busy during the day to deal with it. We cannot afford to let that happen because sometimes it's those little pains, those little bumps, those little things that we don't pay attention to that could ultimately lead us down a path that we don't want to go.

If you have a sick mother, you have a sick family because in most cases, the mother is the linchpin of the family. And if you're going to have a woman that doesn't take care of herself, doesn't know what the early signs of cancer are, doesn't know what to look for and what to do should they suspect, then they're not going to treat themselves; they're not going to have early detection; they're not going to have prevention of this disease. And the entire family is going to be harmed, and the loss to the family is dramatic.

So I cannot thank you enough for introducing this legislation. I'm a proud cosponsor. I look forward to being on the floor and voting for this and pressing that green button.

And I thank you all, not only on behalf of the women in my family—those that have gone, those that are still here and those that are yet to be born—but for the millions of other American women and families that this legislation is going to help and to save. And I thank you both for that.

Ms. WASSERMAN SCHULTZ. Thank you, Congresswoman BERKLEY for your leadership and for your friendship and for your neighborliness.

At this time I would like to yield to the gentlelady from North Carolina who will yield to some colleagues who have joined us on her side of the aisle.

Mrs. MYRICK. I thank the gentlewoman for yielding.

I wanted to make a couple of points before I do that, and one of them is we can't spend an evening talking about breast cancer without remembering our dear friend JoAnn Davis who was a Member here. And she fought a courageous, courageous battle. She truly did. Unfortunately, she was diagnosed late. She had a very aggressive cancer and she lost that battle a couple of years ago. And it's still hard every time I think of her. She was a tremendous, tremendous person and very valiant.

The other thing I wanted to just mention was when we talk about the awareness that this bill is promoting, women still today don't want to get mammograms simply because they're afraid they will hurt. And you know, I have had so many women say that to me; and then I have other women say, Well, I really don't want to know. And you know, we really need to make women aware that they better find out sooner rather than later. And that's why this legislation is so important.

And men, too. I have two male friends in Charlotte who both have breast cancer and never had any idea—and one of them, unfortunately, because they didn't think he had breast cancer, he isn't with us any longer.

So there is a lot of work to do, and again I commend you for this.

And I have the pleasure of introducing a gentleman who is also new to Congress, and we're delighted he's here, the gentleman from Louisiana (Mr. CAO). I will yield to him 2 minutes.

Mr. CAO. Thank you very much for yielding me time.

Mr. Speaker, I stand here today to support this very important legislation to bring awareness to breast cancer. For many women in my district and all over the United States, breast cancer is a life threatening disease. It is therefore imperative that we as a Nation do all we can to work towards a cure.

The national statistics for breast cancer rates are intimidating. It is the leading cause of death in women ages 50–54. Thus, very few families are left untouched by the pain and suffering it causes.

However, thanks to the efforts of the Susan G. Komen Foundation and other breast cancer awareness groups, breast cancer has the highest survival rate of any cancer that afflicts Americans. In fact, there are 2.5 million survivors that owe their lives to these efforts and to the power of early detection.

My home district, the Second Congressional District of Louisiana, has the highest breast cancer mortality rate of any district in the United States and, unfortunately, the lowest early detection rates.

Thanks to recent medical developments, early detection means more treatment options and higher success rates. It literally saves lives.

As part of Breast Cancer Awareness Month, I want to stress the importance of having regular screenings to guarantee early detection and to improve women's chances for survival.

I would also like to acknowledge a woman from Louisiana who's currently struggling with breast cancer, Mrs. Tara Stoulig Monistere.

Mrs. Monistere is a 34-year-old wife and mother who was diagnosed with stage IV breast cancer shortly after the birth of her daughter. Her situation is unusually difficult in that breast cancer rarely strikes young women and new mothers with such intensity. Every aspect of her life is compounded with greater stress levels and hardships as a result of this disease.

However, she remains an active member of her community, maintains close relationships with family members, and fights her disease with great faith, bravery, and determination.

□ 2115

Mrs. Monistere's personal struggle with breast cancer is one of countless

examples that proves that this disease is too common for women of all ages. Breast cancer attacks a new victim every 2 minutes, and an estimated 3 million women are living with it in the United States today. I urge all women in my district and throughout the country to get tested regularly. Through continued awareness and preemptive action, we will proactively fight this disease and save more lives.

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. CAO, for joining us this evening. Again, this has been a bipartisan Special Order, as well as male, female, a combination of devotion to making sure that the women in our lives and the 1 percent of men that are diagnosed with breast cancer every year are more aware of the importance of focusing on their breast health.

It is now my privilege to yield time to the gentleman from Illinois who is celebrating a birthday today. That is particularly exciting, and we appreciate him coming down to help raise awareness about the importance of breast cancer on his birthday. He is a father of two. Prior to his election to Congress last year to fill an unexpired term of the former Speaker, he was a scientist, a very successful and learned scientist, and has added incredible expertise to the discussion and debate we have here in the House of Representatives, Mr. FOSTER from Illinois.

Mr. FOSTER. Today I rise in support of my sister, Susan Adlai Foster, a survivor of breast cancer; and in remembrance of my grandmother, Nanette Raymond, who was not. Today I also rise in strong support of Breast Cancer Awareness Month to recognize the strength of the women who have endured this terrible disease. This year alone, it is estimated that 192,000 women will be newly diagnosed with breast cancer, and it will claim the lives of over 40,000 women. However, it is a great disservice to these strong, courageous women to reduce them to statistics. They are our mothers, sisters, grandmothers, and our friends.

I lost my grandmother to breast cancer. Thankfully, my sister has survived her battle with this disease. I firmly believe that we must take all steps necessary to promote awareness and research to find a cure so my daughter and her generation do not suffer through this same experience.

It has become obvious that part of breast cancer is environmental, part of it is genetic, and a large part can be mitigated through early detection. We must press ahead on all fronts to mitigate and eventually eliminate this scourge.

I would also like to take this opportunity to applaud the efforts of the Susan G. Komen Foundation that has done so much to advance this cause and to spread the message that early testing saves lives.

I encourage all of my colleagues to cosponsor and vote for H. Res. 708, congratulating Nancy Goodman Brinker, who founded the Susan G. Komen Race for the Cure, for receiving the Presidential Medal of Freedom.

Ms. WASSERMAN SCHULTZ. Thank you so much, and happy birthday.

It is now my privilege in the last couple of minutes before we yield back, in honor of Breast Cancer Awareness Month, to yield time to the gentlewoman from northern California who is a passionate fighter on behalf of the causes that she and her constituents care about, LYNN WOOLSEY.

Ms. WOOLSEY. Mr. Speaker, I rise in support of breast cancer awareness and to honor two very brave congresswomen, Congresswoman WASSERMAN SCHULTZ and Congresswoman MYRICK.

Mr. Speaker, breast cancer is a disease that has touched the lives of far too many people. Young women are especially high risk for breast cancer. In fact, breast cancer is the leading cause of cancer death among women ages 15–45 because breast cancer tends to be more aggressive in younger women due to lack of appropriate screening, diagnostic tools, and inadequate education about the disease among young women and among the medical community.

We must give young women the tools they need to fight this disease by educating them, and we must make sure that they receive early detection, because when breast cancer is detected in the early stages, the survival rate is more than 98 percent. That is why I support H.R. 1740, the Breast Cancer Education and Awareness Requires Learning Young Act of 2009. This bill would increase awareness of risk factors for breast cancers and encourage early detection of the disease among young women through community-centered informational forums, through public service advertisements, and media campaigns.

H.R. 1740 also aims to educate health care professionals about the unique circumstances young women diagnosed with breast cancer face.

In addition to educating women, Mr. Speaker, about the risks of breast cancer, we must expand research into the causes and treatments for breast cancer, especially among young women who are excluded from breast cancer studies. Breast cancer is more difficult to diagnose in young women because screening methods that work on older women are less successful on younger women.

We also need to learn more about the long-term effects cancer treatments have on women of any age. That is why the Annie Fox Act is an act that will help us invest in prevention and in treatment.

Mr. Speaker, I am honored to stand here with my colleague from Florida and my colleague from North Carolina. I commend them both on the strength

they have shown during their personal battle with this disease, and I applaud their efforts to help all women fighting breast cancer. I pledge to work with them so we can get this behind us.

Ms. WASSERMAN SCHULTZ. Thank you so much. As Ms. WOOLSEY steps away from the podium, I really want to acknowledge her leadership, particularly on young women breast cancer issues because prior to my introduction of the EARLY Act, she was one of the leading voices on breast cancer in young women, and we can't thank her enough.

Mr. Speaker, as our hour comes to a close, I want to thank Congresswoman MYRICK for her leadership and her friendship. I think the point we want to make tonight is that although Breast Cancer Awareness Month is celebrated throughout the entire month of October, it is important for us to focus on breast cancer awareness and for women to focus on their breast health throughout the year.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today, during breast cancer awareness month, in solidarity with, and through the strength of, thousands of breast cancer survivors and victims throughout these United States.

I stand by my friend and colleague Congresswoman DEBBIE WASSERMAN SCHULTZ whose fight with this disease is an incredible story of will and perseverance;

I stand by many longtime friends in our community who have been affected by this terrible disease;

And I stand by hundreds of thousands of women whom I will never know nor meet, but whose stories we already know all too well.

And though breast cancer affects both genders, it disproportionately targets women, with men being about 100 times less likely to be stricken with the disease.

And as women, our chances of developing invasive breast cancer at some time in our lives is incredibly high, by some counts a 1 in 8 chance.

This makes breast cancer the second most common cancer among women.

Almost everyone in this country unfortunately knows someone who has suffered from breast cancer.

Whether that person is your mother, sister, partner, or friend, the story is always heart wrenching.

Through efforts such as breast cancer awareness month, all of us work to bring about greater breast cancer education, prevention, diagnosis and treatment.

But it is stories of some of the brave women with this terrible disease that I want to share today.

Linda Gayle Burrowes never expected to be a statistic.

But for her 49th birthday she received the gift that would save her life.

A friend of hers insisted on giving Linda a mammogram; and the day after Linda's birthday, she was diagnosed with breast cancer.

She is a survivor because this angel sent gift caught the disease early, and Linda was determined that other women would not be like her, leaving their life up to chance.

Three months after her mastectomy, she started the breast cancer support and educational group "Your Bosom Buddies", which has meetings the 3rd Thursday of each month at the Women's Health Center at Baptist Hospital in my community.

There is also the story of Mary Lamberts, who is a 9-year breast cancer survivor.

Mary has a history of cancers on both sides of her family, so she always prepared for the worst on her check-ups.

But 90% of women diagnosed with breast cancer have no family history of the disease.

The diagnosis came after Mary had a mammogram, followed by an ultrasound that same day after her radiologist saw something suspicious.

During the surgery to follow, her doctor found multiple tumors.

Most of the tumors were removed but she had to undergo over 30 treatments of radiation, and remain on a regimen of powerful drugs for years afterwards.

Thankfully, many men and women do survive this terrible disease.

And no one knows the simple gifts in life like a survivor.

Rosa Andreu Vila was diagnosed with breast cancer 12 years ago and went through a lumpectomy, chemotherapy, and radiation and has mercifully been in remission.

She has told me that in the 12 years since her diagnosis, due to early detection and treatment, she has been able to see both of her sons graduate from college and be married, and is now a proud first-time grandmother.

These are stories of survivors, but new cases of breast cancer happen every day.

Dr. Frank Mave, a local doctor of osteopathy, is one of the newly diagnosed males with breast cancer and just had surgery this month.

He is only just now beginning his "long and winding road" with chemo and radiation, and we pray for him and all others who are on their way to being survivors.

These stories show that there is hope, and people are increasingly surviving breast cancer.

In the United States, breast cancer is becoming one of the most survivable cancers, if the disease is detected early.

And this is the point of breast cancer awareness month.

We must remain vigilant in our efforts to educate and diagnose and treat.

With these three pillars, we can and will save lives.

Let us make sure that we educate one another on the dangers of breast cancer and the need for routine checkups.

In memory of Congresswoman Jo Ann Davis, who passed away at the age of 57 while serving last Congress after a two-year battle with breast cancer;

For all men and women in my community and throughout the United States currently battling this terrible disease;

For my daughters, and my new baby granddaughter Morgan Elizabeth, I thank my friend and colleague Congresswoman DEBBIE WASSERMAN SCHULTZ for her leadership on this issue.

Her story serves as an inspiration to all.

Let us make sure our efforts to defeat this terrible disease continue at full force.

Mrs. LOWEY. Mr. Speaker, I'd like to thank my colleagues, DEBBIE WASSERMAN SCHULTZ and SUE MYRICK for organizing this very important Special Order hour tonight.

Recognizing breast cancer awareness month is about more than issuing a proclamation or delivering a speech. It is about honoring the women who have fought bravely against breast cancer and committing to finding a cure so that they and other women can live healthy lives.

These women and their families have created a community of hope for those who struggle every day—with courage and dignity—with this terrible disease.

They are mothers, daughters, sisters, friends, and advocates whose strength and tenacity have driven us toward significant progress in treating breast cancer.

Improvements in treatments coupled with advances in early detection and screening methods have increased the survival rates for women to 98 percent when breast cancer is detected in its earliest stages.

But this remarkable achievement can not stop us from ensuring this terrible disease is cured once and for all.

Government can't cure cancer, but it can put the resources in the hands of scientists who will. That's why I have made funding biomedical research at the National Institutes of Health a top priority in Congress.

It is hard to believe, but when I was first appointed to the Appropriations Committee in 1991, the federal government was spending just \$133 million on breast cancer each year.

In the last decade, however, that investment has increased dramatically—to more than \$1.3 billion between spending at the National Institutes of Health, National Cancer Institute, and Department of Defense.

Furthermore, last year, legislation I authored with Representative SUE MYRICK to study the link between the environment and breast cancer was enacted into law.

In addition to fighting for more research into the causes and best treatments for breast cancer, I have also spearheaded the effort to substantially increase and accelerate research into early detection technologies.

Mammography screenings are a woman's best chance for detecting breast cancer early, and when coupled with new treatment options, can significantly improve a woman's chances of survival.

However, experts and scientists agree that we still have not found the 21st century early detection method we need.

I am pleased that the National Cancer Institute is spending close to \$55 million per year to research better screening methods for breast cancer spurred by my legislation, the Better Screening for Women Act.

The federal commitment to cancer research has enabled us to make enormous strides in our understanding of this complex disease.

The investment we make in research and education today will improve care for each and every cancer patient, and move us closer to the day when we eradicate cancer.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am proud to be speaking before you today about the importance of "National Breast Cancer Awareness Month." This campaign goes back a quarter of a century, starting as a

weeklong campaign in 1985, by AstraZeneca, a pharmaceutical company; its aim from the start has been to promote mammography as the most effective weapon in the fight against breast cancer. This month and throughout the year, we should all be committed to ongoing education about options for breast health and helping women become more informed so that they can make educated choices about breast health.

Breast cancer is a disease that impacts all Americans, affecting women and men of all backgrounds, races, and incomes. Women in the United States have the highest incidence rates of breast cancer in the world; 141 among white women and 122 among African American women.

Among women in my home state of Texas, breast cancer is the most common cancer, and the second-most common cause of cancer death (after lung cancer). Women in the U.S. have a 1 in 8 (12.5%) lifetime chance of developing invasive breast cancer and a 1 in 35 (3%) chance of breast cancer causing their death. There were 216,000 cases of invasive breast cancer and 40,000 deaths in 2004. In 2007, breast cancer was expected to cause 40,910 deaths in the U.S. (7% of cancer deaths; almost 2% of all deaths).

It is unacceptable enough that so many women today meet such an end. But, worse still, several studies have found that black women in the U.S. are more likely to die from breast cancer even though white women are more likely to be diagnosed with the disease. Even after diagnosis, black women are less likely to get treatment compared to white women. The journal *Cancer Causes and Control*, for instance, found in their sample that there has been no improvement in mortality from breast cancer for black women in 23 years.

Worldwide, breast cancer is by far the most common cancer amongst women, with an incidence rate more than twice that of colorectal cancer and cervical cancer and about three times that of lung cancer. However breast cancer mortality worldwide is just 25% greater than that of lung cancer in women. In 2004, breast cancer caused 519,000 deaths worldwide (7% of cancer deaths; almost 1% of all deaths). The number of cases worldwide has significantly increased since the 1970s, a phenomenon partly blamed on modern lifestyles in the Western world.

However, research has proven that by making treatment available, we can fight this horrendous disease. In my home city of Houston, the Ben Taub General Hospital and Baylor College of Medicine strive to ensure that the most advanced medical care is available to all the city's residents regardless of wealth or ability to pay. Ben Taub General Hospital is vital in providing care to the over 1.1 million Houston residents without health insurance, and millions more with little or low insurance coverage. For over 100 years, Baylor College of Medicine has firmly committed to caring for patients, regardless of their ability to pay.

That is why we all work to raise awareness and educate our fellow citizens about this horrible disease; that is why we must fight to make sure breast cancer is defeated through early detection and funding for a cure; and that is why, to make sure that women across

our nation have the treatment they need to fight this battle, we must pass real health care reform in America.

In closing, Mr. Speaker, I would like to thank everyone here for being part of this fight, and I pledge to remain by your side until breast cancer is defeated, and no American woman ever again has to fear it.

#### BREAST CANCER AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PAULSEN) is recognized for 5 minutes.

Mr. PAULSEN. Mr. Speaker, I just want to rise in support tonight and commend my colleagues from Florida and North Carolina for their support in this effort and bringing attention to this very important issue.

As I listened to the personal stories tonight, I couldn't help but think about how this has touched so many different people in so many different ways. As the father of four daughters myself, I certainly have the perspective of wanting to focus early prevention and attention on this issue.

I have staff members who have family members who have been afflicted by this terrible disease. I think it is very important to recognize that as we look at October being Breast Cancer Awareness Month, and the efforts that are going on here this evening, the more that we can do as a Congress bipartisanship and across the aisle, especially to drive attention and focus on a disease that is afflicting so many people and is something that is very preventable, as was mentioned. This is the disease that is the most commonly diagnosed cancer among women in the United States after skin cancer, and the second most common cause of cancer death, after lung cancer, among U.S. women.

Twenty-five years ago was the first observance of National Breast Cancer Awareness. We have come a long way since then, but we have a long, long way to go. We must continue to do more to raise awareness of this very serious issue.

That is the reason that I am a cosponsor of the gentlelady's legislation from Florida. It does focus the education on the prevention measures which are so critical. I mention that, having four young daughters myself. That is a bill that has 370 cosponsors. There aren't that many pieces of legislation that garner that type of support. It really is a testimony of not only the issue, but the leadership of the gentlelady from Florida. It is an honor to be part of this effort tonight and to drive focus and attention on this.

This bill really does focus important attention to early detection, which is the key to preventing and curbing this horrible disease. Studies have shown that early detection of breast cancer can and does save lives.

Mammograms performed every 1 or 2 years for women aged 40 years or older can reduce mortality by approximately 20 to 25 percent over 10 years. So it works.

I was proud last night to highlight an example of two young entrepreneurs, enterprising constituents in my district, that began their own efforts to drive attention on this deadly disease. They started their own lawn care business, but on the side they decided to dedicate a portion of their profits toward breast cancer research.

So these two young 15-year-olds have begun one of the most inspiring and philanthropic organizations throughout Minnesota, and now they are trying to drive more attention to this around the country and throughout Minnesota to raise money to focus attention on breast cancer research. It goes all the way down to the younger and youth that are trying to bring attention to this issue.

I hope this month serves as a reminder of early detection and screening and working towards a cure for breast cancer.

I thank the gentlelady for giving me some time this evening and for her leadership.

#### AMERICA'S LONG-TERM STRATEGIC POSITIONING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRBACHER) is recognized for 60 minutes.

Mr. ROHRBACHER. Mr. Speaker, I rise tonight to discuss America's dependence on NATO, our relations with Russia, today's threat of radical Islam, and tomorrow's looming threat of an ever-more-powerful Communist China. In other words, tonight we will examine America's long-term strategic positioning in the world.

It is always valuable to look at history as well as the present before considering the future. So let's start with the North Atlantic Treaty Organization. It made sense, NATO made sense when it created it. It made sense to strengthen the NATO alliance during the 1950s while the Soviet Union was forming its Warsaw Pact and while the fall of China to Communist tyranny and the Korean war halted the vision of a peaceful world that we had been dreaming of in the aftermath of World War II. But in the 1950s, that was a threat.

But the 1950s are ancient history. The cold war is over. This is the 21st century. NATO no longer serves its purposes and is, in many ways, counterproductive. Ronald Reagan's visionary leadership, coupled with the unrelenting commitment and courage of the American people, brought an end to the Soviet Union and the Warsaw Pact. The people of Eastern Europe were

freed from a hostile occupation and puppet Marxist governments. In the 1990s, the Russians dramatically moved away from domestic tyranny and away from a belligerent foreign policy.

Freed from its Soviet shackles, Russia expected to be embraced. At least if they weren't embraced, they certainly expected to be accepted as the Russians moved their troops out of occupied nations and opened up its political and economic system. It was perhaps the greatest peaceful resolution of a hostile confrontation between major global powers in history. NATO played an important role in bringing us to that point in the late 1980s and early 1990s.

The armed might of NATO deterred aggression and Soviet adventurism that could have resulted in a world conflict. NATO, with American leadership, won for Western civilization a new chance at building a future of progress, freedom, and tranquility on a global scale.

□ 2130

In the last 20 years, there's been a change on a massive scale, most of it for good, in the former Soviet Union. Certainly, elements of this transition have been counterproductive and short of expectations and disappointing to the people of Russia, as well as peace-loving people in the West who had such high expectations. But by and large, enormous positive changes have taken place in Russia over these last 20 years.

It is in vogue now, in some circles, to suggest the current leadership in Russia is similar to the Communist thugery of those who not so long ago ruled that country with an iron fist and threatened world peace. Let this Cold Warrior shock you by suggesting that the Russian government's flaws, and they have many flaws, do not reflect a fundamental, malicious nature, as was the case under communism. And while there are examples of heavy-handedness, there is ample evidence of freedom of speech, religion and enterprise.

Within this context, the vilification of Russia by old Cold Warriors, my friends, most of them, has been unconscionable and unrelenting. The fall of communism, the restructuring of its society, and Russian forces, of course, withdrawing from Eastern Europe, this was breathtaking. These were breathtaking events. Clearly, the Russian people and the Russian government wanted to be part of the Western community if they were willing to take such dramatic steps. The door was open, and the Russians were not only willing but anxious to leave Cold War hostilities behind. They were naive and so were we about the transition. This historic opportunity has almost totally been squandered.

During the transition, rotten elements in the West allied themselves with nefarious Russian elites, and together they took advantage of their

country's weakened and vulnerable condition. Russia was looted, and much of the loot ended up in Western banks. Vast natural resources ended up in the hands of a few power brokers. Billions of dollars of Russian wealth, basically mineral wealth, was transferred to private hands for a pittance.

The Russian people, rejected and isolated when they expected to be partners in building a new world, sunk into despair. Adding to their sense of helplessness, Russia was frozen out of the world market and relegated to the fringe market, like Iran. Let us note that today we are suffering because of that effort to isolate Russia from the global economy. I remember shortly after the Communists fell in Russia, I went to my own aerospace industry leaders and said, We've got to let the Russians compete with us. This is the one area, high technology, where they can compete. And of course, the reaction with our major aerospace companies was, no way.

And for 7 years after the fall of communism, Russia, which had invested enormous resources in rocket technology, was not permitted to sell their launch services to the West. That was the one area they could have really raised some hard currency, and we denied that to them.

While, at the same time, what did our friends in Europe do? Of course, Europe, by its very nature, the European Union is a cartel, excluding other countries like Russia. But instead of utilizing Russian missile and rocket technology to launch satellites, our European allies rushed forwards to spend hundreds, maybe \$150 billion, in developing their own launch capabilities. Again, instead of letting Russia be part of the world market, they were frozen out.

And how does this relate to Iran? Their scientists were earning \$50 a month, people with Ph.D.'s, the top level of their society, the cream of the scientific crop, starving, seeing their families suffering. They were looking around, so they were relegated to the fringe, and they went to Iran, and Iran agreed to hire them to build a nuclear reactor. I remember this very well. During the Clinton administration, I went to top people in the Clinton administration and explained, This will eventually be a horrible catastrophe, a threat, a huge threat to the United States and the West if we permit this nuclear power plant in Iran to be finished.

I said, but we shouldn't be threatening the Russians, which is what we did. Our government policy was, don't do it, or you're going to suffer, instead of saying, look, we know your people are unemployed. We'll get you a contract, financed by the World Bank. It wouldn't have cost us anything to build two power plants, maybe one in Turkey, maybe one in Malaysia, maybe

one in another country that needed electric power. Instead, we just threatened them, and of course they had no other alternative. We didn't give them that alternative. And so now, we face this problem.

By the way, shortly after George W. Bush was elected, I went to see Condoleezza Rice. Made the same argument, We've got to act now—if we act now we can give the Russians an alternative in which they do not have to build this nuclear reactor for the Iranians. But let's give them the alternative.

Again, it was only threats and talk about punitive actions but no willingness to offer the Russians a positive alternative. So, of course they had to get their people employed. We're going to find out a lot about that in the months and years ahead as our own experts find themselves unemployed. And we care about them, just like the Russian people cared about their people. But we did not at that time reach out to help the Russians, and we are paying a price for that now.

It's important to look back at the end of the Cold War, and to recognize the mistakes that have been made, and it has become clear that there were many, many mistakes that were made, by the Russians, yes, but also by us and our European allies. Now, however, is not the time to just lay blame. I didn't relate that story to blame the Clinton administration or the Bush administration or anyone else. But realizing what that mistake was, we now should move forward to try to see what we can do to make up for that and to try to establish better relations. This is not the time to place blame. Now is the time to set things right.

And as President Obama has said and Secretary of State Clinton has said, this is time to push the reset button with the Russians. And I would add, probably, yes, let's push the reset button with Russia and, at the same time, we should think about pulling the plug on NATO. So let's look at the future. Let's take actions today that will overcome past mistakes and look to a future when Russia and America, which share common challenges and common enemies, will be a source of strength to each other.

We have, over the last decade, inexplicably drifted toward a renewed adversarial relationship. Let us now take a serious look at what happens and recognize Russia to be an invaluable potential ally, an alliance that would be far more significant and viable than our current NATO alliance, which costs us far more than what NATO member states contribute to the international security operations and other type of activities that are vital to our country. Reagan gave us 2 decades of peace and prosperity because he did the right thing. The consequences of our actions since Reagan, however,

are becoming more evident and more alarming each passing day.

We must have the wisdom, courage and political will to reconstruct our efforts rather than rely on diplomatic and military structures of the past. And let us note, Ronald Reagan did have the vision. I remember Ronald Reagan, I worked in the White House with Ronald Reagan. I remember him quite often making a stand on missile defense, which he believed in, but making it very clear to people that this wasn't something that should be seen by the Russians as a hostile move. Instead, he said that we should offer, if the Russians were willing to pull back their forces from their forward belligerent positions in Eastern Europe, that we should be willing to have missile defense as a joint project with the Russians. It would save us both money, and it would cover security for both of our countries.

Ronald Reagan believed in that. That was not rhetoric. That was something he thought we could do. Instead, what we have done is move forward with missile defense and put it on Russia's border, not as something in cooperation with the Russians, but instead, something that the Russians naturally view as a hostile act towards them. Now, this is not the way we should go. Ronald Reagan understood that. Ronald Reagan stood firm, but he stood firm with a dictatorship in Russia, not with a Russia that was longing to be part of the Western world as it is today, and at least as it was 10 years ago.

We are confronted today with enormous foreign policy challenges and tasked with prevailing over those forces which will, if they can, destroy America and our way of life and murder our countrymen on a massive scale in the process. 9/11 was only a taste of the potential mayhem radical Islamists can and are willing to commit. By the way, we lost 3,000 civilians on 9/11, 3,000 people slaughtered before our eyes. That wasn't the intent. The intent was to murder everybody in those buildings and perhaps in all of the nearby buildings, as the World Trade Center buildings were going to collapse into a busy New York.

Yes, this was a plot to kill tens of thousands of Americans, and we'd better realize that that is the type of evil force we are up against. The national security threats before us are real and did not materialize out of thin air. But contrary to the dominant paradigm of our era, our ongoing relationship with NATO, since the end of the Cold War, has not worked to our benefit, nor has it made peace, stability, or our Nation's security more likely. NATO has recently engaged in a number of operations around the world, from fighting the Taliban to combating pirates. But whether one views these missions as relatively successful or a failure, one

can hardly look at them and not realize that the cost of our continued involvement in NATO certainly outweighs the benefits.

In Afghanistan, the other 27 NATO countries sent a combined force of fewer than 5,000 troops, many in non-combatant positions. These 5,000 troops are there as part of a coalition. While a certain number of these fighters from our NATO partners are heroic, and we salute them and they are helpful, yes, and many of them do take risks, they are dwarfed in comparison to the number of American boots on the ground. 68,000 Americans serve in Afghanistan, and the number is rising. All of our allies in NATO: 5,000. And it has not escaped our attention that many of our NATO partners don't permit their troops to be placed where they might see combat.

So this contribution, while appreciated, in no way justifies the tens of billions of dollars that we pour into the NATO alliance. And now, as NATO expands to such countries as Albania, Croatia and Bulgaria, it raises other serious questions. One of the primary tenets of NATO and a NATO membership is that any member will come to the defense of another member if that member is being attacked. But realistically, is the United States going to come to the aid of these other countries at any time, these slew of small countries, each of whom might have a border dispute with another country? And, is the reverse proposition, the reverse of that proposition worth the cost to us? Do we really need Albania and Croatia to come to our aid if we're attacked?

The answer is obviously, no. NATO's existence may be unnecessary for our interests. Let's also admit that NATO can be counterproductive. It's counterproductive to the peace at times. For example, by convincing the governments of new or potential member countries to aggressively and uncompromisingly deal with territorial disputes, we must realize that those disputes won't be settled by diplomatic negotiation.

The government of Georgia is a perfect example. The United States' discussion about NATO with the government of Georgia made it less willing to make compromises that were absolutely necessary for peace and stability in that region. Not only did Georgia not make the compromises, these talks about NATO emboldened them to take aggressive action. Breaking a 7-year truce with its regional adversaries, the Georgians launched a brash, ill-conceived military attack on the two breakaway provinces of Abkhazia and Ossetia. The Georgians started it. They attacked first. All the while, the people of the United States were told over and over again, using the most sinister words, that Russia was the aggressor. It was the Russians' fault. We heard



that over and over again. "We are all Georgians today," Senator MCCAIN proclaimed.

Again and again we were told that Russia was doing something evil and villainous. However, in a detailed second look at what happened in Georgia, a recent NATO report confirmed that it was Georgian troops that broke the truce. It was the Georgian troops that started this fight and brought on the confrontation. The point is that the Georgian government was emboldened by talks with them about NATO.

□ 2145

They were the ones that broke the agreement that had kept the peace in that area after we talked to them about NATO. They invaded those two breakaway regions, which resulted in a considerable loss of life in Osetia and Abkhazia, and it also brought on a counterattack from Russia, who had made agreements to maintain the peace with the people of Osetia and Abkhazia. And the counterattack that was what? A reaction to the Georgian invasion. NATO's role was counter-productive, clearly.

Furthermore, do we believe that the American military forces should have been involved in that distant conflict? Should they have been involved as part of a NATO commitment to Georgia? My goodness, that doesn't make any sense to me. That's all the way across the world. Yes, it's in Russia's backyard so you know that they would be very involved and interested. But the United States is going to engage in a military confrontation with a power like Russia over a dispute, territorial dispute, between Georgia and some regional governments that don't want to be part of Georgia?

By the way, the people of Georgia, I think they didn't have to be part of the Russian federation. I sympathize with their demand after the end of the Cold War to be an independent country. They have a right to self-determination. But so do the people of Abkhazia and Osetia. These two peoples had never been part of Georgia. Joseph Stalin, in his dictatorship, put them as part of Georgia.

Well, does it make sense for us to use our armed might in an agreement with the Georgian Government to make sure that we enforce their vision of what the world should look like?

It doesn't make sense also to sour a relationship with Russia, which is a country concerned, just as we would be in Mexico or Central America or in Canada. It doesn't make any sense to sour a relationship with Russia by implementing a NATO alliance with little countries all around it. In contrast, treating Russia as a friend would be enormously valuable to the security of both of our countries.

By expanding NATO with tiny countries and, of course, we are; these are

countries that are right around Russia. How can that not look like we have a military alliance, which is what NATO is, threatening Russia? Of course, we would think same way.

Instead of an alliance with Russia, we are seeking an alliance with weaklings and Lilliputians rather than forging a strategic relationship with a giant. So if Georgia and the other countries like Albania and Croatia, countries that I'm very sympathetic with—and, as I say, I'm sympathetic with Georgia. I want it to be independent of Russia because that's what they want. But if they want to be in NATO, let's let them in. But if they're getting into NATO, we should be getting out. Because it is not in our interest to commit our military forces to battle all over the world in disputes that have nothing to do with our security or the overall global stability of the world.

I'm not suggesting, however, isolationism. That's what people say: oh, well, you're an isolationist. Nowhere am I suggesting that we should not have bilateral defense-related agreements. I certainly believe in involvement and in bilateral defense agreements as well as bilateral trade agreements.

At the outset of the Cold War we saw a clear and present threat in the Soviet Union, and we went to work strengthening our existing relationships with friendly countries and building new relationships with other countries. Well, we should do that today. We should create alliances, but we need to be realistic and honest in our assessment of the challenges we face and the factors that are in play.

There are serious challenges to be overcome in the world today, and even more serious threats in the future. Radical Islam today, China soon. What we built to deter a Soviet invasion of Western Europe will not meet our needs of today. And I suggest that structure is, in many ways, counter-productive in dealing with today's threats.

In short, an alliance with Russia and a few other powerful nations is in our interest more than a continuance of an obsolete coalition or expanding that coalition to a large number of small countries.

Twenty years ago, I journeyed to Afghanistan. I stood alongside Afghan warriors, the mujahadeen, who were engaged in battle against the Soviet Army, which was then occupying their country. I was personally engaged in combat operations against Soviet troops during the Cold War. Very few people can say that.

My chest swelled with pride every time Ronald Reagan proclaimed our goal to be freedom for all subjugated people, including the Russian people. I was Ronald Reagan's speech writer, one of them, for 7 years. And when the

President of the United States, Ronald Reagan, pleaded with Gorbachev to tear down the Wall, I was part of the team that broke through the foreign policy establishment's blockade that would have neutered that great historic statement even before Ronald Reagan gave it. And I cried with joy in retrospect when that wall finally came crashing down, hammered and chiseled down by freedom-loving people on both sides of that grotesquely evil barrier.

I despised the Soviet Union because I loved freedom, freedom for all people, including the Russian people. The Communist government in Russia was our worst enemy. Times have changed. We need the Russians as trusted allies, if not our best friends.

I recently visited Russia, and over dinner with a counterpart I explained, as I just did, that I had been his worst enemy during the Cold War, and he stopped me right in the middle of the sentence. No, no, you weren't the Russian people's worst enemy. You were the enemy of Communist tyranny. And thank God for that. That's what he said.

There are many Russians today that fully understand that they have left Communist tyranny behind, but when they look around them and look forward, they see hostility and they hear Russia vilified for acts of natural self-interest. How many times have we heard Russia vilified for charging the market price for its resources, namely, natural gas? Over and over again, as if charging the world price instead of subsidizing the price for the countries around it was a hostile act.

Would we be expected, our country be expected, to charge well below the market price to other countries for our natural resources? Over and over again, Russia was described as committing a hostile act when it did that. And after all the reform, all the military and strategic withdrawals, that hasn't made any difference to us that Russia has done this.

We have kept them isolated and we have magnified every shortcoming that we could find in the new Russian Government. And all governments have shortcomings. Look, Turkey has human rights and democracy problems on par with Russia. In terms of the actual level of human rights problems, Turkey and Russia are probably at about the same level.

Yes, we should stay vigilant in our insistence on an accounting and correction of violation of human rights. And that's whether it's Russia or Turkey or any other country. But does anyone really want us to treat Turkey as a hostile power, try to make them into an enemy just because they do have imperfections? And are there some examples of heavy-handed use of power and some really questionable incidents there in Turkey? Well, yes, there are.

That doesn't mean we're going to turn them into our enemy and vilify

everything they do. The Turkish people are wonderful people. They've been our friends for so long. But so are the Russians. The Russians are wonderful and creative people. They share many personal values with us: their sense of humor, love of children, of fun, of drink, and dance and, yes, their reverence for God and faith that was never beaten out of them by the decades that they suffered under atheistic communism.

There was openness and vulnerability of these people as the Soviet Communist system collapsed. They made mistakes and had societal and governmental problems, no doubt about it. All of those mistakes and all of these problems weren't all corrected. They needed support. They were vulnerable. And even as we applauded the implosion of the Communist Government, we did not do what was right by the Russian people. Even as they chaotically implemented massive changes and reforms, they were forced to, for example, forced to pay off the debt that was built up during the Communist dictatorship.

What country could develop with that huge millstone around their neck? In fact, how ironic it was. We went to the Russians and asked them to forgive the debt of Iraq that Saddam Hussein had run up when that dictatorship controlled Iraq. How ironic we went to the Russians to ask them to do what we had pressured policy not to permit them to do.

With that millstone around their neck of that debt, no wonder there was economic chaos. How could they have pulled together and averted such mass suffering with having to pay the entire debt of a dictatorship they did not vote for?

In the years since, we have been growing apart from Russia, into hostile camps, even though our cooperation is paramount to the future of both of our countries. As I say, the Russians and the Americans share more than cultural traits. We now share some very real common threats. And those are radical Islam, which is upon us, and a totalitarian China, which is rapidly becoming a negative and tremendously powerful force in the world.

As we have continued to treat Russia as unworthy and with suspicion—even as they have reformed, we have done this—how is it that we have treated China, which has had no political reform, no liberalization, with such generosity?

The totalitarian Government of China is the world's worst human rights abuser. Those Chinese Communists in power in Beijing see us as their natural enemy. They unmistakably are also a threat to Russia. Yet, we still embrace that Chinese Government, the world's worst human rights abuser.

We fueled their economy, the Chinese economy. We have built their manufac-

turing base. We have enhanced their technological capabilities, even while simultaneously finding ways to continue hostility and noncooperation with Russia with one-way free trade policies with China and credits and investment in technology transfers. We have run up a massive trade deficit with China. A trillion dollars has shifted from the American economy into Chinese coffers, and all this while there hasn't been one opportunity for us to even get done the smallest bit of reform with our economic relationship with Russia. We weren't even able to bring ourselves to officially end the Jackson-Vanik restrictions which were placed on Russia during the Cold War—the Cold War, 30 or 40 years ago.

It is an insult and a sign of our own incompetence that we have not been able to lift the Jackson-Vanik restrictions on Russia, much less giving a reformed Russia a free trade agreement or Most Favored Nation status, which we bestowed upon the world's worst human rights abuser, China. Again, restrictions and hostility on Russia, all of this while we give China every benefit: Most Favored Nation status, tech transfers, capital investments.

Well, this relationship with Russia, as well as our relationship with China, has been wrongheaded, and gravely so. China, in stark contrast to the great changes in Russia, where there's been very visible political reform, where religion is not suppressed, where there are opposition political parties.

And, yes, there are imperfections in Russia and shortcomings and some heavy-handedness. But you go there and you hear talk radio shows complaining about the leadership in Russia. In Russia, you have opposition parties. There were two elections. And even the most critical of people who criticize Russia concede that those two major elections represented the inclination of the Russian people. Others were on the ballot, but they weren't elected. They lost.

□ 2200

Well, there has been reform in Russia. And although it's far from perfect, great progress has been made, and it is evident. Otherwise, I would not suggest drawing closer to that country. There has been reform. That gives us a reason to try to work closer with them rather than holding them off.

But remember, while we hold them off and we treat them in a hostile way, there has been no political liberalization at all in China. We've let them profit from one-way free trade that has drained our financial resources and destroyed our manufacturing base even as we built their manufacturing base.

When President Obama spoke here a short time ago, he noted as of late, we've been losing 750,000 jobs a month. We've been losing 750,000 jobs a month, millions of jobs have been lost, and

where did they go? They went to China, which is perfectly understandable when you look at our policies which created that type of outflow of capital and jobs as a small corporate elite—yeah, a very small corporate elite—benefited from this China trade and how it was structured.

But the American people lost, and it's going to get worse. Remember who has been paying for months and years now the price for the crazy policies that were not in the interest of our people in China. How did that come about? I've been in Congress now for 20 years. I was very proud to have led the floor fight with NANCY PELOSI on the other side of the aisle with me, leading the floor fight on that side of the aisle to oppose most favored nation status for China. Look back, find out who was behind most favored nation status for China. Who was it? It was during the Clinton administration that provided China should have permanent most favored nation status, so we didn't even get a chance to vote on it every year.

Now, it was a bipartisan betrayal of American interests here. Who was watching out for the American people? Instead, we established a trading system with China. I can tell you how it works. I represent the Ports of Los Angeles and Long Beach. You go right down there, and you can see it. Of all the containers, the massive numbers of containers that come in every day, tens of thousands, 90 percent are coming in and only 10 percent are going out, and almost all the ones coming in are coming from China.

Well, China is not an economic partner. It's exploited us. It's taken advantage of our weaknesses. It's not a partner for peace nor is it a partner for world stability. China has no reform and has not made reform of its political structure, and it is, unfortunately, our most likely future enemy. Those words are very hard for me to say. They are not our enemy now. They are our adversary. But it is clear that unless there is a significant political reform in China, a liberalization of their system, a recognition of fundamental rights, the dictatorship will continue in power and grow stronger.

America's most likely future enemy we treat with special privileges. The Russians we treat like a pariah, even as they reach out to us even after they have had incredible reforms and restructuring in their country. China is already a deadly economic competitor of our people and is openly hostile to the basic values which make us Americans: a respect for human rights, religious freedom, the environmental stewardship that we have taken upon ourselves in recent years.

Our current relationship with China has resulted in an economic and security disaster for the United States of America. It is time to have the courage to admit this fact, and it is time to reverse poor decisions and bad policies. If



the policies that have led us to this point are not reversed, the result will be national and, yes, global catastrophe. A world dominated by an authoritarian-controlled China will be a far different world than the one we live in today.

Again, we are talking about the Government of China, a specific regime, not the Chinese people themselves. The Chinese people are hardworking, family-oriented people. I have tremendous sympathy and respect for them. They are, in fact, freedom's greatest ally, our greatest hope, potentially our greatest friends who can help us avert a conflict between our countries.

The Chinese Government, however, is a loathsome tyranny, a dictatorship, a dictatorial clique that has enslaved their own population, intent not just in controlling China but also in dominating the rest of the planet. It is a government that, as I speak, is shooting down Muslim Uyghurs in East Turkistan, which is in the far regions of western provinces of China. Similarly, they are conducting a slow motion genocide on the people of Tibet. It's a government that arrests and murders Falun Gong religious practitioners.

And who are they? Who are the Falun Gong? Pay attention, America. Who are the Falun Gong? The Falun Gong want nothing more than religious freedom that they hold so dear. They are pacifists. What do they believe in? They believe in yoga and meditation. Yet thousands of them have been picked up by the Chinese Communist dictatorship and thrown into prisons, and oftentimes, they never come out of those prisons. And too often we find that what is coming out of those prisons—the prisons where the Falun Gong members have been deposited—what do we see coming out of those prisons? Body parts. Body parts sold to Americans and other people as organs to be transplanted; kidneys and other organs of the body that have been extracted from people who are put in jail for their religious convictions, and then they were murdered. That is the type of ghoulish regime that now controls the country of China and the Chinese people.

In China, there are no unions, no workers' rights, no democratically elected environmental standards. There are no concerns about human rights or consideration for the inherent dignity of all humankind. There is no liberty, no independent judiciary, no freedom of the press, no rule of law, no opposition parties, no right to criticize the nature of their government or to criticize the clique that rules their country.

A billion people are being held in bondage so that goods can be manufactured cheaply in China in an unholy relationship between very wealthy American and western capitalists and the

ghoulish dictators that control China. And with one-way free trade that we've established, to which we have acquiesced, and the short-term profit desired by America's corporate elite, our country has been a partner.

Considering those factors, our country has been a factor in building the Chinese economy into a monstrous threat while at the same time weakening and destroying our own manufacturing base. Millions of our people are being put out of work. We're going through a huge financial crisis.

One of the major elements that has brought us to this financial crisis has been a one-way free trade policy with Communist China. The fact that they now have \$1 trillion worth of our wealth and our manufacturing base has been destroyed should be of no surprise. It was predictable.

Those of us who fought most favored nation status and said we've got to have some political reform, liberalization before we give such enormous economic power to a government, we were just bypassed and treated as if we didn't matter because the business elite of our country wanted to have those massive short-term profits. Then they could give themselves bonuses, and they could retire here, leaving the stockholders and leaving their own employees far worse off in an intolerable situation, and now the whole country is in a horrible situation.

Over the last two decades, we have built China from a relatively backwards economy into a Frankenstein monster. When I say "we," I mean the policies of the United States Government have lifted the economic capabilities of a country that has had no political liberalization, no political reform of their dictatorial system, and a country, yes, that is also engaged in rebuilding its military.

Now this Frankenstein monster is slowly turning on its creator, turning on us. Well, there is a China-related issue that is emerging. Not all bad decisions were made in the past. We're about to make another bad decision by reversing one of the good decisions that we made that has really saved us from an incredible potential harm. The issue that is surfacing in Washington is both symbolic and a very real threat to America's security and our economic viability. What is the issue? It is whether or not America should loosen its controls on the exports of our technology. The issue, which will be determined shortly, deals specifically with U.S. space technology, satellites, and Chinese rocketry.

About 15 years ago, the Clinton administration and American satellite manufacturers were permitted to launch their satellites on Chinese rockets. It was a position that they hadn't been permitted before. At the time, I talked to our aerospace industry. They thought it might be a good idea. This,

of course, after being assured by the Clinton administration there would be no possibility of a technology transfer. Controls and security walls, I was promised, would prevent the Chinese from obtaining any space technology that had been paid for by the American taxpayers. Of course, American taxpayers had paid billions of dollars to develop space technology, like gyroscopes on a chip and all kinds of things that permitted rockets to be successful.

□ 2210

Well, I have to admit I accepted the Clinton administration's word. I swallowed it hook, line, and sinker. But within a very short period of time after that policy was opened up, I recognized the horrendous results of permitting that business relationship with Chinese rocket companies, which, I might add, those Chinese rocket companies then and are now owned by the People's Liberation Army. The Long March Rocket Company is a People's Liberation Army company. In short, American aerospace companies ended up perfecting Chinese rockets in order to send up our satellites at a cheaper rate.

By the way, what's the difference between a missile and a rocket? The difference between a missile and a rocket is the color of the paint on the outside of the projectile. So if it's in camouflage, it must be a missile, and if it's white or a different color, it must be a peaceful rocket.

In the end, after we were launching our satellites at that cheaper rate, in the end the viability of our own missile and rocket industry was undermined. Our own aerospace base, the base of our economy, our aerospace jobs and expertise were put in jeopardy. And at the same time we improved the Chinese rockets and missiles, we improved their ability to launch military as well as civilian payloads. Our transfer of technology and know-how thus enabled the People's Liberation Army rockets to carry more than one nuclear warhead. They couldn't do that before. Our technology. Our people went over there, and now they have the technology of having three warheads instead of one warhead, which means obliterating all of southern California instead of one part of southern California. We provided them the ability to MERVE. That's what it's called.

It was insane then, but now the issue is coming back. And without even blushing, the China lobby, the Big Business community that has been making all kinds of money off the China trade even as it has hurt our own economy, are pushing for us to open up the China rocket industry again.

To make this clear, I am part of the team that is trying to move forward legislation to permit our high-tech industries to export to and to cooperate with friendly democratic countries. I

believe in free trade between free people. But I have personally insisted on legislation opening up that free trade with free countries, and we have worked with other Members of Congress to ensure that this tech trade legislation will not loosen the restrictions on using Chinese rockets to launch American satellites. We know that launching American satellites on Chinese rockets will result in technology transfer and the upgrading of those Chinese rockets. It happened before; it will happen again. If we open up to the use of Chinese rockets, it helps them and it hurts us.

What will it do to our aerospace industry, like Boeing and Northrop Grumman, who are already hard pressed in the production of their own rockets and missiles? How about SeaLaunch, a Boeing partnership with the Ukraine which launches things into space from a floating platform which is based in southern California?

Well, it recently declared bankruptcy, but if we allow the Chinese to undercut everybody's price, it will be permanently out of business. It will be permanently out of business, of course, if the People's Liberation Army is permitted to sell rocket launchers on the cheap until all of our companies go bankrupt. Space X and other entrepreneurial U.S. space transportation companies that have invested hundreds of millions of dollars of private capital in creating a private U.S. launch industry will be mortally wounded if we permit the Chinese to come in with their subsidized system and their controlled economy and undercut the price until our guys go out of business. And then, of course, they'll be in complete control of what gets into space.

The whole debate on this issue and the maneuvering on Capitol Hill reflects an insidious manipulation of our system by a foreign power and, yes, the total absence of any type of moral consideration or patriotic consideration on the part of America's financial and corporate elite. They have had one-way free trade and a multitude of economic building concessions, and it has been American policy to give it to them.

Over the years we have been told over and over again to justify such a power that we were giving this monstrous regime, and we were saying, if we just get involved with them, let's get more involved with these people, let's uplift the economy of the Chinese people, and their government will come around. By making their country more profitable and making sure their country is more prosperous, we will actually bring forces about that will liberalize that country. That's what we were told all this time. And has that happened? There has been no liberalization in China.

I call this theory that's been foisted upon us by America's economic elite, which are making profit from that

thuggery and that dictatorship and the control of the Chinese people—yes, those people gave us that ideal, that if we just keep going, keep making China more prosperous, they will come around and become more peaceful—I call that the “Hug a Nazi, Make a Liberal” theory, and obviously it has not worked.

So why have we had this bad policy? I would draw the people's attention to this. They are unapologetically trying to implement the same policy that failed 15 years ago, the same policy that was a tremendous detriment not only to our economy and to our high-tech industry but to the security of our country. These same forces now are trying to make sure that the legislation going through Congress takes out the language that I and other congressmen have put in it to make sure that we do not loosen the restrictions that we have on American satellites being used in Chinese rockets for launch.

By the way, what we see in Washington today is perhaps, as I say, some of the most insidious examples of some of our own weaknesses. What we've got here is tens of millions of dollars being pumped in by China and some very elite financial interests in our country to lobby Congress to try to change the rules of the game so that what was so severely damaging to us 15 years ago, as we improved Chinese rockets, which are now capable of launching nuclear weapons into our cities, because of what we did for them, they want to go back to those policies which nobody can deny will most likely result in even more improving the Chinese rocket system and the destruction of America's own homegrown rocket and missile industry.

Yet our corporate elites have enormous influence on policy. They have hired the best lobbyists in town, former Members of Congress, former Members of the Senate, people who have been inside and outside of government. These people have signed on. One Senator who was high up in the committees overseeing the Department of Defense, overseeing the security of our country, who opposed permitting Chinese rockets to launch American satellites over the years, now has been hired by the Chinese. To do what? To make sure that the rules and the regulations restricting that are lifted so that they can accomplish what he was opposing.

It doesn't get any lower than that, does it? Americans willing to accept large financial gains for themselves even as they put the rest of us and their children's children in jeopardy.

Today this isn't going to be turned around unless we have the courage to make some very strong choices and tough choices. One is to make sure that we call those people to task that are willing to sell out the long-term interests of their country for the al-

mighty buck, and especially when that buck is coming from the world's worst human rights abuser.

□ 2220

And then finally we need the courage to walk away from the past and try to restructure our position in the world. We need to make friends and make sure that Russia is our friend because China and that radical Islam threaten both of us. There are other countries in the world that share our values and share this common threat: Russia, India—and how about Japan? Japan, which has been targeted by China, and they know they're targeted by China.

An alliance between the United States, Russia, India, and Japan would soon be joined by most of the other free countries of the world. This is a type of relationship that will bring about a more peaceful world.

And if we are going to succeed and our country is to be prosperous, if we're going to turn around this economic crisis, we have to have a long-run view, and we can't leave the decisionmaking of policies up to the financial elite in our country that only has short-term profit in mind. That is our biggest vulnerability, and the Chinese have played us like a fiddle. They know that the American corporate leaders have no loyalty to the long-term interests of the United States of America.

We must make the policy, and we cannot let China and this business elite manipulate these votes in the House of Representatives and the Senate of the United States so that policies are put in place that will not serve our interest.

We have not been diligent in the past, and that is why we are suffering today. We are suffering because of bad judgment, but also because the American people expected us to stand up and fight and we did not. We instead let these powerful interests run all over us.

And as I say, this is a bipartisan talk. I remember NANCY PELOSI here, and DANA ROHRBACHER here, I remember BARNEY FRANK there, and Chris Cox over here fighting Most Favored Nation Status for China, saying that we would regret the day when these economic policies come back and hurt our country, and they have come back and hurt us dramatically.

And they are now moving on our satellite and our rocket industry to make us even more vulnerable and to take away even those advantages, that technology advantage that we have.

Mr. Speaker, I would hope that the American people and my colleagues pay close attention to the overwhelmingly financed, heavily financed lobbying campaign that is going to try to change the rules that are now protecting our launch rocket and missile launch industries from being destroyed by cheap Chinese rockets that will in

the end destroy our industry. And only then when they have us at their mercy will we feel the repercussions of the decisions we're making and the repercussions of allowing the financial elite with short-term profit in mind to make the policies for the United States of America.

America, we are the only hope in the world. We must stand strong. Democracy works if we work at it. We must stand together, and this has been the way it has been for 250 years. There would be no hope for anyone in the world today or in the past 150 years who longed for freedom, who suffered under tyranny. They would have no hope except for the courage and conviction of the United States of America. We marched out and defeated Japanese militarism and communism. We fought the Nazis.

Well, since the end of the Cold War, we've made some very bad mistakes after the fall of communism. Let's look at our decisions. Let's have the courage to recognize some bad decisions, correct them; and let's create a new alliance in this world that will serve the interest of peace, prosperity, and freedom for our people and all the peoples of the world.

#### RESTORING JOB CREATION AND NATIONAL SECURITY

The SPEAKER pro tempore (Mr. FOSTER). Under the Speaker's announced policy of January 6, 2009, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes.

Mr. INSLEE. Mr. Speaker, this evening I come to the floor to talk about a very important issue both to our efforts to restore job creation in America and to our national security, and that is the ongoing efforts to replace our air tankers in the U.S. Air Force fleet, which are so vital to our national security, that form the backbone of our Air Force fleet, and everyone knows that our military security depends on our dominant Air Force, air cover for operations. And the ability to have that depends on having a very robust air tanker fleet to provide fuel for our jets in the air.

We now obviously need a new tanker because we relied upon the KC-135 now for decades, and they are now reaching the end of their work life, and we need to replace them for air tankers. But, Mr. Speaker, we have a real problem right now in that the proposal on how to do that is seriously unfair to American workers and seriously jeopardizes our national security interest in maintaining a very strong industrial base to be able to manufacture these aircraft.

What has happened to date is that the U.S. Air Force in its third effort to replace these air tankers with a contract has issued a request asking for proposals to provide air tankers to the Air Force. And two bidders have ex-

pressed an interest. The Boeing consortium domestic company and the Airbus consortium, a largely European content product, are proposed bidders on this contract. There will be rigorous bidding, and there is a very extensive set of rules that the Air Force has set forth on how to run that bidding process so that we can select the most efficient, most effective, and most cost-effective aircraft for the Air Force.

But we are very concerned for two reasons about the current status of that proposal: one, this existing proposal, as the Air Force has proposed to handle the bidding, is extremely unfair to the United States worker and extremely unfair to the United States taxpayer and extremely prejudicial to the United States economy because at the moment, the Air Force has proposed to ignore clearly illegal subsidies that one of the bidders, the Airbus, largely European bidder, has received from the European Union because it is a clear fact that against clear treaties that we have and laws that we have to regulate fair trade, Airbus bidder has received billions of dollars in illegal launch aids. These are subsidies given to the company by the European Union. It is not available to Boeing; it is not available to domestic manufacturers.

Now, this is uncontested. There is no question but that the Airbus Company has received the subsidies. It is called launch aid, and launch aid is, as it would suggest, it is a clear, unbridled, clear on its face subsidy of cash essentially guaranteed by the European government to the Airbus Company.

Now, the problem with that is those subsidies are illegal under our trade agreements. They're illegal because we need trade agreements to allow our economies to act efficiently, which don't happen when their illegal subsidies and these illegal subsidies are against our mutual trade rules.

Nonetheless, the Airbus Company took them. They launched an airframe, the Airbus 330, which is the airframe that is now being suggested for this proposal by the Airbus Company.

And in the bidding process by the Air Force, the Air Force intends at the moment, unless something changes, to ignore these illegal subsidies, to not pay any attention to it whatsoever, to blind their eyes and just act as if these illegal subsidies had never happened.

Now, this is very surprising because the extent and existence of these subsidies are so well known. In fact, there is a preliminary ruling by the World Trade Organization—this is the arbitrary, the referee, if you will, of trade issues—a preliminary ruling that there has been a violation in the billions of dollars—and some have suggested an excess of \$5 billion of illegal launch aid—to the Airbus consortium, or the Airbus Company, to launch this particular air tanker. And that ruling

could be subject to appeal, but the facts are quite obvious. It's not like there's any mystery that we need fingerprints. The fingerprints are clear.

The European Union governments essentially guaranteed billions of dollars to Airbus, and this contravenes our treaties, and there's been a preliminary finding in that regard.

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Nonetheless, the Air Force has proposed to go forward and to ignore this clear fact. This simply will not stand and cannot stand, to ignore this clear violation, for a variety of reasons.

Number one, it clearly violates our international treaties and rights that we have and the law that has now been incorporated into our American domestic law.

Number two, it is hugely damaging to our ability to try to start growing jobs again in this country. All of us know the pain that our fellow Americans are suffering tonight in unemployment. We know how desperate people are in unemployment lines tonight. While we have millions of people unemployed, we can't have one agency of the Federal Government, which is our United States Trade Representative, conclude that Airbus has received illegal subsidies and sued to enforce sanctions against these illegal subsidies, and another agency of the Federal Government, the U.S. Air Force, turn around and give a contract worth billions of dollars for tankers for the next several decades to ship jobs to Europe by the thousands. And it would be in the thousands that would be lost if, in fact, this contract is lost.

So we find it, frankly, incredible that the Federal Government at this moment could contemplate running a procurement process that would ignore the obvious, which is there have been subsidies that have skewed the playing field. We have suggested that this is not only bad for our economy and not only takes jobs away from hard-working Americans, a couple of thousand of whom work in Washington and probably 6,000 of whom work across the country, but it hurts our national security because we have a national security interest in having a strong military infrastructure and ability to produce airplanes.

When we send our ability to produce airplanes over to Europe, our intellectual capital, our engineering ability, our machinists, our tooling, our transportation infrastructure, that is weakened. So for several reasons it is simply wrong for the U.S. Government to contemplate buying a significantly foreign airplane when these illegal subsidies have taken place.

Now we have the ability to make this right in a way that is consistent with our international treaty obligations. We want to follow the laws. We want to have a good relationship with our trading partners. We want to sell some of

our products to Europe and around the world, and that is why we don't just allow American bidders, exclusively American bidders, in this contract.

But what we expect is that the rules will be followed and fairness will prevail in this multibillion dollar issue, and right now it is not. So we have the ability and, I believe, the obligation to change this procurement formula so that we take into consideration this massive illegality.

And the way we have suggested of doing it is, rather than to ignore these clearly illegal subsidies, is to take account of these clearly illegal subsidies and adjust the bids of one of the bidders to reflect that illegal subsidy. Frankly, what we should do is use the most astute, the fairest, the most well-respected manner of determining the amount of these illegal subsidies and add it on, adjust it on to the bid of the Airbus consortium, and then consider the bids and let the chips fall where they may.

We have a way actually to do this. We have a process in this country called the countervailing tariff system that operates through the Department of Commerce, and we have a group whose job it is to go out when there is an illegal subsidy and figure out how much that illegal subsidy was.

So we need to get the Department of Commerce to crank up that system, run the process through, adjudicate what that illegal subsidy was, and add that amount to the bid of the Airbus consortium, broken down per plane of the amount those illegal subsidies held.

Now if we do this, we will be fair to the American worker. We will be fair to our need to maintain a national infrastructure. We will be fair to our trading partners, because it is in our treaty rights to act because this is a national security matter. And we will be fair because, frankly, it is consistent with at least a preliminary ruling out of the World Trade Organization.

So given all of these facts, that we have the ability to act because it is in our national security interest under the exemption of the World Trade Organization, given that it is in our ability to act because fixed wing aircraft are actually exempt from the procurement agreements we have with the European Union and other countries, given those facts, we are calling upon a fair bidding process which will take into consideration both bidders, but adjusting the price of one of them to take into account the clear, obviously inarguable fact that subsidies have been received by the Airbus consortium and we will not and should not yield on this point. Too much is at stake. Too many jobs are at stake and too obvious a violation of trade laws have occurred.

We have expressed this to the good people at the Air Force. We hope that they are considering it. We will be call-

ing on the President to act in this regard. It is the right thing to do and we are fully capable of doing it, and we should make sure that it is part of this process.

So I would close, Mr. Speaker, by saying that we will be working—and by the way, we want to compliment the Air Force personnel who have been working diligently. We have tried to run a bidding process twice. They now have worked and made very significant improvements in the bidding process to make sure both bidders can understand what the rules are. But we think this issue of a subsidy needs an improvement in the process.

There are some other things that we need improvement in the process to take into consideration the true value and price of gasoline because we need to figure that in when we make that procurement, and right now the Air Force, frankly, hasn't, I don't think, looked at the real price of gasoline going forward.

But with these improvements, we look forward to an honest, fair, and robust bidding process. Let the best bidder win. We believe it will be a Boeing product. It is good for America and it is good for the world to follow these rules.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NEUGEBAUER (at the request of Mr. BOEHNER) for today on account of medical reasons.

Mr. CRENSHAW (at the request of Mr. BOEHNER) for today before 2 p.m. on account of a family medical emergency.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. CHU) to revise and extend their remarks and include extraneous material:)

Ms. SUTTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Ms. CHU, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

(The following Members (at the request of Mr. DANIEL E. LUNGREN of California) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 14.

Mr. POSEY, for 5 minutes, October 8.

Mr. JONES, for 5 minutes, October 14.

Mr. DEAL of Georgia, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today and October 14.

Mr. INGLIS, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. PENCE, for 5 minutes, October 8.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. INGLIS, for 5 minutes, October 13.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. PAULSEN, for 5 minutes, today.

#### SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 45. Concurrent resolution encouraging the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible; to the Committee on Foreign Affairs.

#### BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 7, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 3663. To amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

H.R. 2498. To designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building."

H.R. 2913. To designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the "Sidney M. Aronovitz United States Courthouse."

H.R. 2053. To designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr., United States Courthouse."

H.R. 2121. To authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 1687. To designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse."

#### ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Thursday, October 8, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3992. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final "Major" rule — Livestock Forage Disaster Program and Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish; Supplemental Agricultural Disaster Assistance (RIN: 0560-AH94) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3993. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances [EPA-HQ-OPP-2008-0814; FRL-8436-5] received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3994. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Halosulfuron-methyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0003; FRL-8436-7] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3995. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metolachlor, S-Metolachlor, Bifenazate, Buprofezin, and 2,4-D; Tolerance Actions [EPA-HQ-OPP-2009-0239; FRL-8438-9] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3996. A letter from the General Counsel, Department of the Defense, transmitting proposal for Congress to implement provisions of the Roadmap Agreement between the United States Government and the Government of Japan to establish a Special Purpose Entity to support utilities necessary for the realignment of approximately 8,000 Marine Corps personnel and their associated dependents from Okinawa to Guam; to the Committee on Armed Services.

3997. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Missouri; Update to Materials Incorporated by Reference [FRL 8952-8] received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3998. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for New Hampshire [NH-041-7013a; A-1-FRL-8955-9] received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3999. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final "Major" rule — Mandatory Reporting of Greenhouse Gases [EPA-HQ-OAR-2008-0508; FRL-8963-5] (RIN: 2060-A079) received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4000. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions [EPA-HQ-OAR-2004-0014; FRL-8937-8] received September 28, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

4001. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Lead (Pb) Maintenance Plan Update for Marion County [EPA-R05-OAR-2009-0293; FRL-8961-6] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4002. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Alabama State Implementation Plan; Birmingham and Jackson County; Correction Notice [EPA-R04-OAR-2007-0359-200915(c); FRL-8960-1] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4003. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule — Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>); Final Rule to Stay the Grandfathering Provision for PM<sub>2.5</sub> [EPA-HQ-OAR-2003-0062; FRL-8961-5] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4004. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 47 [EPA-HQ-SFUND-2008-0547, EPA-HQ-SFUND-2009-0071, EPA-HQ-SFUND-2009-0074, EPA-HQ-SFUND-2009-0075, EPA-HQ-SFUND-2009-0068, EPA-HQ-SFUND-2009-0069, EPA-HQ-SFUND-2008-0579, EPA-HQ-SFUND-2009-0072, EPA-HQ-SFUND-2009-0064, EPA-HQ-SFUND-2009-0073, EPA-HQ-SFUND-1997-0009; FRL-8961-3] (RIN: 2050-AD75) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4005. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standard of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators [EPA-HQ-OAR-2006-0534; FRL-8959-9] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4006. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's assessment of Demand Response and Advance Metering, pursuant to Section 1252 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

4007. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report describing the progress made in licensing and constructing the Alaska natural gas pipeline and describing any issue impeding that progress; to the Committee on Energy and Commerce.

4008. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed extension of a lease of defense articles to the Government of Canada (Transmittal No. 04-09); to the Committee on Foreign Affairs.

4009. A letter from the Director, Defense Security Cooperation Agency, transmitting

pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed extension of a lease of defense articles to the Government of Canada (Transmittal No. 03-09); to the Committee on Foreign Affairs.

4010. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the transfer of naval vessels by grant and by sale to certain foreign countries; to the Committee on Foreign Affairs.

4011. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the President's bi-monthly report on progress toward a negotiated solution of the Cyprus question covering the period June 1, 2009 through July 31, 2009, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

4012. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Foreign Affairs.

4013. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses as required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

4014. A letter from the Director, International Cooperation, Office of the Under Secretary Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 11-09 informing of an intent to sign a Project Arrangement; to the Committee on Foreign Affairs.

4015. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Letter Report: Responses to Questions Regarding the Ballpark Revenue Fund", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4016. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Letter Report: Responses to Specific Questions Regarding the Department of Housing and Community Development's Home Purchase Assistance Program", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4017. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Audit of Advisory Neighborhood Commission 8C for Fiscal Years 2007 Through 2009, as of March 31, 2009", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4018. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Audit of Advisory Neighborhood Commission 7E for Fiscal Years 2007 Through 2009, as of March 31, 2009", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4019. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Audit of Advisory Neighborhood Commission 8E for Fiscal Years 2007 Through 2009, as of March 31, 2009", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4020. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Audit of Advisory Neighborhood Commission 2A for Fiscal Years 2007 Through 2009, as of March 31, 2009", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4021. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Audit of Advisory Neighborhood Commission 3F for Fiscal Years 2007 Through 2009, as of March 31, 2009", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4022. A letter from the Director, Executive Office Of The President Office of National Drug Control Policy, transmitting final addendum to the Fiscal Year 2008 Performance Summary Report transmitted in April 2009, pursuant to Public Law 105-277, Div. C-Title VII, section 705(d); to the Committee on Oversight and Government Reform.

4023. A letter from the Chairman and CEO, Farm Credit Administration, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Administration's inventory of commercial activities for calendar year 2009; to the Committee on Oversight and Government Reform.

4024. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-36; Small Entity Compliance Guide [Docket FAR 2009-0002, Sequence 7] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4025. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2007-002, Cost Accounting Standards (CAS) Administration and Associated Federal Acquisition Regulation Clauses [FAC 2005-36; FAR Case 2007-002; Item IV; Docket 2008-0001, Sequence 22] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4026. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2008 Commercial and Inherently Governmental Activities Inventories the Commission's Fiscal Year 2009 Commercial and Inherently Governmental Activities Inventories, pursuant to Federal Activities Inventory Reform Act of 1988; to the Committee on Oversight and Government Reform.

4027. A letter from the Assistant Attorney General, Office of Legislative Affairs Department of Justice, transmitting the activities

of the Department of Justice regarding prison rape abatement for the preceding year, pursuant to 42 U.S.C. 15604 Public Law 108-79, section 5(b)(1); to the Committee on the Judiciary.

4028. A letter from the Assistant Attorney General, Office of Legislative Affairs Department of Justice, transmitting Prison Rape Elimination Act (PREA) Data Collection Activities, 2009, pursuant to Public Law 108-79, section 4(c)(1) (117 Stat. 977); to the Committee on the Judiciary.

4029. A letter from the Assistant Attorney General, Office of Legislative Affairs Department of Justice, transmitting the semi-annual report of the Attorney General concerning enforcement actions taken by the Department under the Lobbying Disclosure Act, Public Law 104-65, as amended by Public Law 110-81, codified at 2 U.S.C. Sec. 1605(b)(1) for the semi-annual period beginning on July 1, 2008, pursuant to 2 U.S.C. section 1605(b)(1); to the Committee on the Judiciary.

4030. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the National Transportation Safety Board's response to OMB's request for views on H.R. 3371, the "Airline Safety and Pilot Training Improvement Act of 2009"; to the Committee on Transportation and Infrastructure.

4031. A letter from the Acting Administrator, Transportation Security Administration Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at 7 Montana airports will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers and that the screening company is owned and controlled by citizens of the United States, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

4032. A letter from the Director, Executive Office Of The President Office Of National Drug Control Policy, transmitting a response to GAO-09-339R Counterdrug Technology Assessment Center, pursuant to 31 U.S.C. 270; jointly to the Committees on Energy and Commerce and Oversight and Government Reform.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee of Conference. Conference report on H.R. 2647. A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes (Rept. 111-288). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ISSA:

H.R. 3736. A bill to reform the Minerals Management Service by establishing it as an

independent Federal agency; to the Committee on Natural Resources.

By Mr. ELLSWORTH:

H.R. 3737. A bill to amend the Small Business Act to improve the Microloan Program, and for other purposes; to the Committee on Small Business.

By Mr. NYE:

H.R. 3738. A bill to amend the Small Business Investment Act of 1958 to establish a program for the Small Business Administration to provide financing to support early-stage small businesses in targeted industries, and for other purposes; to the Committee on Small Business.

By Mr. BUCHANAN:

H.R. 3739. A bill to amend title V of the Small Business Investment Act of 1958 to provide for improved long-term financing to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. LUETKEMEYER:

H.R. 3740. A bill to amend the Small Business Investment Act of 1958 with respect to small business investment companies, and for other purposes; to the Committee on Small Business.

By Mr. HOEKSTRA:

H.R. 3741. A bill to provide Federal matching funding for State insurance expenditures for high risk pools; to the Committee on Energy and Commerce.

By Mr. KILDEE:

H.R. 3742. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Natural Resources.

By Mr. GRIFFITH:

H.R. 3743. A bill to amend the Small Business Act to improve the disaster relief programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. ARCURI (for himself and Mr. LEE of New York):

H.R. 3744. A bill to amend the Immigration and Nationality Act to provide a special rule for the period of admission of H-2A non-immigrants employed as dairy workers and shepherders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN:

H.R. 3745. A bill to amend the Communications Act of 1934 to provide for carriage and display of public, educational, and government channels in a manner consistent with commercial channels, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself and Ms. TITUS):

H.R. 3746. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for making homes more water-efficient, for building new water-efficient homes, for public water conservation, and for other purposes; to the Committee on Ways and Means.

By Ms. BERKLEY (for herself and Ms. TITUS):

H.R. 3747. A bill to promote water efficiency, conservation, and adaptation, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.



By Ms. BERKLEY (for herself and Ms. TITUS):

H.R. 3748. A bill to establish loan guarantee programs to develop biochar technology using excess plant biomass, to establish biochar demonstration projects on public land, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself, Mr. RYAN of Wisconsin, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROWN of Georgia, Mr. BURTON of Indiana, Mr. CASSIDY, Mrs. DAHLKEMPER, Mr. ELLSWORTH, Mr. KIND, Mr. KISSELL, Mr. KLINE of Minnesota, Mr. MANZULLO, Mr. MCCOTTER, Mr. MILLER of Florida, Mr. PERRIELLO, Mr. RODRIGUEZ, Mr. ROGERS of Alabama, Mr. SENSENBRENNER, Mr. SHULER, Mr. WAMP, Mr. SHUSTER, Mr. SIMPSON, Mr. DINGELL, Mr. ROSS, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3749. A bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself and Mr. CARDOZA):

H.R. 3750. A bill to authorize certain transfers of water in the Central Valley Project, and for other purposes; to the Committee on Natural Resources.

By Mr. DELAHUNT:

H.R. 3751. A bill to authorize the Administrator of General Services to convey a parcel of real property to the town of Nantucket, Massachusetts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FORBES:

H.R. 3752. A bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIJALVA (for himself, Mr. HONDA, Mr. MCGOVERN, Mr. HINOJOSA, and Ms. CLARKE):

H.R. 3753. A bill to establish dual-language education programs in low-income communities; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York:

H.R. 3754. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas:

H.R. 3755. A bill to amend the National Trails System Act to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the national trails system; to the Committee on Natural Resources.

By Mr. WELCH (for himself, Mr. PERRIELLO, Mr. LOEBBACH, and Mr. HODES):

H.R. 3756. A bill to amend the Supplemental Appropriations Act, 2008 to provide for additional weeks of emergency unemployment benefits; to the Committee on Ways and Means.

By Mr. WOLF:

H.R. 3757. A bill to authorize the Secretary of the Interior to conduct a special resource study of the General of the Army George Catlett Marshall National Historic Site at Dodona Manor in Leesburg, Virginia, and for other purposes; to the Committee on Natural Resources.

By Mr. FILNER:

H. Res. 804. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 1016, with amendment; to the Committee on Rules.

By Mr. CARTER:

H. Res. 805. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. GRIJALVA:

H. Res. 806. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 1035, with an amendment; considered and agreed to.

By Mr. PENCE:

H. Res. 807. A resolution electing a minority member to a standing committee; considered and agreed to.

By Mr. OLSON:

H. Res. 809. A resolution honoring the fact-finding reporting done by Hannah Giles and James O'Keefe III in their investigation in the fraudulent and illegal practices and misuse of taxpayer dollars by the Association of Community Organization for Reform Now (ACORN); to the Committee on Oversight and Government Reform.

By Mr. BURTON of Indiana (for himself, Mr. WEXLER, Mr. MANZULLO, Mr. CROWLEY, Mr. INGLIS, Mr. PRICE of North Carolina, Mr. SIRE, Mr. HONDA, Mr. WILSON of South Carolina, and Ms. SPEIER):

H. Res. 810. A resolution expressing condolences to the citizens of Indonesia and support for the Government of Indonesia in the aftermath of the devastating earthquake that struck the island of Sumatra; to the Committee on Foreign Affairs.

By Mrs. DAVIS of California (for herself, Mr. PLATTS, Ms. BORDALLO, Mr. FILNER, Ms. HIRONO, Ms. MATSUI, and Mr. GRIJALVA):

H. Res. 811. A resolution expressing support for designation of October 2009 as "National Principals Month"; to the Committee on Education and Labor.

By Mr. LANCE (for himself, Mr. ABERCROMBIE, Mr. BACA, Mrs. BLACKBURN, Ms. BORDALLO, Mr. BROWN of South Carolina, Mr. BUTTERFIELD, Mr. CASTLE, Ms. GIFFORDS, Mr. HALL of New York, Mr. HOLDEN, Mr. JONES, Mr. KINGSTON, Mr. LOBIONDO, Mr. MILLER of Florida, Mr. NYE, Mr. ORTIZ, Mr. PASCRELL, Mr. RODRIGUEZ, Mr. SMITH of New Jersey, Mr. WHITFIELD, and Mr. WILSON of South Carolina):

H. Res. 812. A resolution recognizing the significant contributions of the Military Working Dog (MWD) Program to the United States Armed Forces; to the Committee on Armed Services.

By Mr. SESTAK (for himself and Ms. WATSON):

H. Res. 813. A resolution expressing support for designation of the month of October as Project Management Month; to the Committee on Oversight and Government Reform.

H.R. 13: Mr. ELLISON.

H.R. 270: Ms. FUDGE.

H.R. 303: Ms. FUDGE.

H.R. 305: Mr. BROWN of South Carolina.

H.R. 321: Mr. PITTS.

H.R. 333: Ms. FUDGE.

H.R. 413: Mr. CHANDLER, Mr. LARSON of Connecticut, Ms. MOORE of Wisconsin, Mr. CONYERS, Ms. SPEIER, Mr. BISHOP of New York, Ms. BERKLEY, and Ms. LINDA T. SANCHEZ of California.

H.R. 484: Ms. FUDGE.

H.R. 557: Mr. KLINE of Minnesota, Mrs. MCMORRIS RODGERS, and Mr. FORBES.

H.R. 676: Mr. BACA.

H.R. 731: Mr. COLE.

H.R. 734: Mr. DANIEL E. LUNGREN of California, Mr. MICA, Mr. KRATOVIL, and Ms. SUTTON.

H.R. 745: Mr. KIRK.

H.R. 816: Mr. POSEY, Mr. THOMPSON of California, Mr. CUMMINGS, Mr. LINCOLN DIAZ-BALART of Florida, Ms. FUDGE, and Mr. SCHOCK.

H.R. 868: Mr. ROTHMAN of New Jersey.

H.R. 877: Ms. ESHOO and Mr. MANZULLO.

H.R. 953: Mr. PUTNAM.

H.R. 1020: Mr. VISCLOSKEY.

H.R. 1054: Mr. COFFMAN of Colorado.

H.R. 1064: Ms. CHU.

H.R. 1142: Mr. MORAN of Virginia.

H.R. 1147: Mr. REYES, Mrs. CHRISTENSEN, and Ms. SLAUGHTER.

H.R. 1168: Mrs. BLACKBURN.

H.R. 1177: Mr. CAO.

H.R. 1182: Ms. JENKINS, Mr. COURTNEY, Mr. GORDON of Tennessee, Mr. BOYD, Mr. MURPHY of Connecticut, and Ms. FUDGE.

H.R. 1193: Mr. SESTAK.

H.R. 1208: Mr. HARPER, Mr. MORAN of Kansas, and Mr. FORBES.

H.R. 1229: Mr. GARRETT of New Jersey.

H.R. 1230: Mr. SNYDER.

H.R. 1237: Mr. FRANK of Massachusetts.

H.R. 1245: Mr. UPTON.

H.R. 1303: Mr. TOWNS and Mr. CARSON of Indiana.

H.R. 1361: Mrs. LOWEY.

H.R. 1402: Mr. LANCE.

H.R. 1427: Ms. KAPTUR.

H.R. 1443: Mrs. CAPPS.

H.R. 1475: Mr. HONDA.

H.R. 1545: Mr. RYAN of Ohio.

H.R. 1547: Mr. CANTOR.

H.R. 1548: Mr. MORAN of Virginia.

H.R. 1585: Mr. CLAY.

H.R. 1712: Mr. WITTMAN.

H.R. 1763: Mr. CALVERT.

H.R. 1831: Mr. TURNER, Mr. SHERMAN, Mr. COHEN, Mr. MCHENRY, and Mr. PAYNE.

H.R. 1844: Ms. SLAUGHTER.

H.R. 1866: Mr. DEFazio.

H.R. 1956: Mr. TOWNS.

H.R. 1977: Mr. AL GREEN of Texas and Mr. MEEKS of New York.

H.R. 1993: Mr. HARE.

H.R. 2016: Mr. MCMAHON and Mr. ELLISON.

H.R. 2017: Mr. DEFazio.

H.R. 2136: Mr. COHEN, Mr. RUPPERSBERGER, Mr. PERRIELLO, Mr. JACKSON of Illinois, and Ms. RICHARDSON.

H.R. 2138: Mr. SABLAN.

H.R. 2156: Mr. CARNAHAN.

H.R. 2160: Mrs. MILLER of Michigan.

H.R. 2194: Mr. TEAGUE, Mr. GRIJALVA, and Mr. TOWNS.

H.R. 2246: Mr. AL GREEN of Texas.

H.R. 2254: Ms. ROYBAL-ALLARD, Ms. DELAUNO, Mr. SIRE, Mr. MOORE of Kansas, and Mr. ELLSWORTH.

H.R. 2269: Ms. KILPATRICK of Michigan.

H.R. 2296: Ms. MARKEY of Colorado.

H.R. 2349: Ms. SCHAKOWSKY.

H.R. 2373: Mr. PITTS and Ms. BALDWIN.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2408: Mr. ROTHMAN of New Jersey.  
 H.R. 2413: Mr. BERRY, Mr. ETHERIDGE, Mr. SHERMAN, and Ms. WATERS.  
 H.R. 2452: Mr. MILLER of North Carolina and Mr. GARRETT of New Jersey.  
 H.R. 2478: Ms. WOOLSEY.  
 H.R. 2499: Mrs. CAPPS and Ms. SLAUGHTER.  
 H.R. 2502: Mr. MEEKS of New York, Mr. COSTA, and Mrs. CHRISTENSEN.  
 H.R. 2507: Ms. HIRONO.  
 H.R. 2523: Ms. HIRONO.  
 H.R. 2546: Mr. MASSA, Mr. BURTON of Indiana, and Mr. TONKO.  
 H.R. 2554: Mr. TIAHRT.  
 H.R. 2555: Mr. CUMMINGS.  
 H.R. 2556: Mr. PENCE and Mr. FLEMING.  
 H.R. 2563: Mr. BOYD.  
 H.R. 2565: Mr. DICKS and Mr. PRICE of North Carolina.  
 H.R. 2573: Mr. FATTAH and Mr. LÚJAN.  
 H.R. 2593: Mr. DICKS and Ms. JENKINS.  
 H.R. 2662: Mr. POLIS of Colorado.  
 H.R. 2691: Mr. GENE GREEN of Texas.  
 H.R. 2692: Ms. JENKINS.  
 H.R. 2702: Mr. WITTMAN.  
 H.R. 2737: Mr. BAIRD and Ms. SPEIER.  
 H.R. 2777: Mr. JACKSON of Illinois.  
 H.R. 2807: Mr. PASCRELL, Mr. ROTHMAN of New Jersey, and Mr. WALZ.  
 H.R. 2817: Mr. AL GREEN of Texas.  
 H.R. 2868: Mrs. MALONEY.  
 H.R. 2888: Mr. JACKSON of Illinois, Mr. QUIGLEY, and Mr. DOGGETT.  
 H.R. 2931: Mr. HALL of New York, Mr. PERRIELLO, and Mr. RODRIGUEZ.  
 H.R. 2935: Ms. GINNY BROWN-WAITE of Florida.  
 H.R. 3017: Mrs. CHRISTENSEN, Mr. PERLMUTTER, and Mr. HOLDEN.  
 H.R. 3048: Mr. CAPUANO.  
 H.R. 3097: Mr. KILDEE.  
 H.R. 3101: Mr. GRIJALVA, Mr. HONDA, and Mr. MORAN of Virginia.  
 H.R. 3116: Mr. TAYLOR.  
 H.R. 3226: Mr. KIRK.  
 H.R. 3240: Mr. MASSA and Mr. WITTMAN.  
 H.R. 3320: Mr. CLAY, Ms. WOOLSEY, and Mr. RUSH.  
 H.R. 3339: Mr. REHBERG.  
 H.R. 3381: Ms. BERKLEY, Mr. FATTAH, Ms. CHU, and Ms. KILROY.  
 H.R. 3409: Mr. GRAYSON.  
 H.R. 3427: Mr. TEAGUE and Mr. HARE.  
 H.R. 3448: Mr. ALTMIRE.  
 H.R. 3457: Mr. YOUNG of Alaska.  
 H.R. 3465: Mr. HOLT and Mr. SHULER.  
 H.R. 3496: Ms. KAPTUR.  
 H.R. 3503: Mr. MOORE of Kansas and Mr. ROTHMAN of New Jersey.  
 H.R. 3508: Mr. CALVERT.  
 H.R. 3524: Mr. PAUL, Mr. PERRIELLO, Mr. INGLIS, Mr. DAVIS of Alabama, Mr. RADANOVICH, Mr. MASSA, Ms. HERSETH SANDLIN, and Mrs. CAPPS.  
 H.R. 3525: Mrs. BONO MACK.  
 H.R. 3553: Mr. TEAGUE.  
 H.R. 3554: Mr. SHULER, Mr. ALEXANDER, and Ms. FUDGE.  
 H.R. 3590: Mr. MINNICK.  
 H.R. 3597: Mr. RYAN of Ohio.  
 H.R. 3606: Mr. SKELTON and Mr. LEE of New York.  
 H.R. 3610: Mr. COFFMAN of Colorado.  
 H.R. 3611: Mr. BARRETT of South Carolina.  
 H.R. 3612: Mr. LATTA.  
 H.R. 3633: Ms. ESHOO, Mr. STUPAK, Mr. DINGELL, Mrs. CHRISTENSEN, and Mr. ROGERS of Alabama.

H.R. 3636: Mr. CUMMINGS.  
 H.R. 3639: Mr. CUMMINGS, Mr. ELLISON, Mr. MAFFEI, Mr. ACKERMAN, Ms. PINGREE of Maine, Ms. LEE of California, and Ms. MARKEY of Colorado.  
 H.R. 3641: Mr. MASSA, Mr. MINNICK, and Ms. CHU.  
 H.R. 3650: Mr. HOLT.  
 H.R. 3672: Mr. ROTHMAN of New Jersey, Mr. ENGEL, and Mr. COURTNEY.  
 H.R. 3674: Mr. HODES.  
 H.R. 3682: Mr. MORAN of Kansas, Mr. VAN HOLLEN, and Ms. JENKINS.  
 H.R. 3691: Mr. POSEY.  
 H.R. 3692: Mr. REYES, Ms. KOSMAS, and Mr. WEINER.  
 H.R. 3695: Mr. MINNICK.  
 H.R. 3698: Ms. JENKINS.  
 H.R. 3700: Mr. LINDER, Mr. BROWN of South Carolina, Mr. COLE, Mr. MARCHANT, Mr. SCHOCK, and Mr. PITTS.  
 H.R. 3703: Mrs. MILLER of Michigan.  
 H.R. 3711: Mr. WEINER.  
 H.R. 3712: Mr. LATTA, Mr. MCCOTTER, and Mr. MARKEY of Massachusetts.  
 H.R. 3715: Mr. VAN HOLLEN, Mr. MURPHY of Connecticut, Ms. RICHARDSON, and Mr. PLATTS.  
 H.R. 3728: Mrs. CHRISTENSEN.  
 H.R. 3731: Mr. GENE GREEN of Texas.  
 H.R. 3734: Mr. SCOTT of Virginia and Mr. CLEAVER.  
 H. Con. Res. 144: Mr. HIMES.  
 H. Con. Res. 158: Mr. MCNERNEY.  
 H. Con. Res. 169: Mr. TURNER.  
 H. Con. Res. 185: Mr. BUYER, Mr. HOEKSTRA, Mr. HUNTER, Mr. LATHAM, Mr. ROHRBACHER, Mr. GALLEGLY, Mr. PETRI, Mr. MORAN of Kansas, Mr. MANZULLO, Ms. ROS-LEHTINEN, Mr. KING of New York, and Mr. CANTOR.  
 H. Res. 111: Ms. DELAURO.  
 H. Res. 150: Mr. DRIEHAUS and Mr. MEEKS of New York.  
 H. Res. 159: Mr. BUTTERFIELD.  
 H. Res. 185: Mr. HASTINGS of Florida.  
 H. Res. 554: Mr. MANZULLO, Mr. GALLEGLY, Mr. HILL, and Mr. FRANKS of Arizona.  
 H. Res. 558: Ms. KILROY.  
 H. Res. 568: Mr. AL GREEN of Texas and Ms. JENKINS.  
 H. Res. 582: Mr. WAXMAN.  
 H. Res. 603: Ms. WATSON.  
 H. Res. 613: Mr. SHUSTER, Mr. KIND, Mr. ISSA, and Mr. SALAZAR.  
 H. Res. 660: Mr. SCOTT of Virginia.  
 H. Res. 704: Mr. MCGOVERN, Mr. FATTAH, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, and Mr. BURGESS.  
 H. Res. 708: Mr. RUSH, Mr. FOSTER, Ms. WASSERMAN SCHULTZ, Mr. GUTHRIE, Mr. ISRAEL, Mr. DINGELL, Ms. ROS-LEHTINEN, Mr. DOGGETT, Mr. WESTMORELAND, Mr. MARCHANT, and Mr. CONNOLLY of Virginia.  
 H. Res. 711: Mr. CUMMINGS, Mr. MCMAHON, and Mr. PRICE of North Carolina.  
 H. Res. 715: Mr. PITTS, Mr. TIM MURPHY of Pennsylvania, and Mr. MCMAHON.  
 H. Res. 716: Ms. ZOE LOFGREN of California.  
 H. Res. 727: Mr. JACKSON of Illinois and Mr. TERRY.  
 H. Res. 729: Mr. MILLER of Florida, Mr. BARTLETT, Mrs. CAPITO, Ms. FALLIN, Mr. JORDAN of Ohio, Mr. MCHENRY, Mr. GENE GREEN of Texas, Mr. KRATOVL, Mr. PAULSEN, Ms. WASSERMAN SCHULTZ, Mr. CHAFFETZ, Mr. CARTER, Mr. THORNBERRY, Ms. GRANGER, Mr. CULBERSON, Mr. WESTMORELAND, Mr. DEAL of

Georgia, Mr. GINGREY of Georgia, Mr. BROWN of Georgia, Mr. FORTENBERRY, Mr. WELCH, Mr. AL GREEN of Texas, Mr. PASCRELL, and Mrs. CHRISTENSEN.

H. Res. 736: Mr. MANZULLO, Mr. DENT, Mr. HINCHEY, Mr. LATOURETTE, Mr. UPTON, Mr. CASTLE, and Mr. PETRI.

H. Res. 740: Mrs. MILLER of Michigan.

H. Res. 759: Mr. GINGREY of Georgia.

H. Res. 764: Mr. INGLIS and Mr. WOLF.

H. Res. 773: Ms. BORDALLO, Mr. SKELTON, Mr. WILSON of South Carolina, Mr. CALVERT, Mr. CRENSHAW, Mr. CUELLAR, and Mr. ROONEY.

H. Res. 780: Mr. AL GREEN of Texas and Mr. FALCOMA VAEGA.

H. Res. 781: Mr. LAMBORN.

H. Res. 783: Mr. WITTMAN, Mr. PRICE of North Carolina, Mr. BURGESS, Mr. REICHERT, and Ms. RICHARDSON.

H. Res. 786: Mr. GOODLATTE, Mr. SMITH of Nebraska, Mr. CARNAHAN, Mr. BOOZMAN, Ms. LEE of California, Ms. ROS-LEHTINEN, and Mr. ELLISON.

H. Res. 787: Mr. SCHAUER, Mr. GENE GREEN of Texas, Mr. DELAHUNT, Mr. CASTLE, Mr. GERLACH, Mr. HUNTER, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. DOYLE, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, and Mr. PETERSON.

H. Res. 789: Mr. PUTNAM, Mr. BOUSTANY, Mr. FRELINGHUYSEN, Mr. LANCE, Mrs. CAPITO, Mr. KIRK, Mr. DENT, Mr. ROSKAM, Mr. INGLIS, Mr. BURTON of Indiana, Mr. PAULSEN, Mr. PLATTS, and Ms. BEAN.

H. Res. 790: Mr. RAHALL, Mr. BERRY, Mr. LUJÁN, Mr. SIRE, Mr. CARNAHAN, Ms. MARKEY of Colorado, Mr. BAIRD, Ms. SHEA-PORTER, Mr. MOORE of Kansas, Mr. GORDON of Tennessee, Mr. MOLLOHAN, Mr. DOYLE, Mr. PETERSON, Mr. MATHESON, Mr. COURTNEY, Ms. SUTTON, Mr. ABERCROMBIE, Mr. ALTMIRE, Mr. MELANCON, Mr. CHANDLER, Mr. BOREN, Ms. DEGETTE, Mrs. DAVIS of California, Mr. SNYDER, Mr. SCOTT of Georgia, Mr. FOSTER, Mr. COOPER, Mr. DICKS, Mr. SHULER, and Mr. COHEN.

H. Res. 793: Mr. BOOZMAN, Ms. KOSMAS, Mr. DAVIS of Illinois, Mr. SMITH of Texas, Mr. MCNERNEY, Mr. SAM JOHNSON of Texas, Mr. PAUL, Mr. SIRE, Mr. TONKO, and Mr. TEAGUE.

H. Res. 796: Mr. BROWN of Georgia, Mr. DAVIS of Kentucky, Mr. ISSA, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. AKIN, Mr. JORDAN of Ohio, Mr. MCKEON, Mr. GOODLATTE, Mr. COLE, Mr. POSEY, Mr. PITTS, and Mr. GARRETT of New Jersey.

H. Res. 800: Mr. MCNERNEY, Ms. ZOE LOFGREN of California, Mr. WILSON of South Carolina, Mr. FORTENBERRY, Mr. COHEN, Mr. INSLEE, Mr. PERLMUTTER, Mr. BERRY, Mr. FOSTER, and Mr. TONKO.

H. Res. 801: Ms. LEE of California, Mr. JACKSON of Illinois, and Mr. DELAHUNT.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 701: Mr. BOREN.



## EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 8, 2009 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## OCTOBER 9

9:30 a.m.  
Banking, Housing, and Urban Affairs  
Economic Policy Subcommittee  
To hold hearings to examine restoring credit to manufacturers.  
SD-538

## OCTOBER 14

10 a.m.  
Energy and Natural Resources  
To hold hearings to examine energy and related economic effects of global climate change legislation.  
SD-366  
Health, Education, Labor, and Pensions  
Business meeting to consider any pending nominations.  
SD-430  
Homeland Security and Governmental Affairs  
To hold hearings to examine the past, present, and future of policy czars.  
SD-342  
Judiciary  
To hold hearings to examine prohibiting price fixing and other anticompetitive conduct in the health insurance industry.  
SD-226  
Commission on Security and Cooperation in Europe  
To hold hearings to examine promoting tolerance and understanding in the Organization for Security and Coopera-

tion in Europe (OSCE) region, focusing on the role of the personal representatives.

SVC-208/209

2:30 p.m.  
Banking, Housing, and Urban Affairs  
Financial Institutions Subcommittee  
To hold hearings to examine the state of the banking industry.  
SD-538

Aging  
Homeland Security and Governmental Affairs  
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee  
To hold joint hearings to examine the cost of federal long-term care insurance.  
SD-342

## OCTOBER 15

10 a.m.  
Small Business and Entrepreneurship  
To hold hearings to examine health care solutions for America's small businesses.  
SD-628

## OCTOBER 21

9:30 a.m.  
Veterans' Affairs  
To hold hearings to examine pending legislation.  
SR-418

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## HOUSE OF REPRESENTATIVES—Thursday, October 8, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SERRANO).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 8, 2009.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

Rev. Todd Jones, First Presbyterian Church, Nashville, Tennessee, offered the following prayer:

Eternal God, before Whom generations rise and pass away, we give thanks today for this Nation, "conceived in liberty and dedicated to the proposition that all men are created equal," that all bear some mark of the Divine image. So bless this body of legislators with wisdom and a passion "to do justice, to love kindness and to walk humbly with Thee."

Guide and direct their work, O Lord, that it may bring blessing and honor to this land and lead to an increase of freedom, a deepening of joy, and enrich the health and welfare of all her citizens. Grant that a large-hearted and clear-minded spirit may prevail and that our Nation's common good may be served and strengthened by the actions of this body.

Establish this Nation in righteousness, O God, and grant that we may be makers of peace, artisans of goodness, and keepers of the bright light of freedom.

We pray this in the name of the Living God, the Creator and Redeemer of all that is or ever shall be.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Alabama (Mr. GRIF-

FITH) come forward and lead the House in the Pledge of Allegiance.

Mr. GRIFFITH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1037. An act direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 942. An act to prevent abuse of Government charge cards.

### WELCOMING REV. TODD JONES, FIRST PRESBYTERIAN CHURCH, NASHVILLE, TENNESSEE

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee, Congressman COOPER, is recognized for 1 minute.

There was no objection.

Mr. COOPER. Mr. Speaker, I would like to welcome to the Chamber today Rev. Dr. Todd Jones and his wife, Connie. Dr. Jones is the reverend at the First Presbyterian Church in Nashville, Tennessee. He has led that congregation since 2002. He is a native of Pennsylvania who was educated at the University of Pittsburgh and went on to get his degree from Princeton Theological Seminary. After that, he did a 1-year fellowship in Scotland at the University of Edinburgh.

He first pastored at churches in South Carolina, where he had attended Presbyterian College. We feel very graced to have his presence in Nashville, Tennessee. He does a superb job, and he is very active in the community.

For example, he is on the board of the Boy Scouts as well as Goodwill Industries. So we are very thankful for his leading this body in prayer today.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

### MISSILE DEFENSE DECISIONS

(Mr. GRIFFITH asked and was given permission to address the House for 1 minute.)

Mr. GRIFFITH. Mr. Speaker, I rise today to address the American people about the current situation in the Middle East. On September 28, Iran launched and tested a Shahab-3 missile which has a range of 1,200 kilometers and puts American soldiers and our allies in the Middle East in danger. These tests must be met with stern opposition.

Having recently returned from Israel and Egypt, I had the opportunity to meet with officials and members of the defense community who are directly involved in their missile defense decisions. I was able to see firsthand the stability and security that American missile systems provide for our allies. Recently, the administration announced a change of plans, eliminating missile silos in Poland and radar in the Czech Republic, which raised concerns both in our missile defense community and among our international allies. Clearly this logic must be questioned as a successful launch of the long-range Shahab-3 missile shows that we must protect our allies in the region and, most importantly, the eastern United States.

These Iranian tests demonstrate a need for ground-based interceptors, if not on Poland, then on the eastern coast of the United States. American safety and security is essential to our soldiers abroad and citizens at home. Because national defense is a non-partisan issue, we in Congress will work together to make sure our decisions are well thought out and executed.

### OPEN UP THE OUTER CONTINENTAL SHELF

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH. Mr. Speaker, in October 2008, just a year ago, Congress lifted the decades-long ban on energy exploration off America's coasts, clearing the way for expanded

domestic oil and gas exploration. Unfortunately, instead of moving forward with a plan to explore the Outer Continental Shelf, this administration has stopped progress by instituting an extended 6-month public comment period.

Now the Obama administration has indicated offshore exploration may not happen until 2012, meaning what was a mere 6-month delay for comments has now become 3-year ban or could become a 3-year ban on offshore drilling.

Mr. Speaker, Americans are still waiting for expanded oil and gas exploration. With unemployment nearing 10 percent and our Nation's deficit topping \$9 trillion, it is simply irresponsible to continue this de facto ban on American energy protection. We need to take an all-of-the-above approach when it comes to our energy portfolio, an approach which includes developing American offshore energy resources.

#### HEALTH CARE STATUS QUO IS UNAFFORDABLE

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Since 2000, families in Pennsylvania have seen a 100 percent increase in their health premiums. Nearly one in five Pennsylvania families pay more than 10 percent of their income on health care. This is simply unaffordable for middle class Americans.

As we advance health care reform, we must ensure that Americans have access to meaningful, affordable health coverage, and we can do that by expanding private and public insurance options available to individuals and small groups so meaningful coverage is more affordable; by establishing consumer protections, including ending preexisting condition exclusions; setting commonsense policies to expand options for insurance coverage, including allowing young adults to stay on their parents' insurance policy; ensuring that Americans know what their insurance coverage truly means, by eliminating confusing terminology which results in consumers paying for expenses that they thought were covered, and putting a reasonable limit on insurer overhead and profits so that more of our premium dollars are used on health care.

The status quo is unaffordable. That is why the President and Congress are committed to passing a health care reform that benefits all of us.

#### ROBERT CLENNEY—TEXAS LAWMAN

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Highlands, Texas, lost a lawman to a tragic

traffic collision last Saturday night. Harris County Precinct 3 Deputy Constable Robert Clenney was hit by a car from behind and spun into oncoming traffic where he again was hit head-on by a pickup truck. He was 38 years of age. To make matters worse, the driver who hit Deputy Clenney's SUV from behind fled the scene. Police are now searching for the hit-and-run scoundrel.

Deputy Clenney was a beloved husband and father of two young daughters. His wife, Denise, says her husband had always wanted to be a lawman. It was his dream, and he achieved that dream. He had been a deputy constable for 11 months when he lost his life.

Lawmen are a special breed of people. They run toward trouble when others are running to safety. They protect people, property and the community. These first responders hold evildoers accountable to our laws. Deputy Clenney will be buried this Saturday in Texas. We will always be grateful for folks like Deputy Clenney, grateful for his service and his sacrifice. We pray God's peace to his family after their loss of this Texas lawman.

And that's just the way it is.

#### YOUNG ADULT HEALTH CARE COVERAGE ACT

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Mr. Speaker, today I rise to speak on behalf of the age group that boasts the highest uninsured rate in our country, our young adults. Young adults, those between 19 and 29 years old, are more frequently without insurance than any other age group. At 31 percent uninsured, nearly one in three 18- to 29-year-olds are without health insurance. This gap in coverage occurs when young people graduate from school or reach an age limit imposed by insurance companies that do not allow them access to their parents' health insurance plans.

Young adults entering the workforce often take jobs that lack benefits or cannot afford them on their own. The Young Adult Health Care Coverage Act would give these young adults access to their parents' health insurance during these transition years when it is so difficult to maintain coverage on their own. This bill is a no-cost bipartisan solution to the problem of young adults without health insurance.

I urge my colleagues to support this bill and to support health care reform to provide quality health care for all Americans.

#### FANG ZHENG

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, yesterday I had the honor to celebrate with Fang Zheng, a man from China who recently walked for the first time in 20 years. Twenty years ago, I remember the whole world was watching on TV with such hope as peaceful demonstrators poured into Tiananmen Square in China, calling for freedom. Fang was among those brave activists. When the tanks rolled in to break up the demonstration, one of them rolled over him, causing him to lose both of his legs. This young man, who had been an Olympic hopeful, was now wheelchair-bound.

Last year he finally was able to travel to the United States and seek asylum. Moved by his story, the owners of a prosthesis center that worked with wounded war veterans offered to design him new legs; and yesterday here in the Capitol, these new legs allowed him to dance with his wife for the first time ever.

That celebration was a powerful symbol that the American people have not forgotten the Chinese struggle for freedom and the courage of people like Fang Zheng who speak out and who long to enjoy the same freedoms we hold so dear. You can see his story on YouTube.

#### THE NEED FOR A HEALTH CARE PUBLIC OPTION

(Mr. SARBANES asked and was given permission to address the House for 1 minute.)

Mr. SARBANES. Mr. Speaker, I just wanted to congratulate the American people on how savvy and smart they are when it comes to this health care reform effort. A survey was done recently, and the question was asked, Do you support an individual mandate, which is the requirement that people purchase insurance coverage? In answer to that, there was some ambivalence. People weren't so sure. Then they asked the question this way, they said, What if we give you a public option, would you support an individual mandate? And a clear majority said, Absolutely, we would.

Now let's think about that for a minute. What they were saying was, Don't force us to go purchase insurance coverage if we have to buy it from the same old cast of characters that's been jerking us around for decades. But if you give us a real option, then it absolutely makes common sense to require that.

So once again Americans have demonstrated they understand this problem. They understand why we need to have a public option in the mix, and that's what we're going to push forward with in this legislation.

# FIX GOVERNMENT-RUN HEALTH CARE BEFORE ENACTING ANY NEW REFORMS

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, as we discuss the issue of health care, one thing that's brought up often is, Why not let the government run health care? After all, we already have Medicaid, Medicaid, TRICARE and the VA.

Here is a true story: a gentleman in his eighties needs a motorized wheelchair, so he gets a medical exam. A few dozen pages of paperwork are filled out, and 3 or 4 months go by, waiting for the wheelchair to arrive. Unfortunately, during that time, the medical exam expired after 60 days and has to be repeated. Again, more billing, a couple dozen pages of that, and he gets his \$25,000 wheelchair. Unfortunately, by that time, he is in hospice care and can barely use it. And here is the other tragedy: it goes into storage. It can't be used. It cannot be returned, and it's a big waste of money in many ways.

It's not atypical for issues with Medicare and Medicaid. They, quite frankly, will pay for this sort of expense but will not pay for the care it takes to prevent these sorts of problems. Before we take on more health care and \$1 trillion more spending, shouldn't we fix those things we are already responsible for? I think that would save a lot of money, make a lot of sense, and save a lot of lives.

## WE NEED HEALTH CARE IN AMERICA

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, on Monday in my office in Memphis, I had citizens come visit me. Two parents had children with spina bifida. They explained the love they had for their child, but the expenses it is causing them because our system of Medicaid is not sufficient in Tennessee to really give them the benefits they need, and how much it costs them.

Another person came to my office to tell me that I had saved her life. Well, I hadn't saved her life, but she would have been cut off of TennCare, our Medicaid system. And but for 10 days when we got them back on, she wouldn't have got the transplant that did save her life.

Do we need health care in America? I think those stories and stories like them say we do. I was gratified last night doing a teletown hall meeting in my district where 83 percent of the respondents said they supported President Obama's health care plan. The Ninth Congressional District of Tennessee gets it. I hope America gets it.

□ 1015

# MASSIVE MEDICARE CUTS IN THE BAUCUS HEALTH CARE REFORM BILL

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, Senator BAUCUS's health care bill is out, and the nonpartisan Congressional Budget Office has reported it has 15 major surprises in it. Massive cuts to Medicare.

You can see here that the bill cuts \$133 billion out of Medicare Advantage, forcing 3 million seniors out of their choices; \$128 billion is going to be cut for Medicare for hospitals; home health is cut, part D; skilled nursing is cut; hospice is cut; medical imaging, wheelchairs are cut.

So we now see how this is so-called paid for, on the back of senior health care.

I urge seniors to read this Baucus bill and learn about its massive Medicare cuts.

## PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 808 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 808

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legis-

lative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule provides for consideration of the conference report to accompany H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. The rule waives all points of order against the conference report and against its consideration. The rule provides that the previous question shall be considered as ordered without any intervening motion except 1 hour of debate and, if applicable, one motion to recommit.

The bill was introduced on June 2, 2009, by Chairman IKE SKELTON and referred to the Committee on Armed Services. The committee marked up the bill on June 16, 2009, and ordered it favorably reported, as amended, by voice vote June 16, 2009.

The Committee on Rules reported a structured rule making in order 69 amendments, which then passed the floor 222-202. And today we have the conference report that we have now concurred with the Senate.

Despite any differences about our ongoing missions in Afghanistan or Iraq, we all agree that funds that have already been approved as part of the annual spending plans should not be held up for any reason, not with our troops in harm's way.

The bill authorizes \$550.2 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy and also authorizes \$130 billion for overseas contingency operations for fiscal year 2010.

For our service men and women, it authorizes a pay raise of 3.4 percent for the military, expands TRICARE health coverage for Reserve members, bars fee increases on TRICARE inpatient care for 1 year, and provides \$2.2 billion for housing programs to improve the quality of life for our servicepersons' families.

On Afghanistan, the bill responds to concerns raised by Members of both parties and requires an assessment of progress in Afghanistan and Pakistan toward security and stability. It also bans permanent bases in Afghanistan and provides funds to train and equip the Afghan National Security Forces, the ANSF.

There is also language in the bill that requires a reporting system to register and track all the U.S. defense items that are provided to Afghanistan and Pakistan, to help combat waste and fraud. This is especially important in light of recent news stories showing that millions of dollars destined for

Pakistan to battle militants in al Qaeda have been diverted to either the domestic economy or "for other purposes." In fact, between 2002 and 2008, while al Qaeda regrouped, only \$500 million of the \$6.6 billion in American aid actually made it to the Pakistani military, according to two Army generals quoted in an Associated Press story from earlier this week. I will insert that story into the RECORD.

BILLIONS IN U.S. AID NEVER REACHED  
PAKISTAN ARMY  
(By Kathy Gannon)

ISLAMABAD, PAKISTAN.—The United States has long suspected that much of the billions of dollars it has sent Pakistan to battle militants has been diverted to the domestic economy and other causes, such as fighting India.

Now the scope and longevity of the misuse is becoming clear: Between 2002 and 2008, while al-Qaida regrouped, only \$500 million of the \$6.6 billion in American aid actually made it to the Pakistani military, two army generals tell The Associated Press.

The account of the generals, who asked to remain anonymous because military rules forbid them from speaking publicly, was backed up by other retired and active generals, former bureaucrats and government ministers.

At the time of the siphoning, Pervez Musharraf, a Washington ally, served as both chief of staff and president, making it easier to divert money intended for the military to bolster his sagging image at home through economic subsidies.

"The army itself got very little," said retired Gen. Mahmud Durrani, who was Pakistan's ambassador to the U.S. under Musharraf. "It went to things like subsidies, which is why everything looked hunky-dory. The military was financing the war on terror out of its own budget."

Generals and ministers say the diversion of the money hurt the military in very real ways:

Helicopters critical to the battle in rugged border regions were not available. At one point in 2007, more than 200 soldiers were trapped by insurgents in the tribal regions without a helicopter lift to rescue them.

The limited night vision equipment given to the army was taken away every three months for inventory and returned three weeks later.

Equipment was broken, and training was lacking. It was not until 2007 that money was given to the Frontier Corps, the front-line force, for training.

The details on misuse of American aid come as Washington again promises Pakistan money. Legislation to triple general aid to Pakistan cleared Congress last week. The legislation also authorizes "such sums as are necessary" for military assistance to Pakistan, upon several conditions. The conditions include certification that Pakistan is cooperating in stopping the proliferation of nuclear weapons, that Pakistan is making a sustained commitment to combating terrorist groups and that Pakistan security forces are not subverting the country's political or judicial processes.

The U.S. is also insisting on more accountability for reimbursing money spent. For example, Pakistan is still waiting for \$1.7 billion for which it has billed the United States under a Coalition Support Fund to reimburse allies for money spent on the war on terror.

But the U.S. still can't follow what happens to the money it doles out.

"We don't have a mechanism for tracking the money after we have given it to them," Pentagon spokesman Lt. Col. Mark Wright said in a telephone interview.

Musharraf's spokesman, retired Gen. Rashid Qureshi, flatly denied that his former boss had shortchanged the army. He did not address the specific charges. "He has answered these questions. He has answered all the questions," the spokesman said. Musharraf took power in a bloodless coup in 1999 and resigned in August 2008.

The misuse of funding helps to explain how al-Qaida, dismantled in Afghanistan in 2001, was able to regroup, grow and take on the weak Pakistani army. Even today, the army complains of inadequate equipment to battle Taliban entrenched in tribal regions.

For its part, Washington did not ask many questions of a leader, Musharraf, whom it considered an ally, according to a U.S. Government Accountability Office report released last year.

Pakistan has received more money from the fund than any other nation. It is also the least expensive war front. The amount the U.S. spends per soldier per month is just \$928, compared with \$76,870 in Afghanistan and \$85,640 in Iraq.

Yet by 2008, the United States had provided Pakistan with \$8.6 billion in military money, and more than \$12 billion in all.

"The army was sending in the bills," said one general who asked not to be identified because it is against military rules to speak publicly. "The army was taking from its coffers to pay for the war effort—the access roads construction, the fuel, everything. . . . This is the reality—the army got peanuts."

Some of the money from the U.S. even went to buying weapons from the United States better suited to fighting India than in the border regions of Afghanistan—armor-piercing tow missiles, sophisticated surveillance equipment, air-to-air missiles, maritime patrol aircraft, anti-ship missiles and F-16 fighter aircraft.

"Pakistan insisted and America agreed. Pakistan said we also have a threat from other sources," Durrani said, referring to India, "and we have to strengthen our overall capacity. 'The money was used to buy and support capability against India.'"

The army also suffered from mismanagement, Durrani said. As an example, he cited Pakistani attempts to buy badly needed attack helicopters.

Pakistan asked for Cobra helicopters because it knows how to maintain them, he said. But the helicopters were old, and to make them battle-ready, the Pentagon sent them to a company that had no experience with Cobras and took two years, he said.

As a result, in 2007, Pakistan had only one working helicopter—a debilitating handicap in the battle against insurgents who hide, train and attack from the hulking mountains that run like a seam along the Afghan-Pakistani border.

The army was also frustrated about not getting more money. Military spokesman Gen. Athar Abbas said the U.S. gave nothing to offset the cost of Pakistan's dead and wounded in the war on terror. He estimated 1,800 Pakistani soldiers had been killed since 2003 and 4,800 more wounded, most of them seriously.

The hospital and rehabilitation costs for the wounded have come to more than \$25 million, Abbas said. Pakistan's military also gives land to the widows of the dead, educates their children and provides health care.

"These costs do not appear anywhere," he said. "There is no U.S. compensation for the

casualties, assistance with aid to the grieving families."

Even while money was being siphoned off for other purposes on Pakistan's end, the U.S. imposed little control over or even had specific knowledge of what went where, according to reports by the U.S. Government Accountability Office. The reports covered 2002 through 2008.

The reports found that the Pentagon often ignored its own oversight rules, didn't get adequate documents and doled out money without asking for an explanation.

For more than a year, the Pentagon paid Pakistan's navy \$19,000 a month per vehicle just for repair costs on a fleet of fewer than 20 vehicles. Monthly food bills doubled for no apparent reason, and for a year the Pentagon paid the bills without checking, according to the report.

Daniyal Aziz, a minister in Musharraf's government, said he warned U.S. officials that the money they were giving his government was being misused, but to no avail.

"They both deserved each other, Musharraf and the Americans," he said.

Within this bill is authorization for 30 F-35 Joint Strike Fighter aircraft and the continued development and procurement of the F136 Joint Strike Fighter competitive engine but does not authorize the advance procurement of F-22 aircraft.

It authorizes \$6.7 billion for Mine Resistant Ambush Protected, MRAP, vehicles and fully funds the new MRAP all-terrain variant requirement for Afghanistan. We've seen far too many reports of our troops dying because their vehicles are ripped apart by roadside bombs. We can and will do better to protect them from these risks.

Under the provisions of this bill, the military will increase by 30,000 Army troops, 8,100 marines, 14,650 Air Force personnel, and 2,477 Navy sailors in 2010. It also authorizes an additional 30,000 Army troops in fiscal years 2011 and 2012.

The bill provides support for the plan to increase the size of our civilian workforce so that we can reduce DOD's reliance on contractors for core acquisition functions. This is also a most important point to cut down on fraud and waste. The bill also provides DOD with the needed flexibility to reform the DOD hiring process to reduce the fraud and abuse through enhanced contractor oversight, which is long overdue.

The bill speaks to vessels carrying DOD cargo in high piracy risk areas by requiring that they be equipped with appropriate nonlethal defense measures. And it strengthens the DOD's ability to face threats and vulnerabilities by improving research and promoting military and civilian cyber workforce development.

It improves accountability and oversight in awarding defense contracts by providing the Defense Department the authority to require return of award and incentive fees. The bill prohibits a company from being awarded future contracts if its action leads to a servicemember's death or severe injury.

This, of course, is in response to the number of soldiers who were electrocuted by bad plumbing work.

To address concerns about the treatment of detainees, the bill bans interrogation of detainees by contractors and requires the Department of Defense to give the International Committee of the Red Cross prompt access to detainees held at the Bagram Theater Internment Facility in Afghanistan.

In addition, the bill reforms the Military Commissions Act to clarify rules and improve trial procedures to make military commissions fair and effective, and puts new revisions into place that would forbid the use of statements alleged to have been secured through cruel, inhuman, or degrading treatment.

Finally, the bill provides the accused with the enhanced ability to select his own counsel and to make hearsay evidence harder to use in court. It improves procedures for the handling of classified information while also permitting military commissions to continue existing cases for 90 days or until revisions have been made to supporting court manuals and handbooks.

The bill matches the administration's request for \$9.3 billion for missile defense programs and provides the resources necessary to meet threats facing the United States, our deployed forces, and our friends and allies, and provides \$2.2 billion to support the Department of Energy's nonproliferation programs. It strengthens the Stockpile Stewardship Program to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of underground testing.

Further, the bill provides technical and financial support to local law enforcement and prosecutors that they can more aggressively try violent crimes which are motivated by the victim's race, color, religion, national origin, gender, sexual orientation, gender identity, or disability; expands the ability of Federal prosecutors to try similar types of cases in Federal court if State or local officials are unable or unwilling to prosecute these cases; and criminalizes attacks against U.S. servicemembers because of their service to their country.

I want to address one last point. The bill includes new hate crimes legislation that will prohibit offenses based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person. This kind of far-reaching protection is important for America, and I am proud to support it.

There are still far too many incidences of violence in and around our schools and churches. During the last 10 years, 69 persons have been killed or injured at church and another 122 children have died in or around their school. The numbers are dev-

astating. One has only to look at the beating death of Chicago teenager Derrion Albert outside his high school, an honor student, to see how devastating it is to see violence in our schools. I hope this bill can help bring an end to that sorrow.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend, the distinguished chairwoman, Ms. SLAUGHTER, for the time, and I yield myself such time as I may consume.

Today the House will consider the bipartisan conference report for the 2010 National Defense Authorization legislation. With this important legislation, I think we are sending the message to our men and women in uniform that we support them and that we deeply appreciate their service.

The conference report authorizes over \$550 billion for the activities of the Department of Defense. It also provides approximately \$130 billion to support our combat operations in Afghanistan, in Iraq, and other fronts of the war on international terrorism.

I wish to commend both the Armed Services Committee chairman, Mr. SKELTON, and the ranking member, Mr. McKEON, both good friends and admired colleagues, for their commitment that they have demonstrated in this legislation to put partisanship aside in order to get this important legislation to the President.

While I support the conference report, I know it is not perfect. No human endeavor is. But I believe that the conference report will strengthen our national security and help modernize our military. It will provide servicemembers and their families with improved health care, support, and quality-of-life programs. I'm pleased that it includes the House-passed 3.4 percent pay raise for our troops instead of the lower request that had come from the President.

Furthering our commitment to our troops, the bill extends TRICARE eligibility to Reserve members so they can receive full TRICARE coverage 180 days before they go on active duty and will prevent increases in copayments for inpatient care at civilian hospitals under TRICARE. The bill provides over \$2 billion for family housing programs to expand and improve the quality of military housing.

The legislation authorizes the expansion of our military by 30,000 Army troops, 8,100 marines, and over 14,000 Air Force personnel and approximately 2,500 members of the Navy.

□ 1030

I would like to thank the members of the conference committee for including my request for authorization for funding for the finalization of construction of a new permanent headquarters for the United States Southern Command

that is located in the congressional district that I am honored to represent. Currently, the Department of Defense is leasing the land for SOUTHCOM from a private individual. The funds authorized in this legislation will be used to complete construction of the new headquarters on land adjacent to the current location and lease it from the State of Florida for the sum of \$1 per year.

This provision is extremely important to my community because SOUTHCOM personnel and supporting services have contributed over \$1.2 billion and over 20,000 jobs to south Florida's economy.

As a supporter of the Matthew Shepard Hate Crimes Prevention Act, I am pleased to see that it was included in the underlying legislation, though I wish that the provision would have been expanded to include also more serious penalties for crimes against members of the armed services and their families. There are people who hate our armed services for what they symbolize, and our armed services, I think, deserve the additional protection from crimes of violence.

There are aspects of this legislation, obviously, with which I disagree, Mr. Speaker. Since the beginning of military aviation, the United States has very wisely invested in our military air superiority. In recent military operations, we've clearly seen that our investments pay off. Our military air superiority saves the lives of our men and women in uniform, and it saves the lives of countless civilians. That's why I am very disappointed that the underlying legislation fails to include funding for the F-22, the world's most advanced fighter plane and one that we may very well need in future operations. Obviously not against ragtag terrorists, but against the superpowers of the future.

I hope and pray that this short-sighted decision will not hurt the long-term safety of our Nation and our men and women in uniform.

I also have deep reservations about the decision to block full funding restoration for missile defense. This unwise decision, in my opinion, comes at a time when the demented despot of North Korea continues to mock global condemnation of his nuclear program and threatens the United States and our friends and allies with destruction.

The Iranian tyranny, while it continues to massacre its people in the streets perhaps today in a less public manner than a few months ago, nevertheless continues to massacre its people. It also threatens to wipe Israel off the face of the map. It's clear to me that the world faces a grave and I believe imminent threat from the dictatorships in North Korea and Iran, and now is not the time to cut missile defense. Unfortunately, because of the request from the executive branch and

acquiescence here on the part of the leadership, it is occurring, and I think it is a mistake.

I would have liked to have seen included in this legislation section 1226 of the Senate version of the bill, which would have required a report to Congress on the Republic of China's—that's free China, Taiwan—defense capabilities. That report would have greatly enhanced the ability of Congress and the administration to assess their obligations to sell defense articles as required under the Taiwan Relations Act, "as may be necessary to enable Taiwan to maintain a sufficient self-defense capability."

The peace in that area has been maintained because this Congress, throughout the decades ever since the betrayal of Taiwan, this Congress has insisted on the United States selling, making available for purchase by the Republic of China, the military equipment and technology necessary to deter an armed attack. So I am sorry that that provision that was in the Senate legislation is not included in the final conference report.

Again, despite the aspects of the legislation with which I do not agree, I feel that overall this legislation is necessary and that we pass it. Obviously although it's not perfect, it helps modernize and it supports our military forces. It provides our men and women in uniform with support they need and deserve.

So I would ask my colleagues, as I have done, to look further than the aspects with which one may disagree within the legislation and pass it.

I reserve the balance of my time

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Colorado, a member of the Rules Committee, Mr. POLIS.

Mr. POLIS. Mr. Speaker, I rise today in support of the rule and the bill. I would like to thank Chairwoman SLAUGHTER for the time on the rule as well as House Armed Services Chairman SKELTON and Ranking Member MCKEON for their tireless work on this bill. Their job is not easy.

Our Nation faces a war on two fronts and growing threats to our security here and abroad. As our economy struggles to recover from a meltdown, the resources we have available to devote to these problems are under increasing pressure.

It's time we bring our troops home from both Iraq and Afghanistan. I commend President Obama and his efforts to end our military presence in Iraq and look forward to helping him achieve this goal soon.

I am concerned, however, about the possible increase of troops in Afghanistan. We cannot achieve peace through the occupation of an entire country. The occupation of Afghanistan will not help us defeat the very real threat of al Qaeda. We need to take a new look at

our policy, moving towards targeted operations against al Qaeda rather than the occupation of an entire country. And this can only come about through discussion and debate.

We need an exit strategy for Afghanistan, a plan for peace. This bill promotes such a plan by requiring assessment of goals in Afghanistan with timelines and by increasing numbers in the Afghan National Security Forces to prepare for the transition.

Recognizing, however, that this authorization will inevitably continue war efforts inherited from the previous administration, I take great pause in deciding to support it. But at its heart, this authorization is about more than our policy towards Iraq and Afghanistan.

Mr. Speaker, I strongly support this authorization today because, in doing so, Congress finally—after nearly a decade of debate—has the opportunity to pass historic hate crimes legislation. My home State of Colorado has long had hate crimes legislation on the books, including gays and lesbians, and I am proud to stand before you as a representative of the Second Congressional District and as an original cosponsor of the Local Law Enforcement Hate Crimes Prevention Act of 2009 which is included in this Defense authorization bill.

Our hate crimes legislation expands Federal jurisdiction to investigate and prosecute hate crimes and provides law enforcement with another means of ensuring that the safety and rights of all Americans are protected. It offers Federal protection for victims of hate crimes targeted because of their race, color, religion, national origin, sexual orientation, gender, gender identity, or disability, as well as protecting men and women who proudly wear the uniform of the United States from hate crimes. It also provides assistance to State and local law enforcement agencies and amends Federal law to aid in the prosecution of bias-motivated crimes.

Hate crimes are not limited to the LGBT community. They occur every day in every State and perpetuate a climate of fear throughout minority communities. What makes these crimes so odious is that they are not just crimes against individuals; they're crimes against entire communities and create environments of fear in entire communities.

There is a difference between burning a cross on the lawn of an African American family and an act of simple arson. This legislation clarifies that our country has zero tolerance for hate crimes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman 20 additional seconds.

Mr. POLIS. I rise in support today—despite my opposition to the war—of

the 2009 reauthorization bill. And I thank Chairman SKELTON and Ranking Member MCKEON for including the hate crimes bill and bringing this historic legislation to the floor of the House and to the desk of the President of the United States of America.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished leader from Missouri, Mr. BLUNT.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong opposition to this rule. This rule, for the first time that I am aware of, allows the Defense authorization bill to become a vehicle where other social legislation is finalized, where the country's laws are changed, where those of us who have always voted for the Defense authorization bill now have a choice of voting for a bill that includes something that we've always voted against. And even if it was something that I was for, I don't think this rule should move forward in a way that changes the law so that we would, in the future, have two classifications of criminals and two classifications of victims.

Criminals should be prosecuted to the fullest extent of the law. Victims should be protected to the fullest extent of the law, and it should not, Mr. Speaker, happen in the Defense authorization bill. To use this bill in this way is a step in the wrong direction, and I am afraid it's the first step in that wrong direction where every bill to defend the country, every bill to find out what our enemies are up to, every bill to fund our troops, every bill to take care of their families will become a vehicle for other social legislation that has nothing to do with defense. That should not be in this bill.

This rule should allow a vote that takes it out of the bill, at the very least, and it sets a very terrible preference, Mr. Speaker.

I urge this rule be rejected so we can move forward with a Defense authorization bill like every Defense authorization bill for at least a decade that dealt with defense and those who defend our country.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentlelady for her courtesy and the time.

Mr. Speaker, I rise in support of the rule for H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

In addition to the bill's robust support of our national defense and national security programs, H.R. 2647 includes several key Federal employee initiatives which will come under my jurisdiction as the chairman of the Federal Workforce, Postal Service, and District of Columbia Subcommittee. I am pleased to report that the bill significantly enhances the Federal Government's recruitment and retention



capabilities, as well as further bolstering agency management and worker productivity.

The underlying bill will now allow the Federal Employees Retirement System to provide employees with retirement credit for unused sick time. Under the current system, we have half of our employees that are allowed to get credit for unused sick time, and the others are encouraged to use their sick time whether they need it or not.

Under this new bill, Federal workers, managers, and agencies will have the flexibility they have long called for. This is a great change in our personnel management system.

Additionally, this legislation fixes a civil service retirement annuity calculation problem for those employees who wish to phase down to part-time at the end of their working careers. Under the existing system, senior employees—many times our most valuable senior employees—are forced to simply retire and not work part-time at the end of their career in order to train their successors, because the calculation would hurt their pension if they work part-time at the end of their career. This change will obviously correct that inequity.

The Office of Personnel Management supports that as a way to retain the skill-set and knowledge of employees who are nearing the end of their careers and who want to work part time to help train future agency leaders.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. Mr. Speaker, I will yield 1 minute to the gentleman.

Mr. LYNCH. Also included is a provision that allows D.C. court employees to be compensated for lost retirement credits when those workers were involuntarily transferred to Federal service.

H.R. 2647 will also terminate DOD's disastrous so-called pay-for-performance personnel system.

I would like to extend my gratitude to IKE SKELTON, chairman of the Armed Services Committee, and BUCK McKEON, the ranking member, as well as Members JIM MORAN from Virginia, Mr. CONNOLLY from Virginia, Mr. VAN HOLLEN from Maryland, and Congresswoman ELEANOR HOLMES NORTON from the District of Columbia, and Majority Leader STENY HOYER for their efforts on behalf of the Federal workforce.

Mr. Speaker, I conclude my remarks by thanking Chairwoman SLAUGHTER for the time and restating my support for the rule.

□ 1045

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to my friend, the great Texan, Judge CARTER.

Mr. CARTER. Mr. Speaker, I have the distinct honor and privilege to represent 52,000 fighting American soldiers, men and women. As we stand

here on the floor of this House today, 25,000 of my soldiers that I represent from Fort Hood, Texas, are engaged in combat against an enemy of the United States. And we have lost hundreds of soldiers from Fort Hood; and we have had thousands of soldiers, men and women, injured from Fort Hood fighting for freedom and doing their duty and accomplishing their mission.

I have always supported the United States military in every form or fashion, and I have always been a crusader for the authorization bill that gives those tools that gives my fighting men and women that fight for Fort Hood and fight for Texas and fight for America the opportunity to do their mission, accomplish their goals and maintain freedom.

But I'm in a dilemma today, as are many, many of my colleagues because we seem to be following a code of secrecy that seems to be the new mode in this Congress. When you have something you don't want to talk about out in public, you hide it somewhere. And so we're looking today on the fact that we've added to the bill that's designed to protect the men and women of the United States military and keep them safe, we've added a criminal justice issue having to do with hate crimes.

In 20 years on the bench as a criminal judge, at a felony level in Texas, I've spent an inordinate amount of time protecting the rights of the individual and protecting the rights of the defendant. I believe that we have created a justice system in America that blindly treats everyone equally. There are those who disagree, and I understand that debate.

But that debate should be resolved in a one-on-one confrontation between those who think the justice system treats all fairly and those who do not, and if hate crimes is the solution to that bill, if we thought crimes are what we want in America, then I think we should go forward independently on a hate crimes bill. And I think those who support hate crimes should have the courage to come out from underneath the cover of the United States serviceman and step up and say, this is a problem in America and it needs to be solved, and here's how we solve it.

Let us discuss it as men and women who represent the American people, and let us vote as our constituents would have us vote on the issue before us, hate crimes. Let's not hide that issue behind that American soldier who, at this very moment, is patrolling over in Iraq and putting his life on the line. This is an awful thing to do to the American soldier because it is taking him and having his Representative have to be in a quandary to support the military because someone is plugging in a bill that they might disagree with.

I believe every victim is entitled to be protected by the law. No matter who they are or what they do, they are enti-

tled, as a victim, to be protected under the law and their rights to be part of the criminal justice system. And I believe the sentencing process that we give to our judges and our juries it is very important that they have choices to make and they can take into consideration evidence of why the event occurred, whatever that why may be.

But I think, to stick in here a controversial issue, which goes farther than just what the crime is, but what was that person thinking, or what are we going to presume that person was thinking, and if anybody ever talked to him on this subject, do we presume that they shall be considered aiding and abetting in this criminal offense. And it has issues that affect the religious freedom of the United States.

These are issues that should be talked about independently. It's time for the United States Congress to address this type of thing and other things openly and forthwith, and not hide them in another bill and force people to vote against their conscience. I'm ashamed of what we're doing here today, Mr. Speaker. I think we can protect these innocents that we're talking about using the fact that our Constitution tells us to and demand that kind of behavior from our justice system without going into thought crimes, hate crimes, and infringement upon States' rights.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, as one of the House conferees of this report, I have no confusion in terms of why I'm here and what we're doing to support the troops. I rise in strong support of this rule and the conference report of H.R. 2647, and I will submit my full statement for the RECORD.

I thank Chairman SKELTON for his continued skillful leadership, for the Speaker appointing me as a conferee, and Mr. OBERSTAR for recommending me. What is the report about? There's no covers here. The report is clear. It's about restoring and enhancing the readiness of our troops and the equipment. It's about taking care of our military personnel, and it also authorizes needed investments to keep our Nation strong.

So let's talk about what that means. Troops, enabling that the Department of Defense would have 213 C-17s so we can support our men and women; that our military families would not have to wait on a 3.4 percent military raise that they've long deserved. But let me focus my final moment on why and what my specialty is and what I think is so important in this bill, talking about port security as national security.

When we consider the provision that is in this bill, port security, infrastructure, development program, it will enable our ports to finally come up to



speed where we can be competitive, as well as the economic engine that we reside in.

Now, let's talk about the ports. The role of our ports is not just economics. It's to connect the ports. That's the point. And when you look at 14 commercial ports currently in the United States, two of which are in my area, they are called strategic ports for that very reason. When you look at Operation Enduring Freedom, that was the largest area where we had the sealift tonnage and troops that were moved through the ports to enable us to respond.

So when we talk about this Defense authorization bill, it's quite clear why we're here today. We're here to talk about our troops, to prepare them and to give them the resources that they so richly deserve. Currently, our ports are struggling without enough money for the Army Corps to do the proper dredging.

I urge my colleagues to support this, and I stand in support of Ms. SLAUGHTER as we move forward on this rule.

Mr. Speaker, as one of the House conferees on this report, I rise in strong support of the rule and the underlying Conference Report on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, which provides \$550.2 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy.

I thank Chairman SKELTON for his skillful leadership in shepherding this legislation to the floor. I also wish to express my appreciation to Speaker PELOSI for appointing me as a conferee. And I cannot say how much it means to me to have the confidence of my chairman, Mr. OBERSTAR, who recommended me to the Speaker. Mr. Speaker, I support the conference report for three reasons: (1) it restores and enhances the readiness of our troops, equipment, and defense infrastructure; (2) it takes care of our military personnel and their families; and (3) it authorizes the needed investments to keep our nation strong, safe, and respected in the world.

Let me briefly highlight some of the key provisions. This legislation:

#### TROOP AND EQUIPMENT READINESS

Increases the size of our overstretched military by 30,000 Army troops, 8,100 Marines, 14,650 Air Force personnel, and 2,477 Navy sailors as requested by the President and Commander-in-Chief;

Provides \$6.9 billion to address equipment shortfalls in the National Guard and Reserves;

Provides \$4.7 billion for training opportunities for the Army;

Adds \$350 million for Army trainee barracks construction and \$200 million to support National Guard and Reserve military construction projects;

Requires DoD to maintain a strategic airlift fleet of 316 aircraft, an increase of 24 over previous requirement, which should help bring us closer to the goal of maintaining the full complement—at least 213—of C-17's, the incomparable and irreplaceable air transport that is assembled in my congressional district.

#### HELP FOR MILITARY FAMILIES

Provides a 3.4 percent military pay raise;

Prohibits fee increases on TRICARE inpatient care for 1 year;

Provides \$2.2 billion for family housing programs;

Adds \$276 million to support the Housing Assistance Program that helps service members forced to sell their homes at a significant loss;

Provides travel and transportation for three designated persons, including non-family members, to visit hospitalized service members.

#### IRAQ, AFGHANISTAN, AND PAKISTAN

Bans permanent bases in Iraq and prohibits U.S. control of Iraqi oil;

Requires report on responsible redeployment of U.S. forces from Iraq;

Bans permanent bases in Afghanistan;

Requires reports to assess progress toward security and stability in Afghanistan and in Pakistan;

Requires a system to register and track all U.S. defense articles provided to Afghanistan and Pakistan;

Directs GAO to provide separate reports assessing the strategic plans for Iraq and Afghanistan.

#### PORT SECURITY AND NATIONAL SECURITY

Mr. Speaker, in my remaining time let me discuss an additional reason why I support the conference report. Working together constructively, the conferees were able to reach agreement and included in the Conference Report provisions establishing a port infrastructure development program. Let me explain why this is a significant, constructive, and necessary enhancement to the bill. The subject is very important but I will be brief.

#### ECONOMIC SIGNIFICANCE OF AMERICAN PORTS

Our Nation's ports are vital to the economic health and prosperity of our Nation. According to the International Trade Administration, last year U.S. exports of goods and services grew by 12 percent to \$1.84 trillion, while imports increased by 7.4 percent to \$2.52 trillion. Exports accounted for 13.1 percent of U.S. Gross Domestic Product in 2008. To put that in historical context, in 2003, exports were 9.5 percent of GDP; in 1969 they were only 5.3 percent.

The Port of Long Beach and Los Angeles is the busiest container port in the United States. This port complex is the fifth busiest port in the world, moving \$260 billion in total trade and handling 14.33 million 20-foot containers in 2009. This represents approximately 40 percent of all the containers entering the United States. More than 886,000 jobs in California are directly or indirectly related to the international trade activities at the ports.

According to the U.S. Coast Guard, there are 360 commercial ports that provide approximately 3,200 cargo and passenger handling facilities. The importance of our ports is only going to continue to grow. The Department of Transportation estimates that by 2035, the volume of freight shipped on the U.S. transportation system will increase more than 48 percent—and much of this freight enters the U.S. through our ports.

#### NATIONAL SECURITY CONSIDERATIONS

While it is undeniable that the international trade handled by the Nation's ports is a major engine driving our economy, public and com-

mercial ports serve another critical function that is vital to our national security. Mr. Speaker, it is an understatement to say that in times of war, "the role of ports is to connect the forts."

During wartime and national emergencies, the Defense Department designates two dozen ports to support the mobilization, deployment, and resupply of U.S. forces during major conflicts. Commercial port facilities routinely ship military cargo and many U.S. ports host major naval installations. Indeed, 14 commercial ports—including the Port of Long Beach and Los Angeles—are deemed so critical to the defense and security of the Nation that they have been designated as "strategic ports." The others are: Tacoma, Wash.; Oakland, Calif.; San Diego, Calif.; Corpus Christi, Texas; Beaumont, Texas; Jacksonville, Fla.; Savannah, Ga.; Charleston, S.C.; Wilmington, N.C.; Morehead City, N.C.; Hampton Roads Area Ports, Va.; Philadelphia, Pa. and the New York/New Jersey Port Complex.

U.S. public and commercial ports have been indispensable in the deployment of troops and material for Operations Enduring Freedom and Iraqi Freedom since the conflicts began there in early 2001. The Military Sealift Command, MSC, and the Military Traffic Management Command, MTMC, use public ports to preposition mobility forces and assets and provide global surface deployment command, together with control and distribution operations, to meet national security objectives in peace and war.

According to the Department of Defense, the total sealift tonnage moved in the first 6 months of Operation Iraqi Freedom and the deployment and redeployment of approximately 240,000 troops and their equipment was part of the largest troop rotation since World War II. Sealift tonnage passing through the Nation's ports accounted for approximately 84 percent of the total Operation Iraqi Freedom cargo shipped during this period.

#### THE CRITICAL ROLE OF PORT INFRASTRUCTURE TO NATIONAL SECURITY

Commercial ports are a linchpin of the economy and a critical component of our national defense. But Mr. Speaker, there is a problem. It is simple and it is stark: Our ports are increasingly less capable of fulfilling their vital functions because we have not invested sufficient resources to maintain and modernize them. Port infrastructure is rapidly falling into a dangerous state of disrepair.

For too long we have neglected to make the critical investments necessary to ensure the United States remains the world leader in goods movement. Consequently, today in Long Beach and other ports around the country we find growing congestion, dangerous roads and safety hazards, increasing levels of pollution and other environmental problems in our communities, especially those near freight corridors like the Alameda Corridor in my home district.

The situation is not much better when it comes to the dredging of our ports and harbors. Global competition has led to the deployment of larger vessels capable of carrying increased tonnage but requiring deeper ports and harbors. That means frequent and better dredging.

However, according to the Army Corps of Engineers only 160 dredging contracts were

awarded last year to dredge 146,747,977 cubic yards of sediment. This is not nearly enough. According to the Department of Transportation, in several strategic ports dredging must be increased as much as 45 to 50 feet to accommodate the larger commercial vessels dominating the shipping industry.

Instead of using funds to maintain and dredge our harbors, we have used more than half the funds collected for that purpose by the Harbor Maintenance Fund to support the budget deficit instead of eliminating the port infrastructure deficit. Currently, the HMT Fund has a surplus of approximately \$4,600,000,000. In fiscal year 2009, more than \$1.6 billion was collected by only \$710 million, 43.7 percent, was appropriated for dredging operations.

Mr. Speaker, when it comes to port infrastructure the current states of affairs is simply intolerable. We are placing our commercial enterprises at a competitive disadvantage in the global economy. Worse, we are putting our national security at risk.

That is why I have been working to correct this problem since I have been in the Congress. Recently, I introduced three bills:

1. H.R. 3447, "Harbor Maintenance Trust Fund Reform Act," which would provide a reliable and guaranteed source of funding for harbor dredging;

2. H.R. 3446, the "Clean Low-Emission Authorization Nationwide (CLEAN) Ports Act of 2009," which will lead to a reduction in pollution levels plaguing port communities by establishing a grant program to assist port authorities to acquire fuel efficient and low-emission vehicles, equipment and systems; and

3. H.R. 2355, the "Making Opportunity via Efficient and More Effective National Transportation Act of 2009" ("Movement Act"), which provides funding for infrastructure projects that will improve the movement of goods, mitigate environmental damage caused by the movement of goods, and enhance the security of transported goods.

I will discuss these proposals in more detail at another time. But it suffices for now to say that what each of my bills has in common with the provision we have included in the Conference Report is that they all recognize the critical importance of making the necessary investments in port infrastructure to ensure that ports are capable of moving goods efficiently, absorbing new capacity, remaining competitive, and fulfilling its national defense function.

#### CONCLUSION

In conclusion, Mr. Speaker, I support the Conference Report because it restores and enhances the readiness of our troops, equipment, and defense infrastructure. It takes care of our military personnel and their families. And it authorizes the needed investments to keep our Nation strong, safe, and respected in the world. That is why I was proud to have been selected as a member of the Conference and to have signed the Conference Report. I urge my colleagues to join me in supporting the rule and in voting for the bill on final passage.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 7 minutes to my friend, the great leader from Indiana, Mr. PENCE.

Mr. PENCE. Mr. Speaker, I rise in opposition to this rule and in opposition

to the hate crimes provisions and the balance of the National Defense Authorization Act for Fiscal Year 2010.

Throughout my nearly 9 years in Congress, I've been down range with our troops every year, in Afghanistan and Iraq. I've also supported every Defense authorization bill that has come before this body, and so I rise with a heavy heart today to say that I will break that personal tradition in opposing this bill.

Now, no one doubts that the National Defense Authorization Act for Fiscal Year 2010 is an important piece of legislation whose essential elements will provide for our troops the critical resources they need to accomplish their mission. However, the majority in this Congress has cynically included hate crimes provisions in this legislation that threaten the very freedoms of speech and religion that draw our soldiers into the uniform of this Nation.

Men and women throughout our history have put on the uniform for a variety of reasons, some out of a sense of patriotism, some out of a sense of love for their families, love for their country, a sense of duty; but in every single case, I would offer that, from the American Revolution forward, every American who has put on the uniform of this country has done so to defend freedom. Therefore, the very idea that we would erode the freedoms for which our soldiers wear the uniform in a bill that is designed to provide resources those soldiers need to get the job done and come home safe is unconscionable.

It is simply inappropriate to use the Defense bill as a vehicle for divisive liberal social policies wholly unrelated to our country's national security. Here, the Democrats in the majority, with the assent of this administration, are piling liberal social priorities on to the backs of our soldiers. This is disturbing, I suspect, to millions of Americans and counterproductive to the legislative process.

But on to the substance of hate crimes. I find myself in strong agreement this day with Thomas Jefferson who said, and I quote, "Legislative powers of government reach actions only, not opinions." And he actually connected that very principle with the foundation and rationale for the First Amendment. The hate crimes provisions in this legislation, as before, are antithetical to those First Amendment traditions and unnecessary. Violent attacks on people are already illegal, regardless of the motive behind them. And there's no evidence that the underlying violent crimes at issue here are not being fully and aggressively prosecuted under current law.

Therefore, in a practical sense, hate crimes serve no purpose. But they instead penalize people for thoughts, beliefs and attitude and send us down that very slope that Thomas Jefferson warned against. Now, some of these

thoughts and beliefs and attitudes, racism, sexism, bias against people because of their sexual preferences, I find abhorrent. I disdain discrimination. I disdain bigotry. But these hate crimes provisions, including those that will be added to Federal law today, are broad enough to encompass legitimate beliefs, and protecting the rights of freedom and speech and religion must be first and foremost and paramount on the floor of this chamber.

To put it quite simply, adding hate crimes provisions in this Defense bill puts us on a slippery slope of deeming particular groups as more important than others under our system of justice. Singling out particular groups of victims erodes our longstanding legal principle of equal protection under the law as well. The First Amendment of the Constitution provides that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. America was founded on the notion that the government should not interfere with the religious practices or expressions of our people.

But there is a real possibility that these provisions in this Defense bill having to do with hate crimes and sexual preference could have that effect. These provisions, as written, could result in a chilling effect against religious leaders in this country. As has been previously stated by Judge CARTER of Texas, under section two of title 18 of the U.S. Code today, an individual may be held criminally liable who aids, abets, counsels, commands or induces or procures in the commission of a Federal crime.

Therefore, to put a fine point on it, any pastor, preacher, priest, rabbi, or imam who may give a sermon out of their moral traditions about sexual practices could presumably, under this legislation, be found to have aided, abetted or induced in the commission of a Federal crime. This will have a chilling effect on religious expression from the pulpits, in our temples, in our mosques and in our churches; and it must be undone.

So let me say, as I close, the provisions added to this legislation threaten religious freedom by criminalizing thought. It is simply wrong to further criminalize thought and chill religious expressions of Americans. But let me also say, as I said before, a Defense authorization bill ought to be about the national defense. And here we have, in this majority, in an effort, presumably, any effort to move liberal social policies at home, a willingness to pile unrelated liberal priorities on the backs of an effort to advance our national security. And that's unconscionable.

□ 1100

Let's remember what our soldiers are fighting for. Let's remember why they put on the uniform. They wear the uniform to defend freedom. So let's take a

stand for freedom today and let's take a stand for a legislative process that has genuine integrity to purpose.

I urge my colleagues to vote against the rule, and I sadly urge my colleagues to vote against the Defense authorization bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Thank you to the gentlelady from New York. I rise today to strongly support the rule and the underlying bill, the conference report on the National Defense Authorization Act. I'm grateful to Chairwoman SLAUGHTER for the time to speak, and Chairman SKELTON and the ranking member for crafting a bill that protects our national security in a fiscally responsible way.

This morning, I would like to focus on section 1077, which allows the Department of Veterans Affairs to provide veterans with service dogs that can facilitate treatment of their physical and mental disabilities.

I first introduced the bipartisan Wounded Warrior K-9 Corps Act in July, and I'm proud to have worked out this language in this bill to help keep America's promise to our disabled veterans. The men and women who have served this country and are injured deserve our full and complete support when they return home, and that means doing everything we can to improve their quality of life after their service.

I have seen these programs where they provide service dogs in action. I have witnessed the growth of disabled veterans after working with a guide dog or an animal that can assist them with physical therapy, their mental health, and even their job. These programs succeed, and they're another important way we can strongly stand behind our veterans and their families.

I'd like to thank Senator AL FRANKEN of Minnesota and ED WHITFIELD of Kentucky, who were my indispensable partners in this bipartisan effort. I'd like to also acknowledge David Kildee of the House Armed Services Committee staff, and the Armed Services Committee staff, whose assistance proved crucial in this effort.

Finally, this effort would not be possible without Irwin Stovroff, former World War II POW and someone who's a personal friend and my constituent. He is a guardian angel to many disabled veterans and wounded warriors who depend on him for their service dogs and their quality of life.

I urge my colleagues to support this measure, the conference report, and the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding. I do not plan to support

the rule or the underlying legislation. I have some of the concerns that were raised earlier about adding items that don't belong in a Defense bill. We simply shouldn't do that.

But I do rise in support of a provision contained in the Defense authorization conference report that will hopefully shed some light on the process by which earmarks are competitively awarded by the Department of Defense.

Section 1062 of the report represents a compromise between language in the Senate's version of the bill and an amendment dealing with earmarks that I was able to successfully offer in the House bill.

The practice of earmarking, as we all know, has come under significant scrutiny in the media with the advent of the PMA Group scandal when it was revealed earlier this year. Yet, since that time, Congress has taken very little action to actually deal with the root cause of this problem.

The Defense authorization bill, the Defense appropriation bill each contain hundreds of—in one case more than a thousand—individual earmarks, many of which—in fact, in the Defense appropriation bill, more than half of the earmarks are going to for-profit entities. We simply cannot continue to do that.

No Member of Congress should have the ability to provide a sole-source or no-bid contract to their campaign contractors. Until we address the root of that problem, we're going to have problems like this.

A while ago, I worked with the Department of Defense—or, in fact, I've been working with them for several months now—to try to see where these earmarks are going and to see what process they have by which they are competitively bid. I should note that I'm skeptical that this language will do very much good because the Department of Defense tells us now that they follow a process by which earmarks are competitively bid; yet, I provided the Department with a subset of roughly 160 earmarks in the FY 2008 legislation and asked for information regarding the competitive practices used to award these earmarks.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional 20 seconds.

Mr. FLAKE. After an initial review, though apparently consistent with competitive requirements, it was found that, with uncanny alignment, these earmarks actually went to their intended recipients.

So we have much more work here to do, and I hope in the coming months we can fix this problem completely. Members of Congress shouldn't have the ability to award no-bid contracts to their campaign contributors.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman

from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I rise in strong support of the conference report on the National Defense Authorization Act. This bill is what Americans have been waiting for. There's a military pay raise of 3.4 percent to say thank you to our troops. We prohibit fee increases on TRICARE patients for 1 year, something many of my constituents have worried about; increases the size of the military and relieves the burden on so many of our troops. It provides money for the National Guard and for Reserve construction projects, saying thank you to the National Guard and recognizing their hard work. It prevents permanent bases in Afghanistan and Iraq.

I'm also pleased that my amendment to repeal the National Security Personnel System has been included in the conference report. The Department of Defense employees will be returned to the previous system, the one that 80 percent of them liked and approved because it was a fairer system.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 2 minutes to my distinguished friend from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I rise in opposition to both this rule and the underlying conference report. The American people need to understand the sea change that's taking place with this rule and this conference report. It's the first time we have allowed social policy and the budget to drive our defense posture instead of our defense posture driving the budget. We have men today that are fighting and dying in Afghanistan, and they have no plan.

Now, the law doesn't require that the administration have a plan. Common sense does. Fairness does. But what the law did require was on this report they have a shipbuilding plan so America knows what we're doing with their ships, how they're building, and that they certify that this budget, this authorization bill will meet. And this administration just refused to do it.

The law also requires that they have an aviation plan that just makes sense. But the law requires them to give us a plan to say what they're going to do with our planes and the certification that this conference report does it. They just refuse to do it.

When they sent the report over, they issued a gag order to members in the Pentagon where they couldn't even talk to Congress to tell them where they were putting dollars and which programs they were cutting, and that was just wrong. And then they have labeled their social agenda and overlaid it into a Defense authorization bill.

Mr. Speaker, the American people deserve better, and I hope we will defeat this rule and defeat the underlying conference report.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the

gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Ms. SLAUGHTER. I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentlewoman and I thank her for her hard work on this and every other piece of legislation that this body votes on.

Mr. Speaker, I rise today in support of the conference report of the National Defense Authorization Act. I'm pleased to see that the conference report includes an important provision which would require a study on providing Federal retirement benefits to former Air America employees.

From 1950 to 1976, Air America was a government corporation owned and operated by the CIA that supported America's missions during the cold war. The corporation conducted flight operations in various countries, including China, Korea, and Vietnam, on behalf of the Department of Defense and the CIA.

The CIA conducted Air America operations in secret and did not acknowledge that Air America was a government corporation. Therefore, those Air America employees have never received their government retirement benefits.

This noncontroversial Air America provision included in section 1057 of the conference report simply requires a report from the Director of National Intelligence on the visibility of correcting this oversight and retroactively giving these employees Civil Service Retirement System benefits. It is only right. It is only fair. Air America employees served their country with distinction, often at great risk to themselves. They earned these benefits.

This, in addition to so many other parts of this bill, make it well worth voting for, and I urge my colleagues to support this legislation.

Mr. LINCOLN DIAZ-BALART of Florida. I yield myself such time as I may consume.

Over the last few months, the American people have written and called their Members of Congress or they've made their opinions known at town hall meetings to ask their Congressmen whether they will pledge to read bills before they vote on them. The reason is that the people really were outraged, often finding out the majority leadership forced Congress to vote on a number of sweeping and very expensive bills without giving Members time to understand or really even to read the bills.

For example, we were forced to vote on the final so-called "stimulus" bill, on the omnibus appropriations bill, and on cap-and-trade with less than 24

hours to read the bills; in some instances, much less than 24 hours. And that's no way to run this House. Our constituents are rightly upset.

A recent survey found that 83 percent of Americans believe legislation should be posted online in final form and available for everyone to read before Congress votes on legislation.

You would think, Mr. Speaker, this would not be an issue, as the distinguished Speaker is on record as saying, "Members should have at least 24 hours to examine bills and conference reports before floor consideration." It's even on her Web site; yet, time and time again, the distinguished Speaker and majority leadership have refused to live up to their pledge. That is why a bipartisan group of 182 Members have signed a discharge petition to consider a bill that would require that all legislation and conference reports be made available to Members of Congress and the general public for 72 hours before they be brought to the House floor for a vote.

That's why today I will be asking for a "no" vote on the previous question so that we can amend this rule and allow the House to consider that legislation, H. Res. 544, a bipartisan bill by my colleagues, Representatives BAIRD and CULBERSON.

I know that Members are concerned that this motion may jeopardize the Department of Defense Authorization Act. But I want to make clear, the motion I am making provides for separate consideration of the Baird-Culberson bill within 3 days. So we can pass the Defense authorization bill today and then, once we are done, consider H. Res. 544.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and the extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I have an amendment to the rule at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER:

At the end of the resolution, add the following:

"SEC. 2. Upon the adoption of the conference report the House shall be considered to have adopted the concurrent resolution (H. Con. Res. 196) making corrections in the enrollment of the bill H.R. 2647."

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 808

OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, insert the following new section:

SEC. 3. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a

vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and the resolution and ask for a "yes" vote.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on the amendment and the resolution will be followed by 5-minute votes on the amendment to H. Res. 808, if ordered; adoption of H. Res. 808; motion to suspend the rules on H. Res. 650, H.J. Res. 26, and H.R. 3590.

The vote was taken by electronic device, and there were—yeas 237, nays 187, not voting 8, as follows:

[Roll No. 764]

YEAS—237

Abercrombie	Becerra	Brady (PA)
Ackerman	Berkley	Braley (IA)
Adler (NJ)	Berman	Brown, Corrine
Altmire	Berry	Butterfield
Andrews	Bishop (GA)	Capps
Arcuri	Bishop (NY)	Capuano
Baca	Blumenauer	Cardoza
Baird	Boccheri	Carnahan
Baldwin	Boswell	Carson (IN)
Barrow	Boucher	Castor (FL)
Bean	Boyd	Chandler

Chu	Jackson-Lee	Peters
Clarke	(TX)	Peterson
Clay	Johnson (GA)	Pingree (ME)
Cleaver	Johnson, E. B.	Polis (CO)
Clyburn	Kagen	Pomeroy
Cohen	Kanjorski	Price (NC)
Connolly (VA)	Kennedy	Quigley
Conyers	Kildee	Rahall
Cooper	Kilpatrick (MI)	Rangel
Costa	Kilroy	Reyes
Costello	Kind	Richardson
Courtney	Kirkpatrick (AZ)	Rodriguez
Crowley	Kissell	Ross
Cuellar	Klein (FL)	Rothman (NJ)
Cummings	Kosmas	Roybal-Allard
Dahlkemper	Langevin	Ruppersberger
Davis (AL)	Larsen (WA)	Rush
Davis (CA)	Larson (CT)	Ryan (OH)
Davis (IL)	Lee (CA)	Salazar
Davis (TN)	Levin	Sánchez, Linda T.
DeFazio	Lewis (GA)	Sanchez, Loretta
DeGette	Lipinski	Sarbanes
Delahunt	Loebbeck	Schakowsky
DeLauro	Lofgren, Zoe	Schauer
Dicks	Lowe	Schiff
Dingell	Lujan	Schrader
Doggett	Lynch	Schwartz
Doyle	Maffei	Scott (GA)
Driehaus	Markey (CO)	Scott (VA)
Edwards (MD)	Markey (MA)	Serrano
Edwards (TX)	Marshall	Sestak
Ellison	Massa	Shea-Porter
Engel	Matheson	Sherman
Eshoo	Matsui	Shuler
Etheridge	McCarthy (NY)	Sires
Farr	McCollum	Skelton
Fattah	McDermott	Slaughter
Finer	McGovern	Smith (WA)
Frank (MA)	McMahon	Snyder
Fudge	McNerney	Space
Giffords	Meek (FL)	Speier
Gonzalez	Meeks (NY)	Spratt
Gordon (TN)	Melancon	Stark
Grayson	Michaud	Stupak
Green, Al	Miller (NC)	Tanner
Green, Gene	Miller, George	Thompson (CA)
Grijalva	Minnick	Thompson (MS)
Gutierrez	Mitchell	Tierney
Hall (NY)	Mollohan	Titus
Halvorson	Moore (KS)	Tonko
Hare	Moore (WI)	Towns
Harman	Moran (VA)	Van Hollen
Hastings (FL)	Murphy (CT)	Velázquez
Heinrich	Murphy (NY)	Visclosky
Herseth Sandlin	Murphy, Patrick	Walz
Higgins	Murtha	Wasserman
Hill	Nadler (NY)	Schultz
Himes	Napolitano	Waters
Hinchey	Neal (MA)	Watson
Hinojosa	Nye	Watt
Hirono	Obey	Waxman
Hodes	Oliver	Weiner
Holden	Ortiz	Welch
Holt	Pallone	Wexler
Honda	Pascrell	Wilson (OH)
Hoyer	Pastor (AZ)	Woolsey
Inslee	Payne	Wu
Israel	Perlmutter	Yarmuth
Jackson (IL)	Perriello	

NAYS—187

Aderholt	Brown (SC)	Davis (KY)
Akin	Brown-Waite,	Deal (GA)
Alexander	Ginny	Dent
Austria	Buchanan	Diaz-Balart, L.
Bachmann	Burgess	Diaz-Balart, M.
Bachus	Burton (IN)	Donnelly (IN)
Barrett (SC)	Buyer	Dreier
Bartlett	Calvert	Duncan
Barton (TX)	Camp	Ehlers
Biggert	Campbell	Ellsworth
Bilbray	Cantor	Emerson
Bilirakis	Cao	Fallin
Bishop (UT)	Capito	Flake
Blackburn	Carter	Fleming
Blunt	Cassidy	Forbes
Boehner	Castle	Fortenberry
Bonner	Chaffetz	Foster
Bono Mack	Childers	Fox
Boozman	Coble	Franks (AZ)
Boren	Coffman (CO)	Frelinghuysen
Boustany	Cole	Gallegly
Brady (TX)	Conaway	Garrett (NJ)
Bright	Crenshaw	Gerlach
Broun (GA)	Culberson	Gingrey (GA)

Gohmert	Lungren, Daniel	Rohrabacher
Goodlatte	E.	Rooney
Granger	Mack	Ros-Lehtinen
Graves	Manzullo	Roskam
Griffith	Marchant	Royce
Guthrie	McCarthy (CA)	Ryan (WI)
Hall (TX)	McCaul	Scalise
Harper	McClintock	Schmidt
Hastings (WA)	McCotter	Schock
Heller	McHenry	Sensenbrenner
Hensarling	McIntyre	Sessions
Herger	McKeon	Shadegg
Hoekstra	McMorris	Shimkus
Hunter	Rodgers	Shuster
Inglis	Mica	Simpson
Issa	Miller (FL)	Smith (NE)
Jenkins	Miller (MI)	Smith (NJ)
Johnson (IL)	Miller, Gary	Smith (TX)
Jones	Moran (KS)	Souder
Jordan (OH)	Murphy, Tim	Stearns
King (IA)	Myrick	Sullivan
King (NY)	Nunes	Taylor
Kingston	Olson	Teague
Kirk	Paul	Terry
Kline (MN)	Paulsen	Thompson (PA)
Kratovil	Pence	Thornberry
Kucinich	Petri	Tiahrt
Lamborn	Pitts	Tiberi
Lance	Platts	Turner
Latham	Poe (TX)	Upton
LaTourette	Posey	Walden
Latta	Price (GA)	Wamp
Lee (NY)	Putnam	Westmoreland
Lewis (CA)	Radanovich	Whitfield
Linder	Rehberg	Wilson (SC)
LoBiondo	Reichert	Wittman
Lucas	Roe (TN)	Wolf
Luetkemeyer	Rogers (AL)	Young (AK)
Lummis	Rogers (KY)	Young (FL)
	Rogers (MI)	

NOT VOTING—8

Carney	Maloney	Sutton
Johnson, Sam	Neugebauer	Tsongas
Kaptur	Oberstar	

□ 1146

Messrs. BOREN, CASTLE, KUCINICH and Ms. GRANGER changed their vote from "yea" to "nay."

Mr. PASCARELL changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 188, not voting 10, as follows:

[Roll No. 765]

AYES—234

Abercrombie	Baldwin	Bishop (GA)
Ackerman	Barrow	Bishop (NY)
Adler (NJ)	Bean	Blumenauer
Altmire	Becerra	Boccheri
Andrews	Berkley	Boswell
Arcuri	Berman	Boucher
Baca	Berry	Boyd

Brady (PA)	Hodes	Pastor (AZ)	Forbes	LoBiondo	Rogers (KY)	Bachus	Diaz-Balart, L.	King (IA)
Braley (IA)	Holden	Payne	Fortenberry	Lucas	Rogers (MI)	Baird	Diaz-Balart, M.	King (NY)
Brown, Corrine	Holt	Perlmutter	Fox	Luetkemeyer	Rohrabacher	Baldwin	Dicks	Kingston
Butterfield	Honda	Perrillo	Franks (AZ)	Lummis	Rooney	Barrett (SC)	Dingell	Kirk
Capuano	Hoyer	Peters	Frelinghuysen	Lungren, Daniel E.	Ros-Lehtinen	Barrow	Doggett	Kirkpatrick (AZ)
Cardoza	Inslee	Peterson	Gallegly	Mack	Roskam	Bartlett	Donnelly (IN)	Kissell
Carnahan	Israel	Pingree (ME)	Garrett (NJ)	Manzullo	Royce	Barton (TX)	Doyle	Kline (MN)
Carson (IN)	Jackson (IL)	Polis (CO)	Gerlach	Marchant	Ryan (WI)	Bean	Dreier	Kosmas
Castor (FL)	Jackson-Lee	Pomeroy	Gingrey (GA)	McCarthy (CA)	Scalise	Becerra	Driehaus	Kratovil
Chandler	(TX)	Price (NC)	Gohmert	McCaul	Schmidt	Berkley	Duncan	Kucinich
Chu	Johnson (IL)	Quigley	Goodlatte	McClintock	Schock	Berman	Edwards (MD)	Lamborn
Clarke	Johnson, E. B.	Rahall	Granger	McCotter	Sensenbrenner	Berry	Edwards (TX)	Lance
Clay	Kagen	Rangel	Graves	McHenry	Sessions	Biggert	Ehlers	Langevin
Cleaver	Kanjorski	Reyes	Griffith	McIntyre	Shadegg	Billbray	Ellison	Larsen (WA)
Clyburn	Kennedy	Richardson	Guthrie	McKeon	Shimkus	Billirakis	Ellsworth	Larsen (CT)
Cohen	Kildee	Ross	Hall (TX)	McMorris	Shuler	Bishop (GA)	Emerson	Latham
Connolly (VA)	Kilpatrick (MI)	Rothman (NJ)	Harper	Rodgers	Shuster	Bishop (NY)	Engel	LaTourrette
Conyers	Kilroy	Roybal-Allard	Hastings (WA)	Melancon	Simpson	Bishop (UT)	Eshoo	Latta
Cooper	Kind	Ruppersberger	Heller	Mica	Smith (NE)	Blackburn	Etheridge	Lee (CA)
Costa	Kirkpatrick (AZ)	Rush	Hensarling	Miller (FL)	Smith (NJ)	Blumenauer	Fallin	Lee (NY)
Costello	Kissell	Ryan (OH)	Herger	Miller (MI)	Smith (TX)	Blunt	Farr	Levin
Courtney	Klein (FL)	Salazar	Hoekstra	Miller, Gary	Souder	Boccieri	Fattah	Lewis (CA)
Crowley	Kosmas	Sánchez, Linda T.	Hunter	Moran (KS)	Stearns	Boehner	Filner	Lewis (GA)
Cuellar	Langevin	Sanchez, Loretta	Inglis	Murphy, Tim	Sullivan	Bonner	Flake	Linder
Cummings	Larsen (WA)	Sarbanes	Issa	Myrick	Taylor	Bono Mack	Fleming	Lipinski
Dahlkemper	Larson (CT)	Schakowsky	Jenkins	Nunes	Teague	Boozman	Forbes	LoBiondo
Davis (AL)	Lee (CA)	Schauer	Jones	Olson	Terry	Boren	Fortenberry	Loeb sack
Davis (CA)	Levin	Schiff	Jordan (OH)	Paul	Thompson (PA)	Boswell	Foster	Lofgren, Zoe
Davis (IL)	Lewis (GA)	Schrader	King (IA)	Paulsen	Thornberry	Boucher	Fox	Lowe
Davis (TN)	Lipinski	Schwartz	King (NY)	Petri	Tiahrt	Boustany	Frank (MA)	Lucas
DeFazio	Loeb sack	Scott (GA)	Kline (MN)	Pitts	Tiberi	Boyd	Franks (AZ)	Luetkemeyer
DeGette	Lofgren, Zoe	Scott (VA)	Kratovil	Platts	Turner	Brady (PA)	Fudge	Lujan
Delahunt	Lowe	Serrano	Kucinich	Poe (TX)	Upton	Brady (TX)	Gallegly	Lummis
DeLauro	Luján	Sestak	Lamborn	Posey	Walden	Braley (IA)	Garrett (NJ)	Lungren, Daniel E.
Dicks	Lynch	Shea-Porter	Lance	Price (GA)	Wamp	Bright	Gerlach	Lynch
Dingell	Maffei	Sherman	Latham	Putnam	Westmoreland	Broun (GA)	Giffords	Mack
Doggett	Markey (CO)	Sires	LaTourrette	Radanovich	Whitfield	Brown (SC)	Gingrey (GA)	Maffei
Doyle	Markey (MA)	Skelton	Latta	Rehberg	Wilson (SC)	Brown-Waite, Ginny	Gohmert	Manzullo
Driehaus	Marshall	Slaughter	Lee (NY)	Reichert	Wittman	Buchanan	Gonzalez	Marchant
Edwards (MD)	Massa	Smith (WA)	Lewis (CA)	Roe (TN)	Wolf	Burgess	Goodlatte	Marky (CO)
Edwards (TX)	Matheson	Snyder	Linder	Rogers (AL)	Young (AK)	Gordon (TN)	Gordon (TN)	Markey (MA)
Ellison	Matsui	Space			Young (FL)	Granger	Granger	Marshall
Engel	McCarthy (NY)	Speier				Graves	Graves	Massa
Eshoo	McCollum	Spratt				Grayson	Grayson	Matheson
Etheridge	McDermott	Stark				Green, Al	Green, Al	Matsui
Farr	McGovern	Stupak				Green, Gene	Green, Gene	McCarthy (CA)
Fattah	McMahon	Sutton				Griffith	Griffith	McCarthy (NY)
Filner	McNerney	Tanner				Grijalva	Grijalva	McCaul
Foster	Meek (FL)	Thompson (CA)				Guthrie	Guthrie	McClintock
Frank (MA)	Meeks (NY)	Thompson (MS)				Gutierrez	Gutierrez	McCollum
Fudge	Michaud					Hall (NY)	Hall (NY)	McCotter
Giffords	Miller (NC)					Hall (TX)	Hall (TX)	McDermott
Gonzalez	Miller, George					Halvorson	Halvorson	McGovern
Gordon (TN)	Minnick					Hare	Hare	McHenry
Grayson	Mitchell					Harman	Harman	McIntyre
Green, Al	Mollohan					Harper	Harper	McKeon
Green, Gene	Moore (KS)					Hastings (FL)	Hastings (FL)	McMahon
Grijalva	Moore (WI)					Hastings (WA)	Hastings (WA)	McMorris
Gutierrez	Moran (VA)					Heinrich	Heinrich	Rodgers
Hall (NY)	Murphy (CT)					Heller	Heller	McNerney
Halvorson	Murphy (NY)					Hensarling	Hensarling	Meek (FL)
Hare	Murphy, Patrick					Herger	Herger	Meeks (NY)
Harman	Murtha					Herseth Sandlin	Herseth Sandlin	Melancon
Hastings (FL)	Napoli (NY)					Hill	Hill	Mica
Heinrich	Napolitano					Himes	Himes	Michaud
Herseth Sandlin	Neal (MA)					Hinchey	Hinchey	Miller (FL)
Higgins	Nye					Hinojosa	Hinojosa	Miller (MI)
Hill	Obey					Hirono	Hirono	Miller (NC)
Himes	Oliver					Hodes	Hodes	Miller, Gary
Hinchey	Ortiz					Hoekstra	Hoekstra	Miller, George
Hinojosa	Pallone					Holden	Holden	Minnick
Hirono	Pascrell					Holt	Holt	Mitchell
						Hoyer	Hoyer	Mollohan
						Hunter	Hunter	Moore (KS)
						Inglis	Inglis	Moore (WI)
						Inslee	Inslee	Moran (KS)
						Israel	Israel	Murphy (CT)
						Issa	Issa	Murphy (NY)
						Jackson (IL)	Jackson (IL)	Murphy, Patrick
						Jackson-Lee	Jackson-Lee	Murphy, Tim
						(TX)	(TX)	Murtha
						Jenkins	Jenkins	Myrick
						Johnson (GA)	Johnson (GA)	Nadler (NY)
						Johnson (IL)	Johnson (IL)	Napolitano
						Johnson, E.B.	Johnson, E.B.	Neal (MA)
						Jones	Jones	Nunes
						Jordan (OH)	Jordan (OH)	Nye
						Kagen	Kagen	Obey
						Kanjorski	Kanjorski	Olson
						Kennedy	Kennedy	Oliver
						Kildee	Kildee	Ortiz
						Kilpatrick (MI)	Kilpatrick (MI)	Pallone
						Kilroy	Kilroy	Pascrell
						Kind	Kind	Pastor (AZ)
								Paul

## NOT VOTING—10

□ 1153

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# RECOGNIZING THE CONTRIBUTION OF COUNTRY MUSIC TO AMERICAN LIFE AND CULTURE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 650, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 650.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 766]

YEAS—421

Abercrombie	Akin	Arcuri
Ackerman	Alexander	Austria
Aderholt	Altmire	Baca
Adler (NJ)	Andrews	Bachmann

Bachus	Baldwin	Barrett (SC)
Barrow	Bartlett	Barton (TX)
Bean	Becerra	Berkley
Berman	Berry	Biggert
Billbray	Billirakis	Bishop (GA)
Bishop (NY)	Bishop (UT)	Blackburn
Blumenauer	Blunt	Boccieri
Boehner	Bonner	Bono Mack
Boozman	Boren	Boswell
Boucher	Boustany	Boyd
Brady (PA)	Brady (TX)	Braley (IA)
Bright	Broun (GA)	Brown (SC)
Brown-Waite, Ginny	Buchanan	Burgess
Burton (IN)	Butterfield	Buyer
Calvert	Camp	Campbell
Cantor	Cao	Capito
Cardoza	Carnahan	Carson (IN)
Carter	Cassidy	Castle
Castor (FL)	Chaffetz	Childers
Chu	Clarke	Clay
Cleaver	Clyburn	Coble
Coffman (CO)	Cohen	Cole
Conaway	Connolly (VA)	Conyers
Cooper	Costello	Courtney
Crenshaw	Crowley	Cuellar
Culberson	Cummings	Dahlkemper
Davis (AL)	Davis (CA)	Davis (IL)
Davis (KY)	Davis (TN)	Deal (GA)
DeFazio	DeGette	Delahunt
DeLauro	Dent	

Paulsen	Salazar	Taylor	Andrews	DeFazio	Kennedy	Olson	Royce	Sullivan
Payne	Sánchez, Linda	Teague	Arcuri	DeGette	Kildee	Olver	Ruppersberger	Sutton
Pence	T.	Terry	Austria	DeLauro	Kilpatrick (MI)	Ortiz	Rush	Tanner
Perlmutter	Sanchez, Loretta	Thompson (CA)	Baca	Dent	Kilroy	Pallone	Ryan (OH)	Taylor
Perriello	Sarbanes	Thompson (MS)	Bachmann	Diaz-Balart, L.	Kind	Pascarell	Ryan (WI)	Teague
Peters	Scalise	Thompson (PA)	Bachus	Diaz-Balart, M.	King (IA)	Pastor (AZ)	Salazar	Terry
Peterson	Schakowsky	Thornberry	Baird	Dicks	King (NY)	Paul	Sánchez, Linda	Thompson (CA)
Petri	Schauer	Tiahrt	Baldwin	Dingell	Kingston	Paulsen	T.	Thompson (MS)
Pingree (ME)	Schiff	Tiberi	Barrett (SC)	Doggett	Kirk	Payne	Sanchez, Loretta	Thompson (PA)
Pitts	Schmitt	Tierney	Barrow	Donnelly (IN)	Kirkpatrick (AZ)	Pence	Sarbanes	Thornberry
Platts	Schock	Titus	Bartlett	Doyle	Kissell	Perlmutter	Scalise	Tiahrt
Poe (TX)	Schrader	Tonko	Barton (TX)	Dreier	Klein (FL)	Perriello	Schakowsky	Tiberi
Polis (CO)	Scott (GA)	Towns	Bean	Driehaus	Kline (MN)	Peters	Schauer	Tierney
Pomeroy	Scott (VA)	Turner	Becerra	Duncan	Kosmas	Peterson	Schiff	Titus
Posey	Sensenbrenner	Upton	Berkley	Edwards (MD)	Kratovil	Petri	Schmidt	Tonko
Price (GA)	Serrano	Van Hollen	Berman	Edwards (TX)	Kucinich	Pingree (ME)	Schrader	Towns
Price (NC)	Sessions	Velázquez	Berry	Ehlers	Lamborn	Pitts	Schwartz	Turner
Putnam	Sestak	Visclosky	Biggert	Ellison	Lance	Platts	Scott (GA)	Upton
Quigley	Shadegg	Walden	Bilbray	Ellsworth	Langevin	Poe (TX)	Scott (VA)	Van Hollen
Radanovich	Shea-Porter	Walz	Bilirakis	Emerson	Larsen (WA)	Polis (CO)	Sensenbrenner	Velázquez
Rahall	Sherman	Wamp	Bishop (GA)	Engel	Larson (CT)	Pomeroy	Serrano	Visclosky
Rangel	Shimkus	Wasserman	Bishop (NY)	Eshoo	Latham	Posey	Sessions	Walden
Rehberg	Shuler	Schultz	Bishop (UT)	Etheridge	LaTourette	Price (GA)	Sestak	Walz
Reichert	Shuster	Waters	Blackburn	Fallin	Latta	Price (NC)	Shadegg	Wamp
Reyes	Simpson	Watson	Blumenauer	Farr	Lee (CA)	Putnam	Shea-Porter	Wasserman
Richardson	Sires	Watt	Blunt	Fattah	Lee (NY)	Quigley	Sherman	Schultz
Rodriguez	Skelton	Waxman	Boccieri	Filner	Levin	Radanovich	Shimkus	Waters
Roe (TN)	Slaughter	Weiner	Boehner	Flake	Lewis (CA)	Rahall	Shuler	Watson
Rogers (AL)	Smith (NE)	Welch	Bonner	Fleming	Lewis (GA)	Rangel	Shuster	Watt
Rogers (KY)	Smith (NJ)	Westmoreland	Bono Mack	Forbes	Linder	Rehberg	Simpson	Waxman
Rogers (MI)	Smith (TX)	Wexler	Boozman	Fortenberry	Lipinski	Reichert	Sires	Weiner
Rohrabacher	Smith (WA)	Whitfield	Boren	Foster	LoBiondo	Reyes	Skelton	Welch
Rooney	Snyder	Wilson (OH)	Boswell	Fox	Loeback	Richardson	Slaughter	Westmoreland
Ros-Lehtinen	Souder	Wilson (SC)	Boucher	Fox	Lofgren, Zoe	Rodriguez	Smith (NE)	Wexler
Roskam	Space	Wittman	Boustany	Frank (MA)	Lowey	Roe (TN)	Smith (NJ)	Whitfield
Ross	Speier	Wolf	Boyd	Frank (AZ)	Lucas	Rogers (AL)	Smith (TX)	Wilson (OH)
Rothman (NJ)	Spratt	Woolsey	Brady (PA)	Frelinghuysen	Luetkemeyer	Rogers (KY)	Smith (WA)	Wilson (SC)
Roybal-Allard	Stark	Wu	Brady (TX)	Fudge	Luján	Rogers (MI)	Snyder	Wittman
Royce	Stearns	Yarmuth	Braley (IA)	Gallegly	Lummis	Rohrabacher	Souder	Wolf
Ruppersberger	Stupak	Young (AK)	Bright	Garrett (NJ)	Lungren, Daniel	Rooney	Space	Woolsey
Rush	Sullivan	Young (FL)	Brown (GA)	Gerlach	E.	Ros-Lehtinen	Speier	Wu
Ryan (OH)	Sutton		Brown (SC)	Giffords	Lynch	Roskam	Spratt	Yarmuth
Ryan (WI)	Tanner		Brown, Corrine	Gingrey (GA)	Mack	Ross	Stark	Young (AK)
			Brown-Waite,	Gohmert	Maffei	Rothman (NJ)	Stearns	Young (FL)
			Ginny	Gonzalez	Manzullo	Roybal-Allard	Stupak	
			Buchanan	Goodlatte	Marchant			
			Burgess	Gordon (TN)	Markey (CO)			
			Burton (IN)	Granger	Markey (MA)			
			Butterfield	Graves	Marshall			
			Buyer	Grayson	Massa			
			Calvert	Green, Al	Matheson			
			Camp	Green, Gene	Matsui			
			Campbell	Griffith	McCarthy (CA)			
			Cantor	Grijalva	McCarthy (NY)			
			Cao	Guthrie	McCaul			
			Capito	Gutierrez	McClintock			
			Capps	Hall (NY)	McColum			
			Capuano	Hall (TX)	McCotter			
			Cardoza	Halvorson	McDermott			
			Carnahan	Hare	McGovern			
			Carson (IN)	Harman	McHenry			
			Carter	Harper	McIntyre			
			Cassidy	Hastings (FL)	McKeon			
			Castle	Hastings (WA)	McMahon			
			Castor (FL)	Heinrich	McMorris			
			Chaffetz	Heller	Rodgers			
			Chandler	Hensarling	McNerney			
			Childers	Herger	Meek (FL)			
			Chu	Herseth Sandlin	Meeks (NY)			
			Clarke	Higgins	Melancon			
			Clay	Hill	Mica			
			Cleaver	Himes	Michaud			
			Clyburn	Hinche	Miller (FL)			
			Coble	Hirono	Miller (MI)			
			Coffman (CO)	Hodes	Miller (NC)			
			Cohen	Hoekstra	Miller, Gary			
			Cole	Holden	Miller, George			
			Conaway	Holt	Minnick			
			Connolly (VA)	Honda	Mitchell			
			Conyers	Hoyer	Mollohan			
			Cooper	Hunter	Moore (KS)			
			Costa	Inglis	Moore (WI)			
			Costello	Inslee	Moran (KS)			
			Courtney	Israel	Murphy (CT)			
			Crenshaw	Issa	Murphy (NY)			
			Crowley	Jackson (IL)	Murphy, Patrick			
			Cuellar	Jackson-Lee	Murphy, Tim			
			Culberson	(TX)	Murtha			
			Cummings	Jenkins	Myrick			
			Dahlkemper	Johnson (GA)	Nadler (NY)			
			Davis (AL)	Johnson (IL)	Napolitano			
			Davis (CA)	Johnson, E.B.	Neal (MA)			
			Davis (IL)	Jones	Nunes			
			Davis (KY)	Jordan (OH)	Nye			
			Davis (TN)	Kagen	Oberstar			
			Deal (GA)	Kanjorski	Obey			

## NOT VOTING—11

Carney	Klein (FL)	Oberstar
Honda	Maloney	Schwartz
Johnson, Sam	Moran (VA)	Tsongas
Kaptur	Neugebauer	

□ 1201

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# PROCLAIMING CASIMIR PULASKI TO BE AN HONORARY CITIZEN OF THE UNITED STATES POSTHUMOUSLY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the joint resolution, H.J. Res. 26, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the joint resolution, H.J. Res. 26.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 767]

YEAS—422

Ackerman	Adler (NJ)	Alexander
Aderholt	Akin	Altmire

## NOT VOTING—10

Abercrombie	Kaptur	Schock
Carney	Maloney	Tsongas
Hinojosa	Moran (VA)	
Johnson, Sam	Neugebauer	

□ 1208

So (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3590, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. BLUMENAUER) that the House suspend the rules and pass the bill, H.R. 3590.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 768]

YEAS—416

Abercrombie	Alexander	Baca
Ackerman	Altmire	Bachmann
Aderholt	Andrews	Bachus
Adler (NJ)	Arcuri	Baird
Akin	Austria	Baldwin



Barrett (SC) Donnelly (IN) Kirkpatrick (AZ) Kissell Peterson  
Barrow Doyle Klein (FL) Klein Peterson  
Bartlett Dreier Kline (MN) Pitts Petri  
Barton (TX) Driehaus Kosmas Platts Schauer  
Bean Duncan Kratovil Poe (TX) Schmidt Schiff  
Becerra Edwards (MD) Kucinich Polis (CO) Schock  
Berkley Edwards (TX) Lamborn Pomeroy Schrader  
Berman Ehlers Lance Posey Schwartz  
Berry Ellison Ellsworth Price (GA) Scott (GA)  
Biggart Ellsworth Emerson Price (NC) Scott (VA)  
Bilbray Emerson Engel Putnam Sensenbrenner  
Bilirakis Engel Eshoo Latham Quigley Serrano  
Bishop (GA) Etheridge LaTourette Sessions  
Bishop (NY) Fallin Latta Sestak  
Bishop (UT) Farr Lee (CA) Rehberg Shadegh  
Blackburn Fattah Lee (NY) Reichert Shea-Porter  
Blumenauer Engel Filner Levin Reyes Sherman  
Blunt Flake Lewis (CA) Richardson Shimkus  
Boccieri Fleming Lewis (GA) Rodriguez Shuler  
Boehner Forbes Linder Roe (TN) Shuster  
Bonner Fortenberry Lipinski Rogers (AL) Simpson  
Bono Mack Foster LoBiondo Rogers (KY) Sires  
Boozman Fox Loebsack Rogers (MI) Skelton  
Boren Frank (MA) Lofgren, Zoe Rohrabacher Slaughter  
Boswell Franks (AZ) Lowey Ros-Ruiz Smith (NE)  
Boucher Frelinghuysen Lucas Ros-Lehtinen Smith (NJ)  
Boustany Fudge Luetkemeyer Roskam Smith (WA)  
Boyd Gallegly Lujan Ross Snyder  
Brady (PA) Garrett (NJ) Lummis Rothman (NJ) Souder  
Brady (TX) Gerlach Lungren, Daniel Space  
Braley (IA) Giffords E. Royce Spratt  
Bright Gingrey (GA) Lynch Ruppertsberger Stark  
Broun (GA) Gohmert Mack Rush Stearns  
Brown (SC) Gonzalez Maffei Ryan (OH) Stupak  
Brown, Corrine Goodlatte Manzanillo Ryan (WI) Sullivan  
Brown-Waite, Ginny Gordon (TN) Marchant Salazar Sutton  
Buchanan Granger Markey (CO) Sanchez, Linda Tanner  
Burgess Graves Markey (MA) T. Taylor  
Burton (IN) Grayson Massa Sanchez, Loretta Teague  
Butterfield Green, Al Matheson  
Buyer Green, Gene Matsui  
Calvert Griffith McCarthy (CA) Carney  
Camp Grijalva McCaul Marshall  
Campbell Guthrie McClintock Conyers  
Cantor Gutierrez McCollum Cuellar  
Cao Hall (NY) McCotter Johnson, Sam  
Capito Hall (TX) McDermott Kaptur  
Capps Halvorson McGovern Neugebauer  
Capuano Hare McHenry Pingree (ME)  
Cardoza Harman McIntyre  
Carnahan Harper McKeon  
Carson (IN) Hastings (FL) McMahan  
Carter Hastings (WA) McMorris  
Cassidy Heinrich Rodgers  
Castle Heller McNeerney  
Castor (FL) Hensarling Meek (FL)  
Chaffetz Herger Meeks (NY)  
Chandler Herseth Sandlin Melancon  
Childers Higgins Mica  
Chu Hill Michaud  
Clarke Himes Miller (FL)  
Clay Hinchey Miller (MI)  
Cleaver Hinojosa Miller (NC)  
Clyburn Hiron Miller, Gary  
Coble Hodes Miller, George  
Coffman (CO) Hoekstra Minnick  
Cohen Holden Mitchell  
Cole Holt Mollohan  
Conaway Honda Moore (KS)  
Connolly (VA) Hoyer Moore (WI)  
Cooper Hunter Moran (KS)  
Costa Inglis Murphy (CT)  
Costello Inslee Murphy (NY)  
Courtney Israel Murphy, Patrick  
Crenshaw Issa Murphy, Tim  
Crowley Jackson (IL) Myrick  
Culberson Jackson-Lee Nadler (NY)  
Cummings (TX) Napolitano  
Dahlkemper Jenkins Neal (MA)  
Davis (AL) Johnson (GA) Nunes  
Davis (CA) Johnson (IL) Nye  
Davis (IL) Johnson, E. B. Oberstar  
Davis (KY) Jones Obey  
Davis (TN) Jordan (OH) Olson  
Deal (GA) Kagen Oliver  
DeFazio Kanjorski Ortiz  
DeGette Kennedy Pallone  
Delahunt Kildee Pascarelli  
DeLauro Kilpatrick (MI) Pastor (AZ)  
Dent Kilroy Paul  
Diaz-Balart, L. Kind Paulsen  
Diaz-Balart, M. King (IA) Payne  
Dicks King (NY) Pence  
Dingell Kingston Perlmutter  
Doggett Kirk Perriello

Sarbanes Terry  
Scalise Thompson (CA)  
Schakowsky Thompson (MS)  
Schauer Thompson (PA)  
Schiff Thornberry  
Schmidt Tiahrt  
Schock Tiberi  
Schrader Tierney  
Schwartz Titus  
Scott (GA) Tonko  
Scott (VA) Towns  
Sensenbrenner Turner  
Serrano Upton  
Sessions Van Hollen  
Sestak Velázquez  
Shadegh Visclosky  
Shea-Porter Walden  
Sherman Walz  
Shimkus Wamp  
Shuler Wasserman  
Shuster Schultz  
Simpson Waters  
Sires Watson  
Skelton Watt  
Slaughter Waxman  
Smith (NE) Weiner  
Smith (NJ) Welch  
Smith (WA) Westmoreland  
Snyder Wexler  
Souder Whitfield  
Space Wilson (OH)  
Spratt Wilson (SC)  
Stark Wittman  
Stearns Wolf  
Stupak Woolsey  
Sullivan Wu  
Sutton Yarmuth  
Tanner Young (AK)  
Taylor Young (FL)  
Teague

## NOT VOTING—16

Marshall Radanovich  
McCarthy (NY) Smith (TX)  
Moran (VA) Speier  
Murtha Tsongas  
Neugebauer  
Pingree (ME)

□ 1215

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CUELLAR. Mr. Speaker, on rollcall No. 768, had I been present, I would have voted "yea."

# CONFERENCE REPORT ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, pursuant to House Resolution 808, I call up the conference report on the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

□ 1215

## POINT OF ORDER

Mr. PRICE of Georgia. Mr. Speaker, I raise a point of order against H.R. 2647.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. Pursuant to clause 10 of rule XXII that states that nongermane items may not be included in conference reports and that this bill contains a nongermane item in the hate crimes legislation that was included in it, I raise a point of order against H.R. 2647.

The SPEAKER pro tempore. Pursuant to House Resolution 808, all points of order against the conference report are waived.

## PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, many Members have grave concerns about the thought-crimes legislation that's included in H.R. 2647. Is there any way for any Member to gain a separate vote on the thought-crimes legislation included in H.R. 2647 under the rule?

The SPEAKER pro tempore. A conference report is considered as a whole.

Mr. PRICE of Georgia. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, because thought-crimes legislation is included in H.R. 2647, is there any remedy that a Member of the House has for gaining access to have a separate vote on the thought-crimes legislation?

The SPEAKER pro tempore. A conference report is considered as a whole.

Mr. PRICE of Georgia. I thank the Speaker.

The SPEAKER pro tempore. Pursuant to House Resolution 808, the conference report is considered read.

(For conference report and statement, see proceedings of the House of October 7, 2009, at page 23796.)

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

## GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. I yield myself such time as I may consume.



Mr. Speaker, I am pleased to bring before the House the conference report on H.R. 2647, the National Defense Authorization Act for fiscal year 2010. I especially want to thank my ranking member, my good friend, BUCK McKEON, the gentleman from California, our partners in the Senate, Senator CARL LEVIN and Senator JOHN MCCAIN, and all the conferees from the Armed Services and 13 other committees who have made this conference report a reality.

Mr. McKEON, brand new as ranking member of our committee, hit the ground running and has done yeoman's work, and I particularly wish to single him out and express my appreciation for the work he has done to help bring this to the floor.

Mr. Speaker, this bill has a base of \$550 billion for the United States military. This has \$130 billion for the wars in Afghanistan and in Iraq, which total \$680 billion.

Mr. Speaker, we are at war. This is a deadly serious moment in this body. This bill is critical for national security, and I am pleased to say this bill gets it right.

The conference report provides several major victories for our troops and their families, and the bill strikes a right balance between our focus on the immediate fights in Afghanistan and Iraq and the long-term needs of our military.

The vast majority of this bill has bipartisan support. The bill provides almost \$20 billion combined for Army and Marine Corps reset and equipment shortfalls in the Guard and Reserves. It has \$550 million for Army barracks and Guard and Reserve infrastructure. To boost readiness and reduce the strain on our forces, the bill increases the size of the military all across four services and authorizes an additional 30,000 Army troops in fiscal years 2011 and 2012.

This bill reflects our effort to recognize 2009 as the Year of the Military Family by providing a 3.4 percent pay raise for all servicemembers. The bill also extends the authority of the Defense Department to offer bonuses and incentive pay. It expands TRICARE health coverage. It prohibits fee increases on TRICARE inpatient care for a year, provides for \$2.2 billion for family housing programs and improves the benefits available to wounded warriors.

To ensure our strategy in Afghanistan and neighboring Pakistan is effective, this bill requires the President to assess U.S. efforts and report on the progress. The bill authorizes funds to train and equip the Afghan National Security Forces and authorize the Pakistan Counterinsurgency Fund. The bill improves accountability and oversight of U.S. assistance. The bill also requires the Secretary of Defense to submit a report on the responsible redeployment of U.S. forces out of Iraq.

On acquisition reform, the conference report supports the plan to increase the size of the acquisition workforce and reduce reliance on contractors for acquisition functions.

It eliminates waste, fraud, and abuse through better contract oversight. The bill also repeals the National Security Personnel System, returning employees to the general schedule over 2 years while providing additional flexibility for hiring and personnel management.

The conference agreement prohibits the release of Guantanamo Bay detainees into the United States, its territories and possessions, and restricts detainee transfers until after the President has submitted a plan to Congress.

The conference report revises the Military Commissions Act to make military commissions fair and effective and ensure that convictions stick.

Let me briefly address two difficult aspects of the conference report.

First, I am disappointed, and so very disappointed, that we were not able to retain the House's provision implementing the President's proposal on concurrent receipt for disabled military retirees. The Armed Services Committee fought hard with the assistance of our leadership and many other committees to pay for that proposal. The Senate's budget rules, however, would not support a solution. And I urge the President to work with us in a way to pay for this, which will meet the budgetary rules of both the House and the Senate.

Finally, regarding the Hate Crimes Prevention Act, I have said several times that I would have preferred it to have been enacted as a stand-alone bill, not on this Defense bill. But it's important to note that the conferees included important sentencing guidelines for crimes against military service-members and added protections for the first amendment rights of preachers and ministers to that bill.

I might add, Mr. Speaker, that the Senate passed its version of the bill with the hate crimes provision by a vote of 87-7, which is a strong bipartisan vote in the United States Senate.

Whatever one's position on hate crimes, I believe that the enormous good done in this legislation merits its support by every Member of the House.

Mr. Speaker, we are at war. We should support the troops. We should support their families. We should make sure that they have the finest equipment and training possible. That's what this bill does. This bill will support our troops in the field and their families at home and meet our Nation's immediate military requirements and preserve the ability to deter and respond to future threats.

I urge the House to vote for this conference report and move it to the President's desk as soon as possible.

I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, as legislators, we meet once again to address a

wide range of important national security activities undertaken by the Departments of Defense and Energy.

We all take our legislative responsibilities very seriously. This is especially true during a time of war, and it's always true of my good friend and colleague, Armed Services Committee Chairman IKE SKELTON, the gentleman from Missouri. I commend Chairman SKELTON for shepherding this bill through the conference process. IKE, you've done a remarkable job.

As most of you in the Chamber know, this conference report contains hate crimes legislation. This is anathema to me. I am opposed to hate crimes legislation, and I am especially opposed to the procedure of putting it on a Defense bill—especially in time of war, using our troops to get this legislation passed. It's not germane to the work of the committee and needlessly introduces a partisan matter in an otherwise bipartisan bill.

I've consistently opposed the passage of hate crimes legislation personally, and I continue to oppose it today. Unfortunately, congressional Democrats made the political decision to attach the hate crimes legislation to this bill. I oppose, as I said, using the men and women of the military as a leverage to pass this partisan legislation.

What should have been included in the bill is concurrent receipts. The House bill included a one-year expansion of concurrent receipts of military disability retired pay and veterans' disability compensation for our medically retired veterans. The House provision should have prevailed over the Senate procedural hurdles. We owe this to our veterans.

Though flawed, this bill has my support.

This conference report authorizes over \$550 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy. Additionally, the legislation authorizes over \$129 billion in supplemental funding to support operations in Iraq, Afghanistan, and elsewhere in the global war on terror.

This bill rightfully acknowledges that the United States has a vital national security interest in ensuring that Afghanistan does not once again become a safe haven for terrorists and supports a comprehensive counterinsurgency strategy that is adequately resourced and funded by Congress.

The conference report supports our strategy in Afghanistan in a number of ways. The bill authorizes \$1.3 billion for the Commander's Emergency Response Program, which is unique authority critical to implementing General McChrystal's counterinsurgency operations. Additionally, the conference report authorizes \$7.4 billion for the Afghan Security Forces Fund. These funds are the key to increasing the size and professionalism of the Afghan National Security Forces.

Finally, this bill reauthorizes expired DOD contingency construction authority to rapidly authorize and build facilities needed to support the war in Afghanistan.

With respect to Iraq, the report ensures that the Congress will support the President's plan to redeploy combat forces while providing our commanders on the ground the flexibility to hold hard-fought security gains and to ensure the safety of our forces.

Mr. Speaker, as Members of Congress, we owe our soldiers, sailors, airmen, and marines the very best available equipment, training, and support in order to provide them with the best possible tools to undertake their mission. The provisions in this bill go a considerable way in demonstrating this support. In particular, the House provision prevailed in a couple of critical areas.

This bill funds the alternate engine for the Joint Strike Fighter, provides \$430 million in RDT&E for continued development of the F136 engine, and provides \$130 million for F136 engine procurement. Finally, the conference report includes a multi-year procurement contract for additional F-18s.

As a Nation, we owe more than our gratitude to the brave men and women in uniform and their families, past and present, for the sacrifices they make to protect our freedom. I am pleased that this legislation includes a 3.4 percent pay raise, which is a half percentage point above the President's request. We also increase active duty end strength by 55,227 over fiscal year 2009 levels. This is essential for easing the burden on our current forces.

□ 1230

I'm pleased that this conference report prohibits any increases to TRICARE Prime and TRICARE Standard health care fees. Finally, the bill increases from \$500 to \$1,100 the maximum monthly supplemental subsistence allowance paid by DOD to low-income members with dependents, so that military members need not rely on food stamps.

In closing, Mr. Speaker, I want to say to my fellow Republicans, I understand your opposition to the inclusion of hate crimes in the Defense authorization bill. I committed to each of you that this vote should be a vote of conscience, and I understand you're on the horns of a dilemma. I understand your opposition to hate crimes, and I understand this terrible position you've been put in. But I know that if you vote against this bill because of the hate crimes legislation, it does not diminish in any way your support of the troops and the men and women in our Armed Forces.

When I became ranking member of the Armed Services Committee, I made a commitment to each of you and our men and women in uniform and their

families that I would do everything in my power to provide our soldiers, sailors, airmen and marines with the support they desperately need and deserve. As the ranking member of the Armed Services Committee, so long as America's sons and daughters are under fire in combat, fighting for our country, I have the obligation to support them first above everything else.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I commend the gentleman from California (Mr. McKEON) for his straightforward commitment to the young men and women in American uniform. At this time I yield 3 minutes to my colleague, my friend, the chairman of the Subcommittee on Readiness, the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I rise in support of the conference report for H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. This is, my friends, a very, very good bill; and we cannot ignore the fact that we are fighting two wars. We're fighting a war in Afghanistan and a war in Iraq. The conference report before us today reflects our efforts to strengthen the readiness posture of our Armed Forces. It authorizes a total of \$244.5 billion for operations and maintenance, including \$4.7 billion for Army training, \$13 billion for Army and Marine Corps equipment reset, and \$255.3 million for pre-positioned stocks.

The conference report adds \$70 million to address Navy aviation depot maintenance. It provides \$350 million to replace rundown Army barracks, and adds \$200 million for National Guard and Reserve construction projects. It funds the 2005 BRAC account at \$7.4 billion and adds \$100 million to address the environmental issues at bases closed prior to 2005.

The conference report expands the Homeowners Assistance Program and provides \$300 million to help ensure that servicemembers who were forced to move during the real estate downturn are not severely affected financially. The conference report supports energy security by authorizing \$12.3 million for energy conservation projects on military installations and programs that enable the Defense Department to reduce energy used during times of peak demand.

The conference report repeals the NSPS and transitions DOD civilian employees back to the General Schedule by January 1, 2012. At the same time, it provides the Department flexibilities to ensure efficient hiring and effective personnel management. The conference report allows FERS employees to receive credit for unused sick leave toward their retirement annuity. It provides locality pay for Federal workers in Hawaii, Alaska and the United States territories.

My friends, this is a good conference report that reflects our bipartisan de-

sire to improve readiness and balance the many priorities of our military around the world and domestically. My friends, I urge you to support this bill. It is a good bill and it gives our troops what they deserve and they need.

Mr. McKEON. I am happy to yield, at this time, to the gentleman from Maryland, ranking member on the Air, Land Subcommittee, Mr. BARTLETT, such time as he may consume.

Mr. BARTLETT. Mr. Speaker, I want to thank my subcommittee chairman, Mr. ABERCROMBIE, as well as HASC chairman IKE SKELTON and Ranking Member BUCK McKEON for their collaborative leadership drafting this vital bill. I also thank the staff members who serve us so well. Thank you, thank you.

Overall, this is an excellent conference report. That is why I'm appalled that my colleagues would violate House rules and pervert this annual national military strategy bill by including the totally unrelated partisan Senate amendment. With deep regret, I resolutely urge my colleagues to vote "no" on this conference report. I've dedicated almost 40 years to protecting the lives of the men and women who serve in our military. For 20 years I invented and worked on defense projects to provide them lifesaving equipment, including 19 military patents.

I've been honored to serve for 17 years on the Armed Services Committee with colleagues who have worked tirelessly to achieve our bipartisan goals of providing rules and equipment so that our soldiers, airmen, marines, sailors, and the civilians who support them will succeed in their missions and return home safe.

There isn't time to review all provisions, but highlights of the Air and Land Forces portions which I worked on so hard with Chairman ABERCROMBIE include 30 F-35 aircraft and an increase of \$430 million in research and development for continued F136 engine development and \$130 million for F136 engine procurement; an additional \$600 million, for a total of \$6.9 billion to reduce equipment shortfalls in our National Guard and Reserves; inclusion of my proposed requirements for DOD to establish specific budget line items within the procurement and research, development, test and evaluation accounts for body armor.

This will improve accountability, increase transparency, as well as facilitate the advancement of lighter weight technologies. \$6.7 billion for Mine Resistant Ambush Protected vehicles, \$1.2 billion above the President's request. \$2.45 billion for the President's request for Future Combat Systems communications network and spin-out equipment sets expected to continue as separate programs in fiscal year 2010.

I would like to especially thank Chairman ABERCROMBIE for his leadership and relentless efforts to ensure

continued funding for the F-35 alternate engine program. My unavoidable and regrettable "no" vote is due solely to the inclusion of this extraneous amendment. It violates House rules. It sets a dangerous precedent by including an extraneous and nongermane bill in Congress' annual national defense strategy and policy bill.

Mr. SKELTON. Mr. Speaker, I yield 3½ minutes to my friend, the chairwoman of the Subcommittee on Military Personnel, the gentlelady from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise in support of H.R. 2647, the National Defense Authorization Act of Fiscal Year 2010. As the chairwoman of the Military Personnel Subcommittee, I'm proud to speak for this bill which continues our commitment to our men and women in uniform and their dedicated families. I want to recognize the ranking member on the subcommittee, Representative JOE WILSON, for his support and assistance.

Mr. Speaker, I would also like to recognize the chairman of the House Armed Services Committee, IKE SKELTON, and the ranking member, BUCK McKEON, for their leadership. These gentlemen exercised extraordinary direction in order to complete another solid Defense authorization bill. I urge my colleagues in the House to vote for this conference report as it provides vital, and I mean vital, support for the armed services during this time of conflict and especially for their families, their families, who face the daily stress and strains of 8 years of war.

Let me highlight a few of the important programs and policies in the conference report which reflect that this has been deemed the year of the military family. The bill provides for a 3.4 percent pay raise. It makes mandatory face-to-face mental health screening for all returning servicemembers. To help schools with large enrollments of military children, it provides \$30 million for Impact Aid, as well as funds to assist military children with severe disabilities.

To that end, it also establishes an Office of Community Support for Military Families with Special Needs. The report expands TRICARE eligibility when it comes to dental programs and provides TRICARE for Reservists called to duty 180 days before they reactivate. It also allows Reserve retirees and their families to buy into TRICARE Standard coverage, and it prohibits an increase in TRICARE fees for inpatient care for 1 year.

To reduce the strain on our forces, the conference report authorizes an additional end-strength increase for the Army for 2010 and makes further increases possible. It also sets up a program to account for missing persons from conflicts beginning with World War II.

Mr. Speaker, we have a moral and constitutional responsibility to ensure

that those who volunteer to defend our Nation have the training and equipment they need to successfully execute their mission. The bill before us recognizes the sacrifices that those in uniform, survivors, retirees and their families are making on behalf of our Nation.

Mr. Speaker, before I yield back, I would also like to express my support for the inclusion of language to strengthen our Federal hate crime laws in this conference report. Hate crimes perpetuate and reinforce historic discrimination and persecution against particular groups. They are committed not simply to harm one particular victim, but to send a message of threat and intimidation to others. Left unchecked, crimes of this kind threaten to unravel the very fabric of American society that our servicemembers fight to protect.

Mr. McKEON. Mr. Speaker, I am happy now to yield to the gentleman from Missouri (Mr. AKIN), ranking member on the Sea Power Subcommittee, 2 minutes.

Mr. AKIN. Mr. Speaker, the bill that's before us today is a product of hundreds and hundreds of hours of hearings, all kinds of work by Members and staff, and by and large it's a good product. It's a political product. It has trade-offs here and there to try to balance one requirement against the other; and it is, once again, a reflection of a committee that I have been honored to be able to serve on for 9 years, a committee that has been largely bipartisan, a committee that has focused on solving problems, defending our Nation, and supporting our troops.

And in all of those regards, this bill is fine, except for there is an elephant in the room. The elephant in the room was an invention of the Senate. They decided to put onto a bill that is focused on supporting our troops their own liberal social agenda of hate crimes legislation. Now, they claim they have the votes to pass that so why don't they pass it somewhere else? Instead, they put it on the backs of our service men and women and expect to use a blackmail kind of approach to have us, to dare us to vote against adding something that's totally extraneous to defense of this Nation on the backs of our service people.

A number of us are saying, as much as we support our troops, as much as we support the hard work of this committee, we believe that this is a poison pill, poisonous enough in fact that we refuse to be blackmailed into voting for a piece of social agenda that has no place in this bill. This is the kind of shenanigans that makes the American public irate. This is the kind of thing, like passing 300 pages of amendments at 3 in the morning, that makes the public nauseous.

And I, for one, as much as I support our troops, indeed, I even have a son

going to Afghanistan in 3 weeks, as much as I support him and the rest of our troops, I will not allow us to be blackmailed into voting for something totally extraneous on this bill; and that's the reason why I will not support the bill.

Mr. SKELTON. I wish to remind my fellow Missourian that the United States Senate voted for the Defense bill with the inclusion of the section that he objects to by 87 votes to 7, a strong bipartisan vote.

I now yield 3 minutes to my friend, the chairman of the subcommittee on Strategic Forces, Mr. LANGEVIN.

□ 1245

Mr. LANGEVIN. I thank the gentleman for yielding. Mr. Speaker, I rise in strong support of the conference agreement on H.R. 2647, the 2010 National Defense Authorization Act. I'd like to personally thank Chairman SKELTON for his outstanding leadership in bringing this bill to the floor and always looking out for our troops, as he always has in the course of his career. I also want to recognize the leadership of Ranking Member McKEON.

As chairman of the Strategic Forces Subcommittee, I'm proud of the provisions this legislation includes to sustain and modernize our strategic weapons systems.

In the area of nuclear weapons, the conference agreement increases funding for the Stockpile Stewardship Program by \$48.7 million and establishes important new guidelines for nuclear weapons stewardship, including a new Stockpile Management Program. The program clarifies that changes to the U.S. nuclear weapons stockpile must be limited to sustaining current capabilities and requires that any changes use weapons components that can be certified without nuclear testing.

Now, regarding ballistic missile defense, this Congress has made this program a priority. The conference agreement fully funds the administration's request of \$9.3 billion for missile defense programs. It authorizes \$1.8 billion for Aegis Ballistic Missile Defense, adding \$23 million for additional SM-3 missiles, and authorizes \$1.1 billion for the Theater High Altitude Area Defense system, or THAAD. These amounts reflect an increase in the funding for these proven systems by \$900 million over the FY 2009 levels.

The bill also authorizes up to \$309 million for the recently announced European missile defense plan if the Secretary of Defense certifies that the system is operationally effective and cost effective in providing protection for Europe and the United States.

Further, the bill includes over \$1 billion to test, sustain, and improve the existing Ground-based Midcourse Defense system, and includes a provision requiring the Department to establish a plan to maintain its operational effectiveness of the system over the course of its service life.

Within the strategic intelligence programs, the conference agreement requires the Department of Energy to develop a plan to ensure that our national security laboratories have sufficient funding and technical abilities to monitor, analyze, and evaluate foreign nuclear weapons activities and requires the Department of Defense to assess gaps in U.S. intelligence for foreign ballistic missile programs and prepare a plan to ensure our intelligence centers can sufficiently address these shortfalls.

Lastly, in addition to our national security priorities, I am pleased that the Federal hate crimes legislation is included in this bill to allow law enforcement to more aggressively pursue individuals who commit violent crimes that are motivated by a person's religion, disability, or sexual orientation.

Finally, I urge my colleagues to support this important legislation. I, again, thank Chairman SKELTON for his outstanding leadership on bringing this bill to the floor and shepherding it through the process. It clearly shows that this Congress is clearly behind our Nation's military and our warfighters.

Mr. McKEON. I'm happy to yield, at this time, 1½ minutes to our conference chairman, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the ranking member for yielding, and I thank the ranking member and the distinguished chairman of this committee for their work on the defense elements of this legislation, but I rise with a heavy heart to express my opposition to the National Defense Authorization Act because today's vote isn't just all about providing for the national defense.

Because of actions taken in the United States Senate, unrelated, divisive, liberal social policies have been added to this legislation in the form of hate crimes. For that reason, I must oppose it.

The majority in this Congress and in the Senate has included hate crimes provisions in this legislation that have nothing to do with our national defense and will threaten the very freedoms of speech and freedom of religion that draws the American soldier into the uniform in the first place. Thomas Jefferson said it best: "Legislative powers should reach actions only and not opinions."

The reality is that by expanding the Federal definition of hate crimes, as this legislation does, we will generate a chilling effect on religious leaders in this country. Pastors, preachers, rabbis, and imams will now hesitate to speak about the sexual traditions and teachings of their faith for fear of being found culpable under the aiding, abetting, or inducing provisions of current law, and that must not be. It is just simply wrong to use a bill that's designed to support our troops to erode the very freedoms for which they fight.

As a result, I urge my colleagues to oppose this bill.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend, a member of the Committee on Armed Services, the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today to express my views on the final conference report on the National Defense Authorization Act for Fiscal Year 2010. I want to thank Chairman SKELTON and Ranking Member McKEON for working so closely with me on a compromise to H.R. 44, the Guam World War II Loyalty Recognition Act. I also want to thank Erin Conaton, Paul Arcangeli, Dave Sienicki, Eryn Robinson, Vickie Plunkett, Julie Unmacht, and Andrew Hunter.

Unfortunately, I was disappointed that H.R. 44 was not included in the final Defense authorization bill, but I'm confident that the commitments made by the House and the Senate conferees to hold hearings and to readdress war claims in next year's Defense bill will be honored and that further debate on this important legislation will bring us closer to finally passing this bill.

I, again, want to thank my colleagues in the House who have supported including H.R. 44: Speaker PELOSI, Majority Leader HOYER, Congressman LARSON of our caucus, Members across the aisle, and many others.

Finally, Mr. Speaker, the conference committee report has significant funding commitments for the military buildup, and I thank the committee for this.

Mr. McKEON. I'm happy to yield, at this time, 2 minutes to the Republican whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from California and also salute the gentleman from Missouri.

Mr. Speaker, today could have been and should have been marked by bipartisan support for our troops, but instead has become something very different.

The sole purpose of the Department of Defense authorization legislation is to authorize funds to ensure a strong national defense, but today it is being used as a vehicle to force hate crimes legislation through the House, and it is with deep regret that I'm left with no choice but to oppose it.

This legislation and this vote is a political ploy and symbolic of everything that is wrong with Washington. Those who support the Federal criminalization of hate crimes should demand that it be removed from this legislation and be considered solely upon its own merit, not that of our national defense.

I believe that all Americans should be protected from violent crime and viewed equally under the law, and the truth of the matter is that all violent crimes are hateful. Thought crimes are no different.

Our message is simple: All Republicans support our troops, and the issue of hate crimes has nothing to do with our national defense.

One must really question the priorities of this majority. We must not, should not treat our service men and women as political pawns in their effort to force a social agenda upon the court system and the American people.

Mr. SKELTON. I yield 3 minutes to my friend, my colleague, the chairman of the Subcommittee on Seapower and Expeditionary Forces, the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. Let me begin by thanking our chairman and ranking member for the phenomenal job they've done.

Let me begin by telling the gentleman from Virginia that I agree with much of what he said. I would also remind the gentleman from Virginia that, like him, I voted to send those young men and women to Iraq and Afghanistan. With that vote came my commitment to equip them, to pay them, to take care of their families should something bad happen to them, to provide them with the very best equipment.

The one thing that every American can agree on is we have the world's best Army. We have the world's best Navy. We have the world's best Marine Corps. We have the world's best Air Force. This bill keeps it that way.

I regret that the other body, by a vote of 87-7, put some language in there that should never be in this bill. But the bottom line is, come November, sometime between Thanksgiving and Christmas, I'm going to be visiting at least 7,000 Mississippians, to the best of my ability trying to see every one of them that I voted to send there. And when I look them in the eye, I want them to know that I voted in support of them over the reservations of one small part of this bill.

The bill does a lot of good things for our Navy. It pays for seven new ships: a DDG-51 class destroyer, the best Destroyer in the world, one that we're going to build for at least another decade; two Littoral Combat Ships; two T-AKE dry cargo ships; a Joint High Speed Vessel; and a *Virginia* class submarine.

It includes language to see to it that our next generation of carrier, with the all-important electromagnetic launch system, will have the proper oversight so that it is delivered on time and on budget. It includes language to see that the Littoral Combat system that, to date, has been poorly handled will be done better in the future with a 10-ship buy, followed by a 5-ship buy, at the best price for whoever is willing to make that ship.

It funds the F-18E/F program, the world's best fighter, except for the F-22, and, quite frankly, a lot more affordable fighter than the F-22.

Lastly, it includes \$6 billion for the most important weapon in our inventory at the moment, and that is the next generation of mine resistant vehicles. Look at the casualty list from Afghanistan. Almost every casualty is a result of an improvised explosive device on a vehicle that is not mine resistant.

The magnificent vehicles that we have built that work so well in Iraq and have saved so many lives in Iraq were, unfortunately, too big and too bulky for the terrain in Afghanistan. That's why we have to come up with a second-generation vehicle. This bill funds 5,000 of those vehicles that when they are delivered, from day one, will start saving lives and bring our friends and our family members back home with their limbs.

So, Mr. Speaker, again, like many of you, I have very, very, very deep concerns and, in fact, anger over some language that was included in this bill. But that is not enough to keep me from voting for funding the troops that serve our Nation so well, giving them the equipment they deserve.

Mr. MCKEON. Mr. Speaker, I'm happy to yield at this time 1½ minutes to the ranking member on the Terrorism, Unconventional Threats and Capabilities Subcommittee, the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the gentleman for yielding.

Mr. Speaker, it is with great disappointment and, really, sadness today that I rise to inform my colleagues that I, too, will be voting against the Defense authorization conference report.

As the ranking member of the Terrorism, Unconventional Threats and Capabilities Subcommittee, the underlying bill does, in fact, carry a tremendous amount of good things that will help our troops and our Armed Forces, providing what they need as a warfighter to better face today's security challenges.

We have extended to the Secretary of Defense the authority to offer rewards for those individuals who provide information and nonlethal assistance in support of the Department's combating terrorism efforts. We increased the authorization level for Special Operations Command's 1208 authority.

But this is a big thing to many of us. The hate crimes bill is not at all germane to this piece of legislation. The House passed it as a standalone piece of legislation. Our authorization bill, I believe, should not be used as a vehicle to forward this controversial and unconstitutional—and I think unconstitutional—piece of legislation that attacks our First Amendment rights.

□ 1300

The fiscal year 2010 National Defense bill started off as a bipartisan bill. Unfortunately, it has ended up in an ex-

tremely partisan fashion. The outstanding work of this committee, I think, is being belittled.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend, the gentleman from New Jersey (Mr. ANDREWS), a member of the Armed Services Committee.

Mr. ANDREWS. Mr. Speaker, there is not a word in this bill that silences a religious voice or a voice of conscience because of the hate crimes legislation. What there is in this bill is a very important choice that my friend, Mr. TAYLOR, just talked about a minute ago. A few years ago, we discovered to our horror that when vehicles drove over roadside bombs, the floors of the vehicles were not capable of stopping the explosion from killing the troops inside. That problem has manifested itself again in Afghanistan on rugged terrain. This bill funds 5,000 vehicles that will protect the lives of the young Americans who travel that rough terrain.

The choice is not about House procedure or civil rights arguments. The choice is yes or no. For those 5,000 vehicles, for those troops who travel that rough terrain, yes or no. The right vote is "yes." The way to honor our commitment is "yes." I would urge both Republicans and Democrats to vote "yes."

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the conference report increases active and reserve component end-strengths; provides a 3.4 percent pay raise; prohibits increases in TRICARE Prime and Standard cost shares; improves the ability of servicemembers to vote and have their votes counted; and provides numerous improvements to assist wounded warriors.

As a veteran myself and father of four sons serving in the military, I know this is an important bill. However, this conference report falls short of what should be done on behalf of our military and our military families. I am disappointed that the conference report fails to adopt a House provision to allow for concurrent receipt of military disability retired pay and veterans' disability compensation for all disability retirees regardless of disability rating percentage or years of service.

There are numerous explanations for why we did not adopt this paid-for provision, including that the President did not provide the proper offsets, or that the Senate objected to the proposed offsets for the mandatory spending.

In my view, these reasons do not justify inaction on this issue. It sends the wrong message to our military and veterans that this provision was kept out of the conference report.

It is past time we stop talking about support for concurrent receipt and repeals of the offset in the Survivor Benefit Plan-Dependency Indemnity Com-

pensation SBP-DIC offset, the tragic widow's tax. It is time for action to do the right thing now to remove these unfair burdens on widows and disabled military veterans. Sadly, billions of dollars for Cash for Clunkers but lack of consideration for widows and disabled veterans.

Mr. Speaker, the conference report on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, has many provisions that improve the strengths and quality of life of active duty and reserve personnel and their families. It increases active and reserve component end-strengths; provides a 3.4% pay raise; prohibits increases in TRICARE Prime and Standard cost shares; improves the ability of service members to vote and have their votes be counted; and provides numerous improvements to assist wounded service members. As a veteran myself, and a father of four sons today in the military, I know this is an important bill. I am the ranking Republican serving on the Military Personnel Subcommittee led by Chairwoman SUSAN DAVIS who I know is devoted to our troops and families.

There are, however, areas where this conference report falls short of what should be done on behalf of our military and their families. I am disappointed that the conference report fails to adopt a House provision, based on the President's proposal, to allow for concurrent receipt of military disability retired pay and veterans' disability compensation for all Chapter 61 disability retirees regardless of disability rating percentage or years of service.

There are numerous explanations for why we did not adopt this paid-for provision, including that the President did not provide the proper offsets, or that the Senate objected to the proposed offsets for the mandatory spending. There are also concerns that the Senate could not muster enough votes on this veterans' issue to overcome a budget point of order against the provision on the floor.

In my view, all these reasons do not justify inaction on this issue. It appears that if this provision had been given the level of priority it demands, leadership both in the House and in the Senate would have found a way to adopt it in the conference report. Just as they found \$3 billion of borrowed money for cash for clunkers in a matter of hours.

The House proposal, based on President Obama's budget request, was paid for, even though it was a flawed proposal to start with. It provided only nine months of concurrent receipt benefits which means they would have expired before the House and Senate could have completed another defense authorization bill to extend the benefit.

If the House Democratic leadership had wanted to, it could have found the funding necessary to offset a fully funded benefit (\$5.2B over 10 years), or, as a minimum, to fund at least 12 to 18 months of benefit to ensure Congress had time to act again.

It sends the wrong message to our military and veterans that this provision was kept out of the conference report. It sends the wrong message in particular when the objection is a procedural matter—a budgetary point of order—that has been ignored by the Senate in previous instances. In fact, the last time it did arise was when we passed TRICARE for Life

and there were votes necessary to defeat the budget point of order.

It should be noted that we had avenues that could have been pursued to address this budgetary concern—namely allowing House repeal of the deepwater drilling to stand as a spending offset. Unfortunately, that option and this opportunity to take action on this issue were not supported.

The bottom line is this. The failure to adopt this provision sends the wrong message to our disabled military veterans that we would not take a modest first step in providing concurrent receipt for all disabled military personnel.

It is past time we stop talking about support for concurrent receipt and repeals of these offset in the Survivor Benefit Plan—Dependency Indemnity Compensation, (SBP–DIC offset) the so-called tragic widow's tax. It is time for action to do the right thing to remove these unfair burdens on widows and disabled military veterans. Sadly, billions for cash for clunkers, but lack of consideration for widows.

I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my friend, my colleague, a member of the Armed Services Committee, the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Thank you, Mr. Chairman.

Mr. Speaker, I want to second what the gentleman from New Jersey said just a minute ago. I'm not going to get into the details of the Armed Services authorization part of this bill except to simply say that we do an awful lot of very important good things for our soldiers, their families and for the defense of this country in this bill. It would take an awful lot, an awful lot for me to vote against the bill because something that is nongermane has been included in the bill.

Now I did vote to keep hate crimes out of the bill. That didn't work. I can't tell you how often in this Chamber I have had to vote on bills that included things I didn't want in the bill. It is rare that we have a bill, a large bill, that doesn't include all kinds of things I would prefer to not be in the bill.

There is something that I think is very important to point out about the hate crimes legislation that is in the bill. It's language that was added by Senator SAM BROWNBACK on the Senate side, and it's language which addresses the principal concern that I hear from my constituents about hate crimes legislation. My constituents don't mind putting people in jail for being violent with other folks. They don't have a problem with that at all. They don't have a problem with increasing sentences, not one whit. The longer the better. If you're a criminal, you do the time, and as far as my folks are concerned, you can do more time.

The worry was that somehow the right of individuals, of pastors and others to criticize behavior, to talk about sin, that somehow that right would be infringed upon, that free speech would

be chilled. And I have to thank Senator BROWNBACK because in the bill we have language that takes care of that issue.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SKELTON. I yield the gentleman 1 additional minute.

Mr. MARSHALL. Thank you, Mr. Chairman.

On pages 1366 and 1367 of the bill, it states:

Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes any rights under the First Amendment to the Constitution of the United States. Nor shall anything in this division, or an amendment made by this division, be construed or applied in a manner that substantially burdens a person's exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, or association, unless the Government demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest, if such exercise of religion, speech, expression, or association was not intended to plan or prepare for an act of physical violence; or incite an imminent act of physical violence against another.

My folks don't want people planning or preparing for physical violence. They don't want people inciting physical violence against other folks. They want people to be free to criticize, to argue, to speak and to condemn sin. I think Senator BROWNBACK has hit it exactly right.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), the former mayor of Dayton, Ohio.

Mr. TURNER. Mr. Speaker, I would like to thank Chairman SKELTON and Ranking Member McKEON for their leadership and their steadfast support for our men and women in uniform.

The portion of this bill that relates to our strategic forces legislation reflects broad bipartisan agreement. The conference report retains a provision to establish the stockpile management program, strengthen the stockpile stewardship program and preserve the intellectual infrastructure.

I am pleased that the report includes a provision on the START follow-on treaty, which makes it clear that the treaty should not include limitations on missile defense or advanced conventional weapons; and that the enhanced safety, security and reliability of the nuclear weapons stockpile and modernization of the nuclear weapons complex are key to enabling further stockpile reductions.

I am disappointed that the conference sustains the President's cut of \$1.2 billion to our missile defense sys-

tems. These cuts come despite significant activity in Iran and North Korea's ballistic missile and nuclear weapons programs.

I introduced a provision which would have increased funds for the European missile defense sites in Poland and the Czech Republic and open the door to an alternative only if the Secretary of Defense certified that it was at least as cost effective and operationally available as the Czech and Polish-based system. Unfortunately, my amendment was diluted as the Defense bill passed. However, I still expect the administration to address its intent.

In missile defense, I am pleased that the report authorizes an increase of \$20 million to sustain the GMD industrial base and \$23 million for additional SM-3 interceptors.

In another area, I am concerned that this report does not include the House-passed language protecting child custody arrangements for servicemembers. I want to thank Chairman SKELTON for his bipartisan support on this issue. The language which I offered has consistently been opposed by the Senate and the Department of Defense, although it has passed the House four times.

While the report includes a study to be undertaken by March 31, 2010, studying this issue and waiting for States to enact custody protections is not a strategy to solve this problem. Our men and women in uniform serve in a Federal military and deserve Federal action on this issue.

I appreciate the work that has been done on this bill.

Mr. SKELTON. May I inquire as to the amount of time remaining.

The SPEAKER pro tempore. The gentleman from Missouri has 5½ minutes remaining. The gentleman from South Carolina has 11 minutes remaining.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. I thank the gentleman.

Mr. Speaker, I rise in support of this conference report with some serious reservations. This legislation will finally enact the Local Law Enforcement Hate Crimes Prevention Act. That is a historic, albeit long overdue, accomplishment.

I am concerned, however, about the section dealing with military commissions. President Obama's goal, which I share, is a system that is fair, legitimate and effective. But we already have that in the Uniform Code of Military Justice and our Article III courts. We should use these existing tools and stop insisting on a new and inevitably second-class military commissions system. But given the existing Military Commissions Act of 2006, which allows



for the admission of statements obtained through the use of cruel, inhuman and degrading interrogation methods, we should support the improvements in this bill—placing further limits on the use of coerced testimony and hearsay; expanding the scope of appellate review to include review of facts and not just law; and taking greater account of the need for adequate defense counsel and resources. These changes do not go far enough, and additional changes suggested by the Judiciary Committee—including a sunset provision, a voluntariness requirement for all statements, a different appeals structure, and a prohibition on the trial of child soldiers by military commission—should have been adopted. Nonetheless, I support the improvements made by this conference report with the hope that we can make further progress in the future.

I urge my colleagues to vote for this conference report.

Mr. Speaker, whether it is because of the actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity, or disability of the victim, these violent acts causing death or bodily injury target not just an individual but an entire group. These crimes do, and are often intended to, spread terror among all members of the group.

Today, we have the opportunity to do the right thing. I hope we can agree to do so.

I am concerned, however, about the section dealing with military commissions. It makes some important improvements, but in some key ways the system will remain at odds with our best traditions.

When President Obama initially suspended use of military commissions, I was optimistic that we had seen the end of this flawed system. President Obama has since signaled his intent to revive the commissions, and has called for reforms that would bring them in line with the rule of law. President Obama's goal which I share, is a system that is fair, legitimate, and effective. But we already have that in the Uniform Code of Military Justice and our Article III courts. We should use these existing tools and stop insisting on a new and inevitably second-class military commission system.

But, given the existing Military Commissions Act of 2006, which can be used to try detainees and allows for the admission of statements obtained through the use of cruel, inhuman, and degrading interrogation methods, we should support the improvements in this bill. This bill improves existing law by placing further limits on the use of coerced testimony and hearsay, expanding the scope of appellate review to include review of facts and not just law, and taking greater account of the need for adequate defense counsel and resources. These changes do not go far enough, and additional changes suggested by the Judiciary Committee—including a sunset provision, a limitation on the use of military commissions for Guantanamo detainees, a voluntariness requirement for all statements, a different appeals structure, and a prohibition on the trial of child soldiers by military com-

mission—should have been adopted. Nonetheless, I support the improvements made by this conference report, with the hope that we can make further progress in the future.

So I will support this conference report, mindful that our work is not done. I urge my colleagues to do the same.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 2 minutes to Congressman WITTMAN who represents America's historic First District of Virginia.

Mr. WITTMAN. Mr. Speaker, I rise today to speak on the conference report for H.R. 2647, the National Defense Authorization Act.

The members of the House Armed Services Committee are dedicated to supporting our servicemembers and their families, and as such, this bill includes an appropriate increase in military pay and improves veterans care.

I am pleased to see that the bill makes progress towards strengthening our naval presence on the high seas. We must continue to develop the industrial base and promote shipbuilding to establish a floor, not a ceiling, of 313 ships in our Navy.

I do, though, remain troubled by the absence of a 30-year shipbuilding plan and a 30-year military aviation plan. Without these, critical perspective is lost. The bill provides a temporary waiver for the number of carriers to dip below 11, but my reservations remain. Maintaining 11 aircraft carriers is essential to maintaining our long-term naval superiority.

The strategic risk we accept in this Defense authorization bill is also of particular importance. As we consider strategic threats urgently facing our country today, it is troubling that the bill reduces missile defense funding by \$1.2 billion.

This bill also includes \$46 million for channel dredging at Naval Station Mayport, Florida. It is fiscally irresponsible to spend money on dredging and preparing to homeport a nuclear aircraft carrier prior to the conclusion of the Quadrennial Defense Review.

Unfortunately, the Senate also added a provision to expand the Federal jurisdiction over hate crimes. Proponents of this provision are using this national security bill to get this legislation to the President's desk through the back door, a tactic we have seen repeated over the last 9 months. This bill is about national security, not social legislation. To use the circumstances of our sons and daughters in harm's way to legislate on social issues is unconscionable. We should not use a bill in support of our servicemembers to promote social legislation. I urge my colleagues to continue in the future to work towards a better alternative.

I would like to thank my colleagues, Ranking Member MCKEON and Chairman SKELTON, for their work in bringing this bill to the floor. But we can do better, and we must.

Mr. SKELTON. I yield 1½ minutes to my friend and chairman of the com-

mittee on Oversight and Government Reform, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Thank you very much, Chairman SKELTON.

As chairman of the Oversight and Government Reform Committee, I rise in support of the conference agreement on the National Defense Authorization Act for Fiscal Year 2010. Title 19 of the bill makes important updates to the retirement system for Federal employees.

□ 1315

These changes will improve the retirement system's effectiveness as a recruiting and management tool at a time when we need to attract the best and the brightest of the Federal workforce. The reforms eliminate inconsistency in the way part-time service, breaks in service, and unused sick leave are considered in calculating retirement benefits. It helps civilian workers at the Department of Defense, the largest employer in the Federal Government.

I also support the repeal of the National Security Personnel System. This system implemented by DOD has been a near-total failure, and I support making a fresh start.

I also support the report's continued funding for programs at historically black colleges, universities, and minority-serving institutions to ensure that students are trained to meet our Nation's defense research and technological needs.

I thank Chairman SKELTON and the other conferees for their support. I urge all Members to support this conference report. Again, I want to thank all of the staff members who made this possible.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I do appreciate our dear chairman from Missouri, Chairman SKELTON. He commented that we are at war, this is deadly serious, and he is right. Our troops need our support, and having been in the Army at Fort Benning at a time when we were being cut in the late 1970s, I am very sensitive to that. But our troops are fighting for freedom as well.

Bringing a hate crimes bill that is based on two false premises and putting it on the backs of our soldiers is wrong. It should not be done. We have heard from a majority Member that if we vote this down, the hate crimes will be pulled off, and then we can vote for the pay raise that these people justly deserve. There is no escalation in hate crime numbers. The FBI statistics show they have been continually going down. This would not change the outcome of the Matthew Shepard case. They got life; the maximum here is life. In the James Byrd case, the two

most culpable got the death penalty; the maximum here is life. All this would do is bring that penalty down.

This is based on false assumptions. It should not be added to our soldiers' backs. Let's get a clean bill.

Mr. SKELTON. Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, we all support our troops. I don't think anybody doubts that. So why are we adding a hate crimes amendment to this bill? Why are we doing social engineering on the backs of our troops on a defense bill? I think it is being done for political purposes. I think that there are people on the other side that want to put Republicans in a political trick bag in the next election, and I think that is very unfortunate.

We should be worrying about the defense of this Nation and the men and women fighting in Afghanistan and Iraq today. We should not be doing social engineering on this bill. It is just wrong. I think it is being done for political purposes. I just say to my colleagues on the other side who are doing it, shame on you.

Mr. SKELTON. I continue to reserve my time.

Mr. WILSON of South Carolina. Mr. Speaker, I respectfully reserve my time on behalf of the Republican leader who will be here shortly.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend, my colleague, the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding. I thank the ranking member for his leadership.

I want to say particularly as I start that the distinguished chairman of this committee does America a great service. This is a critical bill for our Nation and for our men and women in uniform. There is no greater advocate of America's readiness or the quality of life of our service personnel than the gentleman from Missouri (Mr. SKELTON). I want to thank him for his leadership.

Mr. Speaker, I rise to support the conference report on this vital bill for fiscal year 2010, which takes important steps to enhance our military readiness, our national security, and the well-being of our military families, and I might add our Federal employees, our civilian personnel as well.

I particularly want to thank Chairman SKELTON, the Armed Services Committee and staff for their months of hard work to bring this legislation close to enactment. I know on the staff, this has been tough. The conference was tough.

In sum, the conference report authorizes \$550.2 billion in budget authority for the Department of Defense and the national security programs at the Department of Energy, as well as \$130 bil-

lion for overseas contingency operations. It is a serious response to the real, immediate, and rapidly changing threats our Nation and our troops face.

Among its most important provisions are those that help to rebuild our Armed Forces, which are worn down after years of war.

It provides \$11 billion and \$2 billion to re-equip the Army and Marine Corps respectively, as well as \$6.9 billion to meet equipment shortfalls in the National Guard and Reserve.

In line with President Obama's request, it also adds an additional 30,000 troops to the Army, 14,650 to the Air Force, 8,100 to the Marines, and 2,477 to the Navy. I believe these are critical provisions. We are asking our men and women to serve long tours at great risk. The trauma that they are experiencing is very substantial. The ops tempo, as we call it, is such that if we do not increase our forces, we will not be able to give the proper rest that our troops need. So I congratulate the committee for attending to that issue.

It authorizes 30,000 more Army troops in fiscal years 2011 and 2012. Our Nation has made the proper decision to confront those who would cause us risk. But if we are going to do so, we must properly resource our services with the proper number of personnel.

To ensure safety and dignified living standards for those troops, it commits \$350 million to construct new Army training barracks and \$200 million for facilities in the National Guard and Reserve.

This conference report also orients our country in the direction of the new national security strategy put forward by the Obama administration, which includes redeployment from Iraq and a commitment to the stability of Afghanistan and Pakistan. The conference report reflects those priorities.

Mr. Speaker, I have other matters that I could speak to, but I think everyone on this floor knows the importance of this bill. I note the presence on the floor of, like Mr. SKELTON, one of the great leaders in supporting our Armed Forces on the floor with me, my good and dear friend BILL YOUNG from the State of Florida, as the ranking Republican on the Appropriations Subcommittee. I want to thank him for his leadership. Mr. YOUNG has been here, IKE, longer than either one of us has been here, and he has served his country very well. It is appropriate that he is on the floor as we consider this important bill.

In closing, Mr. Speaker, I would urge every Member in this House to support this bill which supports our troops, to support this bill which authorizes the funds necessary to respond to the needs and the policies of the United States of America in protecting our citizens and our homeland from those who would undermine our security and safety, who would attack our property and persons. That's what this bill is about.

This bill has many items in it, some more controversial than others. But at heart, this bill is about our troops and about America's security. I would hope and urge every one of my colleagues, when the roll is called, to vote "aye" on this critically important bill for the security of the United States of America.

Mr. SKELTON. I congratulate you for your leadership. You are one of America's great patriots and leaders, and I am proud to be your colleague.

Mr. WILSON of South Carolina. Mr. Speaker, I reserve the balance of my time for the gentleman from Ohio (Mr. BOEHNER), the Republican leader, for when he arrives.

Mr. SKELTON. Does the gentleman from South Carolina have any additional speakers?

Mr. WILSON of South Carolina. We are reserving our full time for the gentleman from Ohio (Mr. BOEHNER) as soon as he arrives.

Mr. SKELTON. I prefer to close, Mr. Speaker, after the gentleman from Ohio speaks.

Mr. WILSON of South Carolina. Mr. Speaker, as we close on the Republican side, indeed, this is such an important bill for the military of our country. As has been indicated by so many of my colleagues, with the highest regard that we have for the chairman of the House Armed Services Committee, there is great distress over the additional language that should not have been added to this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, in your mind's eye picture a young Army corporal preparing to drive down a road in his security vehicle to help in an ongoing firefight in the mountains of Afghanistan. Picture in your mind this young corporal dressed in the Army fatigue uniform, an M16A2 standard-issue rifle in his hand with bullets made in America for that M16A2, wearing body armor furnished him and in the latest security vehicle provided by the United States Army.

□ 1330

That M16A2 rifle was furnished by the Congress of the United States. The ammunition for that rifle was furnished by the Congress of the United States. The body armor on that soldier was furnished by the Congress of the United States, and the vehicle in which he rides, that security vehicle was furnished by the Congress of the United States.

As a young soldier, this young corporal goes down the road, look at that soldier and answer the question, Did you vote to support me as a Member of Congress of the United States?

Ms. LEE of California. Mr. Speaker, for the first time in my tenure I rise today in support of the conference report on H.R. 2647, the National Defense Authorization Act for FY 2010.



I still believe that we must bring common sense to our runaway defense spending and end support for outdated cold war era weapons systems that are costing taxpayers over \$60 billion a year without any appreciable benefit to our national security.

While I am pleased to see that H.R. 2647 includes language prohibiting the establishment of permanent military bases in Iraq or Afghanistan, I continue to have serious concerns that the authorization for overseas operations included in this bill threatens to further entrench the United States in conflict and continue us down a path to war without end.

Mr. Speaker, I will continue to oppose a military-first foreign policy strategy which endangers our troops and our national security, and undermines our ability to meet the needs of the American people.

But today, I will be supporting this bill in the interest of all past, present, and potential victims of hate crimes and discrimination.

It is long past time that we protect Americans against hate violence by ensuring hate crimes are fully prosecuted under the law, as provided for in this bill.

No individual should face discrimination, fear, or violence on the basis of race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

Mr. POSEY. Mr. Speaker, this is a sad day in the House of Representatives. The Majority chose to add to the defense bill a totally unrelated and highly controversial bill, commonly called the Thought Crimes Bill or the Hate Crimes bill. There are serious concerns that religious leaders promoting traditional morality may be subject to potential criminal liability under this bill as prosecutors blur the line between what constitutes a "hate crime" and what they deem hate speech. Last minute changes to the Thought Crimes bill stripped important religious freedom protections and constitute further abuse of power. While no one should condone acts of hatred toward others, this bill goes far beyond its stated purpose.

To airdrop this totally unrelated legislation onto a bill that authorizes our national defense budget is a travesty and abuse of power in the highest degree.

Adding vague unrelated provisions that are likely to be proven unconstitutional to the defense bill is more than inappropriate. I have joined many of my colleagues in sending a letter to the President expressing our concerns, stating "Each of us takes very seriously the responsibility to ensure the men and women who volunteer to serve in our Armed Forces have the resources they need to defend this nation. Using our troops to pass divisive social policy does a profound disservice to them, this institution, and the constituents we serve."

Fortunately, this bill is not the last word on national defense this year, and we will soon have before us the Defense Appropriations bill—the bill that actually provides funding for our troops. Congressional leaders should resist the urge to again engage in such abuses of power.

I am introducing legislation today that will block the House from engaging in such behaviors in the future. My bill will bring some common sense to this place by ending the practice of merging totally unrelated bills in secret con-

ference committees. Separate issues should be kept separate.

It is also troubling that once again, the Majority failed to give Members of Congress and the public at least 72 hours to understand how \$680 billion in taxpayer dollars are being spent. What last minute earmarks were included in the 2,200 page bill? No one knows!

I am also disappointed with several shortcomings in the bill. The bill fails to include provisions to guarantee that Guantanamo Bay terrorist detainees will not be sent to the United States. At a time when Iran is advancing its nuclear and missile technology programs, the bill unwisely cuts over \$1.2 billion from our national Missile Defense program. While there is also much good in this bill, I am glad that we will still have an opportunity to vote on the actual spending bill in the next few weeks. I would urge the Majority to resist the temptation to lard up that bill with last minute airdropped earmarks or play politics with our troops by adding extraneous liberal social policies.

Mr. MORAN of Virginia. Mr. Speaker, I rise to support the conference report on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. In particular, I would like to thank Chairman SKELTON and Ranking Member McKEON for their leadership in negotiating this piece of legislation.

As others have attested, this bill will provide more than \$600 billion for our troops, so that they will be ready to confront today's adversaries and prepared to prosecute tomorrow's conflicts, all while knowing that the U.S. public stands ready to support their needs at home and abroad.

Also included in the Defense Authorization are three provisions that will greatly benefit the federal employees that not only support the warfighter, but often serve alongside our men and women in uniform.

The first is known as the Federal Employee Retirement Service (FERS) Sick Leave provision. This piece will allow FERS-enrolled employees to use their accumulated, unexpended sick leave towards the computation of their annuities upon retirement. This provision puts FERS employees on par with those in the Civil Service Retirement System, CSRS, which includes employees who joined the civil service prior to 1984.

The second provision important to so many federal employees is known as the CSRS Part-Time Fix. It allows CSRS workers to phase-down to part-time status at the end of their careers without reducing their final annuities and pensions. Today, under CSRS, part-time service occurring during the final years of federal service negatively impacts the high-three annuity calculation, leading to earlier full-time service being calculated as part-time. This flaw often pushes out the most experienced and knowledgeable federal employees just at the time when this nation needs their service and expertise.

The final federal employee provision contained in this bill is known as FERS Redeposit. This provision allows returning FERS employees, who earlier left federal service, to repay a deposit to the civil service trust fund, with interest, in order to be able to combine their past and new federal service for future annuity credit purposes. Like the other two

federal employee provisions, the FERS Redeposit will help the federal government better recruit and retain the skilled men and women that are critically vital to our armed services.

Though I have championed these provisions in the past, I must take some time to personally thank Chairman SKELTON, Ranking Member McKEON, Chairman TOWNS, and Chairman LYNCH for their tremendous efforts to ensure that these provisions survived conference. Without the effort of these esteemed Congressmen, hundreds of thousands of federal employees would not be the beneficiaries of such provisions.

Lastly, I strongly support the inclusion of The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in this legislation. This provision, which has passed Congress several times over the past few years, would extend federal hate crimes law to protect individuals targeted because of their sexual orientation, gender, gender identity, or disability. In addition to expanding the categories of hate crimes, it would allow the Justice Department to aid in the investigation and prosecution of hate crimes at the local level through technical assistance and supplemental funding.

Hate crimes have a chilling effect beyond a particular victim, spreading fear of future attacks among the targeted group. Congress cannot prevent hate from motivating individuals to commit violence, but we can ensure that the proper laws and resources are available to prosecute these cases to the fullest extent of the law. Enactment of this legislation is a long overdue step in combating all forms of hate-based violence that impact communities across the country.

Mr. Speaker, I once again thank Chairman SKELTON for his leadership.

Mr. KUCINICH. Mr. Speaker, I rise in strong opposition to H.R. 2647. Throughout my time in Congress I have been a champion for human rights. My opposition to the wars in Iraq and Afghanistan, and by extension, the inclusion of an authorization for an additional \$130 billion to fund these wars, is in part predicated on an understanding that war violates the human rights of the affected populations.

The war and occupation in Iraq has taken the lives of over one million people. Thousands more innocent lives have been lost due to military operations in Afghanistan. These lives are often referred to as "collateral damage." But in reality these lives represent innocent children, mothers, sisters, brothers, and fathers, among others, that were killed because a war and occupation has been imposed on them. Military operations have caused their homes to be invaded, their communities to be bombed and their resources, including food and water, to be increasingly scarce.

Unemployment in both Iraq and Afghanistan is devastatingly high; access to humanitarian aid is limited; medical care and education are difficult to obtain or completely unavailable. The wars in Iraq and Afghanistan have clearly violated the human rights of the civilian populations in which they are being waged.

The people of Afghanistan are suffering horribly from 8 years of war. During that time the Afghan central government has become increasingly corrupt and has failed to meet the

needs of the Afghan people. Iraq has been decimated during more than six years of war and occupation. The people of Iraq continue to wonder when the killing of the innocent will be enough to satisfy the U.S. and question when the U.S. will end the occupation of their country.

The majority of the Iraqi and Afghan people are not extremists or insurgents, but they are the victims of the global war on terror whose daily lives now entail little more than struggling to feed their families and survive the violence of the war. Furthermore, the war in Iraq was based on false intelligence and an inaccurate, government sponsored, propaganda campaign.

I ask this body: Where is our dedication to the human rights of the innocent people around the world who will be killed, maimed or displaced by the bombs, weapons and death machines that this bill funds?

As a staunch supporter of human rights I have consistently supported, voted in favor of, and advocated for passage of hate crimes legislation. I am fully committed to ensuring that the human rights of all individuals are protected. Therefore, I believe that passage of hate crimes legislation is essential to ensuring strong human rights protections for the victims of violent crimes that are perpetrated based on the actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity or disability of the victim.

But there is a deep-seated irony in including a human rights provision in a funding bill that will inevitably ensure the continuation of human rights violations in parts of the world. I believe that, as a Nation and a part of the global community, we cannot fully ensure the protection of our own human rights here in the United States without being equally diligent in ensuring the human rights of our global society. I cannot trade the human rights of some for the human rights of others.

Ms. CORRIE BROWN of Florida. Mr. Speaker, I rise today to support the National Defense Authorization Act for Fiscal Year 2010. I want to thank Chairman SKELTON for his hard work and leadership on working with all members and the Senate in passing an important bill to authorize the funding for our entire armed forces.

I am especially grateful for the provision to authorize funding to dredge the St. Johns River at Mayport Naval Station. It is important for our Navy to have the flexibility to station all of our vessels where they can be safe and provide the maximum amount of protection for national security.

I am proud of the men and women of our military who, every day and every night, protect the freedoms we hold so dear. Congress determined the mission and it is up to us to make sure our soldiers have the proper resources to carry out that mission.

The Navy and the President determined that part of that mission included making the harbor at Mayport Naval Station suitable for all the ships in our fleet. They included that requirement in the budget submitted to the Congress. And it is included in the conference report. This is a key military construction and force protection project.

The U.S. Navy has an alternative docking location for every ship in the Navy except for

aircraft carriers stationed on the East Coast. In order to provide this emergency docking location, the Navy requested funding in the Fiscal Year 2010 Budget for Channel Dredging at Naval Station Mayport.

Right now, the channel to Naval Station Mayport is dredged to 42 feet plus a 2 foot overdraft. For a full loaded nuclear aircraft carrier to pull into Mayport without tide restrictions, the channel must be dredged to 50 feet plus a 2 foot overdraft.

I was pleased to speak with Secretary of Defense Robert Gates earlier this year and he expressed his commitment to make the Mayport Naval Station a viable option for all naval ships in the event of emergency.

This provision to allow the dredging to continue represents a huge victory not only for the First Coast community, but also for the brave men and women of the U.S. Navy, whose vulnerability to attack is decreased by avoiding consolidation of carriers in any single location. The attack on Pearl Harbor in 1941 highlighted the danger associated with docking large naval fleets in only one location. I am thrilled that the Department of Defense has decided to take advantage of the Jacksonville port in order to increase the safety of our men and women in uniform.

This is about national security and ensuring we provide our Navy leaders with operational flexibility they need. Our aircraft carriers are too valuable of assets not to provide a backup docking location.

I am pleased at the support of the entire Florida delegation for working in a bipartisan matter to support the men and women of our military who, every day and every night, protect the freedoms we hold so dear. Congress determined the mission and it is up to us to make sure our soldiers have the proper resources to carry out that mission.

I support this provision and the entire bill and urge my colleagues to support this bill as well.

Mr. JORDAN of Ohio. Mr. Speaker, I am disappointed to have to vote today in opposition to the conference report on H.R. 2647, the 2010 National Defense Authorization Act. For House Democrats to bring it to the Floor in its current form shows that they are not above playing politics with our troops.

I commend the House Armed Services Committee and House conferees on the bill for their good work in support of our military. The conference report provides much-needed funding for our operations in Iraq and Afghanistan at a time when the Administration's commitment to those missions is in question. We must continue to do everything in our power to give our troops the resources they need to succeed, and also to support their loved ones at home.

I applaud the important provisions of this conference report that authorize funding for equipment acquisition, research and development, and reset. I am pleased that the legislation increases the size of the Army, Navy, Air Force, and Marine Corps to address current and future threats.

The conference report bars the transfer of detainees at Guantanamo Bay to the United States pending a review on the threats they would pose to Americans. I find it unconscionable that the Obama Administration is still con-

templating bringing terrorists to American soil after this Congress and the American people have gone on the record against such a reckless move.

Most importantly, the conference report authorizes an across-the-board military pay raise above what President Obama's defense budget requested. I was proud to vote to fund this pay raise in July when it was included in the 2010 defense appropriations bill, and look forward to quick action on a final version of that bill to provide this well-deserved increase.

The extraordinary sacrifices of our men and women in uniform make it of utmost importance that we give them the equipment and the support they need to complete their mission. They deserve far more than they are getting today from Congress, which is cynically using this bill to advance social policies favored by the Left. Attached to the bill by Senate Democrats is a wholly unrelated and unconstitutional so-called hate crimes bill.

This hate crimes bill represents an unprecedented departure from the deeply rooted American principle of equal justice under law. Justice should be blind, rendered through a criminal justice system that does not take into consideration such issues as race, gender, and religion.

Mr. Speaker, all violent crime is rooted in hatred. All violent crime is deplorable and should be punished to the fullest extent. Crimes not aimed at certain classes of people are just as reprehensible as those committed for other reasons. Crimes committed against one citizen should not be punished any more or any less than crimes committed against another.

But this hate crimes bill treats senseless, random violence less harshly than other, less "random" crimes. Justice will depend on whether a victim is a member of a category deemed worthy of protection under this bill—a list, for the record, that does not include the unborn, pregnant women, the elderly, and others who are among society's most vulnerable.

In fact, when the hate crimes bill was considered in the Judiciary Committee earlier this year, I offered an amendment to add the unborn to this list. The amendment was ruled non-germane on the outrageous grounds that the unborn are not "persons." So much for defending our most defenseless.

I find it intriguing that a provision offered by Republicans but opposed by Democrats in committee—heightening penalties for attacks on servicemembers—is now hailed by Democrats as a vital part of this legislation.

The hate crimes bill raises the very real possibility that religious teachers of every faith could be prosecuted based on the sermons they give. By permitting legal action against anyone who "willfully causes" action by another person, it is not hard to imagine charges being filed against a pastor if a misguided parishioner claimed that the pastor's message caused him to commit a violent act. Subjecting pastors' sermons to prosecutorial scrutiny would prove a chilling effect on the rights of all individuals to freely practice their religion.

It is beyond shameful that these hate crimes provisions have been stapled onto the defense authorization. They are completely irrelevant to the protection of our troops, and provide yet another example of how terrified the Democrat

majority is of free and open debate. Just as the hate crimes bill was originally debated in the House under a closed rule allowing for no amendments, it is now being presented to the House for only one hour of debate with no opportunity to amend it.

Mr. Speaker, defense authorization bills have traditionally been free of politics, almost always garnering widespread bipartisan support. The actual defense provisions in this authorization bill are good. I would be proud to support this bill, absent the unrelated and unconstitutional hate crimes provisions included in it.

The American people have a right to be ashamed of the poisoned process that forces pro-defense members of Congress to vote against what might otherwise be a good defense bill.

Mr. HOLT. Mr. Speaker, I feel strongly that all men and women must be treated equally, regardless of their race, religion, gender, sexual orientation, gender identity or disability. That is why I am an original cosponsor of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

Hate crimes are real. They spread fear and intimidation among entire communities. This bill would strengthen local law enforcement's ability to prosecute hate crimes based on race, color, religion, national origin, gender, sexual orientation, gender identity and disability to the victim. It's long past time for Congress to pass this important legislation to help prosecute those who would commit these heinous acts.

Some have opposed this bill by saying it would legislate "thought crimes." It is patently false to say that we're criminalizing thought. We are criminalizing the brutality that results when these thoughts lead to the death and serious injury of an innocent victim. This is no more about criminalizing thought than the antilynching laws were about criminalizing knot tying.

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act authorizes the Attorney General to provide technical, forensic and prosecutorial assistance in the criminal investigation or prosecution of any crime of violence that is motivated by prejudice based on race, color, religion, national origin, gender, sexual orientation, gender identity or disability of the victim. It also authorizes the Department of Justice to award grants to state and local law enforcement to assist in hate crime prevention.

This bill is about hate crimes and giving law enforcement the tools they need to prosecute them. This bill has strong support from over 300 civil rights, religious, LGBT, law enforcement and civic organizations, and I'm particularly pleased to identify the support of the Garden State Equality, a group that has fought tirelessly to fight discrimination against all Americans, including discrimination based on gender identity.

The bill has in the past been approved by the House and the Senate only to fail to reach the president's desk. Yet, today we will finally pass the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act into law.

Mr. BILIRAKIS. Mr. Speaker, I want to explain my vote in opposition to the Conference Report to H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

I absolutely support ensuring that our brave men and women serving in the Armed Forces have the necessary and best possible training, equipment, and other resources to accomplish their missions as quickly and safely as possible.

I sought a seat on the House Committee on Veterans Affairs in my first term so I could in some small measure help repay our debt to past soldiers and their families by protecting and strengthening their health, disability, and retirement benefits.

I have introduced legislation to increase the pay of members of the military, provide tax cuts to active duty military personnel, give tax credits to our military to help them purchase homes, allow for concurrent receipt of military retired pay and disability compensation, and encourage employers to hire members of the Reserve and National Guard.

I have also traveled to Iraq and Afghanistan to visit with our troops and let them know that I understand and appreciate what they are doing and will do whatever I can to support them.

Very simply, I believe our brave warriors who are standing in harm's way to keep us safe are the true heroes in our society and deserve our complete and unfettered support. That is why I supported the House-passed defense authorization bill earlier this year. I am terribly disappointed that I cannot vote for this conference report, however, because it includes several misguided provisions that should not become law.

This bill is shamelessly being used to enact unrelated and controversial hate crimes legislation, to which many, including me, strongly object. The inclusion of this language in a bill to ensure our national security and meet our commitment to the troops is unconscionable.

I believe that all crimes should be vigorously prosecuted and the convicted should be swiftly and appropriately punished. I do not believe that the federal government should be in the business of criminalizing thought and creating classes of people who supposedly are more deserving of protection than others.

The bill cuts funds for missile defense by more than a billion dollars from last year's level and permanently prohibits the deployment of long-range missile defense interceptors in Europe; unless a lengthy certification process occurs, effectively shutting down a system that would protect us and our European allies from nuclear attack.

The bill also strikes funding included in the House-passed bill for the production of additional F-22 fighters. These provisions leave us more vulnerable to attack from nuclear nations and those countries developing more advanced air assets.

Mr. Speaker, I will not play along with this political charade and allow our men and women in uniform to be used as cover to pass controversial social policies that cannot be enacted on their own. My constituents know how strongly I support our troops and our military efforts to prevent terrorists from striking in this country again like they did on 9/11.

I hope the next time we consider a defense authorization bill we do so in a manner that reflects and upholds the very ideals that our troops are fighting for, unlike the shameful process that brought us to this point today.

Mr. WOLF. Mr. Speaker, I cannot support the Conference Report for H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010 because it includes more than just the comprehensive annual defense policies and budget authority for the Department of Defense, which is the intended purpose of the bill.

I continue to fully support the efforts of our troops on the ground, but have serious concerns about controversial hate crimes legislation added by the Senate. When the House voted on this legislation in June, I voted yes, because I supported the policies laid out in the House version of the bill. But the Senate's addition has no place in this bill.

I was also disappointed to see that provisions to fix Concurrent Receipt that were included in the House version of the bill were removed in conference. This is a well deserved and long overdue benefit for our nation's veterans.

I want to express my support for the provisions in this legislation which will improve the quality of life for military personnel and their families, strengthen commitments to military retirees, and bolster our national security. Without the hate crimes provision, this bill in total is good legislation for our troops and veterans. In addition to the pay raise for our military, it includes important TRICARE provisions that I continue to support. I have a long history of supporting our troops and veterans and will continue to work to support policies that benefit our military and hope that future defense related legislation can be considered without the inclusion of extraneous and inappropriate provisions.

I also strongly support provisions included in this legislation with regard to federal employees that will improve the efficacy of the federal workforce and remedy historic inequalities in federal retirement benefits. These improvements will strengthen our national security workforce, including more than 700,000 civilians employed worldwide by the Department of Defense.

I am particularly pleased that legislation I have introduced with Representative JIM MORAN, which would credit unused sick leave for federal employees, has been included in this bill. According to a Congressional Research Service report, current inequities in sick leave policy result in a loss of productivity costing taxpayers more than \$68 million each year. This will remedy this and result in a more productive and cost-effective workforce.

The other important federal workforce provisions included in this legislation will: change the computation of certain annuities based on part-time service; expand the class of individuals eligible to receive an actuarially reduced annuity under the Civil Service Retirement System; authorize the re-deposit of retirement funds under the Federal Employee Retirement System; change the retirement credit for service of certain employees transferred from the District of Columbia service to the federal service; alter the retirement treatment of Secret Service employees; and phase in the use of locality-based comparability payments to replace cost-of-living adjustments for certain federal employees, and include a provision from the Senate-passed bill allowing for the re-employment of federal retirees on a limited, part-

time basis without offsetting their annuity from salary.

I have worked with colleagues on both sides of the aisle over the last several months to advocate for the inclusion of these provisions from the House and Senate bills and I am pleased that they have been maintained in the conference agreement. Although I am disappointed that I cannot support this bill, I strongly support the inclusion of these provisions strengthening the federal workforce.

Mr. STARK. Mr. Speaker, I rise in opposition to the Defense Authorization bill. As we focus on slowing the rising cost of health care, we should be just as vigilant about ever higher levels of defense spending.

No one on the international stage comes close to our military spending. The United States accounted for 41.5 percent of the entire world's military spending in 2008—the next closest country was China at 5.8 percent. To put this in perspective, if we spent only six times as much as the next closest country, instead of seven times as much, we would have more than enough money to completely pay for health care reform.

I urge my colleagues to join me in voting against the Defense Authorization bill. That said, there is an important provision in the bill that I support, extending hate crimes laws to cover sexual orientation, gender, gender identity, and disability. I have supported hate crimes legislation throughout my career in Congress, including as a co-sponsor of this legislation when it was approved by the House in April, and I am glad that the hate crimes provision in this bill will finally become law.

Ms. FOXX. Mr. Speaker, I rise today to voice my opposition to the recently enacted policies rammed through Congress in this defense bill.

The so-called “Hate crimes” language in this bill contradicts Americans’ First Amendment rights and sets a very dangerous precedent.

We can all agree that any form of bigotry in America is unacceptable. Unfortunately, the “hate crimes” provisions in this defense bill not only have no business in this unrelated legislation, they are also so sweeping and broad that they may very well encompass legitimate religious beliefs.

As a result, under this legislation, any pastor, preacher, priest, rabbi or imam who gives a sermon out of their moral traditions about sexual practices could be found guilty of a federal crime. This is far outside of the current of American freedom that flows through our history.

These “hate crimes” provisions will have a negative effect on the ability of people of deep religious convictions to express those convictions freely. They will inevitably have a “chilling effect” on religious expression from churches, temples and mosques. The most responsible thing for Congress to do is to take steps to rein in this infringement on Americans’ First Amendment rights.

Mr. THORNBERRY. Mr. Speaker, this is a sad day—a day in which a domestic social agenda has hijacked the Defense Authorization bill. The men and women in our armed services should be the first and foremost priority of this bill. Instead, this domestic social agenda is being strapped on the backs of our troops. We should not do it.

Creating new “hate crimes” is controversial. A stand-alone bill has passed the House, but apparently its advocates do not believe they can get it through the Senate. So they have attached it to the Defense Authorization Bill.

However one feels about hate crimes, it is wrong to include that provision in this bill. The hate crimes provisions have nothing to do with the Defense Authorization Bill, and it should not be here.

There are a number of good things in this bill—provisions I support and issues I have worked on. But I cannot condone forcing a domestic political issue into a national security bill.

And I worry that doing this makes it less likely than ever that national security will stay above domestic politics.

We are faced with a serious situation in Afghanistan which requires our best efforts and our concentrated focus. Mr. Speaker, our troops and our nation expect better of us than this.

Mr. CONYERS. Mr. Speaker, I rise in support of the rule on the National Defense Authorization Act. While this legislation addresses many important defense related matters, such as military readiness and pay raises for our troops. It also includes other provisions like reform of the Federal Employee Retirement System. Most important, from the perspective of my Chairmanship of the Judiciary Committee and as author of the House legislation, it also touches on the issue of hate crimes by including the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

Some have objected loudly to the inclusion of hate crimes legislation in a defense authorization bill. However, hate crimes legislation is of critical importance to this nation and has passed with broad bipartisan support in the House for the last three (3) Congresses, only to fail in the other body by being stripped out at Conference. I hope that this year is different.

As the names in the title of this provision demonstrate, hate crimes are a blight on this nation. Despite what some would claim, the number of hate crimes each year demonstrate that federal action is crucial to bringing these offenses under control. Since 1991, the FBI has documented over 118,000 hate crimes. In the year 2007, the most current data available, the FBI compiled reports from law enforcement agencies across the country identifying 7,624 bias-motivated criminal incidents that were directed against an individual because of their personal characteristics. These offenses range from assaults to murder.

This legislation will provide assistance to state and local law enforcement and amend federal law to streamline the investigation and prosecution of hate crimes. It is important to note that states will retain primary responsibility for prosecuting these offenses, but with aid of the Federal government.

In the cases of James Byrd and Matthew Shepard local prosecutors acknowledge the crucial role of federal investigative assistance in obtaining prosecutions. In the Shepard case in particular, the local officials could have used a key provision of the bill to help defray the costs of the prosecutions and thus avoid the furlough of law enforcement personnel.

The key element of the bill is its expansion of federal jurisdiction to cover crimes moti-

vated by bias against the victim's perceived sexual orientation, gender, gender identity or disability. I believe that the expansion of jurisdiction to cover additional groups is the key issue to those opposing this legislation. After all, our first hate crimes statute was enacted in 1968 and there has been no move to repeal that law (18 U.S.C.A. Section 245).

At the core of this bill is its protection of First Amendment rights, while protecting communities from bias-based violence. The bill contains a provision that protects the First Amendment rights of the accused at trial and provisions that protect freedom of speech and conduct generally. Despite argument to the contrary, no person can be prosecuted under this act for mere speech or belief. This legislation sanctions violent conduct and the Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

These hate crimes prevention provisions are supported by a long list of groups (more than 300), including law enforcement groups, religious groups, civil rights groups, disability groups, and numerous other organizations. Behind each of the statistics is an individual or community targeted for violence for no other reason than race, religion, ethnicity, sexual orientation, gender, gender identity, or disability. Law enforcement authorities and civic leaders have learned that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into wide spread tension that can damage the social fabric of the wider community.

After more than a decade, it is time to send hate crimes legislation to the President.

While I strongly support certain provisions of the bill, I remain concerned about the military commission system despite the reforms that are included in Title XVIII of the Conference Report. Those changes undoubtedly improve existing law in several important ways. For example, the bill prohibits the admission of statements that have been obtained through cruel, inhuman, and degrading interrogation methods. It also expands the scope of appellate review of military commission trial decisions to allow the reviewing court to consider issues of fact as well as law. Congress previously restricted all appeals to issues of law only, an unprecedented departure from how our existing military justice and Article III courts operate. So these changes are positive. In many respects, however, the reforms simply do not go far enough. Several recommendations made by the Judiciary Committee—including a sunset provision for the law, limiting the use of military commissions for trial of detainees held at Guantanamo Bay, Cuba; requiring a voluntariness standard for all statements; adopting a different appeals structure; and prohibiting the trial of child soldiers in military commissions—should also have been adopted.

In July, the Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Civil Liberties held two hearings on military commissions and possible reforms. Though I voted against the Military Commission Act of 2006, I participated in those hearings with an open mind to determine why military commissions are necessary and whether we can create a system that complies with our laws and our Constitution. After hearing from

several witnesses, including representatives from the Departments of Justice and Defense, I am not convinced that we need military commissions or that, even with these reforms, the military commission system is lawful. The last administration seemed to believe that military commissions were desirable because they made it easier to obtain convictions, regardless of the evidence. President Obama has assured us that he seeks a system that is fair, legitimate, and effective. We have just that in our existing Article III courts and courts-martial system. Our efforts to create an alternative system already have proven unwise and unconstitutional. We should work toward retiring, not reforming, this system. In the meantime, however, I cannot in good conscience oppose changes that will improve the existing system.

I urge a vote in support of the rule.

Mr. WAMP. Mr. Speaker, I rise today to oppose the inclusion of hate crimes legislation within the National Defense Authorization Act (H.R. 2647). Throughout my 15 years in Congress, I have always been a passionate supporter of our military and their families. I stand on my strong record of support for our brave service men and women. Regrettably, however I cannot, in good conscience, vote for the National Defense Authorization Act for Fiscal Year 2010.

Using the broad admiration for our military, the majority has hijacked this Defense Authorization bill to pass a hate crimes provision that could not pass on its own merits.

Every jurisdiction in the United States prohibits battery and murder. If we prioritize crimes based on the victim's status, we threaten the very notion of equal protection under the law that is the foundation of our legal system. Instead, all violations of the law should be dealt with in a manner that delivers justice on behalf of victims and their families. As a society, we must do what we can to prevent all crimes.

The use of violence against any innocent person is wrong, regardless of that individual's race, religion, nationality, or sexual orientation. Crimes of violence should be prosecuted to the fullest extent of the law.

With two wars waging overseas, now is not the time to be playing politics with the lives of our brave service men and women. They deserve a clean defense bill, but today's vote sends the wrong message to all those who stand in defense of our Nation.

Mr. HOLT. Mr. Speaker, I rise in support of this bill.

Every year, this bill provides us with an opportunity to make sure we are doing right by the men and women who serve our Nation in uniform. The National Defense Authorization Act for Fiscal Year 2010 (H.R. 2647) would provide a 3.4-percent pay raise for our troops. It also would expand TRICARE health coverage for reserve component members and their families for 180 days prior to mobilization and prohibit fee increases on TRICARE inpatient care for one year. To help our wounded warriors with their recovery, the bill authorizes funding for travel and transportation for three designated persons, including non-family members, to visit hospitalized service members. It also authorizes funding to allow seriously injured service members to use a non-medical attendant for help with daily living or during travel for medical treatment.

H.R. 2647 also contains provisions designed to improve and rationalize our policy on detainees. I am especially pleased that the bill contains a provision I wrote that requires the videorecording of interrogations of detainees held at theater-level detention facilities in Iraq and Afghanistan. For the first time, the Defense Department will have a uniform standard for collecting videorecorded intelligence from detainees through this mandatory program. Law enforcement organizations across our country use this technique routinely in interrogations, and it is past time the Defense Department adopted a common standard for videorecording interrogations to maximize intelligence collection and protect both the interrogators and the detainees.

I'm pleased that this bill contains strong hate crimes prevention provisions that I have supported for years. The Local Law Enforcement Hate Crimes Prevention Act, which is included in this bill, would provide technical and financial support to local law enforcement and prosecutors so that they can more aggressively try violent crimes which are motivated by a victim's race, color, religion, national origin, gender, sexual orientation, gender identity, or disability and expands Federal jurisdiction to cover such crimes. Additionally, the bill would make it a Federal crime to attack U.S. servicemembers or their property on account of their service to country. The bill also includes stronger protections for freedom of speech and association, including religious speech and association, than the House passed version of this legislation. These changes will ensure that religious leaders will not have to change the expression of their beliefs or how they serve their congregations, as a result of the enactment of hate crimes legislation.

I am also pleased to see that the Conference Report includes most of Senator SCHUMER's Military and Overseas Voter Empowerment Act, which had been attached to the Senate-passed bill. That bill would facilitate the ability of military and overseas voters to request voter registration and absentee ballot applications by mail and electronically, the ability of election officials to transmit blank absentee ballots to military and overseas voters, and the ability of military voters to return their completed paper ballots safely, securely and free of charge by express mail, with generous pick-up and delivery time-frames. The latter provisions are similar to my own legislation on that topic, the Military and Overseas Voting Enhancement Act, which was the very first election reform bill I introduced in the House this session.

I would also like to commend my colleague Ms. MALONEY, who I was pleased to collaborate with on her Overseas Voting Practical Amendments Act, which included provisions to facilitate the use of electronic transmission for outgoing applications and ballots similar to those in the Schumer bill that were not covered by my bill. I agree with Senator SCHUMER that facilitating the ability of our service men and women to vote conveniently, expeditiously, securely, and—to say the least—for free—should be our top priority. They put their lives on the line for us every day, and the electoral process should recognize their sacrifice accordingly.

However, whatever we do to facilitate the ability of our military personnel to vote, we must never do it at the expense of the security or privacy of their votes. The strong language included in the conference report requires that the privacy of our military and overseas voters be protected. And in providing only for the express mail return of completed hard copy ballots, it also recognizes that return of completed ballots by electronic means presents security risks. However, the bill calls for the study of "new election technology" to facilitate the ability of our military and overseas voters to vote. We must remember that "new" does not necessarily mean better, and that too often technology has been adopted before being properly evaluated for the potential unintended consequences it may cause.

Chlorofluorocarbons were hailed as an innovation in refrigeration; we've since discovered that they damaged the ozone layer, so they are now banned. Asbestos was hailed for its insulation properties; we've since discovered that it causes lung disease, so it is now banned. DDT was hailed as a disease-fighting pesticide and its inventor was awarded the Nobel Prize; we've since discovered it causes serious harm to living organisms, so it is now banned. Electronic voting machines were hailed as making voting easier and more accessible; we've since learned that in most cases their results cannot be reliably and consistently verified. Whatever we do to enhance the ability of our military and overseas voters to vote, we must never implement anything that could compromise the accuracy, integrity, and security of the vote count.

One key provision in the House version of the bill that is not in this conference report is a requirement that the Secretary of Defense conduct suicide prevention outreach to every Individual Ready Reserve member who has done at least one tour in Iraq or Afghanistan. I was astonished to learn that some in the Senate objected to this provision on the grounds of costs. How much would it cost the Defense Department to task the Assistant Secretary of Defense for Health Affairs to have his staff make phone calls to check up on IRR members who might be at risk of taking their own lives? If we can find tens of millions of dollars to buy extra engines for the F-35 fighter that the Pentagon doesn't want, there is no excuse for the Congress not to find the money to help prevent combat veterans from killing themselves.

Finally, this bill requires the Government Accountability Office (GAO) to "submit to the congressional defense committees separate reports containing assessments of the extent to which the campaign plan for Iraq and the campaign plan for Afghanistan (including the supporting and implementing documents for each such plan) each adhere to military doctrine." Unfortunately, we need far more than a simple assessment as to whether our armed forces are fighting according to established doctrine. What we need is a critical examination of whether they should be fighting in Afghanistan at all. Some of us have asked for a plan of success or a plan of withdrawal before sending another wave of soldiers. We have received no such plan.

As I've stated previously, I will not support an endless military commitment in this region.

If a year from now I do not see unambiguous indicators of success—fewer civilian casualties, Afghan and Pakistani security forces in the lead on the security mission, genuine progress in rebuilding Afghanistan's devastated infrastructure and civil institutions—I will not support further funding for operations and will support only measures that will bring our forces home, and quickly.

On balance, this is a good bill and I urge my colleagues to join me in supporting it.

Mr. BUYER. Mr. Speaker, I am very disappointed that I must vote against the conference report for H.R. 2647, the FY2010 National Defense Authorization Act, because it includes "hate crimes" provisions of H.R. 1913. The provisions were added by the Senate in an effort to facilitate the social engineering and partisan political agenda of the Democrat leadership in Congress. The "hate crimes" language has absolutely nothing to do with the funding and equipping of our servicemembers, and it is especially unfortunate that such a blatant partisan action would be taken during a time of war when our nation's sons and daughters are in harm's way. My no vote supports the values, goals, and mission of the United States military.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the 2010 Defense Authorization Conference Report.

This conference agreement reflects our commitment to the national security objectives of the country and demonstrates our support for our servicemembers and their families.

The bill authorizes \$680 billion for military personnel, equipment and global operations. To improve the quality of life for our troops and their families the report provides a 3.9 percent military pay raise for personnel and preserves important health benefits including prohibiting fee increases in TRICARE and the TRICARE pharmacy program and creating new preventive health care initiatives.

The National Defense Authorization Act covers a large number of federal employees and this conference report includes important benefit improvements for many of them. The report includes a provision to allow employees under the FERS system to use unused sick leave when computing their annuities upon retirement; a provision to allow CSRS workers to phase-down to part-time status at the ends of their careers without reducing their final annuities; and a provision I introduced that permits a small number of returned CSRS employees to receive a reduced annuity rather than being forced to repay interest on their required deposit to the civil service trust fund.

This FY10 Defense Authorization Conference Report promotes our national security priorities, provides for our troops and their families, and improves oversight, and accountability.

I encourage my colleagues to join me in supporting the bill.

Mr. BLUMENAUER. Mr. Speaker, providing for the common defense is one of the federal government's most important duties. I take my duty to rigorously review the Defense budget very seriously, supporting defense spending that is smart and sustainable and speaking out against funding that is wasteful or misdirected. As such, I support the National Defense Authorization Act for Fiscal Year 2010.

My first priority remains the protection of our forces already on the ground, including the Oregon National Guard's 41st Combat Brigade, and equipping our military to face current threats. I have been pleased with the Obama administration's willingness to begin a tough review of the U.S. military, requesting additional equipment and healthcare support for our service-men and -women—especially our Guard and Reserve, while requesting cutbacks on outdated programs. Although difficult in the short-term, cutting unnecessary programs to orient our military to face today's threats is the right thing to do and keeps us safer in the long run.

Part of this also involves empowering the military to clean up its widespread environmental legacy. In every state, communities must deal with former training grounds contaminated with live bombs, leftover shells, and leaking chemicals. I'm frankly disappointed that in the past there has been a distinct lack of political will needed to clean up our backyards within our lifetime, and I will continue to support increased Environmental Restoration funding. However, I'm pleased that two bipartisan amendments I offered with my colleague GINNY BROWN-WAITE remain in this bill. These provisions will increase the transparency of programs responsible for clean-up and require the Department to start thinking strategically about ways to lessen the longer-term health and environmental consequences of war and training. I thank the Chairman and the Committee staff for working with me on these points.

In addition, I am proud to support the inclusion of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention provision in this bill. This bipartisan, long-awaited legislation will help prevent violence and ensure that justice is served for perpetrators of these hateful acts, chipping away at violent intolerance and protecting all our citizens.

I am continually mindful of the fact that today's threats—extremism, economic upheaval, pandemics, and environmental devastation—cannot be addressed by military force alone. In addition to supporting this legislation, I will continue to advocate for national security strategies that also address issues of poverty, intolerance, and mismanagement.

Ms. WOOLSEY. Mr. Speaker, I am proud that H.R. 2647 contains provisions of H.R. 3403, the Supporting Military Families Act, a bill that I introduced in the House earlier this year.

In the 110th Congress, we passed and the President signed into law the first-ever changes to the Family Medical Leave Act, FMLA, permitting "next of kin" of seriously injured and ill servicemembers to take up to twenty-six weeks of unpaid leave to care for these injured and ill servicemembers. In addition, the legislation provides up to twelve weeks of leave to workers when their family servicemembers are about to be deployed overseas to attend to certain "exigencies" relating to deployment, such as arranging for alternate child care or going to a lawyer for a will.

The legislation passed in the 110th Congress was a good start, however, it has some gaps in coverage, which H.R. 2647 addresses. Under these new provisions, a next of kin can

take up to twenty-six weeks of unpaid leave to care for a seriously injured or ill veteran, so long as that veteran incurred the injury or illness while on active duty and the injury or illness manifests itself within five years of the veteran's discharge from active duty. In addition, the twelve weeks of leave for "exigencies" relating to deployment includes not only leave for families of National Guard or Reservists in support of a contingency operation, but also leave for: (1) families of regular active duty servicemembers; and (2) families of those who have been deployed overseas.

The FMLA is intended to help individuals balance their family and work obligations. So far, working people have used FMLA more than 100 million times to care for themselves and their family members. When the Act was first passed in 1993, it was a giant step and, while we need to pass legislation to provide paid leave, FMLA is still of great importance to working families.

Since a majority of military spouses work, they too must balance work and family. They work to put food on the table and support their families. But they face additional challenges because their lives are disrupted by multiple deployments, involving not only active servicemembers but those in the National Guard and Reserves as well.

Over 35,000 servicemembers have been injured—many seriously—in the conflicts in Iraq and Afghanistan. These injured warriors need substantial support and care from their families, often for long periods of time, and some permanently.

In addition, veterans of both conflicts are developing serious illnesses and injuries after they are discharged from active service. Brain injuries such as traumatic brain injury and post-traumatic stress syndrome are disabling conditions but often do not materialize until well after servicemembers have been discharged from active duty. A recent study by the Department of Defense estimates that 11 percent of Iraq veterans and 20 percent of Afghanistan veterans suffer from post-traumatic stress syndrome as a result of their service.

No matter where we come down on the merits of these conflicts, we must support families whose loved ones put their lives and their futures on the line for our nation. The provisions of H.R. 2647 will certainly help.

Mr. SKELTON. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired. Pursuant to House Resolution 808, the previous question is ordered.

Pursuant to clause 1(c) of rule XIX, further proceedings on the conference report are postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

MOTION TO RECOMMIT

The Clerk read as follows:

Mr. McKeon moves to recommit the conference report on the bill H.R. 2647 to the committee of conference with instructions to the managers on the part of the House as follows:

(1) To not accept any provision that would provide for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, as described in section 1023(d) of the bill as passed by the House, into the United States or its territories or possessions.

(2) To insist on section 121 of division D of the bill as passed by the House (regarding expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation).

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. McKEON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on adoption of the conference report, if ordered; and motion to suspend the rules on H. Res. 804.

The vote was taken by electronic device, and there were—yeas 208, nays 216, answered “present” 2, not voting 7, as follows:

[Roll No. 769]

YEAS—208

Aderholt	Bilbray	Bright
Adler (NJ)	Bilirakis	Broun (GA)
Akin	Bishop (UT)	Brown (SC)
Alexander	Blackburn	Brown-Waite,
Altmire	Blunt	Ginny
Austria	Boccelli	Buchanan
Bachmann	Boehner	Burgess
Bachus	Bonner	Burton (IN)
Barrett (SC)	Bono Mack	Buyer
Barrow	Boozman	Calvert
Bartlett	Boren	Camp
Barton (TX)	Boustany	Cantor
Biggert	Brady (TX)	Cao

Capito	Jones	Peterson
Carter	Jordan (OH)	Petri
Cassidy	King (IA)	Pitts
Castle	King (NY)	Platts
Chaffetz	Kingston	Poe (TX)
Childers	Kirk	Posey
Coble	Kirkpatrick (AZ)	Price (GA)
Coffman (CO)	Kline (MN)	Putnam
Cole	Kosmas	Radanovich
Conaway	Kratovil	Rehberg
Crenshaw	Lamborn	Reichert
Culberson	Lance	Roe (TN)
Dahlkemper	Latham	Rogers (AL)
Davis (AL)	LaTourette	Rogers (KY)
Davis (KY)	Latta	Rogers (MI)
Deal (GA)	Lee (NY)	Rohrabacher
Dent	Lewis (CA)	Rooney
Diaz-Balart, L.	Linder	Ros-Lehtinen
Diaz-Balart, M.	LoBiondo	Roskam
Donnelly (IN)	Lucas	Ross
Dreier	Luetkemeyer	Royce
Duncan	Lummis	Ryan (WI)
Ehlers	Lungren, Daniel	Scalise
Emerson	E.	Schmidt
Fallin	Mack	Schock
Flake	Manzullo	Sensenbrenner
Fleming	Marchant	Sessions
Forbes	Markey (CO)	Shadegg
Fortenberry	Marshall	Shimkus
Foster	McCarthy (CA)	Shuster
Foxo	McCaul	Simpson
Franks (AZ)	McClintock	Smith (NE)
Frelinghuysen	McCotter	Smith (NJ)
Gallely	McHenry	Smith (TX)
Garrett (NJ)	McIntyre	Souder
Gerlach	McKeon	Space
Gingrey (GA)	McMahon	Stearns
Gohmert	McMorris	Sullivan
Goodlatte	Rodgers	Taylor
Granger	McNerney	Teague
Graves	Meeks (NY)	Terry
Griffith	Melancon	Thompson (PA)
Guthrie	Mica	Thornberry
Hall (NY)	Miller (FL)	Tiahrt
Hall (TX)	Miller (MI)	Tiberi
Harper	Miller, Gary	Turner
Hastings (WA)	Minnick	Upton
Heller	Moran (KS)	Walden
Hensarling	Murphy, Tim	Wamp
Herger	Myrick	Westmoreland
Hodes	Neugebauer	Whitfield
Hoekstra	Nunes	Wilson (SC)
Holden	Nye	Wittman
Hunter	Olson	Wolf
Inglis	Paulsen	Young (AK)
Issa	Pence	Young (FL)
Jenkins	Perrilli	
Johnson (IL)	Peters	

NAYS—216

Abercrombie	Connolly (VA)	Gordon (TN)
Ackerman	Conyers	Grayson
Andrews	Cooper	Green, Al
Arcuri	Costa	Green, Gene
Baca	Costello	Grijalva
Baird	Courtney	Gutierrez
Baldwin	Cralloway	Halvorson
Bean	Cuellar	Hare
Becerra	Cummings	Harman
Berkley	Davis (CA)	Hastings (FL)
Berman	Davis (IL)	Heinrich
Berry	Davis (TN)	Hersteth Sandlin
Bishop (GA)	DeFazio	Higgins
Bishop (NY)	DeGette	Hill
Blumenauer	Delahunt	Himes
Boswell	DeLauro	Hinchey
Boucher	Dicks	Hinojosa
Boyd	Dingell	Hirono
Brady (PA)	Doggett	Holt
Brale (IA)	Doyle	Honda
Brown, Corrine	Driehaus	Hoyer
Butterfield	Edwards (MD)	Inlee
Capps	Edwards (TX)	Israel
Capuano	Ellison	Jackson (IL)
Cardoza	Ellsworth	Jackson-Lee
Carnahan	Engel	(TX)
Carson (IN)	Eshoo	Johnson (GA)
Castor (FL)	Etheridge	Johnson, E. B.
Chandler	Farr	Kagen
Chu	Fattah	Kanjorski
Clarke	Filner	Kaptur
Clay	Frank (MA)	Kennedy
Cleaver	Fudge	Kildee
Clyburn	Giffords	Kilpatrick (MI)
Cohen	Gonzalez	Kilroy

Kind	Napolitano	Scott (VA)
Kissell	Neal (MA)	Serrano
Klein (FL)	Oberstar	Sestak
Langevin	Obey	Shea-Porter
Larsen (WA)	Olver	Sherman
Larson (CT)	Ortiz	Shuler
Lee (CA)	Pallone	Sires
Levin	Pascarell	Skelton
Lewis (GA)	Pastor (AZ)	Smith (WA)
Lipinski	Payne	Snyder
Loeb sack	Pelosi	Speier
Lofgren, Zoe	Perlmutter	Spratt
Lowey	Pingree (ME)	Stark
Luján	Polis (CO)	Stupak
Lynch	Pomeroy	Sutton
Maffei	Price (NC)	Tanner
Markey (MA)	Quigley	Thompson (CA)
Massa	Rahall	Thompson (MS)
Matheson	Rangel	Tierney
Matsui	Reyes	Titus
McCarthy (NY)	Richardson	Tonko
McCollum	Rodriguez	Towns
McDermott	Rothman (NJ)	Van Hollen
McGovern	Roybal-Allard	Velázquez
Meek (FL)	Ruppersberger	Visclosky
Michaud	Rush	Walz
Miller (NC)	Ryan (OH)	Wasserman
Miller, George	Salazar	Schultz
Mitchell	Sánchez, Linda	Waters
Mollohan	T.	Watson
Moore (KS)	Sanchez, Loretta	Waxman
Moore (WI)	Sarbanes	Weiner
Moran (VA)	Schakowsky	Welch
Murphy (CT)	Schauer	Wexler
Murphy (NY)	Schiff	Wilson (OH)
Murphy, Patrick	Schrader	Woolsey
Murtha	Schwartz	Wu
Nadler (NY)	Scott (GA)	Yarmuth

ANSWERED "PRESENT"—2

NOT VOTING—7

Campbell	Maloney	Watt
Carney	Slaughter	
Johnson, Sam	Tsongas	

□ 1517

Messrs. SCOTT of Georgia, BRALEY of Iowa, ROTHMAN of New Jersey, EDWARDS of Texas, RANGEL, PASCRELL, SCHIFF, GUTIERREZ, ISRAEL, Mrs. DAVIS of California, Messrs. PASTOR of Arizona, LYNCH, OLVER, Ms. DELAURO and Mr. MEEK of Florida changed their vote from "yea" to "nay."

Messrs. McINTYRE, HALL of New York, NYE and BOCCIERI changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SKELTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 281, noes 146, not voting 6, as follows:

[Roll No. 770]

AYES—281

Abercrombie	Arcuri	Bean
Ackerman	Austria	Becer
Adler (NJ)	Baca	Berkl
Altmire	Baldwin	Berma
Andrews	Barrow	Berry



Biggert  
 Bilbray  
 Bishop (GA)  
 Bishop (NY)  
 Blumenauer  
 Boccieri  
 Bono Mack  
 Boswell  
 Boucher  
 Boyd  
 Brady (PA)  
 Braley (IA)  
 Brown, Corrine  
 Brown-Waite,  
     Ginny  
 Butterfield  
 Calvert  
 Cao  
 Capito  
 Capps  
 Capuano  
 Cardoza  
 Carnahan  
 Carson (IN)  
 Cassidy  
 Castle  
 Castor (FL)  
 Chandler  
 Childers  
 Chu  
 Clarke  
 Clay  
 Cleaver  
 Clyburn  
 Cohen  
 Connolly (VA)  
 Cooper  
 Costa  
 Costello  
 Courtney  
 Crowley  
 Cuellar  
 Cummings  
 Dahlkemper  
 Davis (AL)  
 Davis (CA)  
 Davis (IL)  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Dent  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Dicks  
 Dingell  
 Doggett  
 Donnelly (IN)  
 Doyle  
 Driehaus  
 Edwards (MD)  
 Edwards (TX)  
 Ellison  
 Ellsworth  
 Engel  
 Eshoo  
 Etheridge  
 Farr  
 Fattah  
 Foster  
 Frank (MA)  
 Frelinghuysen  
 Fudge  
 Gallegly  
 Giffords  
 Gonzalez  
 Gordon (TN)  
 Grayson  
 Green, Al  
 Green, Gene  
 Grijalva  
 Guthrie  
 Gutierrez  
 Hall (NY)  
 Hall (TX)  
 Halvorson  
 Hare  
 Harman  
 Hastings (FL)  
 Heinrich  
 Heller

Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hodes  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Hunter  
 Inslee  
 Israel  
 Jackson-Lee  
     (TX)  
 Jenkins  
 Johnson (GA)  
 Johnson, E. B.  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee  
 Kilroy  
 Kind  
 King (NY)  
 Kirk  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kosmas  
 Kratovil  
 Lance  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Lee (CA)  
 Lee (NY)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loebach  
 Lofgren, Zoe  
 Lowey  
 Luetkemeyer  
 Lujan  
 Lungren, Daniel  
     E.  
 Lynch  
 Maffei  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (NY)  
 McCollum  
 McCotter  
 McDermott  
 McGovern  
 McKeon  
 McMahon  
 McNeerney  
 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Miller (MI)  
 Miller (NC)  
 Miller, George  
 Minnick  
 Mitchell  
 Mollohan  
 Moore (KS)  
 Moore (WI)  
 Moran (VA)  
 Murphy (CT)  
 Murphy (NY)  
 Murphy, Patrick  
 Murtha  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Nye  
 Oberstar  
 Obey

Oliver  
 Ortiz  
 Pallone  
 Pascarell  
 Pastor (AZ)  
 Paulsen  
 Payne  
 Pelosi  
 Perlmutter  
 Perriello  
 Peters  
 Pingree (ME)  
 Platts  
 Polis (CO)  
 Pomeroy  
 Price (NC)  
 Quigley  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Rooney  
 Ros-Lehtinen  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Salazar  
 Sanchez, Linda  
     T.  
 Sanchez, Loretta  
 Sarbanes  
 Schakowsky  
 Schauer  
 Schiff  
 Schrader  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Serrano  
 Sestak  
 Shea-Porter  
 Sherman  
 Sires  
 Skelton  
 Smith (WA)  
 Snyder  
 Space  
 Speier  
 Spratt  
 Stupak  
 Sutton  
 Tanner  
 Taylor  
 Teague  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Tiberi  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Turner  
 Upton  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walden  
 Walz  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Wexler  
 Wilson (OH)  
 Woolsey  
 Wu  
 Yarmuth  
 Young (AK)  
 Young (FL)

## NOES—146

Aderholt  
 Akin

Alexander  
 Bachmann

Bachus  
 Baird

Barrett (SC)  
 Bartlett  
 Barton (TX)  
 Bilirakis  
 Bishop (UT)  
 Blackburn  
 Blunt  
 Boehner  
 Bonner  
 Boozman  
 Boren  
 Boustany  
 Brady (TX)  
 Bright  
 Broun (GA)  
 Brown (SC)  
 Buchanan  
 Burgess  
 Burton (IN)  
 Buyer  
 Camp  
 Cantor  
 Carter  
 Chaffetz  
 Coble  
 Coffman (CO)  
 Cole  
 Conaway  
 Conyers  
 Crenshaw  
 Culberson  
 Davis (KY)  
 Davis (TN)  
 Deal (GA)  
 Dreier  
 Duncan  
 Ehlers  
 Emerson  
 Fallin  
 Filner  
 Flake  
 Fleming  
 Forbes  
 Fortenberry  
 Foxx  
 Franks (AZ)  
 Garrett (NJ)

Gerlach  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 Granger  
 Graves  
 Griffith  
 Harper  
 Hastings (WA)  
 Hensarling  
 Herger  
 Hoekstra  
 Inglis  
 Issa  
 Jackson (IL)  
 Johnson (IL)  
 Jones  
 Jordan (OH)  
 King (IA)  
 Kingston  
 Kline (MN)  
 Kucinich  
 Lamborn  
 Latham  
 LaTourette  
 Latta  
 Linder  
 Lucas  
 Lummis  
 Mack  
 Manzullo  
 Marchant  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McHenry  
 McIntyre  
 McMorris  
 Rodgers  
 Mica  
 Michaud  
 Miller (FL)  
 Miller, Gary  
 Moran (KS)  
 Murphy, Tim  
 Myrick  
 Neugebauer

Nunes  
 Olson  
 Paul  
 Pence  
 Peterson  
 Petri  
 Pitts  
 Poe (TX)  
 Posey  
 Price (GA)  
 Putnam  
 Radanovich  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Roskam  
 Royce  
 Ryan (WI)  
 Scalise  
 Schmidt  
 Schock  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shimkus  
 Shuler  
 Shuster  
 Simpson  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Souder  
 Stark  
 Stearns  
 Sullivan  
 Thompson (PA)  
 Thornberry  
 Tiahrt  
 Wamp  
 Welch  
 Westmoreland  
 Whitfield  
 Wilson (SC)  
 Wittman  
 Wolf

## NOT VOTING—6

Campbell  
 Carney

Johnson, Sam  
 Maloney

Slaughter  
 Tsongas

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 30 seconds left in this vote.

□ 1524

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 808, House Concurrent Resolution 196 is hereby adopted.

The text of the concurrent resolution is as follows:

## H. CON RES. 196

*Resolved by the House of Representatives (the Senate concurring).* That, in the enrollment of the bill H.R. 2647, the Clerk of the House of Representatives shall make the following corrections in section 2823(b):

(1) Strike "PROPERTY AND LEASE OF NON-EXCESS PROPERTY" and all that follows through "(1) in subsection (e)," and insert "PROPERTY.—Subsection (e) of such section is amended".

(2) Strike ";; and;" at the end of paragraph (1) and insert a period.

(3) Strike paragraph (2) and the amendment made by that paragraph.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

## PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 1016, VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 804, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 804.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 1, not voting 12, as follows:

[Roll No. 771]

YEAS—419

Abercrombie	Buchanan	Dent
Ackerman	Burgess	Diaz-Balart, L.
Aderholt	Burton (IN)	Diaz-Balart, M.
Adler (NJ)	Butterfield	Dicks
Akin	Calvert	Dingell
Alexander	Camp	Doggett
Altmire	Cantor	Donnelly (IN)
Andrews	Cao	Doyle
Arcuri	Capito	Dreier
Austria	Capps	Driehaus
Baca	Capuano	Duncan
Bachmann	Cardoza	Edwards (MD)
Bachus	Carnahan	Edwards (TX)
Baird	Carson (IN)	Ehlers
Baldwin	Carter	Ellison
Barrett (SC)	Cassidy	Ellsworth
Barrow	Castle	Emerson
Bartlett	Castor (FL)	Engel
Barton (TX)	Chaffetz	Eshoo
Bean	Chandler	Etheridge
Becerra	Childers	Fallin
Berkley	Chu	Farr
Berman	Clarke	Fattah
Berry	Clay	Filner
Biggert	Cleaver	Flake
Bilbray	Clyburn	Fleming
Bilirakis	Coble	Forbes
Bishop (GA)	Coffman (CO)	Fortenberry
Bishop (NY)	Cohen	Foster
Bishop (UT)	Cole	Foxx
Blackburn	Conaway	Frank (MA)
Blumenauer	Connolly (VA)	Franks (AZ)
Blunt	Conyers	Frelinghuysen
Boccieri	Cooper	Fudge
Boehner	Costa	Gallegly
Bonner	Costello	Garrett (NJ)
Bono Mack	Courtney	Gerlach
Boozman	Crenshaw	Giffords
Boren	Crowley	Gingrey (GA)
Boswell	Cuellar	Gohmert
Boucher	Culberson	Gonzalez
Boustany	Dahlkemper	Goodlatte
Boyd	Davis (AL)	Gordon (TN)
Brady (PA)	Davis (CA)	Granger
Brady (TX)	Davis (IL)	Graves
Braley (IA)	Davis (KY)	Grayson
Bright	Davis (TN)	Green, Al
Broun (GA)	Deal (GA)	Green, Gene
Brown (SC)	DeFazio	Griffith
Brown, Corrine	DeGette	Grijalva
Brown-Waite,	Delahunt	Guthrie
Ginny	DeLauro	Gutierrez



Hall (NY) Matsui  
Hall (TX) McCarthy (CA)  
Halvorson McCarthy (NY)  
Hare McCaul  
Harman McClintock  
Harper McCollum  
Hastings (FL) McCotter  
Heinrich McDermott  
Heller McGovern  
Hensarling McHenry  
Herseht Sandlin McIntyre  
Higgins McKeon  
Hill McMahon  
Himes McMorris  
Hinchey Rodgers  
Hinojosa McNerney  
Hirono Meek (FL)  
Hodes Meeks (NY)  
Hoekstra Melancon  
Holden Mica  
Holt Michaud  
Honda Miller (FL)  
Hoyer Miller (MI)  
Hunter Miller (NC)  
Inglis Miller, Gary  
Inslee Minnick  
Israel Mitchell  
Issa Mollohan  
Jackson (IL) Moore (KS)  
Jackson-Lee Moore (WI)  
(TX) Moran (KS)  
Jenkins Moran (VA)  
Johnson (GA) Murphy (CT)  
Johnson (IL) Murphy (NY)  
Johnson, E. B. Murphy, Patrick  
Jones Murphy, Tim  
Jordan (OH) Murtha  
Kagen Myrick  
Kanjorski Nadler (NY)  
Kaptur Napolitano  
Kennedy Neal (MA)  
Kildee Neugebauer  
Kilpatrick (MI) Nunes  
Kilroy Nye  
Kind Oberstar  
King (IA) Obey  
King (NY) Olson  
Kingston Oliver  
Kirk Ortiz  
Kirkpatrick (AZ) Pallone  
Kissell Pascrell  
Klein (FL) Pastor (AZ)  
Kline (MN) Paul  
Kosmas Paulsen  
Kratovil Payne  
Kucinich Pence  
Lamborn Perlmutter  
Lance Perriello  
Langevin Peters  
Larsen (WA) Peterson  
Larson (CT) Petri  
Latham Pingree (ME)  
LaTourette Pitts  
Latta Platts  
Lee (CA) Poe (TX)  
Lee (NY) Polis (CO)  
Levin Pomeroy  
Lewis (CA) Posey  
Lewis (GA) Price (GA)  
Lipinski Price (NC)  
LoBiondo Putnam  
Loeb sack Quigley  
Lofgren, Zoe Radanovich  
Lowey Rahall  
Lucas Rangel  
Luetkemeyer Rehberg  
Luján Reichert  
Lummis Reyes  
Lungren, Daniel Richardson  
E. Rodriguez  
Lynch Roe (TN)  
Mack Rogers (AL)  
Maffei Rogers (KY)  
Manzullo Rogers (MI)  
Marchant Rohrabacher  
Markey (CO) Rooney  
Markey (MA) Ros-Lehtinen  
Marshall Roskam  
Massa Ross  
Matheson Rothman (NJ)

Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Paul  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NOT VOTING—12

Campbell  
Carney  
Cummings  
Hastings (WA)  
Herger  
Johnson, Sam  
Linder  
Maloney  
Miller, George  
Schakowsky  
Slaughter  
Tsongas

□ 1531

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 769, 770, and 771. Had I been present, I would have voted "nay" on rollcall vote 769, "aye" on 770 and "yea" on 771.

## PERSONAL EXPLANATION

Ms. TSONGAS. Mr. Speaker, due to my daughter's wedding I was absent from the House of Representatives on October 7th and October 8th. As a result, I was unable to cast a vote on rollcall votes Nos. 756 to 771.

Had I been present, I would have voted "yea" on the following rollcall votes: Nos. 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 770, and 771, and "nay" on rollcall vote No. 769.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Wanda Evans, one of his secretaries.

## CERTIFICATION OF APPLICABLE WAIVER WITHIN THE MEANING OF THE CLEAN DIAMOND TRADE ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-67)

The SPEAKER pro tempore (Mr. POLIS) laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

The Clean Diamond Trade Act (Public Law 108-19) (the "Act") authorizes the President to "prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme." The Act takes effect on the date that the President certifies to the Congress that (1) an applicable waiver that has been granted by the World Trade Organization (WTO) is in effect, or (2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect. The

Act remains in effect during those periods in which, as certified by the President to the Congress, such an applicable waiver or decision is in effect.

On July 29, 2003, the President certified that the WTO General Council had adopted a decision granting a waiver pursuant to Article IX of the Marrakesh Agreement Establishing the World Trade Organization concerning the Kimberley Process Certification Scheme for rough diamonds. The waiver applies to the United States and other WTO members that requested the waiver and to any WTO member that notifies the WTO of its desire to be covered by the waiver. The waiver was scheduled to have effect from January 1, 2003, through December 31, 2006. On December 19, 2006, the WTO General Council adopted a decision to extend the waiver through December 31, 2012.

I hereby certify that an applicable waiver, within the meaning of the Act, granted by the World Trade Organization has been in effect since January 1, 2003, and will remain in effect through December 31, 2012.

BARACK OBAMA.

THE WHITE HOUSE, October 8, 2009.

## LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, the House will not be in session. On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business tomorrow, as is the custom.

In addition, we will consider H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009; the conference report on H.R. 2892, the Department of Homeland Security Appropriations Act of 2010; and quite possibly, assuming the conference is completed, the conference report on H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act.

Mr. CANTOR. I thank the gentleman. I would also like to thank the gentleman for his courtesy and his time in meeting with me earlier today in the discussion of health care, and I'm hopeful that that discussion was fruitful and that we could see a dialogue continue towards some type of working relationship in the areas that we can agree on. So I do thank the gentleman.

NAYS—1

Buyer

At this time, Mr. Speaker, I would like to ask the gentleman some of the things we didn't cover in the meeting, and that is, first off, the timing of any kind of health care bill reaching the floor of this House and whether he could provide any clarity on that.

I yield.

Mr. HOYER. I thank the gentleman for yielding, and I thank him for coming by my office and spending time in discussion.

As the gentleman knows, health care has been the focus of this Congress for much of our present session; three committees have completed their work, ongoing discussions about how to put the work product of the three individual committees together. The Senate Finance Committee is, we think, going to vote on theirs next week. The Senate Health, Education, Labor, and Pensions Committee has reported out a bill. So we have five committees that have essentially completed their work. There will be, obviously, once the bills are put together and all the suggestions are incorporated, a necessity to get a score from CBO. We expect that to take at least a week, 7 days, maybe more.

In addition to that, the Speaker and I have both indicated that there will be 72 hours' notice of the bill and a manager's amendment. I want to clarify that. If they both come out at the same time, it will be one 72-hour period. If for any reason they come out separately, then we will make sure that the last issued will have 72 hours before we put the bill out on the floor.

In light of that, my expectation is certainly the bill will not be on the floor either the next week or early in the following week. The earliest, in my opinion, the bill could be on the floor would be the latter part of the second week from now.

Mr. CANTOR. I thank the gentleman.

So if I hear correctly, we're talking about the final week of this month at the earliest.

Mr. HOYER. I think that would be the earliest, as a practical matter, that we could put the bill on the floor with the notice that we have indicated we're going to give and, of course, with the CBO score.

Mr. CANTOR. I thank the gentleman for that.

I would ask the gentleman, Mr. Speaker, about some statement that the Speaker made indicating how the reimbursement rates would work and whether there is clarity on that or not yet. I think the Speaker had asked the question rhetorically whether Medicare rates would be the reimbursement rates in the bill, and any kind of enlightenment that he can shed on that, I'd appreciate it.

I yield.

Mr. HOYER. At this point in time, these are still under discussion, and, therefore, I don't have a specific an-

swer for the gentleman. But the Speaker's comments, I think, spoke to the fact that they are still under discussion.

Mr. CANTOR. Mr. Speaker, I would say, again, the gentleman and I had discussed in general the opposition to the public option that we have on this side, and I would just like to ask the gentleman again, given the Speaker's comments about reimbursement rates, Medicare rates, whether the public option is still where the Speaker and he are in terms of what a House bill would look like given where the Senate is.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

In terms of where the Speaker and I are, we have been consistently for, as you know, a public option. The Speaker and I continue to be for a public option, as is the President, and we believe the majority of the House is for that.

I will tell the gentleman that I think that in terms of the reimbursement rates, as I said, that's still under discussion, but I think there is consensus that a public option is something, as the President has indicated, as we have indicated, that will provide a competitive model to both bring prices down and to protect consumers. So I think the answer is that that's certainly still part of our plan.

Mr. CANTOR. I thank the gentleman for that. And again, he and I have discussed the differences that the sides have philosophically and about Medicare rates being the prevailing rate in terms of required coverage, which would essentially mean, in our opinion, that we will be on a path to a single-payer system, something that certainly our Members would not want to see.

But I thank the gentleman for sharing, and we look forward to perhaps working on those parts or, if we could, just items that we can agree on, again, if the public option begins to have trouble. So, again, I thank the gentleman.

If I could, Mr. Speaker, turn to the question of foreign policy and where we are in terms of the bill coming from the Foreign Affairs and Financial Services Committees.

Last week, Mr. Speaker, the gentleman had said that the White House was engaging in discussions with China and Russia, that perhaps that was why the bill would not be moving forward. This, again, is the Iran Refined Petroleum Sanctions Act. And to paraphrase the gentleman, Mr. Speaker, I would say that the gentleman indicated that Mr. BERMAN will be talking to the White House about timing.

I yield to find out whether we have any clarity on that and when that bill will be coming to the floor.

Mr. HOYER. I thank the gentleman for yielding.

I have talked to Mr. BERMAN. He is in discussions with the White House. Both

you and I are strong supporters of the legislation, as is Mr. BERMAN. My expectation is he has indicated that he wants to consider this bill and bring it to the floor, and I have told him that as soon as it's ready to come to the floor, I will schedule it for the floor.

In addition, I will tell the gentleman that it is possible that we will have the sanctions bill out of the Financial Services Committee. As you know, there are two different bills. The Berman bill is the stronger of the two. But we may well move next week, on the Financial Services sanction bill, which deals with, obviously, financial transactions.

□ 1545

My expectation is Mr. BERMAN is looking at this and does hope and expect to bring this bill out either at the very latter part of a couple weeks from now or perhaps the first week in November. But I know he's very much engaged in this, and we very much support moving on this.

Mr. CANTOR. I thank the gentleman for that.

Mr. Speaker, the gentleman has noticed that the Homeland Security appropriations bill is coming to the floor next week. Reports have indicated that perhaps some of the trouble surrounding bringing that bill to the floor deals with the language of dealing with the detainees at Guantanamo Bay and their transfer. And as the gentleman knows, Republican-sponsored language that was adopted by the House is something that we would very much like to see included in the conference report.

I do know, Mr. Speaker, that the Senate just adopted in the Defense appropriations bill that they are deliberating upon that no funds would be allocated or appropriated for the transfer of those detainees, by an overwhelming vote.

So I would ask the gentleman, should we expect that language, the House-passed language, to be in the conference report that would come to the floor?

Mr. HOYER. Of course, the conference hasn't been held so I don't want to predict what's going to be in there or not. I will tell the gentleman, as the gentleman knows, the authorization bill, the conference report that we just passed does have within it, as you know, a prohibition on the release of Guantanamo detainees in the United States, territories, and possessions. In addition, it restricts detainee transfers to the United States or its territories or possessions until 45 days after the President has submitted a plan to Congress certifying that the detainees will pose little or no threat or risk to the United States if transferred. That language we just passed.

Now, I can't predict whether the appropriations conference will track that language or will have different language such as the language to which

you just referred. But I expect there to be language on that issue.

Mr. CANTOR. I thank the gentleman.

I would just note as well that the House-passed language in the Homeland Security bill also had a provision lacking in the bill we just passed which had to do with States' ability to veto a decision to transfer detainees—something very much, I would say to the gentleman, our Members would like to see in the bill that comes to the floor next week on the Homeland Security appropriations bill.

I would just like to lastly turn to the issue of the remainder of the year and the calendar and what Members can expect as far as November is concerned.

Today is October 8. The House is scheduled to adjourn at the end of this month on October 30, and I was hoping that the gentleman could give us a better sense of the session that we will expect in November.

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

As I have said before, my expectation is that Members ought to be planning on at least 4-day weeks in the first week in November and the third week in November. As the gentleman knows, Veterans Day falls in the middle of the second week of November, and my belief is it's going to be very difficult to get Members back for a day and a half—and very impractical and costly—then to have to go back for Veterans Day and then probably not come back doesn't seem to be a very useful use of time.

But I have caveated that with the issue of health care. Health care is, as I said, the major issue that we're focused on. We think it's critically important for the American people to have access to affordable, quality health care, which is our objective. As a result, that second week we haven't given it away yet, but my expectation is that we probably will not be meeting that week. My expectation is also—and my plan will be—not to meet Thanksgiving week. I think people ought to be home during Thanksgiving week and, again, I make the caveat as to where we may be on health care.

Now of course if we can get unanimous consent to put it on a consent calendar and pass it, maybe we can shorten the time. But absent that, I want to make sure that we all understand that if health care, for instance, was being considered that third week and we had to move into Saturday or Monday to pass it, we might do that.

But again, I reiterate that for November, my expectation is first and third week probably here at least Tuesday through Friday of each week, and with respect to the second week, probably not here and the fourth week probably not here.

Having said that, you asked for the balance of the year.

Again, it will depend upon whether we can complete our work within those 2 months. If we can't, we will clearly be here in December. Again, as someone who has served here a long time and has seen us meet as late as December 23 or 24, I think that's not good for our families, it's not good for the Members, and I certainly am not one that looks forward to that, and I am going to do everything I can to make sure that we get our work done no later than the end of the second week of December.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for his time, and I yield back the balance of my time.

#### --- **HOURLY OF MEETING ON TOMORROW**

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### --- **HONORING CAPTAIN BENJAMIN A. SKLAVER**

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise to commemorate the life and mourn together with his family the death of Captain Benjamin A. Sklaver of Hamden, Connecticut, who served his country and the neediest people of the world honorably.

Captain Sklaver was killed in an ambush last Friday while on patrol in Afghanistan. Struck down at the age of 32, he leaves behind a legacy of humanitarian works and honorable deeds that would do any man or woman proud. Before serving in Afghanistan as an Army reservist, Ben had worked for the Centers for Disease Control as an international emergency and refugee health analyst. And he was the cofounder and director of ClearWater Initiative, an organization which aspired to provide clean drinking water to refugees displaced by an international emergency. In the past 2 years, his leadership at ClearWater had managed to provide over 6,500 people in Uganda with clean drinking wells.

To the thousands of lives he changed in Uganda, Ben was known as "Moses Ben." But to his grieving family—his parents, Gary and Laura; his siblings, Anna and Samuel; his fiancée, Beth; her son, Danny; and her parents, Barbara and Jimmy Segaloff—he was simply Ben, a warm, kind, generous, and loving young man with so much life ahead of him taken from all of us too soon.

Connecticut mourns and America mourns this family's loss today.

#### --- **FACTS ABOUT THE DEMOCRATS' HEALTH CARE PLANS**

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, here are some facts about the Democrats' health care bills: They reduce benefits for seniors, according to the Congressional Budget Office; young people, and perhaps most others, pay higher premiums for health insurance, according to nonpartisan analysts; just because you like your health care insurance does not mean you can keep it, according to the Congressional Budget Office; if you don't buy the insurance policy the government requires, you pay an excise tax of almost \$2,000, according to legislative language; and the cost of health care increases—not decreases—according to the Congressional Budget Office. And none of the plans contains language, known as "tort reform," to reduce frivolous lawsuits against medical personnel.

Mr. Speaker, let's give the American people the facts about the Democrats' health care proposals. If we do, they will insist that we start over and get it right.

#### --- **IT IS TIME TO REPEAL "DON'T ASK, DON'T TELL"**

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Mr. Speaker, the President correctly addressed the cratering of our economy at the beginning of his administration. And while it's intense, it's no longer intensifying, and we're on the road to economic recovery.

He then took on health care reform, which was correct, with 14,000 Americans losing their health care every day, to provide them affordable, accessible health care in the future.

It's time to address an issue of our ideals, and that is the repeal of "don't ask, don't tell" in the military that discriminates against gays.

I served 31 years in the military and rose to be a three-star admiral. I went to war, and we knew by public survey that those who went with me, a certain percentage, were gay. How could I, or anyone, come home and say they don't now deserve equal rights? It's time, Mr. President and this Congress, to hold up a national mirror and say that's not who we are; we are better than that, and repeal "don't ask, don't tell" this year.

#### --- **THREE DAYS**

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute.)

Mrs. BACHMANN. Mr. Speaker, today the majority leader just committed himself and the Speaker of the House to giving the public and Members of Congress 72 hours—or 3 days—to read the bill that will require the government takeover of health care. Three days. How magnanimous of them. A bill that will destroy America's health care system, and doctors, nurses, hospitals, clinics, insurance companies, families, and individuals will have 3 whole days to read this bill and then call their Member of Congress to weigh in. Three months to read this bill would be an abbreviated amount of time.

This bill will soon become Medicare for all. Medicare, as we know, will be bankrupt inside of 8 years, and as the ship is taking on water and sinking, this Congress wants to pour more water into the boat. And they think it's magnanimous to give us 3 days to read the bill? Please. Three months would be a minimum.

#### HEALTH INSURANCE REFORM WILL HELP SENIORS

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I would like to take a moment to talk about how the health insurance reform will help our Nation's seniors.

We have all heard about the dreaded Medicare part D doughnut hole—the gap in prescription drug coverage that 7,300 seniors a year in my congressional district alone face. Seniors who fall in the doughnut hole must cover the full cost of their prescription drugs, forcing many to cut back on their prescription use.

H.R. 3200 fills in the doughnut hole, shrinking it over several years until there is no interruption in prescription drug coverage for our seniors. Until the doughnut whole is completely filled, H.R. 3200 also offers discounts on brand-name prescription drugs to seniors who fall into that doughnut hole.

H.R. 3200 also makes great strides in improving the care Medicare patients receive. It includes provisions that encourage doctors to spend more time with their patients and to check up with them more frequently. Accountable care organizations and medical homes in the bill will promote coordination of care amongst the different health care professionals and result in better health care outcomes for Medicare patients.

I am proud to support this bill and encourage my colleagues to do the same.

#### FLAWED HEALTH CARE REFORM

(Mr. GINGREY of Georgia asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I appreciate Secretary Sebelius coming to the Capitol yesterday to meet with the Republican Study Committee. And I asked the Secretary if the President intended to keep the promises he made on health care, specifically if he will stick by his pledge not to sign a reform plan that would add a dime to the deficit; ease access to taxpayer funds for illegal immigrants; reduce Medicare benefits to our seniors; or cause anyone who is happy with the coverage they currently have to lose it.

Secretary Sebelius gave no response regarding the first three pledges but on the fourth, she said it is impossible to guarantee Americans can keep the health coverage they now have.

Mr. Speaker, this underscores how flawed this reform plan is. The vast majority of Americans are happy with the health care coverage they currently have. Certainly we need reform for those Americans for whom the system is not working, but we shouldn't force as many as a hundred million persons into a government-run health care plan. H.R. 3200 would do exactly that.

We can do better.

□ 1600

#### HEALTH CARE REFORM AND BALANCING THE BUDGET

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Madam Speaker, I ran into one of my constituents last week, a fellow named Jim Byers, and he said, You know, if you guys could balance the budget, I'll bet you could reach an agreement on health care. And he said, Why don't you talk to your Democrat colleagues about giving a guarantee that they'll balance the budget in a reasonable length of time? And if they'll do that then you'll probably be able to work out the health care differences that you have.

And so I got today the figures on the Baucus bill coming out of the Senate, \$487 billion in new taxes, and probably a couple of trillion dollars over the next 10 years. So I'd just like to say to my colleagues on the Democrat side of the aisle, let's get together and figure out a way to balance the budget. And if we can do that, then we could solve the problem of health care.

All of us who are privileged to serve in this Chamber are deeply involved in the nationwide debate on health care.

Currently, the Democrat Majority in Congress is trying to craft a single health insurance reform bill from the bits and pieces of four competing alternatives not to mention President Obama's "plan" which has never been put on paper.

At the moment we do not know what, if anything, the House of Representatives will vote on. I have made my views clear. I have said over and over on this Floor and in my town hall meetings that I will not support, and I will strongly work to defeat the House Democrats' government take-over.

Here are some straightforward reasons why I oppose the bill:

Health care costs will go up for the government and everyone else.

As many as 2 out of 3 Americans will lose their current health coverage and be forced into the government-run plan.

Raising taxes on small businesses is the wrong solution for an economy in a recession.

The new government run plan will lead to fewer choices and rationing.

I support health care reform that would expand opportunities for small businesses to band together to purchase high-quality health care for their employees at more affordable prices, and medical liability reform legislation to eliminate expensive defensive medicine.

Unfortunately these proposals have been blocked. If either of these two proposals were law today, we would be starting at a very different place with health reform.

What the House Democrats are proposing goes far beyond fixing the problems we all know need to be addressed. The House bill is a complete upheaval of our current system. That is why the bill lacks bipartisan support.

As the Democrats in Congress choose to focus the debate about health care reform on creating a government run health plan, they are ignoring another important issue that directly relates to health care reform.

That is the issue of balancing the budget, which has not been given much attention in this debate by the Democrat Majority. This has not gone unnoticed in my Congressional District.

Earlier this week, one of my constituents named Jim Byers stopped me to talk about what we are doing here in Congress to balance the budget.

Sadly, I did not have an answer for him. For now, it looks as if this Congress has decided to take the issue of balancing the budget off the table.

The non-partisan Congressional Budget Office on Wednesday said that the deficit for fiscal year 2009 totaled about \$1.4 trillion, a \$950 billion increase over the shortfall posted in fiscal year 2008.

The deficit now represents 9.9 percent of the gross domestic product.

While revenues were down nearly \$420 billion (17%) below receipts in fiscal year 2008, outlays increased by over \$530 billion (18%), in fiscal year 2009. About \$245 billion of the spending increase resulted from outlays for TARP.

Since the fall of 2008, Congress has spent: TARP—Original Cost: \$700 Billion.

Democrat Stimulus: Base Cost = \$787 billion; Stimulus: Cost with Interest = \$1.1 trillion. FY 2009 Omnibus: Total Spending: \$410 billion.

FY 2009 Defense Supplemental: \$105.9 Billion.

State Children's Health Insurance (SCHIP) Reauthorization: \$73.3 Billion.

This time around, the Majority is trying to ram through a health care reform bill that—by

some estimates will cost upwards of \$1 trillion over the next 10 years. How does this level of spending square with the goal of balancing the budget?

It can't be done, unless of course, we are prepared to raise taxes or cut Medicare to the tune of \$500 billion.

I agree with Mr. BYERS. We have to start taking concrete steps to balance the budget. I sincerely believe that if the Democrats commit to balancing the budget then a bipartisan agreement on health care reform can be achieved.

If not, and they continue to walk down the path of dismantling our Nation's current health insurance system without any regard to the Federal budget and future deficits, I will fight them every step of the way.

We need to start talking about the other half of the health care debate—the budget. If we move forward on health care reform without any solid commitment to balancing the budget we are most certainly doomed to a future of uncontrollable deficits.

#### GAY RIGHTS AGENDA

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Well, we've done it. Today was a landmark day. This body took the body of our military and attached to that body, as they were fighting, a gay rights agenda. I say "gay rights agenda" about this hate crimes bill because there is already a hate crimes bill. It was part of the 1968 Civil Rights Act. It included things like race, creed, color, national origin. So that was there already.

So what we have done indicates this body has no shame. You know, we will take our military fighting for us, and attach a gay rights agenda to get it accomplished. You know, what's next? Where else do we go? What shame is there left? I guess there's more to be seen.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Ms. MARKEY of Colorado). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### HOMEBUYER TAX CREDIT PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Madam Speaker, my hometown newspaper, The Seattle Times, published a front page story the other day under the headline, "First-time Buyers Ignite Home Sales." The bottom line is that the \$8,000 tax credit for first-time homebuyers is working

and should, at a minimum, be extended before it expires at the end of November. Some experts even suggest expanding the program to anyone buying a home. And that's worth considering.

The tax credit was included in the American Recovery and Reinvestment Act that the President signed into law in February. It had an almost immediate and positive impact on the U.S. housing market, and the data proves it. This chart shows that in March, the housing was still in free fall. But in April, when the tax credit began to take hold, we see the beginning of a steady increase in home sales through August, the last month for which figures are available. The tax credit has made homeownership a reality for thousands of decent, hardworking Americans. Extending it makes financial sense, economic sense, and it especially makes middle class sense.

Across America, prices are stabilizing, and the inventory of homes for sale is trending downward toward a point where market forces do not favor either the buyer or the seller. When people buy homes, they purchase appliances and curtains and a whole list of durable goods, so the positive impact of the local economy is more than just the actual purchase. It supports other jobs.

The program is working for America's families and for America. During the Congressional debate last winter the National Association of Realtors forecast that the first-time homebuyer tax credit would generate a half a million homes. The actual number is 1.4 million homes. And that benefits local governments too because of real estate and other local taxes that help pay for vital community services like police and fire.

If the program is extended and possibly expanded, there is new forecast of the impact, and it's very impressive. The second chart shows what can happen if we keep going a little longer and jobs and wages across the country, including my State, and the congressional district, the U.S. would expect 347,000 jobs with wages of \$16 billion; Washington State, 8,000 jobs, with \$375 million in wages.

The first-time homebuyer credit has nurtured a fragile housing market to better health in just 6 months. Even if you're not buying a house, you benefit because the housing market is one of the underpinnings of our entire economy and is the largest asset for families. So rebuilding the housing market helps us rebuild the economy.

As you can see, there are pending home sales. In this last chart you can clearly see that the tax credit is taking the housing market and America in the right direction. But this positive news will be threatened if we don't take action now. If it takes 60 days for a mortgage application to be processed, we are nearing the end by November 30.

The tax credit is the foundation of the fragile housing market recovery that we are expecting to see across this country.

Now is not the time to mess with success. The homebuyer tax credit works, and it keeps it working by extending the program into the next year. The Congress should act immediately on this because the slow-down is just around the corner if we don't keep the tax credit there.

#### AMERICAN CREDIBILITY, POLAND AND MISSILE DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, the United States Government plans to abandon our current missile defense plan in Europe. That will leave this country more vulnerable. Why would we want to do that? With Iran in a race to get the nuclear bomb and testing long-range missiles, America and Europe are at risk.

But the American Government decided to abandon the current missile defense shield to be installed in Poland and the accompanying radar system in the Czech Republic. This system was to protect Europe and the United States from a missile launch from Iran. The whole world knows that the little man from the desert, Ahmadinejad, is building nuclear weapons and intercontinental ballistic missiles that could send nukes to the Middle East, Europe, and the United States. We have agreements with Poland and the Czech Republic for defensive missile systems. Don't we have an obligation to protect America from the threats of tyrants like Ahmadinejad? We should not break our word with our allies. America loses its credibility with our allies by failing to live up to our commitments.

Madam Speaker, America and Poland have a special relationship. This body just voted to grant honorary U.S. citizenship to Casimir Pulaski, the Father of the American Cavalry. He was born in Poland, and he was essential to our victory in the American War for Independence. Congress commissioned this Polish individual, Pulaski, as a brigadier general with the command of all the American Cavalry; and after training American troops for a year, Washington approved the formation of an independent corps of cavalry, and Pulaski's Legion became the training ground for American Cavalry officers like "Light Horse" Harry Lee, the father of Robert E. Lee. Once a British officer called Pulaski's Legion simply, "the best damn cavalry the rebels ever had."

Then later, when World War II began, Hitler first invaded Poland. That happened 70 years ago this past September.

Poland was occupied by the tyranny of Nazism. The horror that was Auschwitz was in Poland at a place where Jews, musicians, writers, Poles and other peoples died horrible deaths. There were many concentration camps in Poland, Auschwitz being the largest and most infamous of these extermination camps. Jews and others were worked to death. This policy was called the Vernichtung durch Arbeit, or as we say in English, the annihilation through work. My father was one of the Americans to liberate the concentration camps in Europe at the end of World War II. He was a teenager and still recounts the inhumane treatment of humans by tyrants.

As America celebrated the end of World War II in 1945, Poland then was occupied by the tyranny of communism and for decades the people of Poland lived under the tyrants of communism.

So the Polish people understand more than anyone the terrors of living under tyranny. They have a special love for freedom and liberty, and they have a special love for America. Now Poland has partnered with the United States to put a missile defense system in their nation, and we must not desert them, Madam Speaker. They even stand with us in fighting terrorists in Afghanistan, and I got to meet numerous Polish soldiers at Camp Bagram in Afghanistan earlier this year. They are our friends and our partners and our allies. We stand shoulder to shoulder in this fight against the war on terror.

I also had the opportunity to meet with the Polish people in Poland earlier to discuss missile defense and other matters, and they are friends to America. They have shown their dedication to independence and loyalty to the United States since the American War for Independence. They heeded our call when we needed them with their General Pulaski, and we showed Poland our loyalty in World War II and the Cold War. Now, when liberty and freedom are in danger once more, it is unwise to abandon them and our missile defense system in Europe. After all, Madam Speaker, tyrants still roam the globe looking for the opportunity to snuff out freedom.

And that's just the way it is.

#### ONE TEAM—ONE FIGHT—ONE NAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, in each Congress since 2001, I have introduced legislation aimed at giving the Marine Corps the recognition it deserves as one of the official branches of the military. This year I introduced H.R. 24, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps. With much

support, 309 Members of the House joined me in this effort. The language was passed earlier this year by the House as part of the House version of H.R. 2647, this year's National Defense Authorization Act.

I must say that I am very pleased and honored by the group of people that have supported this legislation. The Fleet Reserve Association, the VFW, the National Marine League and the Marine Corps Parents have been so busy urging their Senators to support this bill, and I want to thank them for their hard work.

Madam Speaker, I have been contacted by many members of the Marine Corps and Navy that support this bill and agree that this is all about the fighting team, the team named the Navy and Marine Corps. In this year's conference with the Senate, I had a Senator say to me that he had never received a letter from a marine supporting this bill.

Madam Speaker, I would like to read you a letter that a former Marine Corps general wrote to this particular Senator at the beginning of this month: "I am writing to ask for your support in passing H.R. 24 and S.R. 501, which have been referred to the Committee on Armed Services and would redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

"For many years I have been an advocate of the Navy and Marine Corps team and believe this team is without parallel in any of the Armed Forces in the world. I proudly served alongside my Navy brothers-in-arms in both peace and conflict for 40 years. I would not recommend any action that I feel would belittle either partner of the team.

"Changing the name of the Department as proposed by this legislation would not demean the Navy, but would recognize marines as full partners in this team and would be a strong boost to their morale. In fact, the Department and the Secretary represent both services, the Navy and the Marine Corps, and this legislation would provide a name that mirrors the fact.

"Thank you for your consideration and for your continued and valuable service to our Nation."

□ 1615

After 8 disappointing years, I hope one day the Senate will join me in supporting and bringing proper respect and acknowledgment to the fighting team of the Navy and Marine Corps. I want the supporters of this bill to know that there will be a tomorrow. I'm not going anywhere. And I will continue to fight until the Marine Corps gets the acknowledgment it deserves.

In closing, I want to thank the many House Members who have supported this legislation for 8 years, and I want

to close by asking God to please bless our men and women in uniform. I want to ask God to bless the families of our men and women in uniform. I want to ask God in his loving arms to hold the families who have given a child dying for freedom in Iraq and Afghanistan. And I close by three times and most sincerely asking God: God please, God please, God please continue to bless America.

#### AMERICA WANTS HEALTH REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Madam Speaker, I have words for both Democrats and Republicans tonight. Let's start with the Democrats. We, as a party, have spent the last 6 months, the greatest minds of our party, dwelling on the question, the unbelievably consuming question, of how to get OLYMPIA SNOWE to vote for health care reform.

I want to remind us all, OLYMPIA SNOWE was not elected President last year. OLYMPIA SNOWE has no veto power in the Senate. OLYMPIA SNOWE represents a State with one-half of 1 percent of America's population.

What America wants is health care reform. America doesn't care if it gets 51 votes in the Senate or 60 votes in the Senate or 83 votes in the Senate. In fact, America doesn't even care about that. It doesn't care about that at all.

What America cares about is this: There are over 1 million Americans who go broke every single year trying to pay their health care bills. America cares a lot about that.

America cares about the fact that there are 44,780 Americans who die every single year on account of not having health care. That's 11 every day. America sure cares a lot about that.

America cares about the fact that if you have a preexisting condition, even if you have health insurance, it's not covered. America cares about that a lot.

America cares about the fact that you can get all the health care you need as long as you don't need any. America cares about that a lot.

But America does not care about procedures, processes, personalities. America doesn't care about that at all. So we have to remember that as Democrats. We have to remember what's at stake here is life and death, enormous amounts of money, and people are counting upon us to move ahead.

America understands what's good for America. America cares about health care. America cares about jobs. America cares about education and energy independence. America does not care about process or politicians, or personalities, or anything like that.

And I have a few words for my Republican friends tonight as well. I

guess I do have some Republican friends.

Let me say this. Last week, I held up this report here and I pointed out that in America there's 44,789 Americans who die every year, according to this Harvard report published in a peer review journal, because they have no health insurance. That's an extra 44,789 Americans who die, whose lives could be saved, and their response was to ask me for an apology. To ask me for an apology. That's right, to ask me for an apology.

Well, I'm telling you this. I will not apologize. I will not apologize. I will not apologize for a simple reason. America doesn't care about your feelings. I violated no rules by bringing this report to America's attention. I think a lot of people didn't know about it beforehand.

But America does care about health care in America. And if you're against it, then get out of the way, just get out of the way. You can lead, you can follow, or you can get out of the way. And I'm telling you now to get out of the way.

America understands that there's one party in this country that's in favor of health care reform and one party that's against it, and they know why. They understand that if Barack Obama were somehow able to cure hunger in the world, the Republicans would blame him for overpopulation. They understand that if Barack Obama could somehow bring about world peace, they'd blame him for destroying the defense industry. In fact, they understand that if Barack Obama has a BLT sandwich tomorrow for lunch, they will try to ban bacon.

But that's not what America wants. America wants solutions to its problems, and that begins with health care, and that's what I'm speaking for tonight.

#### NASA TECHNOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. POSEY) is recognized for 5 minutes.

Mr. POSEY. As we face the risk of ceding our leadership in space to Russia, China, and other countries, I want to take a moment to review many of the benefits of space exploration that everyone enjoys, even though many of them may take it for granted.

The typical American home contains dozens and dozens of inventions from America's investment in space. That flat-screen TV was developed from NASA technology. The furniture or drapes that are fire-resistant material, that may be attributed to NASA's fire safety research. If your home security system uses a push-button panel and intrusion detectors in the windows, you benefited from space exploration.

If your home is equipped with carbon monoxide sensors and fire detectors,

then you've benefited from America's space program. If you enjoy using scratch-resistant lenses in your glasses, then—you've guessed it—you've benefited from the space program.

Chances are you enjoy using batteries, cell phones, laptops, calculators, even Velcro. If so, you've benefited from our space exploration. If you appreciate the clean, crisp water in your glass, you may be interested to know that every home water filter came about thanks to America's space program.

That cooler used on a trip to the beach, a picnic, or a camping trip relies on space-based technology to keep your food and drinks cool. Solar technology used to power your hot water heaters and other home appliances owe their existence to America's space exploration. And if you're keeping an eye on time by looking at your quartz-based watch, you will want to credit the space program for that, too.

If you plan on enjoying some golf or other sports this weekend, remember that our space program gave rise to the plastics and the graphites used most commonly in sports and safety equipment.

These are but a few of the many contributions that have arisen from our Nation's space program. If we want to keep America strong economically and maintain the military high ground, we must not cede our leadership in space to our competitors.

As most of us know, the President promised that he would close the gap between our space shuttle program and our constellation program. We all need to be committed to helping the President of the United States keep his word.

He also promised that he would see that America remained first in space. And we must also do our level best to help the President keep that promise, too.

#### AFGHANISTAN: IN TO WIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McCOTTER) is recognized for 5 minutes.

Mr. McCOTTER. Madam Speaker, right now, people are fighting and dying for a free Afghanistan. They deserve an answer to the crux of the matter: Are we in to win? I believe we must be.

My answer stems from a broad strategic vision focused by three fundamental principles: One, America's security is from strength, not surrender; two, our greatest strength rests in expanding liberty to the oppressed to ensure freedom for ourselves; and three, we are targets of tyrants and terrorists not because of our actions but because of our existence.

Helping the Afghans free themselves from the Taliban's tyranny and al

Qaeda's terrorism is a moral good unto itself. To retreat from or compromise this noble goal in the cause of human freedom will not only be a betrayal of the Afghans, it will endanger our own birth right as a free people.

Our allies, our rivals, and especially our enemies will witness our lack of conviction; and, by so dishonoring ourselves, we will squander our allies' trust, lose our rivals' respect, and incur our enemy's emboldened depravities.

Our primary nation-state enemy, Iran, imperviously continues its pursuit of nuclear weapons and the means to wield them. A defeat in Afghanistan will condemn generations yet born to the capricious terrorism of an Iranian regime protected by a nuclear umbrella. Alternately, victory in Afghanistan will further Iran's necessary containment by democracies opposed to terrorism.

Unable to expand its sway, Iran's ability to coax our rivals into opposing sanctions and, worse, aiding its nuclear pursuits, will ebb and end; and, within its own borders, the regime will falter and, like the Soviet Union, ultimately implode between the weight of its own oppressed people's aspirations for freedom.

Regarding Afghanistan particularly, General Stanley McChrystal has affirmed victory remains within reach. What form will it take? My view is the richly diversified people of Afghanistan desire a decentralized democracy that is opposed to terrorism and is engaged with their neighbors and allies.

To this end, America, NATO, and the U.N. must renounce the recent fraudulent election and schedule a scrupulously monitored, honest election. This is essential to reassuring the Afghans that their nascent representative government and the coalition's intentions in their homeland are legitimate and benevolent.

As this process proceeds at pace, we must make clear the new democracy's governing principle is local control. Every Nation, especially one as tribal as Afghanistan, has traditional roots of order springing from and connecting the individual and family to the local community and larger country. Without an enduring history of or trust in a centralized, bureaucratized rule from Kabul, only an explicit, enduring commitment to local control will soothe Afghans' resistance to their federal government's existence. Moreover, local control also intermeshes with coalition forces' counterinsurgency operation.

Emulating General David Petraeus' brilliant counterinsurgency strategy in Iraq, coalition forces must be increased to provide the force necessary to defeat the enemy's violence and intimidation of Afghans. As the security situation is stabilized, coalition forces and steadily increasing Afghan national police and



army personnel must live amongst the people to facilitate sustainable local economic developments and democratic institutions. In sum, the coalition will separate Afghans from the enemy by concretely proving the moral and practical superiority of locally rooted democracy over nihilistic terrorism and tyranny.

Importantly, reconstruction efforts must not be limited to Afghanistan. With the enemy infesting western tribal regions of Pakistan, the coalition must also engage with that nation's people and government in "preemptive reconstruction." Rolling blackouts, food shortages, and other persistent problems affecting Pakistanis must be ameliorated at the national and, critically, the local levels. This will stop Pakistanis from viewing themselves as unwilling conscripts into a "proxy army" being used by the coalition; it will stabilize Pakistan's Government; it will demonstrate the coalition's commitment to the well-being of Pakistani citizens; and will empower the Pakistani army to more actively and effectively coordinate with coalition forces to eradicate the enemy's safe havens in their Nation—safe havens which, I note, constitute an existential threat to democracy in Afghanistan and Pakistan. Surrounded by free Afghans and coalition forces, the enemy will be uprooted from its havens with nowhere to hide and will be crushed.

This is the synopsis of the broader strategic context and immediate recommendations of those who support victory in Afghanistan. May we all ever remember America's greatest security as liberty, and let us pray the Obama administration supports General McChrystal's plan for victory so that we and future generations in this world never confront the prospect of a wider war and endless threat from abandoning Afghanistan.

#### THE MACKAY FAMILY: PART III

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. I think I do tonight the end of what is a trilogy. I have been here on three nights talking about a family in my community. Two nights ago, I introduced this body to the Mackay family; a doctor, respected, board-certified orthopedic surgeon of 30 years in the community, who has been alleged by the Drug Enforcement Administration of having given improper prescriptions to his patients.

Last night, I explained what happened to this family, as 20 members, armed, in uniform, came in and held him at bay for 4 hours as they searched his home and office and took all his records, his books, his car, his truck, all his cash, his savings, and even his retirement account.

□ 1630

I told how his family had nothing and lived on their food storage for a while until 5 months later they finally went to court and had some of their property returned. But the Federal Government still has the truck and all his books, as well as his savings and checking account, and has yet to make a charge or arrest this individual. It is now 15 months later.

Today I finish the story. The Drug Enforcement Agency did offer a deal to this good doctor saying they would drop everything and it would all go away if he would simply surrender his license to practice medicine. Thinking he has done nothing wrong, he refused that offer. In March, the DEA started the procedures to remove his license from him.

The administrative law judge, a judge of the executive branch, hired by and working for the Drug Enforcement Agency to make quasi-judicial decisions on the actions of that agency, decided to hold a hearing on his license and insisted that everyone had to come from Utah back here to Washington, D.C. A local court said that was silly and ordered the hearing to take place in Utah. The judge, somewhat piqued at that, should have, to make sure there was no element of antagonism or question about it, recused himself as he was requested. Nonetheless, he did preside over that hearing.

The doctor, because he still has the chance of judicial action hanging over his head, was advised by his attorney to answer all questions by taking the Fifth Amendment. Now I don't want to say what I think should be the case on his license. That is still being reviewed and is yet to be officially decided by the DEA. Nor do I think I have the competence to make a lot of these decisions. What I do know is that, in my opinion, this doctor is no threat to the community. That opinion is backed up by the majority of the physicians in the community whose sworn depositions say the same thing.

I do know that this family, since June of 2008, has been terrorized, his profession destroyed, reputation besmirched and his property confiscated. Yes, he went back to court to get some of it back, but why did he have to do that? Yes, if the DEA decides to take his license, he can go to court to have that overturned as well, but why should he have to do that? Justice, if it is to be there, should be a justice that works quickly so that he is charged, he goes before a jury of his peers and a conviction or an acquittal takes place. This nightmare of delay is nothing more than that for this poor family.

Now the good part of this message is this is an isolated case. This is not the way most things happen. The bad part of this message is this is not a unique case. Other times this same thing has happened. Citizens should not be treat-

ed in this way. It's simply the wrong way to do it. The Mackay family deserves all of his resources returned to him until such time as a conviction does take place. He also deserves some kind of an apology, neither of which I have the power to do. But I do have the power to at least express my sympathies for one of my constituents whom I do not think has been treated well. And if as a representative of my constituents I cannot at least do that, I have no more value in this particular body.

This ends the trilogy of this particular family. It does not end the nightmare of this family. I hope it can end soon for their benefit.

#### MOVE THE VIETNAM HUMAN RIGHTS BILL NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. CAO) is recognized for 5 minutes.

Mr. CAO. Madam Speaker, in 1620, 102 Pilgrims and a crew of approximately 25 people left England on the Mayflower to escape religious oppression. After an arduous 66-day journey plagued by disease, they landed on the shore of Plymouth and founded this great Nation.

The story of the Mayflower is a symbol of the struggle against religious oppression, and the symbol still resonates in the hearts and minds of the American people today. But this struggle for religious freedom did not end with the Mayflower. The struggle continues today worldwide in countries such as Tibet, China, the Sudan and Vietnam. Two days ago, I had the great honor of speaking to His Holiness the Dalai Lama. He encouraged the U.S. Congress to continue speaking out against religious oppression and to stand up and defend the values that founded our great Nation. This is what I'm doing today.

Madam Speaker, the country that I would like to challenge today, and have done many times previously, is Vietnam. Vietnam, for decades, has exemplified religious and human rights oppression. And this image today has not changed. Since receiving its preferred status and being selected a member of the World Trade Organization, Vietnam's record on human rights and religious freedom has gotten worse rather than better. This regression is well documented by Human Rights Watch as well as by the Commission on Religious Freedom.

Madam Speaker, let me briefly outline for you what the Vietnamese Government has done. Ten years ago, the Vietnamese Ministry of Labor, War Invalids, and Social Affairs directly oversaw and operated two state-owned labor companies that were involved in the largest human trafficking case ever prosecuted by the U.S. Department of



Justice. The High Court of American Samoa rendered a judgment against the Vietnamese Government in the amount of \$3.5 million, and they have yet to pay.

Recently, the Vietnamese Government assaulted, arrested and imprisoned dozens of Catholics in the Diocese of Vinh for erecting a temporary place of worship on Tam Toa Parish Church that was destroyed during the Vietnam war. They attacked the parishioners of Thai Ha Parish as they were conducting a prayer service. They then arrested and wrongfully prosecuted church members for inciting riot. They imprisoned Father Nguyen Van Ly, put the Venerable Thich Quang Do under house arrest, and forced members of Protestant churches to renounce their faith. They arrested and imprisoned human rights activists such as Le Cong Dinh, Le Thi Cong Nhan, and Nguyen Van Dai for criticizing the government. They forcefully evicted 400 Buddhist monks and nuns from Bat Nha Temple and shut down the monastery without just cause.

These are just a few examples of the outrageous and egregious actions taken by the Vietnamese Government recently in violation of every principle of justice and fairness. If these examples are not sufficient to draw our attention and condemnation, I do not know what will.

Unfortunately for these oppressed people, our world today does not allow them to simply leave their country to establish a country of freedom elsewhere. That is why they need the assistance of a country like ours, the most powerful democratic country in the world, to speak on their behalf.

We must speak loudly by passing the Vietnam Human Rights Bill. The longer we wait, the longer people like Venerable Thich Quang Do, Father Nguyen Van Ly, Mr. Le Cong Dinh and countless others like them will continue to suffer.

#### HEALTH CARE REFORM—ONE GIRL'S TESTIMONY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Thank you, Madam Speaker.

The House bill to have government take over health care contains section 2511 which would put clinics in our schools. Minnesota has experience with these clinics.

Here is one girl's testimony:

"Hi. My name is Jamie. I hope my personal story and experience with the West Suburban Teen Clinic will convince you that bringing this clinic into the school campus will endanger the health of many students.

"At age 14, I was what you could describe as a rebellious teen. My parents

had rules, like all parents, and tried their best to instill moral values in my life they hoped would guide me down the right road. But I chose a path that led to the West Suburban Teen Clinic. It was there I learned how easy it was to get birth control, morning-after pills, exams, condoms, or whatever else I needed to have sex and not tell my parents. I didn't even have to go to a real doctor.

"At the clinic, I was told my parents didn't have to know about any of my visits or what birth control the school clinic was giving me. The clinic made it so easy for me to have sex. They made it so easy to hide things from my mom and dad. After all, since it was my right not to tell them about birth control, they didn't need to know anything else about my life either. The teen clinic opened the door for me to lie and supported me in my deception. Looking back, I can see that their counseling affirmed a continuous pattern of lying, secrets, and cover-up. This destroyed any mutual trust between my parents and me.

"The West Suburban Teen Clinic convinced me I was doing a good thing by going there because I was practicing safe sex. Was it safe to break the trust with the only people who really truly protected and cared about me? Was it safe when the clinic jumped at the chance to give the morning-after pill to a 14-year-old without revealing to me any of the negative health-risking side effects?

"They didn't even care who I was having sex with. Imagine, a 14-year-old. I could have been having sex with an older man. It could have been rape. Anything. They never once took the time to ask me. I was so young. All I thought was, oh, I won't be getting pregnant if I take this morning-after pill. I was never given the facts about side effects.

"I went to the West Suburban Teen Clinic multiple times to get the morning-after pill. They would ask me if I needed a couple of back-up pills to keep in a friend's house just in case, or to hide at my own house so I wouldn't have to ride all the back way back to the clinic.

"I can honestly say that the clinic visits also had a very negative effect on my education. As I became more involved sexually and had more visits to the clinic, I would sit in class thinking about what courses and classes I could miss so I could make my school clinic visit for more pills and condoms before the end of the school day. It made it difficult for me to focus on my class assignments when I was thinking about a pelvic exam or the thought of having an STD or being pregnant.

"Now I'm 20 years old. I'm very concerned about the long-term damage to my health thanks to this so-called safe-sex clinic. They not only helped me hide things from my mom and dad,

they hid the truth from me. The West Suburban Teen Clinic didn't care that I was a minor teen. They didn't care what the side effects of these pills would do to my reproductive system. And my body is messed up. They gave me pills and condoms and they left it to my parents to pick up the pieces.

"If only I knew what I know now, how the West Suburban Teen Clinic's advice and pills damaged me physically and emotionally, I could have prevented so many of the problems with my parents and my family. If only I had never gone there. And now you are bringing these clinics to all the high schools?

"You need to protect kids. You need to uphold the desires of parents, not the wishes of clinics that make money off kids' mistakes. My parents tried to protect me. The clinic took that right away. They took over the role that my parents were intended to have and they hid everything from them, the people who loved me the most.

"Please stop this clinic from coming in and ruining more kids' lives. I wish I could warn all the students at high schools about these clinics. They need to know about the physical and emotional damage that can be done by a pattern of pills and promiscuity. I wish I could tell them. I know the West Suburban Clinic won't."

Madam Speaker, this is a story of tragedy by one girl in Minnesota. Minnesota has experience with the school-based sex clinics that are being proposed in the bill that would have government take over health care in this country. Surely we can do better by our children than encouraging them to gain experience in a lifestyle that will bring them only heartache and perhaps physical devastation.

#### THE PROGRESSIVE MESSAGE—HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Madam Speaker, we are here again for another evening with the progressive message, the message that comes to the House floor Thursday night to talk about a vision of America not based on fear, not based on things that are not true, but a vision of an America where we stand up and we include everybody within this vision. No matter what color, what culture, or what faith you belong to, America is a place for you. We bring people from all parts of the world who bring and make up this great American vision that we're talking about, a progressive vision where middle-class and working-class people can actually have policies that help them, a progressive vision which says we can have health

care for all. We can have true health care reform which allows Americans to partake of the great wealth of this country for the benefit of their health. A progressive vision says that America can live at peace. We don't have to be in war after war. We can have a policy of peace which develops our relationship with the rest of the world based on diplomacy, development and things of mutual benefit.

Today this is the progressive message, and we are glad to be here with the progressive message sponsored by the Progressive Caucus.

□ 1645

Tonight, what is the topic? Guess what, surprise, health care. Today we have two great advocates and leaders, and I am so honored to be on the House floor today with two good friends and leaders, the gentleman from Michigan (Mr. CONYERS), the chairman of the Judiciary Committee, and also the gentleman from Washington (Mr. McDERMOTT) of the Ways and Means Committee who is also a physician, both with us today. I want to invite both of them to offer some remarks as we get started on the Progressive message today, focusing on health care reform, patients before profits.

Congressman, Doctor, what are your thoughts?

Mr. McDERMOTT. Mr. ELLISON, it is a pleasure to be here today. In the caucus the other day we were talking about health care, and one thing that is very clear in this country is that the medical-industrial complex doesn't want to change. They want things as they are. They would be glad to take additional money to cover people, but they want to go through the private sector. Let's just keep grinding out the profits, never mind what happens to the patients.

This effort that is being made in the House, and I hope to have a bill out here in 10 days or so, is an effort to make sure that what you just suggested happens. That is, that everybody in this country has health care that is adequate, that takes care of the needs they have, no matter how much money they have, no matter what they look like, no matter where they live. They should have the same kind of health care in this country no matter what their circumstances are.

I told the story, I said one of the things that people tell me: Everybody in this country gets health care. What are you talking about?

What I said to my colleague when he said that to me, you know, the difference between Members of Congress and ordinary folks in this society is, we live a somewhat different life. If you call up and say, This is Dr. McDERMOTT or Congressman McDERMOTT, I have a pain in my stomach, they will tell me to come into the office tomorrow morning. Everybody else goes through

this little drill. When you call the doctor's office and say, I have a pain in my stomach, the first question is, What kind of insurance do you have?

Now if you have private insurance, you will be in the office tomorrow morning. If you have Medicare, well some doctors don't take Medicare, so it may be a week before you get taken care of. God forbid if you have Medicaid, you will never get taken care of. Or it will be a month or a month and a half. And if you don't have health insurance, they have an offer for you: If you will come in and pay \$25 or \$30 upfront, we will have an appointment for you in 2 weeks.

People say that isn't true. Well, let me tell you, there are very well-documented studies, and they put people on two phones sitting right next to each other, they would call the same doctor's office, give the same story about a pain in their stomach, and find out what the relationship there was between what kind of insurance they had and when they got seen.

Now, it shouldn't be that way in this country. If you are sick and you have pain in your stomach, you ought to be able to get in and see a doctor.

What clearly happens in that case, for those people who have to wait 2 weeks or a month or whatever, they go along with that pain in their stomach waiting for their appointment, waiting for their appointment. When they can't stand it any longer, they go to the emergency room. That is why emergency rooms are flooded with things that ought to be seen in a doctor's office, but people can't find a way, they can't find a doctor that will accept them.

Well, I told this story, and one of my colleagues came up to me and said, You know what, you are absolutely right. He said, I just had my knee replaced. He said, I got talking to the doctor about it, and the doctor and I were talking about how he would get paid. The doctor said, Oh, you're perfect. You've got private insurance. We all have Blue Cross-Blue Shield here in the Congress. He said that is good insurance and that pays for it and that is good.

My friend said what if I had Medicare?

The doctor said, I would have said, Why don't you wait for a couple of months?

And my friend asked, If I had Medicaid? The doctor said, I would never see you. I don't accept Medicaid patients for knee replacements.

So there is rationing in this society today, and it depends on what kind of plastic you have in your pocket. Now to simply pass out more plastic cards in the insurance industry today will not work, and that's why we have to have a good public option. We have to have an option that functions the same as it does if you have a private insurance card.

If you meet a Canadian some time, ask a Canadian to show you their provincial health care card. In Ontario, they are orange. In New Brunswick, they are blue-green. In Quebec, they are kind of a greenish color. They have a card no matter where they go in the province. In Canada, they hand in that card and they get taken care of. That's what ought to happen in this country, and the public option is the only way we are going to get people who don't have health insurance today the opportunity to access the health care system and actually have an opportunity to see a doctor.

Now it is clear that the President has said not only does he want to have access, but he wants to have a plan that controls cost. The fight now in here is the fight between—giving people access is going to cost more money in some ways, although there is lots of money to be saved in the present system, but the providers and the drug companies and the insurance companies and all the other people who are involved in the medical industrial complex don't want to have anybody put any control on their costs. That's what the fight is that is going on right now as this bill comes to the floor.

JOHN CONYERS has worked as long as I have trying to get what we know would be the best system, which is the single-payer system. Now the President said we are not going to go that route, we are going to go a little different route. We are helping him to get there. It is not the perfect system, but it will get people the access and the cost control that is necessary.

I listened to my colleague from Minnesota just a moment ago telling us this story about this clinic and what is in the bill. I believe that bill has been out on the floor and up on the Web site. Anybody who can read could have read it in the last 30 days, in the last 60 days, and there are no such clinics in that bill.

Mr. ELLISON. Are there death panels? I yield back.

Mr. McDERMOTT. Absolutely not.

Mr. ELLISON. Are there school sex clinics?

Mr. McDERMOTT. No; that is scare tactics. You know better than that, KEITH. Why are you asking those questions?

Mr. ELLISON. It is part of what has been going on. You saw August. You try to have a civil conversation, and then some people would show up and try to disrupt the meeting. Why would they want to disrupt the meeting when all we are trying to do is have a civil dialogue about the future of our country and the future of health care.

Why are we hearing about death panels? To scare seniors.

Why are we hearing about sex clinics? To scare parents.

Why all this stuff?

Let's get Chairman CONYERS in the conversation. He looks like he is

digging out some facts. I just want to pose the question to you gentlemen: Why, why, why are we hearing about all of this fanciful, made-up stuff that is on the Web and anybody can look up the bill and say, that ain't so? Why are we hearing all this stuff?

Mr. McDERMOTT. You know, there is sort of a political axiom that if you can make people afraid, you can get them to do exactly what you want them to do. In this case, they want people to say no, we don't want the government to take over our health care.

Now the government pays for military health care. The government pays for veterans' health care. The government pays for seniors' health care in this country and poor people's health care in this country. And they want government to go away? Come on.

Sixty cents out of every health care dollar in this country is coming from the government through all of those programs. And the people are saying that they don't want the government. I have had older folks come to me and say, I don't want the government to get into my Medicare. Folks, Medicare is a government program. They simply are scaring people to the point where they are not thinking clearly about what is going on in this country.

Mr. ELLISON. Scare tactics.

I yield to Chairman CONYERS. Welcome to the Progressive hour, the Progressive message, patients before profits tonight.

Mr. CONYERS. I am so glad we are doing this, and I am glad to be with both of you.

Dr. McDERMOTT has been working on this for so long, and he brings a clear voice of experience, not congressional but medical. That's what makes this so important. Of course you, Mr. ELLISON, are a young person who has jumped into this in a way that makes me very proud that you grew up in Detroit, probably in my district.

I have something that just came in from the 14th Congressional District in northwest Detroit.

We had an examination of how many seniors in my congressional district hit the doughnut hole in the bill, the current legislation. There were 5,400 seniors that were forced when they hit that doughnut hole to pay their full drug costs, despite the fact that they had part D medical coverage.

And the current bill before us that we are working on, H.R. 3200, it would cut brand-name drug costs in the doughnut hole by half and ultimately eliminate the doughnut hole. That is very important, especially in this day and age.

We found that there were 2,230 health care related bankruptcies in my congressional district alone. At our next Special Order, I am going to have these same numbers for the whole State of Michigan. So 2,230 people in the 14th

Congressional District had to go into bankruptcy court in the year of 2008, primarily caused by the costs of health care not covered by their insurance.

In 2008, health care providers in the district were provided \$31 million worth of uncompensated care, care that was provided to individuals who lacked insurance coverage and who were unable to pay their bills.

How many people don't have insurance, my colleagues, in the 14th District, have no health care coverage at all. This is last year's figures, which have undoubtedly gone up since 2008: 1,300 people in my district are uninsured. How many are uninsured, my colleagues, in your districts? That is 17 percent of all of the people in the district that are uninsured, and the Congressional Budget Office estimates that 97 percent of all Americans will have insurance coverage if H.R. 3200 takes effect.

□ 1700

Now, if this benchmark is reached in the district, 85,000 people who currently do not have health insurance will receive coverage. There is another factor I would like to introduce. I haven't discussed it with you, but this as good a time as any to do it.

There is a stress factor coming into this whole discussion of health coverage in America because of all of the people that are losing their jobs, especially in Michigan and Ohio, industrial States that are hit the hardest. We have the highest unemployment rates. But there is something else that kicks in. When you lose your job, you, of course, lose your income; and, frequently, if you have a mortgage payment, you could end up losing your house.

One of the things, Dr. McDERMOTT, I was in a shelter in midtown Detroit off Woodward Avenue at Peterboro, and both of you have been there. I went into the shelter in the morning, and they were having breakfast. I was astounded by this one visual picture I got. These were not people that were homeless, wandering around or were disheveled. These were well-dressed people being fed in a shelter who had just recently lost everything. When you get hit, you lose your house, your car, your job, your insurance, your pension. So you come into a shelter, you're dressed like we are, but you don't have anywhere to eat, you don't have anywhere to stay. I have never experienced that phenomenon before in my life.

One other factor that is up to date and in real-time is that with all the people suffering under this economic—well, it's called a severe recession, but I call it a depression—there are people now that are working who have jobs, who have health insurance, but there is a little something beginning to bother them: Maybe this could happen to me too. We all know people who were

going along quite well; and all of a sudden their company announced at 3 p.m. on Friday that, You don't have to come back anymore, or, We're closing down in 2 weeks. Sorry about that. We can't explain it now, but this is it.

There are people now—and you may be able to comment on the stress factor—there are people that are working. Nobody said they were going to close their job down. Nobody has heard any rumors about anything. But they can't help but think about all the other people that were going along smoothly, and they lost their jobs. People are beginning to worry about the fact that—I know it's not me. I know I'm working. I know I've got insurance, but it could be me next month. It could be me in December. It could be me in January. What about that?

Mr. McDERMOTT. Well, you know, JOHN, you are talking about the fundamental thing the President is trying to do, and that is to give people security, health security, that they know that if they get sick or they have an accident, they'll be taken care of. The fundamental weakness of our system forever has been that your health insurance has been tied to who you were employed by. When the economy's rolling along, and when the economy's going up, that's not too bad. It works pretty well. In fact, the difference between right now and what was going on in 1993–1994, as you remember when Mrs. Clinton tried to do this—everybody says, What's the difference between then and now? Then things were going up, and everybody thought, Well, this plan they're putting together is for somebody else. It's for them. They didn't know who “them” was, but it was somebody they didn't know.

When you have a system that's tied to employment—people always thought that this health care business was about them. The difference today is, as you point out, middle class people who yesterday felt they were just about as secure as they could be—they had a job, they had health care, their kids were in college, blah, blah, blah—and bingo, they lose their job. We had a bank go down in Seattle, Washington Mutual Bank. There were 4,300 people that were affected. That's 4,300 families who found themselves instantly without a paycheck, without health care, and in many cases, all of their pension money was in an IRA of the company's stock. So they suddenly had no pension. They had no security whatsoever. No house, no health care, no food, no anything.

It's impossible for that not to be stressful to people, and people then have stress-related diseases. There are plenty of stress-related diseases. We know them. Post-traumatic stress disorder is a stress disease. And any kind of emotional thing like that is going to take a toll on you physically. A lot of

people are suffering today from emotional illnesses, secondary to the instability of their economic situation.

Mr. CONYERS. But, Dr. McDERMOTT, I'm talking about the people that didn't lose their jobs, income and health insurance. I'm talking about the folks that are working, and they know about that. They can't help but think, That could happen to me. I don't know what you call this, but you start another stressful situation from that. There is nothing happening to them, but it's happening to people around them. It happens, like these people that I saw in this shelter in Detroit, where if we weren't in a shelter, they would be people I would expect to see at Starbucks.

Mr. ELLISON. If the gentleman would yield, can I just point out that I have a chart here that I think does shed some light on the situation. Because a lot of the dialogue we've been having, quite frankly, is focused on the uninsured.

But let's take a moment to talk about the insured, the folks who actually have insurance, the people who have anxiety about what could happen to them if they lose it, if they get sick. Because you know, if you get sick, that's when they don't want you on their insurance anymore, right? Cumulative change in single and family health insurance premiums, that's what you pay, what comes out of your check every 2 weeks or every month—and the Federal poverty level.

We've been seeing that the level of poverty has been rising, but look at this dramatic increase in the family premium. This family premium has jumped up 130 percent from 1996. This is real money coming out of the paychecks of real families all the time. People say we don't need reform and say that we're trying to scare people with fake death panels and fake school sex clinics and all this kind of stuff. The fact is that this is what the average family is living through, and this is impacting people who pay premiums, which means they have employer-based health insurance. What are people to do about this dramatic situation as they're facing trying to make ends meet in their family budget?

I yield to either one of the gentlemen.

Mr. CONYERS. Well, when you say 130 percent increase, that's more than double, isn't it?

Mr. ELLISON. Oh, yes.

Mr. CONYERS. A 100 percent increase would be double. A 130 percent increase is one and a third more than what they're paying. Is this an annual increase rate?

Mr. ELLISON. This is from 1996 to 2006.

Mr. CONYERS. Oh, I see. It's a period of over 10 years. What it's saying to me is that these folks don't have any option of changing insurances or doing

anything. What are their alternatives? If you don't pay, where are you going? Is there some private insurance company offering a lower premium? Can we call up insurance companies and say, My insurance has more than doubled over the last 10 years, and I want out. What happens then?

Mr. McDERMOTT. You're tough out of luck. If you go into the individual market, you'll pay even more. So if you're in a big group, you know, working for Ford Motor Company or for Delco Battery or something, that way you get the risk spread over everybody. But if they're just looking at you or me or the next guy, they're going to charge you a much higher premium for anything that you have, any kind of preexisting condition.

So it's worse when you leave one of those groups. People stay in, and they scramble to try to make it. But every company in the country has been shifting more and more cost onto the individual. They used to pay in some companies 100 percent. Now they pay 60 percent, and 40 percent has to be paid by the employee. Their deductibles are going up, and the copays are going up. That's why the President has said we have to find a way to control costs. We can't let this go on.

Mr. ELLISON. If the gentleman would yield, if you look back at this chart, "National Health Expenditures Per Capita." That means that we take all the health care expenditures and divide them by the number of people. So the average amount of health care expenditure for the average person—look at these numbers. This is what actually happened, and this is what is projected to happen.

If we look at 1990, going back to 1990, what we saw was about \$2,814 per capita, per health care expenditure per person. This is 1990, the year I graduated from law school. If you go to this one, 2009, it's \$8,160. Look at how this has more than doubled since 1990. As a matter of fact, this has nearly tripled.

The fact is these expenditures are galloping higher. If you look at the projected rate, we're up here. By the year 2018, it will be \$13,000 per person. This is ridiculous.

Now, there is another chart I want to show you, and this chart is a chart that looks at different countries. So you look at this blue here. The blue is the United States; and then we have the red, France; the green, Canada; the purple, Germany; and then this aqua color, the United Kingdom. Back in the year 2000, we were up here at \$4,570, way above everybody else. If you look at Germany, they were second, but everybody else was in the low 2,000s or higher 1,000s. This is the industrialized world.

Now, if you flash forward to here, in 2006 we're up around \$6,714. We're still way above everybody else, but look at how we are compared to ourselves over

time. The American family can't sustain this. Why do we cost so much more than everybody else? It's time for a change. It's absolutely time for a change.

I yield back to the gentleman from Washington State.

Mr. McDERMOTT. Well, I think that is what is really troublesome about this debate, is that people on the other side who argue that there doesn't need to be change—you say to them, Well, what are you offering? They say, Well, let's give tax credits to people so they can buy their own health insurance.

Now, let's just think about that for a minute. The average income in this country is about \$45,000. So you're making a little less than \$4,000 a month. You can easily spend \$1,000 a month on a premium. So each month you've got to take \$1,000 of your \$4,000 out and go down and buy your health insurance. Now, the Republican solution to that is, Give them a tax credit. Let them wait a whole year to the end of the year, and then you give them back their money at the end of the year.

□ 1715

Most people don't have that kind of ability to wait for 12 months to get their money back. Rich people can. I mean, they can wait for a tax credit someplace down the road. But ordinary people who are living from paycheck to paycheck do not have the ability to spend a thousand dollars a month on a health care premium and wait 12 months to get credit for it on their income tax.

So their proposals sound like they have something in mind. Yes, they have something in mind, but it simply won't work.

Mr. ELLISON. Reclaiming my time, I'll cite another example of that.

We hear a lot of people saying the solution to the problem is that we should just let people buy and sell insurance across State lines, and they offer this as something that's supposed to fix everything. But what they don't tell you is that 34 markets around the country have markets where one to five insurance companies are offering products and that's about all there is. Like in Alabama, as the President mentioned, one company dominates 90 percent of the market.

So basically they want to say, well, if you can go from Ohio to Minnesota, then the fact is that they think that's going to solve the problem. But if you have a monopolized market here and a monopolized market there, you still don't have a whole lot of choice. You still don't have a whole lot of people willing to offer you very much.

And how come these markets are so monopolized? Because it's extremely difficult to break into a market and build up a provider network, a doctor network in order to be able to compete

that way. So they're saying you can compete with this monopoly and that monopoly and it's not going to solve anybody's problem, it might be a small part of some solution somewhere. But the real solution is single payer, which is why I'm on the bill, but a good medium solution is a strong public option, and we have got to have people fighting for it.

Mr. CONYERS. Will the gentleman yield?

Mr. ELLISON. I yield to the gentleman.

Mr. CONYERS. More and more Members of the Congress are coming on our universal single-payer health care bill. I'm very pleased about that.

The judiciary, one of the subcommittees, we had a hearing about this McCarran-Ferguson bill that exempts from antitrust obligation insurance companies, and health insurance companies in particular. And I received a letter, a nice letter, from the CEO of the America's Health Insurance Plans. Her name is Ms. Karen Ignagni, and she sent us a nice letter back. She declined to be a witness. That's a subject we'll probably pursue later on.

But I just checked in my little file of health insurance executive compensation, and this is public information, so I don't think she'd be offended by my discussing it here on the floor. Ms. Ignagni earns \$1.580 million in compensation, but her base salary was \$700,000. This was from 2007 filings. But she did also receive \$170,000 in deferred compensation and a bonus. She probably works very long hours, and we concede that.

But we looked at others that we want to talk with, another person that we are beginning to be in negotiations with. We have to, all of us, come around the table and discuss these matters.

Let's take Aetna; one of the biggest, I presume. Its distinguished chairman and CEO is Mr. Ron Williams. Mr. Williams, I don't know what it is he does, but his income is \$24,300,112 per year. Now, he's got some heavy responsibilities. Do you know how much more money he makes than the President of the United States?

Look, capitalism, a love story, I'm for capitalism. He earned a total of \$24 million plus for compensation in 2008 with more than half of that, \$13.5 million, coming from stock option awards. I don't know how that works. He also received \$6.4 million in stock awards to go along with his base salary, which was only \$1 million plus. But, in addition, he has the personal use of corporate aircraft plus a land vehicle as well as financial planning and a 401(k) company matches, adding up to another \$101,000 plus for Mr. Ron Williams.

Now, I sent out a friendly invitation for the head of Aetna to come before my committee to discuss the incred-

ibly important decisions involved in reforming health care in America. Here is a person who has a lot of experience in the subject matters that are being debated in three committees in the House, two committees in the Senate, and heaven only knows how many of the people in the White House are working on this. K Street, we know, is fully occupied in this matter. We need to talk.

What about CIGNA? That's another big company. Its CEO, unfortunately he only makes half of what the CEO of Aetna earns. Maybe he's not as efficient or maybe he doesn't produce. I don't know what it is.

But would anybody object if we invited these folks in to discuss this? I mean, we have the unemployed. Our colleague SHEILA JACKSON-LEE is going to have people coming in Tuesday at 5 o'clock next week to tell their problems. These are people that not only don't have income but they have huge debts.

But I want to go from the other end of this, Mr. ELLISON. I sympathize with all those that are suffering, but I want to try to understand—I've got to comprehend the view from the top with those who are not unemployed, who are not marginal, who are not lower income, not middle income. They're wealthy. So we have to extend these conversations both ways.

What about the chairman and the CEO of CIGNA, \$12.2 million annual income? What about WellPoint, Ms. Angela Braly, its president and CEO, \$9.8 million every year? What about Coventry Health Care, President Dale Wolf, another \$9 million? Centene Insurance Chairman Michael Neidorff, \$8.7 million; James Carlson, chairman of AMERIGROUP, \$5.2 million; Humana's President Michael McCallister, \$4.7 million; Mr. Jay Gellert, the distinguished president of Health Net, \$4.4 million; Universal American, Chairman Richard Barasch, \$3.5 million; Stephen Hemsley, UnitedHealth Group, president and CEO, \$3.2 million.

I want to get the picture from the top. They could explain to us and maybe put into more perspective why there's such a maldistribution of health care to everybody, because these are health insurance companies. If they don't know—I mean, they have a lot to tell us, and I would like to hear them in their own way and in their own words explain this situation, because we've got big decisions to make.

We don't just represent the poor and the left out and the marginal; we represent the whole country. When I cast a vote in the House of Representatives, it's from my district that they sent me, but the vote applies to everybody in the United States of America, all 350 million people, including the upper 1 percent of income earners especially in health care.

Mr. ELLISON. Reclaiming my time, I want to thank the gentleman for making the point so very clear that there are winners and losers in the health care roulette that we have going on in our country, and it would be nice to hear from some of those people who seem to be coming up roses all the time to explain exactly what's going on.

Mr. CONYERS. But they make the policy. I'm not a work inspector that wants to know how many hours they worked or what they did, but they make the decisions that lead us to be here, the whole Congress, two committees in the Senate, three committees in the House. We have caucuses every single day. Talk to me, somebody. If I'm going to be working on something this enormous, a multitrillion dollar decision, the people that have been making the decisions all these years, they have got to send me some letters.

□ 1730

Mr. ELLISON. Well, Mr. Chairman, if I could cut in. I just want to read very quickly before I hand it over to the gentlelady from Texas, SHEILA JACKSON-LEE, that I have somebody from Minneapolis who wants to tell me that their family—it says actually this, "We are in foreclosure, housing foreclosure, health insurance is \$600 a month for a family of five. We applied for a loan modification and were denied."

You know, this is a big deal. This family is dealing with this situation. "Even with a loan modification, we still would not be able to afford our mortgage because of the cost of our health care insurance."

This is what a young lady trying to put food on the table is dealing with in my district right now. And I just think that her voice deserves to be heard as well.

So with that, let me yield to the gentlelady from Texas and note that we have about 12 minutes left of our time, and it has been a wonderful hour.

And the gentlelady from Texas, let me welcome you to the floor, and I yield to you for your remarks.

And by the way, thank you for bringing people together next week to let the people be heard.

I yield to the gentlelady.

Ms. JACKSON-LEE of Texas. Let me thank the gentleman from Minnesota and the distinguished chairman, who was really posing a rhetorical question as to why the voices of opposition are in opposition, and let us hear about their case.

And today I am on the floor joining you, Congressman ELLISON, to thank you as you've kept this battlefront going. Many of us have had moments when we have had to depart quickly, and therefore, we have missed the opportunity to share with you, but we have appreciated the opportunity for your presence on the floor.

We have got to have health care reform now. We have got to have a vigorous public option, Medicare Plus 5,

and my position is, if this is about, Congressman ELLISON, about loss of life, 18,000 people are dying every year because they do not have health insurance.

But let me try to dispel the myth that this is a Democrat issue. This is a bipartisan issue, and I don't know when our friends on the other side of the aisle are going to get it. Because if history was recollected, you would see that Nixon, Carter, and Clinton all tried health reform because it was imperative. And if we had enacted Federal health spending as a percent of GDP dealing with health care under Nixon, Carter, or Clinton—meaning that we would have cut the cost, slowed the cost down—we would not be where we are today, which is this excessive cost in health care—and I've got a small chart. But the main idea is to say to you that spending would be much lower today if we had enacted health care reform under Nixon, Carter, or Clinton.

Right now we are spending 5.2 percent of annual growth, and we're spending \$2,000, it seems, in U.S. dollars per capita for individuals trying to be covered by health care. If Nixon, Carter, or Clinton health reform had been enacted, the share of GDP on health spending in the U.S. would be closer to other countries.

We have a problem, and the interesting thing is that we seemingly are listening to our own voices and the voices of those who do have a right to express them but seem to be confused by the messages that are coming out.

We see the attack on TV suggesting that this bill will take away Medicare from seniors. It is well known that we have been working with AARP. They are not beholden to us. They are not making decisions precipitously. They are looking closely at their responsibilities to their members. And I can assure you they are watchdogs, and they want to have a fix in the doughnut hole—Medicare part D—and they want to ensure a healthy Medicare, and they want to protect their members. So there is no substance to the characterization that we want to take away your insurance, that we want to take away Medicare, that Medicare Plus 5 will not be valid.

And there are questions about hospitals. Some of us are openminded in dealing with this question about hospitals, making sure that they don't represent to themselves that their doors are closing. We're concerned about doctors; we want to make sure that they can keep their doors open.

And I would offer to say this point: The chairman has spoken about the voices of opposition, if I heard him as I came on the floor. Why can't we find out what their gripe is, that are making this amount of money and seem to be doing well?

Mr. CONYERS. Would the gentlelady yield?

Ms. JACKSON-LEE of Texas. I would be happy to yield to the gentleman.

Mr. CONYERS. I don't claim them to be voices of opposition. I don't know what their position is.

Ms. JACKSON-LEE of Texas. Exactly.

Mr. CONYERS. I just want to find out.

Ms. JACKSON-LEE of Texas. What is it.

Mr. CONYERS. And I offer the hand of cordial exchange of views that we always do in the Judiciary Committee, and that is can we talk. Let's see where we have areas of agreement and where we have areas of disagreement. That's how the legislative process works. And then get all of the facts out on the table and decide what form and shape health care reform is going to take.

I can't predict it now. If somebody asked me to tell them what a strong public option is—I've never seen a public option in my life. I don't know what it is. I know that it's an alternative to the 1,300 private insurance companies, that every industrial company has at least one or more public options. But what its precise characteristics are, nobody's ever handed me a sheet of paper and said, This is a public option.

Ms. JACKSON-LEE of Texas. If I could reclaim the time yielded for a moment. And I thank the gentleman for clarifying that.

You're right. I am willing to hear them too, but juxtaposed alongside of listening to a reasoned discussion and debate as to whether you're for or against, or what you're for, and to get them to understand what a vigorous public option is, as we've interpreted Medicare Plus 5, which will harm no one. I want to hear from the sick and the infirm, people who have suffered. Maybe you are better now. But you've suffered the burden of not having health insurance.

Mr. Chairman, we're going to convene those individuals in Washington, D.C. We'd love for you to reach out to our office. If you're prepared to drive in or bus in or fly in so that your story can be heard, here's my condition: Because I had no insurance; my insurance was denied because of pre-existing disease; or because, in essence, my insurance said, you are not covered. These voices we have not been able to hear on the floor of the House or in committee rooms. When various individuals who have opposed this approach have offered their proposal, who are they speaking for? Are they speaking for that throng of individuals who claim that this country is their country as well, but they have not been able to secure the opportunity for good health care.

Mr. CONYERS. Could we have friendly CEOs of health insurance companies join us at that hearing? Would they be invited too?

Ms. JACKSON-LEE of Texas. I think that that would be most advantageous

because then we could hear from individuals who feel and know by their work and their research and their companies' research that their house will not collapse if we open up insurance so that all Americans have access to insurance and that we have 100 percent coverage.

What I am shocked about, something as vital as health insurance and as close to saving your life as health insurance, people are willing to say it's okay if 47 million Americans are uninsured. They seem to believe that that is a statistical number that we can bear.

I want these individuals who have suffered unfortunately and tragically from our failed health care system—not in terms of quality, not in terms of commitment, not in terms of good hospitals, but in terms of covering all Americans and lowering the costs.

Democrats are standing here advocating for lowering the costs. And this document that was presented to us by, if I might, by Karen Davis, president of the Commonwealth Fund, suggests to us if we had suggested the health care reform of Nixon—who was a Republican—of Carter and of Clinton, we would have had lower health care costs today.

And I can assure you we wouldn't have the premium surge, the upstart, the support of the premiums that are probably impacting the family between mortgage foreclosures that have not been responded to, the \$600-a-month premium that they have to pay in order to provide for their family.

Mr. ELLISON. If the gentlelady will yield, I have one more I want to show to you.

Another gentleman named Patrick who says, We have a 19-month-old daughter with congenital heart problems. We're self-employed. She was denied coverage. We pay \$14,000 a year.

Ms. JACKSON-LEE of Texas. This is a crime.

Congressman ELLISON, thank you for that real-life exhibit, if you will. And to that family, we don't want to suffer this kind of injustice to you much longer, a 19-month-old who is denied because of preexisting disease.

I know if we start this program, first of all, we're expanding CHIP, Children's Health Insurance Program, we will be expanding Medicaid. We'll have a public option. There will be an opportunity for the private insurers. This is a big country. We're growing exponentially, and the issue is, those are the sad stories.

I wish that gentleman could come here to Washington and tell his story because these are the voices that need to be heard. Even though we heard them in our town hall meetings, they need to be here in the Nation's capital, their home, their capital, to tell this body and the other body what this is in real life and real time.

Mr. ELLISON. If the gentlelady and the gentleman will yield.

We are down to about 1 minute.

So let me just say—because you will have the last word—this is the Progressive Caucus coming to you week after week for a progressive version of America where we're all included, we're all a part, health care for all, peace now, environmental sustainability, and civil rights for everybody, health care performed, patients before profits.

I yield to the gentlelady and the gentleman for their last words.

Ms. JACKSON-LEE of Texas. I am proud to be part of the Progressive Caucus and working closely in negotiating and working with my colleagues on ensuring a vigorous public option to save 18,000 lives every year.

I yield to the distinguished gentleman.

Mr. CONYERS. I just want to close the debate hoping that one of the dozen presidents of the health insurance companies will join us—maybe all of them or as many as schedules will permit. What I want them to know is that they've never said that they didn't care about the 47 million people who aren't insured.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2997) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes."

#### TURNING POINT IN WAR ON TERRORISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. HUNTER. You know, we're at a turning point right now in the war on terrorism. We talked about Afghanistan today, Madam Speaker. But first as we do this, I would like to yield as much time as he may consume to the gentleman from Florida, an Army veteran and a member of the House Armed Services Committee, TOM ROONEY.

Mr. ROONEY. Thank you, Mr. HUNTER.

Just last week, myself, along with Mr. HUNTER from California, sent a letter to the President asking him to take seriously the request of General McChrystal, the commander in Afghanistan; ask McChrystal to come to this body and address the Congress—or at least address the Armed Services Com-

mittee, of which I am a member—to let us know what his plan is in a very specific and detailed manner so that we can ask the tough questions, that we can do the people's work and to look out for our men and women serving in uniform.

Along with many members of the freshman class, that letter was sent last week, and along with many other letters sent to the President, along with letters sent to my office, phone calls asking me to support our troops, support the generals on the ground, support our military chain of command and to do the right thing in Afghanistan. And that's to give us a chance to win where we know that we can win.

The United States versus the Taliban. Think about that for a second. The United States versus the Taliban. And what the questions are and what we have to do. As Sun Tzu said, Don't go to war until you know you can win; and when you go to war, know that you've already won it.

So what General McChrystal is asking the President to do quite simply is three things to win the war in Afghanistan: First, give us a surge in troops more than the troops that we've already approved—at least 43,000 more troops—to be able to secure the towns and villages and cities so that people feel safe, so that people come out of the woodwork and the intimidation of the Taliban and can feel that they can trust the Americans and our allies, that we're not going to leave, that we're going to stand by them and stand by for the people's rights and freedom in Afghanistan.

□ 1745

This has been an issue of a lot of contention and, quite frankly and unfortunately, politics, not only here in the House but between the two parties and across this great country. The second thing is to integrate with the Afghan people. It's going to be risky. We are going to have to come out from behind the walls, out of the Bradleys, come down from the turrets in the Humvees and really do a much better job of winning the hearts and minds of the Afghan people.

It's going to open us up to risk, and it's going to up us up to harm's way, quite frankly. But I think General McChrystal understands that it's going to take some sacrifice; it's going to take making the risks and the hard decisions to be able to accomplish this goal. Because, on the other hand, you have the Taliban, which operates under intimidation, operates under violence and threats that, if you cooperate with the Americans, we won't forget it and you will be punished, and there will be recourse for the things that you have done to cooperate with the enemy, in that case, us, the United States.

The third thing that General McChrystal asks of the Commander in

Chief is to help end the corruption in Afghanistan politically. This is the hardest of the three prongs and I think the most important. The local governments, the regional governments and the central national government have a long, long way to go in ending what has been a long string of corruption in Afghanistan. That's going to be the most difficult aspect of General McChrystal's request. But, again, we have the best team in place.

The President, to his credit, has assembled the finest military and civilian defense staff that, as a former Army captain, I could possibly ask for, Secretary Gates, Jim Jones, General Petraeus, even General Shinseki being on the cabinet, even though he's with the Veterans Administration, just an outstanding dream team of military brass. We have the best team in place.

I urge the President to listen to them, take their counsel, do the right thing in Afghanistan, finish the job that we started there. Whether or not it was neglected, whatever argument you want to make, starting from today on, for the kids that are there now, that are manning a post, that are out there alone and cold and homesick and undermanned, let's do the right thing and send a message to the world that the United States of America will stand up for freedom across this great planet of ours and stand by where freedom wants to ring out.

And I believe it does, and I believe it will; and we should not let politics play a role in this, and let the generals on the ground do their job, and then support the President once he makes that decision.

Thank you, Mr. HUNTER and Madam Speaker.

Mr. HUNTER. I thank the gentleman from Florida for his service in the Army as well as his service now to the Nation in Congress. He's really living up to those Army ideals. You know, now that this security situation in Iraq is under control and U.S. forces are beginning to rotate out of that region, we're confronted with a new challenge of equal significance in Afghanistan.

By all accounts, the combat mission in Afghanistan has reached an important crossroad. In March, President Obama unveiled a new approach to achieve this victory in Afghanistan, reminding all Americans of the necessity to disrupt, and I quote from President Obama, disrupt, dismantle and defeat al Qaeda, in Pakistan and Afghanistan and to prevent their return to either country.

Leading the mission in Afghanistan is General Stanley McChrystal who was appointed by the President and Secretary Gates to evaluate the situation on the ground and provide a resource request detailing the needs to achieve his victory. The President now has General McChrystal's request in hand, which includes adding another



40,000 combat troops, minimum, to the region.

As the President considers what course to take, the security situation in Afghanistan is deteriorating. The insurgency is gaining strength, and U.S. soldiers, marines, sailors and airmen, as well as our allies, are being increasingly targeted by ambushes and roadside bomb attacks. To prevent mission failure and to protect those troops already there, the President must act quickly to fulfill General McChrystal's request for more combat resources.

Only until recently the collective commitment to this new strategy has come into question. Some in Congress have raised opposition to any type of troop surge whatsoever, even if it means defeat. They instead prefer to maintain or draw down our combat forces, focus on training local security, and rely on targeted air strikes and drone strikes. While a scaled back strategy might be attractive to some people, it would inevitably constrain resources already in short supply in Afghanistan, unnecessarily putting our mission and the safety of the coalition forces at risk.

General McChrystal has made it clear that a small footprint counterinsurgency strategy will not work in Afghanistan. What's more, General McChrystal has clearly defined our objectives and the metrics for achieving victory against a resurgent Taliban and possibly al Qaeda. This entails our ground forces working to stand up Afghanistan's security and police forces as we did in Iraq and substantively weaken the stronghold of al Qaeda and the Taliban to the point where these local forces can effectively take control.

Madam Speaker, this is nothing new. We had almost the exact same challenges in Iraq and we were told 2 or 3 years ago we were going to lose in Iraq, the surge wouldn't work; there was no way we could win. It was a quagmire. We were going to be stuck there, and Iraq was another Vietnam. Well, guess what? You can walk up to any soldier, marine, sailor or airman who has served over there and don't just say, thanks for serving, you can say thanks for victory, because we're now rotating home out of Iraq in victory, not defeat because of General Petraeus, General Odierno and the almost exact same strategy of surging to provide security so that we could stand up the Iraqi forces, stand up the Iraqi military and the Iraqi police and the Iraqi Government so that we can leave.

Afghanistan is not Iraq, true, but that counterinsurgency strategy still stands. It still works. The more troops we send over to Afghanistan, the more secure we can make Afghanistan and the quicker we can leave Afghanistan victoriously. We truly are at a vital turning point in Afghanistan, and the President does have a very difficult de-

cision to make. To quote General McChrystal: time matters. We must act now to reverse the negative trends and demonstrate progress.

President Obama himself, in March, said that the counterinsurgency strategy, also known as COIN, is the way to defeat the Taliban in Afghanistan and to defeat al Qaeda. The strategy presented by the President and his national security team would require, quote by the President, executing and resourcing an integrated civilian, military counterinsurgency strategy.

But now, the President, instead of listening to the general he appointed who is the resident expert in Afghanistan, who's on the ground in Afghanistan, and who the President had not even met with face to face until he took his Olympic sightseeing tour to Denmark when he finally deigned to meet General McChrystal face to face, he's now listening to possibly Vice President BIDEN. So he's going to listen to Vice President BIDEN's advice on Afghanistan instead of the four-star general who he put in charge in Afghanistan.

In mid-April, Chairman Mullen and Secretary of Defense Gates actually replaced General McKiernan with General McChrystal because he specialized in counterterrorism. Counterterrorism. That's what Vice President BIDEN wants to do. McChrystal, even after being an expert in counterterrorism, came back and said, counterterrorism is not going to work. It's got to be counterinsurgency. So to have this counterterrorism expert come out and say counterterrorism's not going to work, we need a COIN strategy, the counterinsurgency strategy, we need to get the Afghan people on our side and the only way to do that is to secure the area, that's pretty phenomenal.

As we speak right now, Madam Speaker, the Iraqi troop levels are going down. Equipment and resources are coming back over here to the U.S., and they're also going to Afghanistan. We have won in Iraq, and we can win in Afghanistan; and we can bring civility to the Afghan Government so that we can leave.

But here's what we have to do. We have to have enough boots on the ground to provide security needed to properly train and equip the Afghan security forces, both police and army. You'll see many people saying that it's impossible in Afghanistan because Afghanistan's a much larger land area than Iraq is. That is true.

Afghanistan has more area than Iraq does. But it's got much smaller concentrated population centers. There's only two really. There's RC South. This is the Helman province. Kandajar's there. That's where the marines are at this point in time. Then you have Kabul and RC East. That's where the Army focuses on. Pakistan's over there to the east. This is that

mountainous range where you have drug runners coming across, you have people bringing weapons across, you have Taliban, al Qaeda and general bad guys coming across with that far arrow. Then you have RC South here where those marines are in Kandajar.

Those are the two main population centers. That's what we're focusing on. When it comes to IEDs going off, those are improvised explosive devices, the roadside bombs, the 155 rounds put underground by the bad guys to blow us up.

In Iraq we had a very complex road system. There were towns all over, cities all over, bases all over. We had to run resupply routes going everywhere. In Afghanistan you don't have that. You have one main road that rings the entire country. It's called Ring Road because it's a big round road. The only places we have to stop these IEDs from going off are between those two arrows. That's it. These IED casualties that we see coming back, which is 85 percent of our casualties in Afghanistan right now, are improvised explosive device casualties.

If we stop those, we will stop sustaining major casualties so we can move on to this security phase. We have to stop the IEDs and we can do it just like we did in Iraq; and it's actually easier to do it in Afghanistan. The Department of State needs to work on the Afghan government structure. I won't argue with anybody who says that the Afghan Government right now is almost completely corrupt. There are many charges leveled against President Karzai who says he's corrupt.

And the Afghan government system that we have set up right now over there does not represent the thousands of the years of the Afghan tribal set-up that they've had that the Afghan people are used to. That's going to be a major challenge. Getting the Afghan people to trust in their government so that they actually go out and vote and they actually tell us where these improvised explosive devices are being implanted, that's a counterinsurgency problem.

We need to work on the Afghan Government. We need to make sure that it's not corrupt. Right now I am a Congressman from San Diego, California. I was voted in by the people of San Diego. In Afghanistan you don't have that. In Afghanistan, President Karzai appoints who the different representatives are. So that's like President Obama saying, You aren't allowed to elect DUNCAN HUNTER. What I'm going to do is I'm going to tell you who your Representative's going to be. That's how this government's set up in Afghanistan, and it does not properly represent the way that the Afghan people want to be governed nor need to be governed.

Just as important as our military and security mission in Afghanistan,



it's just important that we work with Pakistan so that Pakistan is not a safe haven to al Qaeda and to the Taliban. I want to read a few quotes here. This is President Obama talking about Afghanistan. He says, and I believe this, Afghanistan has to be our central focus, the central front on our battle against terrorism. President Obama said, Troop levels must increase in Afghanistan. And as little as 2½ months ago, he said, For at least a year now, I have called for two additional brigades, perhaps three.

The President obviously knows what needs to be done in Afghanistan because he's called for it. In his campaign he said, Afghanistan is the central fight against terrorism. When he became President he said Afghanistan is the central fight against terrorism. And now that it looks like it's difficult politically, he's stepping back from that assessment and he's saying, Well, we have to wait and see here. We have to look at this.

I don't think that shows good leadership. What I would like to see the President do is listen to the head general who he appointed, who he put in place, and who is the smartest person possibly in the entire United States military on Afghanistan and knows how to win this fight.

□ 1800

I would like to yield such time as he may consume now to the honorable gentleman from Michigan, Mr. THAD MCCOTTER.

Mr. MCCOTTER. I thank the gentleman for yielding. Because of its prestige in the history of our Nation, the Presidency and its occupants are often envied. This view is erroneous, because within the Presidency comes the requirement to make painful, agonizing decisions between war and peace, between life and death. Many of its past occupants have said that it is the loneliest of places in the United States to be in that Oval Office when the weight of these demands fall upon your shoulders.

Understanding this and empathizing with our President and fully understanding our role as the servants of the sovereign citizens who sent us here, we have to offer the President honest advice for his consideration in just such circumstances. I do so today.

We have seen the report from the commanding General on the ground, General McChrystal, who was appointed by the President to implement the President's counterinsurgency strategy. I applauded that move. I applauded the President's willingness to go to a counterinsurgency strategy.

We have of late seen tendered to the President the recommendations of General McChrystal as to how we can, yes, still achieve victory in Afghanistan. The report said that we can have a status quo and not achieve victory. We

can have 40,000 troops and a full counterinsurgency effort—or we could have more than 40,000 and a full counterinsurgency—to win.

The President is now faced with a momentous decision. The decision is whether we shall have victory or we shall have defeat, a defeat which, however disguised, as a withdrawal or otherwise, will be viewed by our enemies, our allies, and the Afghan people as a defeat.

It is my sincere hope that the President supports and implements the General's request for at least 40,000 additional troops and a full counterinsurgency strategy so that the United States, their allies, and the Afghan people can be free.

You see, within the context of this decision, the President must consider, obviously, the lives of our troops in the field, our allies in the Afghans. The President must weigh the consequences to our Nation and the world of a revanchist Taliban return to power, an emboldened al Qaeda, and the dangers that it imposes not only for the people of Afghanistan and the United States, but to Afghanistan's neighbors, such as Pakistan, and to our allies, who will continue to be the targets of terrorism, as will ourselves.

In weighing this, he will also have to think about the honor of the United States, a Nation which throughout its history has posed a threat to tyrants and terrorists throughout the globe—not because of our actions, but because of our existence.

It is our existence as a free people and a people large enough of heart to expand that liberty to others to defend it here for ourselves, that we have, throughout our history, faced challenges, both martial and ideological.

Within the context of Afghanistan, a decision for a withdrawal that will constitute a defeat means that the United States of America will say to the people of Afghanistan: You will again be returned to the murderous regime of the Taliban. Women will be again treated as second class citizens. Children will again grow up in a culture of violence and hatred directed at other people, and the United States will have broken its word to them.

Today, there are decisions even greater than the one the President faces being made. It is by our men and women in uniform, our allies in the Afghans, who every day wake up fully conscious and devoted to the cause of human freedom in Afghanistan, despite whatever the Taliban and al Qaeda and others may do to them.

It is this type of decision, this type of bravery, this type of commitment to the God-given right to liberty that is possessed by every soul on this Earth that motivates ourselves and our allies in the Afghans. And I would urge the President that, in coming to your decision, you never forget that; that the

strength of the United States is our willingness to sacrifice for the expansion of liberty to others to defend freedom for ourselves; that our security is from strength, not surrender; and that throughout our history and throughout the future of this free Republic we will never betray our word to oppressed peoples we have helped to come to emancipate, for in doing so we will betray our own birthright as free citizens and endanger our own security.

Let us pray for our President as he makes this fateful decision and let us hope he comes to the right one—a victory in Afghanistan, a victory for the Afghan people, a victory for the cause of human freedom in our all-too-tortured world.

I yield back to the gentleman from California.

Mr. HUNTER. I thank the gentleman from Michigan for his words so well put. You can see that he understands what is at stake in Afghanistan.

What interests me about Representative MCCOTTER's words, we just want the President to do the right thing. And we believe that he knows what the right thing is, because it was his idea. He brought up the counterinsurgency strategy. He said that Afghanistan should be the main focus in the war on terror.

He knows what the right decision is because he has already made that decision in his mind months ago. He put in General McChrystal because he knew that General McChrystal was the right guy at the right time to lead us to victory in Afghanistan.

The President knows all of this, and we can only pray that he makes the right decision in Afghanistan or America will be a much less safe place than it is now.

What happens if we don't win in Afghanistan? What happens if we keep the troop levels the same or we incrementally escalate our troop levels over there that is not a surge but we add a few thousand troops at a time, what's going to happen in Afghanistan?

First, Afghanistan will become once again a petri dish for terrorists. Al Qaeda will return to Afghanistan. There's already networks there. One is the Hakani network. They're in touch with al Qaeda all the time.

Al Qaeda will be back in Afghanistan. We won't be there anymore. The Taliban will have control of Afghanistan because they have shadow governments set up throughout the entire country.

This is not like in Iraq where there would be a car bomb going off for no reason other than to hurt people. A car bomb in Iraq is not an alternative form of government.

The Taliban in Afghanistan is an alternative form of government. They want to take over this fledgling, possibly corrupt, democracy parliamentary system that we have set up in Afghanistan. As bad as it is now, this Afghanistan Government that they have

set up, the Taliban would be much, much worse.

So what if we don't win? Afghanistan will become a breeding ground for terrorism. Pakistan, which has nuclear weapons, will be destabilized, completely destabilized.

I will tell you right now what is going on in talks in Pakistan and with different Taliban people—not because I've heard this from anybody; just because I know because this happened in Iraq. The Taliban is telling the Afghan people right now: America's going to leave. Look how indecisive they are. Their President, even after he said that they're going to surge in Afghanistan to have this counterinsurgency strategy, they can't make a decision. And the people of Afghanistan are listening.

Why would the people in Afghanistan not go with the Taliban forces if they think that we're going to leave? Because if we leave, they're going to be slaughtered. There will be reprisal attacks against those Afghans who dared help America; who dared tell us where the IEDs were being planted at; who dared say, These guys over here are bad guys, Sergeant. Could you go get them for me?

The people of Afghanistan are going to stop working with us if we keep being indecisive on what we're going to do over there, so Pakistan could possibly become destabilized.

Out of all of the bad things happening in this world—Mexico imploding because of its narcotics trade and its gang war, North Korea shooting off nuclear missiles, Iran shooting off nuclear missiles, getting that fissile nuclear material there—all of these things could happen.

This world is a very dangerous world. We all know that. One of the most likely, though, and one of the absolute scariest, is the destabilization of Pakistan; it's Pakistan going away and the Taliban getting their hands on their nuclear weapons. I don't think we would want to think about what would happen if the Taliban or al Qaeda got their hands on Pakistan's nuclear weapons. This entire area would be destabilized, and I guarantee you they would be gunning for another 9/11. And it would be that much easier for them because we're not there anymore.

And I understand we've been at war in Afghanistan since 9/11. We've been over there a long time, over 7 years. And I understand, Mr. Speaker, that the American people are tired of war. I was in the Marine Corps. I joined after 9/11. I did two tours in Iraq and one in Afghanistan in 2007. I was in the Battle of Fallujah in Iraq. I was in Diwaniyah. I was in Babylon.

I'm tired of war, too. But what I want to make sure of is that our country stays safe, it stays secure, and it stays free, and we don't turn our backs on a people who we promised aid to. If we lose in Afghanistan, it will embolden al

Qaeda, it will embolden all of our enemies, and we will see increased attacks.

This is not a scare tactic, Mr. Speaker; this is simple fact. If we're not there, if America does not lead, our allies will not lead themselves. America is the leader in Afghanistan and our allies are following them.

I served with the British, Canadians, Australians, the Poles, Czechs, the Italians, Spaniards, French. I served with a whole lot of people, other countries that are in Afghanistan, and they're following us. We are the leaders for this war.

We are providing that leadership role and we're the economic pillar for this war, too. And it is an expensive war. Wars are extremely expensive. Afghanistan, with its tribal layout, its mountainous regions, its desert, its terrain is more complicated than Iraq is.

This is not easy. We aren't saying that this is easy. We're saying this is going to be very, very difficult. But we have the willpower, and I think we have the ability. We have the leader in General McChrystal. We sure as heck have the men and women who want to serve and win in Afghanistan. We can do this.

So, consistent with General McChrystal's recommendation, the initial strategy outlined by the President almost 7 months ago constitutes the best way towards accomplishing all of these goals. My hope and Mr. ROONEY's hope, and it should be every America's hope, is that a favorable decision is reached promptly so that our military, this Congress, and the administration can begin doing everything they can do to provide the full resources necessary to execute a counterinsurgency strategy.

We have to know here in Congress what the President wants to do. We need to know what his decision is so we can get the men and women serving over there right now, the ones getting shot at, the ones getting IEDs, the ones getting rocketed, we want to get them what they need.

One of the things they need is the support of the American people. Until President Obama comes out, makes his decision, lets Congress know about it so we can inform our constituents and we can tell them why it's important that we win in Afghanistan, our men and women overseas right now are suffering.

You don't think that the privates, sergeants, corporals, staff sergeants at the officer corps in Afghanistan are looking back right now, watching C-SPAN watching CNN, and saying, Our main General, General McChrystal, the man who we're following, the man who's asked us to fight, the man who's asked us to drive these dangerous roads, the man who's asked us to kill the enemy for our country and our lives are put in danger, he's asking for

40,000 troops, and the administration in D.C., in Washington, is not giving them to him right now, they're thinking about it.

□ 1815

We've had enough time to think about it. It's been 7 years. Was our strategy in Afghanistan under President Bush the right one? No, it probably wasn't. It probably was not the right one. We were focused on Iraq, and frankly I think that's a good thing, too, because we have won over there now. But we need to shift focus to Afghanistan. That's what this President said he would do. Experience tells us that wars must be run by our military leaders, not politicians or bureaucrats back here in D.C. I don't want to create strategy for Afghanistan. That's not my job. My job, as a congressman, is to give the military men and women the support that they need to get the job done for whatever the President, who's Commander in Chief, sets out as their strategy and their goals. You don't want me running a war. You don't want Vice President BIDEN running a war, either. That's why General McChrystal is there. That's why General Petraeus is there. That's why General Odierno is there. They are the resident experts.

The President rightly recognizes the importance of defeating al Qaeda and the Taliban, but in order to do so, he must stay clear of political currents and do what is right. And once more, I truly believe that he knows what is right. Because what General McChrystal, once more, has brought to the President in his resource request was what the President asked him to do.

On two occasions over the last few years, I have been to Afghanistan, both as a Member of Congress and as a Marine. While there, I served alongside and shared experiences with the best that this country has to offer. They are truly the greatest generation. People that have so much opportunity, young men and women, they could go to college, they could pretty much do whatever they wanted to do. Instead, they went and served. I have had the awesome opportunity of serving with them. And they have dutifully undertaken their mission to protect our Nation and the Afghan people. I have also spoken to many civilian leaders and military leaders outside of Afghanistan, and they know what the right thing to do is. Our goals in Afghanistan will become further out of reach. In fact, they become more out of reach every single day that we dally here at home and not give them what they have asked for.

If we significantly reduce our military presence right now, at this critical time, the war in Afghanistan will be lost. Understanding this risk, I sincerely hope that President Obama, as Commander in Chief, will follow the

recommendation of his appointed military commander and commit his full support to this important mission.

#### HATE CRIMES LEGISLATION

The SPEAKER pro tempore (Mr. PERRIELLO). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized and the opportunity and the privilege to come to the floor and address you here. It is also a bit nostalgic to step in behind DUNCAN HUNTER. I remember many times standing here on the floor of the House debating issues, and a lot of them were national security issues, including our immigration issues, with DUNCAN HUNTER's father. And this transition has been very good to see a young man, a young marine, stand here in the well and speak to you and talk to you about our national security issues from the experience standpoint of a marine who has served in Afghanistan and now one who serves in the United States Congress. I very much appreciate the addition to this Congress that he is.

I lament what we have seen happen today, this activity that this Congress has gone through; the Department of Defense authorization bill that saw at least 144 or so vote against it. Most of those that voted against the authorization bill, including me, support, of course, the Department of Defense and our national security and all of our men and women in uniform and all of our veterans all the way back to many wars prior to today. The Department of Defense authorization bill was used as a political tool by the left to advance a left-wing agenda that should be appalling to the American people if they understand the motivation of this idea of inserting hate crimes into the Department of Defense authorization bill.

It's a piece of legislation that had passed off the floor of this House a piece of stand-alone legislation. Many of us opposed it. It is activist legislation that sets up and creates sacred cows, people who get special protected status, people who are identified by their alleged, hopefully private, sexual behavior or thoughts. This is a bill that the United States Senate couldn't figure out apparently how to debate on its own and send back over here to the House amended or simply send it to the President. So they polluted the Department of Defense authorization bill with it.

I would be very happy to yield so much time as he may consume to the gentleman from California who I think has an opinion on this matter.

Mr. HUNTER. I thank the gentleman.

The liberals in this Congress and in the Senate did a despicable thing today. There is usually one bill in this

Congress that gets passed that's non-partisan. It's bipartisan. It's the authorization bill to get our military what it needs. And it has never been so important as it has been during this time of war. This is beans, band-aids, bullets, trucks, armor, and flak jackets. Everything that we need to win these wars in Iraq and Afghanistan is in this authorization bill that was being voted on today. I voted "yes" on it. Many voted "no," and they were in the right as well as I was in the right. And here is why. To attach a hate crimes bill, a thought crimes bill, which is wrong in and of its own, but has nothing to do with the military, nothing whatsoever, but the Democrat Congress knew that we would not vote against the military. That's the hand that they played. So they put one of the worst and most rotten bills that has been passed by this Congress on top. They piggy-backed it on top of our defense authorization bill because who's going to vote against the troops?

That was their slant today. And as a marine and as a congressman, it is one of the most despicable things that I have ever seen done by this body. Some of us voted for it. Some of us voted against it. Each of us voted our own conscience on this, and both votes were right. We do have to get our military what it needs on one hand, but on the other hand, we are not going to be ridden roughshod over by a liberal Congress that thinks that they can attach absolutely despicable bills to important things like the defense authorization bill. That's why voting "no" on this bill today was also the right choice. So I thank the gentleman for his conscientious vote today, and I appreciate it.

Mr. KING of Iowa. Reclaiming my time, I so much appreciate the gentleman from California. I'm looking to this new leadership that's emerged into the new Congress, and DUNCAN HUNTER is one of those people. The statement that he has made, I concur with. I have looked at the Department of Defense authorization bill with hate crimes legislation, which is, in fact, thought crimes legislation, built into it, slipped into it as a, not quite a poison pill, because there were liberals over here today, and I would be happy to yield to any one of them that want to stand up and defend themselves, liberals over here today that maybe for the first time voted for the Department of Defense authorization bill because it had this hate crimes legislation in it, the thought crimes legislation in it. Their radical social agenda in some cases overcame their resistance to supporting our military. And so it was a double-edged sword that was put in here, a rotten sword, the wrong, wrong thing to do.

I looked at it from this perspective: that if we are going to let them put into the Department of Defense a piece

of legislation that's so contrary to the rule of law, so abhorrent to equal justice under the law, it turns out to be holding the Department of Defense hostage; it's almost like somebody kidnapped the Department of Defense bill and required that in order to pay off the kidnappers, the ransom note was the hate crimes bill. That's what happened. I don't think anybody is going to stand up and defend that today. They wanted to avoid that debate. They wanted to force a vote. And President Obama, of course, supports the hate crimes legislation. So he will sign the bill, and it will be law in the United States of America. And then we will be asking juries and judges to discern not the act that might be committed that's a crime, but the thought that was in the head of the perpetrator and the victim. And it is not the basis of the law going all the way back to English common law to determine what's in the head of the perpetrator or the victim when a crime is committed because an individual is a sacred life. All life is equal under the law. Whether you're a little-bitty baby or whether you are a senior citizen with a terminal illness, those that value those lives under the law are valued equally.

The father of Senator BOB CASEY of Pennsylvania as a Democrat Governor of Pennsylvania, said this: Human life cannot be measured. It is the measure itself against which all other things are weighed. We measure the life and say that it is the measure itself, and an act committed against a person's life, and it could be murder, it could be assault, it could be rape, it could be a number of different acts actually against a person's property, and now this hates crime legislation for the first time would increase the punishment against someone because the victim may have perceived that they were of a different sexual orientation. So for the jury or the judge to get into the head of the perpetrator and the victim for the first time and value the victim who might be, because of their sexual orientation or their gender identity, a special protected class of people, different from everybody else, so a crime committed against a self-alleged homosexual would be punished additionally.

If there were, say, two people who were equally victims of a crime, one of them was a self-alleged homosexual, the other one was not, the penalty for the assault on the homosexual would be greater than the penalty for the assault on the person who did not declare their sexuality. Mr. Speaker, that's a principle that we should not cross.

As we debated this issue in the Judiciary Committee, I brought an amendment. Now I will argue that the way the language reads and the definitions of sexual orientation and gender identity are so broad that anyone's proclivity could be included in this, whether they are crimes or whether

they are not. So I brought an amendment that would strike out inclusion of special protected status for pedophiles. You would think it should be clear. We should be willing not to protect special protected status for pedophiles. The Democrats on the committee argued against it. And it went on a recorded vote to vote against excluding pedophiles as a special protected class. The result of it, Mr. Speaker, was special protection for pedophiles and all other paraphilias that are listed in the American Psychological Association.

That came to the floor of the House of Representatives. We had a debate on it here. The gentlelady from Wisconsin (Ms. BALDWIN) had a definition. She said it only includes heterosexuals or homosexuals. That was her language in the committee. That would not include then, of course, bisexuals. I think that might be trouble for her analysis. But ALCEE HASTINGS, the gentleman from Florida, stood over at that microphone, and he read a list of about 30, I will call them paraphilias. And he said this language protects all of these behaviors, I believe all philiat whatsoever, are protected. ALCEE HASTINGS. I couldn't believe it, Mr. Speaker.

□ 1830

I couldn't believe it, Mr. Speaker. So after the debate was over, the vote was over, I went over and I personally asked him, Did you really say what you said? Did I hear you right? Did I miss a word? Somehow is there a misunderstanding on my part?

He said, No, that's what I believe.

That's what is in the CONGRESSIONAL RECORD. It is in the CONGRESSIONAL RECORD in the Judiciary Committee. It is in the CONGRESSIONAL RECORD on the full record on the floor of the House of Representatives, in the debate and the effort to offer amendments that would exclude these behaviors. And some of these, many of these behaviors are crimes. Hate crimes legislation protects some acts that are criminal because they are under this list of paraphilias that are part of the sexual orientation or gender identity of the alleged victims or maybe even the perpetrators.

It is a horrible piece of legislation. It addresses crimes of violence, which means an offense that has an element that threatens the use of force against property of another that might be the property of someone with a particular sexual orientation or gender identity.

This is bad law. It is bad legislation. It is a bad, bad precedent for a country that has built its strength upon the rule of law, Mr. Speaker, and now this pill has been slipped into the Department of Defense authorization bill. And there were dozens and dozens of Members of this Congress that voted "no" on the bill exclusively because of the hate crimes legislation, the thought crimes legislation that was injected

into it. And they will be characterized now in campaign ads as being against our national defense.

We know, and the totality of the record of the Members of Congress here is understood, but it was a raw political move, and it was a bitter thing to see happen.

I am not worried myself; I will speak up, Mr. Speaker, so I am not worried myself.

I do have a couple of other subjects that I want to shift to.

Mr. Speaker, I am shifting over to the health care debate. This is the chart of HillaryCare. This legislation emerged in 1993. At the time President Bill Clinton gave a speech on the floor here of the House, September 22, 1993. He laid out the principles for a national health care act, for a complete government takeover of all of the health insurance and the health care delivery system in the United States.

This is the flowchart that came from that legislation. I will at least give him credit for honesty. And I will give he and Hillary credit for at least writing a bill. Some of us were nervous that a lot of it happened behind closed doors. But they did write a bill, and they tried to push it on Americas, and Americans rejected the National Health Care Act in 1993 and 1994.

This is the flowchart that comes off of The New York Times that was published at the time. Black and white, a little fuzzy. They didn't have the graphics that we have now. They didn't have color in their newspapers like we do now. But I do have the chart that we have for the new bill now.

This, Mr. Speaker, is the new chart. The black and white that is on this new chart for H.R. 3200, the black and white are existing programs. The color are the new programs that are created by H.R. 3200. So you can see some of the things that exist. Let's see, the Office of Minority Health exists. The Office of Civil Rights exists. The National Coordinator For Health Information Technology exists. But the new ones in color are created by the bill.

There are a lot of them, and I can bog us all down in this, but I will take you down to the part of the bill that gives me the most heartburn. And there is no cure offered for my heartburn if this bill should pass. We have private insurers in America. This black-and-white box here, that represents 1,300 private insurance companies in the United States of America. It is a lot of companies, a lot of competition; 1,300 private health insurance companies.

They are offering in the area, the best estimates we have, about 100,000 different policy variations. That is this box here, traditional health insurance plans.

The private insurers and all of their plans in this box, under the bill they would have to qualify in order to be qualified health benefits plans. That is

this purple circle here. It looks rather benign, but it is not benign. Getting qualified for all of these 100,000 policies with the 1,300 companies into these qualified health benefits plans will be done so by the rules of the bill, and the rules are written by the Health Choices Administration and the commission and the commissioner.

This would be one of the most powerful positions in government, the health choices commissioner. And you're wondering why are they not calling him a czar?

Mr. Speaker, that is because we are full up to here with czars. I am going to call him the commi-czar-issioner, the person who would be writing the rules, with his huge staff, and he would make the determination which, if any, of these 100,000 health insurance policies would qualify to go into the purple circle of the qualified health benefits plans.

While those decisions are being made by the health choices commi-czar-issioner, we would also be creating under the bill a public health plan. That's the public option. That is the public option that—I believe today Speaker PELOSI said there are the votes to pass a public option plan here in the House of Representatives. If that is the case, I don't know why she is waiting. They will lose some Members I am convinced of that, Mr. Speaker, but the health choices commissioner will be writing rules that have to be met in order for the private carriers to qualify, all the while they are looking at setting up the Federal health insurance plan that will take billions of dollars of capital to get it established, and they will write their plans with certain restrictions and with certain premiums designed to compete with the private sector.

Remember, the President said we have to provide some competition. We don't have enough competition in the health insurance industry.

I would suspect that he couldn't answer the question how many companies do we have today? How many policy options do we have today? Mr. Speaker, I have just told you, 1,300 companies, 100,000 policy options, and the President's argument is we have to provide a little more competition so there is a little more variety. The government can do that because health insurance companies aren't doing that job?

What would happen would be billions of dollars would go in to create this new Federal health insurance plan. And then if it couldn't compete with the private sector, the rules would be written differently for these private plans. Many of them wouldn't qualify. They would set mandates and require that policies cover a whole series of things. What about pregnancy for someone who is a grandmother? If everybody has to pay for those kinds of things, the premiums will go up. Those

are the kind of mandates that make health insurance premiums go high.

The government would write the rules so they can compete with the private sector is what would happen, and they would tap into the pockets of the taxpayers in order to have the capital to jump-start the health insurance plan. And then as they move forward, regulating private insurance companies and subsidizing the public option, the government plan, the Democrats' health insurance plan, it would squeeze out the private plans.

Now, how can I say that this is what would happen with some confidence? None of us have a crystal ball. But I have a little bit of history, and I take you back to 1968 when, at the time, the only flood insurance in America was provided in the private market by the property and casualty companies.

In 1968, this Congress passed the Federal flood insurance program. When that program was passed, in order to compete, they started to write regulations. The regulations that they wrote in part were requiring national banks who gave loans for real estate to require that those policies, the Federal flood insurance policies, be purchased by the borrower. So there was a mandate that people had to buy flood insurance. They wrote the rules, the premiums and regulations.

And today, since 1968 when there was no Federal flood insurance program and all flood insurance was private on that day when they came to the House in 1968, today a person in America cannot buy a flood insurance policy from anyone except the Federal Government. The only thing left is Federal flood insurance. There are no private carriers out there. The Federal Government has swallowed up the entire private flood insurance industry.

That is an example of what might happen with the health insurance industry, and what I think is likely to happen with the health insurance industry.

In examining some of the policies around the world, I would point out that in Germany they tell us they have the oldest national health care plan in Germany, that they have provided health care for their people since Otto von Bismarck's time. I don't know whether they tell us that or I recall reading that from history. Ninety percent of the health insurance in Germany is the public option; 10 percent is the private option. The people that buy insurance outside of the government insurance plan are those that are entrepreneurs, self-employed, more well-to-do. They want a policy that gives them a little extra coverage and takes a little better care of their health. At least that exists; 90 to 1.

Really, this is something that is the President's plan? He would like to have this public health plan swallow up 90 percent of the private health insurance

in America? I think so. He is on record saying he wants a single-payer plan.

When you think about how that goes, a single-payer plan, and if we provided, let's say, funding to buy insurance, to help people buy insurance that couldn't afford it, and that would perhaps be a voucher that goes in, that one can control to buy health insurance, the argument then becomes: How big should that voucher be? Let's just say poor people would get \$3,500, and the more wealthy they were, the less money they would get. And if that were ever established, the next argument is: Where is the threshold? What is the means testing?

Pretty soon the number would go from \$3,500 to \$7,500 to a \$10,000 subsidy for people's health insurance premiums. And then at a certain point, I will hear the argument from over here, if we are still around on that day, we will hear the argument, well, it costs too much money to administer vouchers and to give refundable tax credits to people so they can afford to buy health insurance, why don't we wipe out that whole bureaucratic mess and simply have people show up at the public clinic and we will take care of them accordingly, and their medical records can be managed by the government along with their health care.

I can give you some examples of what happens when you end up with a National Health Care Act, Mr. Speaker. That would be the average time waiting for a knee replacement in Canada: 340 days. The average time waiting for a hip replacement in Canada: 196 days.

I talked to an individual, ran into him at a home improvement type of store. He is a legal immigrant from Germany. He told me he had a hip replacement. He waited in line for at least 6 months for a hip replacement. Finally, he was put in several lines around Europe. He went from Germany to Italy, where they gave him a hip replacement. That was one of the ways he could move more to the front of the line.

We had an individual that made a presentation to us. He was a doctor from Michigan who practiced both in Michigan and in Canada. When he first went to Canada to work the ER, a young man came in with a torn meniscus and some ligament damage. The doctor looked at it and said, You need surgery right away. I will schedule you for tomorrow morning. He was used to working in the United States.

Little did he know, and he found out quickly, he couldn't schedule him for surgery in Canada for the following morning. He couldn't even schedule him for an examination. The specialists that approve the surgery had to be scheduled first. So this young man, with his knee torn up, waited for 6 months for the specialist to examine the knee and approve surgery, which was scheduled another 6 months later.

So the reconstructive surgery for this young man who was incapacitated, couldn't work, was 6 months for the exam, 6 months to get the surgery scheduled, and then all of the rehab that it takes after the muscles atrophy over a 12-month period of time. A full year from the injury where, this doctor, who has good credentials and has spoken to this Congress and I find to be a very credible individual, in the United States that surgery would have taken place the next day, in Canada, it took place 365 days later. We don't need this kind of health care in America. The argument that we have too many uninsured is something that we just simply need to address with some facts.

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I know it's hard on the people on the other side when they have to deal with facts. When the President says that we have too many uninsured, and the arguments that you have constantly made that there are 44 to 47 million uninsured. Sometimes you round it up to 50 million, but 47 million is the largest legitimate number that we hear that are uninsured in America.

Somehow they have gone past the idea—first, they want to establish the idea that everybody has a right to health care. Well, that's not in the Constitution. We can make your argument as to this right to health care. Out of the compassion of the American people, we can decide that we don't want to leave anyone behind, and we can decide that we want to make sure that everyone has access to health care. In fact, everybody in America has access to health care. That question is answered.

The only argument that remains is that there are too many that are uninsured, 47 million. So here are the enlightenment facts, Mr. Speaker: 84 percent of the people in the United States have a health insurance policy. In fact, they're happy with it. They don't want it changed. They don't want to lose it. This is the pie chart. All of the people here in blue are insured, and almost all of them are happy about the insurance that they have.

All of these little slices here, these are the 47 million people who are uninsured, and they go down through these categories. I'm going to go from right to left—yellow, black, orange from the bottom. Illegal immigrants, 2 percent. That's part of that 47 million. I don't want to give them insurance off the back of the taxpayers, especially if we're borrowing the money from our grandchildren and the Chinese. Then we have legal immigrants.

This is a slice in black. They are the ones that are, by law, barred for 5 years from being able to access public benefits. You come into the United States, you should be able to take care of yourself. That's one of the standards.

That's another 5 million people, 5.2 million illegals, 5 million legals. Then you have individuals who are earning more than \$75,000 a year. That's the list up here in orange. That number is a number that presumably, if you're making more than \$75,000 a year, you can write a check for a health insurance policy. So they do have an affordable option. They just aren't exercising the option.

Then in green, those eligible for government programs. That's 9.7 million. That is these people here, 3 percent. They're eligible most generally for Medicaid, but they don't sign up. But they're on the list, 9.7 million. We're adding up to 47 million as we go. Here are those that have coverage eligible under their employer. That's around 6 million people. These folks opted out or didn't opt in to their employer-provided health coverage, health insurance coverage.

So all of these lists that we have, from illegal immigrants to new immigrants, \$75,000 or more and could buy their own insurance, those who are eligible for government programs and don't sign up, those who are eligible for employer programs and don't sign up—all of that, you subtract that from 47 million and, Mr. Speaker, you come up with a number that is 12.1 million Americans who don't have health insurance and don't have affordable options.

I have another little chart that shows this. This is the breakdown of this group here. This spectrum from yellow to—well, red or orange has been put now on a chart. This is 47 million. Here is how we show this. These are the different categories that I said: illegals, legals, those that are eligible for Medicaid, those eligible under employers, and that full list. But here in orange, 12.1 million people, less than 4 percent of the population of the United States, and we're going to change here in the House of Representatives, working with the Senate and with the effort of the President and likely his signature for less than 4 percent of the population?

Let me look at this. This sliver right here, that's 12.1 million Americans, this piece, and that's less than 4 percent of the population of the United States. The President's proposal and the liberals' and the Progressives' proposal, the Democrats' proposal is to transform 100 percent of the health insurance industry in the United States and 100 percent of the health care delivery system in the United States to try to reduce this 12.1 million number down to something less than that, maybe something less than 6 million, but certainly not down to zero.

The President stood here and tried to tell us that the proposal would not fund illegals, but his Democrats have voted down the amendments in Energy and Commerce and in Ways and Means

that would have required proof of citizenship in order to access these benefits that are written into H.R. 3200, the bill. So it's pretty hard for the President to be critical of those who make allegations about his veracity when the facts show otherwise, Mr. Speaker.

I hope that that dances along the edge of the rules adequately and still carries forth the message. I'm trusting the American people to be intelligent, well informed, objective, not selfish and be able to self-sacrifice, to reach out and help others, but remember to preserve our freedoms. If we sacrifice our freedoms, if we throw over the side that vitality that makes us great, the dependency takes away our vitality. Urgency and need add to our vitality.

Free market capitalism has been a driving force in this country. Yet to date, according to *The Wall Street Journal*, a third of our private sector has been nationalized within the last year. A third of it. When you add three large investment banks that are nationalized, AIG, the large insurance company, Fannie Mae, Freddie Mac, General Motors, Chrysler, eight large huge entities swallowed up and nationalized, which means the Federal Government controls them. That's a third of our private sector, and this health care industry here is between another 14.5 percent and 17.5 percent of our GDP. The range is somewhere between the two.

But if you add those numbers up to what's already been nationalized, you are up to over half of the private sector of the United States. We need to remember that going to Western Europe and looking for ideas and seeking to conform to the ideas that are driven in Western Europe diminish our freedoms. They don't enhance our freedoms. We are a unique people. There is something unique about being an American. We aren't simply an extension of Europe. We are our own people. We're free people that came here to live free or die. I love the motto of New Hampshire: "Live free or die." That has been the case for hundreds of years here in the United States.

We've skimmed the cream off the donor crop from every civilization that sent us people. It was hard to get here. The people that had a dream got here. When they came here, they built on their dreams. They built on our dreams because we have freedom. We have got to expand our freedom, not diminish it. We shouldn't be expanding our government. Now we have got to shrink our government. We have got to find a way to have a private sector that can have the kind of growth necessary to ever pay off this national debt and save people their freedom so that they're not underneath the thumb of a national health care act.

With that, Mr. Speaker, I appreciate your indulgence, and I yield back the balance of my time.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 15.

Mr. BURTON of Indiana, for 5 minutes, October 13, 14 and 15.

Mr. JONES, for 5 minutes, October 15.

Mr. MCCOTTER, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. CAO, for 5 minutes, today.

Mrs. BACHMANN, for 5 minutes, today.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 942. An act to prevent abuse of Government charge cards; to the Committee on Oversight and Government Reform; in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 9, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4033. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Reimbursement for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records [Regulation S; Docket No. R-1325] received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4034. A letter from the Director, Environmental Protection Agency, transmitting Interim Guidance: Providing Communities



with Opportunities for Independent Technical Assistance in Superfund Settlements; to the Committee on Energy and Commerce.

4035. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio Clean Air Interstate Rule [EPA-R05-OAR-2009-0368; FRL-8950-9] received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4036. A letter from the Director, Environmental Protection Agency, transmitting Lead Dust Hazard Standards and Definition of Lead-Based Paint; TSCA Section 21 Petition; Notice of Receipt and Request for Comment [EPA-HQ-OPPT-2009-0665 FRL-8793-3]; to the Committee on Energy and Commerce.

4037. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Mohegan Tribe of Indians of Connecticut [EPA-R01-OAR-2009-0305; A-1-FRL 8949-8] received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4038. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Interim Final Determination that Lake and Porter Counties Are Exempt From NOx RACT Requirements for Purposes of Staying Sanctions [EPA-R05-OAR-2009-0512; FRL-8961-9] received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4039. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Determination of Clean Data for the 1997 Fine Particulate Matter Standard [EPA-R03-OAR-2009-0506; FRL-8962-4] received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4040. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2006-013, List of Approved Attorneys, Abstractors, and Title Companies [FAC 2005-36; FAR Case 2006-013; Item V; Docket 2006-0033; Sequence 1] (RIN: 9000-AK71) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4041. A letter from the Acting Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — NARA Facility Locations and Hours [Docket: NARA-09-0002] (RIN: 3095-AB61) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4042. A letter from the Division Chief, Regulatory Affairs, Department of the Interior, transmitting the Department's final rule — Minerals Management: Adjustment of Cost Recovery Fees [L13100000 PP0000 LLWO310000 L1990000 PO0000 LLWO320000] (RIN: 1004-AE01) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4043. A letter from the Attorney — Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Paddle for Clean Water; San Diego; California [Docket No.: USCG-2009-0383] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4044. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BWRC '300' Enduro, Lake Moolvalya, Parker, AZ [Docket No.: USCG-2008-1180] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4045. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World Labor Day Fireworks, Mission Day, San Diego, CA [Docket No.: USCG-2009-0269] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4046. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Choptank River, Cambridge, MD [Docket No.: USCG-2009-0749] (RIN: 1625-AA08) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4047. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Munitions and Explosives of Concern (MEC); Seal Island, ME [Docket No.: USCG-2009-0595] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4048. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 427.2 to 427.6, Keithsburg, IL [Docket No.: WSCG-2009-0646] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4049. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; MS Harborfest Tugboat Races in Casco Bay, ME [Docket No.: USCG-2009-0524] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4050. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 366.3 to 369.8 [Docket No.: USCG-2009-0594] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4051. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Sabine River, Echo, TX [Docket No.: USCG-2009-0101] (RIN: 1625-AA09) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4052. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Swim Events in Lake Champlain, NY, and VT; Casco Bay, Rockland Harbor, Linekin Bay, ME [Docket No.: USCG-2009-0523] (RIN: 1625-AA00) received September 25,

2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4053. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Neptune Deep Water Port, Atlantic Ocean, Boston, MA [Docket No.: USCG-2009-0644] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4054. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30684; Amdt. No. 3337] received September 18, 2009; to the Committee on Transportation and Infrastructure.

4055. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment, Revision, and Removal of Area Navigation (RNAV) Routes; Alaska [Docket No.: FAA-2008-0926; Airspace Docket No. 08-AAL-24] (RIN: 2120-AA66) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4056. A letter from the Assistant Secretary, ETA, Department of Labor, transmitting the Department's final rule — Treatment of Pension Rollover Distributions received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4057. A letter from the Asst. Sec. ETA, Department of Labor, transmitting the Department's final rule — Special Transfers for Unemployment Compensation Modernization and Administration and Relief From Interest on Advances received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4058. A letter from the Assistant Secretary, ETA, Department of Labor, transmitting the Department's final rule — Federal-State Unemployment Compensation Act of 1970- Temporary Changes in Extended Benefits received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4059. A letter from the Assistant Secretary, ETA, Department of Labor, transmitting the Department's final rule — Application of State-Wide Personnel Actions to Unemployment Insurance Program received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4060. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries The Applicable Recovery Period Under I.R.C. Sec. 168(a) For Open-air Parking Structures received August 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4061. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Interest Expense Deduction of Foreign Corporations [TD 9465] (RIN: 1545-BF71) received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4062. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Contingent Fees Under Circular 230 [REG-113289-08] (RIN: 1545-BH81) received August 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4063. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Definition of Omission from Gross Income [TD 9466] (RIN: 1545-BI94) received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Omitted from the Record of October 7, 2009]*

Ms. SLAUGHTER: Committee on Rules. House Resolution 808. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes (Rept. 111-289). Referred to the House Calendar.

*[Submitted October 8, 2009]*

Mr. RAHALL: Committee on Natural Resources. H.R. 481. A bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes; with an amendment (Rept. 111-290). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1593. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; with an amendment (Rept. 111-291). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1641. A bill to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; with an amendment (Rept. 111-292). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2806. A bill to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes (Rept. 111-293). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2499. A bill to provide for a federally sanctioned self-determination process for the people of Puerto Rico; with an amendment (Rept. 111-294). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1700. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the

establishment of a National Women's History Museum; with an amendment (Rept. 111-295). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REICHERT (for himself and Mr. TANNER):

H.R. 3758. A bill to amend the Internal Revenue Code of 1986 to increase, extend, and make permanent the above-the-line deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. REHBERG, and Mr. SCHRADER):

H.R. 3759. A bill to authorize the Secretary of the Interior to grant economy-related contract extensions of a certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes; to the Committee on Natural Resources.

By Mrs. BIGGERT (for herself, Mr. MCHENRY, Mr. PAUL, Mr. LANCE, Mr. THOMPSON of Pennsylvania, Mr. JONES, Mrs. BONO MACK, Mr. KING of New York, Mr. GARY G. MILLER of California, and Mr. DUNCAN):

H.R. 3760. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. ROGERS of Michigan, Mr. HARPER, Mr. PAUL, Mr. LANCE, Mr. LEE of New York, Mr. THOMPSON of Pennsylvania, Mrs. BLACKBURN, Mr. JONES, Mrs. BONO MACK, Mr. KING of New York, Mr. GARY G. MILLER of California, and Mr. DUNCAN):

H.R. 3761. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KRATOVIL (for himself and Mr. LANCE):

H.R. 3762. A bill to provide members of the public with Internet access to certain Congressional Research Service publications, and for other purposes; to the Committee on House Administration.

By Mr. ADLER of New Jersey (for himself, Mr. BROUN of Georgia, and Mr. SIMPSON):

H.R. 3763. A bill to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses; to the Committee on Financial Services.

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. COHEN, Mr. WATT, Mr. DELAHUNT, Ms. LINDA T. SANCHEZ of California, and Mr. JOHNSON of Georgia):

H.R. 3764. A bill to amend the Legal Services Corporation Act to meet special needs of

eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of Kentucky (for himself, Mrs. CAPITO, Mr. PRICE of Georgia, Mrs. BLACKBURN, Mr. PAUL, Mr. PENCE, Mr. BOUSTANY, Mr. ROGERS of Michigan, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. BURTON of Indiana, Mr. COBLE, Mr. BOEHNER, Mr. THORNBERRY, Mr. GOHMERT, Mr. REICHERT, Mr. ROSKAM, Mr. NUNES, Mr. HELLER, Mr. HERGER, Mr. TIBERI, Ms. GINNY BROWN-WAITE of Florida, Mr. BRADY of Texas, Mrs. McMORRIS RODGERS, Mr. CANTOR, Mr. MCCARTHY of California, Mr. KLINE of Minnesota, Mr. PITTS, Mr. WOLF, Mr. CAMP, Mr. MCHENRY, Mr. SESSIONS, Mr. SHIMKUS, Mr. BARRETT of South Carolina, Mr. BONNER, Mr. BROWN of South Carolina, Mr. SHADEGG, Mr. CULBERSON, Mr. CONAWAY, Mr. UPTON, Mr. ROGERS of Alabama, Mr. REHBERG, Mr. CASSIDY, Mr. MORAN of Kansas, Mr. SMITH of Texas, Mr. McKEON, Mr. AKIN, and Mr. POSEY):

H.R. 3765. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mr. KANJORSKI, Ms. VELÁZQUEZ, Mr. CARDOZA, Mr. FATTAH, and Mr. CUMMINGS):

H.R. 3766. A bill to use amounts made available under the Troubled Assets Relief Program of the Secretary of the Treasury for relief for homeowners and affordable rental housing; to the Committee on Financial Services.

By Mr. BISHOP of Utah:

H.R. 3767. A bill to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the "W. Hazen Hillyard Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. FRANK of Massachusetts:

H.R. 3768. A bill to extend the temporary suspension of duty on certain untwisted filament yarns; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 3769. A bill to extend the temporary suspension of duty on certain synthetic filament yarns; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mr. BROWN of South Carolina, Mr. FALCOMA-VAEGA, Mrs. CHRISTENSEN, Mr. PIERLUISI, Mr. BOREN, Mr. WILSON of South Carolina, and Mr. JOHNSON of Georgia):

H.R. 3770. A bill to make technical corrections to subtitle A of title VII of the Consolidated Natural Resources Act of 2008, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE (for herself, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of



Texas, Ms. FUDGE, Mr. CLAY, Mr. DAVIS of Illinois, Mr. HARE, Mr. TOWNS, Ms. SUTTON, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Ms. BORDALLO, Mr. JOHNSON of Georgia, Mr. CUELLAR, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, and Ms. RICHARDSON):

H.R. 3771. A bill to amend the Small Business Act to establish mentorship and assistance programs designed to help minority, veteran-owned, and women-owned small businesses operate in the construction industry, and for other purposes; to the Committee on Small Business.

By Mr. DAVIS of Illinois (for himself, Mr. ELLISON, Mr. SIRES, Mr. SCOTT of Virginia, Ms. FUDGE, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, and Mr. STARK):

H.R. 3772. A bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget; to the Committee on the Budget.

By Ms. EDWARDS of Maryland (for herself, Mrs. BIGGERT, Mr. BROUN of Georgia, Mr. SARBANES, Mr. VAN HOLLEN, and Mr. LOBIONDO):

H.R. 3773. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. FORTENBERRY:

H.R. 3774. A bill to implement title V of the Nuclear Non-Proliferation Act of 1978 and to promote economical and environmentally sustainable means of meeting the energy demands of developing countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARRETT of New Jersey:

H.R. 3775. A bill to exempt certain small businesses from the attestation requirement of section 404 of the Sarbanes-Oxley Act of 2002; to the Committee on Financial Services.

By Mr. GRAVES:

H.R. 3776. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself and Mr. TAYLOR):

H.R. 3777. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the term "first applicant" for purposes of filing an abbreviated application for a new drug; to the Committee on Energy and Commerce.

By Mr. KANJORSKI:

H.R. 3778. A bill to authorize the Secretary of Health and Human Services to establish a program of grants to newly accredited allopathic medical schools for the purpose of increasing the supply of physicians; to the Committee on Energy and Commerce.

By Mr. LANCE:

H.R. 3779. A bill to amend the Internal Revenue Code of 1986 to extend and expand the homebuyer tax credit; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAFFEI:

H.R. 3780. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit for members of the Armed Forces and certain Federal employees

serving on extended duty; to the Committee on Ways and Means.

By Ms. MARKEY of Colorado (for herself, Mr. COFFMAN of Colorado, and Mr. MINNICK):

H.R. 3781. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 3782. A bill to amend the Elementary and Secondary Education Act of 1965 to encourage the implementation or expansion of prekindergarten programs for students 4 years of age or younger; to the Committee on Education and Labor.

By Mr. POSEY (for himself, Mr. BACHUS, Mr. PUTNAM, and Mrs. BACHMANN):

H.R. 3783. A bill to amend the Securities Exchange Act of 1934 to provide the Securities and Exchange Commission with the authority to contract for the collection of delinquent claims resulting from judgments or orders obtained by the Commission; to the Committee on Financial Services.

By Mr. ROONEY (for himself and Mr. BOCCIERI):

H.R. 3784. A bill to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit and increase the employer-provided child care credit; to the Committee on Ways and Means.

By Mr. SCOTT of Georgia (for himself, Mr. MARSHALL, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia):

H.R. 3785. A bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of expanding the boundary of Chattahoochee River National Recreation Area; to the Committee on Natural Resources.

By Ms. SLAUGHTER (for herself, Mr. MCINTYRE, Mr. MICHAUD, Mr. HARE, Mr. HIGGINS, Mr. JONES, Ms. KAPTUR, and Mr. TONKO):

H.R. 3786. A bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements; to the Committee on Ways and Means.

By Mr. WALZ (for himself, Mr. LATHAM, Mr. ADLER of New Jersey, Mr. BILBRAY, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. CONNOLLY of Virginia, Mr. COURTNEY, Mr. FILNER, Mr. GONZALEZ, Mr. HALL of New York, Mrs. HALVORSON, Mr. HARE, Ms. HERSETH SANDLIN, Mr. MCNERNEY, Mr. MASSA, Mr. MICHAUD, Mr. MITCHELL, Mr. OBERSTAR, Mr. ORTIZ, Mr. PERRIELLO, Mr. PETERSON, Mr. POMEROY, Mr. RODRIGUEZ, Mr. ROE of Tennessee, Mr. TAYLOR, and Mr. TEAGUE):

H.R. 3787. A bill to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SKELTON:

H. Con. Res. 196. Concurrent resolution making corrections in the enrollment of the bill H.R. 2647; considered and agreed to.

By Mr. NYE (for himself, Mr. WEXLER, Mrs. MCCARTHY of New York, Mr. WITTMAN, and Mr. BUCHANAN):

H. Con. Res. 197. Concurrent resolution encouraging banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payments on their home mortgages; to the Committee on Financial Services.

By Mr. FLEMING (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. CAO, Mr. CASSIDY, Mr. MELANCON, and Mr. SCALISE):

H. Res. 814. A resolution honoring the life and service of Dewey Lee Fletcher, Jr; to the Committee on Oversight and Government Reform.

By Mr. THOMPSON of Pennsylvania:

H. Res. 815. A resolution expressing support for recognition of Christopher Columbus and his role in the history of the United States and recognizing the importance of students learning about Christopher Columbus and the heritage and history of the Nation; to the Committee on Oversight and Government Reform.

By Mr. FALEOMAVAEGA (for himself, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. RAHALL, Ms. RICHARDSON, Mr. ACKERMAN, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. ABERCROMBIE, Ms. HIRONO, Mr. SABLAN, Mr. MANZULLO, Mr. FLAKE, Mr. HASTINGS of Washington, Mr. BURTON of Indiana, Mr. GUTIERREZ, Mr. LAMBORN, Mr. WAMP, Mr. SIRES, Mr. McDERMOTT, Mr. PALONE, Mr. MURTHA, Mr. BROWN of South Carolina, Ms. ROYBAL-ALLARD, Mr. ORTIZ, Mr. PIERLUISI, Mrs. NAPOLITANO, Mr. HONDA, Mr. CAO, Mr. MEEKS of New York, Mr. SERRANO, Mr. GONZALEZ, Ms. SHEA-PORTER, Mr. HINCHY, Mrs. CAPPS, Mr. CHAFFETZ, Ms. CHU, Mr. WU, Mr. KENNEDY, Mr. KIND, Mr. DELAHUNT, Mr. AL GREEN of Texas, Ms. KILPATRICK of Michigan, Mr. COSTA, Mr. ENGEL, Mr. SMITH of New Jersey, Ms. DEGETTE, and Mr. PAYNE):

H. Res. 816. A resolution mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa and Samoa; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas (for himself, Mr. ALTMIRE, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BRALEY of Iowa, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COSTA, Mrs. DAHLKEMPER, Mrs. DAVIS of California, Mr. ELLISON, Mrs. EDWARDS of Maryland, Mr. FILNER, Ms. FUDGE, Mr. GONZALEZ, Mrs. BIGGERT, Mr. BURTON of Indiana, Mrs. CAPITO, Mr. CONAWAY, Mr. POE of Texas, Mr. GENE GREEN of Texas, Ms. HERSETH SANDLIN, Mr. HOLDEN, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, Ms. KILROY, Mr. LARSEN of Washington, Mrs. MALONEY, Ms. MATSUI, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MICHAUD, Mr. MINNICK, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. NADLER of New York, Mr. POMEROY, Mr. RUPERSBERGER, Mr. REYES, Ms. SHEA-

PORTER, Mr. SPRATT, and Ms. WASSERMAN SCHULTZ):

H. Res. 817. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence; to the Committee on Education and Labor.

By Mr. KING of New York (for himself, Mr. HOYER, Mrs. EMERSON, Mr. ANDREWS, and Mr. PASCARELL):

H. Res. 818. A resolution supporting the goals and ideals of Fire Prevention Week and the work of firefighters in educating and protecting the communities of this Nation; to the Committee on Oversight and Government Reform.

By Mr. POSEY:

H. Res. 819. A resolution amending the Rules of the House of Representatives to provide for division of the question on the legislative proposals involved to allow separate votes on disparate matters; to the Committee on Rules.

By Mr. ROYCE (for himself, Mr. WOLF, Mr. MORAN of Virginia, and Mr. CAO):

H. Res. 820. A resolution condemning the pervasive corruption of the Kingdom of Cambodia; to the Committee on Foreign Affairs.

By Ms. TITUS (for herself, Ms. BERKLEY, and Mr. HELLER):

H. Res. 821. A resolution recognizing and celebrating the 145th anniversary of the entry of Nevada into the Union as the 36th State; to the Committee on Oversight and Government Reform.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. EHLERS.

H.R. 43: Mrs. MILLER of Michigan, Mr. HEINRICH, Mr. LANGEVIN, Mr. FARR, Mr. ETHERIDGE, Mr. KENNEDY, Ms. LORETTA SANCHEZ of California, Mr. LIPINSKI, and Mr. ANDREWS.

H.R. 208: Mr. MANZULLO and Ms. FUDGE.

H.R. 211: Ms. CHU, Ms. TITUS, and Ms. BERKLEY.

H.R. 213: Mr. HALL of New York.

H.R. 330: Mr. CUMMINGS.

H.R. 391: Mr. SHUSTER, Mr. THOMPSON of Pennsylvania, and Mr. CASSIDY.

H.R. 422: Mr. CROWLEY.

H.R. 442: Mr. CONNOLLY of Virginia and Mr. PETERSON.

H.R. 471: Mr. KUCINICH, Mr. ADERHOLT, and Ms. JACKSON-LEE of Texas.

H.R. 560: Mr. CASSIDY.

H.R. 571: Mr. KENNEDY, Mr. TOWNS, and Mrs. MCCARTHY of New York.

H.R. 648: Mr. CUMMINGS and Mr. COHEN.

H.R. 708: Mr. ROE of Tennessee and Mr. ADERHOLT.

H.R. 761: Mr. MILLER of Florida.

H.R. 766: Ms. LEE of California, Mr. TOWNS, and Mr. GRIJALVA.

H.R. 796: Mr. COHEN and Mr. MICHAUD.

H.R. 874: Ms. MARKEY of Colorado.

H.R. 886: Mr. HARE, Mr. LUETKEMEYER, Mr. MANZULLO, and Mr. BRALEY of Iowa.

H.R. 914: Mr. DEAL of Georgia.

H.R. 932: Mr. BRADY of Pennsylvania, Ms. KILROY, and Mr. CUMMINGS.

H.R. 953: Mr. CHAFFETZ.

H.R. 1054: Mr. CASSIDY.

H.R. 1065: Mr. GRIJALVA.

H.R. 1067: Mr. ARCURI.

H.R. 1086: Mr. NEUGEBAUER.

H.R. 1091: Mr. BERMAN.

H.R. 1094: Mr. DOGGETT.

H.R. 1132: Mr. WAMP, Mr. RADANOVICH, Mr. CALVERT, Ms. ROS-LEHTINEN, Mr. SPRATT, and Mr. MILLER of North Carolina.

H.R. 1147: Mr. KING of New York.

H.R. 1182: Mr. YOUNG of Florida.

H.R. 1191: Mr. CLAY, Ms. ESHOO, Mr. WEINER, Mr. WEXLER, Ms. WATERS, and Mr. BRALEY of Iowa.

H.R. 1193: Mr. CLAY.

H.R. 1242: Mr. KUCINICH and Mr. TIBERI.

H.R. 1250: Mrs. CAPITO.

H.R. 1258: Mrs. CHRISTENSEN.

H.R. 1283: Mr. DRIEHAUS.

H.R. 1327: Ms. KOSMAS, Mr. MARIO DIAZ-BALART of Florida, Mr. TOWNS, Mr. GRIJALVA, Mr. MACK, and Mrs. CAPITO.

H.R. 1402: Mr. MCNERNEY.

H.R. 1456: Ms. FUDGE and Mr. VAN HOLLEN.

H.R. 1458: Mr. BURGESS.

H.R. 1505: Mr. CLAY.

H.R. 1519: Mr. HELLER.

H.R. 1521: Mr. BARROW.

H.R. 1551: Ms. CORRINE BROWN of Florida.

H.R. 1588: Mrs. CAPITO.

H.R. 1643: Mr. ABERCROMBIE.

H.R. 1751: Mr. SNYDER.

H.R. 1758: Mr. CONYERS.

H.R. 1820: Ms. WATSON, Mr. MCCLINTOCK, and Mrs. NAPOLITANO.

H.R. 1826: Mr. WALZ, Mr. BOCCIERI, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, and Mr. THOMPSON of Mississippi.

H.R. 1829: Mr. DAVIS of Kentucky and Mr. WELCH.

H.R. 1835: Mrs. KIRKPATRICK of Arizona.

H.R. 1894: Mr. CONYERS.

H.R. 1908: Mr. TONKO.

H.R. 1912: Mr. OLVER.

H.R. 1964: Mr. RUSH.

H.R. 1986: Mr. MARSHALL.

H.R. 1993: Mr. KLEIN of Florida.

H.R. 2001: Mr. ACKERMAN, Mr. HALL of New York, Mr. HIGGINS, Mr. LYNCH, Mr. GRIJALVA, and Mr. RUPPERSBERGER.

H.R. 2017: Mr. WAXMAN and Mrs. KIRKPATRICK of Arizona.

H.R. 2062: Mr. PRICE of North Carolina.

H.R. 2080: Mr. HALL of New York, Ms. SHEA-PORTER, and Mr. ROSS.

H.R. 2112: Ms. BALDWIN.

H.R. 2132: Ms. JACKSON-LEE of Texas.

H.R. 2149: Mr. GENE GREEN of Texas, Ms. CASTOR of Florida, Mr. RUSH, and Mrs. CHRISTENSEN.

H.R. 2156: Mr. BACA.

H.R. 2190: Mr. WALZ.

H.R. 2194: Mr. BOUSTANY.

H.R. 2266: Mr. COHEN.

H.R. 2267: Mr. LARSON of Connecticut.

H.R. 2279: Mr. CLAY.

H.R. 2280: Mr. WITTMAN.

H.R. 2329: Mr. EHLERS.

H.R. 2350: Ms. SLAUGHTER.

H.R. 2365: Mr. MASSA.

H.R. 2377: Ms. MATSUI, Mr. SCHIFF, and Mr. HONDA.

H.R. 2378: Mr. SPRATT and Mr. WHITFIELD.

H.R. 2408: Mr. MEEKS of New York and Mr. SMITH of New Jersey.

H.R. 2413: Mr. BISHOP of Georgia.

H.R. 2414: Mr. PASTOR of Arizona and Mr. DOGGETT.

H.R. 2419: Mr. JONES.

H.R. 2452: Mr. SPRATT, Mr. Coffman of Colorado, Mr. LUETKEMEYER, and Mr. CASSIDY.

H.R. 2492: Ms. SCHWARTZ.

H.R. 2499: Mr. SERRANO, Mr. LARSEN of Washington, Ms. GINNY BROWN-WAITE of Florida, and Mr. SHADEGG.

H.R. 2502: Mr. LANCE and Mr. DAVIS of Illinois.

H.R. 2556: Mr. MANZULLO.

H.R. 2563: Mr. BURGESS.

H.R. 2573: Mr. NYE.

H.R. 2575: Mr. MORAN of Kansas.

H.R. 2577: Mr. YOUNG of Florida.

H.R. 2584: Ms. BERKLEY, Mr. MARCHANT, Mr. GOHMERT, and Mr. PERRIELLO.

H.R. 2606: Mrs. CHRISTENSEN.

H.R. 2626: Mrs. MILLER of Michigan.

H.R. 2710: Ms. HARMAN, Mr. MCGOVERN, Mr. BERMAN, Mr. BACA, Mrs. CHRISTENSEN, and Ms. MATSUI.

H.R. 2743: Mr. ROGERS of Michigan.

H.R. 2788: Mr. WOLF, Mrs. BLACKBURN, Mr. LUETKEMEYER, Mr. BARRETT of South Carolina, Mr. KILDEE, and Mr. BILBRAY.

H.R. 2811: Mr. LEVIN.

H.R. 2815: Mr. GERLACH.

H.R. 2824: Mr. HELLER and Mr. TIBERI.

H.R. 2849: Mr. McDERMOTT.

H.R. 2866: Mr. MILLER of North Carolina and Ms. WASSERMAN SCHULTZ.

H.R. 2887: Mr. PERRIELLO.

H.R. 2932: Mr. HASTINGS of Florida.

H.R. 2946: Mr. RAHALL and Mr. PRICE of North Carolina.

H.R. 2964: Mr. WOLF, Mr. BUCHANAN, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. BROUN of Georgia, Mr. MCHENRY, Mr. HUNTER, Mr. THOMPSON of Pennsylvania, Mr. ROONEY, Mrs. BONO MACK, Mr. MACK, Mr. BARRETT of South Carolina, Mr. BRADY of Texas, Mr. GERLACH, Mr. BISHOP of Utah, and Mr. SCHOCK.

H.R. 2999: Mr. GENE GREEN of Texas.

H.R. 3015: Mr. BARRETT of South Carolina and Mrs. BLACKBURN.

H.R. 3017: Mr. SALAZAR.

H.R. 3024: Ms. SHEA-PORTER, Mr. AL GREEN of Texas, Mr. WITTMAN, Mr. KENNEDY, Mr. ROTHMAN of New Jersey, and Mr. GEORGE MILLER of California.

H.R. 3037: Mr. MOORE of Kansas, Mr. GRIJALVA, and Mr. FORBES.

H.R. 3044: Mr. LATOURETTE and Mr. DAVIS of Kentucky.

H.R. 3116: Mr. FRANK of Massachusetts.

H.R. 3238: Mr. FILNER.

H.R. 3258: Mrs. MALONEY.

H.R. 3307: Mr. YOUNG of Florida.

H.R. 3400: Mr. ISSA.

H.R. 3402: Mr. LATOURETTE.

H.R. 3408: Mrs. MALONEY.

H.R. 3421: Mr. RYAN of Ohio and Ms. CLARKE.

H.R. 3445: Mr. ROONEY.

H.R. 3463: Ms. JENKINS.

H.R. 3464: Ms. MARKEY of Colorado.

H.R. 3486: Mr. CROWLEY and Mr. MICHAUD.

H.R. 3487: Mr. ISRAEL and Mr. PALLONE.

H.R. 3502: Mr. CASSIDY.

H.R. 3503: Ms. KILPATRICK of Michigan and Ms. LINDA T. SANCHEZ of California.

H.R. 3510: Mr. GRIJALVA, Mr. LEWIS of Georgia, and Mr. MASSA.

H.R. 3524: Mr. GOODLATTE.

H.R. 3545: Mr. QUIGLEY.

H.R. 3554: Mr. TAYLOR.

H.R. 3589: Mr. BOUCHER, Ms. PINGREE of Maine, Mr. LANGEVIN, Ms. SHEA-PORTER, Mr. FRANK of Massachusetts, Mr. STUPAK, and Mr. KENNEDY.

H.R. 3597: Mr. MICHAUD, Mr. GENE GREEN of Texas, and Ms. DELAURO.

H.R. 3606: Mr. POSEY and Mr. KANJORSKI.

H.R. 3608: Mr. CAMP.

H.R. 3610: Mr. LATOURETTE, Mr. HASTINGS of Washington, and Mr. GOODLATTE.

H.R. 3613: Mr. BISHOP of Utah, Mr. BOOZMAN, Mr. KIRK, Mr. WILSON of South Carolina, Mr. INGLIS, Mr. GARRETT of New Jersey, and Mr. ROGERS of Kentucky.

H.R. 3621: Mr. TIM MURPHY of Pennsylvania and Mr. DeFAZIO.

- H.R. 3633: Mr. CAO.  
H.R. 3635: Mr. CASSIDY, Mr. FLEMING, Mr. ALEXANDER, Mr. BOUSTANY, and Mr. MELANCON.  
H.R. 3636: Mr. SABLAN.  
H.R. 3639: Ms. FUDGE and Ms. TITUS.  
H.R. 3640: Mr. ELLSWORTH.  
H.R. 3650: Mr. MARIO DIAZ-BALART of Florida and Ms. EDWARDS of Maryland.  
H.R. 3664: Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mrs. MALONEY, Mr. CAPUANO, Mr. ISRAEL, Mr. RUPPERSBERGER, Ms. DELAURO, Mr. MCGOVERN, Mr. VAN HOLLEN, and Mr. SMITH of Washington.  
H.R. 3665: Mr. DOGGETT and Ms. SCHA-KOWSKY.  
H.R. 3666: Mr. LARSON of Connecticut and Ms. KILPATRICK of Michigan.  
H.R. 3669: Ms. KAPTUR and Mr. GEORGE MILLER of California.  
H.R. 3676: Mr. DUNCAN, Mrs. BLACKBURN, Mr. SHADEGG, and Mr. GALLEGLY.  
H.R. 3677: Mr. WITTMAN.  
H.R. 3679: Mr. RUSH.  
H.R. 3693: Mrs. EMERSON, Mr. CONAWAY, Mr. SMITH of New Jersey, Mr. SMITH of Texas, and Mr. KIRK.  
H.R. 3696: Mr. CHAFFETZ.  
H.R. 3697: Mr. BOREN.  
H.R. 3698: Mr. MOORE of Kansas.  
H.R. 3699: Mr. NADLER of New York.  
H.R. 3700: Mr. KINGSTON, Mr. DEAL of Georgia, Mr. WESTMORELAND, and Mr. MILLER of Florida.  
H.R. 3703: Ms. SPEIER, Mr. SMITH of New Jersey, and Ms. WATSON.  
H.R. 3706: Mr. HOEKSTRA, Mrs. BACHMANN, and Mrs. MYRICK.  
H.R. 3709: Mr. WALDEN.  
H.R. 3721: Mr. KUCINICH and Mr. VAN HOLLEN.  
H.R. 3731: Ms. SCHWARTZ, Mr. SESTAK, Ms. FUDGE, Mr. CONYERS, Ms. LORETTA SANCHEZ of California, Mr. THOMPSON of Mississippi, and Mr. STUPAK.  
H.R. 3742: Mr. BACA, Mr. HEINRICH, Mr. INSLEE, Mr. BOREN, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. STUPAK, Mrs. NAPOLITANO, Mr. SHULER, and Mr. HONDA.  
H.R. 3744: Mr. COURTNEY, Mr. RODRIGUEZ, Mr. MASSA, Mr. HIGGINS, Mr. CARTER, and Mr. BARTLETT.  
H.R. 3745: Mr. THOMPSON of California.  
H.R. 3749: Mr. CONAWAY, Mr. BOCCIERI, Mr. BROWN of South Carolina, Mr. WALZ, Ms. FALLIN, Mr. SULLIVAN, Mr. ROE of Tennessee, Mr. CAMP, Mr. BOOZMAN, and Mr. REHBERG.  
H. J. Res. 50: Mr. SMITH of New Jersey.  
H. Con. Res. 79: Mr. BRADY of Pennsylvania.  
H. Con. Res. 129: Mr. CRENSHAW, Ms. KILPATRICK of Michigan, Mr. BOYD, and Mr. YOUNG of Florida.  
H. Con. Res. 139: Mr. CONAWAY, Mr. COURTNEY, Ms. SHEA-PORTER, Mr. MILLER of Florida, Mr. ROGERS of Alabama, Mr. BOYD, Mr. FORTENBERRY, and Mr. ADLER of New Jersey.  
H. Con. Res. 158: Mr. NYE, Mrs. HALVORSON, and Mr. MURTHA.  
H. Con. Res. 160: Mr. SNYDER.  
H. Res. 111: Mr. CARTER.  
H. Res. 150: Mr. RUSH.  
H. Res. 159: Ms. KAPTUR.  
H. Res. 397: Mr. MANZULLO.  
H. Res. 521: Mr. PLATTS.  
H. Res. 568: Mr. CLEAVER, Ms. ROSELEHTINEN, Mr. WITTMAN, and Mr. LATTA.  
H. Res. 581: Mr. CONAWAY, Mr. JORDAN of Ohio, Mr. GOHMERT, Mr. TERRY, Mr. HUNTER, Mrs. MYRICK, and Mr. KIRK.  
H. Res. 633: Mr. BACA.  
H. Res. 660: Mr. TONKO.  
H. Res. 666: Mr. YOUNG of Florida.  
H. Res. 700: Mr. THOMPSON of California and Mr. FRANK of Massachusetts.  
H. Res. 708: Mr. TURNER, Mr. OBERSTAR, Mrs. MYRICK, Mr. BROWN of South Carolina, Mr. DAVIS of Illinois, Mr. SABLAN, Mrs. Dahlkemper, Mr. CLAY, Mr. RANGEL, and Mr. McCAUL.  
H. Res. 709: Mr. CUMMINGS, and Mr. NYE.  
H. Res. 711: Mr. STARK.  
H. Res. 713: Mr. BERRY, Mr. BISHOP of Georgia, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CAMPBELL, Mrs. CAPITO, Mr. CLEAVER, Mr. DEFazio, Mr. GENE GREEN of Texas, Mr. JONES, Ms. KILROY, Ms. JACKSON-LEE of Texas, Mr. LEWIS of California, Mr. JOHNSON of Georgia, Mr. ORTIZ, Mr. MEEKS of New York, Mr. MICHAUD, Mr. GARY G. MILLER of California, Mr. POE of Texas, Mr. REYES, and Ms. RICHARDSON.  
H. Res. 716: Mr. QUIGLEY and Ms. LINDA T. SANCHEZ of California.  
H. Res. 721: Mr. WITTMAN.  
H. Res. 729: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Pennsylvania, Mr. Hall of Texas, and Mr. MASSA.  
H. Res. 747: Ms. SHEA-PORTER and Mr. MASSA.  
H. Res. 756: Mr. CALVERT and Mrs. BONO MACK.  
H. Res. 771: Mr. LIPINSKI.  
H. Res. 776: Mr. HALL of New York, Ms. SHEA-PORTER, Mr. BOUCHER, Mr. DOGGETT, Mr. WELCH, Mr. REICHERT, and Mr. BLUMENAUER.  
H. Res. 777: Mr. GRIJALVA.  
H. Res. 783: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Mr. SESSIONS, Mr. SHIMKUS, Ms. LEE of California, Mr. HENSARLING, Mr. WELCH, Mrs. LUMMIS, Mr. COFFMAN of Colorado, Mr. SIMPSON, Mr. VISCLOSKEY, Ms. WASSERMAN SCHULTZ, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. GERLACH, Mr. LUETKEMEYER, Mr. GRAVES, Mr. PLATTS, Mr. SMITH of New Jersey, Mr. MICA, and Mr. FRELINGHUYSEN.  
H. Res. 787: Mr. CONYERS, Mrs. MYRICK, Mr. MEEK of Florida, Mr. KILDEE, Mr. FARR, Mr. GUTIERREZ, Mr. SCOTT of Virginia, Mr. TAYLOR, Mr. KAGEN, Mr. WILSON of Ohio, Mrs. NAPOLITANO, Mr. KLEIN of Florida, Mr. ORTIZ, Mr. CLAY, and Ms. BERKLEY.  
H. Res. 790: Mr. McDERMOTT, Mr. YARMUTH, and Ms. SCHWARTZ.  
H. Res. 793: Mr. BAIRD, Mr. FRANK of Massachusetts, Mr. PLATTS, Mr. COURTNEY, and Mr. MILLER of North Carolina.  
H. Res. 797: Mr. McCAUL.  
H. Res. 798: Mr. RUSH, Ms. BORDALLO, Ms. WATSON, Mr. ABERCROMBIE, Mr. DUNCAN, Mr. WEINER, and Mr. SNYDER.  
H. Res. 800: Mr. WOLF, Mr. MITCHELL, Mr. ALTMIRE, Mr. KAGEN, Ms. WATERS, Mr. CAMPBELL, Mr. DANIEL E. LUNGREN of California, Mr. FLAKE, Mrs. NAPOLITANO, Mr. HARE, Mr. MICHAUD, Mr. KISSELL, Ms. TITUS, Mrs. HALVORSON, Mr. TEAGUE, Ms. PINGREE of Maine, Ms. KOSMAS, Ms. KILPATRICK of Michigan, Ms. WATSON, Mr. WELCH, Mr. MARCHANT, Mrs. KIRKPATRICK of Arizona, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MATSUI, Mr. MANZULLO, Mr. ROSKAM, Ms. KAPTUR, Mr. COURTNEY, Mr. PALLONE, Mr. PASCRELL, Mr. ROTHMAN of New Jersey, Mr. WAXMAN, Ms. LEE of California, Mr. CLEAVER, and Mr. SKELTON.  
H. Res. 810: Mr. SMITH of Washington, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. FORTENBERRY, and Mr. MORAN of Virginia.  
H. Res. 812: Mr. ROGERS of Alabama.  
H. Res. 813: Mr. DAVIS of Illinois.

## SENATE—Thursday, October 8, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O, God of light shining in darkness, O, God of hope lifting from despair, we turn our thoughts to what You have done in our lives, what You are doing, and what You promised to do in the days to come. Let our gratitude for Your grace rise up in joy and praise to Your throne.

Lord, use the talents of our lawmakers for Your purposes. Inspire them to dedicate their abilities to You to be used in faithful service. Show them how to maximize their opportunities to bring justice, equality, and peace to our Nation and world. Empower them to enable justice to prevail over injustice, reconciliation to replace conflict, and caring to replace apathy. Lord, give them a sense of destiny and a deep dependence on Your guidance. Strengthen their desire to have congruity between beliefs and behavior as they seek to live worthy of their privilege.

We pray in the Redeemer's Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 8, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each. The Republicans will control the first 30 minutes. The majority will control the second 30 minutes.

Following morning business, the Senate will resume consideration of the Commerce, Justice, Science Appropriations Act. We hope to reach short time agreements on available conference reports. Senators will be notified when any votes are scheduled during today's session of the Senate. Senators SHELBY and MIKULSKI feel we can finish the bill that we are working on today.

### FINANCE COMMITTEE CBO REPORT

The Finance Committee report came out yesterday from CBO. It was outstanding, \$81 billion, bending the curve. That bill will be voted on by the Finance Committee on Tuesday morning. It will be reported to the Senate.

Since Harry Truman was President, Democrats have fought to make it more affordable to live a healthy life in America. Every day we come closer to achieving that goal. Yesterday was a landmark occasion. Yesterday the non-partisan Congressional Budget Office confirmed that the Finance Committee plan, which is one of the five plans in Congress to reform the way health insurance companies treat people in this country, will reduce the deficit.

It did not say it will keep the deficit the same. It did not say it will increase it, not even by one penny. It said, in black and white, that the Finance Committee's bill will reduce our deficit, not just in the short term but over the long term as well.

That is something progressives, conservatives, and Independents, everyone in between, can be thankful for and can applaud. Today we stand closer than ever to fulfilling that fundamental promise, the one for which we have fought more than 60 years. We stand closer than ever to fulfilling the cause of Senator Ted Kennedy.

But as anyone who has even superficially followed the debate knows, the route to realizing Senator Kennedy's dream is far from smooth sailing. There are still those who will not rest until the American people are denied

the change they demanded, those who will not be happy unless the status quo is sustained. There are those who still want to pick fights against us, even though we are interested only in fighting for hardworking American families. There are those who consider this a zero sum game and will only declare victory if President Obama concedes defeat. So let me be very clear. Just as Democrats believe in ensuring quality, affordable health care for every American citizen, we believe equally as strongly that this country has no place for those who wish for its leaders to fail.

Just as yesterday brought us another step closer to real reform, it also brought us another round of Republican excuses, from the Republican leadership on down. The other side remains trapped in its strategy of distortion, distraction, and deception. Yesterday on the Senate floor, the Republican leader asked rhetorically: What happens to Medicare under our plan? Well, let me answer that question. Under our plan, seniors pay less for their medicine. Under our plan, seniors pay nothing for their annual checkup. Under our plan, seniors pay nothing for preventive care. And, under our plan, doctors who treat seniors get a raise.

But the other side is not letting those facts get in the way of a good sound bite. Instead, yesterday on the Senate floor, the Republican leader said: Our plan will cut Medicare. What he did not bother to say is that the only thing we are cutting is the waste rampant in that system, waste that you as a taxpayer pay in every paycheck.

Yesterday on the Senate floor, the Republican leader said: "Republicans have tried to protect Medicare throughout the debate."

Listen to that one: "Republicans have tried to protect Medicare throughout the debate."

What he did not bother to say is that this debate is also the first time in history Republicans ever found such an interest. The fact is that ever since Senate Republicans opposed the creation of Medicare, they have spent the past 40 years on the wrong side of history when it comes to helping seniors.

In the past 10 years, Republicans have voted against protecting and strengthening Medicare 59 times. When President Bush vetoed the Medicare Improvement Act last year, the only Senators who supported that disastrous veto were his fellow Republicans here in the Senate. So the American people can be excused for not buying the Republicans' eleventh-hour claim that

they are the true guardians of seniors' health care.

It is telling that after weeks of negotiations, months of debate, and decades of national movements for health insurance reform, this is the best they can come up with. It is telling that one of their most oft-repeated arguments protests not the contents of the bill but now the number of the pages of the bill. How is that for criticism: The bill has too many pages.

Let's not forget the Republicans only offer arguments in response to our plan to make health care more stable and more secure. We have yet to hear any Republican arguments in support of their own health care ideas. Why? Because there are not any. They do not exist.

The Republican plan is nothing more than the status quo. Under the Republican plan, insurance companies can continue to deny a person coverage when they need it the most. Under the Republican plan, insurance companies can deny you coverage because you have high cholesterol or hay fever or even heart disease.

They can raise your rates because you are getting older, because your dad had prostate cancer, or simply because you are a woman. Under the Republican plan, if you have health insurance, your family has to pay at least \$1,000 a year more to cover all of the other families who have none.

Republicans in Congress are the only ones who support that plan. The rest of the country knows we need to act and we need to act now. Here is a list of those who support our plan to improve our health insurance in the short term and the long term alike: doctors; hospitals; the pharmaceutical industry; a bipartisan group of Governors; President Obama, who has made fixing health care his top priority; Democrats in Congress who are committed to getting it done this year; and, at the top of that list, the American people, 9 of 10 of whom say high health care costs are hurting their families, crushing their families.

In recent days, prominent, courageous, independent-minded Republicans throughout this country have added their names to that list of people who are crying for health care reform. Arnold Schwarzenegger, the Governor of a State with 38 million people, the most populous State in the Union; Michael Bloomberg, the mayor of the most populous city in the country; Bobby Jindal, the Governor of Louisiana—Republicans asked him to provide their party's response to President Obama's first ever address to Congress—Tommy Thompson, former Governor of Wisconsin, former Secretary of Health and Human Services under President Bush; Mark McClellan, former head of the Centers for Medicare and Medicaid Services under President Bush; Bill Frist, former Sen-

ate majority leader and a physician who said last week, if he were still in the Senate, he would vote for health insurance reform; and, Bob Dole, today, announced that he supports something being done. This former majority leader and Republican nominee for President this week encouraged his party to drop their "just say no" strategy. He was even stronger in his statements today.

Here is a list of those who think things are just fine the way they are: Republican leaders in Congress. That is it. That is the list. And that is the real match-up in this health care debate. It is clear to see who is listening to the American people, who has tuned them out.

Democrats are willing to listen not only to the American people, we are also more than willing to listen to congressional Republican ideas, if they offer any, to move this debate forward. We would be happy to end up with a bill that does not rely on 60 Senators but one that can earn a lot more.

But until that happens, until Republicans in Congress show they want to be productive partners rather than partisan protesters, we will continue to do what the vast majority of the American people demand that we do; that is, continue moving forward to improve a badly broken system.

I agree with President Obama who told Congress last month: We have no patience for those who seek more of the same failed ideas. We have no patience for those who contribute only criticism and not constructive input. We have no patience for those who mischaracterize our plan or mislead the people, and will call them out when they do.

That is what the speech was all about. We believe this because we believe the American people deserve to be told the truth. We believe hard-working families already have enough real problems to worry about without having their time wasted with fake problems. We believe this country is no place for those who hope for failure, failure of their leaders.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### HEALTH CARE: WEEK XII, DAY II

Mr. MCCONNELL. Mr. President, yesterday morning, our friends across the aisle came to the floor to defend the health care plan that they and their colleagues are pushing through Congress—a plan that has as its foundation a trillion dollars in spending, half a trillion dollars in cuts to Medicare, higher premiums, higher taxes on just about everyone at a time of near dou-

ble-digit unemployment, and limits on the health care choices that millions of Americans now enjoy. Later in the day, we got a cost estimate. It is irrelevant. The bill it is referring to will never see the light of day.

What matters is that the final bill will cost about a trillion dollars, vastly expand the role of government in people's health care decisions, increase premiums, and limit choice.

For months, Republicans have taken every opportunity to talk about the kinds of commonsense reforms we need and that Americans actually want. Personally, I have spoken just about every day we have been on the floor since June about step-by-step reforms to lower costs, commonsense ideas that we should all agree on like malpractice reform, equalizing the tax treatment for businesses and individuals, and prevention and wellness programs—all of which would get right at the heart of our health care problems.

We have talked about these things because they address the problems we have, problems of cost and access, without limiting the choices Americans now enjoy. We have talked about these things because these are the reforms Americans want.

I have spoken about reform 43 times on the Senate floor. Yet some don't seem to be listening. And this is precisely the problem Americans have identified with some of the advocates of the Democrats' health care plans. They are not listening to our commonsense proposals any more than they are listening to the concerns of the American people.

In fact, listening to the proponents of these plans, one gets the sense they are more concerned about their legacies than what the American people actually want. "This is the moment" . . . "Be a part of history . . ." These are the kinds of things they say to each other about health care reform. Here is an idea: How about asking the American people what they want instead?

Everyone wants reform. I have said so almost every day on the floor for months. But a 1,000-page, trillion-dollar bill that cuts Medicare by half a trillion dollars, raises taxes on virtually everyone, raises premiums, and limits the health care choices Americans now enjoy is not the kind of reform Americans want. And what matters more than that?

The views of the American people are relevant in a debate about legislation that will have a profound and lasting effect on their lives. And these same Americans overwhelmingly oppose the 1,000-page, trillion-dollar plans they have seen from the administration and Congress. They have been saying so for months.

Take the issue of cost. One of the things Americans are concerned about is how much this legislation will cost. They are asking the question. They are not getting a straight answer.

We have seen a lot of numbers thrown around. As I have already noted, yesterday we got another one from the CBO. It doesn't tell the whole story. The fact is, the bill it is referring to will never see the light of day. That is because the real bill will soon be cobbled together in a secret conference room somewhere in the Capitol by a handful of Democratic Senators and White House officials.

The other numbers we have seen are intended to explain how much this bill will cost over 10 years. What most people do not realize is that the new plans would not go into effect for another 4½ years. So what is being sold as a 10-year cost is really a 5½ year cost. That means you can take the numbers you are getting and nearly double them.

Here is what we know about the true cost of the three bills we have seen so far: The Budget Committee has determined that the Finance Committee Bill, as introduced, will cost \$1.8 trillion over 10 years, and we do not expect it to get any better from here on out. The HELP Committee bill will cost \$2.2 trillion over 10 years. And the House bill will cost \$2.4 trillion over 10 years. So the average cost of these bills, when fully implemented, is more than \$2 trillion.

Americans are concerned about all this spending. They want straight answers. Advocates of the administration's health care proposal seem to think that the bigger the proposal, the more complicated, the more expensive, the better. That is not what the American people think. They are making it clear. It is about time we listen.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, would the Chair please advise when I have consumed 9 minutes.

The ACTING PRESIDENT pro tempore. The Chair will so advise.

#### HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, I congratulate the Republican leader for

his comments. If it weren't so serious, he and I and the Senator from Texas would probably all be amused to hear the Democratic leader come here day after day and say the Republicans don't have a health care plan and then attack our plan. That is typical of the kind of talk we are getting about health care reform from the Democratic side. We are getting double-talk.

It reminds me, a few years after I was Governor of Tennessee—it must have been the early 1990s—I was driving along in Nashville as a private citizen. I had the radio on. It might have been an Arkansas radio station, but I think it was a Nashville station. The announcer said: Big news. The Tennessee legislature has passed a new law creating a Medicaid program called TennCare. Here is what it will do. It will cover twice as many people for the same amount of money.

Everybody was happy about that. Nobody had to raise taxes. Nobody had to pay any more money. Twice as many people get health care. I remember what went through my mind: I bet that doesn't happen. That sounds too good to be true.

The same idea went through my mind when I picked up a paper this morning and read: The Senate Finance Committee has finished its work. We are going to give 29 million more Americans health care. It is going to cost hundreds of billions of dollars more, and it is going to reduce the Federal deficit all at once. What went through my mind was: That sounds too good to be true. It sounds like the TennCare story.

Let's remind ourselves what the Republican leader said a minute ago. The focus is reducing cost. We all know there are people who don't have health care and who need it. We would like to extend it to them. But we can't afford to do that until we reduce the cost of the health care we have. It is going to bankrupt us as individuals if we don't reduce the cost of our health care premiums. It is going to bankrupt our government if we don't stop the growth of health care. Our first goal is reducing cost, which is why the Republican plan for health care is to take several commonsense steps in the right direction—reducing cost—that will get us where we want to go. We have said those on the floor time after time after time.

They include allowing small businesses to pool their resources so they can offer insurance to more of their employees. They include taking steps to stop junk lawsuits against doctors, which are driving up malpractice premiums and causing problems for patients. For example, many women who are pregnant in rural West Tennessee counties have to drive all the way to Memphis to see a doctor because doctors would not practice there anymore because of the high cost of medical

malpractice premiums, which is driving up the cost of health care. We could create exchanges in each State so people could shop for individual insurance. We could allow people to buy their insurance across State lines. We all believe that if we did a better job of encouraging technology, we could reduce cost and reduce paperwork. All doctors and nurses and medical assistants know that.

Those are five steps we could take together to reduce cost, and we could begin to add to our rolls the 11 or 12 million people who are already eligible for programs we have today. That would make a big difference.

Instead, what our friends on the other side want to do is transform the system at a cost of closer to \$1.6 to \$1.8 trillion, when fully implemented. The question will be, Will it reduce our costs? That is why we want to read the bill. We want to know what it costs. This is not a bill. This is some pages of concepts. This is not a formal, complete estimate of its cost. That only comes when we have a bill.

We have had 8 Democratic Senators who have written to the majority leader and said what all 40 Republicans have said. The legislative text and the complete budget scores from the Congressional Budget Office that are going to be considered should be available on a Web site for 72 hours prior to the first vote. Democrats voted that down in the Finance Committee. They voted down the idea of allowing 72 hours to read a 1,000-page bill and to find out what it costs. Apparently, some Democrats are coming to their senses and saying: No, we would like to have the bill. We would like to read it. We would like to have a formal, complete score—their words—of what it costs, and then we will start voting. This is not a bill. These are concepts.

Then the majority leader is going to put this all together into another bill or create a bill. Then it will take a couple weeks to find out what that costs. We have some questions to ask in the meantime. First, we would like the Democrats to join us in step-by-step solutions to reduce cost. Next, we want to know whether it is going to reduce the cost to government and whether it will reduce the cost to each of us who is buying health insurance. As I look at the outlines, I think it might not. For example, as the Republican leader said, we know it is going to cost about twice as much as the \$800 billion advertised because it doesn't start taking effect for a few years. The taxes start right away, but the benefits don't start for a few years. That is the first thing.

The second thing is, it is going to put 14 million more people into the Medicaid Program—not Medicare, this is the Medicaid Program. This is the program States operate that is paid for two-thirds by the Federal Government and a third by the States, about which

all the Governors have said: If Washington is going to expand the Medicaid Program, Washington ought to pay for it. I suspect when we start asking questions, we will find Medicaid Program costs are underestimated. All the Governors think so. We had one of the most painful letters I have ever read from the Democratic Governor of Tennessee. Senator CORKER put it in the RECORD. He talked about how Tennessee's condition was similar to the condition of most States.

He said: For example, by 2013, we expect to return to our 2008 levels of revenue. We will already have cut programs dramatically. We will have to start digging out. We haven't given raises to State employees or teachers for 5 years. Our pension plans will need shoring up. Our rainy day fund will have been depleted. We would not have made any substantial investments in years. There will be major cuts to areas such as children's services.

We are going to expand a program that is already causing the State of Tennessee and most other States to go toward bankruptcy. That is the way we are going to achieve reform. That is half the reform. Most Governors who have had anything to do with the Medicaid Program say that dumping low-income Americans into the Medicaid Program, where 40 percent of the doctors would not see them, is not health care reform. Medicaid costs are underestimated.

Also, I don't think the Congressional Budget Office estimate of these concepts we saw includes what we inelegantly call the doc fix. Every year the system we have reduces payments to doctors who work on Medicare patients. So we come back and raise the amount of money. If we only pay doctors 10 years from today what we are paying them today to serve Medicare patients, it will cost \$285 billion, and that is not in this bill. When we ask our questions and read the bill and find out what it costs, we will find it doesn't reduce the deficit. Even if it did, it is going to cost \$1.6 or \$1.8 trillion. Who is going to pay for it? Half of it is going to come from cuts in Medicare, which serves seniors. Instead of putting any savings in Medicare to strengthen that program, which is going bankrupt in 2015–2017, we are going to spend it on a new program. Eight hundred billion will come in new taxes. Our insurance premiums are likely to go up instead of down because we will all be buying new government-approved programs.

If Speaker PELOSI is successful in adding the government-run option into the bill before it finally gets through, millions of Americans will be losing their insurance because employers will be paying a fine, instead of the insurance, because their employees can go to the government program. We are going to be paying for it. If you are a

Medicare beneficiary, if you pay taxes, if you are a State taxpayer, if you buy insurance, you are going to be paying for this program. So it is important for the next 3 to 4 weeks that as we debate this, we ask these questions.

Mr. President, I see the Senator from Texas on the floor, and I wonder, as I conclude my remarks, whether he has thought a little bit about whether it is going to be possible to ensure 29 million more people, spend hundreds of billions of dollars, and still reduce the deficit and reduce costs to the American people who are trying to afford their insurance premiums today.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I would respond to the distinguished Senator from Tennessee, of course not. The American people are smart. They can understand that these numbers are not going to add up. As our Republican leader said this morning, this bill that was reported in the newspaper and scored by the Congressional Budget Office yesterday will never see the light of day. So this is a work in progress.

We are committed, I think on a bipartisan basis, to reform our health care system. But the goal—and we need to keep our eye on the goal—is to bring down the cost and to cover people who currently are not covered. This bill, unfortunately, does not accomplish those goals. But we are going to keep working with our colleagues, if they will be open to our suggestions. But I have to tell you, as a member of the Finance Committee, virtually every suggestion Republicans made during the amendment process to this bill was voted down on a party-line basis.

I came to the floor to talk about one of those amendments the Senator from Tennessee mentioned, where we asked merely that the bill—once it is reduced to legislative language and the cost is determined—be put on the Internet for 72 hours. That was voted down along a party-line vote. But I thank the Acting President pro tempore and other folks on the other side of the aisle, eight of whom have written to the majority leader saying that makes sense to them. So I hope we will build a bipartisan consensus for more transparency in the debate.

I have also come to the floor to talk about how it makes no sense to cut Medicare benefits for 11 million Medicare beneficiaries who happen to be engaged in the Medicare Advantage Program in order to pay for this bill. Why would you take \$½ trillion from Medicare, which is on a pathway to bankruptcy by 2017, in order to create a new government program? It can only make sense inside the beltway and if you voluntarily suspend your powers of disbelief. It does not make sense across the country. That is why it is so important to have these discussions, ask these questions, have transparency.

Today I wish to ask another question: Will the health care proposals, such as the Finance Committee proposal and others, break the President's promise of not raising taxes on families making less than \$250,000 a year? Unfortunately, the Finance Committee bill does, in fact, raise taxes on families making less than \$250,000 a year. So the President cannot keep his promise if we pass this particular legislation.

For example, this bill imposes a penalty on individuals who do not meet the Washington-imposed mandate that will be enforced by the Internal Revenue Service. The Internal Revenue Service is going to impose a penalty on you if you do not have health insurance that meets the Washington-imposed mandate.

According to the Joint Tax Committee, the penalty initially included in the bill would especially hit middle-class families hard. They found that at least 71 percent of the penalty would come from people earning less than \$250,000 a year.

The bill also increases the penalty from 10 percent to 20 percent for Americans who use a portion of their health savings account for purposes other than qualified medical expenses. It seems to me we ought to be encouraging more people to use their health savings accounts rather than less. But as I discussed yesterday on the telephone with the CEO of Whole Foods, John Mackey, he said the health savings accounts—they call them wellness accounts, which are overwhelmingly successful and voted on every year with the satisfaction rate of some 85 percent or more by the employees of Whole Foods, headquartered in Austin, TX—will be an illegal plan under this mandate. Insurance premiums, of course, will go up in the process.

This bill also raises the floor on deductions of medical expenses to 10 percent from its current level of 7.5 percent. So you will be able to deduct less of your medical expenses if you have serious health care expenses, which means your taxes will go up. If you can deduct less, your taxes will go up.

The committee did, I would point out, consider an amendment that was intended to bring the bill in line with the President's promise not to raise taxes on people making less than \$250,000 a year, and it was voted down along party lines. Republicans were for it and Democrats were against it. This amendment would have protected families who earn less than \$250,000. But, as I say, it was voted down.

In addition to imposing taxes on people the President promised not to impose taxes on, this also imposes additional so-called industry fees, which experts have said will ultimately be passed down to consumers in higher insurance costs. So instead of making insurance more affordable, this bill



would actually make it less affordable and head in the wrong direction. The nonpartisan Congressional Budget Office and the Joint Tax Committee both confirmed these fees would be passed along to consumers and ultimately raise insurance premiums.

So my question for today is: Will these proposed health care reforms break the President's promise not to raise taxes on those making \$250,000 or less? Unfortunately, the Finance Committee proposal, which we will now apparently vote on on Tuesday of next week, does break the President's promise.

But Republicans stand ready to work with our friends on the other side if they will accept some ideas on how to do this to bring down costs and to cover more people to make health coverage more affordable. But so far all those suggestions have been rejected along party-line votes.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, along with my colleague, I noticed, with great interest, the headline in this morning's paper that said the Congressional Budget Office has said the health plan that is coming out of the Finance Committee will not increase the deficit. I thought: That is a little bit hard to believe. Then I looked at the details, and all of this reminded me of a scene out of an old movie. The movie is not worth talking about, but the scene is worth talking about to describe what is happening.

It was a circumstance where a spendthrift husband comes home to a frugal wife with a new car. The wife takes one look at the new car and says: Why in the world are we doing this? We can't afford a new car.

He said: No. Remember, we got that windfall. There was an inheritance that came through. We got some extra money. We can afford the new car, and it will not add—to use the terms of politicians—a dime to the deficit because we have this windfall coming in and we can spend it on the new car.

She said: Are you kidding? The roof is leaking. The college fund for the kids is empty. Our house payments are in arrears. We got that windfall. We could take care of some of these other problems. We don't need a new car.

Well, he said: We got the money and I have already spent it on the car and there is nothing you can do about it now.

As it turned out in the movie, the new car got repossessed later on because he had only made a downpayment on it, and they could not afford the payments to keep the car.

Why do I say the health care debate reminds me of this scene from the movie? The Federal debt is rising. The deficits from the regular appropriations bills are enormous. We are wal-

lowing in red ink in the Federal Government. But this bill is not going to add to the deficit because we found \$1 trillion as a way to pay for it. We found \$1 trillion someplace else we can use to pay for this bill. We can buy this new car, and, OK, the roof is leaking, the college fund is gone, the house payments are in arrears, but somehow we have a trillion extra dollars that we think is best spent on the new car.

If the new car is that much better than the old car, maybe the case could be made that we should take this \$1 trillion and spend it on the new car. What do we get for \$1 trillion from the Baucus bill? The \$1 trillion, which, if it is available to make this thing deficit-neutral, could very well be spent in balancing other budgetary problems and paying down the national debt and doing other things with it.

If we do have \$1 trillion to spend here, what are we getting for it when we are spending it entirely on the Baucus bill? Well, we are getting a continuation of defensive medicine because there is no significant malpractice reform, tort reform in this bill.

In his speech to the Congress, President Obama said:

I don't believe malpractice reform is a silver bullet, but I have talked to enough doctors to know that defensive medicine may be contributing to unnecessary costs.

I do not want to argue with the President that much because I was delighted when he said that, and I was on my feet applauding with others for that particular statement. I would say, defensive medicine not "may be" contributing to unnecessary costs; defensive medicine "clearly is" contributing to unnecessary costs. But we are not dealing with that in the Baucus bill. We are raising \$1 trillion somewhere else so we can continue business as usual with respect to defensive medicine and malpractice awards within our present system. So the new car is no better than the old car. It is costing us a lot more money, but it is no better than the old car.

Are we getting coverage of the 47 million Americans whom we hear about over and over again in the debate, when they say: Well, the whole purpose we have to undertake this is because we have 47 million Americans who do not have health care coverage. Are we getting them taken care of? Do we have room for them in the new car? Well, not really.

According to the paper this morning, we are going to get 29 million of the 47 million taken care of, which means roughly 20 million left out. We can go into the details of who the 47 million are. As we do, we find out it is a very mixed bag of people who are just passing through that category, people who deliberately choose not to be there. If we are spending \$1 trillion just to get to 29 million out of the 47 million, we

are not getting a very good new car. We are not getting an improvement over what we have already.

Again, that \$1 trillion could be spent in a much better and wiser way. If, indeed, we have an extra \$1 trillion we can spend on health care—if, indeed, we do have an opportunity to buy a new car—this is the kind of thing we could get for the \$1 trillion, if we said: All right, we have an extra \$1 trillion lying around, let's put it in health care. We could double cancer research funding; we could provide treatment for every American whose diabetes or heart disease is going unmanaged; we could create a global immunization campaign to save millions of children's lives; and we would still have enough money left over to keep doing these programs for at least a decade and probably more.

That is what we could get for a new car in the form of health care reform, if we were willing to spend the trillion dollars on trying to improve people's health. Instead of trying to improve people's health, we are simply trying, through this bill, to keep the present system as it is.

I have heard my friends from the other side of the aisle say repeatedly: The present system is broken. The present system is not an acceptable alternative. The present system must be changed. I say: Hooray. I agree. I just wish the Baucus bill would deal with the present system. I just wish the Baucus bill would give us, in fact, a new car rather than simply replacing the old car with a duplicate of the old car that happens to cost an extra \$1 trillion.

So I am hoping that as we move things forward, we can make some significant changes in it because at the present time what we have here is a program that would spend Federal cash for a clunker.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. What is the pending order, Mr. President?

The ACTING PRESIDENT pro tempore. The Senate is in morning business for another 27 minutes.

#### HEALTH CARE REFORM

Ms. MIKULSKI. Thank you very much, Mr. President.

As the dean of the Democratic Women in the Senate, we wish to tell our colleagues and the American people that we want to join together as women of the Senate today to talk



about the compelling issues facing the American people in terms of the need for health care reform. We are going to be speaking out and speaking up about the need for reform. I will be the wrap-up speaker.

In order to kick it off, I am going to yield—how much time does the Senator from Minnesota need?

Ms. KLOBUCHAR. I would say 5 minutes.

Ms. MIKULSKI. We have nine speakers.

Ms. KLOBUCHAR. I will need 3 minutes.

Ms. MIKULSKI. I yield 3 minutes to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I rise today to talk about the importance of health care reform to the women of this country.

Let me tell my colleagues how I got interested in this issue. When my daughter was born, she was very sick. She couldn't swallow. She was in intensive care. They thought she had a tumor. It was a horrendous moment for our family. I was up all night in labor, up all day trying to figure out what was wrong with her, and they literally kicked me out of the hospital—my husband wheeled me out in a wheelchair after 24 hours—because at that point in our country's history, they had a rule; it was called driveby births. When a mom gave birth, she had to get kicked out of the hospital in 24 hours.

Well, I went to the legislature with a number of other moms and we said: Enough is enough. We got one of the first laws passed in the country, in the State of Minnesota, guaranteeing new moms and their babies a 48-hour hospital stay. My favorite moment of this was at the conference committee when there were a number of people who were trying to get the implementation of this bill delayed so it wouldn't take effect. I went there with six pregnant friends of mine. When the legislature said, when should this bill take effect, the pregnant women all raised their hands and said, "now." That is what happened. That is what the women of America are saying today. They are saying, "Now." They cannot keep having these escalating health care costs that are making it harder and harder for them to afford health care.

I always tell the people in my State to remember three numbers: 6, 12, and 24. About 10 years ago, the average family was paying \$6,000 for their health insurance. Now they are paying something like \$12,000, a lot of them paying even more; small businesses, even more. Ten years from now, they are going to be paying \$24,000, if we don't do something to bend this cost curve.

Medicare is something that is so important for women in this country. It is going to go in the red by 2017.

One of the things that really bothers me about the current situation is this preexisting condition issue. I couldn't believe what I found out last week: In nine States and the District of Columbia, women who are victims of domestic abuse or who have been victims of domestic abuse can be denied health care coverage because domestic abuse can be considered a preexisting condition. So they get abused and then they can't even get the health care coverage to help them. Maternity, being pregnant—these things can all be preexisting conditions, and that is something we need to stop.

That is why I am so glad one of the major proposals in this reform is to do something about preexisting conditions. We also need to make sure preventive care—so important to women—things such as mammograms are covered in our health care plan.

Finally, one of the things I know the Senator from Maryland has been such a leader on is aging parents. People such as myself, we have kids of our own and then we also have aging parents. We are caught in what they call the sandwich generation: taking care of our own kids and making sure our parents get care at the same time. Predominantly, a lot of women are in this situation. That is why the CLASS Act, which Senator Kennedy proposed and which is in one of the health care proposals, which allows Americans to use pretax dollars to pay for their health insurance and their long-term care insurance is so important.

So I am glad for American women that we are moving forward on this health care reform.

Thank you very much, Mr. President. I yield the floor.

Ms. MIKULSKI. Mr. President, we thank the Senator for her advocacy to end this driveby delivery and other punitive practices.

I yield 3 minutes to the Senator from North Carolina.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I am joining my colleagues on the floor today to talk about how health care reform will improve women's access to care.

I recently received an e-mail from a woman in Raleigh that truly underscores why women need health care reform in America. Julie wrote to me about her sister who was uninsured and waited years for a mammogram because she literally couldn't afford to pay for one. Then she found a lump in her breast. By the time the lump became a mass, Julie's sister finally got a mammogram and had to pay for it with cash. The mammogram confirmed what she suspected: She had breast cancer. But now that she had the diagnosis, she had no way to pay for the treatment. Julie's sister lost her battle with breast cancer this March. Like

thousands of women across America, perhaps Julie's sister could have beaten this cancer if she had had access to affordable, preventive care and, after her diagnosis, access to either insurance or medical care to cover her cancer treatment. In this heartbreaking situation, Julie's sister was sick and stuck.

Unfortunately, I hear about such cases far too often. Inefficiencies and discriminatory practices in our health care system disproportionately affect women. In all but 12 States, insurance companies are allowed to charge women more than they charge men for coverage. The great irony here is that mothers, the people who care for us when we are sick, are penalized under our current system.

My daughter Carrie recently graduated from college and had to purchase her own health insurance. For no other reason than her gender, her insurance policies cost more than they do for my son Tilden.

Yesterday, a 23-year-old staffer in my office, a female from Fayetteville, shopped for health insurance on the individual market for the most basic, bestselling plan. It would cost her \$235 a month; for a man of the same age, \$88. That is 2½ times more expensive, close to \$1,800 more per year.

Many women who have health insurance are still stuck. Insurance companies don't often cover key preventive services such as mammograms and pap smears. Often, the copays for these critical services can be out of reach for many women when they range as high as \$60 a visit. More than half of all women, like Julie's sister, have reported delaying preventive screenings. Without insurance, mammograms cost well over \$100.

In many cases, the difference between life and death is early detection. The Affordable Health Choices Act—which I worked with my colleagues on the Health, Education, Labor and Pensions Committee to craft—makes preventive care possible for women across America. It eliminates all copays and deductibles for recommended preventive services.

We are also stopping insurance companies from charging women more than men or using preexisting conditions as a reason to deny anyone health insurance.

The PRESIDING OFFICER (Mr. KIRK). The Senator's time has expired.

Mrs. HAGAN. I thank the Chair and yield the floor.

Ms. MIKULSKI. Mr. President, I now yield 3 minutes to the Senator from Michigan.

Ms. STABENOW. Mr. President, I thank the dean of the women in this Senate, Senator MIKULSKI, for bringing us all together on the Senate floor, and I join with my great colleagues from California and North Carolina and other colleagues who will be joining us

as well, to talk about the importance of health care reform for women.

Women are the majority of the population. We have the ability to benefit from this reform that holds insurance companies accountable and creates more opportunity for coverage. We will see a great benefit to come from all of this, and I want to speak to just one piece of it. We know the majority of people today—men and women, families—have insurance, and there are a multitude of bad insurance company practices that are occurring today stopping people from getting coverage because they have a preexisting condition.

By the way, we found out just last week, from an article in the Washington Post, that some insurance companies treat pregnancy, or the intention to adopt, as a reason to reject someone for a preexisting condition. I mean that is pretty shocking to me. In fact, the same report said that being pregnant or being an expectant father, with some companies, was grounds for automatic rejection—automatic rejection—when it comes to being able to get a health insurance policy.

So this reform is about making sure everyone benefits; that women who have insurance, as well as women who don't currently have access to health insurance, can see protections and changes that stop the discrimination and create better access to health care because that is what this is all about, being able to find affordable health care and health care that meets our needs. All women across the country certainly are desperately concerned about that. We have 62 million American women right now who are in their childbearing years, and I was quite shocked to learn that right now, according to the Women's Law Center, nearly 60 percent of the individual insurance plans that are out there in the marketplace—if you are not getting insurance through your employer, but you are going out yourself to find an insurance policy for you and for your family—nearly 60 percent don't provide any coverage for maternity care or even an option of supplemental insurance for an additional cost.

So for the women in these plans who are attempting to get insurance, no amount of money can buy the maternity care that they need. So this bill is about changing that and making sure the women of this country have the care they need.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. I thank the Chair.

Ms. MIKULSKI. I now yield 3 minutes to the Senator from California, Mrs. BOXER.

Mrs. BOXER. I thank Senator MIKULSKI for her leadership. Everyone in America has a stake in health care reform, even if they are happy with their insurance at the moment. The main

reason is that costs are exploding and health care insurance companies are walking away without any penalty. They come up with a reason, and then we all are paying for those who have no insurance and wind up in the emergency room.

Women have even more at stake. Why? Because they are discriminated against by insurance companies, and that must stop, and it will stop when we pass insurance reform.

Now, how are women discriminated against? If they have been victims of domestic violence, that is considered to be a preexisting condition and, therefore, they are told they can't get insurance, and that happens in eight States and the District of Columbia. It is a tragedy, and it will change when we pass health insurance reform.

If a woman is pregnant, only 14 States in America require insurance companies to cover maternity care. Imagine, a country that puts family values first and yet only 14 States will cover maternity. That will change.

Everyone is faced with huge increases in cost, but women 18 to 55 are charged nearly 40 percent more than men for similar coverage in my home State, and that happens in most States, and health reform will stop that.

Because of discrimination, women are at risk under the current system. More than 52 percent of women reported delaying needed care or avoiding it completely because of cost compared to 39 percent of men. Now, 39 percent is terrible, but 52 percent is deplorable. People are walking around sick because they can't afford to go to the doctor. Health insurance reform will stop it. There will be no more gender rating.

Women earn less than men, and that is why it is an impossible situation. In my home State, over the past 9 years, premiums have risen more than four times as fast as earnings. We spend more than twice as much as any other industrialized Nation on health care. You would think we would have greater outcomes, Mr. President, but we rank 29 out of 30 industrialized nations in infant mortality. It isn't surprising, when so many women are not getting prenatal care.

Medicare: More than half of those on Medicare are women. If we do nothing, Medicare goes broke in 2017. So when politicians try to scare our seniors, it is despicable because it is the status quo that is dangerous. When we fix Medicare—and we will in health reform—women will get free preventive care, mammograms, and annual physicals.

So in summary, women, children, and men need us to act on health reform. We must make our voices heard.

I thank my colleagues, my women colleagues, for coming to the floor of the Senate today to wake up this Nation.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MIKULSKI. Mr. President, I now yield 3 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank our leader, the Senator from Maryland, BARBARA MIKULSKI, for organizing this effort on the Senate floor this morning. I am pleased to join my sisters and colleagues in the Senate this morning to raise some specific and important issues relative to this reform debate that is moving forward. They are important facts as we press forward with our reforms.

I would like to begin, just briefly, with reminding all of us that we began—as the President called for us to do—to focus on health care reform and to reduce cost—cost to our Nation, cost to our States, cost to individual businesses as they continue to see these premiums skyrocketing beyond their ability to either afford or to control, and cost to individuals.

The Baucus mark in the Senate Finance Committee, which is pending, goes a significant step forward in terms of the cost issue. That is very encouraging to those of us who believe that health care reform is essential for several reasons. But one of the important reasons is to get cost under control and to begin to help balance the Federal budget and get us back on a sure financial footing, which—as has been stated by many experts, Mr. President—is impossible without fundamental insurance reform. So that is point 1.

Point 2, the benefit of moving forward with reform will significantly improve outcomes for women, as the Senator from California, Mrs. BOXER, stated. It is going to help all Americans, but it is going to be particularly helpful for women of childbearing age, who are often discriminated against with insurance rates because they have to see doctors more often just by the very nature of pregnancy and the care they require. Because they have to see their doctors more often, their insurance is sometimes significantly higher.

In fact, the records show that the cost of an insurance plan for a 40-year-old woman can be up to 38 percent more than a 40-year-old man in the same circumstance—same health, same geographic location. Our reform efforts will eliminate that bias and make health care more affordable for everyone but particularly for women.

I wanted to take my last minute to talk about a letter I received from Denelle Walker, a 25-year-old woman living in Baton Rouge, who just graduated from school and went on to get a job.

Mr. President, 20 percent of Denelle's modest paycheck—20 percent—is going toward insurance. This bill will help young women such as Denelle, middle-aged women, and older women on the issue of affordability.

Ms. MIKULSKI. Mr. President, I now yield 3 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am very pleased to join my women colleagues in the Senate today to talk about the importance of passing health care reform for all the women in this country, and I want to thank Senator MIKULSKI for her leadership on this issue.

Plainly and simply, the status quo is not working. Today's health system is simply not meeting the needs of women. For too many women and their families today, quality, affordable health care is out of their reach.

It should surprise no one that women and men have different health care needs. Despite this difference, it is unacceptable that women are not treated fairly by the system and do not always receive the care they require and deserve. In cases where women can find coverage that is affordable, often it is woefully inadequate.

A recent survey by the National Women's Law Center found that the vast majority of individual market health insurance policies did not cover maternity care, and only a few insurers sell a separate maternity rider. That isn't that surprising when you consider, as we have heard, that only 14 States require maternity coverage and insurance companies are all about their bottom line. Defending the practice, one insurance spokesman called pregnancy "a matter of choice." To make matters worse, many insurance companies consider C-sections a "preexisting condition." One insurer simply rejects women who have had C-sections. This is unbelievable.

What is most shocking to me is that insurance companies can deny coverage to a woman for having been a victim of domestic violence. Domestic violence—something no woman plans for or wishes upon herself or anyone else—can be used to deny insurance coverage. Mr. President, this cannot be allowed to continue.

Without a doubt, the current private health insurance framework leaves too many women uncovered. For those who are covered, care often falls short. It is time to end the insurance discrimination that women face. I am pleased that both Senate bills which have come out of committee ban discrimination based on preexisting conditions, and I also applaud the Finance and the HELP Committees for putting an end to gender discrimination in pricing insurance and ensuring that women and men pay the same price for the same coverage.

We must come together to pass comprehensive health reform to help all the women of our Nation who are facing high insurance costs just because

they are women. I applaud the women on the HELP and the Finance Committees for the work they have done and reiterate that any legislation we consider must level the playing field and make health care accessible and affordable for all.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. SHAHEEN. I thank the Chair, and I yield the floor.

Ms. MIKULSKI. Mr. President, how much time is remaining in morning business?

The PRESIDING OFFICER. There is 5½ minutes remaining.

#### ORDER OF PROCEEDINGS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that morning business be extended for another 15 minutes.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. I withhold that unanimous consent request. I ask unanimous consent for 15 minutes and that it be equally divided. I ask unanimous consent that morning business on our side be extended for 15 minutes and that 15 minutes also be added to the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I assure my colleagues on the other side that all time will be protected. I think there is a little confusion. I have not been briefed on the order. I can assure everyone's time agreement will be protected at the time they were assured they could speak.

I now yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I rise today to speak in support of health care reform on behalf of greater access to health care for women. I am very grateful to Senator MIKULSKI for her extraordinary leadership on this health care debate.

There are few Americans who are not hurt by the rising cost of health care. However, it is shocking to think that in today's America, over half of this country could be discriminated against in one of their most basic life needs. Women must shoulder the worst of the health care crisis, including outrageous discriminatory practices in care and coverage.

According to the data compiled by the National Women's Law Center, under the current system, a 25-year-old woman pays up to 45 percent more for the same or identical coverage.

Some of the most essential services required by women are not covered by many insurance plans, such as child-bearing, Pap smears, or mammograms. As a mother of two young children, I cannot imagine how awful it would be for a woman who does not have these basic needs covered. That is exactly

what millions of women and young mothers face because of the costs of childbirth.

A standard in-hospital delivery costs between \$5,000 and \$10,000 and much more if there are complications. In the current system, pregnant women can be turned down for health care coverage because insurance companies would rather evade those costs. Pregnancy should never be a preexisting condition. Such discrimination is unacceptable and is contrary to our core American values of equality and equal rights.

As we address the inadequacies of our current system, we must safeguard the women's health clinics that are an essential point of care for millions across this country. Their work is being politicized as part of this debate. Politicizing health care delivery endangers young women, putting them at risk for teen pregnancy, STDs, cervical, or breast cancer. Women's health clinics provide critical services to women every day.

In my own State, over 400,000 New Yorkers receive health care from Planned Parenthood each year. About 50 percent are working adults whose jobs do not include health benefits. Our strategy for reform must protect these critical services that clinics provide and expand upon their success.

The health care crisis is a life-and-death issue for so many Americans—one that disproportionately affects women in this country. We must reform our broken health care system and disparities among race and gender and make quality, affordable health care available for every single American.

Ms. MIKULSKI. Mr. President, I now yield 4 minutes to the Senator from Washington State.

Mrs. MURRAY. Mr. President, I thank my colleague, Senator MIKULSKI, and all of the women who are out on the floor today to talk about this critical issue because the rising cost of health insurance is hurting women and it is hurting our country.

For the millions of women across this country who open the mail each month to see their premiums rising dramatically, who cannot get preventive care, such as mammograms, because the copays are too much or they work part time or for a small business that does not provide insurance for them and their families, who cannot get covered for prenatal care or who are forced to stay in an abusive relationship because if they leave, their sick kids will lose their health care coverage, we are their voice.

I remember a similar debate such as this on this floor almost 16 years ago. Senators in this Chamber were debating legislation that would allow 35 million Americans to stay home to take care of a newborn or sick child, a parent or spouse, without fear of losing

their jobs. I came to the floor then and I told the story about a woman I knew whose child was sick at the time and who was not allowed to take time off from work to care for him as he was dying because she would lose her income and the health insurance that covered him.

At the time, as a new Member of the Senate, I spoke passionately about that. I told the story. As I was walking off the floor, one of our colleagues came up to me and said: You know, here in the Senate, we don't tell personal stories. I remember well what I said to him: I came here to tell the stories of the people I represent. They deserve a voice in the Senate.

Those stories impacted that debate, and we passed the family and medical leave law.

I am back today to tell the story of a woman whose child was sick. I want to tell every one about the story of this little boy, Marcelas Owens. I met him at a health care rally in Seattle. He was 10 years old and his two sisters who we see in this picture as well have been through a lot. Two years ago their mother Tiffany, who is not in this picture—that is his grandmother—lost her life because she was uninsured, 27 years old.

How did that happen? Tiffany was a single mom who felt strongly about working to support her family. She worked as an assistant manager at a fast food restaurant. She had health care coverage for her family. But in September of 2006, she got sick and missed some work. Her employer gave her an ultimatum: Make up the lost time or lose your job. Because she was so sick, she physically could not make up the time, and she did lose her job.

When she lost her job, she lost her health insurance. Without the coverage and care she needed, in June of 2007, Tiffany lost her life, and Marcelas and his sisters lost their mom.

Our health care system is broken. It is broken for moms such as Tiffany who work to provide for their families and do the right thing, and for men who lose their health care in this market we have today. It is broken for women we have heard about who have been denied coverage or charged more for preexisting conditions such as pregnancy or C sections or, tragically, domestic violence. It is broken for their families and for little boys such as Marcelas who will never get back what he lost.

Enough is enough. The time is now. The status quo that is being defended by the other side is not working. For women across this country, for their families, for our businesses, for our Nation's future strength that as mothers we care about so much, we have to get this right. We have to remember these stories. We need to be their voice. That is why we are here today and why we are going to keep fighting to make sure

that we reform the health care insurance system in this country finally and do it right.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, as we wrap up our discussion on health insurance reform, I want to say as the senior Democratic woman that I am very proud of my colleagues today and how they have spoken up about the terrible practices of the insurance companies discriminating against women.

What you heard loudly and clearly today is that health care is a women's issue, health care reform is a must-do women's issue, and health insurance reform is a must-change women's issue because what we demonstrated is that when it comes to health insurance, we women pay more and get less.

We stand today on the Senate floor to say we want equal access and equal benefits for equal premiums. We women pay more and get less when we do pay our premiums. A 25-year-old woman is charged more than a 25-year-old man of equal or similar health status. And at age 40, it is often up to almost 50 percent. And when we do pay our benefits, when we are able to cross that barrier of getting health insurance, we get less coverage because insurance companies have certain punitive practices.

No. 1, we are often denied coverage because of something called a preexisting condition. These preexisting conditions are not catastrophic. We hear horror story after horror story that a woman who has had a baby by a C section which was medically mandated is then denied subsequent coverage because she had that. We have heard horror story after horror story in some States that victims of domestic violence are denied health insurance because they have been battered by a spouse and then they are battered by the insurance company.

This has to change. Coverage for women is often skimpy and spartan. I think people would find it shocking, good men would find it shocking that maternity care is often denied as a basic coverage or we have to pay more to get coverage for maternity care. Often on basic preventive care, such as mammograms and cervical screenings, we have to pay significant copays in order to get them.

So we the women are fighting for health care reform. We have very basic things we support. No. 1, we want to make sure that Medicare is strengthened and saved. We know that Medicare is a woman's issue and a family issue not only because there are more women on Medicare than there are men, but we know that with Medicare, often without it or if it is curtailed or shrunk, it would mean disaster.

Mr. President, you see that I am speaking from a wheelchair. It is because I had a fall coming out of 4 o'clock mass a couple of weeks ago.

When going through the ER, the OR, the rehab room, if I did not have Medicare and my health care benefit, I would be bankrupt today.

If health care is good enough for a U.S. Senator, it is good enough to make sure we have health care for U.S. citizens. So we want to save Medicare.

We also want to close that doughnut hole. The doughnut hole for prescription drugs has been very difficult to swallow. It is time to change that. We want to end the punitive insurance practices of discriminating on the basis of gender—so whether you have had a C section or whether you need mental health benefits after you have been raped, you can get your coverage.

Later on this weekend, there will be many in my State who will be "Racing for the Cure." I think it is great that we are looking for a cure for breast cancer, and we salute the Komen Foundation. But we not only want to do the research to find the cure, we want to make sure women have access to the preventive screening for breast cancer, ovarian cancer, and cervical cancer. We are fighting to make sure that access is provided for these important screenings and there are no barriers for payment.

In a nutshell, we, the women of the Senate, have fought for equal pay for equal work. Now we are fighting for equal benefits for equal premiums. We hope that when the insurance debate comes to the Senate, we will be able to elaborate. But today, we wanted to say: Let's get rid of the mob scene that is going around the debate on health care. Let's focus on the important human needs.

I now conclude my remarks, and I believe this concludes morning business. I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2847, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Vitter/Bennett amendment No. 2644, to provide that none of the funds made available in this act may be used for collection of census data that does not include a question regarding status of United States citizenship.

Johanns amendment No. 2393, prohibiting the use of funds to fund the Association of Community Organizations for Reform Now.

Bunning amendment No. 2653, to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

Levin/Coburn amendment No. 2627, to ensure adequate resources for resolving thousands of offshore tax cases involving hidden accounts at offshore financial institutions.

Durbin modified amendment No. 2647, to require the Comptroller General to review and audit Federal funds received by ACORN.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2626

Mr. MCCAIN. Mr. President, I send amendment No. 2626 to the desk, and I ask for its immediate consideration or, if necessary, set aside the pending business and call up amendment No. 2626.

The PRESIDING OFFICER. Is there objection to the pending amendment being set aside?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCain] proposes an amendment numbered 2626.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate funding for Public Telecommunications Facilities, Planning and Construction)

On page 111, strike lines 4 through 15.

Mr. MCCAIN. Mr. President, I come to the floor with an amendment that would eliminate another unneeded and unwanted earmark which is suggested by the President of the United States.

Before I go into that, I ask unanimous consent to have printed in the RECORD an article from this morning's Washington Post entitled "Ex-Staffers Winning Defense Panel Pork, Study Finds."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EX-STAFFERS WINNING DEFENSE PANEL PORK, STUDY FINDS

(By Carol D. Leonnig)

In the coming year's military spending bill, members of a House panel continue to steer lucrative defense contracts to companies represented by their former staffers, who in turn steer generous campaign donations to those lawmakers, a new analysis has found.

The Center for Public Integrity found that 10 of the 16 members of the House subcommittee on defense appropriations obtained 30 earmarks in the bill worth \$103 million for contractors currently or recently employing former staffers who have become lobbyists. The analysis by the Washington Watchdog group found that earmarks still often hinge on a web of connections, despite at least three criminal investigations of the practice that became public in the past year. Those probes focus on a handful of defense contractors and a powerful lobbying firm that together won hundreds of millions of dollars in work from the House panel and are closely tied to its chairman, Rep. John P. Murtha (D-Pa.).

On Tuesday, the Senate approved a \$636 billion military spending bill for fiscal year 2010; the House approved its version in July. House and Senate members now will work in conference to resolve differences between their two bills.

The Center for Public Integrity's analysis found some shifts in earmarking patterns since its similar analysis of the 2008 defense bill. First, Rep. Peter J. Visclosky (D-Ind.), whose office records were subpoenaed by federal prosecutors in May, has markedly reduced his earmark requests and sought no work for private companies. Also, defense appropriators are generally steering more earmarks to nonprofits.

The Washington Post has documented more than \$400 million in defense earmarks that Murtha has directed in the past decade to research groups in his district, including the Penn State Electro-Optics Center and the John P. Murtha Institute for Homeland Security, which steered much of the funds to private contractors.

Since last fall, federal investigators have been probing the PMA Group, a now-shuttered lobbying firm whose clients had unusual success in winning earmarks from Murtha's subcommittee. Founder Paul Magliocchetti is a close friend of Murtha's and worked as a defense appropriations staffer when Murtha was a rank-and-file member of the committee.

PMA and its clients had been big donors to Murtha and his fellow subcommittee members in the past decade, according to a Center for Responsive Politics report, with Murtha receiving the most. Since 1998, workers at those firms and their family members provided \$2.4 million to Murtha—who helped insert more than \$100 million in defense-related earmarks into 2008 appropriations bills. Visclosky was second, collecting \$1.4 million, and Rep. James P. Moran, Jr. (D-Va.) was next, with \$997,000.

Mr. MCCAIN. Mr. President, I quote from the beginning of it, something that is well known but continues to be authenticated about the corruption of the process that we go through in appropriations. It says, "Ex-Staffers Winning Defense Panel Pork, Study Finds."

In the coming year's military spending bill, members of a House panel continue to steer lucrative defense contracts to companies represented by their former staffers, who in turn steer generous campaign donations to those lawmakers, a new analysis has found.

Not an astonishing finding but, again, authenticating of the corruption that goes on around here and the reason Americans are fed up.

The Center for Public Integrity found that 10 of the 16 members of the House subcommittee on defense appropriations obtained 30 earmarks in the bill worth \$103 million for contractors currently or recently employing former staffers who have become lobbyists. The analysis by the Washington watchdog group found that earmarks still often hinge on a web of connections, despite at least three criminal investigations of the practice that became public in the past year.

Mr. President, I bring forward another amendment—this will be my sixth—to eliminate a program and the appropriations for it that the President of the United States has asked for. I often quote from this document. This

will be the sixth one. This document is entitled, "Terminations, Reductions and Savings, Budget of the U.S. Government, Fiscal Year 2010."

Again, I would like to read from the introduction. This comes from the administration. It says:

The President's 2010 Budget seeks to usher in a new era of responsibility—an era in which we not only do what we must to save and create new jobs and lift our economy out of recession, but in which we also lay a new foundation for long-term growth and prosperity. Making long overdue investments and reforms in education so that every child can compete. . . .

It goes on and on. In the next paragraph:

Another central pillar of a sound economic foundation is restoring fiscal discipline. The administration came into office facing a budget deficit of \$1.3 trillion for this year alone—

By the way, I think that is up to \$1.4 trillion now—

and the cost of confronting the recession and financial crisis has been high. While these are extraordinary times that have demanded extraordinary responses, we cannot put our Nation on a course for long-term growth with uncontrollable deficits and debt.

It goes on to talk about the problems we face.

[T]he President has announced a procurement reform effort that will greatly reduce no-bid contracts and save \$40 billion, and at the Cabinet's first meeting, he directed agency heads to identify at least \$100 million in administrative savings.

Then it says:

This volume is the first report of that effort. In it, the Administration identifies programs that do not accomplish the goals set for them, do not do so efficiently, or do a job already done by another initiative—and recommends these programs for either termination or reduction.

We are talking about the administration speaking. We have identified 121 terminations, reductions, and other areas of savings that will save approximately \$17 billion next year alone.

It goes on to describe what they are:

Half of these savings for the next fiscal year come from defense programs and half come from non-defense. No matter their size, these cuts and reductions are all important to setting the right priorities with our spending, getting our budget deficit under control, and creating a Government that is as efficient and it is effective.

As I said at the beginning of my remarks, this will be the sixth amendment I have offered to support the President's request for reduction or termination of unneeded or unwanted programs. I am confident this will be the sixth time that the appropriators on both sides of the aisle will vote down the President's request—not my request, not my assumption, but that of the President of the United States and the Office of Management and Budget.

By the way, had the Senate agreed with my amendments—which they did not—and supported the call of the

President to end programs that do not accomplish the goals set for them, we would have saved the taxpayers \$87 million. In this day and age with multitrillion-dollar deficits, \$87 million is not a lot around this town, but it certainly is back in my home State of Arizona.

What this amendment does, and I quote again from the President's document, and I will read from it:

The Budget supports public broadcasting through increased appropriations to the Corporation for Public Broadcasting and eliminates the unnecessary Public Telecommunications Facilities Grant Program.

Let me make it clear. The administration is supporting increases in public broadcasting but is trying to eliminate the unnecessary Public Telecommunications Facilities Grant Program in the Department of Commerce.

PTFP funding equals less than 4 percent of the Corporation for Public Broadcasting funding and has in recent years supported the transition to digital television broadcasts which will be completed in fiscal year 2009.

The administration goes on to say:

Since 2000, most [of these] awards have supported public television station's conversion to digital broadcasting. Digital broadcasting facilities mandated by the Federal Communications Commission will be completed in fiscal year 2009, and there is no further need for this program.

Again, it goes on to say:

The Administration proposes to support public broadcasters through CPB, and the Budget includes \$61 million for the Corporation for Public Broadcasting in 2010, which is in addition to the \$420 million enacted advance appropriation, for total proposed 2010 resources of \$481 million, nearly \$20 million above 2009. The Budget also includes an advance appropriation request for the Corporation for Public Broadcasting in 2012 of \$440 million to support public broadcasters. The Corporation for Public Broadcasting funds can support the same types of capital projects as PTFP funding as well as stations' operating and programming costs. . . .

The National Telecommunications and Information Administration, the Commerce Department bureau that has administered this program, was provided \$4.7 billion in the American Recovery and Reinvestment Act to implement the new Broadband Technology Opportunities Program. Terminating this program will enable the NTIA to focus its efforts on BTOP, [the Broadband Technology Opportunities Program] a major challenge for this small Commerce Department bureau, and one which will aid the nation's economic recovery and help promote long-term competitiveness.

These are not my words. These are the words of the President of the United States. We are talking about \$20 million savings by eliminating this program.

One of the arguments we are going to hear, and one of the great sacred cows around here, is the Corporation for Public Broadcasting. This does not affect the increase in funds for public broadcasting. It simply terminates a program that the President of the United States believes is not necessary

because its mission has been completed.

I imagine we will lose again with appropriators on both sides of the aisle voting not to eliminate a program—again, the sixth amendment I have had trying to implement the recommendations of the President of the United States and the Office of Management and Budget, and while we are staring at a \$1.4 trillion deficit for this year and a \$9 trillion debt for the next 10 years. Those estimates have been completely underestimated.

I tell the managers, the American people are mad. They are very angry. There is going to be another tea party in my home State this weekend. You know we are mad because we are stealing their children's money; 43 cents out of every dollar we are spending today is on borrowed money. Who is going to pay it back? They know they are. They know our kids and grandkids are. We cannot even eliminate a program or programs the President of the United States requests that we terminate. There will come, and it will come fairly soon, a day of reckoning.

The reason I added this article from the Washington Post this morning is because, I say to my friends and colleagues, there is corruption, and there is corruption in the earmarking and porkbarrel process that goes on. The American people are tired of it. I urge my colleagues to adopt the amendment.

I ask for the yeas and nays.

THE PRESIDING OFFICER. Is there a sufficient second.

There appears to be a sufficient second. The yeas and nays are ordered.

MR. MCCAIN. Mr. President, I yield the floor.

MS. MIKULSKI. I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

MS. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MS. MIKULSKI. Mr. President, I strongly oppose the amendment of the Senator from Arizona to strike the funding in the bill for the Department of Commerce Public Telecommunications Facilities. His amendment would eliminate from the bill \$20 million. That \$20 million goes for competitive grants for public radio and TV stations around the Nation to upgrade their infrastructure and technology. His amendment would terminate the grant program in fiscal year 2010.

He argues that President Obama's budget proposed to eliminate the program, so Congress should too. We are a separate and coequal branch of government. In this case, the CJS Committee respectfully disagrees with the Presi-

dent's budget. We know our President inherited a terrible mess. We know the previous administration ran up debts and deficits and now, as we try to clean it out, our President is looking for modest cuts to the budget. But here, with public telecommunications facilities, this is exactly what we need during these troubled economic times to provide access to quality TV to ordinary people who might not be able to afford cable TV, satellite TV, or dish TV.

I am ready to dish on the McCain amendment. We need jobs in this country, and we need to let people know their government is on their side and that they can have access to public television—public television.

Sure it is a public option. We like the public option on TV.

But we know for our local stations, where donations are down and their revenues starved, you cannot put up the necessary antenna and other technology by doing it on bake sales and dialing for dollars. They need help from their government. This is what this does: A modest \$20 million that will help replace equipment such as antennas, power, and telephone hookups, generators and other kinds of things.

It will improve technology to keep up with changing requirements. Grants are competitive. There are no porkbarrel projects in this, no earmarks. The grants are competitive. The Commerce Department selects what are the ones that meet the compelling needs in communities. By the way, the local community has to provide 25 percent of local cost share so it is not a free ride.

The President's budget and the amendment sponsor argue that this technology program is no longer needed because all radio, public radio and TV stations are already going from analog to digital, so we do not need it.

This argument is flawed for two reasons. First, digital conversion has never been nor ever will be the sole purpose of the Public Telecommunications Facilities Program. The Public Telecommunications Facilities Program was intended to help public radio and TV upgrade their infrastructure and buy new equipment. Digital conversion equipment is eligible, but that is not all.

I am saying this because not only do we provide public TV. It is great to have the Corporation for Public Broadcasting. That is about content. About content. But you need to have an infrastructure to deliver the content. In many of our communities, the infrastructure is worn. It is dated. It is 20, 22 years old. So they are looking to replace it. Guess what. When they do replace it, it creates jobs, jobs, jobs in those local communities. It takes talented men and women to put that antenna or that tower up, to install that very important new digital equipment.



For \$20 million, we can broadcast to people, we can broadcast quality, and we have people going to work putting up and replacing dated equipment. Last year this program received almost \$50 million in applications but had only \$20 million to award. This funding is important in rural and underserved areas.

Last year, the technology program received 57 applications from Native American communities alone. The President and the Senator from Arizona argue it is not needed because the Corporation for Public Broadcasting will pick up the slack. I will repeat: I love Orszag, but maybe he did not read the fine print, which is the Corporation is for ongoing operations and programming. It does not provide funding for new infrastructure.

It is about infrastructure; just like we want to have money to build our highways, we need to have super-information highways. This helps the public facilities be able to do it. The local communities depend on the Commerce Department to do this.

The program has built the Public Broadcasting System. It ensures that the American public has access across the Nation. This is not Senator MIKULSKI talking because she is the chair of the CJS and she wants to hold onto every program. I got a letter, as did my ranking member, from 21 Members of the Senate, including the chairman of the Commerce Committee, asking us to put \$44 million into the Appropriations Committee to fund this. We could only afford to do \$20 million, the same as last year.

Why? Let me read from their letter: For some four decades, PTFP has served as a critical infrastructure program for building public broadcasting systems of radio and TV stations that reach 95 percent of the American people.

What does this do? It maintains infrastructure for transmitters, translators for the deaf, power, and antennas.

It has been drastically underfunded in the past several years since suffering an 18-percent cut in 2002 and 2003. Over the years, PTFP has foregone \$270 million in Federal funds over the authorized level during the last 8 years.

I am not going to sound like an accountant here. I want to sound like I have accountability to my communities. I want them to have access to public TV and public radio and the technology to transmit it. "PTFP's preservation role has always been most important," says the letter from the 20 Senators, "because it is the only source of Federal emergency funds for public radio and television in the event of an emergency."

After Katrina and Rita, several stations in the gulf region were awarded these emergency grants so they could start rebroadcasting. Without those funds, many communities would have

been vulnerable to the compounded effects of losing local news and the kinds of programs they needed as they were struggling to rebuild.

On average, according to the letter from my 21 colleagues, including the chairman of the Commerce Committee, stations leverage these PTF funds by an additional 50 percent. So this is a Federal-local partnership.

PTF funding is about providing access to quality TV. In my own community, it has meant access to educational programs. It has meant a way to link up to community colleges and the way they have done distance learning. Many of the early children's programs, many of those early children's programs often help get children learning ready. Again, yes, that is about content. But content cannot be delivered without infrastructure.

During several weeks this summer as I lived in a rehabilitation facility getting physical therapy, many of my constituents said: Well, is it not great to watch public TV? We can see what is going on in the world. They loved the MacNeil/Lehrer show, even though it is not called that anymore, to get news about what was going on in the country.

They loved hearing public debate in a civil way, thrilled and enjoyed "Mystery Theater," and at the same time were excited that their grandchildren were able to get learning ready, either at the preschool level or the work it was doing in the community college.

There are a lot of things government does that is unpopular with people. But one of the things it does that is very popular with the American people is public TV and public radio. We have to maintain quality content. We have to maintain quality infrastructure.

Because of that, I urge the defeat of the McCain amendment eliminating \$20 million and essentially zapping those much-needed antenna and monitoring and transmission facilities we need. There are other things we can zap. Let's not zap public TV and public radio.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 12:15 p.m. today the Senate proceed to vote in relation to the McCain amendment No. 2626; with no amendment in order to the amendment prior to the vote; further that prior to the vote, there be 2 minutes of debate equally divided and controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have come to the floor very briefly to talk about the Congressional Budget Office's score of the health care reform proposal that is before the Senate Finance Committee.

I understand that earlier today there were members on the other side who were questioning whether the Finance Committee's proposal is paid for and whether it reduces the deficit and whether it bends the cost curve of health care in the right way.

Let me say that the Congressional Budget Office has now issued their determination on all those issues. Their conclusions are very clear. The Congressional Budget Office has said—and I will put on the chart stand a page from their report. It shows very clearly, over the 10 years of the bill, from 2010 to 2019, that the deficit will be reduced by \$81 billion if the Finance Committee proposal were to become law.

With respect to the question that apparently has been raised by some, as to whether this bill is paid for, the Congressional Budget Office has answered clearly and unequivocally. They have said the bill is not only paid for over the 10 years, but it actually reduces the deficit by \$81 billion.

Second, on the longer term question of bending the cost curve and whether this proposal bends the cost curve in the right way, the Congressional Budget Office has also been clear and unequivocal. Here is what they said in their report of October 7, just yesterday:

In subsequent years, beyond 2019, the collective effect of the Finance plan would probably be continued reductions in Federal budget deficits.

... CBO expects that the proposal, if enacted, would reduce federal budget deficits over the ensuing decade relative to those projected under current law—with a total effect during that decade that is in the broad range of between one-quarter and one-half percent of gross domestic product.

What does that mean? What CBO is saying is in the first 10 years, the Finance Committee plan would reduce the deficit by \$81 billion. In the second decade, they are saying it would reduce the deficit by one-quarter to one-half percent of gross domestic product. Gross domestic product over that decade, the second decade, is estimated to be cumulatively \$260 trillion. That would be the gross domestic product of the United States from 2020 on through the next 10 years. One-quarter percent of \$260 trillion is \$650 billion of deficit reduction in the second 10-year period. That would be one-quarter of 1 percent of GDP. One-half percent of GDP over that second 10-year period would be \$1.3 trillion.

Just to be clear, CBO has told us in their report of yesterday—and the Congressional Budget Office is the non-partisan scorekeeper, the one we all look to for objective facts—that the Finance Committee proposal reduces the deficit by \$81 billion over the next 10 years and in the second 10 years would reduce the deficit by one-quarter to one-half percent of gross domestic product. No one can be certain what the gross domestic product will be in the second 10 years. Current projections are that it will be \$260 trillion. So one-quarter to one-half percent of that second decade would be a reduction in the deficit from what would otherwise occur of \$650 billion to \$1.3 trillion, bending the cost curve in the right way.

I might add parenthetically, the Finance Committee plan is the only plan that has been produced that the Congressional Budget Office says reduces the deficit in the first 10 years and bends the cost curve in the right way, has further deficit reduction, in the second 10 years.

I am a little disappointed when I hear some of my colleagues coming to the floor and suggesting that this really isn't paid for. We have a way of determining what scores are around here. We can all make up our own facts or we can rely on the Congressional Budget Office, which is the objective scorekeeper, nonpartisan. I have great respect for them even though I have had strenuous disagreements with them at times about how they score things. Indeed, I had strong disagreements with them on how they scored some of these proposals. But there has to be an arbitrator here, somebody we look to, someone with credibility, and the Congressional Budget Office does.

For Members to come to the floor and suggest this isn't paid for flies in the face of the facts before us from the CBO. The Congressional Budget Office reported yesterday clearly and unequivocally that the Finance Committee plan is paid for; that it, in fact, reduces the deficit by \$81 billion over the next 10 years; that it has further deficit reduction in the second decade of one-quarter to one-half percent of GDP. As I have said, in the second 10 years the forecast is that gross domestic product over that 10-year period will approach \$260 trillion. One-quarter to one-half percent of that amount would be \$650 billion to \$1.3 trillion of additional deficit reduction in the second decade. Those are the unvarnished facts. I hope that during the debate, which will be tough enough, which will be contentious enough, we will not resort to trying to mislead people as to the objective facts before us.

It has been said by a previous President that facts are stubborn things. Indeed, they are. One of the stubborn facts is, we are on a course that is utterly unsustainable with respect to

health care. Today, we are spending \$1 of every \$6 in this economy on health care. Seventeen percent of the gross domestic product is going to health care. The CBO long-term budget outlook says that in the next period from 2010 to 2050, we will go to spending 38 percent of our gross domestic product on health care unless we do something. That would be more than \$1 of every \$3 in this economy going to health care; in fact, close to every \$1 of every \$2.50 going to health care. That is an unsustainable course.

The question before this body and before the Congress and before this President will be, Do we act or do we stick with the status quo? I suggest sticking with the status quo is utterly indefensible. There is no way to suggest that sticking with the status quo is going to succeed for America's families, businesses, or the government itself.

The hard reality is, Medicare and Medicaid spending as a percentage of GDP is going up dramatically during this forecast period. It has been happening. This chart shows clearly, between 1980 and 2009, the share of our gross domestic product going to Medicare and Medicaid has been rising inexorably. We know that trend will continue unless we do something about it. That means we have to act. That means we have to take responsible steps to rein in the skyrocketing cost of health care. That is critically important to families, businesses, and their competitive position, and it is absolutely essential to the Federal Government. The trustees of Medicare have told us clearly: Medicare is going to go broke in 8 years unless we act. The Medicare trust fund has already gone cash-negative. The Social Security trust fund has already gone cash-negative. The time and the need for action is about as clear as it can possibly be.

I appreciate the opportunity to respond to what some colleagues suggested this morning. It is clear—the Congressional Budget Office has told us—that the Finance Committee proposal is not only paid for, it actually reduces the deficit both over the next 10 years and over the next decade after that 10-year period as well. That is a significant accomplishment by the Finance Committee chairman who laid down this mark. We will see where the votes lie on Tuesday.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I wish to speak on behalf of those of us who are concerned about NASA

and express my personal appreciation to the Senator from Maryland, chairman of the appropriations subcommittee that handles NASA, for the tremendous work she has done in appropriating money to keep NASA going. If I may, I want to go beyond the Senator's appropriation. She has taken the very difficult task of a budget that is quite lean, put out by the President, and has come up with the best she can come up with in trying to sustain the Nation's human space program with those resources.

What we know is, over the course of the last several years, the Office of Management and Budget and the White House have not given adequate resources to those of us in this Chamber who want a vigorous human space program. We simply, over the last several years, have not been able to get the resources we need for NASA to do everything it has been asked to do, with the result that NASA is now at a crossroads.

I commend Senator MIKULSKI for her work in how she has put together this budget. We find ourselves now with the opportunity beyond this specific budget to strengthen and advance our leadership in the world or to stand by and allow what has become a hallmark of U.S. leadership to slip by the wayside.

Last month, the blue ribbon panel the President appointed, called the Augustine Commission, released a summary of the findings from the final report on the Nation's space program. That report has not come out in detail. We await its release. In part, what it says is, the U.S. human space flight program that has made America a world leader in science and technology "appears to be on an unsustainable trajectory."

Specifically, the report will say:

[O]ur space program is being asked to pursue goals without the appropriately allocated resources.

So this country stands at a crossroads for NASA with a stark choice before us: We can continue on the path we are on—underfunding and underallocating our space program—or we can choose to act. We can choose to act by ensuring that the appropriate resources are allocated to meet the goals laid out before us.

The Augustine Commission was abundantly clear. It said that—while the current path we are on is unsustainable—"meaningful human exploration is possible under a less constrained budget" with an additional \$3 billion a year. That is \$30 billion additional over a 10-year period. These are not my words. These are the Augustine Commission's words.

Even though we face uncertain economic times—certainly in a recession—the challenge of finding that additional money is one we cannot afford to ignore.

I wish to add my voice to others from this Chamber in asking the President



to divert \$3 billion to NASA from the unspent portion of the \$787 billion in the economic stimulus recovery money. The stimulus bill—that we passed by a one-vote margin back earlier this year—was to get this economy moving again, to stimulate, to electric shock therapy the economy back to life by getting dollars out, turned over, and jobs created.

That is a very good source for this money, for NASA to be able to continue on the road of what almost every American wishes for—to continue to explore the unknown.

We have identified other possible revenue sources for future years. But no matter how much we find by scraping the bottom of the barrel, it is still going to come down to one thing: It is going to be the President's decision.

If we remember, similar to President John Kennedy before him, a President has to decide and has to commit the resources. If this President will do it, it will commit the space program that will keep America a global leader in science and technology.

Why do I say that? Think of all the effects of the spinoffs that came out of the Apollo Program when President Kennedy said: We are going to the Moon and back, and that was within a 9-year period.

Currently, our space program is funded at less than 1 percent of the total Federal budget. Yet our space program has always paid back dividends—both tangible and intangible—which is vastly greater than the initial investment.

The additional funding for NASA, I have indicated, will ensure the United States remains at the very top for the peaceful use of technology for the betterment of humankind. Of singular importance, this commitment will help us to inspire the next generation of explorers and the next generation of scientists and technologists and engineers and mathematicians and educators. It is this payoff which is Apollo's greatest and lasting legacy.

We have a similar opportunity right now in front of us. You think about that generation of kids who got inspired when President Kennedy said we were going to do what was almost thought to be the impossible and how many of those kids went into math and science and technology and engineering. Look what that generation brought to us in the global marketplace.

The Augustine Commission notes that the time may finally be upon us when commercial space companies can begin to carry some of the burden of the access to low-Earth orbit. Many of these companies are already developing capabilities to give us a commercial resupply of the International Space Station. Are they going to be successful? We certainly hope so. Are they going to be timely? We do not know. These commercial ventures are already behind

the timeline. We certainly hope they are going to be timely.

This ability, according to the Augustine Commission, is critical to ensuring our ability to operate the station beyond 2016. Almost everybody unanimously agrees we should be planning to keep the International Space Station, of which we are still continuing to complete its construction and equipping, to keep that going at least until 2020 and to maximize the return of what has become a substantial \$100 billion investment.

Those commercial endeavors serve another function. They also create new industries and, with that, new jobs for Americans. But we are still going to have to have the question of: What is NASA's new mission, new architecture? How are we going to fund it? What are we going to do with the workforce in the meantime that is going to have severe disruptions?

This is what the President of the United States is going to have to decide as soon as the Augustine Commission report is final and is published.

The International Space Station has proven to us that many nations can work together on enormous endeavors in a peaceful fashion. The station—just now being completed—is at its dawn, and its many economic, scientific, and social payoffs from our investment are still to be realized. But the international partnerships formed during the design, the construction, and the ongoing operation of the station have proven something. It has proven that the world community looks to the United States for leadership in space.

Many of the world's nations are patiently waiting to see which direction our country chooses, which direction this country chooses as a result of our President's decision. At the same time, these many nations are prepared to follow the U.S. lead in the form of additional commitments and resources in space. To turn our backs on space at this moment would have negative effects that would reverberate around the world.

It is interesting that last night President Obama hosted several young people at the White House for a star-gazing party. Oh, that must have been very exciting for those young people. They had the opportunity to view, in vivid detail, craters on the Moon, the rings of Saturn, the colors of the planet Jupiter, and the belt of the Milky Way. For many of those kids, it was the first time they ever even thought of viewing those things.

The wonderment displayed by those children—and many of those adults there as well—proved, once again, that the space program inspires. If all goes well, tomorrow morning America will successfully plow a rocket into the surface of the Moon to help determine conclusively whether large quantities of water can be found just beneath the

lunar surface. Imagine, this mission may reveal new knowledge about a source of water for astronauts in the future and fuel for their rockets to explore the cosmos.

A suitably funded space program is the best catalyzing element to gather and organize the energies and abilities of this Nation. In return, this program will pay many dividends, perhaps the most important of which is to inspire, encourage, and motivate the next generation of Americans.

I ask my colleagues to join me in supporting Senator MIKULSKI on her appropriations bill but then to join me in supporting increased funding for NASA and this Nation's space program.

You can tell I am quite intense about this subject. I have had the privilege of being a beneficiary of our Nation's space program. I have seen us achieve extraordinary things. It is a part of our character as a people. We are, by nature, as Americans, explorers and adventurers, and I do not want us to ever give that up. That is why I make this plea to the Congress of the United States and to the President of the United States for NASA's funding.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. BURRIS. Mr. President, many of my colleagues have taken to the floor in recent weeks to discuss the details of health care reform and, in particular, the clear need for a public option.

We have heard from distinguished Senators on both sides of the aisle. For the most part, this has been a healthy debate. But it is a debate that has been going on for almost a century. Over the years, the problem has grown. Care has become more and more expensive.

Today, \$1 out of every \$6 spent in this country goes to pay for health care. Insurance company profits are up. Health outcomes are down. After a century of thoughtful debate, I believe the way forward is clear—very clear. The only way to achieve meaningful health care reform and bring costs down is through a public option that creates real competition in the system.

Let me be clear. I will not vote for any health care bill that does not include a public option. That is because the stakes are too high to settle for anything less.

Every day, more people get sick and die because they cannot get the quality care they need; 45,000 Americans died last year because they did not have adequate coverage. That is one death every 12 minutes and 45,000 more will die this year and next year and every year until we pass meaningful health care reform.

Some of my colleagues think we are moving too fast, and they say we should wait. I say the American people have been waiting long enough. We must not wait another moment.

A public option would restore choice and accountability to the insurance market. It would help bring down costs and make quality care affordable for every single American.

If you cannot afford private insurance under the current system, you will have the opportunity to buy a low-cost public plan or a private plan that is guaranteed to be affordable based on your income level.

If you have private insurance but it is too expensive or they do not treat you right, you will have the opportunity to switch to an affordable and high-quality public plan. No American has ever experienced such freedom of choice when it comes to health coverage. That is because consolidation in the insurance market has left a few corporations with control of the whole industry. In Illinois, two companies dominate 96 percent of the market. They can charge excessively high premiums, drop your coverage for any reason or no reason at all, and cap the amount they will spend on treatment in any given year. That is why their profits are breaking records and growing four times faster than wages, while the rest of us suffer the effects of a terrible recession.

But we can rein in these costs. If we pass insurance reforms that include a public option, these corporations would have to compete for your business. Premiums would come down. No one would be able to drop your coverage because of a preexisting condition. Companies would not be able to drop you in the event of a catastrophic illness, and they would not be able to place a cap on the benefits you can receive during your lifetime. Honesty and fair play would be restored to the system.

I don't understand how my colleagues on the other side of the aisle can oppose such a plan. I don't understand how they can oppose competition in the market, which I have always regarded as a quintessential American idea. Certainly there is nothing wrong with making a profit. Insurance companies play an important role in our system, and I support that role. But between 2000 and 2007, the profits for the top 10 insurance companies grew at an average of 428 percent. Let me repeat that. Between 2000 and 2007, the profits of the top 10 insurance companies grew by an average of 428 percent. This is not only unreasonable, it is breaking American businesses and families.

Many analysts agree that health care costs have contributed to the severity of the current economic crisis, and it is easy to see why. Competition and appropriate regulations will rein in these excessive profits and put pressure on the companies to improve coverage or risk losing customers.

Reform with a public option will restore choice to the insurance industry. Millions of Americans will be able to get coverage for the very first time. And far from driving companies out of business, health reform will allow an estimated 1 million to 3 million new customers to purchase coverage from private insurers. It will enhance their business.

Some of my colleagues have expressed concerns about the cost of a public plan, but if they look at the way the program will function, they will see there is no reason for concern. As in any business, a not-for-profit public insurance option would require some initial capital to get it off the ground, but afterwards it would rely on the premiums it collects to remain self-sufficient. The current system is a strain on the American taxpayers. A public option will not be.

There will be no government takeover. I will repeat that. There is no such thing as a government takeover. There will be no death panels, no rationing, and no red tape between you and your doctor. The public option would complement private insurance providers, not drive them out of business.

It is time to take decisive action. This Senate has been debating health care reform for almost a century, while outside this Chamber ordinary Americans suffer more and more under a broken system. I believe we have been talking about it enough. Our way forward is clear. Now is the time for us to act. That is why I will not compromise on the public option.

I urge my colleagues to join with me to stand on the side of the American people and demand nothing less than the real reform a public option would provide. We must not wait another moment.

Mr. President, I thank you, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we will shortly be voting on the McCain amendment. We look forward to closing that debate. But before we do, I wish to comment that we are going to dispose of as many amendments as we can today and we are also going to arrive at a finite list of amendments. So for those Senators who do have amendments on both sides of the aisle, Senator SHELBY and I ask our colleagues to come and offer them so we can dispose of them, as we did with the Senator from Arizona. He offered his amendment, we had a good debate, and we are going to vote on it. So please, colleagues, if you have amendments, come to the Senate floor and offer them.

Second, if you have amendments that you wish to file, this is the day to file them. We are trying very hard to see if we can finish today, but that seems to

be a bit of an exuberant wish on my part and on the part of Senator SHELBY. But if we can't finish today, we would at least like to get a sense of the amendments colleagues wish to bring over today. Then when we get to the Columbus Day weekend, we can work to either come to an agreement to take them, or a way of disposing of them when we come back from commemorating when America was discovered by Columbus.

Again, I ask my colleagues to come forward and either offer amendments or file amendments.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2646

Mr. BEGICH. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 2646.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. BEGICH], for himself and Ms. MURKOWSKI, proposes an amendment numbered 2646.

Mr. BEGICH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow tribes located inside of certain boroughs in Alaska to receive Federal funds for their activities)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Section 112(a)(1) of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 62) is repealed.

Mr. BEGICH. Mr. President, at a later time I will have a floor statement.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2626

There will now be 2 minutes of debate, equally divided, prior to a vote in relationship to amendment No. 2626, offered by the Senator from Arizona, Mr. MCCAIN.

The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, this is another attempt to agree with the President's request to cut some unneeded spending. This time, it is only \$20 million, which around here is obviously chicken feed. But the President has requested that this \$20 million be cut. It is not needed. The program it was funded for is complete.

I ask my colleagues to vote for the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, as the manager of the bill, I oppose the McCain amendment. This \$20 million is competitive funding that helps local public TV and radio stations with equipment, things such as antennas, generators, fire-suppression equipment, and transmission. It improves technology. It enables our very important public TV stations to modernize.

This is a competitive grant program—no earmarks but big footprints. It does require local cost sharing of 25 percent. It also creates jobs in local communities by actually installing this equipment, while we move out the very wonderful content of public TV and public radio.

We, too, are stewards of the purse. The Commerce Department—

Mr. McCAIN. Mr. President, we have to have the regular order at some time.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MIKULSKI. Mr. President, I do like to know that. I like to follow the regular order. If the Chair would have notified me, I would have stopped sooner.

I call for the vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 64, as follows:

[Rollcall Vote No. 317 Leg.]

#### YEAS—33

Alexander	Crapo	Johanns
Barrasso	DeMint	Kyl
Bayh	Ensign	LeMieux
Bennett	Enzi	Lugar
Brownback	Graham	McCain
Bunning	Grassley	McConnell
Chambliss	Gregg	Risch
Coburn	Hatch	Roberts
Cochran	Hutchison	Sessions
Corker	Inhofe	Thune
Cornyn	Isakson	Wicker

#### NAYS—64

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Bond	Kaufman	Sanders
Boxer	Kirk	Schumer
Brown	Klobuchar	Shaheen
Burr	Kohl	Shelby
Burr	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	McCaskill	Vitter
Dodd	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murkowski	Wyden
Feinstein	Murray	
Franken	Nelson (NE)	

#### NOT VOTING—3

Byrd	Kerry	Voinovich
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The amendment (No. 2626) was rejected.

The PRESIDING OFFICER. The Senator from Maryland.

#### AMENDMENT NO. 2653

Ms. MIKULSKI. Mr. President, unless the distinguished Democratic leader is ready to speak, I ask unanimous consent that the Bunning amendment, No. 2653, be the pending business.

The PRESIDING OFFICER. Without objection, the amendment is the pending.

Ms. MIKULSKI. Mr. President, I also make a point of order against the amendment that it violates rule XVI, paragraph 4—legislation on an appropriations bill.

The PRESIDING OFFICER. The point of order is sustained and the amendment falls.

Ms. MIKULSKI. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I am very disappointed the majority has chosen to block full consideration of my amendment. What I am trying to accomplish is simply more transparency in the Senate. This would be accomplished by requiring a Congressional Budget Office score and posting of legislation 72 hours before consideration by committees or the full Senate.

As a recent poll has shown, 83 percent of the American people support a waiting period before Congress votes on bills. My amendment would provide this to the American people. I think it is outrageous the other side is using a procedural tactic to block consideration of this amendment on this bill.

Be assured I will be back to bring up this issue again and get a fair and full consideration of it by the Senate.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

#### AMENDMENT NO. 2648, AS MODIFIED

Mr. ENSIGN. Mr. President, I call up amendment No. 2648, and I send a modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows: The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 2648, as modified.

Mr. ENSIGN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funds for the State Criminal Alien Assistance Program by reducing corporate welfare programs)

At the appropriate place insert:

STATE CRIMINAL ALIEN ASSISTANCE PROGRAM  
For an additional amount for the State Criminal Alien Assistance Program \$172,000,000 to remain available until expended.

OFFSET.—All amounts appropriated under this Act, except for amounts appropriated for SCAAP, shall be reduced on a pro rata basis by the amount necessary to reduce the total amount appropriated under this Act, except for amounts appropriated for SCAAP, under the heading "OFFICE OF JUSTICE PROGRAMS" under this title, by \$172,000,000.

Mr. ENSIGN. Mr. President, I rise today to propose an amendment adding \$172 million for the State Criminal Alien Assistance Program and offset it with corporate welfare funding currently in the bill.

The State Criminal Alien Assistance Program, known as SCAAP, provides Federal payments to States and localities that incur correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of State or local law and are incarcerated for at least four consecutive days during the reporting period.

This program also reimburses State, county, parish, tribal, or other municipal governments for the costs associated with the prosecution of criminal cases declined by local U.S. Attorney's Offices.

While we have made strides in securing our border, illegal immigration remains a significant problem, and the Federal Government should bear the additional burden placed on States and local governments. While this amendment does not fix our problems with illegal immigration, it does help local communities address costs associated with the incarceration of illegal immigrants who continually and repeatedly violate the laws of our country.

This will bring this program's funding up to the 2009 level of \$400 million. This increase will match the level the other Chamber, the House of Representatives, accepted by a nearly unanimous vote of 405 to 1. With increased funding for SCAAP, we can keep more repeat offenders off our streets and reduce some of the catch-and-release practices instituted by many communities that just don't have the resources to keep these criminals where they belong, which is behind bars.

So I urge my colleagues to support this amendment to ensure that critical funds reach our State, county, parish, tribal, and municipal governments to help battle the problems associated with illegal immigration and to keep lawbreaking illegal immigrants off our streets.

Mr. President, I ask unanimous consent to have printed in the *RECORD* an article from the *Las Vegas Review-Journal* relating to this matter.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

**LAS VEGAS POLICE REFER 2,000 INMATES TO IMMIGRATION OFFICIALS**

(By Antonio Planas and Lynnette Curtis)

The Metropolitan Police Department forwarded the names of nearly 2,000 inmates to federal immigration officials during the first 10 months of a controversial partnership that allows specially trained corrections officers to start deportation proceedings against immigration violators.

The agreement between the Police Department and U.S. Immigration and Customs Enforcement officially began Nov. 15 and is limited to the Clark County Detention Center.

Nearly 10,000 county jail inmates through Sept. 19 were identified as being born outside the country or their identities were in question, said officer Jacinto Rivera, a Las Vegas police spokesman.

Police sent the names of 1,849 inmates who were determined to be in the country illegally to ICE for possible deportation.

It's unknown how many of those inmates were deported. ICE doesn't track removals that way, the agency said Wednesday. Illegal immigrants referred to the agency by local law enforcement become part of ICE's larger caseload. Those cases can drag on for months or even years.

The Police Department's partnership with immigration officials has always been narrower in scope than that of Maricopa County in Arizona and does not allow officers to arrest people for immigration violations. Only once an individual has been arrested on unrelated charges can he or she be screened for possible deportation.

Sheriff Doug Gillespie has repeatedly insisted the partnership is meant to target violent criminals.

In fact, police did not forward to immigration officials the names of an additional 1,808 inmates who also were identified as being in the country illegally because those inmates had no violent criminal history, Rivera said. Overall, 62,803 people were booked into the county jail between Nov. 15, 2008, and Sept. 19, 2009.

Hispanic and civil rights groups have fiercely criticized "287 (g)" partnerships, named for the corresponding section of the federal Immigration and Nationality Act, saying they target Hispanics and could lead to racial profiling and make people afraid to report crimes.

"Evidence is mounting across the country that 287 (g) programs are being run in problematic ways," said Maggie McLetchie, an attorney with the American Civil Liberties Union of Nevada. "We understand federal immigration laws need to be enforced, but that's the job of federal immigration officers, not the job of Las Vegas police."

**MOTION TO RECOMMIT**

Mr. ENSIGN. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to recommit the Act H.R. 2847 to the Committee on Appropriations with instructions to report the same back to the Senate with changes that reduce the aggregate level of appropriations in the Act for fiscal year 2010, excluding amounts provided for the Bureau of the Census, by \$3,411,000,000 from the level currently in the Act.

Mr. ENSIGN. Mr. President, what this motion is similar to the motions I have made on previous spending bills. What we are asking the Appropriations Committee to do is to fund our government at the 2009 level.

In 2009, we saw huge funding increases. Then, with all of the spending programs, the government has seen massive increases on top of the increases in spending we had last year. So what we are saying is, while businesses, families, local governments, and State governments across the country are cutting their budgets, the Federal Government should freeze spending levels to 2009 levels. Let us not go on this massive increase in spending.

We understand the census, which we do just once every 10 years, is not part of the normal budget process, so we allowed for that. We allow for the census to be funded. But everything else should be funded at 2009 levels.

We allow the Appropriations Committee to set the priorities; that is, what funding is to go into which particular program. Some programs are more effective than others, and they may have different priorities. That should be the prerogative of the Appropriations Committee. But what this body should be doing is sending a message to the American people that we care about our children and our grandchildren.

What we are seeing right now is that we are borrowing 43 cents of every dollar we spend. Think about that. Think about a family or a business borrowing 43 cents out of every dollar they spend. That is what we are doing. I think this next chart illustrates very well on whom this burden is going to fall.

The picture of this young lady was taken out in the public. She had a sign around her which said: I am already \$38,375 in debt, and I only own a dollhouse.

It is a picture of a cute little girl, and it would really be a cute picture if it wasn't so sad because it is true. Every child in America has a huge debt burden put on them because of the spending.

During the last many years we have heard about the spending programs. The other side of the aisle actually ran on fiscal discipline. They said we spent too much money under the Bush administration. By the way, I agreed with that statement. I think we did spend too much money during the first

part of this decade. But the spending levels now, in comparison, are skyrocketing. We are adding trillions and trillions of dollars in debt to future generations.

So my motion, very simply, says: Instead of this large increase in this spending bill, we are going to live at last year's numbers. We are not even going to cut in ways State governments and local governments are doing. They are cutting. We are going to live within last year's funding levels—which were, by the way, increased dramatically. Last year, I think the same appropriations bill got a 15-percent increase. Let's at least live at last year's level instead of living on huge increases this year.

I think this motion is the responsible thing to do for future generations and for the future of our country. We have to think about this debt. What is this debt going to do? We are hearing about the weakening dollar. There are articles every day in financial magazines about what a weak dollar means to America. The higher the debt, the weaker the dollar gets. We are adding trillions of dollars onto the debt. That weak dollar is going to hurt our economy into the future. We have to worry about not only inflation, but hyperinflation. We have to worry about whether jobs are going to continue to go overseas because of a weak dollar.

Every country that has tried to handle their debt by devaluing their currency, which is what seems to be going on now—has never succeeded. The only way to control your debt is to get spending under control. That is what we have to do in this body. That is what we have to do in this country. My motion says: Time out. Time out from all the spending. Let's at least live at last year's spending level. Let's put a freeze on Federal spending so we are not hurting future generations. I encourage my colleagues to vote for this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. UDALL of Colorado are printed in today's *RECORD* under "Morning Business.")

The PRESIDING OFFICER. The Senator from Ohio is recognized.

**HEALTH CARE**

Mr. BROWN. Mr. President, I come to the floor regularly to share letters from constituents of mine, Ohioans, letters we get from people commenting on the health care system. Many of these letters—most of them, in fact—have come from people who thought they had good insurance. If you had called them a year ago or 3 years ago or even, in some cases, a month ago and said: Are you satisfied with your

insurance, they most likely would have said yes. Then one of their family members gets sick and it is a very expensive illness, spend weeks in the hospital or has all kinds of doctors visits and tests, and they end up spending so much that they lose their health insurance. The insurance company cancels them. The insurance companies call it a rescission.

You read the fine print and you see these policies are not what they are cracked up to be. That is one important reason why this health insurance bill is so important.

Let me share a couple of these letters with my colleagues.

Edward, from Montgomery County, that is the Dayton area—Dayton, Kettering, Huber Heights, that area of Ohio, sort of southwest Ohio.

About 5 years ago I took my wife to the hospital one evening because she hurt her back. They took an X-ray but told her nothing was wrong. She came back home, but she stayed up all night crying in pain.

I then took her to the emergency room where the doctors took an MRI. It showed she had a ruptured lumbar disc that could have led to paralysis. The insurance paid for the MRI, but their attitude was sickening. After being admitted that night, the next day the hospital told her she had to go home because the insurance wouldn't pay for the stay.

The doctors and nurses disagreed with that decision, but insurance rules.

The public option is the only thing that will keep these companies honest.

Edward from Montgomery County has it exactly right. He knows we need insurance reform so the insurance companies can no longer deny care for pre-existing conditions, no longer discriminate against people because of gender or disability or age or geography. He understands there should not be a cap, an annual cap or a lifetime cap, on coverage, so if someone gets very sick and it is very expensive, their insurance could no longer be canceled.

But he also understands not only do we need to change the rules, as our bill that we will bring to the Senate floor does, to change those rules so insurance companies can no longer game the system, this legislation also includes a strong public option as Edward asked for. A public option will make sure the insurance companies stay honest. It will inject competition into the insurance industry, and it will give people choice. That is why we call it a public option. It is a choice.

If you are in southwest Ohio, in my State, you only have two insurance companies, and they have 85 percent of the insurance market. That is not competition. You know that means rates are higher. That is why injecting competition with the public option will help stabilize insurance rates and make the insurance companies behave a whole lot better than they have been.

Let me share two other letters. I see my colleague from Pennsylvania, Senator CASEY, is in the Chamber. Linda

from Hamilton County, also southwestern Ohio, Cincinnati, Blue Ash, Avondale, that part of Ohio.

I am 60 years old and I have private health insurance—if you want to even call it that. I pay \$450 a month and so few services are covered until I reach a \$10,000 deductible.

Three years ago I had a double mastectomy. As a result, I can no longer go to another insurance company because of pre-existing conditions.

I have a good life. My husband and I worked hard, saved our money, and have enjoyed our retirement so far. But I now find myself not being proactive about my health care because I know I will have to pay out-of-pocket for care until I reach \$10,000.

That's not insurance. It is highway robbery. I want you to vote—

She says: Senator—

I want you to vote for the public option. Get in there and fight for those who have nothing and for those of us who want to remain healthy in our golden years.

Listen to what she says:

I now find myself not being proactive about my health care—

Because she has a \$10,000 deductible, living now, it sounds like, probably, on a fixed income, she simply cannot afford to pay that kind of money out of pocket to get the sort of maintenance of care she needs. So she simply is not taking as good care of herself. She is not able to have physicians and nurses and others help her maintain her health the way we encourage our constituents to do. We want people to get regular checkups. We want them to do all kinds of preventive care. She can't afford to because of this deductible. So she already, in some sense, has been a casualty of our health care system. I pray it is not worse than that. But in too many cases, that has happened. She argues again—she says: I want you to vote for the public option. She understands she will not have this kind of \$10,000 deductible if she chooses the public option—a choice, but a choice that she sounds like she would make. She will not be turned away or in her mind think she can't get this other health insurance, these other health care services because they are so expensive. She understands and she asks for a choice—the choice of a public option.

This is the last letter I will read before I yield the floor.

Christopher from Summit County, the Akron area, northeast Ohio, Akron and Barberton and Tallmadge and Stow and that area of the State, writes:

As a 58-year-old self-employed entrepreneur, it is virtually impossible to obtain serious and genuine health coverage insurance. Thanks to a relatively minor pre-existing condition and total lack of a public option, I fall through the cracks in the wealthiest nation in the world.

Two sentences he writes: "It is impossible to obtain serious and genuine health insurance" and "Thanks to a relatively minor pre-existing condition and lack of a public option, I fall through the cracks in the wealthiest

nation in the world." Why can't somebody like Christopher—he is self-employed, he had the initiative to start a business and employ himself, and he wants to have insurance. He is 58 years old. His medical problems don't sound particularly severe, but he has a minor preexisting condition. He can't get insurance. That is why we are changing the law. We are no longer allowing denial of care for preexisting conditions, but we also need a public option, as Christopher asks for, for him to choose from if he would like to choose the public option or Aetna or Medical Mutual, an Ohio company, or CIGNA or BlueCross or whatever. But he also understands that the public option will enforce these rules, so the insurance companies can no longer game the system. In other words, the public option, as the President has said, will make the insurance companies more honest.

It is clear our legislation does a handful of things that are so important. It is clear this will move our country forward. It says: If you have insurance and you are satisfied with it, you can keep that insurance, but we are going to build consumer protections around that insurance: No more denial of care for preexisting conditions; no more caps on coverage if you get very sick and you lose your plan—they can't throw you off your plan then; no more discrimination based on gender or geography or disability or age.

The third thing our legislation does is it gives all kinds of incentives to small businesspeople to insure their employees: tax credits, allowing them to go into a larger pool with consumer protections. And our legislation provides insurance for people who do not have it, with some help from the government if people are low or median income.

So all of that will mean a healthier population. It will mean choices for people because they can choose the public option or they can choose private care, and they know the public option will make our whole health care system much better.

As we move forward and get this legislation to the President's desk before Christmas, I am excited about what we can do to make peoples lives better and to make for a healthier country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, first of all, I commend the words of my colleague, Senator BROWN, on the issue of health care but in particular the importance of having a public option in our health care plan and the legislation the Senate will take up.

AFGHANISTAN POLICY

I rise today to speak in particular with regard to the debate we are having—just beginning to have, by the

way, and need to have a lot more debate about—the U.S. role in Afghanistan, with a special focus in terms of my own remarks today on building the Afghanistan National Army. At the same time, I would also like to recognize the dedication of the Pennsylvania National Guard as well.

But first with regard to Afghanistan, the challenge we face in Afghanistan and Pakistan is a grave challenge indeed. Those who might disagree on the way forward or what to do next can agree on that, that it is a grave challenge. In order to get it right, and we must get it right, we need to debate these issues thoroughly.

I have been fortunate enough in the 3 years since I have been in the Senate to be a member of the Foreign Relations Committee. As a member of that committee, most recently—the last couple of months, really—I have had several opportunities, as others have on the committee, to examine the military, political, diplomatic, and regional implications of our presence in Afghanistan. Chairman JOHN KERRY has taken a very comprehensive approach, and I applaud his efforts.

I also support the administration's deliberate consideration in making this strategic determination. The President is taking the time that I believe is necessary to make the right decision.

General McChrystal as well has contributed much to this debate, not only with his report but, more importantly than what he put on paper, the kind of leadership he has provided to our troops on the battlefield and the way he has assessed the threats to our security and to our troops and to the Afghan people and the way he has articulated those threats.

Now he has made a recommendation to the President. We hear a lot about what General McChrystal's report said, at least parts of it. We also hear a lot about General McChrystal's recommendation on troops. What we have heard very little about and need to hear more about is the nonmilitary part. What will happen on the nonmilitary aspects of this counterinsurgency strategy? That is vitally important and at the same level of importance as what we do militarily. So we have to get it right militarily and in terms of the other strategy.

But one thing we have not heard a lot about is that General McChrystal has actually, in words I am quoting from the New York Times, endorsed the President's deliberate approach. General McChrystal was quoted on October 2 in the New York Times as follows: "The more deliberation and the more debate we have, the healthier that is going to be" for the strategy. So far as much attention as has been paid to what his report says, or at least part of what his report says, I think it is also important to listen to his words about

taking the time to debate it and taking the time to deliberate it because if all we do in the Senate is point a finger to the White House and say the White House must do this or the President must do this or the administration must do this, we are not fulfilling our responsibilities in the Senate.

A number of us have been talking about this challenge, but we have to hear from more voices here and we have to debate this in a very substantive, serious, thorough, and bipartisan way. I will talk more about that in a moment.

In that same New York Times story, General McChrystal was also quoted as saying: "I don't think we have the luxury of going so fast that we make the wrong decision." So I think it is important to highlight what General McChrystal has said about the approach we take, the approach President Obama is taking, spending a number of weeks looking at this, focusing on the strategy before the resources. A lot of people in this town want to just talk about troop levels only and resources only instead of getting a sense of where we should be strategically first and then getting to resources.

We should consider the ideas set forth in a recent Wall Street Journal op-ed by the following Senators: MCCAIN, GRAHAM, and LIEBERMAN—all respected voices on national security and foreign policy.

This is not going to be the strategy going forward, the solution to a difficult problem; this is not going to be a Democratic solution and it is not going to be a Republican solution; this has to be a strategy and a solution that comes from both parties.

Also, I should say that only by working together can we develop the best strategy, and to literally focus on strategy before the question of resources. We cannot simply use sound bites to communicate the complexities of this conflict or simply reassert talking points from the Iraq war debate. If that is all we are going to do around here, we might as well not have a debate because that will not do it for this debate, especially when we are talking about what is at stake here and especially in this case. Politics must stop at the water's edge. I think we can do that. This body has done it in the past, and we can do it again.

Let me say at the outset that our problems in Afghanistan are political in nature and will ultimately require a political solution. This does not mean additional troops may not be needed, but it does indicate to me that our strategy needs to reflect a deeper commitment to supporting the Afghan people in their efforts to focus on at least three principal areas—one, the obvious priority of security. There is a lot to talk about just under that umbrella. The second focus we have to have, as well as the Afghan people, is govern-

ance. We cannot govern for them; they have to govern themselves. President Karzai and whoever else has authority in that country to provide services have to demonstrate to us and to the world that they can govern themselves. So first security and then governance and finally development, and that obviously is a joint effort, not just American-Afghan but all of the more than 40 nations that are helping us in Afghanistan to help communities with water systems and infrastructure and education and so many others—health care included—so many other aspects that involve development or at least quality of life in Afghanistan.

Ultimately, our success will come in empowering Afghan institutions to address their own internal security. In some cases, this may mean co-opting certain elements of the Taliban, in other cases taking on the Taliban directly. We are now at a stage where the United States can play a positive role in making sure the political framework for the country is sound.

The chairman of the Armed Services Committee, CARL LEVIN, has helped to focus attention on the critical importance of training the Afghan National Army or the so-called ANA. I applaud Chairman LEVIN's leadership in this regard and support his call for an acceleration—a rapid acceleration of troop training to the levels of 240,000 Afghan National Army troops by 2012. While there is some disagreement over these training timelines, no one disputes the central importance of getting the Afghan security forces trained well and soon. As this force is prepared to provide security, it will decrease the need for a robust U.S. presence in the country.

I applaud the efforts of Major General Formica, head of the U.S. unit charged with training the Afghan troops. While the ANA certainly needs substantial additional assistance, we need to acknowledge the fact that this fighting force did not exist 7 years ago. Due in large part to the extraordinary efforts of coalition forces and people like the general, the ANA can be considered a measured success. Without these remarkable efforts, the Afghan National Army would not be in a position to grow at the pace necessary in the coming months.

I should also add that the recent Presidential election in Afghanistan presented a very difficult security challenge, and both the Afghan National Army as well as the police performed pretty well. We could witness some security problems but on a much more limited basis than many would have predicted. So that is a bit of good news in all the bad news we hear about Afghanistan.

Challenges do remain, however, and this training process will not be easy. A little more than 40 percent of the population in Afghanistan is of the



Pashtun ethnicity, although they are not fully represented in the army at these levels. The officer corps of the Afghan National Army, based on traditions that go back decades, is primarily made up of Tajiks, who represent just over 25 percent of the population. The most substantial fighting in Afghan currently takes place in the Pashtun belt, an area of the country in the south and east along the border with Pakistan. I hope the Afghan National Army can continue to take these important ethnicity concerns into consideration as they grow the force.

These are critically important concerns about ethnicity. We have to recognize that and not turn away from it.

Second, Afghanistan has a very high illiteracy rate; some estimate as high as 70 percent. This presents considerable complication in troop training as some recruits are not able to read or write orders, understand maps or interpret instructions on how to operate equipment. Our trainers have come up with creative training techniques using pictures, for example, but this is no substitute for basic skills required in a modern army.

The third challenge with regard to building up the Afghan National Army and perhaps the most significant is posed by the substantial resources needed to stand up such a force. Army recruits are paid only \$100 a month, while there are reports that the Taliban pays as much as \$300 a month. Both are small amounts, but when the Taliban is paying three times as much, that presents a challenge that we must confront, if we are serious about this. The Afghan National Army should begin to address the discrepancy. Overall the cost of maintaining this expanded force will be considerable, and it is unlikely that the Afghan Government will be able to shoulder this burden anytime soon. It is a challenge that involves both cost and the reality that the government doesn't have the resources to do all it needs to do in building up the Afghan Army. We need to be honest about that. This will be expensive but nowhere near as expensive as the continued deployment and costs associated with maintaining an international coalition force.

I have tried to outline some of the realistic challenges we face in standing up the Afghan Army. Afghan Defense Minister Wardak, whom I met during my trip in August, oversees this effort in Kabul. Minister Wardak has been commended for his leadership of the Afghan armed forces. He believes these ambitious troop increases are challenging but possible. I hope we can aggressively pursue Chairman LEVIN's plan, no matter what comes of the President's strategy. An expanded and enhanced Afghan Army should be a central part of the equation. In the final analysis, this fight against the Taliban is an Afghan fight. We need to

be there to support them, but a stable and peaceful Afghanistan will ultimately depend upon how well the Afghan Government can provide security for its own people.

(The further remarks of Mr. CASEY are printed in today's RECORD under "Morning Business.")

Mr. CASEY. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. THUNE. Mr. President, this week the latest version of the health care reform plan was scored by the CBO. The expectation is that sometime in the next few days, the Finance Committee will report out a bill which at some point will be merged with the bill that was produced by the HELP Committee. I rise to make some observations about the process generally, because we are talking about literally one-sixth of the American economy. This is not something that is inconsequential, and certainly it is something that is personal to most Americans. Health care is something they value deeply. Any type of reform ought to focus on patient-centered health care—not insurance centered, not politician centered, not Washington, DC centered, but patient-centered health care. As we get into this debate, we ought to have an opportunity not only for Members of the Senate to carefully examine what is in this legislation but also for the American people. The American people deserve and have a right to know what is going to be in any final bill.

My first point is that we have tried. An amendment was offered in the Finance Committee by the Senator from Kentucky, Mr. BUNNING, that would require for any bill that ultimately, once it is reduced to legislative language and has an estimate from the CBO about what it might cost, there be 72 hours for people to evaluate it, Senators as well as the general public. That amendment was defeated in the committee deliberations. Seventy-two hours is the bare minimum that ought to be required and necessary for people here in the Senate to look at what will be inevitably north of 1,000 pages of legislative language.

The reason I say "will be" is because we don't know yet. We haven't seen legislative language to date. All we have is a concept paper. The Finance Committee will be voting out a concept paper. That concept paper has been scored by the Congressional Budget Office but it is just that. It is a concept paper. We have yet to see anything that resembles legislative language

that ultimately is what we in the Senate will be asked to vote on.

The simple expectation is that there ought to be an adequate amount of time, whatever that amount is, but at a minimum 72 hours was all that was requested by the Senator from Kentucky in his amendment before the Finance Committee. That was defeated by the Democratic majority.

He subsequently offered that today, a resolution as an amendment to the currently pending legislation, the CJS appropriations bill. It was objected to. There was a point of order raised against it. It is pretty clear that our colleagues on the majority side do not want to consider having any sort of a requirement imposed that would allow people an adequate amount of time to review this incredibly consequential and impactful piece of legislation coming before the Senate.

I make that observation to start with because it is relevant. This process needs to be open and transparent. The American people have a right to know exactly what is in this legislation. Even Senators and Senators on the Finance Committee right now don't know because they haven't seen bill language. What they are going to be voting on is a concept paper. And what the estimate that has been provided by the CBO is in response to is a concept paper, not legislative language. I argue to my colleagues that we need to have at least a certain amount of time. I would argue more than that—it ought to be 2 weeks, when we are talking about something this voluminous and this consequential for Americans or the American economy. I regret that our colleagues on the Democratic side of the aisle are objecting to what is even a minimum amount of time to review this legislation, and that would be a 72-hour time limit.

I don't believe for a minute that the Finance Committee bill, even if and when it is reduced to legislative language, is the thing we will be voting on. There has been a lot of reaction to it and a lot written in the last couple of days about how this would be scored by the CBO. And there is a story out today that it actually would reduce the deficit, which I will get into in a moment.

But before addressing that, this bill, when it does become a bill, will have to be married with another bill passed earlier by the HELP Committee. Those two will be merged. Where will they be merged? They will not be merged on the floor of the Senate. They will be merged behind closed doors in the majority leader's office by a handful of people who will be determining what is in the legislation. Then at some point they will have to come out and we will get an opportunity to look at it.

I don't think the work the Finance Committee is putting in right now is anywhere close to what the end result

will be. I argue that we will see a very different product produced by the majority leader when they go behind closed doors and a handful of people write the health care bill that will come before the Senate.

Those are a couple of observations I wished to make with respect to the process and how flawed I believe it is with regard to the issue of being open and transparent and making sure there is accountability to the people.

The second observation I wish to make has to do as well with the fact that most Americans believe there is a right way and a wrong way to do this. The right way ought to be making sure we are prioritizing our spending and being careful with taxpayer dollars.

The wrong way is for Washington to go about this in the traditional way; which is, to raise taxes still higher, put the country further into debt, and more money into programs we do not believe—at least a lot of us do not believe—will work in the long run. Again, I will point out in a minute why we think this is the case, why these programs will not work in the long run.

The right way to do this is for us to protect and expand that doctor-patient relationship and to do it in a way that is fiscally responsible and to do it in a way that gets at the real crux of the issue; that is, how do we reduce the cost of health care in this country.

As to the current bill, which I mentioned earlier, there have been some news stories in the last day or so about how this bill reduces the deficit, with \$829 billion in spending and about \$81 billion in surplus to reduce the deficit. What I think is important for people to focus on is, because there is a delayed implementation of these provisions in this bill that do not start kicking in until 2014 or thereabouts, the numbers that are being used by the other side and being reported upon by the media reflect a 10-year period starting now and going forward.

But when the bill is fully implemented, when all the provisions are finally in place and we get the 10-year window from that point forward—or from that point through the 10-year window—that is when we get a real assessment of what the costs are. If we do that, the cost of this legislation is not the \$829 billion that has been put out publicly and has been sort of picked up by the media in the last day or two, but it is nearly double that amount. It is \$1.8 trillion.

So it is a massive amount of new spending, a massive expansion of the Federal Government at the Federal level, and a massive amount of spending that somehow is going to have to be paid for either in the form of additional revenues, cuts in Medicare—which is what is being proposed—which I do not think, frankly, is ever going to happen. We tried back in 2005 when we were reforming Medicare to shave \$10

billion out of that. We could not get the votes for it in the Senate. We had to bring the Vice President back from Pakistan to cast the deciding vote.

So the notion that somehow we are going to be voting to cut \$500 billion from Medicare is a pipe dream. You would have to be smoking something to believe that is actually going to happen. That is one of the ways that \$1.8 trillion of new spending is paid for.

The other way it is paid for is with higher taxes. The problem with that is the taxes do not just fall on the “rich” or “wealthy.” They do not just fall on the insurance companies, which is where some of the taxes and fees in the Finance Committee bill are directed. They fall on the American people. In fact, I think it is important to point out the Congressional Budget Office, when asked about this, said 90 percent of the tax burden in 2019—90 percent of the tax burden in the health care bill—would fall on wage earners making less than \$200,000 a year. That directly violates and contradicts the commitment and the promise the President made that he would not impose taxes on people making less than \$250,000 a year.

So we have these massive tax increases which, according to CBO, are going to fall disproportionately on people making less than \$200,000 a year, and we have these cuts in Medicare which, in my view, are not going to happen or, if they do, could be very devastating to seniors, as well as to a lot of the health care providers across this country.

But here is what is most amazing about all that: almost \$2 trillion in new spending over a 10-year period—\$500 billion, \$600 billion of tax increases; \$500 billion in Medicare cuts to pay for this—and who is to say if the Medicare cuts do not happen a lot of this will not end up being borrowed, which piles up huge debt on future generations of Americans. But after all that, and after all the bills, including the Finance Committee bill, it assumes a tremendous level of government intervention and involvement in the health care economy of this country. The government is going to be in the middle of making decisions that traditionally have been made by doctors and patients.

But after all that, we would assume, at the end of the day, the underlying purpose and goal of this—which is to reduce health care costs—would have been achieved. The truth is, it does not reduce costs. The bottom line is, after everything else is said and done, and we look at all the spending and all the taxing and all the new government expansion and all the new government interference and involvement and intervention in the health care economy and the fundamental doctor-patient relationship, we have not done anything to lower costs for the Americans who are struggling with the high cost of health care.

In fact, the Congressional Budget Office, during the Finance Committee markup last week, when asked whether the insurance company taxes would be passed on—and how would that impact the people who are actually having to pay the insurance premiums out there—they said those new taxes would be passed on dollar for dollar. We have seen all kinds of varying estimates about the amount of the increase, but there has not been a bill yet, of the five that have been produced by any of the committees in the Congress, that bends the cost curve down. They all raise and increase costs.

I think that is the Achilles heel, ultimately—that the American people, who are struggling with the high cost of health care, are looking for solutions and for reforms that will actually put downward pressure on prices, and all that is being talked about is spending a couple trillion dollars of their tax dollars, raising taxes and cutting Medicare in order to raise their overall cost of insurance. Only in Washington, DC, could something that stunning actually make it in the light of day.

So at the end of the day, it ought to be about reducing costs for Americans. It ought to be about trying to provide access for those who do not have access to health insurance. By the way, the most recent version of the Baucus bill—the Finance Committee bill—still leaves 25 million Americans uncovered. So we are not covering a lot of people we are proposing to cover. We are increasing costs of health care for people who currently have insurance, and we are creating a couple trillion dollars of new spending when this bill is fully implemented over 10 years that, again, is going to, in some way, have to be financed with taxes, Medicare cuts, or, worse yet, perhaps borrowing, which will come on the backs of future generations.

The amount of debt we are going to have at the end of 2019, according to CBO, is enough so that every household in this country will owe \$188,000. Imagine if you are a young couple today just exchanging your vows, you are starting your family, you are getting ready to move on with your life, and you get handed a big fat wedding gift from the Federal Government to the tune of a \$188,000 IOU. That is not fair to future generations.

We ought to learn to live within our means. We talk about reforming health care. We ought to put reforms in place that actually reduce the cost of health care for working-class families in this country, that do not raise their taxes, that do not borrow from their children and grandchildren. Those are the types of things we would like to see as part of this debate.

We have already put forward a number of proposals that would do just that: allowing people to buy insurance across State lines—interstate competition would put downward pressure on



prices and insurance rates across this country—allowing people to join larger groups, small business health plans—something we voted on repeatedly in the Congress which has been consistently defeated in votes—dealing with the issue of defensive medicine, which it is estimated costs the health care economy about \$100 billion annually; doing something about medical malpractice and all those physicians who order those additional tests simply because they are worried about being sued.

We have had proposals put forward that would change the tax treatment of employer-provided health care plans so that those who do not have insurance would have a tax credit that would be available to them so they could go out and buy health insurance in the private marketplace.

We are laying out a lot of solutions we believe actually get at the fundamental issue before the American people, and that is the high cost of health care and also trying to provide coverage for those who do not have it. None of these proposals, in my view—and I think the Congressional Budget Office, in their analysis, bears it out. These are all proposals that bend the cost curve up, that increase and raise insurance costs for this country.

The only reason they could go out like they did yesterday and say, well, this actually reduces the deficit, is because of the massive tax increases and the massive cuts in Medicare that it assumes will take place.

Again, I want to mention one more time, in closing, notwithstanding the numbers that were released yesterday by the Congressional Budget Office—and the way they were reported by the media—the number people need to focus on is the cost of this program when it is fully implemented.

Because it is delayed, because many of the provisions in the bill, in its entirety, for the most part, are going to be delayed—the implementation—until 2014, we have to get the full picture of the cost, what it is going to cost in the 10 years once it is fully implemented because a lot of the revenues are front loaded, the costs are back-end loaded. That is why this sort of wires and mirrors—the approach that is being used—understates the overall cost. They can go forward and say, well, we are reducing the deficit over 10 years because of all the tax increases, which kick in right away, but some of the costs in the program do not come into play until later on.

So the American people need to be engaged in this debate. They need to have their voices heard. Frankly, they have a right to know exactly what is in this legislation. That is why it should not be rushed. It should be done in a way that allows people to actually review this bill. It ought to be done in the light of day.

Secondly, it ought to be done in a way that actually is fiscally responsible to future generations so we do not pile this huge burden of debt on them. But even more importantly than that, it ought to accomplish the stated objective, which is to reduce the overall health care costs for Americans.

These proposals do not do that. There are ideas out there and solutions out there that do, some of which I just talked about. If we would be willing to sit down and come to a consensus about those things that actually do drive health care costs down, we could pass health care reform through the Senate this year, through the House of Representatives, put it on the President's desk, and do something that actually meaningfully reduces costs for Americans and what they pay for health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ERICA WILLIAMS AND HER SEC TEAM

Mr. KAUFMAN. Mr. President, I rise again today to honor a great Federal employee, something I have been doing each week on the Senate floor. I do so because I believe it is very important to recognize the unsung heroes who work every day on behalf of the Nation with great effort and often with great sacrifice.

Today, I want to honor an employee of the Securities and Exchange Commission, one of our most important independent Federal agencies, whose work affects all Americans. This great Nation was founded on a belief in freedom and fairness—two fundamental pillars of American society.

This is what the Revolutionaries fought for in the time of Samuel Adams and George Washington. It is what the Framers enshrined during the era of Alexander Hamilton and Thomas Jefferson. Maintaining democratic government and fair, open markets were the charge of every administration and Congress from their day to ours.

In the decades since World War II, American global leadership has focused on promoting these two concepts throughout the world. Democracy and a fair marketplace complement each other perfectly. A society based on fair markets cultivates an egalitarian political culture. Likewise, democracy instills in all citizens the sense that they ought to enjoy in commerce what they so cherish in government: a marriage of liberty and equality.

I have already spoken from this desk several times about the challenges we and the SEC jointly face today in protecting our financial markets. I have talked repeatedly about how, as a nation, our credit and equity capital mar-

kets are a crown jewel. Only a year ago we suffered a credit market debacle that led to devastating consequences for millions of Americans.

I have squarely blamed the self-regulation philosophy of the SEC as being a major part of that problem. By this I mean that the SEC had too often deferred to those it regulates for knowledge, experience, and certitude. I feel so strongly about this because we have lived through an era where regulators and the leadership of regulatory agencies failed to regulate. Perhaps Congress, too, failed to give the regulators the tools and resources they needed to do their jobs effectively.

These failures have contributed not only to a financial disaster but also to a loss of public confidence in our markets and our national economy. In addition, these failures run counter to our ideals of democracy and market fairness.

During the time of the Revolution, we were a nation of farmers and merchants bound together by our common dependence on the trade of manufactured goods, foodstuffs, and local services. Today, we have become a nation of investors. Tens of millions of Americans own retirement accounts, and they depend on fair markets to protect those long-term holdings.

Many Americans have suffered directly as a result of the markets losing value. Those who have not been hurt personally surely know someone—a parent, a friend, or a coworker—who has. The financial crisis has forced many to delay retirement or even go back to work. Most working Americans have lost something; some have lost almost everything.

Under its previous leadership, the SEC lost its way. While the failure of the SEC to follow up on tips about the Bernie Madoff Ponzi scheme is certainly emblematic of this failure—and probably a huge blow to the morale of the agency—I believe morale at the agency may also have suffered for a much more fundamental reason. Too often in the past, the SEC leadership kept its employees from pursuing its core mission. This happened not only at the SEC but at other Federal agencies as well. There was simply a philosophical difference between their policies and the need for effective enforcement of regulations.

Employees at the SEC, while still working hard every day, sadly, I suspect, have become somewhat demoralized by this and by resulting setbacks. And, I might add, SEC employees have also had to endure criticism of the Commission in recent months by concerned Members of Congress—myself chief among them.

Today, the SEC stands at a crossroads.

In the wake of last year's historic election, Washington has been focused on change. The greatest thing about

change is that it offers the promise of a new start. I wholeheartedly believe one of the most fundamental qualities of the American people is the ability to pick ourselves up, dust ourselves off, and return to the important task before us.

For the SEC, this means a renewed focus on its original mission: to maintain public faith in our markets, to protect all investors. The SEC needs to reassure our long-term investors—many of whom are average Americans saving for retirement—that the system is not rigged against them. I know the SEC can, and will, be a can-do agency once more.

In 2005, the SEC moved into a new headquarters just a few blocks from the Capitol. It is a beautiful glass and stone building with a high, curving facade. The lobby is full of light, and its windows frame a view of the Capitol dome. Much of the building wraps around a courtyard, and in the center of that courtyard is a playground for the children who attend the SEC's employee daycare. Across the street are a school and a row of small businesses, including a busy coffee house. Behind the new building are the tracks leading out from Union Station carrying business travelers and commuters each day.

The men and women who work in that building don't need to be reminded who they work for. They see them every day out of their windows. The stability and fairness of our financial markets affects every American, from the small business owner to the coffee house patron; from the daily commuter to the future of that toddler in daycare. I believe a new building provides a chance for a new beginning.

I agree with the President that at least with regard to the financial crisis, the worst is behind us. Now is the time for the SEC to step to the plate. I know they can do it. I have faith in the SEC because it stabilized our markets in the aftermath of the Great Depression. I have faith in the SEC because it always proved to be resilient during times of institutional change, and I have faith in the SEC because it has some of the most talented public servants who are now working tirelessly to catch up after several years of failed leadership.

One of those public servants is Erica Williams, a lawyer for the SEC's Enforcement Division. A graduate of the University of Virginia Law School, Erica has been with the SEC for 5 years. During that time, she has distinguished herself as a trial lawyer on several complex cases involving accounting and fraud. Before coming to the SEC, she worked at a major private sector law firm in Washington.

In July, she and her team of SEC enforcement attorneys won a hard-fought verdict in Federal court on a case involving insider trading. This case, com-

monly referred to as SEC v. Nothorn, was a rare case involving U.S. Treasury bonds.

She could not have had better colleagues on this case than John Rossetti, Sarah Levine, and Martin Healy, all of whom equally deserve recognition. John is a graduate of Catholic University Law School, and he served for 9 years as an SEC enforcement attorney. Sarah, who holds a law degree from Yale, clerked for Justice David Souter before coming to the SEC in 2007 as a trial attorney. Martin supported their efforts as a regional trial counsel at the SEC's office in Boston.

Erica and her team had to prove that the defendant had insider knowledge from someone inside the Treasury Department. Approximately \$3 million in illegal profits had been generated from this scheme. They argued their case strongly and thoroughly. They also had to prosecute the case with fewer resources than are usually available to private sector litigators. They worked weekends and sacrificed time with their families for long hours spent in the office or on the road. It all paid off, a victory that reflects what the SEC is all about: punishing and deterring wrongdoing.

What Erica achieved with her team is more than a court victory, however. She is helping to send a message the SEC is back; that those who are contemplating fraud better think twice. That is why I am honoring her as my "Great Federal Employee" of the week.

I know this is only the beginning. The SEC knows it needs to focus on deterring those activities that make our markets unfair. That is what Erica's victory and what other recent gains of the Commission have done. As new SEC Enforcement Division Director Robert Khuzami has said, the SEC is engaged in "a rigorous self-assessment of how we do our job." Their victory is what Khuzami meant when he promised "a focus on cases involving the great and most immediate harm and on cases that send an outside message of deterrence."

I also have faith in SEC Chairman Mary Schapiro, who shares my concern about the stability and the quality of our markets. She understands the trade-offs between market liquidity and market fairness, and she recognized how important it is to protect the interests of long-term investors.

As my colleagues are aware, since March, Chairman Schapiro and I have exchanged communications, and I believe under her leadership the SEC is coming back stronger and better able to pursue its mission.

The famous Alabama football coach, Paul "Bear" Bryant, once said:

I have learned over the years how to hold a team together. How to lift some up, how to calm others down, until finally they've got one heartbeat, together, a team.

Chairman Schapiro believes in the SEC's mission, and she is working dili-

gently to ensure that all who work there are doing so with one heartbeat—as a team. They, too, believe in the SEC's mission, and we have to make certain they get all the resources they need, not only to catch up but also to operate ahead of tomorrow's market threats.

Taped to the door of Chairman Schapiro's office is a sign for all those entering with new proposals or ideas. It reads: "How does it help investors?" This ethos must once again be the source of inspiration for everyone who works in that beautiful new building.

As the SEC embarks on its next chapter, I want all of its employees to know when they walk out of that lobby each day and see the Capitol dome, they should feel confident that those of us who work under it are their partners. We will be their partners by making certain the SEC is strong enough to do its job, and we will work together with the Commission to help identify and prevent new problems before they arise. The American people also should have patience and hope that the SEC is back and on the right track. We all hold a common stake in its success.

The era of looking the other way is now behind us. The time has come to look forward. I hope my colleagues will join me not only in honoring the service of outstanding Federal employees of the SEC such as Erica Williams and her team but in recommitting ourselves to help them pursue our common goal. When it comes to protecting America's investors, we must have one heartbeat.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AIR FORCE TANKER COMPETITION

Mr. SHELBY. Mr. President, I rise today to speak about the recently restarted Air Force KC-X tanker competition.

On February 29, 2008, after a lengthy competition, the U.S. Air Force announced that the team of Northrop Grumman and EADS was selected to deliver the best, most capable tanker to our warfighters, at a price of \$3 billion less than their rival Boeing's offer.

It was only after the GAO sustained a mere 8 out of 111 complaints submitted by the losing team—Boeing—that the award was overturned and the competition was placed in limbo.

Even after GAO's recommendation, there is still nothing to suggest that

the KC-45 was not the best tanker solution. This is a very important point to remember. The Air Force's contracting system may have been flawed, but nowhere did GAO state that the KC-45 is not the best tanker for our airmen.

A year later, Defense Secretary Robert Gates terminated the award and canceled the entire tanker acquisition program.

Secretary of Defense Gates' decision to cancel the Air Force's No. 1 acquisition priority outright clearly placed politics and business interests over the interests of the warfighter.

While Secretary Gates may have characterized this decision as a "cooling off" period, it sent a clear message that only a Boeing tanker will be acceptable. The defense acquisition policy was unmistakable: No Boeing, no tanker. That is a fundamentally flawed policy that may please some Members of Congress from the States in which Boeing would build the tankers, but it fails to satisfy the critical need for the best new tankers for our warfighters. In that case, politics obviously trumped military necessity and troop welfare.

After review of the September 24 draft RFP that begins the new tanker competition, I again have serious concerns that fairness and capability are being completely ignored.

For a moment, let me elaborate. As a result of the last protest, Northrop Grumman was compelled to submit its proprietary, competitive-sensitive pricing data to the GAO, which, in turn, provided that critical information to Boeing. Let me say it again. Boeing now has all of Northrop Grumman's competitive pricing information. Yet they are going to be competing again.

Boeing knows exactly how the Northrop Grumman team was able to offer the best deal to the Department of Defense during the last competition. Boeing knows all of Northrop Grumman's bidding strategies.

In a competition for a defense contract, nothing is more carefully protected than a company's pricing and bidding strategy.

Let me remind my colleagues here that Northrop Grumman/EADS offered a clearly better plane, at a price that was \$3 billion less than Boeing. And now, today, Boeing knows how they did it.

Northrop Grumman has repeatedly asked the Department of Defense to level the playing field by providing them—Northrop Grumman—with Boeing's pricing information from the previous competition. To date, the Pentagon has continually denied Northrop Grumman's requests. The Department of Defense has stated that Northrop Grumman's pricing and bidding strategies are not relevant issues in the current competition, and that the data is outdated.

Not relevant? I could not disagree more. It is intuitively obvious to any-

one who is even vaguely familiar with the concept of competitive government bidding that the Department of Defense, from the outset, is tilting the competition toward Boeing. Northrop Grumman is being severely penalized before the game even begins. This situation is inconceivable and must be changed.

Further, after review of the draft RFP, it is becoming increasingly clear that this competition is not structured around what we call a "best value" competition that would ensure that our warfighter receives the best plane. Rather, it is structured around the lowest price technically acceptable competition that does one thing and one thing only—it reduces the chances that our warfighters will receive the most superior plane on the market.

One would think that our Air Force's top priority would be to ensure that our men and women in uniform have the best, most capable equipment. It seems to me that is not the case.

A lowest price technically acceptable procurement process focuses heavily on cost and does not take into account additional or advanced capabilities that may be available on the aircraft that will help us in the years to come. This means that price is more important than quality; that performance is not a critical factor; that added capabilities, technology that could help save the lives of our men and women in uniform and have an edge on the opposition, is not a key factor in the draft RFP.

The fact that the draft RFP is structured so that cost is almost the only component considered in the competition makes the aforementioned pricing data issue even more relevant.

When combined with Boeing's knowledge of Northrop Grumman's pricing data and not vice versa, it has become abundantly clear that the Department of Defense and the Air Force have their thumbs on the scale in favor of Boeing.

As was clearly shown in the previous competition, Boeing has a less capable airframe, but Boeing now has all of Northrop Grumman's pricing data and a full understanding of Northrop Grumman's bidding strategies. This information is the holy grail for Boeing that provides them with everything necessary to surely submit a lower cost bid for their less capable aircraft.

If this matter should not be a concern, then there should be no issue whatsoever with the Department of Defense providing Boeing's prior data to Northrop Grumman because Boeing, again, has Northrop Grumman's data, as they recompile.

In order for this competition to be untainted, to be fair, to be at the level of openness and transparency that my colleagues and I were repeatedly assured would be the case, I believe it is imperative that Northrop Grumman be allowed to obtain Boeing's pricing data from the last tanker competition and

that the competition shift away from purely a cost basis to what is best for the warfighter.

It makes no sense for a procurement process that has been continually hampered by scandal, delays, and jail time for certain officials to begin the latest version of this competition with such an absurdly uneven playing field.

As we go forward, it is my sincere hope that the safety of our warfighters and the security of our Nation will become the priority, as it has been in the past, this time and decisions will not be based on political pressures that unfairly tilt competition.

Unless the Department of Defense and the Air Force live up to their commitment of impartiality and transparency, I am fearful that our warfighters will have to settle for second best. Apparently, that is just fine with some, as long as Boeing wins.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CARDIN pertaining to the introduction of S. 1765 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CARDIN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2625

Mr. SHELBY. Mr. President, I now call up amendment No. 2625.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The assistant bill clerk read as follows:

The Senator the from Alabama [Mr. SHELBY], for himself and Mrs. FEINSTEIN, proposes an amendment numbered 2625.

The amendment is as follows:

(Purpose: To provide danger pay to Federal agents stationed in dangerous foreign field offices)

On page 170 at the end of line 19 insert the following:

SEC. XXX. Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246, as amended by section 11005 of Public Law 107-273; 5 U.S.C. 5928 note) is amended:

(a) by striking "or" after "Drug Enforcement Administration" and inserting ", the"; and (b) inserting after "Federal Bureau of Investigation": ", the Bureau of Alcohol, Tobacco, Firearms and Explosives or the United States Marshals Service".

Mr. SHELBY. Mr. President, I, along with Senator FEINSTEIN, have offered this amendment that would make the U.S. Marshals and the ATF agents, who put their lives on the line in dangerous foreign countries to protect our Nation and our citizens, eligible for danger pay.

The U.S. Marshals and ATF agents are actively assisting Mexican law enforcement and the Mexican military in one of the bloodiest wars in the world today—the Mexican drug war. There have been nearly 10,000 drug war murders and deaths in Mexico since January of 2007. President Calderon has deployed 45,000 troops and 5,000 Federal police to 18 Mexican States to help combat these cartels.

Every week, we read about the gruesome murders of Mexican law enforcement officers, many of whom have our own Federal agents serving at their side. Currently, FBI and DEA agents receive danger pay in Mexico, while U.S. Marshals and ATF agents do not. I believe it is outrageous that these agents—our agents—serving their country and risking their lives on a daily basis, do not receive this compensation like their Department of Justice counterparts.

This amendment I offer on behalf of myself and Senator FEINSTEIN simply brings danger pay parity to the Department of Justice Federal law enforcement officers working in dangerous foreign countries. This amendment, I believe, has a lot of merit, and although Senator MIKULSKI is not here right now, I believe she would join with me in support of this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The assistant bill clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. KOHL. Mr. President, I ask unanimous consent that at 3:30 p.m., the Senate proceed to the consideration of the conference report to accompany H.R. 2997, the Department of Agriculture, Rural Development, Food and Drug Administration Appropriations Act; that debate time on the conference report be limited to 30 minutes, equally divided and controlled between Senators KOHL and BROWNBACK or their designees; that if points of order are raised, any vote on the motions to waive occur beginning upon the use or yielding back of time; and that following the disposition of the points of order, and if the motions to waive are successful, then at 4 p.m., the Senate then proceed immediately to vote on adoption of the conference report; that upon adoption of the conference report,

the Senate then resume consideration of H.R. 2847, and the Ensign motion to recommit with 2 minutes prior to a vote in relation to the motion, with no amendments in order to the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MAKING APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2997), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of September 30, 2009)

Mr. KOHL. Mr. President, I rise in support of the conference report on H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for 2010.

This bill includes total spending of \$121.1 billion. Of the total, \$97.8 billion is for mandatory programs, and \$23.3 billion is for discretionary programs. The discretionary spending in this bill is an increase of \$2.7 billion and is within our 302(b) allocation.

This bill funds a range of programs that help improve the lives of Americans every day.

It provides more resources for food and drug safety.

It delivers low-income housing and supports rural communities who need sanitary water systems.

It fully funds the WIC, SNAP, School Lunch and School Breakfast Programs. It expands the Commodity Supplemental Food Program and the Child and Adult Care Feeding Program.

It significantly expands the McGovern-Dole Program so children in developing countries can get school meals. Often, that is the only reason they come to school.

It bolsters agricultural research so we can produce better crops and feed more people more efficiently.

It funds conservation, community development, animal and plant health, trade, and much more.

We worked closely with our counterparts in the House to come to satisfactory agreements on issues about which we had differing views.

We included compromise language on the reimportation of Chinese poultry, setting up a stringent system to protect public health. This language meets all of our WTO requirements and has been endorsed by all sides.

We included critical funds to aid the dairy sector which is suffering from historically low prices. Some will be used to purchase dairy products for food pantries, and the rest will provide direct relief to producers.

We fund development of new food aid products to provide higher nutritional content for food aid recipients; most of these products have not been updated for nearly two decades.

Overall, this bill is properly balanced. It provides appropriate funding and direction for the Department of Agriculture, FDA and other agencies. We worked to ensure that the concerns of all Senators were addressed, and I believe we have been successful.

I am very encouraged by the process that brought us to this point, and I am grateful to my ranking member, Senator BROWNBACK, and others who have been instrumental in its success.

I strongly encourage all Senators to support this bill.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague, Senator KOHL, who chairs this committee. This is the first year for me to be ranking member. He has been a delight to work with.

A number of issues are addressed in this bill. The centerpiece is the agriculture industry. It is of key importance. It is interesting to note, in this economic downturn we are in, that the agriculture industry has had a great deal of difficulty, although it has been one of the stronger industry sections we have had during this period. That is in no small part because of the strength of the industry, the willingness of people to work, to invest aggressively, to work hard, and to pay attention to details.

For us to support the research entities underneath it—a lot of that is in this bill. So we are researching aggressively what we can do to produce things efficiently, effectively, that the marketplace wants. It is a great export industry. It is one that provides a lot of exports out of my State, out of the State of the chairman, and the States of other Senators. That research is important. That is what is in the bill, the research and development industry. That is the primary piece of it. It is not the total, but it is a key part.

Looking into the future, I can see that places we need to go are in things that will require the research for us to be able to move forward, things such as cellulosic ethanol where people are excited about doing the grain-based ethanol. We need to have a stream from cellulosic ethanol so we can produce

more of our energy needs domestically and renewably. That also goes into the energy field, but it is a key part of agriculture. It also grows jobs in rural areas where it is pretty hard at times to grow jobs. People go to more concentrated regions and places, but we need them in rural areas. If we can invest and if we can show ways people can invest and make money in rural areas, going into food and fiber and fuels and pharmaceutical products, these are things that can really work for us and for our people and around the world. I am pleased to work with Chairman KOHL on that. He has worked on this many years. This has been my first year as ranking member.

In particular, I would like to note two areas we made key investments in that are important for the country and to save people's lives. One is in the food and drug piece of this bill. The FDA is also appropriated in this bill.

One of those areas is rare and neglected diseases. There is language included in this bill that creates two groups within FDA to examine the agency's approach to rare and neglected diseases in the developing world and here.

Unfortunately, a number of people in the United States get diseases that maybe only 100,000 people get. That sounds like a big number, and it is a big number, but to a drug company looking at making an investment and then being able to develop a cure, it is looking for a much larger marketplace.

What we are asking in this bill is, are there ways within the FDA, for a rare disease or neglected disease, for us to cut down the cost process to develop a new drug? Otherwise, we are not getting any research into how we take care of diseases for somebody who is one of 50,000 who get it, and there is nothing going on research-wise to help them. I had a lady in my office this morning who had a disease in this category. She was basically told by her physician when she got diagnosed: You should get your affairs in order. That is not an acceptable answer, particularly as a policymaker.

We have two groups in here looking at rare or neglected diseases and how do we cut the cost of developing that drug so that a pharmaceutical company or others could say: This doesn't affect a lot of people, but my entry cost is lower, so I will look at this, I will go into this field. Our hope is we can stimulate some research in this country.

Then neglected diseases around the world that can affect huge numbers of people—the World Health Organization says that more than a billion people, nearly one in every six persons worldwide is affected by at least one of the neglected diseases. This isn't a small category, but they happen to be in countries that don't have high per capita income. So again a company looks

at this and says: There are a lot of people affected, but there is no income level here, so I can't go into it. Well-known examples include malaria, tuberculosis, and cholera. They disproportionately affect low-income populations in developing countries. We are going at this issue too.

I can't think of a better place for us to invest more policy-wise than helping to save people's lives. People tend to like you more when you help save their lives. This affects a broad cross-section of people around the world. And we have the marketplace, the technology to work on it, if we can cut the cost down. These two really track together, and they are very important for us to save lives. I always consider it a great day if we can save a person's life by some policy move we are making that may make things work better. These are a couple of them.

Another area the chairman and I have been working on is the issue of food aid. Here, I have had a lot of disappointment in the fact that we put a lot of money in food aid and then not a lot of it hits the target. For every dollar we put in food aid, 60 percent is eaten up by transportation and administration. So 40 percent gets to the person who actually needs it.

A lot of these are food aid situations where it costs a lot to get the food there. Going into the interior in Sudan, it just costs a lot to get there, there is no question. But still I have to think we can do this better. We are starting to look at that but also pilot projects to help develop new food aid products and to develop micronutrient-fortified foods for infant through schoolage children, pregnant or nursing mothers. We haven't developed a new food aid product in over 20 years. The last one was a corn-soybean blend which is a good product. But I know the chairman and I don't eat the way we did 20 years ago. You kind of understand the body moves a little differently.

This area of micronutrients is the area that most researchers believe that if the world would invest in it, it is the highest yield category for us to save and positively affect the most lives, an investment in micronutrients. It may be a corn-and-soybean blend, but it also has vitamin additives put into it for that infant, that nursing mother, that person with AIDS or malaria. We have invested a lot to try to save the person with AIDS or malaria, but now they really can't get better because they don't have the nutrition in their body they need. We get that into the system.

I am excited about these steps and pilot projects, what we might be able to find out in these categories and do to save lives. These are well-spent funds.

It is tough economic times for us as a country. These are critical issues for us. I am always looking at ways we can

hold the budget numbers down because I think we really have to get our budget under control. These are ones that have been good and wise investments. They are important places for us to work in.

I am appreciative of being able to work on these particular projects. As we move forward, looking at next year, I hope we can sharpen the pencil even more in areas that may have been a high priority in the past but they should not be now, for us to look at ways we can control and get our budget down. And then you move that money either into paying down the deficit so the deficit is much lower or you say: If we are going to put things in higher investment areas, we move them from low-investment to high-investment regions, and that we would emphasize ourselves and work in the committee to see what areas are there that we should be taking money out of to put into higher need categories or to put back against the deficit that is just running way too high for us as a country.

We all know that. This deficit is way too high. It is unsustainable. We need to sharpen our pencil every bit we can in these committees to do our part. I hope we can really spend some time this next year, even as we line up for the appropriations process, holding hearings on what are low-priority areas, what we can cut out of this budget. We tend to mostly focus on new ideas, new programs, and those are good and important, but in these budgetary times, we have to spend some time asking: What is it we could do without? That would be important for us to do.

It has been a pleasure to work with the chairman. I urge colleagues to vote for the conference report and to send it on to the President.

I yield the floor.

#### CONGRESSIONALLY DIRECTED SPENDING

Mr. KOHL. Mr. President, it has been brought to my attention that the Congressionally directed spending items table in the statement of managers to accompany the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act mistakenly listed Senator HUTCHISON as requesting funding for the medicinal and Bioactive Crops research project through the Agricultural Research Service. Additionally, Senator HUTCHISON's name was mistakenly omitted from the table for the Grain Sorghum research project through the National Institute for Food and Agriculture and the Range Revegetation for Ft. Hood conservation project through the Natural Resources Conservation Service.

Mr. BROWNBACK. I agree with Chairman KOHL and appreciate him bringing these items to the Chamber's attention.

EMERGENCY DAIRY ASSISTANCE

Mrs. BOXER. Mr. President, I thank the Senator from Wisconsin and the Senator from Vermont for joining me to discuss \$350 million in emergency dairy assistance funding included in the fiscal year 2010 Agriculture, Rural Development, and Food and Drug Administration Appropriations Act conference report.

I had a very encouraging meeting with the Secretary of Agriculture where he informed me that he intends to distribute emergency dairy assistance funds included in the conference report in a way that is regionally equitable, and to do so as quickly as possible.

As the author of the amendment to the fiscal year 2010 Agriculture appropriations bill that added \$350 million in emergency dairy assistance funds, the Senator from Vermont stated on the floor that “whether it is Vermont, Wisconsin, California, Colorado—rural America is hurting.”

The Senator from Vermont went on to say that “I know the people familiar with dairy always say these are great regional fights, the Northeast is fighting the Midwest is fighting the Southeast is fighting the West coast, and every region has its own set of priorities. This is not a regional issue, this is a national issue.”

I ask the Senator from Vermont, was it your intention that emergency assistance be provided to dairy farmers in every region of the country?

Mr. SANDERS. Yes, that is correct.

Mrs. BOXER. I thank the Senator from Vermont. If I may ask the Senator from Wisconsin, as the lead Senate negotiator, can you tell us how the conference committee intended these funds to be used when crafting the final language?

Mr. KOHL. Let me start by saying that I appreciate the guidance and input I have received from my California colleague throughout this process.

The bill before us provides \$290 million to the Secretary under broad authorities to assist our Nation’s dairy farmers. The conference report does not direct any form this assistance shall take—an approach that was the result of a hard-fought negotiation with the House. Many members would have preferred to distribute this assistance through the MILC program formula. In fact, I must admit that such an outcome would have been my preference since programs such as MILC would greatly benefit my farmers in Wisconsin. But I knew that dairy farmers all across the country are suffering and an approach couched in inherently regional terms would not meet the test for national acceptance.

I understand the MILC program would impose limitations difficult for some regions to accept, and for that reason a more general authorization

was employed to provide greater regional fairness in the distribution of assistance. My understanding is that the Secretary has three main goals in mind in administering this assistance: No. 1, the payments must be directed to actual dairy farmers, No. 2, the payments must go out as quickly as possible, and No. 3, the payments must reflect as much regional equity and fairness as possible. I agree with these three principles and trust that the Secretary will carry out this assistance in that fashion.

Mrs. BOXER. I thank the Senator from Wisconsin for his views and say further that his understanding of the Secretary’s goals is correct. I thank my colleagues for joining me to discuss this issue.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee’s official scoring of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act for fiscal year 2010.

The conference report provides \$23.3 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$17.7 billion. When outlays from prior-year budget authority are taken into account, non-emergency discretionary outlays for the bill will total \$24.9 billion.

The conference report matches its section 302(b) allocation for budget authority and is \$120 million below its allocation for outlays.

The bill is not subject to any budget points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

[Spending comparisons—Conference Report (in millions of dollars)]

	General purpose
Conference Report:	
Budget Authority .....	23,304
Outlays .....	24,905
Senate 302(b) Allocation:	
Budget Authority .....	23,304
Outlays .....	25,025
Senate-Passed Bill:	
Budget Authority .....	23,400
Outlays .....	25,030
House-Passed Bill:	
Budget Authority .....	22,900
Outlays .....	24,686
President’s Request:	
Budget Authority .....	22,980
Outlays .....	24,904
Conference Report Compared To:	
Senate 302(b) allocation:	
Budget Authority .....	0
Outlays .....	–120
Senate-Passed Bill:	
Budget Authority .....	96
Outlays .....	125
House-Passed Bill:	
Budget Authority .....	404
Outlays .....	219
President’s Request:	
Budget Authority .....	324

H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

[Spending comparisons—Conference Report (in millions of dollars)]

	General purpose
Outlays .....	1

Note: Table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P.L. 111–32).

Mr. MCCAIN. Mr. President, today the Senate turns to the conference report for H.R. 2997, the Agriculture appropriations bill for fiscal year 2010. This bill spends about \$120 billion in direct and mandatory spending. This is on top of the \$108 million that was provided under the fiscal year 2009 omnibus bill, as well as the infamous economic stimulus package, which provided another \$26.5 billion in Ag spending.

I acknowledge that many of the programs funded by this bill are valued for providing important services to the agriculture community at large, and I commend the members of the Senate Appropriations Committee for reporting this bill in a timely manner. I agree that we should ensure that our farmers stay out of the red, and that some Federal involvement is necessary to assist low-income families under nutrition programs. Unfortunately, Congress once again has conformed to the practice of diverting precious taxpayer dollars into an array of special interest pork projects which have not been authorized or requested by the administration.

When the bill passed the Senate shortly before the August recess, the bill carried with it 296 “Congressionally Directed Spending Items” a fancy new term for earmarks—totaling over \$220 million. Now that conferees have had their chance to feed at the trough, the number of earmarks has grown to 461 totaling over \$360 million. None of these projects were requested by the administration. Many of them were not authorized, or competitively bid in any way. No hearing was held to judge whether or not these were national priorities worthy of scarce taxpayer’s dollars.

Let’s take a look at some of the earmarks that are in this bill: \$2 million for a fruit laboratory in West Virginia; \$819,000 for catfish genome research in Alabama; \$360,000 for a corn ethanol research plant in Washington, DC; \$75,000 to promote childhood farm safety in Iowa; \$250,000 for the Iowa Vitality Center; \$700,000 to improve cattle health in Maine; \$300,000 to develop “Best Practices in Agriculture Waste Management” in California; \$1.3 million for greenhouse nurseries in Ohio, which weren’t requested by the administration; \$2.9 million for shrimp aquaculture research in Arizona and Massachusetts; \$693,000 for beef improvement research in Missouri; \$165,000 for maple



syrup research in Vermont; \$195,000 to research how to increase the lifespan of peach trees in South Carolina; \$349,000 for pig waste management in North Carolina; \$500,000 goes to the National Wild Turkey Federation in Nebraska, and \$250,000 for the Kansas Farm Bureau Foundation for a workforce development program.

The largest earmark in this bill goes to Hawaii. The Aloha State bags \$5 million to continue construction of an Agriculture Research Service Center to study agriculture practices in the Pacific. As my colleagues know, ARS construction is one of the most heavily earmarked accounts in government. So much so that the President's budget actually proposed zeroing out ARS construction for fiscal year 2010 because:

Congress routinely earmarks small amounts of funding for [ARS projects] located throughout the nation. The result of scattering funding in this manner is that . . . few if any of the projects are able to reach the critical threshold of funding that would allow construction to begin. Funding construction over such a long time significantly increases the amount of money needed to fully complete these projects, as well as postponing their completion for many years.

So here we have a program that is earmarked so severely that it delays and drives up the costs of approved construction projects. Not only are we funding this Hawaiian facility, but conferees approved 21 earmarks totaling over \$71 million for ARS facility construction, some of them airdropped in conference.

During Senate consideration of this bill, I filed over 300 amendments to strike every earmark as well as cut funding to several USDA programs that the President proposed for termination including the ARS facilities account. It should come as no surprise that my amendments were defeated at every turn by appropriators on both sides of the aisle.

These projects may be meritorious and helpful to the designated communities, but considering our current budgetary crisis, it's inappropriate to include them on this year's agriculture spending bill, especially when they have been identified for termination or reduction. I hope my colleagues will agree that we have higher spending priorities that are directly related to the purposes of this agriculture bill. This bill is intended to address farmers, women, children, and rural communities with the greatest need, not for piggybacking pet projects that garner the support of special interest constituents.

I know that many of my colleagues have spoken about the economic struggles of America's hardworking farmers and low-income families. The farmers and struggling families I know are tired of watching their hard-earned money go down the drain.

I will oppose this conference report and every other pork-laden bill that comes before this body.

Mr. INOUE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF CONGRESSIONALLY DIRECTED  
SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the conference report which accompanies H.R. 2997 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

Mr. AKAKA. Mr. President, I am pleased that the Senate will pass H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2010 conference report.

This legislation will fund important programs, such as food safety inspection, agricultural research, and the Supplemental Nutrition Program for Women, Infants, and Children. Programs such as these will benefit the entire Nation. My constituents will additionally benefit from a number of projects located throughout the State of Hawaii.

The bill will stimulate food and agricultural development in Hawaii through projects tailored to the State's needs. It will fund continued agricultural development and resource conservation programs through the local, community-based leadership of Hawaii's four Resource Conservation and Development Councils. It will foster food science and agricultural research that meets Hawaii's unique needs and that bolsters American competitiveness in such areas as floriculture, tropical fruit, and aquaculture.

Watershed and flood prevention projects in Hawaii also receive appropriate attention in this bill. Recent droughts underscore the importance of watershed projects to increase water storage capacity, delivery system efficiency, and water conservation. Projects on Maui and the Big Island will help make progress on the planning and construction of projects dealing with the limited natural resource of water.

Funding in the bill also includes programs to control invasive species in Hawaii such as termites, brown tree snakes, coqui frogs, and other alien pests and weeds that threaten agricultural lands and sensitive ecosystems. Hawaii is the only domestic supplier of varroa mite-free queen bees for honey producers and pollinators, and therefore the mite eradication efforts cultivated by this legislation are of national importance. Similarly, farmers

in the continental United States will benefit from the establishment of a facility to provide a secure supply of sterile fruit flies used to control fruit flies that are destructive to fruit crops. Hawaii offers a premier location for rearing sterile fruit flies as four pestiferous fruit fly species are already established there.

In sum, this bill will fund programs meeting Hawaii's unique needs in addition to supporting local leadership that will aid agriculture nationally. I am glad to have advocated for this funding and thank the senior Senator from Hawaii, the Chairman of the Appropriations Committee, as well as the Chairman and Ranking Member of the Senate Appropriations Agriculture, Rural Development, and FDA Subcommittee for their work in crafting and managing this bill.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I ask for all the remaining time to be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—76

Akaka	Carper	Harkin
Alexander	Casey	Hatch
Baucus	Cochran	Hutchison
Begich	Collins	Inouye
Bennet	Conrad	Johanns
Bennett	Crapo	Johnson
Bingaman	Dodd	Kaufman
Bond	Dorgan	Kirk
Boxer	Durbin	Klobuchar
Brown	Feingold	Kohl
Brownsback	Feinstein	Landrieu
Burris	Franken	Lautenberg
Cantwell	Gillibrand	Leahy
Cardin	Hagan	Levin

Lieberman	Reed	Tester
Lincoln	Reid	Udall (CO)
Lugar	Risch	Udall (NM)
McCaskill	Roberts	Vitter
Menendez	Rockefeller	Voinovich
Merkley	Sanders	Warner
Mikulski	Schumer	Webb
Murkowski	Shaheen	Whitehouse
Murray	Shelby	Wicker
Nelson (NE)	Snowe	Wyden
Nelson (FL)	Specter	
Pryor	Stabenow	

## NAYS—22

Barrasso	DeMint	Kyl
Bayh	Ensign	LeMieux
Bunning	Enzi	McCain
Burr	Graham	McConnell
Chambliss	Grassley	Sessions
Coburn	Gregg	Thune
Corker	Inhofe	
Cornyn	Isakson	

## NOT VOTING—2

Byrd	Kerry
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The conference report was agreed to. Mrs. FEINSTEIN. Madam President, I move to reconsider the vote and I move to lay that motion on the table. The motion to lay on the table was agreed to.

# COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

The PRESIDING OFFICER. The Senate will continue consideration of H.R. 2847.

## MOTION TO RECOMMIT

There will now be 2 minutes of debate, equally divided, prior to a vote on the motion offered by the Senator from Nevada, Mr. ENSIGN.

The Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, this is a simple motion to recommit the bill to put it at last year's funding level, plus the money for the census. The census is once every 10 years, and it will allow for that funding increase.

But in this era of record deficits and uncontrolled Washington spending, we are living under last year's spending levels with this motion. We need to get serious in this body about getting our spending under control. We have to start with appropriations bills. We know we have to cut spending on entitlements.

Let's start now by living under last year's spending levels, instead of the large increases we are having on appropriations bill after appropriations bill.

My motion allows the Appropriations Committee to determine what levels programs would be at, but we are not going to allow across-the-board increases.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I vigorously oppose the motion.

First, the bill is consistent with the budget resolution and the CJS subcommittee 302(b) allocation.

Second, the bill is a product of bipartisan cooperation reported out of the Appropriations Committee unanimously.

Third, the consequences of cutting the CJS bill to 2009 levels by excluding the census would be devastating. If you take out the census and do a cut, guess whom you are cutting. First of all, you are cutting Federal law enforcement. If you think this is a simple resolution, tell that to the FBI. If you think it is simple, tell it to the marshals who are chasing sexual predators. If you think it is simple, tell it to the astronauts, who are waiting to make sure we put the money in the budget to keep them safe as they go into space.

There is nothing simple about this motion to recommit. I simply ask you to reject the Ensign motion.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is this a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The result was announced—yeas 33, nays 65, as follows:

[Rollcall Vote No. 319 Leg.]

## YEAS—33

Barrasso	Ensign	Lugar
Bayh	Enzi	McCain
Brownback	Graham	McCaskill
Bunning	Grassley	McConnell
Burr	Gregg	Risch
Chambliss	Hatch	Roberts
Coburn	Hutchison	Sessions
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	Voinovich
DeMint	Kyl	Wicker

## NAYS—65

Akaka	Feinstein	Murray
Alexander	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bennett	Inouye	Reid
Bingaman	Johnson	Rockefeller
Bond	Kaufman	Sanders
Boxer	Kirk	Schumer
Brown	Klobuchar	Shaheen
Burr	Kohl	Shelby
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	LeMieux	Stabenow
Casey	Leahy	Tester
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murkowski	

## NOT VOTING—2

Byrd	Kerry
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The motion was rejected.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## UNANIMOUS CONSENT REQUEST—H.R. 3548

Mr. REID. Madam President, I ask unanimous consent that the Senate

proceed to the immediate consideration of H.R. 3548, which was received from the House. I further ask unanimous consent that a Reid substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, it is my understanding that we received this an hour and a half ago. I have no doubt at the appropriate time we will be able to work out some kind of agreement. But our side is going to need some time to look at it. We will need some Republican ideas or amendments as well, and we will need a CBO score.

At this time, I will have to, on behalf of Members on our side, pose an objection.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, if I can just say—and I know others wish to speak on this issue—we have found a new stalling tactic. It is pretty new. It is CBO. Now I am sure everything is going to be "CBO." I am sorry the consent request was not granted.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I was going to call up an amendment, but I think the Senator from New Hampshire wishes to speak. I ask unanimous consent that the Senator from New Hampshire be recognized and I be recognized after her.

Mr. REID. Madam President, if I may ask my friend, the chairman of the Finance Committee, does he wish to speak?

Mr. BAUCUS. That is correct, 2 minutes.

Mr. REID. Why don't we let the chairman of the Judiciary Committee go for 30 seconds to offer an amendment.

I ask unanimous consent that Senator BAUCUS be recognized following Senator LEAHY and then Senator JACK REED.

Mr. REID. And then Senator SHAHEEN.

The PRESIDING OFFICER. Is there objection to the leader's request?

Mr. GRAHAM. Reserving my right to object, and I don't intend to, I would advise my colleagues that somewhere in this line, I need a minute to call up an amendment I wish to have pending.

Mr. REID. Why don't you do that—you will have a minute following Senator LEAHY.

The PRESIDING OFFICER. Without objection, the Senator from Vermont is recognized for 30 seconds.



## AMENDMENT NO. 2642

Mr. LEAHY. Madam President, I ask unanimous consent that the Senate set aside the pending business and call up my amendment at the desk, amendment No. 2642.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2642.

Mr. LEAHY. I ask unanimous consent that further reading of the amendment be dispensed with; and I ask unanimous consent that I be allowed to continue for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits)

On page 170, between lines 19 and 20, insert the following:

**SEC. 220. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS.**

(a) **SHORT TITLE.**—This section may be cited as the “Dale Long Emergency Medical Service Providers Protection Act”.

(b) **ELIGIBILITY.**—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) is officially designated as a pre-hospital emergency medical response agency;”;

and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking “as a chaplain” and all that follows through the semicolon, and inserting “or as a chaplain;”;

(B) in subparagraph (B)(ii), by striking “or” after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting “; or”; and

(D) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.”.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (b) shall apply only to injuries sustained on or after January 1, 2009.

(d) **OFFSET.**—The total amount appropriated under the heading “SALARIES AND EXPENSES” under the heading “GENERAL ADMINISTRATION” under this title is reduced by \$1,000,000.

Mr. LEAHY. Madam President, more than three decades ago Congress created the Public Safety Officers Benefits Program at the Justice Department to provide assistance to the surviving families of police, firefighters, and medics who lose their lives or are disabled in the line of duty.

The benefit, though, only applies to public safety officers employed by Federal, State, and local government entities.

With volunteers providing emergency medical service to many communities all across the country, my amendment would remedy this gap in the P-S-O-B program by extending benefits to cover nonprofit EMS personnel who provide critical prehospital care.

We have been working to address this gap in the Federal program for some time, and the tragic loss earlier this year of Dale Long—a decorated EMT from Bennington, VT—reminded everyone that first responders of many uniforms literally put their lives at risk every day.

These brave emergency professionals never let their communities down when a call comes in, and no one ever asks the lifesavers at an emergency scene whether they work for the Federal government, a State government, a local government, or a nonprofit agency. My amendment will erase that unnecessary distinction from the P-S-O-B program.

I would like to thank a number of first responder groups—including the American Ambulance Association, the International Association of Fire Fighters, the International Association of Fire Chiefs, and the Fraternal Order of Police—for their assistance on this matter. I also would note that this amendment is fully offset and cosponsored by Senator SANDERS.

I hope the Senate can move quickly to approve this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

## AMENDMENT NO. 2669

Mr. GRAHAM. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2669.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. MCCAIN, and Mr. LIEBERMAN, proposes an amendment numbered 2669.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks)

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ (a) PROHIBITION ON USE OF FUNDS FOR PROSECUTION OF 9/11 TERRORISTS IN ARTICLE III COURTS.**—None of the funds appropriated or otherwise made available for the Department of Justice by this Act may be obligated or expended to commence or continue the prosecution in an Article III court of the United States of an individual suspected of planning, authorizing, organizing,

committing, or aiding the attacks on the United States and its citizens that occurred on September 11, 2001.

(b) **ARTICLE III COURT OF THE UNITED STATES DEFINED.**—In this section, the term “Article III court of the United States” means a court of the United States established under Article III of the Constitution of the United States.

Mr. INOUE. Mr. President, the Senate is now considering the 8th of 12 Appropriations bills reported by the Appropriations Committee this year, the fiscal year 2010 Commerce, Justice, and Science Appropriations bill.

This bill includes total resources of \$65.15 billion, an increase in funding of \$7.2 billion above the fiscal year 2009 enacted level. While on first blush this level of funding may appear generous, Members need only to look at the accounts in this bill to understand the need for these additional funds.

Specifically, fiscal year 2010 is the peak funding year for preparations for the constitutionally mandated decennial census. As a result, an additional \$4.1 billion above the fiscal year 2009 omnibus enacted level is required for this account alone.

The next largest increase is for science. On August 9, 2007, then-President Bush signed into law the America Competes Act, legislation that moved through this Chamber with 69 cosponsors and passed the Senate by unanimous consent.

That legislation called for the doubling of science, technology, engineering, and mathematics funding for the purpose of investing in scientific innovation and education to improve the competitiveness of the United States in the global economy.

This bill includes an increase of \$1.7 billion for NASA, NOAA and NSF science programs, all of which contribute to the goals of the America Competes Act and bolster our economic competitiveness.

Finally, the bill provides for an increase of \$580 million for the FBI which allows that agency to continue its efforts to fight both terrorism and violent crime in this country.

Senators MIKULSKI and SHELBY have worked diligently to offer a strong bipartisan bill that tackles the needs of law enforcement, supports scientific research in both space and in our oceans, and invests in scientific innovation and education. I applaud them for their hard work and bipartisan cooperation.

As with the other seven bills that have come before the Senate for consideration to date, the committee supported their recommendations unanimously, and the bill was reported out of the Appropriations Committee on June 25 by a recorded vote of 30 to 0.

This bill has been available for review by members for more than 3 months, so if a Member has an amendment, they should be willing to come to the floor today and offer it. At this

point, it makes no sense for Members to delay.

Vice Chairman COCHRAN and I, along with the other subcommittee chair and ranking members have worked diligently to restore regular order to the appropriations process. We have come a long way in responding to what was asked of us at the beginning of the year.

But for us to succeed, it takes the cooperation of all Members of the Senate. Therefore, I strongly encourage my colleagues not to delay action on this bill.

Mr. LEAHY. Mr. President, I am pleased to cosponsor today an amendment to require the antitrust division of the Department of Justice to carry out oversight, information-sharing, and joint activities concerning competition in the agriculture sector. Our Nation's antitrust laws exist to promote competition, which ensures that consumers will pay lower prices, and receive more choices of higher quality products. The Department of Justice is charged with enforcing these antitrust laws. Yet there are few industries in which there are more serious concerns about the state of competition than the agriculture sector. Small farmers are suffering because the prices they can charge for many of their products continues to decline, and the level of concentration throughout the industry could have a negative long-term impact on the prices that consumers pay and the choices they have.

Since first coming to Washington, I have fought to help our family farmers by ensuring a level playing field in American agriculture. The consolidation in recent years throughout the agriculture sector has had a tremendous impact on the lives and livelihoods of American farmers. It affects producers of most commodities in virtually every region of the country, and in my home State of Vermont, it affects dairy farmers. Farmers need a fair opportunity to compete in the marketplace and we must prevent giants in corporate agriculture from repeatedly hurting them with unfair, discriminatory, deceptive, and anticompetitive practices.

I held a field hearing last month in Vermont to assess competitive issues in the dairy industry. During that hearing, we heard from officials from the Department of Justice and the United States Department of Agriculture. We also received first hand testimony from farmers whose businesses are suffering at the hands of large distributors. This crisis is real, and the Department of Justice has pledged to take a renewed look at competitive issues in the agriculture sector as a whole. This amendment is another step to help ensure that competition exists in the agriculture sector.

Mr. GRAHAM. Madam President, this amendment is simple, direct, and

to the point. It would prohibit the use of funds for the Department of Justice to prosecute the perpetrators of 9/11 in article III courts.

What does that mean? That means that Khalid Shaikh Mohammed, and people like him, who organized the attacks against our Nation on September 11, 2001, would be tried by military commissions, not Federal courts. They are not common criminals, they are war criminals. They should be tried in a military setting, like other people throughout the 200-year history of this country have been tried regarding acts of war against the United States.

The military commissions have been reformed. Thanks to Senator LEVIN and others, we have a great process that I would not mind our own soldiers being tried in. At the end of the day, we need not criminalize this war. There is a law of armed conflict awaiting the defendants that is fair and it is robust. It has adequate due process, but it recognizes we are at war. And military commissions have been used throughout the history of this country. They are better able to protect classified information.

We need to be consistent. The people who planned the attacks of 9/11 are not common criminals. They are people who have taken up arms against the United States, and they should be adjudged accordingly in a military tribunal, which I think we have now designed as the best in the world.

There will be more to follow in this important debate.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, what is the parliamentary situation? What is pending?

The PRESIDING OFFICER. The Graham amendment is pending to the CJS appropriations bill.

#### UNEMPLOYMENT INSURANCE EXTENSION

Mr. BAUCUS. I thank the Chair.

Madam President, on another subject, I wish to say I am very distressed that the other side objected to a request by the majority leader to pass legislation offered by himself, by myself, and Senators REED and SHAHEEN to extend unemployment insurance benefits.

Our country faces very high unemployment rates nationwide. In some States, it is much worse than other States. It is only fair. It is the right thing to do for the U.S. Government to recognize those folks who don't have jobs—to help tide themselves over until they get a job—with extension of unemployment insurance benefits.

I think for every job that is available in the United States today there are about six applicants. There are too many people unemployed—people seeking jobs who cannot get jobs. So the right thing to do, as we come out of this great recession, is to recognize

those who are unemployed and help them tide things over to make sure they are compensated.

The legislation we have introduced does that with 14 additional weeks for all States, and also would provide additional weeks for the hardest hit States—6 weeks of additional benefits for those States hardest hit, those States with the highest rates of unemployment. This unemployment rate we are facing is going to continue. It is not just a short-term phenomenon. There are estimates that we will see rates up to 9.8 percent through most of even next year.

I am very disheartened myself, but more so for the folks who are going to be denied benefits by the action taken by the Republican side to object to extending benefits to those folks who are in need of them. I am hopeful at a later point in time—very soon in fact; hopefully by next week—the other side will see fit to let this legislation pass because it is sorely needed. I urge my colleagues to vote for it when it does come up next week.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I rise today to add my voice to Senator BAUCUS in strong support of the Unemployment Compensation Extension Act. This bill, as the Senator said, is designed to help those families who are struggling in all 50 States by extending at least 14 weeks of unemployment benefits to workers across the country who are going to exhaust their benefits by the end of this year.

I thank Majority Leader REID and Chairman BAUCUS for bringing this bill to the floor, and the many Senators and staff who have worked so hard to get this done, particularly Senator JACK REED, who is going to be speaking, Senators CHRIS DODD and AMY KLOBUCHAR.

Through no fault of their own, many of those who lost their jobs months ago still cannot find work. Five million workers have been unemployed for more than 6 months. That is an all-time high, and it is why extending unemployment benefits in all 50 States is so important.

When I am back in New Hampshire and meeting families trying to get by, one thing is very clear: People want to go back to work, but they face one of the weakest job markets since the Great Depression. Until that job market improves, we have a responsibility to help those workers pay their mortgages and keep food on the table.

Another very important reason why we should support this, and why I am disappointed that our colleagues on the other side of the aisle have refused to come forward in support of this, is that extending unemployment benefits is a proven boost to our economy. Unemployment compensation is money that gets spent immediately on necessities.

People who are out of work need this money to help pay the rent, pay their mortgages, buy food, pay for gas. Extending unemployment benefits is one of the most effective actions we can take to help get this economy moving again, and I urge my colleagues to support this important extension and to quickly pass this critical legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I commend Leader REID and Chairman BAUCUS for the work they have done to get this bill to the floor. I also commend Senator SHAHEEN for her valuable contribution to moving this forward.

I am disappointed, to say the least, that we cannot move this legislation quickly. There are millions of Americans who are looking at the prospect of losing their unemployment compensation, others who have already lost it and, frankly, millions who may be working but, sadly, may qualify shortly for unemployment compensation.

As my colleagues have pointed out, there are six job seekers for every job. This unemployment crisis will continue, and the least we can do is to provide people with some support while they look for jobs and try to maintain their families.

One point I wish to make—which should be very clear—is that this legislation is fully paid for. This is not something that requires a CBO score in order to determine how it is used and what the cost will be and how it will be paid for. It is paid for by a continued extension of the FUTA surtax for a year and a half—through 2010 and the first six months of 2011. So this is responsible legislation as well as critically important legislation.

Again, as my colleagues indicated, this legislation will provide an additional 14 weeks of unemployment insurance benefits throughout the country. But as we have done on numerous past occurrences, it will recognize that even though there is pain everywhere, the pain is not distributed equally. There are States, such as my home State, where the unemployment rate is extraordinarily high. It is a critical need in Rhode Island where the unemployment rate is nearly 13 percent. So for those States, there will be an additional 6 weeks, for a total of 20 weeks, for all States with an unemployment rate of 8.5 percent or above.

This has to be done quickly, because as we speak there are 5.4 million Americans who have been unemployed for 6 months or more. There are signs that the economy may be recovering—credit markets, equity markets—but the unemployment markets still remain, unfortunately, in a deep decline. We are trying all we can do to reverse that, but in the interim we have to be able to give people a chance to simply get by, and that is what this does.

We are poised to pass this, and this unnecessary delay is not only inappropriate but inexcusable. This is something that affects every State in the country and it affects people who have worked hard all their working lives and now face unemployment, many for the first time. The psychological shock is great. Add to that the financial reality that they can't pay their bills, they can't pay the mortgage, and that adds another problem which I think cries out for immediate action, not waiting for a score from CBO, not waiting to see if there is something ancillary to this that could be attached. This is a time and a moment to meet the needs of the American public, to do so responsibly—and we have because it is fully offset—and not to delay. I urge the speedy passage of this critical legislation. I hope Leader REID will be prepared to make a UC the next time we are convened and that at that time this measure can be passed unanimously.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I want to support the words of the Senator from New Hampshire and the Senator from Rhode Island about moving the unemployment insurance extension forward.

We all know that joblessness is a tremendous problem in this country. We can argue about which States should get the unemployment benefits and for how much time, but if you are unemployed, your household is 100 percent unemployed. It doesn't matter to you whether you are in a State where it is a 6-percent or a 9-percent or a 12-percent rate. If you have been looking for a job for 26 weeks, you are in trouble and your family is in trouble.

It is hard to believe on an issue such as this, where you would think there would be some comity—you know, I was on one of the TV shows with the Senator from Texas and he agreed unemployment benefits should be extended. We talked about it on that show. Yet we are now holding things up. But people can't wait. They have food to put on the table; they have families to keep together. They have a work ethic. When you can't find a job, try as you might, it eats at you. It is one of the great things about Americans.

I hope my colleagues will reconsider. I hope they will reconsider—yes, because the politics is not on their side here, but more important, because of the substance. We have the worst un-

employment we have had over a period of time since World War II, since the Great Depression. We can debate what we should ultimately do. We have to do more, in my opinion, to get this country out of the economic problems in terms of jobs. We do not want to wait 2 or 3 or 4 years for unemployment to gradually come down. We can debate all that. Should there be a second stimulus? Should we do other things? What should we do about highway building? Should we extend the home credit? These are all legitimate considerations we should debate. There will probably be some differences. But in terms of helping those unemployed, the vast majority of whom are unemployed through no fault of their own, I don't think there can be much of a debate. I don't think there will be much of a debate. When it comes to the floor through the good efforts of the Senator from Montana and the Senator from New Hampshire, my guess is it will be overwhelmingly voted on.

Let's not delay. Let's move forward as quickly as we can to help those who, through no fault of their own right now, cannot find a job, try as they might themselves.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Is there a pending order of business before the Senate?

The PRESIDING OFFICER. The appropriations act is pending, and there is an amendment pending to that.

Mr. DURBIN. Madam President, I rise to discuss an amendment I filed that takes an important step to address the disturbing level of youth violence in the city of Chicago. My amendment would allow the Attorney General to dedicate up to \$5 million from the Office of Juvenile Justice and Delinquency Prevention to community-based, street-level violence prevention efforts.

It breaks my heart to read the Chicago newspapers and see the stories of senseless violence that occurs on a regular basis. Stories such as that of Chastity Turner, a 9-year-old girl who was shot and killed last June while she washed her pet dogs outside her home in Englewood. Or Simeon Sanders, an Army soldier who was on furlough back home in the south suburbs when he was fatally shot in front of a community center this past July. Or 17-year-old Corey McClaurin, a high school senior shot and killed by a gunman while sitting in his car just a few weeks ago. Many of us have seen the shocking, startling videotape of the beating

death of 16-year-old Derrion Albert, buried in Chicago last Saturday.

These stories simply overwhelm us. My heart goes out to the families and all the loved ones grieving for their loss. No one ever should have to face the tragedy of losing a child to such senseless violence.

All too often this violence ends up involving school-age children. We lose a classroom's worth of schoolchildren each year to deadly shootings in Chicago and hundreds more are injured. Chicago is a great city. I love representing that city and being part of it. It breaks my heart to think that for many people across America, this is a new image, an image of children being killed in the streets, shot, beaten. It isn't what the city is all about. It isn't the values of the city. But we have to do better. Youth violence is devastating to families, communities and schools in Chicago and other urban centers.

Wednesday, Mayor Daley and the CEO of the Chicago public schools, Ron Huberman, met with Attorney General Eric Holder and the Secretary of Education, Arne Duncan, to talk about ways to stop this epidemic of violence. As this meeting demonstrated, officials at the local, State, and Federal level are committed to taking bold action. Starting this year and using Department of Education dollars that were made available through the economic recovery package, the Chicago public school system will provide an unprecedented degree of intervention and support for school children who, according to statistical indicators, are at the greatest risk of being caught up in violence.

This plan provides employment and adult mentoring for at-risk students. It provides structure and guidance to help prevent them from becoming victims. This comprehensive youth violence plan will also involve coordination with law enforcement, particularly to help secure areas on the way to and from schools where kids tend to congregate and where violence often flares.

Ron Huberman is a very smart man. He runs our public school system in Chicago. Previously, he had been a Chicago policeman. He tried to analyze the school violence and come up an approach. What they did was to enlist some experts who did basically a statistical profile of both the victims and perpetrators of violence over the last few years in Chicago. Who are these young people? How do they find themselves in these predicaments? What are indicators that they are likely to become violent in their own lives or become victims of violence? He found recurring patterns. What he has suggested, with the cooperation of Mayor Daley, is intervention at an early age so we can get to these children before they become victims, before they turn

to violent ways. It is an innovative and thoughtful approach. I support it.

I am pleased the Justice Department is providing substantial assistance to Chicago to combat crime. It has been one of my priorities in recent years to make sure the Justice Department is doing all it can to partner with Chicago to try and stop youth violence.

Last year, then-Senator Obama and I asked Attorney General Mukasey to include Chicago in the Department of Justice's Comprehensive Anti-Gang Initiative. This is a program which provides extra money for selected cities for gang enforcement, prevention, and prisoner reentry initiatives. At our request, the Justice Department included Chicago and has provided \$2 million in additional Federal funding for this purpose.

I have also strongly supported the COPS Program and Byrne-JAG grants, and so many other areas where we have assisted law enforcement. Over the last 2 years, we have been able to provide dramatic increases in law enforcement funding for Chicago and Cook County. In fiscal year 2008, Chicago received \$1.4 million in Byrne-JAG local law enforcement grants. But this year, through the stimulus act passed by Congress at the inspiration of President Obama and through the fiscal year 2009 Justice Department spending bill, we increased that amount to \$35 million, bolstering police efforts in that area.

The Chicago Police Department recently was awarded funding for 50 new cops on the beat through the \$1 billion program the stimulus act provided for hiring new cops.

I know Attorney General Holder's commitment to this issue. I know he is genuine. I raised the matter with him at a Senate hearing earlier this year. He made clear the administration's dedication to helping solve this problem.

Arne Duncan also is a true champion of the city of Chicago, its schools and kids and families who depend on him. He wants to reduce violence and is dedicated to it.

The efforts we are putting into Chicago have helped some. In the first 7 months of 2009, we saw an 11-percent drop in homicides and a 9-percent drop in all crimes. This is due, in large part, to the dedicated efforts of law enforcement. But while beefed-up law enforcement is essential, it is not enough. We have to do more to prevent children from turning to violence.

I have worked with a group called CeaseFire, which goes into the most violent neighborhoods of Chicago and tries to treat violence as if it is a public health issue. How do you eradicate a public health issue? With intervention. They do it on the streets. I have put—and I will use the word—earmarks in continuing appropriations bills year after year for CeaseFire, a community-

based program to bring peace to the streets of Chicago. No apologies. It is an earmark. I will put it in again, if I get a chance, because I believe they are saving lives, and it is money well spent.

CeaseFire was reviewed by the Justice Department in an evidence-based study and was found to have a significant impact in reducing shootings and killings. The amendment I will offer, when we get a chance to return to this bill, will help enhance the efforts of crime prevention organizations such as CeaseFire. It only permits—it doesn't mandate—the Attorney General to devote up to \$5 million of grant money from the Office of Juvenile Justice and Delinquency Prevention for community-based violence prevention.

As Attorney General Holder mentioned Wednesday in Chicago, the administration supports community-based programs. This gives them the resources to make that work. It doesn't require an offset. It simply broadens the purposes for which the administration can use existing funds.

The problem with youth violence is not new, and it is not exclusively Chicago's problem. But it is not inevitable either. We must help provide a safer, more stable environment for these kids. It will take a sustained commitment to do so. My amendment is a step in that effort I hope my colleagues will support. I urge adoption of the amendment when we return to the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I thank the Senator from Illinois for speaking out for justice in his community and across the country.

I ask unanimous consent to speak for up to 2 hours, time which I will control and disperse to others, as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. BROWN. Madam President, I take the floor tonight with my colleagues Senators MERKLEY, STABENOW, UDALL of New Mexico, CASEY, and WHITEHOUSE to talk about the public option and why the public option is so important to our Nation and to improving our health care system. I will speak for the first 10 minutes. Then I will turn to Senator MERKLEY, who serves with me on the HELP Committee and has done such a terrific job helping to write the health care bill. I wished to start with something I have done for several weeks and that is to share letters from people in Ohio who, by and large, have health insurance they were satisfied with.

They thought they had a good health insurance policy. In these letters, typically, people tell me when they get sick, they have very costly health problems, long hospital visits, doctor

visits, tests. They end up losing their health insurance. The insurance company cuts them off because they have become too expensive, which is not even insurance. That has happened too many times. That is one of the reasons this is so very important.

I know Senator STABENOW gets letters from Lansing and Detroit. I know Senator MERKLEY gets the same kind of letters from Eugene and Portland, from all over his State.

Joyce from Ottawa County, west of where I live on Lake Erie, writes:

I am a 77-year-old great-grandmother who knows how the expenses of health care create a constant worry for families. My oldest daughter and her husband have three children and they are in dire straights. He might lose his job soon and she recently lost hers after 13 years with the company. Their health coverage is due to expire in December and they have received estimates for coverage of \$1,000 a month. There is no way for them to pay, and at age 54 and 61, they are not [close to being] eligible for Medicare. My fear for my grandchildren and great grandchildren is that they struggle day after day to find a job, care for themselves with pride. They want to go to college but they know they will owe tens of thousands of dollars when they graduate and still not be able to find a job or afford health care. Please fight for a public option to help my family.

Joyce understands what the public option will do. It will bring discipline to the market to keep prices in check. It will make health insurance companies honest so they can't dump people from their plans because they are more expensive or because they have a pre-existing condition. They can no longer discriminate based on disability or age or gender or geography.

Jill from Defiance, in northwestern Ohio near the Indiana border, writes:

Later this month, I'll be losing my job due to the economy. I will no longer have health insurance. Based on my unemployment pay, I will not be able to afford COBRA . . .

COBRA is the extension of insurance for people who have lost their jobs. Under COBRA, the insured person has to pay both her side of the insurance policy and her employer's side. When they lose their jobs, they rarely can to that.

. . . I will not be able to afford COBRA and pay for my house, utilities, [other] bills, and food. Me and the other 150 people losing their job at the plant will be lucky to find new jobs, let alone afford health insurance. We need health reform now with a strong public option.

Jill understands, as does a majority of my colleagues and an overwhelming number in the House of Representatives and an overwhelming number of the public—by 2 to 1—that the public option matters because it will make sure people who don't have insurance now will go into an insurance exchange and will have choices. They can choose CIGNA. They can choose Blue Cross, Aetna. They can choose Medical Mutual, an Ohio not-for-profit company, or they can choose the public option. It

is all about choice. People can decide: Do I want the public option? I like Medicare. Or do I want to go into a private plan.

The last letter I will share is from Brenda in Lorain County. She writes:

My husband is retired but has to get insurance through a private insurance company. Neither of us will be eligible for Medicare. My husband for 3 years, me for 4 years. Our plan is ridiculously overpriced and the premiums, deductibles, and co-pays have almost doubled in the 3½ years since my husband retired. All this is happening as we get older and need health care. Please fight for health reform including a public option. Every American citizen should have affordable health care without exception.

As Brenda points out, people who are so often losing their jobs are in their fifties and sixties. Their health problems are increasing. People in their fifties and early sixties obviously have more health problems than people in their thirties and forties. And that is when they are losing their insurance.

That is why this legislation is so important for people and why the public option will make our health insurance plan significantly better.

Some 77 years ago, President Roosevelt addressed the class of 1932 in my mother's home State of Georgia. His task was not an easy one: to give hope to young people beginning careers at the worst moment possible. He may as well have been giving hope to Americans today who have lost a job and with it their health care.

FDR said:

The country needs and, unless I mistake its temper, the country demands bold, persistent experimentation. It is common sense to take a method and try it: If it fails, admit it frankly and try another. But above all, try something. The millions who are in want will not stand by silently forever while the things to satisfy their needs are within easy reach.

It is time to try something different. The insurance industry has had nearly a century to provide coverage to all Americans. It is safe to say, if we rely on that industry to cover all Americans now, we will be disappointed. If we rely on them to take charge of our health insurance system, as they have now—if we rely exclusively on them, we will be disappointed again.

We need a public insurance option, one that is designed to compete fairly with private insurers but differs from them in two crucial aspects. No. 1, the public plan will not pick and choose where to locate. Instead, it will offer coverage in every corner of this country—from the Presiding Officer's State of New Hampshire, to Senator MERKLEY's Oregon, to Senator STABENOW's Michigan, to Ohio, and to Florida—it will offer coverage in every corner of the country that is affordable, continuous, and patient-focused. You do not see Medicare turning down somebody for a preexisting condition like the insurance industry habitually does in the country.

Second, if the public plan takes in more premiums than it needs, it will return those dollars to enrollees. Not a dollar will go to Wall Street, not another dollar will go to huge CEO salaries—more on that in a moment—and not another dollar will go to massive ad campaigns.

For these and many other reasons, we need a public option. The public option will protect the public from price gouging. It will protect the public from rescission tactics. That is an insurance company word—"rescission"—that disqualifies people who have insurance from keeping their insurance. It will protect the public from insurance loopholes that deny you coverage, deny you care, and deny you financial protection. The public option will protect the public from premium markups that pay for outrageous CEO salaries and sales trips to Tahiti.

I want to show, just for a moment, some of these CEO salaries for 2008. This is in millions, in case you cannot see that directly on the chart: Aetna's CEO's salary, \$24 million; CEO of CIGNA, \$12 million; CEO of Well Point, \$9.8 million; CEO of Coventry—it is not even an insurance company I am particularly familiar with—\$9 million; CEO of Centene, \$8.8 million; CEO of AmeriGroup, \$5.3 million; CEO of Humana, \$4.8 million; CEO of HealthNet, \$4.4 million; CEO of Universal American, \$3.5 million; and the poor man or woman at UnitedHealth Group, that CEO is only bringing in \$3.2 million.

The point is, these CEO salaries are from these same companies that turned down somebody in Findlay, OH, or denied care to somebody in Warren, OH, because of a preexisting condition, or they take a patient in Springfield, OH, who has been a little bit too expensive for their company, and they have this cap on their insurance costs, this annual cap, and they disqualify them from further care. They practice their rescission in order to pay these kinds of CEO salaries.

The public option will also protect the public from insurance that is unaffordable, unresponsive, and unreliable.

Our Nation should try something new when it comes to health reform, something that gives Americans more options and the insurance industry a reason to cut out the fat from health insurance premiums.

Some of my colleagues in Congress believe a public insurance option will harm the private insurance industry. That industry, however, has profited from competing with Medicare. Taxpayers did not profit from that deal, but that is a story for another day.

The insurance industry profited from competing with Medicare, and it will profit from competing with the public option. There is simply no reason, when we have this competition, that

the insurance companies will not continue to make money. They are going to have 40 million new customers—40 million new customers. Several million will join the public option, to be sure. But these insurance companies will continue to find a way to make money because they are competing. They will be competing on a level playing field with the public option.

The insurance industry claims to be infinitely more cost-efficient and capable than a public plan could ever hope to be. The same industry, though, on the other hand, insists it will go under if forced to compete—level playing field or not—against a public option.

So think of it this way: On the one hand, the insurance industry tells us: We are going to be put out of business. The first thing the insurance companies say is, the government cannot do anything right. The government is bloated. The government is bureaucratic. The government is inefficient. They just cannot do anything right. But then they say: This public option, it is just going to put us out of business because it is going to be so efficient.

So which way is it? Of course, we know how efficient Medicare is. What the public option is going to do is make these private insurance companies a lot more efficient and make them approach the levels of efficiency in Medicare.

The private insurance industry is not trying to help our Nation make the right reform choices. It is trying to help our Nation put more tax dollars into insurers' pockets. I do not want to see all these 45 million people with government subsidies who are going to get insurance forced into insurance company plans with no choice.

The opponents to the public option are saying: These people should not have choice, they should have to go with their tax dollars—in some cases, their subsidies or their own money—they should have to go into private insurance. We say: Let them choose to go into private insurance, but give them the opportunity to go into the public option.

In my comments, I am not saying the insurance industry is evil. The insurance industry is loyal to their shareholders. They want to make a buck. They do not have rules. They are allowed to disqualify people. We are going to change the rules so they are not allowed to do that.

We need a public-private solution that addresses the needs of every American and discourages wasted spending. That is why I support a public option. That is why I believe my colleagues should too.

As FDR said, it is time to do something. It is time to do the right thing.

Madam President, I yield as much time as he would need to Senator MERKLEY.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I thank very much my colleague from Ohio, and I appreciate his advocacy for the working people of America, working to make America work for working Americans, both in terms of jobs and in terms of our health care system.

I rise tonight as well to address the importance of a public option. Here is where we are right now. We are within reach of a historic opportunity to provide accessible health care to every single American, and that would be tremendous. But if that accessible health care is unaffordable, then we have not reached our goal.

Right now, the cost of health care is doubling about every 6 to 7 years, and the pace is accelerating. It doubled over the last 9 years, and now it is on pace to double in 6 or 7 years. So folks who could afford insurance just a few years ago cannot afford it today, and families who can afford insurance today are not going to be able to afford it a couple years from now. So it is essential—essential—we bend the cost curve. Perhaps the most powerful instrument for bending the cost curve is the public option because it is the public option that brings competition and choice. This is as American as apple pie. Competition and choice result in better service and lower costs.

Much of our Nation—our health care consumers—do not have a real choice. A couple companies dominate the market, dictate the terms, deny folks coverage, or drop coverage. So doesn't it concern all of us a little that after someone has paid their premiums for a decade or 15 years or 20 years, and they get really sick, the insurance company says: We are not renewing your insurance? That certainly is not a health care system.

When you do not have choices, you do not have improved service, you do not have lower costs. But a public option changes that equation because it introduces real competition in every health care market in America. It adds another choice for our citizens in every health care market in America.

This is important to stress. This is a choice. My colleague from Ohio pointed out this point, but I will point it out again. Sometimes as to the idea of introducing a community health plan or a public option, it is attacked by saying: What does government do well? Why would we want a plan from the government? Then the same critics turn around and say: The government is going to create a public option that is going to work so well it is going to drive every other option out of existence.

You cannot have it both ways, and neither extreme is accurate.

We have seen this idea work in many States in related areas. For example, in the State of Oregon, 20 years ago, Oregon's workers' compensation market was a mess. It is a form of insurance,

and it is a form of health insurance. It is a form of insurance for workers on the job. We made reforms to that market in the last 20 years, including a redesigned public option that resulted in premium rates that are today less than half of what those rates were 20 years ago.

Let me repeat that. As a result of our reforms with a redesigned public option in Oregon's workers' compensation market in the last 20 years, it has resulted in premium rates today that are less than half of what they were 20 years ago. That is the result of introducing competition. That is the result of introducing choice.

The public option for workers' compensation was successful. It came under fire from insurers who did not like competition. But it was our business community that stepped up and saved it. Think how powerful it is for the success of a business to have good service and low premiums on workers' compensation. Translate that: how important it is to the success of our families to have good service and low premiums in their family health care premiums.

The public option in workers' compensation has been an economic development tool for the State of Oregon. During the last downturn, we recruited Amy's Kitchen—an organic food producer—into southern Oregon because they could save \$2 million a year in workers' compensation rates from the place they were formerly doing business.

Well, this is what we need to do with health care. We need to have competition in every corner of this country. We need to have choice in every corner of this country. We need to empower consumers by giving them a community health option or a public option.

Madam President, I am pleased to speak to the public option tonight, and I look forward to comments from my colleagues. I thank Senator BROWN from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I thank the Senator from Oregon. We will hear in a moment from Senator STABENOW, who is a member of the Finance Committee, and who on that committee has been so active in helping preserve people's plans who have insurance who are satisfied with it, and building those consumer protections around those plans. She has also been a strong advocate in the Finance Committee for the public option and all that comes with that.

I yield to Senator STABENOW.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I thank Senator BROWN.

I want to thank my friend from Ohio—and before he leaves, my friend from Oregon as well. We are so proud



and happy to have the Senator from Oregon with us as one of our terrific Members, coming from being the speaker of the house in Oregon, and leading on energy and being passionate on health care and jobs. It is just wonderful having the Senator with us. So we appreciate his advocacy on this important issue.

I want to thank my friend from Ohio. I think we have States that are more alike than any two States I can think of in the Senate because of the challenges that have undergone the auto industry and manufacturing—the extent to which we understand that fair trade is important, that health care and jobs are critical. We also fight to protect our Great Lakes. So we have many ways in which we are team partners in the Senate, and I want to thank the Senator from Ohio for his leadership in bringing us together again to speak about a critical part of this health care reform effort.

I also want to recognize the Senator from New Mexico, whom I see on the floor, whom we are very proud to have with us, as well, coming from the House of Representatives, who has done such a wonderful job in transitioning, hitting the ground running. And with the Presiding Officer, the Senator from New Hampshire, who is presiding, we have a fantastic group of Members who have joined us who are going to help us get health care reform done, as well as tackle energy and a number of different issues. So it is a pleasure and honor to work with you.

As I speak about health care and the importance of having a public insurance option, I first want to take just a moment to note another issue that is very much tied to health care but an action that was taken a while ago—a very concerning action, again, where the Senate Republican leadership chose to block us moving forward on the extension of unemployment insurance.

As our Presiding Officer from New Hampshire knows, having been a leader in bringing us together and putting forth a plan to be voted on, it was incredibly concerning to me that, in fact, the effort and the proposal to extend 14 weeks of benefits for all of the people in all of our States who are currently unemployed or who will soon be unemployed, with an additional 6 weeks for States such as mine with the very highest of unemployment levels, was blocked one more time on the Senate floor. This is not what we ought to be doing.

When we look at what is happening in our State with about 15 percent unemployment, everyone understands the challenges we are going through. We have people who want to work. They want to work. They are looking for work. They may be piecing together income in a variety of ways. The difference between their being able to keep a roof over their heads for their

families and food on their tables right now has been the efforts of extending unemployment that we did with our great new President, President Obama, coming into office and making that a priority. We made it a priority in the Recovery Act. Now we are at a point where we need to extend that.

We expect in Michigan alone that 99,000 people will exhaust their unemployment benefits by the end of this year; tens of thousands of people coming to the unemployment offices. So this is critical for us. We are not going to go away. We are going to keep right back at it until we get this done.

The same thing is true with health care reform because there is a direct relationship. As I start to speak about health care, I wish to say one of the very positive things of the many positive things about the legislation we will be voting on is that we want to strengthen it with a strong public option. One of the very important pieces of this legislation we worked on in the Finance Committee, and supported by the HELP Committee as well, creates a real safety net so if you lose your job, you don't lose your insurance. This is absolutely critical.

We are talking about extending unemployment benefits for people who have been trying to find work and can't find work. Well, what we all know is that when you lose that job, too many people also lose their insurance. Then they lose the house. Then they lose whatever comes next—the car or the kids can't go back to school. So it is all related. In our health care bill, we make sure there is a real safety net and that people who lose their jobs know they will be able to have insurance, and that is very important.

It is also critical, for people who are looking to purchase insurance, that they can get the very best price. It is important that people who have insurance can keep it; that they know what they are paying for they actually get, by the way, which is why the insurance reforms are so important; so you are not dropped right when you get sick or blocked from getting coverage. We know in order to create this new pool for individuals and small businesses that can't find or afford insurance that it is absolutely critical, if we are going to say everybody in the United States of America needs to have insurance, that it be affordable, that it be competitive in the marketplace, and that people be able to have every choice possible available to them. That is what we are talking about tonight because, ultimately, this is about providing real stability and security for American families.

I received a letter from a constituent of mine, Lynn, in Marshall, MI. She wrote:

In the space of two months, my husband's income was cut 25 percent because of the economic downturn. At the same time, our

oldest son, 21 years old, was diagnosed with leukemia.

Every parent's worst nightmare.

To date his bills have totaled about \$450,000 for treatment. While we currently have insurance, I worry about my son and how his ability to obtain adequate health care will forever be affected by his illness. His leukemia has an exceptionally high cure rate, but how will he afford his own health insurance which will likely affect his ability to stay healthy for the rest of his life. He is only 21 and on the verge of graduating from college. Once he graduates, he will lose his coverage under my husband's plan. His treatment won't even be finished by the time he graduates. I lay awake at night and worry how we will finish his treatment.

Lynn, everybody who has ever had a child worries about this kind of scenario and what could happen for their children. That is why we are here tonight. In the richest country in the world, no parent should have to lay awake at night worrying about how their son or daughter would be able to find the health care they need.

In our reform in the Finance Committee, there is great news from part of what Lynn talked about, and that is we have extended health insurance for young people on their parents' policies until age 26. That is incredibly important and very positive. But when he then goes into the marketplace to find insurance, will he be able to find affordable insurance in this new exchange we set up? The way to guarantee that happens is through a strong public option, a public choice. You don't have to choose it. That is the great thing about America. We are all about choices.

So we make sure there is a real competitor in the marketplace that is pegged to the real costs of health care and that doesn't have to worry about making a profit, that doesn't have to worry about marketing, that doesn't have to worry about other costs, but strictly providing health care and the costs of providing health care in the marketplace. Having that kind of competitor will make sure everybody is honest about the real costs associated with providing health care.

We know there are very powerful interest groups that have lined up to slow down or to stop this bill from passing, and they are bitterly opposed to a public insurance option. They know it will bring down costs, it will hold insurance companies accountable, and will bring down the overall costs for taxpayers because of what we are doing in health care reform, now and on into the future. We don't need to hear from more of those voices. We need to hear from our own constituents who are struggling every day with the rising costs of health insurance.

That is why I created my online Health Care People's Lobby, so people in Michigan can have their voices heard. We have had over 7,000 people respond. I am very grateful we have had

hundreds of stories that have been shared with us. I am so grateful for all of those.

Lisa from Novi, MI, signed up for the People's Lobby, and she wrote:

I am one of the lucky ones. We have health insurance and everyone is healthy. However, with just routine doctor visits, the time spent deciphering bills and reconciling what the insurance company paid and what we owe can be overwhelming.

Haven't we all been through that?

Our insurance is a primary reason my husband has stayed with his current employer at a lower salary, because most new job opportunities don't offer coverage. I strongly believe in a public option.

The reason we are here on health care reform and the reason we have a sense of urgency about it is because, as Lisa said, many new job opportunities don't provide health insurance, and we know we have to do better in this country. That is the point of creating a large pool for people who can't find insurance, don't have it through their job, to be able to pool people together and have an insurance exchange. But as I said before, to make sure that works, to make sure it is really affordable for families and for small businesses, we need real competition of a public insurance option.

Another constituent, Glenn from Sterling Heights, is 62 years old. He got laid off in December, and it doesn't look like he will be called back. He writes:

I am too young for Medicare. I have a pre-existing condition, so nobody wants to insure me. If I get sick before I can get Medicare, my savings and everything will be wiped out. This is not the way I pictured retirement was going to be. I raised four children, got them through school, and married. Paid taxes and did what I thought was right and moral things to do. I didn't create this mess, but I am sure paying for it.

There are many people in Michigan in that very same situation that I am fighting for every day. In our insurance bill, first we have positive responses to this issue. We are going to stop the banning of insurance because of pre-existing conditions. That is extremely important. We have help in this bill for early retirees to make sure we can help with the costs. But to make sure this whole system works together, we need a public insurance choice for Glenn so that if the other options don't work for him at 62 years old, he has a choice where he can go to an option that is affordable and is focused totally on providing health care for him. A public health option would give Glenn some hope. It would give him security until he is able to get to Medicare, so that he wouldn't lose everything if he had a medical crisis.

Glenn is not alone. We know 62 percent of bankruptcies occur because of the medical crisis. We know 5,000 people every day lose their homes to foreclosure because of the medical crisis.

I have literally received thousands of e-mails and stories from people around

Michigan, and I wish to thank everyone who has e-mailed me, who has shared their story. We have literally thousands of stories of people who have gone through so many different experiences of worrying about whether they are going to lose their insurance, trying to figure out how to pay for their insurance, not being able to find insurance because of a preexisting condition, not being able to find something affordable as an individual going out into the marketplace. We have heard thousands and thousands of stories from Michigan, and they all say act now. Give us choice, real choice and competition.

We know having a public insurance option is the way we guarantee all of this fits together. So for my constituents—for Lynn, for her son, for Lisa and Glenn, for the 11,000 others who have signed up for the People's Lobby—I urge all of my colleagues to join with us to make sure with all of the pieces we have put into these bills that are so important and so positive that we bring it all together by including a public health insurance choice for people so that if the private, for-profit companies in the exchange are not able to give people affordable insurance, they know ultimately they can find it.

I thank you very much, Mr. President. I wish to thank my friend from Ohio again for his passion and his time and efforts, and I yield the floor back to him.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Ohio.

Mr. BROWN. Thank you, Mr. President. I thank the Senator from Michigan for her steadfast leadership advocating for workers in Michigan and across the country.

We have been joined by Senator UDALL of New Mexico, as well as Senator WHITEHOUSE from Rhode Island, and Senator SANDERS from Vermont. Senator WHITEHOUSE and Senator SANDERS played a role on the HELP Committee to put this legislation together.

Before turning to Senator UDALL, I wish to read another letter from Phil in Franklin County in central Ohio about his situation and then talk to the Senator from New Mexico for a moment.

Phil writes:

When I was 8 years old, my father suffered a stroke despite being a physically fit nonsmoker. Despite having employer-based insurance, I still recall my mother in tears on the phone with the insurance company arguing for something she shouldn't have had to: That the insurance company cover the care my father deserved and the care for which he paid.

In America, we are supposed to prize competition. It is the lack of competition that drives inefficiency in our health care system.

It has become clear that health insurers are either incapable or unwilling to reform themselves and control costs.

Among the many reforms our system desperately needs, we need a public option to promote competition and keep private insurers honest.

We, your constituents, need help; we need you to represent us, not the insurance companies. As consumers, the more choices we have, the better off we will be.

Phil understands this from his mother, who was pleading with the insurance company to be fair and to live up to their side of the agreement. His father paid for insurance for years. He suffered a debilitating stroke, and she had to push and push and push. With the competition that a public option would bring, those kinds of things won't happen.

A moment ago, I was speaking with Senator UDALL. We were talking about competition. In my State, Ohio, one health insurer, WellPoint, controls 41 percent of the market. WellPoint and one other insurer control nearly 60 percent of the market. We were looking at this map. On this map, the dark purple illustrates those States where more than 80 percent of the market is controlled by 2 companies. I am not a lawyer—and I am sure not an antitrust lawyer—but I know if 2 companies have 80 percent of the market, there are a lot of games being played.

When two companies have that percent of the market, you can see why those CEO salaries I put up earlier are so high. Look at these salaries. You can see what the CEO of Aetna makes, \$24 million; Cigna, \$12 million; and WellPoint, almost \$10 million, in my State. In Montana, 2 companies have more than 80 percent of the market; North Dakota, more than 80 percent of the market; Minnesota, more than 80 percent of the market. Two companies. In Iowa, 2 companies have more than 80 percent of the market. The same is true in Arkansas, Alabama, Alaska, Hawaii, and Maine, 2 companies have more than 80 percent of the market. The lighter color on the chart—the medium color is where 2 companies have 70 to 80 percent of the market. No wonder these companies charge so much. No wonder insurance company salaries are so high. No wonder people are denied care and have nowhere to turn, because there isn't any real competition when you have 2 companies that have 70, 75, 80, 90, or maybe 100 percent of the market.

In Senator UDALL's State, which is not quite like mine, 2 companies have only 50 to 70 percent. In Maine, it is 58 percent. I am not sure exactly what his State is. Even then, two companies have more than half the market. Insurance prices in Santa Fe, Albuquerque, and Truth or Consequences—my favorite name of a town in New Mexico—are too high, just as they are in Lima, Findlay, Zanesville, and Cleveland, in Ohio; and the service those companies bring to customers isn't particularly



high quality. Those customers are denied care because of preexisting conditions, because of discrimination, and because of annual caps and lifetime caps.

Again, I thank the Senator from New Mexico, Mr. UDALL, for joining us to discuss some of these issues about his support for the public option.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent for those of us on the floor to be able to carry on a colloquy about a public option.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I say to Senator BROWN that the number in New Mexico—the Senator from Ohio has a range on his chart, but the number in New Mexico is actually 2 companies controlling 65 percent of the market. So we are talking about a situation that isn't very competitive. I think that is the bottom line of what we have been hearing.

We have had our colleague from Oregon, Senator MERKLEY, and we have had DEBBIE STABENOW from Michigan, and other colleagues are here on the floor, speaking to that situation in their States, and why we should proceed with a public option.

Let me first say to the Senator from Ohio, I appreciate his leadership. I know he was on the HELP Committee, which is the one that wrote the public option we have the opportunity to put in the final legislation. He was on the committee. Some of us are getting into writing the legislation now. But one of the best public options out there is the one that came out of Senator Kennedy's committee. It has been passed for a couple of months. It is sitting right there ready to go, if we just put it in.

When we talk about a public option, what exactly are we talking about? I think people have a right to know a little bit about what we are talking about when we say public option. I think if I outline that a little bit, people will see why it is so important to have a public option, so let me give a little bit of an outline.

First, it would be voluntary. We are not forcing anybody to get into it. We are talking about a voluntary system. So you would have a choice to get into it, based on whether it would fit your particular circumstances.

The public option would not be subsidized by the government. It would be fully financed by premiums. So this would be something where people would be paying premiums, the premiums would come in, and we wouldn't be adding to the deficit. We would be creating a good, solid insurance situation and insuring people.

We have heard, as Senator BROWN has talked about here—he put up a chart about these incredible salaries. One of the things a public option would do is

you won't make profit for the shareholders. You have the opportunity to take those premiums and put them all back into health care. So that, once again, is something that is very important.

Let's look here at this chart Senator BROWN has loaned me. Look at the total compensation for CEOs of major health insurance companies in 2008: Aetna, \$24.3 million; Cigna; WellPoint; Coventry—look at these salaries. There is a total, for these 8 or 10 companies, of \$85 million in salaries.

What we are talking about is money being spent on health care for people through a public option. One of the other things that I think would be a hallmark of a public option would be having low administrative costs, since it operates on a nonprofit basis. One of the things you should know about these insurance companies where you have these CEOs working is that they have administrative costs in the range we have heard about, 30 percent administrative costs. So what happens here is that the money comes in on the premiums, but they spend an incredible amount of time going back and forth denying claims, telling doctors they should not put that in, they are not going to cover it, and it builds up into a big administrative cost.

The great thing about a public option is you don't have high administrative costs. One of the comparisons there, as Senator BROWN and Senator SANDERS know, is that I think Medicare has 3 percent administrative costs. Here you have a comparison of 30 percent to 3 percent.

One of the other parts of a public option I think makes a difference is exerting bargaining power to obtain discounts from providers. That could make a big difference with the public option operating out there. We would offer savings to subscribers with lower premiums. We should follow the same insurance requirements as private plans. What we would offer, through a public option, would be low cost and high value.

Basically, what we are talking about here is keeping insurance companies honest, driving the costs down, and having a competitive market.

Senator SANDERS well knows that the situation right now isn't serving the American people. I know he wants to comment on his situation in Vermont and what's going on there.

Mr. SANDERS. I do. I thank the Senator from New Mexico for his remarks and Senator BROWN for his leadership efforts here. I will say a few words.

If anyone in America does not understand what the function of a health insurance company is, let me give you the bad news. If you think the function is to provide health insurance for people, sorry, you are wrong. The function of a health insurance company is to make as much money as it possibly

can. Do you know what. They do that very well. We have to acknowledge that. Insurers have increased premiums 87 percent over the past 6 years. Premiums have doubled in the last 9 years, increasing four times faster than wages.

Profit at 10 of the country's largest publicly traded health insurance companies in 2007 rose 428 percent from the year 2000 to 2007, from \$2.4 billion to \$12.9 billion, according to the U.S. Securities and Exchange Commission.

What we are seeing is that people are thrown off of health insurance because they committed the crime of getting sick, and they cannot get health insurance because of preexisting conditions. Well, that is the bad news. The good news is that CEO salaries are very high, and profits are doing very well.

At the very least—and I speak as somebody who believes in a Medicare-for-all, single-payer system—this country deserves a strong public option to give people the choice about whether they want a private insurance company.

With that, I yield back my time.

Mr. UDALL of New Mexico. Mr. President, I thank the Senator from Vermont.

I want to also yield to a Senator here and give him the floor—with Senator BROWN's permission. SHELDON WHITEHOUSE, from the great State of Rhode Island, I believe was also on the committee and was intimately working through the bill. It is wonderful to have him here with our colleagues talking about the idea that we have to have a public option.

Mr. WHITEHOUSE. I thank the Senator. I had the real pleasure and honor, along with Senator BROWN, of being among the principal draftsmen of the public option in the HELP Committee. When I think back on the effort we put into it, and the plan we came up with, it is astonishing to me that it is now the public option that appears to be the most contentious part of the American health care debate right now, because the bill we passed out of the HELP Committee in July was very thoughtful. It includes a community health insurance option—a national plan, administered by the Secretary of the Department of Health and Human Services. It will be available in every State and territory. It would offer benefits that are as good as those available through the private insurance plans, or better. The Secretary would negotiate provider payment rates to encourage doctors and hospitals to participate. Americans who need financial help to participate in the public option would get it. And local advisory councils would assure that the public option was sensitive to local conditions and local needs.

To be clear, this plan includes no mandate for doctors to participate, no rate setting by the Secretary, no requirement that any American buy a

public option policy, and absolutely no direct link to the Federal Treasury. Other than the initial capitalization, this plan would operate solely on premium revenue—a completely self-sufficient financial model. It would have absolutely no baseline advantage over private insurance companies. The HELP Committee got here by approving a number of amendments by our friend from North Carolina, Senator BURR, to make sure of this.

Because this version of the public option was so sensitive to these concerns from across the ideological spectrum, the House Blue Dogs, moderates in the House, used a number of our provisions in the House bill to gain moderate support. In fact, the community health insurance option makes so much sense that Republicans have had to resort to illogical arguments to justify their opposition.

For example, they argue that the government should not be in the business of providing health insurance, that it is a slippery slope to socialized medicine. Well, hello, government-sponsored health insurance serves nearly half of Americans—78 million Americans—who are enrolled in Medicare, Medicaid, TRICARE, VA, and they get benefits from the Federal Employee Health Benefits Program, and so forth. We don't hear our colleagues on the other side talking about ending Medicare, closing up the trust fund, throwing our parents and grandparents out to the tender mercies of the private insurance companies. We don't hear that. I have not heard one Republican say they want to deny our Iraq and Afghanistan veterans all the Federal medical care they need when they come home. I don't see Republican Members of Congress opting out in droves or criticizing the Federal Employee Health Benefits Program.

Why? Because these programs work, because Americans rely on them, because they provide dignity and stability in the lives of millions of American families and they have not led to a government takeover of our entire health care system. Indeed, ironically, the very best program is probably the VA program where the level of government involvement is the highest, where they own the hospitals and where they employ the doctors.

Republicans have also been arguing that government involvement in the private health insurance market will be uncompetitive and will push private companies out of business. We see the government competing competitively in a variety of markets in this country—private versus public universities, private versus government student loans, workers' compensation insurance, the Postal Service versus UPS and FedEx. The existence of public options in these markets has not swallowed up private industry. What it has done is broadened the market and en-

hanced the variety of competition consumers enjoy. Think how many people in America right now have a higher education because a State university was there as an affordable option, an alternative to private colleges.

Similarly, a public insurance option adds choice for consumers and adds competition in the market, and it gives private insurers a strong incentive to behave fairly and to keep their costs down. In fact, if one thinks about it, there is hardly an industry in this country where the big players are so far from being pushed out of the market. In fact, if you ask me, the for-profit health insurance industry has been doing the pushing—pushing the American people around—for far too long.

Let me give one example from my home State of Rhode Island. Two years ago, United Health Care of Rhode Island proposed to send \$37 million in excess profits to its parent company, United Health Group, hundreds of miles away instead of investing that \$37 million back into the system. That is \$37 million in 1 year out of a State of only 1 million people in which this company only had a 16-percent market share. With a public option, that \$37 million would have gone back into improving the health care infrastructure in Rhode Island, into lowering premiums, into increasing provider payments, into investing in our health information and chronic care sustainability projects and helping doctors buy electronic health records and supporting our Rhode Island Quality Institute. But no. And this after United had already sent \$16.5 million out of our State in 2004, \$13.4 million out of our State in 2005, and \$17.1 million out of our State in 2006.

Competition is supposed to lower prices for consumers, create demand for a better product, and push bad actors out of the marketplace. I don't see that in the health insurance market. I see 10 States with the two largest health insurance companies controlling over 80 percent of the market. I see a 120-percent increase in premiums from 1999 to 2007, while wages only went up 29 percent. I see a 109-percent increase in administrative costs from 2000 to 2006—a 109-percent increase—as insurers increasingly game the system rather than competing on better quality of care, better health, and lower cost.

As I have traveled around Rhode Island, I have seen how these circumstances work out for individual Rhode Islanders.

David, a self-employed resident in Central Falls, described the astronomical rise in the cost of health insurance for him and his wife. Years ago, he paid \$85 a month for his plan. Today, it is \$19,000 for their annual health insurance. Despite the dramatic jump in price, the health insurance does not cover as much as it used to. David has

been forced to drop dental coverage and increase the out-of-pocket expenses he and his wife pay on their plan.

He wrote to me:

I'm almost afraid to get sick because today's health plans have so many holes in them they can nickel and dime you to death.

Charlotte is a self-employed consultant from Providence. She wrote to share the difficulties she has faced as health insurance became the single largest expense for her company. She buys one of the least expensive plans she can through a small business alliance, but the premium for her current coverage increased by 35.6 percent—more than a third—just this past year, it is covering fewer and fewer tests and procedures, and she has to pay more out of pocket for needed medical treatments. She wrote to me that we needed to move forward on health care reform because “the cost of health care is pulling the plug on my livelihood.”

For these Rhode Islanders and for millions more, there has to be a better way. There has to be a new challenge in this marketplace, a new business model, a new entrant to change the landscape of competition. Instead of competing to lure the healthiest patients, plans should have to compete on quality. Instead of developing a better claims denial procedure, plans should have to develop a better customer service department. Instead of paying executives tens of millions of dollars per year, they should make sure working-class Americans can afford safe and secure health coverage.

Need I remind us that our health care system is teetering on the edge of collapse and the status quo is not sustainable. Over 80 million Americans were uninsured at some point during 2007 and 2008. As many as 100,000 Americans are killed every year by unnecessary and preventable medical errors. Life expectancy, obesity rates, and infant mortality rates are embarrassing by most international measures. The annual cost of our system is closing in on \$3 trillion and is expected soon to double. We spend more of our GDP on health care than any other industrialized country, double the European Union average. More American families are bankrupted by health care costs than any other cause. There is more health care than steel in Ford cars. There is more health care than coffee in Starbucks coffee. It is out of control.

We have two choices: We can derail and delay this debate until unpalatable solutions, such as throwing people off Medicare, drastically cutting coverage, or paying doctors much less, are our only remaining options or we can do what Americans have always done when faced with a tremendous challenge, and that is to innovate our way out.

Government is not the enemy in this undertaking. Americans, with a helping hand from their government, have

done great things time and time again. We put a man on the Moon and an explorer on Mars. We built a Peace Corps and the Marine Corps. We virtually eliminated polio and smallpox. We built the National Institutes of Health and the Federal Highway System. We have mapped the human genome. Government helped then, and it can help now through an innovative public plan.

Let me make one last point. My Republican colleagues have argued that a public option would drown out private competition and amount to a government takeover. In many places from which they made that argument, the facts at home disprove that contention. Twenty-five States actually provide health insurance benefits through public plans. They actually provide health insurance benefits through public plans in their workers' compensation systems.

For example, Kentucky, represented so ably by our distinguished minority leader, is home to Kentucky Employers Mutual Insurance, a State-run public fund which has operated in the State since 1995 and now provides health insurance benefits to 24 percent of the workers' compensation market in a competitive market.

In Wyoming, the home State of the ranking member of the HELP Committee, Wyoming's Worker Safety and Compensation Division delivers all the health care in the workers' compensation system. They have a single-payer public plan. There has been concern expressed that a government plan will give terrible customer service. I doubt that the Wyoming plan would last very long if it gave terrible customer service.

In Arizona, so ably represented in this Chamber by Senators McCain and Kyl, since 1925 SCF Arizona has provided health insurance benefits through the workers' compensation system, and it now has a 56-percent market share in a competitive market environment. To those who have said you cannot have a government plan because it will necessarily crowd out private insurance by virtue of an unfair competitive advantage, Arizona belies that argument. It has been that way for 80 years, since 1925.

To my knowledge, those who criticize the idea of a Federal public option for health insurance have not criticized the role—often a decades-old one—of public insurance plans in their own States' workers' compensation insurance markets.

We have in front of us an opportunity for a new day in the American health care system where affordable, quality health care is available for everyone; where doctors and hospitals are paid for value, not volume; where you cannot lose coverage because of an illness or preexisting condition; where insurance company bureaucrats do not come between you and your doctor; where

care is not rationed by your family's ability to pay; where every American gets the best health care the country's medical system has to offer.

I support the public option because I see that vision for the future, and I think a public option can get us there. I also see this lesson of the past: that an industry—the private insurance industry—that has put its own financial welfare in front of the physical and mental health of its customers for years, over and over again, cannot now be trusted on its own to lead us into that future, not without a push in the marketplace, not without the kind of push in the marketplace a public option will give.

Mr. BROWN. Mr. President, I thank the Senator. I was intrigued by much of what he said.

We are also joined on the floor now by Senator BENNET from Colorado, and Senator CASEY and Senator UDALL are still with us.

When the Senator from Rhode Island talked about the Rhode Island experience, I remember while we were drafting the public option language in the Health, Education, Labor, and Pensions Committee, on which Senator CASEY and now Senator BENNET sit, the Senator talked about what a disaster Rhode Island's workers' compensation system was because of the corruption in private insurance and the high costs and that the Senator from Rhode Island introduced a public option into private insurance there. Many States—I believe roughly half the States—have a public option as Rhode Island does and the experience of the Senator from Rhode Island with bringing in this competition.

My understanding—and correct me if I am wrong—is that the public option not only made private insurance operate more efficiently and made private insurance more honest, if you will, and helped to sort of flush the corruption out, but I would guess competition from the private insurance industry made the public system a little bit more nimble, too, right?

Mr. WHITEHOUSE. We actually pretty much had a complete meltdown in the private insurance market, so we had to put in a public option to provide any workers' compensation insurance. But the private insurance companies had written off our marketplace because their business model was impossible to maintain for any reasonable cost. We knew that with good reform in the system and with a public option to implement that reform, we could reduce those costs.

What has happened is two things. It used to cost \$3.93 for 100 hours of payroll for workers' compensation, the year after this went through and got stood up. Today, it is \$1.74. It is more than 50 percent cheaper in Rhode Island. The model that was set by the public option, a new business model

that focused on prevention, on getting people back to work, on better quality medical care, has actually attracted the private industry back into the market.

Mr. BROWN. So the private companies are making money.

Mr. WHITEHOUSE. They are back in and making more with the leadership of the public option.

Mr. BROWN. A lot more honest and a lot more efficient.

Mr. WHITEHOUSE. And they improved their business model, so they are now delivering better quality care, getting people back to work sooner, reducing medical costs by getting people back to work, and providing better quality care. It has been a very successful story from a cost point of view.

It used to be the worst issue for the Rhode Island business community. They were nuts about workers' compensation. We literally had torch-lit parades, and nobody has heard about the issue in a decade because the public option has led the way.

If you think the business community is scared about a public option, go to a State where there is a workers' compensation public option. I think you will find they support it.

Mr. BROWN. I think we can safely predict that 10 years after the President signs a good health care reform bill in November or December which has a strong public option similar to the language our Health, Education, Labor, and Pensions Committee drafted and the House Energy and Commerce Committee passed, we will see the same kind of thing; we will see a more efficient but still profitable health insurance industry, with a public option disciplining the market and keeping prices in check. We no longer will have people denied care because they have a preexisting condition or denied care because of an annual limit or a lifetime limit on coverage. We will no longer see the kind of discrimination in the marketplace we have seen from all of these private companies.

Before turning to Senator CASEY, who has brought the bill to the floor with him tonight to talk about the legislation itself which he helped draft in the Health, Education, Labor, and Pensions Committee, I want to mention that today we submitted a letter to Majority Leader REID that pretty much all of us on the floor signed. Some 30 Senators signed a letter to him today calling on him to support the public option and putting that on the bill when we bring the bill to the floor in the next couple of weeks.

Again, before turning to Senator CASEY, I wanted to read another brief letter I received from Ohio—Kathy from Medina. Kathy writes:

I own a small business with three employees. With the current economy, I can no longer make payments on our health plan. We were paying \$2,000 a month for our plans

and were told we needed at least 10 workers to negotiate a more affordable plan. After dropping our plan, I had to see a doctor because I had difficulty breathing. I now have to see a cardiologist and endocrinologist. I am still in shock at how quickly my health turned into a serious condition. In just a month's time, I have almost \$7,000 in medical bills and I still have further tests and treatment ahead. Unless there is health reform, I will be just another 55 and over American not taking my meds or seeing a specialist when I should because of the high medical bills. It's been upsetting just being seriously ill, let alone facing financial hardship.

I am certainly not a doctor, and I don't know Kathy except through this letter, but you have to figure the anxiety of figuring out her business and trying to manage her health insurance; going without health insurance and her fears are probably making her health and her situation worse. That is why Senator CASEY worked on helping us write the legislation on what you do to give incentives to small business owners to buy insurance, understanding this whole bill will mean that everybody has insurance and so those with insurance no longer will have to subsidize—a tax, really, at \$1,000 a year—all those uninsured.

Everyone who pays insurance pays about \$1,000 a year more for their insurance to compensate for those who go to emergency rooms without insurance and go to doctors and don't pay. They have to recapture that money from somewhere, and it comes from all those who have health insurance. That is one of the most important parts of this bill, to get at the cost.

Senator CASEY.

Mr. CASEY. I wish to, first, thank Senator BROWN for keeping us organized and focused on this issue. When we went through the work of our committee this summer—some 60 hours of hearings and many hours prior to that walking through the bill—there came a point in time when we realized that if we were going to be strong supporters—and we were and still are—of the public option, we needed to define it, we needed to make it readable and understandable to people, and also we needed to fully articulate what it means to have a public option.

A number of people went to work on that—and the two principals of that are with us tonight: Senator BROWN and Senator WHITEHOUSE—spending hours and hours trying to get this right. Contrary to what we have seen in some of the debates and some of the coverage of this issue, this is not very mysterious and it is not theoretical. If you look at the bill—and I will get to sections of the bill in a second—this is meant to be a choice for people. It is voluntary. It is the first word of the section—and I will go through that in a moment.

What we did today, when we sent the letter to the majority leader that Senator BROWN referred to, we outlined very succinctly what this is all about.

Let me read two or three sentences from the letter we sent today. In the second paragraph, we say:

Without a not-for-profit public insurance alternative that competes with these insurers based upon premium rates and quality, insurers will have free rein to increase insurance premiums and drive up the cost of Federal subsidies tied to those premiums.

In other words, unless we have some competition, the insurance companies have free rein to keep jacking up prices. That is what we are living through right now. That is what virtually every American has a concern about. We have a concern about cost. If we don't have competition for insurance companies, they will have that free rein to keep driving up cost.

What is wrong with competition? I thought that was the American way. But I think some people have lost their way in part of this debate. Competition and choice, that is what this public option is all about.

Later in the letter we say this:

It is possible to create a public health insurance option that is modeled after private insurance—rates are negotiated and providers are not required to participate in the plan.

Very simple. Part of this legislation has features to it that are very similar to Medicare—a public insurance program that has worked real well for generations of Americans. But it will also have some of the requirements that insurance companies have to live by. Let me go through a couple of those.

First of all, a public option, in terms of the process starting, would have to get government funding to start. In the way of resources, the government would pay for the first 3 months of claims as a way to capitalize it initially, but then it has to pay back any kind of capitalization over a 10-year time period.

What we are talking about is a program, State by State, that would be self-sufficient. It is very important for people to understand that. This would be self-sufficient. Senator WHITEHOUSE talked about this a moment ago, and it needs repetition and reiteration. It would follow the same rules as private plans by defining benefits, by protecting consumers—we hope any entity would do that—finally, by setting premiums that are fair based upon local costs.

So this isn't some theory. This isn't some idea we don't know how it will work. We know exactly, and the American people know exactly, how this will work because we understand what it is like to deal with a system where the insurance companies have virtually unlimited power to deny you coverage if you have a preexisting condition, for example. The bill also makes that illegal under the bill we passed in the HELP Committee this summer. But also, insurance companies right now have free rein to jack up their prices.

I know there are some State-by-State limitations on that, but mostly free rein exists to do whatever they want. Without a public option, that is what we will have going forward. So if you like costs going up, then you should be against our proposal because costs going up is what we are going to have more and more of if we don't have a public option.

One of the important features is that there be State advisory councils—councils set up in each State, made up of providers and consumers to recommend strategies for quality improvement. So this isn't going to be some Washington control here. You are going to have lots and lots of accountability at the State level, and States would share in the savings that result from that kind of accountability.

Finally, the notion it is a voluntary program. The providers would have a choice of participating in the public option and there would be no obligation to do so. I point to the bill for this reason. When we were in our States this summer, I remember going back to Pennsylvania and reading about Senator BROWN's public forum in the State of Ohio and I was reading about others as well and learning about what was happening in other States. We had our public forums. I spoke to thousands of people over the course of a couple weeks.

One of the things I would say to the audience when we had our public forums is, Look, if you walked in here today and you don't support the public option, I ask you to do one thing: Read the bill. Well, the final version of the HELP Committee bill that I am holding right here was 839 pages. I wasn't asking them to read every page, but what I said to them was: If you don't support the public option, just read that section, which is right now 19 pages in the bill. Section 3106, Community Health Insurance Option. In the bill, it is from page 110 to 129. So it is 19 pages in the bill. I said: Look, spend some time taking a look at it.

I remember at the one public forum, someone who disagreed with my point of view on the public option went at me verbally and said: You are going to force people to go into these public options. I said: That is not true. Of course, saying it doesn't always end the argument. So, then, I would hold up the bill and I would say: Let's go to section 3106, and I would read from section 3106—I know the camera can't see this—subsection (a). The first two words of this section—other than the heading of it—are “voluntary nature.” That is the subheading. So I would read part of that section and say: This is voluntary. Voluntary for any American who goes into the exchange and may decide they want to stay with their own private insurance coverage or may want another—a different—choice. So they can choose this.

It was important for people to understand that in a long bill we at least spent 19 pages to get this right.

There is a solvency standard in here, for example. This isn't some theory we dreamed up in Washington. We know solvency is important; that a program such as this, in an option such as this, has to meet basic solvency standards. Senator WHITEHOUSE spent some time talking about that and helping Senator BROWN and others craft that, along with Senator UDALL, who is with us here tonight. It is voluntary. It has to be self-sufficient.

There is even an audit section. If you want to get into the detail, there is even an audit section. So that when you have administrators, there is a measure of accountability, in terms of auditing.

There are a lot of parts to this that we could go through. The important point, though, is that unless we inject some choice into this and some competition, I am not sure the American people will believe we have done our job. We have said over and over again that among the basic elements of any final health care bill is that we have to have a total commitment to prevention, so we can prevent disease and conditions from leading to bad results for an individual and their family, and prevention will also help us save money at the same time; that any health care bill would have to have choices. If someone wanted to stay with their private coverage, they could do that, but if they wanted other options, we are trying to give them a public option; that any kind of health care reform would have to have quality standards. This will help ensure more quality standards in our system. So I don't believe we can get to where we want to get to in the end unless we have a public option.

Let me make two or three more points, and then I wish to have my colleagues rejoin this discussion and also talk about what we are trying to do. There are a lot of discussions—and I know my colleagues saw these in these public forums where we would have someone stand and say: I don't like a government program or I don't like government in our health care, as if we have a system now that is 99 to 1—99 percent private and 1 percent public. I would remind them—and these are some overall numbers, but it is important to remember—that we have a Medicaid Program right now that at last count had over 60 million people in it—60 million Americans. We have a Medicare Program with about 45 million Americans. Then you go to VA health care, and at last count it has 7.8 million Americans.

So when you go down the list of programs right now that are government-run programs for health care, you get a large number of Americans—well over 100 million Americans—and their fami-

lies who benefit from those programs, and you get a commitment from the Federal Government year in and year out to make sure we have that kind of coverage for those who happen to be poor, those who happen to have particular health care challenges, those who happen to be over the age of 65, those who happen to be veterans and who need health care coverage. So we have an American system right now that has a lot of private coverage, but there is a lot of coverage through government programs that even people who oppose some parts of this bill, the last time I checked, don't want to repeal. I haven't found anyone who wants to repeal VA health care or who wants to repeal Medicare.

I think we have a system right now that is not working in large measure, but there are some things that are working well. We are trying to improve both ends of this, the public health care end of this and the private health care part of our system.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. CASEY. Sure.

Mr. WHITEHOUSE. With respect to your observation that we don't see a lot of outcry about ending Medicare, about ending VA health care, and other government programs, Senator BROWN has been remarkable about coming to the floor regularly to read the true-life horror stories that our present health care system inflicts on Americans and American families across the board. I have brought a great many Rhode Island stories to the floor. We all have this experience.

I am interested in the evaluation the Senator from Pennsylvania might make in terms of his own experience and his own constituent contacts in terms of those heartbreaking stories you get. Do you hear a lot of heartbreaking stories from people in Medicare; people being thrown off for pre-existing conditions? Where in your experience have the real heartbreaking stories come from in Pennsylvania?

Mr. CASEY. I will give you an example. In our State, just in terms of age categories, we have, in terms of children up to the age of 18—we have a 5-percent uninsured rate. It is still too high. Until it gets to zero, we have not done enough, but that number is way down. So we have a diminishing number of children who are uninsured largely because of efforts and initiatives such as the Children's Health Insurance Program. Then, on the other end, those who are over the age of 65, they have Medicare.

Where I am getting the real-life stories from people, people who send e-mails to our office just like to Senator WHITEHOUSE, or people who do it the old-fashioned way, who actually write a letter or people you see in a public forum or on the street—they are coming to us in that age category, 19 to 64.

In our State, that number of uninsured is 12 percent, more than double the number of uninsured children.

For example, I got a letter in February from Trisha Urban from the eastern end of our State near Reading in Berks County. Here was her story in summary.

She was working; her husband was working. But he was trying to advance, as we always tell people we want them to get more education. So he was trying to finish his doctorate. In order to finish that he had to take an internship. The internship did not have health insurance coverage. The coverage they had, ultimately they lost.

Here is Trisha Urban who was working, and her husband was working as well. She was working four different jobs. They lost coverage and then they started to run up bills. Then she became pregnant. While she was pregnant, her husband, who had a heart problem, missed an appointment because they were worried about paying for the doctor visit for her pregnancy and also worried about the doctor visit for his heart ailment. So he skipped his appointment because of his heart problems.

Time goes by, a couple of weeks go by, and all of a sudden her water broke. She was preparing to go to the hospital in a couple of hours, her husband went out and did a few errands, came back to the house, and as she was walking out of the house to go into the driveway to join him in the car to go to the hospital to deliver her baby, she looked in the driveway, and her husband is on the pavement of the driveway dead because of his heart condition, a pre-existing condition which, thank God, in our bill, in the first section of our bill, we make illegal. It should have been illegal a long time ago. I still find it hard to believe that we live in a country where we have allowed insurance companies to do that to people.

She went out and found her husband dead. An ambulance came to take her to the hospital to deliver her baby, and the other ambulance came to pick up her husband.

That is the kind of story we hear in Pennsylvania and across the country because of our system. There is no reason we should tolerate this and let it go on any longer. We have a chance to change it.

One of the ways to move it forward is by making sure we have choices and competition in a public option.

Mr. BROWN. Could I ask Senator CASEY a question? I thank him for that story. Of these stories of people in private insurance, that is as tragic a story as you will ever hear. We have these letters I have read and these stories from Senator WHITEHOUSE, Senator BENNET, Senator UDALL, who have come to the floor and read these letters from people who thought they had pretty good insurance and something

happened and they lost it because they have gotten too sick or they lost their job and they can't afford COBRA and all that.

I want to ask the Senator a question. You mentioned early in your comments about the costs going up. I want to put this chart up and ask about this. Senator BENNET from Colorado will speak in a moment. These are costs under Medicare Advantage. The government, as you know, provides, in large part because of insurance company lobbying, plain and simple—the government provides all kinds of subsidies to Medicare Advantage plans.

These are not most of the Medicare beneficiaries. Most Medicare beneficiaries, 75 to 80 percent of them, are in what is called regular fee-for-service Medicare. Some are in a more privatized Medicare. The government writes checks to insurance companies. You can see how insurance companies have extracted more and more taxpayer dollars as their salaries have jumped and jumped. The poster that Senator UDALL was showing, that I showed earlier, the executive salaries of Cigna and Aetna and these companies have gone into the tens of millions of dollars, in some cases. These subsidies—in 2004 they got \$4 billion; by 2005, \$5 billion. Now the insurance companies basically get a check from the Federal Government for \$11 billion.

Talk for a moment, if you would, Senator CASEY, about what if the public option is competing with these insurance companies. What will it do to these costs as these insurance companies continue to extract more and more money, with their lobbyists, from the government, as they have tried to privatize Medicare?

The public option, talk about what it would do about cutting costs so people like your friend in eastern Pennsylvania—those kinds of things don't happen to them.

Mr. CASEY. I think it stands to reason if you have, as we do in a lot of States, one or two or a very small number of insurance companies that dominate the marketplace, sometimes a lot more than 50 percent of the marketplace but in other cases—in our State we have two that have control over at least half of the marketplace. That alone is bad enough.

Mr. BROWN. In this poster—we talked about it earlier; Senator UDALL mentioned it too—some States, yours and mine are a little bit better. In some States—Montana, Alaska, Hawaii—lets go down to Minnesota, Iowa, Arkansas, Alabama, Maine—two companies have more than 80 percent of the market. Two companies control 80 percent of the market, which means there is no price competition. In some States it is 70 to 80 percent, in Ohio, Pennsylvania, Rhode Island—I am sorry Rhode Island has two companies more than 80 percent also. In all, about almost 10 States.

But in our States—Pennsylvania, Ohio—large States, States with populations over 10 million people, each of those has more than 50 percent. In my State one company has 41 percent; the two largest companies have 58 percent. In Pennsylvania, two companies also have more than 50 percent.

Mr. CASEY. It just stands to reason. If you don't have competition, you have no incentive, no pressure to keep your rates at an affordable level. I do not understand why anyone, in the midst of this debate, is against choice and competition. Both are the central pillars of why we need a public option. What do we do for our health care system? I don't understand the logic.

One point we should make, and we address it in the bill—we will not spend a lot of time on it—we should all remember, you look around, we have 100 Senators. Everyone in the Senate, and all of our families, everybody in the House, and then you add other millions of Federal employees, we have a pretty good deal because we have a system where, as I look at some of the features of the public option, we have a pooled purchasing power.

If you have millions of Federal employees and their families who are in the same pool, that brings costs down. We are trying to get more and more Americans the same opportunities we have, to be in a pool that big and to keep costs down. For the life of me I cannot understand why someone would not like that, especially people who benefit from it and their families who benefit from what the Senate gets.

I have been blessed to have that kind of coverage because I happen to be in the Senate. But every seat here, and then add millions more Federal employees, gets this opportunity because we are in a large purchasing pool. I don't know why a small business owner should not get the same opportunity, a business owner paying through the nose.

I know Senator BROWN has seen this in the State of Ohio. You have heard from small business owners, time and again, haven't you, about what they are paying every day? What we are saying is, if it works for and if it is good enough for Federal employees to get the lower cost/benefit of a large and open purchasing pool, why isn't it good enough for the rest of America?

I say it is not only good enough for them, but we should make sure they have the same opportunities as small business owners or as part of a family. That is one of the reasons the public option makes lots of sense.

Mr. BROWN. Let me read a note from a small business person. I get so many letters from small businesses. You know, like most Americans, they care enough about their employees, their fellow employees, their friends, they want to provide insurance. Almost every small business person I have

talked to who is struggling with health insurance wants to find a way to pay for insurance for her or his employees, and so often they can't.

Let me read a letter, Kathy from Crawford County, which is Bucyrus, Gallion, Crestline, just west of where I grew up. She says:

I am the owner of a small telephone contracting firm. Needless to say, we've been hit hard by the recession.

But our main concern is the staggering cost of health care for our employees. We started the company in 1990 when we were able to fully pay for health insurance for our employees.

But since 2000 our premiums have increased over 250 percent. In 2008 our increase was 37 percent. In 2009, it was 24 percent. We have searched for other health insurance companies but because of the pre-existing conditions of [some of] our employees we cannot switch to anyone else.

Along with the economy, the cost of health care makes it a challenge to stay in business.

This happens too often. That is why in the legislation we wrote in the Health, Education, Labor, and Pensions Committee, we made special provisions for small businesses. If you have 20 people or you have 5 people, if 1 of them gets very sick and costs the pool of 15 or 20 people exorbitant amounts of money, the insurance company either raises premiums so high—increases, as Cathy said, 37 or 24 percent—or the insurance company sometimes cancels the insurance. Either way, it is a terrible hardship and a tragedy for the small business and a tragedy for so many employees.

If we do this right, we enlarge the pool by allowing these insurance companies to go into the insurance exchange or the public option, if they choose—an option. They also get a tax credit. They get a break that way and they are much more likely to be able to afford their insurance.

Let me turn to Senator BENNET, who is a new member of the Health, Education, Labor, and Pensions Committee. He has been outspoken for the public option. Senator BENNET?

Mr. BENNET. Mr. President, I actually am here to talk about something else, but I was so inspired by what the Senator from Pennsylvania and the Senator from Ohio and the others have said, I want to spend a few minutes on this issue. Part of it is I just don't understand what Washington doesn't understand about what our working families and small businesses are going through.

In my State over the last 10 years, median family income has actually gone down by \$800 in real dollars. The cost of health insurance premiums have gone up 97 percent during the same period of time.

There are people who want to leave the system just the way it is, but the result of having flat income for our working families and small businesses, and for those costs going up 97 percent—by the way, in my State the cost



of higher education has gone up 50 percent at the same time. The cost of health insurance, up 97 percent; the cost of higher education up by 50 percent—this is tough on the middle class. It is tough on small business owners in my State.

The result is, if we keep the status quo—there is a great irony of the arguments to keep the status quo—by default, we are putting more and more people off private insurance and more and more people either on public insurance or having the benefit of uncompensated care.

We have seen in my State, you can see it on this chart—probably not all that well—small business spends 18 percent more for insurance than large business just because they are small, and fewer and fewer people in Colorado are able to get coverage at work. Before this recession started it had already dropped roughly 10 percentage points; the percentage of folks who were getting insurance from their employer, from our employer-based system. You can see, the Senator from Ohio certainly can see, the percentage of small businesses in my State able to offer health insurance has declined dramatically.

Where do these people go? They either end up on Medicaid or they end up showing up in the emergency room where they are treated with uncompensated care, the most expensive way we can deliver health care in the United States of America.

We have a wonderful public hospital in Denver called Denver Health, where they do an amazing job at a much lower cost than a lot of other hospitals.

I was told by the woman who runs the hospital—her name is Patty Gabow, a gifted administrator—that they had done a study and they discovered they had spent \$180 million in 1 year on uncompensated care for people who were employed by small businesses. These were not unemployed people, these were not people who could have had access to Medicaid, but people employed by small businesses who could not afford health insurance.

So I think one of the ironic things about the debate we are having is the failure to recognize that the status quo is creating a situation where fewer and fewer people have private insurance and more and more people are moving into public insurance. But it is not being done in a thoughtful way. It has not been constructed that way. So I think that is one of the reasons it is very important that we are having this debate.

I tell the Senator from Ohio, I am sure he had this reaction when he was on recess. I certainly did. I had townhalls all over the State. What I kept hearing from people is this, and this is the reason I support a public option. They would say to me: MICHAEL, we paid every single year, year after year

after year, into private insurance. Every year, we did what we were supposed to do, and then when we needed it, it was not there for whatever reason. Because somebody on the other end of the telephone told them: You are not covered, or the fine print did not cover you for that problem or your child for that problem. They deeply resented the fact, as I would, that someone earned a profit off that commercial transaction.

That is the thing about insurance. It is not like going to the store and buying a loaf of bread or a gallon of milk where you know what you are getting in return. Many people who buy private insurance year after year don't know what they have until they need it and they don't know what they have lost until they lose it.

Having a choice, just another option that is out there, not a government takeover of health care but a choice that empowers working families in my State to make the decisions that are in the best interests of their family or their children—as a father of three little girls under the age of 10, I can understand why people would want that choice. I am not scared by the choice. We have to design it properly, and the HELP Committee did a very good job designing it, in answering a number of the charges that have been made against it. We may be able to do a better job in the final legislation.

The final thing I am hearing from people in Colorado is: If you are going to mandate that we have insurance, if you are going to require that we have insurance, you better make it affordable. You better not tell me I have to have insurance and make it unaffordable. You better not tell me I have to have insurance and I have to change the plans I have for my family.

The public option provides one more choice for people, an affordable choice for people. We have to do a lot more to drive down costs, as I and others have talked about on this floor. But we need to do this right.

I understand, I come from a State where we have a lot of diversity of opinion on a lot of things, and there is a lot of concern about the way the system works today, and there is a lot of concern that we are going to make it even worse. I think we need to elevate the standard of the discussion we are having to the standard that we had, that the people of Colorado had in townhall after townhall, which, by the way, no one would ever have any interest in putting on TV, I am proud to say. We need to elevate the standard of the discussion in Washington so that we can produce a result that has something other than double-digit cost increases year after year for working families.

Mr. BROWN. Will the Senator yield for a question? I heard what you said about buying a loaf of bread and how

buying insurance is different. Before you were in the Senate, you were the superintendent of the Denver public schools and were very successful in business before that. When you talk about how insurance companies deny care and insurance executives get paid well, talk for a moment about the business plan. When you were an entrepreneur and you were a businessperson, you obviously had a business plan. Talk to us. Share with Senator UDALL and me and others what the business plan of a health insurance company is in particular.

Mr. BENNET. I appreciate the question. I will say that I used to make my living buying bankrupt companies. So these were companies that were actually fairly well managed but capitalized really poorly, and our opportunity was to buy them, capitalize them properly, produce a business plan, as you are describing, and make sure the people who worked for them, the people who benefited from them continued to be able to do that.

You know, as a capitalist, I look at the state of our health insurance industry and our health delivery system and I can almost not believe what I see. We have 44 counties in Colorado. Every one of those counties has a convenience store, at least one, some many more than one but at least one. With the exception of the loose beef jerky that is on the counter, there isn't anything in there that doesn't have a barcode on it. It is 1970s technology that our small business owners in Colorado know is critical to managing their inventory, critical to allowing them to be competitive and giving their customers what they need.

Only 3 percent of hospitals in this country have that technology. One out of every 25 doctors has that technology, which is a really simple thing. And it is the reason why—as a parent of three little girls or if you are caring for a parent of your own, it is so frustrating when you go in and you have to explain over and over again what the last person just told you simply because we don't have a system of electronic medical records.

Then, on top of that is a business model where, unlike everything else in our society, every year the cost goes up and the quality to the customer goes down, which is what we see with insurance. We don't see that in other parts of our private marketplace. We don't see that in other parts of our private marketplace where people are incentivized to compete on price, on quality, on customer service. And it is why it is not just enough to have a public option. We need a public option, but we also need commonsense regulation of insurance so that we start driving a marketplace that actually makes sense.

Mr. UDALL of New Mexico. Senator BENNET, one of the things that is happening—and your chart there really explains it, and I wanted to get you to talk about this a little bit—your chart says: Rising health care costs are hitting small businesses the hardest and forcing all Colorado businesses to make tough choices.

That is exactly what is happening in New Mexico, exactly what is happening in Ohio. And really what we have going on here is very hard-working, good small businesspeople who want to give their employees insurance. I hear that. I know the Senator from Ohio said that a number of times when he read letters. They want to give that insurance, but they can't. They search around, they can't find policies they can afford, and so they are really stuck. And I can give you a list of examples in New Mexico.

One of the things you pointed out on your chart is that even before the recession—even before the recession—fewer Colorado small businesses could offer coverage. I was wondering if you could talk a little bit about the small business situation because most of these people are working without insurance.

Mr. BENNET. I appreciate the Senator from New Mexico raising that. I remember a florist I talked to, a family-owned business since 1972 in my State, and he is now down to no employees, just his wife and himself. They are running the shop. They had health insurance for many years, and they took it, as so many small businesses do, as an article of faith that part of their job was to offer insurance to their employees, to make sure their employees had the benefit of insurance. Now they are the only two employees. There is no one working for them. They do not have health insurance themselves.

Their daughter has been admitted to the University of Colorado. He said to me last week: MICHAEL, what was she supposed to do when she got to the box that said check the box if you have health insurance? If you don't, you have to pay this terrible fee.

So, first of all, people are having to make choices they should not have to make and they would not have to make in a rational private market that was working well. That is one of the issues.

The second thing is, as you know—I am sure it is true in New Mexico, and it is certainly true in Ohio—most of our jobs are created by small businesses. Depending on the numbers you look at, roughly 70 percent of our jobs are created by small businesses. And a higher percentage of those jobs are going to be responsible for the recovery that hopefully we are about to have in this country. It is harder and harder to do that if you are carrying the freight of double-digit cost increases in insurance every single year.

The last point I want to make—every small business owner understands

this—as small business owners try to hang on to insurance for their employees and the price of that goes up and up, what that leads to is a choice between holding on to the insurance and compressing the wages of the employees because you can't do both. You can't give people the increases they deserve in their compensation and at the same time hold on to health insurance. So that is a reason we have seen all across this country, actually, a decline in median family income. It has gone down by \$300 over the last decade in the country, \$800 in my State, while the cost of insurance has gone up by 97 percent. That wage compression is directly linked to the problems people have holding on to insurance.

I appreciate the question. I yield.

Mr. BROWN. I thank the Senator from Colorado for his good work and his very good description particularly of how the cost of health care affects small businesses in such a negative way.

We will wrap up in the next 10 or 15 minutes.

Earlier today, a group of Democratic women Senators came to the Senate floor to talk about health care. And some of the things that amaze a lot of us as we work through this, some of the things we hear—in several States in this country, being a victim of domestic violence is considered a pre-existing condition. There are women in this country, believe it or not, who have been victims of domestic violence. Insurance companies have said: You cannot get insurance because of that because, presumably, you might be abused again, you might be hit again, and it would cost us, the insurance company, far too much money. So, believe it or not, they actually can't get insurance because of that. Obviously, this legislation makes that—as Senator CASEY says, there will be no more preexisting condition denials of care, no more discrimination based on gender, based on geography, based on disability, based on age.

One of the other things the bill does that is important is it will eliminate copays for things such as mammograms. We want people, particularly when they get to be my age, when they are in their fifties, we want people to go in and get the right kind of preventive care and get the right kinds of tests. People should have a colonoscopy when they are 50, and people should be tested by mammography and should have mammograms and all of that. I mean, none of us probably goes in as often as we should for the preventive care and the tests, but an awful lot of people would like to do that and simply can't because of the cost.

This legislation would say: If you are going in for something like a mammogram or for something like a colonoscopy, there will be no copays. It

will encourage people to get into the system. Then, if they are diagnosed with cancer, they are diagnosed typically in the early stages, and it is certainly more likely to save their lives, and it is much less expensive as a result of going into the system earlier. So it ultimately saves us money by telling insurance companies: You are not going to do that anymore.

That is so clear to me, that if we are going to do this right, we need to make sure women are treated better by this system, no longer preexisting conditions and all that.

I will close and then turn to Senator UDALL or Senator BENNET, if they would like.

I have another letter I got—exactly what I was talking about.

Darlene from Mahoning County:

I lost my job in May 2007 after 27 years with the company. For a while, I did not have any health problems. I paid for private coverage with my unemployment check and savings. Within the last year, I started having medical problems. I was diagnosed with diabetes. I had back surgery in July to relieve severe back pain. I now have to pay premiums with my savings. When my savings run out, so will my insurance. Please do something to help.

She is not yet eligible for Medicare.

So many of these letters just cry out: I am trying to get through the next year or the next 3 years, the next 6 years, whatever, until I am eligible for Medicare, I am just trying to get through. And it really is a call for help, and it really is a plea from people in my State, people in Warren and people in Bellaire and people in Gallipolis and people in Crestline: Please help us in these years when we are in our late fifties, early sixties. We are going to be in Medicare pretty soon. We know Medicare works for us. We know this government program works, a program that doesn't look much different from the public option. But I need just a few more years. It is a time in my life when I am starting to get more aches and pains or worse. It is a time in my life when I am much more likely to get sick, to get an expensive illness, when I am 56, 58, or 63.

These are people who know they will be embraced with a decent health care system. They know they will be in a decent health care system when they get to Medicare age, when they get to be 65.

They have friends who are in Medicare, and they know Medicare works for them. That is as good a testament to the public option as there is. Those are the kind of letters I am getting from people saying: Please include a public option. I am 58 years old. I am not yet eligible for Medicare. I was diagnosed with diabetes. I need to do this; I need to do that. That is what is so very important about the public option.

I yield to Senator UDALL.



Mr. UDALL of New Mexico. One of those charts you put up over there emphasized the point of competition in the marketplace and how much we need competition. We joined together with the majority of our colleagues in the caucus to sign a letter to our leadership. I think one of the paragraphs in this letter is particularly persuasive. The Senator's signature is the No. 1 signature on this letter, but we wrote:

Opponents of health care reform argue that a public option presents unfair competition to the private insurance companies. However, it is possible to create a public health insurance option that is modeled after private insurance. Rates are negotiated and providers are not required to participate in the plan. As you know, this is the Senate HELP Committee's approach.

This is the public option we are talking about that was passed out of the Kennedy committee and is available to be inserted in the bill on which we are going to vote.

The major differences between the public option and for-profit plans are that the public plan would report to taxpayers, not to shareholders, and the public plan would be available continuously in all parts of the country.

So small businesspeople in New Mexico would have an opportunity to get into this public option insurance plan.

The number one goal of health reform must be to look out for the best interests of the American people—patients and taxpayers alike—not the profit margins of insurance companies.

We have to get competition into the market. We know that health insurance markets are effective monopolies or in some cases duopolies. In New Mexico we have two companies that hold 65 percent of the market. There is no incentive for competition. There is no incentive for lower cost. In fact, what we do under the law is, we allow these insurance companies to be exempted from antitrust laws. For most of the other businesses in America, we have those antitrust laws out there, and the Justice Department and various State attorneys general can move in to bring competition when there gets to be too much consolidation of power. We don't have that when it comes to insurance companies. As a result, we see premiums skyrocket; in my home State of New Mexico, 120 percent skyrocketing premiums.

As I wrap up, I want to talk about a New Mexican, a woman from Raton. I met her at a townhall in August. She received a renewal notice. Her premium had gone up 24 percent alone this year. She can't afford an increase, but she doesn't have any other option. A public option would bring that woman the ability to get into a health care plan and take care of herself. That is what you and I are fighting for. We are going to keep doing this. We are going to keep doing this because we have a lot of days to keep pushing forward. We will make this happen.

With that, I know the Senator has a couple more things to say. You should show the Presiding Officer Alaska on that map. What does it say?

Mr. BROWN. More than 80 percent of insurance is controlled by two companies in Alaska. That is a pretty compelling case.

I thank Senator UDALL and also Senator BENNET from Colorado, as well as Senators SANDERS, WHITEHOUSE, CASEY, MERKLEY, and STABENOW. It shows the breadth of support for the public option because it injects competition into the system. It will keep the insurance companies honest, and it will bring pressure to keep prices down.

My last 5 minutes I yield to Senator BENNET who has a sobering issue he wishes to discuss.

Mr. BENNET. Mr. President, I thank the Senator from Ohio for letting me have the last 5 minutes.

(The remarks of Mr. BENNET are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I listened very patiently to the last 2 hours about why we need a government-run plan. I want to concur with my colleagues about the problems in the insurance industry. There is no question they are great. But the reason the problems are great is because there is no real competition today. The rhetorical question is, you can't have it both ways. Nobody wants it both ways. The fact is, I saw this on the Internet this week. I thought it was appropriate for where we are. Here is a youngster walking on a street. She says:

I'm already \$38,375 in debt and I only own a doll house.

Everybody agrees we have a too costly health care system. Everybody agrees we need to fix that. What we don't agree on is how to fix it. We have heard 2 hours of what is wrong with the private insurance industry that has not been allowed to be competitive, has not been forced to be competitive. And yet the answer to that question is that we want the government involved. The Senator from Pennsylvania talked about all the government programs. Sixty-one percent of all health care today comes through the government. Every government program is over budget, associated with fraud, and ineffective in its implementation on a cost basis. That doesn't mean we want to get rid of them. It means we want to make them better. The real problem with having the government do more is, right now 43 cents out of every dollar we are spending we are borrowing. We create a government plan. We put \$60 billion into it, and we can create competition. But we don't have competition now. Everybody agrees with that. Nobody denies that we don't have good competition. But we don't have good competition because we have failed to act.

The Senator from Ohio showed a chart of CEOs' pay. If they were having to compete, that pay wouldn't be there, especially not at that level. I don't disagree with that. But the way to control that is real competition. Forty-three cents of every dollar we spend this year we will borrow. And it will be worse next year. It will be 45, 46 cents next year of what we spend we will borrow.

This picture doesn't talk about what she owes. This is just what the debt is now, just the \$11.8 trillion. What she owes is another \$400,000, because we are paying out of Medicare what we have never created the tax base to fund. So in fact what we are doing is, we are going to charge this little girl for our Medicare. The impact of that is when she was born she owed \$400,000. By the time she is 20, she will owe \$800,000. What will happen to her?

There is no question we have positive benefits with Medicare. There is no question we are taking care of people who can't take care of themselves through Medicaid. There is a question of how effective we are doing with Native American tribes in terms of that. We are seeing improvements in veterans health care. We have all these different programs that are run through the government. So when you only have 39 percent of the health care in the country to put into the market, it is going to be very difficult to lower costs.

What is the problem with health care in America today? The problem is cost. It is too expensive. It is about 40 percent more expensive here than anywhere else in the world. Why is that? Well, there are a lot of reasons for it. But the first reason is, we will not allow real markets to develop in the health insurance industry. We have stopped it. And now we come and say: We are unhappy with it, so we want to create a government plan—a government plan that will compete.

I do not have any problem if you create a government plan if you fund it and make it competitive. But that is not what we are going to do. Because what we are going to do with a government plan is we are going to turn it into another Medicare. It will supply people health care. It will lower their costs. But we are going to transfer the cost to this little girl. It is just \$440 billion spent on Medicare this year, of which \$80 billion of it was fraud.

So the problem is, which solution do you think works better? Do you think we have the history that says government-run health care is efficient and effective and, therefore, we ought to do more of it or should we say: We know what works in the rest of the industries and markets in this country. Maybe we ought to allow markets to truly compete—which nobody wants to do—to force the insurance industry into a competitive structure where you can actually see what you are getting and you can see what you are paying.

The other problem about this little number is, not only does she have \$38,000 in debt right now, and another \$800,000 when she gets ready to buy her insurance, we are going to tell her what she is going to buy. We are going to take the freedom away from her to decide what is best for her and her family. Then we are going to yoke her with a whole bunch more taxes.

There is no disagreement in this body that we need to make changes in health care; and the assumption that anybody would say that is absolutely erroneous and fictitious. We recognize that. The question is, which way do you fix health care? Do you fix it with a government that is bankrupt already, that has stolen the future from the next two generations, and add more on to them or do we get common sense back in and say: Well, first of all, we can eliminate 8 percent of the cost if we have good tort reform in this country because 8 percent of the cost of health care is defensive medicine.

I read a study this week. It is interesting—and I have some passion about this because I have been on the end of those lawsuits—I would note that the vast majority of those who have been discussing health care for the last 2 years are lawyers. They are not doctors. They never laid their hands on a patient. They never stayed up 20 hours in a row to take care of somebody who needed them. They have all the answers, but they have never been in health care.

Here are what the numbers are on malpractice lawsuits in the United States: Eighty percent of all the cases that are filed are thrown out of court. Of the remaining 20 percent, 89 percent are thrown out of court. So 3 percent of the cases are legitimate in this country. What do you think that is costing us? And we ignore it? We are not even going to talk about the fact that we have an extorted service going on in health care that does not cost the lawyers a thing? It costs everybody else in this country billions of dollars a year because we are doing tests that nobody needs, except the doctors to defend themselves. And that is \$200 billion a year out of \$2.4 trillion. That is what the number is.

So when less than 3 percent of the people—and I am all for compensating people who are truly injured. I have no problems with that. As a physician practicing over 25 years, there is no question I have made mistakes. There is no question. There are no doctors who are perfect, and, consequently, sometimes people are injured because of doctors' mistakes. Most of the time they are not. And it is not about not compensating the injured. It is about changing the mindset in this country that you can extort people into settling when you have no real claim, and that is what is going on with 85 to 90 percent of the cases.

So the answer for health care is: controlling costs. So how do we best do that? It is interesting, we have had the accusation that there are no other plans out there. My colleague from North Carolina and I introduced the first plan in Congress for health care.

What does it do versus what the Baucus bill or the public option bill will do, according to CBO? We cover 94 percent of Americans—identical to what the Baucus bill does. So 94 percent of all Americans will get covered under our bill. We save the Federal Government \$70 billion in the first 10 years, close to \$1 trillion in the second 10 years.

What does the Baucus bill do? It saves \$88 billion, and nobody knows what it is going to save after that. But it costs the States billions. Our bill saves the States, in the first 10 years, \$960 billion. We cover more people, with no increase in the cost to the Federal Government, versus a marked increase in the cost to the States by the Baucus bill, or by the public option plan.

It eliminates preexisting condition. We all agree we need to do that. Nobody is fighting that. The question is, how do you do it? Do you do it in a competitive model that costs insurance companies pain if they are not covering the people properly? And if, in fact, there is an incentive to cover preexisting conditions, then you have an incentive for the insurance companies to invest in the management of chronic care rather than ignore covering somebody.

I do not deny there is cherry-picking going on right now, but it is only because we allow it. We do not have to allow it. But the answer does not have to automatically be another long-term, bankrupt plan run by the government. Nobody can deny the \$95 trillion, 100-year unfunded liability for Medicare. That is GAO, that is CBO, and that is the Medicare trustees. You cannot deny that.

So we have a program that seniors are fairly happy with, except the Baucus plan is going to cut a half a trillion dollars out of it. But we cannot pay for it. So we are not doing anything to drive that cost down, to drive in efficiency. What we are going to do is create more government, to have another plan that is going to get in the same shape as Medicare.

We all want the same thing. We want to get everybody covered in this country. We want the cost of health care to be affordable. And we do not want to bankrupt our children. We have already bankrupted them. So the danger of having a government-centered, government-centric, government-run, government-devised, government-managed health care program—just by history, look at what we have done.

Medicaid costs tons more than it was ever supposed to cost. SCHIP costs tons more than it was ever supposed to

cost. Medicare costs tons more than it was ever supposed to cost. Indian health care—it does not cost more because we just let them suffer. We do not put the money into it. VA costs tons more than it was ever supposed to cost. TRICARE costs more than it was ever supposed to cost. They are all government programs. They are all way over budget.

So the question the American people ought to ask is: If we all want to get everybody covered, and we all want to drive down costs, does the government have a track record that says it has done that? No. As a matter of fact, it has done the opposite of that.

So it is not a matter of whether you trust in government. We have 61 percent of health care running through government. And as a physician who has practiced for over 25 years, I will tell you, it is my opinion the reason costs are out of control is not because of the insurance industry—and I am not a defender of them; as a matter of fact, I hate them about as bad as I hate anybody telling me what I am going to do to my patient—the problem is, we have directives coming from the government that have disrupted the market in health care and created this tremendous differential.

The other difference that we have in the Patients' Choice Act is that we do not put another burden on the States, which all these bills do. The States are swimming in debt. They are struggling to stay ahead, and we are transferring billions, almost—we are transferring trillions of dollars of expense to the State. We are making it nice for four States. We have picked four States and we have said: You don't have any cost the first 5 years. We just, out of the hat—because they are having a little worse economic time than others, we have said: You don't have it. But for the rest of the States, it is the mother of all mandates, and they will never be able to afford it.

There is also another little sneaky provision in the bills—both in the HELP bill, the House bill, and the Baucus bill—which is, we know we are not going to cut doctors' fees 21 percent. The Presiding Officer would agree to that, the Senator from Colorado knows we are not going to do that. But we are not going to recognize it. We are not going to recognize that cost. So we are playing games with the American people. We are saying: Here is what it costs, when we know it is going to cost a lot more than that because we know we are not about to do that. But we do not have the courage to admit that. We do not have the courage to ask for an honest score.

The other difference is, we empower patients and States, not bureaucrats. We preserve the right, the inherent individual liberty right, of an individual to decide what is best for them rather than having the government decide

what is best for them. In our bill, 9 out of 10 Americans get a tax cut.

So let me draw the parallel again. We do not have a government-run program. We save the Federal Government money. We save the States \$1 trillion. We get more people covered than any other plan that is out there. Nine out of 10 Americans get a tax cut. We eliminate preexisting illness. And we bend the cost curve down considerably.

And, oh, by the way, we do not destroy innovation in health care, which is 75 percent of the innovation in the world, which will go away if any of these other plans are instituted—the incentive to put capital at risk to create opportunity for medical innovation.

There is a lot I could say, but I think what I would like to do is yield to my colleague from North Carolina in terms of someone who has been with me, who knows health care, who has been from the start working with us to try to put forward a plan that says we can accomplish this same thing and save tons of money.

Mr. President, I yield to my colleague from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I thank the doctor from Oklahoma, my colleague, my friend. Let me say from the start, 3½ years ago, TOM COBURN and I sat down and realized health care was unsustainable at its current level of investment.

The American people have complained because they have seen a process that has gone too quickly. Well, in the Patients' Choice Act you find 3½ years worth of work—a bill that was designed to take 4 years before we thought we had the right information we needed to do health care reform adequately.

With the change in the administrations, the new President and his timeframe, we accelerated it. But let me say, right from the start, it is unsustainable at its current level of investment. It is 17 percent of our gross domestic product. Health care has to be reformed.

I personally believed the debate we were going to have in Washington was over what type of reform. Dr. COBURN raises a good point: cost. Where are we from the standpoint of our Nation?

I happened to gaze, as I was waiting for the last speakers to finish, on the page of this publication. It says: Baucus Bill Projected at \$829 billion. In the small box down at the bottom of the page—CBO: Deficit Hits Record \$1.4 trillion for Fiscal Year 2009.

Common sense would tell you that when you are in the type of financial shape the United States of America is in, not only do you stop spending, you begin to look for ways to curb spending and a way to invest to reduce the deficit. Because the deficit is what our

children and our grandchildren will inherit. If you believe it is unsustainable at its current level of investment, then you sort of understand where Dr. COBURN and I are coming from.

The worst place we can start is: How much more money do we need to spend to do health care reform? But the truth is, the Baucus plan is not health care reform. It is health care expansion. The debate in Washington is not about how to reform health care. It is about how to expand health care. And once you determine the pool you are going to expand it to, the \$64 million question is: How do we pay for it so the CBO says we have paid for it?

What I would like to do is spend a little bit of time exploring how the Baucus plan pays for it with the caveat up front of saying—as it relates to Dr. COBURN and myself—we don't believe we have to spend more to reform health care. I think from what he said about the Patients' Choice Act, we have made the point. We were the first two people in the Congress—House or Senate—to introduce comprehensive legislation. We cover the same amount of additional Americans that the Baucus plan covers. We do it without making additional taxpayer investments in the expansion of coverage. Why? Because in addition to expanding coverage, we reform health care. We actually bend the cost curve. We change the tax application to where it is fair and equal for all people.

What we have to realize is, the Baucus plan is a 10-year plan. We collect revenues for 10 years and we pay out for the expansion in 6½ years. Let me say it again. We are collecting tax revenues for 10 years, but we are only paying benefit expansions for 6½ years. We have to look at years 10 through 20 if you want to see 10 years' worth of revenue collection and 10 years' worth of expenses. As a matter of fact, if you took the first 10 years and you applied what is done in the bill and said: Well, if they started making payments in the first year, this bill would actually cost \$1.8 trillion, not \$829 billion but \$1.8 trillion.

Incorporated in the Baucus bill are cuts to Medicare, cuts that equal \$449 billion. Dr. COBURN talked about the imminent reduction to physician reimbursements: 21 percent projected. We all agree we are never going to make that. One of the attractions for health care professionals was the Baucus bill said in year one, we are not going to make those cuts. Well, they are going to cut Medicare over 10 years by \$449 billion. This is giving with one hand and taking away with the other hand. Health care professionals around this country have realized that, even though their association that represents them doesn't.

The Baucus bill cuts \$117.4 billion in Medicare Advantage. My colleagues are probably saying: What is Medicare Ad-

vantage? Well, it is the preferred plan of 20 percent of America's seniors. Twenty percent of our seniors on Medicare have chosen Medicare Advantage, a private sector option to traditional Medicare, where they have looked at the two and they said: I would rather have Medicare Advantage, because when I go in the hospital, Medicare is going to charge me a \$750 deductible right off the bat. Medicare Advantage? Zero. For traditional Medicare, you are going to have to have Part A, Part B, Part D. Medicare Advantage, you get it all as one lump sum. You don't have to make separate selections. They provide you the doctor coverage, the hospital coverage, the drug coverage all in one plan.

Why is it under the target of some in Washington to cut \$117 billion? They say it is because we pay 114 percent of Medicare per person allocations to Advantage, where we pay 100 percent in traditional fee for service. That is exactly right. I remember the debate we had in Washington when we did it. Because the objective then was: How do you get Medicare Advantage to offer this plan in rural America? To offer it in rural America meant you had to offer a greater reimbursement. This isn't reflective of a windfall for the insurance companies; it was an incentive to offer this choice not just to urban seniors but to seniors everywhere in America. In my State of North Carolina, 17 percent of all the Medicare beneficiaries are enrolled in Medicare Advantage. When anybody gets up and says pass this bill, the Baucus bill, and you can keep your health care if you like it, there is a caveat to that. Unless you are 17 percent of the seniors in North Carolina or you are 23 percent of the seniors nationally, you lose your plan. You are going to go back into traditional Medicare. You are going to go back to where, when you enter the hospital, they are going to say write me a check for \$750 annually; where your Part B is a separate payment; where your Part D is something you have to figure out as to which plan you want versus something that is seamless and covers everything. I will assure everybody a \$117 billion cut to Medicare Advantage will eliminate that product from the marketplace. Nobody will offer it. Twenty percent of America's seniors will lose the insurance they prefer, not keep it.

Medicaid expansion. It seems like a sensible way to go if you want to expand coverage, which is where the debate has been in Washington. Well, let's simply take a coverage tool that is out there today—Medicaid—and let's raise the income limit so more people qualify for it. So instead of 100 percent of poverty, we raise it to 133 percent of poverty. It costs \$345 billion. There is \$33 billion in direct State spending. As Dr. COBURN said, four States are sort of split out of it, and they say: Well, we

are not going to charge you because you are in tough economic times. Well, North Carolina is at 10.8 percent. Why aren't we included? Our cost, when the Federal Government makes North Carolina ante up, is going to be south of \$1 billion a year for a State that had a \$4 billion shortfall. Where is my Governor in her outrage at the proposal to expand Medicaid to 133 percent of poverty?

The tough thing is, this plan has been sold that it is not going to cost anybody anything, and the truth is it is going to cost seniors, it is going to cost taxpayers, it is going to cost the unemployed but, more importantly, it is going to cost people who have health care insurance today. People who have the money to purchase theirs and people whose employer offers them health care, their cost is going to go up because of the restrictions and the mandates that exist within the Baucus bill.

The Baucus bill would impose an annual \$6.7 billion fee on insurance companies; \$6.7 billion a year; over 10 years, \$67 billion. So a \$67 billion new fee on the insurance companies that we are trying to make the American people believe are going to reduce premiums, reduce costs, and we are sticking them with a \$67 billion pricetag. There is nobody in America when they hear this who believes that health care is going to go down for the American people. For every person who currently has a plan today, I will assure my colleagues their premium will go up. They will pay more money, not less money.

We grow the IRS. There is something we haven't talked about because of the requirements in this bill to collect fees and to collect taxes. It is estimated by the Lewin Group that the IRS would need a 25-percent increase in their budget. The IRS currently gets \$12 billion annually for their administrative costs. The administration costs for implementing the exchange subsidies would add nearly \$40 billion from the Baucus bill. We have additional costs at the IRS because we have to increase by 25 percent the IRS requirements to go and collect and enforce this.

We tax the chronically ill. I thought this one was one of those myths that late night TV talks about. We tax the chronically ill in the Baucus bill. Let me explain what I mean. Current law says that if your health care charges exceed 7.5 percent of your annual income, then you can deduct that off your taxes. Clearly, the lower your income, the more likely you are to utilize the 7.5 percent exclusion. So what does the Baucus bill do to raise money? It raises the exclusion to 10 percent. Instead of at 7.5 percent of your adjusted gross income being able to deduct anything that exceeds that, it says you have to exceed 10 percent of your adjusted gross income. For somebody who makes \$1 million a year, this is no big deal. They probably have more than

enough insurance to take care of it. For somebody who is on a limited income; for somebody who maybe doesn't have all the insurance they need; for somebody who walks in and is chronically ill, has a chronic disease and they are making payments, they are covering their copays, they occasionally go to the hospital, they have that \$50 charge for walking in the door, even though they have insurance. They are making it at the end of the year, even though they make \$20,000 or \$25,000 a year, and all of a sudden, 2½ percent of their adjusted gross income is no longer a deduction they get. What is that? That is taxing the chronically ill in this country.

Listen, I have to give them credit. They have left nobody out of this bill from taxes. They have left nobody out of this bill from instituting a new fee. As a matter of fact, some of it we are going to have to take for granted is going to be applied to us in an indirect way because incorporated in the Baucus bill we collect a new device tax. To the heart patient who goes in and gets a heart catheterization, to the senior who goes in and gets a hip replacement, it is a device. For any medical device that is used, there is a \$40 billion device tax over 10 years.

What does that do for the innovation of new devices? Dr. COBURN can speak to it better than I can. When we were able to switch from open heart surgery to bypass surgery, we probably went from \$40,000 or \$60,000. When we were able to catheterize somebody and put a stent in, we reduced significantly the cost, we reduced significantly the invasion, we were able to raise the quality of life. We couldn't have done that if somebody hadn't innovated a cath and a stent. We would still be doing all bypass surgeries. You think through all the medical procedures we do in this country and you think about all the devices that have been created by companies and by doctors so they can be less invasive because they understand every time they go into somebody, every time they cut in, there is a fear of infection today; there is a consequence of recovery. It means a stay in the hospital is longer.

When you see a new device enter into the marketplace, you actually see a new efficiency come into health care. You see reduced health care costs because you are taking either somebody out of an inpatient setting and you are putting them in an outpatient setting, or you are taking an inpatient patient and you are getting them out of the hospital faster. Actually, you could make the case that innovation of medical devices is health care reform because it is driving down costs, because it is moving patients out, and the net result is the quality of life goes up. But, in this bill, we raise \$40 billion over 10 years, or \$4 billion a year on taxes on devices.

If you listen to the things I have talked about, you are probably sitting at home trying to figure this out: I am going to pay more in health care because they are taxing devices. I am going to pay more in health care if, in fact, I have a chronic illness because I am not going to be able to deduct that out-of-pocket cost that is between 7½ percent and 10 percent of my adjusted gross income. I am going to have to cover, as a taxpayer, a 25-percent expansion in the IRS. They are going to impose a \$6.7 billion so-called fee on the insurance industry, or \$67 billion over 10 years, while I have an insurance policy, so that fee is going to be passed through to me as a covered life under the insurance plan.

I am going to pick up, in the State in which I live, the increase in the limitations on Medicaid when we go from 100 percent of poverty to 133 percent of poverty. How can you make a claim that this bends the cost curve? If you tried to make the claim, it bends the cost curve up not down.

Dr. COBURN and I listened very intently as the President kicked off this debate: Create a program that provides coverage for as many Americans as we possibly could. We did that. Bend the cost curve down. Well, we make a direct investment in prevention, wellness, and chronic disease management—the only three direct areas of savings in health care. We can talk all night about tort reform and about different aspects. They are indirect and there are significant savings we can achieve by incorporating those reforms into health care.

In the Patients' Choice Act, we elected to keep it narrowly targeted, and we invest in prevention, wellness, and chronic disease management. Why? Because we went to States, businesses, and self-insured companies that went 4 years and didn't have an increase in health care costs. Why? Because they changed the lifestyle of their workers. They actually paid their workers, in some cases, to quit smoking, to lose weight, to get exercise, or to take an education program on a chronic disease they had to make sure they got the treatment they needed.

The net result? In every case, the per-enrollee savings were so significant that the companies continued to try to figure out how they could spend more to reduce health care costs. The quality of life for their employees was better. The productivity of the employees was better, and they had no annual increase in their health care costs.

We are sitting here ignoring everything that has been learned in America by private self-insured companies and by some insurers who are doing creative things, targeting chronic disease, and actually paying doctors to educate.

We have ignored all of this. Why? Because we are having a debate in Washington with the Baucus bill about coverage expansion, not about health care reform.

Coverage expansion costs a lot of money—\$829 billion. We are having that debate and telling the American people this is about reform. If you read the fine print, the bottom of the page, and if you read the part they don't want you to remember, it says this year alone there is a \$1.4 trillion deficit. That is \$1.4 trillion we didn't have that we had to borrow.

The last thing we need is more money in health care. It is 16 percent of our GDP, and we cannot maintain that level of investment. The challenge is on us to come up with the reforms that continue to invest and promote innovation, that expand coverage and, more important, reduce costs.

What do the American people want? They want health care costs to go down, and they want quality to go up. We don't accomplish that in the Baucus bill, but you do in the Coburn-Burr bill. It is not perfect, but it heads in the right direction.

I yield to my good friend from Oklahoma.

Mr. COBURN. I thank the Senator. I am sitting here thinking, if I was sitting at home tonight listening to this, how do I hear the story that I heard for 2 hours on having a government-run plan and how bad the insurance industry is? As a physician, I don't like them a whole lot, I can tell you that. I don't like some of their tactics. I certainly don't like the way they cancel insurance policies on people. There is a lot about them I don't like. But I don't want to eliminate them. What I want to do is create a real market where they have to be savvy and compete and they have to be efficient and they have to help us help one another get well.

We are going to hear a lot over the next month on health care. We are going to hear all these claims, much like we did from Congressman GRAYSON, who made an outlandish claim that my side of the aisle wants people to die. That is what was said in the House of Representatives. What I want is people to live. I want this little girl in the picture to live too.

Do we have an unsolvable problem? No. Do we have ways of making health care costs much less in this country? Yes. Do we have ways of ensuring increased innovation and advanced disease prevention in this country? Yes. Do we have ways to protect this little girl in the photo? Yes. But the debate is over how we do that. One side says we do it by making the government a whole lot bigger—\$1 trillion bigger, \$3 trillion bigger over the next 20 years. That is one side of the debate.

Our side of the debate says this is inefficient health care. We want to cover everybody. We never want anybody to

go bankrupt or to be denied care. We think you can do that without growing the government by 25 percent. We think there are other ways to do it. We are honestly worried about our track record in Washington when we have a \$1.4 trillion deficit this year and a Medicare Program that is absolutely bankrupt—it will run out of money in less than 7 years from now, totally out of money—and we are going to be borrowing it all then. Is there another way to do it? So either we make a large jump in the size of the Federal Government and add to the \$838,000 that this little girl is going to have, or maybe we can work together and say the insurance companies are bad, but can we keep something like that and make them efficient? Can we allow people to buy across State lines? Can we give people opportunities to buy what they want to buy rather than being limited? Do we trust people to make good enough decisions for themselves?

The Baucus plan doesn't do that. It says we have three or four plans from which you get to choose, but we are going to tell you what you have to buy. And, by the way, you have to buy insurance in this country. Think about that.

I carry with me a copy of the the U.S. Constitution all the time. Every bill out there has said you don't have liberty because the Federal Government is going to tell you where you have to spend your money. You have to buy an insurance policy. So if you make a quarter million dollars a year, it doesn't matter if you want to fund that self-insurance, it doesn't count. You still have to do that. If you don't, you are liable to a tax. If you don't pay the tax, a \$25,000 fine. If you don't pay the fine, you are in jail for a year.

How do we get off telling people that and taking away that liberty, that freedom that is supposed to be guaranteed under the Constitution? The answer is, well, it is better for everybody because if we don't have everybody covered, then it is going to cost more because that is the big government answer to it. Maybe it will cost more if we force and drive competition, if we create transparent markets, where you know what something costs before you get it in health care. In fact, there is a real connection with the purchase of health care and the payment because everywhere we have tried that, it is working to control health care costs. But we refuse to do it.

Frankly, the reason our idea is rejected, which is changing the Tax Code to treat everybody the same under the Tax Code, is because the labor unions don't want that to happen. That is exactly why. Everybody knows that is the problem. Everybody in the country knows that is the problem, but we don't have the political courage to face up to how to fix the problem.

As soon as you make everybody the same under the Tax Code, you empower

35 million Americans who don't have insurance today to get it. You save the States \$1 trillion over the next 10 years, and you give 95 percent of Americans a tax cut, and guys like me will pay a little bit more for my health insurance and income tax. But we will not do that because the powers that deliver politicians to Washington are more powerful than the principles and the character to follow the pursuit of the Constitution.

This little girl in the picture, and everybody like her in this country, is at risk today. We are going to have this great big debate and say how bad the insurance companies are and how bad the government programs are. But the fact is, we don't have a bipartisan bill. Our ideas were thrown out, 13-10, at both the Finance Committee and the HELP Committee—13-10, 13-10—because the idea is they didn't want a compromise bill. They didn't want to solve the problems. They wanted their way or the highway.

So, consequently, we are going to get a bill. I have no doubt. But my little Lucy right here and her football—she is going to lose her football. She is not going to have any little Lucys because she is not going to be able to afford them. She is going to be paying off her \$800,000 worth of government obligations starting at age 20, and she will never climb out of the pit.

So when America thinks about health care, there are a lot of ways to solve it. One is to trust what makes America great—granted, with some changes—or the other is to trust the government to create more government programs.

I will just add this one point. Do you realize that in the bill that passed the HELP Committee there are 88 brandnew government programs—88; 219 times we have held the Secretary of HHS to write in-depth regulations. Now, 88 programs interfering in health care are going to be problem enough. But 219 new sets of regulations—oh, by the way, we created the comparative effectiveness committee with the stimulus bill, and we are going to have 26 people tell every doctor in the country how they are going to practice medicine, what is right and what is not right. And, by the way, in all the committees a prohibition on rationing was voted down.

What are we to think? We are going to create a large government program and grow the government by \$1 trillion over the next 10 years, \$2 billion-plus, maybe \$3 trillion in the next 10 years, and we are going to have Washington tell people how the physicians and caregivers will treat, what they will use to treat, and all the time little Lucy will not matter if she gets sick. We will have already made her sick because we have stolen her future, her absolute future.

It is a cute picture, but it sends a devastating message to us as leaders in

this country. How dare we do that. I wanted to bring out my other charts tonight, but I didn't want to bore everybody. The fact is, the appropriations bills that were passed—if we keep doing what we are doing—America, hear this—we are going to double the size of the Federal Government in 3½ years.

We passed the Agriculture bill today, which is 22 percent bigger, and it was 15 percent last year, and that doesn't count any of the supplemental and the stimulus money. It doesn't take long, if you are growing something at 22 percent, for it to double.

My gray hair comes from the fact that I think we are missing a great opportunity to work together. I think we can solve the health care problem. I think we can do it without enlarging the Federal Government. Especially when we pay 40 percent more than anybody in the world, there ought to be savings that we can get to make health care cost less and to cover everybody else. I know we have seen the studies that show that.

So why isn't it going to happen? Why isn't there going to be a bipartisan bill? It is all political. It is not about the people in this country, it is about the political power structure in this country.

Problems can be solved, common sense applied to limited government and restoring freedom to individuals.

There are going to be so many lawsuits in this country, most of them legitimate, over the health care bill. You will not be able to uphold a challenge to the Constitution of forcing me to pay, take my money that I earn privately and spend it on what you say I have to spend it on. It is one of the greatest denials of liberty I ever heard of, and it is going to get challenged. It is going to go through the courts fast, and I suspect the courts are going to uphold the citizens of this country rather than the power center.

I yield the floor or I yield back to my colleague from North Carolina.

Mr. BURR. Mr. President, I thank Senator COBURN for yielding. Let me just say the reason he is gray is because he cares. This is a Member of the Senate who typically on Monday morning delivers babies, and all weekend long. Before he comes back to Washington, he practices medicine.

This institution looked at what he did and said: You can't charge for what you do even though it costs you \$200,000 a year to keep your practice open, your license in place, to buy your liability insurance. They said that is illegal under Senate rules.

So TOM COBURN is a unique individual. He sees women who are pregnant. He delivers babies. But he doesn't take any payment for it. He keeps his license up to date. To some degree, it is charity care because he believes it is the right thing to do. More important,

he understands that what we do here affects what our children and our grandchildren get in inheritance from us—not financial inheritance, in opportunity.

Why are we passionate about the debt? Why are we passionate about trampling on the Constitution? Because every time we do it, we take an opportunity away from the next generation. We reduce their ability to be successful, whatever their definition is.

TOM COBURN covered it very well. We are somewhat impassioned about our criticism toward the bills that passed out of the HELP Committee, the Finance Committee soon, and the three bills in the House. Why? Because we introduced our bill first. We laid our cards on the table. We offered to work in a bipartisan way with anybody, and we had no takers.

I believe when you lay it out there and you come up with a successful plan, you have every right to be critical. I do question the ones who do not offer an alternative. But we have offered a solution, and that solution was based on three fundamental principles:

One, it had to cover everybody. The way our bill is structured, every American receives the same financial stipend regardless of whether they work or whether they don't, regardless of where they live. We treat everybody the same.

Two, if you are going to get cost savings, then you have to make direct investments in prevention, wellness, and chronic disease management. The Patients' Choice Act makes direct investments in prevention, wellness, and chronic disease management.

Three, is it financially sustainable into the future? We probably should have started with this one versus save it for last. Why in the world would we create a health care system in America if it is not sustainable? If it is not financially sustainable, why would we even consider that legislation in the Congress of the United States? If it did not pass the test of time, why would it even be worthy of debate?

Unless we expect people outside of America to continue to finance our urge to spend, then I have to tell you, we are not going to have any money—either that or we are going to have to tax the American people to a point where they are not going to want to be successful, they are not going to want to work overtime, they are not going to want to switch jobs because the benefit to them of being successful is to be punished by taxes.

This bill is filled with new fees, new taxes. True reform that expands coverage would pay for itself. Think about that. If you truly reformed health care, would the reforms through savings not pay for the expansion? Shouldn't this be a net sum game?

We have left out of the bill shopping across State lines for insurance. It

saves money. The American people are sitting there: Why aren't you doing this? Tort reform saves money. The American people are sitting there: Why aren't you doing this?

Let me end on one that I think the American people are really plugged into. Congress, which plan are you putting yourself under? You designed this plan for everybody in America. Is it the plan you are going to have? You know what, in the Finance Committee, in the HELP Committee, in the House committees, there have been amendments that said Congress has to take the plan they create for the American people. That government option, that is what Congress has to be under. It has been rejected every time it has been offered.

But you see, Dr. COBURN and I took a different approach because in the Patients' Choice Act, we had to set what the basic minimum plan was going to be. Do you know what we put? The Federal Employees Health Benefits Program. We didn't put them into the FEHBP, but we said it had to be equivalent to what Members of Congress had. How could we ask the American people on a plan we create to have less than we have? The American people expect us to look after them, they don't expect us to give them less than we have.

It was rejected every time that was offered to move Congress to their plan. But I think it tells you a lot about the way TOM COBURN and I approached the bill we worked on because we never thought about taking us and putting us into their plan, we thought about taking them and raising them to our plan. There is a big difference in that. There is a big difference in looking at the American people and saying, you should be here; not the American people saying, you should be where we are.

We want people to be successful in this country. TOM COBURN said this is not a bipartisan bill. He is right. But I will end with this tonight: This is also not a reform bill. If you want to talk about expanding coverage, it does an equal job to what the Coburn-Burr bill does. If you want to judge it based upon reform, it accomplishes no reform.

I encourage those who are not satisfied with the options that have been presented in the House or the Senate or that will be debated, go on TOM's Web site, go on my Web site, Google "Patients' Choice Act." Read the bill. It is only 200-some pages, it is not 1,000.

The truth is, if we have a real debate—at some point, we will have one about health care reform—I could suggest to the American people one word that would drastically reform health care, that could replace all 1,000 pages of a House or Senate bill. It is called portability. It is called the ability for an individual employee to take their insurance from one employer to another, not to be construed in any way

because they have a preexisting condition, but also to recognize the fact that when you do portability, you change drastically the way insurers look at covered lives.

I think the American people would be shocked to know the average person is under a health care plan for an average of 4½ years right now. Ask yourself: If I am an insurer and I am going to invest in somebody's lifestyle changes and I am only going to have them 4½ years—how much are you going to invest? The answer is, probably very little. By the time they lose weight or quit smoking, you haven't reaped the benefits of those savings, and all of a sudden you create portability. That means a 24-year-old covered by an insurance company—that insurance company has an opportunity to keep him until he is 64 years old, 40 years. How much are you going to invest in that insured if you are going to have them for 40 years? You are going to invest a heck of a lot because you will want to keep him well as long as you can. You are going to reimburse doctors to do the education; you are going to make sure you keep them out of the hospital; you are going to make sure that if they go into the hospital you get them the treatment they need to get them out as quickly as you can. You are not going to deny a prescription a doctor wrote for them. You are not going to question a treatment a doctor chose because all of a sudden the doctor is a partner to the insurance versus just a cost to the insurance.

You see, true reform has to change health care across the board. It has to change the relationship between patients and insurers, between doctors and insurers, between hospitals and insurers.

Ask yourself: Does the Baucus plan accomplish any of it? The simple answer is no, it does not. That is why it costs \$829 billion, and that is why it pay for it you don't get it through savings, you get it through taxing and fees. You get it through the insurance costs of everybody who has it. You achieve the costs by cutting Medicare, by knocking seniors off the health care plan they prefer. You get there by increasing the income limitations on Medicaid, making States actually pay for the expansion of 11 million Americans who are going to be covered under the most inefficient health care system in the country, Medicaid, where only 60 percent of the health care professionals will even see Medicaid beneficiaries because the reimbursements are so low. But we are going to grow that population by 11 million people.

We are doing an injustice to these people to put them in a plan where only 60 percent of the health care professionals will see them. They will not get the education they need for chronic disease management. They will not make the lifestyle changes because

Medicaid does not pay for prevention, wellness, or chronic disease management, nor does Medicare, nor does the VA, nor does Indian Health. Show me a government plan that pays for prevention, wellness, and chronic disease management, and I will quit coming to the floor and quit talking about the lack of reform.

The truth is, the Baucus plan tries to replicate what the Federal Government has, and it does not have prevention, wellness, and chronic disease management today. It will not have it tomorrow, and it will not have it next year.

Mr. President, I thank you for your patience. I assure you and our other colleagues that Dr. COBURN and I will be frequent visitors here as we get ready for this debate, as we have this debate, and probably after this debate is over, depending upon the outcome of it.

But let me make it perfectly clear, if any Member in this debate is looking to try to achieve a bipartisan solution to health care, you can sign TOM COBURN and RICHARD BURR up today to sit at the table with you, to forget about who is the author of legislation, to talk about real solutions to real problems that deal with health care. I am committed to doing it, but I am not committed to rolling over and just accepting another expansion of the Federal Government and Federal Government spending.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, as you could hear from the remarks of the Senator from North Carolina and the Senator from Oklahoma, there is agreement on some issues. We know the status quo is not going to work when it comes to health care. We know our families cannot endure another decade of double-digit cost increases every single year in their health insurance premiums. We know we can do better than devoting a fifth of our GDP to health care, when every other industrialized country in the world devotes less than half that to health care. We know the biggest drivers of our outyear budget and debt—which we do need to be enormously concerned about—are rising Medicare and Medicaid costs, and the biggest drivers of those are rising health care costs.

I would say, again, as I have said before, I hope we can start on where the areas of agreement are and try to work from there. Because our small businesses and working families all across this country, including in my State of Colorado, cannot endure another 10 years like the 10 years they have endured. We will not be able to compete effectively in this global economy, where we are devoting more than twice what any other industrialized country in the world is devoting to just one sector of our economy—health care—and

we are not going to keep the kind of commitment the Senator from Oklahoma was talking about to the young girl in the photograph or, for that matter, to my three daughters at home, who are 10, 8, and 5. I am deeply concerned about where we are with respect to our deficits and our debt.

So while we are disagreeing about the outcomes, I think there is a growing understanding that the current system just will not do.

#### AFGHANISTAN

Mr. President, I am here to talk a little bit about Afghanistan, and just for a few minutes because yesterday we reached the 8-year anniversary of the war in Afghanistan. On this occasion, we should remember how unified our entire country was over our mission there when it began. The Nation came together after 9/11 to support our military as it bravely took the fight to the Taliban and the terrorists in Afghanistan. We had one ultimate goal: Removing al-Qaida's safe haven.

Our military succeeded in toppling the Taliban government, which had allowed al-Qaida to use Afghanistan as a staging ground and a hiding place. Once the Taliban was removed from power, an international coalition, led by U.S. forces, went about the long and difficult task of defeating al-Qaida for good.

Yet now, 8 years later and with a new administration trying to determine America's best way forward, many Americans are understandably concerned and frustrated. Afghanistan is not where any of us want it to be, and our ultimate goal has not yet been met. Al-Qaida is still there and in Pakistan as well. Afghanistan's Government has not been able to take centralized control of the country. Elections there have not added to the legitimacy of the Karzai government. We have been left to reassess our position, and we must do this reassessment together.

Policymakers are asking the important and right question: What are the proper goals for our military effort in Afghanistan? How best can we accomplish them? Are these goals purely military goals? Can they be better solved with more troops or fewer? Do we need a more complex new mission in our future, which the military aspect is only one small part?

Unless we are sure, unless all of us are sure that more troops can help us meet our goals, we should not send them. Our soldiers already have sacrificed much. This time, in particular, is a difficult one for servicemembers and their families, and it is also proving to be a difficult one for those of us making policy.

As we decide what our direction will be in Afghanistan, the fallen brave soldiers we lost from Fort Carson this week are solemn reminders of how consequential our decisions have been and



will be. Those of us who opposed going to war in Iraq, including President Obama, believed then it was the wrong war at the wrong time. We believed that Washington's focus on Iraq was diverting precious resources from our efforts in Afghanistan. We are still dealing with the consequences of the decision to focus on Iraq, both in Iraq and in Afghanistan.

Recalling recent history is so important because now we have to find new wisdom on Afghanistan. At the same time, all 100 Members of this body know we must take great care as we make decisions that will affect the lives of our men and women in uniform and their families. For every soldier who answers our Nation's call to serve in combat, a new deployment is akin to a new decision to go to war. That is why our national purpose and their mission must be absolutely clear.

That is also why, as Members of this body, we must be willing to ask hard questions. The country will be counting on the Senate to scrutinize and understand the purpose of any decision to deploy additional troops. As we, together, debate a new approach to Afghanistan, I will be motivated by the memory of the Fort Carson soldiers who died this past week, as well as all those who have fallen in rank and Afghanistan. I know all of us feel the same way. They served honorably. So must we.

Mr. President, I yield the floor.

Mr. BEGICH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with the Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

##### FORT CARSON SOLDIERS

Mr. UDALL of Colorado. Mr. President, I rise today to pay tribute to eight young men from Fort Carson in Colorado who perished last weekend in Afghanistan. This was the heaviest U.S. loss of life in a single battle since July 2008, when nine American soldiers were killed in Afghanistan.

In highlighting the lives of these young soldiers, I do not want to diminish the loss of other brave servicemen and women who have given their lives

for our country. Before last weekend, Fort Carson alone had lost 270 soldiers in Iraq and Afghanistan, and we must continue to honor the courage of our fallen, our wounded, and those who continue the fight.

But I hope the stories of these eight young men today speak to the loved ones of all the brave men and women who have lost their lives in Afghanistan and Iraq in recent years. I honor their service, their courage, their dedication, their love of country and family. I thank their wives, husbands, children, parents, and other family members and friends for their support of these brave servicemen and women. And I want to express my deepest sympathy to them as they mourn their loss.

These eight soldiers were all from the same platoon—Bravo Troop of the 3rd Squadron, 61st Cav, 4th Infantry Division, based at Fort Carson. The 4th BCT has worked since May to secure territory throughout a four-province region near Jalalabad in some of Afghanistan's most rugged terrain, training in the nearby hills to prepare for high-altitude battle. A major achievement included providing security for Afghanistan's presidential election in August, enabling local Afghans to go to the polls.

I met with the 4th BCT commander, COL Randy George, back in April in Colorado, before Colonel George and his soldiers departed for Afghanistan. I know how hard Colonel George worked to get these soldiers ready for the fight, and they were ready. These eight young men and their fellow soldiers fought valiantly, taking on about 200 insurgents in their remote outpost in Afghanistan's Nuristan province.

As MAJ Daniel Chandler, the rear detachment commander for the 4th

BCT, said: "They were attacked, the unit fought bravely, and in the end, they won the day."

I would like to say a few words about each of these men.

SPC Michael Scusa of Villas, NJ, was 22 years old. He joined the Army after graduating from high school and was on his second tour in Afghanistan. A former teacher said: He was a boy any mom would be proud to have. He leaves behind his wife and 1-year-old son in Colorado, as well as immediate family in New Jersey and Nebraska. SPC Christopher Griffin was 24 years old. He grew up in the small town of Kincheloe, MI. A high school classmate said that the "whole town" knew that Christopher would enlist someday. The Army was his calling—and he was very proud of it. He leaves behind his family in Michigan.

PFC Kevin Thomson of Reno, NV, was 22, and joined the Army in April 2008. Friends said that he could make anyone smile, that he valued friendship, and that he had a strong relationship with his mother. His photo hangs

in Scolari's grocery store in southeast Reno, where he used to work. He leaves behind his family in Nevada and California.

SGT Vernon Martin of Savannah, GA, was 25 years old, and leaves behind a wife and three children and family in Georgia and New York. He joined the Army 6 years ago and had served in Iraq before being shipped to Afghanistan. His wife said that he hoped to work with kids someday—and that Vernon was the best thing that ever happened to her and their children.

SPC Stephan Mace of Lovettsville, VA, was 21 years old, and is survived by his family in West Virginia and Virginia. His mother said that he loved sports, wildlife, and the outdoors, and that he always had a smile on his face. He learned about patriotism from his grandfather, who served in the CIA during the Vietnam war, and had a strong love of his country and the military. Stephan's youngest brother just graduated from boot camp at Fort Sill—he wants to join the Army like his brother.

SGT Joshua Kirk—originally of Bonners Ferry, ID—was 30 years old. He leaves behind his wife and 2-year-old daughter in Colorado and mother in Idaho.

SGT Joshua Hardt of Applegate, California, was 24 years old, and was an outgoing and athletic young man—so talented at high school football that his helmet was retired. When Joshua was stationed at Fort Carson, he and his wife moved to Colorado together. Joshua leaves behind his wife and immediate family in California.

SGT Justin Gallegos of Tucson, AZ, was 27 years old. His friends called him "a man of excitement, courage, leadership, and kindness," and a strong man, a go-getter. He leaves behind family and friends in Tucson.

There is so much more to say about each one of these soldiers—and about each of the men and women who have given their lives in the service of our country. Now is a time to honor their memories and pay tribute to them for their tremendous sacrifice and dedication to our Nation. We will not forget you.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I appreciate the words of the senior Senator from Colorado and his words about soldiers in his State and around the country. We all share that sentiment today in the Veterans' Committee. We heard from soldiers and family members about people who died in the line of service, not in battle but for other reasons—contaminated drinking water in some cases, in other cases open-pit burning. It is important we honor our men and women, as Senator UDALL did, but also that we, frankly, treat them better when they are in the service. Their commanding officers sometimes



need to pay more attention to that and how we treat the families of our men and women, our soldiers, and our veterans. But I thank the senior Senator from Colorado.

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to recognize the tragic loss of nine soldiers stationed at Fort Carson, CO, who were killed this past weekend in Afghanistan.

Last Saturday, eight soldiers from the 4th Infantry Division's 4th Brigade Combat Team at Fort Carson were killed in a firefight by insurgents in a remote area of Afghanistan. From what we know, as many as 200 insurgents attacked two of our mountain outposts, and U.S. and Afghan soldiers responded together. The fighting lasted most of the day. When it was over, Fort Carson had seen our most costly day since Vietnam.

These eight young men made the ultimate sacrifice for their country. All Coloradans and all Americans honor their bravery and their service. We owe them and their families a great debt.

I wish to read the names of these courageous soldiers into the RECORD, and recognize that a ninth tragedy has also apparently now occurred, and say a few words about each:

SGT Vernon Martin was 25 years old. He leaves behind a wife and three children. After joining the Army 5 years ago, Vernon had already served bravely in Iraq. His wife has told people that he hoped to work with kids in the future. She also said he was the best thing that ever happened to her and their children.

SGT Justin Gallegos was 27 years old. A native of Tucson, AZ, his friends described him as a man of excitement, courage, leadership, and kindness. He is remembered for his constant smile and his generosity. Justin leaves behind a 5-year-old son. His family and friends will miss him dearly.

SGT Michael Scusa was 22 years old. After graduating from high school in New Jersey, he joined the Army to serve his country. Michael was serving his second tour in the region. Before he died, he had told his wife that if he was killed, he wanted to be buried in Colorado Springs to be close to his son. This son had been named after a friend of Michael's who was lost in Iraq.

SGT Joshua Kirk was 30 years old. He grew up in Idaho where his family still lives. He had followed his childhood dream of entering the Army and was serving his second tour in Afghanistan. He is survived by his wife and 2-year-old daughter.

SPC Stephan Mace was 21 years old. Born in Virginia, he grew up loving sports, wildlife, and the outdoors. His mother said that he always had a smile on his face. His grandfather, who had served in the CIA, taught Stephan what it means to serve your country. Stephan recently returned home for a

15-day leave trip, and his mother said that he returned to his post without fear.

PFC Kevin C. Thomson was 22 years old. He joined the Army just last year. Originally from Reno, his friends described him as the type of person who could make anyone laugh. He cared little for material things and put more emphasis on the people around him. His photograph hangs in the Reno grocery store where he worked after high school. He will be missed by his family and friends in Nevada and California.

SGT Joshua Hardt was 24 years old. He was described by family and friends as an extrovert and athlete. He was so talented on the field, actually, that his high school football helmet was retired. Seeing the successes of his older brother in the military, he followed his brother into the Army. He is survived by his wife, his hometown sweetheart, who moved with him to Colorado after he was stationed at Fort Carson.

SPC Christopher Griffin was 24 years old. Coming from a small town in Michigan, friends say they knew he would end up serving his country. Serving in the Army was his longtime goal. He played football and wrestled in high school, and made his friends laugh. Christopher's family in Michigan is proud of his service, and his hometown has made plans to name a street after him.

In addition, we recently have learned that a ninth Fort Carson soldier was killed in Afghanistan this weekend in a separate attack. SPC Kevin O. Hill, of New York, died on Sunday. He was 23 years old.

At great personal risk, these nine men braved a war in a faraway land. They pushed forward into great danger to protect us here at home. When asked, they answered the call of duty and performed their missions with distinction.

Coloradans are immensely grateful for their selfless dedication, and our thoughts and prayers are with their families and loved ones today. I hope their pain is eased by the knowledge that these soldiers will always be remembered and honored.

Let us all remember the incredible sacrifices made by nine young people for America's freedom and our safety here at home. I know I speak for all 100 Members of the Senate in offering America's condolences and gratitude to all nine of these mourning families on this day.

#### PENNSYLVANIA'S 56TH STRYKER BRIGADE

Mr. CASEY. Mr. President, I wish to recognize the contributions of the 56th Stryker Brigade which recently returned to homes and families across the Commonwealth of Pennsylvania. For 9 months the 56th Stryker Brigade has been deployed in Iraq. Here these civilian soldiers, known as the Independence Brigade, worked side by side with Iraqi counterparts to continue to

bring stability and security to the Iraqi people. On the front lines they patrolled neighborhoods, targeted insurgents, and swept for improvised explosive devices. They performed more than 800 combined operations, captured 7 brigade-level, high-value targets, and discovered more than 80 enemy weapons caches. Any success we have had in Iraq is not only the result of military achievements. In this regard, it is equally important to recognize the \$22 million in reconstruction efforts the 56th Stryker Brigade assisted with in coordination with an embedded U.S. provincial reconstruction team.

While these young men and women are now home, we must also remember those who fell in battle. Two members of the 56th gave, as Lincoln said so long ago, "the last full measure of devotion" to their country. SPC Chad Edmundson of Williamsburg was killed by an IED, and SSGT Mark Baum of Quakertown was killed by enemy small arms fire. To these soldiers' families and friends, I express our condolences and gratitude on behalf of the people of Pennsylvania for their sacrifice. Please know that our prayers are with you and that we will never take for granted their personal courage and sacrifice. We pray for Chad and Mark, and we also pray for ourselves, that we may be worthy of their valor.

While deployed, many things have changed for these members of the Pennsylvania National Guard. Some members met their sons and daughters for the first time. For all our troops, a time of readjustment and reintegration back into their communities and daily lives lies ahead. I want the National Guard to know I will always be committed to helping them during this battle. I know there are other guard members who bear scars from battle, whether visible or not. The Senate must ensure our citizen soldiers' jobs are maintained while they are deployed, and we must provide opportunities for them to find employment upon their return.

For this reason, I will continue to urge colleagues to take up and adopt the Service Members Access to Justice Act and the FORCE Act which will make National Guard assistance programs more effective and responsive and ensure that National Guard troops keep their jobs and employment benefits as required under law.

Again, I express my appreciation to the 56th Stryker Brigade and all of the men and women in service.

#### SATURN'S DEMISE

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD remarks I made this weekend on the Saturn car company, which has lived and apparently passed away in the State of Tennessee but has contributed a lot to our State over the last 20 years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I spent almost all the state's \$450,000 advertising budget to buy a full page ad in the Wall Street Journal saying, "Well, Saturn finally found its home . . . in Spring Hill, Tennessee."

The ad answered a questioned that was on the mind of millions of Americans for a few days in August, 1985: "Why Spring Hill, Tennessee?"

General Motors had looked everywhere for the best place to put its \$5 billion Saturn plant. The biggest corporation in the world was making the largest one-time investment in U.S. history.

Three banks of GM computers analyzed 1000 sites in 38 States. Then (so the ad went) the top brass answered the question: "Where is the best place in America to build the highest quality car at the lowest cost, a small car that will compete with the Japanese imports?"

General Motors hadn't spent a penny yet advertising Saturn, but the intense competitions for the Saturn plant made the front pages for months during 1985. As a result, twice as many Americans were able to identify a Saturn as could identify a Pontiac even though Pontiac had been building cars since 1926 and Saturns wouldn't be produced until 1990.

Governors had made fools of themselves making pilgrimages to Detroit and sitting on stools on Phil Donahue's television show arguing the merits of their States. I hadn't done that but had met GM President Roger Smith in a hotel room in Memphis after he made a United Way Speech. I knew that the big Nissan plant, which had just located in Smyrna, would be either the hook or the kiss of death. So I said to Mr. Smith, "Why don't you put your plant right next to your competitor's plant, and tell your union and tell your management, if the Japanese can do it, you can do it, too."

That is exactly what GM decided to do. The Nissan and Saturn decisions put Tennessee on the map for companies looking for plant sites. (Nissan was the largest Japanese investment ever in the U.S.) Then, Tennesseans had almost no auto jobs and one of the country's lowest average family incomes. Today, thanks to the good work of Governors McWherter, Sundquist and Bredesen and Tennesseans' work ethic one-third of our jobs are auto jobs and our family incomes are a good deal higher.

The Nissan plant became the most efficient auto plant in North America and will begin making electric cars next year. Its future seems secure—and so does that of hundreds of suppliers—who have migrated to Tennessee because it is now central to the American auto industry's most efficient assembly plants as well as its market and because it is a right-to-work State with one of the "best 4" lane highway systems.

Saturn started off with a bang, created almost a cult following of owners but never made a profit. Its apparent death this week when Roger Penske couldn't find anyone to make Saturns so he could sell them is like any death, sad but full of memories.

Most of the memories are good. Saturn's life was a good life, for Tennesseans. It helped put us on the map, job wise. It helped raise our incomes. There is still that \$5 billion plant there, with another billion or so spent to improve it, waiting for GM or someone else to start making cars again. We Tennesseans will miss Saturn but are grateful for its short but good life that truly made our lives better.

#### TRIBUTE TO MARLA AND TOM LETIZIA

Mr. REID. Mr. President, I rise today to honor Marla and Tom Letizia on their being named "Menschen" of the Year by Congregation Ner Tamid. The award is intended to reflect the ultimate values of their congregation, which is to give selflessly of oneself to benefit the community. Marla and Tom have helped make Las Vegas and Nevada a better place with their business and community involvement.

Mr. Letizia started out as an account executive for many Las Vegas television stations including KLAS TV-8. He founded Letizia Ad Team in 1974. The firm specializes in television, radio, newspaper, direct mail, internet and outdoor advertising. Mr. and Mrs. Letizia owned radio and television outlets in Reno, Las Vegas, Laughlin and Tonopah, NV. They cofounded Tonopah's first radio station, KPAH-FM, which was sold in 1992, and the first radio station dual signal property in Laughlin/Las Vegas, KROL-AM, which was later sold in 1993. The Letizias were part owners of the first independent television station in Reno, KAME-TV, which later became a FOX affiliate before being sold in 1994.

In 2001, Mrs. Letizia founded Big Traffic Mobile Billboards Worldwide, which implements trucks that provide four-sided advertising space and environmentally friendly WOBI® walking billboards. She has over 35 years of marketing and journalism experience, beginning her career with KLAS-TV 8 as an assistant production manager and organizer and was subsequently promoted to director of the live television news broadcasts at 5 p.m. and 11 p.m. She gained distinction as the first female director in the history of Las Vegas, as well as the first female hired in production in Las Vegas, running the audio department during production and during live news broadcasts.

The Letizias help their community by acting as founding members of the Board of Trustees for the Meadows School. They are also on the advisory board of the Make-A-Wish foundation of southern Nevada. Marla and Tom also compassionately care about our planet Earth. One of their innovations was a green friendly walking billboard.

With their innovative business approach and compassionate approach to their fellow Nevadans, Marla and Tom represent this country at its best. They have achieved great things and I know their future, both as a family and a business remains, as bright as the neon lights from the Las Vegas Strip. I congratulate Mr. and Mrs. Letizia on their tremendous accomplishment.

#### BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the third budget scorekeeping report for the 2010 budget

resolution. The report, which covers fiscal year 2009, was prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This is the final report for 2009.

The report shows the effects of congressional action through September 30, 2009, and includes the effects of legislation since I filed my last report on August 4, 2009. The new legislation is Public Law 111-68, an act making appropriations for the legislative branch for the fiscal year ending September 30, 2010, and for other purposes. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

The estimates show that for fiscal year 2009 current level spending was \$3 billion above the level provided for in the budget resolution for budget authority and \$7.8 billion above it for outlays while current level revenues match the budget resolution level.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, October 8, 2009.

Hon. KENT CONRAD,  
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through September 30, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter dated August 4, 2009, the Congress has cleared and the President has signed an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (Public Law 111-68). This act affects budget authority and outlays for fiscal year 2009.

Sincerely,  
ROBERT A. SUNSHINE,  
For Douglas W. Elmendorf, Director.

TABLE 1—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF SEPTEMBER 30, 2009

(In billions of dollars)

	Budget Resolution <sup>1</sup>	Current Level <sup>2</sup>	Current Level Over/Under (—) Resolution
<b>ON-BUDGET</b>			
Budget Authority .....	3,668.6	3,671.6	3.0
Outlays .....	3,357.2	3,365.0	7.8
Revenues .....	1,532.6	1,532.6	0.0
<b>OFF-BUDGET</b>			
Social Security Outlays <sup>3</sup> .....	513.0	513.0	0.0

TABLE 1—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF SEPTEMBER 30, 2009—Continued

(In billions of dollars)

	Budget Resolution <sup>1</sup>	Current Level <sup>2</sup>	Current Level Over/Under (—) Resolution
Social Security Revenues .....	653.1	653.1	0.0

<sup>1</sup> S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes \$7.2 billion in budget authority and \$1.8 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

<sup>2</sup> Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

<sup>3</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF SEPTEMBER 30, 2009

(In millions of dollars)

	Budget Authority	Outlays	Revenues
<b>Previously Enacted<sup>1</sup></b>			
Revenues .....	n.a.	n.a.	1,532,571
Permanents and other spending legislation .....	2,186,897	2,119,086	n.a.
Appropriation legislation .....	2,031,683	1,851,797	n.a.
Offsetting receipts .....	— 640,548	— 640,548	n.a.
<b>Total, Previously enacted .....</b>	<b>3,578,032</b>	<b>3,330,335</b>	<b>1,532,571</b>
<b>Enacted this session:</b>			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22) <sup>2</sup> .....	106	3,896	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products...and for other purposes (P.L. 111–31) .....	11	2	8
Supplemental Appropriations Act, 2009 (P.L. 111–32) <sup>2</sup> .....	89,682	26,992	0
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (P.L. 111–39) .....	— 187	— 202	0
An act to authorize the Director of the United States Patent and Trademark Office to use funds...and for other purposes (P.L. 111–45) .....	0	5	0
An act to restore sums to the Highway Trust Fund, and for other purposes (P.L. 111–46) <sup>3</sup> .....	— 40	— 40	0
An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (P.L. 111–68) <sup>4</sup> .....	4,000	4,000	0
<b>Total, enacted this session .....</b>	<b>93,572</b>	<b>34,653</b>	<b>8</b>
<b>Total Current Level<sup>2,3,4,5</sup> .....</b>	<b>3,671,604</b>	<b>3,364,988</b>	<b>1,532,579</b>
<b>Total Budget Resolution<sup>6</sup> .....</b>	<b>3,675,736</b>	<b>3,358,952</b>	<b>1,532,579</b>
Adjustment to budget resolution for disaster allowance <sup>7</sup> .....	— 7,150	— 1,788	0
<b>Adjusted Budget Resolution .....</b>	<b>3,668,586</b>	<b>3,357,164</b>	<b>1,532,579</b>
Current Level Over Budget Resolution .....	3,018	7,824	0
Current Level Under Budget Resolution .....	n.a.	n.a.	0
<b>SOURCE: Congressional Budget Office.</b>			
Note: n.a. = not applicable; P.L. = Public Law.			
<sup>1</sup> Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.			
<sup>2</sup> Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22) .....	— 630	— 630	0
Supplemental Appropriations Act, 2009 (P.L. 111–32) .....	16,169	3,530	0
<b>Total, amounts designated as emergency .....</b>	<b>15,539</b>	<b>2,900</b>	<b>0</b>
<sup>3</sup> Section 1 of P.L. 111–46 appropriated \$7 billion to the Highway Trust Fund. The enactment of this legislation followed an announcement by the Secretary of Transportation on June 24, 2009, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that P.L. 111–46 will reverse this policy and restore payments to states at levels already assumed in current level. Thus, enactment of section 1 results in no change to current level totals. Other provisions of the act will reduce budget authority and outlays by \$40 million in 2009.			
<sup>4</sup> Section 164 of Division B of P.L. 111–68 reduces the required transfer from the Postal Service Fund to the Postal Service Retiree Health Benefits Fund for fiscal year 2009 by \$4 billion. The transfer does not affect unified budget totals; however, since the Postal Service Fund is off-budget, and current level does not include off-budget amounts, only the on-budget piece of the transfer (an increase in spending of \$4 billion) is shown in current level totals.			
<sup>5</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.			
<sup>6</sup> Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:			
<b>Original Budget Resolution Totals .....</b>	<b>3,675,927</b>	<b>3,356,270</b>	<b>1,532,571</b>
<b>Revisions:</b>			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	— 1,530	2,240	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products...and for other purposes (sections 311(a) and 307) .....	11	2	8
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	1,515	642	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303) .....	— 187	— 202	0
<b>Revised Budget Resolution Totals .....</b>	<b>3,675,736</b>	<b>3,358,952</b>	<b>1,532,579</b>

<sup>7</sup> S. Con. Res. 13 includes \$7,150 million in budget authority and \$1,788 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

## VOTE EXPLANATIONS

Mr. KERRY. Mr. President, I am necessarily absent for the vote today on the McCain amendment, Senate Amendment No. 2626 to the fiscal year 2010 Commerce, Justice, Science Appropriations bill (H.R. 2847). If I were able to attend today's session, I would have opposed the McCain amendment.

Mr. President, I was necessarily absent for the vote on the fiscal year 2010 Agriculture appropriations conference report and the Ensign motion to recommit the Senate fiscal year 2010

Commerce, Justice, and Science appropriations bill, H.R. 2847. If I were able to attend today's session, I would have supported the fiscal year 2010 Agriculture conference report and opposed the Ensign motion to recommit H.R. 2847.

## REMEMBERING SENATOR EDWARD KENNEDY

Mr. BARRASSO. Mr. President, in this chamber we have witnessed incredibly moving eulogies and remembrances of our departed colleague Sen-

ator Edward Kennedy. Obituaries in national and international newspapers convey the historic milestones of his life that none could forget, as well as more personal stories of the man that fewer knew.

So much has been said and written since Senator Kennedy's death August 25, 2009. Many of these stories paint the picture of his family, his life, his accomplishments, his legacy all of it extraordinary. Many of us are students of history. Indeed Senator Kennedy lived history.

I am reminded of the recollections of one of my predecessors as U.S. Senator for Wyoming, and a dear friend of Senator Kennedy, Senator Al Simpson. In an interview from 1997 given to the Institute of International Studies at the University of California as part of their "Conversation of History" project, Senator Simpson was asked: Who was the finest legislator he had ever worked with? Senator Simpson replied:

The finest legislator I ever worked with was Ted Kennedy. He had a magnificent staff, he even had a parliamentarian on that staff of his. So when you were in the legislative arena and you were bringing your lunch and staying late, you wanted to get Ted on your side or at least use some of his expertise. I would go to him sometimes early on and say look, you'll have to trust me, what the hell do I do right now to move this bill? Boy I'll tell you he had ways to do it and as you can see he uses those skills on issues in which I was totally on the other side. I can't remember them all there were so many. We were never on the same side. But he is a legislator.

And so he was. He was a quintessential legislator. There is no question about that.

Most of those who have so eloquently written and spoken since his death knew the Senator much better than I Presidents, Senators, world leaders, and other dignitaries, members of his family and friends back in New England. They recall the Senator all of us in the Senate knew, even if only briefly a kind, caring, passionate, and deliberate figure.

Others have detailed his accomplishments they are legendary and lasting. What can I add to these recollections?

I was neither a close friend, confidante, nor legislative partner to Senator Kennedy. I was a new Senator from Wyoming when I first met him. But the story I have, I would like to share, as it is meaningful and illustrates his larger than life personality in the U.S. Senate.

On June 25, 2007, I was sworn in to the U.S. Senate. Senator Kennedy was one of a handful of Democrats in the Chamber. As you would expect, I had a lot of family members in the gallery. Later, they joined me along with Malcolm Wallop, former U.S. Senator for Wyoming, and Senator Mike Enzi in a reception off this floor.

As I was walking up the center aisle to leave the Chamber, there was a booming voice that reverberated through the Chamber. "Senator, Senator!" I was new. I had been a U.S. Senator at that point for all of 60 seconds, so I ignored the calls. At that moment a hand grabbed my shoulder, I turned and heard this booming voice again "Hi, I'm Ted Kennedy." Senator Kennedy through his voice and his presence knew how to get your attention.

All of those who came to see me sworn in—family, friends from Wyoming—they heard it too and we all broke out laughing. "Senator Kennedy, we know who you are."

Senator Kennedy began to tell me stories of his life and about his visits to Wyoming. He spoke about a trip to Rock Springs, WY, when his brother John was running for President. He spoke of Wyoming casting the votes to secure the nomination for John.

He told me about the people he had met—members of the Wyoming Democrat Party at the time—relationships he had built nearly 50 years ago. He named one after another as if he was reading from text. It was a stunning moment to watch Senator Kennedy recall places, events, and people in my home State from 1960.

At my welcoming reception he took personal time with my son Peter and my daughter Emma, both in college. He said to them, "So you're the brother and you're the sister—you know I had some brothers." He talked about John and Robert and Joe. A living history lesson. He invited them up to his office to show them pictures and other memorabilia.

In his office in the Russell Building he must have spent half an hour with Peter and Emma going over pictures of his father Joe, mother Rose, and the Kennedy kids. He shared letters, notes from history.

I think he enjoyed it nearly as much as we did. He beamed when he spoke about his family.

Senator Kennedy leaves behind an astonishing legislative record of accomplishment. He achieved his goals to a degree that perhaps no other Senator in history has. As a public servant, he has few equals.

But he was so much more. Ted also leaves us with the memory of the man—the memory of his kindness and grace, his humility.

Books will detail Ted Kennedy's legislative victories. His moments in history. I will remember the moments he took to warmly and unexpectedly welcome this new Senator and touch the lives of my family that day as well.

To Vicki, we extend our family's sympathy and hope the coming days are filled with more love, God's grace and strength to go on. Bobbi and I wish the Kennedy family our best and our prayers are with you.

Ms. MURKOWSKI. Mr. President, I was deeply saddened by the passing of Senator Edward M. Kennedy in August, my colleague on the Health, Education, and Labor Committee, a statesman in every sense of the word, and a Senator not just for the people of Massachusetts but for every corner of the Nation. I am grateful for the time I shared with him as a colleague and as a friend.

Senator Kennedy may be best known in this body for his consistent leadership on the big national issues. Whether you agreed with him or not Senator Kennedy was "all in" on the issues he cared about, like health care and education, and a formidable force to be reckoned with.

While Senator Kennedy was firm in his convictions, he was open to the ideas of other Senators, regardless of party affiliation. As most Senators who worked with him know, Senator Kennedy had an unequaled reputation for compromise and negotiation. As legislation was being written and developed, he recognized the importance of other Senators' perspectives on an issue, including mine, and was therefore willing to alter legislative proposals for the sake of cooperation and finding middle ground with Senators from any political party. The two years I spent on the HELP Committee with him as my chairman were truly a blessing.

There was so much to admire about Senator Kennedy's career. But the thing I really admired about Senator Kennedy was his ability to look beyond the beltway to take up causes that might seem obscure to many in this body—causes that offended Senator Kennedy's sense of justice. Let me offer a few examples from my State of Alaska.

Federal law requires agencies to reinstate civil servants who go on active duty in the National Guard and Reserves when their service is complete. The law goes by the acronym USERRA. When Bob Traut of Palmer, AK, completed his active duty service with the Alaska National Guard, he was not reinstated to his position in the Indian Health Service. His position had been eliminated and he was not offered another. He filed a USERRA complaint with the Department of Labor, which was passed around among investigators and ultimately lost. Several years after he started this process he was offered a Federal position at a U.S. Coast Guard base hundreds of miles from his home. He couldn't drive to his new workplace—he had to fly there because Kodiak is an island not connected by road to the rest of Alaska. Even then his back pay claims were lost in a morass of bureaucracy, in spite of repeated inquiries from my office. Bob Traut's fortunes changed when Senator Kennedy decided to hold an oversight hearing about USERRA focused on Bob Traut's case.

The Alaska Native Claims Settlement Act, the 1971 law which resolved the aboriginal land claims of Alaska's first peoples, is truly one of the landmark pieces of federal Indian legislation. The administration offered Alaska's Native people 10 million acres of land. Senator Kennedy came to the floor on several occasions to argue that the number of acres should be no less than 40 million. The ultimate settlement was 44 million acres. A settlement which might not have been possible without Senator Kennedy's leadership.

As the chairman of the Subcommittee on Indian Education, Kennedy joined a few other Senate colleagues on a trip to several Alaska Native villages in April 1969. Kennedy recalls being stunned by the poverty and despair in the villages, many of which still lack basic sanitation and are plagued by high rates of sexual assault, domestic violence, and suicide. It affected Senator Kennedy so deeply that he found it difficult to “numb the pain.”

The course of Senator Kennedy's life brought him many blessings and accomplishments. He was a father of three beautiful children and two stepchildren, a Harvard graduate, a nine-term Senator with the third longest time serving in the U.S. Senate in American history, a veteran of the Army, a talented football player who almost went pro but opted instead for a life of public service . . . the list goes on.

My condolences and blessings go out to his family, especially his wife and children. Despite Ted's passing, his spirit lives on. There is little doubt in my mind that this spirit will inspire generations of our colleagues in the years ahead to take up his causes and ensure that the vulnerable in America, the often forgotten Americans who live in remote places like rural Alaska, are never forgotten.

Ted, thank you for your service.

#### COMMENDING SENATOR MEL MARTINEZ

Mr. ENZI. Mr. President, it is always a bittersweet moment when we have to say goodbye to a colleague who is retiring from the Senate. We are sorry to see them go, but we are also very appreciative of all they have brought to our deliberations during their years of service to the people of their home State and the Nation.

Mel Martinez is such a person—the kind who makes the Senate the great deliberative body that it is, for Mel has a great story to tell of his life and how he came to the United States to pursue his own version of the American dream.

If you would have told Mel when he was young that he would someday serve as an elected official in the U.S. Government, I am not sure he would have believed you. He began his life in a small city in Cuba, under the repressive regime of Fidel Castro. At the age of 15 he escaped and began to pursue his destiny in the United States. At every stage of his life he was determined to do everything he could to make a difference. Looking back, I think it's clear he has succeeded beyond his wildest dreams.

From the time he first arrived in the United States, Mel was grateful for the opportunities that were available to him, and he was determined to give

something back to show his appreciation for them.

He began in his own backyard when he served as mayor of Orange County. As a former mayor myself, I know how difficult a job that can be. For Mel, it was a chance to make the lives of his neighbors and fellow citizens better and that became his focus and his top priority.

He did a good job and quickly earned the respect and support of his fellow townspeople. He also caught the attention of then President-elect George Bush who was looking for someone to serve in his Cabinet who had experience dealing with housing issues and the problems that were facing our cities and towns. That is something that Mel had been dealing with in Florida, so he became the first Cuban American appointed to a President's Cabinet when he was named to serve as our Secretary of Housing and Urban Development.

Soon after Mel was sworn in he found himself in the middle of a challenge as great as any that had ever been faced by a Cabinet Secretary before. In the aftermath of the terrorist attacks of September 11, Mel was assigned the responsibility of working on the reconstruction of lower Manhattan.

Then, having served on both the local and national level, Mel then decided to take on another challenge—representing the people of Florida in the Senate. Mel proved to more than up to the task as he has taken on a variety of issues and served on several different committees. Through it all, he has worked hard to put his principles and values into practice every day and he has a great deal to show for his service to the people of Florida in the Senate.

In the years to come, I will always remember Mel's remarkable life story that stems from the years he spent in Cuba living under a dictatorship. They were a matter of great interest to me when I was a student, but for him, it was his life. While I had only read about and watched the drama unfold during my years at George Washington University, Mel had lived it. It was a time that helped to shape his character and mold his destiny and make him appreciate the great gift of citizenship that far too many of us take for granted.

Mel has also impressed me as a man of great faith who takes his relationship with God very seriously. He shared his belief with us at one of our Prayer Breakfasts and he impressed us all with his great sincerity and his unshakeable belief that God had placed him where He needed him and that was why he was in the Senate. He saw it as an opportunity to serve God and the people back home in Florida, as well as those he left behind in Cuba and many more just like them all over the world.

Too often when we say goodbye to one of our fellow members, we forget

that there is just as much life outside of the beltway as there is inside it. Our focus on Washington and our work in the Senate sometimes makes us think that this is the only place where we can pursue our dreams and make a difference in the world around us. Mel is proof positive that there are many ways that we can make this a better world and in the years to come, as this chapter in his life ends and another begins, I have no doubt we will see Mel continue his efforts to address the problems of this world to ensure that those who have lived for too long in fear and oppression in Cuba and all over the world will someday claim the rights and freedoms we all cherish as their own.

Good luck, Mel. I hope you and Kitty enjoy the years to come. Together you have made a great team and we know there is still much more to come in this great adventure of your lives. Good luck and God bless.

Mr. CORNYN. Mr. President, I join my colleagues in appreciation and admiration of Senator Mel Martinez.

Mel lived the first 15 years of his life under communist dictatorship in Cuba. That experience gave him a special appreciation for the blessings of liberty. As Mel's own career in public service took him from Florida to Washington, he never forgot the people living under totalitarianism in his homeland. And he never wavered in his conviction that the people of Cuba deserved the same rights as the rest of us, especially the rights to choose our leaders, worship as we please, and live in freedom.

Mel distinguished himself as a lawyer in central Florida, then won elective office as mayor of Orlando, and was appointed by President Bush to serve as his first Secretary of Housing and Urban Development. Secretary Martinez helped the people of lower Manhattan rebuild after the terrorist attacks of September 11, 2001, and he worked to expand opportunities for home owners nationwide. Mel was proud that he was the first Cuban-American to ever serve in a President's Cabinet.

Mel was also the first Cuban-American to serve in the U.S. Senate. In this Chamber, he raised his voice to strengthen our national defense, especially the Navy's shipbuilding program. He supported the development of America's natural resources in an environmentally responsible way. He had a heart for victims of Alzheimer's disease and their families, and supported greater Federal research funding to help find a cure.

Senator Martinez and I shared a concern about waste, fraud, and abuse in Medicare and Medicaid. So earlier this year, he and I introduced legislation to do something about it. The Seniors and Taxpayers Obligation Protection Act or the STOP Act would give Federal agencies greater tools and authority to

detect waste, fraud, and abuse before they happen. The STOP Act has sponsors on both sides of the aisle, and I believe its provisions should be a part of our efforts to reform our health care system.

Mel served less than a full term in the Senate, but he has helped shape legislation that will govern our Nation for years to come. He and his wife Kitty are now back home in central Florida, and Sandy and I wish them both the very best.

Ms. MURKOWSKI. Mr. President, I rise to remember a good friend who is leaving the Senate after a career of public service, Senator Mel Martinez.

Mel Martinez came to the Senate in 2005 after serving as Secretary of Housing and Urban Development under President George W. Bush. Senator Martinez was the first Cuban American to serve in the U.S. Senate. Born in Cuba, Senator Martinez arrived in the United States at age 15.

During his tenure as Secretary of Housing and Urban Development, Mel Martinez addressed the National Congress of American Indians, pledging to strengthen the government to government relationship with tribes in the Federal Indian programs administered by his agency. He was keenly interested in ameliorating the third world housing conditions that exist in the Native villages of rural Alaska. Alaska's tribe and tribal housing authorities benefit greatly from Federal funding available under the Native American Housing Assistance and Self Determination Act and other Federal housing programs, which were strengthened under Senator Martinez' leadership at HUD.

Despite the fact that the States we represent are as far away geographically as States can be, we have always been good friends.

I was proud to serve with Senator Martinez on the Energy and Natural Resources Committee. Senator Martinez was a close ally on energy issues, and he was always a fierce advocate for the interests of his Floridian constituents. We shared a common interest in promoting Federal energy efficiency standards, responsible nuclear waste storage, and we worked together on the 2005 Energy Policy Act. He was a tough bargainer on the more recent 2007 Energy Independence and Security Act as he aggressively pursued the interests of his constituents with respect to Federal Outer Continental Shelf energy development.

I wish Mel Martinez and his wife Kitty the best of luck in their future endeavors.

#### MILITARY NOMINATIONS

Mr. LEVIN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations:

Those identified with a single bullet • are to be placed on the Executive Calendar. Those identified with a double asterisk (\*\*) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again:

MILITARY NOMINATIONS PENDING WITH THE SENATE ARMED SERVICES COMMITTEE WHICH ARE PROPOSED FOR THE COMMITTEE'S CONSIDERATION ON OCTOBER 8, 2009

• LTG David M. Rodriguez, USA to be lieutenant general and Commander, International Security Assistance Force Joint Command (Reference No. 1067)

#### ENERGY AND WATER APPROPRIATIONS REQUEST

Mr. BOND. Mr. President, it has come to my attention that my name was incorrectly added next to the line item "St. John's Bayou and New Madrid Floodway" Project in the conference Report of the fiscal year 2010 Energy and Water Resources Development Appropriations Act. I ask that the RECORD reflect that this is a mistake. I did not make a request for funding for this project and my name should not be attached to this project.

#### PROTECTING OLDER WORKERS AGAINST DISCRIMINATION ACT

Mr. HARKIN. Mr. President, on Tuesday, October 6, I introduced S. 1756, the Protecting Older Workers Against Discrimination Act.

To appreciate the need for this bill, consider the case of a hard-working Iowan named Jack Gross. Mr. Gross gave the prime of his life, a quarter century of loyal service, to one company. How did that company reward him for his dedication and hard work? It brazenly demoted him and other employees over the age of 50, and gave their jobs to a younger employee.

Expressly to prevent this kind of discrimination, over 40 years ago Congress passed the Age Discrimination in Employment Act, ADEA. The ADEA, which made it unlawful to discriminate on the basis of age, was modeled on and used the same language as title VII of the Civil Rights Act of 1964, the law that prohibits employment discrimination on the basis of race, sex, national origin and religion.

When Mr. Gross sought to enforce his rights, a jury of Iowans heard the facts and found that his employer discriminated against him because of age. That jury awarded him almost \$47,000 in lost compensation.

The case was ultimately appealed to the Supreme Court. This past June, in *Gross v. FBL Financial, Inc.*, five Justices rewrote the rules—indeed, effectively rewrote the law—and ruled against Mr. Gross and other older workers. In doing so, the Court made it harder for those with legitimate age discrimination claims to prevail under the ADEA.

For decades, the law was clear. In 1989, in *Price Waterhouse v. Hopkins*, the Court ruled that if a plaintiff seeking relief under title VII of the Civil Rights Act demonstrated that discrimination was a "motivating" or "substantial" factor behind the employer's action, the burden shifted to the employer to show it would have taken the same action regardless of the plaintiff's membership in a protecting class. As part of the Civil Rights Act of 1991, Congress formally codified the "motivating factor" standard with respect to title VII.

Because the Age Discrimination in Employment Act uses the same language as title VII, was modeled off it, and had been interpreted consistent with the Civil Rights Act of 1964, courts correctly and consistently held that a victim bringing suit under the ADEA need only show that membership in a protected class was a "motivating factor" in an employer's action—the same standard for plaintiffs claiming discrimination on the basis of race, sex, religion, or national origin. If an employee showed that age was one factor in an employment decision, the burden was on the employer to show it had acted for a legitimate reason other than age.

In *Gross*, the Court—addressing a question on which it did not grant certiorari—tore up this settled decades old standard. In its place, the Court applied an entirely new standard that makes it prohibitively difficult for a victim to prove age discrimination. According to the Court, a victim of age discrimination bears the full burden of proving that age was not only a motivating factor but the decisive factor.

This extremely high burden radically undermines older workers' ability to hold employers accountable. Bear in mind that unlawful discrimination is often difficult to detect. Obviously, those who discriminate do not often admit they are acting for discriminatory reasons. To the contrary, they go out of their way to conceal their true intent. Discrimination cases rarely involve a smoking gun.

The reality, however, is that while employers rarely post signs saying "older workers need not apply," ageism in the workforce does indeed exist, as Mr. Gross and his colleagues learned the hard way. Indeed, according to an AARP study, 60 percent of older workers have reported that they or someone they know has faced age discrimination in the workplace.

Countless thousands of American workers who are not yet ready to voluntarily retire find themselves jobless or passed over for promotions because of age discrimination. Older workers often face ugly, baseless stereotypes: That they are not as productive as younger workers; that they cannot learn new skills; that they somehow have a lesser need for income to provide for their families.

These stereotypes—and the discrimination they feed—are wrong and immoral. This is also harmful to our economy, inasmuch as it deprives us of the skills and talents of millions of older workers.

The timing of the Court's decision is particularly troubling. As our economy continues to struggle, older workers are being hit particularly hard. According to the Department of Labor, there are 2 million unemployed workers over the age of 55. This is an all-time high since the Bureau of Labor Statistics began matching age and unemployment in 1948. According to the Equal Employment Opportunity Commission, in 2008 nearly 25,000 age discrimination claims were filed, a 30-percent increase over 2007. Given the stereotypes that older workers face, it is no surprise that, on average they remain unemployed twice as long as all unemployed workers.

The Protecting Older Workers Against Discrimination Act reverses the Court's decision and restores the law to what it was for decades. The bill makes clear that when an employee shows that discrimination was a "motivating factor" behind a decision, the burden is properly on the employer to show it complied with the law.

The act is modeled on part of the Civil Rights Act of 1991, which passed the Senate 93-5. As under title VII of the Civil Rights Act, once a plaintiff establishes that age was a motivating factor, the burden shifts to the employer. If the employer establishes that the same decision would have been made regardless of discrimination, the employer remains liable, but remedies are limited.

Only the employer is in a position to know his or her own mind and offer an explanation as to why a decision that involves discrimination was actually motivated by legitimate reasons. By putting the entire burden on the worker to demonstrate the absence or insignificance of other factors, the Court in effect gave employers license to discriminate, so long as they do not actually say they are singling out an employee solely because of age.

Finally, the Protecting Older Workers Against Discrimination Act makes clear that the "motivating factor" framework applies to all antidiscrimination and antiretaliation laws.

In Gross, Justice Thomas defended the Court's radical departure from well-established law by noting that the Court "cannot ignore Congress' decision to amend title VII's relevant provisions but not make similar changes to the ADEA." In other words, the Court found that because Congress, in the Civil Rights Act, codified the "motivating factor" framework for title VII of the Civil Rights Act, but not for the ADEA, Congress somehow must have intended Price Waterhouse not to apply to any statute but title VII. This

is a serious misreading of the intent of Congress.

Unfortunately, this reasoning in Gross has already had reverberations in other civil rights cases since many antidiscrimination and antiretaliation statutes utilize similar language as title VII and the ADEA. As the Seventh Circuit recently held, "[Gross] holds that, unless a statute (such as the Civil Rights Act of 1991) provides otherwise, demonstrating but-for causation is part of the plaintiff's burden in all suits under federal law."

The Protecting Older Workers Against Discrimination Act, therefore makes clear that Congress is in no way questioning the "motivating factor" framework in other antidiscrimination and antiretaliation statutes.

The aim of this bill is very simple. It reiterates what Congress said 40 years ago when it passed the ADEA: When an employer makes an employment decision it is illegal for age to be a factor. A person should not be judged arbitrarily because he or she was born on or before a certain year, despite the fact that he or she still has the ability to contribute as much, or more, as the next person. This bill will help ensure that all our citizens have an opportunity commensurate with their abilities, for productive employment.

#### AMERICA'S ECONOMIC STATE OF MIND

Mr. BARRASSO. Mr. President, I rise today to submit for the RECORD a letter I received from the mayor of Evanston, WY, William Davis.

Evanston is a wonderful community located in the Bear River Valley of southwest Wyoming. The town was founded in the 1800's during construction of the First Transcontinental Railroad. Today, over 11,000 people call Evanston home.

Mayor Davis wrote to me last week. He wanted me to know that individuals and communities across Wyoming are feeling the impact of America's current economic times. This does not come as a surprise. What I found of particular interest in Mayor Davis' letter was his observations regarding the primary factor driving our economy: Americans' anxiety about the future.

Like Mayor Davis, I hear regularly from the people of Wyoming who are concerned about the future of our country. They are anxious about the changes being proposed in Washington. They are concerned about losing control over their own lives to Federal bureaucracies. They are angry about the financial train wreck called the Federal deficit that is picking up steam and headed their way.

Mr. President, the mayor's sentiments are shared by thousands of people across Wyoming. I would ask that his letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF EVANSTON, WYOMING,  
September 28, 2009.

Senator MIKE ENZI,  
Russell Senate Office Building,  
Washington, DC.

Senator JOHN BARRASSO,  
Dirksen Senate Office Building,  
Washington, DC.

Representative CYNTHIA LUMMIS,  
Longworth House Office Building,  
Washington, DC.

DEAR SIRS AND MADAM, you have already heard that sales tax revenues in Wyoming have been plunging for quite some time as the economic times continue to challenge the people who live and work here. I am also confident that you are all well aware of the impact that these lost taxes have on local governments in the state— Uinta County's sales taxes for this fiscal year are down nearly 35% from this same time last year. Evanston's last distribution from the Department of Revenue was 48% less than for this same month last year!

It goes without saying that we are spending many hours looking into our budgets for ways to provide city services to our residents and citizens while facing head on the loss of such important revenues. We will survive but it will be painful to say the least.

This brings me to the reason for this letter. I have been giving much thought and consideration to the reasons that people are not spending their money on those items that generate sales taxes that the local governments depend so heavily upon. Without trying to pick a fight I think that Congress shares much of the burden for the fears and feelings that are keeping citizens and businesses from spending money.

Every day we hear the news of a new \$800 billion program here or a \$1 trillion overhaul of the healthcare system. Seniors hear about a potential loss of Medicare benefits that will cost them more out of pocket for many of their daily needs. Young families see the prices of groceries and utilities on the rise. It is harder for them to afford the basic needs of their children when it comes to school supplies and new clothes. They hear that energy costs to heat their homes and drive their cars are going to go up because of a new cap and trade bill already passed by the House and awaiting action in the Senate. Businesses are stagnant as well while their owners and managers wait to see just what the federal government is going to change that will affect the way they do business. What costs will increase? Will I have to pay even more out from my shrinking bottom line to cover increased costs of unemployment? Healthcare? Utilities? With shrinking sales can I even afford to keep my current employees let alone hire anyone additional? The list just seems to go on and on.

Why would a business seek to expand or hire someone else until these issues are all ironed out? Why would a mother and father plan a vacation or purchase almost anything that is not a necessity when there is so much that is unknown about their future? Will there be an income? Will I have any benefits? Will the prices continue to rise? How can I save for my kids education expenses? What will my taxes be in the future? How much higher can my credit card interest rate go?

These are the questions in the real world that I live in everyday. I don't have to travel back to Wyoming to get this perspective. I hear about it everyday when I go the store or out to dinner. People share their fears and anxieties with me almost everywhere I go these days. Try as I might to offer some assurances that we can work together to make



things better my efforts are not very successful.

My quick solution to these problems? Tell Congress to back off for awhile. Certainly there are many problems that need to be addressed on the national level. We all want to have a clean and healthy environment but we all want to have a job as well. All of us would like to see roads and bridges improved and made safer but we also need food to eat and clothes to wear. No one wants to see someone suffer because they don't have adequate health insurance but no one wants to lose that benefit themselves because their employer just laid people off or, worse yet, just closed the doors. In most communities people are used to rallying and supporting their neighbors when they face a sudden illness or get a terminal diagnosis, but if they can't pay the rent they can't do much for their neighbor either.

They read that the national debt ceiling just had to be raised but only by a couple of trillion dollars, so not that much more. The people that talk to me aren't stupid. They know the day of reckoning for all of this spending is coming. They are trying their best to be ready for it but they also know that they won't be able to save enough today to be ready for that tomorrow. They see the treasury print more money or sell more of our debt to a foreign nation and they know that this is not good. They used to be able to get some money to cover their debts from their house but this has gone away. They used to have some retirement funds in the market but this has gone away. They used to think about retirement at some point in their lives but now figure they will be working much longer now than they had once thought.

Their decisions to not spend money really hurt on the local level in Wyoming. I suspect the same is true in many other states because we (local governments) do not have the means to reach directly into their pockets to get the necessary funds for our services like the federal and state governments do.

People and businesses are hunkered down and holding tight while they wait to see when the Congress is going to quit proposing massive and expensive changes to the entire landscape of the country. If this were a battlefield I would say that the current strategies being employed are a well thought out and all encompassing assault. We are effectively being surrounded. We have no open flanks to escape through. Almost every aspect of our lives appears to be exposed and we have no way to cover it up.

I ask the question then: are we creating more panic and fear with all that is going on? If we just settled down and got out of crisis mode would businesses begin to expand on their own? Would people once again shop without fear this could be their last shopping trip for awhile? If everyone just stopped and took in a very deep breath and exhaled slowly would the increased flow of oxygen into the body bring clearer thoughts and a more relaxing mood?

It is almost the first of October. It just doesn't seem to me that we need to disarm and dismantle all of the world's nuclear arms; create a massive overhaul of the world's best healthcare system; return the atmosphere to a pre 1950's condition; balance a federal budget; save every endangered species; find a cure for H1N1 virus; create a vaccine for HIV/AIDS; declare what is left of the public lands in the west as wilderness; save the polar ice cap; become energy self sufficient; tear down all of the coal fired generation facilities; replace every incandescent

light bulb with a fluorescent one; paint every roof top in the United States white; and do everything else that is being talked about and have it all done by the end of this year. It makes no sense to me and I don't think it makes much sense to anyone else.

I realize that none of you belong to the party currently "in power" (such an awful term), but there may be something that you can do to just slow things down some. The people of this country need time to catch their breath.

Thank you for letting me share my thoughts with you. We will continue to do the best we can at picking up the pieces that are left to us. We will also continue to hope for bigger pieces to come our way.

Respectfully yours,

WILLIAM R. DAVIS,

Mayor.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DR. FORREST M. BIRD

• Mr. CRAPO. Mr. President, today I am proud to honor and congratulate Idaho resident Dr. Forrest M. Bird for a lifetime of service and achievement. I had the pleasure today of meeting with Dr. Bird and his wife Pam, and very much enjoyed that short visit. Dr. Bird is well and widely known around the world for his lifesaving inventions: the Bird Mark 7 respirator, which was the first reliable and low-cost respirator in the world; and the Baby Bird respirator, which has greatly decreased infant mortality rates. In addition to being a brilliant inventor and scientist, Dr. Bird is a former pilot and founder of the Bird Aviation Museum and Invention Center, which is located in Sagle, ID, where his company, Percussionaire Corporation, produces his lifesaving medical devices. He has been the recipient of numerous awards, including two Lifetime Scientific Achievement awards, and has been inducted into the National Inventors Hall of Fame. In 2008, he was awarded the Presidential Citizens Medal by President Bush and received the National Medal of Technology and Innovation by President Obama just this week.

Dr. Bird's interest in aviation and his invention of the world-renowned Bird respirators are remarkably intertwined. His father served as a pilot in World War I, and, after earning a degree in aeronautics, Dr. Bird served as an Army Air Corps pilot in WWII. At the time, airplanes were designed to reach higher altitudes, but pilots were increasingly unable to breathe as the altitude increased. Dr. Bird's consideration of this problem, and his attendance at medical school after the war, eventually led him to the invention of the famous Bird respirator. In 2007, his twin interests of aviation and invention led him to open the Bird Aviation Museum and Invention Center.

Clearly there is good reason for the impressive list of honors that Dr. Bird

has received throughout his life. It has been a life of service that has made an incredible mark upon the world. His inventions have touched, transformed, enhanced and saved the lives of millions around the world. His museum provides a great service to his community by educating and inspiring young visitors and by bringing long-lost memories alive for older visitors. For his groundbreaking contributions to America and the world, Idaho is proud to have produced such an impressive citizen. We appreciate and honor his remarkable achievements.●

##### REMEMBERING BRIGADIER GENERAL MILDRED INEZ CAROON BAILEY

• Mrs. HAGAN. Mr. President, today I honor a woman of great character; a woman who provided unquestionable leadership to our Nation and a woman who proudly hailed from North Carolina. Our State motto, "Esse Quam Videri," "To be, rather than to seem," richly describes BG Mildred Inez Caroony Bailey; a trailblazer who thrived on challenges, especially when she was told, "it can't be done." As a member of the Senate Armed Services Committee, I am proud to recognize General Bailey's contributions to the U.S. Army in this Chamber today.

Brigadier General Bailey was born in 1919 in Fort Barnwell, NC, and raised in nearby Kinston. Inez, as she was known to her friends, directed the Women's Army Corps, WAC, from 1971 to 1975. Enlisting at a time when a woman's role in uniform was unclear, she experienced unquestionable changes for women in the military throughout her 33-year career. General Bailey was the third female to be promoted to brigadier general, a rank she never sought, but would never have thought to turn down.

When she wasn't studying her favorite subject, French, Inez worked in her parents' grocery store. Upon graduation, she enrolled in Flora McDonald College in Red Springs, NC, and later transferred to the Woman's College of the University of North Carolina—now the University of North Carolina at Greensboro. She graduated in 1940 with a degree in education and one professional goal—to be a French teacher. She eventually accepted a job teaching French in Taylorsville, NC.

When World War II broke out, this North Carolina French teacher thought a job in the Army Air Corps might be interesting, but it wasn't until a friend dragged her along to Fort Bragg that she really gave the military a second thought. The Army needed women to take the place of male soldiers who worked nonbattlefield jobs in order to free them for service on the front lines. Six months after Pearl Harbor, Inez joined the Women's Army Auxiliary Corps, WAAC, the predecessor to WAC,



at Fort Bragg. Although her parents were unhappy about her decision, they supported her nonetheless. Although women held primarily administrative, clerical and supply-type positions, she was encouraged to discover that women were also packing parachutes and were even mechanics. Due to her college degree, General Bailey was eligible for officer candidate school.

Her first unit command was at George Field Army Air Base in Illinois. There, she became very good at marching. She said, "I didn't know any women who didn't like marching. We thought it was fun and we were proud of our marching, we could keep a good beat with the Colonel Bogey March!" They even added words to the march, "Duty is calling you and me. We have a date with destiny. Ready, the WACs are ready. Our hearts are steady, the world to set free. Service, we're in it heart and soul. Victory is our only goal. We love our country's honor, and we'll defend it against any foe."

Eventually the Army made use of her background as a French teacher, assigning her to teach English to freed French prisoners of war who had been held in Morocco. She was thrilled to teach the soldiers because they were excited to learn, unlike the high school students she taught before joining the Army. At the end of the war, the debate about women serving in the military continued. Brigadier General Bailey could have left, but by then she was married and making, as she recalled, "a magnificent sum of \$166.60 and 2/3 cents a month—much more than a teacher's salary." She commanded a WAC attachment in the 98th General Hospital in Munich, where she was the highest ranking first lieutenant, male or female, in the European Command. She made first lieutenant within 6 months after she joined the service and had many great assignments that she described as "wonderful assignments—but there were no promotions involved, because women weren't promoted."

Eventually General Bailey returned to the States where she was initially assigned to intelligence work in the Military District of Washington before reporting for duty as a recruiter in charge of recruiting women in the seven Southeastern States; including North Carolina. Recruiting was a turning point for Inez Bailey. She discovered she was a "ham and loved being interviewed on television and making speeches." She led a team of recruiters who exhibited around the country with a program that highlighted the historic contributions of women in every branch of the military. The exhibit included Belle Boyd, a Confederate spy who was a captain and honorary aide de camp to GEN Stonewall Jackson. After recruiting, Brigadier General Bailey became the Army's Senate liaison. She said for the first few weeks, all she saw were the backs of the Senators' heads from the Senate galleries.

After 29 years of service, she was assigned to Fort McClellan, AL, as the deputy commander of the training center. When General Westmoreland summoned her to Washington, she asked if the meeting could be postponed because she was involved in a theater production she didn't want to miss. All the while she thought, "If General Westmoreland suggests I might be the new director of the Women's Army Corps, I'm just going to say no thank you. If I'm your first choice, then take the second choice." She didn't get a chance to argue when he told her she would be the new WAC director. She was needed because the Army needed to recruit more women. Under her tenure the number of women in the Army tripled; from 13,000 to 39,000. And for the first time, women were allowed to command men.

She retired from the Army with the rank of brigadier general. Her military decorations included the Distinguished Service Medal and the Legion of Merit. General Bailey will be interred at Arlington National Cemetery on October 14. Her husband, Marine Sergeant Major Roy C. Bailey, died in a traffic accident in 1966.●

#### RECOGNIZING THE INTERNATIONAL FERTILIZER DEVELOPMENT CENTER

● Mr. SHELBY. Mr. President, I wish to honor the International Fertilizer Development Center, IFDC, as it celebrates the 35th anniversary of its founding today, October 8.

In the wake of the worldwide food and energy shortages of the 1970s, the IFDC was established in Muscle Shoals, AL, to be a national center of excellence with expertise in fertilizers to service the needs of developing countries. Since its inception, the IFDC has worked to address issues such as international food security, the alleviation of global hunger and poverty, environmental protection, and the promotion of economic development and self-sufficiency.

Today, with staff members working in 30 nations throughout Africa, the Near and Far East, and Latin America, the IFDC is critical to ensuring underdeveloped countries have more efficient fertilizer and, therefore, food for their people. The IFDC has helped increase sustainable food production in more than 130 nations and has also contributed to the development of institutional capacity-building through training.

I sincerely congratulate the IFDC on its anniversary and wish it continued success in Muscle Shoals and abroad.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE RELATIVE TO THE WORLD TRADE ORGANIZATION WAIVER REQUIRED BY THE CLEAN DIAMOND TRADE ACT—PM 32

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Finance:

*To the Congress of the United States:*

The Clean Diamond Trade Act (Public Law 108-19) (the "Act") authorizes the President to "prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme." The Act takes effect on the date that the President certifies to the Congress that (1) an applicable waiver that has been granted by the World Trade Organization (WTO) is in effect, or (2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect. The Act remains in effect during those periods in which, as certified by the President to the Congress, such an applicable waiver or decision is in effect.

On July 29, 2003, the President certified that the WTO General Council had adopted a decision granting a waiver pursuant to Article IX of the Marrakesh Agreement Establishing the World Trade Organization concerning the Kimberley Process Certification Scheme for rough diamonds. The waiver applies to the United States and other WTO members that requested the waiver and to any WTO member that notifies the WTO of its desire to be covered by the waiver. The waiver was scheduled to have effect from January 1, 2003, through December 31, 2006. On December 19, 2006, the WTO General Council adopted a decision to extend the waiver through December 31, 2012.

I hereby certify that an applicable waiver, within the meaning of the Act, granted by the World Trade Organization has been in effect since January 1, 2003, and will remain in effect through December 31, 2012.

BARACK OBAMA.  
THE WHITE HOUSE, October 8, 2009.

#### MESSAGES FROM THE HOUSE

At 11:38 a.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1717. An act to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

At 12:42 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2092. An act to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes.

H.R. 2174. An act to designate the facility of the United States Postal Service located at 18 Main Street in Howland, Maine, as the "Clyde Hichborn Post Office".

H.R. 3547. An act to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the "Rex E. Lee Post Office Building".

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1035) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

At 3:44 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military recruitment and VA disability benefits to disabled military retirees, and for other purposes.

The message further announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 196. Concurrent resolution making corrections in the enrollment of the bill H.R. 2647.

At 4:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3590. A bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

H.J. Res. 26. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1016) to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

#### MEASURES REFERRED

The following bills and joint resolutions were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2092. An act to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2174. An act to designate the facility of the United States Postal Service located at 18 Main Street in Howland, Maine, as the "Clyde Hichborn Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3547. An act to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the "Rex E. Lee Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.J. Res. 26. Joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3548. An act to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

H.R. 3590. An act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

S. 1772. A bill to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3291. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "C10-C18-Alkyl dimethyl amine oxides; Exemption from the Requirement of a Tolerance" (FRL No. 8437-3) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3292. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ammonium chloride; Exemption from the Requirement of a Tolerance" (FRL No. 8438-1) received in the Office of the President of the Senate on October 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3293. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quinclorac; Pesticide Tolerance for Emergency Exemption" (FRL No. 8434-3) received in the Office of the President of the Senate on October 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3294. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sodium and Ammonium Naphthalenesulfonate Formaldehyde Condensates; Exemption from the Requirement of a Tolerance" (FRL No. 8439-1) received in the Office of the President of the Senate on October 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3295. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraclostrobin; Pesticide Tolerances" (FRL No. 8793-2) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3296. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, a Uniform Resource Locator (URL) for a document entitled "Issuance of 2009 Revised CERCLA Model Remedial Design/Remedial Action Consent Decree" received in the Office of the President of the Senate on October 6, 2009; to the Committee on Environment and Public Works.

EC-3297. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Operating Permit Programs; Flexible Air Permitting Rule" (FRL No. 8964-8) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Environment and Public Works.

EC-3298. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standard of Performance for Coal Preparation and Processing Plants" (FRL No. 8965-3) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Environment and Public Works.

EC-3299. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Regulation to Reduce Idling of Heavy-Duty Vehicles" (FRL No. 8967-1) received in the

Office of the President of the Senate on October 6, 2009; to the Committee on Environment and Public Works.

EC-3300. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Corrections to the Arizona and Nevada State Implementation Plans" (FRL No. 8966-3) received in the Office of the President of the Senate on October 6, 2009; to the Committee on Environment and Public Works.

EC-3301. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Extended Permit Terms for Renewal of Federally Enforceable State Operating Permits" (FRL No. 8963-4) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Environment and Public Works.

EC-3302. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxation of Fringe Benefits" (Rev. Rul. 2009-28) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Finance.

EC-3303. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Definition of Omission from Gross Income" (RIN1545-B194) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Finance.

EC-3304. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice No. 2009-76) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Finance.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

\*Army nomination of Lt. Gen. David M. Rodriguez, to be Lieutenant General.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

\*John R. Norris, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2012.

\*Jose Antonio Garcia, of Florida, to be Director of the Office of Minority Economic Impact, Department of Energy.

\*Joseph G. Pizarchik, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

By Mr. LEAHY for the Committee on the Judiciary.

Brendan V. Johnson, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

Karen Louise Loeffler, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

Steven Gerard O'Donnell, of Rhode Island, to be United States Marshal for the District of Rhode Island for the term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRANKEN (for himself, Mr. WHITEHOUSE, and Mr. BROWN):

S. 1763. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription pharmaceuticals; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1764. A bill to clarify the application of section 14501(d) of title 19, United States Code, to prevent the imposition of unreasonable transportation fees; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. BROWN, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. SCHUMER, and Mr. BURRIS):

S. 1765. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mrs. HAGAN):

S. 1766. A bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements; to the Committee on Finance.

By Mr. BURR (for himself and Mrs. HAGAN):

S. 1767. A bill to authorize a land exchange to acquire land for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURR (for himself and Mrs. HAGAN):

S. 1768. A bill to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VITTER:

S. 1769. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. CRAPO, and Mr. NELSON of Nebraska):

S. 1770. A bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities; to the Committee on Energy and Natural Resources.

By Mr. CASEY (for himself and Mr. SPECTER):

S. 1771. A bill to authorize the Secretary of Health and Human Services to establish a program of grants to newly accredited allopathic medical schools for the purpose of

increasing the supply of physicians; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BUNNING:

S. 1772. A bill to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate; read the first time.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. ENSIGN):

S. Res. 309. A resolution recognizing and celebrating the 145th anniversary of the entry of Nevada into the Union as the 36th State; considered and agreed to.

By Mr. CASEY (for himself, Mr. ROBERTS, Mr. SANDERS, Mr. BROWN, Mr. FEINGOLD, and Mr. AKAKA):

S. Res. 310. A resolution expressing support for the designation of October 20, 2009, as the National Day on Writing; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 825

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 825, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 844

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 844, a bill to amend the

Public Health Service Act to prevent and treat diabetes, to promote and improve the care of individuals with diabetes, and to reduce health disparities relating to diabetes within racial and ethnic minority groups, including African-American, Hispanic American, Asian American, Native Hawaiian and Other Pacific Islander, and American Indian and Alaskan Native communities.

S. 868

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 868, a bill to repeal certain provisions of the Federal Lands Recreation Enhancement Act.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Utah (Mr. HATCH), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 907

At the request of Mr. CARPER, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 907, a bill to establish procedures for the expedited consideration by Congress of certain proposals by the President to rescind amounts of budget authority.

S. 941

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1160

At the request of Mr. SCHUMER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1160, a bill to provide housing assistance for very low-income veterans.

S. 1232

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1232, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 1366

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes.

S. 1395

At the request of Mr. CRAPO, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1395, a bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date on which the polar bear was determined to be a threatened species under the Endangered Species Act of 1973.

S. 1547

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1678

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes.

S. 1694

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia

(Mr. WARNER) was added as a cosponsor of S. 1694, a bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 307

At the request of Mr. BUNNING, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 307, a resolution to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

AMENDMENT NO. 2393

At the request of Mr. JOHANNES, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 2393 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2627

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 2627 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2636

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2636 intended to be proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2637

At the request of Mr. BROWN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 2637 intended to be proposed to H.R. 2847, a

bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2642

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2642 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2647

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2647 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2648

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2648 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2652

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 2652 intended to be proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2653

At the request of Mr. BUNNING, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 2653 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Mr. WHITEHOUSE, and Mr. BROWN):

S. 1763. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription pharmaceuticals; to the Committee on Finance.

Mr. FRANKEN. Mr. President, I am pleased today to introduce the Protecting Americans from Drug Marketing Act. Health care spending is out of control, and this bill represents a small but significant step toward reigning in unnecessary health care costs.

Right now, the Federal Government gives pharmaceutical companies a tax break every time you see a drug advertisement on TV—and for every free mug your doctor receives that has a pharmaceutical company logo on it. These tax breaks add up to billions of dollars of lost revenue for the Federal Government.

Pharmaceutical companies are getting a huge boost at a time when thousands of Americans are going bankrupt because of health care bills, and millions more are struggling to pay for health insurance coverage. This legislation will remove these unfair tax benefits so pharmaceutical companies can focus their dollars on developing new drugs, not excessive marketing schemes.

Nationwide, prescription drug spending rose 500 percent between 2000 and 2005, from \$40 billion to \$200.7 billion per year. But while costs to patients are growing exponentially, the pharmaceutical industry is spending an astonishing \$30 billion annually on marketing. Of course, these companies have the right to advertise. But taxpayers shouldn't be subsidizing these expenses.

Research has shown that glossy advertisements and logo-laden pens don't add any value to our health care system. Instead, drug companies are trying to use both consumers and doctors as pawns in order to maximize profits. The Federal Government should not subsidize these activities.

It is challenging enough to navigate our health care system; the recent explosion of prescription drug ads on television, on the Internet, and in magazines just confuses things further. Many ads encourage consumers to use expensive drugs over cheaper alternatives that may work just as well. Other ads provide a skewed view of what the drug does, minimizing the risks while overemphasizing the benefits. Health care already costs enough—taxpayers shouldn't be paying to subsidize these unhelpful and confusing messages.

Drug companies are capitalizing on this confusion. Studies have shown that every dollar spent on advertising to consumers yields an additional \$4.20 in sales for drug manufacturers. This is a very high return on investment, and so not unsurprisingly companies have increased spending on ads to consumers by 536 percent from 1996 to 2007. That is 536 percent. In 2007 alone, pharmaceutical companies spent nearly \$4.8 billion on these excessive marketing campaigns. This spending is passed on

to consumers, resulting in higher prescription drug costs for Americans. This bill will simply take away tax breaks that encourage drug companies to do this.

The Protecting Americans from Drug Marketing Act is also needed to make sure doctors and other providers are making decisions based on the best scientific evidence. Today, doctors frequently receive information about prescription drugs from the drug companies themselves. The Protecting Americans from Drug Marketing Act also takes away the tax break that drug companies receive for sending representatives to hospitals and doctors' offices to encourage them to use their drugs. These representatives are the ones who leave behind the pens and coffee mugs—or even nicer gifts—that you see at the clinic, logoed with the names of specific drugs.

We have created a culture in which doctors receive far too much biased information about drugs—and how they can be used in unapproved ways—from pharmaceutical reps who aren't doctors, often have no scientific training, and most certainly have a vested interest in selling the newest, most expensive products. This bill won't end that practice, but it will end the lucrative tax breaks that encourage it. For this reason, it will help providers make medical decisions based on objective, peer-reviewed research—not on biased materials from companies standing to profit from doctors' prescription pads and patients' wallets.

The Federal Government could save up to \$3.5 billion every year by eliminating these tax breaks used every day by drug companies. In this small way, we can help stem the tide of confusing and misleading drug ads that you and your family see every day on TV and in magazines. Just as importantly, we can bring down the cost of health care, make prescription drugs more affordable for all Americans, and help pay for the cost of health reform that is so sorely needed.

Americans are struggling just to keep their health insurance and pay their bills. Let us end this counterproductive subsidy and spend our taxpayer dollars more wisely. I thank Senators WHITEHOUSE and BROWN for joining me in introducing this important legislation, and I urge my colleagues to work with us to include it in health reform legislation.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. BROWN, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. SCHUMER, and Mr. BURRIS):

S. 1765. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, I rise today to introduce the Hate Crimes Against the Homeless Statistics Act of

2009. I am joined in this effort by Senator COLLINS. I am also joined by the Presiding Officer, Senator BROWN, Senator MIKULSKI, Senator WHITEHOUSE, and Senator SCHUMER.

This week marks the 1-year anniversary of the tragic murder of John Robert McGraham. Mr. McGraham was a well-known member of the Wilshire neighborhood of Los Angeles, CA, for more than 20 years. On October 9, 2008, he was doused with gasoline and set ablaze as he slept. By the time neighbors and residents ran to his rescue, his clothes had been burned off and his face blackened. The attacker apparently had a dislike toward homeless individuals. Known for rarely asking for money and not bothering anyone in the community, Mr. McGraham lost his life because of his homeless status. Days after his murder, hundreds of people gathered at the spot of his death and created a memorial for him.

Mr. McGraham is just one of many homeless individuals who have suffered hate crimes because they were homeless. In a popular men's magazine, under the blurb titled "Hunt for the Homeless," the following was displayed: "Kill one for fun. We're 87 percent sure it's legal." We have heard the horrific stories: A woman sleeping was pushed into a river; a man was beaten, soaked in beer and urine and covered with trash; a woman was beaten in the face with a tire iron; and many more unfortunate stories. This behavior should not and cannot be tolerated in our society. What kind of society would we be if we allowed these types of attacks to continue without standing up against them?

The Hate Crimes Statistics Act of 1990 requires the Department of Justice to collect data from law enforcement agencies about "crimes that manifest evidence of prejudice based upon race, religion, sexual orientation or ethnicity." In 1994, Congress expanded coverage to require reporting on crimes based on disability. Data collection provides the needed information to policymakers, law enforcement, and communities so they can make informed decisions as to how best to proceed with the problem presented to us. The Hate Crimes Against the Homeless Statistics Act will again expand coverage by adding "homeless status" to the list of categories required to be reported on by the Department of Justice.

In order to measure the level of bias-motivated crimes, data is needed. Currently, there is a significant problem in establishing a baseline for meaningful comparison. The best way to prove or disprove an issue's validity is data collection. According to the National Coalition for the Homeless, which has tracked these types of attacks since 1999, they have reported an increase in the number of hate crimes targeted at homeless individuals in the last decade. If we take the statistics provided

by this coalition and compare them to the available statistics currently being collected by the FBI under the Hate Crimes Statistics Act, the results are startling.

The number of hate crimes resulting in death among listed members, those in the statute, is lower than the known number of fatal attacks on homeless individuals. Between 1999 and 2007, there were 94 hate crime fatalities among the listed individuals, compared to 218 fatalities in the same period directed at homeless individuals. I am introducing this bill today in an effort to get uniform data collection on these attacks so that we have a uniform basis on which to know how serious the problem is.

There are approximately 3.5 million people a year who are likely to experience homelessness. They are mothers, fathers, and children, and they are among the most vulnerable members of our society. Veterans account for 20 percent of our homeless population. Families displaced because of domestic violence make up another 28 percent of the homeless population. With increased funding to provide housing for the homeless, the previous administration had seen a 20-percent drop in family homelessness. However, because of the current economic crisis, an increase in the homeless population has been reported.

The 2008 annual homeless assessment report to Congress revealed that the number of homeless families, particularly those in suburban and rural areas, has increased. The number of families seeking shelter has increased by 9 percent overall and by nearly 56 percent in suburban and rural areas. Our current economic crisis has reversed the progress that we made between 2005 and 2007. There is also evidence that when State and local budgets are cut, homeless services are affected. With an increase in the vulnerable population, with the government unable to provide funding, at a minimum we have a duty to report senseless violence against this risk population.

That is what I am asking, pure and simple, that we find out exactly how many homeless people are being victimized in a uniform way by having reliable data and information so that we, the policymakers, can make the right policy decisions.

Homeless people are part of America. Every day we see veterans, men, women, and families who have been forced by circumstances to live on the streets. We have walked by them on our way to work or to school. In an effort to monitor bias-motivated violence, the first step is to realize the scope of the situation by gathering the data.

I urge my colleagues to support this modest legislation so that we are better prepared to deal with this challenge.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 309—RECOGNIZING AND CELEBRATING THE 145TH ANNIVERSARY OF THE ENTRY OF NEVADA INTO THE UNION AS THE 36TH STATE

Mr. REID (for himself and Mr. ENSIGN) submitted the following resolution; which was considered and agreed to:

S. RES. 309

Whereas October 31, 2009, marks the 145th anniversary of President Abraham Lincoln's proclamation admitting Nevada into the Union as the 36th State;

Whereas Nevadans celebrate the anniversary of "Battle Born" statehood every year as Nevada Day;

Whereas Nevada's State motto is "All for Our Country", reflecting the patriotism and sense of duty demonstrated by countless Nevadans since the State's entrance into the Union;

Whereas Nevada's brave veterans and service members have made critical contributions to our Nation's security in times of war and of peace;

Whereas the Henderson magnesium mines and the Nevada Test Site played key roles in the United States' victories during World War II and the Cold War, respectively;

Whereas Nevada is honored to host our Nation's Armed Forces at Nellis Air Force Base, Creech Air Force Base, Naval Air Station Fallon, and the Hawthorne Army Depot, as well as National Guard Armories and Reserve Readiness Centers throughout the State;

Whereas Nevada is a premier destination for tourists, business travelers, family vacationers, and outdoor enthusiasts throughout the United States and around the globe;

Whereas Nevada's unique features attract vacationers and locals alike, including the pastoral Washoe Valley, the crags of the Ruby Mountains, the "Biggest Little City in the World", the Las Vegas Strip, the Hoover Dam, Lovers Lock Plaza, and the annual National Cowboy Poetry Gathering;

Whereas mining became an important industry to the Silver State with the 1859 discovery of the Comstock Lode, the most valuable deposit of silver in the Nation;

Whereas Nevada produces more gold than all other States combined and is one of the largest sources of gold in the world;

Whereas the entrepreneurial spirit of Nevadans is reflected in a versatile economy, from the world's largest gaming establishments to small businesses that make up the vast majority of Nevada's employers;

Whereas Nevada has a rich cultural heritage that draws from diverse populations, from multi-generational ranching families to new residents, from Hispanic Americans to Asian Americans and Pacific Islanders, and from Basque communities to Mormon pioneers;

Whereas Nevada recognizes the language, culture, and generosity of Nevada's first dwellers, the Northern and Southern Paiutes, Shoshone, and Washoe peoples;

Whereas Nevada celebrates Thocmonteny, or Sarah Winnemucca, the first Native American woman to author a publication in English, whose statue graces Emancipation Hall in the Capitol Visitor Center;

Whereas the snow-capped mountains of Nevada (pronounced Neváda) were the inspiration for the Spanish origin of its name;



Whereas Nevada offers beautiful outdoor settings ranging from vibrant desert landscapes to grand ski slopes, and from picturesque hiking trails to flowing river currents;

Whereas Lake Tahoe is one of the deepest and clearest alpine lakes in the world, and Lake Mead is the largest engineered reservoir in the United States;

Whereas Nevada is home to Great Basin National Park, 17 State parks, 2 national forests, and 3,400,000 acres of wilderness, including Sloan Canyon, Red Rock Canyon, and Black Rock Desert;

Whereas Nevada exemplifies the independence, opportunity, and pioneering spirit of the West; and

Whereas Nevada's delegation to the 111th Congress—Senator Harry Reid, Senator John Ensign, Representative Shelley Berkley, Representative Dean Heller, and Representative Dina Titus—invite all to join in the celebration of Nevada statehood: Now, therefore, be it

*Resolved*, That the Senate recognizes and celebrates the 145th anniversary of the entry of Nevada into the Union as the 36th State.

#### SENATE RESOLUTION 310—EX-PRESSING SUPPORT FOR THE DESIGNATION OF OCTOBER 20, 2009, AS THE NATIONAL DAY ON WRITING

Mr. CASEY (for himself, Mr. ROBERTS, Mr. SANDERS, Mr. BROWN, Mr. FEINGOLD, and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 310

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation deem writing as essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of Americans;

Whereas the National Day on Writing provides an opportunity for individuals across the United States to share and exhibit their written works through the National Gallery of Writing;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to

write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Web 2.0 tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all Americans to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of October 20, 2009, as the National Day on Writing;

(2) strongly affirms the purposes of the National Day on Writing and encourages participation in the National Gallery of Writing, which serves as an exemplary living archive of the centrality of writing in the lives of Americans; and

(3) encourages educational institutions, businesses, community and civic associations, and other organizations to promote awareness of the National Day on Writing and celebrate the writing of their members through individual submissions to the National Gallery of Writing.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2656. Mr. BROWNBACK (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2657. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2658. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2659. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2660. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2661. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2662. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2663. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2664. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2665. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2666. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. KYL, and Mr. MCCAIN) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2667. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2668. Mr. REID (for himself, Mr. BAUCUS, Mr. REED, Mrs. SHAHEEN, Mr. DODD, Mr. DURBIN, Mr. SCHUMER, Mr. HARKIN, Mr. LEAHY, Mr. CASEY, Mr. CARDIN, Mr. LEVIN, Mr. SANDERS, Mr. KAUFMAN, Mr. BROWN, Ms. STABENOW, Mr. UDALL of Colorado, Mr. BENNET, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. AKAKA, Mr. ROCKEFELLER, Mr. BYRD, Mrs. MCCASKILL, Mr. WEBB, Ms. MIKULSKI, Mr. BURRIS, Mrs. GILLIBRAND, Mrs. BOXER, Mr. BEGICH, Mr. FRANKEN, Mrs. MURRAY, Mr. KERRY, Mr. MENENDEZ, Mr. BINGAMAN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2669. Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

SA 2670. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2671. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2672. Mr. BINGAMAN (for himself, Mr. CORNYN, Mrs. LINCOLN, Mr. UDALL of New Mexico, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2673. Mr. BROWNBACK (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2674. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2675. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2656.** Mr. BROWNBACK (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, line 4, strike the period at the end and insert the following: “: *Provided further*, That of the amount appropriated under this heading, not less than \$1,000,000 shall be made available for overseas end use checks to curtail the transshipment or reexportation of goods originating in the United States to Iran.”.

**SA 2657.** Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal

year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68) is amended by striking “by substituting” and all that follows through the period at the end, and inserting “by substituting June 30, 2010 for the date specified in each such section.”.

**SA 2658.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 10 and 11, insert the following:

SEC. 111. (a) ADDITIONAL AMOUNT FOR THE UNITED STATES PATENT AND TRADEMARK OFFICE TO PROVIDE TECHNICAL ASSISTANCE PROGRAMS TO BUILD CAPACITY RELATED TO THE PROTECTION AND ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA.—The amount appropriated by title I under the heading “SALARIES AND EXPENSES” under the heading “UNITED STATES PATENT AND TRADEMARK OFFICE” is hereby increased by \$1,000,000, with the amount of the increase to be available to provide technical assistance to build capacity related to the protection and enforcement of intellectual property rights in the People's Republic of China in accordance with subsection (b).

(b) TECHNICAL ASSISTANCE.—The United States Patent and Trademark Office shall provide technical assistance to the Government of the People's Republic of China to build capacity related to the protection and enforcement of intellectual property rights in China, based on existing memoranda of understanding between the United States Patent and Trademark Office and the Government of China, by—

(1) providing joint seminars with, and technical assistance to, officials of the Government of China, including patent and trademark examiners, judges, and prosecutors;

(2) exchanging information and best practices with respect to the administration of offices in China with responsibility for protecting and enforcing intellectual property rights; and

(3) collaborating with the Government of China with respect to educating persons that hold intellectual property rights about how to protect those rights in China and how to use the intellectual property rights protection system of China to have those rights enforced.

(c) OFFSET.—The amount appropriated by title I under the heading “OPERATIONS AND ADMINISTRATION” under the heading “INTERNATIONAL TRADE ADMINISTRATION” and made available for the Trade Promotion and United States and Foreign Commercial Service is hereby decreased by \$1,000,000.

**SA 2659.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of amounts made available by this Act for activities authorized under the Second Chance Act of 2007 to facilitate the successful reentry of prisoners into communities following incarceration \$25,000,000 shall be made available to the United States Marshals Service account to fulfill the requirements of the Adam Walsh Child Protection and Safety Act of 2006 to hire and equip at least 500 new Deputy Marshals over the next 3 to 5 years.

**SA 2660.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

**SEC. 220. ADDITIONAL FUNDING FOR DRUG COURTS.**

(a) IN GENERAL.—For an additional amount under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under this title, there is appropriated, for the fiscal year ending September 30, 2010, \$5,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act.

(b) OFFSET.—All amounts appropriated under this Act, except for amounts appropriated for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under this title, shall be reduced on a pro rata basis by the amount necessary to reduce the total amount appropriated under this Act, except for amounts appropriated for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under this title, by \$5,000,000.

**SA 2661.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) ADDITIONAL AMOUNT FOR OFFICE OF INSPECTOR GENERAL.—The amount appropriated by this title under the heading “OFFICE OF INSPECTOR GENERAL” is hereby increased by \$3,499,000.

(b) OFFSET.—The amount appropriated by this title under the heading “HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION” is hereby decreased by \$5,000,000.

**SA 2662.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal

year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish the Emergency Plan for Indian Safety and Health as required by section 601 of Public Law 110-293.

**SA 2663.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 10 and 11, insert the following:

SEC. 111. The Secretary of Commerce shall submit to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Natural Resources of the House of Representatives a report on the manner in which implementation of all future catch share programs in fisheries that include commercial and recreational fishers will—

(1) provide improvements in management and data collection for both categories of fishers; and

(2) resolve fishery allocation disputes between those categories of fishers.

**SA 2664.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 10 and 11, insert the following:

SEC. 111. None of the funds made available in this Act may be used to issue offshore aquaculture permits for the Gulf of Mexico until after the date that the Secretary of Commerce submits to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Natural Resources of the House of Representatives a report on the manner in which offshore aquaculture in the Gulf of Mexico will be properly regulated to prevent adverse environmental impacts and the escape of pen-raised fin-fish species.

**SA 2665.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 23 and 24, insert the following:

SEC. 533. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking “Unless” and all that follows.



SEC. 534. The head of each agency or department of the United States that enters into a contract shall require, as a condition of the contract, that the contractor participate in the pilot program described in 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-209; 8 U.S.C. 1324a note) to verify the employment eligibility of—

(1) all individuals hired during the term of the contract by the contractor to perform employment duties within the United States; and

(2) all individuals assigned by the contractor to perform work within the United States the under such contract.

SEC. 535. (a)(1) Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) are amended by striking “basic pilot program” each place that term appears and inserting “E-Verify Program”.

(2) The heading of section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking “BASIC PILOT” and inserting “E-VERIFY”.

(b) Section 404(h)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking “under a pilot program” and inserting “under this subtitle”.

**SA 2666.** Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. KYL, and Mr. MCCAIN) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

**SEC. 220. INCREASE IN STATE CRIMINAL ALIEN ASSISTANCE PROGRAM FUNDING.**

(a) IN GENERAL.—For an additional amount under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under this title, there is appropriated, for the fiscal year ending September 30, 2010, \$172,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)).

(b) OFFSET.—The total amount appropriated under the heading “OPERATIONS, RESEARCH, AND FACILITIES” under the heading “NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION” under title I is reduced by \$172,000,000.

**SA 2667.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) ADDITIONAL AMOUNT FOR OFFICE OF INSPECTOR GENERAL.—The amount appropriated by title I under the heading “OFFICE OF INSPECTOR GENERAL” under the heading “DEPARTMENTAL MANAGEMENT”

under the heading “DEPARTMENT OF COMMERCE” is increased by \$4,499,000.

(b) OFFSET.—The amount appropriated by title I under the heading “HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION” under the heading “DEPARTMENTAL MANAGEMENT” under the heading “DEPARTMENT OF COMMERCE” is decreased by \$5,000,000.

**SA 2668.** Mr. REID (for himself, Mr. BAUCUS, Mr. REED, Mrs. SHAHEEN, Mr. DODD, Mr. DURBIN, Mr. SCHUMER, Mr. HARKIN, Mr. LEAHY, Mr. CASEY, Mr. CARDIN, Mr. LEVIN, Mr. SANDERS, Mr. KAUFMAN, Mr. BROWN, Ms. STABENOW, Mr. UDALL of Colorado, Mr. BENNET, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. AKAKA, Mr. ROCKEFELLER, Mr. BYRD, Mrs. MCCASKILL, Mr. WEBB, Ms. MIKULSKI, Mr. BURRIS, Mrs. GILLIBRAND, Mrs. BOXER, Mr. BEGICH, Mr. FRANKEN, Mrs. MURRAY, Mr. KERRY, Mr. MENENDEZ, Mr. BINGAMAN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Emergency Unemployment Compensation Extension Act of 2009”.

**SEC. 2. REVISIONS TO SECOND-TIER BENEFITS.**

(a) IN GENERAL.—Section 4002(c) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “If” and all that follows through “paragraph (2))” and inserting “At the time that the amount established in an individual’s account under subsection (b)(1) is exhausted”;

(B) in subparagraph (A), by striking “50 percent” and inserting “54 percent”;

(C) in subparagraph (B), by striking “13” and inserting “14”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

**SEC. 3. THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.**

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

“(d) THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

“(1) IN GENERAL.—If, at the time that the amount added to an individual’s account under subsection (c)(1) (hereinafter ‘second-tier emergency unemployment compensation’) is exhausted or at any time thereafter, such individual’s State is in an extended benefit period (as determined under paragraph

(2)), such account shall be further augmented by an amount (hereinafter ‘third-tier emergency unemployment compensation’) equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents’ allowances) payable to the individual during the individual’s benefit year under the State law; or

“(B) 13 times the individual’s average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

“(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

“(i) were applied by substituting ‘4’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) such a period would then be in effect for such State under such Act if—

“(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

“(ii) such section 203(f)—

“(I) were applied by substituting ‘6.0’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) by striking “then section 4002(c)” and inserting “then subsections (c) and (d) of section 4002”; and

(2) by striking “paragraph (2) of such section)” and inserting “paragraph (2) of such subsection (c) or (d) (as the case may be))”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

**SEC. 4. FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.**

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 3(a), is amended by adding at the end the following new subsection:

“(e) FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

“(1) IN GENERAL.—If, at the time that the amount added to an individual’s account under subsection (d)(1) (third-tier emergency unemployment compensation) is exhausted or at any time thereafter, such individual’s State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter ‘fourth-tier emergency unemployment compensation’) equal to the lesser of—

“(A) 24 percent of the total amount of regular compensation (including dependents’ allowances) payable to the individual during the individual’s benefit year under the State law; or

“(B) 6 times the individual’s average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

“(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

“(i) were applied by substituting ‘6’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) such a period would then be in effect for such State under such Act if—

“(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

“(ii) such section 203(f)—

“(I) were applied by substituting ‘8.5’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 3(b), is amended—

(1) by striking “and (d)” and inserting “, (d), and (e) of section 4002”; and

(2) by striking “or (d)” and inserting “, (d), or (e) (as the case may be))”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

#### SEC. 5. COORDINATION.

Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 4, is amended by adding at the end the following new subsection:

“(f) COORDINATION RULE.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any emergency unemployment compensation under subsection (c), (d), or (e) (by reason of the amendments made by sections 2, 3, and 4 of the Emergency Unemployment Compensation Extension Act of 2009), if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of emergency unemployment compensation under subsection (b) (as such subsection was in effect on the day before the date of the enactment of this subsection).”.

#### SEC. 6. TRANSFER OF FUNDS.

Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “Act;” and inserting “Act and sections 2, 3, and 4 of the Emergency Unemployment Compensation Extension Act of 2009;”.

#### SEC. 7. EXPANSION OF MODERNIZATION GRANTS FOR UNEMPLOYMENT RESULTING FROM COMPELLING FAMILY REASON.

(a) IN GENERAL.—Clause (i) of section 903(f)(3)(B) of the Social Security Act (42 U.S.C. 1103(f)(3)(B)) is amended to read as follows:

“(i) One or both of the following offenses as selected by the State, but in making such selection, the resulting change in the State

law shall not supercede any other provision of law relating to unemployment insurance to the extent that such other provision provides broader access to unemployment benefits for victims of such selected offense or offenses:

“(I) Domestic violence, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual’s continued employment would jeopardize the safety of the individual or of any member of the individual’s immediate family (as defined by the Secretary of Labor); and

“(II) Sexual assault, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual’s continued employment would jeopardize the safety of the individual or of any member of the individual’s immediate family (as defined by the Secretary of Labor).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to State applications submitted on and after January 1, 2010.

#### SEC. 8. TREATMENT OF ADDITIONAL REGULAR COMPENSATION.

The monthly equivalent of any additional compensation paid by reason of section 2002 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438) shall be disregarded after the date of the enactment of this Act in considering the amount of income and assets of an individual for purposes of determining such individual’s eligibility for, or amount of, benefits under the Supplemental Nutrition Assistance Program (SNAP).

#### SEC. 9. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) BENEFITS.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), is amended—

(1) in clause (iii)—

(A) by striking “June 30, 2009” and inserting “June 30, 2010”; and

(B) by striking “December 31, 2009” and inserting “December 31, 2010”; and

(2) by adding at the end of clause (iv) the following: “In addition to the amount appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated \$175,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.”.

(b) ADMINISTRATIVE EXPENSES.—Section 2006 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 445) is amended by adding at the end of subsection (b) the following: “In addition to funds appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board \$807,000 to cover the administrative expenses associated with the payment of additional extended unemployment benefits under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, to remain available until expended.”.

#### SEC. 10. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(1) by striking “through 2009” in paragraph (1) and inserting “through 2010 and the first 6 months of calendar year 2011”;

(2) by striking “calendar year 2010” in paragraph (2) and inserting “the remainder of calendar year 2011”; and

(3) by inserting “(or portion of the calendar year)” after “during the calendar year”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2009.

**SA 2669.** Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_ (a) PROHIBITION ON USE OF FUNDS FOR PROSECUTION OF 9/11 TERRORISTS IN ARTICLE III COURTS.—None of the funds appropriated or otherwise made available for the Department of Justice by this Act may be obligated or expended to commence or continue the prosecution in an Article III court of the United States of an individual suspected of planning, authorizing, organizing, committing, or aiding the attacks on the United States and its citizens that occurred on September 11, 2001.

(b) ARTICLE III COURT OF THE UNITED STATES DEFINED.—In this section, the term “Article III court of the United States” means a court of the United States established under Article III of the Constitution of the United States.

**SA 2670.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, line 8, after “Act,” insert the following: “of which, the Attorney General may use up to \$5,000,000 for community-based violence prevention strategies that focus on street-level outreach, conflict mediation, and the changing of community norms to reduce violence, and”.

**SA 2671.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ Not later than December 31, 2009, the Attorney General shall establish the Emergency Plan for Indian Safety and Health as required by section 601 of Public Law 110-293.

**SA 2672.** Mr. BINGAMAN (for himself, Mr. CORNYN, Mrs. LINCOLN, Mr. UDALL of New Mexico, and Mr. CRAPO) submitted an amendment intended to

be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, line 14, before the period at the end, insert “: *Provided further*, That the funds appropriated by this Act for trade adjustment assistance for communities shall not be allocated among the regional offices of the Economic Development Administration until such time as 50 percent of the total amount of the funds appropriated by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) for that purpose have been distributed to grantees: *Provided further*, That the Secretary of Commerce shall reevaluate the spending plan for trade adjustment assistance based on up-to-date economic data before allocating those funds among the regional offices”.

**SA 2673.** Mr. BROWNBACK (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, line 4, strike the period at the end and insert the following: “: *Provided further*, That of the amount appropriated under this heading, not less than \$1,000,000 shall be made available to the Bureau of Industry and Security Export Enforcement to curtail the illicit transshipment, reexportation, or diversion of U.S.-origin items to Iran.”.

**SA 2674.** Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### NOAA CHIEF SCIENTIST

SEC. \_\_\_\_\_. Chapter 53 of title 5, United States Code, is amended—

(1) by striking “Chief Scientist, National Oceanic and Atmospheric Administration” in section 5316; and

(2) by adding “Chief Scientist, National Oceanic and Atmospheric Administration” at the end of section 5315.

**SA 2675.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 163, line 6, strike “\$179,000,000” and insert “\$174,000,000”.

On page 163, line 8, strike “\$125,830,000” and insert “\$120,830,000”.

On page 170, between lines 19 and 20, insert the following:

#### SEC. 220. ADDITIONAL FUNDING FOR DRUG COURTS.

For an additional amount under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under this title, there is appropriated, for the fiscal year ending September 30, 2010, \$5,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 8, 2009, at 9:30 a.m., to conduct a hearing entitled “Future of the Mortgage Market and the Housing Enterprises.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 8, 2009 at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 8, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 8, 2009, at 10 a.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON VETERANS AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on October 8, 2009, at 9:30 a.m. to conduct a hearing on VA/DOD Response to Certain Military Exposures. The Committee will meet in room 562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 8, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate on October 8, 2009, at 3 p.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Comprehensive Immigration Reform: Faith-Based Perspectives.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate to conduct a hearing on October 8, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ANNIVERSARY OF NEVADA'S STATEHOOD

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 309, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 309) recognizing and celebrating the 145th anniversary of the entry of Nevada into the Union as the 36th State.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, does my distinguished colleague from Nevada wish to speak on this matter?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I just want to applaud the senior Senator from Nevada, the leader of the Senate, for this resolution recognizing the 145th anniversary of Nevada's statehood.

Mr. REID. Mr. President, as it approaches Halloween, which is the real day, I will have more to say on this resolution.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table; that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 309) was agreed to.

The preamble was agreed to.  
The resolution, with its preamble, reads as follows:

## S. RES. 309

Whereas October 31, 2009, marks the 145th anniversary of President Abraham Lincoln's proclamation admitting Nevada into the Union as the 36th State;

Whereas Nevadans celebrate the anniversary of "Battle Born" statehood every year as Nevada Day;

Whereas Nevada's State motto is "All for Our Country", reflecting the patriotism and sense of duty demonstrated by countless Nevadans since the State's entrance into the Union;

Whereas Nevada's brave veterans and service members have made critical contributions to our Nation's security in times of war and of peace;

Whereas the Henderson magnesium mines and the Nevada Test Site played key roles in the United States' victories during World War II and the Cold War, respectively;

Whereas Nevada is honored to host our Nation's Armed Forces at Nellis Air Force Base, Creech Air Force Base, Naval Air Station Fallon, and the Hawthorne Army Depot, as well as National Guard Armories and Reserve Readiness Centers throughout the State;

Whereas Nevada is a premier destination for tourists, business travelers, family vacationers, and outdoor enthusiasts throughout the United States and around the globe;

Whereas Nevada's unique features attract vacationers and locals alike, including the pastoral Washoe Valley, the crags of the Ruby Mountains, the "Biggest Little City in the World", the Las Vegas Strip, the Hoover Dam, Lovers Lock Plaza, and the annual National Cowboy Poetry Gathering;

Whereas mining became an important industry to the Silver State with the 1859 discovery of the Comstock Lode, the most valuable deposit of silver in the Nation;

Whereas Nevada produces more gold than all other States combined and is one of the largest sources of gold in the world;

Whereas the entrepreneurial spirit of Nevadans is reflected in a versatile economy, from the world's largest gaming establishments to small businesses that make up the vast majority of Nevada's employers;

Whereas Nevada has a rich cultural heritage that draws from diverse populations, from multi-generational ranching families to new residents, from Hispanic Americans to Asian Americans and Pacific Islanders, and from Basque communities to Mormon pioneers;

Whereas Nevada recognizes the language, culture, and generosity of Nevada's first dwellers, the Northern and Southern Paiutes, Shoshone, and Washoe peoples;

Whereas Nevada celebrates Thocmentony, or Sarah Winnemucca, the first Native American woman to author a publication in English, whose statue graces Emancipation Hall in the Capitol Visitor Center;

Whereas the snow-capped mountains of Nevada (pronounced Nevāda) were the inspiration for the Spanish origin of its name;

Whereas Nevada offers beautiful outdoor settings ranging from vibrant desert landscapes to grand ski slopes, and from picturesque hiking trails to flowing river currents;

Whereas Lake Tahoe is one of the deepest and clearest alpine lakes in the world, and Lake Mead is the largest engineered reservoir in the United States;

Whereas Nevada is home to Great Basin National Park, 17 State parks, 2 national forests, and 3,400,000 acres of wilderness, including Sloan Canyon, Red Rock Canyon, and Black Rock Desert;

Whereas Nevada exemplifies the independence, opportunity, and pioneering spirit of the West; and

Whereas Nevada's delegation to the 111th Congress—Senator Harry Reid, Senator John Ensign, Representative Shelley Berkley, Representative Dean Heller, and Representative Dina Titus—invite all to join in the celebration of Nevada statehood: Now, therefore, be it

*Resolved*, That the Senate recognizes and celebrates the 145th anniversary of the entry of Nevada into the Union as the 36th State.

## EXECUTIVE SESSION

## NOMINATIONS DISCHARGED

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Agriculture Committee be discharged en bloc of the following: PN486, PN620, PN831, PN789, PN817, PN818, PN925, PN926, PN1021, PN1022; and that the Senate then proceed en bloc to their consideration; that the nominations be confirmed and the motions to reconsider be laid upon the table en bloc; that no further motions be in order and any statements relating to the nominations be printed in the Record; that the President be immediately notified of the Senate's action. The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

## COMMODITY FUTURES TRADING COMMISSION

Bartholomew Chilton, of Maryland, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2013.

## DEPARTMENT OF AGRICULTURE

Edward M. Avalos, of New Mexico, to be Under Secretary of Agriculture for Marketing and Regulatory Programs.

## COMMODITY CREDIT CORPORATION

Edward M. Avalos, of New Mexico, to be a Member of the Board of Directors of the Commodity Credit Corporation.

## COMMODITY FUTURES TRADING COMMISSION

Jill Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2014.

## FARM CREDIT ADMINISTRATION

Kenneth Albert Spearman, of Florida, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for the remainder of the term expiring May 21, 2010.

Kenneth Albert Spearman, of Florida, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring May 21, 2016.

## COMMODITY FUTURES TRADING COMMISSION

Scott D. O'Malia, of Michigan, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2010.

Scott D. O'Malia, of Michigan, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2015.

## DEPARTMENT OF AGRICULTURE

Harris D. Sherman, of Colorado, to be Under Secretary of Agriculture for Natural Resources and Environment.

## COMMODITY CREDIT CORPORATION

Harris D. Sherman, of Colorado, to be a Member of the Board of Directors of the Commodity Credit Corporation.

## EXECUTIVE CALENDAR

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 484, the nomination of LTG David M. Rodriguez, reported today by the Armed Services Committee; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table; that no further motions be in order, and any statements relating to the nomination be printed in the RECORD; the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

## IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. David M. Rodriguez

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## NATIONAL DAY ON WRITING

Mr. BEGICH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 310, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 310) expressing support for the designation of October 20, 2009, as the National Day on Writing.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BEGICH. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 310) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 310

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and

walk of life to create meaning through composing;

Whereas more and more people in every occupation deem writing as essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of Americans;

Whereas the National Day on Writing provides an opportunity for individuals across the United States to share and exhibit their written works through the National Gallery of Writing;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Web 2.0 tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all Americans to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of October 20, 2009, as the National Day on Writing;

(2) strongly affirms the purposes of the National Day on Writing and encourages participation in the National Gallery of Writing, which serves as an exemplary living archive of the centrality of writing in the lives of Americans; and

(3) encourages educational institutions, businesses, community and civic associations, and other organizations to promote awareness of the National Day on Writing and celebrate the writing of their members through individual submissions to the National Gallery of Writing.

#### MEASURES READ THE FIRST TIME—H.R. 3548, H.R. 3590, S. 1772

Mr. BEGICH. Mr. President, I understand there are three bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008, to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time

homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

A bill (S. 1772) to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

Mr. BEGICH. I now ask for the second reading en bloc and object to my requests en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read on the next legislative day.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, as amended, appoints the following Senator as Chairman of the U.S.-China Interparliamentary Group conference during the 111th Congress: the Honorable PATTY MURRAY of Washington.

The Chair, pursuant to Executive Order 12131, renewed by Executive Order 13446, reappoints and appoints the following Members to the President's Export Council:

Reappointment: the Senator from Texas (Mr. CORNYN)

Appointment: the Senator from Idaho (Mr. CRAPO) vice the Senator from Wyoming (Mr. ENZI).

#### EXTENSION FOR TRIBUTES TO SENATORS KENNEDY AND MARTINEZ

Mr. BEGICH. I ask unanimous consent that the deadline for tributes to Senators Kennedy and Martinez to be submitted to the CONGRESSIONAL RECORD be extended until Wednesday, October 14, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEGICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

##### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk on the committee-reported substitute amendment to H.R. 2847.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to H.R. 2847, the Departments of Commerce, Justice and Science and Related Agencies Appropriations Act of Fiscal Year 2010.

Harry Reid, Barbara A. Mikulski, Barbara Boxer, Robert Menendez, Charles E. Schumer, Patty Murray, Tom Harkin, Patrick J. Leahy, Roland W. Burris, Mark Begich, Ben Nelson, Daniel K. Inouye, Debbie Stabenow, Bernard Sanders, Dianne Feinstein, John F. Kerry, Edward E. Kaufman.

##### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the bill. I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2847, the Departments of Commerce, Justice and Science and Related Agencies Appropriations Act of Fiscal Year 2010.

Harry Reid, Barbara A. Mikulski, Barbara Boxer, Robert Menendez, Charles E. Schumer, Patty Murray, Tom Harkin, Patrick J. Leahy, Roland W. Burris, Mark Begich, Ben Nelson, Daniel K. Inouye, Debbie Stabenow, Bernard Sanders, Dianne Feinstein, John F. Kerry, Edward E. Kaufman.

Mr. REID. I ask unanimous consent that the cloture vote on the substitute amendment occur at 5:30 p.m., Tuesday, October 13, that the hour prior to the vote be for debate with respect to the cloture motion, the hour be equally divided and controlled between Senators MIKULSKI and SHELBY or their designees, and that the mandatory quorums be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 3183.

The PRESIDING OFFICER. Without objection, it is so ordered. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3183), making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed to recommend and do recommend to their respective Houses that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of September 30, 2009.)

#### CLOTURE MOTION

Mr. REID. I have a cloture motion on the conference report at the desk. I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report to accompany H.R. 3183, the Energy and Water Appropriations Act for Fiscal Year 2010.

Harry Reid, Charles E. Schumer, Patrick J. Leahy, Dianne Feinstein, Evan Bayh, Mark L. Pryor, Jon Tester, Robert Menendez, Frank R. Lautenberg, Kent Conrad, Patty Murray, John F. Kerry, Daniel K. Inouye, Sheldon Whitehouse, Carl Levin, Jack Reed, John D. Rockefeller IV, Bill Nelson.

Mr. REID. I ask unanimous consent that the cloture vote on the conference report occur upon disposition of H.R. 2847, provided that if cloture is not invoked on the substitute amendment to H.R. 2847, then a motion to reconsider the vote by which cloture was not invoked on the substitute be considered entered; that the cloture vote on the bill be delayed to occur upon reconsideration, and that upon reconsideration and cloture is not invoked on the substitute, then the cloture motion on the bill be withdrawn; further, that if cloture has not been invoked as specified above, then the vote on the motion to invoke cloture on the conference report to accompany H.R. 3183 occur 1 hour after the Senate convenes on Wednesday, October 14, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, OCTOBER 9, 2009, AND TUESDAY, OCTOBER 13, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it adjourn until 10 a.m. tomorrow, Friday, October 9, for a pro forma session only, with no business conducted; that following the pro forma session, the Senate adjourn until 2 p.m. on Tuesday, October 13; that following the prayer and pledge on that day, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of H.R. 2847, the Commerce-Justice-Science appropriations bill. Finally, I ask that the filing deadline for first-degree amendments be at 3 p.m. on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, the cloture vote on the substitute amendment to CJS will occur at 5:30 p.m. on Tuesday. That will be the first vote of the day. We are still hopeful and confident Senators SHELBY and MIKULSKI can work out a finite list of amendments to be voted on, and we will start voting on those Tuesday. I hope we can do that. If not, we will have to go forward. We worked all afternoon trying to come up with something, but the amendments kept coming. There was a time we had to draw the line. The number of amendments we received had nothing to do with this legislation, so it was determined to be the time to file cloture.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:18 p.m., adjourned until Friday, October 9, 2009, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### TENNESSEE VALLEY AUTHORITY

NEIL G. MCBRIDE, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2013, VICE SKILA HARRIS, RESIGNED.

##### DEPARTMENT OF STATE

DAVID HUEBNER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SAMOA.

DAVID DANIEL NELSON, OF MINNESOTA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

LT. GEN. WILLIAM B. CALDWELL IV

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

LT. GEN. DAVID M. RODRIGUEZ

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be vice admiral

VICE ADM. ROBERT S. HARWARD, JR.

#### DISCHARGED NOMINATIONS

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

BARTHOLOMEW CHILTON, OF MARYLAND, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2013.

EDWARD M. AVALOS, OF NEW MEXICO, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS.

JILL SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2014.

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR THE REMAINDER OF THE TERM EXPIRING MAY 21, 2010.

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2016.

EDWARD M. AVALOS, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

SCOTT D. O'MALIA, OF MICHIGAN, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2010 VICE WALTER LUKKEN, RESIGNED.

SCOTT D. O'MALIA, OF MICHIGAN, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2015.

HARRIS D. SHERMAN, OF COLORADO, TO BE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT.

HARRIS D. SHERMAN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, October 8, 2009:

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

LT. GEN. DAVID M. RODRIGUEZ

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

##### COMMODITY FUTURES TRADING COMMISSION

BARTHOLOMEW CHILTON, OF MARYLAND, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2013.

JILL SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2014.

SCOTT D. O'MALIA, OF MICHIGAN, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2010 VICE WALTER LUKKEN, RESIGNED.

SCOTT D. O'MALIA, OF MICHIGAN, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2015.

DEPARTMENT OF AGRICULTURE

EDWARD M. AVALOS, OF NEW MEXICO, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS.

EDWARD M. AVALOS, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

HARRIS D. SHERMAN, OF COLORADO, TO BE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT.

HARRIS D. SHERMAN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

FARM CREDIT ADMINISTRATION

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR THE REMAINDER OF THE TERM EXPIRING MAY 21, 2010.

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2016.



## EXTENSIONS OF REMARKS

### TRIBUTE TO THE CONGREGATION GEMILUTH CHASSODIM

#### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. ALEXANDER. Madam Speaker, I rise today to pay tribute to the Congregation Gemiluth Chassodim of Alexandria, La., originally known as the Hebrew Benevolent Society of Rapides. Chartered on Oct. 2, 1859, the congregation recently celebrated its 150th anniversary of distinguished service to the Jewish community, as well as to providing faithful dedication to the Alexandria area.

The congregation first held religious services in various private homes with lay leadership. The initial Jewish sanctuary was built in 1870, and the first rabbi, Marx Klein, came in 1873. On Oct. 14, 1873, the young congregation became one of the original charter members of the Union of American Hebrew Congregations, presently known as the Union for Reform Judaism, which today represents 900 affiliate congregations in the United States and abroad. The present sanctuary was constructed in 1952.

The congregation has been served by 23 rabbis and 33 board presidents. It grew to a peak of nearly 300 families during the mid-twentieth century.

Many members of the Temple have held various leadership roles in civic and charitable organizations throughout Central Louisiana. In addition, they have made significant contributions in the fields of medicine, law, government, social services, education and the cultural life of the region.

The Temple, the Rabbi and individual members continue to play an integral part in achieving better interfaith understanding, working to strengthen the quality of life for all citizens in the communities of the region.

Madam Speaker, I ask my colleagues to join with me in commending the Congregation Gemiluth Chassodim.

### EARMARK DECLARATION

#### HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. BILBRAY, Madam Speaker, I would like to submit the following Earmark request:

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: Conference Report to H.R. 3183, FY 2010 Energy and Water Appropriations

Account: Army Corps of Engineers, General Investigations, Miscellaneous

Legal Name of Requesting Entity: Scripps Institution of Oceanography, UC San Diego

Address of Requesting Entity: 9500 Gilman Drive, La Jolla, CA 92093

I received \$897,000 for the Coastal Data Information Program/Southern California Beach Processes Study within the Army Corps of Engineers. Through this program, high-resolution wave data and forecasts are disseminated in real time via the internet to the National Weather Service and to tens of thousands of diverse users each day. Sea state and surf warnings are issued based on this information for the protection of life and property. In addition, beach elevations are monitored and analyzed, and this information is provided to coastal communities online where local governments and engineers use it for making educated policy decisions for protecting and enhancing local beaches. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, which has the federal responsibility for shoreline protection and uses this data for coastal dredging and construction projects. This program is critical to marine safety and operations for the coastal United States and there are no competitive funding sources available.

### PERSONAL EXPLANATION

#### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Thursday, October 1, 2009.

Had I been present, I would have voted "Aye" on rollcall vote No. 746, on Motion to Instruct Conferees to H.R. 2892; "Aye" on rollcall vote No. 747, on motion to suspend the rules and agree to H. Res. 517; "Aye" on rollcall vote No. 748, on motion to suspend the rules and agree to H. Res. 487; "No" on rollcall vote No. 749, on agreeing to H. Res. 788, which provides for consideration of the conference report to accompany H.R. 3183; "Aye" on rollcall vote No. 750, on motion to suspend the rules and agree to H. Res. 692; "Aye" on rollcall vote No. 751, on motion to suspend the rules and agree to H. Con. Res. 151; "Aye" on rollcall vote No. 752, on Agreeing to the Conference Report to H.R. 3183.

### BREAST CANCER AWARENESS MONTH

#### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Ms. ZOE LOFGREN of California. Madam Speaker, I rise this October day in strong sup-

port of and to draw attention to Breast Cancer Awareness month. According to the National Cancer Institute, in the United States, breast cancer is the most common non-skin cancer and the second leading cause of cancer-related death in women.

It is estimated that approximately \$8.1 billion is spent in the United States each year on treatment of breast cancer. However, while the rate of breast cancer diagnosis has increased, the overall breast cancer mortality rate has dropped steadily—decreasing by 1.8% per year from 1999 to 2005 among women according to the Centers for Disease Control and Prevention.

This decrease in mortality rates can be attributed to a combination of early detection, expanding screening, and improvements in treatments as well as a willingness to openly discuss breast cancer. Breast Cancer Awareness month is an opportunity to help the more than 211,000 American women who learn they have this disease each year. These newly diagnosed women, survivors, their families, and all those affected will benefit from the research, education, and awareness, which increase early diagnoses and save lives that Breast Cancer Awareness month highlights.

### HONORING REVEREND ROBERT E. HENSON

#### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. KILDEE. Madam Speaker, Reverend Robert E. Henson is celebrating 30 years as pastor of the South Flint Tabernacle on October 10th at a dinner to be held at the church. I ask the House of Representatives to join me in congratulating Reverend Henson on this momentous occasion.

Prior to his ministry at South Flint Tabernacle, Reverend Henson served pastorates in Texas and Indiana. He has over 40 years serving as a minister. For seven years he was the Youth President of the Indiana District of the United Pentecostal Church International. He also worked as the Editor of the Indiana District United Pentecostal Church International periodical the "Indiana Apostolic Trumpet." After he moved to Michigan, Reverend Henson spent 16 years as presbyter and member of the Michigan District Board of the United Pentecostal Church International. He was the Home Missions director for one year.

Reverend Henson has written several articles and several books including "Effective Altar Ministry," "The Silhouette of Majesty," "Prayer Force One," "Marvelous Mercy," "Living a Balanced Life . . . In an Unbalanced World," "World Changers," and "Just Braggin' on Jesus." He co-authored "Victorious Living for New Christians."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Together with his wife, Shirley, Reverend Henson has two daughters, Melissa and her husband Jonathan Hudson, and Jerusha and her husband Jason McGhee, and four granddaughters: Jelissa, Macy, Jade, and Madelyn.

Madam Speaker, I ask the House of Representatives to rise with me today and applaud the work of Reverend Robert E. Henson and South Flint Tabernacle as they celebrate 30 years of worship, service, and spirituality under his guidance. I pray that he will continue to guide the congregation and serve the community for many, many years to come.

HONORING PAULETTE WALZ,  
LEESBURG, FLORIDA

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Ms. GINNY BROWN-WAITE of Florida, Madam Speaker, I rise today to honor Paulette Walz of Lake County, Florida. This past week, she was awarded the Social Security Administration's highest honorary award; the Commissioner's Citation. I cannot think of a more deserving recipient.

Born in a small town in middle Tennessee, she first began her work with Social Security recipients while working as a Claims Development clerk in the Cookeville, TN Social Security Office. From there she was promoted to the Service Representative position in Leesburg, FL and thus made her move to the 5th district, where she continues to work as the Public Affairs Specialist for Lake and Sumter Counties.

For the past 24 years, Paulette has done an exceptional job of both helping Social Security recipients with their every concern and in keeping SSA issues front and center. Her efforts span much farther than her office however; she utilizes print, radio and TV to educate recipients about the Social Security options available to them. Paulette hosts two weekly radio shows in The Villages, as well as records weekly Public Service Announcements. She also records a 30 minute television program three times a month where she and her guests discuss programs the Agency administers. Additionally, she utilizes her weekly column in The Villages Daily Sun to respond to congressional inquiries regarding Social Security.

When she is not covering the issue in the media, Paulette teaches a monthly class on SSA benefits at The Villages Life Long Learning College. Additionally, she conducts pre-release seminars at area Correctional Institutions, including the Coleman Federal Correctional Complex, the largest federal prison in the United States. She was also instrumental in implementing the North Florida Area's eServices Outreach Pilot Program; this initiative offers individuals who are close to retirement assistance in making an informed decision as to when to retire.

I have only scratched the service on all she has accomplished. From working first hand with Paulette on many Social Security issues, I can tell you that her expertise and dedication are invaluable.

I congratulate her on this prestigious honor and wish her only the very best in the years to come.

TRIBUTE TO JESUS GONZALES,  
RECIPIENT OF THE 2009 ST. MADELEINE SOPHIE AWARD, SACRED  
HEART SCHOOLS

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Ms. ESHOO. Madam Speaker, I rise today to honor Mr. Jesus Gonzales, a recipient of the prestigious St. Madeleine Sophie Award from Sacred Heart Schools. Established in the year 2000, the St. Madeleine Sophie Award honors individuals in the Sacred Heart community who have made a sustained and significant contribution to the Schools and embody the Goals and Criteria of a Sacred Heart education. The individuals honored are selected by a committee comprised of the senior administrative team in conjunction with the Chair of the Board of Trustees and are honored at a reception and at the Mass of the Holy Spirit, the first all-school liturgy of the school year. The recipients will be VIP guests at various SHS events throughout the year and featured in their alumni magazine, The Heart of the Matter, for their commitment to the mission of Sacred Heart education.

This year, Jesus Gonzales was chosen, along with two other distinguished recipients, to be recognized with the Award for his tireless work and commitment to the Sacred Heart School as the Physical Plant Manager. His award was presented by Mr. Dan Greenleaf, who gave this speech at the Awards Ceremony in tribute to Jesus:

Jesus Gonzales is a lover. What I mean here is his heart is full of love.

He shares that love everyday with the students, faculty, staff, administration and parents at Sacred Heart Schools.

Which is not always easy. But he gives this love. And he gets love in return.

He shares this love everyday of his life with his brothers and sisters, nieces and nephews and friends.

He has a lot of love to give and he gets lots in return. Which is no surprise to me because I knew his father Gabriel.

Gabriel didn't speak English and I don't speak Spanish but we still knew each other well.

Gabriel raised 8 wonderful kids into happy productive adults while he was working here at Sacred Heart.

The family is: Theresa, Gabriel Jr., Vidal, Valentine, Jesus, Urlinda, Maria and Tony.

This is a very close family who hold on tightly to their heritage while raising their own families here in the melting pot of the Bay Area.

They see each other every day. They share meals, they vacation together, they hang out on the porch doing nothing together, they have strong relationships with each others children. They give love to each other and they get love from each other.

I tell you this because the family is so much of who Jesus is.

Jesus first stepped on the Sacred Heart campus in 1981, when he was 5 years old. One of Jesus' oldest memories on the campus was

Sr. Mesa's chickens and rabbits down by the shop.

Sr. Mesa would sell the rabbits for \$1 each, dead or alive. They tasted like chicken. At that time, there was: no McGanney Gym, no Montessori, no Spieker Pavilion, no Apartments, no football field/house.

Sr. Lawrence had warm cookies in the Main Building and Jesus had a great place to grow up.

His 14th summer, 1989, was his first summer working for Sacred Heart. He painted speed bumps and dug irrigation trenches.

Always a big smile on his face and usually a wise crack to go with it to try and deflect me from seeing how sore he was from swinging the pick.

In high school he worked in the Gator Pit where he would flash those green eyes and talk with all of the high school girls because, well, heck, he was in high school too.

In 1997 he was hired full time in the Maintenance Department.

Two years later he was put in charge of St. Joseph's and the Montessori School and his job changed from actually physically hands on working, to management and dealing with the administration, faculty, coaches, parents and neighbors. He was in his element, this was his strength. He was happier than a pig wallowing in slop. He did well.

In 2003 he was promoted to "Physical Plant Manager" in charge of all of the buildings on the campus. There are many decisions made by the Board and the Operations Department and they get handed down to Jesus and his crew.

They might have a list of 25 things to do. They do 10 of them and check the list again and it's up to 30 things to do. It never ends.

Jesus gets to deal with everyone on campus by e-mail, phone and face-to-face. That starts with his crew of about 20 maintenance and housekeeping personnel. They are the front lines. They are the men and women in the trenches. They are the people we all depend on but might not realize it.

Jesus is very fair with his crew. He is consistent in dealing with 20 personalities. He evaluates, makes changes and implements these changes fairly across the board. He can be stern and honest when he needs to be, but he talks to them the same way he would expect someone to talk to him.

Most of his conversations are peppered with humor. He listens, I mean really listens and makes informed decisions. He is not above his crew.

Then he deals with everyone else: administrators, teachers, parents, vendors, police department, fire department, city hall, contractors.

There is nobody that he doesn't approach with a smile and an open mind. He is patient. He is organized, and he will give you all his time to get you what you need.

In the big picture he knows why he's here. I've heard him say it before, "We are here for the kids." It is that easy. You give love, you get love, "We are here for the kids."

He is who his father and family and maybe even a little bit of Sacred Heart raised him to be.

A child of the Sacred Heart.

But still after all of this, there is still one person who remains the center of his life. Someone who goes for camping, fishing, bowling and makes him laugh. Someone who helps him get ready for work in the morning.

That most special someone in his life is his son Vidal who is now 8 years old and who gets to grow up in the loving glow of his father and the whole Gonzales family.

Madam Speaker, I ask the entire House of Representatives to join me in offering our congratulations to Jesus Gonzales on the very

special occasion of being chosen for the St. Madeleine Sophie Award and for all he does daily to strengthen our community and our country.

HONORING EGGLESTON SERVICES  
AND THE SARAH BONWELL  
HUDGINS CENTER

**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. WITTMAN. Madam Speaker, I am privileged to rise today to honor Eggleston Services for the meaningful opportunities they provide for individuals with disabilities. Eggleston Services is a company in southeastern Virginia that has close to 600 employees, and upwards of three fourths of those employees have a disability. Many of these workers are able to work through a federal program called Ability One. Ability One encourages federal entities to work directly with agencies like Eggleston to provide valuable work at a fair price, all the while utilizing the skills of persons with disabilities.

Eggleston Services is dedicated to providing a broad array of programs and services for individuals with disabilities. Since 1955 their goal has been to assist people in obtaining meaningful work opportunities, and to help them participate fully in their communities. Eggleston Services helps individuals with disabilities gain freedom from dependence on government support by providing them on-the-job training and stable work opportunities.

Just recently, I had the honor to visit the Sarah Bonwell Hudgins Center in Hampton, Virginia. The center is owned by the Sarah Bonwell Hudgins Foundation and managed by Eggleston Services, Inc. The center provides dynamic programs for individuals with mental and/or physical disabilities. Through its partnership with Eggleston Services, the Foundation helps persons with disabilities by providing a place to work, a place to live in a safe caring environment, and a place to learn to live independently.

The profound work and programs that are available at the center help many and are invaluable. At the Sarah Bonwell Hudgins Center, Eggleston Services operates a Life Enhancement Program, which provides specialized services, activities, and residential care. Eggleston Services also provides programs at the center, including Eggleston Document Destruction, a full-service secure document destruction and shredding business, a business fulfillment center, and a ceramics manufacturing facility.

These remarkable programs serve as a way for people with disabilities to find independence and a sense of one's own. None of this would be possible without the Ability One Program and the dedication of Eggleston Services. Businesses can look to Eggleston Services and the Ability One program and use their successful programs as a model for their own business practices. Persons with disabilities can be key contributors in the workplace and I commend Eggleston Services in conjunction with the Ability One program and the Sarah

Bonwell Hudgins Foundation for their work in providing opportunities for individuals with disabilities.

RECOGNIZING OCTOBER AS  
BREAST CANCER AWARENESS  
MONTH

**HON. DARRELL E. ISSA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. ISSA. Madam Speaker, today I rise in support of October as Breast Cancer Awareness Month.

Many of us have concerns for family and friends impacted by breast cancer. This month we must take those concerns and turn the emotion into action.

According to the American Cancer Society, breast cancer is the most commonly diagnosed form of cancer in women in California and the United States as a whole. It is the second most common cause of cancer death. The California Cancer Registry estimates that each year, more than 25,000 California women develop breast cancer and over 4,000 die as a result. California represents a large portion of the 192,370 new cases of breast cancer that have been diagnosed in 2009 alone.

This disease is not gender specific; it will develop in approximately almost 2,000 men this year as well. Early detection and treatment for both sexes has resulted in 2.5 million breast cancer survivors in the United States.

We must continue to encourage all women and men to undergo mammography screening, as it is the most effective test to determine the presence of breast cancer. To do so, I have joined with my colleagues to cosponsor the Breast Cancer Education and Awareness Requires Learning Young Act of 2009. This bill will enhance efforts to increase public awareness regarding the threats posed by breast cancer to young women and men, as well as to enhance campaigns that will further educate the community on the risk factors of breast cancer and the importance of early detection.

I am proud to stand today with my colleagues to recognize the importance of continuing efforts to enhance awareness and preventative actions.

TRIBUTE TO JAN TITTLE

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Jan Tittle, the National President of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States. Mrs. Tittle will address the Veterans of Foreign Wars Fall Conference on October 10th in Sault Ste. Marie, Michigan.

The 600,000 members of the Ladies Auxiliary of the Veterans of Foreign Wars have spent the last 96 years honoring those who have sacrificed and served our Nation to pre-

serve our freedoms. They volunteer their time maintaining memorials to the persons making the ultimate sacrifice for our country and to teach our youth about our veterans. They provide financial assistance to preserve the Statue of Liberty, have volunteered over 2 million hours in Veterans Affairs Medical Centers and other hospitals. They provide awards and scholarships to students based upon their expressions of patriotism through art, speech and volunteerism.

Jan Tittle was elected the 2009-2010 National President this past August at the 96th National Convention. She is a Life Member of the TSgt. Walter C. Fulda Auxiliary 3433 in Ladson, South Carolina. She is eligible through her father, Arlen Owens, a World War II Purple Heart recipient. As the National President she plans to focus on the Auxiliary's core programs for veterans and their families. She also plans to lead the Auxiliary in topping \$3 million to the Cancer Aid and Research Fund.

Madam Speaker, I ask the House of Representatives to rise and applaud Jan Tittle as she brings together the Ladies Auxiliary under the theme, "It's Time for America's Military Heroes." I congratulate her and the members of the Auxiliary for their commitment to safeguarding the memory of our veterans and their sacrifice for our Nation.

GOVERNORS OF ALASKA, ALABAMA, AND ARIZONA EXPRESS  
CONCERNS WITH UNFUNDED  
MANDATES IN HEALTH REFORM

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over \$35 billion in new liabilities on state budgets over the next ten years. In addition, these proposals would expand the federal government's role in administering Medicaid, which would severely handcuff states' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the RECORD the following letters from the governors of Alaska, Alabama and Arizona:

SEPTEMBER 8, 2009.

Hon. MAX BAUCUS,  
Chairman, Senate Finance Committee, Hart  
Senate Office Building, Washington, DC.

Hon. CHARLES GRASSLEY,  
Ranking Member, Senate Finance Committee,  
Hart Senate Office Building, Washington,  
DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER GRASSLEY: States cannot afford to carry the huge costs of health care reform. States (and their businesses and residents) are struggling to recover financially. The National Conference of State Legislatures (NCSL) reports states had a \$113 billion dollar budget shortfall in 2009 and the situation

is getting worse. NCSL estimates state budget shortfalls will increase to \$142 billion in 2010. I am also concerned with the proposed new federal mandates that would undercut state authority over the Medicaid program.

On fiscal impact, H.R. 3200 expands Medicaid coverage to all citizens under 133 percent of the Federal Poverty Level (FPL) while the Senate HELP committee legislation assumes an expansion to 150 percent of the FPL. The Congressional Budget Office estimates these proposed expansions would require spending hundreds of billions of dollars in new public funds. While the proposals would initially place responsibility on the federal government to pay for expanding Medicaid coverage, a shift would later occur to state treasuries and the impact would be significant. For Alaska, the National Governors Association estimates it would cost \$140 million in state general funds to expand Medicaid for all Alaskans up to 133 percent of FPL in 2015. (Assuming there is full federal funding the first two years.) This amount would increase to \$168 million by 2019, with new state expenditures amounting to billions over time.

This fiscal hit to states would come on top of the Medicaid funding cliff created by Congress in American Recovery and Reinvestment Act. (ARRA). ARRA established a temporary increase in the Federal Medical Assistance Percentage (FMAP) rate to help states deal with Medicaid costs. This higher FMAP rate is set to expire on December 31, 2010. If the higher FMAP rate is not extended, states will face an immediate and significant increase in costs to operate Medicaid programs. In Alaska, approximately \$120 million more in state general funds will be needed to operate the Medicaid program for just one year.

Further, proposals in Congress would give the federal government a stronger role in administering Medicaid and undercut state authority. Coverage would have to be expanded to childless adults who qualify and would replace the current state option to cover parents of low-income children with a federal mandate to provide coverage to qualifying adults. Maintenance of effort requirements would prevent states from adjusting eligibility to meet ever-changing fiscal conditions. Lower limits of practitioner reimbursement and coverage limits would be imposed. New services and the coverage of additional provider groups would be mandated and state flexibility in the eligibility process would be constrained. All these mandates limit state control and flexibility to control the Medicaid program.

While I am sympathetic to the dilemma of health care reform and I applaud your efforts to find a solution, I cannot support legislation from Congress that imposes costly unfunded federal mandates on Alaska and other states. Instead, the federal government should be looking for ways to give the states increased flexibility with federal funding to meet the unique needs of each state's population. This tact would lead to innovation and cost-containment as compared to the current rout pursued in existing health care legislation.

Sincerely,

SEAN PARNELL,  
Governor, Alaska.

SEPTEMBER 30, 2009.

Hon. RICHARD SHELBY,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR SHELBY: Democrats and Republicans alike agree that our health care

system is in need of reform; however, it appears the proposal you will likely be called to vote on has serious flaws that will have a dire budgetary impact on Alabama. As governor of our state, I am writing to express a specific concern I have about this proposal.

The Senate and House of Representatives are considering a bill that includes a major expansion of Medicaid and an increase in costs to the states. Our Medicaid Department has reviewed the cost of expanding Medicaid to 150% Federal Poverty Level and determined that it would cost state and federal taxpayers an additional \$1.2 billion per year to cover this mandate alone. Unlike the federal government, our state actually has to balance its budget. Given the effects of the current economic condition on our budgets, any additional costs will overwhelm our resources. Expecting states in the current economic climate to provide additional funding for federal mandates is not reasonable or even practical.

Instead of raising taxes, imposing mandates and charging penalties on small businesses, Congress and the White House may want to consider an approach we have begun to take in Alabama. Small businesses, those with 24 or fewer employees, can now deduct 150% of the money they spend on health insurance premiums from their state taxes, and their employees earning up to \$50,000/year can do the same.

Rather than increasing the size and cost of government by putting more people on Medicaid, and thereby making more citizens dependent on government as Washington appears ready to do, Alabama is trying to reduce the burden of health care costs for the overwhelming majority of its employers and their employees. I believe our state can be looked to as a model for other states.

Our Medicaid program is a national innovator in the area of medical homes and health information technology. A higher percentage of Alabamians have health insurance than the nation as a whole, and Alabama has a lower percentage of uninsured children than the nation as a whole. In addition to achieving higher rates of coverage, Alabama has some of the nation's lowest health care costs. That is one reason why Alabama has been so successful in attracting national and international companies and the thousands of jobs they have created in our state.

Not only is health care less expensive in Alabama than just about anywhere else in the country, we are also an open market for insurers. More than 300 companies are licensed to sell health care insurance in our state. We encourage competition and welcome insurers to help in the effort to drive down costs.

We, as a nation, must address the problems of our existing health care system, but simply unloading them on the states will not work. I thank you for your interest in this very important matter and look forward to working with you to find common sense ways to reform our health care system.

Sincerely,

BOB RILEY,  
Governor, Alabama.

JULY 16, 2009.

Senator JOHN MCCAIN,  
U.S. Senate, Russell Senate Bldg.,  
Washington DC.  
Senator JON KYL,  
U.S. Senate, Hart Senate Bldg.,  
Washington DC.

DEAR SENATOR MCCAIN AND SENATOR KYL: Thank you for the opportunity to provide information about Arizona's Medicaid pro-

gram, the Arizona Health Care Cost Containment System (AHCCCS).

As you know, Arizona is facing one of the worst financial deficits in the nation and projections show that the State is expected to make a slow recovery. In the meantime, unemployment has continued to increase and counter-cyclical programs like AHCCCS have continued to experience record-breaking enrollment. In the last four months alone, AHCCCS has grown by more than 100,000 new enrollees, and July 2009 enrollment is almost 17 percent above the same month in 2008. Total enrollment, including our Title XXI KidsCare program, in July reached 1,275,109 members, which is almost 19 percent of the state's total population.

I am proud that AHCCCS program has served as a model for other state Medicaid programs across the country in terms of cost containment. This is due, in large part, to the fact that AHCCCS is a capitated managed care model and 65 percent of its long-term care members receive home and community based services rather than institutional care. According to the Kaiser Family Foundation, AHCCCS has the lowest per member per year (PMPY) cost among Medicaid programs in the country. The average PMPY costs are: (1) \$5,645.52 for acute care; (2) \$45,960.72 for long-term care, which is a blended average of our elderly and physically disabled and developmentally disabled programs. The weighted average PMPY cost across all Title XIX groups is \$7,182.60.

I am concerned that the Medicaid expansion proposals being discussed at the federal level do not consider the fiscal difficulties states are facing and are likely to continue to face over the next few years. At the same time as Congress is considering prohibiting states from changing their Medicaid eligibility standards, there have been discussions about establishing a federal floor for Medicaid provider rates, which even further limits state flexibility in setting funding levels. State flexibility has been key to Arizona's success in developing and efficiently managing a Medicaid program that provides high quality care at a low cost.

Even with our strong cost containment measures, I remain concerned about Arizona's ability to sustain the existing AHCCCS model, let alone a mandatory expansion to 150 percent, regardless of whether the federal government provides full financing of the expansion for the first five years. Medicaid is already an increasing share of state budgets—Arizona's General Fund spending on AHCCCS has increased by 230% over the past ten years, and has risen from 8 percent of General Fund spending in FY 1999 to an estimated 16 percent in FY 2009.

Maintaining this level of spending increases will be difficult, especially given that Medicaid enrollment and costs continue to rise. Moreover, Arizona's revenues are not expected to turn around for several years and, even when they do rebound, we would require significant revenue growth in order to sustain rising expenditures for the existing Medicaid program.

Attached, please find data responsive to your requests. There is a summary sheet that provides an overview of the information requested, along with several other sheets that provide additional detail. As you know, there are many unanswered questions regarding the proposals. This analysis includes the assumptions that were used to develop the figures, which will obviously change as the proposals are refined.

Please do not hesitate to contact my office if you have questions or should require additional information. I share your concern regarding Arizona's ability to expand its Medicaid program and what the long-term fiscal implications will be for Arizona, and I hope you find this information useful as you consider the various proposals that are before you.

Sincerely,

JANICE K. BREWER,  
Governor, Arizona.

COMMENDING JOYCE BOLAND FOR  
RECEIVING THE REGIONAL COM-  
MISSIONER'S CITATION FROM  
THE SOCIAL SECURITY ADMINIS-  
TRATION

**HON. TODD RUSSELL PLATTS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. PLATTS. Madam Speaker, I rise today to commend my constituent, Joyce Boland, for receiving the Regional Commissioner's Citation from the Social Security Administration. The Regional Commissioner's Citation is the second highest award that Social Security gives to employees who demonstrate the highest standards of professionalism as established by the agency.

Joyce Boland has worked for the Social Security Administration for 39 years and has dedicated her life to public service. She is often asked to train and mentor employees in other branches, which she does without hesitation. In fact, this is the third time she has received the Regional Commissioner's Citation, an award that is rarely awarded even once in a career, let alone three times.

I applaud the good service that Joyce Boland has not only provided the Social Security Administration, but to the citizens of York County and Pennsylvania as a whole. For this reason, I urge my colleagues to join me in commending Joyce Boland for her good work and service to her country.

INTRODUCTION OF THE "WATER  
TRANSFER FACILITATION ACT  
OF 2009"

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. COSTA. Madam Speaker, today with Congressman CARDOZA I introduced the "Water Transfer Facilitation Act of 2009." The measure should reduce unnecessary delays in water transfers at a time when Central Valley farmers have been hard hit by a three-year drought. It would allow new water transfers of roughly 250,000 to 300,000 acre-feet of water per year. The bill would grant new authority to the Bureau of Reclamation to approve voluntary water transfers between sellers and buyers in the San Joaquin Valley. The measure also would streamline environmental reviews for Central Valley water transfers by ensuring that they occur on a programmatic

basis, instead of the current project-by-project basis.

Transferring water between and within counties for water districts is a critical tool during periods of drought. While the best solution would be to have the federal and state pumps fully operational, because we have been unable to modify the Endangered Species Act, this change in the law provides us some relief. This legislation makes permanent the ability to transfer water to our Valley's farms when it is most needed, therefore, allowing our farmers a lifeline to continue to grow crops and help our local economy. More will need to be done to protect the Valley's water, and I will continue that fight.

The bill is supported by a great number of water users across the Central Valley, including the following: Friant Water Users Authority, San Joaquin River Exchange Contractors Authority, Delta-Mendota Canal Authority, Westlands Water District, Metropolitan Water District, Glenn Colusa Irrigation District, Northern California Water Association, Banta-Carbena Irrigation District, Tehama-Colusa Canal Authority, Association of California Water Agencies, Placer County Water Agency, Conaway Preservation Group, and Reclamation District 2035.

I have submitted several of these support letters, and I understand that Mr. CARDOZA will submit additional letters as well.

FRIANT WATER USERS AUTHORITY,  
Lindsay, CA, October 1, 2009.

Subject: Support for transfer legislation for the Central Valley Project.

Hon. Congressman JIM COSTA,  
Longworth House Building,  
Washington, DC.

DEAR CONGRESSMAN COSTA: On behalf of Friant Water Users Authority (Authority), we thank you for introducing transfer legislation for the Central Valley Project (CVP) and we support your efforts and this legislation as a means of providing greater flexibility for management of CVP water supplies.

The diminished water deliveries to the CVP as a result of 3 years of below average precipitation amplified by various regulatory restrictions, including the ESA and the most recent delta smelt and salmon Biological Opinions, have, as you know, created a desperate situation in the San Joaquin Valley.

While long-term solutions are being sought, numerous short term efforts are needed to help bridge the water supply gap and greater flexibility, as provided in your legislation, to move water supplies across the San Joaquin Valley would be a useful tool. In addition, the legislation would help Friant districts affected by the SJR Settlement improve management of surface and groundwater supplies.

The Authority consists of nineteen member water, irrigation and public utility districts. The Friant Service area includes approximately one million acres and 15,000 mostly small family farms on the east side of the southern San Joaquin Valley (Madera, Fresno, Tulare and Kern County). Friant Division water supplies are also relied upon by several cities and towns, including the City of Fresno, as a major portion of their municipal and industrial water supplies.

We look forward to engaging in this effort and working closely with you and your staff

in advancing this legislation and addressing California water issues.

Sincerely,

RONALD D. JACOBSMA,  
Consulting General Manager.

SAN LUIS & DELTA MENDOTA

WATER AUTHORITY,

Los Banos, CA, October 5, 2009.

Re Water Transfer Facilitation Act of 2009.

Hon. DIANNE FEINSTEIN,

U.S. Senate,

Washington, DC.

Hon. BARBARA BOXER,

U.S. Senate,

Washington, DC.

Hon. DENNIS CARDOZA,

House of Representatives,

Washington, DC.

Hon. JIM COSTA,

House of Representatives,

Washington, DC.

DEAR SENATOR FEINSTEIN, SENATOR BOXER, MR. CARDOZA, AND MR. COSTA: I am writing on behalf of the San Luis & Delta-Mendota Water Authority to express our enthusiastic support for your bill, the Water Transfer Facilitation Act of 2009, authorizing certain transfers of water in the Central Valley Project and other purposes. Water transfers are essential to sound water management and often are time sensitive. Your legislation will bring important reform to existing transfer authorization thus increasing the efficacy of this essential water management tool.

As you are keenly aware, coping with California's water crisis and, in particular, the chronic water supply shortages impacting the Central Valley Project demands utilization of various best management practices including water transfers. Moreover, the need to transfer water is often urgent and in response to climactic conditions that are frequently sporadic and ephemeral. Regrettably, bureaucratic process can unnecessarily thwart successful execution of a transfer and the best management of this all too precious resource. The clarity your legislation brings to existing authorizations will only improve the capability of water managers throughout the State to effectively respond to the ongoing crisis and put our scant water resources to use even more efficiently.

The Westside of the great San Joaquin Valley is inarguably the most transfer dependent region of the State. Your efforts to address this important matter as well as your vast knowledge of and longstanding commitment to water resource issues vital to the State are most deeply appreciated. If there is anything I can do to be of further service to you in this cause, please do not hesitate to call.

Very truly yours,

DANIEL G. NELSON,  
Executive Director.

GLENN-COLUSA IRRIGATION DISTRICT,  
Willows, CA, October 2, 2009.

Re Support for water transfer legislation.

Hon. JIM COSTA,

House of Representatives,

Washington, DC.

DEAR CONGRESSMAN COSTA: On behalf of Glenn-Colusa Irrigation District (GCID), we thank you for introducing legislation authorizing and establishing a permanent long-term program to promote and manage water transfers in the Central Valley of California. We support your efforts and this legislation as a means of providing greater flexibility in the management of Central Valley Project (CVP) and other water supplies to help meet

unmet needs critical to the future of the State of California.

As you are aware, the devastating impacts of diminished water deliveries to the CVP as a result of 3 years of below average precipitation have been made even greater by the various regulatory restrictions, including the requirements established by the recent federal biological opinions for endangered fish under the ESA. Your legislation will provide immediate, much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the CVP.

GCID is the largest and one of the oldest diverters of water from the Sacramento River, dating back to 1880. As a senior water right holder and CVP Sacramento River Settlement Contractor, we believe we can and will actively participate in this water transfer program. The language in your legislation directing the Bureau of Reclamation to work with other federal agencies to implement the necessary long-term environmental processes addressing impacts of a water transfer program on the ESA-listed Giant Garter Snake will be imperative to its usefulness and success.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation and addressing California water issues so important to our collective future.

Sincerely,

THADDEUS L. BETTNER,  
General Manager.

BANTA-CARBONA IRRIGATION DISTRICT,

Tracy, CA, October 2, 2009.

Re Water Transfer Facilitation Act of 2009.

Hon. DIANNE FEINSTEIN,  
Hart Senate Office Building,  
Washington, DC.

Hon. DENNIS CARDOZA,  
Longworth Building,  
Washington, DC.

Hon. JIM COSTA,  
Longworth House Office Building,  
Washington, DC.

DEAR HONORABLE PUBLIC SERVANTS: We encourage you to pass this proposed bill as it can only help Californians best use the waters within the state. It is a waste of storage and conveyance systems to limit the uses of these facilities to strictly one brand of water, ie. CVP water. When facilities can be used to move various sources of water to diverse destinations and beneficial uses then the facilities are doing the most good for the American public. These public facilities will then better serve municipal, industrial and agricultural water needs while the environment is being served during times of drought. This bill will clarify a portion of law that federal regulatory agencies are interpreting in such a way as to prevent conveyance and storage of otherwise legal water transfers within the State of California in Federal facilities. Please pursue passage of this legislative correction.

Sincerely,

DAVID WEISENBERGER,  
General Manager.

## EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. BILBRAY. Madam Speaker, I would like to submit the following Earmark request:

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: Conference Report to H.R. 3183, FY 2010 Energy and Water Appropriations

Account: EERE

Legal Name of Requesting Entity: UC San Diego

Address of Requesting Entity: 9500 Gilman Drive, San Diego CA 92093

Description of Request: I received \$750,000 for the San Diego Center for Algae Biotechnology (SD-CAB). SD-CAB is a consortium of renowned research institutions—including UC San Diego, The Scripps Research Institute, the Salk Institute, Scripps Institution of Oceanography, San Diego State University and other regional entities—that are collaborating with industry partners in a broad-scale research effort to develop advanced transportation fuels from algae. Scientists from these institutions established SD-CAB in an effort to make sustainable algae-based fuel production and carbon dioxide abatement a reality within the next 5 to 10 years. The primary goal of the center is to create a national facility capable of developing and implementing innovative research solutions for the commercialization of fuel production from algae. Algae biofuels have the potential to provide a secure and renewable source of transportation fuel that is at least carbon neutral, and does not compete for land or fresh water resources required to grow food supply crops.

To further establish the SD-CAB as a national research resource for the sustainable development of algae-based biofuels, I made a project request intended to help develop the facilities necessary to the production and culturing of a variety of algae strains. These facilities would be both on campus at UCSD and at an off-site location where existing infrastructure can be readily upgraded, refurbished and leveraged for the SD-CAB research enterprise. A congressionally directed appropriation of \$750,000 has been provided in the House FY 2010 Energy and Water Development appropriations bill to help meet these needs.

This advanced research project will provide an important training component for both students and faculty, in this critical emerging field of research. It will serve as a platform for continued collaboration with other universities and key industry partners. It is also a logical continuation of the San Diego region's leadership role at both the state and federal levels in developing and deploying viable alternative energy and transportation fuel solutions. Further, the cutting edge R&D into alternative transportation fuels derived from algae enabled by this project will be reflective of current related policy goals and funding priorities of both the federal government and the State of California.

GOVERNORS OF CALIFORNIA AND FLORIDA EXPRESS CONCERNS WITH UNFUNDED MANDATES IN HEALTH REFORM

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over \$35 billion in new liabilities on state budgets over the next ten years. In addition, these proposals would expand the federal government's role in administering Medicaid, which would severely handcuff states' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the RECORD the following letters from the governors of California and Florida:

JULY 31, 2009.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

Hon. NANCY PELOSI,  
Speaker of the House, House of Representatives,  
Washington, DC.

Hon. JOHN A. BOEHNER,  
Minority Leader, House of Representatives,  
Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, MADAM SPEAKER AND MR. BOEHNER: I appreciate your commitment and hard work toward reforming the nation's health care system. I think we can all agree that the current system is not working as it should, and I have long supported a significant overhaul. Costs continue to explode, while tens of millions remain uninsured or underinsured. Many families are one illness away from financial ruin—even if they do have insurance. We have the greatest medical technology in the world at our fingertips, yet Americans' health status lags behind many countries that spend less than half what we do per capita. Any successful health care reform proposal must be comprehensive and built around the core principles of cost containment and affordability; prevention, wellness and health quality; and coverage for all.

### COST CONTAINMENT AND AFFORDABILITY

Cost containment and affordability are essential not only for families, individuals and businesses, but also for state governments. Congress is proposing significant expansions of Medicaid to help reduce the number of uninsured and to increase provider reimbursement.

Today, California administers one of the most efficient Medicaid programs in the country, and still the state cannot afford its Medicaid program as currently structured and governed by federal rules and regulations. The House originally proposed fully funding the expansion with federal dollars, but due to cost concerns, members decided to shift a portion of these expansion costs to states. I will be clear on this particular proposal: if Congress thinks the Medicaid expansion is too expensive for the federal government, it is absolutely unaffordable for

states. Proposals in the Senate envision passing on more than \$8 billion in new costs to California annually—crowding out other priority or constitutionally required state spending and presenting a false choice for all of us. I cannot and will not support federal health care reform proposals that impose billions of dollars in new costs on California each year.

The inclusion of maintenance of effort restrictions on existing state Medicaid programs only compounds any cost shift to states. We simply cannot be locked into a cost structure that is unsustainable. Governors have three primary ways to control Medicaid costs: they can adjust eligibility, benefits and/or reimbursement rates. Maintenance of effort requirements linked to existing Medicaid eligibility standards and procedures will effectively force state legislatures into autopilot spending and lead to chronic budget shortfalls.

The federal government must help states reduce their Medicaid financing burden, not increase it. A major factor contributing to Medicaid's fiscal instability, before any proposed expansion, is that the program effectively remains the sole source of financing for long-term care services. Therefore, I am encouraged by congressional proposals that create new financing models for long-term care services. Proposals that expand the availability and affordability of long-term care insurance are steps in the right direction, but they must be implemented in a fiscally sustainable way. More fundamentally, however, the federal government must take full responsibility for financing and coordinating the care of the dually eligible in order to appreciably reduce the cost trend for this group. This realignment of responsibilities is absolutely essential to controlling costs for this population, while ensuring that state governments will be better positioned to fill in any gaps that will undoubtedly arise from federal health care reform efforts. I also encourage Congress to incorporate other strategies to help stabilize Medicaid costs for states.

Delaying the scheduled phase-out of Medicaid managed care provider taxes pending enactment of new Medicaid rates, reimbursement for Medicaid claims owed to states associated with the federal government's improper classification of certain permanent disability cases, and federal support for legal immigrant Medicaid costs are examples of federal efforts that could provide more stability to state Medicaid programs. Moreover, given the fiscal crisis that many states, including California, are experiencing, I strongly urge Congress to extend the temporary increase in the federal matching ratio to preserve the ability of state Medicaid programs to continue to provide essential services to low-income residents pending full implementation of national health reform.

#### PREVENTION, WELLNESS AND HEALTH QUALITY PREVENTION

Wellness and health promotion, along with chronic disease management, can help to lower the cost curve over the long run and improve health outcomes in the near term. This was one of the cornerstone pieces of my health care reform proposal in California, and I continue to believe it should be a key piece of the federal efforts. Prevention, wellness and chronic disease management programs should include both the individual and wider population levels.

At the individual level, proposals to provide refunds or other incentives to Medicare, Medicaid and private plan enrollees who successfully complete behavior modification

programs, such as smoking cessation or weight loss, are critical reforms. To ensure they are widely used, individual prevention and wellness benefits should not be subject to beneficiary cost sharing.

Because individuals' behaviors are influenced by their environments, health reform must place a high priority on promoting healthy communities that make it easier for people to make healthy choices. California has demonstrated through its nationally recognized tobacco control efforts that population-based strategies can be effective and dramatically change the way the people think and act about unhealthy behaviors, such as tobacco use. A similar model, community transformation grants, has been advanced in the Senate Committee on Health, Education, Labor, and Pension legislation, and it should be included to support policy, environmental, programmatic and infrastructure changes that address chronic disease risk factors, promote healthy living and decrease health disparities.

Quality improvement measures are also critical to health reform. The House proposal for a Center for Quality Improvement to improve patient safety, reduce healthcare-associated infections and improve patient outcomes and satisfaction is a positive step. Coordinated chronic disease management is necessary to improve outcomes for chronically ill people.

Systematic use of health information technology and health information exchange, including access for public health agencies, is vital to providing the necessary tools to measure the success of quality improvement efforts. Finally, investments in core public health infrastructure can be facilitated through the creation of the proposed Prevention and Wellness Trust.

#### COVERAGE FOR ALL

Coverage for all is also an essential element of health care reform and I believe an enforceable and effective individual mandate, combined with guaranteed issuance of insurance, is the best way to accomplish this goal. The individual mandate must provide effective incentives to help prevent adverse selection that could occur if the mandate is too weak. Creating transparent and user-friendly health insurance exchanges to help consumers compare insurance options will also help facilitate participation. States should maintain a strong role in regulating the insurance market and have the ability to maintain and operate their own exchanges, with the understanding that some national standards will need to be established. California has a long history of protecting consumers through our two separate insurance regulators, one covering health maintenance organizations and the other monitoring all other insurance products. Maintaining a strong regulatory role at the state level is in the best interest of consumers, and I urge Congress to maintain this longstanding and effective relationship as you design these new market structures.

I hope our experience in California working toward comprehensive health care reform has informed the debate in Washington. There will be many short-term triumphs and seemingly insurmountable roadblocks for Congress and the nation on the road to comprehensive health care reform. We must all remain focused on the goal of fixing our health care system and remember that we all have something to gain from the reforms, and we all have a shared responsibility to achieve them. I look forward to working

with you as you move forward on this desperately needed legislation.

Sincerely,

ARNOLD SCHWARZENEGGER,  
Governor, California.

SEPTEMBER 17, 2009.

Hon. BILL NELSON,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR NELSON: Thank you for your valuable work on behalf of Floridians in the United States Congress. I am pleased with our ability to work together on issues important to our state, including the health and well being of our residents.

We can all agree that we need to work together to make quality health care more affordable and accessible, especially to those who currently do not have health insurance. I stand united with my fellow governors; however, with our concerns about how Congressional proposals may affect our ability to manage scarce state resources.

In the last year, enrollment in Florida's Medicaid program has increased from 2.2 million in July 1, 2008 to 2.63 million in July 2009, causing a strain on our state budget. Congressional proposals would increase those numbers by expanding Medicaid eligibility. Under the U.S. Senate Health, Education, Labor and Pensions (HELP) Committee proposal for example, more than 1.46 million people would be added to our current Medicaid caseload in Florida at a cost of \$4.93 billion for the next fiscal year.

Although providing more access to health care for individuals and families in our struggling economy is an affable goal, our preliminary Florida estimates show that in the following year (State Fiscal Year 2010–2011), once the American Recovery and Reinvestment Act Federal Medical Assistance Percentage funds have been exhausted, the impact increases as more than 1.72 million people are expected to be added to our case load at a cost of \$5.875 billion.

Some Members of Congress have indicated that states should shoulder some of the burden to fund the expansion of Medicaid at a time when our economy and residents are struggling. To pay for this expansion, states fear the need to cut critical services like education or public safety to add more money to Medicaid. This would have a crippling effect on Florida's state economy and the national economy.

In addition, state Medicaid programs currently take on the burden of financing long term care services for our aging and disabled residents. Due to our large elderly population, Florida is estimating expenditures of \$4.3 billion for state fiscal year 2009–2010 (this includes coverage of institutional care, home and community based waiver and our nursing home diversion waiver services). Medicaid is the primary payor for nearly two-thirds of all nursing home residents in the state. While the U.S. Senate HELP proposal and the House bill call for the creation of a new voluntary federal insurance program for community-based long-term care services, the Congressional Budget Office has questioned the long term viability of this provision. Any federal health care reform discussion must include a combined federal and state approach to the financing and provision of Medicaid and long term care services.

Lack of health insurance is the greatest barrier to accessing health care. With nearly four million Floridians currently lacking health insurance, our state has launched initiatives designed to reduce that number and assist those who need prescription medication. Many of these programs can serve as



examples to our nation. I have attached a brief summary outlining several of these successful programs Florida is using to address the health care needs of our residents, while targeting ways to reduce costs to our health care system.

The partnership between our state and our federal government is critical in enabling Florida to serve its residents, and I stand ready to work with you to address those issues which are most essential in health care reform: access and affordability. Our goal should remain clear: maintaining a high quality health care system which allows individuals to get treatment when they need it. I hope I can count on your support to work together on solutions to improve care at the same time as providing sustainability in essential programs like Medicaid through sound financing options at the state and federal levels. Thank you for your consideration and support.

Sincerely,

CHARLIE CRIST,  
Governor, Florida.

TRIBUTE TO CEE SALBERG—RECIPIENT OF 2009 ST. MADELEINE SOPHIE AWARD, SACRED HEART SCHOOLS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Ms. ESHOO. Madam Speaker, I rise today to honor Ms. Cee Salberg, a recipient of the prestigious St. Madeleine Sophie Award from Sacred Heart Schools. Established in the year 2000, the St. Madeleine Sophie Award honors individuals in the Sacred Heart community who have made a sustained and significant contribution to the Schools and embody the Goals and Criteria of a Sacred Heart education. The individuals honored are selected by a committee comprised of the senior administrative team in conjunction with the Chair of the Board of Trustees and are honored at a reception and at the Mass of the Holy Spirit, the first all-school liturgy of the school year. The recipients will be VIP guests at various SHS events throughout the year and featured in their alumni magazine, *The Heart of the Matter*, for their commitment to the mission of Sacred Heart education.

This year, Cee Salberg was chosen along with two other distinguished recipients to be recognized with the Award for her tireless work as an educator as well as to the Goals and Criteria of Sacred Heart Schools. Her award was presented by Mr. James Everitt, who gave this speech at the Awards Ceremony in tribute to Cee:

I am still a little unclear as to why Cee Salberg asked me to introduce her for this prestigious award. I cannot figure out if she asked me to do her this honor because I don't actually work in the pre-school and Kindergarten so, therefore, I don't really know how she behaves on a daily basis. Or, if it is because she knows that I am afraid of her and that it is unlikely that I will share anything other than the most positive sentiments about her. In any case, tonight we get to celebrate a wonderful and a brilliant educator.

I am so thrilled to be able to introduce Cee Salberg for the St. Madeleine Sophie Award

tonight. As I understand it, this award is given to those who have committed themselves to Sacred Heart Schools and who embody the Spirit of St. Madeleine Sophie Barat. For those of you who know Cee it is clear to you why she is the winner of this award. Put quite simply . . .

Cee has the vision of Sophie.

Cee has the courage of Sophie.

Cee has the generosity of Sophie.

Cee has the direct communication style of Sophie.

And most importantly, Cee has the single-hearted love of children that we believe is the most important characteristic of Sophie's own life and legacy.

I believe it is this last characteristic that has landed Cee here this evening. Cee has a single-hearted love of children that is awe inspiring for those who work closely with her and for those whose children have been in the pre-school and kindergarten. If you speak to children who attended our Montessori program they will tell you that they love Ms. Salberg. One high school student told me that Ms. Salberg is the kindest woman that she knows.

However, let me get something clear from the beginning. I am not suggesting that Cee is touchy-feely or that she has never been accused of being aloof or unfriendly. She is in fact, sometimes scary for parents and other adults. As Rich Dioli recently said to me, "Cee may not say hi to every parent who walks through the door but she knows every kid by name and she is the best educator we have." I have several funny anecdotes about times when Cee has scared me but I will save those for her retirement roast in about 15 years.

After Cee invited me to introduce her, which I am sure she is now regretting, I started asking people about her and why they felt that she should be the recipient of this award. I had a great time. People feel very strongly about Cee and almost every person I spoke with, particularly those that work in the preschool and kindergarten, made it clear that they are thrilled that she is receiving this award. And they feel strongly about her for four reasons: because she loves scotch, because she loves the San Francisco Giants, because she keeps chocolate stocked in the faculty room and, most importantly, because everything she does—every day—is about the children that walk through the doors of the Montessori building. I was tempted to summarize what people said about Cee but perhaps I should just report some of the thoughts that Cee's colleagues have about her. . .

Cee has always been available to me when I needed advice, a sounding board, or a kind shoulder on which to cry. She has helped me navigate the Sacred Heart experience. She has been a constant beacon for all of us.

Cee has a loving and giving heart. She is committed to the mission of the school; to economic, social, and ethnic diversity and she is an educational leader that works very closely with her teachers to ensure that the students are being loved and having success in the classroom.

Cee travels the world to learn about other cultures and enhances her own life to better understand humanity.

Cee is kind.

Cee believes in our mission and does everything possible to instill the mission of the school in the children.

Each decision Cee makes is for the children.

Although some say she is not warm and fuzzy—my entire family adores her. She is

there for the children and that is what matters.

Cee cares about every child in her school—no matter what.

Cee teaches the children independence, respect, kindness, understanding, and thoughtfulness—everything a parent wants in a child.

Cee is not a woman of many words but she hears all.

Cee always has the perfect outfit for every occasion; classy and elegant.

Cee will bend down and pick up every last scrap of litter under the lunch tables.

Cee is organized, efficient and thrives on order—the preschool runs like a well oiled machine under her control.

Cee is a blessing; a wonderful leader for the parents, children and her staff—I feel proud to be a member of her staff.

Cee has always based her goals for the Montessori on the Goals and Criteria.

Cee has led us to be a faculty that values professional growth, love of God and one another, and social justice.

Cee encourages teachers to keep up on all the newest information in teaching and often gives us professional articles, internet sites, and always encourages us to attend classes and workshops.

Cee has a professional commitment to get to know each student at the Montessori. She spends from 12:15 p.m. to 1:00 p.m. at recess each day, observing and interacting with the children.

Cee always encourages early intervention when students are having difficulties socially, emotionally, or academically.

Most importantly Cee has dedicated her years here to boost our financial aid, based on her value of social justice. We now have many wonderful students who would not have been able to attend Sacred Heart without Cee's dedication to financial aid increases.

I am guessing that by now you have gotten the point. Cee is wonderful. In fact, she sounds almost perfect. So, let me share with you some of her shortcomings. Just kidding Cee.

I do, however, want to share with you how I feel about Cee Salberg.

It is unlikely that you will ever hear Cee give a speech about God, St. Madeleine Sophie Barat or the Mission of the School. It would surprise me to find Cee in a large group talking about the latest instructional strategies or arguing about pedagogical methods. It is rare that you will find Cee making loud protests against injustice. It is unusual to hear Cee gossiping about a colleague or undermining the work of her peers. I can almost guarantee that you won't find Cee creating arbitrary policies that prevent a child's growth.

But in my experience you will . . .

Find Cee hugging her students and making sure that they feel loved.

Find Cee allocating resources for teacher development and creating an environment at the Montessori in which student interest drives student learning and achievement.

Find Cee fighting for financial aid and non-tuition related financial aid so that all students have access to a Sacred Heart education.

Find Cee confronting parents and colleagues who do things that don't build community. And, you will find the kind joy and laughter in the Montessori building that is at the very heart of building community.

And, my favorite, you will find Cee on vacation in the middle of the school year because she values balance in her life and she understands the importance of her family.

SEPTEMBER 8, 2009.

I was not surprised to learn that Cee was nominated and ultimately selected to be one of the St. Madeleine Sophie Award winners. Cee has been an amazing mentor to me and I can say from the very depth of my being that I have learned more from Cee Salberg about teaching and learning and about what it means to be a Sacred Heart educator than from any other person in my career. Cee is a woman who St. Madeleine Sophie Barat and St. Rose Philippine Duchesne would recognize as one of their own.

I want to end by reading a nice poem that was written by a member of Cee's staff.

There once was a principal named Cee  
As good at her job as she could be.

She juggles admins, parents, kids and teachers,

But she'd rather be cheering in the bleachers  
For the San Francisco Giants, her favorite team.

Soon, the World Series? Hey, a girl can dream!

Cee and Keir travel to many a port.  
And luckily, Janet can hold down the fort.

At work and at home, Cee has a great crew.  
She's the captain, she knows what to do!

For Cee to get this award, we're all very proud,

And not a bit shy to say right out loud:  
She deserves this award and can pass any test.

All of us know that Cee is the best!

Cee, it is a true honor and pleasure to be your friend and your colleague. I look forward to celebrating your retirement with you in about 15-20 years.

Congratulations.

Madam Speaker, I ask the entire House of Representatives to join me in offering our congratulations to Cee Salberg on the very special occasion of being chosen for the St. Madeleine Sophie Award, and for all she does daily to strengthen our community and our country.

#### GOVERNORS OF IDAHO, INDIANA, AND LOUISIANA EXPRESS CONCERNS WITH UNFUNDED MANDATES IN HEALTH REFORM

#### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over \$35 billion in new liabilities on state budgets over the next ten years. In addition, these proposals would expand the federal government's role in administering Medicaid, which would severely handcuff states' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the RECORD the following letters from the governors of Idaho, Indiana, Louisiana and Minnesota:

SEPTEMBER 15, 2009.

Hon. MIKE CRAPO,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR CRAPO: Idaho has a proud history of fiscal responsibility, ensuring that

our State government serves its proper role for the people of Idaho while staying within their financial means. As the United States Congress attempts to address the healthcare challenges facing our nation, it is important that we remain diligent in assessing the implications of our decisions, always ensuring that we take seriously our duty to safeguard the financial resources of the American public, and allocating taxpayer money in an efficient and effective manner.

As revised healthcare proposals continue appearing in Congress, the full consequences of these reforms remain unknown and we are uncertain of the possible negative impacts on local businesses, families and senior citizens. However, it is clear that these sweeping proposals would irresponsibly shift a substantial and unmanageable financial burden to the states. Like Idaho, many states already are functioning under severely limited and strained budgets. It is certain that the burden of these reforms would be placed upon the shoulders of hardworking Americans.

The costs associated with these proposed reforms are astounding. Conservative estimates from the Idaho Division of Medicaid indicate that the bill's Medicaid eligibility proposal would increase our state share of Medicaid and the federal matching rate effective would drop in the middle of fiscal year 2011, leaving Idaho struggling to fill the void. Idaho's tax base could not support this large unfunded mandate without resorting to tax increases, including a possible increase in Idaho's already 6-percent sales tax—an irresponsible action which would do serious harm to Idaho taxpayers. The proposed reforms would impose an undue burden on citizens already struggling in this difficult economy.

It has been estimated that combined federal-state Medicaid costs in Idaho could increase by \$501 million. In addition, raising the Medicaid reimbursement rate to 110 percent of the Medicare reimbursement rate would increase total federal-state costs \$50 million more.

This proposed change in the federal reimbursement rate likely would reduce the number of plans that are offered to persons on Medicare, resulting in increased premiums and reduced services and access to service providers. Seniors in rural Idaho already have trouble finding providers who accept Medicare patients.

Should these changes be approved, that trend could continue statewide—severely limiting access to medical care for some of Idaho's most vulnerable residents. The people of Idaho have entrusted us with a responsibility to use our government resources wisely and efficiently. Imposing costly federal mandates that cannot be sustained in the long run is an irresponsible violation of this public trust. Quite simply, these proposals are financially irresponsible and would not adequately address the needs of senior citizens and other vulnerable groups.

I encourage you to join me in opposing current health care reform proposals. By ending these nonsensical debates and stopping the proposed reforms, we can move forward in a more positive, measured and reasonable direction, using common sense to find a workable healthcare solution that benefits all Americans.

As Always—Idaho "Esto Perpetua",  
C.L. "BUTCH" OTTER,  
Governor, Idaho.

Hon. RICHARD LUGAR,  
Hart Senate Office Building, Washington, DC.

DEAR SENATOR LUGAR: During your summer recess I am sure that many, if not all of you heard from your constituents regarding health care reform.

I have heard from them as well. In fact, over the past few months, I have watched Americans come forward to passionately express their anxieties about the legislation currently making its way through Congress. Their worries are well-founded.

There is no disputing the fact that aspects of American health care, such as access and affordability, truly do need to be restructured and improved. Yet, I have serious concerns about Congress's proposed solutions to these problems. In fact, I fear the current rush to overhaul the system will ultimately do more damage than good and create far more problems than it solves.

And unfortunately, Indiana would bear the brunt of many of the reckless policies being proposed. For example, our Healthy Indiana Plan (HIP), an innovative and successful state sponsored health insurance program for uninsured citizens, would suffer greatly as Congress expands Medicaid coverage, forcing many of the Hoosiers already enrolled in HIP out of the plan and into a broken Medicaid program that does not focus on prevention, healthy lifestyles, or personal responsibility.

Additionally, states will likely have to pick up the tab for this extension of Medicaid. We have estimated that the price for Indiana could reach upwards of \$724 million annually. These additional costs will overwhelm our resources and obliterate the reserves we have fought so hard to protect.

While these reforms could do serious damage to our state, I fear they will also have harmful consequences all across the country by reducing the quality and quantity of available medical care, stifling innovation, and further burdening taxpayers.

There is another way. Americans from all walks of life and every political stripe should work together with President Obama and Congress to create a set of measured and sensible reforms that bring down costs, increase access and portability and stress the importance of innovative state-run health insurance programs.

The majority of Americans do believe that health care reform is needed, but do not believe that the legislation currently on offer is the answer. I agree. And I will do everything in my power to raise these concerns and work with you to find a solution.

Sincerely,

MITCH DANIELS,  
Governor, Indiana.

SEPTEMBER 30, 2009.

Hon. STEVE SCALISE,  
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN SCALISE: I join many of my fellow Republican and Democrat governors in expressing concern with any health care legislation being signed into law that would serve as an unfunded mandate to states.

Louisiana is similar to many other states around the country in that we are attempting to address budgetary deficits in large part by working to streamline government to be more efficient and cost-effective. In short, we are trying to emulate many of our working families, small businesses and seniors by watching our spending, doing more with less, and making every dollar count.



However, Louisiana's budgetary situation is uniquely challenged due to an unprecedented FMAP rate drop from 72 to 63.1 percent beginning next fiscal year that will cost Louisiana at least \$700 million annually. This additional cost will place significant pressures on our ability to expand our economy, create new jobs and protect critical services in our state.

Louisiana is proud of its commitment to its citizens' health in the face of long-standing issues of extreme poverty experienced in few other states. Our state is a national model for insuring children with over a 95% rate of child insurance and we were recently recognized for achieving the 2nd highest child immunization rates in the nation after an intensive state-wide private-public effort.

My Department of Health & Hospitals has submitted a Medicaid waiver to the US Department of Health & Human Services that can help improve the cost and quality delivered in the Medicaid program. This waiver proposes national best practices of coordinated care, medical homes, provider payment reform, electronic medical records, and consumer incentives to manage cost and improve quality. This proposal can help improve the efficiency in Medicaid and utilize those savings, along with the shifting of DSH dollars from expensive hospital based care to community based outpatient care, to expand coverage through private insurance to tens of thousands of adults in our state.

Again, I ask that you consider the budgetary pressures being felt by Louisiana and many other states and avoid passing any health care legislation that would serve as an unfunded mandate to the states.

Best regards,

BOBBY JINDAL,  
*Governor, Louisiana.*

[From the Washington Post, Aug. 3, 2009]  
TO FIX HEALTH CARE, FOLLOW THE STATES  
(By Governor Tim Pawlenty of Minnesota)

If you tie money to results, you'll get better results. Unfortunately, government often dumps money into programs without regard to accountability and outcomes. This past week, Democrats in Congress have been busy tinkering with a Washington takeover of the health-care system, but perhaps they should look instead to the states for models of market-driven, patient-centered and quality-focused reform. Rather than taking power away from states, federal health-care reform should use the lessons we've learned tackling this crisis in our back yards.

In Minnesota, our state employee health-care plan has demonstrated incredible results by linking outcomes to value. State employees in Minnesota can choose any clinic available to them in the health-care network they've selected. However, individuals who use more costly and less-efficient clinics are required to pay more out-of-pocket. Not surprisingly, informed health-care consumers vote wisely with their feet and their wallets. Employees overwhelmingly selected providers who deliver higher quality and lower costs as a result of getting things right the first time. The payoff is straightforward: For two of the past five years, we've had zero percent premium increases in the state employee insurance plan.

Minnesota has also implemented an innovative program called QCARE, for Quality Care and Rewarding Excellence. QCARE identifies quality measures, sets aggressive outcome targets for providers, makes comparable measures transparent to the public and changes the payment system to reward quality rather than quantity. We must stop

paying based on the number of procedures and start paying based on results.

Instead of returning power to patients and rewarding positive outcomes, many Democrats in Washington want a government-run plan that would require states to comply with dozens of new mandates and regulations. One study by the Lewin Group recently concluded that an estimated 114 million Americans could be displaced from their current coverage under such a plan, and another study by House Republicans said the plan could result in the loss of up to 5 million jobs over the next 10 years.

In typical fashion, the self-proclaimed experts piecing together this Democratic health-care legislation are focusing on only one leg—access—of a three-legged stool that also includes cost and quality. Expanding access to health care is a worthwhile goal. But equal or greater focus should be placed on containing costs for the vast majority of Americans who already have insurance. Those costs will not be contained by a massive expansion of federal programs.

Massachusetts's experience should caution Congress against focusing primarily on access. While the Massachusetts plan has reduced the number of uninsured people, costs have been dramatically higher than expected. The result? Increased taxes and fees. The Boston Globe has reported on a current short-term funding gap and the need to obtain a new federal bailout.

Imagine the scope of tax increases, or additional deficit spending, if that approach is utilized for the entire country.

IN HONOR OF THE CALIFORNIA  
UNIVERSITY OF PENNSYLVANIA  
STUDENTS, FACULTY, AND  
STAFF WHO HAVE SERVED OUR  
NATION IN IRAQ

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. MURTHA. Madam Speaker, I rise today to ask this chamber to recognize the students, faculty, and staff at California University of Pennsylvania who have valiantly served their country in Iraq. Cal. U. students have an exemplary record of serving our country in times of need and have done so again during the war in Iraq.

There have been nineteen California University students who have been deployed to Iraq. Furthermore, five members of the staff and faculty were also deployed. Many were part of the Pennsylvania Army National Guard 56th Stryker Brigade Combat Team, north of Baghdad. This was the largest National Guard call-up in support of a single operation in the history of the university. I have joined my colleagues in recognizing the 56th Stryker Brigade by becoming an original cosponsor of H. Res. 754, which honors the citizen-soldiers of the National Guard of the State of Pennsylvania, including the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard on its return to the United States from deployment in Iraq.

Madam Speaker, these students, just like countless others across Pennsylvania and the rest of the country, are choosing to serve their Nation and put their own education on hold.

I have seen the consequences and effects of returning home after combat and I am pleased that Cal. U. has an Office of Veterans Affairs. This office has been instrumental in helping veterans reintegrate into the university community and has helped to facilitate the issuance of G.I. Bill benefits. This is an excellent way to help those who have given so much to our country.

I wish to conclude my remarks by commending the California University of Pennsylvania students, faculty and staff members who have selflessly dedicated themselves to our great Nation by serving their country. I would also like to commend students and university staff and faculty across our great Nation who have done the same.

#### PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. KING of Iowa. Madam Speaker, on roll-call No. 754, I was unable to reach the House floor to cast my vote before the vote was closed.

Had I been present, I would have voted "yea."

GOVERNORS OF MISSISSIPPI AND  
NEBRASKA EXPRESS CONCERNS  
WITH UNFUNDED MANDATES IN  
HEALTH REFORM

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over \$35 billion in new liabilities on state budgets over the next ten years. In addition, these proposals would expand the federal government's role in administering Medicaid, which would severely handcuff states' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the RECORD the following letters from the governors of Mississippi and Nebraska:

AUGUST 6, 2009.

Hon. GREGG HARPER,  
Cannon HOB,  
Washington, DC.

DEAR CONGRESSMAN HARPER: As Congress debates healthcare reform, I want to raise a few issues of concern with the policies being considered in both House and Senate bills. Healthcare reform is truly a bipartisan issue; after all, Republicans and Democrats understand that our healthcare system faces significant challenges—from steadily increasing medical costs to confusing insurance provisions. As the national debate continues, it is

important that everyone realizes the severe impact the proposed legislation would have on states like Mississippi.

As Governor, I am particularly concerned about the direction the Senate and House are taking in regards to Medicaid expansion. Instead of discussing policies to reform a broken system, the debate in Congress has shifted to finding ways to fund an expanded Medicaid program at the state level. At the end of the day, both the Senate and House proposals are unfunded mandates, which, for states like Mississippi, would result in burdensome and costly changes to the system.

For example, when we talk about sharing the cost of an expanded Medicaid program, Mississippi would pay another \$333 million annually under a larger program covering up to 150 percent below the Federal Poverty Level (FPL). A Medicaid program covering up to 133 percent FPL expansion would cost an extra \$297 million. In many states, funding the current Medicaid programs robs other critical programs. The same is true for us. Each year we struggle to cover our Medicaid expenses while providing for essential services including public education and public safety.

While there has been some discussion at the federal level to assist states in paying for this expansion, my staff learned last week that the Senate Finance Committee is proposing to cap the amount of federal money distributed to the states to pay for this expansion at \$40 billion over 10 years. Estimates show the cost of expanding the Medicaid system to all states at the lowest level, or 133 percent FPL, is \$30 billion per year. At 133 percent FPL, states would be saddled with Medicaid expansion costs in the second year of expansion.

These projections are overwhelming as Mississippi, like all states, continues to grapple with budget realities. Our General Fund Revenue collections for July 2009 are 11.27 percent below our estimate. Compared to the prior year, collections for this July are 21.43 percent or \$56.3 million below what was collected in July 2008. During Fiscal Year 2009, Mississippi's revenue was \$390 million short of the revenue estimate, causing most of state government, except for education and Medicaid, to take approximately a 6 percent cut in the Fiscal Year 2010 budget.

Our Fiscal Year 2010 budget included \$523 million in stimulus funds; otherwise, we would have faced even more significant cuts. It will take our state years to catch up, and that's without a \$297 million or \$333 million Medicaid state-share increase.

Further, the proposed healthcare reform legislation also includes numerous tax increases to finance significant expansions of government-run healthcare. Different versions of the House legislation incorporate a payroll tax on small businesses. Although the recent House Energy and Commerce Committee agreement included an 8 percent payroll tax for small businesses with an annual payroll of \$500,000, previous versions taxed small businesses with a payroll of \$250,000.

This tax will do nothing more than punish wage and job growth, especially when you consider that the tax rate increases as the size of payroll increases. According to the National Federation of Independent Businesses (NFIB), such employer mandates could cost 1.6 million jobs with more than 1 million of those jobs lost in the small business sector. That means higher taxes for Mississippians, since 96.7 percent of our employers are small businesses. In addition, the

Senate HELP Committee proposal requires employers to offer health coverage to their employees and contribute at least 60 percent of the premium cost or pay \$750 for each employee that is not offered coverage.

Language in the proposed legislation also would mandate an individual to purchase health insurance and, should he be unable to afford such coverage, he'll be slapped with a 2.5 percent additional income tax for the coverage. But the proposed legislation goes even further, taxing higher income individuals beginning at \$280,000 and families at \$350,000 on a sliding scale.

This language generates a massive tax increase on high income filers, more than half of whom are small business owners already being taxed if they do not provide health insurance to their employees. A tax increase in the middle of a recession, with unemployment rising, is not the answer.

Besides increasing taxes, the House bill cuts Medicare nearly \$500 billion. These cuts include reductions to Medicare providers and hospitals, while gutting Medicare Advantage by \$150 billion to \$160 billion. Admittedly, I am baffled as to why Congress would propose slicing funding for a program that our seniors support and that provides for their health and well-being.

As Congress heads home for the recess, I urge Members to review the proposed legislation with their state leadership. I am primarily concerned about the effect this legislation may have on Mississippi's financial stability, both now and in the future. These so-called "reforms" would severely impact Mississippi's budget and our ability to fund other important priorities, like education and public safety. Before Congress makes such sweeping reforms to our healthcare system, I implore you to first ensure that these changes are efficient and beneficial to our citizens, without burdening our states through unfunded mandates.

Sincerely,

HALEY BARBOUR,  
Governor, Mississippi.

SEPTEMBER 8, 2009.

Hon. ROGER WICKER,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR WICKER: Governors across the nation are growing increasingly concerned about the financial strain rising healthcare costs are putting on state budgets. During the National Governors Association (NGA) meeting in July, governors—both Republicans and Democrats—formalized their opposition to current Congressional reform proposals by issuing a policy opposing unfunded mandates that shifts costs to the states. This will necessarily require almost all states to raise taxes to manage this burden. In Mississippi, the issue of Medicaid expansion hits close to home, since our state's share of the Medicaid program is currently \$707 million, or 12 percent of a \$5.87 billion state supported budget, which includes temporary stimulus funds.

Nevertheless, the current proposals, both in the House and Senate, will expand the Medicaid program at additional costs paid not by the federal government, but passed down to the states. After a call with the governors representing the NGA Healthcare Task Force and the Senate Finance Committee, Chairman Baucus told the news media it would be impossible for the federal government to pick up all the costs for new Medicaid recipients; thus, states would have to bear some of the costs.

Why? Although CBO appears to estimate that H.R. 3200 will cost more than \$1 trillion

over the next ten years, the fine print reveals the true cost would be much higher. By imposing tax increases early in the budget window, before the bulk of the spending occurs, the true cost of the bill is hidden by budget gimmickry. Delaying the implementation of the program until the fourth year also uses budget tricks effectively to hide the immense long-term cost of this proposal. CBO has projected a 10 year deficit of more than \$200 billion associated with the bill as is. However, when the full cost of the bill is taken into account after it is fully implemented, the spending in the bill skyrockets to nearly \$2 trillion over 10 years (2014-23) with a deficit of more than \$600 billion. I have included an attachment showing the scoring of H.R. 3200 the only comprehensive health care reform bill CBO has scored.

According to the National Association of State Budget Officers, Medicaid expenses in 2007 for federal and state government combined were \$336 billion. This number is projected to reach \$523 billion by 2013, a 56 percent increase in just six years. Should the reforms being debated in Congress become law, Mississippi would be saddled with an average increase of \$360 million in additional costs, on top of the already \$707 million it costs to fund Mississippi's annual state share of the Medicaid program. These proposals, which would cover all individuals at 133 percent federal poverty level (FPL), will burden state budgets, forcing states to raise taxes. In Mississippi, that would necessarily mean increases in our state income or sales tax rates. Mississippi, like so many states, simply can't afford to pick up the tab for another unfunded mandate passed by Congress.

Such state tax increases would be on top of the federal tax increases already included in the House and Senate bills, like huge tax increases on small businesses whether in the form of an additional 8 percent payroll tax or a 5.4 percent income tax surcharge. During a deep recession, when most people believe job creation and economic growth should be top priorities, huge tax increases will make it more expensive to employ people; consequently, employers will employ fewer people.

Medicare, the nation's largest provider of health coverage for the elderly and people with disabilities covering over 46 million Americans, is on the chopping block. CBO has estimated that provisions in H.R. 3200 would lead to a total of \$162.2 billion in cuts being taken from Medicare Advantage plans. This \$162.2 billion impacts 11 million people and represents nearly \$15,000 in new costs passed to every Medicare Advantage senior beneficiary. These harmful and arbitrary cuts could result in Medicare Advantage plans dropping out of the program, harming beneficiary choice, and causing millions of seniors to lose their current coverage. Moreover, the bill grants federal bureaucrats the power to eliminate the Medicare Advantage program entirely, making the oft-repeated statement, "if you like your plan you can keep it," ring hollow for seniors.

Lastly, if we are trying to make health care more affordable, how do you leave out tort reform? After all, litigation and the resulting practice of defensive medicine add tens of billions to the cost of health care. In Mississippi we passed comprehensive tort reform in 2004, partially to stop lawsuit abuse in the area of medical liability. It worked. Medical liability insurance costs are down 42 percent, and doctors have received an average rebate of 20 percent of their annual paid premium. The number of medical liability lawsuits against Mississippi doctors fell almost 90 percent one year after tort reform

went into effect. Doctors have quit leaving the state and limiting their practices to avoid lawsuit abuse.

With all the issues concerning a government-run health care system, I wanted to warn you of the state tax increases Mississippi will shoulder on top of the federal tax increases in the pending bills as well as my concern for the increased costs our senior citizens will face as Medicare Advantage is cut. Congress must slow down and work in a bipartisan manner. Everybody agrees that health reform is needed, but it should be done thoughtfully. I hope you'll keep this important information in mind when proposals that shift costs to states or to our senior citizens are considered.

Sincerely,

HALEY BARBOUR,  
*Governor, Mississippi.*

JULY 21, 2009.

Hon. BENJAMIN NELSON,  
*U.S. Senator, Hart Building, Washington, DC.*

Hon. MIKE JOHANNIS,  
*U.S. Senator, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR NELSON AND SENATOR JOHANNIS: I just returned from the National Governors Association meeting and much of the discussion among Governors was about health care. As former Governors, I thought you might appreciate the information that we received from the NGA staff. Attached are seven handouts.

The handouts and discussion among Governors reflect concerns about funding, cost, Medicaid, employer mandate, and insurance reforms. The single most important concern was this legislation would be the biggest unfunded mandate on the fifty states in the history of our country.

President Obama has told the Governors that health care reform must not be an unfunded mandate for the states. I am in strong agreement that an unfunded health care mandate would be unfair to state taxpayers.

In handout 4, NGA Executive Director Ray Scheppach outlines concerns about Medicaid in the context of health care reform. He indicates that if the Medicaid expansion becomes an unfunded mandate, states are likely to reduce their investments in education. That would be very unfortunate and as Scheppach writes "Reducing state education investment will lower U.S. competitiveness, productivity and real income of U.S. citizens. This is not good long-run policy for the U.S."

While I have other concerns about health care reform, one of the most troubling aspects is the potential for an unfunded mandate on the states. I strongly urge you to avoid an unfunded mandate on the states. Thank you.

Sincerely,

DAVE HEINEMAN,  
*Governor, Nebraska.*

FORMER CONGRESSMAN  
BRADEMAS AWARDED HONORARY DEGREE BY THE AMERICAN COLLEGE OF GREECE

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. SARBANES. Madam Speaker, I am pleased to note that on June 27, 2009, our

distinguished former colleague in the House of Representatives, Dr. John Brademas, was awarded the honorary degree of Doctor of Laws by The American College of Greece.

John Brademas was the first Greek-American elected to the United States House of Representatives and as such this honorary degree from The American College of Greece has particular symbolic resonance. I add, however, that this is the 55th honorary degree received by Dr. Brademas.

Madam Speaker, the remarks of Dr. Brademas at The American College of Greece on June 27, 2009 follow.

JUNE 27, 2009.

REMARKS OF DR. JOHN BRADEMAMAS, PRESIDENT EMERITUS, NEW YORK UNIVERSITY, NEO FALIRO, PEACE AND FRIENDSHIP STADIUM, ATHENS, GREECE

Father Constantinos, President Horner, Dr. Sue Horner, Consul General McKeever, Chancellor Bailey, chairman Peter Thun of the Board of Trustees, Senior Vice President Protopsaltis, fellow honorees, members of the faculty and graduating students of The American College of Greece.

It is for more than one reason that I count the award I have just received among the great honors of my life, and I'm especially pleased that my wife, Mary Ellen, a practicing physician, was able to break away from New York City to join us here.

In the first place, this is a degree from The American College of Greece. As you know, my late father, Stephen J. Brademas, was born in Greece—in Kalamata—and my two brothers and sister and I were all raised to be deeply proud of our Hellenic heritage.

"Be proud that you are an American", my father used to say, but "be proud, too, that you are a Greek!"

All four of the Brademas children were deeply conscious of the importance of our Greek background.

Here let me say how pleased I am that my cousin, Anna Bredima, General Counsel for the Union of Greek Shipowners, is here today with her two children, Evangelo and Ersiliana.

Anna, by the way, is a graduate of Pierce College.

Although my mother was not of Greek descent she was, like her father, a teacher—and that fact emphasizes another dimension of his Greek ancestry that my father used to press upon his children—the importance of learning, of knowledge, of education.

A second dimension of the history of Greece that my father and I often discussed was democracy. "We Greeks invented democracy!" my father reminded us, and said that some of us should still practice it.

Accordingly, after graduating from Harvard University and one year of postgraduate study there, I went to England, on a Rhodes Scholarship, to study at Oxford University. At Oxford, I wrote a doctoral dissertation on the anarchist movement in Spain but I like to note that although I studied anarchism, I did not practice it!

For on my return to my hometown in Indiana, I immediately plunged into politics and became a candidate for election to the Congress of the United States. Just old enough—25—under our Constitution to be a candidate, I lost my first race by half a percent. Naturally, I ran again, two years later, but lost a second time. Undaunted, I was first elected, on my third attempt, and then ten times re-elected. So I served as a Member of Congress for 22 years.

In the House of Representatives, I gave particular attention to writing legislation to

support schools, colleges and universities; and the students who attend them; to measures to help libraries and museums; and the arts and the humanities, generally.

In my last four years as a Member of Congress, I was the Majority Whip of the House of Representatives, an assignment that brought me every other week, with Speaker of the House of Representatives, "Tip" O'Neill of Massachusetts, and the other Democratic Leaders of the House and Senate to breakfast at the White House with President Jimmy Carter and Vice President Walter Mondale. All Democrats, we talked politics and policy.

It was, of course, while a Member of Congress that I became deeply involved in the issue of Cyprus, a matter that continues to preoccupy me. I worked closely then with my valued friend, also a Rhodes Scholar at Oxford, and the first Greek-American elected to the United States Senate, Paul S. Sarbanes. And I'm pleased to note that Paul's son, John Sarbanes, now serves in the United States House of Representatives.

As I am the son of a Greek immigrant, I am pleased to call your attention to another son of Greek immigrants, both his father and mother. I speak of Peter C. Peterson, the highly successful and highly respected American business leader and public servant. Peter G. Peterson, co-founder of Blackstone Group and former Secretary of Commerce, has just published a fascinating book, *The Education of an American Dreamer*, which I am pleased to present to President Horner for the College library. Your faculty and students will find the story of this remarkable son of Greek immigrants inspiring, I am confident.

More modestly, I am pleased also to present a book of my own to The American College of Greece, *The Politics of Education*, in which I describe my experience as a Member of Congress in writing legislation to assist schools, colleges and universities; the students who attend them; and measures to assist libraries and museums.

I move ahead, in 1980, as a result of the landslide victory of Ronald Reagan, I lost my race for reelection to a twelfth term. Shortly thereafter, I was invited to become president of New York University, the largest private, or independent, university in the United States. In 1991 I became president emeritus, my present responsibility, so now I'm only going some twelve hours a day!

If I were to single out one dimension, of my commitment to strengthening New York University, it would be that I gave particular attention to building our programs for the study of other countries and cultures, not only through programs in New York City but centers abroad as well. Much of the responsibility of an American university president focuses on fundraising, both from the Federal government and private sources. So I pressed hard, and, I believe, effectively, to bolster the financial situation of New York University.

I must add just a word about my present initiative, another strongly shaped by my Greek origins, the establishment at NYU of the John Brademas Center for the Study of Congress, of Congress as a policy-making institution.

Let me explain that unlike parliamentary institutions in Europe, the Congress of the United States has great power, in addition to that of the President of the United States, to make national policy. But with 100 Senators and 435 Representatives and without the party discipline characteristic of parliamentary systems, it is not easy for even informed Americans to understand Congress.

So we are, with the establishment of the John Brademas Center for the Study of Congress at New York University, creating an institution that will bring together Senators, Representatives, scholars and citizens to discuss the ways in which our national legislature makes national policy and ways of improving the system.

Now, ladies and gentlemen, from what I have told you, I hope you can see that I have inherited from my Greek father at least two dimensions of the extraordinary contributions of Hellenic civilization to today's complex world: first, respect for learning, for education; and second, respect for politics, for democracy.

So even as I pay tribute to two distinguished persons you are also honoring here today, Andrew Athens, a valued friend of many years and an outstanding leader of the Greek-American community; and Mikis Theodorakis, musician, scholar, public servant, I reiterate how deeply touched I am to receive an honorary degree from The American College of Greece.

#### RECOGNITION OF THE ANNIVERSARY OF THE CLEAN TRUCK PROGRAM

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Ms. RICHARDSON. Madam Speaker, I rise today to applaud the economic and environmental benefits the landmark Clean Truck Program has brought to southern California during its first year.

California is home to one of our nation's largest and most vibrant economic hubs: the ports of Long Beach and Los Angeles. Unfortunately, the ports are also home to emissions generated by the short-haul transport of goods. The neighborhoods surrounding the ports of Long Beach and Los Angeles are disproportionately impacted by the air pollution caused by trucks and suffer from associated health problems including emphysema, asthma, and cancer.

Successfully addressing localized air pollution and climate change will require a national strategy and a federal framework to coordinate implementation of air quality goals. Cities, local communities and local government can and should play a role in our national strategy.

As seen by the Clean Truck Program's success, local governments are already making important contributions to federal efforts to improve air quality. On October 1, 2008 the ports of Long Beach and Los Angeles implemented a ban on trucks with model years prior to 1989. Today, port officials estimate that approximately 1,500–2,000 "dirty" diesel trucks have been removed from drayage operations. The new trucks that replaced them generate 90 percent fewer emissions than the old dirty diesels.

Beyond cleaning the air the Clean Truck Program has successfully stimulated local economic activity. The program's financial incentives have stimulated \$500 million in private investment. Nationwide, new truck sales are down 60 percent. In contrast, truck dealers near the ports of Long Beach and Los Angeles have reported a 33 percent year over year

increase in sales due to the financing made available by the Clean Truck Program. These new truck sales include the sale of several liquefied natural gas trucks, which draw upon one of America's greatest energy assets.

Almost 800 trucking companies have embraced the program's financial incentives, resulting in the deployment of more than 5,000 2007 EPA compliant trucks. At the program's current pace, the ports estimate that by January 2010, more than 90 percent of the cargo transit at port terminals will be made by trucks meeting USEPA 2007 heavy duty truck emissions standards. This achievement will allow the ports to meet their 2012 goal of 80 percent emissions reductions from overall drayage operations two years ahead of schedule.

The ports of Long Beach and Los Angeles Clean Truck Program has been a tremendous success and has brought economic and environmental benefits to the Area. I congratulate the ports on the first year of an innovative solution, and I optimistically look forward to the results of the program next year.

#### RECOGNIZING THE IMPORTANCE OF CLINICAL TRIALS THAT FOCUSED ON WOMEN AND PEOPLE OF COLOR IN THE UNITED STATES

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. HONDA. Madam Speaker, people of color, both women and men, have historically been underrepresented in the medical profession, biomedical and biotechnology research, and clinical trials in the United States. As we move toward an era of personalized medicine, we realize that small differences between people become critically important in devising more effective, tailored treatments to improve and extend quality of life while helping doctors and patients better prevent and treat disease. Language and cultural barriers, stigma about participating in studies, and a historical lack of diverse community involvement in clinical trials by industry must be overcome so that all of our communities can be assured that they equally participate in the future of medicine.

To address this problem, we need more studies that reflect the changing face of the HIV/AIDS and other epidemics, both on effective messaging and education campaigns for the diverse group of affected individuals and on possible vaccines. One notable example of this kind of effort is the Gender Race and Clinical Experience (GRACE) study conducted by Tibotec Therapeutics, part of the Johnson & Johnson family of companies. The GRACE study, findings from which were recently presented at the International AIDS Society conference in South Africa, is the largest study to date to examine gender and race differences in response to an HIV therapy. In addition, the trial was designed to help overcome some of the barriers, identified by the advisors, which have historically deterred women and people of color from participating in clinical studies, including stigma, lack of child care, transportation and personal support systems. Based

upon advisor and community input, study participants could obtain assistance to cover costs associated with their participation in the study, including funds for travel and childcare, as well as food vouchers. Through innovative strategies like these, the GRACE study was able to enroll seventy percent women, sixty percent African Americans and twenty-two percent Latinos. I believe that the GRACE study is significant for reasons beyond just its clinical results. Studies like this, which are designed to overcome the barriers to participation and engage affected communities and providers show that with greater industry effort, meaningful numbers of women and racial and ethnic minorities can be enrolled in important clinical trials.

For example, studies in the United States and across the world are seeking an answer to the devastating HIV/AIDS epidemic. The epidemic is changing its face, spreading into new populations and presenting new challenges to education and outreach efforts. In the United States, women are increasingly affected by HIV/AIDS, accounting for more than one quarter of all new HIV/AIDS diagnoses, with African American and Latina women representing seventy-nine percent of women living with the disease. HIV/AIDS disproportionately impacts our African American and Latino communities, and the infection rate is rising among Asian American and Pacific Islanders as well. In my home state of California, there are almost 150,000 people living with AIDS, and Latinos represent about one-quarter of these cases. There are over 60,000 people living with HIV/AIDS in the greater Los Angeles area alone. In terms of new HIV infections, Latina women are infected at a rate almost four times as high as white women. African Americans in my district are also highly impacted by HIV/AIDS.

I commend Tibotec Therapeutics, Johnson & Johnson, and all researchers and companies actively engaged in diversifying their clinical trials and creating new relationships with affected communities. As Congress moves forward with health reform, with outcome and effectiveness-based reimbursement models, we must strongly encourage the expansion of efforts industry and academia are making to reflect the diversity of our nation in their workforce and clinical trials.

#### PERSONAL EXPLANATION

**HON. RON KLEIN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. KLEIN of Florida. Madam Speaker, I would have voted on September 15, 2009 when I was unavoidably detained as follows:

Had I voted, I would have voted "yes" on rollcall No. 702.

GOVERNORS OF NEBRASKA,  
NORTH DAKOTA, NEVADA, AND  
RHODE ISLAND EXPRESS CON-  
CERNS WITH UNFUNDED MAN-  
DATES IN HEALTH REFORM

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over \$35 billion in new liabilities on state budgets over the next ten years. In addition, these proposals would expand the federal government's role in administering Medicaid, which would severely handcuff states' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the RECORD the following letters from the governors of Nebraska, North Dakota, Nevada and Rhode Island:

SEPTEMBER 16, 2009.

Hon. BENJAMIN NELSON,  
U.S. Senator, Hart Building, Washington, DC.

Hon. MIKE JOHANNES,  
U.S. Senator, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR NELSON AND SENATOR JOHANNES: I am writing to alert you that the analysis provided by the staff to the members of the NGA Health Care Reform Task Force indicates that the Chairman's Mark released by Senator Baucus this morning contains a new unfunded Medicaid mandate. Earlier this year I wrote both of you expressing my concern that this might occur as part of health care reform.

I greatly appreciate the fact that both of you have repeatedly expressed concerns about the negative impact that health care reform could have on the Federal deficit and the State budget. As former Governors you understand the impact that Medicaid has on state spending. This new unfunded federal Medicaid mandate could result in higher taxes on Nebraskans or in cutting state aid to Nebraska's school districts as well as state appropriations to our universities, state colleges and community colleges. This proposal is not in Nebraska's best interests.

As we develop more specific information, I will be providing you with our best estimates of the magnitude of the impact on Nebraska. Thank you for your attention to this matter.

Sincerely,

DAVE HEINEMAN,  
Governor, Nebraska.

SEPTEMBER 30, 2009.

KATHLEEN SEBELIUS,  
Secretary of Health and Human Services, Hu-  
bert H. Humphrey Building, Washington  
DC.

DEAR SECRETARY SEBELIUS: As Congress and the Administration work through the various versions of health care reform currently moving through the legislative process, we ask that you carefully consider the following issues.

First, having served as chief executive of a state yourself, I am sure you are mindful of

the growing concern among the nation's governors about the risk to states of including unfunded mandates in national healthcare legislation. States are constitutionally mandated to balance their budgets, which means that any shortfalls caused by unfunded federal mandates could force increases in taxes, a reduction in services or both. This potential is especially troubling at a time when states are financially struggling.

We cannot be certain what form evolving legislation will take, and what the impact of that final legislation will be on state budgets. For that reason, we, along with the National Governors Association, urge extreme caution in moving forward with any plan that would commit the states, without their express participation and consent, to obligations that may financially bind them for decades into the future.

Second, it is important that any healthcare reform plan passed by Congress and signed by the President reward the states for good Medicare and Medicaid outcomes. North Dakota health care providers, for example, consistently provide low-cost, high-quality healthcare, yet have the lowest reimbursement rates in the nation. Any reform of the system must have incentives for good performance and cost-effectiveness.

Notwithstanding these issues, like Americans everywhere, we too are concerned about rising healthcare costs and the need to provide access to affordable, high-quality healthcare for our citizens. Congress and the Administration should be looking at a range of reforms that can deliver meaningful and almost immediate benefits for our healthcare system. These include measures, among others, like tort reform for medical liability; tax credits to help make insurance more affordable; providing transparency in billing; ensuring healthcare insurance portability; and limiting denials for preexisting conditions.

Clearly, healthcare reform is needed. On that matter there is no disagreement, but it needs to be done right. To that end, I do hope that you will keep in mind OUR concerns and recommendations as you consider proposals to improve America's healthcare system.

Sincerely,

JOHN HOEVEN,  
Governor, North Dakota.

SEPTEMBER 11, 2009.

Hon. HARRY REID,  
Senate Majority Leader, U.S. Senate, Wash-  
ington, DC.

DEAR SENATOR REID: It has been clear from the early days of the 111th Congress that health insurance reform will be a top priority for lawmakers this year. Comprehensive reform should lower health care costs while increasing insured populations, quality of care, and point-of service accessibility for all Nevadans.

One common thread appears throughout recent legislative proposals: the expansion of Medicaid as a central "reform" component. Simply put, the expansion of existing healthcare programs is not authentic reform and further, places the cost burden to the states at a time when states can ill afford it.

It is essential that Congress take the time to examine all possible options for health insurance reform in order to find sustainable long-term solutions. Lowering healthcare costs and reforming the healthcare system is possible without unfunded mandates or Medicaid expansions forced on the states. While certain changes to the current Medicaid program could advance the overall function of

health insurance reform, expansion of the program without a permanent funding mechanism is not something that any state can support, nor is it a viable solution.

As you know, unlike the United States Constitution, most state constitutions require a balanced budget, including Nevada. In Nevada, we will spend nearly \$907,000,000 for Medicaid programs in Fiscal Years 2010 and 2011. This accounts for 13.8 percent of our General Fund budget. Any further expansion of this program would be another great example of Washington playing budget games by passing on costs to the state—this is unrealistic in the current economy and as a long term resolution.

Additional expansions of the Medicaid program will force Nevada into deep cuts in other programs and services which are not federally mandated in order to balance our General Fund. In the current fiscal year gaming revenues are down 12.5 percent, and sales tax revenues are down 20 percent. By overriding my veto, the 2009 Nevada Legislature passed substantial tax increases to burden our already beleaguered citizens.

Many current proposals also include significant cuts to the Medicare program. Nevada's growing senior population is frightened by the proposed \$162,200,000 reductions which will impact an estimated 11,000,000 seniors. Harmful and arbitrary cuts to Medicare Advantage may result in plans dropping out of the program, limiting beneficiary choice, and causing millions of seniors to lose their current coverage. These proposals must be stopped.

Nevadans cannot afford more taxes. Now is not the time to place unfunded Medicaid or other mandates on the states. By expanding Medicaid programs, the United States Congress will be forcing the State of Nevada into deep budget cuts in other state programs. I do not believe that any child's education should be placed on the chopping block to fund these new programs, but we will face that dilemma if these proposals of the Democratic Congress are enacted.

Health insurance reform should be addressed in a cooperative manner by both the federal and state governments. If states are treated as partners—not pawns—we can work to enact important reforms in concert with federal efforts. State-enacted caps on medical malpractice lawsuits, for example, would have a transformative impact on the health care and health insurance industry in each state, cutting costs for consumers without negatively affecting the stability of our current health care industry.

I am ready to work with my fellow Governors and the U.S. Congress in order to support sensible, accountable, and workable health insurance reform that helps, not hurts, Nevadans.

Sincerely,

JIM GIBBONS,  
Governor, Nevada.

SEPTEMBER 25, 2009.

Hon. JACK REED,  
Senator, U.S. Senate, Hart Building, Wash-  
ington, DC.

DEAR SENATOR REED: I appreciate your work and that of your colleagues in the Congress to craft legislation to reform the health care system in America. As you know, Rhode Island took on reform last year, albeit on a smaller scale, as we developed and pursued approval of our groundbreaking Global Consumer Choice Waiver.

One of the primary reasons the State pursued the Global Waiver is that federal Medicaid rules often limit the ability of the

states to adapt to fiscal realities and the complex and changing needs of beneficiaries. It is difficult to deliver vital services to the beneficiaries and be fair to all taxpayers when the federal government denies us the flexibility to effectively structure and manage a program representing such a significant financial investment.

I am extremely concerned that several of the health reform initiatives recently introduced in Congress will prevent Rhode Island from fulfilling the Global Waiver's promise. Such initiatives will further strain the state's budget at a time of great fiscal uncertainty and impose even more debt on our children, grandchildren and great grandchildren.

Therefore, I ask for your support and that of all members of the Rhode Island Congressional Delegation, to preserve the innovative health care initiatives now under way in Rhode Island and in many other states. I ask that you reject any reform proposals that impose additional financial burdens on the states and the people and communities we serve or that otherwise limit our capacity to meet our constituents' needs.

As originally proposed, the Senate Finance bill required a significant portion of the costs for covering the uninsured through Medicaid to be paid by lower and middle income taxpayers and the states. I am aware that changes in the proposed legislation provide, at least temporarily, additional funding for the required Medicaid expansions to "high need" states like Rhode Island. However, full federal funding will only be available for a limited period and would cease at the very time population projections estimate we will begin to see a surge in Medicaid eligibility for elders. It is unclear how the state or federal government will be able to sustain these Medicaid expansions in light of these projections and at a time of decreasing revenues and sky-rocketing deficits. The House legislation imposes burdens on state budgets and working Americans that are unacceptable.

Likewise, there still remain Medicaid eligibility and coverage mandates that will limit the flexibility of the states to operate financially sound, sustainable programs. Moreover, ongoing health reform efforts, such as those now under way in Rhode Island, may be hampered as limited administrative resources are diverted to finance the mandated expansions. Federal oversight of the Medicaid program should be streamlined, and allow for far greater innovation at the state level.

As a Governor, I am particularly concerned about the prospect of additional "short-term funded" federal Medicaid mandates. The Medicaid program itself is expensive, provider-centered, inefficient, slow to innovate and, as such, ultimately unsustainable. For these reasons, the Medicaid program is hardly the best and by no means the most appropriate platform for expanding health coverage to tens-of-thousands of additional Rhode Islanders and millions of other Americans.

I hope you will ensure that any legislation enacted by Congress does not include additional mandates on states, or at the very least compensates states fully for those it does impose, including the administrative costs associated with expansion. Additionally, providing states with the flexibility they need to implement the relevant provisions of reform should be a top priority today and in the future.

There are better ways to reform America's health care system, and I hope that Presi-

dent Obama and Congress will work with Governors, providers, consumers and others to bring about sensible reforms that increase quality, contain costs and ensure portability of health care.

Sincerely,

DONALD L. CARCIERI,  
Governor, Rhode Island.

#### EARMARK DECLARATION

**HON. FRANK A. LoBIONDO**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in the Conference Report to accompany H.R. 2997:

Requesting Member: Congressman FRANK LoBIONDO (NJ-02)

Bill Number: H.R. 2997 (Conference Report)

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: Rutgers University Marucci Center for Blueberry and Cranberry Research and Extension

Address of Requesting Entity: 125A Oswego Road, Chatsworth, NJ 08019

Description of Request: Provide an earmark of \$550,000 for the Cranberry/Blueberry Disease Project for research on breeding and pest management to provide continued support for the \$50 million a year industry. Past research has found bacterial anti-adherence mechanisms helping to fight urinary tract infection and dental caries, and other antioxidant properties. A major effort within the breeding program aims to enhance these health beneficial properties.

Requesting Member: Congressman FRANK LoBIONDO (NJ-02)

Bill Number: H.R. 2997 (Conference Report)

Account: Animal and Plant Health Inspection Service—Salaries and Expenses

Legal Name of Requesting Entity: State of New Jersey, Department of Agriculture

Address of Requesting Entity: 369 S. Warren Street, P.O. Box 330, Trenton, NJ 08625

Description of Request: Provide an earmark of \$500,000 for the New Jersey Gypsy Moth Pest Management Program to support and enhance gypsy moth control on affected communities and public lands. Funds will be used to cost share aerial treatments borne by local municipalities; for outreach in developing a web-based interactive online map showing the distribution of the gypsy moth in New Jersey and proposed treatment areas; and for technical support for salaries for field scouts and vehicle operation.

#### PERSONAL EXPLANATION

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Tuesday, October 6, 2009.

Had I been present, I would have voted "aye" on rollcall vote No. 753 (on motion to authorize conferees to close conference on H.R. 2647), "aye" on rollcall vote No. 754 (on motion to instruct conferees to H.R. 2647), "aye" on rollcall vote No. 755 (on motion to suspend the rules and agree to H. Res. 707).

#### GOVERNORS OF SOUTH CAROLINA AND TEXAS EXPRESS CONCERNS WITH UNFUNDED MANDATES IN HEALTH REFORM

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over \$35 billion in new liabilities on State budgets over the next 10 years. In addition, these proposals would expand the Federal Government's role in administering Medicaid, which would severely handcuff States' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the RECORD the following letters from the governors of South Carolina and Texas:

SEPTEMBER 11, 2009.

Hon. LINDSEY O. GRAHAM,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR LINDSEY: Thank you for the work you do on behalf of this country and our state.

With this work in mind I write to respectfully layout some concerns our administration has with regard to proposed health care changes in Washington. I am not writing to second guess your work, or that of Congress, but just to give you the vantage point from the seat I hold—and the consequent implications for taxpayers of this state given the proposed changes' impact in Medicaid administered by our state.

Like many governors across the nation, our administration is growing increasingly concerned about the financial strain rising health care costs are putting on South Carolina's annual budget. During the National Governors Association meeting in July, many governors joined together in a bipartisan effort to formally oppose the current Congressional health care proposals by issuing a policy opposing unfunded mandates. If these so-called reform proposals move forward, almost all states will have to raise taxes to manage this health care expansion. In South Carolina, Medicaid already receives up to \$880 million annually—16 percent of our budget.

The current House and Senate proposals would expand Medicaid and pass health care costs down to the states. Senate Finance Committee Chairman Max Baucus said that it would be impossible for the federal government to pick up all of the costs for new Medicaid recipients and that states would have to bear additional costs. To help put this matter into perspective, when the enhanced federal medical assistance percentage expires at the end of 2010, South Carolina will



be spending \$1.2 billion, or more than 20 percent of our state budget, on Medicaid annually. That total represents just one-third of the total Medicaid dollars spent in our state—not counting the costs associated with the proposed changes to our health care system.

The Congressional Budget Office (CBO) estimates H.R. 3200 will cost in excess of \$1 trillion over the next ten years. However, the fine print reveals that the true cost would be much higher. The legislation relies on a large tax increase, which is implemented four years before most of the program's spending is ramped up. This delay in implementation is nothing more than a budget trick masking the true cost of the proposal. Even under the CBO projection, H.R. 3200 would add more than \$200 billion to the budget deficit in the next 10 years.

This projection is predicated on \$219 billion in spending changes that may be an illusion. A strong indicator that suggests that these savings will not materialize is found in a further analysis of the CBO study by Ways and Means Committee staff, which shows that the total price tag will reach \$2 trillion by 2024, including roughly \$600 billion in deficit spending. These are the significant costs you are contending with at the federal level in times of \$2 trillion deficits.

According to the National Association of State Budget Officers (NASBO), Medicaid expenses nationally will reach \$523 billion by 2013—a 56 percent increase in just six years. The proposed changes to the program would increase Medicaid spending by \$450 million in South Carolina—more than half of what we already spend on Medicaid. With that significant an increase, South Carolina would be forced to either raise taxes or cut critical services in education and public safety, the two other large spending items in our budget.

Any state tax increase would be in addition to the proposed federal tax increases included in the House and Senate bills, like huge tax increases in the form of an additional 8 percent payroll tax or a 5.4 percent income tax surcharge on small businesses. Even in prosperous times, we would not support the incredible burden of this unfunded mandate, but in the current global economy, that impact would be disastrous for our state.

The proposal being discussed in the United States Senate has similar problems for South Carolina as, by 2015, this proposal would add more than 400,000 South Carolinians to the Medicaid program. The federal government would cover increased funding only until 2015. After 2015, South Carolina must start picking up the tab. By 2020, South Carolina would be forced to come up with an additional nearly \$900 million annually for the increased number of Medicaid enrollees. Federal programs will grow at South Carolina's expense, and will increase Medicaid costs in our state by 50 percent.

Lastly, if we are trying to make health care more affordable, why exclude tort reform and national insurance markets from the plan? Litigation, and its negative impact on the practice of medicine, significantly increases the cost of health care in this state. South Carolina passed comprehensive tort reform legislation in 2004, partially to stop lawsuit abuse in medical liability cases. Subsequently, medical liability insurance costs are down 42 percent, and doctors have received an average rebate of 20 percent of their annual paid premium. The number of lawsuits against South Carolina doctors fell almost 90 percent one year after tort reform

went into effect. Doctors have stopped leaving the state and no longer limit their practices to avoid lawsuit abuse.

Likewise, eliminating the interstate purchasing restrictions for insurance would create a bigger market for insurance, thereby giving consumers more options and driving down the price. A national market for health or life insurance means that South Carolinians can purchase whichever policy best fits their needs—whether the policy is from South Carolina, New York or California.

With all the issues surrounding a government-run health care system, I wanted to bring to your attention the increased taxes that South Carolinians might shoulder on top of the federal tax increases in the proposed bills.

Everybody agrees that there should be reforms to our health care system, but it should be done thoughtfully. I look forward to working with you on this and other issues.

Sincerely,

MARK SANFORD,  
Governor, South Carolina.

JUNE 5, 2009.

Hon. JOE L. BARTON,  
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE BARTON: As Congress continues to grapple with the daunting challenge of enacting significant health care reform measures before the August recess, I urge you to contemplate the effects of certain policy considerations on our great state.

Government-run health care is not the solution to fix a broken health care system, and is financially unsustainable. At today's costs, extending Medicaid benefits to uninsured citizens at or below 100 percent of the federal poverty level would cost Texas an additional \$4.6 billion in general revenue per year (equal to a 2.3 cent, or 27 percent, sales tax increase), on top of the \$19 billion in general revenue the state expects to spend on Medicaid in the 2010–11 biennium. This type of federal government spending mandate would erode the state's economic viability without containing health care costs or improving health care quality and access.

Health and human services general revenue spending in Texas for the 2010–11 biennium is projected to grow almost 13 percent, to \$25.3 billion. The Texas Health and Human Services Commission already projects a Medicaid-related shortfall of more than \$1 billion in general revenue in the coming biennium, and combined Medicaid and Children's Health Insurance Program caseloads will exceed 3 million people. The number of uninsured Texans also continues to grow, and the state continues efforts to address a critical primary care physician shortage in many areas of the state.

In 2007, I set forth a comprehensive plan to transform health care in Texas. This reform waiver has been languishing before the Centers for Medicare and Medicaid Services for more than a year. My plan would provide more people with insurance, reduce expensive emergency room visits for basic care, and make it easier for the working poor to buy into employer-sponsored insurance. I am pleased to note that many of the policy proposals in this waiver are surfacing in Congressional discussions on health care reform, including programs that emphasize quality preventive care and reforms that promote a robust, competitive private insurance market centered on consumer choice and affordability.

The Texas waiver proposal reflected strong bipartisan acknowledgement of the need for

reform. Improving quality of care, controlling escalating health care costs and addressing access-to-care issues requires collaboration among federal, state and local governments. A one-size-fits-all federal government mandate will not achieve significant reform. Rather, allowing states and local governments the flexibility to restructure the way health care is financed and delivered is critical to significant reform.

Texas just concluded its 81st Legislative Session, which was marked by the passage of a biennial state budget with less than 1 percent growth in general revenue spending, leaving intact the state's Rainy Day Fund, which will provide an expected balance of \$9.1 billion to address future state needs. However, despite the many legislative accomplishments that will continue to position Texas as an economic leader in this country, the state faces significant financial burdens ahead due to rapidly increasing Medicaid caseload and health care cost growth.

I urge you to ensure that the momentum surrounding the current health care reform debate is informed by the effect on Texas in a way that protects state flexibility and innovation while guarding against growing federally mandated programs that will be financially unsustainable, not only for Texas, but for most other states and the federal government, as well. No government has ever taxed, or borrowed, its way to prosperity, no matter how laudable the spending goal may have been. I hope you will resist the temptation to finance an item as basic as health care with deficit financing that cannot be maintained.

Sincerely,

RICK PERRY,  
Governor, Texas.

SEPTEMBER 23, 2009.

Hon. MAX BAUCUS,  
Chairman, Committee on Finance,  
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS: Last week, Senate Majority Leader Harry Reid said he was concerned that the health care legislation you have proposed will expand the Nevada Medicaid population beyond what his state can afford. Speaking as governor of a state with a significantly larger caseload than Nevada—a caseload that could double under your proposed Senate Finance plan—let me respectfully say I am troubled by the financial impact on Texas taxpayers and our budget.

The Texas Health and Human Services Commission estimates that the various federal health care proposals circulating around Congress could add as much as \$60 billion to the state budget over the next 10 years, creating twice the number of Texas Medicaid recipients.

Additionally, these bills place a new tax burden on certain businesses and provide for the federal takeover of some current state insurance functions. These one-size-fits-all government mandates are both unsustainable and unable to fix our broken health care system.

Instead of government mandates and more deficit spending, successful health care reforms can only be achieved by providing states with the flexibility to develop state-specific solutions.

For example, in 2003, I signed into law medical liability reform that has improved access to medical care in Texas, particularly in underserved areas. Prior to these reforms, Texas doctors were being sued at twice the national average, and many were giving up practicing in Texas altogether. Today, doctors are coming to Texas as fast as they can,

with record numbers applying to practice medicine in the Lone Star State. Tort reform is the sort of state-specific, market-driven reform measure that will help provide effective, affordable solutions to our health care woes.

In addition, as you may know, last month, I wrote to Secretary Kathleen Sebelius to again urge approval of the Texas Medicaid reform waiver, which was originally submitted in April 2008. This waiver—which would promote preventive care, improve quality and access to care, and enable more low-income working Texans to purchase private health insurance—continues to languish at the Centers for Medicare and Medicaid Services.

I urge you to support our right, as a state, to further explore these approaches, rather than forcing us to implement federal mandates that promise financial hardships for the states and little in the way of benefits for our economy and all of our constituents.

Sincerely,

RICK PERRY,  
Governor, Texas.

#### HONORING THE STUDENTS AND STAFF OF DEVINE HIGH SCHOOL

**HON. CIRO D. RODRIGUEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. RODRIGUEZ. Madam Speaker, I commend the students and staff for their hard work and dedication in the pursuit of academic excellence. Through their efforts, they have garnered the prestigious honor of being named a National Blue Ribbon School by Secretary of Education Arne Duncan, the highest distinction a school in the United States can achieve.

The Blue Ribbon Schools Program was established in 1982 by Secretary of Education Terrell Bell. The program honors public and private elementary, middle, and high schools that demonstrate academic superiority or dramatic gains in student achievement. Only 3.9 percent of all schools in the United States have received this award.

As their Member of Congress, I am proud of their ambition and inspired by their success. I have always believed that our future prosperity is predicated on our present commitment to education. They are lighting the way as a beacon for those not only in our district, but also in our nation. I applaud them for their efforts and encourage them to keep up the excellent work.

IN HONOR OF THE SANTA CRUZ  
COUNTY PARTICIPANTS OF  
"PEDAL FOR PEACE" OCTOBER 7,  
2009

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. FARR. Madam Speaker, I want to commend the Santa Cruz County Participants of "Follow the Women—Pedal for Peace". This year's participants are Jane DeJarnette, Janet

Fogel, Lilly Ann Popken, JoAnn Smith, Marilyn Marzell, and Elizabeth Schwartz. The objective of the ride is to raise awareness of violence in the Middle East and its affects on women and children, who suffer the most as a result of the conflict. The women from Santa Cruz County will be joining women from 40 other countries.

Created in 2004, the "Follow The Women" annual bicycle ride is the brainchild of 2001 European Woman of the Year and Nobel Peace Prize Nominee Detta Regan. In April 2004, she gathered together 270 women from all over the world, including the United States, Palestine, Britain and Iraq, to bike across Lebanon, Syria and Jordan to campaign for peace and an end to violence in the region. Traditionally throughout the Middle East, women do not ride bicycles making the "Follow the Women—Pedal for Peace" ride extraordinary. It brings much attention to the worthy cause of promoting good relations between different cultures and ethnicities.

"Follow the Women" has held several different events in addition to the annual bike ride. In 2007, they distributed medical kits in Gaza throughout the conflict. That year, they also held a youth exchange to explore and share the experiences between different cultures. The participants gained a better understanding of themselves and others.

"Follow the Women" has also helped fund a counseling project in Ramallah. The aim of this project was to offer support to children and their families who were suffering following the conflict in the Middle East. This year, "Follow the Women—Pedal for Peace" hopes to raise enough funds to build a playground or possibly two for the children of Gaza.

Madam Speaker, I congratulate Follow the Women and especially wish to recognize the riders from Santa Cruz. I wish them much luck in their annual bike ride.

#### REMEMBERING JACK ALLEN STONE

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Jack Allen Stone. Sadly, Jack passed away on July 28, 2009 in Bay City, Michigan. I have known Jack since the early 1960s and will deeply miss him.

Jack Stone moved to Michigan from Missouri in 1930. He was the Class President at Beecher High School when he graduated in 1944 and this began his dual interests in education and politics. He joined the U.S. Army and served as a Corporal E4 during the Korean War. Returning to Flint, Jack worked for Chevrolet and became a committeeman for the UAW. During this time he married, had three daughters and attended the University of Michigan-Flint. He graduated with a B.A. degree in 1961 and began teaching that same year.

Teaching U.S. Government and Michigan History at Grand Blanc High School for 27 years, Jack was a moving force in starting the Grand Blanc chapter of the National Honor Society. During this time he also was active

with negotiating teacher contracts. He negotiated the first teacher contract with Grand Blanc Schools and played a major role in negotiating contracts for many years. He was an advisor for MEA PAC and sat on the interview board for school board candidates. Active in the Genesee County Democratic Party, Jack worked on my first campaign and successive campaigns. He also helped elect Senator Don Reigle and State of Michigan Speaker of the House Bobby Crim.

After retiring in 1988, Jack moved to Gladwin, Michigan and built his dream home on Sugar Springs Lake. He is survived by his wife Joan, and his daughters: Janine Wallace, Rebecca Tereau and Leslie Stone.

Madam Speaker, I ask the House of Representatives to join me in honoring the memory of a dear friend, Jack Allen Stone. Over the years I have respected his wisdom, enjoyed his friendship, heeded his advice and I am saddened by his passing.

#### RESOLUTION TO HONOR OUR SCHOOL PRINCIPALS

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce a resolution supporting October 2009 as National Principals Month. This designation will honor and recognize the critical role that school principals play in the lives of our students.

One of the principle reasons behind a school's success is often a strong principal.

Elementary, middle and high school principals consistently provide the vision, dedication, and mobilizing force behind successful schools.

Principals set the academic tone for their schools and work collaboratively with teachers to develop performance goals and objectives, all in an effort to improve student achievement.

Today's principals are expected to fill a variety of roles, each complex in its own right.

On any given day, they are likely to be everything from educational visionary, to community builder, to budget analyst, to facility manager, to counselor.

This means that principals often work long hours. In fact, the Bureau of Labor Statistics estimates that one in three principals works more than 40 hours per week and often works additional time supervising school activities at night and on weekends.

During my time on the San Diego School Board, I worked with many of these remarkable individuals. I witnessed how their commitment and energy can inspire an entire school—from the youngest student to the most senior teacher.

In the end, it is principals who are responsible for creating and managing the environment where our students learn and grow.

This month, let's honor this important role, which they dedicate themselves to year-round.

I am pleased to introduce this bipartisan resolution with my colleague from the Education and Labor Committee, Congressman TODD PLATTS.



# INTRODUCTION OF THE "WATER TRANSFER FACILITATION ACT OF 2009"

**HON. DENNIS A. CARDOZA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. CARDOZA. Madam Speaker, today with Congressman COSTA, I introduced the "Water Transfer Facilitation Act of 2009." the measure should reduce unnecessary delays in water transfers at a time when Central Valley farmers have been hard hit by a three-year drought. It would allow new water transfers of roughly 250,000 to 300,000 acre-feet of water per year. The bill would grant authority to the Bureau of Reclamation to approve voluntary water transfers between sellers and buyers in the San Joaquin Valley. The measure also would streamline environmental reviews for Central Valley water transfers by ensuring that they occur on a programmatic basis, instead of the current project-by-project basis.

Transferring water between and within counties for water districts is a critical tool during periods of drought. While the best solution would be to fully operate the federal and state pumps, this change in the law provides us some relief. This legislation makes permanent the ability to transfer water to our Valley's farms when it is most needed, therefore, allowing our farmers a lifeline to continue to grow crops and help our local economy. More will need to be done to protect the Valley's water, and I will continue that fight.

The bill is supported by a great number of water users across the Central Valley, including the following: Friant Water Users Authority, San Joaquin River Exchange Contractors Authority, Delta-Mendota Canal Authority, Westlands Water District, Metropolitan Water District, Glen Colusa Irrigation District, Northern California Water Association, Banta-Carbona Irrigation District, Tehama-Colusa Canal Authority, Association of California Water Agencies, Placer County Water Agency, Conaway Preservation Group, and the Reclamation District 2035.

I have submitted several of these support letters here for the RECORD, and I understand that Mr. COSTA will submit additional letters as well.

ASSOCIATION OF CALIFORNIA

WATER AGENCIES,

October 6, 2009.

Re ACWA support for Water Transfer Legislation.

Representative CARDOZA,  
Longworth House Office Building,  
Washington, DC.

Representative COSTA,  
Longworth House Office Building,  
Washington, DC.

DEAR REPRESENTATIVES CARDOZA AND COSTA: Thank you for introducing water transfer legislation for the Central Valley Project (CVP) which ACWA is pleased to support. As California's water supply challenges multiply, this legislation can provide greater flexibility for management of CVP water supplies. As you know, ACWA's 450 public agency members are collectively responsible for 90 percent of the water delivered in California for residential and agricultural uses.

California's water supply situation is dire and worsening. Three years of below average

precipitation along with heavy regulatory restrictions through the ESA and Biological Opinions, have seriously diminished California's water supplies. Under these conditions, it is essential that short term actions, such as provided by your legislation to flexibly enable water supplies to move across the San Joaquin Valley, be pursued.

Again, thank you for introducing water transfer legislation. ACWA looks forward to working with you to secure its passage in an expedited manner.

Sincerely,

TIMOTHY QUINN,  
Executive Director.

NORTHERN CALIFORNIA

WATER ASSOCIATION,

Sacramento, CA, October 2, 2009.

Re Support for Water Transfer Legislation.

Hon. JIM COSTA,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN COSTA: On behalf of the Northern California Water Association (NCWA), we thank you for introducing legislation authorizing and establishing a permanent long-term program to promote and manage water transfers in the Central Valley of California. We support your efforts and this legislation as a means of providing greater flexibility in the management of Central Valley Project (CVP) and other water supplies to help meet unmet needs critical to the future of the State of California.

As you are aware, the devastating impacts of diminished water deliveries to the CVP as a result of three years of below average precipitation have been made even greater by the various regulatory restrictions, including the requirements established by the recent federal biological opinions for endangered fish under the ESA. Your legislation will provide immediate, much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the CVP.

NCWA was formed in 1992 to present a unified voice working to resolve California's water issues and protect the water rights and supplies of the diverse Northern California region, now and into the future. NCWA represents 54 agricultural water districts and agencies, private water companies, and individual water rights holders with rights and entitlements to the surface waters and groundwater resources of the Sacramento Valley. Many of our members can and will actively participate in this water transfer program. The language in your legislation directing the Bureau of Reclamation to work with other federal agencies to implement the necessary long-term environmental processes addressing impacts of a water transfer program on the ESA-listed Giant Garter Snake will be imperative to its usefulness and success.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation and addressing California water issues so important to our collective future.

Sincerely,

DONN ZEA,  
President and CEO.

TEHAMA-COLUSA CANAL AUTHORITY,

Willows, CA, October 5, 2009.

Re Support for Water Transfer Legislation.

Hon. JIM COSTA,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN COSTA: On behalf of the Tehama Colusa Canal Authority (TCCA), we thank you for introducing legislation authorizing and establishing a programmatic program to promote and manage water transfers in California, including the Sacramento Valley. We support your efforts and this legislation as a means of providing greater regulatory certainty for the management of Central Valley Project (CVP) water supplies for water users.

As you are aware, the TCCA is intimately aware of the impacts of diminished water deliveries to the CVP as a result of below average precipitation and regulatory requirements placed upon the CVP and its water users through the requirements established by the recent National Marine Fisheries Service biological opinions for endangered salmon. Your legislation will provide much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the CVP.

Many of our members have participated in water transfer programs in the past and would continue under this legislation in a more flexible manner. Also, the language in your legislation directing the Bureau of Reclamation to work with other federal agencies to implement the necessary long-term environmental processes addressing impacts of a water transfer program on the ESA-listed Giant Garter Snake will be imperative to its usefulness and success.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation and addressing California water issues so important to our collective future.

Sincerely,

JEFFREY SUTTON,  
General Manager.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA,

Los Angeles, CA, October 5, 2009.

Hon. DIANNE FEINSTEIN,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR FEINSTEIN: The Metropolitan Water District of Southern California is pleased to support the legislation you are introducing related to water transfers for the Central Valley Project (CVP). This legislation will help provide good water management while providing flexibility for CVP customers.

As a regional wholesale water provider, Metropolitan provides water for nearly 19 million people throughout our six-county service area in Southern California. As Metropolitan and the entire state continue to address water supply challenges throughout California, the vitality of our economy and environment has been seriously affected. Your proposed legislation will help address these critically important issues.

Please let me know if we can be helpful in any way.

Sincerely,

JEFFREY KIGHTLINGER,  
General Manager.

GOVERNOR OF UTAH EXPRESSES  
CONCERNS WITH UNFUNDED  
MANDATES IN HEALTH REFORM

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over \$35 billion in new liabilities on state budgets over the next ten years. In addition, these proposals would expand the federal government's role in administering Medicaid, which would severely handcuff states' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the RECORD the following letter from the governor of Utah:

SEPTEMBER 15, 2009.

DEAR SENATOR BENNETT, as Governor of the State of Utah, I am aware of the critical importance of health system reform in our country. However, I believe the best place for innovation and policy change is in the individual states, as we have a greater understanding of the specific needs of our citizens. This effort is already underway in Utah, with great success. I am worried, however, that the direction of the current language of federal health system reform bills will preclude state-directed reform and place a detrimental burden on states' budgets. Therefore, I am contacting you in order to forge a partnership to enact reform that will benefit not only the citizens of Utah, but will benefit everyone throughout our great country.

In Utah, we have a good system of public medical programs that provide for our neediest population. However, the weight of the current programs strains our state budget. So far, we have managed to fully fund the existing programs, although it becomes more challenging each year. The extension of Medicaid to additional populations, as discussed in proposed federal healthcare legislation, will amount to an unfunded mandate that would create financial havoc for our state.

While I understand the idea that everyone must "share in the pain," and appreciate the Administration's commitment to reforming healthcare without increasing the size of the federal deficit, to force Medicaid cost increases onto states will simply shift massive cost increases to the states. As I am sure you know, Utah, like most other states, is suffering from the negative impacts of a nationwide recession. As we prepare the state's fiscal year 2011 budget, we face continued cuts to agency budgets and reduced government services on top of painful reductions made last year. The unfunded mandate of a forced Medicaid expansion will only exacerbate an already dire situation. If required to increase our Medicaid program as envisioned in Washington, Utah, and most every other state, will be forced to find the money to do so through other means. This will require states to either raise taxes or continue to cut budgets in areas currently suffering from a lack of funding, such as public and higher education. We must work together to ensure that no new requirements for states to fund health care for additional populations pass.

This does not mean, however, that the State is ignoring or has forgotten about middle-income uninsured families in Utah. Quite the contrary, the aggressive health system reform being pursued in Utah is designed to address the healthcare needs of those families in a manner that does not shift additional burden to the State.

As mentioned above, Utah has made remarkable progress toward health system reform. One of the cornerstones of our State's efforts is the introduction of a defined contribution health benefit system and implementation of the Utah Health Exchange, which provides the technology to make that market work. This new market approach is proving to be very popular. In fact, in just nine days, following the official launch of the Utah Health Exchange, 136 of Utah's small businesses signed up to contribute to health care coverage for their employees, representing approximately 7,000 covered lives.

It is essential that federal legislation not derail this promising effort to provide insurance in a new way to Utah's small business employees, who are the backbone of our economy. When fully implemented, the Exchange will help individuals and employees access the information they need to make informed choices about their health and health care, as well as their health insurance. This tool has a standardized application process and allows people to apply for a broad range of coverage electronically, which further increases access to affordable coverage.

To me, the highlight of the Exchange is that it is almost entirely run by the private sector. The State brought together a technology company, a finance company, and many different insurers who have worked out the necessary details to provide a platform for this new marketplace. We were able to go from a signed bill to a functioning exchange in just five months. This is the very definition of forging unprecedented partnerships to find solutions that government alone cannot provide. The driving force behind any proposed exchange must continue to be private sector ingenuity, with government assisting in the appropriate ways.

I look forward to working with you in a similar manner to ensure that federal and state healthcare reforms are compatible and will result in success for the citizens of our great State. I believe that together we can develop workable alternatives to the traditional Washington D.C. "one-size-fits-all" solution. We must continue to recognize that states are the laboratories of innovation and that the best solution to our nation's challenges is to empower states to serve their unique populations in the best ways possible.

Please contact me if there is any way I can be of assistance with this very important issue.

Best Regards,

GARY R. HERBERT,  
Governor, Utah.

HONORING STAFF SERGEANT  
ZACHARY J. RHYNER, USO AIR-  
MAN OF THE YEAR

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. ETHERIDGE. Madam Speaker, I rise in honor of Staff Sergeant Zachary J. Rhyner's distinguished service in the United States Air

Force, and to congratulate him on being named USO Airman of the Year. Staff Sergeant Rhyner's extraordinary heroism in Shok Valley, Afghanistan on April 6, 2008 as part of Operation Enduring Freedom is a testament to his training, character, and personal strength.

While conducting an air assault infiltration as Special Tactics Combat Controller, Sergeant Rhyner and his team were caught in an ambush. Intense sniper, machine gun and rocket-propelled grenade fire rained down on the team from a well-trained insurgent force. Sergeant Rhyner was shot once in his left leg and struck twice in his chest. Although wounded, Sergeant Rhyner stayed calm and called in more than 50 air strikes and strafing gun runs. He placed himself between enemy forces and his men several times in order to return fire and to allow his teammates to retrieve the critically wounded and the deceased. He has been recognized for his heroism several times. In addition to being named USO Airman of the Year today, he received the Air Force Cross, the service's second highest medal for valor, on March 10, 2009. He also received a Purple Heart and the Jewish Institute for National Security Affairs Grateful Nation Award.

Staff Sergeant Rhyner is based at Pope Air Force Base, in North Carolina's Second District and lives in Harnett County, my home county. I am proud to have him as a fellow North Carolinian, and I urge my colleagues to join me in congratulating him on this honor and saluting his service.

HONORING SENATOR EDWARD  
KENNEDY

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Ms. WOOLSEY. Madam Speaker, I rise today to honor Senator Edward Kennedy, who passed away August 25, 2009, at age 77. A leader in the Senate for over 46 years, Senator Kennedy dedicated his career to equality and justice for all.

Senator Kennedy believed that the fight for quality and affordable healthcare was the cause of his life and nothing less than a moral obligation for us all. His courageous commitment to improving the welfare of all people was inspirational to me and millions of Americans. As Chairman of the Senate Committee on Health, Education, Labor, and Pensions, he influenced nearly every piece of legislation that came before the Senate. Because of his deep concern for the treatment of mental health patients, he helped individuals suffering from mental health and substance abuse disorders receive adequate coverage and prompted the growth of America's Community Mental Health Centers. Senator Kennedy was also committed to increasing access to health care for everyone. I wish he was with us long enough to see all his hard work come true.

Senator Kennedy was a compelling advocate for equal access to education for all children. His leadership was instrumental in expanding the Head Start Program and he devoted himself to improving teaching quality and equality across the country.

Senator Kennedy fought tirelessly to ensure all students who wished to obtain higher education were able to do so. During the 110th Congress, he helped enact the most substantial increase in student aid funding, making higher education more accessible and affordable to all.

Madam Speaker, Senator Kennedy was a shining example of what the very best public servants can aspire to become and his passion for helping others will live on through the lives he has touched. His legacy of hard work, compassion, and excellence will continue to impact America for generations to come.

HONORING ELDON ROTH

**HON. JACK KINGSTON**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. KINGSTON. Madam Speaker, I rise today to honor Eldon Roth, a celebrated and respected member of the agricultural community. I am privileged to be joined by the distinguished Congresswoman ROSA DELAURO in recognizing Mr. Roth. It is a remarkable day indeed when we can both wholeheartedly endorse the same objective.

Growing up in rural South Dakota, Eldon Roth learned the values of a strong work ethic and perseverance. Lacking access to electricity and running water in his home, he never allowed the limitations of sheer circumstance to hinder his pursuit for excellence. Eldon and his wife Regina, who is his business partner, started their business in San Francisco back in the 1970s. A self-educated man who never accepted the status quo, Mr. Roth occupied his spare time by employing his understanding of mechanics to improve the efficiency of the meat freezing process.

This focus led him to working with stainless steel firms in the area to develop a large drum. His natural mechanical genius devised a way to liquefy the meat product at the lowest possible temperature. The FMI Roller Press Freezer, a huge piece of equipment, was a new concept for the continuous quick-freezing of ground meats and other similar consistency products. Through his work, the freezing process was trimmed from two days to a matter of mere minutes. It revolutionized the industry and standardized the quick-chill process that now assures high levels of food safety.

Over the years, Mr. Roth continued his innovating work and as a selfless man of integrity, he takes time to share his discoveries with other meat processors to protect consumer health. Mr. Roth has not only developed unique ways to increase the value of beef and pork, but he led a revolution in equipment design. By taking great pride in his work, Mr. Roth undoubtedly raised the bar in terms of excellence for the U.S. meat and poultry processing industry.

Today, the company Mr. Roth founded, Beef Products Inc. is the world's leading producer of boneless beef. Mr. Roth's impact in the market of beef and poultry has justly earned him multiple awards. BPI has built plants in Texas, Kansas, Iowa and Nebraska. He is a

recipient of a 2008 Beef Industry Division award presented by the National Cattlemen's Foundation as well as the recipient of the 2007 E. Floyd Forbes Award, the highest honor from the National Meat Association.

Along with founding the world's leading producer of high-quality lean-beef trimmings, Mr. Roth made sure to give back to the local community. Last year, Mr. Roth organized an event in Sioux City, Iowa where he hosted a prime rib appreciation dinner Salute to the 185th Refueling Wing of the Iowa Air National Guard. He had about 1,500 Guardsmen with their families and guests to attend at the BPI aircraft hangar, and he and his company staff cooked hot roast beef for everyone! One of his special guests was Congressional Award winner Col. Bud Day, along with other local dignitaries.

Mr. Roth is known as a self-made man who possesses unequalled discipline, drive, and discernment. He is successfully building a legacy of generosity by giving back to the people of his own community. I am proud to stand here today, shoulder to shoulder with Congresswoman ROSA DELAURO, to honor Eldon Roth of South Dakota.

#### PERSONAL EXPLANATION

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Ms. ESHOO. Madam Speaker, I was not present during the rollcall vote Numbers 758 to 760 on October 7, 2009. Had I been present, I would have voted:

On rollcall vote No. 758 I would have voted "yes."

On rollcall vote No. 759 I would have voted "yes."

On rollcall vote No. 760 I would have voted "yes."

#### IRAN—GLOBAL THREAT REQUIRING GLOBAL ACTION

**HON. KAY GRANGER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Ms. GRANGER. Madam Speaker, the global threat of Iran's nuclear program is growing every day. The luxury of time has vanished and the need for Congressional action is absolute.

What we already knew about the Iranian nuclear program, compounded with the recent revelations of an additional uranium enrichment facility outside of Tehran and Iran's continued testing of long-range missiles, only continues to build on an already disturbing scenario.

The Iranian regime is furiously building its nuclear program and threatening anyone who walks the streets of Paris, Beijing, London and New York. Every day that goes by without weakening the regime or its ambitions, the world becomes less safe. We MUST act now.

I wholeheartedly support increased sanctions and divestment efforts and hope the U.S.

Congress responds immediately to provide these critical tools to the President.

The United States needs to show strong leadership to show the world that we are serious in taking down this imminent threat from Iran. U.S. actions should be matched by other world leaders—especially Russia and China.

Iran's potential peril to the world is global, so too should be the response.

#### EARMARK DECLARATION

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Conference Report accompanying H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: Conference Report accompanying H.R. 2997

Account: ARS, Salaries and expenses account, \$1,293,000

Legal Name of Requesting Entity: Auburn University, Auburn, AL

Address of Requesting Entity: 102 Samford Hall, Auburn, Alabama 36849

Description of Request: "Improved Crop Production Practices" Taxpayer justification—It is my understanding that this funding will provide \$1,293,000 to develop and assist in adopting cropping systems that reduce production cost primarily by reducing the need for nitrogen fertilizer, pesticides, fuel, and equipment. Federal funding would allow the program to expand reniform nematode research throughout the State, develop more intense mature management research that includes bioenergy crops, and expand research on the development of alternative substrates for nursery crop production. Current and future profitability of agronomic based crop production in Alabama is dependent on the research and outreach efforts. Use of precision technologies associated with these studies have resulted in practices that saves fuel, herbicides, and fertilizers and protects Alabama's vital natural resources. The project's total budget is \$8,874,000. Specifically within the budget, \$1,298,734 will go toward permanent personnel salaries, \$360,760 for research expense, and \$240,500 for equipment. This request is consistent with the intended and authorized purpose of the Agricultural Research Service, ARS Account. Auburn University will meet or exceed all statutory requirements for matching funds where applicable.

# HONORING RODNEY B. LEWIS ON HIS DISTINGUISHED CAREER—

## HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. PASTOR of Arizona. Madam Speaker, I rise before you today to praise and reflect upon the career of an outstanding attorney and community leader, Rodney B. Lewis. I would also like to congratulate Rod on recently being honored with a Lifetime Achievement Award by the Native American Bar Association of Arizona.

Rod Lewis comes from a family dedicated to serving the Native American community in Arizona. Rod is one of three sons born to the late Reverend Roe B. Lewis and Sallie Lewis. He and his brothers, John and Robert, grew up on the Gila River Indian Reservation. All three attended college and graduate school and each has devoted their careers to the service of Indian tribes and Indian people. In fact, John is the Executive Director of the Inter Tribal Council of Arizona.

Rod earned his bachelor's degree from Trinity College in San Antonio, Texas. While in college, Rod participated in the Reserve Officers' Training Corps and upon graduation was commissioned as a second lieutenant in the Army Rangers, ultimately obtaining the rank of first lieutenant upon discharge from the Army. Rod earned his master's degree from Arizona State University in 1969 and went on to law school at the University of California Los Angeles. Upon graduating with his JD in 1972, Rod returned to the Gila River Indian Community to serve as the tribal attorney for the Community and to raise a family. He and his wife Willardene have three children and five grandchildren.

Rod has had an extraordinary legal career. He was the first Native American to pass the Arizona Bar Exam and be licensed to practice law in Arizona. He was also the first Native American lawyer to argue a case before the United States Supreme Court. Shortly after law school, Rod faced an effort by the State of Arizona to tax the sale of tractors to the Gila River Indian Community farms. Rod fought this effort and prevailed in a 5 to 4 Supreme Court decision. The Central Machinery v. Arizona State Tax Commission decision continues to stand as the definitive case recognizing the right of Indian tribes to operate beyond the taxing authority of states.

Rod served as the General Counsel of the Gila River Indian Community for more than 30 years. For much of his tenure as General Counsel, Rod led the battle to secure the water rights of the Gila River Indian Community. Rod worked tirelessly in litigating and ultimately negotiating the single largest Indian water rights settlement in the history of the United States. This settlement resulted in the return of 653,000 acre-feet of water to the "River People" of the Gila River Indian Community and \$200 million to construct a system to deliver water to the reservation.

Rod Lewis has dedicated his life to being a champion for the Gila River Indian Community. He is a genuine trailblazer who has broken down barriers and served as a role model

for a new generation of Native American lawyers. Madam Speaker, I am honored to recognize Rod for his distinguished career and outstanding leadership and thank him for being my friend.

## EARMARK DECLARATION

### HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. BILBRAY. Madam Speaker, I would like to submit the following request:

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: Conference Report to H.R. 3183, FY 2010 Energy and Water Appropriations

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: The City of Solana Beach

Address of Requesting Entity: 635 South Highway 101, Solana Beach, CA, USA 92075

I received \$305,000 to complete the feasibility study for the Solana Beach-Encinitas Shoreline Protection Project. The protective beaches throughout the Solana Beach area are severely eroded, leaving residences, portions of Highway 101, and public access points susceptible to dangerous wave attack and beachgoers subject to falling rocks as bluffs are destabilized by erosion. This Shore Protection Project will build up the protective beaches along the coast, preserving public access, recreational areas, and as well as public infrastructure and private homes.

## TRIBUTE TO JOAN BURDICK, RECIPIENT OF THE 2009 ST. MADELEINE SOPHIE AWARD, SACRED HEART SCHOOLS

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Ms. ESHOO. Madam Speaker, I rise today to honor Joan Burdick, a recipient of the prestigious St. Madeleine Sophie Award from Sacred Heart Schools. Established in the year 2000, the St. Madeleine Sophie Award honors individuals in the Sacred Heart community who have made a sustained and significant contribution to the Schools and embody the Goals and Criteria of a Sacred Heart education. The individuals honored are selected by a committee comprised of the senior administrative team in conjunction with the Chair of the Board of Trustees and are honored at a reception and at the Mass of the Holy Spirit, the first all-school liturgy of the school year. The recipients will be VIP guests at various SHS events throughout the year and featured in their alumni magazine, The Heart of the Matter, for their commitment to the mission of Sacred Heart education.

This year, Joan Burdick was chosen along with two other distinguished recipients to be recognized with the Award for her tireless

work as an educator and for her dedication to the arts, as well as to the Goals and Criteria of Sacred Heart Schools. Her award was presented by Connie Solari who gave the following speech at the Awards Ceremony in tribute to Joan:

When I was about 10 years old, I saw the movie Auntie Mame with Rosalind Russell. I always wanted to BE that person—elegant, spontaneous, excitable, risk-taking, generous, brunette—and above all gorgeously DRAMATIC. While I've fallen considerably short in embodying this remarkable character, I did finally meet her avatar one afternoon in the spring of 1978.

Her name was Joan Burdick.

At the time, I was writing the Sacred Heart Schools Newsletter, and I'd been assigned to interview "the drama teacher" at St. Joseph's. After about three minutes, it was clear that I was in the face of a mythic educator. Since then, I've come to know Joan as a gifted classroom teacher, an awe-inspiring director, a close professional colleague—and a friend. And it's under these frequently overlapping headings that I propose to introduce her.

MRS. BURDICK, TEACHER

When Nancy Tarantino requested nominations for this award she received pages of testimony from Joan's former students. As the mother of two of her sixth-grade English students at St. Joseph's, I can personally attest to her excellence: She's one of those teachers whose high standards bring high results, and who manage to inspire students with a belief in their ability to do things they never dreamed possible. A few years later, as Dean of Faculty, I saw her spin her magic first-hand in the high school English classroom, making William Shakespeare and Emily Bronte and Tennessee Williams come fully alive as a tea-kettle bubbled in the background and students nestled comfortably on the couches and overstuffed chairs that filled her classroom.

Several of her former students commented on her gift for transforming their shy, even withdrawn selves into polished, confident public speakers. "She taught us to walk deliberately and never fidget when speaking," wrote one. "She corrected our posture and forced us to project and enunciate, to think on our feet and improvise." One went as far as to say that it was Joan who introduced him to his "first sense of community with other students." Another credited her with evoking and developing her self-esteem and overall confidence—qualities that obviously allow everything else to fall into place.

But Joan's gifts went even beyond how to write essays on Bronte's Wuthering Heights or how to deliver a line of iambic pentameter like you meant it. She taught us how to behave.

Permit me an anecdote.

For several years we took the entire senior class on a five-day trip to the Ashland Shakespeare Festival. Please note that this was the ENTIRE senior class, not a self-selecting group of dramaphiles. In addition to preparing the students for what they were about to see onstage, Joan also prepared them to be a good AUDIENCE: mouths shut, bodies quiet, hats off, minds alert. One afternoon we were waiting in the lobby for our ninety students to arrive. [I believe it was the same day Michele Rench and I had bought Joan a pink volume of Emily Post's Etiquette in a used bookstore.] Suddenly, one very large and bumptious senior approached Joan, lowered himself onto one knee, and kissed her hand with a courtly

flourish. It's a gesture I doubt he's ever repeated since, but it speaks volumes about how Joan could ignite hidden reserves of gentility within even the most unlikely knight-at-arms. I read recently that St. Madeleine Sophie believed good manners to be an expression of CARITAS; if we accept her judgment, then Joan Burdick unleashed a FLOOD of Christian Love via students who recognized, even temporarily, the value of good manners. Another former student (one I vividly remember for his livewire personality) wrote: "To this day I think I'm a better audience than most. If I make noise during a performance, I can still feel Mrs. Burdick's stern look beading into the back of my head."

JOAN HUNT BURDICK, DIRECTOR

The distinction between Joan the Teacher and Joan the Director is of course quite arbitrary, since Joan DIRECTED her English classes in much the same way she TAUGHT her aspiring actors. But let me leave the classroom now and take you all to the stage in the Little Theater—a vanished building, but one whose ghost hovers beneath the foundations of this marvelous Campbell Center. Let's imagine it's 1987. Joan has unleashed her latest brainchild—an all-campus production of *The Sound of Music*. In addition to students from grades one through twelve, she has cast teachers from both sides of campus, the Director of Development, the Director of Admissions, and—yes—none other than Director of Schools Nancy Morris as the "Climb-Every-Mountain"—crooning Mother Superior. I myself was among the many actors whom she'd recruited and given their first taste of thespian glory. One alum described the Little Theater as "a symbol of the great things that can come out of a small space occupied by a director who cultivates the imagination and talent of actors who want to do great things." We wanted to do great things. Witnessing Joan rallying us together just before the opening performance of *Sound of Music*, we were gripped by that feeling. We were going to "make theater" together and in so doing transform not only the physical space, but the audience which had come to be transported into that imaginative mental space that theater engenders. Joan understands this power of theater, and throughout her life, she has made her students (and I count myself among them) understand this. Her willingness to take risks, tackling such daunting works as Shakespeare's *Much Ado About Nothing* and Chekhov's *The Cherry Orchard*, is grounded in her proven ability to inspire casts with a Dionysian fervor that spins itself out into the audience.

When Joan was invited back to direct the Farewell to the Little Theater show in June of 2003, the 120 cast members, including students, faculty and alums, gave Joan the longest standing ovation many ever remember witnessing. No wonder.

JOAN BURDICK, COLLEAGUE AND MASTER BUILDER

In 1990, Joan transferred full-time to the high school, and we began working closely together. In addition to teaching with her in the English department, I was privileged to watch her build not only the SHP drama program, but the entire Fine Arts department. We went from a school that offered five electives in drawing, painting, photography and drama to one that, by the time she retired in 2001, offered twenty, including sculpture, ceramics, dance, computer graphics, concert and chamber choir, instrumental music, technical theater and scenic design, video

production, and the ever-amazing student-directed play.

As Fine Arts chair, she represented her department on the school Curriculum Committee with passion and precision. She nurtured her department members in the nuanced art of becoming a Sacred Heart educator. For Joan was not only an employee of Sacred Heart, she is an alumna of Sacred Heart Schools, Atherton—quite literally raised on the vision of St. Madeleine Sophie. AND THIS BRINGS ME, FINALLY, TO JOANIE BURDICK, FRIEND—AND BY EXTENSION FAMILY WOMAN

For over 150 years, Sacred Heart educators (virtually all of them nuns) were referred to as "Mothers." Joan Burdick is nothing if not the ultimate MATRIARCH, a maternal figure not only to her family but also to her many friends. Joan enjoys deep, powerful and lasting friendships. Many of her former students and colleagues now consider her a friend, someone with whom we still enjoy having an elegant cup of tea or glass of sherry. I'd argue that we all consider ourselves part of Joan's extended family as we seek her advice or share stories with her.

With respect to her biological family, she is a matriarchal force that one crosses at one's peril. When her son-in-law Ken Thompson was diagnosed with leukemia three years ago, I had the sense that Ken would somehow be safe because Joan was standing there, a cross between a lioness and a heavily armed archangel, determined that NOTHING was going to hurt her family. Her daughters Corie and Riette and her son Hunt accorded their mother the ultimate compliment by following her into that magical world of theater themselves, scoring major successes as actors, singers, dancers, stage designers and directors. Her grandson Sean now enjoys life with a grandmother who teaches him chess, instructs him in the fine art of taking tea, and occasionally sweeps him off to Europe or New York City, much like my Auntie Mame did for her nephew Patrick.

Let's face it. Joan Burdick is nothing if not "elegant, spontaneous, excitable, risk-taking, generous, brunette, and gorgeously dramatic." (It's only fitting that she just flew in from Paris last night to receive this award.)

She is the Queen of all Drama Queens—but one with her beautifully shod feet planted firmly on the ground of faith, family, and friendship. A Queen whose reverence for theater reminds us that Western drama evolved out of Greek religious ritual—an idea echoed by a former colleague who wrote that "Joan's productions were always, always a validation of life and meaning." I am honored to introduce Joan Burdick, whose work here for 25 years so validated life and meaning, and who so incarnates The Sacred Heart Educator at her very finest.

Madam Speaker, I ask the entire House of Representatives to join me in offering our congratulations to Joan Burdick on the very special Occasion of being chosen for the St. Madeleine Sophie Award and for all she does daily to strengthen our community and our country.

#### PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded

votes on the House floor on Wednesday, September 30, 2009.

Had I been present, I would have voted "no" on rollcall vote No. 743 (on motion to suspend the rules and agree to H.R. 2442), "no" on rollcall vote No. 744 (on motion to suspend the rules and agree to H.R. 1771), "aye" on rollcall vote No. 745 (on motion to suspend the rules and agree to H.R. 1053).

#### HONORING THE HISTORICAL SOCIETY OF SAGINAW COUNTY AND CASTLE MUSEUM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. KILDEE. Madam Speaker, I rise today to recognize the Historical Society of Saginaw County for being selected by the American Association of Museums for participation in the Museum Assessment Program. The Historical Society of Saginaw County operates Castle Museum in downtown Saginaw. The Society is holding its annual Membership Lumberjack Brunch and Open House on October 18th at the Museum.

The American Association of Museums conducts the Museum Assessment Program to help museums identify challenges and develop strategies to address them. The program also helps museums to ensure high standards in collections care, governance, institutional planning and effective community engagement. Over 3500 museums have benefited from this program.

The Historical Society of Saginaw County was founded in 1938 and incorporated in 1964. The Society has operated Castle Museum since 1992 and is committed to telling the continuing story of the people of the Saginaw region. The Castle Building was constructed in 1898 in the French chateau style. At that time the Federal government decided all Federal buildings were to be built to reflect the historic legacy of the community and Architect William Aitken decided to design the building to reflect the early French traders that settled in the region. Originally utilized as a Post Office, the Castle Building is listed on the National Register of Historic Places and is the cornerstone of the Historical Society's dedication to preserve Saginaw's heritage for future generations.

Today, the Castle Building serves as the Castle Museum and houses over 100,000 archaeological and historical artifacts from the region. Traveling and long-term exhibits are displayed in the facility. The Historical Society of Saginaw County has utilized the building to showcase their educational programs, film presentations, and community tours. They also offer research services, an oral history recording program and a living history program at the Museum. Currently, the Historical Society is retrofitting a van to take the museum's programs to elementary schools and they are planning to launch this project in early 2010.

Madam Speaker, please join me in congratulating Board President, Margaret E. Clark, the Board members, staff, volunteers, and Society members as they are honored by

the American Association of Museums and wish them continued success in preserving our history for many, many years to come.

#### EARMARK DECLARATION

### HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, and Science Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 2997, Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: Agricultural Research Service, Salaries and Expenses Account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: Auburn University, 102 Samford Hall, Auburn, AL 36849

Description of Request: "Improved Crop Production Practices, AL, \$1,293,000"

Provide \$1,293,000 to develop and assist in adopting cropping systems that reduce production cost primarily by reducing the need for nitrogen fertilizer, pesticides, fuel, and equipment. Federal funding would allow the program to expand reniform nematode research throughout the state, develop more intense mature management research that includes bioenergy crops, and expand research on the development of alternative substrates for nursery crop production. Current and future profitability of agronomic based crop production in Alabama is dependent on the research and outreach efforts. Use of precision technologies associated with these studies have resulted in practices that saves fuel, herbicides, and fertilizers and protects Alabama's vital natural resources. The project's total budget is \$1,900,000. Specifically within the budget, \$1,298,734 will go toward permanent personnel salaries, \$360,760 for research expense, and \$240,500 for equipment. This request is consistent with the intended and authorized purpose of the Agricultural Research Service, Salaries and Expense Account. Auburn University will meet or exceed all statutory requirements for matching funds where applicable.

#### EARMARK DECLARATION

### HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of the H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: Agricultural Research Service, Salaries and Expenses Account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall, Auburn University, AL 36849

Description of Request: Provide \$1,293,000 to develop and assist in adopting cropping systems that reduce production cost primarily by reducing the need for nitrogen fertilizer, pesticides, fuel, and equipment. Federal funding would allow the program to expand reniform nematode research throughout the state, develop more intense mature management research that includes bioenergy crops, and expand research on the development of alternative substrates for nursery crop production. Current and future profitability of agronomic based crop production in Alabama is dependent on these research and outreach efforts. Use of precision technologies associated with these studies have resulted in practices that saves fuel, herbicides, and fertilizers and protects Alabama's vital natural resources. The project's total budget is \$1,900,000. Specifically within the budget, \$1,298,740 will go toward permanent personnel salaries, \$360,760 for research expense, and \$240,500 for equipment. This request is consistent with the intended and authorized purpose of the Agricultural Research Service, Salaries and Expense Account. Auburn University will meet or exceed all statutory requirements for matching funds where applicable.

#### HONORING THE LIFE AND WORKS OF SENATOR EDWARD M. KENNEDY

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Ms. ESHOO. Madam Speaker, "Be not afraid of greatness: some are born great, some achieve greatness, and some have greatness thrust upon 'em."—William Shakespeare, "The Twelfth Night."

It is with a sense of proud sadness and deep gratitude that I am blessed to offer a few words about a man who was born to greatness, had it thrust upon him and achieved greatness—because, in the end, he was not afraid.

It is with an array of inexpressible emotions that I am blessed to call him an inspiration, mentor, and most valued friend.

To be Ted Kennedy's friend was to be wrapped in a special embrace, a golden aura of generosity and thoughtfulness, compassion and comradeship. It simply felt good to be around him.

I believe the highest praise bestowed on anyone is that he made the people around him better. This he did by calling all of us to the better angels of our nature.

It is said that to whom much is given, much is expected. No one expected more of himself

than did Ted Kennedy, and no one gave more of himself to others.

No one bore greater burdens—some of them the result of cataclysmic events that damaged not only our nation, but hurt him deeply and in ways that would have paralyzed any of us.

He carried on, shouldering the future of a young and sprawling family and the continuing hopes and dreams of our nation.

In a speech in August of 1968, mere weeks after the death of his brother Bobby, Teddy said:

"There is no safety in hiding. Like my brothers before me, I pick up a fallen standard. Sustained by the memory of our priceless years together, I shall try to carry forward that special commitment to justice, excellence and courage that distinguished their lives."

We met in 1978 in San Francisco when I was little more than a laborer in the vineyards of California Democratic politics. In 1979, I joined his campaign for president and was appointed to his state steering committee.

I soon found myself involved in decisions about who to seat at the 1980 Democratic Convention and in strategic discussions about how we might win the nomination against a sitting president.

In this way, he lifted the fortunes and the sights of so many, allowing us to find new challenges, to seek out new responsibilities and to broaden our own understanding of what we could do, who we could be and how we could help him achieve an America of justice, excellence and courage.

It was at the convention, of course, that he gave what is widely regarded as his greatest single speech. The speech concluded with those words that have continued to ring out through the decades: "The work goes on, the cause endures, the hope still lives, and the dream shall never die."

Conventions have become pre-packaged events with carefully staged "spontaneous" demonstrations of affection and support. At the 1980 convention, we were outsiders, there against the wishes of an incumbent president whose strategists controlled all the machinery of convention-like hoopla.

So, for an hour, we clapped and cheered, we cried and we chanted "Kennedy, Kennedy."

In retrospect, we were enthralled not by the end of a campaign but by the promise of future fights and the certainty that our cause would go forward, as would our work on behalf of the downtrodden and the disaffected.

He said in 1985, with yet another presidential election stirring, "The pursuit of the presidency is not my life. Public service is."

He loved to be of service and he reveled in all that it meant, taking joy in those things that would have seemed small and inconsequential to him—and spreading joy.

In 1986, while serving as a member of the San Mateo County Board of Supervisors, I was elected to the position of chairman of the Board. The title was nice, but it was antiquated and was a vestige of an era when only men served in office. I asked the county counsel to take the necessary steps to change the title to president of the Board.

It became a national news story that appeared in the Wall Street Journal, an article



that included the headline: "Eshoo to become president."

Teddy sent me a telegram that read: "I always wanted to be president, but I'm glad you got there first."

No one bore greater burdens—some of them self-inflicted. He faced them unflinchingly and with the hope that he would do better. In a scandal-besieged era, he was, again, an example to us of how to live in the public eye with humility, with humanity and with yet another kind of courage.

He said: "I recognize my own shortcomings—the faults in the conduct of my private life. I realize that I alone am responsible for them, and I am the one who must confront them. I believe that each of us as individuals must not only struggle to make a better world, but to make ourselves better, too."

When others would have scrambled for the safety of obscurity, he stood at the helm and sailed the storms.

He was flawed but in a way that makes his virtues stand even taller, for in our midst was a man who never thought of himself as a saint, but believed that the least among us deserve the greatest blessings this nation can bestow.

He was generous. He was thoughtful. He was passionate. He was courageous beyond measure.

And so it is fitting that his last large moment on the national stage should be filled with hope. This is how he lived his life. This is the gift he gave to us.

At his final Democratic convention, he harkened to his own past to paint an enduring vision of a better tomorrow that is uniquely Teddy:

"The work begins anew. The hope rises again. And the dream lives on."

So, we are saddened at his passing and in the knowledge we will never see his like again and that we will never be warmed by the sun in quite the same way.

But we are filled with the promise he believed and that he gave us, ready to do battle in his name and to extract a measure of joy from life, as he would do.

And we are comforted in the knowledge that he is with his family and his legions of friends and that he is at peace. May God grant this peace to Vicki, his great love, his precious children and his entire family.

As John Bunyan wrote in "Pilgrim's Progress":

"When the day that he must go hence was come, many accompanied him to the riverside, into which as he went, he said, 'Death, where is thy sting?' And as he went down deeper, he said, 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side."

#### BREAST CANCER AWARENESS MONTH

#### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. BACA. Madam Speaker, I rise in support of recognizing the month of October as Breast Cancer Awareness Month.

This special recognition started 25 years ago to highlight and raise awareness of this devastating disease.

Breast cancer is the most common type of cancer among women in the U.S. other than skin cancer.

In 2009, it is estimated that in the United States there will be 192,370 new cases and 40,170 deaths from breast cancer.

Sadly, just in my District in San Bernardino County, California the breast cancer incidence was reported to be 116.6 cases per 100,000 females during the period of 2001 to 2005.

This is why we need to continue all efforts to raise awareness, not just during October but throughout the year.

As a husband, father, grandfather, and as a son—the wonderful women in my life continue to be my driving force behind trying to make a difference in this fight against breast cancer.

My efforts and passion date back to my public service in the California State Legislature.

Through the leadership of Senator DIANNE FEINSTEIN, I helped passed the reauthorization for the Breast Cancer Stamp, which to this date has raised over \$55 million dollars for research on breast cancer.

These efforts coupled with the month long activities of many organizations on behalf of Breast Cancer Awareness Month are necessary to ensure that all men and women across America have the tools to overcome breast cancer.

While we recognize October as Breast Cancer Awareness Month, we must also keep in mind that breast cancer is prevalent in our society and any healthcare reform must address this problem.

This is why passing healthcare reform that includes a ban on denying coverage based on pre-existing conditions is extremely important.

Millions of Americans combating breast cancer must not be denied coverage based on their condition at a time when these individuals need coverage the most.

We must ensure that access to adequate testing for breast cancer and patient education is readily available.

I congratulate all individuals and organizations that will hold events this month, and urge every American to do their part to observe Breast Cancer Awareness Month.

#### 100TH ANNIVERSARY OF THE BOROUGH OF SOMERVILLE

#### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to congratulate the citizens of the Borough of Somerville, county of Somerset, New Jersey, as they celebrate the 100 year anniversary of the incorporation of their municipality.

Although the Borough of Somerville was not incorporated until April 16, 1909, its roots lie much deeper in American history. The town of Somerville was settled in 1683 by Dutch and English immigrants as part of Bridgewater Township. The town unwaveringly aided in the

fight for the independence of our Nation, including housing General George Washington from December 1778 to June 1779 while the Continental Army was stationed at Camp Middlebrook.

Until the 1840s, Somerville was a sparsely populated agricultural community. However, with the completion of the rail line in the 1840s and the development of water power in the 1850s, Somerville rapidly developed. From the abundant red clay from which Somerville was built, brick making became one of the earliest industries.

Today, Somerville is an essential hub in central New Jersey, and the seat of county government, the Somerset Board of Chosen Freeholders. Its bustling yet quaint Main Street boasts numerous boutique specialty shops and a large variety of dining options. The borough also hosts many local recreational, cultural, and historical activities, including the annual Tour of Somerville bike race, the oldest bicycle race in the United States, and both the home of the historic Wallace House and Old Dutch Parsonage. Somerville has truly become a premiere destination for visitors.

The Borough of Somerville continues to grow and prosper. Currently, the borough is in the process of completing a large redevelopment project to include a new shopping center, town homes, and many other amenities on the grounds of the former borough landfill. The project is centered around the Somerville train station and envisioned as a transit village redevelopment.

Madam Speaker, for 100 years, Somerville has been a center for local commerce, not only for the citizens of Somerville, but for all of New Jersey. Somerville is truly a unique and special part of New Jersey, and I ask you, Madam Speaker, and my colleagues to congratulate all residents of Somerville on their special centennial celebration.

#### PERSONAL EXPLANATION

#### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. LARSON of Connecticut. Madam Speaker, on October 7, 2009 I missed rollcall votes 756, 757, 758, 759 and 760. Had I been present, I would have voted "yea" or "aye" on all.

#### IN RECOGNITION OF MARY'S PIZZA SHACK

#### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today along with my colleague, LYNN WOOLSEY, to recognize and honor Mary's Pizza Shack, which has been selected as the Business of the Year by the Sonoma Valley Chamber of Commerce.

Not only is Mary's Pizza Shack being honored by the Chamber, but the restaurant chain

is celebrating its 50th year anniversary as a mainstay in Sonoma Valley.

Family matriarch, Mary Fazio, started the business in Boyes Hot Springs with a \$700 investment and pots and pans from her own kitchen. Her dream was to have a warm, family-friendly place where people could enjoy hearty portions of her family's favorite foods at reasonable prices. It was clearly a recipe for success. Today there are 18 "Shacks" in seven counties in Northern California and this third generation-run family business is branching out this year with a new fast/casual restaurant concept to compliment to original Mary's Pizza Shacks.

But Mary's is much more than a successful business model; it is an integral part of the fabric of the community.

For generations, it is been the after-game destination for every sports team in the valley, young or old. Countless victories have been celebrated there and losses have been made a little more bearable with a pepperoni pizza or two.

Since its inception, Mary's has given back to the community through its financial support of 50 community organizations each year, through its popular "Dine and Donate" nights, and its commitment to the valley's youth. As an employer, Mary's makes it a point to hire people with disabilities.

Madam Speaker, local businesses in the small communities throughout our two Congressional districts are much more than employers. They are the backbone of a support system for projects, non-profit organizations, and our youth and civic events that would not be successful without their involvement. Like many of the businesses selected by the Sonoma Valley Chamber of Commerce as its Business of the Year, Mary's Pizza Shack exemplifies this commitment. It is therefore appropriate for us to honor Mary's Pizza Shack, the Fazio family and all of their employees, both past and present, for 50 years of dedicated service to the Sonoma Valley.

#### INTRODUCING H.R. \_\_\_\_\_, DRUG PRICE COMPETITION ACT OF 2009

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Drug Price Competition Act of 2009, a bill that will help achieve some of the goals that are essential to health care reform: ensuring fair market competition and increasing access to affordable drugs.

State-of-the-art drugs have undoubtedly improved and saved lives, and consumer demand for these drugs has certainly posed an economic burden on countless Americans. Although prescription drugs account for 10 percent of total health care expenditures, it is one of the fastest-growing segments within health care spending. Consumers are not the only ones who face the cost of prescription drugs. The federal government is now the largest purchaser of drugs in the United States and accounts for roughly two-fifths of the drug consumer market.

Generic drugs cost between 80–85 percent less than brand name drugs and comprise 70 percent of all drug prescriptions that are filled in the United States today. Many have acknowledged the role that generics have played in alleviating the burden of prescription drug costs on individual and government health care spending. The Hatch-Waxman Act of 1984 established a pathway for generic drugs to receive approval from the Food and Drug Administration, FDA, and enter the consumer market. However, some generic and brand name drug companies have exploited a flaw in this Act and have restricted access to generics.

Under the Hatch-Waxman Act, the first drug company that submits an application for product approval to the FDA receives a 180-day period of exclusivity in which no other generic company is allowed to enter the market. This application is also accompanied with a challenge to the brand company's drug patent. In response, brand companies often pay generic companies large sums of money to encourage them to postpone their entry into the market.

Generic drug companies frequently comply because they can retain their 180-day period of exclusivity even if they agree to enter the market years later than was first anticipated. Additionally, generic manufactures that were not the first-to-file have no incentive to challenge the brand company's patent and potentially open the blocked markets because they would not be able to enter the market until after the 180-day exclusivity period.

Madam Speaker, the Drug Price Competition Act of 2009 is a House companion to a bill that Senator BILL NELSON of Florida introduced earlier this year. The bill targets the root of the blocked drug market problem. It allows generic companies that win patent challenges to share the 180-day exclusivity period with the generic companies that first submitted an application to the FDA. However, no subsequent challenger would be eligible to share in the exclusivity reward once the generic drug has been launched.

If enacted, first-to-file generic manufactures would be less likely to accept a late entry date because this would mean that another generic manufacturer could win a patent challenge and share the 180-day exclusivity period.

Madam Speaker, generic medications are critical to managing everything from heart disease to battling life-threatening cancer. Stymied market competition and delayed access to generic medication pose serious health and economic costs to patients and taxpayers. The Drug Price Competition Act of 2009 will effectively correct the systemic flaw in the Hatch-Waxman Act that has blocked price competition, and increase access to affordable life-saving medications. I urge my colleagues to support this important bill that takes a fair market and cost-saving approach to improving our health care system.

HONORING COMMANDER ROBERT  
"CLEM" CLEMENTS

**HON. ERIC J.J. MASSA**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. MASSA. Madam Speaker, I rise today to honor a friend and fellow Naval Officer, CDR Robert S. Clements. Tomorrow, after his 25-year tenure with the United States Navy, Commander Clements will commemorate his retirement with a ceremony aboard the Display Ship *Barry* in the Washington Navy Yard.

He enlisted in the U.S. Navy Reserve in May 1984 and graduated from Recruit Basic Training in October 1984. After receiving his commission in the Navy and graduating with a B.S. degree in Business Management in May 1988, Commander Clements subsequently graduated from Navy Supply Corps School, Athens, GA, in December 1988.

In January 1989, Commander Clements reported to USS *Savannah* (AOR-4) in Norfolk, VA, and served as the Disbursing Officer, Sales Officer, and Food Service Officer. In April 1992, he reported to Naval Air Station, Joint Reserve Base, New Orleans, LA, where he served as Combined Bachelor Quarters Officer, and Aviation Support Division Officer. After receiving his M.S. degree in business management from Troy State University in August 1994, he served as Supply Officer in USS *Elliot* (DD-967) in San Diego, CA from 1995 to May 1997.

Commander Clements was selected to serve as the Officer in Charge, Chairman's Dining Room, Office of the Chairman, Joint Chiefs of Staff, Pentagon, Washington, DC, where he served on the Joint Staff from June 1997 to July 1999. A millennium graduate of the Marine Corps University, Command and Staff College, he completed the 10-month Joint Professional Military Education (JPME) Phase I curriculum and Military Operations other than War (MOOTW).

Commander Clements served as the Director of Operations, Fleet Hospital Support Office, Williamsburg, VA from August 2000 to September 2003 and as Deputy Director of Operations and Mobilization Officer, Navy Expeditionary Logistics Support Force (NAVELSF), Williamsburg, VA from October 2002 to July 2004 where he mobilized the initial NAVELSF capabilities in support of Operation Iraqi Freedom I. He then served as the Deputy Assistant Chief of Staff for Logistics/N4A, Commander, U.S. Naval Forces Central Command, Commander, U.S. Fifth Fleet, Manama, Bahrain in support of Operation Iraqi Freedom II and additionally, he led the logistics crisis action planning in support of the October 2005 Pakistan earthquake relief effort.

From May 2006 to August 2007, Commander Clements served as the Director of Logistics, Reserve Component Command, Region Mid-Atlantic and was responsible for the integration of Navy Reserve Readiness Command Mid-Atlantic, Wash., D.C. and Navy Reserve Readiness Command, Northeast, Newport, RI. He also served as the Director of Logistics, Naval Air Facility, Washington, D.C. from September 2007 to December 2007. Commander Clements is currently the Deputy



Director of Training and Readiness (J-97), Joint Reserves Forces, Defense Logistics Agency (DLA), Fort Belvoir, VA, responsible for the training and readiness of over 750 military reservists assigned throughout the DLA organization supporting worldwide military operations.

His personal decorations include the Defense Meritorious Service Medal, the Meritorious Service Medal (four awards), the Joint Service Commendation Medal, the Navy and Marine Commendation medal (three awards), and the Navy and Marine Corps Achievement Medal (five awards). Commander Clements was the recipient of the Naval Reserve Association's 1994 Junior Officer of the Year Award. He is a life member of the Naval Reserve Association, NRA, and also a member of the National Naval Officers Association. On behalf of the United States Congress, it is my honor to recognize Commander Clements and the essential contributions he has made to our great Nation.

#### BREAST CANCER AWARENESS MONTH

#### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, October marks Breast Cancer Awareness Month. Right now there are over 2.5 million breast cancer survivors in this nation.

Jean Kling in Aiken, SC is one. Upon hearing of her diagnosis, Mrs. Kling tearfully and bravely smiled at her husband and three grown children. Nothing had prepared any of them for this news. But like every other challenge in her life, Mrs. Kling encouraged herself in her faith in Jesus Christ and began the process of getting well.

She underwent a mastectomy. Lost all her hair during six months of chemotherapy and saw signs of re-growth during six months of radiation. After all her treatments, doctors said she was cancer free and she remains that way 10 years later.

Mrs. Kling is one of many women who have survived the devastating diagnosis of breast cancer. During October, we remember our loved ones who have lost their lives to this disease and we thank all those in the medical profession, researchers and the American Cancer Society for all they do to make a difference.

#### TRIBUTE TO CELIA TORRES GARCIA MALDONADO

#### HON. DONNA M. CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mrs. CHRISTENSEN. Madam Speaker, I rise to join in the commemorations of Hispanic Heritage Month and as it is known in my district, as the Puerto Rico—Virgin Islands Friendship Celebration, to honor and com-

mend a mover and shaker in my community, who has served our community, in particular its youth in an exceptional manner for many years. Celia Torres Garcia Maldonado, or Cielo, as she is affectionately known, has for the past thirty five years been the visionary behind an organization that has provided structure, creativity, and the opportunity to excel to young women and men on my home island, St. Croix in the U.S. Virgin Islands.

In 1974, when her young daughter expressed interest in becoming a majorette, Cielo, finding that there were not any viable groups for her to join on St. Croix, took it upon herself, with the help of like minded friends to found the St. Croix Majorettes, an organization which has stood the test of time in providing a positive outlet for St. Croix's youth to develop their performing talent.

As the story is told, with the purchase of a baton and the help of her sister Mirta L. Martinez, it all began. The St. Croix Majorettes was organized in May 1974 with Celia T. Maldonado as director, and Mirta L. Martinez and Maria Cotto as co-directors. These ladies were assisted by the late Miguel Duchesne.

The local majorettes started with twenty girls practicing at the Canegata Ball Park. Within two months, and with the help of the Doc James Radio Talk Show, parents were encouraged to register their children and this led to an increase of 150 active participants. In 1975, the St. Croix Majorettes and Marching Band were officially inducted into the Majorettes and Band Federation of Puerto Rico. The organization grew and eventually, Cielo and the St. Croix Majorettes, were responsible for hosting the first Majorette festival on St. Croix. Seven groups came from Puerto Rico and one from St. Thomas to participate in the VIPR Friendship Day celebrations.

Under the leadership of Cielo, the St. Croix Majorettes have been invited and have participated in numerous festivities on the U.S. mainland and Caribbean islands representing St. Croix in a dignified and diligent manner.

After thirty-three years, Celio T. Maldonado, director of the St. Croix Majorettes, has over 300 members who are still performing whenever they are called upon to do so. They continue to practice at their headquarters located in Est. Peter's Rest. All members and parents of the St. Croix Majorettes have become her most precious "extended family".

Her utmost satisfaction, pride and joy is when former members, who are now parents, bring their children to enroll. As she travels around and meets her "extended family", her proud remark is always, "This is, or was one of my majorettes."

Cielo's reach has been far and wide. For instance, one of my staffers, Attorney Angeline Muckle Jabbar, one of the original group of little girls who are now successful in their careers, was molded by Cielo and the St. Croix Majorettes.

Madam Speaker, today, I ask the Congress to join me in commending an outstanding Virgin Islander and American of Hispanic Heritage who continues to serve her community and its youth in an outstanding manner.

#### PERSONAL EXPLANATION

#### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. GERLACH. Madam Speaker, unfortunately, on Tuesday, October 6, 2009, I missed three recorded votes on the House floor. Had I been present, I would have voted "yea" on rollcall 753, "nay" on rollcall 754, and "yea" on rollcall 755.

#### PERSONAL EXPLANATION

#### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Ms. ROS-LEHTINEN. Madam Speaker, on rollcall no. 754, a motion to instruct Conferees on H.R. 2647, the Department of Defense Authorization, FY2010.

Had I been present, I would have voted "nay."

#### HONORING THE SERVICE AND DEDICATION OF MARK W. LIBELL

#### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the service and dedication of Mark William Libell, a member of my staff who is leaving my office to pursue the next phase in his career.

Mark grew up in Alabama and received his bachelor's degree in History from Maryville College in East Tennessee. After getting his start on the Senate side of the Hill, Mark returned to school to pursue a J.D. at the University of Alabama, which he completed in 2 years.

Mark was drawn to the pace and promise of Washington at a young age. With a love of American history, Mark grew up reading the stories of our Nation's leaders. In fact, I think he has the record in my office for the number of books he requested from the Library of Congress. His commitment to public service is evident in his work and has earned the respect of his colleagues.

As the Senior Legislative Assistant in my office, Mark was a valuable resource to me and my staff. His broad knowledge of policy, his appreciation for the rules of the House, and his enthusiasm for the job helped me to advance my legislative priorities and better serve my constituents.

While Mark's work-related contributions have been greatly valued, his sheer presence in the office will be sorely missed. Mark was always one of the first in the office to grab lunch, usually around 11:30 a.m. His choice of food was always a topic of discussion in the office as the aroma filled the air, whether fish from the cafeteria or Chinese food.

Madam Speaker, there is no question that Mark's character of thoughtfulness, dry humor,

and fun spirit is strong and will be missed by all.

Mark, I thank you for your service and wish you the best of luck in the future and in your new position.

#### DEEPEST SYMPATHIES FOR INDIA AND AFGHANISTAN

##### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. WILSON of South Carolina. Madam Speaker, I wish to express my deepest sympathies for the people of India and Afghanistan after a cowardly homicide bomb attack outside the Indian Embassy in Kabul this morning. Our thoughts and prayers go out to the families who have lost loved ones. As the former co-chair of the Congressional Caucus on India and Indian Americans and current co-chair of the Afghanistan Caucus, I am personally concerned.

These bloodthirsty attacks are a clear sign that we face a determined enemy. But our fight in Afghanistan not just against terrorist elements like Al Qaeda who murdered Americans on September 11. We face a larger threat to the people and to the stability of the entire region especially our longtime partner Pakistan.

We need to heed the advice of our commanders on the ground who are requesting more reinforcements and more resources. We need to implement a strategy that will capture or kill those responsible for terrorist acts as well as destroy their financial and logistical networks. We must ensure they will not find a safe haven anywhere from which to plot. I join with Republican Whip ERIC CANTOR to urge Democrats and Republicans to uphold President Barack Obama's campaign pledge to protect American families by defeating terrorists in Afghanistan.

#### TRIBUTE TO MR. FRANK STELLA

##### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. LEVIN. Madam Speaker, it is with joy that I rise today in tribute to Mr. Frank Stella, an icon of Metropolitan Detroit, who will celebrate his 90th birthday on October 30, 2009.

A successful entrepreneur and eternal philanthropist, Mr. Stella embodies the American Dream. The son of Italian immigrants, he bravely served in the U.S. Army Air Forces during the Second World War and founded the F.D. Stella Products Company, a food service distributor, in 1946. His company is today a preeminent national supplier and designer of restaurant equipment.

Over the past six decades, Mr. Stella has not just built a business in Detroit: he has built a legacy in service to the community. His involvement spans prominent educational and medical institutions, civic and business organizations, and charitable and political causes.

He has served as a Board Member to the University of Detroit—Mercy for more than two decades, in addition to the Board of Directors for the Detroit Medical Center, the Michigan Chamber of Commerce, the Economic Club of Detroit, the Detroit Symphony Orchestra Hall, and the National Italian American Foundation of Washington, D.C., among many, many others. The impact of his philanthropy was recognized by five of our country's presidents and three of our state's governors.

Frank Stella has received many awards, though none can fully capture his contributions to the public and private arenas. His catalogue of honors only begins to highlight the gratitude of those he has served: Mr. Stella was awarded the decoration of 'Grande Ufficiale,' the Government of Italy's highest honor; named 'Michigander of the Year' by the Detroit News and 'Executive of the Year' by the Detroit Executive Association; received the George Romney Award for Lifetime Achievement in Volunteerism, the Urban League Warrior Award, and the Bnai Brith Award, to name just a very few; and was granted three honorary doctorates.

As he turns 90, and is joined by his family, friends, and colleagues in celebration, Mr. Stella is unsurprisingly choosing to honor this landmark occasion with a fundraiser for four of his favorite charities—the National Italian American Foundation Scholarship Fund, Orders of the Sons of Italy in America, Italian Language Inter-cultural Alliance, and Boys Town of Italy. These charities proudly celebrate Italian-American culture while inspiring new generations of civic involvement and generosity, fitting tributes to Mr. Stella's continued work.

Madam Speaker, I ask my colleagues to join me in thanking Frank Stella for his lifetime of service and dedication. I wish Mr. Stella a joyous 90th year full of health and happiness.

#### RECOGNIZING THE 20TH ANNIVERSARY OF THE SUNSHINE SLOPERS SKI CLUB

##### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. MEEK of Florida. Madam Speaker, I rise to recognize the 20th Anniversary of the Sunshine Slopers Ski Club, the first African-American ski club in the state of Florida.

Skiing, a sport that is an exhilarating activity that allows individuals and families to enjoy a natural environment and participate in physical activity, may seem uncommon for residents in the State of Florida. Yet, the Sunshine Slopers Ski Club prospered throughout the last 20 years into a popular and successful club that positively impacts African-American communities through programs that provide opportunities for adults and youth to participate in recreational and competitive skiing.

On June 28, 1989, the first organizational meeting of the Sunshine Slopers, Inc. was held at the North Dade Regional Library in Miami Gardens, Florida. Subsequent meetings were held at the same location while the group developed a club logo, selected club

colors, and elected officers. By September 5, 1989, the club was established with 36 charter members and was accepted as a developmental club of the Eastern Region of the NBS. The Sunshine Slopers, Inc. was incorporated on October 2, 1989, thereby becoming the first African-American ski club in the State of Florida. Soon thereafter, the officers began to get the club active through involvement in ski-better workshops and attending eastern regional board meetings.

The groups first trips were: Beech Mountain, North Carolina; Snowshoe, West Virginia; Lake Tahoe, Nevada, Mini-Summit, and Smugglers Notch, Vermont, Winterfest. On March 22, 1990, during the American Challenge Cup Mini-Summit at Heavenly Ski Resort in Lake Tahoe, the Sunshine Slopers, Inc. was officially accepted into the National Brotherhood of Skiers by the national president Paul Ray, national membership director Naomi Bryson and eastern region vice president Jeanie Polk. Sunshine Slopers, Inc. was recognized by Polk as the fastest growing club in the country. At the end of its first year, membership was approximately 140 which included singles, married couples and children. Currently, there are about 200 members of the club.

The Sunshine Slopers strongly supports the NBS' key focus of finding and developing Olympic caliber skiers. Their focus is one of a kind, and fosters assertiveness, self-actualization, and self-determination. Additionally, they aim to develop leaders that are a benefit to various communities. The NBS provides funding to its youth programs in support of young athletes who otherwise would not have the opportunity or financial resources to ski competitively or recreationally.

Madam Speaker, please join me in applauding Sunshine Slopers Ski Club as it celebrates 20 years of synonymous and exceptional experience to the sport of skiing—which in turn offers unique opportunities to allow all Floridians and Americans a chance to be together outside and enjoy the season. I appreciate this opportunity to congratulate Sunshine Slopers Ski Club before the United States House of Representatives.

#### OBAMA, THE ECONOMY AND COMMUNITY COLLEGES

##### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. ROTHMAN of New Jersey. Madam Speaker, I would like to submit the following article entitled "Obama, the Economy and Community Colleges." This article was printed in the Bergen Record on September 15, 2009:

[From the Bergen Record, Sept. 15, 2009]

#### OBAMA, THE ECONOMY AND COMMUNITY COLLEGES

(By G. Jeremiah Ryan)

If most experts are to be believed, the recession has bottomed out and we are about to begin the process of rebuilding our economy. While this is good news, it is hardly comforting to the thousands of New Jerseyans who are out of work or underemployed.

That's because although business activity is starting to pick up, job creation isn't. In fact, the same experts who are predicting the start of an economic rebound readily admit that the labor market will continue to deteriorate well into next year, and they expect the unemployment rate to hit double digits.

The question, then, is: What can we do to prevent further erosion in the job market and jump-start employment? President Obama answered that question back in July when, in a major public policy address, he unveiled a plan to spend \$12 billion over the next 10 years to help the nation's community colleges train people for the jobs that will be needed in tomorrow's economy.

#### PARTNERSHIP

By looking to community colleges for help, the president is harnessing a job-training infrastructure that already exists. No need to reinvent the wheel. Two-year colleges have been preparing students for employment for as long as they have existed. More recently, they have taken the lead in partnering with government agencies to provide customized job training for businesses in their communities.

Bergen Community College and the Bergen County Workforce Improvement Board came together this summer to help supermarket retailer Whole Foods train 300 of its employees at stores in Paramus and Edgewater. The board helped arrange a \$1 million training grant from the U.S. Department of Labor, while the college developed training budgets and schedules, and located instructors for computer courses, as well as for classes in customer service and basic supervision.

Obama is not the only one to recognize the value of community colleges. The public has, too. This fall, many two-year colleges saw sharp increases in enrollment. As of the first day of classes, Bergen Community College had enrolled 16,769 students, a 17 percent increase over last year.

Two-year colleges are also preparing students to join the workforce in a relatively short period of time. Labor market experts believe that in the future there will be a strong supply of jobs for people who have two-year degrees or occupational certificates. In fact, these so-called "middle-skill" jobs—nurses, hotel managers, paralegals, etc.—make up about 50 percent of the labor market in New Jersey and pay above-average salaries. A licensed practical nurse, for example, earned a median salary of \$46,800 in 2006, well above the \$35,838 median salary for all occupations in New Jersey that year.

#### FLEXIBILITY

To have a lasting impact on the economy, it will be important to prepare students for jobs in industries that are growing and have a future. A hallmark of county colleges has been their ability and willingness to add courses of study that are in demand by the communities they serve. This year, Bergen Community College added nine more degree programs in subjects such as non-profit management, homeland security, fire science and sports management. When you add them to the existing curricula, Bergen students have 140 programs of study to choose from, each leading to a rewarding career.

Obama's speech was a beginning, a recognition that the path to improving employment must include community colleges. Many details need to be worked out, but we have the know-how and experience to help people get back to work.

G. Jeremiah Ryan is president of Bergen Community College in Paramus.

### HONORING CHIEF WILLIAM "DUB" WARRIOR OF BRACKETTVILLE, TEXAS

#### HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. RODRIGUEZ. Madam Speaker, I am honored to rise today to recognize Chief William "Dub" Warrior of Brackettville, Texas, a Historian and Seminole-Negro Indian descendant of the John Horse Band, and commemorate the distinguished service and loyalty of the Seminole-Negro Indian Scouts to the United States Army.

Following the Civil War, the Army was called into west Texas to defend settlements and travelers against retaliation raids from displaced Apache and Comanche Indians. However, they lacked the ability to track down and stop them. The Army needed experienced Indian fighters who knew the rugged terrain and were as skilled as their opponents at surviving and fighting in the desert borderlands. Thus, in 1870 the fearless Seminole-Negro Indians were recruited from Mexico as U.S. Army scouts. They were highly regarded and praised by their commanders for being excellent trackers, hunters and marksmen, and experts at hand-to-hand combat. During twenty-six expeditions they engaged in twelve battles without losing a single scout, and their bravery earned four scouts the Congressional Medal of Honor.

Therefore Madam Speaker it is my great pleasure to rise and announce in honor of these esteemed persons that the greater Washington, DC chapter of the 9th and 10th Horse Calvary Association, in partnership with the Army Freedom Team Salute and St. Elizabeth's Hospital of Washington, DC, has planned a Seminole-Negro Indian Recognition Ceremony for today, Friday, October 9, 2009 in the St. Elizabeth's Hospital Chapel. Chief William "Dub" Warrior will be the keynote speaker for this event. He is the descendant of Tony Warrior, who collaborated with and assisted John Horse, leader of the Seminole-Negro Indians, in the movement of their tribe from Indian Territory to slavery-prohibited Mexico. Chief Warrior's grandfather, Carolina Warrior, and great grandfather, Bill Warrior, were members of the revered U.S. Army scouts.

### TESTIMONIAL RECOGNIZING MS. LUCY BECKHAM AS THE 2010 NATIONAL SECONDARY PRINCIPAL OF THE YEAR

#### HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. BROWN of South Carolina. Madam Speaker, I am pleased to extend my congratulations to Ms. Lucy Beckham of Wando High School in Mount Pleasant, South Carolina on her selection as the 2010 National Secondary Principal of the Year.

This distinction, presented by MetLife and the National Association of Secondary School

Principals, is a most deserving recognition of her leadership and dedication to the students entrusted to her.

The National Principal of the Year program began in 1993 and was established to honor those education administrators that have set the highest example for their peers.

Ms. Beckham's contributions and sense-of-purpose extend beyond the campus of Wando to so many areas including her church and numerous community activities.

I am certain that all of the faculty and staff at Wando are proud to have her at the helm, and as the grandparent of a Wando student, speaking for all the families of the greater Charleston area, we congratulate her for being No. 1 at Wando and for now being No.1 in the Nation.

### INTRODUCTION OF THE "WATER TRANSFER FACILITATION ACT OF 2009"

#### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. COSTA. Madam Speaker, yesterday with Congressman CARDOZA I introduced the "Water Transfer Facilitation Act of 2009." Given the overwhelming water user support we received for this bill, I am submitting additional letters in connection with this bill.

SAN JOAQUIN RIVER

WATER AUTHORITY,

San Joaquin Valley, CA, October 5, 2009.

Re Support for Transfer Legislation for the Central Valley Project.

Hon. JIM COSTA,

Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN COSTA: On behalf of the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors), we thank you for introducing transfer legislation for the Central Valley Project (CVP) and we support your efforts and this legislation as a means of providing greater flexibility for management of CVP water supplies.

The diminished water deliveries to the CVP as a result of various regulatory restrictions, including the most recent delta smelt and salmon Biological Opinions and three years of below average precipitation statewide, have, as you know, created a desperate situation in the San Joaquin Valley.

While long-term solutions are being sought, numerous short term efforts are needed to help bridge the water supply gap and great flexibility, as provided in your legislation, to move water supplies within the San Joaquin Valley would be a useful tool.

The Exchange Contractors consist of four member agencies serving over 240,000 acres in the San Joaquin Valley in Fresno, Madera, Merced, and Stanislaus Counties.

We look forward to engaging in this effort and working closely with you and your staff in advancing this legislation and addressing California water issues.

Sincerely,

STEVE CHEDESTER,  
Executive Director.

SAN LUIS WATER DISTRICT,  
Los Banos, CA, October 5, 2009.

Re Water Transfer Facilitation Act of 2009.

Hon. DIANNE FEINSTEIN,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

Hon. BARBARA BOXER,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

Hon. DENNIS CARDOZA,  
House Representatives, Longworth Building,  
Washington, DC.

Hon. JIM COSTA,  
House of Representatives, Longworth House Of-  
fice Building, Washington, DC.

DEAR SENATOR FEINSTEIN, SENATOR BOXER,  
MR. CARDOZA, and MR. COSTA: I am writing  
on behalf of the San Luis Water District and  
its Board of Directors. We strongly support the  
Water Transfer Facilitation Act of 2009. Given  
the regulatory impacts of recent Bio-  
logic Opinions, the survival of our commer-  
cial, residential and agricultural water users  
is increasingly dependent on supplemental  
water transfers. Your legislation will bring  
important reform to existing transfer au-  
thorization and this essential water manage-  
ment tool.

Coping with chronic water supply short-  
ages impacting the Central Valley Project  
requires implementation of best manage-  
ment practices including water transfers. The  
need to transfer water is often urgent. Re-  
grettably, bureaucratic process can unnec-  
essarily thwart successful execution of a  
transfer. Your legislation will improve the  
capability of water managers throughout the  
State to effectively and efficiently respond  
to the ongoing crisis.

Your continuing efforts to address these  
important matters are critical and deeply  
appreciated.

Sincerely,

MARTIN R. MCINTYRE,  
General Manager.

WESTLANDS WATER DISTRICT,  
Fresno, CA, October 6, 2009.

Re Water Transfer Facilitation Act of 2009.

Hon. DIANNE FEINSTEIN,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing on  
behalf of Westlands Water District to express  
its support for your bill, the Water Transfer  
Facilitation Act of 2009, authorizing certain  
transfers of water in the Central Valley  
Project and other purposes. Water transfers  
are a critical tool for providing water sup-  
plies for areas that are faced with chronic  
water supply shortages. However, the ap-  
proval process for many transfers often dis-  
tract from their usefulness. Your legislation  
will bring important reform to existing  
transfer authorization thus increasing the  
efficacy of this essential water management  
tool.

As you are keenly aware, the chronic  
water supply shortages impacting the area of  
the San Joaquin Valley served by the Cen-  
tral Valley Project demands that water users  
in the affected area rely on water transfers.  
Moreover, the need to transfer water is often  
urgent and in response to climactic condi-  
tions that are frequently sporadic and  
ephemeral. Regrettably, bureaucratic process  
can unnecessarily thwart successful execu-  
tion of a transfer. The clarity your legisla-  
tion brings to existing authorizations will  
only improve the capability of water man-  
agers throughout the State to effectively re-  
spond to the ongoing crisis and put our scant  
water resources to use even more efficiently.

The westside of the San Joaquin Valley is  
inarguably the most transfer dependent re-

gion of the State. Your efforts to address  
this important matter are greatly appre-  
ciated. If there is anything I can do to be of  
help in connection with your efforts, please  
let me know.

Very truly yours,

THOMAS W. BIRMINGHAM,  
General Manager/General Counsel.

#### IN RECOGNITION OF THE OPENING OF THE CLOVERDALE HISTORY CENTER

#### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. THOMPSON of California. Madam  
Speaker, I rise today to recognize the  
Cloverdale Historical Society as it dedicates  
and opens the new Cloverdale History Center.

The new 4,000 square foot, temperature  
controlled History Center will house and pre-  
serve a wide variety of artifacts and docu-  
ments and provide accommodations for histor-  
ical, genealogical and cultural research. It will  
be the centerpiece of a cultural renaissance in  
what has become Sonoma County's fastest  
growing city.

The Society is staffed 100 percent by volun-  
teers who take great pride in the area's herit-  
age and its diversity. It was founded in 1968  
by local residents dedicated to preserving the  
local history of this vibrant community.

One of its more unique projects is its on-  
going work to completely restore Cloverdale's  
oldest residential structure. The Gould-Shaw  
house and its gardens face the town's main  
boulevard and lend a 19th century charm  
through its Gothic Revival architectural style.

The Historical Society has also hosted the  
annual "Old Time Fiddle Festival" for the past  
35 years. The event helps preserve the his-  
toric fiddling culture and has fostered appre-  
ciation for this distinctively American music  
among the thousands of visitors who have  
participated in this event throughout the years.

Madam Speaker, the City of Cloverdale is  
rightfully proud of the Historical Society and its  
new History Center. It is therefore appropriate  
that we acknowledge and honor the  
Cloverdale Historical Society and the count-  
less volunteers who have made this dream a  
reality.

#### EARMARK DECLARATION

#### HON. FRANK A. LOBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. LOBIONDO. Madam Speaker, as per  
the requirements of the Republican Con-  
ference Rules on earmarks, I secured the fol-  
lowing earmarks in the Conference Report to  
accompany H.R. 2467.

Requesting Member: Congressman FRANK  
LOBIONDO (NJ-02)

Bill Number: H.R. 2467 (Conference Report)  
Account: Army—Research, Development,  
Test, and Evaluation

Legal Name of Requesting Entity: (1) Drexel  
University; (2) Waterfront Technology Center

Address of Requesting Entity: (1) 3141  
Chestnut Street, Philadelphia, PA 19104; (2)  
200 Federal Street, Suite 300, Camden, NJ  
08103

Description of Request: Provide an earmark  
of \$3.8 million for Applied Communications  
and Information Networking (ACIN). ACIN en-  
ables the warfighter to rapidly deploy state-of-  
the-practice communications and networking  
technology for warfighting and National Secu-  
rity. This funding will build on funding from  
previous years to fully develop this technology.

Requesting Member: Congressman FRANK  
LOBIONDO (NJ-02)

Bill Number: H.R. 2467 (Conference Report)  
Account: Air Force—Research, Develop-  
ment, Test, and Evaluation

Legal Name of Requesting Entity: Accenture  
Address of Requesting Entity: 200 Federal  
Street, Suite 300, Camden, NJ 08103

Description of Request: Provide an earmark  
of \$4.0 million for Distributed Mission Inter-  
operability Toolkit (DMIT). DMIT is a suite of  
tools that enables an enterprise architecture  
for on-demand, trusted, interoperability among  
and between mission-oriented C4I systems. This  
spending will build on funding from pre-  
vious years to allow DMIT to be extended to  
Joint and coalition requirements, and address  
current weaknesses in Air Force management  
years ahead of current schedules. Adoption by  
major programs and commercial entities would  
lead to savings in the \$100 millions on current  
and future DOD programs.

Requesting Member: Congressman FRANK  
LOBIONDO (NJ-02)

Bill Number: H.R. 2467 (Conference Report)  
Account: Navy—Research, Development,  
Test, and Evaluation

Legal Name of Requesting Entity: Absecon  
Mills Inc.

Address of Requesting Entity: Vienna and  
Aloe Avenues, PO Box 672, Cologne, NJ  
08213

Description of Request: Provide an earmark  
of \$2.5 million for Force Protection—Non-Tra-  
ditional Weaving Application for Aramid (Bal-  
listic) Fibers and Fabrics. By reevaluating  
standard industry design and manufacturing  
techniques for force protection technology, we  
believe Non-Traditional weave designs of  
Aramid (ballistic) fiber coupled with new appli-  
cations of microwave plasma treatments can  
enhance the strength of the fiber and result in  
enhanced individual mobility, ease of medical  
access, reduced weight, increased ballistic  
protection, cost effective savings and weight  
reduction of ballistic materials currently used.

Requesting Member: Congressman FRANK  
LOBIONDO (NJ-02)

Bill Number: H.R. 2467 (Conference Report)  
Account: Air Force—Advance Procurement

Legal Name of Requesting Entity: L-3 Com-  
munications Systems

Address of Requesting Entity: 1 Federal  
Street, Camden, NJ 08103

Description of Request: Provide an earmark  
of \$3.75 million for Senior Scout COMINT  
(Communications Intelligence) Capability Up-  
grade. As part of the Senior Scout ongoing  
mission, there is an immediate need to add  
improved COMINT capability to detect and  
characterize new, modern, low-power radio  
signals at extended standoff ranges in the  
presence of interference. The current systems

are not able to detect these specific signal sets, which limits intelligence collection capabilities.

RECOGNIZING THE CONTRIBUTIONS OF DENNIS RAHIIM WATSON AND HIS ONE-MAN SHOW, "FIRST BLACK PRESIDENT OF THE UNITED STATES"

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. RANGEL. Madam Speaker, as we celebrated the election of President Barack Obama as the first African-American President of the United States, I rise to pay tribute to motivational speaker Dennis Rahiim Watson on the occasion of the 26th anniversary of his critically acclaimed one-man show, "The First Black President of the United States," which made its debut in the Art Gallery of the Adam Clayton Powell Jr. State Office Building in my beloved village of Harlem, New York.

Since 1982, Dennis Rahiim Watson, a Bermuda born and Harlem raised former actor-comedian, has made a major contribution for over a quarter of a century to black and white youths of America. Throughout his life, he has inspired, motivated and challenged over 5 million youth and adults alike with his one-man show, "The First Black President of the United States." Dennis has thrilled audiences at high schools, colleges, and universities among them Harvard, Notre Dame, Howard, University of Georgia, Tufts, NYU, CCNY, Malcolm-X College, Illinois State University and University of Pittsburgh.

Former President William Jefferson Clinton in a letter to Dennis stated that, "for over a quarter of a century you have used your role as the First Black President of the United States to give disadvantaged youth an insight into the future and its possibilities, and by your own example you have helped to provide countless young people with the tools and encouragement they need to reach their god-given potential. Your life's work has been a true investment in the future of our Nation."

More recently, President Barack Obama in a letter praised Watson for his role as the First Black President of the United States by stating that, "theatre has the power to inspire and the power to teach and it's important to use that power to lift up and honor our highest ideals." "You have broadcast the message in your role as the First Black President of the United States that all children can dream big dreams and that anyone regardless of the color of their skin can achieve anything. Anyone can grow up to become President of the United States."

I congratulate Dennis Rahiim Watson on his latest achievement of becoming the new Chairman of the National Youth and Gang Violence Taskforce and President and CEO of the Center for Black Student Achievement. Your commitment to the value of educating our youngsters and listening to their concerns is irrefutable.

So, Madam Speaker, I ask that you and my distinguished colleagues join me in recog-

nizing my good friend Dennis Rahiim Watson. His success is a testament to his historic and tireless commitment to bringing African-American youth the vision, the hope, and the dream that an African-American could become President in our lifetime before anyone ever knew it was remotely possible.

### HONORING COLONEL KIMBERLY B. SIEVERS

### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Ms. SCHWARTZ. Madam Speaker, I rise today to honor Kimberly B. Sievers, Colonel, United States Air Force on her retirement from active duty service on October 1, 2009, after serving for 27 years in uniform in defense of our country.

In 1982, Colonel Sievers reported to the U.S. Air Force Academy. She graduated in 1986 and began training as an intelligence officer at Lowery Air Force Base in Denver, Colorado. She spent the next several years directly supporting flying operations, providing intelligence and training to pilots at the fighter squadron level—including the 80th Tactical Fighter Squadron in Kunsan Air Base, Republic of South Korea, and the 50th Tactical Fighter Wing in Hahn Air Base, Germany.

Colonel Sievers continued to develop her analytical and leadership skills at Ramstein Air Base in Germany at both the 7450th Tactical Intelligence Squadron and the European Command staff, ending her time at Ramstein as the Team Leader for Intelligence Force Management. She returned to Korea for a second tour at the operation level, leading the Intelligence Plans and Manpower section at 7th Air Force and then the Analyst Element at the 607th Air Intelligence Squadron. From there, Colonel Sievers moved to the Pacific Air Force staff in Hawaii where she directed the liaison efforts between the staff and intelligence elements of all the Air Force squadrons in the Pacific.

Colonel Sievers was then selected to serve in the first of what would be many future leadership positions, as the Director of Operations for the Pacific Intelligence Squadron. She spent a year in residence at the Air Command and Staff College at Maxwell Air Force Base in Montgomery, Alabama. From there, she was selected to command the Intelligence Division at the elite USAF Weapons School at Nellis AFB in Las Vegas, Nevada.

Colonel Sievers was herself one of the very first intelligence officers to graduate from the Weapons School and only the second "home grown" Intelligence Weapons Officer to command the division. Building on that experience, Colonel Sievers was selected to command the 93rd Intelligence Squadron at Lackland AFB in San Antonio, Texas. The 93rd is the largest intelligence squadron in the Air Force with over 800 personnel.

Following that successful command, the Air Force sent Colonel Sievers back to school at the National Defense University, here in Washington, DC. During times of war the best and brightest are needed to lead our young

men and women and the Air Force turned to Colonel Sievers to serve as the forward Director of Intelligence for the entire Air Force component under Central Command. Deployed forward to Al Udeid Air Base in Qatar, Colonel Sievers directed the efforts of all intelligence personnel supporting combat operations in both Iraq and Afghanistan.

Returning to the U.S., Colonel Sievers utilized her war experience to help guide the Department of Defense intelligence, surveillance and reconnaissance enterprise as the Collection Requirements Division Chief at the Joint Functional Component Command for Intelligence, Surveillance and Reconnaissance. This would be her final assignment as both she and her husband have chosen to retire from active duty.

I am proud to represent Colonel Sievers in the U.S. Congress. She has forged many new paths within both the intelligence career field and the Air Force, and has led thousands of men and women in both peace and war. Our nation is safer because of her dedication. Colonel Sievers is a unique leader, inspiring those around her to perform at the very highest levels in pursuit of mission accomplishment, yet at the same time possessing the compassion to ensure that those in her charge—and their families—are cared for properly. Madam Speaker, I ask that my colleagues join me in recognizing and thanking Colonel Sievers for her exemplary service, leadership, dedication, and sacrifice to our nation.

### INTRODUCTION OF THE RECIPROCAL MARKET ACCESS ACT OF 2009

### HON. LOUISE MCINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Ms. SLAUGHTER. Madam Speaker, I rise today to introduce the Reciprocal Market Access Act. In the wake of the biggest economic crisis since the Great Depression, our country faces a difficult road towards recovery. As part of this effort, it is critical that we ensure that our trade policy is working as it should: to generate new opportunities for our businesses, strengthen American manufacturing capabilities, and reduce the unemployment rate that has risen to the highest level in decades.

American manufacturers of products ranging from optical fiber to autos and agriculture face continual problems with access to overseas markets. Our own trade negotiators do little to prevent this from happening, as it is often standard for trade agreements to open our markets fully to foreign competitors, yet we gain little market access in return.

We must provide our negotiators with unequivocal guidelines so that they do not relinquish our domestic trade protections without gaining meaningful market access for American manufacturers in exchange. Unless other governments play by the rules and remove barriers to our exports, the U.S. should not acquiesce to their demands by further opening our market—which is already the most open

market in the global economy. Unilateral disarmament in the face of foreign protectionist practices is unacceptable, and we must ensure that our trade negotiators do not undermine our industries and our workers.

The Reciprocal Market Access Act would instruct our trade negotiators to eliminate foreign market barriers before reducing U.S. tariffs. This bill would also provide enforcement authority to reinstate the tariff if the foreign government does not honor its commitment to remove its barriers.

This legislation also addresses a serious problem in the current trade negotiating process. Tariff and non-tariff sectoral barriers are compartmentalized, meaning that a tariff item can be reduced or eliminated by our negotiators without securing elimination of the non-tariff barriers that deny U.S. industry access to a foreign market. This legislation would give our government the right to revoke concessions to cut tariffs if our trading partners fail to implement negotiated commitments to eliminate barriers that had initially been identified by U.S. domestic producers for our negotiators.

The principle of reciprocity—the principle on which this legislation is built—is not new. In fact it is a principle that should be essential to any effective trade relationship. Cordell Hull, Democrat from Tennessee and Roosevelt's Secretary of State in 1933, was responsible for bringing this concept into the U.S. and global trade systems with the Reciprocal Trade Agreement Act of 1934. It was this act which formed the basis for the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO). Mr. Hull developed the Act to move away from the negative consequences of the Smoot-Hawley Tariff Act, which raised U.S. tariffs on thousands of imports to record levels. Smoot-Hawley established the United States as protectionist, and provoked a rash of retaliatory measures from our trading partners.

It is no longer the United States that is shutting its markets to foreign competitors. We have the most open market in the world, and continue to find ways to lower tariffs and eliminate market barriers. Yet this policy is often not reciprocated, as American manufacturers find significant barriers to foreign markets while they watch their own domestic market share dwindle. The result is quality American companies are forced to downsize or close their doors for good, and American workers are left jobless.

That is not free trade. Free trade involves a system where American companies are able to compete in markets uninhibited by barriers. It involves a level playing field for American companies and our trading partners. And I have no doubt that if given a level playing field, American companies and American workers can compete in any market.

The Reciprocal Market Access Act will mandate that at the very least any trade agreement does not put American companies and workers at a competitive disadvantage. It establishes what should be the standard for all trade agreements: a mutually beneficial trade relationship in which goods can be freely exchanged and that promotes economic growth.

## IN RECOGNITION OF THE PASSING OF CYRUS BLACKMAN

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Cyrus Blackman, a World War II hero and a Northwest Florida community leader who passed away on October 7, 2009. Mr. Blackman spent his life serving his country and his family, and I am proud to honor his lifetime of dedication and service.

Cy Blackman was a native and lifelong resident of Milton, Florida. He joined the United States Army at a young age during World War II, and went on to serve with the 563rd Anti-Aircraft Automatic Weapons Battalion operating trucks to move personnel, equipment, and supplies under extremely hazardous combat conditions. A veteran of combat in much of Central Europe, Cy fought honorably in the Battle of the Bulge and the Battle of the Rhine, receiving the World War II Victory Medal, the American Service Medal, and the European African Middle Eastern Service Medal with three Bronze Stars.

After demobilization at the end of the war, Cy returned to Northwest Florida. He worked at International Paper, where he retired. Despite his service in World War II, for 60 years Cy never spoke of his time in the Army and never requested Veterans Administration benefits. However in 2008, Cy participated in the Emerald Coast Honor Flight, an experience that changed his life. After visiting the National World War II Memorial, he began to open up about his experiences in the war, and later even served as a spokesman for the Honor Flight organization, connecting the community with our veterans.

Madam Speaker, on behalf of the United States Congress, I am privileged to honor Cy Blackman as an American hero reflective of the spirit of Northwest Florida. Cy will be remembered as a loving husband and father and as an important part of our community. My wife Vicki and I offer our prayers for his wife, Polly, children, Christopher and Lecia, grandchildren, and great-grandchildren as we remember and honor the life of Cy Blackman.

HONORING DONNA P. JERNIGAN,  
BSN, RN, CRRN, MS

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. ETHERIDGE. Madam Speaker, I rise today to honor Donna P. Jernigan of Carolina Case Management and president of the Association of Rehabilitation Nurses (ARN) and a resident of Sanford, North Carolina in my district. Ms. Jernigan will soon complete her year as the 2008–2009 national president of the ARN, a professional organization representing professional nurses who work to enhance the quality of life for those who are affected by physical disabilities or chronic illnesses. During her tenure as president at ARN, Ms.

Jernigan has been a strong leader and advocate for rehabilitation nurses, as well as the patients ARN serves every day.

Since 1974, ARN has been the leading source for the latest rehabilitation information, resources, and professional development and career opportunities for rehabilitation nursing professionals. ARN members are nurses, with a broad range of clinical experience, dedicated to helping individuals affected by chronic illness or a physical disability adapt to their disabilities, achieve their greatest potential, and work toward productive, independent lives. Presently, ARN comprises a nationwide network of more than 5,500 rehabilitation nurses who practice in many settings, including hospitals, rehabilitation facilities, home health agencies, sub-acute and long-term care facilities, and private companies.

Ms. Jernigan earned her Bachelor of Science degree in Nursing from the California State University and her Master of Science degree in Management, with a concentration in Healthcare Planning, from Troy University. In addition to Ms. Jernigan's academic achievements, she is the author of "Bureaucrats at the Gate," and article published in ARN Network in 2003. She has also given presentations numerous times on topics relating to electronic medical records, surviving the nursing shortage, uniform data systems, and using algorithms in rehabilitation.

Madam Speaker, I urge my colleagues to join me today in recognizing the outgoing president of the Association of Rehabilitation Nurses, Donna P. Jernigan, for her dedication and exemplary work in the field of rehabilitation nursing.

A TRIBUTE TO LIEUTENANT  
GENERAL TERRY L. GABRESKI

**HON. MICHAEL R. TURNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. TURNER. Madam Speaker, United States Air Force Lieutenant General Terry Gabreski, the highest-ranking female officer in the Air Force, is retiring after 35 years of distinguished and honorable service to our nation.

General Gabreski distinguished herself as Vice Commander of the U.S. Air Force Material Command at Wright-Patterson Air Force Base, located in my congressional district, from August, 2005 through January, 2010. During her leadership, she catapulted the Air Force Material Command into one of the most highly efficient and productive organizations within the Department of Defense.

General Gabreski executed over 40 percent of the entire U.S. Air Force budget during her tenure and oversaw the full operational capability of the F-22A.

General Gabreski supported the warfighter, ensuring our forward-deployed operations have the resources they need. She also oversaw the development and deployment of AngelFire persistent surveillance and the reconnaissance program, which was lauded by the U.S. Marine Corps as "war-winning technology." She is also responsible for the Aeronautical System Center's Large Aircraft Infra-red Countermeasures (LAIRCM) program,

which was established in response to the portable anti-aircraft missile threat to intra-theater airlift.

General Gabreski worked to effectively make sure the Air Force lived within its budget. She radically simplified and streamlined the Air Force sustainment funding system through the development and implementation of Centralized Asset Management (CAM). These efforts allowed the Air Force to make decisions within constrained funding, enabling warfighters to focus on their primary missions, and established a new level of credibility in warfighter support overall.

General Gabreski was a leader and inspiration to the Dayton community. During her time at WPAFB, she participated in many events, offering advice to women in leadership roles. She is a credit to the Air Force and a source of support and inspiration to many throughout the military and the Dayton community.

As General Gabreski culminates a distinguished career of more than three decades of Air Force service, I appreciate her dedication to her country, her outstanding performance as the highest ranking female officer in the Air Force, and her significant contributions toward strengthening our military.

#### INTRODUCTION OF THE CIVIL ACCESS TO JUSTICE ACT OF 2009

**HON. ROBERT C. "BOBBY" SCOTT**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. SCOTT of Virginia. Madam Speaker, today I rise to introduce the Civil Access to Justice Act of 2009. The purpose of this legislation is to reauthorize the Legal Services Corporation, which has not been reauthorized by Congress since 1977. Legal Services Corporation was established by Congress in 1974 to provide legal assistance to low-income people in civil matters. LSC directs and supervises the federal grants to local legal service providers who give legal assistance to low-income clients.

I am particularly pleased that we are introducing this bill, not only because it helps those in need, but because of my personal experiences with the program. Over 30 years ago, I was the founding Chairman of the Board of Peninsula Legal Aid Center, Inc., so I am aware of the need for resources to make a legal services program fully operational. In this bill, we are seeking to ensure that the Corporation has the resources required to help those in need.

The bill accomplishes several goals. It increases the authorized funding level for LSC to \$750 million. This is approximately the amount, adjusted for inflation, appropriated in 1981, which was the high watermark for LSC funding. LSC is currently funded at \$390 million—which, in current dollars, is well below the amount needed to fully fund the program. Currently, more than 80 percent of individuals who need civil legal representation do not have the means to obtain it. Families who need this assistance the most make less than 125 percent of the poverty line or about \$27,500 for a family of four. Nationally, 50 per-

cent of these eligible applicants for legal assistance from federally funded programs are turned away mainly because these programs lack ample funding. Moreover, as the economy continues to decline, the number of individuals who will need legal representation will increase. We need to ensure that resources are available to provide legal services to those who cannot afford adequate representation. The \$750 million authorized in the bill should be enough to ensure a minimum level of access to legal aid in every county in the country.

Although the program has not been reauthorized in over 30 years, appropriations bills over that time have placed restrictions on the activities that attorneys in LSC programs can provide. The bill lifts most of these restrictions, including collecting attorneys' fees, permitting legal aid attorneys to bringing class-action suits, and allowing lobbying with non-federal funds. In the spirit of compromise, the bill does maintain the prohibition on abortion related litigation and incorporates some limits on whom LSC-funded programs can represent, including prisoners challenging prison conditions and people convicted of illegal drug possession in public housing eviction proceedings. The bill also provides for more effective administration of LSC.

The Government Accountability Office wrote reports highlighting issues with the governance of LSC. In an August 2007 report, GAO found "... LSC has not kept up with evolving reforms aimed at strengthening internal control over an organization's financial reporting process and systems." That same report stated that "The current board has four committees, but none are specifically targeted at providing critical audit, ethics, or compensation functions, which are important governance mechanisms commonly used in corporate governance structures. Because it has not taken advantage of opportunities to incorporate such practices, LSC's Board of Directors is at risk of not being able to fulfill its role of effective governance and oversight."

Overall, the Civil Access to Justice Act of 2009 will provide relief to those who need civil legal representation. I would like to thank Judiciary Committee Chairman CONYERS and Representatives COHEN, WATT, DELAHUNT, LINDA SÁNCHEZ and HANK JOHNSON for their hard work and dedication to this cause. I urge my colleagues to cosponsor and support this important legislation to ensure that those who need civil legal representation are able to obtain it.

#### ARMY STRYKER FORCE IN AFGHANISTAN

**HON. PATRICK J. TIBERI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. TIBERI. Madam Speaker, I rise today to submit to the RECORD the attached information concerning a constituent and a mother of a soldier that served in Afghanistan.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 8, 2009.

Hon. ROBERT M. GATES,  
Secretary of Defense,  
Washington, DC.

DEAR MR. SECRETARY: Last month I received a letter from a constituent and mother of a soldier that served in Afghanistan. She was concerned after learning that the 5th Brigade, 2nd Infantry Division (Stryker Brigade Combat Team) had not been authorized the necessary Improvised Explosive Device Detection Dogs (IEDDDs) for its mission.

After forwarding her concerns to the U.S. Department of the Army, I received a response from U.S. Army Central Command dated September 30, 2009 from Chief of Staff Colonel Stephen M. Twitty. The response stated "On August 14, 2009, the command submitted an urgent universal needs statement to their higher headquarters, United States Forces—Afghanistan for 75 IEDDDs with handlers for immediate fielding" and that the request was still pending at that time.

It is my understanding that after fifty-six days of operations since the urgent request was made by commanders in the field, the 5th Brigade has yet to receive the necessary IEDDDs. I am concerned that commanders on the ground are not receiving resources they are requesting. Please provide an explanation of the plan that is in place to ensure that our troops on the ground have the assets needed to keep Americans safe and detect IEDs.

If you have any questions, please contact my district director, Mark Bell. Thank you for your time and attention to this matter, and I look forward to your reply.

Sincerely,

PATRICK J. TIBERI,  
Representative to Congress.

Enclosures.

DEPARTMENT OF THE ARMY, THIRD  
ARMY, UNITED STATES ARMY CENTRAL,  
OFFICE OF THE ASSISTANT  
CHIEF OF STAFF, G1.

Fort McPherson, GA, September 30, 2009.

Hon. PATRICK J. TIBERI,  
Representative in Congress,  
Columbus, OH.

DEAR MR. TIBERI: Thank you for your recent letter to the Department of Defense on behalf of concerns.

The 5th Brigade, 2nd Infantry Division (Stryker Brigade Combat Team) arrived in Afghanistan in July 2009 and deployed into sector in August 2009 with all assigned mine detection equipment. The brigade is not authorized Improvised Explosive Device Detection Dogs (IEDDDs) or K9 handlers in accordance with their Headquarters, Department of the Army approved Modified Table of Organization and Equipment, dated April 16, 2009. On August 14, 2009, the command submitted an urgent universal needs statement to their higher headquarters, United States Forces—Afghanistan for 75 IEDDDs with handlers for immediate fielding. That request is still pending at this time.

This command stands ready to provide any further assistance required by your office.

Sincerely,

STEPHEN M. TWITTY,  
Colonel (P), U.S. Army, Chief of Staff.

SEPTEMBER 14, 2009.

Re Army Stryker Force In Afghanistan.

SGT MARK BELL AND JASON DOMINGUEZ IN  
PAT TIBERI'S OFFICE.

This last week, Army Stryker Force in Afghanistan was on the news. Their job is to



sweep Afghan villages for IED's. They've lost 9 people in the last month. The point made was that they do not have bomb sniffing dogs or metal detectors. I actually watched a soldier trying to visually inspect a mud wall for an IED. This isn't the first time that I've seen such reports on the news or shows about the military.

If my information is correct, then those 9 lives lost cost the military 9 million dollars. This is outrageous. 9 families lost loved ones because their unit didn't have the proper equipment. Do you think that for 9 million, the Army could send dogs for every unit? Do I need to say Da.

I wrote you about the units needing dogs quite some time ago. Apparently, no one paid attention. If you're going to send the military, then you MUST equip them with what they need. That includes dogs. I will be happy to raise the money to pay for them but I can't ship them to any unit. You can believe me when I say that I've tried. My son completed one year in Afghanistan and two in Iraq. I thank God every day for his return. Parents can purchase and ship lots of things. I can buy a bomb sniffing dog. I just can't ship the dog. And the dog needs a handler. It's not something that a unit soldier can learn on the job.

I want Stryker Force and every other unit to have two dogs with handlers. And I want it now. The military can do it. They just need the proper motivation. What will it take?

#### IN RECOGNITION OF THE CITY OF SIMI VALLEY'S 40TH BIRTHDAY

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. GALLEGLY. Madam Speaker, I rise in recognition of the City of Simi Valley's 40th birthday.

On September 20, 1969, the people who lived in the unincorporated Ventura County, California, communities of Simi Valley and Santa Susana voted 6,454 to 3,685 to incorporate. On October 10, 1969, the combined communities officially incorporated into the city of Simi Valley.

Simi Valley lies on the far eastern end of Ventura County. Ventura, the county seat, lies on the far western end. It is a long drive to obtain governmental approval, and the quest for local control is what drove incorporation.

Since incorporation, the people of the city have worked tirelessly to structure a safe, balanced, family-friendly and business-friendly community. It was done by embracing citizen involvement. Neighborhood Councils, the Youth Council and the Council on Aging were established as part of the government infrastructure, ensuring that residents of all ages have an opportunity to be heard and to be involved in government decisions at a grassroots level.

Today, Simi Valley maintains more than 20 citizen advisory boards and commissions that advise the City Council on a variety of community issues.

Obviously, in any city differences of opinion arise. But unlike in some cities, Simi Valley's elected leaders have a well-earned reputation for discussing issues vigorously and then,

once a vote is taken and the decision is made, having all sides come together behind that decision. I believe that is very much the result of empowering the community to shape the issues before they come to the City Council.

Madam Speaker, I am proud of my role in helping to shape Simi Valley. I served on the City Council as a member and appointed mayor, and as the city's first elected mayor, from 1979 to 1986. During that time, we began bringing jobs into what was then primarily a bedroom community, and there was much debate on how to accomplish that.

One of the issues that came from that debate was the creation of the city's first hillside ordinances, which we passed while I was mayor. The issue was framed by many as preservation vs. development. I was seen as being on the side of development. Then-Councilwoman Ann Rock was seen as being on the side of preservation.

Either side could have dug in their heels and accomplished nothing. Instead, working together, and with the help of many other conscientious people, Ann and I crafted an ordinance that worked for both sides. In the process, Ann and I also became dear friends. Ann has since passed away, but her handiwork can still be seen in much of Simi Valley.

Simi Valley shows the handiwork of many, many others, too. From the burgeoning farming community that incorporated in 1969, Simi Valley has grown into a balanced city of about 120,000 people with homes, schools and churches alongside upscale retail centers and clean industry. Since 1993, it has been among the top 10 safest cities in America, and topped the list several times. It is the home of the Ronald Reagan Presidential Library and Museum and the gateway to Ventura County. I am proud of the city I have called home since before it was a city.

Madam Speaker, I know my colleagues will join me wishing Simi Valley, California, a happy 40th birthday and congratulate its citizens on a job well done.

#### WATER TRANSFER FACILITATION ACT OF 2009

**HON. DENNIS A. CARDOZA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. CARDOZA. Madam Speaker, due to overwhelming response from water users in the Central Valley, I am compelled today to introduce additional letters of support for the Water Transfer Facilitation Act of 2009. The bill would grant authority to the Bureau of Reclamation to approve voluntary water transfers between sellers and buyers in the San Joaquin Valley and streamline environmental reviews for Central Valley water transfers.

The bill is supported by a great number of water users across the Central Valley, including the following: Friant Water Users Authority; San Joaquin River Exchange Contractors Authority; Delta-Mendota Canal Authority; Westlands Water District; Metropolitan Water District; Glen Colusa Irrigation District; Northern California Water Association; Banta-Carbona Irrigation District; Tehama-Colusa

Canal Authority; Association of California Water Agencies; Placer County Water Agency; Conaway Preservation Group; and Reclamation District 2035.

Thank you.

PCWA,  
*October 6, 2009.*

Hon. JIM COSTA,  
*1314 Longworth House Office Building, House of Representatives, Washington, DC.*

Re Support of Central Valley Project Water Transfer Legislation.

DEAR CONGRESSMAN COSTA: On behalf of Placer County Water Agency (PCWA), we thank you for introducing legislation authorizing and establishing a programmatic approach to promote and manage water transfers in California. We support your efforts and this legislation as a means of providing greater regulatory certainty for the management of Central Valley Project (CVP) water supplies for water users.

As you may be aware, PCWA has participated in water transfers in the past to help meet the needs of water users within the CVP and is intimately aware of the impacts diminished water deliveries cause to farmers and communities. Because of PCWA's experience with previous water transfers, we also would like an opportunity to meet you and your staff to discuss additional regulatory improvements to Reclamation law that would streamline future transfers.

Because of below average precipitation and regulatory requirements placed upon the CVP and its water users through the requirements established by the recent National Marine Fisheries Service biological opinions for endangered smelt and salmon, the impact to water users is severe. Your legislation will provide much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the State of California.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation and addressing California water issues so important to our collective future.

Sincerely,  
PLACER COUNTY WATER AGENCY,  
GRAHAM L. ALLEN,  
*Chairman, Board of Directors.*

CONAWAY PRESERVATION GROUP,  
*Woodland, CA, Oct. 2, 2009.*

Re Support for water transfer legislation:

Hon. JIM COSTA,  
*House of Representatives, Washington, DC.*

DEAR CONGRESSMAN COSTA: On behalf of the Conaway Preservation Group, LLC (CPG), thank you for introducing legislation authorizing and establishing a permanent long-term program to promote and manage water transfers in the Central Valley of California. We support your efforts and this legislation as a means of providing greater flexibility in the management of Central Valley Project (CVP) and other water supplies to help meet unmet needs critical to the future of the State of California.

As you are aware, the devastating impacts of diminished water deliveries to the CVP as a result of three years of below average precipitation have been made even greater by the various regulatory restrictions, including the requirements established by the recent federal biological opinions for endangered fish under the ESA. Your legislation will provide immediate, much needed relief in the form of a flexible and useful tool that



will allow water to be transferred from willing parties to those in need within the CVP. Further, the language in your legislation directing the Bureau of Reclamation to work with other federal agencies to develop the necessary long-term environmental documentation addressing impacts of a water transfer program on the ESA-listed Giant Garter Snake is a critical and necessary near-term next step.

CPG owns the Conaway Ranch in Yolo County. The Conaway Ranch property covers more than 17,000 acres on the west side of the Sacramento River between the cities of Davis and Woodland. Conaway Ranch has been operated for many years to meet goals of agricultural production and waterfowl/wildlife habitat. Approximately 40 percent of the Ranch is located within the Yolo Bypass and the remainder lies west of the bypass. Conaway Ranch's water rights and Bureau of Reclamation Settlement Contract are held by CPG. CPG's Settlement Contract water is a major contributor to the Conaway Ranch water supply during its annual summer operational term of April 1 through October 31.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation and addressing California water issues so important to our collective future.

Sincerely,

TOVEY GIEZENTANNER,  
President and CEO,  
Conaway Preservation Group, LLC.

RECLAMATION DISTRICT 2035,  
Woodland, CA, October 6, 2009.

Re Support for water transfer legislation.

Hon. JIM COSTA,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN COSTA: On behalf of Reclamation District 2035, thank you for introducing legislation authorizing and establishing a permanent long-term program to promote and manage water transfers in the Central Valley of California. Reclamation District 2035 (RD 2035) was formed in 1919 to provide flood control and water delivery for approximately 22,000 acres in Yolo County, California. While RD2035 does not own water rights, it is responsible for the delivery of CVP water to its agricultural customers whose crops represent the top three agricultural commodities in Yolo County.

As you are aware, the devastating impacts of diminished water deliveries to the CVP as a result of three years of below average precipitation have been made even greater by the various regulatory restrictions, including the requirements established by the recent federal biological opinions for endangered fish under the ESA. Your legislation will provide immediate, much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the CVP. Further, the language in your legislation directing the Bureau of Reclamation to work with other federal agencies to develop the necessary long-term environmental documentation addressing impacts of a water transfer program on the ESA-listed Giant Garter Snake is a critical and necessary near-term next step.

We look forward to working with you and your staff on this important legislative effort.

Sincerely,

REGINA J. CHEROVSKY,  
Chairperson.

# CONGRATULATING DANIEL J. SANTORO UPON RECEIVING THE 2008 CHENEY AWARD

## HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Ms. CASTOR of Florida. Madam Speaker, I rise today to honor CPT Daniel J. Santoro, a member of the Tampa Bay community for receiving the 2008 Cheney award for distinguished service in the United States Air Force.

Captain Santoro is a C-130E instructor pilot, assigned to the 37th Airlift Squadron, 86th Operations Group, 86th Airlift Wing, at Ramstein Air Base in Germany. Captain Santoro was born in Las Vegas, Nevada, October 1977; he attended the United States Air Force Academy in Colorado Springs, Colorado, graduating in 2000 with a Bachelor's of Science in Human Factors Engineering.

After graduation, Captain Santoro continued his pilot training at Whiting Field Naval Air Station, in my home State of Florida. His service to our country has taken him to numerous States: Oklahoma, Arkansas, and North Carolina where he constantly worked to improve his skills to keep our country safe. Often recognized for his leadership and tireless dedication, Captain Santoro was assigned to Ramstein Air Base in Germany, where he would serve bravely in Operation Enduring Freedom and Operation Iraqi Freedom, among others.

In 2008, as the Chief Tactics and Instructor Pilot, his squadron completed 29 missions and delivered 211 tons of humanitarian cargo, including food and hygiene kits, to the country of Georgia. It is because of these heroic actions that Captain Santoro is receiving the 2008 Cheney Award; which is given for an "act of valor, extreme fortitude, or self-sacrifice in a humanitarian interest, performed in connection with aircraft, but not necessarily of a military nature, by an Air Force officer or enlisted member." The award is named after Lt. William H. Cheney, who was killed in an air collision in Italy in 1918.

Madam Speaker, Captain Santoro is a true testament to the bravery and the sacrifices made by the men and women in the Armed Forces. His accomplishments are significant and an inspiration.

# CONGRATULATING ALICIA SEIDEL

## HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. REICHERT. Madam Speaker, today I rise in recognition of a brave young girl in my district, Alicia Seidel, and congratulate her for being named an honoree at the 2009 Arthritis Walk happening this Saturday in Bellevue, Washington, and for living her life so bravely while battling her disease.

Alicia, a ten-year-old fifth grader from Sammamish, Washington, was diagnosed in 2007 with juvenile rheumatoid arthritis. Immediately before and for some time following the

diagnosis, Alicia struggled to do something as simple as holding a pencil. Thankfully, the wonderful doctors, specialists and staff at Swedish Medical Center and Children's Hospital in Seattle worked to alleviate the pain Alicia was under, which allowed her to act like the vivacious girl she is. My office had the opportunity to meet Alicia and her mom, Cynthia, more than a year ago to discuss Alicia's ailment and a photo from that meeting is proudly displayed in our office; her infectious nature and sweet disposition made a lasting impact.

The Arthritis Prevention Control and Cure Act, H.R. 1210, of 2009 is legislation I'm proud to have co-sponsored. At this time, the legislation is in the House Committee on Energy and Commerce and I encourage the entire House to act on it as quickly as possible because it is an important bill. The bill would, among many other things, focus attention on juvenile arthritis research by creating a juvenile arthritis database and provide financial incentives to encourage more health professionals to enter the field of pediatric rheumatology. Additionally, I will continue to work on behalf of young people like Alicia to urge Congress to make a long-term, sustained investment in medical research through the National Institutes of Health because it represents our greatest hope for finding cures and treatments for debilitating conditions like arthritis and freeing Alicia and her family from the constraints of arthritis.

On behalf of the House of Representatives, I extend our sincerest congratulations to Alicia, for her courageous spirit and the inspiration provided to 300,000 other young people struggling with this disease today, and our best wishes in the 2009 Arthritis Walk.

# INTRODUCTION OF THE CIVIL ACCESS TO JUSTICE ACT OF 2009

## HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. COHEN. Madam Speaker, today I am pleased to join Representative BOBBY SCOTT and Chairman JOHN CONYERS in introducing the Civil Access to Justice Act of 2009. This important legislation will expand civil legal services to low-income families and individuals.

In 1974, Congress established the Legal Services Corporation ("LSC") to operate as a private, non-profit corporation to promote equal access to justice under the law and to provide grants for high-quality civil legal assistance to low-income persons. LSC distributes more than 95 percent of its total funding to 137 independent nonprofit legal aid programs to represent low-income individuals and families in every congressional district. Programs receiving LSC grants help the most vulnerable, such as families facing unlawful evictions or foreclosures, displaced persons attempting to obtain federal emergency assistance, and women seeking protection from abuse. In fact, many programs have been besieged recently with requests for foreclosure assistance because of the subprime mortgage crisis.

The current economic downturn will likely lead to more families and individuals needing

legal assistance. According to a recently released study commissioned by LSC's Board of Directors, Documenting the Justice Gap in America, many recipient programs of LSC funds must turn away half of all individuals who qualify and seek their assistance because of the lack of resources. Unfortunately, state, local, and private funding and pro bono support have been unable to help close the access to justice gap. The underfunding may result in a potential catastrophe for millions of low-income families and individuals throughout the country who need, but are unable to obtain, legal assistance in matters relating to their housing, employment, and access to health care. Currently, LSC is funded at \$390,000,000, which is insufficient to provide legal representation to all of the impoverished in need of legal assistance. This legislation authorizes an increase in funding for LSC of \$750,000,000, which represents an inflation-adjusted funding level from fiscal year 1981. This funding will help close the justice gap and provide civil legal assistance to all potential eligible clients.

Additionally, the Civil Access to Justice Act eliminates certain restrictions that have significantly limited the ability of legal aid attorneys to represent all low-income families and individuals. First, the bill would remove many restrictions on the use of state, local, and private money by LSC-funded programs. Second, it would eliminate restrictions on the ability of LSC-funded attorneys to represent clients in class action cases. Also, the bill would provide programs the opportunity to seek court-ordered attorneys' fees, which they are currently prohibited from seeking.

Finally, this legislation codifies recent recommendations from the Government Accountability Office to improve LSC governance and accountability. These recommendations should lead to better management and oversight of LSC-funded programs.

I urge my colleagues to join me, Mr. SCOTT, Chairman CONYERS, and others, and cosponsor this important and timely legislation. I am optimistic that Congress can send a bill to the President for his signature so that the doors of justice will always remain open to those in need.

RECOGNIZING LIEUTENANT DANIEL CHOI FOR HIS SERVICE TO THE UNITED STATES OF AMERICA AND OUTSTANDING CONTRIBUTIONS TO THE LESBIAN, GAY, BISEXUAL, AND TRANSGENDER EQUALITY MOVEMENT

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize LT Daniel Choi for his service to the United States of America and outstanding contributions to the Lesbian, Gay, Bisexual, and Transgender, LGBT, equality movement as an Army officer, Iraq War veteran, and now civil rights activist. In clear defiance of "Don't Ask, Don't Tell," the unjust law

that prohibits LGBT service members from serving openly and honestly in the military, Lieutenant Choi courageously spoke three words on national television—"I am gay." In doing so, he knew that he was risking his military career, but was firm in the belief that he had chosen the harder right over the easier wrong. Lieutenant Choi was ultimately discharged, but has since devoted his life to activism in the hope that, one day soon, Don't Ask, Don't Tell will be repealed.

Lieutenant Choi's story is one of excellence and leadership. He was born in February 1981 in Orange County, California and attended Tustin High School, where he was student body president, participated in the American Legion Boys State program, and was involved in various extracurricular activities ranging from Christian Club and Model United Nations to varsity swimming and marching band. It comes as no surprise that Lieutenant Choi was admitted to the prestigious U.S. Military Academy at West Point, where he continued to excel and learn the values that gave him purpose as an officer in the Army and activist for LGBT rights. It was at West Point that Lieutenant Choi first recited the Cadet Honor Code: "A cadet will not lie, cheat, steal, or tolerate those who do."

In 2003, Lieutenant Choi became one of only eight graduates in his class to earn a degree in Arabic Language, in addition to Environmental Engineering. During his 10 years of honorable service to this nation, Lieutenant Choi served as an Infantry Officer. Specifically, he was a Platoon Leader, Company Executive Officer, Battalion and Brigade Staff Officer, Iraqi Arabic language instructor, and civil-military and reconstruction engineer in the 10th Mountain Division at Fort Drum, New York. For 15 months from 2006 to 2007, Lieutenant Choi saw duty as an Infantry Platoon Leader and Arabic linguist in South Baghdad, Iraq, providing an invaluable service to his fellow soldiers and the United States' mission by communicating quickly and clearly with the Iraqi people. In 2008, Lieutenant Choi became an Infantry Platoon Leader in the Army National Guard's 1st Battalion, 69th Infantry in Manhattan, New York.

While an officer with the Army National Guard, Lieutenant Choi co-founded KNIGHTS OUT: Lesbian, Gay, Bisexual, and Transgender West Point Graduates, an organization of West Point alumni, staff, and faculty who are united in supporting the rights of LGBT soldiers to openly serve their country. On March 19, 2009, Lieutenant Choi appeared on MSNBC's The Rachel Maddow Show to discuss the military's Don't Ask, Don't Tell policy. In a surprising announcement, Lieutenant Choi revealed that he was gay. Fully aware of the consequences, he refused to lie about who he is and accept a policy that compromises the integrity of the U.S. military and its service members. Despite testimony from his commanding officer, members of his unit, and fellow soldiers who served in Iraq, as well as 260,000 letters and signatures of support, a panel of New York National Guard officers recommended that Lieutenant Choi be discharged on June 30, 2009.

Guided by the same values he learned at West Point and in the Army, Lieutenant Choi now advocates for the repeal of Don't Ask,

Don't Tell and the reversal of Proposition 8 in California, an amendment to the state constitution that recognizes marriage as between only one man and one woman. He continues to raise public and political awareness of issues that affect LGBT service members and the LGBT community as a whole.

Madam Speaker, the West Point Cadet Prayer teaches cadets ". . . never to be content with a half-truth when the whole can be won." Don't Ask, Don't Tell is a no-truth policy and must be repealed. I am honored and humbled by Lieutenant Choi's selfless example and, although he is no longer in uniform, he continues to fight for the freedom of all Americans to be the best they can be, gay or straight.

PROVIDING FOR A TRANSITION PERIOD FOR THE GUAM-CNMI VISA WAIVER PROGRAM

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Ms. BORDALLO. Madam Speaker, today I introduced legislation to amend the Consolidated Natural Resources Act of 2008 (CNRA), Public Law 110-229, for the purpose of providing for a transition period for the implementation of the new Guam-CNMI Visa Waiver Program. Section 702 of the CNRA extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI). It also provides for a visa waiver program for travel to Guam and the CNMI consistent with the new arrangements for control of immigration in the CNMI and that would be based on and succeed the highly successful Guam-only visa waiver program, which was authorized by the Omnibus Territories Act of 1986.

The Department of Homeland Security will commence control of six ports of entry in the CNMI on November 28, 2009, in accordance with the CNRA. The bill I have introduced today would make a technical correction to the CNRA, by delaying for one year the start of the authorized joint Guam-CNMI Visa Waiver Program. Its effect would be to allow for federal control of immigration to commence in the CNMI on November 28, 2009, but also for the existing CNMI visitor entry program under CNMI law to continue but be controlled and administered by U.S. Customs and Border Protection (CBP) under the Department of Homeland Security. The current approved countries under the Guam-only visa waiver program and the CNMI visitor entry program would be maintained, respectively for each territory, for an additional year. Such a continuation of the visitor entry rules for both of these territories would afford the Department of Homeland Security additional time to devise rules and allocate the resources necessary in both the CNMI and Guam for the successful operation and administration of the new Guam-CNMI Visa Waiver Program consistent with Congressional intent. The additional time will also provide for an orderly transition to occur in both territories.

Most importantly, this bill would allow the Department of Homeland Security to focus its

resources initially on the standing-up and control of six ports of entry in the CNMI and also protect the economic interests of the CNMI with the continuation of its visitor entry program. The CNMI economy is heavily reliant on tourism and its visitor sector is accustomed to operating under the territory's visitor entry program.

The bill also authorizes a study to be conducted by the Secretary of the Interior, analyzing the economic situation and forecast for the CNMI. This report will be provided to the committees with jurisdiction, the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, within 30 days of enactment. This report will help the Committees exercise oversight of the implementation of the CNRA and the transition by the Department of Homeland Security to the new joint, Guam-CNMI Visa Waiver Program.

I look forward to working with my colleagues as this bill moves forward in the legislative process.

IN HONOR OF DR. DANIEL SIMMONS AND THE MOUNT ZION BAPTIST CHURCH

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. BISHOP of Georgia. Madam Speaker, I rise today to pay tribute to Dr. Daniel Simmons and the Mount Zion Baptist Church of Albany, GA. On Sunday, October 11, the Mount Zion Baptist Church will jointly celebrate Dr. Simmons' 18th year as the Senior Pastor and the church's 144th anniversary. I have known Pastor Simmons for many years and feel honored to call him my pastor, a friend, a teacher, and an inspiration. Likewise, I have been a member of Mount Zion Baptist Church for 13 years and have found it to be a Christian fellowship of love in action through service to mankind.

Dr. Simmons is a great many things to a great many people. Since I joined Mount Zion in 1996, I have come to know him as a man of character, an humanitarian, a bridge builder, a shepherd, and a leader. Above all, "Pastor Simmons," as he is known, through his own humble and morally strong existence, helps us, as followers of the Word, to strive toward the Spiritual fulfillment graciously offered to us by our Lord and Savior Jesus Christ.

As the Word says in Proverbs 3:5, "Trust in the Lord with all your heart and lean not on your own understanding." Pastor Simmons has truly lived by this principle. Since his arrival at Mount Zion in 1991, he has sought to implement the church's mission to be a "vibrant church that reaches the world for Christ through evangelism, discipleship, fellowship, and missions."

Under his leadership, the church has grown to 2,700 members and counting. Financial stewardship has increased substantially. In July of 2008, the church broke ground on a new 67,000 square foot facility to provide the space necessary to continue building upon Pastor Simmons' vision and the church's mis-

sion. With all this growth and expansion, it is abundantly clear that God is doing great work at Mount Zion Baptist Church through the ministry of Pastor Simmons.

With ordained leadership and divine grace, Pastor Simmons has built a church that delivers God's message and works daily to implement God's vision. Pastor Simmons personifies the love of God through his teaching and his way of life. I thank him for his years of service to his parishioners, the Albany community, Georgia's Second Congressional District, and the Nation. Moreover, I wish him many more fruitful years to come.

I also recognize and celebrate the body of Christ which is the Mount Zion Baptist Church on the occasion of its 144th anniversary. May it forever utilize the blessings of great leadership and bountiful resources with which it has been provided to the Glory of Almighty God.

A TRIBUTE TO THE HONORABLE  
PAUL BURGESS FAY, JR.

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Ms. ESHOO. Madam Speaker, I rise today to honor the extraordinary life and work of a distinguished American, a friend and an American hero, Paul Burgess "Red" Fay Jr., who passed away on September 23, 2009, at the age of 91. He leaves his beloved wife, Anita, to whom he was married for 62 years; his children Paul Fay III, Katherine Fay and Sally Fay Cottingham; and seven grandchildren.

Mr. Fay, a fourth-generation San Franciscan, was born in San Francisco in 1918 to a distinguished family. His father, Paul B. Fay Sr., was President of the Fay Improvement Company, a paving contracting firm founded in 1875, and gave young Paul the nickname "Red" as a child, which his friends called him for the rest of his life. He graduated from Stanford University in 1941 with a Bachelor's Degree in Economics and he enlisted in the Navy shortly after the Japanese attack on Pearl Harbor brought the United States into World War II.

It was during his service in the Navy that Mr. Fay met and became friends with President John F. Kennedy. In 1942, after attending Officer Training School, Mr. Fay was assigned to PT boat training in Melville, Rhode Island, where the future President was his instructor. They met during a touch football game. They were later assigned to the same base in the South Pacific and became friends after both of their boats were damaged. President Kennedy's PT-109 was attacked in an event that made him a war hero, and Mr. Fay's boat was struck by a torpedo, after which he was awarded a Bronze Star. While their ships were temporarily out of action, they roomed together in a small Quonset hut and became fast and lasting friends.

After the war, Mr. Fay returned to San Francisco and joined the family business. In 1947, he married the love of his life, Anita Marquez of Mill Valley. He remained close with John F. Kennedy and became a political supporter and a trusted adviser in his inner circle, working on

his election campaigns for the House of Representatives, Senate, and the Presidency. When John Kennedy was elected President in 1960, he appointed Mr. Fay Under Secretary of the Navy, an office he held until January 1965.

After leaving Washington, Mr. Fay returned to the Bay Area and the family business, which he sold and later resurrected as a financial consulting and business ventures firm. He wrote a best-selling book, "The Pleasure of His Company," a memoir of his close friendship with the late President Kennedy. He became a founding partner of William Hutchinson & Co., an investment research and brokerage firm, and he was for many years a director of First American Financial and Vestaur Securities. He retired from business in 2005.

Among Mr. Fay's many social and charitable activities was his work with Youth Tennis Advantage, a Bay Area organization that helps teach tennis to at-risk youth. He also contributed his time to such charitable causes as the Robert Odell Foundation, the Robert F. Kennedy Foundation, and the American Ireland Fund, whose San Francisco Chapter named him "Man of the Year" in 1995. He was a trustee of the Naval War College Foundation and of Mount St. Joseph-St. Elizabeth of San Francisco, and he was a member of the Pacific Union Club, Bohemian Club, Burlingame Country Club, Chevy Chase Club, California Tennis Club and the Vintage in Indian Wells, California.

Mr. Fay was an extraordinary host, an accomplished master of ceremonies and indefatigable organizer of everything from charities to family touch-football games. An accomplished athlete, he played baseball at Stanford and enjoyed tennis and golf well into his eighties. He was a central figure in Bay Area society whose warmth and charm never failed to draw others to him, and he had hundreds of friends from all walks of life. He was a man of great integrity and everyone who knew him came away a better person.

Madam Speaker, I ask the entire House of Representatives to join me in honoring a national treasure and an extraordinary American, Paul Burgess "Red" Fay, and in extending my deepest sympathy to his entire family during this difficult time. He represented the best of America and his decades of contributions to his family and friends, his community and his country stand as lasting legacies of a life lived exceedingly well. How privileged I am to have known him, to represent him and to have had him as my friend. He loved his community and his country and he served both with distinction, making our Nation a better place for generations to come.

HONORING THE DANVILLE-ALAMO  
BRANCH OF THE AMERICAN ASSOCIATION  
OF UNIVERSITY  
WOMEN ON ITS FORTIETH ANNIVERSARY

**HON. JERRY MCNERNEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. MCNERNEY. Madam Speaker, I am honored to congratulate the Danville-Alamo

Branch of the American Association of University Women on its 40th Anniversary. The chapter has a proud history serving the community by supporting political, social, professional, and educational opportunities for women.

Through the chapter's work, Danville and Alamo benefit from stimulating speakers and programs, candidates' nights, and community service opportunities. The AAUW Danville-Alamo Branch has been active in local schools, enhancing educational opportunities in the arts, music, languages, science, and math. The branch also started a local Expanding Your Horizons in Science and Mathematics conference to expose middle school girls to careers in math and science. The Danville-Alamo Branch also helps girls achieve the dream of a college education through its scholarship programs.

Today, the Danville-Alamo Branch has more than 200 members. These members continue to serve the community and advance a wide range of issues that affect women and girls. I wish you a heartfelt congratulations on 40 years of changing lives and making a difference for women.

#### THE FEDERAL BUDGET DEFICIT

### HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. LANCE. Madam Speaker, the Federal budget deficit tripled to a record \$1.4 trillion for the 2009 fiscal year that ended last week, congressional analysts announced late yesterday.

According to the Congressional Budget Office this year's budget deficit is a level not witnessed since World War Two.

The deficit amounted to almost 10 percent of the nation's economy, triple the size of the shortfall for 2008.

While tax revenue fell by \$420 billion, or 17 percent, to the lowest level in more than 50 years, Federal spending rose by 18 percent.

Despite this sobering economic report, the White House and its allies in Congress continue to press ahead with health care overhaul legislation that could cost at least \$900 billion over the next decade.

How many alarm bells must be set off before Washington gets serious about tackling our ever-growing budget deficits?

#### HONORING REAR ADMIRAL WAYNE E. MEYER

### HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. MASSA. Madam Speaker, I rise today to laud the achievements, acumen, patriotism and long service to our country by RA Wayne E. Meyer, affectionately known as the "Father of AEGIS." His service to our Navy and our Nation has been continuous since his enlistment as a midshipman recruit in 1943. He is

best known as the founding project manager of the AEGIS Shipbuilding Project, which began building AEGIS cruisers in 1978. AEGIS destroyers are still being constructed today, and remain the world's most formidable multi-mission warships. The cruisers and destroyers in our fleet today are the direct result of Rear Admiral Meyer's leadership and dedication to his country.

Admiral Meyer's life began far from the sea, in Brunswick, Missouri, in 1926. His family plowed the black earth in the "gumbo" region near the Missouri River, and, like so many other American families of that era, survived the Depression only through their determination and their indomitable spirit.

When the Nation went to war in 1941, Wayne Meyer was only 15. He continued his schooling, but only days after his 17th birthday, with his parent's written permission, he enlisted in the U.S. Naval Reserve to serve his country. After graduating high school as his class president and valedictorian, the Navy called him to active duty as an apprentice seaman, and sent him to the University of Kansas' engineering school—part of President Roosevelt's "V-12" program. After an accelerated and exhausting 32 months, Wayne Meyer earned a B.S. in electrical engineering. Later that month, in February 1946, he was commissioned an ensign in the U.S. Naval Reserve, and sent to M.I.T. for further schooling in the nascent fields of radar and sonar. His schooling later included atomic weapons training, a further graduate degree in electrical engineering, a master's in aeronautics and astronautics from M.I.T., the Navy General Line School and certification as a Navy Ordnance Engineer.

His early years in the Navy were marked by extensive sea duty. He was ordered to Destroyer Radar Picket USS *Goodrich* (DDR 831), where he served as part of the occupation forces in the Mediterranean, service in the Greek civil war, and with part of the force supporting the creation of Israel in 1948. He was accepted for transfer to the regular Navy that year as well.

Meyer was next posted in Chinese waters, where his ship, the light gun cruiser *Springfield* (CL 66), was in the mouth of the Huangpu River when Chiang Kai-Shek's Nationalist forces fell to Mao's Red Army in March 1949. He returned home to serve on a number of ships on Fleet Staffs—twice deploying in the destroyer tender USS *Sierra* (AD 16). He patrolled the Distant Early Warning line (extended) off Newfoundland as Executive Officer in the Radar Picket *Strickland* (DER 333). After a return to shore for more schooling, he was ordered to the guided missile cruiser *Galveston* (CLG 3) as Fire Control Officer and subsequently Gunnery Officer for her conversion as the first Talos cruiser, where he fired more Talos missiles than any other person. By the time he finished his sea duty, he'd served on seven ships and sailed the Pacific, Atlantic, and Mediterranean.

The next phase of Admiral Meyer's career was leading critical programs and facilities in the Navy's material establishment. In 1963 Secretary of the Navy Fred Korth chose then Commander Meyer to serve in the special Navy Task Force for the Surface Guided Missile Systems, under command of RADM Eli T. Reich, USN. His work at the Terrier missile

system desk led to his appointment to lead the engineering effort to transition the entire Terrier fleet (30 ships) from analog to high speed digital systems. After turning down a destroyer command to continue this prelude to advanced weapons system design, he was appointed an Ordnance Engineering Duty Officer the same year he was selected for captain, 1966. He then served as the Chief Engineer at the Naval Ship Missile Systems Engineering Station, Port Hueneme, California. From this post he led the in-service engineering of the Navy's surface missile systems.

Ordered back to Washington in 1969, he became the AEGIS Weapons System Manager in the Bureau of Ordnance, the most important phase of his career. It was here that Meyer's lifetime operational and engineering experience was put to the test. It would also require him to exercise what many know to be his unparalleled genius—organization and communication.

Meyer's first major challenge was to make AEGIS work. That is—develop and test a new area air defense system to protect the fleet from aircraft and cruise missile attack. By virtue of his "double-hat" as the Director of Surface Missile Systems in NAVSEA, he was also charged with keeping the existing fleet of Terrier and Tartar ships capable against ever more sophisticated Soviet threats. Those who worked for Meyer in those early days knew him as untiring, relentless, and driven towards success. They also knew him to be the consummate engineer—demanding back-ups for risky technologies and redundancy to ensure his system would work under even the most demanding conditions. After a number of land-based tests, the AEGIS Weapon System prototype was installed in the USS *Norton Sound* in 1974 for at-sea testing. Two more years of development and testing, following Meyer's mantra, "build-a-little, test-a-little, learn a lot" led to "Super Sunday" in 1977, when AEGIS detected, tracked and engaged two targets simultaneously.

With such a powerful new weapon system in development, the Navy understood that it could be used for more than just air engagements, and in 1976 charged Meyer with developing the AEGIS Combat System. The combat system, which included the AEGIS Weapon System, would allow simultaneous multi-mission engagements against surface, air, and submarine targets, as well as strike capability. With his naval engineer's eye toward caution, prudent design, Meyer again demanded a stepwise approach to development, and thorough land-based testing before sending the system to sea.

With these combat and weapon systems under controlled development, Meyer's next major challenge was to "get AEGIS to Sea." Since the project began in 1969, the ship to carry AEGIS had been a hotly debated issue in the Navy, the Department of Defense, and Congress. Meyer knew that he couldn't have his engineers constantly focus as the targeted ships changed each year, and thus instituted "Superset." The "Superset" combat system would be the largest aggregation of capability under consideration for a single ship. If a less capable version were eventually authorized by Congress, "down-designing" would be easier than inserting new combat system features.

When our democracy finished its great debate on the first ship to carry AEGIS, a highly modified version of the USS *Spruance* hull was the result. Christened by Nancy Reagan in 1981, and commissioned in 1983, the cruiser USS *Ticonderoga* was built on time, and slightly under budget. It was on the battle line in Lebanon only 9 months after its commission.

Today, when our country seems to have difficulties building ships, we should remember that we have had great patriots like Admiral Meyer, who could lead the most complex of endeavors—and bring them in on cost and on schedule.

But one ship does not a fleet make. Promoted to rear admiral in 1975, Meyer's third major challenge was to "rebuild the Surface Navy"—transitioning from a Terrier and Tartar cruiser and destroyer fleet to an AEGIS cruiser and destroyer fleet. Meyer knew it would be a long process, and would require schoolhouses, shore-based logistics, facilities for computer program maintenance, training, in-service engineering, and a host of other facilities and people to keep the new fleet ready. With his partner in the Chief of Naval Operations' Office, Vice Admiral James H. Doyle, Jr., he set out to build this supporting infrastructure, which keeps the fleet ready today. With 27 cruisers and 62 destroyers built or under construction, and more in planning, Admiral Meyer's vision of rebuilding the surface Navy is now complete.

After retiring in 1985, Admiral Meyer's restless zeal has kept him thoroughly involved in our Nation's defense. He has chaired numerous Navy Advisory Boards, the Ballistic Missile Defense Advisory Committee, and remains a valuable counselor to those in our Navy as the "Father of AEGIS."

He has watched with special pride as his AEGIS fleet has been transformed into a critical arm of our Nation's ballistic missile defense system. With his guidance and mentorship, the process has again been, "build-a-little, test-a-little, learn a lot," with a record of success unparalleled among the missile defense programs.

His accomplishments and contributions to the defense of our Nation have been so numerous and far-reaching that the Secretary of the Navy named an AEGIS destroyer, DDG 108, the USS *Wayne E. Meyer*. She is to commission this October, an event that will no doubt be attended by thousands who have taken part in the "AEGIS movement." In advance of that monumental event, I would like

to thank Admiral Meyer for his more than 65 years of service to our Nation. I stand in awe of his achievements, his systems, his fleet, and his commitment to the excellence of our Navy.

#### H. CON. RES. 51, RECOGNIZING THE 50TH ANNIVERSARY OF THE ANTARCTIC TREATY

**HON. PATRICK J. TIBERI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. TIBERI. Madam Speaker, I rise today to express my support for H. Con. Res. 51, Recognizing the 50th Anniversary of the Antarctic Treaty.

This resolution recognizes that the Antarctic Treaty has ensured Antarctica's peaceful use and the continuance of international harmony for the past half century. Also, it encourages international and interdisciplinary collaboration in the Antarctic Treaty Summit.

The Antarctic Treaty was signed by the United States and eleven other nations in Washington, D.C. on December 1, 1959. Over the past five decades, the Antarctic Treaty has succeeded as a firm foundation for ongoing international cooperation. It has grown to include 47 nations, representing nearly two-thirds of the world's population.

The Antarctic Treaty was established to continue and develop international "cooperation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year."

November 30th through December 3, 2009, on the 50th anniversary of its signing, the Antarctic Treaty Summit will convene in Washington, D.C. at the Smithsonian Institution. The summit will be an international and interdisciplinary meeting that will offer a unique venue for scientists, legislators, administrators, lawyers, historians, educators, executives and others to explore the scientific and policy achievements of the Antarctic Treaty System and its global precedents in international governance.

This resolution also encourages international and interdisciplinary collaboration in the Antarctic Treaty Summit to identify lessons from 50 years of international cooperation under the Antarctic Treaty that have legacy value for humankind.

I would especially like to recognize my constituent, Dr. Paul A. Berkman. Professor Berkman was awarded a Fulbright Distinguished Scholarship at the University of Cambridge to plan the Antarctic Treaty Summit: Science-Policy Interactions in International Governance. Dr. Berkman now serves as Chair of the international board for this interdisciplinary project. I am thankful for his dedication, passion, and enthusiasm for the Antarctic Treaty and the Antarctic Treaty Summit.

I hope that my colleagues will join me in recognizing the important contributions and peaceful international cooperation the Antarctic Treaty has encouraged for the past half century by passing H. Con. Res. 51. A truly bipartisan measure will both capture and accurately honor the spirit of the Antarctic Treaty.

#### IN RECOGNITION OF THE PASSING OF W.L. SMITH

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. W.L. "Junior," Smith, a World War II veteran and a community leader who passed away on October 5, 2009. Mr. Smith spent his life serving his country, his community, and his family, and I am proud to honor his dedication and service.

Junior Smith was born on November 7, 1921 in Weedowee, Alabama and was a lifelong resident of Jay, Florida. He served honorably in World War II before opening Smith Tractor Company in Jay. In addition, Junior was an active member of the community. He was a member of the Jay United Methodist Church, as well as the Masonic Lodge. Junior will be sorely missed by his wife of 59 years, Louise, his children, Connie, Donna, Ricky, and Scotty, his 10 grandchildren, his great-grandchild, and his entire extended family.

Madam Speaker, on behalf of the United States Congress, I am privileged to honor W.L. "Junior" Smith as a World War II hero and Northwest Florida leader. Junior will be remembered as a loving husband and father and as an important part of our community. My wife Vicki and I offer our prayers for his family as we remember and honor the life of W.L. Smith.

**SENATE—Friday, October 9, 2009**

The Senate met at 10 and 11 seconds a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

—

**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 9, 2009.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

—

**ADJOURNMENT UNTIL TUESDAY,  
OCTOBER 13, 2009, AT 2 P.M.**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 2 p.m. on Tuesday, October 13, 2009.

Thereupon, the Senate, at 10 and 46 seconds a.m., adjourned until Tuesday, October 13, 2009, at 2 p.m.

## HOUSE OF REPRESENTATIVES—Friday, October 9, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GRIFFITH).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

October 9, 2009.

I hereby appoint the Honorable PARKER GRIFFITH to act as Speaker pro tempore on this day.

NANCY PELOSI,  
Speaker of the House of Representatives.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The approaching celebration of Columbus Day brings to mind an acclamation of the prophet Ezekiel:

“God sees us in our nothingness. Yet God waits for us to grow into the maturity of our calling.”

Lord, this land has been productive and this country has flourished since its discovery by Europeans. Yet we anguish over our lack of full maturity when we humbly admit our neglect or indifference, or when we are made aware of the violence among our children, the poverty of the homeless, and the hopelessness of the jobless.

As You have waited and rejoiced in our growth in the past, so now, deepen the call You have placed in the hearts of all Americans; that Your goodness may be manifested in us. And then Your calling will bring this Nation to true greatness by our love for one another—both now and forever. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 10 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until Tuesday, October 13, 2009, at 12:30 p.m., for morning-hour debate.

### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the first quarter and second quarter of 2009 pursuant to Public Law 95-384 are as follows:

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE COMMITTEE ON FOREIGN AFFAIRS, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Gary L. Ackerman .....	4/14	4/15	Cyprus .....		424.85		(3)				424.85
	4/15	4/19	India .....		1,546.86		(3)				1,546.86
	4/19	4/20	Italy .....		344.35		(3)				344.35
	5/23	5/27	Israel .....		1,928.00		(3)		419,319.84		21,247.84
	5/27	5/27	Lebanon .....		0.00		(3)		41,721.64		1,721.64
	5/27	5/28	Jordan .....		359.97		(3)		43,908.05		4,268.02
Jasmeet Ahuja .....	4/14	4/15	Cyprus .....		424.85		(3)				424.85
	4/15	4/19	India .....		1,419.31		(3)				1,419.31
	4/19	4/20	Italy .....		344.35		(3)				344.35
Douglas Anderson .....	7/1	7/5	Thailand .....		811.10		(3)				811.10
Roundtrip airfare .....							8,422.21				8,422.21
David Beraka .....	4/3	4/5	Egypt .....		634.00		(3)				634.00
	4/5	4/8	Ethiopia .....		2,233.00		(3)				2,233.00
	4/8	4/11	Cyprus .....		818.00		(3)				818.00
Paul Berkowitz .....	4/11	4/17	Ukraine .....		1,722.00						1,722.00
	4/17	4/20	Czech Republic .....		1,356.00						1,356.00
	4/20	4/21	Austria .....		574.33						574.33
Roundtrip airfare .....							9,460.28				9,460.28
Hon. Howard L. Berman .....	4/14	4/15	Cyprus .....		424.85		(3)				424.85
	4/15	4/19	India .....		1,546.86		(3)		422,225.85		23,772.71
	4/19	4/19	Pakistan .....						1,927.19		1,927.19
	4/19	4/20	Italy .....		344.35		(3)		8,690.43		9,034.78
	6/28	7/1	Russia .....		1,489.00						1,489.00
Roundtrip airfare .....							8,522.67				8,522.67
Hon. John Boozman .....	4/3	4/4	Germany .....		343.33		(3)				343.33
	4/4	4/6	Qatar .....		772.51		(3)				772.51
	4/6	4/8	Ethiopia .....		1,073.53		(3)				1,073.53
	4/8	4/9	Rwanda .....		316.00		(3)				316.00
	4/9	4/10	Ghana .....		307.00		(3)				307.00
Hon. Russ Carnahan .....	4/3	4/5	Egypt .....		634.00		(3)		43,278.00		3,912.00
	4/5	4/8	Ethiopia .....		4,134.00		(3)		6,564.57		20,698.57
	4/8	4/11	Cyprus .....		818.00		(3)				818.00
	4/9	4/9	Lebanon .....						42,318.50		2,318.50
Douglas Campbell .....	4/14	4/15	Cyprus .....		344.35		(3)				344.35
	4/15	4/19	India .....		1,419.31		(3)				1,419.31
	4/19	4/20	Italy .....		424.85		(3)				424.85
	6/28	7/1	Russia .....		1,489.00						1,489.00
Roundtrip airfare .....							7,469.80				7,469.80
Joan Condon .....	4/6	4/11	Zimbabwe .....		1,456.00						1,456.00

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE COMMITTEE ON FOREIGN AFFAIRS, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Roundtrip airfare .....							10,559.18				10,559.18
Hon. Jim Costa .....	4/16	4/19	India .....		1,134.42		5,615.63				6,750.05
	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				344.35
One-way Airfare .....							5,615.63				5,615.63
Theodros Dagne .....	4/10	4/10	France .....		291.41						291.41
	4/11	4/13	Djibouti .....		622.00						622.00
	4/13	4/14	Kenya .....		373.00						373.00
Roundtrip airfare .....							9,358.46				9,358.46
	5/26	5/29	South Africa .....		1,108.84						1,108.84
	5/29	5/31	Zimbabwe .....		926.00						926.00
Roundtrip airfare .....							8,822.72				8,822.72
Hon. Bill Delahunt .....	4/19	4/21	Colombia .....		600.00				<sup>4</sup> 4,271.00		4,271.00
Roundtrip airfare .....							2,181.00				2,181.00
	6/1	6/2	Honduras .....		539.50						539.50
Return Flight .....							1,933.20				1,933.20
	6/28	7/1	Russia .....		1,489.00						1,489.00
Roundtrip airfare .....							7,278.20				7,278.20
	6/20	6/21	Bermuda .....		703.20						703.20
Roundtrip airfare .....							1,682.45				1,682.45
Howard Diamond .....	5/23	5/27	Israel .....		1,928.00		( <sup>3</sup> )				1,928.00
	5/27	5/28	Jordan .....		359.97		( <sup>3</sup> )				359.97
Hon. Eliot L. Engel .....	4/17	4/19	Trinidad & Tobago .....		1,201.00		( <sup>3</sup> )				1,201.00
	4/19	4/20	St. Vincent & The Grenadines .....		402.00		294.81		<sup>4</sup> 7,448.93		8,145.74
	4/20	4/21	Trinidad & Tobago .....		401.59		( <sup>3</sup> )		<sup>4</sup> 28,990.04		29,391.63
	6/1	6/2	Honduras .....		539.50		( <sup>3</sup> )				539.50
Return Flight .....							2,070.00				2,070.00
	5/23	5/27	Israel .....		1,928.00		( <sup>3</sup> )				1,928.00
	5/27	5/28	Jordan .....		359.97		( <sup>3</sup> )				359.97
Hon. Keith Ellison .....	5/23	5/27	Israel .....		1,928.00		( <sup>3</sup> )				1,928.00
	5/27	5/29	Jordan .....		359.97		( <sup>3</sup> )				359.97
Hon. Eni F.H. Faleomavaega .....	4/18	4/19	Samoa .....		366.00						366.00
	4/19	4/20	Fiji .....		232.00				<sup>4</sup> 98.00		330.00
Roundtrip airfare .....							3,695.73				3,695.73
	5/29	5/30	Samoa .....		316.00						316.00
	5/30	6/2	Fiji .....		766.00						766.00
Roundtrip airfare .....							3,320.39				3,320.39
	6/27	6/29	Uzbekistan .....		568.00						568.00
	6/29	7/2	Kyrgyzstan .....		1,074.00				<sup>4</sup> 697.93		1,771.93
	7/2	7/5	Kazakhstan .....		1,140.47				<sup>4</sup> 235.98		1,376.45
Roundtrip airfare .....							11,396.86				11,396.86
Hon. Gene Green .....	6/27	6/30	Jordan .....		1,021.00						1,021.00
	6/30	7/1	Algeria .....		536.00						536.00
	7/1	7/3	Tunisia .....		526.00						526.00
Yevgeny Gurevich .....	6/28	6/30	Czech Republic .....		837.84						837.84
Roundtrip airfare .....							6,705.05				6,705.05
Jeremy Haldeman .....	4/3	4/5	Egypt .....		634.00		( <sup>3</sup> )				634.00
	4/5	4/8	Ethiopia .....		2,233.00		( <sup>3</sup> )				2,233.00
	4/8	4/11	Cyprus .....		818.00		( <sup>3</sup> )				818.00
Amr Ashour Hamza .....	4/27	5/2	Liberia .....		1,290.00						1,290.00
Roundtrip airfare .....							3,590				3,590.00
Pamela Howard-Reguindin .....	4/27	5/2	Liberia .....		1,290.00						1,290.00
Roundtrip airfare .....							3,569				3,569.00
Hon. Bob Inglis .....	4/4	4/6	Syria .....		701.00						701.00
	4/6	4/7	Israel .....		461.00						461.00
	4/8	4/10	India .....		601.30						601.30
	4/10	4/11	Morocco .....		303.99						303.99
Roundtrip airfare .....							16,100.21				16,100.21
Hon. Sheila Jackson-Lee .....	4/14	4/15	Cyprus .....		424.85		( <sup>3</sup> )				424.85
	4/15	4/19	India .....		1,523.36		( <sup>3</sup> )				1,523.36
	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				344.35
	5/23	5/27	Israel .....		1,928.00		( <sup>3</sup> )				1,928.00
	5/27	5/28	Jordan .....		359.97		( <sup>3</sup> )				359.97
Eric Jacobstein .....	4/17	4/19	Trinidad & Tobago .....		1,050.00		( <sup>3</sup> )				1,050.00
	4/19	4/20	St. Vincent & The Grenadines .....		398.00		306.31				704.31
	4/20	4/21	Trinidad & Tobago .....		401.59		( <sup>3</sup> )				401.59
	6/1	6/2	Honduras .....		359.00						359.00
Roundtrip airfare .....							1,835.70				1,835.70
Tracy Jacobson .....	6/19	6/21	Bermuda .....		1,183.40						1,183.40
Roundtrip airfare .....							791.45				791.45
Jonathan Katz .....	5/26	5/29	Azerbaijan .....		1,119.00						1,119.00
Roundtrip airfare .....							11,372.71				11,372.71
	6/28	6/30	Czech Republic .....		937.84						937.84
	7/1	7/2	Israel .....		964.00						964.00
Roundtrip airfare .....							7,661.48				7,661.48
John Kivlan .....	4/19	4/21	Colombia .....		600.00						600.00
Roundtrip airfare .....							2,248.50				2,248.50
	6/20	6/21	Bermuda .....		703.20						703.20
Roundtrip airfare .....							1,298.45				1,298.45
Jessica Lee .....	6/29	7/2	Vietnam .....		834.00						834.00
	7/2	7/5	Thailand .....		654.00				<sup>4</sup> 903.13		1,557.13
	7/5	7/6	Laos .....		164.00						164.00
Roundtrip airfare .....							12,769.61				12,769.61
John Lis .....	4/3	4/5	Egypt .....		634.00		( <sup>3</sup> )				634.00
	4/5	4/8	Ethiopia .....		2,233.00		( <sup>3</sup> )				2,233.00
	4/8	4/11	Cyprus .....		818.00		( <sup>3</sup> )				818.00
	6/30	7/2	Indonesia .....						<sup>4</sup> 1,886.21		1,886.21
	7/2	7/4	Timor-Leste .....						<sup>4</sup> 7,650.00		7,650.00
Noelle LuSane .....	4/10	4/10	France .....		291.41						291.41
	4/11	4/13	Djibouti .....		622.00						622.00
	4/13	4/14	Kenya .....		373.00						373.00
Roundtrip airfare .....							16,974.94				16,974.94
	5/26	5/26	Spain .....		195.00						195.00
	5/27	5/29	South Africa .....		736.98						736.98
	5/29	5/31	Zimbabwe .....		926.00						926.00
Roundtrip airfare .....							11,839.75				11,839.75
Hon. Connie Mack .....	4/17	4/19	Trinidad & Tobago .....		1,201.00		( <sup>3</sup> )				1,201.00
	4/19	4/20	St. Vincent & The Grenadines .....		590.55		294.81				885.36
	4/20	4/21	Trinidad & Tobago .....		401.59		( <sup>3</sup> )				401.59
Alan Makovskyy .....	5/26	5/30	Azerbaijan .....		1,119.00						1,119.00
Roundtrip airfare .....							11,402.71				11,402.71
	6/27	6/30	Yemen .....		726.00						726.00
	6/30	6/30	Jordan .....		100.00				<sup>4</sup> 61.76		161.76



(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE COMMITTEE ON FOREIGN AFFAIRS, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Roundtrip airfare	6/30	7/5	Israel		1,275.00						1,275.00
Hon. Donald A. Manzullo	6/27	6/30	Jordan		823.00		8,841.22				8,841.22
	6/30	7/1	Algeria		338.00		(3)				823.00
	7/1	7/3	Tunisia		327.00		(3)				338.00
Pearl Alice Marsh	4/8	4/9	South Africa		282.00						327.00
	4/9	4/12	Angola		1,389.00						282.00
	4/12	4/15	South Africa		1,000.00						1,389.00
	4/15	4/19	Zimbabwe		1,410.00					* 654.20	1,654.20
Roundtrip airfare							12,273.78				1,410.00
	5/26	5/29	South Africa		1,347.00						12,273.78
	5/29	6/1	Zimbabwe		926.00						1,347.00
Roundtrip airfare							11,353.84				926.00
James McCormick	4/14	4/15	Cyprus		424.85		(3)				11,353.84
	4/15	4/19	India		1,419.31		(3)				424.85
	4/19	4/20	Italy		344.35		(3)				1,419.31
Mary McVeigh	4/3	4/5	Egypt		634.00						344.35
	4/5	4/8	Ethiopia		2,233.00						634.00
	4/8	4/11	Cyprus		818.00						2,233.00
Hon. Gregory W. Meeks	4/15	4/19	Trinidad & Tobago		2,402.20		524.10				818.00
	4/19	4/20	St. Vincent & The Grenadines		398.00		306.31				2,402.20
	4/20	4/21	Trinidad & Tobago		401.59		(3)				704.31
Richard Mereu	6/28	6/30	Czech Republic		937.84						401.59
Roundtrip airfare							6,830.42				937.84
Hon. Brad Miller	6/28	7/1	Russia		1,489.00						6,830.42
Roundtrip airfare							7,469.80				1,489.00
Mark Milosch	6/2	6/3	United States		123.17		244.60				7,469.80
Hon. Donald M. Payne	4/10	4/10	France		291.41						123.17
	4/11	4/13	Djibouti		622.00					* 1,574.00	291.41
	4/13	4/14	Kenya		373.00					* 116.87	622.00
Roundtrip airfare							15,231.12				373.00
	4/17	4/19	Trinidad & Tobago		1,201.00		(3)				15,231.12
Return Airfare							1,062.30				1,201.00
	5/26	5/26	Spain		195.00					* 1,000.00	1,062.30
	5/27	5/29	South Africa		781.38					* 1,672.60	195.00
	5/29	5/31	Zimbabwe		926.00						781.38
Roundtrip airfare							11,618.75				926.00
Hon. Ted Poe	5/28	5/29	Ukraine		435.93					* 267.81	11,618.75
	5/29	5/30	Hungary		286.24						435.93
	5/30	6/1	Bulgaria		642.37						286.24
Roundtrip airfare							12,004.36				642.37
Amy Porter	4/14	4/15	Cyprus		424.85		(3)				12,004.36
	4/15	4/19	India		1,419.31		(3)				424.85
	4/19	4/20	Italy		344.35		(3)				1,419.31
Peter Quilter	4/17	4/19	Trinidad & Tobago		1,050.00		(3)				344.35
Return Airfare							883.00				1,050.00
Pearl Ricci	4/14	4/15	Cyprus		424.85		(3)				883.00
	4/15	4/19	India		1,419.31		(3)				424.85
	4/19	4/20	Italy		344.35		(3)				1,419.31
Joshua Rogin	5/8	5/11	Israel		1,383.00						344.35
Roundtrip airfare							7,168.92				1,383.00
	6/28	6/30	Czech Republic		937.84						7,168.92
	7/1	7/2	Israel		964.00						937.84
Roundtrip airfare							7,661.48				964.00
Hon. Dana Rohrabacher	4/13	4/17	Ukraine		1,148.00						7,661.48
	4/17	4/20	Czech Republic		1,398.00						1,148.00
	4/20	4/21	Austria		574.33					* 288.64	1,398.00
Roundtrip airfare							9,232.82				862.97
	6/28	7/1	Russia		1,489.00						9,232.82
					8,522.67						1,489.00
Hon. Edward R. Royce	4/14	4/15	Cyprus		424.85		(3)				8,522.67
	4/15	4/19	India		1,546.86		(3)				424.85
	4/19	4/20	Italy		344.35		(3)				1,546.86
Deanne Samuels	4/17	4/21	Trinidad & Tobago		1,853.18		(3)				344.35
Julie Schoenthaler	4/17	4/19	Trinidad & Tobago		1,050.00		(3)				1,853.18
	4/19	4/20	St. Vincent & The Grenadines		398.00		276.31				862.97
	4/20	4/21	Trinidad & Tobago		401.59		(3)				276.31
Hon. David Scott	4/15	4/16	Burkina Faso		197.14		(3)				401.59
	4/16	4/17	DRC		174.00		(3)				197.14
	4/17	4/18	Kenya		332.97		(3)				174.00
	4/18	4/20	Egypt		534.00		(3)				332.97
	4/20	4/21	Morocco		320.18		(3)				534.00
	6/28	7/1	Russia		1,489.00						320.18
Roundtrip airfare							8,308.80				1,489.00
Sherry Shapiro	6/26	6/28	Hungary		509.00		(3)				8,308.80
	6/29	6/30	Mongolia		309.00		(3)				509.00
	6/30	7/2	Indonesia		566.00		(3)				309.00
Thomas Sheehy	7/2	7/4	Timor-Leste		622.00		(3)				566.00
	4/14	4/15	Cyprus		424.85		(3)				622.00
	4/15	4/19	India		1,419.31		(3)				424.85
	4/19	4/20	Italy		344.35		(3)				1,419.31
Daniel Silverberg	6/29	7/2	Vietnam		764.00						344.35
	7/2	7/2	Cambodia		61.00						764.00
Roundtrip airfare							12,486.60				61.00
Hon. Albio Sires	6/38	7/1	Russia		1,489.00						12,486.60
Roundtrip airfare							7,304.90				1,489.00
Amanda Sloat	6/28	7/1	Russia		1,489.00						7,304.90
Roundtrip airfare							8,786.80				1,489.00
Gene Smith	4/14	4/15	Cyprus		424.85		(3)				8,786.80
	4/15	4/19	India		1,419.31		(3)				424.85
	4/19	4/20	Italy		344.35		(3)				1,419.31
Cliff Stammerman	4/17	4/19	Trinidad & Tobago		1,050.00		(3)				344.35
	4/19	4/21	Colombia		600.00						1,050.00
Roundtrip airfare							2,543.01				600.00
Jason Steinbaum	4/17	4/19	Trinidad & Tobago		1,050.00		(3)				2,543.01
	4/19	4/20	St. Vincent & The Grenadines		398.00		306.31				1,050.00
	4/20	4/21	Trinidad & Tobago		401.59		(3)				704.31
	5/31	6/1	El Salvador		237.92						401.59
	6/1	6/2	Honduras		373.64						237.92
Roundtrip airfare							2,073.70				373.64
Maureen Taft-Morales	5/8	5/11	Haiti		855.00		(3)				2,073.70
William Tuchrello	7/1	7/5	Timor-Leste		740.00						855.00
											740.00

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE COMMITTEE ON FOREIGN AFFAIRS, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Roundtrip airfare .....							361.00				361.00
Bruce Vaughn .....	6/26	6/28	Hungary .....		509.00		( <sup>3</sup> )				509.00
	6/28	6/30	Mongolia .....		309.00		( <sup>3</sup> )				309.00
	6/30	7/2	Indonesia .....		566.00		( <sup>3</sup> )				566.00
	7/2	7/4	Timor-Leste .....		622.00		( <sup>3</sup> )				622.00
Robyn Wapner .....	4/17	4/19	Trinidad & Tobago .....		1,050.00		( <sup>3</sup> )				1,050.00
Return airfare .....							653.00				653.00
Hon. Diane E. Watson .....	4/3	4/5	Egypt .....		634.00		( <sup>3</sup> )				634.00
	4/5	4/8	Ethiopia .....		4,134.00		( <sup>3</sup> )				4,134.00
	4/8	4/11	Cyprus .....		818.00		( <sup>3</sup> )				818.00
	5/26	5/31	South Africa .....		2,557.00				414,290.85		16,847.85
Roundtrip airfare .....							8,705.19				8,705.19
Lynne Weil .....	6/27	6/30	Yemen .....		372.00						372.00
	6/30	6/30	Jordan .....		100.00						100.00
	7/1	7/3	Israel .....		1,014.07						1,014.07
Roundtrip airfare .....							7,937.22				7,937.22
Clay Wellborn .....	5/8	5/11	Haiti .....		855.00		( <sup>3</sup> )				855.00
	6/26	6/28	Hungary .....		509.00		( <sup>3</sup> )				509.00
	6/29	6/30	Mongolia .....		309.00		( <sup>3</sup> )				309.00
	6/30	7/2	Indonesia .....		566.00		( <sup>3</sup> )				566.00
	7/2	7/4	Timor-Leste .....		622.00		( <sup>3</sup> )				622.00
Hon. Robert Wexler .....	5/8	5/11	Israel .....		1,383.00				48,736.32		10,119.32
Roundtrip airfare .....							7,168.92				7,168.92
	6/29	6/30	Czech Republic .....		654.92						654.92
	7/1	7/3	Israel .....		1,446.00						1,446.00
Roundtrip airfare .....							8,012.35				8,012.35
Lisa Williams .....	6/27	6/29	Uzbekistan .....		568.00						568.00
	6/29	7/5	Kazakhstan .....		2,300.24						2,300.24
Roundtrip airfare .....							10,803.73				10,803.73
Shanna Winters .....	5/25	5/25	Bahamas .....		105.00						105.00
	5/26	5/27	Argentina .....		334.00						334.00
Roundtrip airfare .....							5,080.20				5,080.20
	6/29	7/2	Vietnam .....		834.00						834.00
Roundtrip airfare .....							12,559.20				12,559.20
Nurjadi Jasir .....	6/29	6/30	Indonesia .....		587.00						587.00
	6/30	7/5	Timor-Leste .....		1,108.00						1,108.00
Roundtrip airfare .....							599.00				599.00
Matthew Zweig .....	6/27	6/30	Yemen .....		626.00						626.00
Roundtrip airfare .....							9,025.62				9,025.62
Committee total .....					180,717.67		450,681.25		150,798.34		782,197.26

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.<sup>4</sup> Indicates delegation costs.

HON. HOWARD L. BERMAN, Chairman, Sept. 30, 2009.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4064. A letter from the Administrator: Cooperative State Research, Education, and Extension Service, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Non-Formula Federal Assistance Programs-Specific Administrative Provisions for the New Era Rural Technology Competitive Grants Program (RIN: 0524-AA60) received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4065. A letter from the Administrator: Cooperative State Research, Education, and Extension Service, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Non-Formula Federal Assistance Programs — General Award Administrative Provisions and Program-Specific Administrative Provisions for the Specialty Crop Research Initiative (RIN: 0524-AA28) received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4066. A letter from the Chief, Regulatory Analysis & Development, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico [Docket No.: APHIS-2008-0124] received September 25, 2009, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4067. A letter from the Chief, Regulatory Analysis & Development, Department of Agriculture, transmitting the Department's final rule — User Fees for Agricultural Quarantine and Inspection Services [Docket No.: APHIS-2009-0048] (RIN: 0579-AC99) received September 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4068. A letter from the Chief, Regulatory Analysis & Development, Department of Agriculture, transmitting the Department's final rule — Commuted Traveltime [Docket No.: APHIS-2009-0055] received September 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4069. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Director's Directive #2 on Super Completed Contract Method received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4070. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier III — Field Directive on the Planning and Examination of IRC Section 263A issues in the Auto Dealership Industry received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4071. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — De-

termination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2009-33) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4072. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Paper All Industries Leveraged Oil and Gas Drilling Partnerships received August 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4073. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxation of fringe benefits (Rev. Rul. 2009-28) received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON  
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 3433. A bill to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that

are funded under that Act, and for other purposes (Rept. 111–296). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3537. A bill to amend and reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (Rept. 111–

297). Referred to the Committee of the Whole House on the State of the Union.

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ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3720: Mr. LATHAM.

DISCHARGE PETITIONS—  
ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 5 by Mrs. BLACKBURN on H.R. 391: Bob Goodlatte.

**EXTENSIONS OF REMARKS****RECOGNIZING NATIONAL HISPANIC  
HERITAGE MONTH****HON. BILL POSEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 2009*

Mr. POSEY. Madam Speaker, I rise today in honor of National Hispanic Heritage Month. This national day of observance is celebrated September 15 through October 15 and commemorates the anniversary of independence for 7 Latin American countries—Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua on September 15th; Mexico on the 16th; and Chile on September 18th. It is also a tribute to the many achievements of the diverse peoples of Spanish-speaking backgrounds who have come to the United States from countries throughout the Caribbean and Latin America.

In the United States, more than 35 million people identify themselves as Hispanic Americans. In Florida alone, 20 percent of the state population is of Latin American descent. In the next several years, the number of Hispanic-owned businesses in America is expected to reach 4.3 million—that's a 42 percent increase and three times faster than the national average! And according to the Latino Business Review, Central Florida is at the heart of this growth. The Florida Puerto Rican/Hispanic Chamber of Commerce was founded in 2002 with just 8 members, and now has over 312 members! And the Hispanic Business Council of the Kissimmee/Osceola Chamber has over 150 Members. These very businesses, based here in the U.S. are playing and will play an ever increasing role in expanding U.S. exports to Latin American countries—creating jobs here in America to export our goods and services in this increasingly competitive global marketplace.

I have enjoyed a long relationship with this active community and recently had the privilege of visiting with this group of talented business owners. Their leadership and support for economic development is vital to our economy.

Our communities also benefit from the strong faith and family values engrained in the Hispanic culture. These values provide the foundation upon which Hispanic Americans build their families, producing citizens that often become pillars of their communities. Also, the strong ties that Hispanic Americans maintain with their ancestral homeland remind us that the United States must pursue robust relations with its neighbors in Latin America and the Caribbean.

Let us all take a moment this month to celebrate the independence of these Latin American countries and to show our gratitude for the important contributions Hispanic Americans make in our communities.

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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**SENATE—Tuesday, October 13, 2009**

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, forever and ever our Lord, today be the Lord of our thoughts, feelings, hopes, and joys. Bless the Members of this body. Help them to walk in Your way, live in Your will, and achieve Your purposes. May their work today be a bright reflection on their commitment to Your will. Lord, make them great enough for these days. Deliver them from pride and pettiness, as You join them to those who seek to bring sense and system to a disordered world. Give them an inner calm, undisturbed by any outer commotion, and encourage them to follow your light that illumines the path ahead. Remind them that You will use everything that happens for their growth and for Your glory.

We pray in the Redeemer's Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 13, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Following leader remarks, there will be a period of morning business until 3 p.m. today with Senators permitted to speak during that time for 10 minutes each. Following morning business, the Senate will resume consideration of the Commerce-Justice-State Appropriations Act. At 5:30 today, the Senate will vote on the substitute amendment regarding cloture on the CJS appropriations bill. This afternoon the managers will continue to work on an agreement to limit amendments to the bill. If agreement is reached, we may not need to have a cloture vote. However, we will still have a vote at 5:30.

**MEASURES PLACED ON THE CALENDAR—H.R. 3548, H.R. 3590, S. 1772**

Mr. REID. Mr. President, it is my understanding there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008, to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

A bill (S. 1772) to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

Mr. REID. I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

**HEALTH CARE REFORM**

Mr. REID. Mr. President, is there anything more tragic than a preventable catastrophe? Probably not. What is more shameful than having the ability to stop a disaster and not using that power? Ancient and recent history is saturated with examples of nations standing idly by while threats escalate and storm clouds gather on the horizon. Too many times we have learned by example what not to do when we see tragedy pass before our eyes. Today is no different.

Today we face two kinds of preventable tragedies—one on a personal scale and one on a national scale. There are

preventable deaths. There are examples of preventable deaths in every city in Nevada and every State in the Union. Stories of preventable deaths fill our mail boxes and our media.

In many of these cases we can draw a direct line from an American's death to the lack of decent health care. In almost all of those cases, we can draw another direct line from their lack of decent health care to our broken health insurance system.

A startling new book by T.R. Reid called "The Healing of America" traces his travels throughout the developed world and contrasts our health care system with far more successful, affordable, and equitable health care systems in several industrialized nations. He approaches this story in a unique way. He has a bad shoulder. He had had it repaired 10 or 12 years before. It started giving him some trouble, so he started in the United States asking what to do about his shoulder.

He was told what to do in America. Then he went to France and Japan, all over the world, and was told what not to do with his shoulder. In the process of talking about his shoulder, he talks about the health care system in every one of those countries. There are some startling things.

The phrase "socialized medicine" was developed by the insurance industry when President Truman said he wanted to do health care reform. It is interesting that the kind of care they have in different parts of the world is so uniquely described in this book. For example, Germany has had government-sponsored health care since the 1880s, which I think is very interesting—I say this with some degree of sarcasm—by the great socialist Bismarck. He was about as far as one could get from a socialist, but he believed health care should be delivered in a Christian way, as he said it. That system is one that has been copied in various parts of the world to some degree or another.

It is an interesting book, and I recommend it to every Senator. It opens telling the story of a woman by the name of Nikki White who died at 32 years of age. The official medical records show that she died from complications of lupus; but if we asked her doctor, the doctor would tell everyone Nikki died from complications of our health care system. We know how to treat lupus. America is home to millions of doctors and thousands of hospitals that can help someone with lupus live a longer life. America has developed the science and the medicine and the therapies that let people with

lupus live full, active lives. But because Nikki's health insurance company refused to cover her once she got sick and because Nikki's income was too much for Medicaid but too little for her medicine's cost, she was stranded.

This story is tragic because Nikki died a preventable death in the richest Nation in the history of the world. It is even more tragic because it is not the only one of its kind, not by a long shot. All over America people are dying too soon. There are lots of others just like it.

Conditions that should be fixable are now fatal. Easily treatable diseases now become death sentences. More and more, Americans who come down with the flu or are diagnosed with diabetes or suffer a stroke are dying far earlier than modern science says they should have to die. More and more, Americans who contract skin cancer or have a hernia or experience complications during surgery are dying rather than being cured.

These diseases can strike anyone. In fact, more than half of all Americans live with at least one chronic condition, and those conditions cause 70 percent of the deaths in America. A group called the Commonwealth Fund researches ways our health insurance system can work better. It recently ranked 19 industrialized countries on how they handle preventable deaths. The United States ranked 19th—at the very bottom.

Their study also found that as many as 100,000 American lives could be saved if we admitted some health care systems work better than others and borrowed some of the best ideas that make them work. This is 100,000 lives a year. By the way, we are paying for the privilege.

Over the past 8 years of inaction the price of staying healthy in America rose to record levels. The number of Americans who can't afford insurance also rose to record levels. At least one in five Nevadans has no health insurance. Those who do have it are at great risk of losing it. If we don't act, in 10 years health care costs will more than double what they are today. The number of Nevadans who can't afford health insurance will double as well. If we don't act, more Americans will suffer needlessly.

That Americans are dying preventable deaths is one of two avoidable tragedies I said I wanted to discuss. The second is that some here in Congress are preventing solutions to that problem. We have the power to prevent this national crisis from growing. We have the power to prevent it, just like we have the power to prevent diseases from killing us too soon.

We have the ability to treat our unhealthy health care system today. Five congressional committees—three in the House and two in the Senate—have studied the data, debated the ar-

guments, and proposed ideas for what to do next. While we listen to the stories of real people with real problems, some try to divert our attention with distortions, distractions, and deception. While we strive to change a broken status quo, some defend it at all cost. While we seek common ground, some insist on opposing good ideas simply because they are proposed by people who sit on a different side of this Chamber or by a President who comes from a different political party.

As former Senate leader Bob Dole said last week:

Sometimes people fight you just to fight you.

It is inexcusable to let a preventable disease become a deadly disease. It is equally unacceptable to deny the American people the change they demand. If we don't act, we will not have the luxury of saying later, with regret: If we only knew then what we know now. We know now exactly what we need to know. We know now that deaths are preventable. The question before the Senate is, do we want to prevent those deaths? These tragedies are avoidable. The question before the Senate is, do we want to avoid these tragedies?

The broken health care system is fixable. The question before the Senate today is, do we want to fix the broken system?

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#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

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#### HEALTH CARE WEEK XIII, DAY I

Mr. McCONNELL. Mr. President, when we started the debate over health care reform, we knew what the American people wanted. First and foremost, they were telling us health care costs are too high and any effort at reform would have to focus on driving down those costs.

This meant our measure for success would be fairly simple: Would our reform proposals lead to lower premiums and lower costs or would they not? That is why an analysis of the Finance Committee bill over the weekend by PricewaterhouseCoopers should give us all pause.

The report showed that the Finance Committee proposal that is being voted on today would increase health insurance premiums dramatically. It said this bill would cause health care costs to go up—not down—for millions of Americans who currently have health insurance. This report confirms what many of us have feared: that the bills we have been debating will not reduce costs for the American people, but will actually drive costs up—an outcome

that is fundamentally opposed to the original purpose of health care reform as we all understood it at the outset of the debate.

Specifically, this report shows that premiums for a family policy will rise to about \$26,000 in the next decade under the plan proposed by Senator BAUCUS—about \$4,000 more than they would under current law.

One of the reasons for this is that new taxes on health insurance plans, pharmaceutical companies, and medical device makers will be passed on to consumers—something many of us, including the independent Congressional Budget Office, have been saying all along.

The bottom line is this: Americans were asking for step-by-step reforms, of the kind I have called for in nearly 50 floor speeches since June. The administration's failure to present such a commonsense plan is the primary reason that Americans overwhelmingly oppose its plans for health care reform.

Americans wanted lower costs and greater access. They never wanted the administration or Democrats in Congress to vastly expand the government's role in people's health care decisions, to slash Medicare, to raise taxes and health insurance premiums, as well, and to limit the health care choices Americans now enjoy.

The American people are not happy with any of these things, and they are not happy with the process they are seeing here on Capitol Hill. Americans are understandably unhappy that a handful of Senators and White House staffers are about to put the finishing touches on the Democratic proposal behind closed doors, especially after the President pledged to broadcast negotiations on C-SPAN.

The administration did not particularly like what PricewaterhouseCoopers had to say about the Finance Committee bill. It hastily dismissed this report, just as it dismissed commonsense Republican proposals and the concerns of ordinary Americans throughout this debate.

Indeed, the administration and its allies seem to view any opposing viewpoint in this debate as hostile. It is perfectly obvious why. The administration does not want to hear criticism because it does not want people to know what its proposals will actually do.

At a time of nearly 10 percent unemployment, Americans do not need higher taxes and higher health insurance premiums. Yet one thing that is perfectly clear about the administration's health care proposal is it promises higher taxes on virtually everyone in America.

Here is the breakdown: Under this legislation, if you have insurance, you are taxed; if you do not have insurance, you are taxed; if you use a medical device such as a hearing aid, you are

taxed; if you take prescription drugs, you are taxed; if you are a business owner who cannot afford to provide coverage for your employees, you are taxed. And the Joint Committee on Taxation and the CBO have both said that many of these taxes will hit the middle class hardest, at a time when unemployment stands at a 25-year high.

Add all these up and you get a bill that raises taxes, raises premiums, and leads to more government control. You can call this many things, but it is not what the vast majority of Americans would consider reform.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Illinois.

#### HEALTH CARE REFORM

Mr. DURBIN. Mr. President, I listened carefully to the Republican leader of the Senate, as I have every day, waiting for one thing: the Republican health care reform plan. We did not receive it today. We have never received it because there is no Republican approach to health care reform.

I know we have tried to engage the Republicans in this debate. We waited weeks—make that months—to bring over just three Republican Senators who would sit down and negotiate with us. In the end, they walked away. One Senator from Maine is still possibly going to vote for this. We hope she will. I hope others will join her. But it is not for lack of effort that we do not have a bipartisan approach at this moment.

What the Senator from Kentucky failed to mention when he said we have dismissed commonsense Republican proposals is when the HELP Committee—which is the Health, Education, Labor Committee—sat down to write their health care reform bill—it went on for weeks—day after weary day, amendment after amendment was considered by this committee because of the gravity of this challenge—we are literally talking about a health care system that affects every one of us—and at the end of the weeks of hearings and the hundreds of amendments offered, 150, maybe more, Republican amendments were adopted to this bill. The committee decided on a bipartisan basis to accept these Republican ideas and make them part of the final prod-

uct that was going to be voted on by the HELP Committee.

Well, wouldn't you believe, at the end of that long process—bipartisan process—with Democrats and Republicans working together, after 150 Republican amendments had been accepted, at least 1 Republican Senator would have voted for the health care reform bill reported by the committee? It did not happen. There were 150 amendments from the Republican side of the aisle, and still not 1 Republican Senator was willing to stand up for health care reform.

So when the Republican leader says, we have dismissed commonsense Republican proposals, we took 150 of them and could not get a vote out of it—not a single vote. The reality is this. The Republicans have no alternative to health care reform. They come to the floor and they quote as their sources the health care insurance industry.

For the longest time, the Senator from Texas, Mr. CORNYN, came and he would quote the so-called Lewin study. Well, it turns out that the Lewin study about the cost of health care reform had an element to it which he did not disclose: The Lewin company that did the study is owned by the largest health insurance company in America. So they quoted as their source on how much this bill would cost the critics of health care reform, the people who want to maintain the current system.

Today, the Senator from Kentucky very carefully avoided saying the obvious. This PricewaterhouseCoopers study he is talking about was commissioned by the health insurance industry. That is why they have come out with it the night before the critical vote in the Senate Finance Committee.

What did they say? They predicted if health care reform went through, health care insurance premiums would go up. Well, there are those who disagree, people with the Congressional Budget Office and others, who believe that more and more Americans with insurance—not showing up in emergency rooms for charity care, where the cost of their care is passed on to all the rest of us—is going to mean there is going to be a downward push on premium costs.

They estimate each of us with a family plan pays \$1,000 a year in premiums to take care of the charity work that is given out at our hospitals every single day. If there is less charity work, it means less money is going to be needed from all the rest of us who have health insurance, and that will help bring premiums down as more and more Americans have health insurance protection.

But what do we make of the health insurance industry telling us that premiums are going to go up? I will tell you what I think. I think it is a self-fulfilling prophecy. I think when health care reform passes—and I think it will—the health insurance compa-

nies, unless we do something about it, will raise premiums, and they will point at Congress and say: You did it. See, we told you not to change the system.

Can they make good on their promise of higher health insurance premiums? You bet they can. There is something called the McCarran-Ferguson Act. It is a law that was passed decades ago that said two industries in America were exempt from antitrust laws. The two were organized baseball and the insurance industry. What it means is, unlike other businesses making products such as cars and computers, which are prohibited by law from collusion and conspiracy in putting together the cost of their product, the insurance industry is exempt. That is right, it is the only industry, other than baseball, exempt from the antitrust laws of America.

So when the health insurance companies tell us: We are going to raise premiums, you ought to listen up, they have the power to do it. They can literally meet in the same room and decide to do it—legally in America. I think it is an outrage. I think that law should change. But the fact is, it will not change unless there is a force to change it.

What is the force that would keep the health insurance companies honest, stop them from this collusion, create real competition to protect consumers, stop them from raising premiums in a fit of pique over health care reform? It is called the public option. It says there ought to be for every American at least one not-for-profit insurance company available to sell you health insurance. You do not have to take it. You may decide you do not want any part of it because it is a public option or a not-for-profit option, but it ought to be your choice. If you have that not-for-profit option—that does not have dramatic overhead costs because they hire scores of people to say “no” when you turn in a claim, that does not have significant amounts of money they spend each year for advertising, that does not have multimillion-dollar CEO bonuses and huge health insurance policies for the people in the boardroom—we believe the costs would be lower and we believe that competition will force the health insurance companies that are exempt from antitrust laws to play it straight and give consumers across America a fighting chance.

Well, you know where the public option is today. Let me tell you who supports a public option. Two out of three Americans consistently through this debate—although they have heard both sides of the story and they have been confused by some allegations and others—two out of three have consistently said: Give us that choice, give us a choice, like Medicare, something that is not profit driven that can be a low-

cost alternative that we can consider—two out of three Americans.

But what about the health care professionals? What about the doctors across America? What do they think about a public option for health insurance? Do not take my word for it. Go to the *New England Journal of Medicine*. They surveyed 2,000 doctors across America and asked them basically: What do you think about a not-for-profit, public option health insurance plan? Doctors, professionals, medical professionals—10 percent of them said: We think we ought to have single payer like Canada; 10 percent of the doctors said that. Sixty-three percent of them said: We think it ought to be a blend of public and private so there is a public not-for-profit option available to people. What it comes down to is three out of four doctors in America, when asked, believe this is a reasonable alternative, to have a public option of some kind. So it is not a radical idea.

Who opposes the public option? The health insurance companies do because it means competition in places where they do not have it today. In most of the markets in America, private health insurance companies—just two or three of them—dominate the market. There is very little competition. And the other health insurance companies there cherry-pick healthy people to try to make money, leaving the rest of the people, obviously, paying higher premiums.

So when I hear criticism from the Republican side of the aisle of the current plan, the obvious question is: What do you offer as an alternative? Continuing this current system where the cost of health insurance premiums is going up three times faster than wages in America, where fewer businesses are offering health insurance?

I was home in Springfield, IL, over the weekend. I went to a grocery store, the County Market. There was a lady there. She was offering samples of food. I did not know her. She recognized me. She stepped away from the counter, where people were grabbing these little samples, and came up to me. She said: Please pass health care reform. I said: How does it affect you? She said: I work for the city of Springfield. We don't have very good health insurance. She said: My health care costs are such that I had to take this job on the weekends out here at the grocery store giving out samples to try to keep up with health care costs.

She said: I'm just one person, Senator, but think about me when you get back to Washington. Well, I do, and I will. And I will think about what has been said on the other side of the aisle. When they say they do not want to expand government, listen, we are not talking about the government running a health insurance plan. We are talking about a not-for-profit plan that is an option for people. But for those who

are keeping score, one out of three Americans today is covered by some kind of government health insurance—about 40 million on Medicaid, another 40 million on Medicare, tens of millions on veterans health care, and how about all the Federal employees and Members of Congress—please hold up your hands—8 million of us in a government-run health care plan. I don't see a lot of my colleagues running for the exits to get out of the Federal Employees Health Benefits Program. It is one of the best insurance programs in America. It has been for 40 years. It offers us, in my case, nine different private health insurance plans to choose from; open enrollment every year. My wife and I pick the plan best for us. Our employer, the Federal Government, pays a portion of it. If we want a bigger plan, we pay more. It is administered by the Federal Government. It has been for 40 years. It is wildly successful. I don't hear a lot of people coming to the floor criticizing that approach. It turns out to be a good one and a good model to expand, which is what we are trying to do in health care reform.

When the Republican leader comes and says health care reform is going to slash Medicare, open the book and take a look at what is really going on.

There are private health insurance companies that came to the Federal Government years ago and said: We can do Medicare better than the government. We can save the government money. So let us offer the Medicare policy as a private health insurance company and we will run rings around the government.

Well, you know what. It turned out some of these insurance companies did, and it turned out to be cheaper, but too many of them didn't. They ended up overcharging us for basic Medicare, up to 14 percent more than the cost of Medicare—a subsidy to private health insurance companies out of the Medicare system, taking money away from seniors who need it. So when the Senator from Kentucky says we are slashing Medicare, what he doesn't say is what we are going to do is eliminate that subsidy over time to these private health insurance companies that are frankly taking money out of Medicare, under false pretenses. They were supposed to save us money, and they haven't.

The Senator from Kentucky laments the fact that pharmaceutical companies are going to have to pay more and that medical device companies are going to have to pay more. Can I tell the Senator from Kentucky that most of them agreed to this? Why would they agree to take less money for health care over the next 10 years? Because they realize that if the 40 million uninsured Americans now have insurance and they are showing up at the hospitals and the doctors' offices with that insurance, more of their products,

medical devices, and pharmaceuticals will be sold and paid for. So they are willing to take a cut in their profits, realizing their consumer base is going to expand. That is the so-called slashing he is speaking about.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 3 additional minutes. I see the Senator from Georgia in the Chamber.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, let me address this notion that what we are doing happened behind closed doors, which was said by the Senator from Kentucky. I know some don't want to leave the broadcasting of the floor of the Senate, which is broadcast by C-SPAN, but one of the other channels is carrying the Senate Finance Committee. It is not behind closed doors. It is right in front of the television cameras. It is going on right now as they consider the bill they will be voting on this afternoon.

The Senator from Kentucky said the administration doesn't want the people to know what is in this bill. Before this bill is voted on, it will be up on the Internet for everyone to read, as it should be. Members of Congress will have the time and the responsibility to read it as well. That is the way it should be on something this important.

So I would say the bottom line is this: The Senator from Kentucky is critical of what we are trying to do. We have tried to engage the Republicans in achieving this goal. We haven't had many volunteers on their side of the aisle. I hope that changes. They don't have a Republican approach to health care reform. The arguments they make primarily come from health insurance companies that don't want to see change.

But Americans know we need change. We need to stabilize the system, get people security, making sure they can afford good health insurance, that the costs don't go through the roof. We have to end the abuses of health insurance companies that turn down people when they need them the most, finding deep in some application form the failure of a person to disclose they suffered from acne as a teenager, so they are going to disqualify them from health insurance coverage later in life—and I am not making this up. We know what happens when they put caps and limits on the amount they will spend in a lifetime, and then people find themselves with a catastrophic health situation, not covered by their health insurance policy. We know more than twice as many people are filing bankruptcy in America today because of medical bills, and over three-fourths of them have health insurance that isn't any good. That is the reality of staying



with the current system. The Senator from Kentucky may want to defend that. I think it is indefensible. If he wants to hear it firsthand from a real person, I suggest he go to the county market and look for the food sample lady. She will tell him what is really going on in America today as we face health care reform.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. We are.

Mr. ISAKSON. I ask unanimous consent to speak for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FIRST-TIME HOME BUYER TAX CREDIT

Mr. ISAKSON. Mr. President, I come to the floor to discuss our economy and the pending termination or sunset the first-time home buyer tax credit and the potential implications and effects it certainly is going to have on what is at best a very fragile economy today.

First, I wish to reference this morning's USA TODAY business section where it was reported that existing home sales trailed down in the month of August off of the month of July. They did note they were better than August of a year ago but still deplorably low. Of all of the sales that were made in the month of August, 30 percent were attributable to the first-time home buyer tax credit. Unfortunately, substantially all the rest were attributable to short sales or foreclosures.

I was home Friday. In my State of Georgia, we have a law that says that if you foreclose on a deed to secure debt or a mortgage, you must advertise for four successive Fridays preceding the first Tuesday in the following month in order to foreclose. So every Friday in the legal organ of every county in Georgia, there is a section for foreclosure advertisements. I hold before the Senate today all 74 pages of the Marietta Journal legal notices announcing the foreclosure on 1,157 homes in a county of 700,000 people.

Houses continue to decline in their value because the market demand is down. The foreclosures we see today are not subprime loans; they were the loans that were foreclosed on a year or a year and a half ago. When we read the addresses of these 1,157, which I won't do, they are the addresses of mainstream America and the mortgages that are being foreclosed on are what are called conventional loans that were made to people who had jobs, had income sufficient to make the payments, and had downpayments of 5, 10, or 20 percent. These are the good loans

a year ago that today are the loans being foreclosed on. In my State, 1 out of every 13 houses shows mortgage holders right now behind in their payments. Foreclosures are at record rates.

The first-time home buyer tax credit is about to expire. What does that have to do with this foreclosure problem we have and the problem of declining values of houses and shrinking equities for the American people? It has everything to do with it. We have a great demonstration project in the first-time home buyer tax credit that shows this Congress the way to continue and get a recovery in our housing market. In the time the first-time home buyer tax credit has been in effect, it is estimated that 350,000 home sales were made. That is 357,000 sales that would not have taken place.

What we need to do is look at the value of the home buyer tax credit and see whether an extension makes sense and, if it does make sense, how it should be structured. First of all, I say it makes sense because we had modest success the first time. But I think the limitation of a first-time home buyer at a maximum of \$150,000 in income actually restricts us from helping the part of the market that is represented in these foreclosure pages because these are houses of people with more than \$150,000 in income who would need to qualify. These are what are known as the move-up homes, the homes the executives and transferees from around the country sell when they leave their home county and are transferred to a job in another city or another State. We need to energize that market because the move-up market is where the problem exists.

So I would submit that when we look at the sunset date of November 30 on the first-time home buyer tax credit, we should extend it—not forever but through midyear next year, to the end of June 2010. There is a reason for that recommendation. The worst 3 months of the year in any housing market anywhere in the United States are December, January, and February because it is winter and because it is the holidays. So there is not much of a market to begin with in those 3 months. If this tax credit dies in November and then it dies the day before the declining market takes place, by the time the spring market comes back in March and April, it is too late and we will have a protracted period of even poorer sales than we have had recently. But if we pass and extend the credit through June 30 of next year, we continue to buoy the housing market around the country. If we take away the first-time home buyer limit and raise it to any home buyer who buys a home for their principal residence and resides in it for 3 years and we raise the income limitation from \$150,000 for a family to \$300,000, we stimulate the entire mar-

ketplace. That has a cost to it, a score of \$16 billion. That is a lot of money, but it is less than 3 percent of the amount of the stimulus, and we know from what has happened in the last 9 months that it works.

It is very important that we stimulate and continue the existing stimulation of the housing market. The recession that began in December of 2007 began with a collapse of housing, first because of the subprime mortgage failures, but it continues to today, a continuing collapse, and the failures aren't subprime, high-risk credits, they are mainstream America. There is a point in time when we owe it to our country, we owe it to our economy, we owe it to mainstream America, where we know we have a proven program that works, to extend it and buoy the marketplace.

I wish to deal with some of the negatives some people have expressed about extending the tax credit.

The first negative I have heard in a lot of interviews is: Well, isn't all you are really doing is moving forward some sales that are going to take place anyway? Well, of course. That is the object. The problem is, we don't want them to take place in 2011 and 2012; we would like to move them forward to take place now. We want people back in the business of making the decision that it is a good time to buy.

Secondly, people will say: Well, it costs too much. Let's look at what we have done in 2½ or 1½ years in terms of cost to try to save an ailing economy. We have put \$85 billion in 1 night in AIG. That is a lot more money than \$16 billion. The Federal Reserve has at one place or another invested over \$5 trillion. That is a lot more than \$16 billion. The stimulus, which is a 2-year stimulus, which is just in its infancy of trying to make some difference, was \$787 billion. The Troubled Asset Relief Program, or TARP, which was passed in October of last year, was \$700 billion. Yet we have a proposal that has generated 350,000 sales, costs \$16 billion, that is about to die, where all of those other programs and trillions of dollars have only saved a collapse but not regenerated an economy.

So I come to the floor today to ask everybody in the Senate to think about what is happening. Six weeks from now, the tax credit sunsets. When it fails, the market again will have downward depression on values, on sales, and most importantly on consumer confidence. Let's try to slow down the rate of foreclosure. Let's help middle America, which right now faces difficult times. Let's take them out of the newspaper and let's take them back into a buoyant economy that has jobs, has growth, and has promise for the future.

I submit that an extension of the first-time home buyer credit by removing the means test, raising the income limitation, and extending it to midyear

is good for America, makes good sense for this Senate, and I hope we will find the time before the current bill sunsets to pass it and do it for America.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### HEALTH CARE REFORM

Ms. MURKOWSKI. Mr. President, I rise to talk about the hidden taxes that American families could be forced to pay under the Baucus proposal if Congress doesn't cut half a trillion dollars in Medicare services. Despite the score we saw last week by the CBO that there would be an estimated \$81 billion in savings to the Federal Government, the fine print of that CBO letter paints a different picture and raises some real concerns about whether Congress has the stomach to cut \$500 billion in services to the elderly and the disabled on Medicare.

This point was raised over the weekend. There were several editorials that ran in the Washington Post, Reuters, the Salt Lake Tribune, and the Colorado Springs Gazette, and they criticized the Baucus bill for unrealistically relying on \$500 billion in savings in Medicare. These articles conclude that Congress is unlikely to enact Medicare cuts based on their annual action—our annual action—since 2003 that has stopped cuts to the doctors' reimbursement rates under the sustainable growth rates formula. This is what we call the SGR.

In 1997, Congress enacted the SGR formula, which automatically cuts Medicare reimbursement rates when annual spending for doctors' visits exceeds the SGR target. Every year since 2003, Congress has stepped in to prevent these cuts from going into effect. The question should be asked whether it is wrong for Congress to prevent these cuts. I suggest no, absolutely not. In fact, there is virtually unanimous agreement among Republicans, Democrats, and the President that the fixes must happen because the SGR is a flawed formula that doesn't accurately account for Medicare practice costs.

The SGR, however, is just one example of how Congress has been unwilling to not only prevent cuts to the Medicare Program but also unwilling to fix the flawed SGR formula. Except for 1 year, in 2002, when Congress allowed the 5.4-percent cut to go into effect, every year since then Congress has "fixed" the Medicare cut by affixing a

band-aid, which has resulted in artificially adjusting the Medicare reimbursement rates and pushing larger "phantom cuts" into future years. Will this year's 21-percent cut to Medicare provider reimbursement rates go into effect? It is highly unlikely. In fact, the Baucus bill contains another band-aid measure that pushes this year 21-percent cut into 2010, with the notion that next year doctors will face an even larger, 25 cut under the Finance Committee proposal.

While the past is not always indicative of the future, I believe it is highly unlikely that we in Congress will witness any willingness to make a game-changing "audible" that forces half a trillion dollars in cuts to services for our seniors and for the disabled. The CBO has acknowledged this in a letter to Senator BAUCUS when they discussed the budgetary impact of the health care bill. CBO said:

The mechanism governing Medicare's payments to physicians has frequently been modified (either through legislation or administrative action) to avoid reductions in those payments. . . . The long-term budgetary impact [of the Finance Committee proposal] could be quite different if those provisions were ultimately changed or not fully implemented.

If, since 2003, Congress had stepped in to prevent Medicare cuts from going into effect, why should we expect Congress to now take the unprecedented step of cutting nearly half a trillion dollars from the Medicare Program? In fact, there was an editorial in the Washington Post last month talking about CBO's assumption of Medicare savings. They said:

Many Medicare "savings" are probably phony. Congress is likely to reverse them, as in the past. Put in that category about \$200 billion in "savings" over 10 years from lower reimbursement rates for doctors, which Congress has repeatedly prevented from occurring. A separate \$180 billion in "savings" from lower reimbursement for hospitals and other providers are similarly suspect. Together, these items provide about half the [Baucus plan's] financing. If half a trillion is waiting to be squeezed painlessly out of Medicare, why wait for health care reform? If, as Obama repeatedly insists, Medicare overspending is breaking the budget, why hasn't he gotten started on the painless billions in "waste and fraud" savings?

That was in the Washington Post last month.

Just today, on the front page of the Washington Post, it was reported that the SGR fix included in the House bill, H.R. 3200, was stripped out of the health care reform bill that passed in three House committees of jurisdiction. Leaders in the House are citing the \$240 billion cost of the SGR fix as the main reason for removing this provision. I believe Congress is being shortsighted in not addressing a major concern in the Medicare Program—a concern that not only would address reimbursement decreases that doctors have faced every year since 2002, but

also the concerns about access to doctors that is worrying more and more Medicare patients every day. By stripping this important provision out of the House bill, Medicare patients are left crossing their fingers in the hopes that the SGR fix will ultimately be included in the health reform bill. I believe removal of this essential and important provision, not only because of policy concerns but, rather, because House leaders want to stay below an arbitrary pricetag, simply shows Congress's unwillingness to address significant failures in a government health program that impacts the lives of some 44 million elderly and disabled Americans.

We know the government has been promising to cut from the Medicare Program, particularly in the areas of waste, fraud, and abuse, since the Reagan administration. Yet spending continues to rise. There is no reason to believe this is going to ever change. I will not support cuts in services under the Medicare Program. I will ask my colleagues to give weighted consideration to whether they would be willing to tell their Medicare seniors and disabled constituents that they voted to cut \$500 billion from their Medicare insurance. Inevitably, if the Congress cannot pass a measure to cut from Medicare, then the money will have to be made up either through increased taxes on average American families or in the form of additional deficits that will burden future generations of Americans.

Mr. President, with over \$2 trillion spent on bailouts, stimulus, and cash for clunkers in just the past 22 months, we must be better stewards and more vigilant of the potential for additional costs to working families for expanding government services and creating more mandates for health insurance.

With that, I thank the Chair and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. WEBB. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

Mr. WEBB. I thank the Chair.

(The remarks of Mr. WEBB pertaining to the introduction of S. 1774 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WEBB. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2847, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

##### Pending:

Vitter-Bennett amendment No. 2644, to provide that none of the funds made available in this Act may be used for collection of census data that does not include a question regarding status of U.S. citizenship.

Johanns amendment No. 2393, prohibiting the use of funds to fund the Association of Community Organizations for Reform Now (ACORN).

Levin-Coburn amendment No. 2627, to ensure adequate resources for resolving thousands of offshore tax cases involving hidden accounts at offshore financial institutions.

Durbin modified amendment No. 2647, to require the Comptroller General to review and audit Federal funds received by ACORN.

Begich-Murkowski amendment No. 2646, to allow tribes located inside certain boroughs in Alaska to receive Federal funds for their activities.

Ensign modified amendment No. 2648, to provide additional funds for the State Criminal Alien Assistance Program by reducing corporate welfare programs.

Shelby-Feinstein amendment No. 2625, to provide danger pay to Federal agents stationed in dangerous foreign field offices.

Leahy amendment No. 2642, to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

Graham amendment No. 2669, to prohibit the use of funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

##### ENERGY AND WATER APPROPRIATIONS

Mr. COBURN. Mr. President, I plan on spending some time on the CJS appropriations bill, but I want to delay a moment. We are going to have a cloture vote, whether that is today or tomorrow or sometime, on the Energy and Water Conference Report. I was the

one who objected to bringing that to the floor and for some very serious reasons. Unanimously, the Senate body agreed to an amendment that would create transparency in that appropriations bill. There were no objections; it was a unanimous vote. What we attempted to do was to bring to light, to the American people, not just the 30 Senators who were going to get the reports—70 percent of the Senate cannot see the reports—to the rest of the Senators and to the rest of the American people, the reports that are requested by Congress on the operation of this appropriation authority.

We put in there a very specific exclusion for anything that would affect security so those items would not be exposed.

There were no significant efforts to hold this in conference. So I wanted to explain for a few minutes to the American people and to my colleagues why it is important. What we have here are the following reports. The question you have to ask is, why does the Appropriations Committee not want the American people to see this information? What in the world could be a good reason for American citizens and 70 Senators to not be able to see this? There is not any good reason.

I will go through and list what some of the reports are in this bill. Then I will raise the question: Why are we not letting the American people see it? Why are we not letting 70 of our colleagues see it?

An annual report on the Department of Energy, on their financial balances, is important information to me. It should be to every Member of this body. But it also should be important to every citizen out there who is paying for the \$1.6 trillion deficit we have this year. Actually, they are not paying, their kids are.

A report by Chief of Engineers on Water Resources, but the way it is phrased, it is on a "water resource matter." In other words, someone very specifically tied that so they would have information others do not have. This is government in the dark; this is not transparent government.

A report by the Nuclear Regulatory Commission identifying barriers to and its recommendations for streamlining construction of new nuclear reactors. If we want to get to clean energy, that is one way to do it. Yet the barriers for that construction, we are not going to know what they are. The American people are not going to find out and 70 Senators are not going to find out. We are not going to have that made available to us.

Two reports to report on the transfer of funds within the Department of the Army, and a report on the transfer of funds within the Bureau of Reclamation for oversight activities—in other words, a report on the funds that are transferring for oversight, only appro-

priators get to see that. The American people do not get to see it. I do not get to see it. The President pro tempore right now does not get to see it. Only the appropriators. Why would we not want to share that with the American people? Is there some reason?

A report by the administration on detailed accounting of receipts into and obligations and expenditures from the inland waterways trust fund. Well, what most people do not realize is when we put out a number that is our budget deficit every year, that number does not recognize what we have stolen from multitudes of trust funds, including the inland waterway trust fund, which is very important to all of the things that go on along the Mississippi River, the McClellan-Kerr Navigation System, the Upper Mississippi River, the Great Lakes. All of those are funded by the inland waterways trust fund—except we steal all of the money out of it so there is no money in it. Here is the report on it, and they do not want the American people to see it. Why would you not want the American people to see that we are stealing from the funds we have set up that were supposed to be dedicated to do certain things? Because you really do not want a transparent Congress so the American people can see what is going on.

A report on remediation efforts by the Corps of Engineers through the formerly utilized Sites Remedial Action Program. Most of us do not even know what that is. But the fact is, if we have former sites that required remedial action, why shouldn't we all get to see that? Why should we not be able to make a value judgment on whether the Corps did a good job and what they are doing with the money? But yet we cannot.

A report detailing the implementation and progress of the measurement plans for each funded energy innovation hub. We have these hubs out there to create alternative and renewable energy, except we are not going to see what they are doing. It is not going to be available to us. It is not going to be available to the American people, and they are paying for it. What happens if there is an idea and somebody reads about it and it gives them another idea?

A report by the Secretary of Energy to the Committee on Appropriations of the House and the Senate on the state of defined benefit pension liabilities in the Department for the preceding year. That is something we should all be aware of, not just a couple of staff members on the Appropriations Committee. The American people should know that, in fact, they do not have the money in the bank to fund their pension liabilities. Yet we are going to suppress that information. We are going to keep it from the sunshine. We are going to keep it from the light of day so the American people cannot see

how miserably the government runs its own business. We do not want that out. We do not want you to see it.

I could go on and on. I have three pages of reports. Notably, some of them are security related and should not be released to the American public, which this amendment protected.

What this means is that 88 percent of the Members of the House and 70 percent of the Members of the Senate do not have available to them the tools with which to make decisions. But, more importantly than that, the American people do not have transparency in their government. They are never going to be made available for taxpayers to read. They are never going to see how sloppily the money is spent, how we borrow money from funds that are supposed to be dedicated and spend them on things that are pet political projects. We do not want them to see that. This is not controversial. The only place it is controversial is to those who are working in the dark. And the very fact that this did not come out of conference with transparency—every other appropriations bill we have passed so far has had this transparency for report language. So why would we bring it to the floor? We should be very concerned that was excluded from this conference report, for a republic cannot function, it cannot survive unless it is truly transparent to the people it represents.

Our President was elected on the promise of bringing greater transparency to Washington, not only just to the workings of the Federal Government but to our daily workings as we tend to government. Congress should have supported this effort.

I serve notice on the Senate that any conference report that does not have transparency, which I will offer and have offered to every bill, that comes back from a conference, I will do everything I can to block it until that is put back in it. The American people deserve no less than that. It is, in fact, their government, not 30 appropriators' government. It is not just the 30 appropriators who get to govern this country. The fact that this piece of good government, of transparency, of putting out for everybody to see what we are doing has been precluded sends exactly the wrong message to the American people. So it will be that I will come here again, and I will not give up until such time as the American people truly get to see a transparent government.

The President and I passed a bill called the Transparency and Accountability Act. You can go to [usgovernmentspending.gov](http://usgovernmentspending.gov) and you can see where we are spending money. Sometime this spring you are going to see it all of the way down to the subcontractor, subgrantees level. You are going to be able to go online and see where every penny, except for national

security purposes, is spent and who got the money. That is real open government. That is real democracy. That is real freedom. That is real liberty.

Without that, based on the demonstration that we make here today by bringing up a bill that keeps us cloaked in secrecy, that keeps the American people in the dark, what we will have and continue to have is less and less confidence of the American people as we try to lead this country back to the greatness it once had.

#### CJS APPROPRIATIONS

I am now going to spend a few minutes, if I may, talking about the Commerce-Justice appropriations bill. This is another in a long line of bills that has a double-digit increase in the size of the government, on the back of a double-digit increase last year, and on the back of a \$16.2 billion shot in the arm from the stimulus.

We were at \$60 billion, essentially, last year, and we are going to increase it by \$7.59 billion. That is a 12.6-percent, 12.7-percent increase. I brought a chart out here last week. I will bring it back again today as we debate the amendments I have. But not counting the stimulus, if we keep passing appropriations bills at the rate at which this body has passed this year, the size of the Federal Government will double in 3.5 years.

I think that is probably just exactly the opposite mood of the American people today. Yet we turn a deaf ear to the fact that 43 cents out of this \$67 billion that we are going to spend—43 percent of it we are going to directly borrow from our kids.

We do not have the money in the bank to pay for this. We are going to finance it through a lower standard of living for our children. There is no question a portion of this increase is related to the census. The Census Bureau is in a mess. We have a good new Director. It was completely mismanaged by the Bush administration, there is no question about it, by the Secretary of Commerce, and also the Director of the Census.

We had a great caretaker who replaced the previous Census Director, and he did what he could. Now we have a new, very experienced Director of the Census by the name of Dr. Groves, who is handling a very difficult problem.

But it is going to come out that it is going to take \$60 a person—hear this—to count the people in the United States.

Please give me that contract for 10 cents a person. Please let me do it for 10 cents a person. We are going to spend 60 cents a person—pardon me, \$60 a person, \$60 a person to count the people in the United States.

Go figure. Let's outline what happened to the Census. The Census routinely uses no-bid, cost-plus contracts. Whatever it costs, do it. Well, it just so happens their plan went awry. They

paid bonuses to a company that failed to deliver what was ordered. The Census failed to be clear about what they wanted in terms of the electronic devices. So we have \$750 million worth of junk we cannot use. Somebody ought to be held accountable for that.

Do you know who that is? That is us. How dare we waste almost \$1 billion on one contract, because it was a cost-plus, was not overseen. We did not know what we were asking for, and yet the people who supplied it did not lose a thing. That is a very profitable contract.

That is why we have problems in the Federal Government. That is why we have \$50 billion worth of waste a year in the Pentagon: because we do not know what we want, and there is no capital at risk for the people who are bidding these contracts. So, consequently, they just do whatever because it is cost-plus. They just send a bill at the end of the month, and we pay it. So we are going to have an \$18 billion census that has a high likelihood of being the least accurate census we have ever had. There are probably going to be numerous lawsuits over this census.

My hope is that Director Groves can, in fact, salvage the census. But when we get it, it is not going to be accurate. It is going to displace six House seats because it is going to count illegal aliens who should not be counted in terms of the apportionment for the seats in Congress.

There are 561 earmarks in this bill. Two-thirds of them—hear me clearly—go to members of the Appropriations Committee. Is that not a coincidence? One-third goes to the other 70 Members of the body, but two-thirds goes to the 30 members sitting on the Appropriations Committee.

The President proposed that two programs be absolutely terminated because they have zero worth, value, and contribution to the Federal Government. They are both funded in the bill. The bill is one of many we will pass that will have double-digit increases. I wonder how many families right now are seeing a double-digit increase in their income. That is a rarity today in our economy. Yet we put on the floor almost a 13-percent increase which is about the average of everything else we have been putting out here, in spite of the fact we just spent \$800 billion of our kids' money on a stimulus package, and this agency received a significant portion of that.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I want the American people to know where we stand financially. The war on terror will not defeat us. We will defeat ourselves. Every known republic to the world collapsed through fiscal mismanagement. We can read the history, Alexander Tyler on the Athenian empire, several other scholarly works throughout the last two to three centuries.

What we are really talking about is our kids. They are not my kids. My kids are grown. They are all in their 30s. We are talking about youngsters this age. She makes a great point. She is already \$38,375 in debt, and all she owns is a dollhouse. The sad thing is, she totally underestimates, because her obligation for things we have promised ourselves for which she will have to pay above and beyond income tax rates we have today, Social Security taxes and Medicare taxes, is just a mere \$400,000. So by the time she becomes 20, she will owe \$800,000, if we count the interest which is coming. It is not long before we will be spending a trillion dollars a year on interest. And this number, by that time, will be \$118,000. So now we will have her at \$918,000 that she is going to have to pay off for us.

Think about that as a moral question. Should we in fact cut the legs off our grandchildren so that politicians and political leaders today can spin things and avoid making the most difficult choices that we now need to make? If one follows the news, especially the financial news, the problem the United States faces today is the fact that the world is losing confidence in the dollar. There is a reason for that. What is the reason? The world is starting to sense that as we continue to borrow more and more billions and trillions of dollars that we will not be able to pay it back. Therefore, the world's valuation of our currency becomes less confident. Therefore, the cost to borrow in the future becomes higher. The figure I just quoted, the \$918,000 per child who is born over the next 30 years, is based on today's interest rates of 3.4 percent on a 10-year note that the Government offers. What happens when the interest rates are 10 or 11 percent? We are talking about a fiscal collapse that has never before been seen in the history of the world. Yet we continue to put spending bills on the floor and laud the fact that we are only borrowing 43 cents out of every dollar we spend this year.

There will come a time when we can't borrow 43 cents out of every dollar we spend. What will we do then? What will happen then? What will happen is the following: We will either see a totally debased currency which means everything we worked for our entire life will be markedly decreased in value or we will see 15, 20, 30 percent inflation. There is no other exit for

this other than for us to do the following: We have to start making the hard choices now.

This bill doesn't do it. From 2008 to 2009, the fiscal year ended September 30, we increased CJS by 15.5 percent. This bill comes back and increases it another 12.6 percent. Compound that out and we find, without the stimulus money they also got, that we will double the size of this agency in less than 4 years. I am not sure that is what we want.

Here is what we have done so far. If we look at the bottom corner, inflation is expected to be less than 1.6 percent. Yet we see the following percentage increases: 5.7; 7.2; Energy and Water, 1.4—the only reason it was 1.4 is because they got \$45 billion from the stimulus—Agriculture, 12.6; Treasury-HUD, 22.5; Interior, 16.2; and now CJS, 12.6.

Most families—and I know almost every business—are making hard choices right now about what they spend money on and what they do not. They are in tough times. Somehow that hasn't reverberated to this body. If it has, it has not reverberated to the appropriations committees of the House or Senate. That will be an amendment to freeze spending at last year's level, which could easily be done, but we don't have the courage to do that. There will be several other amendments offered. They are working on an agreement at this time.

I will be offering three amendments. I will wait until the Senator from Maryland comes before offering them. I understand they don't want me to call them up at this time. So I will not. One of the amendments limits funding to the National Science Foundation. It has created quite an uproar with political scientists that we would dare decrease the amount of money we spend on figuring out why politicians are vague or why certain people vote a certain way or the other way. What happens when we spend money on obvious answers is that money for the National Science Foundation doesn't go to cure a disease. It doesn't go to make an absolute impact on some child who is suffering from a chronic disease that unless the research dollars are there, they will never have a normal life or lifestyle. In fact, everybody screams when some of their money gets attacked.

So the political scientists in the country, those who get this money, \$91.3 million over the last 10 years that we have doled out to political scientists, that \$91 million could have gone to the study of biology or chemistry or pharmaceutical science or fields of endeavor such as micronutrients or cellular metabolism or genetic manipulation so we can cure a disease. Instead, where do they spend the money? Campaigns and elections, electoral choice systems, political change, domestic conflict, party activism, political psychology, and political tolerance.

What are some of the good things NSF does? NSF scientists have developed new computer-generated robotics to help people with severe disabilities. They can do what we can do, those of us who don't have a physical disability, except they can now do it with a robot. They become independent again and get their life back. NSF supported engineers that created a bone substitute that blends in tendon tissues which mimics natural bone and provides better integration so that people with lost movement in their joints have it returned. NSF created technology with their grants to engineer the next generation of biofuels. We are seeing the science. They created a new type of fiber reinforced concrete that bends without cracking. It is 300 to 500 times more resistant to cracking and 40 percent lighter in weight which means we can build bridges that will never fall down. We won't have a Minnesota tragedy again. That is the real science from the National Science Foundation.

Let me give a little hint of what the National Science Foundation projects for political science have been.

There is \$188,206 to ask the question: Why do political candidates make vague statements, and what are the consequences? We all know the answer to that. They make vague statements because they want to get reelected. They do not want to get pinned down. It is not hard to figure out, but we blew a lot of money on it.

How about a grant for political discussion in the workplace? That has to be an important priority for the country now that we are running a \$1.6 trillion deficit.

Here is one: television news and the visual framing of war. I am certain that is an important research topic that we should sacrifice our children's future for, and I know it must be a priority for her, this little girl, whose daddy or mama was smart enough to recognize what the real consequences of our behavior are.

Or how about another study: Why people are for or against military conflicts? Nobody is for military conflicts. They are for the defense of our country. But to spend money to study why people are for or against? Tell me what that contributes to her future?

I am accused of being a flatlander. I do come from Oklahoma. I was born in Wyoming. But there is one difference with us flatlanders: we actually have worked in our lives, we understand common sense, and we have had to make hard choices before.

How about this study, the impact of Medicare reform on senior citizens' political views. I can tell you what it is. We take away a benefit, they are not going to like it; we add a benefit, they are going to like it. Send me the check. I will do it for free. It is plain, old common sense. It may be nice to have the statistics behind that, but we all know the answer to those questions.

Here is another one: Evaluate whip counts. Let me tell you what a whip count is. Every party has a whip so they can count the votes before they happen so they think they know what is going to happen on the vote, so they know what votes to bring up and what votes not to. We are going to have a study by Congress: How do whip counts impact party leaders in the legislative process? Who cares. Nobody should care about that. What we should care about is her future. We have our priorities totally upside down and turned on their ear.

How about a conference on the effect of YouTube on the 2008 election. Now, the people who are interested in that are politicians because "how do we use YouTube to get reelected?" Should we be paying for that with your tax dollars? "How do we keep incumbents incumbents?" I would think a better study of political science is, how do you throw us all out. That is a better use of the funds. How do you get rid of us since we are doing such a terrible job managing the finances of this country?

Or how about the "NewsHour" with Jim Lehrer—to pay for complete, live, prime-time gavel-to-gavel coverage of the Democratic and GOP National Conventions. Guess what. They were covered by three other networks free. We did not pay them a penny. Yet we pay this.

We are going to increase NSF's budget in this bill 8 percent, the National Science Foundation. It is the one we ought to be increasing 12 or 15 percent, but it ought to be on real science, on pure science, on science that has an outcome we can measure that is not related to the observation of common fact but is new research that will derive great benefits for the people of this country.

So I will be offering an amendment to limit the amount of money. We are going to hear all sorts of claims. What we have heard already on the blogs is that National Science Foundation political science research contributes to our understanding of democracy. I think we have pretty well figured what democracy is. "Our ability to have a free and open democratic process would be significantly harmed without this research."

You know what is being harmed is her generation, as we foolishly spend dollar after dollar on things that are not a priority—hundreds of millions of dollars on program after program after program that 90 percent of Americans could say: That might be fine if we were in a cash-rich position, but at a time when the Federal Government is about to double every 4 years and the debt is about to double every 5 years, wouldn't it be smart to not spend money we don't have on things we don't need? So that is what this amendment is.

There is another claim: The loss of National Science Foundation funding will significantly harm political science research in this country. Let me give you a few facts about that. The University of Michigan—they are the receiver of the largest grant under the NSF—has a \$7.5 billion endowment. That is just one of the universities—\$7.5 billion—and we are supposed to keep sending, every 10 years, \$100 million for political science research.

Here is the political science—here it is: The heritage of this Nation is that one generation creates opportunity for the next by sacrificing, making the hard choices they need to make to make sure what has worked in the past will provide them opportunities in the future. This does not do any of that. What it says is, the ones who are on the ins, the people who are well connected now, the people who are dependent on millions of dollars of funding—when they are sitting with billions of dollars in their endowments—are worth more than she is. That is exactly the problem.

Until we figure out we are going to have to make some tough sacrifices, her future is at risk. Unless we do this fairly soon, we could very well be on an irreversible course. Two or three more years of spending the way we are spending and borrowing the way we are borrowing will doom her to a standard of living 40 percent below what we see today. Those are not my words, the economists agree. The governments are going to end up consuming 45 or 50 percent of our total GDP. We are at 10 percent this year—the highest in our history with the exception of being in the midst of World War II. Never have we been in such shape as we are in today.

I think we have a lot of things wrong. But the No. 1 thing we have wrong is we have forgotten that service is about sacrifice. Service is about giving up something of you so somebody else gets ahead. We cannot expect the American people to model that behavior if we are not willing to do it. If everything we do is about protecting our own vested political interests and protecting our campaign contributors and protecting the well connected and not excluding and divorcing ourselves from all of that and making great commonsense judgments, we are history as a nation.

I wonder when it started. I wonder when it started that we decided we were more important than the country. I wonder when it started when we decided we would push our hand and say: Stop the heritage of this country. When did it start that we decided we were worth more than the generations that follow us? When did it start that we decided we were not brave enough to take the hits to make the hard choices so the Republic can be preserved? When did it start? When did that cowardice start because it is ever present now as we go through the appropriations process.

I ran a business for 9 years, and I learned a lot doing that. I learned a lot about people. But I also learned a lot about making tough choices. We, in fact, can make tough choices and preserve what is good and best and brightest in all of us. As a matter of fact, hope comes from that, when people make those tough decisions that, in fact, consider the very personal nature of how individuals are affected and they are at work for the common good for the long run.

You see, there is not a business out there today that is surviving just thinking only in the short run. If they are, they will not be here 2 years from now. They are all thinking in the long run. They are all positioning, planning, managing, developing. The same with families. They are doing that right now at the dinner table—positioning, planning, developing what is going to come next: How we are going to get where we want to go. We are in a rough period now. What do we cut back? What is the thing that we sacrifice today to secure the future for our family tomorrow?

Ashamedly, not much of that exists in Washington. What does exist is a willingness to say yes to everybody, and then wink and nod and try to have it both ways. I am not a both ways kind of guy, and neither is America. The great sheet is about to be lifted over the, I would use, imbecilic methods of Washington. When transparency gets its full view, America is going to make some major changes, and I am not talking Republican-Democrat. I am talking both.

This is a problem of elitism. This is a problem of short-term thinking by the political leaders of this country on: How do I manage my political career and to heck with the rest of the country. Nobody in their right mind would bring appropriations bills to the floor that have these types of increases at a time when we are stealing \$1.4 trillion from our grandkids. How do we justify it? How do we justify growing the Federal Government at a time when families are struggling like they have never struggled except during World War II and the Great Depression? How do we justify that?

We do not justify it. We cannot justify it. What we can do, and what will happen in the debate on the amendments I bring forward—they will be ignored. They just will not debate it. It will go away. That is what happens when we bring critical amendments to the floor and question the wisdom of growing the Federal Government larger and larger without developing a way to pay for it and without taking a critical look at all of those programs out there.

There is \$350 billion worth of waste, fraud, and duplication in the Federal Government right now. The American people ought to be clamoring that we freeze spending everywhere until we



have done a review of every government program that is out there—just like they are doing with their own families, just like they are doing with their own businesses, just like every organization in America today is having to do, except governments.

How is it this can happen? How is it we can go down the sewer drain just like other republics, knowing what history says will happen to us if, in fact, we abandon fiscal sanity? That is what this appropriations bill does, and all the rest of them we have passed because, in fact, we will double the size of the Federal Government in the next 4 years, based on 2008, 2009, not counting the stimulus.

If we are running a \$1.4 trillion deficit—actually \$1.8 trillion when we count everything we have stolen from Social Security and everything we have stolen from, for example, the inland waterways trust fund and the other trust funds; and we have not funded any Federal pensions; and, by the way, we have not funded anything else we have an obligation for, such as VA health care or military retirement—none of those things are funded—what happens when we get in the crunch?

What happens when nobody loans to us anymore? Wouldn't it be prudent to prepare for that? Wouldn't it be prudent for us to dig in as a nation—Democrats and Republicans and Independents—and say: Time out. Let's look where we are. Let's quit wasting \$350 billion a year. Let's eliminate the duplication. There are 800 programs outside the Department of Education that are run by the Federal Government for education—outside the Department of Education. How about eliminating them or at least putting them in the Department of Education and consolidating them. And oh, by the way, education has done a wonderful job at the Federal Government level. As soon as the Federal Government got into our educational system, our scores started declining, our graduation rates started declining, and our college graduation rates started declining. That is the record of the Federal Government's involvement in education in this country.

There is a lot we can fix, not just my ideas. The question I am asking is, Why aren't we asking the question? Why aren't the American people challenging their elected Members to the Senate and the House? Where are your priorities? Does she not matter? Does their future not matter? Answer the question: With \$918,000 worth of unfunded liability and debt for which at 20 years of age she will be paying—we will be paying the interest, which means the taxes for that interest will come back to her eventually—how will she get a college education? How will she own a home besides a dollhouse? How will it happen? Will Tinker Bell

just come down and give it to her? That isn't going to happen. So as we think outyears, we ought to be thinking about what our actions today are going to cost. Yet we don't.

These are disturbing times. These are not just disturbing times because we face a war on terror, and they are not disturbing times because we have an economic downturn. What is disturbing is that we absolutely have avoided leadership in bringing this country back to its commonsense basics of spending money we have for things that are an ultimate priority, not spending money we don't have on things we don't need. A large portion of these appropriations bills spends money we don't have on things we don't need. We may want them. There is no question that politicians want them. There is no question that the National Science Foundation political science grantees want them. Do we need them? That is the question. And we have no leadership that will discern, at a crucial juncture in our history, a path that will bring us to not only a recovery from this recession but a recovery for an opportunity for every child her age.

It is deeply personal with me. I have five grandchildren. I look in their eyes, and I see the potential of their lives and all of these other children who are out there. There is tremendous potential in them. You know what, we are going to waterboard them. That is what we are going to do. We are going to waterboard them. We are going to flood them with debt. We are going to shackle their opportunities. We are going to limit their possibilities because we don't have the courage to make the difference for their future.

Mr. President, I will yield the floor, and I will come back and offer my amendments when the Senator from Maryland arrives.

With that, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I ask unanimous consent to call up amendment No. 2631.

The PRESIDING OFFICER. In my capacity as a Senator from Nebraska, I object.

Mr. COBURN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2631

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 2631.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. COBURN. I ask unanimous consent to set aside the pending amendment and to call up amendment No. 2631.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2631.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To redirect funding of the National Science Foundation toward practical scientific research)

At the appropriate place in title III, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated under this Act may be used to carry out the functions of the Political Science Program in the Division of Social and Economic Sciences of the Directorate for Social, Behavioral, and Economic Sciences of the National Science Foundation.

AMENDMENT NO. 2632

Mr. COBURN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2632.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2632.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require public disclosure of certain reports)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

AMENDMENT NO. 2667

Mr. COBURN. Mr. President, I ask unanimous consent to set aside that amendment in order to call up amendment No. 2667.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. Coburn] proposes an amendment numbered 2667.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce waste and abuse at the Department of Commerce)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) ADDITIONAL AMOUNT FOR OFFICE OF INSPECTOR GENERAL.—The amount appropriated by title I under the heading “OFFICE OF INSPECTOR GENERAL” under the heading “DEPARTMENTAL MANAGEMENT” under the heading “DEPARTMENT OF COMMERCE” is increased by \$4,499,000.

(b) OFFSET.—The amount appropriated by title I under the heading “HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION” under the heading “DEPARTMENTAL MANAGEMENT” under the heading “DEPARTMENT OF COMMERCE” is decreased by \$5,000,000.

Mr. COBURN. Mr. President, I wish to talk about amendment No. 2667. This is a fairly straightforward amendment.

The House has \$5 million for renovation of the Hoover Building. There is no question that we need to have a continuing ongoing project of renovating that. However, in the Senate, we have \$17.5 million.

If we look at the Commerce Department and what is going wrong, what we see is that because we are limited by funds, we don't have an active enough oversight of what is going on inside; otherwise, we could never account for the billions of dollars of waste on the census.

This is a straightforward amendment. It just says: Of that \$17.5 million, we are going to take \$5 million, which still puts us at 2½ times what the House has, and direct it toward the Inspector General's Office of the Commerce Department. What that does is it enhances oversight, enhances transparency, and enhances communication back to the Commerce Department so we can see what is going on with an agency that is obviously troubled.

The inspector general's department, and agency-wide, is fielded by tough, great people who probably would pretty much agree with everything I spent the last hour talking about. The fact is, they are limited in what they can do. They are limited by the funds we give them. So we now come down again to priorities. Do we build bicycle racks out in front of the Herbert C. Hoover Building or do we spend money making sure the inspectors general and the auditors can actually see what is going on in this agency?

It is very straightforward. It is going to be a fun vote. I understand how

amendments go on the Senate floor when we are in the mood to spend money and not act responsibly. But do we really want transparency, do we really want to know what is going on, do we really want to discover the reason we are in such big trouble, and do we really want to fund the inspector general at a level that will give us the information upon which we can make better decisions? That leaves alone the question of whether we will make better decisions. I have a lack of confidence on that, but at least with the right information, we will be able to, in fact, see what is going on.

We continue not to prioritize funds. The Department of Commerce is going to get a 52-percent increase in funding in our version of this bill. It receives \$7.9 billion in additional stimulus funds. That was 85 percent of what they received entirely in 2009, which means in a matter of 2 years we will have given them on average three times what they receive normally in a year. So we are talking about taking a small portion—\$5 million—and directing it to the Inspector General's Office so they can do what is needed to be done in terms of carrying out their responsibilities.

There is no question in my mind that the Department of Commerce is suffering from mismanagement. I am not directing this to the present Secretary; I am directing this backwards through the Bush administration. Here are some statements that were made in the Senate report accompanying this bill:

The committee is extremely concerned about the persistent pattern of cost overruns and schedule slippages on major projects and missions carried out by the agencies in this bill.

The committee remains apprehensive about the management of the census.

Reports have exposed a culture within many agencies that exhibits a lack of accountability in oversight of grant funding.

The committee is concerned that the Census Bureau has failed to implement three recommendations by the IG.

NOAA's satellite programs have undergone extensive independent reviews after experiencing cost overruns, delays, and setbacks.

The National Polar Orbiting Operational Environmental Satellite system has struggled for years with cost overruns and schedule delays and a high risk of gaps occurring to the Nation's weather and climate satellites.

The committee remains concerned by the lack of progress in reducing patent pendency and the overall patent backlog.

I note the committee routinely takes money away from patent fees to use on other funds. As such, the committee has provided bill language to transfer funding to the Office of the Inspector General for the express purpose of conducting all audit engagements in the oversight of U.S. Patent and Trademark Office.

Despite these concerns—and I didn't list them all—with the Commerce Department, and a 52-percent increase in

spending in the bill, if you were concerned, why would you increase spending that much? That is No. 1. The account for the inspector general is increased only by 4.4 percent. So this is a measly little \$5 million out of a \$17.5 million increase. The House only has \$5 million for the Herbert C. Hoover Building. So we put 2½ times what the House does in the building, and we actually give the IG the money he needs to do his job. There isn't an agency that needs more oversight and more work by an inspector general than the Commerce Department.

I will limit my comments on this at the present time, and I will defer to the chairman, if she wishes to speak; Otherwise, I will discuss one of the other amendments.

Ms. MIKULSKI. Mr. President, first, we acknowledge the need for the Commerce Department to clean up its act in terms of its spending. The Senator from Oklahoma has indeed identified the very programs that give me heartburn as well: the NOAA satellite program, which continually has cost overruns; the decennial census, until we intervened with Secretary Gutierrez, had become a techno boondoggle; the backlog at the Patent and Trademark Office is well known.

However, he proposes to increase funds for the IG, even though the bill already meets the request for this office. This amendment is unnecessary because we provide \$27 million for the Commerce inspector general. This matches what President Obama said he wanted to put in the Federal budget, and he thought it would do the job. In fiscal year 2009, the IG of Commerce received 25.8. So we puffed it up 1.2 million already. In addition to the stimulus package, just to be sure that money was going in the right direction, we in the subcommittee, working on a bipartisan basis with Senator SHELBY, put in an additional \$6 million to make sure we did have oversight and accountability. We have not received any indication from the IG that that IG needs more money. Unnecessary funding will not make those problems go away. What we want to do is be able to push them, advocate them, and stand sentry.

The building restoration which this amendment proposes to do will only add to the Commerce Department's problems. It is called the Herbert C. Hoover Building. The building is in substandard condition. It really is in substandard condition. It is the only building over there that has not been upgraded in several years. Funding in this bill would begin to modernize it, particularly in much needed health and safety codes—heating, air conditioning, electricity, and plumbing. Funding in this covers the long partnership with GSA. I want the Senator from Oklahoma to know I agree that we have to stand sentry on Commerce. If you go



over the bill, I have added some tough provisions with Senator SHELBY on oversight—particularly on this NOAA satellite program. But taking from much needed repairs at Commerce to fund the much needed repairs in oversight I don't think cuts it. I will oppose the amendment of the Senator from Oklahoma, though I think he and I are on the same broadband about necessary stewardship.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. We have communication from the GSA that says this amendment will not inhibit any of the plans, upgrades, or improvements to the Herbert C. Hoover Building. No. 2, we all admit there are problems at the Commerce Department. We have a 12.6-percent increase in spending but we increase the IG by 4.4 percent. We are going to increase spending three times faster than the ability to track it and oversee it. We did increase it 4.4 percent, but we increased the agency 12.6 percent. We have our priorities backward. We should be increasing the IG by 12.6 percent and the agency 4 percent, or 1.6 percent to match inflation.

This amendment will not, in any way, according to GSA, impede their ability to make the corrections that they need to make in terms of health and safety at the Herbert C. Hoover Building.

I thank the chairman for her recognition of the problems at this agency. The answer to solve it is to let the dogs run. Let them find it. Let them go after it. Let them bring to light transparency, and let them bring the reports that we need so we can make the changes we need.

AMENDMENT NO. 2632

I want to spend a few moments on my next amendment, No. 2632. This is a very similar amendment. I spoke about it earlier. This amendment says that whatever reports we ask for, whatever answers we want from these agencies, in fact, unless it has to do with national security or defense, should be reported to every Senator, not just the Senators on the Appropriations Committee. And more importantly, it should be reported to everybody in America. This is a great open government amendment which says we will be transparent.

We are requesting numerous reports in this bill. Why should the American people not get to see what those reports show? Why should we not get to see how we are spending our money, why we are spending our money, and whether the effect of spending the money is having the desired outcome? H.R. 2847 requires reports, audits, and evaluates all decision documents and expenditures by the Bureau of the Census. We all know that has been a problem. And I dispute that Secretary Gutierrez did anything about the problem, other than talk the former leader

of the census into leaving. Secretary Gutierrez should have been following the census to know before it ever got in that kind of shape. We have a wonderful leader there now, and I fully support him. I supported his nomination, and I supported his approval by the Senate.

This would also require a quarterly report by the Attorney General regarding the costs and contracting procedures related to each conference held by the Department of Justice. Why should not everybody get to see that? Why should not Americans, who are actually paying for that, and their grandkids, such as this young lady in the photo, get to see it? Why should she not get to see that? This is straightforward. We will have a vote on this amendment. I have learned my lesson on not getting them accepted. When they go to conference, we still hide it from the American people. So we will have a vote on this amendment and see whether people want to hide what we are doing or want it exposed fully to the American people. It is a good government amendment.

We also have a request for a report that the Secretary, within 120 days of enactment of this act, shall report to the Committee on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of Census as it relates to the 2010 census. Why just the Senators on the Appropriations Committee? Why not the American people? Why should they not see that?

The other thing it will do is allow us to conduct better oversight. The committee chairman—I have great regard for the Senator from Maryland, because I think she does care about oversight. I cannot say that about all of our colleagues on the Appropriations Committee. We would have done a lot of oversight on the Census Bureau in the Government Affairs Subcommittee. I can tell you that we have great employees there. We have had terrible leadership until now. At \$60 a person to count people in the United States, people ought to ask why. How did we allow this to happen?

This amendment is one that the vast majority of Americans concur with and the vast majority of my colleagues, I hope, will concur with.

I yield to the chairman of the committee.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I want to make a comment about the status of the Commerce Department building. I will be very clear that the subcommittee, on a bipartisan basis, supports vigorous oversight. The Commerce Building has not been renovated in more than 20 years.

Let me quote to you from the Washington Post in an article called "NOAA's Ark." It says:

When the Marine ecologist Jane Lubchenko was finally confirmed in March as the Under Secretary of Commerce in charge of NOAA, she went to check into her new digs on the fifth floor at the Commerce Department. It was a fine corner on 15th and Constitution, nothing fancy, but it overlooked the Washington Monument. But when she opened the door and she went to powder her nose, she found a massive Norwegian rat. The critter had come in through the derelict plumbing that was in her office. Now, she, with her typical good humor, laughed it off and said, as an ecologist, she found it biologically fascinating that sewer rats were able to come into the Commerce Department.

We told her she couldn't have a grant to study it, but we wanted to do something about the renovation. That is what we are—we want the best and the brightest to work in our government agencies, and to come up with new ideas such as in NOAA, to save the planet, to do the necessary scientific research to save fisheries. In that case, it would have influenced the economy of my State tremendously. We cannot minimize the need to refurbish that building. Air pockets have been developing in the plumbing at the Department of Commerce, and in order to get rid of the rats, you have to have regular flushes. This is not a laughing matter. It sounds like a laughing matter, but I want to be able to go forward to modernize the Commerce Department, working with the Secretary, and continue our vigorous oversight. Let's modernize the building. I hope we can defeat that amendment.

There is an amendment that the Senator from Oklahoma has offered that requires more transparency in our reports to Congress. I think that is a good idea. Again, discussing this with my colleague, Senator SHELBY, we both think it is a good idea. If the Senator from Oklahoma will concur—because I am for transparency and I believe we cannot have enough of it so that the American people can see things and make up their own minds—in the interest of time, I would accept the amendment. If the Senator would be willing to do a voice vote, I would be more than willing to accommodate that. I think the amendment is excellent and I believe it improves the bill. I am happy to accept it, or have it voice voted, or have a recorded vote, whatever the Senator wants.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I thank the chairman for her words on this amendment. I have learned a very critical lesson. We have an Energy and Water Appropriations bill that we did the same thing on. For some reason, it didn't come out of conference. Transparency didn't come out. I don't doubt the veracity of the senior Senator from Maryland, but I would just as soon have a recorded vote, if she would not mind.

I also want to answer the story of the rat, which is a great example of the

mismanagement at the Department of Commerce. It does not relate to the present Secretary at all. If, in fact, you have plumbing problems in the building, the management is supposed to raise that issue. In fact, the Department of Commerce received a large sum of money with the stimulus. The House has only \$5 million for the Herbert C. Hoover Building. GSA says this amendment will not limit at all their ability to accomplish what they want to accomplish there.

So if, in fact, \$17.5 million is enough to get it done, why would we object to having more than that—if GSA says it is only going to pay \$17.5 million, why are we putting \$22.5 million in it in the first place?

The example proves my point: Management is lacking. With vigorous leadership and a vigorous, strong inspector general force that is funded at the same level of increase that we fund the government, as far as percentage of increases, we could hope to accomplish that.

#### AMENDMENT NO. 2631

I will move to my other amendment No. 2631. I spent a lot of time talking about this amendment before the chairman came to the floor. I will not repeat everything I said, but I will discuss the question of priorities.

I have a great respect for a lot of what the National Science Foundation does. I have very little respect for their grants for political science as a science. Part of that is because I think it is low on the priority of where they should be spending money when we can create things through NSF to save lives and also because of some of the grants that have been spent and put out there.

I will review a few of those over a short period of time and then will yield the floor to my colleague, the chairman of this subcommittee.

How do you back up the fact that the National Science Foundation gives a grant for political science—here is the question asked: Why do political candidates make vague statements and what are the consequences? In the realm of science, being a physician, being trained in the sciences, first of all, it is a question to which we already know the answer. We know why politicians make vague statements. Because they don't want to get pinned down. But most important, they want to get reelected or elected. For us to send money to study something that stupid, that low on priorities is beyond me.

Or why are people for or against military conflicts? Do we need that science to tell us so that the next time we are in a military conflict we go out and manipulate the American people or do we have military conflicts based on the national defense and security interests of this country, even when there are political consequences to it?

The real world would never fund such stupidity. They would never allow

millions and millions of dollars every year to be spent on silly things to help politicians understand why they spin or why they do not answer questions or why people might be for or against war. It is pretty easy to figure out.

Or studying how Medicare reform affects seniors' political views. That is pretty easy: If it hurts me, I am "agin" it; if it helps me, I am for it. Yet we spend hundreds of thousands of dollars paying for grants, through the National Science Foundation, to universities that have billions and billions of dollars in endowments. As a matter of fact, Tufts University has billions in endowments. They charge their students \$40,000 a year in tuition alone. They are the recipients of some of this grant work, and they are the ones squawking the loudest.

So here we have an entitled class of professors in political science who now don't want their gravy train taken away when I say right now there is no way this can be a priority for this country with the debt we have and the economic situation we have. It cannot be as important as a multitude of other things for this young lady. It cannot be.

I do not have any illusions about what is going to happen to this amendment. I know the appropriators reign supreme. What I am hoping is that the American people ultimately reign supreme. So as we vote to vote down this amendment or they vote to table this amendment so they do not have to directly vote on the amendment, one has to walk back and say: What is going on in Washington that you will not clean up the excesses in a time of great national distress? We will not and we haven't, and that is why we have a giant increase from last year and this year. We entered the recession in 2007, remember? That is why we borrowed 43 cents out of every \$1 we spent this year because we will not make these hard, tough choices about why politicians are vague, while we continue to spend millions and millions of dollars so somebody can sit in an office and pontificate and you can see the same answer—all you have to do is look at the news shows and you get the same answers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. I make an inquiry of the Chair. Do we have a limit on time for debate?

The PRESIDING OFFICER. The time from 4:30 p.m. to 5:30 p.m. is evenly divided.

Mr. COBURN. I understand. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, for a point of clarification, the time of the Senator from Oklahoma has expired and how much time do I have?

The PRESIDING OFFICER. There is 22½ minutes.

Ms. MIKULSKI. Mr. President, I would like to speak on these amendments for as much time as I may consume, and then if there is some remaining time, perhaps we could, in the interest of comity, share some time. As I understand it, there is a vote scheduled at 5:30.

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. Mr. President, before the Senator leaves, I wish to give him two punch lines. First of all, I know he doesn't think much of political science. He made that clear. But I wish to bring to his attention that Dr. Elinor Ostrom, who just won the Nobel Prize for Economics, is a political scientist. She received most of her funding through the National Science Foundation—28 grant awards since 1974. Those grants helped her lay the groundwork for winning the Nobel Prize. She is a political scientist, but she used that talent to win the prize. I will elaborate on that. I am a big fan of her work.

The other point I wish to bring to the Senator's attention is that the National Science Foundation has an \$8 million agreement with DOD in their Social Science Department on the social science dimensions of national security, conflicts, and cooperation. DOD, under its Minerva initiative, has joined with the National Science Foundation because they want academic researchers involved in studying authoritarian regimes, the strategic impact of religious and cultural change, terrorist organizations, and other new dimensions in social security. I will describe those grants in detail.

Mr. COBURN. Will the Senator yield for a question?

Ms. MIKULSKI. In a minute. What I wish to make clear is that the National Science Foundation has helped fund the work that laid the groundwork for a talented person to win not only the Nobel Prize but to come up with the kind of ideas where maybe we could win markets and jobs. The Department of Defense thought enough of the National Science Foundation's Social Science Department to come up with an \$8 million—and it is not a lot of money—but an \$8 million agreement to fund 17 projects, where they are going to be studying things such as authoritarian regimes, terrorist organizations, the impact on religious and cultural change, and how maybe they could avoid us being blown up. If one of those studies helps one policymaker make one decision to save one marine, I think it is worth the 8 million bucks, and I am willing to put it in the Federal budget.

I will be happy to yield for a question.

Mr. COBURN. Mr. President, will the Senator agree that the Defense Department funds all sorts of research in all sorts of scientific areas, and they don't necessarily do that on the predicate—

they do it on the basis of what their need is. There is a very big difference, does the Senator agree, between the social sciences and political science?

Ms. MIKULSKI. Will the Senator from Oklahoma agree that political science is one of the branches of social science?

Mr. COBURN. Sure, and I am only targeting with my amendment political science, not social sciences, if the Senator reads my amendment.

Ms. MIKULSKI. Within these DOD grants, I am not sure which ones are sociology, anthropology or political science because it is in that one directorate.

Mr. COBURN. I thank the chairman for allowing me to ask a question.

Ms. MIKULSKI. Mr. President, I oppose, as you can see, the amendment of the Senator from Oklahoma. He wants to eliminate \$9 million from the political science program at the National Science Foundation. I don't like targeting an individual science area. Today it might be political science. Another Senator might target biology. Remember how we stifled science under the gag rules and gag guidelines of stem cell research?

Also, I don't like trivializing academic research and academics, that somehow or another there is worthwhile science and then there are others that can be minimized or trivialized.

First, I remind everyone about the work of the National Science Foundation. The NSF has received bipartisan support, and in rising above the gathering storm, the National Academy of Sciences pointed out that the National Science Foundation is one of our lead agencies in promoting innovation through its research and its education programs.

This bill also supports the funding for the Directorate for Social, Behavior and Economic Science. That is the one, which I talked about with the Senator from Oklahoma, which oversees the political science office. This directorate's mission is to use basic research to understand human and institutional behavior vital to rebuilding our national infrastructure and understanding how we operate as a society.

This program began in 1962, and over the years, it has also included an open, transparent relationship with the Department of Defense. This is not black-box research. This is out-of-the-box research so maybe we could figure out our world better and deal with conflict resolution or when we are in a conflict, how we can work with other people around the world and build democratic societies and democratic institutions.

In recent news, we also were awakened with great pride that two American women won the Nobel Prize. One is Dr. Greider, in my home State of Maryland at Johns Hopkins. I talked with Dr. Greider the other day. Wow, what a great American scientist. She

answered her own phone. She was going to join her daughter at a soccer game right after she had gotten the call from Stockholm. As we talked about her groundbreaking research in microbiology, she said she was able to do her work because of the grants she had received through the National Institutes of Health. They had helped her get her education, and they had helped her do her research. They helped her to win the Nobel Prize. But for herself, she thought the prize would be a tribute to what her work was in microbiology that could lead to saving lives.

We also had another woman win the Nobel Prize—Dr. Elinor Ostrom. Her training is in political science. She won the Nobel Prize for economics. She is the first woman ever to win the prize for economics—an American woman. Although not in the Congress, she has received several political science grants from NSF because political science also looks at institutions which also have an impact on our economy. Since 1974, Dr. Ostrom has received over 20 grants, and these grants helped her do her fieldwork all over the world in relationship to the economic activity of people and communities. The Royal Swedish Academy of Sciences thought enough of her work to award her the Nobel Prize. But long before they heard of her in Stockholm, the National Science Foundation had heard of her and helped her with her award-winning research.

We have to keep this going. Our National Science Foundation and our other scientific institutions must go where no thought has gone before. That is the point of discovery. Discovery has led to innovation. Innovation leads to the new ideas that lead to the new jobs in our society. A society that doesn't innovate stagnates. And innovation comes not only in engineering, though much needed; it doesn't only come in physics, though much desired; it doesn't come only in medicine, in the biological research, though much revered; a lot of this is the basic social sciences.

As I said to the Senator from Oklahoma, for the last 8 years there has been a relationship between DOD and the National Science Foundation—again, in open, transparent research. And here, I am quoting from the "Federal Technology Watch," October 6, 2009. "Federal Technology Watch" is a weekly report on Federal technology, science, and policy areas.

Mr. President, I ask unanimous consent to have printed in the RECORD the article from which I am going to quote.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Federal Technology Watch, Oct. 9, 2009]

NSF FINDS DECLINING FEDERAL SUPPORT OF  
ACADEMIC R&D

US universities reported science and engineering r&d expenditures of \$51.9-billion in

FY08, according to a new National Science Foundation (NSF) report released Oct. 2. However, the preliminary findings of NSF's Survey of Research and Development Expenditures at Universities and Colleges are that federal funding decreased as a share of the academic r&d total, from 64% in FY05 to 60% in FY08. Despite this drop, the federal government retains its traditional role as the largest source of academic r&d funding.

The FY08 survey data showed an increase in federally funded expenditures of 2.5% in current dollars, reaching \$31.2-billion. After adjusting for inflation, this is a 0.2% increase from FY07 and follows two years of real declines since FY05.

Other statistical notes from the NSF report include:

—Combined sources of non-federal funding grew 8.3% during FY08;

—State and local government funding of r&d expenditures grew in FY08 8.8%, increasing to \$3.4-billion from \$3.1-billion in FY07;

—Industry funding of academic r&d grew 7.1% to \$2.9-billion in FY08;

—Funding from academic institutions increased 7% to \$10.4-billion in FY08.

Also, r&d funds for joint projects that were passed through primary university recipients to other university sub-recipients almost doubled from FY00 to FY08, growing from \$700-million to \$1.4-billion in constant 2000 dollars. The current dollar amount of \$1.7-billion represents 3.3% of total academic r&d expenditures in FY08, compared with 2.3% of the total in FY00.

InfoBrief 09-318, written by NSF analyst Ronda Britt of the r&d statistics program, is available at: <[www.nsf.gov/statistics/infbrief/nsf09318/nsf09318.pdf](http://www.nsf.gov/statistics/infbrief/nsf09318/nsf09318.pdf)>

ELECTRIC VEHICLE FORUM

The first-ever US-China Electric Vehicle Forum was held last week in Beijing, China.

Attended by over 140 US and Chinese officials from government, industry, academia and advocacy groups, the forum discussed progress made in the electric vehicle industry and opportunities for future collaboration.

The event, co-hosted by Department of Energy (DOE) assistant secretary for policy and international affairs David Sandalow and Chinese Science & Technology Minister Wan Gang, highlighted the rapidly growing electric vehicle industry in both countries.

"The US and China share a strong common interest in putting millions of electric vehicles on the road soon, which will lessen our dependence on foreign oil and help address the global climate challenge," Sandalow said Sept. 29. "Working together, we can accomplish more than acting alone."

America and China are the two largest auto markets and energy consumers, and together emit over 40% of the world's greenhouse gases. The forum offered a venue for experts to exchange views on recent electric vehicle developments and identify promising opportunities for technical and policy collaboration.

This year is the 30th anniversary of the US-China Science & Technology Agreement, which represented the first agreement between the two countries following normalization of relations in the 1970s.

"By working together, the US and China can leverage technological breakthroughs, increase consumer acceptance and grow market penetration of clean vehicles," said White House counselor for energy and climate change Jody Freeman, who was a speaker at the forum.

NSF-DOD PROJECTS FUNDED

\$8-million has been awarded to 17 projects by the National Science Foundation (NSF)

under a joint NSF/Department of Defense (DOD) solicitation.

The competition, Social and Behavioral Dimensions of National Security, Conflict and Cooperation, is focused on basic social and behavioral science of strategic importance to US national security policy, as part of the DOD's Minerva Initiative launched in 2008.

Four topic areas that address the needs of national security policymakers and the ideals of open academic basic research were determined jointly by DOD and NSF for the solicitation. They are: authoritarian regimes, the strategic impact of religious and cultural change, terrorist organizations and ideologies, and new dimensions in national security.

These proposals were funded under the 2009 competition:

- Status, manipulating group threats, and conflict within and between groups: Patrick Barclay (Univ. of Guelph) & Stephen Bernard (Indiana Univ.);

- Behavioral insights into national security issues: Rachel Croson (UT Dallas) & Charles Holt (Univ. of Virginia);

- Experimental analysis of alternative models of conflict bargaining: William Reed (William Marsh Rice Univ.), Charles Holt (Univ. of Virginia), Timothy Nordstrom (Univ. of Mississippi), and David Clark (State Univ. of New York—Binghamton);

- Terror, conflict processes, organizations, and ideologies: Completing the picture: Stephen Shellman (College of William & Mary), Remco Chang (Univ. of North Carolina—Charlotte), Michael Covington (Univ. of Georgia), Joseph Young (Southern Illinois Univ.—Carbondale), & Michael Findley (Brigham Young Univ.);

- How politics inside dictatorships affects regime stability and international conflict: Barbara Geddes (UCLA) & Joseph Wright (Pennsylvania State Univ.);

- Mapping terrorist organizations: Martha Crenshaw (Stanford Univ.);

- People, power, and conflict in the Eurasian migration system: Cynthia Buckley (UT Austin);

- Strategies of violence, tools of peace, and changes in war termination: Virginia Fortna (Columbia Univ.);

- Avoiding water wars: Environmental security through river treaty institutionalization: Jaroslav Tir (Univ. of Georgia);

- Predicting the nature of conflict—an evolutionary analysis of the tactical choice: Laura Razzolini (Virginia Commonwealth Univ.) & Atin Basuchoudhary (Virginia Military Institute);

- Fighting and bargaining over political power in weak states: Robert Powell (UC Berkeley);

- Political economy of terrorism and insurgency (workshop): Eli Berman (UC San Diego);

- Substantive expertise, strategic analysis and behavioral foundations of terrorism (workshop): Rachel Croson (UT Dallas);

- New armies from old: Merging competing military forces after civil wars (workshop): Roy Licklider (Rutgers Univ.);

- Engaging intensely adversarial states: The strategic limits and potential of public diplomacy in US national security policy: Geoffrey Wiseman (Univ. of Southern California);

- Deciphering civil conflict in the Middle East: J. Craig Jenkins (Ohio State Univ.); and

- Modeling discourse and social dynamics in authoritarian regimes: Jeff Hancock (Cornell Univ.), Arthur Graesser (Univ. of Memphis) & David Beaver (UT Austin).

DOD partnered with NSF to reach the broadest range of academic, social and behavioral science, and this collaboration combines the insights of DOD with the peer review expertise of NSF in support of the agencies' desire to promote basic social and behavioral scientific research in areas that will benefit the US.

#### EPA'S NANOTECH STRATEGY

A new research strategy to understand better how manufactured nanomaterials may harm human health and the environment was outlined by the Environmental Protection Agency (EPA) on Sept. 29.

The strategy describes what research EPA will support over the next several years to generate information about safe use of nanotechnology and products that contain nanoscale materials. It also includes research into ways nanotechnology can be used to clean up toxic chemicals in the environment.

Nanomaterials are between one and 100 nanometers and used in hundreds of consumer products, including sunscreen, cosmetics and sports equipment. The unusual light-absorbing properties of zinc or titanium nanoparticles make high-SPF nano sunscreens clear rather than white and studies have shown that they provide superior protection against UV radiation.

Part of EPA's role among federal agencies is to determine the potential hazards of nanotechnology and develop approaches to reduce or minimize any risks identified. As part of the strategy, EPA researchers are investigating widely-used nanomaterials, such as the carbon nanotubes used in vehicles, sports equipment and electronics, and titanium dioxide used in paints, cosmetics and sunscreens.

The research, being conducted in EPA's own laboratories and by grant recipients as part of a collaborative effort with other federal agencies and the international community, uses a multi-disciplinary approach that examines all aspects of nanomaterials in the environment, from their manufacture and use to their disposal or recycling.

EPA's new nanotech web site offers details about the research: <[www.epa.gov/nanoscience](http://www.epa.gov/nanoscience)>

#### PRESIDENT EXTENDS PCAST

On Sept. 29, President Barack Obama signed Executive Order (E.O.) 13511, which extended terms of several federal advisory committees including the President's Council of Advisors on Science and Technology (PCAST), E.O. 13226, as amended (Office of S&T Policy), until Sept. 30 2011.

Other committees whose terms are extended include the following: Committee for the Preservation of the White House, E.O. 11145, as amended (Interior Dept.); National Infrastructure Advisory Council; E.O. 13231, as amended (Department of Homeland Security); Federal Advisory Council on Occupational Safety and Health, E.O. 12196, as amended (Labor Dept.); President's Board of Advisors on Historically Black Colleges and Universities, E.O. 13256 (Education Dept.); President's Board of Advisors on Tribal Colleges and Universities, E.O. 13270 (Education Dept.); President's Commission on White House Fellowships, E.O. 11183, as amended (Office of Personnel Management); President's Committee on the National Medal of Science, E.O. 11287, as amended (National Science Foundation); President's Export Council, E.O. 12131, as amended (Commerce Dept.); President's National Security Telecommunications Advisory Committee, E.O. 12382, as amended (Department of Homeland Security), and the Trade and Environment

Policy Advisory Committee, E.O. 12905 (Office of the US Trade Representative).

E.O. 13511 took effect Sept. 30 2009.

#### US-RUSSIAN NUCLEAR TALKS

Deputy Energy Secretary Daniel Poneman and Russia's State Atomic Energy

Corporation's (Rosatom) director general Sergei Kiriyenko held the first meetings of the joint US-Russian Nuclear Energy and Nuclear Security Working Group last week.

The Sept. 28–29 meetings opened with a session hosted by Energy Secretary Steven Chu, who met with director general Kiriyenko and deputy secretary Poneman to discuss a number of issues, including the two countries' mutual work securing vulnerable nuclear materials, efforts to increase cooperation on civil nuclear technologies, and cooperation on other nuclear security issues.

"The US and Russia have a long and successful track record of cooperation in the area of nuclear security," said Poneman. "These meetings and our visits to Oak Ridge National Laboratory and the Y-12 National Security Complex demonstrate how seriously our countries take our shared responsibility to promote peaceful uses of nuclear energy while combating nuclear dangers. I look forward to continuing this record by expanding our cooperation in fulfillment of our presidents' joint statement."

The meetings, which ended with a plenary session co-chaired by Poneman and Kiriyenko, were the first since the working group was established under the US-Russia Bilateral Presidential Commission during the July 2009 Presidential Summit. The Nuclear Energy and Nuclear Security Working Group is co-chaired by Poneman and Kiriyenko. In addition to talks in Washington DC, the meetings included a visit by director general Kiriyenko and Poneman to the National Nuclear Security Administration's Y-12 National Security Complex and Oak Ridge National Laboratory (ORNL) in Oak Ridge, Tenn.

"This visit is devoted to an in-depth discussion of the issues of nuclear energy and nuclear security as stipulated by the mandate from the presidents of the Russian Federation and the US," said Kiriyenko. "We're looking forward to the expansion of our bilateral cooperation on these issues."

After their meeting with Secretary Chu, Poneman and Kiriyenko flew to Tennessee to visit ORNL and Y-12, where they watched a joint nuclear security training exercise. At Y-12, Poneman and Kiriyenko discussed nuclear materials management issues and toured the recently completed Highly Enriched Uranium Materials Facility. During their ORNL visit, Kiriyenko and Poneman received a briefing at the Radiochemical Engineering Development Center and the Spallation Neutron Source.

As a result of the meeting, a joint action plan was formulated by the working group and will be forwarded to President Obama and President Medvedev through Secretary of State Hillary Clinton and Russian Foreign Minister Sergey Lavrov. Secretary Clinton and Foreign Minister Lavrov serve as the Bilateral Commission Coordinators.

#### DHS CYBER HIRES AUTHORITY

The Department of Homeland Security (DHS) has received new authority to recruit and hire cybersecurity professionals over the next three years to help the agency meet its broad mission to protect the nation's cyber infrastructure, systems and networks.

"Effective cybersecurity requires all partners—individuals, communities, government entities and the private sector—to work together to protect our networks and strengthen our cyber resiliency," Homeland Security

Secretary Janet Napolitano said Oct. 1 at the launch of National Cybersecurity Awareness Month. "This new hiring authority will enable [us] to recruit the best cyber analysts, developers and engineers in the world to serve their country by leading the nation's defenses against cyber threats."

A collaboration between DHS, the Office of Personnel Management (OPM) and Office of Management and Budget (OMB), the new authority allows DHS to fill up to 1,000 critical cybersecurity staff positions over three years across all of its components. These roles include cyber risk & strategic analysis, cyber incident response, vulnerability detection & assessment, intelligence & investigation, and network & systems engineering. But DHS doesn't anticipate needing to fill all the posts.

The announcement was made by Secretary Napolitano at a National Cybersecurity Awareness Month ceremony with Deputy Defense Secretary William Lynn III and White House national security staff acting senior director for cybersecurity Chris Painter.

For National Cybersecurity Awareness Month details, visit: [www.staysafeonline.org](http://www.staysafeonline.org)

#### SBA AWARDS PRIME GRANTS

The Small Business Administration (SBA) announced Oct. 2 that 58 non-profit organizations from 32 states and the District of Columbia are to receive grant funding under the Program for Investment in Microentrepreneurs Act (PRIME) to assist low-income and very low-income entrepreneurs with training and technical assistance to start, operate, and grow their businesses.

"SBA remains committed to helping small businesses start, grow and succeed, and PRIME is one of our many tools for doing this," SBA administrator Karen Mills said last week. "Thanks to larger funding this year, we were able to provide grant dollars to more recipients across more states. These grant recipients are on the front line of helping entrepreneurs in particularly underserved communities with critical tools to help them maximize the potential of their businesses, create jobs and help strengthen the local economy."

The competition for PRIME grants was open to applicants in all 50 states and the US territories, and SBA received over 400 applications. SBA last year funded 35 grants in 12 states on a non-competitive basis.

SBA's PRIME grant funding is intended to establish management and technical assistance, access to capital and other forms of financial assistance, and business training and counseling through qualified organizations to small businesses with five or fewer employees who are economically disadvantaged, and businesses owned by low-income individuals, including those on Indian reservations and tribal lands.

The grant funding received will be used to provide training and technical assistance to disadvantaged microentrepreneurs, supply capacity building services to organizations that assist with microenterprise training and services, and aid in researching and developing best practices in the field of microenterprise development and technical assistance programs for disadvantaged micro-entrepreneurs.

This year's total program funding amounts to \$5 million with grants ranging in size up to \$250,000 with a 50% match required of the recipient. PRIME grants are open to micro-entrepreneur training and technical assistance providers in all 50 states and US territories. They have a one-year performance period, with four 12-month options.

2009 PRIME grant recipients are at: [www.sba.gov/services/financialassistance/sbapartners/prime/index.html](http://www.sba.gov/services/financialassistance/sbapartners/prime/index.html)

#### US-ITALY NUCLEAR R&D PACT

Two important nuclear energy agreements that could lead to construction of new nuclear power plants and improved cooperation on advanced nuclear energy systems and fuel cycle technologies in both countries were signed by Energy Secretary Steven Chu and Italian Minister for Economic Development Claudio Scajola on Sept. 30.

The US-Italy Joint Declaration Concerning Industrial and Commercial Cooperation in the Nuclear Energy Sector, which was signed on behalf of the US by Energy Secretary Chu and Commerce Deputy Secretary Dennis Hightower, affirms the strong interest of the US and Italy to encourage their respective nuclear industries to seek opportunities for construction of new nuclear power plants.

"The agreements reached today reflect our vision for strong partnerships with nations around the world to help address our shared climate and energy challenges," said Secretary Chu. "Nuclear power will play a key role in the production of low-carbon energy in the years and decades to come, and we look forward to working with Italy and the US private sector to advance these important technologies."

"Clean and efficient energy technologies, including nuclear power, will be a cornerstone of a vibrant and prosperous 21st century economy," added deputy secretary Hightower. "American companies can offer Italy world-class nuclear energy solutions while strengthening our own domestic industry."

A bilateral Agreement on Cooperation in Civilian Nuclear Energy Research and Development was also signed by Energy Secretary Chu and Minister Scajola, which will facilitate cooperation between DOE and Italy's Ministry for Economic Development in advanced nuclear energy systems and associated fuel cycle technologies. Both nations will collaborate in R&D of advanced technologies to improve the cost, safety, and proliferation-resistance of nuclear power.

The agreement will also expand efforts to promote and maintain nuclear science and engineering infrastructure and expertise in each country.

Italy will be a key partner in building international consensus and momentum on shared nuclear energy and nonproliferation agenda, and US energy officials look forward to working with their Italian counterparts at the Nuclear Security Summit in April 2010.

#### ARS FOOD WASTE PROJECT

Food scraps are collected every weekday from the Maryland Food Distribution Authority in Jessup, Md., and from small local food service and marketing establishments and trucked to the Agricultural Research Service (ARS) Henry Wallace Beltsville Agricultural Research Center (BARC) in Beltsville, Md.

Items not containing metal, glass, or plastic are then mixed with woodchips, leaves and other organic residuals, and several months later some of the finished compost is delivered to the National Mall in Washington DC to be used in gardens at the Department of Agriculture's (USDA) Jamie Whitten Federal Building.

This unusual operation is part of research by ARS microbiologist Patricia Millner with the BARC Environmental Microbial and Food Safety Lab on ways to reduce the release of methane from landfills by diverting

food residuals and other organic materials to composting. She conducts this research with microbiologist Walter Mulbry of BARC's Environmental Management and Byproduct Utilization Lab.

This year they are also supplying compost to the inaugural People's Garden, part of a new program for creating a community garden at each USDA facility, as well as for landscaping at the US Botanic Garden and the Capitol.

Millner also makes compost available for other federal 'green' projects, including roof gardens, rain gardens and other landscaping designs, to retain water and reduce runoff at federal sites in the Washington DC metropolitan area.

As part of her efforts to help the federal government model ways to compost food scraps, Millner has a cooperative R&D agreement (CRADA) with RCM LLC of Maryland to capture ammonia in the final compost to boost its nitrogen content for fertilizer use. She is now comparing several types of insulated composting containers for greenhouse gas emission reduction and other cost-benefit characteristics.

About half of the carbon and nitrogen in composting materials is lost to the air, rather than being captured in the compost.

#### NIH 115 HIGH-RISK AWARDS

A total of 115 awards for \$348-million to encourage investigators to explore bold ideas with potential to catapult fields forward and accelerate the translation of research into improved health were announced by the National Institutes of Health (NIH).

"The appeal of the Pioneer, New Innovator, and now the T-R01 programs, is that investigators are encouraged to challenge the status quo with innovative ideas, while being given the necessary resources to test them," NIH director Dr. Francis Collins said Sept. 24. "The fact that we continue to receive such strong proposals for funding through the programs reflects the wealth of creative ideas in science today."

The NIH High-Risk Research awards are granted under three research programs supported by its Common Fund Roadmap for Medical Research: the NIH director's Transformative R01 (T-R01) awards, Pioneer awards, and New Innovator awards.

Enacted by Congress through the 2006 NIH Reform Act, the Common Fund supports cross-cutting, trans-NIH programs with a special emphasis on innovation and risk taking. Part of the New Innovator Awards (\$23-million) is supported by American Recovery and Reinvestment Act funding.

NIH this year is granting 42 T-R01 awards, 18 Pioneer awards, and 55 New Innovator awards for early-stage investigators, and expects to make competing awards of \$30-million to T-R01 awardees, \$13.5-million to Pioneer awardees, and about \$131-million to New Innovators in FY09. Total funding provided to this effort over a five-year period is estimated at \$348-million.

More details on the T-R01 award are at: <http://nihroadmap.nih.gov/T-R01>

Details of the Pioneer award are at: <http://nihroadmap.nih.gov/pioneer>

Information on the New Innovator award is at: <http://nihroadmap.nih.gov/newinnovator>

#### NHGRI, NIMH GRANTS

Grants expected to total \$45-million were announced last week by the National Human Genome Research Institute (NHGRI) and National Institute of Mental Health (NIMH) to establish new Centers of Excellence in Genomic Science in Wisconsin and North

Carolina, as well as to continue support of existing centers in Maryland and California.

"Our aim is to foster the formation of innovative research teams that will develop genomic tools and technologies that help to advance human health," NHGRI acting director Dr Alan Guttmacher said Sept. 28. "Each of these centers is in a position to tackle some of the most challenging questions facing biology today."

"NIMH is pleased to partner with NHGRI and to be able to support this innovative study with funding through the American Recovery and Reinvestment Act," said NIMH director Dr Thomas Insel. "These sophisticated genetic models will provide new opportunities to accelerate the pace of scientific discovery and to make progress toward understanding how genes shape behavior."

NHGRI and NIMH are both part of the National Institutes of Health (NIH). Launched in 2001 by NHGRI, the Centers of Excellence in Genomic Science program assembles interdisciplinary teams dedicated to making critical advances in genomic research.

The new center, to be co-led by Medical College of Wisconsin and Univ. of Wisconsin-Madison will receive about \$8-million over three years. The new center at Univ. of North Carolina, Chapel Hill will receive about \$8.6-million over five years. The existing center at Univ. of Southern California, Los Angeles will receive about \$12-million over five years and the existing center at Johns Hopkins Univ. in Baltimore will get about \$16.8-million over five years.

Funding to all four centers will be provided by NHGRI. The first two years of the Univ. of North Carolina center will be funded by NIMH, which will contribute about \$6-million through the American Recovery and Reinvestment Act (ARRA). In addition, NIMH will provide about \$1.7-million, in non-ARRA funds, of the total funding awarded to the Johns Hopkins center.

More information about the program is at: <[www.genome.gov/14514219](http://www.genome.gov/14514219)>

#### NSF PLANS CPATH SURVEY

The National Science Foundation (NSF) plans a one-year data collection for its Revitalizing Computing Pathways (CPATH) in Undergraduate Education Program Evaluation.

Established by NSF's Computer & Information Science & Engineering (CISE) directorate, CPATH is aimed toward preparing a US workforce with computing competencies and skills imperative to the nation's health, security, and prosperity in the 21st century. This workforce includes a cadre of computing professionals prepared to contribute to sustained US leadership in computing in a wide range of application domains and career fields, and a broader professional workforce with knowledge and understanding of critical computing concepts, methodologies, and techniques.

To achieve this vision, CPATH calls for colleges and universities to work together and with other stakeholders (industry, professional societies, and others) to formulate and implement plans to revitalize undergraduate computing education in the US. Full engagement of faculty and other individuals in CISE disciplines will be critical to success.

Successful CPATH projects will be systematic in nature, address a broad range of issues, and have significant potential to contribute to the transformation and revitalization of undergraduate computing education on a national-scale. Qualitative data collection of this program evaluation will document CPATH program strategies used in in-

fusing computational thinking across different contexts and disciplines, examine development of communities of practitioners and dissemination of best practices around computational thinking, and analyze preliminary evidence for how the CPATH program is preparing students for career options in the STEM workforce.

Five major questions will guide this program evaluation: How is CPATH infusing computational thinking in a range of disciplines serving undergraduate education? What evidence is there that university and community college departments and faculty are integrating computational thinking into their courses? How are undergraduate students benefitting from their participation in CPATH projects? What evidence is there that CPATH is developing communities of practitioners that share best practices regularly across different contexts and disciplinary boundaries? How is CPATH promoting sustainable multi-sector partnerships that represent a broad range of stakeholders (e.g., industry, higher education, K12) and contribute to workforce development supporting continued US leadership in innovation?

NSF will seek answers to these questions through use of mixed evaluation methods including document analyses, site visit interviews, and telephone interviews with selected CPATH grant participants including principal investigators, staff, faculty, administrators, students, and external partners. Participation in program evaluations is mandatory for all CPATH awardees.

After considering public comment, NSF will request that OMB approve clearance of this one-time collection [OMB No. 3145-NEW] for no longer than one year.

NSF estimates about 200 respondents (individuals) will take part in the survey and take an average of 1½-hours per response.

For more details, contact Suzanne Plimpton at (703) 292-7556; [splimpto@nsf.gov](mailto:splimpto@nsf.gov).

#### CDC AWARDS CENTER GRANTS

Award of \$4.37-million in competitive grants to enhance health care information management and improve detection and response to emerging public health threats was announced Sept. 25 by the Centers for Disease Control and Prevention (CDC).

The CDC grants will fund four new Centers of Excellence in Public Health Informatics at Harvard Pilgrim Health Care, Indiana Univ., Univ. of Pittsburgh, and Univ. of Utah.

"These centers will advance the study and practice of public health informatics through collaborative efforts among academic public health experts, local and state public health departments, developing regional health information organizations, and other health and informatics professionals," said CDC's National Center for Public Health Informatics acting director Dr Stephen Thacker.

The overall purpose of the center of excellence initiative is to find strategies and tools that increase the ability of health departments, physicians and other health care providers to promote health and prevent diseases, injuries or disabilities. A common emphasis will be translation of results into measurable public health impacts.

Each center of excellence will conduct two new projects that support national priorities in informatics; and support real-time bio-surveillance for potential health threats through immediate access to data from hospitals and health care systems in major metropolitan areas across the US.

The principal investigators, projects, and overall goals of the centers are:

—Harvard Pilgrim Health Care, Boston, Mass. (Dr Richard Platt & Dr Kenneth Mandl): Personally-controlled health records and social networks; and electronic support for public health: Diabetes Mellitus;

—Indiana Univ., Indianapolis (Dr Shaun Grannis): Bringing public health to the point of care: Overcoming digital barriers; and enhancing basic infrastructure capabilities that support public health practice;

—Univ. of Pittsburgh (Dr Michael Wagner): Automatic case detection using clinical data; and Bayesian outbreak detection and characterization;

—Univ. of Utah, Salt Lake City (Dr Matthew Samore): Visual analytics & decision support for core public health missions; and just-in-time delivery of dynamically maintained public health knowledge.

Five previously-funded centers have become national leaders in public health informatics. According to CDC officials, their academic productivity has been impressive, generating over 85 peer reviewed publications, 153 presentations at national meetings, and more than 100 posters and abstracts. They have also made contributions to strategic national activities.

#### STATE R&D ACTIVITY SURVEY

The US Census Bureau plans to continue to conduct the Survey of State Research and Development Expenditures in order to measure r&d supported and performed by state governments in the US.

This survey, a joint effort between Census Bureau and the National Science Foundation (NSF), is sponsored by NSF, which has a statutory charge to provide a central clearinghouse for the collection, interpretation, and analysis of data on s&e resources, and to provide a source of information for policy formulation by other federal agencies.

Under this legislative mandate, NSF has sponsored surveys of r&d since 1953, including the Survey of Industrial Research and Development and the Survey of State Research and Development Expenditures.

The survey form includes items on r&d expenditures by source of funding, by performer (internal and external to state agencies), and by character (basic, applied, or developmental), and the final results produced by NSF contain state and national estimates useful for a variety of data users interested in r&d and development performance. These include the National Science Board, the Office of Management & Budget, and the Office of S&T Policy, as well as other science policy makers, institutional researchers and private organizations.

All data are collected electronically via a web-based form, and the 500 or so state government agencies surveyed will be assisted during the collection period by central state coordinators.

An estimated 52 state coordinators and 500 state agencies are expected to respond to the voluntary survey, with the time per response being four hours for every state coordinator and 1½ hours for every state agency.

Comments on the proposed data collection [Form No. SRD-1] must be submitted by Nov. 20 to Diana Hynek at [dHynek@doc.gov](mailto:dHynek@doc.gov). For more information, contact Pamela Medwid at [pamela.d.dutterer@census.gov](mailto:pamela.d.dutterer@census.gov).

#### ARMY'S TOP 10 INVENTIONS

The US Army's Top Ten Greatest Inventions of 2008 were recognized during a Sept. 21 awards ceremony, attended by top Army s&t officials including Army Materiel Command (AMC) Commander Gen. Ann Dunwoody and Army Research, Development & Engineering Command (ARDEC) Commander Maj. Gen. Paul Izzo, in Arlington, Va.



The annual awards program, which gets nominations from across the Army's s&t community, aims to recognize the best technology solutions for soldiers. This year's awards recognized the following inventions fielded by the Army during 2008:

—1. XM153 Common Remotely Operated Weapon Station (CROWS) [Army Armament Research, Development & Engineering Center (AARDEC)]: Able to be mounted on a variety of vehicles, this system offers the ability to aim and fire remotely a suite of crew-served weapons from a stationary platform or while moving;

—2. Projectile Detection Cueing (PDCue)—CROWS Lightning [AARDEC]: This low-cost acoustic gunfire detection system is able to detect and locate the origin of incoming gunfire;

—3. Light machine gun & medium machine gun cradle [AARDEC]: This cradle provides a more stable and accurate firing platform and reliable, twist-free ammunition feeding regardless of weapon orientation;

—4. Overhead cover for objective gunner protection kit [AARDEC]: An integrated armor/ballistic glass system mounted onto the objective gunner protection kit of tactical and armored vehicles, it provides an enhanced 360 degree ballistic protection for gunners while retaining visibility for situational awareness;

—5. Enhanced mobile rapid aerostat initial deployment vehicle [Army Aviation and Missile Research, Development & Engineering Center]: This system combines multiple intelligence, surveillance, and reconnaissance capabilities onto a single, integrated platform;

—6. Whisper [Army Communications—Electronics Research, Development & Engineering Center]: The system's passive detection capability can be used to detect enemy radio-controlled improvised explosive device (IED) threats;

—7. Combat gauze for treating hemorrhage in injured soldiers [Army Institute of Surgical Research]: Hemorrhages account for 50% of deaths among combat casualties and many of these deaths are potentially preventable with prompt and effective treatment. This large-sized flexible roll of non-woven medical gauze, impregnated with kaolin, a clotting agent, can be used to treat severe external bleeding, especially where a tourniquet can't be applied. It has also been proposed to treat deep bleeding at the end of a long wound tract;

—8. Mine-resistant ambush-protected armor weight reduction spiral program [Army Research Lab]: This program enabled Army to meet MRAP program protection requirements for a high priority, anti-armor, IED threat, and its goal was to introduce lightweight composites, new materials, and enhanced ballistic mechanisms to reduce the added weight of final armor packages.

—9. Mine-resistant ambush-protected expedient armor program add-on-armor kit [Army Tank Automotive Research, Development & Engineering Center (TARDEC)]: Developed to safeguard soldiers against lethal threats of IEDs and explosively formed penetrators, the armor uses armor physics, as opposed to armor mass, to defeat the threat. It has led to a 50% cut in weight, while increasing the armor protection on all MRAP vehicles without sacrificing vehicle performance or payload;

—10. One system remote video terminal A-kit [TARDEC]: An innovative modular video and data system enabling soldiers to receive remotely near-real-time surveillance image and geospatial data direct from tactical un-

manned aerial vehicles and manned platforms.

AMC is the Army's premier provider of materiel readiness in the form of technology, acquisition support, materiel development, logistics, power projection and sustainment . . .

Ms. MIKULSKI. The quote is as follows:

\$8 million has been awarded to 17 projects by the NSF under a joint NSF/Department of Defense solicitation. The competition, Social and Behavioral Dimensions of National Security, Conflict and Cooperation, is focused on basic social and behavioral science of strategic importance to US national security policy.

So again, the competition is in the social science directorate. And the four topic areas the DOD thought it was important to contract out, through the NSF, are in the following areas, according to this article:

Authoritarian regimes, the strategic impact of religious and cultural change, terrorist organizations and ideologies, and new dimensions in national security.

They awarded these 17 grants, and let me read what some of them are. One is experimental analysis of alternative models of conflict bargaining. Now, you might say: Ho-hum. But you know what, maybe some idea out of that will help us crack how we can bring peace to the Middle East. Another is mapping terrorist organizations. Well, that is a pretty good idea. Maybe some of that research will help us get out of Afghanistan. How about predicting the nature of conflict? Well, we kind of know what that is, but do we really? Because if we understand the nature of conflict, maybe we can learn to defang conflict.

Let's look at another issue which I am very concerned about because of my worry about the planet—avoiding water wars: environmental security. These may be new threats to the United States.

I could read every one of these, but what I want to say is that DOD has partnered with NSF—to quote from this article—“to reach the broadest range of academic, social and behavioral science, and this collaboration combines the insights of DOD with the peer review expertise of NSF in support of the agencies' desire to promote basic social and behavioral research in areas that will benefit the United States.”

“Federal Technology Watch” said it best. To take out \$9 million is really penny-wise and pound-foolish. I am going to oppose the amendment of the Senator on that issue. I will oppose the amendment of the Senator on taking money from much-needed Commerce Department renovations and putting it in IG because we do fund the President's request in IG.

I do, however, like the amendment of the Senator from Oklahoma on more transparency in government reports that are coming into the Commerce Department. I believe we could have passed that one by voice vote. I am

sorry we have to go through the mechanics of a recorded vote. He is worried I would drop it in conference, but I could give him my word that we would maintain that amendment as best we could. But so be it, the Senator is entitled to that.

So, Mr. President, as we conclude our conversation this afternoon, I want to be very clear. We oppose two of the Coburn amendments. I accept one that you will see down at the desk where I stand.

I had hoped we could avoid a cloture vote. Senator SHELBY and I have worked hard on a bipartisan bill, and I once again acknowledge the Senator from Alabama, my Republican colleague. We have an excellent bill that funds not only the Commerce Department but the Justice Department, and now we are facing the threat of a filibuster by amendment after amendment. I had hoped we could have reached some kind of agreement on a limited number of amendments, but since we can't, it looks as if we are going to have to go to cloture.

I think we have had a good discussion, and I want to reiterate the three goals of the Commerce, Justice, Science Subcommittee. No. 1, we want to promote the security of the American people. We want to do it over there and we want to do it here. That is why we fund the Justice Department. We also want to promote innovation, and we have vigorous funding for our science agencies and innovation from the government that will also be on the side of those innovators. No. 3, where we do agree with the Senator from Oklahoma is on increased oversight, accountability, stewardship, and transparency.

Mr. President, I know we are about 5 minutes from the vote, so I will now reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to H.R. 2847, the Departments of Commerce, Justice and Science and Related Agencies Appropriations Act of Fiscal Year 2010.

Harry Reid, Barbara A. Mikulski, Barbara Boxer, Robert Menendez, Charles E. Schumer, Patty Murray, Tom Harkin, Patrick J. Leahy, Roland W. Burris, Mark Begich, Ben Nelson, Daniel K. Inouye, Debbie Stabenow, Bernard Sanders, Dianne Feinstein, John F. Kerry, Edward E. Kaufman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the committee-reported substitute to H.R. 2847, the Departments of Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from West Virginia (Mr. BYRD), and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 38, as follows:

[Rollcall Vote No. 320 Leg.]

#### YEAS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Bennet	Johnson	Pryor
Bingaman	Kaufman	Reed
Boxer	Kerry	Rockefeller
Brown	Kirk	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

#### NAYS—38

Alexander	DeMint	McCain
Barraso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Reid
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	LeMieux	Voinovich
Crapo	Lugar	

#### NOT VOTING—6

Begich	Byrd	Inouye
Burr	Hutchison	Wicker

The PRESIDING OFFICER. On this vote the yeas are 56, the nays are 38. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, the motion to reconsider the vote by which cloture was not invoked is considered entered.

Mr. REID. Mr. President, in years past, appropriations bills were finished in a reasonably short period of time. There was cooperation between both sides. That, of course, has ended. We are now in an era where the President of the United States goes to a foreign country trying to bring the Olympics to the United States. And when the Olympics do not go to Chicago, our Republican colleagues cheer. If you can imagine that, that is what happened.

When the President is awarded the Nobel Peace Prize, only the third time in the history of the country that a sitting President is awarded the Nobel Peace Prize, we get the same dissatisfaction of this tremendous honor given to our country from our Republican colleagues.

As was written in the New York Times 1 week ago: The Republicans are legislating out of spite. Anything that slows things down, confuses, diverts from the business at hand, they are happy to do that. There were 100 filibusters last year. And the American people should understand filibusters are more than just a word. It takes days and weeks of the Senate's time to work through that process.

We are going to get this bill passed, and we will complete the work on this appropriations bill—not because the Republicans deserve it, with their many earmarks in the bill. We are going to go ahead and do it anyway. We are going to do it because it is the right thing for the country.

There are many amendments that are germane. There are a number of amendments that were not germane postcloture. They would be considered. I told everyone that.

This is a game Republican Senators are playing. I think it is a very unfair game for the American people. I do hope the American people are watching, and they are. All you have to do is look at the LA Times. In Los Angeles this weekend, there was a front-page story indicating that the Republican Party, as a result of what is going on in the Senate, is at the lowest point in the history of the country for a political party. Why wouldn't they be?

We do have one brave soul who voted to get the bill out of the Finance Committee, and I appreciate her work. No cooperation on one of the most important issues facing the country in generations, health care reform. Do they have a plan? Of course not. It is the party of no, as indicated in this vote tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Republican leader.

Mr. MCCONNELL. Madam President, on the vote just cast, as my friend well knows, we had worked on an amendment list not only last week but earlier

today. We were down to what I thought was a manageable list. There is no one on this side of whom I am aware trying to prevent the Commerce-Justice-State bill from passing. So far this year we have had a very good amendment process. Members have been able to offer their amendments and get votes. I thought until about 5:15 this afternoon we were going to be able to get an amendment list. It broke down somehow in the discussions. So I wouldn't make more out of this than it is. We were very close to being able to finish this bill.

I suggest we continue to work on the amendment list, which was quite reasonable, and wrap up the bill in the very near future.

Mr. REID. Madam President, I appreciate the suggestion of my Republican counterpart. But we are going to get cloture on this bill, and we will handle the germane amendments. We have legislated on this bill for 5 days. That should be enough. The list they think is reasonable, someone should take a look at it and see how unreasonable it is. We will go ahead. We will do the regular order. We will get cloture on this bill, and we will handle the germane amendments—maybe. We don't have to handle the germane amendments. We don't have to deal with those. We might do that; we might not do it.

I think what has happened in the Senate is outrageous. I want to make sure the record is clear. I appreciate very much JOHN MCCAIN saying nice things about President Obama getting the Nobel Peace Prize. Another person who says he is running for President also said nice things about President Obama getting that. That was Governor Pawlenty. Obviously, Governor Pawlenty knows the American people think it is wrong for someone who receives this high honor, for people not to pat him on the back.

What has gone on in the Senate is as indicated in the New York Times last month: they are legislating out of spite. We are going to continue to work for the betterment of this country and move forward on the agenda this country needs to work on. We have had a successful year legislating. It has been extremely difficult. We have had a lot of hurdles to go over.

I appreciate the legislation we have passed. We only recently got 60 votes. We have had 58, so we have always needed a couple Republicans. And we have been able to get those but just barely. I appreciate the scowls from the other side as they vote with us.

We have a lot of important things to do. We are going to continue working on them. Health care has taken a lot longer than we had anticipated, but we will take that over the finish line. It will be hard, but we are going to do that. I hope we can do it with some support from the Republicans. It appears at this stage that we are not



going to get any, other than maybe a couple of courageous souls. Maybe we will get three if we are lucky.

We have to do something about energy, an important issue. We are going to deal with that. We have to do something about regulation reform.

It would be a lot better for the American people if Republican Senators worked with us. Take, for example, the health care bill from the HELP Committee. You would think, after having accepted scores and scores of Republican amendments, that some Republican would say a nice thing about that HELP bill. Not a word. Every single member of the Republican Party who is a member of the HELP Committee voted against the bill.

It is pretty clear what is happening around here. As I indicated—for the third time—Republicans are legislating out of spite, and that is not good for this country.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. With all due respect to my good friend, the majority leader, I don't know what the vote we just had had to do with the President winning a Nobel Peace Prize. I congratulate him for that. I think all Members are proud that he was able to achieve that. I don't know what it had to do with health care. What it had to do with is the Commerce-Justice-State appropriations bill.

We had agreed to all of the amendments on a list but one. We said to the majority that we would eliminate the one. So I don't know why they can't take yes for an answer. We basically had an agreement on our amendment list but for one amendment which they objected to, and we said we would take it off the list. It strikes me rather than having a spirited debate about health care and other matters, we ought to agree to the amendment list and finish the bill.

Mr. REID. Madam President, Thursday we waited virtually all day—all day—for them to come up with a list. It was never quite right. Never quite right. I was here late Thursday night, very late Thursday night. Everyone else had gone home. But the Republicans refused to OK a list. So I had no alternative but to file a motion to invoke cloture. The agreement is in their minds only. We have been very generous in allowing amendments that have nothing to do with bills this whole year. We were still willing to do that with this piece of legislation. This is part of a stall that we have had all year long, the stall all day Thursday. We had problems on Wednesday trying to come up with a list, and Thursday. Just never quite right.

Suddenly, today, we have a list. We are willing to drop an amendment. I don't know what amendment they are talking about dropping.

I have made my statement very clear. We have a pattern in the Senate

by the Republicans that is abusive to the system. It is preventing the American people from getting work done. An example is this very important bill dealing with law enforcement—Commerce-Justice-State—FBI agents. Senator MIKULSKI has worked very hard. She is proud of this legislation. We are going to go ahead and get it done without the Republicans. We are going to go ahead and do it. Their earmarks are included. We are not going to take away any of their earmarks because we believe in fairness.

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent that we now proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

#### ORDER OF PROCEDURE

Mr. BROWN. I ask unanimous consent to be recognized for up to 20 minutes, followed by Senator HATCH for up to 20 minutes, and Senator GRASSLEY for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. BROWN. Madam President, yesterday was a fateful day as we moved forward on health care legislation. Yesterday America's Health Insurance Plans, the insurance companies, unveiled a report criticizing the Senate Finance Committee's health reform legislation. This is the committee that negotiated with Republicans for 6 months; the committee that worked with the insurance industry for 6 months; a committee that has, frankly, not included a public option; a committee that has, frankly, bent over backwards to listen to insurance company interests.

America's Health Insurance Plans unveiled a report saying that as a result of this health care bill, health insurance premiums are going to increase by double-digit percentages as far as the eye can see.

Families USA pointed out that "this criticism by the insurance lobby gives hypocrisy a bad name."

AHIP, America's Health Insurance Plans, talked about rate shock; that if we move forward on this health insurance bill, Americans are going to be victimized by rate shock. Rate shock is a significant increase in premiums that insurance companies have inflicted upon Americans over the past decade, year after year after year.

I just got off the phone with a small business person in Cincinnati who has

fought as hard as he possibly can. He came to my townhall meeting in Cincinnati, the most conservative part of the State, saying he needed to go in with other businesses in an insurance exchange, perhaps with a public option so he could get his rates in check. The insurance companies just raised his rates so dramatically that he is likely going to lose his insurance.

Rate shock is when between 2000 and 2009 average family insurance premiums for employer-based health coverage increase from \$6,700 to over \$13,073, an increase of 93 percent. Rate shock is when between 1999 and 2009, premiums for employer-sponsored insurance in my State—from Findlay to Gallipolis, from Galion to Youngstown—grew 108 percent. Rate shock is when 20 percent of middle-income Ohio families spend more than 10 percent of their income on health care. Rate shock is when between 2000 and 2008, the percentage of employees with an annual deductible greater than \$1,000 increased from 1 percent to 18 percent. One out of five Ohioans is paying a more than \$1,000 deductible. Rate shock is when since 2000, insurance costs for small businesses have increased 129 percent.

Who is going to provide the jobs in this economy to get us back on our feet as a nation? It is small businesses. Yet the insurance companies have more than doubled insurance premiums for small business, a 129-percent increase in less than a decade. Rate shock is when small business workers pay an average of 18 percent more in premiums than those in large firms for the same benefits.

When America's Health Insurance Plans, the insurance industry, talks about rate shock, rate shock is what they have inflicted on the American public, what they have inflicted on large corporations, what they have inflicted on small business people, what they have inflicted on individual American workers, on individuals holding insurance plans.

Here is what rate shock, inflicting these huge premiums, has done. We know what it has done to the American public. We know what it has done to small business. We know what it has done to workers. We know what it has done to taxpayers. We know what it has done to local and State governments wrestling with insurance costs while providing other education, health care, public safety, public service services.

Here is what it has meant to insurance companies. Between 2000 and 2007, rate shock, inflicting high costs on ratepayers, has meant profits at 10 of the country's largest publicly traded health insurance companies going up 428 percent. They are doing just fine, thanks to the rate shock they are imposing upon American business and American individuals.

From 2007, CEOs of these companies collected a combined total compensation—10 companies, 1 year—of \$118.6 million, \$11.9 million each, 468 times more than the \$25,000 an average American worker made that year. The CEOs of the insurance companies made \$11.9 million each while they are saying to people: Sorry, you can't get insurance. You have a preexisting condition. Sorry, we are going to rescind your policies because you got too sick and you spent too much. Sorry, we will not cover you. We will cancel your policy because you are the wrong age or the wrong gender or live in the wrong place or you have the wrong disability.

The first half of this year, to top it all off, here is what rate shock meant to the insurance industry. AHIP spent \$3.9 million on in-house lobbying efforts and another \$500,000 on outside lobbying firms and consultants.

It is just a question of fairness. The question of fairness says to all of us, this is not right. People are paying more and more for their insurance. People are losing their insurance because they cannot afford it. People are getting cut off their insurance because of preexisting conditions. People are being discriminated against because of disability or gender or age or location. That—coupled with the salaries, the CEO compensation—all of that is not fair.

But what does that mean individually? Why, other than questions of fairness—which really matter. Another is productivity in our economy. As these health care costs are so burdensome to employers, they simply cannot hire people. I spoke today to a group. I had a roundtable, one of about 140 I have done around Ohio, in my hometown of Mansfield, OH, with about 15 manufacturers, people who are struggling with all kinds of things.

They cannot get credit. They are victimized by the Chinese currency problems that American industry faces and our government will not do enough about. They are badly hurt by health insurance costs. So we know about the question of fairness. It is not fair what has happened to our workers, to our small manufacturers, to our companies, to our taxpayers, while CEOs are doing so well.

But let me talk about what this really means. I am going to read four or five letters from people in Ohio about why this matters, why this insurance crisis matters. I know the Presiding Officer gets letters—whether they come from Hanover or wherever they come from in her State—she gets letters such as this too. Most of the letters I get are from people who thought they had pretty good insurance, and then they get sick and their insurance is canceled or then they find out that one of their children has a preexisting condition or a spouse has a preexisting condition and they cannot renew their

insurance or it gets so costly they cannot renew it. That is what comes through in so many of these letters.

Let me share a few of them. This is a letter from Robert from Lake County. It is a county just east of Cleveland on Lake Erie in northeast Ohio:

In 1986 my wife was terminally ill with cancer and several other illnesses. When I switched jobs and looked for new insurance, we were denied because of her pre-existing condition.

In 2001, when I was 58, I lost my job. When COBRA ran out, I was denied insurance based on my pre-existing conditions of diabetes and heart disease.

I managed to limp through until I turned 65 and became eligible for Medicare.

I'm sure the fear and anxiety I suffered over health insurance hasn't been at all beneficial to my overall health.

I have heard person after person—in talking to people one-on-one or looking at the letters they write or reading something they have written on the Internet—tell me they are not quite 65, they might be 55, they might be 62, and they just hope they can hold on until they are 65 so they can get a decent government-sponsored health plan, Medicare. That tells me why the public is demanding the public option. The public understands a public option—which is just an option—will make the insurance companies more honest.

A public option will not cancel people for having a preexisting condition any more than Medicare does. A public option will give people choice. It will discipline the insurance companies and keep costs in check.

We know, when you look at this report I just talked about—this AHIP report that talked about rate shock—that is as good an argument for a public option as any I have ever heard of because the insurance companies say: We are going to raise rates even higher than we have already raised them, an even higher percentage than we have already raised them, an even faster climb than we have already done in the last decade. That is why we need a public option, to discipline the insurance companies, to compete with them. They seem to be competing to raise rates, not competing to keep things in check, unlike the way competition used to work in this country. That is why a public option is so important.

Shelly from Coshocton, a community in sort of southeast, east central Ohio, writes:

I have no health insurance coverage for myself or my son. My husband is disabled and receives Social Security Disability and Medicare.

My son was born with a congenital heart defect [and] has already had one open heart surgery.

Along with my pre-existing condition, neither of us can afford private coverage.

Pre-existing conditions should be illegal for insurance companies to use to delay health care for Americans.

Shelly is right. When she says that, understand that, yes, we are going to

change the law so we are going to ban the whole practice of "preexisting condition." No more "preexisting condition" under this legislation, no more caps on cost, on coverage, and no more annual or lifetime caps, no more discrimination based on gender or disability or geography or age.

But even with that, we clearly need a public option to enforce those rules so the insurance companies cannot find a way to game the system, as they have over and over, year after year after year. That should be our commitment to Shelly from Coshocton.

Tina from Cuyahoga County—the Cleveland area—writes:

My husband and I have been married for 30 years.

We've lived in the same three bedroom home for the last 26 years, where we sent our two sons to college, without debt, while running our small business.

We have our own insurance, but have seen raised deductibles and scaled back coverage. I would guess we've spent some \$150,000 on premiums over the healthy years of our lives.

Unfortunately, last fall I was diagnosed with non-Hodgkin's lymphoma. The deficiencies in our current policy were then made clear.

Again, a good health care policy until she really needed it, which is too much par for the course in this country.

Our plan covers only certain services. After 2 different and unsuccessful treatments, I have an \$80,000 balance with the hospital.

I firmly believe most people have no idea of their exposure because they have been fortunate not to have had the need to use their insurance. I alternate between being furious and depressed.

At 53, what have I to look forward to other than single handedly having ruined my family's financial future.

Something has to be done. It is immoral that insurance companies should make a profit over people's health conditions.

I think that says it all: again, so many people have what they think is pretty good health insurance until something really bad happens. That is what health insurance should be all about. It really is not insurance if it does not work when you really need it. And Tina from the Cleveland area understands that. A public option will work to make sure she continues with her health coverage, that she cannot be denied coverage, that even when she gets really sick, she will be in a pool that will work for her.

I have two more letters, Madam President, and then I will yield the floor to the Senator from Utah.

This is a letter from Priscilla from Miami County—a county in southwest Ohio, just north of Dayton:

I am a 62-year-old widow with controlled cholesterol and high blood pressure.

I bring in \$2,300 per month on fixed income but pay \$1,900 per month for health insurance premiums.

So \$2,300 a month she brings in, and she pays \$1,900 a month for health insurance premiums. She is not quite Medicare eligible. She is 62 years old.

I keep my thermostat at 62 degrees in the winter and minimize the use of hot water, unless when needed.

I spend about \$100 per month on groceries. Since August 2007, I've spent more than \$40,000 in premiums, co-pays, and out-of-pocket expenses.

My private insurer paid only \$8,500 for my medical and prescription claims in that period.

Priscilla's health insurance simply does not work for her. It is a health insurance policy that too often does not respond when she needs it to respond. She likely—as so many people I know and who call my office—spends much of her time on the phone trying to get her insurance company to pay. You have to figure the stress on people, dealing with insurance companies and getting turned down time after time after time, probably compromises their health.

She has to wait another 3 years before she is Medicare eligible. This legislation will help her with that. This legislation will give her the chance to go into an insurance exchange. She can pick a private plan or she can pick the public option. Either way, she simply will not have these kinds of premiums. She will not have these kinds of out-of-pocket expenses. She will have some costs. She will get some help because she does not make very much money. That is what this country should do, I think, for people like Priscilla.

The last letter I will read is from Cheryl from my home county of Lorain—Elyria, Avon, North Ridgeville, Oberlin, Amherst, that area of the State just west of Cleveland on Lake Erie:

We are a working class family riding the fine line between blue and white collar income.

I work as a business executive assistant, aware of how big business can influence the outcome of this bill. My husband is a retired fire captain who was forced into retirement after being injured on the job.

We get insurance through my employer, but we've seen costs increased considerably in the last three years alone.

Our daughters, ages 28 and 26, both work but face difficult choices regarding their health care.

One daughter's employer plan is based on her overall health—she lives in fear that something like high blood pressure could possibly increase medical costs by hundreds of dollars a month.

My other daughter is a contract worker who has to pay for her own insurance. She makes about \$45,000 a year and supports a family of three, but has out-of-pocket expenses anywhere from \$2,500 to \$5,000 before the deductible is even met.

These are examples of hard working people who will survive in the short term but in the long term will be paying medical insurance rather than a house payment.

Please continue the fight, you cannot let [us] down.

I know the Presiding Officer from New Hampshire gets these kinds of letters from people who are really the backbone of this country, people such as her daughter making \$45,000 a year.

She has had barely a middle-class standard of living. It is clear, with her job as a business executive assistant, she has all kinds of out-of-pocket costs.

If we are going to get this economy back in shape—and I got that again today talking with those manufacturers, small companies of 30 and 50 and 100 people, most of them—if we are going to get this economy back in shape, we cannot have health care costs weighing down our businesses and individuals who simply cannot get ahead, who are fighting every day to figure out: How do I pay for this? How do I balance paying for my medicine with making my house payment, with heating my home, with buying my food? How can we in this society continue to do that?

Then, to top it off, as I said, the insurance industry, yesterday, put out a report that talked about rate shock, that if this bill passes—the kind of threat they made to this institution, to the House and the Senate, to the American people—they are going to jump health care prices.

Well, that is, again, why the public option is so important. The public option will provide competition to these insurance companies, competition they are not used to getting from each other. It might mean that the chief executive officers of the 10 biggest companies will not average \$11.9 million in salaries. It might mean their profits will not continue to escalate. It might mean they have to tighten their belts and compete with a public option so their prices are more in check with what the American people can afford.

The time is now. It is imperative that we in this institution send legislation to the President of the United States for him to sign—good, strong legislation that helps small businesses, that helps people keep the insurance they have, if they want to keep it, if they are satisfied with it, and has a public option included in it to compete with insurance companies and keep them honest and to keep costs in check. It is our duty. It is our imperative. It is what we must do in the next few weeks.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

#### ORDER OF PROCEDURE

Mr. HATCH. Madam President, I have agreed to delay my 20 minutes in favor of the distinguished Senator from Michigan having 3 or 4 minutes. I ask unanimous consent that I be given the floor after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Ms. STABENOW. First, Madam President, I thank my friend from Utah for his graciousness. It is a pleasure to serve with him on the Finance Committee.

(The remarks of Ms. STABENOW pertaining to the introduction of S. 1776 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. STABENOW. Madam President, I appreciate very much my friend from Utah allowing me to step in for a moment. I will be happy to talk more about this at a later point, but it is important to get this introduced this evening so it can become a part of the debate.

#### UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009—UNANIMOUS-CONSENT REQUEST

Ms. STABENOW. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3548, which was received from the House; further, that a Reid substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Madam President, I have to object on behalf of our side.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah is recognized.

#### HEALTH CARE REFORM

Mr. HATCH. Madam President, I have taken a lot of votes in my Senate service, as I have had the proud honor of representing my fellow Utahns and of course all Americans across this great Nation. I deliver these remarks with a heavy heart because what could have been a strong bipartisan vote reflecting our collective and genuine desire for responsible reform in the Senate Finance Committee has ended as another largely partisan exercise as we take another step forward toward the flawed solution of reforming one-sixth of our economy with more spending, more government, and more taxes.

Having said that, I wish to compliment the distinguished chairman of the committee, MAX BAUCUS, from Montana, for having worked so long and hard to try to get that bill through the committee. I disagree with the bill, but I also recognize that type of effort, and I have great regard for Senator BAUCUS and others on the committee as well. But I have worked through almost 4 weeks of debate in the Health, Education, Labor and Pensions Committee and now through 2 weeks of strenuous debate on the Senate Finance Committee. I was in the original Gang of 7 trying to come up with a bipartisan approach, but I realized that not enough flexibility had been given to Senator BAUCUS, and I decided to

leave that group of seven, and I am glad I did, because I predicted when I left exactly what this bill would turn out to be.

It almost seems as though these hundreds of hours of debate in the past were for naught. It is important for Americans everywhere to understand that the bills we have spent hundreds of hours working on are not the bills that will be discussed on the Senate floor. The real bill that is currently being written behind closed doors in the dark corners of the Capitol and the White House—and we can all only hope that all of us, especially American families, will have ample opportunity, at least 72 hours, to review the full bill before we are asked to consider this on the floor and vote on it—is a bill that affects every American life and every American business. The health care reform bill is too big and too important to not have a full public review.

I wish to spend my time today talking about why the Baucus bill fails President Obama's own test for responsible health care reform. This bill is another example of Washington once again talking from both sides of the mouth and using technicalities and policy nuances to evade the promises made to our seniors and middle-class families. First, President Obama in his own words has consistently stated: "If you like your current plan, you will be able to keep it." Let me repeat that: "If you like your plan, you will be able to keep it." That was given on July 2, 2009, right at the White House, and we are all familiar with that particular commitment.

One of the amendments I offered in the Finance Committee simply provided that if more than 1 million Americans would lose the coverage of their choice because of the implementation of this bill, then this legislation would not go into effect. This was a simple and straightforward amendment; no nuance, no double-talk. This amendment was defeated along party lines.

It should come as no surprise to anyone on the Finance Committee that in a recent Rasmussen poll, a majority of Americans with health care coverage—almost 53 percent—said that the bill would force them to change their coverage. This bill is rife with policies that will do anything but allow you to keep your coverage. It cuts upward of \$133 billion out of the Medicare Advantage Program, which will adversely impact the availability of these plans for millions of American seniors, especially in rural areas. That was what it was designed for. It is pushing for policies at the Federal level that actuaries acknowledge could increase premiums significantly for millions of Americans, not to mention the new insurance tax which will cost families another \$500 in higher premiums. This will make current coverage unaffordable for countless Americans.

American families are very smart; they are very astute. They realize that there is no free lunch, especially in Washington. They are being promised an almost \$1 trillion bill—that is really an understatement of what it is, and I will get into that later—that will not increase deficits, not raise taxes, and not cut benefits. Only Washington speak could try to sell a promise such as this with a straight face.

Second: The President has consistently pledged: "We're not going to mess with Medicare." Once again, this is another simple and straightforward pledge that this bill has now evaded through Washington double speech or doubletalk. This bill strips, as I say, \$133 billion out of the Medicare Advantage Program that currently covers 10.6 million seniors, or almost one out of four seniors in the Medicare Program. According to the Congressional Budget Office, under this bill, the value of so-called additional benefits such as vision care and dental care would decline from \$135 to \$42 by 2019. That is a reduction of more than 70 percent of benefits. You heard me right: 70 percent. I offered an amendment to protect these benefits for our seniors, many of whom are low-income Americans who reside in rural States. However, this amendment too was defeated in the Finance Committee. The majority chose to skirt the President's pledge about no reduction in Medicare benefits for our seniors by characterizing the benefits being lost—vision care, dental care, and reduced hospital deductibles—as extra benefits, not statutory benefits.

Let me make this point as clearly as I can. When we promise American seniors that we will not reduce their benefits, let us be honest about that promise. Benefits are benefits, so we are either going to protect benefits or not. It is that simple. Under this bill, if you are a senior with Medicare Advantage, the unfortunate answer is no, you are going to lose benefits.

Thirdly, the President has consistently stated: "I can make a firm pledge. Under my plan, no family making less than \$250,000 a year will see any form of tax increase."

That was when the President was a candidate in New Hampshire on September 12, 2008, and he has said that since.

Let us examine the realities of this bill. As I said before, there is no such thing as a free lunch, especially when Washington is the one inviting you over. According to the Joint Committee on Taxation, there is more than \$400 billion in new taxes under this bill to continue to fund Washington's insatiable appetite for spending. Here are some of the highlights of the \$400 billion: \$23 billion of new taxes on employers through a mandate that will disproportionately affect low-income Americans and all at a time when our

unemployment is rapidly approaching double digits. Some think we are already in double digits. There is \$4 billion of new taxes on Americans who fail to buy a Washington-defined level of coverage; \$322 billion of new taxes on everything from insurance premiums to prescription drugs to hearing devices and wheelchairs. Representatives from both the Congressional Budget Office, CBO, and the Joint Committee on Taxation, JCT, testified before the Finance Committee that these taxes will be passed on to the consumers.

So even though this bill tries to hide these costs as indirect taxes, average Americans who purchase health plans, use prescription drugs, and buy medical devices—everything from hearing aids to crutches—will end up footing the bill. By the way, it is interesting to note here that although these tax increases and Medicare cuts will start as early as next year, subsidies to help people with their premiums which will skyrocket under this plan will not be available until July of 2013—3½ years later.

By the way, they are going to cut \$400 billion out of Medicare. I remember a few years back in 1975 when, for that budget that year, we were trying to find \$23 billion out of Medicare and the other side just about went berserk over that. Here we are cutting \$400 billion out of Medicare that already has \$38 trillion in unfunded liabilities.

So what about the promise of no taxes on families making less than \$250,000? Look at the evidence. According to the data from the Joint Committee on Taxation and former CBO director Doug Holtz-Eakin, 89 percent of these new taxes will be paid by taxpayers making less than \$200,000 a year. The insurance excise tax alone would cost families up to \$500 more in premiums. That is not all. The Joint Committee on Taxation also found that at least 71 percent of all penalties collected from the individual mandate will also come from those making less than \$250,000. As I said, there is no free lunch in this town.

By the way, we all know when this bill is fully implemented it will cost significantly more. Every time Washington tells you that something will cost a dollar, it usually costs \$10. History is prologue. Medicare started off as a \$65 million a year program and now has a \$400 billion annual budget. So look for these taxes to only go up in the future as we have just given the Federal Government a whole new checkbook.

So based on my count, this bill already has three strikes against President Obama's own pledges to the American people. He said: "You keep what you have." That is not true. "No reduction in Medicare benefits for our seniors." That is not true. "No tax increases on families making less than \$250,000." That is not true. In fact,

most of those taxes will go to the middle class at way below \$250,000.

Lastly, let me talk a little bit about the myth of this proposal actually reducing the deficit by \$81 billion over 10 years. Here is the harsh reality. The Congressional Budget Office recently reported that our national deficit for fiscal year 2009 alone was a shocking \$1.4 trillion. That is the highest deficit since 1945 in real terms.

Let me put this in perspective. This was the largest yearly deficit since 1945. It was more than three times our deficit from last year. I remember how they were complaining about George Bush and those high deficits. It is almost 10 percent of our entire economy. George Bush's deficit was less than \$500 billion. I thought it was too high. We are now talking about \$1.4 trillion in the first year of this presidency. Keep in mind the Democrats controlled the Congress in the last 2 years of the Bush presidency. This should send shivers down the spine of every American out there. We are literally drowning the future of this Nation in a sea of red ink.

Here is the fantasy: Congress will actually follow through with these massive Medicare cuts that are being used to make this \$829 billion spending bill deficit neutral. I challenge a single Member of the Senate to tell me when have we ever followed through on such massive cuts. Let me use the words of Dr. Doug Elmendorf, the Director of the Congressional Budget Office, on this issue:

These projections assume that these proposals are enacted and remain unchanged over the two decades which is often not the case for major legislation. The long-term budgetary impact will be quite different if those provisions were ultimately changed or not fully implemented.

I could not have said it better myself. We all remember the Deficit Reduction Act of 2005 which attempted to reduce Medicare spending by a mere \$22 billion over 10 years. That proposal was mercilessly attacked by the other side of the aisle as being, among other things, "Orwellian" and "immoral." Now suddenly we are being asked to believe the Congress will follow through in almost \$500 billion in cuts to Medicare?

Take another example: the physician payment. This bill only contains a 1-year fix. After that, the doctors will face more than a 20-percent cut in their payments, seriously threatening access to Medicare for seniors. We all know that we have to fix this problem, and that we will. Unfortunately, the hundreds of billions of dollars needed to overhaul this broken system are not included in this score that is supposed to be balanced, and will go to further increasing our skyrocketing deficits.

Let's be honest about it. The reason they can keep it down to \$829 billion was by not counting the first 4 years; not having it implemented until as late as 2014. In other words, that is 6 years.

If you extrapolate it out to 10 years, we have \$1.7 trillion, \$1.8 trillion that this bill is going to cost.

One reason for that is because they know we are going to have to do the doctor fix rather than have doctors being paid 25 percent less by Medicare and even less by Medicaid, and hospitals 25 to 30 percent less by Medicare and even less by Medicaid.

The biggest bait and switch on the American people about this bill's impact on the deficit is a simple math trick. If something is too expensive to do for a full 10-year period, just do it for 6 years. That is what they have done. Most of the major spending provisions of the bill do not go into effect until 2013 or even 2014, coincidentally, after the 2012 Presidential elections. So what we are seeing is not a full 10-year score but rather a 6-year score.

According to the Senate Budget Committee, the full 10-year score of this plan will easily surpass \$1.8 trillion, fully implemented over 10 years, the way it is written. I believe it will be more than that in actuality when we add the doctor fix that we are going to have to do.

That is on top of the \$2.4 trillion we are spending right now.

In our current fiscal environment where the government will have to borrow nearly 43 cents out of every dollar it spends this year, let's think hard about what we are doing to our country and our future generations. Our national debt is on a path to double. We can see the red lines on the chart. That is the projected national debt since this administration has taken over. It is on a path to double in the next 5 years and triple in the next 10 years. There is still time for us to step back, press the reset button, and write a bill we can all support and be proud of.

Madam President, what is their answer in the end? I guarantee you, the final bill is going to have some form of—it may be disguised semantically—a government-run plan. That scares every American.

In 1965, when we did Medicare, the argument was that Medicare will be on an equal footing with the private industry. Well, it didn't take just a couple of years, and they found out they could not do it. So they had to set prices.

Today, Medicare pays doctors 20 percent less and hospitals 25 percent less, and Medicaid is even worse than that. If we think the Federal Government can take over the whole health care system and save money, we haven't observed the history of Medicare. Medicare today is a \$38 trillion unfunded liability that we are saddling our kids and grandkids with—and even in my case, my great grandkids. I am concerned. This should not be a political issue.

We ought to be working together. I guarantee, if we turn all of this over to

the government—I heard the distinguished Senator from Ohio, who is very sincere and very loquacious and has an interesting personality. I care for him. But if we do that, everybody is going to suffer because the Federal Government cannot do it better. It is just that simple. We have all the years since 1965 to prove that.

The fact is, if we turn this over to the almighty Federal Government and the bureaucrats in Washington, it will cause a furor like we cannot believe in this country, and rightly so. I heard the distinguished Senator say: Well, if the insurance premiums should increase because of this bill, let's turn it over to the government, and we will save all that money.

What about the \$38 trillion in unfunded liability in Medicare as we stand here today? What about Medicaid going into bankruptcy within the next 10 years? There is nobody who doubts that who looks at the financial matters in this country. The reason they are is because they are run by the almighty Federal Government. I would much rather see a system whereby we allow the States themselves, which have different demographics—and the Chair is from New Hampshire, which is different from Massachusetts, and it is also different from my State of Utah. I will bet that the New Hampshireites can handle their problems a lot better than the Federal Government in Washington. I know Utah can. We have a good health care system because we do all the things that are necessary to make it good. It is closer to the people, and the government is closer to the people. They have to be responsible to the people.

I would like to see a system where we basically block grant these funds and let the States set up their own programs and have 50 State laboratories that literally can show us the way; where we can compare plans and see the good in one State and maybe adapt it to ours. If we turn this all over to a government plan, run by Washington, I cannot begin to tell you the stifling that will be to innovation and good ideas compared to allowing the 50 State laboratories, as federalism was designed to set up.

The majority leader said: The Republicans are just the party of no; they have no plan. We have 40 Members here and we have six plans. We find that even some of our plans are off the charts in cost. Some are good. The fact is, we know this system needs to be reformed. Every Republican is for reforming the system. We are not for bankrupting the country. We are not for having these almighty bureaucrats in Washington determine what we all have to do. We are not for turning everything over to the government, which is already running Medicare and Medicaid into bankruptcy. We don't believe a central form of government should control everything.

Our Founding Fathers didn't believe that. That is why they did the Constitution the way they did it. Anybody who believes they can do it better in a government-run program hasn't studied history. I have to admit some of our colleagues on the other side do believe a single-payer system is better. Single-payer is socialism, pure and simple. They don't like to call it socialism, but that is what it is. When we get socialism, we get everything that goes with it, and that means rationing.

We have to be reasonable about what services we can give. The States will do it the right way. The Federal Government will mess it up, I guarantee it. I don't know anybody who has been here as long as I have who could not acknowledge that. I don't think they should try to dispute that. I think they would be run out of Washington. If you want bureaucrats between your doctor and you, this is the way to do it—a government-run plan right here in Washington, with all the costs and expenses and the oblivious not caring about the future that we have seen year after year.

That is why Republicans are up in arms. That is why we cannot support this bill. I wish we could work with our colleagues and get together. I wish we could do a bipartisan bill. I might add that one person is not bipartisan. You can call it that, but it really isn't. I deeply respect that one person, and she knows that.

The fact is, we are a long way from having a health care bill. The further fact is, it will not be the bill that passed out of the committee today. It is going to even be worse.

If I were sitting on the Democratic side, I would be worried to death about what they are finally going to come up with. They really do, for the most part—the majority—believe a single-payer system, run by Washington, DC, and the bureaucrats here is going to be better than one run by the States. I have to admit there are some States that would mess it up, no question. We can all name them too. There are generally States that are behind the single-payer system, but there aren't many of them. The vast majority of States would show us the way and help us to find the way and help us to do a good job on health care.

Madam President, I am very concerned. I am one who likes to work in a bipartisan way, but it has to make sense. What we passed out of there today doesn't make sense, and it is going to get a lot worse. By the time they take the HELP Committee bill, which was a totally Democratic partisan bill, and take what they want out of that, and by the time they take the tricommunity bill over in the House, which is a partisan Democratic bill, it will get worse. When it does, the American people are going to be the losers.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. UDALL of Colorado pertaining to the introduction of S. 1777 are located in today's RECORD under "Statements of Introduced Bills and Joint Resolutions.")

Mr. UDALL of Colorado. Madam President, I yield the floor.

(Mr. UDALL of Colorado assumed the Chair.)

#### AGRICULTURE APPROPRIATIONS

Mr. REID. Mr. President, I am so pleased that last Thursday we passed another appropriations bill in regular order and with bipartisan support. I thank Chairman KOHL for his work to pass move this bill through the process. And I think Senator BROWNBACK, the ranking member, for his work on this bill as well.

This is a good bill—it is good for the Nation and it is good for my home State of Nevada. By adopting this conference report we are making investments in rural towns, in working families, and in the farm families that feed us.

This bill includes significant investments in rural development programs to help our rural towns improve their hospitals, drinking water and sewage systems. We also help rural communities attract businesses and jobs with investments in broadband access and business loan programs. These programs are especially important as we help families living in rural towns get through these tough economic times and make their communities stronger.

In this bill we also increase funding from last year's levels for nutrition programs like the Supplemental Nutrition Assistance Program, formerly known as food stamps, the Women Infants and Children program, the Commodity Food Supplemental Program, the Emergency Food Assistance Program and School Lunch and Breakfast. In addition, I am pleased that in this bill Nevada has been added to the list of States authorized to run afterschool supper programs that will provide a hot meal for kids who would otherwise go hungry. We have all seen the stories on the news and in the papers about the historic demand for Federal feeding programs and the strain being placed on our local food banks and food pantries. This bill will help families in Nevada and throughout the nation who are currently struggling to put food on the table.

We also make a significant investment in the Commodity Futures Trad-

ing Commission, CFTC, with \$169 million, which is an increase of \$23 million from last year. We are making this investment because we need the CFTC to be capable of conducting rigorous oversight of futures markets, especially in crude oil and other commodities. The CFTC must be fully equipped and staffed so it can prevent the excessive speculation that drove oil prices to record highs last year and really hurt energy consumers. This funding is an important investment that will help us rebuild our economy on a stronger foundation.

In addition to these good programs, this bill also includes funding for a number of important Nevada projects. We have funding for the Nevada Arid Rangelands Initiative, Mormon cricket control, and noxious weed control. We have assistance for the Wildfire Support Group in Orovada to help them do fuels management. And we have funding for the University of Nevada Reno for their work with the Food and Agriculture Policy Research Institute, which does great research to help us understand what is going on in American agriculture so we can create good programs to help our farmers.

This bill makes a number of important investments. So I am very pleased that this bill has passed the Senate with broad support—76 Senators voting to send this conference report to the President.

#### 50TH ANNIVERSARY OF ST. JOHN THE BAPTIST GREEK ORTHODOX CHURCH

Mr. REID. Mr. President, today I wish to commemorate and celebrate the 50th anniversary of the St. John the Baptist Greek Orthodox Church.

For more than a century, a proud and vibrant Greek community has thrived in Nevada. 50 years ago, the parish of St. John the Baptist Greek Orthodox Church was established in Las Vegas, NV, to serve this dynamic community.

For half of a century, the parishioners at St. John the Baptist have celebrated their Hellenic heritage through cultural and spiritual events, all while giving back to the Las Vegas community through service. As one example of the many ways parishioners have inspired southern Nevada, the Panagia chapter of the Ladies Philoptochos Society meets monthly to serve the parish and the community by working in a hands-on fashion to serve the liturgical, charitable, educational, youth, and crisis needs of the community.

Las Vegas is profoundly enriched by the St. John the Baptist Greek Church. Every year, the church holds a Greek Festival, where Nevadans of all backgrounds listen to Greek music, eat Greek food, and embrace the spirit of kefi—a passion for life that radiates from the parishioners at St. John the Baptist.



It is my honor to celebrate the "Golden Heritage" of this storied church on Friday, October 16, 2009. To my friends at St. John the Baptist Greek Orthodox Church: OPA! May you celebrate many more successful years.

#### REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. UDALL of New Mexico. Mr. President, with the passing of Senator Teddy Kennedy, Americans lost a champion, the Senate lost a living legend, and those of us who were fortunate to know him personally lost a friend and mentor.

My memories of Teddy Kennedy reach beyond our short time together in the Senate all the way back to my days as a kid when his brother Jack was running for President of the United States. My father was an early supporter of Jack's campaign and Teddy stayed at our house in Arizona while he was campaigning for his brother in the west. In those days, the west was not considered a plum campaign assignment so, naturally, as the youngest of his clan it fell to him. We had a full house at the time, with all of my brothers and sisters at home, so there wasn't even a bed for him to sleep on. So he slept on the floor and never uttered a word of complaint. My memories of him from that time reflect the same Teddy Kennedy everyone describes today. He was a kind man, dedicated to his brother and his family, and always patient with all of us kids and our questions.

In later years, Teddy continued to be a frequent visitor to New Mexico. When our family was in the midst of a campaign and needed that extra bit of star power, Teddy was there the one person who could ignite a crowd like no other. As Democrats, we loved having him in our State because he could always get a turnout. He had rallies with 10,000-12,000 people—huge crowds for New Mexico.

Teddy Kennedy loved New Mexico and New Mexicans. And New Mexicans loved Teddy right back. In most family living rooms, you can find two prominently displayed photographs. They include at least one of the Kennedys be it Jack, Bobby, or Teddy and at least one of the Pope. New Mexicans just have a very deep affection for the entire Kennedy family.

My father eventually served in Jack Kennedy's Cabinet as Interior Secretary. These days, he talks a lot about his time in JFK's administration. He says he is now the last of the generation. The last leaf on the tree from the Kennedy Cabinet. My father was greatly saddened by Senator Kennedy's passing.

Just about every piece of monumental legislation that has come out of this Senate over the past 50 years has had Teddy Kennedy's stamp on it

somehow. Whether it was voting rights or education improvements or health care reform—the cause of Teddy's life—America owes a debt of gratitude to the senior senator from Massachusetts for his leadership and unwavering dedication to making our country a better place for all who call it home.

But the last chapter in Teddy's legacy remains incomplete. That chapter is health care reform, and it is our job as Teddy's colleagues and friends to pick up where he left off and pass legislation that helps all Americans obtain affordable, quality health coverage. Teddy Kennedy dreamed of a day when decent, quality health care is a fundamental right and not just a privilege. We are once again at the edge of transformative change in our country. We have Teddy Kennedy to thank for getting us to this point. I look forward to joining my colleagues as we make Teddy's final dream a reality.

Mr. BEGICH. Mr. President, I rise to speak of the enormous contributions to this body and to our nation of our former colleague, the late senior Senator from Massachusetts, Ted Kennedy.

When I took the oath as a U.S. Senator on January 3, 2009, I have to confess to a fair amount of trepidation. Many great statesmen have served before me in this esteemed body. For a former mayor from a State so distant from Washington, DC, taking a seat among these American leaders was a little intimidating.

No sitting Senator was a larger giant than Ted Kennedy and he impacted my life long before I arrived here. As a boy born and raised in Anchorage, my parents spoke of the great pride in public service the Kennedy family inspired in our family and in our Nation. My father, the late Nick Begich, served for 2 years in the Congress with Senator Kennedy, before my dad's death in 1972.

In many ways, Alaska and Massachusetts can't be further apart. Alaska is just celebrating its 50th year of admission to the United States and is a vast land rich in natural resources and of conservative, independent-minded people. The Bay State was the site of one of America's first settlements more than four centuries ago, is well developed, and its residents decidedly more liberal.

Yet in the first week of April 1968, those differences faded when Senator Kennedy traveled to Sitka to deliver a speech to the Alaska Democratic State Convention. The days-old assassination of Dr. Martin Luther King Jr. still ached in the hearts of Americans. In a scratchy tape recording of his speech, Senator Kennedy calls on Americans to rise above the frustration and fury they felt and to rededicate ourselves to "wipe away cynicism and to introduce the understanding that we wish to see future generations exercise so they will not suffer as their mothers and fathers have suffered."

The transcript of that speech shows that Alaska U.S. Senator Ernest Gruening and the gathered Alaskans rose to a standing ovation as Senator Kennedy concluded his inspirational remarks. Today, 41 years later, those words continue to serve as an inspiration to me.

Mr. President, I had the opportunity to meet Senator Kennedy only once, when he welcomed me as a Member of this body just a few months ago. The intimidation I felt as a new Senator melted in his warmth and graciousness. It will be a moment I will remember for the rest of my life.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO SOUTHGATE'S VOLUNTEER FIREFIGHTERS

• Mr. BUNNING. Mr. President, today I congratulate the members of the city of Southgate's Volunteer Fire Department. This year marks the department's centennial anniversary.

This year the city of Southgate's Volunteer Fire Department is celebrating 100 years of service to the Northern Kentucky area. Southgate is my hometown, and I know and appreciate the great lengths that the fire department goes to in order to keep its citizens safe. I want to honor every volunteer who, on a daily basis, risks his or her life to faithfully serve their neighbors.

Again, I congratulate the city of Southgate's Volunteer Fire Department on reaching their centennial milestone. I know that the volunteers' efforts are an inspiration to others in Kentucky and throughout the Nation. •

##### 100TH ANNIVERSARY OF PINEY WOODS SCHOOL

• Mr. COCHRAN. Mr. President, I am pleased to congratulate the Piney Woods School in Piney Woods, MS on their 100th anniversary. The Piney Woods School was founded in 1909 by Dr. Laurence C. Jones to educate the head, heart, and hands of young people. This transformative educational model was first exhibited by teaching the children of poor sharecroppers to read. Today, the school serves as a home, and offers educational opportunities to students from 23 States and 7 foreign countries.

The Piney Woods School is one of only four historically African-American boarding schools left in the United States. Diligently preparing their students for institutions of higher learning, Piney Woods propels 98 percent of its graduates on to attend some of the best colleges and universities in the country. The school has been featured on "60 Minutes" and "U.S. News and World Report" for their commitment to educate our disadvantaged youth.

The Piney Woods School has also made a commitment to service and leadership in their community, State, and country. The school was the first high school in the Nation to incorporate an Americorps program into its curriculum. Each of the 50 members in the senior class at Piney Woods School serves in the role of a quarter-time Americorps volunteer. In this capacity, they are actively involved in providing service in disaster areas, building playgrounds in inner cities, creating after-school programs for youth in rural American communities, and providing online tutorial services for students.

I congratulate the Piney Woods School on 100 great years and commend them on their educational successes and commitment to service. I am proud that the Piney Woods School is in my home State of Mississippi, and I wish them the best in the future.●

#### 50TH ANNIVERSARY OF ACT

● Mr. HARKIN. Mr. President, I would like to congratulate the ACT organization, which is celebrating its 50th anniversary, this year. As many of our colleagues know, ACT is an independent, nonprofit group based in Iowa City that provides an array of testing, assessment, and research services in the areas of education and workforce development.

ACT was launched in 1959 as the American College Testing Program by a University of Iowa professor of education and colleagues from 16 Midwestern States. Their goal was to help college-bound students find a good match for their interests and aptitudes, and to help colleges and universities place students into appropriate freshman-level classes.

On November 7, 1959, about 75,000 students took the first ACT assessment. This year, nearly 1.5 million graduating seniors 45 percent of all high school graduates in the Nation took the ACT exam.

From its relatively humble beginnings a half century ago, ACT has grown into an enterprise with a global reach. In addition to its testing and assessment services, it has developed programs to prepare students for success in college. It has created the National Career Readiness Certificate, a tool that thousands of educators and employers nationwide use to confirm that individuals have essential core employability skills. In addition, ACT is one of several partners in a new Manufacturing Skills Certification System designed by the National Association of Manufacturers, the Nation's largest industrial trade organization.

In addition to its Iowa City headquarters, ACT has 12 field offices across the United States, as well as offices in Australia, Korea, China, Singapore, and Spain. It has a global workforce of nearly 1,500.

I salute all of the superb professionals at ACT, whose vision and hard work have built an organization respected worldwide for its innovation and excellence. And I wish them even greater success in their next half century.●

#### RECOGNIZING THE MUSCATINE HISTORY AND INDUSTRY CENTER

● Mr. HARKIN. Mr. President, I would like to congratulate the Muscatine History & Industry Center for being selected to participate in the rigorous Museum Assessment Program sponsored by the American Association of Museums.

The entire Muscatine community takes great pride in the History and Industry Center's success in showcasing the city's past role as "pearl button capital of the world," as well as the historic contributions of three local enterprises: Bandag, a half-century-old company specializing in silver tubes, mesh venting, and tire treads; HNI Corporation, the world's second largest manufacturer of office furniture and the nation's No. 1 maker of gas- and wood-burning fireplaces; and Stanley Consultants, a global provider of engineering, environmental, and construction services.

The Muscatine History and Industry Center is a relatively small museum, but it has a very big impact. Not only does it welcome many thousands of visitors annually, it reaches out to the community with a variety of programs and activities, and hosts daily visits by school groups—from prekindergarten through high school. Students and youth groups learn by interacting with the Center's artifacts and many hands-on activities.

As the center begins participation in the Museum Assessment Program, it looks forward to an extended period of self-examination and peer review designed to improve its operations and programming, and to identify current and future challenges.

I congratulate the Muscatine History and Industry Center for taking this giant step forward in its development as a museum. And I salute all the outstanding professionals and volunteers at the center whose vision and tireless efforts have made this institution such an important part of Muscatine's cultural life.●

#### RECOGNIZING THE UNIVERSITY MUSEUMS

● Mr. HARKIN. Mr. President, I would like to congratulate the University Museums at Iowa State University for earning formal accreditation by the American Association of Museums, an honor that is bestowed on fewer than 10 percent of museums across the United States.

As a proud alumnus of Iowa State, I know that the university community

takes great pride in its diverse collection of museums, including the three museums that together make up University Museums at Iowa State University: the Brunnier Art Museum, the Art on Campus Collection, and the Farm House Museum.

The Brunnier is dedicated to the decorative arts, including works by Grant Wood and Louis Comfort Tiffany. The Art on Campus Collection consists of more than 2,000 works of public art located all across the campus in buildings, courtyards, open spaces, and offices. The Farm House Museum is a wonderful 19th century house and a National Historic Landmark, offering visitors a window into what life was like on campus in the university's earliest days, when most faculty members lived on the college grounds.

These collections and museums make a powerful contribution to the cultural life of the ISU campus. They do so thanks to the quality of their art works and artifacts. Just as importantly, they do so by inviting the community to participate in special conferences, lectures, panel discussions, gallery walks, and gallery talks. University Museums has reinvented the idea of the museum as an educational and intellectual center, reaching out beyond the campus to the wider Ames community, including K-12 schools, with a wide range of cultural programs and activities.

Accreditation by the American Association of Museums does not come easily. It involves a rigorous process in which a museum demonstrates its commitment to the highest professional standards, public service, and excellence in education. University Museums at Iowa State University now joins an elite group of 778 AAM-accredited institutions spanning the United States.

I congratulate University Museums for this hard-earned recognition. And I salute all the outstanding museum professionals and volunteers whose vision and tireless efforts have contributed so much to the campus and to the entire Ames community.●

#### RECOGNIZING THE UNIVERSITY OF NORTHERN IOWA MUSEUMS AND COLLECTIONS

● Mr. HARKIN. Mr. President, I would like to congratulate the University of Northern Iowa Museums and Collections for being selected to participate in the rigorous Museum Assessment Program sponsored by the American Association of Museums.

I know that the university and the entire Cedar Falls community take great pride in the University Museum, the Marshall Center School, and the various collections that they encompass. The University Museum's collections and temporary exhibits focus on the natural world and traditional cultures. The Marshall Center School is a



restored one-room schoolhouse, with a permanent exhibit celebrating Iowa's rural schools.

These museums and collections make a powerful contribution to the cultural life of the UNI campus. They do so thanks to the quality of their exhibits and artifacts. Just as importantly, they do so by inviting the community to participate in special conferences, lectures, panel discussions, and other activities. The university views its museums not as static institutions but as active educational and intellectual centers, reaching out beyond the campus to the wider Cedar Falls community, including K-12 schools.

The UNI Museums and Collections have been accredited by the American Association of Museums since 1975—an honor that is bestowed on fewer than 10 percent of museums in the United States. As this institution now begins participation in the Museum Assessment Program, it looks forward to an extended period of self-examination and peer review designed to improve its operations and programming, and to identify current and future challenges.

I congratulate the UNI Museums and Collections for taking this important step forward in its development as an institution. And I salute all the outstanding professionals and volunteers whose vision and tireless efforts have contributed so much to the campus and to the entire Cedar Falls community.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3123. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1772. A bill to require that all legislative matters be available and fully scored by CBO

72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

H.R. 3548. An act to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

H.R. 3590. An act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1776. A bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3305. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fireworks Displays within the Captain of the Port Puget Sound Zone" ((RIN1625-AA00) (Docket No. USG-2009-0752)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3306. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Calcasieu River, Hackberry, Louisiana" ((RIN1625-AA87) (Docket No. USG-2009-0317)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3307. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; IJSBA World Finals, Lower Colorado River, Lake Havasu, Arizona" ((RIN1625-AA00) (Docket No. USG-2009-0194)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3308. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "San Clemente Island Northwest Harbor October and November Training; Northwest Harbor San Clemente Island, California" ((RIN1625-AA00) (Docket No. USG-2009-0747)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3309. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Robert Moses Causeway Bridge State Boat Channel, Captree, New York" ((RIN1625-AA00) (Docket No. USG-2009-0755)) received in the Office of the President of the Senate on October 7, 2009; to the

Committee on Commerce, Science, and Transportation.

EC-3310. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Cape Charles Tomato Festival Fireworks Event, Chesapeake Bay, Cape Charles, Virginia" ((RIN1625-AA00) (Docket No. USG-2009-0529)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3311. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Parker US Open Nationals; Parker, Arizona" ((RIN1625-AA00) (Docket No. USG-2009-0474)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3312. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, Illinois" ((RIN1625-AA11) (Docket No. USG-2009-0767)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3313. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, Illinois" ((RIN1625-AA11) (Docket No. USG-2009-0789)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3314. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, Illinois" ((RIN1625-AA11) (Docket No. USG-2009-0884)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3315. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Naval Training October and November; San Clemente Island, California" ((RIN1625-AA00) (Docket No. USG-2009-0748)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3316. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security and Safety Zone; Cruise Ship Protection, Elliott Bay and Pier-91, Seattle, Washington" ((RIN1625-AA00) (Docket No. USG-2009-0331)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3317. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Large Passenger Vessel Crew Requirements" ((RIN1625-AB16) (Docket No. USG-2007-27761)) received in the Office of the

President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3318. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Sabine River, Orange, Texas" ((RIN1625-AA00) (Docket No. USG-2009-0359)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3319. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Hood Canal Bridge Cable Laying Operation, Hood Canal, Washington" ((RIN1625-AA00) (Docket No. USG-2009-0496)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3320. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation for Marine Events; Mattaponi River, Wakema, Virginia" ((RIN1625-AA08) (Docket No. USG-2009-0460)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3321. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas; Henderson Harbor, New York" ((RIN1625-AA01) (Docket No. USG-2009-0854)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3322. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the expenditure of funds under the Recovery Act; to the Committee on Commerce, Science, and Transportation.

EC-3323. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; 2009-10 Main Hawaiian Islands Bottomfish Total Allowable Catch" ((RIN0648-XQ14) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3324. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" ((RIN0648-XR71) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3325. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure" ((RIN0648-XR63) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3326. A communication from the Acting Director of Sustainable Fisheries, National

Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels" ((RIN0648-XR58) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3327. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Raritan River, Arthur Kill and Their Tributaries, Staten Island, New York and Elizabeth, New Jersey" ((RIN1625-AA09) (Docket No. USG-2009-0202)) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3328. A communication from the Secretary of the Commission, Office of the General Counsel, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice" (16 CFR Parts 3 and 4) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3329. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Wyoming Regulatory Program" (SATS No. WY-035-FOR) received in the Office of the President of the Senate on October 8, 2009; to the Committee on Energy and Natural Resources.

EC-3330. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Listing Lepidium papilliferum (Slickspot Peppergrass) as a Threatened Species Throughout Its Range" ((RIN1018-AW34) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Environment and Public Works.

EC-3331. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter" ((RIN1018-AV92) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Environment and Public Works.

EC-3332. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Director's Directive No. 5 on Mixed Service Costs" (LMSB-4-0809-033) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Finance.

EC-3333. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Customs Broker License Examination Appeals" (CPB Dec. 09-38) received in the Office of the President of the Senate on

October 7, 2009; to the Committee on Finance.

EC-3334. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans" ((RIN0938-AP37) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Finance.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1692. A bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 1773. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grant programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Finance.

By Mr. WEBB (for himself, Mr. ALEXANDER, Mr. CORKER, and Mr. UDALL of Colorado):

S. 1774. A bill for the relief of Hotaru Nakama Ferschke; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. SESSIONS, Mr. BENNET, Mr. LIEBERMAN, Mr. INHOFE, Mr. WHITEHOUSE, Mr. NELSON of Nebraska, Mr. BAUCUS, Mr. SCHUMER, Mr. SPECTER, Ms. KLOBUCHAR, Mr. UDALL of Colorado, Mr. BINGAMAN, and Mr. DODD):

S. 1775. A bill to amend the Higher Education Act of 1965 to provide that interest shall not accrue on Federal Direct Loans for members of the Armed Forces on active duty regardless of the date of disbursement; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW:

S. 1776. A bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; read the first time.

By Mr. UDALL of Colorado:

S. 1777. A bill to facilitate the remediation of abandoned hardrock mines, and for other purposes; to the Committee on Environment and Public Works.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. INHOFE, and Mr. BOND):

S. Res. 311. A resolution encouraging the United States Trade Representative to pursue a free trade agreement between the United States and the Association of Southeast Asian Nations; to the Committee on Finance.

By Mr. DODD (for himself, Mr. DURBIN, Mr. CARDIN, and Mr. BOND):

S. Res. 312. A resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID); to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself, Mr. SCHUMER, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. MENENDEZ, Mr. CRAPO, and Mr. BENNETT):

S. Res. 313. A resolution supporting the goals and ideals of Red Ribbon Week, 2009; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 640

At the request of Mr. LEMIEUX, his name was added as a cosponsor of S. 640, a bill to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

S. 654

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 659

At the request of Mr. ALEXANDER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 659, a bill to improve the teaching and learning of American history and civics.

S. 831

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCHE) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

At the request of Mr. KERRY, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Colorado (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Rhode Island (Mr. REED), the Senator from Tennessee (Mr. CORKER), the Senator from Montana (Mr. TESTER), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. BENNETT), the Senator from Oregon (Mr. MERKLEY) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1012

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1012, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1065

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

At the request of Mr. BROWNBACK, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1065, *supra*.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1326

At the request of Mr. BAYH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1326, a bill to amend the American Recovery and Reinvestment Tax Act of 2009 to clarify the low-income housing credits that are eligible for the low-income housing grant election, and for other purposes.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1341

At the request of Mr. MENENDEZ, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1341, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain proceeds received on SILO and LILO transactions.

S. 1382

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1441

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1441, a bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members.

S. 1472

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1472, a bill to establish a section within the Criminal Division of the Department of Justice to enforce human

rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1535

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1535, a bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1536, a bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1657

At the request of Mr. NELSON of Florida, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1657, a bill to amend the Internal Revenue Code of 1986 to modify the exception from the 10 percent penalty for early withdrawals from government plans for qualified public safety employees.

S. 1659

At the request of Mr. CASEY, the name of the Senator from Pennsyl-

vania (Mr. SPECTER) was added as a cosponsor of S. 1659, a bill to enhance penalties for violations of securities protections that involve targeting sensors.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1739

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1739, a bill to promote freedom of the press around the world.

S. 1749

At the request of Mrs. FEINSTEIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1749, a bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. RES. 295

At the request of Mr. BAYH, the names of the Senator from California (Mrs. BOXER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 295, a resolution designating October 13, 2009, as "National Metastatic Breast Cancer Awareness Day".

AMENDMENT NO. 2644

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 2644 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2668

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2668 intended to be proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

AMENDMENT NO. 2670

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of amendment No. 2670 intended to be proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 1773. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grant programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, it is my pleasure today to introduce the Comprehensive Cancer Care Improvement Act, a bill to improve cancer care quality by encouraging the development of written plans for cancer care. The U.S. has a system of cancer care that is the envy of all nations for its technical superiority and the sophistication of treatment offered to many patients. Unfortunately, not all Americans receive the best care the Nation has to offer.

The Comprehensive Cancer Care Improvement Act would take a step towards ensuring that all Americans have access to cancer care of the highest quality. The bill would authorize a Medicare service for cancer care planning and encourage the adoption of care planning as a routine practice in all cancer care settings. The Institute of Medicine, IOM, has identified as critical to high-quality cancer care the development of plans of care at the beginning of cancer treatment and at the transition to survivorship. Moreover, the debate on health care reform has highlighted care coordination to improve efficiency and reduce unnecessary utilization of health care resources. Care planning facilitates the coordination of cancer care.

The need for this legislation was first brought to my attention in dramatic fashion in the aftermath of Hurricane Katrina, when cancer patients and their physicians scurried to recreate their records in order to minimize interruptions in care and to prevent any duplication of care. Some of the problems that cancer patients encountered could have been eliminated if they had possessed written care plans. In a moving statement at a Hill briefing in 2007, one of my constituents described her efforts to create her own

care plan by grabbing various documents that had been supplied by her oncologist as she was being evacuated from her home. Although not as useful as a clear care plan, these documents helped that patient and her new physician chart her course of care. The experience taught us that key recommendations from the IOM related to cancer care—and especially the recommendation for cancer care planning should be taken off the shelf and put into action.

There are many advantages of written cancer care plans for patients, physicians, and the entire health care system. Patients report that they are empowered by receiving care plans that spell out choices, facilitate the coordination of treatment and symptom management, and identify the follow-up services they will need post-treatment. Physicians say that communication with their patients is improved by developing and sharing care plans that are clear and concise, and some practices that have adopted care planning say that they are observing the identification and elimination of duplicative tests and procedures and an overall greater efficiency in care, all achieved while enhancing quality of care and patient satisfaction.

The Comprehensive Cancer Care Improvement Act, introduced in the House of Representatives by Representatives LOIS CAPPS and CHARLES BOUSTANY, establishes a new Medicare service for cancer care planning and authorizes programs that are aimed at increasing the utilization of care planning in all cancer care settings and ensuring access to care plans by underserved populations. I urge my colleagues to join me in cosponsoring this legislation to enhance cancer patients' access to quality care.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1773

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Comprehensive Cancer Care Improvement Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

#### TITLE I—COMPREHENSIVE CANCER CARE UNDER THE MEDICARE PROGRAM

Sec. 101. Coverage of cancer care planning services.

Sec. 102. Demonstration project to provide comprehensive cancer care symptom management services under Medicare.

#### TITLE II—COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS

Sec. 201. Grants for comprehensive palliative care and symptom management programs.

#### TITLE III—PROVIDER EDUCATION REGARDING PALLIATIVE CARE AND SYMPTOM MANAGEMENT

Sec. 301. Grants to improve health professional education.

Sec. 302. Grants to improve Continuing Professional Education.

#### TITLE IV—RESEARCH ON END-OF-LIFE TOPICS FOR CANCER PATIENTS

Sec. 401. Research program.

#### SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Individuals with cancer often do not have access to a cancer care system that provides comprehensive and coordinated care of high quality.

(2) The cancer care system has not traditionally offered individuals with cancer a prospective and comprehensive plan for treatment and symptom management, strategies for updating and evaluating such plan with the assistance of a health care professional, and a follow-up plan for monitoring and treating possible late effects of cancer and its treatment.

(3) Cancer survivors often experience the under-diagnosis and under-treatment of the symptoms of cancer, a problem that begins at the time of diagnosis and often becomes more severe at the end of life. The failure to treat the symptoms, side effects, and late effects of cancer and its treatment may have a serious adverse impact on the health, well-being, and quality of life of cancer survivors.

(4) Cancer survivors who are members of racial and ethnic minority groups may face special obstacles in receiving cancer care that is coordinated and includes appropriate management of cancer symptoms and treatment side effects.

(5) Individuals with cancer are sometimes put in the untenable position of choosing between potentially curative therapies and palliative care instead of being assured access to comprehensive care that includes appropriate treatment and symptom management.

(6) Comprehensive cancer care should incorporate access to psychosocial services and management of the symptoms of cancer (and the symptoms of its treatment), including pain, nausea and vomiting, fatigue, and depression.

(7) Comprehensive cancer care should include a means for providing cancer survivors with a comprehensive care summary and a plan for follow-up care after primary treatment to ensure that cancer survivors have access to follow-up monitoring and treatment of possible late effects of cancer and cancer treatment.

(8) The Institute of Medicine report, “Ensuring Quality Cancer Care”, described the elements of quality care for an individual with cancer to include—

(A) the development of initial treatment recommendations by an experienced health care provider;

(B) the development of a plan for the course of treatment of the individual and communication of the plan to the individual;

(C) access to the resources necessary to implement the course of treatment;

(D) access to high-quality clinical trials;

(E) a mechanism to coordinate services for the treatment of the individual; and

(F) psychosocial support services and compassionate care for the individual.

(9) In its report, “From Cancer Patient to Cancer Survivor: Lost in Transition”, the Institute of Medicine recommended that individuals with cancer completing primary treatment be provided a comprehensive summary of their care along with a follow-up survivorship plan of treatment.

(10) Since more than half of all cancer diagnoses occur among elderly Medicare beneficiaries, the problems of providing cancer care are problems of the Medicare program.

(11) Shortcomings in providing cancer care, resulting in inadequate management of cancer symptoms and insufficient monitoring and treatment of late effects of cancer and its treatment, are related to problems of Medicare payments for such care, inadequate professional training, and insufficient investment in research on symptom management.

(12) Changes in Medicare payment for comprehensive cancer care, enhanced public and professional education regarding symptom management, and more research related to symptom management and palliative care will enhance patient decision-making about treatment options and will contribute to improved care for individuals with cancer from the time of diagnosis of the individual through the end of the life of the individual.

#### TITLE I—COMPREHENSIVE CANCER CARE UNDER THE MEDICARE PROGRAM

##### SEC. 101. COVERAGE OF CANCER CARE PLANNING SERVICES.

(a) **IN GENERAL.**—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)—

(A) by striking “and” at the end of subparagraph (DD);

(B) by adding “and” at the end of subparagraph (EE); and

(C) by adding at the end the following new subparagraph:

“(FF) comprehensive cancer care planning services (as defined in subsection (hhh));”;

and

(2) by adding at the end the following new subsection:

“Comprehensive Cancer Care Planning Services

“(hhh)(1) The term ‘comprehensive cancer care planning services’ means—

“(A) with respect to an individual who is diagnosed with cancer, the development of a plan of care that—

“(i) details, to the greatest extent practicable, all aspects of the care to be provided to the individual, with respect to the treatment of such cancer, including any curative treatment and comprehensive symptom management (such as palliative care) involved;

“(ii) is furnished in written form to the individual in person within a period specified by the Secretary that is as soon as practicable after the date on which the individual is so diagnosed;

“(iii) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

“(iv) is in accordance with standards determined by the Secretary to be appropriate;

“(B) with respect to an individual for whom a plan of care has been developed under subparagraph (A), the revision of such plan of care as necessary to account for any substantial change in the condition of the individual, if such revision—

“(i) is in accordance with clauses (i) and (iii) of such subparagraph; and

“(ii) is furnished in written form to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision;

“(C) with respect to an individual who has completed the primary treatment for cancer,

as defined by the Secretary (such as completion of chemotherapy or radiation treatment), the development of a follow-up cancer care plan that—

“(i) describes the elements of the primary treatment, including symptom management, furnished to such individual;

“(ii) provides recommendations for the subsequent care of the individual with respect to the cancer involved;

“(iii) is furnished in written form to the individual in person within a period specified by the Secretary that is as soon as practicable after the completion of such primary treatment;

“(iv) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

“(v) is in accordance with standards determined by the Secretary to be appropriate; and

“(D) with respect to an individual for whom a follow-up cancer care plan has been developed under subparagraph (C), the revision of such plan as necessary to account for any substantial change in the condition of the individual, if such revision—

“(i) is in accordance with clauses (i), (ii), and (iv) of such subparagraph; and

“(ii) is furnished in written form to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision.

“(2) The Secretary shall establish standards to carry out paragraph (1) in consultation with appropriate organizations representing providers of services related to cancer treatment and organizations representing survivors of cancer. Such standards shall include standards for determining the need and frequency for revisions of the plans of care and follow-up plans based on changes in the condition of the individual and standards for the communication of the plan to the patient.”.

(b) **PAYMENT.**—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended by striking “and” before “(W)” and inserting before the semicolon at the end the following: “, and (X) with respect to comprehensive cancer care planning services described in any of subparagraphs (A) through (D) of section 1861(hhh)(1), the amount paid shall be an amount equal to the sum of (i) the national average amount under the physician fee schedule established under section 1848 for a new patient office consultation of the highest level of service in the non-facility setting, and (ii) the national average amount under such fee schedule for a physician certification described in section 1814(a)(2) for home health services furnished to an individual by a home health agency under a home health plan of care”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to services furnished on or after the first day of the first calendar year that begins after the date of the enactment of this Act.

#### **SEC. 102. DEMONSTRATION PROJECT TO PROVIDE COMPREHENSIVE CANCER CARE SYMPTOM MANAGEMENT SERVICES UNDER MEDICARE.**

(a) **IN GENERAL.**—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall conduct a two-year demonstration project (in this section referred to as the “demonstration project”) under title XVIII of the Social Security Act under which payment shall be made under such title for comprehensive cancer care symptom man-

agement services, including items and services described in subparagraphs (A) through (I) of section 1861(dd)(1) of the Social Security Act, furnished by an eligible entity, in accordance with a plan developed under subparagraph (A) or (C) of section 1861(hhh)(1) of such Act, as added by section 101(a). Sections 1812(d) and 1814(a)(7) of such Act (42 U.S.C. 1395d(d), 1395f(a)(7)) are not applicable to items and services furnished under the demonstration project. Participation of Medicare beneficiaries in the demonstration project shall be voluntary.

#### **(b) QUALIFICATIONS AND SELECTION OF ELIGIBLE ENTITIES.—**

(1) **QUALIFICATIONS.**—For purposes of subsection (a), the term “eligible entity” means an entity (such as a cancer center, hospital, academic health center, hospice program, physician practice, school of nursing, visiting nurse association, or other home health agency) that the Secretary determines is capable, directly or through an arrangement with a hospice program (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))), of providing the items and services described in such subsection.

(2) **SELECTION.**—The Secretary shall select not more than 10 eligible entities to participate in the demonstration project. Such entities shall be selected in a manner so that the demonstration project is conducted in different regions across the United States and in urban and rural locations.

#### **(c) EVALUATION AND REPORT.—**

(1) **EVALUATION.**—The Secretary shall conduct a comprehensive evaluation of the demonstration project to determine—

(A) the effectiveness of the project in improving patient outcomes;

(B) the cost of providing comprehensive symptom management, including palliative care, from the time of diagnosis;

(C) the effect of comprehensive cancer care planning and the provision of comprehensive symptom management on patient outcomes, cancer care expenditures, and the utilization of hospitalization and emergent care services; and

(D) potential savings to the Medicare program demonstrated by the project.

(2) **REPORT.**—Not later than the date that is one year after the date on which the demonstration project concludes, the Secretary shall submit to Congress a report on the evaluation conducted under paragraph (1).

### **TITLE II—COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS**

#### **SEC. 201. GRANTS FOR COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS.**

(a) **IN GENERAL.**—The Secretary of Health and Human Services shall make grants to eligible entities for the purpose of—

(1) establishing a new palliative care and symptom management program for cancer patients; or

(2) expanding an existing palliative care and symptom management program for cancer patients.

(b) **AUTHORIZED ACTIVITIES.**—Activities funded through a grant under this section may include—

(1) securing consultative services and advice from institutions with extensive experience in developing and managing comprehensive palliative care and symptom management programs;

(2) expanding an existing program to serve more patients or enhance the range or quality of services, including cancer treatment patient education services, that are provided;

(3) developing a program that would ensure the inclusion of cancer treatment patient education in the coordinated cancer care model; and

(4) establishing an outreach program to partner with an existing comprehensive care program and obtain expert consultative services and advice.

(c) **DISTRIBUTION OF FUNDS.**—In making grants and distributing the funds under this section, the Secretary shall ensure that—

(1) two-thirds of the funds appropriated to carry out this section for each fiscal year are used for establishing new palliative care and symptom management programs, of which not less than half of such two-thirds shall be for programs in medically underserved communities to address issues of racial and ethnic disparities in access to cancer care; and

(2) one-third of the funds appropriated to carry out this section for each fiscal year are used for expanding existing palliative care and symptom management programs.

#### **(d) DEFINITIONS.—In this section:**

(1) The term “eligible entity” includes—

(A) an academic medical center, a cancer center, a hospital, a school of nursing, or a health system capable of administering a palliative care and symptom management program for cancer patients;

(B) a physician practice with care teams, including nurses and other professionals trained in palliative care and symptom management;

(C) a visiting nurse association or other home care agency with experience administering a palliative care and symptom management program;

(D) a hospice; and

(E) any other health care agency or entity, as the Secretary determines appropriate.

(2) The term “medically underserved community” has the meaning given to that term in section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)).

(3) The term “Secretary” means the Secretary of Health and Human Services.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

### **TITLE III—PROVIDER EDUCATION REGARDING PALLIATIVE CARE AND SYMPTOM MANAGEMENT**

#### **SEC. 301. GRANTS TO IMPROVE HEALTH PROFESSIONAL EDUCATION.**

(a) **IN GENERAL.**—The Secretary of Health and Human Services shall make grants to eligible entities to enable the entities to improve the quality of graduate and postgraduate training of physicians, nurses, and other health care providers in palliative care and symptom management for cancer patients.

(b) **APPLICATION.**—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require that each such application demonstrate—

(1) the ability to incorporate palliative care and symptom management into training programs; and

(2) the ability to collect and analyze data related to the effectiveness of educational efforts.

(c) **EVALUATION.**—The Secretary shall develop and implement a plan for evaluating the effects of professional training programs funded through this section.

(d) **DEFINITIONS.**—In this section:



(1) The term “eligible entity” means a cancer center (including an NCI-designated cancer center), an academic health center, a physician practice, a school of nursing, or a visiting nurse association or other home care agency.

(2) The term “NCI-designated cancer center” means a cancer center receiving funds through a P30 Cancer Center Support Grant of the National Cancer Institute.

(3) The term “Secretary” means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

#### SEC. 302. GRANTS TO IMPROVE CONTINUING PROFESSIONAL EDUCATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to eligible entities to improve the quality of continuing professional education provided to qualified individuals regarding palliative care and symptom management.

(b) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require that each such application demonstrate—

(1) experience in sponsoring continuing professional education programs;

(2) the ability to reach health care providers and other professionals who are engaged in cancer care;

(3) the capacity to develop innovative training programs; and

(4) the ability to evaluate the effectiveness of educational efforts.

(c) EVALUATION.—The Secretary shall develop and implement a plan for evaluating the effects of continuing professional education programs funded through this section.

(d) DEFINITIONS.—In this section:

(1) The term “eligible entity” means a cancer center (including an NCI-designated cancer center), an academic health center, a school of nursing, or a professional society that supports continuing professional education programs.

(2) The term “NCI-designated cancer center” means a cancer center receiving funds through a P30 Cancer Center Support Grant of the National Cancer Institute.

(3) The term “qualified individual” means a physician, nurse, social worker, chaplain, psychologist, or other individual who is involved in providing palliative care and symptom management services to cancer patients.

(4) The term “Secretary” means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

#### TITLE IV—RESEARCH ON END-OF-LIFE TOPICS FOR CANCER PATIENTS

##### SEC. 401. RESEARCH PROGRAM.

(a) IN GENERAL.—The Director of the National Institutes of Health shall establish a program of grants for research on palliative care, symptom management, communication skills, and other end-of-life topics for cancer patients.

(b) INCLUSION OF NATIONAL RESEARCH INSTITUTES.—In carrying out the program established under this section, the Director should provide for the participation of the National Cancer Institute, the National Institute of Nursing Research, and any other national re-

search institute that has been engaged in research described in subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term “Director” means the Director of the National Institutes of Health.

(2) The term “national research institute” has the meaning given to that term in section 401(g) of the Public Health Service Act (42 U.S.C. 281(g)).

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

By Mr. WEBB (for himself, Mr. ALEXANDER, Mr. CORKER, and Mr. UDALL of Colorado).

S. 1774. A bill for the relief of Hotaru Nakama Ferschke; to the Committee on the Judiciary.

Mr. WEBB. Mr. President, we are debating a lot of great long-term issues in this body. I wish to speak for a short period of time today about something on the other end of the political spectrum, about something that I believe is an issue—a small issue—a private bill that all of us should come together on in rather quick measure.

Every now and then, there comes an issue that tells us a lot about who we are and how we live up to our promises, great and small, and particularly the promises that we make to those who step forward and place their lives on the line in order to carry out the policies that we ourselves put in place.

Like all of the Members of this body, I take a back seat to no one in my affection and support for the people who step forward and serve our country. I come from a family that has a long citizen-soldier tradition. I have several ancestors—direct ancestors—who fought in the American Revolution, and we have participated as citizen-soldiers in just about every war since then.

My colleagues know how strongly I feel about the U.S. Marine Corps. I had the great privilege of commanding marines in combat in Vietnam. My brother was a marine. My son is a marine. My son-in-law is a marine.

Many of my colleagues know of my long association with the people of Okinawa, beginning almost 41 years ago when I first was there on my way into Vietnam, but continuing as a journalist, as a government official, as a tourist, as a guest of the government.

As most of my colleagues know, in my nongovernment service, I principally made my living as a writer, as a novelist. All of these issues dovetail in this private bill that I and the two Senators from Tennessee are introducing today.

In the first novel I wrote, which was about the Vietnam war, a subplot was about a young marine who fell in love with an Okinawan girl and who, after being wounded, went back into Vietnam, had left her with child, and was killed. She, not knowing this, bore the burden of carrying his son without hav-

ing been formally married to this young marine. Flash forward 40 years to the future and to a different war, and we have a situation that I believe needs some prompt action on our part.

This private bill is not asking for any favors. It is not asking for any special consideration. It is simply asking that the young widow of a marine be treated like any other widow.

SGT Michael Ferschke, a 22-year-old marine, had been serving in Okinawa and had met Hotaru Nakama. They dated for a year before he deployed to Iraq. Just before he deployed, they found out that she was with child. They had, by all independent verifications, agreed that they would be married before they discovered she had been with child. He deployed to Iraq, and due to the circumstances of his combat time, they arranged to be married by telephone on July 10, 2008, when he was in Iraq. One month later to the day, he was killed.

That marriage is a marriage that is recognized, including in the State of Virginia, as a valid marriage. And yet because of an idiosyncrasy in our immigration laws that dates back 55 years, the Department of Homeland Security, for immigration purposes, will not recognize this marriage.

This quirk in the law was put into place during the Korean war in order to prevent fraudulent marriages that had never been consummated. But clearly in this case, this is a marriage that could not be consummated because this young man was serving our country in Iraq. They have a child.

Every agency of the U.S. Government has done everything they can on this young widow's behalf. She is staying with the young marine's family in Tennessee on a tourist visa. The Department of Homeland Security, the Department of State, the U.S. Marine Corps—all have been as helpful as they can be in assisting this marine's young widow in her desire to have permanent immigration status in this country. There is no way it can happen under present law because of the peculiarities of the law. There is only one way that can happen, and that is if we pass a special bill that will do only one thing, and that is to give her the exact status that she would have had if they had been standing next to each other when they exchanged their vows in marriage. And there is only one reason they were not standing next to each other when they exchanged their vows in marriage, and that is because he was serving his country in Iraq.

I earnestly hope that all of this body and the other body can come together and remove this idiosyncrasy from the lives of these people who have suffered so much because Michael Ferschke, sergeant, U.S. Marine Corps, stepped forward and did what we asked him to do and served our country.

By Ms. STABENOW:

S. 1776. A bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; read the first time.

Ms. STABENOW. Mr. President, I rise for just a moment because I am introducing a bill today that I will speak more about at another time, but it is a very important bill for the physicians of this country.

We have had a failed, flawed payment system in place for many years as it relates to physicians, and we come back every year, in fact, and stop the cuts that are proposed under that flawed system to make sure we are not putting our physicians in harm's way as it relates to their Medicare reimbursements.

This has gone on year after year after year after year. We all know that the sustainable growth rate process is flawed and yet we have not fixed it permanently. So the legislation I have would, in fact, fix this permanently and guarantee we are stopping this cycle that we put our physicians and hospitals through every year, where there may be a cut, there may not be a cut, and in the end we have to come in and fix it.

So this is a bill that would permanently change the payment system for physicians to a fairer system. It does have a cost to it. It is less than it was prior to the very positive action the Secretary of Health and Human Services took a few weeks ago, removing the costs of medicine from the formula. It should never have been there in the first place. But by removing that, that means the overall costs are less than they otherwise would be.

But it is important we get this right, we fix what has been a very flawed system. As we go into the health care reform debate, I think it is important we get this done right first so every physician understands we are not going to put them in this position year after year after year.

By Mr. UDALL of Colorado:

S. 1777. A bill to facilitate the remediation of abandoned hardrock mines, and for other purposes; to the Committee on Environment and Public Works.

Mr. UDALL of Colorado. Mr. President, I rise tonight to announce that I am introducing legislation designed to help promote the cleanup of abandoned and inactive hard rock mines that are a menace to the environment and public health throughout the country, but especially to the West.

In previous sessions of Congress when I was a Member of the House of Representatives, I introduced similar bills. Following the introduction of those previous bills, revisions were made to

incorporate a number of changes developed in consultation with a wide range of interested parties. These parties included representatives of the Western Governors' Association, the Environmental Protection Agency, the hardrock mining industry, and environmental groups.

The bill I am introducing today is also the product of further consultations. It represents years of effort to reach agreement on establishing a program to advance the cleanup of polluted water from abandoned mines.

For over one hundred years, miners and prospectors have searched for and developed valuable hardrock minerals, such as gold, silver, and copper. Hardrock mining has played a key role in the history of Colorado and many other States. The resulting mineral wealth has been an important aspect of our economy and the development of essential products that we all take for granted.

However, as all westerners know, this history has too often been marked by a series of "boom" times followed by "busts," when mines were no longer profitable. When these busts came, too often the miners would abandon their work and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the Western public lands where mineral development was encouraged to help settle our region.

The problems caused by abandoned and inactive mines are very real and very large. They include acidic water draining from old tunnels; heavy metals leaching into streams, killing fish and tainting water supplies; open vertical mine shafts; dangerous highwalls; large open pits; waste rock piles that are unsightly and dangerous; and hazardous dilapidated structures.

Unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hard rock mines, are of limited effectiveness when they are applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

Right now, there are two serious obstacles to progress. One is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. The other obstacle is legal.

While the Clean Water Act is one of the most effective and important of our environmental laws, as applied to abandoned hard rock mines, it can mean that someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place. As a result, would-be Good

Samaritans understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines.

The Governors of our Western States have recognized the need for action to address this serious problem. They have adopted bipartisan resolutions on this subject, such as the position adopted in the 2007 resolution entitled "Cleaning Up Abandoned Mines." In this resolution, the Governors urged Congress to take action to address liability issues and funding concerns. The Governors sent a letter in November 2007 expressing support for the previous version of the bill I am introducing today.

The bill I am filing today will help address this impediment and make it easier for volunteers, who had no role in creating the problem, to help clean up these sites and improve the environment. It does so by providing a new permit program whereby volunteers can, under an approved plan, reduce the water pollution flowing from an abandoned mine. At the same time, volunteers will not be exposed to the full liability and ongoing responsibility provisions of the Clean Water Act.

Unlike other bills that have been introduced on this topic, my bill only addresses Clean Water Act liability and does not waive any other environmental law. This is because I do not believe we have to go that far. There are administrative avenues and options available to Good Samaritans to address compliance without other environmental laws that may apply at these sites. However, such administrative options are not available for Clean Water Act liability. So my bill only addresses this restriction on moving forward on projects to clean up water releases.

The new permit proposed in my bill would help address problems that have frustrated Federal and State agencies throughout the country. As population growth continues near these old mines, more and more risks to public health and safety are likely to occur. We simply must begin to address this issue, not only to improve the environment but also to ensure that our water supplies are safe and usable.

Let me be clear, the bill does not address all the concerns some would-be Good Samaritans may have about initiating cleanup projects. I am committed to continue working to address those additional concerns through additional legislation and in other ways. But the bill I am filing today can make a real difference, and I think it deserves approval without unnecessary delay.

Mr. President, I ask unanimous consent to have printed in the RECORD a longer version of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. UDALL of Colorado. Mr. President, today I am introducing legislation designed



to help promote the cleanup of abandoned and inactive hardrock mines that are a menace to the environment and public health throughout the country, but especially in the West.

In the 107, 108, 109, and 110 Congresses, I introduced similar bills aimed at that result. Following the bill's first introduction in the 107 Congress, revisions were made to incorporate a number of changes developed in consultation with interested parties, including representatives of the Western Governors' Association, the Environmental Protection Agency, the hardrock mining industry, and environmental groups.

The bill I am introducing today is also the product of further consultations. It represents years of effort to reach agreement on establishing a program to advance the cleanup of polluted water from abandoned mines.

For over one hundred years, miners and prospectors have searched for and developed valuable "hardrock" minerals—gold, silver, copper, molybdenum, and others. Hardrock mining has played a key role in the history of Colorado and other states, and the resulting mineral wealth has been an important aspect of our economy and the development of essential products. However, as all westerners know, this history has too often been marked by a series of "boom" times followed by "busts" when mines were no longer profitable. When these busts came, too often the miners would abandon their work and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the western public lands where mineral development was encouraged to help settle our region.

The problems caused by abandoned and inactive mines are very real and very large—including acidic water draining from old tunnels; heavy metals leaching into streams, killing fish and tainting water supplies; open vertical mine shafts; dangerous highwalls; large open pits; waste rock piles that are unsightly and dangerous; and hazardous dilapidated structures.

Unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hardrock mines, are of limited effectiveness when applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

Right now there are two serious obstacles to progress. One is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. The other obstacle is legal.

While the Clean Water Act is one of the most effective and important of our environmental laws, as applied it can mean that someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place. As a result, would-be "good Samaritans" understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines.

Unless these fiscal and legal obstacles are overcome, often the only route to clean up abandoned mines will be to place them on the nation's Superfund list. Colorado has experience with that approach, so Coloradans know that while it can be effective, it also has shortcomings. For one thing, just being placed on the Superfund list does not guarantee prompt cleanup. The site will have to get in line behind other listed sites and await the availability of financial resources.

We need to develop an alternative approach that will mean we are not left only with the options of doing nothing or creating additional Superfund sites—because while in some cases the Superfund approach may make the most sense, in many others there could be a more direct and effective way to remedy the problem.

The Governors of our western States have recognized the need for action to address this serious problem. The Western Governors' Association has several times adopted resolutions on this subject, such as its most recent resolution in 2007 entitled *Cleaning Up Abandoned Mines*, wherein the governors urge Congress to take action to address liability issues and funding concerns. WGA also sent a letter in November 2007 expressing support for the previous version on the bill I am introducing today.

The bill I am filing today responds to a legal obstacle, the potential liability under the Clean Water Act that now deters many would-be "good Samaritans" from undertaking efforts to clean up abandoned hardrock mines. Unlike other bills that have been introduced on this topic, my bill only addresses Clean Water Act liability and does not waive any other environmental law. That's because I do not believe that we need to go that far. There are administrative avenues and options available to good Samaritans to address compliance with other environmental laws that may apply at these sites. However, such administrative options are not available for Clean Water Act liability, and so my bill only addresses this restriction on moving forward on projects to clean up water releases.

To help the efforts of "good Samaritans," this bill would create a new program under the Clean Water Act under which qualifying individuals and entities could obtain permits to conduct cleanups of abandoned or inactive hardrock mines. These permits would give some liability protection to those volunteering to clean up these sites, while also requiring the permit holders to meet certain requirements.

The bill specifies who can secure these permits, what would be required by way of a cleanup plan, and the extent of liability exposure. Notably, unlike regular Clean Water Act point-source permits, these new permits would not require meeting specific standards for specific pollutants and would not impose liabilities for monitoring or long-term maintenance and operations. These permits would terminate upon completion of cleanup, if a regular Clean Water Act permit is issued for the same site, or if a permit holder encounters unforeseen conditions beyond the holder's control. I think this would encourage efforts to fix problems like those at the Pennsylvania Mine.

The new permits proposed in this bill would help address problems that have frustrated federal and state agencies throughout the country. As population growth continues near these old mines, more and more risks to public health and safety are likely to occur. We simply must begin to address this issue—not only to improve the environment, but also to ensure that our water supplies are safe and usable. This bill does not address all the concerns some would-be Good Samaritans may have about initiating cleanup projects—and I am committed to continue working to address those additional concerns, through additional legislation and in other ways. But this bill can make a real difference, and I think it deserves approval without unnecessary delay.

For the benefit of our colleagues, I am including a brief outline of the bill's provisions.

**Eligibility for Good Samaritan Permits—**Permits could be issued to a person or entity not involved in creation of residue or other conditions resulting from mining at a site within the bill's scope. Any other similar person or entity could be a cooperating party to help with a cleanup.

**Sites Covered by the Bill—**The bill covers sites of mines and associated facilities in the United States once used for production of a mineral, other than coal, but no longer actively mined, but does not cover sites on the national priority list under Superfund.

**Administration—**The permits would be issued by the Environmental Protection Agency, EPA, or by a state or tribal government with an approved Clean Water Act permitting program.

**Remediation Plans—**To obtain a permit, an applicant would have to submit a detailed plan for remediation of the site. After an opportunity for public comments, the EPA or other permitting authority could issue a permit if it determined that implementing the plan would not worsen water quality and could result in improving it toward meeting applicable water quality standards.

**Effect of Permit—**Compliance with a Good Samaritan permit would constitute compliance with the Clean Water Act, and neither a permit holder nor a cooperating party would be responsible for doing any remediation activities except those specified in the remediation plan. When the cleanup is done, the permit expires, ending the Good Samaritan's responsibility for the project.

**Report and Sunset Clause—**9 years after enactment, EPA must report to Congress about the way the bill has been implemented, so Congress can consider whether to renew or modify the legislation, which under the bill will terminate after 10 years.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1777

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Good Samaritan Cleanup of Abandoned Hardrock Mines Act of 2009".

#### SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government and State governments have encouraged hardrock mining in the United States through a wide variety of laws, policies, and actions;

(2) mining operations produce metals and minerals that have important social benefits and values;

(3) many areas in the United States at which historic mining operations took place are now the locations of inactive and abandoned mine sites;

(4) the mining activities that took place prior to the enactment of modern environmental laws often disturbed public and private land, and those disturbances led to environmental pollution, including the discharge of pollutants into surface water and groundwater;

(5) many of the individuals and corporate owners and operators of mines the actions of which caused the pollution described in paragraph (4) are no longer alive or in existence;

(6) many of the historic mining sites have polluted the environment for more than a

century and, unless remedied, will continue to do so indefinitely;

(7) unabated discharges from inactive and abandoned mines will continue to pollute surface water, groundwater, and soils;

(8) many of the streams and water bodies impacted by acid mine drainage are important resources for fish and wildlife, recreation, drinking water, agriculture, and other public purposes;

(9) some of the remaining owners and operators of historic mine sites do not have adequate resources to properly conduct the remediation of the mine sites under applicable environmental laws;

(10) from time to time, States, individuals, and companies are willing to remediate historic mine sites for the public good as Good Samaritans, despite the fact that those States, individuals, and companies are not legally required to do so;

(11) Good Samaritan remediation activities may—

(A) vary in size and complexity;

(B) reflect a myriad of methods by which mine residue may be cleaned up; and

(C) include, among other activities—

(i) the removal, relocation, or management of tailings or other waste piles;

(ii) passive or active water treatment; and

(iii) runoff or runoff controls;

(12) the potential obligations, requirements, and liabilities under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) that may attach to Good Samaritans as the result of the conduct by the Good Samaritans of remediation activities can dissuade potential Good Samaritans from acting for the public good;

(13) it is in the interest of the United States, the States, and local communities to remediate historic mine sites—

(A) in appropriate circumstances and to the maximum extent practicable; and

(B) so that the detrimental environmental impacts of the historic mine sites are lessened in the future; and

(14) if appropriate protections are provided to Good Samaritans, Good Samaritans will have a greater incentive to remediate historic mine sites for the public good.

(b) PURPOSES.—The purposes of this Act are—

(1) to encourage the partial or complete remediation of inactive and abandoned mine sites for the public good by individuals or entities that are not legally responsible for the remediation;

(2) to allow any individual or entity not legally responsible for environmental conditions relating to an inactive or abandoned mine site—

(A) to make further progress toward the goal of meeting water quality standards in all water of the United States; and

(B) to improve other environmental media affected by past mining activities at the inactive or abandoned mine site without incurring any obligation or liability with respect to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(3) to ensure that remediation activities performed by Good Samaritans—

(A) result in actual and significant environmental benefits; and

(B) are carried out—

(i) with the approval and agreement, and at the discretion, of affected Federal, State, and tribal authorities;

(ii) in a manner that enables the public to conduct a review of, and submit comments relating to, the remediation activities; and

(iii) in a manner that is beneficial to the environment and each community affected by the remediation activities; and

(4) to further the innovations of, and cooperation among, the Federal Government, State and tribal governments, private individuals, and corporations to accelerate efforts relating to conservation and environmental restoration.

### SEC. 3. SCOPE.

Nothing in this Act (or an amendment made by this Act)—

(1) reduces any existing liability; or

(2) facilitates the conduct of any mining or processing other than the conduct of any mining or processing that is required for the remediation of historic mine residue for the public good.

### SEC. 4. GOOD SAMARITAN DISCHARGE PERMITS.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) GOOD SAMARITAN DISCHARGE PERMITS.—

“(1) DEFINITIONS.—In this subsection:

“(A) COOPERATING PERSON.—

“(i) IN GENERAL.—The term ‘cooperating person’ means any person that—

“(I) is a Good Samaritan;

“(II) assists a permittee in the remediation of an inactive or abandoned mine site; and

“(III) is identified in a Good Samaritan discharge permit issued under paragraph (2).

“(ii) INCLUSION.—The term ‘cooperating person’ includes the Federal Government.

“(B) ELIGIBLE APPLICANT.—The term ‘eligible applicant’ means a person that—

“(i) is a Good Samaritan; and

“(ii) proposes a project, the purpose of which is to remediate, in whole or in part, actual or threatened pollution caused by historic mine residue at an inactive or abandoned mine site.

“(C) GOOD SAMARITAN.—The term ‘Good Samaritan’ means a person that, with respect to historic mine residue at an inactive or abandoned mine site—

“(i) had no role in the creation of the historic mine residue;

“(ii) had no role in creating any environmental pollution caused by the historic mine residue; and

“(iii) is not liable under any Federal, State, tribal, or local law for the remediation of the historic mine residue.

“(D) HISTORIC MINE RESIDUE.—

“(i) IN GENERAL.—The term ‘historic mine residue’ means mine residue or any condition resulting from activities at an inactive or abandoned mine site prior to October 18, 1972, that—

“(I) causes or contributes to the actual or threatened discharge of pollutants from the inactive or abandoned mine site; or

“(II) otherwise pollutes the environment.

“(ii) INCLUSIONS.—The term ‘historic mine residue’ includes—

“(I) ores and minerals that—

“(aa) were mined during the active operation of an inactive or abandoned mine site; and

“(bb) contribute to acid mine drainage or other environmental pollution;

“(II) equipment (including materials in equipment);

“(III) any waste or material resulting from any extraction, beneficiation, or other processing activity that occurred during the active operation of an inactive or abandoned mine site; and

“(IV) any acidic or otherwise polluted flow in surface water or groundwater that originates from an inactive or abandoned mine site.

“(E) IDENTIFIABLE OWNER OR OPERATOR.—The term ‘identifiable owner or operator’ means a person that is—

“(i) legally responsible under section 301 for a discharge that originates from an inactive or abandoned mine site; and

“(ii) financially capable of complying with each requirement described in this section and section 301.

“(F) INACTIVE OR ABANDONED MINE SITE.—

“(i) IN GENERAL.—The term ‘inactive or abandoned mine site’ means a mine site (including associated facilities) that—

“(I) is located in the United States;

“(II) was used for the production of a mineral other than coal;

“(III) has historic mine residue; and

“(IV) is no longer actively mined on the date on which an eligible applicant submits to a permitting authority a remediation plan relating to an application for a Good Samaritan discharge permit under paragraph (3)(B) for the remediation of the mine site.

“(ii) EXCLUSIONS.—The term ‘inactive or abandoned mine site’ does not include a mine site (including associated facilities) that is—

“(I) in a temporary shutdown;

“(II) included on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)); or

“(III) the subject of an ongoing or planned remedial action carried out in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

“(G) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(H) PERMITTEE.—The term ‘permittee’ means a person that is issued a Good Samaritan discharge permit under this subsection.

“(I) PERMITTING AUTHORITY.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘permitting authority’ means the Administrator.

“(ii) EXCEPTION.—In the case of a State or Indian tribe with an approved permitting program under paragraph (2)(B), the term ‘permitting authority’ means the head of the permitting program of the State or Indian tribe.

“(J) PERSON.—The term ‘person’ includes—

“(i) an individual;

“(ii) a firm;

“(iii) a corporation;

“(iv) an association;

“(v) a partnership;

“(vi) a consortium;

“(vii) a joint venture;

“(viii) a commercial entity;

“(ix) a nonprofit organization;

“(x) the Federal Government;

“(xi) a State (including a political subdivision of a State);

“(xii) an interstate entity;

“(xiii) a commission; and

“(xiv) an Indian tribe.

“(2) GOOD SAMARITAN DISCHARGE PERMITS.—

“(A) IN GENERAL.—A permitting authority may issue a Good Samaritan discharge permit to an eligible applicant in concurrence, if applicable, with—

“(i) the State in which the proposed inactive or abandoned mine site remediation project is located; or

“(ii) the Federal agency or Indian tribe that owns or has jurisdiction over the site at which the proposed inactive or abandoned mine site remediation project is located.

“(B) STATE OR TRIBAL PROGRAMS.—The Administrator shall approve a State or tribal program for the issuance of Good Samaritan discharge permits if—

“(i) the State or Indian tribe has, as of the date of enactment of this subsection, authority to issue a permit under subsection (b); and

“(ii) the State or Indian tribe requests such authority.

“(3) PERMIT PROCESS.—

“(A) SCOPE.—An eligible applicant may apply for a Good Samaritan discharge permit to conduct remediation activities at any inactive or abandoned mine site from which there is, or may be, a discharge or a threatened discharge of pollutants into any water of the United States.

“(B) REMEDIATION PLAN.—To apply for a Good Samaritan discharge permit under subparagraph (A), an eligible applicant shall submit to the permitting authority an application that contains a remediation plan that, to the extent known by the eligible applicant as of the date on which the application is submitted, contains—

“(i) an identification of—

“(I) the eligible applicant (including any cooperating person) with respect to the remediation plan;

“(II) the mine site that is the subject of the remediation plan (including such documentation as the permitting authority determines to be sufficient to demonstrate to the permitting authority that the mine site is an inactive or abandoned mine site); and

“(III) each body of water of the United States that is affected by actual or threatened discharges from the inactive or abandoned mine site;

“(ii) a description of—

“(I) the baseline conditions of each body of water described in clause (i)(III) as of the date on which the eligible applicant submits the application, including—

“(aa) the nature and extent of any adverse impact on the quality of each body of water caused by the drainage of historic mine residue or other discharges from the inactive or abandoned mine site; and

“(bb) as applicable, the level of any pollutant in each body of water that has resulted in an adverse impact described in item (aa);

“(II) the conditions of the inactive or abandoned mine site that cause adverse impacts to the quality of each body of water described in clause (i)(III);

“(III) the reasonable efforts taken by the eligible applicant to identify identifiable owners or operators of the inactive or abandoned mine site that is the subject of the application;

“(IV) each remediation goal and objective proposed by the eligible applicant, including—

“(aa) each pollutant to be addressed by the remediation plan; and

“(bb) each action that the eligible applicant proposes to take that, to the maximum extent reasonable and practicable under the circumstances, will assist in the attainment of each applicable water quality standard;

“(V) the practices (including a schedule and estimated completion date for the implementation of each practice) that are proposed by the eligible applicant to meet each remediation goal and objective described in subclause (IV), including—

“(aa) in the case of a new remediation project, the preliminary system design and construction, operation, and maintenance plans relating to the new remediation project; and

“(bb) in the case of an existing remediation project, available system design and construction, operation, and maintenance plans and any planned improvements with respect to the existing remediation project;

“(VI) any proposed recycling or reprocessing of historic mine residue to be conducted by the eligible applicant (including a description of how each proposed recycling or reprocessing activity relates to the remediation of an inactive or abandoned mine site);

“(VII) the monitoring or other forms of assessment that will be undertaken by the eligible applicant to evaluate the success of the practices described in subclause (V) during and after the implementation of the remediation plan, with respect to the baseline conditions;

“(VIII) each contingency plan that is designed for responding to unplanned adverse events (including the practices to be implemented to achieve each remediation goal and objective described in subclause (IV));

“(IX) the legal authority of the eligible applicant to enter, and conduct activities at, the inactive or abandoned mine site that is the subject of the remediation plan; and

“(X) any public outreach activity to be conducted by the eligible applicant;

“(iii) an explanation of the manner by which the practices described in clause (ii)(V) are expected to achieve each remediation goal and objective described in clause (ii)(IV);

“(iv) a schedule for the periodic reporting by the eligible applicant with respect to any progress in implementing the remediation plan;

“(v) a budget for the remediation plan that includes a description of each funding source that will support the implementation of the remediation plan, including—

“(I) each practice described in clause (ii)(VIII);

“(II) each action described in clause (ii)(IV)(bb); and

“(III) each monitoring or other appropriate activity described in clause (ii)(VII); and

“(vi) any other additional information requested by the Administrator to clarify the remediation plan and each proposed activity covered by the remediation plan.

“(C) CERTIFICATION OF PLAN.—An application for a Good Samaritan discharge permit submitted by an eligible applicant to a permitting authority under subparagraph (B) shall be signed and certified in a manner consistent with section 122.22 of title 40, Code of Federal Regulations.

“(D) INVESTIGATIVE MEASURES.—

“(i) IN GENERAL.—A Good Samaritan discharge permit may include a program of investigative measures to be completed prior to the remediation of the inactive or abandoned mine site that is the subject of the permit if the permitting authority, upon the receipt of the application of an eligible applicant for a Good Samaritan discharge permit, determines the program of investigative measures to be appropriate.

“(ii) PROGRAM REQUIREMENTS.—Any water sampling included in the program of investigative measures described in clause (i) shall be conducted by an eligible applicant in accordance with any applicable method described in part 136 of title 40, Code of Federal Regulations.

“(iii) REQUIREMENTS RELATING TO SAMPLES.—In conducting a program of investigative measures described in clause (i), an eligible applicant shall—

“(I) ensure that each sample collected under the program is representative of the conditions present at the inactive or abandoned mine site that is the subject of the program; and

“(II) retain records of all sampling events for a period of not less than 3 years.

“(iv) INITIAL PLAN.—

“(I) IN GENERAL.—If an eligible applicant proposes to conduct a program of investigative measures, the eligible applicant shall submit to the permitting authority a plan that contains, to the extent known by the eligible applicant as of the date on which the eligible applicant submits the application—

“(aa) each description required under subclauses (I), (II), and (IV) through (VIII) of subparagraph (B)(ii);

“(bb) the explanation required under subparagraph (B)(iii);

“(cc) the schedule required under subparagraph (B)(iv); and

“(dd) the budget required under subparagraph (B)(v).

“(II) RESPONSIBILITY TO SUPPLEMENT DESCRIPTIONS.—An eligible applicant that conducts a program of investigative measures shall, based on the results of the program, supplement each item described in subclause (I), as necessary.

“(v) REPORT OF RESULTS.—The results of the program of investigative measures shall be—

“(I) detailed in a report for the permitting agency; and

“(II) made available by the applicant to any member of the public that requests the report.

“(vi) PERMIT MODIFICATION.—Based upon the results of the investigative measures, a Good Samaritan discharge permit may be modified pursuant to the permit procedures described in this subsection.

“(vii) OPTION TO DECLINE REMEDIATION.—A Good Samaritan discharge permit may allow the permittee to decline to undertake remediation based on the results of the investigative sampling program, if—

“(I) the program of investigative measures is authorized under this subparagraph; and

“(II) the activities under the program of investigative measures have not resulted in surface water quality conditions, taken as a whole, that are worse than the baseline condition of bodies of water described in subparagraph (B)(ii)(I).

“(E) REVIEW OF APPLICATION.—

“(i) INITIAL REVIEW.—The permitting authority shall—

“(I) review each application submitted by an eligible applicant for a Good Samaritan discharge permit;

“(II) provide to the public, with respect to the Good Samaritan discharge permit—

“(aa) notice and a reasonable opportunity to comment; and

“(bb) a public hearing;

“(III) if the Administrator is the permitting authority, provide a copy of the application to each affected State, Indian tribe, and other Federal agency; and

“(IV) determine whether the application for the Good Samaritan discharge permit meets each requirement described in subparagraph (B).

“(ii) REQUIREMENTS NOT MET.—If the permitting authority determines that an application for a Good Samaritan discharge permit does not meet each requirement described in subparagraph (B), the permitting authority shall—

“(I) notify the eligible applicant that the application is disapproved and explain the reasons for the disapproval; and

“(II) allow the eligible applicant to submit a revised application.

“(iii) REQUIREMENTS MET.—If the permitting authority determines that an application for a Good Samaritan discharge permit meets each requirement described in subparagraph (B), the permitting authority shall notify the eligible applicant that the application is accepted.

“(F) PERMIT ISSUANCE.—After notice and opportunity for public comment with respect to a Good Samaritan discharge permit proposed by a permitting authority to be issued under this subsection (including any additional requirement that the permitting authority determines would facilitate the implementation of this subsection), the permitting authority may issue a permit to an eligible applicant if—

“(i) the permitting authority determines that—

“(I) relative to the resources identified by the eligible applicant for funding the proposed remediation activity, the eligible applicant has made a reasonable effort to identify identifiable owners or operators under subparagraph (B)(ii)(III);

“(II) no identifiable owner or operator exists (except, with respect to Federal land, where the only identifiable owner or operator is the Federal Government);

“(III) taking into consideration each funding source (including the amount of each funding source) identified by the eligible applicant for the proposed remediation activity in accordance with subparagraph (B)(v), the remediation plan of the eligible applicant demonstrates that the implementation of the remediation plan will—

“(aa) assist in the attainment of applicable water quality standards to the extent reasonable and practicable under the circumstances; and

“(bb) not result in water quality that is worse than the baseline water condition described in subparagraph (B)(ii)(I);

“(IV) the eligible applicant has provided adequate evidence of financial resources that will enable the eligible applicant to complete the proposed project of the eligible applicant; and

“(V) the proposed project of the eligible applicant meets the requirements of this section;

“(ii) any Federal, State, or tribal land management agency with jurisdiction over any inactive or abandoned mine site that is the subject of the proposed permit, or any public trustee for natural resources affected by historic mine residue associated with any inactive or abandoned mine site that is the subject of the proposed permit, does not object to the issuance of the permit; and

“(iii) if the Administrator is the permitting authority, the affected State or Indian tribe concurs with the issuance of the permit.

“(G) DEADLINE RELATING TO APPROVAL OR DENIAL OF APPLICATION.—Not later than 180 days after the date of receipt by a permitting authority of an application for a Good Samaritan discharge permit that the permitting authority determines to be complete, the permitting authority shall—

“(i) issue to the eligible applicant a Good Samaritan discharge permit; or

“(ii) deny the application of the eligible applicant for a Good Samaritan discharge permit.

“(H) MODIFICATION OF PERMIT.—

“(i) APPROVAL AND DISAPPROVAL PROCESS.—In accordance with clause (ii), after the date of receipt by a permitting authority of a written request by a permittee to modify the Good Samaritan discharge permit of the permittee, the permitting authority shall approve or disapprove the request for modification.

“(ii) PERMIT MODIFICATION.—A permit modification that is approved by a permitting authority under this subparagraph shall be—

“(I) by agreement between the permittee and the permitting authority and, if the Ad-

ministrator is the permitting authority, the affected State or Indian tribe;

“(II) subject to—

“(aa) a period of public notice and comment; and

“(bb) a public hearing;

“(III) in compliance with each standard described in subparagraph (F)(i)(III); and

“(IV) immediately reflected in, and applicable to, the Good Samaritan discharge permit.

“(4) CONTENTS OF PERMITS.—

“(A) IN GENERAL.—A Good Samaritan discharge permit shall—

“(i) contain—

“(I) a remediation plan approved by the permitting authority; and

“(II) any additional requirement that the permitting authority establishes by regulation under paragraph (10); and

“(ii) provide for compliance with, and implementation of, the remediation plan and any additional requirement described in clause (i)(II).

“(B) SCOPE.—A Good Samaritan discharge permit shall authorize only those activities that are required for the remediation of historic mine residue at an inactive or abandoned mine site, as determined by the permitting authority.

“(C) REVIEW.—A Good Samaritan discharge permit shall contain a schedule for review, to be conducted by the permitting authority, to determine compliance by the permittee with each condition and limitation of the permit.

“(5) EFFECT OF PERMIT COMPLIANCE.—

“(A) COMPLIANCE WITH ACT.—

“(i) IN GENERAL.—A Good Samaritan discharge permit issued under this subsection shall authorize the permittee, and any cooperating persons, to carry out each activity described in the Good Samaritan discharge permit.

“(ii) COMPLIANCE WITH PERMIT.—Compliance by the permittee, and any cooperating persons, with respect to the Good Samaritan discharge permit shall constitute compliance with this Act.

“(B) SCOPE OF LIABILITY.—Except as provided in paragraph (6), the issuance of a Good Samaritan discharge permit to a permittee relieves the permittee, and any cooperating person, of each obligation and liability under this Act.

“(6) FAILURE TO COMPLY.—If a permittee, or any cooperating person fails to comply with any condition or limitation of the permit, the permittee, or cooperating person, shall be subject to liability only under section 309.

“(7) TERMINATION OF PERMIT.—

“(A) IN GENERAL.—A permitting authority shall terminate a Good Samaritan discharge permit if—

“(i) the permittee successfully completes the implementation of the remediation plan; or

“(ii)(I) any discharge covered by the Good Samaritan discharge permit becomes subject to a permit issued for other development that is not part of the implementation of the remediation plan;

“(II) the permittee seeking termination of coverage, and any cooperating person with respect to the remediation plan of the permittee, is not a participant in the development; and

“(III) the permitting authority, upon request of the permittee, agrees that the permit should be terminated.

“(B) UNFORSEEN CIRCUMSTANCES.—

“(i) IN GENERAL.—Except as provided in clause (ii), the permitting authority, in cooperation with the permittee, shall seek to

modify a Good Samaritan discharge permit to take into account any event or condition encountered by the permittee if the event or condition encountered by the permittee—

“(I) significantly reduces the feasibility, or significantly increases the cost, of completing the remediation project that is the subject of the Good Samaritan discharge permit;

“(II) was not—

“(aa) contemplated by the permittee; or

“(bb) taken into account in the remediation plan of the permittee; and

“(III) is beyond the control of the permittee, as determined by the permitting authority.

“(ii) EXCEPTION.—If a permittee described in clause (i) does not agree to a modification of the Good Samaritan discharge permit of the permittee, or the permitting authority determines that remediation activities conducted by the permittee pursuant to the permit have resulted or will result in surface water quality conditions that, taken as a whole, are or will be worse than the baseline water conditions described in paragraph (3)(B)(ii)(I), the permitting authority shall terminate the permit.

“(C) NO ENFORCEMENT LIABILITY.—

“(i) DISCHARGES.—Subject to clause (ii), and except as provided in clause (iii), the permittee of a permit, or a cooperating person with respect to the remediation plan of the permittee, shall not be subject to enforcement under any provision of this Act for liability for any past, present, or future discharges at or from the abandoned or inactive mining site that is the subject of the permit.

“(ii) OTHER PARTIES.—Clause (i) does not limit the liability of any person that is not described in clause (i).

“(iii) VIOLATION OF PERMIT PRIOR TO TERMINATION.—The discharge of liability for a permittee of a permit, or a cooperating person with respect to the remediation plan of the permittee, under clause (i) shall not apply with respect to any violation of the permit that occurs before the date on which the permit is terminated.

“(8) LIMITATIONS.—

“(A) EMERGENCY POWERS.—Nothing in this subsection limits the authority of the Administrator to exercise any emergency power under section 504 with respect to persons other than a permittee and any cooperating persons.

“(B) PRIOR VIOLATIONS.—

“(i) ACTIONS AND RELIEF.—Except as provided in clause (ii), with respect to a violation of this subsection or section 301(a) committed by any person prior to the issuance of a Good Samaritan discharge permit under this subsection, the issuance of the Good Samaritan discharge permit does not preclude any enforcement action under section 309.

“(ii) EXCEPTIONS.—

“(I) SCOPE OF PERMIT.—If a Good Samaritan discharge permit covers remediation activities carried out by the permittee on a date before the issuance of the Good Samaritan discharge permit, clause (i) shall not apply to any action that is based on any condition that results from the remediation activities.

“(II) OTHER PARTIES.—A permittee shall not be subject to any action under sections 309 or 505 for any violation committed by any other party.

“(C) OBLIGATIONS OF STATES AND INDIAN TRIBES.—Except as otherwise provided in this section, nothing in this subsection limits any obligation of a State or Indian tribe described in section 303.

“(D) OTHER DEVELOPMENT.—

“(i) IN GENERAL.—Any development of an inactive or abandoned mine site (including any activity relating to mineral exploration, processing, beneficiation, or mining), including development by a permittee or any cooperating person, not authorized in a permit issued by the permitting authority under this subsection shall be subject to this Act.

“(ii) COMMINGLING OF DISCHARGES.—The commingling of any other discharge or water with any discharge or water subject to a Good Samaritan discharge permit issued under this subsection shall not limit or reduce the liability of any person associated with the water or discharge that is not subject to the Good Samaritan discharge permit.

“(E) RECOVERABLE VALUE.—A Good Samaritan to whom a permit is issued may sell or use materials recovered during the implementation of the plan only if the proceeds of any such sale are used to defray the costs of—

“(i) remediation of the site addressed in the permit; or

“(ii) voluntary remediation of any other inactive or abandoned mine site covered by a permit issued under this section.

“(F) STATE CERTIFICATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), to the extent that this subsection relates to water quality standards, certification under section 401 shall not apply to any Good Samaritan discharge permit issued under this subsection.

“(ii) EXCEPTION.—In any case in which certification under section 401 would otherwise be required, no Good Samaritan discharge permit shall be issued by a permitting authority under this subsection without the concurrence of—

“(I) the State in which the site of the discharge is located; or

“(II) the Indian tribe that owns or has jurisdiction over the site on which a remediation project is proposed.

“(G) STATE AND TRIBAL RECLAMATION PROGRAMS.—No State, Indian tribe, or other person shall be required to obtain a Good Samaritan discharge permit pursuant to this subsection for any discharge, including any discharge associated with the remediation of an inactive or abandoned mine site with respect to the conduct of reclamation work under a State or tribal abandoned mine reclamation plan approved under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

“(9) LIABILITY OF OTHER PARTIES.—Nothing in this subsection (including any result caused by any action taken by a permittee or a cooperating person) limits the liability of any person other than a permittee or a cooperating person under this Act or any other law.

“(10) REGULATIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), not later than 1 year after the date of enactment of this subsection, after providing for public notice and an opportunity to comment and a public hearing, the Administrator, in consultation with the Secretary of the Interior and the Secretary of Agriculture, and appropriate State, tribal, and local officials, shall promulgate regulations to establish—

“(i) generally applicable requirements for remediation plans described in paragraph (3)(B); and

“(ii) any other requirement that the Administrator determines to be necessary.

“(B) SPECIFIC REQUIREMENTS BEFORE PROMULGATION OF REGULATIONS.—Before the date

on which the Administrator promulgates regulations under subparagraph (A), a permitting authority may establish, on a case-by-case basis, specific requirements that the permitting authority determines would facilitate the implementation of this subsection with respect to a Good Samaritan discharge permit issued to a permittee.

“(11) FUNDING.—

“(A) ELIGIBILITY FOR SECTION 319 GRANTS.—A permittee shall be eligible to apply for a grant under section 319(h).

“(B) GRANTS.—Subject to the availability of appropriated funds, the Administrator may award to any permittee a grant to assist the permittee in implementing a remediation plan with respect to a Good Samaritan discharge permit of the permittee.

“(12) REPORT TO CONGRESS.—

“(A) IN GENERAL.—Not later than 1 year before the date of termination of the authority of the permitting authority under paragraph (13), the Administrator shall submit to Congress a report describing the activities authorized by this subsection.

“(B) CONTENTS.—The report required under subparagraph (A) shall contain, at a minimum—

“(i) a description of—

“(I) each Good Samaritan discharge permit issued under this subsection;

“(II) each permittee;

“(III) each inactive or abandoned mine site addressed by a Good Samaritan discharge permit issued under this subsection (including each body of water and the baseline water quality of each body of water affected by each inactive or abandoned mine site);

“(IV) the status of the implementation of each remediation plan associated with each Good Samaritan discharge permit issued under this subsection (including specific progress that each remediation activity conducted by a permittee pursuant to each Good Samaritan discharge permit has made toward achieving the goals and objectives of the remediation plan); and

“(V) each enforcement action taken by the Administrator or applicable State or Indian tribe concerning a Good Samaritan discharge permit issued under this subsection (including the disposition of the action);

“(ii) a summary of each remediation plan associated with a Good Samaritan discharge permit issued under this subsection, including—

“(I) the goals and objectives of the remediation plan;

“(II) the budget of the activities conducted pursuant to the remediation plan; and

“(III) the practices to be employed by each permittee in accordance with the remediation plan of the permittee to reduce, control, mitigate, or eliminate adverse impacts to the quality of applicable bodies of water; and

“(iii) any recommendations that may be proposed by the Administrator to modify any law (including this subsection and any regulation promulgated under paragraph (10)) to facilitate the improvement of water quality through the remediation of inactive or abandoned mine sites.

“(13) TERMINATION OF AUTHORITY.—The authority granted to the permitting authority under this subsection to issue Good Samaritan discharge permits terminates on the date that is 10 years after the date of enactment of this subsection.

“(14) SEVERABILITY.—If any provision of this subsection, or the application of any provision of this subsection to any person or circumstance, is held invalid, the application of such provision to other persons or cir-

cumstances, and the remainder of this subsection, shall not be affected thereby.”

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 311—ENCOURAGING THE UNITED STATES TRADE REPRESENTATIVE TO PURSUE A FREE TRADE AGREEMENT BETWEEN THE UNITED STATES AND THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS

Mr. LUGAR (for himself, Mr. INHOFE, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Finance:

#### S. RES. 311

Whereas the Association of Southeast Asian Nations (ASEAN) was established in 1967, with Indonesia, Malaysia, the Philippines, Singapore, and Thailand being original Members;

Whereas ASEAN membership has now expanded and includes 10 countries;

Whereas the United States supports the centrality of ASEAN within East Asia;

Whereas the United States was the first country to appoint an Ambassador to the Association of Southeast Asian Nations;

Whereas ASEAN significantly contributes to regional stability in East Asia;

Whereas approximately 40,000 students from ASEAN are studying in the United States and an increasing number of Americans are studying in ASEAN countries;

Whereas ASEAN partners with the United States Government to combat global terror;

Whereas the United States acceded to the Treaty of Amity and Cooperation in 2009;

Whereas ASEAN constitutes the fourth largest market for United States exports;

Whereas ASEAN has a population of approximately 560,000,000 persons;

Whereas two-way, United States-ASEAN trade totals approximately \$180,000,000,000 annually;

Whereas the nations of ASEAN are increasingly economically integrated;

Whereas ASEAN has entered into free trade agreements with India, China, Japan, South Korea, Australia, and New Zealand; and

Whereas the United States and ASEAN signed a Trade and Investment Framework Agreement over three years ago: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States Trade Representative, in consultation with other appropriate Federal agencies and interested stakeholders, should establish a strategy for initiating negotiations for a free trade agreement between the United States and ASEAN; and

(2) at the time of free trade agreement negotiations, any pending bilateral issues between the United States and Burma, including economic sanctions, investment prohibition, travel restrictions or otherwise, should not deter the United States from engaging with other ASEAN nations regarding a potential free trade agreement, nor should the United States encourage trade with Burma, absent significant reforms within that country.

SENATE RESOLUTION 312—EX-PRESSING THE SENSE OF THE SENATE ON EMPOWERING AND STRENGTHENING THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID)

Mr. DODD (for himself, Mr. DURBIN, Mr. CARDIN, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 312

Whereas foreign development assistance is an important foreign policy tool in addition to diplomacy and the military;

Whereas the United States is currently involved in two wars, both of which military and civilian experts agree can only be solved with sound development strategies to complement military efforts;

Whereas development assistance is part of any comprehensive United States response to regional conflicts, terrorist threats, weapons proliferation, disease pandemics, and persistent widespread poverty;

Whereas, in 2002 and 2006, the United States National Security Strategy included global development, along with the military and diplomacy, as the three pillars of national security;

Whereas, in its early years, the United States Agency for International Development (USAID) had more than 5,000 full-time Foreign Service Officers and 15,000 total staff;

Whereas, in 2008, USAID had slightly more than 1,000 full-time Foreign Service Officers and 3,000 total staff;

Whereas the loss in permanent staff and institutional expertise at USAID has compelled it to rely disproportionately on outside contractors to help manage programs in more than 150 countries;

Whereas the USAID managed program budget, calculated in real dollars, has dropped more than 40 percent since 1985;

Whereas, from the early 1960s until 1992, the Office of Management and Budget enforced a rule mandating that all foreign aid programs and spending must go through USAID, except when USAID chose to contract with other Federal agencies;

Whereas today more than half of all aid programs are administered by Federal agencies other than USAID, and development funding is spread across more than 20 United States Government agencies; and

Whereas this decline in personnel, budgets, and coordinating leadership has diminished the capacity of USAID and the United States Government to provide development assistance and implement foreign assistance programs: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) a highly capable and knowledgeable individual should be nominated with all expediency and exigency to serve as the Administrator of the United States Agency for International Development;

(2) the Administrator should—

(A) serve as the chief advocate for United States development capacity and strategy in top-level national security deliberations;

(B) serve as a powerful advocate and effective leader of an empowered USAID; and

(C) marshal the resources, knowledge, capacity, and experiences of the Agency—

(i) to effectively represent the Agency in interagency debate and in advancing and executing foreign policy; and

(ii) to improve ultimately the effectiveness and capability of United States foreign assistance;

(3) the United States Agency for International Development must be empowered to be the primary development agency of the United States and to serve as the principal advisor to the President and national security organs of the United States Government on the capacity and strategy of United States development assistance;

(4) the Administrator should substantially and transparently increase the total number of full-time Foreign Service Officers employed by the Agency in order to enhance the ability of the Agency to—

(A) carry out development activities around the world by providing the Agency with additional human resources and expertise needed to meet important development and humanitarian needs around the world;

(B) strengthen the institutional capacity of the Agency as the lead development agency of the United States; and

(C) more effectively help developing nations to become more stable, healthy, democratic, prosperous, and self-sufficient; and

(5) the Administrator should submit a strategy to Congress that includes—

(A) a plan to create a professional training program that will provide new and current Agency employees with technical, management, leadership, and language skills;

(B) a 5-year staffing plan; and

(C) a description of further resources and statutory changes necessary to implement the proposed training and staffing plans.

Mr. DODD. Mr. President, I rise today to submit a resolution on behalf of myself, Senator DURBIN and Senator CARDIN, aimed at putting the Senate on the record in support of empowering and strengthening the U.S. Agency for International Development. This is a simple and straightforward resolution, but I believe it speaks volumes about the current situation of U.S. overseas development policy.

USAID has been without an administrator for nearly 10 months. It is critical that this position is swiftly filled by an individual who can serve as a strong advocate for the agency in national security and foreign policy deliberations within the U.S. Government. The Administrator must also work urgently to strengthen, empower and revitalize the agency itself. This essential position must be filled if the U.S. is to take on the myriad of foreign policy challenges that exist in a holistic and sustainable manner—because for nearly all of the challenges we face as a Nation, development will play a key role in helping us solve them.

This resolution also recognizes the tremendously important role development plays in foreign policy, and puts the Senate on record as supporting an empowered USAID. I believe USAID should be a strong and independent voice in high-level U.S. foreign policy debates. If U.S. development policy and, by extension, U.S. foreign policy, is to succeed in the long run, USAID must be an independent body that can advocate for what it knows best—how to effectively deliver and implement U.S. foreign assistance, at the highest

level. It must have a serious seat at the table. Our foreign policy will neither be comprehensive nor sufficient to meet the challenges of the 21st century, without serious and unbiased input from America's development experts.

Finally, this resolution recognizes that USAID must be empowered to fulfill its mandate with a robust staff that understands both the needs of the international community as well as the strategic value of development.

It has long been understood that international development is a critically important aspect of our foreign policy. It is high time we matched this reality with a real and meaningful commitment. I encourage my colleagues to join me in supporting this important resolution to empower and improve USAID.

SENATE RESOLUTION 313—SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK, 2009

Ms. MURKOWSKI (for herself, Mr. SCHUMER, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. MENENDEZ, Mr. CRAPO, and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 313

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique “Kiki” Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been sponsored by the National Family Partnership and nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, committed throughout its 36 years to aggressively targeting organizations involved in the growing, manufacturing, and distribution of controlled substances, has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, the Drug Enforcement Administration, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas although public awareness of illicit drug use is increasing, emerging drug

threats and growing epidemics demand attention, including the abuse of methamphetamines, inhalants, and prescription medications, the second most abused drug by young people in the United States;

Whereas between 1996 and 2006, the percentages of admissions to substance abuse treatment programs as a result of the abuse of methamphetamines, prescription medications, and marijuana each significantly rose;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2009;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2676. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2677. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2678. Ms. SNOWE (for herself, Mr. KERRY, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2679. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2680. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2681. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2682. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2683. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2684. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2685. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2686. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2687. Ms. MIKULSKI (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2688. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2689. Mr. BINGAMAN (for himself, Mr. CORNYN, Mrs. LINCOLN, Mr. CRAPO, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2690. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2676. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Department of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) PROHIBITION ON USE OF FUNDS FOR TRANSFER OF GUANTANAMO BAY DETAINEES TO UNITED STATES.—None of the funds appropriated or otherwise made available by this Act or any Act enacted before the date of the enactment of this Act may be used for the purposes of releasing into, or detaining or prosecuting in the, the continental United States, Alaska, Hawaii, or the District of Columbia any individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba.

(b) LIMITATION ON USE OF FUNDS FOR OTHER TRANSFER OF GUANTANAMO BAY DETAINEES.—None of the funds appropriated or otherwise made available by this Act or any Act enacted before the date of the enactment of this Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to the country of such individual's nationality or last habitual residence, or to any other country other than the United States, unless the President submits to the Congress, in writing, at least 30 days before such transfer or release, a report setting forth the following information:

(1) The name of the individual to be so transferred or released and the country to which the individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Forces of the United States, that is posed by such transfer or release, and a description of the actions to be taken to mitigate such risk.

(3) The terms of any agreement with another country for acceptance of the individual, including the amount of any financial assistance related to such agreement.

SA 2677. Ms. SNOWE submitted an amendment intended to be proposed by

her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 21, strike "section." and insert "section, including an assessment of actions that would improve the development and interdepartmental coordination of the policies of the United States under the United States-Canada Transboundary Resource Sharing Understanding for shared groundfish stocks."

SA 2678. Ms. SNOWE (for herself, Mr. KERRY, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 21, strike "section." and insert "section: *Provided further*, That no later than 60 days after the date of enactment of this Act the Secretary submits to the Senate Committee on Commerce, Science, and Transportation specific recommendations for legislative and diplomatic actions to improve coordinated management of shared groundfish stocks under the United States-Canada Transboundary Resource Sharing Understanding to enhance management and utilization of resources by both countries."

SA 2679. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Department of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 10 and 11, insert the following:

SEC. 111. (a) REPORT ON EXPORT ASSISTANCE TO SMALL- AND MEDIUM-SIZED BUSINESSES.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report on—

(1) the status of the current programs of the Department of Commerce to provide assistance to small- and medium-sized businesses in the United States with respect to facilitating the exportation of goods produced in the United States to emerging markets, including the People's Republic of China, Brazil, and India; and

(2) the feasibility of providing additional assistance to small- and medium-sized businesses in the United States with respect to facilitating the exportation of goods produced in the United States to emerging markets.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an assessment of the ability of the Department of Commerce—

(A) to provide assistance to small- and medium-sized businesses in the United States in—

(i) finding and utilizing Federal and private resources to facilitate the exportation of goods produced in the United States to emerging markets;



(ii) establishing and maintaining continuous direct and personal contact with other businesses that have entered into emerging markets;

(iii) resolving disputes with the Government of the United States or the governments of emerging markets relating to intellectual property rights violations or import or export restrictions or other trade barriers; and

(iv) the consolidation of fees charged by the Department for Gold Key Matching Services provided for businesses that export goods or services produced in the United States to more than one market; and

(B) to locate and recruit businesses to enter the emerging markets;

(C) to develop and implement trade missions to emerging markets;

(2) recommendations with respect to additional assistance that the Department could provide to small- and medium-sized businesses in the United States with respect to facilitating the exportation of goods to emerging markets; and

(3) an estimate of—

(A) the cost of any such additional assistance;

(B) the number of additional personnel required to carry out such assistance; and

(C) the cost of consolidating or reducing fees under paragraph (1)(A)(iv).

**SA 2680.** Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Department of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, line 25, before the period insert “and an additional amount of \$50,000,000 offset by a reduction in funding for the Federal Detention Trustee provided in this Act by the same amount”.—

**SA 2681.** Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 23 and 24, insert the following:

**SEC. 533. LIMITATION ON USE OF FUNDS TO MOVE THE MARINE OPERATIONS CENTER-PACIFIC.**

No funds appropriated or otherwise made available by this Act may be used to move the Marine Operations Center-Pacific more than 150 miles from where it was located on the day before the date of the enactment of this Act until the Comptroller General of the United States completes its review of the protest filed by the Port of Bellingham and 1801 Fairview Avenue East LLC.

**SA 2682.** Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for

other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

**SEC. 220.** Not later than 60 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of the Treasury shall jointly prepare and submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives. The report required under this section shall include—

(1) an explicit plan establishing specific and detailed milestones for accomplishing the joint investment and infrastructure sharing goals of the Integrated Wireless Network funded in this title under the heading “Tactical Law enforcement Wireless Communications”, with dates for the planned completion of such goals and the funds linked to achieving those milestones;

(2) a description of the technical standards and logical integration points between the law enforcement and emergency communications systems of the Department of Justice, the Department of Homeland Security, and the Department of the Treasury needed to support and achieve interoperability between the respective communications systems when interoperability is required for tactical reasons or emergency situations; and

(3) an explanation of how the Integrated Wireless Network concept will promote interoperability with other federal departments and State and local governments, including an explanation of how an Integrated Wireless Network will be included in the framework of the Emergency Communications Preparedness Center.

**SA 2683.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** None of the funds appropriated or otherwise made available by this Act may be used for the purposes of transferring to, releasing into, or detaining or prosecuting in the continental United States, Alaska, Hawaii, or the District of Columbia any individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba.

**SA 2684.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** (a) None of the funds made available in this Act for the Department of Justice may be used by any office within the

Department of Justice for any anonymous public relations activity, including publishing articles or comments online on any website, weblog or blog, newspapers, or any other social media site, absent a statement identifying the author as an employee of the Department of Justice and that taxpayer dollars were used to fund the post.

(b) In this section, the term “public relations activity” does not include clandestine activities of any Department of Justice components operating under the direction of the Intelligence Community or as part of an ongoing and active investigation.

**SA 2685.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

**SEC. 220.** (a) For an additional amount for the Executive Office for Immigration Review \$2,000,000, to remain available until expended, to carry out the Legal Orientation Program of the Office.

(b) All amount appropriated under this Act, except for amounts appropriated for the Executive Office for Immigration Review, shall be reduced on a pro rata basis by the amount necessary to reduce the total amount appropriated under this Act, except for amounts appropriated for the Executive Office of Immigration of Review in this title under the heading “ADMINISTRATIVE REVIEW AND APPEALS” by \$2,000,000.

**SA 2686.** Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, line 7, strike “activities.” and insert “activities: *Provided further*, That none of the funds provided in this or any other Act for any fiscal year for the collection of census data may be used to ask questions that the Secretary of Commerce determines would inhibit the ability of the Bureau of the Census to comply with its constitutional mandate to count the whole number of persons residing in each State.”.

**SA 2687.** Ms. MIKULSKI (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **ADMISSION OF NONIMMIGRANT NURSES.**

(a) 3-YEAR EXTENSION FOR ADMISSION OF NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 2(e)(2) of the Nursing Relief for Disadvantaged Areas



Act of 1999 (8 U.S.C. 1182 note) is amended by striking "3 years" and inserting "6 years".

(b) **NURSE SHORTAGE FEE.**—Section 212(m)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(m)(2)) is amended by adding at the end the following:

"(G)(i) In addition to the fee authorized under subparagraph (F), the Secretary of Labor shall impose a filing fee of \$1,000 on each petitioning employer who uses a visa under subparagraph (A).

"(ii) Fees collected under this subparagraph shall be deposited as offsetting receipts in a fund established in the Treasury of the United States to support the Nurse Faculty Loan Program authorized under section 846A of the Public Health Service Act (42 U.S.C. 297n-1).

"(iii) No fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services under section 332 of the Public Health Service Act (42 U.S.C. 254e)".

**SA 2688.** Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 23 and 24, insert the following:

**SEC. 533. LIMITATION ON USE OF FUNDS TO MOVE THE MARINE OPERATIONS CENTER-PACIFIC.**

No funds appropriated or otherwise made available by this Act may be used to move the Marine Operations Center-Pacific more than 150 miles from where it was located on the day before the date of the enactment of this Act.

**SA 2689.** Mr. BINGAMAN (for himself, Mr. CORNYN, Mrs. LINCOLN, Mr. CRAPO, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, line 14, before the period at the end, insert: "Provided further, That the funds appropriated by this Act for trade adjustment assistance for communities shall not be allocated among the regional offices of the Economic Development Administration until such time as 50 percent of the total amount of the funds appropriated for that purpose by the Supplemental Appropriations Act, 2009 (Public Law 111-32), or 50 percent of the funds allocated to any individual regional office, have been distributed to grantees: *Provided further*, That the Secretary of Commerce shall reevaluate the spending plan for trade adjustment assistance based on up-to-date economic data before allocating those funds among the regional offices".

**SA 2690.** Mr. MCCAIN submitted an amendment intended to be proposed by

him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 10 and 11, insert the following:

**SEC. 111.** (a) The amount made available in this title for the National Marine Fisheries Service under the heading "OPERATIONS, RESEARCH, AND FACILITIES" is hereby reduced by \$8,000,000.

(b) None of funds made available in this Act may be used for activities related to Atlantic salmon.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, October 21, 2009, at 9:45 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the costs and benefits for energy consumers and energy prices associated with the allocation of greenhouse gas emission allowances.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Gina.Weinstock@energy.senate.gov.

For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, October 14, 2009, at 11:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate

on October 13, 2009, at 10 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 13, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2009 third quarter Mass Mailings is Monday, October 26, 2009. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

## VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

Mr. DURBIN. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 1016.

The Presiding Officer laid before the Senate a message from the House as follows:

H.R. 1016

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 1016) entitled "An Act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.", with the following amendment:

In lieu of the matter proposed to be inserted in the amendment of the Senate, insert the following:

### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Veterans Health Care Budget Reform and Transparency Act of 2009".*

### SEC. 2. PRESIDENT'S BUDGET SUBMISSION.

*Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:*

"(36) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

"(A) Medical Services.

"(B) Medical Support and Compliance.

"(C) Medical Facilities."

### SEC. 3. ADVANCE APPROPRIATIONS FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

*(a) IN GENERAL.*—Chapter 1 of title 38, United States Code, is amended by inserting after section 116 the following new section:

**“§117. Advance appropriations for certain medical care accounts**

“(a) *IN GENERAL.*—For each fiscal year, beginning with fiscal year 2011, discretionary new budget authority provided in an appropriations Act for the medical care accounts of the Department shall—

“(1) be made available for that fiscal year; and

“(2) include, for each such account, advance discretionary new budget authority that first becomes available for the first fiscal year after the budget year.

“(b) *ESTIMATES REQUIRED.*—The Secretary shall include in documents submitted to Congress in support of the President’s budget submitted pursuant to section 1105 of title 31, United States Code, detailed estimates of the funds necessary for the medical care accounts of the Department for the fiscal year following the fiscal year for which the budget is submitted.

“(c) *MEDICAL CARE ACCOUNTS.*—For purposes of this section, the term ‘medical care accounts of the Department’ means the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

“(1) Medical Services.

“(2) Medical Support and Compliance.

“(3) Medical Facilities.

“(d) *ANNUAL REPORT.*—Not later than July 31 of each year, the Secretary shall submit to Congress an annual report on the sufficiency of the Department’s resources for the next fiscal year beginning after the date of the submittal of the report for the provision of medical care. Such report shall also include estimates of the workload and demand data for that fiscal year.”.

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113 the following new line:

“117. Advance appropriations for certain medical care accounts.”.

**SEC. 4. COMPTROLLER GENERAL REVIEW OF THE ACCURACY OF VA MEDICAL CARE BUDGET SUBMISSION IN RELATION TO BASELINE HEALTH CARE MODEL PROJECTION.**

(a) *REVIEW OF ACCURACY OF MEDICAL CARE BUDGET SUBMISSION.*—The Comptroller General shall conduct a review of each budget of the President for a fiscal year that is submitted to Congress pursuant to section 1105(a) of title 31 in order to assess whether or not the relevant components of the amounts requested in such budget for such fiscal year for the medical care accounts of the Department of Veterans Affairs specified in section 117(c) of title 38, United States Code, as added by section 3, are consistent with estimates of the resources required by the Department for the provision of medical care and services in such fiscal year, as forecast using the Enrollee Health Care Projection Model, or other methodologies used by the Department.

(b) *REPORTS.*—

(1) *IN GENERAL.*—Not later than 120 days after the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the Committees on Veterans’ Affairs, Appropriations, and the Budget of the Senate and the Committees on Veterans’ Affairs, Appropriations, and the Budget of the House of Representatives and to the Secretary a report on the review conducted under subsection (a).

(2) *ELEMENTS.*—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) An assessment of the review conducted under subsection (a).

(B) The basis for such assessment.

(C) Such additional information as the Comptroller General determines appropriate.

(3) *AVAILABILITY TO THE PUBLIC.*—Each report submitted under this subsection shall also be made available to the public.

Mr. AKAKA. Mr. President, I am very pleased that the Senate and House Veterans’ Affairs Committees have worked out an agreement on S. 423 and H.R. 1016, the proposed Veterans Health Care Budget Reform and Transparency Act of 2009. With the President’s signature, this vital piece of legislation, which I will refer to as the “Compromise Agreement,” will authorize, beginning in fiscal year 2011, advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing 2 fiscal year budget authority.

This compromise agreement will provide sufficient, timely, and predictable health care funding to those who have sacrificed a great deal for this Nation. By ensuring advanced appropriations to the medical services, medical support and compliance, and medical facilities accounts, VA will be able to better align its funding cycles and function more effectively.

The VA system has experienced recurrent problems with receiving proper and timely appropriations. Funds for VA have been appropriated late in 19 of the past 22 years, and in the past 7 years, such appropriations were only received, on average, 3 months after the commencement of the new fiscal year. In testimony provided to the Senate Committee on Veterans’ Affairs in conjunction with a hearing in July of 2007, James Dudley, a former director of the Richmond VA Medical Center, wrote that as a VA hospital administrator he dealt with the “uncertainty of sufficient resources to meet the needs of the veteran population.” He went on to say that, “Our primary concern was always quality of care so we delayed maintenance, construction or equipment purchases to ensure that the patients were cared for.”

Also, because of the uncertainty, requests for supplemental appropriations for VA health care have also increased in frequency during recent years. This compromise agreement will represent a step in the right direction, as VA administrators and directors will be able to more efficiently service veterans with adequate and stable funding to the VA health care system.

I recognize mandating a 2-fiscal year budget authority is a serious undertaking, and as such, have worked to have the compromise agreement lead to enhanced oversight of the VA health care budget process. The Comptroller General of the United States will be required to conduct a study of adequacy and accuracy of the budget projections made by VA’s enrollee health care projection model or any other model or methodology used to measure health care expenditures, for each fiscal year

of the budget request. The Comptroller General’s report would be submitted to both the Senate and House Veterans’ Affairs Committees no later than 120 days after the date on which the President submits the budget request for the coming fiscal year.

Advanced funding is a concept that has been endorsed by The Partnership for Veterans Health Care Budget Reform, an organization made up of nine major veterans service organizations—The American Legion, American Veterans, Blinded Veterans Association, Disabled American Veterans, Jewish War Veterans of the USA, Military Order of the Purple Heart of the USA, Inc., Paralyzed Veterans of America, Veterans of Foreign Wars of the United States, and Vietnam Veterans of America, Inc. It is also endorsed by The Independent Budget; The Military Coalition, an organization of 35 veterans and military service organizations; and the American Federation for Government Employees.

I appreciate the support from our colleagues who have cosponsored this legislation, including Veterans’ Affairs Committee members Senators BURR, ROCKEFELLER, MURRAY, SANDERS, BROWN, TESTER, BEGICH, BURRIS, SPECTER, and ISAKSON. I am also grateful to Senator SNOWE for serving as an original cosponsor.

This legislation will allow the government to honor its obligation to provide high quality, consistent, and adequate health care to the Nation’s veterans and I am gratified will soon become public law.

I ask unanimous consent that the Explanatory Statement for this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT SUBMITTED BY SENATOR AKAKA, CHAIRMAN OF THE SENATE COMMITTEE ON VETERANS’ AFFAIRS, REGARDING H.R. 1016 VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

H.R. 1016, as amended, the “Veterans Health Care Budget Reform and Transparency Act of 2009,” reflects a Compromise Agreement reached by the Senate and House Committees on Veterans’ Affairs (the Committees) on the following bills reported during the 111th Congress: H.R. 1016, as amended (House bill); S. 423 (Senate bill). H.R. 1016, as amended, passed by the House of Representatives on June 23, 2009. The text of S. 423 passed the Senate as a substitute amendment to the House bill on August 6, 2009.

The Committees have prepared the following explanation of H.R. 1016, as further amended to reflect a compromise agreement between the Committees (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of the Senate Bill and the House Bill are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

## SECTION 1. SHORT TITLE

Both the House bill (section 1) and the Senate bill (section 1) would provide the short title as the “Veterans Health Care Budget Reform and Transparency Act of 2009.”

The Compromise Agreement contains this provision.

## SECTION 2. PRESIDENT’S BUDGET SUBMISSION

The House bill (section 3) would amend section 1105 of title 31, United States Code, to require the President to submit information on the estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the Medical Services, Medical Support and Compliance, Medical Facilities, Information Technology Systems, and Medical and Prosthetic Research accounts of the Department of Veterans Affairs.

The Senate bill contains no similar provision.

The Compromise Agreement contains the House provision but modifies it to require information on the estimates for three accounts: the Medical Services, Medical Support and Compliance, and Medical Facilities accounts.

## SECTION 3. ADVANCE APPROPRIATIONS FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

The House bill (section 4) would amend title 38, United States Code, to add a new section providing authority, beginning with fiscal year 2011, for the provision of advance appropriations for the Medical Services, Medical Support and Compliance, Medical Facilities, Information Technology Systems, and Medical and Prosthetic Research accounts of the Department of Veterans Affairs. The new section would require the Department of Veterans Affairs to provide additional detailed budget estimates in support of advance appropriations for these accounts in the annual information it provides to Congress in support of the Department’s budget request. The House bill would also require a report to be submitted annually to Congress, no later than July 31 of each year, on the sufficiency of the Department’s resources for the fiscal year beginning after the date of the submission of the report for the provision of medical care and include estimates of the workload and demand data for that fiscal year.

The Senate bill (section 3) would amend title 38, United States Code, to add a new section providing that, beginning with fiscal year 2011, new discretionary budget authority for the provision of advance appropriations for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Department of Veterans Affairs, shall be made available for the fiscal year involved, and shall include new discretionary budget authority for such accounts that become available for the first fiscal year after such fiscal year.

The Compromise Agreement contains the House provision modified to include only the three accounts specified in the Senate bill.

## SECTION 4. COMPTROLLER GENERAL REVIEW OF THE ACCURACY OF VA MEDICAL CARE BUDGET SUBMISSIONS IN RELATION TO BASELINE HEALTH CARE MODEL PROJECTION.

Both the House bill (section 5) and the Senate bill (section 4) would provide for enhanced oversight of the Department of Veterans Affairs budget process by requiring the Comptroller General to conduct a study of the adequacy and accuracy of baseline model projections for health care expenditures. Both the House bill and Senate bill would require the Comptroller General to submit re-

ports on the dates in 2011, 2012, and 2013 that the President submits a budget request for the next fiscal year, to appropriate Committees of Congress and to the Secretary of Veterans Affairs, containing statements of whether the amounts requested in the budget by the President are consistent with anticipated expenditures for health care in such fiscal year as determined utilizing the Enrollee Health Care Projection Model, its equivalent, or other methodologies.

The Compromise Agreement contains this provision modified to require the annual reports to be submitted not later than 120-days after the submission of the President’s budget and to include an assessment of the review conducted by the Comptroller General as to whether or not the relevant components of the budget request are consistent with the estimates of the Department of Veterans Affairs for the provision of medical care and services. The Committees have selected a 120-day deadline to give the Comptroller General sufficient time to review the President’s budget following its submission and to, at the very least, inform the deliberations of the House and Senate Appropriations Committees prior to their consideration of VA appropriations bills. However, it is the Committees’ desire that, notwithstanding the 120-day deadline, the reports under this section be submitted as quickly as possible after submission of the President’s budget request so as to be useful by the Committees in meeting their responsibilities under the Congressional Budget Act of 1974 to provide views and estimates on matters within their jurisdiction to the House and Senate Budget Committees, as well as during deliberation on annual Congressional budget resolutions.

## PROVISIONS NOT ADOPTED

Section 2 of the House bill would express the Sense of the Congress that the provision of health care services to veterans could be more effectively and efficiently planned and managed if funding was provided for the management and provision of such services in the form of advance appropriations.

Section 2 of the Senate amendment expresses Congressional findings which support the need for enactment of advance appropriations for VA medical care.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNITED STATES SECRET SERVICE UNIFORMED DIVISION MODERNIZATION ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 171, S. 1510.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1510) to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be

read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1510) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1510

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Secret Service Uniformed Division Modernization Act of 2009”.

## SEC. 2. PURPOSE.

The purpose of this Act is to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

## SEC. 3. HUMAN RESOURCES FOR UNITED STATES SECRET SERVICE UNIFORMED DIVISION.

(a) PAY FOR MEMBERS OF THE UNITED STATES SECRET SERVICE UNIFORMED DIVISION.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:

## “CHAPTER 102—UNITED STATES SECRET SERVICE UNIFORMED DIVISION PERSONNEL

“Sec.

“10201. Definitions.

“10202. Authorities.

“10203. Basic pay.

“10204. Rate of pay for original appointments.

“10205. Service step adjustments.

“10206. Technician positions.

“10207. Promotions.

“10208. Demotions.

“10209. Clothing allowances.

## “§ 10201. Definitions

“In this chapter—

“(1) the term ‘member’ means an employee of the United States Secret Service Uniformed Division having the authorities described under section 3056A(b) of title 18;

“(2) the term ‘Secretary’ means the Secretary of the Department of Homeland Security; and

“(3) the term ‘United States Secret Service Uniformed Division’ has the meaning given that term under section 3056A of title 18.

## “§ 10202. Authorities

“(a) IN GENERAL.—The Secretary is authorized to—

“(1) fix and adjust rates of basic pay for members of the United States Secret Service Uniformed Division, subject to the requirements of this chapter;

“(2) determine what constitutes an acceptable level of competence for the purposes of section 10205;

“(3) establish and determine the positions at the Officer and Sergeant ranks to be included as technician positions; and

“(4) determine the rate of basic pay of a member who is changed or demoted to a lower rank, in accordance with section 10208.

“(b) DELEGATION OF AUTHORITY.—The Secretary is authorized to delegate to the designated agent or agents of the Secretary, any power or function vested in the Secretary under in this chapter.

“(c) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to administer this chapter.

#### “§ 10203. Basic pay

“(a) IN GENERAL.—The annual rates of basic pay of members of the United States Secret Service Uniformed Division shall be fixed in accordance with the following sched-

ule of rates, except that the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks is limited to 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

“Rank	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
Officer .....	\$44,000	\$46,640	\$49,280	\$51,920	\$54,560	\$57,200	\$59,840	\$62,480	\$65,120	\$67,760	\$70,400	\$73,040	\$75,680
Sergeant .....				59,708	62,744	65,780	68,816	71,852	74,888	77,924	80,960	83,996	87,032
Lieutenant .....					69,018	72,358	75,698	79,038	82,378	85,718	89,058	92,398	95,738
Captain .....						79,594	83,268	86,942	90,616	94,290	97,964	101,638	105,312
Inspector .....						91,533	95,758	99,983	104,208	108,433	112,658	116,883	121,108
Deputy Chief .....	The rate of basic pay for Deputy Chief positions will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Assistant Chief .....	The rate of basic pay the Assistant Chief position will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Chief .....	The rate of basic pay the Chief position will be equal to the rate of pay for level V of the Executive Schedule.												

#### “(b) SCHEDULE ADJUSTMENT.—

“(1)(A) Effective at the beginning of the first pay period commencing on or after the first day of the month in which an adjustment in the rates of basic pay under the General Schedule takes effect under section 5303 or other authority, the schedule of annual rates of basic pay of members (except the Deputy Chiefs, Assistant Chief and Chief) shall be adjusted by the Secretary by a percentage amount corresponding to the percentage adjustment made in the rates of pay under the General Schedule.

“(B) The Secretary may establish a methodology of schedule adjustment that—

“(i) results in uniform fixed-dollar step increments within any given rank; and

“(ii) preserves the established percentage differences among rates of different ranks at the same step position.

“(2) Notwithstanding paragraph (1), the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks after adjustment under paragraph (1) may not exceed 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

“(3) Locality-based comparability payments authorized under section 5304 shall be applicable to the basic pay for all ranks under this section, except locality-based comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

#### “§ 10204. Rate of pay for original appointments

“(a) IN GENERAL.—Except as provided in subsection (b), all original appointments shall be made at the minimum rate of basic pay for the Officer rank set forth in the schedule in section 10203.

“(b) EXCEPTION FOR SUPERIOR QUALIFICATIONS OR SPECIAL NEED.—The Director of the United States Secret Service or the designee of the Director may appoint an individual at a rate above the minimum rate of basic pay for the Officer rank based on the individual's superior qualifications or a special need of the Government for the individual's services.

#### “§ 10205. Service step adjustments

“(a) DEFINITION.—In this section, the term ‘calendar week of active service’ includes all periods of leave with pay or other paid time off, and periods of non-pay status which do not cumulatively equal one 40-hour workweek.

“(b) ADJUSTMENTS.—Each member whose current performance is at an acceptable level

of competence shall have a service step adjustment as follows:

“(1) Each member in service step 1, 2, or 3 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 52 calendar weeks of active service in the member's service step.

“(2) Each member in service step 4, 5, 6, 7, 8, 9, 10, or 11 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 104 calendar weeks of active service in the member's service step.

“(3) Each member in service step 12 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 156 calendar weeks of active service in the member's service step.

#### “§ 10206. Technician positions

“(a) IN GENERAL.—(1) Each member whose position is determined under section 10202(a)(3) to be included as a technician position shall, on or after such date, receive, in addition to the member's scheduled rate of basic pay, an amount equal to 6 percent of the sum of such member's rate of basic pay and the applicable locality-based comparability payment.

“(2) A member described in this subsection shall receive the additional compensation authorized by this subsection until such time as the member's position is determined under section 10202(a)(3) not to be a technician position, or until the member no longer occupies such position, whichever occurs first.

“(3) The additional compensation authorized by this subsection shall be paid to a member in the same manner and at the same time as the member's basic pay is paid.

“(b) EXCEPTIONS.—(1) Except as provided in paragraph (2), the additional compensation authorized by subsection (a)(1) shall be considered as basic pay for all purposes, including section 8401(4).

“(2) The additional compensation authorized by subsection (a)(1) shall not be considered as basic pay for the purposes of—

“(A) section 5304; or

“(B) section 7511(a)(4).

“(3) The loss of the additional compensation authorized by subsection (a)(1) shall not constitute an adverse action for the purposes of section 7512.

#### “§ 10207. Promotions

“(a) IN GENERAL.—Each member who is promoted to a higher rank shall receive basic pay at the same step at which such member was being compensated prior to the date of the promotion.

“(b) CREDIT FOR SERVICE.—For the purposes of a service step adjustment under section 10205, periods of service at the lower rank shall be credited in the same manner as if it was service at the rank to which the employee is promoted.

#### “§ 10208. Demotions

“When a member is changed or demoted from any rank to a lower rank, the Secretary may fix the member's rate of basic pay at the rate of pay for any step in the lower rank which does not exceed the lowest step in the lower rank for which the rate of basic pay is equal to or greater than the member's existing rate of basic pay.

#### “§ 10209. Clothing allowances

“(a) IN GENERAL.—In addition to the benefits provided under section 5901, the Director of the United States Secret Service or the designee of the Director is authorized to provide a clothing allowance to a member assigned to perform duties in normal business or work attire purchased at the discretion of the employee. Such clothing allowance shall not be treated as part of the member's basic pay for any purpose (including retirement purposes) and shall not be used for the purpose of computing the member's overtime pay, pay during leave or other paid time off, lump-sum payments under section 5551 or section 5552, workers' compensation, or any other benefit. Such allowance for any member may be discontinued at any time upon written notification by the Director of the United States Secret Service or the designee of the Director.

“(b) MAXIMUM AMOUNT AUTHORIZED.—A clothing allowance authorized under this section shall not exceed \$500 per annum.”

(b) ANNUAL LEAVE LIMITATION FOR MEMBERS IN THE DEPUTY CHIEF, ASSISTANT CHIEF, AND CHIEF RANKS.—Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking “or” after the semicolon;

(2) in subparagraph (G), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(H) a position in the United States Secret Service Uniformed Division at the rank of Deputy Chief, Assistant Chief, or Chief.”

(c) SICK LEAVE FOR WORK-RELATED INJURIES AND ILLNESSES.—Section 6324 of title 5, United States Code, is amended—

(1) in subsection (a), by striking “Executive Protective Service force” and inserting “United States Secret Service Uniformed Division”; and

(2) in subsection (b)(3), by striking “the Treasury for the Executive Protective Service force” and inserting “Homeland Security for the United States Secret Service Uniformed Division”; and

(3) by adding at the end the following:

“(c) This section shall not apply to members of the United States Secret Service Uniformed Division who are covered under chapter 84 for the purpose of retirement benefits.”

#### SEC. 4. MISCELLANEOUS PROVISIONS.

(a) CONVERSION TO NEW SALARY SCHEDULE IN CALENDAR YEAR 2010.—

(1) IN GENERAL.—

(A) RATES OF PAY FIXED.—Effective the first day of the first pay period beginning on or after May 1, 2010, the Secretary shall fix the rates of basic pay for members of the

United States Secret Service Uniformed Division, as defined under section 10201 of title 5, United States Code, (as added by section 3(a) of this Act) in accordance with the provisions of this subsection.

(B) RATE BASED ON CREDITABLE SERVICE.—

(i) IN GENERAL.—Each member shall be placed in and receive basic pay at the corresponding scheduled rate under chapter 102 of title 5, United States Code, as added by section 3(a) of this Act (after any adjustment under paragraph (3) of this subsection) in accordance with the member's total years of creditable service, as provided in the table in

this clause. If the scheduled rate of basic pay for the step to which the member would be assigned in accordance with this paragraph is lower than the member's rate of basic pay immediately before the date of enactment of this paragraph, the member shall be placed in and receive basic pay at the next higher service step, subject to the provisions of clause (iv). If the member's rate of pay exceeds the highest step of the rank, the rate of basic pay shall be determined in accordance with clause (iv).

Full Years of Creditable Service	Step Assigned Upon Conversion
0	1
1	2
2	3
3	4
5	5
7	6
9	7
11	8
13	9
15	10
17	11
19	12
22	13

(ii) CREDITABLE SERVICE.—For the purposes of this subsection, a member's creditable service is any police service in pay status with the United States Secret Service Uniformed Division, the United States Park Police, or the District of Columbia Metropolitan Police Department.

(iii) STEP 13 CONVERSION MAXIMUM RATE.—

(I) IN GENERAL.—A member who, at the time of conversion, is in step 13 of any rank below Deputy Chief, is entitled to that rate of basic pay which is the greater of—

(aa) the rate of pay for step 13 under the new salary schedule; or

(bb) the rate of pay for step 14 under the pay schedule in effect immediately before conversion.

(II) STEP 14 RATE.—Clause (iv) shall apply to a member whose pay is set in accordance with subclause (I)(bb).

(iv) ADJUSTMENT BASED ON FORMER RATE OF PAY.—

(I) DEFINITION.—In this clause, the term “former rate of basic pay” means the rate of basic pay last received by a member before the conversion.

(II) IN GENERAL.—If, as a result of conversion to the new salary schedule, the member's former rate of basic pay is greater than the maximum rate of basic pay payable for the rank of the member's position immediately after the conversion, the member is entitled to basic pay at a rate equal to the member's former rate of basic pay, and increased at the time of any increase in the maximum rate of basic pay payable for the rank of the member's position by 50 percent of the dollar amount of each such increase.

(III) PROMOTIONS.—For the purpose of applying section 10207 of title 5, United States Code, relating to promotions, (as added by

section 3(a) of this Act) an employee receiving a rate above the maximum rate as provided under this clause shall be deemed to be at step 13.

(2) CREDIT FOR SERVICE.—Each member whose position is converted to the salary schedule under chapter 102 of title 5, United States Code, (as added by section 3(a) of this Act) in accordance with this subsection shall be granted credit for purposes of such member's first service step adjustment made after conversion to the salary schedule under that chapter for all satisfactory service performed by the member since the member's last increase in basic pay before the adjustment under this section.

(3) ADJUSTMENTS DURING TRANSITION.—The schedule of rates of basic pay shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under section 5303 of title 5, United States Code, or any other authority, which takes effect during the period which begins on the date of enactment of this Act through the day before the effective date of this Act. The Secretary of Homeland Security may establish a methodology of schedule adjustment that results in uniform fixed-dollar step increments within any given rank and preserves the established percentage differences among rates of different ranks at the same step position.

(b) IMPACT ON BENEFITS UNDER THE DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS' RETIREMENT AND DISABILITY SYSTEM.—

(1) SALARY INCREASES FOR PURPOSES OF CERTAIN PENSIONS AND ALLOWANCES.—

(A) DEEMED INCREASE.—The increases in pay as a result of this Act shall be deemed to be an increase of 2.93 percent in salary of

current members for the purposes of section 5-744 or section 5-745 of the District of Columbia Code.

(B) CONVERSION AND INITIAL ADJUSTMENT.—The conversion of positions and members of the United States Secret Service Uniformed Division to appropriate ranks in the salary schedule under section 5-545.01(c) of the District of Columbia Code, and the initial adjustments of rates of basic pay of those positions and individuals in accordance with section 5-561.02(a) of the District of Columbia Code, shall not be treated as an increase in salary for purposes of section 5-744 or section 5-745 of the District of Columbia Code.

(2) TREATMENT OF RETIREMENT BENEFITS AND PENSIONS OF CURRENT AND FORMER MEMBERS.—Except as otherwise provided in this Act, nothing in this Act shall affect retirement benefits and pensions of current members and former members who have retired under the District of Columbia Police and Firefighters' Retirement and Disability System.

#### SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—To the extent that any provision of the District of Columbia Code that authorizes an entitlement to pay or hours of work for current members of the United States Secret Service Uniformed Division is not expressly revoked by this Act, such provision shall not apply to such members after the effective date of this Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO THE DISTRICT OF COLUMBIA CODE.—The District of Columbia Code is amended as follows:

(1) In section 5-521.01, by striking “the United States Secret Service Uniformed Division,”.

(2) In section 5-521.02, by striking, "the United States Secret Service Uniformed Division and";

(3) In section 5-521.03, by striking—

(A) in the section heading "**United States Secret Service Uniformed Division and**";

(B) "the United States Secret Service Uniformed Division and";

(C) "the Secretary of the Treasury and"; and

(D) " , respectively".

(4) In section 5-542.02, by striking "United States Secret Service Uniformed Division,".

(5) In section 5-543.01(b), by striking "the United States Secret Service Uniformed Division,".

(6) In section 5-543.02, by striking—

(A) in subsection (a), "the Secretary of Treasury, in the case of the United States Secret Service Uniformed Division,";

(B) in subsection (b), "the United States Secret Service Uniformed Division or"; and

(C) in subsection (e), "the United States Secret Service Uniformed Division or".

(7) In section 5-543.03(a)(5), by striking "the United States Secret Service Uniformed Division and".

(8) In section 5-543.04, by striking in subsection (d)(1) "the United States Secret Service Uniformed Division or".

(9) In section 5-543.05, by striking—

(A) "the United States Secret Service Uniformed Division,"; and

(B) "or the Secretary of the Treasury,".

(10) In section 5-545.01, by striking—

(A) in the section heading, "**and the United States Secret Service Uniformed Division**";

(B) in subsection (a), "and the United States Secret Service Uniformed Division";

(C) in subsection (c)(1)—

(i) by striking "the United States Secret Service Uniformed Division and"; and

(ii) in the matter following paragraph (1), by striking from the Salary Schedule "United States Secret Service Uniformed Division";

(D) in subsection (c)(2), by striking "the annual rates of basic compensation" and all that follows through "the Secretary of the Treasury, and";

(E) in subsection (c)(5), by striking "officers and members of the United States Secret Service Uniformed Division or";

(F) in subsection (c)(6)(A), by striking "the United States Secret Service Uniformed Division or"; and

(G) in subsection (c)(7)(A), by striking "the United States Secret Service Uniformed Division or".

(11) In section 5-545.06, by striking " , the Secretary of the Treasury,".

(12) By striking section 5-561.01.

(13) In section 5-561.02(a)(1), by striking "the Secretary of Treasury" and all that follows through "United States Secret Service Uniformed Division, and".

(14) In section 5-716(b)(2), by inserting " , or, for a member who was an officer or member of the United States Secret Service Uniformed Division, or the United States Secret Service Division, 40 percent of the corresponding salary for step 5 of the Officer rank in section 10203 of title 5, United States Code" after "member's death".

(15) In section 5-1304—

(A) in subsection (a)(1)—

(i) by inserting "and" before "the Secretary of the Interior"; and

(ii) by striking " , and the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division";

(B) in subsection (a)(9)—

(i) by inserting "or" before "the United States Park Police force"; and

(ii) by striking "or the United States Secret Service Uniformed Division";

(C) in subsection (b)—

(i) by inserting "or" before "the Secretary of the Interior"; and

(ii) by striking "or the Secretary of the Treasury,";

(D) in subsection (h)(3)(A), by striking "of the United States Secret Service Uniformed Division or"; and

(E) in subsection (h)(3)(B), by striking "of the United States Secret Service Uniformed Division or".

(16) In section 5-1305 by striking—

(A) "the United States Secret Service Uniformed Division,"; and

(B) "the Secretary of the Treasury,".

(c) TECHNICAL AND CONFORMING AMENDMENTS TO THE UNITED STATES CODE.—Title 5 of the United States Code is amended—

(1) in section 5102(c)(5), by striking "the Executive Protective Service" and inserting "the United States Secret Service Uniformed Division";

(2) in section 5541(2)(iv)(II), by striking "a member of the United States Secret Service Uniformed Division,"; and

(3) in the table of chapters for subpart I of part III by adding at the end the following:

**"102. United States Secret Service Uniformed Division Personnel ..... 10201".**  
**SEC. 6. EFFECTIVE DATE.**

This Act (including the amendments made by this Act) shall take effect the first day of the first pay period beginning on or after May 1, 2010.

#### AWARDING A CONGRESSIONAL GOLD MEDAL TO DR. MUHAMMAD YUNUS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 846 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 846) to award the Congressional Gold Medal to Dr. Muhammad Yunus in recognition of his contributions to the fight against global poverty.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, Professor Muhammad Yunus is one of the world's leading figures in the fight against poverty. He has dedicated his life to economic and social change, and in doing so has transformed the lives of millions of people around the world.

He is affectionately called the "banker to the poor," largely because he is the father of the microcredit movement, as we know it today. Microcredit means small loans at competitive interest rates to very poor people. The loaned money can be used to buy basic tools and equipment or supplies that can be used to make an income or livelihood or generate revenue.

It was 1976 when Dr. Yunus began his innovative effort with loans of just \$27 from his own pocket to 42 craftspeople in a small village in his native Ban-

gladesh. From that small start, he launched what has become a global movement to create economic and social development from the ground up.

In 1983, Dr. Yunus founded the Grameen Bank to carry out his model on a much larger scale. With thousands of very small loans, the bank has given millions of people living in extreme poverty a chance to start a small business or buy a few things to sell at the local market. Today, the Grameen Bank operates in more than 84,000 villages around the world. It has provided more than \$8 billion in low-interest loans to nearly 8 million people. And its borrowers, who are among the poorest of the poor and are not required to provide any collateral, repay their loans at the remarkable rate of 98 percent.

Over the past 30 years, Dr. Yunus's microcredit concept has been emulated in more than 100 countries over 5 continents affecting the lives of as many as 155 million people. This simple economics professor from Bangladesh came up with an idea that has touched positively the lives of over 155 million people on Earth.

Dr. Yunus's work has been particularly dramatic when it comes to its impact on women, who represent 95 percent of his bank's borrowers. Economic, legal, and social inequities in the developing world make it much harder for women to earn an adequate living and support their families. Women make up 60 percent of the world's working poor, 70 percent of the hungry, and 67 percent of the illiterate.

When I visited Uganda many years ago and visited a microcredit operation, I asked the ladies who were there, through an interpreter, how microcredit had changed their lives. One lady said: My knees have gone soft. I asked for a translation—an explanation—and she explained that before she got the microcredit loan that gave her a chance to go to the market to make a little money to feed her family, she used to have to crawl on her knees to beg her husband for money to feed her children. She said she doesn't have to crawl on her knees anymore. Her knees have gone soft.

By focusing its lending on women, Dr. Yunus and the Grameen Bank empower women both within their families and within their communities. The effect is remarkable: Babies are more likely to survive infancy and thrive; their children—especially daughters—are more likely to attend school; families are more likely to eat; and marriages postponed when an educated girl has a chance to look at life from a new perspective.

In 2006, Dr. Yunus was awarded the Nobel Peace Prize for his groundbreaking work. This award recognized that lasting peace and prosperity can be achieved only when large numbers of the world's poor have the means to



break out of poverty. In August, President Obama recognized him with the Presidential Medal of Freedom.

Earlier this year, Senator BENNETT of Utah and I offered the Dr. Muhammad Yunus Gold Medal Act, S. 846, to honor his efforts. I thank Senator BENNETT for his leadership on this bill and our 70 colleagues who have cosponsored it.

Saturday, October 17, is International Day for the Eradication of Poverty. Few people have done as much as Dr. Muhammad Yunus to eradicate poverty among the more than 1 billion people worldwide who survive on about a dollar a day. We honor his commitment and recognize his work and his remarkable achievements as an individual.

Mr. President, I ask unanimous consent that the bill be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 846) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 846

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

The Congress finds that—

(1) Dr. Muhammad Yunus is recognized in the United States and throughout the world as a leading figure in the fight against poverty and the effort to promote economic and social change;

(2) Muhammad Yunus is the recognized developer of the concept of microcredit, and Grameen Bank, which he founded, has created a model of lending that has been emulated across the globe;

(3) Muhammad Yunus launched this global movement to create economic and social development from below, beginning in 1976, with a loan of \$27 from his own pocket to 42 crafts persons in a small village in Bangladesh;

(4) Muhammad Yunus has demonstrated the life-changing potential of extending very small loans (at competitive interest rates) to the very poor and the economic feasibility of microcredit and other microfinance and microenterprise practices and services;

(5) Dr. Yunus's work has had a particularly strong impact on improving the economic prospects of women, and on their families, as over 95 percent of microcredit borrowers are women;

(6) Dr. Yunus has pioneered a movement with the potential to assist a significant number of the more than 1,400,000,000 people, mostly women and children, who live on less than \$1.25 a day, and the 2,600,000,000 people who live on less than \$2 a day, and which has already reached 155,000,000, by one estimate;

(7) there are now an estimated 24,000,000 microenterprises in the United States accounting for approximately 18 percent of private (nonfarm) employment and 87 percent of all business in the United States, and the Small Business Administration has made over \$318,000,000 in microloans to entrepreneurs since 1992;

(8) Dr. Yunus, along with the Grameen Bank, was awarded the Nobel Peace Prize in

2006 for his efforts to promote economic and social opportunity and out of recognition that lasting peace cannot be achieved unless large population groups find the means, such as microcredit, to break out of poverty; and

(9) the microcredit ideas developed and put into practice by Muhammad Yunus, along with other bold initiatives, can make a historical breakthrough in the fight against poverty.

#### SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Dr. Muhammad Yunus, in recognition of his many enduring contributions to the fight against global poverty.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

#### SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

#### SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

#### SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

#### NATIONAL METASTATIC BREAST CANCER AWARENESS DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 295 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 295) designating October 13, 2009, as “National Metastatic Breast Cancer Awareness Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the

preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 295) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 295

Whereas metastatic breast cancer refers to stage IV breast cancer, when cancer cells travel from the breast, either through the bloodstream or the lymphatic system, to other parts of the body, including the bones, liver, lungs, or brain, and continue to grow in the new location;

Whereas in 2009, an estimated 192,370 women and 1,910 men in the United States will be diagnosed with invasive breast cancer, and 62,280 women will be diagnosed with in situ breast cancer;

Whereas nearly 30 percent of women diagnosed with early stage breast cancer will develop stage IV advanced or metastatic breast cancer;

Whereas in developing countries, the majority of women with breast cancer are diagnosed with advanced stage or metastatic disease;

Whereas the statistic that 155,000 women and men are presently living with metastatic breast cancer in the United States underscores the immediate need for increased public awareness;

Whereas there currently is no cure for metastatic breast cancer, and metastatic breast cancer frequently involves trying one treatment after another with the goal of extending the best quality of life as possible;

Whereas scientists and researchers are conducting important research projects to achieve breakthroughs in metastatic breast cancer research;

Whereas metastatic breast cancer is rarely discussed during National Breast Cancer Awareness Month, observed in October 2009, but those living with the disease should never feel isolated or ignored;

Whereas metastatic Breast Cancer Awareness Day emphasizes the urgent need for new, targeted breast cancer treatments that will provide a high quality of life and long life expectancy for patients by making stage IV cancer a chronic, but not fatal, disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of breast cancer: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 13, 2009, as “National Metastatic Breast Cancer Awareness Day”;

(2) encourages all people of the United States to become more informed and aware of metastatic breast cancer; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Metastatic Breast Cancer Network.

#### RED RIBBON WEEK, 2009

Mr. DURBIN. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 313, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 313) supporting the goals and ideals of Red Ribbon Week, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 313

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique "Kiki" Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been sponsored by the National Family Partnership and nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, committed throughout its 36 years to aggressively targeting organizations involved in the growing, manufacturing, and distribution of controlled substances, has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, the Drug Enforcement Administration, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics demand attention, including the abuse of methamphetamines, inhalants, and prescription medications, the second most abused drug by young people in the United States;

Whereas between 1996 and 2006, the percentages of admissions to substance abuse treatment programs as a result of the abuse of methamphetamines, prescription medications, and marijuana each significantly rose;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2009;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

#### MEASURE READ THE FIRST TIME—S. 1776

Mr. DURBIN. I understand S. 1776, introduced earlier today by Senator STABENOW, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (S. 1776) to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes.

Mr. DURBIN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 464, the nomination of Daniel Werfel to be Controller of the Office of Federal Financial Management, Office of Management and Budget; that the nomination be confirmed, the motion to reconsider be laid upon the table, no further motions be in order, and that any statements relating thereto be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

#### EXECUTIVE OFFICE OF THE PRESIDENT

Daniel I. Werfel, of Virginia, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### ORDERS FOR WEDNESDAY, OCTOBER 14, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, October 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to the consideration of the conference report to accompany H.R. 3138; that there then be 10 minutes of debate equally divided and controlled between Senators DORGAN and BENNETT of Utah or their designees, with Senator DORGAN controlling the final 5 minutes; that upon the use or yielding back of time, the Senate proceed to vote on the motion to invoke cloture on the conference report to accompany H.R. 3183. Finally, I ask that the Senate recess from 12:30 until 2:15 p.m. for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DURBIN. Senators should expect the first vote of the day to be at 11:15 a.m. tomorrow. That vote will be on the motion to invoke cloture on the conference report to accompany H.R. 3183, the Energy and Water appropriations bill.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Wednesday, October 14, 2009, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:



## NUCLEAR REGULATORY COMMISSION

GEORGE APOSTOLAKIS, OF MASSACHUSETTS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2014, VICE PETER B. LYONS, TERM EXPIRED.

WILLIAM D. MAGWOOD, IV, OF MARYLAND, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2010, VICE EDWARD MCGAFFIGAN, JR.

WILLIAM D. MAGWOOD, IV, OF MARYLAND, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2015. (REAPPOINTMENT)

## DEPARTMENT OF HOMELAND SECURITY

ELIZABETH M. HARMAN, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE W. ROSS ASHLEY, III, RESIGNED.

## DEPARTMENT OF STATE

ELENI TSAKOPOULOS KOUNALAKIS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

PETER ALAN PRAHAR, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

## DEPARTMENT OF JUSTICE

SHARON JEANETTE LUBINSKI, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE MICHAEL G. MCGINN.

## THE JUDICIARY

ROSANNA MALOUF PETERSON, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON, VICE FREDERICK L. VAN SICKLE, RETIRED.

CHRISTINA REISS, OF VERMONT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF VERMONT, VICE JOHN GARVAN MURTHA, RETIRED.

## CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, October 13, 2009:

## EXECUTIVE OFFICE OF THE PRESIDENT

DANIEL I. WERFEL, OF VIRGINIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

## WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 13, 2009 withdrawing from further Senate consideration the following nomination:

LORELEI BOYLAN, OF NEW YORK, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE PAUL DECAMP, WHICH WAS SENT TO THE SENATE ON MAY 11, 2009.

## HOUSE OF REPRESENTATIVES—Tuesday, October 13, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. MORAN of Virginia).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 13, 2009.

I hereby appoint the Honorable JAMES P. MORAN to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARNAHAN) at 2 p.m.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of heaven and Earth, may Your people, especially children, dream great dreams and never become cynical. May faith be their foundation and hope the dynamic of their lives.

Give government leaders wisdom to accomplish great tasks on behalf of Your people. May they provide a peaceful and stable environment so that family life may flourish in this Nation. Let their good deeds and works of jus-

tice give You glory, both now and forever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from the Northern Mariana Islands (Mr. SABLAN) come forward and lead the House in the Pledge of Allegiance.

Mr. SABLAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WE NEED REFORMS THAT DO NOT HURT SMALL BUSINESSES AND FAMILIES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as the Senate Finance Committee votes on their version of the health care takeover, the American people see business as usual in Washington—more spending, more government, and more taxes.

The American people are more and more shocked with these big government schemes. They understand that we need a set of reforms that will not hurt small businesses or families through tax penalties and unintelligible government mandates. We do not need thousands of more pages of regulations controlled by a health czar, the most powerful and all-wise person on Earth.

Republicans continue to offer solutions that promote potential of our proven free market system. We can help families and small businesses secure affordable health care regardless of preexisting conditions and ensure choice. We must protect the doctor-patient relationship for senior citizens and protect jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

### CONGRATULATING MR. MATTHEW SAFERITE ON ARKANSAS SECONDARY PRINCIPAL OF THE YEAR

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to congratulate Mr. Matthew Saferite for being named Arkansas Secondary Principal of the Year.

Mr. Saferite, the principal of Ramay Junior High School in Fayetteville, Arkansas, demonstrates extraordinary leadership and commitment to his students and his staff on a daily basis. He works to identify and seek opportunities for all who enter the halls of his school.

His hard work has made him a model of success for students as well as fellow educators. True to form, he shares this honor with his staff and students at Ramay, acknowledging the team effort that is always on display at the school.

I commend Mr. Saferite for his passion for educating our youth and his dedication to all in the community. I wish him success in all future endeavors, and I ask my colleagues to join me in honoring an educator whose accomplishments and devotion to the Third District of Arkansas has not gone unnoticed.

### CHANGING A LIGHT BULB IS A STIMULUS JOB

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, they tell us, sir, that the stimulus bill is working and creating jobs. Well, let's see.

In Houston, some houses are getting taxpayer funded home makeovers. Wayne Dolcefino of KTRK Channel 13 Undercover in Houston reports that the city is getting \$327 million in stimulus money to weatherize homes. Under the stimulus boondoggle bonanza, taxpayers are on the hook for \$6,500 per house. Of course, not everyone is getting a home makeover. Most Houstonians aren't going to get the brand new ceiling fans installed. They're not going to get the brand new insulation and the weather stripping or the brand new refrigerators. And most won't even get the new curly light bulbs that contain mercury. They'll just get stuck with the bill.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

How does greening homes for a selected group of handpicked people create jobs? Well, it doesn't. Paying people to change out the light bulbs is what the taxacrats call a green job. No wonder Americans are just shaking their heads in contempt of government. So the stimulus scam continues.

And that's just the way it is.

#### APPOINTMENT AS MEMBER TO ELECTION ASSISTANCE COMMISSION BOARD OF ADVISORS

The SPEAKER pro tempore. Pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following member on the part of the House to the Election Assistance Commission Board of Advisors:

Ms. Lillie Coney, Washington, D.C.

#### DEMOCRAT AMNESTY PLAN HAS NO PRAYER

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, today, this afternoon, several of my colleagues on the other side of the aisle intend to unveil their outline of a plan to give amnesty to millions of illegal immigrants. I don't expect it to hold many surprises. It is more likely to lay out the same proposal for amnesty that President Obama and the Democrats have promised all along to the illegal immigrant lobby.

They should know that the bill doesn't have a prayer because the American people oppose rewarding lawbreakers, which then encourages more illegal immigration. Allowing millions of illegal immigrants to stay and take jobs away from citizens is like giving a burglar a key to the house.

Illegal immigrants should play by the rules, return home and wait their turn just like millions of legal immigrants do.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### EXTENDING AUTHORITY TO BUILD VIETNAM VETERANS MEMORIAL VISITOR CENTER

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3689) to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial Visitor Center, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3689

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXTENSION OF LEGISLATIVE AUTHORITY FOR VIETNAM MEMORIAL VISITOR CENTER.

Section 6(b) of Public Law 96-297 (16 U.S.C. 431 note) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period and inserting “; and”; and

(3) by inserting after paragraph (4) the following:

“(5) any reference in section 8903(e) of title 40, United States Code, to the expiration at the end of or extension beyond a seven-year period shall be considered to be a reference to an expiration on or extension beyond November 17, 2014.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

#### GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 3689, sponsored by the chairman of the Committee on Natural Resources, the gentleman from West Virginia, Mr. NICK RAHALL, and the committee's ranking member, the gentleman from Washington State, Mr. DOC HASTINGS, will extend the time during which the Vietnam Veterans Memorial Fund is authorized to establish a visitors center for the Vietnam Veterans Memorial here in Washington, D.C.

Better known as the Vietnam Wall, the memorial is among the most visited sights in Washington and is an international symbol of reflection and healing. Establishing a visitors center for the memorial is critical and more time is needed to complete the extensive planning, design, and approval processes required for such a sensitive project. This bipartisan legislation extends the authorization through 2014.

Chairman RAHALL has been intimately involved with the development of this visitors center, and I join him,

along with Representative Doc HASTINGS, in urging our colleagues to support this bill.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Thank you, Mr. Speaker, for recognizing Alaska, the greatest State in the Union, the largest State in the Union, with the one congressman that does the whole job of the State of the Union. Thank you. I yield myself such time as I may consume.

This bill was introduced by Chairman RAHALL and Ranking Member HASTINGS to allow additional time for the Vietnam Veterans Memorial Fund to raise private funds for the construction of the underground visitors center on The Mall.

I ask my colleagues to join me in supporting this great piece of legislation.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I have no additional speakers, but I would like to inquire of the minority if he has any additional speakers.

Mr. YOUNG of Alaska. I have no other additional speakers.

I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to express my support for H.R. 3689, a bill to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center.

The Vietnam Veterans Memorial visitor center will pay a further tribute to the men and women who defended our nation's freedom by serving in the United States Armed Forces during the Vietnam War. Currently, there are three other monuments that mark the sacrifice paid by these brave individuals on the National Mall. They are the Three Soldiers statue, the Vietnam Women's memorial, and the Vietnam Veterans Memorial Wall. Just last year, there were over 3.8 million visitors to these memorials, and I believe that constructing a visitor center to facilitate their passion for our veterans is a noble cause.

The visitor center will become one of the largest war memorials in Washington, DC at 25,000 square feet. It will be built underground in front of the Lincoln Memorial and may include a movie theater, a three-dimensional battle scene, mementos left at the memorial, and a wall where pictures of slain soldiers will be displayed on their birthdays. The center will surely prove to be a fantastic tribute to the service and sacrifices made by veterans of the Vietnam War and their families.

Mr. Speaker, I believe that the brave men and women who have sacrificed for our present freedoms deserve our fullest support. Our nation's service men and women represent the best our country has to offer, and they must be treated with the respect and honor they deserve. As we ask these courageous soldiers, sailors, airmen, and marines—and their families—to do more and more, it's only right we continue doing all we can for them. Creating the Vietnam Veterans Memorial visitor center is another act of appreciation for our veterans and a reminder of the superior job our troops perform for America at

home and abroad. It is my hope that we will continue to do all we can and more for the members of our Armed Forces.

Mr. Speaker, I urge all of my colleagues to support this bill.

Mr. SABLAN. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 3689.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### DESIGNATING SEGMENT OF ILLABOT CREEK AS A NATIONAL WILD AND SCENIC RIVER

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1593) to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1593

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“( ) ILLABOT CREEK, WASHINGTON.—

“(A) The 14.3 mile segment from the headwaters of Illabot Creek to the northern terminus as generally depicted on the map titled ‘Illabot Creek Proposed WSR – Northern Terminus’, dated September 15, 2009, to be administered by the Secretary of Agriculture as follows:

“(i) The 4.3 mile segment from the headwaters of Illabot Creek to the boundary of Glacier Peak Wilderness Area as a wild river.

“(ii) The 10 mile segment from the boundary of Glacier Peak Wilderness to the northern terminus as generally depicted on the map titled ‘Illabot Creek Proposed WSR – Northern Terminus’, dated September 15, 2009, as a recreational river.

“(B) Action required to be taken under subsection (d)(1) for the river segments designated under this paragraph shall be completed through revision of the Skagit Wild and Scenic River comprehensive management plan.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

#### GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 1593 would designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers Systems.

The Forest Service studied Illabot Creek for potential Wild and Scenic River designation in conjunction with the National Forest planning process. The study found that the creek possesses outstandingly remarkable values. For example, the river is home to a bald eagle communal night roost and is important habitat for bear, beaver, and spotted owls, to name a few.

Mr. Speaker, we commend our distinguished colleague Representative RICK LARSEN for his hard work and dedication to this legislation. We support passage of H.R. 1593, and urge its adoption by the House today.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1593 will designate segments of the Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System. The area being designated is located within the Baker-Snoqualmie National Forest. The total designated is 14.3 miles in two separate segments.

Although I personally do not believe a wild and scenic designation is necessarily the best way to manage our river resources in every instance, I understand that this bill excludes a section of the river crossed by a needed road and now has local support. I do not object at this time to the passage of this legislation.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I have no additional requests for time. I would inquire of the minority whether they have any additional speakers.

Mr. YOUNG of Alaska. I have no further requests for time.

I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM REAUTHORIZATION ACT OF 2009

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3537) to amend and reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3537

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Junior Duck Stamp Conservation and Design Program Reauthorization Act of 2009”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) In 2007–2008, sales of the \$5 Junior Duck Stamp generated more than \$100,000 in revenue, all of which was used to provide educational materials for the program, fund scholarships for students, and support and promote the program's goal of connecting children with nature.

(2) Now in its 20th year, the Junior Duck Stamp Conservation and Design Program is one of this country's oldest and most successful government-sponsored, youth-focused conservation biology programs. The program continues to build strong partnerships with public and parochial schools, homeschoolers and after-school programs, and other youth-focused education programs throughout the country.

(3) The Junior Duck Stamp Conservation and Design Program continues to foster strong partnerships among Federal and State government agencies, nongovernment organizations, the business community, and others in the private sector to promote youth conservation initiatives.

(4) With its conservation-focused science and arts curriculum, the Junior Duck Stamp Conservation and Design Program has helped prepare hundreds of thousands of students to become stewards of America's irreplaceable wild places and treasured outdoor heritage.

#### SEC. 3. REPORTING REQUIREMENT.

Section 2(c)(2) of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719(c)(2)) is amended to read as follows:

“(2) REPORTING REQUIREMENT.—Beginning in 2010 and every 5 years thereafter, the Secretary shall submit to Congress a report on the status of the Program in each State.”.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719c) is amended to read as follows:

#### “SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to the Secretary for administrative expenses of the Program \$500,000 for each of fiscal years 2010 through 2015.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

#### GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, Congress passed the Junior Duck Stamp Conservation and Design Program Act in 1994 to connect children with nature through science and art. This act promotes the education of students from kindergarten through high school about migratory waterfowl and the habitats through the distribution of educational materials and the promotion of a wildlife art competition.

□ 1415

Today, more than 27,000 students participate in the Nationwide Junior Duck Stamp art contest, and the winning design is reproduced as the Federal Junior Duck Stamp. The pending measure will simply reauthorize the Junior Duck Stamp Program.

I commend my good friend, Congressman SOLOMON ORTIZ from Texas, for his leadership in reauthorizing the Junior Duck Stamp Program, and we urge our colleagues to support passage of this measure.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

The Junior Duck Stamp Program was developed 20 years ago and first authorized by Congress in 1994. Today, more than 28,000 students participate in the conservation curriculum and annual nationwide wildlife art contest.

During hearings of this legislation, one of the witnesses was a teacher from an elementary school in Frederick, Maryland. In her statement, she noted: "As a teacher, I believe that the Junior Duck Stamp Program is an excellent learning opportunity for students at all grade levels. What is difficult for me to put into words is the looks on the curious faces of my students as they research to learn about various waterfowl and their habitat; the looks of determination as they work hard to capture the likeness of the birds; and the smiles when their entries are finally completed."

This is an excellent program, Mr. Speaker, and a sound investment of U.S. taxpayer dollars. The Junior Duck Stamp Program should be extended for an additional 5 years.

I would also like to compliment the authors of this bill, Congressmen SOL-

OMON ORTIZ and HENRY E. BROWN, Jr., for their leadership on behalf of wildlife conservation of this Nation.

This is a good piece of legislation, Mr. Speaker, and I urge an "aye" vote on H.R. 3537.

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 3537, the Junior Duck Stamp Conservation and Design Program Reauthorization Act of 2009.

I had the privilege of sponsoring the original legislation to authorize this program in 1994. As the chairman of the Oceanography, Gulf of Mexico, and Outer Continental Shelf Subcommittee of the Merchant Marine and Fisheries Committee, I was asked to help pass authorizing legislation for the Junior Duck Stamp Program.

I was familiar with the successful Duck Stamp Program but had never heard of the Junior Duck Stamp, JDS, Program.

Now, 15 years later, this is the third reauthorization of this program.

I am very happy to say that it is one of this country's oldest and most successful youth-focused conservation programs in the Federal Government, and over the years, JDS has expanded to all 50 States, the District of Columbia, and the U.S. Territories.

For those of you who don't know about the JDS Program, it is a conservation-focused science and arts curriculum for grade-school and high-school students. It is an art contest centered around studies that teach the fundamentals of waterfowl anatomy and environmental science.

Students submit their artwork depicting waterfowl in natural habitat settings to a State or territory contest. Winners from these contests are submitted for the national contest. Just as in Duck Stamps, the winning artwork at the national JDS contest is used to create a Junior Duck Stamp for the following year.

The stamps are sold by the U.S. Postal Service and consignees for \$5 per stamp. Proceeds from the sale of the stamps support conservation education and are used for awards and scholarships for the students, teachers, and schools that participate in the program.

I must commend the JDS administrators and coordinators at the national, State, and local levels; the teachers and schools that support the JDS program; and the students who participate each year in the contest for the success of the Junior Duck Stamp Program.

Your dedication and hard work have made this program a premier wildlife conservation education tool, and I am proud to be associated with it.

Mr. Speaker, I ask my colleagues to join me in supporting this very worthy program.

Mr. KIND. Mr. Speaker, for the past 20 years, the Junior Duck Stamp Conservation and Design Program Reauthorization Act has been one of the most successful government-sponsored, youth-focused conservation education programs. This dynamic program incorporates scientific and wildlife management principles into visual arts curriculum in both public and private schools. As a national program, children in all states have the opportunity to learn about bird conservation while simultaneously developing a strong appreciation for art.

I can attest to the success of this program and would like to congratulate the 2009 Wisconsin Federal Junior Duck Stamp competitors and, in particular, the 22 students from Wisconsin's Third District who placed in the contest. I am proud to say that of the over 600 entries from the 53 schools participating in the State of Wisconsin, the "Best of Show" went to Yvette Bauer of Ithaca Public School in Richland Center, located in my District.

The youth of today will become the leaders of tomorrow. We must therefore encourage our youth to become stewards of America's irreplaceable wild places and treasured outdoor heritage.

I strongly support the reauthorization of the successful Junior Duck Stamp Conservation and Design Program and look forward to seeing this bill passed in the House today.

Mr. YOUNG of Alaska. I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 3537.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### PERMITTING ACCEPTANCE OF NON-U.S. FUNDS FOR CANADIAN WETLAND CONSERVATION PROJECTS

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3433) to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3433

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PAYMENT OF NON-FEDERAL SHARE OF PROJECTS IN MEXICO AND CANADA UNDER NORTH AMERICAN WETLANDS CONSERVATION ACT.

(a) IN GENERAL.—Section 8(b)(3) of the North American Wetlands Conservation Act (16 U.S.C. 4407(b)(3)) is amended to read as follows:

"(3) The non-Federal share of the United States contribution to the costs of such projects may not be derived from Federal grant programs. In the case of a project carried out in Canada or Mexico, the non-Federal share of the costs of the project may include cash contributions from non-United States sources that are used to pay costs of the project. In the case of a project carried out in Canada, funds from Canadian sources may comprise up to 50 percent of the non-Federal share of the costs of the project."

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to any approved and active wetlands conservation project (as that term is used in section 8(b)(1) of such Act) carried out with assistance provided under such Act, including such a project approved before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLÁN) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

#### GENERAL LEAVE

Mr. SABLÁN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLÁN. Mr. Speaker, I yield myself as much time as I might consume.

In combating the dramatic loss of wetland ecosystems, Congress enacted the North American Wetlands Conservation Act in 1989 providing a funding mechanism to support cooperative, public-private wetlands conservation efforts throughout North America. These projects have protected, restored, or enhanced approximately 23 million acres of wetlands in the United States, Canada, and Mexico.

However, the recent economic recession and the matching requirements under the act have made it difficult to generate non-Federal matching contributions for some critical wetland habitat conservation projects. The pending measure would amend the act to increase flexibility for grant recipients to meet matching fund requirements and ensure that the highest priority projects are funded throughout North America.

I commend Congressman WITTMAN of Virginia for his leadership in wetland conservation. I urge the passage of the legislation.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Since 1989, the North American Wetlands Conservation Act has required that each Federal dollar spent on the conservation project be matched by private, non-governmental money. However, due to the irreplaceable nature of the breeding waterfowl habitat in Canada, a decision was made not to require matching funds for Canadian projects from private Canadian sources.

As a result of the economic downturn, however, it has become increasingly difficult to meet the 100 percent matching requirement here in the

United States. According to the Fish and Wildlife Service, there will be some \$70 million worth of projects in Canada during the current 5-year funding cycle which began in 2007. Under the current law, this means that \$70 million in private matching money must be provided.

Under H.R. 3433, the North American Wetlands Conservation Act would be amended to require at least 50 percent of non-Federal share of projects in Canada be paid for by Canadian non-governmental entities. There was unanimous support for this measure during our committee markup, and this is an appropriate change in our Federal law.

I would also like to compliment the author of this bill, Congressman WITTMAN of Virginia, for his outstanding leadership and for his service on the Migratory Bird Conservation Commission.

I urge an "aye" vote.

Mr. WITTMAN. Mr. Speaker, I rise in support of H.R. 3433.

I introduced H.R. 3433 to provide for a simple, timely and essential change to the North American Wetlands Conservation Act.

Under current law, Congress appropriates money each year to be spent on projects to acquire, enhance, protect and restore wetlands in Canada, Mexico and the United States.

In fact, this remarkable program, which is now celebrating its 20th anniversary, has funded over 1,600 projects to conserve more than 20 million acres of wetlands and associated uplands across North America. This conservation has helped ensure improved waterfowl hunting across North America.

Since 1989, this landmark law has required that each Federal dollar spent on a conservation project be matched by non-federal money.

However, due to the irreplaceable nature of the breeding waterfowl habitat in Canada, a decision was made not to require matching funds from Canadian sources. Therefore, projects in Canada have been matched by conservation dollars from the United States.

According to the U.S. Fish and Wildlife Service, the North American Wetlands Council has approved conservation projects in Canada worth nearly \$70 million during its current 5-year funding cycle which began in 2007. Under law, this means that \$70 million in private matching funds must be provided.

Under my legislation, the North American Wetlands Conservation Act would be amended to allow up to 50 percent of the non-federal share of projects in Canada to be paid for by Canadian conservation supporters. My legislation will allow and encourage our Canadian conservation partners to fund a greater number of important wetland preservation projects north of the border.

The authorization of appropriations for the North American Wetlands Conservation Act does not expire until September 30, 2012. We simply cannot wait to make this change because the nonmatching share imbalance will continue to grow and must be paid before the authorization expires.

The language of this legislation has been fully vetted and been endorsed by all inter-

ested parties including the Fish and Wildlife Service, the member of the North American Wetlands Conservation Council which includes Ducks Unlimited, as well as the National Audubon Society and the American Bird Conservancy.

I ask my colleagues to support H.R. 3433.

Mr. YOUNG of Alaska. I yield back the balance of my time.

Mr. SABLÁN. Mr. Speaker, I again urge support of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLÁN) that the House suspend the rules and pass the bill, H.R. 3433.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### REAUTHORIZING DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION

Mr. SABLÁN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3476) to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3476

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REAUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION.

(a) REAUTHORIZATION.—Section 5 of Public Law 100-573 (16 U.S.C. 460c note) is amended by striking "20" and inserting "30".

(b) EFFECTIVE DATE.—This section shall be deemed to have taken effect on October 30, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLÁN) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

#### GENERAL LEAVE

Mr. SABLÁN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLÁN. I yield myself such time as I may consume.

Mr. Speaker, this legislation, sponsored by Representative GARRETT, will authorize the Citizen Advisory Commission for the Delaware Water Gap

National Recreation Area for the next 10 years. The advisory commission has provided two decades of guidance and input that has assisted in the management of the national recreation area and should be allowed to continue its work.

I urge my colleagues to support H.R. 3476.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

The Delaware Water Gap National Recreation Area is the National Park Service's largest outdoor recreation area in the Northeastern United States. This recreation area includes 67,000 acres along 40 scenic miles of the Delaware River in the States of New Jersey and Pennsylvania. With 5 million recreational visits each year, it is our 10th most visited national park.

Our colleague, Mr. GARRETT, introduced H.R. 3476 to enhance citizen participation in the administration of the park by extending the recreation area's Citizen Advisory Commission for another 9 years to the year 2018. I am pleased to join Mr. GARRETT in support of this legislation.

Mr. Speaker, at this time I yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT), the author of this fine piece of legislation.

Mr. GARRETT of New Jersey. I thank the gentleman from Alaska for recognizing what a fine piece of legislation it is and appreciate his support of this legislation as well.

Mr. Speaker, I rise today in support of H.R. 3476. It is a bipartisan bill to reauthorize the Delaware Water Gap National Recreation Area Citizens Advisory Commission through the year 2018. And both Representative CARNEY and I believe that this citizen action group serves as an important liaison between the National Park Service, their officials, and the neighbors in the area.

Many of my constituents have asked me to extend this commission, and I am pleased to have worked with Representative CARNEY on this legislation to do just that. Communication is the key to addressing and resolving citizens' concerns, and it's clear that the residents and the park users value the opportunity to respond to the park decisions as well as propose alternatives when they come up with those.

The Delaware Water Gap region has a turbulent history, if you know of it. One was marked by improper government interference and Federal invasion of rights of private property owners.

Back in the mid-1950s, the Federal Government proposed a plan to build a dam across the Delaware River. This was the Tocks Island Dam Project, and it required the use of eminent domain, and the government seized many properties. Well, the project fell through and the property that was taken away

is now known as the Delaware Water Gap Recreational Area. And residents in the area were upset by the creation of this recreation area. As a result, Congress passed legislation that established a citizens advisory commission, and that was back in 1988.

Now, this advisory commission was reauthorized for an additional decade back in 1998; and it's basically served as a forum, if you will, for the public to interact with park officials. Due to the combined efforts of the various commission members and park officials, the recreation area has now increased in popularity over the years, and we see literally millions of visitors each year. In fact, out of nearly 400 parks in the National Park system, the Delaware Water Gap was just named one of the top 10 most photogenic parks for fall foliage.

And I am confident that the Citizens Advisory Commission will continue to play a valuable role in preserving its splendor in this area and others for future generations.

It's the ability of local residents to communicate with Federal agencies that has been one of my main focuses here in Congress; and I call upon my colleagues—and I am glad that the gentleman from Alaska joins me in this effort—to join with Representative CARNEY and me to support this legislation.

Mr. YOUNG of Alaska. I yield back the balance of my time.

Mr. SABLAN. I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 3476.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement further proceedings on this motion will be postponed.

#### 1ST LIEUTENANT LOUIS ALLEN POST OFFICE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2877) to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2877

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. 1ST LIEUTENANT LOUIS ALLEN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, shall be known and designated as the "1st Lieutenant Louis Allen Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "1st Lieutenant Louis Allen Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am proud to present H.R. 2877 for consideration.

This bill, if adopted, will designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office."

H.R. 2877 was introduced by my friend and colleague, Representative JOHN HALL of New York, on June 15, 2009, and favorably reported out of the Oversight Committee by unanimous consent on July 10, 2009. Notably, this legislation enjoys the strong support of the entire New York sitting House delegation.

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Since this is principally sponsored by my friend, Mr. HALL of New York, I'm going to yield 5 minutes to my colleague so that he may make those remarks.

Mr. HALL of New York. Thank you, Mr. Chairman.

Mr. Speaker, I rise today to pay tribute to a great American, First Lieutenant Lou Allen. My bill, H.R. 2877, would designate the post office in Chester, New York, as the "1st Lieutenant Louis Allen Post Office." First Lieutenant Allen was killed in Iraq over 4 years ago by a mine explosion for which another member of the Armed Forces was charged and shockingly acquitted. First Lieutenant Allen was 34 years old.

A pillar of his community, a model National Guardsman, Lou joined the New York National Guard in the year 2000. But when he was not serving in uniform, he served his community as a



science teacher at George F. Baker High School in Tuxedo. He was deployed to New York City with the National Guard to respond to the terrorist attacks of September 11, 2001.

Lou's service to his community and country made him a great American whom we are all proud of. Lou is survived by his loving wife, Barbara; and their four young sons, Trevor, Colin, Sean and Jeremy; his parents, Bob and Vivian; and his siblings and other friends and family who are all so proud of him. Renaming this post office in his honor will be a tangible reminder of the joy he brought to them and the contributions he made to our Nation, the Hudson Valley community, and the lives of those who knew him.

I cannot imagine how difficult the last few years have been in Lou's family, and their grace in dealing with this tragedy is an inspiration to us all. I have had the honor of meeting them at Bob and Vivian's house when I introduced this bill. And I am honored to represent them in Congress and to be able to come here to Washington and help redesignate the U.S. Post Office at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office."

Renaming this post office is not about mourning Lou's death, but about celebrating his life. I am glad that we have the support of the entire New York State congressional delegation, who are all signed on to the bill as original cosponsors.

I urge my colleagues to honor First Lieutenant Allen and support this bill so that he and his family will finally receive the tribute to his sacrifice that they deserve.

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today to urge the passage of H.R. 2877, a bill designed to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office" in honor of the late Louis E. Allen, a 34-year-old Army National Guardsman killed by an explosion in Tikrit, Iraq, on June 8, 2005.

A native of Goshen, New York, and a West Point graduate, First Lieutenant Allen was not only a model soldier but also a model citizen who had a true passion for helping others.

A loving husband and father of four sons, he drove more than 1 hour each way to George Baker High School in Tuxedo, New York, a school where he taught science. The school superintendent remembers him as loving kids and having a "real passion for our students." He was also known by his family as being fun-loving, gracious and caring as he took care of everyone around him. A longtime friend of Allen's once said that "if my son grows up to be half the man Lou is, I'll be the happiest father in the world."

First Lieutenant Allen is a shining example of an individual who continually and selflessly served those around him, both through his work for his community and country. His spirit lives on through the work of his family and friends as they continue to promote the sacrifice of First Lieutenant Allen through the First Lieutenant Louis Allen Scholarship and Community Foundation.

It is with gratitude for his bravery and sacrifice for his country that I ask all Members to join me in supporting H.R. 2877 in First Lieutenant Allen's honor.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, a resident of Milford, Pennsylvania, First Lieutenant Louis E. Allen bravely served in support of Operation Iraqi Freedom as a member of the Army National Guard's Headquarters and Headquarters Company, 42nd Infantry Division, out of Troy, New York.

Regrettably, as has been noted here by my friend, Mr. HALL, First Lieutenant Allen and fellow unit member Captain Phillip T. Esposito were killed in Tikrit, Iraq, on June 8, 2005, of injuries sustained when a mine explosion occurred near their location. First Lieutenant Allen was 34 years old at the time of his death.

As noted by his fellow Rainbow Division soldiers, who held a ceremony in honor of their two fallen comrades at Forward Operating Base Danger in Tikrit on June 15, 2005, First Lieutenant Allen was highly regarded as a skilled platoon leader who always took care of his troops.

"He was always running around, getting stuff for his guys—food, safety equipment, and billeting—and never forgot where he came from," recalled Colonel Mario Costagliola, the division's assistant chief of staff for operations.

In addition to his distinguished service to his unit and his country, First Lieutenant Allen is equally remembered as a dedicated husband to his beloved wife, Barbara, whom he made sure to call every day throughout his deployment, and as a loving father to their four boys, Trevor, Colin, Sean and Jeremy, whose pictures he always carried in his wallet and would display to anyone who would bother to take a look, according to Captain Steven Raiser, a division legal assistance officer who trained with First Lieutenant Allen.

Moreover, as a high school science teacher at George Baker High School in Tuxedo, New York, First Lieutenant Allen evidenced the same commitment, dedication and generosity to his students as he did to his fellow soldiers and his family. "He loved kids. He had a real passion for our students," recalled Valley Central School District Superintendent Joseph P. Zanetti.

And as noted by all of those who were fortunate enough to know him, First Lieutenant Allen had a unique gift for making everyone around him feel more positive and happier. A family statement issued following his death perhaps best characterizes First Lieutenant Allen's effect on his loved ones: "Everybody loved Lou for his Lou-ness."

Mr. Speaker, the life and legacy of First Lieutenant Louis E. Allen stands as a testament to the brave servicemen and -women who have also dedicated their lives to serving our Nation in the United States military. It is my hope that we can honor this young soldier through the passage of H.R. 2877 and by designating the Chester Post Office in his honor.

With that, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I have no other speakers, so I yield back my time.

Mr. LYNCH. Mr. Speaker, in closing, I again urge my colleagues on both sides of the aisle to join with Mr. HALL, the principal sponsor of this resolution, in honoring First Lieutenant Louis Allen through the passage of H.R. 2877.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2877.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### COMMEMORATING 80TH ANNIVERSARY OF THE DAUGHTERS OF PENELOPE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 209) commemorating the 80th anniversary of the Daughters of Penelope, a preeminent international women's association and affiliate organization of the American Hellenic Educational Progressive Association (AHEPA), as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 209

Whereas generations of Greek-Americans have worked alongside their fellow Americans to build a more perfect Union, and the United States is a stronger country because of them;

Whereas Greek-Americans have served ably in their communities in numerous capacities, such as government, including five-term Maryland Senator Paul S. Sarbanes, and in the Armed Services in every war in which the United States fought since World War I, including patriots such as George Dilboy, a World War I Medal of Honor recipient;



Whereas the Daughters of Penelope is a leading international organization of women of Hellenic descent and Philhellenes, founded November 16, 1929, in San Francisco, California, to improve the status and well-being of women and their families and to provide women the opportunity to make significant contributions to their community and country;

Whereas the mission of the Daughters of Penelope is to promote the ideals of ancient Greece (namely, philanthropy, education, civic responsibility, good citizenship, and family and individual excellence) through community service and volunteerism;

Whereas the chapters of the Daughters of Penelope sponsor affordable and dignified housing to the Nation's senior citizen population by participating in the Department of Housing and Urban Development's section 202 housing program;

Whereas Penelope House, a domestic violence shelter for women and their children sponsored by the Daughters of Penelope, is the first of its kind in the State of Alabama and is recognized as a model shelter for others to emulate throughout the United States;

Whereas the Daughters of Penelope Foundation, Inc., supports the educational objectives of the Daughters of Penelope by providing tens of thousands of dollars annually for scholarships, sponsoring educational seminars, and donating children's books to libraries, schools, shelters, and churches through the "Open Books" program;

Whereas the Daughters of Penelope is the first ethnic organization to submit oral history tapes to the Library of Congress, the tapes that provide an oral history of first generation Greek-American women in the United States;

Whereas the Daughters of Penelope promotes awareness and research on medical diseases, such as cancer, thalassemia (Cooley's anemia), lymphangioleiomyomatosis (LAM), Alzheimer's disease, muscular dystrophy, and others;

Whereas the Daughters of Penelope provides financial support for many medical research and charitable organizations, such as the University of Miami Sylvester Comprehensive Cancer Center (formerly the Papanicolaou Cancer Center), the Alzheimer's Foundation, the American Heart Association, the Special Olympics, the Barbara Bush Foundation for Literacy, the Children's Wish Foundation, UNICEF, Habitat for Humanity, St. Basil Academy, and others;

Whereas Greek-American directors and performers, such as Elia Kazan, Olympia Dukakis, and Maria Callas, enriched the arts, and medical researcher, Dr. George Papanicolaou, also known as the "The Father of Cytology", saved millions of lives by inventing the Pap Test;

Whereas countless Greek-Americans have risen to become leaders of commerce and industry, thus fulfilling the "American Dream";

Whereas the Daughters of Penelope provides support and financial assistance to victims and communities affected by natural disasters, such as hurricanes, earthquakes, and forest fires;

Whereas the Daughters of Penelope, founded November 16, 1929, celebrates its 80th anniversary as a preeminent international women's association and affiliate organization of the American Hellenic Educational Progressive Association (AHEPA); and

Whereas Americans can trace the concept and ideals of democracy to the ancient Greeks: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes the significant contributions of American citizens of Greek ancestry and Philhellenes, and the Daughters of Penelope to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present House Resolution 209 for consideration. This resolution recognizes the significant contribution of American citizens of Greek ancestry and the Daughters of Penelope.

At the outset, I would like to take a moment to express my deepest condolences to the sponsor of this resolution, my friend and colleague, Mrs. MALONEY of New York, on the recent loss of her beloved husband, Clifton. Please know that our thoughts and our prayers are with the Congresswoman and her entire family.

Mr. Speaker, the measure before us was introduced on March 4 by Mrs. MALONEY and favorably reported out of the Oversight Committee on July 10, 2009, by unanimous consent. Notably, this measure enjoys the support of over 50 Members of Congress.

Mr. Speaker, let us take a moment to recognize the significant contributions Greek Americans have made to the United States. Greek Americans such as Senator Paul Sarbanes and Congressman JOHN SARBANES of Maryland have served their communities, and Greek Americans have served in our Armed Forces in every war since World War I. Greek Americans have enhanced the art world with works by directors such as Elia Kazan and performers such as Olympia Dukakis.

Further, the resolution makes mention of the Daughters of Penelope. Founded in 1929, the Daughters of Penelope was formed by Alexandra Apostolides Sonenfeld with the help and support of her husband, Dr. Emmanuel Apostolides.

With local chapters in the United States, Canada and Greece, the Daughters of Penelope is a nonpartisan and nondenominational organization that promotes Hellenic heritage and its ideals. Notably, the organization's dedicated members are encouraged to participate in meaningful community

service projects, making the Daughters of Penelope a leader in charitable and educational activities.

In its 80 years, the Daughters of Penelope has made great gains in helping women all over the world realize their dreams and leadership potential. Moreover, the Daughters of Penelope has made significant contributions here at home through the organization's commitment to philanthropy and volunteerism, by supporting various charities, sponsoring affordable housing for senior citizens, and by helping spread awareness and providing financial support for medical research. The Daughters of Penelope also sponsors the Penelope Shelter Home for Battered Women, which helps women of all races and faiths during times of need.

Mr. Speaker, let's take a moment to recognize the considerable contributions of Greek Americans to the United States and celebrate the achievements of the Daughters of Penelope through the passage of House Resolution 209.

Mr. Speaker, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

I rise today to support House Resolution 209 recognizing the significant contributions of American citizens of Greek ancestry, philhellenes, and the Daughters of Penelope to the United States.

What began with roughly 300,000 Greek immigrants after World War I has grown to more than 3 million Greek Americans today. Throughout our Nation's history, the Greeks who came to America saw the promise and hope for their future. Once there, they have been instrumental in building a Nation from the ground up.

Greek Americans have risen to become leaders in business, government service, medicine and the arts. The State of Maryland was proud to have Paul S. Sarbanes, a Greek American, serve five terms in the United States Senate. Dr. George Papanicolaou saved millions of lives by inventing the Pap test for women, and performers such as Olympia Dukakis and Elia Kazan are but a few examples of how Greek Americans continue to fulfill the American Dream. And we as a country are all better for their many contributions.

Greek Americans have a long history of contributions through community service to the United States. In the early 1900s, they formed a number of organizations that were dedicated to the well-being of families in the communities where Greek Americans lived.

Among the groups that Greek Americans formed was the Daughters of Penelope, which was founded in 1929 in San Francisco and is an affiliate organization of the American Hellenic Educational Progressive Association. Today, the Daughters of Penelope has grown to more than 350 chapters

throughout the world. The mission of the Daughters of Penelope is to create awareness of the ideals of ancient Greece such as education, civic responsibility, philanthropy and patriotism through community service.

Greek Americans, along with all Americans, can be proud of the Daughters of Penelope's commitment to education. They have provided tens of thousands of dollars annually for scholarships, education seminars, and donating children's books to libraries, schools, shelters, and churches through the "Open Books" program.

Other Daughters of Penelope achievements include being the first ethnic organization to submit oral history tapes to the Library of Congress, which provide personal experiences of first-generation Greek Americans.

Now in its 80th year, the Daughters of Penelope continues to promote its ideals and promote awareness through a number of causes, including cancer research, Alzheimer's disease, muscular dystrophy and others.

□ 1445

They also provide financial support for medical research to victims and communities affected by natural disasters, such as hurricanes, earthquakes and forest fires.

I ask my fellow Members of Congress to join me in recognizing the 80th anniversary of the Daughters of Penelope and the contribution of Greek Americans to the history of the United States and the way in which their presence enriches and strengthens our country.

I support House Resolution 209 and reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I appreciate the kind words of the gentleman from Kentucky, and we continue to reserve.

Mr. GUTHRIE. Mr. Speaker, I urge my colleagues to join me in supporting this resolution, and I yield back the balance of my time.

Mr. LYNCH. Again, Mr. Speaker, I ask that Members on both sides support Mrs. MALONEY, the lead sponsor of this resolution, H. Res. 209, honoring Greek Americans and their contribution to the United States.

Mrs. MALONEY. Mr. Speaker, I rise today in strong support of H. Res. 209, bipartisan legislation I introduced, with Hellenic Caucus co-chair, Congressman GUS BILIRAKIS.

This resolution recognizes the significant contributions of American citizens of Greek ancestry and Philhellenes, and the Daughters of Penelope to the United States.

Founded November 16, 1929, in San Francisco, California, the Daughters of Penelope was established to improve the well-being of women and provide them with the opportunity to make significant contributions to American society.

Today, its mission is to promote the ideals of ancient Greece, education, philanthropy, civic responsibility, family, and individual ex-

cellence through community service and volunteerism.

As a cofounder and cochair of the Congressional Caucus on Hellenic Issues, I have had the privilege to see the significant contributions of the Daughters of Penelope in the Greek American community.

The Daughters of Penelope (DOP) is a pre-eminent international women's organization and affiliate organization of the American Hellenic Educational Progressive Association (AHEPA), the nation's leading association of American citizens of Greek heritage.

Over its history, the Daughters of Penelope has achieved remarkable accomplishments. It has strengthened the status of women in society, sheltered the elderly and the abused, educated our youth, promoted Hellenic heritage, and raised funds for medical research.

With their strong work ethic, Greek-Americans have risen to become leaders in their respective professions, from government to business to the arts. The Daughters of Penelope has been a vehicle through which this advancement has occurred in our society.

I want to thank Chairman TOWNS and Ranking Member ISSA for their support of this bill and for moving it through the Oversight and Government Reform Committee.

I urge my colleagues to support it.

Mr. SPACE. Mr. Speaker, I strongly support the resolution considered by the House today, H. Res. 209. This bill recognizes the numerous and wide-ranging contributions made to American society by the Daughters of Penelope, the women's affiliate of the American Hellenic Educational Progressive Association.

The Order of the Daughters of Penelope was conceived by Alexandra Apostolides Sonnenfeld and founded on November 16, 1929. In the midst of the economic collapse that led to the Great Depression, Mrs. Apostolides recognized the importance of unity, philanthropy, and education. She and 25 charter members formed the first chapter of the Daughters of Penelope, which is today a leader in philanthropic, educational and cultural activities with over 350 chapters in the U.S., Canada, Greece, Cyprus, and Australia.

H. Res. 209 highlights some of the organization's crowning achievements, including the establishment of Penelope House, a shelter for women and children that aims to help victims of domestic violence regain social and economic independence, and the Daughters of Penelope Foundation, which grants scholarships to promising students and facilitates donations of children's books to needy organizations.

Another issue of critical importance is the oral history project organized and donated to the Library of Congress by the Daughters of Penelope. This project chronicles the experiences of first-generation Greek-American women. I know this project will preserve these vital records so that future generations of Greek-Americans—like my children—will maintain an important link with their ancestors.

I am proud of my Greek heritage and of the accomplishments of the Order of the Daughters of Penelope. I think it only fitting that now, as we face our own economic crisis, we recognize the importance of those values that carry us through the most difficult times. I encourage my colleagues to support this resolution.

Ms. BERKLEY. Mr. Speaker, I rise today as a proud daughter of Greece, and as a cosponsor of this resolution, to join my colleagues in honoring the Daughters of Penelope, an organization of women who exemplify Hellenic values and ideals, both within the United States and across the globe. Over the past 80 years, the efforts of the Daughters of Penelope have had a significant impact on the welfare of those in need. From assistance to battered women and children, to support for cancer research and funding for schools, the work of these women is deserving of our wholehearted recognition and praise.

I want to draw special attention to the contributions that the Daughters of Penelope have made in the fight against breast cancer. Not only has the organization participated in a variety of fundraisers for breast cancer research, the Daughters of Penelope have engaged members of different ethnic communities in countries across the world by preparing and distributing awareness pamphlets that they translated into several languages. Raising awareness is a vital method of fighting breast cancer and I commend the efforts of these women in educating underserved communities about this disease.

Another notable accomplishment of the Daughters of Penelope is the Greek Immigrant Oral History Study, recordings that document the history of Greek women, like my grandmother and great-grandmother, who immigrated to the United States. This project marked the first time that an ethnic organization had submitted its oral history to the Library of Congress, paving the way for other ethnic communities to share their own stories as well.

With great appreciation and admiration, I recognize the invaluable contributions the Daughters of Penelope have made in the spirit of Hellenism. I join in supporting this resolution and urge my colleagues to support it as well.

Mr. BILIRAKIS. Mr. Speaker, as co-chair of the Hellenic Caucus, I rise today to congratulate the Daughters of Penelope on their 80th anniversary. I want to thank Representative MALONEY, my Hellenic Caucus co-chair for introducing this meaningful measure of which I am a proud original cosponsor. The Daughters of Penelope is a premier international women's organization and affiliate organization of the American Hellenic Educational Progressive Association, the Nation's leading association of American citizens of Greek heritage and countless Philhellenes.

Founded November 16, 1929, in San Francisco, California, the Daughters of Penelope was established to improve the well-being of women and provide them with the opportunity to make significant contributions to American society. Today its mission is to promote the ideals of ancient Greece, education, philanthropy, civic responsibility, family, and individual excellence through community service and volunteerism.

Over its history, the Daughters of Penelope have achieved remarkable accomplishments. It has strengthened the status of women in society, sheltered the elderly and the abused, educated our youth, promoted Hellenic heritage, and raised funds for medical research.

One project adopted by the Daughters of Penelope over the years that is near and dear

to my heart is St. Basil Academy, a Greek Orthodox Archdiocese home for children in need. Beginning in 1954, the Daughters of Penelope have been providing charitable aid to St. Basil Academy when it embarked on a Christmas Seal Campaign to raise funds to build the new water works for the academy. Since then, the Daughters of Penelope contributed to the furnishing of new buildings that have been built on campus, built a heated outdoor swimming pool for the children, and has provided funds for ongoing maintenance and renovations to the academy for such items as replacing outdated appliances and worn-out roofs.

Finally, Daughters of Penelope members exemplify the American dream. With their strong work ethic, Greek-American women have risen to become leaders in their respective professions, from government to business to the arts. I am honored to have a longtime member of the Daughters working in my district office. My dear friend, Sonja Stefanadis, has been a member of the Daughters of Penelope for 48 years and served as its national president in the early 80's. So, I know first hand the extraordinary work this wonderful organization does. It has been a vehicle through which this advancement has occurred in our society.

Congratulations to the Daughters of Penelope. I look forward to many, many years of working together with them.

Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 209, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING ALDINE SCHOOL DISTRICT FOR WINNING THE BROAD PRIZE FOR URBAN EDUCATION

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 791) congratulating the Aldine Independent School District in Harris County, Texas, on winning the 2009 "Broad Prize for Urban Education", as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 791

Whereas the thousands of employees of the Aldine Independent School District in Harris County, Texas, work hard to create a supportive, safe, and effective learning environment, enabling students to achieve academic success;

Whereas the Aldine Independent School District uses a district-wide strategic plan, which is focused on student achievement, student behavior, and community relations;

Whereas the leadership of the Aldine Independent School District is vigilant in ensur-

ing that all staff, departments, schools, and resources continue to focus on the district-wide strategic plan;

Whereas the Aldine Independent School District, through the use of creative teaching technology, has set clear, rigorous expectations for teachers and has provided school management with increased oversight;

Whereas data from the Texas Education Agency indicates that the Aldine Independent School District consistently ranks among the high performing school districts in the State;

Whereas the Aldine Independent School District ranks among the top large school districts in Texas for educating African-American students and Hispanic students, according to a recent study conducted by Texas Agricultural & Mechanical University and the University of Texas-Pan American;

Whereas between 2005 and 2008, the SAT and Advanced Placement participation rates for African-American and Hispanic students in the Aldine Independent School District increased significantly;

Whereas in 2008, African-American students in the Aldine Independent School District achieved higher proficiency rates in math at all school levels and in reading at the middle and high school levels compared with other students in Texas;

Whereas in 2008, a greater percentage of Hispanic students in the Aldine Independent School District performed at the highest achievement level on State reading and math assessments at all school levels compared to other school districts in the State;

Whereas in 2008, a greater percentage of low-income students in the Aldine Independent School District performed at the highest achievement level on State reading and math assessments at all school levels compared to other school districts in the State;

Whereas nationwide, family income level is typically a strong statistical predictor of school performance;

Whereas in the Aldine Independent School District, poverty does not appear to be statistically related to achievement at any school level or in math or reading, despite a high enrollment of students considered to be low-income;

Whereas between 2005 and 2008, the Aldine Independent School District narrowed the income achievement gaps in reading at all school levels and in math at the elementary and middle school levels;

Whereas the "Broad Prize for Urban Education", the largest education award for school districts in the United States, was established in 2002 by the Eli and Edythe Broad Foundation;

Whereas the Aldine Independent School District has been a finalist four times for the "Broad Prize for Urban Education";

Whereas in 2008, the Aldine Independent School District outperformed other Texas school districts that serve students with similar family incomes in reading and math at all school levels, according to the Broad Prize methodology; and

Whereas the Aldine Independent School District was selected from among 100 of the largest school districts in the country to win the 2009 "Broad Prize for Urban Education": Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Aldine Independent School District in Harris County, Texas, for the outstanding achievement of winning the 2009 "Broad Prize for Urban Education", the largest education award for school districts in the United States; and

(2) congratulates the entire Aldine Independent School District community on the hard work and dedication the community has demonstrated toward student achievement, particularly the efforts of the community toward reducing the achievement gaps among ethnic groups and between high- and low-income students.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

##### GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 791 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 791, which recognizes and congratulates the Aldine Independent School District in Harris County, Texas, for winning the 2009 Broad Prize for Urban Education.

Aldine's commitment to academic achievement, its high expectations for its students, and its dedication to narrowing the racial and income achievement gaps make it a most deserving recipient of this prestigious award.

Established in 2002 by the Eli and Edythe Broad Foundation, the Broad Prize for Urban Education is the largest education award for school districts in the United States.

After finishing as a finalist for the prize 3 years previously, the Aldine Independent School District this year was chosen from among 100 of the largest school districts in the country to receive the \$1 million award. The Aldine School District has shown some of the most consistent student achievement gains nationally in the last decade.

Nationwide, family income levels generally are a strong indicator of students' school performance, but the Aldine School District, where four out of five students receive free or reduced lunch, refuses to accept excuses for student success and chooses instead to break the predictive power of poverty.

Between 2005 and 2008, the Aldine Independent School District narrowed achievement gaps in reading at all school levels and in math at the elementary and middle school levels. In 2008, students in the Aldine schools outperformed other Texas school districts that served students with similar family incomes.

The Aldine Independent School District also ranks among the top large school districts in Texas for educating

African American and Hispanic students. Between 2005 and 2008, SAT and Advanced Placement participation rates for these student populations increased significantly. Further, African American students achieved higher proficiency rates in math at all school levels and in reading at the middle and high school levels compared with other students in Texas. And a greater percentage of Hispanic students performed at the highest level on reading and math assessments at all school levels compared to other school districts.

Providing our young people with a high quality education is one of our Nation's most important duties and involves some of the most challenging and rewarding work. Today, we recognize the outstanding work being done at the Aldine Independent School District. Aldine's dedicated leadership and vigilant efforts are helping ensure the academic and life success of its students.

Mr. Speaker, once again, I express my support for congratulating the Aldine Independent School District on winning the 2009 Broad Prize for Urban Education, and I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 791, congratulating the Aldine Independent School District in Harris County, Texas, on winning the 2009 Broad Prize for Urban Education.

Few goals could be more important to American public education today than closing the achievement gaps among students by race, income, language, and gender. The goal is particularly critical for the Nation's urban public schools. The achievement gap is the difference in performance between groups of students, especially groups defined by race/ethnicity and family income.

Although bringing about comprehensive change in our educational system may be difficult, the Aldine Independent School District teachers and staff have worked hard to create a supportive, safe, and effective learning environment which has enabled students to achieve academic success.

The Aldine Independent School District ranks among the highest performing school districts in the State of Texas. In addition, it is one of the top large school districts in the State for African American and Hispanic students. Between 2005 and 2008, the SAT and Advanced Placement participation rates for these groups increased significantly. In 2008, African American students achieved higher proficiency rates in math at all school levels, and in reading at the middle school and high school levels. And Hispanic students

performed at the highest achievement level on reading and math assessments compared to other school districts in the State.

It is clear that the Aldine Independent School District is a shining example of what is right about urban education. As a result, the school district was awarded the \$2 million Broad Prize for Urban Education this year.

Established in 2002 by the Broad Foundation, the Broad Prize is the largest education award in the country given to school districts. The prize is awarded each year to honor urban school districts that demonstrate the greatest overall performance and improvement in student achievement while reducing achievement gaps among low-income and minority students.

I would like to congratulate Superintendent Wanda Bamberg and all of the principals, teachers, staff and students for all of their hard work which made this award possible.

Mr. Speaker, I ask my colleagues for support, and I reserve the balance of my time.

Mr. SABLON. Mr. Speaker, I am pleased to recognize the distinguished gentleman from Texas (Mr. GENE GREEN) for 2 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I am proud to rise today in strong support of House Resolution 791, which congratulates the Aldine Independent School District in Houston, Harris County, Texas, on winning the 2009 Broad Prize for Urban Education.

It is pronounced Aldine, but there is a good joke about when the railroad ran through 50 years ago, that was where they stopped for lunch. So that is how we got our name, "all dine," but it is pronounced Aldine.

Established in 2002 by the Eli and Edythe Broad Foundation, the Broad Prize is actually the largest education award in the country given to any school district. The Broad Prize for Urban Education is awarded to honor urban school districts that demonstrate the greatest overall performance and improvement in student achievement while reducing the achievement gaps among low-income and minority students.

This year, the Aldine Independent School District in Harris County, Texas, was selected from among 100 of the largest school districts in the United States to win this prestigious award. This is not surprising, knowing firsthand the extent to which every staff member and teacher in the Aldine Independent School District is dedicated to increasing student achievement and ensuring that every student has the tools he or she needs to thrive and be a critical thinker, problem solver, and a productive citizen.

My wife taught high school algebra in the Aldine Independent School District for many years where our chil-

dren attended and graduated, and I am proud to represent the Aldine ISD in Congress.

Quality education has been the goal of Aldine for many years, and their current superintendent, Wanda Bamberg, carries on the tradition of expecting excellence, as Nadine Kujawa and Sonny Donaldson did before her.

With the Broad Prize award, graduating high school seniors in the Aldine Independent School District who have demonstrated a record of academic improvement during their high school careers and have significant financial need will be directly awarded \$1 million in Broad Prize scholarships to continue their education.

This is the fourth time Aldine has been selected as a finalist for this prestigious award, and it is no surprise given the district's focus on their five core commitments:

They believe each student can learn at or above grade level and will have equal opportunity to do so.

They believe their school district can achieve higher levels of performance through clearly defined goals that set high exceptions for student achievement.

They believe in the value of parents as the first and best teachers, and that the community must actively participate in the development of all children.

They believe in the value of each employee, in his or her personal and professional growth, and in empowering each one to be accountable to make decisions in line with the vision of the school district.

They believe all environments should be supportive, safe and secure.

By winning this award, they have proven their commitment to these five goals, and I have no doubt that Aldine ISD will continue to be a leader in education for years to come.

This resolution recognizes the Aldine Independent School District for their outstanding achievement in winning the largest education award for school districts in the United States, the 2009 Broad Prize for Education.

Again, congratulations to the entire Aldine Independent School District community for their hard work and dedication toward student achievement, and particularly their efforts in reducing the achievement gaps among low-income and minority students. The school board members, administrative staff, teachers, parents, and children worked hard to earn this recognition, and I strongly urge my colleagues to support the bill.

Mr. GUTHRIE. Mr. Speaker, I yield to the gentleman from Texas (Mr. POE) as much time as he may consume.

Mr. POE of Texas. I want to thank the gentleman for yielding, and I want to thank my friend, Mr. GREEN, for introducing this legislation. He and I buttress congressional districts in the Houston, Harris County area, and some

of the schools in the Aldine Independent School District are in my district as well.

The Broad Prize for Urban Education, established in 2002, is the largest education award in the country given to school districts. Aldine was chosen to receive this award from 100 of the largest school districts in all of the United States. And that allows seniors from the Aldine School District to be eligible for 2- to 4-year scholarships up to \$20,000 due to this award that is going to the school district.

The Aldine School District consistently ranks among the highest performing school districts in the whole State of Texas according to the Texas Education Agency. And the Aldine School District has been a finalist four times for the Broad Prize for Urban Education.

Between 2005 and 2008, the Aldine Independent School District narrowed the income achievement gap in reading at all levels, and in math at the elementary and middle school levels. This school district has done a tremendous job with the students, working with the teachers and the administration to bring up the education quality of the students and prepare them for lifetime experiences.

□ 1500

So I want to congratulate the Aldine School District and all of their work. This award is well deserved, and it is my hope that all school districts across Texas and the United States can mirror the success of this school district in achieving high academic quality throughout their school districts.

Mr. GUTHRIE. Mr. Speaker, I have no further speakers. I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 791, congratulating the Aldine Independent School District in Harris County, Texas, on winning the 2009 Broad Prize for Urban Education. I am proud to support this resolution because the Broad Prize for Urban Education reflects the hard work and outstanding effort that the Aldine Independent School District, Aldine ISD, has exerted to improve overall performance and reduce achievement gaps among low-income and minority students.

The honor bestowed upon Aldine ISD is a beacon of hope for improving public education in Texas and the United States. With over 61,000 students enrolled, Aldine ISD is one of the largest local education agencies in my congressional district and nearly 80 percent of those students qualify for free and reduced lunches. Providing a quality education to such a large number of students, especially students with diverse socioeconomic backgrounds, poses challenges for school districts across the United States.

Aldine ISD's receipt of the Broad Prize for Urban Education is a testament to the hard work of parents, teachers, and students as well as the steady leadership of the district administration. Aldine ISD uses a district-wide

plan focused on student achievement, student behavior, and community relations. The district administration uses that district-wide plan to ensure that its schools provide a supportive, safe, and—most importantly—effective learning environment. The district has succeeded in communicating clear expectations of academic excellence to teachers and increasing school administrators' oversight of student success.

Aldine ISD's model has produced incredible results. The school district regularly ranks as one of the top performers of all districts in the State of Texas. Studies by Texas A&M University and the University of Texas—Pan American showed that Aldine ISD ranks as one of the best school districts for educating African-American and Hispanic students in Texas. In 2008, African-American students in Aldine ISD achieved higher proficiency rates in math at all school levels and in reading at the middle and high school levels than their counterparts across the State. In 2008, Hispanic and low-income students in Aldine ISD performed the best in State reading and math assessments relative to similar Texas school districts.

A crucial product of Aldine ISD's success is the narrowing of achievement gaps. Math achievement gaps at all income levels were among the smallest in the State and between 2005 and 2008 Aldine ISD narrowed the highest percentage of African-American achievement gaps. Not only is Aldine ISD closing the achievement gap but also it is preparing increasing numbers of students for higher education. From 2005 to 2008 African-American and Hispanic student participation in SAT and Advanced Placement rose.

By these measurements, Aldine ISD clearly deserves the Broad Prize for Urban Education. The award is given to large urban school districts that show solid school achievement and demonstrate distinct gains made in narrowing achievement gaps. I am proud of the hard work that Aldine ISD has done to earn this award and I am thankful to the Eli and Edythe Broad Foundation for recognizing their efforts.

Mr. SABLON. Mr. Speaker, again, I urge my colleagues to support H. Res. 791.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLON) that the House suspend the rules and agree to the resolution, H. Res. 791, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING KAPPA ALPHA PSI FRATERNITY

Mr. SABLON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 659) congratulating Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 659

Whereas Kappa Alpha Psi Fraternity, Inc., was founded on January 5, 1911, on the campus of Indiana University in Bloomington, Indiana, by Elder Watson Diggs, John Milton Lee, Byron K. Armstrong, Guy Levis Grant, Ezra D. Alexander, Henry T. Asher, Marcus P. Blakemore, Paul W. Caine, Edward G. Irvin, and George W. Edmonds;

Whereas the founders of Kappa Alpha Psi were young men who possessed the imagination, ambition, courage, and determination to defy custom in pursuit of college educations and careers during an oppressive time in American history for African-Americans;

Whereas Kappa Alpha Psi stressed the importance of achievement in seeking to set the sights of African-American youth on accomplishments greater than those they otherwise would have imagined or realized;

Whereas, since its founding, Kappa Alpha Psi has matured to an organization of over 150,000 college-trained men;

Whereas Kappa Alpha Psi's undergraduate chapters are located on more than 360 college and university campuses and its alumni chapters are located in 347 cities in the United States and 5 foreign countries;

Whereas Kappa Alpha Psi has a partnership with Habitat for Humanity and builds a home for a local family in conjunction with each of its biennial conventions;

Whereas Kappa Alpha Psi has a partnership with Memphis-based St. Jude Children's Research Hospital and has designated the hospital as the primary benefactor of its national fundraising efforts;

Whereas Kappa Alpha Psi sponsors Kappas on Capitol Hill, a four-day conference for its members in the Nation's capitol designed to increase its members' awareness of the political process through workshops, seminars, and lectures;

Whereas Kappa Alpha Psi has emphasized financial literacy in its community-based outreach, implementing two major programs, Credit Abuse Resistance Education (CARE) and Greeks Learning to Avoid Debt (GLAD) in partnership with the National Association of Bankruptcy Trustees, the National Foundation for Credit Counseling, and the National Pan-Hellenic Council;

Whereas Kappa Alpha Psi, through its Kappa League and National Guide Right programs, has provided thousands of at-risk youth in communities throughout the Nation with role models and mentors that encourage them to make positive contributions to, and to take leadership roles in, their communities;

Whereas, since 1990, Kappa Alpha Psi's Kappa Scholarship Fund has provided scholarship grants to over 10,000 high school graduates to assist in furthering their education;

Whereas Kappa Alpha Psi's chapters nationwide regularly participate in its Holiday Food Drive, provides food, clothing, and toys to low income citizens in many metropolitan and rural communities throughout the Nation;

Whereas Kappa Alpha Psi's national theme of "One Kappa, Creating Inspiration: A Call to Service" has mobilized Kappa men across the Nation who are leaders in business, education, government, the humanities, arts and entertainment, science, and medicine to become better servant leaders for their respective families and communities, the Nation, and the fraternity at large; and

Whereas Kappa Alpha Psi Fraternity, Inc., will hold its 79th Grand Chapter Meeting in

Washington, DC, August 4 through August 9, 2009: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation.

The SPEAKER pro tempore (Mr. CLAY). Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLÁN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

#### GENERAL LEAVE

Mr. SABLÁN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 659 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLÁN. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 659, which congratulates Kappa Alpha Psi Fraternity, Incorporated, on 98 years of service and leadership.

Founded in 1911 at Indiana University, Bloomington, Kappa Alpha Psi's fundamental purpose is achievement. It seeks to develop its members, particularly its collegiate men, into leaders in their communities and into achievers of excellence in their academic pursuits. This distinguished fraternity boasts undergraduate chapters on more than 364 college and university campuses and alumni chapters in more than 347 U.S. cities and 5 foreign countries.

In honor of the ideals it was founded on, members of Kappa Alpha Psi play active roles in their communities. The fraternity sponsors an array of programs providing community service and social welfare. Members participating in their Biennial Undergraduate Leadership Institute built homes in conjunction with Habitat for Humanity in St. Louis in 2005 and in Minneapolis in 2007.

The fraternity maintains a philanthropic partnership with St. Jude Children's Research Hospital, with each chapter committed to serving that cause. Additionally, its chapters annually participate in the Holiday Food Drive, working to provide food, clothing and toys to local citizens in need.

The values and principles of Kappa Alpha Psi have attracted a diverse group of men throughout the years, many who have gone on to become prominent and achieved members of society. Among them are Percy Sutton, entrepreneur and owner of the Apollo Theater; Judge Herman Thomas, justice on the State Supreme Court of

Alabama; Dr. C. Eric Lincoln, author of "Black Muslims in America"; Ralph Wiley, sportswriter and author; and numerous State and elected officials.

Uniting under their national theme of "One Kappa, Creating Inspiration: A Call to Service," Kappa Alpha Psi members from all walks of life continue to mobilize in service of each other and their communities. Kappa Alpha Psi has developed a strong tradition of leadership and service, and I congratulate them on their 98 years of achievement.

Mr. Speaker, I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 659, congratulating Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and of enriching the lives of collegiate men throughout the Nation.

Kappa Alpha Psi Fraternity was founded in 1911 at Indiana University, Bloomington. Today, the Kappa Alpha Psi Fraternity has over 150,000 members with 700 undergraduate and alumni chapters in every State of the Union and international chapters in the United Kingdom, Germany, Korea, Japan, the Caribbean, St. Thomas, St. Croix, the U.S. Virgin Islands, Nigeria, and South Africa.

Annually, more than 1,800 members are initiated into Kappa Alpha Psi. The fraternity's constitution has never contained any clause which has either excluded or suggested the exclusion of a man from membership because of color, creed or national origin. To be considered for membership, a candidate must have a 2.5 grade point average on a 4.0 scale.

Kappa Alpha Psi chapters are active in their communities and colleges and universities. The fraternity has sponsored programs such as Guide Right, Kappa League and the Student of the Year competition.

I am happy to congratulate Kappa Alpha Psi Fraternity, and I ask my colleagues to support this resolution for this great organization, this fraternity, that has meant so much to our country.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House of Representatives in recognizing one of the first African American fraternities. I strongly support H. Res. 659, which recognizes Kappa Alpha Psi fraternity and its 98 years of service to local communities, the pursuit of academic scholarship and a commitment to social welfare. I urge my colleagues to support this important resolution.

Since its humble beginning on the campus of Indiana University Bloomington in 1911, Kappa Alpha Psi fraternity has been characterized by a commitment to empowering African American men through mentorship, financial literacy, and community involvement. It is

this commitment to excellence that has established Kappa Alpha Psi as one of the finest fraternal organizations in the country. With over 150,000 members, 700 undergraduate and alumni chapters in every state of the United States, and international chapters in the United Kingdom, Germany, Korea, Japan, and Nigeria, Kappa Alpha Psi fraternity has produced notable leaders in the fields of government, athletics, education, and business. Current alumni include director, writer, and producer John Singleton, Civil Rights advocate Donald L. Hollowell, and Robert L. Johnson, the founder of Black Entertainment Television.

Kappa Alpha Psi fraternity has far surpassed the vision of its founders to produce upstanding, high quality African American males who possess positive values and the desire to serve their communities.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 659 to congratulate Kappa Alpha Psi Fraternity, Inc. on 98 years of serving local communities and enhancing the lives of collegiate men throughout the United States.

Throughout this organization's history, the gentlemen of Kappa Alpha Psi Fraternity, Inc. have proven to be exemplary public servants and strong leaders in their communities. They seek to train their members for leadership roles and encourage a high academic standard. In close to a century of existence, the Kappa Alpha Psi Fraternity, Inc. has initiated over 120,000 members and encouraged their members to participate in programs such as their Undergraduate Leadership Workshop, their Habitat for Humanity Program, their St. Jude Research Hospital Partnership, "Kappas on Capitol Hill", and their CARE/GLAD Financial Literacy Programs. Additionally the Kappa Alpha Psi Fraternity, Inc. counts within its ranks numerous professional athletes, entertainers, and countless civic and business leaders, and I have the distinct pleasure of serving in the House of Representatives with SANFORD D. BISHOP, JOHN CONYERS, Jr., ALCEE L. HASTINGS, WILLIAM LACY CLAY, and BENNIE THOMPSON who are all members of this noble organization.

As a member of a Greek organization myself, I value and appreciate the deep meaning that this brotherhood holds for so many individuals. I ask my fellow colleagues to join me today in supporting H. Res. 659 to honor Kappa Alpha Psi Fraternity, Inc.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 659 to congratulate Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation. The achievement of this noble organization for building generations of God fearing, clean-living, serious-minded young men who possess the imagination, ambition, courage, and determination to pursue college educations.

Early in the 20th century, African-American students were actively dissuaded from attending college. Formidable obstacles were erected to prevent the few who were enrolled from assimilating into co-curricular campus life. This ostracism characterized Indiana University in 1911, thus causing Elder W. Diggs, Byron K. Armstrong, and eight other African-American students to form Kappa Alpha Psi Fraternity,



which remains the only Greek letter organization with its 1st Chapter on Indiana University's campus. The founders sought a formula that would immediately raise the sights of Black collegians and stimulate them to accomplishments higher than they might have imagined. Fashioning achievement as their purpose, Kappa Alpha Psi began uniting college men of culture, patriotism and honor in a bond of fraternity.

I believe such righteous efforts to be the foundation for so many college age males is a praiseworthy venture. Since its founding in 1911, Kappa Alpha Psi has matured to an organization of over 150,000 college-trained men, maintains undergraduate chapters on more than 360 college and university campuses and its alumni chapters are located in 347 cities in the United States and 5 foreign countries. With an established history of community service, Kappa Alpha Psi is involved with such charitable organizations as Habitat for Humanity, where they build a home for a local family in conjunction with each of its biennial conventions. They also have a lasting partnership with Memphis-based St. Jude Children's Research Hospital and have designated the hospital as the primary benefactor of their national fundraising efforts. Kappa Alpha Psi, through its Kappa League and National Guide Right programs, has provided thousands of at-risk youth in communities throughout the Nation with role models and mentors that encourage them to make positive contributions to, and to take leadership roles in, their communities. Since 1990, Kappa Alpha Psi's Kappa Scholarship Fund has provided scholarship grants to over 10,000 high school graduates to assist in furthering their education. Kappa Alpha Psi's national theme of 'One Kappa, Creating Inspiration: A Call to Service' has mobilized Kappa men across the Nation who are leaders in business, education, government, the humanities, arts and entertainment, science, and medicine to become better leaders for their respective families and communities, the Nation, and the fraternity at large. With so many viable ways of helping out within their community, Kappa Alpha Psi is at the forefront of achievement through service.

The Houston Alumni Chapter of Kappa Alpha Psi Fraternity, Inc. was chartered March 31, 1928. The charter members were men who wanted to continue a formal association with the fraternity at a time when they were no longer undergraduates. So, they petitioned the Grand Chapter and the Houston Alumni Chapter became the 2nd Alumni Chapter chartered in Texas. These men were professionals and leaders in the community. What is most impressive about them is that they were living in the South in 1928 only 63 years after the Emancipation Proclamation, yet they had all graduated from or attended college. The Charter members of Houston Alumni Chapter were Dr. Charles W. Pemberton, Leland Ewing, Cornelius A. Ladner, "Watty Watkins", Dr. Leon J. Peacock, W.L.D. Johnson, Sr., J.C. McDade, R.C. Chatman, Dr. Birch, Obie Williams, T.B. Allen, Albert Bateman, and J.D. Collins, Jr. It has been noted that Allen, Bateman, and Collins came to Houston after pledging at undergraduate chapters in the midwest and the southeast.

Dr. Charles W. Pemberton was the 1st Polemarch of the Houston Alumni Chapter.

The first two initiates of Houston Alumni Chapter were F.L. Howard and D.P. Young in 1929.

The Houston Alumni Chapter has produced six Southwestern Province Polemarchs (Regional Presidents): Dr. Charles W. Pemberton (1934–1936), W.L.D. Johnson, Sr., (1944–1946) Cornelius Ladner (1947–1951), T.B. Allen (1971–1973), Attorney William "Randy" Bates (1998–2003), and Ronald V. Julun (2007–present). These represent approximately 25 percent of all the Polemarchs in the history of the Southwestern Province.

Two Grand (National) Chapter Officers have come from the Houston Alumni Chapter. C.B. Davis was on the Grand Board of Directors from 1973–1976. Current Sr. Grand Vice Polemarch William "Randy" Bates has served in that capacity from 2007–present. He previously served as an elected at-large member of the Grand Board of Directors from 2003–2007.

There has been two Laurel Wreath Awardees (which is the highest Award in Kappa Alpha Psi), Astronaut Dr. Bernard A. Harris, Jr., 51st awardee and Dr. Bobby L. Wilson, 58th awardee.

There have been two Elder Watson Diggs Awardees (the second highest Award in Kappa Alpha Psi): Attorney Carl Walker, Jr., and Willie High Coleman, Jr., Esq.

Houston Alumni Chapter was the host of the 2nd Southwest Provincial Meeting held April 17–19, 1936.

Houston Alumni Chapter was the host of the 57th Grand Chapter meeting, held December 26–30, 1971. And, it will serve again to host the 81st Grand Chapter Meeting (Conclave) in 2013.

Houston Alumni Chapter hosted the 62nd Southwestern Province Council Meeting on March 12–15, 1998. This was the largest Province meeting in the history of the Fraternity.

Houston Alumni Chapter of Kappa Alpha Psi Fraternity, Inc. was the first Greek Letter organization to bring the Ebony Fashion Fair to Houston beginning in the 1960s and continuing for a period of 5–6 years making the Chapter one of the first sponsors of the Ebony Fashion Fair in the nation.

The Chapter has historically held various social entertainment activities for members and the community, including the Kappa Costume Carnival and Kappa Kasino Night. For the last 20 plus years, the Chapter hosts an annual dance/gala around Valentine's Day. In recent years it is referred to as either the Sweetheart Dance or Red & White Ball. Its predecessor was called the Fireball. Typically in June for the past 30 plus years, the Annual Black & White Ball is held. This stylish affair is the Chapter's marquee social event, and annually attracts 500–700 guests. Scholarship award recipients and their parents are recognized during the Ball. Other events include the Annual Christmas Party, Local Founders Day, and Chapter Picnic.

Three Houston Alumni Chapter Polemarchs have served four consecutive terms: Ollie Harris (1966–70), Manassus McGowan (1986–90), and Willie H. Coleman, Jr. (1996–99). At 27 years of age Willie Earlie is the youngest person to have served as Houston Alumni Chapter Polemarch. Brother Prince Barrett is the oldest initiate in the history of the Chapter

and possibly in the history of the fraternity. He began his process in 1948 and became a member in 1997. He is now in his 80s and continues to participate in most of our activities. Brother Stan Weakley first pledged Kappa in 1968 and became a member in 1998.

Great effort, time, and expense have been expended to grow Kappa Alpha Psi Fraternity, Inc., and to bring Houston Alumni Chapter to its current status. A very select few, pledged as undergraduates or graduate members, have maintained unbroken financial status at the local and/or national level. Kappa Alpha Psi Fraternity, Inc., is not a club. Sustained and lifetime commitment are crucial elements to fulfillment of the goals of this Great Fraternity. Those unwilling to make such a commitment should look elsewhere.

The history of the Fraternity, and Houston Alumni Chapter specifically, is forever evolving. Capable men dedicated to service and high achievement will always be remembered in its story.

In 1929, records show that both Marshall Alumni and Houston Alumni were chapters of the Southern Province. The actual establishment date of the Southwestern Province, however, is unclear. But, its first Polemarch is known to be Dr. Oliver W. Phillips, who served from 1930–31. Brother Phillips was a charter member of Kappa Chapter in 1919 and a member of the Guide Right Commission in 1930.

Hosted by the Epsilon, Lambda and Philadelphia Alumni Chapters, the Twentieth Grand Chapter assembled in Philadelphia, Pennsylvania, on December 27–31, 1930. A. Moore Shearin was elected to the office of Grand Polemarch. He appointed J.W. Holland as Province Polemarch of the Southwestern Province consisting of Upsilon Chapter at UCLA; Los Angeles Alumni Chapter, Marshall Alumni Chapter, and Houston Alumni Chapter. Holland's appointment continued to usher a legacy of Achievement in the Southwestern Province. Today, the Southwestern Province consists of Arkansas, Louisiana, Southern Mississippi, New Mexico and Texas and constitutes the largest Province in the Fraternity.

The Houston Alumni Chapter of Kappa Alpha Psi also sponsors the Education & Charities Foundation of Houston, which was incorporated in 1992 as a non-profit 501(c)3 entity. The primary purpose of the Foundation can best be described as stated in Article Four of the Incorporation documents:

"Operated for charitable and educational purposes which directly benefit the citizens of Houston and Harris County by the provision of services for and support of the attainment of higher education for youth via support services and models of achievement, along with the development of cooperative efforts with social and civic organizations to support and participate in educational and cultural activities for the benefit and fulfillment of these purposes."

The Education and Charities Foundation of Houston is comprised of well respected professional men who aspire to high ideals and honorable achievement in all aspects of life. Inclusive in the membership of the Foundation are such prominent personalities and leaders as former city of Houston Council Member Al Calloway, State Representative Harold Dutton,

Astronaut Bernard Harris (1st African American to walk in space), Channel two news personality Khambrel Marshall, TSU Vice President of Academic Affairs Dr. Bobby Wilson (and interim President), District Court Judge Mark Carter and former District Judge Carl Walker.

In pursuit of its goals, the Foundation has engaged in a variety of fund raising initiatives since its inception, with the primary focus being to raise money for scholarships and to directly support predetermined programs, e.g., Kappa Kamp, mentoring events, etc. We have awarded 11 4-year scholarships and made several one-time awards to students who otherwise might not have been financially capable of pursuing a college education.

The Foundation has sponsored numerous "at-risk" youth programs during the past several years inclusive of Kappa Kamp and Prince Hall Summer Camp both of which are youth development, leadership and enrichment experiences. Kappa Kamp is a youth camp enrichment program conducted at the renowned "Piney Woods Country Life School" in Mississippi, every summer.

The group has supported numerous community initiatives inclusive of the Ft. Bend Education Foundation's and STEPS auxiliary Fine Arts Program and recently assisted a University of Houston student in the African American studies program participate in a trip to Ghana, West Africa.

For these reasons and more, I join Congressman HASTINGS and my colleagues in the House of Representatives to congratulate Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation.

Mr. GUTHRIE. I yield back the balance of my time.

Mr. SABLON. Mr. Speaker, I would like to thank the distinguished gentleman for his support of House Resolution 659, and I also urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLON) that the House suspend the rules and agree to the resolution, H. Res. 659, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING THE 100TH ANNIVERSARY OF THE UNIVERSITY OF WISCONSIN-LA CROSSE

Mr. SABLON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 730) honoring the 100th anniversary of the University of Wisconsin-La Crosse, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 730

Whereas La Crosse is located on the western border of middle-Wisconsin on the east side of the Mississippi River;

Whereas the first Europeans to see the site of La Crosse were French fur traders who traveled the Mississippi River in the late 17th century;

Whereas La Crosse was incorporated as a city in 1856;

Whereas Thomas Morris sponsored a bill in the Wisconsin State Senate that led to the creation of the current day University of Wisconsin-La Crosse;

Whereas University of Wisconsin-La Crosse was founded as the La Crosse Normal School in 1909 for the purpose of teacher preparation;

Whereas the philosophy of Fasset A. Cotton, the university's first president, was to train the whole person;

Whereas "Mens Corpusque", Latin for mind and body, is the motto on the university seal;

Whereas the college changed its name to Wisconsin State College-La Crosse in 1951 when the La Crosse State Teachers Colleges could establish baccalaureate degrees in liberal arts;

Whereas University of Wisconsin-La Crosse offers 88 undergraduate programs in 44 disciplines and 26 graduate programs;

Whereas University of Wisconsin-La Crosse celebrated its 50th anniversary in 1959, the same year that presidential candidate John F. Kennedy visited the campus and spoke to the student body in Graff Main Hall auditorium;

Whereas U.S. News & World Report ranked the University of Wisconsin-La Crosse second among Midwestern public universities offering bachelor's and master's degrees;

Whereas the University of Wisconsin-La Crosse men's athletic teams took the nickname "Eagles" in fall 1989, and the women teams a year later;

Whereas the University of Wisconsin-La Crosse athletic teams have won 59 NCAA Division III national titles in 9 different sports; and

Whereas 2009 marks the 100th anniversary of the founding of the University of Wisconsin-La Crosse: Now, therefore, be it

*Resolved*, That the House of Representatives honors the University of Wisconsin-La Crosse, on its 100th anniversary and commends the institution's status as a leading public university that excels in academics, athletics, and quality of life for students.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLON) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

#### GENERAL LEAVE

Mr. SABLON. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 730 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLON. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 730, which celebrates and honors the University of Wisconsin-La Crosse's 100 years of teaching and learning.

Founded in 1909, the La Crosse Normal School eventually became what is now known as the University of Wisconsin-La Crosse. Beginning with just over 150 teacher preparation students, the small school has grown into a prestigious university.

Today, the University of Wisconsin-La Crosse enrolls over 9,000 students and offers a wide range of courses. With 85 undergraduate majors, 30 disciplines and 21 graduate degrees, the University of Wisconsin-La Crosse boasts a strong academic program. By coupling this strong educational base with student support services and a low student-to-faculty ratio, the school has become a premier public university. According to U.S. News and World Report, the University of Wisconsin-La Crosse is ranked second in the Midwest among public universities that offer both bachelor's and master's degrees.

Much has changed in La Crosse's 100-year history, but many of the core principles have remained constant. The university still strives to embrace the philosophy of its first president—to train the whole person. In fact, the university still uses the message "mind and body" as their motto, and it supports learning across a wide range of disciplines. With students from 43 States and 50 countries, the university works hard to prepare students for our increasingly global community, and it encourages students and faculty to value diversity.

This year, the University of Wisconsin-La Crosse will continue to grow its impact. As the university community celebrates their accomplishments and rich history, the University of Wisconsin-La Crosse will take a moment to reflect on a century of achievement. The university will also take a look ahead to the next 100 years of inquiry, learning and discovery.

Mr. Speaker, once again, I express my support for the University of Wisconsin-La Crosse, and I want to thank Representative KIND for bringing this resolution forward. I also want to thank the faculty, staff and students of the University of Wisconsin-La Crosse for making the university what it is today.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. GUTHRIE. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 730, honoring the 100th anniversary of the University of Wisconsin-La Crosse.

The University of Wisconsin-La Crosse was founded as the La Crosse



State Normal School in 1909. The school was established for the purpose of teacher preparation. In 1964, the college was designated a university as part of the Wisconsin State university system, and it was renamed Wisconsin State University-La Crosse. The university adopted its current name in 1971.

UW-La Crosse now offers 87 undergraduate programs in 44 disciplines and 26 graduate programs with an emphasis in 8 disciplines. The university is organized into 3 colleges: the College of Business Administration, the College of Science and Health, and the College of Liberal Studies, which houses the School of Arts and Communication and the School of Education. The university also offers Wisconsin's only nationally accredited degrees in recreation management and therapeutic recreation, the UW system's only nuclear medicine technology program, and it offers one of two Midwest undergraduate archeology majors.

The University of Wisconsin-La Crosse also has a thriving athletic program. The university maintains strong programs in indoor and outdoor track, cross-country, gymnastics, and football. UW-La Crosse has approximately 570 student athletes, participating on 19 teams, which have won 51 NCAA national titles in 9 different sports. UW-La Crosse has won 23 men's track and field titles in school history, the most in Division III history, and 6 National Collegiate Gymnastics Association championships.

The University of Wisconsin-La Crosse has become an example of excellence in academics, athletics and as an American university. U.S. News and World Report ranked UW-La Crosse second among Midwestern public universities offering bachelor's and master's degrees in 2005, 2006, 2007, and third in 2008. The university was recognized as a "best value" by Kiplinger's "Personal Finance," and the Princeton Review named UW-La Crosse one of America's "best Midwestern colleges" and an "America's best value college" in 2007.

It is a privilege to stand before the House today to congratulate the University of Wisconsin-La Crosse on the occasion of their 100th anniversary. I extend my congratulations to the faculty and staff, to the students and alumni. I ask my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I am pleased to recognize for as much time as he may consume the distinguished gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I want to thank my good friend and colleague from the Northern Mariana Islands for yielding me this time.

Mr. Speaker, I rise today in support of House Resolution 730, to honor the University of Wisconsin-La Crosse as

they celebrate their centennial anniversary. Representing such an exceptional university with a rich history of academic achievement, located in my hometown, is a great source of pride for me.

For the past 100 years, the faculty, staff and students of UW-La Crosse have worked hard to make the university one of the most highly regarded public institutions of higher education in this country. This year, U.S. News and World Report again ranked UW-La Crosse second in its rankings of top Midwestern universities.

Founded in 1909, the university is located in La Crosse, Wisconsin, on Wisconsin's western border, alongside the beautiful Mississippi River, and surrounded by picturesque bluffs. The campus's visual beauty has been a main draw for many students and faculty throughout the years. From its inception, the college has expanded its academic curriculum, and now has 88 undergraduate programs in 44 disciplines and 26 graduate programs. The University of Wisconsin-La Crosse is providing students with a high-quality education that allows them to excel in the competitive global economy.

□ 1515

As the Representative for western Wisconsin, I have always treasured the strong emphasis that's placed in our area on higher education. All of the six universities located in the congressional district have superior technology, science and math programs that will place graduates in the innovative industries in the future.

The University of Wisconsin-La Crosse is no exception to this. It is the leading public university that excels in academics, athletics and the quality of life for its students.

UW-L also has an extremely diverse student body that enhances students' cultural awareness and learning experience. The university is a member of the International Student Exchange programs and has made partnerships with other universities around the world. Currently students from over 54 different countries are enrolled at UW-L.

I can attest firsthand to the high caliber of graduates that UW-La Crosse produces, because throughout my time in Congress I have employed many of them. Currently, I have seven graduates from UW-La Crosse on my staff, who happen to be with us today in the House gallery, from my chief of staff, Erik Olson, to my district office manager, Loren Kannenberg, Shannon Glynn, Steve Sipe, Brad Smith, Karrie Jackelen and Mark Seitz. I congratulate them on their achievement and thank them for the outstanding work they do on behalf of the people of the Third Congressional District of western Wisconsin. It's clear that UW-La Crosse prepared them well for their careers after graduation.

I would like to congratulate all of the UW-La Crosse faculty, staff, students, alumni, of the past 100 years for the century of academic excellence. UW-L wouldn't be the success that it is if it wasn't for their hard work and dedication.

The university has achieved so many great things over the past 100 years. I know that the faculty, staff and students of UW-La Crosse will achieve even more over the next 100 years.

Mr. GUTHRIE. Mr. Speaker, I have no further speakers. I encourage my associates and colleagues to vote for this resolution, and I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I urge my colleagues to support the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 730, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### SUPPORTING NATIONAL WORK AND FAMILY MONTH

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 768) expressing support for the designation of the month of October as "National Work and Family Month," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 768

Whereas, according to a report entitled "Attraction and Retention" published by an organization called WorldatWork, the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention;

Whereas, according to a 2008 report by the Families and Work Institute entitled National Study of the Changing Workforce, employees with a high level of work-life integration are, compared to employees with moderate or low levels of work-life integration, more highly engaged and less likely to look for a new job in the next year, and also enjoy better overall health, better mental health, and lower levels of stress;

Whereas, according to a 2004 report entitled "Overwork in America", employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feeling resentment toward employers and coworkers;

Whereas, according to the Best Places to Work in the Federal Government rankings released by the Partnership for Public Service and American University's Institute for the Study of Public Policy Implementation, work-life balance and a family-friendly culture are among the key drivers of employee

engagement and satisfaction in the Federal workforce;

Whereas finding a good work-life balance is important for workers in multiple generations, as indicated by a 2009 survey entitled "Great Expectations! What Students Want in an Employer and How Federal Agencies Can Deliver It", which found that attaining a healthy work-life balance was an important career goal of 66 percent of respondents, and a 2008 study entitled "A Golden Opportunity", which found that workers between the ages of 50 and 65 are a strong source of experienced talent for the Federal workforce and that nearly 50 percent of these potential workers find flexible work schedules "extremely appealing";

Whereas, according to research by the Radcliffe Public Policy Center in 2000, men in their 20s and 30s and women in their 20s, 30s, and 40s identified as the most important job characteristic a work schedule that allows them to spend time with their families;

Whereas, according to research by the Sloan Center for Aging and Work, a majority of workers age 53 and older attribute their success as an employee, by a great or moderate extent, to job flexibility, and also report that, to a great extent, job flexibility contributes to an overall higher quality of life;

Whereas employees who are able to effectively balance family and work responsibilities feel healthier and more successful in their relationships with their spouses, children, and friends;

Whereas 85 percent of United States wage and salaried workers have immediate, day-to-day family responsibilities outside of their jobs;

Whereas, according to the 2006 American Community Survey, 47 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility often allows parents to be more involved in their children's lives, and parental involvement is associated with higher child achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas a 2000 study entitled Urban Working Families revealed that a lack of job flexibility for parents negatively affects child health by preventing parents from making needed doctors' appointments and children from receiving adequate early care, which makes illnesses more severe and prolonged;

Whereas, from 2001 to early 2008, 1,700,000 active duty troops have served in Iraq and 600,000 members of the National Guard and Reserve (133,000 on more than one tour) have been called up to serve, creating a need for policies and programs to help military families adjust to the realities that come with having a family member in the military;

Whereas according to a Centers for Disease Control and Prevention (CDC) report, less than half of mothers who work full time exclusively breastfeed their newborns although support for lactation at work benefits individual families as well as employers by improving productivity and staff loyalty, and decreasing absenteeism and employee turnover;

Whereas according to the CDC, breastfeeding is the most beneficial form of infant nutrition, and the greater the duration of breastfeeding, the lower the odds of pediatric obesity;

Whereas studies report that family rituals, such as sitting down to dinner together positively influence children's health and devel-

opment, and that healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Whereas unpaid family caregivers will likely continue to be the largest source of long-term care for elderly United States citizens, and the Department of Health and Human Services estimates the number of such caregivers to reach 37,000,000 by 2050, an increase of 85 percent from 2000, as baby boomers reach retirement age in record numbers; and

Whereas the month of October would be an appropriate month to designate as "National Work and Family Month": Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the designation of "National Work and Family Month";

(2) recognizes the importance of balancing work and family to job productivity and healthy families;

(3) recognizes that an important job characteristic is a work schedule that allows employees to spend time with families;

(4) supports the goals and ideals of "National Work and Family Month", and urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(5) requests that the President issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLÁN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

#### GENERAL LEAVE

Mr. SABLÁN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 768 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLÁN. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of House Resolution 768, which expresses support for National Work and Family Month.

Currently, most people work, and balancing work and family is particularly challenging for these workers. This is particularly true for working women who comprise over one half of the workforce and are more likely than men to be primary caregivers of children or other family members.

According to the Bureau of Labor Statistics, women spend about 6.3 hours a day caring for children under the age of 13, while men spend 4.1 hours.

In addition, women feel more societal pressure than men to stay home with a child or elderly parent who requires care. There is substantial evidence that

family-friendly policies help parents balance work and family, improve employers' bottom line, and have beneficial effects on children.

A 2008 report by the Families and Work Institute found that workers who are able to balance work and family are more highly engaged in their work and less likely to look for a new job in the next year. They also enjoy better overall health, better mental health and lower levels of stress. In fact, family-friendly policies might be the keys to this country's prosperity. The Government Accountability Office has published a study on the practices of other countries and found that policies such as paid leave help workers, especially women, enter and remain in the workforce.

Finding a good balance between work and family is important to most people. A 2009 survey of students found that two-thirds of respondents cited a healthy work-life balance was an important career goal.

In addition, research by the Radcliffe Public Policy Center found that women in their 20s, 30s and 40s and men in their 20s and 30s identified the most important job characteristic to be a job schedule that allows them to spend time with their families.

A majority of workers age 53 and older attribute their success as an employee to job flexibility, which contributes to an overall higher quality of life. By the same token, lack of job flexibility for parents negatively affects child health because they are taken to their doctor less often and do not receive adequate early care.

Studies have found that family rituals such as sitting down to dinner together and sharing activities and holidays positively influence children, children's health and development. Due to the aging of the baby boomers, the Department of Health and Human Services estimates that the number of unpaid caregivers will reach 37 million by 2050, up 85 percent from 2000.

I encourage my colleagues to support designating October as National Work and Family Month in order to shine a light on the beneficial effects of balancing work and family.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 768, expressing support for the designation of the month of October as National Work and Family Month.

Establishing a healthy balance between work and family obligations is something that most workers, women and men, struggle with at some point in their careers. Studies have shown that employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feel resentment towards employers and coworkers.

Eighty-five percent of the United States' wage and salaried workers have immediate day-to-day family responsibilities outside of their jobs. Workplace flexibility often allows parents to be more involved in their children's lives. Parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates.

Today, with this resolution, we support the designation of the month of October as National Work and Family Month. Through this designation, we recognize the importance of balancing work and family; and we urge public officials, employers, employees, and the general public to work together to achieve more balance between work and family.

I stand in support of this resolution, and I ask my colleagues' support.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I am pleased to recognize at this time the author of the resolution, the distinguished gentlewoman from New York (Mrs. MCCARTHY) for as much time as she may consume.

Mrs. MCCARTHY of New York. I want to thank my colleagues for bringing this resolution to the floor. I also want to thank my ranking member on our Subcommittee on Healthy Families and Communities, Mr. PLATTS. He and I have worked very well on a number of issues, and we appreciate his hard work in joining me as the lead cosponsor on this resolution.

I would also like to thank Chairman MILLER, Ranking Member KLINE, and all of the committee staff who always do such a wonderful job. National Work and Family Month is the centerpiece of a national educational campaign to raise awareness among employers about the value of work-life integration.

The goal is to encourage all workplaces to pause once a year during the month of October to communicate and celebrate the progress already made on the journey to creating healthier and more flexible work environments and then raise the bar to accomplish even more the following year. Workplace flexibility is extremely important in today's busy world. Corporations that engage in these family-supportive practices have earned well in their stock values.

This year, more than ever, employers need to know there is an inexpensive, efficient way to motivate and retain top talent that they will need to get through tough times. Employees need to know it's good to utilize work-life programs offered in an organization because it will help them become much more productive. Over 5 years, every October, businesses all over the country have celebrated National Work and Family Month.

The problem of work-life conflicts affects everybody. A majority of working

men and a significant portion of women with children under the age of 18 report some level of work-life conflict.

It's important to designate a time for employers to help employees understand their option and achieve better work-life integration. Meanwhile, employees need to know it's good to utilize work-life programs offered at any organization, because it will help them become more productive.

Decades of research show that an investment into work-life categories provide a positive return and investment, a more productive, engaged and healthier workforce.

Mr. GUTHRIE. Mr. Speaker, I have no further speakers, and I encourage the adoption of this resolution in commemorating the work and balance that families have to have between work and family time. I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise before you today in support of H. Res. 768, "Expressing support for the designation of the month of October as National Work and Family Month" I would like to thank my colleague, Rep. MCCARTHY, for introducing this act of solidarity, as well as the co-sponsors.

It is well established that employees who are able to effectively balance family and work responsibilities feel healthier and more successful in their relationships with their spouses, children, and friends. The quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention; employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feeling resentment toward employers and coworkers. These workers are also engaged and less likely to look for a new job in the next year, and also enjoy better overall health, better mental health, and lower levels of stress.

It is not only at the office that this balance makes a difference—job flexibility often allows parents to be more involved in their children's lives, and parental involvement is associated with higher child achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates. Conversely, a lack of job flexibility for parents negatively affects child health by preventing children from making needed doctors' appointments and receiving adequate early care, which makes illnesses more severe and prolonged.

American workers know this firsthand. That's why research by the Radcliffe Public Policy Center in 2000 found that men in their 20s and 30s and women in their 20s, 30s, and 40s identified as the most important job characteristic a work schedule that allows them to spend time with their families. According to research by the Sloan Center for Aging and Work, a majority of workers age 53 and older attribute their success as an employee, by a great or moderate extent, to job flexibility, and also report that, to a great extent, job flexibility contributes to an overall higher quality of life.

In a 2009 survey entitled "Great Expectations! What Students Want in an Employer

and How Federal Agencies Can Deliver It", attaining a healthy work-life balance was an important career goal of 66 percent of respondents, and a 2008 study entitled "A Golden Opportunity", which found that workers between the ages of 50 and 65 are a strong source of experienced talent for the Federal workforce and that nearly 50 percent of these potential workers find flexible work schedules "extremely appealing". According to the 2006 American Community Survey, 47 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time.

Since 85 percent of United States wage and salaried workers have immediate, day-to-day family responsibilities outside of their jobs, efforts to help workers achieve this balance is of no small importance to the prosperity of our nation. As an example, from 2001 to early 2008, 1,700,000 active duty troops have served in Iraq and 600,000 members of the National Guard and Reserve (133,000 on more than one tour) have been called up to serve, creating a need for policies and programs to help military families adjust to the realities that come with having a family member in the military.

This resolution supports the designation of "National Work and Family Month"; recognizes the importance of balancing work and family to job productivity and healthy families; recognizes that an important job characteristic is a work schedule that allows employees to spend time with families; supports the goals and ideals of "National Work and Family Month", and urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and requests that the President issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

Mr. SABLAN. Mr. Speaker, again, I urge my colleagues to support House Resolution 768, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 768, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SUPPORTING RECOGNITION OF COLUMBUS AND HIS ROLE IN UNITED STATES HISTORY

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 822) expressing support for students to learn about Christopher Columbus.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 822

Whereas Columbus Day is celebrated the second Monday in October every year to honor Christopher Columbus;

Whereas Christopher Columbus arrived in the Americas on October 12, 1492, and is credited with initiating the European colonization of the Americas;

Whereas tributes and memorials to Christopher Columbus exist today in almost every State in the Nation;

Whereas the discovery and colonization of the Americas is an integral part of the history and heritage of the United States;

Whereas according to the National Assessment of Educational Progress in 2006, less than half of the country's high school seniors had a basic knowledge of United States history;

Whereas 29 States require high school students to take a class in civics or government;

Whereas a proficient knowledge of the history and heritage of the United States is important to promoting additional civic involvement; and

Whereas educating today's young people about the history and heritage of the United States is essential to creating an informed generation of citizens: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the recognition of Christopher Columbus and his role in the discovery and history of the United States;

(2) recognizes that it is important for young people to learn about Christopher Columbus and the discovery, heritage, and history of the Nation; and

(3) encourages all people to take advantage of educational opportunities in high schools and institutions of higher education to learn about Christopher Columbus' discovery of the Americas and United States history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLÁN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLÁN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 822 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLÁN. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of House Resolution 822, which recognizes the important role Christopher Columbus played in the history of the United States. The resolution also underlines the overall importance of learning about our history.

On October 12, 1492, Christopher Columbus and his 90 crew members arrived in the Americas aboard his fa-

mous three-ship fleet. The voyage, which lasted nearly 10 weeks, began in Spain and ended on the Bahamian island of Guanahani. Credited with discovering the new world, Columbus is a controversial figure whose quest to find new trade routes to Asia brought him to our shores.

□ 1530

Americans first celebrated Columbus Day on October 12, 1792, to commemorate the 300th anniversary of his landing. The first official Columbus Day holiday, however, was not celebrated until after the 400th anniversary, when President Benjamin Harrison issued a proclamation in 1892. Today, tributes and memorial celebrations in honor of Christopher Columbus take place across the Nation.

This resolution stresses the importance of understanding the importance of Christopher Columbus' voyage, our broader history, and a call for students to learn about our Nation's heritage.

The importance of an educated and active citizenship cannot be overstated. Without a basic civic education, it is less likely that today's students will vote or engage in active citizenship as adults. Civic education raises awareness and responsibility in our students. Learning about our history is important not only for its academic aspects, but also for the way in which it improves our democracy.

I want to express my support for this resolution and encourage young people to learn about how history affects their everyday lives. I urge my colleagues to support this resolution, and I thank Representative THOMPSON for bringing it to the floor.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 822, expressing support for students to learn about Christopher Columbus. Yesterday, we celebrated the 517th anniversary of Christopher Columbus' voyage to the Americas. Columbus landed in the Americas in what is now the Commonwealth of the Bahamas on October 12, 1492. Christopher Columbus' voyage to America was an integral part in the history and founding of our Nation.

Today, tributes to Christopher Columbus can be found all around the country. Almost every State has a city that bears the name "Columbus." There are memorials located from coast to coast. There is a fountain memorializing Columbus here in Washington, D.C., and a chapel relocated from the Columbus family castle in Spain to Pennsylvania, just to name a couple of examples.

The importance of Christopher Columbus in American history and heritage is obvious. However, if you asked students today, many cannot tell you why yesterday was a holiday and for

most a day off from school. The importance of a knowledge of history has been argued for centuries. Yet, according to the National Assessment of Educational Progress in 2006, less than half of the country's high school seniors have a basic knowledge of American history. For this reason, it is important to support this resolution and encourage students to take advantage of educational opportunities, in and out of school, to learn about Christopher Columbus and his voyage to America and the history of the United States.

I would like to thank my colleague from Pennsylvania, Mr. GLENN THOMPSON, for introducing this resolution. I ask my colleagues to support this resolution.

Mr. Speaker, I have no further speakers. I yield back the balance of my time.

Mr. SABLÁN. Mr. Speaker, again I urge my colleagues to support House Resolution 822. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLÁN) that the House suspend the rules and agree to the resolution, H. Res. 822.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

IRAN SANCTIONS ENABLING ACT  
OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1327) to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1327

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Iran Sanctions Enabling Act of 2009".

**SEC. 2. FINDINGS.**

The Congress finds as follows:

(1) There is an increasing interest by States, local governments, educational institutions, and private institutions to seek to disassociate themselves from companies that directly or indirectly support the Government of Iran's efforts to achieve a nuclear weapons capability.

(2) Policy makers and fund managers may find moral, prudential, or reputational reasons to divest from companies that accept the business risk of operating in countries that are subject to international economic sanctions or that have business relationships with countries, governments, or entities with which any United States company

would be prohibited from dealing because of economic sanctions imposed by the United States.

**SEC. 3. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES INVESTED IN IRAN'S ENERGY SECTOR.**

(a) **STATEMENT OF POLICY.**—It is the policy of the United States to support the decision of State governments, local governments, and educational institutions to divest from, and to prohibit the investment of assets they control in, persons that have investments of more than \$20,000,000 in Iran's energy sector.

(b) **AUTHORITY TO DIVEST.**—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran described in subsection (c).

(c) **INVESTMENT ACTIVITIES IN IRAN DESCRIBED.**—A person engages in investment activities in Iran described in this subsection if the person—

(1) has an investment of \$20,000,000 or more in the energy sector of Iran;

(2) provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector in Iran; or

(3) is a financial institution that extends \$20,000,000 or more in credit to another person, for 45 days or more, if that person will use the credit to invest in the energy sector in Iran.

(d) **REQUIREMENTS.**—The requirements referred to in subsection (b) that a measure taken by a State or local government must meet are the following:

(1) **NOTICE.**—The State or local government shall provide written notice to each person to whom the State or local government, as the case may be, intends to apply the measure, of such intent.

(2) **TIMING.**—The measure shall apply to a person not earlier than the date that is 90 days after the date on which the person receives the written notice required by paragraph (1).

(3) **OPPORTUNITY FOR HEARING.**—The State or local government shall provide each person referred to in paragraph (1) with an opportunity to demonstrate to the State or local government, as the case may be, that the person does not engage in investment activities in Iran described in subsection (c). If the person demonstrates to the State or local government that the person does not engage in investment activities in Iran described in subsection (c), the measure shall not apply to the person.

(4) **SENSE OF THE CONGRESS ON AVOIDING ERRONEOUS TARGETING.**—It is the sense of the Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person engages in investment activities in Iran described in subsection (c).

(e) **NOTICE TO DEPARTMENT OF JUSTICE.**—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit to the Attorney General of the United States a written notice which describes the measure.

(f) **NONPREEMPTION.**—A measure of a State or local government authorized under sub-

section (b), or described in subsection (i), is not preempted by any Federal law or regulation.

(g) **DEFINITIONS.**—In this section:

(1) **INVESTMENT.**—The “investment” of assets, with respect to a State or local government, includes—

(A) a commitment or contribution of assets;

(B) a loan or other extension of credit; or

(C) the entry into or renewal of a contract for goods or services.

(2) **ASSETS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “assets” refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled directly or indirectly by a State or local government.

(B) **EXCEPTION.**—The term “assets” does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(h) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2) of this subsection and subsection (i), this section shall apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

(2) **NOTICE REQUIREMENTS.**—Subsections (d) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

(i) **AUTHORIZATION FOR PRIOR ENACTED MEASURES.**—Notwithstanding any other provision of law, a State or local government may enforce a measure (without regard to the requirements of subsection (d)) adopted by the State or local government before the date of the enactment of this Act that provides for the divestiture of assets of the State or local government from, or prohibits the investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment or business activities in Iran (determined without regard to subsection (c)) identified in the measure.

**SEC. 4. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.**

Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-13(c)(1)) is amended to read as follows:

“(1) **IN GENERAL.**—Solely for purposes of this subsection, and notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information that is available to the public, conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007 or engage in investment activities in Iran described in section 3(c) of the Iran Sanctions Enabling Act of 2009. Nothing in this paragraph shall be construed to create, imply, diminish, change, or affect in any way the existence of a private cause of action under any other provision of this Act.”.

**SEC. 5. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY EMPLOYEE BENEFIT PLANS.**

Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following new subsection:

“(e) No person shall be treated as breaching any of the responsibilities, obligations, or duties imposed upon fiduciaries by this title for divesting plan assets from, or avoiding investing plan assets in, persons that are determined by such person, using credible information that is available to the public, to be engaged in investment activities in Iran described in section 3(c) of the Iran Sanctions Enabling Act of 2009. Any divestiture of plan assets from, or avoidance of investing plan assets in, persons that are so determined to be engaged in such investment activities shall be treated as in accordance with this title and the documents and instruments governing the plan.”.

**SEC. 6. DEFINITIONS.**

In this title:

(1) **ENERGY SECTOR.**—The term “energy sector” refers to activities to develop petroleum or natural gas resources or nuclear power.

(2) **FINANCIAL INSTITUTION.**—The term “financial institution” has the meaning given that term in section 14(5) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(3) **IRAN.**—The term “Iran” includes any agency or instrumentality of Iran.

(4) **PERSON.**—The term “person” means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent company, or subsidiary of, or company under common ownership or control with, any entity described in subparagraph (A) or (B).

(5) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) **STATE OR LOCAL GOVERNMENT.**—The term “State or local government” includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

**SEC. 7. SUNSET.**

This Act shall terminate 30 days after the date on which the President has certified to the Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state-sponsor of terrorism for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law; or

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I am somewhat encouraged by what appears to be some progress in negotiations between the United States and many other nations and Iran. I believe, as do I think, almost everybody in the House, perhaps not everybody, but almost everybody, that nuclear weapons in the hands of the Iranian regime would be a terrible thing for the world to have to deal with, and I am very supportive of our efforts to mobilize the necessary multinational coalition to impose the kind of sanctions that will stop this.

In that context, I have worked closely with the Chair of the Foreign Affairs Committee, the gentleman from California, Mr. BERMAN, on sanctions legislation, and I believe that he is correctly coordinating closely with the administration on the timing of broader sanctions legislation.

The bill we are discussing right now is one that has previously been passed by this House. It was blocked in the Senate in the previous administration because the State Department argued against it, and I think the time has come for us to do it.

It does not in itself impose any sanctions. What it does is to make it very clear that Americans who are deeply concerned about the prospect of Iranian nuclear power and other aspects of Iranian governance, that they are able to act on those. In particular, this bill says that no one in this country ought involuntarily to have his or her money put to the support of the Iranian economy.

It has two provisions. First, it would protect States which have decided to divest from companies that are invested in Iranian energy operations from being preempted by the Federal Government.

The State of Massachusetts, my home State, some years ago passed a bill saying not that no one in Massachusetts could do business with Myanmar, as the dictatorial rulers of that country now call what was once Burma; they said that they did not want State money, money from the State of Massachusetts, to be involved in ways that would be supportive of that regime. The State Department challenged that on the grounds of Federal supremacy in foreign policy, and the Supreme Court upheld it.

What we do today is to say not that States can make foreign policy, but that States have the right to control their own funds. The staff has given me a list of about 20 States that have en-

acted legislation to divest from Iran and several other States that have adopted policies of divesting from Iran.

Part of this bill today protects those States which have made the decisions by their own democratic processes from having the Federal Government come in and say, no, we are the Federal Government, we are in charge of foreign policy, and you must continue to invest in Iran.

Secondly, we have had a movement of citizens that say to various investment vehicles, we do not want our money invested in Iran. What this says is that if people who are contributors to an investment fund go to that investment fund, whatever it is, and say, we don't want our money helping to bolster the economy of that regime in Iran, withdraw our funds from those companies, that the company can't be sued.

What we have had is the investment vehicles have often said, I think sometimes frankly not entirely meaning that this is the real reason, oh, well, we can't do that, because we are mandated to get you the best possible dollar return, and if we withdraw here, we will be accused of having used other criteria.

Now, in fact it has been, I think, fairly clear that when you have a very large entity investing broadly, withdrawal from no one cause is going to cause a problem. But that is still the fear that was cited. So what this bill does is to give a very narrowly drafted protection to the investment managers against being sued because they respond to a claim from their own contributors to that fund who don't want to be supporting Iran.

As I said, it does not mandate any divestiture. It does protect State governments from having their money put where they don't want it to be, and it protects entities that do investments from being sued if they were to give in to the moral argument that their funds should not go for this or that country.

There are a couple of technical changes to the bill as introduced which provide that the exceptions are very narrowly drafted just to this. It is, in fact, about the Iranian energy section, and I believe those in America who want to make these decisions should be protected in doing so.

I reserve the balance of my time.

Mr. PAULSEN. Mr. Speaker, I also rise today in strong support for H.R. 1327, the Iran Sanctions Enabling Act of 2009. The author of this legislation, Chairman FRANK, deserves a great deal of credit for helping shepherd this legislation through committee in a very strong bipartisan basis and for his tenacious work in bringing it to the House floor today in a bipartisan manner. I also want to commend my colleague from Illinois, who I know could not be here today, Mr. KIRK, who also has been a champion of this legislation in the past.

Mr. Speaker, with the recent disclosure of a second site for enriching uranium in Iran, our relations with that country continue to be at the forefront of U.S. foreign policy. The Iranian regime has made no secret of its ambitions to acquire nuclear technology while it continues to engage in human rights violations and suppressing dissent.

The U.S. can and should demand that Iran take specific actions, concrete actions, in the near term. This legislation today is going to help in that effort. The Iranian government will be more responsive if the United States can isolate the regime and apply some distinct pressure that will help force Tehran to deliver on its commitments and not merely to do what it has done in the past, and that is use negotiations to merely run out the clock.

This legislation increases the economic pressure that is placed on Iran by permitting State governments, local governments and educational institutions to divest from investments related to Iran's energy sector.

In addition, the legislation would extend to private actors the ability to consider U.S.-Iran relationships in their investment calculus. This means that registered investment advisors are provided a safe harbor, allowing them to divest from or elect not to invest in securities of companies that invest in Iran's energy sector.

Many States, as the chairman had noted, including my own State of Minnesota, have already moved in that direction. But today we have the opportunity to push this important initiative a step closer at the Federal level, and in doing so we can help leverage and we can help slow down Iran's nuclear program and move one step closer to helping diminish this major security threat to the Middle East and the rest of the world.

With the recent revelation of the second enrichment site, passage of this legislation is imperative, and it is even more important than it has been in the past.

So I would urge immediate passage of H.R. 1327, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman from Massachusetts and express appreciation for his leadership. I seldom find myself in disagreement with the gentleman from Massachusetts, but I want to take exception to this particular legislation.

In 1996, Congress passed the Iran-Libya Sanctions Act, which sanctioned foreign investment in Iran's energy sector. There are those who have said that there was not that much accomplished from that particular sanction act, and there are those who are saying



now that if we move forward with sanctions, that it will be actually undermining the business interests of people on the Security Council that the United States needs to work with to try to bring Iran into the international community in a way that promotes international security, and that would be China and Russia.

The fact is that U.S. policy towards Iran for the last three decades has consisted of pressure primarily in economic sanctions, threats, and isolationism.

□ 1545

While U.S. economic sanctions have hurt Iran's economy, U.S. policy over the last 30 years has not created any meaningful change in the behavior of the Iranian Government. On October 1st, there was a change. For the first time in the recent past, high level delegations from Iran and the U.S. and other industrialized nations sat down to diplomatic talks. There was significant progress.

Among the steps forward was an agreement by Iran to allow access by the International Atomic Energy Agency to the recently revealed planned enrichment facility. Yet, with signs of progress in these highly sensitive talks, we're proposing to set the stage to punish Iran. I think we should be doing everything we can to ensure that diplomacy and that President Obama's efforts here succeed.

I think when we talk about sanctions, we're saying sanctions before the talks, sanctions before any hope for agreements. I don't think the sanctions are going to help with the talks. I don't think sanctions are going to assist us in our efforts to try to bring Iran into a new position in the world community.

I reluctantly oppose this bill, and I'm hopeful that our nuclear posture review will come to an understanding that the United States cannot be in a position of picking nuclear winners and losers. Ultimately, we are going to have to get everyone involved in nuclear abolition.

Mr. PAULSEN. Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to an active supporter of this administration and a strong approach towards Iran, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. I thank the gentleman in support of the resolution.

I rise today, Mr. Speaker, in support of H.R. 1327, the Iran Sanctions Enabling Act of 2009, which aims to put a stop to Iran's pursuit of nuclear weapons. It cannot be overstated. A nuclear armed Iran is an urgent and deadly threat to peace and stability in the Middle East and at home.

The anti-Western rhetoric of Iranian President Ahmadinejad has only inten-

sified in recent years. His regime supports terrorism in all its forms, a travesty worsened by the fact that Iran continues to pursue nuclear weapons against the will of the international community. If Iran continues its plans for nuclear buildup, we can expect that nuclear proliferation will increase throughout the region and around the globe. That is why it is critical for Congress to pass the Iran Sanctions Enabling Act.

This legislation would authorize State and local governments to divest from companies investing in Iran's petroleum and natural gas sector. With Tehran importing nearly 40 percent of its gas and diesel needs, this legislation would have a dramatic effect on Iran's economy and is an important step forward in convincing Iran to suspend its nuclear program. It strikes a careful balance between the administration's diplomatic outreach and the need for us to make sure that we can tighten the noose around Iran's neck in the event that those diplomatic efforts are not successful.

Mr. PAULSEN. Mr. Speaker, in closing for this side, I yield myself as much time as I may consume.

Mr. Speaker, at the end of last month, Iran finally got around to notifying the United Nations International Atomic Energy Agency of a previously undisclosed nuclear enrichment facility located on a military base. This additional enrichment facility will allow Iran to make more enriched uranium and make it faster.

Now, what this means is that previous estimates on when Iran could potentially achieve a nuclear weapons breakout are now inaccurate and unreliable. What is especially disconcerting to many of us in Congress is that this is supposed to be a civilian facility but it's located on a military base. This raises quite a few red flags, and we must make sure and not allow the Iranian regime to buy even more time.

Finally, Mr. Speaker, this is another violation of Iran's obligation under the Nuclear Nonproliferation Treaty, which requires all members to declare all nuclear facilities and allow inspection.

Mr. Speaker, it is high time we begin to act on the threat of a nuclear Iran by demanding action, and the Iran Sanctions Enabling Act is one more tool in the toolbox, an important step in moving that direction forward. I ask for its passage, and I commend the leadership again of the chairman for moving this bill in a bipartisan manner forward.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume to make one final point.

It is the fantasy of the President of Iran, among many fantasies, most of them malign, that somehow it's the

American Government that's been opposed to them and that the broad reach of the American people would be more sympathetic. The important point to stress here is that this bill does not do anything at the Federal level. This bill empowers State governments and private citizens to give vent to their own understandable extreme dislike and fear of the Iranian Government.

So let's be very clear. This is a bill that will have effect to the extent that the activities of the Iranian Government increase the revulsion many Americans feel at those actions; not at the people of Iran, but at the Government of Iran. If, in fact, some of the hopeful signs were to look better, then this bill will not have much of an impact.

So, to the great extent, whether or not this bill has a real impact will depend very much on what the Iranians do. And so I appreciate the cooperation we've gotten on both sides. And I stress again, this is a bill that empowers American citizens, American local and State governments, and whether or not this leads to action will depend very much on future actions by the Government of Iran.

Mr. MORAN of Kansas. Mr. Speaker, it is none too soon that the House is considering what I hope will be the first of several pieces of legislation to sanction Iran for its illegal nuclear program.

Despite Iran's agreement on October 1 to allow IAEA inspectors to visit its newly disclosed nuclear site near Qom, the regime continues to enrich uranium. Iran grows more and more dangerous each day enrichment is allowed to continue. A nuclear-armed Iran is an existential threat to Israel; would threaten the safety of American troops in the region; would likely embolden terrorist groups Hamas and Hezbollah; and could lead to a dangerous nuclear arms race in the Middle East. We must not allow this to happen.

I strongly support the legislation before us today. H.R. 1327, the Iran Sanctions Enabling Act, would allow state and local governments to divest the assets of their pension funds and any other funds under their control from companies investing \$20 million or more in Iran's energy sector. By allowing states and local governments to withdraw their investments in companies doing business in Iran, we can increase pressure on the Iranian regime to change course and abandon its pursuit of nuclear weapons. Only when Iran feels pressured, is it likely to make concessions.

Unfortunately, the leaders of Iran seem to feel fairly secure despite all the talk of tough sanctions. On Friday, October 9, Ayatollah Ahmad Khatami, a member of Iran's Assembly of Experts, said the October 1 talks between Iran, the U.S. and other world powers were a "great victory" for Iran, suggesting Iran had been successful in putting off any sanctions.

By passing this legislation today, though, Congress can send Iran a clear and powerful message. While the President and other world leaders gauge whether Iran is truly serious about complying with its obligations, Congress will back the negotiations with sanctions to

show Iran that it must act in good faith and not delay as it usually does.

Passage of this legislation is important, but it is only the beginning of what needs to be done to address the Iranian nuclear threat. Congress must pass additional legislation, including H.R. 2194, the Iran Refined Petroleum Sanctions Act, to put sufficient pressure on Iran to fully suspend all enrichment and work on its nuclear program.

No government that calls for the complete destruction of another should be allowed to have nuclear weapons. The Iran Sanctions Enabling Act is a first step to take in order to prevent Iran's leaders from acquiring the means to do what they say they will.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H.R. 1327, the Iran Sanctions Enabling Act of 2009, and I commend my friend Mr. FRANK for his leadership on this important issue.

This bill will allow state and local governments and educational institutions to divest from companies that invest \$20 million or more in Iran's energy sector. I am hopeful that the threat of divestment will persuade companies not to do business with Iran, and that this additional economic pressure will help deter Iran from pursuing a nuclear weapons capability or supporting terrorism.

Several states and localities have already begun the process of divestment, and I expect that a divestment bill will soon be introduced in the state legislature in my home state of California. The legislation before us, H.R. 1327, will provide federal legal protection for these actions, allowing them, in the case of Iran, to place their moral sensibilities ahead of their fiduciary responsibilities. As such, this is not a sanctions bill per se—it creates no new sanctions on Iran or on companies that invest in Iran.

The reasons that states and localities divest may vary—whether in response to Iran's pursuit of nuclear weapons, its support for terrorism, its abysmal disregard for human rights, or its fraudulent elections and their brutal aftermath. The timing of this bill, just a few short months after the elections and the subsequent crackdown—and in the midst of the ongoing crisis of regime legitimacy—certainly makes it an appropriate response to those ugly events.

I strongly support this legislation, and I urge all my colleagues to do likewise.

Mr. VAN HOLLEN. Mr. Speaker, earlier this month, Iran admitted the existence of a secret enrichment facility in the holy city of Qom. This development has set in motion a renewed commitment on the part of the international community to pursue more aggressive penalties against Iran for its nuclear enrichment activities. Today, as Secretary of State Hilary Clinton arrives in Moscow to solicit Russian support for more stringent sanctions against Iran, the U.S. House of Representatives considers legislation that will enable ordinary Americans to express their opposition to Iran's illegal nuclear activities.

The Iran Sanctions Enabling Act of 2009 helps to weaken Iran's vital petroleum industry by cutting off its access to global investment. The legislation enables State and local governments to divest from entities that invest more than \$20 million in Iran's energy sector.

Though Iran possesses large oil reserves, it has little refining capacity and the lack of refined petroleum products has often been a source of tension between its government and its people.

It is clear that arresting Iran's illegal nuclear enrichment program will require a comprehensive approach that targets Iran's important energy sector, truncates its access to the global financial system and engages its people. This legislation can help to achieve these goals. I encourage my colleagues to join me in support of this bill.

Mr. MCMAHON. Mr. Speaker, Iran's nuclear program has been an issue of serious concern for the international community since the Islamic Revolution of 1979.

Since that time, Iran has been steadily advancing towards the nuclear threshold necessary to develop nuclear weaponry.

Ahmadinejad already has 8,000 centrifuges that have produced enough uranium to build two nuclear weapons and the International Atomic Energy Agency, IAEA, has evidence of an Iranian uranium enrichment program coupled with explosives testing and development of devices to fire nuclear weapons.

Furthermore, every day Iran's nuclear stockpile grows by 4½ pounds.

It would be an absolute disaster for the United States and its allies if Iran enriched uranium even further.

Israel, in particular, sees the face of Iran's blind aggression every day.

Iran has not only threatened the very existence of the one true democracy in the Middle East, but encourages other hostile governments to do the same through a complex network of nuclear and arms cooperation.

Given these facts and undoubtedly an immeasurable amount of undisclosed information, the United States finds itself at a crossroads.

Negotiations with the Iranians will conclude in Vienna on October 19.

But, recent revelations of a previously undisclosed nuclear facility, not to mention the increasingly atrocious treatment of opposition supporters, have illustrated that unfortunately, Iran has already failed the test and it is time for Plan B.

For this reason, I commend the House on the passage of the Iran Sanctions Act, H.R. 1327, a bill which I am a proud cosponsor of.

The future of nuclear nonproliferation, international security and the well-being of young Iranians lies in the administration's ability to steer Iran away from its dangerous ambitions.

Fortunately, H.R. 1327 opens the door to this diversion by uniquely complementing the administration's forward-thinking strategy of dialogue with strict credit sanctions.

Sans sanctions, engagement can be and historically has been manipulated by Iran as a mere tactic for delay.

Without the foreign capital investments to modernize its petroleum infrastructure, Ahmadinejad will soon have no choice but to change course.

I would like to conclude by noting that Iran's deficient refining capacity calls for targeted sanctions on refined petroleum and increased international cooperation to enforce these measures with our partners in the EU, Russia and China.

The threat from Iran demands an effective policy response—and our European allies are well-placed to formulate one.

Germany, for example, has already taken notable steps to reduce its business with Iran.

But despite a 90 percent decline between 2006 and 2008 in the German Government's issuance of export credit guarantees to Iran, exports to Iran have increased.

These sorts of disturbing trends coupled with Iran's thriving black market, underpin the premise that more must be done to curtail foreign investment and ultimately, Iran's nuclear weapons pursuit.

Mr. Speaker, I look forward to working with both my colleagues in the House and the Foreign Affairs Committee to increase the administration's options when dealing with Iran.

Once again, the passage of the Iran Sanctions Act is a momentous step towards not only effectively dealing with Iran, but towards replacing a troubling network of nuclear cooperation with a newfound movement towards international cooperation for the sake of world peace.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today, I rise in support of H.R. 1327, the "Iran Sanctions Enabling Act of 2009." This legislation, if enacted, will enhance U.S. capacity to further isolate Iran and pressure the government to abandon its military nuclear program.

The recent discovery of a secret enrichment facility at Qom serves as a clear reminder that Iran continues to flagrantly disregard international non-proliferation agreements, and poses a direct and dangerous threat to the peace and security not only in the Middle East, but also around the world.

Unfortunately, the concealment of the facility at Qom is only the most recent in a long line of deplorable and illegal behavior by the Iranian government. From seeking to acquire nuclear weapons and evade IAEA inspectors, to continuing to threaten Israel and opposing the Middle East peace process, to supporting international terrorism, to its deplorable human rights record—specifically surrounding the recent elections—the government of Iran has consistently acted in a reprehensible and dangerous manner.

The only effective way to achieve lasting peace and prosperity in the region, along with bringing about reforms in Iran's polity, is to assist the Iranian people in their quest to achieve political, social, and religious liberty. Every government can be judged with the way in which it treats its ethnic and religious minorities, and the current Iranian government gets a failing grade for its treatment of its many and diverse minorities.

While the government's actions in the international community deserve our condemnation, we must distinguish between Iranian people and their government. This fall, I was optimistic that the elections in Iran would serve as a catalyst for change, but given the absence of fair and free elections, coupled with the government's poor record for transparency and accountability, I believe that the democratic voices in Iran need our help to achieve change.

The results of the recent election clearly showed that there was no chance for Iranian citizens to participate in Democracy. On June



12, 2009, Mahmoud Ahmadinejad was ostensibly re-elected to his second term as President, as a result of the tenth Presidential elections in Iran, held and calculated on June 13, 2009. Subject to official results released by Iran's election headquarters, out of a total of 39,165,191 ballots cast in the Presidential election, Ahmadinejad allegedly won 24,527,516 votes, which accounts for approximately 62.6 percent of the votes, while his opponent and former Prime Minister of Iran Mir-Hossein Mousavi purportedly secured only 13,216,411 (37.4%) of the votes. Supreme Leader Ali Khamenei announced that he envisions Ahmadinejad as president in the next five years, a comment interpreted as indicating support for Ahmadinejad's reelection, and so it happened exactly that way.

In the aftermath of an election crisis we must not forget that Iran is marching ever closer to the development of a nuclear weapon, as they continue the pursuit of enriching uranium. Iran's nuclear program, coupled with its continued military assistance to armed groups in Iraq, Afghanistan, the Palestinian group Hamas, and to the Lebanese Hezbollah has been the basis for President Obama's characterization of Iran as a "profound threat to U.S. national security interests."

Yet the last Administration's approach of isolationism failed to stop or even slow the escalation of Iran's nuclear development. The recent discovery of a secret enrichment facility at Qom serves as a clear reminder that Iran continues to flagrantly disregard international non-proliferation agreements, and poses a direct and dangerous threat to the peace and security in the Middle East, and around the world.

In that vein we do not want to ostracize Iran, as has been done in the past. This Administration indicated that if Iran refuses to come to the "nuclear bargaining table" by late September 2009, sanctions will resume. This deadline passed, and Iran has not changed. Consequently, it is time that we move to enable effective sanctions to remind Iran that we remain serious in our demands. This bill does not move the U.S. past the point of no return in regards to sanctions, but, it sends a clear message to Iran while enabling more effective sanctions in the future.

Mr. Speaker, although Iran has committed heinous human rights violations, and continues to threaten its neighbors, I do not believe that it is productive to punish Iran for their past delinquencies. Instead, we should use our threats and sanctions to persuade the government of Iran to change its behavior by holding free and fair elections, allowing dissent, and finally ending its military nuclear program. I hope that, one day in the near future, we will lift these sanctions; but, until reforms are implemented, we must remain vigilant in pressuring Iran.

Last year, this body passed H.R. 7112—The Comprehensive Iran Sanction Act, but the Senate failed to follow suit. It is my hope that, this time, our colleagues in the Senate realize how much is at stake and act quickly to pass this legislation.

Thank you, Mr. Speaker, I urge the passage of this legislation.

Mr. QUIGLEY. Mr. Speaker, I rise today in strong support of the Iran Sanction Act.

On September 25, we learned that Iran has been operating a secret uranium-enrichment plant in the city of Qom, capable of producing enriched uranium for bombs.

The work at Qom has gone on for years in secret and despite five UN Security Council resolutions calling for Iran to cease all work on uranium.

The Iranians continue to claim that their nuclear intentions are peaceful, but the recently discovered plant's "size and configuration" are "inconsistent" with peaceful purposes.

If we had any doubt that Iran was pursuing nuclear weapons, the discovery at Qom dashed that doubt.

Now the U.S. must do its part to stop Iran from obtaining nuclear weapons.

The first step toward crippling Iran's progress toward a nuclear weapon is to impose the sanctions proposed in the bill before us today.

The Iran Sanctions Act calls on state and local governments to cease investing public funds in companies that support Iran's oil and gas sector.

A nuclear armed Iran is a threat to the entire region, particularly our friends in Israel, and could incite nuclear proliferation in the Middle East and around the world.

We must do everything in our power to keep weapons of mass destruction out of the hands of the Iranians, and those efforts start today with this bill and these sanctions.

Mr. HOLT. Mr. Speaker, I rise today as a cosponsor and supporter of H.R. 1327, the Iran Sanctions Enabling Act. The apparent pursuit of nuclear weapons capability by the Government of Iran cannot be met with silence. Iran's history of concealing its nuclear facilities and programs has rightfully alarmed the international community about Iranian Government's ambitions. The revelation last month of a previously undisclosed uranium enrichment facility under construction near Qom adds to a growing list of deeply troubling actions by the Iranian regime. President Obama stated clearly that this new facility does not appear to be configured for the production of fuel for nuclear power reactors. Iran has a responsibility to fully comply with the International Atomic Energy Agency inspections and to definitively clarify the status and nature of the Qom site.

Unfortunately, the mistrust and skepticism surrounding the Iranian nuclear issue are a result of more than Iran's covert efforts. The provocative and threatening rhetoric that we have come to expect from the President of Iran is cause for great concern both for our allies, such as Israel, and for our own interests in the region. In addition, we have witnessed the Iranian regime carry out brutal acts of violence against Iranian citizens as they gathered peacefully to express their political beliefs. The United States cannot ignore this violation of basic human rights, but neither can we ignore the stark reminder about the potential consequences of a nuclear weapon in the hands of a government that expresses such disregard for the lives and liberties of its own citizens.

Taken together, the Iranian Government's actions are inconsistent with those of a nation seeking peaceful nuclear energy technology. It is incumbent upon the Government of Iran to

demonstrate unequivocally to the international community that it is not attempting to cultivate nuclear weapons.

Until the Iranian regime fulfills this responsibility, Iran will face the consequences of non-compliance with this internationally recognized obligation. The provisions of the Iran Sanctions Enabling Act should be part of those consequences. This bill would authorize state and local governments to divest their assets from, and prohibit investment in, any company that invests \$20 million or more in Iran's energy sector. It also protects from legal action any asset managers who choose to divest assets from, or avoid investing in, persons or companies with the same level of financial ties with Iran's energy sector. These are common sense measures that enable state and local governments or individual U.S. citizens to choose not to allow their financial investments to support companies or persons that contribute to the prosperity and strength of the current Iranian government.

I firmly believe that the United States must do everything in its power to prevent Iran from further destabilizing the Middle East by obtaining a nuclear weapon, and I am encouraged by the Obama administration's vigorous diplomatic efforts to achieve that end. The Iranians should be given credit for their recent tentative agreements to meet international expectations, but these words must be matched with sincere and transparent actions that convince the international community of Iran's peaceful intentions. To that end, I note that the provisions of H.R. 1327 would terminate upon certification by the President that Iran is no longer designated a state sponsor of terrorism and has ceased the pursuit of nuclear, biological, and chemical weapons. It is my hope that this sunset clause serves as a potent reminder to the Iranian government that while all actions have consequences, the United States always stands ready to match positive actions with positive consequences. I urge my colleagues to support this legislation.

Ms. BERKLEY. Mr. Speaker, I rise today in support of the Iran Sanctions Enabling Act, which helps State and local governments do their part to divest from Iran.

The Iranian regime represents a threat to us, to Israel, and to our allies throughout the Middle East and beyond. Their president has threatened to destroy Israel and has repeatedly denied the Holocaust. Iran's leaders have sought to destabilize the entire Middle East and are sparking an arms race in that region. In the last few weeks, we have seen just how far the Iranians are willing to go to conceal their weapons programs, and only time will tell how many more hidden nuclear sites we will find there.

With this bill today, we help our States and local governments to play a role in the international effort to halt Iran's march toward nuclear weapons. As is so often the case, they have not waited for us to act. I am proud that, in June of this year, my home State of Nevada passed a law to help make sure our State Public Employee Retirement System does not invest in Iran, or in companies that do a large amount of business with Iran. Steps like this will help to show just how determined we are—on every level—to stopping Iran's nuclear threat.

We must do everything we can to stop Iran from obtaining nuclear weapons. The UN Security Council must act now, and place further sanctions on Iran. UN member states must do their part to enforce the already-existing sanctions. We in Congress will soon pass our own further sanctions, and I hope we will continue to give our government the tools it needs to further tighten the screws on Iran's financial sector. We must use every tool available to us before it is too late.

I urge support for this bill.

Mr. KIRK. Mr. Speaker, as the lead Republican sponsor of H.R. 1327, the Iran Sanctions Enabling Act, I rise in strong support and urge my colleagues to pass this bill.

We know that certain international corporations still invest billions of dollars in Iran's energy sector—in effect, subsidizing the regime's nuclear program. If states and local municipalities want to divest public funds from investments in such companies, the Federal government should support their decisions.

The Iran Sanctions Enabling Act would authorize state and local governments to divest from firms with investments of \$20 million or more in Iran's energy industry. Arizona, California, Florida, Georgia, Illinois, Louisiana, Maryland, Michigan, Indiana, New Jersey, Colorado, New York, Ohio, Texas, and Washington have all enacted some form of divestment laws. The Iran Sanctions Enabling Act would encourage more states and local communities to take similar action.

With Iranian uranium enrichment accelerating—and the recent disclosure of a secret uranium enrichment site at Qom—the window for effective diplomacy is starting to close. To avoid conflict, we must pass effective sanctions and provide our diplomats with greater leverage. H.R. 1327 is a good first step—but it cannot be the last. I urge Speaker Pelosi and Chairman Berman to move H.R. 2194, the Iran Refined Petroleum Sanctions Act, to the floor for immediate consideration. This legislation, modeled after my Iran Sanctions Enhancement Act of 2007 and Iran Diplomatic Enhancement Act of 2009, would extend current sanctions to companies that supply gasoline to Iran. Iran's dependence on foreign gasoline remains its greatest weakness—and offers the greatest hope for diplomacy to succeed.

In addition, the President must take steps to fully implement current law. The Iran Sanctions Act was enacted in 1996 as an important measure to deny Iran the resources to further its nuclear program and to support terrorist organizations. According to the law, a firm that invests more than \$20 million in Iran's energy sector is determined to be a violator, and is subject to a range of sanctions. The Congressional Research Service has identified more than 20 firms that likely violate the Iran Sanctions Act. Nevertheless, no Administration has ever enforced this law. I urge my colleagues to sign the Kirk-Klein letter to President Obama urging him to enforce the Iran Sanctions Act without delay.

Mr. KUCINICH. Mr. Speaker, for many years, I have advocated for high-level, diplomatic negotiations between the United States and Iran without preconditions. Under the previous administration I was compelled to do so with fervor due to the use of reckless saber

rattling that accomplished nothing save for heightened tensions between our two nations.

I opposed this bill because I do not believe that additional economic sanctions at this time support U.S. actions to engage Iran diplomatically. Furthermore, it sends a mixed message: On one hand, the U.S. President wishes to engage in diplomacy. On the other hand, the U.S. Congress is punishing Iran during diplomatic engagement.

During my time in Congress, I have called for the kind of diplomatic dialogue that the U.S. and Iran engaged in for the first time in three decades on October 1st, 2009. These negotiations brought together not just Iran and the U.S. but France, Great Britain, Russia, China and Germany.

The talks proved a successful beginning to reinstating U.S. diplomatic ties with Iran. The two countries now have a foundation from which we can build. This must be nurtured so that mutual understanding and opportunities for collective action can be had on even the most difficult issues such as the Iranian nuclear program, Iraq and the protection of human rights. Additional economic sanctions only serve to threaten further engagement.

I question the wisdom of bringing a sanctions bill before this body when, after 30 years of isolationism and antagonism, the Obama Administration is finally beginning a new path forward with respect to diplomatic engagement to bring Iran into the international community in a way that promotes international security.

In the past, sanctions have had little impact on influencing the behavior and decisions of the Iranian government who have managed to remain insulated from the intended effects of sanctions. Instead it has been the people of Iran who bear the brunt of the impact.

I do not think it is the intention of this body to punish the Iranian people; particularly in light of their bravery following the elections of June 12th. It is clear that the people of Iran desire change and are willing to endure that which is necessary to achieve it through peaceful means. We must support their actions by doing all that we can to ensure their voices are heard rather than passing legislation that is intended to cause further harm to their economy.

Passage of this bill fails to recognize the sensitivity and importance of the dialogue that was begun on October 1st. And it fails to support the bravery of the Iranian people who will be the ones to feel the impact of the legislation. I oppose the legislation.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today as a proud cosponsor of H.R. 1327, the Iran Sanctions Enabling Act of 2009. Iran's ambition to become a nuclear power is unquestionably clear, and now is the time for debilitating sanctions that will curtail this dangerous path.

Despite the assertions of Iranian leaders that they seek to enrich uranium for peaceful purposes alone, their actions and obfuscation suggest otherwise. Further, President Ahmadinejad has continued to cause international frustration through comments he made at the United Nations summit in September. His efforts also go far beyond words. On numerous occasions, Ahmadinejad has tested mid to long range missiles, and in February 2009, Iran launched a low-orbit rocket

that is the necessary first step to firing an intercontinental ballistic missile. Further, intelligence sources point to Iran's ready capability of firing short, medium, and long range missiles that endanger our brave men and women deployed in Afghanistan and Iraq.

I therefore do not support President Obama's cuts to missile defense in the FY10 National Defense Authorization Act. In fact, I believe that we are putting our friends and allies at risk, as well as the eastern shore of the United States. However, if this chamber is forced to rely so heavily on economic sanctions, we must encourage and enable American divestment from Iran to squeeze their economy to a point that will rein in their dangerous ambitions.

Mr. Speaker, I urge all of my colleagues to support this bill.

Mr. FRANK of Massachusetts. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 1327, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CONFERENCE REPORT ON H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Mr. PRICE of North Carolina (during consideration of H.R. 1327) submitted the following conference report and statement on the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes:

#### CONFERENCE REPORT (H. REPT. 111-298)

*The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2892), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:*

*That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:*

*In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, namely:*

## TITLE I

## DEPARTMENTAL MANAGEMENT AND OPERATIONS

## OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$147,818,000: Provided, That not to exceed \$60,000 shall be for official reception and representation expenses, of which \$20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, DC: Provided further, That \$15,000,000 shall not be available for obligation for the Office of Policy until the Secretary submits an expenditure plan for the Office of Policy for fiscal year 2010: Provided further, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary.

## OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$254,190,000, of which not less than \$1,000,000 shall be for logistics training; and of which not to exceed \$3,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, \$5,500,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and \$17,131,000 shall remain available until expended for the Human Resources Information Technology program.

## OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$60,530,000, of which \$11,000,000 shall remain available until expended for financial systems consolidation efforts: Provided, That of the total amount made available under this heading, \$5,000,000 shall not be obligated until the Chief Financial Officer or an individual acting in such capacity submits a financial management improvement plan that addresses the recommendations outlined in the Department of Homeland Security Office of Inspector General report OIG-09-72, including yearly measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the plan described in the preceding proviso shall be submitted not later than January 4, 2010.

## OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$338,393,000; of which \$86,912,000 shall be available for salaries and expenses; and of which \$251,481,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: Provided, That of the total amount appropriated, not less than \$82,788,000 shall be available for data center development, of which not

less than \$38,540,145 shall be available for power capabilities upgrades at Data Center One (National Center for Critical Information Processing and Storage): Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

## ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$335,030,000, of which not to exceed \$5,000 shall be for official reception and representation expenses; and of which \$190,862,000 shall remain available until September 30, 2011: Provided, That none of the funds provided in this or any other Act shall be available to commence operations of the National Immigration Information Sharing Operation or any follow-on entity until the Secretary certifies that such program complies with all existing laws, including all applicable privacy and civil liberties standards, the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification, and the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives of all funds to be expended on operations of the National Immigration Information Sharing Operation or any follow-on entity pursuant to section 503 of this Act.

## OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, \$2,000,000.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$113,874,000, of which not to exceed \$150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

## TITLE II

## SECURITY, ENFORCEMENT, AND INVESTIGATIONS

## U.S. CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 4,500 (4,000 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$8,064,713,000, of which \$3,226,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$45,000 shall be for official reception and representation expenses; of which

not less than \$309,629,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; and of which not more than \$800,000 shall be for procurement of portable solar charging rechargeable battery systems: Provided, That for fiscal year 2010, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That of the total amount provided, \$1,700,000 shall remain available until September 30, 2011, for the Global Advanced Passenger Information/Passenger Name Record Program.

## AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, \$422,445,000, to remain available until expended, of which not less than \$227,960,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, \$50,000,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

## BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, \$800,000,000, to remain available until expended: Provided, That of the total amount made available under this heading, \$75,000,000 shall be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security, reviewed by the Government Accountability Office, and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States, of fencing and vehicle barriers where practicable, and of other forms of tactical infrastructure and technology, that includes—

(1) a detailed accounting of the program's implementation to date for all investments, including technology and tactical infrastructure, for funding already expended relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, program management capabilities, identification of the maximum investment, including life-cycle costs, related to the Secure Border Initiative program or any successor program, and description of the methodology used to obtain these cost figures;

(2) a description of how specific projects will further the objectives of the Secure Border Initiative, as defined in the Department of Homeland Security Secure Border Plan, and how the

expenditure plan allocates funding to the high-priority border security needs;

(3) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(4) an identification of staffing, including full-time equivalents, contractors, and detailees, by program office;

(5) a description of how the plan addresses security needs at the Northern border and ports of entry, including infrastructure, technology, design and operations requirements, specific locations where funding would be used, and priorities for Northern border activities;

(6) a report on budget, obligations and expenditures, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States;

(7) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones to fully address such recommendations;

(8) a certification by the Chief Procurement Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications, that—

(A) the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including as provided in Circular A-11, part 7;

(B) the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with such actions, together with any plans for addressing these risks, and the status of the implementation of such actions; and

(C) procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the Secure Border Initiative Program Office has adequate staff and resources to effectively manage the Secure Border Initiative program and all contracts under such program, including the exercise of technical oversight;

(9) a certification by the Chief Information Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications that—

(A) the system architecture of the program has been determined to be sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment together with the associated risks and corrective actions to address any such areas;

(B) the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life-cycle and communicates high-risk conditions to U.S. Customs and Border Protection and Department of Homeland Security investment decision-makers,

as well as a listing of all the program's high risks and the status of efforts to address such risks; and

(C) an independent verification and validation agent is currently under contract for the projects funded under this heading;

(10) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the Secure Border Initiative program are being addressed so as to ensure adequate staff and resources to effectively manage the Secure Border Initiative; and

(11) an analysis by the Secretary for each segment, defined as not more than 15 miles, of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control, including cost, level of operational control, possible unintended effects on communities, and other factors critical to the decisionmaking process:

Provided further, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress of the program, and obligations and expenditures for all outstanding task orders, as well as specific objectives to be achieved through the award of current and remaining task orders planned for the balance of available appropriations, at least 15 days before the award of any task order requiring an obligation of funds in an amount greater than \$25,000,000 and before the award of a task order that would cause cumulative obligations of funds to exceed 50 percent of the total amount appropriated: Provided further, That none of the funds made available under this heading may be obligated unless the Department has complied with section 102(b)(1)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), and the Secretary certifies such to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That none of the funds made available under this heading may be obligated for any project or activity for which the Secretary has exercised waiver authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication of the decision in the Federal Register.

#### AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$519,826,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2010 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

#### CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, \$319,570,000, to remain available until expended; of which \$39,700,000 shall be for constructing and equipping the Advanced Training Center; and of which not more than \$3,500,000 shall be for acquisition, design, and construction of U.S. Customs and Border Protection Air and Marine facilities at El Paso International Airport, Texas: Provided, That for fiscal year 2011 and thereafter, the annual budget submission of U.S. Customs and Border Protection for "Construction and Facilities Management" shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs delineated by land port of entry.

#### U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$5,342,134,000, of which not to exceed \$7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than \$5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, \$15,770,000 shall be for activities in fiscal year 2010 to enforce laws against forced child labor, of which not to exceed \$6,000,000 shall remain available until expended: Provided further, That of the total amount available, not less than \$1,500,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which \$200,000,000 shall remain available until September 30, 2011: Provided further, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make that progress: Provided further, That the Secretary shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: Provided further, That funding made available under this heading shall maintain a level of not less than 33,400 detention beds through September 30, 2010: Provided further, That of the

total amount provided, not less than \$2,545,180,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: Provided further, That of the total amount provided, \$7,300,000 shall remain available until September 30, 2011, for the Visa Security Program: Provided further, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: Provided further, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than "adequate" or the equivalent median score in any subsequent performance evaluation system: Provided further, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: Provided further, That none of the funds provided under this heading may be obligated to collocate field offices of U.S. Immigration and Customs Enforcement until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a plan for the nationwide implementation of the Alternatives to Detention Program that identifies: (1) the funds required for nationwide program implementation; (2) the timeframe for achieving nationwide program implementation; and (3) an estimate of the number of individuals who could be enrolled in a nationwide program.

#### AUTOMATION MODERNIZATION (INCLUDING TRANSFER OF FUNDS)

For expenses of immigration and customs enforcement automated systems, \$90,000,000, to remain available until expended: Provided, That of the funds made available under this heading, \$10,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan prepared by the Secretary of Homeland Security: Provided further, That of the total amount provided under this heading, up to \$10,000,000 may be transferred to U.S. Immigration and Customs Enforcement "Salaries and Expenses" account for data center migration.

#### CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$4,818,000, to remain available until expended: Provided, That none of the funds made available in this Act may be used to solicit or consider any request to privatize facilities currently owned by the United States Government and used to detain aliens unlawfully present in the United States until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for carrying out that privatization.

#### TRANSPORTATION SECURITY ADMINISTRATION AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$5,214,040,000, to remain available until September 30, 2011, of which not to exceed

\$10,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed \$4,358,076,000 shall be for screening operations, of which \$1,116,406,000 shall be available for explosives detection systems; and not to exceed \$855,964,000 shall be for aviation security direction and enforcement: Provided further, That of the amount made available in the preceding proviso for explosives detection systems, \$778,300,000 shall be available for the purchase and installation of these systems, of which not less than 28 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: Provided further, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: Provided further, That of the total amount provided, \$1,250,000 shall be made available for Safe Skies Alliance to develop and enhance research and training capabilities for Transportation Security Officer improvised explosive recognition training: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$3,114,040,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2011: Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

#### SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, \$110,516,000, to remain available until September 30, 2011.

#### TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, \$171,999,000, to remain available until September 30, 2011.

#### TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$1,001,780,000, to remain available until September 30, 2011: Provided, That of the funds appropriated under this heading, \$20,000,000 may not be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, and for checkpoint support

and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2010: Provided further, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

#### FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, \$860,111,000.

#### COAST GUARD OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than \$700,000) and repairs and service-life replacements, not to exceed a total of \$26,000,000; minor shore construction projects not exceeding \$1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$6,805,391,000, of which \$581,503,000 shall be for defense-related activities, of which \$241,503,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed \$20,000 shall be for official reception and representation expenses; and of which \$3,600,000 shall be available until expended for the cost of repairing, rehabilitating, altering, modifying, and making improvements, including customized tenant improvements, to any replacement or expanded Operations Systems Center facility: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Coast Guard shall comply with the requirements of section 527 of Public Law 108-136 with respect to the Coast Guard Academy: Provided further, That of the funds provided under this heading, \$50,000,000 shall be withheld from obligation for Headquarters Directorates until: (1) the fiscal year 2010 second quarter acquisition report required by Public Law 108-7 and the fiscal year 2008 joint explanatory statement accompanying Public Law 110-161; (2) the Revised Deepwater Implementation Plan; and (3) the future-years capital investment plan for fiscal years 2011-2015 are received by the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That funds made available under this heading for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

#### ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, \$13,198,000, to remain available until expended.

#### RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and

maintenance of the reserve program; personnel and training costs; and equipment and services; \$133,632,000.

#### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; \$1,537,080,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$121,000,000 shall be available until September 30, 2014, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which \$129,500,000 shall be available until September 30, 2012, for other equipment; of which \$27,100,000 shall be available until September 30, 2012, for shore facilities and aids to navigation facilities, including not less than \$300,000 for the Coast Guard Academy Pier and not less than \$16,800,000 for Coast Guard Station Cleveland Harbor; of which \$105,200,000 shall be available for personnel compensation and benefits and related costs; and of which \$1,154,280,000 shall be available until September 30, 2014, for the Integrated Deepwater Systems program: Provided, That of the funds made available for the Integrated Deepwater Systems program, \$269,000,000 is for aircraft and \$730,680,000 is for surface ships: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2011 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Integrated Deepwater Systems program assets to pre-Deepwater legacy assets; a status report of such legacy assets; a detailed explanation of how the costs of such legacy assets are being accounted for within the Integrated Deepwater Systems program; and the earned value management system gold card data for each Integrated Deepwater Systems program asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the fiscal year 2011 budget request, a comprehensive review of the Revised Deepwater Implementation Plan, and every 5 years thereafter, that includes a complete projection of the acquisition costs and schedule for the duration of the plan: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

- (1) the proposed appropriation included in that budget;
- (2) the total estimated cost of completion;
- (3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;
- (4) an estimated completion date at the projected funding levels; and
- (5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in

the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That subsections (a) and (b) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) shall apply to fiscal year 2010.

#### ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), \$4,000,000, to remain available until expended: Provided, That of the amounts made available under this heading, \$4,000,000 shall be for the Fort Madison Bridge in Fort Madison, Iowa.

#### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$24,745,000, to remain available until expended, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

#### RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,361,245,000, to remain available until expended.

#### UNITED STATES SECRET SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including: purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions;

\$1,478,669,000, of which not to exceed \$25,000 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeiting investigations; of which \$2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which \$6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: Provided, That up to \$18,000,000 for protective travel shall remain available until September 30, 2011: Provided further, That up to \$1,000,000 for National Special Security Events shall remain available until expended: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided further, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis: Provided further, That of the total amount made available under this heading, \$33,960,000, to remain available until expended, is for information technology modernization: Provided further, That none of the funds made available in the preceding proviso shall be obligated to purchase or install information technology equipment until the Chief Information Officer of the Department of Homeland Security submits a report to the Committees on Appropriations of the Senate and the House of Representatives certifying that all plans for such modernization are consistent with Department of Homeland Security data center migration and enterprise architecture requirements: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, \$3,975,000, to remain available until expended.

#### TITLE III

#### PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

##### NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

##### MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, \$44,577,000: Provided, That not to exceed \$5,000 shall be for official reception and representation expenses.



## INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$899,416,000, of which \$760,155,000 shall remain available until September 30, 2011: Provided, That of the amount made available under this heading, \$161,815,000 may not be obligated for the National Cyber Security Division program and \$12,500,000 may not be obligated for the Next Generation Networks program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for each of these programs that describes the strategic context of the program, the specific goals and milestones set for the program, and the funds allocated to achieving each of those goals and milestones: Provided further, That of the total amount provided, no less than: \$20,000,000 is for the National Infrastructure Simulation and Analysis Center; \$1,000,000 is for Philadelphia infrastructure monitoring; \$3,500,000 is for State and local cyber security training; \$3,000,000 is for the Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory; \$3,500,000 is for the Cyber Security Test Bed and Evaluation Center; \$3,000,000 is for the Multi-State Information Sharing and Analysis Center; \$500,000 is for the Virginia Operational Integration Cyber Center of Excellence; \$100,000 is for the Upstate New York Cyber Initiative; and \$1,000,000 is for interoperable communications, technical assistance, and outreach programs.

## FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2009, that the operations of the Federal Protective Service will be fully funded in fiscal year 2010 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as "in-service field staff").

## UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), \$373,762,000, to remain available until expended: Provided, That of the total amount made available under this heading, \$75,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security, not later than 90 days after the date of enactment of this Act that meets the statutory conditions specified under this heading in Public Law 110-329: Provided further, That not less than \$28,000,000 of unobligated balances of prior year appropriations shall remain available and

be obligated solely for implementation of a biometric air exit capability.

## OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, \$139,250,000, of which \$30,411,000 is for salaries and expenses: Provided, That \$108,839,000 shall remain available until September 30, 2011, for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities, including \$5,000,000 for the North Carolina Collaboratory for Bio-Preparedness, University of North Carolina, Chapel Hill: Provided further, That not to exceed \$3,000 shall be for official reception and representation expenses.

## FEDERAL EMERGENCY MANAGEMENT AGENCY MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, \$797,650,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394): Provided, That not to exceed \$3,000 shall be for official reception and representation expenses: Provided further, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: Provided further, That of the total amount made available under this heading, not to exceed \$36,300,000 shall remain available until September 30, 2011, for capital improvements at the Mount Weather Emergency Operations Center: Provided further, That of the total amount made available under this heading, \$32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed \$1,600,000 may be made available for administrative costs; and \$6,995,000 shall be for the Office of National Capital Region Coordination: Provided further, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107-296, the Homeland Security Act of 2002.

## STATE AND LOCAL PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, \$3,015,200,000 shall be allocated as follows:

(1) \$950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): Provided, That of the amount provided by this paragraph, \$60,000,000 shall be for Operation Stonegarden: Provided further, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2010, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) \$887,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Home-

land Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, \$19,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) \$35,000,000 shall be for Regional Catastrophic Preparedness Grants.

(4) \$41,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(5) \$13,000,000 shall be for the Citizen Corps Program.

(6) \$300,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance, under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135 and 1163), of which not less than \$20,000,000 shall be for Amtrak security: Provided, That such public transportation security assistance shall be provided directly to public transportation agencies.

(7) \$300,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107, notwithstanding 46 U.S.C. 70107(c).

(8) \$12,000,000 shall be for Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1182).

(9) \$50,000,000 shall be for Buffer Zone Protection Program Grants.

(10) \$50,000,000 shall be for the Driver's License Security Grants Program in accordance with section 204 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

(11) \$50,000,000 shall be for the Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(12) \$60,000,000 shall be for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) to remain available until expended, of which no less than the amount specified for each Emergency Operations Center shall be provided as follows: \$500,000, Benton County Emergency Management Commission, Iowa; \$100,000, Brazoria County Emergency Management, Texas; \$800,000, Butte-Silver Bow, Montana; \$338,000, Calvert County Department of Public Safety, Maryland; \$425,000, City of Alamosa Fire Department, Colorado; \$600,000, City of Ames, Iowa; \$250,000, City of Boerne, Texas; \$500,000, City of Brawley, California; \$300,000, City of Brigantine, New Jersey; \$350,000, City of Brookings, Oregon; \$1,000,000, City of Chicago, Illinois; \$1,000,000, City of Commerce, California; \$300,000, City of Cupertino, California; \$1,000,000, City of Detroit, Michigan; \$750,000, City of Elk Grove, California; \$400,000, City of Green Cove Springs, Florida; \$600,000, City of Greenville, North Carolina; \$300,000, City of Hackensack, New Jersey; \$800,000, City of Hartford, Connecticut; \$250,000, City of Hopewell, Virginia; \$254,500, City of La Habra, California; \$600,000, City of Las Vegas, Nevada; \$750,000, City of Lauderdale Lakes, Florida; \$750,000, City of Minneapolis, Minnesota; \$375,000, City of Monterey Park, California; \$400,000, City of Moreno Valley, California; \$1,000,000, City of Mount Vernon, New York; \$1,000,000, City of Newark, New Jersey; \$900,000, City of North Little Rock, Arkansas; \$350,000, City of Palm Coast, Florida; \$750,000, City of Port Gibson, Mississippi; \$500,000, City of Scottsdale, Arizona; \$750,000, City of Sunrise, Florida; \$500,000, City of Tavares, Florida; \$400,000, City of Torrington, Connecticut; \$900,000, City of

Whitefish, Montana; \$500,000, City of Whittier, California; \$500,000, City of Wichita, Kansas; \$500,000, Columbia County, Oregon; \$500,000, County of Union, New Jersey; \$400,000, Dorchester County, South Carolina; \$200,000, Fulton County (Atlanta) Emergency Management Agency, Georgia; \$250,000, Howell County Emergency Preparedness, Missouri; \$500,000, Jackson County Sheriff's Office, Missouri; \$750,000, Johnson County, Texas; \$500,000, Kentucky Emergency Management, Kentucky; \$800,000, Lake County, Florida; \$600,000, Lea County, New Mexico; \$1,000,000, Lincoln County, Washington; \$250,000, Lycoming County, Pennsylvania; \$250,000, Macomb County Emergency Management and Communications, Michigan; \$300,000, Mercer County Emergency Management Agency, Kentucky; \$1,000,000, Middle Rio Grande Development Council, Texas; \$250,000, Minooka Fire Protection District, Illinois; \$800,000, Mobile County Commission, Alabama; \$200,000, Monroe County, Florida; \$1,000,000, Morris County, New Jersey Office of Emergency Management, New Jersey; \$750,000, New Orleans Emergency Medical Services, Louisiana; \$1,000,000, North Carolina Office of Emergency Management, North Carolina; \$500,000, North Hudson Regional Fire and Rescue, New Jersey; \$980,000, North Louisiana Regional, Lincoln Parish, Louisiana; \$1,500,000, Ohio Emergency Management Agency, Columbus, Ohio; \$250,000, Passaic County Prosecutor's Office, New Jersey; \$980,000, City of Providence, Rhode Island; \$800,000, San Francisco Department of Emergency Management, California; \$300,000, Sarasota County, Florida; \$650,000, Scotland County, North Carolina; \$500,000, Somerset County, Maine; \$1,500,000, State of Maryland, Maryland; \$158,000, City of Maitland, Florida; \$500,000, Tohono O'odham Nation; \$75,000, Towamencin Township, Pennsylvania; \$275,000, Town of Harrison, New York; \$500,000, Town of Shorter, Alabama; \$750,000, Township of Irvington, New Jersey; \$500,000, Township of Old Bridge, New Jersey; \$247,000, Township of South Orange Village, South Orange, New Jersey; \$500,000, Upper Darby Township Police Department, Pennsylvania; \$165,000, Village of Elmsford, New York; \$350,000, Washington Parish Government, Louisiana; \$900,000, Westmoreland County Department of Public Safety, Pennsylvania; \$1,000,000, Williamsburg County, South Carolina; and \$20,000, Winston County Commission, Alabama.

(13) \$267,200,000 shall be for training, exercises, technical assistance, and other programs, of which—

(A) \$164,500,000 shall be for the National Domestic Preparedness Consortium in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which \$62,500,000 shall be for the Center for Domestic Preparedness; \$23,000,000 shall be for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; \$23,000,000 shall be for the National Center for Biomedical Research and Training, Louisiana State University; \$23,000,000 shall be for the National Emergency Response and Rescue Training Center, Texas A&M University; \$23,000,000 shall be for the National Exercise, Test, and Training Center, Nevada Test Site; \$5,000,000 shall be for the Natural Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; \$5,000,000 shall be for surface transportation emergency preparedness and response training to be awarded under full and open competition;

(B) \$1,700,000 shall be for the Center for Counterterrorism and Cyber Crime, Norwich University, Northfield, Vermont; and

(C) \$3,000,000 shall be for the Rural Domestic Preparedness Consortium, Eastern Kentucky University;

Provided, That 4 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency "Management and Administration" account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act: Provided further, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: Provided further, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: Provided further, That for grants under paragraphs (6) through (11), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: Provided further, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: Provided further, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: Provided further, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, and (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers.

#### FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$810,000,000, of which \$390,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$420,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2011: Provided, That not to exceed 5 percent of the amount available under this heading shall be available for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

#### EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C.

App.), \$340,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

#### RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2010, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2010, and remain available until expended.

#### UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), \$45,588,000.

#### DISASTER RELIEF

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,600,000,000, to remain available until expended: Provided, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: Provided further, That the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: Provided further, That of the total amount provided, \$16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: Provided further, That \$105,600,000 shall be transferred to Federal Emergency Management Agency "Management and Administration" for management and administration functions: Provided further, That the amount provided in the previous proviso shall not be available for transfer to "Management and Administration" until the Federal Emergency Management Agency submits an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Federal Emergency Management Agency shall submit the monthly "Disaster Relief" report, as specified in Public Law 110-161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: Provided further, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the



Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

- (1) the detailed information required in supporting documentation for reimbursements; and
- (2) the necessity for timeliness of agency billings.

#### DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), \$295,000 is for the cost of direct loans: Provided, That gross obligations for the principal amount of direct loans shall not exceed \$25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

#### FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$220,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

#### NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), \$146,000,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), which is available as follows: (1) not to exceed \$38,680,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than \$107,320,000 for flood plain management and flood mapping, which shall remain available until September 30, 2011: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: Provided further, That in fiscal year 2010, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) \$85,000,000 for operating expenses; (2) \$969,370,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) \$120,000,000, which shall remain available until expended for flood mitigation actions, of which \$70,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a), of which \$10,000,000 is for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which \$40,000,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): Provided further, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i), and 4104d(b)(2)–(3): Provided further, That total administrative costs

shall not exceed 4 percent of the total appropriation.

#### NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), \$100,000,000, to remain available until expended and to be obligated as detailed in the joint explanatory statement accompanying this Act: Provided, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

#### EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$200,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

#### TITLE IV

#### RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

#### UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, \$224,000,000, of which \$50,000,000 is for processing applications for asylum or refugee status; of which \$5,000,000 is for the processing of military naturalization applications; and of which \$137,000,000 is for the basic pilot program (E-Verify Program), as authorized by section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: Provided, That of the amounts made available for the basic pilot program (E-Verify Program), \$30,000,000 shall remain available until September 30, 2011: Provided further, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: Provided further, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment: Provided further, That none of the funds made available under this heading may be obligated for processing applications for asylum or refugee status unless the Secretary of Homeland Security has published a final rule updating part 103 of title 8, Code of Federal Regulations, to discontinue the asylum/refugee surcharge: Provided further, That none of the funds made available under this heading may be obligated for development of the "REAL ID hub" until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure for that program that describes the strategic context of the program, the specific goals and milestones set for the program, and the funds allocated for achieving each of these goals and milestones: Provided further, That none of the funds made available in this Act for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

#### FEDERAL LAW ENFORCEMENT TRAINING CENTER SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student

athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$239,356,000, of which up to \$47,751,000 shall remain available until September 30, 2011, for materials and support costs of Federal law enforcement basic training; of which \$300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed \$12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 110–329 (122 Stat. 3677), is further amended by striking "December 31, 2011" and inserting "December 31, 2012": Provided further, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors: Provided further, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year.

#### ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$43,456,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

#### SCIENCE AND TECHNOLOGY MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$143,200,000: Provided, That not to exceed \$10,000 shall be for official reception and representation expenses.

#### RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); \$863,271,000, of which \$713,083,000, to remain available until September 30, 2012; and of which \$150,188,000, to remain available until September 30, 2014, solely for Laboratory Facilities: Provided, That not less than \$20,865,000 shall be available for the

Southeast Region Research Initiative at the Oak Ridge National Laboratory: Provided further, That not less than \$3,000,000 shall be available for Distributed Environment for Critical Infrastructure Decisionmaking Exercises: Provided further, That not less than \$12,000,000 shall be for construction expenses of the Pacific Northwest National Laboratory: Provided further, That not less than \$2,000,000 shall be for the Cincinnati Urban Area partnership established through the Regional Technology Integration Initiative: Provided further, That not less than \$10,000,000 shall be available for the National Institute for Hometown Security, Kentucky: Provided further, That not less than \$2,000,000 shall be available for the Naval Postgraduate School: Provided further, That not less than \$1,000,000 shall be available to continue a homeland security research, development, and manufacturing pilot project: Provided further, That not less than \$500,000 shall be available for a demonstration project to develop situational awareness and decision support capabilities through remote sensing technologies: Provided further, That not less than \$4,000,000 shall be available for a pilot program to develop a replicable port security system that would improve maritime domain awareness: Provided further, That \$32,000,000 shall be for the National Bio- and Agro-defense Facility, of which up to \$2,000,000 may be obligated for the National Academy of Sciences to complete the Letter Report required in section 560 (b) of this Act.

#### DOMESTIC NUCLEAR DETECTION OFFICE MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) as amended, for management and administration of programs and activities, \$38,500,000: Provided, That not to exceed \$3,000 shall be for official reception and representation expenses.

#### RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, \$324,537,000, to remain available until September 30, 2012.

#### SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, \$20,000,000, to remain available until September 30, 2012: Provided, That none of the funds appropriated under this heading in this Act or any other Act shall be obligated for full-scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved by such obligation: Provided further, That the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: Provided further, That the Secretary shall continue to consult with the National Academy of Sciences before making such certifications: Provided further, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

#### TITLE V GENERAL PROVISIONS

##### (INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for ob-

ligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2010 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the

safety of human life or the protection of property.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103-356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2010: Provided, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2010 budget: Provided further, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: Provided further, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: Provided further, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: Provided further, That such fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: Provided further, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations for salaries and expenses for fiscal year 2010 in this Act shall remain available through September 30, 2011, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, grant award, contract award, Other Transaction Agreement, a task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: Provided, That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: Provided further, That no notification shall involve funds that are not available for obligation: Provided further, That the notification shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn: Provided further, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under "State and Local Programs".

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 519, 520, 522, 528, 530, and 531 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110-161; 121 Stat. 2072, 2073, 2074, 2082) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 514. (a) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter until the requirement of section 44901(g)(2)(B) of title 49 is met.

(b) Not later than 45 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet the requirement of section 44901(g)(2)(B) of title 49, United States Code.

(c) Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report on how the Transportation Security Administration plans to meet the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code. The report shall identify the elements of the system to screen 100 percent of cargo transported between domestic airports at a level of security commensurate with the level of security for the screening of passenger checked baggage.

SEC. 515. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate

and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security", "Administration" and "Transportation Security Support" for fiscal years 2004, 2005, 2006, 2007, and 2008 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: Provided, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 517. Any funds appropriated to Coast Guard "Acquisition, Construction, and Improvements" for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110-123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC-B) program.

SEC. 518. (a) None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any portion of a human resources management system authorized by section 9701(a) of title 5, United States Code, or by regulations prescribed pursuant to such section, for an employee, as that term is defined in section 7103(a)(2) of such title.

(b) The Secretary of Homeland Security shall collaborate with employee representatives in the manner prescribed in section 9701(e) of title 5, United States Code, in the planning, testing, and development of any portion of a human resources management system that is developed, tested, or deployed for persons excluded from the definition of employee as that term is defined in section 7103(a)(2) of such title.

SEC. 519. Section 532(a) of Public Law 109-295 (120 Stat. 1384) is amended by striking "2009" and inserting "2010".

SEC. 520. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 521. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract

in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: Provided, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: Provided further, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: Provided further, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 5, 2010.

SEC. 522. Except as provided in paragraphs (1) and (2) of this section, none of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official, or any successor position, for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies—

(1) The Secretary of Homeland Security may waive the application of this section provided that any field position appointed pursuant to this waiver shall not hold the title of Principal Federal Official, shall functionally report through the Federal Coordinating Officer appointed under section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143), and shall be subject to the provisions of subsection (c) of section 319 of title 6, United States Code. The Secretary may not delegate the authority to grant such a waiver.

(2) Not later than 10 business days after the date on which the Secretary of Homeland Security issues a waiver under this section, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, the Transportation and Infrastructure Committee of the House of Representatives, and the Homeland Security and Governmental Affairs Committee of the Senate explaining the circumstances necessitating the waiver, describing the specific role of any officials appointed pursuant to the waiver, and outlining measures taken to ensure compliance with subsection (c) of section 319 and subsections (c)(3) and (c)(4)(A) of section 313 of title 6, United States Code.

SEC. 523. None of the funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108-458 unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 524. Funds made available in this Act may be used to alter operations within the Civil

Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 525. None of the funds provided in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 526. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 527. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 528. None of the funds provided in this Act under the heading "Office of the Chief Information Officer" shall be used for data center development other than for Data Center One (National Center for Critical Information Processing and Storage) until the Chief Information Officer certifies that Data Center One is fully utilized as the Department's primary data storage center at the highest capacity throughout the fiscal year.

SEC. 529. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 530. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A-76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 531. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking "Until September 30, 2009" and inserting "Until September 30, 2010"; and

(2) in subsection (d)(1), by striking "September 30, 2009," and inserting "September 30, 2010."

SEC. 532. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 533. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program (E-Verify Program) under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 534. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not

to exceed a 90-day supply: Provided further, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 535. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Non-agricultural Services or Labor (H-2B) set out beginning on 70 Fed. Reg. 3984 (January 27, 2005).

SEC. 536. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under subsection (g)(4)(B) of title 31, United States Code (as added by Public Law 102-393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: Provided, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 537. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 538. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the basic pilot program (E-Verify Program) under section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.

SEC. 539. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency; and

(2) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 540. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that the National Bio- and Agro-defense Facility be located at a site other than Plum Island, New York, the Secretary shall have the Administrator of General Services sell through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such

terms and conditions as necessary to protect government interests and meet program requirements: Provided, That the gross proceeds of such sale shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology "Research, Development, Acquisition, and Operations" account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration which shall not exceed 1 percent of the sale price or \$5,000,000, whichever is greater: Provided further, That after the completion of construction and environmental remediation, the unexpended balances of funds appropriated for costs in the preceding proviso shall be available for transfer to the appropriate account for design and construction of a consolidated Department of Homeland Security Headquarters project, excluding daily operations and maintenance costs, notwithstanding section 503 of this Act, and the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to such transfer.

SEC. 541. The explanatory statement referenced in section 4 of Public Law 110-161 for "National Predisastrer Mitigation Fund" under Federal Emergency Management Agency is deemed to be amended—

(1) by striking "Dalton Fire District" and all that follows through "750,000" and inserting the following:

"Franklin Regional Council of Governments, MA .....	250,000
Town of Lanesborough, MA .....	175,000
University of Massachusetts, MA ...	175,000";

(2) by striking "Santee and";

(3) by striking "3,000,000" and inserting "1,500,000";

(4) by inserting after the item relating to Adjutant General's Office of Emergency Preparedness the following:

Town of Branchville, SC .....	1,500,000";
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and

(5) by striking "Public Works Department of the City of Santa Cruz, CA" and inserting "Monterey County Water Resources Agency, CA".

SEC. 542. Any official that is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 543. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking "September 30, 2009" and inserting "September 30, 2010".

SEC. 544. (a) Not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall consult with the Secretaries of Defense and Transportation and develop a concept of operations for unmanned aircraft systems in the United States national airspace system for the purposes of border and maritime security operations.

(b) The Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days after the date of enactment of this Act on any foreseeable challenges to complying with subsection (a).

SEC. 545. From unobligated amounts that are available to the Coast Guard for fiscal year 2008 or 2009 for "Acquisition, Construction, and Improvements" for shoreside facilities and aids to

navigation at Coast Guard Sector Buffalo, the Secretary of Homeland Security shall use such sums as may be necessary to make improvements to the land along the northern portion of Sector Buffalo to enhance public access to the Buffalo Lighthouse and the waterfront.

SEC. 546. For fiscal year 2010 and thereafter, the Secretary may provide to personnel appointed or assigned to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.).

SEC. 547. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking “at the end of the 11-year period beginning on the first day the pilot program is in effect.” and inserting “on September 30, 2012.”

SEC. 548. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking “for 15 years” and inserting “until September 30, 2012”.

SEC. 549. (a) In addition to collection of registration fees described in section 244(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(1)(B)), fees for fingerprinting services, biometric services, and other necessary services may be collected when administering the program described in section 244 of such Act.

(b) Subsection (a) shall be construed to apply for fiscal year 1998 and each fiscal year thereafter.

SEC. 550. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note) is amended by striking “three years after the date of enactment of this Act” and inserting “on October 4, 2010”.

SEC. 551. (a)(1) Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are amended by striking “basic pilot program” each place that term appears and inserting “E-Verify Program”.

(2) The heading of section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking “Basic Pilot” and inserting “E-Verify”.

(b) Section 404(h)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking “under a pilot program” and inserting “under this subtitle”.

SEC. 552. (a) None of the funds made available in this or any other Act may be used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purpose of detention, except as provided in subsection (c).

(c) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or

the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan described in subsection (d) is received.

(d) The President shall submit to Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of June 24, 2009. Such plan shall include, at a minimum, each of the following for each such individual:

(1) A determination of the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were so transferred.

(2) A determination of the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were transferred to such a facility.

(3) The costs associated with transferring the individual in question.

(4) The legal rationale and associated court demands for transfer.

(5) A plan for mitigation of any risks described in paragraphs (1), (2), and (7).

(6) A copy of a notification to the Governor of the State to which the individual will be transferred, to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia, or to any United States territories with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

(7) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer and the actions taken to mitigate such risk.

(e) None of the funds made available in this or any other Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to a freely associated State, unless the President submits to the Congress, in classified form, at least 15 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country or the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) None of the funds made available in this Act may be used to provide any immigration benefit (including a visa, admission into the United States or any of the United States territories, parole into the United States or any of the United States territories (other than parole for the purposes of prosecution and related de-

tention), or classification as a refugee or applicant for asylum) to any individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba.

(g) In this section, the term “freely associated States” means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

(h) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act.

SEC. 553. Section 44903(j)(2)(C) of title 49, United States Code, is amended by adding at the end the following new clause:

“(v) INCLUSION OF DETAINEES ON NO FLY LIST.—The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee held at the Naval Station, Guantanamo Bay, Cuba, unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies. For purposes of this clause, the term ‘detainee’ means an individual in the custody or under the physical control of the United States as a result of armed conflict.”

SEC. 554. For fiscal year 2010 and thereafter, the Secretary of Homeland Security may collect fees from any non-Federal participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by the Department of Homeland Security in advance of the conference, either directly or by contract, and those fees shall be credited to the appropriation or account from which the costs of the conference, seminar, exhibition, symposium, or similar meeting are paid and shall be available to pay the costs of the Department of Homeland Security with respect to the conference or to reimburse the Department for costs incurred with respect to the conference: Provided, That in the event the total amount of fees collected with respect to a conference exceeds the actual costs of the Department of Homeland Security with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives not later than January 5, 2011, providing the level of collections and a summary by agency of the purposes and levels of expenditures for the prior fiscal year, and shall report annually thereafter.

SEC. 555. For purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j) a rural area shall also include any area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

SEC. 556. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

SEC. 557. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 558. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 559. (a) Subject to subsection (b), none of the funds appropriated or otherwise made available by this Act may be available to operate the Loran-C signal after January 4, 2010.

(b) The limitation in subsection (a) shall take effect only if:

(1) the Commandant of the Coast Guard certifies that the termination of the operation of the Loran-C signal as of the date specified in subsection (a) will not adversely impact the safety of maritime navigation; and

(2) the Secretary of Homeland Security certifies that the Loran-C system infrastructure is not needed as a backup to the Global Positioning System or to meet any other Federal navigation requirement.

(c) If the certifications described in subsection (b) are made, the Coast Guard shall, commencing January 4, 2010, terminate the operation of the Loran-C signal and commence a phased decommissioning of the Loran-C system infrastructure.

(d) Not later than 30 days after such certifications pursuant to subsection (b), the Commandant shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

(e) If the certifications described in subsection (b) are made, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the Loran-C system, by directing the Administrator of General Services to sell such real and personal property, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard: Provided, That the proceeds, less the costs of sale incurred by the General Services Administration, shall be deposited as offsetting collections into the Coast Guard "Environmental Compliance and Restoration" account and, subject to appropriation, shall be available until expended for environmental compliance and restoration purposes associated with the Loran-C system, for the costs of securing and maintaining equipment that may be used as a backup to the Global Positioning System or to meet any other Federal navigation requirement, for the demolition of improvements on such real property, and for the costs associated with the sale of such real and personal property, including due diligence requirements, necessary environmental remediation, and reimbursement of expenses incurred by the General Services Administration: Provided further, That after the completion of such activities, the unexpended balances shall be available for any other environmental compliance and restoration activities of the Coast Guard.

SEC. 560. (a) None of the funds made available by this Act may be obligated for construction of the National Bio- and Agro-defense Facility on the United States mainland until 30 days after the later of:

(1) the date on which the Secretary of Homeland Security submits to the Committee on Appropriations of the Senate and the House of Representatives a site-specific bio-safety and bio-security mitigation risk assessment, which includes an integrated set of analyses using plume modeling and epidemiologic impact modeling, to determine the requirements necessary to ensure safe operation of the National Bio-

and Agro-defense Facility at the approved Manhattan, Kansas, site identified in the January 16, 2009, record of decision published in Federal Register Vol. 74, Number 11, and the results of the National Academy of Sciences' review of the risk assessment as described in paragraph (b): Provided, That the integrated set of analyses is to determine the extent of the dispersion of the foot-and-mouth virus following a potential laboratory spill, the potential spread of foot-and-mouth disease in the surrounding susceptible animal population, and its economic impact: Provided further, That the integrated set of analyses should also take into account specific local, State, and national risk mitigation strategies; or

(2) the date on which the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, submits to the Committees on Appropriations of the Senate and the House of Representatives a report that:

(A) describes the procedure that will be used to issue the permit to conduct foot-and-mouth disease live virus research under section 7524 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 113a note; Public Law 110-246); and

(B) includes plans to establish an emergency response plan with city, regional, and State officials in the event of an accidental release of foot-and-mouth disease or another hazardous pathogen.

(b) With regard to the integrated set of analyses included in the mitigation risk assessment required under paragraph (a)(1), the Secretary of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the mitigation risk assessment required by subsection (a)(1) of this section and to submit a Letter Report: Provided, That such contract shall be entered into within 90 days from the date of enactment of this Act, and the National Academy of Sciences shall complete its assessment and submit its Letter Report within four months after the date the Department of Homeland Security concludes the risk assessment.

SEC. 561. (a) **SHORT TITLE.**—This section may be cited as the "American Communities' Right to Public Information Act".

(b) **IN GENERAL.**—Section 70103(d) of title 46, United States Code, is amended to read as follows:

"(d) **NONDISCLOSURE OF INFORMATION.**—

"(1) **IN GENERAL.**—Information developed under this section or sections 70102, 70104, and 70108 is not required to be disclosed to the public, including—

"(A) facility security plans, vessel security plans, and port vulnerability assessments; and

"(B) other information related to security plans, procedures, or programs for vessels or facilities authorized under this section or sections 70102, 70104, and 70108.

"(2) **LIMITATIONS.**—Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security."

(c) **CONFORMING AMENDMENTS.**—

(1) Section 114(r) of title 49, United States Code, is amended by adding at the end thereof the following:

"(4) **LIMITATIONS.**—Nothing in this subsection, or any other provision of law, shall be construed to authorize the designation of infor-

mation as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security."

(2) Section 40119(b) of title 49, United States Code, is amended by adding at the end thereof the following:

"(3) Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security."

SEC. 562. Section 4 of the Act entitled "An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes" (commonly known as the Federal Switchblade Act) (15 U.S.C. 1244) is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; or" and

(3) by adding at the end the following:

"(5) a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife."

SEC. 563. (a) **APPLICABLE ANNUAL PERCENTAGE RATE OF INTEREST.**—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "(or in the case of a governmental entity located in such State, paid)" after "received, or reserved"; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking "nondepository institution operating in such State" and inserting "governmental entity located in such State or any person that is not a depository institution described in subparagraph (A) doing business in such State";

(B) by redesignating clause (ii) as clause (iii);

(C) in clause (i)—

(i) in subclause (III)—

(I) in item (aa), by adding "and" at the end;

(II) in item (bb), by striking "to facilitate" and all that follows through "2009"; and

(III) by striking item (cc); and

(ii) by adding after subclause (III) the following:

"(IV) the uniform accessibility of bonds and obligations issued under the American Recovery and Reinvestment Act of 2009;"; and

(D) by inserting after clause (i) the following:

"(ii) to facilitate interstate commerce through the issuance of bonds and obligations under any provision of State law, including bonds and obligations for the purpose of economic development, education, and improvements to infrastructure; and"

(b) **RULE OF CONSTRUCTION.**—Section 44(f)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(2)) is amended—



(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margins 2 ems to the right;

(2) by striking “No provision” and inserting the following:

“(A) IN GENERAL.—No provision”; and

(3) by adding at the end the following:

“(B) APPLICABILITY.—This subsection shall be construed to apply to any loan or discount made, or note, bill of exchange, financing transaction, or other evidence of debt, originated by an insured depository institution, a governmental entity located in such State, or a person that is not a depository institution described in subparagraph (A) doing business in such State.”.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

SEC. 564. (a) SHORT TITLE.—This section may be cited as the “OPEN FOIA Act of 2009”.

(b) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

“(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

“(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

“(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.”.

SEC. 565. (a) SHORT TITLE.—This section may be cited as the “Protected National Security Documents Act of 2009”.

(b) Notwithstanding any other provision of the law to the contrary, no protected document, as defined in subsection (c), shall be subject to disclosure under section 552 of title 5, United States Code or any proceeding under that section.

(c) DEFINITIONS.—In this section:

(1) PROTECTED DOCUMENT.—The term “protected document” means any record—

(A) for which the Secretary of Defense has issued a certification, as described in subsection (d), stating that disclosure of that record would endanger citizens of the United States, members of the United States Armed Forces, or employees of the United States Government deployed outside the United States; and

(B) that is a photograph that—

(i) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(ii) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States.

(2) PHOTOGRAPH.—The term “photograph” encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(d) CERTIFICATION.—

(1) IN GENERAL.—For any photograph described under subsection (c)(1), the Secretary of Defense shall issue a certification if the Secretary of Defense determines that disclosure of that photograph would endanger citizens of the United States, members of the United States Armed Forces, or employees of the United States Government deployed outside the United States.

(2) CERTIFICATION EXPIRATION.—A certification and a renewal of a certification issued pursuant to subsection (d)(3) shall expire 3 years after the date on which the certification

or renewal, is issued by the Secretary of Defense.

(3) CERTIFICATION RENEWAL.—The Secretary of Defense may issue—

(A) a renewal of a certification at any time; and

(B) more than 1 renewal of a certification.

(4) NOTICE TO CONGRESS.—The Secretary of Defense shall provide Congress a timely notice of the Secretary’s issuance of a certification and of a renewal of a certification.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the voluntary disclosure of a protected document.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to any protected document.

SEC. 566. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

SEC. 567. (A) IN GENERAL.—Any company that collects or retains personal information directly from individuals who participated in the Registered Traveler program shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled “Risk Management Guide for Information Technology Systems”; and

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled “Recommended Security Controls for Federal Information Systems and Organizations.”;

(3) any supplemental standards established by the Assistant Secretary, Transportation Security Administration (referred to in this section as the “Assistant Secretary”).

(b) CERTIFICATION.—The Assistant Secretary shall require any company through the sponsoring entity described in subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, written certification to the sponsoring entity that such procedures are consistent with the minimum standards established under paragraph (a)(1–3) with a description of the procedures used to comply with such standards.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary shall submit a report to Congress that—

(1) describes the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) provides the status of the certification by any company described in subsection (a) that such procedures are consistent with the minimum standards established by paragraph (a)(1–3).

SEC. 568. (a) SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM AND OTHER IMMIGRATION PROGRAMS.—

(1) EXTENSION.—Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) are amended by striking “September 30, 2009,” each place such term appears and inserting “September 30, 2012,”.

(2) STUDY AND PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and

the Committee on the Judiciary of the House of Representatives that includes—

(A) the results of a study conducted under the supervision of the Director to evaluate the Special Immigrant Nonminister Religious Worker Program to identify the risks of fraud and non-compliance by program participants; and

(B) a detailed plan that describes the actions to be taken by United States Citizenship and Immigration Services to improve the integrity of the program.

(3) PROGRESS REPORT.—Not later than 240 days after the submission of the report under paragraph (2), the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress made in implementing the plan described in clause (a)(2)(B) of this section.

(b) CONRAD STATE 30 J–1 VISA WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(c) RELIEF FOR SURVIVING SPOUSES.—

(1) IN GENERAL.—The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking “for at least 2 years at the time of the citizen’s death”.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) pending on or after the date of the enactment of this Act.

(B) TRANSITION CASES.—

(i) IN GENERAL.—Notwithstanding any other provision of law, an alien described in clause (ii) who seeks immediate relative status pursuant to the amendment made by paragraph (1) shall file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) not later than the date that is 2 years after the date of the enactment of this Act.

(ii) ALIENS DESCRIBED.—An alien is described in this clause if—

(I) the alien’s United States citizen spouse died before the date of the enactment of this Act;

(II) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse’s death; and

(III) the alien has not remarried.

(d) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—

(1) AMENDMENT.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

“(1) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—

“(1) IN GENERAL.—An alien described in paragraph (2) who resided in the United States at the time of the death of the qualifying relative and who continues to reside in the United States shall have such petition described in paragraph (2), or an application for adjustment of status to that of a person admitted for lawful permanent residence based upon the family relationship described in paragraph (2), and any related applications, adjudicated notwithstanding the death of the qualifying relative, unless the Secretary of Homeland Security determines, in the unreviewable discretion of the Secretary, that approval would not be in the public interest.

“(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who, immediately prior to the death of his or her qualifying relative, was—

“(A) the beneficiary of a pending or approved petition for classification as an immediate relative (as described in section 201(b)(2)(A)(i));

“(B) the beneficiary of a pending or approved petition for classification under section 203 (a) or (d);

“(C) a derivative beneficiary of a pending or approved petition for classification under section 203(b) (as described in section 203(d));

“(D) the beneficiary of a pending or approved refugee/asylee relative petition under section 207 or 208;

“(E) an alien admitted in ‘T’ nonimmigrant status as described in section 101(a)(15)(T)(ii) or in ‘U’ nonimmigrant status as described in section 101(a)(15)(U)(ii); or

“(F) an asylee (as described in section 208(b)(3)).”.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) may be construed to limit or waive any ground of removal, basis for denial of petition or application, or other criteria for adjudicating petitions or applications as otherwise provided under the immigration laws of the United States other than ineligibility based solely on the lack of a qualifying family relationship as specifically provided by such amendment.

(e) CONFORMING AMENDMENT TO AFFIDAVIT OF SUPPORT REQUIREMENT.—Section 213A(f)(5) of the Immigration and Nationality Act (8 U.S.C. 1183a(5)) is amended by striking clauses (i) and (ii) and inserting:

“(i) the individual petitioning under section 204 of this Act for the classification of such alien died after the approval of such petition, and the Secretary of Homeland Security has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate; or

“(ii) the alien’s petition is being adjudicated pursuant to section 204(l) (surviving relative consideration).”.

SEC. 569. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 570. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 571. (a) Funds made available by this Act solely for data center migration may be transferred by the Secretary between appropriations for the same purpose, notwithstanding section 503 of this Act.

(b) No transfer described in (a) shall occur until 15 days after the Committees on Appropriations of the Senate and the House and Representatives are notified of such transfer.

SEC. 572. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–157) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

SEC. 573. From unobligated balances for fiscal year 2009 made available for Federal Emergency Management Agency “Trucking Industry Security Grants”, \$5,572,000 are rescinded.

SEC. 574. From the unobligated balances of prior year appropriations made available for “Analysis and Operations”, \$2,358,000 are rescinded.

SEC. 575. From the unobligated balances of prior year appropriations made available for National Protection and Programs Directorate “Infrastructure Protection and Information Security”, \$8,000,000 are rescinded.

SEC. 576. From the unobligated balances of prior year appropriations made available for Science and Technology “Research, Development, Acquisition, and Operations”, \$6,944,148 are rescinded.

SEC. 577. From the unobligated balances of prior year appropriations made available for Domestic Nuclear Detection Office “Research, Development, and Operations”, \$8,000,000 are rescinded.

SEC. 578. From the unobligated balances of prior year appropriations made available for Transportation Security Administration “Research and Development”, \$4,000,000 are rescinded.

SEC. 579. From the unobligated balances of prior year appropriations made available for Coast Guard “Acquisition, Construction, and Improvements”, \$800,000 are rescinded: Provided, That these rescissions shall be taken from completed projects.

SEC. 580. Of the amounts available under the heading “Counterterrorism Fund”, \$5,600,000 are rescinded.

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2010”.

And the Senate agree to the same.

DAVID R. OBEY,  
DAVID E. PRICE,  
JOSÉ E. SERRANO,  
CIRO D. RODRIGUEZ,  
C.A. DUTCH  
RUPPERSBERGER,  
ALAN B. MOLLOHAN,  
NITA M. LOWEY,  
LUCILLE ROYBAL-ALLARD,  
SAM FARR,  
STEVEN R. ROTHMAN,

Managers on the Part of the House.

ROBERT C. BYRD,  
DANIEL K. INOUE,  
PATRICK J. LEAHY  
(with a reservation  
on the EB-5 agree-  
ment),  
BARBARA A. MIKULSKI,  
PATTY MURRAY,  
MARY L. LANDRIEU,  
FRANK R. LAUTENBERG,  
JON TESTER,  
ARLEN SPECTER,  
GEORGE V. VOINOVICH,  
THAD COCHRAN,  
JUDD GREGG,  
RICHARD C. SHELBY,  
SAM BROWNBACK,  
LISA MURKOWSKI,

Managers on the Part of the Senate.

#### JOINT EXPLANATORY STATEMENT

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2892), making appropriations for the Department of Homeland Security (DHS) for the fiscal year ending September 30, 2010, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

*Senate amendment:* The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

The language and allocations contained in House Report 111–157 and Senate Report 111–31 should be complied with unless specifically addressed to the contrary in the conference report and joint explanatory statement. While repeating some report language for emphasis, this joint explanatory statement does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the conference report or joint explanatory statement, the Committees have determined the House report and the Senate report are not inconsistent and are to be interpreted accordingly.

When this joint explanatory statement refers to the Committees or the Committees on Appropriations, unless otherwise noted, this reference is to the House Appropriations Subcommittee on Homeland Security and the Senate Appropriations Subcommittee on the Department of Homeland Security.

Any reference to the Secretary shall be interpreted to mean the Secretary of Homeland Security; any reference to a Departmental component shall be interpreted to mean directorates, components, agencies, offices, or other organizations in the Department of Homeland Security; any reference to “full-time equivalents” shall be referred to as FTE; and any reference to “program, project, and activity” shall be referred to as PPA.

Finally, this joint explanatory statement refers to certain laws and organizations as follows: Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53, is referenced as the 9/11 Act; Security And Accountability For Every Port Act of 2006, Public Law 109–347, is referenced as the SAFE Port Act; the American Recovery and Reinvestment Act of 2009, Public Law 111–5, is referenced as ARRA; the Department of Homeland Security is referenced as DHS; the Government Accountability Office is referenced as GAO; and the Office of Inspector General of the Department of Homeland Security is referenced as the IG.

#### Classified Programs

Recommended adjustments to classified programs are addressed in a classified annex accompanying this joint explanatory statement. The DHS Office of the Chief Financial Officer is directed to ensure the material contained in this annex is appropriately disseminated to the relevant Departmental components.

#### TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

##### Departmental Operations

The conference agreement provides a total of \$1,135,961,000 for Departmental Operations, 17 percent above the fiscal year 2009 enacted level (excluding ARRA funding) to address well documented shortfalls and challenges facing the Department’s management components. Significant increases above last year’s enacted level are provided to strengthen policy development and coordination, enhance procurement oversight, modernize financial and information technology systems, and accelerate the process of bringing qualified new staff on board. It is imperative that these resources be used effectively to manage the Department’s many missions. It is also critical that the Department end its overreliance on contractors and develop the government staff and expertise necessary to perform these services.

##### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The conference agreement provides \$147,818,000 for the Office of the Secretary



and Executive Management instead of \$117,727,000 as proposed by the House and \$149,268,000 as proposed by the Senate.

Reductions are made to the budget request due to delays in filling full-time permanent positions and high unexpended balances from previously appropriated funds within certain offices. Funding shall be allocated as follows:

Immediate Office of the Secretary .....	\$5,061,000
Immediate Office of the Deputy Secretary .....	1,810,000
Chief of Staff .....	2,595,000
Office of Counternarcotics Enforcement .....	3,612,000
Executive Secretary .....	7,800,000
Office of Policy .....	51,564,000
Office of Public Affairs .....	5,991,000
Office of Legislative Affairs .....	6,797,000
Office of Intergovernmental Affairs .....	2,800,000
Office of General Counsel ..	24,028,000
Office for Civil Rights and Civil Liberties .....	21,104,000
Citizenship and Immigration Services Ombudsman .....	6,685,000
Privacy Officer .....	7,971,000
<b>Total .....</b>	<b>\$147,818,000</b>

#### Travel Costs Consolidation

The conference agreement approves the shift of \$1,278,000 from other accounts to the Immediate Office of the Secretary and \$370,000 from other accounts to the Immediate Office of the Deputy Secretary to pay all costs associated with the DHS's use of government aircraft in support of the Secretary's and Deputy Secretary's travel, as proposed by the Senate. Previously, components paid a portion of the total government aircraft cost for personnel traveling in support of the Secretary or Deputy Secretary. This resulted in multiple interagency agreements and an unnecessary administrative burden. The intent of this consolidation is to provide a more efficient means of disbursing payment for these costs. The conference report includes language to ensure that components are no longer charged for these costs.

#### Immediate Office of the Deputy Secretary

The conference agreement provides \$1,810,000 for the Immediate Office of the Deputy Secretary as proposed by the Senate instead of \$1,440,000 as proposed by the House. The conferees expect the Deputy Secretary and Department to follow the direction outlined in the Senate report regarding coordination of efforts to secure chemical facilities and ensure prompt and effective after-accident safety investigations, including the reporting and briefing requirements.

#### Office of Counternarcotics Enforcement

The conference agreement provides \$3,612,000 for the Office of Counternarcotics Enforcement instead of \$3,712,000 as proposed by the House and \$3,718,000 as proposed by the Senate. The Office of Counternarcotics Enforcement is directed to submit a performance report on its activities to the Committees as outlined in the Senate report. The Secretary is directed to report by January 15, 2010, on whether it would be appropriate to shift the functions of this office into the Office of Policy or other Departmental office under this title.

#### Office of Policy

The conference agreement provides \$51,564,000 for the Office of Policy as proposed by both the House and Senate. The Office of Policy is directed to provide an expenditure

plan no later than 60 days after the date of enactment of this Act, as outlined in the Senate report. The conference report includes a statutory provision withholding \$15,000,000 until the expenditure plan is submitted. A total of \$5,000,000 is included for the integrated requirements process and the Intermodal Security Coordination Office. The conferees require a detailed explanation of how and for what purpose these funds are being allocated as part of the fiscal year 2010 expenditure plan. The conferees urge the Department to ensure this funding does not create parallel structures or needlessly duplicate existing efforts. Contractor support for both initiatives shall not exceed 25 percent.

#### Quadrennial Homeland Security Review

As mandated by section 2401 of the 9/11 Act, the Department is developing a Quadrennial Homeland Security Review (QHSR), including a budget plan required to carry out the findings of the review. The DHS budget should be derived from a strategic policy review that fully considers threat, risk, and mission requirements. Such a policy review should not be driven by outyear financial projections contained in the budget. Therefore, any budget projections included in the QHSR should be based on actual needs to sufficiently carry out the long-term strategy and priorities for homeland security.

#### Office of Intergovernmental Affairs

The conference agreement provides \$2,800,000 for the Office of Intergovernmental Affairs as proposed by the House instead of \$2,600,000 as proposed by the Senate. The name of this office has been modified as proposed by the Senate. This office has been moved from the Federal Emergency Management Agency as requested, and is assuming a new role. The Secretary is required to present a detailed organizational plan for the office as outlined in the House report.

#### Office of General Counsel

The conference agreement provides \$24,028,000 for the Office of General Counsel as proposed by the House and Senate. The conferees direct the Office of General Counsel to hire an additional attorney with expertise in appropriations law within the amount made available for this office, as proposed by the Senate.

#### Office for Civil Rights and Civil Liberties

The conference agreement provides \$21,104,000 for the Office for Civil Rights and Civil Liberties instead of \$22,104,000 as proposed by the House and Senate. A small reduction below the House and Senate levels is made as this office will likely lapse appropriated funds in fiscal year 2009. The conferees encourage the use of authority under section 505 of this Act making 50 percent of those balances available in fiscal year 2010. The conferees direct the office to submit an expenditure plan no later than 60 days after the date of enactment of this Act, as outlined in the Senate report.

#### Supporting Strategic Goals for Border Security

Since DHS was established, the Committees have consistently supported robust enforcement efforts along both the Southwest and Northern borders with substantial appropriations, consistently above annual budget requests, for each Departmental component responsible for carrying out aspects of DHS's border security and counter-smuggling missions. Targeted enhancements for fiscal year 2010 are identified under relevant sections of this statement. The conferees direct the Secretary to clearly identify re-

quested resources that support and align with the specific goals and objectives of the National Southwest Border Counternarcotics Strategy, released on June 5, 2009, and the U.S. Customs and Border Protection's Northern Border Strategy, released on August 27, 2009, in the fiscal year 2011 congressional budget justifications for U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, Coast Guard, Intelligence and Analysis, and any other relevant Departmental components.

#### User Fees

The conferees direct the Secretary to report on actual fiscal year 2009 user fee collections and updated projections for fiscal year 2010 fee collections across all relevant DHS components. In addition, the Secretary shall provide a contingency plan for making up any shortfall between expected collections and budgeted amounts, by DHS component, no later than 60 days after the date of enactment of this Act, and quarterly thereafter.

#### Budget Justifications

The conferees direct that the congressional budget justifications for the Office of the Secretary and Executive Management for fiscal year 2011 include the same level of detail as the table contained at the end of this statement, and follow the parameters outlined in the House report, as well as the broader direction outlined under the Office of the Chief Financial Officer. Structural alterations to the fiscal year 2011 budget request, including changes to the PPA account structure for fiscal year 2010 included in the table at the end of this statement should only be made with advance consultation with the Committees.

#### Working Capital Fund

The Department shall follow the direction outlined in the House report regarding the Working Capital Fund (WCF) in managing WCF funds and requesting resources for fiscal year 2011.

#### Reception and Representation Expenses

The conferees direct the Department to submit a report to the Committees no later than 30 days after the end of each quarter of the fiscal year detailing the obligation of all DHS reception and representation expenses by all components.

#### Greenhouse Gas Inventory

The conferees require the Secretary to follow the House direction regarding reporting on the Department's greenhouse gas emissions and mitigation efforts.

#### Quarterly Detailee Report

The conferees require the Department to continue the quarterly detailee report as outlined in the Senate report.

#### Federally Funded Research and Development Centers

The conferees direct the Secretary to report semi-annually on the current projects tasked to Federally Funded Research and Development Centers, as outlined in the Senate report.

#### Lost and Stolen Passports

The Secretary is directed to submit a semi-annual report on loss and theft of passports as outlined in the Senate report.

#### Border Tunnels

The Secretary is directed to submit semi-annual reports on border tunnel issues as outlined in the Senate report. The conferees further direct the Department to designate a coordinator for border tunnel issues as outlined in the Senate report.

OFFICE OF THE UNDER SECRETARY FOR  
MANAGEMENT

The conference agreement provides \$254,190,000 for the Office of the Under Secretary for Management instead of \$153,790,000 as proposed by the House and \$307,690,000 as proposed by the Senate. Funding shall be allocated as follows:

Immediate Office of the Under Secretary for Management .....	\$2,864,000
Office of Security .....	90,193,000
Office of the Chief Procurement Officer .....	68,538,000
Office of the Chief Human Capital Officer .....	42,604,000
Salaries and Expenses (from above subtotal) ..	[32,604,000]
Human Resources (from above subtotal) .....	[10,000,000]
Office of the Chief Administrative Officer .....	49,991,000
Salaries and Expenses (from above subtotal) ..	[44,491,000]
Nebraska Avenue Complex (NAC) (from above subtotal) .....	[5,500,000]
Total .....	\$254,190,000

## Office of Security

The conference agreement provides \$90,193,000 for the Office of Security instead of \$95,193,000 as proposed by the House and \$92,693,000 as proposed by the Senate. This amount includes \$20,000,000 for the Homeland Security Presidential Directive-12 Card Issuance Program. The Office of Security is directed to provide a report to the Committees on this program's progress and future needs as outlined in the House report.

## Office of the Chief Procurement Officer

The conference agreement provides \$68,538,000 for the Office of the Chief Procurement Officer (OCPO) instead of \$66,538,000 as proposed by the House and \$70,038,000 as proposed by the Senate. OCPO shall submit the report to the Committees on Departmental efforts to decrease the attrition rate of DHS acquisition personnel as outlined in the House report. Furthermore, the conferees direct OCPO to provide a breakdown on where interns and graduates of the acquisition internship are serving, as outlined in the House report, to the Committees no later than 60 days after the date of enactment of this Act and on an annual basis accompanying the budget request.

The conference agreement provides \$7,500,000 to create a new contracting component for classified programs. These resources are intended to fund 18 positions, the number identified by the Department as required to establish an initial operating capacity for this office.

The conference agreement provides \$8,000,000 to increase capacity in the acquisition program management division. The conferees recommend that the reduction from the Administration's request come from contractor support, as outlined in the House report.

The Secretary is directed to provide a status report on major acquisitions in excess of \$300,000,000 by February 15, 2010, as outlined in the Senate report, and quarterly thereafter.

## Office of the Chief Human Capital Officer

The conference agreement provides \$42,604,000 for the Office of the Chief Human Capital Officer (OCHCO) instead of \$43,604,000 as proposed by both the House and Senate. Of this amount, \$32,604,000 is for salaries and expenses and \$10,000,000 is for human resources.

The reduction below the House and Senate levels is made as this office will likely lapse appropriated funds in fiscal year 2009. The conferees encourage the use of authority under section 505 of this Act making 50 percent of those balances available in fiscal year 2010.

The OCHCO is directed to continue providing monthly reports to the Committees summarizing vacancy data at the Department, which should include: the number of new hires for each headquarters office in the previous month; the ratio of applications received to positions closed; reports from the Office of Security on progress made to reduce the security clearance backlog to include whether the 15-day standard for suitability reviews is being met; and an end-of-the-month hiring "snapshot" for each headquarters office. These snapshots should include: the number of new hires pending security or suitability clearance; the number of open vacancies; and the number of selection referral lists pending with management. The conferees note that these reports have not been provided with promptness or regularity and caution that without this information it becomes difficult to justify budget increases for this office.

The conferees direct the OCHCO to provide the report on its fiscal year 2009 performance against DHS metrics outlined in the Senate report no later than 60 days after the date of enactment of this Act.

## Office of the Chief Administrative Officer

The conference agreement provides \$49,991,000 for the Office of the Chief Administrative Officer, instead of \$60,491,000 as proposed by the House and \$98,491,000 as proposed by the Senate. Within the funding level for salaries and expenses is \$1,000,000 for logistics and procurement personnel from across the Department to receive training and education through LOGTECH and related programs, that have benefitted Coast Guard personnel, as proposed by the House. The Senate provided no additional funding for this activity.

## Headquarters Lease Consolidation Initiative

The conference agreement provides no funding for the consolidation of headquarters leases due to an inadequate justification and budget constraints. Currently DHS headquarters are located in over 40 fragmented locations in 105 lease arrangements. The conferees direct the Department to provide a more detailed plan and justification for its lease consolidation initiative, including projected cost savings, in conjunction with the fiscal year 2011 budget request.

## St. Elizabeths

The conferees direct the Department to continue periodic briefings on the St. Elizabeths headquarters consolidation project, including the Department's efforts to work with the local community and the National Capital Planning Commission to ensure issues such as parking and traffic management are properly addressed.

## OFFICE OF THE CHIEF FINANCIAL OFFICER

The conference agreement provides \$60,530,000 for the Office of the Chief Financial Officer (CFO) as proposed by the House instead of \$63,530,000 as proposed by the Senate. The conferees concur with the recommendation on FTE annualization and program increases outlined in the Senate report. An additional reduction below the request is made as this office will likely lapse appropriated funds in fiscal year 2009. The conferees encourage the use of authority under section 505 of this Act making 50 per-

cent of those balances available in fiscal year 2010. The conference report includes a statutory provision withholding \$5,000,000 until the CFO submits a financial management improvement plan that addresses the recommendations outlined in IG report OIG-09-72. The CFO is to brief the Committees on the outcomes of its independent program analyses as specified in the Senate report.

## Transformation and Systems Consolidation

The conference agreement provides \$17,800,000 for the Transformation and Systems Consolidation (TASC) project, as proposed by the House instead of \$19,200,000 as proposed by the Senate. The reduction of \$2,000,000 from the budget request is due to high unobligated balances that have resulted from program delays. The conferees direct the Department to report to the Committees within 60 days after the date of enactment of this Act, and every six months thereafter, on its efforts to consolidate their financial management systems, as outlined in the House report. These reports shall also include a detailed plan for the Department's migration to TASC, as outlined in the Senate report.

## Annual Appropriations Justifications

The CFO is directed to submit all of its fiscal year 2011 budget justifications (classified and unclassified) concurrently with the submission of the President's budget request and at the level of detail specified in the House and Senate reports. The conferees further direct the CFO to ensure that, in the fiscal year 2011 budget justification, the enacted FTE numbers included in the documents for fiscal year 2010 accurately reflect the FTE levels funded in this Act. Finally, the CFO shall not permit any DHS component to alter the PPAs in the fiscal year 2011 budget submission into any account structure other than that contained in the detailed funding table included at the end of this statement without advance consultation with the Committees.

## Impact of Changing Immigration Law for Guam and the Commonwealth of the Northern Mariana Islands

The conferees direct the Secretary to report to the Committees no later than January 15, 2010, on the changes in resources required for administering immigration and travel laws for Guam and the Commonwealth of the Northern Mariana Islands as outlined in the House report.

## Expenditure Plans

The conferees continue to require expenditure plans for specific DHS programs. These plans are intended to provide Congress with information that allows it to effectively oversee particular programs and hold the Department accountable for program results. Required expenditure plans shall include, at a minimum: a description of how the plan satisfies any relevant legislative conditions for the expenditure plan; planned program capabilities and benefits; cost and schedule commitments; measures of progress against commitments made in previous plans; how the program is being managed to provide reasonable assurance that the promised program capabilities, benefits, and cost and schedule commitments will be achieved; historical funding for the program, if applicable; and an obligation and outlay schedule.

## OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides \$338,393,000 for the Office of the Chief Information Officer (CIO) as proposed by the Senate instead of \$281,593,000 as proposed by the House. Funding shall be allocated as follows:

Salaries and Expenses .....	\$86,912,000
Information Technology .....	
Services .....	51,417,000
Security Activities .....	152,403,000
Homeland Secure Data .....	
Network .....	47,661,000
Total .....	\$338,393,000

#### Data Center Development

The conference agreement provides not less than \$82,788,000 within Security Activities for data center development as proposed by the Senate instead of \$20,000,000 as proposed by the House. This includes \$58,800,000 for data center development and operations and maintenance as requested in the budget, of which not less than \$38,540,145 is for power capabilities upgrades at Data Center One in the amounts and for the purposes specifically listed in the Senate report. The CIO shall provide a briefing to the Committees no later than February 15, 2010, and quarterly thereafter, on the progress of data center development and migration.

#### Data Center Migration

In addition to the requested increase provided to this office for data center development and operations and maintenance, the conference agreement provides \$91,200,000 specifically to various Departmental components for data center migration, for a total of \$150,000,000. The conferees are aware that component data center migration schedules may shift during the course of the fiscal year based on changing circumstances and priorities. As a result, the conference report includes a general provision allowing the Secretary to transfer funds made available for data center migration, if necessary, among components based on revised schedules and priorities with 15 days prior notice to the Committees. The CIO is also directed to include information on revised schedules in the quarterly briefings.

#### Departmental Priorities for Information Technology

The conferees recognize the difficulties faced by the CIO in integrating the information technology (IT) priorities and requirements across the Department. The Committees are often faced with weighing requests for resources for disparate IT requirements with limited visibility into the priorities within the DHS component IT requests or how those component requests are prioritized within the Department's overall IT plans. In order for the Committees to properly evaluate IT requests, it is essential that the CIO provide a clear accounting of IT activities and priority resource needs by Departmental component and for each fiscal year. The conferees direct the CIO to brief the Committees within 45 days after the date of enactment of this Act on the prioritized list of the Department's most pressing IT needs across all components, including but not limited to OneNet, United States Citizenship and Immigration Services business transformation, data center migration, the Transportation Security Administration's vetting and credentialing modernization, the Homeland Security Information Network, and TECS modernization. Quarterly briefings should be provided thereafter.

#### Federal Information Security Management Act

The conferees direct the CIO to brief the Committees, along with the appropriate DHS component CIOs, on the plan to improve Federal Information Security Management Act scores as outlined in the Senate report.

#### ANALYSIS AND OPERATIONS

The conference agreement provides \$335,030,000 for Analysis and Operations in-

stead of \$345,556,000 as proposed by the House and \$347,845,000 as proposed by the Senate.

#### Reports to Congress

As detailed in both the House and Senate reports, the Department has been exceptionally late submitting reports required by the Committees to oversee the expenditure of Intelligence and Analysis funds and to evaluate the progress made in establishing the State and Local Fusion Center (SLFC) program. These delays not only create an unacceptable lack of visibility into DHS's intelligence programs, but also disregard Congress' explicit direction to provide timely information. Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a fiscal year 2010 expenditure plan for the Office of Intelligence and Analysis as outlined in the Senate report, including balances carried forward from prior years. In addition, the Secretary shall continue to submit quarterly reports on the SLFC Program not later than 30 days after the end of each quarter of the fiscal year, as discussed in the Senate and House reports.

#### National Applications Office and National Immigration Information Sharing Operation

The conference agreement provides no funding for the National Applications Office since this program was recently terminated by the Department. The conferees understand that activities currently carried out by the Department of the Interior Civil Applications Committee will be unaffected by this action.

The Department continues to develop the National Immigration and Information Sharing Operation (NIISO) program, but has substantially altered its scope to be more limited than past proposals. In addition, the Department is currently working with partner agencies to ensure that NIISO operates consistent with all existing laws and regulations. As a result, the conference agreement provides less than requested in the budget for the NIISO program since it seems unlikely operations will commence at the start of the fiscal year. In addition, the conference agreement includes a statutory provision that prohibits funding in this or any other Act from being obligated to commence NIISO operations until the Secretary certifies that NIISO complies with all existing laws, including applicable privacy and civil liberties standards, the GAO has reviewed such certification, and a notification pursuant to section 503 of this Act is submitted to the Committees.

#### Classified Programs

Recommended adjustments to classified programs are addressed in a separate classified annex.

#### OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

The conference agreement provides \$2,000,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding (OFCGCR) as proposed by both the House and the Senate. The office is directed to provide an expenditure plan for fiscal year 2010 no later than 60 days after the date of enactment of this Act, as specified in the Senate report. The conferees encourage OFCGCR to consolidate federal data on Gulf Coast recovery funding and measure impacts on key recovery indicators including repopulation, economic and job growth, reestablishment of local and State tax revenues, restoration of housing stock, and availability of critical services including health care, education, criminal justice, and fire protection. OFCGCR shall work with all appropriate stakeholders to identify and pur-

sue a path forward to bring New Orleans Charity Hospital back on-line.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$113,874,000 for the Office of Inspector General (IG) instead of \$111,874,000 as proposed by the House and \$115,874,000 as proposed by the Senate. Included within this amount are additional resources necessary to conduct U.S. Customs and Border Protection revenue oversight.

In addition to this direct appropriation, \$16,000,000 shall be transferred from the Federal Emergency Management Agency's (FEMA) Disaster Relief Fund (DRF) to the IG to continue and expand audits and investigations related to disasters. The IG is required to notify the Committees no later than 15 days prior to all transfers from the DRF.

#### FEMA Hiring Practices

As part of the request for FEMA's Management and Administration account, \$35,000,000 is to resolve employee pay shortfalls resulting from inadequate hiring and budgeting guidelines and controls at FEMA. The conferees direct the IG to investigate the hiring practices of FEMA as it pertains to this issue and to report to the Committees within 90 days after the date of enactment of this Act. As part of the investigation, the IG shall evaluate whether or not the budget request of \$35,000,000 is sufficient to rectify FEMA's structural pay deficiencies.

#### Audit Reports

The conferees direct the IG to withhold the release of any final audit or investigation reports requested by the Committees from public distribution for a period of 15 days.

#### TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

##### U.S. CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES

The conference agreement provides \$8,064,713,000 for U.S. Customs and Border Protection (CBP) Salaries and Expenses instead of \$7,615,797,000 as proposed by the House and \$8,075,649,000 as proposed by the Senate. Of this amount, \$1,418,263,000 is for Headquarters, Management, and Administration, including \$402,263,000 for rent in a separate PPA line; \$950,000 within the amounts appropriated for nine additional positions for oversight of Office of Information and Technology programs; and an additional \$500,000 for four new positions for conduct and integrity oversight as specified in the Senate report.

A total of \$2,749,784,000 is included for Border Security Inspections and Trade Facilitation, instead of \$2,732,759,000 as proposed by the House and \$2,770,048,000 as proposed by the Senate. Included in this amount is an additional \$7,025,000 for 50 additional CBP Officers and 10 support positions to enhance Southwest border outbound operations and an additional \$10,000,000 for procurement of non-intrusive inspection (NII) equipment, to be awarded under full and open competition.

Also included is \$3,587,037,000 for Border Security and Control Between Ports of Entry, instead of \$3,591,559,000 as proposed by the House and \$3,576,759,000 as proposed by the Senate. Within this amount is an additional \$19,478,000 for 100 additional Border Patrol agents and 23 associated support personnel; an additional \$10,000,000 for NII equipment to be awarded under full and open competition; and not more than \$800,000 for procurement of portable solar charging rechargeable battery systems, to be awarded under full and open competition.

In addition, \$309,629,000 is included for Air and Marine Operations, as proposed by both the House and Senate.

Finally, the conference report makes \$1,700,000 available until September 30, 2011, for the Global Advanced Passenger Information/Passenger Name Record Program.

The following table specifies funding by budget program, project, and activity:

Headquarters, Management, and Administration:	
Management and Administration, Border Security Inspections and Trade Facilitation .....	\$520,575,000
Management and Administration, Border Security and Control Between Ports of Entry ...	495,425,000
Rent .....	402,263,000
Subtotal, Headquarters Management and Administration .....	1,418,263,000
Border Security Inspections and Trade Facilitation:	
Inspections, Trade, and Travel Facilitation at Ports of Entry .....	2,262,235,000
Harbor Maintenance Fee Collection (Trust Fund)	3,226,000
International Cargo Screening .....	162,000,000
Other International Programs .....	11,181,000
Customs-Trade Partnership Against Terrorism Trusted Traveler Programs .....	11,274,000
Inspection and Detection Technology Investments .....	153,563,000
Automated Targeting Systems .....	32,560,000
National Targeting Center .....	26,355,000
Training .....	24,778,000
Subtotal, Border Security Inspections and Trade Facilitation ....	2,749,784,000
Border Security and Control between Ports of Entry:	
Border Security and Control .....	3,535,286,000
Training .....	51,751,000
Subtotal, Border Security and Control between POEs .....	3,587,037,000
Air and Marine Operations	309,629,000
Total .....	\$8,064,713,000
Financial Plan	

The conferees are disappointed with poor financial decisions made by CBP in fiscal year 2009, such as insufficiently linking hiring initiatives to available resources, and the failure to factor the impact of decreased international travel, and subsequent reductions in inspection fee revenue, into spending plans based on those fees. Because more visibility in financial planning is required for oversight, the conferees wish to see the presentation of CBP Salaries and Expenses at a level of detail, and with more clarity, than is currently displayed in the appropriation table by PPAs. However, the conferees also acknowledge the practical issues involved in revising the current PPA structure, which

serves as a basis for financial control and establishes reprogramming baselines, and that any PPA change would necessarily have ripple effects in budget execution. To help develop a more useful display of CBP activities, and facilitate oversight by the Committees, the conferees direct CBP to provide within 90 days after the date of enactment of this Act, a financial plan reflecting a detailed breakout of funding by office for each of the major PPAs in the Salaries and Expenses appropriation: Headquarters, Management, and Administration; Border Security, Inspections and Trade Facilitation; Border Security and Control Between the Ports of Entry; and Air and Marine Operations. This financial plan shall be updated in the congressional budget justification submitted by the Department in support of the fiscal year 2011 budget. This requirement is in lieu of the Senate report requirement for a new PPA structure and detailed expenditure plan. The fiscal year 2011 budget request should be submitted using the current PPA structure.

#### Data Center Migration

The conference agreement provides \$33,650,000 for data center migration as proposed by the Senate instead of no funding as proposed by the House. CBP should consider reprogramming funds from within the Office of Information and Technology should additional funding for data center migration become necessary.

#### Intellectual Property Rights Enforcement

The conferees believe a greater focus needs to be brought to intellectual property rights (IPR) enforcement. CBP is directed to submit by December 15, 2009, a 5-year enforcement strategy to reduce IPR violations. The strategy shall include: a timeline for developing improved targeting models specifically for IPR, a timeline for implementing expanded training for all enforcement personnel, recommendations for strengthening penalties, a plan for creating a supply chain management program for IPR, and a timeline for expanding post audit reviews for IPR.

In addition, CBP, in consultation with the United States Patent and Trademark Office (PTO) and the United States Copyright Office (CO), is directed to submit a feasibility study to the Committees not later than April 16, 2010, for developing and implementing an opt-in or voluntary automated link between the Intellectual Property Rights e-Recordation online system and systems maintained by PTO and CO to allow rights holders to elect to record their rights with CBP. The study shall address project costs, infrastructure requirements, data collection requirements, and a timeline for implementing such an automated link.

#### Western Hemisphere Travel Initiative

The conference agreement provides \$144,936,000 for the Western Hemisphere Travel Initiative (WHTI), as proposed by the House and Senate and requested in the budget. The conferees direct the DHS Office of Policy, with CBP, to provide semiannual briefings to the Committees on WHTI implementation, beginning not later than 30 days after the date of enactment of this Act. These briefings should begin detailing the transition of WHTI systems and infrastructure to regular inspection and trade and travel facilitation operations, and identify program elements and funding that will be non-recurred as WHTI is fully integrated into CBP base operations.

#### Northern Border Strategic Efforts

The conferees direct CBP to submit a report to the Committees not later than Janu-

ary 15, 2010, on staffing, funding, and implementation of Northern Border enforcement initiatives, as detailed in the House report.

#### Electronic System for Travel Authorization

The Electronic System for Travel Authorization (ESTA) provides automated electronic vetting of travelers from 35 visa waiver program (VWP) countries, including eight added in fiscal year 2008. CBP has received over 11,470,000 ESTA applications in fiscal year 2009, with an approximate rejection rate of 0.2 percent. While ESTA helps CBP screen incoming VWP travelers, the fact that airlines neither collect nor check ESTA information means there is no systematic way to prevent passengers who are not ESTA compliant from boarding U.S.-bound flights.

To assess ESTA performance, and the steps required to ensure all VWP travelers comply with ESTA, the conferees direct DHS to submit an ESTA strategic plan to the Committees not later than 90 days after the date of enactment of this Act. The strategic plan should include all elements specified in the House and Senate reports. To address ESTA's communications strategy, the plan should recommend how to ensure all travelers from VWP countries are aware of ESTA requirements. It should also review the relationship between ESTA and other offices with immigration/travel regulatory missions, and recommend improvements in coordination and efficiency, to include possibly merging ESTA within other components such as the VWP office or United States Visitor and Immigrant Status Indicator Technology.

#### International Cargo Screening

The conference agreement provides \$162,000,000 for International Cargo Screening as proposed by the House, instead of \$165,421,000 as proposed by the Senate. The conferees strongly support current efforts to reduce the vulnerability of international supply chains being used to smuggle illicit weapons, or being disrupted by such weapons. However, the conferees also recognize practical difficulties in trying to meet the statutorily mandated target of 100 percent scanning of U.S.-bound cargo in foreign ports. The conferees therefore direct CBP to report, not later than February 1, 2010, on its strategy to achieve meaningful and effective cargo and supply chain security, as described in the House report.

#### Textile Transshipment Enforcement

The conference agreement provides \$4,750,000 for textile transshipment enforcement. The conferees direct CBP to submit a report with its fiscal year 2011 budget request on the execution of its five-year strategic plan for textile transshipment enforcement, as specified in the House report.

#### Project SeaHawk

The conferees encourage CBP to continue to work with the Department of Justice and local law enforcement on the Project SeaHawk law enforcement task force to the maximum extent possible.

#### Antidumping and Countervailing Duty Enforcement

The conferees have ensured that, within the amounts provided for in this account, there will be sufficient funds to administer the on-going requirements of section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c), referenced in subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109-171; Stat. 154).

The conferees direct CBP to continue to work with the Departments of Commerce and Treasury, and the Office of the United

States Trade Representative (and all other relevant agencies) to increase collections, and to provide a public report on an annual basis, within 30 days of each year's distributions under the law. The report should summarize CBP's efforts to collect past due amounts and increase current collections, particularly with respect to cases involving unfairly traded U.S. imports from China. The report shall provide the amount of uncollected duties for each antidumping and countervailing duty order, and indicate the amount of open, unpaid bills for each such order. In that report, the Secretary, in consultation with the other relevant agencies, including the Secretaries of Commerce and Treasury, should also advise as to whether CBP can adjust its bonding requirements to further protect revenue without violating U.S. law or international obligations, and without imposing unreasonable costs upon importers.

The conferees further direct the Secretary to work with the Secretary of Commerce to identify opportunities for the Department of Commerce to improve the timeliness, accuracy, and clarity of liquidation instructions sent to CBP. Increased attention and inter-agency coordination in these areas could help ensure that steps in the collection of duties are completed in a more expeditious manner.

#### Non-Intrusive Inspection Technology

The conference agreement provides a total of \$163,563,000 within "Salaries and Expenses" for the purchase of NII technology instead of \$183,563,000 as proposed by the Senate and \$143,563,000 as proposed by the House, of which \$10,000,000 is included in the Border Security and Control Between Ports of Entry PPA. The conferees direct CBP to award all NII funds through full and open competition.

#### Northern Border Security

The conferees expect DHS and CBP to devote the attention and funding needed to secure the Northern border. The conferees direct the Secretary to address the issues discussed in the House and Senate reports regarding the Northern border, update the August 2009 Northern Border Strategy, and meet the stated goal of deploying 2,212 Border Patrol agents along the Northern border in fiscal year 2010. A briefing on the steps being taken to achieve these specific goals shall be provided to the Committees not later than December 15, 2009.

#### Rent

The conference agreement includes \$402,263,000 for Rent in the Headquarters, Management, and Administration PPA, as proposed by the Senate, instead of in the proposed Facilities Management account, as proposed by the House. The conferees view keeping rental payments within the Salaries and Expenses appropriation as consistent with fully capturing and displaying the budgets of activities funded in that appropriation, in that rental costs are necessarily included in resource allocation decisions for program operations. At the same time, the conferees see value in being able to compare all facility related costs, whether rent, lease, or investment. The conferees therefore direct CBP to submit, with its justification materials accompanying the 2011 budget request, a consolidated presentation of all CBP facilities costs.

#### Additional Reports

The conferees direct the Secretary of Homeland Security to submit the reports called for in sections 563 and 568 of H.R. 2892 as amended by the Senate regarding, respec-

tively, Operation Streamline and the improvement of cross-border inspection processes.

#### AUTOMATION MODERNIZATION

The conference agreement provides \$422,445,000 for Automation Modernization instead of \$462,445,000 as proposed by the House and Senate. Funds are available until expended. The total amount provided includes funding for the Automated Commercial Environment (ACE), the International Trade Data System (ITDS), legacy systems, and Critical Operations Protection and Processing Support (COPPS), the latter including modernization of the TECS system. Not less than \$227,960,000 of the total appropriation is provided for ACE, of which \$16,000,000 is for ITDS. Of the total provided for ACE, \$50,000,000 is unavailable for obligation until 30 days after an expenditure plan, as specified in the House report, is submitted to the Committees. In addition, CBP is directed to continue submitting quarterly reports to the Committees on progress in implementing ACE.

#### Automated Commercial Environment

The conferees remain staunchly committed to completing the development and deployment of ACE. Significant capabilities have already been delivered to the trade community and to the employees of CBP. However, CBP continues to struggle and fail at program management, requirements development, contractor oversight, and delivering capabilities on time. It should be noted that what originally was a 5-year development plan has become a 20-year odyssey. CBP is again restructuring its approach to managing the development of ACE, including requiring future capability releases to undergo business case reviews. The reductions in funding below the amount requested in the budget are prudent and should allow CBP to place Entry Summary Reconciliation and Cargo Release into a full business case review rather than proceeding with their development in fiscal year 2010 under the original plan.

#### TECS Modernization Expenditure Plan

The conference agreement provides \$50,000,000, as requested in the budget, for TECS modernization, within the COPPS PPA funding levels. The conferees understand this joint effort between CBP and U.S. Immigration and Customs Enforcement (ICE) will be completed within the next five years, and direct CBP and ICE to provide semiannual joint briefings to the Committees beginning not later than December 1, 2009.

#### BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

The conference agreement provides \$800,000,000 for the integrated Border Security Fencing, Infrastructure, and Technology account as proposed by the Senate instead of \$732,000,000 as proposed by the House. Funds are available until expended. The funding includes \$92,000,000 for Program Management, of which \$40,000,000 is for environmental and regulatory requirements and \$52,000,000 is for personnel operations and support; \$508,000,000 for Development and Deployment, of which \$40,000,000 is for Northern border security technology investment, and of which \$20,548,000 above the budget request is included to expedite P25 tactical communications modernization and to further technology design planning for Secure Border Initiative Network (SBInet) projects in Arizona; and \$200,000,000 for Operations and Maintenance.

The conference agreement also makes \$75,000,000 unavailable for obligation until the Committees receive and approve an expenditure plan that complies with conditions set forth in the conference report, and has been reviewed by the GAO. The conference report continues current law making no funding available until the Secretary certifies that CBP has complied with legal requirements for consultation with communities, federal agencies, and other stakeholders affected by planned deployment of fencing and tactical infrastructure, and, for projects for which the Secretary has exercised statutory authority to waive various environmental and other regulations and laws, until 15 days after public notice of such waiver.

#### Expenditure Plan

The conferees include statutory requirements for information to be included in the expenditure plan to be reviewed by the GAO. The conferees expect the plan will be submitted in a timely manner to the Committees and comply fully with the conditions set forth in this and related Acts.

The conferees direct that the plan provide specific details on how additional funding shall be used to expedite P25 tactical communications modernization.

The conferees are concerned about the delays in deployment for SBInet "Blocks" 1 and 2, while also recognizing the need to proceed carefully and to ensure steps are taken to address all mission and operational test requirements. Therefore, the conferees also direct that the expenditure plan specify how additional funding included under this heading will be used to further key development and demonstrations in support of the launch of "Block 2". In addition to the expenditure plan requirements, the conferees direct CBP to brief the Committees as soon as preliminary results from "Block 1" operational field tests are available and prior to proceeding further with "Block 2" development.

#### Evaluation and Acceptance Criteria

The conferees continue to support expeditious deployment of effective technology to enhance CBP's execution of its border security mission, and recognize the renewed rigor with which CBP is evaluating the operational utility of such technology. In fiscal year 2010, the Office of Border Patrol (OBP) is expected to evaluate the SBInet "Block 1" increment through operational field testing along the Southwest Border. While OBP's operational requirements for border security technology are well documented, the criteria OBP will use to determine acceptance of the SBInet prime mission product remain unclear. The conferees direct CBP to delineate the evaluation and acceptance criteria for SBInet in the required BSFIT expenditure plan. CBP, along with the Science and Technology Directorate, are also directed to jointly brief the Committees prior to CBP commencing "Block 1" operational field testing on this criteria and how the criteria will be used to make an acceptance determination of SBInet.

#### Northern Border Technology

The conferees are concerned that not all options are receiving due consideration when allocating funding to deploy technology to Border Patrol sectors along the Northern Border. While proven commercial off-the-shelf (COTS) technology, such as cameras, can significantly leverage existing manpower, many Border Patrol stations lack such basic technology. At the same time,

most Northern border technology investment is being put into one sector's integration center. The conferees direct that the expenditure plan, in describing Northern Border technology investments, explicitly address tradeoffs between intensive investments (by operation or location) versus providing COTS technology and support to more areas of the Northern Border. In addition, CBP is directed to continue, as part of the quarterly Secure Border Initiative (SBI) reports, a report on technology investment on the Northern border, as specified in the House report.

#### Reporting Requirements to the Committees

CBP is directed to include, within the fiscal year 2010 expenditure plan and as specified in the House report, its proposed environmental planning and mitigation plan. In lieu of providing in that plan a report on current and prior year environmental efforts, as proposed by the House, CBP shall brief the Committees no later than 90 days after the date of enactment of this Act. In the same briefing, CBP shall provide an assessment of the potential of "buffer areas" to facilitate mission and environmental goals, in lieu of a report in the expenditure plan, as proposed by the House.

In addition, DHS shall include in the quarterly SBI report details on BSFIT obligations and expenditures as specified in the House report, rather than submitting such information on a monthly basis.

#### AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The conference agreement provides \$519,826,000 for Air and Marine Interdiction, Operations, Maintenance, and Procurement instead of \$513,826,000 as proposed by the House and \$515,826,000 as proposed by the Senate. This includes \$374,217,000 for Operations and Maintenance and \$145,609,000 for Procurement. Within these amounts, an additional \$6,000,000 is provided for software and system upgrades for the Air and Marine Operations Center, and an additional \$8,000,000 is provided for marine vessels.

##### Marine Vessels

The conference agreement provides \$14,500,000 for procurement of marine vessels, instead of \$16,500,000 as proposed by the Senate and \$6,500,000 as proposed by the House, an increase of \$8,000,000 above the budget request. The conferees direct these funds to be awarded competitively and direct CBP to submit an updated strategic acquisition plan to the Committees as discussed in the House report.

##### Air and Marine Recapitalization

Congress, in fiscal year 2006, mandated CBP to submit a strategic plan for recapitalization of its aviation assets, subsequently expanded to include all its air and marine programs. In executing this plan, CBP has awarded contracts for the purchase and upgrade of aircraft and marine vessels, as well as implementation of the P-3 aircraft service life extension program. However, the conferees note that CBP has made little progress in retiring its aging assets or reducing the number of types of aircraft it flies. These trends could lead to higher maintenance costs and possibly the loss of assets needed to support the agency's border security missions. The conferees therefore direct the Commissioner to submit an updated strategic plan for air and marine recapitalization to the Committees with its fiscal year 2011 budget request, specifying the quantities and types of aging aircraft and marine vessels operated by CBP, their operating loca-

tions, and progress toward replacement or upgrade of such assets. The report shall include an estimate of the costs to maintain aging assets until they are retired, plans for mitigating the impact of increased maintenance on mission availability, and details on contracts awarded to purchase new, replacement aircraft and vessels, or upgrade existing assets. CBP is also directed to brief the Committees no later than December 15, 2009, on current air and marine asset maintenance costs and mission availability, and the remaining service life of aging assets.

#### CONSTRUCTION AND FACILITIES MANAGEMENT

The conference agreement provides \$319,570,000 for Construction and Facilities Management instead of \$682,133,000 for Facilities Management as proposed by the House, and \$316,070,000 as proposed by the Senate. This includes \$282,557,000 for Facility Construction and Sustainment and \$37,013,000 for Program Oversight and Management. Within Facility Construction and Sustainment is an additional \$39,700,000 for constructing and equipping the Advanced Training Center and an additional \$3,500,000 for acquisition, design, and construction of CBP Air and Marine facilities at El Paso International Airport. No funding is provided for rent, which is funded in the Salaries and Expenses appropriation.

##### Port of Entry Construction

The conference agreement includes language requiring CBP, in consultation with GSA, to include a 5-year construction plan for land border ports of entry. The conferees direct DHS to continue to work with GSA to prioritize and address land border port of entry infrastructure needs, and to comply with requirements of the Public Buildings Act to seek necessary funding, as called for in the Senate and House reports.

##### Future Construction Needs

The conferees are disappointed that the fiscal year 2010 budget request includes no funds for ongoing or new construction projects. While significant funds have been provided to CBP as its workforce has seen exceptional growth, the expansion and replacement of aging and inadequate CBP facilities is not complete. The conferees expect future budget requests to include an adequate level of funding to continue modernization of CBP facilities to meet current security needs and the habitability needs of the CBP workforce.

##### Rural and Remote Housing

The conferees expect DHS to work to ensure adequate housing for its personnel in rural and remote areas, particularly with the significant increase of CBP personnel deployed to the Northern and Southwest Borders, and direct the Department to submit to the Committees no later than December 15, 2009, a Quarters Management Plan as described in the House report.

#### U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

##### SALARIES AND EXPENSES

The conference agreement provides \$5,342,134,000 for U.S. Immigration and Customs Enforcement (ICE) Salaries and Expenses instead of \$5,313,193,000 as proposed by the House and \$5,360,100,000 as proposed by the Senate. Within the total amount, not less than \$1,500,000,000 is for efforts to identify individuals illegally present in the United States who have criminal records, whether incarcerated or at-large, and to remove these aliens once they have been judged deportable in immigration court. The conferees direct ICE to report within 30 days

after the date of enactment of this Act to the Committees on how it will allocate program funds to fulfill this requirement.

The conference report includes a statutory requirement regarding IG reviews of ICE's 287(g) agreements for compliance with the terms of Memoranda of Understanding signed between the agency and local law enforcement organizations, and also prohibits the expenditure of funds on contracts with detention centers that repeatedly fail to comply with ICE detention standards.

The following table specifies funding levels by budget activity:

Headquarters Management and Administration .....	\$512,337,000
Legal Proceedings .....	221,666,000
Domestic Investigations ....	1,649,551,000
International Investigations:	
International Operations .....	112,872,000
Visa Security Program ...	30,686,000
Subtotal, International Investigations .....	143,558,000
Intelligence .....	69,842,000
Detention and Removal Operations:	
Custody Operations .....	1,771,168,000
Fugitive Operations .....	229,682,000
Criminal Alien Program .....	192,539,000
Alternatives to Detention .....	69,913,000
Transportation and Removal Program .....	281,878,000
Subtotal, Detention and Removal Operations .....	2,545,180,000
Identification and Removal of Criminal Aliens .....	200,000,000
Total, ICE Salaries and Expenses .....	\$5,342,134,000

##### Management and Administration

Within Management and Administration, the conference agreement includes \$47,123,000 for ICE field office collocation as proposed by the House and instead of \$57,000,000 as proposed by the Senate. A statutory restriction in the conference report withholds from obligation all non-personnel and non-planning costs for field office collocation until ICE submits a plan for nationwide expansion of the Alternatives to Detention program. In addition, the conference agreement includes \$23,850,000 for ICE data center consolidation, as proposed by the Senate instead of no funding as proposed by the House. The conference report also includes authority to transfer up to \$10,000,000 from the ICE Automation Modernization account to Salaries and Expenses for data center migration, if ICE determines this to be a higher priority.

##### Prioritizing the Removal of Deportable Criminal Aliens

The conference report includes \$200,000,000 exclusively for ICE efforts to identify and remove deportable criminal aliens as proposed by the House, instead of \$195,589,000 as proposed by the Senate. ICE has branded these efforts "Secure Communities," and the conferees continue to have strong interest in the implementation and expansion of this program. As a result, the conference agreement includes a statutory requirement for ICE to report to the Committees, within 45 days of the close of each quarter of the fiscal year, on progress to make sure all aliens who have been convicted of crimes and ordered removed from the United States are indeed deported to their country of origin.

The conferees include statutory language directing ICE to allocate not less than \$1,500,000,000 of its total Salaries and Expenses budget to the identification and removal of criminal aliens, indicating the high

level of attention the conferees expect ICE immigration enforcement managers will place on finding and deporting those who have already proved their ability to harm U.S. citizens and legal residents. The conferees recognize the complex mix of competing priorities confronting ICE when enforcing immigration laws, and have provided record appropriations since 2007 to support all ICE immigration enforcement activities. Despite this robust level of funding, ICE has been unable to fully develop a capacity to identify all individuals who have been convicted of criminal offenses, ordered removed from the country, and are in law enforcement custody. The conferees expect ICE will continue to make significant progress establishing the Secure Communities program at booking locations, jails and prisons throughout the country in fiscal year 2010. Within 30 days of the enactment of this Act, the conferees direct ICE to submit to the Committees an explicit plan for how the agency will allocate these program resources to the identification and removal of deportable criminal aliens.

The conferees note that ICE has had initial success deploying the Secure Communities program to more than 40 locations nationwide. Data indicate that Secure Communities helped ICE issue more than 6,000 immigration detainers at these locations between October 2008 and April 2009, many of which were for individuals convicted of serious offenses such as rape, armed robbery, and violent drug-related crimes. As in past years, the conferees include a statutory requirement for ICE to prioritize the removal of aliens convicted of crimes by the severity of that crime to ensure the most dangerous criminal aliens are not simply released back into the U.S. after the completion of their criminal sentences.

#### Southwest Border Enforcement Initiative

The conferees note the vigor with which ICE has rapidly devoted resources toward the enhancement of law enforcement efforts along the Southwest border in response to the increase in cross-border crime in fiscal year 2009. These efforts include the establishment of 10 Border Enforcement Security Task Forces (BESTs) along the Southwest border to better utilize the collective capabilities of Federal, State, local, and international law enforcement partners. Furthermore, ICE has signed new agreements with the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms, and Explosives to strengthen and better coordinate Federal law enforcement efforts to thwart the smuggling of drugs, bulk cash, weapons, illegal aliens, and other contraband by transnational criminal organizations. While very supportive of these efforts, the conferees believe ICE must examine the broader resource implications and sustainability of this new operational posture in the context of achieving the objectives of the National Southwest Border Counternarcotics Strategy (the Strategy), released on June 5, 2009. ICE is directed to brief the Committees no later than December 15, 2009, on its efforts to effectively align resources to the Strategy's goals for border enforcement.

To support ICE efforts along the Southwest border in combating crime related to transnational smuggling and illicit trade, the conference agreement provides a total of \$100,000,000, \$30,000,000 more than requested. Of these amounts, an additional \$10,000,000 is for BEST team expansion, which includes \$2,000,000 for intelligence activities; an additional \$10,000,000 is for counter-proliferation investigations, including anti-gun smuggling

activities; and an additional \$10,000,000 is for investigations of transnational gangs.

The conferees are aware of ongoing efforts to coordinate the investigative activities of DHS and the Department of Justice (DOJ) along the Southwest border. The conferees commend the Administration for this plan to expand and share network ballistics imaging technology with Mexican law enforcement agencies as part of the Strategy. As discussed in the Senate report, the sharing of ballistics information can potentially generate significant leads for investigations into gun violence and weapons smuggling. The conferees encourage DHS to continue to work closely with the DOJ to ensure appropriate protocols are in place to share ballistic information between the two agencies and with Mexican law enforcement partners to further collective investigative efforts.

#### Detention Bed Spaces

The conference report includes a provision directing that a level of 33,400 detention beds shall be maintained throughout fiscal year 2010.

#### Detention Standards Oversight and Compliance

As discussed in both the House and Senate reports, the conferees support ICE's proposal to expand the Office of Professional Responsibility and Detention Facilities Inspection Group, and provide an increase of \$2,100,000 over the budget request for these programs in fiscal year 2010 to address workplace fraud as proposed by the Senate.

#### Alternatives to Detention

The conference agreement provides \$69,913,000 for Alternatives to Detention programs instead of \$73,913,000 as proposed by the House and \$63,913,000 as proposed by the Senate. Included in the conference report is a statutory restriction on expenditure of ICE appropriations on field office collocation until ICE submits to the Committees a plan for nationwide deployment of the Alternatives to Detention program.

#### Detention and Removal Reporting

ICE is directed to continue to submit quarterly reports on detention and removal statistics, as discussed in the Senate report.

#### ICE Investigations

The conference agreement provides \$1,649,551,000 for ICE domestic investigations instead of \$1,643,360,000 as proposed by the House and \$1,666,551,000 as proposed by the Senate. The conference agreement also provides \$143,558,000 for ICE international investigations instead of \$144,758,000 as proposed by the House and \$143,058,000 as proposed by the Senate. Within the funding provided for international investigations, the conference agreement includes \$30,686,000 for ICE Visa Security Units instead of \$31,886,000 as proposed by the House and \$30,186,000 as proposed by the Senate.

#### ICE Worksite Enforcement

The conference agreement provides \$134,778,000 for ICE worksite enforcement investigations, an increase of \$6,000,000 above the amount requested in the budget, as discussed in the Senate report.

#### State and Local Programs

The conference agreement includes a total of \$117,394,000 for State and Local Programs as proposed by both the House and Senate. Within this total, \$68,047,000 is for the 287(g) program; \$14,357,000 is provided for the Forensics Document Laboratory, which supports all ICE investigatory programs and offers specialized assistance to State and local law enforcement agencies; and \$34,990,000 is for the Law Enforcement Support Center.

#### Deportation of Parents of U.S.-Born Children

As discussed in the House and Senate reports, ICE does not currently track in any meaningful or comprehensive way, information about the removal of alien parents of U.S.-born children. In order to better understand the scale and intricacies of this issue, the conferees direct ICE to submit, within 60 days after the date of enactment of this Act, an evaluation of the process and data management system changes necessary to track the information discussed in both the House and Senate reports, including a timeline for implementing the required changes in fiscal year 2010. ICE is directed to begin collecting data on the deportation of parents of U.S.-born children no later than July 1, 2010, and to provide the data at least semi-annually to the Committees and the Office of Immigration Statistics.

#### Textile Transshipment Enforcement

As discussed in the House report, the conference agreement includes \$4,750,000 for textile transshipment enforcement, as authorized by section 352 of the Trade Act of 2002. Concurrent with its fiscal year 2011 budget submission, ICE should report on this activity as discussed in the House report.

#### AUTOMATION MODERNIZATION

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$90,000,000 for Automation Modernization instead of \$105,000,000 as proposed by the House and \$85,000,000 as proposed by the Senate. Included in this amount is the full budget request for the TECS and Atlas modernization programs, and for ICE efforts to convert health records to digital format. The conferees direct ICE to provide, within 30 days from the date of enactment of this Act, a briefing that identifies the funding levels to be allocated to other programs funded in this account. In addition, the conference report includes a statutory restriction withholding \$10,000,000 of the Automation Modernization appropriation from obligation until ICE submits a detailed fiscal year 2010 expenditure plan for this account. Should ICE determine that data center migration is a higher priority than its various automation modernization programs, it may transfer up to \$10,000,000 from this account to "Salaries and Expenses" for this purpose.

#### CONSTRUCTION

The conference agreement provides an additional \$4,818,000 for ICE construction, which funds basic and emergency maintenance at ICE-owned detention facilities instead of \$11,818,000 as proposed by the House and no funding as proposed by the Senate.

#### TRANSPORTATION SECURITY ADMINISTRATION

##### AVIATION SECURITY

The conference agreement provides \$5,214,040,000 for Aviation Security instead of \$5,265,740,000 as proposed by the House and \$5,233,328,000 as proposed by the Senate. In addition to the amounts appropriated, a mandatory appropriation totaling \$250,000,000 is available through the Aviation Security Capital Fund. Statutory language reflects the collection of \$2,100,000,000 from aviation user fees, as authorized. The following table specifies funding by budget activity:

Screening Operations:	
Screener Workforce:	
Privatized screening ....	\$149,643,000
Screener personnel, compensation, and benefits .....	2,758,575,000
Subtotal, screener workforce .....	2,908,218,000



Screening training and other .....	204,713,000
Checkpoint support .....	128,739,000
EDS/ETD Systems:	
EDS procurement and installation .....	778,300,000
Screening technology maintenance and utilities .....	316,625,000
Operation integration .....	21,481,000
Subtotal, EDS/ETD systems .....	1,116,406,000
Subtotal, screening operations .....	4,358,076,000
Aviation Security Direction and Enforcement:	
Aviation regulation and other enforcement .....	254,064,000
Airport management and support .....	453,924,000
Federal flight deck officer and flight crew training .....	25,127,000
Air cargo .....	122,849,000
Subtotal, aviation security direction and enforcement .....	855,964,000
Total, Aviation Security .....	\$5,214,040,000

#### Privatized Screening

The conference agreement provides \$149,643,000 for Privatized Screening as proposed by the House and Senate. The Transportation Security Administration (TSA) is directed to approve the applications of airports that are seeking to participate in the screening partnership program that meet all of TSA's criteria, including the determination that contract screening can be provided at that location in a cost-effective manner.

#### Screener Personnel, Compensation, and Benefits

The conference agreement provides \$2,758,575,000 for Screener Personnel, Compensation, and Benefits as proposed by the Senate instead of \$2,788,575,000 as proposed by the House. Within this funding, the conferees have approved \$211,861,214 for behavior detection officers, an increase of 126 new behavior detection officer FTEs to enhance ongoing activities at the nation's larger airports. As discussed in the Senate report, no later than 60 days after the date of enactment of this Act, TSA shall report on the scientific basis for using behavior pattern recognition for observing airline passengers for signs of hostile intent, the effectiveness of this program in meeting its goals and objectives, and the justification for expanding the program. GAO shall review this report and provide its findings to the Committees no later than 120 days after the report is submitted to the Committees.

The conferees agree with the Senate recommendation to reduce funding below the request in this account due to repeated large carryover balances. With the large influx of funding provided by ARRA and this Act, TSA is able to greatly expedite the deployment of next generation technologies at the checkpoint and to install significantly more inline explosives detection systems, thereby permitting a reduction in personnel. TSA shall report to the Committees, in tandem with the fiscal year 2011 budget, on the savings achieved and anticipated by fiscal year from the installation of the new systems. The report shall specifically address FTE savings.

TSA shall provide a briefing within 30 days after submission of the fiscal year 2011 Con-

gressional Budget Justification presenting a revised fiscal year 2011 budget structure for the Committees consideration that includes an appropriation for personnel and related operational expenses with a one-year availability.

#### Screener Training and Other

The conference agreement provides \$204,713,000 for Screener Training and Other as proposed by the House instead of \$203,463,000 as proposed by the Senate. Within the funds provided is \$1,250,000 for the Safe Skies Alliance to develop and enhance research and training capabilities for Transportation Security Officer improved explosive detection recognition training.

#### Checkpoint Support

The conference agreement provides \$128,739,000 for Checkpoint Support as proposed by the House and Senate. TSA shall move to a fully competitive procurement process for checkpoint support equipment no later than September 30, 2010, and update the Committees periodically on the progress it is making to meet this requirement. As discussed under "Transportation Security Support", TSA shall provide an expenditure plan on checkpoint support expenditures on an airport-by-airport basis.

Within 60 days after the date of enactment of this Act, TSA shall report to the Committees on the details and strategy for a comprehensive program to ensure passenger privacy related to the whole body imaging (WBI) program. At a minimum, this strategy should include: off-site monitoring; adequate privacy safeguards by software or other means; procedures to prohibit storing, transferring, or copying any images produced by the machines; and a concept of operations plan for those passengers that choose a physical search rather than WBI screening.

#### Explosives Detection Systems

A total of \$1,028,300,000 is available for Explosives Detection Systems (EDS) procurement and installation. Within this total, the conference agreement provides \$778,300,000 in discretionary funding instead of \$800,000,000 as proposed by the House and \$802,169,000 proposed by the Senate. An additional \$250,000,000 in mandatory funding is available from the Aviation Security Capital Fund. Not less than 28 percent of the funds provided shall be available for the purchase and installation of certified EDS at medium- and small-sized airports as proposed by the Senate instead of 25 percent as proposed by the House. Any award to deploy EDS shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

TSA shall move to a fully competitive EDS procurement process no later than September 30, 2010, and update the Committees periodically on the progress it is making to meet this requirement.

The 9/11 Act requires that TSA prioritize funding for in-line baggage system deployment using a risk-based model, to include consideration of those airports incurring eligible costs for EDS that were not recipients of funding agreements under 49 U.S.C. 44923. The TSA expenditure plan, discussed under "Transportation Security Support", shall identify those airports that have petitioned TSA for support and include these airports as part of the risk-based prioritization analysis of airport projects for determining funding eligibility pursuant to section 1604(b)(2) of the 9/11 Act.

As discussed in the House report, TSA is encouraged to consider using funds for dedi-

cated pre-engineered structures related to optimal screening solutions for EDS installations.

The conferees continue to be interested in the feasibility of consolidating checkpoint and checked baggage systems at medium- and small-sized airports and direct TSA to expeditiously submit the report required by February 16, 2009, on this topic.

#### Screening Technology Maintenance and Utilities

The conference agreement provides \$316,625,000 for Screening Technology Maintenance and Utilities as proposed by the House instead of \$326,625,000 as proposed by the Senate. The conferees remain interested in controlling the growing maintenance costs of the agency's screening technologies and understand that TSA is working with vendors to develop equipment with greater throughput and lower maintenance costs. The conferees support this effort and encourage TSA to look for ways to control costs in this area in the future.

#### Airport Management and Support

The conference agreement provides \$453,924,000 for airport management and support as proposed by the House instead of \$448,424,000 as proposed by the Senate. Within this funding is \$5,500,000 for the flight data initiative to support aircraft installation and flight testing by September 30, 2011.

#### Air Cargo

The conference agreement provides \$122,849,000 for Air Cargo as proposed by the House instead of \$115,018,000 as proposed by the Senate. Within the funds provided: \$4,730,000 is for testing, evaluation, and qualification of existing technologies for use in air cargo to assist the fresh fruit industry and others in complying with new cargo screening requirements; \$2,200,000 is for inspectors and canine teams to convert 35 legacy teams to proprietary teams; \$3,450,000 is for 50 new inspectors to address the additional inspection workload related to the 100-percent screening mandate and other regulatory responsibilities; and \$4,350,000 is for deployment of skid-level and palletized screening technologies, including vapor detection and metal detection technologies, to meet the 100-percent screening mandate.

TSA is encouraged to continue its efforts to assist the fresh fruit industry in complying with new cargo scanning requirements and to expedite the development and approval of efficient and effective cargo screening technologies.

TSA is directed to regularly brief the Committees on the results of its air cargo pilot before a nationwide rollout and identify any impediments it may have in meeting the 100-percent air cargo screening requirement by August 2010.

No later than 60 days after the date of enactment of this Act, TSA shall submit an expenditure plan to the Committees on the allocation of air cargo funds, including carry-over balances.

#### SURFACE TRANSPORTATION SECURITY

The conference agreement provides \$110,516,000 for Surface Transportation Security instead of \$103,416,000 as proposed by the House and \$142,616,000 as proposed by the Senate. Within this total, \$42,293,000 is for surface transportation staffing and operations and \$68,223,000 is for surface transportation security inspectors and canines.

Within the funds provided for surface transportation security inspectors and canines, the conferees provide \$7,100,000 for 100 new surface transportation inspectors, allowing TSA to fulfill 9/11 Act requirements. Due



to TSA delays in hiring, the conferees provide \$25,000,000, half the increased funding requested, for new rail inspectors to create 15 new Visible Intermodal Protection and Response (VIPR) teams. These funds cannot be obligated until TSA provides an expenditure plan detailing how and where these new VIPR teams will be deployed.

#### TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

The conference agreement provides a direct appropriation of \$171,999,000 for Transportation Threat Assessment and Credentialing as proposed by the House and the Senate. In addition, the conferees have moved all fee funded screening activities into this account. TSA anticipates it will collect \$47,620,000 in fees. Funding is provided as follows:

Direct Appropriations:	
Secure flight .....	\$84,363,000
Crew and other vetting programs .....	87,636,000
Subtotal, direct appropriations .....	171,999,000
Fee Collections:	
Transportation worker identification credential .....	9,000,000
Hazardous materials .....	15,000,000
Alien flight school (transfer from DOJ) .....	4,000,000
Certified cargo screening program .....	5,200,000
Large aircraft security program .....	1,600,000
Secure identification display area checks .....	10,000,000
Other security threat assessments .....	100,000
General aviation at DCA .....	100,000
Indirect air cargo .....	2,600,000
Sensitive security information .....	20,000
Subtotal, fee collections ...	\$47,620,000
Secure Flight	

The conference agreement provides \$84,363,000 for Secure Flight as proposed by the House and Senate. The conferees do not include a general provision as proposed by the Senate prohibiting funds to be used to test algorithms assigning risk to passengers whose names are not on a government watch list or to use databases that are under control of a non-Federal entity because these activities are not permitted by the final Secure Flight rule. Any change beyond the scope of this rule would require a new rule-making.

TSA shall report within 90 days after the date of enactment of this Act on the progress it has made in addressing GAO's Secure Flight recommendations related to the name matching system, appropriate life cycle costs, schedule estimates, and its assessment on the impact of modifications to the Computer Assistance Passenger Pre-Screening System rules on air carriers. In addition, the conferees direct GAO to continue its review of the Secure Flight program until all conditions are generally achieved, and periodically update the Committees on its findings.

As directed in the Senate report, TSA shall brief the Committees on any security concerns related to passengers providing fraudulent documents when making an airline reservation and discuss how this will be addressed.

No funds appropriated for crew and other vetting programs may be used to supplement the amount provided for the Secure Flight program, subject to section 503 of this Act.

#### TRANSPORTATION SECURITY SUPPORT

The conference agreement provides \$1,001,780,000 for Transportation Security Support instead of \$992,980,000 as proposed by the House and \$999,580,000 as proposed by the Senate. Funding is provided as follows:

Headquarters administration .....	\$248,929,000
Information technology ....	498,310,000
Human capital services .....	226,338,000
Intelligence .....	28,203,000
Total, Transportation Security Support .....	\$1,001,780,000

The conference agreement includes \$498,310,000 for Information Technology instead of \$489,510,000 as proposed by the House and \$496,110,000 as proposed by the Senate. Within this total is \$8,800,000 for data center migration.

#### Expenditure Plans

The conference report includes language requiring TSA to submit detailed expenditure plans to the Committees for air cargo security, and for checkpoint support and EDS procurement, refurbishment, and installations is on an airport-by-airport basis for fiscal year 2010. These plans are due no later than 60 days after the date of enactment of this Act. The conference report withholds \$20,000,000 of the total amount provided for Headquarters Administration from obligation until the detailed expenditure plans are received. TSA shall provide quarterly updates on EDS and checkpoint expenditures, on an airport-by-airport basis. These updates shall include information on the specific technologies to be purchased, project timelines, a schedule for obligation, and a table detailing actual versus anticipated unobligated balances at the close of the fiscal year, with an explanation of any deviation from the original plan. TSA may reassess and reallocate funds in the expenditure plan if new requirements occur throughout the fiscal year, after providing notification to the Committees on the change within the quarterly report.

#### Risk Assessments

As discussed in the Senate report, TSA is directed to submit expeditiously a report as directed in Senate report 110-396, related to risk analysis and resource allocations across all transportation modes. The report can be submitted in a classified or unclassified format.

#### FEDERAL AIR MARSHALS

The conference agreement provides \$360,111,000 for the Federal Air Marshals (FAMs), as proposed by the House and Senate. Within the total appropriation provided, \$762,569,000 is for management and administration and \$97,542,000 is for travel and training. TSA shall continue to provide quarterly reports on the FAMs mission coverage, staffing levels, and hiring rates as directed in previous appropriations Acts.

As discussed in the House report, the conferees direct the Department to reassess the long-term staffing levels for FAMs. The assessment should include a determination of the appropriate mix of staff required on a day-to-day basis; an identification of the types and numbers of flights FAMs should regularly be assigned to; whether legislative changes may be necessary to better tailor how FAMs deploy on a daily basis; and a detailed discussion on the methodology used to justify this optimal staffing mix. This assessment is due no later than February 1, 2010.

#### COAST GUARD

##### OPERATING EXPENSES

The conference agreement provides \$6,805,391,000 instead of \$6,822,026,000 as proposed by the House and \$6,838,291,000 as proposed by the Senate. Within this amount, \$581,503,000 is available for defense-related activities, including \$241,503,000 for overseas contingency operations. Funding for operating expenses shall be allocated as follows:

Military pay and allowances:	
Military pay and allowances .....	\$2,718,493,000
Military health care .....	371,399,000
Permanent change of station .....	164,620,000
Subtotal, Military pay and allowances .....	3,254,512,000
Civilian pay and benefits ...	699,794,000
Training and recruiting:	
Training and education ..	103,417,000
Recruitment .....	102,761,000

Subtotal, Training and recruiting .....	206,178,000
Operating funds and unit level maintenance:	
Atlantic Command .....	177,474,000
Pacific Command .....	195,943,000
1st District .....	60,074,000
5th District .....	21,941,000
7th District .....	78,338,000
8th District .....	49,276,000
9th District .....	31,672,000
11th District .....	17,641,000
13th District .....	23,060,000
14th District .....	19,289,000
17th District .....	29,829,000
Headquarters directors .....	288,630,000
Headquarters managed units .....	158,901,000
Other activities .....	882,000

Subtotal, Operating funds and unit level maintenance .....	1,152,950,000
Centrally managed accounts .....	334,275,000
Intermediate and depot level maintenance:	
Aeronautical .....	365,291,000
Electronic .....	155,101,000
Civil/ocean engineering and shore facilities .....	183,929,000
Vessel .....	211,858,000

Subtotal, intermediate and depot level maintenance .....	916,179,000
Overseas Contingency Operations .....	241,503,000
Total, Operating Expenses .....	\$6,805,391,000

#### Overseas Contingency Operations

The conference agreement provides \$241,503,000 for Coast Guard operations in support of overseas contingency operations requirements as proposed by the House and Senate. Funding for these activities was requested in the Department of Defense budget for the Navy. Consistent with actions taken in P.L. 111-32, the conferees have instead appropriated these funds directly to the Coast Guard. The conferees believe providing these funds within the appropriate agency budgets in annual appropriations, rather than by transfer in supplementals, improves visibility and opportunities for effective oversight. The Coast Guard may allocate these funds across its traditional PPAs in the Operating Expenses account, without regard to

section 503 of this Act. The Coast Guard is directed to provide a plan no later than 60 days after the date of enactment of this Act on the distribution of these funds by PPA, and shall provide a quarterly report within 45 days of the end of each quarter on the actual and planned distribution of these funds.

#### Financial Management

The conferees direct the Coast Guard to provide a report on the progress of the Financial Strategy for Transformation and Audit Readiness initiative no later than six months after the date of enactment of this Act, as outlined in the House report. Furthermore, the conferees direct the Coast Guard to periodically update the Committees on progress made toward attaining a clean audit, as proposed by the Senate.

#### Reporting Requirements Withholding

The conferees note that despite legislative mandates the Coast Guard has failed to produce an expenditure plan for the Integrated Deepwater Systems program, a Capital Investment Plan, or Quarterly Acquisition Reports in time to be of use during the fiscal year 2010 appropriations process. In an effort to encourage timely submissions to the Committees of materials necessary for robust and informed oversight, the conference report withholds \$50,000,000 from obligation from the Coast Guard's Headquarters Directorates PPA until the Revised Deepwater Implementation Plan, a comprehensive five-year Capital Investment Plan for fiscal years 2011-2015, and the Quarterly Acquisition Report for the second quarter of fiscal year 2010 have been submitted to the Committees.

#### Biometrics at Sea

The conferees direct the Coast Guard to brief the Committees on its plans for the future growth of the Biometrics at Sea program no later than 60 days after the date of enactment of this Act, as outlined in the House report.

#### Counternarcotics Enforcement

The conferees provide \$4,000,000 above the budget request to enhance Coast Guard counternarcotics enforcement efforts, instead of \$5,735,000 as proposed by the House. No additional funding for this activity was proposed by the Senate. The Coast Guard is directed to report to the Committees no later than 15 days after the date of enactment of this Act on how these funds will be applied to specific counternarcotics programs. The application of these additional funds may include expansion of Airborne Use of Force and Law Enforcement Detachment capabilities and should be based upon the Coast Guard's most pressing resource needs related to counternarcotics enforcement in the source and transit zones.

#### Critical Depot Level Maintenance

The conference agreement provides \$10,000,000 above the budget request to address the Coast Guard's significant backlog for critical depot level maintenance for aging surface, air, and shore assets, instead of \$20,000,000 as proposed by the Senate and \$5,000,000 as proposed by the House for cutter maintenance. These additional funds will address crew safety, habitability, hazardous materials remediation, emergency and scheduled maintenance, and spare parts availability requirements, as described in the Senate report.

#### Long Range Aids to Navigation—C (LORAN-C)

The conference agreement includes \$12,000,000 above the request for LORAN-C, instead of \$36,000,000 as proposed by the

House and \$18,000,000 as proposed by the Senate. The conference agreement includes and modifies a general provision (Sec. 559), as proposed by the Senate continuing LORAN-C operations through January 4, 2010. LORAN-C operations shall continue beyond that date unless the Commandant of the Coast Guard certifies that the termination of the LORAN-C signal will not adversely impact the safety of maritime navigation and the Secretary certifies that the LORAN-C system infrastructure is not needed as a backup to the Global Positioning System (GPS) or to meet any other Federal navigation requirement. If the Commandant and Secretary make such certifications, the Coast Guard shall commence a phased decommissioning of the LORAN-C infrastructure, and provide a detailed termination plan for the system to the Committees within 30 days of certification.

If the required certifications are met, section 559 also permits the Secretary to sell LORAN-C property to offset the costs of environmental compliance and restoration, including costs of securing and maintaining equipment that may be used as a backup to GPS.

#### Operations Systems Center

The conference agreement includes \$3,600,000 above the budget request, as proposed by the Senate, for customized tenant improvements in conjunction with the Operations Systems Center (OSC) expansion project. The House provided no additional funding for this activity. The OSC continues to experience steady growth in both the number of systems being developed and the number of staff required to support those systems. Currently, 500 government and contractor personnel work at the OSC. The existing main facility space has been at capacity for four years and it will not accommodate the expected growth to over 900 staff. The Coast Guard is currently housing several employees in temporary trailers. The Coast Guard is directed to work with GSA to produce a prospectus no later than 60 days after the date of enactment of this Act for this expansion and to complete a competitively awarded lease.

#### Data Center Migration

The conference agreement provides no funds for Coast Guard data center migration as proposed by the House instead of \$20,400,000 as proposed by the Senate.

#### Polar Icebreaking Operations and Maintenance Funding

The conferees expect polar icebreaking operations and maintenance budget authority and associated FTE to be included in the Coast Guard's budget request for fiscal year 2011. The National Science Foundation and Coast Guard shall update the existing Memorandum of Agreement to reflect the change in budget authority as proposed by the Senate. Furthermore, the conferees direct the Coast Guard to follow the direction regarding the high latitude study as outlined in the House report.

#### Invasive Species Protection

The conferees are concerned about the threat that harmful invasive species, such as the Asian carp, pose to the Great Lakes ecosystem. The conferees are aware that the Chicago Sanitary and Ship Canal second dispersal barrier recently went to higher operating parameters. The Coast Guard is encouraged to continue working in conjunction with the U.S. Army Corps of Engineers on any safety testing of the electrical parameters deemed necessary.

#### Watchstanders

The conference agreement provides \$500,000 above the budget request to meet increased operational demands and to enhance situational awareness and information sharing in Coast Guard command centers, instead of an additional \$1,000,000 as proposed by the Senate. The House proposed no additional funding for this activity.

#### Coast Guard Yard

The conferees recognize the Coast Guard Yard at Curtis Bay, Maryland, is a critical component of Coast Guard's core logistics capability that directly supports fleet readiness. The conferees further recognize the Yard has been a vital part of the Coast Guard's readiness and infrastructure for more than 100 years and believe that sufficient industrial work should be assigned to the Yard to maintain this capability.

#### Security of Liquefied Natural Gas Operations

The conferees direct the Secretary, in conjunction with the Commandant, to submit a report assessing whether the Coast Guard has sufficient resources to protect Liquefied Natural Gas (LNG) tankers and facilities, and recommendations for strengthening the Coast Guard's security role no later than six months after the date of enactment of this Act, as outlined in the Senate report. Furthermore, the conferees direct the Coast Guard to report to the Committees on the impact of a proposed LNG facility in Fall River, Massachusetts on boat traffic, as outlined in the Senate report, no later than six months after the date of enactment of this Act.

#### National Vessel Documentation Center

The conferees understand that user fee collections, which help offset the costs of Coast Guard activities at the National Vessel Documentation Center (NVDC), have decreased due to the economic downturn. The Coast Guard shall avoid any reduction in the NVDC's government-employed or contract staff levels ordinarily funded through proprietary receipts made available in this or any other Act by reassigning such staff to non-fee related Coast Guard activities.

#### ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement provides \$13,198,000 for Environmental Compliance and Restoration as proposed by the House and Senate. The conferees direct the Coast Guard to provide the prioritized list outlining the Environmental Compliance and Restoration backlog and five-year restoration plan within six months after the date of enactment of this Act, as outlined in the House report.

#### RESERVE TRAINING

The conference agreement provides \$133,632,000 for Reserve Training as proposed by the House and Senate.

#### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement provides \$1,537,080,000 for Acquisition, Construction, and Improvements instead of \$1,347,480,000 as proposed by the House and \$1,597,580,000 as proposed by the Senate. Funding is provided as follows:

Vessels:	
Response boat medium ...	\$121,000,000
Subtotal, Vessels .....	121,000,000
Other Equipment:	
National distress and response system modernization (Rescue 21) ..	117,000,000

HF recapitalization .....	2,500,000
Interagency Operations Centers (Command 21) .....	10,000,000
Subtotal, Other Equipment .....	129,500,000
Personnel and Related Support:	
Core acquisition costs ....	500,000
Direct personnel costs ....	104,700,000
Subtotal, Personnel and Related Support .....	105,200,000
Integrated Deepwater Systems:	
Aircraft:	
Maritime patrol aircraft .....	138,500,000
HH-60 conversion projects .....	45,900,000
HC-130H conversion/sustainment projects .....	45,300,000
HH-65 conversion project .....	38,000,000
C-130J fleet introduction .....	1,300,000
Subtotal, Aircraft ....	269,000,000
Surface Ships:	
National Security Cutter .....	389,480,000
Offshore Patrol Cutter .....	9,800,000
Fast Response Cutter ..	243,000,000
IDS small boats .....	3,000,000
Patrol Boat sustainment .....	23,000,000
Medium Endurance Cutter sustainment ..	31,100,000
Polar Icebreaker sustainment .....	27,300,000
High Endurance Cutter sustainment .....	4,000,000
Subtotal, Surface Ships .....	730,680,000
Technology Obsolescence Prevention .....	1,900,000
C4ISR .....	35,000,000
Logistics .....	37,700,000
Systems engineering and integration .....	35,000,000
Government program management .....	45,000,000
Subtotal, Integrated Deepwater Systems ..	\$1,154,280,000
Shore Facilities and Aids to Navigation .....	27,100,000
Total, Acquisition, Construction, and Improvements .....	\$1,537,080,000
Quarterly Acquisition Reports	

The Commandant is directed to continue to submit quarterly acquisition and mission emphasis reports consistent with deadlines articulated under section 360 of division I of Public Law 108-7 and the fiscal year 2008 joint explanatory statement. The conferees note that the Coast Guard has adopted the practice of comparing cost, schedule, and performance estimates against the most recently approved baseline. This approach provides an incomplete assessment of an acquisition's progress against the original baseline. Therefore, the report shall compare current estimates against the original baseline and the most recent baseline, if available. This method is consistent with Department of Defense acquisition reporting policy and is recommended by GAO. When reporting on "key project documents," it should be noted if approved documentation differs from that required by the Major Systems Acquisition Manual or the Department's Acquisition

Review guidance. The reports should also indicate if a test and evaluation master plan has been approved for an asset. Finally, the acquisition reports shall include a stoplight chart that tracks key performance parameters of each asset through developmental and operational testing. The conferees note that Coast Guard consistently fails to meet the quarterly submission deadlines for these reports and find such poor compliance to be unacceptable.

#### Comprehensive Review of the Revised Deepwater Implementation Plan

The conferees note with emphasis the legislative requirement for the Secretary to submit a comprehensive review of the Revised Deepwater Implementation Plan (RDIP). The long standing requirements for this review are specific: a complete projection of the acquisition costs and schedule for the duration of the RDIP. The conferees expect this review to update the original RDIP estimated total cost of \$24.2 billion and projected completion by fiscal year 2027. Furthermore, the review should clearly and comprehensively display the types and quantities of operational assets covered by the RDIP and the costs and schedule, by fiscal year and by asset, for the replacement or phase-out of legacy assets through refurbishment or acquisition. Since the recapitalization of the Coast Guard's cutters, aircraft, and C4ISR systems is a complex, multi-year, and integrated program, the conferees believe it is imperative to evaluate the complete acquisition program baseline, by asset, through the duration of the RDIP. Given that this RDIP review has been mandated in every annual appropriations Act for DHS since the first RDIP was established in November 2006, the conferees cannot foresee any justification for undue delay from DHS and the Coast Guard in submitting a review that fully complies with the specified requirements, including complete baseline costs. As noted previously in this statement, \$50,000,000 is withheld from obligation from Coast Guard Headquarters Directorates until this RDIP review is submitted to the Committees, along with the Capital Investment Plan for fiscal years 2011-2015 and the Quarterly Acquisition Report for the second quarter of fiscal year 2010.

#### Response Boat—Medium

The conference agreement provides \$121,000,000 for the Response Boat—Medium (RB-M) acquisition, instead of \$103,000,000 as proposed by the House and \$123,000,000 as proposed by the Senate. These funds support the purchase of 39 RB-Ms, nine more than requested.

#### Maritime Patrol Aircraft

The conference agreement provides \$138,500,000 for the Maritime Patrol Aircraft acquisition as proposed by the House instead of \$175,000,000 as proposed by the Senate. Funds are available for maritime patrol aircraft, mission pallets, simulator, and associated project costs. The Coast Guard is to brief the Committees no later than 30 days after the date of enactment of this Act on the planned distribution of these funds.

#### National Security Cutter

The conference agreement provides \$389,480,000 for the National Security Cutter (NSC) acquisition as proposed by the Senate instead of \$281,480,000 as proposed by the House. These funds are to complete production of NSC #4 and for long lead-time materials for NSC #5. The conferees direct the Coast Guard to finalize the integrated logistics plan for the NSC and to brief the Committees on it within 60 days of the date of enactment of this Act.

mittees on it within 60 days of the date of enactment of this Act.

#### Offshore Patrol Cutter

The conferees direct the Coast Guard to brief the Committees by March 15, 2010, on the progress of its ongoing preliminary acquisition work on the Offshore Patrol Cutter, including the results of the requirements and alternatives analyses.

#### Fast Response Cutter

The conferees expect the Coast Guard to continue quarterly briefings on the status of the Fast Response Cutter procurement as outlined in the Senate report, including information on the effectiveness of its efforts to control cost growth in the program.

#### Polar Icebreaker Sustainment

The conference agreement provides an additional \$32,500,000 to complete the reactivation and service life extension of the Coast Guard Cutter POLAR STAR as proposed by the Senate. No additional funding for this activity was proposed by the House. Of this amount, \$5,200,000 is provided in the Acquisition, Construction, and Improvements direct personnel costs PPA. Funds shall be applied as specified in the Senate report. The conferees believe returning POLAR STAR to operational status is vital to national interests in the polar regions. According to the Coast Guard the only existing operational heavy icebreaker, the POLAR SEA, has only five years of service life remaining. The absence of requested funding to complete fiscal year 2009 efforts to reactivate POLAR STAR, combined with the lack of compliance with standing Congressional direction on the polar icebreaking budget, implies a broader lack of commitment to sustaining polar capabilities and achieving long-term, strategic objectives in the Arctic. The conferees direct the Coast Guard to brief the Committees no later than December 15, 2009, on the program execution plan for reactivation of POLAR STAR and the status of resources required to achieve mission requirements for polar operations.

#### High Endurance Cutter Sustainment

The conference agreement provides \$4,000,000 above the request for pre-acquisition survey and design to determine the requirements for a maintenance effectiveness project for the High Endurance Cutter, instead of the \$8,000,000 as proposed by the Senate. No additional funding for this activity was proposed by the House. The conferees direct the Coast Guard to brief the Committees no later than 60 days after the date of enactment of this Act on preliminary plans for this effort, as proposed by the Senate.

#### Interagency Operations Centers (Command 21)

The conference agreement provides \$10,000,000 for Interagency Operations Centers instead of \$28,000,000 as proposed by the Senate. No additional funding for this activity was proposed by the House. Within 90 days after the date of enactment of this Act, the Coast Guard shall submit an expenditure plan for these funds as outlined in the Senate report.

#### Shore Facilities and Aids to Navigation

The conference agreement provides \$27,100,000 for shore facilities and aids to navigation as proposed by the Senate instead of \$10,000,000 as proposed by the House. The conferees direct the Coast Guard to provide the Committees with a prioritized list of projects in the current construction backlog by January 15, 2010, and the Coast Guard's plan to address them.

The conferees continue to be concerned with the condition of the Coast Guard Academy pier. The conference agreement includes \$300,000 for survey and design costs for this project as proposed by the Senate.

The conference agreement also includes \$16,800,000, as proposed by the Senate, to complete the project proposal to renovate, improve, or construct a new Station and Marine Safety Unit Cleveland Harbor, Ohio, and to begin work on this project. The Coast Guard should take a phased approach to this project to fully utilize the funds available.

In addition, the conference agreement includes a general provision, as proposed by the House, authorizing the Coast Guard to use previously appropriated funds for the consolidation of Sector Buffalo to enhance public access to the Buffalo Lighthouse. The Coast Guard is directed to brief the Committees within 90 days after the date of enactment of this Act on how this aspect of the project will be completed by the end of fiscal year 2011.

#### Hiring Authorities

The conferees encourage the Coast Guard to work with the appropriate authorizing committees of Congress to ensure that its hiring authorities are on par with those of the other armed services, as recommended by the Senate. Furthermore, the conferees direct the Coast Guard to brief the Committees no later than 60 days after the date of enactment of this Act on efforts to reduce reliance on contractors performing inherently governmental work, as proposed by the Senate.

#### Great Lakes Icebreaking

The conferees direct the Coast Guard to conduct an alternatives analysis for Great Lakes icebreaking and submit it to the Committees no later than four months after the date of enactment of this Act, as outlined in the Senate report.

#### Government Accountability Office Reviews

The conferees direct the GAO to continue its oversight of the Deepwater Program. In addition to the programs highlighted in the Senate report, GAO should focus on programs nearing critical decision points, such as the Fast Response Cutter, Maritime Patrol Aircraft, and C4ISR, as well as continuing its ongoing work reviewing the acquisition of the NSC and changes made to acquisition processes and policies at both the component and Departmental level that will affect how the Coast Guard functions as systems integrator. The conferees expect GAO to review Coast Guard expenditure plans once they are transmitted to the Committees.

#### ALTERATION OF BRIDGES

The conference agreement provides \$4,000,000 for Alteration of Bridges, as proposed by the Senate instead of \$10,000,000 as proposed by the House. Funding is provided for alteration of the Fort Madison Bridge in Fort Madison, Iowa.

#### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conference agreement provides \$24,745,000 for Research, Development, Test, and Evaluation instead of \$19,745,000 as proposed by the House and \$29,745,000 as proposed by the Senate. Within this total is \$5,000,000 above the request for unmanned aircraft system (UAS) priority research, instead of \$10,000,000 as proposed by the Senate. No additional funding for this activity was proposed by the House. The conferees direct the Coast Guard to provide periodic updates on the research schedule, findings, and impli-

cations for potential acquisition and deployment of UAS resources, as noted in both the House and Senate reports.

The conferees direct the Coast Guard to report to the Committees on how the research projects outlined in the request will be supported, including development of freshwater ballast treatment technologies, within 90 days after the date of enactment of this Act, as outlined in the House report.

#### RETIRED PAY

The conference agreement provides \$1,361,245,000 for retired pay as proposed by the House and the Senate.

#### UNITED STATES SECRET SERVICE

##### SALARIES AND EXPENSES

The bill provides \$1,478,669,000 for Secret Service Salaries and Expenses instead of \$1,457,409,000 as proposed by the House and \$1,482,709,000 as proposed by the Senate. The funds should be allocated as follows:

Protection:	
Protection of Persons and Facilities .....	\$755,521,000
Protective Intelligence Activities .....	67,824,000
National Special Security Event Fund .....	1,000,000
White House mail screening .....	22,415,000
Subtotal, Protection ...	
Investigations:	
Domestic Field Operations .....	260,892,000
International Field Office Administration, Operations, and Training .....	30,705,000
Electronic Crimes Special Agent Program and Electronic Crimes Task Forces .....	56,541,000
Support for missing and exploited children .....	8,366,000
Subtotal, Investigations .....	356,504,000
Headquarters, Management and Administration .....	221,045,000
Training:	
Rowley Training Center .....	54,360,000
Total, U.S. Secret Service, Salaries and Expenses .....	\$1,478,669,000

#### SECRET SERVICE FINANCIAL MANAGEMENT

On June 30, 2009, the Department of Homeland Security notified Congress that the Secret Service expended \$5,100,000 more than had been appropriated for Presidential campaign protection in fiscal year 2009. In order to rectify this shortfall, the Committees directed the Secret Service to reallocate appropriations originally provided in the Omnibus Appropriations Act, 2009, to expand the agency's protective mission. This reallocation was supported by information provided to the Committees showing that the Secret Service planned to hire fewer Special Agents in fiscal year 2009 than had originally been planned.

The conferees are extremely concerned that it took the Department and the Secret Service more than seven months to notify the Congress of the campaign protection cost overruns. At a minimum, this ex post facto reporting violated section 503 of the Department of Homeland Security Appropriations Act, 2009, which requires the Department to notify the Congress in advance of any proposals to reprogram or transfer appropriated

funds. The conferees are concerned that such action may have violated the Anti-Deficiency Act, which prohibits any executive branch employee from obligating or expending funds in excess of levels appropriated by Congress. As a result of these concerns, the conferees direct the Comptroller General to investigate this situation, report to the Committees on whether the Department's action violated these laws, and identify all actions taken or recommended to be taken to address and correct any violation.

In addition, the conferees note this is not the first incidence of budgetary execution problems at the Secret Service. A similar disregard of budgetary limitations occurred at the end of the 2004 Presidential campaign and again after the 2005 United Nations General Assembly meeting. Concerns regarding the Secret Service's ability to provide timely information on budget execution to the Committees were explicitly discussed in House Report 109-476, including direction on corrective actions. Furthermore, the Secret Service has already indicated that its protective responsibilities in fiscal year 2010 will include more protectees than budgeted, raising the possibility that fiscal year 2010 resources for the Secret Service protective mission may prove inadequate. Therefore, the conferees direct the Department of Homeland Security Chief Financial Officer and the United States Secret Service Assistant Director for Administration to brief the Committees not later than 30 days after the date of enactment of this Act on the process that will be implemented in fiscal year 2010 to ensure such problems do not reoccur. The President should seek additional funds if a shortfall is identified, or the Department should seek a transfer or reprogramming of funds in accordance with section 503 of this Act.

#### Secret Service Information Technology Modernization

The conference agreement provides \$33,960,000 for Secret Service information technology modernization as proposed by the Senate instead of \$12,700,000 as proposed by the House. The conferees include statutory language prohibiting the obligation of these funds for any information technology equipment purchases until the DHS Chief Information Officer (CIO) certifies to the Committees that Secret Service information technology modernization is consistent with DHS guidance for data center consolidation and enterprise architecture requirements.

The Secret Service is to work with the DHS CIO to develop a transition plan to integrate the agency's data center consolidation efforts, as proposed by the House; and the Secret Service and DHS CIO are to provide semi-annual briefings to the Committees on progress in upgrading IT systems and programs, as proposed by the Senate.

#### Uniformed Division Modernization

The conference agreement does not provide the requested \$4,040,000 for implementation of the proposed Uniformed Division Modernization Act (UDMA) as proposed by the House instead of the \$4,040,000 proposed by the Senate. While the relevant authorizing committees of jurisdiction have begun the legislative process to enact such reforms and the conferees are supportive of these reforms, it is not clear when this work will be complete. If the proposed UDMA is enacted into law in fiscal year 2010, the Committees are willing to work with the Administration to implement such reforms expeditiously.

#### New Secret Service Offices and Locations

The conference agreement includes funding for operations of the Tallinn, Estonia, international field office, as requested in the

budget. At the end of fiscal year 2009, the Secret Service determined that the best location from which to combat emerging electronic crime threats in the Baltic States is Tallinn, and informed the Committees of this decision when it proposed using a portion of that year's international operations appropriation to open the office. The Committees subsequently approved this expansion.

Given concerns that the Secret Service has opened other new permanent offices without notifying the Congress, the conference report includes a statutory requirement that the Secret Service notify the Committees in advance of obligating any funds to open a new permanent domestic or overseas Secret Service office or location.

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conference agreement provides \$3,975,000 for Acquisition, Construction, Improvements, and Related Expenses as proposed by both the House and the Senate.

#### TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

##### NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

##### MANAGEMENT AND ADMINISTRATION

The conference agreement provides \$44,577,000 for Management and Administration of the National Protection and Programs Directorate (NPPD), as proposed by both the House and the Senate. As discussed in the Senate report, the Under Secretary is directed to provide quarterly briefings to the Committees on the specific use of resources. In addition, the conferees direct NPPD to submit to the Committees, within 60 days after the date of enactment of this Act, an expenditure plan for the Office of Risk Management and Analysis.

##### INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

The conference agreement provides \$899,416,000 for Infrastructure Protection and Information Security (IPIS) instead of \$883,346,000 as proposed by the House and \$901,416,000 as proposed by the Senate. Funding levels by activity are as follows:

Infrastructure Protection: Identification and Analysis .....	\$90,610,000
Coordination and Information Sharing .....	59,582,000
Mitigation Programs .....	197,111,000
Subtotal, Infrastructure Protection .....	347,303,000
National Cyber Security Division:	
U.S. Computer Emergency Response Team (US-CERT) .....	323,629,000
Strategic Initiatives .....	64,179,000
Outreach and Programs ..	9,346,000
Subtotal, National Cyber Security Division .....	397,154,000
Office of Emergency Communications .....	45,060,000
National Security/Emergency Preparedness (NS/EP) Telecommunications:	
Priority Telecommunications Services .....	56,773,000
Next Generation Networks .....	25,000,000
Programs to Study and Enhance Telecommunications .....	16,774,000
Critical Infrastructure Protection Programs ...	11,352,000

Subtotal, NS/EP Telecommunications .....	109,899,000
Total, Infrastructure Protection and Information Security .....	\$899,416,000

##### Budget Structure

As discussed in the House report and regardless of any alternative budget structures that may be proposed, the NPPD Chief Financial Officer is directed to submit the fiscal year 2011 budget in a PPA structure identical, by account, to that enacted in this Act and as presented in this statement. Furthermore, any report, briefing, or explanatory materials submitted to the Committees in fiscal year 2010 should present funding in this same structure.

##### Infrastructure Protection—Identification and Analysis

The conference agreement provides \$90,610,000 for Identification and Analysis as proposed by the Senate instead of \$86,610,000 as proposed by the House. This amount includes \$26,521,000 for Vulnerability Assessments and \$20,000,000 for the National Infrastructure Simulation and Analysis Center (NISAC). As discussed in the Senate report, the conferees encourage NISAC to continue to work with the National Incident Management Systems and Advanced Technologies Institute at the University of Louisiana at Lafayette.

##### Infrastructure Protection—Coordination and Information Sharing

The conference agreement provides \$59,582,000 for Coordination and Information Sharing as proposed by the Senate instead of \$62,912,000 as proposed by the House. This amount includes a \$9,000,000 increase from the budget request level for National Infrastructure Protection Plan implementation and Critical Infrastructure/Key Resources partnership management. Within 15 days after the date of enactment of this Act, the NPPD Chief Financial Officer shall provide the Committees an explanation of how this additional funding will be divided between these two activities.

##### Infrastructure Protection—Mitigation Programs

The conference agreement provides \$197,111,000 for Mitigation Programs instead of \$196,961,000 as proposed by the House and \$196,111,000 as proposed by the Senate. This amount includes \$14,768,000 for the Office of Bombing Prevention as proposed by the Senate instead of \$14,618,000 as proposed by the House. As discussed in the House report, \$1,000,000 is for infrastructure and crime monitoring cameras in the City of Philadelphia, Pennsylvania. As discussed in the Senate report, the conferees encourage the Office of Infrastructure Protection to work with the University of Southern Mississippi to address the range of potential and actual threats and risks to the on-going safety and security at venues with large crowds.

##### National Cyber Security Division—U.S. Computer Emergency Response Team (US-CERT)

The conference agreement provides \$323,629,000 for the National Cyber Security Division (NCSD) US-CERT program instead of \$310,629,000 as proposed by the House and \$331,629,000 as proposed by the Senate. Within the total provided, the conferees provide \$5,000,000 for the Cyber Security Coordination program. In addition, the conferees direct the Department to utilize any unobligated balances from the now-discontinued National Cyber Security Center for this coordinating function. As discussed in the Sen-

ate report, the conference agreement provides \$8,000,000 for data center migration activities.

##### National Cyber Security Division—Strategic Initiatives

The conference agreement provides \$64,179,000 for NCSD Strategic Initiatives as proposed by the House instead of \$57,679,000 as proposed by the Senate. As discussed in the House report, the total amount includes: \$3,500,000 for a Cyber Security Test Bed and Evaluation Center in Research Triangle Park, North Carolina; \$3,500,000 for cyber security training at the University of Texas at San Antonio; \$3,000,000 for the Multi-State Information Sharing and Analysis Center (MS-ISAC) at the New York Office of State Cyber Security and Critical Infrastructure Coordination; \$3,000,000 for the Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory, Idaho; \$500,000 for Virginia's Operational Integration Cyber Center of Excellence (VOICCE) in Hampton, Virginia; and \$100,000 for the Upstate New York Cyber Initiative at Clarkson University.

##### National Cyber Security Division—Outreach and Programs

The conference agreement provides \$9,346,000 for NCSD Outreach and Programs as proposed by the Senate instead of \$7,096,000 as proposed by the House. Within this amount, the conference agreement provides \$2,250,000 for the Cyber Security Information Sharing and Collaboration program as requested in the budget.

##### Nationwide Cyber Security Review

The conferees note the importance of a comprehensive effort to assess the security level of cyberspace at all levels of government. To accomplish this, cyber network security assessment tools must first be in place; however, the conferees understand that no such tools currently exist. Given this, the conferees do not require the Secretary to provide a report by June 1, 2010, on the status of cyber security measures in States and large urban areas, as proposed in the Senate report. Instead, NPPD, in cooperation with FEMA and relevant stakeholders, shall develop the necessary tools for all levels of government to complete a cyber network security assessment so that a full measure of gaps and capabilities can be completed in the near future. NPPD, in conjunction with FEMA, shall brief the Committees within 60 days after the date of enactment of this Act on the specific timeframes and deliverables necessary to complete the development and execution of such tools in order to complete such an assessment by June 2011.

##### Office of Emergency Communications

The conference agreement provides \$45,060,000 for the Office of Emergency Communications (OEC) as proposed by the House and instead of \$44,060,000 as proposed by the Senate. As discussed in the House report, \$1,000,000 of this amount is for SEARCH of Sacramento, California, to provide interoperable communications, training, certification, technical assistance, and outreach programs to State, regional, and local first responder communications coordinators. As discussed in the Senate report, the conferees are concerned that OEC has been slow to establish Emergency Preparedness Communications Centers (ECPC) and direct GAO to evaluate progress made to initiate this program and any obstacles to Federal coordination through ECPC.

#### National Security/Emergency Preparedness Telecommunications—Next Generation Networks

The conference agreement provides \$25,000,000 for the Next Generation Networks (NGN) program as proposed by both the House and the Senate. Given that it took NPPD more than eight months to submit a fiscal year 2009 NGN expenditure plan that did not fulfill all of the requirements specified by Congress, the conferees direct NPPD to submit a fiscal year 2010 expenditure plan for this program within 60 days after the date of enactment of this Act and withhold half of the appropriation until the Committees approve the plan.

#### National Security/Emergency Preparedness Telecommunications—Programs to Study and Enhance Telecommunications

The conference agreement provides \$16,774,000 for Programs to Enhance and Study Telecommunications (PSET) as proposed by both the House and Senate. The conference agreement does not provide the budget request for the proposed Continuity Communications Architecture program but does not preclude the use of other PSET funds for this purpose, pursuant to section 503 of this Act.

#### National Security/Emergency Preparedness Telecommunications—Critical Infrastructure Protection Programs

The conference agreement provides \$11,352,000 for Critical Infrastructure Protection Programs as proposed by the House instead of \$13,852,000 as proposed by the Senate. No funding is included for the Regional Communications Coordinators program.

#### National Security/Emergency Preparedness Telecommunications—National Command and Coordination Capability

As discussed in the House report, the conferees provide no funding for the National Command and Coordination Capability (NCCC) since the budget proposed discontinuation of this program. In addition, the conference agreement includes a general provision rescinding \$8,000,000 in unobligated balances from NPPD. This rescission should include unobligated prior-year appropriations made for NCCC. The conferees direct the NPPD Chief Financial Officer to report on the distribution of this rescission by program, project, and activity to the Committees within 15 days after the date of enactment of this Act.

#### FEDERAL PROTECTIVE SERVICE Management Restructuring

The conference agreement supports the realignment of Federal Protective Service (FPS) operations from ICE to NPPD as proposed by the Senate instead of retaining FPS in ICE as proposed by the House. The conferees expect the Secretary and the Deputy Secretary to take responsibility for overseeing an effective transition. DHS managers overseeing this transition are instructed to brief the Committees on progress transferring FPS to NPPD at least semi-annually, starting no later than January 15, 2010, as discussed in the Senate report. The content of this briefing should include at a minimum as much detail as the transition plan discussed in the House report, which was submitted to the Committees on August 21, 2009.

#### FPS Resources

Given that the Committees have, for the past two years, expressed concern about the adequacy of the FPS police force to protect Federal workers and buildings nationwide, the conferees are troubled that information

explaining the transition of FPS to NPPD estimates an increase in overhead charges that FPS will pay to NPPD but does not identify the source from which these funds will be found. Since FPS is funded through the collection of security fees from other agencies, the conference agreement continues a provision included in the last two Department of Homeland Security Appropriations Acts that requires the Administration to certify that FPS will collect adequate fees to employ not less than 1,200 FPS employees including at least 900 in-service field staff. The conferees direct that any additional costs for administrative overhead charged to FPS not reduce the staffing levels at the agency below the number of employees as of September 30, 2009. The conferees expect that the total amount required for administrative costs will be identified in the 2011 budget.

#### UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

The conference agreement provides \$373,762,000 for United States Visitor and Immigrant Status Indicator Technology (US-VISIT) instead of \$351,800,000 as proposed by the House and \$378,194,000 as proposed by the Senate. Of this amount, \$75,000,000 may not be obligated until the Committees receive, not later than 90 days after the date of enactment of this Act, an expenditure plan that meets the statutory conditions specified under the US-VISIT heading in Public Law 110-329.

Within the total amount provided is \$118,692,000 for Program Management Services; \$31,000,000 for Identity Management and Screening Services; \$28,700,000 for Unique Identity; and \$22,000,000 for development and implementation of a biometric air exit solution. It also includes, as requested in the budget, \$128,126,000 for Operations and Maintenance, and \$45,244,000 for data center migration.

The conference report provides that \$28,000,000 in prior year balances shall remain available until expended solely for implementation of a biometric air exit capability.

#### Biometric Exit

The conferees support the implementation of a biometric exit solution as soon as possible. The conferees have provided a total of \$50,000,000 for implementation of a biometric air exit capability, and expect to see regular and material progress made towards a solution for exit at all ports of entry. The conferees expect DHS, through US-VISIT and its other component agencies, to leverage current infrastructure improvement initiatives such as WHTI and Southwest border outbound inspection to facilitate biometric exit solutions. The conferees direct DHS to submit its land exit planning document to the Committees as soon as it is completed and to continue to provide quarterly briefings on biometric exit implementation to the Committees, beginning November 1, 2009. The briefings should cover the status of air exit implementation, prospects for other exit solutions, and the status of discussions with Canada and Mexico on sharing immigration information to improve the ability to track departures. The monthly reports on implementation of biometric entrance and exit are no longer required.

#### Staffing and Contractor Support

The conferees direct US-VISIT to provide quarterly briefings to the Committees on its hiring and position conversion efforts, as called for in the House report. These briefings should be provided at the same time as the biometric exit briefings.

#### OFFICE OF HEALTH AFFAIRS

The conference agreement provides \$139,250,000 for the Office of Health Affairs (OHA) instead of \$128,400,000 as proposed by the House and \$135,000,000 as proposed by the Senate. Within the amount provided is \$5,000,000 as proposed by the House, for the North Carolina Collaboratory for Bio-Preparedness for a demonstration project for the development of a statewide system to analyze public health trends and detect incidents.

Also included is \$89,513,000 for BioWatch as proposed by the Senate instead of \$79,413,000 as proposed by the House. The funding shall be used to maintain the remaining first and second generation baseline biosurveillance capability and to complete the Generation 3 prototype unit field testing, perform data analysis, and verify the performance of the technology. The conferees remain committed to supporting DHS in its task of establishing a viable detection system but remain concerned that the plans for this security imperative are adrift. Therefore, OHA is directed to provide an expenditure plan with specific milestones for implementation, broken out by technology generation, to the Committees within 60 days of the date of enactment of this Act. The conferees further direct OHA to report quarterly on the deployment of any BioWatch device to new locations.

The conferees are especially troubled by the continual delays in OHA's testing and evaluation of biosurveillance technology. The conferees are aware that OHA issued a request for proposal permitting a wide range of applicants to submit technologies for Generation 3. OHA is in the process of testing technologies to determine which ones best meet the nation's biodetection needs. The conferees expect the Science and Technology Directorate to be intricately involved in the test and evaluation of the BioWatch Generation 3 systems. Additionally, the conferees note that the National Assessment Group will provide an independent review of the test and evaluation process. Due to deficiencies that have arisen with the previous BioWatch generation technologies, there is an urgent need to complete research and development of Generation 3 systems over the next year, providing for operational deployment starting in fiscal year 2011.

A total of \$3,726,000 has been provided for Planning and Coordination instead of \$2,976,000 as proposed by the House and \$4,476,000 as proposed by the Senate. The funding above the budget request is provided for OHA's Office of Medical Readiness in support of its role in planning for pandemic flu and activities related to the Food, Agricultural and Veterinary Defense Division.

The conferees note the important role of DHS in Project BioShield under Section 319F-2 of the Public Health Service Act shall not be modified, as outlined in the Senate report.

The conferees are concerned that systems purchased by State and local governments to detect chemical and biological substances that are not validated will be unable to accurately detect harmful pathogens. OHA is directed to work with the Federal Emergency Management Agency to ensure that grant requests are only approved for such systems that are proven to be adequate to detect harmful pathogens and provide accurate information for the health and safety of first responders and citizens.

#### FEDERAL EMERGENCY MANAGEMENT AGENCY MANAGEMENT AND ADMINISTRATION

The conference agreement provides a total of \$903,250,000 for Federal Emergency Management Agency (FEMA) Management and

Administration. Within this total is a direct appropriation of \$797,650,000 for FEMA Management and Administration instead of \$844,500,000 as proposed by the House and \$859,700,000 as proposed by the Senate. An additional \$105,600,000 shall be transferred from the Disaster Relief fund for management and administrative functions instead of \$90,080,000 as proposed by the House and \$50,000,000 as proposed by the Senate. Together with amounts made available for management and administration from grant accounts and the transfer from the Disaster Relief fund, management and administration activities are funded at \$9,379,000 above fiscal year 2009.

Of the amount provided, the conference agreement includes: \$9,000,000 for the Emergency Management Institute; \$5,900,000 for data center migration; \$150,000 for FEMA international best practices; up to \$10,000,000 for underground storage tank remediation; \$2,945,000 for the Office of Environmental Planning and Historic Preservation; \$65,201,000 for Information Technology Services; \$2,500,000 for Ready.gov; \$2,156,000 for the National Hurricane Program; \$10,281,000 for the National Dam Safety Program; and \$8,977,000 for the National Earthquake Hazards Reduction Program.

#### Mount Weather Emergency Operations Center Capital Improvements

The conference agreement provides \$36,300,000, to remain available until September 30, 2011, for capital improvements at the Mount Weather Emergency Operations Center (MWEOC), as proposed by the House instead of \$49,913,000 as proposed by the Senate. The explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2009, required FEMA to submit a MWEOC capital improvement plan to allow the Committees to better determine the needed investments for this strategic facility. However, nearly a year later, the Committees still have not received the plan. The conferees understand that there are sizable unobligated balances for capital improvements from prior year appropriations that will ensure critical work can take place. The conferees, however, are concerned with the lack of visibility into the planning, finances, and future costs associated with the improvements at this important facility. Therefore, the conferees direct FEMA to provide a report, not later than 180 days after the date of enactment of this Act, with detailed information on all MWEOC capital improvement funding. The report shall include a historical accounting of funding for MWEOC beginning with fiscal year 1997, including funding made available and obligations made in each fiscal year. Further, included in the report shall be a review by the DHS Office of General Counsel of all authorities used to execute that funding, including the authority to administer the MWEOC Working Capital Fund. The report should clearly list any amounts transferred to the fund from DHS entities as well as other federal sources in each fiscal year. The conferees further direct the Administration to provide the capital improvement plan required in fiscal year 2009 without delay.

#### Budget Submissions

The conference agreement continues a provision directing FEMA to submit its fiscal year 2011 budget request by office as directed by the House and Senate. FEMA is directed to notify the Committees within 15 days if any office receives or transfers out more than 5 percent of the total amount allocated to each office.

#### National Incident Management System

The conference agreement includes an additional \$8,000,000 above the budget request instead of \$9,000,000 as proposed by the House to support and enhance ongoing incident management efforts as specified in the House report. The Senate did not provide additional funding for these activities. The conferees direct FEMA to ensure that all communities are educated and trained on the National Incident Management System.

#### FEMA Workforce

The conferees note the severe budget problems FEMA has sustained related to a structural pay shortfall. The conferees have directed the IG to investigate FEMA's hiring practices and to determine if the \$35,000,000 requested in the budget is sufficient to rectify this known shortfall. FEMA is directed to provide a briefing on the specific processes in place to prevent discrepancies in on-board staff and the funds needed to sustain them in the future.

The conference agreement provides \$2,000,000 for FEMA to partner with the DHS Homeland Security Studies and Analysis Institute to conduct a study of FEMA's human capital resources instead of \$2,250,000 as proposed by the Senate. The House did not include funding for this activity. The study shall include recommendations as required in the Senate report.

#### International Affairs Office

The conference agreement provides an additional \$150,000 to support staff travel to foreign countries after disasters to offer and receive best practices and solutions instead of \$300,000 as proposed by the House. The Senate did not propose additional funding for this program. The conferees direct FEMA to submit an expenditure plan for these funds by April 1, 2010, describing funds spent by that date, as well as how the remainder of funds will be spent during the fiscal year. The report should clearly describe how FEMA will apply and share the specific best practices garnered by the time of the report and what specifically will be sought on future trips.

#### Local, State, Tribal, and Federal Task Force

The conferees recognize that since September 11, 2001, there has been a rush to increase, restructure, and reinvest in preparedness, response, recovery, and mitigation policies and capabilities. This effort was reemphasized after Hurricane Katrina. Major preparedness and response policies have been developed or reshaped including: the National Preparedness Guidance; National Incident Management System; the National Response Framework; Comprehensive Planning Guidance; Disaster Housing Strategy; and Hazard Mitigation Assistance. Countless guidance documents have been issued to address specific issues or disasters. Additionally, over \$27,000,000,000 has been invested by the federal government in grants, and an untold amount at the local and State level. These investments have provided equipment to make our public infrastructure safer, our first responders better protected and prepared to respond to all hazards, and to ensure a more coordinated effort among the levels of government. Efforts to fully assess these investments and improved capabilities have not yet come to fruition although disparate attempts to find a more comprehensive measure through programs such as Cost-to-Capability, the Target Capabilities List, and the Comprehensive Assessment System are ongoing.

The conferees note that tremendous time and fiscal investments into preparedness

have been made to date and believe it is time to take stock of such efforts to find ways to ensure the most efficient investments are made in the future. The reality of a constricted economy and competing interests make it imperative that current efforts related to homeland security and all-hazards response and recovery be streamlined. Therefore, the National Preparedness Directorate (NPD), in cooperation with the Office of Intergovernmental Affairs, shall lead the administrative effort of a Local, State, Tribal, and Federal preparedness task force. The task force is charged with making recommendations for all levels of government regarding: disaster and emergency guidance and policy; federal grants; and federal requirements, including measuring efforts. The task force shall especially evaluate: which policies and guidance need updating, and the most appropriate process by which to update them; which grant programs work the most efficiently and where programs can be improved; and the most appropriate way to collectively assess our capabilities and our capability gaps. Representation on the task force shall include: decision makers and practitioners from all disciplines including, but not limited to, firefighters, law enforcement, emergency management, health care, public works, development organizations, mitigation, and information technology; elected officials; and the private sector. NPD is directed to brief the Committees within 45 days after the date of enactment of this Act on its approach to establishing this task force and milestones for accomplishment.

#### FEMA Guidelines and Policies

The conferees remain concerned that, in the past, grant guidance and policies have been used to alter major programs that impact State and local partners with little or no visibility to the incorporation of stakeholder input, if even solicited. As an interim step, while the Local, State, Tribal, and Federal Task Force is conducting its reviews, the conferees direct the Administrator of FEMA to report to the Committees no later than 60 days after the date of enactment of this Act on how the agency currently reviews policies and guidance and the process used to modify policies and guidance. The report should also include information on how the agency intends to amend its process for modifying grant guidance and policies to better obtain and incorporate public and stakeholder input. The report should include a detailed description of the impact of other participants in the policy process, such as DHS leadership, the Office of Management and Budget, and other White House offices. This report should build on the Stakeholder Engagement Plan provided in response to the requirement in the statement accompanying the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009 (P.L. 110-329), which provided an explanation of the adjudication process on public comments for grant programs. Furthermore, the conferees direct FEMA to present policy changes and new policies to the National Advisory Council (NAC) on a quarterly basis. The conferees do not require FEMA to post policy changes online five days prior to implementation, as described in the House report. Instead, all current FEMA policies and guidance should be clearly placed on the website in an accessible and user-friendly way with updates posted in a timely manner.

#### Nationwide Plan Review Update

The conferees direct FEMA to provide an update on the status of catastrophic planning, including mass evacuation planning, in



all 50 States and the 75 largest urban areas, by April 16, 2010, as discussed in the Senate report.

#### Nuclear Preparedness

The conferees note that a Nuclear Incident Communication Planning report and Planning Guidance for Response to a Nuclear Detonation have been issued, in accordance with direction provided in House Report 110-107. The report and guidance provide critical information that should be made available to the public on how to respond to a nuclear event. FEMA shall brief the Committees not later than 30 days after the date of enactment of this Act on how the information in the report and guidance will be incorporated into preparedness and public information activities.

#### Nationwide Cyber Security Review

The conferees, as described previously, require NPPD to lead the effort to develop, in conjunction with FEMA, tools to assess cyber network security.

#### Post Disaster Housing

FEMA is directed to report to the Committees, not later than 60 days after the date of enactment of this Act, regarding the plan for acquisition of alternative temporary housing units and procedures for expanding repair of existing multi-family rental housing units, semi-permanent, or permanent housing options, as authorized under section 689(a) of the Post-Katrina Emergency Management Reform Act of 2006.

#### U.S. Fire Service Needs Assessment

FEMA, in conjunction with the National Fire Protection Association, is directed to provide to the Committees, no later than April 9, 2010, an update to the U.S. Fire Service Needs Assessment. The update shall be consistent with the last assessment completed in February 2006 in its scope and methodology.

#### Office of National Capital Region Coordination

The conference agreement provides \$6,995,000 for the Office of National Capital Region Coordination as proposed by both the House and the Senate. The conference report includes a provision requiring the inclusion of the Governors of the State of West Virginia and the Commonwealth of Pennsylvania in the National Capital Region decision-making and planning process for mass evacuation. The Department is directed to include officials from the counties and municipalities that contain the evacuation routes and their tributaries into the planning process.

#### Special Populations

The conferees direct FEMA to consider utilizing the National Virtual Translation Center (NVTC) to enhance its translation services. FEMA is to report to the Committees, as specified in the House report, on possible uses of NVTC.

#### STATE AND LOCAL PROGRAMS (Including Transfer of Funds)

The conference agreement provides \$3,015,200,000 for State and Local Programs, instead of \$2,836,000,000 as proposed by the House and \$3,067,200,000 as proposed by the Senate. Funding is allocated as follows:

State Homeland Security Grant Program .....	\$950,000,000
Urban Area Security Initiative .....	887,000,000
Regional Catastrophic Preparedness Grants .....	35,000,000
Metropolitan Medical Response System .....	41,000,000

Citizen Corps Program .....	13,000,000
Public Transportation Security Assistance and Railroad Security Assistance .....	300,000,000
Port Security Grants .....	300,000,000
Over-the-Road Bus Security Assistance .....	12,000,000
Buffer Zone Protection Program Grants .....	50,000,000
Driver's License Security Grant Program .....	50,000,000
Interoperable Emergency Communications Grant Program .....	50,000,000
Emergency Operations Centers .....	60,000,000
National Programs:	
National Domestic Preparedness Consortium .....	164,500,000
Center for Counterterrorism and Cybercrime .....	1,700,000
National Exercise Program .....	40,000,000
Technical Assistance .....	13,000,000
Continuing Training Grants .....	29,000,000
Evaluations and Assessments .....	16,000,000
Rural Domestic Preparedness Consortium .....	3,000,000
Subtotal, National Programs .....	267,200,000
Total, State and Local Programs .....	\$3,015,200,000

The conference agreement includes the following provisions: directing the transfer of four percent of State and Local Programs funding to the FEMA Management and Administration account, and requiring the submission of an expenditure plan within 60 days of the date of enactment of this Act on the use of those administrative funds; designating certain timeframes for grant processing; requiring grantees to provide reports as determined necessary by the Secretary; and providing that the installation of communications towers is not considered construction of a building or other physical facility under the State Homeland Security Grant Program (SHSGP) and the Urban Area Security Initiative (UASI).

The conferees include a general provision requiring FEMA to brief the Committees five days prior to any announcement of State and Local Programs grants awards. Such briefings shall include detailed information on the risk analysis employed, the process for determining effectiveness, the process or formula used for selecting grantees, and any changes to methodologies used in the previous fiscal year. In lieu of the Senate reporting requirement on grant guidance, the conferees require that information on funding that will be used for planning and recovery, especially for transit security and port security, be included in these briefings.

The conferees support the consideration of the needs for mass evacuation planning and pre-positioning of equipment for areas potentially impacted by mass evacuations in allocating first responder funds.

The conferees encourage the Department to work with State and local governments and all grantees to develop pre-event recovery plans in conjunction with their response and mitigation plans. FEMA is further encouraged to require State and local governments to include tribal governments, rural water associations, and chief information officers in planning efforts.

#### State Homeland Security Grant Program

The conference agreement provides \$950,000,000 for the State Homeland Security

Grant Program, as proposed by both the House and the Senate. Of the total amount \$60,000,000 is for Operation Stonegarden as proposed by both the House and the Senate. The Department shall implement the program as discussed in the House report. Further, the Department is encouraged to give consideration to applications that are coordinated across multiple jurisdictions.

The conferees encourage the Department to clarify that the Western Hemisphere Travel Initiative (WHTI) implementation activities, including issuance of WHTI-compliant tribal identification cards, are eligible under this grant program.

#### Urban Area Security Initiative

The conference agreement provides \$887,000,000 for UASI grants, as proposed by the Senate instead of \$890,000,000 as proposed by the House. Within this funding, \$19,000,000 is provided for grants to non-profit organizations determined by the Secretary to be at high risk of terrorist attack.

#### Compliance With the 9/11 Act

The conferees expect FEMA to comply with provisions of the 9/11 Act, including policies regarding paying salaries for intelligence analysts, as well as for distribution of UASI grants on the basis of risk.

#### Law Enforcement Terrorism Prevention Program

In accordance with section 2006 of the Homeland Security Act of 2002, the Law Enforcement Terrorism Prevention Program (LETPP) is funded through a required set-aside of 25 percent of the SHSGP and UASI programs. The conferees direct FEMA to provide clear guidance to States and urban areas to ensure the intent of the LETPP is fully realized and the program is fully maximized.

#### Regional Catastrophic Preparedness Grant Program

The conference agreement includes \$35,000,000 for the Regional Catastrophic Preparedness Grant Program as proposed by the Senate. The House did not propose funding for this program. As plans are completed, FEMA is directed to move forward with the program as outlined in the Senate report.

#### Metropolitan Medical Response System

The conference agreement includes \$41,000,000 for the Metropolitan Medical Response System (MMRS) instead of \$44,000,000 as proposed by the House and \$40,000,000 as proposed by the Senate. The conferees direct FEMA to work with OHA to develop guidelines for MMRS. The conferees do not accept the Administration's proposal to replace the MMRS program with a medical surge grant program and advise FEMA to work with the Assistant Secretary for Preparedness and Response within the U.S. Department of Health and Human Services to develop medical surge guidelines for communities.

#### Citizen Corps Program

The conference agreement provides \$13,000,000 for the Citizens Corps Program, instead of \$15,000,000 as proposed by both the House and the Senate.

#### Public Transportation Security Assistance and Railroad Security Assistance

The conference agreement provides \$300,000,000 for Public Transportation Security Assistance and Railroad Security Assistance instead of \$250,000,000 as proposed by the House and \$356,000,000 as proposed by the Senate, which also included Over-the-Road Bus Security Assistance. The conferees continue the requirement that grants be made directly to transit agencies. The conferees



note that States serve an integral role in coordinating regional interests in regard to transit security and therefore direct FEMA to allow transit agencies to permit States to act as sub-grantees to better facilitate regional planning and programs.

Based on the latest estimates from FEMA, about 90 percent of funds appropriated in fiscal year 2006 for rail and transit have not been expended. The conferees expect FEMA and TSA to report, by December 15, 2009, on their progress in working with transit agencies to expend grant funds for fiscal years 2006, 2007, and 2008.

#### Port Security Grants

The conference agreement provides \$300,000,000 for Port Security grants, instead of \$250,000,000 as proposed by the House and \$350,000,000 as proposed by the Senate. The conferees agree to waive the cost share requirement, as proposed by the House, in this fiscal year only due to the current economic conditions. The conferees recognize the Secretary of Homeland Security has the authority to waive the cost share requirement for this program in cases of economic hardship. After this fiscal year, the cost share requirement is not expected to be waived, except at the discretion of the Secretary.

#### Over-the-Road Bus Security Assistance

The conference agreement provides \$12,000,000 for Over-the-Road Bus Security Assistance as proposed by the House. The Senate provided no less than \$6,000,000 for these activities within Public Transportation Security Assistance and Railroad Security Assistance grants.

#### Buffer Zone Protection Program

The conference agreement provides \$50,000,000 for Buffer Zone Protection Program grants as proposed by both the House and the Senate. The conferees acknowledge that this program should be focused on mitigating vulnerabilities to critical infrastructure, instead of providing funding to localities for security costs. The conferees direct FEMA and NPPD to brief the Committees 15 days after the date of enactment of this Act on an expenditure plan that clarifies the methodology by which the program will focus on reducing certain specific vulnerabilities.

#### Driver's License Security Grant Program

The conference agreement provides \$50,000,000 for the Driver's License Security Grant Program as proposed by the Senate. The House proposed the same amount for similar activities under "REAL ID Grants".

#### Interoperable Emergency Communications Grants

The conference agreement provides \$50,000,000 for Interoperable Emergency Communications Grants as proposed by both the House and Senate. The conferees expect that grantees must certify to FEMA that the necessary investments are being made for an effective interoperable communications planning process to ensure plans are kept up-to-date and federal funds are not wasted. Once it is determined that the planning process is properly resourced and implemented, grantees should be given the flexibility to purchase interoperable communications equipment. The conferees expect that before grant dollars are obligated by grantees for equipment, jurisdictions must certify to FEMA that the funds are being spent in accordance with their plans.

#### Emergency Operations Centers

The conference agreement provides \$60,000,000 for Emergency Operations Centers

instead of \$40,000,000 as proposed by the House and \$20,000,000 as proposed by the Senate. The funding shall be allocated for projects as specified in the conference report, and the remaining funding shall be competitively awarded.

#### Trucking Industry Security Grants

The conference agreement includes a rescission of \$5,572,000 from unobligated balances in fiscal year 2009. The conferees note that funds appropriated in fiscal year 2008 are supporting a three-year education and training program.

#### National Domestic Preparedness Consortium

The conference agreement provides \$164,500,000 for the National Domestic Preparedness Consortium as proposed by the Senate instead of \$132,000,000 as proposed by the House. Of the total amount \$62,500,000 is for the Center for Domestic Preparedness as proposed by the Senate instead of \$40,000,000 as proposed by the House. Included in this amount is funding to continue activities at the Noble Training Center. Additionally, of the total amount provided, \$23,000,000 is for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; \$23,000,000 is for the National Center for Biomedical Research and Training, Louisiana State University; \$23,000,000 is for the National Emergency Response and Rescue Training Center, Texas A&M University; \$23,000,000 is for the National Exercise, Test, and Training Center, Nevada Test Site; \$5,000,000 is for the National Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; \$5,000,000 is for surface transportation emergency preparedness and response training to be awarded under full and open competition.

The conferees clarify that the National Disaster Preparedness Training Center provides natural disaster preparedness training, including outreach and response training for the public, all hazards training for first responders with a particular focus on challenges facing island and rural communities, and a certificate and undergraduate degree program for homeland security and disaster management.

#### Counterterrorism and Cyber Crime Center

The conference agreement provides \$1,700,000 for the Counterterrorism and Cyber Crime Center, as proposed by the Senate. The House did not provide funding for this program.

#### Technical Assistance

The conference agreement provides \$13,000,000 for technical assistance as proposed by both the House and the Senate. The conferees encourage FEMA to continue to provide training to first responders through the Domestic Preparedness Equipment Technical Assistance Program.

#### Continuing Training Grants

The conference agreement provides \$29,000,000 for continuing training grants instead of \$31,000,000 as proposed by the House and \$27,000,000 as proposed by the Senate. The amount provided includes full funding for the homeland security graduate and executive level education programs currently supported by the Department. The Department is encouraged to leverage these important programs where appropriate to meet a growing need and also notes the importance of the Mobile Education Teams providing homeland security seminars for State and local elected officials and senior staff.

#### Evaluations and Assessments

The conference agreement includes \$16,000,000 for evaluations and assessments as

proposed by the House instead of \$18,000,000 as proposed by the Senate. FEMA is directed to continue the quarterly briefings by NPD regarding ongoing activities. Briefings shall include the results of the evaluations and assessments efforts. Therefore, FEMA is not directed to provide a separate briefing to the Committees every six months on the results from the completed national programs evaluations, as directed by the House. FEMA is directed to conduct the first quarterly briefing not later than 30 days after the date of enactment of this Act. The initial briefing shall provide a timeframe and approach to complete the development of tools to measure the achievement and effectiveness of grant programs. In addition, GAO shall continue to review such tools and report its findings to the Committees on a quarterly basis. Finally, the conferees note that measuring the grant programs is just one element of a larger effort to streamline FEMA's evaluations programs. Therefore, each quarterly briefing shall also include detailed information on the progress of this effort, including milestones and a process for disseminating usable and actionable information. GAO shall also review this effort and report its findings to the Committees on a quarterly basis.

#### Rural Domestic Preparedness Consortium

The conference agreement includes \$3,000,000 for the Rural Domestic Preparedness Consortium as proposed by the House. The Senate did not propose funding for this program. Funds will be used to provide and deliver training to rural first responders consistent with the National Preparedness Goal.

#### FIREFIGHTER ASSISTANCE GRANTS

The conference agreement provides \$810,000,000 for Firefighter Assistance Grants including \$390,000,000 for firefighter assistance grants and \$420,000,000 for firefighter staffing grants as proposed by both the House and Senate. FEMA is directed to continue the present practice of funding applications according to local priorities and those established by the United States Fire Administration, to maintain an all-hazards focus, and to grant funds for eligible activities in accordance with the authorizing statute. FEMA is required to continue the current grant application and review process as specified in the House report.

#### EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The conference agreement provides \$340,000,000 for Emergency Management Performance Grants instead of \$330,000,000 proposed by the House and \$350,000,000 as proposed by the Senate.

#### RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The bill provides for the receipt and expenditure of fees collected, as authorized by Public Law 105-276.

#### UNITED STATES FIRE ADMINISTRATION

The conference agreement provides \$45,588,000 for the United States Fire Administration (USFA) as proposed by both the House and the Senate. The conferees direct USFA to work with the U.S. Departments of Agriculture and Interior to ensure compatible data on wildfires is available. USFA is also directed to provide a briefing within 30 days of the date of enactment of this Act on the status of implementing the upgrade to the National Fire Information Reporting System, including future milestones for measuring progress.

## DISASTER RELIEF

## (Including Transfers of Funds)

The conference agreement provides \$1,600,000,000, for the Disaster Relief fund (DRF) instead of \$2,000,000,000 as proposed by the House and \$1,456,866,000 as proposed by the Senate. The conference agreement includes a transfer of \$16,000,000 to the Office of the Inspector General and \$105,600,000 to FEMA Management and Administration. The conference agreement continues the requirement to provide the Committees with an expenditure plan detailing the uses of these funds prior to transfer.

In an effort to improve the accuracy of budget forecasts, the President's budget includes an allowance for the estimated costs of natural or manmade disasters. The conferees commend the Administration for this effort but are disappointed that the President has not followed through by requesting appropriate funding for the known costs of existing disasters. According to DHS and FEMA, the DRF is expected to be exhausted in March of 2010. According to the most current FEMA estimates that were only recently provided to the Committees, it is anticipated that another \$3.8 billion will be required to cover disaster costs through September 30, 2010, for past disasters such as Hurricanes Katrina, Gustav, Ike, the Midwest floods, and for the anticipated costs of an average disaster season. Without a proposal from the Administration to address this impending shortfall, the conferees believe it is premature to appropriate additional funds at this time. As noted in the House report, the conferees expect the DRF to be properly monitored and for the submittal of timely budget requests that are adequate to sustain disaster response and recovery costs. Accordingly, the conferees encourage the President to request funding for any DRF shortfall as soon as possible.

The conference report continues the requirement for a monthly report detailing allocations, obligations, and undistributed amounts related to all disasters, including Hurricanes Katrina, Rita, and Wilma. The report shall maintain the same level of data as currently presented to the Committees. Additionally, this report should, when applicable, list funds transferred to USAID for international disasters, including the location of the disaster.

FEMA is directed to maintain the Florida long-term recovery office as long as there is sufficient work to be done following the 2004 and 2005 hurricanes that struck the State. FEMA is directed to notify the Committees 60 days prior to closing the office.

## EVALUATING FEMA'S READINESS

The House report directs GAO to conduct exercises to evaluate how well FEMA provides disaster assistance to survivors. The conference agreement modifies the House directive to require GAO to brief the Committees no later than 45 days after the date of enactment of this Act with a scope of work describing how GAO would carry out unannounced evaluations of FEMA's disaster assistance without adversely impacting those affected by a disaster.

## Remaining Challenges in Post Disaster Housing

In fiscal year 2009, the Committees required the Office of the Federal Coordinator for Gulf Coast Rebuilding to report on recommendations for ensuring sufficient stock of affordable rental housing to meet the needs of all those displaced. The conferees believe the Office's recommendations should be studied and incorporated by federal,

State, and local governments to deal with future disasters.

The conferees are pleased to note that FEMA and the Department of Housing and Urban Development (HUD) have recognized that there must be some interplay between the agencies after a disaster. The two agencies are working in tandem to operate the Disaster Housing Assistance Program (DHAP) in Louisiana, Mississippi, and Texas following Hurricanes Katrina, Rita, and Ike. The conferees expect FEMA to use DHAP as a model as it develops its agreements with HUD. The conferees expect that FEMA will continue to support disaster costs under an agreement between HUD and FEMA, as it does for DHAP in the Gulf Coast.

The conferees direct FEMA to formalize an agreement with HUD outlining the roles and responsibilities of both agencies following a disaster and clearly delineating when and how HUD should take the lead role in the federal housing response. Upon completion of the agreement, FEMA is directed to report to the appropriate Congressional committees on the resources and any legislative authority needed to implement the agreement.

The conferees remain concerned by continued reports that FEMA trailers purchased to house disaster victims have high levels of formaldehyde emissions, possibly leading to adverse health effects. The conferees understand FEMA is pursuing alternative housing solutions and demonstration projects and encourage FEMA to consider multiple technologies and building solutions during this phase.

## Children and Disasters

FEMA is directed to expedite its discussions with Ottawa School in Illinois and to come to resolution on its elementary school project. FEMA and the affected community should address the continued flooding of this school and area. FEMA and the community should consider taking the mitigation action of moving the school from the floodplain. FEMA shall act with due haste and report to the Committees when the final project is approved.

Further, the conferees direct FEMA to establish planning guidance to ensure child safety and protection in the event of a disaster.

## DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conference agreement provides \$295,000 for the cost of loans as proposed by both the House and the Senate. Administrative costs are provided for in the FEMA "Management and Administration" account.

## FLOOD MAP MODERNIZATION FUND

The conference agreement provides \$220,000,000 for the Flood Map Modernization program as proposed by both the House and Senate. In fiscal year 2010, FEMA will continue to focus these funds on reviewing, updating, and maintaining maps to accurately reflect flood hazards. The goal shall be to review and, where necessary, to update and maintain data, methodologies, models, and maps that have been modernized, and to issue map updates no later than five years past the modernized dates of the maps. To support this goal, FEMA is directed to provide no less than 20 percent of the funds provided under this heading for map updates and maintenance conducted by Cooperating Technical Partners that provide a 25 percent cash match and have a strong record of working effectively with FEMA on flood plain mapping activities. With the fiscal year 2011 budget request, FEMA shall submit to the Committees a status report on the

progress made towards the five-year Risk Mapping, Assessment, and Planning strategy.

When allocating map modernization funds, FEMA is encouraged to prioritize as criteria the number of stream and coastal miles within the State, the Mississippi River Delta region, and the participation of the State in leveraging non-federal contributions.

FEMA is directed to develop a National Digital Elevation Acquisition and Utilization plan for the purposes of supporting flood plain map updates. FEMA shall collaborate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, and States that have experience in acquiring and incorporating high resolution elevation data in the flood plain map updates. FEMA shall submit this plan to the Committees within six months after the date of enactment of this Act.

## NATIONAL FLOOD INSURANCE FUND

The conference agreement provides the agency re-estimated request of \$38,680,000 for salaries and expenses as opposed to \$52,149,000 as proposed by both the House and Senate. The conference agreement further provides \$107,320,000 for flood plain mapping and management as proposed by both the House and Senate.

The conferees do not include authority allowing the FEMA Administrator to transfer funds from flood mapping and flood plain management for salaries and expenses. Instead, FEMA is required to provide the Committees with a reprogramming proposal, in accordance with section 503 of this Act, if a problem arises in meeting mission requirements. The conferees encourage FEMA to consider population growth when determining grant awards to the States under the Community Assistance Program.

## NATIONAL PREDISASTER MITIGATION FUND

The conference agreement provides \$100,000,000 for the National Predisaster Mitigation Fund (PDM), as proposed by the House instead of \$120,000,000 as proposed by the Senate. As part of the budget, the Administration proposes to drastically change the distribution methodology used for awarding PDM grants. However, the Administration was unable to adequately articulate the ramifications or benefits of their new approach. Considering that pending legislation is vastly different from the Administration's new approach, the conferees do not approve the proposed change. Instead, the conferees direct FEMA to continue this program as it operated during fiscal year 2009. The conference agreement continues a provision contained in the Department of Homeland Security Appropriation Act, 2009, which extends the authorization of the PDM grant program for one year to continue the current program.

The conference agreement includes funding for predisaster mitigation projects in the following amounts, and the remaining funding shall be competitively awarded:

Predisaster mitigation projects	Amount
Alabama Emergency Management Agency, AL .....	\$200,000
Arkansas Department of Emergency Management, AR .....	750,000
Arkansas State University-Beebe, AR .....	452,000
Brigham City Corporation, UT ....	250,000
CHRISTUS St. Elizabeth Hospital, Beaumont, TX .....	250,000
City of Brooksville, KY .....	18,500
City of Burbank, CA .....	225,000

<i>Predisaster mitigation projects</i>	<i>Amount</i>
City of Camanche, IA .....	187,500
City of Coconut Creek, FL .....	500,000
City of Colton, CA .....	200,000
City of Davis, CA .....	275,000
City of Emeryville, CA .....	600,000
City of Flagler Beach, FL .....	750,000
City of Hartselle, AL .....	245,000
City of Hidalgo, TX .....	500,000
City of Hokah, MN .....	590,000
City of Kannapolis, NC .....	425,000
City of Los Angeles, CA .....	1,000,000
City of Los Angeles, CA .....	500,000
City of Maryville, MO .....	175,000
City of Miami Beach, FL .....	750,000
City of Miami, FL .....	600,000
City of New Braunfels, TX .....	500,000
City of Prattville, AL .....	500,000
City of Reno, NV .....	500,000
City of Robstown, TX .....	500,000
City of Rockville, MD .....	650,000
City of Santa Clarita, CA .....	500,000
City of Trenton, NJ .....	300,000
City of Venice, FL .....	200,000
DeKalb County, IL .....	350,000
Drew County, AR .....	366,564
Harris County Flood Control District, TX .....	1,000,000
Henry County, GA .....	275,000
Jackson Health System, Miami, FL .....	500,000
Kentucky Emergency Management, KY .....	500,000
King County, WA .....	750,000
Lake County Stormwater Management Agency, OH .....	725,000
Lorain County, OH .....	200,000
Louisville-Metro Government, KY .....	500,000
Lucas County Engineer, OH .....	500,000
McDowell Hospital, Marion, NC ..	220,000
Mississippi Homeland Security Office, MS .....	500,000
North Carolina Office of Emergency Management, NC .....	165,000
Ohio University, Athens, OH .....	200,000
Orange County Fire Authority, CA .....	252,000
Russell County Fiscal Court, KY ..	200,000
San Miguel County, NM .....	400,000
Shelby County, Memphis, TN .....	325,000
State of Maryland, MD .....	1,000,000
Town of Hambleton and Town of Davis, WV .....	450,000
Town of Ocoquan, VA .....	25,000
Town of Shelter Island, NY .....	200,000
Town of Union and City of Binghamton, NY .....	462,000
Town of Winthrop, MA .....	500,000
Village of La Grange Park, IL .....	150,000
Village of Pelham, NY .....	562,500
Westport Fire Department, CT ....	265,000

#### EMERGENCY FOOD AND SHELTER

The conference agreement provides \$200,000,000 for the Emergency Food and Shelter program as proposed by the House instead of \$175,000,000 as proposed by the Senate. The funding will assist those most immediately in need of food and shelter assistance.

#### TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

##### UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

The conference agreement provides \$224,000,000 in discretionary appropriations for United States Citizenship and Immigration Services (USCIS) instead of \$298,000,000 as proposed by the House and \$135,700,000 as proposed by the Senate.

##### User Fee Funded Programs

The current estimate for fiscal year 2010 of USCIS fee collections, which constitute a

majority of the agency's resources, is \$2,503,232,000. These fee revenues support adjudication of applications for immigration benefits and fraud prevention activities and are derived from fees collected from persons applying for immigration benefits. The conferees understand that fee receipts have decreased significantly in fiscal year 2009 largely due to prevailing economic conditions, and are also likely to be below projections for fiscal year 2010. Since it is unclear how the expenditure estimates will change to align USCIS costs with anticipated revenues, the conferees cannot accurately modify the budget presentation of fee-funded expenditures. Instead, the conferees direct USCIS to submit, within 30 days after the date of enactment of this Act, an operating plan for fiscal year 2010 accompanied by a reprogramming notification, if necessary, that details how and at what levels USCIS will fund its operations in fiscal year 2010 based on revised fee collection estimates.

Within the total fees collected, the conferees direct USCIS to provide no less than \$51,755,000 to support National Customer Service Center operations and to dedicate the entirety of premium processing revenue to business system and information technology transformation. USCIS is also directed to provide no less than \$29,000,000 to convert immigration records to digital format, as requested for fiscal year 2010. No more than \$10,000 of the fees collected shall be used for official reception and representation expenses.

##### Basic Pilot Program (E-Verify Program)

The conference agreement provides \$137,000,000 for the basic pilot program (E-Verify Program) instead of \$162,000,000 as proposed by the House and \$118,500,000 as proposed by the Senate. Of this amount, \$30,000,000 is available until September 30, 2011, for continued improvement of the E-Verify system, including an identity assurance tool, additional capacity to investigate fraudulent use of the system, and development of a "self-check" tool to allow authorized workers to validate the accuracy of their records on file with federal government agencies. The conferees make all appropriations for compliance investments available for fiscal year 2010 only to reflect the emphasis the conferees expect USCIS to place on E-Verify improvements that strengthen compliance with system operating requirements.

##### GAO Analysis of Basic Pilot Program/E-Verify Program

The conferees direct GAO to conduct two studies of the basic pilot program (E-Verify Program): one of the tentative non-confirmation rates for the basic pilot program (E-Verify Program) and the other of the effects of the basic pilot program (E-Verify Program) on small entities, as defined by 5 U.S.C. 601. The House had proposed a general provision (section 545) requiring these studies and GAO is directed to follow the direction in the House bill when designing them. The Senate had proposed no similar provision.

##### Refugee and Asylum Application Processing

The fiscal year 2010 budget proposes \$201,000,000 in direct appropriations, rather than a surcharge on application fees, to pay for the cost of processing refugee applications and asylum claims. The conference agreement provides \$50,000,000 for these costs instead of \$100,000,000 as proposed by the House. The Senate proposed no funding. This level reflects an estimated three months of appropriations funded asylum and refugee application processing costs. Since the Ad-

ministration has not published a Federal Register notice explaining how or when the existing \$40 immigration application surcharge for funding refugee and asylum applications will be discontinued, the conference report includes statutory language withholding appropriated funds from obligation until regulatory revisions are implemented.

##### Military Naturalizations

The conference agreement provides \$5,000,000 for the processing of military naturalization applications as proposed by the Senate. The House proposed no funding. The conferees strongly encourage the Office of Management and Budget to include appropriated funding for this activity within the fiscal year 2011 budget request for the Department of Defense in accordance with the National Defense Authorization Act of Fiscal Year 2004 (Public Law 108-136).

##### REAL ID

The budget requests \$25,000,000 to complete development of a data sharing hub to support implementation of the REAL ID Act. The conferees, however, note that the \$50,000,000 appropriated for this purpose for fiscal year 2009 has yet to be awarded to the State consortium leading the project. DHS has proposed significant revisions to the underlying REAL ID authorization, raising the potential for planning delays in the eventual technological solution that is determined necessary to connect States' vital records systems. As a result, the conference agreement includes \$10,000,000 for REAL ID data sharing hub development, to be used only for system engineering and acquisition costs and not for "incentive" or other subsidy payments to project participants, instead of \$25,000,000 as proposed by the House. The Senate proposed no funding for the REAL ID hub. As noted in the Senate report, the conferees expect DHS to submit its plan for hub development to the Committees in fiscal year 2010.

##### Immigration Integration

The conference agreement includes \$11,000,000 for competitively-awarded grants to organizations promoting the rights and responsibilities of citizenship as proposed by the House instead of \$1,200,000 as proposed by the Senate. The conference report includes a statutory restriction limiting the award of these funds to programs that serve legal permanent residents of the United States.

##### Changes to Fees Charged to Temporary Protected Status Applicants

As discussed in the House report, the conference report includes a general provision clarifying that USCIS is allowed to charge fees for services related to Temporary Protected Status applications.

##### Naturalization Ceremonies

As directed in the House report, USCIS is directed to identify, in the fiscal year 2011 budget submission, funds allocated to naturalization and oath of allegiance ceremonies and to work with local public and private groups to schedule naturalization and oath of allegiance ceremonies as part of Independence Day celebrations.

##### FEDERAL LAW ENFORCEMENT TRAINING CENTER

##### SALARIES AND EXPENSES

The conference agreement provides \$239,356,000 for Federal Law Enforcement Training Center (FLETC) Salaries and Expenses as proposed by the House instead of \$244,356,000 as proposed by the Senate. The conferees understand the Department has revised its priorities for the data center migration initiative and provide no funding within

this account. The Department is encouraged to use the transfer authority provided for data center migration to fund any emergent requirements within FLETC as the initiative progresses.

#### ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conference agreement provides \$43,456,000 for Acquisitions, Construction, Improvements, and Related Expenses as proposed by both the House and the Senate.

#### SCIENCE AND TECHNOLOGY

##### MANAGEMENT AND ADMINISTRATION

The conference agreement provides \$143,200,000 for Management and Administration as proposed by the Senate instead of \$142,200,000 as proposed by the House. This amount includes \$10,000 for official reception and representation and \$1,000,000 for additional Test and Evaluations/Standards personnel to support the Acquisition Review Board process. Science and Technology (S&T) shall brief the Committees quarterly on the test and evaluation status of all level 1 acquisitions.

As part of the fiscal year 2011 budget request and in each subsequent fiscal year, S&T shall report on the results of its research and development efforts in the prior year (fiscal year 2009), including all technologies, technology improvements, or capabilities delivered to front line users, and the role the Integrated Product Teams played in the development. In addition, based on the Directorate's ongoing validation and verification reviews, S&T shall also submit with its fiscal year 2011 budget request and each subsequent fiscal year a report on the amounts deobligated from projects in the prior fiscal year (fiscal year 2009) and what projects those funds were subsequently obligated to.

S&T shall notify the Committees pursuant to section 503 of this Act if it assesses any program for administrative costs exceeding five percent of the total program appropriation.

As discussed in the Senate report, S&T shall report within 30 days after the date of enactment of this Act on its plans and timelines for full implementation of the National Academy of Public Administration study recommendations related to strategic planning.

#### RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The conference agreement provides \$863,271,000 for Research, Development, Acquisition, and Operations instead of \$825,356,000 as proposed by the House and \$851,729,000 as proposed by the Senate. Funds are available for three years, except Laboratory Facilities funding, which is available for five years. The following table specifies funding by budget activity:

Border and Maritime Security .....	\$44,181,000
Chemical and Biological ....	206,800,000
Command, Control, and Interoperability .....	81,764,000
Explosives .....	120,809,000
Human Factors .....	16,087,000
Infrastructure and Geophysical .....	74,958,000
Innovation .....	44,000,000
Laboratory Facilities .....	150,188,000
Test and Evaluations/Standards .....	29,000,000
Transition .....	46,134,000
University Programs .....	49,350,000
Total .....	\$863,271,000

#### Border and Maritime Security

The conference agreement provides \$44,181,000 for Border and Maritime Security instead of \$40,181,000 as proposed by the House and Senate. Included in this funding is \$3,000,000 for urban tunnel detection basic research, as requested. In addition, the conferees fully fund the current maritime technology test beds and provide \$4,000,000 for a pilot to develop a replicable port security system that would improve maritime domain awareness.

The conferees are disappointed in the slow progress DHS has made in developing a viable container security device, as discussed in the House report. S&T shall continue its quarterly updates to the Committees on its efforts in this area.

#### Chemical and Biological

The conference agreement provides \$206,800,000 for Chemical and Biological as proposed by the Senate instead of \$221,900,000 as proposed by the House. While the conferees fund the BioWatch program under the Office of Health Affairs as proposed by the Senate, S&T is expected to be intricately involved in the test and evaluation of the BioWatch Generation 3 systems.

While the conferees support the transfer of BioShield to the U.S. Department of Health and Human Services, DHS shall continue to perform the threat assessments of hazardous materials.

As discussed in the House report, S&T is directed to brief the Committees before January 15, 2010, on the development and implementation of a Department-wide biosurety policy.

#### Command, Control, and Interoperability

The conference agreement provides \$81,764,000 for Command, Control, and Interoperability instead of \$80,764,000 as proposed by the House and \$83,264,000 as proposed by the Senate. Within this total, \$3,000,000 is to continue the web distributed environment for critical infrastructure decision making exercises and \$500,000 is for a demonstration project to develop situational awareness and decision support capabilities through remote sensing technologies.

#### Explosives

The conference agreement provides \$120,809,000 for Explosives research and technologies as proposed by the House and Senate. Included in this amount is \$10,000,000 to develop air cargo screening technologies, as requested. In light of the large increase in funding under this program, S&T is encouraged to accelerate its efforts to achieve results in the near term and to brief the Committees by January 15, 2010, on the status of new explosives research and technologies, the progress it has made in identifying research and development gaps aimed at countering improvised explosive device threats, and how these funds will close such gaps.

#### Human Factors

The conference agreement provides \$16,087,000 for Human Factors instead of \$16,887,000 as proposed by the House and \$12,460,000 as proposed by the Senate. Within this total, \$3,800,000 is for the biometrics program.

#### Infrastructure and Geophysical

The conference agreement provides \$74,958,000 for Infrastructure and Geophysical instead of \$52,093,000 as proposed by the House and \$67,607,000 as proposed by the Senate. Within the funding provided, not less than \$20,865,000 is to continue the Southeast Region Research Initiative at the Oak Ridge National Laboratory; not less than \$10,000,000

is for the National Institute for Hometown Security to support existing support in community-based critical infrastructure protection; and not less than \$2,000,000 is for the Cincinnati Urban Area partnership established through the Regional Technology Integration Initiative.

#### Innovation

The conference agreement provides \$44,000,000 for Innovation as proposed by the House and Senate, including adequate funding for a variety of new technologies pertaining to tunnels, levee strengthening, storm surge mitigation, and resilient electric grid as requested and discussed in the Senate report.

#### New Technologies

New technologies may significantly help the Department as it seeks to secure our homeland. The Department is encouraged to develop a variety of technologies as discussed in both the House and Senate reports.

#### Laboratory Facilities

The conference agreement provides \$150,188,000 for Laboratory Facilities instead of \$123,188,000 as proposed by the House and \$154,500,000 as proposed by the Senate. Within the total, \$12,000,000 is provided for the final year of construction obligations at the Physical Science Facility and refurbishment of building 325 at the Pacific Northwest National Laboratory in support of the memorandum of understanding between DHS, the U.S. Department of Energy, and the National Nuclear Security Administration.

Within this total, \$32,000,000 is for the National Bio- and Agro-defense Facility (NBAF) instead of \$36,312,000 as proposed by the Senate and no funding as proposed by the House. Due to concerns raised by GAO about DHS's original assessment of the risk related to foot-and-mouth disease research on the U.S. mainland, a general provision is included prohibiting the obligation of these funds for NBAF construction until the Secretary undertakes a bio-safety and bio-security mitigation risk assessment using plume and epidemiologic impact modeling to determine the requirements for the safe operation of NBAF in Manhattan, Kansas. Once DHS completes the risk assessment, the National Academy of Sciences (NAS) shall provide an independent evaluation of the DHS study within four months to ensure that risk has been adequately identified and mitigated in planning for NBAF. Up to \$2,000,000 of the amount provided may be used for the NAS evaluation.

In addition, the conferees continue bill language, proposed by the Senate, that requires the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, to report to the Committees on the procedures used to issue a permit for foot-and-mouth disease live virus research and an emergency response plan in the event of an accidental release of a hazardous pathogen originating from NBAF.

#### Test and Evaluations/Standards

The conference agreement provides \$29,000,000 for Test and Evaluations/Standards, as proposed by the House instead of \$28,674,000 as proposed by the Senate. Within the total provided is \$5,000,000 to continue a first responder technology evaluation program.

#### Transition

The conference agreement provides \$46,134,000 for Transition as proposed by the House instead of \$45,134,000 as proposed by the Senate. Within the funds provided, \$10,000,000 is provided for first responder

technologies as requested; \$2,000,000 is for the Naval Postgraduate School to design, develop and field test first responder technologies outside of the integrated product team process as requested; and \$1,000,000 is to continue a manufacturing pilot program to identify and transition advanced technologies and manufacturing processes in the homeland security industrial base. S&T shall provide an expenditure plan for the first responder technology program within 60 days after the date of enactment of this Act.

#### University Programs

The conference agreement provides \$49,350,000 for University Programs instead of \$50,400,000 as proposed by the House and \$48,300,000 as proposed by the Senate. Within this funding, \$39,380,000 is for the Centers of Excellence and \$3,870,000 is for minority serving institutions. S&T is directed to brief the Committees on how these funds will be allocated to the Centers of Excellence by January 15, 2010.

#### DOMESTIC NUCLEAR DETECTION OFFICE

##### MANAGEMENT AND ADMINISTRATION

The conference agreement provides \$38,500,000 for Domestic Nuclear Detection Office (DNDO) Management and Administration, instead of \$39,599,000 as proposed by the House and \$37,500,000 as proposed by the Senate. The conferees note that DNDO has made progress in filling its authorized 130 FTEs, but several vacancies remain. The conferees strongly encourage DHS to expedite background investigations and other clearance processes to fill vacant positions as soon as possible.

##### RESEARCH, DEVELOPMENT, AND OPERATIONS

The conference agreement provides \$324,537,000 for Research, Development, and Operations instead of \$376,537,000 as proposed by the House and \$326,537,000 as proposed by the Senate. No funding is provided under this heading for Securing the Cities, as proposed by the House, but it is instead provided in the Systems Acquisition appropriation. The conferees include \$108,537,000 for Transformational Research and Development, instead of \$110,537,000 as proposed by the House and Senate, which reflects a five percent increase over fiscal year 2009. Funding is made available until September 30, 2012. The following table specifies funding by budget activity:

Systems Engineering and Architecture .....	\$25,448,000
Systems Development .....	100,000,000
Transformational Research and Development .....	108,537,000
Assessments .....	32,416,000
Operations Support .....	38,436,000
National Technical Nuclear Forensics Center ....	19,700,000
<b>Total .....</b>	<b>\$324,537,000</b>

#### Quarterly Reports

The conferees believe DNDO must aggressively pursue its preventive radiation/nuclear detection mission, and go beyond addressing the potential threat posed by the use of cargo containers to transport nuclear or radioactive materials or weapons. It is critical that DNDO prioritize its efforts based on risk, with attention to pathways such as general aviation, the maritime domain, U.S. land borders (including rail and in areas between ports of entry), and urban areas and critical locations in the nation's interior. The conferees direct DNDO to continue quarterly briefings to the Committees on progress in developing architecture to guide technology research and applications;

the status of such technologies, including their strengths and weaknesses; and time-tables to develop and deploy them.

The conferees also direct DNDO to provide quarterly briefings to the Committees, as proposed in the House report, on development of the Cargo Advanced Automated Radiography Systems and Joint Integrated Non-Intrusive Inspection programs; red team exercises and assessments, including vulnerabilities identified and recommendations for addressing them; the progress in the Human Portable Radiation Detection System development effort, including operational testing and production of new technologies for advanced operations; and progress in developing alternatives to existing detection materials and systems, in particular progress in finding alternatives to neutron detectors based on Helium-3.

#### Supporting and Improving Current Detection Technology

The conference agreement includes \$5,000,000 within the amounts appropriated for Research, Development, and Operations to improve operations and capabilities of currently deployed polyvinyl toluene (PVT) radiation portal monitors and handheld radiation detectors, and to deploy any improvements to the field. The conferees direct DNDO to submit a plan for expenditure, development, and deployment for such efforts to the Committees not later than 60 days after the date of enactment of this Act. The conferees direct DHS to notify the Committees if DNDO determines that it cannot obligate this funding.

#### SYSTEMS ACQUISITION

The conference agreement provides \$20,000,000 for Systems Acquisition instead of \$10,000,000 as proposed by the Senate. The House proposed no funding. Funding is made available until September 30, 2012, for radiological detection systems for the Securing the Cities program, to be awarded through full and open competition.

#### Advanced Spectroscopic Portal Monitors and Certification

The conference report prohibits full-scale procurement of advanced spectroscopic portal (ASP) systems until the Secretary has certified and reported to the Committees that a significant increase in operational effectiveness merits such a decision, with a requirement for separate certification for primary and secondary deployments. The Secretary is directed to continue consulting with NAS on this matter. Finally, DNDO is prohibited from engaging in high-risk concurrent development and production of mutually dependent software and hardware components of detection systems.

The conferees expect DHS to ensure certification decisions are made with the best possible test information and to follow NAS recommendations related to development and certification as outlined in the Senate report. Further, the conferees believe the NAS recommendations should be implemented prior to decisions on certification or procurement of ASPs. If for any reason the Department does not follow these recommendations, the Department shall provide a briefing to the Committees as to why these recommendations were not followed. As independent reviews of the ASP programs have been of value to the Department, the conferees believe an independent cost-benefit analysis would also be beneficial.

If certification does not occur or is further delayed, the conferees direct DHS to submit a revised deployment plan, to include additional procurement of PVT monitors, if re-

quirements remain. As described in the House and Senate reports, the conferees encourage DNDO to undertake deployment of low rate initial production ASP systems, as appropriate, and use data from such deployments to inform future portal monitor decisions.

#### TITLE V—GENERAL PROVISIONS

##### (Including Rescissions of Funds)

Section 501. The conference agreement continues a provision proposed by the House and Senate that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. The conference agreement continues a provision proposed by the House and Senate that unexpended balances of prior appropriations may be merged with new appropriations accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. The conference agreement continues a provision proposed by the Senate that provides authority to reprogram appropriations within an account and to transfer up to 5 percent between appropriations accounts with 15-day advance notification of the Committees. The House proposed a similar provision. A detailed funding table identifying programs, projects, and activities is included at the end of this statement. This table along with funding levels specified in the report shall serve as the control level for all reprogrammings. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2010.

The Department shall submit reprogramming requests on a timely basis and provide complete explanations of the reallocations proposed, including detailed justifications of the increases and offsets, and any specific impact the proposed changes will have on the budget request for the following fiscal year and future-year appropriations requirements. Each request submitted to the Committees should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and staffing FTE levels for the current fiscal year and to the levels requested in the President's budget for the following fiscal year.

The Department shall manage its programs and activities within the levels appropriated. The Committees are concerned with the number of reprogramming proposals submitted for consideration by the Department and remind the Department that reprogramming or transfer requests should be submitted only in the case of an unforeseeable emergency or situation that could not have been predicted when formulating the budget request for the current fiscal year. When the Department submits a reprogramming or transfer request to the Committees and does not receive identical responses from the House and Senate, it is the responsibility of the Department to reconcile the House and Senate differences before proceeding, and if reconciliation is not possible, to consider the reprogramming or transfer request unapproved.

The Department is not to submit a reprogramming or transfer of funds after June 30 except in extraordinary circumstances, which imminently threaten the safety of human life or the protection of property. If a reprogramming or transfer is needed after June 30, the notice should contain sufficient documentation as to why it meets this statutory exception.

Section 504. The conference agreement continues a provision proposed by the House

and Senate extending the authorization of the Department's Working Capital Fund (WCF) in fiscal year 2010. No funds appropriated or otherwise available to the Department may be used to make payment to the Department's WCF, except for activities and amounts allowed in the President's fiscal year 2010 budget. Funds provided to the WCF are available until expended. The Department shall only charge components for direct usage of the WCF. Fiscal year 2010 and any carryover funds may be used only for the purposes consistent with the contributing component. Any funds paid in advance or reimbursed must reflect the full cost of each service. The WCF shall be subject to the requirements of section 503 of this Act.

Section 505. The conference agreement continues a provision proposed by the House and Senate that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2010 from appropriations made for salaries and expenses shall remain available through fiscal year 2011 subject to reprogramming guidelines.

Section 506. The conference agreement continues a provision proposed by the House and Senate deeming that funds for intelligence activities are specifically authorized during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

Section 507. The conference agreement continues and modifies a provision proposed by the House and Senate requiring notification of the Committees three business days before any grant allocation, grant award, contract award (including Federal Acquisition Regulation-covered contracts), Other Transaction Agreement, a task or delivery order on a DHS multiple award contract, letter of intent, or public announcement of the intention to make such an award totaling in excess of \$1,000,000. If the Secretary determines that compliance would pose substantial risk to health, human life, or safety, an award may be made without prior notification but the Committees shall be notified within five full business days after such award or letter is issued. Additionally, FEMA is required to brief the Committees five full business days prior to announcing publicly the intention to make an award under State and Local Programs.

Section 508. The conference agreement continues a provision proposed by the House and Senate that no agency shall purchase, construct, or lease additional facilities for Federal law enforcement training without advance approval of the Committees.

Section 509. The conference agreement continues a provision proposed by the House and Senate that none of the funds may be used for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of Title 40, United States Code, has not been approved. The conferees exclude funds that may be required for development of a proposed prospectus.

Section 510. The conference agreement continues a provision proposed by the House that consolidates by reference prior year statutory bill language into one provision. The Senate proposed a similar provision. These provisions relate to reporting requirements of the privacy officer; contracting officer's technical representative training; sensitive security information; federal building performance and requirements outlined in title V of the National Energy Conservation Policy Act or subtitle A of title I of the Energy Policy Act of 2005; use of funds in conformance with section 303 of the Energy Pol-

icy Act of 1992; and Executive Order 13149 relating to fleet and transportation efficiency.

Section 511. The conference agreement continues a provision proposed by the House and Senate that none of the funds may be used in contravention of the Buy American Act.

Section 512. The conference agreement continues a provision proposed by the Senate prohibiting funds to be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448). The House proposed no similar provision.

Section 513. The conference agreement continues a provision proposed by the House and Senate regarding competitive sourcing.

Section 514. The conference agreement continues and modifies a provision proposed by the House and Senate directing TSA to work with air carriers and airports to ensure the screening of cargo carried on passenger aircraft, as required by the 9/11 Act, increases incrementally each quarter until the requirements are met. TSA is required to report air cargo inspection statistics detailing how incremental progress is being made to the Committees within 45 days after the end of each quarter of the fiscal year. Finally, TSA shall submit a report on how it plans to meet the 100 percent mandate contained in the 9/11 Act.

Section 515. The conference agreement continues a provision proposed by the House and Senate requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 45 days after the close of each month.

Section 516. The conference agreement continues and modifies a provision proposed by the Senate directing that any funds appropriated or transferred to TSA "Aviation Security", "Administration", and "Transportation Security Support" in fiscal years 2004, 2005, 2006, 2007, and 2008 that are recovered or deobligated shall be available only for procurement and installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification. The House proposed a similar provision. Quarterly reports must be submitted identifying any funds that are recovered or deobligated.

Section 517. The conference agreement continues a provision proposed by the House and Senate requiring any funds appropriated to Coast Guard for 110-123 foot patrol boat conversions that are recovered, collected, or otherwise received as a result of negotiation, mediation, or litigation, shall be available until expended for the replacement patrol boat program.

Section 518. The conference agreement continues a provision proposed by the House and Senate pertaining to the human resource management system.

Section 519. The conference agreement continues a provision proposed by the House and Senate extending undercover investigative operations authority of the Secret Service.

Section 520. The conference agreement continues a provision proposed by the House and Senate classifying the functions of instructor staff at FLETC as inherently governmental for purposes of the Federal Activities Inventory Reform Act of 1998.

Section 521. The conference agreement continues a provision proposed by the House and Senate prohibiting the obligation of funds appropriated to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer

for grants or contracts awarded by any means other than full and open competition. Certain exceptions apply. This provision does not require new competitions of existing contracts during their current terms. The conferees also require the IG to review Departmental contracts awarded noncompetitively and report on the results to the Committees.

Section 522. The conference agreement continues and modifies a provision proposed by the House that prohibits funding for any position designated as a Principal Federal Official (PFO) during a Stafford Act declared disaster or emergency.

The issue of the role of a PFO during a Federal response has a complicated history in recent years, brought to light most visibly with confusion during the response to Hurricane Katrina. The Post Katrina Emergency Management Reform Act of 2006 (PKEMRA) addressed various shortcomings highlighted by the response to Hurricane Katrina. PKEMRA defines FEMA's responsibilities and boosts its autonomy within DHS. In addition, the Act outlines an incident management chain of command headed by the Administrator of FEMA, defined as the principal advisor to the President and Secretary on all matters relating to emergency management. However, a dispute regarding the role of the PFO continues.

While the conferees do not believe that Sec. 523 of the House bill precludes the Secretary from deploying Department level staff to a disaster in a manner that is consistent with current law, the conferees recognize that the Secretary has asked for some flexibility regarding this provision. Statutory language has been modified to allow the Secretary to waive the prohibition on the use of funds for a PFO or successor position under a Stafford Act declaration. After exercising this waiver, the Secretary must report to the Committees on Appropriations, as well as the House Transportation and Infrastructure Committee, and the Senate Homeland Security and Governmental Affairs Committee with the following information: (1) an explanation of the circumstances necessitating the waiver, including a discussion of how this action does not deviate from the role of the FEMA Administrator as the principal advisor on emergency management to the President, the Homeland Security Council, and the Secretary, as defined in P.L. 109-295 (6 U.S.C. 313); and (2) discussion of the role in the field, or in headquarters, of staff deployed pursuant to the waiver, including measures taken to ensure compliance with subsection (c) of 6 U.S.C. 319.

Further, the conferees note that this waiver authority exists for fiscal year 2010 only and directs the Department, in collaboration with the appropriate authorizing committees of the House and Senate, and other federal entities, to revisit all planning and response documents, such as the National Response Framework, and the organizational structure of operational emergency response teams, as appropriate, to ensure that they are compliant with the provisions of PKEMRA. The conferees direct DHS to report within 120 days of enactment of this Act on any action necessary to update all applicable documents and the organizational structure of operational emergency response teams.

Section 523. The conference agreement continues a provision proposed by the House and Senate regarding the enforcement of section 4025(1) of Public Law 108-458 pertaining to butane lighters.

Section 524. The conference agreement continues a provision proposed by the House

and Senate prohibiting the Secretary of Homeland Security from reducing operations within the Coast Guard's Civil Engineering Program except as specifically authorized by a statute enacted after the date of enactment of this Act.

Section 525. The conference agreement continues a provision proposed by the House and Senate that precludes DHS from using funds in this Act to carry out reorganization authority. This prohibition is not intended to prevent the Department from carrying out routine or small reallocations of personnel or functions within components of the Department, subject to section 503 of this Act.

Section 526. The conference agreement continues a provision proposed by the House and Senate prohibiting funding to grant an immigration benefit to any individual unless the results of background checks required in the statute to be completed prior to the grant of the benefit have been received by USCIS.

Section 527. The conference agreement continues a provision proposed by the House and Senate prohibiting use of funds to destroy or put out to pasture any horse or other equine belonging to the Federal government unless adoption has been offered first.

Section 528. The conference agreement continues a provision proposed by the Senate regarding the use of Data Center One (National Center for Critical Information Processing and Storage). The House proposed no similar provision.

Section 529. The conference agreement continues a provision proposed by the Senate prohibiting funds from being used to reduce the Coast Guard's Operations Systems Center mission or its government-employed or contract staff. The House proposed no similar provision.

Section 530. The conference agreement continues a provision proposed by the House and Senate prohibiting funds to be used to conduct or implement the results of a competition under Office of Management and Budget Circular A-76 with respect to the Coast Guard National Vessel Documentation Center.

Section 531. The conference agreement continues and modifies a provision proposed by the House relating to Other Transactional Authority for DHS through fiscal year 2010. The Senate proposed a similar provision.

Section 532. The conference agreement continues a provision proposed by the House and Senate that requires the Secretary to link all contracts that provide award fees to successful acquisition outcomes.

Section 533. The conference agreement continues a provision proposed by the House and Senate prohibiting the obligation of funds made available to the Office of the Secretary and Executive Management for any new hires at DHS not verified through the basic pilot (E-Verify) program.

Section 534. The conference agreement continues a provision proposed by the House and Senate related to prescription drugs.

Section 535. The conference agreement continues a provision proposed by the House and Senate prohibiting funds made available in this Act from being used to implement a rule or regulation that implements the Notice of Proposed Rulemaking related to Petitions for Aliens to Perform Temporary Non-agricultural Services or Labor (H-2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

Section 536. The conference agreement continues a provision proposed by the House

requiring the Secretary of Homeland Security, in consultation with the Secretary of Treasury, to notify the Committees of any proposed transfers from the Department of Treasury Forfeiture Fund to any agency within the Department of Homeland Security. No funds may be obligated until the Committees approve the proposed transfers. The Senate proposed a similar provision.

Section 537. The conference agreement continues a provision proposed by the House and Senate prohibiting funds for planning, testing, piloting, or developing a national identification card.

Section 538. The conference agreement continues a provision proposed by the House and Senate requiring the Assistant Secretary of Homeland Security (TSA) to certify that no security risks will result if any airport does not participate in the basic pilot (E-Verify) program.

Section 539. The conference agreement continues a provision proposed by the House and Senate that requires a report summarizing damage assessment information used to determine whether to declare a major disaster.

Section 540. The conference agreement continues a provision proposed by the Senate relating to the liquidation of Plum Island assets if the site is not chosen for the new National Bio- and Agro-defense Facility and how the proceeds from this sale may be applied. The House proposed a similar provision.

Section 541. The conference agreement includes a new provision proposed by the House amending section 4 of Public Law 110-161 by striking projects in Massachusetts, South Carolina, and California and adding different projects in those States. The Senate proposed no similar provision.

Section 542. The conference agreement continues a provision proposed by the House and Senate directing that any official required by this Act to report or certify to the Committees on Appropriations may not delegate such authority unless expressly authorized to do so in this Act.

Section 543. The conference agreement continues a provision proposed by the House extending the authority of the Predisaster Mitigation Fund until September 30, 2010. The Senate proposed no similar provision.

Section 544. The conference agreement includes a provision proposed by the Senate on unmanned aircraft systems. The House proposed no similar provision.

Section 545. The conference agreement includes a new provision proposed by the House permitting unobligated amounts made available to Coast Guard Sector Buffalo to be used to make improvements to land to enhance public access to the Buffalo Lighthouse and the waterfront. The Senate proposed no similar provision.

Section 546. The conference agreement includes a new provision proposed by the House and Senate permitting personnel appointed or assigned to serve abroad allowances and benefits similar to those provided in the Foreign Service Act of 1990.

Section 547. The conference agreement includes and modifies a new provision proposed by the House that extends the basic pilot program (E-Verify program) by three years. Because DHS and the Social Security Administration have already entered into a memorandum of agreement on employment verification, statutory language is no longer necessary. The two GAO reports contained in the House provision are addressed under USCIS. The Senate proposed a similar extension.

Section 548. The conference agreement includes a new provision proposed by the Senate that extends the EB-5 visa program for three years. The House proposed no similar provision.

Section 549. The conference agreement includes a new provision proposed by the House that clarifies fees for fingerprinting, biometric services, and other necessary services may be collected as part of section 244 of the Immigration and Nationality Act. The Senate proposed no similar provision.

Section 550. The conference agreement includes a new provision proposed by the House and Senate that extends the risk based security standards for chemical facilities cited in Section 550 of P.L. 109-295 by one year.

Section 551. The conference agreement includes a new provision proposed by the Senate that renames "basic pilot program" as "E-Verify Program". The House proposed no similar provision.

Section 552. The conference agreement includes and modifies a new provision proposed by the House on the individuals detained at the Naval Station, Guantanamo Bay, Cuba. The Senate had no similar provision.

Section 553. The conference agreement includes a new provision proposed by the House that requires the names of individuals detained at the Naval Station, Guantanamo Bay, Cuba to be included on the No Fly List. The Senate proposed no similar provision.

Section 554. The conference agreement includes a new provision proposed by the House and Senate permitting the collection of fees for conferences, seminars, exhibits, symposiums, or similar meetings and requires an annual report on the level of collection by the Department.

Section 555. The conference agreement includes a new provision proposed by the Senate defining rural areas for purposes of section 210C of the Homeland Security Act of 2002. The House proposed no similar provision.

Section 556. The conference agreement includes a new provision proposed by the House prohibiting funds in this Act to be used for first-class travel. The Senate proposed no similar provision.

Section 557. The conference agreement includes and modifies a new provision proposed by the House prohibiting funds in this Act to be used for adverse personnel actions for employees who use protective equipment or measures, including surgical masks, N95 respirators, gloves, or hand-sanitizers in the conduct of their official duties. The Senate proposed no similar provision.

Section 558. The conference agreement includes a new provision proposed by the House prohibiting funds in this Act to be used to employ workers in contravention of section 274A(h)(3) of the Immigration and Nationality Act. The Senate proposed no similar provision.

Section 559. The conference agreement includes and modifies a new provision proposed by the Senate that prohibits the use of funds for LORAN-C after January 4, 2010, if the Commandant certifies termination will not adversely impact maritime safety and the Secretary certifies that LORAN-C is not needed as a backup to the Global Positioning System (GPS). The certifications must be submitted to the Committees on Appropriations. If such certifications are made, the sale of LORAN-C properties can be used as offsetting collections for environmental compliance and restoration activities, including costs of securing and maintaining equipment that may be used as a backup to



GPS. The House proposed no similar provision.

Section 560. The conference agreement includes and modifies a new provision proposed by the Senate that prohibits the obligation of funds for construction of the National Bio- and Agro-defense Facility (NBAF) until the Secretary of DHS undertakes a bio-safety and bio-security mitigation risk assessment using plume and epidemiologic impact modeling to determine the requirements for the safe operation of NBAF in Manhattan, Kansas. Once DHS completes the risk assessment, the National Academy of Sciences shall provide an independent, expert evaluation of the DHS study within four months to ensure that risk has been adequately identified and mitigated in planning for NBAF. In addition, the Secretary of DHS, in coordination with the Secretary of Agriculture, shall report to the Committees on the procedures used to issue a permit for foot-and-mouth disease live virus research and an emergency response plan in the event of an accidental release of a hazardous pathogen originating from NBAF. The House proposed a similar provision under S&T Research, Development, Acquisition, and Operations.

Section 561. The conference agreement includes and modifies a new provision proposed by the Senate on maritime transportation security information. The House proposed no similar provision.

Section 562. The conference agreement includes a new provision proposed by the Senate on the definition of switchblade knives. The House proposed no similar provision.

Section 563. The conference agreement includes and modifies a new provision proposed by the Senate related to the Federal Deposit Insurance Act. The House proposed no similar provision.

Section 564. The conference agreement includes and modifies a new provision proposed by the Senate amending the OPEN FOIA Act relating to certain items being withheld from release. The House proposed no similar provision.

Section 565. The conference agreement includes and modifies a new provision proposed by the Senate on the release of protected national security documents. The House proposed no similar provision.

Section 566. The conference agreement includes a new provision proposed by the Senate permitting administrative law judges to be available temporarily to serve on an arbitration panel created under the American Recovery and Reinvestment Act for FEMA's Public Assistance program for Hurricanes Katrina and Rita. The House proposed no similar provision.

Section 567. The conference agreement includes a new provision proposed by the Senate on the proper disposal of personal information collected through the Registered Traveler program. A report on procedures and status is required to be submitted 90 days after the date of enactment of this Act. The House proposed no similar provision.

Section 568. The conference agreement includes and modifies a new provision proposed by the Senate extending the visa program for special immigrant nonminister religious workers and the "Conrad 30" rural area serving doctors program. The conferees modify treatment of surviving spouses and other relatives. The conference agreement includes reporting requirements and humanitarian consideration for pending petitions and applications. The House proposed no similar provision.

Section 569. The conference agreement includes a new provision proposed by the Sen-

ate prohibiting funds appropriated or otherwise made available by this Act to pay for award or incentive fees for contractors with below satisfactory performance or performance that fails to meet the basic requirements of the contract. The House proposed no similar provision.

Section 570. The conference agreement includes a new provision proposed by the Senate that prohibits funds appropriated or otherwise made available by this Act for DHS to enter into a federal contract unless the contract meets the Federal Property and Administrative Services Act of 1949 or Chapter 137 of title 10 U.S.C. requirements and the Federal Acquisition Regulation or the contract is authorized by statute without regard to this section. The House proposed no similar provision.

Section 571. The conference agreement includes a new provision allowing the Secretary to transfer data center migration funds made available by this Act between appropriations for the same purpose after notifying the Committees 15 days in advance.

Section 572. The conference agreement includes a new provision that specific earmarks contained in House Report 111-157 intended to be awarded to a for-profit entity shall be awarded under full and open competition.

Section 573. The conference agreement includes a provision rescinding \$5,572,000 in unobligated balances for fiscal year 2009 from FEMA "Trucking Industry Security Grants" as proposed by the House instead of \$5,500,000 as proposed by the Senate.

Section 574. The conference agreement includes a provision rescinding \$2,358,000 in unobligated balances of prior year appropriations for "Analysis and Operations" instead of \$2,203,000 as proposed by the House and \$5,000,000 as proposed by the Senate.

Section 575. The conference agreement includes a provision rescinding \$8,000,000 in unobligated balances of prior year appropriations for NPPD "Infrastructure Protection and Information Security" as proposed by the Senate instead of \$5,963,000 as proposed by the House.

Section 576. The conference agreement includes a provision rescinding \$6,944,148 from unobligated balances of prior year appropriations for S&T "Research, Development, Acquisition, and Operations" instead of \$7,500,000 as proposed by the Senate. The House proposed no similar provision. S&T shall notify the Committees on the distribution of the rescission prior to its implementation.

Section 577. The conference agreement includes a provision rescinding \$8,000,000 from unobligated balances of prior year appropriations for DNDO "Research, Development, and Operations" as proposed by the Senate. The House proposed no similar provision. DNDO shall notify the Committees on the distribution of the rescission prior to its implementation.

Section 578. The conference agreement includes a new provision rescinding \$4,000,000 from unobligated balances of prior year appropriations made available for TSA "Research and Development". TSA shall notify the Committees on the distribution of the rescission prior to its implementation.

Section 579. The conference agreement includes a new provision rescinding \$800,000 from unobligated balances of prior year appropriations made available for Coast Guard "Acquisition, Construction, and Improvements" and specifies that this rescission must be made from completed projects.

Section 580. The conference agreement includes a new provision rescinding \$5,600,000

from unobligated balances made available for the Counterterrorism Fund.

#### PROVISIONS NOT ADOPTED

The conference agreement does not include section 512 of the Senate bill prohibiting funds for Secure Flight to be used to test algorithms assigning risk to passengers whose names are not on a government watch list or to use databases that are under control of a non-Federal entity. Since these activities are not permitted by the final Secure Flight rule, any change would require a new rule-making.

The conference agreement does not include section 518 of the Senate bill prohibiting funds for the National Applications Office or the National Immigration Information Sharing Operation until certain conditions were met. A modified version of this provision is included in "Analysis and Operations".

The conference agreement does not include section 546 of the House bill clarifying how funds collected for fraud prevention and detection may be used.

The conference agreement does not include section 546 of the Senate bill that clarifies Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act, making the basic pilot (E-Verify) program permanent. The conference agreement contains a three-year extension of this program.

The conference agreement does not include section 547 of the Senate bill that requires government contractors to participate in the basic pilot (E-Verify) program. A federal regulation was finalized in September 2009 requiring federal contractors and subcontractors to use the basic pilot (E-Verify) program.

The conference agreement does not include section 549 of the Senate bill making the EB-5 visa program permanent. The conference agreement contains a three year extension of this program.

The conference agreement does not include section 550 of the Senate bill authorizing the Secretary to direct GSA to sell ICE Service Processing Centers and detention facilities that no longer meet the mission and use the funds for other ICE real property needs.

The conference agreement does not include section 551 of the House bill on certification requirements for advanced spectroscopic portal monitors, the National Academy of Sciences study, and high risk concurrent development. This provision is included under DNDO "Systems Acquisition".

The conference agreement does not include section 553 of the House bill on the closure of the Florida long-term recovery office in Orlando. This item is addressed under FEMA.

The conference agreement does not include section 560 of the Senate bill on border fence completion.

The conference agreement does not include section 561 of the Senate bill on no match letters.

The conference agreement does not include section 563 of the Senate bill requiring a report on Operation Streamline. This item is addressed under CBP.

The conference agreement does not include section 568 of the Senate bill requiring a report on improving cross-border inspection processes in the United States, Ontario, and Quebec. This item is addressed under CBP.

The conference agreement does not include section 573 of the Senate bill pertaining to prescription drugs. This issue is addressed under Section 534.

The conference agreement does not include section 576 of the Senate bill requiring employers to verify the immigration status of existing employees.



DISCLOSURE OF EARMARKS AND CON-  
GRESSIONALLY DIRECTED SPENDING  
ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the con-

ference report or the accompanying joint statement of managers, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to

clause 9(b) of rule XXI the rules of the House of Representatives, neither the conference report nor the joint statement of managers contains any congressional earmarks, limited tax benefits, or limited tariff benefits that were not (1) committed to the conference committee by either House or (2) in a report of a committee of either House on this bill or on a companion measure.

**HOMELAND SECURITY**  
[Presidentially Requested Spending Items]

Agency	Account	Project	Amount	Administration	Requester(s)
CG	Operating Expenses	Project Seahawk, SC	\$1,088,000	The President	
CG	Acquisition, Construction, and Improvements	Shore and Operational Support projects, various locations	\$6,000,000	The President	
NPPD	Infrastructure Protection and Information Security	National Infrastructure Simulation and Analysis Center, NM	\$16,000,000	The President	Jeff Bingaman; Tom Udall
FEMA	State and Local Programs	National Domestic Preparedness Consortium:			
		National Energetic Materials Research and Testing Center, New Mexico	\$12,875,000	The President	Jeff Bingaman; Tom Udall
		Institute of Mining and Technology, NM	\$12,875,000	The President	Rodney Alexander; Mary Landrieu
		National Center for Biomedical Research and Training, Louisiana State University, LA	\$12,875,000	The President	Chet Edwards; John Carter; John Cornyn; Kay Bailey Hutchison
FEMA	State and Local Programs	National Emergency Response and Rescue Training Center, Texas A&M University, TX	\$12,875,000	The President	Harry Reid
		National Exercise, Test, and Training Center, Nevada Test Site, NV	\$12,875,000	The President	Richard Shelby; Mike Rogers (AL)
		Center for Domestic Preparedness, AL	\$62,500,000	The President	Sam Farr
		Naval Postgraduate School, CA	\$2,000,000	The President	Patty Murray; Norman Dicks; Doc Hastings
S&T	Research, Development, Acquisition, and Operations	Physical Science Facility, Pacific Northwest National Laboratory, WA	\$12,000,000	The President	
S&T	Research, Development, Acquisition, and Operations	Transportation Security Laboratory, NJ	\$5,000,000	The President	

**HOMELAND SECURITY**  
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)
DHS	Office of the Under Secretary for Management	Center of Excellence in Logistics and Technology (LOGTECH), Institute for Defense and Business, The University of North Carolina, Chapel Hill, NC	\$1,000,000	David Price
CBP	Salaries & Expenses	Portable Solar Charging Rechargeable Battery System, Global Solar, AZ	\$800,000	Ed Pastor
CBP	Construction and Facilities Management	Advanced Training Center, WV	\$39,700,000	Robert Byrd
CBP	Construction and Facilities Management	Hangar and Offices for U.S. Customs and Border Protection, City of El Paso, TX	\$3,500,000	Silvestre Reyes
TSA	Aviation Security	Transportation Security Research and Training Center, National Safe Skies Alliance, TN	\$1,250,000	John Duncan Jr.
CG	Operating Expenses	Operations Systems Center, WV	\$3,600,000	Robert Byrd
CG	Acquisition, Construction, and Improvements	Coast Guard Academy Pier, CT	\$300,000	Christopher Dodd
CG	Acquisition, Construction, and Improvements	Coast Guard Station Cleveland Harbor, OH	\$16,800,000	George Voinovich
CG	Alteration of Bridges	Fort Madison, IA	\$4,000,000	Tom Harkin; David Loebsack
NPPD	Infrastructure Protection and Information Security	National Infrastructure Simulation and Analysis Center, NM	\$4,000,000	Jeff Bingaman; Tom Udall

NPPD	Infrastructure Protection and Information Security	Philadelphia Buffer Zone Protection Video Surveillance Expansion Project, City of Philadelphia, PA	Chaka Fattah	\$1,000,000	
NPPD	Infrastructure Protection and Information Security	State and Local Cyber Security Training, University of Texas, San Antonio, TX	Ciro Rodriguez	\$3,500,000	
NPPD	Infrastructure Protection and Information Security	Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory, Idaho National Laboratory, ID	Michael Simpson; Mike Crapo; James Risch	\$3,000,000	
NPPD	Infrastructure Protection and Information Security	Cyber Security Test Bed & Evaluation Center, RTI International, NC	David Price	\$3,500,000	
NPPD	Infrastructure Protection and Information Security	Multi-State Information Sharing and Analysis Center (MS-ISAC), NY, Office of State Cyber Security & Critical Infrastructure Coordination	Nita Lowey; Yvette Clarke	\$3,000,000	
NPPD	Infrastructure Protection and Information Security	Virginia Operational Integration Cyber Center of Excellence (VOICCE), City of Hampton, VA	Glenn Nye; Robert Wittman	\$500,000	
NPPD	Infrastructure Protection and Information Security	The Upstate NY Cyber Initiative, Clarkson University, NY	John McHugh; Charles Schumer	\$100,000	
NPPD	Infrastructure Protection and Information Security	SEARCH, Sacramento, CA	Steven Rothman	\$1,000,000	
OHA	Office of Health Affairs	North Carolina Collaboratory for Bio-Preparedness (NC B-Prepared), School of Information & Library Science, The University of North Carolina at Chapel Hill, NC	David Price; Bob Etheridge; Brad Miller; Kay Hagan	\$5,000,000	
FEMA	State and Local Programs	Emergency Operations Center, Benton County Emergency Management Commission, IA	Leonard Boswell	\$500,000	
FEMA	State and Local Programs	Emergency Operations Center, Brazoria County Emergency Management, TX	Ron Paul	\$100,000	
FEMA	State and Local Programs	Emergency Operations Center, Butte-Silver Bow, MT	Dennis Rehberg; Jon Tester	\$800,000	
FEMA	State and Local Programs	Emergency Operations Center, Calvert County Department of Public Safety, MD	Sterry Hoyer; Benjamin Cardin	\$338,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Alamosa Fire Department, CO	John Salazar	\$425,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Ames, IA	Tom Harkin; Tom Latham	\$600,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Boerne, TX	Lamar Smith	\$250,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Brawley, CA	Bob Filner	\$500,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Brigantine, NJ	Frank LoBiondo	\$300,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Brookings, OR	Peter Defazio	\$350,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Chicago, IL	Richard Durbin	\$1,000,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Commerce, CA	Lucille Roybal-Allard	\$1,000,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Cupertino, CA	Michael Honda	\$300,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Detroit, MI	Carolyn Kilpatrick; John Conyers; Debbie Stabenow; Carl Levin	\$1,000,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Elk Grove, CA	Daniel Lungren	\$750,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Green Cove Springs, FL	Corrine Brown	\$400,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Greenville, NC	G.K. Butterfield	\$600,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Hackensack, NJ	Frank Lautenberg; Robert Menendez	\$300,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Hartford, CT	John Larson	\$800,000	
FEMA	State and Local Programs	Emergency Operations Center, City of Hopewell, VA	Randy Forbes	\$250,000	

**HOMELAND SECURITY—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)
FEMA	State and Local Programs	Emergency Operations Center, City of La Habra, CA	\$254,500	Gary Miller
FEMA	State and Local Programs	Emergency Operations Center, City of Las Vegas, NV	\$600,000	Shelley Berkley; Dina Titus; Harry Reid
FEMA	State and Local Programs	Emergency Operations Center, City of Lauderdale Lakes, FL	\$750,000	Debbie Wasserman Schultz; Alcee Hastings
FEMA	State and Local Programs	Emergency Operations Center, City of Minneapolis, MN	\$750,000	Keith Ellison; Amy Klobuchar
FEMA	State and Local Programs	Emergency Operations Center, City of Monterey Park, CA	\$375,000	Adam Schiff; Judy Chu
FEMA	State and Local Programs	Emergency Operations Center, City of Moreno Valley, CA	\$400,000	Mary Bono Mack
FEMA	State and Local Programs	Emergency Operations Center, City of Mount Vernon, NY	\$1,000,000	Kristen Gillibrand; Charles Schumer
FEMA	State and Local Programs	Emergency Operations Center, City of Newark, NJ	\$1,000,000	Steven Rothman
FEMA	State and Local Programs	Emergency Operations Center, City of North Little Rock, AR	\$900,000	Blanche Lincoln; Mark Pryor; Vic Snyder
FEMA	State and Local Programs	Emergency Operations Center, City of Palm Coast, FL	\$350,000	John Mica
FEMA	State and Local Programs	Emergency Operations Center, City of Port Gibson, MS	\$750,000	Bennie Thompson; Thad Cochran
FEMA	State and Local Programs	Emergency Operations Center, City of Scottsdale, AZ	\$500,000	Harry Mitchell
FEMA	State and Local Programs	Emergency Operations Center, City of Sunrise, FL	\$750,000	Debbie Wasserman Schultz; Robert Wexler; Alcee Hastings; Bill Nelson
FEMA	State and Local Programs	Emergency Operations Center, City of Tavares, FL	\$500,000	Alan Grayson
FEMA	State and Local Programs	Emergency Operations Center, City of Torrington, CT	\$400,000	John Larson; Christopher Murphy
FEMA	State and Local Programs	Emergency Operations Center, City of Whitefish, MT	\$900,000	Jon Tester
FEMA	State and Local Programs	Emergency Operations Center, City of Whittier, CA	\$500,000	Linda Sánchez
FEMA	State and Local Programs	Emergency Operations Center, City of Wichita, KS	\$500,000	Todd Tiahrt
FEMA	State and Local Programs	Emergency Operations Center, Columbia County, OR	\$500,000	David Wu
FEMA	State and Local Programs	Emergency Operations Center, County of Union, NJ	\$500,000	Leonard Lance; Frank Lautenberg; Robert Menendez;
FEMA	State and Local Programs	Emergency Operations Center, Dorchester County, SC	\$400,000	Henry Brown; Lindsay Graham
FEMA	State and Local Programs	Emergency Operations Center, Fulton County (Atlanta) Emergency Management Agency, GA	\$200,000	John Lewis; David Scott
FEMA	State and Local Programs	Emergency Operations Center, Howell County Emergency Preparedness, MO	\$250,000	Jo Ann Emerson
FEMA	State and Local Programs	Emergency Operations Center, Jackson County Sheriff's Office, MO	\$500,000	Emanuel Cleaver
FEMA	State and Local Programs	Emergency Operations Center, Johnson County, TX	\$750,000	Chet Edwards
FEMA	State and Local Programs	Emergency Operations Center, Kentucky Emergency Management, KY	\$500,000	Harold Rogers
FEMA	State and Local Programs	Emergency Operations Center, Lake County, FL	\$800,000	Corrine Brown; Cliff Stearns
FEMA	State and Local Programs	Emergency Operations Center, Lea County, NM	\$600,000	Harry Teague
FEMA	State and Local Programs	Emergency Operations Center, Lincoln County, WA	\$1,000,000	Patty Murray
FEMA	State and Local Programs	Emergency Operations Center, Lycoming County, PA	\$250,000	Christopher Carney

FEMA	State and Local Programs	Emergency Operations Center, Macomb County Emergency Management and Communications, MI	\$250,000	Candice Miller, Debbie Stabenow, Carl Levin
FEMA	State and Local Programs	Emergency Operations Center, Mercer County Emergency Management Agency, KY	\$300,000	Ben Chandler
FEMA	State and Local Programs	Emergency Operations Center, Middle Rio Grande Development Council, TX	\$1,000,000	Ciro Rodriguez
FEMA	State and Local Programs	Emergency Operations Center, Minooka Fire Protection District, IL	\$250,000	Deborah Halvorson
FEMA	State and Local Programs	Emergency Operations Center, Mobile County Commission, AL	\$800,000	Jo Bonner
FEMA	State and Local Programs	Emergency Operations Center, Monroe County, FL	\$200,000	Ileana Ros-Lehtinen
FEMA	State and Local Programs	Emergency Operations Center, Morris County, New Jersey Office of Emergency Management, NJ	\$1,000,000	Rodney Frelinghuysen
FEMA	State and Local Programs	Emergency Operations Center, New Orleans Emergency Medical Services, LA	\$750,000	Anh "Joseph" Cao; Steve Scalise
FEMA	State and Local Programs	Emergency Operations Center, North Carolina Office of Emergency Management, NC	\$1,000,000	David Price
FEMA	State and Local Programs	Emergency Operations Center, North Hudson Regional Fire and Rescue, NJ	\$500,000	Albio Sires
FEMA	State and Local Programs	Emergency Operations Center, North Louisiana Regional, Lincoln Parish, LA	\$980,000	Mary Landrieu, Rodney Alexander
FEMA	State and Local Programs	Emergency Operations Center, Ohio Emergency Management Agency, Columbus, OH	\$1,500,000	George Voinovich
FEMA	State and Local Programs	Emergency Operations Center, Passaic County Prosecutor's Office, NJ	\$250,000	Steven Rothman
FEMA	State and Local Programs	Emergency Operations Center, City of Providence, RI	\$980,000	Jack Reed; James Langevin
FEMA	State and Local Programs	Emergency Operations Center, San Francisco Department of Emergency Management, CA	\$800,000	Nancy Pelosi
FEMA	State and Local Programs	Emergency Operations Center, Sarasota County, FL	\$300,000	Vern Buchanan
FEMA	State and Local Programs	Emergency Operations Center, Scotland County, NC	\$650,000	Larry Kissell
FEMA	State and Local Programs	Emergency Operations Center, Somerset County, ME	\$500,000	Michael Michaud; Olympia Snowe
FEMA	State and Local Programs	Emergency Operations Center, State of Maryland, MD	\$1,500,000	Dutch Ruppersberger; Benjamin Cardin
FEMA	State and Local Programs	Emergency Operations Center, City of Maitland, FL	\$158,000	Suzanne Kosmas
FEMA	State and Local Programs	Emergency Operations Center, Tohono O'odham Nation	\$500,000	Raúl Grijalva
FEMA	State and Local Programs	Emergency Operations Center, Towamencin Township, PA	\$75,000	Allyson Schwartz
FEMA	State and Local Programs	Emergency Operations Center, Town of Harrison, NY	\$275,000	Nira Lowey
FEMA	State and Local Programs	Emergency Operations Center, Town of Shorter, AL	\$500,000	Mike Rogers (AL)
FEMA	State and Local Programs	Emergency Operations Center, Township of Irvington, NJ	\$750,000	Donald Payne
FEMA	State and Local Programs	Emergency Operations Center, Township of Old Bridge, NJ	\$500,000	Rush Holt
FEMA	State and Local Programs	Emergency Operations Center, Township of South Orange Village, South Orange, NJ	\$247,000	Frank Lautenberg; Robert Menendez
FEMA	State and Local Programs	Emergency Operations Center, Upper Darby Township Police Department, PA	\$500,000	Joe Sestak
FEMA	State and Local Programs	Emergency Operations Center, Village of Elmsford, NY	\$165,000	Nira Lowey
FEMA	State and Local Programs	Emergency Operations Center, Washington Parish Government, LA	\$350,000	Steve Scalise
FEMA	State and Local Programs	Emergency Operations Center, Westmoreland County Department of Public Safety, PA	\$900,000	John Murtha
FEMA	State and Local Programs	Emergency Operations Center, Williamsburg County, SC	\$1,000,000	James Clyburn

**HOMELAND SECURITY—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)
FEMA	State and Local Programs	Emergency Operations Center, Winston County Commission, AL	\$20,000	Robert Aderholt
FEMA	State and Local Programs	National Domestic Preparedness Consortium: National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology, NM	\$10,125,000	Jeff Bingaman; Tom Udall
		National Center for Biomedical Research and Training, Louisiana State University, LA	\$10,125,000	Rodney Alexander; Mary Landrieu
		National Emergency Response and Rescue Training Center, Texas A&M University, TX	\$10,125,000	Chet Edwards; John Carter; John Cornyn; Kay Bailey Hutchison
		National Exercise, Test, and Training Center, Nevada Test Site, NV	\$10,125,000	Harry Reid
		National Disaster Preparedness Training Center, University of Hawaii, HI	\$5,000,000	Daniel Inouye
		Surface Transportation Emergency Preparedness and Response Training	\$5,000,000	Michael Bennet; John Salazar
FEMA	State and Local Programs	Counterterrorism and Cybercrime Center, Norwich University, Northfield, VT	\$1,700,000	Patrick Leahy
FEMA	State and Local Programs	Rural Domestic Preparedness Consortium, Eastern Kentucky University, KY	\$3,000,000	Harold Rogers; George Voinovich
FEMA	Predisaster Mitigation	Alabama Emergency Management Agency, AL	\$200,000	Spencer Bachus
FEMA	Predisaster Mitigation	Arkansas Department of Emergency Management, AR	\$750,000	Marion Berry
FEMA	Predisaster Mitigation	Arkansas State University-Beebe, AR	\$452,000	Vic Snyder
FEMA	Predisaster Mitigation	Brigham City Corporation, UT	\$250,000	Rob Bishop; Robert Bennett; Orrin Hatch
FEMA	Predisaster Mitigation	CHRISTUS St. Elizabeth Hospital, Beaumont, TX	\$250,000	Ted Poe; Kay Bailey Hutchison
FEMA	Predisaster Mitigation	City of Brooksville, KY	\$18,500	Geoff Davis
FEMA	Predisaster Mitigation	City of Burbank, CA	\$225,000	Adam Schiff
FEMA	Predisaster Mitigation	City of Camanche, IA	\$187,500	Bruce Braley
FEMA	Predisaster Mitigation	City of Coconut Creek, FL	\$500,000	Ron Klein; Robert Wexler
FEMA	Predisaster Mitigation	City of Colton, CA	\$200,000	Joe Baca
FEMA	Predisaster Mitigation	City of Davis, CA	\$275,000	Mike Thompson
FEMA	Predisaster Mitigation	City of Emeryville, CA	\$600,000	Barbara Lee
FEMA	Predisaster Mitigation	City of Flagler Beach, FL	\$750,000	John Mica
FEMA	Predisaster Mitigation	City of Hartselle, AL	\$245,000	Robert Aderholt
FEMA	Predisaster Mitigation	City of Hidaigo, TX	\$500,000	Henry Cuellar
FEMA	Predisaster Mitigation	City of Hokah, MN	\$590,000	Timothy Walz; Amy Klobuchar
FEMA	Predisaster Mitigation	City of Kannapolis, NC	\$425,000	Howard Coble; Larry Kissell
FEMA	Predisaster Mitigation	City of Los Angeles, CA	\$1,000,000	Lucille Roybal-Allard
FEMA	Predisaster Mitigation	City of Los Angeles, CA	\$500,000	Brad Sherman
FEMA	Predisaster Mitigation	City of Maryville, MO	\$175,000	Sam Graves
FEMA	Predisaster Mitigation	City of Miami Beach, FL	\$750,000	Debbie Wasserman Schultz
FEMA	Predisaster Mitigation	City of Miami, FL	\$600,000	Kendrick Meek; Ileana Ros-Lehtinen
FEMA	Predisaster Mitigation	City of New Braunfels, TX	\$500,000	Lamar Smith; Kay Bailey Hutchison

FEMA	Predisaster Mitigation	City of Prattville, AL		\$500,000	Bobby Bright
FEMA	Predisaster Mitigation	City of Reno, NV		\$500,000	Dean Heller; Harry Reid
FEMA	Predisaster Mitigation	City of Robstown, TX		\$500,000	Solomon Ortiz
FEMA	Predisaster Mitigation	City of Rockville, MD		\$650,000	Chris Van Hollen; Benjamin Cardin
FEMA	Predisaster Mitigation	City of Santa Clarita, CA		\$500,000	Howard "Buck" McKeon
FEMA	Predisaster Mitigation	City of Trenton, NJ		\$300,000	Rush Holt; Christopher Smith; Frank Lautenberg; Robert Menendez
FEMA	Predisaster Mitigation	City of Venice, FL		\$200,000	Vern Buchanan
FEMA	Predisaster Mitigation	DeKalb County, IL		\$350,000	Donald Manzullo
FEMA	Predisaster Mitigation	Drew County, AR		\$366,564	Mike Ross
FEMA	Predisaster Mitigation	Harris County Flood Control District, TX		\$1,000,000	John Culberson
FEMA	Predisaster Mitigation	Henry County, GA		\$275,000	David Scott
FEMA	Predisaster Mitigation	Jackson Health System, Miami, FL		\$500,000	Debbie Wasserman Schultz; Kendrick Meek; Mario Diaz-Balart; Ileana Ros-Lehtinen
FEMA	Predisaster Mitigation	Kentucky Emergency Management, KY		\$500,000	Harold Rogers
FEMA	Predisaster Mitigation	King County, WA		\$750,000	David Reichert; Patty Murray
FEMA	Predisaster Mitigation	Lake County Stormwater Management Agency, OH		\$725,000	Steven LaTourette
FEMA	Predisaster Mitigation	Lorain County, OH		\$200,000	Betsy Sutton
FEMA	Predisaster Mitigation	Louisville-Metro Government, KY		\$500,000	John Yarmuth
FEMA	Predisaster Mitigation	Lucas County Engineer, OH		\$500,000	Marcy Kaptur
FEMA	Predisaster Mitigation	McDowell Hospital, Marion, NC		\$220,000	Heath Shuler
FEMA	Predisaster Mitigation	Mississippi Homeland Security Office, MS		\$500,000	Bennie Thompson
FEMA	Predisaster Mitigation	North Carolina Office of Emergency Management, NC		\$165,000	David Price
FEMA	Predisaster Mitigation	Ohio University, Athens, OH		\$200,000	Charles Wilson
FEMA	Predisaster Mitigation	Orange County Fire Authority, CA		\$252,000	Ken Calvert
FEMA	Predisaster Mitigation	Russell County Fiscal Court, KY		\$200,000	Ed Whitfield
FEMA	Predisaster Mitigation	San Miguel County, NM		\$400,000	Ben Lujan
FEMA	Predisaster Mitigation	Shelby County, Memphis, TN		\$325,000	Steve Cohen; Lamar Alexander; Bob Corker
FEMA	Predisaster Mitigation	State of Maryland, MD		\$1,000,000	Dutch Ruppersberger; Benjamin Cardin
FEMA	Predisaster Mitigation	Town of Hambleton and Town of Davis, WV		\$450,000	Alan Mollohan
FEMA	Predisaster Mitigation	Town of Occoquan, VA		\$25,000	Gerry Connolly
FEMA	Predisaster Mitigation	Town of Shelter Island, NY		\$200,000	Timothy Bishop
FEMA	Predisaster Mitigation	Town of Union and City of Binghamton, NY		\$462,000	Maurice Hinchey
FEMA	Predisaster Mitigation	Town of Winthrop, MA		\$500,000	Edward Markey
FEMA	Predisaster Mitigation	Village of La Grange Park, IL		\$150,000	Daniel Lipinski

**HOMELAND SECURITY—Continued**  
**[Congressionally Directed Spending Items]**

Agency	Account	Project	Amount	Requester(s)
FEMA	Predisaster Mitigation	Village of Pelham, NY	\$562,500	Nita Lowey
FEMA	Predisaster Mitigation	Westport Fire Department, CT	\$265,000	James Hines
S&T	Research, Development, Acquisition, and Operations	Cincinnati Urban Area partnership, OH	\$2,000,000	George Voinovich
S&T	Research, Development, Acquisition, and Operations	Distributed Environment for Critical Infrastructure Decisionmaking Exercises, multiple locations	\$3,000,000	Robert Bennett; Patrick Leahy; Rob Bishop
S&T	Research, Development, Acquisition, and Operations	Homeland Security Research, Development, and Manufacturing Pilot, Long Island Forum for Technology, NY	\$1,000,000	Steve Israel; Peter King
S&T	Research, Development, Acquisition, and Operations	Maritime Domain Awareness and Maritime Security Technology Pilot, SRI International, FL	\$4,000,000	C.W. "Bill" Young
S&T	Research, Development, Acquisition, and Operations	National Institute for Hometown Security, KY	\$10,000,000	Harold Rogers
S&T	Research, Development, Acquisition, and Operations	Remote Sensing for Situational Awareness and Decision Support, Rochester Institute of Technology, NY	\$500,000	Daniel Maffei; Christopher Lee
S&T	Research, Development, Acquisition, and Operations	Southeast Region Research Initiative, TN	\$20,865,000	Thad Cochran; Roger Wicker; Gregg Harper
	General Provision	Franklin Regional Council of Governments, MA		John Oliver
	General Provision	Town of Lanesborough, MA		John Oliver
	General Provision	Office of Environmental Health and Safety, University of Massachusetts, MA		John Oliver
	General Provision	Town of Branchville, SC		James Clyburn
	General Provision	Monterey County Water Resources Agency, CA		Sam Farr
	General Provision	Sector Buffalo, NY, Coast Guard		Brian Higgins



FUNDING RECOMMENDATIONS		(In thousands of dollars)	Conference agreement compared with:
The conference agreement's detailed funding recommendations for programs are contained in the table listed below.	New budget (obligational) authority, fiscal year 2009 .....	\$44,367,748	New budget (obligational) authority, fiscal year 2009 .....
			– 230,507
CONFERENCE TOTAL—WITH COMPARISONS			
The total new budget (obligational) authority for the fiscal year 2010 recommended by the Committee of Conference, with comparisons to the fiscal year 2009 amount, the 2010 budget estimates, and the House and Senate bills for 2010 follow:	Budget estimates of new (obligational) authority, fiscal year 2010 .....	44,190,938	Budget estimates of new (obligational) authority, fiscal year 2010 .....
			– 53,697
	House bill, fiscal year 2010	43,978,245	House bill, fiscal year 2010 .....
			+158,996
	Senate bill, fiscal year 2010 .....	44,287,748	Senate bill, fiscal year 2010 .....
			– 150,507
	Conference agreement, fiscal year 2010 .....	44,137,241	

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
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TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS			
Departmental Operations			
Office of the Secretary and Executive Management:			
Immediate Office of the Secretary.....	3,140	5,061	5,061
Immediate Office of the Deputy Secretary.....	1,400	1,810	1,810
Chief of Staff.....	2,693	2,595	2,595
Office of Counternarcotics Enforcement.....	3,718	3,912	3,612
Executive Secretary.....	7,448	8,344	7,800
Office of Policy.....	43,263	61,564	51,564
Office of Public Affairs.....	5,991	6,539	5,991
Office of Legislative Affairs.....	4,997	7,097	6,797
Office of Intergovernmental Affairs.....	---	2,800	2,800
Office of General Counsel.....	20,114	24,028	24,028
Office for Civil Rights and Civil Liberties.....	17,417	22,104	21,104
Citizenship and Immigration Services Ombudsman....	6,471	6,935	6,685
Privacy Officer.....	6,804	7,971	7,971
-----			
Subtotal, Office of the Secretary and Executive Management.....	123,456	160,760	147,818
Office of the Under Secretary for Management:			
Under Secretary for Management.....	2,654	2,864	2,864
Emergency appropriations (P. L. 111-5).....	200,000	---	---
-----			
Subtotal, Under Secretary for Management....	202,654	2,864	2,864
Office of Security.....	60,882	95,193	90,193
Office of the Chief Procurement Officer.....	39,003	71,038	68,538
Office of the Chief Human Capital Officer:			
Salaries and expenses.....	28,827	34,404	32,604
Human resources.....	10,000	10,000	10,000
-----			
Subtotal, Office of the Chief Human Capital Officer.....	38,827	44,404	42,604
Office of the Chief Administrative Officer:			
Salaries and expenses.....	44,427	43,491	44,491
Nebraska Avenue Complex (NAC).....	6,000	6,000	5,500
DHS headquarters lease consolidation.....	---	75,000	---
-----			
Subtotal, Office of the Chief Administrative Officer.....	50,427	124,491	49,991
Total, Office of the Under Secretary for Management.....	391,793	337,990	254,190
-----			
Office of the Chief Financial Officer.....	55,235	65,530	60,530
Office of the Chief Information Officer:			
Salaries and expenses.....	86,928	86,912	86,912
Information technology services.....	44,945	51,417	51,417
Security activities.....	92,623	152,403	152,403
Homeland Secure Data Network (HSDN).....	47,673	47,661	47,661
-----			
Subtotal, Office of the Chief Information Officer.....	272,169	338,393	338,393
Analysis and Operations.....	327,373	357,345	335,030
=====			
Total, Departmental Operations.....	1,170,026	1,260,018	1,135,961

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Office of the Federal Coordinator for Gulf Coast Rebuilding.....	1,900	2,000	2,000
Office of Inspector General			
Office of Inspector General.....	98,513	127,874	113,874
Emergency appropriations (P. L. 111-5).....	5,000	---	---
Transfer from Disaster Relief.....	(16,000)	---	(16,000)
Subtotal, Office of Inspector General (including transfers).....	119,513	127,874	129,874
Appropriations.....	(98,513)	(127,874)	(113,874)
Emergency appropriations.....	(5,000)	---	---
by transfer.....	(16,000)	---	(16,000)
Total, title I, Departmental Management and Operations (including transfers).....	1,291,439	1,389,892	1,267,835
Appropriations.....	(1,070,439)	(1,389,892)	(1,251,835)
Emergency appropriations.....	(205,000)	---	---
by transfer.....	(16,000)	---	(16,000)
=====			
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS			
U.S. Customs and Border Protection			
Salaries and expenses:			
Headquarters, Management, and Administration:			
Management and administration, border security inspections and trade facilitation.....	646,608	522,825	520,575
Management and administration, border security and control between ports of entry.....	622,550	497,675	495,425
Rent.....	---	---	402,263
Subtotal, Headquarters, Mgt & Admin.....	1,269,158	1,020,500	1,418,263
Border security inspections and trade facilitation:			
Inspections, trade, and travel facilitation at ports of entry.....	2,093,988	2,255,210	2,262,235
Harbor maintenance fee collection (trust fund).....	3,154	3,226	3,226
International cargo screening.....	149,450	165,421	162,000
Other international programs.....	10,984	11,181	11,181
Customs-Trade Partnership Against Terrorism (C-TPAT).....	64,496	62,612	62,612
Trusted Traveler programs.....	11,274	11,274	11,274
Inspection and detection technology investments.....	145,944	143,563	153,563
Emergency appropriations (P. L. 111-5)....	160,000	---	---
Emergency appropriations (P. L. 111-32)...	46,200	---	---
Subtotal.....	352,144	143,563	153,563
Automated targeting systems.....	32,550	32,560	32,560
National Targeting Center.....	24,481	26,355	26,355
Training.....	24,778	24,778	24,778
Subtotal, Border security inspections and trade facilitation.....	2,767,299	2,736,180	2,749,784

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Border security and control between ports of entry:			
Border security and control.....	3,426,455	3,505,008	3,535,286
Training.....	74,815	51,751	51,751
Subtotal, Border security and control between ports of entry.....	3,501,270	3,556,759	3,587,037
Air and Marine Operations.....	271,679	309,629	309,629
Subtotal, Salaries and expenses.....	7,809,406	7,623,068	8,064,713
Appropriations.....	(7,600,052)	(7,619,842)	(8,061,487)
Emergency appropriations.....	(206,200)	---	---
Harbor maintenance trust fund.....	(3,154)	(3,226)	(3,226)
Automation modernization:			
Automated commercial environment/International Trade Data System (ITDS).....	316,851	267,960	227,960
Current operations protection and processing support (COPPS).....	194,483	194,485	194,485
Subtotal, Automation modernization.....	511,334	462,445	422,445
Border security fencing, infrastructure, and technology (BSFIT):			
Development and deployment.....	505,000	494,000	508,000
Operation and maintenance.....	150,000	200,000	200,000
Program management.....	120,000	85,452	92,000
Emergency appropriations (P. L. 111-5).....	100,000	---	---
Subtotal, BSFIT.....	875,000	779,452	800,000
Appropriations.....	(775,000)	(779,452)	(800,000)
Emergency appropriations.....	(100,000)	---	---
Air and Marine Interdiction, Operations, Maintenance, and Procurement:			
Operations and maintenance.....	380,022	374,217	374,217
Procurement.....	147,978	131,609	145,609
Emergency appropriations (P. L. 111-32).....	5,000	---	---
Subtotal, Air and marine interdiction, operations, maintenance, and procurement.....	533,000	505,826	519,826
Appropriations.....	(528,000)	(505,826)	(519,826)
Emergency appropriations.....	(5,000)	---	---
Construction and facilities management:			
Facility construction and sustainment.....	403,201	239,357	282,557
Rent.....	---	402,263	---
Program oversight and management.....	---	37,013	37,013
Emergency appropriations (P. L. 111-5).....	420,000	---	---
Subtotal, Construction and facilities management.....	823,201	678,633	319,570
Total, Direct appropriations for Customs and Border Protection.....	10,551,941	10,049,424	10,126,554
Fee accounts:			
Immigration inspection user fee.....	(570,059)	(584,000)	(584,000)
Immigration enforcement fines.....	(3,331)	(5,000)	(5,000)
Land border inspection fee.....	(26,880)	(30,000)	(30,000)
COBRA passenger inspection fee.....	(410,666)	(393,000)	(393,000)
APHIS inspection fee.....	(333,433)	(320,000)	(320,000)

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Puerto Rico collections.....	(96,719)	(92,000)	(92,000)
Small airport user fees.....	(7,057)	(8,000)	(8,000)
Subtotal, fee accounts.....	(1,448,145)	(1,432,000)	(1,432,000)
Total, U.S. Customs and Border Protection.....	(12,000,086)	(11,481,424)	(11,558,554)
Appropriations.....	(9,820,741)	(10,049,424)	(10,126,554)
Emergency appropriations.....	(731,200)	---	---
(Fee accounts).....	(1,448,145)	(1,432,000)	(1,432,000)
U.S. Immigration and Customs Enforcement			
Salaries and expenses:			
Headquarters Management and Administration			
(non-detention and removal operations):			
Personnel compensation and benefits, service			
and other costs.....	203,076	321,850	279,073
Headquarters managed IT investment.....	169,348	243,264	233,264
Subtotal, Headquarters management and			
administration.....	372,424	565,114	512,337
Legal proceedings.....	215,035	221,666	221,666
Investigations:			
Domestic.....	1,519,208	1,615,551	1,649,551
Emergency appropriations (P.L. 111-32)....	55,000	---	---
Subtotal, Domestic investigations.....	1,574,208	1,615,551	1,649,551
International investigations:			
International operations.....	106,741	112,872	112,872
Visa security program.....	26,800	30,186	30,686
Subtotal, International investigations..	133,541	143,058	143,558
Subtotal, Investigations.....	1,707,749	1,758,609	1,793,109
Intelligence.....	55,789	67,842	69,842
Detention and removal operations:			
Custody Operations.....	1,721,268	1,771,168	1,771,168
Fugitive operations.....	226,477	229,682	229,682
Criminal Alien program.....	189,069	192,539	192,539
Alternatives to detention.....	63,000	63,913	69,913
Transportation and removal program.....	281,399	281,878	281,878
Emergency appropriations (P.L. 111-32).....	11,800	---	---
Subtotal, Detention and removal operations..	2,493,013	2,539,180	2,545,180
Identification and removal of criminal aliens....	150,000	195,589	200,000
Subtotal, Salaries and expenses.....	4,994,010	5,348,000	5,342,134
Appropriations.....	(4,927,210)	(5,348,000)	(5,342,134)
Emergency appropriations.....	(66,800)	---	---
Federal protective service:			
Basic security.....	213,673	---	---

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Building specific security (including capital equipment replacement/acquisition).....	426,327	---	---
Subtotal, Federal Protective Service.....	640,000	---	---
Offsetting fee collections.....	-640,000	---	---
Automation modernization.....	57,000	110,000	90,000
Emergency appropriations (P. L. 111-5).....	20,000	---	---
Subtotal, Automation modernization.....	77,000	110,000	90,000
Construction.....	5,000	---	4,818
Total, Direct appropriations for U.S. Immigration Customs Enforcement.....	5,076,010	5,458,000	5,436,952
Fee accounts:			
Immigration inspection user fee.....	(119,000)	(109,800)	(109,800)
Breached bond/detention fund.....	(60,000)	(75,000)	(75,000)
Student exchange and visitor fee.....	(120,000)	(120,000)	(120,000)
Subtotal, fee accounts.....	(299,000)	(304,800)	(304,800)
Subtotal, U.S. Immigration and Customs Enforcement (gross).....	(6,015,010)	(5,762,800)	(5,741,752)
Offsetting fee collections.....	(-640,000)	---	---
Total, U.S. Immigration and Customs Enforcement.	(5,375,010)	(5,762,800)	(5,741,752)
Appropriations.....	(4,989,210)	(5,458,000)	(5,436,952)
Emergency appropriations.....	(86,800)	---	---
Fee accounts.....	(299,000)	(304,800)	(304,800)
Transportation Security Administration			
Aviation security:			
Screening operations:			
Screener workforce:			
Privatized screening.....	151,272	149,643	149,643
Screener personnel, compensation, and benefits.....	2,716,014	2,788,575	2,758,575
Subtotal, Screener workforce.....	2,867,286	2,938,218	2,908,218
Screener training and other.....	197,318	203,463	204,713
Checkpoint support.....	250,000	128,739	128,739
Emergency appropriations (P. L. 111-5)	1,000,000	---	---
EDS/ETD Systems:			
EDS procurement and installation.....	294,000	856,591	778,300
Screening technology maintenance and utilities.....	305,625	326,625	316,625
Operation integration.....	21,481	21,481	21,481
Subtotal, EDS/ETD Systems.....	621,106	1,204,697	1,116,406
Subtotal, Screening operations.....	4,935,710	4,475,117	4,358,076

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Aviation security direction and enforcement:			
Aviation regulation and other enforcement.....	245,268	254,064	254,064
Airport management and support.....	401,666	448,424	453,924
FFDO and flight crew training.....	25,025	25,127	25,127
Air cargo.....	122,849	108,118	122,849
Airport perimeter security.....	4,000	---	---
Subtotal, Aviation security direction and enforcement.....	798,808	835,733	855,964
Implementing requirements of P.L. 110-53.....	20,000	---	---
Discretionary fee proposal:			
General aviation at DCA.....	(75)	---	---
Indirect air cargo.....	(200)	---	---
Certified cargo screening program.....	---	(5,200)	---
Large aircraft security program.....	---	(1,600)	---
Secure identification display area checks.....	---	(10,000)	---
Other security threat assessments.....	---	(100)	---
Total, Discretionary fee proposal.....	(275)	(16,900)	---
Aviation security capital fund (mandatory).....	(250,000)	(250,000)	(250,000)
Total, Aviation security (gross) (including transfers).....	5,754,518	5,310,850	5,214,040
Offsetting fee collections (non-mandatory).....	-2,320,000	-2,100,000	-2,100,000
Fee-funded programs (nonadd).....	(-275)	(-16,900)	---
Total, Aviation security (net).....	3,434,518	3,210,850	3,114,040
Appropriations.....	(2,434,518)	(3,210,850)	(3,114,040)
Emergency appropriations.....	(1,000,000)	---	---
Aviation security capital fund.....	(250,000)	(250,000)	(250,000)
Surface transportation security:			
Staffing and operations.....	24,885	42,293	42,293
Surface transportation security inspectors and canines.....	24,721	86,123	68,223
Subtotal, Surface transportation security.....	49,606	128,416	110,516
Transportation Threat Assessment and Credentialing:			
Secure Flight.....	82,211	84,363	84,363
Crew and other vetting programs.....	33,807	107,636	87,636
Registered Traveler Program fees.....	(10,000)	---	---
TWIC fees.....	(9,000)	(9,000)	(9,000)
Hazardous materials fees.....	(18,000)	(15,000)	(15,000)
Alien Flight School fees (by transfer from DOJ).....	(3,000)	(4,000)	(4,000)
Certified cargo screening program.....	---	---	(5,200)
Large aircraft security program.....	---	---	(1,600)
Secure identification display area checks.....	---	---	(10,000)
Other security threat assessments.....	---	---	(100)
General aviation at DCA.....	---	(100)	(100)
Indirect air cargo.....	---	(2,600)	(2,600)
Sensitive security information (SSI) fees.....	---	(20)	(20)
Subtotal, Transportation Threat Assessment and Credentialing (Gross).....	(156,018)	(222,719)	(219,619)
Fee funded programs.....	(40,000)	(30,720)	(47,620)
Subtotal, Transportation Threat Assessment and Credentialing (net).....	116,018	191,999	171,999

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
<b>Transportation security support:</b>			
Headquarters administration.....	234,870	248,929	248,929
Information technology.....	472,799	501,110	498,310
Human capital services.....	218,105	226,338	226,338
Intelligence.....	21,961	28,203	28,203
Subtotal, Transportation security support.....	947,735	1,004,580	1,001,780
<b>Federal Air Marshals:</b>			
Management and administration.....	725,081	762,569	762,569
Travel and training.....	94,400	97,542	97,542
Subtotal, Federal Air Marshals.....	819,481	860,111	860,111
Total, Transportation Security Administration (gross) (including transfers).....	7,977,358	7,776,676	7,656,066
Offsetting fee collections.....	(-2,320,000)	(-2,100,000)	(-2,100,000)
Aviation security capital fund.....	(250,000)	(250,000)	(250,000)
Fee accounts.....	(40,000)	(30,720)	(47,620)
Total, Transportation Security Administration (net).....	5,367,358	5,395,956	5,258,446
Appropriations.....	(4,367,358)	(5,395,956)	(5,258,446)
Emergency appropriations.....	(1,000,000)	---	---
<b>Coast Guard</b>			
<b>Operating expenses:</b>			
Military pay and allowances.....	3,061,663	3,244,861	3,254,512
Civilian pay and benefits.....	645,350	699,594	699,794
Training and recruiting.....	195,919	205,970	206,178
Operating funds and unit level maintenance.....	1,177,406	1,149,513	1,152,950
Centrally managed accounts.....	262,294	353,071	334,275
Intermediate and depot level maintenance.....	823,793	903,179	916,179
Supplemental appropriations (P.L. 111-32).....	10,000	---	---
Port and vessel security.....	23,500	---	---
Aviation mission hour gap.....	5,000	---	---
Defense function.....	(340,000)	(340,000)	(340,000)
Overseas contingency operations (defense function)	---	---	241,503
Supplemental appropriations (P.L. 111-32).....	129,503	---	---
Overseas contingency operations (by transfer).....	---	(241,503)	---
Subtotal, Operating expenses.....	6,334,428	6,797,691	6,805,391
Appropriations.....	(5,854,925)	(6,216,188)	(5,982,385)
Overseas contingency operations.....	(139,503)	---	(241,503)
Contingent emergency (by transfer).....	---	(241,503)	---
Defense function.....	(340,000)	(340,000)	(581,503)
Environmental compliance and restoration.....	13,000	13,198	13,198
Reserve training.....	130,501	133,632	133,632
<b>Acquisition, construction, and improvements:</b>			
<b>Vessels:</b>			
Response boat medium.....	108,000	103,000	121,000
Inland river tender recapitalization.....	5,000	---	---
Subtotal, Vessels.....	113,000	103,000	121,000
<b>Other equipment:</b>			
Automatic identification system.....	8,600	---	---
Defense messaging system (DMS).....	4,074	---	---



DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
National distress and response system modernization (Rescue 21).....	73,000	117,000	117,000
High frequency recapitalization.....	2,500	2,500	2,500
Interagency operations centers (Command 21)...	1,000	---	10,000
Subtotal, Other equipment.....	89,174	119,500	129,500
Personnel and related support:			
Core acquisition costs.....	500	500	500
Direct personnel cost.....	92,330	99,500	104,700
Subtotal, Personnel and related support.....	92,830	100,000	105,200
Integrated deepwater systems:			
Aircraft:			
Unmanned aircraft systems.....	3,000	---	---
Maritime Patrol Aircraft.....	86,600	175,000	138,500
HH-60 conversions.....	52,700	45,000	45,900
HC-130H conversions.....	24,500	45,300	45,300
HH-65 conversion project.....	64,500	38,000	38,000
C-130J fleet introduction.....	13,250	1,300	1,300
Subtotal, Aircraft.....	244,550	305,500	269,000
Surface ships:			
National Security Cutter.....	353,700	281,480	389,480
Offshore Patrol Cutter.....	3,003	9,800	9,800
Fast Response Cutter.....	115,300	243,000	243,000
IDS small boats.....	2,400	3,000	3,000
Patrol Boat sustainment.....	30,800	23,000	23,000
Medium endurance cutter sustainment.....	35,500	31,100	31,100
Polar icebreaker sustainment.....	30,300	---	27,300
High endurance cutter sustainment.....	---	---	4,000
Subtotal, Surface ships.....	571,003	591,380	730,680
Technology obsolescence prevention.....	1,500	1,900	1,900
C4ISR.....	88,100	35,000	35,000
Logistics.....	37,700	37,700	37,700
Systems engineering integration.....	33,141	35,000	35,000
Government program management.....	58,000	45,000	45,000
Subtotal, Integrated deepwater systems.....	1,033,994	1,051,480	1,154,280
Shore facilities and aids to navigation.....	68,000	10,000	27,100
Emergency appropriations (P. L. 111-5).....	98,000	---	---
Subtotal.....	166,000	10,000	27,100
Coast Guard/DHS headquarters.....	97,578	---	---
Subtotal, Acquisition, construction, and improvements.....	1,592,576	1,383,980	1,537,080
Appropriations.....	(1,494,576)	(1,383,980)	(1,537,080)
Emergency appropriations.....	(98,000)	---	---
Alteration of bridges.....	16,000	---	4,000
Emergency appropriations (P. L. 111-5).....	142,000	---	---
Subtotal.....	158,000	---	4,000
Research, development, test, and evaluation.....	18,000	19,745	24,745

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Health care fund contribution (permanent indefinite discretionary).....	257,305	261,000	261,000
Subtotal, Coast Guard discretionary.....	8,503,810	8,367,743	8,779,046
Retired pay (mandatory).....	1,236,745	1,361,245	1,361,245
	=====	=====	=====
Total, Coast Guard (including transfers).....	9,740,555	9,970,491	10,140,291
Appropriations.....	(9,361,052)	(9,728,988)	(9,898,788)
Emergency appropriations.....	(240,000)	---	---
Overseas contingency operations.....	(139,503)	---	(241,503)
Contingent emergency (by transfer).....	---	(241,503)	---
	=====	=====	=====
United States Secret Service			
Salaries and expenses:			
Protection:			
Protection of persons and facilities.....	705,918	759,561	755,521
Protective intelligence activities.....	59,761	67,824	67,824
National special security event funds.....	1,000	1,000	1,000
Presidential candidate nominee protection.....	41,082	---	---
White House mail screening.....	33,701	25,315	22,415
Subtotal, Protection.....	841,462	853,700	846,760
Investigations:			
Domestic field operations.....	241,772	260,892	260,892
International field office administration, operations and training.....	30,000	30,705	30,705
Electronic crimes special agent program and electronic crimes task forces.....	51,836	56,541	56,541
Support for missing and exploited children....	8,366	8,366	8,366
Subtotal, Investigations.....	331,974	356,504	356,504
Administration:			
Headquarters, management and administration...	182,104	221,045	221,045
Training:			
Rowley training center.....	53,189	54,360	54,360
Emergency appropriations (P. L. 111-8).....	100,000	---	---
Subtotal, Salaries and expenses.....	1,508,729	1,485,609	1,478,669
Appropriations.....	(1,408,729)	(1,485,609)	(1,478,669)
Emergency appropriations.....	(100,000)	---	---
Acquisition, construction, improvements, and related expenses (Rowley).....	4,225	3,975	3,975
	=====	=====	=====
Total, United States Secret Service.....	1,512,954	1,489,584	1,482,644
Appropriations.....	(1,412,954)	(1,489,584)	(1,482,644)
Emergency appropriations.....	(100,000)	---	---
	=====	=====	=====
Total, title II, Security, Enforcement, and Investigations (including transfers).....	32,248,818	32,363,455	32,444,887
Appropriations.....	(29,951,315)	(32,121,952)	(32,203,384)
Emergency appropriations.....	(2,158,000)	---	---
Overseas contingency operations.....	(139,503)	---	(241,503)
Contingent emergency (by transfer).....	---	(241,503)	---
(Fee Accounts).....	(1,787,420)	(1,764,800)	(1,781,700)
	=====	=====	=====

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
TITLE III - PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY			
National Protection and Programs Directorate			
Management and administration:			
Administrative activities.....	41,850	34,682	34,682
Risk management and analysis.....	9,500	9,895	9,895
Total, Management and administration.....	51,350	44,577	44,577
Infrastructure Protection and Information Security:			
Infrastructure protection:			
Identification and analysis.....	80,603	86,610	90,610
Coordination and information sharing.....	62,367	50,582	59,582
Mitigation programs.....	170,830	196,111	197,111
Subtotal, Infrastructure protection.....	313,800	333,303	347,303
National Cyber Security Division:			
US Computer Emergency Response Team (US-CERT).....	254,924	333,629	323,629
Strategic initiatives.....	49,138	57,679	64,179
Outreach and programs.....	9,438	9,346	9,346
Subtotal, National Cyber Security Division..	313,500	400,654	397,154
Office of Emergency Communications.....	38,300	44,060	45,060
National Security/Emergency Preparedness			
Telecommunications:			
Priority telecommunications services.....	58,740	56,773	56,773
Next generation networks.....	50,250	50,250	25,000
Programs to study and enhance telecommunications.....	15,100	19,274	16,774
Critical infrastructure protection programs...	11,260	13,852	11,352
National command and coordination capability..	5,963	---	---
Subtotal, National Security/Emergency Preparedness Telecommunications.....	141,313	140,149	109,899
Subtotal, Infrastructure Protection and Information Security.....	806,913	918,166	899,416
Federal Protective Service:			
Basic security.....	---	213,673	213,673
Building-specific security.....	---	426,327	426,327
Reimbursable Security Fees (contract guard services).....	---	475,000	475,000
Subtotal, Federal Protective Service.....	---	1,115,000	1,115,000
Offsetting collections.....	---	-1,115,000	-1,115,000
U.S. Visitor and Immigrant Status Indicator Technology	300,000	356,194	373,762
Total, National Protection and Programs			
Directorate.....	1,158,263	1,318,937	1,317,755
Appropriations.....	(1,158,263)	(2,433,937)	(2,432,755)
Offsetting collections.....	---	(-1,115,000)	(-1,115,000)
Office of Health Affairs			
BioWatch.....	111,606	94,513	89,513
National biosurveillance integration system.....	8,000	8,000	13,000
Rapidly deployable chemical detection system.....	2,600	2,600	2,600
Planning and coordination.....	5,775	2,476	3,726

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Salaries and expenses.....	29,210	30,411	30,411
Total, Office of Health Affairs.....	157,191	138,000	139,250
Federal Emergency Management Agency			
Management and administration:			
Operating activities.....	798,595	817,205	758,155
(Defense function).....	(94,059)	(107,481)	(93,881)
Urban search and rescue response system.....	32,500	28,000	32,500
Office of National Capital Region Coordination....	6,342	6,995	6,995
Transfer from Disaster relief.....	(105,600)	(50,000)	(105,600)
Subtotal, Management and administration (including transfers).....	943,037	902,200	903,250
Appropriations.....	(837,437)	(852,200)	(797,650)
(Non-defense appropriations).....	(743,378)	(744,719)	(703,769)
(Defense appropriations).....	(94,059)	(107,481)	(93,881)
by transfer.....	(105,600)	(50,000)	(105,600)
State and local programs:			
State Homeland Security Grant Program.....	890,000	890,000	890,000
Operation Stonegarden.....	60,000	60,000	60,000
Emergency appropriations (P. L. 111-32)....	30,000	---	---
Subtotal, State Homeland Security Grant Program.....	980,000	950,000	950,000
Urban area security initiative.....	837,500	887,000	887,000
Regional catastrophic preparedness grants.....	35,000	35,000	35,000
Metropolitan Medical Response System.....	41,000	40,000	41,000
Citizen Corps program.....	15,000	15,000	13,000
Public transportation security assistance and railroad security assistance.....	400,000	250,000	300,000
Emergency appropriations (P. L. 111-5).....	150,000	---	---
Subtotal.....	550,000	250,000	300,000
Port security grants.....	400,000	250,000	300,000
Emergency appropriations (P. L. 111-5).....	150,000	---	---
Subtotal.....	550,000	250,000	300,000
Over-the-road bus security assistance.....	12,000	---	12,000
Trucking industry security grants.....	8,000	---	---
Buffer Zone Protection Program grants.....	50,000	50,000	50,000
Drivers license security grants.....	---	50,000	50,000
Commercial equipment direct assistance program....	8,000	---	---
Interoperable emergency communications grant program.....	50,000	50,000	50,000
Emergency Operations Centers.....	35,000	---	60,000
Firefighter assistance grants:			
Fire grants.....	---	170,000	---
Staffing for Adequate Fire and Emergency Response (SAFER) Act grants.....	---	420,000	---
Subtotal, Firefighter assistance grants.....	---	590,000	---
Emergency management performance grants.....	---	315,000	---

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
National Programs:			
National Domestic Preparedness Consortium.....	102,000	51,500	102,000
Center for Domestic Preparedness.....	57,000	62,500	62,500
Noble Training Center.....	5,500	---	---
Subtotal, NDPC.....	164,500	114,000	164,500
Counterterrorism and Cyber Crime Center.....	1,700	---	1,700
National exercise program.....	40,000	42,000	40,000
Technical assistance.....	11,000	13,000	13,000
Continuing training grants.....	31,000	23,000	29,000
Evaluations and assessments.....	16,000	18,000	16,000
Rural Domestic Preparedness Consortium.....	---	---	3,000
Subtotal, National Programs.....	264,200	210,000	267,200
Management and administration.....	---	175,000	---
Subtotal, State and Local Programs.....	3,435,700	3,867,000	3,015,200
Appropriations.....	(3,105,700)	(3,867,000)	(3,015,200)
Emergency appropriations.....	(330,000)	---	---
Firefighter assistance grants:			
Fire grants.....	565,000	---	390,000
Fire station construction			
Emergency appropriations (P. L. 111-5).....	210,000	---	---
Staffing for Adequate Fire and Emergency Response			
(SAFER) Act grants.....	210,000	---	420,000
Subtotal, Firefighter assistance grants.....	985,000	---	810,000
Appropriations.....	(775,000)	---	(810,000)
Emergency appropriations.....	(210,000)	---	---
Emergency management performance grants.....	315,000	---	340,000
Subtotal, Grants and training.....	4,735,700	3,867,000	4,165,200
Appropriations.....	(4,195,700)	(3,867,000)	(4,165,200)
Emergency appropriations.....	(540,000)	---	---
Radiological Emergency Preparedness Program.....	-505	-265	-265
United States Fire Administration.....	44,979	45,588	45,588
Disaster relief.....	1,400,000	2,000,000	1,600,000
(transfer to Management and Administration).....	(-105,600)	(-50,000)	(-105,600)
(transfer to Inspector General).....	(-16,000)	---	(-16,000)
Subtotal, Disaster Relief.....	1,278,400	1,950,000	1,478,400
Disaster assistance direct loan program account:			
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)
Direct loan subsidy.....	295	295	295
Flood map modernization fund.....	220,000	220,000	220,000
National flood insurance fund:			
Salaries and expenses.....	49,418	52,149	38,680
Flood plain management and mitigation.....	107,181	107,320	107,320
Offsetting fee collections.....	-156,599	-159,469	-146,000
National predisaster mitigation fund.....	90,000	150,000	100,000

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Emergency food and shelter.....	200,000	100,000	200,000
Emergency appropriations (P. L. 111-5).....	100,000	---	---
Subtotal, Emergency food and shelter.....	300,000	100,000	200,000
Cerro Grande Fire Payments (rescission).....	-9,000	---	---
Total, Federal Emergency Management Agency (including transfers).....	7,602,906	7,234,818	7,112,468
Appropriations.....	(6,987,906)	(7,234,818)	(7,128,468)
Emergency appropriations.....	(640,000)	---	---
Rescissions.....	(-9,000)	---	---
by transfer.....	(105,600)	(50,000)	(105,600)
transfer out.....	(-121,600)	(-50,000)	(-121,600)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)
Total, title III, Protection, Preparedness, Response and Recovery Directorate.....	8,918,360	8,691,755	8,569,473
Appropriations.....	(8,303,360)	(8,691,755)	(8,585,473)
Emergency appropriations.....	(640,000)	---	---
Rescissions.....	(-9,000)	---	---
By transfer.....	(105,600)	(50,000)	(105,600)
Transfer out.....	(-121,600)	(-50,000)	(-121,600)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)
=====			
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES			
United States Citizenship and Immigration Services			
Appropriations:			
Basic pilot/E-Verify program.....	100,000	112,000	137,000
Benefit parole programs.....	540	---	---
Immigration integration programs.....	1,200	10,000	11,000
REAL ID Act implementation.....	---	25,000	10,000
Asylum and refugee services.....	---	201,000	50,000
Military naturalization services.....	---	5,000	5,000
Data center consolidation.....	---	11,000	11,000
Subtotal.....	101,740	364,000	224,000
Adjudication services (fee account):			
Pay and benefits.....	(780,076)	---	---
District operations.....	(535,156)	(1,132,317)	(1,132,317)
Service center operations.....	(345,890)	(549,623)	(549,623)
Asylum, refugee and international operations.....	(92,602)	---	---
International operations.....	---	(64,587)	(64,587)
Records operations.....	(85,946)	(107,113)	(107,113)
Business transformation.....	(139,000)	(173,264)	(173,264)
Digitization program (display only, nonadd)...	(28,000)	(29,000)	(29,000)
Subtotal, Adjudication services.....	(1,978,670)	(2,026,904)	(2,026,904)
Information and customer services (fee account):			
Pay and benefits.....	(92,587)	---	---
Information and customer service.....	---	(89,050)	(89,050)
National Customer Service Centers.....	(53,747)	---	---
Information services.....	(21,465)	---	---
Subtotal, Information and customer services.....	(167,799)	(89,050)	(89,050)

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Administration (fee account):			
Administration.....	---	(365,932)	(365,932)
Pay and benefits.....	(88,746)	---	---
Operating expenses.....	(285,153)	---	---
Subtotal, Administration.....	(373,899)	(365,932)	(365,932)
Systematic Alien Verification for Entitlements (SAVE) (fee accounts).....	(18,818)	(21,346)	(21,346)
	=====	=====	=====
Total, United States Citizenship and Immigration Services.....	(2,640,926)	(2,867,232)	(2,727,232)
Appropriations.....	(101,740)	(364,000)	(224,000)
Total Fees.....	(2,539,186)	(2,503,232)	(2,503,232)
(Immigration Examination Fees).....	(2,495,186)	(2,451,884)	(2,451,884)
(Fraud prevention and detection fees)...	(31,000)	(38,348)	(38,348)
	=====	=====	=====
(H1B Non-Immigrant Petitioner fees)....	(13,000)	(13,000)	(13,000)
Federal Law Enforcement Training Center			
Salaries and expenses:			
Law enforcement training.....	245,240	244,047	238,047
Accreditation.....	1,290	1,309	1,309
Subtotal, Salaries and expenses.....	246,530	245,356	239,356
Acquisitions, construction, improvements, and related expenses:			
Direct appropriation.....	86,456	43,456	43,456
Total, Federal Law Enforcement Training Center..	332,986	288,812	282,812
Science and Technology			
Management and administration.....	132,100	142,200	143,200
Research, development, acquisition, and operations:			
Border and maritime security.....	33,050	40,181	44,181
Chemical and biological.....	200,408	206,800	206,800
Command, control, and interoperability.....	74,890	80,264	81,764
Explosives.....	96,149	120,809	120,809
Human factors.....	12,460	15,087	16,087
Infrastructure and geophysical.....	75,816	44,742	74,958
Innovation.....	33,000	44,000	44,000
Laboratory facilities.....	161,940	154,500	150,188
Test and evaluations/standards.....	28,674	28,674	29,000
Transition.....	28,830	45,134	46,134
University programs.....	50,270	46,000	49,350
Homeland Security Institute.....	5,000	---	---
Subtotal, Research, development, acquisition, and operations.....	800,487	826,191	863,271
	=====	=====	=====
Total, Science and Technology.....	932,587	968,391	1,006,471
	=====	=====	=====

DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
-----			
Domestic Nuclear Detection Office			
Management and administration.....	37,500	39,599	38,500
Research, development, and operations:			
Systems engineering and architecture.....	25,147	25,448	25,448
Systems development.....	108,100	100,000	100,000
Transformational research and development.....	103,300	110,537	108,537
Assessments.....	32,000	32,416	32,416
Operations support.....	37,753	38,436	38,436
National Technical Nuclear Forensics Center.....	16,900	19,700	19,700
	-----	-----	-----
Research, development, and operations.....	323,200	326,537	324,537
Systems acquisition:			
RPM/ASP program.....	120,491	---	---
Securing the Cities.....	20,000	---	20,000
HPRDS program.....	13,000	---	---
	-----	-----	-----
Subtotal, Systems acquisition.....	153,491	---	20,000
	-----	-----	-----
Total, Domestic Nuclear Detection Office.....	514,191	366,136	383,037
	=====	=====	=====
Total, title IV, Research and Development, Training, and Services.....	1,881,504	1,987,339	1,896,320
(Fee Accounts).....	(2,539,186)	(2,503,232)	(2,503,232)
	=====	=====	=====
TITLE V - GENERAL PROVISIONS			
Enacted provisions:			
Sec. 547: REAL ID Grants.....	50,000	---	---
Sec. 547: REAL ID Information Sharing and Verification System.....	50,000	---	---
Sec. 549: Rescission, TSA undistributed carryover.	-31,000	---	---
Sec. 550: Rescission of unobligated balances, A&O.	-21,373	---	---
Sec. 551: Rescission of unobligated balances, Coast Guard AC&I.....	-20,000	---	---
Sec. 603(a): Rescission of emergency funding, FEMA disaster relief.....	-100,000	---	---
Sec. 603(b): FEMA State and local programs, emergency appropriations.....	100,000	---	---
Rescission of unobligated balances:			
Sec. 573: Trucking Industry Security Grants.....	---	---	-5,572
Sec. 574: Analysis and Operations.....	---	---	-2,358
Sec. 575: Infrastructure protection and information security.....	---	---	-8,000
Sec. 576: Science and Technology.....	---	---	-6,944
Sec. 577: Domestic Nuclear Detection Office.....	---	---	-8,000
Sec. 578: TSA research and development.....	---	---	-4,000
Sec. 579: Coast Guard AC&I.....	---	---	-800
Sec. 580: Counterterrorism Fund.....	---	---	-5,600
	=====	=====	=====
Total, title V, General Provisions.....	27,627	---	-41,274
Appropriations.....	(100,000)	---	---
Emergency appropriations.....	(100,000)	---	---
Rescissions.....	(-72,373)	---	(-41,274)
Rescission of emergency appropriations.....	(-100,000)	---	---
	=====	=====	=====



DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Grand total.....	44,367,748	44,190,938	44,137,241
Mandatory.....	(1,236,745)	(1,361,245)	(1,361,245)
General purpose discretionary.....	(43,131,003)	(42,829,693)	(42,775,996)
Appropriations.....	(40,069,873)	(42,829,693)	(42,575,767)
Emergency appropriations.....	(3,103,000)	---	---
Overseas contingency operations.....	(139,503)	---	(241,503)
Rescissions.....	(-81,373)	---	(-41,274)
Rescission of emergency appropriations.....	(-100,000)	---	---
Fee funded programs.....	(4,326,606)	(4,268,032)	(4,284,932)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)
(Transfer out).....	(-121,600)	(-50,000)	(-121,600)
(By transfer - contingent emergency).....	---	(241,503)	---
(By transfer).....	(121,600)	(50,000)	(121,600)
	=====	=====	=====

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*Managers on the Part of the House.*

ROBERT C. BYRD,  
DANIEL K. INOUE,  
PATRICK J. LEAHY  
(with a reservation  
on the EB-5 agree-  
ment),  
BARBARA A. MIKULSKI,  
PATTY MURRAY,  
MARY L. LANDRIEU,  
FRANK R. LAUTENBERG,  
JON TESTER,  
ARLEN SPECTER,  
GEORGE V. VOINOVICH,  
THAD COCHRAN,  
JUDD GREGG,  
RICHARD C. SHELBY,  
SAM BROWNBACK,  
LISA MURKOWSKI,

*Managers on the Part of the Senate.*

#### CREDIT CARD TECHNICAL CORRECTIONS ACT OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3606) to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3606

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit CARD Technical Corrections Act of 2009".

##### SEC. 2. TECHNICAL CORRECTION.

Section 163(a) of the Truth in Lending Act (U.S.C. 1666b(a)), as amended by section 106(b) of the Credit Card Accountability Responsibility and Disclosure Act of 2009, is amended by inserting "a credit card account under" after "payment on".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New York (Mr. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume. We made an error, Congress did, when we passed the credit card bill, not in passing the bill. The only error we made there was we didn't make it go into effect immediately because the abusive behavior by the credit card companies has been even worse than some people have feared, and I hope we will soon be trying to move up that effective date. But there was a drafting error in which the restrictions applied not just to credit cards if you

read the bill literally, as you have to, with the bill, but all open-end credit agreements. Credit unions in America, which have not been any part of a pattern of abuse of credit cards, were inadvertently swept into this.

The gentleman from Vermont (Mr. WELCH) and the gentleman from Missouri (Mr. SKELTON) called this to the attention of the committee, as did the National Credit Union Administration and the Credit Union National Association; the latter, of course, being the private association of credit unions, the former being the administrative agency. They asked us to fix it. They were quite correct.

Credit unions are a very important part of the structure of this country and it serves our consumers. And so this bill would correct that error and allow the credit unions to continue to perform their function.

I reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 3606, the Credit CARD Technical Corrections Act of 2009, and appreciate my friend from Vermont (Mr. WELCH) for his leadership in bringing this important measure to the floor.

Earlier this year, Congress enacted the Credit Card Accountability, Responsibility, and Disclosure Act in order to provide consumers with more transparency regarding their credit card accounts and protect them from potential predatory practices, including unwarranted rate increases on existing balances and short-cycle billing. One important provision of this new law required that financial institutions deliver credit card statements to customers no later than 21 days before the payment due date.

Unfortunately, between the time when the House passed the CARD Act and when it was signed into law, a change was made to suggest that this new requirement should be applied to all open-ended loan accounts, including home equity lines of credit, rather than just to credit card accounts.

This is especially problematic for credit unions who offer their members monthly consolidated statements covering all loan accounts, the flexibility of determining their payment dates, and the convenience of payroll deductions. Because these services will in many cases violate the new 21-day rule, financial institutions will be forced to discontinue these important benefits to customers.

In addition, if left as-is, the resources needed to comply with these new rules will no doubt force institutions to pass on increased costs to consumers through higher loan fees and interest rates and not to mention the confusion many will face, all from a law that was intended originally for their benefit. This is clearly an unintended con-

sequence that needs to be rectified immediately. The legislation before us right now will correct this and ensure that credit unions and community banks can continue to offer quality service to their members and customers.

As a cosponsor of this important change which will simply ensure that the 21-day requirement only applies to credit card accounts, I urge immediate passage of H.R. 3606.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 4 minutes to the gentleman from Vermont, the lead author of this bill, Mr. WELCH.

Mr. WELCH. I thank the gentleman from Massachusetts (Mr. FRANK) and my colleague. I thank the gentleman from New York (Mr. LEE) and Mr. SKELTON.

You know, Mr. Speaker, one of the things the American people have a right to expect of us in Congress is that when we pass legislation, we step back after its passage and listen to the people affected by it to see if there are some mistakes that we made that need correction, and in this case, there is a mistake. Mr. LEE just outlined what it is and the chairman did the same.

I think a number of us, including Mr. SKELTON, when we were home, heard from our credit card companies as to the over-inclusive nature of the legislation that would adversely affect the good work that they're doing. The CARD Act, as you know, had a number of very good provisions, including the 21-day notice requirement. That's intended to make sure that financial institutions give individuals enough time to pay a bill, and it established a minimum level of fairness. But for credit unions and their members, this change would actually have made things more difficult.

Credit unions use consolidated statements, so home loans, auto loans, savings accounts, checking accounts, and credit card bills are all in one package, and that's for the convenience of the consumer, not to create confusion for the consumer. This is the model, in fact, of how the system should work. It's straightforward and transparent.

The 21-day notice requirement would have had an unintended impact of requiring credit unions to split up those consolidated statements and transform transparency into confusion. This wouldn't help consumers and, obviously, wouldn't add to transparency. So the bill that has the support of Mr. SKELTON and Mr. LEE and myself would clarify the intention of the CARD Act and allow credit unions to continue the very commonsense and, I think, consumer-friendly approach of sending their customers a single statement every month.

Mr. LEE of New York. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

## GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, first I would ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and submit extraneous material both on this bill, H.R. 3606, and the preceding bill, H.R. 1327.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Finally, Mr. Speaker, this has been well-covered by the two Members, the gentleman from Vermont (Mr. WELCH) and the gentleman from New York (Mr. LEE), who have been major movers in it. I would just ask, although we have general leave, I would note that I am inserting in the RECORD a letter from the National Credit Union Administration, a letter from the Credit Union National Association, both asking for this, and then two documents which I hope will give people some sense of how this institution works at its best.

CREDIT UNION NATIONAL ASSOCIATION,  
Washington, DC, October 7, 2009.

Hon. BARNEY FRANK,  
Chairman, Committee on Financial Services,  
U.S. House of Representatives, Washington,  
DC.

Hon. SPENCER BACHUS,  
Ranking Member, Committee on Financial Services,  
U.S. House of Representatives, Wash-  
ington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: On behalf of the Credit Union National Association (CUNA), I am writing regarding a specific issue that credit unions are experiencing with respect to the recently-enacted Credit Card Accountability, Responsibility and Disclosure (CARD) Act. CUNA is the nation's largest credit union advocacy organization, representing approximately 90% of America's 8,000 state and federal credit unions and their 92 million members.

Credit unions are currently reeling from an unintended consequence of the CARD Act. Section 106 of the CARD Act prohibits creditors from treating payments as being late unless the creditor adopts reasonable procedures to ensure that periodic statements are mailed or delivered to the consumer no later than 21 days before the payment due date. We believe this provision was intended to cover only credit card accounts; however, the provision, as enacted, applies to all open-end loans, including general lines of credit, lines of credit associated with share draft and checking accounts, signature loans, and home equity lines of credit (HELOCs) as well as multi-featured, open-end lending programs.

CONSOLIDATED BILLING MAY CEASE, INCREASING COSTS FOR CREDIT UNIONS MEMBERS

Most credit unions provide monthly consolidated membership statements that combine information on a member's savings, checking, and loan accounts, other than for credit cards. Since these statements may include a number of open-end credit plans with different due dates, changing these due dates to comply with the 21-day requirement may lead credit unions to discontinue the use of consolidated statements or send statements for each loan in addition to the consolidated one.

The alternative is to send separate statements for each loan. This will greatly increase both processing and mailing costs (in addition to the environmental impact), which credit unions have estimated will be \$1-\$2.25 per month per loan. Notwithstanding the additional costs, we are also very concerned that some credit unions currently do not have the capacity to print and mail these increased number of statements in order to meet the rule's timing requirements. Not only will credit unions need to pass on these costs to their members in the form of higher loan rates, lower deposit rates, or higher fees elsewhere, but credit union members will be very confused and concerned when they receive multiple statements from their credit union, depending on how many loans they have outstanding. Credit union relationships with their members will suffer, all in an effort to comply with an unintended application of a law that is intended to benefit consumers.

CREDIT UNION MEMBERS MAY NO LONGER BE ABLE TO CHOOSE THEIR PAYMENT DATE

For certain loans, particularly vehicle loans, credit union members are often permitted to choose the due date to best suit their financial needs; for example, members may choose due dates that coincide with pay days or to avoid other payment due dates. This practice will have to be discontinued if the member-chosen date no longer complies with the new 21-day requirement. Changing the express choice by members would not be consumer-friendly, and members will not understand that a Federal law requires this action.

Additionally, many credit unions provide their members with the convenience of automated payments, in which payments are automatically withdrawn from the credit union account on a certain date. Again, this may often be chosen by the member, who may choose a date that is related to when he or she receives a paycheck. This may now need to be changed based on the new 21-day requirement, imposing hardship and inconvenience if the new date no longer coincides with the receipt of a paycheck.

BI-WEEKLY PAYMENTS ARE NO LONGER PERMITTED

Many loans are structured so that payments are made bi-weekly, which serve to minimize the amount of interest that is charged, as compared to loans in which payments are made monthly. These loans are often repaid through payroll deduction. If bi-weekly programs are no longer permitted under the new 21-day requirement, the result will be that these members will pay additional interest and may no longer have the benefit and convenience of payroll deduction.

HELOC TERMS AND CONDITIONS MUST BE CHANGED

The 21-day requirement will also apply to HELOCs, the terms of which cannot be easily changed. Regulation Z lists exceptions for changing terms of HELOCs and although the Regulation Z commentary permits changing the due date, we note that the due date is often a contractual term, which adds to the difficulty of complying with these new requirements.

A TECHNICAL CORRECTION IS NECESSARY AND APPROPRIATE

To address these concerns, Representative Peter Welch (D-VT) has introduced legislation, H.R. 3606, the CARD Act Technical Corrections Act. This legislation very simply inserts the words, "a credit card account

under" to Section 106 of the CARD Act. These words were included in the House-passed version of the CARD Act, and we believe the effect of their omission in the enacted version of the legislation was unintended. We hope the Committee will agree that a technical correction is appropriate and will support passage of technical corrections legislation as quickly as possible.

On behalf of America's credit unions, thank you very much for your consideration. Sincerely,

DANIEL A. MICA,  
President & CEO.

NATIONAL CREDIT UNION  
ADMINISTRATION,  
Alexandria, VA, September 22, 2009.

Hon. BARNEY FRANK,  
Chairman, House Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANK: I appreciate the opportunity to offer comments to you and your staff regarding credit union industry concerns about the Credit Card Accountability Responsibility and Disclosure Act of 2009 (Credit CARD Act). More specifically, industry leaders tell me that the 21-day statement requirement (12 CFR 226.5(b)(2)(ii)) has resulted in unintended consequences and is proving burdensome for credit unions, and their service providers, regarding non-credit card open-end lending.

Historically, credit unions have worked closely with individual members to create loan repayment plans that are most beneficial to that member. For example, a member could elect to establish multiple payments within a month instead of one monthly payment. Generally, members use this type of payment arrangement to match their payroll distribution and to reduce their overall loan interest costs. I am advised that such arrangements will be difficult to continue given the 21-day statement requirement.

These leaders have also brought to my attention the increasing costs associated with modifying their processing systems to reach compliance with the Credit CARD Act and the Federal Reserve's interim final rule implementing the Credit CARD Act requirements. These additional costs will most likely be borne by the credit union members, a difficult burden which seems to conflict with the intent of the statute.

"Member choice" payment dates provide members with maximum flexibility in managing their finances. It is my hope that this option will continue unhindered. I am available for discussions with you and your staff to ensure that member service is not adversely impacted by unintended consequences of the Credit CARD Act. I also look forward to discussions on how member protections can be enhanced without imposing unnecessary costs and burden to credit unions or their members.

Thank you for any consideration you can give to this important credit union issue.

Sincerely,

DEBORAH MATZ,  
Chairman.

□ 1600

On August 27, the Missouri Credit Union Association wrote to our colleague from Missouri (Mr. SKELTON) to urge him to act on this.

Today, about a month and a half later, I have the privilege of introducing into the RECORD the remarks

from Mr. SKELTON in favor of this bill. Mr. SKELTON had to go off to a previous engagement.

So we have the Missouri Credit Union Association. And, Mr. Speaker, I know that is an organization that you work with as well. On August 27, they brought a problem to the attention to their Member of Congress, and a month and a half later he has the ability to talk about how we are resolving it. It also was, I think, a similar process with the gentleman from New York and the gentleman from Vermont.

So this is an example of how, in a bipartisan way, when we hear from responsible people in the community about things that need to be done that could be done quickly, we could do them.

Mr. SKELTON. Mr. Speaker, during the August District Work Period, I traveled extensively throughout Missouri's Fourth Congressional district, meeting with residents who were eager to share their views on a variety of Federal matters. In separate visits with Missouri credit union officials and small town Missouri bankers, the state of the economy and Congress' efforts to make financial services more responsive to every day citizens were top priorities for discussion.

Earlier this year, Congress passed and the President signed into law the Credit Card Accountability, Responsibility, and Disclosure Act, bipartisan legislation to make credit card agreements more customer friendly. I supported this measure and am pleased it has become the law of the land.

But, when I met with credit union officials in August, they brought to my attention a technical error in the law that is making it difficult for them to provide lines of credit to some of their members.

When I returned to Washington in September, I immediately brought the credit unions' concerns to the attention of Financial Services Committee Chairman BARNEY FRANK. And, at the same time, my colleague from Vermont, Congressman PETER WELCH, drafted responsible legislation—which we are considering here in the House today—to correct this technical error so that credit unions can continue offering open-end credit plans that are popular with many of their members.

Chairman FRANK, Mr. WELCH, and their staffs have worked diligently to fix this problem for America's credit unions. I am pleased that they have moved this bill so quickly through the legislative process. I urge my colleagues to support Mr. WELCH's legislation and hope the other body will act to pass it soon.

MISSOURI CREDIT UNION ASSOCIATION,  
St. Louis, MO, August 27, 2009.

Hon. IKE SKELTON,  
Rayburn Building,  
Washington, DC.

DEAR REPRESENTATIVE SKELTON: Thank you for taking time out of your busy schedule to meet with Missouri credit unions this month in the district. As discussed, Missouri credit unions are extremely concerned about unintended consequences created by the Credit Card Accountability, Responsibility and Disclosure (CARD) Act of 2009, and the serious implications for consumers in our state. We are asking for your help and support in a legislative solution.

Credit unions did not participate in the consumer abuses regarding credit cards that prompted passage of the CARD Act of 2009, and do not have an issue with complying with the provisions of the CARD Act that relate specifically to credit card accounts.

However, sections of the Act applying to open-end credit plans do affect credit unions and will disadvantage credit union members. Credit unions, working with their members, often set up open-end credit plans because of the flexibility it provides to members in managing their credit and adding future loans.

It is common for members who live paycheck to paycheck, or have trouble managing their money, to request a payment plan that has funds deducted from their checking account or payroll direct deposit that is credited to their loan. They may choose to have funds credited weekly, every two weeks, or twice a month. The CARD Act requirement that the account holder receive a 21-day notice prior to payment due dates (§106(b)) becomes problematic for the credit union when the member has requested anything other than monthly payments.

When payment schedules occur more than monthly, we are not finding a reasonable solution that meets the 21-day notice requirement of the law. Credit unions report to our association that there are significant issues with data processors in complying with the new law. One of Missouri's smaller credit unions with \$19 million in assets has approximately 1,800 open-end loans that are not credit card accounts. Making the necessary changes to comply with the Act will mean additional ongoing expense. There would be additional costs for multiple mailings including postage and staff time. If the credit union incurs additional costs to comply with the CARD Act, those increases will be passed on to our member consumers. We are also concerned that it will cause our members considerable confusion if they begin to receive multiple notices every month. Many credit unions will be impacted to the extent that they will have to offer only closed-end loans, which eliminates the convenience and flexibility that members need and prefer.

If credit unions adjust all open-end credit plans to only allow one payment per month, we have taken options away from consumers that help them better manage their money. We believe that the intent of the CARD Act is to protect consumers and avoid confusing disclosures and abusive practices relative to credit card open-end programs. We do not believe that the intent was to disadvantage members and increase their costs to access open-end programs.

Section 106(b) is the only place in the Act where the wording "open end credit" is used to broadly apply beyond credit card programs. During our meeting, we provided you with suggested language that would correct this inconsistency. It is provided below. The words in italics are currently in the bill. The bold wording in brackets is the suggested replacement.

#### SEC. 106. RULES REGARDING PERIODIC STATEMENTS.

(a) In General.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

(o) Due Dates for Credit Card Accounts—

(1) In general.—The payment due date for a credit card account under an open end consumer credit plan shall be the same day each month.

(2) Weekend or holiday due dates.—If the payment due date for a credit card account under an open end consumer credit plan is a

day on which the creditor does not receive or accept payments by mail (including weekends and holidays), the creditor may not treat a payment received on the next business day as late for any purpose.

(b) Length of Billing Period.—

(1) In general.—Section 163 of the Truth in Lending Act (15 U.S.C. 1666b) is amended to read as follows:

#### SEC. 163. TIMING OF PAYMENTS.

(a) Time to Make Payments.—A creditor may not treat a *payment on an open end consumer credit plan* [replace italicized wording with: "payment on a credit card account under an open-end consumer credit plan"] as late for any purpose, unless the creditor has adopted reasonable procedures designed to ensure that each periodic statement including the information required by section 127(b) is mailed or delivered to the consumer not later than 21 days before the payment due date.

(b) Grace Period.—If an open end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an additional finance charge, such additional finance charge may not be imposed with respect to such portion of the credit extended for the billing cycle of which such period is a part, unless a statement which includes the amount upon which the finance charge for the period is based was mailed or delivered to the consumer not later than 21 days before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge.

(2) Effective date.—Notwithstanding section 3, section 163 of the Truth in Lending Act, as amended by this subsection, shall become effective 90 days after the date of enactment of this Act.

The 21-day notice period became law on August 20. On behalf of Missouri's 148 credit unions and their 1.3 million members, we are asking for your help in supporting a legislative solution. If we can assist with additional information on this issue, please contact me. Other contacts at the Missouri Credit Union Association regarding this issue are Peggy Nalls or Amy McLard.

Sincerely,

ROSHARA J. HOLUB,  
President/CEO.

Mr. FRANK of Massachusetts. With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 3606.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 today.

Accordingly (at 4 o'clock and 1 minute p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mrs. DAHLKEMPER) at 6 o'clock and 30 minutes p.m.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3689, by the yeas and nays;

H.R. 3476, by the yeas and nays;

H. Res. 659, by the yeas and nays.

Votes on H. Res. 768 and H.R. 1327 will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

# EXTENDING AUTHORITY TO BUILD VIETNAM VETERANS MEMORIAL VISITOR CENTER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3689, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 3689.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 42, as follows:

[Roll No. 772]

YEAS—390

Ackerman	Braley (IA)	Crenshaw
Aderholt	Bright	Crowley
Adler (NJ)	Broun (GA)	Culberson
Akin	Brown (SC)	Cummings
Alexander	Brown, Corrine	Dahlkemper
Altmire	Buchanan	Davis (CA)
Andrews	Burgess	Davis (IL)
Arcuri	Burton (IN)	Davis (KY)
Baca	Butterfield	Davis (TN)
Bachmann	Buyer	Deal (GA)
Bachus	Calvert	DeFazio
Baird	Campbell	DeGette
Baldwin	Cantor	Delahunt
Barrow	Cao	DeLauro
Bartlett	Capito	Dent
Barton (TX)	Capps	Diaz-Balart, M.
Becerra	Cardoza	Dicks
Berkley	Carnahan	Dingell
Berman	Carson (IN)	Doggett
Berry	Carter	Donnelly (IN)
Biggert	Cassidy	Doyle
Bilbray	Castle	Dreier
Bilirakis	Castor (FL)	Driehaus
Bishop (GA)	Chaffetz	Duncan
Bishop (NY)	Chandler	Edwards (MD)
Bishop (UT)	Childers	Edwards (TX)
Blackburn	Chu	Ehlers
Blumenauer	Clay	Ellison
Boccheri	Cleaver	Ellsworth
Boehner	Clyburn	Emerson
Bono Mack	Coble	Eshoo
Boozman	Coffman (CO)	Etheridge
Boren	Cohen	Fallin
Boswell	Cole	Farr
Boucher	Conaway	Fattah
Boustany	Connolly (VA)	Filner
Boyd	Cooper	Flake
Brady (PA)	Costa	Fleming
Brady (TX)	Courtney	Forbes

Fortenberry	Linder
Foster	Lipinski
Fox	LoBiondo
Frank (MA)	Loeb
Franks (AZ)	Lofgren, Zoe
Frelinghuysen	Lowe
Fudge	Lucas
Gallegly	Luetkemeyer
Garrett (NJ)	Lujan
Gerlach	Lummis
Giffords	Lungren, Daniel E.
Gingrey (GA)	Lynch
Gohmert	Mack
Gonzalez	Maffei
Goodlatte	Manzullo
Gordon (TN)	Marchant
Graves	Markey (CO)
Grayson	Markey (MA)
Green, Al	Marshall
Green, Gene	Massa
Grijalva	Matsui
Guthrie	McCarthy (CA)
Gutierrez	McCarthy (NY)
Hall (NY)	McCaul
Hall (TX)	McClintock
Halvorson	McCollum
Hare	McCotter
Harper	McDermott
Hastings (FL)	McGovern
Hastings (WA)	McHenry
Heinrich	McIntyre
Heller	McKeon
Hensarling	McMahon
Herger	McMorris
Herse	McMorris
Hiro	Higgins
Hirono	Hill
Hodes	Himes
Holden	Hinchey
Holt	Hinojosa
Honda	Hirono
Hoyer	Hodes
Hunter	Holden
Inglis	Holt
Inslee	Honda
Israel	Hoyer
Issa	Hunter
Jackson (IL)	Inglis
Jackson-Lee	Inslee
(TX)	Israel
Jenkins	Issa
Johnson (GA)	Jackson (IL)
Johnson (IL)	Jackson-Lee
Johnson, E. B.	(TX)
Johnson, Sam	Jenkins
Jones	Johnson (GA)
Jordan (OH)	Johnson (IL)
Kagen	Johnson, E. B.
Kanjorski	Johnson, Sam
Kaptur	Jones
Kennedy	Jordan (OH)
Kildee	Kagen
Kilpatrick (MI)	Kanjorski
Kilroy	Kaptur
Kind	Kennedy
King (IA)	Kildee
King (NY)	Kilpatrick (MI)
Kingston	Kilroy
Kirk	Kind
Kirkpatrick (AZ)	King (IA)
Kissell	King (NY)
Klein (FL)	Kingston
Kline (MN)	Kirk
Lamborn	Kirkpatrick (AZ)
Lance	Kissell
Langevin	Klein (FL)
Larsen (WA)	Kline (MN)
Larson (CT)	Lamborn
Latham	Lance
LaTourette	Langevin
Latta	Larsen (WA)
Lee (CA)	Larson (CT)
Lee (NY)	Latham
Levin	LaTourette
Lewis (CA)	Latta
Lewis (GA)	Lee (CA)

Richardson	Rodriguez
Roe (TN)	Roe (TN)
Rogers (AL)	Rogers (AL)
Rogers (KY)	Rogers (KY)
Rooney	Royce
Ros-Lehtinen	Royce
Ross	Royce
Rothman (NJ)	Royce
Roybal-Allard	Royce
Royce	Royce
Ruppersberger	Royce
Ryan (OH)	Royce
Ryan (WI)	Royce
Salazar	Royce
Sarbanes	Royce
Scalise	Royce
Schakowsky	Royce
Schauer	Royce
Schiff	Royce
Schmidt	Royce
Schock	Royce
Schrader	Royce
Schwartz	Royce
Scott (GA)	Royce
Scott (VA)	Royce
Sensenbrenner	Royce
Serrano	Royce
Sessions	Royce
Sestak	Royce
Shadegg	Royce
Shea-Porter	Royce
Sherman	Royce
Shuler	Royce
Shuster	Royce
Simpson	Royce
Skelton	Royce
Slaughter	Royce
Smith (NE)	Royce
Smith (NJ)	Royce
Smith (TX)	Royce
Smith (WA)	Royce
Snyder	Royce
Souder	Royce
Space	Royce
Speier	Royce
Spratt	Royce
Stark	Royce
Stearns	Royce
Stupak	Royce
Sullivan	Royce
Sutton	Royce
Tanner	Royce
Teague	Royce
Terry	Royce
Thompson (CA)	Royce
Thompson (MS)	Royce
Thompson (PA)	Royce
Tiahrt	Royce
Tiberi	Royce
Tierney	Royce
Titus	Royce
Tonko	Royce
Towns	Royce
Tsongas	Royce
Turner	Royce
Upton	Royce
Van Hollen	Royce
Velázquez	Royce
Visclosky	Royce
Walden	Royce
Walz	Royce
Wasserman	Royce
Schultz	Royce
Waters	Royce
Watson	Royce
Peters	Royce
Watt	Royce
Waxman	Royce
Weiner	Royce
Welch	Royce
Westmoreland	Royce
Whitfield	Royce
Wilson (OH)	Royce
Wilson (SC)	Royce
Wittman	Royce
Wolf	Royce
Woolsey	Royce
Wu	Royce
Yarmuth	Royce
Young (AK)	Royce
Young (FL)	Royce

NOT VOTING—42

Abercrombie	Davis (AL)	Radanovich
Austria	Diaz-Balart, L.	Rogers (MI)
Barrett (SC)	Engel	Rohrabacher
Bean	Granger	Roskam
Blunt	Griffith	Rush
Bonner	Harman	Sánchez, Linda T.
Brown-Waite,	Hoekstra	Sanchez, Loretta
Ginny	Maloney	Shimkus
Camp	Matheson	Sires
Capuano	Miller (FL)	Taylor
Carney	Moran (KS)	Thornberry
Clarke	Neal (MA)	Wamp
Conyers	Platts	Wexler
Costello	Pomeroy	
Cuellar	Putnam	

□ 1855

Mr. SALAZAR changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# REAUTHORIZING DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3476, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 3476.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 1, not voting 47, as follows:

[Roll No. 773]

YEAS—384

Ackerman	Boucher	Cleaver
Aderholt	Boustany	Clyburn
Adler (NJ)	Boyd	Coble
Akin	Brady (PA)	Coffman (CO)
Alexander	Brady (TX)	Cohen
Altmire	Brady (IA)	Cole
Andrews	Bright	Conaway
Arcuri	Broun (GA)	Connolly (VA)
Baca	Brown (SC)	Cooper
Bachmann	Brown, Corrine	Costa
Bachus	Buchanan	Courtney
Baird	Burgess	Crenshaw
Baldwin	Burton (IN)	Crowley
Barrow	Buyer	Culberson
Bartlett	Calvert	Cummings
Barton (TX)	Campbell	Dahlkemper
Berkley	Cantor	Davis (CA)
Berman	Cao	Davis (IL)
Berry	Capito	Davis (KY)
Biggert	Capps	Davis (TN)
Bilbray	Cardoza	Deal (GA)
Bilirakis	Carnahan	DeFazio
Bishop (GA)	Carson (IN)	DeGette
Bishop (NY)	Carter	Delahunt
Bishop (UT)	Cassidy	DeLauro
Blackburn	Castle	Dent
Blumenauer	Castor (FL)	Diaz-Balart, M.
Boccheri	Chaffetz	Dicks
Boehner	Chandler	Dingell
Bono Mack	Childers	Doggett
Boozman	Chu	Donnelly (IN)
Boren	Clarke	Doyle
Boswell	Clay	Dreier

Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Graves  
Grayson  
Green, Al  
Green, Gene  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Henger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich

Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Maffei  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Poe (TX)  
Polis (CO)

Posey  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shuler  
Shuster  
Simpson  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velazquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)

Wittman  
Wolf  
  
Abercrombie  
Austria  
Barrett (SC)  
Bean  
Becerra  
Blunt  
Bonner  
Brown-Waite,  
Ginny  
Butterfield  
Camp  
Capuano  
Conyers  
Costello  
Cuellar  
Ryan (AL)  
Davis (AL)

Wu  
Yarmuth  
  
NAYS—1  
Paul  
  
NOT VOTING—47  
Diaz-Balart, L.  
Engel  
Gingrey (GA)  
Granger  
Griffith  
Grijalva  
Harman  
Hoekstra  
Mack  
Maloney  
Miller (FL)  
Moran (KS)  
Neal (MA)  
Olson  
Platts  
Pomeroy  
Putnam

Young (AK)  
Young (FL)  
  
Radanovich  
Rohrabacher  
Roskam  
Rush  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Schrader  
Shimkus  
Sires  
Taylor  
Thornberry  
Wamp  
Wexler  
Woolsey

Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Crenshaw  
Crowley  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Graves  
Grayson  
Green, Al  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Henger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt

Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George

Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Poe (TX)  
Polis (CO)  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shuster  
Simpson  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### CONGRATULATING KAPPA ALPHA PSI FRATERNITY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 659, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 659, as amended. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 0, not voting 40, as follows:

[Roll No. 774]  
YEAS—392

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Beckerra  
Berkley  
Berman  
Berry  
Biggart  
Bilbray

Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Boccheri  
Boehner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Brown (GA)  
Brown (SC)  
Brown, Corrine

Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu

Stearns	Tonko	Waxman
Stupak	Towns	Weiner
Sullivan	Tsongas	Welch
Sutton	Turner	Westmoreland
Tanner	Upton	Whitfield
Teague	Van Hollen	Wilson (OH)
Terry	Visclosky	Wilson (SC)
Thompson (CA)	Walden	Wittman
Thompson (MS)	Walz	Wolf
Thompson (PA)	Wasserman	Woolsey
Tiahrt	Schultz	Wu
Tiberi	Waters	Yarmuth
Tierney	Watson	Young (AK)
Titus	Watt	Young (FL)

## NOT VOTING—40

Abercrombie	Diaz-Balart, L.	Radanovich
Austria	Engel	Rohrabacher
Barrett (SC)	Granger	Roskam
Bean	Green, Gene	Rush
Blunt	Griffith	Sánchez, Linda
Bonner	Harman	T.
Brown-Waite,	Hoekstra	Sanchez, Loretta
Ginny	Maloney	Shimkus
Camp	Miller (FL)	Sires
Capuano	Moran (KS)	Taylor
Carny	Neal (MA)	Thornberry
Costello	Platts	Velázquez
Cuellar	Pomeroy	Wamp
Davis (AL)	Putnam	Wexler

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1911

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

## GIRL SCOUTS USA CENTENNIAL COMMEMORATIVE COIN ACT

Mr. FOSTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 621) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 621

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Girl Scouts USA Centennial Commemorative Coin Act”.

## SEC. 2. FINDINGS.

The Congress find as follows:

(1) The Girl Scouts of the United States of America is the world’s preeminent organiza-

tion dedicated solely to girls where they build character and skills for success in the real world.

(2) In 1911, Juliette Gordon Low met Sir Robert Baden-Powell, a war hero and the founder of the Boy Scouts.

(3) With Baden-Powell’s help and encouragement, Juliette Gordon Low made plans to start a similar association for American girls.

(4) On March 12, 1912, Juliette Gordon Low organized the first 2 Girl Scout Troops in Savannah, Georgia consisting of 18 members.

(5) Low devoted the next 15 years of her life to building the organization, which would become the largest voluntary association for women and girls in the United States.

(6) Low drafted the Girl Scout laws, supervised the writing of the first handbook in 1913, and provided most of the financial support for the organization during its early years.

(7) The Girl Scouts of the United States of America was chartered by the United States Congress in 1950 in title 36, United States Code.

(8) Today there are more than 3,700,000 members in 236,000 troops throughout the United States and United States territories.

(9) Through membership in the World Association of Girl Guides and Girl Scouts, Girls Scouts of the United States of America is part of a worldwide family of 10,000,000 girls and adults in 145 countries.

(10) More than 50,000,000 American women enjoyed Girl Scouting during their childhood—and that number continues to grow as Girl Scouts of the United States of America continues to inspire, challenge, and empower girls everywhere.

(11) March 12, 2012 will mark the 100th Anniversary of the Girl Scouts of the United States of America.

## SEC. 3. COIN SPECIFICATIONS.

(a) \$1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue not more than 350,000 \$1 coins in commemoration of the centennial of the Girl Scouts of the USA, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

## SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the centennial of the Girl Scouts of the United States of America.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year “2013”; and

(C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Girl Scouts of the United States of America and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

## SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of the Congress that the coins minted under this Act should be struck at the United States Mint at West Point, New York, to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2013.

## SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

## SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of \$10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Girl Scouts of the United States of America to be made available for Girl Scout program development and delivery.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Girl Scouts of the United States of America as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

## SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONTINUED ISSUANCE OF CERTAIN COMMEMORATIVE COINS MINTED IN 2009.—Notwithstanding sections 303 and 304 of the Presidential \$1 Coin Act of 2005 (31 U.S.C. 5112 nt.), the Secretary of the Treasury may continue to issue numismatic items that contain 1-cent coins minted in 2009 after December 31, 2009, until not later than June 30, 2010.

(b) DISTRIBUTION OF SURCHARGES.—Section 7 of the Jamestown 400th Anniversary Commemorative Coin Act of 2004 (31 U.S.C. 5112 nt.) is amended—

(1) in subsection (b)(2)(B), by striking “in equal shares” and all that follows through the period at the end and inserting “in the proportion specified to the following organizations for the purposes described in such subparagraph:

“(i) 2/3 to the Association for the Preservation of Virginia Antiquities.

“(ii) 1/3 to the Jamestown-Yorktown Foundation of the Commonwealth of Virginia.”; and

(2) in subsection (c), by striking “, the Secretary of the Interior.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. FOSTER) and the gentleman from Georgia (Mr. KINGSTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### GENERAL LEAVE

Mr. FOSTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FOSTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in 1912, just 18 girls from Georgia came together in what would become the first meeting of the Girl Scouts. Since then, the program has grown to 3.7 million girls to become the organization that we know today. To date, the Girl Scouts have shown 5 million girls how to lead, how to work together, and how to serve our communities.

The Girl Scouts of the United States have had such prestigious members as the Honorable Sandra Day O'Connor, former Supreme Court Justice; Secretary of State Hillary Clinton; former Secretary of State Madeleine Albright; and former First Lady Nancy Reagan.

The Fox Valley Girl Scouts Council, which serves portions of my congressional district, has 6,000 registered members sponsored by over 1,600 adult volunteers. I appreciate the work of these Girl Scouts, who have devoted so much time and effort to community service projects in our community.

I am pleased to be a cosponsor of H.R. 621, and I thank Mr. KINGSTON for introducing it. H.R. 621 directs the Secretary of the Treasury to mint and to issue up to 350,000 one dollar coins in commemoration of the centennial of the founding of the Girl Scouts.

The Girl Scouts of the USA has helped shape millions of young girls' lives, and in turn strengthened our communities. I congratulate the Girl Scouts on their 97 years of service and look forward to the passage of this piece of legislation so that we can join

with them in celebrating their centennial in 2012.

Madam Speaker, I submit the following correspondence.

OCTOBER 13, 2009.

Hon. BARNEY FRANK,  
Chairman, Financial Services Committee, 2129  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR CHAIRMAN FRANK: I am writing regarding H.R. 621, the “Girl Scouts USA Centennial Commemorative Coin Act of 2009.”

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 621 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of Conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 621, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

CHARLES B. RANGEL,  
Chairman.

OCTOBER 13, 2009.

Hon. CHARLES B. RANGEL,  
Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.

DEAR CHARLIE: I am writing in response to your letter regarding H.R. 621, the “Girl Scouts USA Centennial Commemorative Coin Act,” which was introduced in the House and referred to the Committee on Financial Services on January 21, 2009. It is my understanding that this bill will be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 621 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this

bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,  
Chairman.

Madam Speaker, I reserve the balance of my time.

Mr. KINGSTON. Madam Speaker, I yield myself such time as I may consume.

It is a great honor to be here with Mr. FOSTER, and I want to thank Mr. BACHUS and Mr. FRANK and the members of the Financial Services Committee for their support of this commemorative coin bill.

This commemorative coin, like all commemorative coins, will pay for itself. Once it has done that, the additional money that it brings in will benefit the centennial activities of the Girl Scouts of the United States of America, as well as helping with some of the repairs of the Juliette Gordon Low birthplace, her childhood home, which is located in Savannah, Georgia.

I think I, like so many people, have great memories of Girl Scouts, even though I wasn't one. My sisters, Betty, Barbara, and Jean, were all Girl Scouts, and they all wore their Brownie uniforms and then their Girl Scout uniforms, and my mother was one of the—I want to say den mother, and, Madam Speaker, I don't know the exact title, but she was a consultant—a leader. A great Girl Scout on the front row, Ms. ILEANA ROS-LEHTINEN, has corrected me. But they had those sashes. And I was a Y-boy and we didn't get sashes.

□ 1915

We didn't get to earn merit badges. But I always thought what a great system of training people. And of course, Girl Scouts got to sell the cookies, of which I not only did not have to sell, but I got to eat. So I got two great benefits from them, and so many other people did the same.

Girl Scout cookies actually started in December 1917, and that was when the Mistletoe Troop in Muskogee, Oklahoma, started baking cookies, and they sold them in their high school that year. And then it grew in the 1920s and the 1930s, Girl Scouts followed suit all over the country and started to sell them. They sold them for 25 and 35 cents a dozen and in time had 11 varieties. And can I get a favorite? I think everybody would vote on a bipartisan basis, it is the Thin Mint.

Mr. FOSTER. Will the gentleman yield?

Mr. KINGSTON. I will be happy to yield to my friend.

Mr. FOSTER. I very much share your opinion. I have to address the Speaker. I'm sure the Speaker and everyone in this room agrees that Thin Mints are the cookie of choice.

Mr. KINGSTON. See, Madam Speaker, only the Girl Scouts could bring such bipartisan fellowship here so quickly in a bill.



Juliette Gordon Low was an amazing historical figure. She was actually nicknamed Daisy as a child. Her parents were early settlers, on the dad's side from Georgia, and her mother's family came from Chicago. She was born on Halloween in 1860 and grew up during the Civil War in the difficult Reconstruction period in the Deep South. Her father owned a big house, and she developed a fondness as a child for writing poems, sketching, painting. She acted in plays and became a sculptor and a blacksmith.

Her brother, George Arthur Gordon, described her this way: She was deeply religious, quite superstitious, and a confirmed hero worshiper. Underneath her bubbling, irrepressible gaiety, there was a deep, generous, loyal, loving, striving, brave, self-sacrificing personality. She had her full share of slings and arrows of outrageous fortune, and she not only met them, as the poet advised, by opposing, but in every crisis of her life she faced fate with a smiling defiance that was simply sublime. And that's from somebody who would know her well.

As a child, she started a group called Helping Hands to help make clothes for the poor. She grew up in Savannah but went to a boarding school in Virginia. She made her debut in Savannah and enjoyed the good life. She married a young man which her parents weren't really crazy about because of their age, but they went ahead and got married and I guess, showing her streak of independence, got married on her parents' 29th wedding anniversary date, December 21, 1886, and got married in Christ Episcopal Church, where she was also christened and later would be buried.

Juliette Gordon Low had a hearing problem, and when she was leaving the church, at her wedding, on her wedding day, rice was being thrown, and one found itself lodged in her ear. It caused a problem which caused her to lose much of her hearing, and she went through life almost deaf, which later served her, though, because, as a fundraiser, she could pretend to not understand when people said "no" when she was asking for money for the Girl Scouts, so she would persevere and get more money from them.

But an interesting thing happened to Juliette Gordon Low on the way to a good life. After the Spanish American War, her marriage fell apart, and when it did, she wasn't sure what her sense of direction would be and actually considered being a sculptor. But in 1911, she met Sir Robert Baden-Powell who, as we know, started the Boy Scouts in England, and he told Ms. Low about a sister organization that his own biological sister had started in England called the Girl Guides. He recommended to her that she do the same thing.

So, as Mr. FOSTER has said, when she came back to America on March 12,

1912, she started the Girl Scouts of America, and actually wrote a friend a note and said, come right over; I have something for all the girls of Savannah and all America and all the world, and we're going to start it tonight. And they did start it. And by the time she died, there were 168,000 members of the Girl Scouts from that first 18.

The impact that they had has been national and international. Girl Scouts have been all over the map, and their history has followed the history of the United States. They collected clothes during the Depression. They made quilts. They carved wood toys. They gathered food for the poor. They assisted in hospitals. They participated in food drives and canning programs, provided meals to undernourished program, and in World War II, they operated a bicycle courier service and invested more than 48,000 hours in farm aid projects, collected fat and scrap metal, and grew victory gardens. They also collected 1½ million articles of clothing that were shipped overseas to children and adult victims of the war.

Nearly 100 years ago this happened, and yet Juliette Gordon Low's legacy of friendship, education and ideals is today shared by 3.8 million girls and women. We should be very proud to live in a country where such an organization exists, and I am proud to be a co-sponsor of this legislation.

I rise to honor the Girl Scouts of the United States and their founder, Juliette Gordon Low. H.R. 621 would create a Girl Scouts Commemorative Coin in celebration of their 100th Birthday. Proceeds of this coin will benefit Centennial activities and the Birthplace of Juliette Gordon Low.

Today, the Girl Scouts are known for their cookies—of course—and their blue, green, or brown scouting uniforms, but most importantly, the Girl Scouts are known for their dedication in growing and nurturing life skills of young women around the globe. Scouts can earn over 300 badges and awards throughout their journey as a Scout for completing tasks which expand areas of knowledge and experience. These badges vary from Computer Smarts, to Money Sense, to First Aid, to Sports and Games, and Heritage. Girl Scouts number nearly 3.8 million—2.8 million girl members and 963,000 adult members.

Although cookie sales are the most recognized Girl Scouting Activity, they started on a much smaller scale. Girl Scout Cookies had their earliest beginnings in the kitchens of Scouts themselves—with their mothers' assistance. The earliest mention of a cookie sale found to date was by the Mistletoe Troop in Muskogee, Oklahoma, which baked cookies and sold them in its high school cafeteria as a service project in December 1917. In the 1920s and 1930s, Girl Scouts in different parts of the country continued to bake their own simple sugar cookies with their mothers. These cookies were packaged in wax paper bags, sealed with a sticker, and sold door to door for 25 to 35 cents per dozen. This project has now expanded to 11 varieties of cookies, with Thin Mints as the annual favorite.

Selling cookies began just five years after Juliette Gordon Low started Girl Scouts in the United States in 1912. The Founder, Juliet Gordon, was born in Savannah, Georgia on Halloween 1860. Affectionately called "Daisy" (which is now the name of the youngest troop designation) by family and close friends, Juliette's paternal family were early settlers in Georgia and her mother's family played an important role in the founding of Chicago. She was the second of 6 children and grew up during the difficult era of the Civil War and Reconstruction.

Daisy spent her early years in Wayne-Gordon House in Savannah, Georgia. In 1818, Savannah Mayor James Moore Wayne, later a U.S. Supreme Court Justice, purchased a double house lot on the northeast corner of Bull and South Broad streets. The house constructed for Wayne at a cost of \$6,500, consisted of a two-story, double town house over a raised basement. In 1831, James Moore Wayne sold the house to his niece, Sarah Stites Anderson Gordon, and her husband, William Washington Gordon I, Daisy's parents. Today, this is the location of the Juliette Gordon Low Birthplace and Girl Scout museum.

In this house, young Daisy developed a lifetime interest in the arts—wrote poems, sketched, wrote and acted in plays, and later became a skilled painter, sculptor, and blacksmith. She had many pets throughout her life and was particularly fond of exotic birds, Georgia mockingbirds, and dogs. Daisy was also known for her great sense of humor. Her brother, George Arthur Gordon, described her this way, "She was deeply religious, quite superstitious and a confirmed hero worshiper. Underneath her bubbling, irrepressible gaiety, there was a deep, generous, loyal, loving, striving, brave, self-sacrificing personality. She had her full share of slings and arrows of outrageous fortune, and she not only met them as the poet advised, by opposing, but in every crisis of her life she faced fate with a smiling defiance that was simply sublime."

Her dedication to the community started at a young age. As a teenager, Juliette formed her first organization, the "Helping Hands," whose activities included making clothes for the poor. Juliette was a great organizer of people and situations, though not particularly organized herself.

Juliette attended school in Savannah, and moved to a boarding school at Virginia Female Institute (now Stuart Hall School) during her teens. She later attended Mlles Charbonniers, a French finishing school in New York City and traveled extensively in the United States and Europe after schooling. After her debut in Savannah, Daisy met the handsome and charming William Mackay Low—nicknamed Billow. Billow's father was an associate of Daisy's father and a prosperous British shipping tycoon with Savannah ties. Although her parents would never approve of a relationship between them, Daisy became convinced if she did not marry him, she would not marry at all. She characteristically continued to conceal her feelings from her family and friends; only revealing her innermost thoughts to her diary.

A year later, she became secretly engaged to Billow in January of 1886. When the engagement was revealed, her parents expectedly opposed the relationship as they

felt that Billow was too spoiled and irresponsible to care for a wife and family. However, Daisy and Billow were both of age and Billow was bestowed with his father's fortune. On December 21, 1886—on her parents' 29th wedding anniversary—Juliette married Low at Christ Episcopal Church in Savannah, Georgia. She believed that, since her parents' marriage had been an idyllic one, the date would be lucky for her as well. During her wedding exit, a grain of good-luck rice became lodged in Daisy's ear. When trying to remove the rice, the doctor punctured the eardrum and damaged the nerve-endings resulting in a total loss of hearing in that ear at the age of 26. Her other ear had previously lost hearing because of an improperly treated abscess in 1885.

Juliette would later use her hearing impediment to her benefit. When asking for donations, she would purposely play deaf to not hear the word "no." Instead, she would respond with the date she would come by to pick up the donation. However, her deafness did have an effect in certain social situations—during dinner function, a speaker rose to acknowledge Juliette. She became upset when the audience was not clapping at every pause, so she began clapping—unaware that the speaker was talking about her own accomplishments. A fellow diner had to stop her, as it is not proper to clap for yourself.

Putting difficulty aside, Juliette Low continued the luxurious life of a young Victorian lady during her married years in both England and Savannah. During the Spanish-American War, however, Juliette came back to America to aid in the war effort. She helped her mother organize a recovery hospital for wounded soldiers returning from Cuba. Her father (who had been a captain in the Confederate Army) was commissioned as a general in the U.S. Army and served on the Puerto Rican Peace Commission. At the end of the war, Juliette returned to England to a disintegrating marriage. The Lows were separated at the time of her husband's death in 1905.

Daisy considered herself to be a failure. She had no children, a failed marriage, and was left with little money from her husband. She was looking for something useful to do with her life and was considering becoming a professional sculptor when, in 1911, she met Sir Robert Baden-Powell. Sir Robert, a military hero with a keen interest in young people, was also a painter and sculptor, an interest he shared with Daisy.

He had begun a successful group in England known as the Boy Scouts. He was shocked to discover that 6,000 girls had joined the Boy Scouts, and urged his sister to "do something" with the girls—so she began a parallel organization called Girl Guides. Sir Robert told Daisy about the two groups; she wrote in her diary after meeting him, "He has ideas, which if I followed them, a more useful sphere of work might open before me in the future." In 1912, Juliette returned to Savannah and called her cousin, principal of a local girl's school, and told her to "Come right over! I have something for all the girls of Savannah, and all America, and all the world and we're going to start it tonight!"

That was the beginning of the Girl Scouts USA.

The first Girl Guide meeting in the U.S. was held March 12, 1912. The first two patrols (today known as troops) consisted of 18 girls. They wore the blue uniform of the British Girl Guides and used the same handbook as the British Guides. Juliette, an inveterate fund raiser, would use all sort of baited props to gain donations including a tomato tin with assorted Girl Scouts badges and awards to "pin" donors, and a hat decorated with root vegetables. When asked the purpose of her hat, she simply replied that she could not afford to properly decorate her hat as she donated most of her money to the Girl Scouts and then of course asked for an additional donation for the cause.

In 1913, the American girls decided they wanted their own identity and the name was changed to Girl Scouts and Juliette published the first handbook, "How Girls Can Help Their Country; A Handbook for Girl Scouts." In her handbook, Daisy encouraged girls to participate in competitive sports and to develop career skills, in short, to BE PREPARED for life—still a guiding principle today. Juliette was also known for humorous antics such as standing on her head in a board meeting to show off the new Girl Scout shoes—a move usually saved for an ill niece or nephew.

During the mid-1920s, Juliette Low developed cancer; characteristically, she kept her illness hidden from family and friends. She served as President from 1915 until 1920 then she stepped down and assumed the role of the "Founder" of the Girl Scouts. In the 15 years that she worked with the organization, Girl Scouts grew from 18 members in Savannah to 168,000 members nationally.

Juliette Low was honored for her contributions on Georgia Day, February 12, 1926 by the city of Savannah and the state of Georgia in a large celebration held in Forsythe Park. She was able to attend the World Conference of Girl Guides and Girl Scouts in 1926 held at Edith Macy Girl Scout National Center just outside of New York City. Following the conference, she took a trip back to England to say good-bye to her friends. She died at her home on Lafayette Square on January 17, 1927 at the age of 66. Her funeral was held at Christ Church—the same in which she was married and christened—and was attended by hundreds of community members and her beloved Girl Scouts. She is buried in Laurel Grove Cemetery in the Gordon Family plot.

Throughout America's history, the Girl Scouts have reacted to many differing needs. During World War I, girls learned about food production and conservation, sold war bonds, worked in hospitals, and collected peach pits for use in gas mask filters. By 1920, there were nearly 70,000 Girl Scouts nationwide, including the territory of Hawaii and new Girl Scout badges included Economist and Interpreter, and revisions already were being made to the Journalist and Motorist badges. Girl Scouts led community relief efforts during the Great Depression by collecting clothing, making quilts, carving wood toys, gathering food for the poor, assisting in hospitals, participating in food drives and canning programs, and providing meals to undernourished children. During WWII, Girl Scouts operated bicycle courier services, invested more than 48,000 hours in Farm Aid projects, collected

fat and scrap metal, and grew Victory Gardens. They also collected 1.5 million articles of clothing that were then shipped overseas to children and adult victims of war.

Today, nearly 100 years later, Juliet Gordon Low's legacy of friendship, education, and ideals is shared and perpetuated by over 3.8 million currently registered Girl Scouts and, through USA Girl Scouts Overseas, her influence extends around the world. Every day, the Girl Scouts help mold young women and girls throughout our Nation by empowering them with knowledge and experience. This organization allows girls from all backgrounds to benefit from enriching experiences such as field trips, sporting activities, cultural exchanges, and volunteer work. In its near 100 years, more than 50+ million American women benefitted from Girl Scouting in their childhood.

In addition to their National and global success, many former members carry the Girl Scouts legacy. One-third of female elected officials and almost 80% of female CEOs were Girl Scouts, in addition to sports stars, astronauts, presidential families, cartoonists, singers, actresses, Olympic medalists, and even a Supreme Court Justice.

I am honored to support the Girl Scouts' 100 years, their dedicated Founder Juliette Gordon Low, and the crucial principles which they instill in each and every Girl Scout member. I wish them another 100 years of success.

Below I have listed some of the more famous Girl Scouts. But most of all I want to give special thanks to Allison Thigpen who helped with the passage of this legislation and without her it would not be possible to bring H.R. 621 to the floor.

Bellamy, Carol—Executive Director, UNICEF

Dole, Elizabeth—Former President, American Red Cross

Katen, Karen—Vice President, Pfizer

Marram, Ellen—Former President, Tropicana

Bush, Laura—Wife of President George Bush, Jr. (43rd President)

Clinton, Chelsea—Daughter of Bill Clinton (42nd President)

Gore, Tipper—Wife of former VP Al Gore

Johnson Robb, Lynda—Daughter of Lyndon B. Johnson (36th President)

Johnson Turpin, Luci—Daughter of Lyndon B. Johnson (36th President)

Kennedy, Ethel—Wife of Robert Kennedy (Presidential candidate)

Nixon Cox, Tricia—Daughter of Richard Nixon (37th President)

Nixon Eisenhower, Julie—Daughter of Richard Nixon (37th President)

Reagan, Nancy—Wife of Ronald Reagan (40th President)

Rodham Clinton, Hillary—Wife of Bill Clinton (42nd President)

Albright, Madeleine—former US Secretary of State

Napolitano, Janet—D-AZ; Former Governor

Collins, Lt Col Eileen—1st Woman Space Shuttle Commander Astronaut

6 American Astronauts

Day O'Connor, Sandra—Associate Justice, US Supreme Court

Jones, Starr—Co-host, "The View," ABC-TV

Sweeney, Anne—President, Disney/ABC Cable Network

Walters, Barbara—Anchorwoman of ABC's "20/20"

Allison, Jacqueline—Rear Admiral/Navy  
Edmunds, Jeanette—Colonel, US Army  
War Reserve  
Elliot, Carol C.—Brigadier General, USAF  
Engel, Joan—Rear Admiral, Director,  
Health & Safety  
Fishburne, Lillian—Rear Admiral/Navy  
Frost, Kathy—The Adjutant General of the  
Army  
Johnson, Joyce—Rear Admiral, Director,  
Health & Safety  
Kirkpatrick, Jeanne—Former US Ambas-  
sador to the United Nations  
McGann, Barbara—Rear Admiral/Navy  
Paige, Kathleen K.—RADM, VSN  
Stierle, Linda—Brigadier General  
Widnall, Sheila—US Secretary of Air  
Force—retired  
Williamson, Myrna, Gen.—Retired Army  
General  
Bergen, Candace—Actress  
Crow, Sheryl—Singer/Songwriter  
Fisher, Carrie—Actress, Author  
Lucci, Susan—Actress  
Merchant, Natalie—Singer, Songwriter  
Reynolds, Debbie—Actress  
Stewart, Martha—TV Personality; Martha  
Stewart Living  
Moore, Ann—Publisher, "People" maga-  
zine  
Dion, Celine—Singer  
Moore, Mary Tyler—Actress  
Fanning, Dakota—Actress  
Ackerman, Valde—Women's National  
Basketball  
Bell, Judy—Former President, US Golf As-  
sociation; amateur golfer  
Blair, Bonnie—'94 Gold Olympian Speed  
Skater  
Fleming, Peggy—'68 figure skating gold  
Olympian  
Hamill, Dorothy—'76 figure skating gold  
Olympian  
Joyner-Kersey, Jacqueline—'88 Long Jump  
Gold Olympian  
MacMillan, Shannon—Women's World Cup  
Member  
Marquis, Gail—Olympic Basketball Med-  
alist; basketball commentator  
McPeak, Holly—Beach Pro Volleyball  
McTiernan, Kerri-Ann—1st woman coach,  
men's basketball  
Powell, Renee—1st African American Golf  
Player on LPGA  
Redman, Susie—Pro golfer  
Rigby-Mason, Cathy—Olympic Gymnast &  
TV Commentator  
St. John Deane, Bonnie—Paralympic Snow  
Skiing Medalist  
St. James, Lyn—Auto Racing; '92 Indy 500  
"Rookie of the Year"  
Williams, Venus—Tennis Champion  
Dove, Rita—'93 US Poet Laureate  
Steinem, Gloria—Author  
Brandon, Barbara—Cartoonist  
Gist, Carole—1st African American Miss  
USA  
Whitstone, Heather—Miss America, '95  
Thigpen, Allison—Hill Staffer  
Extraordinaire

## GIRL SCOUT MEMBERS OF CONGRESS

Baldwin, Tammy—D-WI; House  
Biggert, Judy—R-IL; House  
Bono, Mary—R-CA; House  
Capps, Lois—D-CA; House  
Chenoweth, Helen—R-ID; House  
Christensen, Donna—D-VI; House  
Clayton, Eva—D-NC; House  
Collins, Susan—D-ME; Senate  
Cubin, Barbara—R-WY; House  
DeGette, Diana—D-CO; House  
Emerson, JoAnn—R-MO; House  
Eshoo, Anna G.—D-CA; House  
Fowler, Tillie—R-FL; House

Granger, Kay—R-TX; House  
Hutchison, Kay Bailey—R-TX; Senate  
Jackson-Lee, Sheila—D-TX; House  
Johnson, Eddie Bernice—D-TX; House  
Kaptur, Marcy—D-OH; House  
Kilpatrick, Carolyn Cheeks—D-MI; House  
Landrieu, Mary—D-LA; Senate  
Lee, Barbara—D-CA; House  
Lincoln, Blanche—D-AR; Senate  
Lowey, Nita—D-NY; House  
McCarthy, Carolyn—D-NY; House  
McCarthy, Karen—D-MO; House  
Meek, Carrie P.—D-FL; House  
Mikulski, Barbara—D-MD; Senate  
Millender-McDonald, Juanita—D-CA;  
House  
Mink, Patsy—D-HI; House  
Murray, Patty—D-WA; Senate  
Myrick, Sue—R-NC; House  
Northup, Anne—R-KY; House  
Pryce, Deborah—R-OH; House  
Rodham Clinton, Hillary—D-NY; Senate  
Ros-Lehtinen, Ileana—R-FL; House  
Roukema, Marge—R-NJ; House  
Sanchez, Loretta—D-CA; House  
Schakowsky, Jan—D-IL; House  
Slaughter, Louise M.—D-NY; House  
Stabenow, Deborah—D-MI; House  
Tauscher, Ellen O.—D-CA; House  
Thurman, Karen L.—D-FL; House  
Tubbs Jones, Stephanie—D-OH; House  
Wilson, Heather—R-NM; House  
Woolsey, Lynn—D-CA; House

I reserve the balance of my time.

Mr. FOSTER. I yield 2 minutes to the  
gentlelady from Florida (Ms.  
WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ.  
Madam Speaker, before I begin my re-  
marks in support of H.R. 621, I do want  
to suggest to the gentleman from Geor-  
gia (Mr. KINGSTON) and the gentleman  
from Illinois (Mr. FOSTER) that Samoas  
would probably give Thin Mints a run  
for their money, just speaking from  
personal experience. I'm out there  
helping my daughters drag that wagon  
behind me.

Mr. KINGSTON. Will my friend yield  
a minute?

Ms. WASSERMAN SCHULTZ. I'd be  
happy to yield.

Mr. KINGSTON. I just was won-  
dering, can you put those in vanilla ice  
cream and crunch them the same way  
you can the Thin Mints? Can you say  
in your heart of hearts they really  
have the substance and the property  
that you're looking for as you bite  
down? I'm only asking.

Ms. WASSERMAN SCHULTZ. Re-  
claiming my time, the gentleman  
would be interested and thrilled to  
learn that both Samoas and Thin Mints  
are now in ice cream that are special  
edition Edy's brand ice creams that are  
sold during the time in January when  
the Girl Scouts are out there selling  
their cookies for a good cause.

Mr. KINGSTON. Well, let me say to  
my friend, I stand instructed, and I ap-  
preciate being schooled today.

Ms. WASSERMAN SCHULTZ. I'm  
glad to provide you with the further-  
ance of your education on the Girl  
Scouts whose leaders, by the way, are  
not den mothers. Those are the Cub  
Scouts. Troop leaders are the actual  
title for Girl Scouts, and den mothers  
are Cub Scouts.

Anyway, I realize that that has cut  
into much of my 2 minutes, so if the  
gentleman would further yield.

Mr. FOSTER. I yield the gentlelady  
another minute.

Ms. WASSERMAN SCHULTZ. Thank  
you very much.

Madam Speaker, I rise today in sup-  
port of H.R. 621, the Girl Scouts USA  
Commemorative Coin Act. It is an  
honor to work with the sponsor of this  
important legislation, my friend and  
colleague from Georgia, Representative  
JACK KINGSTON.

As you may know, and as he has so  
wonderfully detailed, 97 years ago the  
first Girl Scout National Council meet-  
ing was held right here in Washington,  
D.C., and founder Juliette Gordon Low  
was elected president. Ms. Low envi-  
sioned providing a safe place, an envi-  
ronment of acceptance where girls  
could be inspired and challenged to  
build the necessary skills to become  
leaders. This vision still holds strong  
today, and the Girl Scouts provide the  
premier opportunity for girls and  
women to develop the talents and con-  
fidence necessary for a lifetime of lead-  
ership.

Being involved in this pursuit means  
something different to everyone. To  
me, it means leading by example every  
day. I'm honored to serve in the United  
States Congress, Madam Speaker, and  
I'm proud to tell you that not only was  
I a Girl Scout, but I am currently a  
troop leader for my 10-year-old daugh-  
ter, Rebecca, her troop, and have been  
for 4 years; and now this year, for the  
first time, for my 6-year-old daughter  
Shelby's Brownie troop. But I never  
stopped being a Girl Scout myself, be-  
cause I'm currently a member, as I  
know you are, of Troop Capitol Hill,  
the honorary Congressional Girl Scout  
Troop for all women Members of Con-  
gress.

In each of these roles, I personally  
see how Girl Scouts enriches the lives  
of millions of girls and their families  
through innovative programming that  
embraces the rich diversity of commu-  
nities across our country. Girl Scouts  
are working day and night to make the  
world a better place. Through projects  
in their schools, local neighborhoods,  
and the international community, they  
touch lives in many ways. The Girl  
Scouts Commemorative Coin Act  
would recognize all the significant con-  
tributions of the Girl Scouts move-  
ment.

The SPEAKER pro tempore. The  
time of the gentlewoman has expired.

Mr. FOSTER. I yield the gentlelady  
an additional minute.

Ms. WASSERMAN SCHULTZ. The  
Girl Scouts Commemorative Coin Act  
would recognize all of the significant  
contributions of the Girl Scouts move-  
ment and commend their century of  
service to this country. I strongly join  
my colleagues in urging our colleagues  
to vote in favor of this worthy legisla-  
tion.

Mr. KINGSTON. I yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the gentleman for yielding and for his leadership on this issue as well.

For nearly 100 years, the Girl Scouts have helped girls throughout the United States develop their full individual potential. The first Girl Scout troop was founded on March 12, 1912, in Savannah, Georgia. And since then, more than 50 million American women have enjoyed Girl Scouting during their childhood, and that number's still growing.

There's over 3.7 million Girl Scouts across the Nation today. And as the father of four daughters, I can speak to the testament where Cassie and Briana were involved in the Girl Scouts themselves, and Tayler and Liesl still are actively participating in the Girl Scouts, and I certainly understand the importance that this institution has had and is having on their life.

So through a variety of experiences, ranging from field trips to community service projects to cultural exchanges, the Girl Scouts have helped girls build individual character and skills to succeed in today's world. And by fostering the development of these skills, the Girl Scouts have helped millions of girls contribute to the improvement of society through their abilities, their leadership skills and cooperation with others.

2012 will mark the 100th year anniversary of Girl Scouting here in the United States of America. And the legislation before us with the leadership of the gentleman, my colleague from Illinois, as well, would honor this milestone by authorizing the minting of 350,000 \$1 coins, and the proceeds from that sale of these commemorative coins would, in turn, go back to the Girl Scouts program which is so important. And the Senate counterpart bill I know, as well, has over 70 cosponsors and is moving forward in a bipartisan manner. I expect it's going to pass swiftly as well.

But finally, I would be remiss if I didn't mention the cookies as well, and I'll put in one more vote. It's been a staple of Girl Scout fundraising for a long period of time all the way back to 1917. But just like my colleagues from Illinois and Georgia, my personal favorite is the Thin Mint.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KINGSTON. I yield 20 more seconds to the gentleman only because he's a Thin Mint person.

Mr. PAULSEN. Just seeing Dairy Queen as an institution also cooperate with the Girl Scouts to promote their cookie sales is outstanding.

So, Madam Speaker, this legislation before us honors an institution that has positively impacted the fabric of America for decades, and I encourage my colleagues to support it.

Mr. FOSTER. I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentleman from Illinois and the gentleman from Georgia for their respective leadership, and I will just tell you that my memory on what flavors I enjoyed may be a little dull. My daughter is a little bit older than 12 or 15 or 20 or 25, and at that point I will stop for fear of her commentary on me giving her age. But I will say that I am honored to stand and support the Girl Scouts and the congressional coin in honor of them for the very special reason that I had the pleasure of watching my daughter grow up as a Girl Scout, but more particularly carry around those Girl Scout cookies in my Taurus station wagon and compete against the other mothers to make sure that we sold the most. And I would say to you that all of them were gourmet, because whichever box was left over, we told the person who was buying it it's the best bunch of cookies you could ever buy.

□ 1930

This is very special because this is a combination of two wonderful people, Juliette Gordon Low and Sir Robert Baden-Powell. Mr. Baden-Powell was a war hero and a founder of the Boy Scouts. What a perfect combination. So he encouraged his wife, or she was encouraged by him, and sought his help to establish the Girl Scouts in 1912. So in 1912 they started, and so 2012 they will have their 100th year.

But I really want to focus on why the Girl Scouts were so important, what they did for my daughter, Erica Shelwyn Lee. The interesting thing is that the Girl Scouts was founded even before women had the right to vote. They were the early underpinnings of giving girls leadership skills, how special that can be. And now we find there are 236,000 troops—and they're called "troop leaders" by the way—and there are 10 million girls today around the world that are made up of Girl Guides, and Girl Scouts, and Girl Scouts of the United States of America, all part of a worldwide family of 10 million girls and adults in 145 countries. What a success story.

And so this is an important affirmation of how important Girl Scouts have been to the building of character of women.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. FOSTER. Madam Speaker, I yield an additional 1 minute.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

This is an affirmation of what leadership skills can do for America. Girl Scouts have grown up to be many outstanding leaders here and around the world. But one thing I think is very important. It teaches young girls team

partnership, the ability to work together, the ability to succeed together and fail together and not give up.

So I am very glad to rise and salute the Girl Scouts of the United States of America but also to applaud this legislation of H.R. 621. I congratulate my friend from Georgia (Mr. KINGSTON) and my good friend Mr. FOSTER from Illinois for this great legislation, and all of those sponsors, and I am pleased to advocate for its passage.

Mr. KINGSTON. Madam Speaker, if I could ask an inquiry of my friend from Texas.

Now, you have not said which cookie is your favorite. You did kind of sidestep it, saying they were all gourmet, but Mr. FOSTER and I just want to know.

I yield the gentlewoman 2 minutes on this very important issue.

Ms. JACKSON-LEE of Texas. I do remember them coming in big brown boxes, and I had them all stuffed in my station wagon going from door to door. But the shortbread ones have to be the best.

I know you all had all of the mint and the Samoas, but the shortbread was the tastiest. I love the shortbread. Texas likes it big and simple, and shortbread did the job.

Mr. KINGSTON. I would ordinarily tell my friend I am a little disappointed. However, inasmuch as you have explained it so eloquently, I will say we'll give the shortbread honorable mention here.

And I saw Mr. GINGREY raised his hand as a shortbread guy himself.

I yield to the gentlelady.

Ms. JACKSON-LEE of Texas. This is the true spirit of bipartisanship, and I am delighted that we are rising today to support this very fine bill to honor the Girl Scouts of America with this gold coin.

Mr. KINGSTON. Madam Speaker, we have no other speakers. I was going to finish a statement real quickly and then yield back the balance of our time.

And I wanted to say with Ms. JACKSON-LEE here and Ms. ILEANA ROS-LEHTINEN that these are two of our Girl Scout Members. I have a list of other Members who I will be submitting for the RECORD.

But also, Madam Speaker, I want to say that this bill also contains a pair of coin-related technical corrections, one of which allows an extension in the sale of the proof set contained in the 2009 Abraham Lincoln bicentennial one-cent coins because of a manufacturing glitch which slowed down the production of approved sets. Taken together, though, this bill is still budget neutral.

The Senate counterpart bill has more than 70 cosponsors, and I expect swift consideration of this bill there as well.

And so, Madam Speaker, I urge my colleagues to support this important legislation.

I yield back the balance of my time.

Mr. GINGREY of Georgia. Madam Speaker, I rise today to express my support for H.R. 621, the Girl Scouts USA Centennial Commemorative Coin Act. The Girl Scouts of the USA is an outstanding organization dedicated to nurturing young women in the leadership skills they will undoubtedly utilize in their futures.

Founded in 1912 in Savannah, GA by Juliette Gordon, Girl Scouts of the USA has magnanimously carried out its mission to "build girls of courage, confidence, and character, who make the world a better place." In fact, this organization has grown very large over its 97 year history to include 3.7 million Girl Scouts, 2.7 million girl members, and 928,000 adult members who serve as volunteers. Further, Girl Scouts has become a global organization including 236,000 troops and groups in over 90 countries.

Girl Scouts are known nationwide for their delicious cookies; however, this organization does much more than baking for the lives of young women. While various activities and youth groups teach basic skills and promote teamwork, Girl Scouting goes beyond that and encourages youth to achieve a deeper appreciation for service to others in their communities. Finally, and perhaps most importantly, Girl Scouting promotes activities that lead to personal responsibility and high self-esteem. As a result, when hard decisions must be made, peer pressure can be resisted and the right choices can be made.

Madam Speaker, from the beginning of the Girl Scout program as a Daisy to the eventual completion of the program and attainment of the rank of Ambassador, Girl Scouts of the USA has long trained young women in the necessary skills that will enable them to be the future leaders of the United States. The young women in this organization complete "journeys" that enlighten them on social issues, promote community service, and instill in them the necessary confidence and courage to have a bright and successful future. I applaud the efforts and the accomplishments of all of our nation's Girl Scouts, and specifically those of the 11th District of Georgia, which is my privilege to represent in Congress. I urge all of my colleagues to continue to support this honorable organization and the excellent young women that it continues to produce.

Mr. FOSTER. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. FOSTER) that the House suspend the rules and pass the bill, H.R. 621, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### IRAN SANCTIONS ENABLING ACT

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Madam Speaker, I rise today to support H.R. 1327, the Iran Sanctions Enabling Act.

The United States has found itself at a crossroads when it comes to Iran. As we pursue an engagement strategy, we must also prepare for the worst. If Iran fails to comply with their commitments, we must have tools to compel them to change their behavior. This is what we're doing here today with this bill.

I would like to thank Congressman BARNEY FRANK for his continued and sustained leadership on this issue. The Iran Sanctions Enabling Act is one of many steps that Congress can and should take to isolate Iran, which we are working on.

I am proud that my home State of Florida was the first in the Nation to pass the law to divest from companies that conduct business in Iran. I would also like to acknowledge many of the activists and people in Florida that help pass this legislation. In particular, I note the accomplishment of my friend, State Senator Ted Deutch, the author of the Protecting Florida's Investments Act of 2007.

Iran must not get a nuclear weapon—not on our watch and certainly not on our dime. I would certainly urge the swift passage of this legislation.

#### OPENING OF THE MICHAEL FUX FAMILY CENTER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to recognize Michael Fux on the grand opening of the Michael Fux Family Center at Miami Children's Hospital.

It is with great pride that I recognize Michael's exemplary work and dedication throughout the years supporting underprivileged children. The Michael Fux Family Center is a state-of-the-art facility that will provide families with up-to-date medical information, activities, and entertainment.

Throughout the center, families can access information about their child's condition and meet and network with other parents. It truly warms my heart to know that the families visiting and the patients staying at Miami's Children Hospital will have a place to get together to share a peaceful environment.

Michael, on behalf of all south Florida and the United States Congress, thank you, thank you so much for your life of selfless giving.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well while another is under recognition.

#### POSTER BABY FOR HEALTH CARE REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, might I introduce to you the poster baby for health care reform.

In Denver, a wonderful bouncing baby was denied health insurance because the baby weighed about 17 pounds and was 4 months old, and it was determined that he had a pre-existing disease of obesity.

Now, all of us know how wonderful it is to have a healthy baby who has a full and wonderful round look. We also know about something called baby fat, and for us mothers we know how a bouncing, bountiful baby can turn into that lean marathon runner. That's just the way it is.

So for all of the reports that our insurance companies are attempting to undermine the effort of ensuring that every American has access to health care and that we rid ourselves of this whole condition of preexisting disease, here's your example.

What an outrage.

#### IN HONOR OF THE 56TH STRYKER BRIGADE COMBAT TEAM

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today in support of House Resolution 754. It was an emotional time in Pennsylvania as members of the 56th Stryker Brigade Combat Team came home from Iraq to a tribute of yellow ribbons and flying flags. The homecoming elation belies the fear that always accompanies soldiers at war.

NBC correspondent Richard Engel described one of the uses of a Stryker vehicle now in Afghanistan: "We're warned about IEDs, improvised explosive devices, a somewhat desensitized way of saying bombs that can blow you to pieces and throw your body 75 feet in the air."

"Some of the Strykers, the soldier's armored vehicles, are fitted with giant rollers. They stick out in front of the big armored trucks, making the Strykers look like the machines that pick up golf balls at a driving range. The Strykers push the heavy wheels of the rollers over the sand. If the wheels hit an IED, the device will blow up; if not, the ground is safe."

"We walk in a double-file line in the tracks left by the rollers. I try to walk in the footsteps of the soldier in front of me."

This is a stark reality of the job the Stryker Brigade performs in both Iraq and Afghanistan. It is just one of the reasons we honor their service today.

### HEALTH CARE BILLS ARE FRIGHTENING

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Madam Speaker, we currently have Democratic health care reform bills under consideration. Surveyed together, our options are frightening. H.R. 3200 adds \$239 billion to the deficit, it opens the door for illegal aliens to get benefits, and it could move up to a hundred million Americans off of their current health care plan and onto the government-run option.

The Senate Health, Education, Labor, and Pensions Committee bill forces a government takeover of our Nation's health care system and allows the government to sell products that all Americans must buy. The Senate Finance Committee bill cuts over \$400 billion from the health benefits of our seniors. It increases the average insurance premium for American families by \$4,000, and it still leaves 2.5 million Americans uninsured even with its \$1.8 trillion expenditure.

As bad as these bills are, what they will become once HARRY REID, NANCY PELOSI and their liberal allies in the Senate take them behind closed doors to craft a final product will be much, much worse. Personally, the last people I want deciding my family's health care are Speaker PELOSI and Leader REID.

### TRIBUTE TO CHRISTOPHER FRENZE OF THE JOINT ECO- NOMIC COMMITTEE

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY of Texas. Madam Speaker, I rise today in tribute to Mr. Christopher Frenze, Republican House staff director for the Joint Economic Committee, who's retiring this week from a distinguished career in government service.

Chris joined the Joint Economic Committee in 1981. His career has been distinguished by his relentless effort to promote the public interest, encourage economic growth, reduce the burden of government, and respect the Constitution. His knowledge of economic policy is only one of his many talents.

He's an effective, successful manager who recruited top economists to serve the committee for many years. His work has served both Senate and House Republican Members in the majority and in the minority. He represents the very best in public service.

I know I speak for all of my colleagues in the Joint Economic Committee in congratulating Chris upon his retirement and thanking him in his dedicated and tireless service to the United States Congress.

□ 1945

### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

### AFGHANISTAN IS NOT A WAR OF NECESSITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the White House is figuring how they should treat Afghanistan, what to do about Afghanistan. As they review the situation, they must be asking themselves a lot of questions: Should our strategy be counterinsurgency or counterterrorism? Should we send in 40,000 more troops, or 20,000 more troops, or should we send in any more at all? And is the Taliban really a threat to our national security?

Meanwhile, the American people are asking the most important question of all: Is the war a war of necessity? And most Americans are coming to the conclusion that it is not. And I agree with them.

Our military presence in Afghanistan is not necessary because al Qaeda, which attacked us on 9/11, simply isn't in Afghanistan anymore. In fact, it's estimated that only about 100 al Qaeda fighters remain in the country. Our military presence isn't necessary because it will lead us into another foreign quagmire. Escalating the war will require massive numbers of troops. They will be fighting an endless war with many casualties, no exit strategy at this point, and the American people will not put up with that.

This war is not necessary because it will cost hundreds of billions of dollars. That's the money we need to put the American people back to work, Madam Speaker, and to get our economy back on track. And finally, this war is not necessary because we have better alternatives.

First and foremost, these alternatives include smart security. Smoking out and stopping the violent extremists in Afghanistan requires the effective surgical tool of smart security, not the blunt instrument of massive military occupancy. Smart security calls for strengthening our intelligence and surveillance capabilities. That's absolutely essential because the best way to stop the extremists in Afghanistan is to penetrate and disrupt their networks.

Smart security calls for improvements in civilian policing. A well-trained police force is a highly effective counterinsurgency tool because it's right there in the communities where the extremists are. Smart secu-

rity calls for a regional diplomatic surge. Afghanistan's neighbors have an interest in stabilizing the country just as we do. Those nations include Russia, China and Iran. They need to be engaged.

Smart security also recognizes that al Qaeda and other extremist groups have the ability to shift gears and set up shop in other places around the world, probably in the poorest places they can find.

That's why smart security supports investments in the development of impoverished nations, to give people the hope and the opportunity they need to reject violence and hatred in the first place. And because we need to keep the extremists away from weapons of mass destruction, smart security calls for vigorous inspection regimes and a renewed commitment to nuclear non-proliferation.

In this session of Congress, Madam Speaker, I have introduced House Resolution 363, the "Smart Security Platform for the 21st Century." It is the blueprint we need to defeat extremism in Afghanistan and elsewhere in the world. Madam Speaker, the strategy I have described is tough. It is pragmatic. It will protect the lives of our brave troops, and it will keep our Nation safe.

As the administration conducts its review of the situation in Afghanistan, I urge them to choose this strategy because it is the winning strategy.

### HALLOWEEN HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, somewhere in the deep, dark, moldy caverns of this Capitol building, known only to the very few, the taxacrats are very busy writing their Halloween health care bill. They want to shove it through Congress before Halloween. How appropriate a date for that nightmare.

The Senate took another step today toward Halloween health care. The Senate Finance Committee passed something they called a "concept" bill. It's not really a bill, it's just a concept, an idea. That means the bill is not really actually written. But they passed it out of the Senate Finance Committee anyway.

Now, they're supposed to merge it together with the trillion dollar Health, Education, Labor and Pensions Committee health care bill. That's the HELP bill. The Senate passed that earlier this year. So in the secret caverns of the Capitol, the health-care-crats are going to merge the two Senate bills to come up with the final Halloween health care bill.

Here is the problem with all the bills so far: The government decides our



health care. All the power and all the control goes to the Federal Government. It lets the government decide what procedures doctors may perform on their patients. If some new medicine comes along, it won't be covered. You have to go into the government-run plan to get new medicines. And you have to pay a big fine if you don't buy insurance when you're young and healthy. I'm sure the youth of America will like that new change in health care. Plus, businesses that cannot afford to have health care for their employees will also get stuck with an 8.5 percent tax. Of course, that will put some businesses out of business. In other words, tax them out of business.

The bills are so vague that illegals probably are covered in all of the bills as well. Also these bills tax good insurance plans like the ones that many union members have. If someone pays more to get better insurance, the government is going to make them pay for having that better insurance with higher taxes. And millions of people are still not covered in the bills. Now wasn't that supposed to be the reason for all of this reform? We are turning the health of America over to the government, and these bills still won't cover everyone.

And even when they still don't cover millions of people, government health care is just too expensive. America cannot afford it. Government-run health care is going to cost the taxpayers at least another trillion dollars at the very least. And where are we going to get the money? We don't have the money.

Now the taxacrats are trying to tell us that putting everyone in a new government-run health care system won't cost the taxpayers any money. Well, they are wrong. That would be the first time in history a government-run program like this health care bill costs less than it was supposed to be.

If you liked your health care when you had to pay for it, Madam Speaker, you will really like it when it's free.

There's more. Government health care is going to cut half a billion dollars out of Medicare to help pay for this Halloween health care bill. Of course, that scares our seniors. And another thing that's odd: Every single one of these bills don't go into effect until the year 2013. Now why is that? But the new taxes take effect in 2010. That's right. American taxpayers pay 3 years of new taxes on plans that don't take effect for 3 more years. Now isn't that lovely.

So what's the big rush to pass all this? You'd think they're trying to hide something. And I wonder what that could be? If this is such a great deal, why is there deception surrounding this health care bill? Why not have openness before we vote on it? Let's have floor amendments. Let's have lively floor debate on it. Let's

take our time. After all, the bills don't take effect for 3 more years. And maybe we'll have time for everyone in the House and the Senate to read these bills. Now there's a thought.

Halloween health care is just a nightmare. And the people I represent in southeast Texas don't want the government controlling their health care. But Halloween health care looms in the dark shadows of these hallowed halls. Where the trolls roam at night, the bureaucrats write their health care bill, while the taxpayers continue to ask, "trick or treat?" And that's just the way it is.

#### THREAT OF TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

Mr. QUIGLEY. Eight years ago, the U.S. entered Afghanistan. Now 8 years later, 791 American deaths and billions of dollars later, we must ask, what have we gained? Has our 8 years in Afghanistan made us safer? And will 8 more years make us safer still?

As we speak, the administration is reviewing the best strategy to achieve one primary objective: To protect Americans from another terrorist attack. We agree on the objective. We differ on the strategy.

As we move to define our strategy, the question we must continue to ask ourselves is: how do we keep Americans safe from a terrorist attack? Recent events suggest that we need to broaden our focus and think bigger than Afghanistan. After all, we are battling not simply against terrorists in Afghanistan but against terrorism, which we are learning has many fronts, extending from Afghanistan to Pakistan to Somalia, Yemen, Uzbekistan and even our own backyard.

Over the past 2 weeks, five men have been arrested for plotting terror attacks in our country. One man lived in New York for more than a decade and was planning to detonate a bomb there on the anniversary of September 11.

Thomas Friedman argued in his recent New York Times column that the most active front in this war against terrorism is "not Afghanistan, but the 'virtual Afghanistan,' the loose network of thousands of jihadist Web sites, mosques and prayer groups that recruit, inspire and train young Muslims to kill."

The young Jordanian who was recently arrested for attempting to blow up a building in Dallas was caught after declaring war on the U.S. on jihadist Web sites.

We must broaden our focus. Jihadist networks are also gaining ground in unstable states such as Somalia and Yemen. Recently, a source at a U.S. defense agency stated, We know that south Asia is no longer al Qaeda's pri-

mary base. They are looking for a hideout in other parts of the world and continue to expand their organization.

We must broaden our focus. Two weeks ago, a major Uzbek terrorist with links to the Taliban and al Qaeda was killed in south Pakistan. The man killed was the leader of the Islamic Movement of Uzbekistan, a group whose goal was to set up an Islamist state there and ultimately throughout central Asia.

We must broaden our focus because the jihad has no borders, and thus our security policy must have no borders. James Traub recently likened jihadism to Communism without Russia, explaining that "its success or failure is measured in ideological rather than territorial terms." That is the threat we face, a threat based not on borders but on beliefs.

Which brings us back to our initial question: how can we best keep Americans safe from an ideological and borderless threat? We have sunk billions of dollars into Afghanistan, but at some point we must prioritize our spending. The reality is we have limited resources, measured both in lives and tax dollars, and we must expend those resources carefully and pragmatically.

"The problems of this world are deeper, more involved, and more stubborn than many of us realize," said George Kennan, scholar and diplomat, in a 1949 speech to the Academy of Political Science. "It is imperative," he continued "that we economize with our limited resources and that we apply them where we feel that we will do the most good."

If pouring a large portion of our precious resources into Afghanistan will keep Americans safe from another terrorist attack, then it is an unquestionable investment we must make. But the reality that we are battling a worldwide network of jihadists might require us to step back and reassess our priorities.

If we are ever to achieve our objective of keeping America safe, we must, as Mr. Kennan suggests, apply our limited resources where they will do the most good. Where that exactly is, we have yet to determine. But we must be careful of basing our strategy on borders, when the enemy we are fighting is borderless.

#### THE STIMULUS LABEL MUST BE SHUNNED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, I was reading the Roll Call newspaper today, and on the front page it says, "New Economic Plan Weighed, But 'Stimulus' Label Shunned." It says, "Democrats are scrambling to define a new plan to boost the economy

as unemployment hurtles toward double digits, after months of insisting that talk of another stimulus package was premature."

Just don't call the as-yet-unwritten new proposal "stimulus."

Shakespeare said a rose by any other name would smell as sweet. They're talking about another stimulus bill. And everybody in this country knows that the \$787 billion stimulus, and with interest it's over \$1 trillion, did not work.

The President said that unemployment would not go over 8 percent. It's over 9.5 percent right now. And the Democrats are scared to death it's going to go to 10 percent, so they are coming up with another plan, stimulus, to get the economy moving so there won't be any more unemployment. It won't work. It won't work just taking government money and throwing it at the problem. It creates more deficits, it's going to cause more inflation down the road, and it's going to cost higher taxes, but it's not going to create jobs.

The thing that creates jobs is giving Americans more disposable income in their paychecks. The thing that creates jobs is for businessmen and industry people to have more money so they can buy more equipment and more plants so they can produce more products that people can buy. And then the employees, because they have more money because their taxes have been lowered, can buy it. That's what Ronald Reagan knew.

□ 2000

Ronald Reagan cut taxes when he came in. We were in a very bad economic time back in the early eighties. A lot of people don't remember that, but they were very bad coming out of the Carter administration. So he came in and they said, You've got to raise taxes. You've got to throw money at it. And he said he thought we ought to do just the opposite. We ought to give people some of their money back by lowering taxes. We ought to give business and industry some of their money back so they can invest more, and that would create a rising tide that would raise all boats. And you know what? It did. And it created the longest period of economic expansion in the history of this country.

Now, today the President wants to solve the problem by taking taxpayers' money, raising taxes, coming out with new programs that are spending billions of dollars and then throwing money at it. It will not work. If they come up with another stimulus package and they throw all of this money at it that we don't have, we will have to print more and we will have inflation because of it, and that will raise taxes. Then the unemployment rate will continue to rise because people won't have disposable income to spend. And many of them will be losing their jobs be-

cause businesspeople will be cutting back and laying people off or going offshore.

The fact of the matter is raising taxes right now, throwing more taxpayers' money that we don't have at the problem, will not solve it. The thing that will solve it, if I were talking to the President—and I hope maybe someday he will be listening—is, Mr. President, cut taxes on the individual, cut taxes on business and industry. Give us more disposable income and people will buy products. And when they buy products, we will create products. And when we create products, we will create jobs. That is the answer. Ronald Reagan knew it, but President Obama doesn't, but maybe he will get the message before long.

Where we are heading right now is toward a socialist economy, a government-run socialist economy like the Europeans are doing. It hasn't worked there; it won't work here.

Mr. Obama, Mr. President—if I were talking to him, I hope he will listen—cut taxes. Do what Ronald Reagan did and you will solve the problem.

#### SAY "YES" TO INTEGRITY IN THE NFL, "NO" TO RUSH LIMBAUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, this is the value of democracy: differences of opinion. And, frankly, I believe that this government, this majority is on the right track. We were in an emergency, a recession that has continued for a period of months. Even as we watch Wall Street bounce back, we know the pain of Americans who have suffered the loss of jobs.

It is important to note that history is at our back; for if FDR had not been aggressive and taken risks to invest in programs that generated jobs, maybe not the type of focus of the 21st century but the WPA, who put our grandfathers and some grandmothers to work, allowed young men who were able to come back from World War II to be able to have an opportunity to then grow a capitalistic society, the boom of the 1950s, when those young men and young women married and created families and built homes.

And so it is important to have the facts. And I would say to you that the jobs data which we are collecting says that jobs have been created, important jobs. Thousands and thousands of teachers have been able to be retained to educate our children. We have had a number of others in various agencies that we have been able to keep, and those jobs then generate into the private sector.

I am often well aware that there are different economic perspectives, but

Paul Krugman has a note, not necessarily the full article that I hope to associate myself with, but it says, Pressure to scale back efforts to support the economy from those fearful of a sliding dollar should be ignored.

We are going to have to take risks. It is not a perfect system, but we are contemplating what will create more jobs. I believe it happens to be infrastructure and transportation, and we are looking at those issues. So know the facts. And we will have the facts because we are collecting data from all the States to be able to make the point that jobs have been created by this stimulus, and we know that we can do more.

Let me finally move to another topic and offer my thoughts, even though I believe in the First Amendment and the right to freedom of association, but I stand with the NFL Players Association, not to make Rush Limbaugh any kind of national standard or a national hero or the national issue. I will let my friends on the other side of the aisle determine what he is and what he is not, but I know that he is not the kind of owner that the NFL needs.

He does not represent the fullness of appreciation of athletes of all diverse backgrounds no matter what he wants to portend to say on his radio station. But he is one who is divisive. Just as they are about to select him as a judge for a Miss America contest; I can't understand that, but that is their choice. Maybe they think he will bring in millions of listeners. But can you imagine a poor girl, scared already, to be able to ask a question about the person she admires most and she says somebody that happens to be a different political affiliation, she is, of course, not a winner. But that's their decision.

NFL has become one of America's pastimes. All of us from all walks of life and economic backgrounds look at the NFL. I know that there are far better owners that could be selected than one package that has this gentleman in it. I would ask the NFL owners to put standards in place, criteria; base it on integrity, not just the bottom buck. Anybody that wants to call a quarterback in Pennsylvania and call him out—he happens to be African American—as not being competent, just somebody that the media has promoted, not being talented—interestingly enough, that football player happens to still be playing and doing a great job. I don't know why in the heck, other than the big dollar, that Rush Limbaugh would be interested in the NFL. And so we're not interested in him either. And I would hope—though this is not my choice. This is not a government issue as well as it is an issue of integrity for those of us who believe that this is a great sport that brings all of us together.

I would hesitate to say that he is not someone who brings people together.



And I just simply ask those owners to do the right thing; have a criteria of standards, a bottom line of integrity. It is not all about the dollar. It is about the value of sports and teamwork and working together and bringing young people together and looking at values that are not political, that are simply about us getting along as a Nation, being admired by the world for having a great sporting community, if you will, whether it's baseball, basketball, football, soccer, tennis, golf. That's what it's about.

NFL owners, have some integrity. I think you need a different owner team.

#### MONROE COUNTY, FLORIDA, COMES TO WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, this week, a delegation of Monroe County elected officials, led by Mayor George Neugent, will be traveling here to Washington, D.C. In addition to meeting with Members of Congress, the Monroe County delegation will also meet with senior officials at FEMA on the issue of downstairs enclosures.

I have met with middle class homeowners in the Keys who are unable to secure flood insurance because of their downstairs enclosures. These homeowners utilize this additional living space to house an elderly resident, a family member, or to provide affordable housing to others. No one can afford to be without flood insurance in the Florida Keys. And since an inspection is required before any current flood insurance policy can be renewed, many residents are being left to fend for themselves.

While the issue of downstairs enclosures is certainly an important one, the state of our economy is the single most important issue for Keys residents. In recent months, I have had the opportunity to travel throughout the Keys to hear firsthand from teachers, from students, from entrepreneurs, retirees who are struggling because of uncertain economic conditions and a dwindling tourist economy. I have met with commercial fishermen in Key Largo who are abandoning their boats and leaving their lifetime passion in pursuit of part-time jobs that will at least pay the bills. Many of these fishermen are unable to make a living because of onerous fishing regulations and unfair moratoriums. I have met with small business owners in Key West who are closing down shop because of their inability to secure a bank loan which would at least carry them forward until next year.

The economic success of our community rests on the success of our fishermen and our hotel owners as well as on the environmental preservation of our

beaches, our coral reefs, and other precious ecosystems. As a Member of Congress who proudly represents the Florida Keys, I have consistently fought for increased Federal action to protect our environment. For example, our Florida Keys National Marine Sanctuary is a world-renowned institution, and we have beautiful coral reefs that are a major economic engine for our local economy.

Last month, the House of Representatives passed the Coral Reef Conservation Act, a bill that I cosponsored. This bill increases Federal oversight of coral reef monitoring and rehabilitation efforts as well as promoting community-based conservation initiatives.

In addition to conservation efforts, I am working with my colleagues here in Congress to support the Aquarius Underwater Sea Lab, which is based in Key Largo. Aquarius is the only permanent underwater lab in the world, and its facilities are used in partnership with NASA and the Navy to train astronauts, divers, and to develop cutting-edge technology. I have been in contact with officials at NOAA to voice my strong support for the continuation of this important program, Aquarius, which is of great benefit to the scientific community and to our local economy.

During this time of economic uncertainty and volatile gas prices, it is more important now than ever that we reduce our dependency on foreign oil. The foundation of a comprehensive energy policy depends upon our ability to develop alternative sources of energy.

In Congress, I have been a consistent advocate of green energy initiatives. I voted to raise national fuel economy standards for our automobiles and establish a Federal renewable electricity standard. I have also voted to increase tax incentives for small businesses that utilize energy-efficient technologies in the workplace, such as solar panels or hybrid cars.

The Florida Keys has the potential of becoming a major market for green tourism, both nationally and internationally. And of course in order to achieve this goal we need to improve both our transportation infrastructure as well as our wastewater infrastructure.

I am proud to say that I have been a leader in securing millions in Federal dollars for our roadways, our bus facilities, as well as for the Florida Keys Wastewater Project. Securing Federal funds for the Florida Keys Wastewater Project is a top priority of mine in Congress because we have to protect our National Marine Sanctuary from further environmental damage. In the past year, I have secured more than \$25 million toward this project.

Later this week, the House of Representatives will vote on a Homeland Security Appropriations bill, which includes funding for a new emergency op-

eration center which will serve all of Monroe County. I know that the need for Federal dollars is great, and I will continue to do my part for the Federal funds for the Keys.

Welcome, Keys representatives, to Washington.

#### WALL STREET JOURNAL AWARDS HCSS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Madam Speaker, I rise today to applaud HCSS, a small business in my district in Sugar Land, Texas. HCSS was recently honored by the Wall Street Journal as one of the top 15 small business workplaces in America. In this tough economy, the company that puts employees first is the one that stands out.

I recently met with Mike Rydin, the founder and CEO of HCSS, about the success of his company, and he said, "We try to provide an environment that attracts and retains top talent and helps keep employees happy. Hiring top talent that loves coming to work allows us to provide topnotch software and service to our customers."

HCSS was one of nearly 630 private, nonprofit, or publicly held organizations across the country that were nominated for this prestigious award. According to the Wall Street Journal, they select employers that foster teamwork, flexibility, high productivity, and innovation, while also helping their employees grow personally and professionally and providing benefits that improve lives and communities.

HCSS has taken a hands-on approach to wellness for their employees that should serve as a model for private-sector solutions to our Nation's health care problems.

□ 2015

HCSS recently opened a new Sugar Land headquarters, which includes a one-third-mile, crushed-granite jogging trail, an exercise room, a game room, a gym with a basketball court, and a putting green. The company also pays fitness and wellness trainers to counsel employees on nutrition and exercise, and it offers on-site yoga and Pilates classes.

Each year, all employees are eligible to receive \$100 for each good result in an annual health screening, such as good cholesterol levels, not smoking and moderate body mass index. HCSS recently contracted with a company that will provide employees doctor consultations over the Internet right there in the HCSS offices.

A focus on employee wellness should be part of the solution to our Nation's health care debate. Small companies need a level playing field in cost and

affordability for their employees. That is why Congress should provide the same tax incentives for small companies that large corporations enjoy. Targeted tax relief would allow more companies to follow the HCSS model for health care for their employees.

As a result of the wellness programs at work at HCSS, their company-paid annual health insurance premiums fell over \$600 per employee in 2008 from 2004—\$600 per employee over a 4-year period. The company credits this to its vast wellness program and to its introduction of a high-deductible health plan, coupled with health reimbursement accounts to which the company contributes \$1,000 to \$3,000 annually for employee and dependent out-of-pocket health care expenses.

These are important examples of how health care costs can be reduced without looking to massive government programs to achieve greater coverage and lower costs. This is only one component of the debate, to be sure, but it can address many of the problems small businesses face to provide affordable health care to their employees.

Mike Rydin has future plans to build a school to train low-income people new skills so they can become more integrated parts of the communities in which they work and live.

HCSS has the kind of innovative and entrepreneurial vision to provide wellness and a comprehensive work environment that America has always relied on to find solutions to our bigger problems. I am proud of HCSS for their recognition as a top small workplace in America. This is the first Houston area company and only the second in the great State of Texas that has been recognized with this award.

Washington would do well to look at how small businesses like HCSS are achieving the results that we seek. Oftentimes, the great ideas come from the small innovators.

#### HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Maine (Ms. PINGREE) is recognized for 60 minutes as the designee of the majority leader.

Ms. PINGREE of Maine. Thank you very much, Madam Speaker. I am pleased to be here on the floor tonight with a gathering of my freshman colleagues. We thought we would spend our hour talking about the very important issue of health care.

As everyone knows and as everyone sees in the newspapers pretty much every day, that is the topic on the mind of Congress and, certainly, on the mind of America. I know, for me, it's the issue I hear most about back in my district when I'm having a town hall meeting or am meeting with constituency groups—doctors, nurses, practi-

tioners of any kind—to talk about their concerns about health care. It's the number one thing people bring up to me.

Certainly today, being from the State of Maine, the Finance Committee in the Senate—which isn't the House, but it's also going to eventually coordinate it with us—was voting out their bill. My colleague from Maine, Senator OLYMPIA SNOWE, voted in favor of the health care bill, making herself the first Republican to vote affirmatively on some of the proposals that we have before us. While she and I may differ on some of the policy issues, we all represent the State of Maine, and she spoke today about the great urgency of passing a piece of health care legislation. That is certainly of great concern to us, so I am glad we have an hour to talk a little bit about it.

There is such a range of issues to talk about. I know I want to mention a little bit about some of the concerns about insurance companies and the importance, at least for me, of voting for a plan that has a very robust public option. Before I turn it over to one of my colleagues, I just want to tell a couple of quick stories about the issues that we have been facing in the State of Maine.

Like a lot of States, we have a very small number of insurance companies. Many States find that 70, 80, sometimes more than 90 percent of their market is all taken up by one insurance company. I'm sure Representative TONKO from New York has some stories to talk about this as well and just about the issues that we have about why we need more competition in the market.

Interestingly, in Maine, our Attorney General has just entered into a very fascinating case with Anthem Insurance Company. Anthem is one of the few companies that does business in the State of Maine, and they recently asked for a rate increase. I think they asked for 18 percent. The State granted them 11 percent. They turned right around and sued the State of Maine, and said, You know, if you're not going to give us what we need, we're going to have to sue you on this. I'm just looking here through my papers.

I have some interesting information about just how much profit this particular company is making, and I will come across it in a minute here.

What really struck me as profound is that many of my constituents' stories—as I mentioned, I run into constituents in the grocery store, everywhere I go, and certainly people have been contacting our office about the challenges of health care reform. Many of our constituents' stories are about the dealings that they have with their insurance companies. As somebody said to me recently, you know, insurance is great until you need it, and then 9 times out of 10, you find out that your

company isn't there when you need it. Now I want to tell a couple of stories about what I've heard from my constituents.

Representative TONKO, perhaps you'll want to weigh in on this conversation. Then we can go back and forth a little bit about what we're hearing.

Mr. TONKO. Absolutely.

Thank you, Representative PINGREE, for leading us in this hour of discussion because there have been many elements of fear that have been introduced into the dialogue, into the discussion—into the debate, if you will—that have been intending to, perhaps, mislead and misinform, and that is not what America needs right now.

America needs a thoughtful, very meaningful discussion on health care—how to provide for certainty for our business community with predictability in their insurance costs—because I do believe most employers want to cover their employees with a sound, basic health care plan. So we also need stability and security.

I think I would share with you the sentiments that we need insurance reform to address the concerns of America—and not just for the uninsured and underinsured. This discussion is as much about those of us who have insurance in hand. The stability and the security of that plan is at risk, so we need to go forward so there is no discrimination for preexisting conditions.

I have heard, and I am certain you have and our colleagues have heard in the freshman class and beyond in the greater audience of this Chamber. We have heard from constituents about the horror stories of premium increases over a short span of 2 years. I'm thinking of a story where there was a 37 percent increase over 2 years, which was the situation for a couple, a married couple, where the wife of that couple had been impacted by a catastrophic illness. They were left then, Representative PINGREE, with \$18,000 worth of medical bills. It is a growing dynamic of bankruptcy for our American families. Health care costs are driving families to the edge with bankruptcy.

We are also in need of reform that will make certain that there is no dropping your coverage simply because you become ill. That has been a game that has been played on our health care consumers in this country. It needs to stop. Our conference, our House, wants to make certain that those are some of the conditions that are brought about in the insurance reform.

The refusal to renew coverage if you become ill is another obstacle in the way of providing universal health care coverage.

Obviously, a big dynamic is changing jobs, perhaps starting up a small business on one's own. Oftentimes, they are not allowed to happen out there simply because of the concern for the portability of insurance coverage. Many are

losing their jobs, and so 14,000 per day, if not more, are losing health care insurance because of the loss of a job. The list goes on and on. Making certain that there are no co-pays for prevention and wellness programs, these are concepts that are sound insurance reforms that can strengthen the system.

Those who want to provide this message of doom and gloom and who want to use fear tactics are only taking us off track of what ought to be a very focused discussion on what needs to happen, because most world-leading nations offer a tremendous health care policy, and this country is in need of that reform. We have been talking about it for decades. Now is the time for action.

Ms. PINGREE of Maine. Will the gentleman yield?

I just want to weigh in with a couple of thoughts about that. You're going through the litany of why we think it's so important to reform the insurance market, and so many of the things that you talk about are, again, the very things that I hear about from people. The issue I heard someone say the other day was "job loss." Job lock. You know, people will say to me, I am ready to start my own business, but I don't dare leave my job because I can't go without the safety net, and I certainly couldn't afford to pay for these health care costs at this moment in time.

I want to read you a little bit that I heard from a constituent recently, someone from York County, which is the southern part of my district, who told the story that very much echoes what you were just talking about.

He was self-employed. He had a business he'd been doing for 10 years. His wife worked for a small nonprofit, and the nonprofit wasn't able to afford her health care coverage, so they did what a lot of people do, I find. They went to Anthem, which is the insurance company that we've been talking a lot about in my State, and their family of three—they have a 2-year-old daughter now—got an insurance policy that cost them \$400 a month, but it also had a \$15,000 deductible.

Now, I hear about so many people who have this \$15,000 in their deductible. It's really just kind of insurance for keeping your home. As you mentioned, it will keep you from going to bankruptcy court.

So their \$15,000 deductible actually amounted to a \$30,000 deductible for their family. Basically, they just hoped that nothing would ever happen, because they didn't have the cash to pay the \$15,000 or \$30,000 in medical bills that they'd have to pay to get up to their deductible.

He told a story about how, when his daughter was born—their newborn baby—there were some complications, so they thought, well, at least we've

got this insurance because, as we know, infant bills in the hospital can go very high if you have to be in the neonatal unit or anything else. Well, it turned out that his wife and daughter both had some medical issues, and they had gotten a specific rider when they'd gotten the health care plan, but it turned out that it only covered their daughter and not his wife. By the time they brought their baby home, they were \$15,000 in the hole because of issues that had come up with his wife during childbirth, so they had to take money out of their 401(k), and they had to borrow money on their credit card. They are just hoping that nothing else happens because they'd have to still pay another \$15,000 in their deductible.

Well, that's a great example of people who think they have health care coverage. They thought they got a special rider to make sure that pregnancy, childbirth—everything—was covered. It turned out it really wasn't there when they needed it. I don't know about you, but I hear about so many different people who go to look at their insurance policies and realize that there are all kinds of hidden issues or their insurance companies just say, "Sorry. We don't cover you." That's just something we have to stop.

Mr. TONKO. Absolutely, there is a confusion that exists out there, even with a lack of standardized forms, which is another tool that's used. So there is this confusion.

There is this, I believe, deliberate attempt to make certain that there is a winner in this equation, and it certainly isn't the health care consumer. So many have been concerned about government standing between the patient and the doctor when, in fact, what we have today is the insurance company standing between patient and doctor, where they are limiting. That's why we're asking for reforms here which do not allow for cost caps on what insurance companies are required to cover. We don't want them to be stingy when it comes to providing the health care, especially in prevention and wellness modes, which are so very absolutely essential.

There are out-of-pocket expenses. You talked, Representative PINGREE, about the deductibles that this family in Maine had to absorb. We don't want that unlimited in nature. We want caps on what is required of our families out there—our working families across America—and we certainly want to make certain that the co-pays, especially in catastrophic situations, are capped for individuals and families. This is a great bit of service that we can provide.

These whole trite sayings that we're bringing in a Halloween response and all of these individual statements that don't really get to the heart of the matter are disheartening. It's discouraging that there isn't that academic exchange here.

Where is the counteroffer in this House? We have had plans out there for months. We've been talking about things, bringing them to hearing, having forums across the country. There is no alternative that's being offered. Maybe we heard things about status quo and leaving it as it is. Well, we even offer a capitalist model. We offer competition in an exchange that's developed in our bill to make certain that there is the hardness of a robust, competitive model that is, I think, "all American" in its keeping.

□ 2030

Ms. PINGREE of Maine. Absolutely. That is why we are here tonight really to be able to engage in this robust public debate.

Mr. TONKO. To dispel some of the myths and to cast aside the misinformation. The American public deserves better than that.

Ms. PINGREE of Maine. Absolutely. I think first and foremost to be talking about the real issues.

We are also joined tonight by another freshman colleague, Representative JARED POLIS from Boulder, Colorado.

Mr. POLIS. I thank my colleagues from Maine and New York. I was listening to your discussion, and it struck me how many of us, yourselves included, other Members, not only of the newly elected freshman class—but other Members of Congress—had town halls, listened to our constituents. We, in fact, heard some good ideas from folks back home, and I think we are working to incorporate those into the newer versions of the bill.

One that a number of folks brought up in my meetings, and I know I wasn't alone, is why don't we encourage some interstate competition. I know that there are certain concerns that some of my colleagues have addressed about that with regards to how that might affect certain States, but there are ways that we can encourage, not create one level of Federal standards, but encourage States to enter interstate compacts to reduce the barriers of entry and bring down insurance costs.

The other thing I was struck by, and this has also been alluded to, was the ill will on the other side. Rather than trying to get to "yes," it would seem like there are many in our country that are trying to stay at "no," trying to stay at a "no" that is too costly, both in lives and money for our Nation to endure. There is plenty of room, as demonstrated, as again my colleague from Maine indicated, by her Senator today, in coming to the table, around common solutions that Republicans and Democrats can agree on. But it's critical that we approach this issue with the goal of getting to "yes."

Another thing, when I had people, just like other Members of Congress at our town hall meetings—and many of them were so vociferously opposed to

any reform, many of them were for any reform and some of them were in the middle. The one thing I tried to leave the people that were opposed to reform with was if you are going to oppose this set of health care reforms, fine, but please oppose it based on something that's in it versus something that's not in it. Because how frustrating is it to have to deal with mischaracterizations and, indeed, lies about the actual content of the bills that we are debating.

With regard to whether, in fact, there are Federal subsidies that go to our undocumented population. No, there aren't. There is not even room for discussion there. I, personally, would like us to do more for our undocumented population in this bill. We are not. We are going to deal with that through comprehensive immigration reform, which I am a strong supporter of, next year.

With regard to death panels, there are none in this bill. I have constituents contacting me. They have heard these things on right-wing Web sites. They have had people email them to them.

I had one contact me yesterday saying the government is going to send people to my home to look at my kids, because they had a complete misreading of some part of the bill that had to do with funding for State pilot projects for home visitation, for people who want home visitation to help them with their health issues. This is information out there that is really not a credit to this honest public discourse and debate, which my colleague from New York alluded to, which is critical to have to come to a solution with regards to reducing costs and improving health care outcomes.

I am optimistic. The signs out of the Senate today are that this is truly officially, not only in name, but, indeed a bipartisan effort, as it should be, something of this magnitude. We are taking our time, and we are doing it right. We are 4 or 5 months into a debate that will take another month or two to reach culmination. Again, there is no veracity in people saying this is being rushed through in any way, shape or form.

I told my, again, constituents in Colorado our United States Congress has spent more time on health care reform than our legislature of Colorado meets for an entire year. They meet for about 4½ months to consider every single issue that the State of Colorado faces. Our United States Congress, and many of us who come to Congress from a wide variety of disciplines, have had the time to become experts in health care.

That's something that we owe our constituents. I certainly know a lot more about health care than when I first got here. I had been expert in education, had run schools, been on a

school board. I had started businesses, knew a lot about the business side. As a consumer I knew about health care. I had been on the board of a nonprofit relating to health care in Colorado.

But to get down into the weeds and have this historic once-in-a-generation opportunity to make a real difference in the lives of Americans is what public service is all about. That's why I join you in being excited about this tremendous opportunity that's before us at this point.

Ms. PINGREE of Maine. I am pleased to see that we are joined by our colleague from Wisconsin, Representative and doctor, if I am correct, STEVE KAGEN.

Mr. KAGEN. Well, it's a great honor to join you here on the floor to talk about health care and about making progress, making progress where for nearly a century, since 1910 when Teddy Roosevelt first suggested the idea that we should have some kind of national solution for health care, we are finally taking up this conversation.

As Mr. POLIS mentioned, this is the most important conversation we are going to have this century. So we are taking our time. We are going to get it right. We are going to fix what's broken; we are going to improve on what we already have and make sure it's at a price we can all afford to pay. Where I come from, having practiced medicine for 33 years, I am always focused on the patient, much like we are all focused on our constituents. And you can imagine how I felt when my patients couldn't afford their prescription drugs.

Now, what good is it to be a doctor if you are writing a prescription that the patient can't handle financially? What's wrong with a system where we continue to allow the Wall Street corporations that run health care today to discriminate against people because of the way they are born or because of a preexisting medical illness?

I will submit to the jury, if you were a jury, this little piece of evidence: I won't mention the insurance company, blank has great news for people who buy their own health insurance. They have got something for you, all right.

But then on the inside, I am going to read it into the RECORD: "Important information about preexisting conditions. Although we make every effort to extend coverage to all applicants, not everyone will qualify. If you have had treatment for any of the following conditions, you may not qualify for the coverage being offered: AIDS/HIV, alcohol or drug dependence, cancer, chronic obstructive pulmonary disease (COPD), connective tissue disorder, Crohn's disease, diabetes, emphysema, heart attacks or stroke, hepatitis (chronic) or liver disease, inpatient emotional or mental illness, organ or tissue transplant, ulcerative colitis."

It goes on to say: "You should also be aware that we may not be able to pro-

vide coverage to individuals who are severely obese, severely underweight or who are undergoing or awaiting results of diagnostic tests, treatments, surgeries, biopsies or lab work. We cannot offer coverage to expectant parents or children less than 2 months old."

And here the closing sentence: "This list is not all inclusive; other conditions may apply."

I am so proud to be working with the President who understands that this form of discrimination has got to come to an end. That is why in the House bill and every version we have seen, that is why in every Senate bill, there is the language that will bring an end to this form of discrimination.

What we are about to do is very historic. We are going to apply our civil rights that we fought so hard for in the 1960s to the health care industry. No longer will any kind of Wall Street corporation be allowed to discriminate against people, not because of the color of their skin, but because of the chemistry of their skin. Not because of what they are thinking, nor on the basis of how they think, the chemistry of their mind.

In my mind, bringing about no discrimination in the health insurance industry, in health care throughout this country will transform our economy, because it will begin to lower prices for everybody, making it possible for small business, the real economic engines of America, to employ people to be more profitable and to move our economy out of this economic ditch we find ourselves in. But there are three things that must be in this bill, number one is no discrimination against any citizen due to preexisting medical conditions. If you are a citizen, you have to be in the risk pool. You have to be in your neighborhood.

Secondly, there should be complete transparency of all prices in health care. Openly disclose all the prices at the hospital from the insurance coverage, openly disclose the prices at the doctor, the dentist, anything that's health care related, be it a product or a service. Show me the price. Please openly disclose your price and then accept from anybody at your store as payment in full the lowest price you charged and accepted as payment from anybody else. The lowest price should become everybody's price.

The third thing that we need—and hopefully it will be in this next version that we are going to see shortly we have to establish a standard health care plan—a standard plan such that Humana, United, CIGNA, Aetna, Blue Cross, WellPoint, whatever point, whatever insurance company are you are, when you are selling the same basic standard plan within a very large risk pool, you have to show me your price, and we will begin to have competition where insurance companies are going to compete to the lowest price and the highest quality.

We will finally be able to compare these corporations, apples to apples. That's the moment I think we will really see the benefits that we need. Improve the quality at a lower cost. No discrimination, complete, complete openness in transparency and pricing and a standard plan.

I think we are making progress; I don't think we are there yet. I think we are going to make that progress and, in my limited experience as a Congressman, more so as a physician, this place doesn't work well when it happens very fast.

I am very pleased that we are taking our time to get it right. I look forward to finding Republicans, Independents, Democrats, and, yes, the Libertarian people that are here in this House to vote for a bill that moves us down the road.

Ms. PINGREE of Maine. It's wonderful to have both your experience as a physician and also your experience in the House in moving forward on these issues. I know you have been working very hard.

I just want to mention that we are also joined here tonight by MARY JO KILROY from Ohio, who is another new member of the House. Being from Ohio, I know you must have a lot of constituents who are worried about economic issues and jobs and making sure that they have that all-important insurance coverage and are able to keep their jobs to have it.

Ms. KILROY. I appreciate this opportunity and thank you for your leadership in bringing us together tonight to talk about how health care issues affects our districts and what we are going to do about it. I have heard some of my colleagues, Representative POLIS, talk about people being concerned that we are rushing this through. I think we have been taking quite a bit of time, dedicating hours and hours of time in committee hearings, in caucus meetings, in markups, on this issue of health care.

In my case, in my own district, I have been holding health care meetings, round tables, discussion groups, getting input from my constituents since February. Every time I go back to the district, meeting with doctors, meeting with nurses, other kinds of health care professionals, talking to school nurses, talking to small business and holding the small business round table about what they are going through with respect to health care, and it's very clear to me that this is an issue that needs attention. It's a problem, but it's also a problem we can solve, we can solve working together.

I also, listening to Dr. KAGEN on the issue of preexisting condition, couldn't agree with him more. Many of the stories that I have heard at those various health care meetings and round tables involve people with preexisting conditions, and there is this misconception

that young people don't get sick. It's only the older people who are the ones that really use health care. But I discovered at several of these round table meetings situations where young women, in this case, had received diagnoses of cancer. Because they were self-employed, because they were between jobs, they found that they were excluded from the health care system.

As a mother, I can't think of anything more terrifying than to have your daughter come home telling you that and knowing that they didn't have health care and how were you going to make sure that she got the care that she needs. It's a story that I hear time and time again.

A small restaurant owner, whose wife has lupus and that the insurance companies have priced their small group out of his ability to pay. As a result he was losing one of his key employees to somebody else who could get health care for her.

□ 2045

Another small businessperson who had had a heart attack, this person is a little bit older than the young woman I talked about, but his small business was hurting. Because of that experience they have been rated so high that they are having a harder and harder time paying for health insurance for himself, his family and his employees. It is a critical issue in my community, and we can address this key issue of ending discrimination against people with preexisting conditions.

It is not just these stories, these experiences that people have told me about. I have also heard it from our Department of Insurance commissioner. She tells me that in the State of Ohio, she has got a single-spaced list, three columns, three pages long, of various conditions that the insurance companies have used to deny Ohioans coverage based on a preexisting condition. Some of them you have heard from, Dr. KAGEN, but some of them are also pretty absurd.

For example, acne was on that list. And today, if you saw some of the news on television, you saw a baby that looks like the stereotypical Gerber baby, in the 90th percentile on height and weight, excluded from health care because the insurance company decided that this baby, this perfectly healthy baby, had a preexisting condition. They determined that that baby was, quote-unquote, obese. The absurdities that the health care industry has used to exclude coverage from people who use it, who need it, is why we have health care.

This is a very personal issue. If I were to not work here in a situation where there was group coverage that I could buy and pay for on an exchange like we have here in Congress, whether I left this job voluntarily or involuntarily, I don't think I could go into the

private market and buy an insurance policy for myself, because I have a pre-existing condition called multiple sclerosis.

So there are so many people and many women, men also, who are excluded for this problem, and now we find out it is even babies. So we could fix this.

Mr. TONKO. Representative PINGREE, I can't help but wonder if that isn't the most classic and bold example of cherry picking. When I listened to Representative KAGEN list that number of conditions, preexisting conditions, it excludes a great part of the populace out there. The time for these games is over.

We talk about so many of the people that might be impacted by these preexisting conditions, from toddlers, over to middle age, and yes, even to our seniors.

When I was in the State assembly in New York State for 25 years, for the longest time I represented the largest per capita senior population of any assembly district of the 150 in New York State, so I would hear routinely from seniors. I hear from those same seniors now in this congressional district, and there is concern. There is concern about where their future is going with health care reform.

Well, let me remind all of our seniors out there, this whole process here in the House is about providing stability to Medicare. That is an audience that is critically valuable to this country, people who worked through their lifetimes and now deserve—I think it is an American right—quality health care.

When people talk about fear tactics, telling people that your Medicare coverage is going to be weakened, let me remind everybody that the cuts in Medicare were up to 21 percent for next year for our medical community. This bill stops that. Our bill, our final package, will stop that sort of cut. Those payments to physicians would have put the doctor-patient relationship at risk. It would have reduced accessibility for our Nation's seniors. We will avoid that cut. We will provide stability by addressing the solvency of the trust fund for Medicare.

We will go forward and close that doughnut hole. No one, these critics about this process, about the proposals that we have put forth to the American public, the critics that are there now, especially in the political arena, where were they when we played games with the pharmaceutical industry and created a doughnut hole where coverage stopped automatically and then resumed later after we have again impacted financially our senior population?

You talk to seniors, many of them naturally are in need of medications, of pharmaceutical requirements. Why we would exhaust them financially for that basic core need of health care is

beyond me. No one talked about that pricetag. No one talked about the billions of dollars we were going to cost the public and what we paid to the industries to do that.

So there is a chance here to turn that around and close that doughnut hole. I don't know what we are going to call it. A jelly donut? We fill it with good, you know, so that people can then have the kind of health care and the pharmaceutical needs will be addressed. That is a basic stability enhancement that is provided with this measure.

Avoiding the 21 percent cuts to physicians is an enhancement. Making certain that we provide these new models for efficiency; effective use of dollars; making certain that home models, medical home models, can be utilized, these are good concepts. And we want to go forward with the sounder Medicare situation, especially with the coming of the baby boomer generation. Everyone has talked about that. We need to make that part of our plan. It is part of our plan, where we provide stability and solvency for Medicare.

Ms. PINGREE of Maine. I want to give a few minutes to my colleague from Colorado, but in making this transition I just want to say when we stand around and talk about the possibilities when people share their individual stories like Representative KILROY has here, I get very excited thinking about the prospects here.

You mentioned it earlier. Sometimes we are bombarded from the other side and the talk show hosts and everyone else who just try to use scare tactics, build up fear in our constituents and seniors and others. But I get excited when I think about, wow, we could really reform the system. We could do something around access to health care that people have been talking about doing for decades, and this could be the Congress that really starts making those steps forward.

I think that is why we are all standing here tonight and working so hard on this, because we see the possibilities here of really changing people's lives and ending some of these ridiculous stories that we have been hearing.

Mr. POLIS. To build upon what Representative KILROY and Representative KAGEN said with regard to the critical nature of preventing discrimination based on preexisting conditions and exclusions based on preexisting conditions, it is important for those watching us today to know that that is in all four bills—sorry, all five bills. There are five health care bills; two in the Senate, both of which have cleared committee, and three in the House, all of which have cleared committee.

Every single bill, any of the health care reform proposals that is at all consistent with President Obama's principles and our principles here in the House as well as the other body would make that basic major change,

that no longer would people be excluded based on preexisting conditions or would those conditions be excluded.

I applaud Representative KILROY for sharing her very powerful personal story. It is a personal story that is all too common. Later on tonight, in about an hour and a half, I will be sharing a couple-dozen personal stories from Colorado with members of the public with regard to the travails that many of my constituents have had with the health care system, many of which relate to discrimination based on preexisting conditions.

Representative KILROY also discussed briefly small business. One of the most important things that we can do to make small business competitive in this country is to reform health care. The brunt of our health care system falls on small business. Frequently for the same coverage, they pay more than large businesses. If they have somebody in a small risk pool who has a problem or has a preexisting condition, they might be paying three or four times as much even for their healthy employees because of their small risk pool.

We are joined today in the House gallery by a small businessman from my congressional district. Mr. Wayland Lewis, who is with us here today, runs a small online publishing company. What a difference affordable health care would make to him and the countless small business people like him across the country that are the backbone of the American free enterprise system, for them to have access to exchanges, the same way we here in Congress do, the same way that big multinational corporations do, one large risk pool, no discrimination based on the preexisting conditions in a small risk pool, and also some tax credits, by the way, for providing health care for their employees. What a difference that would make and what a job-creation engine in this time of recession, to have that vote of confidence in our small businesses and allow them to do what they know is right.

When I talk to small business people in my district that don't provide insurance, it is not because they don't want to. It is not because they don't feel they could be more competitive in attracting employees if they did. It is because they simply can't afford to under the status quo. That is one of the major tenets of this reform: Making America healthier, costing less, and, yes, providing the same kinds of advantages for small and medium-sized businesses that big multinational corporations have had all along, and being able to offer health care and security for the families that work for them.

Ms. PINGREE of Maine. Thank you for your thoughts.

We are lucky to be joined freshly off the podium by our colleague from Pennsylvania, Representative DAHL-

KEMPER, who I know has been working very hard on this issue in a variety of ways.

Mrs. DAHLKEMPER. Thank you, Representative PINGREE, for allowing me to join you and my other colleagues here tonight as a fellow freshman. This is certainly an historic time for us to be new Members of Congress, as I think we are working on probably the most important piece of legislation that we will probably ever take up within our time here in Congress, something that touches every American, something that touches every one of the constituents in our districts.

I, like so many of you, spent my entire August going out and talking to my constituents. We, as the freshmen, were actually a pretty strong group that slowed down the vote on this bill. So when people say that we are rushing this legislation, I say, no, we actually slowed it down quite significantly. But I think that was great, because it gave us time to read the bill, really understand the bill, and, as Representative POLIS said, learn more about health care. We all have learned a lot over these number of months as we have been here together day after day talking about health care.

When I talk about health care reform, when I am out in my district, I talk about the fact that it is really a human story, and we all have our stories. One of the most poignant for me was a gentleman who came up to me, actually as I was on one of my congressional bike-and-hikes, because I like to really talk a lot about wellness and prevention, so I am trying to promote that by promoting the great resources in my region, bike paths and hiking areas. So we do these bike-and-hikes.

He came up to me on his bike and said that health care was his number one issue. I asked him to explain to me, and he told me about the great health care insurance he had with his company. He worked for a very large corporation. But his daughter, when she was 20 and she was in college, she was diagnosed with acute myeloid leukemia.

The treatment for that is very harsh. You end up being put into intensive care, and it really debilitates you as you go through this series of chemotherapy treatments. She had to drop out of college. And guess what happened as soon as she dropped out of college? She was removed from their insurance.

So this is the kind of thing that we see over and over again. That is just one of many, many stories that I have heard, and I know all of you have heard.

Today actually it was announced we are putting a provision in this health care reform where young people through 26 years, up to their 27th birthday, will be able to stay on their parents' health care coverage if they don't

have another opportunity, if they don't work for a company that offers coverage. As we know, many young people in those early years, whether they are going to school, when they get out of school, don't get that first job that offers coverage, or can't find a job right now, as we know many of them can't, or maybe have other things that they want to pursue. It allows them to stay on their parents' coverage up to their 27th birthday. I think that is a great piece.

When I was done with the press conference about this, one of the cameramen who had been there told me that was the best thing he had heard in all the years he had been covering the news here at the Capitol, because he has a son who works for a very large corporation, 19 years old, done with school, who did not have health care coverage. He was walking across the street and got hit by a bus, and just the cost that this has been to the family of this young man.

So we are still working on this bill, and I think that is important for the American people to know, that we are continuing to work on this bill, to make it better every day so that when it comes to the House floor and we go to vote on this, we are going to be making such significant changes for this country, significant changes for these young people, who, as we know, 31 percent of them are uninsured, those in their twenties. We are going to be making significant changes for our seniors who are going to have their preventative services, for example, covered with no copay. We are going to be making significant changes for our small businesses, and as a small business owner, I know how important this reform is.

In Pennsylvania, my State, only 51 percent of our small businesses cover their employees with health care coverage, and that is because they can't afford it. As Representative POLIS said, it is not because they don't want to do it; it is because they can't afford the increased costs.

So I want to thank you for letting me join you tonight and talk about this very important issue that we are continuing to debate and move forward really for the future of this country. I am just proud to be down here right now and proud to be with all of you serving and making this happen here.

Ms. PINGREE of Maine. Thank you for adding your thoughts. Certainly those are themes that we hear about a lot. One is this important point that every single day in this Congress there are people working on one or another aspect of this bill, trying to put together all of the good ideas, trying to make sure that we come to some form of consensus over the variety of opinions.

But your mention of the issue of young people who don't have coverage

is a story that we all hear about often, and many of us who had our own children in their twenties have known that tragic moment when they turn 23 or they end college and they are no longer covered by your plan. And, as you said, in today's job market, many young people don't have coverage or work for a company that doesn't find themselves in a position to cover them. So it is increasingly an important issue, and one I think the people are trying so hard to work on.

Also this issue that others have already brought up tonight, I am also a small business owner, and the cost of coverage—I heard a statistic in the State of Maine that the average cost of covering your employees is about equal to the profit you make in your small business. And that is lucky for some small businesses, if they can even make as much profit as they are paying out every year in employee coverage.

As you mentioned, it is important to make sure you cover your employees. Many companies can't afford it, and often you lose employees to somewhere else where they can go to get that coverage. So you might have a great worker, and you may lose them if you don't find a way to keep them covered, which is getting near to impossible with the rising cost of insurance, as we have talked about many times.

□ 2100

And I often think about my own State. We're 38th in per capita income. The economy is struggling. Our unemployment rate is right up there with a lot of other States in this country, and we're just hoping that we can start to bring it down. But the fact is, if we could pass universal access to health care coverage, it would be the single biggest change to my State's economy and I certainly think this country's economy.

Mr. TONKO. Representative PINGREE, I think that obviously there is a lot of discussion and a lot of focus on the cost. I think across the country, 15 years ago 61 percent of our small businesses provided employer-based health care. That's somewhere below 38 percent now. We hear the average cost of a family plan might be 12,000, 13,000, sometimes rising to 14,000, and people have seen record profits in the industry.

We've seen and heard about the insensitivities here this evening anecdotally from various Members. You know, Representative DAHLKEMPER, Representative KILROY, and yourself have all talked about these information tidbits that come our way. But I think what really struck me this weekend was the report that was released by America's health insurance plans, where they actually worked out a study, a report, commissioned a report, and they overstated the impact of

the Senate finance bill that was voted upon today to overstate the impact on America's families of that plan. That's one solution that's out there. And I found it interesting that the firm that they hired to do the study actually backed away from the report because they said they fragmented it so. They asked them to do just tidbits, portions of that whole bill and then use that to calculate the impact.

So it shows us, it tells us something that we're on to wringing the cost, the excess cost and the inefficiencies out of the system to the point where it's driving corporate greed to now respond in a way that's manufacturing these price tags that are, again, scare tactics to get us off of just and honest debate. And I think that that needs to be shared with the American public. The tax foundation came out with a plan, a review that said that our health care bill will save families, average working middle class families, \$1,900 per year.

Now, when they came up with this other study, when they fragmented it out, they didn't allow for the calculation of savings, corresponding savings that are part of the overall huge package of reform. And so it was, again, disingenuous. It was unfair to put something like that out there. But it does tell me, in very bold and noble terms, that there's fear out there that finally there may be a balancing of the scales, where the public will get their shot at good health care insurance reform and not at the expense of greed that has been allowed to run rampant, I think, for a long time.

Ms. PINGREE of Maine. I just want to bring up one tidbit, and then I know that my colleague from Ohio has a couple of things to say. But when I first came to the floor tonight, I was talking a little bit about Anthem in our State which is actually owned by WellPoint. And I don't want to make any particular insurance company the villain, but often we're told, you know, why don't you just leave the system alone, yet day after day we hear about insurance companies that cancel your insurance and a variety of other things. And I had just been mentioning a case that's going on in the State of Maine.

Maine was asked by Anthem for an 18.5 percent rate increase, and the State said no, something about 11 percent might be more moderate, just trying to hold down the cost for small business and individuals. Well, Anthem immediately sued the State and said they needed that full amount to earn a reasonable profit. Of course, WellPoint last year earned \$2 billion and paid \$1 million in bonuses to many of their executives in our State.

So you've got the people in our State, 38th in per capita income, many of whom have recently lost their jobs, saying, Wait a minute. I can't afford this increase, yet I can't afford to be



without health care coverage. And here's a company that earned \$2 billion last year telling me they can't live without making more in profit.

Well, this system just doesn't seem to make any sense to me. I mean, it's one thing when you're talking about making Rolls-Royces or fancy diamond rings. Maybe you deserve to make exorbitant profits, and we don't need to meddle in the economic system there. But this is about basic health care coverage for individuals, and that's really what we're charged here to do—make sure that everybody, whatever their condition, whatever their age, has that kind of health care coverage.

And I have to really hand it to our Attorney General, Janet Mills. She was on CNN the other day talking about how we're going to fight this. We're not going to take this, and, you know, that's not a position our State should have to be in. That's not a position individuals should have to be in, you know, just to get their basic health care coverage.

Ms. KILROY. Well, Representative PINGREE, I agree with you. And I think what you heard from Representative TONKO and what you've pointed to, but what Representative TONKO was talking about the public relations offensive that the health care insurance industry launched today is another example the kind of fear tactics that have been used all summer long regarding this health care debate. This is the latest example of it, that it's going to cost you more money somehow or other.

But we can hold down health care costs with this bill, and I think the best way to do that is to have a robust public option to get competition so the Anthems or the WellPoints or the UnitedHealthcares or whoever have something to compete against and that we, as consumers, have something that we can go to instead of one of the expensive health care plans that use these scare tactics, that raise rates, double-digit inflation year after year after year, while making the kind of profits that you were talking about, and yet millions of people in this country doing without basic medical care, medical needs. We need to stand up to that.

Mr. TONKO. And I think, Representative PINGREE, I think when we heard Representative KAGEN, Dr. KAGEN speaking about a standard, basic package that would be required if you want to participate in the exchange, how about, you know, the medical loss ratio that has dwindled over 15 years from 95 percent return of all premiums collected going back for health care purposes to now something below 85 percent, below 80 percent, perhaps. That is unacceptable.

So the standards that we establish, you know, having this medical loss ratio defined, if you want to participate, basic core package, if you want to

participate, hey, this is open to any and all. Government sets up the exchange. It stays out of that. The public option will have to sustain its own entity by its premiums. It will have to maintain a reserve. That is not what I would call unfair competition. They're all going to be operating under the same guidelines. And when we sharpen that pencil by requiring a robust public option, it drives the bottom line benefit for the consumer.

We talk about small business and impacts and the future forecast and projections on insurance, today I think of some 430 billion that is the price tag paid by small business for health care provided by the employer. In 9 short years, absent nothing, that is supposed to go to \$880 billion. This is a train wreck waiting to happen. And when you hear the options, when you hear status quo is the option that we should exercise, when you hear let's keep the system but provide more tax benefits so that employers can afford this, how much more is government going to write in terms of checks to keep this system going that is sweeping upward in a curve? We're not containing the costs at all.

So this measure, to Representative KILROY's comment, is an important way to contain costs, to Representative DAHLKEMPER's statement of wellness and prevention, by not allowing for copayments on those elements of the plan, that's an important bit of progress. And so I challenge anyone, come in here, talk facts not fiction. Come in here with sensitivity, not insensitivity, and let's really put this package together. It's a work in progress. It's been tremendous.

I'm seeing the benefits that the freshmen class has brought to this discussion. I think it's uncluttered thinking. We've brought the debate into, I think, a really good setting so that we can move forward by adding our voices to this effort, and it's really a pleasure to work with my freshmen class.

Ms. PINGREE of Maine. Well, thank you so much for being here. I know our hour is getting close to ending, and I appreciate your characterizing our thinking as uncluttered. I have to say sometimes at night, even the freshmen start to clutter up a little bit.

But I know, Representative DAHLKEMPER, you've done a lot of work around this wellness initiative, and that's something that I hear about really across the board from people who think that's a great way to hold down costs in health care. Many of the businesses in my State that have adopted wellness programs have really seen cost reductions, and I know you can speak to this.

Mrs. DAHLKEMPER. If the gentlelady would yield, I think that wellness and prevention is such a large component of this bill, and that is something I don't think we talk enough about.

And really, as we look, people say to me, well, everyone can get health care in this country. They just go to the emergency room. Well, the emergency room is illness care. It's not health care. And what we're trying to do with this bill is actually go back to treating wellness and to treating health, not just treating illness, which is really what so many people in our country have to live with. They just wait until they're so sick they have to show up at the emergency room.

And just on that point, I just wanted to make one other comment about a subject that I don't even hear talked about that much. But the largest hospital in my district told me that they had budgeted \$30 million for charity care this year. It's going to be at least 50 million. There is no way that they can sustain this year after year after year. So that's just another piece to this entire issue that we don't talk about that often, but our providers are having trouble, along with our businesses and, certainly, along with individuals.

So we do have a great wellness piece. We've been working on putting more wellness pieces into this bill. Again, we're continuing to work on this. We're looking at grants to go to communities to bring stakeholders together, to bring government and schools and the providers and businesses to work on things such as childhood obesity, which we know is an epidemic in this country.

So there are still a lot of good things being worked on. This bill gets better and better by the day, and I believe we, again, are at a historic point here and we are going to be able to just provide stability and security to this country in terms of our health care. And, to me, we have to continue to sharpen our pencils, as Representative TONKO says, and continue to find ways to save with this bill and also to provide even better care for citizens of all ages.

Ms. PINGREE of Maine. Absolutely. Representative KILROY, were you hoping to squeeze in a few last words?

Ms. KILROY. Well, I think this bill is an opportunity for us to make health care affordable for all Americans, including seniors who've been made to fear this bill. As Representative TONKO said earlier, helping them by closing the Medicare doughnut hole, helping them by eliminating copays for preventative services and testing and helping to make sure that there are lots of Medicare providers out there, because we are stabilizing the payment schedule for those providers.

This bill will help us by shifting the emphasis more onto prevention and wellness, the way Representative DAHLKEMPER talked about putting more emphasis on primary care and doing that by shifting the way some of the payments are set up so that primary care doctors are paid for what



they do so well, for counseling, for listening, for taking that history and helping keeping us well and treating those concerns that we all have from time to time.

This bill will help us contain costs, help small and large business, help people who are without insurance and help people with insurance. And as Americans, this is an American plan. It's very important. It will continue to give us a choice of doctors and plans. So this is a huge achievement if we can get this bill passed. It is a great time to be in Congress, be a part of this wonderful discussion and deliberations and, I hope, eventually final passage of a bill that will do so much for so many people in our country.

Ms. PINGREE of Maine. Representative TONKO, any last words?

Mr. TONKO. Just a quick statement. I know we're running to the end of our hour.

Representative DAHLKEMPER talked about the concern at her local hospital. Across the board, hospitals are concerned, and uncompensated care is at somewhere between \$57 and \$58 billion a year. There's a savings immediately when we put together quality health care programs that are affordable, accessible, where we're providing universal health care. It's just a reasonable thing to do, and most importantly, it's the compassionate thing to do. Sometimes that gets lost in the discussion.

There's this moral compass for America that we need to engage and we obviously are very proud to support what is the correct thing to do, and we have that responsibility here to enable all families in this country to have access and to be able to afford quality health care.

Thank you so much for bringing us together, Representative PINGREE.

Ms. PINGREE of Maine. Well, thank you to all my colleagues for being here tonight. You're absolutely right. We've talked about a variety of issues, and I want to just end on the same note that you did. This is what is right about being an American and what we're all proud to be working on, even if it takes a few long hours and a lot of tussling back and forth, but we're all grateful to be here and actually to have this opportunity.

□ 2115

#### RESTORING THE RULE OF LAW

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Mr. Speaker, it's the first day of a new work week here, and we're going to talk about restoring the rule of law.

You know, we've talked about this now for about 14 weeks. It's so important that we talk about the rule of law because, quite frankly, it's what keeps our society together. It's what makes us different from anybody else and what makes America different from everybody else. And, you know, it's so simple that we take it for granted.

Every American that—I'll bet you can stop anybody on the street and ask them about their rights and they all know what their rights are because they're Americans and they know they have rights. But what does it mean to have rights? Well, what it means is you have a place, you have a set of rules that establishes your rights.

Now, our Constitution says certain rights are inalienable and given by your Creator. That means that all men are born with those rights. These are rights of liberty and freedom. When we had the Declaration of Independence from Great Britain, that's what we were talking about. You're born with these rights. These are the rights of free men everywhere. They are inalienable. They are given by the great Creator of the universe.

But everybody also knows I've got a right to free speech, I've got a right to assembly, I've got a right to a lawyer. And at all ages you can say, That's my right. That's my right. It is your right, but it becomes your right because it is enforceable, and that means that we have established a set of rules that our society operates under. And under those rules, there's a set of rules that's usually in the courts that enforce your rights, protect your rights.

You know, for 20 years I tried criminal cases and other cases, and we spend most of our time, at least the judges that sit in these court cases, we spend our time making sure people's rights are protected. And we have a whole series of cases that establish rights of criminal cases. Enough of you have watched television to know a lot about—we're some of the most educated, nonlawyers in the country, the folks who watch television in the United States, because we know about Miranda rights. So we know about other rights. In other countries maybe they don't know about them. Now, why wouldn't they know about them? Because they don't have them, okay. That's it. They don't have them.

And there are places on this Earth, and most of them are in Third World countries, where the rule of law does not prevail, where the average citizen doesn't have a place to go get recourse, recourse for injury that's happened to them in some form or fashion, a way to enforce a contract.

There are countries full of good people, but they haven't established the rule of law to the extent that the average citizen can protect their little plot of land or protect their little business or make a deal with somebody, a con-

tract, and then when the other side doesn't do it, enforce that contract against them because the rule of law does not prevail. For whatever reason, whether it be history or culture, whatever it is, it doesn't prevail.

And so if a rich person or a wealthy group of people who wanted to go invest in that place or maybe they have a dictatorial system or they have a socialist, communist system that hasn't established a rule of law, so you can't go enforce it.

You know, when Russia first opened up and started working on capitalism, I had a friend who went over there and opened a clothing store. And if he's listening, he knows who I am talking about. And he said the problem was the clothing store was as popular as it could be and everybody wanted to buy American-cut suits, they wanted to look like Americans, prosperous Americans, and he had a booming business; but unfortunately he had to pay cash for everything.

He couldn't make a contract with somebody based on a bill of lading or anything like that at the time because he wasn't sure he'd be able to enforce it if he had to take it to court. He was afraid he would be out on a limb. And, quite honestly, he pointed out the Russians were doing the very best to correct that, and maybe they have. I haven't kept up with it. But it was putting a real strain on his national clothing chain that he tried to take to Russia.

I hope he fixed it. I don't know. I haven't talked to him in years.

But the point is at the beginning of the establishment of capitalism in the former Soviet Union, in Russia, the rule of law had not come down to where you could feel comfortable with making contracts with people and believe they could be enforced. And hopefully that's been fixed. I would assume it has because I had the good pleasure to go to Russia with the Homeland Security Department and, quite frankly, they're doing pretty well over there. Looked like to me, anyway. Lots of stores and lots of prosperous-looking people.

But the glue that holds society together that allows you to trade both inside and outside your country is the rule of law; there are rules and regulations that everybody is a part of, everybody is protected by and required to abide by. That's a basic premise in American society.

Now, we went through a time when there was sort of a 60s rebellion against the establishment, and people would say things like, It's okay to rob from "the man," but you can't rob from the little guy. And "the man" was the big guy. Now, nobody really defined who the big guy was. Of course, everybody knew that Coca-Cola was the big guy and Exxon was the big guy and U.S. Steel was the big guy. But was it the

neighborhood grocery? Was he the big guy? Well, yeah, maybe if he was big enough, if he had more than two grocery stores.

In other words, somebody was saying it was okay to break the law if somebody was really a lot better off than you were. That was insanity. That was when I was in law school. And we debated all of this in law school. And it was insanity. Because if you've got rules, you've got to abide by the rules; and if you're going to decide you don't like a rule, you're not going to abide by the rule, then you don't get the rule of law. You get anarchy.

Well, the United States Congress has rules. We write those rules down. The first set of rules was written by Thomas Jefferson; and to a great extent, we still follow those rules of decorum and procedure in this House of Representatives by using Thomas Jefferson's manual on this place. Now some of it's been changed and altered. I think most of them are basic fairness, basic honesty, fair treatment for all concerned; and you're supposed to abide by those rules.

We have rules that we run our government by, and those rules, they bind all of us. We have certain forms that we have to file; we have to tell people what our income is. You know, it's a funny world we live in because the American people are generally private about what they make, and it's kind of "none of your business" in most families to ask somebody what's your daddy—what kind of salary does your daddy make? What's your husband make? It's kind of a none-of-your-business question.

Unless you're in the public eye. If you're in public life, it's everybody's business what you make. And you're required to report what you make. And if you don't report it, there are penalties for that.

All of these things are some of the stuff we've been talking about.

But I would argue that we have some certain subjects that are really of concern to the American people today, and we've been talking about one pretty consistently, talking about Chairman RANGEL's issues. I am going to move past those for today. They may get mentioned a bit. We're going to talk about some things we talked about in the past, but I think there's a passion for these issues among the American people.

Part of that passion is the man we elected President because he told us, "I am campaigning on changing Washington and bottom-up politics. I don't want to send the message to the American people that there are two sets of standards: one for the powerful people and one for the ordinary folks who are working every day and paying their taxes."

So the President set the standard back in February, on February 3 on

CNN, 2009. That standard is going to be out there right now. And that's just right. I don't think there's any American that's going to argue with that. That's right, nobody is above the law. Nobody gets to not abide by the rule of law, because the rule of law governs our society; and that's basically what the President is saying. Nobody because of who they are, what office they hold, how much money they've got in the bank should get any other privileges above and beyond what ordinary people get.

Now, we've got some issues tonight. Let me say we're going to talk about a lot of stuff. But several people last week thought we were going to talk about some of that stuff, and one of the things that they wanted to talk about was the czars. Let me be real clear up front. We're going to get to the czars in just a minute. So if anybody's listening that wanted to talk about the czars but thought we weren't talking about it, come on down. We're looking for you.

Just briefly, I'm going to tell you in my opinion one of the things that most people are most upset about is this outfit called ACORN. This outfit was supposed to be a do-good public service, the group that was out there organizing communities and organizing groups so that we could have a better country.

So they got really involved in working on elections last time, and here's some of the results: in Colorado they were charged with voter fraud, multiple counts, with convictions; in Florida, vote fraud, cases are pending; in Michigan, voter fraud, multiple counts with convictions; Minnesota vote fraud, multiple counts with convictions; Missouri, vote and mail fraud, identity theft, multiple counts with convictions; Nevada, vote fraud, multiple counts pending; Ohio, vote fraud, multiple counts with convictions; Pennsylvania, vote fraud, multiple counts with convictions; and the same thing in Washington State.

So this good group has not been doing good things, nor have they been abiding by the rule of law.

Now, we have a bill that's been introduced by Minority Leader JOHN BOEHNER to defund ACORN. And what he's basically saying in this is the American people have looked at this, they've listened to this stuff that's going on, they've watched these videos of these people advising folks about child prostitution and prostitution and so forth, and they've said we've had enough of these people and we darn sure don't want to pay for them. We don't want to pay them to go out and break the law.

And so the fact that they received millions of dollars in Federal funding offends people because they're not following the law.

So JOHN BOEHNER has proposed that no Federal contract, grant, cooperative agreement or any other form of agree-

ment will be awarded or entered into with the organization known as ACORN. No Federal funds will be given to ACORN; no Federal employees may promote ACORN; and that ACORN includes State chapters, organizations with financial stakes in ACORN, and organizations that share directors and employees with ACORN.

And I think this bill is designed to do what the American public is asking for. They're saying it's bad enough these crooks are out there; it's bad enough that they've got these cases pending against them. Of course, they're innocent until proven guilty. But they've been proven guilty here, and here, and here, and here, and here, and here, and here.

□ 2130

They have been found guilty. That's what "conviction" means.

Now why in the world would the Federal Government want to fund people who are out committing voter fraud? And that's not just it. Why would we want to fund somebody that would advise people on how to open a house of prostitution using underage girls? Why would we want to fund those people with my taxpayer and your taxpayer dollars? I don't know. I think that Members of this House have a real question about that.

I think this is a good idea and a good bill that has been offered by JOHN BOEHNER. And I think that our leadership of this House, the Democrat leadership, should go forward on this bill. No matter how much these people worked to help their candidates in the last election, now they should say, whoa, wait a minute. And I presume that there was no knowledge that all this was going on. So they should be out front to stop this stuff because it's just not right. It's just not right.

We talked before, and we are going to keep talking, about the fact that ACORN needs to be taken off the Federal Government's money list.

Would the gentlelady from Wyoming like to join us?

Mrs. LUMMIS. I thank the gentleman from Texas for a few moments in this discussion.

We have a great country in that even when the law is absurd, we still obey the rule of law and spend our time working to change the law. A perfect example of that is a law, the Endangered Species Act, and its current application to a water situation in California where a small fish that is a nongame fish is preventing water from being used to irrigate and grow crops.

Consequently, unemployment in the area where these crops are usually grown is dramatically higher than the rest of the Nation, dramatically higher. And people who normally are working there are in bread lines, the very same people who grow food in California for the rest of this Nation. Consequently, this winter, a lot of fruits

and vegetables will be more expensive for those of us all over the United States because we have instead deferred to the rule of law in allowing this water to flow by these fields that are laying fallow and not producing food and not allowing workers to work.

This situation gives us an opportunity to point out the absurd applications of certain laws and the need for there to be exceptions for certain laws. At the same time, we obey those laws regardless of the absurdity. So I compliment the gentleman for pointing out the importance and the history in this country of obeying the rule of law.

When Russia became post-Soviet Russia and was trying to establish institutions, as Iraq is trying to do today—among the most important institutions that they are trying to establish are courts with honest judges, which is something that is very rare around the world, especially in Second and Third World countries. How blessed we are in America to have an honest judiciary and the rule of law. That is to the compliment of many fine Members of this body, but also to the gentleman who is leading this conversation tonight, also a former judge. And I am grateful for the time you have given me to discuss this.

Mr. CARTER. Reclaiming some of my time, I'm glad you brought up the smelt in the San Joaquin Valley, because it's kind of interesting. Until this came up, most people in America probably didn't even know that the San Joaquin Valley is considered the breadbasket of this country. Now here is something interesting. It rained cats and dogs in Texas this week. We were real happy for that rain. But it meant my wife and I stayed indoors one Sunday afternoon because there wasn't anything else to do. And the movie "Treasure of the Sierra Madre" with Humphrey Bogart was on television. That movie was made in 1948.

One of the characters in the movie was reminiscing about what they were going to do with their share of the gold. And he said, and it struck me because I have been talking to DEVIN NUNES so much about this tragedy that is going on in the San Joaquin Valley and that whole valley region of California, and this character says, "I grew up in the San Joaquin Valley, an agricultural region in California, growing fruit. And the happiest days I ever had was right after the harvest, when all the workers got together and celebrated the harvest. And if I get out of here, what I want to do is get me an orchard with my money."

It struck me, because he was talking about the fact that in 1948 that was a major production region. Now the only way that region could produce anything is with water. It is the desert. I live in the desert. If you look at an 1845 map of the United States, starting just west of Kansas, you will see a sign that

says "Great American Desert." It goes all the way across the Rocky Mountains to California. And Texas is within the Great American Desert. We used to joke about it when I was in school, let's drive across the Great American Desert to Dallas. But the truth is, those of us who live in a water short-age State, and Wyoming has to have underground water or it wouldn't be able to exist, we know the value of water. That's why a vast majority of our laws have something to do as far as our land with water.

Taking away the water in the San Joaquin Valley is taking away a growing region, which I have evidence from the movie, that was prospering in 1948. Now how long ago was that? Sixty years ago. Now it's a shame that like you say, some laws that ought to have some exceptions don't. And we have unemployed people in literally entire counties.

It's a great thing to talk about when you talk about the rule of law. That's the responsibility of legislators. That's the responsibility of Congress people. When you have a rule of law that has to be changed, you shouldn't take to the streets with guns unless you have got a tyrannical society, which is what we had when we had our revolution. You should take it to the legislature with votes and change the laws that need to be changed. Make the exceptions to make things work. And this body would decide what is best for everyone involved. That's what ought to be happening.

Mrs. LUMMIS. Will the gentleman yield? I wonder if you might indulge a departure into health care for just one moment.

Mr. CARTER. Certainly.

Mrs. LUMMIS. Thank you. I want to compliment my fellow freshman members of the Democratic party who had an hour preceding this hour to discuss health care from a freshman perspective. A couple of issues came up. I was watching them from my office so I came over here to the floor to comment on some of the things that they had raised and to compliment them on their statements about health care.

I want my Democratic colleagues to know that Republicans support health reform. We recognize that there are problems in our health care system, and that it needs reform. What we disagree about, and what we are here to debate and discuss, is how those changes should be implemented. It seems that my Democratic colleagues are more comfortable with government solutions and that my Republican colleagues are more comfortable with, by and large, private-sector solutions.

I might comment specifically, if I could, on a couple of things that were brought up tonight. The gentleman from New York (Mr. TONKO) said that he wanted stability for Medicare. And I want to say that I too want stability

for Medicare. But we have not seen any bills yet that provide that stability. The only bills we've seen are bills that would create a new health care system run by the government on the backs of health care that would cost health care through Medicare dollars that are supposedly being wasted or abused.

Well I can tell you that one of my hospitals in Wyoming has told me they are only reimbursed 37 cents on the dollar of their actual costs for all of their Medicare-provided health care. So in other words, government is being subsidized right now for the health care it provides to seniors. And it is not meeting its obligations to provide the actual costs of Medicare and reimbursing them to doctors and hospitals, especially in rural areas around this country. And I would love to work with the gentleman from New York to solve that.

I want my colleague from Colorado (Mr. POLIS) to know that I, too, want lower costs. But all of the bills we've seen carry costs. And they range from \$800 billion and more, which is what we are hearing is the cost of the Senate Finance Committee bill, to the \$1 trillion-plus range for earlier bills that were introduced in this House. So these bills that would lower costs come at a cost. It's just that those costs are going to come through surcharges, penalties and taxes that do not exist now. So those costs are just being shifted to someone else.

To the Member from Ohio, Representative KILROY, who brought up a very powerful personal story, and to Mr. KAGEN of Wisconsin, the physician, who both addressed preexisting conditions, Members of the Republican Party also know that preexisting conditions are a huge problem in this country. That is why we supported high-risk pools. And the creation of a high-risk pool passed this Congress before I was here. It was while you were here. The proposal that I am cosponsoring, House bill 3400, would add additional moneys to those high-risk pools that come from cutting off the stimulus funds that have not yet been spent and using them to create additional funding for these high-risk pools to support funding for those with preexisting conditions.

A wonderful idea was discussed during their debate. It was raised by Representative DAHLKEMPER of Pennsylvania. It was something new that I heard for the first time today. After 4 months of constant debate, this was something absolutely brand new, the notion of young people, through age 26, being able to stay on their parents' coverage, which is a particularly great idea during this economy where young people are leaving college and taking jobs if they can find them in this tough economy, that frequently don't have health insurance or do not have as good a health insurance as the policies

that their parents had them on when they were minors. What a great idea. New things come up here every day.

In other words, Republicans are willing to work with Democrats. We want health care reform. We would love to work with Democrats on these ideas. The problem is the leadership of the Republican Party has been asking since April for a meeting with the President and has not received a response. The problem is that we want commitments. When the President says, If you like your current health care plan you can keep it, we try amendments that say exactly that, and those amendments are killed. We want 72 hours to read the bills. And when those amendments are killed, we have no assurance that we will have 72 hours to read the bill.

I want to compliment a television program called "On the Record" with Greta Van Susteren. She has been a tireless advocate for Members of Congress reading the bills. And among the things she asked the President is, would you sit down with Members of Congress and go line by line through the bill? And the President said yes. So, members of the Republican Party in Congress have written to the President and said, please, we would love to take you up on this. Let's go through this line by line so if you really believe we Republicans are misrepresenting the ideas that are embodied in House bill 3200, we can see where we disagree, and maybe we can find an agreement. And yet, those requests to go through the bill with the President line by line have not been responded to by the White House.

□ 2145

So, in other words, I want to share the frustrations that we in the minority party have, and particularly that I, as a freshman member of the minority party, have. And I want to communicate with my majority party colleagues, my Democratic colleagues, that we want to reach out and have been reaching out to the Democratic Party, the majority party, trying to find a bipartisan bill, and yet I believe our overtures have not been reciprocated. And I want to once again extend my desire to do so. I would particularly like to work with my freshman colleagues who I respect and admire very much and rely on the expertise that we have come to gather as fledgling Members of this Congress.

I note that the gentleman from Texas has now a chart on the board.

Mr. CARTER. That's right. Reclaiming a portion of my time, GREG WALDEN, CULBERSON and BRIAN BAIRD have H. Res. 554, the 3-day reading rule, which just basically they want to put in writing and have this body adopt as a—agreed by both sides voting on, legislation must be available to Members and the public for 72 business hours be-

fore taking action, requires the full text of the legislation and each committee report to be posted continuously on the Internet. And by the way, this is what one of our Founding Fathers, Thomas Jefferson, thought was a good idea, and we're just basically redefining his rules and modernizing it a little bit with the Internet.

But an interesting thing you said—we keep talking about this health care plan and I want to get on to other things, but it's an important thing, but there will be another health care debate later—and that is, it's important, but you need to look at history. I just saw on television the oldest health care plan in the world was created by Otto Von Bismarck in Germany when he united Germany, so it's the oldest one they've got. They tried all ways of funding it, but it comes down to coming out of your paycheck. And today, in Germany, 42 cents out of every dollar is taken out by the government to pay for the health care program, and they're having real problems with it in the modern world.

So, there's lots to be talked about, and what you said is right; let's talk. And by the way, something else. The Senate supposedly passed something today, but they haven't got it in writing. In fact, they passed something which is a concept. I think this is a new thing. I have never quite heard anything like this. They passed a concept, which none of it has been reduced to writing the way I understand it. So it's just we've got a bunch of ideas and here's what they are, and we're not going to write them down because somebody might hold us to them. So we're just going to say we've got some great ideas and we pass it. What is that?

Mrs. LUMMIS. And will the gentleman yield?

Mr. CARTER. Yes, I will yield.

Mrs. LUMMIS. And even those concepts should be at least posted for a 3-day reading now that they've been actually voted on. But as the gentleman has pointed out, who now is going to take those concepts and draft them into a bill? And will the bill be the exact embodiment of what the Senate passed in concept or will additional concepts be added? We won't know unless the 3-day reading rule and the posting rule on the Internet is implemented. Only if 72 hours are given to those people who can compare those concepts that were voted on to the actual legislative language that comes out of a drafting group will we know that the legislation reads the way that the concepts were designed to implement.

And I yield back. Thank you.

Mr. CARTER. I see my friend LOUIS GOHMERT from Texas is here, and I'm going to yield to him in just a moment. But that kind of reminds me of "Animal Farm," you know. They would say

the rule is this, and the next day they would say, Oh, that's not what the rule is. The rule is this. Finally, they said, We're going to write them on the wall of the barn. So every night they wrote the rules on the wall, and then when they woke up the next morning, somebody had gone and erased the rules and added new rules. See, there is a reason why this body has the rules that it has, so that we and the American people can be educated about what we're doing. And concepts, that just doesn't get it done.

I yield whatever time Mr. GOHMERT would like to have.

Mr. GOHMERT. Thank you for yielding.

Let me just tell you about some of the problems with the rules that we in the minority have encountered here this year. It is amazing just how grossly unfair and closed and partisan the rule usage has been in this body.

Now, for example, CBO, the Congressional Budget Office, has been hailed for years and years as one of the most fair and suprapartisan—they're above being partisan—entities that there is in Washington, D.C. And many people will recall, I'm sure, that after a tough thumping that H.R. 3200 got as just how costly it was going to be, as CBO had estimated, the head of CBO was called over to the White House, to the White House woodshed, apparently. Behind closed doors and lots of guards, there was a discussion we weren't privy to. But lo and behold, CBO seems to be much more lenient now in looking the other way on some things and coming out with scoring that we wouldn't have thought was possible.

But if you go back to early in the summer, as my friends here know, I have had a health care plan that is an alternative. It's a solution. It came from listening, you know, hundreds and hundreds of hours to people that knew exactly what they were talking about and putting it together in a plan. Then we were trying to get the plan into bill form. We were told that I was not on the committee of jurisdiction, and therefore there just wasn't much chance of getting that done.

But we were also told you cannot get a bill scored unless it has been put in bill form by Legislative Counsel's office. And the Legislative Counsel's office is the one that said, Look, we've got so many submittals, there is no way we're going to get to that any time soon.

So we kept pushing and pushing because we had to get it in bill form because we were told that unless you get your plan in bill form—not a concept like the Senate has done. How ridiculous is that? A concept. You vote on a concept? Excuse me. There needs to be language that you fight over. You can't have a staffer come in at the last minute or some—maybe ACORN is going to help them with that, too, but you can't do that.

So, anyway, we fought for a couple of months. We finally, with the help of Ranking Member JOE BARTON and others in our party saying please get this into a bill form, the last week of July the Legislative Counsel's office was able to get it in bill form. We were able to get it worked on and then get it filed on July 31st.

Well, in August, we started requesting that, now that it was in bill form, please, CBO, would you score our bill because we were told you couldn't get it scored until it was a bill, so we got it into bill form. And then we were told, Well, you know what? You're not on the committee of jurisdiction, so we may not be able to get to that. So again Ranking Member JOE BARTON made a request, and we were told it was in the queue back in August.

Then in September I was told, Well, you don't have a request from the Joint Tax Committee. Our ranking member on that is DAVE CAMP, so I talked to DAVE. Wonderful guy. Dave made the request as the ranking member of the Joint Tax Committee, so then we got that request in in September.

So imagine my surprise when Senator BAUCUS comes up with a concept—not a bill, a concept—and lo and behold they're able to score his concept even though there is no language there, and they go through these mock hearings over a concept without having the actual language and vote on a concept. It's my understanding that the definitive language is still not there yet.

So, anyway, we know that CBO, the way they've been able to phrase it, the media has been able to come out and say, Wow, this is going to cost hundreds of billions of dollars, but it's really not going to hurt us financially. Man, that woodshedding at the White House must have really done a lot of good for the White House. That's all I can figure.

But let me also say this to anyone who has ears. Anyone who comes to this House floor and says, The Republicans, we've reached out to them, but they have no solutions, they have no proposal, is either a very, very ignorant person who will not avail themselves of the vast amount of information around on our proposals and our solutions or they are misrepresenting the truth. That's just the way it is. And we hear that over and over. Gee, we have reached out to the Republicans. They've got no solutions. They've got no proposals.

The President himself said that on Monday before he came in here to this joint session. He said, You've heard all the lies, and what are their proposals, what are their plans? I'll tell you, they don't have any. Well, he was either being very ignorant or he was misrepresenting the facts. And it may be that he really didn't know, that whoever put that information in the tele-

prompter, he was just dutifully reading it and he really didn't know one way or the other. So I want to be fair about that.

In any event, when we hear all of this stuff about the fairness and reaching out, it was my understanding that the President has not invited a Republican since March to come to the White House and talk about health care. If that's different, I would love to know the facts.

I know the President stood right up here and said, you know, If you have solutions, my door is open. And apparently, you know, I don't have any way to dispel that. I'm sure he was being honest, if that is true, his door is open, but the problem is they have so many massive gates and so many heavily armed guards between us and that open door at the Oval Office that we can't get to the open door, and so that makes it problematic.

But anyway, these are some of the frustrations we've been dealing with lately. And I'm hoping maybe CBO will end up being able to score my bill sometime before the end of the session, a year and a half from now. It's just hard to know. But it is amazing how they were able to find time to score something that wasn't even a bill after I was told we can't score it unless it is. But anyway, apparently there's a lot of flexibility there after you go to the woodshed at the White House.

And with that, I will yield back to my friend.

Mr. CARTER. I thank my friend for yielding.

My good friend from Iowa is here, which brings up another rule of law issue that we've been discussing. I know he wants to talk about it, so I'm going to shift gears here.

I am first going to talk about MARSHA BLACKBURN's H. Con. Res. 185, reining in the czars. And she is proposing that the President will report on the responsibilities, qualifications, and authorities of his special assistants, known as czars. She is saying the President will certify that czars will not assert powers beyond those granted by law to a commissioned officer on the President's staff, and that Congress will hold hearings on the President's report and certification within 30 days, I assume, after the receipt of those reports. All of this is a part of multiple pieces of legislation that are out there now talking about czars.

I'm going to yield to my friend, Congressman KING from Iowa, as much time as he needs to consume. And I've got some kind of interesting stuff he might want to use here.

Mr. KING of Iowa. Oh, yes. I hadn't actually forgotten about that. I thank the gentleman from Texas for yielding.

When we look at the list of czars that started out with none and quickly became 32, and some say grew to 47 czars, Mr. Speaker, a number of these czars

have gotten fairly notorious in the public eye. And this particular czar I will go to in a moment, but one that comes to mind is the green jobs czar, Van Jones—the former green jobs czar, Van Jones. We can't forget about him. He had a lot of things going against him. He seemed to be very active in the streets, a self-avowed Communist. And of all of the things that he did and said, he despised Republicans terribly to the extent that I can't quote him here on the floor or my words would be taken down. But he is no longer the green jobs czar, Van Jones. It was mysterious that he disappeared from the scene about 12:01 a.m. on a Saturday morning.

□ 2200

It's also mysterious that the President could bring his focus on a small little law enforcement altercation that took place up near Harvard University, and we all know the name of Officer Crowley because of that, the Beer Summit. The President had a beer summit to deal with that, the Presidential illumination of a minor, a very, very minor, law enforcement issue; but he didn't have, couldn't take the trouble to say a few kind words on the departure of Van Jones, self-avowed communist, former czar for green jobs czar.

Now we have another czar that comes into this same category, in fact a category that is more objectionable, I believe, and that's Kevin Jennings. Kevin Jennings is the President's appointment to be the safe schools and drug free schools czar.

Now, as I noticed how President Obama dealt with Van Jones, and it was ignore him, and he went away in the middle of the night—I mean, literally in the middle of the night, Mr. Speaker, I am calling upon the President to simply fire Kevin Jennings. Kevin Jennings, the totality of his life has been the advocacy for his homosexual agenda.

He has written a number of books. I have a list of them here, four or five. He has been fairly notorious for writing the foreword in the book titled "Querying Elementary Education." Now, a statement that I put out here, as we all know, that what is really promoted in our schools—this is a statement from Van Jones, We all know what is really promoted in our schools. Heterosexuality is primarily promoted in our schools. Every time kids read "Romeo and Juliet," kids are aggressively recruited to be heterosexual in this country.

That's Kevin Jennings. I mean, he takes offense at "Romeo and Juliet" and claims that it is an aggressive recruitment to heterosexuality. But 20 years, seeking the affirmation of homosexuality, four or five books, the foreword in the book, "Querying Elementary Education," the way he has written in his book titled "Momma's

Boy, Preacher's Son" about his drug abuse, his cavalier use of drugs, the message that kids would get on the drug-free school component would be that, well, I guess, drugs aren't so bad, you can become the drug-free school czar even though you have abused drugs and written about it in your book—not taking the responsibility, not advocating to avoid drugs but simply writing about it in a way that it is fascinating to be off the end of the runway watching the planes come in and out.

This is what we get with Kevin Jennings. Kevin Jennings has said, of the individual whose name is Harry Hay, one of the strong advocates for the North American Man Boy Love Association, Kevin Jennings said of him, he always inspires me, always inspired by the person who was on the cover of the magazine for NAMBLA, the North American Man Boy Love Association.

Now, I have just gone through some of these things that we know about Kevin Jennings, certainly not all of them. But we can see that the totality of his professional life as advocated, has advocated nationally against religion, again heterosexuality, at least resentful towards it, and in the discussion and promotion of homosexuality in our schools.

Now, whatever a person's particular inclination may be, our preschool kids, our kindergartners, our first, second, third, fourth and fifth graders don't need to have that discussion. They don't understand it. They don't need that pressure on them. They need to be left alone to focus on their academics and their social adjustment. But this man is engaged in the single promotion, the promotion and the advocacy, I will say—well, by the way, that is the record of Kevin Jennings.

So I will ask the question. If he is going to be the safe schools czar, the safe schools and drug free schools czar, then he has to have something more to offer than simply, I will say, the promotion of safety for some kids that might be self-alleged homosexuals in our schools. That would be the only narrow part that you could say he has to offer. The balance of it across the spectrum of his job is simply nonexistent from his professional career.

If he were teaching in elementary schools, and he had a record like he has with these books that he has written, the foreword that he has written in "Querying Elementary Education," he has the endorsement of Harry Hay, one of the lead North American Man Boy Love Association people in the country, who is also a self-professed communist, by the way, this man would not be working in many of the elementary schools in America as a teacher.

Yet he has been elevated to be the safe schools and drug-free schools czar for America. I call upon President Obama to simply dismiss Kevin Jen-

nings. Go find somebody that stood up for kids and families and education, drug-free and safe schools all together. Surely there's somebody out there that's lived an example.

I urge the President to remove Kevin Jennings. Put somebody in who can do the job.

Mr. CARTER. I yield to the gentlelady from Wyoming again.

Mrs. LUMMIS. Because of the conversation we have just had, I want to further remind people that there is a bill entitled Sunset All Czars, H.R. 3569, the primary sponsor, Representative SCALISE, in addition to the Blackburn bill, which I also support.

Before we adjourn this evening, I would like to bring up one more bill, and that is the audit of the Federal Reserve. It is the subject that also, I think, is consistent with our desire as a Congress to fulfill our obligations under the Constitution.

The reason that this bill is so important to the people in the United States—and I preface my remarks by saying I supported Mr. Greenspan and I support Mr. Bernanke. I applaud them for all the efforts that they make on behalf of the Federal Reserve.

I, nevertheless, support a bill to audit the Federal Reserve. It is based on personal experience. I was my State's treasurer. I was audited annually. The auditors came into my office in August, and they didn't leave until after Christmas. One-third of the year, every year, for the 8 years that I was State treasurer, I was being audited. It was for good reason; it was because I managed all of the money in the State of Wyoming.

The auditor and the treasurer were the two people with whom the auditors who are contracted to audit the State spent the most time. It was appropriate. It was a pain in the neck to have the auditors in my office for 4 months every year taking time away from our regular duties.

But, in fact, it protected me, as the State treasurer. Had any of the employees in the office been able to misdirect monies, it protected me. It protected their coworkers. It protected the taxpayers of the State knowing that their money was being appropriately audited, that there was someone looking over my shoulder, our shoulder, in the office of the State treasurer. It was good for me, it was good for my office, it was good for the State. It was good for the taxpayers whose money I was managing.

The same is true with the Federal Reserve. This is not an attack on Ben Bernanke or his predecessors. This is good, sound money management.

Mr. CARTER. I, too, and I think Brother King also supports the auditing of the Federal Reserve. It's our money. We want to know what's going on. We want to make sure we know that things are right. We are not ques-

tioning anybody's honesty; we just want to know what's going on. We are at a point in our society right now where it's pretty desperately needed to know.

I want to say one more thing: Mr. KING's comment on the safe schools czar, what he is proposing is against the law, this man boy sex thing. Aggravated sexual assault of a child is the number one sexual offense in America today, at least by my experience. In 20, almost 21, years on bench, I tried—that used to be called rape. I tried lots of aggravated sexual assault cases. One out of probably a thousand was two adults and all the rest were children.

Now that will tell you, at least in my experience, in an active trial court, where I was—in fact, the one adult I was sitting as a visiting judge in Travis County, it wasn't even my county. As far as I know, over all my side, where I was trying my cases, we had three courts. I only saw aggravated sexual assault of the child cases and that means it's just rampant because the victim is unable to be a very good witness sometimes because they are so young.

□ 2210

It is a very tragic situation. It just shocks me that somebody that would be advocating those things would be put by a responsible administration in charge of safety in our schools. It is shocking.

I yield to Mr. KING from Iowa.

Mr. KING of Iowa. I thank the gentleman from Texas.

Mr. Speaker, I can only reflect back upon the experience that Judge CARTER has talked about. It would be interesting to see the actual numbers and data from across this country. This right now is the best cross-section I know of. I have not heard of another. In some jurisdictions it is called statutory rape.

Mr. CARTER. That is right.

Mr. KING of Iowa. The record that Kevin Jennings has put out is that as a teacher he counseled a young boy, whom he said was 15 years old, who had been having sexual relations with one or more men at the bathroom in the bus stop, and that makes him a mandatory reporter as a teacher. He didn't report until he wrote his book and talked about it in his speeches.

So, that is a violation of the law and it is a responsibility that he shirked. And, yes, he said he could have handled it differently. Well, anybody could have handled anything differently. But he didn't.

I can only question, if he hadn't focused his mind so much and his professional career so much on the homosexual side of this, wouldn't he have been appalled by the statutory rape of a young boy if it had been a young girl perhaps? Would he have then been the actual mandatory reporter and followed the law, if it didn't fit within his

bias? I suspect he would have, if it had been a girl and a man rather than a boy and a man.

But this is intergenerational sex, and it is advocating for safe sex, not safe from sexual predators. So the school situation with the czar, the responsibility is to provide safe and drug-free schools. There is not very much at all in his history that would advocate for that. It is not very broad. It is very narrow.

Many of these things that come out in his record are anathema to the mainstream of the American people, and the President should have had better advice when he made this appointment. Now he needs to take responsibility for his appointment, and that is why I have called for the President to fire Kevin Jennings, and let's find somebody that actually maybe is a parent and a teacher and somebody who has a life career advocating for the safety of all children and the drug-free nature of all children.

If I could roll this back to a brief comment in the little bit of time that we have, about 5 minutes I see, there is another piece. Since we have that much time, I want to also point out that because of Kevin Jennings saying that he is always inspired by Harry Hay, let me say the icon of the North American Man-Boy Love Association, that doesn't necessarily mean he aspires to all the things that NAMBLA aspires to.

But this icon also is a self-alleged Communist. So it doesn't mean also that he is a Communist, but it means as a fellow traveler, as a consistent commentator, as a writer and author and an individual who has written a forward on the queering of elementary education, he has traveled on that path consistently, and it has been the exclusive activity of his, the nearly exclusive activity of his entire professional life. And we can find somebody better, and we can find somebody that is not there with an agenda that he is seeking to drive, aside from safety for kids in school.

I wanted to make a comment also that the CBO score on the Senate's health care bill, it includes 10 years worth of revenue and 7 years worth of expenses. When I listened to the gentleman from Wyoming talk about being audited for a third of every year or a fourth of every year, none of us could get by with that.

If I look back on my business career, if I could have had 10 months in every year worth of revenue and only 7 months worth of expenses, or 10 years worth of revenue and 7 years worth of expenses, I would have made millions and millions of dollars with that kind of bookkeeping.

This is billions and hundreds of billions of dollars. They need to be held accountable. It has got to be 10 years of revenue, 10 years of expenses, and it

has got to be legitimate expectations on how people will react when you fine them \$700 a year as opposed to requiring them to buy insurance.

I thank the gentleman from Texas. I yield back.

Mr. CARTER. I thank my friend for coming down here and talking about a new subject, but a subject that is important. These czars, when we have got individual issues on the rule of law, we ought to talk about them. And I encourage all my colleagues, if they have issues about laws that they don't think are being enforced right or that they are concerned about the enforcement of, that is what this hour is about. It is about the rule of law.

I thank you for bringing up that issue. I hope everyone will be very concerned about the issues that you raised today.

Mr. Speaker, we thank you for the hour, and we will yield back the balance of our time.

#### WHY HEALTH CARE IS NEEDED IN COLORADO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Colorado (Mr. POLIS) is recognized for half the remaining time left until midnight.

Mr. POLIS. Mr. Speaker, I took to the floor and will shortly share with you stories of real people from my district and from Colorado with regard to why we need health care reform so urgently in this country. But before I begin, I would like to address some of the comments of my colleagues from Iowa and Texas with regard to Mr. Kevin Jennings and some of the other issues that they raised which cannot go unanswered, lest the American people be misled.

Mr. Kevin Jennings is an appointment by President Obama to the Safe and Drug-Free Schools Initiative.

First of all, with regard to his commentary on the life of Harry Hay, Harry Hay was the founder of the Mattachine Society, the first organized LGBT rights group in this country, a legitimate part of the LGBT history and movement. To somehow detract from praising such an individual is akin to, let's say, colleagues on the other side of the aisle who might have in the past or continue to praise conservative talk show host Rush Limbaugh. And I would never, I would never, Mr. Speaker, say that they are endorsing drug use by saying that Rush Limbaugh is a leading conservative thinker. Nor in any way, shape or form, has Kevin Jennings ever endorsed the concept of pedophilia.

It is offensive to hear some of this language that emanates from the other side of the aisle. Mr. Speaker, I am glad we are at such a late hour of night. I would hope that C-SPAN and the functions of the United States Con-

gress remain a family-friendly station and the people can be confident that their kids can watch and listen and hear without hearing the tales of bestiality and pedophilia which all too often stem from the tongues of those on the other side of the aisle.

With regard to the advice that Mr. Kevin Jennings gave to a 16-year-old boy when he was his teacher during the height of the AIDS crisis, a 16-year-old of the age of legal consent in the State of Massachusetts who said he had been struggling with his sexuality, had turned to anonymous sex, had been conflicted in his internal feelings, the advice, and it was fundamentally good advice, was "I hope that you used protection."

If more young people in that situation at the height of the AIDS crisis had received the type of counsel that Mr. Jennings had provided this 16-year-old, there would be thousands more people alive today and thousands less victims of the AIDS crisis.

Regardless of one's personal opinions about whether abstinence-only is the best way to have sex education in this country, or abstinence-plus, which would encourage abstinence but also give young people the knowledge they need to prevent diseases and unwanted pregnancies, the advice that was proffered by Mr. Jennings was well within the bounds of encouraging safe behavior, and in fact might indeed have gone some distance to saving the life of this young individual.

Having gay and lesbian role models in our schools, and indeed in providing safe schools and drug-free schools, is critical in helping to reduce the suicide rate among LGBT youth. The highest suicide rate among all youth occurs among LGBT youth.

The agenda that Kevin Jennings brings to our schools and brings to providing safe schools is no more a homosexual agenda than it would be a heterosexual agenda if Kevin Jennings happened to be heterosexual. Any appointee of that post would presumably have some sexual orientation, be it straight, be it gay, be it bi. That is not what that job is, and there is no difference in the sexual orientation of the individual performing that job. No one is more or less capable of keeping our schools safe and drug-free, regardless of their sexual orientation.

□ 2220

Mr. Jennings is somebody who has dealt with, in his own life, addiction issues and has worked with youth to help bring them out of addiction, and I applaud President Obama in standing by this well-qualified nominee for the Office of Safe and Drug-Free Schools.

Mr. Speaker, I rise today to share with you stories from Colorado's Second Congressional District about why we need health care reform urgently.

I was written by one of my constituents, Anastasia Gonzalez of Thornton,



Colorado. Anastasia is a single mom and a full-time student. She wrote to me to let me know how important it is that in our country we put our differences aside and fix our health care system so that everybody, not just the people who can afford it, have health care. Anastasia told me the story of her child, who just started school this fall. Anastasia had to borrow money from friends just to get her child immunized before school started. Anastasia hasn't been to a doctor since she had her daughter. She can't afford to see a doctor, no less have any necessary procedures done.

When she was pregnant she was diagnosed with precancerous cells on her cervix. She had a procedure done right after the pregnancy in hopes that it would take care of the problem, but she has been unable to see the doctor for any follow-up because she can't afford the fee. She doesn't know if it's developed into cancer or not. She doesn't know if she'll be around to tell her story to her child when she's old enough to know. Anastasia writes that no one should have to go through this; no one should have to sacrifice their health for any reason.

Well, I'm proud to tell Anastasia that the bills before Congress today would make a real difference in her life. The affordability credits would provide vouchers that would enable her to have the resources she needed to buy the insurance of her choice. She wouldn't need to worry about being discriminated against in pricing for her pre-existing condition. She would be able to be covered and insure that she was there not only for her daughter but for her granddaughter and for her family, and was able to go to sleep every night knowing that she had access to the very best medical care in our country.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories from Colorado of real people and the issues that they face in their daily battle to seek health care. I want to share with you the story of one of my constituents, Bunny Strassner, a friend of mine, and a small business woman.

She and her husband own a production company in Lafayette, Colorado. Recently, they had to lay off their employees, move their office into their home, and cancel their personal health insurance. Like so many American families dealing with this recession, they just couldn't afford it. They're still some years away from qualifying for Medicare, but like a lot of families, because of preexisting conditions, because they had to drop health care, they are worried every day of having an accident, of an illness affecting either one or both of them, because they cannot afford to be sick or disabled. Bunny wishes that Members of Congress who have wonderful health care coverage would really understand the

practical and emotional problems the lack of health insurance causes.

I hope that those listening today will learn from the experience of Bunny and ask themselves how many more Americans must go through the experience of Bunny Strassner and her husband. Bunny says, I love my country. I work to improve education, especially in the areas of citizenship and the environment. I'm too young to feel this old. With the health care plan before Congress, Bunny Strassner and millions of other small businesses like her would receive tax credits to help make insurance more affordable. They would have access to exchanges that would give them the same good pricing that large multinational corporations have, helping to make health care more affordable for the small businesses of America.

You know, I was in business before I came to Congress, and it's not that small business people don't want to cover their employees. They do. But if they can't, they can't. This bill helps make it more achievable. It gives small businesses the tools they need through access to the exchange and through tax credits to ensure their employees have adequate coverage.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people and the urgent need for health care reform in this country. One of my constituents from Boulder, Colorado, Maria Thomas-Ruzie, wrote to me the other day and shared her story, which really struck close to home for me and impressed in me the need for Congress to act now and pass health care reform.

Maria has always had a fine medical record and decent dental coverage as a State university employee, and her husband also had what they thought was good coverage through the architectural firm that he worked. They even had the option of covering their children in her plan or his plan or both. However, her husband, Maria's husband is a type 1 diabetic, and he incurs, on average, between \$5,000 and \$6,000 a year in expenses to keep his diabetes under control. It goes to simple routine needs—insulin and insulin supplies, test strips, monitor upkeep, other medications, regular lab work and doctors checks, and as they near retirement age, the planning around their needs becomes even more critical. Marie often thinks about those with diabetes who don't have health care coverage, who can't control their blood sugar levels or related issues.

I'm reminded of the story of a young woman at the school that I served as superintendent of before serving in Congress, the New America School. Her name is Kimberly. She, like Maria's husband, suffered from diabetes. Unlike Maria's husband, Kimberly had no health care insurance. At 19 years old, she was no longer part of the children's

health care insurance, and because she didn't have access to health care insurance, she had no access to ongoing treatment, insulin monitoring and injections that could have made her condition manageable. So it got to the point where she had kidney failure and was admitted to the hospital and had to be given emergency dialysis.

Now, the cost of that emergency dialysis treatment, subsidized by the rest of the taxpayers because Kimberly didn't have health care insurance, would have paid for 2 years of treating and monitoring Kimberly's condition. Beyond the human element of having to force Kimberly to be sick enough to stay home from school and miss work to get emergency dialysis, beyond the human element, how can it make sense to spend, in 1 day, what we could have spent in 2 years to provide a manageable outcome for her diabetes?

Maria concludes that their story is not particularly special. It just underscores the importance for health care reform and the need to pass it now.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people and why it's critical for us in Congress to pass health care reform. One of my constituents from Eagle County, Colorado, Marian McDonough, wrote to me the other day and shared a story that I want to share with you.

Marian's son was diagnosed with type 1 diabetes when he was 20 years old. He's currently 26 years old. Until he was 24, he was on my health insurance policy through work. But then he aged out of his mother's policy, and when they began checking for health care coverage for him, and while there's normally many policies available for young people, her son was turned down by all these companies because of the very preexisting that he needed coverage for.

Marian will add that her son has always been very diligent about his care, maintaining his glucose levels, taking his medication. Beyond diabetes, he's in wonderful health, and when he's tested for his long-term maintenance levels, he receives high compliments for maintaining the proper levels. Yet his condition, his scarlet letter, his preexisting condition, causes him to be denied by insurance company after insurance company.

□ 2230

The only way for him under the current system to get coverage is through a large employer who provides insurance, severely limiting employment opportunities. What if Michael wants to be self-employed, start his own business, be a consultant? What if he wants to work for a small company? What if he wants to have two or three small part-time jobs? Those are all avenues that could mean his death.

Maryanne writes that one of the problems and glitches with the system



is that it doesn't cover the very people who need coverage. She writes, There's many nations and countries that utilize the national system and they work. I want to assure Maryanne and the others who are watching us tonight that one critical component of every health care bill we have in Congress—and we have five health care bills: two in the Senate, three in the House—one of the important common elements is they all ban exclusions based on pre-existing conditions and pricing discriminations based on preexisting conditions.

Another proposal in the House bill is they would raise the age that a young person could stay on their parents' policy to 26 years old. For those young people that are out of college, looking for jobs, underemployed, they can stay on their parents' policy a couple of years longer and ultimately have access to their own insurance without having to worry about being excluded because of the scarlet letter that they bear through no fault of their own.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people from Colorado and why we need health care reform.

One of my constituents from Boulder, Colorado, wrote to me. He asked that his name not be used, but he wanted me to share his story with you.

This constituent from Boulder has had HIV since the 1980s; and in the early 1990s, he was dropped by his health care provider, Mutual of Omaha, not because of his particular condition but because they were dropping the whole class of the insured, all single-payer, private policy owners; and at the time, that was millions and millions of subscribers.

His story ends up somewhat happy only because he became eligible for our government-sponsored single-payer health care program for the elderly and disabled, namely, Medicare.

He was able to file for disability and receive Social Security disability payments. His health care costs are covered by Medicare, the AIDS Drug Assistance Program and the Colorado Indigent Care Program. He asked that I work hard for health care reform so that his friends, especially men and women in their 50s and early 60s before they're eligible for the government single-payer system, Medicare, can't afford to get coverage under the current system.

This gentleman, based on his experience and long interactions with our health care system and triumph and struggle against HIV, is for a government option in health care and wants all of us to continue to support reform.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people, constituents in Colorado, and why they need us to act on health care reform now.

One of my constituents from Evergreen, Colorado, wrote to me the other day, Paul Lizitski. Paul asked that I share this story with you.

Paul has lived without health care at many various times throughout his life, including the past 2 years. He joins over 45 million Americans who lack health care insurance. He's highly educated. Paul has a master's degree, but a master's degree doesn't ensure that you can have affordable health care.

His work and career path have led him through various health and human services and occupations, and he's been a public school educator, a Medicaid case worker, and a hospice caregiver. He's now a private gardener, and some day he hopes to grow his business into a garden center and create jobs.

Paul is 46 years old and he's been in a nonlegally recognized gay marriage for 15 years. His spouse, Doug, has health care security from his long career with the National Park Service. He's since retired and continues to enjoy requirement benefits. But under current Federal law, Paul isn't eligible to be part of Doug's insurance in any way.

Paul lives with the knowledge of having no biological offspring and lacking the same rights that heterosexual couples take for granted. He needs to try and fend for himself. As it applies to health care, all he can do is try his hardest to maintain his physical and mental health at a level that he can afford and pay out of pocket his personal health care costs until he reaches Medicare-eligibility age.

He's had to make the difficult decision in the past to forego medical and dental checkups. On some occasions where he did have a checkup, he had to limit the amount of care or the prescriptions that were assigned to him.

Paul is worried that his two older brothers, Peter and Michael, passed away at relatively young ages. Paul is nearing the age where his brothers' lives were taken, and he's worried that he won't live to see his 50th or his 52nd birthday.

In addition to health care reform, which would provide affordability credits for Paul to purchase insurance from the provider of his choice, allow his small business to purchase insurance through the exchange making it more competitive and attracting other employees from larger businesses so that they could offer some of those same benefits, there is also an important bill in Congress sponsored by Representative TAMMY BALDWIN that would provide full health care benefits to domestic partners.

Paul's partner, Doug, spent his career in public service working for the National Park Service, and yet he doesn't have the same benefits that a heterosexual would have who had served in that capacity.

So in addition to the benefits within health care reform and making health

care affordable for people like Paul, it's critical that we pass domestic partnership benefits for Federal employees to ensure the competitiveness of our Federal workforce through the 21st century.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people from Colorado who wrote to me and asked that I share their stories with you with regard to the urgent need to pass health care reform.

Bill Reed wrote to me from Silverthorne, Colorado, a mountain town. Bill runs a small business. They offer health insurance to their employees where the company contributes a fixed amount and the employer pays the difference. But this year, their plan came up for renewal, and they were informed by their carrier that their 2009, 2010 premiums would increase 22 percent. This 22 percent increase occurred in the worst recession of a generation.

Needless to say, Bill contacted numerous other health insurance companies trying to get competitive bids to reduce this cost, but no other providers would even meet with Bill and his company, no less bid for their business.

Bill writes: "As a good capitalist and businessman, when companies don't compete, market mechanisms fail." I couldn't have said it better myself.

One of the key components of health care reform is ensuring that there is more competition within the insurance industry. Under the exchanges that are created, small businesses like Bill's would be able to contract with the exchange to provide health care and each of the employees of Bill's company would be able to choose from 10, 20, 30, 80 different plans that are offered in the exchange, empowering consumers with choice and empowering market mechanisms to relentlessly charge forward to improve efficiency in the insurance marketplace.

Bill concludes the problem isn't profits. The problem is lack of competition in the health insurance market. The solutions, Bill writes, is to establish a public option that will control costs, keep prices down, and set off real competition in these markets.

By giving small businesses like Bill's access to exchanges, tax credits to help them afford the cost of insurance and assuring them that they won't receive pricing discrimination because one or two of their five employees might have a preexisting condition, we enable and empower companies like Bill's and each of their employees to make decisions in the marketplace that lead to a more efficient marketplace for insurance in our country.

Thank you, Mr. Speaker.

□ 2240

Mr. Speaker, I rise today to share with you stories that my constituents in Colorado gave to me and asked me

to share on the floor of the House of Representatives.

Lynn Valverde, a constituent of mine in Thornton, Colorado, wrote to me that her son was diagnosed with asthma when he was about 3 years old. At that time, Lynn was a single mother. Due to divorce and her son's father not paying child support, Lynn had very little money.

She was working full time when her son was diagnosed, and she had health insurance. But Lynn wanted something better for herself and her family. She returned to college full time, a decision that I applaud, that we as a society applaud. She wanted to create a more stable financial life for her son and herself. Both her son and she were living with Lynn's mother, the child's grandmother, while Lynn was working towards her B.A. She applied and received student health insurance, but her son's asthma issues increased, and within a very short period of time, the student insurance dropped her son due to the scarlet letter of "preexisting condition."

Lynn attempted to apply for Medicaid for her son and was told that since she had assets in her car, which she was making payments on, and her only other asset, a \$5,000 bond in a safe-deposit box that an aunt had given for the son, she would need to pay for her Medicaid, and her son would only be able to visit Medicaid doctors.

She applied, and within a short period of time, her son had a serious attack. There was only one Medicaid doctor that was within a 50-mile radius. Lynn took her son to the only Medicaid doctor. And she wasn't satisfied with the quality of the treatment that her son was provided. She wanted to go back to his old doctor, the one she used to see before the insurance dropped him. The old doctor looked at the prescriptions that the other doctor had made and noted that the son had been prescribed medication doses meant for adults.

Needless to say, from that point forward, Lynn prayed a lot that her son wouldn't have the serious attack and made the very difficult pay out-of-pocket money, any money she could muster borrowed from friends to pay for her son's treatment.

There is a happy ending. Finally, Lynn met a wonderful man, got married and was able to get her son on their insurance. Her son is now 23 years old and fine.

Lynn wants to make sure that no American family has to go through what she and her son did. And by preventing discrimination based on pre-existing conditions, by providing affordability credits for working families to be able to receive the resources they need to buy the insurance of their choice, we empower people like Lynn to make choices in the marketplace and have access to the insurance of

their choice. And that is why I call upon my colleagues in the House of Representatives to pass health care reform now.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories from Colorado that my constituents gave to me of their dealings with health care and why we need to pass health care reform now.

One of my constituents from Boulder, Colorado, asked that her name not be used, but wanted me to share with you her story and her travails. She had a small ovarian cyst several years ago that ruptured. She was insured at the time with a high deductible. She went to the ER. She didn't know what the pain was. She thought it might be appendicitis or something else. They ordered two CT scans, which were incredibly expensive, about \$1,600 a picture. Later she found out that had she been uninsured, the hospital would likely have ordered an ultrasound instead.

The hospital staff kept pushing her to take pain medications, though her pain wasn't that severe. She wanted to stay in touch with what she was feeling in case her condition worsened, so she did not take the pain medications. She feels that if she had the right level of insurance she would have received a better quality of care. And she saw firsthand the difference between the way that people who are insured and uninsured are treated in our medical system.

There are people who are uninsured in similar situations whose stories I'm not able to share with you today because they are no longer with us. And it is their memory, as well as for the living memory of those like this woman from Boulder who asked that I share her story that it is critical that we pass health care reform today.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people from Colorado and their own travails in our health care system who want me to share with you their reasons for passing health care reform.

I want to share with you a story that Linda from Broomfield, Colorado, shared with me last week. Linda's story isn't about her. It's about a friend of hers.

A friend of hers is a good, hard-working 22-year-old. Her friend is working two jobs. She recently quit a third job because she couldn't do it anymore. Her friend makes too much to qualify for government assistance but not enough to afford to pay for health care insurance, which she doesn't receive through her work as a waiter and a barber. She is a responsible, tax-paying homeowner who works in a profession that doesn't provide group health insurance.

Linda writes that her friend is an example of the tens of millions of Americans who work in service professions,

auto mechanics, hairdressers, et cetera. We rely on these folks, Linda writes, but they are really stuck.

What would the health care proposals before Congress do for people like Linda's friend? Based on income levels, up to, it's being negotiated, 300 to 400 percent of the poverty level for individual wage earners up to 40, \$42,000 a year in income, they would receive affordability credits that they would be able to use. It's a voucher to be able to purchase the health care of their choice so that people like Linda's friend wouldn't have to worry about being uninsured. They would have access to buying insurance through an exchange, a low-cost option that allows them to choose from a multitude of insurance companies, or the public option, at one low cost, giving them the same purchasing power as multinational corporations and the same leverage in negotiating insurance companies as multinational corporations.

Linda's friend is a good American. And there are millions of Americans in that same situation working one job, two jobs, three jobs, not getting covered through work, unattainable cost of coverage on their own.

The bill before us, Mr. Speaker, would allow Americans like Linda's friend to go to sleep every night with the confidence that they have the health care that they need.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people and why we need to pass health care reform now.

One of my constituents from Boulder, Colorado, John Toslosky, wrote to me the other day and asked that I share his story on the floor of the House.

For 18 months, John has continuously monitored a significant claim for their son. It was denied, which happens all too often. John called, and they reviewed their policy, and they stated over the phone that it was clearly covered. A week later, a denial letter came again. This process repeated itself over and over for 18 months. Every person they spoke with thought it was covered, and still, the machine of the insurer kept denying the claim.

Finally, John was told that it was too long since their last phone calls, that their calls didn't count as a challenge and their claim was permanently denied.

John had to threaten to sue and had his employer intercede. And guess what? The claim was promptly paid.

□ 2250

John guesses from this and other similar experiences what many of us conclude, that insurers routinely deny claims that should be covered. According to John, knowing that few people have the time to follow up so diligently, and each person who gives up and just pays the erroneously denied

claim creates greater profit for the insurer. This is an example of why, John writes, we need options that remove the insurer from the picture. We need a public option, or it isn't reform.

You know, I held about 22 town hall meetings in the month of August across Colorado, and at many of those I asked, How many of you, raise your hands, have had to battle with an insurance company over a denied claim? And at these meetings we had people from the left, people from the right, people from the middle, all across the great ideological spectrum that makes up our great Nation, and in every crowd, 80, 90 percent raised their hands and had witnessed, borne witness to that battle that John, in his case, successfully fought to have his son's claim paid.

Who gets the brunt of not having their claims paid? It is frequently the least empowered among us. John, who is college educated and works with an employer that was willing to stand up for him, was willing to get their claim accepted. What if you don't have a high school diploma? What if you're not fluent in the English language? What if you're not aware of your legal rights or ability to use the court system? It is to those who are least among us who feel the brunt of having their claims denied and whom the insurance companies assume will not lift a finger to fight back. That is why it's critical that we provide consumers with more choice through creating an exchange that gives each employee of a company insured through the exchange the choice of dozens of companies, including the public option.

You know, some people, rightfully or wrongfully, trust private, for-profit insurers more than they trust our government. Other Americans trust government more than they trust private insurers. With a public option as a choice, that value judgment, that normative judgment is up to you and no one else. You can choose to trust government or to trust your insurer. In John's case, and many others, they have been fed up with their experience with private, for-profit insurers. That's one of the reasons we need to pass health care reform now.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories from my constituents in Colorado about why we need to pass health care reform.

One of my constituents from Boulder, Colorado, Spence Havler, wrote to me the other day. He wrote about his experience a few years back when he was visiting friends in France and his wife had an accident and acetone entered her eye. This was a very serious emergency situation that if not dealt with urgently and correctly could jeopardize her eyesight.

Their friends rushed them to a local ophthalmologist near Paris who imme-

diately took her into his office. He had up-to-date, high-tech equipment to evaluate the condition of her eye, and his treatment was quick and effective. He also provided continued medication to speed the healing process. All of this, Spence writes, was free, absolutely no cost to a U.S. citizen under the French health care program.

Spence writes, I hope this personal account will be of use in your efforts. We are most grateful to the French policy and hope that America might find a way to provide similar benefits.

I have heard from many other constituents who have shared these stories of travels in Europe; and likewise, I have heard horror stories of visiting foreigners in our own land and their travails and shock when presented with high health care bills. The truth of the matter is we have a lot to learn from experiences in other countries.

America spends over 15 percent of our gross national product on health care. The average among the Western European countries in the industrialized world is 8 to 9 percent. Now, we spend nearly twice as much. Would it, per chance, be worth it if we were the longest lived and healthiest people on the planet? Perhaps. But we are not. We are in the middle of the pack. Many of these same countries that spend 8 to 9 percent of their gross national product on health care are healthier than us, have longer life spans than us, according to the World Health Organization.

Spence's point is valid. And while this particular set of reforms that we're presenting to the United States Congress is not like the French system, not like the German system, not like the Canadian system, not like the British system, it is a uniquely American system that embraces the power of free enterprise that makes America great, promotes competition among insurance companies through the exchange, provides a public option, provides affordability credits to help middle-income families afford health care. It is a uniquely American solution. It is the right solution, and I encourage my colleagues to support health care reform.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories from Colorado, stories from real people who wanted me to share with you why we need to pass health care reform.

I want to share with you the story of Joyce Essex of Colorado. Joyce has a concern for the many families like hers that are middle income. She is concerned about families that make \$60,000, \$80,000, \$90,000 a year. Joyce is a retired teacher with 30 years, a decent pension. Her husband is a commissioned salesperson. They have a daughter in college. Their health care premiums are about \$1,000 a month, and that doesn't include deductible amounts, drugs and copays and a TMJ disorder their daughter has. Their in-

surance has paid none of the \$2,000 that they had to pay to get her help.

Right now, Joyce has 3 months of COBRA payment from her husband's job change, as well as their regular health premiums. Her husband and daughter are on a separate plan, her plan as a retired teacher. They work odd jobs for additional income, like a lot of families. But more and more, Joyce sees medical bills taking a huge bit out of their income. And remember, she and her family are healthy and insured.

Insurance, Joyce writes, is a necessary evil. Joyce writes that we should be sure that health care reform helps those of us that do not have excess money and who are not poor. We help so many in so many ways in this country. Help those of us, Joyce writes, who work hard, pay taxes, and appreciate the opportunities we have living in the United States of America.

Through health care reform, we will provide affordability credits in the House version of the bill. It goes up to 400 percent of the poverty level. For a family of four, that's up to \$72,000 a year. So if a family of four is making \$60,000 a year, \$65,000 a year, \$68,000 a year, they will receive affordability credits, vouchers that they will be able to use to choose the insurance of their choice from any of the insurance options within the exchange, including the public option. This would empower families like Joyce to consolidate, to be on the same plan, to have access to hundreds of choices where today, none, none exist.

Joyce has her retired teachers plan. Her husband, who switched jobs, is on the employer's plan. And for their daughter, they have to pay out of pocket for one plan or the other. Families like Joyce's will benefit tremendously from health care reform.

We are not just talking about the very poor. We are talking about middle class American families like Joyce's and reducing the cost of health care insurance and giving them the security so that they can go to bed every night without worrying about losing their health care.

Thank you, Mr. Speaker.

□ 2300

Mr. Speaker, I rise today to share with you stories from Colorado of real people, stories they shared with me of why we need to pass health care reform, stories I hold close to my heart as I do battle and encourage my colleagues to join in supporting President Obama's plan to improve health care in America.

Jeremy Johnson from Colorado wrote to me the other day. He was born in Denver and lived in Colorado most of his life. Last November, like a lot of Americans, he lost his job. Subsequently, Jeremy lost his health care.

That's the third time he has been laid off in his life. The first time he

was unemployed because there were budget cuts at the University of Colorado, the flagship university in my district and, like a lot of public enterprises, had fallen upon hard times and budget cuts and Jeremy lost his job there. He then went into several temp jobs and was eventually hired into a permanent position with Citibank in the spring of 2006.

He became eligible for their benefits program and went onto their benefits program; but a year and a half later, they eliminated half of the people in his department and moved the rest to Maryland. Once again, Jeremy found himself unemployed and uninsured.

After searching for months for employment without success, he applied for part-time seasonal jobs with a large home furnishings retailer and started work there to pay bills. He was able to earn insurance benefits for 3 months, but he lost those benefits when he was laid off due to the economic impact on the industry and on retailing.

Now, shortly after his most recent layoff, Jeremy was diagnosed with a medical condition. He is afraid that when he finally gets insurance again, the treatment for that condition, the very condition he needs medical care for, will not be covered because it will be considered a preexisting condition.

Jeremy is an athlete. He considers his health important. He has competed in the AIDS/LifeCycle from San Francisco to L.A. 2 years in a row. He has raised thousands of dollars for good causes through his races, raised money, ironically, for treatment for people who are not covered by our current health care system. Yet Jeremy himself lacks coverage through no fault of his own.

What we accomplish in health care reform is encourage employers to provide health care, give them access to exchanges, provide affordability credits. For individuals earning up to \$41,000, \$42,000 a year, they will receive affordability credit to take to the insurance provider of their choice to acquire insurance.

Health care will become more mobile through the exchanges. Jeremy and millions like him will be able to take health care from one employer to the other through the exchange.

We owe to America that the millions of people in Jeremy's condition shouldn't need to worry about where their health care will come from should they suffer from an illness, have to worry about having a string of bad luck and layoffs because of the recession or job relocations. By passing health care reform today, we can give Jeremy and the millions like him the health care that they need to contribute to our great Nation.

Thank you, Mr. Speaker.

Mr. Speaker, I want to share with you a story that one of my constituents wrote from Colorado and asked

that I share with you on the floor of the House of Representatives. She doesn't want her name to be used but wanted the power of her words to empower me to convince my colleagues of the urgent need to pass health care reform.

Her partner was recently diagnosed with stage 3 breast cancer. At that time she was working at Regis University, a private university which provided insurance but didn't offer it to domestic partners.

With the use of her flexible spending account, she was able to get her to a doctor. That doctor refused to diagnose her, not for some nefarious reason. He refused to diagnose her out of the goodness of his heart. How ironic. Why? Because he knew that she would get lost in the system and be refused treatment due to no insurance if she was labeled, labeled with the scarlet letter of a preexisting condition of breast cancer.

Fortunately, this woman's partner did survive and win the battle with cancer. She was given the opportunity to be diagnosed by a referral from this doctor to a clinic who helped women with breast cancer.

Now, I can't tell you whether what that doctor said or did was legal or illegal in not giving the right diagnosis, but I can tell you that that doctor did the right thing. I can tell you what the wrong thing is. It is putting a doctor in that situation where they have to deny and not give the very diagnosis that they know is medically accurate, because they know that the very diagnosis and the act of giving it could be a death sentence for their patient.

"Do no harm" is the oath that doctors take, and the doctor that didn't diagnose this woman's partner upheld the highest and truest form of that oath in not making that diagnosis and allowing her partner to live.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people from Colorado and why we need to pass health care reform in this body. I had hundreds of constituents share their very personal stories with me. One of them, Mary Jo Schoolmaster from Colorado Springs. She and her husband are both retired teachers.

In 2004, he suffered a brain stem bleed that hospitalized him for 5 months: surgery, pneumonia, feeding tube, terrible, terrible ordeal. He came home and with stubborn determination he regained 95 percent of his functionality. He returned to work in 2005 as a dean of students and as a football coach.

After retiring in 2006, he had a second bleed. He spent a full year in and out of hospitals, acute long-term care, in-patient rehab. He couldn't walk, eat, sit up or use his left side. He was on oxygen, had a feeding tube. Mary Jo writes that she was among one of the lucky ones that had insurance. They said it's been a constant battle to receive the

benefits that he was entitled to, and he required her to become an advocate every step of the way.

You know, I have had a series of town hall meetings, about 22 of them in the month of August across my district, and I would ask at those town hall meetings how many of you have had to fight denied claims of your insurance companies. It was an ideologically diverse crowd, maybe a third against any kind of health care reform, a third for single payer and a third somewhere in the middle. Eighty, ninety percent of the crowd, regardless of their ideology or their party, raised their hand and said I have been there, I have had to fight a denied claim of my insurance provider.

Well, Mary Jo had to do that on behalf of her husband, had to fight every day to ensure that those bills were paid. Mary Jo is hopeful that health care reform changes this scenario for her and millions of others. We need choices, Mary Jo writes, and competition to force insurance companies to be transparent, not against us, every step of the way.

Mary Jo is right. What this bill accomplishes is it provides competition among the insurance industry through the exchanges that are being created. With the public option, insurance companies in some markets for the first time ever will face real competition. Those who delay, who fight or who are bad at paying claims will quickly lose customers to leaner and more efficient insurance providers.

That, Mr. Speaker, is why we urgently need to pass health care reform in this body, to ensure that people like Mary Jo and millions of other Americans don't have to fight their insurance companies every day. Because when we have this kind of scenario, who gets the short end of the stick? It's those who are not empowered and able to fight their insurance companies on denied claims.

What about if Mary Jo hadn't graduated high school? What about if Mary Jo wasn't fluent in English? Mary Jo was a retired school teacher. She knew what she had to do to advocate forcefully on behalf of her husband to ensure that all of us who have policies get what we are paying for. We need to make insurance companies answerable, and that's why we need to pass comprehensive health care reform.

Mr. Speaker, I yield back.

#### COST OF HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. PERRIELLO). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for the time remaining until midnight.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized to be able to address you here on the floor of the

House of Representatives and raise some of these issues that are so important and critical to the American people.

As I have listened to the last hour, I can't help but bring myself to comment a little bit on that delivery, and I would speak to the last 50 minutes or so of it specifically, that is, that we are a great Nation because we have understood the principles that motivate the American people to come forward and do the right thing and to take personal responsibility and be productive and to negotiate for a good value for their health insurance dollar and to manage their health in a way and set up a system so that they are rewarded for high responsibility and that there is a penalty there for a low level of responsibility.

□ 2310

Some of us, in fact a lot of us on this side of the aisle, have laid out data set after data set that shows what motivates the American people to do the right thing, and also provided the disincentives, described the disincentives when people don't do the right thing.

It never ceases to amaze me how the other side of the aisle seems to want to focus on anecdotes, not facts, and we can reflect back upon the immigration subcommittee where we had hearing after hearing, witness after witness, anecdote after anecdote.

Mr. Speaker, even in the perfect model of Utopia, there will always be an individual that slips through a crack, whether we can imagine what it was beforehand or not. We can always take that individual's story and use it and say, this illuminates the whole.

The gentleman from Colorado has now delivered about 50 or 55 minutes of individual case after individual case, and I am sure every one of us in our district have dozens and hundreds of those kinds of cases. But as I have listened to this last hour, I have heard not one statistic, not one piece of data, nothing based on empirical information that one should be able to take and establish a national policy off of.

Surely, as a nation, we are not the kind of people that listen to an anecdote and knee-jerk our way towards a national policy, believing somehow that if we can solve the problem of this individual, we can solve the problem of the whole. We do that with data, we do that with statistics, we do it with facts, and we do it with good, sound judgment that illuminates the facts that lie underneath those data points.

But as I mentioned, in that immigration subcommittee, it went on for weeks of hearings, introducing study after study, data after data, and always calling for, where are your studies on the other side? Show me the data.

Finally there was a report that was introduced into the RECORD. And as the Chair asked unanimous consent to in-

troduce the report into the RECORD, I thought, finally, finally I am going to get my hands on a report. I am going to understand how they do an analysis and how they look at the data and how they come to a conclusion, because we come to opposite conclusions quite often. On the critical issues we always come to opposite conclusions. So I want to see the data.

I got my hands on the data. This report that was introduced into the RECORD as a response to my call for "show me your report, show me your study, show me your data," when I got my hands on it, it wasn't a report at all. It was simply a critique that was written of a report that I had introduced into the RECORD some weeks earlier. That was what substituted for facts.

Now, here we have 50 to 55 minutes of individual anecdotes, sad as they may be. But there may well be other solutions, and there may be more people hurt off of this, rather than less people hurt, if we adopt the policy that is advocated by the President of the United States and by the gentleman from Colorado.

So, Mr. Speaker, I do have some data, but I also first would like to lay a little backdrop of what we are talking about here, the health care reform debate.

This is a little bit of the history of the health care reform debate. This is lifted out of the archives of the New York Times from back in 1993-94. It is a replica of the chart that I had on my construction office wall for some years, by the way, and this is a chart that scared the living daylights out of me.

When I saw the government that was created by HillaryCare, we called it then, this is what scared the Senate and the House of Representatives off of a national health care act, creating all these new government programs. Just a look at the chart. You didn't have to study it, although I did study it, to understand how big of an impact it would have on our economy.

Now, this economy, maybe 14.5 percent of our GDP is spent on health care. It might be higher than that. But this black-and-white chart, Mr. Speaker, is relatively mild, although this black-and-white chart, HillaryCare, is a complete government takeover of our health care system.

This, Mr. Speaker, is a gradual complete takeover of our health care system in the United States. This lays out all of these new agencies and departments, all of those in color. Those in white are existing. Those in color are created by H.R. 3200, the House's version of the bill. It is scary in and of itself.

The focus I would bring on this, Mr. Speaker, is here to the private insurers. The President has said we need more competition, more competition for the 1,300 health insurance companies in the United States; more com-

petition for the 100,000, and that is this box here, different varieties of policies one can purchase here in the United States.

Why would we need more competition if we had 1,300 companies and 100,000 policy varieties, unless you happened to just believe that the Federal Government should be running things? If that is the case, you would put them in the business to compete against them, and we would have in theory 1,301 health insurance companies and 100,000 and who knows how many policies.

But truthfully, these two white boxes, the insurance companies that exist, the health insurance policies that exist, they would have to qualify. They would have a 5-year period of time, according to the bill, in order to qualify for the new qualified health benefits plans that would be established. And the rules that would be written for an insurance company to qualify and for their policies to qualify, it would be written right here in this box, in the health choices administration by the health choices commissioner, who would set the new rules for all of these policies and companies.

And these policies and companies, all of them would not qualify. The companies wouldn't all qualify, the policies would not all qualify. If they did, there would be no reason to have the regulator write the new set of rules.

So we do have an individual who has really driven this issue of how we set up competition between the health insurance companies, and that is to allow the American people to buy health insurance across State lines. I just have to thank and congratulate JOHN SHAD-EGG for being the driver of that idea and that issue for several years here in the House of Representatives.

He is with us tonight, and I would be glad to yield to the leader of the Shad-egg bill, I call it, to sell insurance across State lines and set up competition in that fashion, in the Federalist model of States competing against States from the private-sector perspective, the gentleman from Arizona, JOHN SHADEGG.

Mr. SHADEGG, I thank the gentleman for yielding and I appreciate that compliment. It is kind of exciting to know that more and more people here in America are discussing the idea of selling or making available insurance across State lines, because that would be competition, real competition, and would drive down the cost of health insurance for all Americans.

Indeed, we have a study that shows that literally millions of additional Americans could afford health insurance without the expenditure of a dime of public money if you allowed policies to be sold across State lines. Unfortunately, the current Congress doesn't seem to be interested in that idea, and we were not able to get it through

when the Republicans were in power. But maybe that idea's time is coming.

I do note that the White House and the President have both talked about the lack of competition in the individual market. Indeed, in this very Chamber the President talked about how, I believe he said in Mississippi, 75 percent of the policies are sold by only five companies, and I think he said in Alabama, 95 percent of the health insurance policies, and I think that had to have been in the individual market, though the President didn't say it, are sold by just five companies. That kind of narrow competition does not bring down costs, and, as the gentleman indicated, allowing the sale of health insurance across State lines would do that.

My bill actually doesn't allow the sale of health insurance across State lines. What it says is, you can file a policy in one State, have it qualify with the laws of that State, then file it and sell it in all 49 other States. It means you could bring a policy to the market in all 50 States for a fraction of what it costs today, but it also means that you could pick a State with a modest level of so-called mandates or benefit mandates, perhaps a State that didn't mandate for a hair prosthesis or a State that didn't mandate aroma therapy or a State that didn't mandate some other esoteric type of treatment. And, of course, every mandate adds to the cost of the policy.

So I thank the gentleman for referring to that. I appreciate the charts he has put up in front of the people.

I really want to get a dialogue going about the shocking, and I mean shocking things that have developed on health care just in the last four or five days.

□ 2320

And let me just mention those three or four items briefly, and then maybe we can get a dialogue going and talk back and forth about them.

First, we had the CBO score of the Baucus bill. Wow. Our colleagues on the other side of the aisle, Democrats in the Senate were high-fiving each other. Oh, my gosh. They had a score of only \$829 billion. I wonder if the gentleman realizes that the CBO scored that bill counting 10 years of revenue from the taxes but only 7 years of expenditures? Under the Baucus bill, taxes start in 2010; expenditures for the program costs don't begin till 2013. So when CBO scored, it scored it for 10 years, beginning in 2010, ending in 2020. They counted 10 years of revenues, 7 years of outlay. I went home to my wife and said, even the Shadegg family budget would look good, even the Shadegg family budget would look good if we could count 10 years of my salary and her salary or our income and only 7 years of our family outlays. That's scandal number one. They get better.

Scandal number two, we discovered that HARRY REID, HARRY REID, majority leader of the United States Senate, found out that under this bill, because the cost of Medicaid is going to be increased dramatically, the size of the Medicaid program's going to be increased dramatically, that the burden paid by the individual States would go up quite significantly, including on Nevada. As it turns out, HARRY REID's up for reelection this year and he says, whoa, whoa, whoa. As your Senate leader, I can't be hurting the State of Nevada. So he got an exemption. Interestingly, not an exemption for all 50 States. No exemption, for example, for Iowa where the gentleman's from. No exemption for the State of Arizona where I'm from. He got an exemption for Nevada and three other States—Oregon, Rhode Island and Michigan—under which the Federal Government will pay the State's share of Medicaid, if this bill passes, for the next 5 years. Just a little perk for a powerful United States Senator like HARRY REID.

You know, it occurs to me, and I'll go through these other scandals very quickly, but what we're really getting here is we're not just getting single-payer care. We're getting full-on Russian gulag, Soviet-style gulag health care, because under these plans it won't matter so much that you live in America. It will matter whether you live in the State that's represented by a powerful Senator or perhaps a powerful Congressman, because we just learned HARRY REID has just protected the people of Nevada and three other States from having to pay their share of the Medicaid expenses.

But wait, as they say in the advertising world, there is more, because, as you know, the funding mechanism in the Baucus bill says we're going to impose a surcharge, a surcharge on very expensive gold-plated health care plans. Got to tax those expensive health care plans. Well, CHUCK SCHUMER, little CHUCKIE SCHUMER of New York, United States Senator, said, wait, that surcharge might apply to my constituents in New York. I can't have that.

So Senator SCHUMER, in the give-and-take of politics in America, if we're going to have political health care, by gosh we're going to have really political health care. He said, no, no, no. We'll allow that surcharge, which is a 40 percent tax on policies that cost over 21,000. We'll allow that to be the law in Kentucky or in Arizona or in Iowa, where the gentleman's from, but no, no, no, not in New York. In New York, we won't let the surcharge kick in until the policy costs \$24,000. And in Massachusetts, it won't kick in until the policy costs \$25,000. So, if you're lucky enough to live in the State where you have a powerful Senator, like CHUCK SCHUMER, you can get it so that your luxury tax won't kick in

until your policy costs \$24,000 or \$25,000, unlike the poor sap who lives in Arizona or Iowa or Kentucky where the luxury tax kicks in at \$21,000.

Ladies and gentlemen of America, you want political health care? You want politicians in charge of health care? By gosh, you're going to get it, because that is politics American style. It is as corrupt as it can get, where politicians like HARRY REID, powerful, can protect their State, CHUCK SCHUMER, powerful, can protect their constituents. But as they say in the marketing business, but wait, there is more, because our famous United States Senator from New Jersey, Senator BOB MENENDEZ, that wasn't good enough for him.

BOB MENENDEZ represents a State where there's a lot of health care, a lot of health care drug companies that manufacture pharmaceuticals. Senator MENENDEZ, they wanted his vote. He negotiated a deal. He got a \$1 billion tax credit into this bill, into the Baucus bill, for investments in drug research and development. By all means, let's protect New Jersey because BOB MENENDEZ's vote is needed. But wait. There is more, because in the political world of political health care, if we're going to politicize health care, if we're going to give the politicians control of our health care from border to border, coast to shining coast, or sea to shining sea, by gosh, that isn't enough.

So DEBBIE STABENOW of Michigan and JOHN KERRY of Massachusetts said, you know, this health care could be really expensive and we have lots of union workers in our States, in Michigan and in Massachusetts. DEBBIE STABENOW, JOHN KERRY, they've got just a small little piece in the bill, you know, we're going to play a little politics with health care, why not play a little politics. They got—they make BOB MENENDEZ look like a piker. They got 5 billion, count them, \$5 billion into the bill to defray the cost of medical care for union workers.

Now, if you happen to be a right-to-work State like Arizona where we don't have many union workers, well, that's just too bad. You don't get the benefit of that \$5 billion. But if you're a union worker, DEBBIE STABENOW and JOHN KERRY are making sure that those poor saps in Iowa that aren't union members and those poor saps in Arizona who aren't union members get to chip in an extra \$5 billion for the union members in Michigan and Massachusetts.

Not to be outdone, MARK UDALL of Colorado, he comes in and says, well, this may be round one where we negotiate amongst the members of the committee that the bill's going through right now, but trust me, if HARRY REID has gotten a provision in there saying that Nevada doesn't have to pay the State share of Medicaid, by God, I, MARK UDALL, am going to fight for the



same provision for my State of Colorado.

So there you have it, ladies and gentlemen. Don't believe me. This, all of what I've just recited for you, comes from the Wall Street Journal, an article called States of Personal Privilege by Kimberly Strassel. It appeared in last Friday's Wall Street Journal. You can Google it. You can pick up the phone and call Kim Strassel. You can ask her about Soviet-style gulag health care in America, where powerful politicians protect their constituents. But if we're going to have socialized medicine, if we're going to have government-run—the Hillary Clinton was an overnight takeover of health care by the government. The current version, ObamaCare, is a gradual takeover.

Trust me, the minute you take power away from the people and give it to Washington politicians, you get real sweet deals. Powerful HARRY REID protects Nevada. Powerful CHUCK SCHUMER protects New York. Powerful BOB MENENDEZ protects New Jersey. Powerful DEBBIE STABENOW and JOHN KERRY protect Michigan and Massachusetts, and at least MARK UDALL, kind of a pup in all of this, little bit young, not seasoned and powerful yet, he's going to try to protect the people of Colorado.

Political health care, here we come. What you pay for health care in America once this bill is law won't depend so much on the bill as on whether or not you've got a powerful United States Senator or a poor sap United States Senator who can't pull the levers of power and get done what you want. And I guess I'm just interested in what the gentleman from Iowa thinks about these lovely little scandals that are going on.

And oh, by the way, these are the politics they're playing while there's sunshine. Imagine when this bill gets kind of behind the smoke screen rooms and the President's new health care czar is implementing the policies that make that chart possible. And I'd be interested in the gentleman's reaction.

□ 2330

Mr. KING of Iowa. Reclaiming my time, I am astonished to a significant degree here at the depth of this, and I didn't catch that article coming into it over the weekend, so this unfolds as new news to me, at least in the composite. Some of the pieces I picked up.

It is breathtaking in its scope when you add up the billions of dollars, the audacity. The President likes to use the term "audacity": The Audacity of Hope. How about the audacity of political health care, the patronage that comes with this?

Mr. SHADEGG. Hey, the audacity of power. HARRY REID can do it because he's HARRY REID. And if that's too bad for the people of 46 other States because they get to subsidize the people who live in HARRY REID's State, I guess

HARRY REID's answer is, That's just too bad.

Mr. KING of Iowa. I pull this back and I look at item number one, the CBO scoring the bill in 7 years of expenses in 10 years of revenue in order to get it to turn out so it doesn't violate the President's pledge; and I am wondering if these carve-outs that come for these powerful Senators like HARRY REID and others when they're carved out from their Medicaid costs so that the Federal Government will have to pick up the tab for the Medicaid increases that come with the bill, and I am wondering if those increases are scored against this bill. I am going to suspect they're not because we're only scoring on concepts.

Mr. SHADEGG. I think maybe your suspicion is correct.

But I can tell you this much: If you and I started a small business and we decided we'd do a stock offering and we presented a portfolio to our potential investors and said, Here's a picture of what our company is going to look at financially, and we included 10 years of projected revenue, but only 7 years of what we thought would be our expenses, you know where we'd go? We'd go to prison. We'd go to prison if we did that.

But not MAX BAUCUS. He can score 10 years of revenue against 7 years of expenditure, and they're all high-fiving each other. I said in my press release it makes the Enron accounting look reasonable and prudent when you score something like that.

I've got to tell you, I don't know a business in America that wouldn't look pretty darn good if you scored—if you counted only 7 years of expenditures against 10 years of income. But that's what Mr. BAUCUS did.

And the American people—and only in Disneyland-on-the-Potomac, only here in this crazy city called Washington where what the government says is reality—notwithstanding its tea leaf reading—only here could you have a score that counted 10 years of revenue against 7 years of expenditures taken seriously. But by God, MAX BAUCUS is being taken seriously in that club they call the United States Senate across the way.

Mr. KING of Iowa. As I listen and I reflect back in those first years when I got to know who JOHN SHADEGG was—and I remember discussions here on the floor as I was watching on C-SPAN—and I believe one can go back and review the CONGRESSIONAL RECORD and be able to hear the criticism that you and others have made about Democrats declaring that a reduction in the anticipated increase was a cut.

And so the reduction in the anticipated increase was called a cut by Democrats, and that was exposed—at least to thinking people in America—and now we have a CBO, the revered, nonpartisan CBO scoring an \$829 billion

bill and scoring that bill over a 10-year period of time by totaling up 7 years of expenses and 10 years of revenue. It's the same kind of sleight of hand, only this isn't just political sleight of hand; this is a nonpartisan Congressional Budget Office sleight of hand.

And it has to be, I think, with the directions that come from the White House and MAX BAUCUS. And as I understand it, there still is not a bill. We've only amended the concept to the point where we have the amended concepts that were voted on today coming out of the Finance Committee in the Senate.

Mr. SHADEGG. You just made an interesting point.

I tell you, I have been here over 14 years, and when they started talking about the Baucus bill moving forward and it was getting close to being adopted and they were offering amendments to it, naive me, I work in the House where we actually have legislative language, I called my health care staff one day—I was in Arizona and they were out here—I called them from Arizona and I said, Hey, get me a copy of the Baucus bill. And they said, Well, um, uh, Congressman, um, uh, we can't get you the Baucus bill. We can only get you the chairman's mark. And here on the House side the chairman's mark is a copy of the bill.

I said, Fine. Get me the chairman's mark. I want to see what the bill says.

My staff said, Well, one little slight problem, Congressman. Over there in the Senate they do it different. The chairman's mark in the Senate, Mr. BAUCUS' chairman's mark is just a conceptual document. It's stunning.

But, oh, by the way, we talk about scoring 10 years of revenue and 7 years of expenses, the kind of Disneyland-on-the-Potomac world we live in says, for example, in that bill that we're going to save somewhere in the neighborhood of \$400 billion from Medicare. Now, I heard the President stand in front of this room and say, By God, there will be no cuts to Medicare. But interestingly, they get I think about \$170 billion of those cuts by saying they're going to cut the money that is provided to doctors and hospitals and labs.

Now, that's kind of interesting. We're going to cut how much money we give to doctors, hospitals, and labs under Medicare. As the gentleman from Iowa knows, we have been supposed to have done that every year since, I think, 1995 or 1996. We have never once actually done it. But in this bill, here in Disneyland-on-the-Potomac, they're counting as real savings—although we've never cut those reimbursements between 1995 and today—somehow, tomorrow, when this bill is put into effect and tomorrow for the scoring of the bill as only \$829 billion, we're actually going to put those cuts into effect. They've never happened in the past, but suddenly they're saying they will happen in the future.

Mr. KING of Iowa. And when it comes to the Medicare as the proposal has been, as I understand the conceptual proposal in the Senate since there is no specific language to look at—and I've not looked at the line items that CBO is scoring, and there may not be any, actually—but the proposal here in the House was to cut Medicare about \$500 billion over a period of 10 years. But there was going to be savings from waste, fraud, and abuse to the tune of some hundreds of billions of dollars.

And it's almost as if we can't fix the waste, fraud, and abuse unless we first pass a proposal that will take us to a national takeover of our health care industry. One would think if you're going to be a responsible government, you wouldn't hold responsibility hostage to passing a bill that America doesn't want.

Mr. SHADEGG. The gentleman isn't truly suggesting that we're not going to—having talked about cutting waste, fraud, and abuse for maybe the last 50–100 years—that we're not actually going to do it under this bill? Well, of course we are. Mr. BAUCUS says we are. The House Democrats say we are.

Well, if they say we're going to cut waste, fraud, and abuse, by all means we'll cut waste, fraud, and abuse; and we'll produce all of those savings that they need to pay for this bill.

Mr. KING of Iowa. Since we don't have any specific language and we don't have any specific approach. So cutting waste, fat, fraud, and abuse will happen even less effectively than it has in the past.

And the Medicare component of this, too, the reimbursement rates across the country unbalanced are only being reimbursed at about 80 percent of the cost of delivering those services.

Mr. SHADEGG. So they shift those costs to private care, but under this bill—of course they're going to wipe out private care—where are they going to shift the costs then?

Mr. KING of Iowa. It has to go to the taxpayers eventually; borrowed money is where it will end up. This bill—there's another component of this that is not going to be addressed.

Now, they are scoring the waste, fraud, and abuse component part of this to get this up to meet the President's pledge. There is nothing in the bill, not one penny in the bill, of a reduction of the worst waste, fraud, and abuse, and that is lawsuit abuse that takes place across this country.

The numbers that we have seen, the health insurance underwriters have put out a number—this is verbal, not in print—8½ percent of all of our health care costs are wrapped up in the costs of medical malpractice and defensive medicine, unnecessary tests, and also malpractice insurance premiums, 8½ percent. If you calculate 8½ percent across the cost of our health care, that comes to \$203 billion a year, or CBO, if

they were to score that revenue or expenses, I suppose—I don't know which—but let's say it's 10 years, that's \$2 trillion that—that's on the way outside that could be saved if we address lawsuit abuse and reform it as we did in this House. And it failed in the Senate because the trial lawyers are able to block anything that comes through the Senate or the House today.

There is also a number that came out from Pricewaterhouse Coopers that 10 percent, slightly more than 10 percent actually, of the overall costs of health care were being wrapped up in medical malpractice premiums and the litigation that's associated with that and the defensive medicine.

□ 2340

So if we really wanted to fix some health care costs, we would go after tort reform.

Mr. SHADEGG. I'm glad the gentleman brought that up. I view this as a Paul Revere moment. The reality is America needs to know this legislation, without one word of tort reform, this bill, this massive government takeover of health care, with the corruption I have just listed, HARRY REID protecting Nevada, CHUCK SCHUMER protecting New York, BOB MENENDEZ protecting New Jersey, DEBORAH STABENOW and JOHN KERRY protecting Michigan and Massachusetts, with all that political corruption coming into the health care system, it will pass without a word, not a word of tort reform, unless the American people speak out.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PERRIELLO). The Chair would remind Members to refrain from personal references to Members of the Senate.

PARLIAMENTARY INQUIRY

Mr. KING of Iowa. To the Speaker, a parliamentary inquiry. I believe that we had a rule change a few years ago that amended that language in the rules that allowed an individual to address Members of the Senate by their name. Could you verify that, Mr. Speaker?

The SPEAKER pro tempore. Members are free to debate policies of Members of the other body but must refrain from personal references.

The gentleman may proceed.

Mr. KING of Iowa. Mr. Speaker, further parliamentary inquiry. I would just like to put into the RECORD I'm referring to the Feeney rule, and I think the Feeney rule should be upheld. And I know we can carry on this dialogue without referencing people specifically, but I believe the rules have been amended unless they have since been amended afterwards. Could you verify that?

The SPEAKER pro tempore. Members may reference particular Senators, but may not engage in personalities toward them.

The gentleman may proceed.

Mr. KING of Iowa. Mr. Speaker, I yield to the gentleman from Arizona.

Mr. SHADEGG. I certainly don't think anything has been personal. They have been just factual about policies pursued.

I simply want to say that the gentleman is absolutely right about the desperate and crying need for tort reform in this legislation. The gentleman used various statistics about the cost of defensive medicine or lawsuit abuse. Now I will tell the gentleman that in my discussions with individuals in Arizona, I have been told that, indeed by insurance brokers, it's their belief that as much as 35 percent, as much as 35 percent of all health care bills in America can be traced back to the tort system, that meaning the cost of malpractice insurance for doctors, a very, very high number, climbing higher every year, and the cost of defensive medicine.

It is really important for people to understand what we mean when we talk about the cost of defensive medicine and what it really means for their health care. What it means is that your doctor is often compelled, indeed, probably every day, compelled to order tests or procedures or evaluations that he or she doesn't necessarily think you need, but if that doctor doesn't order them and gets second-guessed by a trial lawyer later, it could mean financial ruin for them.

I had a medical doctor come in to visit me yesterday afternoon. Even though it was Columbus Day, I scheduled some office hours. I happened to meet with him at 5:30 last night. He practices in Scottsdale, Arizona. He said that time after time after time after time, he will get a chart where they have ordered that certain procedures be conducted, for example an expensive CAT scan, when he thought an x-ray would do, and he must order what he has been told to order and spend the money, or there's the risk that the lawyer will come along later and sue him.

Interestingly, I often tell a story about growing up in Phoenix and being involved in a Boy Scout troop. One of the other young men in the Boy Scout troop, his father was a medical doctor. His father, the medical doctor, he explained to me years later, knew just about all of his patients personally. And if they called on a Tuesday night at quarter to 12 or on a Saturday afternoon at 2:30, he would take their call, because he knew those patients, and those patients came to him out of choice. They didn't come because their employer picked the plan, or some plan hired the doctor. They had an indemnity insurance plan, and they came to that doctor because they chose that doctor. But also if they called on a Tuesday night at quarter to 12 or a Saturday afternoon at 2:30 and said



they had a problem, that doctor, his father, would often call in a prescription to try to help them with their problem.

What has happened to that aspect of health care in America today with the current tort system we have? It's gone. Your doctor won't even think about calling for a prescription for you based on a conversation over the phone because he or she, your doctor, knows if that turns out not to be the right answer, his or her socks will be sued off, to use a phrase, by some waiting trial lawyer.

But is there a word of tort reform to limit that cost in this bill, where it's 8 percent or 10 percent or 35 percent? Not one word in this legislation. We're going to throw the entire baby out with the bath water, completely throw away the health care Americans have come to trust and rely on out the window and replace it with a new government-run system because, after all, everybody knows the bureaucrats and the politicians in Washington have all the answers, and we're not going to put a word in there about tort reform.

In my committee, in the Commerce Committee, we offered amendments to put in a little bit of tort reform, rejected. In the Education and Labor Committee where the bill was considered, there was an amendment offered to limit damages or to put in some tort reform, rejected. In the Ways and Means Committee, an amendment was offered, rejected.

The current team is not about to allow tort reform to occur in this legislation. And so we will throw out the current health care system in America in the next few weeks. We will replace it with a whole new system, disrupt everybody's plan, and we won't even have gone after one of the biggest cost drivers, excessive lawsuits.

Mr. KING of Iowa. Reclaiming my time, we will go up through these numbers. I want to agree with the gentleman with numbers as high as 35 percent or even higher that go into the tort reform, the lawsuit abuse category. The lowest number I pick up is 5.5 percent of all medical costs, then the 8.5 percent from health insurance underwriters, then the 10 percent of PriceWaterhouseCoopers, and then there's an aggregate of providers out of Iowa that sat down and presented to me a 20 to 28 percent calculation that they had that was the cost of the lawsuit abuse and defensive medicine.

And then those numbers go on up, as the gentleman from Arizona said, 35 percent. I talked to an orthopedic surgeon a week or two ago who told me that 95 percent of the tests that he runs, MRIs I believe he said, are unnecessary. And he knows they are unnecessary, but he has to order them on everyone, every injury, in order to protect himself from that single trial lawyer that will come in and file a lawsuit. Over the course of his practice, it was

\$1 million a year that was unnecessarily spent on tests in one single practice that he described as a small practice, that I see it as quite a respectably sized practice.

But in throwing the baby out with the bath water, I'm going to see your doctor and raise you a nurse.

This is very close to the family anecdote that took place just last weekend. A little child was sick, and his mother called in. We live in a rural area so we have hospitals in our county seats. She called the county seat hospital and said, here are the conditions of my child. Should I bring this child into the hospital or should I treat him with some aspirin and maybe watch his temperature? And the nurse that was on call said, I can't advise you because—she didn't go on much further than that, but we all know why. She couldn't advise the mother because of the potential for a lawsuit.

Then the mother said to the nurse over the phone holding a sick child, who is the doctor that's on call? We don't always have doctors in great numbers, but we should know who the doctor is on call. And if that doctor is this baby's doctor, then the mother would have taken the baby in. The nurse was even prohibited from telling the mother who the doctor was that was on call at the hospital because I suppose of some imagined lawsuit abuse that is out there.

This country has been so shut down by the abusive lawsuits. And we have lost our good judgment. We have the HIPAA Act now where we can't find out who is in the hospital so you can go visit them. You can go up to the visitors' center and ask and they can't tell you. And if a nurse can't tell a mother, bring the child in or not, what's its temperature, give the child an aspirin, call me back in 2 hours, tell me how you're doing, if a doctor can't even let his name go out that he's on call, you have to go to the hospital to find out where you walk into the confines of the hospital where apparently those confines then are more regulated, more controlled and more structured in order to prevent the lawsuit abuse.

□ 2350

This \$200 billion, \$203 billion a year, and that's at 8.5 percent. If you run this on up to Mr. SHADEGG's number of 35 percent, I don't have that number, but \$200 at a little over 10 percent, so you would be somewhere around—could be as high as \$1 trillion a year on the outside of the cost of litigation in this country. And it's being paid by people across this country, and not one dollar is being addressed by the Democrats.

I would just suggest that we have a lot of solutions. One of the solutions that Mr. SHADEGG has introduced about selling insurance across State lines, some of the data that came out of similar policies with different mandates in

it, a young man, 25 years old, could buy a policy in New Jersey for \$6,000 a year. A similar policy in Kentucky would cost him \$1,000 a year. Where would you put your money if you had the choice? I would buy the policy in Kentucky.

I want to be able to preserve the catastrophic insurance component of this. I want to be able to expand health savings accounts. But my list of things we need to do to reconstruct this health care system recognizes that we have consumers. We need to maintain personal responsibility. We've talked about fixing the tort reform component of this which we did pass out of this House at a \$250,000 cap on noneconomic damages modeled after California, modeled in Texas, I believe, modeled after that as well. They're doing well, especially in Texas.

Buying insurance across State lines. Portability, so you own your policy and you can take it with you and you're not tied and strapped to your job.

Full deductibility of health insurance premiums. How can it be that an employer, a large corporation, for example, can deduct 100 percent of the health insurance premiums even on the Cadillac policies—which I don't particularly object to—and ma and pa can't do that? If they're self-employed, if they're a sole proprietorship, if they're a partnership, if they don't have themselves set up on a wage and a benefit plan within a corporation, they can't fully deduct their health insurance premiums. If any entity can deduct a health insurance premium, every entity should be able to deduct a health insurance premium. And the numbers that I have seen on that is that it would increase our insured by about 1 million people a year.

And we need to expand association health care plans, expand the health savings accounts. And we ran some numbers on that a couple of years ago. If a young couple had started with HSAs when we passed them here in 2003, maxed out at \$5,150 for the couple a year, spent \$2,000 a year out in normal health care costs, in accruing at 4 percent a year—which will be logical by the time we get there; it may not be today—they would arrive at retirement with about \$950,000 in their health savings account, almost \$1 million. Well, why wouldn't we let them buy a Medicare replacement policy and give them the rest of it tax free for their own retirement or to will to their children? We need to tie this together, health savings accounts with retirement accounts, and get people off the entitlement rolls.

Transparency in our billings and electronic medical records.

Mr. SHADEGG. If the gentleman would yield?

Mr. KING of Iowa. I would yield.

Mr. SHADEGG. I made the point earlier about this bill being the imposition of politics or special power and privileges imposed on health care in America. And I guess there was some question of whether or not it was appropriate to criticize the politicization of this legislation, the so-called Baucus bill. I held up the article from which I drew those examples, and I just want to read them so that everybody will understand it's not a personal attack by me. These are just, as they say, the facts, like Sergeant Joe Friday used to say on "Dragnet."

Kim Strassel points out, first of all, a central feature of the Baucus bill is the vast expansion of State Medicaid programs—I am quoting from the article. "The provision has angered Governors, since the Federal Government will cover only part of the expansion and stick fiscally strapped States with an additional \$37 billion in costs."

It then goes on to explain, that troubled Senate Majority Leader HARRY REID of Nevada, she says, "who is worried about losing his seat next year, worked out a deal by which the Federal Government will pay all of"—and I am reading in quotes the article—"his home State's additional Medicaid expenses for the next 5 years. Under the majority leader's very special formula, only three other States—Oregon, Rhode Island and Michigan—qualify for this perk." So there is the first example of political health care, or of politically driven health care, special perks and privileges for four States.

It then goes on to say, "Mr. BAUCUS's legislation would tax high-value insurance plans—a 40-percent tax on plans that cost more than \$21,000 a year." The article proceeds, "Senator Chuck Schumer didn't want a lot of angry overtaxed New Yorkers on his hands," and I am quoting, "so he and other similarly situated Democrats carved out a deal"—not my word, the article's word—"a deal by which the threshold for this tax will be higher in their States. If you live in Kentucky," says the article, "you get taxed at \$21,000. If you live in Massachusetts, you don't get taxed until \$25,000." There again, another special little perk, politicians protecting their own inserted into the bill—not my words, but the article.

"And Senator Bob Menendez, of the Garden State, seems concerned that his home-State employers are going to struggle to both pay their Federal liabilities and to continue to grow and innovate. Thus, Mr. MENENDEZ's quiet deal for \$1 billion tax credits for companies investing in R&D."

And last, she talks about Michigan Senator DEBBIE STABENOW and Massachusetts Senator JOHN KERRY including "\$5 billion in the bill for a reinsurance program to defray the medical costs of union members." All of those are the comments I made about the special political deals inserted in this

bill. Don't believe me? Just Google the Wall Street Journal and Kim Strassel.

I want to thank the gentleman, by the way. I also mentioned that the Senator from Colorado said, "If Colorado has a fair claim on being treated the same way Nevada has been, of course we're going to ask for that kind of treatment."

So there you go, politics and health care in America. Health care won't be driven by care or by medical evidence. It will be driven by the most powerful Senator on the block.

Mr. KING of Iowa. I thank the gentleman from Arizona.

And talking about the politicization of health care for perks and privileges, the part that's left out is the patronage. Patronage goes with perks and privileges. And when you see that happen in government, then it slows down the operations and it shifts the balance. And we're wondering, why isn't government logical? It's because perks, privileges and patronage take government off kilter. That's why we're a free enterprise system. That's why we have been a free enterprise system. And that's why this Nation has been strong and powerful and successful and our economy has eclipsed that of the world is because we left the standards of Adam Smith in place for dozens and dozens of years, for generations and generations.

In this last year, we have given up to nationalization perhaps as much as one-third of our private sector. We are looking at 14.5 percent of our GDP being potentially nationalized in the sequence, all to reduce this.

This is, by the way, 100 percent of the population of the United States of America. And here in the blue, that represents 84 percent in the blue of all. This is 100 percent, the circle. These are the uninsured, those Americans without affordable options right here, this little orange, less than 4 percent, about 12.1 million people. This is 47 million all together. And if you look at the color code on the chart, we have illegal immigrants there in the yellow. We have those that are yellow in the 5-year bar, no welfare for 5 years by law. That's another 5 or so million people. You have those that are earning more than \$75,000 a year, Americans without affordable options. They can find a way to insure themselves. And then you've got those that are eligible for government programs, primarily Medicaid, that's 9.7 million. And then you have those eligible for employer offers that don't opt in or opt out of their employer's plan, that's about 6 million. And then we have the Americans without affordable options. So all of these folks here, there's another answer for that; less than 4 percent to change 100 percent of the entire insurance and health care delivery system.

I thank the gentleman from Arizona and the Speaker, and I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of a family medical situation.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. QUIGLEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 16 and 20.

Mr. BURTON of Indiana, for 5 minutes, October 16.

Mr. GOHMERT, for 5 minutes, today, October 14, 15 and 16.

Ms. ROS-LEHTINEN, for 5 minutes, today and October 14.

Mr. JONES, for 5 minutes, October 16 and 20.

Mr. MCHENRY, for 5 minutes, today, October 14, 15 and 16.

Mr. SOUDER, for 5 minutes, today and October 14.

Mr. OLSON, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, October 14, 15 and 16.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Wednesday, October 14, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4074. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Sweet Oranges and Grapefruit From Chile; Technical Amendment [Docket No.: APHIS-2007-0115] (RIN: 0579-AC83) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4075. A letter from the Administrator; Cooperative State Research, Education, and Extension Service, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive

Non-Formula Federal Assistance Programs-Specific Administrative Provisions for the Beginning Farmer and Rancher Development (RIN: 0524-AA59) received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4076. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-36; Introduction [Docket FAR 2009-0001, Sequence 7] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4077. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-038, Federal Technical Data Solution (FedTeDS) [FAC 2005-36; FAR Case 2008-038; Item I; Docket 2009-0028, Sequence 1] (RIN: 9000-AL32) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4078. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2007-021, Fair Labor Standards Act and Service Contract Act Price Adjustment Clauses [FAC 2005-36; FAR Case 2007-021; Item II Docket 2009-0004; Sequence 2] (RIN: 9000-AL14) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4079. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-014, New Designated Country-Taiwan [FAC 2005-36; FAR Case 2009-014; Item III; Docket 2009-0027, Sequence 1] (RIN: 9000-AL34) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4080. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-004, Prohibition on Restricted Business Operations in Sudan and Imports from Burma [FAC 2005-36; FAR Case 2008-004; Item IV; Docket 2008-0001; Sequence 21] (RIN: 9000-AL) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4081. A letter from the Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Eagle Permits; Take Necessary To Protect Interests in Particular Localities [FWS-R9-MB-2008-0057; 91200-1231-9BPP-L2] (RIN: 1018-AV81) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4082. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands (Amendment 90) and Gulf of Alaska Groundfish (Amendment 78); Limited Access Privilege Programs [Docket No.: 0809031176-91213-03] (RIN: 0648-AX25) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4083. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Shipping; Transportation; Technical, Organizational, and Conforming Amendments [Docket No.: USCG-2009-0702] (RIN: 1625-ZA24) received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4084. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No.: FAA-2009-0211; Directorate Identifier 2008-NM-028-AD; Amendment 39-15980; AD 2009-15-17] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4085. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada (PWC) PW206A, PW206B, PW206B2, PW206C, PW206E, PW207C, PW207D, and PW207E Turboshift Engines; Correction [Docket No.: FAA-2007-0219; Directorate Identifier 2007-NE-46-AD; Amendment 39-15806; AD 2009-03-05] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4086. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146-100A and 146-200A Series Airplanes [Docket No.: FAA-2009-0432; Directorate Identifier 2008-NM-168-AD; Amendment 39-15982; AD 2009-15-19] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4087. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No.: FAA-2008-1005; Directorate Identifier 2008-NM-119-AD; Amendment 39-15981; AD 2009-15-18] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4088. A letter from the Director, Regulation Policy & Management, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty; Assistance to Eligible Individuals in Acquiring Specially Adapted Housing; Cost-of-Construction Index (RIN: 2900-AN26) received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4089. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Entry of Certain Cement Products from Mexico Requiring a Commerce Department Import License (RIN: 1505-AC14) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4090. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Increase In Certain Personal Duty Exemptions Extended to Returning U.S. Residents (RIN: 1505-AC16) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4091. A letter from the Federal Register Liaison, Department of the Treasury, trans-

mitting the Department's final rule — Extension of Package Use-Up Rule for Roll-Your-Own Tobacco and Pipe Tobacco (2009R-368P) [Docket No.: TTB-2009-0002; T.D. TTB-81; Re: Notice No. 99, T.D. TTB-78, Notice No. 95] (RIN: 1513-AB75) received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4092. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2009-40) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4093. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Countries [Notice 2009-81] received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4094. A letter from the Senior Advisor for Regulations, Social Security Administration, transmitting the Administration's final rule — Authorization of Representative Fees [Docket No.: SSA-2008-0030] (RIN: 0960-AG82) received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE of North Carolina: Committee of Conference. Conference report on H.R. 2892. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-298). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LATOURETTE (for himself, Mr. AUSTRIA, Mr. BOCCIERI, Mr. DRIEHAUS, Ms. FUDGE, Mr. JORDAN of Ohio, Ms. KAPTUR, Ms. KILROY, Mr. KUCINICH, Mr. LATTI, Mr. RYAN of Ohio, Mrs. SCHMIDT, Mr. SPACE, Ms. SUTTON, Mr. TIBERI, Mr. TURNER, and Mr. WILSON of Ohio):

H.R. 3788. A bill to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the "Corporal Joseph A. Tomci Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. FLEMING (for himself, Mr. SHULER, Mr. FRANKS of Arizona, Mr. REHBERG, and Mr. BACHUS):

H.R. 3789. A bill to permit Amtrak passengers to safely transport firearms and ammunition in their checked baggage; to the Committee on Transportation and Infrastructure.

By Mr. MEEK of Florida (for himself, Mr. MAFFEI, Mrs. EMERSON, Mr. FARR, Mr. THOMPSON of Pennsylvania, Mr. ALTMIRE, Ms. WASSERMAN

SCHULTZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOCCIERI, Mr. KLEIN of Florida, Mr. SHULER, Mr. RYAN of Ohio, Mr. WEXLER, Mr. MURTHA, Mr. HASTINGS of Florida, Mr. TIBERI, and Ms. FUDGE):

H.R. 3790. A bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive acquisition program for durable medical equipment and prosthetics, orthotics, and supplies (DMEPOS) in a budget neutral manner; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MITCHELL (for himself, Mr. PASCRELL, Mr. HOYER, Mr. GORDON of Tennessee, Mr. WU, Mr. ANDREWS, Mr. GRAYSON, Mr. TONKO, Mr. ROTHMAN of New Jersey, Mr. WILSON of Ohio, Mr. LIPINSKI, Mr. CARNAHAN, Mr. COSTELLO, Mr. PETERS, Mr. HOLDEN, Ms. SHEA-PORTER, Ms. HIRONO, Mr. HINCHY, Mr. MICHAUD, Mr. HIGGINS, Mrs. HALVORSON, Mr. ROSS, Mr. FOSTER, Mr. LANGEVIN, Mr. MCINTYRE, Mr. DELAHUNT, Mrs. LOWEY, Mr. KAGEN, Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Ms. SUTTON, Mr. CUELLAR, Mrs. KIRKPATRICK of Arizona, Ms. CLARKE, Ms. LORETTA SANCHEZ of California, Mr. LUJÁN, Mr. RYAN of Ohio, Mrs. BLACKBURN, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, and Mr. DOYLE):

H.R. 3791. A bill to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Science and Technology.

By Mr. PALLONE (for himself, Mr. DEAL of Georgia, Mr. WAXMAN, and Mr. BARTON of Texas):

H.R. 3792. A bill to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS; to the Committee on Energy and Commerce.

By Mr. BRADY of Pennsylvania:

H.R. 3793. A bill to establish the Council on Healthy Housing, and for other purposes; to the Committee on Financial Services.

By Mr. CARDOZA:

H.R. 3794. A bill to amend the Central Valley Project Improvement Act to assist in efforts to avoid losses of juvenile anadromous fish; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts:

H.R. 3795. A bill to enact the Over-the-Counter Derivatives Markets Act of 2009; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 3796. A bill to amend title 38, United States Code, to improve per diem grant payments for organizations assisting homeless veterans; to the Committee on Veterans' Affairs.

By Ms. FOXX (for herself and Mr. CHAFFETZ):

H.R. 3797. A bill to prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States; to

the Committee on Oversight and Government Reform.

By Mr. ISRAEL:

H.R. 3798. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible entities to train elementary and secondary school nurses on how to respond to a biological or chemical attack or an outbreak of pandemic influenza in a school building or on school grounds; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia (for himself, Ms. KILROY, Mr. CARNAHAN, Mr. RYAN of Ohio, Ms. LEE of California, Mr. ELLISON, Mr. DOGGETT, Ms. FUDGE, and Mr. KENNEDY):

H.R. 3799. A bill to amend title XVIII of the Social Security Act to improve prescription drug coverage under Medicare part D and to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986, to improve prescription drug coverage under private health insurance, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOEBACK (for himself, Ms. SHEA-PORTER, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. KENNEDY, Mr. LANGEVIN, Ms. MCCOLLUM, Mr. SIREN, Mr. COURTNEY, and Mr. WAXMAN):

H.R. 3800. A bill to establish an Office of Specialized Instructional Support Services in the Department of Education and to provide grants to State educational agencies to reduce barriers to learning; to the Committee on Education and Labor.

By Mr. SESTAK:

H.R. 3801. A bill to amend the Internal Revenue Code of 1986 to extend the increased first-time homebuyer credit and waiver of requirement to repay, and for other purposes; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 3802. A bill to amend the Internal Revenue Code of 1986 to remove cell phones from the limitation on depreciation when used for personal purposes, and for other purposes; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself and Mr. MOORE of Kansas):

H.R. 3803. A bill to amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TONKO:

H.R. 3804. A bill to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall with-

in the jurisdiction of the committee concerned.

By Mr. WITTMAN:

H.R. 3805. A bill to amend the Electronic Duck Stamp Act of 2005 to extend by 2 years the period for the conduct of the electronic duck stamp pilot program under that Act; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself,

Mr. KENNEDY, Mr. MASSA, Mr. MORAN of Virginia, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. PAYNE, Ms. BALDWIN, Mr. LANCE, Mr. COHEN, Mr. LOEBACK, Mr. CARNAHAN, Mr. MICHAUD, Mr. MEEK of Florida, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Ms. ROYBAL-ALLARD, Mr. MOORE of Kansas, Mr. ROTHMAN of New Jersey, Mr. PASCRELL, Ms. HERSETH SANDLIN, Mr. HOLT, Ms. HIRONO, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. MALONEY, Mr. WALZ, Mr. LOBIONDO, Mr. BROWN of South Carolina, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. MCGOVERN, Mr. MURTHA, Mr. TIM MURPHY of Pennsylvania, Mr. SALAZAR, Mr. SCHRADER, Mr. COURTNEY, Mr. LYNCH, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Mrs. BLACKBURN, Ms. FUDGE, Mr. SNYDER, Mr. BISHOP of Georgia, Mr. WATT, Mr. AL GREEN of Texas, and Mr. CLEAVER):

H. Con. Res. 198. Concurrent resolution recognizing Pediatric Acquired Brain Injury as the leading cause of death and disability in the United States for children and young adults from birth until 25 years of age and endorsing the National Pediatric Acquired Brain Injury Plan to develop a seamless, standardized, evidence-based system of care universally accessible for all of these children, young adults, and their families, regardless of where they live in the country; to the Committee on Energy and Commerce.

By Mr. SABLON:

H. Con. Res. 199. Concurrent resolution recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States; to the Committee on Armed Services.

By Mr. THOMPSON of Pennsylvania:

H. Res. 822. A resolution expressing support for students to learn about Christopher Columbus; to the Committee on Education and Labor; considered and agreed to.

By Ms. DELAUNO (for herself, Mr. MCGOVERN, Mrs. EMERSON, Mr. GEORGE MILLER of California, Mr. DELAHUNT, Mr. CAPUANO, Mr. HONDA, Ms. MCCOLLUM, Mr. CONNOLLY of Virginia, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. ELLISON, Mr. GUTIERREZ, Ms. ESHOO, Ms. SCHAKOWSKY, Ms. KAPTUR, and Mr. AL GREEN of Texas):

H. Res. 823. A resolution expressing deep condolences to the families, friends, and colleagues of those killed and injured in the attack on the United Nations World Food Program (WFP) office in Islamabad, Pakistan, on October 5, 2009, and support for the WFP's mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world; to the Committee on Foreign Affairs.

By Ms. SCHAKOWSKY:

H. Res. 824. A resolution congratulating the Northwestern University Wildcats on winning the 2009 NCAA women's lacrosse championship, and to commend Northwestern University for its pursuit of athletic

and academic excellence; to the Committee on Education and Labor.

By Mr. OLSON:

H. Res. 825. A resolution recognizing the P-3 Orion naval aircraft for 50 years of service; to the Committee on Armed Services.

By Mr. PALLONE (for himself and Mr. McDERMOTT):

H. Res. 826. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in commemoration of Diwali, a festival celebrated by people of Indian origin; to the Committee on Oversight and Government Reform.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. MURPHY of New York.  
 H.R. 236: Mr. COHEN.  
 H.R. 503: Mr. HEINRICH, Ms. CHU, and Mr. SPRATT.  
 H.R. 515: Mrs. CHRISTENSEN.  
 H.R. 571: Mr. CARTER, Mr. MEEKS of New York, and Ms. GIFFORDS.  
 H.R. 610: Mr. MASSA.  
 H.R. 621: Mr. NYE and Mr. SARBANES.  
 H.R. 636: Mr. LATTI.  
 H.R. 658: Ms. SUTTON and Mr. WALZ.  
 H.R. 678: Mr. OLVER, Mr. COHEN, and Mr. BERRY.  
 H.R. 690: Mr. COURTNEY.  
 H.R. 847: Mr. THOMPSON of Mississippi and Mr. RUSH.  
 H.R. 930: Mr. BRALEY of Iowa.  
 H.R. 980: Mr. ISRAEL and Mr. PIERLUISI.  
 H.R. 1079: Ms. KOSMAS.  
 H.R. 1083: Ms. ZOE LOFGREN of California.  
 H.R. 1101: Mr. FORTENBERRY.  
 H.R. 1173: Mr. JOHNSON of Georgia and Mr. AUSTRIA.  
 H.R. 1207: Mr. SPRATT and Mr. HIGGINS.  
 H.R. 1210: Ms. ROYBAL-ALLARD.  
 H.R. 1278: Ms. DEGETTE.  
 H.R. 1283: Mr. MURPHY of New York and Mr. RANGEL.  
 H.R. 1310: Mrs. NAPOLITANO.  
 H.R. 1326: Ms. CHU, Mr. MCGOVERN, Ms. WASSERMAN SCHULTZ, Mrs. DAVIS of California, Ms. MOORE of Wisconsin, and Mr. ABERCROMBIE.  
 H.R. 1327: Ms. RICHARDSON, Mr. BACHUS, Mr. LYNCH, and Mr. BROWN of South Carolina.  
 H.R. 1340: Mr. DOGGETT and Mr. HOLT.  
 H.R. 1428: Ms. MARKEY of Colorado.  
 H.R. 1490: Mr. GORDON of Tennessee and Mr. EDWARDS of Texas.  
 H.R. 1547: Mr. ADERHOLT.  
 H.R. 1549: Mrs. CAPPS, Mr. SERRANO, Mr. PAYNE, Mr. NADLER of New York, and Mr. MEEKS of New York.  
 H.R. 1552: Mr. CROWLEY.  
 H.R. 1597: Mr. BARTLETT.  
 H.R. 1623: Mr. DAVIS of Tennessee.  
 H.R. 1690: Mr. ABERCROMBIE.  
 H.R. 1766: Mr. ELLISON and Mr. TONKO.  
 H.R. 1770: Mr. MICHAUD.  
 H.R. 1818: Mr. PETERSON.  
 H.R. 1927: Mr. KING of New York.  
 H.R. 1964: Mr. CONYERS.  
 H.R. 1970: Mr. POSEY.  
 H.R. 1981: Mr. GOODLATTE.  
 H.R. 1993: Ms. ZOE LOFGREN of California, Mr. QUIGLEY, and Mr. ROTHMAN of New Jersey.  
 H.R. 2017: Mr. DEAL of Georgia and Mr. CARSON of Indiana.  
 H.R. 2067: Mr. HIGGINS.  
 H.R. 2068: Ms. SCHWARTZ and Mr. ROTHMAN of New Jersey.

H.R. 2089: Mr. SESTAK.  
 H.R. 2132: Mr. GRIJALVA and Mr. CUMMINGS.  
 H.R. 2149: Mr. WESTMORELAND, Mr. BRALEY of Iowa, and Mr. BUTTERFIELD.  
 H.R. 2190: Mr. HODES and Mr. LIPINSKI.  
 H.R. 2243: Mr. PETERSON.  
 H.R. 2254: Ms. LEE of California, Mr. LUETKEMEYER, Ms. ZOE LOFGREN of California, Mrs. LOWEY, and Mr. RAHALL.  
 H.R. 2280: Mr. FILNER.  
 H.R. 2289: Ms. RICHARDSON.  
 H.R. 2296: Mr. TURNER and Mr. BARTON of Texas.  
 H.R. 2324: Mr. ROTHMAN of New Jersey, Mr. ENGEL, Mr. WEINER, and Mr. GEORGE MILLER of California.  
 H.R. 2329: Mr. MARIO DIAZ-BALART of Florida.  
 H.R. 2365: Mr. TERRY.  
 H.R. 2408: Mr. SCHAUER, Mr. MCCARTHY of California, Mr. NUNES, Mr. CALVERT, Mr. CULBERSON, and Mr. WEINER.  
 H.R. 2502: Mr. BUTTERFIELD, Mr. TOWNS, Mr. BRIGHT, Mr. NYE, and Mr. BARROW.  
 H.R. 2506: Mr. PETERSON.  
 H.R. 2517: Ms. JACKSON-LEE of Texas.  
 H.R. 2563: Mr. GRIFFITH and Mr. BRIGHT.  
 H.R. 2570: Mr. STARK.  
 H.R. 2597: Mr. MOORE of Kansas.  
 H.R. 2698: Ms. FUDGE.  
 H.R. 2699: Ms. FUDGE.  
 H.R. 2776: Mr. RANGEL, Mr. HARE, Mr. NADLER of New York, and Ms. ZOE LOFGREN of California.  
 H.R. 2777: Ms. BALDWIN.  
 H.R. 2866: Mr. WELCH.  
 H.R. 2882: Mr. CLAY.  
 H.R. 2891: Mr. ROTHMAN of New Jersey and Mr. DOGGETT.  
 H.R. 2897: Mr. PETERSON.  
 H.R. 2901: Mr. STUPAK.  
 H.R. 2931: Mrs. KIRKPATRICK of Arizona.  
 H.R. 2964: Ms. MARKEY of Colorado and Ms. FALLIN.  
 H.R. 2978: Mr. WOLF.  
 H.R. 3001: Mr. WU.  
 H.R. 3035: Mrs. SCHMIDT and Mr. NADLER of New York.  
 H.R. 3077: Mr. CARSON of Indiana, Ms. WATERS, and Mr. JOHNSON of Georgia.  
 H.R. 3131: Mr. BOOZMAN and Mr. PETERSON.  
 H.R. 3200: Mr. BACA.  
 H.R. 3240: Mr. SHIMKUS and Mr. GUTIERREZ.  
 H.R. 3286: Mr. GRIJALVA, Ms. MOORE of Wisconsin, Mr. TIERNEY, Mr. SHULER, Ms. HARMAN, and Mr. DEFazio.  
 H.R. 3328: Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Mr. COHEN, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. TOWNS, and Mr. RUSH.  
 H.R. 3336: Mr. GORDON of Tennessee.  
 H.R. 3365: Mr. GUTIERREZ.  
 H.R. 3381: Ms. WATERS.  
 H.R. 3407: Mr. PUTNAM.  
 H.R. 3487: Ms. DELAURO.  
 H.R. 3511: Mr. GRIJALVA, Mr. HONDA, Mr. GUTIERREZ, Mr. PIERLUISI, Mr. ABERCROMBIE, Mr. SERRANO, Mr. FARR, Mr. CONNOLLY of Virginia, Mr. KAGEN, Mr. ANDREWS, Mr. DRIEHAUS, Mr. HEINRICH, Ms. FUDGE, Mr. MCMAHON, Mr. MASSA, Mr. TONKO, Ms. TITUS, Mr. HIMES, Mrs. CHRISTENSEN, Mr. AL GREEN of Texas, Ms. HIRONO, Mrs. NAPOLITANO, Mr. BOREN, Mr. RODRIGUEZ, Mr. COSTA, Mr. KILDEE, Mrs. CAPPS, and Mr. CARSON of Indiana.  
 H.R. 3522: Mr. PETERSON.  
 H.R. 3554: Mr. ETHERIDGE, and Mr. HOLT.  
 H.R. 3567: Mr. ARCURI, Mr. CROWLEY, Mr. PAYNE, and Mr. LYNCH.  
 H.R. 3578: Mr. WELCH and Mr. BOSWELL.  
 H.R. 3585: Mr. PETERS.  
 H.R. 3587: Mr. CONYERS.  
 H.R. 3589: Mr. COURTNEY.  
 H.R. 3596: Mr. SESTAK.  
 H.R. 3597: Mr. FILNER and Mr. SCOTT of Virginia.

H.R. 3644: Mr. THOMPSON of California.  
 H.R. 3648: Mr. PERLMUTTER.  
 H.R. 3676: Mr. BARRETT of South Carolina.  
 H.R. 3696: Mr. HOEKSTRA and Mr. SAM JOHNSON of Texas.  
 H.R. 3711: Mr. MCMAHON.  
 H.R. 3717: Ms. WATSON and Ms. JENKINS.  
 H.R. 3756: Ms. SHEA-PORTER.  
 H.R. 3771: Mr. CONYERS and Mr. STARK.  
 H.R. 3786: Ms. SUTTON.  
 H.J. Res. 11: Mr. JORDAN of Ohio.  
 H.J. Res. 61: Ms. PINGREE of Maine, Ms. SCHWARTZ, and Mr. MCNERNEY.  
 H. Con. Res. 42: Mr. SERRANO.  
 H. Con. Res. 43: Mr. SERRANO.  
 H. Con. Res. 57: Mr. MARCHANT, Mr. RODRIGUEZ, Mr. GALLEGLY, Mr. FLEMING, Mr. GARRETT of New Jersey, Mr. TURNER, and Mr. KIRK.  
 H. Con. Res. 129: Mr. MURPHY of New York.  
 H. Con. Res. 170: Mr. FORTENBERRY and Mr. PETERSON.  
 H. Con. Res. 175: Mr. LEVIN, Mr. COURTNEY, and Ms. KAPTUR.  
 H. Res. 111: Mr. BOCCIERI and Mr. BILIRAKIS.  
 H. Res. 150: Ms. DEGETTE and Mr. PAYNE.  
 H. Res. 197: Mr. DELAHUNT.  
 H. Res. 209: Mr. LEWIS of Georgia.  
 H. Res. 267: Mr. FORBES.  
 H. Res. 445: Mr. GINGREY of Georgia.  
 H. Res. 516: Ms. NORTON.  
 H. Res. 531: Mr. JACKSON of Illinois, Mr. HARE, and Mr. JOHNSON of Illinois.  
 H. Res. 554: Mr. MCHENRY, Mr. AKIN, Mr. GARY G. MILLER of California, Mr. ROSKAM, Mr. HUNTER, Mr. SCALISE, and Mr. BARRETT of South Carolina.  
 H. Res. 603: Mr. MCCOTTER and Mr. CONYERS.  
 H. Res. 627: Mr. BLUMENAUER.  
 H. Res. 633: Mr. HONDA.  
 H. Res. 648: Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, and Mr. THOMPSON of California.  
 H. Res. 660: Mr. DAVIS of Alabama.  
 H. Res. 700: Mr. CONYERS.  
 H. Res. 727: Mr. FRANK of Massachusetts and Mr. PAUL.  
 H. Res. 729: Mr. WAMP and Ms. ROSLEHTINEN.  
 H. Res. 752: Mr. PLATTS.  
 H. Res. 771: Ms. SHEA-PORTER.  
 H. Res. 782: Mr. LAMBORN.  
 H. Res. 783: Mr. MCKEON, Mr. SIREN, Mr. WILSON of South Carolina, Ms. FOXX, Mr. PAYNE, Mr. BECERRA, and Mr. FORBES.  
 H. Res. 787: Mr. PLATTS, Ms. BORDALLO, Mr. COURTNEY, Mr. MURPHY of New York, Mr. LIPINSKI, Ms. TSONGAS, Mr. YOUNG of Alaska, and Mr. HOLT.  
 H. Res. 796: Mr. BROWN of South Carolina.  
 H. Res. 797: Ms. ZOE LOFGREN of California.  
 H. Res. 800: Mr. AL GREEN of Texas, Mr. PITTS, Ms. SCHAKOWSKY, Mr. BARROW, Mr. BERMAN, and Mr. MCGOVERN.  
 H. Res. 809: Mr. BROWN of South Carolina and Mr. BROWN of Georgia.  
 H. Res. 810: Ms. HIRONO, Mr. ENGEL, Mr. MCCAUL, Mr. PIERLUISI, Mr. DELAHUNT, Ms. SCHWARTZ, Ms. LEE of California, Mr. ROSS, Mr. CAO, Mr. MACK, Mr. AL GREEN of Texas, Mr. BERMAN, Ms. ZOE LOFGREN of California, and Ms. ROS-LEHTINEN.  
 H. Res. 812: Mr. PETERSON and Mr. JOHNSON of Georgia.  
 H. Res. 816: Mr. YOUNG of Alaska and Ms. SCHAKOWSKY.

## EXTENSIONS OF REMARKS

HONORING SPECIAL AGENT  
FREDERICK E. BRAGG

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express my appreciation for Special Agent Frederick E. Bragg—a dedicated public servant and an outstanding President of the FBI Agents Association (FBIAA). The FBIAA is over 20 years old and has grown from several hundred agents to a professional association of over 11,300 current and former agents from across the country.

Mr. Bragg's long history of public service began in 1986 with the Onondaga County Sheriff's Department in Syracuse, New York where he worked as a patrol deputy and an investigator. Mr. Bragg joined the FBI in 1991 and has served as the President of the Tri-County Law Enforcement Association, spent a decade as an Assistant Team Leader of the Minneapolis SWAT Team, and has helped lead efforts to combat terrorism, public corruption, and health care fraud. Mr. Bragg's commitment to the mission of the FBIAA began in 1995 and in 2003 he was elected President of the FBIAA. Throughout the duration of his involvement with the FBIAA, Mr. Bragg has advanced the charitable and law enforcement goals of the FBIAA, and his efforts have benefited agents and their families worldwide.

Mr. Bragg has been a leader when it comes to providing for the families of FBI Special Agents who give their lives in the service of our country. Mr. Bragg has helped raise hundreds of thousands of dollars for the FBIAA Memorial Scholarship Fund, which helps provide college scholarships to children of deceased FBI Agents. During Mr. Bragg's time as President, this scholarship fund grew to a level where 80% of a student's college costs are now covered—and because of his efforts it is likely this percentage will continue to increase.

In addition to his charitable work, Mr. Bragg has also been an effective voice for FBI Agents on questions of policy. I have had the opportunity to work personally with Mr. Bragg and have witnessed firsthand his unwavering commitment to our nation's FBI Agents. His advocacy played a key role in many important policy issues, such as debates over whether a domestic intelligence agency should be created, the implementation of new "pay for performance" standards, and the importance of criminal investigations to our nation's security.

As a former FBI Special Agent, I commend Mr. Bragg for his excellent service on behalf of our nation's premier law enforcement agents. His work has earned the thanks and appreciation of this body.

DEFENSE AUTHORIZATION BILL

**HON. STEVE SCALISE**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. SCALISE. Madam Speaker, I support our troops, and that is why I voted for the Defense Authorization bill when it came before the House earlier this year in a straight up-or-down vote. Unfortunately, Speaker PELOSI decided to use our troops as political pawns by allowing the unrelated and ill-conceived "thought crimes" bill to be rammed into the final version of this conference report.

It is a sad day for our country, and a shameful precedent, when the liberals running Congress hold our troops hostage to pass their radical social agenda. It is an insult to our servicemembers who are offended that they are being used as "human shields" in a political war waged by Speaker PELOSI to pass her radical social agenda, and I'm standing up for our troops by opposing this abuse of power. Speaker PELOSI and the liberals running Congress owe our military and their families an apology for playing political games with their mission.

NATIONAL COUNCIL OF ASIAN  
AMERICAN BUSINESS ASSOCIATIONS

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. HONDA. Madam Speaker, I rise today to show my support for the National Council of Asian American Business Associations (NCAABA), and for the important work the NCAABA has done for the Asian American and Pacific Islander business community.

NCAABA was founded in 2000 to be the voice of Asian American business owners at the national level, serving as a conduit of resource and information, to educate the public, private and business sectors, to advance America's economic growth and stability.

Asian Americans, Native Hawaiians, and Other Pacific Islanders (AA NHOPIs) are the fastest growing demographic group in America. In 2002, there were 1.1 million Asian American-owned firms in America, generating \$326 billion in revenues, with the number of Asian American-owned firms growing 24% from 1997, about twice the national average for all businesses. In addition, there were 29,000 Native Hawaiian and Other Pacific Islander (NHOPIs)-owned firms, generating \$4.3 billion in revenue, with the number of NHOPIs-owned firms growing 49% from 1997, roughly 4 times the average for all businesses. In fact, California, with more than 1/3 million Asian

American-owned firms has the largest number of Asian American-owned firms of any state in America.

As America's companies aim to meet the demands of the emerging markets in America, and Asia, AA NHOPIs, who have the cultural and communications skills to create new opportunities, new jobs, and new investments, are in demand.

Given this dramatic growth of AA NHOPIs business owners, supplier diversity or the use of minority owned vendors as suppliers, has become a practice that is increasingly important to the success of any business. I want to take this opportunity to commend the National Council of Asian American Business Associations, and presenting sponsor Wells Fargo, in launching the NCAABA Supplier Academy at UCLA on October 14–15, 2009, to ensure that AA NHOPIs will have the cultural and linguistic leadership skills to optimize the resources of the global market, to create sustainable economic change and climate change.

HONORING MR. KEVIN LEE  
MITCHEM OF MATHEWS COUNTY,  
VIRGINIA

**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. WITTMAN. Madam Speaker, I rise today to pay tribute to Mr. Kevin Lee Mitchem. Kevin Mitchem was a proud Mathews County resident and a fervent supporter of public education, and he was committed to lending his time and knowledge to youth in the community. Kevin was a devoted husband to his beloved wife, Sara, and a dedicated father to their two children, Rachel and Daniel.

As the owner of Mitchem Seafood, Kevin was a staunch supporter of watermen and the seafood industry. At the time of his passing, Kevin Mitchem was the Chairman of the Mathews County Board of Supervisors and prior to the chairmanship, he served for twelve years as a board member. Additionally, he served on the Middle Peninsula Planning District Commission.

Kevin was deeply involved in his community and dedicated much of his time and effort to serve the residents of Mathews County. He helped coach Mathews County Little League Baseball, Youth Basketball, High School Junior Varsity Girls Basketball, and Junior Varsity Baseball. Mr. Mitchem was a strong supporter of community youth programs and he was instrumental in purchasing and renovating a facility for the senior citizens of Mathews County.

Furthermore, Kevin was a member of the Masonic Lodge, Oriental #20 A.F. & A.M. of Mathews County, the Scottish Rite Temple of Newport News, and the Tidewater Shrine

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Club. Kevin was also an avid sports fan. He was a lifelong fan of the Baltimore Orioles and Washington Redskins.

Kevin Lee Mitchem will be greatly missed by all who knew him. He touched so many people's lives and the work that he did for his community will never be forgotten. My thoughts and prayers are with his family and friends.

CONGRATULATING WESTON DEWOLFF, SOUTH CAROLINA'S JUNIOR DUCK STAMP DESIGN "BEST OF SHOW" AWARD WINNER

**HON. HENRY E. BROWN, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. BROWN of South Carolina. Madam Speaker, I am pleased to announce that the Junior Duck Stamp Conservation and Design Program Reauthorization Act of 2009, legislation that I sponsored with Congressmen SLOMON ORTIZ, has passed out of committee with unanimous consent.

Also, I wanted to congratulate Weston DeWolff, a 15-year-old student at the Charleston County School of the Arts and winner of the Junior Duck Stamp Design Program's "Best of Show" award for the State of South Carolina, for his depiction of a male and female mallard duck.

I congratulate Mr. DeWolff for his achievement and I am proud to support the extension of the Junior Duck Stamp Design program so as to ensure that other students, like him, will have the opportunity to participate in this contest in the future.

Finally, in addition to applauding the unanimous passage of this essential conservation legislation, I want to congratulate Ducks Unlimited, the world's largest and most effective waterfowl conservation organization, for recently receiving a \$1 million North American Wetlands Conservation Act grant.

This money will ensure that Ducks Unlimited is able to continue their mission of protecting waterfowl habitats nationwide and will provide additional funds to protect and enhance over 8,000 acres of diverse wildlife habitat in both Charleston and Georgetown counties in the First District of South Carolina.

HONORING EISENHOWER HIGH SCHOOL

**HON. JOE BACA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. BACA. Madam Speaker, I rise today to honor Eisenhower High School in Rialto, California, on the occasion of its 50th anniversary.

The students and alumni of Eisenhower High School will celebrate 50 years of continued academic excellence, October 17, 2009. This anniversary is a milestone for Rialto, California. Throughout the past 50 years, the school has provided an exemplary educational

service to its students and has contributed greatly to the community.

Eisenhower first opened its doors in fall of 1959, and since then has achieved success in academics, athletics and community service while providing a high level of education. They have always been a school of inclusion and unity regardless of an individual's background.

Eisenhower High School has been able to maintain an outstanding athletic program for their students, allowing them to participate in activities that promote the values of team work, integrity, and dedication. Their athletic teams have consistently won conference titles in varied sports, including football, basketball, wrestling, and swimming. The boy's basketball team currently holds the state championship title. With this victory they became the first California Interscholastic Federation State title holders for a school from San Bernardino County.

Pro Football Hall of Famer, Ronnie Lott graduated from Eisenhower High School; he went on to play for the San Francisco 49ers and was named to the NFL's 75th Anniversary team. Among other Eisenhower High School alumni whom have played on the professional level are Brandi Burton, David Lang, Jeff Conine, Darnell Coles, and Craig Newsome. Another distinguished alumnus is Derek Parra, Olympic Speed-Skating gold medalist and 1500 meter world record holder.

Eisenhower High School has also achieved recognition in academics and community service. They have achieved recognition on the state level as well as national recognition. Anita Ware, alumna of Eisenhower, was its first student to be awarded the prestigious Westinghouse Science Award. The school newspaper, the Eagle's Eye, received an award in 1976 for being one of the nation's best student newspapers from the National Scholastic Press Association and Quill & Scroll. Eisenhower High School was also recognized as a National Blue Ribbon and as a California Distinguished School.

Madam Speaker, I ask that my colleagues join me today in honoring Eisenhower High School. Their continuing record of accomplishment is due in no small part to the teaching practices of the faculty who have guided the school through the years.

HATE CRIMES PROVISION IN THE NATIONAL DEFENSE AUTHORIZATION ACT

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. VAN HOLLEN. Madam Speaker, our nation's founding principles guarantee individual freedom and liberty. We risk these rights when hateful discrimination and violence are allowed to flourish. Hate crimes prevention legislation gives law enforcement the tools they need to protect our liberties and ensure that no American is assaulted because of who they are.

We have existing federal hate crimes laws to assist local law enforcement in cases of violent crimes motivated by a victim's race, color, religion, or national origin. With this legislation,

we expand protections to gender, sexual orientation, gender identity, and disability.

Hate crimes devastate individuals and families and terrorize communities. By giving law enforcement resources to combat and prosecute the thousands of hate crimes that occur in our country each year, we continue to defend those freedoms that define America's character.

IN HONOR OF LTG ROBERT ORD

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. FARR. Madam Speaker, I rise to commend a distinguished career of public service. On February 1, LTG Robert Ord will be retiring as the Dean of the School of International Graduate Studies at the Naval Postgraduate School.

After 34 illustrious years in the U.S. Army, culminating as the commanding general of the U.S. Army Pacific, Bob Ord joined the faculty at the Naval Postgraduate School, bringing his wealth of military experience and relationships from the halls of the Pentagon to one of the most significant graduate military education programs in the Nation. The School of International Graduate Studies addresses current and emerging global security challenges by providing U.S. military and international students with a graduate education in foreign policy, international relations and security cooperation.

Having been a former Peace Corps volunteer in Colombia from 1964-66, I have a deep appreciation for the programs in the SIGS department that focus on the need for capacity building. Two programs of special interest to me are the Leader Development and Education for Sustained Peace and the Center for Stabilization and Reconstruction Studies. Both of these programs address a gap I identified while serving in the Peace Corps—the need to have greater cross-cultural awareness in our security building programs; and, the importance of bringing stabilization and reconstruction stakeholders together in the classroom before they work together in an operational environment. Along with the Center for Homeland Defense and Security, the only Department of Homeland Security-sponsored master's degree program, SIGS is at the cutting edge of 21st century security and homeland defense challenges.

Since February 1, 2008, General Ord has served as the first Director of the Global Center for Security Cooperation, located at the Naval Postgraduate School. The Center ensures the Secretary of Defense is knowledgeable about all the Department of Defense international education providers. Supporting the 2006 Quadrennial Defense Review and the Defense Security Cooperation Guidance, the Global Center coordinates, integrates and deconflicts international education providers' activities and programs. In his capacity as the first Director, Bob Ord's dynamic leadership and breadth of experience has enabled him to stand up a highly resilient organization that can quickly respond to OSD priorities for global international education. The success of the



Global Center for Security Cooperation is a lasting tribute to LTG Robert Ord.

Madam Speaker, I am proud to call Bob Ord a friend and I wish him well in the next chapter of his storied life.

CONGRATULATING PROFESSOR  
ELINOR OSTROM ON RECEIVING  
THE NOBEL MEMORIAL PRIZE IN  
ECONOMIC SCIENCES

**HON. BARON P. HILL**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. HILL. Madam Speaker, on October 12, 2009, Indiana University Professor Elinor Ostrom became the first woman in the forty-one year history of the Nobel Memorial Prize in Economic Sciences to receive the award. Prof. Ostrom's ground breaking research on the management of common pool goods has shown her commitment to original and progressive thinking in the field of economic sciences. I am particularly proud of Prof. Ostrom's achievements as Indiana University is located in the Southern Indiana congressional district that I am so proud to represent.

Prof. Ostrom, a member of Indiana University's faculty since 1965, has a history of leading her field in scientific research. She co-founded the workshop in Political Theory and Policy Analysis and is also the first woman to chair Indiana University's Department of Political Science. She currently serves as the Arthur F. Bentley professor of Political Science in the College of Arts and Sciences as well as a Professor in the School of Public and Environmental Affairs at Indiana University in Bloomington, Indiana.

Having been the first woman to win the Johan Skytte Prize in Political Science, as well as the William H. Riker Prize in Political Science, it is no surprise that she has now received the prestigious Nobel Memorial Prize in economic sciences. Her dedication and innovative thinking can serve as a model for all those who seek to achieve original solutions in their respective fields.

NEW YORK TIMES WEIGHTS POLL  
IN FAVOR OF DEMOCRATS

**HON. LAMAR SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. SMITH of Texas. Madam Speaker, the New York Times reported recently that President Obama has "considerable political strength."

The Times based this statement on its own poll, which found the President has an approval rating of 56 percent—the highest number of any recent poll.

One reason for this might be that the Times weighted the poll in favor of Democrats.

Among those who actually responded to the poll, there were more Democrats than Republicans by 6 percentage points.

But when the Times finished computing the results, they had increased the gap to and un-

reasonable and inexplicable 15 percentage points.

With so many more Democrats in the sample, it should come as no surprise that the President's approval rating is a higher than other polls have found.

The Times would do well to show more balance in their polling—and their reporting.

TRIBUTE TO THE POLISH PEOPLES  
HOME

**HON. BILL PASCRELL, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an institution, The Polish Peoples Home—Polish American Cultural Center, that is celebrating its 100th Anniversary of dedicated service and support to the Polish Community of Passaic, New Jersey and the surrounding area.

It is only fitting that The Polish Peoples Home be honored in this, the permanent record of the greatest democracy ever known, for the cultural home has provided friendship and guidance to Polish-American families, especially those just embarking on their American dream. Its dedication to the entire community, however, is what keeps this deeply-rooted institution growing towards the future.

The history of Polish people in Passaic is rich and complex. During the first decade of the Twentieth Century, New Jersey had become a magnet for migration. There was a demand for labor and the opportunities brought thousands of immigrants to New Jersey's burgeoning industrial centers. Polish immigrants were one of the many groups who struggled to create new lives for themselves here in America. They brought with them customs and culture they wanted to preserve and maintain as a link to the lives they left in Poland.

On October 9, 1909 fifteen of these hard-working Polish immigrants formed a corporation called "Polish Peoples Home." The object of this corporation was to establish and sustain a home for all Polish societies in the City of Passaic and the surrounding areas. One hundred years later it continues to preserve and enhance the Polish heritage of the past while providing immeasurable lasting contributions to America's present.

The Polish Peoples Home of Passaic has served as a haven for Polish immigrants and the Polish-American community, combining their recreational, cultural, social and educational endeavors. By promoting the beauty and richness of their Polish heritage, they honor the lasting impression made by Polish-Americans in the arts, sciences, industry and agriculture.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of wonderful, thriving community institutions such as The Polish Peoples Home.

Madam Speaker, I ask that you join the members and Board of The Polish Peoples Home, all whose lives have been culturally enriched throughout the years and me in recognizing the outstanding contributions of The

Polish Peoples Home to the Polish-American community and beyond.

PAYING TRIBUTE TO THE WOMEN  
OF THE JUNIOR LEAGUE OF  
FRESNO

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. COSTA. Madam Speaker, I rise today to pay tribute to all of the women of the Junior League of Fresno, California on this occasion of their 50th anniversary aptly recognized as, "Women Building Better Communities."

In 1948, the Service League of Fresno was formed and within the course of eleven years, it was accepted into the Association of Junior Leagues International, Inc. Each year since their inception, 20,000 hours of voluntary service time has been generously provided by the women of the Junior League of Fresno. As a result of their years of commitment, over one million hours of service has been given to the community of Fresno by members of the Junior League. Since 1959, it has raised more than \$3,000,000 toward community projects in the areas of children, health, social services, education, women's issues and cultural arts.

Meeting the needs of their community has been and continues to be the Junior League's highest priority. Members research, develop, manage and support projects in conjunction with community partners, concentrating on areas where resources are nominal and where they can have the most meaningful impact.

Throughout the years, projects and organizations the Junior League has championed include: Break the Barriers, The Central California Blood Mobile, Children's Hospital Central California; The Craycroft Youth Shelter; The Discovery Center; Exceptional Parents Unlimited; Firefighters Creating Memories; Footsteps Child Bereavement Program; The Fresno Art Museum; the Fresno County Shot Mobile Immunization Clinic; the Fresno Metropolitan Museum; The Marjaree Mason Center; The Ronald McDonald House; The Sanctuary Youth Center; and Senior Girl Athlete Awards Banquet.

The Junior League believes, as do I, that volunteers make a powerful difference in the community. Their service, advocacy, leadership roles and mentoring have touched countless lives throughout our community. I ask my colleagues to join me in recognizing this wonderful group of women as the Junior League of Fresno celebrate their 50th Anniversary of "Women Building Better Communities."

PERSONAL EXPLANATION

**HON. MICHAEL E. CAPUANO**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. CAPUANO. Madam Speaker, last week I missed several rollcall votes and I wish to state how I would have voted had I been present: rollcall No. 753—yes; rollcall No. 754—no; rollcall No. 755—yes.



CONGRATULATING THE CHICAGO  
BOTANIC GARDEN ON THE OPEN-  
ING OF THE DANIEL F. AND ADA  
L. RICE PLANT CONSERVATION  
SCIENCE CENTER

**HON. MARK STEVEN KIRK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. KIRK. Madam Speaker, I rise today to honor the Chicago Botanic Garden for the opening of the Daniel F. and Ada L. Rice Plant Conservation Science Center. This new center will serve to provide solutions to plant conservation challenges through research and education.

To accomplish their goals, 200 plant scientists along with students and collaborators will aid the full time scientists and research assistants in the 38,000-square foot building. The space will also house a teaching facility and the country's first doctoral plant biology program.

Additionally the Center utilizes green building practices, including an innovative rainwater glen to collect and filter storm water runoff and a 16,000-square foot green roof. The visitor's gallery will also allow the public to witness the scientific work occurring and various exhibitions.

The Chicago Botanic Garden successfully opened the Daniel F. and Ada L. Rice Plant Conservation Science Center on September 29, 2009. I commend all the students, researchers and scientists who are committing their time and energy to this important project and wish them the best of luck.

TRIBUTE TO PEARL BEATTY ON  
THE CELEBRATION OF HER 74TH  
BIRTHDAY

**HON. DONALD M. PAYNE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to acknowledge the 74th birthday of my good friend, Ms. Pearl Beatty. Her family, friends and associates have gathered on October 8, 2009, to hold a party in her honor and to wish this incredibly talented woman best wishes. Pearl Beatty has always been passionate about her community and those closest to her want to be sure that she knows how much she is loved and appreciated.

Pearl Beatty never allowed her early fragile health to preclude her from involvement in the things that mattered most to her. Throughout her life, Pearl Beatty has been an active participant in the political process and community organizing. She was also gifted with a beautiful voice which she utilized at Arts High School and with the Sweethearts, a group that was fortunate enough to sing at a John F. Kennedy for President rally. In fact, Pearl Beatty was active in the New Jersey campaign for the election of President Kennedy. Always an advocate for fairness, Pearl Beatty joined

me and my brother, Bill, in the picketing of a local Woolworth 5&10 forcing them to hire young African Americans to work at the lunch counter.

In addition to being active in the Urban League and the NAACP, Pearl Beatty assisted in organizing the New Jersey contingent for the 1963 March on Washington. She was also instrumental in the four successful campaigns of Newark mayor Kenneth Gibson, the first African American to be elected mayor of a major eastern city. She represented Governor Hughes at the 1968 Democratic Convention in Chicago and was the New Jersey campaign scheduler for President Jimmy Carter in 1976. In June 1978, Pearl Beatty was elected as a freeholder for Essex County and soon found herself as the first director of the newly elected Board of Chosen Freeholders under the new form of charter change government of Essex County. Ms. Beatty was the first African American appointed as president of the New Jersey Council of Counties and in 1987, she was appointed executive chairperson of the New Jersey State Dr. Martin Luther King, Jr., commission.

Madam Speaker, I know my colleagues agree that Pearl Beatty deserves to be feted at this 74th Birthday celebration. I am pleased to congratulate her and thank her for the many lasting contributions she has made to the Greater Newark community.

RECOGNIZING THE RETIREMENT  
OF ELIZABETH "JACKIE" NOYES

**HON. FORTNEY PETE STARK**

CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. STARK. Madam Speaker, it is with great pleasure that I recognize Elizabeth "Jackie" Noyes on her retirement from more than 36 years of service as the Associate Executive Director with American Academy of Pediatrics. Throughout her career, Ms. Noyes has played a significant role in shaping health policy in the United States—especially as it affects children.

I've worked closely with the American Academy of Pediatrics to ensure that each and every child in America has quality, affordable coverage. They are a rare provider organization in Washington, DC. Their mission is much more about advancing better health care for their patients than it is about advancing pay increases for their member physicians. Jackie has been a key player in that mission for nearly four decades.

Ms. Noyes has a long, varied list of accomplishments, honors, and boards that she's participated in throughout her time with the American Academy of Pediatrics. Highlights include serving as Chair of the National Advisory Commission on Childhood Vaccines; on the board of the Children's Dental Project, Inc., Children's Hospice International, and the Coalition for Health Funding; and as a member of the Specialty Society Advisory Committee for the American Medical Association. She's also been published by well-respected organizations, including *Advances in Pediatrics*, *California Pediatrician*, and the *American Journal of Psychology*.

Throughout Ms. Noyes' career, she has been recognized for her dedication to children's health with several awards, including a Certificate of Appreciation for Outstanding Contributions to the Health and Welfare of America's Children and Adolescents by the U.S. Surgeon General.

She has played a key role in creating and improving health care laws including vital programs like Vaccines for Children, Head Start, and the Consumer Product Safety Commission. She also played key roles in the passage and renewal of the National Childhood Vaccine Injury Act of 1986, the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, the Children and Pregnant Women Health Insurance Act of 1993, the State Children's Health Insurance Program, the Children's Health Insurance Accountability Act of 1996, and the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equality Act of 2008.

In honor of her retirement, the Friends of Children Advocacy Fund has been created to support the initiatives of the American Academy of Pediatrics and its advocacy for child health programs and public health. The Friends of Children Advocacy Fund will continue her work to improve the health of children.

She has been a valuable asset to the American Academy of Pediatrics and their mission to improve the health of America's children. I thank her for her dedication, wish her well in retirement, and fully expect to continue to hear her name in connection with initiatives to improve children's health.

IN RECOGNITION OF JAMES  
PATRICK'S HEROISM

**HON. JOHN P. MURTHA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. MURTHA. Madam Speaker, I rise today to recognize the heroic deeds of one of my constituents, Mr. James Patrick of Johnstown, Pennsylvania. Earlier this year, while Mr. Patrick, a letter carrier for the US Postal Service, was on his route, he saw flames and thick black smoke erupting out of the top of a church. He immediately found someone to call 911 before he selflessly entered the burning church to make sure that everyone was safe.

Even though the roof of the church and the adjacent rectory were rapidly becoming engulfed in flames, Pastor Robert Hall and the church's secretary were unaware of the fire. Patrick informed the two of the fire, but Pastor Hall wanted to put the fire out himself. However, Patrick insisted that everyone leave. He is quoted as saying, "Father, you have to get out—the whole roof is on fire."

Because of his courageous deeds, two people's lives were saved. Subsequently, Pastor Hall, in a letter to the Postal Service wrote, "In this day and age when people don't want to get involved, I want to say thank you to your employee for going the extra mile."

Patrick is a member of the National Association of Letter Carriers, Johnstown Branch 451. For his actions, he was recently recognized by the Association and was awarded the Eastern Region Hero Award.

Madam Speaker, I wish to close my remarks by commending Mr. James Patrick for his heroic actions. We are fortunate that we have people like Mr. Patrick who choose to go above and beyond what is expected so that lives may be saved.

CHIEF MASTER SERGEANT JOSEPH E. BARRON RETIRES AFTER 30 YEARS SERVICE WITH THE UNITED STATES AIR FORCE

### HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize CMSgt Joseph E. Barron on the occasion of his retirement from the United States Air Force.

Chief Master Sergeant Barron hails from Morristown, NJ, where he graduated from Parsippany Hills High School and entered the Air Force in 1979. He assumed his duties as Command Chief Master Sergeant, Air Mobility Command, in April 2006. His work as an administrative specialist involved him with tours with the Air Force Office of Special Investigations and Air Force Recruiting Service. Additionally, Chief Master Sergeant Barron served in multiple units as a first sergeant both in the United States and overseas, where during Operations Desert Fox and Allied Force he was instrumental in the initial bed down, troop support, and morale for the largest combat air refueling wing in Air Force history. His work with Air Mobility Command's critical aero medical evacuation mission helped to facilitate the rapid movement of over 23,000 injured warriors to United States medical facilities with a remarkable 98 percent combat-casualty survivability rate.

Beginning in September 2007, Chief Master Sergeant Barron helped lead Air Mobility Command's Total Force Team with tremendous impact. Here, his extraordinary leadership inspired Air Mobility Command's 132,000 Total Force Airmen to successfully accomplish more than thousands of sorties transporting over 4 million passengers, nearly 2 million tons of cargo, and offloading over 3 billion pounds of fuel. Air Mobility Command forces also completed over 43,000 theater-direct delivery sorties, delivering thousands of combat troops, tons of cargo and mine-resistant ambush-protected vehicles in support of two overseas contingency operations.

Through the work of Chief Master Sergeant Barron the Mobility Air Force was ready to respond when Hurricanes Gustav and Ike ravaged the gulf coast, generating 564 sorties transporting 8,863 passengers and delivering 1,223 tons of humanitarian supplies. However, Chief Master Sergeant Barron is most proud of his involvement after Hurricane Katrina, where he provided crucial support to the devastated region.

Madam Speaker, CMSgt Joseph E. Barron's selfless dedication to the service of his country is honorable and worthy of recognition. I believe I can speak for the airmen of Air Mobility Command in saying that his dedication has positively impacted those with whom he has

served during his years with the Air Force and I join with them in congratulating him on his retirement and a job well done.

HONORING UNITED STATES  
PHARMACOPEIAL CONVENTION  
OCTOBER 13, 2009

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. VAN HOLLEN. Madam Speaker, in recognition of World Standards Week, which was observed last week, I rise to salute the United States Pharmacopeial Convention (USP), which is based in my district in Rockville, Maryland and has sites in China, India, Brazil, and Switzerland.

Since 1820, USP, a non-profit organization, has worked to improve the health of people around the world through public standards and related programs that help ensure the quality, safety and benefits of medicines and foods. It has worked closely with the FDA to develop and revise drug quality standards. It also sets food ingredient standards and offers voluntary verification programs for pharmaceutical ingredients, dietary supplements, and ingredients used in dietary supplements.

USP's drug standards are legally enforceable by the Food and Drug Administration in the United States, and its standards for drugs, food ingredients and dietary supplements are used and relied upon in more than 130 countries. As part of its mission, USP works with a broad range of standards-setting bodies toward the common goals of inter-organizational cooperation and the widespread dissemination of standards. These bodies include the American National Standards Institute, the National Institute of Standards and Technology, the International Standards Organization, the International Bureau of Weights and Measures, the European Directorate for the Quality of Medicines, the Chinese National Institute for the Control of Pharmaceutical and Biological Products, the Japanese Pharmacopeia, the British National Institute for Biological Standards and Control, and many others throughout the world.

Patients, consumers, manufacturers, and taxpayers are the ultimate beneficiaries of USP's efforts, and are able to possess greater confidence about the identity and quality of these products in the marketplace. Assisted by more than 1,000 volunteers worldwide, USP engages in public processes to ensure unbiased, independent, authoritative, science-based decision-making.

I ask my colleagues to join me in saluting the U.S. Pharmacopeial Convention for its efforts to enhance food and drug safety standards around the world.

HONORING DOCTORATE IN EDUCATION AWARDED TO CONGRESSMAN MIKE HONDA BY KANGWON NATIONAL UNIVERSITY IN SOUTH KOREA

### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. HONDA. Madam Speaker, this August, I had the honor of traveling to Kangwon National University in South Korea, where I was awarded an honorary doctorate in Education. As a former high school teacher, principal, and school board member, education has always been my top priority. I believe education is a powerful investment in our future, and I have continued my pursuit of both learning and teaching during my tenure in Congress. I was humbled to receive the high honor of an honorary doctorate from Kangwon National University, an institution I have come to deeply respect.

During my visit to Korea, I met with Prime Minister Seung-Soo Han, whose passion for moving President Myung-Bak Lee's "Low Carbon, Green Growth" initiative forward is something that I admire. As a representative from Silicon Valley, which is at the forefront in our country's efforts in renewable energy, I know the importance of Korea's investments in green technologies.

Many individuals helped make my visit to Korea successful and memorable, and I would like to thank the following people who helped to make my degree and visit possible: Prime Minister Seung-Soo Han; Foreign Minister Myung-Hwan Yu; Kangwon Province Governor Jin-Sun Kim; Kangwon National University President Yong-Jung Kwon; National Assemblywoman Nak-Kyun Shin; National Assemblywoman Mi-Kyung Lee; U.S. Ambassador to Korea Kathleen Stephens; former Korean Ambassador to the U.S. Tae-Sik Lee; American Chamber of Commerce in Korea Chairman David Ruch; House of Sharing, Comfort Women Survivors and Grandma Koon-Ja Kim; Sokcho City Mayor Yong-Sang Chae; and Korean American Voters' Council of New York and New Jersey Leader Dong-Suk Kim.

During my visit, I delivered the following remarks upon accepting my honorary doctorate at Kangwon National University.

It is a pleasure to be here with you here in Korea at Kangwon National University. Thank you for the warm welcome and the kind introduction, and for this wonderful honor.

I'd like to thank the President, distinguished members of the faculty, and students of Kangwon University. I would also like to express my appreciation to Governor Jin-Sun Kim of Kangwon province, and Mr. Dong-Suk Kim of the Korean American Voters' Council.

This is my fourth time in this great country, and each time I leave with stronger friendships and a deeper understanding and connection to Korea. My visits to Korea and the warmth of the Korean people have made a long lasting impression on me.

This trip is especially meaningful to me, and I am extremely honored to receive an honorary doctorate in education here at Kangwon

National University. As a former teacher, principal, and school board member, education has played an integral role throughout my life, so receiving this degree is very personal.

Education is my passion, and I believe it is the most powerful tool and investment we can provide children with. Quality education assures the economic competitiveness of any nation, advances the arts and sciences, and provides the means for people to achieve individual success. I have worked hard towards providing every child with a high quality education, both as a former educator and as a Member of Congress.

Education also means being able to teach others in order to learn from past mistakes, and flourish as a society. If society cannot look back and learn from previous mistakes, trust and progress between nations is stunted.

To this end, I have spent a portion of my career in Congress educating and working on a historical issue that has grown very close to my heart: that of the 200,000 sex slaves known as comfort women. These comfort women, many of whom were Korean, were forced into dehumanizing sexual slavery, forced to serve up to 30 soldiers a day in some cases. They suffered serious physical, emotional, and psychological damages as a result.

Yesterday, I had the chance to visit with some of the comfort women survivors. I have met these women on several occasions, both in the United States and in Korea at the House of Sharing, and each time I meet them, I am renewed by how strong they are. I cannot emphasize enough how much I admire their perseverance.

The hope of the comfort women is an extremely modest one: That the government of Japan formally acknowledges, apologizes and accepts full historical responsibility for this crime. To date, they have still not received such a formal apology. That is why I introduced House Resolution 121, which calls on Japan to do so.

I believe the U.S. must have a strong founding in historical reconciliation. For example, in 1988, Congress passed, and President Ronald Reagan signed into law, H.R. 442, the Civil Liberties Act of 1988, which was a formal apology to United States citizens of Japanese ancestry who were unjustly put into internment camps during World War II.

As someone who was put into an internment camp as an infant, I know firsthand that we must not be ignorant of the past, and that reconciliation through government actions to admit error are the only ones likely to be long lasting.

Our government made a mistake, but they apologized for it, and healed many wounds as a result. Today, fewer than 300 comfort women are alive and the number is dwindling as they pass away. They want, and deserve, an official apology.

I cannot put into words how grateful I was when H. Res. 121 received overwhelming support in the 110th Congress—first during its markup held under Chairman Tom Lantos' leadership, and then during its debate and final passage before the House on July 30, 2007.

The fact that H. Res. 121 received no opposition during its consideration and passed

unanimously attests to its importance and relevance today. By doing so, the House sent a profound message to the government of Japan that the United States takes the issue of the comfort women very seriously.

Immediately after its passage, I rushed to the House gallery, where Yong Soo Lee, a surviving comfort woman, was watching floor proceedings. We shared a tearful embrace, one I will never forget. She repeated "Thank you. . . . thank you. . . .", and I could see in her face that she felt, maybe for the first time in her life, some sense of relief.

Despite the struggles I may have faced in pushing forward this resolution, and the criticism I received from the government of Japan, seeing Yong Soo Lee immediately reminded me again why I chose to tackle this issue.

While the resolution was successful, unfortunately it has not forced the government of Japan to act. The comfort women deserve to have their dignity and honor restored to them. It is not too late for Japan to issue a sincere and official apology, while these women are still alive.

I am hopeful that an international awareness has spread about comfort women, particularly in Australia, the Philippines, and Canada, where comfort women resolutions similar to H. Res. 121 have been introduced and some passed. We must continue to advocate for a formal apology for the comfort women as a matter of fundamental justice. It is an honor to be here in Korea to continue educating about this chapter in history, and to educate others about the importance of an apology for the women.

Moral justice and education have been the two guiding principles I have followed during my fight for the comfort women.

I believe education is a tool that can also be used to fight another battle: global warming. Climate change is the most significant threat to our environment today and is one of the greatest challenges that humans face. The overwhelming scientific evidence makes clear that global warming is a real phenomenon, and that human activities play a significant role.

Twenty of the hottest years in recorded history occurred since the 1980s. Glaciers and permafrost are vanishing. Weather patterns are shifting. Migration patterns are being disrupted.

Global warming presents mankind with a new kind of problem. To fight global warming, dramatic changes will be needed in transportation, energy production, public policy, and human behavior world wide.

As a former teacher, I feel education will be essential to allowing those changes to happen, which is why I introduced the Global Warming Education Act, H.R. 1926. The bill will broaden America's understanding of human-induced global warming, short and long term consequences, and potential solutions.

Widespread understanding of this phenomenon will play a significant role in our ability to address a crisis that tangibly and immediately impacts every single human being. It is vital that people of all walks of life possess sufficient understanding of the issue so that each and every one of us may play a role in defending the health of our planet.

I learned that Korea is becoming a world example and leader of using "green" technology to also address these threats. The U.S. is also an active leader in this effort, and this is just one example of many of the common values that our two countries share. I commend you for leading on the green technology front, and encourage you to educate your peers about the threats that we as humans face.

In closing, Korea holds a very special place in my heart. The relationship our two countries share is vitally important and continues to grow. I have many close friends here in Korea, and I appreciate the welcoming spirit of the Korean people each time I visit. Receiving this honorary doctorate is a lifelong dream of mine, and I am grateful for the opportunity to be presented with such an honor.

Again, I would like to thank the President, faculty, and the students of Kangwon National University for bestowing this honor upon me.

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KOREA'S MESSAGE OF SUPPORT  
FROM MINISTER OF FOREIGN  
AFFAIRS AND TRADE YU,  
MYUNG-HWAN TO THE PEOPLE  
OF AMERICAN SAMOA IN AFTER-  
MATH OF DEVASTATING TSU-  
NAMI

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**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Minister of Foreign Affairs and Trade Yu, Myung-hwan of the Republic of Korea in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

EMBASSY OF THE  
REPUBLIC OF KOREA,

*Washington, DC, October 5, 2009.*

Hon. ENI FALEOMAVAEGA,  
Chairman, Subcommittee on Asia, the Pacific,  
and the Global Environment, U.S. House  
Committee on Foreign Affairs.

DEAR MR. CHAIRMAN: It was with deep grief that I learned of the heavy loss of life and the disastrous property damages caused by the tsunami that swept your hometown, and would like to express my most profound sympathy and condolences to you and the people in the American Samoa, particularly to those who have lost their loved ones.

I earnestly hope for speedy relief and rehabilitation under your leadership.

Sincerely yours,

YU, MYUNG-HWAN,  
Minister of Foreign Affairs and Trade.

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JAPAN'S MESSAGE OF SUPPORT  
OF THE PEOPLE OF AMERICAN  
SAMOA IN AFTERMATH OF DEV-  
ASTATING TSUNAMI

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**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from

Ambassador Ichiro Fujisaki of Japan in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

EMBASSY OF JAPAN,  
Washington, DC, September 30, 2009.

Hon. ENI F.H. FALEOMAVAEGA,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE FALEOMAVAEGA: It is with great sadness that I learned of the tragic loss of life in American Samoa due to yesterday's earthquake and tsunami. My condolences go out to the families and friends who have lost loved ones, and I pray for the speedy recovery of those who were injured as well as the communities that have suffered much damage.

The people of American Samoa have our heartfelt sympathies as they rebuild their homes and communities.

Sincerely,

ICHIRO FUJISAKI,  
Ambassador of Japan.

**SPEAKER OF THE HOUSE NANCY PELOSI'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI**

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Speaker of the House NANCY PELOSI in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

The thoughts of the entire Congress are with the people of American Samoa as they grapple with the terrible loss of life as a result of today's tsunami. As the island works to rebuild, all levels of the government, including Congress, will move quickly to address the needs of American Samoa and the Americans who live there.

**HOUSE MAJORITY LEADER STENY H. HOYER'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI**

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from House Majority Leader STENY H. HOYER in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009:

I want to offer my deepest sympathy to all those in American Samoa and Samoa who lost loved ones in this terrible tragedy. We are all saddened by the loss of life and the scope of damage done. Our thoughts are with Eni Faleomavaega, American Samoa's delegate to the House of Representatives, and we will keep him and everyone affected in our prayers.

**CHAIRMAN HOWARD L. BERMAN'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI**

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Chairman HOWARD L. BERMAN of the House Committee on Foreign Affairs in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009:

I want to express my deepest condolences to the people of American Samoa and Samoa who have suffered great losses from the tsunami that swept the islands. The losses are staggering. The sympathy of the Foreign Affairs Committee is with our good friend and the chairman of the Subcommittee on Asia, the Pacific and the Global Environment, Eni Faleomavaega, the delegate from American Samoa. We commend him for his efforts and extend our fullest support during this trying time.

**RECOGNIZING SUSAN ANN (LISTON) SKERBISH FOR HER SERVICE TO THE FIRST DISTRICT OF WISCONSIN**

**HON. PAUL RYAN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. RYAN of Wisconsin. Madam Speaker, I rise to honor Mrs. Susan Ann (Liston) Skerbish, Wisconsin's First Congressional District Constituent Services Representative.

I have been fortunate to work with staff whose attitude and outlook are positive. But Susie's sweet nature stands out. She joined my office fresh out of college as an idealistic young woman dedicated to the cause of freedom and the desire to help make our society a better place. Susie's winsome smile has always brought sunshine to our office, uplifting morale on the busiest and most difficult days.

By now she has assisted hundreds of religious and nonprofit organizations to secure the grants to help fulfill their social mission, as well as local governments to receive the share of federal resources to which they are entitled. Her contribution to the well-being of Wisconsinans has been tremendous.

In the time since she came to my office, Susie became a loving wife and has recently become a new mom. With her sweet nature and great attitude, all of us in the First District offices feel like part of her family.

I am pleased to recognize Susie's 10 years of service to Wisconsinans in the First District.

**TRIBUTE TO NEW A.M.E. ZION CHURCH**

**HON. BILL PASCRELL, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding religious institution, New A.M.E. Zion Church in Paterson, New Jersey, which is celebrating its 60th Anniversary of dedicated service to its parishioners, and by extension, the greater community.

It is only fitting that New A.M.E. Zion Church be honored in this, the permanent record of the greatest democracy ever known, for the spiritual home it has provided to American families, and its dedication to the entire community that helps keep this deeply rooted congregation growing towards the future.

The New A.M.E. Zion Church was organized at the home of Mrs. Augusta McCormick, on Fair Street in Paterson in May 1949. The first service as a Church was held on the first Sunday of June 1949 with 69 members. The Rev. Frank Thomas Roberts was founder of the Church, and he inspired the members to make it into a thriving faith community. With the financial support of Mr. John Spencer, Mrs. Florence Spencer, Mr. Robert Robertson, and Mrs. Elnora Tourse, a building located at 140 Lawrence Place was purchased to serve as a place of worship.

Rev. Roberts served as pastor until he was reassigned, and Rev. M.R. Cuthbertson was the second pastor. He brought many young people into the Church. He was followed by Rev. J.O. Fountain, and the Rev. Wesley Brown, who began in 1957. Numerous new programs were started and the first organ was purchased in addition to the first parsonage. Rev. Brown organized a building fund, but instead of building a church they purchased the former Holy Cross Polish National Church, at 153 Lawrence Place. This has been the home of New A.M.E. Zion since 1965. The first service was held there in May and Presiding Bishop William H. Smith formally dedicated it in December of that year. Rev. Brown served until his health declined and Rev. Wallace Lee was assigned. The Church continued to prosper under his leadership. The next pastor was Rev. Dr. Albert J. White, who was assigned in 1976. During his 24 years as pastor, membership grew and many capital improvements were made. A food pantry was started, as well as a summer free lunch program for children in the community and outreach programs for the youth and their families. When Dr. White retired, Rev. Wayne Harris was assigned for a few months, until Rev. Robert C. Russell, who currently still serves as pastor, was assigned.

The New A.M.E. Zion Church currently has many ministries, including Music, Prayer Band, Youth, Health Awareness, Food Pantry, and Van Transportation. Scholarship Fund Committee, Summer Reading, Sunday School, Prayer Meeting, Bible Study and Christian Development are all offered.

Each of the pastors, with the assistance of the other ministers, bishops, and presiding elders as well as the membership, has helped to keep the Church growing and strengthening

throughout the last six decades. I am certain that New A.M.E. Zion Church will continue to thrive and to help to better the surrounding community as it moves into the next chapter in its history.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of wonderful, thriving faith communities like New A.M.E. Zion Church.

Madam Speaker, I ask that you join all of the members and clergy of New A.M.E. Zion Church, all those whose faith has been enriched throughout the years, and me in recognizing the outstanding contributions of New A.M.E. Zion Church to the community and beyond.

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RECOGNIZING SHOWROOM SHINE  
ON THEIR 2009 HOODIE AWARD

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**HON. WM. LACY CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. CLAY. Madam Speaker, I am pleased to rise before you today to recognize a star in St. Louis County's active small business community, Showroom Shine, for their 2009 Hoodie Award. The Hoodie Awards aim to recognize excellence in the lives of everyday Americans who contribute their leadership to urban communities. The 7th annual award ceremony honored co-owners Sylvester Chisom and Arthur Shivers with the award for Best Detail Shop. We in the Show Me State are proud that Showroom Shine, a standout in the field of auto detailing and vehicle restoration, is one of our very own.

Sylvester Chisom and Arthur Shivers truly exemplify the entrepreneurial spirit that continues to be the backbone of the American economy. Outfitted only with a water hose, bucket, and drain, Chisom and Shivers started Showroom Shine in 1999 as high school seniors. Showroom Shine has grown into a highly successful detailing company, winning their second Hoodie Award this year. Showroom Shine is known city-wide for their professionalism and personalized service, and hold contracts with numerous corporate and government entities, including the U.S. Postal Service, Enterprise Rental & Leasing, Clear Channel Radio, and Live Nation.

They take seriously their duty to pass along their success to the community and to future business leaders. The two pioneers have penned a book, "The Young Entrepreneur's Guide to Success," aimed at spreading the message of entrepreneurship to young people seeking advice and mentorship for their business ventures. Showroom Shine is a bright example of ingenuity and diligence. I stand before you offering heartfelt congratulations for their recent accolades and applaud their entrepreneurial excellence.

HONORING JAMES ALLEN CLOAR

**HON. RUSS CARNAHAN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. CARNAHAN. Madam Speaker, I rise today to give recognition for outstanding service by James Allen Cloar to the residents and City of Saint Louis as President and CEO of the Partnership for downtown St. Louis.

Mr. Cloar worked to revitalize America's heartland by improving the living conditions and safety of one of America's greatest cities, the City of Saint Louis.

He brought over a 100 new businesses and 11,000 new residents back into the downtown area of the City of Saint Louis. In doing so, Mr. Cloar secured accolades and recognition for the City, including the All American City Award.

Madam Speaker, James Cloar enjoys the love and support of his family, and I would also like to recognize them.

He is so proud of Anne Bock Cloar, his wife of over 40 years; his daughters Tracy Cloar Rogers and Jennifer Cloar Smith, along with their husbands; and his granddaughters Haley, Alexandria, Skyla, and Phoebe.

I commend Mr. Cloar's dedication to his family, his service to the City of St. Louis, and his work to bring about the revitalization of City's downtown area.

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RECOGNIZING TERESA MORA FOR  
HER SERVICE TO THE FIRST DISTRICT OF WISCONSIN

**HON. PAUL RYAN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. RYAN of Wisconsin. Madam Speaker, I rise to honor Miss Teresa Mora. Teresa is the Field Representative in my district office and has worked with me for more than ten years.

Teresa's personal experience is an embodiment of the American Dream. She was born in Mexico to a loving and close family. They recognized the opportunities for prosperity and freedom which the United States held out to them, and made the difficult decision to come to this country in pursuit of a better life for themselves and their children.

Teresa is conscientious and loyal. Her unique experience has given her a great love for her adopted country combined with passion to help others of Hispanic background who make up a considerable part of Wisconsin's First Congressional District.

Teresa's sincerity and heart of gold help her to win the confidence of immigrants who need assistance in working with the federal government. With bilingual skills, she works comfortably within the immigrant community to build trust and candor to help solve documentation and other government-related problems.

In her role as a representative working in a conservative Republican Congressional office, Teresa has at times encountered hostility based on misunderstanding. Teresa is never

partisan, but her positive experience as an American citizen empowers her with a sincere message of hope and success in this country that never fails to open minds and hearts.

I am proud to acknowledge the excellent service and positive efforts Teresa Mora has made over ten years to make life better for the families of Wisconsin's First Congressional District.

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MICHAEL CAVANAUGH

**HON. MICHAEL E. McMAHON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. McMAHON. Madam Speaker, I rise today to honor Michael Cavanaugh, a dedicated Staten Islander, dear friend, tireless community organizer, and great humanitarian who will be retiring this year.

Mr. Cavanaugh was born to Daniel and Mary Cavanaugh on June 23, 1949, in Astoria, Queens. He attended McKee Vocational High School, and served as an Apprentice with Local Union 3. He went on to a career as an outstanding electrician. He has dedicated the last 15 years of his working career as a local shop steward and active union representative fighting for the best benefits and working conditions for his fellow workers.

Throughout his career, he has always advocated for the interest of his fellow electricians and his community. He has served as the Vice President of the Dakota Group, a local group of individuals dedicated to helping our community. He has also served as the Legislative Coordinator for the Staten Island Electrical Club, North Shore Democratic Club, the Ancient Order of Hibernians, the Brighton Kiwanis, and the Special Olympics.

Mr. Cavanaugh is known for his neverending generosity. In addition to the many groups that he belongs to and supports, Mr. Cavanaugh also, on his own time and without any remuneration, has helped numerous people, families and organizations on Staten Island. To name a few, he has helped replace the lighting at St. Peter's Church, helped install a scoreboard at St. Paul's School, and he has helped many homeless people fix up apartments so they can have a decent place to live. Mr. Cavanaugh is one of the most generous people I know.

Mr. Cavanaugh has helped the campaigns of just about every Staten Island Democratic candidate over the last 15 years. His assistance has been essential to the success of many campaigns including mine. No job is too big or too small for Mike. He will help in any way possible.

Outside of his professional life, Mr. Cavanaugh is a devoted family man. He has been married to his wife, Monica, for the past 35 years. He is the father to his son, Daniel, and daughter, Erin. He is also the beloved grandfather to James. In addition to his family, Mike is totally devoted to his wonderful Golden Retriever, Rusty.

Madam Speaker, I ask that my colleagues join me in commending Mr. Cavanaugh on his dedication to the people of Staten Island and wish him a happy and healthy retirement.

ON THE RETIREMENT OF COLONEL  
STEPHEN M. CHRISTIAN, UNITED  
STATES ARMY

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. HOLT. Madam Speaker, I want to take a moment to honor a fine officer who will shortly be leaving active duty. Colonel Stephen M. Christian will be retiring from the United States Army on October 21, 2009 after more than 30 years of active military service, culminating as Garrison Commander for the United States Army Garrison, Fort Monmouth, New Jersey.

Colonel Christian enlisted in the Army in 1978 and in 1984 attended Officer Candidate School and was commissioned as an Air Defense Artillery Officer. Throughout his career Colonel Christian has held numerous high level command and staff positions, including tours with the 7th Infantry Division (Light) at Fort Ord, California; the 25th Infantry Division (Light) at Schofield Barracks, Hawaii; and the 10th Mountain Division at Fort Drum, New York. He commanded at the Battalion level on two occasions and served two tours of duty in Afghanistan in support of Operation Enduring Freedom, during which he was awarded two Bronze Star medals. Colonel Christian's civilian education includes a Master's of Science in Administration and a Master of Security Strategy from the National War College, National Defense University. Colonel Christian is married to Laura Christian and they have two adult children, Captain Nicholas Christian and Leslie Roop.

Madam Speaker, our active duty families make many sacrifices for the rest of us, and this is especially true of those who make the military their career. I thank COL Christian for his long and honorable service to our nation, and I wish him and his wife Laura the very best as they prepare to enter a new phase in their life journey together.

RECOGNIZE CHIPS FAMILY VIOLENCE CENTER IN ERWIN, TN DURING DOMESTIC VIOLENCE AWARENESS MONTH

**HON. DAVID P. ROE**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. ROE of Tennessee. Madam Speaker, October is Domestic Violence Awareness month, and great organizations such as CHIPS Family Violence Center in Erwin, Tennessee are educating the community on the dynamics of domestic violence.

This exceptional organization has an important mission to provide shelter and service to victims of domestic violence and their children, ultimately, enabling them to begin and maintain a life free of violence.

This month, CHIPS Family Violence Center in Erwin is holding their third annual candle light service. This event will not only educate the community, it will also honor victims and bring attention to their struggle.

Madam Speaker, the help, opportunity and encouragement provided by CHIPS Family Violence Center is helping families throughout Tennessee. I want to thank the shelter, the volunteers and our law enforcement for working together towards a safer and healthier community each day.

RECOGNIZING CHAD ALLEN HERBERT FOR HIS SERVICE TO THE FIRST DISTRICT OF WISCONSIN

**HON. PAUL RYAN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. RYAN of Wisconsin. Madam Speaker, I rise to honor Chad Allen Herbert, who is the Constituent Services Representative for military issues in my district office.

Chad is the "big brother" of our district office staff. He joined my staff ten years ago as an Army reservist with special concern for the problems and challenges of military personnel and their families. Many of these problems involve the byzantine structure of bureaucracies at the Departments of Defense and Veterans Affairs. Chad made it his business to learn and understand how to navigate the maze of these military agencies. As a result, he has done more over the years to help men and women of the First Congressional District who serve in the armed services than anyone I know of.

Among the most sobering duties of my office is speaking words of comfort to families who have just lost a loved one in military service. Chad has often followed up my initial conversations or substituted for me during the worst moments in the lives of military families. His poise, tact, and professionalism have never failed to be appreciated as he has honored the fallen and their families. Indeed Chad has a passion for making sure our veterans are honored for their extraordinary service to our country. He takes special pride in getting our vets the recognition they deserve, for example, by helping World War Two and Vietnam veterans acquire the medals they were awarded but never received.

Chad was a recent college grad when he began in my office ten years ago, and has since married and is raising a fine family. I am privileged to recognize his ten years of service in my office to the military families of Wisconsin's First District.

THE MARKET IS RESPONDING TO FAILING MORTGAGES

**HON. LAMAR SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. SMITH of Texas. Madam Speaker, one of America's top concerns during this difficult economic time has been the frequency of home mortgage foreclosures.

Earlier this month, there was news to encourage us. Efforts by banks, borrowers and the Administration to modify troubled mort-

gages have begun to produce much larger numbers of modifications.

As banks have stabilized their balance sheets and raised fresh capital, their officers even have been able to reduce borrowers' mortgage principal when they work out loans. Modifications that reduce the balances that borrowers owe on their homes have more than tripled.

Earlier this year, Congress debated legislation to change the Bankruptcy Code and force principal reductions on the market. The measure was rightly defeated. To send homeowners into bankruptcy is not the answer and forced principal reductions will chill future lending.

Recently, calls for bankruptcy legislation re-emerged in the House. This month's news shows once more that the measure is not needed. The market has found a better solution.

Americans need Congress to do something else to help homeowners. Let's pass effective legislation to bring growth and jobs back to America. That is the better way to help people keep their homes.

TRIBUTE TO CHRISTOPHER FRENZE

**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. BRADY of Texas. Madam Speaker, I rise today to offer a tribute to Mr. Christopher Frenze, Republican House Staff Director for the Joint Economic Committee, who is retiring this week from a distinguished career in government service. Chris has been a longtime public servant of this Committee and a tremendous asset to both my office and this Congressional body.

After earning his B.A. from American University and doing graduate work in economics at Virginia Tech, Chris served as Director of Research at the National Tax Equality Association. Chris began a long and extraordinary career at the Joint Economic Committee in 1981, holding such positions as Senior Economist, Chief Economist to the Vice Chairman, Executive Director and Republican Staff Director.

Over the years, Chris focused the Committee's research and policy work on several key fields of economics, such as tax policy, fiscal policy, and business cycle analysis, including the assessment of labor market conditions. This research aided countless Members considering tax policy changes, monetary policy targets, IMF reform, and numerous other issues. His career has been distinguished by his relentless effort to promote the public interest, encourage economic growth, reduce the burden of government and respect the Constitution.

Chris's knowledge of economic policy is only one of his many talents. He is recognized as an effective, successful manager who recruited valuable economists that served the Committee for many years. His work serving Senate and House Republicans Members of the Committee, in both the majority and in the

minority, has given him unique insights into the way the Committee and the Congress functions, and his expertise, vast institutional knowledge and constant professionalism will be sorely missed.

Chris Frenze represents the very best in public service. I know I can speak for all of my colleagues on the Joint Economic Committee, and those Members that have served on it in the past, in congratulating Chris upon his retirement and thanking him for his dedicated and tireless service to the United States Congress.

RECOGNIZING DANYELL TREMMEL  
FOR HER SERVICE TO THE FIRST  
DISTRICT OF WISCONSIN

**HON. PAUL RYAN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. RYAN of Wisconsin. Madam Speaker, I rise to honor Miss Danyell Tremmel, our District Director, for more than 10 years of work in the First Congressional District of Wisconsin office serving my constituents.

Danyell has actually been working for the people of the District even longer than I have. When Mark Neumann represented the District in the House of Representatives, she was his only caseworker. Thus she was already a seasoned "veteran" when she agreed to continue on my own staff as I succeeded Congressman Neumann in 1999. Since then she has become something of a "big sister" to newer staff

Anyone who has shared the day to day experience of casework in a Congressional office knows the strains and frustrations, in addressing legitimately upset constituents on the one hand and the bureaucratic slip-ups that have adversely impacted their lives on the other. Over the years, Danyell learned how to negotiate her way through the red tape to resolve these issues. She is very intelligent and patient. Her serenity under stress is invaluable and has inspired her coworkers.

Danyell directs my district office operations whenever the Chief of Staff is unavailable, and will be doing so for an extended time while he serves his country on military duty in Iraq.

Danyell has kept her enthusiasm, high standards, and work ethic as she has worked with me for the people of the First District. I am pleased to recognize her for more than 10 years of selfless dedication.

HONORING PHILADELPHIA SENIOR  
CENTER

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor Philadelphia Senior Center for 60 years of outstanding service to their community.

Founded by the Female Society for the Relief and Employment of the Poor, Philadelphia

Senior Center has been enriching the lives of seniors in Philadelphia since 1949. From its modest beginnings, Philadelphia Senior Center (PSC) has expanded to three branches around the city. PSC centers and services are free to any individual over the age of 55, and over 60 percent of PSC members have incomes well below the poverty level. Combined, these centers assist over 5,000 clients and members each year.

PSC provides an incredible array of services and aid to seniors in the Philadelphia area. Nearly 400 nutritious meals are provided daily and 70,000 yearly, at the PSC branches. Over 70 classes and activities are offered at PSC, ranging from Tai Chi to art classes to computer use instruction. PSC also maintains the crucial Financial Management Service. The only program of its kind in Southeastern Pennsylvania, Financial Management Service enables seniors to make sound financial decisions for their households. PSC also has trained counselors and staff to help with housing issues seniors might face. These PSC workers help find affordable housing and resolve issues and disputes for its members.

For 60 years, Philadelphia Senior Center has been dedicated to advancing the wellbeing and personal growth of all seniors. I ask that you and my other distinguished colleagues join me in thanking the Philadelphia Senior Center for all they have done to improve the lives of thousands of people in Philadelphia and beyond.

ON THE PASSING OF SENATOR  
EDWARD KENNEDY

**HON. JESSE L. JACKSON, JR.**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. JACKSON of Illinois. Madam Speaker, I rise today to express my condolences to the family and friends of one of my most prestigious colleagues, Senator Edward M. Kennedy.

Senator Kennedy lived one of the most extraordinary lives in American political history. He was the last brother of one of America's most storied families; one of our all-time great senators; and a champion for human rights. His legislative accomplishments have touched and improved the lives of virtually everyone who lived in this great country for the past half a century.

Albert C. Caswell approached me shortly after Senator Kennedy's funeral with a poem he wrote titled, "Our Nation's Tears". My colleagues may recognize Mr. Caswell's familiar face as he has served as a Tour Guide in the U.S. Capitol for the past 23 years. I was moved by Mr. Caswell's poem and he has asked that I submit it in the CONGRESSIONAL RECORD. I ask unanimous consent to add my statement and his poem to the CONGRESSIONAL RECORD and I encourage my colleagues to read it.

OUR NATION'S TEARS

(By Albert Carey Caswell)

Our . . .  
Our Nation's Tears . . .  
As so now lie here!

For one of America's finest son's, this oh so cherished one . . .

A Champion, for Fathers, Mothers, Sisters, Brothers, Daughters and Sons. . .

For Seniors, and our most precious of all ones . . . our Children . . .

For America, and all of these ones!

Our Lion of The Senate Ted, so very dear . . .

As it's for or thee, we now so shed such tears . . .

As down our quivering cheeks they now so run!

All for you Ted, and your great American family my son . . .

And that great love story, that our Lord God had so begun!

And that great Irish family, that came from far across those seas . . .

But, for a better life to be . . .

And that great void now so left, as upon our souls as now so etched . . .

And that great hole in all our hearts, this abyss . . .

Ah, but lies such depth . . .

All in this great caesium, with us you have so left . . .

For this our nation, our Teddy bear . . . you have so blessed!

As our tears fall like the rains . . .

As it's for you Teddy, we now so cry out all in our pain . . .

As comes from our swollen eyes . . .

As it's for or you, our shining Knight. . . we now so weep . . .

For in our heart's, you . . . we shall so keep!

As we pray to our Lord above, that your soul he shall so reap!

For our True Champion, has so died!

As like Your Profile's in Courage, we too must so rise!

As you have so taught our nation, so over the many years . . .

That out of such loss, such heartache . . . and such swollen tears . . .

That somehow, light too can come!

And that somehow, we must all so persevere!

With A Smile, With A Grin . . .

With The Heart of A Child, and a work ethic so then!

And to cherish each new day, as it begins!

And make each new day count! Time and time, and time again!

And hold your families ever so close!

For this is life's full measure, that which so means the most!

Sail on my Son! We will hear your heart on the ocean's setting sun's . . .

Our beautiful brother from Boston!

For Heaven so hold's a place, for our most precious one!

For such men, of such courage, kindness, style and grace . . .

And who have worked and prayed for redemption, in all they've faced!

And live by such undying Faith!

Of such men so bright, who have all our heart's so bathed in all their light . . .

As the baby bore the load, lesson's learned . . . profiles in courage he so earned . . .

How, Teddy raised his head each day. . . was but a lesson for all of us to stay!

To take heart, to take pause . . . all in your pain, and remember his life cause . . .

To remember his smile, and ever his heart of a child . . .

And that up in Heaven on this day . . . Four brothers are so reunited, in a football game . . .

"And remember, that the work goes on!"

"The cause endures!"

"The hope still lives!"

"And the dream shall never die!"



Ted, our most precious one . . . can you but  
not in Heaven hear my son?  
All of Our Nation's swollen tears, these ones!  
And for you, our Nation cry!

In loving memory of Senator Edward Kennedy, May our Lord bless you our warm son, and your family.

RECOGNIZING JOYCE YAMAT  
MEYER FOR HER SERVICE TO  
THE FIRST DISTRICT OF WISCONSIN

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. RYAN of Wisconsin. Madam Speaker, I rise to honor Joyce Yamat Meyer, our Washington office Chief of Staff and now Acting Chief of Staff over all office operations.

Joyce is a native of Wisconsin. Since 1995 we have worked together in several different offices. I myself was a Congressional staffer when I met Joyce. I quickly recognized her great abilities. When the member she worked for retired from the House of Representatives, I persuaded my employer, Senator BROWNBACK, to bring her on board.

After my election in 1998 I invited Joyce to become my Legislative Director. Since that time, her skills and knowledge have grown with her responsibilities. I have also been pleased to watch her become a wonderful wife, mom, and leader.

Joyce is one of my partners in serving the people of Wisconsin's First Congressional District. Her home town is Franklin, Wisconsin.

Following state redistricting in 2002, she was thrilled to find that her home was now in the First District. Ever since, serving her home town neighbors has been a point of pride for Joyce.

I have worked with Joyce longer than anyone in my office. I am pleased to recognize Joyce Yamat Meyer for more than ten years of excellent work with me in serving the people of the First District.

HONORING BREAST CANCER  
AWARENESS MONTH

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 2009*

Mr. LARSON of Connecticut. Madam Speaker, I rise today in recognition of Breast Cancer Awareness Month, and the nationwide effort to fight one of the most prevalent cancers in the United States. For 25 years, we have used the month of October to highlight the admirable work in the campaign against breast cancer while also recognizing that we still have a great fight ahead of us. While there are over 2.5 million breast cancer survivors in the United States, at least 40,000 more women are dying every year. One out of every eight women is afflicted, and my home state of Connecticut has the third highest rate of new breast cancer cases in the country.

Recently the fight turned personal for me and my hometown of East Hartford. Judy Geier, a local 14-year veteran firefighter, wife of a police officer, and mother of five, was di-

agnosed with breast cancer in July and is currently undergoing chemotherapy. She expects surgery and radiation treatment in the near future. I am proud of how Judy has shown strength and courage in this battle, and how the East Hartford Fire Department, led by Fire Chief John Oates, and the entire town have rallied around Geier and her family during this trying time.

This was exemplified with the work of the Department did to bring the Pink Heals Tour to East Hartford. Founded by Arizona firefighter, Mr. Dave Graybill, the Pink Heals Tour is engaged in a nationwide mission, armed with a caravan of pink fire trucks, to raise funds and involvement in communities to prevent and treat breast cancer. When the East Hartford firefighters learned of the Pink Heals Tour and its mission, they worked hard to bring the Tour to East Hartford on behalf of Judy. Pink Heals obliged, adding a last-minute stop to their nationwide journey.

On October 1st, surrounded by the East Hartford Fire Department, community leaders, and the Geier Family, the Pink Heals Tour awarded Judy with a pink fire helmet in support of her admirable fight.

As a nation we have made significant strides to increase the survival rate and improve the lives of millions of women who have battled breast cancer. However, there is still a great amount of work to be done to raise awareness and improve access to preventive and treatment services for every woman. I am confident that with greater funding, increased awareness nationwide, and community support as displayed in East Hartford, we can come together and win this fight.



## HOUSE OF REPRESENTATIVES—Wednesday, October 14, 2009

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

Pastor Guillermo Maldonado, King Jesus International Ministry, Miami, Florida, offered the following prayer:

Let's bow our heads and pray.

Heavenly Father, thank You for this opportunity for the religious freedom that we enjoy in this country. We are grateful to our Founding Fathers who fought and died for us to have this freedom.

Today, I lift up a prayer for each Member of Congress, and I ask You to give them the wisdom they need to govern and pass laws in favor of Your people.

Lord, You are who places and removes kings from their throne, and You ask us to pray for all those in positions of authority so that we may live peacefully in this Nation.

Lord, let Your will be done in this House as it is in heaven, for it brings peace and justice to this country. Let Your Holy Spirit guide each one of these men and women and rest upon their hearts and mind.

In Jesus' name, amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. KIRK) come forward and lead the House in the Pledge of Allegiance.

Mr. KIRK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING PASTOR GUILLERMO MALDONADO, KING JESUS INTERNATIONAL MINISTRY, MIAMI, FLORIDA

The SPEAKER. Without objection, the gentleman from Florida, Congressman MARIO DIAZ-BALART, is recognized for 1 minute.

There was no objection.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, Pastor Guillermo

Maldonado is the founder of Rey Jesus International Ministry in Miami, Florida. It is recognized as the largest Hispanic church in the entire country.

He, along with his wife, Ana Maldonado, who is joining us today in the gallery, are spiritual leaders for so many in our community. His dedication and commitment to serving God and to serving his fellow man is, frankly, unparalleled.

It's a great honor, a huge honor to have Pastor Maldonado as our guest chaplain in the House today, for he is truly an inspiring figure. I am so glad that this House is able to benefit from the spiritual guidance that so many of us in south Florida have been able to do over the years.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further 1-minute speeches on each side of the aisle.

### WHITTEMORE PETERSON INSTITUTE SCIENTISTS DISCOVER SIGNIFICANT LINK BETWEEN XMRV AND ME/CFS

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, a recently identified retrovirus called XMRV has been linked to the debilitating neuroimmune disease that affects more than 1 million people in the United States. Scientists from the Whittemore Peterson Institute, located at the University of Nevada, Reno, and their collaborators from the National Cancer Institute and Cleveland Clinic have discovered a retroviral link to chronic fatigue syndrome. This is a major breakthrough in understanding the origins of this debilitating disease.

I rise in order to congratulate Harvey and Annette Whittemore. Ms. Annette and her husband, Harvey, have a daughter that was diagnosed with chronic disease syndrome. They have worked tirelessly and relentlessly to fund and ensure that they can find a cure to this disease.

I rise also to tell people that the money to purchase the equipment used to discover this medical breakthrough was funded by an earmark by the United States Congress. This is a good expenditure of taxpayers' dollars and will ultimately save millions of our fellow Americans' lives.

I congratulate the Whittemores and the institute. I look forward to work-

ing with them, not only to identify and isolate this enzyme that causes this disease, but to actually cure it.

### YOU AMERICANS ARE RUNNING OUT OF OTHER PEOPLE'S MONEY

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, in medicine, the rule is do no harm. But look at these Medicare cuts just approved by Speaker PELOSI. The Congressional Budget Office reports that the bill cuts Medicare, nursing, wheelchairs, home health, even hospice. Hospice? Yep. Medicare hospice is cut.

Another principle is this: the right hand of government should know what the left hand is doing. Just a few months ago we enacted a stimulus bill to put money in the economy, but the bill we are going to consider has a \$400 billion tax increase that takes money out of the economy.

In the teeth of the great recession, this is what we are going to do. But you know what? That's okay, because we can still borrow billions from foreign lenders; right? Or, as one British MP correctly said when he summed it all up, you Americans are running out of other people's money.

### HEALTH INSURANCE REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, do no harm. What we are really doing in health care reform is to ensure that we have an efficient, effective, and secure Medicare, not cuts. But really what we want to talk about is insuring all Americans.

Our job is not yet done. We thank the Senate Finance Committee for moving forward, but our job is not done. It's not done because a 17-pound, 4-month-old baby that had the Rocky Mountain Health Plan was denied insurance because of obesity. What more are Americans going to face?

Listen to this debate. The legislation that we have here in the House means that health insurance reform will come and an insurance company can no longer decide to deny you coverage or jack up your rate because of a pre-existing condition. It means it will be against the law for insurance companies to drop your coverage when you

get sick or water it down. It means insurance companies will no longer be able to place some arbitrary cap on the coverage. It means there will be a yearly limit on how much you can be charged on out-of-pocket expenses. It means relief. It means that your bouncing baby boy will not be denied insurance because he happens to be chubby.

Let's get the job done, access to health insurance for all Americans.

#### DOMESTIC VIOLENCE AWARENESS MONTH/TEENS AGAINST DOMESTIC ABUSE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to recognize October as Domestic Violence Awareness Month.

Domestic violence is one of the most chronically underreported crimes in America, with 85 percent of the victims being women. In an effort to raise awareness about this often-concealed problem, Teens Against Domestic Abuse, TADA, will be joining with the Women's Fund of Miami-Dade County to host an event, "Women Ending Domestic Violence."

TADA is a local student activist group run by a caring and passionate young woman, Emily Martinez-Lanza, and her event will be next week, October 22, in Miami. Through education, awareness, and prevention, students are working to help break the cycle of domestic abuse.

I commend TADA for its efforts in promoting domestic violence education in our schools. I also commend the Women's Fund of Miami-Dade County for its outstanding contributions to ending domestic violence in our south Florida community.

As Domestic Violence Awareness Month reminds us, everyone deserves a safe home, one free from violence and free from abuse.

#### SUPPORT IRAN SANCTIONS ENABLING ACT

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise in support of House Resolution 1327, the Iran Sanctions Enabling Act of 2009.

This commonsense bill would empower State and local governments and educational institutions to divest from those foreign companies supporting Iran's energy sector if they so choose. I support the efforts of our diplomats both to engage Iran and to work with Iran's key trading partners to impose meaningful, multilateral sanctions.

However, if Iran still refuses to take meaningful steps towards transparency

in halting its nuclear ambitions and if China and Russia refuse to go along with multilateral sanctions, then I believe it is critical that the President be prepared to act, including imposing crippling sanctions.

This bill will provide the President with the authority he needs.

#### PREMIUMS WILL RISE UNDER HEALTH CARE REFORM

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, in the next few weeks, the House of Representatives will be taking up health care reform legislation.

A report released Monday by PricewaterhouseCoopers showed the Senate Finance Committee's version of the health care bill will impose stiff costs to the American people. According to the report, a family paying \$12,300 currently for their health insurance policy would find themselves paying nearly \$26,000, on average, by 2019 under this bill. Premiums for a single person would go up by \$600 a year.

Mr. Speaker, Americans want reform which expands access to affordable health care and gives families the freedom to choose the policy which fits their needs. Americans want meaningful medical liability reform to help deter frivolous lawsuits, and they also want to be able to buy health insurance across State lines.

Republicans are willing to work with our colleagues to find bipartisan solutions to the hurdles standing in the way of health care reform.

□ 1015

#### HEALTH CARE REFORMS CLOSER

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, with each House of Congress finally preparing to bring a health care bill to the floor, we are now closer to reform than we have been in decades. And while we still have a few hurdles to jump before the finish line, there are major issues on which there is widespread agreement. So what can the American people be sure will be in any health care reform bill that is passed?

That it will be against the law for insurance companies to drop your coverage once you get sick and that they will no longer be able to exclude you based on a preexisting condition; routine checkups and preventive care will be covered without copayment; and your insurance plan will be portable, even when you change jobs.

In short, Americans will be able to keep the coverage they have and be safeguarded against losing it when

they change jobs or get sick. These reforms are long overdue, but they are now one step closer to reality.

#### RESOLVE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Nation is at war in Afghanistan. The commander of the multinational forces says he needs several thousand more U.S. troops. But the United States has not sent him more troops. Our country is indecisive. Why do we delay?

Our enemy is not hesitant about their determination to continue to murder in the name of religion. Our inaction causes our national credibility and resolve to be in doubt. It encourages our foes and puzzles our allies.

If our troops needed more food, we would immediately send food. If our troops wanted more equipment, arms and vehicles, we would immediately send munitions. But if our troops want more troops, we stall, delay and ponder. Why?

It is said we need time to reevaluate the situation. Well, after years of fighting, are we not sure about our mission, our goal, our strategy? We are giving the impression to the world and to our military that we don't have the moral will to finish this war.

We can delay no longer. Our troops are already in the field. Their safety and success is of paramount importance. Let there be no question of our resolve to eliminate the terrorists who threaten the innocents of the world.

And that's just the way it is.

#### RECOGNIZING EISENHOWER HIGH SCHOOL'S 50TH ANNIVERSARY

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. Speaker, I stand here today to recognize Eisenhower High School in my hometown of Rialto on the occasion of its 50th anniversary. This Saturday, October the 17th, the Rialto community will celebrate this important milestone.

Eisenhower first opened its doors in the fall of 1959, and since then has achieved great success in academics, athletics and community involvement. Eisenhower athletic teams have consistently won titles in a wide range of sports, including football, basketball, wrestling and swimming. In fact, this past winter the Eisenhower boys' basketball team won the California Interscholastic Federation's State title, marking the first time ever a school from San Bernardino County held the State title.

Eisenhower's impressive list of alumni include NFL Hall of Famer Ronnie Lott, baseball star Jeff Conine, golfer Brandi Burton, and Olympic speed

skating gold medalist Derek Parra. In addition, my two sons, Joe Baca, Jr., former State Assemblyman and now Mayor Pro-Tem for the City of Rialto, and Jeremy Baca, who has done an outstanding job in work in the Inland Empire area, have also graduated from Eisenhower High School.

For their outstanding academics, Eisenhower High has been recognized both as a National Blue Ribbon School and a California Distinguished School.

I thank all the students, teachers and parents who have contributed so much to Eisenhower High and the Inland Empire community these past 50 years.

#### SCRAP H.R. 3200

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, as a physician and a father and a Member of Congress, I join the majority of Americans that do not want the government takeover of our health care system. They are demanding Congress scrap H.R. 3200 and come together in a bipartisan fashion to craft a commonsense plan to reduce costs, expand access and increase the quality of care in a way that America can afford.

We need to create a health care plan that will ensure that the government does not interfere with the doctor-patient relationship, ensure that the government does not deny care on the basis of disease or years of life left, ensure that government does not break the bank at a time when America simply cannot afford it, ensure that if you lose or change your job, you and your family would continue have to access to affordable health care coverage, ensure that if you have a preexisting condition you will not be denied access to coverage, and, finally, ensure that any medical liability reform will be real and meaningful.

I challenge my colleagues to put principle above politics and represent the will of the American people when it comes to health care reform.

#### GIVING PEACE OF MIND AND HEALTH SECURITY

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, I want to share with my colleagues a letter I recently received from a constituent in Niles, Illinois. He writes:

"As one of your constituents, I urge you to move forward and pass comprehensive health reform, including a public option. I have been self-employed for 18 years. My continued ability to afford medical insurance and health care has been my biggest concern. Without a public option, those of us who do not have an employer-provided medical insurance are at the

mercy the insurance industry. As an example, six years ago when I turned 55, my medical insurance premium increased 33 percent in 7 months. Each year I wonder if I will have to give up my business, because I will no longer be able to afford medical insurance on my own."

We need to pass comprehensive reform this year to give my constituent and other self-employed individuals peace of mind and health security.

#### TESTIMONIAL ON SUSAN G. KOMEN RACE FOUNDATION AND BREAST CANCER AWARENESS MONTH

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BROWN of South Carolina. Mr. Speaker, today I stand as a proud cosponsor of a resolution honoring Nancy Goodman Brinker, founder of the Susan G. Komen for the Cure Foundation. This October marks the 25th anniversary of National Breast Cancer Awareness Month and the 27th anniversary of Komen for the Cure.

In the Palmetto State, breast cancer occurs in over 5,000 women a year and kills over 1,000, but according to the American Cancer Society, these numbers have been falling since the 1990s. However, there is always more to be done, and we can all get involved in promoting breast cancer awareness.

This Sunday is the 16th Annual Komen Lowcountry Race for the Cure in Charleston and I congratulate our local affiliate staff, Lindsay Wiltshire, Michelle Temple, Lucy Spears, Taffy Tamblyn and Patricia Simon for their hard work organizing this event. Their efforts bring us all closer to the ultimate goal of a world without breast cancer. We are very proud of them and all of their efforts in the First Congressional District.

#### EDUCATION KEY TO REBUILDING ECONOMY

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, as we continue working to strengthen our economy and put Americans back to work, it is important to note that our economy has stabilized a great deal since the economic collapse a year ago. But there is still much more work to be done.

Because of the American Recovery and Reinvestment Act, an estimated 8,500 teaching jobs have been saved in my home State of Missouri alone. Without the Recovery Act, thousands of teachers would have lost their jobs. Hundreds of thousands of students would be losing out on individual attention vital to their education. It was

the right thing to do to provide States with the resources to keep America's teachers teaching and continue investing in our children's education.

This stimulus is putting us on the road to recovery by putting money back in the pockets of middle-class Americans and making critical investments in our future, like education and preparing for today's clean energy jobs.

We must continue our aggressive push to put Americans back to work and make investments in ourselves for this new era of global competition. Rebuilding our economy must continue to be our top priority.

#### WHERE ARE THE JOBS?

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I come to the floor today to ask a simple question: Where are the jobs?

When Congress was asked to rubber stamp the President's trillion dollar stimulus proposal last February, we were told that legislation was the only way to keep the national unemployment rate from rising above 8 percent and that it would create jobs. Unfortunately, as we all know, this so-called stimulus bill has failed to do either of these things.

Nearly 3 million people in the private sector have lost jobs in America since the stimulus bill was signed into law. And the national unemployment rate? 9.8 percent and climbing, the highest level in 26 years. Moreover, 15.1 million people who are unemployed are looking for work, again the largest number in history, and it includes my son, who is celebrating his 38th birthday today standing in the unemployment line.

Happy birthday, Billy.

In my home State of Georgia, my State has lost 116,000 jobs since the stimulus was signed. I ask again, Mr. Speaker, where are the jobs?

#### BRINGING DOWN HEALTH INSURANCE COSTS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, a lot of us have gotten a good chuckle over the last few days over the PricewaterhouseCoopers study of the impact of the Senate Finance Committee health reform bill on health insurance premiums. I mean, after all, after only a few days, they had to come out and say, well, we really didn't analyze the whole bill, and in fact if some of the cost reform measures were put into place, we would save money.

But they missed the important point. The most important point is that the Senate Finance Committee bill doesn't include the public option that provides

real competition for America's health insurance companies. The House bill, H.R. 3200, does include that public option competitive force.

As I was home over the weekend, I talked to many people who just opened their renewal forms from their insurance companies and saw increases projected of 20, 25 and 30 percent. That is why the public option is so important.

We can bring down health insurance costs and we can provide competitive pressure on the health insurance companies if we adopt the public option in the House bill.

#### MEDIA GIVING PRESIDENT A FREE PASS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, unemployment under President Obama is at a 26 year high. The last time unemployment was this high was when President Reagan took office.

Despite the similar unemployment figures during the Obama and Reagan Administrations, the media have treated President Obama far more favorably than they treated President Reagan, according to an analysis by the Business and Media Institute. BMI found that 91 percent of the stories mentioning the Reagan Administration and unemployment were negative, while only 7 percent of the Obama administration stories were negative. That is absolutely astounding. Furthermore, the networks connected the Reagan White House to negative job numbers almost twice as often as they have the Obama administration.

Why is the media giving President Obama a free pass? The media should report the facts, not play favorites.

#### PASS COMPREHENSIVE HEALTH INSURANCE REFORM

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, this past Sunday, America's Health Insurance Plans, the trade group representing the largest health insurance companies in this country, released a report. The insurance companies contend that health insurance reform will raise premiums on families by as much as \$4,000 in the next 10 years.

I am here to tell you this morning, Mr. Speaker, that this is simply not true. Just last week, the Tax Foundation, a nonpartisan tax research group, released a report that said middle-class American families will see a savings of about \$1,900 from the House's health reform bill.

Insurance companies are worried that health insurance reform is going

to cut into their profits. This report is a last-ditch effort to stop this Congress from providing real relief to the millions of Americans who already are struggling with the high cost of health insurance.

Even the company hired to produce the report has issued a statement saying that they produced a skewed report that analyzes only part of the bill because that is what the insurance industry paid them to do. That company has since distanced itself from this report.

This report completely ignores critical policies that hold down the cost of health insurance, such as the grandfather policy that allows you to keep the plan you have, affordability credits, and the health insurance exchange.

#### PROVIDING MORE FREEDOM AND BETTER HEALTH CARE FOR AMERICANS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I respect the President of the United States of America. I pray for this President often in my private devotions. But after months of extraordinary public opposition to a government takeover of health care, opposition that spontaneously drew more than 1 million people to the West Front of this Capitol just one month ago, President Obama spoke words this weekend that were, frankly, hard to take.

He said in his radio address, "What is remarkable is not that we have had a spirited debate about health insurance reform, but the unprecedented consensus that has come together behind it."

Unprecedented consensus that has come together behind a government takeover of health care? Well, maybe here in Washington, D.C., but not across America.

There is an unprecedented consensus. The American people are fed up with runaway Federal spending and government takeovers. And now that the committee work is done and both chambers of the House and Senate are headed to the back rooms to write up health care reform, let's home and let's pray that the unprecedented consensus that will shape this bill will be based upon the consensus of the American people for more freedom and lower health care costs, and not the consensus in Washington for more government and higher taxes.

□ 1030

#### HAPPY HALLOWEEN TO THE INSURANCE INDUSTRY

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today just weeks before Halloween to unmask the health insurance industry. At long last they've revealed themselves to the American people as profit-mongers and protectors of CEO salaries.

For months, the industry engaged in a game of pretense. They danced with the President, the Congress and the American people, pretending that they care about reform. Now we see the industry and their lobbyists for what they are: a little shop of horrors. They're so opposed to reform that they're making up their own data, manipulating the results, and writing a so-called independent report to threaten the American people with increased premiums.

Mr. Speaker, this industry is not interested in health care or reform. For them it's profits, profits, and more profits at the expense of millions of Americans. Enough.

We have one message for the insurance industry, its lobbyists and millionaire CEOs: with or without you, we will achieve quality, affordable, and accessible health care for all Americans, with choice. What they've done is proved the need for a robust public health insurance option for real competition, affordability and accountability for the industry.

Let me close by thanking the health insurance industry for delivering this gift that proves that they can't be trusted. It's time for the industry to turn in their costumes. Happy Halloween. We're on to you.

#### HONORING THE ARMY NATIONAL GUARD 81ST BRIGADE COMBAT TEAM AND AIR NATIONAL GUARD OF THE STATE OF WASHINGTON

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Mr. Speaker, I am proud to join my colleagues this morning in honoring the members of the Army National Guard 81st Brigade Combat Team and Air National Guard of the State of Washington on the completion of their recent deployment to Iraq.

These soldiers and their families have shown us the sense of duty, the sense of honor, and the sacrifice that we all aspire to and admire. Many of them know the pain of losing someone, a soldier, a fellow warrior, giving everything to defend the freedoms that we cherish in this country each and every day. And all of them know the perils of deployment, time away from their families, their children, their community, and possibly the ultimate sacrifice, their life.

This government comes here and performs its work each and every day. We can debate the issues each day because

of the dedication of these soldiers and their families. And today, though it's not enough, we say thank you.

#### CONGRATULATING ST. JOHN THE BAPTIST GREEK ORTHODOX CHURCH ON ITS 50TH ANNIVERSARY

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, I rise today to congratulate St. John the Baptist Greek Orthodox Church as they celebrate their 50th anniversary as a congregation during the month of October.

As the first Greek Orthodox Church in southern Nevada, St. John has welcomed new Americans of Greek descent to Las Vegas and helped them feel at home in the community. St. John has educated thousands of children in the rituals and faith of the Greek Orthodox Church, ensuring the strength and vitality of the doctrine. Over the past 50 years, the church has expanded from a small group of patrons to a large community meeting in a beautiful church in the Third District.

Today, the church has a vibrant membership and is host to a community center and educational facility. The church is active in social justice projects that benefit children, seniors, the sick, and the poor. The church hosts regular events celebrating Greek heritage such as folk dancing and Easter egg hunts. And there's an annual Greek food festival in Las Vegas which is famous throughout the valley for its wonderful music, camaraderie, and the best food outside of Athens.

I again congratulate St. John the Baptist Church and the Greek Orthodox community for their 50 years of success, and I wish them 50 more.

#### NET NEUTRALITY

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to point out a timely editorial on net neutrality that ran recently in *The Washington Post*, and I'll submit it for the RECORD, "The FCC's Heavy Hand," that ran on Monday, September 28, 2009. This editorial makes good points, but the bottom line is one I have been making since this issue came up so many years ago. The broadband marketplace has been, is, and will remain one of the most competitive areas in our economy.

Today, if you don't like your cable Internet, you switch to your phone company service. If you need mobility you can't get from your wire-line phone company, you purchase a wireless broadband plan. If you don't like one wireless provider's broadband plan,

you ask the guy sitting next to you surfing the Web in the park who he uses for their wireless broadband, and you switch to that company.

Why do we have options? Because broadband companies have invested billions of dollars to build the best networks they can to attract as many customers as they can. Why would they block applications or content when they know the customer they're interfering with could just switch to another provider? They won't, as long as that customer isn't harming the network.

Mr. Speaker, the contrast is here. We should look at why the government needs to do such as addressing health care, and prices are spiraling out of control. Tens of millions of Americans have no choice on health care and having insurance, whereas, in the broadband market, there is plenty of competition and companies are competing. There could not be a more stark contrast for where government must act, and where competition in the marketplace is benefitting consumers, driving investment, and creating jobs. Further regulation is not the answer to keeping the Internet open; fostering competition and investment in broadband infrastructure is.

#### PRESIDENTS REAGAN AND OBAMA

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I've listened to 1 minutes here, and some of my Republican colleagues have made comments I listened to. And one who I respect tremendously talked about President Reagan and President Obama, and certainly they have a lot in common. They're both dynamic speakers and great communicators. Both of them have had high unemployment rates during their first year in office.

But the commonality is that those high unemployment rates were caused by their predecessors. And the press properly pointed out that Jimmy Carter's failed policies in the late 1970s and George Bush's failed policy at the beginning of this century were the cause of the economic malaise that each of these great communicators, Presidents Reagan and Obama, found themselves with.

Each will find that the economies will improve. Reagan did, and Obama will, and this Congress is helping to improve this economy.

Another gentleman talked about health care and said we should pray. I'm Jewish, and at our Yom Kippur holiday it's said that we should pray for national leaders that have a government that is compassionate and just. I believe that compassion and justice dictates that we have a health care plan and take care of everybody. I

think it's the basis of the Judeo-Christian philosophy.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 846. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1510. An act to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 1016) "An Act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes."

The message also announced that pursuant to section 276n of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, appoints the following Senator as Chairman of the United States-China Interparliamentary Group conference during the One hundred Eleventh Congress:

The Senator from Washington (Mrs. MURRAY).

The message also announced that pursuant to Executive Order 12131, renewed by Executive Order 13446, the Chair reappoints and appoints the following Members to the President's Export Council:

Reappointment:

The Senator from Texas (Mr. CORNYN).

Appointment:

The Senator from Idaho (Mr. CRAPO) vice the Senator from Wyoming (Mr. ENZI).

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### RECOGNIZING THE VITAL ROLE FAMILY READINESS VOLUNTEERS PLAY IN SUPPORTING SERVICE MEMBERS AND THEIR FAMILIES

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and

agree to the resolution (H. Res. 408) recognizing the vital role family readiness volunteers play in supporting servicemembers and their families.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 408

Whereas since 2001, nearly 2,000,000 active duty and reserve sailors, soldiers, airmen, Marines, and Coast Guard personnel have deployed in support of Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas the more than 1,800,000 family members of regular component members of the Armed Forces and an additional 1,100,000 family members of reserve component members make significant sacrifices on behalf of the United States in support of their loved ones deployed overseas;

Whereas the readiness of the United States Armed Forces is predicated on the ability of each member of the Army, Navy, Air Force, Marines, and Coast Guard to focus on their mission during deployments;

Whereas the military necessity of long and often unpredictable deployments, frequent relocations, and infrequent family contact for members of the Armed Forces can be extremely challenging for members and their families;

Whereas, in response to these sacrifices and challenges, family readiness volunteers from each branch of the Armed Forces have stepped forward to provide critical support during deployments to service members and their families;

Whereas the family readiness volunteer programs in each service help commanding officers have a better understanding of the welfare of the families within his or her command during a deployment and allow families to be informed about the status of their loved ones' unit overseas;

Whereas family readiness volunteers consist of Army Family Readiness Volunteers, Navy Ombudsmen, Coast Guard Ombudsmen, Air Force Key Spouse Volunteers, and Marine Corps Key Volunteers;

Whereas the thousands of family readiness volunteers are generally spouses of members of the Armed Forces who provide assistance to military families while also enduring the challenges of military life;

Whereas these volunteers are motivated by the desire to improve the lives of other military families and to assist future generations;

Whereas family readiness volunteers also connect the community with military families and local military installations, often leveraging donations and resources for military families;

Whereas family readiness volunteers provide their services on a voluntary basis, with little public recognition and financial assistance, and often contribute their own resources to help other military families; and

Whereas the outstanding performance of our service members is a testament to the great success of family readiness volunteers: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes and honors the family readiness volunteers of each branch of the Armed Forces who selflessly devote their time, talent, energy, and resources in service to the United States and commends family readiness volunteers for their dedicated contributions to the quality of life of members of the Armed Forces and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of H. Res. 408. I introduced this resolution to honor the work of the Army's Family Readiness Volunteers, Air Force Key Spouse Volunteers, Navy Ombudsmen, Marine Corps Key Volunteers and Coast Guard Ombudsmen. Each day, thousands of these men and women volunteer their time to help improve the quality of life for military families by serving as a channel between deployed units and their loved ones at home. Most of these important volunteers are military spouses, frequently with a loved one deployed overseas.

I also introduced this measure to bring their efforts to the attention of all Americans. As chairwoman of the Military Personnel Subcommittee, I know that today's all-volunteer force is, in many ways, less integrated into the society that they are sworn to protect. My hope is that this resolution will help shed light on a group of dedicated volunteers that the average American may know little about but who are a crucial component of military readiness. I firmly believe that the outstanding performance of our servicemembers is directly connected to their efforts, and with today's high operational tempo, their services are as important as ever.

Family Readiness volunteers and ombudsmen help our military families solve a variety of problems and meet the challenges servicemembers and their families face before, during, and after deployments. As Admiral Mullen wrote when he was Chief of Naval Operations, "A strong command Ombudsman Program, both ashore and afloat, will help ensure that families have the information necessary to meet the challenges of a military lifestyle."

Across each service, these volunteers also assist newly enlisted servicemembers and spouses and their families with a wide range of issues, from understanding their health and retirement benefits to serving as a conduit of information to the command.

Mr. Speaker, I am fortunate enough to be able to meet with Navy ombuds-

men in my district several times a year to discuss the issues that military families care most about, from everyday issues like day care to uniquely military issues such as coping with the deployment.

And, in fact, when I first came to Congress, it was a Navy ombudsman in San Diego who helped me understand the complex issues faced by our all-volunteer force. And just last week, I had the pleasure of meeting with over 100 Army Family Readiness Volunteers who traveled to Washington to learn how to improve their abilities to advocate on behalf of the families they help at home. I was inspired by the willingness of these women and men who traveled from across the United States for training that will ultimately help them support their soldiers.

When you meet with volunteers, you quickly realize that a key component to our overall military readiness is the readiness of our military families. In my view, and the view of our top military leaders, America's deployed men and women could not do their jobs abroad if they were constantly worried about their families back home. Simply put, Family Readiness volunteers and ombudsmen help reduce uncertainty and ease anxiety around deployments by keeping families involved so our servicemembers can stay focused on their mission.

Today, it would be really impossible for our military to mitigate some of the stresses of war if there was not the valuable and active family contact maintained by these individuals. With every year of war, these volunteers have taken on an increasing amount of responsibility, so much so that the services have even begun to compensate a small number of individuals for their efforts.

While volunteers help provide peace of mind for our deployed personnel, they also provide information about the status of a unit's deployment overseas.

I recall the role that the Navy ombudsmen played when the USS *New Orleans* and the USS *Hartford* collided in the Strait of Hormuz earlier this year. For the families of the sailors and marines aboard both ships, the news was startling. Families were all wondering the same things: Was their loved one injured? Was the ship still able to sail? How would the incident impact the length of their deployment?

The ombudsman for the USS *New Orleans*, a ship stationed in my district, recounted to my office how within 10 minutes of the news breaking, he had over 20 calls from concerned family members. It was at that point that he e-mailed his families a simple message, with the subject line reading: "USS New Orleans Collision, Everyone is safe." His message at a time of need let the families know not to worry.

□ 1045

This ombudsman told my office, "The emails and phone calls that I fielded that day calmed my families. They were getting some bad news, but from a familiar voice . . . someone that they know and have spoken to . . . this does not necessarily make the news better but certainly more palatable."

Many of the families of the sailors and marines aboard the USS New Orleans responded to the ship's ombudsman about the valuable service he provided. One family member wrote, "Thank you so much for the updates. Having you as a connection to information to our loved ones has been critical and really important. My parents and I are incredibly grateful as we have been very worried about my sister."

Another family member wrote and said, "Thank you. You have been helpful through this difficult time. I appreciate the phone call and the reassurance that everything was okay."

Thanks to the work of this ombudsman, families at home had the right information at the right time. This is the invaluable role family readiness volunteers play and will continue to play as long as our military is at war.

Before I yield back, Mr. Speaker, I would like to strongly encourage all of my colleagues who have not yet had the opportunity to meet with these men and women to reach out to the family readiness volunteers and ombudsmen in their districts or States. I hope that they will do that. I also hope my colleagues will help me recognize the important role readiness volunteers and ombudsmen play in helping military families and honor their enormous contribution to our Nation's defense by supporting this measure.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to rise today in support of resolution 408 and thank the author, Representative DAVIS of California, for putting this resolution forward.

This resolution commends a large group of selfless and dedicated people, the vast majority of whom are volunteers, in organizations that provide support to the families and children of deployed members of the Armed Forces as well as to the servicemembers themselves.

Because these organizations go by various names and work quietly and effectively behind the scenes, it's important today that we acknowledge them explicitly. They are the Army Readiness Volunteers, the Navy Ombudsmen, the Coast Guard Ombudsmen, the Air Force Key Spouse Volunteers, and the Marine Corps Key Volunteers.

Our military families face extraordinary demands, stresses and challenges related to the service of their loved ones. To ease these burdens, family readiness groups unselfishly step in

to connect military families with the community and with local military installations.

Among the approximately 2.9 million family members of those serving in the Active and Reserve components, the needs are many, and supporting these needs is a matter of military readiness. The support challenge is made more complex because virtually all the families of National Guard troops and Reservists reside in civilian communities spread across this Nation. Yet the family readiness groups have taken on that challenge to provide help and support, particularly during extended periods of mobilization and deployment.

Our military forces could not have sustained the stress related to repeated deployments and combat without the assistance, dedication, and outstanding work over the years of these family readiness groups. Today's resolution is a fitting way to celebrate and thank such dedicated volunteers.

Again, I want to thank Representative DAVIS for putting this resolution forward, and I urge my colleagues to support House Resolution 408.

I have no further speakers, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise before you today in support of H. Res. 408, "Recognizing the vital role family readiness volunteers play in supporting servicemembers and their families". I would like to thank my colleague, Representative DAVIS, for introducing this resolution, as well as the co-sponsors.

Since 2001, nearly 2,000,000 active duty and reserve sailors, soldiers, airmen, Marines, and Coast Guard personnel have deployed for duty in the battlegrounds of Afghanistan and Iraq. To add to this service, the more than 1,800,000 family members of regular component members of the Armed Forces and an additional 1,100,000 family members of reserve component members make significant sacrifices on behalf of the United States in support of their loved ones deployed overseas.

But while the readiness of the United States Armed Forces is predicated on the ability of each member of the Army, Navy, Air Force, Marines, and Coast Guard to focus on their mission during deployments, this military necessity of long and often unpredictable deployments, frequent relocations, and infrequent family contact for members of the Armed Forces can be extremely challenging for members and their families.

In response to these sacrifices and challenges, family readiness volunteers from each branch of the Armed Forces have stepped forward to provide critical support during deployments to servicemembers and their families. These programs in each service help commanding officers have a better understanding of the welfare of the families within his or her command during a deployment and allow families to be informed about the status of their loved ones' unit overseas.

The thousands of family readiness volunteers are generally spouses of members of the Armed Forces who provide assistance to mili-

tary families while also enduring the challenges of military life. They consist of Army Family Readiness Volunteers, Navy Ombudsmen, Coast Guard Ombudsmen, Air Force Key Spouse Volunteers, and Marine Corps Key Volunteers. These volunteers are motivated by the desire to improve the lives of other military families and to assist future generations.

Family readiness volunteers also connect the community with military families and local military installations, often leveraging donations and resources for military families, as well as provide their services on a voluntary basis, with little public recognition and financial assistance, and often contribute their own resources to help other military families.

It is no exaggeration to say that the outstanding performance of our servicemembers is a testament to the great success of family readiness volunteers. That is why I join this distinguished body in recognizing and honoring the family readiness volunteers of each branch of the Armed Forces who selflessly devote their time, talent, energy, and resources in service to the United States and commend family readiness volunteers for their dedicated contributions to the quality of life of members of the Armed Forces and their families.

Mrs. DAVIS of California. Mr. Speaker, at this time, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 408.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### HONORING THE 56TH BRIGADE COMBAT TEAM OF THE PENNSYLVANIA ARMY NATIONAL GUARD

Mr. SMITH of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 754) honoring the citizen-soldiers of the National Guard of the State of Pennsylvania, including the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard on its return to the United States from deployment in Iraq.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 754

Whereas the members of the Army National Guard and Air National Guard of the State of Pennsylvania reside throughout the State and come from various communities, backgrounds, and professions;

Whereas units and members of the Pennsylvania National Guard have been deployed, and are continuously being deployed, in support of United States military operations at home and overseas in Iraq, Afghanistan, and dozens of other countries;



Whereas one such unit, the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard, is composed of approximately 4,000 citizen-soldiers from throughout the State of Pennsylvania;

Whereas the 56th Brigade Combat Team (Stryker), following a mobilization and deployment to Kosovo in 2003, was placed on Federal active duty for a second overseas mobilization on September 19, 2008, and deployed to Iraq on January 15, 2009;

Whereas during the deployment of the 56th Brigade Combat Team (Stryker) in Iraq, the brigade was primarily engaged in convoy security, force protection, provincial reconstruction, and base operations missions; and

Whereas the 56th Brigade Combat Team (Stryker) returned to the United States and demobilized in September 2009, upon completion of one year of service in support of military operations in Iraq; Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses its gratitude to the members of the Army National Guard and Air National Guard of the State of Pennsylvania and their families for their service and sacrifice on behalf of the United States;

(2) commends the members of the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard on the completion of their most-recent deployment to Iraq; and

(3) recognizes the achievements of the members of the 56th Brigade Combat Team (Stryker), and all other formerly and presently deployed Pennsylvania Army National Guard and Air National Guard units and members, for their exemplary service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. SMITH) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that all Members have legislative 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Speaker, I thank the gentleman from Washington for yielding me the time.

I rise in strong support of House Resolution 754, Mr. Speaker, to honor and say “thank you” to the members of the Pennsylvania National Guard from the 56th Stryker Brigade on their return home from Iraq and “a job well done.” And I want to commend and thank the gentleman from Pennsylvania (Mr. SHUSTER) and all the members of the Pennsylvania delegation for being cosponsors of this resolution.

Mr. Speaker, during the deployment of the 56th Stryker Brigade, I had the opportunity to travel to Mississippi and Louisiana with Congressman SHU-

STER, Congressman GERLACH and Congressman DENT, and then we had the opportunity, along with Congresswoman DAHLKEMPER, to travel over to Iraq to see our citizen-soldiers in action. And I can tell you that we, as members of the Pennsylvania delegation and the entire Commonwealth of Pennsylvania, are very proud of our citizen-soldiers’ performance, as I believe the entire country is.

They have returned home with the job well done. As a matter of fact, when we had the opportunity to be in Iraq and meet with General Odierno and General Jacoby and talk about the performance of General Wright’s soldiers under the command of Colonel Ferraro, they expressed how proud they were as commanders in theater for the job that was well done.

The Pennsylvania National Guard is the only National Guard who hosts a Stryker Brigade. And, Mr. Speaker, that did not happen by a lottery held at the Pentagon. It happened because of the strong professionalism, the training and the work that this brigade has done previously in their deployment. They are the second-most deployed National Guard unit of any in the country. And the reason is because of the job that they do when they are asked and they are called upon to serve our country and to serve the Commonwealth of Pennsylvania.

During their deployment, they served with distinction. The awards that were granted to the 56th Stryker Brigade include four Bronze Star Medal for Valor, 10 Army Commendation Medal for Valor, 33 Purple Hearts, and unfortunately they had two tragic deaths during their deployment, Staff Sergeant Mark Baum and Specialist Chad Edmundson. And certainly our prayers and thoughts go out to the families of those two who made the supreme sacrifice during their deployment.

Again, as a member of the Pennsylvania delegation speaking in concert with the other members of the delegation and on behalf of this entire body, I want to congratulate and commend the 56th Stryker Brigade on their performance.

Mr. SHUSTER. Mr. Speaker, at this time, I would like to yield such time as he might consume to my colleague from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I, too, rise today as an original cosponsor and strong supporter of House Resolution 754, and I would like to thank Congressman TIM HOLDEN of Schuylkill County for introducing this resolution.

The United States National Guard is the oldest component of our Armed Forces, dating back to pre-Revolutionary War times. Over the past 8 years, we have witnessed thousands of Guard members answer the call as they are asked to fight in Iraq and Afghanistan.

Approximately 4,000 members of the Pennsylvania Guard were deployed to

Iraq last fall, the largest deployment of the Pennsylvania National Guard since the Korean war. Prior to the 56th Stryker Brigade Combat Team’s deployment to Iraq, I, along with some of my colleagues, TIM HOLDEN, BILL SHUSTER and JIM GERLACH, visited the Pennsylvania Stryker Brigade in Mississippi and Louisiana at Camp Shelby and Fort Polk as they prepared for their mobilization overseas.

In June 2009, I traveled to Iraq to meet with the Pennsylvania National Guard 56th Stryker Brigade and other Pennsylvania troops, accompanied by many Members who are here in the Chamber today, including Representative DAHLKEMPER.

During my visit to Iraq, I saw a significant improvement in the security conditions on the ground. And the fact that we were able to safely drive through the bustling streets of Baghdad was an encouraging and welcome development. I know, without a doubt, it is the sacrifice, perseverance and bravery of these young men and women that enabled such progress.

I am pleased that just 1 year later, the 56th Stryker Brigade is returning home. As of late September, most of the brigade has returned home. I am honored to be standing here today to pay tribute to these heroes. Our military families demonstrate tremendous bravery as they watch their loved ones go overseas to fight in harm’s way for the freedoms we experience every day in this great Nation. We say “thank you” to the entire Pennsylvania National Guard for protecting the families and communities of our great Commonwealth and standing at the ready to defend our homeland.

I urge Members to support House Resolution 754.

Mr. SHUSTER. I continue to reserve the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Speaker, I want to thank the gentleman for recognizing me.

I want to rise today in proud and enthusiastic support to House Resolution 754, honoring the citizen-soldiers of the Pennsylvania National Guard, including the 56th Stryker Brigade Combat Team, known as the Stryker Brigade of the Pennsylvania Army National Guard, on its return to the United States from deployment in Iraq.

On January 15, 2009, the 56th Stryker Brigade was deployed to Taji, Iraq. Just last month, this extraordinary combat team, 4,000 strong, returned to their families in Pennsylvania after an incredibly successful deployment. They were welcomed home with proud, open arms throughout our State.

In June, I was grateful and honored to have had the opportunity to visit Iraq and to meet personally with members of the 56th Stryker Brigade from



the Third District of Pennsylvania. These brave Pennsylvanians embodied the fire of patriotism and the humility of sacrifice. I was in awe of their accomplishments and the high standard of excellence by which they executed their mission.

Just yesterday, I was on a plane ride back to Washington sitting next to a general whose son's division from Fort Hood took the place of our 56th Stryker Brigade from Pennsylvania, and he mentioned to me how honored his son was to take over from such an excellent group of soldiers. It was certainly a joy and an honor to greet our troops as they returned to Cambridge Springs just last month, the division out of my district.

Never had I felt such intense pride in our country as I did when meeting these extraordinary soldiers and witnessing the sacrifices they have made so that we may live in freedom and prosperity.

Our Pennsylvania National Guard has answered the call to defend these United States of America and ensure the security of our people and our way of life. Today, we honor these Guardsmen and thank them for their service. In doing so, we also renew our pledge to provide our men and women in uniform with the highest quality of care and benefits they have earned. In doing so, we show our intense gratitude and enormous respect for our soldiers who so rightly deserve it.

Mr. Speaker, I offer my unwavering support of House Resolution 754. I thank Congressman HOLDEN for bringing this resolution forward. Our Pennsylvania National Guard and our 56th Stryker Brigade Combat Team certainly deserve this recognition. May God bless our troops.

Mr. SHUSTER. At this time, I would like to yield such time as he might consume to my colleague from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I thank my good friend, my colleague from Pennsylvania.

Mr. Speaker, I, too, rise today in support of House Resolution 754, a resolution commending the members of the 56th Stryker Brigade Combat Team of the Pennsylvania Army National Guard on the completion of their most recent deployment to Iraq. And I thank all of my Pennsylvania colleagues for their support of this resolution.

The Stryker is a combat vehicle similar to a tank but operates on wheels rather than on tracks. And the vehicle is essential to protecting our soldiers' lives and is vital to the Army's Interim Brigade Combat Teams. The 56th Stryker is a special unit not just to my home State, but my home. My son, Logan, served with the 56th Stryker Brigade before changing to Active Duty, and a number of my former Eagle Scouts from my scout troop serve currently with the 56th Brigade and serve proudly in Iraq.

The 56th Stryker Brigade was deployed in February of this year to Iraq and returned home this past summer. And while in Iraq, they captured some 80 hidden supply dumps, which caused severe shortages and disrupted enemy operations. Their service in Iraq and Afghanistan has not gone unnoticed and has saved many lives.

Upon arriving home last month, these heroes were finally embraced by their families, their friends and their loved ones. From Venango County to Lycoming County, many constituents from my district bravely and honorably served on this brigade. We say "thank you, welcome home," and "God bless you" for your selfless service. Your actions will never be forgotten.

I urge my colleagues to support our troops and vote in the affirmative for the underlying resolution.

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Mr. SMITH of Washington. Mr. Speaker, I continue to reserve.

Mr. SHUSTER. Mr. Speaker, it is an honor for me to rise today in support of House Resolution 754, which honors the citizen-soldiers of the Pennsylvania National Guard, including the 56th Stryker Brigade Combat Team of the Pennsylvania Army National Guard, on its return to the United States from a deployment in Iraq. I am proud to have authored this resolution with my colleague, Mr. HOLDEN from Pennsylvania. It is an honor, as I said, to speak in favor of this resolution and to have the support and cosponsorship of the entire Pennsylvania delegation.

The men and women being honored today are not only brave soldiers; they are also our neighbors, friends, and relatives. Their mission in Iraq was vital to our national security, and they served with honor and distinction.

In November of last year, I was joined by my colleagues, Mr. HOLDEN, Mr. GERLACH and Mr. DENT, to visit the members of the 56th Stryker Brigade when they were training at Camp Shelby in Mississippi and at Fort Polk in Louisiana in preparation for their deployment.

In June of this year, Mr. HOLDEN and I, along with Mr. DENT and Mrs. DAHLKEMPER, visited Iraq to meet with our deployed troops from Pennsylvania to thank them for their service. We also met with troops at Camp Liberty outside of Baghdad, and in Taji. While there, we also were able to meet with General Odierno, the commander of the Multinational Force in Iraq. And General Odierno spoke in glowing terms of the Pennsylvania Guard and told us that our soldiers are doing an outstanding job bringing security to Iraq.

I also had the opportunity to meet with many of my constituents, and there were dozens and dozens. And they truly are citizen-soldiers. I just want to highlight three of them. Lieutenant Colonel Sam Hayes, who is a native of

Tyrone, Pennsylvania. His father also happened to be the former Pennsylvania Agriculture Secretary. Sergeant Buchannan, a resident of Altoona, Pennsylvania, and is employed by McAleers Plumbing and Heating. He is my plumber and spent time in my basement trying to fix leaky plumbing. So it is good to have Sergeant Buchannan home. And, finally, Sergeant Gibbons, another neighbor, a friend. His son plays on the Hollsburgh High School soccer team with my son. In fact, I will be on the sidelines tonight talking to Sergeant Gibbons.

I also wanted to thank and to remember Chad Edmundson, one of my constituents who gave the ultimate sacrifice. Our thoughts and our prayers continue to go out to his family and, again, to thank him for his service and his sacrifice to this Nation.

The text of this resolution speaks for itself. It is my pleasure to express our gratitude and commend our soldiers on their most recent deployment and recognize their achievements. I hope to be participating on November 8 in a major parade in Tyrone, Pennsylvania, welcoming home our soldiers.

I would also like to thank my staff for their work on this resolution, in particular my Army fellow, Lieutenant Colonel Eric Estep, for his great work and late hours in putting this together.

I urge all Members of the House to support this important resolution.

Ms. SCHWARTZ. Mr. Speaker, I rise in support of H. Res. 754, which honors the Pennsylvania National Guard's 56th Stryker Brigade Combat Team on its return to the United States from its deployment to Iraq.

The 56th Stryker Brigade is comprised of more than 4,000 citizen soldiers from across the Commonwealth.

The 56th served North of Baghdad and conducted more than 800 operations with the Iraqi Security Forces.

These soldiers served their country with great distinction, and it is my great honor to represent them in Congress.

I would also ask the House of Representatives to extend its deepest condolences to the families of two members of the 56th who gave the ultimate sacrifice while serving in Iraq.

Staff Sergeant Mark C. Baum, 32, of Quakertown, was killed when hit by small arms fire on Feb. 21 and

Specialist Chad A. Edmondson, 20, of Williamsburg, was killed by an improvised bomb explosion on May 27.

Passing this resolution today honors the memory of these brave soldiers of the 56th Stryker Brigade and marks the significant contribution that this unit has made to defend our Nation.

Mr. GERLACH. Mr. Speaker, I rise today in support of H. Res. 754, a resolution honoring the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard on its return to the United States from deployment in Iraq.

The 56th Stryker Brigade is composed of approximately 4,000 citizen-soldiers from

throughout the Commonwealth of Pennsylvania. These servicemembers come from various communities, including several communities in the 6th Congressional District.

The Brigade has previously served our country honorably, mobilizing and deploying to Kosovo in 2003. On September 19, 2008 the 56th Stryker Brigade was mobilized a second time, deploying to Iraq on January 15, 2009. The Brigade arrived in Iraq in late January 2009 and accepted responsibility of a roughly 800-square-mile area north of Baghdad from the 2nd Stryker Brigade Combat Team, 25th Infantry Division.

During their deployment in Iraq, the 56th Stryker Brigade played a critical role in support of military operations in Iraq. Brigade Soldiers performed over 800 combined operations with Iraqi security forces, capturing seven brigade level high value targets and 80 additional targets, including the capture of more than 80 enemy weapon caches.

The Soldiers of the Independence Brigade served side by side with Iraqi soldiers to ensure security. The 56th Stryker Brigade is credited with making \$22 million worth of reconstruction improvements in coordination with an embedded U.S. provincial reconstruction team. Following their one year of exceptional service, the Brigade returned to the United States and demobilized in September 2009.

Mr. Speaker, I ask that my colleagues join me today in honoring the brave men and women of the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard. May their service be an inspiration to us all.

Mr. SHUSTER. With that, I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 754.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING 100 YEARS OF MILITARY AVIATION

Mr. SMITH of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 445) recognizing 100 years of military aviation and expressing continued support for military aviators of the United States Armed Forces, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 445

Whereas Orville and Wilbur Wright secured the patent for their powered airplane in 1906, affording them the opportunity to compete for contracts with the Army;

Whereas the United States Army Signal Corps made its first purchase of an airplane,

the Wright Military Flyer, in 1909 at a cost of \$30,000;

Whereas the Wright Military Flyer carried a passenger over a distance of 125 miles;

Whereas today's military aircraft can travel around the world without landing;

Whereas the importance of military aviation and air superiority in battle was first demonstrated in World War I;

Whereas, during World War II, United States Naval aviation was decisive in reversing the Japanese advance and winning the war in the Pacific;

Whereas United States Army Air Corps played a crucial role in executing strategic bombing campaigns in both the European and Pacific theaters;

Whereas the National Security Act of 1947 established the United States Army Air Corps as a separate military branch, the United States Air Force;

Whereas the Vietnam War brought about new, more modern fighter jets and bombers, including the F-105 Thunderchief and the F-4 Phantom;

Whereas military aviators continue to provide invaluable offensive, defensive, logistical, and intelligence support to the Armed Forces;

Whereas military aviators have been on the front lines of combat and humanitarian missions in Iraq and Afghanistan;

Whereas the increase in technology over the last century has made military aircraft an essential component in the safety and security of the United States homeland; and

Whereas the National Air and Space Museum of the Smithsonian Institution will commemorate the centennial of military aviation with programs and exhibits throughout 2009: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes 100 years of military aviation and expresses its continued support for military aviators of the United States Armed Forces.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. SMITH) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. SMITH of Washington. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I might consume.

I rise to support House Resolution 445 and thank my colleague from Texas (Mr. OLSON) for introducing this measure.

This resolution recognizes 100 years of military aviation and expresses continued support for military aviators of the United States Armed Forces.

As a member of the House Armed Services Committee, I am privileged to be joined here today by a number of my colleagues in the House to recognize the service, sacrifice, professionalism, and commitment of all those who serve

and have served our Nation as aviators in the United States Armed Forces.

Our Nation's military aviation began on August 2, 1909 when the United States Army accepted its first aircraft built by the Wright brothers. Military aviation quickly expanded to the other services. Less than 2 years later, in 1911, the Navy ordered its first aircraft. Marine Corps aviation had its inception in 1912 when the first Marine Corps officer reported for duty at the Naval Aviation Camp in Annapolis, Maryland, and qualified as a pilot less than 3 months later. Coast Guard aviation began in 1916, when its first officer received orders for flight training.

World War I focused more attention on aviation. Despite a combat record of only 9 months, February–November 1918, the Air Service made a respectable showing during World War I. The 740 American aircraft assigned to squadrons at the front on November 11, 1918, Armistice Day, represented little more than 10 percent of the total aircraft strength of Allied nations, but the Air Service had conducted 150 separate bombing attacks.

World War II began an enormous expansion of military aviation. The U.S. Army Air Forces strength in World War II would swell from 26,500 men and 2,200 aircraft in 1939 to over 2.2 million men and 63,000 aircraft by 1945. Similarly, U.S. naval aviation began the war with one small and seven large aircraft carriers, about 5,200 aircraft and about 27,000 men. During that war, this force grew to over 100 carriers of various types, over 40,000 aircraft, 160 airships, and 60,000 pilots.

After World War II, President Truman signed the National Security Act of 1947, which created today's Department of the Air Force. Since World War II, military aviation forces have played major roles in such conflicts as the Korean and Vietnam Wars, as well as all major humanitarian and combat operations. America's first seven astronauts were all military aviators, paving the way for future decades of American leadership in space.

Today's military aviators have been engaged in Operation Noble Eagle since September 2001, Enduring Freedom since October 2001, and Iraqi Freedom since March 2003, and are performing with valor, distinction, and steadfast commitment to accomplish this mission.

As a Representative of the Ninth District of the State of Washington, I would also like to take a moment to especially note McChord Air Force Base. Their service is part of the Air Mobility Command, primarily flying C-17s and serving our country across the world.

Mr. Speaker, I am pleased to honor 100 years of air service in the military. I urge my colleagues to join me in support of House Resolution 445 to recognize those 100 years of military aviation and express continued support for

military aviators of the United States Armed Forces.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, at this time, I would like to yield to my colleague from Texas, who served as a naval aviator, the gentleman from Texas (Mr. OLSON), for as much time as he may consume.

Mr. OLSON. I thank my colleague from Pennsylvania.

Mr. Speaker, it is my honor to rise today in support of House Resolution 445, a resolution I introduced earlier this year honoring 100 years of military aviation.

Before I begin my remarks, I would like to thank Armed Services Chairman SKELTON, Ranking Member McKEON, as well as Subcommittee Chair ABERCROMBIE and Ranking Member BARTLETT.

Mr. Speaker, as a former naval aviator, I have firsthand knowledge of the vital and essential role the airmen of the United States military play in protecting our homeland and strengthening our global alliances.

Given the air superiority the United States enjoys today, it is easy to forget that 100 years ago there was much skepticism about the usefulness of aircraft for our Armed Forces. Shortly after the Signal Corps purchased its first aircraft for military purposes, "Scientific American," a respected publication wrote, "Outside of scouting duties, we are inclined to think that the field of the aeroplane will be rather limited. Because of its small carrying capacity and the necessity for its operation at great altitude, if it is to escape hostile fire, the amount of damage it will do by dropping explosives upon cities, forts, hostile camps, or bodies of troops in the field, to say nothing of battleships at sea, will be so limited as to have no material effects on the issues of a campaign."

One hundred years later, American courage, ingenuity, and innovation have proven them very wrong. We have come a very long way since Assistant Secretary of the Navy, Theodore Roosevelt, recommended that the Secretary investigate Professor Samuel Langley's so-called "flying machine" and report on its potentiality for use in combat.

The earliest planes were open-cockpit, single-seat mounts, and the only weapon was a sidearm and perhaps a few bricks that could be dropped on the enemy. During World War I, America's first military aviators wrote their instruction manual as they lived it and created traditions that are still honored and followed today.

In the aftermath of Pearl Harbor, America's airmen delivered the first moral victory of World War II. Flying B-25s from the deck of the Aircraft Carrier Hornet 400 miles from the shore of Japan, Colonel Jimmy Doolittle and

the Knights of the Air struck back and struck back hard. And less than 2 months later, U.S. military aviation changed world history at the Battle of Midway.

In 1947, Congress and President Truman wisely recognized the important role our country's airmen play on the battlefield and established the United States Air Force, a new, separate branch of military service.

From the hills of Korea, where our newest branch rose to the occasion and won 10 out of every 11 air engagements, to the jungles of Vietnam, where the ingenuity and versatility of our military aviators were tested like never before, the stories of the valor and the courage displayed by our country's airmen throughout our history are too numerous to tell.

On September 11, 2001, as F-16s were flowing low over Washington, D.C. and our country entered a new, unconventional war against an unknown enemy, America's brave airmen were on duty ready to defend. Whether pinpointing enemy fighters along the ridges of eastern Afghanistan from the cockpit of a P-3 Orion, manning a C-17 to deliver needed supplies to our troops on the ground, or operating strategic air strikes with a Predator drone from thousands of miles away, today in Iraq and Afghanistan our military aviators remain on guard.

General Curtis Lemay once said, If we maintain our faith in God, love of freedom, and superior global air power, the future looks good. And, today, as we look back on 100 years of military aviation in the United States of America, we honor the heroes of military aviation and thank them for the shining path they created for our country. Indeed, the future looks good.

I urge my colleagues to support House Resolution 445.

Mr. SMITH of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I rise in support of House Resolution 445, which was introduced by my friend from Texas (Mr. OLSON). As I added earlier, he served as a naval aviator. We appreciate his service.

This resolution recognizes 100 years of military aviation and expresses continued support for our military aviators in the United States Armed Forces.

As a member of the House Armed Services Committee, I am proud to speak in strong support of this resolution that honors the service, sacrifices, professionalism, and commitment of all those who have served as aviators.

For the last 100 years, the fact of the matter is that whether in times of peace or war, whether in Iraq or Afghanistan or somewhere else in the world, 24 hours a day, 7 days a week military aviators are always engaged, putting their lives at risk to protect

our country. So I am honored to speak in favor of this resolution, and I urge my colleagues to vote in favor of H. Res. 445.

Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today as a proud cosponsor of H. Res. 445, a resolution recognizing 100 years of military aviation and expressing continued support for the military aviators of the United States Armed Forces.

Military aviators have had a long history of defending our nation at home and abroad, as well as supplying humanitarian assistance throughout the world. From the very first military purchase of the Wright Military Flyer in 1909, we have been privileged as a nation for the service of the world's best aviators, as well as the finest platforms in which they fly. In fact, the most technologically advanced fighter jet in the world is the F-22A Raptor—proudly manufactured in the 11th District of Georgia which is my honor to represent. Throughout both World Wars, the Vietnam War, and Operations Iraqi and Enduring Freedom, aviators have been a critical component to successful combat from establishing air superiority to providing invaluable logistical and intelligence support to the Armed Forces.

Mr. Speaker, we must take a moment to recognize the communities around the nation that lend support to these aviators and their families. Again, I am proud to mention Marietta, Georgia, which is in my district and is home to Dobbins Air Reserve Base. The 94th Airlift Wing at Dobbins is part of the Air Force Reserve Command and provides the Department of Defense with exceptional C-130 Hercules training and combat-ready units ready to deploy on short notice to support more than 10,000 guardsmen, reservists, and civilians at the world's largest joint air reserve base.

With our military engaged in two wars, this chamber must take the opportunity to express thanks to all of our military aviators and other troops abroad who have defended our homeland and the values and ideals we espouse as a nation. I believe that the brave men and women who sacrifice for our present freedoms deserve our fullest support. Our nation's service men and women represent the best our country has to offer, and they must be treated with the respect and honor they deserve. As we ask these courageous soldiers, sailors, airmen, and marines—and their families—to do more and more, it's only right we continue doing all we can for them. Recognizing 100 years of military aviation is just one reminder of the superior job our troops perform for America at home and abroad, and it is my hope that we will continue to do all we can and more for the members of our Armed Forces.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. SMITH of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 445, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### HONORING THE 81ST BRIGADE COMBAT TEAM OF THE WASHINGTON ARMY NATIONAL GUARD

Mr. SMITH of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 627) honoring the citizen-soldiers of the National Guard of the State of Washington, including the 81st Brigade Combat Team (Heavy) of the Washington Army National Guard, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 627

Whereas the members of the Army National Guard and Air National Guard of the State of Washington reside throughout the State and come from various communities, backgrounds, and professions;

Whereas units and members of the Washington National Guard have been deployed, and are continuously being deployed, in support of United States military operations at home and overseas in Iraq, Afghanistan, and dozens of other countries;

Whereas one such unit, the 81st Brigade Combat Team (Heavy) of the Washington Army National Guard, is composed of approximately 2,478 citizen-soldiers from throughout the State of Washington, 843 soldiers from the California Army National Guard, 80 soldiers from the Texas Army National Guard, 38 soldiers from the Indiana Army National Guard, 23 soldiers from the Arkansas Army National Guard, 20 soldiers from the United States Army Reserve, 13 soldiers from the Montana Army National Guard, 2 soldiers from the Kentucky Army National Guard, 2 soldiers from the Maryland Army National Guard, and 1 soldier from each of the Alabama Army National Guard, New Mexico Army National Guard, Virgin Island Army National Guard, Wisconsin Army National Guard, Hawaii Army National Guard, New York Army National Guard, Utah Army National Guard, Minnesota Army National Guard, Massachusetts Army National Guard, Illinois Army National Guard, and Michigan Army National Guard;

Whereas the 81st Brigade Combat Team was placed on Federal active duty for a second overseas mobilization on August 18, 2008, and deployed to Iraq in October 2008;

Whereas, during the deployment of the 81st Brigade Combat Team in Iraq, the brigade was primarily engaged in convoy security, force protection, provincial reconstruction, and base operations missions; and

Whereas the 81st Brigade Combat Team returned to the United States and demobilized in August 2009, upon completion of one year of service in support of military operations in Iraq: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses its gratitude to the members of the Army National Guard and Air National Guard of the State of Washington and their families for their service and sacrifice on behalf of the United States;

(2) commends the members of the 81st Brigade Combat Team (Heavy) from the Washington Army National Guard, the Army Reserve, and the other State National Guards specified in the preamble on the completion of their most-recent deployment in Iraq; and

(3) recognizes the achievements of the members of the 81st Brigade Combat Team, and all other formerly and presently deployed Washington Army and Air National Guard units and members, for their exemplary service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. SMITH) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

##### GENERAL LEAVE

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

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Mr. SMITH of Washington. Mr. Speaker, I yield myself as much time as I may consume.

I rise today to pay tribute to the men and women of the Washington National Guard, including the members of the 81st Brigade Combat Team, who recently returned from an overseas deployment in Iraq.

I want to thank the entire Washington State delegation, who have all cosponsored this resolution in honoring this unit for their service to our State and to our country.

Throughout the Nation, hundreds of thousands of men and women in the Guard and Reserves serve our country. Over the last 8 years, we have asked more of them than anybody could have possibly imagined, and every single time, they have answered that call at great personal sacrifice. These are men and women who have lives, they have other jobs, they have families, and it is highly unpredictable when they are going to be called up and asked to serve, and yet they always respond.

It is critical to the safety and security of our country that they do this. They do it with great courage and dedication, and they honor our country by their service.

In my home State, various elements of the Washington National Guard have been deployed over that time period overseas in Iraq and Afghanistan, but also we must remember that the Guard and Reserves serve us here at home as well. We have had numerous emergencies in the State of Washington during that time period on which the Guard and Reserves have helped us out. As well, we have had them deployed across the country in places like Lou-

isiana. When Hurricane Katrina hit, they were called upon to do that. Their service continues for all of us in the State and across the country.

Most recently, the 81st Brigade Combat Team, led by Colonel Ronald Kapral and Command Sergeant Major Robert Sweeney, just completed their second 12-month deployment to Iraq. The brigade primarily engaged in convoy security, force protection, provincial reconstruction, and base operations missions around Iraq during their yearlong deployment.

They made our State proud during this service, as they have during all of their previous deployments. Again, this is done at no small sacrifice both by the individual members of our Army National Guard and also by their families, who have to deal with the disruption.

One of the most important things we can do in our State and across the country is to always support the families when the men and women are deployed, and to let them know that they are not alone in their service.

Their deployment was highly successful, honored by all who watched them serve. Tragically, one member of the team died during the course of his service. Specialist Samuel Stone, of Port Orchard, was killed on May 30, 2009. We all honor his loss and his service, and I ask that we keep him and his family in our thoughts and prayers.

The National Guard serves our State and our country in ways that most of us are unaware of, but it is absolutely critical to the security of our country. With our all-volunteer force, it simply could not function without men and women who are willing to take on this dual responsibility to continue in their civilian lives and who are also making themselves available for service whenever they are called, and they do not know when that is going to be.

As I said, it can be from the Governor in the State or across our country, or as has happened most recently, overseas deployments can come up when they are asked by our Federal Government to serve our Nation. Yet they are always ready, and they always respond, and they have served our Nation in a way that should make us all proud.

We literally could not have the national security we have in this country without their willingness to serve, and I thank the 81st Brigade Combat Team for their service on this most recent deployment, and I thank all those in the Washington National Guard who have served and who, today, stand ready to continue to serve. We honor their service. We thank them.

Again, I want to thank my colleagues in the Washington State delegation for unanimously signing onto this resolution honoring their service.

I reserve the balance of my time.

Mr. SHUSTER. I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support and as a cosponsor of House Resolution 627, which does recognize the service and sacrifices of members of the 81st Brigade Combat Team, Washington Army National Guard, during the unit's recent tour of duty in Iraq.

I want to commend Representative SMITH for putting forth this legislation. The 81st Brigade came home in August, having successfully completed its second overseas rotation. While in Iraq, its men and women performed admirably in a range of missions that included convoy security, force protection, provincial reconstruction, and base operations support.

The 3,500 remarkable men and women who comprised the brigade combat team came not only from the Washington State Army National Guard but from around the country, which is so typical of our Guard units today. That so many citizen soldiers came from so many different locations and different walks of life and operated so successfully is a tribute not only to the patriotism and to the commitment of those men and women but also to their professionalism, adaptability and leadership.

I urge all of my colleagues to support this resolution that expresses the House's gratitude to the 81st Brigade Combat Team for their service to our Nation. It commends them upon the completion of their most recent deployment, and it recognizes their achievements.

With that, I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield as much time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I rise in strong support of this resolution and, most importantly, in strong support of the men and women of the 81st Brigade and of our entire National Guard, not only in Washington State but across the Nation.

These brave men and women have served our country multiple times, as my colleagues have said, not just in times of war but in times of peace. We have had catastrophic flooding in my district a number of times, and the National Guard has always been there to respond to that call. It has been my great privilege to join our National Guard during their training in Yakima, during deployment ceremonies here Stateside, at Camp McCoy, then again in Iraq, in Afghanistan, and back home.

I will tell you, as we all know, they make us proud every single day. They are truly the finest that America has to offer, and it is their example of courage, professionalism, integrity, and compassion more than anything else, in addition to their combat and civilian skills, which help them successfully complete their mission at home.

I want to particularly congratulate General Timothy Lowenberg, who has been an outstanding leader of the Guard, again during both war and peacetime; Colonel Sabatini, whom I met with this last week on a homecoming visit with the troops; and Daniel Kern, who served in Afghanistan while many of the other Guardsmen were in Iraq.

Particularly, I want to thank the families. As Congressman SMITH mentioned, the families serve as well. While their loved ones are overseas and are in harm's way, it is the families back home—the moms and dads, the brothers and sisters, and the children—who keep the home fires burning, and we must not forget them.

In knowing the fact that our unit is back home, we must keep in our hearts all those who are still deployed and who have been deployed.

I also want to mention the employers. Employer support of the Guard and Reserves is an incredibly important organization. They make sure that, when our men and women are deployed overseas, they have a chance to come home and resume their employment. Also, there are the educators who are helping people. There are our community colleges and universities and our vocational and technical education schools, which are helping retrain our soldiers when they come home.

Most importantly, I think it's essential that we acknowledge that Iraq is a better place because of the service of these men and women. Afghanistan is a better place. Our country is a better place, and we are grateful, and we cannot express in words our profound respect and gratitude.

I thank the gentleman for introducing the resolution.

Mr. SMITH of Washington. Mr. Speaker, I yield myself as much time as I may consume just to offer closing remarks.

I want to thank Congressman BAIRD for his very well-expressed remarks and Congressman SHUSTER for his support as well. I urge us to support this resolution honoring the 81st Brigade Combat Team for their service in Iraq. I think we also need to remember, as we go forward in a number of policy areas, the support that we need to show for the Guard and Reserves and for their families, whether we're talking about dealing with their retirement issues, with the GI Bill, as Congressman BAIRD mentioned, with the ability to retrain and to give more service to the men and women who serve in the Guard and Reserves—anything we can do to support them and make it easier and more possible for them to continue to serve and, as Brian mentioned, to make sure that their employers continue to employ them and to work with them.

We need to do this in this House as we work not just on these resolutions but on the legislation that offers the

support that is so critical to the men and women who serve in the Guard and Reserves and to their families.

With that, I urge passage.

Mr. McDERMOTT. Mr. Speaker, I rise to voice my strong support for H. Res. 627, legislation I co-sponsored honoring the citizen soldiers of the National Guard of the State of Washington, including the 81st Brigade Combat Team of the Washington Army National Guard.

The National Guard plays a vital role in the defense of our communities and country. When we need them, they are always there, whether it be responding to a natural disaster at home or deploying to a combat zone overseas. The men and women of the Washington National Guard are our friends and neighbors, and their dedication and patriotism make us all very proud every time they put on the uniform.

More than 11,000 Washington State citizen soldiers have answered the call to duty since 9/11, including the 81st Brigade Combat Team that recently returned home from a mission in Iraq. Tragically, Specialist Samuel Stone, of Port Orchard, Washington, was killed during the deployment.

Outside my office in the Longworth House Office Building I have placed pictures of all the soldiers from the State of Washington who have died in Iraq and Afghanistan. Every day, visitors coming to or passing by the 7th Congressional District Office stop and look at the faces of the fallen. In so doing, we honor those who have died in service to their country and consider the consequences of sending soldiers off to war.

We are proud of the men and women of the Washington National Guard who willingly place themselves in harm's way to protect our lives, property and country. They deserve public recognition and our heartfelt thanks. I think of H. Res. 627 as a medal awarded to every citizen soldier for service above and beyond the call of duty. Thank you on behalf of a grateful State and Nation.

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in support of H. Res. 627, a resolution honoring Washington's National Guard, and specifically the members of the 81st Brigade Combat Team. The brave men and women of the Army National Guard who make up the members of the 81st Brigade recently returned to Washington after a one-year deployment to Iraq where they served with honor, valor and distinction.

The 81st Heavy Brigade Combat Team is headquartered in Seattle, and is comprised of units from all over our state filling its ranks. Deploying to Iraq in August of 2008, this Brigade spent the next year in support of the mission of Operation Iraqi Freedom and our efforts to protect America and promote freedom and security in the Middle East. During their time in Iraq, the members of the Brigade were most frequently tasked with convoy security, force protection, provincial reconstruction and base operations.

Many members of the 81st Brigade live in Central Washington, with units headquartered in Pasco, Yakima and Moses Lake within my district. These soldiers are also members of our local communities. They are husbands and wives, small business owners, lawyers, and farmers. Not only do they fight to protect

our freedoms overseas, but they also work every day for a brighter future back home.

The deployment of combat troops does not just affect those serving in Iraq, however. I must also recognize the support and sacrifice of the families of these brave soldiers. The patient and steadfast support of all the wives, husbands, mothers, fathers and children should be applauded; I send my thanks to each and every one of them today.

Our community and the entire nation are proud of these brave men and women, and we are glad to see them home safely. Soldier-citizens who voluntarily make such a tremendous sacrifice are what have kept our nation safe, free and strong for over 200 years. The work performed in support of Operation Iraqi Freedom is important—requiring personal commitment and sacrifice. Your service to our country will not be forgotten.

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to recognize the return home of the 81st Brigade.

In August 2008, it was a cloudy day in Eastern Washington when our community said goodbye to the men and women serving in the 81st Brigade. These citizen soldiers volunteered to serve a year in Iraq. The day they departed, we all had tears in our eyes. However, I also saw in every mother, father, wife, husband, and friend how proud they were of their soldier. I am grateful for the uncommon commitment as a "citizen soldier" leaving not only family and friends, but putting your job and perhaps educational goals on hold.

I also want to applaud the families of the 81st Brigade. More often than not, as soon as a servicemember deploys, the spouse is faced with an unforeseen obstacle like their brand new car needing to go back to the shop or the refrigerator deciding not to work. The families of the 81st Brigade have much catching up to do. They will have a Thanksgiving to celebrate, Christmas presents to open, birthday candles to blow out, Easter eggs to hunt and many, many kisses and hugs to share.

The operations we face in Iraq and Afghanistan have now lasted longer than World War II. In the last five years our nation has tasked every branch of the military and every component; active duty, National Guard and Reserve. Each has responded admirably and consistently. Our Soldiers, Sailors, Airmen, and Marines are a vital part of that critical response in keeping America safe. We could not protect our nation if it were not for what each of them bring to the fight.

Mr. Speaker, the 81st Brigade recently returned on a sunny day back to Washington State. I am proud to welcome them home and congratulate them on a job well done.

Mr. SMITH of Washington. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 627, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

# MOURNING THE LOSS OF LIFE ON AMERICAN SAMOA AND SAMOA AFTER THE EARTHQUAKES AND TSUNAMIS ON SEPTEMBER 29, 2009

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 816) mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa and Samoa, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 816

Whereas, on September 29, 2009, at 1748 UTC, a powerful earthquake struck below the ocean about 140 miles southwest of Pago Pago, American Samoa, and 125 miles south of Samoa, centered only 11 miles below the seabed;

Whereas the earthquake registered 8.3 on the Richter scale and is recognized as the world's largest earthquake of 2009;

Whereas a second earthquake with a magnitude of 5.6 occurred at 1808 UTC in the vicinity of the first one;

Whereas the first undersea earthquake created a massive tsunami that crashed into American Samoa, Samoa, and neighboring Tonga, sweeping cars and people out to sea as survivors fled to high ground;

Whereas the tsunami, with towering waves that reached up to 20 feet in height and penetrated one mile inland, caused death and destruction on a nearly unprecedented scale;

Whereas the death toll, as of October 7, 2009, is estimated at 32 in American Samoa and 135 in the Independent State of Samoa;

Whereas many individuals and families affected in this region are now lacking basic survival necessities and there remains the risk of numerous additional deaths due to shortages of clean water, adequate shelter, food, sanitation, and basic healthcare;

Whereas the human cost of this disaster transcends mere statistics and has resulted in deeply personal tragedies for numerous families and communities in the region and throughout the world;

Whereas children in the United States Territory of American Samoa running for home unknowingly ran in the direction of the tsunami;

Whereas the villages of Fagamalo, Poloa, Amanave, Fai'ololo, Nua, Se'etaga, Afao, Asili, Amaluia, Leone, Fagasa, Fagatogo, Pago Pago, Aua, Afono, Vatia, Masefau, Faga'itua, Pagai, Utusia, Alofau, Auto, Alao, and Tula in American Samoa were devastated by the disaster;

Whereas in response to this disaster and call for assistance, the people of the United States have responded with a generous and heartfelt outpouring of aid;

Whereas a team of more than 300 responders from the Federal Emergency Management Agency (FEMA), the American Red Cross, the U.S. Army Corps of Engineers, the Department of Health and Human Services (HHS) and other Federal agencies is on the ground in American Samoa coordinating relief and recovery operations;

Whereas the United States Navy (USN), the United States Coast Guard (USCG), the Hawaii Air National Guard, and the U.S. Army Reserve American Samoa, under the leadership of Admiral Timothy J. Keating, Commander, U.S. Pacific Command (PACOM), and Command Sergeant Major

(CSM) Iuniasolua T. Savusa, Senior Enlisted Leader, PACOM, with the support of Major General Robert G.F. Lee, the Adjutant General, State of Hawaii, provided critical transport of the life-saving and life-sustaining supplies and equipment to meet the immediate needs of the survivors, including more than 26,000 meals, 14,000 liters of water, 1,800 blankets, 800 tents, more than 800 cots, and 9 pallets of medical supplies and medical equipment in support of American Samoa's mass care operations;

Whereas foreign governments, including Kazakhstan, the People's Republic of China, the Republic of Korea, Palau, Thailand, Samoa, Fiji, Grenada, Hungary, Uzbekistan, Republic of China (Taiwan), Indonesia, Nauru, Australia, Cambodia, Vietnam, Japan, Pacific Islands Forum members, and the Alliance of Small Island States (AOSIS) sent messages of support and offers of aid to the people of American Samoa;

Whereas organizations including the Li Ka Shing Foundation, the Hanwha Group, Save the Children, the American Red Cross, Habitat for Humanity, Latter-day Saint Charities, Catholic Charities, the American Jewish Joint Distribution Committee (JDC), National Voluntary Organizations Active in Disaster, StarKist, Bumble Bee, the National Football League (NFL), and many others are providing assistance;

Whereas the Samoan community in areas such as California, Utah, Washington, and Hawaii have been instrumental in helping their "aiga" abroad;

Whereas President Barack H. Obama telephoned the Governor of American Samoa and American Samoa's Delegate to the United States House of Representatives to personally extend his and the First Lady's condolences to the families and loved ones of those who lost their lives in the earthquake and tsunami in American Samoa and the region, and to assure the Governor and the Delegate that he would speed the deployment of resources and provide the tools necessary for a full, swift, and aggressive response;

Whereas Secretary of State Hillary Rodham Clinton also telephoned American Samoa's Delegate in his capacity as Chairman of the House Foreign Affairs' Subcommittee on Asia, the Pacific and the Global Environment to convey her sympathy and offer her full support which subsequently included the authorization to airlift emergency supplies to Samoa;

Whereas Speaker of the House Nancy Pelosi issued a press statement on behalf of the entire Congress promising to quickly address the needs of American Samoa and the Americans who live there; and

Whereas Senate Majority Leader Harry Reid, House Majority Leader Steny H. Hoyer, Chairman John F. Kerry of the Senate Committee on Foreign Relations, Chairman Howard L. Berman of the House Committee on Foreign Affairs, Chairman Nick J. Rahall, II, of the House Committee on Natural Resources, as well as many other Members of Congress also offered expressions of support in the aftermath of the devastating tsunami: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa, Samoa, and Tonga;

(2) offers its deepest sympathy and condolences to the families of the many earthquake and tsunami victims, and to Head of State His Highness Tui Atua Tupua Tamasese and Prime Minister Tuilaepa



Lupesoliai Sailele Malielegaioi of Samoa, as well as to His Majesty King George Tupou V and Prime Minister Feleti Vaka'uta Sevele of Tonga;

(3) pledges its full support to the people of American Samoa and the villages of Fagamalo, Poloa, Amanave, Fai'lolo, Nua, Se'etaga, Afao, Asili, Amaluia, Leone, Fagasa, Fagatogo, Pago Pago, Aua, Afono, Vatia, Masefau, Faga'itua, Pagai, Utusia, Alofau, Auto, Alao, and Tula as they begin the long and difficult process of rebuilding their homes and lives;

(4) recognizes the humanitarian response that is currently underway and commends the efforts of all persons and relief organizations who continue to alleviate the suffering by providing financial and material support;

(5) urges continued attention by donors and relief agencies to the needs of vulnerable populations in the stricken areas, particularly the children and elderly who have been devastatingly affected by this disaster;

(6) expresses gratitude and appreciation to the foreign governments from around the world that are lending their support to the United States Territory of American Samoa;

(7) commends the over 100,000 Samoans residing in the United States from American Samoa and Samoa for coming to the aid of their "aiga" in the affected islands; and

(8) pays tribute to the people of American Samoa and Samoa for their strength of spirit and their deep and abiding faith in God which brings hope to all of us.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

#### GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa, in the independent state of Samoa and in Tonga.

On September 29, 2009, a powerful earthquake, which registered 8.3 on the Richter scale and is recognized as the world's largest earthquake of 2009, struck below the ocean about 140 miles southwest of Pago Pago and 125 miles south of Apia, in the state of Samoa, creating a massive tsunami, or tidal wave, that crashed into American Samoa, the Independent State of Samoa, and the Kingdom of Tonga, sweeping cars and people out to sea as survivors fled to high ground. The tsunami, or tidal wave, with towering waves that reached up to 20 feet in height and penetrated 1 mile inland,

caused death and destruction on a nearly unprecedented scale.

The human cost of this disaster transcends mere statistics and has resulted in deeply personal tragedies for numerous families and communities in the region and throughout the world.

In the U.S. territory of American Samoa, children running for home unknowingly ran in the direction of the tsunami. The villages of Fagamalo, Poloa, Amanave, Failolo, Afao, Asili, Amaluia, Leone, Fagasa, Fagatogo, Pago Pago, Aua, Afono, Vatia, Lauili'i, Faga'itua, Masefau, Alao, Tula, and Aoa in American Samoa were devastated by the disaster. Villages were also wiped out in the independent state of Samoa.

In response to this tragedy, President Barack Obama speedily deployed the tools necessary for a full, swift and aggressive response by FEMA.

Secretary of State Hillary Clinton also offered her full support and authorized the airlift of emergency supplies to the independent state of Samoa.

Speaker of the House NANCY PELOSI issued a special statement on behalf of the entire Congress, promising to quickly address the needs of American Samoa and the Americans who live there.

Senate Majority Leader HARRY REID, House Majority Leader STENY HOYER, Chairman JOHN F. KERRY of the Senate Committee on Foreign Relations, Chairman HOWARD L. BERMAN of the House Committee on Foreign Affairs, Chairman NICK RAHALL of the House Committee on Natural Resources, as well as many other Members of Congress also offered expressions of support in these trying times.

I especially want to thank my colleague and dear friend, Congresswoman LAURA RICHARDSON, for her working side by side with my office in support of our Samoan communities living in her district and in Samoa, as well as in American Samoa. Congresswoman RICHARDSON has stood by us every step of the way and has earned her rightful place in our hearts for leaving no stone unturned in relief efforts.

I also want to thank our Samoan communities and congregations—churches from Hawaii, Washington, Utah, and California—which collected critical supplies that will now be airlifted or transported by surface transportation to Samoa and, hopefully, also to American Samoa.

I want to also thank the Reverend Liki Tiatia, the Reverend John Maillo, the Reverend Misipauena Tagaloa, and High Chief Loa Pele Faletofo, who have been instrumental in gathering emergency supplies for our families abroad.

With so many people in need of basic supplies, words cannot express how grateful I am to all of my fellow Americans and to our friends from around

the world who have responded to this disaster and to our call for assistance with a generous and heartfelt outpouring of aid. More than 300 responders from the Federal Emergency Management Agency, the American Red Cross, the U.S. Corps of Engineers, the Department of Health and Human Services, and other Federal agencies are on the ground in American Samoa, coordinating relief and recovery operations.

□ 1130

Organizations including the Li Ka Shing Foundation, the Hanwha Group, Save the Children, Habitat for Humanity, Latter-Day Saint charities, Catholic Charities, the American Jewish Joint Distribution Committee, tuna canneries like StarKist, Bumble Bee, even the Polynesian professional football players with the National Football League and the coalition of various Samoan organizations like the Office of Samoan Affairs and many others that are providing assistance.

The United States Navy, the Coast Guard, the Hawaii International Guard and the U.S. Army Reserves in American Samoa provided critical transport of the life-saving and life-sustaining supplies and equipment to meet the immediate needs of the survivors.

On behalf of the people of America Samoa, I express my gratitude for all of those who have stood by us when we have needed you most.

I also join with Governor Togiola Tulafono and First Lady Maryanne Togiola Tulafono of American Samoa conveying my deepest condolences to the families of the many earthquake and tsunami victims, and to the Head of State, his Highness Tui Atua Tupua Tamasese and Prime Minister Tuilaepa Lupesoliai Sailele Malielegaioi of Samoa, as well as to His Majesty King George Tupou V and Prime Minister Feleti Vaka'uta Sevele of Tonga.

As we begin the long and difficult process of rebuilding, we thank God for the prayers you have offered on our behalf and express appreciation to all persons and relief organizations who continue to alleviate our suffering.

In memory of those who are no longer with us, I urge my colleagues to support passage of House Resolution 816, mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa, Independent State of Samoa and the Kingdom of Tonga.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my friend from American Samoa said, a terrible tragedy occurred on September 29, 2009, in the South Pacific. American Samoa and Samoa were struck by separate tsunami waves which devastated numerous communities on each of the islands. We offer our deepest sympathies

and condolences to the many victims in the region.

The outreach of support and humanitarian efforts to assist each of the islands in their recovery efforts has to be commended. Federal agencies, military services, foreign governments, relief organizations, and private citizens have all reached out to assist these island nations.

These islands face months, if not years, of recovery actions. They will depend on Congress and the continued efforts of the Federal Government, relief organizations, and private citizens to recover.

I urge all of us to be steadfast in our support for the communities on American Samoa and Samoa and assist them to recover from this terrible event.

Finally, I would like to commend and extend my best wishes to our friend and colleague, ENI FALEOMAVAEGA, who has worked tirelessly on behalf of his constituents to meet the needs of his constituents who have suffered much during this very, very difficult period.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank my good friend and gentleman from Washington for his support and endorsement as well as the chairman of our Committee on Natural Resources, NICK RAHALL, for his support.

At this time I would like to yield 2 minutes to my distinguished friend and colleague, the gentlelady from the State of Hawaii (Ms. HIRONO).

Ms. HIRONO. Mr. Speaker, I rise today in support of H. Res. 816 which expresses the condolences of the Congress to the Samoans following the natural disasters in the South Pacific.

I cannot stress how much these terrifying events were so deeply felt throughout the State of Hawaii because of our close familial, historical, cultural, and geographical ties to these islands.

I would like to extend a heartfelt "mahalo"—my thanks—to Hawaii's Army Air and Army Guard Medical Communication and search and rescue specialists who assisted in the recovery efforts. It is worth noting that this was the first time the Hawaii National Guard had deployed such a sizable tax force outside our State in support of a Pacific partner.

I would also like to thank the 15 Red Cross volunteers from Hawaii who focused on outreaching to the families who lost loved ones in the disasters and served meals that included local favorites like spam and saimin. I would also like to thank the many Hawaii businesses who made monetary or in-kind donations.

The outpouring of support for relief efforts from Hawaii's Samoan community has been tremendous. I know that much of their strength in the wake of these disasters is derived from their personal faith for which I have long had great admiration.

I want to close by letting my dear friend and colleague, Congressman ENI FALEOMAVAEGA, know that I stand ready along with other Members of Congress to continue to support his efforts to help the people of American Samoa and Samoa in any way that we can.

Mahalo.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. FALEOMAVAEGA. I thank the gentlelady for her kind remarks from the State of Hawaii.

At this time, I would like to yield 4 minutes to my good friend from California, Congresswoman LAURA RICHARDSON.

Ms. RICHARDSON. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of H.R. 816, to mourn the loss of the lives and all of the tragedy that we had with the earthquake and the subsequent tsunami that devastated American Samoa and the independent State of Samoa.

May I first of all take a moment to really commend Congressman ENI FALEOMAVAEGA from American Samoa. There is no tougher time as a Member that we have when a disaster hits our community to respond where he has been working over the last week visiting all of the territories, all of the areas to assess and to understand how we can help best.

You might ask how I got involved. Why would an 8.3 magnitude earthquake 120 miles away, that caused a tsunami, that caused death throughout many of our communities, why would I be engaged? Well, in the United States we have over 80,000 Samoans who live here, over 52,000 who live in California, and almost 30,000 of those actually live in my district. So this is beyond an issue of just a concern of a community that had a disaster. It's actually family and friends and people that I've worked with for a long time who are looking for help and assistance.

So when we stand today, I want to stand in full support with Congressman ENI FALEOMAVAEGA to really look at the tragedy that has happened but also how we can move forward. The Congressman has been successful in working with the Secretary to be able to send aid this very week that's going to go to western Samoa which the chairman has been a chairman over for many years on the committee. But we need to continue to work so when disasters like this occur, we can get help and assistance quickly, and time should not be with delay.

I also want to thank Secretary Clinton publicly for her assistance. We appreciate the initial efforts that had been done in American Samoa, but much more needs to be done, and we will work in concert to ensure that that continual work supplies things that many people care desperately for actually get to the people.

As I conclude my comments, I want to say that as Members, as we stand together to deal with this tragedy, people should know that there are over 60 organizations in my district who have now donated over 200,000 pounds of various supplies: water, food, clothing, things that people desperately need. But what they really need is they need to also know from us as leaders that they're not there alone, that we are watching what's happening, we are watching the response of FEMA and the other aspects of our government, and we are committed to them not only today but we're committed as they're going to have to rebuild which will take for many months to come.

I commend you, Congressman, for all your efforts. You passionately lead the people in your community. We're fortunate to have you here. And I will work with you and other members of our caucus to ensure not only this support, but all of the support that you need that you have us right there standing side by side.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself 1 minute to again express my sincere appreciation to the comments by my dear friend and colleague, Congresswoman LAURA RICHARDSON.

Just to give my colleagues a sense of what took place, as I said earlier in my remarks, it was an earthquake right on the fringe of the Tonga Trench. The Tonga Trench is one of the two deepest trenches in the world, second only to the Marianas Trench. And when the earthquake struck at almost 7 in the morning, it caused tremors in the Samoan Islands for about 3 minutes, but the shock wave was traveling at about 500 miles an hour. So there was no way that anybody could possibly prepare for this disaster to occur because in a manner of minutes—I've seen tidal waves before, and what happens is that the water is totally sucked out from the shoreline from the reefs so pretty much you can prepare yourself to anticipate the coming of the tidal wave.

What made this disaster so different is the fact that the tremors occurred for about 3 or 5 minutes, then 5 minutes later, the tidal wave was up there 20 feet in height coming to the many people who were so surprised and shocked that early morning at 7 o'clock when the tidal wave came in.

So we're looking at two disasters: an earthquake that caused a lot of problems and then the tsunami. So the two disasters occurred at the same time.

I wanted to share that with my colleague that this is what made a very unusual disaster was because there was no way that anybody could properly prepare for what was coming when this earthquake occurred.

At this time, Mr. Speaker, I would like to yield 2 minutes to my colleague



from the Virgin Islands, DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. I thank you for yielding, and I want to rise also in strong support of H.R. 816, mourning the loss of life caused by the earthquake and tsunami that occurred on September 29, 2009, in American Samoa and Samoa, and to extend my thoughts and prayers and that of the people of the Virgin Islands to the victims of that 8.0 magnitude earthquake and tsunami that devastated our brothers and sisters in the U.S. territory of American Samoa and the Nation of Western Samoa and to offer our condolences to those that lost loved ones as a result of that tragedy.

Like my colleague from California, I've been to American Samoa several times with the Congressman. We were there in early August and visited his own village of Leone—which we heard so much about in the wake of the earthquake and the tsunami because they were so hard hit—and I remember how the people came out and welcomed us. They fed us. We had a joyous time with them. That evening they showered us with so many gifts, and we just hope that we can return those gifts to them in their time of greatest need.

As I speak to you, there is a young girl—and I wish I had her name with me—who has started a drive at home for the people of American Samoa and Western Samoa. When I go back home on Saturday, I will join her at one of our shopping centers to continue to raise supplies and funds to help our neighbors.

I know as a Congresswoman from the U.S. Virgin Island, a community of islands that is also vulnerable to tropical disasters, I am very aware of the toll it can take on the people, infrastructure, and our time and resources. I know how hard it has been on our colleague, Mr. FALEOMAVAEGA to be home. I called him one morning, forgetting that it was 5 o'clock in the morning in American Samoa, but he was already up and preparing to go and visit just another area that had been devastated.

The people of my district, the U.S. Virgin Islands, have asked me to express their solidarity with the people of American Samoa at this time of their distress, and to extend our support to our colleague, Congressman ENI FALEOMAVAEGA, as they make and we make with them the necessary arrangements to mobilize and deploy urgently needed emergency assistance and to assure them that all of the American people, but especially those on the other off-shore territories, are ready to assist them.

In visiting American Samoa you cannot help but be struck by the strong community spirit that exists there and the strong faith, and I know that will bear them up through this difficult time, but they still need our support, and we're here for them.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentlelady from Florida, the ranking member of the Foreign Relations Committee, Ms. ROS-LEHTINEN.

Ms. ROS-LEHTINEN. I thank the gentleman for the time.

Mr. Speaker, I was honored to join my good friend, Mr. FALEOMAVAEGA, in serving as an original cosponsor of this critical resolution. This resolution offers the condolences in a heartfelt way of the Congress to those who endured suffering and loss in American Samoa and Samoa and neighboring Tonga during the tragic events of September 29 and the aftermath. We join with the people of American Samoa, Samoa and the entire Samoan community here in the United States in mourning those who have died in this terrible disaster.

□ 1145

The previous tragic events of 2004 made us all keenly aware of the devastation which can be wrought by a tsunami after an earthquake takes place in ocean waters.

Waves from this tsunami in American Samoa were reportedly 20 feet high and rushed 1 mile inland, causing unprecedented death and destruction. The latest death toll reported is 32 dead in American Samoa and 135 dead in Samoa. Children mistakenly running in the direction of the tsunami were among the victims.

The Governor of American Samoa was quoted as saying that the quake and subsequent tsunami ranked right up there with some of the worst disasters to hit the area. Survivors are in urgent need of necessities, including water, adequate shelter, food, sanitation, and health care. Three hundred emergency responders have reportedly been dispatched by FEMA. The Red Cross, U.S. Army Corps of Engineers, and the Department of Health and Human Services are coordinating relief and recovery operations.

The U.S. military, under the direction of the U.S. Pacific Command in Hawaii, is providing emergency assistance, including food, water, tents, blankets, and medical supplies. In this regard, military personnel are helping their friends and colleagues, as the young people of American Samoa are well known for their patriotic spirit of service in the United States military, including in both Iraq and Afghanistan. We appreciate and honor that service.

I urge my colleagues to give their strong support to this resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, again, I thank my good friend, the senior ranking member of our House Foreign Affairs Committee, for her kind comments, mentioning also about the military participation of the sons and daughters of American Samoa.

According to the recent reports of USA Today newspaper, American Samoans have the highest percentage

per annum in the whole United States in terms of those who sacrificed their lives in the war in Iraq and Afghanistan, with about 136 percent above all States and territories. I do want to thank the gentlelady for reminding us of that.

Mr. Speaker, if I could ask how much more time do we have?

The SPEAKER pro tempore. The gentleman from American Samoa has 5 minutes remaining, and the gentleman from Washington has 16 minutes remaining.

Mr. FALEOMAVAEGA. I yield 1 minute to the gentlelady from California, my dear friend, Ms. CHU.

Ms. CHU. Mr. Speaker, I rise today in support of House Resolution 816. Last month's magnitude 8.0 earthquake in Samoa, Tonga, and American Samoa was devastating, setting off tsunamis that washed over islands killing 168 people.

The quake generated three separate tsunami waves, the largest measuring 5.1 feet, completely destroying villages, leaving families whose entire lives had washed away with nothing. On the small islands, ocean waters washed away houses, cars, and main access roads, making it all the more difficult for rescue parties and aid to reach hard-hit areas.

In the aftermath of the disaster, local aid agencies, foreign nations, the U.S. Coast Guard, and FEMA instituted a quick and much-needed response. With the lack of proper sanitation, water and shelter continuing to be a problem, I urge relief organizations to bolster their efforts to keep residents safe and healthy.

I commend President Obama for declaring American Samoa a major disaster area. My heart goes out to the Samoan community, many of whom live in my area of Los Angeles County.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 1 minute to my namesake and friend from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my colleague for yielding. I did not ask my distinguished good friend, because I didn't know how many speakers he had, and I didn't want to interdict the program as it is set forth.

Mr. Speaker, I rise in very strong support of the resolution offered in a bipartisan fashion and demonstrating very strongly how we do respond to those who are in need.

In the case of ENI FALEOMAVAEGA, American Samoa has had for a considerable period of time a distinguished Member of this body who has helped so many of us when we have had difficulties such as in Hurricane Andrew. Those that live in these areas, or my friend that just spoke from Hawaii, all of us understand these dynamics.

ENI, our heart goes out to you. As one who has visited American Samoa with you on three different occasions

and had the good fortune of bringing my son there, I just want you to know how heavy my heart was when I saw those places, and my heart goes out to you and all.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 1 minute to my good friend from the Northern Mariana Islands, Congressman SABLAN.

Mr. SABLAN. Mr. Speaker, 2 weeks ago I came to the floor to offer my condolences to the people of American Samoa and to their far-flung families who were still reeling from the initial shock from the tsunami and from the many losses suffered. Today, we meet in a more formal manner to broaden the expression of these condolences to include this House and all the people we represent from across our Nation.

I said before that the people of the Pacific, though separated by thousands of miles, feel that we are part of one family. We understand the vulnerability and isolation of life on an island in the midst of a sea, a vast sea. That shared understanding makes us one.

Today, I rise that all Americans, though separated by experience and culture, by language and distance, are part of one family. It is inexplicable how this may be so, but this evidence makes clear that it is so. When many of us are in need, as American Samoa is and will continue to be, then we find we are not alone. Then we remember we are all Americans.

Mr. FALEOMAVAEGA. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from American Samoa has 3 minutes remaining.

Mr. FALEOMAVAEGA. Mr. Speaker, at this time I yield 1½ minutes to my good friend from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, I believe that there is but one race, and that is the human race. I believe that one God created all humanity to live in harmony. I am honored to be here today to express my sympathies and my oneness with the people of American Samoa, Indonesia, as well as the Philippines.

I also want to make it very clear that my district is a polyglot melting pot. It is, in fact, a culture of cultures. Because it is such, I have a special kinship and relationship with the persons who have been devastated by these natural disasters.

I believe that we cannot do enough to help them recover. But I also understand in my heart that when you cannot do enough, you have a duty to do all that you can. I want us to do more because these are our fellow human beings. They are part of the one race, the human race.

Mr. HASTINGS of Washington. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I again want to thank my good friend

from Washington for his assistance and partnering with me in putting this resolution before our colleagues.

I also have a proverbial expression, going along with what my good friend from Texas has said, that, yes, there truly is only one race, and that's the human race. That's what makes this country so great.

I also believe that this country is but a microcosm of the whole world in itself, and the fact that it seeks no race or creed or boundaries to the extent that we are all fellow human beings, and whenever there is a need, it's our moral responsibility to do all that we can to give assistance.

There is also a saying among the Chinese people that says there are many acquaintances but very few friends.

I will say, Mr. Speaker, to express my deepest appreciation and gratitude to my colleagues who truly are my friends, when I am in need, just from the fact that many of our colleagues have had occasions of having to appear before the floor and expressing and asking for assistance when disasters occur in their States and their territories, this is what the Congress is all about. This is what democracy is all about in this great country.

Again, Mr. Speaker, I cannot say enough words to express my deepest appreciation and gratitude for the offered help from the administration, from our colleagues on the other side of the aisle, from everybody in the Congress, knowing of the difficulties that we are going through. I am going to say, our people are in good spirits. The prayer services, all that has been offered has been tremendous. I just want to say again, thank you to my colleagues.

Mr. RAHALL. Mr. Speaker, I rise in support of H. Res. 816 and to express my condolences and deepest sympathies to the people of American Samoa and Independent Samoa for the loss of life that was caused by the earthquakes and tsunamis that hit these islands on September 29, 2009.

Struck by towering waves that reached up to 20 feet in height, the people of American Samoa, Independent Samoa and Tonga are today confronting staggering losses of life and property as they watched helplessly as the in-rushing sea swallowed up coastal towns and villages.

As of last week it is estimated that 32 American Samoans and 135 residents of Independent Samoa lost their lives. And today, many families in the affected areas still lack basic necessities resulting in the risk of additional deaths because of scarce clean water, shelter, food and basic health care.

I was pleased to have had the opportunity to visit American Samoa earlier this year with my good friend and colleague, Congressman ENI FALEOMAVAEGA, the author of the resolution we are debating today. Among the places we visited while we were there was the Village of Leone; one of the areas on American Samoa that was severely impacted. I want to express my profound condolences to the peo-

ple of Leone for their suffering as well as to thank them once again for the warm welcome and hospitality they offered us.

I want to also commend Congressman FALEOMAVAEGA for his efforts in marshalling the response of the federal government in responding to the disaster in his home island. ENI and his staff labored around the clock to coordinate the efforts of FEMA, the Red Cross, Army Corps and the other federal agencies tasked by President Obama to speedily deploy all the resources and tools necessary for a full, swift and aggressive response.

Mr. Speaker, American Samoans in the Pacific and in the mainland United States are an integral part of our country's history and of our American social fabric. They are our brothers who fight valiantly in our wars and contribute immensely to the prosperity of our country. Today, I send my thoughts and prayers to the victims and their family members in this moment of grief and tragic loss. We stand in solidarity with our brothers and pray for their speedy recovery.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support H. Res. 816 in mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa and Samoa.

I want to express my sincere condolences to those that have lost family, friends and other important people in their lives. Despite this loss, the people of American Samoa and Samoa remain strong and resilient. They are continuing on, picking up the pieces of what can be salvaged, cleaning their homes and cities and helping each other through the struggles of trying to regain the life they once had. As thousands of people continue to struggle with this tragedy, I join my colleagues in our commitment to the relief efforts and offer support for the families of the many victims.

I would like to commend Representative ENI FALEOMAVAEGA for his tireless efforts to help relieve the suffering and devastation in American Samoa. I will do everything I can to assist my friend and colleague in speeding any additional federal assistance needed to the area.

I am also proud of the rapid response by Major General Bob Lee and the Hawaii National Guard, which is a testament to their training and professionalism. I know FEMA, the Hawaii Red Cross and other relief organizations are on the ground, as well, aiding communities to cope with the devastation.

There are many people in Hawaii with friends or family back in American Samoa and Samoa. They are our brothers and sisters of the Pacific and we will do all we can to help and support them.

I urge my colleagues to support this resolution and the people of American Samoa and Samoa.

Ms. BORDALLO. Mr. Speaker, I rise today to offer my support and sympathy to the people of the U.S. Territory of American Samoa and Western Samoa in the aftermath of the devastating tsunami that hit the region last week. The wave claimed over 200 lives and left thousands more homeless. I ask that this body support our colleague, Congressman FALEOMAVAEGA and his community as they recover from this disaster. All necessary aid to this region in the South Pacific should be brought to bear for our fellow Americans.

We on Guam have experienced our share of disasters. I recognize the efforts of my constituents, many of whom have banded together to raise money and donate clothes, blankets, and food to the relief effort for Samoa. The people of American Samoa and Western Samoa have shown great courage in the face of this tragedy. Following the disaster they have pulled together and expressed their determination to recover what was lost. They deserve our backing and support in their time of need. My thoughts and prayers will remain with the families and those impacted by this disaster.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 816 to mourn the loss of life and express my condolences for the disaster that took place in Somoa and American Samoa on September 29, 2009.

On that dreadful day, over 150 people lost their lives when a tsunami rose twenty feet into the air and made landfall on the shores of Samoa and American Samoa in the southern region of the Pacific Ocean. The destruction that this tsunami caused was overwhelming, and in addition to the loss of life, countless more individuals have lost their homes and possessions. I extend my deepest condolences to the victims and their families, and offer my deepest sympathies for their loss.

I urge my fellow colleagues to join me in supporting H. Res. 816 to remember those that died in Samoa and American Samoa on September 29, 2009.

Mr. FALEOMAVAEGA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 816, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FALEOMAVAEGA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### EXPRESSING CONDOLENCES AND SUPPORT TO INDONESIA IN THE AFTERMATH OF THE EARTHQUAKE THAT STRUCK SUMATRA

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 810) expressing condolences to the citizens of Indonesia and support for the Government of Indonesia in the aftermath of the devastating earthquake that struck the island of Sumatra.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 810

Whereas, on September 30, 2009, a 7.6 magnitude earthquake originated northwest of

the city of Padang in West Sumatra, Indonesia;

Whereas over 700 lives have been lost, many are missing and injured, and thousands have been displaced as a result of collapsed homes and buildings;

Whereas the area of the earthquake is along the same fault line that caused the 2004 Indian Ocean tsunami that killed more than 230,000 people and caused many panicked residents to flee to higher ground in fear of another tsunami;

Whereas strong aftershocks continue to rock the region and create hazardous conditions for both residents and rescue workers;

Whereas the Indonesian Government sent relief teams Thursday from the capital, Jakarta, including army units to look for survivors and deliver food and medicine;

Whereas international aid agencies said they were sending rapid assessment teams to the area and preparing to rush in supplies;

Whereas the Indonesian Government stated that the earthquake destroyed more than 83,700 houses, approximately 200 public buildings, a total of 285 schools, and also caused extensive damage to an additional 100,000 buildings including hotels, mosques and shops, and approximately 20 miles of roads;

Whereas a damaged building in the main public hospital had to be evacuated, and patients are being treated outside and without electricity;

Whereas humanitarian aid agencies in the United States and around the world are mobilizing to provide much needed assistance to the relief and recovery efforts;

Whereas the United States offered assistance and immediately released \$300,000 to help provide for the most immediate and pressing needs and an additional \$3,000,000 has been set aside once greater need is determined;

Whereas the United States Government deployed a Disaster Assistance Response Team to provide assistance and is sending a field hospital, three United States Navy ships with helicopters and lift capability, and 45 metric tons of emergency relief commodities; and

Whereas President Susilo Bambang Yudhoyono and the Indonesian Government responded quickly to the disaster: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) mourns the loss of life and expresses its deepest condolences to the families of those killed and injured in the earthquake;

(2) recognizes the deep ties between the United States and Indonesia and expresses continued solidarity with the people of Indonesia during this time of crisis;

(3) applauds the courageous response of Indonesian and international rescue workers;

(4) supports President Obama's offer of United States assistance to Indonesia in response to this catastrophic event;

(5) urges the people of the United States to generously support those humanitarian aid agencies working to assist the people of Indonesia in this time of need; and

(6) expresses gratitude to the people of the United States who have generously supported those humanitarian aid agencies working to assist the people of Indonesia in this time of need.

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

#### GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

I would like to thank my good friend Congressman DAN BURTON of Indiana, distinguished member of the Committee on Foreign Affairs and co-Chair of the Indonesia Caucus, for his leadership in introducing this resolution.

This resolution extends our profound sympathy and condolences to the people of Indonesia for the terrible losses they suffered as a result of the massive earthquake that struck the island of Sumatra on September 30, 2009. Landslides triggered by the quake wiped out three villages in the province of West Sumatra. Nearly 700 lives were lost. Thousands have been injured and displaced, and a staggering number of houses, schools, and public buildings were destroyed or seriously damaged.

I want to extend my deepest sympathy and support to the Indonesian President Susilo Bambang Yudhoyono, who has been working tirelessly to deliver assistance to victims in response to this catastrophic event.

As a representative of American Samoa, a place that has also recently experienced calamity caused by a natural disaster, I know firsthand how difficult it is to see the people who elected you facing such profound losses. I also know how much it means to have support from friends and allies during these times of crisis.

Indeed, Indonesia has many friends around the world, as seen by the outpouring of international support for the earthquake relief efforts, which currently stands at about \$16 million in financial commitments from more than 20 countries. For our part, the United States has released \$300,000 for earthquake relief and has set aside an additional \$3 million for recovery operations.

In addition, the Secretary of Defense has authorized \$7 million for relief operations in Indonesia, which includes setting up a field hospital, sending three U.S. Navy ships with helicopters and lift capability, and 45 metric tons of emergency relief commodities.

□ 1200

These are all signs of enduring friendship between our two countries.

Time and time again, Indonesia has shown the world that democracy can

not only survive, but thrive in a vibrant, multiethnic, moderate Islamic country. This resolution reflects our commitment to maintain a strong U.S.-Indonesia relationship and expresses our solidarity with the good people of Indonesia during these difficult times.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution, introduced by my good friend and colleague, DAN BURTON of Indiana, expressing the condolences of the Congress and the American people regarding the loss of life and property suffered by the people of Indonesia. The devastating earthquake which struck the island of Sumatra on September 30 has reportedly led to the deaths of at least 700 people and the displacement of thousands more from their homes.

The concern and the generosity of the American people is well-known to the people of Indonesia, as demonstrated following the devastating tsunami which struck their country in late December of 2004. The sight of U.S. military personnel engaged in tsunami rescue and relief operations made all Americans proud. The involvement of our two former U.S. Presidents in the Bush-Clinton Tsunami Relief Fund further demonstrated that when a crisis occurs, we are indeed our brothers' and sisters' keeper.

The United States came to Indonesia's assistance once again after this most recent earthquake. We provided \$300,000 in immediate response and set aside an additional \$3 million for further relief efforts. The U.S. Navy was once again deployed, with three ships being dispatched with helicopters to provide emergency relief and supplies.

We send the relief workers and the people of Indonesia our prayers and our best wishes for a rapid and full recovery as they continue their courageous efforts to assist the injured and to locate the missing.

I urge my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. Mr. Speaker, I rise today in support of H. Res. 810. I would like to thank Congressman DAN BURTON for his work on this resolution.

In February 2008, I visited Indonesia as a member of the House Democracy Partnership. While our focus was meeting with members of the Indonesian House of Representatives, we made it a point to also visit Banda Aceh on the island of Sumatra.

As you may recall, in December 2004, Banda Aceh was the closest major city

to the epicenter of an Indian Ocean earthquake and suffered further damage by a tsunami that struck shortly afterwards. That earthquake measured 9.3 on the Richter scale.

The awesome power of the tsunami was brought home to us as leaders of Banda Aceh showed us how the whole area had literally been leveled and ships from port were swept inland by the water's force. Of course, the human tragedy was incalculable. Children became orphans instantly. Mothers, fathers and families were devastated.

The recovery efforts in which the United States played a major role were extraordinary. What I was most impressed with, however, was the remarkable resiliency and spirit of the people of Banda Aceh. It is that same resiliency that I am sure will rise again out of the tragedies of the earthquakes and aftershocks of September 2009.

My thoughts are with those who were lost, their loved ones, and the tens of thousands of survivors who are struggling in the aftermath. I stand with President Obama in his offer of assistance that will help alleviate the suffering and provide relief in this region.

Ms. ROS-LEHTINEN. Mr. Speaker, we continue to reserve.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will say that Indonesia has come a long way in establishing its democracy, being the largest democratic country. It happens to be a Muslim country with a population of some 225 million people.

I want to also commend President SBY for all that he is trying to do in helping the good people of West Papua. There have been some difficulties along the way, but I suspect that every effort is being made to address the needs of the people of West Papua. Certainly I congratulate them on the recent national elections that were done in such a way that it was again demonstrated that democracy can happen in a Muslim country like Indonesia.

So I want us to realize that only 5 years ago we had a tsunami that also impacted Indonesia, that some 220,000 people died as a result of that terrible disaster, and for which I am very grateful that our country responded in such a way that I think the people of Indonesia deeply appreciated our assistance.

So we are at this again. Another disaster struck Indonesia, and I thank the administration for all the efforts that are being made to give assistance to the good people of Indonesia.

Mr. BURTON of Indiana. Mr. Speaker, I have the honor and privilege of co-chairing the Congressional Indonesia Caucus with my good friend, Congressman WEXLER. Accordingly, I want to take this moment to express my heartfelt condolences to the citizens of Indonesia, the President, and the Indonesian government in the aftermath of the devastating

earthquakes that struck the West Sumatra region this past month.

On September 30, 2009, a 7.6 magnitude earthquake that originated northwest of the city of Padang (population: 900,000) led to the loss of 800 lives. Countless more remain missing and are presumed dead while thousands have been displaced from their homes that were either destroyed or remain unsafe as ongoing tremors continue to bring uncertainty to the area.

The quakes have devastated the region, destroying over 83,700 houses, 200 public buildings, 285 schools, and have also caused extensive damage to an additional 100,000 buildings including hotels, mosques, shops, and hospitals, and approximately twenty miles of roads. Lying near the intersection of shifting tectonic plates, Indonesia is prone to earthquakes and volcanic eruptions. Such devastation is yet another tragedy to strike the region, which is still recovering from the 2004 earthquake born from this very same fault line that resulted in the Indian Ocean tsunami and the loss of over 230,000 lives.

As a result, I am very pleased to join my colleagues today in passing House Resolution 810 expressing our condolences to the Indonesian people for the devastating earthquake and loss of life in their Sumatra region.

I would also like to commend the courage and perseverance of the Indonesian government and people as they work tirelessly with humanitarian organizations in distributing aid and mobilizing relief efforts. All the while, strong aftershocks continue to rock the region and create hazardous conditions for both residents and rescue workers.

There is still much to be done, yet the Indonesian government and countless other humanitarian and private groups continue to provide emergency assistance to those in need.

The U.S. also shows our support as we reaffirm our commitment by releasing millions in aid and contributing to the widespread international response. We continue to regard Indonesia as an important ally, recognizing its recent democratic transition and transformation into the world's third largest democracy. In addition, hosting the world's largest Muslim majority, the people of Indonesia demonstrate that Islam and democracy are not mutually exclusive and can successfully work in tandem. Thus, we look forward to fostering future cooperation between the United States and Indonesia in the areas of trade, national security, and cultural awareness and appreciation.

The Indonesian people have seen tremendous change in the last decade, and they once again continue to persevere through tragedy. It is my hope that our nations will only continue to grow in our commitment to one another and to freedom, justice, and democracy.

I would like to thank Congressman BERMAN and Ranking Member ILEANA ROS-LEHTINEN for helping to move this important resolution to the floor.

And, again I extend my heartfelt condolences to the Indonesian people and the family and friends of those who are suffering greatly as a result of this disaster.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res.

810 to express condolences to the people of Indonesia for the tragic earthquake that struck the island of Sumatra on September 30, 2009.

This earthquake took the lives of more than 700 individuals, and many more are injured or remain missing. In addition to the loss of life, the infrastructure of this island was devastated, and this tragedy resulted in the destruction of roughly 80,000 houses, 200 public buildings, 285 schools and 20 miles of road. The Indonesian government has worked rapidly to get relief teams to Sumatra to find survivors, distribute food, and provide medical assistance, as well as assess damages and make preparations to rush in supplies.

Mr. Speaker, my most heartfelt condolences go out to the people of Indonesia and Sumatra for their suffering, and I join them in grieving. I urge my fellow colleagues to support H. Res. 810 for the people of Indonesia and to remember the victims of this terrible earthquake.

Ms. ROS-LEHTINEN. Mr. Speaker, we yield back the balance of our time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 810.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### COMMEMORATING THE CANONIZATION OF FATHER DAMIEN DE VEUSTER TO SAINTHOOD

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 786) commemorating the canonization of Father Damien de Veuster, SS.CC. to sainthood, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 786

Whereas Father Damien de Veuster, SS.CC. was born Joseph de Veuster in Tremelo, Belgium, on January 3, 1840, and in 1859, at age 19, he entered the Congregation of the Sacred Hearts of Jesus and Mary in Louvain and selected Damien as his religious name;

Whereas in 1863, Father Damien received permission to replace his ill brother, and sailed to the Hawaiian Islands to perform missionary work;

Whereas Father Damien arrived in Honolulu, Hawaii on March 19, 1864, was ordained to the priesthood at the Cathedral of Our Lady of Peace on May 21, 1864, and began his pastoral ministry on the island of Hawaii;

Whereas the Hawaiian Government deported individuals infected with leprosy, now also known as Hansen's disease, to a peninsula on the island of Molokai, to prevent further spread of the disease, and Bishop Louis Maigret, SS.CC. sought the help of Father Damien and other priests to provide spiritual assistance for the sufferers of Hansen's disease;

Whereas several priests volunteered to work on Molokai for a few months, but Father Damien requested to remain permanently with the individuals suffering from Hansen's disease, and was among the first to leave for the island of Molokai on May 10, 1873;

Whereas for 16 years, Father Damien served as a voice of hope and a source of consolation and encouragement for the individuals afflicted with Hansen's disease;

Whereas working together, Father Damien and the people isolated on the Kalaupapa peninsula accomplished remarkable achievements, including building houses and hospitals, taking care of the patients' spiritual and physical needs, building 6 chapels, constructing a home for boys and a home for girls, and burying the hundreds who died during his years on the island of Molokai;

Whereas Father Damien died on April 15, 1889, after contracting Hansen's disease, and his remains were transferred to Belgium in 1936, where he was interred in the crypt of the church of the Congregation of the Sacred Hearts at Louvain;

Whereas in 1938, the process for beatification for Father Damien was introduced at Malines, Belgium;

Whereas in April 1965, the Legislature of the State of Hawaii selected Father Damien as the first of its two selections for the National Statuary Hall Collection in the U.S. Capitol;

Whereas, on April 15, 1969, a statue of Father Damien and a statue of King Kamehameha I, gifts from the State of Hawaii, were unveiled at the Capitol Rotunda;

Whereas, on July 7, 1977, Pope Paul VI declared Father Damien "venerable", the first of 3 steps that lead to sainthood;

Whereas, on June 4, 1995, Pope John Paul II declared Father Damien "Blessed Damien", and his feast is on May 10, the day Father Damien first entered the island of Molokai; and

Whereas Father Damien will be canonized a saint on October 11, 2009, by Pope Benedict XVI: Now, therefore, be it

*Resolved*, That the House of Representatives honors and praises Father Damien for his legacy, work, service, and his insistence on recognizing the human rights and dignity of every individual, particularly those who lived alongside him at the Hansen's disease settlement on the island of Molokai.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

##### GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, this resolution commemorates the canonization of Father

Damien de Veuster for his selfless works ministering to those suffering from Hansen's disease, also known as leprosy, on the Hawaiian island of Molokai. I would also like to thank my good friend Ms. HIRONO from the State of Hawaii for sponsoring and authoring this resolution and for working to ensure that Father Damien's legacy is never forgotten.

Many of us here and our colleagues who walk the Halls of the Congress have oftentimes passed by the distinctive statue of Father Damien in the Capitol, yet few of us understood that this was a man who essentially gave his life in order to help others.

In 1863, at the age of 23, Father Damien left his home in Belgium, sailing to Hawaii to perform missionary work. At that time, the Hawaiian Government deported those who had contracted Hansen's disease to a place called Kalaupapa on the island of Molokai to prevent the spread of the disease. Though he was aware of the risks of contracting leprosy, Father Damien decided to move to Molokai permanently in order to be with those who suffered there.

Isolated from society on the Kalaupapa peninsula on the island of Molokai, Father Damien and those to whom he ministered had many remarkable achievements: building schools and hospitals, constructing churches and homes, and attending to the spiritual and physical needs of those suffering from Hansen's disease, or leprosy.

For 16 years, Father Damien served as a voice of hope and a source of consolation and encouragement for individuals afflicted with Hansen's disease, until he died on April 15, 1889, after contracting the disease himself.

In 1977, recognizing his life of good works and the sacrifice he made in helping others, Pope Paul VI began the process that would ultimately lead to sainthood for Father Damien.

Mr. Speaker, just last Sunday, Father Damien was finally canonized as a saint by Pope Benedict XVI.

I urge all my colleagues to honor the life and accomplishments of Father Damien and his legacy of self-sacrifice by supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution commemorating the canonization of Father Damien on Sunday, October 11, by Pope Benedict XVI. I thank Ms. HIRONO and the Hawaiian delegation for introducing this resolution honoring a true American hero.

When Father Damien first arrived in Hawaii as a missionary in 1864, he was only 24 years old. After the Hawaiian Government ordered the quarantine of those affected with leprosy to a settlement on the island of Molokai, Father

Damien volunteered to go minister to their care.

The Catholic bishop introduced Father Damien to his new 816 parishioners in the year 1873 as "one who will be a father to you, and one who loves you so much that he does not hesitate to become one of you, to live and die with you."

While Father Damien's first action was to build a church, he did not limit his role to that of a priest. He dressed ulcers, built homes and beds, built coffins and dug graves. Father Damien's arrival was a turning point for the disease-afflicted community, which, given new hope, built homes instead of shacks, constructed new schools and organized working farms.

Father Damien contracted the disease as a result of this ministry and died at the age of 49 on April 15, 1889, a date still commemorated in Hawaii.

No less an authority than Mahatma Gandhi wrote the following concerning Father Damien: "The political and journalistic world can boast of very few heroes who compare with Father Damien of Molokai. It is worthwhile to look for those sources of such heroism."

Given his work with those who suffered from a disease which carried a social stigma, Father Damien has also become the unofficial patron of those afflicted with HIV/AIDS. The world's only Roman Catholic memorial chapel dedicated to those who have died of HIV/AIDS, located in Montreal, Canada, is consecrated to him.

We in the Congress have long been aware of the deep affection felt by the people of the Aloha State for their adopted son. A statue of Father Damien was one of the two sent from the then-new State of Hawaii to be placed in the Nation's Capitol in 1965.

We all fervently wish that this past Sunday's canonization of yet another American saint will bring blessings to our country at a time of economic uncertainty at home and perils abroad.

I urge my colleagues to strongly support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, years ago it was my privilege to have been invited by the famous native Hawaiian navigator Nainoa Thompson to be a member of the crew of the famous Hawaiian voyaging canoe *Hokule'a*. We sailed from Tahiti, and it took us about 27 days until finally we sighted the famous mountains of Mauna Kea.

Part of our traveling along the Hawaiian chain of islands was that we also visited the famous peninsula called Kalaupapa on the island of Molokai where we visited and stayed there, resting before we went on to the island of Oahu. It was there, Mr. Speaker, that I saw the legacy of Fa-

ther Damien's work in dealing with the native Hawaiian people, or anybody who contracted leprosy who was sent to that island to remain there for the rest of their lives.

The unfortunate stories that I have heard in the treatment of these people is that they were just dropped off, not even on the wharf. They were just simply taken there, and they had to swim to the islands in order to get there. What a terrible way of treating those people that were screened or realized that they had Hansen's disease.

But I just wanted to describe the memory of seeing the school and the grave sites and the little community that was built, for which Father Damien was very responsible in helping those who were in need and the people who contracted Hansen's disease on the island of Molokai on this particular peninsula, the beautiful, beautiful peninsula of Kalaupapa, very, very historical; and I know this is true also to our native Hawaiian community.

Mr. Speaker, I yield 3 minutes to my good friend, the distinguished author of this legislation, the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. Mr. Speaker, I would like to thank my friends, the gentleman from American Samoa and the gentlelady from Florida, for their kind remarks in support of this resolution.

I rise today in support of my resolution commemorating the canonization of Father Damien, a member of the congregation of the Sacred Hearts of Jesus and Mary, to sainthood this past Sunday, October 11, 2009.

We can all celebrate the life of St. Damien, a man who put his faith and principles into action in the service of a group of people who suffered not only the physical effects of leprosy, now known as Hansen's disease, but also from the terrible stigma associated with the disease.

□ 1215

Father Damien is recognized for his 16 years of selfless service to the people who were forcibly isolated on the peninsula of Kalaupapa, on the island of Molokai, Hawaii, because they were diagnosed with Hansen's disease. Living among the people of Kalaupapa from 1873 to 1889, he eventually contracted the disease, ultimately died from its effects, and was buried on Molokai.

The policy of exiling persons with the disease that was then known as leprosy began under the Kingdom of Hawaii and continued under the governments of the Republic of Hawaii, the Territory of Hawaii and the State of Hawaii. Children, mothers and fathers were forcibly separated and sent to Kalaupapa, which for most of its history could only be accessed by water or via a steep mule trail. Children born to parents at Kalaupapa were taken away from their mothers and sent to orphanages or to other family members out-

side Kalaupapa. Hawaii's isolation laws for people with Hansen's disease were not repealed until 1969, even though medications to control the disease have been available since the late 1940s.

I believe that all people, regardless of their religious beliefs, can recognize truly extraordinary persons who give of themselves without reserve for the betterment of their fellow human beings. Father Damien was surely such a person. No sickness was as feared as leprosy in the late 1800s, but he volunteered to serve at Kalaupapa and requested to stay there in order to serve those who were most shunned. He recognized the human rights and inherent dignity of all people, especially those he lived alongside at Kalaupapa.

Father Damien worked with the people of Kalaupapa to improve their living conditions. A skilled carpenter, he led in the building of houses and hospitals, six chapels, a home for boys and a home for girls. At the same time, he ministered to the spiritual and physical needs of his parishioners and helped to bury the hundreds who died during his years there.

It is noteworthy that shortly after Hawaii became a State, Father Damien was the first selection of the State legislature to be memorialized in a statue as part of the National Statuary Hall in Washington, DC. Despite the fact that he was not born in Hawaii and lived so long ago, Hawaii's people recognize that his life embodied the true spirit of aloha, which means, love, compassion, mercy, grace, and malama, which means to care for.

Last week in Louvain, Belgium, prior to the canonization, some 400 Hawaii residents, including 11 former Hansen's disease patients from Kalaupapa, attended a mass with the King and Queen of Belgium near St. Damien's birthplace. Addressing those who came all the way from Hawaii, Cardinal Danneels, a native of Belgium said, "We gave life to Father Damien. You gave him back as a saint. We thank you."

I have visited Father Damien's grave at Kalawao on the Kalaupapa peninsula, and as you can see by this photo that was taken when I visited Kalaupapa, it seems almost unreal. It is a beautiful place where tremendous suffering took place, but also a place imbued with great spiritual feeling. Father Damien's grave site is marked on this photo in the far left.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. FALEOMAVAEGA. I yield the gentlewoman an additional 1 minute.

Ms. HIRONO. I hope that you will have the opportunity to visit Kalaupapa at some point in your lives. I know that you will be deeply moved, as I was, by the example of this man, this saint, as well as by the courage and perseverance of the people he dedicated his life to serving.



Ms. ROS-LEHTINEN. Mr. Speaker, we have no further requests for time, and I yield back the balance of our time.

Mr. FALEOMAVAEGA. I would like to ask just a couple more minutes to say I want to share with my colleagues another beautiful story, a legacy of Father Damien. This is a story about a native Hawaiian leader by the name of Jonathan Napela. And when this Hawaiian leader found out that his wife had contracted Hansen's disease, he went with her to Kalaupapa, lived with her throughout the rest of his life, and he also contracted Hansen's disease because of the love that he had for his wife, and they lived there, working with Father Damien and other leaders there in this little community of Kalaupapa.

And I just wanted to note that for the RECORD. This famous native Hawaiian leader by the name of Jonathan Napela also was a beautiful story of how much he was able to help the community there in Kalaupapa and the island of Molokai.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support H. Res. 786 in commemorating the canonization of Father Damien de Veuster to sainthood.

The canonization of Father Damien completes his ascension to sainthood and gives universal veneration to a life of extraordinary commitment, charity, and faith. It has been more than 120 years since his death on the Kalaupapa Peninsula on the island of Molokai, but Father Damien's life continues to illuminate for all humankind the pathway of service to the needy.

Father Damien's mission in life and the journey he took to fulfill it were inspired by a simple yet profound compassion, to recognize the human rights and dignity of every individual, particularly those who were cast aside to Kalaupapa. He challenged the orthodoxies of his own church and the government to provide the needed resources to care for Hansen's disease patients who had been banished to Kalaupapa—attracting worldwide attention to his demonstration of humanity.

He lived, worked, and died in geographic isolation with the people he cared for, but his timeless teachings and inspiration have reached a vast congregation that reaches around the world without regard to time and place. Father Damien's hope and devotion continue to strengthen all of us today, and his sainthood affirms this for eternity.

I urge my colleagues to support this resolution and Father Damien's work and legacy, a timeless example of compassion and dedication.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 786, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FALEOMAVAEGA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.  
The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CELEBRATING 90 YEARS OF UNITED STATES-POLISH DIPLOMATIC RELATIONS

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 266) celebrating 90 years of United States-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the United States in advancing freedom around the world, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 266

Whereas the United States established diplomatic relations with the newly independent Second Polish Republic in April 1919;

Whereas the year 2009 marks the 20th anniversary of the fall of communism in Poland, as well as the restoration of democracy and market economy in that country;

Whereas the year 2009 marks the 10th anniversary of Poland's accession to the North Atlantic Treaty Organization (NATO);

Whereas the year 2009 marks the 5th anniversary of Poland's accession to the European Union (EU);

Whereas the year 2009 marks the 50th anniversary of the Fulbright Educational Exchange Program in Poland;

Whereas Poland has overcome a legacy of foreign occupation and period of communist rule to emerge as a free and democratic nation;

Whereas Poland is a valued partner in the fight against global terrorism and has contributed troops to the stabilization and reconstruction efforts in Afghanistan and Iraq; and

Whereas Poland has cooperated closely with the United States on issues such as democratization, nuclear nonproliferation, human rights, regional cooperation in Central and Eastern Europe, and reform of the United Nations: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) celebrates the 90th anniversary of United States-Polish diplomatic relations;

(2) congratulates the Polish people on their great accomplishments as a free democracy; and

(3) expresses appreciation for Poland's steadfast partnership with the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The gentleman from American Samoa is recognized.

#### GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. I yield myself such time as I may consume.

Mr. Speaker, I am in strong support of House Resolution 266, which celebrates 90 years of diplomatic relations between the United States and Poland. I wish to thank my good friend, the distinguished gentleman from the State of Illinois (Mr. LIPINSKI) for his authorship and introduction of this bill that enables the House to join the Senate in marking this significant anniversary and reaffirming our friendship with an important ally.

It is remarkable to think that it has been only 20 years since Poland began to emerge from a period marked by war, Communist rule and occupation. On June 4, 1989, the good people of Poland voted in semi-democratic parliamentary elections. They resulted in a landslide victory for opposition candidates fielded by the Solidarity trade union over the ruling Communists. The new government moved swiftly to reestablish democratic practices and a free market economy.

This election marked a turning point in the region, as other Soviet satellite states in Central and Eastern Europe regained their freedom by the end of 1989. Poland undertook internal reforms that enabled its rapid integration into the Euro-Atlantic community. Indeed, 2009 marks the fifth anniversary of Poland's membership with the European Union and the 10th anniversary of its accession to NATO. Poland has since been playing an active role in the international community, helping to secure peace and stability through its contributions to civilian and military operations in Afghanistan and Iraq.

In addition, Poland has been a strong ally of the United States. This year we are marking 90 years of diplomatic relations, with the United States being the first country to recognize the newly independent Second Polish Republic in January 1919. This was particularly fitting given the key role played by President Woodrow Wilson in demanding that an independent Poland be included in the Treaty of Versailles.

Since that time, there has continued to be a close friendship between our two peoples and countries. The estimated 10 million of our fellow Polish Americans who comprise 3 percent of the U.S. population have made considerable contributions to the cultural, economic, social, and political fabric of our great Nation. I welcome the planned visit by Vice President BIDEN to Poland later this month, as it provides an excellent opportunity to affirm our strong bilateral relationship.

I strongly support this resolution and urge my colleagues to do the same.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume. I rise today in strong support of House Resolution 266, which celebrates 90 years of U.S.-Polish diplomatic relations and the fact that Poland has proven to be a strong partner for the United States in advancing freedom around the world.

Poland has come a long way since throwing off the yoke of Communism 20 years ago. In fact, it was only 2 months ago that Poles celebrated the 20th anniversary of the first free and democratic parliamentary elections in their country, held in 1989, which followed decades of Communist rule and Soviet domination of Poland. The election, in fact, helped provide the inspiration for the peoples of other Central and Eastern European nations to subsequently free themselves from the shackles of the Communist regimes in their countries.

Today, Poland is a free and democratic country and a full and valued member of a number of international organizations, including the European Union and NATO. Through NATO, Poland is a full ally of the United States and, in that role, has significantly contributed to the United States-led efforts to fight global terrorism.

This resolution, Mr. Speaker, celebrates the 90th anniversary of the U.S.-Polish diplomatic relations. It congratulates the Polish people on their great accomplishments as a great democracy, and it expresses appreciation for Poland's partnership with the United States.

Given the specific intent of the resolution before us today dealing with the importance of our relationship with our ally, Poland, I would like to comment on the recent decision by President Obama to cancel the long-range missile defense project with Poland. We could debate the recent decision to cancel the long-range missile defense project in Poland, a decision with which many of us, obviously, disagree. In light of the history of Eastern Europe over the past century, and of Poland, in particular, we should exercise care in the ways that we arrive at decisions that have great consequence to our allies in that region.

In this instance, the decision to cancel the missile defense project was communicated to Polish officials only the night before it was announced. The decision was also announced on the 70th anniversary of the invasion of the Soviet Union of Poland in 1939. What an insult. In light of the timing of the decision, and given that Russian troops invaded Georgia last year, should we have been surprised when our Polish allies reacted with alarm at the suddenness of the announcement? I think not.

In short, Mr. Speaker, our relationship with Poland requires skillful han-

dling and needs to take into account what Poland has experienced over the past 100 years in order to avoid sending unintended and potentially damaging messages to such a close ally.

Mr. Speaker, I support the resolution before us today.

I reserve the balance of our time.

Mr. FALEOMAVAEGA. Mr. Speaker, at this time I would like to yield 3 minutes to the distinguished gentleman, the author of this piece of legislation, the gentleman from Illinois (Mr. LIPINSKI).

□ 1230

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of H. Res. 266, celebrating 90 years of diplomatic relations between the United States and Poland and recognizing Poland's critical role in advancing freedom and democracy across the globe. We must never forget Lech Walesa's leadership inside Poland and the Polish pope, Pope John Paul II's leadership from the outside which helped lead to the collapse of the Soviet Union and the collapse of the wall separating the East and West and the freedom that that brought to so many hundreds of millions of people around the world.

As a Polish American, as the co-Chair of the Congressional Caucus on Poland, and as someone who represents part of the most Polish city outside of Poland, I'm especially proud to sponsor this resolution. I would like to thank the gentleman from New Jersey (Mr. SMITH) for working with me on this resolution and on other important issues.

In addition to marking the 90th anniversary of U.S.-Poland diplomatic relations, this year also marks the 20th anniversary of the fall of communism in Poland, the 10th anniversary of Poland's accession to NATO, and the 5th anniversary of Poland's membership in the European Union.

Ninety years ago, there were already 150,000 Polish immigrants in and around Chicago. The Polish American Association recently noted that following World War II, "Polish Americans made up a large part of the countless families moving into Chicago suburbs, especially southwest suburbs such as Oak Lawn and Hickory Hills and western suburbs such as Berwyn and Lyons." These are all areas I represent, and such communities are one reason our countries are so close.

Poland's struggle against communism and its emergence as a free and democratic nation are a great chapter in the history of the 20th century. In recent years, Poland has strongly supported the United States diplomatically and militarily, helping to combat global terrorism and contributing troops in Iraq and Afghanistan.

Mr. Speaker, I urge my colleagues to join me in supporting this resolution

and in conveying America's thanks to the Polish people. Poland has been one of our Nation's best friends and strongest allies. We must honor this relationship and make sure that we work to continue it and work to strengthen that relationship with great respect.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm very pleased to yield 4 minutes to the gentleman from Arizona (Mr. FRANKS), a member of the Armed Services and Judiciary Committees and the co-Chair of the House Missile Defense Caucus.

Mr. FRANKS of Arizona. I thank the gentlelady, as always.

Mr. Speaker, it is a privilege for me to stand here today in strong, wholehearted support of our cherished ally, the nation of Poland, and in strong support of House Resolution 266. And I want to thank Mr. LIPINSKI, a cherished friend of mine, for his willingness to put forth this resolution.

After the recently announced decision by the Obama administration abandoning our promised missile defense interceptors in Poland, our allies' newspaper headlines stated the situation in rather stark terms, Mr. Speaker. One Polish newspaper had the headline, "Betrayed! The USA has sold us to the Russians and stabbed us in the back."

Now, Mr. Speaker, it's a travesty beyond words that the United States of America, the bastion of freedom throughout the entire world, would give reason to a loyal ally like Poland to write headlines like that. Poland has strongly supported the United States diplomatically and militarily and has joined with us courageously in combating global terrorism and has contributed troops to the coalitions led by the United States of America both in Afghanistan and in Iraq.

For these reasons and so many others, Mr. Speaker, I'm honored to stand here today with my colleagues to warmly congratulate the Polish people on their remarkable accomplishments as a free nation and to express our gratitude for Poland's steadfast partnership with the United States and to affirm our clear and unwavering support for the free democratic nation of Poland.

Mr. Speaker, I would go one step further by stating that one of the best ways we could demonstrate our deep love and appreciation for the nation and people of Poland would be to prove that we mean this by extending the Visa Waiver Program to our Polish allies. We've already extended the Visa Waiver Program to 35 other allies, including other European nations like Belgium, the Czech Republic, Denmark, Estonia, Lithuania, and Latvia, and I strongly believe we should have extended this same courtesy to our allies in Poland long ago. Poland repealed its own visa requirement back in 1991 and allows Americans to travel



throughout Poland without the use of a visa.

The nation of Poland has proven time and again, Mr. Speaker, its steadfast dedication to the cause of human freedom as well as its friendship with the United States, and it is appropriate that they understand that America is grateful. And I just reiterate my gratitude to Mr. LIPINSKI and Ms. ROS-LEHTINEN.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALCOMA. Mr. Speaker, at this time, I yield 1½ minutes to my good friend, the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Speaker, I rise in wholehearted support of this resolution. I thank Representative LIPINSKI for his outstanding work that he has done to bring this resolution to the floor.

In 1919, the United States established diplomatic relations with the newly formed Polish Republic. After 90 years of diplomatic relations, our relations have never been stronger.

Over the last 90 years, the Polish people have overcome profound challenges, and Poland has emerged as a beacon for democracy and economic revitalization. In the 1980s, Polish workers rose against the Soviet elite, and despite significant oppression, forced democratic elections in 1989 and was a significant factor in the fall of the Iron Curtain. Despite the decades of Soviet control, over the last 20 years, the Polish economy has expanded dramatically and now is one of the economic engines of Europe.

Over the years, Poland has cooperated closely with the United States on issues such as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations.

Today we can recognize these great contributions and reaffirm our commitment to our relationship with this great ally by voting in support of this resolution. I urge my colleagues, Mr. Speaker, to vote in support of House Resolution 266.

Mr. ADERHOLT. Mr. Speaker, I would like to also join in support of H. Res. 266, celebrating 90 years of diplomatic relations between the United States and the Polish Republic.

In those years, Poland has suffered invasion, and then the cruel domination of communism.

The religious faith and the courage of Poland's people carried them out of those dark years, and Poland today is a beacon of democracy to the rest of the world.

With an impressive history, Poland is also poised to be a leader of Europe's future.

I visited Poland with a group of other Members, so I have a firsthand sense of the hospitality of Poland, and also of Poland's commitment to freedom and national security.

I am very disappointed in President Obama's decision not to follow through with

the placing of ground-based missile defense systems in Poland. In the United States House of Representatives and in the Senate, there are still many supporters of such a system.

I appreciate the serious debates and commitments Poland has made to be an ally of the United States on missile defense, and I will continue to urge full cooperation between the United States and Poland on this matter.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 266, which celebrates 90 years of the United States-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the United States in advancing freedom around the world. I support this resolution because Poland is an important ally, partner, and friend to the United States.

My home town of Houston, Texas has a strong connection with Poland. Texas has long been an important destination for Polish people immigrating to the United States. In 1818 a handful of Polish immigrants arrived in Texas seeking refuge from turmoil in Europe. Immigration from Poland increased in the 1850s as severe weather, economic hardship, a food shortage, and disease spurred people to seek better fortunes elsewhere. Texas received another wave of Polish immigrants in the 1870s on the heels of political turmoil in Poland.

According to the Texas State Historical Association Houston there were 55,000 people of Polish descent in Houston in 2000. Aspects of the Polish culture are important to Houston's heritage and are celebrated in our annual Polish Festival and Polish Film Festival. Houston is also the home to a Polish consulate. I am proud to support this resolution as an acknowledgement of Houston's enduring ties with Poland.

The relationship between the United States and Poland was first formally established in the wake of World War I. In 1919, the U.S. and the newly-formed Polish Republic established diplomatic ties creating a formal relationship between governments that also served to symbolize the shared cultural heritage. Twenty years ago, communism fell in Poland and was replaced with a democratic government and market economy. While the relationship between the U.S. and Poland was at times difficult under communism, the spirit of mutualism and desire for cultural exchange endured. The Fulbright Educational Exchange Program began in Poland in 1959 allowing students from both sides of the Iron Curtain to maintain and grow our shared heritage.

In the 20 years since the fall of communism, Poland has also developed into a strong ally for our country. In 1999, Poland joined the North Atlantic Treaty Organization, NATO, cementing our shared military interest. Poland has been a strong diplomatic and military ally in our struggle against terrorism across the globe by contributing troops to U.S.-led coalitions. Poland has also demonstrated its close ideological relationship with the United States through joint efforts on democratization, nuclear proliferation, human rights, Eastern European affairs, and reforming the United Nations. The United States and Poland have a strong relationship and I am proud to support this resolution celebrating the 90 years of diplomatic relations.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Illinois, Mr. LIPINSKI, for introducing this legislation commemorating the 90th anniversary of the establishment of U.S.-Polish Diplomatic Relations.

The Polish people and the people of the United States have a long history of friendship that dates back to the American war of independence when Polish patriot Casimir Pulaski volunteered to serve in the Continental Army and led his own cavalry regiment in fighting the British.

We have stood shoulder to shoulder during dark times in both our histories, and in more recent times, we rejoiced together as the iron curtain that had enshrouded Poland and Eastern Europe was cast aside.

And, in 1999, the United States and NATO welcomed Poland into our security partnership.

In 2008, America signed a cooperative security agreement with Poland to further our mutual security interests. This included the establishment of a missile defense system to protect both Europe and the United States from ballistic missile attacks from rogue states such as Iran.

This agreement was signed as a result of the strong courage of Poland's leaders who believed the United States government when it promised to help protect their homeland.

Ironically, on September 17, 2009—the 70th anniversary of the 1939 Soviet invasion of Poland—the Administration withdrew U.S. support for this mutual missile defense system in Europe. The Administration must now respond to find other ways that our cooperative partnership may be advanced.

As a member of the NATO Parliamentary Assembly and the author of the NATO First Act, I believe the United States must remain committed to working with the Polish people to sustain our mutual partnership.

I urge support of H. Res. 266.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in support of House Resolution 266, celebrating 90 years of United States-Polish diplomatic relations. It was April of 1919 when the United States first established a diplomatic relationship with the Polish Republic, and for nearly a century our two countries have worked together to maintain this important bond. Throughout the course of this lasting friendship, we have seen Poland overcome a period of communist rule and a legacy of foreign occupation to emerge as the free and democratic nation it is today, showing the great strength and resolve of the Polish people.

The mark of a great nation, however, is not measured solely by the distance of its own advancement, but by its ability and willingness to help advance and protect other nations in the world community. Poland has collaborated closely with the United States in efforts to promote democratization and human rights in regions beyond the nation's borders. Additionally, the great nation of Poland has assisted the United States in fundamental efforts to limit nuclear proliferation, facilitate regional cooperation in Eastern Europe, and reform the United Nations.

As a proud member of the Polish Caucus, it is my honor to recognize Poland for its indispensable support and committed partnership with the United States in advancing worldwide

liberty. Poland has continually supported the United States, both militarily and diplomatically, in efforts aimed at combating global terrorism.

I am proud to say that my home state of Connecticut has one of the largest Polish-American populations in the country. Polish-Americans play an active role in the community through the many cultural and civic organizations established in my district. This includes the Greater Hartford Polish Cultural Club, which was proud to host the 61st Annual National Convention of the American Council for Polish Culture in August of this year. The continued celebration of the vibrant heritage of Polish-Americans is a testament to the strength of the enduring partnership between our two great nations.

It is with great appreciation for Poland's efforts in upholding the ideals of freedom that I rise in support of House Resolution 266, celebrating 90 years of United States-Polish diplomatic relations.

Mr. FALÉOMAVAEGA. Mr. Speaker, at this time, I have no further speakers and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALÉOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 266, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING THE 140TH ANNIVERSARY OF THE BIRTH OF MAHATMA GANDHI

Mr. FALÉOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 603) recognizing the 140th anniversary of the birth of Mahatma Gandhi.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 603

Whereas October 2, 2009, marks the 140th anniversary of the birth of Mahatma Gandhi;

Whereas Mahatma Gandhi was a great political leader, devout and spiritual Hindu, and leader of India's nationalist movement;

Whereas all his life Gandhi courageously supported, and in fact gave his life for, the cause of Hindu Muslim amity;

Whereas Gandhi helped to make India the largest democracy in the world;

Whereas his philosophy of nonviolent civil disobedience has influenced people around the world for the betterment of mankind;

Whereas Gandhi developed the term *Satyagraha*, meaning vindication of truth, not by inflicting suffering on others but through nonviolent and patient self-suffering;

Whereas his autobiography "My Experiments with Truth" reveals the inner voice of one of history's most spiritual leaders;

Whereas Gandhi counseled humankind to "Hate the sin, and love the sinner", urged people everywhere to "be the change you

want to see in the world", and reminded the world that "Freedom is not worth having if it does not connote the freedom to err"; and

Whereas as a result of his timeless legacy, Gandhi's name has come to symbolize freedom and justice around the world: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the 140th anniversary of the birth of Mahatma Gandhi;

(2) acknowledges and commends Mahatma Gandhi's unique and lasting role in the establishment of the state of India and its democratic institutions, which will be revered for generations to come; and

(3) congratulates the visionary leadership of Mahatma Gandhi, which enhanced the rapidly deepening friendship between the United States and India, the world's oldest and largest democracy, respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALÉOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The gentleman from American Samoa is recognized.

##### GENERAL LEAVE

Mr. FALÉOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALÉOMAVAEGA. Mr. Speaker, I rise in strong support of the resolution and yield myself such time as I may consume.

This resolution recognizes the 140th anniversary of the birth of Mahatma Gandhi, one of the 20th century's greatest political leaders, a devout and spiritual Hindu, and the father of India's nationalist movement.

While much has been said about the great works of Gandhi's life, it is important that we never forget that without Gandhi, the fates of what is now the world's largest democracy, India, and the oldest democracy, the United States, would likely be far different.

Mahatma Gandhi served as an inspiration for a movement that ended the rule of the British Raj and created a free and independent Indian state. I might also add, Mr. Speaker, it ended the rule of the British Empire. But of equal significance, especially to us in this Chamber today, Mahatma Gandhi inspired the American civil rights movement that hailed one of America's most remarkable social and political transformations.

By advocating nonviolence, a radical new form of resistance, Mahatma Gandhi transformed the methods used around the world to protest oppression. Mahatma Gandhi developed the term "Satyagraha," meaning vindication of truth not by inflicting suffering on others but through nonviolent and pa-

tient self-suffering. He counseled humankind to "hate the sin and love the sinner" and urged people everywhere to "be the change you want to see in the world." The late Reverend Martin Luther King, Jr., became the agent, an instrument, of that change here in the United States.

In India, at a time when sectarian tensions threatened to disrupt the independence movement, Mahatma Gandhi encouraged dialogue between Muslim and Hindu community leaders, working to cool passions and put an end to religious-based violence.

Though his life was cut tragically short by an assassin's bullet, his legacy is seen in the over 1.5 billion people who inhabit the free and independent countries of the Indian subcontinent and by our own embrace of the principles of nonviolent political action, unity, and religious tolerance within the United States.

I urge all my colleagues to honor the 140th anniversary of the birth of the great Mahatma Gandhi by supporting this resolution.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 603, a measure recognizing the 140th anniversary of the birth of Mahatma Gandhi. At the outset, let me express my deep appreciation to our distinguished chairman, Mr. HOWARD BERMAN, my good friend from California, for his strong support of this bipartisan resolution and to the co-Chairs of the India Caucus for their cosponsorship.

Mr. Speaker, I introduced this resolution to honor the extraordinary life and the legacy of Mahatma Gandhi. The broad outlines in the life story of this remarkable human being are, of course, generally well known: his struggles as a young lawyer in South Africa for the civil liberties and the political rights of Indian immigrants; his return to India and his leadership in the long and complex struggle for home rule and then independence; and his campaign against violent communalism and terror, a struggle that ultimately cost him his life.

In the course of this journey, Gandhi believed and developed the distinctive philosophy of nonviolence. This philosophy has influenced so many great figures of world history from Nehru to the Reverend Martin Luther King, Jr., to Aung San Suu Kyi.

Today, Cuban dissidents and political prisoners such as Dr. Oscar Elias Biscet turn to Gandhi's tenets of peaceful civil disobedience to challenge the Cuban tyranny and demand the freedom of the Cuban people.

In a world too often worked marked by violence and vast inequity, Gandhi said, "be the change you want to see in the world."

"Be the change you want to see in the world." This reminds us all of the need for personal integrity in the struggle for peaceful change and the fullest respect for human dignity.

Mr. Speaker, as we have all come to understand, the life and the teachings of this deeply philosophical and spiritual man have touched millions of people around the world. Indeed, in world affairs, the person who arguably affected change more than anyone else, more effectively than anybody else, was Mahatma Gandhi.

Mr. Speaker, ultimately, what was it about this complex and enigmatic man that made him one of the most iconic figures of the 20th century? As a recent biographer noted, fundamentally, Gandhi was a man of vision and action, who asked many of the most profound questions that face humankind as it struggles to live in a community. It was this confrontation out of a real humanity which marks his true stature and which makes his struggles and glimpses of enduring significance to us all. As a man of his time who asked the deepest questions, even though he may not have had all of the answers, he became a man for all times and all places.

Mr. Speaker, I strongly urge support for this resolution, and with that, I reserve the balance of my time.

□ 1245

Mr. FALEOMAVEGA. Mr. Speaker, I yield myself such time as I may consume.

I want to commend and thank the gentledady from Florida, our ranking member of our House Foreign Affairs Committee, for authoring this resolution and giving remembrance to our Nation about the legacy and life of this great human being.

You know, the unusual thing about my reading about this great person, Mahatma Gandhi, was that he was a firm believer not only in the Guide, but also in the Bible. He believed in a lot of the principles that were taught by Jesus Christ in the Bible itself. And as I recall a statement of the Good Book saying, Love your enemies, do good to them who hate you, I think gives the great substance of what Gandhi had said, hate the sin, but not the sinner. And I think in the same way he tried to say to the British Empire, he loves the British people, but he did not like what the British Government was doing to his people.

I think it was at the time when he had just completed his legal studies from Oxford University that he was given an assignment to go to South Africa to help one of the Indian community people there with some of the problems.

And it was on that train ride that he purchased a first-class ticket on this train, and the porter there stopped him saying, You're not supposed to sit on

that first-class trip; you are supposed to be out in the baggage area where all the nonwhite people are supposed to be sitting. And he protested and said, I bought a first-class ticket, I deserve it, and there should be no reason why I shouldn't sit in the first-class cabin on the train. And for that, he was not only beaten, but he was left to himself and the train went on.

It was in that given experience that Mahatma Gandhi said, Something is wrong here; and from there he started believing that the British colonial rule of his people just did not seem to fit right as far as the way that the Indian people were being treated by the British.

For that, Mr. Speaker, history has well spoken. I don't have the exact quote that was given by Albert Einstein that said no mortal in the last 100 years has ever been given as an example of this one human being that, by the way, the former Prime Minister, Winston Churchill, described him as a "naked fakir," in very derogatory terms, I suppose, in that respect because Mr. Winston Churchill believed that the British Empire should rule for another 1,000 years perhaps.

But I must say that, yes, there is absolutely no question that the life and the legacy of this great man, Mahatma Gandhi, literally transformed even the civil rights movement here in our own country. And for good, I say, yes, absolutely, influenced people like Rosa Parks, and especially the great and the late Martin Luther King, Jr. for what he has done to transform American Society, making it better than what it was.

I would like to quote to my colleagues what Albert Einstein said: "I believe Gandhi's views were the most enlightened of all the political men in our time."

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. To close on our side, Mr. Speaker, I would like to yield 4 minutes to the gentleman from California (Mr. ROYCE), the ranking member on the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. Mr. Speaker, let me thank the gentledady from Florida.

As cochairman of the Congressional Caucus on India and Indian Americans, I rise in support of House Resolution 603, recognizing the 140th anniversary of the birth of Mahatma Gandhi.

Today, we give special remembrance to one of the most revered people of the last century. Preaching nonviolence, Gandhi dedicated his life's work to helping others. As a leader in the Indian National Congress, Gandhi led campaigns to ease poverty. He led the campaigns to expand women's rights. And of course he is remembered for his efforts to build religious amity. Above all else, however, Gandhi worked tirelessly to free his nation and helped direct India into a new era of democracy.

His methods to do this included leadership by example. It included his organizational ability. It also included peaceful civil disobedience as a tool and his power to persuade by force of argument. These were the ways in which he motivated those not only in his own nation, but around the world to this cause.

Having traveled to India during the second round of voting during India's recent election, the largest democratic display the world has ever seen, I would have to say that Gandhi himself would indeed have been proud of how far his nation has come. Under his guidance, India has become a pluralistic democracy of many religions and ethnic groups, I think probably as pluralistic as the United States. We are here today to help keep the spirit of Gandhi alive and to remember his remarkable achievements.

Before I close, I would also like to extend my best wishes to the millions of people that will celebrate Diwali this Saturday; I certainly hope it will be a joyous occasion.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of this resolution. I join my colleagues in celebrating the amazing life and accomplishments of Mahatma Gandhi. Through his fearless leadership in promoting civil rights and justice for the people of India, he demonstrated the power of non-violent civil disobedience to effect change. He has contributed immeasurably to the legacy of peace.

While I wholeheartedly support this resolution, the best way for this body to recognize Gandhi's accomplishments is to stop funding the wars in Iraq and Afghanistan.

Stability in Iraq and Afghanistan cannot be achieved as long as war and occupation are the tools with which we purport to build peace. When the U.S. kills innocent civilians and destroys families, homes and communities, the results often incite fear and rage. After more than 8 years of war in Afghanistan and more than 6 years of war in Iraq it is clear that lasting peace and stability cannot emerge from such beginnings.

Rather, stability is best fomented through the seeds of peace such as upholding human rights, promoting social and economic justice, and ensuring education, employment and access to basic goods and services. Regrettably, the billions of dollars of funding that this body has dedicated to the wars have devastated Iraq and Afghanistan. If this body wants to see peace and stability in Iraq and Afghanistan, the U.S. must stop engaging in policies of aggression.

I strongly support this bill, the powerful accomplishments of the great Mahatma Gandhi, and urge my colleagues to honor his vision.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVEGA) that the House suspend the rules and agree to the resolution, H. Res. 603.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

# EXPRESSING SYMPATHY FOR THE CITIZENS OF THE PHILIPPINES DEALING WITH TROPICAL STORM KETSANA AND TYPHOON PARMA

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 800) expressing sympathy for the citizens of the Philippines dealing with Tropical Storm Ketsana and Typhoon Parma, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 800

Whereas, on September 26, 2009, Tropical Storm Ketsana made landfall on the Philippines with the heaviest rainfall in 40 years equivalent to a typical month of rain during monsoon season;

Whereas 80 percent of the capital, Manila, was submerged under water as a result;

Whereas at least 3,000,000 persons have been affected by Tropical Storm Ketsana;

Whereas more than 135,470 families or 686,000 persons have been forced into evacuation centers;

Whereas the casualties, as of October 9, 2009, include at least 237 dead, 308 injured, and 37 missing;

Whereas more than 4,640 houses were damaged or destroyed;

Whereas Tropical Storm Ketsana has caused at least \$4,800,000,000 in damages;

Whereas following the devastation caused by Tropical Storm Ketsana, Typhoon Parma hit land October 2, 2009, bringing with it more torrential rain causing further flooding, landslides, crop damaged, and killing at least 193 more people;

Whereas the United States and the Philippines have a unique and enduring relationship that is based on shared history and commitment to democratic principles, as well as on strong economic ties;

Whereas the historical and cultural links between the Philippines and the United States remain important; and

Whereas the Filipino American community is the second largest Asian-American group in the United States with a population of approximately 3,100,000: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) mourns the terrible loss of life caused by Tropical Storm Ketsana and Typhoon Parma that occurred on September 26, 2009, and October 1, 2009;

(2) expresses its deepest condolences to the families of the many victims;

(3) urges President Obama to continue to support the Philippines with emergency relief supplies, logistical, transportation assistance, and financial support; and

(4) works closely with the Government of the Philippines to improve disaster mitigation techniques and compliance among all key sectors of their societies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

## GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, this resolution extends our profound sympathies and condolences to the good people of the Philippines for the terrible losses they suffered as a result of Tropical Storm Ketsana and Typhoon Parma. I would like to thank my good friend and colleague, Representative JACKIE SPEIER from California, for her leadership in introducing this important legislation.

On September 26, Typhoon Ketsana brought the heaviest rainfall in 40 years, leaving 80 percent of Manila under water. The storm killed more than 330 people, left nearly 40 missing, forced more than 135,000 families into evacuation centers, and destroyed or badly damaged nearly 40,000 houses. Eight days later, Typhoon Parma hit the Philippines, causing further destruction in areas that were still saturated by the previous storm and resulting in the loss of an additional 28 lives.

I certainly would like to express my deepest condolences and sympathies to the families who lost their loved ones in the storms and to those who were injured and displaced from their homes. It is my sincere hope that the good people of the Philippines will find strength and solace knowing that the world stands by them in these very trying times.

The United States and the Philippines continue to maintain close ties based upon historical relations, common interests, and shared values. The Filipino American community is the second largest Asian American group in the United States, and they make an invaluable contribution to our own country here in America.

This resolution reflects our steadfast commitment to this relationship, as well as our strong desire for a speedy recovery of our friends in the Philippines who are suffering from the aftermaths of these two major natural disasters.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, to open the debate on our side of the aisle, I am so pleased to yield such time as he may consume to the gentleman from California (Mr. ROYCE), the ranking member on the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. I thank the gentlelady for yielding.

Mr. Speaker, I rise in support of House Resolution 800, expressing condolences to the people and Government of the Philippines in the aftermath of the devastating storms that struck the Philippines.

Several weeks ago, Tropical Storm Ketsana and Typhoon Parma inundated the Philippines with heavy rains, forcing the evacuation of more than half a million people and killing more than 600. Typhoon Parma was particularly savage, making landfall twice—which of course complicated rescue efforts—and destroying much of the crop in one of the Philippines' main rice-producing regions.

While the loss of life from these storms is tragic, that tragedy is compounded by the survivors' loss of livelihood. U.S. troops have been quick to respond in the aid efforts, helping in rescue and clean-up missions.

So, again, we express our sincerest condolences to the people of the Philippines; and we let them know that their friend, the United States, stands with them in solidarity as they begin the process of recovering from this tragedy.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 4 minutes to the author and the sponsor of this important legislation, the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. Mr. Speaker, I would like to thank Chairman BERMAN, Ranking Member ROS-LEHTINEN, the subcommittee chairman Mr. FALEOMAVAEGA, and Ranking Member MANZULLO for shepherding this resolution through the Foreign Affairs Committee so swiftly.

I also want to single out Chairman FALEOMAVAEGA for his exceptional leadership representing American Samoa. I am blessed with many Samoan friends and constituents in my district, and I am a proud cosponsor of the chairman's resolution recognizing the relief efforts in American Samoa and Samoa.

Likewise, I want to commend Congressman BURTON for introducing a similar resolution recognizing the devastation in Indonesia, of which I am also a cosponsor.

Mr. Speaker, I rise in support of House Resolution 800, which I introduced shortly after two successive typhoons hit the Republic of the Philippines. Tragically, the situation has worsened since then, and the death toll is now estimated at more than 600. In addition, millions more are displaced and estimates of damage run well into the billions of dollars.

On September 26, Typhoon Ketsana battered Manila and nearby provinces, resulting in at least 337 deaths, 308 injured, and 37 missing. Then, just one week later, as Filipinos labored around the clock on recovery efforts, Typhoon

Parma struck Luzon, the heart of the Philippine agricultural region which supplies half of the nation's supply of rice. Typhoon Parma decimated roads, bridges, entire villages, and vast tracts of rice patties waiting to be harvested later this month.

Nearly 200 have perished from this second typhoon, with many still missing and countless more families grieving their loved ones. It is clear that the people of the Philippines will be profoundly affected by these twin tragedies long after the water has receded and the streets swept clean of mud and debris. House Resolution 800 recognizes the hardship caused by Typhoons Ketsana and Parma and salutes the resilience and strength of our friends, the Filipino people.

My resolution also urges our government to continue providing emergency relief, logistical support, and financial assistance, and to work with Philippine officials and nongovernment organizations to improve disaster preparedness programs to mitigate the heartbreak, havoc and loss of life that could be caused by future storms.

Mr. Speaker, the historical and cultural links between the Philippines and the United States run deeper than any flood waters. I am honored to represent the largest Filipino American community of any district in the continental United States. Nationally, Americans of Filipino descent are the second largest population of Asian Americans in our country, numbering some 3.1 million Americans.

I urge my colleagues to support H. Res. 800 to show our friends, the good people of the Philippines, that as they stood with us in World War II, the American people stand with them during this time of great need.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this resolution expressing profound sympathy to our good friends and allies, the people of the Philippines, for the loss of life and property that they have suffered in the recent storms which devastated their country.

I also wish to express condolences to those among the over-3 million members of our Filipino American community who lost loved ones or who had family and friends injured in the floods and the landslides.

□ 1300

Over 600 people are now reported dead, and over 4,000 homes have been destroyed. An estimated 400,000 persons in Manila and in its vicinity had to flee their homes after 80 percent of the capital was submerged by water. The damage is estimated to be almost \$5 billion. I was pleased to note that the Agency for International Development, AID, has allocated \$1.8 million in emergency relief funds.

The ties between the United States and the Philippines are among the strongest we have with any Asian country. Our two peoples have stood together in war and in peace, with Filipino comrades-in-arms enduring, with our own veterans, the siege of Corregidor and the Bataan Death March. The Filipino people then fought bravely for over 3 years, waiting for General MacArthur to fulfill his pledge to return. More recently, Manila has served as a stalwart ally in the war on terrorism being waged in southeast Asia.

So your loss is our loss. When the people in the Philippines mourn, we also mourn. As friends and allies, we will continue to stand by you.

I urge my colleagues to strongly support this resolution.

I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I do thank the gentlewoman and the author of this resolution, Ms. SPEIER, for her most eloquent statement. I thank her also for her offered help concerning what happened in my own district in American Samoa.

At this time, I yield 1 minute to the gentlewoman from California (Ms. CHU).

Ms. CHU. Mr. Speaker, I rise today in support of House Resolution 800.

Tropical Storm Ketsana ravaged the Philippines, dumping more than a month's worth of rain in just 12 hours. It was one of the worst storms in 40 years, causing landslides and submerging entire towns. Then, not even a week later, Typhoon Parma hit the already waterlogged nation, leaving as much as 36 inches of rain in some areas and causing landslides that imprisoned many residents. With 700 deaths and almost 4 million people who have lost their homes, it is imperative to make sure that the many homeless are provided with shelter.

I commend all of the relief organizations and nations who sent aid to those affected by the disaster. My heart goes out to the Filipino community both abroad and here, many of whom live in my district and who are so worried about their friends and relatives.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time.

I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from the Northern Mariana Islands (Mr. SABLÁN).

Mr. SABLÁN. Mr. Speaker, I rise today in support of House Resolution 800, expressing sympathy for the citizens of the Philippines, dealing with Tropical Storm Ketsana and Typhoon Parma.

These natural disasters have laid waste to much of the northern Philippines. Thousands of Filipinos have not only suffered the losses of their loved ones but of all of their worldly possessions. Images of Filipinos carrying their dead and dying out of the

wreckage and attempting to start life anew have dominated our news coverage in recent days.

In the Northern Mariana Islands, the disaster is a personal tragedy to the one-half of the population who are from the Philippines and who are directly impacted by the disasters. These are family; these are friends; these are neighbors. Their loss is also our loss.

Yet there has also been hope. Many local and charitable institutions from around the world, including those in the Northern Mariana Islands, have stepped up to answer President Gloria Macapagal-Arroyo's call for help from the international community. I am proud to say that the Northern Mariana Islands community has been quick to respond where our Governor, our bishop, our people, and many community organizations, such as the United Filipino Workers and CREAM, to name a few, have made great efforts to assist with the disasters in the Philippines by sending both money and other donations to the victims.

I hope we follow their examples and continue to support the Philippines in their time of need.

Mr. FALEOMAVAEGA. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentleman has 12 minutes remaining.

Mr. FALEOMAVAEGA. Mr. Speaker, at this time, I yield 2 minutes to the distinguished gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. Mr. Speaker, I rise today in support of H. Res. 800, which expresses the sympathy of the Congress to citizens of the Philippines after Tropical Storm Ketsana and Typhoon Parma.

I would like to thank Congresswoman JACKIE SPEIER for her work on this resolution. She has painted a picture of the devastation that is very hard to remove from our minds.

My heart is with those who are lost. It is with their loved ones, and with the tens of thousands of survivors who are struggling in the aftermath of these cataclysmic events.

The Filipino community in Hawaii, one of the largest outside of the Philippines, has come together out of a sense of *damayan*, or empathy, to help support relief efforts. Since the storms, many families have sent *balikbayan* boxes, or care packages, carrying everything from canned food to clothing to their families and friends in the Philippines.

While not an exhaustive list, I would like to recognize the work of the following community organizations in Hawaii: the United Filipino Council of Hawaii, the Oahu Filipino Community Council, the Filipino Community Center, Inc., the Filipino Chamber of Commerce, the Honolulu Filipino Jaycees, the Hawaiian Lodge of Free and Accepted Masons, and the Kasama Filipino studies club at Leeward Community College.

The Filipino community, as well as all others in the State of Hawaii, have come together to provide what supportive relief we can, and we will continue to do so.

Maraming salamat po. Thank you.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 800, which expresses sympathy for the citizens of the Philippines dealing with Tropical Storm Ketsana and Typhoon Parma. I support this resolution because the devastation caused by these two events has created tragic and lasting effects that the world should recognize.

Tropical Storm Ketsana landed on the Philippines on September 26 and deluged the islands with the heaviest rainfall in over 40 years. The capital city of Manila was 80 percent underwater. Nearly 700,000 people have taken refuge in the evacuation shelters. The casualties from Tropical Storm Ketsana are listed at 277 dead and dozens more missing. All told, over 3 million people in the Philippines were impacted. The number of homes destroyed number more than 4,600 and the cost of the damage is estimated at \$4.8 billion.

The damage from Tropical Storm Ketsana was an incredible tragedy by itself, but the impact was compounded when the Philippines was hit by Typhoon Parma less than a week later. On October 2, Parma brought intense rain, causing more flooding. The combination of disasters caused landslides, ruined crops, and brought more deaths. At least 16 people died as a result of Typhoon Parma.

In the week after Parma hit, media reports revealed that the Philippines faced other threats caused by these disasters. The flooding spread debris across the islands and helped boost the mosquito population. The result was a dramatic increase in the prevalence of disease and an increased threat to the health of residents of the Philippines. It is reported that \$128 million worth of crops were destroyed, including rice. The loss of those food staples will cause the nation to have to import rice to prevent a food shortage. The devastation will cause lasting economic damage, which may especially hurt the poor who are not able to return to their jobs and garner wages.

My home city of Houston, Texas is home to one of the largest Filipino communities in the United States. As news came in of the disasters, my constituents waited nervously to hear of the fate of loved ones in the Philippines. My heart goes out to those families who have been touched by the devastation caused by these natural disasters.

In the days before Tropical Storm Ketsana made landfall, I had the pleasure of meeting with Congressman Hermilando Mandanas of the Philippines House of Representatives. A sense of optimism for the future of the Philippines pervaded that meeting. It is my sincere hope that in the months after the period of mourning and the reconstruction begins, that the people of the Philippines are able to regain their spirit. The future of the Philippines is bright and it is my wish that the sadness and sense of loss caused by Tropical Storm Ketsana and Typhoon Parma do not scar the Philippines.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support H. Res. 800 and extend my

sympathies for the citizens of the Philippines dealing with Tropical Storm Ketsana and Typhoon Parma.

With a large Filipino community in Hawaii, and the historical and cultural ties that bind our two countries, the impact of these natural disasters hits close to home. I want to express my sincere condolences to those who have experienced losses in their families and to the many thousands more who are displaced and still struggling with this tragedy. I join my colleagues in our commitment to the relief efforts in the Philippines and in our continued support to the families of the many victims.

U.S. military forces and civilian agencies are supporting local Philippine efforts by distributing relief supplies and assisting in rescuing victims from inundated areas of Manila. As part of this effort, the U.S. Agency for International Development has so far allocated \$1.8 million to respond to the disaster. Our Hawaiian ohana stands ready to further assist our friends in the Philippines.

I urge my colleagues to rise in support of this legislation.

Mr. BILBRAY. Mr. Speaker, as cochairman of the U.S.-Philippine Friendship Caucus, I wish to offer my sincere condolences to the citizens of the Philippines that have suffered so much due to the devastation left by Tropical Storms Ketsana and Parma. Since September 26, 2009, the flooding that has occurred due to record amounts of rainfall has forced the evacuation of hundreds of thousands of people, destroyed over 4,000 homes and left more than 700 people dead.

This is a tragic event that reminds us of the fragility of human life when confronted by the forces of Mother Nature. Sadly, the deadly results of Tropical Storms Ketsana and Parma continue to do damage and wreak havoc on the health and well being of the citizens of the Philippines. As Congress offers its condolences, our friends in the Philippines try to restore order to their country.

As an American, I am proud that more than 700 United States Marines and sailors are on the ground in the Philippines providing food and clean drinking water directly to her citizens. With that said, I want to reaffirm the United States commitment to doing all we can to help our friends in the Pacific. Our thoughts and prayers are with the Filipino people and I urge my colleagues to support the underlying resolution.

Ms. BORDALLO. Mr. Speaker, I rise today in support of House Resolution 800, legislation introduced by my colleague, Congresswoman JACKIE SPEIER of California. This resolution expresses sympathy for the citizens of the Philippines as they recover from Tropical Storm Ketsana and Typhoon Parma.

Tropical Storm Ketsana and Typhoon Parma caused widespread landslides and flooding in the Philippines. More than 600 Filipinos have lost their lives due to these storms, and I offer my sincere condolences to their families and friends. H. Res. 800 encourages the U.S. government to work closely with the Philippine government to improve disaster response and also urges President Obama to continue his support of disaster relief efforts in the Philippines.

Just last week, a 22-member team from the Guam National Guard flew to the Philippines

to provide medical relief and to support the armed forces of the Philippines as they continue the recovery process. Many of my constituents have family members, who were affected by this storm, and I commend the Filipino community of Guam, who were the first to mobilize our larger Guam community to quickly come together to collect relief items and provide financial assistance to those affected by this natural disaster.

I thank my colleague, Congresswoman SPEIER, for introducing this legislation, and I urge my colleagues to support H. Res. 800.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of this bill and urge my colleagues to vote in favor of this important resolution. Tropical Storm Katsana caused horrible suffering to the people of the Philippines and wreaked havoc on their communities. Just six days later, Typhoon Parma brought additional death and destruction to the region.

I extend my deepest sympathies to those who have lost friends and loved ones in these natural disasters. My thoughts and prayers are with them.

On October 2nd I sent a letter to President Obama regarding the devastation in the Philippines caused by Katsana. I urged swift action to provide aid to the already devastated region especially in light of the proximity of Typhoon Parma.

I would like to submit this letter for the record, as well as a letter from the UN General Assembly in response to my request.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 2, 2009.

Hon. BARACK OBAMA,  
President of the United States,  
Washington, DC.

DEAR MR. PRESIDENT: I write to request your immediate assistance and intervention in speeding humanitarian aid to the people of the Philippines who are suffering from the effects of Tropical Storm Katsana. As you know, Tropical Storm Katsana hit Manila and rest of the Philippines on September 26, 2009, causing a disaster.

I have just spoken by teleconference with an Akron, Ohio businessman, Mathew Freeman, who is currently in Manila. Mr. Freeman, through the cooperation of Channel 5 in Cleveland, has shared with me a gripping personal account of the situation on the ground in Manila: there is no evidence of any aid reaching the people. Survivors are without shelter, food and water as another series of storms are quickly approaching.

I understand that the Department of Defense is providing assistance with logistics in the region and that today a relief flight delivered aid for 20,000 affected individuals. I further understand that the U.S. has committed an additional \$1 million of aid money to the region, which I applaud. Nevertheless, first hand accounts indicate that additional efforts to expedite humanitarian aid must be made and made immediately. The situation is desperate and countless lives are at risk. As such, I urge you to accelerate delivery of additional humanitarian aid to the region.

I appreciate your attention to this urgent matter and look forward to your timely response.

Sincerely,

DENNIS J. KUCINICH,  
Member of Congress.

THE PRESIDENT OF THE  
GENERAL ASSEMBLY,  
October 12, 2009.



Hon. DENNIS J. KUCINICH,

*Member of Congress of the United States, House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE KUCINICH: I am writing to thank you for showing urgent concern for the victims of the tropical storm Katsana in the Philippines. I value your efforts to alleviate the suffering of the two and a half million people affected by the storm and to raise awareness of the situation in the Philippines.

As you know, the United Nations has launched a flash appeal to support the Government of the Philippines in responding to the effects of the storm. The flash appeal is seeking \$74,021,809 and involves the international humanitarian community, including NGOs, the International Organization for Migration (IOM) and United Nations agencies. So far the flash appeal has received \$11 million in funding and an additional \$433,119 in pledges.

I am pleased to note that the United States have contributed \$650,000 to the United Nations flash appeal, in addition to other funding for relief operations. I am convinced that your valuable efforts on behalf of the victims of Katsana, have contributed to the timely and generous support from the United States.

Sincerely,

ALI ABDUSSALAM TREKI.

Ms. TITUS. Mr. Speaker, I rise today in support of H.R. 800. I am proud to be a cosponsor of this important resolution which expresses sympathy to the people and communities in the Philippines who are still struggling to recover from Tropical Storm Ketsana and Typhoon Parma. I thank my friend, Congresswoman SPEIER, for introducing this legislation.

I am honored to represent a large and vibrant Filipino community in Southern Nevada, many of whom have families that were impacted by these natural disasters. My thoughts and prayers go out to the Filipino community of Southern Nevada during this time of turmoil.

Today, I am privileged to join with members of the House in solidarity with the people of the Philippines as they begin the process of rebuilding their communities after these horrific events. During these two disasters, Southeast Asia was the victim of some of the worst flooding the world has ever seen. In some areas, 60 percent of the land was completely submerged and entire villages were washed away. As the rebuilding begins, we stand in strength and solidarity with the Philippines.

Unfortunately, these storms have also claimed the lives of hundreds of Filipinos. I send my most sincere condolences to their families. The full effect that these storms have had will not be known for some time, and our prayers for the safety of those affected will continue.

I know that the residents of the Philippines are strong willed and resilient, and will quickly rebuild their communities. I encourage our Department of State to reach out to the Philippine government and offer assistance as needed. I am proud that the United States Armed Forces have been assisting in the recovery and thank them for their vital efforts. It is important that our two nations stand together in efforts to rebuild and stabilize the affected regions.

Today, the United States House of Representatives stands united with the Filipino Community in the Philippines and around the world. I urge adoption of this resolution.

Ms. MATSUI. Mr. Speaker, I rise today to pay tribute to the hundreds of Samoans and Filipinos who tragically lost their lives in the natural disasters that ravaged the islands of the South Pacific and Southeast Asia. I also recognize the incredible resolve of the survivors of these catastrophes as they begin to rebuild their communities.

We are still assessing the total devastation caused by Tropical Storm Ketsana and Typhoon Parma in the Philippines, and by the earthquakes and tsunamis in American Samoa, Samoa, and Tonga. These natural disasters have claimed hundreds of lives, damaged or destroyed thousands of homes, and have left countless people without basic necessities, such as clean water, adequate food, and essential health care.

Mr. Speaker, in the wake of these tragedies, we are reminded of the important role our national service programs and volunteers play in repairing the homes, neighborhoods, and lives of those who have fallen victim to natural disasters. In response to this most recent catastrophe, AmeriCorps National Civilian Community Corps, NCCC, Team Leaders from my hometown of Sacramento traveled to American Samoa to manage the immediate assistance provided to those affected through the American Red Cross intake center, located in Pago Pago.

As Co-Chair of the National Service Caucus, I have seen first-hand the commitment these volunteers have made to the betterment of society. We honor these dedicated men and women who continuously rush to the service of those in need, and recognize the great value of our national service programs in disaster relief.

Mr. Speaker, we mourn the losses suffered by our neighbors in the South Pacific and Southeast Asia, and express our steadfast support of their efforts to rebuild devastated communities and reestablish their way of life. It is my hope that my colleagues will join me in honoring the commitment of volunteers who make this recovery period possible, as they provide assistance to those currently facing incredible hardships.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further speakers at this time.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 800, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## AIRLINE SAFETY AND PILOT TRAINING IMPROVEMENT ACT OF 2009

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3371) to amend title 49, United States Code, to improve airline safety and pilot training, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3371

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Airline Safety and Pilot Training Improvement Act of 2009".

(b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. FAA Task Force on Air Carrier Safety and Pilot Training.
- Sec. 4. Implementation of NTSB flight crewmember training recommendations.
- Sec. 5. Secretary of Transportation responses to safety recommendations.
- Sec. 6. FAA pilot records database.
- Sec. 7. FAA rulemaking on training programs.
- Sec. 8. Aviation safety inspectors and operational research analysts.
- Sec. 9. Flight crewmember mentoring, professional development, and leadership.
- Sec. 10. Flight crewmember screening and qualifications.
- Sec. 11. Airline transport pilot certification.
- Sec. 12. Flight schools, flight education, and pilot academic training.
- Sec. 13. Voluntary safety programs.
- Sec. 14. ASAP and FOQA implementation plan.
- Sec. 15. Safety management systems.
- Sec. 16. Disclosure of air carriers operating flights for tickets sold for air transportation.
- Sec. 17. Pilot fatigue.
- Sec. 18. Flight crewmember pairing and crew resource management techniques.

### SEC. 2. DEFINITIONS.

(a) DEFINITIONS.—In this Act, the following definitions apply:

(1) ADVANCED QUALIFICATION PROGRAM.—The term "advanced qualification program" means the program established by the Federal Aviation Administration in Advisory Circular 120-54A, dated June 23, 2006, including any subsequent revisions thereto.

(2) AIR CARRIER.—The term "air carrier" has the meaning given that term in section 40102 of title 49, United States Code.

(3) AVIATION SAFETY ACTION PROGRAM.—The term "aviation safety action program" means the program established by the Federal Aviation Administration in Advisory Circular 120-66B, dated November 15, 2002, including any subsequent revisions thereto.

(4) FLIGHT CREWMEMBER.—The term "flight crewmember" has the meaning given that term in part 1.1 of title 14, Code of Federal Regulations.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term "flight operational quality assurance program" means the program established by the Federal Aviation Administration in Advisory Circular

120–82, dated April 12, 2004, including any subsequent revisions thereto.

(6) **LINE OPERATIONS SAFETY AUDIT.**—The term “line operations safety audit” means the procedure referenced by the Federal Aviation Administration in Advisory Circular 120–90, dated April 27, 2006, including any subsequent revisions thereto.

(7) **PART 121 AIR CARRIER.**—The term “part 121 air carrier” means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(8) **PART 135 AIR CARRIER.**—The term “part 135 air carrier” means an air carrier that holds a certificate issued under part 135 of title 14, Code of Federal Regulations.

### SEC. 3. FAA TASK FORCE ON AIR CARRIER SAFETY AND PILOT TRAINING.

(a) **ESTABLISHMENT.**—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the “FAA Task Force on Air Carrier Safety and Pilot Training” (in this section referred to as the “Task Force”).

(b) **COMPOSITION.**—The Task Force shall consist of members appointed by the Administrator and shall include air carrier representatives, labor union representatives, and aviation safety experts with knowledge of foreign and domestic regulatory requirements for flight crewmember education and training.

(c) **DUTIES.**—The duties of the Task Force shall include, at a minimum, evaluating best practices in the air carrier industry and providing recommendations in the following areas:

(1) Air carrier management responsibilities for flight crewmember education and support.

(2) Flight crewmember professional standards.

(3) Flight crewmember training standards and performance.

(4) Mentoring and information sharing between air carriers.

(d) **REPORT.**—Not later than 180 days after the date of enactment of this Act, and before the last day of each 180-day period thereafter until termination of the Task Force, the Task Force shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

(1) the progress of the Task Force in identifying best practices in the air carrier industry;

(2) the progress of air carriers and labor unions in implementing the best practices identified by the Task Force;

(3) recommendations of the Task Force, if any, for legislative or regulatory actions;

(4) the progress of air carriers and labor unions in implementing training-related, nonregulatory actions recommended by the Administrator; and

(5) the progress of air carriers in developing specific programs to share safety data and ensure implementation of the most effective safety practices.

(e) **TERMINATION.**—The Task Force shall terminate on September 30, 2012.

(f) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

### SEC. 4. IMPLEMENTATION OF NTSB FLIGHT CREWMEMBER TRAINING RECOMMENDATIONS.

(a) **RULEMAKING PROCEEDINGS.**—

(1) **STALL AND UPSET RECOGNITION AND RECOVERY TRAINING.**—The Administrator of the Federal Aviation Administration shall con-

duct a rulemaking proceeding to require part 121 air carriers to provide flight crewmembers with ground training and flight training or flight simulator training—

(A) to recognize and avoid a stall of an aircraft or, if not avoided, to recover from the stall; and

(B) to recognize and avoid an upset of an aircraft or, if not avoided, to execute such techniques as available data indicate are appropriate to recover from the upset in a given make, model, and series of aircraft.

(2) **REMEDIAL TRAINING PROGRAMS.**—The Administrator shall conduct a rulemaking proceeding to require part 121 air carriers to establish remedial training programs for flight crewmembers who have demonstrated performance deficiencies or experienced failures in the training environment.

(3) **DEADLINES.**—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under each of paragraphs (1) and (2); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the rulemaking in each of paragraphs (1) and (2).

(b) **STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.**—

(1) **MULTIDISCIPLINARY PANEL.**—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flight crewmember training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flight crewmembers with, and improve the response of flight crewmembers to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) **REPORT TO CONGRESS AND NTSB.**—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

(c) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **FLIGHT TRAINING AND FLIGHT SIMULATOR.**—The terms “flight training” and “flight simulator” have the meanings given those terms in part 61.1 of title 14, Code of Federal Regulations (or any successor regulation).

(2) **STALL.**—The term “stall” means an aerodynamic loss of lift caused by exceeding the critical angle of attack.

(3) **STICK PUSHER.**—The term “stick pusher” means a device that, at or near a stall, applies a nose down pitch force to an aircraft’s control columns to attempt to decrease the aircraft’s angle of attack.

(4) **UPSET.**—The term “upset” means an unusual aircraft attitude.

### SEC. 5. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) **IN GENERAL.**—The first sentence of section 1135(a) of title 49, United States Code, is amended by inserting “to the National Transportation Safety Board” after “shall give”.

(b) **AIR CARRIER SAFETY RECOMMENDATIONS.**—Section 1135 of such title is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) **ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.**—

“(1) **IN GENERAL.**—The Secretary shall submit to Congress and the Board, on an annual basis, a report on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

“(2) **RECOMMENDATIONS TO BE COVERED.**—The report shall cover—

“(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

“(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

“(3) **CONTENTS.**—

“(A) **PLANS TO ADOPT RECOMMENDATIONS.**—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

“(i) a description of the recommendation;

“(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

“(iii) the proposed date for completing the procedures; and

“(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

“(B) **REFUSALS TO ADOPT RECOMMENDATIONS.**—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

“(i) a description of the recommendation; and

“(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.”.

### SEC. 6. FAA PILOT RECORDS DATABASE.

(a) **RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.**—Section 44703(h) of title 49, United States Code, is amended by adding at the end the following:

“(16) **APPLICABILITY.**—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).”.

(b) **ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.**—Section 44703 of such title is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

“(i) **FAA PILOT RECORDS DATABASE.**—

“(1) **IN GENERAL.**—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

“(2) **PILOT RECORDS DATABASE.**—The Administrator shall establish an electronic database (in this subsection referred to as the ‘database’) containing the following records:

“(A) **FAA RECORDS.**—From the Administrator—



“(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

“(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

“(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

“(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

“(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time), including records under regulations set forth in—

“(I) section 121.683 of title 14, Code of Federal Regulations;

“(II) paragraph (A) of section VI, appendix I, part 121 of such title;

“(III) paragraph (A) of section IV, appendix J, part 121 of such title;

“(IV) section 125.401 of such title; and

“(V) section 135.63(a)(4) of such title; and

“(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

“(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

“(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

“(III) any release from employment or resignation, termination, or disqualification with respect to employment.

“(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

“(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

“(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

“(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

“(4) REPORTING.—

“(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

“(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

“(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

“(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

“(I) Records that are generated by the air carrier or other person after the date of enactment of this paragraph.

“(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

“(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

“(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

“(B) may remove the individual's records from the database after that date.

“(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

“(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

“(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

“(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

“(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

“(9) PRIVACY PROTECTIONS.—

“(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

“(B) DISCLOSURE OF INFORMATION.—

“(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

“(ii) EXCEPTIONS.—Clause (i) shall not apply to—

“(I) de-identified, summarized information to explain the need for changes in policies and regulations;

“(II) information to correct a condition that compromises safety;

“(III) information to carry out a criminal investigation or prosecution;

“(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

“(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

“(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of this paragraph, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

“(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

“(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

“(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

“(A) to protect and secure—

“(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

“(ii) the confidentiality of those records; and

“(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

“(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

“(A) the air carrier has made a documented good faith attempt to access the information from the database; and

“(B) has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

“(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

“(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

“(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

“(i) the designated individual has received the written consent of the pilot applicant to access the information; and

“(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

“(14) AUTHORIZED EXPENDITURES.—Out of amounts appropriated under section 106(k)(1), there is authorized to be expended to carry out this subsection such sums as may be necessary for each of fiscal years 2010, 2011, and 2012.

**“(15) REGULATIONS.—**

**“(A) IN GENERAL.—**The Administrator shall issue regulations to carry out this subsection.

**“(B) EFFECTIVE DATE.—**The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

**“(C) EXCEPTIONS.—**Notwithstanding subparagraph (B)—

**“(i)** the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of this paragraph;

**“(ii)** the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of this paragraph; and

**“(iii)** air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

**“(16) SPECIAL RULE.—**During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting ‘45 days’ for ‘30 days’.”

**(C) CONFORMING AMENDMENTS.—**

**(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—**Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

**(A)** in the subsection heading by striking “LIMITATION” and inserting “LIMITATIONS”;

**(B)** in paragraph (1)—

**(i)** in the matter preceding subparagraph (A) by striking “paragraph (2)” and inserting “subsection (h)(2) or (i)(3)”;

**(ii)** in subparagraph (A) by inserting “or accessing the records of that individual under subsection (i)(1)” before the semicolon; and

**(iii)** in the matter following subparagraph (D) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

**(C)** in paragraph (2) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

**(D)** in paragraph (3), in the matter preceding subparagraph (A), by inserting “or who furnished information to the database established under subsection (i)(2)” after “subsection (h)(1)”;

**(E)** by adding at the end the following:

**“(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—**

**“(A) HIRING DECISIONS.—**An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

**“(B) ACTIONS AND PROCEEDINGS.—**No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).”

**(2) LIMITATION ON STATUTORY CONSTRUCTION.—**Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking “subsection (h)” and inserting “subsection (h) or (i)”.

**SEC. 7. FAA RULEMAKING ON TRAINING PROGRAMS.**

**(a) COMPLETION OF RULEMAKING ON TRAINING PROGRAMS.—**Not later than 14 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule with respect to the notice of proposed rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280; relating to training programs for flight crewmembers and aircraft dispatchers).

**(b) EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.—**

**(1) ESTABLISHMENT.—**Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

**(2) ASSESSMENT AND RECOMMENDATIONS.—**The panel shall assess and make recommendations concerning—

**(A)** the best methods and optimal time needed for flight crewmembers of part 121 air carriers and flight crewmembers of part 135 air carriers to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

**(B)** the optimal length of time between training events for such crewmembers, including recurrent training events;

**(C)** the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

**(D)** the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

**(3) REPORT.—**Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel.

**SEC. 8. AVIATION SAFETY INSPECTORS AND OPERATIONAL RESEARCH ANALYSTS.**

**(a) REVIEW BY DOT INSPECTOR GENERAL.—**Not later than 9 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct a review of aviation safety inspectors and operational research analysts of the Federal Aviation Administration assigned to part 121 air carriers and submit to the Administrator of the Federal Aviation Administration a report on the results of the review.

**(b) PURPOSES.—**The purpose of the review shall be, at a minimum—

**(1)** to review the level of the Administration's oversight of each part 121 air carrier;

**(2)** to make recommendations to ensure that each part 121 air carrier is receiving an equivalent level of oversight;

**(3)** to assess the number and level of experience of aviation safety inspectors assigned to such carriers;

**(4)** to evaluate how the Administration is making assignments of aviation safety inspectors to such carriers;

**(5)** to review various safety inspector oversight programs, including the geographic inspector program;

**(6)** to evaluate the adequacy of the number of operational research analysts assigned to each part 121 air carrier;

**(7)** to evaluate the surveillance responsibilities of aviation safety inspectors, including en route inspections;

**(8)** to evaluate whether inspectors are able to effectively use data sources, such as the Safety Performance Analysis System and the Air Transportation Oversight System, to assist in targeting oversight of air carriers;

**(9)** to assess the feasibility of establishment by the Administration of a comprehensive repository of information that encompasses multiple Administration data sources and allowing access by aviation safety inspectors and operational research analysts to assist in the oversight of part 121 air carriers; and

**(10)** to conduct such other analyses as the Inspector General considers relevant to the purpose of the review.

**(c) REPORT TO CONGRESS.—**Not later than 90 days after the date of receipt of the report submitted under subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report—

**(1)** that specifies which, if any, policy changes recommended by the Inspector General under this section the Administrator intends to adopt and implement;

**(2)** that includes an explanation of how the Administrator plans to adopt and implement such policy changes; and

**(3)** in any case in which the Administrator does not intend to adopt a policy change recommended by the Inspector General, that includes an explanation of the reasons for the decision not to adopt and implement the policy change.

**SEC. 9. FLIGHT CREWMEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.****(a) RULEMAKING PROCEEDING.—**

**(1) IN GENERAL.—**The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require each part 121 air carrier to take the following actions:

**(A)** Establish flight crewmember mentoring programs under which the air carrier will pair highly experienced flight crewmembers who will serve as mentor pilots and be paired with newly employed flight crewmembers. Mentor pilots shall receive, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flight crewmembers.

**(B)** Establish flight crewmember professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flight crewmembers to reach their maximum potential as safe, seasoned, and proficient flight crewmembers.

**(C)** Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flight crewmembers.

**(D)** Establish or modify training programs for second-in-command flight crewmembers attempting to qualify as pilot-in-command flight crewmembers for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the Administrator determines appropriate to enhance flight crewmember professional development.

(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flight crewmember duties under part 121.542 of title 14, Code of Federal Regulations.

(3) STREAMLINED PROGRAM REVIEW.—

(A) IN GENERAL.—As part of the rulemaking required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) EXPEDITED APPROVALS.—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

#### SEC. 10. FLIGHT CREWMEMBER SCREENING AND QUALIFICATIONS.

(a) REQUIREMENTS.—

(1) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flight crewmembers have proper qualifications and experience.

(2) MINIMUM REQUIREMENTS.—

(A) PROSPECTIVE FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that prospective flight crewmembers undergo comprehensive pre-employment screening, including an assessment of the skills, aptitudes, airmanship, and suitability of each applicant for a position as a flight crewmember in terms of functioning effectively in the air carrier's operational environment.

(B) ALL FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that, after the date that is 3 years after the date of enactment of this Act, all flight crewmembers—

(i) have obtained an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations; and

(ii) have appropriate multi-engine aircraft flight experience, as determined by the Administrator.

(b) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

#### SEC. 11. AIRLINE TRANSPORT PILOT CERTIFICATION.

(a) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to amend part 61 of title 14, Code of Federal Regulations, to modify requirements for the

issuance of an airline transport pilot certificate.

(b) MINIMUM REQUIREMENTS.—To be qualified to receive an airline transport pilot certificate pursuant to subsection (a), an individual shall—

(1) have sufficient flight hours, as determined by the Administrator, to enable a pilot to function effectively in an air carrier operational environment; and

(2) have received flight training, academic training, or operational experience that will prepare a pilot, at a minimum, to—

(A) function effectively in a multipilot environment;

(B) function effectively in adverse weather conditions, including icing conditions;

(C) function effectively during high altitude operations;

(D) adhere to the highest professional standards; and

(E) function effectively in an air carrier operational environment.

(c) FLIGHT HOURS.—

(1) NUMBERS OF FLIGHT HOURS.—The total flight hours required by the Administrator under subsection (b)(1) shall be at least 1,500 flight hours.

(2) FLIGHT HOURS IN DIFFICULT OPERATIONAL CONDITIONS.—The total flight hours required by the Administrator under subsection (b)(1) shall include sufficient flight hours, as determined by the Administrator, in difficult operational conditions that may be encountered by an air carrier to enable a pilot to operate safely in such conditions.

(d) CREDIT TOWARD FLIGHT HOURS.—The Administrator may allow specific academic training courses, beyond those required under subsection (b)(2), to be credited toward the total flight hours required under subsection (c). The Administrator may allow such credit based on a determination by the Administrator that allowing a pilot to take specific academic training courses will enhance safety more than requiring the pilot to fully comply with the flight hours requirement.

(e) RECOMMENDATIONS OF EXPERT PANEL.—In conducting the rulemaking proceeding under this section, the Administrator shall review and consider the assessment and recommendations of the expert panel to review part 121 and part 135 training hours established by section 7(b) of this Act.

(f) DEADLINE.—Not later than 36 months after the date of enactment of this Act, the Administrator shall issue a final rule under subsection (a).

#### SEC. 12. FLIGHT SCHOOLS, FLIGHT EDUCATION, AND PILOT ACADEMIC TRAINING.

(a) GAO STUDY.—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(b) MINIMUM CONTENTS OF STUDY.—The study shall include, at a minimum—

(1) an assessment of the Federal Aviation Administration's oversight of flight schools;

(2) an assessment of the Administration's academic training requirements in effect on the date of enactment of this Act as compared to flight education provided to a pilot by accredited 2- and 4-year universities;

(3) an assessment of the quality of pilots entering the part 121 air carrier workforce from all sources after receiving training from flight training providers, including Aviation Accreditation Board International, universities, pilot training organizations, and the military, utilizing the training records of part 121 air carriers, including consideration of any relationships between flight training providers and air carriers;

(4) a comparison of the academic training requirements for pilots in the United States to the academic training requirements for pilots in other countries;

(5) a determination and description of any improvements that may be needed in the Administration's academic training requirements for pilots;

(6) an assessment of student financial aid and loan options available to individuals interested in enrolling at a flight school for both academic and flight hour training;

(7) an assessment of the Federal Aviation Administration's oversight of general aviation flight schools that offer or would like to offer training programs under part 142 of title 14, Code of Federal Regulations; and

(8) an assessment of whether compliance with the English speaking requirements applicable to pilots under part 61 of such title is adequately tested and enforced.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

#### SEC. 13. VOLUNTARY SAFETY PROGRAMS.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on the aviation safety action program, the flight operational quality assurance program, the line operations safety audit, and the advanced qualification program.

(b) CONTENTS.—The report shall include—

(1) a list of—

(A) which air carriers are using one or more of the voluntary safety programs referred to in subsection (a); and

(B) the voluntary safety programs each air carrier is using;

(2) if an air carrier is not using one or more of the voluntary safety programs—

(A) a list of such programs the carrier is not using; and

(B) the reasons the carrier is not using each such program;

(3) if an air carrier is using one or more of the voluntary safety programs, an explanation of the benefits and challenges of using each such program;

(4) a detailed analysis of how the Administration is using data derived from each of the voluntary safety programs as safety analysis and accident or incident prevention tools and a detailed plan on how the Administration intends to expand data analysis of such programs;

(5) an explanation of—

(A) where the data derived from such programs is stored;

(B) how the data derived from such programs is protected and secured; and

(C) what data analysis processes air carriers are implementing to ensure the effective use of the data derived from such programs;

(6) a description of the extent to which aviation safety inspectors are able to review data derived from such programs to enhance their oversight responsibilities;

(7) a description of how the Administration plans to incorporate operational trends identified under such programs into the air transport oversight system and other surveillance databases so that such system and databases are more effectively utilized;

(8) other plans to strengthen such programs, taking into account reviews of such programs by the Inspector General of the Department of Transportation; and

(9) such other matters as the Administrator determines are appropriate.

#### SEC. 14. ASAP AND FOQA IMPLEMENTATION PLAN.

(a) DEVELOPMENT AND IMPLEMENTATION PLAN.—The Administrator of the Federal Aviation Administration shall develop and implement a plan to facilitate the establishment of an aviation safety action program and a flight operational quality assurance program by all part 121 air carriers.

(b) MATTERS TO BE CONSIDERED.—In developing the plan under subsection (a), the Administrator shall consider—

(1) how the Administration can assist part 121 air carriers with smaller fleet sizes to derive benefit from establishing a flight operational quality assurance program;

(2) how part 121 air carriers with established aviation safety action and flight operational quality assurance programs can quickly begin to report data into the aviation safety information analysis sharing database; and

(3) how part 121 air carriers and aviation safety inspectors can better utilize data from such database as accident and incident prevention tools.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Science, Commerce, and Transportation of the Senate a copy of the plan developed under subsection (a) and an explanation of how the Administration will implement the plan.

(d) DEADLINE FOR BEGINNING IMPLEMENTATION OF PLAN.—Not later than one year after the date of enactment of this Act, the Administrator shall begin implementation of the plan developed under subsection (a).

#### SEC. 15. SAFETY MANAGEMENT SYSTEMS.

(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require all part 121 air carriers to implement a safety management system.

(b) MATTERS TO CONSIDER.—In conducting the rulemaking under subsection (a), the Administrator shall consider, at a minimum, including each of the following as a part of the safety management system:

(1) An aviation safety action program.

(2) A flight operational quality assurance program.

(3) A line operations safety audit.

(4) An advanced qualification program.

(c) DEADLINES.—The Administrator shall issue—

(1) not later than 90 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after the date of enactment of this Act, a final rule under subsection (a).

(d) SAFETY MANAGEMENT SYSTEM DEFINED.—In this section, the term “safety management system” means the program established by the Federal Aviation Administration in Advisory Circular 120-92, dated June 22, 2006, including any subsequent revisions thereto.

#### SEC. 16. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 41712 of title 49, United States Code, is amended by adding at the end the following:

“(c) DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.—

“(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

“(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

“(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

“(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.”.

#### SEC. 17. PILOT FATIGUE.

(a) FLIGHT AND DUTY TIME REGULATIONS.—

(1) IN GENERAL.—In accordance with paragraph (3), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under this subsection, the Administrator shall consider and review the following:

(A) Time of day of flights in a duty period.

(B) Number of takeoff and landings in a duty period.

(C) Number of time zones crossed in a duty period.

(D) The impact of functioning in multiple time zones or on different daily schedules.

(E) Research conducted on fatigue, sleep, and circadian rhythms.

(F) Sleep and rest requirements recommended by the National Transportation Safety Board and the National Aeronautics and Space Administration.

(G) International standards regarding flight schedules and duty periods.

(H) Alternative procedures to facilitate alertness in the cockpit.

(I) Scheduling and attendance policies and practices, including sick leave.

(J) The effects of commuting, the means of commuting, and the length of the commute.

(K) Medical screening and treatment.

(L) Rest environments.

(M) Any other matters the Administrator considers appropriate.

(3) DEADLINES.—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(B) not later than one year after the date of enactment of this Act, a final rule under subsection (a).

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this section, each part 121 air carrier shall submit to the Administrator for review and approval a fatigue risk management plan.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on pilots; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) PLAN UPDATES.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) APPROVAL.—

(A) INITIAL APPROVAL OR MODIFICATION.—Not later than 9 months after the date of enactment of this section, the Administrator shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) UPDATE APPROVAL OR MODIFICATION.—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) LIMITATION ON APPLICABILITY.—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) EFFECT OF COMMUTING ON FATIGUE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration's June 2008 symposium entitled “Aviation Fatigue Management Symposium: Partnerships for Solutions”;

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) **PRELIMINARY FINDINGS.**—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) **REPORT.**—Not later than 6 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator a report containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) **RULEMAKING.**—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

#### **SEC. 18. FLIGHT CREWMEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.**

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flight crewmember pairing and crew resource management techniques.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### **GENERAL LEAVE**

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3371.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. I yield myself as much time as I may consume.

Mr. Speaker, I thank you, and I rise in support of H.R. 3371, the Airline Safety and Pilot Training Improvement Act.

This legislation will improve aviation safety, and it is one of the strongest bipartisan safety bills in decades. The bipartisan legislation is authored by Chairman OBERSTAR, Ranking Member PETRI, and me. I would like to thank them for their leadership and hard work to bring this legislation to the floor today.

I also want to thank the families of those who perished in the Colgan accident in Buffalo for their input, co-

operation, and persistence. Some of them are here with us today.

In addition, the subcommittee worked very closely with the pilot groups, the airlines, the National Transportation Safety Board, the Department of Transportation inspector general, and members of the Aviation Subcommittee, as well as other Members of Congress, such as Congresswoman LOUISE SLAUGHTER, Congressman BRIAN HIGGINS and Congressman CHRISTOPHER LEE, who also helped shape the legislation.

At our Aviation Subcommittee hearing on June 11, I stated that we would not wait on the FAA to go forward with the rulemaking process. Rather, we would move legislation through the Congress to improve safety and to improve pilot training, and that is exactly what we did. On July 30, H.R. 3371 was reported favorably out of the Transportation and Infrastructure Committee. The bill has many cosponsors from both sides of the aisle.

Mr. Speaker, today is an important day for aviation safety. Ranking Member PETRI and I held an Aviation Subcommittee hearing on June 11 on "Regional Air Carriers and Pilot Workforce Issues." The testimony we heard was nearly unanimous—that Congress and the FAA must raise the bar on the current minimum pilot training standards. At the end of the hearing, I stated our intention to pursue legislation.

The bill before us fulfills our commitment to address these safety issues, and we will continue to conduct rigorous oversight to ensure that these measures are implemented after the bill is enacted.

Regional airlines have been involved in the last six fatal U.S. airline accidents, and pilot performance has been implicated in three of these accidents, not including Colgan. It is time to strengthen pilot training requirements and qualifications. Those, among other important issues, are addressed in this legislation.

To address pilot qualifications, the bill increases the minimum flight hours required to be hired as an airline pilot. Currently, individuals only need a commercial pilot's license to be a commercial pilot, which is a minimum of 250 flight hours. Based on the witnesses' testimonies in our hearing, meetings and a roundtable discussion with airline pilots, there is a consensus that 250 hours simply is not enough experience to be an airline pilot, and that safety would be improved by raising the standard.

Under H.R. 3371, all airline pilots must obtain an Airline Transport Pilot license, which is currently needed to be an airline captain. It requires a minimum of 1,500 flight hours, additional aeronautical knowledge, crew resources management, and greater flight proficiency testing.

In addition to the ATP, the bill goes a step further to put in place new stat-

utory requirements to strengthen the qualitative minimum requirements a pilot must have to qualify for an ATP. For example, an individual must be able to function effectively in a multi-pilot environment. We also require pilots to be trained to fly in adverse weather conditions, including icing.

The subcommittee is looking at this issue very closely. In fact, Ranking Member PETRI and I are convening a roundtable tomorrow to discuss what steps can be taken to mitigate ground and in-flight icing and how icing can affect commercial and general aviation aircraft.

In addition, because pilot groups, the FAA administrator and flight education universities have all cited the need to strengthen pilot academic training, the bill allows the FAA administrator to give credit towards the 1,500-flight-hour requirements if a flight school or a university provides academic training that exceeds the strengthened minimum ATP requirements in the bill.

To reiterate, this bill, one, will require all pilots to hold an ATP certificate; two, will strengthen the minimum requirements for an ATP; and three, will provide a flight-hour credit for coursework that exceeds the strengthened minimum requirements. In addition, the administrator can only award these credits on the basis that specific academic courses will enhance safety more than flight experience.

H.R. 3371 goes a long way to strengthening both the qualitative and quantitative training requirements to become an airline pilot.

The bill mandates several outstanding NTSB recommendations related to pilot training that were discussed at the hearing, such as stall and upset recovery, and remedial training. We require the FAA to convene a multidisciplinary panel on stick pusher training and for the FAA to act on the panel's recommendations. We are also mandating that the Secretary of Transportation must provide Congress with an annual report on each open NTSB recommendation.

To address concerns regarding professional standards, the bill requires regional and major airlines to create pilot mentoring programs pairing highly experienced pilots with junior pilots. New-hire pilots and pilots in command are required to receive leadership training and must undergo instruction on compliance with sterile cockpit regulations.

Also, the bill creates a task force of experts to evaluate best practices in the airline industry regarding mentoring, pilot training and intercarrier information sharing. The task force will report to Congress every 180 days on the progress of implementing these best practices.

To ensure that airlines can make informed hiring decisions, the bill also

requires the FAA to create and maintain an electronic pilot records database.

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The database will allow airlines to quickly assess and have access to the pilot's comprehensive record for the purposes of hiring only. The database will have records of the pilot's license, aircraft ratings, check rides, notice of disapproval, and other flight proficiency tests.

Fatigue has been on the NTSB's "most wanted list" since 1990. The bill directs the FAA to implement a new pilot flight and duty time rule. An updated rule will more adequately reflect the operating environment of today's pilots and will reflect scientific research on fatigue. In addition, the bill requires air carriers to create fatigue risk management systems to proactively mitigate fatigue.

Many of us are concerned about the relationship between pilot commuting and fatigue. This is an issue that needs to be looked at more closely. Therefore, the bill directs the National Academy of Sciences to conduct a study on the impact of commuting on pilot fatigue. The bill requires all Internet Web sites that sell airline tickets to show on the first Web page display which air carrier is operating the flight, including multiple flight segments.

Finally, to recap, the bill increases the minimum flight hours required to be hired as an airline pilot to 1,500 hours and an ATP license. Now an individual needs only 250 hours to receive their commercial pilot's license and fly in the left seat of a cockpit as a First Officer. The bill requires the First Officer to have at least 1,500 hours and an ATP.

We are strengthening the ATP by requiring strong qualitative requirements such as knowing how to fly in a multi-pilot environment, being trained to fly in adverse weather conditions, including icing. It mandates several outstanding NTSB recommendations related to pilot training and requires the Secretary of Transportation to provide an annual report to Congress on each NTSB recommendation that is still open.

It mandates regional and major airlines to create pilot mentoring programs, it requires the FAA to create and maintain an electronic pilot database to ensure that airlines can make informed hiring decisions. It directs the FAA to implement the flight and duty time rules and requires airlines to create fatigue management systems.

It directs the National Academy of Science to study the relationship between pilot commuting and fatigue. It requires all Internet Web sites that sell airline tickets to explicitly say which air carriers are operating the flight, including multi legs of flight.

Mr. Speaker, this is most comprehensive safety bill that has come before this Congress in many, many years. It provides important steps to address many safety concerns raised at our hearing. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 3371, the Airline Safety and Pilot Training Improvement Act.

Safety is the highest priority of the Transportation and Infrastructure Committee, as we've heard from our subcommittee chairman. Even the most well-funded, technologically advanced transportation system is worth less if it cannot move its users from point to point in the safest possible manner. Although the U.S. airline industry's safety record is the envy of the world, recent events offer proof that this safety legislation is needed.

Since 2003, there have been six fatal commercial air carrier accidents. Every one of those six involved regional airlines. In four of the six accidents, the National Transportation Safety Board cited pilot performance as a potential factor. The most recent accident of Colgan Flight 3407 was again a stark reminder that we must remain ever vigilant in our pursuit of aviation safety.

In response to these accidents, the National Transportation Safety Board has made several recommendations related to pilot training, pilot fatigue, the availability of pilot records, and voluntary safety reporting programs. The bill before us is an important step toward improving safety by implementing the NTSB pilot training requirements.

To address what FAA Administrator Randy Babbitt has identified as a lapse in professionalism on the flight deck, the bill directs the FAA to conduct a rulemaking to improve flight crew member mentoring, professional development, and leadership.

This bipartisan legislation contains several provisions that will help mitigate the dangers associated with pilot fatigue. H.R. 3371 directs the FAA administrator to update and issue new pilot flight and duty time requirements. It also requires the Federal Aviation Administration to coordinate with the National Academy of Sciences in order to conduct a joint study on the effects of pilot commuting.

The bill mandates that all commercial air carriers submit a fatigue risk management plan to the FAA within 90 days of enactment. Pilot fatigue poses a significant risk to air transportation, and I am glad this bill takes measures to eliminate its dangerous consequences.

H.R. 3371 will improve access to pilot records by creating a secure, consolidated FAA-managed database. The

database will contain all Part 121 pilots' performance, training, and testing records, and it will enable air carriers to gain a more accurate and complete perspective when making hiring decisions. All commercial carriers will be required to access this database and prescreen an applicant's comprehensive record before making a final decision on hiring.

These are just a few of the provisions included in this important legislation. I would like to express my appreciation for the open, bipartisan manner in which this bill was put together. This collective effort demonstrates that aviation safety is, as it always should be, a nonpartisan issue.

I also want to thank the families of Continental Flight 3407. Their efforts to improve regional airline safety have been most helpful as we drafted the bill before us.

In the other body, the Commerce Committee has included several provisions in its mark of the FAA reauthorization bill that address some of the same issues in the bill before us today. I urge my colleagues in the Senate to complete consideration of their reauthorization package so that we may conference these bills together before the end of this year. These issues are too important to leave to languish due to inaction.

While some have concerns about certain provisions of the bill, I support moving the bill forward and addressing those concerns during the House and Senate conference.

Again, I thank the chairman, as well as my colleagues, for their work on this important bill, and our subcommittee chairman, Representative COSTELLO from Illinois.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, at this time I yield 2 minutes to the chairperson of the Rules Committee, the gentlewoman from New York, Congresswoman SLAUGHTER.

Ms. SLAUGHTER. Mr. Speaker, I want to express my great gratitude to Mr. COSTELLO for the incredible work that he's done on this in such a short period of time. And those of us who live in the area of the Colgan crash are greatly in his debt. I thank Mr. PETRI for all of the good work. I think this is indeed one of the best safety bills that we've done since I've been in Congress.

Nothing in the bill before us can do anything to bring back the lives that were lost on that cold night in Buffalo back in February when Colgan Air Flight 3407 fell to the ground and exploded into fire. But I am happy to be here today because the House is moving forward with legislation that includes the strong new set of guidelines for improving passenger and crew safety.

This Act will mean safer flights for all of us. As we learned during the NTSB hearings into this issue over the

summer, there are far too many pilots flying regional planes who are overextended, undertrained, or exhausted.

The bill establishes comprehensive preemployment screening for prospective pilots and requires airlines to establish pilot mentoring programs so that the highly experienced pilots can mentor more junior pilots, surely an issue in the Colgan crash. In fact, junior pilots will no longer fly alongside a junior pilot under the bill.

In addition, there are new mandates that grew out of the NTSB safety hearings earlier this year: requiring the FAA to ensure that pilots are trained on stall recovery and upset recovery, mandates that the FAA convene a multidisciplinary panel on pilot training for stick pusher operations, and then take action to implement the recommendations of the panel.

It came as a surprise to me that the NTSB ideas were only suggestions to the FAA. So obviously we're going to have to make sure that they're implemented.

There is also a section in the bill to create the new database which Mr. COSTELLO has explained, but most importantly, it requires the Secretary of Transportation to give us an annual report on what they're doing to address each open NTSB recommendation pertaining to small air carriers like Colgan.

I am so grateful for this bill.

Mr. PETRI. Mr. Speaker, at this time I yield such time as he may consume to an original coauthor of the bill who is before us who has been heavily involved in the deliberations on the bill from its inception, our colleague from New York, Representative CHRIS LEE.

Mr. LEE of New York. Mr. Speaker, I rise in support today of H.R. 3371, the Airline Safety and Pilot Training Improvement Act which I introduced with my western New York colleagues, Ms. SLAUGHTER and Mr. HIGGINS.

Mr. Speaker, this bill, unfortunately, arose out of a tragedy. This past February on an icy evening in Buffalo, Continental Connection Flight 3407, operated by regional carrier Colgan Air, crashed into a home killing all 49 people on board and one person on the ground.

Among those on board Flight 3407: a prominent human rights activist, a 9/11 widow, a retired Air Force Reservist, an accomplished jazz guitarist, a cantor at a Williamsville temple, the director of a youth services program, an expectant mother who was going to be due at the end of May, a program manager for Northrop Grumman, a second-year law student, the daughter of a Holocaust survivor, and a Vietnam veteran with two Purple Hearts.

The families of these victims—many of whom are here, and I am honored that they are here today. I've used their personal heartache to advocate for stronger standards for commercial

airline pilots. It is due to their tireless efforts that we have come so far.

Being a commercial airline pilot is not an entry-level position. Commercial pilots are entrusted with the lives of our mothers, daughters, sons, and fathers, and we and they both deserve to have them as well-trained as possible. This bill dramatically improves training by requiring commercial airline pilots an FAA airline transport pilot license which requires a minimum of 1,500 flight hours.

In addition, H.R. 3371 requires the first page of a Web site that sells airline tickets to disclose the airline carrier that operates each segment of the flight. From combating pilot fatigue to improving training practices, establishing an electronic pilot records database, and increasing transparency, H.R. 3371 is an important first step in improving commercial airline safety.

I would like to thank again my colleagues, Mr. HIGGINS and Ms. SLAUGHTER, for the support they have given to the families and victims of the Flight 3407 tragedy, as well as Chairmen COSTELLO and OBERSTAR and Ranking Members PETRI and MICA for their hard work on these issues.

While it's horrifying to think that this tragedy could have been avoided, this legislation is a testament to the courage and the strength of the Flight 3407 families who, again, have worked tirelessly to enact these meaningful reforms.

I urge my colleagues to support this legislation and enable these long-overdue reforms.

Mr. COSTELLO. Mr. Speaker, at this time I yield 2 minutes to the gentleman from New York who was instrumental in working with us to craft this bill, Congressman HIGGINS.

Mr. HIGGINS. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to join my colleagues in support of H.R. 3371, the Airline Safety and Pilot Training Improvement Act of 2009. I especially want to thank my colleagues from western New York, Congressman CHRIS LEE and Congresswoman LOUISE SLAUGHTER.

On February 12, 50 lives were lost when Continental Connection Flight 3407 crashed into a house in Clarence, New York, 5 miles from the Buffalo Niagara International Airport. Earlier this year, I said that the devastation felt in the aftermath of this tragedy can never be undone. This was an avoidable tragedy, and we owe it to the families and the victims and to all air passengers to learn from this experience and change the system to improve flight safety. This bill will start to do that.

The Airline Safety and Pilot Training Improvement Act of 2009 will address the many factors that caused the crash of Flight 3407. The bill would require all commercial pilots to obtain

an Airline Transport Pilots license which requires a minimum of 1,500 flight hours.

□ 1330

It requires the FAA to ensure that pilots are better trained to recover from stalls, and it would create a database to provide access to pilots' comprehensive records. The bill also established new risk management plans to reduce pilot fatigue and to enhance pilot training for flying in inclement weather, including icy conditions.

This legislation dramatically improves upon the safety of our airways. However, I do have concerns with language in the bill that would give the FAA administrator the authority to allow academic class time to count as class hours towards the 1,500-hour flight requirement. While additional academic class time is important, if we want experienced pilots, there is simply no replacement for flight hours. As this legislation continues through Congress, I will work to perfect the language to ensure high-quality training.

I want to thank Chairman OBERSTAR, Chairman COSTELLO, Ranking Members MICA and PETRI for their leadership. I would also like to thank the families, some of whom are here today and many of whom who were here for many months, including Kevin Kuwik and Karen Eckert, for their commitment to making from this tragedy something positive.

Mr. PETRI. I yield such time as he may consume to the ranking member of the full Transportation and Infrastructure Committee, my colleague, JOHN MICA, from Florida.

Mr. MICA. Mr. Speaker and my colleagues, I am pleased to come to the House today and join in a bipartisan effort to pass the regional commuter airline safety legislation. I really don't need a prepared speech to talk about this, having been involved with Mr. COSTELLO, Mr. OBERSTAR, our ranking member of the Aviation Subcommittee, Mr. PETRI, on almost a daily basis for a number of weeks. In fact, having chaired the Aviation Subcommittee and now a leader of the full committee, I can't think of any issue we have probably spent more quality time on and a more bipartisan effort. If all the legislation was fashioned in the manner in which this was, I think Congress would be in great shape and held in great esteem by the public.

As you have heard today, this legislation comes as a result of a tragedy. We have had the good fortune of having our large passenger aircraft not have really a significant incidence of fatalities since, I believe, November of 2001, but we have had at least, since 2003, six regional commuter aircraft crashes, and we have had over 155 deaths in an even shorter period of time.

That prompted me, and I brought the record, and I will probably put it in the



RECORD, my calls for looking at commuter airline safety. Unfortunately, the crash in Buffalo, the sixth crash that we had, and the families that have been mentioned here today who had victims in Flight 3407, also took up the banner, turned a horrible personal tragedy and loss into something positive and have worked in a positive fashion to craft good legislation.

Let me just cite for the record that we all came together and we entered in drafting legislation. We introduced it in a bipartisan fashion, as we say around here, the big four, Mr. OBERSTAR and myself, Mr. PETRI, Mr. COSTELLO. Then we thought we had done what we needed to do. But it wasn't long before that legislation saw the light of day, and we got to folks talking about the provisions.

One of the more controversial provisions was going from a smaller number of flight hours to 1,500 flight hours. We felt, we believed then and we firmly believe today, that commuter and regional aircraft passengers shouldn't be second-class passengers. The pilot that's in the cockpit of those smaller aircraft should have the same skills and training, background and educational experience as those pilots in larger commercial aircraft.

After we introduced that, we found, in fact, that we needed to fine-tune the legislation and make certain that the type of hours aren't just simple flight hours. If someone is towing a banner, for example, does that qualify you to fly commercial passenger aircraft as someone flying in, say, the tropics and never experienced a de-icing? If someone is flying a mail route and never had passengers in an aircraft, a crop duster, might rack up 1,500 hours; that wasn't what we wanted.

We sat down. We sat down with experts, pilots. We sat down with officials from the Federal Aviation Administration. We sat down with all the parties who could provide us guidance. I think what we came up with is the best possible guidelines for FAA to ensure that we have quality, qualified pilots in the cockpit of regional carriers.

I just want to thank again everyone who has participated.

Now, let me say that the challenge is just beginning. We have not had an FAA reauthorization, I think, since I have chaired the subcommittee. We just got an FAA administrator some months ago. We were one of the longest times without an administrator. Our overall bill, FAA bill that sets policy projects and all of the important aspects of aviation safety, is still not in place.

Mr. OBERSTAR and I, Mr. PETRI, Mr. COSTELLO, we have done our due diligence in the House. We all need now to work on the other body. It is my hope that we can incorporate this legislation into the master FAA reauthorization and get that signed by the Presi-

dent into law so that, again, we can ensure for regional passengers of commercial aircraft, for the flying public, and for all aircraft in our skies and for the future the best possible safety measures in law.

Mr. COSTELLO. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Ohio, who is a member of the subcommittee, who is an experienced pilot and who made invaluable contributions to this legislation, Mr. BOCCIERI.

Mr. BOCCIERI. Mr. Speaker, Chairman OBERSTAR, Chairman COSTELLO, Ranking Members MICA and PETRI, thank you for bringing this bill to the floor today.

I remember my parents telling me: don't just tell me what you believe; show me what you have done and I will tell you what you believe. By us bringing this bill to the floor today, we can now discount the feelings and thoughts that we just believe that we should have safer skies. We are now doing what should be required to make airline travel as safe as possible.

Taken on a whole, Mr. Speaker, airline travel is extremely safe in the United States. However, that is component and functional upon the pilots flying and the training that they receive. In fact, this air crew, by all standards, was a very experienced crew. Yet what we found through NTSB reports and the later testimony by the FAA is that that air crew and this airline did not train their pilots to adequately recover from a stall.

Now, we can measure these types of instant recovery patterns and the upset stall recovery that needs to happen based on simulation. This bill will now force pilots and their trainers to make certain that they will not only recognize a stall, but be able to recover from a stall and be adequately trained on the equipment in their airplane.

We will increase the number of hours for regional pilots. We will add crew resource management that will help pilots cut down on the chatter while they are flying. Important stall recovery procedures will be implemented through pilot training programs that will allow simulation.

We will also end these share agreements, because when you and I buy a ticket, we want to know that we are flying with the air carrier that we sign up and we pay for, and that's going to change in this bill. Not only are we going to allow these regional airlines to cut corners, to shave times and shoot for the minimums, because when we asked this airline why they were not trained to adequately recover from this, they said the FAA did not require them to do this; that will end. We are going to do this now.

Don't tell me what you believe. Show me what you have done and I will tell you what you believe.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the former

chairman of the Aviation Subcommittee, my colleague from Tennessee, JOHN DUNCAN.

Mr. DUNCAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise mainly to commend, first of all, Chairman OBERSTAR, who I have always referred to as Mr. Aviation in this Congress, and my own ranking member, Mr. MICA, who has been so kind to me. I especially want to commend my good friends, Chairman COSTELLO and Ranking Member PETRI, who have worked so hard to bring this legislation to fruition and bring it to the floor today.

Unless you have worked on legislation like this, you just can't imagine all of the details that have to be ironed out, all the competing interests that have to be brought together. I especially want to thank them for taking into consideration the needs of our great educational institutions that have aviation programs, such as Embry-Riddle and Middle Tennessee State University in my own State of Tennessee, and many others.

As Ranking Member PETRI just mentioned, I had the privilege of serving for 6 years as chairman of the Aviation Subcommittee. I enjoyed that very much, and I think it's very important work that I had the privilege of doing then and that they are working so hard on now.

We have the best aviation system in the world, without any question. Unfortunately, we have more people killed in 3½ months on the Nation's highways than have been killed in all of the U.S. aviation accidents combined since the Wright brothers' flight in 1903. It's an amazing record.

But you can never rest on your laurels, and you should always be trying to make things better. We have the best airlines and we have the best pilots, but everybody should always be trying to improve and get better. Certainly, when we are faced with the tragedy of a major crash such as we have heard mentioned several times here already today, it's a terrible thing, especially for those who have been killed and their families. We all need to do everything we can and we certainly try to do everything we can to make our aviation system even safer.

I am pleased to be associated with these gentlemen and also with this legislation. I urge my colleagues to support this very fine bill.

Mr. COSTELLO. Mr. Speaker, at this time, I yield to the distinguished chairman of the full committee, Chairman OBERSTAR, as much time as he may consume.

Mr. OBERSTAR. I thank the gentleman from Illinois, Chair of the Subcommittee on Aviation, for the splendid job he has done, for the diligent, time-consuming, engaged work that he has dedicated to bringing this bill to



the House floor today; and to our colleague, Mr. PETRI, a senior member on the Aviation Subcommittee on the Republican side who has also contributed an enormous amount of time and energy and work. We appreciate the kind words of Mr. DUNCAN and Mr. MICA, my ranking member and counterpart, and to the congressional delegation of Members whose constituents included those lost lives in this tragic crash.

It is so often the case that tragedy brings us to the House floor to right a wrong and correct gaps in safety in aviation, in railroad, in trucking, in passenger rail service, transit systems. We should be ahead of the game. We should be prescriptive rather than reactive. This legislation will do that for us. It will make us prescriptive in the field of aviation.

This bill, when enacted into law, will be the most significant improvement in raising the standards of pilot qualifications since 1958, when the FAA was established. There has been a great deal of concentration of public interest in the number of hours required to serve in the flight deck, in the left-hand or the right-hand seat.

This bill is much more than hours served. We have a current standard that a pilot need only a commercial pilot's certificate, 250 hours, in some cases only 190 hours.

□ 1345

Well, to fly an aircraft you need a lot more experience, a lot more flight experience. You need more aeronautical knowledge. You need weather training. You need training in crew resource management in the flight deck so that you have a plan, as in the case of Galaxy Airlines when a sound was heard in the flight deck and all three personnel in the flight deck began troubleshooting and no one was flying the aircraft. You need a flight management plan. And in that case, the aircraft crashed and 93 people died.

We raised the standards for the airline transport pilot certification. The pilot must have flight training, academic training, and operational experience to function effectively and efficiently in an operational environment. You have to be part meteorologist to understand weather conditions. You need training for how to cope with icing, high-altitude operations, multipilot crew, and operating an aircraft under difficult conditions, say, when the autopilot is off.

Those are the raised standards that we include in this legislation, including a number of recommendations from the National Transportation Safety Board; remedial training, stall and upset recovery training. You can't get that just on the ground in a simulator. You need that training at six and seven miles in the air, when there is no curb to pull over and look under the hood or call for help. That training has to be

instilled in the pilot, in the captain in command and the first officer, before they get in the flight deck.

We also create an air carrier safety and pilot training task force to identify the best practices in the industry for pilot training, professional standards, intercarrier information-sharing and mentoring.

All of these are important. But not just to have those standards. We require them to report to the Congress every 180 days, and I thank Mr. COSTELLO for insisting on that and for the oversight he has conducted. We are going to stay on top of this thing. This full committee and this subcommittee are not going to just fold our hands after the bill passes and say "job well done." "Job just begun" is our method and is our standard.

For pilot fatigue, we require new flight and duty time rules within a year. You know, it took 14 years to get flight and duty time for flight attendants.

So these and a whole host of others are wrapped up with a directive to the General Accounting Office to do an evaluation of flight schools upon enactment of this legislation and report back to Congress. That is a complete package: new standards, higher standards, more requirements, more oversight, reporting to the Congress and keeping our hands on to make sure there are no more Colgan tragedies.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PETRI. Mr. Speaker, I have no further requests for time. I urge my colleagues to pass this bill.

Mr. COSTELLO. I would ask the ranking member if he would yield 30 seconds to me, since I am out of time.

Mr. PETRI. I yield such time as he may consume to my chairman, Mr. COSTELLO.

Mr. COSTELLO. I thank the ranking member for yielding 30 seconds to me.

In closing, let me reiterate that this is the strongest aviation and pilot training bill, as Chairman OBERSTAR said, in over half a decade. It is a good bill. It deserves our support. I urge my colleagues to support this legislation.

Ms. RICHARDSON. Mr. Speaker, as a member of the Transportation and Infrastructure Committee and a cosponsor of this bill I rise to lend my strong support of Airline Safety and Pilot Training Improvement Act of 2009. This important piece of legislation increases commercial pilot training requirements and requires the Federal Aviation Administration to convene a multidisciplinary review panel aimed at improving pilot response to a variety of conditions. It would also create an FAA task force to identify industry best practices.

These are just a few of the many safety improvements in this bill. And while the safety record of our aviation system is admirable, mistakes in the sky can devastate hundreds of lives and we must do everything possible to ensure our pilots are adequately trained, well rested, and best practices are always used.

I urge my colleagues to pass this important piece of legislation to make the skies safer for us all.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 3371, the Airline Safety and Pilot Training Improvement Act.

On February 12, 2009, 50 lives were lost when Continental Flight 3407 crashed outside of Buffalo, New York. This was truly a national tragedy, one that has raised serious concerns about the safety and oversight of our nation's aviation system.

I would like to take a moment to honor the lives of three of the passengers on Flight 3407 from New Jersey's 12th Congressional District, which I have the privilege to represent in Congress. I have spoken with and heard from their families and friends, and my thoughts and prayers go out to them as they cope with the loss of these outstanding individuals. As they mourn, they have been vigilant in working to ensure that we address the serious safety concerns that led to this crash.

Lorin Maurer from Princeton was a fundraiser for the athletics division of Princeton University. According to her coworkers she was a bright and rising star. She was also a dedicated volunteer for the Greater Princeton Junior League. According to her fellow volunteers she was "an enthusiastic woman who not only had great ideas for improving our community, but took the actions necessary to achieve our goals." I would like to thank Lorin's boyfriend Kevin Kuwik for his hard work on behalf of the families of Flight 3407.

Ron Gonzalez of North Brunswick was a tireless advocate for his community. According to his sister he was a true advocate for life. His humanitarian efforts included running the New York City Marathon, and volunteering for the New York State Healthy Heart Program, HIV AIDS Community Services, and the New York State Prevention Planning Group. Ron worked at New Brunswick Tomorrow where he managed a school based program for at-risk children within New Brunswick Public Schools. During Ron's tenure with New Brunswick Tomorrow, he worked hard to save children who were in crisis due to domestic violence, drugs, gangs, and other social ills. His passing is a great loss to our community.

Coleman Mellett from East Brunswick was a talented jazz guitarist. Coleman's talent was evident from a young age. He came in second at the scholarship competition at the East Coast Jazz Festival while he was still in high school. Coleman played with a number of talented musicians including Chuck Mangione's band. He also released the solo album *Natural High* in 2007 which demonstrated the depth of his talent. I can only imagine the music that we have lost with Coleman's passing.

Many of the family members of the victims of Flight 3407 are at the Capitol today to remind us that we in Congress need to take action to prevent another tragedy of this scale.

A series of National Transportation Safety Board (NTSB) hearings exposed the disturbing fact that this tragedy was preventable. The pilots had received inadequate training on how to recover from a stall and how to proceed in icing conditions. Severe pilot fatigue also was identified as the cause of the crash. The NTSB found that regional carriers are held to lower safety standards than national carriers

despite regional airlines' accounting for one-half of all scheduled flights in the United States. As a result, five of the last seven fatal commercial plane crashes involved regional carriers.

As more Americans rely on commuter airlines for air service, the Federal Aviation Administration (FAA) must take aggressive action to ensure that there is no difference in the level of safety provided by different air carriers. However, the NTSB hearings also made clear that the FAA has failed to issue regulations based on previous NTSB recommendations to establish uniform standards for training and performance. We owe it to the families and friends of the victims of the Flight 3407 to take action to prevent such tragedies in the future.

Earlier this year I joined my colleagues from upstate New York, CHRISTOPHER LEE and BRIAN HIGGINS in introducing the One Level of Safety Act. Our legislation would require regional carriers to meet the same training and safety standards of national carriers. Additionally, it would require the FAA to implement the unfulfilled NTSB recommendations that were found to be responsible for this crash. I would like to thank Chairman COSTELLO for including a number of these provisions in the Airline Safety and Pilot Training Improvement Act that we are considering today. I am proud to be an original cosponsor of this bill and I urge my colleagues to support it.

Mr. POMEROY. Mr. Speaker, I rise today to express concern with certain provisions of H.R. 3371, the Airline Safety and Pilot Training Improvement Act of 2009.

While I strongly support the goal of the bill to increase airline safety and improve pilot training, I am concerned about changing current rules to require an airline pilot to hold an Airline Transport Pilot (ATP) certificate, which necessitates a minimum of 1,500 flight hours. During a hearing in September Tim Brady, dean of Embry-Riddle Aeronautical University's College of Aviation, testified that these added requirements could increase the cost of pilot training fivefold from \$40,000 to \$200,000. I am concerned that these increased costs could encourage pilots to seek less costly training alternatives and potentially be counter to the bills intended goal, of increasing safety.

By dramatically increasing the costs of training we will drive our most qualified potential pilots out of accredited flight schools such as the John D. Odegard School of Aerospace Sciences at the University of North Dakota that have produced exceptional pilots for decades. Graduates of these programs receive high quality flight instruction that is much more valuable than a pilot who might just be racking up straight and level flight time that has no increased educational or safety benefits. The focus on total flight hours rather than the quality of those hours will not provide the increased safety and pilot quality that is the goal of this legislation. It could in practice have the opposite effect, by driving students to undertake low value flying at the expense of high quality directed flight training. I believe that as this legislation moves forward some consideration must be given to Collegiate Aviation Programs that have been accredited by the Aviation Accreditation Board International (AABI).

This will help to increase the focus of these requirements on quality of training rather than quantity of flight hours.

While I will be voting in favor of this legislation in order to move forward the important process of increasing the safety of commercial aviation, I do so with reservations. Before this legislation becomes law I believe that it is vital that the bill be modified to recognize the tremendous benefits that our nation's accredited flight schools provide.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 3371, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COSTELLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING THE 40TH ANNIVERSARY OF THE GEORGE BUSH INTERCONTINENTAL AIRPORT IN HOUSTON, TEXAS

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 138) recognizing the 40th anniversary of the George Bush Intercontinental Airport in Houston, Texas.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 138

Whereas the George Bush Intercontinental Airport in the City of Houston, Texas (referred to in this resolution as "IAH"), was first opened for operation on June 8, 1969;

Whereas in 1997, IAH was named in honor of the Nation's 41st President, George Herbert Walker Bush, a longtime resident of Houston who, as a Member of the Houston congressional delegation, was present at the 1969 opening of the airport;

Whereas IAH is the largest airport in Houston, serving over 43,000,000 passengers in 2008, is the 8th-largest airport in the United States and the 16th-largest in the world for total passengers served;

Whereas more than 700,000,000 people have passed through IAH's gates since its opening;

Whereas IAH has grown to become a world-class international gateway offering service to more than 109 domestic and 65 nonstop international destinations in over 32 countries;

Whereas in 1990, the City of Houston named the IAH international arrivals building, now the IAH Terminal D, in honor of the distinguished Congressman for the 18th District of Texas, George Thomas "Mickey" Leland, a renowned antipoverty activist who died tragically in 1989 while on a humanitarian visit to Ethiopia;

Whereas IAH operates the largest passenger international arrivals facility in the Nation and was selected by the Department of State and the Department of Homeland Security as the first "Model Port" for its efficiency in welcoming international passengers arriving in the United States;

Whereas IAH is a regional and world leader in air cargo processing, consolidation, and distribution;

Whereas IAH is a critical component of the Houston economy, supporting more than 151,000 jobs and contributing over \$24,000,000,000 in economic benefits to the Houston region; and

Whereas IAH serves 30 airlines and is the headquarters and major hub for award-winning Continental Airlines, which is celebrating its 75th anniversary in 2009: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) recognizes the 40th anniversary of the founding of the George Bush Intercontinental Airport; and

(2) congratulates officials of the George Bush Intercontinental Airport, the Houston Airport System, and the City of Houston, Texas, for the airport's record of excellent service to the citizens of Houston and the national air transportation system.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

##### GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 138.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I rise in support of H. Con. Res. 138, introduced by the gentlewoman from Texas (Ms. JACKSON-LEE).

The concurrent resolution recognizes the 40th anniversary of the George Bush Intercontinental Airport in Houston, Texas, and congratulates officials of the airport and the City of Houston for the airport's service to Houston's citizens and the national air transportation system.

Houston Intercontinental Airport is the largest airport in Houston, serving over 43 million passengers in 2008, and is the eighth largest airport in the United States. The airport has grown to become a world-class international gateway and is a regional and world leader in air cargo processing, consolidation, and distribution.

Finally, the airport supports more than 151,000 jobs and contributes over \$24 billion annually to the Houston regional economy.

Mr. Speaker, I urge my colleagues to join me in supporting H. Con. Res. 138.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 138, recognizing the 40th anniversary of the George H.W. Bush Intercontinental Airport in Houston, Texas.

George H.W. Bush Intercontinental, as has been pointed out, is the eighth largest airport in these United States and served over 43 million passengers in 2008 alone. The airport offers flights to over 32 countries and is the world leader in air cargo processing, consolidation, and distribution.

George H.W. Bush Intercontinental is vital to the economic stability of the greater Houston area. The airport contributes almost \$24 billion in direct benefits to the region and supports more than 151,000 jobs. The airport is a valuable part of our national airspace system and is very important to the greater Houston area.

Mr. Speaker, I ask my colleagues to join me in supporting this resolution honoring the 40th anniversary of George H.W. Bush Intercontinental Airport.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield 4 minutes to the author of this legislation, the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Illinois and as well the chairman and ranking member of the Aviation Subcommittee for your leadership on a number of issues that have been on the floor of the House today.

I thank my cosponsors, who realize in this time of a challenging economy how important the aviation industry is in being an economic engine; how many of our tourists that come to Washington, DC, many drive, but many of them fly, and they want to fly on a safe and secure system.

As the chairwoman of the Subcommittee on Transportation Security and Infrastructure Protection, Mr. COSTELLO and myself have common interests about security and safety, but we also are glad for our Nation's airports.

Our Nation's airports are large and small; they are rural and urban. I applaud them all. But I am excited to stand with my colleagues to recognize one of the strongest airports in the Nation, the George H. Bush Intercontinental Airport in Houston, Texas, and is the subject of this resolution, H. Con. Res. 138 that I authored. I would like to thank my cosponsors, Mr. CULBERSON, Mr. MCCAUL, Mr. OLSON, and Mr. GENE GREEN.

I sponsored this resolution to acknowledge the importance of airport travel and to recognize that this airport in Houston, Texas, is an economic engine and to realize that the airport's record of excellent service to the citizens of Houston and the national air transportation system is deserving of acclamation and applause, for their

great service has been a critical component of Houston's economy, supporting more than 151,000 jobs and contributing over \$24 billion in economic benefits to the Houston region over a period of time.

The George Bush Intercontinental Airport in the City of Houston was first opened for operation on June 8, 1969, 40 years ago. In 1997, it was named in honor of the Nation's 41st President, George Herbert Walker Bush, who happens to be a resident, along with his wife, Mrs. Bush, of Houston, Texas. He was also a member of the Houston congressional delegation, and he was present at the 1969 opening of the airport.

In 1990, the City of Houston named IAH's International arrivals building, now terminal D, in honor of my predecessor, Congressman Mickey Leland of the 18th Congressional district, who died tragically on a humanitarian effort trying to help the starving and ravished people of Ethiopia. He was also a figure who cared about people.

Our airport cares about people. It served over 43 million passengers in 2008. It is the eighth largest airport in the United States and the 16th largest in the world for total passengers served, with more than 700 million people having passed through its gates since its opening.

The airport has grown to be worldwide. We are building new terminals now. The anchor airline is Continental; but we are open to the many, many other airlines, as well as international airlines, because this is an international city. Houston is the fourth largest city in the Nation, but soon to be in this new census the possibility of being the third largest city in the Nation.

George Bush Intercontinental Airport has 109 domestic and 65 nonstop international destinations in over 32 countries. We are a part of the economic engine of this great country.

I would also like to note that George H.W. Bush, since we are concerned about being secure, was the President who asked for the Pan Am 103 report on the tragedy of Pan Am 103. He asked the Congress to establish the Pan Am 103 commission, and that commission was part of the effort of being able to respond to that tragedy. George Bush as President received both the victims of that tragedy and the report while he was in the White House, and our now chairman of the full committee, Chairman OBERSTAR, was then the chairman of the Aviation Committee, served on the commission, and this Congress has implemented 63 of the 64 proposals of that particular commission. That means we worked hand-in-glove to help improve airline and airport security.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. COSTELLO. I yield the gentlelady an additional minute.

Ms. JACKSON-LEE of Texas. In supporting these airlines and supporting this airport, we are very pleased that this airport has been the recipient of many, many awards and as well many, many thank-you's from the employees to the traveling public. We are now in new construction for expansion.

I want to congratulate the City of Houston and the leadership of the Houston Intercontinental Airport, named for the 41st President of the United States, for providing the kind of economic engine that says to the world, we are open, we are friendly, and says to the City of Houston, we are your economic engine, too!

I ask my colleagues to support this legislation.

Mr. Speaker, I rise before you today in support of House Concurrent Resolution 138, Recognizing the 40th anniversary of the George Bush Intercontinental Airport in my home city of Houston, Texas. I would like to thank my co-sponsors, Representative CULBERSON, Rep. GENE GREEN, Rep. MCCAUL, and Rep. OLSON.

I sponsored this resolution to recognize the 40th anniversary of the George Bush Intercontinental Airport and congratulate officials of the George Bush Intercontinental Airport, the Houston Airport System, and the city of Houston, Texas, for the airport's record of excellent service to the citizens of Houston and the national air transportation system. For their great service has been a critical component of the Houston economy, supporting more than 151,000 jobs and contributing over \$24,000,000,000 in economic benefits to the Houston region.

The George Bush Intercontinental Airport in the city of Houston, Texas was first opened for operation on June 8, 1969. In 1997, it was named in honor of the Nation's 41st President, George Herbert Walker Bush, a longtime resident of Houston who, as a Member of the Houston congressional delegation, was present at the 1969 opening of the airport. In 1990, the city of Houston named the IAH international arrivals building, now Terminal D, in honor of the distinguished Congressman for the 18th District of Texas, George Thomas "Mickey" Leland, a renowned antipoverty activist who died tragically in 1989 while on a humanitarian visit to Ethiopia.

IAH is the largest airport in Houston, serving over 43,000,000 passengers in 2008, is the 8th largest airport in the United States and the 16th largest in the world for total passengers served, with more than 700,000,000 people have passed through its gates since opening. Our airport has grown to become a world-class international gateway offering service to more than 109 domestic and 65 nonstop international destinations in over 32 countries, and today remains a regional and world leader in air cargo processing, consolidation, and distribution.

The George Bush Intercontinental Airport in Houston operates the largest passenger international arrivals facility in the Nation and was selected by the Department of State and the Department of Homeland Security as the first "Model Port" for its efficiency in welcoming international passengers arriving in the United States.

Bush Intercontinental is located approximately 23 miles north of downtown Houston, near the Sam Houston Tollway (Beltway 8 North). The airport is operated and maintained by the City of Houston Department of Aviation. The Houston Airport System functions as an enterprise fund and does not burden the local tax base for airport operations, maintenance or capital improvements. IAH currently ranks 3rd in the United States among U.S. airports with scheduled non-stop domestic and international service (over 170 destinations). With more than 29 destinations in Mexico, IAH offers service to more Mexican destinations than any other U.S. airport. Furthermore, this airport is the 8th busiest airport in the U.S. for total passengers. For these reasons and more we ask for my colleagues to support this bill.

Mr. PETRI. Mr. Speaker, at this time I yield such time as he may consume to our hardworking colleague from the State of Texas, Representative PETER OLSON.

Mr. OLSON. Mr. Speaker, I also would like to thank Chairman COSTELLO and Ranking Member PETRI for all your hard work to get this resolution to this point.

In June of this year, George Bush Intercontinental Airport in Houston celebrated its 40th anniversary. Intercontinental is the largest airport in Houston and served more than 43 million passengers in 2008, making it the eighth largest airport in the United States and the 16th largest airport in the world.

□ 1400

Serving as Houston's gateway to the world, Intercontinental operates one of the largest international passenger arrival facilities in our country. With five terminals and 125 gates, Intercontinental gives passengers the option of service to over 170 nonstop destinations in more than 30 countries around the world. It is one of few airports in the world with five, five, air carrier runways, and the ability to handle triple simultaneous takeoffs and landings in all sorts of weather.

Intercontinental is a key driver for the greater Houston area economy. The airport supports more than 151,000 jobs and contributes more than \$24 billion in economic benefits to the Houston region. Bush Intercontinental Airport is an important part of keeping the goods and people moving around our great nation and the entire world.

I ask that my colleagues join me in supporting House Concurrent Resolution 138 and recognizing Intercontinental's 40th anniversary.

Mr. OBERSTAR. Mr. Speaker, I rise in support of this legislation, H. Con. Res. 138, introduced by the gentlewoman from Texas (Ms. JACKSON-LEE), which recognizes the 40th anniversary of the George Bush Intercontinental Airport in Houston, Texas, and congratulates officials of the airport and the City of Houston for the airport's service to Houston citizens and the national air transportation system. I thank Representative JACKSON-LEE for her leadership on this measure.

Houston Intercontinental Airport is the eighth largest airport in the United States, serving over 43 million passengers in 2008. The airport offers 109 domestic and 65 nonstop international destinations in over 32 countries by 30 airlines. More than 700 million passengers have travelled through the airport since it opened in 1969. Furthermore, the airport contributes more than 151,000 jobs and \$24 billion in economic benefits to the Houston region. For air cargo, the airport is a regional and world leader in processing, consolidation, and distribution.

I urge my colleagues to join me in supporting H. Con. Res. 138.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 138, which honors the George Bush Intercontinental Airport for its 40 years of outstanding service to the residents of Houston, TX, and to travelers from around the world.

Since it first opened in 1969, Bush Intercontinental Airport has transported over 700,000,000 passengers to more than 170 U.S. and international destinations, making it one of the largest airports in the world. This, in turn, has generated tremendous economic benefits for the greater Houston area. Travelers to the region account for more than \$20 billion in annual sales. The airport also employs over 30,000 Houston-area residents and has created over 120,000 additional jobs in local industries. Many of these employees live in our district.

Bush Intercontinental Airport has likewise served as a hub for cargo shipments to the U.S. and Latin America. For four years in a row, the airport has received Air Cargo World's "Air Cargo Excellence Award" for its facilities. It now handles more than 300,000 tons of freight annually, and this figure continues to grow. In November, the airport plans to open a new import facility for perishable freight, which will expand business in temperature and time-sensitive products.

Together with the Port of Houston, Bush Intercontinental Airport has helped to make Houston a truly international city and one of the leading ports of entry and export in the country. It serves as a model of success in international travel and shipping, and this level of accomplishment should be acknowledged.

I urge my colleagues to support House Concurrent Resolution 138 recognizing the 40th anniversary of George Bush Intercontinental Airport.

Mr. PETRI. I have no further requests for time. I urge my colleagues to support this resolution.

I yield back the balance of my time.

Mr. COSTELLO. Mr. Speaker, we have no further requests for time. I urge my colleagues to support this legislation.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 138.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### COMMENDING RUSS MEYER ON HIS INDUCTION INTO THE NATIONAL AVIATION HALL OF FAME

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 719) commending Russ Meyer on his induction into the National Aviation Hall of Fame, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 719

*Whereas the leadership of Russell (Russ) W. Meyer, Jr., former chairman and chief executive officer of Cessna Aircraft Company and a leading proponent of general aviation, has had a dramatic impact on the continued growth of the aviation industry in Kansas and throughout the United States;*

*Whereas Russ Meyer was one of the principal advocates for the General Aviation Revitalization Act of 1994 (Public Law 103-298; 108 Stat. 1552);*

*Whereas Russ Meyer was instrumental in the development of the "Be A Pilot Program", which has resulted in tens of thousands of new pilots and contributed more than \$200,000,000 to the United States economy through general aviation operations;*

*Whereas Russ Meyer was the originator of the Citation Special Olympics Airlift, in which hundreds of owners of Citation aircraft transport athletes from around the country to the Special Olympics National Games; and*

*Whereas Russ Meyer will join fellow residents of Kansas Olive Beech and Walter Beech, Lloyd Stearman, Clyde Cessna, Amelia Earhart, and Joe Engle in the National Aviation Hall of Fame: Now, therefore, be it*

*Resolved, That the House of Representatives—*

(1) commends Russ Meyer for being inducted into the National Aviation Hall of Fame;

(2) recognizes the achievements of Russ Meyer during his lifetime of service to the aviation industry; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Russ Meyer.

The SPEAKER pro tempore (Mr. SCHIFF). Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H. Res. 719.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 719, introduced by the gentleman

from Kansas (Mr. TIAHRT). The resolution recognizes Russell W. Meyer, Jr., for his achievements and lifetime of service to the aviation industry and commends him on his induction into the National Aviation Hall of Fame.

As a leading proponent of aviation, Russ demonstrated strong leadership as the former chairman and chief executive officer of Cessna Aircraft Company. He was instrumental in supporting innovative aviation programs and played a key role in the development of the Be A Pilot program that resulted in tens of thousands of new pilots and contributed more than \$200 million to the economy.

Russ has served on three Presidential commissions and was one of the principal architects of the General Aviation Revitalization Act of 1994.

In 1995 he received one of aviation's most prestigious individual honors, the Wright Brothers Memorial Trophy. It is awarded annually on the anniversary of the Wright brothers' first powered flight.

Mr. Speaker, I urge my colleagues to join me in honoring one of America's pioneers in aviation by supporting H. Res. 719.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of the resolution before us, House Resolution 719, recognizing and honoring Russell W. Meyer, Jr., on his induction into the National Aviation Hall of Fame. Probably best known for his role as chairman and chief executive officer of Cessna Aircraft for 28 years, Mr. Meyer is an enthusiastic member of the general aviation community. In the mid-1990s, when the entire general aviation industry was on the brink, he helped push the General Aviation Revitalization Act of 1994 to enactment.

Through the development of the Be A Pilot program, Mr. Meyer did his best to share his love of flying with others. And when Special Olympics athletes faced challenges in transportation to the Games, he organized the Citation Special Olympics Airlift, partnering athletes with Cessna Citation owners and pilots to provide a ride to the Games. In addition to his philanthropic work with the aviation industry, Russ Meyer was also an active philanthropist for local charities in and around his hometown.

For his accomplishments as both an Air Force and Marine Corps aviator, a successful aircraft manufacturing executive and a philanthropist, we honor Russ Meyer and congratulate him on his induction into the National Aviation Hall of Fame.

I urge my colleagues to support the resolution.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, we have no further speakers on our side.

I reserve the balance of our time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our colleague from Kansas, Representative TODD TIAHRT.

Mr. TIAHRT. Mr. Speaker, I want to first thank Chairman COSTELLO for his leadership on this legislation and also Ranking Member PETRI for his help in recognizing Russ Meyer.

It's with great pleasure that I come to the floor today to commend Russ W. Meyer, Jr., for his induction into the National Aviation Hall of Fame. In April, Russ joined astronauts Ellen Collins, the late Edward White, and movie legend Jimmy Stewart in the class of 2009.

Russ has had a distinguished career both in the private and public arena. While attending Harvard Law School, Russ served with the United States Marine Corps Reserves from 1958 to 1961. After a few years in the private practice of law, Russ entered the aviation industry as president and CEO of Grumman American Aviation Corporation in Cleveland, Ohio. Then Russ came to Wichita, Kansas. Russ joined the Cessna Aircraft Company as executive vice president in June of 1974. One year later he became the chairman and CEO.

There are few who have done more for the general aviation community than Russ. He led Cessna, both as chairman and CEO, for a total of 23 years. During his time with Cessna, Russ led the expansion of the Cessna line of business jets, the world's most popular line of mid-sized jets.

Russ Meyer recognized that business jets are a tremendous productivity tool. It is productivity that has helped our economy grow. We are the number one economy of the world, and it's not because we have fewer regulations. We have more. It's not because we have the lowest wages. We're among the highest. It's because of visionaries like Russ Meyer who gave the American people the ability to do the same work in less time, making us the most productive and strongest workforce and economy in the world.

In the 1980s, the general aviation industry was faced with a tremendous hurdle that threatened to eliminate a big portion of the general aviation aircraft market. Aircraft manufacturers were forced to cease production of their piston-powered aircraft due to liability issues that extended over the life of the aircraft. In response to this threat, Russ put his leadership to work on Capitol Hill. He became one of the principal advocates for the General Aviation Revitalization Act of 1994. This bill provided limited liability on general aviation aircraft and revitalized the general aviation industry.

But this is just one of many contributions Russ has given to the industry as a whole. Far beyond his leadership in the business sector, Russ is also a philanthropist. One person described

Russ as one who has a big heart and wants to serve the underserved. This isn't just talk. Russ was the chairman of a campaign to construct a 42,000-square-foot complex for the Boys and Girls Club of South Central Kansas. He led the fundraising effort and raised over \$9 million for the project.

Russ was also the originator of the Citation Special Olympics Airlift, where hundreds of Citation airplane owners from around the country transport athletes to the national Special Olympic Games. Russ is also a member of the Kansas Aviation Hall of Fame, a Wright Brothers Memorial Trophy holder, has served on three Presidential commissions, and the list goes on.

Like many others, I've known Russ to be a man of vision and action. Whenever Russ takes on a project, he has the ability to rally and inspire everyone around him behind a common goal. Every community wants a Russ Meyer. Every community needs a Russ Meyer. The children of South Central Kansas needed him, and Russ delivered. The aircraft industry needed him, and Russ delivered. He's a big reason why Wichita is known as the air capital of the world.

Once again, I am pleased today that the United States House of Representatives will congratulate and commend Russ W. Meyer, Jr., on his induction into the National Aviation Hall of Fame.

Mr. DICKS. Will the gentleman yield?

Mr. TIAHRT. I will be glad to yield to the gentleman from Washington State (Mr. DICKS).

Mr. DICKS. I want to commend my colleague from Kansas for the extraordinary statement about Russ Meyer, who I have known over the years as you've stated, one of the true leaders in general aviation. And I'd also like to mention my good friend, who was very sick out there in Boise, Idaho, Ed Stimson.

Ed was the head of general aviation manufacturing and worked with Russ, and they were a great team. Your colleague, your predecessor, Dan Glickman worked very hard on the general aviation liability legislation, which was an extraordinary piece of work that completely changed the dynamics and helped general aviation recover. And I was a cosponsor of that legislation. But Russ Meyer is just one of the great leaders in general aviation history.

I commend the gentleman for his remarks and urge the passing of this resolution.

Mr. TIAHRT. I thank the gentleman from Washington State, and I appreciate his contributions to the aircraft industry as well. He's been a stalwart in helping us get American jobs made by American companies, American aircraft.

Mr. OBERSTAR. Mr. Speaker, I rise in support of this legislation, H. Res. 719, introduced by the gentleman from Kansas (Mr. TIAHRT), which commends Russell W. Meyer, Jr. for his induction into the National Aviation Hall of Fame, and for his many contributions to general aviation.

Russ Meyer is an accomplished individual. He earned a Bachelor of Arts from Yale University and a law degree from Harvard University. From 1955–1961, Meyer served as a fighter pilot in both the Air Force and the Marine Corps Reserves. Later, Meyer was Chairman and Chief Executive Officer of Cessna Aircraft Company from 1975 to 2003. In this role, Meyer won two Collier Trophies for expanding the Cessna's Citation line of business jets.

Meyer was an advocate for the General Aviation Revitalization Act of 1994, which placed fair and reasonable limitations on the time period during which a manufacturer would be legally liable for aircraft defects. He also contributed to thousands of new pilots taking flight in the United States with the "Be a Pilot Program." This program helped to reduce the cost of flight schools for new pilots.

To assist athletes traveling to the Special Olympics National Games, Meyer founded the Citation Special Olympics Airlift, which coordinates transportation to the games on Cessna owners' aircraft. In 1995, he won the Wright Brothers Memorial Trophy for this important work.

I urge my colleagues to join me in supporting H. Res. 719.

Mr. PETRI. Mr. Speaker, I have no further requests for time.

I yield back the balance of my time.

Mr. COSTELLO. Mr. Speaker, we have no further requests for time. I urge passage of this legislation.

I yield back the balance of my time  
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and agree to the resolution, H. Res. 719, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### MARITIME WORKFORCE DEVELOPMENT ACT

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2651) to amend title 46, United States Code, to direct the Secretary of Transportation to establish a maritime career training loan program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2651

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Workforce Development Act".

#### SEC. 2. MARITIME EDUCATION LOAN PROGRAM.

(a) IN GENERAL.—Chapter 517 of title 46, United States Code, is amended by adding at the end the following:

##### "§ 51705. Maritime career training loan program

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a maritime career training loan program (in this section referred to as the 'program') in accordance with the requirements of this section.

"(b) PURPOSE.—The purpose of the program shall be to make maritime career training loans available to eligible students to provide for the training of United States mariners.

"(c) ADMINISTRATION.—The program shall be carried out by the Secretary, acting through the Administrator of the Maritime Administration.

"(d) DUTIES.—The Secretary shall—

"(1) allocate, on an annual basis, the award of loans under the program based on the needs of students;

"(2) develop an application process and eligibility criteria for the award of loans under the program;

"(3) approve applications for loans under the program based on the eligibility criteria and allocations made under paragraph (1); and

"(4) designate maritime training institutions at which loans made under the program may be used.

"(e) DESIGNATION OF MARITIME TRAINING INSTITUTIONS.—

"(1) IN GENERAL.—In designating maritime training institutions under subsection (d)(4), the Secretary—

"(A) may include Federal, State, and commercial training institutions and nonprofit training organizations, except that undergraduate students at the United States Merchant Marine Academy shall not be eligible for loans under the program;

"(B) shall designate institutions based on geographic diversity and scope of classes offered;

"(C) shall ensure that designated institutions have the ability to administer the program; and

"(D) shall ensure that designated institutions meet requirements to provide training instruction for appropriate Coast Guard-approved training instruction.

"(2) EXCLUSIONS.—The Secretary—

"(A) may exclude from participation in the program a maritime training institution that has had severe performance deficiencies, including deficiencies demonstrated by audits or program reviews conducted during the 5 calendar years immediately preceding the present year;

"(B) shall exclude from participation in the program a maritime training institution that has delinquent or outstanding debts to the United States, unless such debts are being repaid under or in accordance with a repayment arrangement satisfactory to the United States, or the Secretary in the Secretary's discretion determines that the existence or amount of any such debts has not been finally determined by the appropriate Federal agency;

"(C) may exclude from participation in the program a maritime training institution that has failed to comply with quality standards established by the Department of Labor, the Coast Guard, or a State; and

"(D) may establish such other criteria as the Secretary determines will protect the financial interest of the United States and promote the purposes of this section.

"(f) STATE MARITIME ACADEMIES.—

"(1) USE OF FUNDS FOR LOANS TO STUDENTS ATTENDING STATE MARITIME ACADEMIES.—The Secretary may obligate not more than 50 percent of the amounts appropriated to carry out this section for a fiscal year for loans to undergraduate students attending State maritime academies receiving assistance under chapter 515 of this title.

"(2) ACADEMIC STANDARDS FOR STUDENTS.—Students at State maritime academies receiving loans under the program shall maintain satisfactory progress toward the completion of their course of study as evidenced by the maintenance of a cumulative C average, or its equivalent, or academic standing consistent with the requirements for graduation, as determined by the institution.

"(g) LOAN AMOUNTS AND USE.—

"(1) MAXIMUM AMOUNTS.—The Secretary may not make loans to a student under the program in an amount that exceeds \$15,000 in a calendar year or \$60,000 in the aggregate.

"(2) USE OF LOAN PROCEEDS.—A student who receives a loan under the program may use the proceeds of the loan only for postsecondary expenses incurred at an institution designated by the Secretary under subsection (d)(4) for books, tuition, required fees, travel to and from training facilities, and room and board.

"(h) STUDENT ELIGIBILITY.—To be eligible to receive a loan under the program, a student shall—

"(1) be eligible to hold a license or merchant mariner document issued by the Coast Guard;

"(2) provide to the Secretary such information as the Secretary may require, including all current Coast Guard documents, certifications, proof of United States citizenship or permanent legal status, and a statement of intent to enter a maritime career;

"(3) meet the enrollment requirements of a maritime training institution designated by the Secretary under subsection (d)(4); and

"(4) sign an agreement to—

"(A) complete a course of instruction at such a maritime training institution; and

"(B) maintain a license or document and work under the authority of the license or document and any associated endorsements for at least 18 months following the date of graduation from the maritime program for which the loan proceeds will be used.

"(i) ADMINISTRATION OF LOANS.—

"(1) CONTENTS OF LOAN AGREEMENTS.—Any agreement between the Secretary and a student borrower for a loan under the program shall—

"(A) be evidenced by a note or other written instrument that provides for the repayment of the principal amount of the loan and any origination fee, together with interest thereon, in equal installments (or, if the student borrower so requests, in graduated periodic installments determined in accordance with such schedules as may be approved by the Secretary) payable quarterly, bimonthly, or monthly, at the option of the student borrower, over a period beginning 9 months from the date on which the student borrower completes study or discontinues attendance at the maritime program for which the loans are used at the institution approved by the Secretary and not exceeding 10 years;

"(B) include provision for acceleration of repayment of the whole, or any part, of such loan, at the option of the student borrower;

"(C) provide the loan without security and without endorsement;

"(D) provide that the liability to repay the loan shall be canceled upon the death of the student borrower, or if the student borrower becomes permanently and totally disabled,



as determined in accordance with regulations to be issued by the Secretary;

“(E) contain a notice of the system of disclosure of information concerning default on such loan to credit bureau organizations; and

“(F) include provisions for deferral of repayment, as determined by the Secretary.

“(2) RATE OF INTEREST.—A student borrower who receives a loan under the program on or after January 1, 2010, and before October 1, 2015, shall be obligated to repay the loan amount to the Secretary, together with interest beginning in the period referred to in paragraph (1)(A), at a rate to be determined as follows:

“(A) For a loan for which the first disbursement is made on or after January 1, 2010, and before October 1, 2011, 5.6 percent on the unpaid principal balance of the loan.

“(B) For a loan for which the first disbursement is made on or after October 1, 2011, and before October 1, 2012, 4.5 percent on the unpaid principal balance of the loan.

“(C) For a loan for which the first disbursement is made on or after October 1, 2012, 3.4 percent on the unpaid principal balance of the loan.

“(3) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

“(A) IN GENERAL.—The Secretary shall at or prior to the time the Secretary makes a loan to a student borrower under the program, provide thorough and adequate loan information on such loan to the student borrower. The disclosures required by this paragraph may be made as part of the written application material provided to the student borrower, as part of the promissory note evidencing the loan, or on a separate written form provided to the student borrower.

“(B) CONTENTS.—The disclosures shall include—

“(i) the address to which communications and payments should be sent;

“(ii) the principal amount of the loan;

“(iii) the amount of any charges collected at or prior to the disbursement of the loan and whether such charges are to be deducted from the proceeds of the loan or paid separately by the student borrower;

“(iv) the stated interest rate on the loan;

“(v) the yearly and cumulative maximum amounts that may be borrowed;

“(vi) an explanation of when repayment of the loan will be required and when the student borrower will be obligated to pay interest that accrues on the loan;

“(vii) a statement as to the minimum and maximum repayment term that the Secretary may impose, and the minimum monthly payment required by law and a description of any penalty imposed as a consequence of default, such as liability for expenses reasonably incurred in attempts by the Secretary to collect on a loan;

“(viii) a statement of the total cumulative balance, including the loan applied for, owed by the student borrower to the Secretary, and an estimate of the projected monthly payment, given such cumulative balance;

“(ix) an explanation of any special options the student borrower may have for loan consolidation or other refinancing of the loan;

“(x) a statement that the student borrower has the right to prepay all or part of the loan, at any time, without penalty;

“(xi) a statement summarizing circumstances in which repayment of the loan or interest that accrues on the loan may be deferred, and a brief notice of the program for repayment of loans, on the basis of military service, pursuant to the Department of Defense educational loan repayment program (10 U.S.C. 16302);

“(xii) a definition of default and the consequences to the student borrower if the student borrower defaults, together with a statement that the disbursement of, and the default on, a loan under this part shall be reported to a credit bureau or credit reporting agency;

“(xiii) to the extent practicable, the effect of accepting the loan on the eligibility of the student borrower for other forms of student assistance; and

“(xiv) an explanation of any cost the student borrower may incur in the making or collection of the loan.

“(C) INFORMATION TO BE PROVIDED WITHOUT COST.—The information provided under this paragraph shall be available to the Secretary without cost to the student borrower.

“(4) REPAYMENT AFTER DEFAULT.—The Secretary may require any student borrower who has defaulted on a loan made under the program to—

“(A) pay all reasonable collection costs associated with such loan; and

“(B) repay the loan pursuant to an income contingent repayment plan.

“(5) AUTHORIZATION TO REDUCE RATES AND FEES.—Notwithstanding any other provision of this section, the Secretary may prescribe by regulation any reductions in the interest rate or origination fee paid by a student borrower of a loan made under the program as the Secretary determines appropriate to encourage ontime repayment of the loan. Such reductions may be offered only if the Secretary determines the reductions are cost neutral and in the best financial interest of the United States.

“(6) COLLECTION OF REPAYMENTS.—The Secretary shall collect repayments made under the program and exercise due diligence in such collection, including maintenance of all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under the program shall be pursued to the full extent of the law, including wage garnishment if necessary. The Secretary of the Department in which the Coast Guard is operating shall provide the Secretary of Transportation with any information regarding a mariner that may aid in the collection of repayments under this section.

“(7) REPAYMENT SCHEDULE.—A student borrower who receives a loan under the program shall repay the loan quarterly, bimonthly, or monthly, at the option of the student borrower, over a period beginning 9 months from the date the student borrower completes study or discontinues attendance at the maritime program for which the loan proceeds are used and ending not more than 10 years after the date repayment begins. Provisions for deferral of repayment shall be determined by the Secretary.

“(8) CONTRACTS FOR SERVICING AND COLLECTION OF LOANS.—The Secretary may—

“(A) enter into a contract or other arrangement with State or nonprofit agencies and, on a competitive basis, with collection agencies for servicing and collection of loans under this section; and

“(B) conduct litigation necessary to carry out this section.

“(j) REVOLVING LOAN FUND.—

“(1) ESTABLISHMENT.—The Secretary shall establish a revolving loan fund consisting of amounts deposited in the fund under paragraph (2).

“(2) DEPOSITS.—The Secretary shall deposit in the fund—

“(A) receipts from the payment of principal and interest on loans made under the program; and

“(B) any other monies paid to the Secretary by or on behalf of individuals under the program.

“(3) AVAILABILITY OF AMOUNTS.—Amounts in the fund shall be available to the Secretary, without further appropriation—

“(A) to cover the administrative costs of the program, including the maintenance of records and making collections under this section; and

“(B) to the extent that amounts remain available after paying such administrative costs, to make loans under the program.

“(4) MAINTENANCE OF RECORDS.—The Secretary shall maintain accurate records of the administrative costs referred to in paragraph (3)(A).

“(k) ANNUAL REPORT.—The Secretary, on an annual basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the program, including—

“(1) the total amount of loans made under the program in the preceding year;

“(2) the number of students receiving loans under the program in the preceding year; and

“(3) the total amount of loans made under program that are in default as of the date of the report.

“(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2010 through 2015—

“(1) \$10,000,000 for making loans under the program; and

“(2) \$1,000,000 for administrative expenses of the Secretary in carrying out the program.

**“§51706. Maritime recruitment, training, and retention grant program**

“(a) STRATEGIC PLAN.—

“(1) IN GENERAL.—Not later than one year after the date of enactment of this section, and at least once every 3 years thereafter, the Secretary of Transportation, acting through the Administrator of the Maritime Administration, shall publish in the Federal Register a plan that describes the demonstration, research, and multistate project priorities of the Department of Transportation concerning merchant mariner recruitment, training, and retention for the 3-year period following the date of publication of the plan.

“(2) CONTENTS.—A plan published under paragraph (1) shall contain strategies and identify potential projects to address merchant mariner recruitment, training, and retention issues in the United States.

“(3) FACTORS.—In developing a plan under paragraph (1), the Secretary shall take into account, at a minimum—

“(A) the availability of existing research (as of the date of publication of the plan);

“(B) the need to ensure results that have broad applicability;

“(C) the benefits of economies of scale and the efficiency of potential projects; and

“(D) the likelihood that the results of potential projects will be useful to policymakers and stakeholders in addressing merchant mariner recruitment, training, and retention issues.

“(4) CONSULTATION.—In developing a plan under paragraph (1), the Secretary shall consult with representatives of the maritime industry, labor organizations, and other governmental entities and parties with an interest in the maritime industry.

“(5) TRANSMITTAL TO CONGRESS.—The Secretary shall transmit copies of a plan published under paragraph (1) to the Committee on Transportation and Infrastructure of the

House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) DEMONSTRATION PROJECTS.—

“(1) IN GENERAL.—The Secretary may award grants to a maritime training institution to carry out demonstration projects that implement the priorities identified in the plan prepared under subsection (a)(1), for the purpose of developing and implementing methods to address merchant mariner recruitment, training, and retention issues.

“(2) GRANT AWARDS.—Grants shall be awarded under this subsection on a competitive basis under guidelines and requirements to be established by the Secretary.

“(3) APPLICATIONS.—To be eligible to receive a grant for a project under this subsection, a maritime training institution shall submit to the Secretary a grant proposal that includes, at a minimum—

“(A) information demonstrating the estimated effectiveness of the project; and

“(B) a method for evaluating the effectiveness of the project.

“(4) ELIGIBLE PROJECTS.—Projects eligible for grants under this subsection may include—

“(A) the establishment of maritime technology skill centers developed through local partnerships of industry, labor, education, community-based organizations, economic development organizations, or Federal, State, and local government agencies to meet unmet skills needs of the maritime industry;

“(B) projects that provide training to upgrade the skills of workers who are employed in the maritime industry;

“(C) projects that promote the use of distance learning, enabling students to take courses through the use of media technology, such as videos, teleconferencing, and the Internet;

“(D) projects that assist in providing services to address maritime recruitment and training of youth residing in targeted high poverty areas within empowerment zones and enterprise communities;

“(E) the establishment of partnerships with national and regional organizations with special expertise in developing, organizing, and administering merchant mariner recruitment and training services; and

“(F) the establishment of maritime training programs that foster technical skills and operational productivity in communities in which economies are related to or dependent upon the maritime industry.

“(c) PROJECTS AUTHORIZED.—

“(1) PROJECTS.—The Secretary may award grants to carry out projects identified in a plan published under subsection (a)(1) under which the project sponsor will—

“(A) design, develop, and test an array of approaches to providing recruitment, training, or retention services to one or more targeted populations;

“(B) in conjunction with employers, organized labor, other groups (such as community coalitions), and Federal, State, or local agencies, design, develop, and test various training approaches in order to determine effective practices; or

“(C) assist in the development and replication of effective service delivery strategies for the national maritime industry as a whole.

“(2) RESEARCH PROJECTS.—The Secretary may award grants to carry out research projects identified in a plan published under subsection (a)(1) that will contribute to the solution of maritime industry recruitment, training, and retention issues in the United States.

“(3) MULTISTATE OR REGIONAL PROJECTS.—The Secretary may award grants to carry out multistate or regional projects identified in a plan published under subsection (a)(1) to effectively disseminate best practices and models for implementing maritime recruitment, training, and retention services designed to address industry-wide skill shortages.

“(4) GRANT AWARDS.—Grants shall be awarded under this subsection on a competitive basis under guidelines and requirements to be established by the Secretary.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2010 through 2015—

“(1) \$10,000,000 for making grants under this section; and

“(2) \$1,000,000 for administrative expenses of the Secretary in carrying out this section.”

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“51705. Maritime career training loan program.

“51706. Maritime recruitment, training, and retention grant program.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2651.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Subcommittee on the Coast Guard and Maritime Transportation, I rise today in strong support of the Maritime Work Force Development Act, H.R. 2651, legislation which I authored to address the education and training needs of our Nation's merchant mariners. I thank Congressman OBERSTAR, the chairman of the full committee on Transportation and Infrastructure, Congressman MICA, the ranking member on the full committee, and Congressman LOBIONDO, the ranking member of the Coast Guard Subcommittee, for working with me to support our maritime work force.

H.R. 2651 would amend title 46 of the United States Codes to direct the Secretary of Transportation to establish a student loan program to attract the next generation of workers to the good paying jobs available in the maritime industry.

□ 1415

The loan program will also help those already in the industry obtain the certifications and the training they need to move ahead in their careers.

In October of 2007, I convened a hearing in the Coast Guard Subcommittee to examine trends in the maritime workforce. According to the Bureau of Transportation Statistics, in 2006, there were more than 38,000 on-the-water jobs in sea, coastal, and Great Lakes transportation, and nearly 23,000 jobs in the inland water transportation industry. Many of those who currently work in the industry are nearing retirement age. Thus, the Maritime Administration has indicated that at the time of our hearing, the average age of a mariner with a master's license was 51, while the average age of a chief engineer was 50.

Additionally, significant new standards for training and continuing education have been applied to mariners through the 1995 amendments to the Convention on Standards of Training, Certification and Watchkeeping. These standards have rightly been set to improve safety in the maritime industry by reducing human factors as the causes of maritime accidents, but they have also imposed expensive and very time-consuming training requirements on mariners, particularly on those who are looking to upgrade a document or license to move up the career ladder.

While there are many facilities in the United States that provide outstanding training programs for those seeking to enter or advance in the maritime field, tuition can be extremely expensive. Further, the types of training programs in which mariners enroll are unique and are not easily served by existing loan programs. Mariners who have already begun their careers rarely enroll in 2- or 4-year educational programs. Instead, typically, they enroll in multiweek courses to obtain a specific new certification, and they enroll in such courses several times a year.

I drafted H.R. 2651 in an effort to provide to individuals in the maritime industry a loan program that is tailored to their specific needs and to the types of training programs that serve them. Using the model of existing student loan programs, H.R. 2651 creates a maritime-focused student loan program through which individuals can receive up to \$60,000 in loans over the course of a lifetime. H.R. 2651 also authorizes the appropriation of \$10 million in each of fiscal years 2010 through 2015 to support these loans.

Additionally, H.R. 2651 authorizes the appropriation of \$10 million in each of fiscal years 2010 through 2015 to enable the Department of Transportation to award grants to maritime training institutions to support their efforts to develop and implement programs to address mariner recruitment, training, and retention issues.

In my district in Baltimore, I have been working closely with the Maritime Industries Academy, a public high school with a maritime theme. I have assembled a board of maritime and



education professionals who have worked in an advisory capacity with the school for 2 years and who are now creating a formal foundation to support the school, which opened this current 2009-2010 school year in a new location and with an enrollment level that has tripled in the last 2 years.

The grant program that is authorized by H.R. 2651 would support the growing number of maritime-themed educational institutions, including high schools, throughout the country as they work to expand maritime education opportunities and attract new individuals to a field critical to the success of our national economy.

Finally, Mr. Speaker, I again want to thank Chairman OBERSTAR, Ranking Member MICA, Ranking Member LOBIONDO, and all of our subcommittee for their hard work on H.R. 2651 and urge the adoption of this legislation by the House today.

And with that, Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I might consume.

I rise in support of H.R. 2651, the Maritime Workforce Development Act. The bill will provide needed training and educational opportunities for merchant mariners and those interested in working in the maritime trades. The U.S. Merchant Marine is an important component to our national and economic security, and I support this effort to strengthen this important sector of our workforce.

The bill directs the Maritime Administration to establish a program to support continuing education at approved maritime training institutes and undergraduate training at the five State maritime academies. Loan recipients would be required to commit at least 18 months of service at sea as a condition of participation in the program. This program will improve the opportunities available to those currently serving as merchant mariners and attract new entrants to the maritime workforce.

The bill also directs the Maritime Administration to develop a strategic plan to enhance merchant mariner recruitment, training, and retention, and to fund demonstration projects to further the goals outlined in the plan.

This measure is an important component of the House's ongoing work to support the U.S. Merchant Marine. I strongly support the bill and ask all Members to do the same.

At this point, I would yield 5 minutes to our colleague from North Carolina, VIRGINIA FOXX.

Ms. FOXX. Mr. Speaker, I want to thank my colleague, Mr. PETRI, for yielding me some time.

When I was going over the bills for this week, this bill sort of flew out at me. It seems like a very innocuous bill, like motherhood and apple pie, the kind of thing that we should be doing here. We know that there are a lot of

people needed in the maritime industry.

I visited the Merchant Marine Academy last year. I had a wonderful visit there and was told by the administrators there that there is a huge demand for their graduates, that they have about 10 job offers for every graduate and that we need more people who have excellent education and training in the maritime skills.

However, this bill I think is not doing what we would like for it to do, and it raises more questions, I think, than it answers. I have asked some of the questions of the staff, and I don't get the kind of answers that I think we need to be getting.

I'm very keen on our having accountability for any way that we authorize or spend money, and there is really no accountability in this bill at all. There is no statement of the demand. It says that there were 162,000 jobs in the U.S. water transportation sector in 2006, up from nearly 148,000 jobs reported in 2002, and it says, in the summary, there's a perceived future shortage of workers, not an actual one. So we are going to authorize a program for a perceived need.

The headlines out this week are that our military has gone way beyond its goals in recruiting people, and I suspect that with unemployment as high as it is right now, many, many people are going into skilled trades programs trying to get the kind of licensure they need to get jobs. But again, this bill doesn't present that information. It doesn't say that there are people being turned away from these State programs that are helping these people get the skills they need. It doesn't tell how many people are being turned away from the Merchant Marine Academy.

I am very much concerned that this program is going to be a lot like the program that was funded in 2004 with an earmark requested by DAVID PRICE which gave \$10 million in the Federal budget to a program at UNC Chapel Hill for a new effort to help deployed soldiers of the National Guard and Army Reserves.

An article has said, 5 years later, the citizen-soldiers support program has spent \$7.3 million, but the money has accomplished little for the people it was supposed to help. And, Mr. Speaker, I would like to enter into the RECORD the complete article that I'm referencing. Mr. Speaker, it goes on to say that an internal review found that the program produced reams of paperwork but few concrete results.

Because there's no accountability in this bill, we are giving huge discretion to the Secretary to handle this money. We are not outlining the kinds of things that we, as a Congress, should be outlining. We are not demanding any kind of results from the money that is being spent. And it's a lot of money. It's \$110 million over 2010 to 2014, \$22 million in 2014.

There's a program to give \$10 million for grants to maritime training institutions to establish demonstration projects and other programs to increase mariner recruitment, training, and retention. There is no evidence that such programs need to be out there. Again, we don't know how many people are already applying for such programs.

This money also is going to be available to unions and to community action groups such as ACORN. It's going to very nebulous groups of people.

I have a great concern, again, about how we are going to have any accountability from this program. We, in Congress, have an obligation to make sure that any money that we are spending is being spent as well as it could be spent. We have an almost 10 percent unemployment rate in the country. We are taxing people who are working for a living, and we are taxing them to give the money to programs like this for which, again, there is no accountability and no idea that we are going to get our money's worth out of it. I just think it's very unfair to the American public.

We may need to do this kind of program. I know that the Merchant Marine people told me that we need better educated, better trained people, but I don't think this is the right program.

[From the Raleigh News and Observer, Sept. 25, 2009]

#### PROGRAM PROVIDES LITTLE HELP FOR SOLDIERS CORRECTION

A Sept. 25 front-page article on the Citizen Soldier Support Program stated four of the program's eight employees earned more than \$100,000. Only three employees do: One employee reduced her work schedule to three-quarter time and earns \$77,250. October 6, 2009.

In 2004, U.S. Rep. David Price inserted a \$10 million program into the federal budget, sending the money to UNC—Chapel Hill for a new effort to help deployed soldiers of the National Guard and Army Reserves.

Five years later, the Citizen Soldier Support Program has spent \$7.3 million, but the money has accomplished little for the people it was supposed to help. One-quarter of the money has gone to the university for overhead, and a large part of the rest has been spent on well-paid consultants, six-figure salaries and travel.

Half of the eight full-time employees are paid more than \$100,000 a year, including a deputy director who has been reimbursed \$76,000 for food, travel and lodging when she commutes from her home in northern Virginia to North Carolina.

An internal review found that the program produced reams of paperwork but few concrete results.

"The program has produced volumes of documentation, but the vast majority of this documentation is devoted to conceptual verbiage about how the program will function," the review said. "The CSSP is vulnerable to the accusation that it spends too much money on administrative overhead and low-priority, 'nice-to-do' activities and not enough time on activities directly relevant to its mission."

The head of the N.C. National Guard, Major Gen. William Ingram, has worked with the program since its inception. He said he has experienced many meetings, lots of discussion and stacks of paperwork.

"We're feeding you ideas, we're working with you, but we're not seeing any results," Ingram said in an interview. "We're not seeing a whole lot of action; there's a lot of discussion, but . . . no results."

Ingram said that after four years, the National Guard recently received the first tangible service from the program: a database of North Carolina mental health providers experienced with the military and problems such as post-traumatic stress disorder or traumatic brain injury.

On Thursday, UNC—Chapel Hill Chancellor Holden Thorp told the UNC Board of Trustees that he has ordered the program to shape up.

"The program has serious flaws," Thorp said. "We need the program to show drastic improvement in a short period of time."

#### 16,000 WARRIORS

In 2004, as the U.S. military ramped up operations in Iraq and continued the war in Afghanistan, more and more members of the National Guard and Army Reserves were being mobilized. In all, 16,000 members of the N.C. Guard have been deployed, some of them two or three times.

Price, a Chapel Hill Democrat, saw a need, and he used a controversial method to address it. He inserted an "earmark," an appropriation for a specific project that a member of Congress can include in the budget.

The program was to help soldiers in the North Carolina National Guard and Army Reserves, with the idea that it could serve as a model and eventually be expanded to other states.

Citizen soldiers are scattered around the state in civilian communities. They arid their families lack the institutional support and military community available to soldiers stationed at bases such as Camp Lejeune or Fort Bragg.

"The new program aims to better address challenges Guard and Reserve members and their families face both when they are deployed into duty and when they return home," according to an UNC news release from August 2004.

Price said that the program is worthy of federal funding and that he still supports its goals.

"The check isn't just sent out and forgotten about," Price said. "If these funds haven't been utilized in the most effective way, we need to correct it."

#### ANONYMOUS COMPLAINT

The program started in March 2005; the current end date is December 2009, though UNC has asked for a one-year extension but no more money.

In June 2008, Rep. Sue Myrick received an anonymous fax complaining that the program spent millions with nothing to show for it. Myrick forwarded it to Erskine Bowles, president of the UNC system.

One month later, Peter Leousis, who oversees the program, assured Myrick in a letter that the program had accomplished much.

"We have been and will continue to be good stewards of the taxpayers' dollars in accomplishing CSSP's mission," Leousis wrote.

Reached by telephone recently, Leousis said he would like to discuss the program, but he and his staff have been told by his superiors not to talk to reporters.

#### SCATHING REVIEW

On Feb. 17, seven months after Leousis assured Myrick all was well, Tony Waldrop,

vice chancellor for research and economic development, ordered a committee to review the organization.

The university redacted substantial parts of that review and a related internal audit before release, citing personnel laws. Thorp said the removed sections discuss the actions and job performance of specific employees.

The report listed a host of problems with the program: overpaid employees; employees performing below expectations; an excessive reliance on outside consultants; an unclear chain of command that creates confusion inside and outside the program; few practical results; little or no evaluation; and disproportionate administrative costs.

The review committee said it could neither confirm nor refute the suspicion that "the CSSP may have squandered a substantial portion of its funding on overpaid, under-supervised staffers who spent too much of the time attending to the organization and its shifting priorities and too little time providing real value to groups serving soldiers and their families."

The deputy director for military relations, Susann Kerner-Hoeg, earns a salary of \$129,600. Kerner-Hoeg works from her home in northern Virginia, and the program pays for her travel, lodging and meals when she comes to Chapel Hill. The program has spent \$76,558 over the past three years for Kerner-Hoeg's flights, rental cars, hotel rooms and meals.

During the same period, the program paid \$313,600 to Kent Peterson & Associates of Kansas City, KA. Peterson, a consultant, served as the director of community relations.

It is routine for the university to get a cut of grant money. Academic institutions, which provide administrative support and office space, routinely receive portions of grants for administrative overhead. The figure often runs as high as 46 percent.

#### TURNING IT AROUND?

Waldrop, the vice chancellor in charge of the program, said the review and audit have put it on the right footing.

Waldrop said the program can list some accomplishments: the database of mental health providers; one-day training for 2,000 mental health providers on military culture and the after-effects of war-related injuries; and consulting with the Army Reserve's Yellow Ribbon program.

Neil Caudle, an associate vice chancellor who headed the review committee, said the program is still committed to helping soldiers.

"In six months to a year, we'll be in the right place," Caudle said.

[From the Carolina Journal, Oct. 9, 2009]

#### DELEGATION DENOUNCES EXCESSES IN CITIZEN-SOLDIER PROGRAM

(By David N. Bass)

RALEIGH.—An embattled university program meant to assist soldiers returning from Iraq and Afghanistan must shape up or lose its taxpayer funding, say many of the same North Carolina congressional lawmakers who supported the program's initial federal commitment five years ago.

The Citizen-Soldier Support Program, housed at the Odum Institute for Research in Social Sciences at the University of North Carolina at Chapel Hill, is meant to connect veterans and their families with support systems in local communities. But the program has drawn criticism in recent weeks after an internal UNC-CH review flagged a series of management, personnel, and financial problems.

As Carolina Journal and the News & Observer of Raleigh reported, CSSP has burned through most of its \$10 million in federal funding with little to show for it. Over half of Kits employees earn six-figure salaries, and some have racked up extensive traveling expenses, laying the groundwork for rumors that CSSP "may have squandered a substantial portion of its funding on overpaid, under-supervised staffers," according to the internal review.

The program has also faced criticism for agreeing to pay a Kansas-based consultant up to \$340,000 and for reimbursing its deputy director, who lives in northern Virginia, for travel between her home and CSSP's offices in Carrboro.

Those expenses, mixed with other problems identified by the university review, have raised objections among North Carolina's congressional delegation.

"This program appears to have produced almost no results—other than nice salaries for consultants and bureaucrats," said Rep. Virginia Foxx, R-5th District.

"Many of our guardsmen have been deployed two or three times to Iraq and Afghanistan, and that takes a heavy toll on their families back home," said Rep. Brad Miller, a Democrat from the 13th District. "But worthy goals do not excuse poor performance. I won't support the program again unless the program fixes the problems that the university's internal review found."

Miller's colleague in the House, 4th District Democrat David Price, was responsible for securing the largest chunk of federal funding—\$5 million in 2005. In a statement e-mailed to CJ in late August, Price acknowledged problems in the program but said that UNC—Chapel Hill "has taken concrete steps to address these issues."

The \$5-million earmark had unanimous support from the state's congressional delegation, according to a UNC-CH press release from June 2005. A number of lawmakers are now having second thoughts, however.

"I will not continue to support federally funded programs that do not reach the goals originally intended for the recipients. The American taxpayers deserve better," said Rep. Walter Jones, R-3rd.

"The program has failed to put the needs of our Reserve Component members and their families first, and I do not think that the program should be allowed to continue as it currently is administered," said 9th District GOP Rep. Sue Myrick.

Myrick said she received an anonymous complaint in 2008 about abuses in the CSSP and subsequently contacted UNC system President Erskine Bowles.

"In his response he gave me assurance that each of the allegations would be reviewed," Myrick said. "Now, I'm again receiving anonymous faxes about the program, and with the results of the latest audit now public—it's not good."

Foxx said excesses in the program are an example of why she took a no-earmark pledge in 2007. "Too much taxpayer money gets frittered away like this with little to no oversight," she said.

Calls and e-mails to spokesmen for Reps. G.K. Butterfield, D-1st; Mike McIntyre, D-7th; Larry Kissell, D-8th; and Patrick McHenry, R-10th, were not returned by press time.

Reached by phone, Doug Abrahms, spokesman for 11th District Democratic Congressman Heath Shuler, noted that Shuler was not in Congress when funding for CSSP was first authorized. Asked if Shuler would support continued funding, Abrahms said, "It's

not something that's on his agenda right now."

#### DEADLINE SET

Since reports on the internal review first surfaced in late August, university officials have said that improvements need to be made or else CSSP should be terminated.

"We need this program to show dramatic improvement in a short period of time to remain viable" said UNC-CH Chancellor Holden Thorp at a Board of Trustees meeting Sept. 24.

Kimrey Rhinehardt, vice president for federal relations at UNC General Administration, sent an e-mail dated Aug. 17 to Bowles recommending that CSSP's behavioral health initiative be terminated.

As for the entire program, Rhinehardt wrote, "I think that the CSSP leadership should be permitted a supervised opportunity to dramatically improve the Program subject to review by their National Advisory Committee and Review Committee. If momentum does not tend toward progress by October 23, 2009, then remaining federal funds should be returned and the program should be terminated."

The review committee that authored the internal report is continuing to monitor the program, said UNC-CH spokesman Mike McFarland.

Mr. CUMMINGS. I yield myself such time as I may consume.

I'm sitting here and I'm amazed what I just heard. We spend phenomenal amounts of money on so many things, and we are talking about many young people simply trying to have an opportunity to be all that God meant for them to be.

We've got a situation where we have an industry that is growing, and the question that has arisen many times is whether we are, as a country, being innovative. Are we preparing our people for the opportunities that come forth or are we sitting back and allowing them to get to a certain point, and then when they try to enter the doors that will allow them to rise up to go into the fields that they want to go into, then we say, "Sorry. Too bad. All the money is gone"?

There's something absolutely incredibly wrong with that picture. It's very easy to come down and say, oh, the mariners don't need this money, when, in fact, the costs of the mariner's education has gone up tremendously. It is very easy to say that we don't need this when the age of our folks who are in the industry is at 50 and we need to begin to bring in new people, and we are constantly talking about jobs in America and making sure that our people have the opportunities that they deserve. Something is wrong with the picture when their opportunity comes up and, the next thing you know, we take a hike on them.

One of the things I will say is that this industry is growing. We've had a little bit of a slowdown here recently because of the economic situation, but anybody who knows anything about the maritime industry knows that after this economic situation is over, we will be increasing at a very rapid pace and to a very large extent.

And so while I respect the gentle lady for her comments, what I will say is that this is money that is needed, and it is money that—as I have often said, our children are the living messages that we send to a future we will never see. The question is what kind of message do we send to the future if our children are unprepared, if they are unprepared to take on the responsibilities that lie in front of them? Must we always go overseas to get people to come to do these jobs? We are trying to educate our own, and that is what this is all about.

Mr. Speaker, I have no other speakers, and I would assume that the gentleman would have a closing statement.

I reserve the balance of my time.

Mr. PETRI. I have no further requests for time and yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, as a member of the Transportation and Infrastructure Committee I rise to lend my strong support to H.R. 2651, The Maritime Workforce Development Act which will help strengthen our maritime industry by providing loans to students who are pursuing a maritime education. I want to thank my colleague Representative CUMMINGS for bringing this bill to the floor and bringing attention to this important issue.

Having the port of Long Beach in my district, I know the importance of a well educated maritime industry. I also know how few Americans now pursue careers in the maritime industry and we should do what we can to make maritime education possible and affordable to all.

This bill goes a long way towards rectifying problems in our maritime training and I want to thank Mr. CUMMINGS for his work rectifying this important issue. I ask that my colleagues today support this bill, and continue to support our maritime industry.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 2651, the "Maritime Workforce Development Act". H.R. 2651 directs the Secretary of Transportation to establish a maritime career training and loan program. I thank the gentleman from Maryland (Mr. CUMMINGS) for working on this important piece of legislation.

The maritime industry anticipates a continuing shortage of qualified merchant mariners. Due to projected increases in commercial maritime traffic and a maritime workforce that is approaching retirement age, a maritime training program is needed to help ensure that our nation will continue to have skilled and experienced U.S. citizen merchant mariners. Such a program can begin in high schools by creating maritime training curriculum for students to obtain the basic knowledge of the maritime industry and skills to gain an entry-level job.

H.R. 2651 also creates a maritime loan program that meets the needs and training requirements of mariners, which they may not get through a traditional two- or four-year educational institution.

Mariners have certification courses that can last from two weeks to several months and

their courses are typically taken between voyages. When mariners seek to enhance their credentials, they need a loan program that helps them with expenses while they are taking the time off to pursue certifications or licenses. H.R. 2651 creates a loan program to help mariners pay for their books, tuition, fees, room and board, and travel to and from their training facilities.

In these tough economic times with high unemployment rates, it is critical for there to be a mechanism to aid people interested in a maritime career, whether they are recent high school graduates or if they graduated from high school 10 or 20 years ago. There is a shortage of maritime workers and a high percentage of mariners are approaching retirement age. Something must be done now to fill the gap and help sustain an adequate number of qualified mariners. To that end, H.R. 2651 authorizes \$10 million for each of fiscal years 2010 to 2015 to fund the education of mariners, and sustain our vital maritime industry.

H.R. 2651 also requires the Secretary of Transportation to establish a maritime recruitment, training, and retention grant program. The Secretary is directed to consult with representatives of the maritime industry, labor organizations, other governmental entities and maritime industry interests. This program will be imperative to the maritime industry in recruiting new mariners, keeping current mariners, and assisting them with training and upgrading their licenses. H.R. 2651 authorizes \$10 million for each of fiscal years 2010 to 2015 to fund grants to support this program.

The nation's maritime cargo volumes are expected to double by 2020. As waterborne commerce expands in the United States, there is a great need to meet the labor demands that the continued growth in the maritime industry is expected to create. H.R. 2651 creates mechanisms to ensure that our nation will be well equipped to handle the welcomed maritime growth.

I urge my colleagues to join me in supporting H.R. 2651.

Ms. JACKSON-LEE of Texas. Mr. Speaker I rise before you today in support of H.R. 2651, the "Maritime Workforce Development Act". I would like to thank my colleague, Rep. CUMMINGS, for introducing this act, as well as the co-sponsors.

This bill would amend Title 46 of the United States Code to direct the Secretary of Transportation to establish a student loan program to attract the next generation of workers to the good paying jobs available in the maritime industry. The loan program will also help those already in the industry obtain the certifications and training they need to move ahead in their careers.

According to the Bureau of Transportation Statistics, in 2006, there were more than 38,000 on-the-water jobs in sea, coastal, and Great Lakes transportation, and nearly 23,000 in the inland water transportation industry. Many of those who currently work in the industry are nearing retirement age. Thus, the Maritime Administration indicated that at the time of our hearing, the average age of a mariner with a Master's license was 51 while the average age of a Chief Engineer was 50.

Additionally, significant new standards for training and continuing education have been

applied to mariners through the 1995 amendments to the Convention on the Standards of Training, Certification, and Watchkeeping. These standards have rightly been set to improve safety in the maritime industry by reducing human factors as the causes of maritime accidents but they have also imposed expensive and time-consuming training requirements on mariners—particularly on those who are looking to upgrade a document or license to move up the career ladder.

While there are many facilities in the United States that provide outstanding training programs for those seeking to enter or advance in the maritime field, tuition can be very expensive. Further, the types of training programs in which mariners enroll are unique—and are not easily served by existing loan programs. Mariners who have already begun their careers rarely enroll in 2- or 4-year educational programs. Instead, they typically enroll in multi-week courses to obtain a specific new certification—and they enroll in such courses several times a year.

This bill provides a loan program to individuals in the maritime industry that is tailored to their specific needs and to the types of training programs that serve them. Using the model of existing student loan programs, it creates a maritime-focused student loan program through which individuals can receive up to \$60,000 in loans over the course of a lifetime. This grant program would support the growing number of maritime-themed educational institutions—including high schools—throughout the country as they work to expand maritime education opportunities and attract new individuals to a field critical to the success of our national economy.

The bill also authorizes the appropriation of \$10 million in each of fiscal years 2010 through 2015 to support loans. Additionally, this legislation authorizes the appropriation of \$10 million in each of fiscal years 2010 through 2015 to enable the Department of Transportation to award grants to maritime training institutions to support their efforts to develop and implement programs to address mariner recruitment, training, and retention issues.

Mr. CUMMINGS. Mr. Speaker, I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 2651, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GEORGE P. KAZEN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2423) to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the “George P. Kazen

Federal Building and United States Courthouse”, and to designate the jury room in that Federal building and United States courthouse as the “Marcel C. Notzon II Jury Room”, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2423

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. BUILDING DESIGNATION.

(a) DESIGNATION.—The Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, shall be known and designated as the “George P. Kazen Federal Building and United States Courthouse”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the “George P. Kazen Federal Building and United States Courthouse”.

#### SEC. 2. EFFECTIVE DATE.

*This Act shall take effect on the first day on which George P. Kazen is no longer serving as a Federal judge.*

□ 1430

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

#### GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2423.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2423, as amended, is a bill to designate the federal building and United States courthouse located at 1300 Victoria St. in Laredo, Texas as the George P. Kazen Federal Building and United States Courthouse.

Congressman CUELLAR introduced this bill, which has bipartisan support. Judge Kazen has served the people of the southern judicial district of Texas with great distinction and dedication since 1979. He is a graduate of the University of Texas, and the University of Texas Law School. After serving in private practice in Laredo, Texas he was nominated to the federal bench by President Jimmy Carter in 1979. He served in the southern district of Texas and served as Chief Judge in that district from 1996 until 2003.

Judge Kazen was also very active in his community, serving as a member in the U.S. Air Force, founding the Laredo Legal Aid Society, and serving in numerous capacities in civic organizations in South Texas. Judge Kazen served as President of the Laredo Civic Music Association, the Boys' and Girls' Clubs

of Laredo, the St. Augustine-Ursuline School Board, and as a member of the Laredo Community College Board of Trustees.

It is both fitting and proper to honor Judge Kazen's distinguished public career with this designation. I support H.R. 2423 as amended and urge my colleagues to join me in supporting this bill.

Mr. Speaker, I yield such time as he may consume to the author of the bill, Mr. CUELLAR of Texas.

Mr. CUELLAR. Thank you very much for yielding.

Mr. Speaker, I rise today to recognize the outstanding contributions of a fine public servant in Laredo, Texas, Judge George P. Kazen. This is an individual that has dedicated the majority of his life to upholding the justice system in south Texas.

In 1979, President Jimmy Carter appointed Judge George P. Kazen to be a United States district judge. For four decades, he served south Texas as a tireless advocate for fairness under the law. From 1996 to 2003, he was the chief judge of the United States Southern District, which includes the areas of Houston, Galveston, Victoria, Laredo, Corpus Christi, McAllen and Brownsville in Texas. Judge Kazen is also a JAG officer for the United States Air Force, and in 1965 he received the United States Air Force Commendation Medal.

Judge Kazen is married to Barbara Ann and they have four children. He is, without a doubt, a selfless public servant who has been a tremendous credit to the city of Laredo and the State of Texas and our great Nation.

I also want to recognize Judge Kazen's Federal magistrate, the Honorable Marcel Notzen. Since 1967, Marcel Notzen, the magistrate, served for four decades in front and behind the bench, as an attorney, as a law partner, and most recently as a U.S. magistrate for the Southern District. Judge Notzen is married to Nora Lee, and they have six children.

It is with great pride that I authored this legislation, H.R. 2423, to name the United States Courthouse located at 1300 Victoria Street in Laredo, Texas, as the George P. Kazen Federal Building and United States Courthouse in honor of George Kazen. It is also my legislative intent, Mr. Speaker, to name the jury room in the United States courthouse as the Marcel C. Notzen, II Jury Room. I think this is a way to thank these two individuals who have worked so hard for their Nation as judges.

I want to thank all of my Texas colleagues for helping me recognize these exceptional individuals. By recognizing these individuals, their contributions will be remembered and they will continue to inspire those individuals who follow their lead in preserving the American justice system.

I urge my colleagues to support this legislation.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, after hearing the eloquent explanation from the sponsor of the legislation, I thank him for his leadership on this bill and many others.

This bill would designate a Federal building and courthouse in Laredo, Texas as the "George P. Kazen Federal Building and United States Courthouse."

Judge Kazen has served on the District Court for the Southern District of Texas since 1979.

From 1996 to 2003, Judge Kazen served as chief judge and, earlier this year he assumed senior status.

Prior to his appointment to the federal bench, Judge Kazen was in the private practice of law.

Earlier in his career he served in the JAG Corp as a U.S. Air Force Captain and worked as a briefing attorney for the Texas Supreme Court.

He received both his bachelor's degree and law degree from the University of Texas.

His career demonstrates his dedication to public service and the law.

I have no objections to the passage of this legislation.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 2423, as amended, a bill to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas as the "George P. Kazen Federal Building and United States Courthouse". The Federal building and U.S. Courthouse designation will become effective when Judge George P. Kazen retires and is no longer serving as a federal judge. The bill was introduced by the gentleman from Texas (Mr. CUELLAR) and has bipartisan support.

George P. Kazen was born in Laredo, Texas, in 1940. In 1960, he earned a bachelor's degree in Business Administration from the University of Texas. He later earned his law degree from the University of Texas School of Law in 1961. Kazen began his professional career as a Briefing Attorney for the Texas Supreme Court in 1961 and 1962. From 1962 to 1965, he was a U.S. Air Force Captain in the JAG Corps. Following his military service, Kazen worked in a private practice in Laredo until 1979.

In 1979, President Jimmy Carter nominated George P. Kazen as a U.S. District Court Judge for the Southern District of Texas. Judge Kazen has served on the bench for more than 30 years, including as Chief Judge from 1996 to 2003. On May 31, 2009, he assumed senior status on the court.

During his tenure on the bench, Judge Kazen considered a wide variety of cases. In *Luna v. Van Zandt*, a 1982 case, he invalidated a Texas statute that allowed for the detaining of individuals perceived as mentally ill for up to 14 days without a commitment hearing. In addition, Judge Kazen has testified before Congress and written several articles on issues of Federalism and the courts. Outside of the courtroom, Judge Kazen is a stalwart of his community, serving on numerous civic organizations in South Texas.

Given Judge George P. Kazen's exemplary public service, it is fitting to designate the Federal building and United States courthouse lo-

cated at 1300 Victoria Street in Laredo, Texas, as the "George P. Kazen Federal Building and United States Courthouse".

I urge my colleagues to join me in supporting H.R. 2423.

Mr. MARIO DIAZ-BALART of Florida. I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and pass the bill, H.R. 2423, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. HIRONO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### NATIONAL WOMEN'S HISTORY MUSEUM ACT OF 2009

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1700) to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1700

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "National Women's History Museum Act of 2009".*

#### SEC. 2. DEFINITIONS.

*In this Act, the following definitions apply:*

(1) **ADMINISTRATOR.**—The term "Administrator" means the Administrator of General Services.

(2) **CERCLA.**—The term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(3) **COMMITTEES.**—The term "Committees" means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(4) **MUSEUM.**—The term "Museum" means the National Women's History Museum, Inc., a District of Columbia nonprofit corporation exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

(5) **PROPERTY.**—The term "property" means the property located in the District of Columbia, subject to survey and as determined by the Administrator, generally consisting of Squares 325 and 326. The property is generally bounded by 12th Street, Independence Avenue, C Street, and the James Forrestal Building, all in Southwest Washington, District of Columbia, and shall include all associated air rights, improvements thereon, and appurtenances thereto.

#### SEC. 3. CONVEYANCE OF PROPERTY.

(a) **AUTHORITY TO CONVEY.**—

(1) **IN GENERAL.**—Subject to the requirements of this Act, the Administrator shall convey the property to the Museum on such terms and conditions as the Administrator considers reasonable and appropriate to protect the interests of the United States and further the purposes of this Act.

(2) **AGREEMENT.**—As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Administrator shall enter into an agreement with the Museum for the conveyance.

(3) **TERMS AND CONDITIONS.**—The terms and conditions of the agreement shall address, among other things, mitigation of developmental impacts to existing Federal buildings and structures, security concerns, and operational protocols for development and use of the property.

(b) **PURCHASE PRICE.**—

(1) **IN GENERAL.**—The purchase price for the property shall be its fair market value based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Museum.

(2) **SELECTION OF APPRAISER.**—The appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Museum.

(3) **TERMS AND CONDITIONS FOR APPRAISAL.**—

(A) **IN GENERAL.**—Except as provided by subparagraph (B), the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Museum.

(B) **REQUIRED TERMS.**—The appraisal shall assume that the property does not contain hazardous substances (as defined in section 101 of CERCLA (42 U.S.C. 9601)) which require response action (as defined in such section).

(c) **APPLICATION OF PROCEEDS.**—The purchase price shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code. Upon deposit, the Administrator may expend, in amounts specified in appropriations Acts, the proceeds from the conveyance for any lawful purpose consistent with existing authorities granted to the Administrator, except that the Administrator shall provide the Committees with 30 days advance written notice of any expenditure of the proceeds.

(d) **QUIT CLAIM DEED.**—The property shall be conveyed pursuant to a quit claim deed.

(e) **USE RESTRICTION.**—The property shall be dedicated for use as a site for a national women's history museum for the 99-year period beginning on the date of conveyance to the Museum.

(f) **REVERSION.**—

(1) **BASES FOR REVERSION.**—The property shall revert to the United States, at the option of the United States, without any obligation for repayment by the United States of any amount of the purchase price for the property, if—

(A) the property is not used as a site for a national women's history museum at any time during the 99-year period referred to in subsection (e); or

(B) the Museum has not commenced construction of a museum facility on the property in the 5-year period beginning on the date of enactment of this Act, other than for reasons beyond the control of the Museum as reasonably determined by the Administrator.

(2) **ENFORCEMENT.**—The Administrator may perform any acts necessary to enforce the rever- sionary rights provided in this section.

(3) **CUSTODY OF PROPERTY UPON REVERSION.**—If the property reverts to the United States pursuant to this section, such property shall be under the custody and control of the Administrator.

(g) **CLOSING DEADLINE.**—The conveyance pursuant to this Act shall occur not later than 3

years after the date of enactment of this Act. The Administrator may extend that period for such time as is reasonably necessary for the Museum to perform its obligations under section 4(a).

#### SEC. 4. ENVIRONMENTAL MATTERS.

(a) **AUTHORIZATION TO CONTRACT FOR ENVIRONMENTAL RESPONSE ACTIONS.**—The Administrator is authorized to contract, in an amount not to exceed the purchase price for the property, with the Museum or an affiliate thereof for the performance (on behalf of the Administrator) of response actions (if any) required on the property pursuant to CERCLA.

(b) **CREDITING OF RESPONSE COSTS.**—Any costs incurred by the Museum or an affiliate thereof pursuant to subsection (a) shall be credited to the purchase price for the property.

(c) **RELATIONSHIP TO CERCLA.**—Nothing in this Act may be construed to affect or limit the application of or obligation to comply with any environmental law, including section 120(b) of CERCLA (42 U.S.C. 9620(b)).

#### SEC. 5. INCIDENTAL COSTS.

Subject to section 4, the Museum shall bear any and all costs associated with complying with the provisions of this Act, including studies and reports, surveys, relocating tenants, and mitigating impacts to existing Federal buildings and structures resulting directly from the development of the property by the Museum.

#### SEC. 6. LAND USE APPROVALS.

(a) **EXISTING AUTHORITIES.**—Nothing in this Act shall be construed as limiting or affecting the authority or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts.

##### (b) COOPERATION.—

(1) **ZONING AND LAND USE.**—Subject to paragraph (2), the Administrator shall reasonably cooperate with the Museum with respect to any zoning or other land use matter relating to development of the property in accordance with this Act. Such cooperation shall include consenting to applications by the Museum for applicable zoning and permitting with respect to the property.

(2) **LIMITATIONS.**—The Administrator shall not be required to incur any costs with respect to cooperation under this subsection and any consent provided under this subsection shall be premised on the property being developed and operated in accordance with this Act.

#### SEC. 7. REPORTS.

Not later than one year after the date of enactment of this Act, and annually thereafter until the end of the 5-year period following conveyance of the property or until substantial completion of the museum facility (whichever is later), the Museum shall submit annual reports to the Administrator and the Committees detailing the development and construction activities of the Museum with respect to this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

##### GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 1700.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 1700, as amended, as bill which directs the Administrator of General Services to sell at fair market value property in Southwest Washington, DC to the National Women's History Museum, Inc., a District of Columbia non-profit corporation for the purpose of establishing a museum dedicated to women's history.

This bill was introduced by Mrs. MALONEY and co-sponsored by many members including Subcommittee Chair NORTON, Ranking Member Mr. DIAZ-BALART and myself.

The National Women's History Museum was founded in 1996, and has been seeking a permanent physical location in the Nation's capital since its inception. According to museum officials, the museum intends to build a "green" building that will cost between \$250 and \$350 million. The costs will include designs, plans, construction, and two years of operation. The permanent museum is expected to be a focal point that will have permanent and temporary exhibits, special events, and education materials that highlight women's social, political, and intellectual contributions to history. According to the museum, this facility will house the first permanent and comprehensive record of women's history.

The National Women's History Museum will have five years to raise funds to construct the museum. If, after five years, the fundraising has not been successful, the property will revert back to the Federal government, thus the government's interests are protected.

In general the museum will bear the costs of the sale, including the appraisal.

This bill has bipartisan support and I urge my colleagues to join me in supporting H.R. 1700 as amended.

I yield such time as she may consume to the author of this legislation, Mrs. MALONEY.

Mrs. MALONEY. Thank you so much for yielding.

This is a very important day for women's history. Today, we are recognizing the immense contributions women have made to our Nation by voting to help create the National Women's History Museum.

I am grateful to Chairman OBERSTAR for his support in moving this bill through committee. And of course I thank my partner in this, Chairwoman ELEANOR HOLMES NORTON, whose dedication and commitment in creating a museum about women has been persistent and strong. And I thank her staff, Susan Brita, and mine, Orly Isaacson, for their hard work.

We have been working on this effort for well over 10 years to provide women, comprising 53 percent of our population, recognition of their many contributions that are the very fabric of our country. I strongly urge my colleagues to vote in favor of this bipartisan bill and bring the Women's History Museum to the National Mall.

There are 211 statues in the Capitol Building, each honoring a leader from our Nation's history, but only 11 of these statues are of female leaders. Of

America's 2,004 historic landmarks, fewer than five chronicle the achievements of women. Even more troubling, a recent study revealed that only one of every 10 people identified in the 18 most commonly used U.S. history textbooks is female.

The museums and memorials in Washington are one measure of what our society values. We already have museums for stamps and for spies, but not one dedicated to women. This bill would honor our Nation's foremothers and inspire future generations of women leaders by providing a space on the National Mall to honor women's contributions to American history.

From Susan B. Anthony to Sojourner Truth to Oprah Winfrey, from Hattie Caraway, the first woman elected to the United States Senate, to Sonia Sotomayor, our Nation's first Latina woman appointed to the U.S. Supreme Court, the story of what women have contributed to the American way of life is a very long, overdue story.

The bill directs the General Services Administration to sell property located across from the National Mall at 12th and Independence to the museum at a fair market price. Reasonable time frames are included for the transfer of the property and the beginning of construction. The museum will be built and maintained with private funds.

I urge my colleagues to support the National Women's History Museum, and in so doing, honor our mothers, sisters, wives, and daughters.

I am really thrilled that it is here before us on the floor today. For too long, women's history has been missing from textbooks, memorials, museums, exhibits, and many other venues. With this bill designating a permanent building site, this museum will bring to life and tell all the stories of American history, male and female alike.

I would also like to recognize and thank the National Women's History Museum, and especially Joan Wages, their president. The museum played a leading role in moving the suffragist's statue out of the basement into the living room of the Capitol, Statuary Hall. They have been working with me and ELEANOR HOLMES NORTON on this project well over 10 years. I look forward to continuing our work together as we see the museum built right across from our National Mall, and that we have, for the first time, a national museum dedicated to the many contributions of women.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this is a nonpartisan, not-for-profit educational institution dedicated to preserving, interpreting, and celebrating the diverse and important historic contributions of women and integrating this rich heritage fully into our Nation's history in a place



where everyone will be able to see, everyone will be able to visit right here in the heart of the Nation's Capital.

Again, H.R. 1700 is intended to help pave the way for a women's museum in the Nation's Capital dedicated to recognizing the significant contributions of women throughout our wonderful and rich history. And despite the significant contributions of women throughout the history of our country, frankly, women continue to be under-represented in exhibits featured in our museums.

The stories and contributions of women are critical to understanding our history as a Nation. And this is one way, just one way, that we can ensure that this history is passed along to our sons and to our daughters.

I think it is very befitting that this legislation would provide a prominent site for the National Women's History Museum near the National Mall, again, right here in our Nation's Capital.

I am pleased to be a cosponsor of this bill, along with approximately 50 other of my colleagues. I also want to recognize the work of not only Representative MALONEY and Chairwoman NORTON, who chairs our subcommittee with great distinction, but also Senator SUSAN COLLINS, who has worked tirelessly over the previous Congresses on legislation to secure a site for the National Women's History Museum.

I support the passage of this legislation, Mr. Speaker, and I urge my colleagues to do so same.

Mr. Speaker, I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I yield 2 minutes to the Honorable ELEANOR HOLMES NORTON of Washington, D.C.

Ms. NORTON. I thank you for yielding. And I thank the ranking member of the subcommittee for working with me to make sure that this bill came to the floor today. I especially thank my good friend, the original sponsor of this bill, the gentlewoman from New York, who has worked tirelessly to make sure this bill got done. And I want to take note of the women who for 10 years have never given up on this idea.

I had to overcome a presumption against transferring Federal property, so I encountered many difficulties in trying to get this bill through. But women never say no, and that is very important to achieving what is long overdue, this bill.

And note what the mission of the National Women's Museum is: to research, collect and showcase the contributions of women in professional fields as well as honor women's roles in nurturing their families and communicates. Women are absent from the Mall. Women are absent from prominent government sites. Part of it has to do with inequality of women in our society, that they haven't as often done what comes to light, but even when what comes to light comes, they

are not recognized. That's why we need a women's museum. We note that this year there are women winning Nobel Prizes in science and economics, which shows you that you are going to have a lot to honor in this museum very quickly.

We went through regular order. The Women's museum has to buy the parcel at market value. They have 5 years to raise the money or it reverts back to the government. That is regular order; that's the way it always is when we transfer a property. But the women are geared up and ready to go, and I thank all concerned for making this bill possible today, especially my partner in this enterprise, the gentlelady from New York, and most of all the women themselves who refused to give up and now have what they deserve.

□ 1445

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. HIRONO. I yield 2 minutes to the gentleman from Virginia, the Honorable JIM MORAN.

Mr. MORAN of Virginia. Mr. Speaker, in a perfect world, this legislation would not be necessary, but gosh sakes, only 5 percent of our national historic landmarks are in recognition of the accomplishments of more than half of our population. This is long overdue.

I want to particularly recognize the sponsor, Chairwoman CAROLYN MALONEY; Joan Wages, who was head of the National Women's History Museum idea for a number of years; MAZIE HIRONO; and of course, her very able assistant for our public buildings, Susan Brita. All of these folks, who happen to be women, have brought this about.

I want to underscore the fact that it simply authorizes the General Services Administration to convey a parcel of real property near the National Mall for the establishment of the National Women's History Museum. Fair market rates prevail, and the museum will be funded with private contributions. Since it is for women, about women and by women, they're going to achieve that contrary to some of the other things we've attempted. This is going to be a museum that all of the Nation's population is going to be very proud of. It's long overdue. Let's get it done.

Thanks to all who were involved in making it happen.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. HIRONO. I yield 2 minutes to the gentlewoman from California, the Honorable LYNN WOOLSEY.

Ms. WOOLSEY. Thank you, Madam Hirono, and thank you to the gentlewoman from New York for all you do for women day in and day out.

Mr. Speaker, I rise in strong support of H.R. 1700, the National Women's History Museum Act of 2009. It is impor-

tant because Congress and our Nation, as a whole, must find ways to honor the important roles of women, roles that women have played in shaping our very country.

Unfortunately, before the 1970s, the subject of women's history was largely missing from our schools, and it was absent completely in media coverage and in cultural celebrations. That's why, when I chaired the Sonoma County Commission on the status of women in 1978, the commission's education task force initiated a Women's History Week celebration, centered around international women's history day. That celebration, that very celebration, started a national movement.

In 1981, Congress responded to the growing popularity of Women's History Week, which was led by the women from my community in Sonoma County, by making it a national observance, and it eventually expanded the week to a month in 1987. During National Women's History Month, many cities and towns celebrate women's contributions through parades and other activities.

By building a National Women's History Museum, we will ensure that our Nation celebrates women not just during 1 month but throughout the year, every year, and it will ensure that young families, young girls and young boys come to Washington, D.C., to visit the women's museum and to remember what women have contributed and are contributing.

Again, I would like to thank my colleague from New York, Representative MALONEY, for her leadership.

I urge my colleagues to support this important bill.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. HIRONO. I yield 1 minute to the gentleman from Pennsylvania, the Honorable CHAKA FATTAH.

Mr. FATTAH. Let me thank the gentlewoman, and let me thank the sponsor of this bill, the gentlewoman from New York.

Mr. Speaker, I rise in one of my proudest moments in the House to support this legislation. As the father of three daughters, I am looking forward to the day I can bring them to the museum here in Washington to learn about the great achievements that continue until this day of women throughout the United States of America in all fields and endeavors.

So I congratulate the sponsor, and I hope for its favorable consideration.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, I want to thank all of the speakers who supported this resolution. As a woman, of course, it has special meaning to me as well as to all of the other women in the House.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 1700, as amended, a bill to direct

the Administrator of the General Services Administration to sell, at fair market value, real property in southwest Washington, DC, commonly known as the "Cotton Annex" site, to the National Women's History Museum, Inc., NWHM, a District of Columbia nonprofit corporation, for the purpose of establishing a museum dedicated to women's history. The site is bounded by 12th Street SW., Independence Ave., the James Forrestal Building, and C Street SW. The NWHM is a nonpartisan, educational institution with a mission of highlighting and celebrating the historic contributions of women in the United States. The bill was introduced by the gentlewoman from New York (Mrs. MALONEY) and has bipartisan support.

H.R. 1700 requires that fair market value of the property be determined by highest and best use, as determined by an independent appraisal commissioned by the Administrator of the General Services Administration, GSA, and paid for by the museum.

The National Women's History Museum will have 5 years to raise funds to construct the museum. If, after 5 years, the fundraising effort has not been successful, the property will revert back to the Federal Government. The Federal Government is further protected by limiting use of the parcel as a site for the National Women's History Museum for 99 years.

It is with great pleasure and satisfaction that I support H.R. 1700, as amended. The committee has worked with staff from the Women's Museum for almost 10 years to find a suitable site, determine an appropriate disposal method, and identify terms and conditions that were acceptable to GSA.

I urge my colleagues to join me in supporting H.R. 1700.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here before you not only as a member of the United States Congress, but as a woman. I fully support H.R. 1700, "National Women's History Museum Act of 2009", this is an issue that I hold dear to my heart. This bill will increase awareness and knowledge of women's involvement in history.

Women's history is a vital part of American history, however it is not public knowledge; mostly in part to the lack of women's history education in the schools. The establishment of a National Women's History Museum would be a great tribute to all of those women whose stories are not told in history books. We must celebrate the women who paved the way for the rest of us. I thank my colleague Representative MALONEY, for introducing this valuable piece of legislation.

Today, women account for 51 percent of the world's population and throughout "woman's-kind" we have had countless sisters whose brilliance, bravery and power changed the course of history. H.R. 1700 will provide for an establishment which will recognize and honor the women and organizations in the United States that have fought for and continue to promote women's history.

A National Women's History Museum will bring awareness to all of those women who have broken barriers and glass ceilings for the rest of us. Women such as the honorable Speaker PELOSI, the honorable Ruth Bader Ginsburg, Shirley Chisholm, Susan B. Anthony, Barbara Jordan, Sojourner Truth,

Sacagawea, Rosa Parks, Amelia Earhart, Annie Oakley, and the list could go on for miles.

A museum devoted to women's history will shed light not only on well known women of history, but also those less renowned, such as Belva Ann Lockwood, who fought for admittance into law school. She fought to practice before the Supreme Court and even ran two full campaigns to run for President of the United States, although she could not vote.

In Texas, women such as former Governor Ann Richards, who was an accomplished political worker, Texas state treasurer, and Governor of Texas. Furthermore, Rosanna Osterman was a Texas pioneer, American Civil War nurse and philanthropist. She lived in Galveston, and during the 1853 yellow fever epidemic, she erected a temporary hospital on her family premises in order to nurse the sick and the dying. Osterman also chose to stay in Galveston during the civil war and opened her home as a hospital, first to Union soldiers, then to Confederate soldiers.

American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways. They have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home.

American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation and were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation. In addition, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement. American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in literature and the teaching and study of American history which is even more reason to dedicate a museum to all of the trailblazing women throughout history.

Ms. HIRONO. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and pass the bill, H.R. 1700, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 768, by the yeas and nays;  
H.R. 1327, by the yeas and nays;  
H. Res. 816, by the yeas and nays;  
H. Res. 786, by the yeas and nays;  
H.R. 3371, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## SUPPORTING NATIONAL WORK AND FAMILY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 768, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLON) that the House suspend the rules and agree to the resolution, H. Res. 768, as amended.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 775]

YEAS—415

Abercrombie	Brown (GA)	Cuellar
Ackerman	Brown (SC)	Culberson
Aderholt	Brown, Corrine	Cummings
Akin	Brown-Waite,	Dahlkemper
Alexander	Ginny	Davis (AL)
Altmire	Buchanan	Davis (CA)
Arcuri	Burgess	Davis (IL)
Austria	Burton (IN)	Davis (KY)
Baca	Butterfield	Davis (TN)
Bachmann	Buyer	Deal (GA)
Bachus	Calvert	DeFazio
Baird	Camp	DeGette
Baldwin	Campbell	Delahunt
Barrett (SC)	Cantor	DeLauro
Barrow	Capito	Dent
Bartlett	Capps	Diaz-Balart, L.
Barton (TX)	Capuano	Diaz-Balart, M.
Bean	Cardoza	Dicks
Becerra	Carnahan	Dingell
Berkley	Carson (IN)	Doggett
Berman	Carter	Donnelly (IN)
Berry	Cassidy	Doyle
Biggert	Castle	Dreier
Bilbray	Castor (FL)	Driehaus
Bishop (GA)	Chaffetz	Duncan
Bishop (NY)	Chandler	Edwards (MD)
Blackburn	Childers	Edwards (TX)
Blumenauer	Chu	Ehlers
Blunt	Clarke	Ellison
Bocciari	Clay	Ellsworth
Boehner	Cleaver	Emerson
Bonner	Clyburn	Engel
Bono Mack	Coble	Eshoo
Boozman	Coffman (CO)	Etheridge
Boren	Cohen	Fallin
Boswell	Conaway	Farr
Boucher	Connolly (VA)	Fattah
Boustany	Cooper	Finer
Boyd	Costa	Flake
Brady (PA)	Costello	Fleming
Brady (TX)	Courtney	Forbes
Braley (IA)	Crenshaw	Fortenberry
Bright	Crowley	Foster



Foxx  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hodes  
Hoekstra  
Holden  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebback

Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Tierney  
Titus  
Payne  
Pence  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman

Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schalisse  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocciari

Wolf  
Woolsey  
Adler (NJ)  
Andrews  
Bilirakis  
Bishop (UT)  
Cao  
Carney  
Cole  
Conyers  
Hirono  
Holt  
Kilroy  
Mollohan  
Schock  
Serrano  
Shuster  
Wasserman  
Schultz  
Wexler  
NOT VOTING—17  
□ 1515  
So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.  
The result of the vote was announced as above recorded.  
A motion to reconsider was laid on the table.  
Stated for:  
Mr. COLE. Mr. Speaker, on Wednesday, October 14, 2009, I was unavoidably detained and I missed the first vote in a series of five votes. I missed rollcall vote No. 775.  
Had I been present and voting, I would have voted as follows: Rollcall vote No. 775: “yea” (on agreeing to H. Res. 768).

#### IRAN SANCTIONS ENABLING ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1327, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 1327, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 6, not voting 12, as follows:

[Roll No. 776]

YEAS—414

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocciari

Boehner  
Bonner  
Bono Mack  
Boozman  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culbertson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette

Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culbertson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette

Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxx  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Higgins  
Hill  
Himes  
Hinojosa  
Hodes  
Hoekstra  
Holden  
Holt  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind

King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kratovil  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebback  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascrell

Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schalisse  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi

Tierney	Walden	Wilson (OH)
Titus	Wamp	Wilson (SC)
Tonko	Waters	Wittman
Towns	Watson	Wolf
Tsongas	Watt	Woolsey
Turner	Waxman	Wu
Upton	Weiner	Yarmuth
Van Hollen	Welch	Young (AK)
Velázquez	Westmoreland	Young (FL)
Visclosky	Whitfield	

## NAYS—6

Flake	Jones	McDermott
Hinchey	Kucinich	Paul

## NOT VOTING—12

Boren	Hirono	Wasserman
Cao	Honda	Schultz
Carney	Mollohan	Wexler
Conyers	Mollohan	
Hereth Sandlin	Walz	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1527

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WALZ. Mr. Speaker, due to unforeseen circumstances, I missed rollcall vote No. 776 on motion to suspend the rules and pass H.R. 1327, the Iran Sanctions Enabling Act of 2009 as amended. Had I been present, I would have voted "yea."

Ms. HERSETH SANDLIN. Mr. Speaker, I regret that I was unable to participate in a vote on the floor of the House of Representatives today.

The vote was on H.R. 1327 as amended, the Iran Sanctions Enabling Act of 2009. Had I been present, I would have voted "yea" on that question.

# MOURNING THE LOSS OF LIFE ON AMERICAN SAMOA AND SAMOA AFTER THE EARTHQUAKES AND TSUNAMIS ON SEPTEMBER 29, 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 816, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 816, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 777]

YEAS—422

Abercrombie	Aderholt	Akin
Ackerman	Adler (NJ)	Alexander

Altmire	DeGette	Kennedy	Oberstar	Rothman (NJ)	Stearns
Andrews	Delahunt	Kildee	Obey	Roybal-Allard	Stupak
Arcuri	DeLauro	Kilpatrick (MI)	Olson	Royce	Sullivan
Austria	Dent	Kilroy	Olver	Ruppersberger	Sutton
Baca	Diaz-Balart, L.	Kind	Ortiz	Rush	Tanner
Bachmann	Diaz-Balart, M.	King (IA)	Pallone	Ryan (OH)	Taylor
Bachus	Dicks	King (NY)	Pascarella	Ryan (WI)	Teague
Baird	Dingell	Kingston	Pastor (AZ)	Salazar	Terry
Baldwin	Doggett	Kirk	Paul	Sánchez, Linda	Thompson (CA)
Barrett (SC)	Donnelly (IN)	Kirkpatrick (AZ)	Paulsen	T.	Thompson (MS)
Barrow	Doyle	Kissell	Payne	Sanchez, Loretta	Thompson (PA)
Bartlett	Dreier	Klein (FL)	Pence	Sarbanes	Thornberry
Barton (TX)	Driehaus	Kline (MN)	Perlmutter	Scalise	Tiahrt
Bean	Duncan	Kosmas	Perriello	Schakowsky	Tiberi
Becerra	Edwards (MD)	Kratovil	Peters	Schiff	Tierney
Berkley	Edwards (TX)	Kucinich	Peterson	Schmitt	Titus
Berman	Ehlers	Lamborn	Petri	Schock	Tonko
Berry	Ellison	Lance	Pingree (ME)	Schrader	Towns
Biggert	Ellsworth	Langevin	Pitts	Schwartz	Tsongas
Bilbray	Emerson	Larsen (WA)	Platts	Scott (GA)	Turner
Billakis	Engel	Larson (CT)	Poe (TX)	Scott (VA)	Upton
Bishop (GA)	Eshoo	Latham	Polis (CO)	Sensenbrenner	Van Hollen
Bishop (NY)	Etheridge	LaTourette	Pomeroy	Serrano	Velázquez
Bishop (UT)	Fallin	Latta	Posey	Sessions	Visclosky
Blackburn	Farr	Lee (CA)	Price (GA)	Sestak	Walden
Blumenauer	Fattah	Lee (NY)	Price (NC)	Shadegg	Walz
Blunt	Finer	Levin	Putnam	Shea-Porter	Wamp
Boccieri	Flake	Lewis (CA)	Quigley	Sherman	Watson
Boehner	Fleming	Lewis (GA)	Radanovich	Shimkus	Waxman
Bonner	Forbes	Linder	Rahall	Shuler	Weiner
Bono Mack	Fortenberry	Lipinski	Rangel	Simpson	Welch
Boozman	Foster	LoBiondo	Rehberg	Sires	Westmoreland
Boren	Fox	Loebach	Reichert	Skellton	Whitfield
Boswell	Frank (MA)	Lofgren, Zoe	Reyes	Slaughter	Wilson (OH)
Boucher	Franks (AZ)	Lowey	Richardson	Smith (NE)	Wilson (SC)
Boustany	Frelinghuysen	Lucas	Rodriguez	Smith (NJ)	Wittman
Boyd	Fudge	Luetkemeyer	Roe (TN)	Smith (TX)	Wolf
Brady (PA)	Gallegly	Luján	Rogers (AL)	Snyder	Woolsey
Brady (TX)	Garrett (NJ)	Lummis	Rogers (KY)	Souder	Wu
Braley (IA)	Gerlach	Lungren, Daniel	Rogers (MI)	Space	Yarmuth
Bright	Giffords	E.	Rohrabacher	Speier	Young (AK)
Broun (GA)	Gingrey (GA)	Lynch	Rooney	Spratt	Young (FL)
Brown (SC)	Gohmert	Mack	Ros-Lehtinen	Stark	
Brown, Corrine	Gonzalez	Maffei	Roskam		
Brown-Waite,	Goodlatte	Maloney	Ross		
Ginny	Gordon (TN)	Manzullo			
Buchanan	Granger	Marchant			
Burgess	Graves	Markey (CO)			
Burton (IN)	Grayson	Markey (MA)			
Butterfield	Green, Al	Marshall			
Buyer	Green, Gene	Massa			
Calvert	Griffith	Matheson			
Camp	Grijalva	Matsui			
Campbell	Guthrie	McCarthy (CA)			
Cantor	Gutierrez	McCarthy (NY)			
Capito	Hall (NY)	McCaul			
Capps	Hall (TX)	McClintock			
Capuano	Halvorson	McCollum			
Cardoza	Hare	McCotter			
Carnahan	Harman	McDermott			
Carson (IN)	Harper	McGovern			
Carter	Hastings (FL)	McHenry			
Cassidy	Hastings (WA)	McIntyre			
Castle	Heinrich	McKeon			
Castor (FL)	Heller	McMahon			
Chaffetz	Hensarling	McMorris			
Chandler	Herger	Rodgers			
Childers	Herseth Sandlin	McNerney			
Chu	Higgins	Meek (FL)			
Clarke	Hill	Meeks (NY)			
Clay	Himes	Melancon			
Cleaver	Hinche	Mica			
Clyburn	Hinojosa	Michaud			
Coble	Hodes	Miller (FL)			
Coffman (CO)	Hoekstra	Miller (MI)			
Cohen	Holden	Miller (NC)			
Cole	Holt	Miller, Gary			
Conaway	Hoyer	Miller, George			
Connolly (VA)	Hunter	Minnick			
Cooper	Inglis	Mitchell			
Costa	Inslee	Moore (KS)			
Costello	Israel	Moore (WI)			
Courtney	Issa	Moran (KS)			
Crenshaw	Jackson (IL)	Moran (VA)			
Crowley	Jackson-Lee	Murphy (CT)			
Cuellar	(TX)	Murphy (NY)			
Culberson	Jenkins	Murphy, Patrick			
Cummings	Johnson (GA)	Murphy, Tim			
Dahlkemper	Johnson (IL)	Murtha			
Davis (AL)	Johnson, E. B.	Myrick			
Davis (CA)	Johnson, Sam	Nadler (NY)			
Davis (IL)	Jones	Napolitano			
Davis (KY)	Jordan (OH)	Neal (MA)			
Davis (TN)	Kagen	Neugebauer			
Deal (GA)	Kanjorski	Nunes			
DeFazio	Kaptur	Nye			

Rothman (NJ)	Stearns
Roybal-Allard	Stupak
Royce	Sullivan
Ruppersberger	Sutton
Rush	Tanner
Ryan (OH)	Taylor
Ryan (WI)	Teague
Salazar	Terry
Sánchez, Linda	Thompson (CA)
T.	Thompson (MS)
Sanchez, Loretta	Thompson (PA)
Sarbanes	Thornberry
Scalise	Tiahrt
Schakowsky	Tiberi
Schauer	Tierney
Schiff	Titus
Schmitt	Tonko
Schock	Towns
Schrader	Tsongas
Schwartz	Turner
Scott (GA)	Upton
Scott (VA)	Van Hollen
Sensenbrenner	Velázquez
Serrano	Visclosky
Sessions	Walden
Sestak	Walz
Shadegg	Wamp
Shea-Porter	Watson
Sherman	Waxman
Shimkus	Weiner
Shuler	Welch
Simpson	Westmoreland
Sires	Whitfield
Skellton	Wilson (OH)
Slaughter	Wilson (SC)
Smith (NE)	Wittman
Smith (NJ)	Wolf
Smith (TX)	Woolsey
Smith (WA)	Wu
Snyder	Yarmuth
Souder	Young (AK)
Space	Young (FL)
Speier	
Spratt	
Stark	

## NOT VOTING—10

Cao	Honda	Wasserman
Carney	Mollohan	Schultz
Conyers	Shuster	Watt
Hirono		Wexler

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains in this vote.

□ 1534

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa, Samoa, and Tonga."

A motion to reconsider was laid on the table.

# AIRLINE SAFETY AND PILOT TRAINING IMPROVEMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3371, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 3371, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 11, not voting 12, as follows:

[Roll No. 778]

YEAS—409

Abercrombie	Crowley	Hunter
Ackerman	Cuellar	Inslee
Aderholt	Culberson	Israel
Adler (NJ)	Cummings	Issa
Akin	Dahlkemper	Jackson (IL)
Alexander	Davis (AL)	Jackson-Lee
Altmire	Davis (CA)	(TX)
Andrews	Davis (IL)	Jenkins
Arcuri	Davis (KY)	Johnson (GA)
Austria	Davis (TN)	Johnson (IL)
Baca	Deal (GA)	Johnson, Sam
Bachmann	DeFazio	Jones
Bachus	DeGette	Jordan (OH)
Baird	Delahunt	Kagen
Baldwin	DeLauro	Kanjorski
Barrett (SC)	Dent	Kaptur
Barrow	Diaz-Balart, L.	Kennedy
Bartlett	Diaz-Balart, M.	Kildee
Barton (TX)	Dicks	Kilpatrick (MI)
Bean	Dingell	Kilroy
Becerra	Doggett	Kind
Berkley	Donnelly (IN)	King (IA)
Berman	Doyle	King (NY)
Berry	Dreier	Kingston
Biggert	Driebeaus	Kirk
Bilbray	Duncan	Kirkpatrick (AZ)
Bilirakis	Edwards (MD)	Kissell
Bishop (GA)	Edwards (TX)	Klein (FL)
Bishop (NY)	Ehlers	Kline (MN)
Blumenauer	Ellison	Kosmas
Blunt	Ellsworth	Kratovil
Bocieri	Emerson	Kucinich
Boehner	Engel	Lamborn
Bonner	Eshoo	Lance
Bono Mack	Etheridge	Langevin
Boozman	Fallin	Larsen (WA)
Boren	Farr	Larson (CT)
Boswell	Fattah	Latham
Boucher	Filner	LaTourette
Boustany	Fleming	Latta
Boyd	Forbes	Lee (CA)
Brady (PA)	Fortenberry	Lee (NY)
Brady (TX)	Foster	Levin
Braley (IA)	Fox	Lewis (CA)
Bright	Frank (MA)	Lewis (GA)
Brown (SC)	Franks (AZ)	Linder
Brown, Corrine	Frelinghuysen	Lipinski
Brown-Waite,	Fudge	LoBiondo
Ginny	Gallegly	Loebsack
Buchanan	Garrett (NJ)	Loftgren, Zoe
Burgess	Gerlach	Lowe
Burton (IN)	Giffords	Lucas
Butterfield	Gingrey (GA)	Luetkemeyer
Buyer	Gohmert	Luján
Calvert	Gonzalez	Lummis
Camp	Goodlatte	Lungren, Daniel
Campbell	Gordon (TN)	E.
Cantor	Granger	Lynch
Capito	Grayson	Mack
Capps	Green, Al	Maffei
Capuano	Green, Gene	Maloney
Cardoza	Griffith	Manzullo
Carnahan	Grijalva	Marchant
Carson (IN)	Guthrie	Markey (CO)
Carter	Gutierrez	Markey (MA)
Cassidy	Hall (NY)	Marshall
Castle	Halvorson	Massa
Castor (FL)	Hare	Matheson
Chaffetz	Harman	Matsui
Chandler	Harper	McCarthy (CA)
Childers	Hastings (FL)	McCarthy (NY)
Chu	Hastings (WA)	McCaul
Clarke	Heinrich	McClintock
Clay	Heller	McCollum
Cleaver	Hensarling	McCotter
Clyburn	Herger	McDermott
Coble	Herseth Sandlin	McGovern
Coffman (CO)	Higgins	McHenry
Cohen	Hill	McIntyre
Cole	Himes	McKeon
Conaway	Hinchey	McMahon
Connolly (VA)	Hinojosa	McMorris
Cooper	Hodes	Rodgers
Costa	Hoekstra	McNerney
Costello	Holden	Meek (FL)
Courtney	Holt	Meeks (NY)
Crenshaw	Hoyer	Melancon

Mica	Radanovich	Smith (NJ)
Michaud	Rahall	Smith (TX)
Miller (FL)	Rangel	Smith (WA)
Miller (MI)	Rehberg	Snyder
Miller (NC)	Reichert	Souder
Miller, Gary	Reyes	Space
Miller, George	Richardson	Speier
Minnick	Rodriguez	Spratt
Mitchell	Roe (TN)	Stark
Moore (KS)	Rogers (AL)	Stearns
Moore (WI)	Rogers (KY)	Stupak
Moran (KS)	Rogers (MI)	Sullivan
Moran (VA)	Rohrabacher	Sutton
Murphy (CT)	Rooney	Tanner
Murphy (NY)	Ros-Lehtinen	Taylor
Murphy, Patrick	Roskam	Teague
Murphy, Tim	Ross	Terry
Murtha	Rothman (NJ)	Thompson (CA)
Myrick	Roybal-Allard	Thompson (MS)
Nadler (NY)	Royce	Thompson (PA)
Napolitano	Ruppersberger	Thornberry
Neal (MA)	Rush	Tiahrt
Neugebauer	Ryan (OH)	Tiberi
Nunes	Ryan (WI)	Tierney
Nye	Salazar	Titus
Oberstar	Sánchez, Linda	Tonko
Obey	T.	Towns
Olson	Sanchez, Loretta	Tsongas
Oliver	Sarbanes	Turner
Ortiz	Scalise	Upton
Pallone	Schakowsky	Van Hollen
Pascarella	Schauer	Velázquez
Pastor (AZ)	Schiff	Visclosky
Paulsen	Schmidt	Walden
Payne	Schock	Walz
Pence	Schwartz	Wamp
Perlmutter	Scott (GA)	Waters
Perriello	Scott (VA)	Watson
Peters	Serrano	Watt
Peterson	Sessions	Waxman
Petri	Sestak	Weiner
Pingree (ME)	Shadegg	Welch
Pitts	Shea-Porter	Wilson (OH)
Platts	Sherman	Wilson (SC)
Poe (TX)	Shimkus	Wittman
Polis (CO)	Shuler	Wolf
Pomeroy	Simpson	Woolsey
Posey	Sires	Wu
Price (NC)	Skelton	Yarmuth
Putnam	Slaughter	Young (AK)
Quigley	Smith (NE)	Young (FL)

NAYS—11

Bishop (UT)	Graves	Sensenbrenner
Blackburn	Inglis	Westmoreland
Broun (GA)	Paul	Whitfield
Flake	Price (GA)	

NOT VOTING—12

Cao	Honda	Wasserman
Carney	Johnson, E. B.	Schultz
Conyers	Mollohan	Wexler
Hall (TX)	Schrader	
Hirono	Shuster	

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). After the pending vote on H.R. 3371, the unfinished business will be on House Resolution 786, which originally had been slated as an earlier vote.

□ 1544

Messrs. WESTMORELAND, BROUN of Georgia and INGLIS changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### COMMEMORATING THE CANONIZATION OF FATHER DAMIEN DE VEUSTER TO SAINTHOOD

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 786, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 786, as amended.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 779]

YEAS—418

Abercrombie	Castor (FL)	Franks (AZ)
Ackerman	Chaffetz	Frelinghuysen
Aderholt	Chandler	Fudge
Adler (NJ)	Childers	Gallegly
Akin	Chu	Garrett (NJ)
Alexander	Clarke	Gerlach
Altmire	Clay	Giffords
Andrews	Cleaver	Gingrey (GA)
Arcuri	Clyburn	Gohmert
Austria	Coble	Gonzalez
Baca	Coffman (CO)	Goodlatte
Bachmann	Cohen	Gordon (TN)
Bachus	Cole	Granger
Baird	Conaway	Graves
Baldwin	Connolly (VA)	Grayson
Barrett (SC)	Cooper	Green, Al
Barrow	Costa	Green, Gene
Bartlett	Costello	Griffith
Barton (TX)	Courtney	Grijalva
Bean	Crenshaw	Guthrie
Becerra	Crowley	Gutierrez
Berkley	Cuellar	Hall (NY)
Berman	Culberson	Halvorson
Berry	Cummings	Hare
Biggert	Dahlkemper	Harman
Bilbray	Davis (AL)	Harper
Bilirakis	Davis (CA)	Hastings (FL)
Bishop (GA)	Davis (IL)	Hastings (WA)
Bishop (NY)	Davis (KY)	Heinrich
Bishop (UT)	Davis (TN)	Heller
Blackburn	Deal (GA)	Hensarling
Blumenauer	DeFazio	Herger
Blunt	DeGette	Herseth Sandlin
Bocieri	Delahunt	Higgins
Boehner	DeLauro	Hill
Bonner	Dent	Himes
Bono Mack	Diaz-Balart, L.	Hinchey
Boozman	Diaz-Balart, M.	Hinojosa
Boren	Dicks	Hoekstra
Boucher	Dingell	Holden
Boustany	Doggett	Holt
Boyd	Donnelly (IN)	Hoyer
Brady (PA)	Doyle	Hunter
Brady (TX)	Dreier	Inglis
Braley (IA)	Driebeaus	Inslee
Bright	Duncan	Israel
Broun (GA)	Edwards (MD)	Issa
Brown (SC)	Edwards (TX)	Jackson (IL)
Brown, Corrine	Ehlers	Jackson-Lee
Buchanan	Ellison	(TX)
Burgess	Ellsworth	Jenkins
Burton (IN)	Emerson	Johnson (GA)
Butterfield	Engel	Johnson (IL)
Buyer	Eshoo	Johnson, E. B.
Calvert	Etheridge	Johnson, Sam
Camp	Fallin	Jones
Campbell	Farr	Jordan (OH)
Cantor	Fattah	Kagen
Capito	Filner	Kanjorski
Capuano	Flake	Kaptur
Cardoza	Fleming	Kennedy
Carnahan	Forbes	Kildee
Carson (IN)	Fortenberry	Kilpatrick (MI)
Carter	Foster	Kilroy
Cassidy	Fox	Kind
Castle	Frank (MA)	King (IA)

King (NY)	Moore (WI)	Schiff
Kingston	Moran (KS)	Schmidt
Kirk	Moran (VA)	Schock
Kirkpatrick (AZ)	Murphy (CT)	Schrader
Kissell	Murphy (NY)	Schwartz
Klein (FL)	Murphy, Patrick	Scott (GA)
Kline (MN)	Murphy, Tim	Scott (VA)
Kosmas	Murtha	Sensenbrenner
Kratovil	Myrick	Serrano
Kucinich	Nadler (NY)	Sessions
Lamborn	Napolitano	Sestak
Lance	Neal (MA)	Shadegg
Langevin	Neugebauer	Shea-Porter
Larsen (WA)	Nunes	Sherman
Larson (CT)	Nye	Shimkus
Latham	Oberstar	Shuler
LaTourette	Obey	Simpson
Latta	Olson	Sires
Lee (CA)	Olver	Skelton
Lee (NY)	Ortiz	Slaughter
Levin	Pallone	Smith (NE)
Lewis (CA)	Pascarell	Smith (NJ)
Lewis (GA)	Pastor (AZ)	Smith (TX)
Linder	Paulsen	Smith (WA)
Lipinski	Payne	Snyder
LoBiondo	Pence	Souder
Loeback	Perlmutter	Space
Lofgren, Zoe	Perriello	Speier
Lowe	Peters	Spratt
Lucas	Peterson	Stark
Luetkemeyer	Petri	Stearns
Luján	Pingree (ME)	Stupak
Lummis	Pitts	Sullivan
Lungren, Daniel E.	Platts	Sutton
Lynch	Poe (TX)	Tanner
Mack	Polis (CO)	Taylor
Maffei	Pomeroy	Teague
Maloney	Posey	Terry
Manzullo	Price (GA)	Thompson (CA)
Marchant	Price (NC)	Thompson (MS)
Markey (CO)	Putnam	Thompson (PA)
Markey (MA)	Quigley	Thornberry
Marshall	Radanovich	Tiahrt
Massa	Rahall	Tiberi
Matheson	Rangel	Tierney
Matsui	Rehberg	Titus
McCarthy (CA)	Reichert	Tonko
McCarthy (NY)	Reyes	Towns
McCaul	Richardson	Tsongas
McClintock	Rodriguez	Turner
McCollum	Roe (TN)	Upton
McCotter	Rogers (AL)	Van Hollen
McDermott	Rogers (KY)	Velázquez
McGovern	Rogers (MI)	Visclosky
McHenry	Rohrabacher	Walden
McIntyre	Rooney	Walz
McKeon	Ros-Lehtinen	Wamp
McMahon	Roskam	Waters
McMorris	Ross	Watson
Rodgers	Rothman (NJ)	Watt
McNerney	Roybal-Allard	Waxman
Meek (FL)	Royce	Weiner
Meeks (NY)	Ruppersberger	Welch
Melancon	Rush	Westmoreland
Mica	Ryan (OH)	Whitfield
Michaud	Ryan (WI)	Wilson (OH)
Miller (FL)	Salazar	Wilson (SC)
Miller (MI)	Sánchez, Linda T.	Wittman
Miller (NC)	Sanchez, Loretta	Wolf
Miller, Gary	Sarbanes	Woolsey
Miller, George	Scalise	Wu
Minnick	Schakowsky	Yarmuth
Mitchell	Schauer	Young (AK)
Moore (KS)		Young (FL)

## NOT VOTING—14

Boswell	Conyers	Shuster
Brown-Waite,	Hall (TX)	Wasserman
Ginny	Hirono	Schultz
Cao	Hodes	Wexler
Capps	Honda	
Carney	Mollohan	

□ 1602

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. PETERS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

RECOGNIZING 10TH ANNIVERSARY  
OF THE ATLANTIC INTRACOASTAL  
WATERWAY ASSOCIATION

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 465) recognizing the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 465

*Whereas the Atlantic Intracoastal Waterway (AIWW) was authorized by the Rivers and Harbors Act of 1937 to provide a safe inside navigation channel for commercial shipping, support for and encouragement of interstate commerce, and safe harbor and protection for shipping from inclement weather and wartime enemy attack;*

*Whereas the AIWW, completed in 1940, runs along the southeast coast of the United States from Norfolk, Virginia, to Key West, Florida, and measures 1,088 miles long;*

*Whereas segments of the intracoastal waterway on the Atlantic Coast received their initial congressional authorization through Rivers and Harbors Acts beginning in 1880;*

*Whereas the AIWW is a vital transportation system providing safe, reliable, and efficient navigation for commercial, recreational, and military vessels;*

*Whereas the Corps of Engineers is currently engaged in flood control, hydropower production, environmental restoration, maintenance dredging, lock maintenance, recreation, and navigation projects along the AIWW;*

*Whereas, according to the Corps of Engineers, in 2007 the AIWW supported the transportation of 2,543,000 tons of freight traffic, including commodities such as wheat, corn, soybeans, electrical machinery, iron, coal, gasoline, fabricated metal products, and electrical machinery;*

*Whereas, according to the Corps of Engineers, in 2007 the AIWW supported a total of 34,184 trips made by recreational, commercial, and military vessels;*

*Whereas the AIWW is an integral transportation network supporting the Armed Forces through the shipment of military equipment, fuel, and generators between Norfolk, Virginia, and Kings Bay, Georgia;*

*Whereas the Dismal Swamp Canal, on the AIWW, is the oldest operating artificial waterway in the United States and has been placed on the National Register of Historical Places, was registered as an engineering landmark in 1988, and was included in the National Park Service's Underground Railroad Network to Freedom Program in 2004;*

*Whereas the AIWW has enhanced the lives of the residents of Virginia, North Carolina, South*

*Carolina, Georgia, and Florida, as well as the greater southeastern United States, for more than 6 decades;*

*Whereas the wildlife, flora, and fauna along the AIWW provide ample recreational opportunities for birdwatchers, photographers, and boaters;*

*Whereas the Atlantic Intracoastal Waterway Association was organized in 1999 to address the navigation challenges of the AIWW and to encourage the continuation and further development of waterborne commerce and recreation on the AIWW;*

*Whereas the Association has voiced the interests of commercial and recreational users of the AIWW, earning the title of "Voice of the Waterway";*

*Whereas the Association has been an advocate for maintenance of the AIWW to promote safe, cost-effective navigation; and*

*Whereas the Association promotes the AIWW as a vital marine highway along the Atlantic coast, providing safe navigation for commercial and recreational vessels: Now, therefore, be it*

*Resolved, That the House of Representatives—*  
*(1) recognizes the importance of the Atlantic Intracoastal Waterway to recreational, commercial, and military vessels and to the history and quality of life of the citizens of the United States; and*

*(2) acknowledges the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

## GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous remarks on H. Res. 465.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia? There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 465 offered by Mr. BROWN of South Carolina. This resolution recognizes the importance of the Atlantic Intracoastal Waterway and acknowledges the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary.

The waterway was authorized by the Rivers and Harbors Act of 1937 for the purpose of supporting and encouraging interstate commerce. Today, the waterway allows for the safe and efficient transportation of goods along the Atlantic coast from Norfolk, Virginia, to Key West, Florida.

The waterway is comprised of numerous channels and rivers that were once separate and distinct. For example, the Dismal Swamp Canal was once a 22-mile-long waterway that supported commercial vessels traveling between Virginia and North Carolina. In 1929, however, it was purchased by the Federal Government for half a million dollars and incorporated into a larger

transportation network. Today, the Dismal Swamp Canal is an integral part of the waterway and is recognized as the oldest operating artificial waterway in the United States. Additionally, it is also on the National Park Service's Underground Railroad Network to Freedom program.

The waterway holds great significance to those who live in the southeastern United States. It enables waterborne transportation to move smoothly and efficiently and provides numerous recreational opportunities for anglers and boating and enthusiasts.

It is appropriate to recognize the importance of the waterway to the quality of life of our citizens and to the thousands of commercial, recreational, and military vessels that utilize the system each year.

This resolution also acknowledges the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary. This association has worked over the last decade as an advocate for keeping the waterway open and safe for navigation. It is appropriate to recognize its numerous contributions.

Mr. Speaker, I support this resolution and urge my colleagues to support it as well.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I might consume.

According to the Chesapeake Convention and Tourism Bureau, Edgar Allan Poe reportedly wrote parts of his famous poem "The Raven" while traveling the Dismal Swamp Canal, which was later to become part of the Atlantic Intracoastal Waterway.

The Atlantic Intracoastal Waterway, AIWW, was authorized by the Rivers and Harbors Act of 1937 to provide a safe inside navigation channel for commercial shipping. Completed in 1940, the AIWW runs along the southeast coast of the United States from Norfolk, Virginia, to Miami, Florida, measuring 1,088 miles long.

The Atlantic Intracoastal Waterway is also used extensively by recreational boaters. Studies have shown that recreational boaters bring millions of dollars to State budgets. The waterway is also used by vessels not equipped for ocean travel or for when weather conditions make the ocean too rough to travel.

The Atlantic Intracoastal Waterway has a good deal of commercial activity. Products shipped include fuel oil, gasoline, asphalt, fertilizers, chemicals, wood chips, wood, limestone, sand, gravel, iron, steel, slag, lime, fabricated metal products, soybeans, vegetables, produce, and electrical machinery, all of which are shipped along the Atlantic Intracoastal Waterway.

The Atlantic Intracoastal Waterway Association was organized in 1999 to address the navigation challenges of

the waterway and to encourage the continuation and further development of waterborne commerce and recreation on the AIWW of Virginia, North Carolina, South Carolina, Georgia, and Florida. The association has been an outspoken advocate for regular dredging and adequate maintenance to promote safe, cost-effective navigation along the AIWW and is known as the "Voice of the Waterway."

Today, we recognize the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary.

And with that, I reserve the balance of my time.

Ms. NORTON. I have no further speakers, and I reserve the balance of my time.

Mr. BOOZMAN. With that, Mr. Speaker, I yield as much time as he might desire to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I thank my good friend from Mr. Arkansas (Mr. BOOZMAN) for yielding and the gentlelady from the District of Columbia (Ms. NORTON) for her support of this resolution.

Mr. Speaker, while only 10 years old, the Atlantic Intracoastal Waterway Association, AIWWA, has become a strong voice representing the interests of commercial and recreational users of the Atlantic Intracoastal Waterway by promoting the waterway as a vital marine highway along the Atlantic coast, providing safe navigation for commercial and recreational vessels.

The association was organized in 1999 to address the navigational challenges of the Atlantic Intracoastal Waterway and to encourage the continuation and further development of commerce and recreation on the AIWW. At present, the association has more than 200 members consisting of tug and barge companies, shippers, port facilities, marinas, dredging companies, and others with an interest in the waterway.

The AIWW was completed in 1940 and runs along the southeast coast of the United States from Norfolk, Virginia, to Key West, Florida, and measures 1,088 miles long. It has historically served as an important shelter for mariners from the stormy seas of the Atlantic. Since it runs parallel to Interstate 95, the waterway has the potential to become a major marine highway, serving as a safe, fuel-efficient, and economical alternative to congested highways and rail lines.

Every ton of traffic that runs through a marine highway like AIWW is a ton of traffic that isn't on our congested highway system. I have heard from multiple shippers visiting my office that would love to have a non-highway shipping option. AIWW connects all of the east coast ports. The potential for coastal traffic between these ports is significant and has the ability to have a major impact on smaller ports like Georgetown in my

district. In fact, if the AIWW could be developed as a marine highway, the South Carolina State Ports Authority has estimated business growth at the Port of Georgetown could be more than 2.5 million tons of cargo a year. However, the waterway faces significant funding challenges.

In South Carolina alone, the Army Corps estimates that the need of the waterway will total some \$14.5 million in fiscal year 2010, yet the administration has requested less than \$800,000 for maintenance. Indeed, to bring the entire waterway up to standards and to keep it there will require over \$100 million in investment; yet administration after administration continues to shortchange the AIWW in their budget, barely requesting enough money to control the mosquitos.

This is no way to treat such a valuable potential resource, and I want to tip my hat to the AIWWA for their efforts to showcase the potential for the waterway not just to the communities it touches, but to the entire Nation. I'm proud to support the waterway and will continue to fight to ensure that it is not only maintained but improved to improve freight movement and open new economic doors for communities along its banks.

Mr. BOOZMAN. Mr. Speaker, having no more speakers on the subject, we do support the adoption of H. Res. 465 recognizing the Atlantic Intracoastal Waterway Association, the good work that they have done over the last 10 years, and with that, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, along with the gentleman from Arkansas and the gentleman from South Carolina who is the author of this resolution, we are pleased to support this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 465, recognizing the 10th anniversary of the Atlantic Intracoastal Waterway Association.

The Atlantic Intracoastal Waterway (Waterway) runs from Norfolk, Virginia, to Key West, Florida, and has been in existence for more than seventy years. The once distinct channels and rivers that now make up the Waterway were brought together to create a continuous waterborne transportation network along the southeastern coast of the Atlantic.

The Waterway has enriched the lives of those in the southeast and served the greater United States by allowing for the safe and efficient transportation of commercial goods along the coast.

This resolution recognizes the importance of the Atlantic Intracoastal Waterway to the quality of life of the citizens in the United States, and to the thousands of recreational, commercial, and military vessels that use the system annually.

The resolution also acknowledges the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary. This association has worked tirelessly over the last decade to keep the Waterway open and safe for navigation.

I urge my colleagues to join me in supporting H. Res. 465.

Mr. KLEIN of Florida. Mr. Speaker, I rise today in support of House Resolution 465 and to thank the gentleman from South Carolina, Mr. BROWN, for introducing this important bill. I have had the good fortune of working with the distinguished gentleman on other legislation, and I can say that on this and other issues, he serves his constituents well.

Mr. Speaker, H. Res. 465 acknowledges the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary, and it recognizes the importance of the Atlantic Intracoastal Waterway to recreational, commercial, and military vessels and to the history and quality of life of the citizens of the United States.

Having a congressional district with over 75 miles along the Intracoastal Waterway, I know firsthand its importance to South Florida. It serves as a crucial thoroughfare for the two ports in my district, the Port of Palm Beach and Port Everglades. In fact, the Army Corps of Engineers reported that over 2.5 million tons of freight traffic was shipped along the Intracoastal Waterway in 2007 alone, including commodities such as wheat, corn, and soybeans.

But the Intracoastal Waterway provides Americans with more than just economic activity. Just go out on the water any day of the week in my congressional district and you'll see recreational boaters traveling on the Intracoastal Waterway. Boating is an iconic symbol for South Florida, and the Intracoastal Waterway serves as an important part of that. Simply put: South Florida would not be the boating capital of the world without it.

I also want to take a moment and commend the work of the Florida Inland Navigation District, or FIND. They maintain our state's portion of the Intracoastal Waterway, from Jacksonville to Miami. Created in 1927 by the Florida State Legislature, FIND is a special taxing district charged with helping to maintain the Intracoastal Waterway with the Army Corps of Engineers. They are an important entity and perform an often unheralded job, so I wanted to take this moment to commend the men and women employed by FIND for helping to maintain one of Florida's most important natural resources.

In closing, I want to again thank the gentleman from South Carolina for introducing House Resolution 465, and urge my colleagues to support its passage.

Mr. MCINTYRE. Mr. Speaker, I rise today to honor the Atlantic Intracoastal Waterway Association, Date which has been fighting on behalf of our great Atlantic marine highway for 10 years.

The AIWA was formed in 1999 to address the declining condition of the Atlantic Intracoastal Waterway, running along the eastern seaboard from Virginia to Florida. A persistent lack of maintenance funding has resulted in severe shoaling of the waterway through many sections, rendering the waterway impassable at times. The AIWA has been a strong advocate for the Atlantic Intracoastal Waterway and the Association has earned the title "Voice of the Waterway".

I am pleased to have had the opportunity to work closely with members of the AIWA over

the years to secure funding to maintain North Carolina's portion of the waterway. The resolution on the floor before us today officially recognizes the contribution made by the Atlantic Intracoastal Waterway Association and I am pleased to rise in strong support of it. I look forward to continuing to work with the AIWA and my colleagues in Congress to support the AIWA and to secure funding to dredge the waterway to its full authorized depth.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commemorate H. Res. 465, a resolution recognizing the Atlantic Intracoastal Waterway Association (AIWA) on the occasion of its 10th anniversary. As a proud co-sponsor of this legislation, I believe that AIWA's vital work has ensured open and safe for navigation for recreational and commercial users throughout the Atlantic Intracoastal Waterway (AIWW).

Since its completion in 1940, the Atlantic Intracoastal Waterway has provided a safe navigation channel for commercial shipping and support for and encouragement of interstate commerce. Unfortunately, the Waterway has suffered from a lack of maintenance, which has resulted in a reduction of depth that has hindered the Waterway's ability to provide a safe and efficient transportation route. Recognizing this problem, AIWA has become an unwavering advocate for appropriate dredging and adequate maintenance to promote safe, cost effective navigation, while balancing environmental needs.

I commend their tradition of excellence in service to Waterway users, many of them are my constituents in Florida. The Waterway plays an important role in my district and throughout the state of Florida. Many of my constituents come from communities around Indian River Lagoon, a portion of the AIWW, and are able to find employment opportunities in the industries that the Waterway provides. In such tough economic times, this is extremely important and should not be overlooked.

Mr. Speaker, over the past ten years AIWA has made significant contributions to local communities. I urge them to continue their essential work and support for the Waterway.

Ms. NORTON. At this time, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 465, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1615

DALE WILSON—NATIONAL DISABLED AMERICAN VETERAN OF THE YEAR

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, today I rise to praise Dale Wilson, a remarkable

veteran from Troutman, North Carolina, who was named the 2009 National Disabled American Veteran of the Year by the Disabled American Veterans.

Dale Wilson lost both of his legs and his right arm while serving in the Marine Corps in Vietnam; but for a Silver Star recipient who paid such a heavy price for his country, Wilson demonstrates remarkable humility, good will, and an astonishingly positive attitude. He is well known for his strident belief that his life is rich and full despite what many could call a severe disability. His days are full of service to his community and his fellow veterans. He counts his family, his community, and his service to his country as dear blessings. And you won't catch him complaining about the hand that was dealt him.

Dale Wilson is the sort of marine that gives the Marine Corps such a proud reputation, and his recognition by the DAV is well deserved. I know that his example serves to inspire those who know and love him to remember their many blessings and to love the country that Wilson sacrificed so much for.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### U.N.'S REPORT ON ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, this week at the United Nations another assault is being launched on the democratic Jewish State of Israel, an assault that the United States must unequivocally oppose and defeat.

Predictably, this assault has its roots in the U.N.'s so-called "Human Rights Council," an institution that has been hijacked by dictatorships and gross human rights violators.

This past winter, in Operation Cast Lead, Israel defended its citizens—and its existence—against the actions of Hamas and other violent extremist groups in Gaza. The Human Rights Council responded by passing a resolution authorizing a so-called "fact finding mission" to investigate Operation Cast Lead. This mission's mandate had nothing to do with fact finding and everything to do with persecuting Israel for defending herself.

The mandate prejudged Israel's guilt, authorizing the mission to investigate only assumed human rights violations by Israel. The mandate did not include or even mention the thousands of rocket attacks and mortar attacks spanning 8 years by Hamas and other violent extremist groups in Gaza against civilian targets in southern Israel.

Then, last month this so-called “fact finding mission” released its report. It’s a 575-page collection of distortions and double standards. The report made baseless accusations that Israel’s military had deliberately attacked civilians. The report disregarded extensive evidence that violent extremist groups in Gaza used civilians as human shields, operating from schools, from mosques, from hospitals. It ignored the Israeli military’s extraordinary efforts to target its operations in order to minimize civilian casualties. It gave a free pass to the Iranian and the Syrian regimes, which provide material and financial assistance to Hamas and other murderous groups in Gaza.

Finally, this report recommended further persecution of Israel through follow-up action by the U.N. Security Council, the General Assembly, the Human Rights Council, and the International Criminal Court, among others. In fact, today, the Security Council met at the request of the Libyan regime and considered this very biased report.

Later this week, with the blessing of the U.N. Secretary General, the Human Rights Council is expected to hold a special session on this report. What will they do? They will pass yet another resolution condemning Israel, and only Israel.

And what has the U.S. done in response to this anti-freedom onslaught? While acknowledging that the report and its mandate were biased, administration officials still claim that the report raised serious issues and should be considered seriously by that rogues gallery known as the Human Rights Council. Is this how the United States supports Israel and counters the anti-Semitic and anti-Israel bias that is present every day at the U.N.?

We must recognize what is at stake here. If the democratic political and military leaders of Israel can be hauled before an unaccountable court for defending their nation against violent extremists in Gaza, then how long before U.S. officials and those of other NATO countries will face the same for defending our Nation against al Qaeda and other such threats? Ultimately, this report is an effort by the enemies of freedom to deprive democracies of the right of self-defense, making it open season for global jihadists to come after Israel or the U.S. and other free nations.

As the leadership of the Simon Wiesenthal Center stated in a recent letter to our ambassador, Susan Rice, consideration of this report is a prescription for disaster not only for Israel, but for the United States and every country that fights violent extremists.

Mr. Speaker, we must oppose any effort to grant consideration or legitimacy in any forum to this irredeemably biased U.N. report. We must sup-

port the right of Israel, the right of the U.S., the right of all democracies to defend ourselves and our citizens.

Once again, Mr. Speaker, it is time for the U.S. to lead. Thank you, Mr. Speaker, for the time.

#### COST-OF-LIVING ADJUSTMENT FOR SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFAZIO) is recognized for 5 minutes.

Mr. DeFAZIO. Next month, the government is going to go to the expense of sending out a letter to well over 40 million Social Security recipients telling them they are not going to get a cost-of-living adjustment, but they didn’t experience inflation this year. Now, the only problem with that is the way we measure inflation is heavily oriented toward nonessential consumer goods of which seniors do not buy a lot.

Seniors have to buy certain essentials; pharmaceuticals, up double digits in the last year. Seniors buy health insurance, Medigap policies up high single digits in the last year. Seniors have rent, utilities, probably also up depending upon where they live. But they are not entitled to a COLA because of a defect in the way we calculate COLAs.

I have tried to fix this for years by having a special calculation for seniors and not one for younger consumers, which is essentially what the CPI is oriented towards. It isn’t even very reflective of the cost of average American families. It is very skewed. It was skewed beginning in the Reagan years, and it has never been fixed to try and understate real inflation to real Americans.

In this case, we have an opportunity. We could fix this injustice to our seniors and help those most in need, many of whom are either principally or totally dependent upon a Social Security income. We could give them a one-time \$250 payment, which would equate to almost a 2 percent cost-of-living adjustment. That would cover the increase in their Medicare part B premium, maybe some of their Medigap insurance, maybe a little bit of what they’re having to pay in higher pharmaceutical costs. For many seniors it could avert a disaster in terms of their personal budgets.

So I have introduced legislation, along with 14 of my colleagues—today, I reintroduced it—which would give a one-time \$250 payment to 48.9 million people who are on OASDI, that is Social Security and disability, 5.1 on SSI, 1.4 million veterans, and 200,000 railroad retirees.

Now, I want to be fiscally responsible; I don’t want to take it out of the Social Security trust fund which is looking toward problems some 37 years down the road or so, or starting in 2037. So I would pay for this, and it’s quite

simple: in order to give this benefit to over 50 million people, something for them to make ends meet and scratch by, all we have to do is ask that that select group of Americans—many of whom work on Wall Street—who will earn over \$1.4 million this year, that for their earnings over \$1.4 million they pay the same Social Security tax as every working American who earns less than \$106,000. The tax now is only applied to income up to \$106,000. After that, you don’t pay it. That means if you earn \$1.4 million, your tax rate is about 7 percent of someone who earns \$40,000 a year.

Let’s make it fair. I hear a lot about flat taxes and fairness. Let’s make it fair; let’s make it flat. Let’s ask those people who are earning over \$1.4 million to pay the same percentage of that income in Social Security tax as people who earn less than \$106,000. And if they did that just for 1 year, we could give those 50 million seniors and disabled and veterans and railroad retirees a small, \$250 one-time cost-of-living adjustment. I think it’s only fair in this tough economy that those at the absolute tiptop just do a little bit more to help those most in need.

I recommend this legislation to my colleagues.

#### THE RULE OF LAW IS BEING IGNORED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the open borders crowd is at it again, pushing for amnesty for people that are illegally in the United States.

It is bad public policy to give a wink and a nod to people who continue to advocate the exploitation of American border laws for their own personal agenda. A nation cannot survive in freedom without just following the law. The very future of any civilization rests upon the rule of law.

Now, we are a self-governing people. That means we are a Nation of laws. We don’t get to choose what laws we follow and what ones we don’t. That would mean complete chaos. If people want to come to the United States legally, by all means let them come legally. Sign the guest book at the port of entry so we know who you are, so we know the purpose of your visit and whether or not you mean harm to American citizens. That means everybody who comes here, not just a select few.

The push to reward illegal behavior today by granting amnesty only encourages more of the same illegal behavior. A new Zogby-Washington Times poll in Mexico found that 56 percent of Mexican nationals surveyed said that if we pardon illegal immigrants here, it will encourage more of



them to come across the border illegally.

The poll also showed that most folks in Mexico think their countrymen who come here still owe their loyalty to Mexico, not America. Now, these are things the open borders crowd won't tell you. Many people come here and don't want to become Americans; they just want the personal benefits of being in the United States without any obligation to the country. And amnesty will only encourage more illegal entry.

□ 1630

Anyone who comes to this country permanently owes this Nation the respect of learning what it means to be an American—embracing the melting pot concept. They should honor the sacrifices of the men and women who have made our history great in these 200-plus years. This mighty Nation is the beacon of liberty, and it did not happen by chance. It came through hard work and sacrifice in the name of freedom. It came from following a set of principles and ideals, and it came from following the rule of law—laws passed by our representative form of government with the consent of the governed.

The American dream is not about money; it's about liberty, and those who come here owe this Nation an obligation to understand that. They need to learn what freedom is and how we go about keeping it, and a big part of that is following the law.

Solving the problems of illegals and the crisis they have created will not be an easy task before us. There are those who want amnesty and who support policies that promote more illegal entry and lawlessness. These are unacceptable in a post-9/11 world. We can start by enforcing the law and showing we are serious about it. We also need to eliminate policies in this country that encourage and ignore illegal entry.

Such policies include easy access to jobs with little enforcement on employers who knowingly hire illegals; free health care and free education, policies that don't promote assimilation; and the inability of local law enforcement to assist Federal immigration authorities.

We need to upgrade interior enforcement of immigration laws. Many people come here legally, then they never go home, because this Nation doesn't do much about visa overstays. Border security is a national security issue. We just witnessed recently a Jordanian national who came here legally, who overstayed his visa and then tried to blow up a Dallas skyscraper. Thanks to the work of law enforcement, this bombing plot was averted.

We owe an obligation to the future of this Nation to guard and secure our borders, to permit entry of only people who will benefit our Nation and to keep up with those who enter as guests

of our country. It is not too much to require that people legally enter the United States or don't come at all.

And that's just the way it is.

#### A TALE OF TWO COUNTRIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the announcement today that JPMorgan Chase, the largest bank in our country, turned a \$3.6 billion profit in the most recent quarter brings to mind Charles Dickens' 19th-century English masterpiece, "A Tale of Two Cities," except this is the United States, and it's the 21st century, and it's a tale not of two cities but of two countries.

There is one country where giant banks are making so much money that they are setting aside enough to pay each worker in their investment banking divisions \$353,834. That country is Wall Street. The other country is where I come from—Toledo, Ohio—and places like it across the Nation where the majority of the American people live. Toledo, Ohio, where the median household annual income is not even one-tenth of that amount—it's \$35,216. It's not even one-tenth as much as JPMorgan Chase is setting aside for bonuses for its investment banking employees.

In one country, banks that are too big to fail privatize their profits. They're taking more, but they socialize their losses, putting their trillion-dollar mistakes on the backs of the American taxpayers. In the other country, which I represent, families that are too small to matter lose their jobs to globalization, and they lose their homes to foreclosure. These same banks finance the outsourcing of their jobs, and they restrict credit to Main Street businesses across our country.

In one country, financial commentators cheer as the Dow Jones Industrial Average goes over 10,000. In the other country, where I live, the unemployment rate is rising, exceeding 13 percent. While housing values fall more than 10 percent in a single year and foreclosures are going up 94 percent, JPMorgan Chase is the top forecloser in the Ninth Congressional District of Ohio, and they don't even show up for meetings with the people being affected. There is something wrong with this picture. There is something really wrong with our country, and there is something really wrong with our economy.

Even one of the Wall Street analysts picked it up today in his comments to the Associated Press, saying, "Wall Street is picking up quite smartly, while Main Street continues to suffer."

How can that be? How can the stock market be so oblivious to the pain that American families are feeling? Grant-

ed, a rising stock market might help 401(k)s and pension plans and individual portfolios, but not everybody is celebrating. In fact, the majority isn't. Furthermore, how can this stock market rally last when national unemployment is close to 10 percent and, in some regions, far above that? How can the bullish sentiment override the reality in the other America where unemployment and foreclosures have turned the American dream into a nightmare for so many people—for so many millions and millions and millions of our fellow citizens?

Perhaps congratulations are in order to JPMorgan on its quarterly report. I would only ask Chase and the other banks to remember who came to their rescue, because the people who bailed them out, the people in the other America—beyond Wall Street, those people—are still really hurting. The communities that they live in are really hurting. Our food banks are up 53 percent in requests, and donations are down 13 percent. This economic depression is widening across this country, but there are some folks in that other country who don't seem to care at all.

#### EXTEND THE FIRST-TIME HOMEBUYER TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, like many parts of the country, the Kansas housing market has struggled along with our Nation's economy. One important tool that has strengthened the housing market and has limited the economic decline has been the \$8,000 first-time homebuyer tax credit. However, unless Congress takes immediate action, this valuable credit will expire on November 30.

I come here with a message for my colleagues and the leaders of the House of Representatives: Congress must act quickly to renew the first-time homebuyer tax credit.

A Realtor from Manhattan, Kansas, wrote me about the importance of the homebuyer tax credit. She noted that the credit had been extremely helpful to the Kansas economy. She says: During these challenging economic times, the first-time homebuyer tax credit has injected new life into the housing market and has helped stimulate many local economies through the stabilization of housing prices.

However, our housing market remains fragile, and more progress is needed to further stabilize our communities. The homebuyer tax credit works. Since its enactment in February, the IRS has reported more than 1.4 million taxpayers have claimed the homebuyer credit. This incentive will lead 400,000 prospective first-time homebuyers to purchase homes who



probably would not have without the help of the tax credit.

Moreover, it's estimated that each sale generates \$63,000 in additional goods and services that benefit the economy. There are tax savings for taxpayers which generate more revenue than the aggregate amount of the original tax cut. Along with falling home prices, the homebuyer credit has helped put the housing market on the track to recovery.

While market conditions have improved, as the Realtor says, the market remains fragile. The housing tax credit needs to be extended to make sure that the economic gains that have been made are not lost.

In order to build on that economic progress, the tax credit should be expanded. I've introduced H.R. 2905, the Homebuyer Tax Credit Expansion Act of 2009, which would extend the \$8,000 tax credit beyond its November 30 expiration. In addition, this legislation would expand the tax credit to all homebuyers, not just to first-time buyers.

I've asked the Speaker of the House and the chairman of the Ways and Means Committee to bring this bill or similar legislation to the floor for a vote. At the very least, Congress should pass a 1-year extension of the credit before it expires. It can take several months to go from contract to closing, and the tax credit will soon become unavailable for many buyers well before the November 30 expiration date. An extension must be passed soon if homebuyers are going to continue to take advantage of the tax credit.

Homeownership and the knowledge that one has equity in one's home can significantly improve our economy. We should not allow this important tax credit to expire. Congress must act quickly now to renew the first-time homebuyer tax credit.

#### WE ARE OUR BROTHERS' AND SISTERS' KEEPER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Thank you, Mr. Speaker, for your kindness and generosity.

I rise today for a number of thank you and acknowledgments.

First of all, I think it is very important to acknowledge, when tragedy occurs, how important it is that this country, as it has often done, rallies around those around the world to help them in their time of need.

I want to pay tribute to one of our colleagues—to the delegate from American Samoa, Congressman FALEOMAVAEGA—who has in the last couple of weeks been subjected to terrible tragedies at home, for on September 29, 2009, American Samoa and

other areas in the surrounding areas were impacted by an 8.3 earthquake, 8.3 on the Richter scale, which was recognized as the world's largest earthquake of 2009. Out of that earthquake came a terrible tsunami, one that struck American Samoa, Samoa and neighboring Tonga, sweeping people and cars out to sea as survivors fled to high ground.

We remember the tsunami of some years ago that impacted Sri Lanka, Indonesia and India in parts. I traveled to Sri Lanka, and realized that the devastation was enormous. So, when there was a tsunami with waves that reached up to 20 feet in height and that penetrated 1 mile inland, we knew how devastating that had to be. It caused death and destruction of a nearly unprecedented amount. The death toll as of October 7 is estimated at 32 in American Samoa and 135 in the independent state of Samoa.

Many individuals and families have suffered and are impacted, now lacking basic survival necessities, and they remain at risk of additional death due to the shortage of clean water and of adequate shelter and food. My colleague who represents the area has been working without ceasing, but the deep human disaster is evident.

So I rise today to thank the 300 responders from FEMA; the American Red Cross; the U.S. Army Corps of Engineers; the Department of Health and Human Services; and from other Federal agencies which rushed forward to help our fellow world citizens: The United States Navy; the United States Coast Guard; the Hawaii Air and National Guard; the U.S. Army Reserve; American Samoa under the leadership of Admiral Timothy J. Keating, commander of the U.S. Pacific Command; many, many others; and the foreign governments who came to their aid.

So it is important that we recognize that we are, in fact, our brothers' and sisters' keeper, and we thank those who have already come forward, but we look forward in this Congress to continue to work, as we have worked before, to ensure that they are re-stabilized. We must recognize the humanitarian response that is currently underway. We are, in essence, commending them, but it is important that we continue to encourage donors and other relief agencies to work with these vulnerable organizations in stricken areas because we know, having experience in the United States with the fires in California, with the floods in the Midwest, and with the terrible hurricanes in Florida, Louisiana and Texas, and we understand disaster. We are grateful for those who have helped, but we want and we need continued help.

We commend the over 100,000 Samoan residents in the United States from American Samoa and Samoa for coming to the aid of their fellow brothers

and sisters. It is important for this Congress to not only pay tribute but to recognize that people are still hurting.

Let me end this by again thanking our American Representative—our delegate from American Samoa—and by thanking him for his strength.

Just for a moment, Mr. Speaker, I turn very briefly to join with my colleague who spoke earlier, Congresswoman KAPTUR, to say this point: Americans are still suffering. Foreclosures are still happening. Small businesses are still not getting access to capital. I beseech those who have received the larger part of the bailout because it was necessary to restore capital markets in a capitalistic system. None of us adhere to socialism, but we do adhere to helping ourselves and helping our brothers and sisters across America.

It is crucial for the banks of America to lend to Americans—to taxpayers, to homeowners, to business owners. Let them expand. Let them add new employees. Let them keep their homes. The tight credit market is choking us. It is killing hardworking Americans who, as I said, are the beneficiaries but yet the benefactors of those who are in need around the world, and it is important for our banks to listen. They were bailed out. They'd better listen to the American people.

□ 1645

#### IRAN'S NUCLEAR PROGRAM MUST BE STOPPED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. I appreciated what my colleague just said about the banks, and one of the things that I think we ought to focus on in addition to that is that we are not energy independent and we're not allowed the drill off the Continental Shelf or in the ANWR in Alaska or do other exploration for a number of reasons, not the least of which is, quote-unquote, environmental.

But at the same time we won't allow offshore drilling here, we just gave Brazil \$2 billion so they can drill off their shores. It just doesn't make any sense to me. We ought to be spending that money here at home exploring for oil so we can move towards energy independence. We have a 400- or 500-year supply of natural gas and we have plenty of oil if we just could go get it, and we can do it in an environmentally safe way.

Now the reason I bring that up is because one of the big problems we face is we get 35 to 40 percent of our oil from the Middle East, and one of the big problems facing the United States and the world right now is Iran. Iran has been developing a nuclear program, a

nuclear weapons program for some time, and our position in the United States now, under the new administration, is to try to work with them, to talk with them to stop them with their nuclear development program. And if they don't, we're going to try to get a sanctions bill passed.

Now, we have a bill sponsored by the chairman of the International Relations Committee, Mr. BERMAN, that has over 300 cosponsors—I happen to be one of them—and we believe we ought to bring that bill to the floor as quickly as possible to try to put pressure on Iran to stop the development of the nuclear weapons program.

But the administration, I think, has suggested we should wait. They were trying to bring China and Russia on board, and China and Russia are not going to be on board. So we should do it by ourselves and we should do it expeditiously.

Let me tell you why I think it's so important. If Iran continues down this path, Israel—whom Iran has said they want to destroy—will have no choice but to defend itself. They cannot let Iran develop a nuclear bomb and a delivery system. If they do that, they will be able to destroy Israel and millions of Jews in Israel in a very short period of time. It will be another Holocaust.

So what will happen? If they get too far down the path, if we don't put pressure on them to stop—and they don't stop—I believe Israel will have no choice but to attack Iran. And if they attack Iran, that could end up in being a major conflagration in the entire Persian Gulf area.

Now, why is that important to us? We get 35 to 40 percent of our energy from the Persian Gulf area. If that goes up in smoke, we will lose 35 to 40 percent of the energy that we have in this country because we're not energy independent.

The lights that we have, the gasoline in our cars, the fuel we use to heat our houses, everything that needs energy will suffer, and we will have severe economic problems if this problem isn't dealt with before a tragedy occurs over there.

This really bothers me. We tried to work with North Korea some time ago during the Clinton administration. We even had an agreement with them that they would stop their nuclear development program if we gave them some things, and we did. And what did they do? They lied and they went ahead with their program, and they are a nuclear power. They're using missiles that would be intercontinental in scope, testing them over the sea of Japan right now. And they've done that a number of times.

So we have to worry about them. We have to worry about North Korea and what they're going to do next. Can you imagine what it will be like once Iran

develops a nuclear weapons program? They are committed to destroying Israel. They are committed to forcing their view of religion and religious beliefs on much of the rest of the world, and it could be a real problem for us. They don't like America very much either. And so we have a myriad of problems facing us if we don't get on with putting as much pressure as possible on Iran and doing it right now.

As we speak, they're developing their nuclear weapons program. They said they're going to let U.N. nuclear experts come in and police the area and see what they're doing. I don't believe that. I believe they will let us see one or two spots, but they're going to go on with their nuclear development program.

We must put pressure on them now. We must put pressure on them immediately, because if we don't, we're toying with a major problem, a major economic problem for America as well as a possible holocaust in that part of the world in the very near future.

#### IMPORTANCE OF INDUSTRY CLUSTERS TO A NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I'm going to make a number of comments here that will be in the RECORD tomorrow. We'll also have the things I refer to—because I'm going to make a number of points—on our Web site in the next hour.

President Obama made his first visit after the stimulus package passed to Elkhart, Indiana, to Concord High School for a town hall meeting that straddles Congressman DONNELLY's and my district. Unemployment was 15.3 percent when he visited. It went higher, up to close to 20 percent. It's now at 16.5, I believe. In other words, we've gone backwards.

What he said that day—referring to a previous campaign visit there—“I promised you back then that, if elected, I'd do everything I could to help this community recover and that's why I come back today because I intend to keep my promise.”

Now, some interesting things have been happening. We've heard about blaming the banks. You know, business, to invest, has to have an idea that a recovery is coming. It has to request the money. And part of the challenge here is if they're uncertain whether they're going to get taxed in a small business tax, if they're uncertain whether they are going to be taxed in health care, if they're uncertain of what the energy costs are going to be in Indiana—because ours are projected to get hit harder than any other congressional district in America, and I have the number one manufacturing

district—they aren't asking to borrow and the banks don't know how to value the assets.

We have to have a recovery, not taxes and pressures on industry. There's a classic book, “Competitive Advantage of Nations” by Michael Porter. He's written a lot of books since then, including one on health care I don't particularly agree with. But he's a very reflective man, and these are the basic principles of how you develop clusters.

He says, “Creating competitive advantage in sophisticated industries demands improvement and innovation—finding better ways to complete and exploiting them globally, and relentlessly upgrading the firm's products and processes.”

In another section of the book he says, We “must create new advantages at least as fast as competitors can replicate old ones.”

He also points out the United Kingdom, in their R&D, is among the highest compared to GDP of any nations, but top heavy government R&D. They don't have the private sector R&D, so they don't have the growth, and the growth they have is in the wrong areas.

Now, why do I bring this up? In a newsletter of “ORTHOKNOW, Strategic Insights Into the Orthopedic Industry,” John Engelhardt reports the 10 to 30 percent tax in the Senate Finance Committee's bill that was passed yesterday would lead to roughly a tax of 50 percent of the R&D that the orthopedics industry does. For example, Zimmer—based in my district—in the orthopedics cluster, Zimmer would be taxed \$94.7 million and their R&D is \$194 million. They're the biggest orthopedic company.

Biomet—which I believe is the fourth or fifth biggest orthopedic company—would be taxed \$60.9 million. R&D estimate for 2008 was \$2.2, and they had a loss.

Now, Michael Porter points out when you lose one or two, you lose that competitive pressure, that you cannot sustain R&D with the new taxes, especially if at the margins the cost of the tax is greater than the profits of the firm, let alone the R&D.

I also refer to a USA Today article of this morning that says, “Orthopedic Industry Has Enjoyed Fine Health.” And it goes to Warsaw, Indiana in my district where three of the five biggest of the orthopedic companies, plus Medtronic, plus Orthopediatric, plus 6,000 direct feeding, plus as you move to South Bend and over to Fort Wayne and down to Indianapolis—and in fact throughout the Midwest—and then if you look at the whole industry of the United States, it's a cluster.

We had this theory in America that we were going to move up the ladder. And as other countries beat us on labor, we would do things like pharmaceuticals, like orthopedics, like biotechnology. We'd be the cutting edge,

except now we're going to tax them to death.

So guess what this article says? They're looking at going overseas. I've already heard this. Why won't they go offshore if they can get cheaper labor? They can get engineering research, they can get government subsidies to some degree, but most importantly, they're going to go where they can do R&D and the combination cheaper than they can do it in the United States. A tax won't bring in revenue, a tax will drive our clusters away. To put the taxes on the most innovative clusters is unbelievable. I just don't understand, particularly in a State where the President said not 30 miles away from the center of the orthopedic industry where many of these parts people are, "I promise you it will improve."

The maverick CEO, Dane Miller, and the story of Biomet illustrates another myth that these are some sort of rich billionaires. It talks how he put a titanium hip in his own body because initially they wouldn't believe it, then it worked, and that's partly how we got the innovation today.

I encourage people to read this bio of Dane Miller.

[From Orthoknow, Oct. 2009]

#### SUCCESS FEES FOR ORTHOPAEDICS?

(By John A. Engelhardt)

In the Senate Finance Committee's healthcare reform bill, partial financing will come from "fees" imposed on the manufacturers of medical devices. As I review what is being proposed, I am (nearly) at a loss for words. The total cost to medical device companies will be \$40 billion over ten years. That's \$4 billion a year. Here is how it shakes down.

The U.S. medical device industry in 2009 is projected to be valued at \$91.3 billion. Orthopaedic revenues generated in the U.S. in 2008 reached \$21.7 billion. Assuming flat growth from 2008 to 2009, orthopaedics would then comprise 23.7% of the total medical device industry in the U.S. in 2009.

America's Healthy Future Act of 2009, "Annual Fee on Manufacturers and Importers of Medical Devices," would impose an aggregate fee of \$4 billion on the medical device industry, payable annually, beginning in 2010. Each company's fee would be calculated based on its relative market share of U.S. sales for the prior year with covered domestic sales taken into account as follows:

- 0% of sales up to \$5 million
- 50% of sales over \$5 million and up to \$25 million
- 100% of sales over \$25 million

According to our calculations, if orthopaedics represents 23.7% of the total medical device industry, then its portion of the \$4 billion would be \$949 million. Exhibit 1 summarizes the fees assessed for several companies.

You will note that this is not being called a tax. Thus, it is NOT deductible by these companies as a legitimate business expense. Let me just repeat that for effect. It is NOT deductible by these companies as a legitimate business expense!

The "fee" adds up to about four percent of orthopaedic product sales for the companies. Since it is not deductible, that automati-

cally comes OFF the bottom line. The loss drops right through the P&L. Here are some highlights.

In the case of Exactech, it wipes out nearly 40% of its earnings. The value of the company will decrease a pro rata amount, losing \$60 million in shareholder value.

In 2008, Osteotech made a small profit of \$2.2 million. Under the Senate proposal, the company would pay \$3MM in fees! This is a company struggling back to health. How long would they be able to remain a viable entity?

Biomet, in the midst of a rebuilding and restructuring, lost \$749MM in 2008. Under the new plan, it would pay almost \$61MM. I am not making this up.

Alphatec would have to pay about \$3MM for the pleasure of having lost about \$25MM!

Study Exhibit 1 carefully. You'll find yourselves asking many questions. What planet are we on? Where did these Senators go to school?

Did they even go to school? Maybe they didn't have math in their school.

It is very hard to argue with the economics of orthopaedic care. It has been positively documented for a half century.

Many people describe joint replacement as among mankind's most significant achievements, not only for the suffering it relieves but for its economic value to society. Recently, others have published the more compelling metrics of orthopaedic treatment in response to the reform debates. (See the ORTHOWORLD Position Paper on Healthcare Reform, [www.orthoworld.com/site/index.php/main/healthcare](http://www.orthoworld.com/site/index.php/main/healthcare), and Connections, the blog of Biomet CEO, Jeffrey R. Binder, [www.biomet.com/corporate/ceo/Blog/](http://www.biomet.com/corporate/ceo/Blog/).)

It's as if, in their infinite wisdom, our representatives have identified the achievers and propose to levy a cost on them to help support the underachievers.

These companies have done too well, helped too many people, created too many good quality jobs. Shouldn't we be holding them up as an example to others, in order to encourage efficiency and reward performance?

I can think of no other term for this than a penalty for success. In essence, these companies will have to pay for the right to do business in their own country.

Forgive me if I am having trouble grasping the idea that if you fail, the government gives you taxpayer's money to bail you out. If you succeed, that same government fines you?

I hope not to insult any of you reading this when I suggest exactly what this will cause, because it is so obvious to us thinking folks.

1. Jobs will be lost. These companies are massive providers of extremely high quality jobs. They will be forced to pare down their workforces.

2. Jobs will be moved overseas. In order to make up the margin deficits, good corporate stewards will examine all opportunities to drive costs down.

3. R&D budgets will be reduced and innovation will slow.

4. U.S. companies will focus on the markets outside the States where the penalties don't apply. They'll get four more cents on a dollar of sales if the sale is ex-U.S.

5. The cost of healthcare will not budge.

6. When the plan fails, the government will just come back for more.

What's next? Bonus points for product recalls?

And so it goes. We take from the most successful, and give to the least, until such time

as a steady state of mediocrity is reached. This goes way beyond everyone getting an award in the T-Ball tournament.

I will hereby propose a new Mediocrity Czar, whose job it will be to ensure that all aspects of society are put on an even playing field. Here are some suggestions.

#### SPORTS

LeBron James will be required to give every point over 20 per game to the other team.

Michael Phelps will have to swim with a cinderblock tied to his leg to allow all those who have never won a gold medal to do so.

Tiger Woods will be required to carry his own bag, and will not be allowed to set it down during play.

#### BUSINESS

Bill Gates and Steve Jobs will have a portion of their brains removed until such time as those pesky competitors of theirs catch up.

#### POLITICS

No action needed.

Perhaps there is more that orthopaedics can do to contribute.

All sales reps and distributors will have their commission structures modified such that the more they sell, the less they make. Those who sell more than \$5MM per year will give a portion of their commissions to those who didn't sell squat.

Surgeon reimbursement will be inversely proportional to surgical volume.

If a surgeon is too talented and popular with patients, he/she will be required to strike that patient soundly with a stick at the end of each office visit.

This should help just about everyone rise to the middle.

A generation ago, some of the people reading this article and their forebears were called upon by mankind to help eliminate the suffering of millions of people crippled by arthritis, debilitated by back pain and homebound by injuries.

You responded with joint replacement, spinal fusion and arthroplasty, arthroscopy and soft tissue repair and trauma technologies, and the result was that these lost souls were able to return to active lives as healthy contributors to society.

You are called upon again today, as we seek to find a way to treat the millions of new orthopaedic patients stressing the system. Only this time we're broke.

So it looks as if we are being asked to pay for the right to contribute further.

Surely there is a better solution that will not undo a century of progress in healing.

[From Kaiser Health News]

#### ORTHOPEDIC INDUSTRY HAS ENJOYED FINE HEALTH

(By Julie Appleby)

WARSAW, IND.—Travis Funk, laid off a year ago from his job finishing boat interiors, hopes to land a job in a field he thinks has more promise: making artificial hips and knees for an aging population.

"I figured the best thing to do was get into the orthopedic industry," says Funk, 29, who is taking algebra, blueprint reading and computer programming classes at Ivy Tech Community College here several nights a week. He hopes knowledge gained in the 12-month program will earn him a job in Warsaw, a small town in a lake-dotted part of rural Indiana known as the "orthopedic manufacturing capital of the world."

Zimmer Holdings, Biomet and DePuy Orthopaedics are based here, along with several smaller companies and suppliers. Together, they generate nearly a third of the

estimated \$32 billion in global orthopedic device sales.

For much of the past decade, times have been good for the industry, with hefty profits from steadily rising sales of its artificial hips and knees, bone screws and other devices worldwide. More than 700,000 hip and knee replacements are performed in the U.S. each year. That number could double by 2016, driven partly by osteoarthritis and other ailments, researchers told the American Academy of Orthopaedic Surgeons' annual meeting last February.

Yet, the industry, succeeding even as some other U.S. manufacturing sectors are slumping, does face challenges:

The recession has curbed demand for orthopedic devices worldwide as patients delay treatment, forcing layoffs at some companies.

A proposal that passed the Senate Finance Committee on Tuesday would place up to \$40 billion in new taxes on the medical device industry in the next decade.

Device makers say such a tax would stifle job growth and innovation, adding to unemployment in regions such as Warsaw. But the health overhaul proposals could also bring benefits to the area, such as helping provide subsidies so unemployed workers such as Funk could purchase health insurance.

Senate Finance Committee Chairman, Max Baucus, D-Mont., who proposed the tax, sees the levy as the device industry's fair share in helping pay legislation that could bring it millions of new insured customers.

Orthopedic device industry profits are healthy: Zimmer Holdings and Stryker Corp. show five-year average gross profit margins of 76.5% and 68.3%, respectively, according to Thomson Reuters. Medical equipment and suppliers as a whole showed five-year gross margins of 59% compared with 45.8% for the S&P 500.

Drugmakers and hospitals have agreed to help finance part of the legislation, expected to cost more than \$800 billion over a decade, according to a Congressional Budget Office estimate.

Drugmakers, for example, agreed to what they say is an \$80 billion deal that includes cutting by half the prices they charge patients who hit a coverage gap in the Medicare drug program. Hospitals agreed to a \$155 billion cut in Medicare reimbursements over a decade.

Jeffrey Binder, president and CEO of Biomet, says the device industry faces a double whammy.

"This particular fee is completely out of proportion with what any other sector has agreed to do," he says. "It would cost our company alone \$45 million to \$50 million a year. That's equivalent of approximately 800 jobs."

In addition, device makers, who sell directly to hospitals, will be under pressure to lower their prices as hospitals attempt to absorb their own cuts related to the health care overhaul, Binder says.

#### NO GUARANTEES

The fate of the tax is uncertain. A number of Democrats and Republicans oppose it.

So, too, dogs the industry's trade group, the Advanced Medical Technology Association (AdvaMed), which says the tax would be passed on to consumers in higher prices—or result in job cuts.

The \$4 billion-a-year tax on the \$130 billion medical device industry "is a devastating prospect," particularly for smaller companies, AdvaMed President and CEO Stephen Ubl said at a news briefing in Washington on Tuesday. The industry is lobbying hard

against the tax, but Ubl says it supports other elements of the legislation, such as finding new ways to compare which drugs, devices and treatments work best.

Senate Finance Committee staff, speaking to reporters Monday, said the device tax is a flat amount based on each company's market share, not product prices, a provision meant to discourage passing the fee to consumers.

The controversy about the device tax illustrates how difficult it is for lawmakers to find ways to pay for their ambitious health care ideas. For months, proposals have come and gone—and come back again—from fees on soft drinks to levies on the wealthy. A windfall-profits tax on health insurers and an excise tax on expensive individual health policies are under consideration. Device makers are just taking their turn in the hot seat.

"Congress has a not-in-my-backyard problem in health reform," says Robert Laszewski, an Alexandria, Va.-based health policy consultant. "Everyone wants it, but someone else has to pay for it."

#### PLUSES AND MINUSES

The health care debate in Washington might seem a long way from this community 2½ hours north of Indianapolis. But the topic is top-of-mind for the executives who run the device companies, the physicians who use the products produced in the plants, and people seeking jobs in the industry.

Funk is among the growing number of uninsured in Warsaw and its surrounding area. About 19% of people here have no health insurance, compared with 15.4% nationally, according to the most recent census data.

For Funk, the proposed tax is "a toss-up." If health reform is approved, he would likely qualify for subsidies to help him buy insurance. But the tax might make it more difficult for him to find work in the industry.

Today, device makers employ about 6,000 people in Kosciusko County, accounting for nearly 19% of the county's private-sector jobs, according to a September report from BioCrossroads, a group formed by venture capitalists and philanthropic organizations to boost the life sciences industry in Indiana.

"It's the only thing that provides a ray of sunshine in that part of the state," says Robert Guell, professor economics at Indiana State University.

Jobs run the gamut, from Ph.D. chemists to machinists. Workers at Biomet and the other plants use high-tech computerized lathes to craft hips and knees from titanium. At Zimmer, which has its own foundry workers in heat-protective suits pull molten-hot molds of joints from giant furnaces. Upstairs, scientists in nearly soundless offices research the next advance in device technology.

Medical device jobs in Kosciusko County pay well, averaging more than \$81,000 annually, according to BioCrossroads.

For a time, experienced workers were often lured from one company to another.

There was so much movement, "you almost had to keep a scorecard to know where your neighbor was working," says Thomas Krizmanich, an orthopedic surgeon who lives and works in Warsaw. He says he has to be careful not to offend patients who work for one of the three big device makers by implanting them with competitors' products.

"Every company would like you to use 100% of their product," Krizmanich says. "It can be difficult to make three companies happy."

The sagging economy has slowed job hopping—and hiring—in the past year. In Au-

gust, unemployment in Kosciusko County, which includes Warsaw, was 11.6%, vs. the national average of 9.7%, says database service Proximity. But that was far below that of neighboring Elkhart, where the jobless rate is 16%, in part due to a sharp downturn in the recreational-vehicle-building industry.

#### LEAVING THE AREA?

The proposed tax on device makers is not the only issue dampening future employment prospects here.

Other countries are offering huge incentives lure device makers overseas, where labor costs and other expenses may be lower.

Zimmer Holdings and Biomet already have manufacturing plants in Europe and China. And while Biomet's Binder says those plants mainly serve emerging markets, he acknowledges that some lower-skill production jobs have moved overseas.

It's unlikely that orthopedic device manufacturing will leave the USA entirely because the high-tech skills are hard to transfer, says Larry Davidson, director of the Center for the Business of Life Sciences at Indiana University.

"What has been helpful for that industry and will continue to provide jobs in the U.S. and Indiana is that it's harder for that industry to separate the technology and product development from the manufacturing," Davidson says.

Others are not so sanguine.

"It's conceivable that (device makers) could move everything eventually," says Nick Deeter, president and CEO of OrthoPediatrics, a Warsaw-based firm that develops orthopedic devices designed for children. He buys components from manufacturers based in the USA and abroad. "Machines do all the work now. Someone starts them and stops them. Even though it's a high-tech product, it doesn't take a skill." Other states and countries have tried to get Deeter to move his headquarters.

"I have a pile of business cards from companies in Ireland," he says. "Akron, Ohio, recently offered us a \$3 million grant to move." But he stayed, with the help of \$4.4 million in grants and other incentives from Indiana.

The ongoing recession means job openings in the device industry are fewer and attract many more applicants, says Melissa Denton, workforce and economic development director at Ivy Tech in Warsaw.

Enrollment in Ivy Tech's advanced orthopedic manufacturing skills training program has grown so fast, now at 400 students, that the school has had to move into larger quarters twice since last year.

Funk expects to complete his training soon, although he might pursue a two-year degree: "I just hope someone hires me."

#### HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, this evening we're going to be continuing on a familiar theme for many, probably the single issue that rivets the attention of Americans perhaps more than any single debate and discussion and, that is the change to American health care. This is not, of course, a small debate. It is a debate that involves a question

of, to a large degree, whether the government is going to take over 18 percent of our economy. That's not a small section of our economy, 18 percent, nor is it a small question.

Not only economically is it a big question, every one of us has to live inside our own bodies. So it is a very personal question. We have to live inside our bodies, and we're dependent on health care, and we hope that we can continue to enjoy the high quality of health care that we have had in America.

But people recognize that there are problems with American health care. Those problems largely are not so much in the delivery of the health care but rather in how the health care is being paid for. So there are stresses in the system as to who's going to pick up the tab on it.

We've seen a lot of examples of different departments of the Federal Government. It does amaze me just in a commonsense point of view why people would really want to trust their own personal health care with any department in the Federal Government when I think of the profound inefficiencies within many departments of government.

We don't think of the post office as being a model of efficiency, the IRS as being any particular model of compassion or precision. If you think about the Energy Department, the Energy Department was founded on the idea that we had to make sure that America never had to rely on foreign sources of energy. Since that time, the Energy Department has grown in employees, and we have also grown on our dependence on foreign oil.

Then you've got, of course, the Education Department. That is a model of something that I wouldn't put my trust in. In fact, there was a study done on the Education Department some years ago that concluded that if a foreign nation had done to America what the Education Department had done, it would be viewed as an act of war.

Yet there are people in spite of this—and we've seen the Federal emergency management in response to Katrina and other departments of the Federal Government. In spite of that, people want to turn over 18 percent of our economy to the government.

Well, when the government does too much, there are some things that we tend to see as becoming problematic. One of them is that you get some inefficiencies. You could get excessive expenses, degraded quality, or bureaucratic rationing.

□ 1700

Is this something we need to worry about when we are talking about health care? Somebody quipped that if you think health care is too expensive now, just wait until it's free. We will take a look.

Here is what was proposed in the House plan, right here. It's a 1,000 page bill, but you can summarize it in this nifty flowchart. All of the colored boxes are new parts, new moving pieces.

You could see that it certainly doesn't meet the test of simplicity, that's for sure. People who have looked at this and studied it long enough say, I want to be the health care czar. He's the guy who makes all the decisions and determines who gets care and who doesn't.

Tonight, we are going to be talking on the subject of health care. A lot of new information is breaking, new estimates from the Senate as to how much their plan is going to cost and how much is going to be taken out of Medicare on that plan.

I am joined by some good friends of mine here, and I am thinking my friend GT is here. I am just going to recognize and yield to you, my friend, a Congressman who has not been here that many years and yet who has already earned a reputation far in disproportion to the amount of time he has served, and long on the common sense department, which I think we need a whole lot more of that common sense.

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend and, actually, 10 months, just about 10 months is what I have been here. The world I came from, actually, was the health care world. I mean, I had spent 28 years working in health care services as a therapist, health care manager in rural hospitals, licensed nursing home administrator.

I came here knowing with a commitment that we could do better with the health care system we had, that we can improve all four principles of health care: access, affordability, quality, and choice.

Mr. AKIN. Slow down just a minute now. The four basic principles of health care, do that again.

Mr. THOMPSON of Pennsylvania. Access, affordability, quality, and choice.

By choice, I mean strengthening that vital decisionmaking relationship between the physician and the patient, and not having the government or a bureaucrat being wedged between those two.

Mr. AKIN. Doctor-patient, yes.

Mr. THOMPSON of Pennsylvania. Doctor-patient relationship, yes. I happen to think we have a pretty good system. Not that we couldn't improve on it. I came with ideas on how to do that. Unfortunately, the ideas I brought with my almost 30 years of experience have been largely ignored by the majority side, by the Democratic Party.

I find that the proposals put out there, specifically House Resolution 3200, in many ways I can find where that proposal, that the Democratic health care proposal, would make all four of those principles worse.

Mr. AKIN. That doesn't sound like a very good idea. Just probing a little bit, though, you made a comment. You said that you came here with 20-plus years of health care experience. You came here with ideas that could improve the system, and we have been accused for months, both by the President and others, as saying the Republicans don't have any ideas, yet you had quite a few ideas.

Mr. THOMPSON of Pennsylvania. Absolutely. I am proud that, as Republicans, we have over 30 bills that we have introduced that would specifically address the different issues and the concerns that I came with, and many others, the visions of my colleagues, that I think would be good to address the health—

Mr. AKIN. Let me ask you this. Did any of your proposals—because we have been accused of this as well, did any of your proposals raid money out of Medicare?

Mr. THOMPSON of Pennsylvania. Absolutely not.

Mr. AKIN. Yet the Democrat proposal we were talking about 2 weeks ago was raiding \$500 billion out of Medicare. Now, that has been scored in the Senate. It's about 400-and-something billion being taken out of Medicare to try and pay for this thing. That wasn't something you were proposing?

Mr. THOMPSON of Pennsylvania. No. Especially when you are looking at proposals to raid Medicare specifically, the hospice services, people that are preparing their lives to die with dignity, to die in their own homes and places surrounded by their family and can be comforted in a way that provides that dignity to those final days. And to cut Medicare in that area is just wrong.

I think that what I find most interesting about that proposal to cut Medicare to fund this new large government-run program, sweeping government-run program, is that it's, in my experience, as I look at the issues surrounding—and this is some of the things I came with—the issues surrounding a wide commercial health insurance is so expensive, and it is in many places.

The average health insurance pays, nationwide, 140 percent of cost to hospitals and to physicians. The reason for that is—there are many reasons, and we will talk about them this evening, like tort reform, but the other reason is Medicare. It's medical assistance.

Medicare pays, on the average, 90 percent of the costs. For every dollar of costs a hospital has or a physician has, Medicare pays 90 cents. For every dollar of cost that a hospital or a physician has, medical assistance pays, varies State by State, but 40 to 60 cents. Within our health care system, because the government set up these entitlements and soon found that it couldn't sustain them, couldn't afford them and

begins to systematically underpay them, we look to commercial insurance to make up the difference.

It's interesting that Medicare is the reason, I think, one of the primary reasons why commercial insurance is as expensive as it is, yet the proposal is to make more Medicare cuts.

Mr. AKIN. Here, this is a chart of these three big entitlements. People talk sometimes about earmarks and other stuff about Federal spending. But the real story about the Federal budget being broken is really within these three big entitlements. All of them, you can see, are growing out of control over time: Medicare, Medicaid, Social Security.

Now, as these things grow, what you are saying is, in spite of the fact it's costing a ton, there is still not enough money in those programs to really pay for what the medical costs are. We are now taking money out of the private sector or from other sources to help subsidize these things that don't work.

Now, you are a commonsense guy. It seems to me that if we have Medicare and Medicaid that are financially broken, the solution to say, well, we are going have the government take over all of that and a lot more, that almost defies common sense.

You know, we are joined by a gentleman whose sagacity and also years of service on the floor are about legendary. Congressman SOUDER, I would appreciate you joining. I think of these as kind of a dinner conversation. Let's just talk about what we have got going on. This is something that Americans care about all across our country, and I think we need to have enough time to talk about it, take a look at it, and to say just say rationally what's the right thing for us to be doing.

Mr. SOUDER. Right, and you have taken the lead here on the floor. Trying to make sure we present this, I have got a couple of specific points, but one, which you are doing through this, is at a minimum, the public needs to know what's in the bill, and the thought that something may come here without 72 hours to read it, which is not a long time, is just abhorrent.

Mr. AKIN. This is not really a particularly subtle point, yet the American public understands this. They would like us to read the bill. It's really hard to read the bill when the bill we are debating and voting on is still being collated up here, like the cap-and-tax bill that we had with 300 amendments passed at 3 o'clock in the morning.

Your point is well taken. First of all, it would be a good idea to see what the bill is before we vote on it. It seems like a straightforward point.

Mr. SOUDER. The other body passed a Senate Finance bill, which has correctly been called a conceptual bill, that we heard the budget estimates of that bill. But as they said in the notes,

in their report, you can't hold us accountable for these estimates because the bill doesn't specify how they are going to achieve certain savings, doesn't specify how certain things are going to be paid for, doesn't specify exactly what they are covering. It doesn't give enough specifics.

Even when you are taking over this big a sector of the economy, 1,000 pages is like a sneeze at this problem. There has to be not only 72 hours to read it, but we need to actually see a real bill, not a conceptual bill.

Now, there are a couple of things. Our friend from Pennsylvania alluded to this one. We have had this huge controversy about the so-called death counselors that are clearly in the bill to do counseling in the last 5 years of life and if your condition deteriorates. Many of us are strong supporters of hospice care. I think a lot of people thought this was for hospice care, but they are getting cut 18 percent. I just read a letter from someone in my district that says we don't know how our hospice care can survive with these cuts. What is the point of these counselors if you are wiping out the hospice care?

No wonder some people are a tad paranoid. I don't know what it means. How can we know what it means? What we know is it looks like they are rationing because they are cutting off services to Medicare.

Mr. AKIN. This is death care?

Mr. SOUDER. Well, it says they will present all the alternatives. But I assume that the real intent around that was to promote hospice care. But if they are cutting hospice care, and the hospice centers don't know what they are doing and you are rationing certain life supports, and if they are talking about how much is spent in the last years of life, this is really disturbing stuff.

That's why we have to read the bill. We have to know precisely what's in it. What do you mean when you put that kind of stuff in?

Where that section was on our House bill referred back to the Social Security act. It didn't even fit. The counseling part didn't even fit. Nothing else in there was counseling. It was things like liver and all this kind of stuff. It was incredibly sloppily written. It will be forever litigated.

It seems to set up a pattern where you are going to be counseled and given a different alternative from hospice to euthanasia. You are going to be told you are going to get things reduced, or at least they should disclose that. But if there is no hospice that can survive, particularly in the smaller markets—which brings up another critical point. The cardiologists were here on the Hill just a couple of weeks ago.

Mr. AKIN. As you talk, what comes to my mind, as I am hearing you talk, is basically a form of rationing that's

really diabolical, a sort of rationing that says, well, you can take a bottle of aspirin or what. I am getting to be an old codger at 62, but if I were older, I would be even more paranoid, I think, from what I am hearing you say was in the bill.

Mr. SOUDER. The challenge here is that people are confused. You hear the President or others say it's not in the bill, then you hear the Republicans make an allegation.

Here is the thing. It doesn't specify, A, if we could read the bill, but what we see doesn't specify. What it does say is there will be counseling. In another section it says there's going to be savings, which implies rationing, and in another section—or implementing and procedures, a cut for hospice care.

In another part of it it says, the first part says 5 years. Nobody knows exactly what that means, every 5, once in 5, not explained. Then later it says if you have a condition change. When you put those together, you come to a logical conclusion.

But then the other side goes, well, it's not in the bill. Well, not precisely, but it's in there in five different places, and there is no other way to resolve it. There has to be some kind of unit that has to put this together to make these kinds of decisions.

In this waste and abuse, one of the questions is what does waste and abuse mean.

The cardiologists were in the other week, and the oncologists the week before that, because they were concerned because they have started to implement some of these procedures. What we hear is that, well, if there is waste and abuse, why aren't we checking it right now.

Well, they are defining waste and abuse as underutilization of equipment. What does underutilization of a heart machine mean? What does underutilization of a heart center mean? What does nonefficient usage of oncology machines mean?

In Indiana, what it means is everybody goes to Indianapolis. You are going to close your heart centers in Fort Wayne because you have a utilization of 44 percent, not the 80 they are mandating. It means South Bend, Evansville, northwest. In Missouri, maybe you get Kansas City and St. Louis.

We had a number of Russian health care administrators in my district as well as people from the Duma a number of years ago. We took them to some of our hospital systems. They said we have seen most of this stuff in Moscow. What's unusual even in the United States is that even in towns of 15,000 you have hospitals like we have in our big cities.

When we hear about lines in Canada and England, it's partly because, to be efficient, they have people drive 200 miles to a heart center, and they get to

pay the mileage. They get to pay for the motel. They get to go back for repeat visits and the cost to them. That's not savings of waste and abuse; that's transferring the fees to individuals.

What we have right now is a dispersed health care system that brings it closer to home with what we call RediMeds in our area. You have blended regional hospitals feeding up to bigger hospitals. They seem to think that these savings are going to become like they were trying to do in the veterans hospital system in Indiana and make everybody go to the biggest city in the State.

Mr. AKIN. What strikes me, gentleman, and your points are very, very, well taken, currently full of waste and abuse. It's almost like you have a line item on a budget that says waste and abuse and so many million dollars. I mean, if you had that, you take that line item off the budget. Well, what exactly does waste and abuse mean?

We were just talking to cardiologists today that came in. They explained the kinds of equipment they have in their office. From a practical point of view, if you are a cardiologist, it's like what used to be a stethoscope. A doctor hung it around his neck. He might not have used it all the time, but he needed it on a fairly regular basis.

Their stethoscopes now are far more sophisticated, but they use them all the time. Not all time, but they have to have them immediately available to do their job. As you say, that allows them to provide service reasonably close where people live, and it allows them to do it right in the office. Particularly, it provides the fact you don't have to wait weeks and weeks to get some particular checkup.

That is the weak underbelly of the socialized medical systems in England and Canada, because you take a look at things like cancer, you don't want to wait weeks and weeks. If you have got melanoma, you want to get it and you want to get it now. If you have got heart disease, you want to get it now.

□ 1715

I just went through this with my father. He got a new heart doctor. His old heart doctor wasn't paying too much attention. His new heart doctor took a look at him, took a look at his meds and said you need to get a chemical stress test. When he got that, he said you need to get an angioplasty thing. So they go in and look around with that. They said when you get that, you need to get a heart bypass, which turned out was a seven-way heart bypass. When he got done with that, 4 days later he is home. Total period of time, less than 3 weeks from the time he went in to see the doctor until he had a seven-way heart bypass and was home from the hospital.

That is the American medical system, because it can react quickly and

rapidly to something that if you let it go is going to be life threatening. That is what you are talking about.

So this waste and abuse, we have seen where some of this supposed waste and abuse is coming from; \$500 billion out of Medicare. I know Republicans have been accused for years of being people who want to cut Medicare. Here we have got the Obama plan, we are going to get the money out of Medicare.

In fact, you made the point, gentleman, that we hear these conflicting claims and people say, Well, what's the truth?

Here's what you need to know: "First, I'll not sign a plan that adds one dime to our deficits, either now or in the future." This is our President. He says he is not going to add a dime to our deficits. Guaranteed, first thing. Well, let's take a look at the track record since the beginning of the year.

Deficits. We are talking trillions of dollars worth of deficits here. Here is the Wall Street bailout, the second half of that. Economic stimulus. If you don't vote for this, you might have over 8 percent unemployment. So all these liberals voted for this thing, \$787 billion, mostly in handouts and welfare types of things; and now we have got, whatever it is, 9 percent unemployment.

Mr. SOUDER. Maybe he meant that he wasn't going to add one dime, that he was going to add a couple of trillion.

Mr. AKIN. Maybe that's what he meant, it wasn't a dime, it would be trillions of dollars. But this doesn't give us any record to be comfortable with. This assertion doesn't square with what our history is.

Now, there have been a number of other assertions. This is what makes people confused.

First, if you are among the hundreds of millions of Americans who already have health insurance through your job, Medicare or Medicaid or the VA, nothing in this plan will require you or your employer to change the coverage or the doctor you have. The President is saying this. You get to keep what you have got. If you like what you've got, you can keep it.

Yet here you have an MIT health economist, with or without reform, that won't be true. His point is that the government is not going to force you to give up what you have, but that is not to say that other circumstances won't make that happen. Essentially, what happens is the government gets into the insurance business, the other privates all close down, and you only have one choice: you have got to go to the government.

So one thing you are hearing, you can keep what you have. In fact, here is a guy from outside that doesn't have a dog in the fight, he says that is not how it's going to work.

Here, this is a section, the doctor-patient relationship. If there is anything

important in medicine, it is the doctor-patient relationship. This is an amendment that was offered by Dr. GINGREY from Georgia, one of our friends and colleagues. Here is his amendment:

"Nothing in this section shall be construed to allow any Federal employee or political appointee," that is bureaucrat or whatever, "to dictate how a medical provider practices medicine."

In other words, we are going to enshrine the doctor-patient relationship. We are going to make it clear that when a doctor and patient decide on a particular procedure, we are going to proceed. Nobody is going to get in the way. Not only do we not want the insurance company getting in the way; we don't want any bureaucrats.

So he puts this amendment up and it goes to a vote in committee. Most people don't know this amendment went to a vote in committee and here is the result: 23 Republicans say, yeah, we want to leave that doctor-patient relationship sacred. And where were the Democrats? Thirty-two of them voted against this, only one voting for it. So what confidence does that give you that we're not going to get a rationed health care system? And yet we're saying whatever you have, you can keep it. We've had these claims and counter-claims, and I think it's important for us to let the American public shed some light on this. This is what people are saying.

I've got some other charts, but I want to go to my good friend from Pennsylvania. I yield.

Mr. THOMPSON of Pennsylvania. I appreciate that, and I thank my good friend.

I want to come back to the waste and abuse claim, that in addition to obviously significant taxes, that there's all these savings under waste and abuse. It's being presented and proposed by the Democratic Party like this is something new that we're looking at.

I have to tell you that I was working in health care in 1983 when diagnostic-related groups and the first prospective payment system came into health care. Soon after that, we began to hear about and work on eliminating fraud and abuse. Professionally and ethically, that's a responsibility that health care professionals have to do. The fact is that is something that has been ongoing. So now this claim that we're going to find these massive amounts of money as a result of waste and abuse that we can use and save and help to fund this government-run health care program is just false, absolutely false.

Now I do think there's waste in health care, and I can point to annually \$26 billion. We can take \$26 billion annually, and we can find that like this if we had the courage of my colleagues on that side of the aisle to address medical malpractice.

Mr. AKIN. Gentleman, you've got all of our curiosity up. How can we get \$26



billion? You say there is a line item of \$26 billion that you could work on.

Mr. THOMPSON of Pennsylvania. There are line items in physician budgets, in hospital budgets; and we could eliminate that cost to health care today by passing medical malpractice tort reform.

Mr. AKIN. Oh, tort reform.

Mr. THOMPSON of Pennsylvania. Tort reform. Premiums annually in this country are paid in the amount of \$26 billion. The average award under malpractice is \$4.1 million in this country. And so there's a line item that actually is in health care budgets and all the providers across this Nation that we could take that money—and we've got great proposals. The Republicans have H.R. 3400 that's out there that would address tort reform, that would do it in a way that would limit punitive damages. It would set up panels to be able to deal with those situations using judges that have health care experience.

So we have bills out there that if we could get our colleagues' support tomorrow or today, we could actually eliminate what I consider \$26 billion of waste from health care.

Mr. AKIN. I think my friend from Indiana had a comment on that. I yield.

Mr. SOUDER. I beg to differ just slightly. While that's the amount that people pay, what I hear from doctors in my district—and we have MedPro, which is one of the biggest insurers of doctors—that that's just part of the cost of defensive medicine. After the doctors are told to keep your insurance down, make sure they get an MRI if they're questioning at all rather than extra x rays so they can't sue you, make sure you do this extra test, that doesn't count all the things that they do to try to avoid their rates from going up. We don't know what the cap is.

The problem with the studies that claim you don't save as much from tort reform by those who are proponents of it literally do not take into account what doctors are saying in their daily practice of things that they wouldn't do at the margins if they didn't think there was a potential of being sued that would drive up the rates.

Mr. THOMPSON of Pennsylvania. Will the gentleman yield for one quick point?

Mr. AKIN. Yes.

Mr. THOMPSON of Pennsylvania. There was a recent study done just in Pennsylvania that showed that 93 percent of physicians in Pennsylvania practice some form of defensive medicine. Ninety-three percent, for that very reason. You invest \$200,000 to a half a million dollars in a medical education career and then because of these lawsuits and because of medical malpractice and the lack of tort reform, you're at risk of losing not just your practice but your family's home. I un-

derstand why defensive medicine occurs. We've got the solution. H.R. 3400 would address that.

Mr. AKIN. We've been talking about how do you deal with some of the different questions in health care. What has just been illustrated here is the fact that Republicans do have a number of ideas. One of those is tort reform. You're not talking about the fact that if a doctor makes a mistake that the patient shouldn't be made whole; but what you're talking about is this wild, punitive damage kind of thing which just introduces such a wild card for the insurance companies that they run the cost of insurance up and then the doctors practice all this defensive medicine, which my friend from Indiana is pointing out as well; and any doctor you talk to will explain that that's just standard. We don't necessarily like it, but politically the Democrat Party doesn't want to allow dealing with that tort reform.

Now, the President did make a comment about it, and it is kind of the elephant in the room, but it's a big cost to health care that could be dealt with.

We're joined also by my good friend from Louisiana, Congressman SCALISE. Please join us.

Mr. SCALISE. I want to thank my friend from Missouri for hosting this and for helping to continue this debate to really get the facts out about some of the dangers of the proposal being brought by President Obama, Speaker PELOSI and others to really have a government takeover of health care. I agree with most Americans in this country who recognize that there are problems in the system but also recognize that with those problems we still have some of the best medical care in the world and we surely don't want to see the government come in and take over health care and destroy the things that work all in the name of fixing the very specific things that are broke.

If you talk about medical liability reform, doctors will tell you that many of the tests, maybe a third of all of the tests and procedures that are run on people, are just purely in defense of trying to avoid a frivolous lawsuit. Experts will tell you you could save about a hundred billion dollars—billion with a B—a year in medical savings just by doing something to eliminate the frivolous lawsuits and address medical liability reform which, as my friend from Pennsylvania points out, we do in the bill that I'm a cosponsor, many of us are cosponsors of, H.R. 3400.

Not only that, for Americans who have to go through these tests and procedures that they know they don't have to go through and they wonder, why do I have to go through these CAT scans and these other tests that my doctor really doesn't think I need but because he's afraid of a lawsuit, I've got to spend the extra time and the extra money.

Outside groups have now come and just earlier this week, Pricewaterhouse said that the bill being brought by President Obama and others in Congress would add another \$1,700 a year to the average American family's health insurance cost.

Mr. AKIN. Wait a minute now. You got my attention. The average American family, the proposal that's being offered is it's going to add \$1,700 more a year for the cost of their medical insurance?

Mr. SCALISE. That's exactly what the Pricewaterhouse study says.

Mr. AKIN. Isn't that the new study on the Democrat Senate plan? Isn't that where that was done?

Mr. SCALISE. Right. Because as we're getting more information on this bill that just passed out of the Senate, they still won't put the legislative text out there, and I think we should have at least 72 hours where the bill is available online so that not only Members of Congress but all Americans can read it, but also as they're starting to research and look at all of these taxes.

The Democrat bill in the Senate has \$400 billion in new taxes that would be passed on to American families. The House bill has \$800 billion in new taxes. All of that will raise the cost of health care.

Mr. AKIN. Let's talk about cost. You've got \$400 billion in new taxes, and you're going to take another 400 or \$500 billion out of Medicare. So right off the bat when you say, Here's this new piece of legislation, what do I get for it, well, first of all, \$400 billion in taxes, 400 or \$500 billion out of Medicare. That's something, just as we started talking. It raises this kind of commonsense question: You've got over a hundred million Americans that have insurance and doctors and health care that they like pretty well, and they don't really want to change; they're content with what they've got, and in order to try to fix what problem, you've got somewhere between 10 and 20 or 10 and 30 million who don't have health care, maybe could afford it but don't. And so in order to do the 10 or 20, you're going to basically take apart the system for a hundred, which also raises kind of a commonsense question, too. I just don't quite see that.

There are a lot of claims going on. Here's one:

"There are also those who claim that our reform effort will insure illegal immigrants. This is false. The reforms I'm proposing would not apply to those who are here illegally." This is the President. This is his claim. But let's take a look and see, well, what does the fine print say.

This is the Congressional Research Service. This is a nonpartisan group. They've studied the bill that the President was talking about. They say:

Health insurance exchange would begin operation in 2013 and would offer



private plans alongside public option. H.R. 3200—that's Speaker PELOSI's bill—does not contain any restriction on noncitizens. It does not contain any restrictions on noncitizens, whether legally or illegally present or in the United States temporarily or permanently participating in this exchange.

Mr. SOUDER. Will the gentleman yield?

Mr. AKIN. Yes, I do yield.

Mr. SOUDER. Can you imagine the outrage in America if liquor stores posted on their door, No IDs checked here? If you went to a gas station where we assume that tobacco cannot be sold to minors but you had a sign that said no IDs checked here, would you believe that the liquor store or the place selling the tobacco isn't going to sell to minors? On what basis? In effect, what we're telling them in this bill, no IDs checked here, so how do you know?

Mr. AKIN. Isn't that amazing? This is why Americans to some degree are upset. They're upset about the points you made. They would like us to have 72 hours to at least look at a bill and read it.

□ 1730

And then, they're not too fond of the idea they're going to get cracked for \$400 billion or \$500 billion taken out of Medicare. Certainly senior citizens aren't too fond of that. Some people don't like the idea of having to pay for illegal immigrants' health care services. This is very clear from the Congressional Research Service that what the President said just flat isn't true.

And if that were not enough for you, here's an amendment by one of our colleagues, Congressman HELLER. This is another one of these amendments that takes place in committees where people don't see it so much. This is going to clarify this statement that the President made. In order to utilize the public health insurance option, an individual must have had his or her eligibility determined and approved under the Income Eligibility Verification System, IEVS, and the Systematic Alien Verification for Entitlement, SAVE programs under section 1137 of the Social Security Act.

So, in other words, what we're saying is, we're going to make sure, we're going to card you at the liquor store. When you buy those cigarettes, we're going to card you. That's what this amendment says. You notice it says "failed" down here at the bottom. It failed why? Well, because here's the Republicans. They all voted for it. Here's the Democrats. They all voted against it. There are more Democrats so this amendment is history.

So the President says, we're not going to have any illegal immigrants, but, in fact, the Congressional Research Service and this amendment and the vote on this amendment bears testimony that that just isn't true.

Mr. THOMPSON of Pennsylvania. Will the gentleman yield?

Mr. AKIN. I do yield to my good friend from Pennsylvania.

Mr. THOMPSON of Pennsylvania. I'm not sure which committee this is representative of, but I serve on the Education and Labor Committee. And in that approximate period of time of around July 16th, the next to the last week in July, we were also presented with H.R. 3200, and we were presented with it and went into within 48 hours of when we were given the first copy, which was 500 pages of the bill, and then that was on a Wednesday. The very next day, on Thursday, we started bill markup, which is an important event around this place. It's where we make substantive changes to bills. And at that point, the bill had grown, with a manager's amendment, to over 1,000 pages. And we started a marathon markup that started at 10 a.m. on a Thursday and was driven by the leadership of the Democratic party until 5 a.m. on Friday, 20 hours. I can't tell you the—

Mr. AKIN. Till 5 'o'clock in the morning?

Mr. THOMPSON of Pennsylvania. 5 'o'clock in the morning. I can't tell you—you can imagine what the quality of work was after about 11 p.m. But some time during those wee hours of the early morning, probably between 1 and 3 a.m. I specifically remember that amendment coming up and being debated, and debated passionately, that we have a responsibility to the American citizens to be able to be good stewards of the resources that are here that we have as a country, and that we have the responsibility of overseeing. And I remember that amendment, and specifically how it was defeated, along a party line, with all the Republicans voting for that amendment and the Democrats opposing it.

Mr. AKIN. This is the illegal immigrants getting access to the money of Americans that are paying money for health care.

Mr. THOMPSON of Pennsylvania. That is correct.

Mr. AKIN. I do yield to my friend from Indiana.

Mr. SOUDER. Also as a member of the Labor Committee, my friend from Pennsylvania and myself and probably three others, I thought, were actually very articulate in arguing some of these amendments at 3 in the morning. Our audience wasn't very big. You know, when people say, oh, what happened, why didn't you guys—I mean, the only place we can offer amendments usually is committee. We don't get to offer them here on the floor.

Mr. AKIN. Just for some people that might not be familiar with the way the House works, when this bill, this medical bill, whatever it is that the Democrats come up with, it comes to the floor, they're not going to let us offer

any of the amendments that are going to be in any way embarrassing or debate them or discuss them. It's going to be a take-it-or-leave-it. The train is leaving; either get on or stand on the platform with your hat in your hand.

Mr. SOUDER. Putting aside that that may be why they don't bother to let us read the bill, because we can't amend it anyway, that you would think that there would at least be some public responsibility to give us 72-hour notice. In committee, we didn't get 72 hours. As my friend from Pennsylvania, Mr. THOMPSON, has pointed out, it was just, I mean, we got it basically when we sat down, the final bill. Then we're debating it in the middle of the night, which the other party said was shameful when the Republicans held a vote because of the debate which was actually on the floor. We don't do debates in the middle of the night anymore because we don't do debates, we don't offer amendments.

But in the amendments in committee, the amendments on pro life, the amendments on trying to check ID, the amendments on a lot of these controversial provisions, nobody got to see the very eloquent debate. I thought we were pretty eloquent at 3 in the morning. You know, I took a little offense. I thought we were fairly good but nobody will witness it.

Mr. AKIN. Well, let's just review a few of those amendments. The first thing is, you don't want illegal immigrants to be tapping into the money for the health care. Another one was saying we weren't going to use health care to pay for abortions. So that was one that, I mean, a lot of Americans are thinking, I don't really want my—whether you're for or against abortions, I'm not sure I want my money being used to give people free abortions. And then there was a question about the doctor-patient relationship. Are we going to ration health care with bureaucrats, some calculator, some computer that says, well, at your age and at this and such, you don't get any?

And so you've got an amendment that says that you're going to have a doctor-patient relationship that is going to be sacred, and that you're going to allow the doctor and patient to make medical decisions. All those amendments offered in committee go down on a straight party-line vote.

Mr. SOUDER. Another one for a second that you referred to earlier. That, you know, people can say things. We can stand up and say whatever we want. But when you vote it's your action. And in the action—

Mr. AKIN. A vote isn't an opinion. It's a hard and historic fact, yes.

Mr. SOUDER. Keep your own insurance, keep insurance the way it is? No. It was defeated. We had one that said catastrophic plus an HSA. That means that you could get flexibility to get

catastrophic coverage that could be provided by the firm; they give you money so you get an HSA, and then if you want pregnancy coverage you could cover pregnancy. If you were older—like, we're probably not going to have any more babies; it would be a big shock if we did, since I am 59, about to turn 60, and my wife's similar. Much younger of course, but similar. I'm going to get killed when I get home. The bottom line is that we may not want pregnancy coverage, so why can't we get a health policy that's customized? Defeated.

You know, this idea that the Senate bill in their talking points today says they're going to allow you to keep your own insurance. And then further down it says all these new things will be added. Mandatory. By the way, that wouldn't be your insurance. If your insurance doesn't have it, that's not your insurance. Your company would have to either raise the prices or drop your policy. If they're dictating, that's not your own insurance.

Mr. AKIN. And that's one of the talking points as we talked to one of the Senators this morning about the new—because we're getting information about what the Senate is doing, and that was one of their things—it reduces health choices. I think the whole point of the policy is Americans don't all necessarily want the same policy. You know, if you've got a medical savings account, which is something that we have supported, so you can put money aside to cover different things, and you've got a lot of money in that medical savings account, the insurance you may want would be what we used to call a major medical policy. It covers the great big things, but the smaller stuff, you can say, hey, I can afford to take a thousand or \$2,000 hit because I've got enough money in my medical savings account that I don't need to pay for a policy that covers everything.

Somebody else who's just starting, and maybe they're a little bit worried about they just can't take anything, they're going to want a policy that covers a lower deductible. And depending—as you made eloquently clear, one size doesn't fit all. It's not the, You can have any car you want as long as it's black. We've got choices in America. And what this Democrat Senate plan, and it is Democrat, does—there's only, huge news, one Republican, just one, that ventured to vote for this thing; everybody else is against it—it reduces health choices. That's not the way you save money, and it's not the way you provide good health care. Very good points, gentleman. I yield to my friend from Pennsylvania.

Mr. THOMPSON of Pennsylvania. Well, what you're talking about is actually an amendment that I offered in the Education and Labor Committee to bar the exchange, the health insurance exchange, which essentially allows this

new health insurance commissioner to dictate the terms for your private insurance policies. Exactly what my good friend from Indiana was talking about. Specifically, what would be required, as opposed to a consumer in a free market, where I choose what's best for me and my family, a government bureaucrat would dictate if my insurance policy qualifies or not within this exchange. And again, that's an amendment we offered up to eliminate the exchange from H.R. 3200 within the Education and Labor Committee. And that was defeated along party lines.

Mr. AKIN. Another party-line vote. Just amazing, isn't it? Well, you know, if you take a look at what the Senate is talking about doing, you can understand why there's this amazing gap, because the public opinion polls are showing that people are not very comfortable with what we're talking about jumping into, and for the sake of whatever it is, 10 or 20 million people, destroying the health care of 100 million.

And this, these are some of the costs: It raises premiums, and it reduces the health choices which we've been talking about. Those health choices are very important. It delays or denies care. This thing here, delaying and denying care, as a cancer survivor, I understand the importance of this because if you don't get it and get it quick, you're a goner. And so this idea of rationing and postponing and having to wait in queues, which is endemic in England and Canada, that's something that we don't—that's a high cost.

We've got some other costs here. We've been joined by my good friend from Iowa, Congressman KING, and I imagine you might have a few thoughts on these subjects as well.

Mr. KING of Iowa. Well, I thank the gentleman from Missouri for holding this special order. And as I hear the word Iowa, I look across that list and I see \$500 billion in Medicare cuts. And we know that nationwide, Medicare reimbursement rates, the services provided under Medicare, are only compensated under the schedule we have today at about 80 percent of the cost of delivering that care.

And if you look around the country where you have concentrations of seniors, we know that's where the Medicare dollars go. And my district of Iowa, as a State, has the highest percentage of its population that's over the age of 85. And we're in the top six or seven over the age of 65. So we actually do pretty good on the longevity side. And in 99 counties in Iowa, 10 of the 12 most senior counties in Iowa are in my district, so I may well represent the most senior congressional district in America.

And I'm standing here looking at this data that's been out here now for probably 2 months, a half a trillion dollars in Medicare cuts, Medicare cuts. And the administration takes the position

that they're going to find waste, fraud, and abuse. But it's odd that if they know where the waste, fraud and abuse is, why do you have to bargain to get a socialized medicine program in order to go after the waste, fraud and abuse? If you find waste, fraud and abuse in government, don't keep it secret, Mr. President. Tell me where it is. We'll find it here in Congress.

And that's one of my concerns is that you can't bargain that. If it's good policy, eliminating waste, fraud, and abuse is always good policy. You don't hold it out and say, I've got a secret. It's in the envelope—karnak predicts that if you pass my national health care plan, I can find you billions of dollars worth of savings. But taking it out of our senior citizens' pockets. And it's so interesting to me that I remember my junior Senator, TOM HARKIN, had a political campaign that resolved around a statement that he made, he referenced \$6 billion, and he said, Well that's just pencil dust. And so his opponent walked around with a man-sized pencil the whole campaign showing \$6 billion is not pencil dust.

But I recall the spokesperson for the AARP sitting on a national cable news program, referring to the half a trillion dollars in Medicare cuts, now it does sound like more when it's \$500 billion in Medicare cuts, referring to it as a small percentage of the overall outlays. Half a trillion dollars, a small percentage of the overall outlays. That's one of the pieces of the bullets that you have there.

Mr. AKIN. I'd just like to cut in a little bit on you, gentleman. When you've raised this point that Medicare pays for whatever it is, 80 or 90 percent of the actual cost of a procedure. So what that's saying is, whenever a doctor treats a Medicare patient, what's really happening is there's more cost than actually is being paid by Medicare. So what that means is at a certain point, if you were to reduce what Medicare is paying, there's going to come a point where a doctor says, enough already. I just can't afford to cover any more Medicare patients because, guess what, I'm going to have to cover some other patients, and I'm going to have to charge them 120 percent to make up for the 80 percent over here because we're cost shifting.

So, in other words, what's happening is somebody is having to pay more. So now what we're going to do is take \$500 billion out of this. And what's that mean? Somebody else is going to have to pay more.

Mr. THOMPSON of Pennsylvania. I think that you are just going down a line, a road that is so important in this debate. It really comes back to where we started talking about rationing. And the ultimate form of rationing, to me, is where you have to close hospitals, especially in a congressional district like mine, and probably a number of my colleagues here are very

rural; to get to another hospital when one closes is a commute that makes a difference between life and death. Hospitals, rural hospitals, and I'm sure underserved urban hospitals in particular, they have a banner year when they make a margin of 1 to 3 percent—1 to 3 percent.

Mr. AKIN. That's not a lot of fat.

Mr. THOMPSON of Pennsylvania. No. Because out of that 1 to 3 percent, hopefully they're able to give some type of cost-of-living adjustments to keep the best and the brightest in terms of physicians and therapists and nurses and health care professionals.

□ 1745

They also need to be investing in new lifesaving technology that is being developed all the time. And so we see these Medicare cuts in particular.

I also put out there the public option, because the public option will pay by statute, what I saw in the Education and Labor Committee, pays Medicare rates 80 to 90 cents on the dollar of costs, essentially what you will do is bankrupt hospitals and physicians. And I project that that will hit first in rural America and underserved urban areas.

That's rationing. When you close facilities, when physicians no longer are in practice because they can't balance their books, that is the purest form of rationing services.

Mr. AKIN. Rationing is something we need to give some thought to.

My good friend from Indiana.

Mr. SOUDER. There's one point I wanted to make sure I got in here tonight, because part of my district is stunned today. The Senate Finance bill yesterday is proposing a tax that ranges from 10 to 30 percent on the medical device industry. Now, when we talk about Medicare, what we're really talking about is they cover not quite variable costs, but cover no mixed costs, and no fixed costs for hospitals or for reimbursement of other things. Private pay pays for the rest of it. And what this bill is in danger of is squeezing or taxing out private pay.

Now what I hear often is why can't we just all go to the Medicare system? The Medicare system, people who are alive today wouldn't be alive if it were based on Medicare reimbursements because the pharmaceuticals wouldn't have been made. The hip replacements that they have, the shoulder replacements, the knees wouldn't have been invented, because the key is R&D. Lilly in Indianapolis, at one point, 60 percent of their profits were from Prozac. Every other drug that was invented was funded with R&D from that. But if they attach an R&D fixed amount to a particular drug, there will be no excess profits with which to experiment.

The orthopedics industry, according to OrthoKnow, an article by John

Engelhardt that was just released shows that the tax on the orthopedic, a little town of Warsaw, 15,000 people in that county, is one-third of the orthopedics industry in the world in my district. Three of the five biggest, they own the biggest companies in Europe, they are looking if this tax goes through and how they move out. This is one when we move up the ladder, we say we're not going to just flip hamburgers, we're going to go up, we're not going to do commodities, we're going to go higher, and then we get up to the higher areas, and we tax them.

Here is Zimmer, the biggest, based in Warsaw. Their R&D budget was \$194 million. The tax under the Senate bill is 94.7. Stryker—

Mr. AKIN. Wait. Wait. Wait. You're going too fast for me. This is absolutely incredible. What you're saying is one of the most brilliant parts of American health care has been the innovation, has been all the new drugs, the new devices, the new procedures. As I mentioned, I'm 62 now. I have gotten to be an old geezer, and my left hip has been giving me trouble. You see me limping around, and I'm going to be looking at a hip replacement. Those weren't available 25, 30 years ago.

Mr. SOUDER. Commodities. The head and founder of Biomet, Dane Miller, talks about in here, they didn't think titanium was going to work. He had somebody serendipitously put into his arm titanium. He walked around with it for 12 years and proved it worked. And they said, wow, this doesn't disintegrate. They used to use basic pieces of wood as your hip. Now we customize it. We try to make it so that when soldiers get hurt on the battlefield and they are 18 years old, they're not going to die in 5 years. Is this going to be flexible enough? How is the skin and bone going to go around it? Michael Porter points out, innovation comes when you have a cluster and there's competition. You destroy that, you take away the R&D. Medicare doesn't pay for that. Private pay pays for that.

Furthermore, Zimmer is proposed to be taxed half. Stryker is proposed to be taxed half. Smith & Nephew is proposed to be taxed half of their R&D budget. Biomet, \$82.2 million in research; \$60.9 million is their tax. Because they were doing readjustments last year, they didn't even make any money.

Now, how do you think we are going to have a single innovation in orthopedics if you tax half of the R&D? And furthermore, they don't call it a "tax," they call it a "fee," so it is not even tax deductible.

Mr. AKIN. So what I'm hearing you say, gentleman, then, is this. Let's just assume if you're a company, for every dollar you put into R&D, you get the same benefit out. You're saying you're going to slash the R&D budget of some

of the big innovators in medicine; you're going to slash it by half because you're going to tax them?

Mr. SOUDER. The little ones get hit harder.

Mr. AKIN. Now England and Canada have had this socialized medicine for years. Are they known for the innovation that those countries have added to health care?

Mr. SOUDER. They come here.

Mr. AKIN. They come here?

Mr. SOUDER. When they need a new hip, the inventions are coming out of Warsaw, Indiana. The parts groups that work at some little companies like OrthoPediatrics, they're working on specialized hips for kids who are 4 years old and 6 years old. Are they going to go to Wal-Mart and pick one up off the shelf? Let's get real here.

Innovation requires competition. It requires investment. The way you keep a cluster, according to Michael Porter in "The Competitive Advantage of Nations," when you have a cluster, you need competition. There has to be innovation every week, how can I get better? And that's driven by profit and by competition.

R&D in England is one of the highest in the world, yet they don't produce new products because the government is most of the R&D. It's not driven for what the consumer wants where the consumer basically rewards the market. And we are going to tax these little ones totally out and the big ones half, and we simply aren't going to get the products. So we don't have the option of going to Canada and England to get it.

Mr. AKIN. So what you're saying, gentleman, is you're going to kill R&D. You're going to kill the development. There are all kinds of people that have cancer that is ticking away slowly. They want some innovation. They are hoping some new drugs or some new procedures are going to come along. We're going to kill that. We're going to get rid of that, and we're going to go to a system that has never worked historically.

Here is a chart. This kind of got my attention, because as I mentioned, I was diagnosed with cancer, but take a look at the cancer survivor rates when you go to the U.K. compared to the U.S., and what you see is that big waiting time and that lack of innovation. You don't live as long when you are over in the U.K. In fact, I was told that when you add up all the cancer times, U.K.'s is a 50 percent survival rate if you're diagnosed with cancer. In the States, it's supposedly considerably higher. So why do we want to destroy a system that is producing this level of innovation?

What you are talking about is free enterprise. And free enterprise needs, first of all, to have people have enough money to be able to invest; and second of all, have that competition and that

hub of technology that you're starting to drive and one guy is thinking, Hey, I see what they did. That was a cool device. But I think I could up it one. I could do it even better. And that American process is what has allowed us to enjoy the best health care in the world. If you're a rich sheikh from Bahrain and you're sick, guess where you're going to go? The good old U.S.A.

My good friend from Iowa.

Mr. KING of Iowa. I thank the gentleman from Missouri, and I look at this data that is there. You didn't read the text below that, the success story here in America in proportion, but U.S. companies have developed half of all new major medicines introduced worldwide over the past 20 years. It happens to also be true that in the United States slightly more than half of the research dollars in the entire world are invested here. Those things are not coincidences. Those things come together. It's almost directly proportional to the research dollars. I'd like to think we are a little better than that. I'd like to think that we have innovative skills and there's something within our culture and our mindset that lets us push even a little harder than that. But what we're hearing from the gentleman from Indiana is that this policy punishes the very most successful among us in this country, and it's likely to drive them overseas.

I had a long conversation with a representative from one of the large well-known medical industries in the country, and they've developed a technology, and I'm not going to define it any more than that it would be transformative from a cure standpoint. And they are looking at deploying that in other countries where they can actually get it deployed more quickly. If that happens, if they can introduce new cures in other countries, the research dollars will follow too, and they will set up shop in those countries. It won't be just customers; it will be our businesses that go, just as we heard from the gentleman from Indiana.

Mr. AKIN. The thing that concerns me is that it's possible for us jumping in haste to some kind of a solution like this because of all the political hubbub that's going on, to jump into something which is going to permanently damage American health care. It's going to irreparably move us in a direction where it's going to be almost politically impossible to recover from. It's a little bit like when you get on the gunwale of a canoe, you put enough weight on it, and you're going to dump it over.

We have a very good health care system, but can it take this kind of a hit? \$400 billion in new taxes. Guess who is going to pay those? Do you think those are rich guys that are going to pay those? That's going to be every plain old working person in this country that is going to be part of that \$400 bil-

lion. \$500 billion out of Medicare. Guess who's going to pay that? That's going to be the seniors. And the delays and denied care. Who's going to pay that? That's people with heart problems, people with cancer problems. People will be waiting in line. People will have some bureaucrat controlling their health care.

One of the things that really scares me about this, and maybe I'm thinking of it a little too personally, but we are Congressmen, and one of the things that we do in our office is we try to help our constituents that have a problem with the Federal Government. And so if somebody needs to get a passport, we go hurry up and try and help them get their passport quicker. If somebody has a problem with a permit or something, WE go call the bureaucrats up and say, Can you help out? What form have we not done? How can we help this? And we try to help our constituents out. Now, I'm picturing I'm on the phone and we've got this kind of system, and I'm getting the phone call that says, You've got some government bureaucrat that just told my dad he can't get a heart bypass. What am I supposed to do?

I yield.

Mr. SOUDER. The chancellor of one of my universities, yesterday, when I was at Turnstone, this fellow that works with kids who have physical disabilities and gets them recreational activities, he said, My dad is a veteran and my mom is now in the hospital, and we tried to check with the Federal Government to get the eligibility benefits. We kept getting taped messages saying the person is there on Thursdays for 2 hours.

That's what you'll get with government health care.

Mr. AKIN. Thursdays on 2 hours. So get in line. That's incredible.

We are about at the end of our hour. I would very much like to thank my good friends representing a host of different States, people with a great deal of common sense, and particularly Pennsylvania, with 25-plus years of being in the medical business. You see this thing, it's like a train wreck that you're seeing in slow motion.

What we're trying to say is Americans, pay attention. We cannot afford to go this deal about taking 18 percent of our economy and giving it to the Federal Government to run. It doesn't make sense. It's going to be expensive. It's going to destroy health care. And in every other regard, this is just a bad deal for everybody.

Thank you so much for joining me, gentlemen.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-300) on the resolution (H. Res. 829) providing for consideration of the conference report to accompany the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2442, BAY AREA REGIONAL WATER RECYCLING PROGRAM EXPANSION ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-301) on the resolution (H. Res. 830) providing for consideration of the bill (H.R. 2442) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### THE CONGRESSIONAL BLACK CAUCUS HOUR

The SPEAKER pro tempore (Mr. KISSELL). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

#### GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask for unanimous consent that all Members be given 5 days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. Mr. Speaker, the Congressional Black Caucus, the CBC, is proud to present this hour on issues that concern America's senior citizens. The CBC is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California. I am Representative MARCIA L. FUDGE from the 11th Congressional District of Ohio, and I am the anchor of the CBC hour.

The vision of the founding members of the Congressional Black Caucus, to promote the public welfare through legislation designed to meet the needs of millions of neglected citizens, continues to be a focal point for the legislative work and political activities of the Congressional Black Caucus today.

Tonight, the CBC will focus its attention on the issues currently confronting our seniors. In his last speech, Hubert Humphrey said, The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.

The fact that some Americans work their entire life, regularly paying into Social Security and are confronted by poverty in their golden years is indeed a problem, Mr. Speaker.

□ 1800

The social insecurity facing our Nation's seniors is not a Democratic problem or a Republican problem; it is an American problem, Mr. Speaker. This year's news headlines tell the story: "Seniors Struggle With High Cost of Housing and Food, Barely Getting By"; "Seniors Struggle to Survive"; "Single Seniors Can't Make Ends Meet"; "Subsidized Lunches in Greater Demand Among Senior Citizens"; "Forty Percent of Senior Citizens Not Taking Prescribed Medicines Due to Budget"; "Senior Citizens See Largest Gain in Credit Card Debt As Recession, Medical Costs Take a Toll."

Mr. Speaker, our country will recover from this recession, but we cannot forget the seniors who struggled before the recession began. Many live on fixed incomes and find it difficult to live under the pressure of high medical bills and the rising cost of essentials like medication, food, and housing.

One of the most disheartening news headlines of 2009 had the title, "U.S. Is Losing Ground on Preventable Deaths." In this story, AARP reported that Americans are dying too soon, although the United States spends \$2.4 trillion a year on medical care, vastly more per capita than comparable countries. Our Nation ranks last when compared to 19 other industrialized nations on premature deaths caused by illnesses such as diabetes, epilepsy, stroke, influenza, ulcers and pneumonia, all medical issues that disproportionately attack and weaken American seniors.

In my district, senior citizens call my office daily. Some call looking for reassurance that Medicare will be strengthened through the health care reform, and others asking questions about the future of Social Security.

One senior called just this past week. He is an 85-year-old man living in public housing. He has an artificial leg which he has had since the age of 11. He is worried that his Social Security check will not cover the cost of the medications he uses for complications caused by his artificial limb if the cost of his medications continues to climb.

I am confident, Mr. Speaker, this Congress will answer the calls and the concerns of these seniors, and I will not

rest until all seniors have their answers.

Reports have been looming for years about the long-term financial problems of Social Security. The retirement program is projected to start paying out more than it receives in the year 2016. According to the Social Security trustee, without changes, the retirement fund will be depleted by 2037.

Demographic factors are accelerating Social Security problems. Life expectancy is increasing faster than anticipated. In 1940, a 65-year-old man could expect to live maybe another 12 years. Today it's 15 years, and by 2040, it will be 17 years. The fertility rate is falling faster than expected, from 3.6 children for a typical woman of childbearing age in 1960 to just two today, and a projected 1.9 by 2020.

The elderly portion of the population will likely rise from 12 percent today to 20 percent by 2050, increasing the number of retirees from 34 million to 80 million. The smaller working age population and larger elderly population means that where there were more than five workers for each retiree in 1960 and 3.3 workers per retiree today, by 2030 there will be just two workers to pay the taxes for the benefits of each retiree.

Social Security is a pay-as-you-go system, as you know, with each generation of workers paying the benefits of current retirees. This works fine as long as the working population grows faster than the retired population; but now that the trend has reversed, the system is simply unsustainable.

Congress and the Social Security Administration are seeking solutions to this long-term problem; but at the same time, we have to work on the existing problems confronting our seniors on Social Security. Recently, the Congressional Budget Office reported that for the first time in 35 years older Americans will not receive a cost-of-living adjustment, or COLA, increase in their Social Security checks in 2010. This is bad news for many retirees living on a fixed income because although the cost of necessary goods like food will continue to rise, seniors who rely on Social Security checks will not see their budgets increase.

To compound this problem, millions of the same seniors whose budgets may be tighter than ever will also face much higher Medicare part B and Medicare part D premiums next year. Medicare part B insurance covers doctors visits, lab work, physical therapy, and other types of outpatient services. Medicare part D is the Medicare prescription drug program.

A Federal law, known as the "hold harmless" rule, prevents the annual cost of part B premiums from rising higher than that year's Social Security COLA. For example, if your annual Social Security income increases by 5 percent, the yearly part of part B pre-

miums cannot increase by more than 5 percent. The problem is that, while this hold harmless rule covers some Medicare part D patients, it does not cover any of the 28 million seniors insured by Medicare part D prescription drug coverage, and it does not cover about 11 million Medicare part B seniors.

Mr. Speaker, I have been joined today by my colleague and friend, the Congressman from Minnesota. I would like to yield as much time as he may consume.

Mr. ELLISON. I want to thank the gentlelady from the great State of Ohio for doing such a wonderful job talking about health care, our seniors, talking about all these critically important issues facing our Nation right now.

As the gentlelady is very well aware, we are at the very edge, at the very moment where we can have real health care reform for all, or maybe not. The reality is that we are optimistic. We are closer than we have been in 60 years, closer than we were in 1994, closer than we were when Roosevelt first said all Americans should have health care and have health and wellness, closer than we were when Truman said we need universal health care coverage.

We are close. We have five bills reported out, three bills through the House, two bills through the Senate. And right now, Americans all around the country are saying, will the Congress finally do it?

Do you know that upwards of 77 percent of Americans want real health care reform? They want health care reform with a public option. They want real change, and it's time that they get it.

But I wanted to mention to my friend from Ohio, the great Congresswoman FUDGE, we all need health care reform. The fact is that when health care reform arrives, it will benefit communities of color more than it will other communities. It will benefit everybody. Everybody who will never be turned down for a preexisting condition will benefit. Everybody who has seen their premiums double over the last 10 years and will probably see them double in the next 10 years will benefit. But when you look at the startling disparities people of color are facing every day, I think that they will benefit more.

Just to let everybody know, the fact is that, yes, it's true, life expectancy for the average American has gone up. But for average African Americans, it still lags behind about 5 to 6 years. For African American men, it's not even 70 years old yet. African American men, on average, can expect to live to be about 69. Their counterparts can expect to live to be about 75. Now, imagine a child being born at the age when their grandpa is 69 years old. That means that if that child is African American and their grandfather is, they may never know grandpa.

But if we really address health care disparities, maybe we can get African American men up to 75 years old. That means that they will get a chance to bounce on his knee, get to know him, get to talk to him, get to learn something from him, maybe learn how to go fishing. It's a quality of life issue, more years. Addressing that cervical cancer earlier means grandma will be around longer.

Most of us, if you grew up like I did, know that mom and dad had to be tough on you because they had to raise you right. But there is one person who you knew thought you were absolutely terrific no matter what you did, and that's grandma, right?

Ms. FUDGE. That's absolutely right. Will the gentleman yield?

Mr. ELLISON. I will yield to the gentlelady.

Ms. FUDGE. I just wanted to say that, as you talk, it just really gives me some encouragement that we have put in place legislation that is going to allow us to deal with preventive care and wellness. Certainly that is an issue in our neighborhoods and all neighborhoods, especially neighborhoods of poor people and middle class people. It has become a major issue just finding the resources and the time and ability to go to the doctor and say, I have a small problem, let's take care of it before it becomes a big problem.

And I think that just what you're talking about is preserving the longevity of grandma and your uncles and your aunts based upon the fact that they are going to be healthier longer is very, very important. And I yield back.

Mr. ELLISON. Well, I accept the gentlelady's yielding because it's important that when we talk about health care—you know, Mr. Speaker, we talk about statistics. And we drop stats, and we're talking about statistics and numbers and all of this stuff that we talk about. But we can never forget we are talking about human beings' lives. We're talking about human beings having more time with each other. We're talking about, as we said, your grandmother being there; and yet because of health disparities, inequality in the area of health, she is not being there. And how enriched a human being is by having that generational exchange.

These are just little examples of what we're talking about. And that's why Democrats are pushing forward on health care. That's why the Black Caucus is pushing forward on health care. That's why we need all Americans who care about a better quality of life to be pushing forward on health care. We can't survive with the status quo. Literally, we cannot survive with the status quo.

I yield to the gentlelady.

Ms. FUDGE. Thank you. You are absolutely right; we cannot survive with the status quo.

And the other thing that this bill does is it allows us to say to those who

have for so long not been able to really live a healthy lifestyle—not because they don't want to, but because they don't have the ability to—to now say, look, we are going to put resources in your neighborhood community clinic so that you can go and make sure that your children have the proper exams and the proper things before they go to school.

We are going to be in a position where we say to them, we are going to make this health care accessible to you, not just on Monday through Friday from 8 to 4, when working parents have to work; but because of the resources we're providing, we are now opening these clinics on Saturday. We are now saying to them we are going to make this more convenient for you because we want you to be healthy. We want to set the example, set the standard; and it's time we do those kinds of things for the people we serve because that is our job is to take care of the people we serve.

I yield back.

Mr. ELLISON. I thank the gentlelady for yielding.

Mr. Speaker, I mean, the point is that part of this bill says, if it's enacted into law, that, you know what? You will not have to pay a copayment for preventative services. We want you to engage in preventative medicine. Get your sugar checked. Get your blood pressure checked. Come on in here and let's make sure that you get a prostate or a mammogram. The fact is these are the things that are going to keep you around here longer and will save the system money in the long run. These things are so important.

And I just want to give folks an example. In the year 2004, just a few years ago, African Americans had the highest age-adjusted causes of death rates for all races and ethnicities. In addition, African Americans have the highest age-adjusted death rate for heart disease, cancer, diabetes, HIV and AIDS. All of these things would be addressed if we can pass this bill and keep those things in the bill that address health disparities. That's why we need people to step forward and do the right thing and support this bill.

You know, the American people have called for change, but I just want to let folks know that the change that we're calling for will help all Americans. And while it might not help some executive insurance companies, it will everybody else. And when everybody else gets helped, this rising tide will lift people at the bottom higher, and it will help extend their lives and improve the quality of their life.

At this point, I am going to have to turn it back over to the gentlelady. She has been doing such an excellent job, but I just want to say thank you for doing what you can do to raise the consciousness of the American people because the American people want

change, they want optimism, they want people who will fight for change. They don't want folks who are going to give us the same old thing, because we can't survive with the status quo; but with change, we can.

Ms. FUDGE. Thank you very, very much. I am so pleased to have you join me this evening, Mr. ELLISON. I thank you for your work. You do outstanding work on behalf of people in the most need, and I am happy you could join me.

It seems as though now we have been joined by our Chair, the Honorable BARBARA LEE, the gentlelady from California. I will now yield to our chairwoman. Thank you so much for being here.

□ 1815

Ms. LEE of California. Thank you very much. Let me thank the gentlelady for yielding.

Let me also, once again, thank you for your leadership in making sure that all of the issues that are so important to our country and to the Congressional Black Caucus, to all of us, are really brought forward on this floor.

I rise tonight on behalf of—and I just have to say—our nearly 70,000 senior citizens whom I have the privilege to represent in the Ninth Congressional District of California, but also the seniors across this country. As our Nation's economic uncertainty continues, it is these individuals who are struggling at a disproportionate rate to overcome the grip of poverty and to maintain their quality of life, so it is important that tonight we talk about what is going on with our senior citizens and how important this moment is for them.

During the present turmoil, these hardships are especially acute amongst people of color, minorities, with more than 22 percent of African American and 19 percent of Latino seniors living below the poverty line. These poverty levels are more than double the national average for all individuals over 65 years of age.

Now, I firmly believe, like Congresswoman FUDGE and like all of us here believe in the Congressional Black Caucus, that we have a moral responsibility, a duty and an obligation to reverse this disturbing trend by utilizing the full constitutional power, statutory authority and resources of our government to provide opportunities for all and to develop these pathways out of poverty for our seniors. Some of these pathways include critical programs such as Social Security, continued support of Medicare and reforming our Nation's health care system, which you heard about earlier and which we are in the midst of reforming as we speak.

Social Security benefits constitute 90 percent of the income of one-third of Americans over 65. Many of the 75,000

residents in my district who receive Social Security are dependent on their guaranteed benefits. Without these vital benefits, nearly 50 percent—mind you, 50 percent—of seniors nationwide would be forced to live in poverty, which is a five-fold increase over the present rate. This makes it very critical for all of us to fight against any efforts that would threaten the benefits on which so many senior citizens rely.

I hear this from my mother, Mildred Massey, each and every day. So, on her behalf, I want to reiterate that once again.

We must also understand that, as the costs of medical care continue to rise, ensuring individuals' economic stability is inextricably linked to reforming our broken health care system. Today, as a Nation, we spend approximately \$2.2 trillion per year on health care, or \$7,400 per person, which is nearly twice the average of other developed nations and more than what we currently spend on either housing or food.

Members of Congress, especially members of the Congressional Black Caucus here, really do disproportionately represent the men, women, children, and especially seniors who are underinsured and uninsured and whose health and wellness have suffered because of the numerous gaps.

Some of us are calling these, really, moral gaps in our Nation's health care system. We support efforts to reform and to modernize America's health care system through comprehensive health care reform, and members of the Congressional Black Caucus support health care reform that includes a strong, robust public option like Medicare, which is a component of health care reform for which we are unwavering in our support. We want to continue to strengthen and to protect Medicare for our seniors, and we are determined to do that in this health care reform effort—that is, strengthen and protect Medicare for our seniors. We agree that Medicare services should not be reduced as a means of paying for this health care reform bill.

While the proposed provisions for our robust public option will not be implemented until 2013, we also recognize that, as early as 2010, many positive reforms will be enacted, such as prohibiting the abusive health insurance practice of rescinding existing coverage in order to avoid future costs, improving preventative care and coverage, making prescription drugs more affordable by eliminating the gaps in coverage, and increasing funding for community health centers. So this is essential in our health care reform package, but as I said earlier, we want to strengthen and we want to protect Medicare for our seniors.

Finally, let me just say, as a member of the Subcommittee on Labor, Health and Human Services and Education of

the Appropriations Committee, I would like to highlight the initiatives in the 2009 omnibus appropriations bill which strive to close the huge gaps in coverage and access for America's seniors by providing \$22 million for a new initiative to reduce hospital and clinic infections that cause nearly 100,000 deaths each year. That's staggering. Hospital and clinic infections cause nearly 100,000 deaths each year. What we did is we put in \$22 million so we can begin to combat these avoidable infections and reduce hospital readmission rates.

In addition, \$45 million has been set aside for health insurance counseling for seniors so that millions of Medicare beneficiaries can get the help that they need to understand and to utilize their complex benefits. I understand how complex some of this can be, and this counseling is so important. For those of us who have mothers and fathers and grandparents and aunts and uncles who are senior citizens, we know very clearly how difficult it is to weed through some of these forms and through some of these benefit regulations and rules, and we need to make it less complicated. So, hopefully, this \$45 million will help our senior citizens.

From the members of the Greatest Generation to the aging baby boomers, our seniors have given much over the years, so it must be our charge to support them and to remain focused on tackling the many challenges facing our Nation. We look forward to working with our leadership on both sides—Democrats and Republicans—in the following weeks to do everything that we can to continue to guarantee continuing care—Medicare and health services—for this great group of Americans.

Thank you, Congresswoman FUDGE.

Ms. FUDGE. Thank you so much, Madam Chair. It's always a pleasure to have you join me. Even though we generally do this on Monday nights, this is a special Wednesday night for us, so I appreciate your taking the time to stop by. Thank you very much.

Mr. Speaker, as I mentioned, I believe this Congress is willing to take a stand for seniors. I am proud to be a cosponsor of several pieces of legislation and to be a signatory on a number of letters to congressional leadership and Federal agencies which were authored to help seniors who are facing mounting financial and medical concerns.

One important bill, the Social Security COLA Fix for 2010 Act, ensures that seniors receive their COLAs for 2010. This legislation will help offset rising costs by providing seniors with a one-time \$150 payment in lieu of the Social Security COLA. The offset is fully paid for, and the legislation would not affect other Federal programs. For example, the one-time \$150 payment would not count as income, and as a re-

sult, it would not push seniors who are too young to qualify for Medicare out of the eligibility for Medicaid.

I want to talk just a bit about end-stage renal disease, Mr. Speaker, which is a disease that affects many seniors in my district and around the country. They are those who experience kidney failure. Last year, Congress passed legislation to provide up to six sessions of pre-end-stage renal disease education to Medicare beneficiaries experiencing kidney failure.

I joined a number of other Members of Congress and sent a letter to the directors of the Centers for Medicare and Medicaid Services, urging them to reconsider the proposed physician fee schedule, which would reimburse a 60-minute kidney education service, provided by a licensed physician, at the same rate as a 15-minute session provided by a nutritionist. The letter also requests that CMS reconsider the restriction on who can administer pre-end-stage renal disease education. Currently, only physicians can provide this service, although, licensed practitioners, such as nurses and nutritionists, are available and are trained to provide this education as well.

Adjusting the reimbursement rate and allowing multiple types of licensed practitioners to educate seniors with kidney failure will ensure that seniors facing end-stage renal disease will get the care and education they need.

For many seniors, their major concern about aging is the fear of losing their mental capabilities. That is why I am a cosponsor of the Alzheimer's Breakthrough Act of 2009, which is a bipartisan piece of legislation that includes an authorization of \$2 billion for Alzheimer's funding at the National Institutes of Health, for support for caregiver programs and for a national summit on Alzheimer's.

Another piece of legislation which is essential to the welfare of America's seniors is the America's Affordable Health Choices Act of 2009. While some seniors have received misinformation and have voiced suspicions that health care reform would cut Medicare benefits, many know the truth about this bill. Medicare will be absolutely strengthened under the proposal.

As we all know, the health care reform bill is not yet complete, and many more changes will be made before it becomes law. While I cannot predict how the bill will be structured once it is finalized, I can tell you that I am fighting to ensure health care for seniors will not be diminished in any way.

Under the House proposal, seniors should notice a number of improvements in services. To be more specific, the House proposal will protect Medicare by shoring up funding for the program across the board so that all Americans will have this benefit as they grow older.



The bill will lower drug costs by eliminating the Medicare part D doughnut hole for prescription-drug coverage. The doughnut hole refers to a costly gap in the Medicare part D prescription drug plan. The plan currently covers up to \$2,700 per year in prescription-drug benefits. Then it stops. Coverage does not begin again until a recipient's drug cost exceeds \$6,100 annually, thus, leaving the recipient responsible for paying all drug costs between \$2,700 and \$6,100.

Under the proposed legislation, seniors could receive a 50 percent discount on brand name drugs in the doughnut hole immediately after the bill passes. This is a measure that would provide immediate relief for seniors who must choose to either purchase medication or food—a choice no American should be forced to make.

The legislation provides free preventative care. Seniors would pay nothing on preventative screenings and services designed to keep them healthier longer.

The bill improves primary care by ensuring that seniors are able to spend more time with their primary care doctors.

There are provisions to enhance safety by developing national standards that measure medical care quality by investing in patient safety and by rewarding doctors and nurses who administer high-quality care.

The legislation increases oversight by cracking down on waste, fraud, abuse and medical overpayments.

There are provisions that encourage hospitals with high readmission rates to provide transitional and coordinated care services.

Finally, Mr. Speaker, the bill has new initiatives to improve nursing home quality and transparency.

Seniors should not be fearful. Change, we know, is difficult, but as Henry Ford said: Don't find fault; find a remedy.

Experts who have studied the House health care reform legislation found that the proposed changes actually strengthen Medicare and improve beneficiaries' care and access to physicians. Passing legislation that improves the lives of seniors is the number one priority in this Congress. Seniors should not have to fear or wait any longer. I say to all of the seniors: We are fighting for you. Every day, we are fighting for you, and we will not let you down.

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. I thank the Speaker for the recognition.

Mr. Speaker, I come to the House floor tonight to talk a little bit more

about health care. It is, it seems, the number one topic of the day here in Washington, D.C. It's interesting because probably 50 percent of Americans care more about what we are doing as far as job creation, and 14 percent are concerned about health care. You would think that we would adopt the Bill Clinton phrase of "focusing like a laser beam" on the economy and "focusing like a laser beam" on job creation. But health care is important, and it is appropriate that we spend some time discussing it because, likely as not, before the end of this month, certainly before the end of this year, it is possible that some type of bill will pass this House, although it may not be to the liking of a great number of Americans.

Mr. Speaker, I know that my comments must be directed to you and not to others, but I would say, Mr. Speaker, that if I were able to talk to people about what they could do, a plan for action, I will be discussing that toward the end of this hour.

□ 1830

So I do encourage people to stay tuned to this debate—not necessarily to this discussion this hour—but stay tuned to this debate because it is important. It is going to affect the lives and livelihoods of Americans from this day forward for a long, long time. It is extremely appropriate that we take our time, that we get this right, that we do not hurry through the process, that we do not cut corners.

Now, Mr. Speaker, you look at where we are 10 months into this year. Do we have the trust of the American people in this body? The answer to that question is, it doesn't seem so. What people have seen this year—and even going back into last year in the term of the previous President, President Bush, they saw a couple of bailouts last year, they've seen more of the same this year, they've seen stimulus, they've seen automobile takeovers, financial sector takeovers, cap-and-trade that passed the floor of this House that many Americans felt was inadvisable in a time of economic downturn; and Washington yet still has the nerve to say, Trust us because we can take care of you and we will make your lives better. But the current polling numbers don't really suggest that that is something that's believed by the American people.

Now true enough, the President started this year with extremely high approval ratings, somewhere likely in excess of 80 percent approval ratings at the time of the inauguration—an extremely popular individual—and has retained a great deal of that popularity, depending upon the poll that you select. Now it is down to about 50 percent, 49 percent this morning in Rasmussen, 52 percent in the RealClearPolitics daily average poll.

But, still, one out of every two Americans still has a favorable impression of the President.

What about the United States Congress? Is it one out of two? Is it one out of three? It's one out of every five people holds the United States Congress in high regard.

So with our current approval ratings hovering around 20 percent, why do we think the American people would believe that we, in fact, do know best and that they should trust us on an undertaking of this mammoth scale? And you can see how big the undertaking is.

We heard previous speakers in the last hour talk about how difficult it is. We have had three health care bills that passed the various committees in the House last summer. You had one health care bill that passed the Senate Health, Education, Labor and Pensions Committee in June of this year; and then most recently you had the talking points memo that passed out of the Senate Finance Committee yesterday with a single Republican vote on that. I do not believe there were any Republican votes on any of the House products in the three committees that considered this bill under their various jurisdictions.

The Congress doesn't have a lot of credibility right now on this or, quite frankly, many other issues. It would be a great thing, in my opinion, if Congress spent some time in trying to rebuild that credibility; but unfortunately, it's the old adage: Don't check the weather; we're going to fly anyway.

And off we go with a big cap-and-trade bill in June that upset a lot of people; we did the three health care bills on the House side in the various committees in July. We ran into the town hall meetings during the month of August when people told us what they thought of our efforts, and now we're back here in the fall taking up the big bill on health care reform.

As we've watched this debate, you think back to a year ago, we were in the middle of a presidential campaign. Both presidential candidates had ideas about what should happen as far as health care and the possibilities for health care reform. Remember now—President Obama's position last fall was significantly tilted towards getting coverage for the uninsured. It was a moral imperative. It was something that we had to do. Then we worked through some of the more difficult parts of the economic downturn, a lot of job losses were incurred during that time; and at the beginning of the year, many more people were concerned about the cost of health care and would they be able to continue to afford their insurance, would they be able to continue to afford health care. So affordability became perhaps a higher priority for Members of Congress who were considering these reforms during the spring.



In June when the first congressional committee in the Senate, the Health, Education, Labor, and Pensions Committee passed their bill out of the Senate committee, the focus was all on cost and coverage. The cost numbers turned out to be significantly higher than anyone thought they would be; somewhere in the neighborhood of \$1.5 trillion over 10 years' time. The coverage numbers were disappointing at only a third of the uninsured actually being picked up. And there's no question that that delayed the second Senate committee, the Senate Finance Committee, in introducing a bill and marking up a bill which they just completed this week because they were trying to fine-tune those numbers.

Now on the House side, we did, in fact, get a Congressional Budget Office score that came in around a trillion dollars for a 10-year bill. A little disingenuous because the Congressional Budget Office—in the hearings we had on Energy and Commerce from the Congressional Budget Office, the score was administered not on legislative language but on conversations, telephone calls, that the members of the Congressional Budget Office had with members of the Democratic majority who were writing the bill. So, yes, it was a cost number but there was some question as to the accuracy of that.

And then here was a really big problem and one that really hasn't been addressed yet. These are enormous programs to undertake. They are not going to start overnight. So even if we pass a bill before the end of the year, it is going to be some time before these programs—whether it be a public option, whether it be exchanges within the States—it is going to be some time before the Centers for Medicare and Medicaid Services in the Department of Health and Human Services—which is likely to be charged with writing the rules and regulations under which these new products are formed—it's going to be some time before those things happen.

The benefits are actually not scheduled to begin to kick in until the year 2012, 2014. It will be some time before those benefits occur. The taxes, of course, will begin the minute the ink is dry on the President's signature on the bill. So if we have a tax on high-end insurance plans, if we have a tax on medical devices, if we have a tax on any number of things, these taxes will begin to accrue January 1 of that year, but the benefits don't actually begin to kick in for some time.

And once again, the United States Congress, when it's questioned by the American people, the United States Congress says, Don't worry. Trust us. We know best how to plan for you. We know best how to take care of you. We know that you don't know how to do this for yourself. And Congress, with its 20 percent approval rating, is just

the man for the job to get this done for you.

During the presidential campaign last year, President Obama promised to bring all parties together and not negotiate behind closed doors and to be broadcasting those negotiations on C-SPAN. Now we had kind of an unusual situation occur in May and June of this year when stakeholders in the health care community met at the White House and offered up things that they could do, things that they could do to hold down the cost of health care—you had to wonder where were these individuals for the 15 years before—but you had groups. The American Medical Association, of which I am a member, was in those meetings; the American Hospital Association was in those meetings and offered up a number of things that they could do for substantial cost savings.

A little bit of controversy then last week as the Senate was working through its product, will those things that the American Hospital Association offered, are those going to be taxed or not? And there was some back-and-forth with the Congressional Budget Office as to what those numbers actually meant.

Medical devices. Again, similar situation. PhRMA came to the table with—I forget the number now, but it seems like it was about \$80 billion in cuts that they were going to be offering.

Well, none of these things that were agreed to behind closed doors last May, none of these deals are available to us as Members of Congress so that we can know what did America's health insurance plan group, when they came to the table and said, We can save you billions of dollars, Mr. President, and he said, What took you so long? But as members of the committee that were charged with working through this bill last July, why did we not have that information available to us? Why was it a surprise at the Senate Finance Committee when, hey, we thought these breaks we were giving the hospitals were going to still be subject to a corporate income tax, not an off-tax item? Why was there even that discrepancy or that discussion? Why not share with us those deals that were struck down at the White House?

And indeed, last month I sent a letter to the White House and asked for the release of those discussions, the transcripts of those discussions, the minutes or notes of those discussions, pertinent e-mails that may have occurred during those discussions.

Just quoting from my letter to the White House: It has been now over 4 months since the White House announced numerous deals with major stakeholders in the health care debate to save upwards of \$2 trillion in the health care system. Little to no details regarding the negotiations have been released. And recent actions and press

reports have reminded me of the importance of openness and transparency throughout the legislative process—the very openness and transparency that we were promised by this President during the campaign.

So the letter has gone to the White House. I eagerly await a response to that. I am in fact somewhat surprised, my committee, the Committee on Energy and Commerce that has a fairly robust oversight and investigation subcommittee, I am somewhat surprised that they have not been curious about the deals that were made down at the White House early in the spring; why they have not been curious about some of the e-mails that may have occurred during the back-and-forth working through these negotiations. Again, the letter went to the White House on September 30, and I await a reply.

I will ask later to include this letter as part of the CONGRESSIONAL RECORD this evening so that people will have the opportunity to read through that letter themselves.

But again, the American people just simply do not trust the American Congress, the United States Congress, to make these kinds of decisions for them.

When you look at some recent polling data when the question was asked if Congress works through this process and comes up with a major health care reform piece of legislation, is health care going to get better or is it going to get worse? Well, a quarter of folks think it's going to get better. About 26 percent say, Yeah, we think Congress will make the kinds of improvements that are necessary and health care will, in fact, improve. Fifty percent say it will get worse. Not great numbers with which we're working.

You know, it was startling for many of us, the interest that was out there over the summer during the August recess on the health care bill, on cap-and-trade. Town hall activity was widely reported in news media outlets across this country. My district back in Texas was no exception. Town halls where I might typically have 30, 40, 50 people show up on a Saturday morning, 1 or 2,000 people would show up. In fact, one venue we had to change from inside to outside and just held the bulk of the meeting out in the parking lot because of the number of people that showed up.

I have to tell you, Mr. Speaker, August in Texas in the parking lot is—you're asking a lot of people to stay with you through an hour or so discussion of a health care bill. But they did, and they asked questions, and they were respectful.

I don't think that this August was an anomaly. I don't think that the American people had some sort of fugue state during August where they reacted to the health care legislation and the cap-and-trade legislation and reacted in no uncertain terms as to how

angry, how anxious they were about these bills that we were passing.

But when we get back to Congress in September, it's like August never happened. It was unimportant. "Don't pay any attention to those people back home because we're Congress. Trust us. We know best. We know best how to take care of you. We know best how to give you what we think you need."

We got back in September and I think I thought after seeing the August town halls, I thought this Congress would hit the pause button, hit the reset button, hopefully the rewind button on this health care legislation, but no such luck.

We went at it full force. We, in fact, even had a little bit of an extended markup in the Energy and Commerce Committee where it was suggested to the chairman of my committee, you know, that August was a rough month for a lot of people, a lot of people on both sides of the dais—Republicans and Democrats both, even Republicans who voted against the bill—people were angry that the bill was even being considered and would likely pass.

□ 1845

On the Democratic side, there were a number of town halls that were quite contentious. We thought, I thought Members would welcome the opportunity to, well, let's sit down and revisit this. Let's reorganize. Maybe there were some good ideas on the other side of the dais. Maybe Republican members should have been brought into this process and take some ownership of this bill, if nothing else. Don't leave us being the only ones out there to defend it; but, no, that wasn't the case.

The chairman of the committee said August, in so many words, August didn't matter. The people that spoke up were few and far between, and these large crowds that showed up at the town halls were somehow manufactured and didn't count. Not only did they not count, we were not reconsidering any part of the bill. We had some additional amendments that Members on the Democratic side wanted to offer. I offered a couple on our side as did other Members on the Republican side. But for the most part those amendments were struck down on a party-line vote.

Both sides of the aisle genuinely see a problem and genuinely want to work toward improvement of the process. You have heard me say it before. You have heard other Members of Congress say it before. Some people dispute it as a fact, but I will say it: America has the best health care system in the world. There are distributional problems, and there are inequities in the insurance system that need to be fixed, and they are within our purview. They are within our capability of fixing, but we do not need to turn the entire system on its head to effect those ends.

How could we best go about improving what we call health care in America? Well, we can ensure that patients continue to have, continue to get, care, have access to care, and continue to get the best care. That would be a good thing for us to work on together.

Instead of being an obstacle, instead of threatening cuts every time you turn around, we could help doctors, nurses and hospitals continue to provide that excellent care. We, as Members of Congress, and sometimes it's do as I say, not as I do, but perhaps we could set a better example about living healthy lifestyles, staying within our—staying within our ideal weight. Maybe that's something we should look at.

Again, an amendment to that effect was turned back in my committee on Energy and Commerce. You know, really, one of the keys is going to be, if we are going to hold down medical costs, we really do have to involve the patient in the process. We have to have patient involvement in the doctor's office. We have to have patient involvement in making those healthy lifestyle choices. If we do not have the patient involvement and increase the patient knowledge base, the health literacy, if you will, about things like preventive care, about things like the importance of eating right and staying fit and the importance of regular health checkups and medical screenings, if we don't do that, the cost for health care is going to continue to increase and increase at a rate at which it's going to be very, very difficult, regardless of the number of new taxes, regardless of the cuts to doctors and hospitals and nurses. Regardless of all of those things it's going to be very, very difficult for Congress to keep up.

We do put the system at risk when we do that. There could be a day when the generation or two coming behind us will say we can no longer afford the type of tax rate that you have left for us. We will have to do something drastically different, and we don't want to do that. We don't need to do that.

Now, you have heard a lot of discussion about how Republicans have been obstructing the process. Let me clarify that just for a moment. There are 177 or 178 Republicans in this body, 256 Democrats in this body. It takes 218 votes to pass a bill, to send it on to the Senate. The Democrats in this body could pass whatever bill they wanted. They do not need Republican support. They have, in fact, told us that on more than one occasion. The famous phrase that came out in January or February, well, after all, we won. There hasn't been a lot of reaching across the aisle, because it was just simply not necessary.

Now, you think back to February. Again, the President had an approval rating of, I don't know, 70, 75, 80 percent. The President could have passed whatever health care bill he wanted in

February of this year. There would have been nothing anyone could have done to stop it. In fact, there likely would have been very few people with the courage to try to stop it because the President was seen as so popular and so powerful, evidenced by the fact that the President did get a \$787 billion stimulus bill passed through this House, a bill that many thought was ill advised, a bill that many thought was duplicative, unnecessary and wasteful.

But they got it passed, no Republican input into that bill as it was being written and no Republican support on the floor; but they didn't need it. It passed overwhelmingly with only Democratic votes, went down to the Senate for a similar fate, went down to the White House and was promptly signed into law by the President.

It was followed a week later by an omnibus bill that spent a lot of the same dollars on the same things. Again, not much in the way of Republican support was solicited or required for that. It passed because, after all, 218 votes are all that are required to pass a bill on the floor of this House. The Democrats with their 256 majority have more than enough votes to pass almost anything they want.

Now, the Republicans even tried—and I don't know the answer to that for everyone, but I will tell you that I did. I met with the transition team in November of last year.

I met with the chairman of my committee in January of this year and said, look, I didn't give up a 25-year medical career to come here to sit on the sidelines. I want to be involved in this debate. I may not be able to be with you on some issues. There are some things that I think are just the wrong approach to reforming health care, but let's sit down and have the discussion and see what can be worked out.

I was thanked for my interest and never received a call back. Oh, I did get called down to the White House in March for a photo op, but that was about it. There wasn't much more to it than that.

Then as the bill was being written behind closed doors for the various committees where we worked on the bill on the House side, certainly at no point was I ever offered any input.

Now, I did, as did many members in my committee, offer a number of amendments, and we did amend the bill in committee. It would be interesting to see now whether or not those amendments stay in the bill.

But I don't think anyone is fooling themselves. There was not—there was no way to amend that bill, H.R. 3200. There was literally no amendment you could offer except striking the language in the bill and offering the new bill. There really was not. It was not salvageable, in my opinion.

Now it's interesting because all three committees have passed the bill. They

all amended it and some of those amendments will be completely—the incentives will be aligned. Some of them actually will be at a 90-degree intersection.

Someone is going to have to redo that bill. That is happening now, and you can expect that there is probably a heavy hand from the White House in aligning all three of those House bills into one product. We will likely get to see it a few hours before we vote on it. It may come as early as the end of this month, and we are promised that it will, in any case, be something that we see before Thanksgiving. I expect that that is true.

I don't know whether any Members on my side will vote for it. There don't seem to be a large number of Republicans who are supporting H.R. 3200. I don't know if any Democrats will vote against it. We certainly saw that in all three committees that there were some Democrats who simply could not support the things in the bill and did vote against it.

The public option continues to be a political football kicked from one side of the rotunda to the other. The House wants a robust public option, the Senate not so much. How will it pass on the Senate side if they have a public option, or will a public option be ignored by the Senate but added back in the middle of the night when the two bills come together in the House Senate conference before we vote on the final product?

It's anybody's guess and, Mr. Speaker, again, you know, just speaking to you, I would say if I were able to speak to the American people, I would say stay tuned to this because it is going to be a very important process. You will have a House unified bill coming up the next couple of weeks. How long we have to evaluate that before we vote, I think, is going to be very telling. If it's a very short period of time, there is probably some bad stuff in the bill that they don't want you to know about before we actually vote.

Now, we are arguing for 72 hours. I will just tell you, for what's likely to be at least a 1,000-page bill, more likely a 1,500-page bill, 72 hours is a very short interval of time to work on a bill of that magnitude. Bill language is inherently very difficult to read. There is a lot of referral back to the Social Security Act. There is a lot of referral back to the Medicare or the Medicaid provisions in the United States Code.

It takes some doing to get through that bill language and really understand what the implications of what you are reading. But it doesn't mean we shouldn't do it. It just means that we need have the time to do it. I certainly encourage the Democratic leadership to give us the time necessary and make the facilities available to us so that we can have the opportunity to read through that bill and read

through it with experts and come to understand what's being contained within the bill.

You know, the President has said repeatedly that if you have good ideas, I will listen. In fact, here in the House, in the joint session that was held on September 9, the President said, right from the podium behind me, and I am quoting now, "I will continue to seek common ground in the weeks ahead. If you come to me with a serious set of proposals, I'll be there to listen to you."

Well, that's kind of interesting, too. During the campaign, the President said that he would sit down with people who might be regarded as folks that don't like us very much, folks like Ahmadinejad and Hugo Chavez. The President said, I will sit down with leaders of other countries and meet with them without preconditions.

Well, when it comes to congressional Republicans, he does set some preconditions. We have to come with a serious set of proposals. We can't just show up with ideas. I prepared a serious set of proposals and sent it to the White House on September 16 of this year, about a week after we had the joint session of Congress. I prepared a number of things within the letter.

Attached to it were a number of bills that I had introduced that I thought should be parts of whatever type of health care reform is passed. I am still waiting for a response to that. Things like addressing the problems of the physician workforce, things like addressing the liability, the problems that doctors face with the liability insurance, fixing the sustainable growth rate formula, some price transparency, a lot of good ideas contained within here.

Again, I will, at the end of this, I will submit this for the RECORD. But, again, no response from the White House.

The list talked in some detail about those things that the Republicans agree should be a part of the meaningful reform. You know, we hear it said all the time that there is agreement on, like, 80 percent of the things contained within health care reform. I think that number is a little bit high. But, nevertheless, we hear it said all the time.

But what is the primary thing? What is the number one thing I heard about over and over and over again in the town halls in August?

The thing that is really grating on the American people is those individuals who want insurance but can't get it. They can't get it because they have had a tough medical diagnosis. They have a preexisting condition. They had insurance on their job and they lost their job and they couldn't keep up with the COBRA payments, so they lost their insurance. Now they are stuck without insurance, but have a preexisting condition. It wasn't that

they wanted to drop their insurance; but the conditions were such, the rules were set, that they didn't have any choice but to let that insurance coverage go, even though they knew it might be difficult to get back into a state of coverage in the future.

Another thing that just really bothers people is the fact that Americans can do the right thing and have health insurance and pay that premium religiously, get a tough medical diagnosis, and the insurance company looks back and says, you know what, we really never meant to offer that policy to you in the first place, or we think there was something you obscured in your history. Now, by a process of what are called "insurance company rescissions," they are going to take that insurance policy away.

The President even referenced that in his speech on September 29, and that's wrong. People acknowledged that it's wrong, both sides of the aisle.

Now, in cases of fraud, correct. The insurance company has to have a right of action. They have to have a way to protect other people that have insurance. You don't want people coming and buying insurance under fraudulent terms.

But for people who have an omission from a medical history that makes no difference as to their subsequent care and diagnosis, these are things that are generally recognized by the American people as being egregious overstepping by the insurance companies, and that needs to be fixed. Here is the sad part, Mr. Speaker, that could have been fixed. That could have been fixed before we went home for the August recess. We just simply chose not to do it.

So, if we provide a way for someone who has a preexisting condition, perhaps through a reinsurance, perhaps through high-risk pools, perhaps through high-risk pools with additional State and Federal subsidies, there can be ways to bring individuals who have a preexisting condition into a state of coverage.

□ 1900

It's a shame. It's a shame we never had a hearing on that in our health subcommittee. We had hearings on almost every other issue under the sun, but we never had a hearing on, is there a way, short of an unconstitutional individual mandate, is there a way to get people insurance coverage who have had a bad medical diagnosis and lost their insurance? We never had a hearing on that. We could. I think we should. I think bright minds on both sides of the aisle could get together and work out ways that this problem could be solved.

Rescissions. Again, with a history that's now newly disclosed, has nothing to do with the medical diagnosis, and it was in no way fraudulently withheld from the insurer, rescissions need

to stop. States that have high-risk pools, there are 34 of them. States that have the opportunity for reinsurance. These are States that are working, trying to offer their citizens a method of dealing with this problem. We could encourage more States to pick up high-risk pools. We've got some States where they're working well, some States where they're working less well. I always felt that in my home State of Texas, it wasn't working so well. It turns out it's really not a bad program, it's just not funded to the level that it need be.

Well, if we could encourage a contribution from the Federal Government, the State government and perhaps even the private sector, the insurance companies themselves, perhaps we could get that figure down to a point where people can actually utilize the program. Because people that then are subsequently covered by those high-risk pools in Texas love the program. I had someone come up to me after a town hall in the district in August that said, Please, whatever you do, don't do anything that's going to mess up my high-risk pool because that's the best insurance I've ever had. The problem is it's limited to the number of people who can access that.

We have people losing their jobs. It's an unfortunate, disastrous occurrence that happens in a recession. Some people are laid off. And if you have employer-sponsored insurance, there's trouble brewing. Yes, because of rules and laws that Congress passed many, many years ago, COBRA coverage that is extended for 18 months is available to an individual who loses his job, but that insurance has to be the same insurance that that person had while they were employed.

So the individual can pick up the premium for that employer-sponsored insurance, but most of the time the employer is not continuing to pay their part so the individual has to pay the entire freight; in fact, it's actually 102 percent because there's an administrative cost tacked onto that. Well, that is an expensive issue for someone who's just lost their job.

Could we offer people another choice? If someone loses their job, they've got good employer-sponsored health insurance, they are protected. As long as they keep their insurance, they're protected against falling into that pre-existing condition trap. But right now it's either pay that large premium—and again you just lost your job so it may be hard to do that—or become uninsured.

We offer people two choices right now. What if we made something else available to people? What if we allowed people to transition into the individual market and not have to go through the COBRA system to do that, but still protect their ability to have the coverage for a preexisting condition

should one have developed or develop during the time that that individual is transitioning to insurance on the individual market. Why does it always have to trigger the COBRA insurance? Why is there not an intermediary step that is less expensive, but still provides the protection?

Other things we could do. What if someone has COBRA, has that coverage, but they move to another State and they may not be allowed to take that coverage with them? Why not allow that transition from State to State without rerating that individual, without causing that individual to be rerated by a new insurance company where now their preexisting condition that they've acquired along the way prevents them from getting or obtaining that insurance in the individual market in a new State?

I liken that to the National Football League, and you have a player in the National Football League who gets traded from one city to another, their insurance goes with them. No problem. If they had a knee injury in one city, it's going to be taken care of in the new city. But if their fan who wants to follow their favorite football player moves from city A to city B, they've got to start all over again, if they're in the individual market, and during the time that they do that, they may find that they are rerated by their insurance company, reunderwritten by their insurance company, and if they had even a modest diagnosis like high blood pressure, depression or adult onset diabetes, it can be a very expensive adventure for them buying insurance in that new State.

So why don't we allow that type of transition so that someone doesn't have to be rerated? We talk a lot about being able to buy insurance across State lines. I think that's important, too. That's a little bit heavier lift. It's a little bit more difficult for Congress to come to that understanding, but this ability to allow someone to buy in the individual market without being rerated when they change States, that's easy and we should be able to do that. Again, I frankly don't understand why we don't take that up.

Again, remember if we pass this big, comprehensive, robust public option health care bill, when do you get the benefit? Four years. We're going to have people losing jobs next year. We're going to have people losing jobs the year after that. What are we going to do for those individuals in the short term?

And, again, I'll reference back to the President's own speech that he gave here on September 9. When he was at the podium giving the speech, JOHN MCCAIN was in the audience. He acknowledged that JOHN MCCAIN had a good idea for covering people with high-risk pools and that perhaps that would be a way to provide some imme-

diated relief for people who couldn't wait for the 4 years before the Federal Government starts this new robust public option plan.

You hear me talk about medical liability. Medical liability is a big deal. The fact that it's been left out of the House and Senate bills, I think, is a big deal. Look, we're asking our doctors to be our partners. Whatever the brave new world of health care reform looks like, whatever we go to, we're going to ask our doctors to be there and be at our sides and help us, or be the ones to take care of the patients and answer those emergency calls in the wee hours of the morning.

We're asking our doctors to stand with us on this. And yet we won't do the one thing that would simplify the lives of doctors across the country, keep doctors from dropping out of the practice of medicine, and, that is, bring some sense, some stability, to the medical justice system that we have in this country.

Now, Texas has done what I consider to be a very good thing, with putting caps on noneconomic damages. They did that in 2003. They had to do it with a constitutional amendment so that it would become immediately effective and didn't have to go through all sorts of court challenges; and, boy, it was like turning a switch and things have improved in Texas since that bill was passed. But you will also hear people say, Oh, medical liability, it doesn't save that much money. You can do whatever you want, but it's like a 1 percent savings.

But that's based on a very old study that really only looked at the cost of the premiums themselves, from back in the early 1990s, the American Medical Association, a very famous study called the Tonn study, frequently still quoted here 15, 20 years later. The Tonn study did say that you weren't going to save much money with medical liability. But, of course, the Tonn study discounted what would happen as far as the practice of defensive medicine.

Let me ask you this: medical liability premiums have gone up year over year over year. Medical liability has continued to be a problem year over year over year these last 20 years. Do you think the practice of defensive medicine is more widespread now than it was 20 years ago? Well, you bet it is. You bet it is. Twenty years ago we didn't have PET scans. We barely had MRIs. The more new things, new technology that becomes available, doctors are continually trying to see what is the maximum I can do so that I won't look bad if things go wrong and I'm called into court and have to defend my medical judgments. So it's no small wonder that the cost of defensive medicine has gone up and up and up.

Now the Congressional Budget Office has put out a new report. In a letter to Senator HATCH, they talk about their

new estimate for what medical liability reform would save the Federal Government. This is just in the Medicare and Medicaid system, and it's estimated to be \$54 billion over 10 years. That's getting to be a significant amount of money.

But wait a minute. Remember that the Federal Government is now responsible for about 50 cents out of every health care dollar that's spent in this country. Fifty cents out of every health care dollar that's spent in this country actually originates right here on the floor of this House. So that \$54 billion over 10 years only represents about half of the medical expenditures in this country. It doesn't count those that are paid for by private insurance, those that are paid for out of just individuals paying their bills or that is gifted to people through charity.

So double that number. It's over \$100 billion over the 10-year life of the health care bill that is a potential savings with modest medical liability reform. Again, that's not going to pay for the whole health care bill, but it would pay for 10 percent of it. Don't you think if we could pay for 10 percent of what's being proposed that we ought to at least consider it in our committees, that we should at least consider it in the legislative language that's being proposed?

I will just tell you what's happened in Texas since 2003 when we did pass a cap on noneconomic damages. Since 2003, Texas has licensed 15,000 new physicians. Over a similar time span preceding that, that number was about a third. We've gained 192 new obstetricians; 26 rural counties have added an obstetrician, including 10 where previously there was no OB doctor.

Texas is a big State. We've got 242 counties, so there's a lot of counties in Texas. But, still, 10 counties without an obstetrician before that now have one. That's prenatal care that's available to patients that wasn't available before unless you drove multiple miles to a medical center. That's doctors who are there when patients need them, frequently when time is of the essence, in the process of having a baby. So that is a good thing.

Thirty-three rural counties have gained ER doctors, including 26 counties that previously did not have an emergency room doctor now have one since the passage of commonsense medical liability reform in 2003. Doctors have contributed \$594 million in charity care since the bill was passed.

I introduced similar language at the Federal level, H.R. 1468 for those keeping score at home; and I had offered that as an amendment to our committee bill last July. I was at first struck down on a technicality. Then I was struck down on a party-line vote. It doesn't seem that the Democratic majority has really had any interest in trying to reform the medical justice system in this country.

Yet now the Congressional Budget Office in a letter to Senator HATCH, where he requested a new analysis of the cost of defensive medicine, has said that it would be a savings of \$54 billion over 10 years, and they do cite several studies in there where they've gained that information.

Again, at the end of this hour I will ask to make the Congressional Budget Office report, the letter to Senator HATCH, a part of the RECORD.

Portability, being able to take your insurance with you. There was a time when I was a youngster when you went to high school, perhaps went to college, but whether you graduated from college or just started after high school, you took a job and you probably continued that job until you got your gold watch in retirement.

It doesn't work that way anymore. I don't know exactly what the figure is, but the estimate from the Census Bureau is that people will have perhaps 10 or 11 jobs during the course of their productive years. So it only makes sense that if we continue, and we likely will continue, to have employer-sponsored health insurance, that we allow more portability than is within the system now. Some people have talked about things like defined contributions from employers, rather than just the employer providing the insurance, providing a designated sum of money for the purchase of that insurance.

There is a lot of discrepancy for what insurance costs. In the State of New Jersey, the average health insurance premium for a family of four recently quoted at \$10,000. You go across the State line to Pennsylvania and it drops \$4,000, to \$6,000. Well, there's not a lot of difference right there on the State line between one segment of the population and those that are north of the line in New Jersey. Why not? Why not allow people to perhaps look into the purchase of insurance in other markets that may fit their needs and may be more affordable?

And then, of course, again we get into the issue of someone who moves across the State line, why not allow that portability? Just in the interest of completeness, the State of Texas, a family of four, the average insurance premium is \$5,000 a year. The State lines concept is one, and we heard the President talk about it in his speech of September 9. He talked about a part of rural Alabama where if someone was going to the individual market, they only had one insurance company from which to choose.

□ 1915

And that's not terribly surprising. Insurance companies tend to be natural monopolies. They tend to want to form monopolies and capture market share. But the President's quite correct; you don't get much competition if you've only got one insurance company. So

the President's solution to this problem is, well, let's create a public option and we'll have two insurance companies for that family in Alabama to choose from. But there's over 1,300 insurance companies in the United States of America. Why not open the market up so that more of those 1,300 insurance companies that already exist in the country—we don't have to create a new one, we don't have to pay all that start-up capital for creating a new program—why not just allow them to compete across state lines?

And you know, interestingly enough, Democrats that reflexively opposed this idea year in and year out now seem to be warming to the concept. At the very least, if you have a public option that is available in Alabama, it's going to be the same public option that's available in Tennessee, and the same public option that's available in Texas. Guess what? That public option is going to be sold across state lines because it is a Federal program. So why don't we, before we go to all the trouble and expense and anxiety of creating an entirely new Federal entitlement and type of insurance, why not just simply allow some open competition across state lines?

Now, cooperatives are something that we hear, that word gets a lot of traction, co-ops. You know a purchasing co-op that could go across state lines, I could be okay with that. A co-op that was just a dressed-up public option, I'm not so much in favor of that. But certainly, allowing people to band together, people that may belong to the same alumni association, the same church, you name whatever association, realtors, dentists, physicians offices, that want to get the purchasing power of a much larger group in that individual market, we should allow them the freedom, the freedom to be able to make those associations and to purchase.

You know, tax credits—and I will admit there are people on my side that get nervous when you talk about tax credits. But tax credits to help with the purchase of insurance I think is certainly something that was talked about during the last presidential campaign. I think it is a way to provide immediate help, not help 4 years from now, but immediate help to people who don't have employer-sponsored insurance, where otherwise the cost of insurance is an obstruction to them getting that coverage. Maybe if we take away some of the issues with pre-existing condition rescissions, we take away some of the issues with portability, still it may be an affordability issue, and if we could help that with the tax credit or even a pre-fundable tax credit, I think that is something that is, it's at least worth having the discussion.

And again, through all the hearings that we've had on this, we never once

visited that issue. We never once invited the Congressional Budget Office in to kind of give us some views and estimates on what this might cost or what this might look like. Instead, we just simply said, we're Congress, we know best, we're going to build an entirely new insurance company that's administered by the Federal Government and that will be your competition. Take it and like it because we, after all, know best.

Again, the ability for people to associate, whether it be a church group, an alumni association, maybe it's time that we gave people the option of not having insurance that's tied to a single employer, because, again, many people will change jobs over time. Allow the cross-state purchasing.

We've talked about things like association health plans. Various bills have been introduced that would deal with this. H.R. 3218 introduced by Representative SHADEGG from Arizona is one such plan. And certainly, that is one that should be included in any compendium of plans that are offered as conservative or Republican alternatives to what is being proposed in health care.

Medicare payment reform. We're going to pay for half of this trillion-dollar bill with cuts in Medicare. Well, I've got to tell you, I get more letters, more mail from individuals who are doctors who are concerned about what we, what Congress is doing to them in physician reimbursement. It's easy to say, oh, man, doctors they make so much money, so you cut them a little bit—who cares? December 31st of this year, under the current formula, sustainable growth rate formula, physicians will undergo a 20 percent reduction in reimbursement.

Now, true enough, Senator BAUCUS' bill does delay that by 1 year. That's our typical response. We'll do something to kick the can down the road. If we do that, then next year they face a 25 percent reduction in reimbursement. In some specialties, cardiologists, in particular, where there's been some re-basing of what are called relative value units for the work that they do, are facing cuts in excess of 30 percent at the end of the year. Well, I'm here to tell you that you don't have that much excess capacity in the average doctor's office where you can squeeze 30 cents out of every dollar in savings and expect those offices to stay open.

Well, wait a minute. We've got an unemployment rate that's approaching 10 percent. Cardiology offices are small business across the country, and they are facing a 30 percent reduction in Medicare reimbursement, when oftentimes Medicare is 50, 60 or 70 percent of the business that they do. How do we expect them to keep their doors open after January 1st? How do we expect them to make employment decisions for their employees in their offices

over these next couple of months while they're living with this kind of limbo?

I mean, they're sitting here watching Congress and wondering if we're just going to run out the clock on December 31st. When these huge cuts go into effect, what are they going to tell their employees? If they wanted to hire someone new earlier this year they're certainly not thinking about doing that now. And we've got a 9.6 percent unemployment rate.

Cardiology offices are small businesses. Echo techs, phlebotomists that draw blood in the lab, people that put the patient back in the room. All of these jobs are now at risk because of what Congress is doing, or not doing, with fixing the sustainable growth rate formula and the cuts in Medicare. If we pass a bill like the Baucus bill, the cuts only become deeper and more draconian. Again, you don't save \$500 billion out of the Medicare program over 10 years by not making some pretty harsh decisions.

And you know, if you think it's bad now with the sustainable growth rate formula, what's it going to look like if we enact some of these things that have been discussed over on the Senate side and indeed on the House side? What if we create this body that's going to come to us every year and say, in order for the books to balance, Mr. or Mrs. Congressman, we are going to have to cut fees that are paid to hospitals, doctors, nurses, nursing homes by whatever percentage amount they say.

Congress, if we pass this law, simply votes that up or down. They don't take any responsibility for it. There's no accountability. We just simply pass those cuts on. That's a terrible way to do business. Wouldn't it be better if we found a way to deliver care more economically so we didn't have to come to our provider community, to our doctors, to our hospitals, to our nurses and nursing homes, and say, We're going to have to keep a little bit more of your money this year in order to make our books balance?

Now, ensuring the future physician work force, I think, is extremely important. H.R. 914, the Physician Workforce Investment Act that I introduced last Congress and this Congress as well, I've provided that to the White House. You know, here's the deal. We can sit here and talk all night long about health insurance, and that may be an important discussion to have, but I've got to tell you, if you don't have any doctors there at the end of the day, all the insurance in the world isn't going to do you a bit of good. In fact, I'd far rather have a doctor and no insurance than I would have insurance and no doctor, because if I'm in trouble, if I'm needing someone to take care of me, the insurance company typically hasn't been all that great at that endeavor. But physicians always respond.

Preventive care and wellness programs. Clearly, these are going to be necessary in the world going forward. The model that was brought to us by Safeway Stores, the model that we were not allowed to consider in our markup in committee, but realistically, we have to do that. H.R. 3148, which is the Burgess-Christian CBO scoring bill, would allow for the Congressional Budget Office to score those savings that could be achieved with healthy lifestyles.

Price transparency. We did include some language in the bill that was passed. H.R. 2249 was the Health Care Transparency bill that I introduced two Congresses ago and have continued to introduce every Congress. A lot of that language was inserted into H.R. 3200, for which I was grateful. But at the same time, transparency has got to be there. So if we're going to ask people to make more and more decisions for themselves, we have to give them the information with which to do that. Mandates have no place in a free society.

And when I hear the Senate talk, and I hear the House talk about we're going to have an individual mandate and an employer mandate, wait a minute. I'm not even sure that's constitutional. Mandates just create laziness, create laziness on the part of the insurers, create laziness on the part of the insured, and certainly create laziness on the part of your Congressman. Wouldn't it be better if we required people to actually build programs that people wanted, rather than just force people to take what we think they ought to want? Mandates are an anathema to free society.

And there are ways to do this. Prescription-drug benefit in part D, for all its faults, Dr. McClellan, when he was constructing that program, had six protected classes of drugs and said there had to be at least two drugs offered within those six protected classes, and people flocked to those programs. It has been a success in the number of seniors that now have credible drug coverage and seniors that are satisfied or very satisfied with the drug coverage that they have.

Normally, if you have a mandate you're going to get about 85 or 95 percent compliance. We've got about 85 percent compliance with the voluntary system right now. You're not going to get that much more with the mandate. Even without mandates in the prescription-drug benefit, by creating programs that brought value to people's lives, 93 percent uptake on a credible drug program.

So, you know, I've got to tell you. I will never sit down here and advocate for private insurers. But I will tell you that most Americans do have coverage under a private insurance, and they like it. They don't want to lose it. That has been one of the big obstacles to



getting sweeping health care reform. The President always says if you like what you have you can keep it. I think that's right. Sixty percent of the American people like what they have, and they don't want it to change, so that makes it difficult to do reform that is on this scale and this sweeping.

I'll tell you another little secret. The Federal Government, the public option that we already have, doesn't pay its full share of the freight of the cost of delivering the care. It's subsidized by the private sector. If you shrink the private sector and grow the public sector, how are you going to make that up? Where's that money actually going to come from? And that's something that I never hear discussed.

Yeah, insurance companies do bad things. And we'll hear stories, we're going to hear stories in my committee tomorrow about how bad insurance companies are. But if we didn't have that cross-subsidization of the private sector, we could not afford the public sector. Now, people will tell you that it's the cost of the uninsured that we're leaning on the private sector to provide for us. No, that's a small amount. That cross-subsidization that's coming to the public sector is the lion's share of that. That 9 percent figure, about 2 percent is people who have no insurance; 7 percent goes to paying the freight that Medicare and Medicaid are not carrying themselves.

We have a good system. Let's build on what we have. Let's not tear it down and then create something out of whole cloth to go in its place. You know, the government can referee some of these things, but the government doesn't need to be the man in charge of all of these things. Again, remember, the United States Congress, we've got about a 20 percent approval rating. I think reforms can and should go forward. I think there are good ideas on both sides of the aisle here. I'll take the President at his word. I'm anxiously awaiting their response to my letters.

I look forward to this debate we're going to have over the next several weeks, and I would encourage people that, every morning when they get up, remember, you've got one Member of Congress and two Senators. They need to hear from you on this issue. Whether you agree with me or not, I promise you they need to hear from you on this issue before we have this vote.

For more information on H.R. 914, the Physician Workforce Enhancement Act of 2009; H.R. 1468, the Medical Justice Act of 2009; and H.R. 2249, the Health Care Price Transparency Promotion Act of 2009, log on to <http://thomas.loc.gov>.

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 16, 2009.

President BARACK OBAMA,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT, I am once again compelled to write to you to accept your offer to

meet with you at the White House to discuss the health care reform proposals currently before us.

I listened intently as you addressed the Joint Session of Congress on September 9, 2009, and you once again extended an olive branch to members of the minority. I want to reiterate that I am completely committed to working in a bipartisan fashion to deliver reforms that all Americans can be comfortable with, increase access to care, lower health care costs for America's families and businesses, and deliver changes to the health system that improve quality.

I thank you for your public commitment to accept innovative ideas from Republicans and hope that you will follow through with your public pledge by reviewing this letter thoroughly. As you stated last week: "I will continue to seek common ground in the weeks ahead. If you come to me with a serious set of proposals, I will be there to listen. My door is always open."

I accept your gracious offer and want you to know that it is not my intention to "kill" health reform. In fact, I stand proudly by my bipartisan work in the U.S. House of Representatives on health care issues. Several of my amendments in the Energy & Commerce Committee were accepted unanimously while others are currently under negotiation with Chairman Waxman for inclusion in a final House product.

That said, I have read the America's Affordable Health Choices Act (H.R. 3200) and I do concede I have many concerns with the approach the bill takes. Many of the items you outlined in your speech do have wide bipartisan support. While we may have disagreements on the policy approaches to address those problems we will never know if we can find common ground if we do not try.

To assist you in identifying measures that could gain wide bipartisan support I am enclosing four pieces of legislation that will make incremental but important reforms to our health system. I believe that, with your leadership, these measures could be passed and signed into law before Thanksgiving. These efforts would show that we can work together to make important reforms that improve access to care and protect the doctor/patient relationship.

**Physician Workforce:** H.R. 914, the Physician Workforce Enhancement Act, would establish an interest-free loan program for eligible hospitals to establish residency training programs in certain high-need specialties. Under the program, eligible hospitals could receive up to \$1,000,000 that must be repaid within 3 and a half years. H.R. 914 will provide needed resources to smaller and emerging communities so they can attract and retain the medical professionals their communities will rely on in the future. If we do nothing to assist the training of physicians, waiting lines will grow longer, lapses in treatment will occur, and many of our small and rural communities will be at risk of not having physicians to meet their growing needs.

**Medical Liability Reform:** As you alluded to in your speech, too many doctors are forced to practice defensive medicine and face the constant threat of lawsuits and unsustainable medical liability insurance rates. This results in millions of dollars in unnecessary tests and procedures. Seasoned medical professionals are retiring early because staying in practice is no longer financially feasible, further contributing to our nation's doctor shortage. This is a growing crisis that is pushing affordable health care beyond the grasp of millions of Americans.

H.R. 1468, the Medical Justice Act, is based on medical liability reform implemented in Texas. The reforms have created a magnet for doctors and provided the funding mechanism to improve access to care and enhance patient safety. To prove the success of Texas' reforms, I'd like to share a few of the statistics, from the Texas Medical Association:

Since the 2003 reforms, Texas has licensed 14,496 new physicians. This is a 36 percent increase from pre-reform.

Thirty-three rural counties have seen a net gain in ER doctors, including 26 counties that previously had none.

After years of decline, the ranks of medical specialists are growing in Texas. In my field of obstetrics, Texas saw a net loss of 14 obstetricians in the two years preceding reform. Since then the state has experienced a net gain of 192 obstetricians, and 26 rural counties have added an obstetrician, including ten counties that previously had none.

Charity care rendered by Texas hospitals has increased by 24 percent, resulting in \$594 million in free care to Texas' patients.

Texas physicians have saved \$574 million in liability insurance premiums, a significant savings that has allowed more doctors to stay in their practice.

**Medicare Reform:** Many new Medicare beneficiaries find it difficult to locate a doctor who will accept Medicare. This is because physicians around the country realize that Medicare is an unstable payer, subject to the whims of political will and influence, and are doing what they must to protect their small businesses. Physicians are scheduled to receive a significant reduction in Medicare payments on January 1, 2010. The Ensuring the Future Physician Workforce Act, a bill I plan on introducing shortly, will give doctors what they really need a stable and reasonable predictor of an inflationary reimbursement under Medicare. This will allow seniors to maintain access to their doctor. The legislation also rewards quality reporting of data, further incentivizes the adoption of Health Information Technology, and brings increased transparency on utilization, billing, and funding to the Medicare program.

**Health Care Price Transparency:** A patient should be able to know what they are paying for and how much they will pay out-of-pocket. H.R. 2249, the Health Care Price Transparency Promotion Act, directs states to establish and maintain laws requiring disclosure of information on hospital charges. The legislation requires hospitals and health plans to make this information available to the public, and to provide individuals with information about estimated out-of-pocket costs for health care services. H.R. 2249 aims to make health care more affordable by promoting greater transparency about the cost of health care services for patients seeking care. The legislation sets a national floor for transparency. As someone who has committed his Administration to transparency, this is an important step in helping make health care, and specifically health care costs, more transparent, which empowers the consumer.

As a practicing physician for over 25 years, I believe I bring a unique perspective to the current health care reform debate. I am committed to finding areas of collaboration between the political parties that can deliver meaningful system reforms that will benefit all Americans. I would greatly appreciate the opportunity to review both the efforts outlined above and also my areas of concern with H.R. 3200 so that we may mutually

work to bring quality, affordable health care to all Americans.

I look forward to the opportunity to meet with you at your earliest convenience. Should your staff have any questions about any of the attached proposals or would like to arrange a meeting, please contact me or my Legislative Director J.P. Paluskiewicz at my Washington, D.C. office.

Sincerely,

MICHAEL C. BURGESS, M.D.,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC September 30, 2009.

President BARACK OBAMA,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT, I write you once again on the topic of health care reform. As you know, Democrat leaders in the House of Representatives are currently working to merge the three committee bills. Meanwhile, the two Senate products are waiting to be merged pending completion of the Senate Finance Committee's mark-up.

I have closely followed the health care debate for months, making note of actions by all parties involved, including the House, Senate, White House, advocate groups, and the health care industry. These reforms have wide-reaching implications, and you have stressed the importance of conducting business in public so that the American people are aware and involved in the process.

In fact, during a Democratic Presidential primary debate on January 31, 2008, you said: "That's what I will do in bringing all parties together, not negotiating behind closed doors, but bringing all parties together, and broadcasting those negotiations on C-SPAN so that the American people can see what the choices are, because part of what we have to do is enlist the American people in this process."

It has now been over four months since the White House announced numerous deals with major stakeholders in the health care debate to save upwards of \$2 trillion in the health care system. Little to no details regarding the negotiations have been released, and recent actions and press reports have reminded me of the importance of openness and transparency throughout the legislative process.

Roll Call reports today that negotiators working in the House to merge the three committee bills plan to trim the cost of the legislation by roughly \$200 billion. I wonder what programs or services are being cut, who will be affected, and how these cuts are being decided.

In the Senate Finance Committee's mark-up, Senator Bill Nelson (D-Fl) introduced an amendment regarding drug prices in Medicare and Medicaid. During the debate on the amendment, Senator Tom Carper (D-Del), while arguing against the amendment, said "Whether you like PhRMA or not, we have a deal," referring to the deal PhRMA cut with the White House earlier this year.

In addition, within the Senate Finance Committee plan is a commission to slow the growth of Medicare spending, most likely through changes to reimbursement policy. However, hospitals would be exempt from this commission because, according to CongressDaily, "they already negotiated a cost cutting agreement" with the White House.

Despite your promise to make all health care reform negotiations in public, we still have very few details on what exactly was agreed to during these highly publicized negotiations. In fact, even the stakeholders in-

volved have, at times, seemed at odds with what was actually agreed to. But the one thing we all know is that, through press statements, many deals were made. Unfortunately, even where brief descriptions of policy goals are available, details on achieving these goals are absent, a point made by the Congressional Budget Office (CBO).

I am compelled to ask—how could Congress have done its' due diligence in creating the policy before us without crucial details surrounding these deals? Were the votes we have seen in the Senate Finance Committee as of late a direct result of these backroom negotiations? Will CBO be able to actually score any of these deals to apply those cost savings to legislation? Were these negotiations in the best interests of patients?

Having little to no information, I cannot judge. However, this begs even more questions. Is Congress enacting the best policy reforms for Americans, or are certain changes being made or not made because of the negotiations orchestrated by the White House? Will smaller stakeholders suffer more from our policy choices because of what larger groups may have negotiated behind closed doors?

Mr. President, I do not write this letter to chide you for engaging in what I consider the most pressing debate before Congress. I applaud you for your leadership in compelling Congress to act. In order to fully understand the policy choices before us, though, we need to know what took place earlier this year during these meetings at the White House. You have made it very clear that you value transparency and have sought to make your Administration stand out in this regard. As a member of the House Energy and Commerce Committee's subcommittee on Oversight and Investigations, so do I. The last thing I would want to see is a formal investigation of these meetings.

Thus, I formally request full disclosure by the White House in the following areas regarding all meetings with health care stakeholders occurring earlier this year on the topic of securing an agreement on health reform legislation, efforts to pay for any such legislation, and undertakings to bend the out year cost curve:

1. A list of all agreements entered into, in writing or in principle, between any and all individuals associated with the White House and any and all individuals, groups, associations, companies or entities who are stakeholders in health care reform, as well as the nature, sum and substance of the agreements; and,

2. The name of any and all individuals associated with the White House who participated in the decision-making process during these negotiations, and the names, dates and titles of meetings they participated in regarding negotiations with the aforementioned entities in question one; and,

3. The names of any and all individuals, groups, associations, companies or entities who requested a meeting with the White House regarding health care reform who were denied a meeting.

In our efforts to improve access to health care services, the American people expect us to act in their best interests, rather than protecting business interests of those who are interested in currying favor in Washington, DC. If these health related stakeholders have made concessions to Washington politicians without asking anything in exchange for the patients they serve, Congress and, more importantly, the American public deserve to know. Conversely, if they sought out protections for industry-specific policies, we need to know that as well.

We must learn what these negotiations mean for the millions of concerned Americans. How they will be better served, including having affordable health coverage and access to the providers they need? These negotiations may have produced consensus on policy changes that are proper and needed, but Congress will never know for sure that we are acting in our constituents' best interests until all the facts are known.

I look forward to the opportunity to speak with you at your earliest convenience on this matter. Should your staff have any questions about this request please contact me or my Legislative Director J.P. Paluskiewicz at my Washington, D.C. office at 202-225-7772.

Sincerely,

MICHAEL C. BURGESS, M.D.,  
Member of Congress.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today and October 15 until 3:30 p.m.

Mr. CARNEY (at the request of Mr. HOYER) for today and October 15 on account of active military duty.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 21.

Mr. JONES, for 5 minutes, October 21.

Mr. KING of New York, for 5 minutes, October 20.

Ms. ROS-LEHTINEN, for 5 minutes, October 15, 20 and 21.

Mr. DEAL of Georgia, for 5 minutes, October 15.

Mr. WESTMORELAND, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. POSEY, for 5 minutes, today and October 15.

Mrs. BACHMANN, for 5 minutes, today and October 15.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 846. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight



against global poverty, the Committee on Financial Services.

S. 1510. An act to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code, the Committee on Oversight and Government Reform.

#### ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1016. An act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.

H.R. 2997. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1717. To authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

#### ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Thursday, October 15, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4095. A letter from the Acting Under Secretary, Department of Defense, transmitting Inventory Lists for the Department of Defense Agency and Activities pursuant to section 2330a Title 10 of the U.S. Code as amended by section 807 of the National Defense Authorization Act of Fiscal Year 2008; to the Committee on Armed Services.

4096. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

4097. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

4098. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Pursuant to section 527(f) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236), a report listing outstanding expropriation cases; to the Committee on Foreign Affairs.

4099. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled "Managing for Engagement — Communication, Connection, and Courage", pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

4100. A letter from the Secretary, Department of Health and Human Services, transmitting copy of the Annual Report to Congress on the Refugee Resettlement Program for the period October 1, 2006 through September 30, 2007 as required by section 413(a) of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

4101. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patapsco River, Northwest Harbor, Baltimore, MD [Docket No.: USCG-2009-0251] (RIN: 1625-AA08) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4102. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: F/V Patriot, Massachusetts Bay, MA [Docket No.: USCG-2009-0707] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4103. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2006-26234; Directorate Identifier 2006-CE-064-AD; Amendment 39-15983; AD 2007-03-17 R1] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4104. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No.: FAA-2009-0463; Directorate Identifier 2008-NM-065-AD; Amendment 39-15984; AD 2009-16-01] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4105. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050 Airplanes [Docket No.: FAA-2009-0691; Directorate Identifier 2009-NM-061-AD; Amendment 39-15988; AD 2009-16-05] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4106. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2008-1213; Directorate Identifier 2007-NM-092-AD; Amendment 39-15987; AD 2009-16-14] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4107. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No.: FAA-2007-29173; Directorate Identifier 2006-NM-283-AD; Amendment 39-15989; AD 2009-16-06] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4108. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 Airplanes [Docket No.: FAA-2009-0570; Directorate Identifier 2009-CE-033-AD; Amendment 39-15949; AD 2009-13-10] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4109. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 Airplanes [Docket No.: FAA-2009-0817; Directorate Identifier 2009-CE-046-AD; Amendment 39-16020; AD 2009-19-03] (RIN: 2120-AA64) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4110. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30683 Amdt. No 3336] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4111. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airspace Designations; Incorporation By Reference [Docket No.: 29334; Amendment No. 71-41] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4112. A letter from the Secretary, Department of Labor, transmitting the 2008 Annual Report of the Assistant Secretary for Veterans' Employment and Training of the Department of Labor, pursuant to 38 U.S.C. 2009(b); to the Committee on Veterans' Affairs.

4113. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting a report entitled, "Risk Assessment Methodologies at Defense Nuclear Facilities"; jointly to the Committees on Armed Services and Energy and Commerce.

4114. A letter from the Secretary and Attorney General, Departments of Health and Human Services and Justice, transmitting the eleventh Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2008; jointly to the Committees on Energy and Commerce and Ways and Means.

4115. A letter from the Board Members, Railroad Retirement Board, transmitting the Annual Report of the Railroad Retirement Board for Fiscal Year ending September 30, 2008, pursuant to 45 U.S.C. 231f(b)(6); jointly to the Committees on Transportation and Infrastructure and Ways and Means.

4116. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year

2011, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

4117. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, "The Department of Labor's List of Goods Produced by Child Labor or Forced Labor"; jointly to the Committees on Education and Labor, Oversight and Government Reform, and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3200. A bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; with an amendment (Rept. 111-299 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANGEL: Committee on Ways and Means. H.R. 3200. A bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; with an amendment (Rept. 111-299 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3200. A bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; with an amendment (Rept. 111-299 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 829. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-300). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 830. Resolution providing for consideration of the bill (H.R. 2442) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes (Rept. 111-301). Referred to the House Calendar.

## DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Oversight and Government Reform and the Budget discharged from further consideration. H.R. 3200 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MORAN of Kansas:

H.R. 3806. A bill to amend the Medicare Prescription Drug, Improvement, and Mod-

ernization Act of 2003 to extend and expand the Medicare rural community hospital demonstration program; to the Committee on Ways and Means.

By Mr. ROE of Tennessee:

H.R. 3807. A bill to amend the Internal Revenue Code of 1986 to provide an incentive for expanding employment in rural areas by allowing employers the work opportunity credit for hiring residents of rural areas; to the Committee on Ways and Means.

By Mr. ADERHOLT (for himself, Mr. DAVIS of Alabama, Mr. BRALEY of Iowa, and Mr. CASTLE):

H.R. 3808. A bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; to the Committee on the Judiciary.

By Mr. BROUN of Georgia:

H.R. 3809. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for unreimbursed funeral expenses with respect to a deceased indigent individual; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. HINCHAY, Mr. SCOTT of Virginia, Ms. DELAURO, Mr. MICHAUD, Mr. RYAN of Ohio, Mr. SABLON, Ms. SLAUGHTER, Ms. KAPTUR, Mr. COSTELLO, Mr. DELAHUNT, Mr. OBERSTAR, Mr. FILLNER, Mr. TIERNEY, Mr. CAPUANO, and Mr. GUTIERREZ):

H.R. 3810. A bill to extend certain economic recovery payments, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KOSMAS:

H.R. 3811. A bill to amend the Internal Revenue Code of 1986 to authorize the Secretary, for a period of 2 years, to allocate a new markets tax credit limitation to entities that serve or provide investment capital for distressed communities; to the Committee on Ways and Means.

By Ms. KOSMAS:

H.R. 3812. A bill to amend the Internal Revenue Code of 1986 to encourage businesses to purchase commercial and residential property in distressed communities by providing an exclusion from tax on certain gains; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 3813. A bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program; to the Committee on Veterans' Affairs.

By Mr. FLEMING (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. CAO, Mr. CASSIDY, Mr. MELANCON, and Mr. SCALISE):

H. Res. 827. A resolution honoring the life and service of Dewey Lee Fletcher, Jr.; to the Committee on House Administration.

By Mr. CAO (for himself, Mr. CASSIDY, Mr. ALEXANDER, Mr. BOUSTANY, Mr. MELANCON, Mr. SCALISE, and Mr. FLEMING):

H. Res. 828. A resolution to recognize October 24, 2009, the 20th chartered flight of World War II veterans through Louisiana HonorAir, as "Louisiana HonorAir Day," and to honor the invaluable service and dedication of the World War II veterans to our Nation; to the Committee on Veterans' Affairs.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. TIBERI, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mr. DAVIS of Kentucky, Mrs. BACHMANN, Mr. PLATTS, Mrs. SCHMIDT, Mr. MEEK of Florida, Mr. DEAL of Georgia, and Mr. LINDER):

H. Res. 831. A resolution supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children; to the Committee on Ways and Means.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. LATHAM, Mr. KING of Iowa, and Mr. BRALEY of Iowa):

H. Res. 832. A resolution recognizing and congratulating ACT, Inc. on 50 years of service to the Nation; to the Committee on Education and Labor.

By Mr. SCHIFF:

H. Res. 833. A resolution honoring the 60th anniversary of the establishment of diplomatic relations between the United States and the Hashemite Kingdom of Jordan, the 10th anniversary of the accession to the throne of His Majesty King Abdullah II Ibn Al Hussein, and for other purposes; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PASTOR of Arizona introduced a bill (H.R. 3814) for the relief of Martha Quintana Bonilla; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Ms. MARKEY of Colorado and Mr. PETERSON.

H.R. 211: Ms. ROYBAL-ALLARD.

H.R. 272: Mr. LANCE.

H.R. 391: Mr. MANZULLO.

H.R. 406: Ms. TSONGAS.

H.R. 525: Mr. BURGESS.

H.R. 610: Mr. HARE.

H.R. 615: Mr. MCMAHON.

H.R. 761: Ms. HERSETH SANDLIN.

H.R. 868: Mr. HODES and Mr. WALZ.

H.R. 986: Mr. REYES.

H.R. 1024: Ms. CHU.

H.R. 1103: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1177: Mrs. MCMORRIS RODGERS.

H.R. 1182: Mrs. DAHLKEMPER, Ms. SUTTON, Mr. BISHOP of Georgia, and Ms. DEGETTE.

H.R. 1191: Mr. KENNEDY.

H.R. 1193: Mr. SCHAUER.

H.R. 1194: Mr. SIREN, Mr. MELANCON, Mr. THOMPSON of Pennsylvania, Mr. LEE of New York, Mr. NYE, Mr. PRICE of North Carolina, and Mr. ISRAEL.

H.R. 1215: Mrs. NAPOLITANO.

H.R. 1283: Mr. FOSTER.

H.R. 1310: Mrs. MCCARTHY of New York.

H.R. 1326: Mr. SERRANO, Mrs. MCCARTHY of New York, Mr. MEEK of Florida, Mr. RUPERSBERGER, Mr. ANDREWS, and Mr. CASTLE.

H.R. 1392: Ms. DELAURO.

H.R. 1478: Ms. SUTTON.

- H.R. 1521: Mr. BOUCHER and Mr. WEINER.  
H.R. 1545: Mr. TURNER and Ms. TSONGAS.  
H.R. 1549: Mr. MEEK of Florida.  
H.R. 1570: Mr. BLUNT.  
H.R. 1583: Mr. VISCLOSKEY and Mr. WELCH.  
H.R. 1588: Mr. DAVIS of Tennessee.  
H.R. 1596: Mr. EHLERS.  
H.R. 1623: Mr. KILDEE.  
H.R. 1708: Ms. BERKLEY and Mrs. MCCARTHY of New York.  
H.R. 1770: Mr. CARNAHAN.  
H.R. 1826: Mr. BRALEY of Iowa, Mr. KILDEE, Ms. NORTON, and Mr. SCOTT of Virginia.  
H.R. 1831: Ms. HERSETH SANDLIN, Mr. MARIO DIAZ-BALART of Florida, Mr. BUCHANAN, and Mr. SPRATT.  
H.R. 1835: Mr. WU.  
H.R. 1944: Mr. PASCRELL.  
H.R. 1964: Mr. BUTTERFIELD.  
H.R. 1977: Ms. KILPATRICK of Michigan.  
H.R. 1987: Mr. MORAN of Virginia, Mr. CARNAHAN, and Mr. RUSH.  
H.R. 1993: Ms. SUTTON and Mr. SCHAUER.  
H.R. 2024: Mr. ROE of Tennessee.  
H.R. 2031: Mr. CHAFFETZ and Mr. YOUNG of Alaska.  
H.R. 2138: Mr. PETERSON, Ms. CORRINE BROWN of Florida, and Mr. SCHAUER.  
H.R. 2156: Mr. SHUSTER.  
H.R. 2160: Mr. OLVER.  
H.R. 2161: Ms. ZOE LOFGREN of California.  
H.R. 2177: Mr. GUTIERREZ.  
H.R. 2214: Mr. MICHAUD.  
H.R. 2227: Ms. HERSETH SANDLIN and Mr. TURNER.  
H.R. 2279: Mr. CONYERS and Ms. DELAURO.  
H.R. 2299: Ms. WATSON.  
H.R. 2305: Mr. ISSA.  
H.R. 2408: Mr. SESTAK, Mr. LUETKEMEYER, and Mr. REYES.  
H.R. 2452: Mr. ROTHMAN of New Jersey, Ms. FOXX, and Mr. MITCHELL.  
H.R. 2480: Ms. MOORE of Wisconsin, Mr. HOLT, Ms. HIRONO, Mr. CONYERS, Mr. MASSA, Mr. GERLACH, Mr. SCOTT of Virginia, Mr. PASTOR of Arizona, Ms. CHU, Mr. SPRATT, Mr. WEINER, Ms. GIFFORDS, Mr. MEEK of Florida, Mrs. MCCARTHY of New York, Mr. SHULER, Mr. MURPHY of Connecticut, and Mr. RUPERSBERGER.  
H.R. 2493: Mr. KING of New York.  
H.R. 2502: Mr. THOMPSON of Mississippi, Mr. WALDEN, Mr. UPTON, Mr. PETERS, Mr. MINNICK, Mr. SHULER, Mr. JOHNSON of Georgia, and Ms. KILPATRICK of Michigan.  
H.R. 2547: Mr. PAUL and Mr. PETERSON.  
H.R. 2556: Mr. SAM JOHNSON of Texas and Mr. SOUDER.  
H.R. 2560: Mr. CUMMINGS.  
H.R. 2563: Ms. BERKLEY.  
H.R. 2567: Ms. ESHOO, Mr. PAYNE, and Mr. KILDEE.  
H.R. 2608: Mr. BROWN of South Carolina, Mr. McKEON, Mr. GINGREY of Georgia, and Mr. SMITH of New Jersey.  
H.R. 2617: Mr. HINCHEY.  
H.R. 2628: Mr. DAVIS of Alabama.  
H.R. 2743: Mr. CONYERS, Mr. MINNICK, and Mr. MCNERNEY.  
H.R. 2746: Mr. MASSA and Mr. HARE.  
H.R. 2807: Mr. HOLT.  
H.R. 2817: Mr. McDERMOTT and Mr. FATTAH.  
H.R. 2866: Mrs. MYRICK, Mr. INSLEE, Ms. TSONGAS, and Mr. ELLSWORTH.  
H.R. 2941: Ms. KOSMAS.  
H.R. 2954: Mr. PASCRELL.  
H.R. 3006: Mr. POLIS of Colorado.  
H.R. 3017: Mr. BECERRA.  
H.R. 3048: Mr. CARSON of Indiana.  
H.R. 3077: Ms. LINDA T. SANCHEZ OF CALIFORNIA.  
H.R. 3092: Ms. DEGETTE.  
H.R. 3185: Mr. MARSHALL.  
H.R. 3206: Ms. RICHARDSON.  
H.R. 3225: Mr. CARNAHAN.  
H.R. 3238: Mr. POLIS of Colorado.  
H.R. 3263: Mr. ROTHMAN of New Jersey.  
H.R. 3350: Mr. POSEY.  
H.R. 3355: Mr. THOMPSON of Pennsylvania, Mr. BONNER, and Mr. LEWIS of Georgia.  
H.R. 3356: Mr. OLSON, Mr. BISHOP of Utah, Mr. MARCHANT, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mrs. LUMMIS, and Mr. McCAUL.  
H.R. 3375: Mr. LAMBORN.  
H.R. 3380: Mr. FILNER, Mr. BACA, Ms. WATERS, Mr. CARSON of Indiana, and Mr. BAIRD.  
H.R. 3400: Mrs. MYRICK, Mr. SESSIONS, Mr. SMITH of Texas, and Mr. POSEY.  
H.R. 3426: Mr. GENE GREEN of Texas, Mr. FILNER, Mr. KUCINICH, and Mr. DELAHUNT.  
H.R. 3454: Mrs. BLACKBURN.  
H.R. 3495: Ms. TSONGAS.  
H.R. 3524: Mr. MICHAUD, Mr. OLSON, and Mr. BISHOP of Utah.  
H.R. 3553: Mr. HARE.  
H.R. 3554: Mr. ARCURI and Mr. BRIGHT.  
H.R. 3577: Mr. MCGOVERN, Mr. NYE, and Mr. RAHALL.  
H.R. 3586: Mr. OBERSTAR.  
H.R. 3608: Ms. SPEIER.  
H.R. 3612: Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. CAMPBELL, Mr. McCLINTOCK, Mr. POSEY, Mr. LUETKEMEYER, Mr. BISHOP of Utah, Mr. BROWN of South Carolina, Mr. FLEMING, Mr. PAULSEN, Mr. AKIN, Mr. SAM JOHNSON of Texas, Mr. BARTLETT, and Mr. GINGREY of Georgia.  
H.R. 3633: Mr. RUSH, Ms. SUTTON, and Mr. TIM MURPHY of Pennsylvania.  
H.R. 3636: Mr. CONYERS, Mr. CARSON of Indiana, and Mr. JOHNSON of Georgia.  
H.R. 3644: Mr. SABLAN and Ms. LEE of California.  
H.R. 3664: Mr. WELCH, Mr. SARBANES, and Mr. CARNAHAN.  
H.R. 3670: Mr. BARROW, Mr. PAYNE, and Mr. SCHAUER.  
H.R. 3679: Mr. FATTAH.  
H.R. 3691: Mr. BUCHANAN and Mr. ROONEY.  
H.R. 3712: Mr. HALL of New York, Mr. MICHAUD, Mr. RYAN of Ohio, Mr. WELCH, Mr. CAO, Mr. HOLT, Mr. BURTON of Indiana, and Mr. MASSA.  
H.R. 3721: Mr. BRALEY of Iowa.  
H.R. 3728: Ms. LEE of California and Mr. RUPERSBERGER.  
H.R. 3731: Ms. CHU, Mr. MASSA, Ms. SCHAKOWSKY, Mr. SCHAUER, Mr. PASCRELL, Ms. EDWARDS of Maryland, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LINDA T. SANCHEZ of California, Mr. PASTOR of Arizona, Mr. HASTINGS of Florida, Ms. VELÁZQUEZ, Mr. SALAZAR, Mr. DINGELL, Mr. CARDOZA, Mr. WAXMAN, Mr. GUTIERREZ, Mr. RODRIGUEZ, and Mr. INSLEE.  
H.R. 3742: Mr. QUIGLEY, Mr. COLE, Ms. RICHARDSON, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Ms. HERSETH SANDLIN, and Mr. POMEROY.  
H.R. 3749: Mr. COFFMAN of Colorado, Mr. PUTNAM, Mr. FLEMING, Mr. HOLDEN, Mr. MCHENRY, and Mr. COBLE.  
H.R. 3772: Ms. LEE of California.  
H.R. 3778: Mr. MEEK of Florida.  
H.R. 3789: Mr. ROSS and Mr. GARY G. MILLER of California.  
H.R. 3791: Mr. SPRATT, Mr. LEVIN, Mr. DEFazio, Mr. MURPHY of New York, Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEINER, and Mr. HALL of New York.  
H.R. 3797: Mr. JONES, Mr. McCLINTOCK, Mr. COLE, Mr. KLINE of Minnesota, Mr. BROWN of Georgia, Mr. HARPER, Mr. DAVIS of Kentucky, Mr. MARCHANT, Mr. GINGREY of Georgia, Mr. GARRETT of New Jersey, Mr. LAMBORN, and Mr. BURTON of Indiana.  
H.R. 3802: Mr. CHAFFETZ, Mr. BONNER, Mr. POSEY, Mr. BROWN of South Carolina, Mr. BISHOP of Utah, Mr. FLEMING, Mr. ISSA, Mr. AKIN, Mr. LAMBORN, Ms. FALLIN, Mrs. BACHMANN, Mr. GINGREY of Georgia, Mr. BARTLETT, Mr. MARCHANT, Mrs. BLACKBURN, Mr. CULBERSON, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. BROWN of Georgia, Mr. DAVIS of Kentucky, and Mr. COLE.  
H. Con. Res. 42: Mr. GRIJALVA.  
H. Con. Res. 43: Mr. GRIJALVA.  
H. Con. Res. 58: Mr. HONDA and Mr. FORTENBERRY.  
H. Con. Res. 108: Mr. MICHAUD.  
H. Con. Res. 139: Mr. INGLIS, Mr. SHULER, and Mr. STEARNS.  
H. Con. Res. 158: Mr. MILLER of North Carolina.  
H. Con. Res. 185: Mr. LATOURETTE.  
H. Res. 266: Mr. DUNCAN.  
H. Res. 523: Mr. PENCE.  
H. Res. 561: Mrs. MALONEY.  
H. Res. 563: Mrs. MALONEY.  
H. Res. 613: Mr. GERLACH, Mr. HASTINGS of Washington, Mr. REICHERT, Mr. EHLERS, and Mr. HINCHEY.  
H. Res. 630: Mr. GEORGE MILLER of California.  
H. Res. 660: Mr. FATTAH.  
H. Res. 708: Mr. HARE, Mr. KLEIN of Florida, Mr. BLUNT, Mr. GONZALEZ, Mr. SOUDER, and Ms. MATSUI.  
H. Res. 709: Mr. CARSON of Indiana.  
H. Res. 736: Mr. HALL of New York, Mr. JACKSON of Illinois, Mr. STEARNS, Mr. CAO, and Mr. PITTS.  
H. Res. 747: Mr. WALZ, Mr. BACA, Mr. SALAZAR, Mr. MILLER of North Carolina, Mr. INSLEE, Mr. KLEIN of Florida, Mr. YARMUTH, Mr. ROGERS of Alabama, Mr. BONNER, Mr. REICHERT, Mr. WILSON of South Carolina, Ms. GRANGER, Mr. BROWN of South Carolina, Mr. KIND, Mr. DRIEHAUS, Mr. SKELTON, Mr. SARBANES, Mr. DICKS, Mr. TAYLOR, Mr. DONNELLY of Indiana, Mr. COURTNEY, and Mr. MICHAUD.  
H. Res. 749: Mr. FORTENBERRY.  
H. Res. 759: Mr. RYAN of Wisconsin.  
H. Res. 783: Mr. SMITH of Nebraska, Mr. FARR, Mr. OLSON, Mr. CANTOR, and Mr. RUSH.  
H. Res. 786: Mr. ALTMIRE and Mr. SABLAN.  
H. Res. 796: Mr. GINGREY of Georgia and Mr. SOUDER.  
H. Res. 798: Mr. FALEOMAVAEGA, Mr. CONYERS, Mr. SESTAK, Mr. RYAN of Ohio, Mr. SCHIFF, Mr. HONDA, Mr. MEEK of Florida, Ms. BERKLEY, Mr. PETERS, Mr. FILNER, Mr. SHULER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, and Mr. CARSON of Indiana.  
H. Res. 800: Mr. AUSTRIA.  
H. Res. 801: Ms. WATERS, Ms. RICHARDSON, Ms. CLARKE, Ms. EDWARDS of Maryland, Mr. SNYDER, Mrs. CHRISTENSEN, and Mr. WEXLER.  
H. Res. 816: Mr. BACA, Ms. MATSUI, and Mr. HASTINGS of Florida.  
H. Res. 824: Mr. MANZULLO, Ms. SLAUGHTER, Ms. HIRONO, Mrs. CAPPS, Mrs. DAVIS of California, Ms. SPEIER, Ms. MARKEY of Colorado, Ms. DEGETTE, Ms. MOORE of Wisconsin, Mr. FOSTER, Ms. BERKLEY, Ms. TITUS, Ms. TSONGAS, Mrs. HALVORSON, Ms. PINGREE of Maine, Mr. KISSELL, Ms. SUTTON, Ms. KILROY, Ms. CASTOR of Florida, Ms. BEAN, Mrs. BIGGERT, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. HARE, Mr. JACKSON of Illinois, Mr. JOHNSON of Illinois, Mr. KILDEE, Mr. KIRK, Mr. LIPINSKI, Mr. QUIGLEY, Mr. RUSH, and Mr. SCHOCK.

## SENATE—Wednesday, October 14, 2009

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who speaks in the winds' whispers, enable our lawmakers to hear Your call above the many voices of the world. Grant that the claims of labor, the attractions of ambition, or the cares of this world may not make them fail to hear You speak. Lord, give them the wisdom to obey You promptly, refusing to put off until tomorrow the decisions they ought to make today. Cleanse them from any lack of discipline which would keep them from making the efforts which obedience demands. Honor their obedience by permitting them to share in Your glory. May their example of faithfulness and patriotism raise up a new generation of Americans who will love You and country.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 14, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Following leader remarks, there will be a period of morning business. It will be for 1 hour, with Senators permitted to speak for up to 10 minutes each during that time. The majority will control the first 30 minutes and Republicans will control the final 30 minutes. Following morning business, the Senate will proceed to consideration of the conference report to accompany the Energy and Water appropriations bill, H.R. 3183. Under the previous order, there will be 10 minutes for debate equally divided and controlled between the managers of the bill. I ask unanimous consent that there also be 10 minutes under the control of Senator COBURN and that the provisions under the previous order notwithstanding remain in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Upon the use or yielding back of the 20 minutes for debate, the Senate will proceed to a cloture vote on the Energy and Water appropriations conference report. That vote is expected before noon today. The Senate will recess from 12:30 until 2:15 to allow for the weekly caucus luncheons. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### MEASURE PLACED ON THE CALENDAR—S. 1776

Mr. REID. Mr. President, S. 1776 is at the desk and due for a second reading; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

The clerk will read the bill by title for the second time.

The legislative clerk read as follows:  
A bill (S. 1776) to amend title XVIII of the Social Security Act to provide for the update

under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes.

Mr. REID. I object to any further proceedings.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

### FALLEN POLICE OFFICER MILBURN BEITEL

Mr. REID. Mr. President, I was a police officer during the time I was going to law school. I worked at night time. I have some knowledge of law enforcement. My brother Larry was a long-time officer for the sheriff's department in Las Vegas. That has now been combined with the Las Vegas police department and is called the Clark County Metropolitan Police Department. The reason I mention that is anytime we see someone killed in the line of duty as a police officer, it is scary and sad. The men and women who protect us live with danger every day.

In Las Vegas, we had a police officer by the name of Milburn Beitel who is going to be buried today. His friends called him Millie. He was 30 years old. He died early last Thursday morning after his patrol car crashed at the intersection of Washington Avenue and Nellis Boulevard in Las Vegas. The officer with him is in very serious but stable condition. They expect him to live, thank goodness.

My thoughts and those of anyone within the sound of my voice and anyone who cares about law enforcement, which is everybody in America with rare exception, are with Officer Beitel's family, his friends and fellow officers. Our thoughts are also with the second officer, whom we wish a full and speedy recovery.

We also share the grief of the Las Vegas Metropolitan Police Department. This is the second time in 5 months that the department has lost one of its own. This past May, Las Vegas police officer James Manor, a husband and a brandnew father, was responding to a call in the same Las Vegas community where he grew up. He was struck by a drunk driver and killed. He was 28 years old.

Terrible events such as this one make us appreciate the selfless police officers who have fallen in the line of duty—far too many. We think of their loved ones, people whose father or mother went to work in the morning and never came home, those who know the terrible experience of mourning a son or daughter, those whose husband,

wife, or best friend was taken from them too soon.

This morning, we are reminded of the bravery of those who go to work every day and put their lives at risk to protect people they don't know. We remember and honor Officer Beitel. We thank him and his fellow officers and their families for their service and sacrifice, not only the Las Vegas Metropolitan Police Department but police departments all over the country, for the valiant work they do, including the men and women who take care of this beautiful Capitol and protect us and the millions of visitors who come here every year.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### MILITARY COMMISSIONS AMENDMENT

Mr. McCONNELL. Mr. President, most Americans recognize that our continued success in preventing another terrorist attack on U.S. soil depends on our ability as a nation to remain vigilant and clear-eyed about the nature of the threats we face at home and abroad. Some threats come in the form of terror cells in distant countries, others come from people plotting attacks within our own borders, and still others can come from a failure to recognize that distinction between everyday crimes—everyday crimes—and war crimes.

This last category of threat is extremely serious but sometimes overlooked, and that is why Senators GRAHAM, LIEBERMAN, and MCCAIN have offered an amendment to the Commerce, Justice, and Science appropriations bill that would reassure the American people the Senate has not taken its eye off the ball.

The amendment is simple and straightforward. It explicitly prohibits any of the terrorists who were involved in the September 11, 2001, attacks from appearing for trial in a conventional U.S. courtroom. Instead, it would require the government to use military commissions; that is, the courts proper to war for trying these men.

By requiring the government to use military commissions, the supporters of this amendment are reaffirming two things: first, that these men should have a fair trial; and, second, we are reaffirming what American history has always shown; namely, that war crimes and common crimes are to be tried differently and that military courts are the proper forum for prosecuting terrorists who violate the laws of war.

Some might argue that terrorists such as Zacarias Moussaoui, one of the 9/11 coconspirators, are not enemy

combatants, that they are somehow on the same level as a convenience store stickup man. But listen to the words of Moussaoui himself. He disagrees.

Asked if he regretted his part in the 9/11 attacks, Moussaoui said:

I just wish it will happen on the 12th, the 13th, the 14th, the 15th, the 16th, the 17th, and [on and on].

He went on to explain how happy he was to learn of the death of American servicemen in the Pentagon on 9/11. Then he mocked an officer for weeping about the loss of men under her command, saying:

I think it was disgusting for a military person to pretend that they should not be killed as an act of war. She is military. She should expect that people who are at war with her will try to kill her. I will never cry because an American bombed my camp.

There is no question Moussaoui believes he is an enemy combatant engaged in a war against us.

The Senate has also made itself clear on this question. Congress created the military commissions system 3 years ago, on a bipartisan basis, precisely to deal with prosecutions of al-Qaida terrorists consistent with U.S. national security, with the expectation that they would be used for that purpose. The Senate reaffirmed this view 2 years ago when it voted 94 to 3 against transferring detainees from Guantanamo stateside, including 9/11 coconspirators.

We reaffirmed it, again, earlier this year when we voted 90 to 6 against using any funds—any funds—from the war supplemental to transfer any of the Guantanamo detainees to the United States. Just this summer, the Senate reaffirmed the view that military commissions are the proper forum for bringing enemy combatants to justice when we approved, without objection, an amendment to that effect as part of the Defense authorization bill.

Sometimes it seems like the only people who do not believe that men such as 9/11 mastermind Khalid Shaikh Mohammed should be treated as enemy combatants are working in the administration. How else can we explain the fact that over the summer the administration flew Guantanamo detainee Ahmed Ghailani to New York to face trial for bombing Embassies of the United States in Kenya and Tanzania, an attack that killed more than 200 people, including 12 Americans? This was an act of war. Ghailani does not belong in civilian court alongside con men and stickup artists.

Our past experiences with terror trials in civilian courts have clearly been shown to undermine our national security. During the trial of the mastermind of the first Trade Center bombing, we saw how a small bit of testimony about a cell phone battery was enough to tip off terrorists that one of their key communication links had been compromised.

We saw how the public prosecution of the Blind Sheik, Abdel Rahman, inad-

vertently provided a rich source of intelligence to Osama bin Laden ahead of the 9/11 attacks. We remember that Rahman's lawyer was convicted of smuggling orders to his terrorist disciples. These are just some of the concerns that arise from bringing terror suspects to the United States.

Trying terror suspects in civilian courts is also a giant headache for local communities, as evidenced by the experience over here in Alexandria, VA, during the Moussaoui trial. As I have pointed out in previous floor statements, parts of Alexandria became a virtual encampment every time Moussaoui was moved to the courthouse. Those were the problems we saw in Northern Virginia, when just one terrorist was tried in civilian court. What will happen to Alexandria or other cities if several men who describe themselves as "terrorists to the bone" are tried in civilian courts there?

It is because of dangers and difficulties such as these that we established the military commissions in the first place. If we cannot expect the very people who masterminded the 9/11 attacks to fall within the jurisdiction of these military courts, then whom can we?

Democratic leaders, including the President, assure us they would never release terror suspects into the United States. But lawyers have repeatedly warned about our inability to control the process once the suspects are given civilian trials. Once you bring them here, you cannot control the process.

To illustrate the point, last year a Federal judge ordered the Uighurs, a group of men detained at Guantanamo, including some who received combat training in Afghanistan, to be released into the United States. Fortunately, the DC Circuit reversed this order. Why? Because the Uighurs had not been brought to the United States and, therefore, did not have a right to be released here. We do not know what would have happened if they had been transferred here already. But we do know that because they were not, they remain outside our borders, safely away from our communities.

The American people have made themselves clear on this issue. They do not want Gitmo terrorists brought into the United States, and they certainly do not want the men who conspired to commit the 9/11 attack on America tried in civilian courts—risking national security, their potential release, and civic disruption in the process.

Congress created military commissions for a reason. But if the administration fails to use military commissions for self-avowed combatants such as Khalid Shaikh Mohammed, then it is wasting this time-honored and essential tool in the war on terror.

The amendment by Senators GRAHAM, LIEBERMAN, and MCCAIN gives us all an opportunity to express ourselves, once again, on this vital issue. The

question is not whether terror suspects should be brought to justice. The question is where and how. The answer is perfectly clear: The right forum is military commissions at the secure facility we already have at Guantanamo, not in civilian courts in the United States.

#### HEALTH CARE WEEK XIII, DAY II

Mr. McCONNELL. Mr. President, sometime in the coming days, the Treasury Department will make an announcement that should startle all of us. It will announce that in the fiscal year that ended just 2 weeks ago, the Federal Government spent \$1.4 trillion more than it actually had. What this announcement means is that lawmakers in Washington ran up a Federal deficit in 2009 greater than the deficits of the last 4 years combined.

This is a staggering statistic. It is impossible for most of us to imagine sums of money this large, let alone the unprecedented amount of money we have borrowed this year alone. But one way to think of it is to realize that since January 20 of this year, the Federal Government has borrowed \$1.2 trillion or more than \$10,500 for every household in the United States—this year alone: \$10,500 for every household in our country. Just since last January, the Federal Government, as I indicated, has borrowed more than \$10,500 for every single household in America.

As you can imagine, there is a limit to how much we can borrow without facing serious consequences, such as dramatically higher interest rates that will further hamper job creation and massive spending cuts and taxes down the road. That is precisely why Congress sets a limit on how much debt the government can carry at any one time. But the administration has decided to worry about all these things at a later date. For now, it wants to continue to borrow and spend, borrow and spend, as it has done all year.

But we are in dangerous territory. As a result of all this borrowing, Congress is about to reach the limit on the amount of debt it can legally carry. The administration expected this would happen, and that is why it recently asked Congress to raise the debt ceiling. Rather than cut spending or implement reforms that would reduce costs, the administration is proposing we borrow even more to finance its industry bailouts and now its health care proposal. What this amounts to is a public admission it cannot live within its means.

Think about the message that sends to American people. At a time when millions of Americans are experiencing a financial hangover from overusing their own credit cards, the government is still at it. Rather than pay down some of the principal, the government is asking the credit card company to

increase its limit. What does it plan to buy with the room it gets on its credit card? More government spending programs.

This is fiscal madness. The primary reason we are in so much trouble financially is the fact that we cannot afford our current spending patterns. The projected deficit for 2009 is nearly twice as large as the previous postwar record from 1983. Yet instead of reforming existing programs such as Medicare and Social Security in order to make them financially sound and stable, the administration does not want to make any hard choices.

This is one of the reasons the administration has a problem on its hands with the American people when it comes to health care. Most of the health care bills the administration supports would raise our debt by hundreds of billions of dollars. Yet the administration knows Americans are concerned about all this spending and debt; otherwise, it would not have touted a report last week saying that a conceptual version of one of several health care bills being discussed in Congress could cut the deficit by \$80 billion over 10 years.

Leaving aside the fact that this particular bill will never see the light of day, an important question arises: How can an administration that is asking Congress for a \$1 trillion increase on its credit card limit claim with a straight face to be excited about \$80 billion in deficit savings? That is like putting a new Mercedes on the government credit card and then calling a press conference on frugality because the dealer threw in a complimentary cup holder.

Americans do not buy any of it, and that is why they are overwhelmingly opposed to the administration's health care proposals. At the outset of this debate, there was one criterion for success: Reform would lower the cost of health care. Yet no one—no one—outside Washington believes that creating a new \$1 trillion entitlement will do anything but increase costs and increase debt.

We are headed down a dangerous road. It is long past time for the administration and its allies in Congress to face the hard choices Americans have had to face over the past several months: No more spending money we do not have on things we do not need; no more debt. Real reform will lower costs and debt, not raise both when we can least afford it.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half of the time and the Republicans controlling the final half.

The Senator from Illinois.

#### ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, I ask unanimous consent that the morning business time on the majority side be evenly divided between myself and Senator HARKIN of Iowa.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MILITARY COMMISSIONS AMENDMENT

Mr. DURBIN. Mr. President, I would like to address several points raised by the Republican minority leader in his opening statement this morning. He stood in support and defense of an amendment that has been proposed by the Senator from South Carolina, Mr. GRAHAM. What it basically would say is, we cannot try terrorists in the courts of America; in the criminal courts of America we cannot bring a terrorist to trial; they have to be tried, according to the Graham amendment and the position of the Republican leader, in military tribunals or commissions only. That is a dramatic change from the law as we know it, and very bad policy.

Since 9/11, we have successfully prosecuted 195 terrorists in America's criminal courts. During that same period of time, we successfully prosecuted in our military commissions and tribunals three—three—terrorists. So if one wants to know where we are more likely to end up putting a terrorist behind bars, I would suggest going to the Department of Justice and letting them decide whether the case best be tried in a criminal court in America or in a military tribunal. That is the current policy. But the position of the Republican side is to take away this discretion of the Attorney General and to tell them under no circumstances can you try a terrorist for violating American law in an American court.

It makes no sense.

Recently we had a case where a man named Ahmed Ghailani was brought to the United States for his involvement in the 1998 bombings of our embassies in Kenya and Tanzania which killed 224 people, including 12 Americans. President Obama said this man is going to be tried for killing Americans, for his terrorist acts in Africa. I have seen the devastation it caused; almost unimaginable. The President said he will be

brought to New York City and he will be tried in our courts. That is under-way. It is the right thing to do. The surviving loved ones of those who died in that embassy have praised the administration for their leadership in bringing this man to justice.

Under the amendment which the Republicans are supporting, we would not be able to bring this man to trial in an American courtroom. Why? If the laws are on the books and can be successfully used to prosecute terrorists, why would we throw away this important opportunity and tool to stop terrorism? I will let the Republican side of the aisle explain why. But in the meantime, perhaps they can explain why we should ignore the reality that there are 355 convicted terrorists currently serving time in American prisons and 350 or more of them were convicted in our courts. We know we can do it. We know we can successfully prosecute them under American law. Why would the Republicans want to shield them from prosecution under American law and instead use military commissions and tribunals which have been very controversial and have only successfully prosecuted three terrorists over the last 7 or 8 years since 9/11? It is the Republican position and it makes no sense. We should use every tool in our arsenal to stop terrorism, and give the Attorney General every authority he needs to decide where is the best place to prosecute these individuals.

This notion that somehow we can't bring a terrorist to justice in America for fear they will be held in a jail in America—how do you explain 350 terrorists currently serving time in American prisons? They are being treated as every other criminal should be treated: incarcerated, isolated, away from the population. That is the way it should be. There are places other than Guantanamo to hold these prisoners safely, and I think the record speaks for itself.

#### NATIONAL DEBT

The second issue that was raised by the Republican leader was about our national debt. He is arguing that the debt is too high, and he is right. But he also ought to be very candid and open about how we reached this point in history. President Obama has been in office now for 9 months, and what did he inherit? The biggest debt in the history of the United States. What did his predecessor, George W. Bush, inherit? A surplus in the Federal Treasury. When President Clinton left office, he left behind a surplus. It is the first time in 30 years we had a surplus. President Bush took that surplus and turned it into the biggest debt in history, and took that and left the weakest economy in 70 years to the Obama administration. Now comes the Republican side saying this is a shame that the Obama people have gotten us into this mess with this debt.

How did we reach this point? Decisions under President George W. Bush

to wage two wars without paying for them, simply to add to the national debt; to do what had never been done before by any President, to give tax cuts to the wealthiest people in America in the midst of a war; and to create a Medicare prescription drug program that wasn't paid for. The cumulative impact of those decisions increased the debt of America to record-breaking levels, and that is what was handed to President Obama when he took office. Now come the Republicans who supported those policies under President Bush and blame President Obama for the debt left behind by the previous President. That is unfair and it is not accurate.

I am sorry we have this debt. Once this economy turns—and I hope it does soon—and jobs are created and businesses are back generating the profits they need, our economy will be strong again and revenues will be created, but we are going to have to claw our way out of this recession and create jobs to make that happen. Twisting and distorting the history of our American debt does not help that conversation.

#### HEALTH CARE REFORM

Incidentally, the minority leader said one thing which I hope he will come back to correct. He said the health care reform now underway is going to add to that national debt. If there is one thing President Obama made clear when he spoke to us about this health care reform issue it is that we cannot add to the debt. This bill reported by the Finance Committee yesterday does not add to the national debt. In fact, it reduces the deficit over the next 10 years. That is the standard the President has held us to when it comes to dealing with the deficit and health care reform.

Make no mistake. The opponents to health care reform are being led and inspired by many people but primarily by one group: the health insurance industry. The health insurance industry, one of the most profitable in America, has made its money by saying no and denying care to people when they need it the most. When we try to bring about real health insurance reform so they can't turn you down because of a pre-existing condition discovered in some old document filed years before and they can't put limits on the coverage you need when you do get sick, the health insurance industry is fighting us tooth and nail, and many on the other side of the aisle are arguing their case. I think it is a tough case to argue to most Americans.

Most Americans understand we need to bring the costs of health care under control so that Americans have security and stability and don't see health insurance premiums going through the roof, businesses cancelling coverage, and individuals unable to protect themselves. They understand we need real health insurance reform. I have

yet to hear the first Republican Senator stand on this floor and call for real health insurance reform, because the health insurance industry doesn't want it and many on the other side of the aisle are not going to cross them when it comes to this debate.

Finally, it is imperative that America move to the point where more Americans have the peace of mind of health insurance protection. To think that 40 million-plus Americans are going to go to bed tonight uncertain about whether a diagnosis tomorrow or an accident tomorrow will plunge them deeply into debt for medical bills they can't pay is unacceptable in this country. Today 14,000 Americans will lose their health insurance coverage by losing a job or reaching a point where they can no longer pay for it. That is the sad reality of the current system. The Republican side of the aisle has no alternative, no proposal for health insurance reform, or health care reform.

I wish to salute Senator SNOWE of Maine for her extraordinary courage yesterday, stepping up and voting—the only Republican so far who has voted for health care reform in the U.S. Congress. I am sure she took a lot of grief for it, a lot of pressure, but she showed real courage, extraordinary courage in voting to join us in this effort for real health care reform.

We have heard from former Republican leader Frist; we have heard as well from Republican Governor Schwarzenegger; the mayor of New York, Mr. Bloomberg; the mayor of Minnesota, and others who have talked about the need for health insurance reform. It tells me that many of the congressional Republicans should listen to the leaders in their party across the country who understand what America needs and wants.

Now is our chance. In the next few weeks we are going to do something which we have been trying to do for 40 or 50 years: Bring real health care reform debate to the floor of the U.S. Senate. It won't be easy. There are a lot of differences of opinion about the goals we want to reach. But I want to tell my colleagues that we are finally taking that important step under the leadership of President Obama to do what America wants done: to make sure we have health care reform that will serve our Nation and serve families and businesses in the 21st century.

I see my colleague from Iowa is on the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Iowa is recognized.

#### HEALTH CARE REFORM

Mr. HARKIN. Mr. President, all five congressional committees involved in the health care reform debate have completed their work now and the core



elements of this landmark legislation are now clear.

The media has done a good job of reporting that the emerging bill will crack down on abuses by health insurance companies and extend quality health coverage to the vast majority of Americans. In addition, much attention has been paid to the public option which I am confident will be in the bill we send to the President later this year. So there has been a lot in the press about the public option; about coverage; how much this costs; will there be an excise tax; what will the penalties be. Almost all of the debate we see—I should say discussion—surrounding the health care reform is about how we pay the bills, when we think about it. It is about how are we going to pay all of these bills.

There is one huge part of the health reform bill that is not being discussed very much that I believe will have a transformative effect on the system we have in America today, which I have often referred to as not a health care system but a sick care system. When we think about it, that is what we have in America: a sick care system. If you get sick, you get care one way or the other, but we do precious little to keep you healthy in the first place. As one of the comedians on one of these late night talk shows I happened to tune in to one night said, you know, they are talking about everything except health care.

What do we need to do to keep people healthy in the first place? Well, quite frankly, that is in our bill. That is what I wanted to discuss this morning, which is some of the aspects of the bill that I believe will bend the cost curve in the future and make us a genuine wellness society. The bill we reported out of our HELP Committee creates a sharp new emphasis on fitness, physical activity, good nutrition, disease prevention; in short, keeping people out of the hospital in the first place. This will give Americans access to a 21st century true health care system focused on preventing disease and helping us live healthy, active, productive lives, and it will reduce wasteful, avoidable costs that are built into our current system. Again, this sort of disease management approach we have in our country now is about patching things up after people develop a serious illness or a chronic condition. It is a system that overspends, which we know, and underperforms. It has been a colossally expensive failure.

We can and must do better. As President Obama said in his speech to Congress back in February:

[It is time] to make the largest investment ever in preventive care, because that's one of the best ways to keep our people healthy and keep our costs under control.

To most of us, it is self-evident that cost-effective preventive services will save money in the long term. This first

chart is of a poll taken which shows that 76 percent of the American people said we should invest more in preventive care—76 percent. They get it. The American people get it. This support comes from across the political spectrum. Eighty-six percent of Democrats, 71 percent of Republicans, and 70 percent of Independents say we should be spending more on prevention.

This next chart shows that 77 percent of Americans support a new emphasis on prevention in a health care reform bill because they know it is the right thing to do. It is common sense. If we can use cost-effective screenings and other upfront intervention programs to prevent tens of millions of occurrences of chronic diseases such as cancer, diabetes, and cardiovascular disease, it is self-evident that we are going to slash health care costs very significantly.

Some critics have claimed that a new emphasis on wellness and prevention will cost more money and it will drive up health care costs. To support this claim, they have created a straw man, assuming that we are going to do all of these preventive services for everybody all the time, but that is not what is in our bill. I wish to emphasize that our committee's bill takes a very rigorous approach to prevention. We target appropriate preventive services and screenings only to those segments of the population that are at risk of a disease or a condition.

For example, under our bill, mammogram screenings would be free—no copays, no deductibles—but to those most at risk of breast cancer—women over the age of 40.

At every step, what we have relied on are the latest recommendations of the U.S. Preventive Services Task Force. This task force has been in existence since the early 1980s. It evaluates clinical preventive services on the basis of scientific evidence related to effectiveness, appropriateness, and cost-effectiveness. So what we have said is that if the U.S. Preventive Services Task Force gives a certain preventive measure or screening an A or a B score, then the insurance companies and providers must provide that without any copays or deductibles. So it is targeted. It is not everything, but we are targeting the most cost-effective.

We also say that this task force has to meet at least once every 5 years and take in the latest scientific evidence and make recommendations for revising the mix of clinical preventive services.

Let me review some of the ways the Senate HELP Committee bill, in a very careful way, will put prevention and wellness at the very heart of health reform.

First, we create a Federal level prevention and public health council to improve coordination among Federal agencies in incorporating wellness into a national policy, and will develop a

national prevention and a public health strategy. All of the departments should be doing this, not just the Department of Health and Human Services but the Department of Agriculture, the Department of Defense, the Department of Veterans Affairs, the Department of Transportation, and on and on. All of them ought to have as an integral part of their deliberations and proposals for future legislation that they might propose in the Congress an element of prevention and wellness. Take the Department of Transportation, for example. When they are thinking about highways, bridges, roads, and things such as that, are they thinking about bike paths and walking paths and sidewalks in cities that could be incorporated into the planning if they want Federal money? Well, they have not so far. This is what I mean. We need this kind of an overall coordinating council at the White House level, at the department level.

We also start a prevention and public health investment fund to provide for expanded and sustained national investments in prevention and public health programs in communities all across America.

A 2007 study by the Trust for America's Health found major savings from community-based prevention programs. There is clinic-based prevention where you get a screening, but then there are community-based programs to improve physical activities, nutrition, reduce smoking rates, and things such as that. They found that a national investment of just \$10 per person per year—think about that, \$10 per person per year—in certain community-based wellness programs would yield these kinds of savings: in 1 to 2 years, \$2.8 billion; 5 years, \$16 billion; and 10 to 20 years, \$18.5 billion.

Again, on both the community level and the clinical level, we provide for funding and a structure to make wellness and prevention an integral part of our health care system. For example, our bill would target nutrition counseling to prediabetic patients. Right now, under Medicare, for example, and most insurance companies, they will reimburse thousands of dollars to take care of your diabetic conditions once you get diabetes. They will pay for amputating a foot or a leg. They will pay for all these expensive things after you get diabetes. They will pay for a lifetime of treatment. But now they will not reimburse for the cost of nutrition counseling—a few hundred dollars for someone who is prediabetic and who could prevent the disease through changes in diet. That doesn't make sense. Our bill would change this by requiring insurance plans to reimburse for nutrition counseling for prediabetic individuals—another example of a cost-effective approach.

For essential screenings and annual physicals, our bill would get rid of



copays and deductibles for things such as your annual physical checkups, vaccinations, mammogram screenings, and colonoscopies for the right population group, things like that—no copays, no deductibles.

We are going to make major new investments in the public health and primary care workforce. Senator MURRAY, of Washington, did a great job of incorporating workforce development in our committee bill. A lot of that workforce development is in the area of primary care and preventive care and wellness.

Finally, we give a powerful boost to employer-sponsored wellness programs. Our bill would allow employers to reward employees for participating in wellness programs by giving them a health insurance premium discount of up to 30 percent. In other words, if you participate in a wellness program that is provided by your employer, you can get a discount of up to 30 percent on your health insurance premium. I believe this is something that has been done by Safeway and others, and they have shown that they have had great results. People can see the benefit of wellness and prevention by getting a reduction in their health care premiums.

Workplace wellness programs—everything from nutrition counseling to smoking cessation—typically cost about \$20 to \$200 per employee per year. Again, they have a proven rate of return, ranging from \$2 to \$10 within 18 months, for every dollar spent. If you don't believe me, ask Pitney-Bowes what they did or Safeway. I single those two out, but many companies have gone way ahead of us in providing wellness programs for their employees. Are they doing it just out of sheer generosity? No. They know the bottom line. They know that when they provide wellness and prevention programs for their employees, their rate of return per dollar spent on an employee is 2 to 10 times as much within just a year or two. They have healthier employees. They don't go to the hospital as often. They don't have chronic diseases and they are more productive. They show up for work and they are more productive. What we have done in our bill is expanded this nationwide to give more companies the incentive to do that.

Our bill also directs the CDC to study and evaluate the best employer-based wellness programs and to create an educational campaign to promote these workplace wellness programs throughout America.

We think about the United States and our sick care system this way: We spend twice as much per capita on health care as European countries—twice as much—but we are twice as sick with chronic diseases. How is this possible? The reason is clear: We have neglected wellness prevention and disease prevention. In the United States,

95 cents of every health care dollar is spent on treating illnesses and conditions after they occur. Two-thirds of the increase in health care spending is due to increased prevalence of treated chronic disease. This chart illustrates that. In the late 1980s, we were spending about \$313 billion a year on chronic disease. We have now doubled that. It is up to \$627 billion, and it is going up at an ever-increasing rate. These are diseases that are mostly preventable. Yet we just continue to spend the money dealing with these chronic diseases.

The good news is that by reforming our system and keeping people healthy and preventing chronic illnesses, we have a great opportunity to not only save hundreds of billions of dollars but to improve the health of the American people.

Right now, 75 percent of health care costs are accounted for by heart disease, diabetes, prostate cancer, breast cancer, and obesity—five of them. These five diseases account for 75 percent of our health care costs. What do they have in common? They all have this in common: They are largely preventable, and even reversible, by changes in nutrition, physical activity, and lifestyle.

Again, for every dollar spent, 75 cents went toward treating patients with chronic disease. The CDC said this:

The United States cannot effectively address escalating health care costs without addressing the problem of chronic diseases.

Ninety-six cents of every Medicare dollar—we always hear that we are not going to have enough money for Medicare in the next 10 or 12 years, however long it is. Well, 96 cents goes for chronic disease. If you want to cut down on how much money we spend on Medicare, let's focus on prevention and wellness, especially for that group of individuals who are between 55 and 65, about ready to go on Medicare. Eighty-three cents of every dollar spent on Medicaid is spent on chronic diseases. Why don't we understand this and get it right? Yet, just like blind dodos, we say we will just keep spending the money and we won't address wellness and prevention. And we wonder why we can't get health care costs under control. Well, that is why. We are not addressing the underlying issues of wellness and prevention.

Again, it makes no sense to me that we spend all this time and all this effort to figure out a better way to pay the bills in a system that is dysfunctional, ineffective, and broken. We have to change the health care system itself. We have to change from a sick care system to a health care system, beginning with a sharp new emphasis on prevention and public health and wellness. That is in this bill, and that is not being talked about by the media. It is one of the fundamental parts of the health care reform we are going to

be putting through here on the Senate floor and, hopefully, in Congress and to the President by the end of the year.

It also has to be comprehensive. Not everything that deals with wellness and prevention can be done in this bill. For example, very soon we have to reauthorize the child nutrition bill, which deals with the School Lunch Program and the Breakfast Program. We have to get better food, more nutritional food for our kids in school and get the junk food out. Why do we have vending machines in schools? Do we have vending machines in schools to provide more healthy food for kids in school? You know the answer to that. Of course not. Why do you have the vending machines in schools? Is it so that the school can make money so it can buy band uniforms or maybe football uniforms and things like that? Is it so we can get our kids on junk food and high-sugar sodas, which leads to obesity and leads to diabetes and other kinds of chronic illnesses? Do we really want that for our kids in school? We have to have more nutritional foods. That is the child nutrition reauthorization.

Next year, under our committee, I say to the occupant of the chair, who is now a distinguished member of our committee, we are going to reauthorize the Elementary and Secondary Education Act, which is also called No Child Left Behind. What about making sure we leave no child behind also in terms of their health? Right now, we are cutting down on physical activity with kids in school. We are cutting down on recess and time for them to exercise. That is just nonsense. We have to do more to provide for exercise and healthy foods for our kids in school. That is where it all begins.

To close, Winston Churchill once said something I always thought was pretty much right on point:

Americans always do the right thing—after they have tried everything else.

We have tried everything else in health care, and it has failed. It has led us to bad health and to the brink of bankruptcy. Let's try something new—wellness and prevention. Times change the paradigm of health care. Let's recreate America as a genuine wellness society. Let's change the focus and make it easier to be healthy and harder to be unhealthy. Right now, it is easier to be unhealthy and hard to be healthy. Let's change that around, and in doing so we will build a health care system and bend that cost curve. That is the only way to get the job done.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wonder if the Senator from Iowa will yield for a question.

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. COBURN. On our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, the Senator from Iowa listed five diseases. I think he mentioned prostate cancer and breast cancer. Can he give us a reference of where he gets that data? Having practiced medicine for 25 years, most of my prostate cancer patients and breast cancer patients would want to know what the prevention is to prevent those diseases. Since we don't have anything in scientific literature right now that says that, I was wondering if he could refer us to the data.

Mr. HARKIN. Mr. President, I will be glad to get that for the Senator. I will get that to the Senator.

Mr. COBURN. I thank the Senator.

#### HEALTH CARE

Mr. COBURN. Mr. President, I plan on taking about 10 minutes of our time.

I serve on the HELP Committee with the distinguished chairman. There is no question we have not emphasized prevention in this country, but there is a reason we have not. We do not pay for it. Medicare does not pay for it. The insurance companies follow what Medicare does.

We have heard some pretty good claims this morning in terms of the HELP bill. I sat through almost 3 weeks of markup on that bill. I don't believe there is anybody in Congress who does not want us to change the way we look at prevention because there is no way we can control health care costs unless we both try to prevent chronic disease and also manage the chronic disease we have.

One of the reasons we have more chronic disease than other countries is because we keep people with chronic disease alive a lot longer. They let them die. They ration the care out, and they determine what the value of their life is. With a chronic disease, eventually they quit treating them. The numbers get skewed because we do a pretty good job. Even though we did not prevent it, we do a wonderful job, and we can actually do far better in managing chronic disease.

What the Senator and the HELP committee put out is a government-centered bill. Let me give an example. Duke University set up a clinic for heart failure patients. They were having phenomenal results. These are all Medicare patients, class III, class IV, class V heart patients. They dropped hospital admissions 27 percent. They shut it down. Why did they shut it down? Medicare would rather pay—because they are not flexible, they will not recognize prevention—they shut down a clinic that was saving them \$100 million a year, even though it cost about a significant portion of that, 10 percent or so, to run the clinic. They would rather spend the \$90 million than to pay for prevention. So what was a great clinic—keeping people out of the

hospital, maintaining their chronic disease. Medicare did that.

That is the reason I am very opposed to the bill—not the principles of the bill but the bill that came out of committee. The bill that came out of our committee creates 88 new government programs—88. Think about it. What do we want in health care? What we want in health care is to be able to determine our own future, to determine our own doctor, and to be able to afford to buy the health care our families need. That is what we want. We create 88 new Federal Government programs managing our health care, and that freedom to choose, that freedom to make a judgment is going to go out the window.

The other points the Senator mentioned, he talked about increasing to 30 percent the ability of performance bonuses for people to get into reduction plans, wellness plans. He mentioned Safeway. They can spend 21 percent under HIPAA now. Safeway's testimony was, give us the flexibility everybody else in the country has and let's go up to 50 percent. We don't trust them to do that, even though Safeway has had no increase in health care costs in the last almost now 5 years because they have truly incentivized prevention.

He mentioned workforce development, and he mentioned all these incentives to help people become primary care doctors. They are not going to become primary care doctors. Do you know why? I am a primary care doctor. They are not going to pay them. The reason we have a disproportionate number of specialists versus primary care doctors in this country is because there is a 350-percent payment differential. How do you think that came about? Medicare created that differential.

If we want more primary care doctors, then what we have to do is pay people to go into primary care, and they will come running because it is the best place in the world to practice medicine. They get to care for entire families. They get to manage every type of conceptual disease one can think of, and the rewards are out of this world. But when the average medical student comes out of medical school owing \$170,000, and their pay is one-fourth of somebody who spends 1 or 2 more years in training, there is no reason to think why they don't all go into additional training so they can be compensated at a level that matches the debt and the sacrifice they put in. They average 8 years of medical school and residency. We don't have many other people who have that kind of training. Yet Medicare created the shortage we have today by limiting the payment to primary care physicians.

The reason I make that point is the plans that are coming to the Senate floor are totally government centered.

They are totally government managed. They are totally government created. He talked about sidewalks and bike paths. In that bill, we set up \$10 billion a year for concrete, supposedly for wellness. I can think of a whole lot better things. We can put \$10 billion in NIH and do a whole lot more in terms of savings for this country in terms of our health care.

Where do I agree with the chairman? We will never control our costs in health care and we will never make health care affordable for us as a nation or individually until we manage the chronic disease we have out there officially and until we incentivize the prevention of it. He is right on that. But there are two approaches to doing that. One says the government is going to do all of it, and the other says maybe we could incentivize individuals in the public to make good decisions for themselves. One costs a whole lot of money; the other does not cost any.

Let me tell you how well the government does. Go to any School Lunch Program you want to today. Go look at it. Look at what we feed our kids at breakfast and lunch, and then ask yourself: No wonder our kids are unhealthy. We are feeding them a high-fat, high-carbohydrate, simple-sugar, simple-starch meal. We are creating, through the government School Lunch Program and breakfast program, the very obesity the Senator says he wants to stop.

Then look at the food stamp purchases we incentivize. There are no limits on them—a government program. Then look at the people on the Food Stamp Program—and this is no discrimination toward them at all; they need the help—but look at the choices they make. There is no effort to limit to only buy what are good foods with food stamp money rather than junk food that, in fact, enhances chronic disease.

There are a lot of ways to approach it, but if we look at what the government is doing now—what does it do? In health care, what does the government do right now that is effective and efficient? Nothing.

The chairman talked about the fact that Medicare is going to go broke. It is. In 5½ years, the Medicare trust fund will be belly up. Nobody disputes that point. The Medicare trustees are saying that. We have all these problems in Medicare. Why don't we fix those? We have a full 15 percent, at a minimum, of fraud in Medicare. Where is the fix? Why don't we fix it? Instead, we are going to bring to the floor 88 new government programs, a government-centric run health care system that is going to defeat and destroy the best health care system in the world.

It is not the most efficient, but there is no question if you are sick, this is the best place in the world to get sick. If you have cancer, your cure rate is 40

to 50 percent better than anywhere else in the world. If you have heart disease, your outcome is better than any other place in the world. Prevention is key, but as we try to fix the problems in health care, our first goal ought to be "do no harm" to what is good about American health care.

I yield for my colleague from Tennessee and note I have consumed over 10 minutes. I apologize to him for that.

THE PRESIDING OFFICER. The Senator consumed 10 minutes.

Mr. ALEXANDER. Mr. President, the Senator from Oklahoma, a practicing physician who has delivered hundreds or thousands of babies—

Mr. COBURN. Thousands.

Mr. ALEXANDER. Thousands of babies is one of the most eloquent spokesmen for what needs to be done in health care in the Senate. I am delighted he took time to come to the Senate floor today. It helps to have someone here who has such a passion for patients and who can talk to the American people on this complicated subject in terms of what this health care plan means for us. That is why so many of us on the Republican side agree with what eight Democratic Senators wrote to the majority leader the other day.

They said: We would like to read the bill and know what it costs before we start voting on it. That seems so sensible that maybe the American people would laugh out loud if that would be a request, but it is. It is important to us and them and many more of the Senators—I believe virtually all of the American people—that we honor that request.

What that means is that the legislative text being put together by Majority Leader REID somewhere—the merging of the Finance bill and the HELP bill—that full text, and as the Democratic Senator said, the complete budget scores should be made available for 72 hours on the Internet before we begin to vote.

The Director of the Budget Office has said it might take 2 weeks, 3 weeks, to have complete budget scores so we can know what the bill costs. But if it takes 2 weeks, if it takes 3 weeks, if it takes 4 weeks, we need to know. The President has said we cannot add a dime to the deficit. How are we going to know if we are adding a dime to the deficit if we do not read the bill and do not know what it costs? We cannot guess what is in the bill. We cannot guess at what it costs when we are talking about huge numbers—hundreds of billions, trillions of dollars.

We have our work cut out for us. We can stay here and do this. We are prepared to do this. We Republicans agree with the Democratic Senators that we need to read the bill and know what it costs. We need to see the complete legislative text and the complete budget numbers.

Why is that so important? Among other reasons, what we are hearing is that what the bill coming out of the Finance Committee does is, among other things, three big things. Instead of reducing costs, it has higher premiums, it has higher taxes, and it has Medicare cuts. That is not health care reform if it has higher premiums, higher taxes, and Medicare cuts for more government.

What is the goal of this exercise? The first goal is reducing costs for each person who buys insurance. How many of us go home and hear that every weekend? I cannot afford my insurance; do something about it. Reducing costs.

What else do we hear? People are saying: I cannot afford my government. You guys are running up the debt trillions of dollars, hundreds of billions of dollars.

What we need to do is to reduce the cost of health care for individuals across America and for the government of individuals. But this bill raises premiums, raises taxes, and cuts Medicare to create more government.

How does it drive up premiums? The Congressional Budget Office has said the obvious, which is that when we impose taxes on medical devices and on the insurance companies, what do they do with it? It is \$900 billion-plus worth of taxes. They pass it on to us. So our premiums go up.

Or there are new "government approved" policies that we will need to buy. If you are one of those Americans who likes to buy a catastrophic policy—that is, pay a lower premium so that you pay your own medical expenses unless something really terrible happens to you or your family—that is a pretty wise choice for many Americans. You may not be able to do that quite so easily under this bill because you will have to buy a government-approved plan or pay a fine. And then younger Americans may be surprised by the amount of money they have to pay. So it is very likely that for millions of Americans this bill will raise their premiums instead of reducing their cost, and 250 million Americans either pay premiums or have premiums paid for them.

Then raising taxes. Here we are in the middle of a recession, 10 percent unemployment, and we are talking about nearly \$1 trillion of tax increases that will be passed on to us in one way or the other. There is a \$1,500 penalty per family if you don't buy insurance. There is an employer mandate. So if you are a small business, you will have to either provide insurance or pay that penalty.

Then the governors of both parties—Democrats and Republicans—are in a near cardiac arrest over the prospect of the Medicaid expansion. I mean 14 million new people—low-income Americans—dumped into State Medicaid Programs. I say "dumped" because doctors

and hospitals are reimbursed so poorly that only 40 percent of doctors will see Medicaid patients. So we are going to say: Congratulations, Mr. and Ms. Low-Income American, into the Medicaid you go in your State.

Not only is it not health care reform for those individuals, but the governors can't manage it, the legislators can't manage it, and the taxpayers can't manage it. I have read, on the floor, comments from most Democratic Governors and most Republican Governors. They are in a situation where their States' budgets are in the worst shape since the 1960s. Medicaid is going up at 6 and 7 percent. They are taking money from higher education and K-12 grades and spending it on Medicaid, and now we are about to dump not only more low-income Americans into Medicaid, but we are going to send a part of the bill to the State governments which can't afford it. So that is State taxes, and it cuts your Medicare.

The question I would like to raise is, what about those Medicare cuts and are doctors themselves going to be paying for this bill? There is an article today, or October 13, the former head of the Congressional Budget Office, Douglas Holtz-Eakin. These Congressional Budget Office heads are known to be pretty straight. This one was appointed by the Republican Congress; Mr. Elmendorf, whom we all respect, was appointed by a Democratic Congress, but they are all nonpartisan. Mr. Holtz-Eakin says:

... the plan proposed by the Democrats and the Obama administration would not only fail to reduce the cost burden on middle-class families, it would make that burden significantly worse. The bill creates a new health entitlement program that the Congressional Budget Office estimates will grow over the longer term at a rate of 8 percent annually. To avoid the fate of the House bill ... the Senate did three things: It promised that future Congresses would make tough choices to slow entitlement spending, and it dropped the hammer on the middle class.

Mr. President, could you let me know when I have consumed 10 minutes?

THE PRESIDING OFFICER. The Chair will let the Senator know.

Mr. ALEXANDER. I thank the Chair.

Here is what Mr. Holtz-Eakin said:

One inconvenient truth is the fact that Congress will not allow doctors to suffer a 24 percent cut in their Medicare reimbursements.

Doctors today are paid about 80 percent of what private insurers will pay if they see Medicare patients and, under the law, that gets cut every year and every year we come in and fix that. Continuing to read from his article:

Senate Democrats chose to ignore this reality and rely on the promise of a cut to make their bill add up. Taking note of this fact pushes the cost of the bill well over \$1 trillion and destroys any pretense of budget balance.

In other words, Mr. Holtz-Eakin is saying he doesn't believe we in Congress are going to cut doctors' pay

when they serve Medicare patients by roughly \$250 billion over the next 10 years. That is about the amount of money it would take just to pay doctors 10 years from now what they are being paid today, and most wouldn't be happy with that. So either the doctors are going to pay for this bill—\$250 billion of it—or you are, because it is going to add to your debt, or your children or your grandchildren are. It is one way or the other. It is either doctors pay or your kids pay because it is not deficit neutral.

He says:

It is beyond fantastic to promise that future Congresses, for 10 straight years, will allow planned cuts in reimbursements to hospitals, other providers, and Medicare Advantage—thereby reducing the benefits of 25 percent of seniors in Medicare.

His point is these are not only cuts in Medicare—\$½ trillion worth of cuts—the cuts are being used to start a new government program. And here, as both Senator HARKIN and Senator COBURN reminded us, Medicare in 5 or 6 years is going bankrupt—belly up.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. ALEXANDER. I thank the Chair very much. I will conclude my remarks.

What we are proposing to do is cut Medicare—take money from grandma—and instead of spending it on grandma by making Medicare more solvent, we are going to take that money, while the program is about to go insolvent, and create a new program. So these are the kinds of questions the American people have a right to ask and have answered.

That is why we want to read the bill. Because we see, as we look at this bill, higher premiums, higher taxes, Medicare cuts for more government, and we don't believe that is health care reform.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article from which I quoted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 13, 2009]

#### THE BAUCUS BILL IS A TAX BILL

(By Douglas Holtz-Eakin)

Remember when health-care reform was supposed to make life better for the middle class? That dream began to unravel this past summer when Congress proposed a bill that failed to include any competition-based reforms that would actually bend the curve of health-care costs. It fell apart completely when Democrats began papering over the gaping holes their plan would rip in the federal budget.

As it now stands, the plan proposed by Democrats and the Obama administration would not only fail to reduce the cost burden on middle-class families, it would make that burden significantly worse.

Consider the bill put forward by the Senate Finance Committee. From a budgetary perspective, it is straightforward. The bill creates a new health entitlement program that

the Congressional Budget Office (CBO) estimates will grow over the longer term at a rate of 8% annually, which is much faster than the growth rate of the economy or tax revenues. This is the same growth rate as the House bill that Sen. Kent Conrad (D., N.D.) deep-sixed by asking the CBO to tell the truth about its impact on health-care costs.

To avoid the fate of the House bill and achieve a veneer of fiscal sensibility, the Senate did three things: It omitted inconvenient truths, it promised that future Congresses will make tough choices to slow entitlement spending, and it dropped the hammer on the middle class.

One inconvenient truth is the fact that Congress will not allow doctors to suffer a 24% cut in their Medicare reimbursements. Senate Democrats chose to ignore this reality and rely on the promise of a cut to make their bill add up. Taking note of this fact pushes the total cost of the bill well over \$1 trillion and destroys any pretense of budget balance.

It is beyond fantastic to promise that future Congresses, for 10 straight years, will allow planned cuts in reimbursements to hospitals, other providers, and Medicare Advantage (thereby reducing the benefits of 25% of seniors in Medicare). The 1997 Balanced Budget Act pursued this strategy and successive Congresses steadily unwound its provisions. The very fact that this Congress is pursuing an expensive new entitlement belies the notion that members would be willing to cut existing ones.

Most astounding of all is what this Congress is willing to do to struggling middle-class families. The bill would impose nearly \$400 billion in new taxes and fees. Nearly 90% of that burden will be shouldered by those making \$200,000 or less.

It might not appear that way at first, because the dollars are collected via a 40% tax on sales by insurers of "Cadillac" policies, fees on health insurers, drug companies and device manufacturers, and an assortment of odds and ends.

But the economics are clear. These costs will be passed on to consumers by either directly raising insurance premiums, or by fueling higher health-care costs that inevitably lead to higher premiums. Consumers will pay the excise tax on high-cost plans. The Joint Committee on Taxation indicates that 87% of the burden would fall on Americans making less than \$200,000, and more than half on those earning under \$100,000.

Industry fees are even worse because Democrats chose to make these fees non-deductible. This means that insurance companies will have to raise premiums significantly just to break even. American families will bear a burden even greater than the \$130 billion in fees that the bill intends to collect. According to my analysis, premiums will rise by as much as \$200 billion over the next 10 years—and 90% will again fall on the middle class.

Senate Democrats are also erecting new barriers to middle-class ascent. A family of four making \$54,000 would pay \$4,800 for health insurance, with the remainder coming from subsidies. If they work harder and raise their income to \$66,000, their cost of insurance rises by \$2,800. In other words, earning another \$12,000 raises their bill by \$2,800—marginal tax rate of 23%. Double-digit increases in effective tax rates will have detrimental effects on the incentives of millions of Americans.

Why does it make sense to double down on the kinds of entitlements already in crisis, instead of passing medical malpractice re-

form and allowing greater competition among insurers? Why should middle-class families pay more than \$2,000 on average, by my estimate, in taxes in the process?

Middle-class families have it tough enough. There is little reason to believe that the pain of the current recession, housing downturn, and financial crisis will quickly fade away—especially with the administration planning to triple the national debt over the next decade.

The promise of real reform remains. But the reality of the Democrats' current effort is starkly less benign. It will create a dangerous new entitlement that will be paid for by the middle class and their children.

Mr. ALEXANDER. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### AFGHANISTAN TROOP SURGE

Mr. KYL. Mr. President, I was critical of the President's decisions when he canceled the so-called missile shield that would have been located in Poland and in the Czech Republic, among others things, because I was concerned about the message it sends to our allies in the region. After working with them to develop the political and public consensus for this missile shield, the United States essentially pulled the rug out from under these allies and left the consensus in Central and Eastern Europe that the United States, once again, proved to be an unreliable ally.

Throughout the Baltic States, Central Europe and other people in the world couldn't fail to notice the same. I am thinking of countries in the Persian Gulf that have relied upon the presence of the United States but have, I think, wondered from time to time whether we are the ally they want to stick with because of the fact that sometimes we have proven to be unreliable.

I am concerned about that same issue with respect to Pakistan and Afghanistan. Will our continued public debate over the recommendations that General McChrystal has made to the President result in both allies in the region as well as the leaders of Afghanistan and Pakistan concluding that they better make book with others in the area, including potentially the Taliban? Because after all, those people are going to continue to be in the area; the United States may not.

This is where I think the debate about General McChrystal's recommendations about troop levels and other resources in Afghanistan become so very important. I think we need to listen to the advice of the commander in the field, General McChrystal, who produced a very straightforward assessment of the situation in Afghanistan.

Obviously, the President is the Commander in Chief, and the decisions are his to make. It is appropriate for him to rely upon others for advice as well as on the commander in the field. But

there is a point at which the President's own strategy, which he announced in March, needs to be adequately resourced and we need to move forward. Here is what the President said:

The American people must understand that this is a downpayment on our own future.

He was talking about the resources that would be needed in Afghanistan. So he selected General McChrystal to implement his strategy. We unanimously confirmed General McChrystal, and then the President asked him to give an assessment of what it was going to take. That assessment was provided in August. It has now been about 50 days since that assessment has been made public—since the President received it. Yet we still don't have a decision.

My concern is that this continuing public debate is going to raise doubts around the world about the staying power of the United States; about our willingness to continue commitments we make. Remember, the President himself called this a war of necessity, both during the campaign and after his inauguration. He stressed the fact that we had to do what it took to win in Afghanistan. There are those around the world who are wondering whether we mean to resource this effort to the extent that General McChrystal has said is necessary.

What did General McChrystal's assessment say? First, he speaks of what ISAF—that is the international force, including NATO forces—will require.

ISAF requires an increase in the total coalition force capability and end strength.

In other words, more troops. He warned of the risk of not providing adequate resources, and here is what he said:

Failure to provide quality resources risks a longer conflict, greater casualties, higher overall costs, and ultimately, a critical loss of political support. Any of these risks, in turn, are likely to result in mission failure.

Is that what we want—mission failure? If we don't quickly make a decision, support the President—if he makes the decision to adequately resource our effort there, then we are not only going to be losing, we are not only going to have mission failure, but we will send a message to everybody around the world that, once again, the United States can't be trusted. Here is what the General said about why it matters:

Time matters; we must act now to reverse the negative trends and demonstrate progress. I believe the short-term fight will be decisive. Failure to gain the initiative and reverse insurgent momentum in the near-term—next 12 months—while Afghan security capacity matures—risks an outcome where defeating the insurgency is no longer possible.

Do we want to take the risk that we take so long in getting the additional

troops there that success is no longer possible? I hope not. Finally, General McChrystal underscored the reason for his conclusions during a recent speech he gave in London, where he said:

I believe that the loss of stability in Afghanistan brings a huge risk that transnational terrorists such as al-Qaida will operate from within Afghanistan again.

Now we are having this big public debate. Some prominent Democrats have said we shouldn't resource this the way General McChrystal has announced, and this is why I think we are sending the wrong message. I understand there is some declining support for the war, but this is where Presidential and congressional leadership comes in.

I remember, during the debate over the Iraq war, we had a lot of armchair generals and even a lot of pundits who thought they knew better. Well, General Petraeus, it turned out, was right. Thankfully, President Bush at the time followed his recommendations. As a result, the surge in Iraq was successful. General McChrystal and General Petraeus are essentially saying the same thing again.

Remember, General McChrystal is an expert in both counterterrorism and counterinsurgency policy. He understands the difference and he understands it takes resources to fight a counterinsurgency campaign because you not only have to defeat an enemy but you have to continue to hold the area you have taken until the indigenous forces—in this case the Afghan police and army—are trained in sufficient numbers to hold the territory. You have to protect the populace. In a counterinsurgency strategy, the key is not killing the enemy, the key is protecting the populace. That is why it takes more troops.

Let me read a couple other things the general said:

My conclusions were informed through a rigorous multi-disciplinary assessment by a team of accomplished military personnel and civilians, and my personal experience and core beliefs. Central to my analysis is a belief that we must respect the complexities of the operational environment and design our strategic approach accordingly.

This is a carefully thought-out strategic assessment with a lot of support.

There is a recent article in the Weekly Standard magazine by Fred and Kim Kagan that does an excellent job of explaining why this advice is so wise. It focuses on the nature of the al-Qaida threat that emanates from Afghanistan and the network of support that is established there. Part of this is what has informed General McChrystal's assessment. The article says, and I quote:

We should fight [the Taliban and Haqqani groups]—

Another terrorist-led group—

because in practice they are integrally connected with al Qaeda. Allowing the Taliban and the Haqqani networks to expand their areas of control and influence would offer new opportunities to al Qaeda that its

leaders appear determined to seize. It would relieve the pressure on al Qaeda, giving its operative more scope to protect themselves while working to project power and influence around the world.

In other words, against the United States. The Haqqani group he is referring to is another terrorist-led group.

Secretary of State Clinton said it quite succinctly when she stated:

If Afghanistan were taken over by the Taliban, I can't tell you how fast al-Qaida would be back in Afghanistan.

That is the point. That is why I think we need to get on with our decision.

I noted, with interest, a column by E.J. Dionne in the Washington Post entitled "No Rush to Escalate." He quotes in his column historian Robert Dallek, who recently advised President Obama:

"In my judgment," he recalls saying, "war kills off great reform movements."

Then he goes on to talk about how World War I brought the Progressive Era to a close; that Franklin Roosevelt would have done better if not for World War II; that Vietnam hurt Lyndon Johnson's Great Society. He says:

It may just be that some of the President's senior advisers and supporters may be urging him not to devote the necessary resources to Afghanistan because they don't want him to become a war president.

That would be most unfortunate. President Obama is the Commander in Chief. He campaigned to become the war President. He said he wanted to end the war in Iraq, which he called a war of choice, and he wanted to win the war in Afghanistan—a war of necessity.

He won the election and he, now, as Commander in Chief, has to make these critical decisions. Whether he likes it or not, he is a war President and he will be judged by history not only by his domestic agenda but by how well he leaves the situation in Iraq and Afghanistan. The key with Afghanistan is not to leave the country in the hands of dangerous Taliban or other terrorists who would work with al-Qaida and give them the kind of place they had before from which to train and plan attacks on the rest of the world.

Also at stake in this debate is the message we are sending to the rest of the world, to our allies in the Middle East, in the Persian Gulf, to Pakistan. Is it safe to throw in with the United States and to help us in our war against these terrorists or, because the United States may bug out when the going gets tough, do we decide to make book with the other side, as Pakistan had done in the past with various groups including the Taliban? That is part of what is at stake. It is not just Afghanistan but our reputation around the rest of the world as to how we deal with our allies and how we resolve conflicts we get involved in.

General McChrystal said it best when he said:

We must show resolve. Uncertainty disheartens our allies, emboldens our foes.

That is the key message today. I urge the President, in continuing this debate, to bring it to a close as quickly as he can to make the decision. I know Republicans will support a decision that follows the recommendations of General Petraeus and General McChrystal.

I ask unanimous consent to have printed in the RECORD two articles from the Weekly Standard magazine: One, "How Not to Defeat al-Qaeda, To Win in Afghanistan Requires Troops on the Ground" and "Don't Go Wobbly on Afghanistan; President Obama Was Right in March," both by Fred and Kimberly Kagan.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Weekly Standard, Oct. 5, 2009]

#### HOW NOT TO DEFEAT AL QAEDA

(By Frederick W. Kagan and Kimberly Kagan)

President Obama has announced his intention to conduct a review of U.S. strategy in Afghanistan from first principles before deciding whether or not to accept General Stanley McChrystal's proposed strategy and request for more forces. This review is delaying the decision. If the delay goes on much longer, it will force military leaders either to rush the deployment in a way that increases the strain on soldiers and their families or to lose the opportunity to affect the spring campaign. The president's determination to make sure of his policy before committing the additional 40,000 or so forces required by General McChrystal's campaign plan is, nevertheless, understandable. The conflict in Afghanistan is complex, and it is important that we understand what we are trying to do.

At the center of the complexity is a deceptively simple question: If the United States is fighting a terrorist organization—al Qaeda—why must we conduct a counterinsurgency campaign in Afghanistan against two other groups—the Quetta Shura Taliban and the Haqqani Network—that have neither the objective nor the capability to attack the United States outside Afghanistan? Shouldn't we fight a terrorist organization with a counterterrorist strategy, customarily defined as relying on long-range precision weapons and Special Forces raids to eliminate key terrorist leaders? Why must we become embroiled in the politics and social dysfunctionality of the fifth-poorest country in the world? Surely, some surrounding President Obama appear to be arguing, it makes more sense to confine our operations narrowly to the aim we care most about: defeating the terrorists and so preventing them from killing Americans.

This argument rests on two essential assumptions: that al Qaeda is primarily a terrorist group and that it is separable from the insurgent groups among whom it lives and through whom it operates. Let us examine these assumptions.

Al Qaeda is a highly ideological organization that openly states its aims and general methods. It seeks to replace existing governments in the Muslim world, which it regards as apostate, with a regime based on its own interpretation of the Koran and Muslim tradition. It relies on a reading of some of the earliest Muslim traditions to justify its right

to declare Muslims apostates if they do not behave according to its own interpretation of Islam and to kill them if necessary. This reading is actually nearly identical to a belief that developed in the earliest years of Islam after Muhammad's death, which mainstream Muslims quickly rejected as a heresy (the Kharijite movement), and it remains heretical to the overwhelming majority of Muslims today. The question of the religious legality of killing Muslims causes tensions within al Qaeda and between al Qaeda and other Muslims, leading to debates over the wisdom of fighting the "near enemy," i.e., the "apostate" Muslim governments in the region, or the "far enemy," i.e., the West and especially the United States, which al Qaeda believes provides indispensable support to these "apostate" governments. The 9/11 attack resulted from the temporary triumph of the "far enemy" school.

Above all, al Qaeda does not see itself as a terrorist organization. It defines itself as the vanguard in the Leninist sense: a revolutionary movement whose aim is to take power throughout the Muslim world. It is an insurgent organization with global aims. Its use of terrorism (for which it has developed lengthy and abstruse religious justifications) is simply a reflection of its current situation. If al Qaeda had the ability to conduct guerrilla warfare with success, it would do so. If it could wage conventional war, it would probably prefer to do so. It has already made clear that it desires to wage chemical, biological, and nuclear war when possible.

In this respect, al Qaeda is very different from terrorist groups like the IRA, ETA, and even Hamas. Those groups used or use terrorism in pursuit of political objectives confined to a specific region—expelling the British from Northern Ireland, creating an independent or autonomous Basque land, expelling Israel from Palestine. The Ulstermen did not seek to destroy Britain or march on London; the Basques are not in mortal combat with Spaniards; and even Hamas seeks only to drive the Jews out of Israel, not to exterminate them throughout the world. Al Qaeda, by contrast, seeks to rule all the world's 1.5 billion Muslims and to reduce the non-Muslim peoples to subservience. For al Qaeda, terrorism is a start, not an end nor even the preferred means. It goes without saying that the United States and the West would face catastrophic consequences if al Qaeda ever managed to obtain the ability to wage war by different means. Defeating al Qaeda requires more than disrupting its leadership cells so that they cannot plan and conduct attacks in the United States. It also requires preventing al Qaeda from obtaining the capabilities it seeks to wage real war beyond terrorist strikes.

Al Qaeda does not exist in a vacuum like the SPECTRE of James Bond movies. It has always operated in close coordination with allies. The anti-Soviet jihad of the 1980s was the crucible in which al Qaeda leaders first bonded with the partners who would shelter them in Afghanistan. Osama bin Laden met Jalaluddin Haqqani, whose network is now fighting U.S. forces in eastern Afghanistan, as both were raising support in Saudi Arabia for the mujahideen in the 1980s. They then fought the Soviets together. When the Soviet Army withdrew in 1989 (for which bin Laden subsequently took unearned credit), Haqqani seized the Afghan city of Khost and established his control of the surrounding provinces of Khost, Paktia, and Paktika. Haqqani also retained the base in Pakistan—near Miranshah in North Waziristan—from

which he had fought the Soviets. He established a madrassa there that has become infamous for its indoctrination of young men in the tenets of militant Islamism.

Haqqani held onto Greater Paktia, as the three provinces are often called, and invited bin Laden to establish bases there in the 1990s in which to train his own cadres. When the Taliban took shape under Mullah Mohammad Omar in the mid-1990s (with a large amount of Pakistani assistance), Haqqani made common cause with that group, which shared his ideological and religious outlook and seemed likely to take control of Afghanistan. He became a minister in the Taliban government, which welcomed and facilitated the continued presence of bin Laden and his training camps.

Bin Laden and al Qaeda could not have functioned as they did in the 1990s without the active support of Mullah Omar and Haqqani. The Taliban and Haqqani fighters protected bin Laden, fed him and his troops, facilitated the movement of al Qaeda leaders and fighters, and generated recruits. They also provided a socio-religious human network that strengthened the personal resilience and organizational reach of bin Laden and his team. Islamist revolution has always been an activity of groups nested within communities, not an undertaking of isolated individuals. As American interrogators in Iraq discovered quickly, the fastest way to get a captured al Qaeda fighter talking was to isolate him from his peers. Bin Laden's Taliban allies provided the intellectual and social support network al Qaeda needed to keep fighting. In return, bin Laden shared his wealth with the Taliban and later sent his fighters into battle to defend the Taliban regime against the U.S.-aided Northern Alliance attack after 9/11.

The relationship that developed between bin Laden and Mullah Omar was deep and strong. It helps explain why Mullah Omar refused categorically to expel bin Laden after 9/11 even though he knew that failing to do so could lead to the destruction of the Taliban state—as it did. In return, bin Laden recognizes Mullah Omar as amir al-momineen—the "Commander of the Faithful"—a religious title the Taliban uses to legitimize its activities and shadow state. The alliance between al Qaeda and the Haqqanis (now led by Sirajuddin, successor to his aging and ailing father, Jalaluddin) also remains strong. The Haqqani network still claims the terrain of Greater Paktia, can project attacks into Kabul, and seems to facilitate the kinds of spectacular attacks in Afghanistan that are the hallmark of al Qaeda training and technical expertise. There is no reason whatever to believe that Mullah Omar or the Haqqanis—whose religious and political views remain closely aligned with al Qaeda's—would fail to offer renewed hospitality to their friend and ally of 20 years, bin Laden.

Mullah Omar and the Haqqanis are not the ones hosting al Qaeda today, however, since the presence of U.S. and NATO forces in Afghanistan has made that country too dangerous for bin Laden and his lieutenants. They now reside for the most part on the other side of the Durand Line, among the mélange of anti-government insurgent and terrorist groups that live in the Federally Administered Tribal Areas and the North-west Frontier Province of Pakistan. These groups—they include the Tehrik-e Taliban-e Pakistan, led until his recent death-by-Predator by Baitullah Mehsud; the Tehrik-e Nafaz-e Shariat-e Mohammadi; and the Lashkar-e-Taiba, responsible for the Mumbai



attack—now provide some of the same services to al Qaeda that the Taliban provided when they ruled Afghanistan. Mullah Omar continues to help, moreover, by intervening in disputes among the more fractious Pakistani groups to try to maintain cohesion within the movement. All of these groups coordinate their activities, moreover, and all have voices within the Peshawar Shura (council). They are not isolated groups, but rather a network-of-networks, both a social and a political grouping run, in the manner of Pashtuns, by a number of shuras, of which that in Peshawar is theoretically pre-eminent.

All of which is to say that the common image of al Qaeda leaders flitting like bats from cave to cave in the badlands of Pakistan is inaccurate. Al Qaeda leaders do flit (and no doubt sometimes sleep in caves)—but they flit like guests from friend to friend in areas controlled by their allies. Their allies provide them with shelter and food, with warning of impending attacks, with the means to move rapidly. Their allies provide communications services—runners and the use of their own more modern systems to help al Qaeda's senior leaders avoid creating electronic footprints that our forces could use to track and target them. Their allies provide means of moving money and other strategic resources around, as well as the means of imparting critical knowledge (like expertise in explosives) to cadres. Their allies provide media support, helping to get the al Qaeda message out and then serving as an echo chamber to magnify it via their own media resources.

Could al Qaeda perform all of these functions itself, without the help of local allies? It probably could. In Iraq, certainly, the al Qaeda organization established its own administrative, logistical, training, recruiting, and support structures under the rubric of its own state—the Islamic State of Iraq. For a while, this system worked well for the terrorists; it supported a concerted terror campaign in and around Baghdad virtually unprecedented in its scale and viciousness. It also created serious vulnerabilities for Al Qaeda in Iraq, however. The establishment of this autonomous, foreign-run structure left a seam between Al Qaeda in Iraq and the local population and their leaders. As long as the population continued to be in open revolt against the United States and the Iraqi government, this seam was not terribly damaging to al Qaeda. But as local leaders began to abandon their insurgent operations, Al Qaeda in Iraq became dangerously exposed and, ultimately, came to be seen as an enemy by the very populations that had previously supported it.

There was no such seam in Afghanistan before 9/11. Al Qaeda did not attempt to control territory or administer populations there. It left all such activities in the hands of Mullah Omar and Jalaluddin Haqqani. It still does—relying on those groups as well as on the Islamist groups in Waziristan and the Northwest Frontier Province to do the governing and administering while it focuses on the global war. Afghans had very little interaction with al Qaeda, and so had no reason to turn against the group. The same is true in Pakistan today. The persistence of allies who aim at governing and administering, as well as simply controlling, territory frees al Qaeda from those onerous day-to-day responsibilities and helps shield the organization from the blowback it suffered in Iraq. It reduces the vulnerability of the organization and enormously complicates efforts to defeat or destroy it.

The theory proposed by some in the White House and the press that an out-of-country, high-tech counterterrorist campaign could destroy a terrorist network such as al Qaeda is fraught with erroneous assumptions. Killing skilled terrorists is very hard to do. The best—and most dangerous—of them avoid using cellphones, computers, and other devices that leave obvious electronic footprints. Tracking them requires either capitalizing on their mistakes in using such devices or generating human intelligence about their whereabouts from sources on the ground. When the terrorists operate among relatively friendly populations, gaining useful human intelligence can be extremely difficult if not impossible. The friendlier the population to the terrorists, the more safe houses in which they can hide, the fewer people who even desire to inform the United States or its proxies about the location of terrorist leaders, the more people likely to tell the terrorists about any such informants (and to punish those informants), the more people who can help to conceal the movement of the terrorist leaders and their runners, and so on.

Counterterrorist forces do best when the terrorists must operate among neutral or hostile populations while under severe military pressure, including from troops on the ground. Such pressure forces terrorist leaders to rely more on communications equipment for self-defense and for coordination of larger efforts. It greatly restricts the terrorists' ability to move around, making them easier targets, and to receive and distribute money, weapons, and recruits. This is the scenario that developed in Iraq during and after the surge, and it dramatically increased the vulnerability of terrorist groups to U.S. (and Iraqi) strikes.

Not only did the combination of isolation and pressure make senior leaders more vulnerable, but it exposed mid-level managers as well. Attacking such individuals is important for two reasons: It disrupts the ability of the organization to operate at all, and it eliminates some of the people most likely to replace senior leaders who are killed. Attacking middle management dramatically reduces the resilience of a terrorist organization, as well as its effectiveness. The intelligence requirement for such attacks is daunting, however. Identifying and locating the senior leadership of a group is one thing. Finding the people who collect taxes, distribute funds and weapons, recruit, run IED cells, and so on, is something else entirely—unless the counterterrorist force actually has a meaningful presence on the ground among the people.

The most serious operational challenge of the pure counterterrorist approach, however, is to eliminate bad guys faster than they can be replaced. Isolated killings of senior leaders, spread out over months or years, rarely do serious systemic harm to their organizations. The best-known example is the death of Abu Musab al Zarqawi, founder and head of Al Qaeda in Iraq, in June 2006, following which the effectiveness and lethality of that group only grew. It remains to be seen what the effect of Baitullah Mehsud's death will be—although it is evident that the presence of the Pakistani military on the ground assisted the high-tech targeting that killed him. Such is the vigor of the groups he controlled that his death occasioned a power struggle among his deputies.

One essential question that advocates of a pure counterterrorism approach must answer, therefore, is: Can the United States significantly accelerate the rate at which

our forces identify, target, and kill senior and mid-level leaders? Our efforts to do so have failed to date, despite the commitment of enormous resources to that problem over eight years at the expense of other challenges. Could we do better? The limiting factor on the rate of attrition we can impose on the enemy's senior leadership is our ability to generate the necessary intelligence, not our ability to put metal on target. Perhaps there is a way to increase the attrition rate. If so, advocates of this approach have an obligation to explain what it is. They must also explain why removing U.S. and NATO forces from the theater will not make collecting timely intelligence even harder—effectively slowing the attrition rate. Their argument is counterintuitive at best.

Pursuing a counterinsurgency strategy against the Taliban and Haqqani groups—that is, using American forces to protect the population from them while building the capability of the Afghan Army—appears at first an indirect approach to defeating al Qaeda. In principle, neither the Taliban nor the Haqqani network poses an immediate danger to the United States. Why then should we fight them?

We should fight them because in practice they are integrally connected with al Qaeda. Allowing the Taliban and the Haqqani network to expand their areas of control and influence would offer new opportunities to al Qaeda that its leaders appear determined to seize. It would relieve the pressure on al Qaeda, giving its operatives more scope to protect themselves while working to project power and influence around the world. It would reduce the amount of usable intelligence we could expect to receive, thus reducing the rate at which we could target key leaders. Allowing al Qaeda's allies to succeed would seriously undermine the counterterrorism mission and would make the success of that mission extremely unlikely.

[From the Weekly Standard, Oct. 12, 2009]

DON'T GO WOBBLY ON AFGHANISTAN

(By Frederick W. Kagan and Kimberly Kagan)

"To defeat an enemy that heeds no borders or laws of war, we must recognize the fundamental connection between the future of Afghanistan and Pakistan—which is why I've appointed Ambassador Richard Holbrooke . . . to serve as Special Representative for both countries." That "fundamental connection" between Afghanistan and Pakistan was one of the important principles President Obama laid out in his March 27, 2009, speech announcing his policy in South Asia. It reflected a common criticism of the Bush policy in Afghanistan, which was often castigated as insufficiently "regional." It also reflected reality: The war against al Qaeda and its affiliates is a two-front conflict that must be fought on both sides of the Durand Line.

Now, however, some of the most vocal supporters of the regional approach are considering—or even advocating—a return to its antithesis, a purely counterterrorism (CT) strategy in Afghanistan. Such a reversion, based on the erroneous assumption that a collapsing Afghanistan would not derail efforts to dismantle terrorist groups in Pakistan, is bound to fail.

Recent discussions of the "CT option" have tended to be sterile, clinical, and removed from the complexity of the region—the opposite of the coherence with which the administration had previously sought to address the problem. In reality, any "CT option" will likely have to be executed against

the backdrop of state collapse and civil war in Afghanistan, spiraling extremism and loss of will in Pakistan, and floods of refugees. These conditions would benefit al Qaeda greatly by creating an expanding area of chaos, an environment in which al Qaeda thrives. They would also make the collection of intelligence and the accurate targeting of terrorists extremely difficult.

If the United States should adopt a small-footprint counterterrorism strategy, Afghanistan would descend again into civil war. The Taliban group headed by Mullah Omar and operating in southern Afghanistan (including especially Helmand, Kandahar, and Oruzgan Provinces) is well positioned to take control of that area upon the withdrawal of American and allied combat forces. The remaining Afghan security forces would be unable to resist a Taliban offensive. They would be defeated and would disintegrate. The fear of renewed Taliban assaults would mobilize the Tajiks, Uzbeks, and Hazaras in northern and central Afghanistan. The Taliban itself would certainly drive on Herat and Kabul, leading to war with northern militias. This conflict would collapse the Afghan state, mobilize the Afghan population, and cause many Afghans to flee into Pakistan and Iran.

Within Pakistan, the U.S. reversion to a counterterrorism strategy (from the counterinsurgency strategy for which Obama reaffirmed his support as recently as August) would disrupt the delicate balance that has made possible recent Pakistani progress against internal foes and al Qaeda.

Pakistani president Asif Ali Zardari, army chief of staff General Ashfaq Kayani, and others who have supported Pakistani operations against the Taliban are facing an entrenched resistance within the military and among retired officers. This resistance stems from the decades-long relationships nurtured between the Taliban and Pakistan, which started during the war to expel the Soviet Army. Advocates within Pakistan of continuing to support the Taliban argue that the United States will abandon Afghanistan as it did in 1989, creating chaos that only the Taliban will be able to fill in a manner that suits Pakistan.

Zardari and Kayani have been able to overcome this internal resistance sufficiently to mount major operations against Pakistani Taliban groups, in part because the rhetoric and actions of the Obama administration to date have seemed to prove the Taliban advocates wrong. The announcement of the withdrawal of U.S. combat forces would prove them right. Pakistani operations against their own insurgents—as well as against al Qaeda, which lives among those insurgents—would probably grind to a halt as Pakistan worked to reposition itself in support of a revived Taliban government in Afghanistan. And a renewed stream of Afghan refugees would likely overwhelm the Pakistani government and military, rendering coherent operations against insurgents and terrorists difficult or impossible.

The collapse of Pakistan, or even the revival of an aggressive and successful Islamist movement there, would be a calamity for the region and for the United States. It would significantly increase the risk that al Qaeda might obtain nuclear weapons from Pakistan's stockpile, as well as the risk that an Indo-Pakistani war might break out involving the use of nuclear weapons.

Not long ago, such a collapse seemed almost imminent. Islamist groups operating under the umbrella of the Tehrik-e Taliban-e Pakistan (TTP), led by Baitullah Mehsud

until his recent death, had occupied areas in the Swat River Valley and elsewhere not far from Islamabad itself. Punjabi terrorists affiliated with the same group were launching attacks in the heart of metropolitan Pakistan.

Since then, Pakistani offensives in Swat, Waziristan, and elsewhere have rocked many of these groups back on their heels while rallying political support within Pakistan against the Taliban to an unprecedented degree. But these successes remain as fragile as the Pakistani state itself. The TTP and its allies are damaged but not defeated. Al Qaeda retains safe-havens along the Afghan border.

What if the United States did not withdraw the forces now in Afghanistan, but simply kept them at current levels while emphasizing both counterterrorism and the rapid expansion of the Afghan security forces? Within Afghanistan, the situation would continue to deteriorate. Neither the United States and NATO nor Afghan forces are now capable of defeating the Taliban in the south or east. At best, the recently arrived U.S. reinforcements in the south might be able to turn steady defeat into stalemate, but even that is unlikely.

The accelerated expansion of Afghan security forces, moreover, will be seriously hindered if we fail to deploy additional combat forces. As we discovered in Iraq, the fastest way to help indigenous forces grow in numbers and competence is to partner U.S. and allied units with them side by side in combat. Trainers and mentors are helpful—but their utility is multiplied many times when indigenous soldiers and officers have the opportunity to see what right looks like rather than simply being told about it. At the current troop levels, commanders have had to disperse Afghan and allied forces widely in an effort simply to cover important ground, without regard for partnering.

As a result, it is very likely that the insurgency will grow in size and strength in 2010 faster than Afghan security forces can be developed without the addition of significant numbers of American combat troops—which will likely lead to Afghan state failure and the consequences described above in Afghanistan and the region.

The Obama administration is not making this decision in a vacuum. Obama ran on a platform that made giving Afghanistan the resources it needed an overriding American priority. President Obama has repeated that commitment many times. He appointed a new commander to execute the policy he enunciated in his March 27 speech, in which he noted: “To focus on the greatest threat to our people, America must no longer deny resources to Afghanistan because of the war in Iraq.” If he now rejects the request of his new commander for forces, his decision will be seen as the abandonment of the president's own commitment to the conflict.

In that case, no amount of rhetorical flourish is likely to persuade Afghans, Pakistanis, or anyone else otherwise. A president who overrules the apparently unanimous recommendation of his senior generals and admirals that he make good the resource shortfalls he himself called unacceptable can hardly convince others he is determined to succeed in Afghanistan. And if the United States is not determined to succeed, then, in the language of the region, it is getting ready to cut and run, whatever the president and his advisers may think or say.

That is a policy that will indeed have regional effects—extremely dangerous ones.

## ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. CASEY). Under the previous order, the Senate will proceed to consideration of the conference report to accompany H.R. 3183, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there is 10 minutes of debate with the Senator from Oklahoma, Mr. COBURN, and 10 minutes of debate equally divided between the Senator from North Dakota, Mr. DORGAN, and the Senator from Utah, Mr. BENNETT. Who yields time?

Mr. DORGAN. Mr. President, is there an order in the unanimous consent request?

The PRESIDING OFFICER. The only order is that the Senator from North Dakota is to control the final 5 minutes.

Mr. DORGAN. I believe the Senator from Oklahoma has been allotted 10 minutes. I saw him just walk through the Chamber a moment ago. The ranking member of the subcommittee, the Senator from Utah, is allotted 5 minutes. Let me reserve my time and perhaps ask the Senator from Utah to begin, and then we hope the Senator from Oklahoma would return and use his 10 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I am pleased to come to the floor and recommend passage of the energy and water conference report for the fiscal year 2010. Despite the President sending up his budget in May, nearly 4 months after the budget had been traditionally sent to Congress, this subcommittee worked hard to produce a conference report that is ready earlier than any that I can remember. I compliment my chairman, Senator DORGAN, for his hard work in developing a balanced bill in a legitimate time period.

The subcommittee produced a bill that is under the President's budget request by nearly \$1 billion. That is quite extraordinary in this world where we are trying to shovel more money out the door, to come in with a number that is less than the request of the President.

The House and Senate bills differed significantly in their priorities, but I believe the conference report before us balances the funding interests of both bodies and those of the administration as well. The Corps of Engineers remains an area of great interest. The budget request for the corps is down



\$277 million from fiscal year 2009. The conference report has restored \$320 million to meet the large number of member requests, and the conferees allocated \$313 million to work off significant construction backlogs.

The Senate bill did not include new starts in the mark. Both the House and the administration proposed new starts, so we had to resolve that issue in the conference. The conference provides \$100,000 per project in new starts in this bill.

Turning to the Bureau of Reclamation, the budget request was \$55 million below fiscal year 2009 levels. The conferees provided an additional \$67 million for the Bureau of Reclamation, which is 6.3 percent over the request and 1 percent over fiscal year 2009. Once again, as the Corps of Engineers, the Bureau of Reclamation has a tremendous backlog of underfunded and meritorious projects, and we did our best to try to work into that backlog.

Finally, as to the Department of Energy, the conference report recommends \$27.1 billion for the Department of Energy, which is \$1.3 billion below the President's request and \$318 million above the current year.

We cannot ignore the fact that \$44 billion was provided in stimulus funding for the Department this year, including \$16 billion provided for renewable energy accounts. That is why we have been able to make the changes we did.

In restoring balance to the energy programs, the committee recommends an additional \$25 million for nuclear energy R&D, including an \$85 million increase for the Nuclear Power 2010 Program.

With respect to the concerns raised by the Senator from Oklahoma, I point out the Senate adopted his amendments by unanimous consent. I was in support of those amendments and would be happy to support them again as they come in other appropriations bills. The reaction on the part of the House was that there were two amendments proposed by the Senator from Oklahoma: one they were willing to accept and one they were not. We had to make a decision as to which of the two we would support and, with Senator DORGAN, I supported one of the amendments of the Senator from Oklahoma that made it into the conference report. I am sorry we were unable to get the other one in, but we did our best and we would be happy, as I say—at least I would be happy; I will not speak for the chairman—I would be happy to support this at some point in the future.

I yield the floor and whatever remainder of the time I may not have used I ask accrue to Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we are at this point not because an amendment was not accepted. We are at this point because of the nature of the amendment that was not accepted. I recognize my colleagues for the good work they did on this bill. It is the lowest increase of any appropriations bill that has come to the Senate floor. But the problem is very straightforward and very simple: Why would the House not accept an amendment that said transparency for the American public is what we are after? We have to question that. And why would our conferees sign on to a conference report that did not have transparency? That is the question.

There was an amendment that said the reports asked for out of this appropriations bill, unless they contain information related to the security and defense of this country, should be made public to all 70 Senators who are not on the Appropriations Committee but, more important, to the people of this country. I cannot understand; nobody can offer an argument on why you would not want to do that. Yet somehow it is not in the bill. How do we explain that? Is it because it is a Coburn amendment that it is not in the bill? Is it because there is something in the reports we do not want the American people to see? If that is the case, what is the problem? Where is the problem?

The reason I did not give unanimous consent on this bill coming to the floor is that I believe we ought to have a discussion about transparency. One of the things my friend, President Obama, was good at when he was here, and has said he is for as our President, is transparency. We teamed up and passed, along with Senator CARPER and Senator MCCAIN, the Transparency and Accountability Act. By the spring or summer of this year we will be able to see where every penny of our tax dollar goes, all the way down to subgrantee and subcontracting. That is real transparency.

The question before us is why would this body accept this conference report cloaked in secrecy?

I know Senators wanted this amendment. I am not accusing them of not wanting it. What I do not understand is why they would ever agree to a conference that did not have it in any bill we did? Why would we not let the American people see what we are doing? Why would we not want the people to see an annual report by the Department of Energy on their financial balances? That is one of the reports that is in here. Can somebody tell me why we would not want that? Who in the House would not want that? What is it we do not want the American people to see? A report by the Chief of Engineers on water resources? Why can't the American people see that? A report by the Nuclear Regulatory Commission identifying barriers to and its rec-

ommendations for streamlining for construction of new nuclear reactors? Why should not the American people see what the problems are and see what that report says? Why should that be cloaked, out of light, out of view, and away from the knowledge of the American people?

To me, there is either one of two explanations. One is they do not care about what the American people think about knowing what is going on in our government or there is something else going on inside one of these reports they do not want the American people to see. It is one of those two things. I don't know which it is. But what I believe is, it is unacceptable for us to pass a bill, a conference report, that has information in it that is not a risk for any of our national security issues to which the American people should not be privy.

I believe, if we vote for this conference report, what we are saying is we endorse it; we know it better. There are certain things that even though they don't relate to security, you are not smart enough, you don't have the insight, you don't have the wisdom, you don't have the knowledge to make a judgment.

I reject that, our Founders rejected that, and we as a body ought to reject it.

I reserve the remainder of my time.

Mr. DORGAN. Mr. President, the unanimous consent agreement provides I will have the final 5 minutes of debate. If the Senator from Oklahoma wishes to consume the remainder of his time, I will use the final 5 minutes and then we will proceed.

Mr. COBURN. Mr. President, parliamentary inquiry:

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. It is true the Senator does have the last time, but is the unanimous consent agreement that the last 5 minutes is his?

I understand. I yield back my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I think I speak for myself and Senator BENNETT, we very much appreciate the work the Senator from Oklahoma does. He does it diligently. He is on the floor a great deal pushing his views on these issues. On the specific issue that he just described, it is an issue in which he came to the floor and offered it. We included it in the bill during the Senate floor consideration because we believed in it. We agreed with him, as did others in the Senate, and that is what we took to conference.

The Senator from Oklahoma weaves a bit of a larger cloud than exists by suggesting there was some sort of deep secrets or conspiratorial approach to try to prevent the public from seeing something. That is far from the case. The Senator makes a point that we

agreed with by accepting his amendment. That is, reports required of the Department of Energy to be sent to the Congress should be available not only to Congress but to the American people. We agreed with that point. That is why we put it in the Senate bill. We went to conference with the House. There was objection. The fact is, this is a very big piece of legislation. If we decided that if we can't resolve an objection or if we can't reach agreement on everything, then there won't be a conference report. If that were the case, there would be very few conference reports on the floor of the Senate.

As my colleagues from Oklahoma and Utah know, there is a lot of give and take in the conference process. This is a piece of legislation that has some \$30 billion-plus on a wide range of issues such as nuclear weapons. This bill also funds nuclear weapons programs, water programs for both the Army Corps of Engineers and the Bureau of Reclamation, energy programs, nuclear waste cleanup sites and many more complicated and important issues. In order to get a conference report, we had to give and take here and there, and there was an objection to the provision the Senator from Oklahoma had put in the Senate bill. I regret that, but that was the case. As my colleague from Utah described previously, I will continue to support the Senator from Oklahoma's efforts to make sure all of these reports are made available to the American people, providing that there is no national security issue or secret clearance to them.

I emphasize something my colleague from Oklahoma described about this. This conference report on energy and water is an important conference report. We need to get our bills done on time. Aside from the fact that it does not include his amendment, which we had previously supported and still do, we need to do our work. There is a lot of criticism about not passing appropriations bills. We will pass appropriations bills this year in great contrast to years previous when there have been big omnibus bills. That is a good thing, that we are making progress to pass individual appropriations bills. We brought this bill to the floor for debate. Amendments were offered, and the bill was passed. That is exactly the way the process should work.

Senator BENNETT and I brought a bill to the floor that is slightly less than 1 percent above last year's expenditures for water and energy and so on. The Senator from Oklahoma acknowledged at the beginning of his remarks that this bill, with respect to the fiscal year 2010, is not a bill that unnecessarily throws a lot of money at programs and projects. We are less than 1 percent above last year's expenditures. That is important to note.

With respect to the many programs in the bill, there are many that are flat

funded. Some are even slightly below fiscal year 2009. The exception is in three areas where there were increases. The first area of increase was for energy efficiency and renewable energy programs because we are trying to make sure we move down the road more aggressively to attain a lower carbon future and promote greater efficiency. Second, the DOE's Science program represents an investment that will provide significant dividends in the future. Our great science laboratories and other investments in science represent a profoundly important investment in our nation. Finally, naval reactors had an increase. We put some additional money there because of the importance of this program. The rest of the programs are very near their fiscal year 2009 levels with no increase at all.

This is a good conference report. I don't believe it is inappropriate for my colleague from Oklahoma to be upset that his amendment is not a part of the report. I understand his position. He has served in the House and Senate. He understands there are many things in conference that get dropped. Yet, for everything that is dropped, there was someone in the House or Senate who believed it was important enough to come to the floor, offer it, fight for it, and passionately believe in it. I understand that is true with everything. It is certainly true for our colleague from Oklahoma who spends a lot of time pushing for increased transparency. We appreciate that. That is why we agreed to the amendment during the Senate debate.

This Energy and Water Appropriations bill is an important piece of legislation. It does not contain the one amendment the Senator from Oklahoma got put in the Senate side. We wish it did, but it does not. But the conference report is nonetheless something that merits the support of the broad membership in the Senate.

I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report to accompany H.R. 3183, the Energy and Water Appropriations Act for Fiscal Year 2010.

Harry Reid, Charles E. Schumer, Patrick J. Leahy, Dianne Feinstein, Evan Bayh, Mark L. Pryor, Jon Tester, Robert Menendez, Frank R. Lautenberg, Kent Conrad, Patty Murray, John F. Kerry, Daniel K. Inouye, Sheldon Whitehouse, Carl Levin, Jack Reed, John D. Rockefeller, IV, Bill Nelson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Massachusetts (Mr. KERRY), and the Senator from Missouri (Mrs. McCASKILL) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 79, nays 17, as follows:

[Rollcall Vote No. 321 Leg.]

#### YEAS—79

Akaka	Feinstein	Nelson (NE)
Alexander	Franken	Nelson (FL)
Barrasso	Gillibrand	Pryor
Baucus	Gregg	Reed
Bayh	Hagan	Reid
Bennet	Harkin	Risch
Bennett	Hatch	Roberts
Bingaman	Inouye	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kirk	Shaheen
Brownback	Klobuchar	Shelby
Burris	Kohl	Snowe
Byrd	Landrieu	Specter
Cantwell	Lautenberg	Stabenow
Cardin	LeMieux	Tester
Carper	Leahy	Thune
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lincoln	Vitter
Conrad	Lugar	Voinovich
Crapo	McConnell	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Enzi	Murkowski	
Feingold	Murray	

#### NAYS—17

Bunning	DeMint	Johanns
Burr	Ensign	Kyl
Chambliss	Graham	McCain
Coburn	Grassley	Sessions
Corker	Inhofe	Wicker
Cornyn	Isakson	

#### NOT VOTING—4

Begich	Kerry
Hutchison	McCaskill

The PRESIDING OFFICER. On this question, the yeas are 79, the nays are 17. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, let me thank my colleagues who voted for cloture for the Energy and Water Appropriations conference report. It is important that we do the appropriations bills and get them done individually. We are now past October 1, but in the last 2 years, we actually had to do omnibus appropriations bills. Thanks to Senator REID and his determination and thanks to Senator INOUE, the

chairman of the Appropriations Committee, we are doing the bills one by one by one, and we are going to get them finished. We just voted on the bill that funds all of the energy and water programs in the country, and it is a very important investment in this country.

I wanted to comment more generally about a few issues. The legislation we are moving, the conference report, just got cloture. We got it through the House and the Senate and now we are in a period of 30 hours post-cloture. Hopefully, we will then get it to the President for his signature for it to become law. The concerns I have about the issues here include not just the water infrastructure and nuclear weapons programs in our Energy and Water bill but also very much include energy.

I wish to speak for a moment about the energy challenges we face. This chart describes a very serious dilemma for our country. Two-thirds of the crude oil used in the United States today is imported. Two-thirds of the crude oil we use comes from other countries, some of whom don't like us very much. Our economy runs on energy. If, God forbid, tomorrow the supply of oil to this country were interrupted by terrorists or for some other reason, our economy would be in desperate trouble. Every single day the American people get up and use energy but take it for granted. We get out of bed, and we turn a switch on. We assume the lights will be on. We perhaps plug in an electric razor or toothbrush and expect there to be electricity to run that razor or toothbrush. We take a shower and expect the water heater to have been heated with electricity or natural gas to provide the hot water for a shower. Then we make coffee and breakfast, and there is electricity assumed to be available. Further, we put a key in the ignition of a vehicle and drive off to work, using energy once again.

Every part of our daily life is filled with the use of energy. The question is, How can we address this issue of our unbelievable reliance on foreign oil? It threatens our national security and our energy security to be so reliant on foreign oil. The reliance we have has to be reduced. So how do we do that? Even as we do that, we must also find a way to reduce the carbon footprint and reduce the amount of CO<sub>2</sub> that goes into the atmosphere to protect the planet. So two things are working at the same time.

I wish to talk for a bit more about the legislation we have finished in the Senate Energy Committee, rather than the Energy and Water Appropriations panel which I chair. Senator BINGAMAN chairs the Energy Committee, and I am the second ranking Democrat on that authorizing committee. I wish to talk about what we have written in the energy authorizing bill in the context

with efforts that some have described to merge that energy bill with a cap-and-trade climate change bill and bring both to the floor for a debate. I prefer we not do that approach. Not because I don't think we should address climate change; I believe we should have that debate too. I believe we are going to have to have a lower carbon future. What I believe we should do is a two-step process that focuses on energy legislation. From a policy standpoint, it would give us a real opportunity to reduce carbon in the atmosphere by changing our energy mix. First by using more renewable energy, and second by finding ways, through greater investments in research and technology, to reduce the carbon emitted when we burn fossil fuels to produce energy. So I have a couple of comments about this two-step approach.

The Energy bill we have enacted provides a lot of things. It provides a substantial increase in renewable energy, and it does that through wind turbines which create electricity from the wind. There is no carbon output with wind energy. The problem is that we have a lot of wind in remote areas, and we need to move it to the load centers that need the electricity. It's well known that there is wind from Texas to North Dakota. By the way, North Dakota ranks No. 1 in wind; we are the Saudi Arabia in wind. We also have a substantial opportunity to develop solar from Texas across the Southwest to California where the sun shines all the time, or virtually all the time. We can maximize the production of energy where it is available from wind, solar, biomass and so on, and then we can build the transmission capability to move it to the load centers that need it. By doing this, you will dramatically change our energy capability in this country.

The legislation we have done in the Energy Committee accomplishes that goal. We have a significant transmission piece in that legislation that allows us, at long last, to build the transmission capacity we need to support our renewable potential.

We built an Interstate Highway System around this country so you can get in a vehicle and drive almost anywhere, but we have not built an interstate highway of transmission to move energy from where it exists to where it is needed. We have a patchwork of transmission that was built up over a period of time when there was a local utility that produced energy for a certain market and then in that area distributed energy to its market. That is the kind of transmission system we have. We need to dramatically modernize the transmission so we can maximize the amount of renewable energy.

There are a lot of things happening that I think are exciting in energy that can change our future. Do you know

right now there are a couple hundred people working on a process to find innovative ways to use coal. Dr. Craig Venter is involved. He is one of the great scientists in our country and one of the two people who led the human genome project. They are working on finding ways to create synthetic microbes that would actually consume a coal in deep seams and turn the coal into methane. Think of that. It creates synthetic microbes that will essentially eat the coal—that is not a scientific term—they will consume the coal and leave in its wake methane, turning coal into methane.

We have others who are working on the development of algae and energy, and Dr. Venter is involved in this as well. By the way, after 15 years of it being discontinued, I restarted the algae research at the DOE energy laboratories through my Energy and Water Subcommittee. Dr. Venter is working on developing strains of algae that will excrete lipids that become a fuel. We know we can grow algae in water and sunlight and CO<sub>2</sub> and then get rid of CO<sub>2</sub> by growing algae and then destroy the algae by harvesting it and creating diesel fuel. Dr. Venter is looking at ways to produce algae that simply excrete the lipids and, with little transformation, becomes a fuel. We have so many things going on that are so interesting. I think 10 years from now we will look in the rearview mirror and see dramatic changes in how we produce energy and how we significantly reduce carbon.

I wish to show a map of my State in which we have some projects that are extraordinary. The western half of North Dakota has substantial oil development. The USGS determined that it was the largest discovery of technically recoverable oil that has yet been assessed in the lower 48 States. They estimated that there was as much as 4.3 billion barrels of oil in this region known as the Bakken formation. We also have a substantial amount of coal, lignite coal. We have one of the largest commercial working example of CO<sub>2</sub> sequestration by capturing the CO<sub>2</sub> from a synthetic gas plant, putting it in a pipeline, and sending it up to Saskatchewan where they inject it underground for enhanced oil recovery. By doing this, it improves the productivity of marginal oil wells in Saskatchewan. So we actually capture the CO<sub>2</sub> from the North Dakota plant that is gasifying coal and gas, ship it up to Canada, and then inject it underground in an enhanced oil recovery process. In my judgment, that is a very exciting thing.

Here are the fuels we use for the production of electricity. About forty-eight percent of our electricity comes from coal. Nuclear provides a smaller piece than that need. We have natural gas, hydroelectric, and other renewables too. So my point is we are not

going to have a future without using coal for some period of time. The question is how do we use it in a different way. I believe a substantial investment in technology that will allow us to build near-zero emission coal-fired plants. I believe we can do that by capturing carbon and protecting our environment. We must maximize the use of renewables from wind, solar, biomass, and other sources. We must also move toward an electric drive transportation system, and then continue to invest in a longer term hydrogen fuel cell system. We need to do all of these things are what we can and should do.

The Energy bill we passed out of the Energy Committee is a giant step forward to maximize renewables and increase energy efficiency as a way to reduce carbon. I think what we ought to do is bring that energy bill to the floor, have a debate, get it to the President for his signature. This would be a giant step in the direction of climate change. Following that, we should bring the climate change bill to the floor and then address the issue of targets and timetables and other mechanisms to find out what is achievable for protecting this country. Some have heard me speak about this and have said, Well, he doesn't support any sort of climate change legislation. What I have said is I don't support cap and "trade." At this point, I have said I don't support providing a \$1 trillion carbon securities market for Wall Street so that speculators and the investment banks can trade carbon securities tomorrow and tell us what our price of energy is going to be for us the next day. I have precious little faith in those same people who ran up the price of oil last year to \$147 a barrel in day trading when the market fundamentals showed that demand was down and supply was up. So, no, I don't support the trade side using that mechanism, but I do support creating climate change legislation that has appropriate targets and timetables that reduce our nation's carbon footprint. We can do that. We will do that. I think there is general consensus we should do that.

All I am saying is this: What we ought to do is bring to the floor energy legislation that will adopt the policies on maximizing renewables, building the transmission capability, creating the building efficiencies and much more that is and important step forward and the lowest hanging fruit in energy. Among these positive benefits, energy efficiency is the lowest hanging fruit by far that costs the least to retrofit America's buildings and homes. We should do all of that in the Energy bill that has now been waiting for some months. I have spoken to the majority leader who has been a terrific advocate for sound and thoughtful energy policies. I have also talked to the President directly about this. It is not that I don't want to do climate change be-

cause I know my colleagues are working hard on it. It is the fact that I want to make progress in energy policy first that can change our fuel mix and develop a lower carbon future. Because we have done that work in the Energy Committee, we have taken an important step. We can then bring a climate change bill to the floor after that which I know is controversial, but that we can work on developing targets and timetables for that lower carbon future. I think this is something we should do and I think we can do. I think it would, in my judgment, be the best fit for this country's future energy policy and for the policy that is necessary to lower the future CO<sub>2</sub> emissions into the atmosphere and protect the environment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that any recess adjournment or morning business period count past cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I say to my colleague from North Dakota that the one example he gave about algae—it is so exciting that we know now that you can take algae and put it in some kind of plastic cylinder, expose it to sunlight, and with the right ingredients in there, pump in CO<sub>2</sub>, and it consumes the carbon dioxide and in the process it makes ethanol. So as the Senator has hinted, if this process ends up working, and working efficiently, what about putting an algae ethanol-producing plant right next to a coal-fired electricity plant to take the CO<sub>2</sub> out of the coal, and instead of trying to inject it into the ground, put it right into the ethanol-producing algae plant? There are limitless possibilities, as the Senator from North Dakota pointed out. I find it quite exciting.

Mr. DORGAN. If the Senator will yield for a question, I held a hearing on the beneficial use of carbon. A scientist at Sandia National Laboratory said: Think of carbon not just as a problem but an opportunity.

In this case, when you talk of algae, it is single-cell pond scum, a green slime you find on top of wastewater, right? The fact is, you can feed CO<sub>2</sub> to algae and produce something from it that extends our fuel supply. It is exactly the kind of thing that makes sense.

There are other beneficial uses of carbon as well. If we change our way of thinking a bit, we all have the same goal, which is to protect our planet. We

can find other ways of maximizing the use of renewables and to reduce carbon by using it for enhanced oil recovery and producing additional fuel by growing algae.

I thank the Senator.

Mr. NELSON of Florida. Mr. President, I wish to speak about the Energy and Water appropriations bill. It certainly is going to continue to help us provide for the Nation's energy needs and water infrastructure, but it also restores funding to our efforts at restoring America's Everglades.

For many years, the Everglades have simply languished. Over half a century ago, or three-quarters of a century ago, the idea was to get rid of the floodwaters, and mankind went in there and completely reversed what Mother Nature intended, diked and drained and sent freshwater out to tidewater and did it exactly the opposite.

In this massive project, we are trying to restore the natural ecosystem that once dominated the entire south half of the peninsula of Florida. The Water Resources Development Act of 2007 was a major step toward restoring parts of the Everglades. This effort was also helped by this year's omnibus and stimulus spending bills which put a significant amount of funding toward restoration—about \$360 million. Building on that momentum, the President's budget for fiscal year 2010 included \$214 million in funding for the Everglades from the Army Corps of Engineers.

Despite the best bipartisan efforts of the Florida delegation, the final bill contains \$180 million in funding for the Everglades instead of what we had hoped for, but we do have exciting things happening this year. In a few months, there will be two groundbreaking projects that are critical to restoring the Everglades—the construction of the Tamiami Trail bridge and the Picayune Strand.

While this particular appropriations bill falls short of the President's request, I have been assured by the administration that Site One, which is one of the projects that is funded minimally in this appropriations bill, and the Indian River Lagoon, also funded minimally, are going to have the funds needed to go forward from another source, perhaps the stimulus bill. I wish to express my appreciation to the administration. We have overcome great obstacles to get us this far. This bill settles the question of whether the Indian River Lagoon and Site One are new starts or not. In 2010 we will begin construction on those new projects.

It was Oliver Wendell Holmes who said that "the great thing in the world is not so much where we stand, as in what direction we are moving." When it comes to the Everglades restoration, we are going in the right direction. We have great science, we know what needs to be done, and we are doing it. In 12 months, we have allocated \$600

million for the Everglades. In the next year, we are going to break ground on four projects.

I wish to conclude by saying that restoration not only means doing these projects, which often are Army Corps of Engineers projects, but it also means protecting the 68 threatened and endangered species that call the Everglades home.

Just yesterday, a long-awaited Federal report was released that found that the Burmese python, a giant constrictor snake, and four other large constrictor snakes pose a high risk to these kinds of environments in the United States. We have been saying this for the last 3 years, but we now have the official report issued by the Federal Government. The report says, in particular, that Florida, Texas, and Hawaii provide prime habitat for these giant predators. Remember, these predators have no natural enemies. It doesn't make any difference if the critter has scales, feathers, or fur—these giant constrictor snakes consume them all. We have 68 threatened and endangered species in the Everglades that call the Everglades home. According to the superintendent of the Everglades Park, there are estimates of up to 140,000 of these snakes because they proliferate so greatly. They got one female, and they found 56 eggs inside her ready to hatch. That is how much they proliferate. So the report finally backs up what the National Park Service staff, the scientists, and the citizens of south Florida have been concerned about for the past years—the enormous damage caused by importing invasive species like the Burmese python.

We are going to continue to work with the Florida delegation and the Department of the Interior, with Secretary Ken Salazar, who has taken a personal interest in this, with the Army Corps of Engineers, with the State of Florida, the local communities, and the citizens who are committed to the Everglades, toward restoring this national treasure.

I yield the floor.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring for the conference report to accompany H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act for fiscal year 2010.

The conference report provides \$33.5 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$19.6 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the conference report will total \$43 billion.

The conference report matches its section 302(b) allocation for budget authority and for outlays.

The conference report includes several provisions that make changes in mandatory programs that result in an

increase in direct spending in the 9 years following the 2010 budget year. Each of these provisions is subject to a point of order established by section 314 of S. Con. Res. 70, the 2009 budget resolution. The conference report is not subject to any other budget points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the conference report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010**

(Spending comparisons—Conference Report (in millions of dollars))

	Defense	General Purpose	Total
Conference Report:			
Budget Authority .....	16,629	16,836	33,465
Outlays .....	18,391	24,563	42,954
Senate 302(b) Allocation:			
Budget Authority .....			33,465
Outlays .....			42,954
Senate-Passed Bill:			
Budget Authority .....	16,886	16,864	33,750
Outlays .....	18,571	24,630	43,201
House-Passed Bill:			
Budget Authority .....	16,367	16,931	33,298
Outlays .....	18,219	24,508	42,727
President's Request:			
Budget Authority .....	16,548	17,845	34,393
Outlays .....	18,345	24,269	42,614
Conference Report Compared To:			
Senate 302(b) allocation:			
Budget Authority .....			0
Outlays .....			0
Senate-Passed Bill:			
Budget Authority .....	-257	-28	-285
Outlays .....	-180	-67	-247
House-Passed Bill:			
Budget Authority .....	262	-95	167
Outlays .....	172	55	227
President's Request:			
Budget Authority .....	81	-1,009	-928
Outlays .....	46	294	340

Note: The table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P.L. 111-32).

Mr. INOUE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS**

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the conference report which accompanies H.R. 3183 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

**VOTE EXPLANATION**

• Mr. KERRY. Mr. President, I was necessarily absent for the vote to invoke cloture on the conference report to accompany the Energy and Water Development and Related Agencies Appropriations Act, 2010, H.R. 3183. If I were able to attend today's session, I would have supported cloture.●

**RECESS**

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

**ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—CONFERENCE REPORT—Continued**

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

**AFGHANISTAN RESET**

Mr. BYRD. Mr. President, few subjects weigh more heavily upon a President of the United States than the decision to send America's sons and daughters into war. Such a commitment demands the clearest of clear thinking, including a thoroughly dispassionate assessment of goals—objectives, in other words—risks and strategies. This is difficult, very difficult terrain for any American President, especially when faced with conflicting views from advisers, from Congress, and from the American public.

I have become deeply concerned that in the 8 years since the September 11 attacks, the reason for the military mission of the United States in Afghanistan has become lost, consumed in some broader scheme of nation building, which has clouded our purpose and obscured our reasoning.

General McChrystal, our current military commander in Afghanistan, has requested 30,000 to 40,000 additional American troops to bolster the more than 65,000 American troops already there. I am not clear as to his reasons and I have many questions.

What does General McChrystal actually aim to achieve? So I am compelled to ask: Does it take 100,000 U.S. troops to find Osama bin Laden? If al-Qaida has moved to Pakistan, what will these troops in Afghanistan add to the effort to defeat al-Qaida? What is meant by the term "defeat" in the parlance of conventional military aims when facing a shadowy, global terrorist network? And what of this number 100,000? Does the number 100,000 troops include support personnel? Does it include government civilians? Does it include defense and security contractors? How many contractors are already there in Afghanistan? How much more will this cost? How much in terms of dollars? How much in terms of American blood? Will the international community step up to the plate and bear a greater share of the burden?

There are some in Congress who talk about limiting the number of additional troops until we surge—where have I heard that word before—until we "surge to train" more Afghan defense

forces. That sounds a lot like fence straddling to me. I suggest we might better refocus our efforts on al-Qaida and reduce U.S. participation in nation building in Afghanistan.

Let me say that again. I suggest we might better refocus—in other words, take another look—our efforts on al-Qaida and reduce U.S. participation in nation building in Afghanistan. Given the lack of popularity and integrity of the current Afghan Government, what guarantee is there that additional Afghan troops and equipment will not produce an even larger and better armed hostile force?

Let me ask that question again. Given the lack of popularity and integrity of the current Afghan Government, what guarantee is there that additional Afghan troops and equipment will not produce an even larger and better armed hostile force? There is no guarantee. The lengthy presence of foreign troops in a sovereign country almost always creates resentment and resistance among the native population.

I am relieved to hear President Obama acknowledge that there has been mission creep in Afghanistan, and I am pleased to hear the President express skepticism about sending more troops into Afghanistan unless needed to achieve our primary goal of disrupting al-Qaida. I remain concerned that Congress may yet succumb to military and international agendas. General Petraeus and General McChrystal both seem to have bought into the nation-building mission. By supporting a nationwide counterinsurgency and nation-building strategy, I believe they have certainly lost sight of America's primary strategic objective; namely, to disrupt and defang—in other words, pull the teeth right out of the bone. I believe they certainly have lost sight of America's primary strategic objective to disrupt and defang al-Qaida and protect the American people—protect the American people—from future attack.

President Obama and the Congress must—I do not say “should,” I say “must”—reassess and refocus on our original and most important objective; namely, emasculating—I mean tearing it out by the roots—emasculating a terrorist network that has proved its ability to inflict harm, where? On the United States.

If more troops are required to support the international mission in Afghanistan, then the international community should step up and provide the additional forces and funding. The United States is already supplying a disproportionate number of combat assets for that purpose.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 2644

Mr. VITTER. Mr. President, I rise to talk about my pending amendment to the Commerce-Justice-State appropriations bill, amendment No. 2644. Apparently, this has created some interest and some opposition. It apparently is one of the major, if not the major, reason the majority leader felt the need to file cloture on the Commerce-Justice-State bill rather than simply come to an agreement regarding pending amendments and votes. It saddens me that—although that agreement was all worked out, basically—it was out the window, and he just decided to file cloture and bar votes on all of those amendments, including my amendment No. 2644. I think we should have a reasonable debate on my amendment and then a straightforward vote on the amendment because it is an important topic, directly related to that bill.

What does the amendment do? My amendment is about the next census. It simply says no funds in that appropriations bill can be spent on the next census unless we ask about citizenship. I believe that is a basic requirement for the next census, to give us adequate tools to deal with a whole host of issues, including illegal immigration, including properly handling congressional reapportionment. Again, I find it very sad and, frankly, telling that the majority leader is going to such lengths to avoid having a vote on that simple concept, that simple idea.

Why should we ask a question about citizenship? A couple of reasons. First of all, the census is supposed to give us in Congress important information, detailed information, the tools we need regarding how to handle a host of Federal programs and Federal issues. Certainly a major issue we need to deal with in this country and in this Congress is immigration, including illegal immigration. It seems like basic information we would want to collect. How many folks covered in the census are citizens and how many are noncitizens? That is basic information that would help us in a whole host of ways with regard to Federal programs and with regard to dealing with the immigration issue.

There is another even more important reason, in my opinion, we should collect this information, and that is because one of the most important things any census is used for is reapportioning the U.S. House of Representatives; determining how many House seats each State in the Union gets in terms of representation. As it stands now, the plan is to do the census, to not distinguish in any way between citizens and noncitizens, and therefore to have noncitizens

counted in congressional reapportionment. I think this is crazy and goes against the very idea of a representative democracy, people being elected by voters to represent citizens in the Congress. I don't think the Founding Fathers set up our democracy to have noncitizens represented in the Congress.

As it stands now, without asking that simple, basic, fundamental question, noncitizens will be counted in congressional reapportionment. That means States with a particularly large number of noncitizens, including illegal aliens, will be rewarded for that, will get more representation, more say, more clout in the House of Representatives. States that do not have that issue will be hurt. They will get less say, less clout, less Members of the House of Representatives. I think that is fundamentally wrong.

I also have a very specific interest in finding against that because Louisiana is one of nine States that would specifically be hurt. There are at least nine States that will have less representation in the House of Representatives if we count all people in congressional reapportionment, including noncitizens, versus if we just count citizens. It is important to say what those nine States are, and I specifically reached out to the Senators representing those nine specific States to make it clear to them that their States lose out in terms of that equation.

Those States are Indiana, Iowa, Michigan, Pennsylvania, Mississippi, North Carolina, South Carolina, Oregon, and Louisiana. Those nine States would have less representation, less say, less clout in the House of Representatives if all people, including noncitizens, are counted in congressional reapportionment versus if only citizens are counted. Once again: Indiana, Iowa, Michigan, Pennsylvania, Mississippi, North Carolina, South Carolina, Oregon, and Louisiana.

I particularly implore my colleagues, Democrats and Republicans, from those States to be aware of that, to support the Vitter amendment, and so we get to a vote on the Vitter amendment, No. 2644, to vote against cloture on the entire bill.

Unfortunately, there are several Senators from those States who voted for cloture yesterday. I hope they will reconsider. I hope they would see, if they vote for cloture again, that they would be preventing us getting to this issue. They would be preventing us getting to a reasonable and full debate and vote on this issue. I implore all Senators from Indiana, including Senator BAYH, who voted for cloture previously; from Iowa, including the Senators there who voted for cloture previously; the two Senators from Michigan; the two Senators from Pennsylvania; the Democratic Senator from North Carolina; the Democratic Senator from Louisiana—please don't vote for cloture



again until we can get a reasonable vote on this amendment.

Let me specifically address some of the arguments that have been made against this amendment because I think they are completely erroneous. One argument is this will intimidate folks and discourage noncitizens from filling out the census form. I think it is important to note, No. 1, this citizenship question is asked on the long form. The long form gets millions of responses, and the census has never noted any difficulty in getting folks to fill out the long form.

This question is also asked in the American Community Survey which the Census Bureau does. Again, the same citizenship question is asked here, and we get plenty of responses. The Census Bureau has never noted a big problem in terms of getting those responses.

To make this perfectly clear, I am perfectly willing to revise my amendment so that we only focus on citizenship, not immigration status. I will be happy to revise my amendment so it only mentions and only focuses on citizenship versus immigration status.

The other argument, that the Census Bureau itself has apparently made, is that this would be cumbersome and cost money at this stage in the census. Frankly, I find this pretty ironic coming from a bureaucracy which is spending \$13 billion on this new census, up from \$4.5 billion from the last census. Here is a bureaucracy where the cost of the new census versus the last census has tripled. The last score they are getting \$13 billion, but asking this one question, which they already ask in the long form, which they already ask in the American Community Survey, is a huge problem and will cost too much money. That simply is silly on its face. It is important to do this right. Certainly asking a basic question about citizenship is central to doing it right.

In summary, I urge all my colleagues to demand a vote on this important issue and to vote against cloture on the bill until we get that vote. Then, when we get that vote, I urge all my colleagues to support the Vitter amendment, No. 2644. It is very simple and straightforward. It will say: Ask the citizenship question. Let us know how many folks in the overall count are citizens and how many are noncitizens. That is absolutely essential, No. 1, so we can use the census information as a full tool in many of the programs and policies we debate and implement in Congress. No. 2, it is particularly important for congressional reapportionment.

I do not believe noncitizens should be counted in congressional reapportionment. I don't believe States which have particularly large noncitizen populations should have more say and more clout in Congress because of that than States that do not, and that States

such as Louisiana should be penalized. I don't believe those nine States in particular—Louisiana, Indiana, Iowa, Michigan, Pennsylvania, Mississippi, North Carolina, South Carolina, Oregon—should be penalized by including noncitizens in congressional reapportionment. I certainly do not believe Senators representing those nine States should vote either for cloture, cutting off a vote on my amendment, or should vote against my amendment.

Again, I particularly urge all Senators from those nine States to stand up for their States, to vote for the interests of their States, to vote for their States getting full and proper representation, to vote against their States being penalized in terms of the census and in terms of congressional reapportionment.

It is a simple issue but a very basic, fundamental issue. The census is an important tool. It only happens once every 10 years. We need to get it right for a whole host of reasons, particularly with congressional reapportionment in mind.

I daresay if any Members of this body go back home to their States and have a discussion in a diner, have a townhall meeting, just ask a representative group of citizens: Did you know that noncitizens, including illegal aliens, are not only counted in the census—but we do not discriminate—we do not know the numbers of noncitizens versus citizens? And, because of that, did you know all of those noncitizens are factored into determining how many House seats each State gets so that States with very large noncitizen populations, including large numbers of illegal aliens, are rewarded for that; they get more clout and say and vote in the House of Representatives, and other States, particularly the nine States I mentioned, are penalized because of that?

I daresay the average citizen would be stunned about that and would say, hardly with any exception: That is not right. We should know those numbers, and we should not count noncitizens in terms of House representation. I certainly think citizens and voters in Indiana, in Iowa, in Oregon, in Michigan, Pennsylvania, Mississippi, North Carolina, South Carolina, and Louisiana would certainly say: Wait a minute, we are being penalized because noncitizens are being counted or being worked into the formula for representation in Congress? That is crazy.

It is crazy. It doesn't meet the smell test, it doesn't meet the commonsense test of the American people, and we should act to make sure the next census is done right, starting by having a vote on the Vitter amendment, No. 2644, and by passing that amendment to the bill.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, my understanding is that we are now in what is called a 30-hour postcloture period. We had a cloture vote this morning on the energy and water conference report. I chair the committee that brought that to the floor, the subcommittee on appropriations which funds the water projects, the energy projects, the nuclear weapons, among other things. It is a very important piece of legislation. We could not just bring it to the floor from conference. We actually had to file cloture, wait for the cloture petition to ripen—2 days—then we have a vote. I think we had 79 votes in favor of it. And now we are in a period where we can't yet adopt it because some are insisting we have the 30 hours postcloture expire. My hope is that whoever feels that way might relent so that later this afternoon we can pass this piece of legislation.

But this legislation is very much like almost everything else we are trying to do in appropriations. We have tried very hard to do the appropriations bills as we are supposed to do them—one at a time, bring them to the floor, have votes, debate the amendments, and so on. In the last couple of years, in my judgment, the appropriations process has been a failure because we have had to do omnibus bills, which is not the right way to do it. We were forced to do that, in many respects. But now we are trying to do one bill at a time, and we have done many of them. Credit goes to the majority leader, who has said we want to finish the individual appropriations bills. But the fact is, we are getting almost no cooperation—almost none.

I think we have had a relatively noncontroversial Legislative Branch appropriations bill, which is generally pretty noncontroversial. As I recall, I believe we had to file a cloture petition to shut off debate on the motion to proceed—not the bill, just the motion to proceed to the bill. That takes 2 days to ripen, then you have 30 hours postcloture.

Virtually every step of the way, we have had this problem, with no cooperation at all. It is like trying to ride a bicycle built for two uphill and the person on the backseat has their foot on the brakes. That is what is happening around here all the time. All we would like is just a little cooperation so we can get these bills completed.

When we bring a conference bill to the floor, it shouldn't take us 2 to 3 days. The bill I brought to the floor myself, the Energy and Water bill, took us a fair amount of time. We sat on the floor waiting for people to come and offer amendments. They didn't. That is why I sometimes refer to the Senate as 100 bad habits. It is not very easy to get people to come over, even when they have amendments to offer. And then from time to time somebody

comes over and has an amendment that has nothing to do with the subject, which is fine—the rules allow that—but then they insist they have a vote on their specific two or three or four amendments or they will hold everything up forever.

So we are getting no cooperation, and it would be nice to get just some so we can get the appropriations bills done. It is the right way to do it—bring the bills to the floor, do them, debate them, and have votes on them. That is the way the Senate should work. Lord knows we have tried this year to do that, but we have had almost no cooperation. At every turn, we have had people stand up and say: Well, I have my four amendments, but, no, I am not going to come over and offer them. I am going to tell you I have four amendments to offer, and if you try to shut this down and shut off amendments, then we will filibuster and we won't give you the 60 votes you need to shut it off. So there you are, stuck in the middle, unable to get things done.

Again, the cloture vote yesterday failed on Commerce-State-Justice. Normally speaking, Senator MIKULSKI would bring a bill like that to the floor of the Senate and it would be on the floor maybe 1 day, maybe 2 days. Instead, I watched last week as she was out here waiting for people to offer amendments—sitting here waiting, and no one was coming to offer amendments, by and large. Then the majority leader sat here until I think 9:30 or 10 o'clock at night one evening trying to reach an agreement, and no agreement was forthcoming.

My only point is that it would be nice if we could get some cooperation and some understanding. It is not Republican or Democrat or conservative or liberal to do the work on time and finish our appropriations bills with some amount of cooperation; it is just common sense. If we could just get a bit of that cooperation, we could get the work done around here.

I did want to mention as well, with respect to the agenda, that while we are trying to get these appropriations bills done, we will also begin the process of debating health care on the floor of the Senate—a health care bill that will be brought to the floor reasonably soon. I want to mention that certainly one of the efforts I will make when the health care bill comes to the floor—and I have mentioned this before—is to try to address the issue of the expanding cost of prescription drugs. That is not dealt with in the legislation which is coming to the floor, I assume, and if not, then there are 30 of us, Republicans and Democrats, who have legislation that will give the American people the freedom to import FDA-approved drugs sold at a fraction of the price elsewhere. That will be one of the amendments I and many others will come to the floor to offer.

Another amendment I intend to offer is a piece of legislation called the Indian Health Care Improvement Act. We passed that through the Senate last year. We have modified it just a bit this year, and I believe we will reintroduce it later this afternoon.

The Indian Health Care Improvement Act has not been reauthorized for a long time. I believe it has been 17 years since the Senate last dealt with Indian health care—an authorization bill—except for last year when we failed because one of our colleagues, who previously spoke, offered an abortion amendment that had the effect of stopping the bill when it got to the House of Representatives.

Having said all that, I intend to offer the Indian health care legislation as an amendment to the broader health care bill because I don't think we should go on to pass a health care reform bill if we don't address the health care obligations we have made to the first Americans, the American Indians. The fact is, American Indians were promised by treaty—were promised time and time again and in treaties the Federal Government signed—that we would provide for their health care, and we have not met those promises. We have both a trust responsibility and a treaty responsibility to fix the health care system for American Indians. It has not been fixed, and it would be a tragedy if we moved forward with health care and didn't include the important part that is required by us to reauthorize the Indian Health Care Improvement Act. So I intend to offer that as well.

I also want to say that when we get health care completed—and I spoke earlier today about the need to bring up the Energy bill, but there is another bill that is very important that I have spent a lot of time on that has to be considered by the Senate and the entire Congress. That is the FAA reauthorization bill.

The Federal Aviation Administration reauthorization bill is critically important. It has a wide range of issues dealing with safety in the skies, and it has the important provisions dealing with modernizing our air transportation system—our air traffic control system. I should say—and that modernization can't wait. We have to move forward, and it requires a lot of things.

Senator ROCKEFELLER and I have brought a bill out of the Commerce Committee that is ready for floor action, but we need to get it to the floor of the Senate and get it passed so we can get it into conference with the House of Representatives. If I might, I want to describe for a moment why this is important.

We have the skies full of airplanes. I know the carriers have shrunk their size by 8 or 10 percent in terms of commercial carriers, but nonetheless we have the skies full of airplanes flying

around transporting people and cargo, and the fact is, we are still flying to what is called ground-based radar. What happens is, we put an airplane in the air someplace with a couple hundred people on board, and it flies around being guided by ground-based radar. Of course, that is better than the old days, when in order to haul the mail at night, in the early days of airplanes, they first used bonfires every so many miles so that you could fly to a bonfire and see where you were headed. That was the only way you could fly at night. The second thing they did was to use flashing lights, and now, of course, ground-based radar for many decades. But ground-based radar is clearly obsolete, and it only tells someone where an airplane was just for a nanosecond.

The transponder on the airplane being shown on a tube someplace or by a monitor somewhere in the air traffic control center shows, when the arc goes around on the radar, where that jet airplane was. Then for the next 6 or 7 seconds, as it is going around again, that jet airplane is someplace else because it is traveling very fast. It only tells you about where the airplane is and only tells you exactly where it was for a nanosecond.

The fact is, we need to go to a GPS system so we can save money, use more direct routing, make it safer for passengers, and use less energy. You also don't have to space the planes as far apart because you know exactly where an airplane is, not where it was.

We need to move on this newer technology. Europe is moving to it, and many other countries. But it is complicated, and it requires us to pass legislation that includes the modernization of the air traffic control system. Again, we brought that out of the Commerce Committee, and it is awaiting action on the floor of the full Senate.

I hope that following health care and following a number of other issues—including, I hope, an energy bill at some point—the FAA reauthorization bill will have its day on the floor of the Senate. I also hope we will have substantial cooperation. I know Senator HUTCHISON from Texas worked with us, Senator DEMINT worked with us to bring that out of the Commerce Committee, and I look forward to having that as part of the agenda so that all of those who have worked for a long time on these issues dealing with safety in the skies and dealing with modernizing our air traffic control system will be able to feel as if we have made progress and have been able to get this bill to conference with the House.

Mr. President, I know the majority leader has a lot to try to plan for the agenda now as we near the end of the year, and these are big, difficult issues. I want to help him, as do most of my colleagues. We are going to need a little cooperation here and there. If we continue to have to vote on cloture petitions, on motions to proceed, it



means every single thing we bring to the floor of the Senate takes a week just to get up. Cloture petitions take a couple of days to ripen, then there is 30 hours postcloture. All we need is a little cooperation. That ought not be too much to ask in order to get the business of the Senate done.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. UDALL of New Mexico. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. UDALL of New Mexico. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INDIAN HEALTH CARE

Mr. UDALL of New Mexico. Mr. President, I rise to speak about Indian health care legislation. This is legislation introduced by the chairman of the Indian Affairs Committee, Senator DORGAN.

I wish to talk a little bit about Native Americans and their health care situation. We have spent the last 6 months talking about health care. We have debated the quality of care, the cost of care, access to care. I am glad to say we are making progress in fixing what is broken in our health care system. But there is one group of Americans that has not engaged in this national conversation, Americans who suffer from an inadequate health care system and alarming health disparities. I am talking about the first Americans, the American Indians and Alaska Natives who are suffering because the Federal Government is not living up to its promise to them.

Right now Native Americans are being diagnosed with diabetes at almost three times the rate of any other ethnic group. Right now too many Native American families don't have access to preventive health care. Right now Native American teens are attempting and committing suicide at alarming rates. The bottom line is, too many Native Americans are struggling to receive quality health care. For too many years, America has stood aside and let it happen.

Today is a new day. It is time for America to make good on its promises to Native Americans. I believe Senator DORGAN's bill would help us do just that. This legislation will bring much needed reforms to the Indian health care system and will allow us to connect Indian health improvements to national reform efforts. By tying these initiatives together, we will increase the likelihood of success not only today but for years to come. This legis-

lation would make reauthorization of the Indian Health Care Improvement Act permanent so Indian country can better predict and plan for its health care needs. It will also build on what works by expanding services for mental health and prevention. We encourage stronger collaboration with the Veterans' Administration. We provide resources so that more Native Americans can train to become health care providers. We promote new ideas and future progress through funding of demonstration projects.

Finally, we begin addressing a tragedy that is tearing apart too many Native American families, especially in my home State of New Mexico. That tragedy is the epidemic of teen suicide which I spoke of a moment ago. New Mexico's suicide rate is almost two times that of the national average, and far too many of these suicides are happening in Indian country. This summer, over the course of a little more than a month, four people from the Mescalero Apache Reservation committed suicide, all of them teenagers or young adults. The latest was a 14-year-old girl just last week. In this bill we will take the first steps in addressing this crisis. We will fund new grant programs and telehealth initiatives, and we will expand a program that has proven successful for the Zuni tribe in New Mexico. It is a program that connects schools and parents with the community, where students learn to be peer educators, and middle and high school students learn life skills to prevent suicide.

America has an obligation to provide quality, accessible health care for our country's first Americans. That begins with engaging American Indians and Alaska Natives in the national conversation about health reform.

I am honored to cosponsor this bill and look forward to its passage by the Senate.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

#### EMERGENCY SENIOR CITIZENS RELIEF ACT

Mr. SANDERS. Madam President, for more than three decades, seniors have relied on a COLA in their Social Security benefits to keep up with their increased expenses. Tomorrow it is expected that the Social Security Administration will announce that for the first time in 35 years, seniors will not be receiving a COLA. Based on the formula that by law they are obliged to use, they came to the conclusion that there is no inflation for seniors and, in

fact, the prices for seniors have declined.

In my view, the current formulation for determining Social Security COLAs is wrong in terms of the needs of seniors because it does not accurately take into account their purchasing needs. In other words, if you are 19 years of age and you buy a laptop computer or an iPod or a new cell phone, the likelihood is that prices may well have gone down over the last year. On the other hand, most seniors are not buying iPods. What they are buying is prescription drugs and health care needs, and those costs have gone up.

I have long argued and when I was a Member of the House I introduced legislation with a whole lot of support to develop a separate index for seniors. Be that as it may, where we are right now is that the Social Security Administration will announce tomorrow a zero COLA.

I have some very good news. I have introduced legislation, and I and a number of us have urged the President to be cognizant of the fact that in the midst of this terrible economic recession, we just cannot turn our back on seniors. Many seniors are not only paying increased costs for prescription drugs and for their health care needs, they have seen a decline in their pensions. They have seen a significant decline, in many cases, in the value of their homes. Some have lost their pensions. Basically, we cannot say to them right now that we are not going to reach out and try to help you in whatever way we can.

I am very happy to announce that just this afternoon, President Obama will be supporting support for senior citizens. He will be supporting a \$250 payment to disabled veterans and those people who are on Social Security, some 50 million Americans in all. I applaud the President for not turning his back on seniors.

In his announcement, the President says:

Even as we seek to bring about recovery, we must act on behalf of those hardest hit by this recession. That is why I am announcing my support for an additional \$250 in emergency recovery assistance to seniors, veterans, and people with disabilities to help them make it through these difficult times. These payments will provide aid to more than 50 million people in the coming year, relief that will not only make a difference for them, but for our economy as a whole, complementing the tax cuts we've provided working families and small businesses through the Recovery Act.

That is the statement President Obama is about to release. I thank the President for his support.

Obviously, the ball now comes to our court, and we have to move it forward. I think that in these hard times, when so many seniors are worried about how they are going to pay for their medicine, how they are going to pay for their health care, how they are going

to pay to heat their homes in the wintertime, how they are going to take care of other basic needs, it is absolutely imperative we not forget about them.

I applaud the President for his action, and I look forward to working with Members of Congress to pass this legislation as soon as possible.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IN PRAISE OF ZALMAI AZMI

Mr. KAUFMAN. Madam President, I rise once again to recognize the service of one of America's great Federal employees.

This Monday, Americans across the country marked Columbus Day. It is a day that holds different meanings for different communities. I had such a meaningful experience attending the Columbus Day Mass and breakfast at St. Anthony's of Padua in Wilmington. I know in the Italian-American community, Columbus Day is a vibrant cultural celebration. But Columbus Day, above all, reminds us all that America is a patchwork; that we are—in the words etched on the wall behind you, Madam President—one Nation from many. This has always been a source of great strength for our country.

This is as true for our Federal workforce as it is for America as a whole. So many of our outstanding civil servants were not born in the United States. Some came as students and found in America jobs and a new home. Others came as infants, carried onto airplanes in the arms of loving parents seeking a new beginning for their families. Some traveled halfway around the world driven by the dream of a better life. Others braved the short but perilous journey over turbulent waves fueled only by the hope of freedom on our shores. The diversity of our Nation is reflected in the diversity of those who choose to serve it.

The Federal employee I am recognizing this week has had a distinguished career in the Department of Justice, both in the Executive Office for U.S. Attorneys and at the Federal Bureau of Investigation.

Zalmai Azmi was 14 years old when he fled with his family from Afghanistan. He arrived in the United States speaking very little English, and he became fluent while in high school. Zalmai, wishing to give back to the Na-

tion which gave him refuge, eventually joined the Marine Corps. He served in the corps for 7 years as a communications and intelligence specialist, and he also trained in special operations. While in the Marines, Zalmai studied computer science, and he later obtained a bachelor's degree in the field from the American University and a master's from George Washington University.

In the 1990s, Zalmai continued his Federal career by moving from the military into the civil service. He was working as chief information officer for the Executive Office for U.S. Attorneys when the September 11 attacks occurred. Zalmai helped implement the Justice Department's continuity of operations emergency plan, and by September 12, he was at Ground Zero in New York setting up departmental field offices.

Just weeks after the attacks, he volunteered to be dropped into Afghanistan as part of a Marines special operations team. In the 2 years that followed, Zalmai, who is fluent in Dari, Farsi, and Pashto, served two tours of duty in Afghanistan. While at home, he was detailed to the CIA's Counterterrorism Center.

In 2004, FBI Director Robert Mueller appointed him as the Bureau's Chief Information Officer. In that role, Zalmai led the effort to revamp the FBI's virtual case file system and helped transform its IT infrastructure to meet the needs of a post-9/11 environment.

He was honored with the prestigious Arthur S. Fleming Award for Applied Science and Technology in 2002, which is presented annually to an outstanding public servant. Additionally, he won the Distinguished Presidential Rank Award.

Zalmai retired from the FBI late last year. His story, while unique, is reflective of the commitment to service and patriotism embodied by all of the immigrants who work in government and serve in our military. Just as America would not be as strong without our great Federal employees, that workforce would not be as vibrant or successful without those who, like Zalmai, came to this country from other lands.

I hope all my colleagues will join me in honoring his service, that of the men and women in the Department of Justice, and all immigrants who work in the Federal Government.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I wish to speak about the conference report we are currently discussing, but I want to first take a second to commend the Senator from Delaware for his fine effort over these many months to continue to call to the attention of America wonderful people who have committed their life to make the lives of other Americans better. He has done

a wonderful job, and this is just one more example of both the Senator's job of bringing the news to all of America but also the story of a wonderful individual who has committed his life to improving our great Nation.

Madam President, I would like to spend a moment thanking the Senators from North Dakota and from Utah for their hard work on this bill we are currently considering. It represents a truly bipartisan effort. The energy investments in this bill will foster technological innovations and will harness the creativity and hard work of the American people. I believe it will help us move forward on clean coal technology. It will also promote energy efficiency and accelerate research into renewable energy.

I want to highlight one issue in particular, if I could, and it deals with our domestic uranium production. The uranium industry provides good-paying jobs across the country, and certainly good-paying jobs in Wyoming. A strong uranium workforce is essential to expanding America's nuclear energy capacity. Uranium production means American jobs and American energy.

In August, the Department of Energy proposed transferring—transferring—a significant amount of uranium to the U.S. Enrichment Corporation. The uranium transfer was designed and intended to pay for an environmental cleanup at a facility in Portsmouth, OH.

This is a laudable goal. Unfortunately, the proposal of the Department of Energy would have serious unintended consequences. The proposed transfer would flood the uranium market, artificially forcing down spot prices for uranium, and create significant uncertainty in the marketplace. This action would have a devastating impact on domestic uranium mining. It would cost plenty of jobs in my home State of Wyoming but also jobs all across the United States. It would undercut an integral part of America's energy portfolio.

The Department's plan, in my opinion, is shortsighted and lacks common sense. Why create jobs in one State by killing jobs in another State? The environmental cleanup can be accomplished without hurting jobs in Wyoming and elsewhere.

The conferees recognized the problems with the proposal of the Department of Energy. The conference report directs the Government Accountability Office to evaluate the Department's management of its excess uranium supplies. The bill increases funding for the Portsmouth facility and the cleanup. These steps provide the opportunity to address the necessary environmental cleanup issue without causing the collateral damage in other States.

So I thank the Senators from North Dakota and Utah for their work to address this problem. The Department of

Energy should rethink its uranium transfer proposal. By working within the framework of the Excess Uranium Management Plan, the Department can get maximum value for its uranium and fund the cleanup of Portsmouth without hurting jobs—good jobs—in other States.

With that, Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, as we take up the conference report to accompany the fiscal year 2010 Energy and Water appropriations bill, it spends approximately \$33.9 billion. Let's not forget Congress has already appropriated over \$92 billion to energy and water-related projects between the emergency appropriations provided in the 2009 supplemental, the continuing resolution, and the stimulus bill.

Equally as important is what this bill doesn't fund. The bill provides only \$197 million for the Yucca Mountain nuclear waste repository, putting this project on life support.

The Department of Energy has spent billions of dollars and decades studying the suitability of Yucca Mountain as the Nation's repository for spent nuclear fuel and defense waste. Consistently, the science has borne out that Yucca Mountain is the best site to dispose of nuclear waste. The President has made a point of telling all who would listen that his administration would be guided by science and not politics. At the same time, the President and the Secretary of Energy are saying that Yucca Mountain is no longer an option, even though science has proven that Yucca is safe.

The fact that this administration has political problems with moving forward with the Yucca Mountain storage facility doesn't change the fact that the government has a legal obligation to take this spent waste and that the licensing process is already underway. Shelving the Yucca Mountain facility will slow the deployment of new nuclear generating facilities, constrain our most abundant clean energy source, and hinder efforts to combat climate change.

The conference report that accompanies this bill contains 1,116 congressionally directed spending items—a fancy term for earmarks, which is a fancy term for porkbarrel spending, which is a fancy term for corruption—totalling over \$1.05 billion and almost doubling the number of earmarks that were included in the Senate-approved bill. Get that: 1,116 earmarks in this bill—over a \$1 billion.

I know that is not much when we consider we have already run up a \$9 trillion deficit over the next 9 years, but a lot of Americans would be surprised and think it is a fair amount of money.

None of these projects were requested by the administration. Many of them were not authorized or competitively bid in any way. No hearing was held to judge whether or not these were national priorities worthy of scarce taxpayer's dollars. They are in this bill for one reason and one reason only—because of the self-serving prerogatives of a select few members of the Senate—almost all of whom serve on the Appropriations Committee. Sadly, these Members chose to serve their own interests over those of the American taxpayer.

During Senate consideration of this bill I filed 24 amendments to strike these earmarks. The American people are tired of this process, and they are tired of watching their hard-earned money go down the drain. Not surprisingly, my amendments were defeated at every turn by appropriators and Members on the other side of the aisle.

Here are some examples of the earmarks contained in this bill: \$2 million for the Algae Biofuels Research, WA; \$750,000 for the Algae to Ethanol Research and Evaluation, NJ; \$1.2 million for the Alternative Energy School of the Future, NV; \$6 million for the Hawaii Energy Sustainability Program, HI; \$6 million for the Hawaii Renewable Energy Development Venture, HI; \$2.25 million for the Montana Bio-Energy Center of Excellence, MT; \$10 million for the Sustainable Energy Research Center, MS; \$450,000 for the Vermont Energy Investment Corporation, VT; \$1.2 million for the Hydrogen Fuel Dispensing Station, WV; \$1.25 million for the Long Term Environmental and Economic Impacts of the Development of a Coal Liquefaction Sector in China, WV; \$1 million for the Alaska Climate Center, AK; \$5 million for the Computing Capability, ND—whatever that is; \$1 million for the Performance Assessment Institute, NV; \$1 million for the New School Green Building, NY.

This bill also includes a \$106 million increase in funding over the President's request for hydrogen fuel cell research. The Secretary of Energy had pushed for the elimination of this funding but has since changed his mind after bullying from Senate appropriators. Before his change of heart, Dr. Chu explained his reasoning for cutting the funding by stating, "We asked ourselves, 'Is it likely in the next 10 or 15, 20 years that we will convert to a hydrogen car economy?' The answer, we felt, was no." Unfortunately, Dr. Chu caved to demands and has decided to no longer object to funding research investments that many call a "dead end."

This bill dedicates \$5.3 billion to the Army Corps civil works program, which is \$180 million higher than the President's request. As my colleagues know, the Corps is burdened with a \$60 billion backlog as a result of years of abusing the energy and water appropriations bills and the Water Resources Development Acts as hot tickets for loading up new pet projects. As one would expect, this year's appropriations process was no different from previous years as the Senate Appropriations Committee received 256 requests to fund new projects. Imagine our surprise when we learned that the committee rejected every single one of these requests for funding new projects—a nod, albeit a modest one, to the tenets of fiscal responsibility.

While I applaud appropriators for attempting, in a way, to address our current backlog, we can't deny that our system for funding existing Corps projects is not working. Currently, there is no way to know which projects warrant taxpayer dollars because the Corps refuses to give Congress any kind of idea of what it views as national priorities. In fact, even when Congress specifically requests a list the Corps' top priorities, they are unable to provide them. That leaves it up to politicians on Capitol Hill to blindly throw money at flood control, hurricane protection, navigation and environmental restoration projects—in some cases matters of life or death—without knowing which projects may or may not benefit the larger good. We owe it to the American people to do better.

Our current economic situation and our vital national security concerns require that now, more than ever, we prioritize our Federal spending. But our appropriations bills do not always put our national priorities first. It is abundantly clear that the time has come for us to eliminate the corrupt, wasteful practice of earmarking. We have made some progress on the issue in the past couple of years, but we have not gone far enough. Legislation we passed in 2007 provided for greater disclosure of earmarks. While that was a good step forward, the bottom line is that we don't simply need more disclosure of earmarks—we need to eliminate them all together.

The time has come to get serious about how we are spending hard-working American's tax dollars and there is no better way to prove we're serious than by ending the wasteful practice of earmarking funds in the appropriations bills. The process is broken and it is long overdue to be fixed."

Madam President, we are here in this postcloture motion period, consuming it because of the simple fact that the Senator from Oklahoma had an amendment which required greater transparency. The Senator from Oklahoma, while wanting a recorded vote, was assured by the managers of the bill that

a transparency provision would be added to the final conference report which would then be passed by both Houses of Congress and for the President's signature. Unaccountably, that provision, which was simple transparency so that all Members of the Senate would know what information the Senate appropriators received, would be shared by all, was dropped in conference. Understandably, the Senator from Oklahoma, Senator COBURN, whom I view in many ways as the conscience of this body, is upset and concerned that the American people—much less now their Representatives—are not able to obtain information which is obviously very important in the decisionmaking process that goes on here.

It is unfortunate and it shows, again, what has happened here in the process of legislation, that the Appropriations Committee now seems to override not only the wishes of the American people with projects such as those I outlined but also even the other Members of the Senate.

The good news, probably, for Members of the body and for the citizens of this country—but bad news for the appropriators—is that we will be back. We will be back again and again and again. The American people all over this country are having tea parties, they are having uprisings. They know the debt and deficit that we have laid on future generations of Americans and they are not going to stand for it. They are going to find out whether we need to spend \$450,000 for the Vermont energy investment corporation; whether we need \$1 million for a performance assessment institute in Nevada; and whether we need to spend \$1 million for the new school green building in New York, not to mention all those projects that abound that will send our tax dollars to the State of Hawaii as well as Mississippi.

I can warn my colleagues again, we will be back. We will be back. We will talk not only here on the floor of the Senate but across this country about this egregious practice of the waste of their taxpayers' dollars, of their hard-earned dollars, and the way this earmark and pork-barreling process is still completely out of control and a disgrace.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr BENNET. Madam President, I rise today to speak about a development folks in the southeastern corner of my State have been waiting on for the better part of 47 years. This week, maybe even today, thanks in large part to the advocacy of our partners at both the local and Federal levels, the vision of the Arkansas Valley Conduit—long a priority of rural communities in my State—moves one significant step closer to reality. Today, we will send a bill

to the President that finally funds this important water project that represents the best of regional government, with multiple communities co-operating for the greater good.

Our success today owes to the support of many who took it upon themselves at one time or another to move this project forward. In particular I would like to thank Congressman JOHN SALAZAR, a good friend and tremendous leader who has championed this project since his first days in office.

The effort to build the conduit has been a journey that has its origins in post-World War II America, a time when members of “the Greatest Generation” were coming home to raise a family, plan their lives and build a new America with the same energy that they used to save it on the battlefield.

In the Arkansas River Valley, enthusiasm for the future was also high, but their enthusiasm was soon tempered by one significant limitation: the water needed to build and sustain that future was in short supply.

Yet geographic limitations were no match for the resilience and determination of the valley's residents. They came together and crafted a plan to satisfy the water needs of the valley's ranchers, farmers and rural communities.

The project came to be known by proponents and detractors alike as the Fryingpan-Arkansas Project. After a long and sometimes bitter battle, the project was authorized and signed into law by President John F. Kennedy in August of 1962.

The Arkansas Valley Conduit was a key piece of the Fryingpan-Arkansas Project. The vision was simple: deliver clean drinking water to 40 ranching and farming communities of the lower Arkansas Valley.

As the years went by, that vision developed. Civic leaders and citizens came together to call for a water delivery system to bring the West's scarcest natural resource to over 40 communities, across a 140-mile stretch of southeastern Colorado.

Unfortunately, the resources necessary to put that plan into place did not advance with the larger plan. While other parts of the Fryingpan-Arkansas Project moved forward, the Arkansas Valley Conduit languished and doubts began to grow about whether the Federal Government would ever live up to its part of the bargain.

Earlier this year, my predecessor, Senator Salazar and Colorado's now senior Senator, MARK UDALL, gave the conduit the jumpstart it needed by introducing legislation authorizing a Federal cost-share for the project.

After visiting southeast Colorado upon my appointment to the Senate, I immediately lent my strong support to the project and cosponsor this important legislation. I believe you would be hard pressed to find many bills that

have the support of three Senators from the same State during one session of Congress.

With that support, as well as the strong support and leadership of Representatives JOHN SALAZAR and BETSY MARKEY, Congress authorized the Arkansas Valley Conduit in the Omnibus Public Land Management Act, which was signed by the President in March of this year.

Unfortunately, this authorization did not happen in time for funding to be included in the administration's budget request for fiscal year 2010.

Our team advocated as strongly as we knew how for the conduit. And I can tell you, that after communicating how important this project is to the people of my State on many, many occasions, the chairman of the subcommittee, Senator DORGAN of North Dakota, soon emerged as a committed partner in the effort.

Let me say that the people of Colorado have a good friend in the Senator of North Dakota, and that the people of his State have a tremendously capable person representing their needs.

I am pleased that Senator DORGAN and his partners on the subcommittee considered the conduit along with many, many worthy requests nationwide and determined that \$5 million of Federal resources was what could get this project off to a promising start.

This first round of funding will be used for environmental analysis, planning, and design. The final project will enable these communities—all of which have average incomes well below the national average—to comply with Federal drinking water standards.

I hope that it is just a matter of years—not decades—before the people of the lower Arkansas Valley have a conduit to call their own.

When President Kennedy traveled to Pueblo to sign the bill authorizing the Fryingpan-Arkansas Project, he proclaimed it “an investment in the future of this country, an investment that will repay large dividends.”

“It is an investment in the growth of the West,” he continued, “in the new cities and industries which this project helps make possible.”

Today, for the first time in 47 years, we recommit to making that investment in earnest. Today, we begin the difficult, but long overdue task of building a brighter, stronger future for generations of Arkansas River Valley residents to come.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BURRIS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE PUBLIC OPTION

Mr. BURRIS. Madam President, for almost 100 years, Washington has been wrestling with the complicated question of health care reform. On some points, we have broad consensus. Costs are up. Health outcomes are down. Our system is broken. Americans deserve better.

We are faced with a crisis that breaks businesses, bankrupts families, and leaves millions of hard-working Americans out in the cold. This is why we must not fail in our efforts to make reform a reality. That is why we need to include a public option in our reform package—to foster competition, reduce costs, and extend quality care to tens of millions of Americans. I believe a public option is the only way we can accomplish these objectives. That is why I will not vote for any health care bill that does not include a public option. I believe the American people overwhelmingly support our efforts.

The American people overwhelmingly support our efforts, but not everyone agrees we need meaningful reform. There are some who seem satisfied with the status quo. For example, between 2000 and 2007, profits for America's top 10 insurance companies grew by an average rate of 428 percent. While the rest of us suffer the effects of a recession, these corporations hold American families and businesses in a vice grip, and they are squeezing them for extraordinary profits. Of course, they oppose any measure that would make them compete with a not-for-profit public plan. Of course, they want to maintain their virtual monopoly over the health insurance industry. In Illinois, two companies control 69 percent of the market. People don't have a real choice anymore. This is simply unacceptable. We need the competition and accountability a public option would provide.

Insurance giants have done everything they can to block such a plan. That is why I was surprised to see the study released this weekend by an insurance trade group called America's Health Insurance Plans. On the surface, it looks like the same twisting of facts, the same scare tactics and disinformation we have seen since the beginning of the debate. For instance, our opponents contend that the government wants to take over health care and create death panels. These claims have been debunked many times. In much the same way, this new industry study claims health care reform will drive costs up instead of down. They say the Senate Finance Committee bill would cost an average family an additional \$4,000 over the next 10 years.

But, as the committee has made clear, this analysis is fundamentally

flawed. The study overlooked key parts of the bill in order to produce skewed numbers designed to deceive the American people. PricewaterhouseCoopers, the company that conducted the study for the insurance agents, freely admitted this data was deceptive and incomplete. I quote:

The reform packages under consideration have other provisions that we have not included in this analysis . . . [and] if other provisions in healthcare reform are successful in lowering costs over the long term, those improvements would offset some of the impacts we have estimated.

According to the very people who performed the study, it is deeply flawed.

This is the same tired rhetoric we have seen time and again from those who stand to profit from our broken system. By itself, I would say this new round of disinformation is hardly surprising. But in the context of our current debate, I believe opponents of reform have actually hurt their cause.

So let's take another look at the study. It actually lays out a strong case in favor of a public option. By releasing the study, these insurance giants are saying the Finance Committee bill does not do enough to contain cost. They are warning us that unless we provide Americans with a public option that can compete with private companies, these companies will raise their rates by 111 percent. That is what this study really means. It was meant to be a hatchet job, but instead it has reinforced the need for real competition and cost containment in the insurance industry.

The need for a public option is as plain as day. Over the last century, Presidents from Roosevelt to Truman to Clinton to Obama have laid out a strong case for reform. Legislators on both sides of the aisle have spoken out on this issue.

This weekend, the insurance giants finally tipped their hand. In their rush to discredit health care reform, these corporations inadvertently laid out a strong case for the kinds of reforms I have been talking about for months. They tried to threaten the American people with higher premiums so they can maintain their out-of-control profits. But we will not fall for their tricks—not this time, not anymore. This study proves that the insurance industry will stop at nothing to block reform. The only way to keep them in check is by restoring real competition and choice in the insurance market. That is a strong argument in favor of a public option. It is an argument some of us have been trying to make for several months.

Last Friday, I was proud to join 29 other Senators to sign a letter in support of a public option. My colleagues and I know the American people deserve nothing less than meaningful reform that only a public option can pro-

vide. I never guessed the insurance industry would actually help us make the case.

After a century of inaction, the momentum is finally building. Real health care reform is almost within our reach, and we must not stop now. Yesterday, my colleagues on the Finance Committee voted out their version of a reform bill. I congratulate them on reaching this milestone. This is the farthest any such bill has ever gotten. But there is much work left to do. Before we take up this legislation on the Senate floor, we need to merge the Finance bill with the HELP Committee version, and we need to make sure the combined bill includes a public option.

I look forward to working with my colleagues to shape the final legislation. It is time for us to come together on the side of the American people. It is time to deliver on the promise Teddy Roosevelt made almost 100 years ago. It is time for health care reform that includes a public option.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

#### HEALTH CARE REFORM

Mr. GRASSLEY. Before I speak, Madam President, from my text, this year, for the most part, I haven't spoken on the Senate floor much on health care reform because so much of this period of time I have either been in consultation with Chairman BAUCUS or with what has been called the Group of 6, three Republicans and three Democrats, trying to negotiate a bipartisan health care reform package. I didn't speak during that period on the floor because in intense negotiations, you can say things sometimes that might upset the negotiations. I didn't want to do anything to do that. I want people to know that those negotiations, obviously, were not fruitful in the end because the leadership and the White House thought they had gone on long enough and that we ought to move ahead. I am not sure that was to Chairman BAUCUS's liking because I think he was comfortable thinking we could get to a bipartisan negotiation. Everybody in the Group of 6 wanted to. But, of course, they came to an end. Then, of course, it took a partisan approach from that point on.

I want everybody to know, though, that during that period of talks we had in the Group of 6 and what Senator BAUCUS and I were doing individually, it ended in a way that was congenial in the sense that up to that point everything was moving along, and during the 2- or 3-month period of time we were negotiating, there was never a period that anybody walked away from the table. There was never a period that there was ever a harsh word. There was a sincere effort during all that time to reach a bipartisan agreement. I am sorry that didn't materialize, but I have no regrets that I participated in the process because you

never know, you take it a day at a time around here. You never know, it could be very fruitful. And if it had been fruitful, it probably would have been better for this process in the Congress and better for the country as a whole.

For sure, this issue of health care reform is, in a sense, redirecting one-sixth of the economy because \$1 out of every \$6 spent in America involves health care. Of course, the issue of health care itself is a life-or-death situation with every American. That is what health care implies. Never before has Congress done stuff so encompassing and affecting such a large segment of the economy.

So in the process of 6 months of negotiation on health care reform, I feel much better informed about health care than I otherwise would have been, and I want to thank Senator BAUCUS for his patience in negotiating that and for every courtesy he gave to me and Senator ENZI and the Senator from Maine, Ms. SNOWE.

(Mr. BURRIS assumed the Chair.)

Mr. GRASSLEY. Mr. President, the bill is now out of the Senate Finance Committee. I commend the chairman for bringing the markup to where it was yesterday. It seems a long time since we started that markup on September 22. We have been able to air our differences, and we have been able to have votes. I think Senator BAUCUS tallied up 61 different rollcall votes we had during that 7- or 8-day period of time.

I would have to say to my colleagues in the Senate, I wish I felt better about the substance of the bill and would not have had to vote no. The chairman's mark underwent many changes during the process since the bipartisan talks ended, and I think the changes that happened since then are not for the good. I want to highlight a few of the changes I find most disturbing. As I highlight these issues, it will be clear that this bill is already sliding rapidly down the slippery slope to more and more government control of health care.

It has been the biggest expansion of Medicaid since it was created in 1965, and I think that is going to add up to 11 million more people being on Medicaid.

It imposes an unprecedented Federal mandate for coverage backed by the enforcement authority of the Internal Revenue Service. I could put that another way as well: In the 225-year history of our country, never once, to my knowledge—and I would be glad to be informed if I am wrong on this, but the Federal Government has never said any citizen in this country, anytime in that 225-year history of our country, has ever had to buy anything. They do not tell you what you have to buy or not buy. You make a consumer choice.

So for the first time in the history of our country, enforced by the power of

the Internal Revenue Service, people are going to have to buy health insurance. And if they do not buy health insurance, a family is going to be fined \$1,500.

Additionally, it increases the size of government by at least \$1.8 trillion when it is fully implemented. I want to emphasize "fully implemented" because right now we would read the papers as saying it is \$820-some billion and fully paid for, et cetera, et cetera. But this program really does not start until 2013. Oh, the taxes and the increase in premiums will start more immediately, but the program does not take off until 2013. If we figure 2013 to 2023 as the 10-year window, at that particular time—being fully implemented—\$1.8 trillion.

Additionally, it gives the Secretary of Health and Human Services the power to define benefits for every private plan in America and to redefine those benefits annually. That is a lot of power over people's health insurance and over people's lives.

Further, it will cause health care premiums for millions to go up, not down. It tightens further the new Federal rating bands for insurance rates. That means millions who are expecting lower costs as a result of health reform will end up paying more in the form of higher premiums. The new rating reforms alone will raise premiums by as much as 50 percent on millions, particularly in those States where there is not a lot of regulation of insurance and requirements on insurance.

I would say in regard to premiums going up, I will bet most of the 85 percent of the people out there who have private health insurance—we are talking about health insurance reform—that one of the things they would expect is that we would not have these big increases in premiums, as has happened over the last 10 years—terrible increases in premiums. Right now, we have the Congressional Budget Office and CBO saying that premiums are going to go up.

Part of this is because it is going to impose new fees, but it also has increases in taxes. These new fees and taxes will total about a half trillion dollars over the next few years. On the front end, these fees and taxes will cause premium increases as early as 2010, even before most of the reforms take place.

So let me say that a second time but yet another way: By saying that, a lot of the increases in revenue coming into the Federal Treasury or the money that is going to be saved in certain programs that is going to help pay for some of those start next year, but the benefits from the program and the policy does not kick in until the year 2013. So one of the reasons we can say it is revenue neutral is from the standpoint that there are 10 years of revenue or savings but only 6 years of policy costs that are there.

Then, of course, after making health premiums go up, this bill makes it mandatory to buy that insurance. That is what I previously referred to as the first time in American history—the first time in American history—the Federal Government has said we had to buy anything.

On several occasions, Republicans tried to take the chairman's mark in a different direction. We tried to ensure that the President's pledge to not tax middle-income families or tax seniors or veterans or change seniors' and veterans' programs was carried out. We were rebuffed every step of the way.

Republican efforts to provide consumers with lower cost benefit options were consistently defeated. This means that despite these promises, a lot of people are not actually going to be able to "keep what they have." We heard the President say that during the campaign, and we heard the President say that in September when he gave an address to a joint session of Congress.

It imposes higher premiums for prescription drug coverage on seniors and the disabled, it creates a new Medicare Commission with broad authority to make further cuts in Medicare, and it makes that Commission permanent.

In our Group of 6 negotiations—which I said broke up when the White House decided it was taking too long to do things right because they wanted to do it right now—during our Group of 6 negotiations, I resisted making the Commission permanent. I certainly was not going to agree to target prescription drug premiums. But this bill now requires the Medicare Commission to continue making cuts to Medicare forever. The damage this group of unelected people could do to Medicare is very unknown. In fact, we will not know for quite a few years because it does not even start operation until the year 2014, as I recall.

What is more alarming is so many providers got exempted from the cuts this Commission would make that it forces the cuts to fall on those who are covered, to fall directly, more so, on seniors and the disabled.

The Congressional Budget Office has confirmed that the Commission structure requires it to focus its budget axe on the premiums seniors pay for Medicare Part D prescription drug coverage and for Medicare Advantage. Sooner or later, it has to be acknowledged that by making the Commission permanent, those savings are coming from more and more cuts to Medicare.

Finally, I cannot help but note the incredible cynicism in an amendment that took benefits away from children. That amendment was offered and passed because the chairman's mark had the audacity to let children get covered through private insurance where, of course, there is a great deal of choice. In 41 States, children would have received access to a program that



is called the EPSDT benefit—basically diagnostic services. These benefits cover vitally needed services for children such as rehabilitation services, physical, occupational, and speech therapy, particularly for children with developmental diseases.

But those benefits were deleted by Rockefeller amendment No. C21. Now children in 41 States will not have access to health care, and they will be left in a grossly underfunded public program. They lost these important benefits.

What this mark has shown is that there is a clear and significant philosophical difference between the two sides. Throughout this markup, we have focused on trying to reduce the overall cost of the bill. We were told, flatout, no.

We focused on trying to reduce the pervasive role of government in the chairman's mark. We were told, flatout, no.

We tried to make it harder for illegal immigrants to get benefits. We were told, flatout, no.

We tried to guarantee that Federal funding for abortions would not be allowed under this bill. We were told, flatout, no.

We tried to allow alternatives to the individual mandate and also to the harsh penalties associated with that part of the bill that requires everybody, for the first time in the 225-year history of this country, to buy something that maybe they do not want to buy. We were told, flatout, no.

We tried to reward States with extra Medicaid dollars if they passed medical malpractice reform. We were told not just no, but, shockingly, we were told Medicaid is not even in the committee's jurisdiction.

We have watched while the other side has expanded public coverage. We saw Democratic amendments move millions from private coverage to public coverage. We saw Democratic amendments create new government programs that cover families making close to, would you believe it, \$90,000 a year.

At the end of the day, after raising billions in new taxes and cutting hundreds of billions from Medicare and imposing stiff new penalties for people who do not buy insurance and increasing costs to those who do, we still have 25 million people who are going to be uninsured.

I do not think this is what the American people had in mind when we promised to fix the health care system. As I said when this process started, the chairman's mark that was released 27 days ago was an incomplete but comprehensive, good-faith attempt to reach a bipartisan agreement. But then the modifications pulled that attempt at bipartisan compromise very far toward a partisan approach on several key issues.

With this markup being completed yesterday, we can now see clearly that

the bill continues its march leftward. The broad bipartisan character of the reform proposals have very dramatically changed. This partisan change is precisely what Republicans feared would have occurred at the later stages in the legislative process. Today, as we saw yesterday, we see that those fears that were expressed when the bipartisan process ended were legitimate, and we now see they were justified. The product proves that justification.

Nevertheless, I want people to know I still hope that at some point the doorway to bipartisanship will be opened once again. That might happen because I have read in the newspapers, and I guess I have talked to one of the Senators who is involved in promoting a great deal of transparency in this process—making sure things are on the Internet for 72 hours before we take up the bill; making sure it is paid for or at least we have a CBO score—maybe there is a chance there are enough Democrats out there who have some questions about the movement of this bill leftward that we would be able to have that doorway to bipartisanship opened again.

I also hope that at some point the White House and leadership will want to correct the mistake they made by ending our collaborative bipartisan work. I hope, at some point, they will want to let that bipartisan work begin again. Then they need to go back to that effort and give it the time needed to get it right instead of getting it done right now. I am open to that. I hope to speak to people on the other side of the aisle about that process moving forward because, here again, I get back to something I heard Senator BAUCUS probably say first, but I totally agree with him. It was said many months ago, and I think Senator BAUCUS still believes it. We may not be in a process that gets him to where he said he wanted to go, but something as serious as health care reform and something as serious as redirecting one-sixth of our economy ought to be done on a fairly consensus basis. During the process of bipartisan talks of the six of us, and even before that when Senator BAUCUS and I were talking one on one, we were talking in terms of getting a bill that 75 to 80 people would support in this body because of the significance of the issue we are dealing with: Redirecting one-sixth of the economy. At the same time, the words "health care" imply life or death. It affects the lives of all 306 million Americans who are here. It is clear that yesterday was not the day when that was going to happen, but you take a day at a time around here.

I think, eventually in this city, right wins out. Maybe not always. Maybe some people would think CHUCK GRASSLEY by saying that is very naive about the process, but there is something about "I believe," and I believe in the

process of democracy. I think we saw that at work in the last several months. I am not referring to the raucous things we saw on television that went on in town meetings. I only saw the ones that went on in Pennsylvania, Maryland, and Missouri; maybe they went on elsewhere. The town meetings we had in my State of Iowa were not raucous. Everybody was able to speak their piece. In every instance, I was asked a question, I was given the opportunity to answer it. I saw some of my colleagues not even being able to control their respective town meetings. It wasn't that way in my State. But I say this process, whether it is raucous or whether it is more civilized, is a process of representative government. I think the people of this country now have about a month to weigh in on this issue, both from those who want a single payer yet, those who want public option yet, and for those who think things ought to be done in an incremental way; and people who think we should not have a bill go through here that doesn't take into consideration what to do about the practice of defensive medicine and correcting that through medical malpractice reform in other words, getting rid of the frivolous lawsuits that get doctors to give patients every test under the Sun because they think that patient may someday sue them.

That is just one of many items that people back at the grassroots of Iowa, and I think the grassroots of America, think we ought to be dealing with. Well, there will be a month now to weigh in on these things. There is at least a week or two where we have to have a merging of the Senate HELP Committee bill with the Senate Finance Committee bill. There is still time, as Speaker PELOSI puts together a bill out of three committees in the House. There is an opportunity for democracy to work as it has during all the massive amounts of mail we are getting that we have never gotten before on a single subject and the turnouts at our town meetings and the telephone calls that come in. I think people made an impact, and I am suggesting they can make the same impact on health care reform as they made on the stimulus bill. It didn't get quite the results constituents wanted, but I can tell my colleagues that during a 10-day period of time, 5,000 Iowans called my office on the stimulus bill, and during that period of time about 83 percent were opposed to the stimulus bill. Those calls were coming in from all over the country into everybody's office.

As my colleagues remember, the Thursday before the Presidents Day break in February, everybody was being told that constituents would have 72 hours to read the stimulus bill, but an agreement was hastily reached that Thursday before that break and

the constituents didn't have 72 hours to read that product, because I think the leadership of this body and the White House were reading the grassroots objections to a \$787 billion stimulus bill, and if they waited around for the 72 hours for constituents to read it and it laid around over the week-long break, that it would never have been passed a week later, after the Monday of the Presidents Day holiday.

So people are listened to. This is an opportunity for the grassroots of America to speak up. If they speak up in the same way they did on TARP legislation, on stimulus, and they do it on this health care bill, it may make an impact. It may surprise people that Washington does respond to the grassroots of America. It may prove to the American people that representative government does work. What is representative government all about? It is about those of us who were elected being one-half of the process of representative government, and it is our constituents who are the other one-half of representative government. If there is no dialogue between constituents and those of us who are elected, we don't have representative government.

This is an opportunity, over the next month, for representative government to work for the people of this country, both for this legislation or people who think this legislation ought to be revised because I don't think we are going to have anybody calling in saying everything in America on health care is OK, but we are going to have a lot of people calling in and saying how they think it ought to be done. There will probably be a great deal of disagreement with a bill that constitutes the most massive involvement of health care in the United States since Medicare and Medicaid, with all its taxes and with all its premiums going up and all the cuts in Medicare that are going to scare the devil out of our senior citizens, et cetera.

I hope people will take notice now that all these bills are out of committee and they are coming to the floor because this is serious business. I hope the American population takes it seriously.

I yield the floor. I don't see other colleagues ready to speak, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I wish to speak briefly. I know we are going to get a lot of debate on this issue as we go down the road relative to the health care package which was reported out of the Finance Committee and the health care package which was reported out of the HELP Committee, of which I am a member, and how they are being pulled together and what the implications are for health care and for Americans, generally, who are all affected by these bills. This is 16 percent of our national economy. There isn't an American who isn't impacted by health care. So when the Congress decides to fundamentally change—and that is what is being proposed—fundamentally change the way health care is delivered in this country, it will have an impact on everyone and a very significant impact on everyone who has to interface with the health care system in the immediate future.

The bill that came out of the committee known as the Kennedy-Dodd Committee at the time, which is now the Harkin committee, which I am a member of, was a bill which basically subscribed to the view of a large majority, I think, of the House Democratic membership and a fairly significant group of Members on the Democratic side in the Senate, which essentially said the government should start to take very significant control over the health care delivery system in this country.

In fact, they would propose a public plan, a plan that would basically put the government allegedly in competition with the private sector. But we all know the government isn't a fair competitor, because the government doesn't have to play by the same rules as the private sector, and that would put us on a slippery slope toward a single-payer system or a nationalized system, much like you have in Canada and England. They have some very severe problems in those countries. There isn't a lot of innovation in those nations in the area of health care. Health care isn't of the quality that we have here, and they have significant delays and, in many instances, actual rationing where certain people cannot get certain treatments because of their age or they don't qualify under the rules that are set up. It is not the type of system we want in this country.

The purpose of health care reform should be to make health care insurance affordable to everyone, while in the outyears reducing the rate of growth of health care costs, and to allow people who have an insurance policy today to keep it. Those are the goals we set off when we stepped into the arena of trying to change the health care delivery system. Neither the Harkin bill—although it wasn't offered by him, but was offered by Senators DODD and Kennedy—nor the Baucus bill accomplishes any of those three goals. In each of those situa-

tions—take, for example, that everybody should have access to affordable health care. The Harkin bill, as scored by CBO, says that of the 47 million people who don't have health insurance, approximately 34 million would still not have it after that bill is fully phased in. The bill coming out of the Finance Committee varies and looks as if it is in the vicinity of about half of the people who don't have health care today will still not have it after that bill is phased in. As to the outyear costs, neither the Harkin bill nor the Kennedy bill controls outyear costs. In fact, the costs go up rather dramatically in the area of health care.

As to letting people keep their insurance if they like it—no, that doesn't happen either. In fact, large numbers—in the millions, according to CBO—would migrate out of their private system into a public plan because basically the employer would drop their plan. That is also true, I believe, of the Baucus plan, although we haven't gotten a final score on that. When you set penalties for an employer at a level that says to them it is fiscally prudent for them to pay the penalty rather than insure people, many will give up the insurance and push people into the subsidized program, called the exchange. Thus, a lot of people will lose the insurance they have today.

None of the three goals is met by these proposals. What do these bills do—especially the Baucus bill, which is the center of attention? First, they create a massive expansion of the size of the government. We are a government today that is running a deficit of \$1.4 trillion this year. That is three times more than we have ever had in the history of this country—\$1.4 trillion, which is about 12 percent of our economy. Historically, deficits have been about 3 percent of the economy. Today, it is \$1.4 trillion or 12 percent of our economy. That deficit doesn't come down dramatically. We continue to run deficits under the President's plan, prior to this health care bill being passed, of approximately \$1 trillion a year for the next 10 years. Average deficits over that 10-year period are between 5 and 6 percent of GDP, and we take the public debt from 40 percent of the GDP up to 80 percent. What do all these numbers mean? They are not just numbers thrown up in the air. They are obligations—debt we are running up on our children, because we have a government that is so large today that we cannot afford to pay the bills for it.

Almost every economist of any note or credibility says that when you run deficits that exceed 3 percent of GDP for an extended period of time or when you take your public debt from 40 percent to 80 percent of GDP, you are basically creating an unsustainable situation—a situation where you cannot pay the debt, and where your children and our children's children, who will be



subject to these deficits and debts, will end up with a government they cannot afford and which will lead inevitably to devaluing the dollar. We are already seeing a reaction to that in the international marketplace, and probably a massive increase in the tax burden, which reduces productivity and reduces, therefore, job creation.

Those are not good scenarios for our kids. It means a lower standard of living, less opportunity to buy a home, to send their children to college, and less opportunity to do what our generation has been able to do, because they are having to bear such a burden of the Federal Government—on top of this government that is, today, already projected to run deficits as far as the eye can see of \$1 trillion a year, to a public debt that will go from 40 percent to 80 percent of GDP. The proposal is that we are going to spend another—when it is fully phased in—\$1.8 trillion over 10 years on this brandnew entitlement program. And then the almost laughable—were it not being presented in such a way that is claimed to be sincere—proposal is: but we are going to reduce the cost of government.

A brandnew entitlement will be created, which costs us approximately \$1.8 trillion over a 10-year period. It scores at \$823 billion in the first 10 years because it is phased in. In the first 4 years, they take revenues in from the bill, but they don't start the program. The numbers are all skewed in the first 10 years. If you look at it in the 10-year tranche, where the program is fully implemented, it is \$1.8 trillion. We are going to create this massive expansion of the size of government with these brandnew entitlements being put into place and, in the process, grow the government at a rate that it hasn't grown in recent history, taking government from about 20 percent of GDP up to about 23, 24 percent—unsustainable levels—and we claim we are going to do it while reducing the cost of government, which is absurd on its face.

Some would argue that we need to do that in order to take care of health care, and that this is revenue neutral because, as a practical matter, we have put a cut in Medicare of \$400 billion and tax increases of \$500 billion, and those will pay for this over that 10-year period.

What they fail to tell you, of course, is when it is fully implemented, neither the cut in Medicare is large enough, nor are the tax increases, to make those numbers. To give them the benefit of the doubt, let's say that this Congress is going to cut Medicare by \$400 billion and create a new entitlement for uninsured people—take it from seniors and give it to the uninsured people. And this Congress is ready to raise taxes by \$500 billion. Let's give the benefit of the doubt to the Congress, which I know isn't going to happen because, just 5 years ago, I

was chairman of the Budget Committee and I suggested we reduce the rate of growth of Medicare by about \$15 billion, and we could not get any votes on the other side of the aisle for that, and now they are suggesting they are going to cut it by \$400 billion. That is what is called "bait and switch." It doesn't happen. This proposal won't occur.

As a practical matter, giving them the benefit of the doubt and saying they are able to raise close to \$1 trillion in new taxes, or spending cuts in Medicare, over the next 10 years, recognizing in the following 10 years it is not nearly enough, why is that incorrect to have a program if it is paid for? I will tell you why. This government is running so much debt to the extent that if we are going to use resources like that, we ought to reduce the debt of the country, not use them to create a new program on top of a government that is too large as it is. We know for a fact—an absolute fact—that Medicare has a \$34 trillion unfunded mandate. Try to think of that. That means we know that we have expenditures in Medicare that will exceed income in Medicare by \$34 trillion.

So why on Earth would we cut Medicare spending by \$500 billion, or \$400 billion, and use that money to create a new program? We should use that money, if we are going to take that action—and some of that action is responsible—and use it to make Medicare more solvent. If we are going to raise taxes by \$500 billion—tax the rich, as the House claims, and they always end up taxing middle-class America, or are we going to add special fees against special industries, such as the pharmaceutical, hospital, medical device, and other industries? If we are going to do that and assess a penalty on people who don't buy insurance, and we are going to assess small businesses that don't buy insurance a penalty, should we not use that money to reduce the burden of the debt of this country as it is being driven by the present health care system, not by adding a brandnew entitlement that absorbs all those resources?

There are a lot of ways we can do health care reform here that are much more responsible than what is being proposed. The recent claim by the White House and Members of the other side is that this bill isn't going to affect people's premiums at all. The premiums will go up, but no more than usual. That is so unbelievable on its face. Think about this. This bill suggests that insurance companies are going to have to pick up a massive increase in the cost of insuring people because—for a lot of technical reasons, but basically it sets up a system where not enough people will be coming into the insurance pool; a lot will be opting out to cover the additional costs, which is going to have to occur as a result of the very rich benefits package

under this bill and the fact that there is no longer any exclusion. Everybody gets covered by insurance. So on the face of it, insurance companies aren't going to be able to absorb those costs. They are going to pass them off to the people who pay the premiums.

Then the bill suggests they are going to put another 14 million people under Medicaid—take Medicaid coverage from 100 percent up to 133 percent of poverty. We already know Medicaid only pays 60 percent of the cost of health care. We already know that for the people under Medicaid, 40 percent of the cost is being borne by people with private insurance, who are paying for not only the cost of their health care but for the 40 percent of health care costs that are not reimbursed under Medicaid. So when you add another 14 million people, that goes onto the premiums of the people in the private sector. Thus, the premiums have to go up because they cannot absorb all the costs.

Then we know that a large number of people will come into the system but not enough to cover the fact that everybody is going to be required to be covered. There is going to be something called "adverse selection," where some folks basically buy coverage at the last minute because they are suddenly finding they are sick and haven't been paying into the pool very long. They will be able to do that under this system and, thus, drive up the cost of insurance for everybody else.

We know the insurance prices will go up there. We know the premiums are going to go up significantly. That is just common sense. Whether you accept the study by the insurance companies or look at what—it is like 1 and 1 makes 2. It is an obvious fact. Then we ought to know something else. The hospitals, under this proposal, have agreed to chip in—in order to basically be at the table—for something like \$20 billion or \$40 billion. The drug companies have agreed to chip in \$80 billion. When you add that all up—all of which is passed back to consumers—none of them will absorb all of the costs, and you end up raising the cost of health care.

In the end, people's premiums will go up—people who have private insurance. You might say: Why would somebody do that? Why would somebody drive up premiums on people? I will tell you why. Because the goal here is to basically eliminate private insurance. The goal here is to create a structure where essentially people who get private health care through private insurance or their employer will be forced out of that health care insurance and into an exchange, where there will be a public plan, when this is all over. The government will essentially absorb all insurance. This is not a good idea. Why isn't it a good idea? Because the government basically, in order to control costs, can

only do two things: it can limit access or it can control prices.

I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. It can limit access or control prices. Either way, it significantly undermines the quality of health care.

There are about 180 million people in this country—or more, I guess—who already have health care and are fairly comfortable with the health care they are getting under the private system. There are about 190 million, actually. But they are going to be at deep risk.

There is something else here that is very serious that we have to think about. As you start to put these types of pressures on the system and you start to regulate prices and you start to regulate access and you start to regulate reimbursement and you have the government doing all of this, you start to stifle innovation. A lot of the drugs that come on the market today come on after a massive period of time of research—I think it averages 15 years—and a huge amount of investment. I think it is \$800 million to bring a new drug to the market. That \$800 million does not appear from out of the sky. People who are investing money say: I am willing to invest in that drug because I think it will work and it will do social good, but I also think I am going to get a reasonable return on my investment. But if you set up a system where you have price controls and where the return on investment is artificially low, you basically don't allow people to recover their costs or their costs plus a reasonable return on their investment. Then the money will not go into those research activities, the money will go somewhere else. It will go into new software. It will go into new machinery. It will go into real estate ventures where the return is better. You inevitably chill the investment in the innovation, especially in the area of pharmaceuticals, which is where most of the great research is being done today that is making better health care outcomes more available.

Mr. CHAMBLISS. Mr. President, will the Senator respond to a question?

Mr. GREGG. I am honored to respond.

Mr. CHAMBLISS. Mr. President, the Senator mentioned a little bit earlier about the previous attempt to slow the growth of Medicare. I remember during my House days—it has probably been a decade or more ago—when the Senator from New Hampshire was on the Budget Committee on the Senate side. We were looking at a rapid growth of Medicare, somewhere in the 7 to 8, 9 percent rate. What the Senator from New Hampshire is talking about is that in order to try to achieve a balanced budget and to make reforms in Medicare, instead of it growing at that rate,

we were going to reduce the rate of growth, not reduce the amount of money, just reduce the rate of growth to about 5 percent per year to help achieve a balanced budget and at the same time continue to provide the services under Medicare that we did then.

I ask the Senator what he thinks is going to happen if we are not reducing the rate of growth, but in this plan coming out of the Finance Committee that will be on the floor and the one that came out of the HELP Committee that will be melded with that bill, there is going to be a reduction in Medicare spending by about \$500 billion over 10 years. Will we be able to provide the same services under Medicare that we do now if we reduce the amount of money spent on Medicare?

Mr. GREGG. The Senator from Georgia asks a very appropriate question because the practical effect of the reductions which are being proposed is that people who are on Medicare Advantage, which is a program many seniors like, will be eliminated. They will no longer have the opportunity to use Medicare Advantage or it will be contracted so much that it will be a shell of its former self. This is being done not in order to make Medicare solvent—and there are very serious issues about Medicare solvency—it is being done in order to move that money over and start a new entitlement for a new group of people who are not seniors and who have not paid into the health insurance trust fund and who have no relationship at all to Medicare.

Mr. CHAMBLISS. The Senator from New Hampshire has been here a lot longer than I have, both in the House and his service in the Senate. Mr. President, has the Senator from New Hampshire ever seen a mandatory spending program that has been created by the Federal Government reduce its spending?

Mr. GREGG. The Senator asks another good question. "No" is the simple answer. We all know that once you start a mandatory program, it always grows and grows significantly. That, of course, is why we are in such trouble as a nation, because we have a number of mandatory programs to which so much has been added that we simply cannot afford them any longer under our present structure of a government.

Now we are going to take that problem and compound it by \$1.8 trillion, which is pretty irresponsible of us and fiscally irresponsible, but it is also irresponsible in the sense of stewards of our children's future because our children are going to inherit a government that cannot be afforded and they are going to get bills or get a devalued dollar.

Mr. CHAMBLISS. If the Chair will allow me, I wish to ask another question about Medicaid.

The proposal coming out of the Finance Committee to the floor of the

Senate has a huge effect on my State, and I am sure it has a similar effect on Senator GREGG's State, and that is this: The eligibility for Medicaid will move from 100 percent of poverty level to 133 percent of poverty level, which will add a significant number of additional individuals all across America to the Medicaid rolls.

In my State, where the Federal Government will pick up the tab for the first 3 years, there is going to be an additional cost of \$1.2 billion for those additional Medicaid-eligible individuals in Georgia. Beginning in the fourth year, the State of Georgia is going to have to pick up that \$1.2 billion.

The Senator from New Hampshire is a former Governor, and I assume New Hampshire probably has a balanced budget requirement, as we do. We are furloughing teachers today. We are furloughing State employees. Schools are operating 4 days a week instead of 5 days a week. We are doing everything we can to decrease spending at the State level and even below that to try to make sure we achieve that balanced budget. If we as Georgians are asked to come up with another \$1.2 billion to fund a health care program, we simply do not have the money to do it.

I ask the Senator if he has a similar situation in New Hampshire.

Mr. GREGG. The Senator from Georgia is expressing a problem which I think most State Governors are extraordinarily worried about, whether they are Republicans or Democrats, which is that this bill, as it starts up, covers the additional people who will be pushed into Medicaid, which is about 14 million nationally, but that coverage drops off in the outyears, and it will put many States in dire straits.

The Senator from Georgia talked about the numbers in Georgia. New Hampshire will have the exact same problem, only we do not have a balanced budget amendment. We are not that foresighted. I wish we were. So we already have a problem. We are already running major deficits in the State of New Hampshire, and if you throw these new Medicaid costs on, you are going to make it very difficult to do things such as spend on school systems and, especially in New Hampshire, on our college systems and our mental health care systems which are key to our quality of life in New Hampshire.

This will be a massive unfunded mandate. I saw the number \$33 billion as being what the States will end up picking up over the 10-year period. That is a big number for States to pick up. It will put massive strains on State budgets. It is another example of the Federal Government saying: Here, look at the wonderful things we have done for everybody, and then sending the bill to the States, which is totally inappropriate.

Mr. CHAMBLISS. Lastly, if I may ask one more question through the

Chair, as we reform health care—and 100 percent of the Members of this Senate agree that we need to reform health care. We have the best delivery system in the world, but it can get better. We can have a better delivery system. We have the best insurance system in the world, but it needs reforming. It can be made better.

Does the Senator from New Hampshire, who I know is familiar with the details of the plan that came out of the Finance Committee, know of any provision in that bill that is designed to reduce the costs of health care delivery in this country, which will help make that system better, which will help make the insurance system better by making premiums for insurance more affordable for folks who cannot afford it today?

Mr. GREGG. The Senator from Georgia leads in the way I want to close this discussion. There are ways to do what the Senator from Georgia is suggesting. There are ways to reduce the cost of health care in this country and to make it better.

Let's take, for example, malpractice reform, abusive lawsuit reform. None of that is in the Finance Committee bill. We should have something there. The President says he is for it. We should do something in that area. CBO scores this as a \$54 billion savings. That is not chicken feed—not in Georgia, not in New Hampshire. That is a big number. So we should have malpractice reform.

We should have proposals which basically incentivize employers to have their employees with healthier lifestyles. It is called HIPAA reform. That is not in the Finance Committee. It is very easy to do. You give people the incentive and employers the ability to say to someone: If you stop smoking, if you live a healthier lifestyle by reducing your weight, if you take the tests you need to take in the area of better health care, such as colonoscopies, we actually will give you a cash reward. We cannot do it under the Finance Committee bill and, to a lesser degree, under the Kennedy-Dodd bill or the Harkin bill but not as much as we would like.

There are specific diseases we should target, such as obesity and Alzheimer's. There are a whole series of healthy lifestyles. There are things we can do in a step-by-step manner which will get us much farther down the road toward quality health care for all Americans rather than this massive expansion of health care through a massive expansion of an entitlement which will lead inevitably to, in my opinion, a huge debt being passed on to our children.

Three groups are going to pay for this \$1.8 trillion: One is seniors citizens who are going to pay for the cuts through Medicare; two is small businesses that are going to have to pay

through massive increases in premiums for their insurance, and they will probably have to give up a lot of coverage of their people; and three is our children, who are going to have to pay the debt.

I appreciate the thoughts and questions of the Senator from Georgia. They are right on point. I thank him for getting involved in this discussion. In fact, I yield the floor to him right now.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I appreciate the comments of the Senator from New Hampshire, who has certainly been in the forefront trying to make sure, No. 1, that the budget of this country is in a very positive situation as we move forward and that we do not leave our children and grandchildren burdened with a debt they simply cannot pay. As he has said, they are the ones who, at the end of the day, along with senior citizens and the small business community, are going to wind up paying for this bill if it comes out crafted the way it is presented in the Finance Committee and the way it appears it is going to come out of the Finance Committee to the floor of the Senate.

Mr. President, I ask unanimous consent to speak for 5 minutes on another subject.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I have been waiting to come here for a bit. I have no problem with 5 minutes. I am patient. I want to alert the Senate what is going to be happening the rest of the day. I will wait for my friend from Georgia.

Mr. CHAMBLISS. If the majority leader wants to go—

Mr. REID. No, that is fine. I am happy to do this. I want everyone to know what is happening here tonight. I will do that when the Senator from Georgia finishes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING VERNIE HUBERT

Mr. CHAMBLISS. Mr. President, it is with great pride and yet much regret that I stand here today to recognize a dear friend and longtime servant of American agriculture who is retiring from public service.

Through nearly 25 years of serving in various capacities on the House and Senate Agriculture Committees, Vernie Hubert has exemplified tremendous character, an infectious personality, and an astute knowledge of the law, for which I admirably respect and thank him. I would like to issue a special thanks to his wife Kathleen and daughter Mary Phillips for allowing us to have him in Washington for the past 3 years while they have lived in Texas. I am eternally grateful for his dedication to agriculture. His encyclopedic

knowledge and valuable input will certainly be missed.

What began as an internship in the House Agriculture Committee for Vernie in 1982 has since blossomed into a distinguished agricultural law career. Before entering law school, he earned a bachelor's degree in biomedical science at Texas A&M University and even served as a first lieutenant in the U.S. Army Reserve Medical Service Corps after graduation.

Upon graduation from St. Mary's University School of Law in 1985, Vernie returned to his beloved South Texas for a brief stint as an assistant prosecutor in Brazos County. Though his heart has always remained in Texas, Vernie returned to the House Agriculture Committee to work with then-chairman Kika de la Garza and ranking member Charlie Stenholm, where he served for almost 20 years in various roles—as associate counsel, staff director, and legislative director.

In 2004, I was fortunate in luring Vernie to the Senate, where he has served as chief counsel on the Senate Agriculture Committee for me since then. We were successful in passing a farm bill last year, and a big reason for that success is due to the tireless, diligent efforts of Vernie Hubert.

Seeing that the 2008 farm bill was the fifth farm bill that saw passage during Vernie's tenure, it goes without saying that his experience in negotiating agriculture policy is not going to be easily replaced.

In fact, it is impossible to replace a person like Vernie Hubert, not only for his wealth of knowledge but also for the richness of his character.

In the years I have known and worked with him, he has remained a loyal confidant and has always kept American agriculture's best interests at heart. Vernie, you will sincerely be missed by everyone who has had the pleasure of working with you, and I wish you nothing but the best in all your future endeavors.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate the usual courteousness of my friend from Georgia.

There will be no more votes today, but I want to say a word about a statement made by my friend, the senior Senator from New Hampshire. He talked about the CBO saying there would be \$54 billion saved each year if we put caps on medical malpractice and put some restrictions—tort reform. Fifty-four billion. Sounds like a lot of money, doesn't it? The answer is yes. But remember, we are talking about \$2 trillion—\$54 billion compared to \$2 trillion. You can do the math. We can all do the math. It is a very small percentage.

I have said in meetings before that people who practice medicine are negligent. What does that mean? The Presiding Officer is a lawyer, my friend

from Illinois who is next to me is a lawyer, my friend in the aisle from Maryland is a lawyer, and we learned early on in law school what the definition of negligence is. If someone runs through a stop light or a stop sign and hurts somebody, they have been negligent. And our system of justice, carried over from the common law in England, allows people to seek redress for the injuries they received as a result of someone's negligence. Doctors are negligent. They are human beings and they make mistakes and they hurt people.

I have said before—and I will be very quick with a little story. My friend, Senator COBURN, is on the floor. He is a medical doctor. I used to spend hours and hours on the floor, and one day I felt in my left foot that my sock was kind of gobbled up on the bottom of my foot. I thought: What is wrong? I don't know what that is. So I went into my office and took my shoe off and the sock was fine. To make a long story short, I had a problem with my foot. As some know, I have run thousands of miles on my feet and one of them reacted. It was tired of running those thousands of miles, I guess. I was diagnosed with having a Morton's neuroma on my foot, which required surgery. They tried all the other things and they didn't work.

So I go into the hospital to have this surgery. Remember, it is my left foot. I am on the gurney—the hospital bed, whatever it is—and they are getting ready to do the surgery. I look down and I have a big mark from a Magic Marker on my right foot. I say: Why is that big mark on my foot? And the doctor and the personnel say: That is where we are going to operate—on that foot. That is why we put that check. I said: The wrong foot.

If I hadn't said something, they would have operated on my good foot and left my bad one for a surgery later on. That is negligence. I said something about that. But as I have said before, my wife was born shy and she will die shy. She is a very shy person. She would have been on that surgical table ready to have that surgery and she wouldn't have said a word about that big mark on her foot. I know her. We have been together these many decades, and I know she wouldn't have said a word. That is medical malpractice. We need to protect people from doctors who commit negligence.

In talking about the great report Senator GREGG cited, he failed to mention one thing I think is kind of important—important to me. If this went into effect, 4,853 Americans would be killed every year by medical malpractice. Over a 10-year period, I repeat, 48,000 Americans would die because of medical malpractice. So I would suggest people not wave that around because I don't think the American people want to be part of the

48,000-plus people being killed because of medical malpractice—malpractice by doctors, not other personnel.

We haven't done a thing today. Why? Because the Republicans will not let us. We had cloture invoked on an important piece of legislation and they are using the 30 hours postcloture. For what? For nothing. For nothing. No one is coming here from the other side saying how important it is they have the extra time to talk about this legislation. It is wasted time.

The Republicans have made the political calculation they would rather have no progress made. No suffering American gets help. They would rather do that than work with us to move forward on the most pressing issues in this country. It is not just limited to the health care debate we have heard about for months on end. Because they refuse to move forward, to hold up the legislative process for no substantive reason, we are wasting America's precious time and money.

We could be working on extending unemployment benefits at a time when unemployment is high in virtually every State—some States higher than others. Unemployment is running out in some States. We could be supporting the Department of Defense conference report—the authorization bill. It is the bill we do every year for our fighting men and women around the country and around the world. We are not doing that. Why? Because we are wasting time here. We could have a couple of hours of debate on it at the very most. But, no, we are wasting our time.

I came to the floor last night and said: Why are you doing this? They said: Well, if we could work a little longer, we could come up with a list of amendments. I repeat what I said last night. I was here until I don't know how late on Thursday. Everybody had vacated this building. I could have yelled down the hall and no one but a police officer would have heard me. Why? Because we were waiting for them to come up with some amendments so we could fill the bill. But they were just killing time. There was no intention of completing that bill. They were stalling for time. So I had to file cloture on that bill.

Department of Homeland Security. We have a conference report we would like to complete on appropriations. Are we doing that? No. Are we completing our appropriations bills? We got a letter from the Republican leadership saying: Let's do the appropriations bills. We are trying. But, again, they are stalling and will not let us. In the Department of Defense and Department of Homeland Security, we have two critical agencies that need all the support they can get at a time when our Nation is fighting two wars—two wars plus homeland security trying to protect our borders and protect the homeland.

We could be passing appropriations bills to keep our country running, in-

cluding Commerce-State-Justice that they held up last night. Instead, we are doing the Republican shuffle. If it sounds familiar, it should. Last year, Republicans broke the blindly partisan record of pointless filibusters—nearly 100. Not nearly; 100 is how many it was—more than any other session of Congress in the history of our Nation. What does this accomplish? Zero. Nothing.

The American people didn't demand paralysis, they demanded change, and we are trying our best. It is long past time for the Republicans to listen to what the American people want. Their strategy of stubbornness is shortsighted. I am confident that, in the end, these Republican tactics will once again prove to be self-defeating, just as they were last November. I am so concerned that we have the same Republican shuffle time after time and we spend hours and days on this floor doing nothing.

Mr. LEVIN. Mr. President, I wonder if the leader would yield for a question.

Mr. REID. I am happy to yield to my friend.

Mr. LEVIN. The leader mentioned the Defense authorization bill is awaiting action by this Senate. We have a conference report. We have spent months and months and months on this bill. There are critical provisions that everyone knows about. Some of those, it can be argued, well, doesn't that require an appropriation? The answer is: Yes, technically, some of these provisions do.

For instance, the pay increase requires an appropriation. But by holding up this bill—the conference report—we are holding up legislative provisions as well that are critically important that do not rely on appropriations. So I want to—

Mr. REID. I would say to my friend, the majority of your bill is legislative language that has nothing to do with appropriations.

Mr. LEVIN. And I want to ask the leader, if he can bear with me for a moment. I wish to spend a couple moments talking about a few of the legislative provisions. One, to remedy the military commissions law. It has been basically thrown out by the Supreme Court. We cannot hold people in front of military commissions and try them before military commissions under the current law. We have to modify this law. We have spent months doing it. The modifications are in the Defense authorization bill. Until these modifications are signed into law by the President of the United States, we cannot have detainees tried before military commissions.

We want to get equipment to Afghanistan. Many of us are focusing on strengthening the Afghan Army as a way that we can succeed in Afghanistan, to get their numbers up, to get their equipment up. But in order to get

nonaccess property from Iraq to Afghanistan, we have to authorize it. That is in the bill that is now being held up because, apparently, there is an unwillingness on the part of some of the Republicans to agree to a unanimous consent agreement with a time agreement for debate. No one is trying to preempt anybody from talking.

There is one other example. Unless we act, soldiers who are getting care at TRICARE facilities are going to have to pay \$100 a day extra. We have to stop that from happening—to continue the provision in law to extend the limitation on charges for patients who are getting TRICARE. On and on and on.

We have critically important legislative provisions, and my question to the leader is this: Am I correct in my understanding that we have offered a unanimous consent agreement, given a willingness to enter into a time agreement on how many hours of debate—and I know there are people who oppose the hate crimes provisions, for instance, in our bill. We are not trying to preempt debate. It is the opposite. We are trying to get on with the debate. So my question is: Is it true we have offered a unanimous consent agreement on the Defense authorization bill and that it has so far been rejected?

Mr. REID. Yes, yes, yes. I say to my friend, you have only mentioned a few of the most important things that satisfy and take care of the military and our fighting men and women in our country.

I say to my friend, I went to the first ever Reid family reunion in Searchlight. It was interesting. You should have seen the invitation—"sobriety requested." That was fine. Not everybody followed that, but it was pretty interesting. A child of one of my cousins was there and she said: I want to tell you that my husband is 30 years old and just joined the Army.

Because of the downturn in the economy, we have had huge numbers of people joining the military, and we need to take care of those people, such as my relative I learned about in Searchlight.

So I thank the chairman very much.

Mr. LEVIN. I thank the leader, and I hope our Republican friends will reconsider their objections to letting us proceed to the Defense authorization bill, which is critically important to the country.

The PRESIDING OFFICER (Ms. CANTWELL). The assistant majority leader is recognized.

Mr. DURBIN. Madam President, I will be very brief. I want to back up the comments recently made by Senator LEVIN of Michigan, the chairman of the Armed Services Committee, and our majority leader.

How can we, in the midst of two wars, stop the Department of Defense authorization bill on the floor when our sons and daughters, husbands and wives, Americans across this country

are risking their lives? We have this stall tactic on the floor, where they will not even allow us to bring this up for a vote for the Department of Defense authorization. A lot of people around here go back home for parades and wave the red, white, and blue and salute our troops and tell us how much they love them and then come to the floor and engage in stall tactics and filibusters to stop this.

I would say to the other side of the aisle: Don't go home and wave the flag of patriotism if you will not at least give us a chance to vote on the bill our men and women in uniform are counting on. Too many of them are doing just that. I might also tell you that when it comes to unemployment benefits, we know what is going on in America. Hundreds of thousands of people have lost their jobs. As of September of this year, the end of September, 400,000 Americans lost their unemployment benefits, another 200,000 will occur within this month and then 1.3 million total by the end of the year. We have asked the Republicans: Will you let us extend unemployment benefits for people who have no way to sustain their families? No. They want to filibuster this. They want to offer amendments that have nothing to do with this whatsoever. They want to drag it out. They have no sensitivity to these people who have lost their jobs and are struggling to keep their families together under the most difficult circumstances. The Homeland Security conference report is another one. That is going to pass soon, and we are having difficulty from the Republican side getting any kind of agreement getting this measure enacted. This is a measure about the safety and security of our country.

The Commerce-Justice bill, this is one Senator MIKULSKI brought to the floor. It includes the Federal Bureau of Investigation and law enforcement. We could not get a single Republican yesterday to agree with us to bring this bill to a vote after it sat on the floor for an entire week, waiting for amendments that were promised and never delivered.

Now we have the Energy and Water conference bill to put people to work in America. We had a vote earlier today, it was 79 to 17—people thought it was a great bill. Now it is being stalled. It is being stopped.

The bottom line is we came here to do some work, not to dream up ways to stall and not do the people's work. Too many people are being disadvantaged by this tactic. It is the tactic of the minority. It is one they will pay for because the American people understand they have no proposal when it comes to health care reform—nothing. Now they have no agenda when it comes to these important items for our men and women in uniform, for the people who

are unemployed across America to keep us safe through homeland security and basic bills for law enforcement and for Energy and Water appropriations. They want to stop them all, stall them all.

That may be a good tactic that some of their political consultants have given them but don't think the American people are going to accept it.

#### ORDER OF PROCEDURE

I ask unanimous consent that when Senator UDALL is recognized, Senator UDALL of New Mexico is recognized this evening, he control up to 1 hour of that time as in morning business and it be in order for him to engage in colloquies during this time; at the conclusion of that hour, Senator COBURN be recognized to speak for up to 1 hour; at the end of that hour, it be in order for Senator UDALL to be recognized for another hour under the same conditions as identified above; and at the conclusion of that hour, Senator COBURN again be recognized for 1 hour as identified above.

The PRESIDING OFFICER. Is there objection? The Senator from Oklahoma.

Mr. COBURN. I ask the unanimous consent be modified that I be given 3 minutes to speak prior to the start of that unanimous consent.

Mr. DURBIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I wanted to answer a few of the points of the distinguished majority whip. The reason the Energy and Water bill is being held up is because the conference took out transparency that the people of this country need to see. It could easily be fixed by the majority agreeing that we will send that back, we will send a resolution back and ask the House to put the transparency back in. That is the purpose for it. It is not a delaying tactic. The fact is, we didn't defend what we actually voted for. That is the answer to the first question.

The unemployment benefit, we all want to extend it. We just want to pay for it. We don't want to charge it to our children. We want to get rid of some of the waste. We want to either take some money from the stimulus account and pay for it, but we do not want to charge the unemployment extension to our grandkids. We think you ought to make those hard choices.

Finally, on the cloture vote yesterday, as far as I could count, there are 60 of you and all you had to do was bring 60 votes to the floor, which you chose not to do. There were only three amendments that have been voted on on the Commerce, Justice, and State. I have three amendments pending. I

agreed to have votes on them yesterday. Instead of having votes, we decided to do cloture, which was not achieved.

The final point that the Senator from Illinois makes, the very claim that we have no health care proposal—the first health care proposal that was filed and published was my health care proposal that is a comprehensive health care proposal that saves the government money, covers more people than any of the bills we have today, saves \$70 billion, saves the States \$1 trillion, and solves most of the problems as far as access and cost, it covers people with any preexisting illness.

It is not we do not have a plan, it is that we couldn't get our plan agreed to or listened to.

I understand the frustration of my friend from Illinois; there is no question. We do want—we almost had an agreement yesterday to finish Commerce-Justice. There is no question. Everybody knew that. Then we decided to vote cloture.

I am happy to finish. We can finish it tomorrow if we can come to agreement on the amendments. We vote on the amendments and finish that bill tomorrow and finish this tomorrow. They can both be finished tomorrow easily, so it is not about structure; it is about growing the Federal Government, expanding the size and scope of the Federal Government and charging the cost of that to the next two generations. That is the objection. It is not about slowing the process.

I understand it is frustrating being in the majority when, in fact, there are minority rights, but when the amendments aren't agreed to, aren't allowed to have majority votes, then you can understand our predicament.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. UDALL of Colorado. Madam President, it is great to be here with you this evening. I see Senator DURBIN is still on the floor, and I know he may want to speak to the issue that was just raised. We are here discussing the public option. I hope Senator DURBIN has a minute or two to talk about that.

Mr. DURBIN. I thank the Senator, and under the hour he has been given, I thank him for yielding a few minutes. Let me say, what happened to you in the conference committee has happened to all of us. You had an amendment adopted in the Senate. As I understand it, we all supported it. It died in conference. It is frustrating, something you believe in, something we all voted for, and you didn't get your way. But does that mean we are going to stop consideration of this conference report; we are not going to pass an Energy and Water appropriations bill because your amendment didn't survive in conference? If all 100 Members in the Senate took that position, we would never pass anything.

Mr. COBURN. Will the Senator yield?

Mr. DURBIN. When I finish. The fact is, each of us has to accept the reality here. We don't always get what we want. I have been denied opportunities in conferences for things I cared for.

One of them, for example, was to say the Federal Government was going to make up the difference in pay from activated Federal workers who served in our Guard and Reserve. Year after year it would be adopted on the Senate floor and killed in conference by the chairman from Alaska. Did I stop the money for the Department of Defense because of that? Of course not. I said: Tomorrow is another day and I will fight for it another day. But to stop the bill and say we are going to hold on for 30 hours or more because I didn't get my amendment in conference?

When it comes to the unemployment benefit, we are paying for these the same way every President has paid for them, through the FUTA tax. It is paid for. Frankly, it should be. These are people who paid into unemployment compensation for the day when they would need it and now the money is coming back out to pay them. But some people here have a different theory how they want to pay for it. So hundreds of thousands of unemployed Americans are waiting for the latest Republican theory on how to finance unemployment benefits. It is cold comfort to them to know we are having this great academic debate when a question about food on the table and taking care of their family is No. 1 in their minds. That is the problem with what has happened here.

You can always dream up a reason to vote no. You can always dream up a better idea. But at some point the business of government has to get on. People count on us—in this case, hundreds of thousands of unemployed people.

Let me say a word about public option, and then I will yield the floor back to the Senator from New Mexico. If we didn't get the message loudly and clearly Monday night about the public option when the health insurance industry threatened us and said: If you pass health care reform, we are going to raise your premiums, if the message didn't come through loudly and clearly that they not only have the power to do that, we empowered them to do it in ways no other company can because they are exempt from antitrust laws, the only way to keep them honest is to make sure health care reform does not disadvantage workers and businesses and families is to have a not-for-profit option, a public option that people can choose for health insurance. I fully support that public option. Those who say I am not sure if I would go that far have to accept the reality. Health insurance, private health insurance companies will impose premiums, they will fix prices because they can—they are exempt under McCarran-Ferguson—and

they can allocate marketplaces so they can own markets. They are in a dominant position. The only thing that can stop them is competition and the only competition that can work is a public option, one that comes in and is not profit driven but tries to provide quality care for people at affordable cost. I fully support the public option. I thank the Senator from New Mexico for yielding.

Mr. UDALL of New Mexico. I thank the Senator from Illinois. I think he makes some very strong points.

We are being joined here in the majority, Senator WHITEHOUSE is here, Senator CARDIN is here, Senator BROWN from Ohio is going to be here. We are going to be carrying on a colloquy about the public option for the next hour, so any of our friends in the majority who want to come down to the Senate floor and join us, I urge them to do that.

Senator CARDIN, I know, has a couple things to say about the public option. Please.

Mr. CARDIN. If the Senator will yield, I thank him very much. I thank the Senator from New Mexico for bringing us together. He has been not only a real champion on the public insurance option within the health care debate but a real leader in that we need to do something.

I listened to my Republican friends. They take the position the status quo is acceptable. The status quo is not acceptable. Health insurance reform is vitally important for the American public. I thank the Senator for bringing us all together to talk about it.

There is some general consensus among the Democrats. The first is we need to reform our health insurance marketplace. It is important for the Federal Government to take action to deal with preexisting conditions so people can get health insurance without discrimination, they get the ability to renew their policies, there is no cap on the annual amounts that preventive care covers without copayment or without deductibles. These are all important changes that are included in the health insurance reform that is making its way through the Senate.

Let me tell you, the main reason for all this is cost. I will be honest with my colleagues. We cannot sustain the current health cost escalation in this country. Let me give you a few numbers: 6, 12, 23. Ten years ago in Maryland, a family health insurance policy cost about \$6,000. Today it is about \$12,000. If we don't do anything, in 2016 it is going to be \$23,000. That is not sustainable.

We are currently spending, in America, about \$7,400 per person for health insurance, \$2.4 trillion. We have to do better.

Let me tell you something. Every family in Maryland who has health insurance is paying an extra \$1,100 a year

for those who do not have health insurance. So the status quo is unacceptable to the people in Maryland. It is unacceptable to the people of this Nation.

Our objective is simple. Our objective is to reduce the cost of health care to make sure every American has access to affordable, quality care, and we are going to do it in a fiscally responsible way that will not add to the Federal deficit. We want to build on the current system. Those who have insurance, we want to make sure they can continue to keep that insurance; that it remains affordable; that they have the right to choose their doctor. We want to make sure Medicare is strengthened. One of the best ways to strengthen Medicare is to bring down the escalating cost of health care.

We understand that Democrats want to make sure the Medicare system remains strong and that is one of the reasons why we think health insurance reform today is so critically important and we want to help small businesses have more choice.

That brings me to the public insurance option. Why do we think the public insurance option is so important?

First, I have heard some of my colleagues come down to the floor and say we want to protect you against the Democrats' bill that is a government takeover. This is not a government takeover. Was Medicare a government takeover? Of course, that is what our Republican friends said when we were considering Medicare in 1965, and if they had had their way we would never have passed Medicare.

But Medicare allows you to choose private doctors, private hospitals. It is all about providing an affordable way that our seniors and disabled population can get access to affordable care. It maintains the private network. We want to make sure we continue that.

Let me tell you the problem in Maryland today. That is that 71 percent of the people in Maryland who have private insurance are in one or two plans. That is not competitive. That is not competitive. One out of every three Marylanders has no choice on the private insurance plan that their employer offers. They must take that. That is not choice.

So the reason I am such a strong proponent of the public option is to bring down costs, to add more competition, to make sure we have an affordable product there to save taxpayers' dollars. That is why I want to see us make sure that we maintain a public insurance option, to be able to maintain your ability to choose your own doctor.

I will give you one more comparison; that is, take a look at what has happened in Medicare. We have Medicare Advantage. You can go to a private insurance option within Medicare itself. It would be one thing if they competed on a level playing field. They do not.

Today we are paying 12 to 17 percent more for every senior who chooses private insurance. Let me repeat that. For every senior who goes into private insurance, the taxpayers of this Nation have to spend more money.

The Congressional Budget Office has indicated to us that that amounts to about \$150 billion over 10 years. We cannot afford that. I am for private insurance, but I want to make sure it is affordable and that we are not oversubsidizing as we are today. Let them compete on a level playing field.

The reason we want the public option is to keep costs down, to keep basically the private insurance marketplace straight and honest in a way they make their profit, to make sure that in every part of Maryland, indeed every part of this Nation, there is an affordable insurance plan available.

Marylanders know what happened with what was called Medicare-Plus Choice when we had private insurance plans in Medicare and they left overnight. They had no insurance available. Fortunately they still had the public insurance option called Medicare. We want to make sure there is affordable coverage for all Americans, to keep the cost down.

I applaud my colleague from New Mexico for allowing us an opportunity to talk about this. I really do applaud the work that is being done by all of our committees, by the HELP Committee, by the Senate Finance Committee. Their options give us hope that we are going to move forward with health insurance reform and health care reform this year, to bring down the cost of health care, to make sure that every American has access to quality, affordable care and do it in a way that will be fiscally responsible. Democrats are giving us hope that we are going to be able to achieve that in 2009.

Mr. UDALL of New Mexico. I thank the Senator from Maryland. I think the Senator from Maryland has made such a strong case of why we need a public option. You know many of the folks who are out there wondering: Well, what is a public option? I think we need to go through a little bit of what we are talking about, because this is something that the American public understands. They know it in their heart. But let's go through a few of the details.

First, this is not going to be subsidized by the government. It is going to be fully funded by premiums. So we are going to be out there in the private sector. Premiums will be flowing in to this nonprofit entity, and it will be able to function and compete with other businesses. It is not going to make a profit for its shareholders because it is a nonprofit.

It would have low administrative costs since it operates as a nonprofit. That would allow it in the marketplace

to serve as a competitor with these big insurance companies that are out there. It would offer savings to its subscribers through lower premiums, greater benefits, or lower out-of-pocket expenses. It will have the same insurance requirements as private plans. So we are talking about something that will offer low cost and high value.

Let's take a look here at why it costs so much. You can see by this chart right here that in New Mexico, we have a situation where we have two companies controlling 65 percent of the market. All of us know the way the market system works. It works best when you have a lot of competitors. When you take a market and drive it down and only have two competitors, what you end up getting is those two competitors that are able to push up the cost. So that is something a public option would inject into the market, a competitiveness that we have not seen in a long time.

One of the things it would do is it would start lowering those premium costs we are seeing in New Mexico. I know Senator WHITEHOUSE is here from Rhode Island. One of the things I want to say about the Senator from Rhode Island is he has participated in this process already. Everybody knows he was on the HELP Committee. He had the opportunity to help write this bill. He has got a great deal of knowledge about what the public option is.

I believe it is only about 19 pages of the bill that passed out of the HELP Committee. People can read it. It is out there on the Internet. That 19 pages sets up the public option. So all we need to do is make sure that is in the bill that comes to the Senate floor, or that we amend it on the Senate floor if it is not in the base bill, or that we have the President of the United States say he wants a public option. He can weigh in to the conference and say those 19 pages, the public option, we want them in there.

I want to ask the Senator from Rhode Island to talk a little bit about the way he sees things from his perspective. What is happening up in Rhode Island on the public option?

Mr. WHITEHOUSE. I thank the Senator from New Mexico. I am committed to that. I am also delighted to follow the Senator from Maryland. Senator CARDIN and Senator UDALL have been, for many years before they even came to the Senate, when they were serving with such distinction in the House of Representatives, strong advocates for the elderly, strong advocates for the disabled, and strong advocates for consumers.

That is what a public option is all about. It is helping out people as consumers and providing better health care, the kind that the elderly and disabled get when they are on Medicare. They do not have so many worries that regular families have of whether they are going to get coverage.



The public option makes so much sense that it is very hard to argue against it as it is. So a great number of my friends on the other side of the aisle are arguing against things that actually are not being proposed, such as socialized medicine, or the government taking over health care.

None of that is suggested by our bill, anyway. The first words of the HELP bill are "voluntary plan." It is a voluntary option. As the President said when he was running for election: If you like the plan you have, you get to keep it. But if you do not like the plan you have, you have a public option, an alternative, a choice.

Why does that matter? Well, it matters to people such as Stephanie, a 28-year-old from Warwick, who recently learned that her insurance plan is refusing to cover the most costly and important medication that she has to take for a chronic rheumatic condition. She thought she had insurance. But when this condition appeared, and she realized the kind of treatment she needed, and her doctor said: This is what you need, Stephanie, the insurance company said: Oh, no, I am sorry. We are not going to cover that.

Our friends like to talk about how this will put the government between you and your doctor. Folks, the private insurance industry is, all over this country, getting between Stephanie and her doctor and millions of others just like them and telling them what kind of care she can and cannot have.

The public option will actually help free that up by providing alternatives where they can provide better service and broader coverage, at lower cost. Why might they be able to do that? Our friends on the other side of the aisle say: Well, it is because they will compete unfairly. Because they will necessarily take over any insurance market that they get into.

That is, frankly, a bunch of baloney. In my home State of Rhode Island, just two insurance companies dominate the market now. In fact, one of our health insurers reported \$37 million of profits, excess profits, that it wanted to take out of Rhode Island and repatriate to its home State outside of Rhode Island; \$37 million. Rhode Island has only 1 million people in it. We are a small State. This was a company with 16 percent market share in Rhode Island. So out of 16 percent of the Rhode Island market, in 1 year, they were going to pull \$37 million and send it out of State.

You do not have to do that if you are a not-for-profit company. That is \$37 million that can serve those 16 percent of folks with better coverage, with better quality service. The profit and huge executive compensation is money that could go instead into health care.

I also heard from Charles from Pawtucket. For 20 years he and his wife have worked. They are freelance musi-

cians. They have not had anybody providing them coverage through the business. But they have scrupulously and faithfully paid for health insurance and coverage. Recently his wife was in an accident. They are both in their late 50s. The insurance company took a look at them and said: You are out. They tossed them out; threw them off the insurance plan.

That is not the kind of choice people need. They need a public plan they can go to that will be reliable, and that will be there for them once they get sick. It is said about our private health insurance industry that they give you all the coverage you need until you need it. Suddenly it is loophole city. There is a better alternative and a better way.

Another way the public plan can help to fund that and to make up that difference is with less administrative cost. We have heard that on the private insurance side, 15 to 30 percent of the health care insurance dollar gets burned in administrative costs; Medicare, maybe 3 to 5 percent. So they are running probably five times as expensive as Medicare in their administration.

And what do you get for that? Well, you get told that you cannot have the care you need when you actually get sick. You get your doctors hassled so badly by the private insurance industry that they have staff to fight with the insurance companies. As I travel around Rhode Island, doctors tell me that very often 50 percent of their personnel is devoted to fighting with the insurance industry, fighting about prior approvals, fighting about getting paid.

So the 15 to 30-percent costs that the private insurance companies have for administration creates what I call a "cost shadow" in the health insurance provider community, because they have got to pay all of those people to fight back. You add the two together and it is big dollars. A public plan will work more effectively, will try to figure out the better way to provide care that does not invest its dollars in trying to fight with providers and figuring out how to deny you care. There is a huge amount of money that can go back into better quality care.

Another story is Tim from Warwick. He is a husband and he is a father. Right now his family health insurance has a \$3,500 deductible. Tim and his wife are not high-earning people. The \$3,500 deductible is a real risk. Because of it, they actually avoid care, miss appointments and do not take as good care of their health as they should, because they simply cannot afford the out of pocket. They save it for the big catastrophe.

They have tried. They looked around to try to find other things. They cannot find anything better because the costs are so high. So right now Tim

sees his family as tethered to that job, tethered to that insurance plan. If there were a public option and he did not have to get it through his job, then they could look and they could find an alternative and they would not feel as tied down.

How many people in America feel trapped in their jobs because they do not have an alternative for health care? And to protect their family's health care, they continue to slug away at a job, they defer the innovation and entrepreneurship they could do. They do not open their own business. They feel they have no choice.

The public option could give them a choice. Another way that could help save money is by providing a new model of service.

Over and over again, we find in health care that if you improve the quality of care, you can actually lower the cost. The waste in the health care system is phenomenal. The Lewin Group says there is \$1 trillion in excess health care costs—\$1 trillion in excess health care costs—every year in America; \$1 trillion every year.

The New England Health Care Institute has looked at this, and they say there is \$850 billion in excess health care costs in America every year.

President Obama's Council of Economic Advisers looked at how much excess costs there are in health care. They looked at it by comparing our share of gross domestic product to other countries' shares of gross domestic product that gets burned by their health care systems. We are the highest in the world. We are far ahead of everybody else. We are a complete outlier. We are at 18 percent of GDP. The next worse country is Switzerland at 11 percent, and the EU average is half of ours, and they get better health care results. We spend a fortune on health care. They looked at that comparison.

They also looked at the comparison of regional outcomes and how in some States you can get very high-quality health care with great outcomes and results, and it is a lot cheaper than in other States where you get very expensive health care and lousy results. They crunched all those numbers, and they looked from both sides, and they came up with the number of \$700 billion a year in excess health care costs. It is there.

We have a terrible model of service in this country. Anybody who has ever had a sick family member, who has had a chronic condition, who has been sick themselves—you have seen it. You know the inefficiencies in this system: the electronic health record that is not there, so your tests cannot be located and you have to carry your own file around; the insurance companies being just brutal to your doctors and arguing with them about your care, and you cannot get the care while that fight



goes on, while they sort it out; the doctors who cannot talk to each other. You have five specialists, and you are the one in the middle, and you are the one who is sick, and nobody is sorting it out for you, and nobody knows what the other person is doing. One person prescribes a prescription and another person prescribes a prescription, and those two interact in a way that makes you sick, and nobody saw that coming because it is disorganized.

All that stuff does not need to be there. It is excess cost. When you get rid of it, you improve the quality of care. A public option can go after that, and it will because it is not bound to try to make a profit every minute, it is bound to try to do the right thing. So there are innumerable reasons why a public option makes sense.

But, finally, I think the strongest one is that by not having to extract all this profit out of the system—by not having to pay CEOs tens of millions of dollars a year, by not having to maintain that huge administrative war with doctors and hospitals and war with their customers as soon as they get sick, trying to deny their coverage—by actually trying to find that newer, better model of care that provides better health care cheaper, they can actually drive down costs—and a lot.

I do not know if the right target number is \$700 billion a year or \$850 billion a year or \$1 trillion a year, but there is a big target number to find, and what a difference that would make for Lisa in Providence, who turned 55 this year. Her birthday present from her insurance company was a 30-percent premium increase—a 30-percent premium increase. She was at the point where she was just able to afford what she had. Madam President, 30 percent more is more than she could afford, so Lisa has now become yet another uninsured American. A public option will help because it will make health care affordable for people who want to have insurance, can be insured, but are not always insured. Lisa is a good example.

Our friends on other side often talk about the people who are uninsured as if they are some like alien species; that it is actually less than we think and we do not really need to worry about it; it is only just a few million here and there. The fact is, in the last year and the year before, 87 million Americans like Lisa had a period in which they were uninsured. They went without health insurance. You know how scary that is. Somebody is not just uninsured; they are a mom, they are a worker, they are part of a family, and something goes wrong and suddenly they cannot afford their insurance, and for a while they are uninsured, and then maybe they try to come back again. They get lucky; somebody in the family gets a job who gets coverage; they find a way to afford it. But there were 87 million Americans who, in

those 2 years, went without health insurance.

Do you want to know what 87 million Americans is? That is why this chart I have in the Chamber is colored yellow and red. If you go west of the Mississippi River and take the population of every single State, including the State of New Mexico, which is Senator UDALL's home State—and you just take out California—if you take every single one of those States and add them all up, that is 87 million people. That is the population of every single one of those red-marked States, from Minnesota, Iowa, Missouri, Arkansas, and Louisiana, and go all the way west—except for California—all of those States, if you add them all up, the population of every single one of those States, that is the number of people who in those 2 years at some point were without insurance. So it is important that we take that burden off these nearly 90 million American families.

Even for those who have insurance, this is a big deal because folks who have insurance find they go bankrupt very often. Right now in America, 62 percent of all bankruptcies are health care related. That is why American families go to bankruptcy more than any other reason—because of health care. I tell you, you can make fun of systems like Canada's or England's or France's; you do not see families going into bankruptcy because of health care in those countries.

This is a national tragedy that is happening to those families, which is totally unnecessary. Of that 62 percent of bankruptcies—where the family was doing fine, and a health care emergency put them over the edge and forced them to go into bankruptcy, where they lose their home, they lose their credit—78 percent of those bankruptcies—four out of every five of those bankruptcies happened to families who had health insurance.

So if you are listening to this and you are wondering why it is important we get this reform, because you think: I am insured, I am all set, I am not part of the problem, well, you are very lucky you have not yet had the experience of finding all those holes in your insurance coverage, because I will tell you what, for these families—four out of every five of the health care bankruptcies in this country—they thought they were covered too. It was a rude and sad awakening when their insurance companies started calling them up and saying: Sorry, we are not actually going to be able to cover you. We found an exception. We are rescinding the policy. We are throwing you off. We do not cover that. And they had to pay and pay and pay until everything they set aside, everything they worked for, everything they tried to build up for a secure future for themselves and their families was down the spout, lost in a bankruptcy because their health insur-

ance was not there when they needed it. That is another reason we need a solid public option, so there is an alternative to that kind of behavior, because it does not just keep people out of the insurance market, it clobbers people who think they are safely insured.

Madam President, I yield to Senator UDALL.

Mr. UDALL of New Mexico. Madam President, I say to Senator WHITEHOUSE, I want to ask you a question and see what evidence there was in the HELP Committee because what I understand in New Mexico is, if you look at the uninsured—I showed a chart in the Chamber a little bit earlier—one in four New Mexicans is uninsured. The big question is, Who are the uninsured? Who are the folks out there who are uninsured? As shown on this chart, adults under the age of 65, 31 percent; working New Mexicans, 31.4 percent; Hispanic Americans, 49 percent. So the uninsured are people we fight for every day, people we know, people we run into.

I know in the HELP Committee one of the things really focused on was the fact that we are talking about working people, working families who do not have insurance. They are out there in these smaller businesses. I know when you worked on the bill in the committee, you heard that kind of evidence. And you know your Rhode Island situation. Could you talk a little bit about that because I think people somehow think, like you said—I think you said earlier that being uninsured is from a foreign planet or something. These are people who are in our midst all the time. They are working hard, but they cannot afford insurance, and these small businesses cannot afford insurance to cover them. I was wondering if you could talk about that a little bit.

I see Senator BURRIS from Illinois has also joined us.

Mr. WHITEHOUSE. Madam President, I will speak briefly so the distinguished Senator from Illinois can follow up. I thank the Senator from New Mexico for the question.

In 2007, 2008—2 recent years—nearly 90 million Americans went without health insurance at one point or another. That is close to one in every three Americans, which means as you go around your neighborhood, the fellow with the truck delivering oil to heat your home; the lady in the corner at the bookstore; the guy who owns the gas station down the road—innumerable people whom you know in your real, regular life are in those nearly one in three Americans who are going through a period being without health insurance coverage. Some of them are going to be young people who choose not to do it. Some are between jobs,

and they rely on an employer to provide coverage because good luck buying coverage on your own in this country if you do not have an employer to argue the price down for you.

But I think it is really important that we press back against the notion that some of our colleagues are pushing forward: that there is this little group of uninsured who just kind of are not regular people and are different and are a problem, that they are not part of the American fabric. It is one in nearly three Americans who goes in and out of health insurance coverage.

As a parent, I have to tell you, if I had to go home at night and tuck my kids in and then go to bed myself and talk to my wife and be thinking about what might happen the next day if they got sick because we did not have health insurance for them—what an agony for a family to go through that period, when everything is at risk, when you are one illness away from losing everything you have. We put 90 million people through that in the last 2 years. It is real people, working people, real families, and they feel a lot of pain. That is one of the reasons we have to act. We have to get the reform bill done. It is for them, not for the special interests.

Mr. UDALL of New Mexico. Madam President, I say to Senator WHITEHOUSE, thank you very much.

One of the things I have just realized now, one of the things the three of us have in common is we were all attorneys general. I am proud of that fact. I am very proud of my service as attorney general. I know you both are. We were out there as attorneys general fighting for these working Americans we are talking about, whether it was consumer protection or doing law enforcement.

Madam President, I say to Senator BURRIS, I know those working families the Senator worked for back in the 1990s are the same working families he is fighting for on the public option. Could you jump in here? I know you have a situation in Illinois where you have traveled throughout the State. You have taken a measure of what is happening in Illinois with regard to health insurance. What would you say?

Mr. BURRIS. Well, Madam President, I say to the distinguished Senator from New Mexico and the distinguished Senator from Rhode Island, it is certainly an honor for me to be able to participate in this discussion.

I just left my 50th college reunion down in southern Illinois, where I had attended Southern Illinois University. I was introduced at the football game, by the way, which SIU won 46 to 23 or something like that. We beat Illinois State University. They announced me in about the third quarter.

Well, after the game was over, I say to the Senators, there was a line of people lined up to talk to me. What

were they saying in that line? Most of them were saying: Senator, whatever you do, we want you to keep a public option in that insurance bill.

I said: Well, there are three bills in the House, and they have a public option in them. The bill that came out of the HELP Committee here in the Senate has a public option. And we have not gotten the Finance Committee bill—as of last Saturday. But we just passed that bill the other day. Now, it does not carry a public option. What I am saying is, I do not see how we can address all of these issues dealing with health care rather than sick care, which is what has been taking place in America, without dealing with something that is going to create competition, create a reduction in costs, and, of course, cover millions of Americans. Senator WHITEHOUSE just talked about that 90 million—well, 47 million who are underinsured, and another 25 million to 30 million who are uninsured. So those are the problems we are having, and that is what it is going to take in order for us to get reform in America.

It is unconscionable to think we could do insurance reform and think that the insurance companies are going to not continue to make their profits. As a matter of fact, I spoke about this on the floor a few moments ago. Would you believe that what they have done is criticize the bill that came out of the Finance Committee? They have played into our hands. They have criticized that bill, talking about how much money it is going to cost, which gives us the best reason we would need a public option: because the premiums are going to go up if they don't have any competition.

When we look at their profits over the years, we see a 428-percent increase in their profits from 2000 to 2007. That is unacceptable. It is just unacceptable.

Mr. WHITEHOUSE. Mr. President, would the Senator yield for a question?

Mr. BURRIS. Yes.

Mr. WHITEHOUSE. As a former attorney general who had antitrust and consumer responsibilities, how many industries can the Senator think of that would get to announce to the world, if this bill passes: We are going to raise our prices! If you are in a competitive marketplace and you are not colluding with each other, how on Earth do you know as an industry that you are going to get to raise your prices, you are going to be able to decide to raise your prices? Isn't the market supposed to do that?

Mr. BURRIS. It is market driven, that is correct. If they do, they have collusion going on in terms of everybody raising their prices so they would be competitive, and they couldn't then go to choice and thereby keep the rates up and their profits up. So we are talking to the current AGs. If they would do this, we might have an antitrust ac-

tion, but that certainly is a circumstance we must be concerned with in terms of how they are seeking to increase their prices, and they might even be involved in a little price fixing.

Mr. UDALL of New Mexico. Senator WHITEHOUSE and Senator BURRIS, if you would just give me a second, I want to make sure he talks about the situation of workmen's compensation in the State of Rhode Island. I believe several States—and you have had experience with this—have experimented with a public option in the workmen's compensation context. It tells us a lot about what public option would mean if we put this in our health care bill.

Could the Senator speak to that a little bit?

Mr. WHITEHOUSE. We have heard a lot about how, if we let a public option go forward, it will give terrible customer service, horrible customer service. Senators have said it will be the worst combination of the IRS and the local Department of Motor Vehicles. But we can go to a State such as Wyoming, which is the home State, for instance, of the very distinguished ranking member on the HELP Committee who is also on the Finance Committee and, indeed, was one of the negotiators with Senator BAUCUS. When he goes home, he goes home to a workers' compensation system that is a single-payer, government-run system. The Wyoming business community doesn't seem to complain about it. So obviously, the customer service can't be that terrible because they would be thrown out if they were that terrible.

The other thing we hear about the public option is that if we let it in the door, it will take over the system because a public insurance plan can't compete fairly with private plans. There are predators who will be let loose in the system, we have heard people say. Well, half the States in the country have public plans that sell insurance in the workers' compensation market which provides—about half of it is health insurance. Some of it is paid back wages that were lost, but the rest of it is health insurance. It is little things such as carpal tunnel, it is terrible wrecks that occur, chronic conditions. All the different aspects of health care that get provided by health insurance also get provided by workmen's compensation insurance.

If we go to Arizona, for instance, which is the home State of the very distinguished Senator MCCAIN who ran for President on the Republican ticket, and Senator KYL who is the assistant Republican leader of the Republican Party—they go home to a State where there is an Arizona public workers' compensation plan that has been competing with the private sector in that market, I believe, since 1925. I don't have my notes in front of me, but my recollection is that it was from 1925. So for 80 years, they have been running in competition with the private sector.

That doesn't sound to me as though once we let the government in, competition is doomed.

The distinguished minority leader, Senator MCCONNELL, goes home to Kentucky. In the Kentucky workers' compensation system there is a private plan. The Kentucky workers' compensation plan, run by the State, is a public plan. It goes out and competes day to day with the private plans. It adds to the healthy marketplace. It adds to the choices that Kentucky business owners have. I have never heard Leader MCCONNELL or Senator MCCAIN come to the floor to criticize the workers' compensation public plans that operate at home.

So I think there are at least some examples that disprove some of the worst arguments that have been made about the public option: that it will give us terrible public service—well, the single-payer, all-government plan in Wyoming seems to disprove that—and that half of the States in which there is a competitive plan, including Arizona and Kentucky, would seem to disprove the notion that as soon as we let a public plan in to compete, it will take over. It just hasn't, it just doesn't, and the actual facts—what the military calls the facts on the ground—are different than the rhetoric in the air.

Mr. UDALL of New Mexico. Senator WHITEHOUSE, if I can interject at this point, I think you have given great examples of why we need a public option. As part of health care reform we are going to be doing in the next couple of weeks in the Senate—we have a Senate Finance Committee bill out of the Finance Committee now and we have the HELP Committee bill and our leadership is putting those two bills together—we have to have a public option be a part of the bill.

Senator BURRIS was visiting a little bill earlier about Illinois and the Illinois citizens and their comments on the public option. The Senator from Illinois may want to join in with what Senator WHITEHOUSE said about that competitive factor with workmen's compensation.

Mr. BURRIS. Mr. President, I think we must also give what is a very simple definition because I think the term has gotten misconstrued in terms of what the public option is. I hope our colleagues will understand it is nothing but choice. It will give the person who is uninsured, if they cannot get insurance—let's say the person has a pre-existing condition and they lose their job and that person goes to get insurance and they will not insure that person. Hopefully, our bill would take away the preexisting condition problem.

Let's just say the premiums are too high. Well, if there is a public plan, that person can go in and then acquire his or her insurance based on his or her income and ability to pay. That is

what we are talking about. That is the option an uninsured person would have. That option will entitle that person to get health insurance. It also, under this legislation, would entitle that person to get preventive care, which would prevent that person from getting a chronic disease or getting to the point where a disease gets chronic and they end up going to the emergency room in order to get service.

So we are talking about saving funds. We are talking about cutting down on the cost. We are talking about eliminating premiums.

So I say to the distinguished Senator from New Mexico, it is crucial the words "public option" don't turn people off because it has gotten to the point where it is creating problems in itself, the definition. But the purpose is to make sure those persons who don't have insurance will get insurance.

The President has said this. President Obama said: If you have your insurance and you like your doctor, we are not going to touch you. The reform would not interfere with you. Therefore, we are going to have it so that all of those almost 90 million Americans can get insurance, which will mean it will cut down on the costs we are all paying because of those persons who have to go to emergency rooms and who are not insured.

So I hope our colleagues will understand how important this piece in the whole reform bill is, where there will be choice for Americans, choice so they can select a company and not be paying premiums through their nose because premiums are going to go up. If we don't get reform, if we don't have reform for competition, if we don't do public option—this document says if we compete with private companies, these companies will raise their rates during this critical time by 111 percent. If we look at the profits they are making now and over the years, we will find those profits have been exorbitant. Therefore, I will say to my colleagues, it is key, even to my State of Illinois where we have only two insurance companies doing 69 percent of the insurance—that is almost a monopoly on who gets insurance—but two companies in Illinois, and we are a State of 13 million people. When two companies cover 69 percent of those who are insured, that, to me, is just not enough competition for rates to be reasonable so it is affordable.

Mr. WHITEHOUSE. Would the distinguished Senator from Illinois yield because he has made such an important point.

Mr. BURRIS. Yes.

Mr. WHITEHOUSE. He made the point about the lack of competition out there right now. I know that in Illinois, the lead company has nearly 50 percent market share, and the second company, a 22-percent market share, for a grand total of 70 percent market share, just in those two companies.

Mr. BURRIS. Yes.

Mr. WHITEHOUSE. But it is not just a problem in Illinois. There are 39 States—39 States—in which the top two insurers—just the top two insurers—have the majority of the market; more than 50 percent of the market, just between two companies. In nine States, one insurance company—one insurance company—has more than 70 percent market share, one company.

So the notion that there is a lot of competition going on out there isn't supported by the facts. If you are in one of those nine States where there is one insurer that has more than 70 percent of the market, you don't have a lot of choice. That insurer has extraordinary market power, particularly since they are immune to the antitrust laws.

Mr. BURRIS. Yes.

Mr. WHITEHOUSE. Extraordinary market power, and in the 39 States where more than 50 percent of the market is captured by only two insurance companies, they have extraordinary room to raise prices and fix prices and work with each other to make sure they maximize profits instead of taking care of regular folks, the folks I talked about earlier, real people who suffer real consequences. The result of it is that our health care expenditures are going through the roof.

I was born in 1955. In 1955, we spent \$12 billion a year on health care. In 1979, I just got out of college. It grew nearly 20 times, to \$219 billion that we spent on health care as a country. In 1987, I was just about to have my first child, my daughter, half a trillion dollars, \$500 billion. In 1992, we spent \$850 billion. Here we are in 2009, \$2.5 trillion. Look at the direction on the chart—the direction of that spending curve. We have to turn that around. Everybody in America, the insured, uninsured, doctors, nurses, hospitals, everybody has an interest in us getting this right and getting this bill passed so we can turn it around. I don't want to make a joke out of this, but do you remember the last time we had tried for health insurance reform, the insurance industry, which has turned on us now, turned on us then with Harry and Louise, who were that nice couple who raised all these worries and fears. They always worked with fear. I said the other day that Harry and Louise are not the problems; now it looks like Thelma and Louise. With those health care costs climbing, we are headed for the cliff, and we are all in the car together. It will be Democrats who have to work together to solve that problem before we go off that cliff.

Mr. BURRIS. That is key. I am looking at 29 of our colleagues in this body calling for a public option. That is a tremendous number.

Mr. WHITEHOUSE. I wouldn't be surprised if it were more.

Mr. BURRIS. Maybe there are 30 of us who signed the letter at this point.

Just what the Senator said—it is crucial that we now think about 30 more. We have to work on that.

Mr. UDALL of New Mexico. We have now been joined by Senator BROWN from Ohio. As the Senators who are on the floor know, he led an effort like this last week to put the public option forward. He has been amazing in terms of being dogged and being here on the floor fighting for the public option. I know he talks frequently about how people in Ohio have a real passion for this.

Mr. BROWN. I thank the Senators. Back in our States, Rhode Island, New Mexico, Illinois, Ohio, and Washington, we all hear from constituents all the time who are unsure of what their future is with health care. Too often they are denied coverage with preexisting conditions. Too often they have annual caps or lifetime caps on coverage. They thought they had good insurance. In fact, what I found in the mail I got from Springfield, Cleveland, Dayton, Oxford, and other communities is people thought they had pretty good insurance, and they find out, once they get circumstances when they needed insurance, it is not so great. They get sick and they have huge hospital bills and they have huge doctor costs or other expenses and they get a note from the insurance company that they are not going to cover that.

Some of the letters that break my heart are from people who clearly are under so much stress because of breast cancer or because their child is sick and they are spending hours a week fighting with insurance companies. It is those people who thought they had good insurance who find out it is not so great after all and they really support the public option. They understand we are going to change the rules in this legislation. No more disallowing care for preexisting conditions, no more caps or discrimination based on gender, race, or disability. They also know insurance companies are good at gaming the system. Without a public option, so many people think insurance companies will continue to game the system, even though we have written better rules in this bill. They understand insurance companies such as Medicare doesn't—excuse me, the public option, like Medicare, won't disallow somebody for a preexisting condition and throw them off insurance. They will keep the costs down. We know what the insurance companies said a couple days ago when they talked about costs going way up as if they have not doubled that anyway in the last 8 or 9 years. That was one more call and is actually is the best endorsement yet of why we need the public option.

Mr. WHITEHOUSE. If the Senator will yield for a question.

Mr. BROWN. Yes.

Mr. WHITEHOUSE. Not to belabor the obvious, but could he comment on

why it is that a for-profit private insurance company might pursue things such as rescission, which is when they throw you off a policy when you get sick because they found an error in your form, and you have been counting on the policy for years, but suddenly you are sick and they throw you out the door? What might the difference be between a for-profit insurance company and a public option when they are looking at that circumstance?

Mr. BROWN. Right. I will answer it in a fairly unusual way. I have a friend who is a lawyer for a company that produces soap. She said to me: I am glad we have a strong EPA because we are doing what I want to do anyway, and now our competitors have to.

If you are an insurance executive—if the four of us were insurance executives and I disallow people and I put caps on coverage because of preexisting conditions, and I do rescission, you are all going to have to do that. A lot of people may think this group of Senators up here hates insurance companies. I think insurance companies operate in their own short-term financial self-interests. That is why we need different rules, so they cannot deny care this way, and that is why we need a public option, which sets a gold standard. Public option will not use rescission. Public option will not deny care or put a cap on coverage or discriminate. Public option will not use preexisting conditions to keep people off. The public option will set the standard. So if these other private companies want to compete—and Senator WHITEHOUSE and I and our staffs in the HELP Committee wrote most of the language for the public option in a way that there would be a level playing field, and they will compete with Cigna and Aetna and United and WellPoint and these other companies in a fair way. We may not see the Aetna or Cigna CEOs making \$22 million next year because you can make that kind of money because you are cutting people off, you are using rescission. Once these insurance companies have to go under a set of rules, enforced in part by the public option, these salaries and profits may not be so gargantuan as the insurance companies have enjoyed all these years.

Mr. WHITEHOUSE. I mentioned earlier that in Rhode Island a for-profit insurer with only 16 percent market share, in a State of only a million people—you are all from bigger States; Rhode Island is a million people. It had 16 percent market share. It extracted in 1 year \$37 million in profit to repatriate to its headquarters out of State—\$37 million. Imagine how much care you could provide to 16 percent of a market of a million people with \$37 million, if you put that back into health care instead of taking it out in profit.

Mr. BROWN. As the public option mostly will do.

Mr. WHITEHOUSE. Yes, as the public option would do.

Mr. UDALL of New Mexico. We are near the end of our time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. UDALL of New Mexico. I ask unanimous consent to have 3 additional minutes.

Mr. COBURN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. I thank the Senator. I point out tonight that we have had a number of Senators come down here, and we have also been presided over by the gracious Senator from the State of Washington, Senator CANTWELL. I know she is a strong proponent of a public option. We have had Senator CARDIN from Maryland, Senator BROWN from Ohio, Senator WHITEHOUSE from Rhode Island; we had our distinguished majority whip, Senator DURBIN, here talking about public option. We have also had Senator ROLAND BURRIS from Illinois. So we have had a key group here.

We are going to continue to do this because, as Senators BROWN and WHITEHOUSE and BURRIS know, we have to get this done. Our constituents want it. The American people want it. There was a poll done, and 72 percent of the American people want to see a public option here.

I don't know if any other Senators want to sum up.

Mr. BURRIS. Well, 72 percent of the doctors also are supportive of the public option.

Mr. BROWN. I know one doctor who may not be for it on the other side of the Chamber.

The Robert Johnson Foundation found that more than 70 percent of the physicians supported the public option.

Mr. UDALL of New Mexico. I thank Senator COBURN for not objecting. I thank all Senators who appeared here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I listened off the floor to the debate of my colleagues. Many of the things that they identify as problems, I certainly agree with. Where we part company—having been in the health care field for over 25 years, and having practiced medicine during that period of time—is on the solutions they propose. Oftentimes, that will destroy the best of medicine that we have in America today and will render a larger government with less freedom in our country.

I want to address a couple of the issues. From the start, the assumption of those for the public option is that the government has done a good job with the health care programs they run today. I wanted to give a little history and put forth a little history.

There is no question that Medicare has benefited millions of Americans,

and will continue to do so if we can figure out a way to pay for it, which is one of the sad things about the pay-fors in this bill—that we are going to borrow \$500 billion and take another \$500 billion out of Medicare and create another program, when Medicare is not funded. If you go through health care today in the country, 61 percent of all health care expenditures in this country go through the government. If 61 percent is already going through the government and we are having health care inflation at 7 or 8 percent, why is it that if we are so good in 61 percent of it, we still have these kinds of problems as a whole? And actually health care inflation inside government programs is higher than outside government programs, which proves the point that we should not eliminate health insurance companies, but we should make them more efficient and streamlined.

The assumption behind the public option is this: They look at Medicare and at the administrative costs of Medicare and say that is all it costs to run Medicare. Then they look at the 10(k)s, the profit and loss statements of the insurance industry, and say look how high that is. If you take all of the health care insurance industry as a percentage of the dollars spent in health care and look at their expenses and their profit and their costs for running their business, in terms of cost of capital, and compare it to the true cost of running Medicare, what you find is Medicare costs about 3 or 4 percent more to run than private health care.

Nobody could be more disturbed as a practicing physician than I am about wanting to rein in the abuses in the insurance industry. Their answer is to create competition with a government plan. I believe you create competition by creating real competition. A government plan, government option isn't competition. It is the elimination of any other market in health care. How do we know that? We know that the way people are going to sign up for a government plan is because it is going to be cheaper. If you take the same factors—for example, the 15-percent fraud rate in Medicare and Medicaid—and add that to the cost of the plan, what you are going to see is we are going to end up subsidizing the government plan to a greater extent than even CBO would put forward. I will have a report in the next couple weeks that will outline CBO's accuracy on health care costs since they have been scoring them since 1965. I can tell you right now that the record is atrocious. Sometimes they missed it by 15,000 percent. They underestimate what the costs are.

I want to share a story about two of my patients over the last 6 or 7 years. I also want to share another story about somebody I talked to this week, whose son dropped out of medical

school and chose to not go to medical school. He was accepted, but he chose not to go because of this very debate and the likelihood that the government will become more involved in health care.

The story I want to tell goes to the very real need that my colleagues were addressing, which is true changes in health insurance. Everybody in this body wants to address the cost issue because that issue is what is driving the problems with health care. If somebody doesn't have access, it is not because it is not available out there, it is because they don't have the money to buy the access. So cost becomes the first stumbling block. Whatever we do, the No. 1 thing we ought to do is try to decrease the costs associated with health care. How do we do that? Do we do that by modeling Medicare, Medicaid, SCHIP, Indian health care, VA? Is that how we do it? Or can we do it in a way that will truly drive down the costs? There is no estimate out there about the actual cost reductions in the bills that are coming forward, either the Finance Committee bill or the HELP Committee bill. The HELP Committee bill actually raises the cost of health care. Should we be about figuring out how to lower costs? Let me give some examples.

Safeway has had no increase in health care costs for the last 4¾ years. How did they do it? They created incentives for their employees to stay healthy. When I say incentives, they were paying their employees cash money to change their behavior. They are limited on how much they can do that by a law called HIPAA, and, in fact, if they could do more, then they actually could have had a marked decline in their health care costs.

Then there is a company called MedEncentive where they run the insurance program for communities' municipal employees. Everywhere they have been they have lowered the cost of health care. How do they do it? They incentivize doctors by paying them more and incentivize patients by agreeing to do what the doctor says by cutting off their deductible or lowering the cost of their prescriptions if, in fact, they will follow good practices, best practices in terms of their care.

There are other examples such as Asheville, NC, where they have had a marked decrease. On average, what we have seen is a 20 to 30-percent decrease in health care. There is not a government involved in any of that.

I want to go back. Why is it that we view a government option as the answer? Because we perceive that the government can do it more efficiently and we perceive that is the only way you force competition in the health insurance industry. I agree, there is no significant competition in the health insurance industry. But having the government compete in it versus forc-

ing competition is where we divide and go away.

The second reason they want a government option is the following: If you are my age, in your early sixties, what is going to happen to you in Medicare is you are not going to have the same care that the people in the last 10 years have had because the reason they want a government option and the reason we want what is called a comparative effectiveness board is because the real reason for having a public option and a comparative effectiveness board is to mandate what can and cannot happen to you.

As a physician who has delivered thousands of babies and cared for every complication in gynecology and obstetrics one can imagine, as a physician who has cared for thousands of children from birth to high school, as a physician who has taken care of grandmas and grandpas in their elder years with complications from heart failure to cancer to chronic obstructive pulmonary disease to pneumonia to anything else, what is going to happen is the options are going to be limited.

The ultimate undercurrent of why we need and want a public option is that we will eventually create a system where most of America, about 82 million people, who have private insurance today will be in that public option and they will decide what you can and cannot have, which is counterintuitive to how we allocate scarce resources everywhere else in the country. We do allow the forces of competition to allocate it, but it requires individual personal responsibility. It requires a transparent market, which I agree we do not have. It requires real competition, which I agree we do not have. But the answer is not another government program.

Now back to the two examples in my practice. I give these examples because I want people to see what is going to happen as the government becomes more and more involved in health care.

These are two patients I have cared for over 20 years each presented at different periods of time with no true signs or symptoms of significant disease other than the fact that having known these people for years, I sensed something was different. I ordered a test. It was denied by the insurance company. I managed to get my friends, who happen to have an MRI who also practice medicine on a not-for-profit basis, do an MRI on this one gentleman. It just so happens the gentleman had the same disease that Senator Kennedy recently succumbed to. No signs, no physical diagnosis.

The only thing that allowed me to query that was the art of medicine. Not the book training, not the gray hair, not the experience, but the gut of knowing and having seen and been experienced with a patient over a long period of time to say something has changed. In fact, the insurance company came back and paid for the MRI.

An identical thing happened about 4 months later with another individual. One of those individuals, by the way, is still alive. The other, unfortunately, succumbed.

So we do need real competition in the insurance industry. We need to make sure we create that. The debate between what my colleagues on the other side of the aisle offered tonight is how do you best do that. Do you do that by setting up a government program that is infinitely funded and will actually charge rates that will be under the true costs and will be just like another Medicare Program where we have an unfunded, long-term liability that our kids are going to have to pay for, close to \$75 trillion? That is the worry. That is what the real debate is.

I thought I would spend a minute talking about can we fix health care without tremendously growing the size and scope of the Federal Government. You cannot even talk about health care until you are willing to talk about what we are doing today. What we are doing today and what we are going to be doing tomorrow, and, if this bill passes, what we are going to be doing for the next 20 years is borrowing a large percentage of the money we will spend from our grandkids. That is an unsustainable course. It is not one that we can achieve.

As we do that, we end up with youngsters such as this. If you cannot read this, it says: "I'm already \$38,375 in debt and I only own a dollhouse." That is a pretty stark statement. Here is a cute little girl on whom her parents have put a placard. Her parents obviously recognize that we are spending money we don't have on things we don't need.

I am not saying there isn't anybody in this body who doesn't want health care reform. Nobody probably wants it more than I do. It is the type and how we get there that is important and do we make her situation worse. Do we raise the amount of money we are borrowing to be able to fix a problem that is going to be a government-centered problem rather than a patient-centered focus?

Then we have this quote from Thomas Jefferson:

I predict future happiness for Americans if they can prevent the government from wasting the labors of the people under the pretense of taking care of them.

That is a pretty interesting statement and pretty insightful and foretelling because that is exactly where our Nation finds itself today—"wasting the labors of the people under the pretense" that the government will take care of them.

In about 10 years, government spending is going to be about 35 percent to 40 percent of our economy, and that is if we make it in the next 10 years given the present financial difficulties we have. But if we think and ponder a lit-

tle bit about what Jefferson had to say and we look at the Constitution, what we find is that through the last 20, 30, 40 years in this country, back to 1965, we started stepping outside the bounds of the enumerated powers that our forefathers brought forth. We have ignored them. Consequently, now we have government program after government program and agency after agency and we cannot afford it. We are borrowing the money. Under the guise of taking care of U.S. citizens, we can rationalize it.

America's health care is the best in the world. It just happens to be the most expensive. There are lots of ways to drive that cost down that are not at all considered in the bills in front of the Congress. Incentivizing people to do the right thing, the best thing, incentivizing the elimination—do you realize that 80 percent of the cost of health care today is defensive medicine; that if you attacked it slightly, not by eliminating lawsuits but by eliminating frivolous lawsuits—let me give the details. Ninety percent of all the suits that are filed never go to court and never get settled and never get answered. In other words, they are extortion claims. There is not a real medical claim. There is not a real issue, and it is not carried forward. Of the 10 percent that are either settled or carried forward, 89 percent of those are decided in favor of the medical community. So that is 11 percent of 10 percent, which is 1 percent of the cases.

If, in fact, we did not have the 90 percent of the cases that are frivolous, that are extortion attempts, what we know is that we could save about—CBO says under their score with limited liability changes, \$54 billion over the next 10 years. Other sources say it is closer to \$74 billion, \$75 billion. Madam President, \$74 billion to \$75 billion a year does a lot to help individuals in terms of free care, in terms of lowering the cost of care because, in fact, every insurance company in the country is paying for that care.

Finally, I will make one other point, and it is this. What most Americans do not recognize is that in this new bill that is coming out of the Finance Committee, there is a significant number of taxes. Actually, you are going to recognize the fourth tax on health care in this country. Right now you pay income taxes and a large portion of that income tax is now paying for Medicare and Medicaid—57 percent of it and 43 percent we are borrowing.

The second tax you pay is a Medicare tax of 1.45 percent and your employer pays 1.45 percent of every dollar you earn no matter how much you earn.

The third tax you pay is your private health insurance, whether you buy it through your employer or you buy it yourself, costs \$1,700 more per year because of the underpayment for the cost of health care for Medicare and Med-

icaid. So the cost of actually purchasing your health care goes up by about \$150 a month per family because we underpay the true cost of care under Medicare and Medicaid, and they are both broke.

Now we have a fourth tax of which 50 percent is going to be levied on people from \$40,000 to \$140,000 a year, billions and billions of dollars of new taxes.

Then we have taxes on the insurance industry. I don't have any problem with that—taxes on medical devices, taxes on PhRMA. But who is going to pay those taxes? Those taxes are going to get filtered down to the increased cost of health care. When we pay a tax when we go to a store to buy something, we pay that tax on top of the price.

So the groceries or the TV or whatever it did cost—what we thought it cost—it would cost that plus tax. That tax, in terms of the insurance industry, in terms of the Medicare, in terms of the drug industry, in terms of the medical device industry, in terms of PhRMA, is going to get passed on, causing an increase in cost. That does not include the tax you will incur if you choose not to buy health insurance because you think you are healthy or you want to self-insure yourself. You are going to pay a tax for that. Oh, by the way, if you happen to have a great health care plan or maybe a moderate health care plan, the way the bill is written, you are eventually going to pay a tax because it is going to be too good a plan. So we are all going to have four taxes on health care.

I wish to make one other comment. We all traveled during the month of August and we met with our constituents. This is the HELP bill that came out of the committee after 3 weeks of hard work. This is not the complete bill that the Senate will be considering. This is just part of the bill, and it is 840-some pages long. The standard protocol in committees, if you vote a bill out of committee and you have changes to it, what you do is put a modified bill on the floor—a substitute bill when the bill comes to the floor. Well, there are 85 changes to this bill that have not been approved by the committee. Yet this is the committee bill.

So not only do we have a debate that is erroneous in terms of the direction it is taking—in creating a larger government, taking away individual freedom, individual choice, limiting one's availability of insurance, increasing premiums, increasing taxes, and taking away an individual's ability to choose—we also have a bill that has been modified, outside the rules of the Senate, 85 times versus the bill I voted on in committee. That shouldn't surprise us, however, because of the way we are handling health care.

So I will sum up with just a couple other points. I don't believe there is an

American out there who doesn't think we need to do something about making health care more affordable, more available, and fairer in its treatment. I don't think there is an American who doesn't agree that we have a lot of waste in the health care system that can be eliminated. I don't think there is a physician out there who doesn't think we need to make some changes in terms of competitiveness in insurance and how that interferes with the decisionmaking by physicians and other caregivers. But I also don't think it is truly appreciated that in this country, if you are sick, you are going to get the best treatment anywhere in the world. It is just that it costs too much.

So how do we address that? Do we address that by growing the Federal Government and creating in this bill 88 new government programs with the bureaucracies that come with it or do we enable people to have the freedom to choose, to make their own choice about what they want and they need? With the finance bill, we are going to tell you what you have, we are going to tell you what the minimum is, we are going to limit your choices, and we are going to see a run toward either a regional co-op plan or a public plan.

But there is no question that what we are going to see is government-centered involvement in what we do and how we do it. That may be the direction we ultimately go. But the loss that comes with that is the loss of freedom, a loss of choice, and a diminished demand for personal responsibility and accountability, which is the very thing this young lady is counting on us doing the opposite of.

We are going to double our debt in the next 5 years. We are going to triple it in the next 10 years. It is going to be worse than that because we are spending money like drunken sailors. What do we owe the generations who follow us? What is it that we owe them? Do we owe them the heritage that was given to us? Are we going to transfer that heritage on, or are we going to ignore it?

In terms of health care, what is the best thing for our country in the long term? Can we take on another \$1.3 trillion of government at a conservative estimate, especially when you count what is going to happen with what is called SGR—the physician payment reform? Can we take on \$1.3 trillion? Will it only be \$1.3 trillion? Will we move another 10 percent of our GDP to the government? Because that is what we are doing. At what point in time does the American experiment quit working?

I look forward to the debate on health care. The plans before us will raise premiums, decrease care, limit choice, and bankrupt our grandkids. By saying no to that plan, it doesn't mean you don't want to fix health care.

There are some great plans out there to fix health care that don't cost money; that, according to CBO and others, will give the same results but will not create the massive new Federal bureaucracies and take away personal freedom to make decisions about you and your children and your family based on what your needs are, what your perception is, and what your ability is.

Madam President, I thank you for the time tonight, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. BROWN. Mr. President, earlier this evening, only an hour or so ago, Senator UDALL from New Mexico led a discussion with Senator BURRIS and Senator WHITEHOUSE and others. I was there part of that time, with Senator CANTWELL involved from the Chair. It was extolling the importance of the public option, that it makes such a difference in terms of keeping the insurance industry honest, keeping costs down, and providing extra choice, so if people want to choose private insurance, they can; if they want to choose the public option, they can.

The insurance industry, in its wild claims only 2 days ago in a manufactured report that an accounting firm did that was clearly incomplete and hastily done, claimed huge insurance company increases based on our legislation. The fact is, they have already doubled insurance rates in less than a decade, in only 7 or 8 years. That is as good an argument for the public option as we can find.

In 5 minutes or so, I would like to speak to the Senate. I have come to this floor, night after night, reading letters from constituents I have, from Trumbull County near Youngstown, near Summit County, the Akron area, from Cuyahoga County. These all happen to be, in this case, from northeast Ohio, from near Dayton or Cincinnati or Wilmington or Chillicothe.

What I found in letters I am getting from my constituents, as is the Presiding Officer, I think, when he gets letters from Richmond or the Washington suburbs or from western Virginia, is that most of this mail I get comes from people who had good insurance policies, they thought, until they got really sick, and then their insurance policies would be canceled or they would spend so much of their time fighting insurance companies just to get payment, to get payment for something they thought they were covered for. I would like to share a couple of these letters.

Beverly and Dennis from Trumbull County write:

My husband is 62 . . . and worked for the same factory for 42 years . . . last year the factory shut down and his severance package was \$8,500 before taxes and 3 months paid insurance.

Forty-two years, \$8,500 severance, 3 months paid insurance.

After the insurance ran out, we picked up COBRA, which will be up this December right before Christmas. We've talked to different private insurance companies, but without anything really wrong with my health, they say my minor medical condition diagnosed 30 years ago was a preexisting condition. The best plan offered, just for me, was \$1,000 a month with a \$10,000 deductible.

A preexisting condition from 30 years before.

We have always been proud of our accomplishments over the 43 years of our marriage. I don't want to lose everything we have worked so hard for if something happens to us medically.

I wish those opposed to reform—

I wish my colleagues would listen to this.

I wish those opposed to reform would have to worry about the next meal, the next bill, the next doctor's appointment, or what would happen to them if they got sick.

We thought things would be smooth sailing after we got to our age, but we're afraid our boat is sinking and we are drowning.

Forty-two years in the same plant, married for 43 years, played by the rules, seemed to do everything right. This is what is happening to these people in their early sixties.

As many of these letters indicate, a lot of these letters come from people who are 59 or 63 or 61 or 64, just holding on until they can get Medicare because they know Medicare, like the public option, will never drop them for pre-existing conditions, will not discriminate against them because of geography or age or disability, will not cut them out of their plan, whether it is the public option or whether it is Medicare, for all kinds of reasons the way private insurance does.

Angela from Cuyahoga County, Cleveland area:

As a registered nurse I have seen too many cases where the lack of insurance prohibits needed care. I have experienced first-hand what it means to have insurance but be afraid to use it. My husband has worked for the same employer for more than 10 years, but both he and I are afraid to use his insurance for fear that too many medical bills will increase the cost of our plan. In the past 2 years, he has received memos stating that to keep medical bills down we should seek medical visits only when necessary.

As a strong believer in preventive care, I feel discouraged to go for my yearly physical



and my husband has not had a physical in 5 years.

This is from a nurse.

Thank goodness we are reasonably healthy. I encourage you to keep pushing for a public option—I'd be one of the first to sign up.

Think about that, her husband got a note from his employer saying: Please don't go to the doctor unless you absolutely have to. She is a nurse. She hasn't had a physical for a year. She hasn't had her yearly physical. Her husband hasn't had a physical in 5 years. They know they should get a physical. They are afraid of what it would cost both them and the employer to do that. Again, they are the victims of the health care system that too often skimps on preventive care, too often denies people coverage for reasons it should not, too often simply is a burden to so many of the people who have insurance.

I will close with a letter that is about health care but also about something this Senate needs to vote on quickly; that is, unemployment insurance. This is Mark from Franklin County, central Ohio. He writes:

I need my health insurance badly since I have had cancer twice. The only way I could previously afford insurance was through my employer. But my company was recently bought out and I was laid off.

Because of my preexisting condition, I can't afford the price of private insurance. In addition to my health and job issues, I have only one more extension on unemployment.

I really don't know what to do if I can't afford insurance. If I could find a way to receive insurance or get a job with insurance, I could be here for my little girls who I care for and who looks up to me for the world.

One person on the other side of the aisle, one Republican, stood up and objected. We were trying to pass the same unemployment insurance extension as they did in the House of Representatives. I know every Democrat is for extending unemployment, and I know most Republicans are probably for extending unemployment, but one Republican stood up and stopped us from doing that. That is so important because every day we fail to extend unemployment insurance, people are dropping off the unemployment insurance rolls and have to fend for themselves in ways that they don't know what to do.

It is not as if people don't want to work. The situation clearly is that people want to work, they are trying to find a job. In this economy, in my State as in many States around this country, people simply cannot find work, as hard as they are trying. We have an obligation to extend unemployment benefits. Not next month, not next year, but tomorrow when we come back here, I am hopeful my Republican friends across the aisle will not object to that extension of unemployment.

The last letter I will read is from Renee from Van Wert County, western

Ohio, near the Indiana border. She writes:

I, along with 300 other workers, were locked out of our company last year after it closed down and moved to Mexico. We will be losing our benefits this month and it is urgent you get unemployment extension passed as soon as possible. It would help so much if we could get our benefits extended, at least through the cold winter months.

I'm looking everywhere for a job and hope there is something opens up by the spring and the economy will pick up.

Thank you for reading my story and making me feel like there is hope.

Renee, again, we will go to the floor tomorrow to try to extend unemployment benefits.

Renee points out, particularly with the winter months coming, people will have to choose, if they don't have unemployment extension, between food and heating their home and taking care of their kids and all the responsibilities people have.

Somebody like Renee, from Van Wert County—I know Van Wert County. I spent a lot of time there. I know about the shutdown of this plant that went to Mexico. There are 300 people who lost their jobs. It is not as if they don't want to work. They were working hard, showing up for work every day. They were productive workers. They did what was asked of them. They were taxpayers, were involved in Little League, involved in their community. Those 300 workers can't find work. It is not a question that there is a job out there for them; they were looking for work. That is why it is so important, as they look for work, for them to get some help from their government. This is not welfare, extending unemployment insurance. It is called insurance, unemployment insurance, because they pay into it. They ought to get some help from that unemployment fund.

It is clear from this mail that people want this legislation to pass. They know our health care bill will allow people who are happy with their insurance to stay in the insurance they have but will build consumer protections around those policies—no more pre-existing conditions, for instance, to deny care.

Second, this bill helps small business provide insurance as most small businesspeople do. They want to provide insurance for their employees.

Third, this bill will help those who do not have insurance. They can go into this insurance exchange and get insurance.

Fourth, this bill provides for a public option, so if they don't want to go to CIGNA or Wellpoint or United or one of the big health care companies, they can decide to sign up for the public option which will never throw them off, just as Medicare would never disqualify their coverage.

It is clear what we have to do in the next month. In my State alone, from Akron, to Ravenna, to Cleveland, to

Garfield Heights, to Sylvania, to Cincinnati, 390 people in my State every day lose their insurance—390 people every single day lose their insurance. It is important that we move as quickly as we can in the next month or so.

#### MORNING BUSINESS

Mr. BROWN. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

#### REMEMBERING SENATOR EDWARD M. KENNEDY

• Mrs. McCASKILL. Mr. President, I rise today to recognize a great leader, inspiring public servant and American icon, Senator Edward Moore Kennedy.

I do not need to stand here and talk about what the Kennedy legacy has meant and continues to mean to this country. It is, at this point, simply a part of the fabric of our country.

I do not need to recite the résumé of Edward Kennedy or extol his many accomplishments. His life's work speaks for itself. It will stand the test of time and, no doubt, become even more remarkable when viewed in hindsight.

I do not need to reiterate each of the noble causes Senator Kennedy fought for with passion and vigor. We know that his pursuit of dignity, opportunity and respect for every man and woman will benefit generations to come, and inspire so many more to carry on in the cause.

Yes, there is no doubt that Senator Edward Kennedy will be remembered far into the future and that history will treat him well, but I want to take some time today to talk about the people here and now that he leaves behind that may be the most telling about Ted Kennedy. In those moments and for those people, we got a chance to see something very special.

For some people it was very personal moments shared between family and friends—the opportunity to know him in a way others could only hope to glimpse.

And some were his arch enemies at the podium while also his dearest, most respected partners on causes behind closed doors.

Some became believers based on passion-filled political speeches delivered from his earliest of days in the spotlight to some of his last, spectacular moments right here on the Senate floor.

While others had their lives changed because he was brave enough to stand up for them when the cameras were not rolling and the majority was not on his side.



Ted Kennedy, the lion of the Senate, would roar about the need for better health care, improved public schools, and providing help to working families. He knew how to channel the emotion, the urgency and the helplessness he saw in the eyes and heard in the voices of those he was fighting for. And he didn't just beam it from the mountain tops—he worked on the solutions to these needs day in and day out with astute skill.

There is a Ted Kennedy that will be remembered in the history books and he will be great and strong and smart and good, but there is also a unique part of Ted Kennedy that will stay with many of us in our own special ways.

A politician. A public servant. A patriot. A prince of Camelot. A fighter. A negotiator. A liberal. A brother, husband, father, and friend.

The Lion sleeps. . . .

Mr. CORNYN. Mr. President, I join my colleagues in appreciation and admiration of Senator Ted Kennedy.

By the time I took my seat in the Senate, Ted had already held his for nearly four decades. He had already established himself as one of the most influential members in this body's history. He had already introduced hundreds of bills that became laws and shaped thousands of others. He had already grown from youngest son to elder statesman and become an icon for millions of Americans.

Before I was ever elected, I respected Ted Kennedy. And after becoming his colleague, my respect grew. I was privileged to serve with him on the Judiciary Committee and to be ranking member when he chaired our Subcommittee on Immigration, Refugees, and Border Security. We worked together closely, and that experience has made me a more effective Senator.

Ted Kennedy and I often held different principles, but we shared key convictions too. We agreed that our immigration laws needed reform. We recognized that judicial philosophy mattered. We believed that providing advice and consent on appointments to the Federal bench was not merely a right of Senators but one of our most solemn responsibilities.

Ted Kennedy understood the power of language. On the Senate floor, he used words of passion, calling his colleagues to embrace grand visions with great urgency. In bill negotiations, he used words with precision, understanding better than anyone how legislative language governs, and how to codify his convictions into the law of the land.

Senator Kennedy and I shared an interest in the history of this body, and a special pride in those who held our seats before us. In my case, I have long admired Sam Houston, who liberated the people of Texas, served as one of our first Senators, and raised his voice against secession. In Ted's case, he

looked to the great Daniel Webster, who also stood for union, and for liberty.

Ted was drawn in particular to this quote by Webster:

Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.

All Americans can agree that Ted Kennedy's service in the U.S. Senate is something worthy to be remembered. Sandy and I continue to keep his wife Vickie in our prayers. And we offer our condolences to all who miss him most.

#### COMMENDING SENATOR MEL MARTINEZ

Mr. ENSIGN. Mel Martinez came to the United States from Cuba at the age of 15 as part of a humanitarian effort called Operation Peter Pan. We are all familiar with the character of Peter Pan he is careless and does not want to grow up. He is sometimes selfish and often conceited. It is ironic because Mel is the opposite of all of those attributes.

Mel Martinez arrived on our shores with no family and only the hope for a better life. He had to grow up incredibly fast, and he did so with great determination. He worked hard to learn English, graduate from college and law school, and build a legal career and solid reputation.

And then he decided to selflessly give back to the community and country that had given him so much. He rose to the highest levels of our government as the 12th Secretary of Housing and Urban Development under President George W. Bush. He served from 2001 to 2003, an especially trying time in our Nation's history. But his agency's focus on rebuilding Lower Manhattan provided necessary healing for a city and its citizens.

In 2005, Mel was sworn in as the first Cuban American U.S. Senator. It was a privilege to serve with him and to join together on many legislative efforts. Most significant was our work on expanding freedom and democracy for the people of Cuba. Cubans have been stifled for too long by a brutal communist dictator. They deserve a voice and an opportunity for a better life. Nobody knows that better than Mel Martinez, and I look forward to continuing our fight to support pro-democracy efforts.

Most recently, I was pleased to work with Mel on legislation to promote U.S. tourist destinations abroad. Florida and Nevada miss out on vital international tourism dollars because the United States has no entity to promote our amazing tourism opportunities to other countries. I am confident that the Travel Promotion Act, cosponsored by Senator Martinez, will pass the Senate shortly and will represent another

accomplishment by my former colleague to improve the lives of his constituents and fuel success for all Americans.

I thank Mel Martinez for his decades of public service in Florida and here in our Nation's Capital. He proved to us all that the hope for a better life combined with determination and the limitless opportunities here in America can make any dream come true.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

#### ENHANCED PARTNERSHIP WITH PAKISTAN ACT OF 2009

• Mr. KERRY. Mr. President, I ask that my statement and accompanying documents submitted this afternoon be printed in the RECORD.

The documents follow.

Mr. KERRY. Mr. President, today I wish to discuss S. 1707, the "Enhanced Partnership with Pakistan Act of 2009," which President Obama has committed to signing into law this week. The legislation is a result of negotiations between the Senate and House of Representatives reconciling our respective bills that passed earlier this summer. The final version passed unanimously in both the Senate and the House of Representatives, sending a very strong message of the desire of the U.S. Congress to strengthen our relationship with the people of Pakistan through a long-term pledge of economic and development assistance.

I hope that over time it will fundamentally change America's relationship with the people of Pakistan. I especially want to thank my colleagues Senator LUGAR and Representative BERMAN for their partnership in crafting this bill and their ongoing leadership on this issue.

It is hard to overstate the importance to our national security of getting our relationship with Pakistan right. The status quo has not brought success, the stakes could not be higher, and we have little choice but to think big. That is why the Obama Administration and many of us in Congress saw the need for a bold, new strategy for Pakistan.

The "Enhanced Partnership with Pakistan Act" is a centerpiece of this new approach, which is why President Obama asked Congress to pass the measure. This Act establishes a legislative foundation for a strengthened partnership between the United States and Pakistan, based on a shared commitment to improving the living conditions of the people of Pakistan through sustainable economic development, strengthening democracy and the rule of law, and combating terrorism and extremism. It is the intent of Congress to strengthen the long-term people-to-people relationship between the United

States and Pakistan by investing directly in the needs of the Pakistani people.

The overall level of economic assistance authorized annually by this legislation is tripled over FY 2008 levels, with the bulk of aid intended for projects such as schools, roads, medical clinics, and infrastructure development. The legislation authorizes \$1.5 billion annually for fiscal years 2010 to 2014 and recommends an additional five years of funding to demonstrate a long-term commitment to the people of Pakistan.

This legislation is an important first step in turning the page in our relationship with Pakistan and building mutual trust. It is a prime example of “smart power” because it uses both economic and security aid to achieve an overall effect that is greater than the sum of its parts.

But this bill is not a silver bullet. It provides powerful tools—but these tools are only as effective as the policy-makers who wield them. We must approach this endeavor with a large dose of humility. Our leverage is limited. This bill aims to increase that leverage significantly. But we should be realistic about what we can accomplish—Americans can influence events in Pakistan, but we cannot and should not decide them. Ultimately, the true decision-makers are the people and leaders of Pakistan.

There have been serious concerns in Pakistan in recent days over the perceived intent of this bill. We have spoken with Pakistani government officials, including Foreign Minister Qureshi and Ambassador Haqqani, to make sure we understand the nature of these concerns and to clear up any misunderstandings.

To clear up any lingering confusion and to reiterate Congress’ intent with respect to this legislation, Chairman BERMAN and I are submitting a “Joint Explanatory Statement” for the CONGRESSIONAL RECORD. The purpose of the Joint Explanatory Statement is to facilitate accurate interpretation of the text and to ensure faithful implementation of its provisions in accordance with the intentions of the legislation.

As the Joint Explanatory Statement makes clear, the legislation does not seek in any way to compromise Pakistan’s sovereignty, impinge on Pakistan’s national security interests, or micromanage any aspect of Pakistani military or civilian operations. There are no conditions on Pakistan attached to the authorization of \$7.5 billion in non-military aid. The only requirements on this funding are financial accountability measures that Congress is imposing on the U.S. executive branch, to ensure that this assistance supports programs that most benefit the Pakistani people.

The certifications in the Act regarding certain limited forms of security

assistance track very closely with previous Congressional legislation. The conditions set forth in the bill are reasonable and should be easy for any nation receiving American aid to meet. They align with and reinforce the publicly-articulated positions of the democratically-elected Pakistani government and Pakistani military leaders. The United States values its friendship with the Pakistani people and honors the sacrifices made by Pakistani security forces in the fight against extremism.

Mr. President, I ask to have printed in the RECORD this Joint Explanatory Statement along with letters of support for S. 1707, passed and printed in the RECORD of Thursday, September 24, 2009, from Secretary of State Clinton, Secretary of Defense Gates, and Chairman of the Joint Chiefs of Staff Admiral Mullen.

The material follows.

#### JOINT EXPLANATORY STATEMENT—ENHANCED PARTNERSHIP WITH PAKISTAN ACT OF 2009

Sen. John F. Kerry and Congressman Howard Berman

The following is an explanation of S. 1707, the Enhanced Partnership with Pakistan Act of 2009. The final text of the legislation reflects an agreement reached by the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs. The purpose of this Explanatory Statement is to facilitate accurate interpretation of the text and to ensure faithful implementation of its provisions in accordance with the intentions of the legislation.

The core intent of the Enhanced Partnership with Pakistan Act is to demonstrate the American people’s long-term commitment to the people of Pakistan. The United States values its friendship with the Pakistani people and honors the great sacrifices made by Pakistani security forces in the fight against extremism, and the legislation reflects the goals shared by our two governments.

The legislation does not seek in any way to compromise Pakistan’s sovereignty, impinge on Pakistan’s national security interests, or micromanage any aspect of Pakistani military or civilian operations. There are no conditions on Pakistan attached to the authorization of \$7.5 billion in non-military aid. The only requirements on this funding are financial accountability measures that Congress is imposing on the U.S. executive branch, to ensure that this assistance supports programs that most benefit the Pakistani people.

#### SUMMARY OF CONGRESSIONAL INTENT

The Enhanced Partnership with Pakistan Act of 2009 (the “Act”) establishes a legislative foundation for a strengthened partnership between the United States and Pakistan, based on a shared commitment to improving the living conditions of the people of Pakistan through strengthening democracy and the rule of law, sustainable economic development, and combating terrorism and extremism. It is the intent of Congress to strengthen the long-term people-to-people relationship between the United States and Pakistan by investing directly in the needs of the Pakistani people. This legislation is intended to fortify a lasting partnership with Pakistan based on mutual trust.

The overall level of economic assistance authorized annually by this legislation is tri-

pled over FY 2008 U.S. funding levels, with the bulk of aid intended for projects such as schools, roads, medical clinics, and infrastructure development. The funds directly authorized by this Act—\$1.5 billion in economic and development assistance annually for five years, with a similar amount envisioned for a subsequent five years—place no conditions on the Government of Pakistan. The only requirements are accountability measures placed on the United States executive branch to ensure that the aid directly benefits the Pakistani people.

This Act fully recognizes and respects the independence of Pakistan as a sovereign nation. The purpose of this Act is to forge a closer collaborative relationship between Pakistan and the United States, not to dictate the national policy or impinge on the sovereignty of Pakistan in any way. Any interpretation of this Act which suggests that the United States does not fully recognize and respect the sovereignty of Pakistan would be directly contrary to Congressional intent.

The certifications in the Act regarding certain limited forms of security assistance are consistent with previous Congressional legislation regarding security assistance to Pakistan and other nations. In all cases, they align with the aims of, and serve to reinforce the publicly-articulated positions of, the democratically-elected Government of Pakistan, and Pakistani military leaders, to combat extremists and militants.

#### Sections 1–4: Strengthening a Relationship Founded on Mutual Respect

Sections 1–4 establish the framework and context for the legislative provisions that follow. The Findings and the Statement of Principles demonstrate an unequivocal appreciation for the friendship of the Pakistani people, and for the sacrifices made by the Pakistani security forces and people in fighting extremism. The Findings in Section 3 include:

Section 3(1): “Congress finds the following: The people of the Islamic Republic of Pakistan and the United States share a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship.”

Section 3(4): “Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations. The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past seven years.”

The Statement of Principles in Section 4 include:

Section 4(1): “Pakistan is a critical friend and ally to the United States, both in times of strife and in times of peace, and the two countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and economic development of Pakistan.”

Section 4(4): “The United States supports Pakistan’s struggle against extremist elements and recognizes the profound sacrifice made by Pakistan in the fight against terrorism, including the loss of more than 1,900 soldiers and police since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.”

# Title I: Democratic, Economic and Development Assistance for Pakistan

This Title contains the core intention of this legislation: To make a long-term commitment to the people of Pakistan by tripling non-military assistance, free of any conditions on the Pakistani government. The purposes set forth for the \$7.5 billion that is authorized here are all intended to reflect the expressed priorities of the Pakistani people. Specifically, Section 101(a) provides that:

“The President is authorized to provide assistance to Pakistan to support the consolidation of democratic institutions; to support the expansion of rule of law, build the capacity of government institutions, and promote respect for internationally-recognized human rights; to promote economic freedoms and sustainable economic development; to support investment in people, including those displaced in on-going counterinsurgency operations; and to strengthen public diplomacy.”

The funds authorized under Title I are intended to be used to work with and benefit Pakistani organizations. Specifically, Section 101(c)(3) provides that:

“The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contracts, and to work with local leaders to provide assistance under this section.”

Section 102(a) makes clear that there are no conditions placed on the Pakistani government for delivery of the \$7.5 billion in assistance. The only accounting requirements are of the U.S. executive branch.

Section 102(d) makes clear that a long term commitment to increased civilian assistance for the people of Pakistan is envisioned by stating that it is the desire of Congress that the amounts authorized for fiscal years 2010–2014 shall continue from fiscal years 2015–2019.

Section 103(b) authorizes establishment of field offices for Inspectors General to audit and oversee expenditure of this assistance. It is the intent of Congress that such offices would be established in consultation with appropriate Pakistani authorities for the purpose of ensuring optimal management of resources.

## Title II: Security Assistance for Pakistan

The intention of this section is to strengthen cooperative efforts to confront extremism. The purposes of security assistance are intended to be completely cooperative, and reflect the intention that such assistance be used to support Pakistan in achieving its stated objectives in winning the ongoing counterinsurgency, defeating terrorist organizations that threaten Pakistan, and strengthening democratic institutions. Specifically, Section 201(1) “Purposes of Assistance” states that:

“The purposes of assistance under this title are—

(1) to support Pakistan’s paramount national security need to fight and win the ongoing counterinsurgency within its borders in accordance with its national security interests;

(2) to work with the Government of Pakistan to improve Pakistan’s border security and control and help prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;

(3) to work in close cooperation with the Government of Pakistan to coordinate ac-

tion against extremist and terrorist targets; and

(4) to help strengthen the institutions of democratic governance. . . .”

The provisions applied to certain limited portions of U.S. security assistance in Section 203 are intended to be fully in line with the existing policy of the Government of Pakistan. Specifically, Section 203(c)(1) reflects our understanding that cooperative efforts currently being undertaken by the Governments of Pakistan and the United States to combat proliferation will continue.

Section 203(c)(2) reflects the intent that U.S. security assistance is used in furtherance of the purposes set forth in Section 201 above, e.g., ensuring Pakistan’s security, winning the counterinsurgency within Pakistan, preventing territory from being used for terrorist attacks in Pakistan and elsewhere, and coordinating action against extremist and terrorist targets. This section requires a certification by the U.S. executive branch to Congress regarding the efforts and progress made in achieving these purposes, and includes a series of factors to be considered collectively by the Secretary of State in making this assessment.

Section 203(c)(3) includes a provision intended to express support for democratic institutions in Pakistan.

Section 203(e) contains a waiver making clear that this certification could be waived if the determination is made by the Secretary of State in the interests of national security that this was necessary to continue such assistance.

## Title III: Strategy, Accountability, Monitoring, and Other Provisions

The intention of this section is to ensure that there is transparency and accountability in the way authorized assistance is spent. This Title requires the U.S. executive branch to provide various reports to Congress designed to demonstrate that funds are being used for the purposes set forth in Title I and Title II; there are no requirements on the Government of Pakistan.

Section 301 “Strategy Reports” requires three reports from the U.S. executive branch that detail a plan for how U.S. assistance to Pakistan will be spent and evaluated and a regional security plan for how the United States can best work with its partners for “effective counterinsurgency and counterterrorism efforts.”

Section 302 “Monitoring Reports” reflects the need for ongoing consultation between the U.S. executive branch and Congress on monitoring U.S. assistance to Pakistan, including a “Semi-Annual Monitoring Report” where:

“The Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report that describes the assistance provided under this Act during the preceding 180-day period.”

The many requirements of this report are intended as a way for Congress to assess how effectively U.S. funds are being spent, shortfalls in U.S. resources that hinder the use of such funds, and steps the Government of Pakistan has taken to advance our mutual interests in countering extremism and nuclear proliferation and strengthening democratic institutions.

There is no intent to, and nothing in this Act in any way suggests that there should be, any U.S. role in micromanaging internal Pakistani affairs, including the promotion of Pakistani military officers or the internal operations of the Pakistani military.

The reports envisioned in this Section are not binding on Pakistan, and require only the provision of information by the executive branch to the U.S. Congress, in furtherance of the Act’s stated purpose of strengthening civilian institutions and the democratically-elected Government of Pakistan.

THE SECRETARY OF STATE,

Washington, DC, September 29, 2009.

Hon. NANCY PELOSI, H-232 Capitol Building, Washington, DC.

Speaker of the House of Representatives,

Hon. JOHN A. BOEHNER,

House of Representatives, H-204 Capitol Building, Washington, DC.

DEAR MADAM SPEAKER AND MR. REPUBLICAN LEADER: I write to express the State Department’s strong support of S. 1707, the Enhanced Partnership with Pakistan Act of 2009.

The bipartisan Enhanced Partnership with Pakistan Act of 2009 will be an essential tool in support of our national security interests and underscores a multifaceted, multi-year commitment between the peoples of the United States and Pakistan.

I appreciate the hard work by many in both the House and the Senate in reaching this reconciled text, and urge its passage as soon as possible.

Sincerely yours,

HILLARY RODHAM CLINTON.

THE SECRETARY OF DEFENSE,

Washington, DC, September 25, 2009.

Hon. NANCY PELOSI,

Speaker of the House of Representatives, House of Representatives, Washington, DC.

Hon. HARRY REID,

Senate Majority Leader,

U.S. Senate, Washington, DC.

DEAR MADAM SPEAKER AND MR. MAJORITY LEADER: As the United States Government continues to implement its strategy to disrupt, dismantle and defeat al Qaeda in Afghanistan and Pakistan, it is important that we strongly signal to the Pakistani people our long-term commitment to partnering with them to combat terrorism and extremism.

We appreciate that the House and Senate have worked hard to finalize the Enhanced Partnership with Pakistan Act of 2009, a bipartisan bill that would underscore a long-term, multi-year commitment to increase civilian assistance to Pakistan.

The bill as revised addresses the key concerns we previously raised in an April 28, 2009, letter. We appreciated the opportunity to work with your committees on these concerns.

This bill would support U.S. national security interests in Afghanistan and Pakistan. The Department of Defense strongly supports moving this bill to final passage by the House and Senate as expeditiously as possible.

The Office of Management and Budget advises that, from the standpoint of the Administration’s program, there is no objection to the presentation of this letter.

Sincerely,

ROBERT M. GATES,  
Secretary of Defense.

M.G. MULLEN,  
Admiral, U.S. Navy.●

## 40TH ANNIVERSARY OF THE VERMONT STUDENT ASSISTANCE CORPORATION

Mr. LEAHY. Mr. President, I wish to take this opportunity to congratulate

the Vermont Student Assistance Corporation, VSAC, for three important milestones it has reached this year. This year marks the 40th anniversary of the VSAC Talent Search Program, the 10th anniversary of the VSAC Gear UP Program, and the 10th anniversary of the Vermont Higher Education Investment Program.

Although small in size, Vermont has a long history of establishing national models for making higher education accessible to disadvantaged students. The University of Vermont provided Senator Justin Morrill the inspiration for the first and second Morrill Act. The student loan programs which have made college possible for millions of students each year bear the name of my former colleague and dear friend, Senator Bob Stafford.

The Vermont Student Assistance Corporation has continued this tradition through innovative programs to encourage first-generation and low-income students to pursue their career and education goals. Each year more than 47,000 students and parents participate in one or more of their career, education and financial aid programs. In addition, VSAC has been at the forefront of efforts to reach young people with programs that link career ambitions with educational requirements and opportunities. This past year, VSAC's Start Where You Are program won a prestigious WebAward for Education Standard of Excellence from the Web Marketing Association. In a more traditional vein, VSAC staff was recognized this year with the David Swedlow Memorial College Access Staff Award of Excellence from the National College Access Network.

Several States have established not-for-profit State agencies to administer financial aid and to provide their residents and students attending their schools with quality counseling services and low-cost loans. Vermont pioneered this movement by creating the Vermont Student Assistance Corporation more than 40 years ago. VSAC has worked hard to establish and maintain strong and longstanding working relationships with Vermont's higher education institutions as well as K-12 schools to provide outreach programs critical to the economic vitality of Vermont.

The U.S. Department of Education has proposed that all future student loans be made through direct lending from the Federal Government to students. The Direct Loan program is projected to save students millions of dollars in fees and interest payments. Additional savings would be distributed to States for school construction and grants for K-12 education. Unfortunately this proposal does not include a role for not-for-profit State agencies such as VSAC. I believe that is a significant oversight. Vermonters have come to rely on the high quality, com-

prehensive programs that VSAC offers. A one-size-fits-all Federal direct loan program does not acknowledge all of the hard work and experience of nonprofits such as VSAC and their tremendous staff. As this proposal makes its way through Congress, Senator SANDERS, Congressman WELCH, and I will be working for changes to ensure a role for nonprofit State financial aid agencies such as VSAC.

I congratulate VSAC on their landmark 40th anniversary, and I hope there will be many more to come.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING AMERICAN GOLD STAR MOTHER'S DAY

• Mr. SCHUMER. Mr. President, today I wish to recognize that September 27, 2009, is designated as "Gold Star Mother's Day."

It is fitting that we recognize the American Gold Star Mothers, whose sons and daughters have died in defense of the ideals of individual liberty. They should be honored and offered respect and gratitude for their personal sacrifice.

Gold Star Mother's Day is intended to honor women who deserve special recognition and gratitude for their tremendous personal loss on behalf of our country.

During the early days of World War I, a Blue Star was used to represent each soldier in military service of the United States, and as the war progressed and soldiers were killed or wounded in combat or died from wounds or disease, a Gold Star superimposed over the Blue Star designated the loss of these individuals. This tradition recognized soldiers for their ultimate sacrifice to our country, and the Gold Star offered families an outward symbol by which to honor the loss of a loved one. In 1928, the Gold Star tradition was formalized in Washington, DC, by a group of mothers who had lost sons and daughters in service to their country and met to form the American Gold Star Mothers organization. This organization is a non-denominational, non-profitable, and nonpolitical organization that is dedicated in supporting veterans, military families, and servicemembers returning from our present-day battlefields.

In 1936, President Franklin Roosevelt issued a proclamation which recognized Gold Star Mothers for their strength and inspiration to this country. The services rendered to the United States by the mothers of America have strengthened and inspired our Nation throughout history, and we honor the Gold Star Mothers of America for their courage and their strength. •

##### RECOGNIZING AUBURN MANUFACTURING, INCORPORATED

• Ms. SNOWE. Mr. President, today I celebrate the vital work that a small business in my home State of Maine is doing to provide extreme temperature textiles to dozens of industries worldwide. Auburn Manufacturing, Incorporated—or AMI—of Mechanic Falls is a veritable leader in its field, and has been designing and manufacturing advanced industrial textiles since its inception in 1979.

Auburn Manufacturing's name is synonymous with quality and dependability because of its longstanding dedication to providing customers with products made using the most cutting-edge technologies. AMI develops and manufactures top-of-the-line products for welding protection, gasketing and sealing, and pipe and hose covering, as well as safety apparel like gloves and clothing. And the company's 48 employees make all of its products at the company's central Maine facility.

One of AMI's major new products is the Ever Green Cut 'n Wrap insulated cover. Designed for companies seeking to reduce greenhouse gas emissions and heat loss while saving on energy costs, the custom-fit insulation blankets fit flexibly over valves and piping and reduce room temperatures for workers in extreme conditions. In fact, the Ever Green Cut 'n Wrap kits can reduce heat loss by over 85 percent, and they have a payback of less than 1 year. Last month, AMI received a seed grant from the Maine Technology Institute to help the company commercialize this forward-thinking, environmentally friendly product.

Additionally, earlier this year Auburn Manufacturing announced that it had received dual contracts to provide the U.S. Navy with the company's remarkable AMI-SIL fabrics that are used for hot work protection during the repair of naval ships. The Navy has certainly demonstrated its approval of this impressive product, having awarded AMI five contracts over the past 15 years to supply it with more than 1.25 million yards of fabric.

Another quality that makes AMI special is its status as a Women's Business Enterprise, a certification made by the highly regarded Women's Business Enterprise National Council. Additionally, AMI owner Kathie Leonard was recently named one of Maine's 2009 Women to Watch. In my estimation, Kathie Leonard has been a woman to watch throughout her entire career. She founded AMI in 1979—at the age of 27—when she realized the vast potential of new heat-resistant fabrics which were developed to replace asbestos. Over the company's 30-year history, Ms. Leonard has been a part of several major professional organizations both national and local, including the National Insulation Association and the Lewiston-Auburn Economic Growth

Council, which she previously chaired. She readily admits that these connections have helped her company grow into the giant it is today.

The quality of AMI's numerous products afford its clients a sense of confidence that has solidified the company's status as a premier developer and manufacturer of extreme textiles nationwide. I congratulate Kathie Leonard and everyone at Auburn Manufacturing for the incredible work they do, and I wish them much success in the future.●

#### MESSAGES FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1593. An act to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic River System.

H.R. 2877. An act to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office".

H.R. 3433. An act to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes.

H.R. 3476. An act to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission.

H.R. 3537. An act to amend and reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

H.R. 3606. An act to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.

H.R. 3689. An act to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

The message also announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), the Speaker appoints from private life Ms. Lillie Coney of Washington, DC, as a member of the Election Assistance Commission of Advisors on the part of the House.

At 3:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 621. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

#### ENROLLED BILLS SIGNED

At 6:08 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1717. An act to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

H.R. 1016. An act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.

H.R. 2997. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 965. An act to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network; to the Committee on Environment and Public Works.

H.R. 1593. An act to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

H.R. 2877. An act to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3433. An act to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3476. An act to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission; to the Committee on Energy and Natural Resources.

H.R. 3537. An act to amend and reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; to the Committee on Environment and Public Works.

H.R. 3689. An act to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes; to the Committee on Energy and Natural Resources.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1776. A bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-3335. A communication from the Commission on Wartime Contracting in Iraq and Afghanistan, transmitting, pursuant to law, a report entitled "Lowest-Priced Security Not Good Enough for War-Zone Embassies"; to the Committee on Armed Services.

EC-3336. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Reference to Ratings of Nationally Recognized Statistical Rating Organizations" (RIN3235-AK17; RIN3235-AK19) received in the Office of the President of the Senate on October 6, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3337. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Encryption Simplification Rule" (RIN0694-AE18) received in the Office of the President of the Senate on October 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3338. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-3339. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-3340. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Office of Management and Budget's request for the Board's views on H.R. 3619, the "Coast Guard Authorization Act of 2010"; to the Committee on Commerce, Science, and Transportation.

EC-3341. A joint communication from the Acting Deputy Administrator of the National Highway Traffic Safety Administration and the Assistant Secretary for Communications and Information of the National Telecommunications and Information Administration, transmitting, pursuant to law, a report entitled "A National Plan for Migrating to IP-Enabled 9-1-1 Systems"; to the Committee on Commerce, Science, and Transportation.

EC-3342. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans" (RIN0938-AP37) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3343. A communication from the Acting Assistant Secretary, Office of Workers' Compensation Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Claims for Compensation; Death Gratuity Under the Federal Employees' Compensation Act" received in the Office of the President of the Senate on October 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3344. A communication from the Secretary of the Department of Health and Human Services, transmitting, pursuant to law, the annual performance evaluation report relative to mammography accreditation; to the Committee on Health, Education, Labor, and Pensions.

EC-3345. A joint communication from the Secretary of the Department of Agriculture and the Secretary of the Department of Health and Human Services, transmitting, pursuant to law, a report relative to Thefts, Losses, or Releases of Select Agents or Toxins for calendar year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-3346. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's Strategic Plan for 2009–2014; to the Committee on Health, Education, Labor, and Pensions.

EC-3347. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Correction to Remove Obsolete Compliance Date Provisions from Electronic Cargo Information Regulations" (CPB Dec. 09–39) received in the Office of the President of the Senate on October 6, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3348. A communication from the Acting Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report relative to the Administration's Fiscal Year 2009 Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Homeland Security and Governmental Affairs.

EC-3349. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Auditor's Certification Review of the Accuracy of Initiatives and Key Performance Indicators Set Forth in the Department of Consumer and Regulatory Affairs' Fiscal Year 2008 Performance Accountability Report"; to the Committee on Homeland Security and Governmental Affairs.

EC-3350. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Happy Canyon of Santa Barbara Viticultural Area (2007R-311P)" (RIN1513-AB52) received in the Office of the President of the Senate on October 9, 2009; to the Committee on the Judiciary.

EC-3351. A communication from the Acting Under Secretary and Acting Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Practice for Continued Examination Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications" (RIN0651-AC36) received in the Office of the President of the Senate on October 13, 2009; to the Committee on the Judiciary.

EC-3352. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxytobrin; Pesticide Tolerances" (FRL No. 8794-4) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3353. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Highlights of the Diesel Emissions Reduction Program"; to the Committee on Energy and Natural Resources.

EC-3354. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Designations for the 2006 24-Hour Fine Particle (PM<sub>2.5</sub>) National Ambient Air Quality Standards" (FRL No. 8969-2) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Environment and Public Works.

EC-3355. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Maricopa County Air Quality Department" (FRL No. 8947-2) received in the Office of the President of the Senate on October 14, 2009; to the Committee on Environment and Public Works.

EC-3356. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Inert Ingredients; Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment" (FRL No. 8794-1) received in the Office of the President of the Senate on October 14, 2009; to the Committee on Environment and Public Works.

EC-3357. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio Administrative Code Rule 3745-21-17 Portable Fuel Containers" (FRL No. 8958-1) received in the Office of the President of the Senate on October 14, 2009; to the Committee on Environment and Public Works.

EC-3358. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Carbon Monoxide Maintenance Plan Updates; Limited Maintenance Plan" (FRL No. 8968-1) received in the Office of the President of the Senate on October 14, 2009; to the Committee on Environment and Public Works.

EC-3359. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary Drinking Water Regulations: Drinking Water Regulations for Aircraft Public Water Systems" (FRL No. 8967-9) received in the Office of the President of the Senate on October 14, 2009; to the Committee on Environment and Public Works.

EC-3360. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, a Uniform Resource Locator (URL) for a document entitled "Interim Policy on Managing the Duration of Remedial Design/Remedial Action Negotiations" received in the Office of the President of the Senate on

October 14, 2009; to the Committee on Environment and Public Works.

EC-3361. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Criminal Penalties; Unauthorized Introduction of Weapons" (RIN3150-AI31) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Environment and Public Works.

EC-3362. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad in the amount of \$85,000,000 to Japan; to the Committee on Foreign Relations.

EC-3363. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services relative to the Proton launch of the QuetzSat-1 Commercial Communication Satellite in the amount of \$50,000,000 or more to Belgium, Germany, Kazakhstan, Luxembourg, Mexico, The Netherlands, Russia, Spain, United Kingdom and Sweden; to the Committee on Foreign Relations.

EC-3364. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services relative to the manufacture of X200-Series transmissions in the amount of \$100,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC-3365. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad in the amount of \$100,000,000 or more to Turkey and Australia; to the Committee on Foreign Relations.

EC-3366. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services and defense articles in the amount of \$50,000,000 or more to Canada, Russia, and Kazakhstan; to the Committee on Foreign Relations.

EC-3367. A communication from the Chief Counsel, Economic Development Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Trade Adjustment Assistance for Firms Program Regulations and Implementation Regulations for the Community Trade Adjustment Assistance Program" (RIN0610-AA65) received in the Office of the President of the Senate on October 13, 2008; to the Committee on Finance.

EC-3368. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier 1 Issue—Industry Director Directive on Section 936 Exit Strategies #4" (LMSB-4-1009-039) received in the Office of the President of the Senate on



October 13, 2009; to the Committee on Finance.

EC-3369. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Credit for Carbon Dioxide Sequestration under Section 45Q" (Notice No. 2009-83) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Finance.

EC-3370. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Measurement of Assets and Liabilities and Benefit Restrictions for Underfunded Pension Plans" (TD 9467) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Finance.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 507. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes (Rept. No. 111-88).

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

\*Marcia K. McNutt, of California, to be Director of the United States Geological Survey.

\*Arun Majumdar, of California, to be Director of the Advanced Research Projects Agency-Energy, Department of Energy.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN (for herself and Mr. VITTER):

S. 1778. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to generic drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH (for himself, Mr. DORGAN, Mr. LUGAR, Mr. BYRD, Mr. SPECTER, Mr. ROCKEFELLER, Mr. MERKLEY, and Mr. WYDEN):

S. 1779. A bill to amend title 38, United States Code, to provide health care to veterans exposed in the line of duty to occupational and environmental health chemical hazards, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. LINCOLN (for herself, Mrs. HUTCHISON, and Ms. SNOWE):

S. 1780. A bill to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mrs. SHAHEEN (for herself, Mr. BROWN, and Mr. MENENDEZ):

S. 1781. A bill to provide for a demonstration program to reduce frequent use of health services by Medicaid beneficiaries with chronic illnesses by providing coordinated care management and community support services; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Mr. LEAHY, and Mr. SESSIONS):

S. 1782. A bill to provide improvements for the operations of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself, Mr. FEINGOLD, and Mr. BROWN):

S. 1783. A bill to amend the Agricultural Marketing Act of 1946 to provide for country of origin labeling for dairy products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENSIGN:

S. 1784. A bill to amend title 38, United States Code, to ensure that State approving agencies provide timely responses to applications for approval of courses of education and provide justifications for disapproval of courses, to provide for the review of the disapproval of courses by State approving agencies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ENSIGN:

S. 1785. A bill to amend title 38, United States Code, to require State approving agencies to approve courses of education that have been accredited and approved by a nationally recognized accrediting agency or association, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY:

S. 1786. A bill to extend the temporary suspension of duty on certain ski boots, cross country ski footwear, and snowboard boots; to the Committee on Finance.

By Mr. BINGAMAN:

S. 1787. A bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes; to the Committee on Energy and Natural Resources.

### ADDITIONAL COSPONSORS

S. 211

At the request of Mr. JOHANNES, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 229

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 292

At the request of Mr. BROWNBACK, his name was added as a cosponsor of S. 292, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 451

At the request of Ms. COLLINS, the names of the Senator from North Da-

kota (Mr. CONRAD), the Senator from Massachusetts (Mr. KERRY) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 510

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 678, a bill to reauthorize and improve

the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 883

At the request of Mr. KERRY, the names of the Senator from Nevada (Mr. REID), the Senator from Kentucky (Mr. McCONNELL), the Senator from North Dakota (Mr. DORGAN), the Senator from Nebraska (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 987

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1065

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1073

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1073, a bill to provide for credit rating reforms, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1204

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1204, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1366

At the request of Mrs. BOXER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes.

S. 1376

At the request of Ms. KLOBUCHAR, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1376, a bill to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States.

S. 1382

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1408

At the request of Mr. MENENDEZ, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1408, a bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation.

S. 1524

At the request of Mr. KERRY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1547

At the request of Mr. REED, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S.

1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1600

At the request of Mrs. McCASKILL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1600, a bill to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

S. 1630

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1630, a bill to amend title XVIII of the Social Security Act to improve prescription drug coverage under Medicare part D and to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to improve prescription drug coverage under private health insurance, and for other purposes.

S. 1668

At the request of Mr. BENNET, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of the Post-9/11 Educational Assistance Program, and for other purposes.

S. 1672

At the request of Mr. REED, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S. 1681

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.



S. 1723

At the request of Mr. CORKER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1723, a bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes.

S. 1739

At the request of Mr. DODD, the names of the Senator from Delaware (Mr. KAUFMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1739, a bill to promote freedom of the press around the world.

S. 1765

At the request of Mr. CARDIN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1765, a bill to amend the Hate Crime Statistics Act to include crimes against the homeless.

S. 1775

At the request of Mr. BAYH, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1775, a bill to amend the Higher Education Act of 1965 to provide that interest shall not accrue on Federal Direct Loans for members of the Armed Forces on active duty regardless of the date of disbursement.

S. RES. 296

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 296, a resolution designating October 2009 as "National Work and Family Month".

S. RES. 312

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. KIRK) were added as cosponsors of S. Res. 312, a resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID).

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 312, supra.

AMENDMENT NO. 2668

At the request of Mr. REID, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 2668 intended to be proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

# STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. SHAHEEN (for herself and Mr. VITTER):

S. 1778. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to generic drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. SHAHEEN. Mr. President, I rise today to introduce two health care bills that will help control health care costs and provide patients with better care. I believe these bills are easy to understand and reflect commonsense approaches to controlling health care costs.

The first bill, the Reducing Emergency Department Utilization through Coordination and Empowerment, or REDUCE Act, S. 1781, would reduce costly and excessive emergency room visits by providing patients with more consistent and coordinated care.

Emergency room overutilization is a source of wasteful spending in our health care system. Estimates show that \$14 billion are wasted each year in unnecessary emergency room visits. It drives up the cost of health care and leads to overcrowding of our emergency rooms.

Frequent users of emergency room services make up a small, but very costly portion of the population. These individuals tend to have multiple chronic illnesses and severe mental illness. They often live in poverty or are homeless. Many times they use the emergency room because they have nowhere else to go.

In the most extreme cases, these individuals can cost the system millions of dollars. You heard right, one person can put a multi-million dollar strain on our health care system. For example in Camden, NJ, one person cost taxpayers \$3.5 million over 5 years in Medicaid and Medicare payments.

We need to fix this problem, and I believe we can. The REDUCE Act is modeled after successful pilot programs across the country. It provides beneficiaries with a care management team consisting of a medical provider, a social worker and a community health worker that can provide medical care and support in any setting. The care management team also helps to ensure that these individuals are going to their primary care doctors and mental health providers on a regular basis.

Research shows it works. In fact, after two years of enrollment in one pilot program, on average, individual emergency room visits were reduced by 61 percent and emergency room charges were reduced by 59 percent for those that participated.

There is a lot we need to do to reform our health care system, but as we work on reform broadly, we also need to focus attention on individuals, especially these high cost patients. Doing so will improve care for this vulnerable population and reduce costs.

The second bill, the Access to Affordable Medicines Act, S. 1778, will increase access to lower cost generic drugs by closing a loophole some brand name drug companies exploit that needlessly and unfairly delays the entry of safe, lower-cost generic drugs to the consumer market.

As the law currently stands, when brand name manufacturers make labeling changes, generic drug labeling must reflect this change prior to the drug being approved and introduced in the market.

Too often, big pharmaceutical companies make last minute changes to the label. Many times the labeling changes are insignificant and do not deal with safety or warnings. In fact, these last minute changes are often used by brand name pharmaceutical companies to purposefully delay the introduction of cost-saving generic drugs by weeks or months. This can cost consumers and the federal government millions of dollars.

My bill would stop these costly practices by providing a 60-day grace period for the generic drug company to submit the new labeling for approval and marketplace distribution, while preserving safeguards if the new labeling truly presents a safety issue.

As we work to pass comprehensive health care reform in Congress, we do it with families and small businesses who struggle everyday with the high cost of health care in mind. These bills are the types of sensible reforms that we need to make so that the health care system is more affordable and more efficient. I look forward to working with my Senate colleagues on this legislation.

By Mr. WHITEHOUSE (for himself, Mr. LEAHY, and Mr. SESSIONS):

S. 1782. A bill to provide improvements for the operations of the Federal courts, and for other purposes; to the Committee on the Judiciary.

Mr. WHITEHOUSE. Mr. President, I rise today to introduce the Federal Judiciary Administrative Improvements Act of 2009 on behalf of myself and the Chairman and Ranking Member of the Judiciary Committee, Senators LEAHY and SESSIONS. I thank them for their support. It has been a pleasure to work with them on this important bipartisan effort.

The Federal Courts decide crucial issues of criminal and civil law every day, providing justice and protecting our constitutional rights. It is our responsibility in Congress to ensure that our governing technical issues of judicial administration will help them in this effort.

The Federal Judiciary Administrative Improvements Act of 2009 takes up that responsibility by making nine technical fixes necessary for the better administration of the Federal courts.

The bill will clarify the role of Senior Judges in the selection of Magistrate Judges, enable better workload distribution among the judges of the District of North Dakota, align the benefits received by territorial judges in Guam, the U.S. Virgin Islands and the Northern Mariana Islands with those of other term judges, equalize leave limits and pay scales for judicial executives with those for senior executive branch officials, protect individual privacy in connection with judges' role in the sentencing process, clarify the authority of pretrial service officers over juvenile offenders, amend requirements for the reporting of wiretap information to the Administrative Office of the Courts, and add an inflation adjustment for the case expenses that must be reviewed by the chief judge of a district court. The Administrative Office of the Courts supports each provision.

I urge my colleagues to act promptly on this bipartisan legislation. I again thank Chairman LEAHY and Ranking Member SESSIONS for their support.

Mr. LEAHY. Mr. President, today, I am pleased to join Senators WHITEHOUSE and SESSIONS to introduce the Federal Judiciary Administrative Improvements Act of 2009, a bipartisan bill that would improve the administration and efficiency of our Federal court system. This legislation would also provide the third branch of government with important assistance to the women and men who comprise the Federal judiciary.

I thank Senator WHITEHOUSE and Senator SESSIONS for their hard work on this critical issue. I previously introduced a court improvement bill in the 108th Congress. I hope the bill we introduce today will pass the full Senate with unanimous support, and will not be subjected to the objections of Senate Republicans as it was 5 years ago. I have also supported past legislative proposals from the Judicial Conference to improve the administration of justice in the Federal courts, including a similar measure last year, which was enacted into law.

In recent years, the job of a Federal judge has changed considerably. Today, Federal judges at both the trial and appellate level are hearing more cases with fewer available judicial resources. We have a responsibility to pass legislation that helps them keep up with changing times and circumstances. Just as it is the judiciary's duty to deliver justice in a neutral and unbiased manner, it is the duty of the legislative branch to provide the requisite tools for the women and men who honorably serve on the judiciary to ably fulfill their critical responsibilities. I believe our independent judiciary is the envy of the world, and we must take care to protect it.

The legislation we introduce today contains proposals that the Federal judiciary believes will improve its oper-

ations and allow it to continue to serve as a bulwark protecting our individual rights and liberties. It also contains additional technical and substantive proposals carried over from previous Congresses.

The Judiciary Administrative Improvements Act of 2009 would facilitate judicial operations and improve judicial resource management. The bill would clarify existing law to ensure that senior judges with a minimum workload can participate in the selection of magistrate judges. The bill would also revise the statutory description of the District of North Dakota to eliminate unnecessary references to divisions and counties, while maintaining the present requirement that North Dakota constitutes one judicial district. I believe this technical change would improve the judicial workload distribution in that district and reduce travel time for litigants.

Our legislation also contains critical provisions that would improve personnel and benefits for certain judges and their hardworking judiciary staff. The bill would authorize a cost-of-living adjustment for Federal territorial judges entitled to receive an annuity. It would also authorize territorial judges who are 65 years of age or older to collect, for the remainder of their lives, an annuity equal to the salary received when they left office. These changes would reduce existing inequities between Federal territorial judges and other term judges such as Federal magistrate and bankruptcy judges. The bill would extend to senior executives in the Federal courts, the Federal Judicial Center, and the Sentencing Commission the same ability to carry over annual leave hours as that enjoyed by senior employees in the Executive Branch and the Administrative Office of the United States Courts, AO. It would also allow the Federal Judicial Center to provide a modest increase in pay for certain division directors.

The Judiciary Administrative Improvements Act of 2009 would also improve the administration of criminal justice. The bill would better protect confidential information about a defendant during sentencing by allowing the "statement of reasons" form that judges are required to issue upon sentencing to be filed separately with the court. This change would allow confidential information contained within the "statement of reasons" to be more easily controlled and protected. In addition, the bill would clarify the scope of authority of Federal pretrial services officers to supervise and assist juveniles awaiting delinquency disposition in Federal court. Current laws regarding the duties of pretrial service officers focus solely on adults and thus it is unclear what duties those officers have to provide services to juveniles. This bill would fill that gap and ensure that pretrial services officers are fully

authorized to arrange drug treatment and other critical services for juvenile offenders. The bill would also improve the statistical reporting schedule for criminal wiretap orders. It would eliminate burdensome monthly deadlines for state and Federal judges to report their wiretap data and unrealistic interagency deadlines for reporting that data to the AO. This change will allow for more comprehensive reporting of wiretap data.

In addition, the legislation we introduce today would also conserve judicial resources over certain court requests from indigent defendants. Under current law, a certain statutory threshold exists at which the costs of hiring expert witnesses and conducting investigations for indigent defendants must be approved by the court. These thresholds do not account for inflation, however, which results in a waste of precious judicial resources. This bill would apply an inflationary index to the threshold amount to make them more cost-effective. As a result, this change will allow judges to spend more time on less of these requests each year, which would better improve the overall administration of justice.

I am glad that this important legislation has the support of the Administrative Office of the Courts, on behalf of the Judicial Conference, and Senators on both sides of the aisle. The Federal judiciary needs these improvements to increase its efficiency and administrative operations. I urge all Senators to support prompt passage of this non-controversial legislation this year.

By Mr. FRANKEN (for himself, Mr. FEINGOLD, and Mr. BROWN):  
S. 1783. A bill to amend the Agricultural Marketing Act of 1946 to provide for country of origin labeling for dairy products; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FRANKEN. Mr. President, all across the country, family dairy farms are in dire straits. In Minnesota alone, 200 dairy farms have closed this year. There is no single cause for this crisis. Family dairy farmers are confronting an unprecedented global recession, consolidation in the market, high feed prices, and unpredictable price swings—all at the same time.

Since arriving in Washington, I have been proud to work with my dairy State colleagues in order to give our family farmers the tools they need to weather this storm. In July, Senators from the midwest, the northeast, and the southwest worked together with Secretary Vilsack to raise price supports. Just last week we provided the Department of Agriculture with another \$350 million for price supports in the annual agriculture spending bill. Unfortunately, raising price supports alone won't calm the economic storm.

Just as there is no single cause for this, there is no single solution. Our

family farmers need multiple tools in their shed. Today, I am introducing a bill with Senator FEINGOLD and Senator BROWN to give our family farmers another tool.

The Dairy Country Of Origin Labeling Act, or Dairy COOL, is really pretty simple—it would extend mandatory country of origin labeling to dairy products. The current country of origin labeling law, which went into effect last year, applies to meats, produce, and nuts, but it doesn't include dairy products. Our bill would simply add dairy products—such as milk, ice cream and cheese—to the list.

Minnesota, Wisconsin, and Ohio dairy farmers, as well as family farmers across the Nation, have the right to distinguish their products from imported products. As families do their weekly grocery shopping, they should have the option of putting milk, cheese, and ice cream from our own family farms into their cart. It is more than “from farm to table”—it's really “from one family to another.”

Families are what this is about. Hardly a week goes by where you don't hear another story of contaminated food and toys coming in from foreign shores. Labeling our dairy products lets parents make smarter choices at the grocery store.

This bill isn't a silver bullet, but it does give family farms another tool that will help them weather the current storm, grow a little stronger, and keep our families a little safer.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1783

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Dairy COOL Act of 2009”.

#### SEC. 2. COUNTRY OF ORIGIN LABELING FOR DAIRY PRODUCTS.

(a) DEFINITIONS.—Section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638) is amended—

- (1) in paragraph (2)—
  - (A) in subparagraph (A)—
    - (i) in clause (x), by striking “and” at the end;
    - (ii) in clause (xi), by striking the period at the end and inserting “; and”; and
    - (iii) by adding at the end the following:
 

“(xi) dairy products.”; and
  - (B) in subparagraph (B), by inserting “(other than clause (xii) of that subparagraph)” after “subparagraph (A)”;
    - (2) by redesignating paragraphs (3) through (9) as paragraphs (4) through (10), respectively; and
    - (3) by inserting after paragraph (2) the following:
 

“(3) DAIRY PRODUCT.—The term ‘dairy product’ means—

“(A) fluid milk;

“(B) cheese, including cottage cheese and cream cheese;

- “(C) yogurt;
- “(D) ice cream;
- “(E) butter; and
- “(F) any other dairy product.”.

(b) NOTICE OF COUNTRY OF ORIGIN.—Section 282(a) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638a(a)) is amended by adding at the end the following:

“(5) DESIGNATION OF COUNTRY OF ORIGIN FOR DAIRY PRODUCTS.—

“(A) IN GENERAL.—A retailer of a covered commodity that is a dairy product shall designate the origin of the covered commodity as—

“(i) each country in which or from the 1 or more dairy ingredients or dairy components of the covered commodity were produced, originated, or sourced; and

“(ii) each country in which the covered commodity was processed.

“(B) STATE, REGION, LOCALITY OF THE UNITED STATES.—With respect to a covered commodity that is a dairy product produced exclusively in the United States, designation by a retailer of the State, region, or locality of the United States where the covered commodity was produced shall be sufficient to identify the United States as the country of origin.”.

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 14, 2009, at 2:30 p.m., to conduct a hearing entitled “Examining the State of the Banking Industry.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on October 14, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on October 14, 2009, at 11:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 14, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Prohibiting Price Fixing and Other Anticompetitive Conduct in the Health Insurance Industry.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING AND THE SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Special Committee on Aging and the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on October 14, 2009, from 2:30 p.m.-5 p.m. in room 342 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Shauna Agan and Amber Oldham of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent for Preston Rutledge, Carolyn Coda, Chantal Matin, and Stephen Theulen be granted the privileges of the floor for the duration of the 111th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. BROWN. I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 472 and 473; that the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD as if read; provided further that the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF JUSTICE

David Lyle Cargill, Jr., of New Hampshire, to be United States Marshal for the District of New Hampshire for the term of four years.

Timothy J. Heaphy, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate resumes legislative session.

#### FDR DOCUMENTS ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 172, S. 692.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 692) to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 692) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 692

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TREATMENT OF OWNERSHIP OF CERTAIN DOCUMENTS RELATING TO FRANKLIN DELANO ROOSEVELT.**

(a) IN GENERAL.—If any person or entity makes a gift of any property described in subsection (b) to the National Archives and Records Administration, then any claim of the United States to such property shall be treated as having been waived and relinquished on the day before the date of such gift.

(b) PROPERTY DESCRIBED.—Property is described in this subsection if such property—

(1) is a part of the collection of documents, papers, and memorabilia relating to Franklin Delano Roosevelt or any member of his family or staff; and

(2) was in the possession of Grace Tully and retained by her at the time of her death.

(c) DATE OF GIFT.—The date of a gift referred to in subsection (a) is any date specified by the donor so long as such date is subsequent to the physical delivery of the property described in subsection (b) to the National Archives and Records Administration.

**ALLOWING FUNDING FOR THE INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM**

Mr. BROWN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 1694, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1694) to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. I ask unanimous consent the bill be read a third time and

passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1694) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1694

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.**

(a) Notwithstanding section 3006(a)(2) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note), sums made available to administer the Public Safety Interoperable Communications Grant Program under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) shall remain available until expended, but not beyond September 30, 2012.

(b) The period for performance of any investment approved under the Program as of the date of enactment of this Act shall be extended by one year, but not later than September 30, 2011, except that the Assistant Secretary of Commerce for Communications and Information may extend, on a case-by-case basis, the period of performance for any investment approved under the Program as of that date for a period of not more than 2 years, but not later than September 30, 2012. In making a determination as to whether an extension beyond September 30, 2011, is warranted, the Assistant Secretary should consider the circumstances that gave rise to the need for the extension, the likelihood of completion of performance within the deadline for completion, and such other factors as the Assistant Secretary deems necessary to make the determination.

**NATIONAL LEARN AND SERVE CHALLENGE**

Mr. BROWN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Con. Res. 46 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 46) recognizing the benefits of service-learning and expressing support for the goals of the National Learn and Serve Challenge.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWN. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 46) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 46

Whereas service-learning is a teaching method that enhances academic learning by integrating classroom content with relevant activities aimed at addressing identified needs in a community or school;

Whereas service-learning has been used both in school and community-based settings as a teaching strategy to enhance learning by building on youth experiences, granting youth a voice in learning, and making instructional goals and objectives more relevant to youth;

Whereas service-learning addresses the dropout epidemic in the United States by making education more “hands-on” and relevant, and has been especially effective in addressing the dropout epidemic with respect to disadvantaged youth;

Whereas service-learning is proven to provide the greatest benefits to disadvantaged and at-risk youth by building self-confidence, which often translates into overall academic and personal success;

Whereas service-learning provides not only meaningful experiences, but improves the quantity and quality of interactions between youth and potential mentors in the community;

Whereas service-learning empowers youth as actively engaged learners, citizens, and contributors to the community;

Whereas youth engaged in service-learning provide critical service to the community by addressing a variety of needs in towns, cities, and States, including needs such as tutoring young children, care of the elderly, community nutrition, disaster relief, environmental stewardship, financial education, and public safety;

Whereas far-reaching and diverse research shows that service-learning enhances the academic, career, cognitive, and civic development of students in kindergarten through 12th grade, and students at institutions of higher education;

Whereas service-learning strengthens and increases the number of partnerships among institutions of higher education, local schools, and communities, which strengthens communities and improves academic learning;

Whereas service-learning programs allow a multitude of skilled and enthusiastic college students to serve in the communities surrounding their colleges;

Whereas service-learning programs engage students in actively addressing and solving pressing community issues and strengthen the ability of nonprofit organizations to meet community needs;

Whereas Learn and Serve America, a program established under subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq.), is the only federally funded program dedicated to service-learning and engages more than 1,100,000 youth in service-learning each year;

Whereas Learn and Serve America is a highly cost-effective program, with an average cost of approximately \$25 per participant and leverage of \$1 for every Federal dollar invested;

Whereas the National Learn and Serve Challenge is an annual event that, in 2009, will take place October 5 through October 11; and

Whereas the National Learn and Serve Challenge spotlights the value of service-learning to young people, schools, college campuses, and communities, encourages others to launch service-learning activities, and

increases recognition of Learn and Serve America: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) recognizes the benefits of service-learning, which include—

(A) enriching and enhancing academic outcomes for youth;

(B) engaging youth in positive experiences in the community; and

(C) encouraging youth to make more constructive choices with regards to their lives;

(2) encourages schools, school districts, college campuses, community-based organizations, nonprofit organizations, and faith-based organizations to provide youth with more service-learning opportunities; and

(3) expresses support for the goals of the National Learn and Serve Challenge.

#### NATIONAL WORK AND FAMILY MONTH

Mr. BROWN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 296 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 296) designating October 2009 as “National Work and Family Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 296) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 296

Whereas, according to a report by WorldatWork, a nonprofit professional association with expertise in attracting, motivating, and retaining employees, the quality of workers’ jobs and the supportiveness of their workplaces are key predictors of workers’ job productivity, job satisfaction, and commitment to employers and of employers’ ability to retain workers;

Whereas, according to the 2008 National Study of Employers by the Families and Work Institute, employees in more flexible and supportive workplaces are more effective employees, are more highly engaged and less likely to look for a new job in the next year, and enjoy better overall health, better mental health, and lower levels of stress than employees in workplaces that provide less flexibility and support;

Whereas, according to a 2004 report of the Families and Work Institute entitled “Overwork in America”, employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feel resentment toward employers and coworkers;

Whereas, according to the “Best Places to Work in the Federal Government” rankings released by the Partnership for Public Service and American University’s Institute for the Study of Public Policy Implementation, work-life balance and a family-friendly culture are among the key drivers of engagement and satisfaction for employees in the Federal workforce;

Whereas, according to a 2009 survey of college students by the Partnership for Public Service and Universum USA entitled “Great Expectations! What Students Want in an Employer and How Federal Agencies Can Deliver It”, attaining a healthy work-life balance was an important career goal of 66 percent of the students surveyed;

Whereas a 2008 study by the Partnership for Public Service entitled “A Golden Opportunity: Recruiting Baby Boomers into Government” revealed that workers between the ages of 50 and 65 are a strong source of experienced talent for the Federal workforce and that nearly 50 percent of workers in that age group find flexible work schedules “extremely appealing”;

Whereas finding a good work-life balance is important to workers in multiple generations;

Whereas employees who are able to effectively balance family and work responsibilities tend to feel healthier and more successful in their relationships with their spouses, children, and friends;

Whereas 85 percent of wage and salaried workers in the United States have immediate, day-to-day family responsibilities outside of their jobs;

Whereas, in 2000, research by the Radcliffe Public Policy Center revealed that men in their 20s and 30s and women in their 20s, 30s, and 40s identified a work schedule that allows them to spend time with their families as the most important job characteristic for them;

Whereas, according to the 2006 American Community Survey by the United States Census Bureau, 47 percent of wage and salaried workers in the United States are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility often allows parents to be more involved in their children’s lives and research demonstrates that parental involvement is associated with children’s higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas the 2000 Urban Working Families study demonstrated that a lack of job flexibility for working parents negatively affects children’s health in ways that range from children being unable to make needed doctors’ appointments to children receiving inadequate early care, leading to more severe and prolonged illness;

Whereas, from 2001 to the beginning of 2008, 1,700,000 active duty troops served in Iraq and 600,000 members of the National Guard and Reserve (133,000 on more than one tour) were called up to serve in Iraq;

Whereas, because so many of those troops and National Guard and Reserve members have families, there needs to be a focus on policies and programs that can help military families adjust to the realities that come with having a family member in the military;

Whereas research by the Sloan Center for Aging and Work reveals that the majority of workers aged 53 and older attribute their success as an employee by a great or moderate extent to having access to flexibility in their jobs and that the majority of those

workers also report that, to a great extent, flexibility options contribute to an overall higher quality of life;

Whereas studies show that 1/3 of children and adolescents in the United States are obese or overweight, and healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence children’s health and development and that children who eat dinner with their families every day consume nearly a full serving more of fruits and vegetables per day than those who never eat dinner with their families or do so only occasionally;

Whereas unpaid family caregivers will likely continue to be the largest source of long-term care services in the United States for the elderly;

Whereas the Department of Health and Human Services anticipates that by 2050 the number of such caregivers will reach 37,000,000, an increase of 85 percent from 2000, as baby boomers reach retirement age in record numbers; and

Whereas the month of October is an appropriate month to designate as “National Work and Family Month”: Now, therefore, be it

*Resolved, That the Senate—*

(1) designates October 2009 as “National Work and Family Month”;

(2) recognizes the importance of work schedules that allow employees to spend time with their families to job productivity and to healthy families;

(3) urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(4) calls upon the people of the United States to observe National Work and Family Month with appropriate ceremonies and activities.

#### ORDERS FOR THURSDAY, OCTOBER 15, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, October 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first hour and the majority controlling the final hour; further, that following morning business, the Senate resume consideration of the conference report to accompany H.R. 3183, energy and water appropriations; finally, I ask that time during any adjournment, recess or period of morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BROWN. Mr. President, in addition to completing action on the energy and water conference report tomorrow, the majority leader would like to reach agreements to consider the conference reports to accompany the Homeland Security appropriations bill and the Department of Defense authorization bill.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:17 p.m., adjourned until Thursday, October 15, 2009, at 9:30 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, October 14, 2009:

## DEPARTMENT OF JUSTICE

DAVID LYLE CARGILL, JR., OF NEW HAMPSHIRE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF FOUR YEARS.

TIMOTHY J. HEAPHY, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

## EXTENSIONS OF REMARKS

### PERSONAL EXPLANATION

#### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. SAM JOHNSON of Texas. Madam Speaker, having been absent from the House for the week of October 5th, I would have voted the following way:

Conference Report to H.R. 2997—"nay."

Conference Report to H.R. 2647—"nay."

### CONGRATULATING THE VILLAGE OF ALEXANDER, NEW YORK, ON ITS 175TH ANNIVERSARY

#### HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. LEE of New York. Madam Speaker, it is with great pride that I commemorate the 175th anniversary of the Village of Alexander, New York, a beautiful community home to nearly 500 Genesee County residents.

Incorporated in 1834, the Village of Alexander is named after Alexander Rhea, who purchased the first land from his employer, the Holland Land Company, in 1802.

Alexander's history is closely tied to the Tonawanda Creek, which flows northeasterly through the town. The lands along the creek attracted numerous settlers, and Alexander continued to grow throughout the early 1800s and quickly became one of the most populous towns in Genesee County. By 1812, more than 100 families had taken up land in the town.

A tavern, tannery, blacksmith shop, general store, and a library were all soon built. A literary society was then formed out of the library, and after residents were able to raise \$6,000, the Alexander Classical School and later the Genesee and Wyoming Seminary were formed, leading to some of the first secondary education institutions in Genesee County.

Rich in history and community pride, the Village of Alexander and its residents are a true asset to Western New York.

Madam Speaker, in recognition of its 175th Anniversary, I ask this Honorable Body to join me in commemorating the Village of Alexander, New York.

### HONORING SPECIALIST SAM D. MERONEY

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Specialist Sam D. Meroney who has exemplified the finest qualities of leadership and citizenship by proudly serving our country in the United States Army. Specialist Meroney is currently stationed at Fort Carson, Colorado, and is most deserving of this special recognition as he continues to fight to protect the United States of America.

Specialist Meroney recently participated in the U.S. Army Military Police Challenge at Fort Leonard Wood, Missouri. From September 16–18, 2009, Specialist Meroney and his two compatriots competed in thirteen spirited events. Of the nation's top 34 three-man teams participating, Specialist Meroney and his team were able to meet the significant challenges and succeed in winning the overall competition. In addition to this achievement, his team placed first in two individual events. Not only has Specialist Meroney earned the respect of his family, peers, and community, he has also made both the state of Missouri and the United States of America proud.

Madam Speaker, I strongly urge all Members of Congress to join me in commending Specialist Sam D. Meroney for his accomplishments in the United States Army and for his efforts put forth in defense of this nation.

### RECOGNIZING THE CONTRIBUTIONS OF THE INDIA PLAZA

#### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to recognize the many contributions of the India Plaza to the city of Tempe. The India Plaza has been a strong and distinctive feature in the Tempe community since 2003. The plaza serves as a window into the Indian culture, showcasing India's food, clothing, music and hospitality.

Since its beginnings, the plaza has continuously thrived. Its business owners and employees have partnered with local charities and been active in the Tempe Chamber of Commerce. Those same merchants also worked to create a safer environment by promoting the addition of crosswalk and signal access near the plaza.

I am truly privileged to represent such a strong cultural fixture in our district and will continue to treasure the plaza's addition to Tempe's diversity. As many in the Indian com-

munity decorate their homes with lights, share sweets and start the new financial year in celebration of Diwali, I am honored to share in their celebration. Again, I am proud to serve the India Plaza and am eager to see its continued success and growth.

Therefore, I urge you Madam Speaker, in rising to congratulate the India Plaza on its partnerships and accomplishments within the community of Tempe, Arizona.

### PERSONAL EXPLANATION

#### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol for three votes on Tuesday, October 13, 2009.

However, had I been present, I would have voted "yea" on H.R. 3689, providing for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center; "yea" on H.R. 3476, reauthorizing the Delaware Water Gap National Recreation Area Citizen Advisory Commission; and "yea" on H. Res. 659, congratulating Kappa Alpha Psi Fraternity, Inc. on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation.

### MEDIA GIVE TALE OF TWO PROTESTS

#### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. SMITH of Texas. Madam Speaker, in Pittsburgh and Washington, DC, the national media have given us a tale of two protests.

The media's coverage of the conservative September 12 protests intentionally tried to paint a negative picture of the protestors, even though there were no arrests or acts of violence.

The Washington Post described the 9/12 protests as an outpouring of a "spectrum of conservative anger."

The New York Times used words like "angry" and "profane" to describe the protests.

Fast forward to the radical-left G-20 protests in Pittsburgh recently.

The New York Times headline called the protests a "Peaceful March."

CNN described the protests as "more peaceful, less confrontational," even though there were dozens of arrests and businesses damaged.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



The national media should give fair coverage to protests on both sides, instead of demonizing conservatives and praising radical liberals.

REMEMBERING NAVY SEAL, SO2,  
RYAN JOB

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. MITCHELL. Madam Speaker, it is with great remorse that I rise today to remember the life of Navy Seal, SO2, Ryan Job. Ryan joined the Navy in 2002 with the goal of joining the select Navy Special-Operations Force, known as the SEALs. Ryan was eventually deployed to serve in Iraq in 2006. While on patrol in the city of Ramadi, Ryan was wounded in an assault, which resulted in the destruction of one of Ryan's eyes and severing the optic nerves of the other. This attack left Ryan entirely blind. After spending time in multiple military hospitals across the country, Ryan's stamina and determination allowed him to make a full recovery, and in 2007, he and his wife Kelly moved to my district and settled in North Scottsdale. There, he was able to complete his business degree, and landed a job with General Dynamics.

Ryan was able to make this smooth transition back to a civilian life with the help of the non-profit Sentinels of Freedom Scholarship Foundation. This incredible organization is devoted to providing aid and support to injured men and women of the U.S. armed forces to help them realize their goals of returning back to their homes and becoming productive and active members of society. The Sentinels of Freedom helped Ryan to locate the condo he and his wife chose to live in, found him the job at General Dynamics, and also enrolled him in online classes to allow Ryan to finish his degree. In return, Ryan became a spokesman for the organization and an advocate for veterans, as he wanted to make sure that his fellow men and women in uniform would be able to make the same transition as he did.

On September 24, 2009, Ryan underwent another surgery. However, this time, there were complications, and in an absolutely heart-breaking turn of events, our brave and inspiring friend Ryan Job passed away.

Madam Speaker, I hope that you will join me in remembering and celebrating the life of Ryan Job. My thoughts are with Ryan's family and loved ones during this difficult time. Ryan is a hero to us all. He will be dearly missed, but he will never be forgotten.

HONORING JESSE RAYMOND  
NELSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jesse Raymond Nelson, a very special young man who has exemplified

the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1179, and in earning the most prestigious award of Eagle Scout.

Jesse has been very active with his troop participating in many scout activities. Over the many years Jesse has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jesse Raymond Nelson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING VIRGINIA HOUSE  
SPEAKER WILLIAM J. HOWELL  
FOR RECEIVING THE  
CARRINGTON WILLIAMS PRESER-  
VATION AWARD

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. WOLF. Madam Speaker, I rise today to recognize Virginia House Speaker William J. Howell for receiving the Carrington Williams Preservation Award. The Carrington Williams Preservation Award is presented by the Shenandoah Valley Battlefields Foundation to an individual whose accomplishments in furthering the cause of preservation have been noteworthy and will be long-lasting. This year, the Shenandoah Valley Battlefields Foundation selected a Virginian of remarkable accomplishments for the Commonwealth and to the preservationist cause to receive this award.

The award is made in honor of Carrington Williams, whose dedication to preservation, especially Civil War battlefields, is well known. He served as chairman of the predecessor organization to the Civil War Preservation Trust, the Association for Preservation of Civil War Sites. He was chairman of the federal commission that wrote the management plan for the Shenandoah Valley Battlefields National Historic District, and he served as the founding chairman of this organization.

The Honorable William J. Howell is the 54th Speaker of the Virginia House of Delegates, a nearly 400-year old institution and the oldest continuously elected law-making body in the world. First elected a delegate in 1987, he represents the 28th House District which includes parts of Stafford County and the City of Fredericksburg.

In addition to his noteworthy legislative contributions to public education and public safety, the 2007 enactment of his legislation for historic land use changes were supported by statewide and regional funding of roads, railroads, and transit. He has been a strong supporter of restoring the Chesapeake Bay and also led the effort to enact Virginia's national model program for preserving open spaces using free market principles. He has stood firmly with battlefield preservationists in many of their efforts, including those at Slaughter Pen Farm in Fredericksburg, as well as more recently at the Wilderness. And his leadership

enabled the General Assembly to appropriate \$5 million in state funding for Civil War battlefield preservation.

Speaker Howell is chairman of the Virginia Sesquicentennial American Civil War Commission that is now preparing to mark the 150th Anniversary in 2011 of Virginia's entry into the Civil War. He has been twice honored by the Civil War Preservation Trust with its State Leadership Award. He was one of the overseers of the recent State Capitol renovations as well as one of the leaders in organizing the commemoration in 2007 of America's 400th Anniversary at Jamestown.

HONORING EISENHOWER HIGH  
SCHOOL

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. BACA. Madam Speaker, I rise today to honor Eisenhower High School in Rialto, California, on the occasion of its 50th Anniversary.

The students and alumni of Eisenhower High School will celebrate 50 years of continued academic excellence, October 17, 2009. This anniversary is a milestone for Rialto, California. Throughout the past 50 years, the school has provided an exemplary educational service to its students and has contributed greatly to the community.

Eisenhower first opened its doors in fall of 1959, and since then has achieved success in academics, athletics and community service while providing a high level of education. They have always been a school of inclusion and unity regardless of an individual's background.

Eisenhower High School has been able to maintain an outstanding athletic program for their students, allowing them to participate in activities that promote the values of team work, integrity, and dedication. Their athletic teams have consistently won conference titles in varied sports, including football, basketball, wrestling, and swimming. The boy's basketball team currently holds the State Championship title. With this victory they became the first California Interscholastic Federation State title holders for a school from San Bernardino County.

Pro Football Hall of Famer Ronnie Lott graduated from Eisenhower High School. He went on to play for the San Francisco 49ers and was named to the NFL's 75th Anniversary team. Among other Eisenhower High School alumni whom have played on the professional level are Brandi Burton, David Lang, Jeff Conine, Darnell Coles, and Craig Newsome. Another distinguished alumnus is Derek Parra, Olympic Speed-Skating gold medalist and 1500 meter world record holder.

Eisenhower High School has also achieved recognition in academics and community service. They have achieved recognition on the state level as well as national recognition. Anita Ware, alumna of Eisenhower, was its first student to be awarded the prestigious Westinghouse Science Award. The school newspaper, the Eagle's Eye, received an award in 1976 for being one of the nation's best student newspapers from the National



Scholastic Press Association and Quill & Scroll. Eisenhower High School was also recognized as a National Blue Ribbon and as a California Distinguished School.

Both of my sons graduated from Eisenhower High School. My son Joe Baca, Jr., served in the State Assembly and is now the Mayor Pro Tem for the City of Rialto. Jeremy Baca is an outstanding private consultant.

Madam Speaker, I ask that my colleagues join me today in honoring Eisenhower High School. Their continuing record of accomplishment is due in no small part to the teaching practices of the faculty who have guided the school through the years.

#### FCC'S HEAVY HAND

#### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. GENE GREEN of Texas. Madam Speaker, I submit the following article.

[From the Washington Post, Sept. 28, 2009]

#### THE FCC'S HEAVY HAND

In a speech at the Brookings Institution last week, Federal Communications Commission Chairman Julius Genachowski promised that his agency's plan for regulating Internet service providers (ISPs) will be "fair, transparent, fact-based and data-driven."

That's nice. But Mr. Genachowski failed to convincingly answer the most important question of all: Is this intervention necessary?

Mr. Genachowski claims to have seen "breaks and cracks" in the Internet that threaten to change the "fundamental architecture of openness." He and other proponents of federal involvement cite a handful of cases they say prove that, left to their own devices, ISPs such as Comcast Corp. and AT&T will choke the free flow of information and technology. One example alluded to by the chairman: Comcast's blocking an application by BitTorrent that would allow peer-to-peer video sharing. Yet that conflict was ultimately resolved by the two companies—without FCC intervention—after Comcast's alleged bad behavior was exposed by a blogger.

Mr. Genachowski offered two proposals to combat alleged ISP misconduct. One should be embraced, the other shelved.

Mr. Genachowski is right to insist that ISPs be candid with the agency and the public about network management practices. Such disclosures are necessary, Mr. Genachowski asserted correctly, to "give consumers the confidence of knowing that they're getting the service they've paid for" and "enable innovators to make their offerings work effectively over the Internet." Transparency should go a long way toward allaying the concerns of those who fear ISP manipulation of markets. It also puts in doubt the need for Mr. Genachowski's second, dubious offering.

Aptly dubbed an "immodest proposal" by the Free State Foundation's Randolph J. May, the FCC would prohibit ISPs from "discriminating against" different applications. Mr. Genachowski explains it this way: ISPs "cannot block or degrade lawful traffic over their networks, or pick winners by favoring some content or applications over others in the connection to subscribers' homes." In

short, ISPs, which have poured billions of dollars into building infrastructure, would have little control—if any—over the kinds of information and technology flowing through their pipes.

In a slight concession, Mr. Genachowski said that the commission would consider whether to allow ISPs to offer "managed services in limited circumstances"; this approach could allow ISPs to create a two-track delivery system—one for routine traffic, the other for applications that use exorbitant amounts of bandwidth. But unneeded regulation could still interfere with their ability to manage bandwidth-hogging applications that can hamper service, especially during peak times.

Mr. Genachowski claims that the FCC "will do as much as we need to do, and no more, to ensure that the Internet remains an unfettered platform for competition, creativity and entrepreneurial activity." He will advance this goal by insisting on transparency; he will jeopardize it—and stifle further investments by ISPs—with attempts to micromanage what has been a vibrant and well-functioning marketplace.

#### HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY STAFF SERGEANT JUSTIN GALLEGOS

#### HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Army Staff Sergeant Justin T. Gallegos, who was killed in action with seven fellow Soldiers as their remote outpost in mountainous eastern Afghanistan was attacked by insurgents on October 3, 2009. He leaves behind his mother, two sisters, brother and a 5-year-old son.

Born in Tucson, Arizona, Justin graduated from Tucson High School before joining the Army in 2002. Staff Sergeant Gallegos was assigned to Bravo Troop, 3rd Squadron, 61st Cavalry Regiment, 4th Brigade Combat Team, 4th Infantry Division.

Justin was on his first deployment to Afghanistan, but he had already completed two previous deployments to Iraq, the first a one-year deployment from November 2005 to 2006 and the other a fifteen-month deployment from March 2007 to May 2008.

Since entering the Army, Justin had earned a reputation for being a good Soldier. Over his career he earned more than a dozen honors including three Purple Hearts, two Army Commendation Medals and two Army Achievement Medals. He also earned the Bronze Star for his actions that day in defending his combat outpost.

On this day, he was deployed to a remote base near the Afghanistan-Pakistan border. As insurgents poured over the hilltop ridge toward his position and the base, Justin and his fellow Soldiers held their ground before the camp was partially overrun and nearly destroyed by rocket and mortar fire. The team held back hundreds of enemy fighters before ultimately succumbing to the overwhelming volume of fire.

These men fought bravely and will not be forgotten.

We remember Staff Sergeant Gallegos and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Justin's legacy reaches beyond the desolate landscape of Afghanistan and into the hearts of a grateful nation.

This body and this country owe Justin and his family a debt of gratitude and it is vital that we remember him and his fellow servicemembers who have paid the ultimate price.

Justin is a hero both to his country and to his wonderful family. We salute his selfless service, sacrifice and bravery. May he not be forgotten and may his mission continue in the work of this body and the hearts of all Americans.

#### PERSONAL EXPLANATION

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. MILLER of Florida. Madam Speaker, I missed rollcall vote Nos. 772–774 on October 13, 2009.

Had I been present, I would have voted:

Rollcall vote No. 772, To provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, "yea."

Rollcall vote No. 773, To reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission, "yea."

Rollcall vote No. 774, Congratulating Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation, "yea."

#### HONORING KYLE L. REECE

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle L. Reece, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop participating in many scout activities. Over the many years Kyle has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle L. Reece for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

# RECOGNIZING THE BICENTENNIAL CELEBRATION OF HIRAM LODGE

## HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 2009

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in celebrating with the Hiram Lodge #7, Free & Accepted Masons, in Franklin, Tennessee, on the occasion of their bicentennial.

Hiram Lodge is home to the oldest continuous Masonic Lodge in Tennessee, predating the establishment of a Grand Lodge in the state. Located just off the square in Franklin, this beautiful structure has been home to many historical occasions—from President Andrew Jackson's negotiations with the Chickasaw Nation, to serving as a lookout post, barracks, and hospital during the Civil War. The Lodge is undertaking careful renovations to ensure this magnificent structure, the oldest Gothic Revival building in the state of Tennessee, survives for generations to come.

More importantly, however, is the role the Lodge has played in the life of the community over these past 200 years. So many of Franklin's leaders have been members of the Lodge, and to this day the Lodge is deeply involved in the civic and charitable affairs of the City.

Please join me in honoring 200 years of the Hiram Lodge's past, and celebrating this momentous occasion.

# EARMARK DECLARATION

## HON. JOANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 2892, the Fiscal Year 2010 Homeland Security Appropriations Bill.

Requesting Member: Rep. JO ANN EMERSON  
Bill: Fiscal Year 2010 Homeland Security Appropriations Act

Account: State and Local Programs  
Legal Name of Requesting Entity: Howell County Emergency Preparedness

Address of Requesting Entity: 3 Courthouse, West Plains, Missouri 65775

Description of Request: Provide an earmark for \$250,000 for an Emergency Operations Center in West Plains, Missouri. The Emergency Operations Center will serve the residents of Howell County and surrounding counties in the region in case of any natural or man-made hazards. The funding is budgeted at approximately \$7,275 for administrative and legal expenses; \$81,000 for land, structures, right-of-ways, appraisals, etc.; \$2,925 for project inspection and architectural and engineering fees; \$153,175 for equipment, construction and miscellaneous items; \$5,625 for contingencies.

# HONORING COLLIN HUSTER

## HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Collin Huster, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Collin has been very active with his troop participating in many scout activities. Over the many years Collin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Collin Huster for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

# COMMENDING THE STAFF AT JOHNS HOPKINS BAYVIEW MEDICAL CENTER

## HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 2009

Mr. SARBANES. Madam Speaker, as Congress works to extend health insurance coverage and improve the quality of care for all Americans, I would like to commend the Johns Hopkins Center for Innovative Medicine and their Aliko Initiative, an effort to restructure medical education with an emphasis on patient-centered care, for creating an innovative program that puts patients first. The Center for Innovative Medicine, launched five years ago by Dr. David Hellmann and Mr. Richard Paisner, has three goals: getting doctors to know their patients as people, members of families and communities; encouraging collaboration among all members of the Johns Hopkins Bayview campus; and creating a culture where everyone on the Bayview campus feels like a part of something special.

The Center's Aliko Initiative focuses on the first goal and has been called the most important innovation in graduate medical education in a generation by the renowned historian Dr. Kenneth Ludmerer. As described in *Pharos*, the journal of Alpha Omega Alpha, the honor society of medical schools, the Aliko Initiative seeks to train young doctors to get to know their patients as people. Through the generosity of Mrs. Aliko Perroti, internal medicine residents care for patients hospitalized at Johns Hopkins Bayview Medical Center under the direction of Dr. Roy Ziegelstein and Dr. Cynthia Rand. This initiative emphasizes that optimal medical care can only be delivered if medical treatments are tailored to the individual patient, and this can only be done if doctors get to know patients better as people, which sometimes involves visiting them at home after hospital discharge. Dr. Charles B. Green, Surgeon General of the Air Force, cir-

culated the *Pharos* article to all Air Force Medical Service personnel and said, "It [the article] emphasizes the necessity for all of us to understand that health care must be patient-centric. We must know our patients and ensure schedules provide time for care teams to spend with patients. We must focus on the patients to help them achieve new levels of health."

Madam Speaker, I commend the hard-working people at Johns Hopkins Bayview Medical Center, the Center for Innovative Medicine and the Center's Aliko Initiative. Their work should be seen as a model for improving the quality of care for all Americans. I'd like to enter the full text of the *Pharos* article into the RECORD.

# TEACHING RESIDENTS TO KNOW THEIR PATIENTS AS INDIVIDUALS

THE ALIKO INITIATIVE AT JOHNS HOPKINS  
BAYVIEW MEDICAL CENTER

Neda Ratanawongsa, MD, MPH; Cynthia S. Rand, PhD; Cathleen F. Magill, MD, MHS; Jennifer Hayashi, MD; Lynsey Brandt, MD; Colleen Christmas, MD; Janet D. Record, MD; Eric E. Howell, MD; Molly A. Federowicz, MA; David B. Hellmann, MD; Roy C. Ziegelstein, MD

# MS. P: CASE SUMMARY

Ms. P is a fifty-year-old woman with a history of hypertension who presented to the hospital with a severe allergic reaction to over-the-counter pain medications. During her hospitalization, Ms. P admitted to the intern that she had experienced the same allergic reaction before and felt ashamed that it had occurred again. In discussing how Ms. P organizes her medications, she also admitted that she only intermittently takes her blood pressure medications. She revealed that she is a busy caregiver for her mother and son, both of whom live with Ms. P and have complex medical problems of their own. The intern, consulting with her resident and attending, wondered how she can best help Ms. P return home safely and avoid future problems with her medications.

Sir William Osler, if reincarnated and the attending for Ms. P, would have taken this opportunity to teach his residents the importance of knowing her as a person, for it was he who famously observed, "It is much more important to know what sort of a patient has a disease than what sort of a disease a patient has." Despite increasing evidence that knowing the patient as an individual improves patient outcomes, graduate medical education (GME) pays little attention to affording residents the opportunity to know their patients well.

If you ask the members of an inpatient ward team what keeps them from knowing their patients, most—from students to residents to attendings—say, "We don't have enough time." Medical historian Kenneth Ludmerer laments the recent focus of residency training on service over education, with residents caring for greater numbers of patients for shorter periods of time. He argues that a fundamental educational principle of traditional medical education requires that residents learn deeply from and about fewer patients, citing the landmark report by Abraham Flexner: "Men become educated by steeping themselves thoroughly in a few subjects, not by nibbling at many."

Hippocrates wrote, "Healing is a matter of time, but it is sometimes also a matter of opportunity." At Johns Hopkins Bayview Medical Center, we are seizing the opportunity to give residents the gift of time to

allow them to become healers and know their patients in the way Osler recommended. The Aliko Initiative—a new educational program named for philanthropist Mrs. Aliko Perroti, who supports our efforts—reduces residents' workloads and creates new opportunities for residents to know their patients more fully both inside and outside the hospital. The program provides residents the time both to get to know their patients and to learn from the reflect with their teachers.

#### THE IMPORTANCE OF PATIENTS' NARRATIVES

The opportunity to know patients as individuals is one of the greatest rewards in medicine. The narratives of our patients' lives fuel our passion for this work and keep us grounded in the art and humanity of medicine. By allowing us into their lives—whether through a single, brief interaction in the hospital or an enduring relationship over decades—patients bestow on us a special privilege.

Beyond this, however, our capacity to know patients as individuals allows us to translate the best evidence-based medicine into the highest quality, personalized care. In 1977, George Engel exhorted physicians to break free from the constraints of the biomedical model to understand “the patient as well as the illness” by uncovering the psychological and social aspects of patients' lives and life views. This patient-centered framework of care is associated with improved patient outcomes, including better quality of life, improved adherence, pain reduction, and improved blood pressure control.

Despite its demonstrated benefits, the widespread failure of the health care system to provide individualized, patient-centered care is directly linked to suboptimal patient outcomes. A survey of 39,090 patients by Consumer Reports published in 2007 shows that fifty-eight percent of them feel their doctors do not know them as individuals. Another report in *zoos* indicates that, on discharge from the hospital, fewer than half of patients can list or explain the purposes and side effects of their medications. A study by D. R. Calkins and colleagues published in 1997 shows that physicians, on the other hand, tend to overestimate the quality of their discharge instructions. A 2007 paper by Derjung Tarn and coworkers noted that physicians prescribing new medications only stated the name of the medication seventy-four percent of the time and addressed adverse effects and duration of therapy about one-third of the time. This failure by physicians to communicate critical elements of medication use may contribute to failure by patients to take medications as directed. Similarly, Sunil Kripalani and colleagues in an article published in 2007 report that communication between hospital physicians and primary care physicians is often lacking or suboptimal in detail, affecting the quality of care in twenty-five percent of follow-up visits.

#### PATIENT CENTEREDNESS—ONE OF SIX CORE AIMS FOR IMPROVING THE QUALITY OF HEALTH CARE IN THE UNITED STATES

The Institute of Medicine (IOM) report *Crossing the Quality Chasm* highlights patient-centeredness as one of the six core aims for improving the U.S. health care system. The report defines patient-centeredness as: “Providing care that is respectful of and responsive to individual patient preferences, needs, and values, and ensuring that patient values guide all clinical decisions.” Toward that goal, the IOM in the follow-up report *Health Professions Education: A Bridge to*

Quality proposes that skills in providing patient-centered care should be a central competency for health professionals.

Unfortunately, traditional GME is not prepared for this imperative. The goal of GME is not only to provide trainees with the knowledge and skills to care for patients like Ms. P, but also to inculcate in them the core values of the medical profession. GME today, however, is largely driven by the service needs of medical centers instead of thoughtful educational priorities. Residency graduates emerge from three years of stressful, demanding training ill-equipped to provide the type of patient-centered, quality care Ms. P deserves. Rather than learning to care for patients collaboratively across transitions and in the greater context of their lives, health care is both practiced and taught in “silos.” At the same time, the structure and financing of GME elevates the business of medicine over the vocation of medicine, creating a hidden curriculum in which “the values of the profession are becoming increasingly difficult for learners to discern.”

Medical school curricula at many schools show an increased emphasis on patient-centered care and the value of effective patient-provider communication. However, once these physicians-in-training enter the typical residency program, they find that their training experiences do not reinforce this emphasis and are not structured to allow them to know and understand their patients as individuals. Unlike proficiency in traditional medical knowledge or clinical judgment, the skill of knowing one's patient as an individual may decline under the influence of a hidden curriculum that may not promote humanistic care. Duty hour reforms limiting the number of hours without adjusting the volume of work may lead some residents to make conscious decisions about how to spend their time, as voiced by one resident in a 2005 survey: “It is harder to have as much time to speak with and really get to know patients, which impacts the ability to have shared decisions and understand patient perspectives.”

Finally, GME leaves little time for reflective learning. Reflection allows physicians-in-training to think about the meaning of their experiences with patients and how these experiences are influencing their own overall professional development. Although medical educators promote the potential value of self-reflection through activities like critical incident reports and portfolios, trainees' capacity for reflection may decline with the workload and fatigue of residency training.

Thus today's young physicians-in-training may master the mechanics of delivering medical care, yet never have the opportunity to learn the art of healing.

#### CREATIVE PHILANTHROPY—KEY TO SUCCESS OF THE ROCKEFELLER FOUNDATION

At the turn of the twentieth century, Frederick T. Gates advised John D. Rockefeller to establish an institute of medical research focused on medical education reform. Rockefeller's \$32 million endowment of the General Education Board comprised the largest gift to higher education up to that time. In 1905, Henry Pritchett of the Carnegie Foundation commissioned Abraham Flexner to study the state of medical education in North America and to make recommendations to improve it. This effort resulted in the publication of the *Flexner Report*, perhaps the most influential document in the history of American medical education. These achievements a century ago represent striking examples of the

ways creative philanthropy can both reform and shape medical education to meet the needs of society.

The need for educational reform is once again upon us, but the funding constraints of a market-driven health care environment hamper innovation by hospitals and educators. Reform in the twenty-first century may require educators to consider again the potential of partnering with the public. The Aliko Initiative is a program designed to create physicians who treat all patients with compassionate, competent, and personalized care.

The Aliko Initiative aims to develop caring doctors who have a genuine and deep appreciation of the importance of knowing each patient's unique personal circumstances and who make patient care recommendations that apply the best evidence to the individual patient. The program reduces the number of patients assigned to each resident, providing residents more time to spend with patients during and after their hospitalizations, and thus offering new opportunities for residents to learn from and about their patients.

The Johns Hopkins Bayview Medical Center is an academic medical center serving 8700 medicine inpatients per year; twenty percent are poor. Patients hospitalized on the medical service receive care either from a hospitalist service or from one of four house staff teams. Teams contain one resident, two interns, two students on basic medicine clerkship rotation, a faculty attending, and a case manager. A traditional team admits ten patients every fourth night on “long-call” and four patients during an intervening “short-call.” In October 2007, one team became an Aliko Team, admitting five long-call patients and two short-call patients. Hospitalists care for the patients who would otherwise be admitted by this house staff team.

#### LOWER PATIENT LOAD ENABLES MORE TEACHING TO THE ALIKO TEAM

With this reduced census, the Aliko Team has the time to participate in teaching sessions and mentored experiences designed to foster appreciation of knowing each patient as a unique person and understanding each patient's psychosocial circumstances. This begins from the admission encounter, when house staff learn to elicit a more meaningful, detailed history that includes patients' understanding of their illness and their health. By engaging in this dialogue with patients, their caregivers, and their outpatient health care providers, house staff learn who and what patients have left behind when they arrive at the hospital, an often forgotten but equally important transition time.

Residents also learn how to provide counseling and treatment to match patients' needs and concerns. One key component of the Aliko Initiative is learning to assess and overcome potential barriers to medication adherence, particularly by tailoring evidence-based treatment to the patients' particular preferences and resources.

During each day of the hospitalization, house staff continue these conversations, honing their skills in patient education and joining with patients in shared decision making about diagnostic or therapeutic options. Leading up to and on the day of discharge, house staff prepare patients and their caregivers for the transition to home, rehabilitation centers, or other settings in the patients' communities.

In contrast to usual practice following discharge, residents call all patients within a few days of discharge to answer questions,

check their understanding of the hospitalization and treatment recommendations, review their understanding and ability to adhere to the discharge treatment regimen, and offer assistance with any problems that have arisen in the transition.

Finally, the Aliko Initiative provides the most powerful learning opportunity of all: team members learn to know their patients as individuals within their own homes and communities. Five or more patients per month give residents permission to visit them after discharge in their homes or subacute care facilities. Often, patients allow residents to photograph or film these visits, so the house staff can teach their colleagues about these rich, rewarding experiences during a monthly Aliko morning report conference.

#### OUTCOME—NARRATIVE MEDICINE YIELDS BETTER PATIENT CARE

Since October 2007, over half of our house staff have participated in the Aliko rotation. During hospitalizations, residents spend more time at the bedside with their patients and patients' loved ones, discussing medications and other treatments and coordinating care with outpatient providers. Interns and residents say they gain their greatest insights during their time with patients after discharge, when they call all of their patients and visit five or six patients at their homes or subacute care facilities.

In addition to enhanced time with patients, team members have the time to reflect on their professional and personal growth, both individually and as a team. Each month, faculty and attendings working with the Aliko house staff meet to debrief the team about their experiences. The most striking and consistent observation is how often house staff report "being surprised" by what they have learned about their patients. Prior assumptions about a patient's preferences, barriers, abilities, or concerns are regularly challenged when residents take the time to know patients individually. This deeper insight, in turn, has repeatedly led to opportunities to provide better patient care. Below we present some examples of "assumption-challenging" Aliko experiences and how they impacted patients and house staff.

#### MS. P: THE HOME VISIT

A few days after discharge from the hospital, the Aliko Team intern and attending visited Ms. P at her home, learning more about her home situation and meeting her mother and son. They discovered that—in an attempt to remind herself to take her medications—Ms. P keeps her medications on her dining room table. Otherwise, she reported, the medications are "out of sight, out of mind." The intern realized that both Ms. P's mother and her son also keep their prescription and over-the-counter medications in the same location, increasing the chances that any of them could take the wrong medication. The intern also learned about the ways Ms. P copes with caring for her family, including the supports she receives from her community. Together, the intern and Ms. P brainstormed about how to organize her medications more safely and help her remember how to take them.

From the home visit the intern learned more about the challenges of integrating a complex medical regimen into a person's daily life and ways to engage patients in finding solutions to these challenges. Ms. P expressed appreciation that the intern took the time to come to her home: "They treated me like I was someone special."

This learning experience is just one of many. Other examples of Aliko experiences include:

An intern spent significant time with a man facing a difficult decision about treatment for pancreatic cancer. The patient initially told him, "I'll do whatever you say, Doc." Nevertheless, the intern patiently spoke with him every day to learn about his goals of care and preferences. He wasn't sure he was making any difference until one day the patient told him, "Doc, I don't want any of those things. I want to go home." The intern helped him transition to home hospice, and felt certain that this was "the right thing to do for him."

A former Aliko resident working as the urgent care doctor for the clinic described "an Aliko moment" during which he discovered that a patient with gastrointestinal bleeding was unable to afford his proton pump inhibitor after hospitalization. Experience on an Aliko Team gave him the skill and confidence to ask the patient explicitly and thoughtfully about all barriers to adherence. The resident switched the patient to a generic medication covered by the patient's insurance and spent time counseling the patient about the rationale for this therapy.

An intern visited a patient with urinary retention in a subacute care facility and learned that the patient's Foley catheter had been removed despite notations not to do so in the "hospital course" section of the discharge summary, and despite the patient's own recall of their recommendations. The team resolved that in the future they would document more explicit instructions with the medications list at the end of discharge summaries and call ahead to subacute care facilities for similar important follow-up issues.

Although residents were initially concerned that fewer patients would mean less opportunity for traditional medical learning, in fact, they report having more time for evidence-based and bedside teaching. One team decided to focus on physical diagnosis skills. The teaching attending physician on this team described the experience as "the first time I am sure that the interns really knew how to examine a patient by the end of my weeks with them." The supervising residents also relished the additional time to search the literature for articles and prepare teaching for the team.

House staff participating in the Aliko team feel greater pride and more fulfilled in their work. In the words of one intern, "It's given me time to be the kind of doctor I've always wanted to be and do the things I should be doing for all my patients."

#### MS. P: EPILOGUE

Asked about the home visit, Ms. P said, "I thought those days were over. You know, how the doctors used to come to your house. They came down, sat down to talk, to see how I was getting out of the hospitalization. And that made me feel good because some doctors don't have that interest or do a follow-up to find out how the patients are doing . . . That's letting the patients know that someone else cares. That made me feel that I was important, and they're learning from me! . . . They treated me like I was the only patient they had to see that day. They treated me like I was someone special."

#### WHERE FROM HERE? MORE OPPORTUNITIES FOR INNOVATIVE MEDICINE

Our early experience suggests that the Aliko Initiative has the potential to increase residents' skills and motivation to deliver patient-centered care. Ongoing and planned evaluations of the program's outcomes include:

An assessment of Aliko residents' self-assessed behaviors, attitudes, and skills before and after participation in the experience.

Trainees' perceptions and understanding of medication adherence and cost.

An audit of the medical records of patients cared for by an Aliko team, compared with patients cared for in other settings, to evaluate prespecified aspects of inpatient care, transitions of care, and the quality of discharge documentation.

In addition, we will examine the impact of the Aliko Initiative on such patient outcomes as hospital length of stay, quality and safety of the transition from hospital to home or to another care team at a skilled nursing facility, rates of rehospitalization, patients' knowledge about their medical conditions and medications, and patients' perspectives about the quality of their care and health care providers. These evaluations may help educators at other institutions determine what parts of this curriculum to try at their own institutions, and to secure grant funding to support such efforts. In addition, such evaluations may prove helpful to policy makers as they shape the future funding structure of GME.

Like the Flexner Report a century ago, the Aliko Initiative resulted from private philanthropy directed to improving medical training for the public good. When doctors and private citizens together view medicine and medical education as a public trust, everyone benefits. It also reminds medical educators that we cannot accept the status quo and need to show the public what our vision for patient-centered care can and must be. As Molly Cooke and her coauthors write, "No one would cheer more loudly for a change in medical education than Abraham Flexner. . . . He would undoubtedly support the fundamental restructuring of medical education needed today. Indeed, we suspect he would find it long overdue."

Acknowledgment: The Aliko Initiative is funded through the Johns Hopkins Center for Innovative Medicine, thanks to the generosity of Mrs. Aliko Perroti.

#### HONORING TYLER AARON BEDELL

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tyler Aaron Bedell, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop participating in many scout activities. Over the many years Tyler has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Tyler Aaron Bedell for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING ST. JOHN THE  
BAPTIST GREEK ORTHODOX  
CHURCH

**HON. DINA TITUS**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Ms. TITUS. Madam Speaker, I rise today to congratulate St. John the Baptist Greek Orthodox Church as they mark their 50th anniversary as a congregation during the month of October. I am looking forward to celebrating with my friends at the church in the coming weeks.

Incorporated on April 8, 1959, and named in September of the same year, the Church has long served as a pillar of the Las Vegas community. As the first Greek Orthodox Church in Southern Nevada, St. John's welcomed new Americans of Greek descent to Las Vegas and helped them feel at home in the community. St. John's has also educated thousands of children in the rituals and faith of the Greek Orthodox Church, ensuring the strength and vitality of the doctrine.

Since 1959, the congregation and its leaders have remained true to its core Greek Orthodox principles of faith and family. This large and dynamic community has been a guiding light in Southern Nevada. The Church offers both religious and Greek language classes for children and young adults, as well as a bookstore for all ages. The Church has been home to many happy occasions, including christenings, religious holidays, birthdays, and weddings. Our community has also come together in times of mourning to offer consolation and comfort to the grieving. St. John's has been a valuable part of my life since I moved to Las Vegas more than 30 years ago as I was welcomed with authentic Greek hospitality.

In the past 50 years, the Church has expanded from a small group of patrons to a large community meeting in a beautiful Church located in the heart of District 3, whose design was inspired by St. Euphemia of the Hippodrome in Constantinople. Today, St. John's has a vibrant membership and is host to a community center and educational facilities.

Since 2003, the Hellenic Historical Society has been preserving and chronicling the history of the Greek community of Las Vegas in order to pass on this important record to future generations. Through exhibits and presentations, the Historical Society has been educating and informing the Greek community of its deep roots in the Las Vegas Valley. Their newest educational project is tracing the ancestral roots of the Greek community and their journey to Southern Nevada.

The Church is also active in social justice projects that benefit children, seniors, the sick, and the poor. Through a variety of social action projects, congregation members are constantly contributing and working not only to improve Southern Nevada, but also the world-wide community.

The Church hosts regular events celebrating Greek heritage such as folk dancing, led by award winning dancing teams, and Easter egg hunts. There is also an annual Greek Food festival which is famous throughout the Las Vegas Valley for its wonderful music, camara-

derie, and the best Greek food outside of Athens.

I congratulate St. John the Baptist Greek Orthodox Church for its first 50 years of successes and extend my best wishes for the next 50 years.

COMMEMORATING THE 120TH ANNI-  
VERSARY OF THE FENIMORE  
STREET UNITED METHODIST  
CHURCH

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Ms. CLARKE. Madam Speaker, I rise today to commemorate the 120th anniversary of the Fenimore Street United Methodist Church located in Flatbush, Brooklyn.

Fenimore Street Methodist Church was incorporated on August 20th, 1889, and admitted into the New York East Conference in April 1890 with Rev. James L. Hall as its first pastor.

Over the years, Fenimore has served the people of Brooklyn as not only a house of worship, but as a pillar of the community. As the neighborhood changed, so did church patronage which culminated in 1968 with Rev. William J. Smart becoming Fenimore's first black minister. In the tradition of firsts, in 2002, Rev. Dr. Maxine Nixon was named Fenimore's first female minister.

Fenimore Street Methodist Church has undergone many renovations and weathered many challenges under the steadfast leadership of its pastors. Providing such services as the summer camp for neighborhood children and remaining a pillar of support for those who have fallen on hard times are just some of the ways in which Fenimore has served Brooklyn over the years.

Madam Speaker, I'd like to acknowledge the very distinguished pastors that have poured their heart and soul into Fenimore Street United Methodist Church. They include: Revs. James L. Hall; C.S. Willisams; J.S. Bell; C.A. Knesai; H.E. Kiley; G.W. Osman; L.H. Caswell; W.G. Griffin; G.L. Thompson; C.C. Coile; E.J. Marvin; H.C. Whitney; Arthur C. Brown; James Link; John S. Smith; Dr. W.C. Sainsbury; Ward J. Kemenway; James Veatch; Maron Cox; William Smartt; Randolph Fisher; Alfred Harper; Lester Baker; Dr. Neville Buchanan; Dr. Ivan J. Roberts and Dr. Maxine Nixon.

Again I'd like to congratulate and thank Fenimore Street United Methodist on 120 years of service to Brooklyn.

RECOGNITION OF MT. DIABLO  
PEACE AND JUSTICE CENTER  
40TH ANNIVERSARY

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. GEORGE MILLER of California. Madam Speaker, I rise to recognize the Mt. Diablo

Peace & Justice Center, an invaluable institution in the San Francisco Bay Area that will be celebrating its 40th Anniversary on October 19, 2009.

Founded in 1969 by the late Andy Baltzo, the Mount Diablo Peace and Justice Center was initially known to most residents of Contra Costa County as simply, "The Peace Center." Its goal was to provide residents of the East Bay with a voice against the escalating war in Vietnam as well as a focal point for issues of social justice.

After our troops returned from Southeast Asia, members of the Peace Center recognized that the quest for peace and justice is never ending. The Center turned its attention to issues of nuclear arms reduction, military disarmament, and avoidance of U.S. entanglement in the conflicts in Central America.

Instrumental in the early development of the Peace Center was the work of a core group of committed peace activists including Arne Westerbak, Louise Clark, and Sheila Pedersen.

Over the years, the Center expanded its focus to include a wide range of programs that addressed raising peaceful children and race awareness. The larger community continued to have a voice through the Peace Center and has benefited from organized non-violent protests against military conflicts, including most recently the wars in Afghanistan and Iraq. These protests take the form of peace marches, demonstrations, and a unique war memorial known as The Crosses of Lafayette. Much national and even international attention was focused on the local community when multi-denominational memorials were erected on a highly visible hillside one for each American military service member who has died in the current conflicts. It's a silent but powerful reminder to all who pass by of the human toll of war.

The Mt. Diablo Peace and Justice Center also provides inspirational classes in non-violence that continue to benefit the community as a whole. With its access to nationally known speakers, educational forums, and film series, the Center is able to promote peace and justice through a variety of mediums. Students, parents and teachers have access to a wide range of programs that include the Art and Writing Challenge and Youth in the Military, a counseling service for young people on national service alternatives to the military. Through local food collection and distribution, The Center also addresses the needs of the poor living in our local community.

As our world becomes seemingly smaller, the Peace Center is once again broadening its program. Currently, plans are underway for an International Peace Youth Camp which will bring outstanding teen leaders from around the world to the Center. Once at camp, they will have the opportunity to get to know each other and learn new methods of co-existence through cultural exchange.

Today, dedicated Peace Center leaders such as Barbara and Ed Tonningsen and Bob Hanson continue to bring the lessons of non-violence to our community and beyond.

I applaud the Mt. Diablo Peace and Justice Center for its strong, principled, and ongoing voice on the issues of peace and justice and I am proud to bring this organization to the attention of my colleagues. Congratulations to

past and present members who have kept the Center viable and dynamic throughout the decades. As you celebrate 40 Years of Peacemaking, I wish you continued success.

40TH ANNIVERSARY OF THE  
TEXAS A&M INTERNATIONAL  
UNIVERSITY

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. CUELLAR. Madam Speaker, I rise today to mark the momentous 40th anniversary of the Texas A&M International University.

Texas A&M International University first began as a "center" in August 1970 under Texas A&I University in Kingsville in order to fill a demand in teacher education and business disciplines. Seven years later, the name changed to Laredo State University and in 1993, the institution became Texas A&M International University. In the fall of 1995, the Texas Legislature authorized the expansion of a four-year undergraduate program status with an eventual authorization for doctoral programs. Today, the university has been at the forefront of providing higher education and cultural opportunities to students of Laredo and surrounding south Texas region.

Texas A&M International University consists of the College of Arts and Sciences, the College of Business, the College of Education, the College of Nursing and Health Sciences, and a NCAA Division II Athletics program. Undoubtedly, this university serves as a unique asset to the fundamental groundwork for progressive and influential Hispanic serving institutions. TAMU has 92 percent of students identifying themselves as minority, including, Hispanic, African-American, Asian and other. Additionally, a rising number of baccalaureate graduates have been first-generation college students. This university has seen enrollment growth of approximately 10 percent every academic semester and recently welcomed its largest freshman class ever. The growth in admission numbers has provided social strides towards students attending the highest quality programs built on solid academic foundations.

Over the years, TAMU has increased success for the development in the community, educational achievement, and promising academic endeavors. I am happy to have this opportunity to congratulate Texas A&M International University on the occasion of its 40th anniversary, and I wish all staff and students many more years of success.

EARMARK DECLARATION

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I submit a list of the congressionally directed projects I have requested

in my home state of Idaho that are contained in the Conference Report to accompany H.R. 3183, the FY 2010 Energy and Water Development Appropriations Bill.

Project Name: City of Boise Geothermal Expansion to Boise State University

Amount Received: \$1,000,000

Account: DOE Energy Efficiency and Renewable Energy Geothermal Technology

Recipient: City of Boise

Recipient's Street Address: 150 N Capitol Boulevard, Third Floor, Boise, Idaho 83702

Description: The Boise City geothermal system currently provides a low cost, environmentally sound, sustainable, locally provided heat source to commercial and publicly owned buildings in downtown Boise. Geothermal heat is considered a renewable source of energy and does not rely on fossil fuels, nuclear power, mining or damming of rivers and emits zero emissions into the atmosphere. This project will extend the City of Boise geothermal pipeline system to Boise State University and would have the capacity to heat almost two million square feet on the campus. As global energy costs increase, the expansion to increased facilities will provide significant cost savings.

Project Name: Idaho Accelerator Center Production of Medical Isotopes

Amount Received: \$1,500,000

Account: DOE Office of Science

Recipient: Idaho State University

Recipient's Street Address: 921 South 8th Avenue, Pocatello, ID 83209

Description: The National Academy of Sciences recently issued a report recommending that the federal government increase support to radionuclide production, distribution and basic research in production mechanisms; increase the domestic production of medical radionuclides through dedicated accelerators and reactors; and educate the next generation of medically-related nuclear scientists. The Idaho Accelerator Center (IAC) will develop a medical isotope production facility that will serve regional isotope needs, conduct basic research in isotope production, educate the next generation of medically-related nuclear scientists, and partner with regional and national entities in medical isotope distribution and use. This program will meet regional and national needs in education and isotope production and provide new isotopes that are not currently part of the national isotope portfolio. IAC will complement, supplement and enhance DOE's National Isotope Program.

Project Name: Idaho National Laboratory Center for Advanced Energy Studies (CAES)

Amount Received: \$1,000,000

Account: DOE Office of Science

Recipient: Idaho National Laboratory

Recipient's Street Address: 2525 North Fremont St., Idaho Falls, Idaho 83415

Description: CAES is a partnership between the State of Idaho and its academic research institutions, the federal government through the U.S. Department of Energy and the Idaho National Laboratory managed by the Battelle Energy Alliance, LLC. Through its collaborative structure, CAES combines the efforts of these institutions to provide timely energy research on both technical and policy issues. The funds provided will procure world-class computation and visualization research equip-

ment to be located in the CAES research laboratory. These research tools will enable both critical-path scientific research and graduate education programs focused on such twenty-first century energy challenges as the availability of carbon-neutral renewable energy, such as biofuels for transportation; the stewardship of the environment including water resource management through energy efficiency; the management of fossil fuel energy systems; and the expansion of energy production from commercial nuclear power while educating the next generation of scientists, engineers, policy makers and the public.

Project Name: Little Wood River Ecosystem Restoration

Amount Received: \$100,000

Account: Corps of Engineers

Recipient: City of Gooding, Idaho

Recipient's Street Address: 308 5th Ave. West, Gooding, ID 83330

Description: This funding was authorized in the Water Resources Development Act of 2007 and would be used to repair and replace an aging WPA/CCC project that channeled the Little Wood River through the City of Gooding, Idaho. The project will remove and replace the existing rock wall and the boxed culverts that severely restrict the stream channel flow. Approximately 1.5 miles of the Little Wood River flow within Gooding city limits. Over the years, aging along with high water and ice jam events have caused severe deterioration of the masonry rock walls constructed in the 1930's and 40's in order to protect the city from floods. Large portions of the existing lava rock walls that line the Little Wood River through the city are structurally unserviceable and many have failed and fallen into the channel. This deterioration has increased at an alarming rate. The Corps of Engineers and the City of Gooding have been working on a solution for this rock wall failure for the past 20 years. The Army Corps has completed the Reconnaissance Study and the General Investigation Study, but the project has been on hold due to a lack of funding.

Project Name: Rural Idaho Section 595

Amount Received: \$3,875,000

Account: Corps of Engineers

Recipient: Walla Walla District Corps of Engineers

Recipient's Street Address: Boise Field Office, 304 8th St., Rm. 140, Boise, ID 83702-5802

Description: The funding was authorized in the Water Resources Development Act of 2007. This funding is critical to assisting rural Idaho communities in upgrading their water and wastewater treatment facilities. In many cases, this funding is required to comply with unfunded mandates passed down by this Congress and federal agencies. In addition, these funds help rural communities in Idaho trying to attract new businesses and spur economic development. The vital water funding in this bill will assist rural communities in job creation and affordable housing by offering improved services at lower costs than would otherwise be possible. This request is consistent with the intended purpose of this account. Funding will be directed primarily to the Eastern Idaho Regional Wastewater Authority in Shelley, Idaho.

I appreciate the opportunity to provide a list of Congressionally-directed projects included

in the Conference Report to accompany HR 3183, the FY2010 Energy and Water Development Appropriations bill, on behalf of Idaho and provide an explanation of my support for them.

#### HONORING ROBERTO MAESTAS

##### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. McDERMOTT. Madam Speaker, today I rise to offer special recognition to my constituent and friend, Roberto Maestas, as he steps into a new role after serving as the executive director of El Centro de la Raza for the past 37 years. For more than 40 years, Mr. Maestas has been intimately involved in the ongoing struggle for civil rights and social justice, not only for Latinos, but for all disadvantaged people. He is among Seattle's most respected figures, esteemed for his effectiveness, his political savvy, and his legendary persuasive powers.

Mr. Maestas recently has become Senior Advisor and Chair of Historical Resources at El Centro de la Raza. El Centro de la Raza's board of directors has asked Mr. Maestas to lead a program to chronicle, collect, record and preserve El Centro de la Raza's historical contributions to the local, national, and international community and to the social justice movement. We are so fortunate to have this opportunity to capture an accurate, vibrant history of a tumultuous, formative era with someone who not only lived through it but actually helped to make that history.

Roberto Maestas was born in New Mexico, but he has called Seattle, Washington, his home since the early 1950s. As a young man, Mr. Maestas taught at Franklin High School before pursuing a graduate degree at the University of Washington in 1968, where he became one of the University's first Chicano graduates.

In the early 1970s, as part of the United States War on Poverty, Mr. Maestas helped form an Adult Basic Education and English as a Second Language (ESL) program at South Seattle Community College to serve the city's growing Latino community. But, in 1972, funding was abruptly cut, and the program needed a new home. Mr. Maestas, along with fellow teachers, students, and a number of community activists, peaceably occupied the abandoned Beacon Hill School, and negotiated its conversion into a new community center, El Centro de la Raza.

Under his leadership, El Centro has become a voice and hub for Latinos seeking services, advocacy, and social justice. It has grown from a provider of ESL classes to a multi-million dollar Community Action Agency offering a wide array of services to thousands of low-income people of diverse ethnic backgrounds. Its programs include a bilingual child care center, a Basic Healthcare enrollment program, a food bank, senior services, and a home ownership program.

In addition, Mr. Maestas and El Centro de la Raza have been at the forefront of multicultural and international initiatives. El Centro

played a prominent role in local solidarity campaigns with Central American social justice activists, and it continues to host art exhibitions, cross-cultural exchanges, and international speakers. Mr. Maestas, along with Bernie Whitebear, Larry Gossett, and Bob Santos co-founded the Minority Executive Directors' Coalition; his extraordinary work over three decades to build the strongest municipal multi-racial coalition in the United States is widely acknowledged and justly acclaimed. Although the founding of El Centro de la Raza was sparked by Latinos and distinguished with a Spanish name, that name translates in English to: "The Center for the People of All Races." Through the years, Mr. Maestas has worked with diligence and determination to ensure that El Centro is "home" for all people interested in advancing the struggle for a better world by serving, educating, defending, and organizing each other to build the "beloved community" envisioned by Martin Luther King, Jr.

Appropriately, El Centro de la Raza and Mr. Maestas have received countless international, national, state, and local awards, including the "Thousand Points of Light" award in 1991 from the President George Bush, Sr.

Madam Speaker, Roberto Maestas is an invaluable asset to the Seattle community. His contributions and his commitment to better the lives of all people deserve our gratitude, our deep respect, and our keen approbation. The people of Seattle, including the thousands who have been served at El Centro de la Raza and the countless students, volunteers, and staff whom he has touched, are grateful for his kind guidance and his visionary leadership. I join them in thanking Mr. Maestas for his service, and in wishing him all the best in his future endeavors.

#### PERSONAL EXPLANATION

##### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Ms. WOOLSEY. Madam Speaker, on October 13, 2009, I was unavoidably detained and was unable to record my vote for rollcall No. 773. Had I been present I would have voted:

Rollcall No. 773: "yea"—to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission.

#### HONORING CHARLES JOSEPH WATSON BRYAN HUCKE

##### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Charles Joseph Watson Bryan Huckle, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

CJ has been very active with his troop participating in many scout activities. Over the

many years CJ has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Charles Joseph Watson Bryan Huckle for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### NATIONAL HISPANIC HERITAGE MONTH 2009

##### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. TOWNS. Madam Speaker, I rise today in support of the observance of National Hispanic Heritage Month 2009.

Since the birth of this country, Hispanics have played a tremendous role in the nation's social, economic, and political movements. Today, more than 47 million people of Hispanic origin live in the United States and represent the nation's fastest growing ethnic population. At this time, more than half a million Hispanic men and women reside in my home state of New York.

During National Hispanic Heritage Month, we celebrate the rich history and culture of Hispanic Americans. Hispanic Americans from all 50 states and territories are honored for their contributions to our society, which make up a critical part of America's identity and background. Hispanic Americans continue to share in the sacrifice and civic duties of their fellow U.S. citizens, and in fact, the Puerto Rican military participation rate is the second highest in the country.

Last month, I was joined by Representatives PIERLUISI, WASSERMAN SHULTZ and MICA in co-sponsoring legislation, H.R. 3718, to make residents of Puerto Rico fully eligible for the refundable portion of the child tax credit. The bill broadens the Internal Revenue Code of 1986 that currently excludes from the child tax credit Puerto Rican families with less than three children. At this time, the child tax credit is available to U.S. citizens in the 50 states, including residents of Puerto Rico who move to a state.

Expanding the child tax credit to Puerto Rican families with one child or more will inject critical funds into Puerto Rico's economy by directly boosting the incomes of the island's working families. Puerto Rico has been in an official recession for over three years, and its unemployment rate is 15.1 percent, which is significantly higher than the national average of 9.8 percent. Denying Puerto Rican families' access to proven United States economic recovery measures is unproductive and unjust, and it is time to afford U.S. citizens who are living in Puerto Rico the benefits of the child tax credit.

In conclusion, National Hispanic Heritage Month 2009 is marked by President Obama's successful appointment of the first Hispanic Associate Justice to the United States Supreme Court, the Honorable Sonia Sotomayor. The nomination and appointment of our fellow



New Yorker to the Supreme Court earlier this year is one in which our nation should take pride—for it broke down ethnic and gender barriers that will forever open the doors to future generations of Americans. I congratulate Justice Sotomayor on her appointment.

As this year's National Hispanic Heritage Month comes to an end, please join me in proudly honoring Hispanic Americans for their countless contributions to our nation.

IN HONOR OF PATROL OFFICER  
JAMES SIMONE

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor of Patrol Officer James Simone, a Cleveland Division of Police officer, who is one of just 12 officers to have been honored at the 2009 Police Service Awards.

Officer Simone was born on Cleveland's Eastside and attended St. Thomas Aquinas Elementary School. His family later moved to Lakewood, Ohio in 1966 where Officer Simone graduated from Lakewood High School. In 1968 Officer Simone joined the U.S. Military's 101st Airborne Paratrooper unit during the Vietnam War and received two Purple Hearts and two Bronze Stars for his service. After returning to Cleveland, Officer Simone became an officer for the Cleveland Police Department at the age of 25.

Officer Simone has now served the residents of Cleveland, Ohio as a police officer for 36 years in the capacity of a homicide detective, member of the SWAT team, undercover agent and currently serves as a patrolman for Cleveland's second district. Throughout his career, Officer Simone has been shot, stabbed and run over numerous times, and despite it all, he continues to serve as a dedicated officer.

While it is not the first award for the decorated Officer Simone, it is his heroic actions on January 10th, 2009 that has earned Officer Simone the honor of being named one of America's Top Police Officers this month. On that night, a woman fell through the ice-covered Cuyahoga River and was unable to get out of the freezing water. Officer Simone arrived at the scene and when a life-preserver failed as a rescuing device, he risked his life and jumped into the water to save the victim. Both the woman and Officer Simone suffered from hypothermia but survived because of his selfless and heroic decision.

Madam Speaker and colleagues, please join me in honor of Patrol Officer James Simone who has been the awarded an honorable mention in the 2009 Police Service Awards. While his heroic actions on January 10th, 2009 have earned him this honor, the residents of Cleveland have been awarded with Officer Simone's 35 years of dedicated service.

HONORING JOSEPH C. WEEKS,  
HERNANDO COUNTY, FLORIDA

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize Joseph C. Weeks, Sr. This Friday Joe will receive the "2009 Great Brooksvillian of the Year Award". Created in 2002, this award recognizes individuals who have demonstrated a sincere commitment to the history, culture, and economy of the Brooksville community.

Born and raised in Brooksville, Joe temporarily left his hometown to serve his country in World War II and to attend college at the University of Florida. In 1951, upon his graduation, he returned to Brooksville to help his brother run the family business, Weeks Hardware; which has been a Brooksville staple since 1916. To this date, Weeks Hardware is considered the oldest existing business in Hernando County.

Aside from running a successful business, Mr. Weeks is a founding member of two prominent Brooksville organizations; the Brooksville Rotary Club and the Brooksville Downtown Development Organization, the latter of which he served as Vice-President and Treasurer. He also served as Vice-President and Treasurer for the Jaycees and was an active member of the Junior Chamber of Commerce. In recognition of his business successes, he was awarded the Independent Businessman of the year by the Republican Club. Additionally, he holds the unofficial distinction of being the oldest living member of the local American Legion Chapter.

Madam Speaker, Joseph C. Weeks, Sr. has demonstrated steadfast dedication to the Brooksville community. I ask my colleagues to join me in congratulating him on this momentous occasion.

TRIBUTE TO AMELIA BOYNTON

**HON. PARKER GRIFFITH**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. GRIFFITH. Madam Speaker, I rise today to recognize the life of Amelia Platts Boynton. Mrs. Boynton is member of the civil rights group that formulated strategies for nonviolent social resistance in Alabama and is most widely known as an activist and organizer for the march over the Edmond Pettus Bridge in Selma, AL.

Mrs. Boynton was a proud supporter of Dr. Martin Luther King and used her home in Selma as a center for Selma's civil rights battles, which was used by King and his lieutenants, Congressmen and attorneys from around the nation, to plan the demonstrations known as the "Selma to Montgomery Marches".

On March 7, 1965, during a march which later became known as Bloody Sunday, Boynton was viciously attacked. Following that event, her character and courage helped lead to the passage of the Voting Rights Act of 1965.

Mrs. Boynton is Vice Chairwoman of the International Schiller Institute. She is a 98-year-old author, playwright, speaker and organizer, speaking out publicly for justice, and inspiring people of all ages, nations, and backgrounds.

Madam Speaker, I wish to congratulate Amelia Boynton on a remarkable career and a heroic life and wish her the best as she continues to be an influential civil rights pioneer.

PERSONAL EXPLANATION

**HON. ADAM H. PUTNAM**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. PUTNAM. Madam Speaker, on Tuesday, October 13, 2009, I was not present for 3 recorded votes. Had I been present, I would have voted the following way: roll No. 772—"yea"; roll No. 773—"yea"; roll No. 774—"yea."

A TRIBUTE TO THE VISION OF  
CHILDREN FOUNDATION

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. BURTON of Indiana. Madam Speaker, I rise today to salute the Vision of Children Foundation. The Vision of Children Foundation is an independent, not-for-profit 501(c)(3) organization dedicated to the funding of innovative clinical and translational research into vision disorders and creating effective therapies. The Foundation supports scientists at top universities and academic medical centers worldwide who are involved in the most advanced and promising research.

According to the World Health Organization, globally more than 161 million people are visually impaired, including 1.4 million blind children below age 15. In the United States alone, over 1 million children suffer from vision impairment, a loss of vision that makes it hard or impossible to perform daily tasks without specialized adaptation, and which cannot be corrected to a "normal" level. These children face technological and socially-imposed obstacles that make it difficult to succeed in life.

The challenges of living with visual impairment are all too real for Sam and Vivian Hardage, founders of the Vision of Children Foundation. Their son, Chase, now 20 years old, was diagnosed with ocular albinism (OA) as an infant. OA is an inherited disorder in which the eyes suffer from deficient amount of melanin and pigment, resulting in reduced visual acuity, or Nystagmus, and sensitivity to sunlight. The Hardages were told that there was no cure, and that their son would never be able to play sports or live a normal life. Although Chase's original diagnosis was dire, the reality is that all children with visual impairments have different visual acuities and developmental potential. Many of these individuals, such as Chase, have learned to compensate for their disability and have functional and productive lives.



The Hardages were also stunned to find that no one was doing research into understanding OA, much less treating it. Hereditary vision disorders such as OA, retinitis pigmentosa, and Ushers syndrome belonged to a group of diseases that were underrepresented and under-funded. It was clear that if there was any hope for finding a cure, funding was needed. In 1990, the Hardages established the Vision of Children Foundation (VOC), with a mission to cure hereditary childhood blindness and vision disorders, and to improve the quality of life of visually impaired individuals and their families. It is the only international, non-profit foundation that funds genetic vision research into ocular albinism and connects affected families all over the world.

Until there is a cure, the VOC works hard to provide educational support and services. Families of the visually impaired often feel isolated and confused, and need support to face day-to-day life. The VOC believes communication between families, educators, healthcare professionals, and researchers who care for these children is critical, and the VOC does all that it can to facilitate the process. The Foundation maintains a worldwide Family Network that provides information and support via constant communication, a biannual newsletter, and an informative Web site. Joining the Family Network enables parents to contact other families who face similar challenges in their geographic region to offer support, and share experiences and local resources and programs. Hundreds of families around the world belong to the VOC Family Network.

The VOC strives to enable thousands of children to have a clear image of the world around them. The foundation continues to gather and share information and tools available to ease the daily challenges that the visually impaired face. For example, VOC developed a computer monitor system designed to accommodate students and adults with low vision. This system works to alleviate the stress and strain that individuals with low vision face when using computer technology. The Foundation donates monitor systems to schools and individuals nationwide.

VOC also partners with book publishers to provide educational books to eye clinics, schools, libraries, doctors' offices, and families, such as the illustrated storybook, "All Children Have Different Eyes." These books help to raise awareness, reduce emotional stress, develop social competencies, improve academic performance, and increase confidence in low vision children.

These efforts to provide support, education and needed assistive resources to children diagnosed with OA have enabled Chase and many others like him to have a more normal and functional life. Chase played varsity football on a championship team and was his high school's first CIF wrestling champion in 28 years. Today, he is a sophomore studying business at Southern Methodist University.

To foster scientific communication and collaboration, VOC hosts a biennial World Symposium on Ocular Albinism and genetic vision disorders. In this forum, the Foundation brings together top vision and genetic eye researchers from around the globe to present and discuss the latest discoveries and research ef-

forts involving OA and related genetic conditions.

This year's World Symposium theme: "Understanding the Pathway—Discovering a Cure" was reflected in each of the presentations. The symposium was highly successful, with researchers agreeing to openly discuss their latest discoveries and research efforts. Updated results from the successful recent human gene therapy trials provide continued hope for a cure. One of the most important outcomes of the symposium resulted in the formation of an informal, web-based forum for attendees to continue the collaborative relationships that were formed. The Vision of Children Foundation is a leader in fostering these kinds of relationships and helping move science forward.

For eighteen years, the Vision of Children Foundation has been a driving force in the worldwide quest for a cure for genetically caused childhood blindness. Progress and problems are discussed on a regular basis as VOC researchers gather for an invitation only Symposium sponsored by the Vision of Children Foundation. In October 2006, Dr. James Bainbridge of Moorfields Eye Hospital in London attended VOC's European Symposium and described his lab's plan for a human gene therapy trial to cure Leber's Congenital Amaurosis. In March 2008, his team achieved the world's first successful gene therapy trial on a human. Their success was quickly followed by the University of Florida and Children's Hospital in Philadelphia, successfully restoring the vision of nine young adults who were nearly blind. These young people can now see and some can even read lines on an eye chart. All nine patients had the treatment in one eye and all have volunteered to have their other eye treated. I am told that the medical community is equating this discovery to the first heart transplant.

The Vision of Children Foundation is one of the largest sources of non-governmental funding in the world for genetically caused childhood blindness research. The urgent mission of the Vision of Children Foundation is to drive the research that will provide preventions, treatments and cures for children affected by ocular albinism and the entire spectrum of hereditary childhood blindness and vision disorders. The Foundation has invested millions of dollars to support scientific research of diseases of the retina, which cause blindness. I commend the steadfast support of and determination of the Vision of Children Foundation to eradicating genetically caused vision disorders and blindness in children.

#### HONORING THE LIFE OF SPECIALIST PAUL E. ANDERSEN OF SOUTH BEND

#### HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 2009

Mr. DONNELLY of Indiana. Madam Speaker, I rise today to honor Specialist Paul E. Andersen of the 855th Quartermaster Company based out of South Bend, Indiana, for his dedication and service to the United States of

America. A 24-year-veteran of the armed forces, Paul was completing his second tour of duty in Iraq when he was killed in action on October 1, 2009, by indirect fire of enemy forces. Paul risked everything in service to America, and for that we are eternally grateful.

Paul devoted his life to serving our country. He graduated from Buchanan High School in Michigan in 1979 and enlisted in the Army Reserves in 1985. He worked to better our armed forces, and was prepared to answer the call for duty whenever his country needed him. In 2003 that time arrived, and Paul served his first tour in Iraq.

Upon his return home, he met his beloved wife Linda at the home of a friend. They fell in love and enjoyed listening to country music, watching old movies, and savoring strawberry milkshakes together. Within months, he proposed to her. Three weeks later they were married. Linda fully appreciated and understood the commitment that Paul had to his country. Paul had recently re-enlisted for six more years of duty, but only with the consent and blessing from Linda. When he asked her how she would feel if he opted to redeploy, she told him, "Go ahead." "I knew I married an Army man," Linda said. Her love for Paul was unwavering, as she said of Paul, "He's my world, my life, my friend."

After beginning his second tour in November 2008, Paul had the honorable duty of serving his country with the 855th Quartermaster, QM, Company, from South Bend, Indiana. Paul's mission in Iraq was to provide both shower and laundry services as well as operating a clothing repair, SLCR, shop supporting Coalition forces based in 10 different locations throughout the Iraqi theater. These locations are often dangerous, but despite the adversities the 855th QM Co. successfully accomplished their SLCR mission. Services of the SLCR team provided great contributions to the welfare and morale of the Soldiers they supported. Without their support, the Soldiers would not have been able to perform their duties and accomplish their own combat missions. It was a necessary job that his family and friends admired. Linda was in constant contact with Paul, and he was even allowed to take a leave in August to celebrate their fifth wedding anniversary. Paul had recently been informed that he was due to come home November 4, 2009.

Paul will be remembered as a devoted husband, father and grandfather. As a civilian, Paul worked at a tube and bending company. He loved to tinker with machines, and was notorious among family members for going overboard on the Christmas lights every year. He lived a life full of love and joy. He is survived by his wife; three biological children; three step-children; one biological grandchild; and eight step-grandchildren.

It is my somber duty to honor and remember Paul and a life cut tragically short. I am saddened by the loss to his family, our community and our country. We were all blessed by his presence and diminished by his passing.

## PERSONAL EXPLANATION

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. CONYERS. Madam Speaker, on October 13, 2009, I was unable to cast votes, due to personal reasons. I was not present for roll-call votes 772 and 773. Had I been present, I would have cast a "yea" vote for final passage of H.R. 3689. Also, I would have cast a "yea" vote on final passage of H.R. 3476.

## IN HONOR OF GEORGE SMITH

**HON. JOHN H. ADLER**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. ADLER of New Jersey. Madam Speaker, I would like to congratulate an important member of New Jersey's 3rd District, Mr. George Smith. Mr. Smith, 79, was awarded the Nobel Prize in physics for his work developing technology that is the basis of digital photography.

Mr. Smith worked at Bell Laboratories until his retirement in 1986. He was born in 1930 in White Plains, New York, served in the United States Navy, and briefly studied mathematics before switching to physics. In 1959, he earned his Ph.D. from the University of Chicago. Mr. Smith currently resides in Waretown in Ocean County, NJ.

George Smith was awarded the 2009 Nobel Prize in physics along with colleague Willard Boyle for their work creating an image semiconducting circuit, or charge coupled device, CCD. Their research laid the foundation for digital images and lightning-fast communication by developing fiber-optic cable and the sensor found at the heart of digital cameras. They share their prize with Hong Kong professor Kuen Kao for his work on fiber optics.

Madam Speaker, I ask that my colleagues join me in commending Mr. George Smith for his much deserved Nobel Prize. May his dedication and innovative thinking serve as a model for all those who seek to achieve original solutions within their respective fields.

HONORING THOMAS O'BRIEN UPON  
BEING NAMED THE NEW YORK  
STATE PRINCIPAL OF THE YEAR**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge the accomplishments of my constituent, Brentwood High School Principal Thomas O'Brien.

Mr. O'Brien has been recognized as the New York State Principal of the Year by the School Administrators Association of New York State. This award is given annually to a school administrator "who has set the pace,

character, and quality of education for the children in his or her school."

Mr. O'Brien has served as an educator for 38 years, 14 in his current position—all within the Brentwood School District. He was recognized for his outstanding work at Brentwood High School, where he worked successfully to move the school from the New York State Department of Education's list of "Schools in Need of Improvement" to the list of "Schools in Good Standing."

I congratulate him on this accomplishment and applaud his long record of contributions to education on Long Island.

REGARDING S. 1707, THE ENHANCING  
PARTNERSHIP WITH PAKISTAN  
ACT OF 2009**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. BERMAN. Madam Speaker, the following is an explanation of S. 1707, the Enhanced Partnership with Pakistan Act of 2009. The final text of the legislation reflects an agreement reached by the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs. The purpose of this Explanatory Statement is to facilitate accurate interpretation of the text and to ensure faithful implementation of its provisions in accordance with the intentions of the legislation.

The core intent of the Enhanced Partnership with Pakistan Act is to demonstrate the American people's long-term commitment to the people of Pakistan. The United States values its friendship with the Pakistani people and honors the great sacrifices made by Pakistani security forces in the fight against extremism, and the legislation reflects the goals shared by our two governments.

The legislation does not seek in any way to compromise Pakistan's sovereignty, impinge on Pakistan's national security interests, or micromanage any aspect of Pakistani military or civilian operations. There are no conditions on Pakistan attached to the authorization of \$7.5 billion in non-military aid. The only requirements on this funding are financial accountability measures that Congress is imposing on the U.S. executive branch, to ensure that this assistance supports programs that most benefit the Pakistani people.

## SUMMARY OF CONGRESSIONAL INTENT

The Enhanced Partnership with Pakistan Act of 2009 (the "Act") establishes a legislative foundation for a strengthened partnership between the United States and Pakistan, based on a shared commitment to improving the living conditions of the people of Pakistan through strengthening democracy and the rule of law, sustainable economic development, and combating terrorism and extremism. It is the intent of Congress to strengthen the long-term people-to-people relationship between the United States and Pakistan by investing directly in the needs of the Pakistani people. This legislation is intended to fortify a lasting partnership with Pakistan based on mutual trust.

The overall level of economic assistance authorized annually by this legislation is tripled

over FY 2008 U.S. funding levels, with the bulk of aid intended for projects such as schools, roads, medical clinics, and infrastructure development. The funds directly authorized by this Act—\$1.5 billion in economic and development assistance annually for five years, with a similar amount envisioned for a subsequent five years—place no conditions on the Government of Pakistan. The only requirements are accountability measures placed on the United States executive branch to ensure that the aid directly benefits the Pakistani people.

This Act fully recognizes and respects the independence of Pakistan as a sovereign nation. The purpose of this Act is to forge a closer collaborative relationship between Pakistan and the United States, not to dictate the national policy or impinge on the sovereignty of Pakistan in any way. Any interpretation of this Act which suggests that the United States does not fully recognize and respect the sovereignty of Pakistan would be directly contrary to Congressional intent.

The certifications in the Act regarding certain limited forms of security assistance are consistent with previous Congressional legislation regarding security assistance to Pakistan and other nations. In all cases, they align with the aims of, and serve to reinforce the publicly-articulated positions of, the democratically-elected Government of Pakistan, and Pakistani military leaders, to combat extremists and militants.

SECTIONS 1-4: STRENGTHENING A RELATIONSHIP  
FOUNDED ON MUTUAL RESPECT

Sections 1-4 establish the framework and context for the legislative provisions that follow. The Findings and the Statement of Principles demonstrate an unequivocal appreciation for the friendship of the Pakistani people, and for the sacrifices made by the Pakistani security forces and people in fighting extremism. The Findings in Section 3 include:

Section 3(1): "Congress finds the following: The people of the Islamic Republic of Pakistan and the United States share a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship."

Section 3(4): "Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations. The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past seven years."

The Statement of Principles in Section 4 include:

Section 4(1): "Pakistan is a critical friend and ally to the United States, both in times of strife and in times of peace, and the two countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and economic development of Pakistan."

Section 4(4): "The United States supports Pakistan's struggle against extremist elements and recognizes the profound sacrifice made by Pakistan in the fight against terrorism, including the loss of more than 1,900 soldiers and police since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups."

## TITLE I: DEMOCRATIC, ECONOMIC AND DEVELOPMENT ASSISTANCE FOR PAKISTAN

This Title contains the core intention of this legislation: To make a long-term commitment to the people of Pakistan by tripling non-military assistance, free of any conditions on the Pakistani government. The purposes set forth for the \$7.5 billion that is authorized here are all intended to reflect the expressed priorities of the Pakistani people. Specifically, Section 101(a) provides that:

"The President is authorized to provide assistance to Pakistan to support the consolidation of democratic institutions; to support the expansion of rule of law, build the capacity of government institutions, and promote respect for internationally-recognized human rights; to promote economic freedoms and sustainable economic development; to support investment in people, including those displaced in on-going counterinsurgency operations; and to strengthen public diplomacy."

The funds authorized under Title I are intended to be used to work with and benefit Pakistani organizations. Specifically, Section 101(c)(3) provides that:

"The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contracts, and to work with local leaders to provide assistance under this section"

Section 102(a) makes clear that there are no conditions placed on the Pakistani government for delivery of the \$7.5 billion in assistance. The only accounting requirements are of the U.S. executive branch.

Section 102(d) makes clear that a long term commitment to increased civilian assistance for the people of Pakistan is envisioned by stating that it is the desire of Congress that the amounts authorized for fiscal years 2010–2014 shall continue from fiscal years 2015–2019.

Section 103(b) authorizes establishment of field offices for Inspectors General to audit and oversee expenditure of this assistance. It is the intent of Congress that such offices would be established in consultation with appropriate Pakistani authorities for the purpose of ensuring optimal management of resources.

## TITLE II: SECURITY ASSISTANCE FOR PAKISTAN

The intention of this section is to strengthen cooperative efforts to confront extremism. The purposes of security assistance are intended to be completely cooperative, and reflect the intention that such assistance be used to support Pakistan in achieving its stated objectives in winning the ongoing counterinsurgency, defeating terrorist organizations that threaten Pakistan, and strengthening democratic institutions. Specifically, Section 201(1) "Purposes of Assistance" states that:

"The purposes of assistance under this title are—

(1) to support Pakistan's paramount national security need to fight and win the ongoing counterinsurgency within its borders in accordance with its national security interests;

(2) to work with the Government of Pakistan to improve Pakistan's border security and control and help prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;

(3) to work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and

(4) to help strengthen the institutions of democratic governance . . . ."

The provisions applied to certain limited portions of U.S. security assistance in Section 203 are intended to be fully in line with the existing policy of the Government of Pakistan. Specifically, Section 203(c)(1) reflects our understanding that cooperative efforts currently being undertaken by the Governments of Pakistan and the United States to combat proliferation will continue.

Section 203(c)(2) reflects the intent that U.S. security assistance is used in furtherance of the purposes set forth in Section 201 above, e.g., ensuring Pakistan's security, winning the counterinsurgency within Pakistan, preventing territory from being used for terrorist attacks in Pakistan and elsewhere, and coordinating action against extremist and terrorist targets. This section requires a certification by the United States executive branch to Congress regarding the efforts and progress made in achieving these purposes, and includes a series of factors to be considered collectively by the Secretary of State in making this assessment.

Section 203(c)(3) includes a provision intended to express support for democratic institutions in Pakistan.

Section 203(e) contains a waiver making clear that this certification could be waived if the determination is made by the Secretary of State in the interests of national security that this was necessary to continue such assistance.

## TITLE III. STRATEGY, ACCOUNTABILITY, MONITORING, AND OTHER PROVISIONS.

The intention of this section is to ensure that there is transparency and accountability in the way authorized assistance is spent. This Title requires the U.S. executive branch to provide various reports to Congress designed to demonstrate that funds are being used for the purposes set forth in Title I and Title II; there are no requirements on the Government of Pakistan.

Section 301 "Strategy Reports" requires three reports from the United States executive branch that detail a plan for how U.S. assistance to Pakistan will be spent and evaluated and a regional security plan for how the United States can best work with its partners for "effective counterinsurgency and counterterrorism efforts."

Section 302 "Monitoring Reports" reflects the need for ongoing consultation between the U.S. executive branch and Congress on monitoring U.S. assistance to Pakistan, including a "Semi-Annual Monitoring Report" where:

The Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report that describes the assistance provided under this Act during the preceding 180-day period.

The many requirements of this report are intended as a way for Congress to assess how effectively U.S. funds are being spent, shortfalls in U.S. resources that hinder the use of such funds, and steps the Government of Pakistan has taken to advance our mutual interests in countering extremism and nuclear

proliferation and strengthening democratic institutions.

There is no intent to, and nothing in this Act in any way suggests that there should be, any U.S. role in micromanaging internal Pakistani affairs, including the promotion of Pakistani military officers or the internal operations of the Pakistani military.

The reports envisioned in this Section are not binding on Pakistan, and require only the provision of information by the executive branch to the U.S. Congress, in furtherance of the Act's stated purpose of strengthening civilian institutions and the democratically-elected Government of Pakistan.

## PERSONAL EXPLANATION

## HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 2009

Mr. BECERRA. Madam Speaker, I was unavoidably detained last evening and missed rollcall 773. If present, I would have voted "yea."

## EARMARK DECLARATION

## HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 2997, "Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN

Account: National Institute of Food and Agriculture—SRG

Project Amount: \$1,000,000

Legal Name of Requesting Entity: University of Tennessee, 114 Morgan Hall, 2621 Morgan Circle, Knoxville, Tennessee 37996

Description of Request: This funding will be used for producing crop plants that can be used directly as early-warning sentinels for the detection of plant diseases.

## IN RECOGNITION OF THE 100TH BIRTHDAY OF ANNE FORRESTER LYBRAND

## HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the special life of Anne Forrester Lybrand of Oxford, Alabama.

Mrs. Lybrand was born on November 11, 1909 in Talladega County. She was married to

Mr. Eule Lybrand in 1928 and was blessed with two sons, Eule Lybrand, Jr. and Fred Ray Lybrand.

Mrs. Lybrand and her husband owned their own business and she also worked as a City Clerk for the City of Oxford. She has been an active member of First United Methodist Church of Oxford since 1946 where she taught Sunday school, and is past President of the United Methodist Women's Group.

She also has been involved with Interfaith Ministries and is a Charter Member of the Oxford "Meals on Wheels" program.

On November 7th, her friends and family will celebrate her birthday at her church. Today I would like to wish Mrs. Anne Forrester Lybrand a very Happy 100th Birthday.

#### PERSONAL EXPLANATION

##### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall votes nos. 772–774. Had I been present, I would have voted "yea" on all rollcall votes.

#### CONGRATULATING ACT, INC., ON ITS 50TH ANNIVERSARY

##### HON. DAVID LOESACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. LOESACK. Madam Speaker, I would like to recognize and congratulate ACT, Inc., on its 50th anniversary, and 50 years of accomplishments. ACT, originally American College Testing Program, was founded in Iowa's first state capitol in Iowa City, IA, in 1959. The goal was to help all students who wanted to attend college find the best match for their interests and abilities and to help colleges and universities place students into appropriate freshman-level classes. On November 7, 1959 about 75,000 students took the first ACT Assessment; in the high school graduating class of 2009 nearly 1.5 million students—45 percent of all high school graduates in our nation took the ACT.

While ACT started with a single focus, the organization now conducts research and offers a broad array of programs and services to help provide solutions to many of the complex education and workforce problems facing our nation and those abroad. ACT, with its educational knowledge, has expanded to help bridge the barriers that remain in accessing the globalized marketplace for millions of individuals around the globe. Through local partnerships in 13 countries ACT is working to improve the educational opportunities for the students and help teach English as a second language.

I am honored to represent many of the employees of ACT here in the U.S. House of Representatives. I congratulate them and all of the ACT employees, directors, and members of state organizations on their 50-year history

of helping people achieve education and workplace success.

#### PERSONAL EXPLANATION

##### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. CAPUANO. Madam Speaker, yesterday I missed several rollcall votes, and I wish to state how I would have voted had I been present: rollcall No. 772—"yea," rollcall No. 773—"yea," rollcall No. 774—"yea."

#### TRIBUTE TO W. FRANK JONES

##### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a good friend and an important public servant. W. Frank Jones recently retired after 14 years as Executive Director of the Marion County Economic Development Commission. His leadership and devotion will certainly be missed.

Frank Jones was born in Marion County in the farming community of Gapway. Although he loved growing up on a farm, Frank knew early on that he didn't want to follow his parents, Ernest F. Jones and Nina Brown Jones, into the family business.

After graduating from Mullins High School, Frank enlisted in his local National Guard unit in December 1953. On October 1957, upon graduation from Palmetto Military Academy, he was appointed an armor officer assigned to the 1st Battalion, 263rd Armor in the South Carolina Army National Guard. He served in this battalion through December 1982, with assignments ranging from Company Commander to Battalion Executive Officer and Battalion Commander. From December 1982 through March 1986, he was assigned to the State Area Command, where he served as Deputy Commander, Detachment 1 (Troop Command) from June 1983 to September 1984. He became Deputy Commander of the 218th Heavy Separate Brigade in March 1986.

Frank received numerous federal and state awards and decorations during his 40 years of service to the National Guard. He eventually retired from the Army National Guard after he rose to the rank of Brigadier General in the Army National Guard where he commanded the 3rd Brigade of the historic 1st Infantry Division.

General Jones also demonstrated his commitment to serving his community in other ways. From 1966 until 1982, he served on the Mullins City Council and was Mayor pro tem in 1981–1982. Professionally, he pursued a career in banking receiving degrees from the South Carolina Bankers School, the Louisiana State Graduate School of Banking, the Commercial Lending School of the University of Oklahoma, and the State University of New York at Albany. He went to work for Davis National Bank of Mullins, and in 1981, he be-

came the bank's President and CEO, a position he held for 13 years. Frank decided to embark on another career as Executive Director of the Marion County Economic Development Commission. He also furthered his education by completing an economic development course at Georgia State University in 1995.

Frank's tenure at the Commission was marked by difficult circumstances. Marion County historically had an agricultural-based economy. With the decline in tobacco farming, the county became a hub for textile manufacturing. Subsequently the textile industry suffered big losses as jobs were moved overseas and plants were closed leaving large unemployment in the county.

Frank did a tremendous job attracting diverse smaller industries to the county, which helps protect against the devastation the county suffered when its two previous economic engines collapsed. He also grew Marion County Progress, an organization made up of local business leaders that help drive economic development in the area, from a handful of people to members.

Throughout his life, Frank has remained connected to his community. He is a member of Mullins First Baptist Church where he serves as Treasurer, teacher of adult men's Sunday School, and Deacon. He is a member of the Mullins Rotary Club, and is a past President. He has also served as Chairman of the Board of Visitors at Francis Marion University, and is a past Director of the S.C. Bankers Association. Frank is a recipient of the Order of the Palmetto, the highest civilian honor bestowed by the Governor of South Carolina.

He is married to Joann McCumber Jones. The couple has two children Charles Jones and Karen Grice, both of Marion, and five grandchildren.

Madam Speaker, I ask you and my colleagues to join me in congratulating Frank Jones on his retirement and thanking him for his years of service to Marion County, the State of South Carolina and our nation. He has dedicated his life to helping his community and it is a much better place because of his tremendous contributions. I wish Frank well in retirement, and know he will remain an active part of the Marion County community.

#### EARMARK DECLARATION

##### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 2997, "Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN

Account: National Institute of Food and Agriculture—SRG

Project Amount: \$1,000,000  
 Legal Name of Requesting Entity: University of Tennessee, 114 Morgan Hall, 2621 Morgan Circle, Knoxville, Tennessee 37996

Description of Request: This project would entail the ARS at Knoxville working in cooperation with University of Tennessee scientists in improving plant carbon production from atmospheric CO<sub>2</sub> and the sequestration of the carbon in plants.

#### PERSONAL EXPLANATION

##### HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. ADLER of New Jersey. Madam Speaker, on rollcall No. 775 had I been present, I would have voted "yes."

#### TRIBUTE TO TOM RICHARDSON

##### HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. GRIFFITH. Madam Speaker, I rise today to recognize the career of Dr. Tom Richardson. Dr. Richardson is the Chief Scientist and Technical Director at the Missile and Space Intelligence Center in Redstone Arsenal, Alabama.

Tom began his career at MSIC in 1974 working primarily in the areas of sensor data analysis, weapon systems stimulations, and analysis methodologies. Over his tenure, he has held supervisory duties for several organizations involved with analyses of air defense, and theater and strategies ballistic missile defense systems.

Dr. Richardson has received the DIA Director's Award for Exceptional Civilian Service and the National Military Intelligence Association John T. Hughes Award. His leadership and service to the Defense Intelligence Agency has been exceptional and he has represented North Alabama well.

Madam Speaker, I wish to congratulate Dr. Tom Richardson on a phenomenal career and wish him continued success.

#### EARMARK DECLARATION

##### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I submit a list of the congressionally directed projects I requested in my home state of Idaho that are contained in the Conference Report to accompany H.R. 2997, the FY2010 Agriculture Appropriations bill.

Project Name: Aquaculture Research Initiative

Amount Received: \$529,000  
 Account: USDA/CSREES  
 Recipient: University of Idaho  
 Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: Research and development of strains of barley for the production of high-value protein concentrates from barley and oats that can be used as fish feed. Increasingly, fish that are consumed world wide originate from aquaculture. This increase has taxed global supplies of marine protein and oil traditionally used in aquafeeds resulting in record prices for these commodities. Idaho is a leader in the national aquaculture industry, producing over 70% of the nation's commercially grown rainbow trout and generating \$100 million per year. Funding would support innovative research to develop new ways of addressing problems in the industry.

Project Name: Barley for Rural Development  
 Amount Received: \$547,000  
 Account: USDA/CSREES  
 Recipient: University of Idaho  
 Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: Funding for this program would support research directed at the continued development of improved malt, feed, cellulosic ethanol and food barley varieties for growers and value added end-users in rural Idaho, Montana, and North Dakota communities. This research is starting to expand and meet market opportunities, addressing the critical need of growers in production agriculture to increase economic yield, enhance domestic and international market access, improve production technologies, better compete with Canadian imports and reduce dependence on government subsidies. Research supported by this project will increase the manufacture and sale of value-added barley products (malt, beer, fuel, food, livestock) in these states, having a substantial positive impact on their economies, supporting jobs, generating business activity, and federal, state, and local tax revenue. Maintenance of the strength of barely in the Idaho economy requires continual efforts to improve crop quality and productivity. This can only be accomplished by investing in strong research programs that keep the industry at the forefront.

Project Name: COOL Season Legume Research

Amount Received: \$350,000  
 Account: USDA/CSREES  
 Recipient: University of Idaho  
 Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: This program is an aggressive cooperative research program between the USDA, the University of Idaho, and the University of Washington that seeks new, high yielding, high quality, nutritious dry pea, lentil, and chickpea varieties to meet producer and consumer needs. This research focuses on the breeding of new, superior varieties of legumes; management of nematodes, insects, plant diseases and weeds that can limit production; and reduction of soil erosion and water degradation associated with production, as well as the development of value-added new products. The technology being generated through the research is essential for the pea, lentil, and chickpea industries to re-

main competitive and profitable. Funding would be provided to the University of Idaho through the USDA ARS facility located at 29603 U of I Lane, Parma, Idaho 83660.

Project Name: Greater Yellowstone Inter-agency Brucellosis Committee  
 Amount Received: \$605,000  
 Account: USDA/APHIS  
 Recipient: Idaho State Department of Agriculture

Recipient's Street Address: 2270 Old Penitentiary Road, Boise, ID 83712

Description: Idaho, Montana, and Wyoming are each required by law to manage brucellosis-infected wildlife within their borders in order to prevent the spread of brucellosis to non-infected wildlife, cattle, or domestic bison. The Committee is coordinating with federal, state, and private actions in eliminating brucellosis from wildlife in the Greater Yellowstone Area and preventing transmission of this disease from wildlife to livestock. The funding will be used to develop and implement brucellosis herd unit management plans; to perform functions and duties of Idaho relative to the Greater Yellowstone Interagency Brucellosis Committee; to conduct brucellosis prevention, surveillance, control and eradication activities in Idaho and the Greater Yellowstone Area.

Project Name: Increasing Shelf-Life of Agriculture Commodities

Amount Received: \$603,000  
 Account: USDA/CSREES  
 Recipient: University of Idaho  
 Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: In order to prevent serious food safety issues, this project will fund research and development of bio-electronic sensors that can detect the presence of microbial pathogens in food and food products. Preventative detection and treatment at the agricultural commodity level and fast, accurate detection of biological pathogens and dangerous food toxins is an important element for ensuring safety and shelf life. The research being conducted in this area at the University of Idaho will advance and expand previous work on biosensor systems to further enhance preventative detection and treatment of biological pathogens and dangerous food toxins.

Project Name: Nez Perce Bio-Control Center

Amount Received: \$176,000  
 Account: USDA/APHIS  
 Recipient: Nez Perce Tribe Bio-Control Center

Recipient's Street Address: 102 Agency Road, Lapwai, ID 83540

Description: The Nez Perce Bio-Control Center is authorized by the Noxious Weed Control and Eradication Act of 2004 and manages and establishes nurseries to increase biological control organism availability, distribute biological control organisms, monitor their impacts, and provide an increased number of annual technology transfer workshops to Cooperative Weed Management Areas and other landowners and managers regionally. This funding will continue the partnership between USDA and the Nez Perce Tribe to maximize the effectiveness of implementing a complete bio-control of weeds program in an Integrated Weed Management strategy. The Center will increase the availability of agents for landowners and managers throughout the region.

Biological control offers long-term management of invasive weeds and can be used with other integrated pest management approaches.

Project Name: Potato Cyst Nematode Research

Amount Received: \$349,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: This funding would be used by the University of Idaho for research and development of means to eradicate and better protect the Idaho potato crop from the soil-borne pathogen potato cyst nematode, hardened nematode bodies filled with eggs which can persist in the soil for up to 25 years. Current eradication depends upon methyl bromide, which is not totally effective and which may be banned because of its ozone depleting properties, as well as other chemicals which are even less effective and several of which may also be banned. The funds will be used to maximize the efficiency of methyl bromide while it is available and develop new "green" replacement eradicates (such as green manure or biologically derived nematicides) and procedures (advance hatching frequency), as well as to improve planting material screening procedures and to study plant-vector-virus relationships, which may also lead to new ways to fight potato viruses. Previous funding established the groundwork and prepared the University of Idaho to fully implement the needed research. This project will work in concert with the ongoing USDA eradication program by providing new methods of treatment. This crop pest can result in 80% yield reductions and has negatively affected agricultural trade. There is a good chance that if this threat is addressed with adequate research and treatment it can be eliminated.

Project Name: Small Fruit Research, ID, OR, WA

Amount Received: \$307,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: The Small Fruits Initiative-Plant Improvement project will build upon the strengths of existing cooperative research programs aligned through the Northwest Center for Small Fruits Research. This ongoing tri-state program supports the development of small fruits as an alternative agriculture crop in the Pacific Northwest. The funding will strengthen existing programs throughout the region and add key programs to fill in critical gaps that are not met by the existing infrastructure associated with the Center, providing key resources for Idaho scientists to address problems that negatively impact the emerging berry, grape, and wine industries in the Northwest.

Project Name: STEEP IV—Water Quality in the Northwest

Amount Received: \$444,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: Soil erosion affects 10 million acres of cropland in the Inland Pacific North-

west, reducing farm productivity. STEEP is a coordinated research and technology transfer program designed to develop and implement erosion control practices for agriculture. Emerging environmental and human health concerns also require control of erosion and other environmental impacts of agriculture. New strategies and cropping systems for the protection of soil, water, and air resources are being developed and assessed through collaborative research conducted by scientists in the Pacific Northwest. The STEEP program continues to provide Pacific Northwest farmers and supporting agribusiness entities the new conservation technologies, tools, and understand to meet with evolving demands of agriculture, the environment, and Pacific Northwest residents.

Project Name: Tri-State Predatory Control

Amount Received: \$926,000

Account: USDA/APHIS

Recipient: USDA Animal Plant Health Inspection Service

Recipient's Street Address: 9134 West Blackeagle Drive, Boise, ID 83709

Description: This project would continue assistance to Idaho, Montana, and Wyoming to control wolves and other predators. The Yellowstone wolf population has reached levels 3 to 4 times the initial recovery goals, leading to a delisting from the ESA earlier this year for the wolves in Idaho and Montana and leaving states responsible for managing the increasing wolf populations. As a result, ranchers are facing increasing threats from these predators. The continuation of this program will ensure that the tri-state area will be able to address predator management.

Project Name: Northwest Center for Small Fruit Research

Amount Received: \$275,000

Account: USDA/ARS

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: The Small Fruits Initiative-Plant Improvement project will build upon the strengths of existing cooperative research programs aligned through the Northwest Center for Small Fruits Research. This ongoing tri-state program supports the development of small fruits as an alternative agriculture crop in the Pacific Northwest. The funding will strengthen existing programs throughout the region and add key programs to fill in critical gaps that are not met by the existing infrastructure associated with the Center, providing key resources for Idaho scientists to address problems that negatively impact the emerging berry, grape, and wine industries in the Northwest. Funding would be provided to the University of Idaho through the USDA ARS facility located at 29603 U of I Lane, Parma, Idaho 83660. Biological control offers long-term management of invasive weeds and can be used with other integrated pest management approaches.

I appreciate the opportunity to provide a list of congressionally-directed projects I requested that are included in the Conference Report to accompany H.R. 2997, the Agriculture Appropriations Act for FY2010 and provide an explanation of my support for them.

## NEW YORK TIMES WEIGHTS POLL IN FAVOR OF DEMOCRATS

### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 2009

Mr. SMITH of Texas. Madam Speaker, the New York Times reported recently that President Obama has "considerable political strength."

The Times' based this statement on its own poll, which found the President has an approval rating of 56 percent—a higher number than any other poll has found recently.

One reason for this might be that the Times weighted the poll in favor of Democrats.

Among those who actually responded to the poll, there were more Democrats than Republicans by 6 percentage points.

But when the Times finished computing the results, they had increased the gap to an unreasonable and inexplicable 15 percentage points.

With so many more Democrats in the sample, it should come as no surprise that the President's approval rating is a higher than other polls have found.

The Times would do well to show more balance in their polling—and their reporting.

SUPPORTING H. RES. 800, H. RES. 816, AND H. RES. 810, EXPRESSING CONDOLENCES AND SOLIDARITY WITH THE CITIZENS OF THE PHILIPPINES, AMERICAN SAMOA AND SAMOA, AND INDONESIA IN THE AFTERMATH OF DEVASTATING NATURAL DISASTERS

### HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 2009

Mr. AL GREEN of Texas. Madam Speaker, I extend my support for H. Res. 800, H. Res. 816, and H. Res. 810, which express sympathy for the citizens of the Philippines dealing with Tropical Storm Ketsana and Typhoon Parma, for the people of American Samoa and Samoa in the aftermath of an earthquake and tsunami, and for the citizens of Indonesia after a devastating earthquake.

On September 26, 2009, Tropical Storm Ketsana made landfall in the Philippines. Rain and flooding submerged 80 percent of the capital city, Manila, took 277 lives, forced 135,470 families into evacuation centers, and destroyed over 4,500 homes. Typhoon Parma hit the islands several days later on October 2, 2009 and caused further damage.

On September 29, 2009, a powerful earthquake struck below the ocean 140 miles southwest of American Samoa and 125 miles south of Samoa. The earthquake, which registered 8.3 on the Richter scale, produced waves 20 feet in height that penetrated one mile inland, sweeping away homes and cars.

On September 30, 2009, 700 lives were lost to a 7.6 magnitude earthquake originating in West Sumatra, Indonesia, which also destroyed 83,700 homes, 200 public buildings, 285 schools and other infrastructure.

In the wake of these recent events and on behalf of the 70,000 Asian American and Pacific Islanders living in the 9th Congressional District of Texas, including the 6,000 Filipino Americans that I represent, I extend my sincerest condolences to the families whose loved ones were lost in these tragedies. As the Philippines, American Samoa, Samoa, and Indonesia rebuild homes and communities destroyed in the disasters, we recognize the heroic rescue efforts mounted by international aid organizations and foreign governments, including American forces sent by President Obama. Let these events remind us of our shared humanity and concern for those struggling in the face of adversity.

Americans across the country continue to watch the recovery efforts being undertaken in the Philippines, American Samoa, Samoa, and Indonesia. We stand ready to assist our fellow brothers and sisters in need at a minute's notice, and we keep you every day in our thoughts and prayers.

I urge my colleagues to support H. Res. 800, H. Res. 816, and H. Res. 810.

**HONORING THE MADISON COUNTY  
ROTARY CLUB FOR THEIR EF-  
FORTS TO BUILD ACCESS RAMPS  
FOR DISABLED PERSONS IN  
THEIR COMMUNITY**

**HON. PAUL C. BROWN**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. BROWN of Georgia. Madam Speaker, I rise today to share with my colleagues and express my deepest appreciation for a great accomplishment in community service in my district.

On Saturday, October 17, 2009, the Madison County Rotary Club will be building their four-hundredth handicap-accessible ramp. As a Rotarian myself, I know that service projects like this allow thousands of disabled Americans to live more independent lives each and every day.

Since 1990, Madison County Rotarians have completed numerous service projects to benefit their community. The club consists of more than 60 members from very diverse professional backgrounds, and over the past 13 years, they have collectively built enough ramps to stretch over two miles if placed end to end.

These folks do not volunteer their time and resources to build these ramps for public recognition, nor do they profit from their work. In fact, they have given away over \$600,000 worth of labor and supplies through their ramp-building effort. Instead, these wonderful folks see themselves as a part of something much bigger: an organization of 1.2 million members divided into over 33,000 clubs—all over the world.

Rotary International operates under the motto "Service above Self." This service organization works all across the world to make people's lives better. It combats hunger, improves health and sanitation, provides education and job training, promotes peace, and is working to totally eradicate polio.

I ask my colleagues to join me in honoring the Madison County Rotary Club, its dedicated members, and the goals that all Rotarians are striving to achieve. Their accomplishments make the world a better place every day, and they deserve our heartfelt thanks.

**TRIBUTE TO AMERICA'S GOLD  
STAR MOTHERS**

**HON. C.W. BILL YOUNG**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. YOUNG of Florida. Madam Speaker, I rise today in recognition that September 27, 2009, was designated as "Gold Star Mother's Day." It is fitting that we recognize the American Gold Star Mothers, whose sons and daughters have died in defense of the ideals of individual liberty. They should be honored and offered respect and gratitude for their personal sacrifice.

Gold Star Mother's Day is intended to honor women who deserve special recognition and gratitude for their tremendous personal loss on behalf of our country.

During the early days of World War I, a Blue Star was used to represent each Soldier in military service of the United States, and as the war progressed and Soldiers were killed or wounded in combat or died from wounds or disease, a Gold Star superimposed over the Blue Star designated the loss of these individuals. This tradition recognized Soldiers for their ultimate sacrifice to our country and the Gold Star offered families an outward symbol by which to honor the loss of a loved one.

In 1928, the Gold Star tradition was formalized in Washington, D.C., by a group of mothers who had lost sons and daughters in service to their country and met to form the American Gold Star Mothers organization. This organization is a nondenominational, non-profitable and nonpolitical organization that is dedicated in supporting veterans, military families, and Service Members returning from our present day battlefields.

In 1936, President Franklin Roosevelt issued a proclamation which recognized Gold Star Mothers for their strength and inspiration to this country.

Madam Speaker, I urge all of my colleagues to appreciate the services rendered to the United States by the mothers of America who have strengthened and inspired our Nation throughout history and that we honor the Gold Star Mothers of America for their courage and their strength.

**HONORING HISPANIC HERITAGE  
MONTH**

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 14, 2009*

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor Hispanic Heritage Month, which runs from September 15, 2009 through October 15, 2009.

The earliest Spanish settlers arrived in the United States over 400 years ago. And since then, millions of Hispanic men and women have immigrated to the United States from Mexico, Cuba, Puerto Rico, and other Caribbean nations, as well as Central America, South America, and Spain. These brave men, women, and children have come in search of freedom, peace, and opportunity.

The U.S. Census Bureau currently lists Hispanic Americans as the largest ethnic minority within the entire United States with a population of 46,900,000 people, making up fifteen percent of our nation's total population. Hispanics also comprise the largest ethnic minority group in 20 States including my home State of New Jersey.

Hispanics are a vital cog to our economy and own over 2.5 million small businesses in the United States, which have generated more than \$400 billion in revenue. Among these businesses, Latina-owned entities are growing quickly and are currently generating more than \$45 billion in sales. Hispanic businesses are rapidly expanding growing 31% from between 1997 and 2002, over three times the national average during that period.

Within my own Congressional District, the Morris County Hispanic Chamber of Commerce is a thriving group that has been recognized with distinction. Last year the Morris County Hispanic Chamber of Commerce was recognized as the best medium Hispanic Chamber in our region, and for nearly thirty five years, the community has been served ably by the Morris County Organization for Hispanic Affairs.

Hispanic Americans have displayed great valor in warfare over the course of our nation's history fighting in every war in the history of the United States. There are over 1,100,000 Hispanic veterans of the United States Armed Forces, with forty-three of them winning the Medal of Honor, the highest military distinction in the United States.

Hispanic Americans have served our nation as dedicated public servants, holding positions at the highest level of government, including Cabinet Secretaries, Senators, Supreme Court Justices, and Members of the House of Representatives.

Madam Speaker, Hispanic Americans have contributed greatly to our country for hundreds of years, and are worthy of recognition. I urge my colleagues to join me in honoring Hispanic Heritage Month.

**SENATE COMMITTEE MEETINGS**

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily



Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 15, 2009 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## OCTOBER 20

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the nation's housing market.

SD-538

10 a.m.

Finance

To hold hearings to examine S. 1631, to reauthorize customs facilitation and trade enforcement functions and programs.

SD-215

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine medical debt, focusing on bankruptcy reform.

SD-226

10:30 a.m.

Small Business and Entrepreneurship

To hold hearings to examine health care solutions for America's small businesses.

Room to be announced

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Susan Tsui Grundmann, of Virginia, to be Chairman, and Anne Marie Wagner, of Virginia, to be a Member, both of the Merit Systems Protection Board.

SD-342

Intelligence

To receive a closed briefing on certain intelligence matters from officials of the intelligence community.

S-407, Capitol

## OCTOBER 21

9:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine H1N1 flu, focusing on monitoring the nation's response.

SD-342

Veterans' Affairs

To hold hearings to examine S. 977, to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war, S. 1109, to provide veterans with individualized notice about available benefits, to streamline application processes or the benefits, S. 1118, to amend title 38, United States Code, to provide for an increase in the amount of monthly dependency and indemnity compensation payable to surviving spouses by the Secretary of Veterans Affairs, S. 1155, to amend title 38, United States Code, to establish the position of Director of

Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for health, S. 1204, to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, S. 1237, to amend title 38, United States Code, to expand the grant program for homeless veterans with special needs to include male homeless veterans with minor dependents and to establish a grant program for reintegration of homeless women veterans and homeless veterans with children, S. 1302, to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provisions of health care services, S. 1394, to direct the Secretary of Veterans Affairs to acknowledge the receipt of medical, disability, and pension claims and other communications submitted by claimants, S. 1427, to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Department of Veterans Affairs Medical Centers, S. 1429, to establish a commission on veterans and members of the Armed Forces with post traumatic stress disorder, traumatic brain injury, or other mental health disorders, to enhance the capacity of mental health care providers to assist such veterans and members, to ensure such veterans are not discriminated against, S. 1444, to amend title 38, United States Code, to clarify the meaning of "combat with the enemy" for purposes of service-connection of disabilities, S. 1467, to amend title 38, United States Code, to provide coverage under Traumatic Servicemembers' Group Life Insurance for adverse reactions to vaccinations administered by the Department of Defense, S. 1483, to designate the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the "Max J. Beilke Department of Veterans Affairs Outpatient Clinic", S. 1518, to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, S. 1531, to amend title 38, United States Code, to establish within the Department of Veterans Affairs the position of Assistant Secretary for Acquisition, Logistics, and Construction, S. 1547, to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, S. 1556, to require the Secretary of Veterans Affairs to permit facilities of the Department of Vet-

erans Affairs to be designated as voter registration agencies, S. 1607, to amend title 38, United States Code, to provide for certain rights and benefits for persons who are absent from positions of employment to receive medical treatment for service-connected disabilities, and S. 1668, to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and any pending calendar business.

SR-418

9:45 a.m.

Energy and Natural Resources

To hold hearings to examine the costs and benefits for energy consumers and energy prices associated with the allocation of greenhouse gas emission allowances.

SD-366

10 a.m.

Judiciary

To hold hearings to examine effective strategies for preventing health care fraud.

SD-226

2 p.m.

Judiciary

To hold hearings to examine the nominations of Jane Branstetter Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit, and Benjamin B. Tucker, of New York, to be Deputy Director for State, Local, and Tribal Affairs, Office of National Drug Control Policy.

SD-226

## OCTOBER 22

10 a.m.

Foreign Relations

To hold hearings to examine the North Atlantic Treaty Organization (NATO), focusing on a strategic concept for transatlantic security.

SD-419

Homeland Security and Governmental Affairs

To hold hearings to examine the past, present, and future of policy czars.

SD-342

2:30 p.m.

Intelligence

To hold closed hearings to consider certain intelligence matters.

S-407, Capitol

## OCTOBER 28

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine combating distracted driving, focusing on managing behavioral and technological risks.

SR-253

## NOVEMBER 5

10 a.m.

Veterans' Affairs

To hold hearings to examine Veterans' Affairs and Indian Health Service cooperation.

SR-418



**SENATE—Thursday, October 15, 2009**

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

**PRAYER**

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Dr. James L. Merrell, retired Disciples of Christ journalist, serving as pastor of Trinity United Church of Christ, St. Louis, MO.

The guest Chaplain offered the following prayer:

Creator God, source of all things in heaven and on Earth, give wisdom and strength to those who seek. We come today with fresh anticipation. We assemble in this place where history is made, knowing that Your presence has guided those serving here so faithfully in challenging decades past. We give thanks that Your sure and merciful hand continues to uphold the life of our blessed Nation. We are grateful for the light and love You never fail to show to those who accept their calling as Senators. Now we would ask You to continue empowering this body to make decisions in keeping with Your purpose. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 15, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, under my leader time, I yield to Mr. LUGAR, the Senator from Indiana.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Indiana.

**WELCOMING THE GUEST CHAPLAIN**

Mr. LUGAR. Madam President, I thank the distinguished majority leader for the opportunity to thank my friend, Rev. James Merrell, for opening our session with prayer this morning. He has been a very dear friend from high school days onward. We attended Shortridge High School in Indianapolis, IN. He was 2 years older than I and was already well established with the Shortridge Daily Echo, a daily high school newspaper at Shortridge, writing for the Tuesday paper. I was grateful for the opportunity to write weekly for the Thursday paper. We shared experiences with the late Jean Grubb, a distinguished teacher of journalism at our school. Then likewise we were mentored by C.C. Shoemaker, the debate coach at Shortridge High School.

Jim proceeded on to distinguished honors at Indiana University and then on to the Disciples of Christ Church in his ministry. He was most distinguished as the editor for many years of World Call and then established an additional paper at the Church of Christ on his own, The Disciple. He has been a pastor in St. Louis for many years. He has many mutual friends from Indianapolis.

I am delighted he could be a part of our session today. I greet Jim Merrell as a very dear friend, someone I respect as a clergyman, a writer, and debater. I am thankful to the Senate Chaplain for inviting him to be with us.

I thank the majority leader for yielding.

The ACTING PRESIDENT pro tempore. The majority leader.

**SCHEDULE**

Mr. REID. Following leader remarks, there will be a period of morning business for 2 hours. Republicans will control the first hour and the majority will control the second hour. Following morning business, the Senate will resume consideration of the conference

report to accompany H.R. 3183, which is the Energy and Water appropriations bill. We hope to reach agreement that would allow us to yield back postcloture time and vote on the conference report this afternoon. We are also working on an agreement to consider conference reports on the Homeland Security bill and the Defense authorization bill. Senators will be notified when any votes are scheduled.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**HEALTH CARE WEEK XIII, DAY III**

Mr. McCONNELL. Madam President, from the very outset of the debate over health care, Americans have made it known that they support reform. But over the course of the past several months, Americans have come to realize that not all reforms are created equal.

And while they still support reform, very few of them support the specific proposals they have seen from Democrats in Washington. Americans want reform. But higher premiums, higher taxes, and cutting Medicare is not reform.

Somewhere along the way, the terms of the debate shifted.

At the outset, nobody expected that reform would lead to higher premiums. In fact, most people thought the whole point was to reduce costs, not raise them.

At the outset of this debate, nobody expected they would be paying higher taxes, particularly in the midst of the worst recession in generations. Yet that is what they are now being told, that middle class Americans will take the brunt of a whole slew of new taxes to pay for a trillion-dollar experiment with our health care system.

And at the outset of this debate, seniors had no idea they would be asked to help foot the bill for this massive experiment in government health care through cuts to Medicare. Yet that is precisely what they're now being told—that Medicare will be cut by half a trillion dollars, whether the 40 million seniors who depend on it like it or not.

Let us focus for a moment on those Medicare cuts.

For months, Americans have been hearing that if they like the health care plans they have, they will be able to keep them. Evidently, that pledge didn't apply to the millions of seniors

currently enrolled in the popular Medicare Advantage program, because the Finance Committee bill explicitly calls for more than \$130 billion in cuts to Medicare Advantage, cuts that will undoubtedly alter the plans that more than 11 million seniors on Medicare Advantage now enjoy.

These cuts might lead to fewer benefits; or they might force seniors off their plans altogether. But under either scenario, seniors would no longer enjoy the plans they have and like. No one expected that at the outset of this debate.

And this is just a fraction of the Medicare cuts that the Finance Committee calls for as the cost of reform. Other cuts include more than \$120 billion in cuts to hospitals that care for seniors. The Kentucky Hospital Association warned earlier this year that these kinds of cuts would affect the services hospitals provide in my State. I am sure if my colleagues talked to doctors and hospitals back home, they would hear the same.

Then there is more than \$40 billion in cuts to home health agencies which give seniors the option of receiving care in their homes.

The bill also takes another \$15 billion in cuts to nursing home which care for seniors who can no longer be cared for at home.

And then there is nearly \$8 billion in cuts to hospice care.

Nobody expected a free lunch when it came to health care reform. But no one expected this either. Americans are doing the cost-benefit analysis, and they don't think half a trillion dollars in cuts to Medicare is an acceptable tradeoff, especially since none of these cuts would do anything to strengthen and protect Medicare.

It would be one thing if Medicare reforms were used to ensure its solvency for future generations. But the proposals we have seen do nothing of the sort. Instead, they use Medicare as a piggy bank to create another government program that will undoubtedly face the same financial stresses that we see in Medicare and in just about every other entitlement program.

The President thought this was a bad idea on the campaign trail. It is still a bad idea today.

Americans know the dangers of holding off on Medicare reform. When Medicare Part A was created in 1965, it was projected to spend out \$9.1 billion on hospital services and related administration in 1990. As it turned out, costs that year were more than seven times the original estimates. Forty-four years after its creation, Medicare is already paying out more money than it is taking in. It is already committed to spend nearly \$40 trillion it doesn't have, and current forecasts indicate that Medicare will face bankruptcy in less than a decade.

It is time to restore this vital program for the sake of our seniors, not

raid it to pay for a massive government-driven experiment that could make our health care worse.

The American people want reform. But higher premiums, higher taxes, and cutting Medicare, that is not reform. That is why they overwhelmingly oppose this proposal, and they shouldn't have to apologize for it. They should expect Congress to listen to them, and keep up the pressure until Congress listens.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first hour and the majority controlling the final hour.

The Senator from Arizona.

#### HEALTH CARE REFORM

Mr. KYL. Madam President, I wish to take 10 minutes this morning to respond to some comments made by my friend from Illinois, my counterpart, the Democratic whip, comments made in response to Minority Leader MCCONNELL's remarks earlier this week.

Yesterday, Senator DURBIN made a couple of points. One I specifically want to focus on has to do with the national debt. Senator MCCONNELL had talked about the fact that spending by the Democrats, especially with regard to proposals for new health care legislation, was going to increase the national debt. The Senator from Illinois came back and said he agreed the debt is too high, but he said we need to understand that the reason it is too high is the Bush administration—that, in effect, President Obama inherited the debt. That is not exactly accurate. Here are the actual facts regarding the debt today. On Tuesday, 2 days ago, the Treasury Department reported that the deficit this past fiscal year totaled \$1.4 trillion. That is a figure higher than the previous 4 years combined. The previous 4 years were Bush years. Last year was primarily the Obama administration.

The Republican leader said:

Since January 20 of this year, the Federal Government has borrowed \$1.2 trillion or more than \$10,500 for every household in the United States.

What is the significance of January 20? That is the day President Obama was sworn in as President.

Under the President's budget that every Democrat voted for this year, we will have budget shortfalls or deficits averaging \$1 trillion each year for the next 10 years. We can't blame this on the Bush administration if spending was as much as the last 4 years combined and the budget shortfall is going to be \$1 trillion for the next 10 years. It was never \$1 trillion. It wasn't even half that much ever under President Bush.

Let me put this in perspective. The President's budget, supported by every Democrat, will double the national debt in 5 years, increasing it from \$5.8 trillion to \$11.7 trillion. It would almost triple the debt in 10 years. These are estimates from the Congressional Budget Office. By contrast, look at the last 219 years in the history of the country. From 1789 to 2008, Americans amassed a \$5.8 trillion national debt. In other words, in 5 years, this President will have a debt equal to all of the previous Presidents from George Washington all the way through George W. Bush. We cannot claim that is inherited from the past.

This President's deficit spending is not sustainable. By the end of the budget period, the debt will have skyrocketed to 82 percent of the gross domestic product, which everyone agrees, including the President's advisers, is not sustainable. Think about the interest payments. Think about your own credit card interest payments for interest payments on debt. These will soon be the single largest item in the Federal budget.

What if debt interest payments were the single largest item in your own family budget? More than \$800 billion a year in 10 years will be spent on interest alone—\$800 billion a year. That eclipses what we spend on national security. It is four times as much as we spend on education, energy, and transportation combined. These are not abstract numbers. This will have an effect on every American.

In 2019, under the President's plan, each U.S. household's share of the Federal debt will be more than \$130,000. That is more than most of us owe on our mortgages. Notably, since the Democrats have taken over the Congress—we are not talking about "inherited" now—the Congress has increased the debt limit four times, and the administration has made a request for a fifth increase that we anticipate occurring this November.

So should we be worried about the debt? I believe so. Was it a problem inherited from the Bush administration? No. The real problem is what we have done since January 20, since President Obama came into office, since Democrats have been in control of the Congress and the adoption of a budget which is going to triple our debt in just 10 years. And in 5 years we will have more debt than every single President

and Congress in the entire history of the country right up through George W. Bush accumulated—in one budget of this administration.

The other thing I would like to speak to is comments the Senator from Illinois made on Tuesday. Again, he was critical of Senator McConnell, who noted that all of these bills passed in the House and in the Senate were passed on essentially partisan votes, and that Republican ideas had been ignored. My colleague said: Well, in the HELP Committee there were 150 amendments adopted that had been offered by Republicans. The vast majority of those were purely technical corrections, misspellings, typos, and things of that sort. I do not think anybody can contend that Republicans have had a fair voice in the creation of the health reform legislation around here.

Then there was an attack on the messengers. There have been several reports that demonstrate that insurance premiums are going to go up, not down, in this legislation. The attack was not to contend that the figures were wrong but, rather, to attack the messengers—in two cases—to say: Well, the insurance industry actually paid for some of those reports. Does that make the reports wrong? It might raise a question in our minds as to whether they are appropriate, but how about analyzing them to see whether they are wrong.

The majority whip then went on to say that the Congressional Budget Office even disagrees with the Republican leader and predicted that the health care premiums would actually not go up. Specifically, he said: “They predicted if health care reform went through, health care insurance premiums would go up” on American families.

The Senator from Illinois said:

Well, there are those who disagree, people with the Congressional Budget Office and others. . . .

Let me quote the Congressional Budget Office. It does not disagree. The Congressional Budget Office specifically supports what Senator McConnell said:

Premiums in the new insurance exchanges would tend to be higher than the average premiums in the current-law individual market.

CBO was very clear in conversations we have had with them that specifically with regard to American families premiums will be higher.

So the Senator from Kentucky, the Republican leader, was correct and the Democratic whip was incorrect. CBO says premiums will be higher.

This report issued yesterday from Oliver Wyman said premiums will increase in the individual market approximately \$1,500 for single coverage and \$3,300 for family coverage every year.

In my State and some other States it is even worse. For Arizona, Idaho, Kentucky, Virginia, and the District of Columbia, we will have the highest premium increases, where premiums could increase by as much as \$2,619 for individuals and—think about this—\$7,426 for families. Think about that as a premium increase under a bill that is supposed to help us afford our health care, but we get socked with a \$7,000 increase in the health care premium for our families.

Part of this is because of the minimum benefit requirements the bill provides for. They note this will increase costs about 10 percent in the individual market and 3 percent in the small group market. This is under the Baucus bill. Small employers purchasing new policies in this new market will experience premiums that are up to 19 percent higher in year 5 of the reform. Premiums are going up.

Milliman, another independent actuarial firm, found that the average actuarial value of a high deductible plan is 48 percent. In Arizona, incidentally, it is 61 percent. What does this mean? Under the legislation, the lowest insurance plan value is defined by the Federal Government. It has to be 65 percent. That means there will be an increase in health insurance premiums by 35 percent for those with high deductible plans. Individuals enrolled in individual health plans with a lower actuarial value than 65 percent will see their premiums increase by 18 percent. So to the allegation that somehow Republicans are wrong when we criticize the Baucus bill for raising individual and family insurance premiums, the reality is, all the experts agree, including the Congressional Budget Office.

Then there was another question that had to do with medical devices. The reality is, because of taxes imposed in the Baucus bill, there are going to be a lot of increased expenses, including expenses that are going to be passed on to individuals. One of those is in the medical device industry.

Let me quote a letter that some Democratic colleagues of ours—Senators KLOBUCHAR, BAYH, and FRANKEN and then Senator LUGAR on the Republican side sent to Chairman BAUCUS. I am quoting from it:

[T]he provision would harm economic development and health care innovation nationwide.

[W]e are concerned that this tax will stifle technological innovations that can improve patient outcomes and lower health care costs.

It is also a fact, as I said, that these expenses are passed through. There are several studies that demonstrate that—as well as the comments of the Congressional Budget Office and the Joint Tax Committee—all of whom say it is virtually a dollar-for-dollar pass-through. So if we raise taxes on the medical device industry by \$40 billion,

then people are going to be paying \$40 billion more in insurance premiums because the cost of those medical devices will be reflected in the cost to the insurer and, therefore, the cost to the people who are paying the premiums.

There was a concern expressed by my colleague from Illinois that insurance companies will raise their premiums—the point I have been making—but they will do it in a collusive fashion and maybe we should look at the antitrust laws in that regard.

Well, they do not have to collude to raise their premiums. Every one of them has an incentive—as the Congressional Budget Office and these other reports demonstrate—for them to be able to stay in business; they have to be able to raise their premiums to reflect their cost of doing business. They do not have to collude to do that.

Then the Democratic whip made what I would say is a rather odd argument: Republicans have been critical of the concept of government-run insurance. The Democratic whip said: Well, we have government-run insurance—Federal employees and Members of Congress—and we think it is a good program. And he said under the program, there are nine different health plans to choose from, and we pick the best one for us, and the employer pays part of it and we pay part of it, and so on.

That certainly is all true, except for one thing: It is not government run. As he noted, there are nine private plans. This is no different than any other employer. Most large employers, such as the Federal Government, give their employees a choice of two, three, four, maybe sometimes as many as nine or ten plans if they are a big enough employer. The Federal Government is a huge employer, so we can offer nine different plans. But there is no Federal insurance. This is not federally run.

This is the Federal Government as the employer doing the same thing that Honeywell as an employer would do for its employees. It gets three or four insurance companies with different kinds of plans and says to its employees: We will pay for part of the cost. You get to pay for the rest of it. That is not federally run or government-run insurance. So the Democratic whip is simply wrong when he says the plan Members of Congress and Federal employees have is government run. That is simply not true.

I mentioned the medical device issue. I would note Senator KERRY is another one of our colleagues who, like me and like others, has expressed concerns about this issue because of the fact that the taxes paid by the medical device industry will, in fact, be passed on to consumers.

Finally, the Democratic whip asked where the Republican health care plan is. I do not know how many times we have to repeat this, but let me do it

one more time. Time and time again, we have said: Here are things we believe will reduce the cost of health care, will help people get coverage who do not have it now, and will reform the system.

What are some of the ideas we have proposed? By the way, each of these were offered as amendments in the HELP Committee and in the Finance Committee and in the House of Representatives, and Democrats voted against every one of them every time. So it is not as if we do not have ideas and alternatives that would solve specific problems, it is that the Democrats do not like the ideas and, therefore, have rejected them. But I will repeat a couple of them one more time.

Republicans lead with medical malpractice reform, to try to do something about this jackpot justice system where lawyers end up getting most of the money, and doctors and hospitals have to practice defensive medicine to anticipate litigation and to be able to protect themselves against it. There are estimates: as much as 10 cent out of every health care dollar spent is on premiums that doctors have to pay for their liability insurance. There is over \$100 billion a year that can be saved from defensive medicine practices if we are able to have medical malpractice reform. The CBO even scored it—in a very narrow way—at \$54 billion just in savings to the Federal Government.

As my colleague, Senator ENSIGN, pointed out in an exchange with the CBO Director in the Finance Committee, one could anticipate that about twice that much savings would occur if we add in all of the savings to the private sector as well. So we could be talking about well over \$100 billion in savings. This is a huge amount of money. It does not cost the Federal Government a dime. It makes the system more fair, and it is a savings that can be passed on in the form of lower premiums and lower health care costs.

Another idea we have talked about a lot—you have heard it—the sale of insurance across State lines. Let's make the insurance companies have to compete with each other. Sometimes they have little monopolies; there are only two or three companies in a particular State. Well, if we could buy our health insurance like we can buy our casualty insurance, our homes or our car insurance, from any company anywhere in the country, those insurance companies in our States would have to be better competitors. My guess is they would lower our rates and they would give us better benefits. That competition would help us. Again, it does not cost a dime.

How about association health plans, letting small businesses and groups band together to create larger risk pools? Risk pools help define the coverage. If we have a big risk pool, chances are we can get cheaper cov-

erage. If we have a small risk pool, it is hard. That is why small businesses find it so hard. So we talk about larger risk pools through association health plans.

Madam President, I think I have exceeded my 10 minutes. We could go on and on with Republican ideas that have been proposed but get shot down by the Democrats. So it is not a matter of looking for a Republican proposal.

Let me conclude with this: It is true that Republicans will probably not propose a massive trillion-dollar bill as the Democrats have. That is true. We are not going to because we do not do 1,000-page bills in the Congress very well. We do not know the consequences of them. The cost is always enormous.

Republicans have a better approach. We believe we should do this step by step: First, regain the trust of the American people that we can do it right, and that we are listening to them about what they want rather than coming up with some grand scheme that a bunch of staffers and consultants in Washington, DC, came up with.

Let's listen to the American people, hear what it is they want. They do not want a massive, big spending bill that is going to add to our deficit, that is going to raise their taxes and raise their insurance premiums, and, in the end, not insure very many more Americans. That is not reform.

Madam President, I see my colleague from Tennessee is in the Chamber. He has been an eloquent spokesman on this issue, and I am pleased to yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I congratulate the Senator from Arizona for identifying so well, among other things, how Republicans would like to approach the health care reform costs. We want to reduce costs for individuals who are buying insurance, and we want to reduce the cost of our government. Rather than a comprehensive 1,000-page, trillion-dollar bill filled with surprises, we prefer to go step by step in the right direction; that is, reducing costs.

The Senator from Arizona has mentioned ways to do that. Whether it is allowing small businesses to pool their resources, which could add millions of people to the rolls of the insured in the country, whether it is reducing junk lawsuits against doctors, whether it is allowing for the buying of insurance across State lines or health insurance exchanges or using health information technology, we can take steps in the right direction to regain the trust of the American people and move toward reducing costs.

The Senator also did a very clear job of pointing out how the Baucus bill may actually increase costs. There has been a lot of squirming around on the other side because it has been sug-

gested that instead of premiums going down—which is the whole point of this exercise, reducing costs—they might go up. I would like to talk about that a little bit today.

Premiums, your premiums—and let's talk about who the "you" is. We have about 170 million Americans who have employer-based insurance, and we have a total of about 250 million Americans—that is most of us—who have some kind of insurance premium that either we pay or is paid for us. I think our goal is to make it easier to afford those premiums; in other words, to reduce costs. But the Baucus bill, in at least four ways, increases costs, and raises premiums.

One way is it reduces the penalty for individuals and families who are required to buy insurance so they might not buy insurance, and if the young and healthy go out of the insurance pool, premiums of everybody who is in the insurance pool go up.

No. 2, the Baucus bill will say—and so do the other bills the Democrats have presented—that my children, who pay lower premiums than I do, will have higher premiums because under the law there can't be as much difference between what an older person pays and what a younger person pays. So for most young Americans who buy insurance—and in this case they will be required to buy insurance or pay a penalty, so their premiums go up.

There is a third reason premiums go up. Premiums will go up because, when you buy insurance, you don't just get to buy any kind of insurance; you buy a government-approved, basic policy. It sounds like a little more Washington takeover to me. When you go out to buy your government-approved, basic policy, what you will find under this bill is that for millions of Americans, it will cost you more. Your premiums will go up. There are a great many Americans who make the sensible decision of buying a high deductible policy. They say: I will pay most of my health care costs up to a point, but I will buy the insurance for the catastrophe in my life that I could never afford. Well, those policies will not be as available.

Then, finally, there are going to be \$955 billion in new taxes. The bill is very careful about not placing them directly on you; it puts them on everybody you buy things from. It puts them on people from whom you buy your medical devices; it puts them on people from whom you buy your health insurance. We all know what will happen when we put taxes on people from whom we buy things. If we put taxes on oil companies, what happens? They pass it on to us at the gas pump. If you put taxes on all these health care services, what happens? Our insurance premiums go up.

So one does not have to be an actuary to figure this out. If the individual mandate penalty is weaker, premiums

go up. If young people can't buy cheaper policies—cheaper than mine if there is a rule—their premiums go up. If we all have to buy government-approved policies, or most of us do, that are richer than what many of us want to buy today, our premiums go up. If we have \$955 billion in new taxes when the bill is fully implemented, most of which are passed along to us, our premiums go up.

So I would ask this question: What is this exercise all about? I thought it was about reducing costs. I thought it was about lowering the cost of our insurance premiums. But it looks as though it will increase the cost of our insurance premiums and, if that is true, we ought to reject this bill for that one reason alone. Of course, we haven't even seen the bill. It is not written. It has to be combined by the majority leader in a dark office somewhere and then we will see it. But that is what we should be looking for.

It is often said that—that is another reason why the Republican idea of a step-by-step approach to reduce costs makes a lot more sense than these big, comprehensive, 1,000-page, \$1 trillion bills. We want to reduce the cost of insurance, but we don't want to pass a bill that raises premiums to do that.

It has been said there is not much bipartisanship.

Madam President, I hope you will please let me know when I have consumed 9 minutes.

The ACTING PRESIDENT pro tempore. The Chair will notify the Senator.

Mr. ALEXANDER. Again, it has been said there is not much bipartisanship in this debate. That is not true. There has been a partisan rejection of a bipartisan bill. Fourteen of us signed up on the bill which Senator WYDEN, a Democrat, and Senator BENNETT, a Republican, offered.

There is another option the various committees had. It didn't increase the debt a penny. It gave people more choices. It didn't have a new government program. It had a lot of good principles in it, but that was rejected. That didn't get the time of day, no more than the Republican step-by-step proposals, but there are other bipartisan efforts other than Wyden-Bennett. There is the Reid amendment offered by the majority leader. He became concerned about how the Baucus bill was going to transfer to the State of Nevada big, new Medicaid costs that might result in new taxes. Every single Governor in the country is concerned about that, Democratic or Republican. So the majority leader fixed the problem for Nevada and three other States. We will call that the Reid amendment and when this bill comes to the floor we are going to introduce a Reid amendment and we are all going to support it because we want it for Texas, we want it for South Dakota, we

want it for New York, we want it for California. If the Federal Government is going to expand Medicaid, the Federal Government needs to pay for the Medicaid expansion and not send it to the States. So that will be a bipartisan step.

Then there is another bipartisan step, and that was from eight Democratic Senators who wrote in and said: We want to be able to read the bill and know what it costs before we start voting on it. All 40 of us agree with that on the Republican side and we believe that is the right thing to do: Put it on the Internet for 72 hours. Senator BUNNING has offered an amendment for that. That now has bipartisan support.

That means, when this bill is finally written—it is not a bill yet—when it comes out of the back rooms, it will at least be on the Internet for 72 hours. Then we will need to have a complete fiscal estimate. That ought to take a couple or 3 weeks. Then we need to come to the floor and debate it because we need to know: Are your premiums going up or down? Are taxes going up or down? What about these Medicare cuts: \$500 billion in Medicare cuts not spent to restore Medicare but for a new government program, I think. My point is, there are a number of questions that need to be answered.

Let me conclude in this way: We have a bipartisan approach. We want to read the bill and know what it costs. Enough of us do that, so I think we will do that, and we will have at least as good a debate as we did on the farm bill. That took a month. The Energy bill took 2 or 3 months. This is one-sixth of the economy, and we will need several weeks to talk. What will we be talking about? We will be talking about—at least I will be talking about—whether this bill is reform; whether it will reduce costs, and whether it will raise your premiums or lower your premiums. If it weakens the individual mandate; if it says young people can't buy inexpensive policies anymore; if it says millions of us have to buy government-approved, richer policies instead of policies with high deductibles; and if it imposes \$955 billion of taxes that will be passed on, raising our premiums; if it raises our premiums instead of lowering our premiums, then why are we doing this?

That is not health care reform. That is not reducing costs. We should instead take the Republican approach and go step by step to reduce costs starting with small business health care plans, reducing junk lawsuits, allowing insurance to be sold across State lines, creating health insurance exchanges, implementing health information technology, and changing tax incentives.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, I wish to pick up where my colleague from Tennessee left off and talk a little bit about this issue that is before us and before the country right now, the issue of health care reform. I would submit to my colleagues in the Senate that the purpose of reform, as has been stated now for many years as reform has been talked about, is that we have to do something to get health care costs under control. We have to rein in these increasing, double-digit, every year inflationary increases people are seeing in their health care costs. So the purpose of health care reform, as stated, is to lower the costs of health care for people in this country, as well as to extend coverage, provide access to coverage for those who don't normally have it, which, as has been noted in the past, is about 15 percent of the population. About 85 percent of the people in this country do have health care, and their concern is: What are we going to do to drive down the costs of health care? What are we going to do to make my health insurance cost less and my health care coverage cost less?

In that vein, I wish to point out an article from yesterday in the Wall Street Journal, which I would recommend to my colleagues and which was written by former CBO Director Douglas Holtz-Eakin.

Madam President, I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 13, 2009]

THE BAUCUS BILL IS A TAX BILL

(By Douglas Holtz-Eakin)

Remember when health-care reform was supposed to make life better for the middle class? That dream began to unravel this past summer when Congress proposed a bill that failed to include any competition-based reforms that would actually bend the curve of health-care costs. It fell apart completely when Democrats began papering over the gaping holes their plan would rip in the federal budget.

As it now stands, the plan proposed by Democrats and the Obama administration would not only fail to reduce the cost burden on middle-class families, it would make that burden significantly worse.

Consider the bill put forward by the Senate Finance Committee. From a budgetary perspective, it is straightforward. The bill creates a new health entitlement program that the Congressional Budget Office (CBO) estimates will grow over the longer term at a rate of 8% annually, which is much faster than the growth rate of the economy or tax revenues. This is the same growth rate as the House bill that Sen. Kent Conrad (D., N.D.) deep-sixed by asking the CBO to tell the truth about its impact on health-care costs.

To avoid the fate of the House bill and achieve a veneer of fiscal sensibility, the Senate did three things: It omitted inconvenient truths, it promised that future Congresses will make tough choices to slow entitlement spending, and it dropped the hammer on the middle class.

One inconvenient truth is the fact that Congress will not allow doctors to suffer a 24% cut in their Medicare reimbursements. Senate Democrats chose to ignore this reality and rely on the promise of a cut to make their bill add up. Taking note of this fact pushes the total cost of the bill well over \$1 trillion and destroys any pretense of budget balance.

It is beyond fantastic to promise that future Congresses, for 10 straight years, will allow planned cuts in reimbursements to hospitals, other providers, and Medicare Advantage (thereby reducing the benefits of 25% of seniors in Medicare). The 1997 Balanced Budget Act pursued this strategy and successive Congresses steadily unwound its provisions. The very fact that this Congress is pursuing an expensive new entitlement belies the notion that members would be willing to cut existing ones.

Most astounding of all is what this Congress is willing to do to struggling middle-class families. The bill would impose nearly \$400 billion in new taxes and fees. Nearly 90% of that burden will be shouldered by those making \$200,000 or less.

It might not appear that way at first, because the dollars are collected via a 40% tax on sales by insurers of "Cadillac" policies, fees on health insurers, drug companies and device manufacturers, and an assortment of odds and ends.

But the economics are clear. These costs will be passed on to consumers by either directly raising insurance premiums, or by fueling higher health-care costs that inevitably lead to higher premiums. Consumers will pay the excise tax on high-cost plans. The Joint Committee on Taxation indicates that 87% of the burden would fall on Americans making less than \$200,000, and more than half on those earning under \$100,000.

Industry fees are even worse because Democrats chose to make these fees non-deductible. This means that insurance companies will have to raise premiums significantly just to break even. American families will bear a burden even greater than the \$130 billion in fees that the bill intends to collect. According to my analysis, premiums will rise by as much as \$200 billion over the next 10 years and 90% will again fall on the middle class.

Senate Democrats are also erecting new barriers to middle-class ascent. A family of four making \$54,000 would pay \$4,800 for health insurance, with the remainder coming from subsidies. If they work harder and raise their income to \$66,000, their cost of insurance rises by \$2,800. In other words, earning another \$12,000 raises their bill by \$2,800—a marginal tax rate of 23%. Double-digit increases in effective tax rates will have detrimental effects on the incentives of millions of Americans.

Why does it make sense to double down on the kinds of entitlements already in crisis, instead of passing medical malpractice reform and allowing greater competition among insurers? Why should middle-class families pay more than \$2,000 on average, by my estimate, in taxes in the process?

Middle-class families have it tough enough. There is little reason to believe that the pain of the current recession, housing downturn, and financial crisis will quickly fade away—especially with the administration planning to triple the national debt over the next decade.

The promise of real reform remains. But the reality of the Democrats' current effort is starkly less benign. It will create a dangerous new entitlement that will be paid for by the middle class and their children.

Mr. THUNE. Madam President, I wish to highlight a few sentences from that article regarding the bill that was reported out of the Finance Committee earlier this week. In that article he says this:

The bill would impose nearly \$400 billion in new taxes and fees. Nearly 90 percent of that burden will be shouldered by those making \$200,000 or less. It might not appear that way at first because the dollars are collected via a 40-percent tax on sales by insurers of "Cadillac" policies, fees on health insurers, drug companies, and device manufacturers. But the economics are clear. These costs will be passed on to consumers by either directly raising insurance premiums or by fueling higher health care costs that inevitably lead to higher premiums.

Mr. MCCAIN. Madam President, will the Senator yield for a question?

Mr. THUNE. I am happy to yield to my colleague from Arizona.

Mr. MCCAIN. It is my understanding of the proposal that this reform will begin to be implemented in what year?

Mr. THUNE. I believe the answer to that question, I might state through the Chair, is 2013, 2014.

Mr. MCCAIN. 2013, 2014. But when do the taxes that would supposedly implement this proposal kick in?

Mr. THUNE. The taxes, I would say to my colleague, again through the Chair, kick in immediately. You get the revenues starting to come in right away. So the revenues are front-loaded, the costs of the program are back-loaded, so it understates and distorts what this new proposal will cost.

Mr. MCCAIN. So we have 10 years' worth of tax increases to pay for 5½ years of the implementation of this so-called reform, and then what are the implications in the future?

Mr. THUNE. Well, that is clearly the case. If you look at the 10-year cost of this, because the revenues—the tax increases—are front-loaded, and we get to see basically 10 years of tax increases and only about 5½ years of actual implementation of the program, what you have to do to get a full picture of what the cost of this program will be is take the fully implemented cost. When you take the fully implemented cost, I would say to my colleague from Arizona, you are looking not at the \$829 billion that was reported by the CBO; because of this distortion and this creation of a revenue source before the actual costs kick in, you are looking at a \$1.8 trillion new entitlement program fully implemented over a 10-year period.

Mr. MCCAIN. I have one more question for my colleague. Is there any provision in the legislation, as you have seen it, that has any approach whatsoever to medical malpractice reform or medical liability reform which, in the view of many experts, could be as much as \$100 billion to \$200 billion a year?

Mr. THUNE. There is not.

Mr. MCCAIN. Isn't that incredible?

Mr. THUNE. I think it is incredible because it is now validated by the Con-

gressional Budget Office that if you were to incorporate that, you would drive down the cost of health care in this country by literally billions and billions of dollars. Yet there is no mention or reference to medical malpractice reform in this bill.

Mr. MCCAIN. Isn't it true, as much as we respect the Congressional Budget Office and their figures as to the amount of money that can be saved by implementing meaningful medical malpractice reform, such as is the case in the State of Texas, that it doesn't reduce the costs as far as litigation is concerned? Not only that, but I don't believe it is calculated using the way they calculate costs: The incredible increase in health care costs associated with the practice of defensive medicine, with doctors prescribing unneeded, unnecessary and, many times, because of the nature of the procedure, unwanted additional tests and procedures because that physician is practicing what we call defensive medicine, which is the fear of finding themselves in court; and not only because of the increasing premiums for medical malpractice but also obviously the time, the effort, the energy, including damage to reputation that could accrue from a lawsuit brought against that physician.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, my understanding is that the Congressional Budget Office does not only contemplate the cost of litigation, it does not take into consideration the cost of the practice of defensive medicine, which, as the Senator from Arizona noted, is an enormous additional cost, and many independent estimates suggest \$100 billion to \$200 billion annually. The CBO study only took into consideration government health care, so it didn't include the private health care delivery in this country. But many physicians, as the Senator noted, practice defensive medicine because they are worried about being sued. All these duplicative tests and additional practices that are undertaken by doctors in this country to avoid the lawsuit potential or the risk they incur when they practice medicine adds significantly—as I said, as independent estimates suggest, to the tune of \$100 billion to \$200 billion annually.

Mr. MCCAIN. Madam President, isn't it absolutely incredible that in the name of reducing health care costs, and with the burden that rising health care costs impose on every American family, that there should not be one provision—one meaningful provision—for medical liability reform, which is, in the judgment of any objective observer—except maybe the trial lawyers—something that must be implemented if you are going to have a serious effort at reducing the cost of health care in America?



Mr. THUNE. Absolutely. I think that in a moment of honesty Howard Dean recently said that the reason medical malpractice reform is not included in this legislation is because they didn't want to take on the trial lawyers. It seems to me that you cannot have a meaningful discussion about lowering health care costs in this country absent the inclusion of this issue—an important issue—of the practice of defensive medicine, which is tied directly to medical malpractice lawsuits in this country, and the desperate need we have for reform in that area.

Mr. MCCAIN. I thank my colleague.

Mr. THUNE. Madam President, as the Senator from Arizona noted, an important component of the debate is the cost curve, which leads to higher premiums and health care costs both in government-held care—Medicare and Medicaid—and in private health care delivery.

Despite all of the promises the President has made to the contrary, there isn't anything in these bills to date, according to the CBO, that drives the cost curve down. In fact, what we are looking at is higher health care costs attributable to many of the provisions in these bills. It is interesting to know, because during the hearing, the Director of CBO, Doug Elmendorf—and earlier I mentioned Douglas Holtz-Eakin, a former CBO Director, but the current Director has repeatedly admitted that he did not have the opportunity to find answers to some of the important questions in this debate. CBO told us increased taxes will be passed on in the form of higher premiums, general dollar for dollar. When he was asked if CBO calculated how much insurance premiums will rise for Americans who already have coverage, he said no. When he was asked whether they calculated whether total spending on health care would go up or down, he said no. When he was asked if they calculated how the bill would affect access to health care, he said no. Because of the way the bill has so many holes and no real legislative language, and the way it has been rushed through, there has simply not been time, evidently, for CBO to look at this and to know for certain what some of the impact will be. I have to ask, would Americans buy a health care plan without knowing how much it costs? Does anybody in this country look at buying a plan without knowing its cost? That is exactly what the Democrats are doing with this bill—buying a national health care plan without any idea about how much it is going to cost the Nation or individual taxpayers.

We do know that the plan is going to bring us higher taxes, higher premiums, and cuts in Medicare. I think that is a fair assessment. Two studies last week—independent analyses—verified that premiums are going to go up. I will point out that one of those

studies which came out yesterday—the Oliver Wyman study—said premiums will increase in the individual market approximately \$1,500 for single coverage and \$3,300 for family coverage annually. That is exclusive of inflation. So the annual inflationary increases we are seeing in medical expenses are not included in that estimate, but it is \$1,500 for an individual and \$3,300 for a family annually, the increase in cost for coverage.

Small employers purchasing new policies in the reform market are going to experience premium increases that are up to 19 percent higher. This is in year 5 of reform. The other study—the PricewaterhouseCoopers study—which came out a couple days ago, also had some statistics that were revealing. It illustrated, too, that these premium costs that are going to be borne by the American people will go up significantly. So you have two independent analyses that have been done in the last week, talking about how much premiums are going to go up. We know now, with the Joint Tax Committee's assessment and CBO's assessment, that taxes will go up. We have said how the impact of that is going to fall. If you look at the biggest impact of the tax increases, families earning 150 percent of the Federal poverty line, \$32,200, will face an effective marginal tax rate of 59 percent. And 89 percent, according to the CBO, of the tax increases will fall on earners making less than \$200,000 a year. Fifty percent would fall on those making less than \$100,000 a year.

You have average Americans out there trying to cope with the cost of health care, along with the cost of everything else, who are going to be hit with higher taxes and premiums, and our senior population will be hit with higher Medicare premiums because Medicare will be cut, and it is going to impact the Medicare Advantage Program, and it will impact providers across this country.

What we know for certain about this bill is that it is going to spend \$1.8 trillion, when fully implemented over a 10-year timeframe; it is going to leave 25 million people without coverage; it is going to raise premiums for people in this country; it is going to raise taxes on people in this country, particularly those who make under \$100,000 a year—half of the tax burden will fall on them, according to the CBO and the Joint Committee on Taxation. That is what we are looking at with this legislation.

As much as is talked about in health care reform and covering more people and lowering costs, at the end of the day we are looking at higher premiums, higher taxes, and cuts in Medicare. That is the bottom line. That is why we, as Republicans, are looking for real solutions that bend the cost curve down. As the Senator from Arizona noted, one of those solutions certainly would be throwing into this mix the issue of medical malpractice reform.

I want to point out a couple of statistics before I conclude about how this would impact people in South Dakota, according to one of the studies. In the South Dakota market, the individual market, if you are buying in that market, you are going to see your premiums go up by 47 percent. If you are a family, it will go up by 50 percent; and if you are in the small group market, you will see a 14-percent increase in premiums; and if you are an individual and for a family, it is 15 percent.

My State of South Dakota isn't going to fare very well when it comes to the costs associated with this plan. I argue that most Americans, as they evaluate the personal impacts of this health care reform proposal, are going to give it a thumbs down and, hopefully, we can go back to the drawing board and address this in the way we should have in the first place, and that is step by step, not rushing to jam through this massive expansion, this \$1.8 trillion program, with higher taxes, higher premiums, and cuts in Medicare.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I congratulate the Senator from South Dakota on a very important statement. I see the Senator from New Hampshire and others on the floor waiting to speak on this issue. I will be brief.

As the majority leader begins discussions behind closed doors to create the Senate bill that he is going to bring to the floor, I think it is important for the American people to understand the impact these policies will have on the cost of health insurance premiums, tax rates, and our economy for generations to come.

I think we should understand the smoke and mirrors used to make the Democrat proposal appear to improve the budget over the next 10 years. The following taxes start next year. If you have insurance, \$201 billion is raised in excise taxes on health plans. If you don't buy a plan, or you buy one that the government doesn't think is good enough, the concept proposal raises \$4 billion in fines on the uninsured. If you are an employer who today cannot afford to provide health insurance to your employees, which is the case with small business, the ones hurting the most—not Goldman Sachs or JPMorgan but the small businesses—the concept proposal raises \$23 billion in employer penalties and contributions. If you use medical devices, such as hearing aids or artificial hearts, the concept proposal raises taxes by \$38 billion on medical device manufacturers. Who will pay for that in the long run? The user. If you take prescription drugs, the concept proposal raises \$22 billion in new taxes on medicines.

The Congressional Budget Office estimates that Americans will face higher

health insurance premiums, while waiting 4 years for the reform proposal to begin. This gimmickry is incredible. The President and Senate Democrats claim the proposal is under \$1 trillion and slightly reduces the deficit over 10 years. That is a joke—ten years of taxes but only 5½ years of implementation. To get the true 10-year cost of implementation, you should look at the 10 years beginning in 2013. Using the CBO numbers, we are told that the proposal spends \$1.8 trillion. That is the real cost of this proposal.

You might be justified in wondering what Americans get for that \$1.8 trillion. The answer is more government, with 13 million more people placed into the failed Medicaid Program. Medicaid is a program that is busting the Federal budget and State budgets all over America. Medicaid is a program that fails in patients having access to physicians. Forty percent of doctors will not see Medicaid patients. Medicaid is a program that fails in health outcomes for low-income Americans. We are not going to give low-income Americans more options for better health coverage; we are just giving them the status quo.

It is bad enough that the proposal massively increases government regulation of health care and insurance, massively expands the government-sponsored Medicaid Program—which the States cannot afford to pay for, as we all know—massively cuts Medicare and drives up insurance premiums in the process. But the proposal ignores what Americans want: less government, less taxes, more freedom, and more choices.

The concept paper in the Senate Finance Committee—it is not even a bill—slams Americans with an entitlement program that will grow faster, according to the CBO, than the economy, while at the same time dramatically increasing the tax burden on all Americans.

Let's restate the obvious about the Senate Finance Committee concept proposal. As the majority leader conducts his closed-door process to create the Senate bill he will bring to the floor, it is important for the American people to understand what impact these policies will have on the cost of health insurance premiums, on tax rates, and on our economy for generations to come.

I have seen recent information that the Medicare Part D Program, which is touted as a success—which I voted against because it wasn't paid for—is now having—guess what—increased costs. The problem is that we are not addressing the fundamental problems that cause a dramatic increase in health care costs in America. In fact, we are continuing a process that we have done, which is new entitlement programs, without ways to pay for them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I congratulate the Senator from Arizona and the Senator from South Dakota for framing this debate on health care with very specific and excellent points.

The simple fact is that the cost of this program is grossly understated, but the cost is extraordinary, even when understated—almost a trillion dollars. The real cost is \$1.8 trillion, when it is fully phased in. In fact, if you include in it the doctor fix, which was taken off the table so the cost would look better, which is \$200 billion-plus, the cost of this proposal, when fully phased in, is over \$2 trillion over a 10-year period.

And the offsets that are going to be used to pay for this? Their plan is basically to cut Medicare Advantage, eliminate that program for seniors—a lot of seniors like Medicare Advantage—and try to save about \$400 billion doing that and take that money and create a brand new entitlement to benefit people who do not have insurance or people who do not have enough insurance, as defined by this bill. In addition, they will raise taxes and raise fees. Most of the fees will be coming in from the hospital associations, the doctors, the drug companies, and the insurers, all of which will be passed through, of course, to consumers in the form of higher premiums or higher costs. Again, it is going to be the consumers of America, Middle America, the people who use health care in this country, who are going to pay the cost.

It is a huge gap even between the stated amount that is going to be raised in this bill, and the real expenditure in this bill. And that gap goes directly onto the debt of our children—the debt of this country, which has to be paid for by our children.

This is in the context of an administration which has exploded the size of government in the first 10 months of its term—exploded the size of government. They have proposed a budget which over the next 10 years will run on the average \$1 trillion of deficit every year, which will take the Federal debt from about 41 percent of gross domestic product up to 80 percent of gross domestic product, which will take Federal spending from about 20 percent of gross domestic product up to about 25 percent of gross domestic product.

What do all those numbers mean? They mean quite simply that our children are going to be passed a country which will have so much debt and such a large government that it simply cannot afford it; that the quality of life of our children, as they move into their earning years, is going to be fundamentally undermined—their ability to buy a home, their ability to send their kids

to college, their ability to just live the quality of lifestyle our generation has had is going to be fundamentally harmed by this administration's decisions to spend today as if there is no tomorrow or to spend today and pass the bills on to tomorrow. It is a true affront to the traditions of this country.

Let me quote from Thomas Jefferson because Thomas Jefferson is deemed to be the founder of the Democratic Party. Thomas Jefferson got a lot of things right, of course. He wrote the Declaration of Independence, the most brilliant document in the history of mankind stating freedoms to which we subscribe. He played a major role in defining our Nation and what makes our Nation special.

He said this about debt. This was a letter to John Taylor in 1816:

I sincerely believe . . . that the principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale.

That is a pretty strong word, “swindling,” used by the founder of the Democratic Party relative to the use of debt.

Then he wrote to William Plumer, who, coincidentally, was the Governor of New Hampshire, in a letter. He said:

I, however, place economy among the first and most important republican virtues, and public debt as the greatest of the dangers to be feared.

The proposals which are coming out of this administration do swindle our children's future, just as Thomas Jefferson said. To run debts of this size, to run deficits of this size, to put in place a program that is going to cost almost \$2 trillion when it is fully implemented is basically to guarantee that this Nation is going to have such a burden of government that we will be unable to sustain our government in the form it is today.

What does that lead to when you run up those types of deficits and debt, when you run up that type of spending? It leads to two options: Our children are either going to inherit a nation where we have to devalue the dollar, and basically create a situation where everybody's savings and everybody's net worth is dramatically impacted by lessening the value of that through inflation or, alternatively, you are going to have to dramatically increase the tax burden of this country to a point where you will undermine the fundamental productivity of our Nation and put job creation and the capacity to have prosperity through job creation at risk because the tax burden will become so high.

In fact, it was pointed out, studies have shown that the tax burden will go up to 59 percent of income under some of the proposals that are pending just on this bill, to say nothing of when you start totaling up all the other bills, all the spending that will occur. Even



today, the administration announced they want to spend \$14.5 billion more without offsetting it in any way to fund an interest group they feel needs to be funded.

This raises the fundamental question: Why do you proceed in this way? Why would you create a program that is going to have such a devastating impact on the economic future of our Nation? You do it because it gets you votes in the next election, I guess. I guess that is why you do it.

Certainly there are ways to reform health care, to improve health care that do not require this massive expansion in the size of government. There are a lot of ways to do that. Let me give a few.

For example, we could focus on the chronic diseases which are the drivers of health care costs in this country, diseases such as obesity and Alzheimer's. We could try to get those under control. That would help control costs.

We could give employers the incentive through monetary payments—actual cash—to say to their employees: Listen, if you go out and live a healthy lifestyle, we will give a reward in cash. If you stop smoking, if you get yourself into a workout situation where you drop weight, if you take tests such as having a colonoscopy, if you have a mammogram, we are going to reward you with money. That is a step which would significantly improve health care delivery and costs in this country.

We can say to the delivery systems: Listen, rather than doing a lot of quantity for the purposes of generating revenue, why don't you do a little quality with value tied to it? There are health care delivery systems in this country today which accomplish that. Rochester, MN; Salt Lake City, UT; Pittsburgh, PA—there are a whole series of these centers which have shown you can deliver better quality at lower costs if you are intelligent about it and reduce overutilization.

We could, as was discussed at length by the Senator from South Dakota and the Senator from Arizona, do something about abusive lawsuits. The simple fact is, abusive lawsuits are driving huge costs in the health care system. Thirty percent of health care is deemed to be defensive medicine. There is no reason doctors should have to give tests they don't believe they have to give, but they have to give in order to defend themselves from lawsuits. Those are foolish and expensive. Madam President, \$54 billion is the cost estimate from CBO of savings just from that one item, and that is an understated cost because it doesn't, as was pointed out, calculate the defensive medicine side.

Those are a few good ideas, but there are a lot more good ideas. It can be done on a step-by-step approach which gives us better health care without this

attempt to basically take over the entire system.

Let's not play any more games around here. What is this about? This is about creating a system, putting in place an alleged comprehensive reform, the purpose of which is to drive private activity out of the market because there are a lot of people on the other side of the aisle who believe profit is bad and the marketplace does not work in health care, and that we should move towards a single-payer system. That is what this is about. Raise premiums to a level where employers will be forced to drop their insurance and push people into what is called this exchange. There will be a public plan in the exchange when it comes from the conference committee, should it get that far—hopefully it will not but if it does—and then basically push everybody into the public plan and create an atmosphere where the playing field is so tilted against any sort of private activity that people who have their insurance today will lose it and you will have to choose a public plan, for all intents and purposes. That will be your choice 4 or 5 years from now.

The effect of that, of course, of moving toward a single-payer system, which is the stated goal of many of my colleagues on the other side and a majority of the people in the House of Representatives, the effect of moving to a single-payer system or a nationalized system is very destructive to our health care generally. Primarily, it means people will end up with delays. There will be price controls put in place relative to certain types of medicines you can receive. Innovation will be stifled because people will not be able to invest money and get a reasonable return, especially in the area of development of new pharmaceuticals and new biologics, which are so critical to the health care system today. We will have people standing in line. We will have people basically being subject to delays. We will have people, I absolutely guarantee you, finding their health care rationed depending on their age, as occurs in England under its system. And we will simply see a significant lessening of innovation and, most important, people will not have choices. You will basically be forced off the private system into a public system.

This is the ultimate goal here—not stated but clearly intended of what is going to happen if you move toward a system as has been outlined at least in the Kennedy-Dodd bill, as it came out of the HELP Committee and is now somewhere in this building—we don't know where—being merged into a new piece of legislation with the Finance Committee bill. So when Thomas Jefferson makes this point that you should not swindle the next generation by radically expanding your debt, we should live by that because it is a pret-

ty good point. When a bill is brought forward on this floor which alleges to be fiscally responsible and it claims it meets the obligation, it meets its costs, but it understates the costs by almost \$1.2 trillion and overstates how much it is going to generate in revenues and you don't get these Medicare cuts unless—I have never seen Medicare reductions occur in this Congress. Then basically you are loading up the debt of our children. It is that simple. That is the inevitable response of this piece of legislation, that the debt will expand.

As Thomas Jefferson said, he believed in “the principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale.” And this may be the largest scale of swindling that has ever occurred in America's history.

I yield the floor.

The PRESIDING OFFICER (Mr. KIRK). The Senator's time has expired. The Senator from Colorado.

#### HEALTH CARE REFORM

Mr. BENNET. Mr. President, I am pleased to be here today, as we were last week and the week before that, with other freshman colleagues to talk about the need for health care reform in this Congress. Today, what we want to focus on is the effect of health care reform on small business.

When I am in Colorado, what we always start with is a conversation about what problem is it we are trying to solve. When it comes to small businesses, they are the biggest losers in the current health care system we have today and, by extension, the people who work for small businesses.

Today in my State, small business pays 18 percent more to cover their employees than large business does. Some people say to me: Michael, that is obviously because they have a smaller pool of people; it is harder to spread the risk. And that is true, but from a business perspective, that is ridiculous. From a small business perspective, if you are going to spend 18 percent more on something, you ought to expect to get 18 percent more productivity out of your company or you ought to at least expect to get 18 percent better coverage for your employees. Of course, every small business owner in this country knows the reverse is true—coverage is worse, deductibles are higher. It is just an illustration of how challenging the status quo is for small businesses that, after all, employ most of the people in our economy and are going to be responsible for carrying us out of this recession.

One can see on this chart the extraordinary effect this has had on my State. Even before this current recession, we saw a huge drop in the number of people who were getting coverage at

work and many fewer small businesses. Now we are almost at 40 percent—I guarantee that number is well below 40 percent today after this recession has occurred. Even fewer smaller businesses are able to offer their employees coverage, which is heartbreaking for small business owners all over my State and all over the other States represented here today. Many of these businesses are family-owned businesses. The businesses feel like a family. People feel responsibility and care for one another and take responsibility for, among other things, health care. But they are not able to do it anymore. They are making very tough choices as a result.

By the way, one of the choices they are making is to not raise wages. Median family income in Colorado went down by \$800 over the last 10 years, and in the country it went down over \$300 in the same period, while in my State health insurance premiums went up by 90 percent. Small businesspeople say to me that those things are directly related to each other. In other words, people have to make a choice between covering their employees and paying them a living wage, and more often than not they are having to choose to compress wages just because of the skyrocketing costs of health insurance.

Health care reform done right is going to make an enormous difference for small businesses and for the people employed by small businesses. It will lower premiums and the cost of health insurance coverage; provide tax credits for small businesses that provide health insurance—that do the right thing; exempt most small businesses from employer responsibility requirements; subsidize health insurance for employees in small businesses that do not provide health insurance; increase entrepreneurship to expand the pool of workers available to small businesses; and eliminate job lock. Job lock means having to stay in a job because you are so scared of losing your insurance.

The estimate is that the administrative costs for small businesses, when it comes to health care insurance, will drop by over 50 percent. Most small businesspeople I know, who are skeptical sometimes of the reform we are talking about, will tell me this administrative burden is extraordinary for them today. Today, it is a paper-and-pencil system of trying to root out and sort out the health insurance market for their employees. Tomorrow, what we are going to have is an exchange where people can easily compare prices, compare coverage, and get the best deal for their employees, not to mention the fact they are going to be able to pool their purchasing power and drive down cost as a result.

The estimates are, small business will save billions of dollars over the course of this reform—\$432 billion by 2013, \$855 billion just 9 years from now.

That is money that can be put into wages. In fact, the estimates are that of those savings, what we will see is small businesses being able to increase wages for their employees by almost \$300 billion by the end of this period of time.

So today we are here to talk about why reform is important for small business. We are at a very perilous moment in our economy for small businesses that do not have access to the credit they need to help get us where we need to be. They are facing an incredible credit crunch out there, which is making it hard for them to hire again, which is driving up our unemployment rate. Over the medium and long term, what is critical to the success of our small businesses is that we reform our health care system, we make it more transparent, we make it more efficient, we make coverage more available to small businesses and to the millions of Americans who are employed by small businesses in their communities.

We are going to go through a series of colleagues today from the freshman class, as we did last week and the week before, and I will now yield the floor for the Senator from Alaska to give his perspective on why, as a former small businessperson himself, health care reform is so critical to keeping our small businesses competitive.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, I thank the Senator from Colorado for his presentation, especially on small businesses and the impact health care reform will have on them. The Senator from Colorado has done a great lay of the land on the impact to small business, and I wish to step it up and talk about what I heard as I sat here and listened to several of my colleagues on the other side, the Republicans, talking about what is going to happen if we don't do something or if we do health care reform. In that regard, I wish to talk about at least one myth that I hear over and over from the other side that will impact not only small business but impact everybody.

I am pleased to join my fellow colleagues and talk about the importance of health insurance reform in general, but the myth I wish to talk about today, which I have heard stated over and over, involves scare tactics and, in particular, a word which I think belongs in the soup lines of the Great Depression—"rationing." Opponents of health insurance reform have resurrected the word to suggest that Americans will get less care when reform legislation passes.

Is there anything more cynical than telling Americans their health care will be rationed because of reform; that they will lose or get less care when Congress and the President finally take action? Defenders of the status quo

ought to be embarrassed. They know the opposite is true—that more Americans will have access to more health care when reforms are finally adopted.

Rationing is not some roadblock waiting down the road for the vast majority of Americans, it is what is happening right now. Let's use my State as an example—a State where 52 percent of the folks employed are from small businesses. When I came into the Senate at the start of this year, the Census Bureau said 123,000 Alaskans were uninsured. But new data came out last month—just a few months after the earlier statistic—and that number is up to 133,000. In other words, 10,000 more Alaskans have been rationed out of their coverage. Insurance companies no longer cover them.

Unable to pay the skyrocketing insurance premiums, or maybe their employers can no longer afford it—as laid out so well by the Senator from Colorado—people and businesses are struggling to make sure they can afford their insurance premiums for their employees or they are rationed out of the system because they have switched jobs. Then, when they apply for new insurance, they are disqualified because of a preexisting condition or perhaps the annual cap on how much their insurance company will pay is so low people get sick and hit their limit early. From that point on, they can't afford to see a doctor for the rest of the year or ensure their coverage or their quality of care is maintained. This is another form of rationing, and it is real.

By one estimate, 14,000 Americans lose their health insurance every day. These are friends and neighbors and loved ones and it is inexcusable. Maybe the reasoning for rationing is even more outrageous—the cases where insurance companies revoke coverage by a process of rescission. Unfortunately, that is very real. A report by the House Ways and Means Committee says insurance companies saved themselves \$300 million over 5 years through this practice of rescission.

So, again, let's put the word "rationing" in proper context. It is the status quo, and the insurance industry is making lots of money because of it.

Let's talk about what will change when we pass health insurance reform. As you can see on the chart, reform will easily take care of many of the issues Americans face: Tell insurance companies they can no longer deny coverage because of preexisting conditions; stop them from setting low annual or lifetime caps and refusing to pay the care after that; reform will offer Americans more choices by creating health insurance exchanges—as so well described by the Senator from Colorado. As I like to call it, it is health insurance Expedia. As we do with travel, we can do with health insurance. It will require insurance companies and Medicare to pay for more

preventive care so people can have regular checkups and screenings. This means we can recognize and even prevent oncoming chronic illness. Of course, this is better for the patient, and it saves us money.

Let me say it again: The scare tactic of so-called health care rationing is just that, a tactic trotted out by those who want to kill reform. The truth is, health insurance reform will give Americans more—more people have more access to more health care.

Mr. President, I yield the floor.

Mr. BENNET. Mr. President, I thank the Senator from Alaska, and I think he raises such an important point because so much of the debate has been about dividing one set of Americans from another set of Americans. Health care reform is something that needs to be of concern to 300 million Americans—if you are concerned about the double-digit increases every year of your premiums; if you are concerned about spending almost 20 percent of our GDP on health care, when every other industrialized country in the world is spending less than half that; concerned, as the other side is and this side is, with the fiscal condition of our government, when we know the biggest drivers of our medium-term deficits are rising Medicare and Medicaid costs, and the biggest drivers of those are health care costs. We are all in this together.

It is a great pleasure for me to turn now to the Senator from Oregon, who will talk about the fact that this isn't just about trying to cover one small group of Americans, it is about all 300 million Americans in this country.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I am delighted to join my colleagues from Colorado and Alaska to tackle some of the myths being printed about health care reform. It is startling to stand on the floor and hear increasingly shrill presentations from those who wish to defend the status quo broken system of health care in America. I wonder to myself, do they not hear what I hear from my constituents about the challenges they encounter each and every day if they do not have insurance; who are worried about getting sick or, if they have insurance, are worried about losing that insurance; worried about the problems and challenges faced with utilizing that insurance?

I rise to talk about one of the most prevalent myths—that health care reform is only about expanding access to those who don't have health insurance. Because here is the truth: Health care reform is about improving health care for those who already have insurance. Those with insurance in the United States live in a precarious state. Their rates often go up by double-digit increases every year, so affordability is hanging by a thread. Those who have

insurance through their jobs can change jobs and lose that coverage. They could get dropped from their insurance because they become sick or injured or they could find that their insurance has lifetime or annual limits that block them from obtaining the medical care they need if they do become injured or ill. We want to make health care insurance more stable and secure for those who have it, and that is what health care reform will do.

First, health care reform will make insurance portable. If you lose your job, you often lose your coverage. That is a terrible double whammy for American families. Health care reform will make sure your coverage goes with you if you lose your job or if you choose to take on a new career.

Second, health care reform will end dumping—the terrible practice of insurance companies canceling policies when those citizens become seriously ill. That is wrong. What kind of health care system is it when you pay insurance premiums for 15 years and then your child or your spouse or perhaps yourself becomes seriously ill and you get a letter from your insurance company saying they are canceling your insurance? That is not health insurance. That is a scam. Health care reform will end that scam in America.

Finally, health care reform will get rid of annual or lifetime limits that drive people into bankruptcy, even when they have coverage. Here is an example from my home State of Oregon.

Alaya Wyndham-Price lives in Oswego. She had insurance through her previous job as an event planner and is currently on COBRA. Six months ago, Alaya developed a tumor the size of a golf ball just below her brain, and she has had numerous tests performed by a neurologist to determine the best course of treatment. Her insurance caps treatment costs at \$20,000 annually, and she has already approached \$30,000 of expenses with the diagnostic tests over the last few months.

Through COBRA, Alaya's insurance will renew in January, but the surgery to remove her tumor will cost about \$50,000—or \$30,000 over the amount her insurance will pay in 2010. So she is trying to work as much as possible—doing freelance writing, taking on projects—but on many days is too ill to do much of anything. She is scheduled to see a doctor again soon to have an expensive MRI test in November, but with every single medical visit she goes deeper into debt.

This is not right, but it is common. More than half of bankruptcies in America are due to medical bills and in more than half of those situations where medical bills drive people into bankruptcy, the individuals had health insurance. No American should be driven into bankruptcy because he or she becomes sick or injured. Health care

reform will end arbitrary annual and lifetime limits to make sure Americans get the care they need when they need it, not having to delay care to the next year in order to benefit from a new annual ceiling.

In conclusion: The myth is that health care reform is simply about extending coverage. The truth is this: Reform will mean better, fairer, and more affordable coverage for the millions of Americans who already have insurance.

Mr. President, I yield the floor.

Mr. BENNET. Mr. President, I wish to thank the Senator from Oregon for pointing out the incredible lack of stability that exists in the system today. The bankruptcy numbers are unbelievable. In my State, I think roughly 62 percent of all bankruptcies are caused by health care issues. Of those health-care-related bankruptcies, 78 percent, nearly 80 percent of them, are bankruptcies involving people who actually were covered by insurance. We are not getting done the job that needs to get done. That is why we are here today to talk about these issues.

I am going to call on the Senator from Virginia to talk a little bit about how, under the current system, we pay for the uninsured in our country today, but we do it in the most inefficient way possible. Just one fact from my State: We have a public hospital in Denver called Denver Health. It is an incredibly well-run hospital, run by a person named Dr. Patty Gabow. She told me they did a study a couple of years ago that showed they spent, in 1 year, \$180 million for uncompensated care for people employed by small businesses who could not get insurance at work.

I will yield for the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first of all, I thank my colleague, the Senator from Colorado, for organizing this effort today and leading freshmen Senators this week as we, once again, come down to the floor, as some of the folks who are newest to the Senate, most recently hired in most cases, to talk about the need for health care reform. I particularly thank my colleague, the Senator from Colorado, for raising the very important issue of the cost of health care to small businesses.

The remarkable thing about small businesses is they are basically the only people who pay retail for their health care costs in America today. Those who have Medicare, those who have Medicaid, large employers—they all can leverage their purchasing power. But small businesses are the folks who take it on the chin, and I am grateful for my colleague's comments today, describing how health care reform can benefit small businesses.

My colleagues, the Senator from Alaska and the Senator from Oregon, have also pointed out some other

myths, as the Senator from Colorado indicated. The one I am going to take on today, because we hear a lot from our friends on the other side of the aisle about the problems with reform, and sometimes they do actually dispel some of these myths—but one of the myths I have dealt with for 18 years, as somebody who founded the Virginia Health Care Foundation in the early 1990s, is, how do we deal with the uninsured? Yes, part of our health care reform is about extending coverage to the uninsured. There will be some additional cost to do that, but I think it is very important to recognize that under our current system, right now we pay for the uninsured. We pay for the uninsured through uncompensated care, as my colleague from Colorado mentioned. We pay for the uninsured in higher health insurance premiums for all of us who buy private insurance. We pay for the uninsured, candidly, in higher costs to our Medicare and Medicaid system.

Our uninsured end up on the emergency room doorsteps, oftentimes receiving care in the most inefficient way possible and oftentimes without good quality care.

We have seen, on average, 8 percent of families' 2009 health care premiums—about \$1,000 a year for all of us who purchase private health insurance—we pay in effect a \$1,000-a-year tax to compensate and pay for the cost of the uninsured.

As my colleague mentioned, and I know from my experience in Virginia 18 years ago, we started this Virginia Health Care Foundation to deal with how we could provide health care coverage for the uninsured. We saw folks ending up, as I mentioned, on hospital doorsteps. We saw folks waiting too long before they could access the health care system. Oftentimes, if they had a chronic disease and then waited to get that health care coverage, the cost of covering that person was not only much higher—obviously, the person has to deal with a much more serious illness—but they too ended up in the emergency room, which is an inefficient delivery mechanism.

If we are going to truly start to bring down the cost of insurance, if we are going to do the right thing in giving the uninsured in this country a chance to receive a medical home and make sure they access health care through a more affordable and more long term, healthier way, we must pass health care reform this year.

A lot of numbers have been bandied about concerning what kind of extended coverage we are talking about in this health care reform. There have been arguments that we are talking about covering 30 million additional people. I believe the Senate Finance bill covers 25, 26 million. One of the things that is often absent from this debate is that while these are the num-

bers we are trying to deal with right now, literally triple that number, about 87 million Americans during a year, at one point or another, through either being unemployed for a while or moving off one plan to another, go through some period of being uninsured and uncovered.

On top of that 87 million, we also have the problem of literally tens of millions of people who are stuck in dead-end jobs, who want to change jobs, who want to become more productive, but they are afraid to make that change because of concerns over losing their health care coverage. If we can provide the kind of health care reform we are talking about, if we can provide the kind of coverage we are talking about, those kinds of problems will go away. We will become a more effective and cost-effective society.

I know we have other colleagues who want to speak, and I want to come back to where we started, at least the freshmen did a few weeks back, and why some of our colleagues on the other side who seem to be this "caucus of no," who seem to say: Let's take more time, let's put it off, let's wait a little bit longer before we take on health care reform—why that policy choice is so wrong.

If we do nothing, if we choose not to act this year, our current health care system is financially unsustainable. If we do nothing, Medicare, under the current projections, will go bankrupt in 2017. Many of us on this side of the aisle share the concerns of some of our colleagues on the other side of the aisle about the exploding deficit our Nation faces. The largest single driver of our Federal deficit is not the stimulus program, it is not the TARP program, it is not some of the other things we debate back and forth, it is the rising cost of health care that we pay for with Federal dollars in Medicare, Medicaid, and the VA.

If we do nothing, our deficit and those health care costs will continue to explode, undermining the dollar, undermining our ability for economic recovery. If we do nothing, an average family in Virginia—and I would argue probably an average family in the State of Colorado—will see literally 40 percent of their disposable income go to paying their health insurance premiums within the next decade. Those costs are unaffordable and unsustainable.

Finally, as a former business guy and somebody who believes, as my colleague from Denver does, that the heart of what keeps our economy growing is the business community, and particularly the small business community, if we can't lower our health care costs, then American business will not be competitive in the global economy. No matter how productive American workers are, America builds into our cost structure, for almost every

business, about \$3,000 to \$4,000 more per employee because we have so much higher health care costs than any of our competitors around the rest of the world. We cannot maintain that competitive disadvantage in a global economy.

The time is now. There are ways we can continue to improve these bills. We are looking forward to the melding of the Finance bill and HELP bill, and I know myself and some of my fellow freshmen colleagues will have some ideas about how we can improve programs even in that package.

I thank my colleague from Colorado for his leadership on this issue, and I look forward to working with not only my freshmen colleagues but all colleagues on this side of the aisle, and hopefully those on the other side, to make sure we do get health care reform this year.

I yield my time.

Mr. BENNET. I thank the Senator from Virginia. I particularly, on behalf of all the colleagues here today, thank him for his leadership over the last couple of months on the question of personal responsibility: how do we incentivize people to make sure they are doing a better job to take care of themselves; how do we work with some of the corporations in this country that have done an extraordinary job of lowering health care costs by incentivizing folks to take personal responsibility for their health care. I have enjoyed working on those issues with him and look forward to continuing to work on it.

Next, we have the Senator from New Mexico who is here to talk about another myth, which is the idea that our health care system always works well for everybody.

We have great things in our health care system. We have some of the best health care technology in the world. We have some of the greatest treatments in the world. If you are going to get sick, a place you want to get sick, depending on what you have, is the United States. But we are not perfect by any stretch of the imagination, and the Senator from New Mexico is going to comment on that.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. Mr. President, it is good to see our Presiding Officer, the new Senator from Massachusetts, here, who has joined us within the last couple of weeks, Mr. PAUL KIRK.

Today we are talking about myths, inaccuracies, deliberate exaggerations, and outright lies that have abounded over the months we have been debating health care reform. Some have been dreamed up by those who stubbornly cling to the status quo. Others reflect fears lying just beneath the surface.

If we step back, it is easy to see these scare tactics for the lies they are, but

for Americans who will be most impacted by this reform, it may be difficult to separate fact from fiction. The myth I would like to talk about today is a bit different from the others being discussed by my colleagues. It is a myth that existed long before the current debate but is being used in a new way by people fighting this reform. They are using it as a weapon against change. It is a myth we have all heard about. It is the myth that reform is not necessary because we have the greatest health care system in the world.

What makes this myth different from the others is that parts of it are absolutely true. Americans are blessed with some of the best doctors and nurses and health care professionals in the world, hard-working men and women who have dedicated their lives to the health and healing of others but often work in difficult situations.

Our technology is unmatched. Our emergency care system is repeatedly cited as the best of the best, and we rank highly regarding the levels of dignity and respect with which patients are treated. But all these achievements, as great as they are, do not add up to the best health care system in the world for all Americans—not as long as we are spending \$2.4 trillion a year on medical care but continue to rank near the bottom when it comes to premature deaths from diseases such as diabetes, stroke, and pneumonia; not when we spend twice as much of our GDP on health care as Japan and the UK but have lower life expectancy at birth; not when we rank last in infant mortality among industrialized countries; and not when half of the personal bankruptcies in the United States are related to medical bills.

Right now in America, if people have the money, they have access to the best health care money can buy. For the vast majority of Americans, that access is not there. If a person is a small business employee or laid off from a job or someone with a pre-existing condition, the “best health care system in the world” is much harder to come by. When 80 million people are either uninsured or underinsured, there is no way a country can lay claim to that title.

But there is something we can do about it. With this reform, we have the opportunity to build on the strengths of the U.S. health care system while also addressing its weaknesses. Comprehensive health reform will go a long way toward remedying these and other inequalities and reducing the health care disparities between rich and poor, the majority and minority.

The solution is not always spending more money. Sometimes it is about making better use of the money we are already spending. It is about finding ways to achieve better returns on our investment. The reforms we are proposing would allow us to do that by

ridding the system of waste, by increasing our investment in prevention, by helping small businesses afford insurance for their employees, and by covering more individuals whose only medical option right now is expensive emergency room visits.

The status quo is unsustainable, but that is what reform opponents are hoping to continue with, myths like those we are discussing today. America has the potential, the talent, the technology to achieve the best health care outcomes in the world. Whether we reach that goal depends on the actions we take now.

I yield the floor.

Mr. BENNET. Mr. President, I thank the Senator from New Mexico, and I am reminded of the trips I made around my State during recess when everybody settled down and we could actually get into a conversation about how well the status quo was working for people. It took about 40 minutes into the meeting before people would stand up and start to say: Let me tell you my story about how I was laid off from a company or lost my insurance, had a preexisting condition, couldn't get new insurance and, therefore, can't get the health care I need.

That is the kind of conversation we need to have about what we are facing. I was left with the impression from people in Colorado that while they don't like the status quo, they are worried that we are going to make it worse. We can't blame people for thinking that, as they watch what is on TV every night or on the Internet. Our obligation is to make sure as we go through this legislative process, we deliver something that builds on our strengths, as the Senator said, but also fills in gaps that are clearly present and disrupting the lives of working families.

I turn now to the Senator from Illinois to talk about the public option and choice. It is apparent to me, as people have begun to see there might be a requirement that they have insurance, what I am hearing from people is they want more choices, not fewer. They don't want to necessarily be forced into a private insurance plan. They want their family to have choices. Today the Senator from Illinois will talk about the public option.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, to my colleagues who are making this presentation on behalf of the people on health care, it is my pleasure to join them and speak briefly about what will take place if we do not pass, as part of insurance reform, a public option. When it comes to health care reform, we have all heard the myth that a public option would amount to a government takeover of the health care system. This is completely false and has no basis in the legislation under consideration by the Senate.

Let's examine the facts: 45,000 Americans die each and every year because they do not have health insurance and cannot get quality care. That is 1 death every 12 minutes. Clearly, the system is broken. The time for action is long past. I believe we need to restore choice and accountability to the health care system. The only way to accomplish this is with a public option. It would increase the availability of care. It would help fight the disparities that plague our current system.

At the moment, people of color represent half of the Nation's uninsured, even though they make up only a third of the total population. A low-cost public option would meet the needs of these who are at a disadvantage, regardless of background or skin color. The public option would restore competition to a market that is currently monopolized by only a few corporations. Take my State. In the State of Illinois, two companies dominate 69 percent of the insurance market. That is why their profits are growing four times faster than wages. This is unsustainable. It is breaking America's businesses and bankrupting American families.

We talked about businesses earlier. My colleagues mentioned what this will do for small businesses.

We must make sure there are choices for them to have an exchange where small businesses can shop for their insurance. If these companies have to compete with a public plan, everyone's premiums will go down. It will bring about competition in the marketplace. If you like your current insurance providers, nothing will change except that you will save money, and you won't have to worry about losing coverage when you need it. No government bureaucrat will alter your insurance plan, your doctor, or the level of care you receive. But if you can't afford insurance or your coverage has been denied due to a preexisting condition, you will be able to get quality care at an affordable rate. Just like any business, a not-for-profit public insurance option would require initial capital to get off the ground. But afterwards it would rely on the premium it collects to remain self-sufficient.

The current system is a drain on American taxpayers. The public option would not be. The public option would complement private insurance providers, not drive them out of business. In fact, it will result in an increase of 1 to 3 million additional customers for private companies. In other words, by bringing all those persons into coverage, insurance companies will benefit when all these uninsured people will now be covered. There will be no government takeover, no death panels, no rationing, and no redtape between you and your doctor.

It is time to reject these myths and to take decisive action. The only way

to achieve meaningful health care reform and bring costs down is through a public option that creates real competition in the system.

Let it be clear to all of my colleagues in this august body: I will not vote for any health care bill that does not include a public option.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. I thank the Senator from Illinois for his eloquent discussion about trying to provide more choice rather than less to our working families. A lot of what we are trying to do with health care reform—and I hope the bills will improve over the coming weeks—is give people more control over choices with respect to their doctors and their medical care, to make sure that it is doctors and patients making decisions about treatment and not insurance company bureaucrats or a government bureaucrat.

Next I will yield for the Senator from Delaware to talk about why this is such an urgent problem and why we need to address it now and not wait, as we have over the last 20 years. As the President said, the first President to call for health care reform was Teddy Roosevelt. Here we sit in 2009, confronted by the same sorts of arguments about why today is the wrong time to do this and why we ought to kick the can down the road for another generation of Americans.

I turn the floor over to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I thank Senator BENNET for organizing this event today. He has been a leader in our effort to try to achieve meaningful health care reform. I am looking to him, as we move down the road on health care reform, to continue to show leadership to make sure we achieve meaningful health care reform.

I appreciate the opportunity once again to join my colleagues and show our united support for health care reform. I want to address one of the biggest myths reform opponents have spread throughout the debate, the myth that America cannot afford to change the health care system. They say our country has too much debt and the health care reform would only increase the Nation's deficit. They say we spent too much money on TARP and the stimulus package. They say we must rein in spending and push off health reform until we straighten out our fiscal house. When we hear this kind of criticism, especially during this time of economic downturn, it is reasonable to ask if now is the time for reform of the health care system. The answer is: We need health care reform now. We need health care reform now because economic recovery for the long term is completely dependent on controlling health care costs.

We cannot afford to wait for reform because the status quo is absolutely, positively unsustainable.

Medical costs account for one-sixth of domestic spending and are headed upward. They are handcuffing families and workers, strangling Federal and State Governments. In 2000, the average premium for family health care in Delaware was just over \$7,500. In 2008, that number jumped to \$14,900, almost doubling in only 8 years. If we do not enact health care reform now, the same premium for family coverage is expected to reach \$29,000 in 2016, another doubling in price.

The status quo is unsustainable because of health care spending on a national level. In 1979, we spent approximately \$220 billion as a nation on health care. In 1992, we spent close to \$850 billion. In 2009, we will spend \$2.5 trillion on health care. That trajectory of health care expenditures is totally out of control. We must begin to bend the cost curve down on the health care system. We need to do this now. We cannot wait any longer. We cannot afford to wait for reform because failure to do so will place even more pressure on the Federal budget and on taxpayers to continue support for Medicare and Medicaid.

Clearly, one of the major driving forces behind our Federal deficit is the skyrocketing cost of Medicare and Medicaid. Combined, these programs account for 20 percent of all government expenditures. If we do nothing to start bending the cost curve down for Medicare and Medicaid, we will eventually spend more on these two programs than all other Federal programs combined.

Let me say that again: If we do nothing to start bending the cost curve down on Medicare and Medicaid, we will eventually—and not that far off—spend more on these two programs than all other Federal programs combined. Because of this, people who are concerned about deficits should welcome health care reform now. The plans being considered by the Congress would require some upfront cost, but reform done the right way will mean savings for families and businesses, money that could be pumped into the economy.

We all know in the short term the cost of expanding coverage to Americans will temporarily increase government spending. Quickly, however, the net impact of the cost containment provisions will accumulate, and there will be a reduction in government spending. It is important to remember that while we are awaiting the cost containment provisions to take hold, the President and congressional leaders have insisted that health care reform be deficit neutral. In other words, the administration and Congress are committed to responsible health care reform that reduces the deficit over 10

years and major reductions over the long term. We will not be able to get the major reductions we need to sustain the budget and sustain the Government if we don't do these things now which will only begin to benefit us in the long term. For this reason we cannot afford to wait for health care reform.

Finally, if we lose this opportunity to pass health care reform, we will not have an opportunity to reform our health system in the foreseeable future. We will be stuck with the unsustainable status quo. This Congress, this President is not about to return to this issue if we do not pass it because it is so incredibly difficult and so traumatic and takes everyone's concern. I have been around Congress for 36 years, and I have learned something about how Washington works. Trust me, we have truly a unique window of opportunity for health care reform. The window is now open. It will soon close. We have a new President in his first year in office who has a good relationship with Congress. There is major support for reform among providers, patients, business, labor, and everyday Americans. With the major players in health care seeking reform, this could be our chance. I believe it is our chance, and this will be the only chance for a while.

Mark my words: If we don't take this opening and enact health care reform this year, it will not be done until the health care system crashes down around our ears. We cannot continue the status quo for one more day. We cannot wait to enact health care reform. We must gather our collective will and do the right thing during this historic opportunity by passing health care reform. We can do no less. The American people deserve no less.

Mr. BENNET. I thank the Senator from Delaware for pointing out that maintaining the status quo, being unwilling to act, in fact, is making a choice.

It is making a choice about having another decade of double-digit cost increases every year. It is making a choice about devoting a fifth of our economy to health care when every other industrialized country in the world is devoting less than half of that. It is making a choice about having increasing and mounting and rising deficits in the outyears.

I thank the Senator from Delaware for pointing out that we have a once-in-a-lifetime opportunity right now to try to address a number of these issues at the same time.

Mr. President, our closer today is the Senator from New Hampshire, who is here to talk about what this reform is about versus what some have claimed it is about. I welcome her here this morning.

Let me turn the floor over to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank very much Senator BENNET for coordinating this effort today.

As you have all heard for the past few weeks, the freshmen Senators have joined together to deliver a very simple message: We need to act, and we need to act now, on health care reform.

As people have been pointing out all morning, there is a lot of confusing and, unfortunately, some false information that has been going around about who is going to be included in health care reform legislation and what that is going to mean for people. So as everyone has said, we are joining together today to try to dispel some of those myths and to focus on what really matters, which is making our health care system better for our families, for our businesses, and for our Nation's economy.

One common myth we have heard is that health reform is a government takeover of our health care system. This is simply not true. The truth is, health care reform is being driven by consumers who are concerned about the cost of health care and about their coverage, and it is being driven by the market because health care costs are so high that too many businesses and too many people cannot get the health care they need when they need it.

Under the current legislation, everyone will have the freedom to keep their health care plan if they like it. But for the millions of hard-working Americans who cannot find affordable coverage or who have been discriminated against because of a preexisting condition or for women like me who too often are discriminated against in the costs of health care, health reform will give them a choice.

Last week, my office heard from a man named Andrew from New Boston, NH. Sadly, his story is all too common. Andrew and his family had employer-sponsored insurance coverage through his wife's job. Unfortunately, she was laid off recently. Now not only is she out of work, but her family has to find another source of health insurance coverage. The fact is, the individual market simply does not provide sufficient affordable options for families. The coverage they managed to find—Andrew and his family—puts a significant financial burden on their family.

The good news is, health reform legislation offers a solution for families such as Andrew's by offering more choice. The health insurance exchange creates a marketplace where insurance companies must compete for our business. Individuals and small businesses will be able to shop for the most affordable plans in a way that is transparent and easy to understand—similar to the way Members of Congress get their insurance, and Americans should have the same choice.

Increased competition and transparency do not sound like a government takeover to me. Rather, it sounds like the markets acting in a way that best serves the American people.

My health reform reality check is that health care reform is consumer based and market driven. You can keep your insurance if you like it. It will increase choices for families. It will promote competition.

We need to move past the rhetoric and the myths. We need to rise to the occasion in this pivotal moment in our Nation's history. We must pass meaningful health reform for the citizens of New Hampshire and all Americans.

Mr. President, I yield the floor.

Mr. BENNET. Mr. President, I wish to thank the Senator from New Hampshire for closing in such a perfect way today. I agree with her that for far too long Washington special interest politics has gotten in the way of fixing this system, and the result has been enormously unfortunate for working families all across the United States of America.

When your median family income is going down by \$300 over a decade, and the cost of health insurance is doubling over the same period of time—by the way, in my State, it has gone down by \$800—and the cost of insurance has gone up 97 percent, the cost of higher education has gone up by 50 percent over the same period of time, essentially what we are saying to working families is: You are going to take home less, but you have to pay more for, not “nice to haves” but things that are critical to move your family ahead to have the kind of stability that is essential for everybody to have a shot at the American dream, and for some reason we in Washington cannot figure out how to make some changes that would help working families and small businesses all across the United States.

That moment has come now, and we are here. We have the next few weeks to figure this out. I believe we will. I am enormously optimistic we can pass a bill in this Senate and in the Congress that the President can sign that will make a material impact, an improvement in the lives of working families and those employed by small businesses all over this country. In fact, anything less than that should be unacceptable to all of us.

I hope we can do that in a bipartisan way. I hope we can have cooperation across the aisle and the best ideas from both parties as we design it. But, to me, the most important thing is to make sure people who live in my State do not need to endure another decade of double-digit cost increases every single year, do not need to endure another decade where they lose their health insurance because they lose a job or because they have a preexisting condition or because, as happened in my State last week, a baby was born who was

deemed to be too heavy to insure—fortunately, the insurance company did the right thing in the end—to not have another decade where people are wrestling with their insurers to get paid, so that doctors and people providing health care do not have to spend 30 percent of their overhead or more trying to get reimbursed for services they provided to their patients.

I am optimistic in part because of all my wonderful colleagues who were here this morning. I thank them for joining me today.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNEMPLOYMENT EXTENSION

Mrs. SHAHEEN. Mr. President, I rise to speak in support of the Unemployment Compensation Extension Act. This bill will extend at least 14 weeks of unemployment benefits to workers across the country who will exhaust their benefits by the end of the year.

This the second time I have come to the floor to urge those who are holding up this critical legislation to stop blocking its passage.

This week we learned that Wall Street firms are expected to pay out a record \$140 billion in compensation. While the economy seems to have turned around for Wall Street executives, it sure hasn't turned around for millions of American workers who still can't find a job.

If we can bail out the big banks that got us into this financial mess, shouldn't this Senate be able to act quickly to help the people hit hardest by this recession—unemployed workers?

Apparently not, because there are Members of this Senate who are playing partisan political games and delaying an extension of unemployment benefits. This needs to stop.

Today, more than 5 million workers have been unemployed for 6 months or longer. Through no fault of their own, millions of Americans cannot find work because there are now more than 6 unemployed workers for each job opening. Until the job market improves, we have a responsibility to help these workers keep food on the table and pay the mortgage.



Not only is this the right thing to do for families, it is the right investment to make in our economy. An effective stimulus is timely, targeted and temporary, and that's how this extension is designed.

This extension is temporary. It is targeted at those who have been unemployed for more than 59 weeks and have exhausted their benefits. And no one can question that it is timely.

Unemployment compensation is money that gets spent immediately on necessities. People who are out of work need this money to help pay rent and mortgages, buy food, and pay for gas.

So when we extend unemployment benefits, we are not just helping workers who have lost their jobs, we are helping small businesses across the country by boosting demand for their products and services.

In fact, economists say that dollar-for-dollar, extending unemployment benefits is one of the most cost effective actions we can take to stimulate the economy.

Temporary extensions of unemployment benefits are an especially effective stimulus when the long-term unemployment rate is high, and, unfortunately, that is the situation today. Nationally, the number of long-term unemployed—those jobless for 27 weeks or more—rose to 5.4 million in September. In my home State, New Hampshire, the number of long-term unemployed has more than tripled in the past year.

I do not understand why any Senator would delay an extension of unemployment compensation that will help workers and small businesses in every single State.

People are counting on us to act now. American workers who have exhausted unemployment benefits cannot wait another week to pay the rent or buy groceries.

I urge my colleagues to stop the games and pass this critical extension without further delay.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. CARDIN. Mr. President, I have the honor of chairing the United States Helsinki Commission, representing the Senate. The Helsinki Commission is the U.S. participation in the Organiza-

tion for Security and Cooperation in Europe. Fifty-six countries representing Europe, Central Asia, Canada, and the United States got together in 1975 in order to further advancements in security, in human rights, and in economics.

We had our full meeting in Athens this past weekend, and the center subject for that meeting was climate change and the need for the international community to come together to enact meaningful goals for reducing greenhouse gases and carbon emissions. It was clear, from the urgency of this mission, that we need to act now; that the circumstances of floods and droughts in so many parts of the world are causing immediate concern. We now have what is known as climate migrants—people who are forced to leave their countries because of the impact of global climate change. This is causing serious concerns in many parts of the world in regard to stability and security, which affects U.S. interests.

I know each of us in our own States can give our own examples of the impact of climate change. In my State of Maryland, the residents of Smith Island understand that their island is disappearing during their lifetime because of sea level changes, due in part to global climate change. The watermen in Maryland know their livelihood is being jeopardized because of the warming of the Chesapeake Bay, affecting sea grasses, which affects the ability of the blue crab to survive. So we all know the immediate impact.

But in Athens it became apparent to the international community that we need to act now. We need to act now for the sake of our security, we need to act now because of the economic imperative, and we need to act now because of the environmental risk. The good news is it was apparent to all of us that there is a common solution. If we deal with our energy issues, we can solve all three of those problems.

We can strengthen our economies, particularly in these difficult times, by creating good new jobs; we can deal with international security threats, when one nation threatens to cut off its oil or gas to another country; or the fact that so many places in the world that have the mineral wealth have values that are different than our values and we are actually helping to support their values; and for the environmental need of making sure that we deal with global climate change in future generations and we work together.

The question that was asked at this meeting was: Where is the United States? Where is the leadership from the strongest Nation in the world? Well, my reply was: The United States is back. We are ready to assume international leadership on global climate change issues.

The Obama administration has already taken action. They have taken

action on CAFE standards for automobiles. They have taken action through the Environmental Protection Agency. It is clear that we are ready to act. The House of Representatives has already passed legislation, and Senator KERRY and Senator BOXER have brought forward the Clean Energy Jobs and the American Power Act, and I am proud to be part of that effort and that legislation. That legislation builds on the work done in the last Congress with Senator LIEBERMAN and Senator WARNER, and it is very similar to the bill that has passed the House of Representatives.

What that legislation will do is to re-establish U.S. leadership on international efforts to deal with global climate change. The legislation would establish a 20-percent reduction by the year 2020. That is stronger than in the House bill and it establishes America as a leader. It dedicates investment toward domestic clean energy and 21st century infrastructure by providing the necessary investments in wind and solar. These technologies were developed in the United States and now it is time for us to put that technology to work creating jobs in America and alternative renewable energy sources that will wean us off the need for imported oil.

The legislation also dedicates funds for other types of green transportation, which we know can be very valuable. Green transportation represents 30 percent of our greenhouse gas emissions and 70 percent of our oil. We can do much better. I am personally working very hard to promote additional funding sources for public transportation. You can't help, when you travel to Europe, but know that their models are much stronger than ours in transporting people through public transportation. I happen to represent two of the most congested urban areas in our country—Baltimore and Washington. Both have transit systems that are in need of expansion. By doubling the ridership on public transportation, we can reduce our imported oil by 40 percent alone.

This legislation is friendly toward alternative energy sources and nuclear energy, which has a very favorable carbon footprint. It also creates jobs. We know that we can create four times as many jobs here in America by investing in green energy rather than in oil or gas. Japan also knows that. They have been investing in renewable energy sources. Germany knows that. They are investing today because they know it is good for jobs. China knows that. They are investing today. They are going forward with these programs for alternative and renewable energy sources in wind and solar and many other areas, because they know that is where the competition will be tomorrow, and they are going to be prepared. We also need to be prepared.



The legislation Senator KERRY and Senator BOXER have brought forward protects the consumers, making sure that in our transition we don't add to the cost of the typical consumer in America. It also helps industries that are very dependent today on carbon energy sources. It helps them in transition so they can transition to the new energy of tomorrow. It invests in clean coal. We have plenty of coal, but it emits too much carbon. Well, this bill invests in figuring out how we can use coal in an environmentally friendly way.

The legislation also deals with our international responsibilities. As a developed nation, we have a responsibility to developing countries. They have already been impacted much more adversely than we due to the impacts of global climate change. We need to strengthen their ability and resolve to protect our forests, to be good stewards of our environment, and to help them deal with development. The bill also provides for wildlife—to preserve wildlife.

One last part about the Kerry-Boxer bill. It is deficit neutral. It will not add any additional debt for future generations. This is truly a bill that my two granddaughters, that all our children and grandchildren will benefit from by having a cleaner environment, a safer country through energy security, good jobs for the future, and all without adding to the deficit.

I reminded my colleagues in Athens that for Copenhagen to be successful, we need to have a bill that sets reasonable targets, absolutely—short term and long term. We have to have the mechanisms that get us to those targets in place in Copenhagen. We also have to have the financing to help the developing countries, and we also have to have enforcement. We have to have enforcement.

What do I mean by that? Well, we are not going to accomplish our goals if the United States does everything it does to reduce carbon emissions but we find other countries don't do that and then they send their products here to America at a cheaper price. That is unfair to U.S. manufacturers and producers, and it doesn't accomplish our international goals of bringing down carbon emissions. So what I have suggested is that in Copenhagen there needs to be a mechanism that says if your country does not meet the international standards, your products are subject to a border adjustment reflective of the cost to bring that product in compliance with international carbon standards. That is fair to the manufacturers in those countries that have met those standards, and it also permits us to make sure that other countries in fact do act to deal with their international responsibilities.

I am optimistic. I am optimistic we are going to be able to achieve these

results. The urgency of the issue requires us to act. We have Senator KERRY and Senator BOXER who have brought forward a reasonable bill, and hearings are scheduled before the Environment and Public Works Committee later this month.

Recently Senator KERRY and Senator GRAHAM have gotten together on a blueprint on how we can move forward on global climate change legislation in this Congress, and they bring up two subjects I have already mentioned—the use of nuclear power in America, which clearly needs to be part of the solution, and how we can deal with clean burning coal.

In Copenhagen, in December, we need to achieve the international results that are the strongest in setting these goals and mechanisms in place. I am confident that America will be a leader in Copenhagen, and a leader in bringing forward responsible legislation to deal with energy.

For those who say we should go slow, let me tell you, reviving our economy is intrinsically linked to rethinking how we solve our energy challenges. Investing in new technology creates new jobs. Diversifying our energy sources creates competition, stabilizing and lowering energy prices. And thinking beyond fossil fuel buried in unstable and unreliable countries makes us all more secure. Our dependence on old ways, old patterns, and old resources puts us at a financial and national security disadvantage. Those same fossil fuels we burn to drive our cars, power our homes and heat and treat our water are polluting our air, making our children sick, and raising our planet's temperature. The good news is that in solving our energy security challenge, we can also grow our economy and clean our environment.

But let's remember that any deals we reach in Copenhagen and any laws we pass here are but the beginning. The work must continue with earnest follow-through dedicated to truly changing the way we work and live and move around this Earth.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that I be recognized for up to 5 minutes in morning business, and that I then am followed by the Senator from Michigan, Senator STABENOW.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. ISAKSON. Mr. President, I rise for two purposes. First, there is a huge argument in America with regard to health care, and we all know one of the main contributing factors to the health difficulties of all Americans is the subject of obesity. There are many opin-

ions about ways to address it, but the most comprehensive way to address it is to be intellectually honest in addressing it.

The President of the Coca-Cola Company was published in an October 8 Wall Street Journal article, and it is a brilliant article on obesity, weight, sugar content, and soft drinks. I commend it to the Senate for their study.

Mr. President, I ask unanimous consent to have printed in the RECORD the full article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 8, 2009]

COKE DIDN'T MAKE AMERICA FAT

(By Muhtar Kent)

Obesity is a complex issue, and addressing it is important for all Americans. We at the Coca-Cola company are committed to working with government and health organizations to implement effective solutions to address this problem.

But a number of public-health advocates have already come up with what they think is the solution: heavy taxes on some routine foods and beverages that they have decided are high in calories. The taxes, the advocates acknowledge are intended to limit consumption of targeted foods and help you to accept the diet that they have determined is best.

In cities and states across America—and even at the federal level—this idea is getting increased attention despite its regressive nature and inherent illogic.

While it is true that since the 1970s Americans have increased their average caloric intake by 12%, they also have become more sedentary. According to the National Center for Health Statistics 2008 Chartbook, 39% of adults in the U.S. are not engaging in leisure physical activity. The Centers for Disease Control and Prevention has found that 60% of Americans are not regularly active and 25% of Americans are not active at all. The average American spends the equivalent of 60 days a year in front of a television, according to a 2008 A.C. Nielsen study. This same research data show that the average time spent playing video games in the U.S. went up by 25% during the last four years.

If we're genuinely interested in curbing obesity, we need to take a hard look in the mirror and acknowledge that it's not just about calories in. It's also about calories out.

Our industry has become an easy target in this debate. Sugar-sweetened beverages have been singled out for demonization in spite of the fact that soft drinks, energy drinks, sports drinks and sweetened bottled water combined contribute 5.5% of the calories in the average American diet, according to the National Cancer Institute. It's difficult to understand why the beverages we and others provide are being targeted as the primary cause of weight gain when 94.5% of calorie intake comes from other foods and beverages.

Those pushing for this tax lack some essential facts, not to mention some basic common sense. Over the past 20 years, the average caloric content of soft drinks has dropped by nearly 25%. This is due in large part to a determined focus by our company and others on the diet/light category with brands like Diet Coke, Coca-Cola Zero and Powerade Zero. Even soft drinks with sugar, like Coca-Cola, contain no more calories (140

calories in a can) than common snacks, breakfast foods and most desserts served up daily in millions of American homes. And while obesity rates have skyrocketed, sales of regular soft drinks decreased by nearly 10% from 2000 to 2008, according to the industry publication *Beverage Digest*.

So where are all of the extra calories in the American diet coming from? Research from the United States Department of Agriculture shows that added sugars, as a percentage of total daily available calories, have declined 11% since 1970. Yet the percent of calories from added fats and flour/cereal products has increased 35% and 13%, respectively, during that same time period.

Will a soft drink tax change behavior? Two states currently have a tax on sodas—West Virginia and Arkansas—and they are among the states with the highest rates of obesity in the nation.

Obesity is a serious problem. We know that. And we agree that Americans need to be more active and take greater responsibility for their diets. But are soft drinks the cause? I would submit to you that they are no more so than some other products—and a lot less than many, many others.

As a leader in our industry, we have a role to play in solving this issue. Globally, we have led the industry for nearly 30 years with innovations across the diet and light beverage categories. Today, more than 25% of our global beverage portfolio is comprised of low- or no-calorie beverages.

Policy makers should stop spending their valuable time demonizing an industry that directly employs more than 220,000 people in the U.S., and through supporting industries, an additional three million. Instead, business and government should come together to help encourage greater physical activity and sensible dieting, while allowing Americans to enjoy the simple pleasure of a Coca-Cola.

#### TRIBUTE TO FURMAN BISHER

Mr. ISAKSON. Mr. President, on Sunday of this past week, an event of journalistic magnitude took place in the city of Atlanta and the State of Georgia. A man by the name of Furman Bisher published his last sports column in the *Atlanta Journal-Constitution*. He typed that column on the same manual Royal typewriter upon which he typed his first column 59 years ago.

Furman Bisher is a distinguished employee of the *Atlanta Journal-Constitution*, a distinguished resident of our city and our State. Unlike many in his profession, he had a profound positive effect on his city and his State and on sports. Furman Bisher started writing in Atlanta, GA when Atlanta's only professional sports team was the Atlanta Crackers, a Double-A team playing in a small bandbox stadium in Ponce de Leon Park. In the 1960s, as his career emerged, he, along with Jesse Adler, were the principal writers of sports in the *Atlanta Journal-Constitution*. He began to be published in other magazines, magazines such as *Sports* magazine, magazines such as the *Sporting News*. He developed respect around the United States as a gifted, talented, and honest sports writer.

Had it not been for Furman Bisher, the Atlanta Braves probably would not

be in Atlanta, GA because when Mills B. Lane and Mayor Ivan Allen risked what then was a huge amount of money, \$18 million, to build a major league sports stadium without a sports team, it was not until Furman Bisher went and talked to the Bartholomay family who were getting ready to move the Milwaukee Braves from Milwaukee and convinced them to bring major league baseball for the first time ever to the South.

The same was true a few years later when Rankin Smith petitioned to buy the first NFL franchise to exist in the South, and that \$7.5 million purchase happened for a lot of reasons but probably the most important of which was Furman Bisher.

What is so great about Furman is he could make sports come alive, from cricket to football, from boxing to golf. His writing on boxing is historic and his following of Atlanta native Evander Holyfield helped elevate Evander to where he became the Heavyweight Champion of the World. But probably nothing was more important than the years of coverage of the greatest golf tournament on the face of the Earth—the Masters. None other than Bobby Jones, none other than Jack Nicklaus, none other than Arnold Palmer, none other than Tiger Woods acknowledged that the gifted writing of Furman Bisher about that treasured tournament helped to elevate it to where it is today, the preeminent event in golf around the world.

A lot of people contribute a lot to their profession. We in Georgia are proud of so many who have given so much to our State. Today I want to pay tribute to a man who for 59 dedicated years covered sports in Georgia and made it possible for many great things to happen, a man who was gifted, a man was talented and a man who, even today, shares his wisdom and his commitment to sports as he approaches his 91st birthday.

On a personal note, as a young boy and a sports fan in the late 1940s and 1950s, I used to rush to the mailbox to get our Atlanta Journal and our Atlanta Constitution and I didn't go to the funny papers, I didn't go to the comics, I didn't go to the crossword puzzle. I went to Furman Bisher. Furman was a great writer and to me an inspiration for sports in Atlanta, GA. I wish him and his family the very best in their retirement.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

#### UNEMPLOYMENT COMPENSATION

Ms. STABENOW. Mr. President, I rise this afternoon to discuss our efforts to extend unemployment benefits to over 15 million people who are looking for work today. That is only the number of people we know are out

there based on the unemployment statistics, not those who have tried for a long time and been unsuccessful and are currently neither in the workforce nor are working two or three or four part-time jobs trying to hold things together for themselves and their families. We do know this. Over 15 million people today who are trying to support their families in this very tough economic time need our help immediately to stay afloat.

Two nights ago I asked for agreement to move to the unemployment insurance bill. Our leader had asked for agreement to do that before. This has already passed the House and is awaiting Senate action. Unfortunately, Republican colleagues objected. They have objected several times and continue to object to our bringing forward an effort to help families who, through no fault of their own, find themselves in an extraordinarily difficult situation, relying on unemployment in order to be able to keep their families afloat.

Unemployment is not a partisan issue. Right now, 14 States and the District of Columbia, blue States and red States, have unemployment rates over 10 percent: Illinois, Georgia, Alabama, Florida, North Carolina, Ohio, Tennessee, Kentucky, South Carolina, California, Oregon, Rhode Island, Nevada and, of course, my great State of Michigan, where we are now seeing over a 15.3-percent unemployment rate, the highest in the country.

Our people are hurting and they have been hurting for a long time. I was very proud of our President as he came into office for understanding that and joining with us in a recovery package to make sure we were extending unemployment at the beginning of the year. But unfortunately the recession continues and people are still hurting. Democrats are unemployed and Republicans are unemployed. The people getting unemployment insurance are looking for work, they are pounding the pavement and they are putting in applications every day. This is not their fault.

The economic situation in this country is not their fault. The bank failures are not their fault. The foreclosure crisis is not their fault. But they are the ones paying the price every single day. Every single day, every single time the other side objects to bringing up this bill, people across the country are hurting. They are exhausting their unemployment insurance and are being left with no way to pay the mortgage, to take the kids to the doctor, to pay their heating bills, to be able to hold it together, waiting for this economy to turn around and jobs to be available, jobs they so desperately want.

It is getting cold outside. Winter is coming and families across the country are turning on their heaters for the first time in months. They need us to

extend unemployment insurance so they can keep the heat on for their kids. Pulling the rug out from under these hard-working men and women doesn't just hurt them and their families, it hurts every community and it hurts our economy in America. When they can afford to pay their bills, that money goes back into the economy, as we know. We know that for every \$1 spent on unemployment benefits, \$2.15 goes back into the economy. That is exactly what we need at this point—immediate stimulus.

This is an incredibly difficult time for families, certainly in my State and all across the country. Blocking this legislation, saying no to everything, delaying everything—that is not going to pull us out of this recession and it is not going to help American families.

The time to act is now, right now. I urge my colleagues to stop blocking an important effort to help working men and women in this country, people who have followed the rules all their lives, have done nothing but find themselves at this place and this time, with the economy where it is, as we rebuild it—and we are and we will. We need to support them so they can do the right thing for their families and keep a roof over their heads and food on the table and the lights on and the heat on and know that their country has got their back.

That is what this is about. We need to pass the extension of unemployment insurance now. I hope we will.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. BROWN. Mr. President, last night I joined Senator UDALL from New Mexico and Senator WHITEHOUSE and the Presiding Officer, Senator BURRIS, and some others. Senator DURBIN, the other Illinois Senator, was there too for part of the evening, talking about the public option and why it is so important to keep the insurance industry honest, to help constrain costs and to compete directly with private insurance so that people, as they join those who are uninsured, who want to get insurance, can choose. They can choose Cigna, they can choose Aetna, they can choose WellPoint, they can choose United. In my State they can choose

Medical Mutual, or they can choose a public option, so they would have that choice and it provides more choice to people. It is not a government takeover in any way. It simply provides more choice for those people who are insured.

I come to the floor, day after day, sharing letters I received from people in Ohio, from Cincinnati and Dayton, from Athens and Saint Clairsville, from Toledo and Lima. People who generally write most of these letters are people who were satisfied with their health insurance. They thought they had pretty good health insurance.

They find out, when they get sick, that their health insurance isn't what they thought it was. They end up battling every week with their insurance company trying to get something paid for. They find out maybe their insurance coverage got cut off—insurance companies call it rescission, their official bureaucratic word—as so many people lose their health insurance when it has gotten too expensive. These are people who were satisfied with their insurance and then found out it is not so great after all.

I wish to share some of the letters I have received from Ohio. This is from Tony from Rocky River. He writes:

I'm the Executive Director of a provider of residential and group homes for people with developmental disabilities. We employ 250 staff members, most of whom make a starting wage of \$8.50 per hour. We offer health insurance to staff who work at least 24 hours a week. We don't have a Cadillac plan, we provide just basic coverage. We believe in doing this [because] many of our staff members are part-time workers and have to work two other jobs just to pay for bills, groceries, and utilities. We recently started negotiations with our health insurance carrier for our 2010 rates. We were informed that we may have an 84 percent increase over last year's rate.

That is almost double what they had last year.

We were told the increase was due, in part, because one staff member [out of 250] had a heart attack in the past year and another staff member is being treated for renal failure. We were shocked as we already pay close to \$500,000 per year for our coverage. We could now be facing an additional \$420,000 just to cover [the same number of] employees. You would expect in a staff of 250 that someone would have an illness, yet we are being severely penalized for being responsible and offering coverage to our workers and their families.

That is what is happening. This is not a tiny, small business, but in a small business, so often one person, two people, three people get an expensive illness. Sometimes the insurance company will cut them off individually or as a group. Other times the increase for insurance will be so much that people such as Tony may not be able to offer insurance to their employees. This is so important. These are low-income people making \$8.50, \$9 an hour doing work that most people in this Chamber wouldn't be willing to do, get-

ting paid such low wages. At least they offer health insurance. That may be gone. That is why reform is so important. That is why the public option is so important, so we don't see this kind of profiteering by the insurance industry.

Rebecca from Summit County writes:

I have two sons with severe ADHD. They were both diagnosed at an early age, due to their extremely impulsive behavior. Each son requires three prescriptions per day to enable them to go to school and get through their daily life. With the medication and periodic exams with a neurologist, they are doing well. My employer pays over half the cost of our premiums, but my portion of the premium is \$600 per month out of my paycheck. I'm worried that soon my employer will be unable to continue our coverage. As it is, my husband and I don't go to the doctor because we simply can't afford it. Even though it might not seem like a life-or-death situation, it really is. Without their medication, my sons have serious illnesses with impulsiveness that could be dangerous. If they don't complete their education, they won't be able to support themselves in the future.

Nothing scares a parent more than leaving behind children who can't support themselves because of some kind of illness. I don't think anything terrifies parents more than that.

I know our situation isn't unique, so I hope something can be done to help all Americans.

Rebecca's is another plea for help from this institution. It is simply unconscionable for us not to move forward.

Let me close talking about Virgil from Akron. He is a retired 30-year veteran of the Akron Police Department and has to spend one-third of his retirement pay on health insurance premiums. Virgil retired in 1999, when the premium for him and his wife Marlene was \$45. Only 11 years later, Virgil and Marlene pay monthly premiums of \$700—from \$45 to \$700. This is a retired 30-year veteran police officer who served his community as a law enforcement official for three decades. Struggling with high out-of-pocket medical expenses, Virgil and his family resorted to pill cutting to make their prescriptions last longer. Virgil and the dedicated police officers, firefighters, teachers, nurses, and public servants deserve better than. They deserve health reform now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

COMMERCE, JUSTICE, SCIENCE  
APPROPRIATIONS

Mr. VITTER. Mr. President, I stand to urge all of my colleagues, Democrats and Republicans, to support having a vote on Vitter amendment No. 2466 to the Commerce-Justice-Science appropriations bill.

Unfortunately, the majority leader and others have been working quite hard to block that vote. I believe this issue demands attention, demands focus, demands reasonable debate, and a vote.

What is this issue? This is the revised version of my amendment to that appropriations bill:

None of the funds provided in this Act or any other act for any fiscal year may be used for collection of census data that does not include a question regarding United States Citizenship.

Mr. President, I ask unanimous consent to have printed in the RECORD my amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Purpose: To provide that none of the funds provided to the Census may be used for collection of census data that does not include a question regarding status of United States Citizenship)

On page 110, line 7, strike "activities," and insert "activities: *Provided further*; That none of the funds provided in this Act or any other act for any fiscal year may be used for collection of census data that does not include a question regarding United States Citizenship."

Mr. VITTER. Mr. President, the point is very simple. A big decennial census is coming up next year. Under the current plans of the Census Bureau, we are going to count everybody in the country—and that is fine—but we are not going to distinguish, we are not going to know the difference between citizens and noncitizens. I think that is not fine, I think that is crazy, and I think it will lead to some dangerous results.

First of all, the whole purpose of a census is to give us maximum information, maximum tools we can use in a whole host of policy debates and Federal programs. Certainly, it is useful to know both the overall number of persons in the country but also the subcategories of citizens and noncitizens. That is particularly relevant because the immigration debate is important, and we need to get our hands around that issue.

Secondly, and even more important, it is important because I believe when we use the census for congressional redistricting for determining how many U.S. House seats each State gets, we should count citizens, but we should not count in that context noncitizens, including illegal aliens.

I think it is crazy, nutty, and I think the average American certainly agrees that we would determine how many U.S. House Members every State gets

to represent it in the Congress and count noncitizens, including illegal aliens. I do not think the Founding Fathers set up a democracy—in many ways one of the most important democratic institutions in history in the U.S. Congress—to represent noncitizens. Why are we not adding in the entire population of France or Belgium or Brazil? For obvious reasons, because this is a democracy to represent citizens of the United States.

Of course, we can only avoid that in terms of congressional reapportionment if we know the subcategories of the count, citizens versus noncitizens. I urge all of my colleagues to support having a vote on this Vitter amendment to the Commerce-Justice-Science appropriations bill and then, of course, when we get to a vote—and we will—hopefully, on this bill but sometime in the near future—I assure you, we will—to support in a bipartisan way this amendment.

Let me make two final points. First of all, I have made every reasonable attempt to get this vote. I had two other amendments on the list for votes on this bill that were important to me and I think are important substantively. I have told, through our representatives, the majority leader and his office that I will forgo votes on those two other amendments. We need a vote on this crucial amendment.

Secondly, I remind particular Senators from eight States that their States will lose representation in the U.S. House if we count noncitizens versus if we were to do congressional reapportionment only counting citizens.

I believe everybody should be focused on this issue. I believe everybody should support my commonsense position. But surely the Senators from those eight States would want to vote for their States' self-interest. Those States are Indiana, Iowa, Maine, Michigan, Pennsylvania, Mississippi, North Carolina, and, of course, my State of Louisiana.

Again, I particularly appeal through the Chair to the Senators from those eight States—Indiana, Iowa, Maine, Michigan, Pennsylvania, Mississippi, North Carolina, and Louisiana. Obviously, for the very interests of your State, please support getting a vote on the Vitter amendment. Please support the Vitter amendment. Your State's representation in the U.S. House hangs in the balance. Of course, that means please do not vote for cloture on the CJS bill until we can have such a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

ENERGY AND WATER  
DEVELOPMENT

Mr. COBURN. Mr. President, we are about 10 minutes away from a vote on

the energy and water conference report. I wanted to put forward one very cogent reason for voting against this bill.

This bill hides from the American people information to which they are entitled. There was clearly accepted by unanimous consent an amendment that said the reports in that bill will be made available to all Senators and all the citizens of this country—and rightly so—unless it had a national security implication for not exposing that information.

The best government is the one that is the most open. The best government is the one in which people have trust. By bringing this bill to the floor out of conference and dropping the transparency amendment, the transparency section where one can actually see what is going on in Washington, where one can actually see where their money is being spent, where one can actually see the information that a select group of Senators see but other Senators do not, as well as the American people—if, in fact, one can see that, that breeds accountability in Washington.

If my colleagues, in fact, vote for this conference report, what they are saying is they want to keep the American people in the dark; they do not want them to see what we are doing; they do not want them to see how we are doing it; they do not want them to see why we are doing it. They want the elite position of making a judgment without being held accountable.

I urge my colleagues to vote against this conference report.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING  
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ENERGY AND WATER DEVELOPMENT  
AND RELATED AGENCIES  
APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 3183, which the clerk will report.

The bill clerk read as follows:

Conference report to accompany H.R. 3183, an act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that at 2:15 p.m. today, all postcloture time be yielded back and the Senate then proceed to vote on adoption of the conference report to accompany H.R. 3183, the Energy and Water Appropriations Act; further, that no points of order be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I will vote to approve this conference agreement to provide over \$33 billion for a variety of energy and water infrastructure projects and programs. Michigan is surrounded by the Great Lakes, and the funding provided in this conference report to the Army Corps to maintain the navigational infrastructure and to clean up and protect the Great Lakes is especially important. Michigan also will benefit from the investments in clean energy technologies and energy efficiency programs provided in this bill that will help create a more sustainable economy while producing quality jobs.

The conference report includes important funding for a wide range of energy research and technology development at the Department of Energy, including advanced vehicle technologies, hydrogen and fuel cell technologies, wind and solar energy technologies, and biomass and biorefinery systems. This conference report also includes funding for critical areas of science including high energy and nuclear physics, biological and environmental research, and advanced scientific computing research. Research and technology development in these groundbreaking areas of energy and science will continue our nation's advancement toward greater use of technologies that will reduce our dependence on oil, reduce our carbon footprint and greenhouse gas emissions, and increase our reliance on our home-grown renewable resources. Federal Government support of research and development in these technology areas will also help ensure that our companies remain competitive in the global marketplace and ensure that the U.S. remains on the competitive edge of technology development and scientific discovery.

I am particularly pleased that the conference report includes \$12 million in funding for research and development, conceptual design and engineering for the Facility for Rare Isotope Beams, FRIB, to be built at Michigan State University. Inclusion of this funding in the conference report is critical to moving forward with this facility. Under the Department's current plans, engineering work would continue in fiscal year 2011, with initial design work beginning in fiscal year 2011 and continuing into fiscal year

2012. Construction of the facility would begin in fiscal year 2013. MSU has solid and well-known expertise in the field of rare isotopes and nuclear physics, with the largest nuclear physics faculty in the nation and a nuclear physics graduate program ranked number two in the U.S., second only to MIT. MSU is currently the home of the National Superconducting Cyclotron Laboratory, NSCL, which is the most advanced rare isotope accelerator in the U.S. and is the largest nuclear science facility on a university campus. FRIB is the next generation rare isotope facility and the Department of Energy's decision in December 2008 to select MSU for FRIB is an indication of the university's preeminence in this field.

I am also pleased that the conference report includes funding for several important energy projects in Michigan that will advance the development of technologies including advanced batteries and energy storage systems, plug-in hybrid vehicles, solar and photovoltaic systems, wind energy, biomass, and energy efficiency. Michigan companies and universities are well-positioned to contribute to the development of these advanced technologies, offering both significant expertise in these technology areas and a highly trained workforce to carry out the manufacture and production of these technologies.

About 180 million tons of goods are transported to and from Great Lakes harbors and ports each year, providing fuel to heat and cool homes and businesses, limestone and cement to build roads and buildings, iron ore to produce steel, and grain to feed our Nation and for export overseas. Throughout the Great Lakes, there are significant dredging and other operation and maintenance needs so that freighters can safely deliver these vital commodities. There is a significant backlog in the work required to maintain the Great Lakes navigational system. The Army Corps estimates there is a backlog of 17 million cubic yards of material that needs to be dredged in the Great Lakes, which is estimated to cost to about \$200 million, to restore the full functionality of the navigational system. The conference report includes an additional \$6 million above the administration's budget to address this dredging backlog at Michigan harbors and waterways, and attend to other operations and maintenance needs, including repair and renovation of breakwaters, improvements to locks, and disposal of dredged materials.

An important element of the Great Lakes navigational system is the Soo Locks, which connects Lake Superior with Lakes Huron and Michigan. Every year, over 80 million tons of commodities pass through the Soo Locks, the bulk of which move through the Poe Lock, the larger of the two operational Soo locks. To ensure shipping is not

impeded at the Soo Locks, it is important that another Poe-sized lock be built. Construction on the new lock began this past July, and it is important that this project be completed so that vital industrial and agricultural shipments are not impeded. The conference report includes about \$1 million for this project, which is barely a dent in what is needed for this project; the Army Corps estimated that it could use about \$100 million in fiscal year 2010 for this \$500 million project. I will continue to urge the Administration to include funding for this important project in their budget, and I am glad the conference report also makes this strong recommendation. The conference report states that "the conferees are deeply concerned that despite congressional support for the project, the support of the states in the region, and the fact that the Army Corps of Engineers recognizes the Soo Locks as the 'single point of failure' that can cripple Great Lakes shipping, the administration has failed to include funding for a second large lock, either under the authority provided in the American Recovery and Reinvestment Act, ARRA, or in its budget request for fiscal year 2010." I hope this lack of funding will be rectified in next year's budget.

This bill includes important funding for several Great Lakes programs including the Great Lakes Fishery and Ecosystem Restoration Program, Remedial Action Planning Technical Assistance, and the Sediment Transport Models and Sediment Management Planning program. These programs will help restore and protect the Great Lakes.

I am also pleased that the bill includes over \$6 million for the Corps' work to prevent the introduction of Asian carp and other invasive species into the Great Lakes. Invasive species can dramatically change the fishery and ecosystem by outcompeting native species for food and habitat. Asian carp are particularly devastating because they consume so much food and reproduce quickly. This funding will allow the Corps to operate the barrier project and begin work on a study to consider options to improve the barrier projects' efficacy. The conference report also provides authority for the Corps to take measures to prevent Asian carp from bypassing the electric dispersal barrier. This authority is needed because just recently, the Corps discovered that the Asian carp had moved upstream in the Des Plaines River, and if the Des Plaines River floods, which it does regularly, the floodwaters could carry Asian carp into the Chicago Sanitary and Ship Canal above the dispersal barrier. It is critical that the Corps do what it can to prevent the introduction of Asian carp into the Great Lakes.

The bill also provides funding for a variety of other water infrastructure

and environmental restoration projects in Michigan. Funding is provided for two wastewater projects in Michigan—one in Genesee County and the other in the city of Negaunee in Michigan's Upper Peninsula. Improving sewer systems is important not only for public health, but also to eliminate untreated discharge into surface waters. Two Michigan flood control projects will also benefit from passage of this bill. The aging Hamilton Dam in the city of Flint will benefit from \$240,000 that will enable the Army Corps to plan how to improve this dam that is in danger of failing. Flood control improvements at the Cass River in Spaulding Township are identified to receive priority funding from the Army Corps. Funding is also provided for three environmental restoration projects in Michigan. Funding of \$90,000 will be used by the Army Corps to continue its partnership with the city of Lansing in the Grand River waterfront restoration project, which includes a range of projects, such as shoreline and ecosystem restoration, as well as recreational elements. I am pleased that \$100,000 is included to implement the Lake St. Clair Management Plan. Lake St. Clair and the St. Clair River that are part of the connecting channel in the Great Lakes and have been plagued by invasive species, pollution, urban sprawl, and sewer overflows. The funding in the bill will allow the Corps to move forward to finally implement on-the-ground restoration projects which are very much needed.

This appropriations bill will help move our country towards greater energy security, advance technology to strengthen our manufacturing and international competitiveness, improve our shipping and boating infrastructure, and improve the environment, and I support its passage.

Mr. DORGAN. Mr. President, we will vote in about 4 minutes. I want to note that yesterday's cloture vote had 79 votes in favor of cloture. Clearly, there is strong support for this energy and water conference report. It provides an investment in water and energy projects across the country. It is fiscally responsible. It is slightly less than 1 percent above last year's expenditure.

What I wanted to say, however, is we that had to invoke cloture, which took us two days. Even though we had a cloture vote yesterday clearly demonstrating very substantial support for the bill, we have now sat at parade rest for almost 30 hours because someone insisted on 30 hours postcloture despite the fact that we will have a strong vote for this conference report.

The reason for the insistence on 30 hours occurred was because the conference report did not include one amendment that was accepted in the Senate offered by one of my colleagues. I supported that amendment by the

way. We were not able to get that through the conference with the House. It urged greater transparency on reports from the Energy Department. I regret that is not in the conference report, but the House would not accept it. Because of that, we have now been sitting around for the better part of a week, 30 hours postcloture.

My point is that we have to get appropriations bills moving. Apparently, it does not mean anything to some people. If their amendment did not get in the conference report, they don't mind holding up the Senate for a part of a week. That doesn't mean much to some people.

I just wish we would have a little more cooperation. The very same people who said we ought to get our work done by passing appropriations bill and avoiding omnibus bills are the same ones who hold up the Senate. If we could get a little bit of cooperation, we could get these appropriations bills completed.

This is a good bill. It makes very significant and important investments all around the country in water infrastructure and energy projects. The fact is, it is less than 1 percent above last year's spending level. No one is going to take a look at this bill and suggest it overspends. It does not.

One of my colleagues talked about earmarks in the bill. The fact is, we can take out all the earmarks, and there are some in here. It is the case that Congress has a role to decide both through the water development authorizing bill and also in the appropriations conference report before us where it wants to invest its money in major water projects across the country. If the Congress decided not to do that, every single penny would go downtown to the agency, and some GS-14 would decide where to do that. All this talk about earmarks is not going to save a penny. The fact is, we have substantially cut back on earmarks and have made them transparent.

My point mainly is that we are going to vote in a minute. We could have voted on this already, but we had to file cloture, then wait 30 hours. It is reflective of what is happening in this Chamber. Regrettably, there is very little cooperation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 3183.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 17, as follows:

[Rollcall Vote No. 322 Leg.]

#### YEAS—80

Akaka	Feingold	Nelson (NE)
Alexander	Feinstein	Nelson (FL)
Barrasso	Franken	Pryor
Baucus	Gillibrand	Reed
Begich	Gregg	Reid
Bennet	Hagan	Risch
Bennett	Harkin	Roberts
Bingaman	Inouye	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kirk	Shaheen
Brownback	Klobuchar	Shelby
Burris	Kohl	Snowe
Byrd	Kyl	Specter
Cantwell	Lautenberg	Stabenow
Cardin	LeMieux	Tester
Carper	Leahy	Thune
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Vitter
Corker	Lugar	Voinovich
Cornyn	McConnell	Warner
Crapo	Menendez	Webb
Dodd	Merkley	Whitehouse
Dorgan	Mikulski	Wicker
Durbin	Murkowski	Wyden
Enzi	Murray	

#### NAYS—17

Bayh	Ensign	Isakson
Bunning	Graham	Johanns
Burr	Grassley	McCain
Chambliss	Hatch	McCaskill
Coburn	Hutchison	Sessions
DeMint	Inhofe	

#### NOT VOTING—3

Cochran	Kerry	Landrieu
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The conference report was agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

#### VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the vote on the conference report to accompany Energy and Water Development and Related Agencies Appropriations Act, 2010, H.R. 3183. If I were able to attend today's session, I would have voted yes on the conference report. •

Mr. HATCH. Mr. President, today the Senate voted 80 to 17 in favor of the Energy and Water appropriations bill, H.R. 3182. I praise Chairman BYRON L. DORGAN and Senator ROBERT F. BENNETT, the Republican ranking member, and the other members of the Energy and Water subcommittee for putting together what I consider to be a good bill and certainly a big improvement over the energy budget sent to us by the President.



Knowing that the funding measure would pass, I chose to vote against this bill, which funds the Department of Energy, as a signal to the Obama administration and the DOE that American taxpayers want and need a serious pro-energy plan, not the anti-energy strategy being pushed on us by the United Nations Intergovernmental Panel on Climate Change, which this administration has adopted.

When the Secretary of Energy testifies before Congress that he believes it is his job to cut carbon-dioxide emissions by 80 percent in the next 40 years, then we know our Nation does not have an energy policy; rather, we have an *anti-energy* policy. Cutting our Nation's emissions by 80 percent would provide two certain outcomes: First, reducing CO<sub>2</sub> at that reckless pace would certainly devastate our economy and ruin our Nation's global competitiveness. Secondly, according to the U.N.'s own calculations for CO<sub>2</sub>'s warming ability, it would result in no perceptible reduction in global temperatures. At best, it would reduce temperatures by about 0.1 degrees Centigrade after 40 years of economic torture.

Maybe the media have fallen for this dangerous distraction to a real energy policy, but the polls show that the taxpayers have not.

#### MORNING BUSINESS

Mr. BURRIS. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I would like to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized.

#### HEALTH CARE REFORM

Mr. BURRIS. Mr. President, earlier this week I came to the Senate floor to discuss some of the misinformation we have seen about the issue of health care reform. Just this morning, I joined my freshmen colleagues to knock down some of the persistent myths about reform and particularly about the need for a public option.

As we prepare to consider a health bill before the full Senate, I would like to discuss the way forward from here. I believe our path is very clear. The only way to achieve meaningful health care reform and bring costs down is through a public option that will bring real competition into the system. That is why I will not vote for any health care bill that does not include the public option.

Insurance companies should have to compete for your business just like any other company. This principle has al-

ways been at the heart of America's economy, and it does not make sense for insurance companies to get a free pass. As competition shrinks, profits soar. A public option is the only way to restore choice to the marketplace. It is the key to freedom, accountability, and fair play. That is why I will not compromise on this point.

On Tuesday, our colleagues in the Finance Committee reached a new milestone on the long road to reform. They became the last of five committees in both the House and the Senate to take up this legislation. When they passed their version of the bill, it was the furthest any health reform measure has ever come. Now let us make it a reality.

I congratulate my distinguished colleagues on their significant achievement. I applaud their leadership on this difficult issue. But it was disappointing this legislation did not include a public option. As we move forward and merge the Finance Committee bill with the HELP Committee's version, I will work with my friends to make sure the combined measure does include a public option. In a very short time, every Member will have the opportunity to shape this important legislation. When this bill comes before the Chamber, we will have the chance to make good on the promise Teddy Roosevelt made almost 100 years ago when he first called for sweeping health care reform.

This pivotal debate is nearly at an end. The time for action is upon us. That means it is time to separate fact from fiction. It is time to discuss the facts and drown out the noise. The public option will restore choice and competition to an insurance market currently dominated by only a few companies. The public option will spur fresh accountability and a return to fair practices. Premiums will come down. Relative health outcomes will go up. For the first time in years, insurance corporations will need to compete for business. They will need to be accountable to customers and not only to shareholders. That is what reform with a public option will mean to the American health care system.

When opponents of reform talk about death panels, a government takeover, and socialism, they are trying to distract us from the issue at hand. When they claim the Finance Committee bill will make premiums go up instead of down, it is the same sleight of hand we have seen from the big corporations many times before.

They know they cannot win the argument on the merits so they are trying to change the subject. Instead of talking about American families and rising costs, real health outcomes, they need to rely on scare tactics to maintain their monopoly over the insurance market. That is why it is time to draw a line in the sand. It is time to reject

these distractions and stand on the side of the American people.

That is what this debate is about. It is about individuals who send us to Washington to fight for their rights and defend their interests. It is about families who sit around the kitchen table in Illinois and across America. They open their pocketbooks and write larger and larger checks every month. They are wondering when we will have the courage to act on our convictions.

We must not delay another moment. If we fail to act, health care coverage will continue to increase in price and decline in quality. Let us rise to the challenge. Let us seize this moment. There is no doubt the Senate is the greatest deliberative body on the face of the planet. Throughout our history, contentious arguments such as this one have played out on the floor of this Chamber and the old Senate Chamber down the hall. The world knows this Senate can debate. But let it now show them we can also act. Let it show them we can take action.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEDICARE PHYSICIAN FAIRNESS ACT OF 2009—MOTION TO PROCEED

##### CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 178, S. 1776 and, in the process, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 178, S. 1776, the Medicare Physician Fairness Act of 2009.

Harry Reid, Debbie Stabenow, Roland W. Burris, Patty Murray, Mark Udall, Mark Begich, Frank R. Lautenberg, Amy Klobuchar, Jack Reed, Carl Levin, Jeff Bingaman, Sherrod Brown, Sheldon Whitehouse, Barbara Boxer, Kirsten E. Gillibrand, Charles E. Schumer, Jeanne Shaheen, Richard J. Durbin.

Mr. REID. I ask unanimous consent that the cloture vote occur at 5:30 p.m., Monday, October 19, and that the mandatory quorum be waived; further that at 4:30 p.m. on Monday, there be 60 minutes of debate equally divided and controlled between the leaders or their designees prior to the 5:30 p.m. vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS

Mr. SESSIONS. Mr. President, I join in support of the Vitter amendment, which would preclude any funding in the CJS appropriations bill being used for the 2010 census, if the census does not include a citizenship question. Under current law, the census does not even ask the question about whether individuals in the United States are citizens or not. They ask people how many bathrooms and children they have, all kinds of things, but they don't ask a citizenship question. Congressional apportionment in the U.S. House of Representatives is based on that total population count, including people illegally in this country. I think representation in Congress should be based on the number of legal residents, and it should not be increased because persons here illegally, not eligible to vote, happen to be in that State. That is a matter I hear a lot about from my constituents. They ask how this is possible. They are shocked that is what might be happening. The truth is, it does happen.

So I think Senator VITTER is raising a good question, and I believe his amendment is valid. Our next census will determine the reapportionment of the House of Representatives and Electoral College votes each State has.

The 2010 census form lacks the simple question: Are you a citizen of the United States of America? How accurate can we in Congress expect to be about the composition of our population if we do not ask that question, especially when some estimate there may be as many as 12 million people illegally in the country? Indeed, I think that probably is an accurate figure, so it has an impact. Calculations using some of the interim census data estimates are pretty dramatic and point out the real impacts of this policy.

Using the American Community Survey of the Census Bureau, their estimates for State population, including noncitizen and citizen populations, is instructive. The discrepancy in numbers for reapportionment using those different figures is significant. For example, States that might otherwise expect to gain or expect not to lose popu-

lation, lose congressional seats, would do so if these numbers are counted. For example, Indiana, Iowa, Michigan, North Carolina, Oregon, Pennsylvania, South Carolina, and Louisiana—all of those would be expected to stay the same or gain. And if illegals are counted, they will either not gain or lose seats.

So I think that is a pretty important issue. It is not something with which my State is directly involved. But having dealt with the immigration issue over some period of time, and trying to be informed about it, I hear a lot of people raising this fundamental question. I think it would be simple to fix constitutionally. We would simply say: Ask how many people are here legally and use that to be the basis of the apportionment of congressional seats, and not using people who are not here legally. It does not threaten people. It does not mean they will be arrested or anything like that or to be subject to deportation. It simply means when the numbers are all in, we will know how many U.S. residents exist in the various States, and from that number we will be able to apportion our House of Representatives and the Electoral College for the next Presidential election.

I think that is the right thing to do. We need to get away from this other process and urge the support of the Vitter amendment.

I thank the Chair and yield the floor.  
The PRESIDING OFFICER. The Senator from New Jersey.

#### HEALTH CARE REFORM

Mr. LAUTENBERG. Mr. President, I rise to make some comments about the health care bill we are all anxious to see and discuss.

Everyone knows a principal focus of our attention now in the Senate is on the health care reform bill, and we expect a major debate on the precise structure of that bill over the next few weeks. But I want to, in that connection, start my remarks with a quotation from a statement given by the Senator from South Carolina. He said, on June 17, 2009:

If we're able to stop Obama on this, it will be his Waterloo. It will break him.

That is the Republican dominant view on health care reform. The mission is not to do better for the American people but, rather, to destroy the Presidency of Barack Obama. It is an unpleasant scene to witness.

Almost all Americans want to see us fix our health care system. I say "almost" because there is a group of people here who love the status quo: health insurance companies and their lobbyists and CEOs.

Everyone knows health care costs have skyrocketed, and that means everybody pays more. But when working people are under assault to pay more, it could cause a catastrophic confrontation with funds, with money for food and education and other ordinary but essential expenses for living.

America's small businesses are struggling to provide health care for their employees, and more people are less able to afford health care coverage. And while enormous pressure is placed on middle-income families, the largest health insurers are seeing massive profit growth.

Wendell Potter, an executive at CIGNA and some other health insurance companies over the last 20 years, has put it this way. He testified before the Senate Commerce Committee earlier this year, and he said the health insurance companies—and I quote him—"confuse their customers and dump the sick—all so they can satisfy their Wall Street investors."

That single-minded drive for profits is clear from the numbers. Here is a chart I have in the Chamber showing part of the outrage. This chart demonstrates the massive profit increases at some of our largest health insurance companies. Just look at them. The years for comparison are the year 2000 and 2008.

In 2000, the company called WellPoint earned \$226 million worth of profit. That \$226 million had grown to \$2.5 billion at the end of 2008—an increase of 1,000 percent.

Aetna, one of the biggest: In 2000, they made \$127 million worth of profit. Eight years later, the \$127 million grew to \$1.4 billion—an increase of 990 percent.

Humana: In 2000, they earned \$90 million; in 2008, \$647 million—a modest gain, only 619 percent.

United Health—one of the largest—earned, in 2000, \$736 million; in 2008, \$3 billion, an increase of 304 percent.

Mr. President, we all know who paid the price for those profits: working-class Americans. This condition tells you what we have to be on the lookout for as we develop our plan.

Just as the health insurance industry profits have risen, obviously, so has the CEO compensation. If we look at what has taken place over a 3-year period for the five largest health care companies, the CEO pay has grown steadily, while workers' pay has barely moved. The average health care CEO, over the last 3 years, in these five companies, earned \$14.8 million. That was his—in this case—all his compensation. And the average worker's salary was \$44,200. Look at that comparison: \$14.8 million, while the average working person earned \$44,000. There is an injustice there that I think is quite obvious.

So we look at that and say: Well, what is happening here? A single health insurance CEO earns approximately 335 times that of the average worker in this country. It is absolutely ridiculous. It is scandalous—scandalous—when we think about the struggle people go through to keep their families healthy and, at the same time, take care of the bare needs for existence.



In New Jersey, for example, the largest health care insurer is Horizon Blue Cross Blue Shield. Last year, the CEO of that nonprofit, Mr. William Marino, made \$5.4 million—a nonprofit company. Although it is a company without profit, it certainly was pretty darn profitable for Mr. Marino.

Let me be clear. While health insurers and CEOs have made out like bandits, the industry has been increasing premiums relentlessly. According to a new report from the Kaiser Family Foundation, insurance premiums for American families more than doubled during the last 10 years. We see it: three times faster than wages over the last 10 years. That is what has happened with health care.

Premiums, which now average more than \$13,000 a year, are the highest cost on record. The chart shows it very clearly, that this expanding premium cost has gone way beyond the average family to be able to afford to pay the rate.

If today's CEOs cared as much about the public's health as their own financial wealth, our system would not look this way. We are stuffing the greedy and starving the needy. That is the situation we are in.

It is time to reshape health care in this country once and for all. It is time to make the insurance industry accountable so that health insurance works for the people in our country. It is time to lift the curtain of despair so those without insurance can get it, and those who are in dread fear of losing it can stop worrying. It is time to say that in the richest Nation in the world, decent health care belongs to everyone in our country.

The reality is, we spend 1½ times more per person on health care than any other country, and yet even as we pour more and more money into health care, Americans' health has not improved.

Just take infant mortality. The infant mortality rate in the United States is a telling marker of how well a society delivers health care. Infant death rates in our country have been going up for the last 40 years. Now the United States has a higher infant mortality rate than 40 other countries in the world, including Cuba, Sweden, Taiwan, and most of Europe. By any metric, we are not delivering health care in our country fairly, fully, or efficiently, and the time for change is upon us.

Many in this Chamber have been working for decades to reform our system so children, the working poor, and the sick get the care they deserve. No one worked harder than my former seatmate and dear friend, Senator Edward M. Kennedy. Today we are on the verge of a sweeping overhaul. We are proud of Senator Kennedy for all the years he labored so hard.

This Senate and the President and the House must do the right thing for

the health of America's working families. Surely these families and their children are as critical with their contributions to America's well-being as those profiteering from their sweat and toil.

This debate is about our commitment to the millions of Americans who work hard every day, pay taxes, care for their kids, but risk the chance of losing everything because of a single illness. We declare here and now that we will not allow exaggerated profits to breach the primary obligation we have to all of our people to protect them from assault, whether from terror, natural disaster, or from the scourge of disease. In the wealthiest country in the world, no one should be left out and left behind because government won't respond to their cries for help.

I close with a reminder to those in this Chamber that our obligation far exceeds the attention it has gotten over the years; far exceeds any stretch of decency that we can muster; that we do something about it, that we show part of the shame we all feel when we look at millions of people who have no health insurance in this country while we see the compensation and the growth of these companies. I am a corporate person. I come from having run a very large corporation, one of the largest and one of the best in the country called ADP. It has over 240,000 employees. A couple of other fellows and I started that company. I took a look at the fellow who is now running that company. The company made over \$1.5 billion last year and his salary was \$1 million. He does a good job.

Some people here, largely on the other side—almost exclusively on the other side, except for one courageous Senator who stood up and said she is not going to let this go by without trying to do something serious about it—want to take the role of doctors and they want to write a prescription to do nothing but obstruct and say no. They want to say no to those looking to government for help and no to those desperately in need of health care. All they say is no, no, no. I summarize the Republican view and their health care mission. Theirs is a missile gone astray. Kill the Obama presidency with this Waterloo, regardless of the number of casualties among the citizenry. Their victory will be won with the political destruction of the Obama mission.

I say "no" is not the answer. It is time for us to act. I hope our colleagues in this Senate will look in the mirror and see how they would feel if a child suddenly comes up with a condition that is long lasting and that is hard to deal with. I have a granddaughter with diabetes. I have a grandson with asthma. Fortunately, they have good health care. I am able to afford to pay it. But there are lots of people in this country who can't. I would

like one of these people on the other side to stand up with them face to face and say, no, I don't think we ought to help you. I don't think we can afford to help you. I don't think my colleagues with whom I have an industry connection would like it if I helped you.

Too bad. Too bad, I say. I hope we gain some sense and some visibility in this debate over the next several weeks.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR FALLEN HEROES

Mr. UDALL of New Mexico. Mr. President, I rise today to mourn the untimely deaths and celebrate the lives of two New Mexico heroes. One died just last week from injuries he sustained while serving his country in Afghanistan. The other was killed this past June in a helicopter crash after rescuing a stranded hiker lost on the Santa Fe Baldy Mountain.

Both men served their countries with distinction and honor. Both were raised in families with a strong tradition of public service. Both said "Choose me" when they were needed the most. Both paid the ultimate sacrifice. They are Army SFC Kenneth Westbrook and New Mexico State police sergeant Andrew Tingwall. I would like to tell you about them today.

Sergeant Westbrook's career in the military began more than 20 years ago after he graduated from Shiprock High School in northwest New Mexico. He married his childhood sweetheart, Charlene. Along the way, they had three children—Zachary, Joshua, and Joseph.

He served in the Persian Gulf war and did numerous other stints overseas in places such as Korea and Germany. He was a proud member of the Navajo Nation. He loved to hunt and fish, build model military vehicles, and was an expert chef and grill master.

His brother says Kenneth was looking forward to retiring from the military and spending more time with his family when he got the call for one more tour of duty—this time to Afghanistan. As much as he cherished the idea of spending more time with his family, Kenneth knew what he had to do: Of course, I will go, he said. Kenneth believed in the work being done in Afghanistan, his brother said. And if the Army needed him to complete that work, there was no question he would be there.

Kenneth was gravely wounded on September 8 when his unit was attacked by insurgents in Afghanistan. He was quickly flown to Walter Reed Army Medical Center for treatment. That is where I met his wife Charlene and other members of his family. That is where Sergeant Westbrook died from his injuries last week.

Military families are a special group of people. Every day they face sacrifices and challenges the average person can't imagine. They do it with grace and strength and an unwavering belief in the country they call home. That is what I saw the day I visited Charlene and Sergeant Westbrook's three boys. I saw a strength made even more striking when you realize this tragedy wasn't their first.

Four years earlier, almost to the day, another Sergeant Westbrook died. His older brother—SGT Marshall Alan Westbrook—was killed in Iraq when an improvised explosive device detonated near his humvee in Baghdad.

The Westbrooks have given more than most families. Their tight-knit family has paid the ultimate sacrifice, and for the Westbrooks, it happened not once but twice. As Americans, we often take for granted our freedoms, but we should never forget those whose sacrifice makes those freedoms possible.

Sergeant Westbrook will be laid to rest on Friday in Farmington, but he will forever live in the memory of New Mexicans.

This story of New Mexican heroism doesn't end there. I would also like to talk about New Mexico State Police SGT Andrew Tingwall, who was killed last June in a helicopter accident after rescuing a stranded, lost hiker. Sergeant Tingwall is being honored on Friday with a posthumous induction into the New Mexican Military Institute Alumni Association Hall of Fame, which I helped nominate him for. His honor is for Eminence in a Chosen Field. Similar to Sergeant Westbrook, Andy Tingwall's chosen field was service—service to his community, service to his State, and service to his country.

Known as "Ting" to his friends, Sergeant Tingwall graduated from the New Mexico Military Institute in Roswell in 1991 and joined the U.S. Marine Corps shortly after. During his military career, he became a jump-qualified reconnaissance marine and served with Delta Company's Fourth Reconnaissance Battalion. He continued his distinguished career as a New Mexico reservist from 1993 to 1995, when he joined the New Mexico State Police.

Eventually, he became lead instructor for the Training and Recruiting Division of the New Mexico Law Enforcement Academy before joining the New Mexico State Police aircraft section, where he became a pilot. Sergeant

Tingwall proved his merit there, serving as chief pilot of the unit—the youngest man to ever have that title.

Sergeant Tingwall was known by his colleagues, friends, and family for his heroism and love of the sky, saving many lives in his time with the State police. In 2008, he was celebrated as Officer of the Year by the New Mexico Sheriffs and Police Association and would have received a Medal of Valor in June, but for Sergeant Tingwall, that day would never come.

Sergeant Tingwall was in the middle of saving the life of a stranded hiker on June 9 when tragedy struck. He and his spotter, Officer Wesley Cox, had located the stranded hiker and Sergeant Tingwall was transporting her to safety when the helicopter struck a mountainside and crashed.

After the crash, as he had throughout his career, Sergeant Tingwall put the safety of others before his own. Despite being severely injured, he managed to pull the hiker from the wreckage before they both died from their injuries. Sergeant Tingwall was just 36 years old.

Duty, honor, country—three words you hear often when talking about those who commit themselves to a life of public service. Sergeants Westbrook and Tingwall personified those words, both in the way they lived their lives and in the way those lives ultimately ended.

New Mexico is proud to honor these true American heroes. To their families, we say thank you and ask them to accept the thanks of a grateful State and a grateful nation.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 1789 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### THE FEDERAL DEBT

Mr. DURBIN. Madam President, we have had an ongoing debate on the floor about health care reform, its cost, whether it is going to add to the deficit. We had an exchange yesterday or the day before with Senator MCCONNELL, the Republican leader. We talked a little bit about the debt America faces and how this debt came about.

Senator KYL, my Republican counterpart, Republican whip from Arizona

and a friend of mine, came to the floor and carried on this dialog and debate. When you consider the Senate Chamber is supposed to be about debate, it is all good that he would do that. But I do want to take exception to a couple of things my friend Senator KYL said.

Let me say at the outset, between 1998 and 2000, under President Clinton, our Nation ran a fiscal surplus. It is hard for many people now, when they look at a multi-trillion-dollar deficit, to imagine just a few years back we did have a surplus. We actually reduced the Federal debt in those 2 years by \$236 billion, our economy was doing well, creating jobs and businesses. That is what President George W. Bush inherited when he came to office.

Between 2001 and 2009, when President George W. Bush was in office, the economy grew. Normally you would think this period of economic growth would lead to an improved fiscal picture since tax receipts for government usually grow with the economy. Instead, under President Bush our Nation ran deficits during his term of nearly \$7 trillion. The cumulative Federal debt more than doubled under President George W. Bush, who inherited a surplus from President Clinton. It went up from \$5.8 trillion in 2001 to \$12.7 trillion in 2009.

At the end of the Bush administration, the economy faced the worst crisis since the Great Depression, the recession we are now encountering. That is what President Obama inherited when he was sworn in 9 months ago. Back in February, the Congressional Budget Office estimated that, assuming continuation of budget policies that were in effect in January of this year, the Federal budget deficit would average more than \$1 trillion each year over the next 10 years and would climb higher in later years. That estimate was developed based completely on the budget policies that the current President inherited from the previous President. So to argue that the Nation's fiscal woes should be all laid at the doorstep of President Obama overlooks the obvious. Given the soaring debts and woeful economy he inherited, it certainly is not defensible.

America will run a fiscal deficit this year and it will be a large deficit, there is no question about it. In an economy such as this, where there is so little private sector demand, we have tried to create through stimulus packages, re-investment, and recovery good jobs and economic activity that will revitalize our economy.

Why did President Bush have such record-breaking deficits during his tenure? I can tell you that he was the first President in the history of the United States to call for tax cuts in the midst of a war—in fact, in the midst of two wars. Giving tax cuts to the wealthiest people in the Nation during a war is counterintuitive. A war is an added expense to a nation, over and above the

ordinary costs of government, and to cut revenue sources by giving tax cuts to those in higher income categories drove us deeper and deeper into deficit.

In addition, President Bush during his term passed the Medicare Prescription Drug Program. I think it was a good program, although there were changes I certainly would have made before I would vote for it. But the fact is that the President did not pay for it. It was added to the deficit which the current President has inherited. It is little wonder then that the debt grew dramatically during President George Bush's time in office.

Having said all of this, we have to do something serious about this debt. I think we have to focus on putting this economy back on its feet, getting people back to work, making sure that businesses have credit, making certain that the money spent by our government is spent well, without waste. Those are certainly monumental tasks for us to face. But to say that this health care reform is going to add to the deficit is to overlook the obvious. President Obama has told Members of Congress: Don't send me a health care reform bill if it adds to the deficit. The Senate Finance Committee bill that passed this week did not add to the deficit. In fact, it reduced the deficit over a 10-year period of time. So we have taken President Obama's admonition seriously.

In a week or two, we will start the debate over the future of health care in this Nation with the understanding that whatever we do has to be paid for, that we cannot leave it as a debt to future generations. It is an awesome responsibility and challenge we face. It is one I think we are up to, that the American people would feel Congress had dropped the ball and had failed if we do not end up with health care reform. We have a lot of issues to work out among us. I hope Senator SNOWE on the Republican side will be joined by other Senators who can in good faith join in trying to solve some of these awesome problems we face, problems we have inherited. It is a major responsibility and one we accept with the leadership of the President to help us find that solution.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE NATIONAL DEBT

Mr. SESSIONS. Madam President, the American people are rightly very concerned about the reckless spending

being conducted in Washington spending that has resulted in huge national deficits. People sometimes think that Republicans and Democrats are just bickering, but the truth is that we have never had deficits such as these in the history of our country—perhaps only during the peak of World War II, when we were in a life-and-death struggle with millions of men and women in combat from one end of the globe to the other.

The fiscal year 2010 deficit is \$1.4 trillion. It is predicted to average \$1 trillion for the next decade, without relief in the outyears. People often ask me: When are we going to start paying it back? There is no plan to do so. There is not even any plan to reduce the size of the deficit. In years 8, 9, 10, we are talking about over \$900 billion in annual deficits. Interest today on our total debt is \$170 billion, will rise to \$800 billion in 1 year and that is just the interest on the money we must borrow in order to carry these deficits that are not being reduced in the out-years. It is unthinkable.

A lot of people think that the high deficit is due to costs from a health care reform bill. Health care reform will add to the deficit, but is not currently counted in the numbers I referenced because the Congressional Budget Office did its scoring before any health care bill was written. We don't have a final bill, so CBO couldn't score it accurately anyway.

The public debt will go from \$5 trillion to \$11.7 trillion in 5 years and triple to \$17 trillion in 10 years, tripling the national debt. The total debt from the founding of the American Republic will be tripled. That is a big deal.

My colleague, Senator DURBIN, and our Democratic colleagues have taken great pleasure in attacking President Bush. I was critical of President Bush's spending, but his average deficit was \$250 billion, which was too much and big. However, this year's deficit is going to be \$1.4 trillion. That is the deficit as of September 30, for this fiscal year. And we will carry an average deficit \$900 billion annually in the coming years. You can blame the origins of the deficit on President Bush if you want to, but President Obama's budget for the next 10 years, scored by the Congressional Budget Office, continues to score deficits at \$900 billion. Regardless, we are spending too much money. Republicans are guilty of it, and so are the Democrats. They promised to do better after they got elected this time, but I haven't seen any progress, frankly.

The media has reported recently that the valuation of the Finance Committee's health care bill by the Congressional Budget Office was quite positive. They said—you may have heard the phrase—that it was deficit neutral. How did that happen? How can you add millions of people to the rolls of in-

sured, and subsidize insurance for low-income people, all without having a cost? We need to examine that.

The CBO says the Finance Committee bill would cost \$829 billion over 10 years, but they say it is not going to increase the deficit. It will increase the number of people covered but not increase the deficit.

The Washington Post wrote:

The Finance Committee's bill is the only legislation on the table that meets Obama's objectives [ . . . ] all for less than \$900 billion over 10 years, and without adding to the deficit.

So that has been the spin. That has been the statement from the media.

The President said in his September address to Congress that he would not sign a health care reform bill that adds one dime to the deficit. Senator BAUCUS, the Finance Committee chairman, said:

Our balanced approach in the Finance Committee to health reform has paid off once again.

He said the bill was "a smart investment on the federal balance sheet." Would that it were so, but that is not an accurate statement. The American people know you cannot expand coverage for millions of the uninsured without incurring cost. There is no such thing as a free lunch. Money borrowed has to be repaid. If you make obligations to expand the federal government's role in our health care system, you must have the money to back it up.

So how can the CBO make such a report? It is not because they are dishonest. It is because they scored the bill the Washington way, and the bill was written by Members of this body and staff who understand the Washington way. They write the bill in such a way to hide its true cost. Republicans have done this in the past, but we are reaching new levels of it today.

Under the Baucus plan, true costs are hidden. The bill's requirements that all individuals have insurance does not fully phase in, for example, until 2014. However, new fees on insurers, medical device companies, drug manufacturers and cuts to hospitals and doctors take effect almost immediately. For example, hospitals will take cuts and see more patients beginning in 2010, but individuals are not required to have insurance coverage until 2014. If you are an insurance company, you will face increased taxes and new annual fees beginning in 2010, but again—individuals are not required to have insurance until 2014. Doctors' pay is kept stable in 2010, but under the Finance Committee legislation, doctors are expected to take a 25-percent pay cut beginning in 2011.

Why have we been engaging in these budget gimmicks? Both parties have been guilty of doing this. Why don't we just make the difficult decisions? We have succeeded in balancing the budget

in the past. But under the Sustainable Growth Rate formula as it applies today, our physicians the people that take care of us—would take a 25-percent cut in 2011. So, Congress fixes the formula, so to speak. We now call it the doctors' fix. We arrange for a short-term solution that keeps doctors' pay from being cut, but do not address the larger problem. If Congress were to fix the physician pay formula for 10 years, we would have about \$300 billion more in costs to figure in to our budget as a deficit. The proposal that came out of the Finance Committee proposes to raise the doctors' fees for 1 year. It does not propose what is absolutely necessary: a 10-year fix for doctor pay. So, the Chairman acts as if an update to doctor pay will not happen in 2011 so that the bill does not have to reflect the true costs. And Congress will update doctor pay, as it has every year since 2002.

The bottom line is this: the true costs of the Finance Committee bill will not begin until the new provisions are all phased in in 2014.

The Senate Budget Committee estimates—and I am a member of the committee—show that the Finance Committee bill cost for 2014 to 2023 is actually \$1.8 trillion. So although CBO says that it costs \$829 billion from 2010 to 2019, if you look at numbers from 2014 to 2023, the cost is \$1.8 trillion—twice as much—because the full benefits and expenses don't kick in until then that period.

Budget gimmicks used to offset the bill are misleading. This is not an honest way to represent the bill's costs, and it is designed for political reasons. It is designed to make the score look better than it is and to hide the true cost of enacting this legislation.

Let me use a chart.

The PRESIDING OFFICER. The Senator has used the existing time limit.

Mr. SESSIONS. I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. The Senate Finance Committee bill is paid for in a number of ways. Perhaps one of the most unjustified claims is that we are going to produce \$404 billion in cuts to Medicare and Medicaid to fund an entirely new program.

First, it is doubtful that Congress will actually vote to cut \$400 billion from Medicaid and Medicare. However, CBO must assume we are going to cut it because that it included in the Finance Committee bill. CBO also assumed in their budget that we were going to raise a lot of tax money by being more efficient in tax collections last year, but those new collections did not materialize either. The IRS said they wouldn't get them, and they were right. Our number one priority, if we were to somehow make Medicaid and Medicare more efficient and more hon-

est and more effective and more productive and save \$300 billion, that money should stay in Medicare and Medicaid. Medicare is going broke. We know that to be true. Medicare experts and the trustees issued a dire warning that unless measures are taken to shore up the program, it will be insolvent by 2017. We have known that for a long time. These \$400 billion in cuts is very unlikely to happen. The rest of these basically are new taxes. I do not have time to go into them now.

But imagine this scenario: your family is running in a shortfall and you do not have enough money for your business and you have agreed that you would take on a Saturday job to make more income, would it be smart to buy a new car? You have a debt. You are trying to pay it down.

You take on more taxes, take on another job to bring in more income, but, in the midst of that, you start a new spending program? That is exactly what the Finance Committee bill proposes. Instead of getting Medicare on a sound footing, this bill raises taxes to create a new program. Supporters act like we should be thankful because it is deficit neutral, they say. That is not accurate. I know it, and every Senator in this body ought to know it if they have been around here very long.

I am sorry about where we are headed. This sort of scoring is the kind of flimflam financial management that has put us on the road to tripling the debt of the United States in 10 years. It is an abomination. Our children will be paying interest on our debts for the rest of their lives. Indeed, the interest on our national debt today is \$170 billion. In 10 years, CBO says it will be \$800 billion a year. Yet we spend only \$100 billion a year on education, by contrast.

So I say, somehow we have to slow down, make some difficult choices, and recognize that we do not have the money to do everything we would like to do. We do not have the money, and Congress must be more serious and more committed to improving Medicare, saving the program, and not going hog wild with new programs that we do not have the money to fund.

I thank the Chair for allowing me to go over and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE DEFICIT

Mr. DORGAN. Madam President, I know my colleague from South Dakota is waiting. I will try not to consume the entire 20 minutes. But let me first talk about deficit for a moment, since my colleague from Alabama described that.

I do not think there is anyone in here who takes a look at the fiscal policy we are on—and have been on for a long time—and feels very comfortable about it. It is not sustainable and we have to change it. But I do want to say this. It was not too long ago that this country went to war and, at the same time, cut taxes and did not pay for a penny of the war. In fact, even now we have people saying: Let's send 40,000 more troops to Afghanistan. I do not hear anybody suggesting we pay for that. What is that going to cost?

I will talk next week about my interest in what is happening in Afghanistan. I have been there. I have some real concerns about sending a lot of additional troops to Afghanistan and about our vital national interests. But let me say, whether it is fighting a war or deciding to send 40,000 more troops to another country, it costs money. Is everybody here willing to pay for it? Anybody willing to pay for it?

We have talked about this for years. We are in the middle of a war. We send men and women to the battlefield, and the fact is, not a penny of it has been paid for. In the previous administration, they insisted on tax cuts and pursuing a war strategy in Iraq and sending troops to Afghanistan and not paying for a penny of it. That also results in Federal budget deficits, and we have to resolve them.

The fact is, we cannot continue to describe a level of government the American people are unwilling or unable to pay for, and we have to get this fiscal policy under some control. Republicans and Democrats together are going to have to reconcile this. We must do it.

#### WALL STREET

Mr. DORGAN. Madam President, I came to the floor to talk about something else today. On the way to the Capitol this morning, I was thinking of this: a quote by Will Rogers. I heard on the radio again today that we have a couple things going on. No. 1, we have a whole lot of folks who have lost their home in the last quarter, with a record number of home foreclosures in our country—and then, in the same newscast, \$140 billion in bonuses to be paid by the major firms on Wall Street. I am thinking maybe these are two different countries or at least two different economies. Here is what Will Rogers said many decades ago. He said:

The unemployed here ain't eating regular, but we'll get around to them as soon as everybody else gets fixed up OK.

The unemployed "ain't" eating regular, but we will get around to them when everybody else gets fixed up.

Well, last year we watched some big shots steer this economy into the ditch. It caused an unbelievable financial wreck. It has had an impact on everything in this country. The fact is, we need to reform the system that allowed that to happen. But—do you

know what?—as to the story I heard this morning about \$140 billion of expected bonuses to be paid by the top 23 firms on Wall Street, the fact is, less than a year later, after the economic collapse in this country, we see these stories:

The U.S. has lent, spent or guaranteed \$11.6 trillion to bolster banks and fight the long-term recession in 70 years.

By the way, “banks” here mean the biggest financial institutions in the country.

The Wall Street Journal, August 31 of this year:

Wall Street is suiting up for a battle to protect one of its richest fiefdoms, the \$592 trillion over-the-counter derivatives market. . . . Five U.S. commercial banks, including JPMorgan Chase & Co., Goldman Sachs Group Inc. and Bank of America Corp., are on track to earn more than \$35 billion this year trading unregulated derivatives contracts.

This story is what we have been reading day after day.

Steven Pearlstein: “The Dust Hasn’t Settled on Wall Street, but History’s Already Repeating Itself.”

The Wall Street herd is at it again. Even as the cleanup crew is carting away the debris left by the last financial crisis, the investment banks, hedge funds and exchanges are busy working on the next one.

I will go through these in a hurry because there is a narrative here that is pretty easy to see.

The New York Times: “A Year Later, Little Change on Wall St.”

One year after the collapse of Lehman Brothers, the surprise is not how much has changed in the financial industry, but how little.

. . . banks still sell and trade unregulated derivatives, despite their role in last fall’s chaos.

The Washington Post, September 15: “The Wall Street Casino, Back in Business.”

Wall Street’s actual role is more like that of a giant casino where the gamblers are rewarded for taking outrageous, unconscionable risks with other people’s money. If the bets pay off, the gamblers win. If the long-shot bets turn out to have been foolish, we’re the ones who lose.

The Washington Post, September 8: “A year after Lehman, Wall Street’s Acting Like Wall Street Again.”

[Wall Street] still operates on the principle of taking care of itself first, really big and [most] important customers second, everyone else last.

The Wall Street Journal, August 22: “Bankers Play Dress Up With Old Deals.”

Irresponsible securitization helped bring the financial system to its knees. Yet, as banks start to heal, little seems to have changed. Wall Street has quickly fallen back on old habits.

The Washington Post, September 11: “Wall Street’s Mania for Short-Term Results Hurts Economy.”

It’s been a year since the onset of a financial crisis that wiped out \$15 trillion of

wealth from the balance sheet of American households, and more than two years since serious cracks in the financial system became apparent. Yet while the system has been stabilized and the worst of the crisis has passed, little has been done to keep another meltdown from happening.

The Los Angeles Times: “The Financial Meltdown: Crisis has not altered Wall Street.”

Bellwether firms led by Goldman Sachs Group are churning out mouth-watering profits. Risk-taking and aggressive securities trading are mounting a comeback. And compensation—the lifeblood of Wall Street—is pushing back toward pre-crisis levels.

The Wall Street Journal, October 14: “Wall Street On Track To Award Record Pay.” That was yesterday.

Major U.S. banks and securities firms are on pace to pay their employees about \$140 billion this year—a record high. . . .

Total compensation and benefits at . . . firms analyzed by the Journal are on track to increase 20% from last year’s \$117 billion—and to top 2007’s \$130 billion payout.

Total compensation and benefits at 23 major Wall Street firms—this, from the Wall Street Journal—you can see what has happened—2009—a record in the last 3 years. Nothing has changed. CNN news:

. . . there really is . . . this disconnect still between what’s happening on Wall Street . . . and what’s happening with the every day Joe. We talked about record home foreclosures once again, as we said these problems with employment, worries about whether benefits, jobless benefits are going to continue.

On the flip side, . . . major banks and security firms are on pace to pay employees \$140 billion this year . . . a record high.

And so it is. It was said once that investment banks are to productive enterprise like mud wrestling is to the performing arts. Well, I don’t know, I guess that was tongue in cheek. We need investment banking in this country. It is essential for the creation of capital. It can, working properly, assist this country, and has assisted this country in lifting our economic opportunities.

But we have all too often, in recent years, seen the creation of exotic financial instruments that have almost nothing to do with creating wealth, except for those who trade them and those who created them. That is what steered this country into the ditch. CDOs, credit default swaps, unregulated derivatives, dark money—a lot of people got wealthy trading it. The fact is, it created an unbelievable bubble of risk that began to wind this economy down and finally steered this economy into a serious wreck last fall. The question is, What do we do about that? Well, when you hear on the same newscasts that we reached a record number of home foreclosures and people are still losing their jobs, and then, on the other hand, we see the very same interests that have been at the trough of the Federal Reserve Board for at least \$8 trillion, at risk by the taxpayer, in

loans and commitments to some of the biggest financial enterprises in the country and then you see \$140 billion in compensation and bonuses from those firms? There is something disconnected here.

I want our financial system to work. I am not someone who comes to the floor of the Senate who says investment banks are worthless. That is not my point. We need investment banking. But we also need to understand we cannot take FDIC insured banks, those that are insured by the Federal Government, and decide it is OK if you trade on your own proprietary accounts on risky enterprises such as derivatives. That is all right. That is not all right. They may just as well put a keno pit or a craps table right in the middle of the bank lobby. Just call it what it is. It is simply flat-out gambling with the taxpayers’ money.

As we end this issue of financial reform, there are a lot of ideas around. What do you do to make sure this does not happen again? I wish to make this point: There is a doctrine called too big to fail. We have seen it in practice in the last year: interests that are too big, banks, investment banks especially, that are too big to fail, and so it is no-fault capitalism. Whatever risks they have taken, whatever losses they have had, the taxpayer picks that up to the tune of \$11 trillion in exposure from Federal programs.

Well—do you know what?—when the dust is settled, and whatever is done on financial reform, if we do not address this issue of too big to fail, shame on us. In fact, the very firms that are declared too big to fail are now getting bigger, supported by the Federal government, and that is flat wrong.

Let me quote Professor Joseph Stiglitz:

. . . our bail-outs run the risk of transferring large amounts of money . . . to those banks that did the worst job in risk management. . . . In effect, the government is tilting the playing field—towards the losers.

Paul Volcker says:

I do not think it reasonable that public money—taxpayer money—be indirectly available to support risk-prone capital market activities simply because they are housed within a commercial banking organization.

The question at the end of the day is, Are we going to address these things, such as too big to fail and get rid of no-fault capitalism and see if we cannot push investment banking to that which it used to be? I hope so. But on today, a day in which we hear of record home foreclosures and \$140 billion in bonuses and compensation on Wall Street, I just say there is some huge disconnection in this economy of ours and it is something we ought to care about and something we ought to do something about.

This country works best when we lift the country, when we expand the middle class, when we have jobs available

to people who want to work. There is no social program in this country as important as a good job that pays well. That is what makes everything else possible.

But this question of financial healing—when, first, the healing occurs to those who caused the problem, and the healing occurs in record compensation, \$140 billion, at a time when other people are struggling to pay their grocery bills, struggling to buy the medicine they need, struggling to make their house payment because they have lost their job, there is something missing in this country.

My hope is, when I see all these stories about Wall Street—the same old Wall Street, nothing has changed, going right back to the same old risk, right back to the same old risk because they know, they have learned in the last year, whatever they lose, the American people will pick up the tab—this Congress had better say to them: No more, no longer, never again. Too big to fail is a doctrine that cannot continue to live at the Federal Reserve Board or in this government. It is time those at the top at the biggest institutions who take the biggest risks, when they lose—it is time they lose, not the American people.

So we are headed toward financial reform. When that happens, I will be on the floor of the Senate talking about the too-big-to-fail doctrine and how we are going to end it, and quickly.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. THUNE. Mr. President, earlier this week the Senate Finance Committee, by a vote of 14 to 9, reported out its version of health care reform. That makes now five committees that have acted on this issue, five committees of jurisdiction—three in the House of Representatives and two in the Senate—all of which have now at least put out their products. But I say that loosely because what emerged from the Senate Finance Committee was not, in fact, legislative language; it was a concept paper. It is yet to be reduced to legislative language. That will take some time, I suspect, because many of the concepts that were included in the concept paper are pretty complex.

So what is happening now on the issue of health care reform, at least in the Senate, is in the leader's office. The chairman of the Health, Education, Labor, and Pensions Committee is meeting with the chairman of the Finance Committee, and I suspect a num-

ber of the members of the White House to hammer out what will eventually be the bill I suspect will come to the floor of the Senate. I say that only because the process has been very much flawed from the beginning. It is not one that is inclusive in terms of allowing ideas from our side of the aisle to be incorporated. It has not been a bipartisan process, to say the least.

My guess is that at the end of the day, what comes out of the leader's office will be a very different bill than anything we have seen so far. But I think there are certain characteristics in that bill that have been in all of the bills. I think we know a few basic things about all of the bills so far that are consistent, those things that have not changed.

The first one is it will lead to higher premiums. The second one is it will lead to higher taxes. The third one is it will include cuts in Medicare. So those three basic characteristics are the same with regard to all of the bills, the three that have emerged from the committees in the House of Representatives and now the two that have emerged from Senate committees and are currently being married up in the leader's office.

I predict when that bill comes to the floor of the Senate, the American people will have the same thing to look forward to that they have now with all of these various bills: higher premiums, higher taxes, and cuts in Medicare. Why is that significant? It is significant for this reason: Health care reform, at least as stated in terms of its purpose, is to lower costs. For the past decade and beyond we have been talking about health care costs in this country and how we have to do something to rein in the escalating costs people deal with every single year for health care and double-digit increases in health care costs for many of those years.

So the whole purpose of health care reform, at least my understanding of it, and I think as stated by the President and others, is that we need to rein in and get control of health care costs in this country. That is why it is ironic that of the five bills so far that have emerged from House and Senate committees, none bend the cost curve down. All increase premiums for people in this country, increase the costs for health care coverage.

In the Senate Finance Committee bill—the most recent version, which, as I said earlier, was reported out this week by a 14-to-9 vote—there wasn't a direct assessment or estimate of what that increase in premiums would be. There were simply generalized comments by the Congressional Budget Office that, yes, these increased taxes in the bill would be passed on generally dollar for dollar. In other words, the taxes that are imposed—a 40-percent excise tax on some of these insurance

companies—would be passed on in the form of higher costs or premiums to health care consumers in this country without being more specific or quantifying in any more precise way what those increased costs would be. Nevertheless, they said basically the same thing we have seen in all of these various bills, and that is that health care costs—coverage, premiums—are going to go up. We are going to have higher premiums.

In the last week or so we have now seen two studies where independent analysts have looked at this and concluded the same thing. In fact, the PricewaterhouseCoopers study from a few days ago went so far as to say if you are an individual buying in the individual marketplace, you are going to see your health care premiums go up about \$2,600 if this bill becomes law. That would be in the year 2019 at the end of a 10-year window, which is what the people who analyze these things look at. So it is about a \$2,600-per-person increase in premium if you are buying on the individual market.

If you are a small employer who is employing 50 or fewer employees or an individual who is employed at one of those small businesses, you would see premiums increase \$2,100 if you are an individual. If you are a family, you would see premiums increase \$5,400 under the bill that was produced and emerged from the Senate Finance Committee. So whether you are an individual buying on the individual marketplace or whether you are getting your insurance through your employer, you will see higher premiums, higher health care costs according to this analysis. If you are a family, it is the same thing. It is just a varying difference in the amounts, but it is anywhere from \$2,100 up to \$5,400 of increased premium costs, according to the PricewaterhouseCoopers study.

This week there was a study released by Oliver Wyman which came to the conclusion that if you buy your insurance on the individual marketplace, you will see a \$1,500 increase for single coverage and \$3,300 for family coverage annually. That is exclusive of inflation. That doesn't include the normal inflationary costs that we deal with year in and year out for health care in this country. This study concluded the same thing the PricewaterhouseCoopers study did; that is, whether you buy on the individual marketplace, whether you get it through your employer, if you are an individual or you are a family, you will see higher premium costs. As I said, in this particular study, it is \$1,500 for single coverage, \$3,300 for family coverage annually.

They also broke it down State by State, which is important because I think everybody wants to know how this is going to impact our constituents, including my constituents in

South Dakota. In this particular case, if you are someone buying on the individual market and you are an individual buying a single policy, you will see your health care premiums go up 47 percent. If you are someone who has a family buying on the individual marketplace, buying a family policy, you are going to see your premiums go up 50 percent. If you are in the small group market, if you have the good fortune of being in a larger group, you will see, if you are an individual, your premiums go up 14 percent. If you are a family in a small group market, you will see your premiums go up 15 percent, exclusive of inflation. So those are two recent studies where independent analysts have looked at the bill produced by the Senate Finance Committee and concluded there would be significant increases in premiums and in what people would pay for health care in this country.

So it begs the question: How is this reforming health care? The stated purpose of health care reform is to lower costs, to drive down costs for individuals and families. As you can see from these studies, that certainly isn't the case. Of course, the Congressional Budget Office, as I said earlier, indicated in response to questioning about the Senate Finance Committee that although they hadn't drilled down and figured out exactly what those premium increases would be, that inevitably you would have higher premium costs simply because the taxes imposed under the legislation would be passed on to health care consumers, and everybody who is buying health care out there would see their premiums increase, generally speaking, dollar for dollar. That was the conclusion of the Congressional Budget Office.

So higher premiums, that is the first thing we know about all of the health care reform plans so far that have been put forward.

The second thing we know as well, with certainty, is that they all include higher taxes. The House versions of this legislation used payroll taxes. They have an employer mandate—what we refer to as a pay-or-play mandate. There are additional, I guess you would say, “add-on” taxes for people who are in higher income categories, so they finance it with different forms of taxes. The tax increases proposed by the Senate Finance Committee—as I said earlier, there is an individual mandate, so if you don't have insurance, you will pay penalties. That will be a certain tax or fee on individuals in this country which will hit a lot of lower income individuals. But the insurance companies which would be hit with these tax increases, of course, would then pass those on to health care consumers. So, again, we see increases in taxes.

What the Congressional Budget Office did with respect to the issue of taxes is, it did go so far as to say where

that tax burden would lie. Under the Congressional Budget Office estimate, 89 percent of the higher taxes in this bill produced by the Senate Finance Committee would fall on those wage earners, those taxpayers in this country earning less than \$200,000 a year. They went so far as to say that, I think it was 71 percent of those—and that was in the year 2019—71 percent of that tax burden would fall on those earning under \$200,000 a year when the bill initially kicks in.

So we are going to see significantly higher taxes on people making under \$200,000 a year, according to the Congressional Budget Office.

The Joint Committee on Taxation has also analyzed this issue, and they came to some conclusions earlier this week as well, one of which was that, similarly, we would see almost 90 percent of the tax burden under this bill falling on those households with incomes under \$200,000 a year. They went so far as to say that more than half of the tax burden would fall on those households with incomes under \$100,000 a year. So almost 90 percent of the tax burden falls on wage earners, taxpayers with incomes under \$200,000 a year, and over half of the tax burden falls on those wage earners, those taxpayers with incomes under \$100,000 a year. That is according to the Joint Committee on Taxation.

So what does that mean? Well, that means the President's promise that health care reform would not impose taxes on those earning less than \$250,000 is just a bunch of hot air. It just doesn't add up. We have the Joint Committee on Taxation and the Congressional Budget Office all saying that the disproportionate share of these taxes—the tax burden—about 90 percent is going to fall on \$250,000 and under and over half, over 50 percent of the tax burden, falling on income earners, wage earners, taxpayers in this country with under \$100,000 in income.

So the whole idea that somehow working families are going to be spared from the higher taxes under this bill just doesn't hold water. So what we are going to see in this bill is not only higher premiums that are going to affect people across this country who are expecting, because they have heard that health care reform is supposed to lower their health care costs—they are going to see higher premiums. Premiums are going to go up. They are also going to see their taxes go up, and go up significantly because if you look at the Joint Committee on Taxation—and this is a letter that was written in response to questions that were raised by members of the Senate Finance Committee, and it says:

Subsidy phase-outs raise marginal tax rates because for every additional dollar you earn, you are eligible for a smaller subsidy, imposing potentially high effective tax rates on that additional dollar and reducing your incentive to earn that additional dollar.

According to the Joint Committee on Taxation, families earning 150 percent of the Federal poverty line—and that is \$32,200 of income in this country; that is, 150 percent of the Federal poverty line—will face an effective marginal tax rate of 59 percent, meaning that for every additional dollar these taxpayers earn, they are losing 59 cents of it in foregone subsidies in taxes: Effective marginal tax rate, 59 percent on a wage earner who is making—that is 150 percent of the Federal poverty level or \$32,200. So there are lots of higher taxes in this legislation and lots of higher premiums.

Of course, the final point I will mention, and the other point we know is consistent in all the bills, is significant cuts in Medicare. Under the Senate Finance Committee, there is almost a half trillion dollars' worth of cuts in Medicare in the form of Medicare Advantage, which is about \$133 billion that will be cut out of seniors who are receiving benefits under Medicare Advantage: hospitals, home health agencies, hospices, pharmaceuticals—everybody gets a haircut under this proposal, all of which I would argue is unlikely to happen. Here is why.

Anytime Congress has enacted changes in Medicare that were designed to achieve savings, they inevitably go back and reverse course. We have lots of history to support that assumption. But, nevertheless, let's assume for a minute these taxes did occur.

A \$500 billion, or  $\frac{1}{2}$  trillion, cut in Medicare that impacts seniors and health care providers in this country will be one of the results of the reform legislation that is being proposed by the Democrats in the Senate. The Finance Committee's version of that is the most recent. So that is  $\frac{1}{2}$  trillion in Medicare cuts,  $\frac{1}{2}$  trillion in tax increases, and \$1.8 trillion in new spending when it is fully implemented.

There was sort of a smoke-and-mirrors approach used to shield the true cost of this by having the revenues kick in immediately. The tax increases kick in right away, but the actual costs under the plan don't kick up for about  $4\frac{1}{2}$  years. You have all these tax increases hitting people right away, and so the 10-year cost of this is understated significantly. CBO said \$829 billion over the first 10 years. I think the important number to look at is what is the cost of this when fully implemented over a 10-year period. It is \$1.8 trillion. That is \$1.8 trillion in new spending, which is financed with higher taxes, cuts in Medicare, and, ironically, no savings to health care consumers because every analysis done says it is going to lead to higher premiums. I argue as well, in addition to higher premiums, there will be higher taxes and Medicare cuts.

You are also going to see a significant reduction in the quality of service in this country, as you have more and



more government expansion in Washington, DC, more and more government involvement in the decisions that are made. The government will now put mandates on what types of policies meet their threshold, their standard. I think, inevitably, in every model around the world where you have that level of government intervention, it leads to a rationing of care, denials of care, and delays with respect to care.

I argue that the whole idea of this being characterized or labeled as reform is completely mislabeled. There is nothing that is reform about this. It raises premiums, raises taxes, and cuts Medicare. I think you are going to see, in addition to that, diminishment in the services that are available to people in this country through many of these programs.

What is the alternative? We believe that rather than throwing the entire health care system overboard in this country, we ought to be looking at what we can do on a step-by-step basis to improve it. Republicans have offered a number of alternatives. We can allow buying insurance across State lines. We believe interstate competition in buying insurance would put downward pressure on prices in this country. That is a good solution. We can have small business health plans, allowing small businesses to join groups. Group purchasing power will bring downward pressure on insurance prices. By the way, that is something a number of us voted for many times here in the Congress. It has always been defeated. Also, we can deal with the issue of medical malpractice reform, which, according to CBO, has significant savings—\$54 billion. That applies to the government side of health care. If you extend that to private health care—I think there are estimates that defensive medicine in this country costs \$100 billion to \$200 billion annually. So if you could address that issue that deals with litigation costs and defensive medicine, you would see savings grow over the estimates of the CBO.

Having said that, those are several things, just off the top right there, that we think are step-by-step improvements in our health care system in this country. That doesn't throw overboard everything that is good about American health care. It doesn't move us toward a government plan or a single-payer system like they have in Europe, Canada, or someplace like that. It preserves the competition we have in the marketplace today and a market-based delivery system for health care in this country.

We will continue to talk about those ideas, as well as many others, including providing tax credits that will give access to health care for those who don't have it. There is a way to do that that is very simple.

By the way, the Baucus bill, the Finance Committee bill, still leaves 29

million people in this country without health insurance. In spite of \$1.8 trillion in spending, new taxes, higher premiums, and everything that goes with that, you are still not getting many of the people who don't have health insurance covered.

We think the bill that will be brought before the Senate—we don't know what it is at this point because it is being written behind closed doors—is the wrong approach, and the correct approach is a step-by-step process that addresses the shortcomings, the flaws, and attempts to fix those in a way that doesn't bust the bank or the budget, that doesn't raise taxes on consumers and raise premiums for health care consumers, and that doesn't cut Medicare for seniors across this country and for many of the providers that are out there.

Mr. President, I hope that as the American people listen to this debate, they will engage on this issue; that the bill—whatever comes out of the discussions going on in the leader's office, I hope there is an ample amount of time for the American people to analyze it and for Members of the Senate to digest it. This is literally one-sixth of the American economy. We are talking about reorganizing one-sixth of our entire economy. We should do it with great deliberation and great diligence and with a great amount of care and, I argue, not by throwing the current system overboard and wrecking it but by taking a step-by-step approach that improves the system we have today and provides access to those who don't have health insurance and does something to bend the cost curve down and drive health care costs down rather than raising them, like all the bills that have been produced by the Democratic majority in the Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I wish to spend a few minutes talking on an issue that I think is of concern to tens of millions of senior citizens. Before that, I ask unanimous consent for Senator CHAMBLISS to follow me on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SOCIAL SECURITY

Mr. SANDERS. Mr. President, as you know, today the Social Security Administration announced there will be no COLA, or cost of living increase, next year for more than 50 million seniors. That is the first time in 35 years that situation has occurred, and it worries me very much.

About a month ago, I introduced legislation which the occupant of the chair is a cosponsor of, along with Senators LEAHY, DODD, STABENOW, BEGICH, and CASEY.

I ask unanimous consent to add Senator MIKULSKI and Senator TOM UDALL as cosponsors of S. 1685.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. We are all saying that in the midst of this major economic downturn, the worst recession since the Great Depression, while we are keenly concerned about the 9.8 million Americans who are unemployed officially, the Americans who have given up looking for work, the millions of Americans who are working part time when they want to work full time—when you add that all together, that is something like 17 percent of our workforce, about 26 million Americans. We are concerned about that issue, and we have to do everything we can to make sure we get this economy going in a way that benefits not just Wall Street but ordinary Americans.

While we remain concerned about the need to start creating the millions of jobs the middle class in this country desperately need, we cannot turn our backs on the senior citizens of this country. What we are seeing today is that millions of seniors are facing extremely high prescription drug costs. They are facing very high health care costs. We have to address that issue.

The legislation I introduced—and it was introduced by Congressman DEFazio in the House—would provide a one-time \$250 payment for more than 50 million seniors and disabled veterans. We would pay for that cost of about \$14 billion by raising the Social Security tax on people who earn between \$250,000 and \$359,000, on a 1-year basis—about \$14 billion.

What I am delighted about is that yesterday President Obama announced his support for the concept of a \$250 one-time payment to our seniors on Social Security and to disabled veterans. He did not yet determine, in his judgment, the best way to fund that program. I think it is a real step forward that he is doing that. I am delighted that the majority leader, Senator REID, has also been very strong on saying we have to make sure our seniors get some help this year, as has Speaker PELOSI and the chairman of the Ways and Means Committee, Congressman RANGEL. I think we are making some real steps in the right direction.

Let me quote what the President said because I think he was right on:

Even as we seek to bring about recovery, we must act on behalf of those hardest hit by this recession. That is why I am announcing my support for an additional \$250 in emergency recovery assistance to seniors, veterans, and people with disabilities to help them make it through these difficult times. These payments will provide aid to more than 50 million people in the coming year, relief that will not only make a difference for them, but for our economy as a whole, complementing the tax cuts we've provided working families and small businesses through the Recovery Act.



I very much appreciate that support from the President.

The bottom line is that this legislation is now in our jurisdiction. My hope and expectation is that we are going to move it as quickly as possible. With the President's support, we should be able to accomplish that in a short while.

In Vermont, I can tell you there are many seniors making the difficult choice about whether or not to heat their homes or pay for prescription drugs. Those are choices Americans should not have to make. Many seniors are also going to be seeing an increase in the cost of Medicare Part D.

If we do not deliver on this one-time \$250 payment, you are going to see millions of seniors with a reduced amount in their Social Security check. That is not acceptable.

I think we are making some progress on this issue. Again, I thank Senator REID for his strong support, Speaker PELOSI for her support, and most important, the President for his support. Let's get this done on behalf of seniors and disabled veterans. I think we will have done something that is very important.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RETIREMENT OF FURMAN BISHER

Mr. CHAMBLISS. Mr. President, I rise to honor a giant in the world of journalism, Furman Bisher.

Last Saturday, after nearly 60 years of elegant observation of the sports world for the Atlanta Journal-Constitution, my friend Furman Bisher pecked out his last and final column before retirement on the thinning keys of his trusty, old Royal typewriter. His choice of instrument to convey his thoughts in this age of instantaneous, inane chatter says a lot about why newspaper readers, after all these years, have continued to seek out his column on the AJC's sports page.

It all comes down to this: Furman's graceful prose, courtly voice, and sharp observations are unfailingly backed up by his old-fashioned shoe-leather reporting. He gloried in doing his homework, making that extra call, interviewing one more player or assistant coach or trainer in order to breathe even more life into the game or the race or the fight for his readers.

It is also why Furman has become a Georgian—and American—institution.

Simply put, Furman Bisher loved sports and he loved journalism. At age

90, he was still driving out on summer nights to cover minor league baseball games.

In his career, Furman scored many journalistic knockouts, including a 1949 interview with Shoeless Joe Jackson, the only one Jackson ever gave regarding his involvement in the 1919 Black Sox scandal.

He got stock tips from Ty Cobb and watched every Masters, including Jack Nicklaus's 1986 Masters victory, which he gloried in. He sat in the press box at countless Falcons games at Atlanta-Fulton County Stadium and the Georgia Dome and covered the Olympics, both winter and summer.

He wrote 11 books, including co-authoring two editions of a Hank Aaron autobiography. At the Masters Tournament in Augusta every April, Furman reigned among the azaleas and oaks as the dean of the sports press corps.

In a testament to his longevity in a tough business, Furman has covered every Kentucky Derby since 1950 and every Super Bowl but the first one.

Furman even branched out into TV. Although I did not grow up in Atlanta, I have heard from many people that preachers across the city would cut a sermon short so that their congregations could be home for Furman's kickoff on "Football Review."

Along the way, he earned the respect of his colleagues and the loyalty of his readers, garnering writing awards too numerous to mention. Red Smith is acknowledged as probably the dean of all journalists from a sports perspective, and Furman Bisher has often been referred to as the "Red Smith of the South." He served as president of the National Sportscasters and Sports-writers Association from 1974 to 1976, and of the Football Writers Association of America from 1959 to 1960. His features have appeared in The Saturday Evening Post, Golf Digest, and Sports Illustrated, to name but a few.

In 1961, Time magazine named him one of the five best columnists in the Nation. I would argue that even today, that honor still fits.

No less than the great Jack Nicklaus said of Furman's retirement:

He might be turning in his last column for the newspaper, but Furman will never stop writing or giving his opinion. I guess you could say that when it comes to the last writings of Furman Bisher, I will believe it when I don't see it.

Furman would close every column with a single valediction—the word "selah," a Hebrew word that ends many Psalms and that exhorts the reader to reflect.

It is appropriate then to reflect on Furman's long, fruitful career, one that began in Atlanta as the Korean war was starting, when Joe Louis was still boxing, when the Minneapolis Lakers were the NBA champs, before Willie Mays had joined the Major

Leagues, and before Sports Illustrated even existed.

Ever since, with wit and style, Furman Bisher has chronicled the triumphs and the travails of the sports world and its often all too human heroes.

Furman is leaving the AJC at almost 91 years old, and he is still going strong. While we may not be seeing his column on a regular basis, I am quite sure we have not heard the last of Furman Bisher. As Furman would say, selah. I am thankful for Furman Bisher.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AFGHANISTAN AND PAKISTAN

Mr. CASEY. Mr. President, I know the hour is late and many are ready to end the week. I wish to say a few words tonight about the challenge we have with regard to Afghanistan and Pakistan and our strategy going forward.

I spent some time in the last couple of weeks talking about the obligation we have in the Senate to have a full debate on these issues and not simply to point down Pennsylvania Avenue and say the White House has to do this or that or the President has to do this or that.

It is important, I believe, that the President and his team have taken the kind of time they have to get the strategy right with regard to Afghanistan and Pakistan. But I believe the Congress has a role to play. If we simply fall into partisan corners with regard to our strategy in Afghanistan and dust off and reintroduce talking points from the war in Iraq, we will not get it right; we will get it wrong.

I believe we have to listen to a lot of different points of view. The President has undertaken that kind of review, and we have to do that as well.

Part of that is doing what we have already begun to do, which is to have a series of hearings.

In the Foreign Relations Committee, we have had a number of hearings. I know the Presiding Officer, as a member of the Intelligence Committee and his work as a Senator, has engaged in this review as well. We are trying to get different points of view in front of us. I know Chairman KERRY and the Foreign Relations Committee have had too many hearings to count, and not just in the last couple of weeks but over many months.

Chairman LEVIN and the Armed Services Committee have outlined a strategy, or at least an approach to part of

a strategy, to focus on building up the Afghan National Army and the police on an accelerated basis so we can begin to move the responsibility more to the Afghan people and the Afghan governing institutions as opposed to having the United States and other coalition partners bear this responsibility solely. Chairman LEVIN has spent a good deal of time trying to contribute to this debate.

We have heard both Democrats and Republicans contributing to this discussion. As much as we have heard about General McChrystal's report and his recommendations—and we have heard a good bit about that, and we should, and we have heard an awful lot about his recommendation with regard to troop levels, almost exclusively, General McChrystal's recommendations about troops.

If you read his report—the report that is now public—he talks at length in that report about every topic under that heading and does refer to troops, but he also talks about at least three areas. One, he talks about security. Obviously, as the commander, he should address that issue, and he does. But he also talks about governance and development. Those three areas are critically important. We can get the troop level right and get the whole strategy wrong. Even if we focus on security, which obviously involves troop levels and military determinations we have to make, we have to get it right with regard to development and also with regard to governance.

I note for the record an article from—I do not have it in front of me, but I will refer to it. The New York Times on October 2 had a story about General McChrystal's approach to the strategy, but he was quoted in that story talking about debate and deliberation.

I have been listening to some people who talked about what he is recommending. One would think all he did was put together a report, send it to Washington, and the report said “add troops” and that is all he had to say. General McChrystal—I am paraphrasing—did refer to both debate and deliberation to get the strategy right. He also said we do not have the luxury of moving too fast. I think that is instructive of what he has been recommending.

I want to talk tonight briefly about one of those three areas, not security or development, but governance, and in particular talk for a moment about elections and other aspects of governance as well as the judiciary.

I know the Senator from Rhode Island, the Presiding Officer, is a member of the Senate Judiciary Committee and a former prosecutor and understands how important the judiciary is to a functioning democracy. We have a ways to go and the Afghan people have a ways to go between here and there,

meaning here where they are today and where they must get to with regard to their judiciary.

In terms of the election, we heard a lot about the problems, and some of it bears repeating. As documented by the National Democratic Institute, the International Republican Institute, Democracy International, and a host of other international observers, the elections in Afghanistan saw widespread fraud amid an atmosphere of escalated violence. We saw many of these problems coming before the elections, and despite having years to prepare, there is still not a reliable voters list, which opened the possibility of wholesale fraud on election day. The “single non-transferable vote system” for the provincial government elections has led to candidates gaining seats with only a few actual votes. On election day, many citizens were too scared to vote, citing Taliban threats to bomb polling stations or literally cut fingers off of voters. Afghanistan itself can and should take several concrete steps or measures to address these issues prior to the next election, including fixing the voters list, considering moving away from the single nontransferable voter system, and enhancing the security environment for voters in the pre-election period and on election day.

I would add to this that when I was in Afghanistan and Pakistan back in August with Senator BROWN and Congressman ZACK SPACE, we had several briefings and one of them was on the election. One point that was made we shouldn't lose sight of. This election, for all the fraud that we know is on the record now, for all the problems, the security environment was generally good. The fact that despite those threats by the Taliban an election took place in a time of war and under an adverse, difficult security environment shouldn't be glossed over. It was a significant challenge. So we had a lot of fraud, but in terms of security there is some good news on the security front.

Organized representation of any citizen's interests in Afghanistan also remains underdeveloped. The electoral system disincentivizes the development of vibrant party structures. This is problematic, because without political parties—it is hard for us to understand this is still a problem—without political parties that can help to organize and represent the policy concerns of the people, there is little hope that the Parliament's legislation can truly reflect the will of the Afghan people.

Governing institutions in Afghanistan have atrophied over decades of civil war and Taliban rule and have begun to develop other problems as well, but institutional reform is vitally necessary. We know that the idea of a strong central government in the history of Afghanistan is somewhat of a foreign concept. In recent years, the international community has placed an

emphasis on the development of governing institutions in Kabul, capable of projecting its presence and influence across the country, but it has been a difficult challenge. Not enough attention has been paid to the development of proper financing of local governing institutions. Provincial government is underfunded, and that opens the door to local level corruption.

Local and international development nongovernmental organizations often take the lead in local development projects, which can serve to minimize the role of the provincial government at a time when we need their role to be strengthened in terms of what people see. So just at a time when you need strong evidence of local government, sometimes the NGOs are doing a lot of the work.

While the international community has not paid enough attention to the development of local governing structures, the Taliban, unfortunately, understands the importance of connecting with the people at the local level. Over the past few years, the Taliban has established shadow governments across the south which mete out their form of Sharia justice. They have ombudsmen who travel from district to district to gauge the work of the Taliban shadow government and their officials. And of course we know that Mullah Omar, the former head of the Taliban-led government, now runs the so-called Quetta Shura—QST as it is known by its acronym—and they have produced a 30-page manual, believe it or not, on how best to win the favor of the local population.

So the Taliban is not just thinking in military terms. They have already not just thought about but have begun to implement a governing strategy, and our government—our strategy—and also the Afghan people, as well as our coalition partners—have to think this through as well and get it right. It is important we get this right—the governing part of our challenge—as much as we get the military part of this right.

The Afghan Government should make every effort to devolve power and resources to the local level to bring good governance as close to the people as possible. The provincial reconstruction teams can help and play a supporting role, but this essential connection between the Afghan citizen and government must be an Afghan-led enterprise.

Let me conclude with this thought about the judiciary. The Taliban are threatened by a strong judiciary, as evidenced by its deadly attack on the Ministry of Justice in Kabul earlier this year. High levels of endemic corruption, insufficiently trained staff, and a complicated system of western, customary, and Sharia law hinders the Afghan Government's ability to provide justice for its people. This is perhaps the biggest threat to the Afghan

Government's viability, the Taliban's ability to provide quick, albeit brutal, justice, which sharply contrasts with the corrupt government officials who are unwilling or unable to take action. So in the absence of a strong effort by the government to provide the kind of judiciary that we would hope they could provide, the Taliban has filled the void. Thus a majority of legal disputes are settled outside of the state's formal justice system. With little trust in the government, the population can easily turn to the Taliban for a swift, brutal form of justice.

As we ramp up our efforts to train the Afghan National Police force, we must at the same time consider parallel reforms that must take place within the formal justice sector. We must support Afghan efforts toward institutional reform in the Ministry of Justice so that the local population will not rely only upon the informal justice sector, or worse, turn in fact to the Taliban for justice.

There has been noteworthy progress in some democratic institution building within the country. First, by way of example, the Ministries of Defense and Interior are often recognized for their positive efforts. And while considerable work remains to be done, each has made significant strides in recent years. I can say from somewhat of a firsthand observation that both Defense Minister Wardal and Interior Minister Akmar, two ministers we met with on our trip in August and sat down with, indicated to me they have a strong sense of where they have to go to develop the Afghan army and police force, the security for the country. But they still have to demonstrate that over time. No matter who ultimately wins the Presidential election, I hope that the Afghan Government will retain these important ministers, who have the institutional knowledge of success and of clear plans for continued development.

Second, the health sector, in particular, has seen impressive gains since the fall of the Taliban government. Today, in Afghanistan, 82 percent of the population lives in districts with access to a government-provided health care package, up from 9 percent in 2003. That is a bit of good news we don't often hear about, but I am sure there is progress yet to be made there as well in terms of health care.

Third, the education sector has seen improvements as well. In 2001, less than 1 million children—probably about 10 percent of the school-aged population—were enrolled in elementary or secondary education, and almost none of them were girls at that time. Today, more than 6 million children are enrolled, 2 million of whom are girls. So there has been measurable and significant progress in Afghanistan despite the recent deteriorating security environment.

Building on these fragile gains will rest in large part on the viability of the Afghan democratic institutions. The United States can help in this effort through the continued provision of development assistance and other forms of diplomatic and political support for Afghanistan's institutions. While the security situation is increasingly grave, between 79 and 91 percent of the population remains opposed to the Taliban and their brand of violent politics and their brand of justice. I hope we can consolidate on the gains made in Afghanistan and seriously begin to address the severe shortcomings that remain in the democratic development of the country.

In conclusion, I would say that despite all the bad news about the security environment, which is news we need to hear, we need to put it in the context of the two other challenges beyond security—governance and development. I have pointed out some real problems with the governance, especially as it relates to the judiciary, but we have had some progress on health and on education. We need to accelerate and develop that and incentivize it and get it right, but we have seen some good news.

So I think as we debate this strategy going forward, those of us in the Senate who have a role to play here and who feel the obligation to get this right have to focus on more than just security and troops and the military. We have to make sure that we get strategies in place to enhance and increase the governance priority as well as development. We will talk more at another time about development.

I thank the Chair and yield the floor.

#### HONORING OUR ARMED FORCES

SERGEANT JOSHUA KIRK

Mrs. SHAHEEN. Mr. President, it is with deep sympathy and a heavy heart that I express my condolences to the family of SGT Joshua Kirk who was killed on October 3 in Afghanistan. Joshua was serving his second tour of duty as part of Operation Enduring Freedom. The American people will forever be grateful for his ultimate sacrifice.

Sergeant Kirk enlisted in the Army in the spring of 2005, joining the 4th Infantry Division based out of Fort Carson in Colorado Springs, CO. He was originally from Thomaston, ME and attended Southern Maine Community College, where he met his wife Megan of Exeter, NH, and earned a degree in construction technology.

Joshua believed deeply in his mission and in the cause of freedom for which he and seven of his fellow soldiers sacrificed their lives together. Words will not assuage the anguish each of these soldier's family will feel, nor the sense of loss at Fort Carson when these brave men failed to return home, but we hope

that one day these families will take solace in what President Lincoln described as "the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."

Our Nation can never fully repay the sacrifice Sergeant Kirk and his family have made. Through his service, he helped preserve the safety and security of the American people. It now falls to all of us to take up this responsibility and ensure that the cause Sergeant Kirk gave his life for is won for his wife and young daughter.

I ask my colleagues to join me and all Americans in honoring the life of SGT Joshua Kirk.

STAFF SERGEANT KURT R. CURTISS

Mr. HATCH. Mr. President, I rise today to pay tribute to U.S. Army SSG Kurt R. Curtiss of Utah who made the ultimate sacrifice for his country on August 26, 2009. The staff sergeant died from injuries sustained from enemy small arms fire in Paktika Province, Afghanistan. Staff Sergeant Curtiss was leading his unit into a hospital trying to rescue patients trapped inside when the attack occurred.

Staff Sergeant Curtiss was assigned to Headquarters and Headquarters Company, 1st Battalion, 501st Parachute Infantry Regiment, 25th Infantry Division, Fort Richardson, AK, in support of Operation Enduring Freedom.

On the day after the September 11 attacks, Kurt Curtiss enlisted in the Army. He wanted to protect his country and make the world a better place. This call to service led to two tours in Iraq and a final tour in Afghanistan. The sense of patriotism exhibited by his actions provides a striking example to us all.

Early in his youth, Staff Sergeant Curtiss learned of selflessness and acceptance as he grew up in a home where his mother cared for over 60 foster children. He will be remembered for his love, devotion, compassion, and humor. Curtiss loved life. He was a caring man who always placed others before himself, a characteristic exemplified by his final moments.

Staff Sergeant Curtiss left behind a wife and two young children who I hope can find solace in the immense gratitude that our Nation owes for his selfless service to his countrymen. We are forever in his and his family's debt.

Therefore I know that I am joined by all of my colleagues in the Senate in mourning the loss of SSG Kurt R. Curtiss, our protector and hero.

#### REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. KIRK. Mr. President, yesterday evening, President Obama delivered another eloquent tribute to Senator Edward M. Kennedy. I am sure my colleagues will be pleased and touched to see it, and I ask unanimous consent that excerpts from the tribute may be

printed at this point in the RECORD. I also ask unanimous consent that a series of tributes to Senator Kennedy from "The Hill" newspaper on August 29, 2009 may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS BY THE PRESIDENT  
AT AN EVENT CELEBRATING THE EDWARD M.  
KENNEDY INSTITUTE FOR THE UNITED  
STATES SENATE

(Ritz Carlton Hotel, Washington, DC, Oct. 14, 2009)

The PRESIDENT: Thank you so much. Thank you, Patrick, for that generous introduction, and for ensuring that the Kennedy family spirit of public service lives on as strong as ever. . . .

And to Vicki and all the members of the Kennedy family—to Ted and Kara, obviously Patrick—there are few who are not inspired by the grace and love that all of you have shown throughout a difficult time.

Our friend Ted left us less than two months ago. In the days that followed, we gathered in Boston to celebrate his life—with a joyous Irish wake of sorts at the John F. Kennedy Library, and with heavy hearts on Mission Hill. We watched as mourners lined the streets of Massachusetts and Washington in the rain to say a final thank you; and as decades' worth of his colleagues and staff lined the steps of the Capitol to say a final goodbye. We smiled as the Caucus Room in the Russell Building, a room where so much American history was made, was renamed for the three Kennedy brothers who served there.

And over those days, there was some small measure of comfort in the fact that millions of Americans were reminded of Ted Kennedy's legacy, and a new generation came to know it. His legacy as a man, who loved his family and loved his country. His legacy as a senator, who crafted hundreds of pieces of legislation and helped pass thousands more, all with an incalculable impact on the lives of millions.

His legacy as a mentor, who not only taught so many young senators, including myself, but inspired so many young people and young staffers, some who entered public service because of Teddy, others who—because of him—just plain refused to leave. . . .

When Teddy first arrived in the United States Senate, he immersed himself in the issues of the day and the concerns of folks back home. But he also threw himself into the history of the chamber. He studied its philosophical underpinnings; he studied its giants and their careers; the times that influenced its members, and how its members influenced the times. He became fluent in procedure and protocol, no matter how obscure, until he could master the Senate as easily as he mastered the oceans.

No one made the Senate come alive like he did. He loved its history and its place in our American story. Rarely was he more animated than when he'd lead you through the living museums that were his office and his hideaway office in the Capitol. They held memories that stood still, even as he refused to. And he could—and he would—tell you everything there was to know about each artifact, each object that you were seeing.

Any of us who've had the privilege to serve in that institution know that it's impossible not to share Teddy's feeling for the history that swirls around us. It's a place where you instinctively pull yourself a little straighter

and commit yourself to acting a little nobler.

I still remember the first time I pulled open the drawer of my desk and saw the names like Taft and Baker; Simon and Wellstone—and Robert F. Kennedy. I thought of the great battles they'd waged and how they still echoed through the Senate chambers. And one can't enter the chamber without thinking of the momentous debates that have occurred within its walls—questions of war and peace; of tangled bargain between North and South; federal and state; of the origins of slavery and prejudice; of the unfinished battles for civil rights and equality and opportunity.

It was where Americans of great eloquence deliberated and discussed the great issues of the age; where Webster and Clay and Calhoun fought and forged compromise; where LBJ stalked the aisles, imposing his will and collecting votes; and where Ted Kennedy raged at injustice like a force of nature, even after a staffer would hand him a note saying, "Sir, you're shouting."

At its worst, it could be a place where progress was stymied. There was a time, of course, when there were no desks for women, or African Americans, or Latino Americans, or Asian Americans. There was a time when a Senator might have referred to another as a—I like this—"noisome, squat and nameless animal," just to name one instance of the occasional lack of decorum. And we should all view it as a positive sign that there hasn't been a caning on the Senate floor in more than 150 years. That's good.

But at its best, it was what Ted Kennedy loved; a place of community and camaraderie where Senators inspired their colleagues to seek out those better angels and work collectively to perfect our union, bit by bit. And in my time in the Senate, I never met a colleague, not even one with whom I most deeply disagreed, who didn't have a deep sincerity in his or her beliefs, an abiding love for this country, and a genuine desire to leave it stronger and better.

Still, I know that many of us, from both parties, shared Ted's sentiment that something vital about the Senate has been lost. Where it once was a more personal and more collegial place, it's become more polarized and more confrontational. And gone, sometimes, is that deeper understanding of one another; that ideas that there are great battles to be won and great battles to be waged—but not against the person on the other side of the aisle, rather to be waged on behalf of the country.

What Ted wanted to save, above anything else, is that sense of community and collegiality and mutual responsibility—to our constituents, to the institution, and to one another. "As senators," he wrote, "we need to be vigilant that we don't lose track of the whole essence of what the Senate is; of what our involvement in it signifies; of our relationship with people; and of what all of that should lead to, which is the unfettered and vital exchange of ideas."

That's why whenever heartbreak struck a colleague—he was always the first to call. That's why whenever a stalemate needed to be broken—he was the first to visit another senator's office. That's why whenever debate got fierce he never got personal—because that was the fastest way to ensure nothing got done. Once, after he and Strom Thurmond went at each other for a few rounds—as you'd imagine Ted and Strom might do—Ted put his arm around him and said, "C'mon, Strom. Let's go upstairs and I'll give you a few judges."

The thing is, even though he never technically ran the Senate, it often felt like Teddy did. It was his arena. That's why, if you came to the Senate hoping to be a great senator someday, he was who you went to see first. I know that's who I went to see first. Because rather than lord over it, Teddy sought to mentor others to better navigate it. Rather than to go it alone, he sought cooperation, he never hesitated to cede credit. Rather than abandon course when political winds got rough, he always followed his north star—the cause of a society that is more fair, more decent, and more just. And through all of it, his seriousness of purpose was rivaled only by his humility, his warmth, his good cheer, his sense of humor.

That is who Ted Kennedy was. That's what he did. And that's why he's so missed. . . .

For it is now—especially now—that we need to get people interested in our public problems, and reignite their faith in our public institutions, bring Americans together to forge consensus and understand not just the United States Senate's role in our government—but their role in it at all.

Today, the Senate is engaged in another important battle on one of the great causes of our time, and the cause of Ted Kennedy's life—the battle to make health care not a privilege for some, but a right for all. He has been so sorely missed in this debate; especially now that we're closer than we've ever been to passing real health reform. But even though we took a critical step forward this week, we've got more work to do. And I hope and believe that we will continue to engage each other with the spirit of civility and seriousness that has brought us this far—a spirit that I think Teddy would have liked to see.

More than a half century ago, a Senate committee was set up to choose the five greatest senators of all time. No, it wasn't an exercise in the Senate's own vanity—it was because there were five empty spaces designated for portraits in the Senate Reception Room.

"There are no standard tests to apply to a Senator," the chairman of that committee wrote. "No Dun & Bradstreet rating, no scouting reports. His talents may vary with his time; his contribution may be limited by his politics. To judge his own true greatness, particularly in comparison with his fellow senators long after they are all dead, is nearly an impossible task."

When John F. Kennedy wrote those words, I doubt that he imagined his 25-year-old brother would one day stand as indisputably one of the finest senators of this or any age. But here's the thing: Teddy—Teddy didn't earn that distinction just because he served in the United States Senate for nearly one out of every five days of its existence. He earned it because each of those days was full, and passionate, and productive, and advanced the life of this nation in a way that few Americans ever have. And he did it all by bridging the partisan divide again and again in an era that someday may be recalled as one where bipartisanship was too rare an achievement.

There will never be another like Ted Kennedy. But there will be other great senators who follow in his footsteps. That's not an insult to his legacy—it is, rather, the legacy he sought to leave, both with this institute and with his example.

"Being a senator changes a person," he wrote in his memoirs. "Something fundamental and profound happens to you when you arrive there, and it stays with you all the time that you are privileged to serve. I

have seen the changes in people who have come into the Senate. It may take a year, or two years, or three years, but it always happens: it fills you with a heightened sense of purpose."

In all our debates, through all our tests, over all the years that are left to come—may we all be blessed with a sense of purpose like Edward M. Kennedy's. Thank you, Vicki, thanks to all of you. Thanks for making this such a success. God bless you, God bless America.

#### TED KENNEDY: A LIFE OF SERVICE

(By Speaker Nancy Pelosi (D-Calif.))

With the passing of Sen. Edward M. Kennedy (D-Mass.), this nation lost a great patriot, a force for justice and equality and a passionate voice for a brighter future.

Sen. Kennedy was the beloved patriarch of a beautiful family. At this moment of mourning, our thoughts and prayers are with his loving, caring and devoted wife, Vicki; and with his children, Kara, Teddy Jr. and our colleague Patrick. Surely it was a highlight for both father and son to see the Kennedy-Kennedy Mental Health Parity bill become law last year—ending discriminatory treatment toward mental health coverage—and a true tribute to the Kennedy family's unyielding commitment to the common good.

Above all else, Sen. Kennedy was a champion—of the poor and the oppressed, of the forgotten and the voiceless, of young and old. Over a lifetime of leadership, Sen. Kennedy's statesmanship, passionate arguments and political prowess produced a wealth of accomplishment that expanded opportunity for every American and extended the blessings of prosperity to millions of his fellow citizens.

He had a grand vision for America and an unparalleled ability to effect change and inspire others to devote themselves to that change. And no one did more to educate our children, care for our seniors and ensure equality for all Americans.

The reach of Sen. Kennedy's achievements extends far beyond any one state, issue or group. And the light of his example shone bright across lines of party or philosophy. Because of his work, countless students can afford to reach for a college diploma.

Because he returned to the Senate floor for one day last July, once-fierce opponents of Medicare understood their responsibility not to politics, but to the people they serve—and today, America's seniors have a stronger and more enduring safety net to keep them healthy.

Because he believed in the need for bold action to rescue our economy, from his hospital bed he played a pivotal role in ensuring the passage of the American Recovery and Reinvestment Act, putting people back to work and setting our nation on the road to recovery. And because of his stirring words of optimism, vitality and courage at the Democratic convention exactly one year before he passed away, he laid a foundation for the election of a president who shared his ideals and intellect—and personified his vision of an America where race was no longer a barrier or qualification.

Sen. Kennedy's deep faith remained a palpable force in his life. It inspired his belief in social justice. It demanded action on behalf of the least among us. It sustained him, and offered a refuge from the spotlight of elected office. When his daughter, Kara, was diagnosed with lung cancer, Sen. Kennedy turned to his faith for solace, going to Mass each morning in the same house of worship where

his funeral service will be conducted—a basilica that became a source of hope and optimism for him in recent years.

Throughout his career, Ted Kennedy spoke of a new hope; of holding fast to our ideals and fulfilling the promise of our country. He carried on the legacy of an extraordinary family—a family defined by service and a family that inspired an entire generation, including myself, to take action and to serve a cause greater than our individual interests. And with the Edward M. Kennedy Serve America Act now the law of the land, another generation of teachers and volunteers, students and community organizers will put those values into action.

Perhaps more than any other issue, Sen. Kennedy never stopped fighting for what he called "the cause of my life"—ensuring quality, affordable healthcare for every American. He believed it was a moral imperative. He viewed it "as a fundamental right, not a privilege." It is a tribute to him—but really to the Americans for whom he fought every day—that this dream will become reality this year.

#### ONE OF A KIND

(By Rep. Dale E. Kildee (D-Mich.), Chairman of the Subcommittee on Early Childhood, Elementary and Secondary Education)

I have a lot of acquaintances in Congress and many friends, but one who stood out above the rest and to whom I always felt close was Ted Kennedy. It was a privilege to know him as a friend, and it was an honor to work with one of the most dedicated and knowledgeable senators I ever met. His passing is truly a great loss for our country. I am hopeful, however, that in mourning his death, we will be inspired to continue to fight for the causes to which he dedicated himself so tirelessly and work together to pass the comprehensive healthcare reform that he called "the cause of my life."

My relationship with the Kennedys started back in 1960 when I was a volunteer on John F. Kennedy's campaign for president and had the privilege of meeting his mother Rose, who was nothing but gracious and kind. When Rose came to my hometown of Flint, Mich., to campaign for her son, it was my responsibility to get her to Mass at St. Michael's. It wasn't even Sunday, but Rose went to Mass every day. I met John later that year when he was campaigning for the presidency and again in October of 1962 when he came to campaign for the midterm congressional elections. Shortly thereafter he went back to Washington claiming he had a "bad cold," even though he appeared to be the picture of health. We learned later that we weren't completely misled, but that it was a different kind of cold flaring up—the Cuban Missile Crisis, one of the most heated moments of the Cold War.

Ted was the last member of the Kennedy family whom I actually met, but my relationship with him lasted the longest. Like his brothers, Ted was born into a life of privilege, but instead of choosing a comfortable life of leisure, he chose to work hard in the U.S. Senate, fighting to improve the lives of American families. Ted successfully fought to raise the minimum wage, protect Americans with disabilities, expand health insurance for low-income children and improve educational opportunities for all students, regardless of family income. His legislative accomplishments were so wide in scope that his work has changed the life of nearly every American for the better.

Ted and I shared a passion to improve education and we worked together often, par-

ticularly during the Head Start Reauthorization of 2007, which he and I authored. During many of the other conferences we worked on together, when differences arose that were slowing down the passage of legislation, Ted was a skilled and fair negotiator who would keep the conversation going until late into the night to make sure things were resolved. From Ted, I learned that compromise is often necessary to achieve the greater good. But above all, he taught me that we must never stop fighting for what we believe in.

While Ted achieved greatness in his political life, he was no stranger to personal tragedy and suffering. The country mourned with him as first John and then Bobby were taken from us in acts of violence, leaving Ted as the only remaining Kennedy brother. A 1964 plane crash broke his back and left him with terrible pain that plagued him for the rest of his life, but he never let his condition get in the way of his goals for the country. His discomfort was evident on the trips he often took with me to Flint, where he always enjoyed visiting Buick UAW Local 599. It was difficult for him to stand for long, but he would patiently pose for pictures and sign autographs for the workers there, who greeted him as a hero. He would stay until his back became too painful and then he would turn to me and say, "Dale, you have to get me out of here, now," and we would make a quick exit so he could rest in my campaign van, which he referred to as the "Kildee Express." Even while in pain, he always had a smile on his face and was an inspiration to those around him.

I have never known another senator like Ted Kennedy, and we may never see another like him again. He carried on the torch of his family's political legacy, masterfully reaching across the aisle to shepherd important and often difficult pieces of legislation through Congress. As we mourn the passing of our friend Ted, let us celebrate his numerous achievements and remember him for the great humanitarian and leader that he was. Let us honor his memory by never giving up the fight for social justice, never resting until every child has an equal chance to learn, and never backing down until every American has access to quality affordable healthcare. He often called universal healthcare "the cause of my life" and it is a tragedy that he will not be around to vote for the legislation for which he fought so tirelessly. So let's continue the fight in his honor and pass healthcare reform so that all Americans, regardless of income, age or pre-existing condition, will have access to quality, affordable healthcare. Let's realize this dream for Ted and for America.

#### A DEDICATED SERVANT AND A DEAR FRIEND

(By Secretary Dirk Kempthorne, former Secretary of the Interior)

As a very junior senator from Idaho, I selected an office on the third floor of the Russell Building, which happened to be next door to Sen. Ted Kennedy's office. The first day that we were allowed to officially occupy the space, in came Sen. Kennedy, walking through each of the offices and introducing himself to all of my staff and welcoming each of them to the Russell. Later that day, a beautiful bouquet of flowers showed up for my wife, Patricia, with a note saying, "Welcome to the neighborhood—Ted." With that, Patricia and I began a wonderful and enduring relationship with Ted and Vicki Kennedy.

Our offices shared a common balcony, and I had a friend from the Kennedy offices who used that route to come see me every day

... Blarney, his Jack Russell Terrier. I began keeping a box of Milk Bones for Blarney's morning visits—and he gladly accepted these treats. In his classical Boston accent, Ted would pretend frustration with Blarney's habit of taking the treats back down the balcony and eating them in his office while leaving all the crumbs on his floor!

When I decided to come home to Idaho and run for governor, Sen. Kennedy said he completely understood my decision. There was no second-guessing why I would want to return to a beautiful state like Idaho and be closer to the people there. He wished me well and said that he would miss me. Little did we both know that in 2006 President George W. Bush would nominate me to become the 49th Secretary of the Interior. One of the very first calls I received after the announcement was from Ted Kennedy, who said he was so glad I was coming back and he asked what he could do to help with my confirmation. That was the kind of man he was and the kind of friend he was. It didn't matter that I was a conservative Republican or he was a liberal Democrat. We were friends, and he wanted to help. And he did.

Several months later, I got another call from Ted Kennedy telling me he had been invited to speak at the Ronald Reagan Library. Nancy Reagan was going to host an intimate dinner for him in her residence at the library and she said he could invite a few friends. He was calling to see if I would go. After extending the invitation, he started laughing and said, "What a pal I am, right? Inviting you to dinner 2,500 miles from here!" We both laughed, and I said I wouldn't miss it for anything.

The night of the speech, I was seated in the front row along with Nancy Reagan and California Gov. Arnold Schwarzenegger. Sen. Kennedy commented on how three of his favorite Republicans were there for him. I don't think many people realize how much Ronald Reagan and Ted Kennedy liked each other, but it was very apparent that night at the dinner that Nancy gave for her friend, Ted, and his great wife Vicki, and a few of their friends.

After Sen. Kennedy was diagnosed with his illness and it was made public, I wrote him a two-page letter recapping some of the positive and enjoyable things we had done together. I received an immediate call from Vicki saying how it had brightened his day. That was followed by a handwritten note from Ted, and that was followed by a phone call from him. It was a good visit on the phone, but, as usual, he also had some business he wanted to discuss. He always worked so diligently for his constituents. I last spoke to him in January of this year. It was that same jovial voice of a friend with no hint of the personal health battle he was fighting.

It is universally noted how hard he worked as a senator. He also worked hard at affirming and maintaining friendships. Wouldn't this be a better place if we all worked a little harder at affirming and maintaining friendships? Perhaps this, too, was one of Ted Kennedy's lasting legacies.

I will miss my friend.

IN MEMORY OF TED KENNEDY

(By Nancy Reagan)

Sometimes the best friendships are made under unlikely circumstances. Such was the case with the Kennedys and the Reagans.

Of course there were differences in our political beliefs, and some believed that those differences would make it impossible for us to get along. Most people are very surprised

to learn that our families are actually quite close.

Ted and I have corresponded regularly for years. He always wrote lovely letters of support, encouragement and appreciation. He phoned often—I'll never forget that he managed to track me down in the middle of the Pacific Ocean to wish me a happy birthday one year. I enjoyed working together with him over the past few years on behalf of a cause that was important to both of us, stem cell research.

As a Republican president and a Democratic senator, Ronnie and Ted certainly had their battles. There were conflicts to overcome, disagreements to settle and compromises to be made, but in doing so, the mutual respect that came from struggling to work together led to a deeper understanding and friendship. Both were men of strong convictions, but they understood an important principle: Politicians can disagree without being disagreeable.

When Ronnie and I were presented with the Congressional Gold Medal in 2002, Ted gave a beautiful tribute to Ronnie. As I reread that speech today, I was struck by how some of the wonderful things he said about Ronnie also describe Ted: "He was a fierce competitor who wanted to win—not just for himself, but for his beliefs. He sought to defeat his opponents, not destroy them. He taught us that while the battle would inevitably resume the next morning, at the end of each day we could put aside the divisions and the debates. We could sit down together side by side . . . And above all, whatever our differences, we were bound together by our love of our country and its ideals." That was Ronnie, all right—and that was Ted, too.

Ted and Ronnie were the kind of old-fashioned politicians who could see beyond their own partisan convictions and work together for the good of the country. I wish there were more of that spirit in Washington today. I am encouraged to see how many politicians "from across the aisle" spoke of their admiration for Ted after his passing, so maybe it isn't really lost. Maybe we can all be inspired by Ted and Ronnie to renew that spirit of bipartisan cooperation.

Ted Kennedy was a kind man, a great ally and dear friend. I will miss him.

#### KENNEDY AND THE GOP: A MARRIAGE OF MUTUAL RESPECT

(By J. Taylor Rushing)

Despite his affinity for liberal policymaking, Republicans on Capitol Hill greatly admired Sen. Edward Kennedy (D-Mass.).

"He's a legislator's legislator," Sen. Jon Kyl (R-Ariz.) told *The Hill* last May, immediately after Kennedy's diagnosis of brain cancer. "At the end of the day, he wants to legislate, he understands how, and he understands compromise. And it's worth talking about because it shows how people with drastically different points of view can come together."

In April, *The Hill* conducted a survey of all sitting senators to ask which member of the opposing party they most enjoyed working with. The most common answer among Republicans was Kennedy, being specifically mentioned by Kyl, Orrin Hatch of Utah, Kit Bond of Missouri, Richard Burr of North Carolina, Sam Brownback of Kansas, Mike Enzi of Wyoming, Johnny Isakson of Georgia and Jeff Sessions of Alabama.

"I'd love to co-sponsor every piece of legislation with Ted Kennedy," Burr said at the time. "When Ted says he's going to do something, he's committed to it."

Kennedy's 47 years in the Senate began as his brother, Democrat John F. Kennedy, was

president and were marked by a legislative record of liberalism long and prominent enough to earn him his "Liberal Lion" moniker. Republican Party leaders even used him as a fundraising tool for years in races across the country.

In the Senate itself, though, the Massachusetts senator was mostly known by Republicans for his bipartisanship—for diligent, patient and consistent reaching across the aisle to find common ground on the country's most pressing concerns. Eventually, some of the chamber's most conservative Republicans, from Alan Simpson of Wyoming to Hatch to Kyl, came to discover that while Kennedy may have had the heart of a liberal, he possessed the mind of a pragmatist.

Republican leaders such as Conference Chairman Lamar Alexander of Tennessee recalled that Kennedy was known for reaching out since his earliest days in Congress. Alexander came to Congress in 1967 as an aide to then-Sen. Howard Baker of Tennessee and worked with Kennedy near the end of his first term.

"I've known and worked with him for 40 years. He's results-oriented. He takes his positions, but he sits down and gets results," Alexander said last May.

In recent years, examples of Kennedy's bipartisan efforts included teaming up with Kansas Republican Nancy Kassebaum on healthcare in 1996, with President George W. Bush on education reform in 2001, and on unsuccessful attempts with Sen. John McCain (R-Ariz.) and other Republicans to pass immigration reform in the 110th and 111th Congresses.

#### KENNEDY BROUGHT INTENSITY, PASSION TO THE SENATE

(By Jim Manley)

Coming from a wealthy, famous family, Sen. Kennedy could have taken shortcuts. But he never did that—he brought a passion and intensity to his work the likes of which I will never forget.

His staff accepted the long hours and dedication he demanded from us because he stood with us working twice as hard.

Former Senate Majority Leader George Mitchell (D-Maine) once accurately remarked that Sen. Kennedy was better-prepared than any other senator. His *No Child Left Behind* briefing book was legendary—a huge binder full of studies and analyses. It seemed every page was dog-eared, heavily underlined and carefully tabbed.

One Friday, there was a lull in a debate over a minimum-wage increase. On pure impulse, he went to the Senate floor and delivered one of the most impassioned speeches I had ever heard from him. At one point, he voice echoed through the chamber so loud that I had to leave the floor because my ears were ringing.

As Sen. Kennedy said of his brother Robert, the same can be said of him. He "need not be idealized, or enlarged in death beyond what he was in life, to be remembered simply as a good and decent man, who saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it."

#### BAYH REMEMBERS 1964 PLANE CRASH

(By J. Taylor Rushing)

If not for former Sen. Birch Bayh of Indiana, Sen. Edward Kennedy very well may have died on the night of June 19, 1964.

Both nearly died in a plane crash the night the Senate passed the 1964 Civil Rights Act. Delayed by the vote, the two men were flying through a thunderstorm to get to the Massachusetts state Democratic convention.

"We were bounced around so much we couldn't see the moon in any steady way," said Bayh, who served in the Senate from 1963 to 1981 and is now a partner in the D.C. law firm Venable LLP. "Then I looked out and saw this black line coming. I thought it was another storm, but it was the tops of trees."

Pilot Ed Zimy pulled out of the trees but quickly lost control again, crashing into an apple orchard just short of the Springfield airport. Bayh said he thought the plane had been hit by lightning, and was convinced he was dead. When he woke up, Bayh said, his wife Marvella was screaming, the pilot and Kennedy aide Ed Moss were both mortally wounded and Kennedy was barely responsive.

Bayh said he resisted initial thoughts of leaving Kennedy in the wreckage, but was later amazed at how he carried the hefty senator.

"We've all heard adrenaline stories about how a mother can lift a car off a trapped infant. Well, Kennedy was no small guy, and I was able to lug him out of there like a sack of corn under my arm," Bayh said.

Kennedy spent five months in the hospital, re-emerging barely in time to win reelection in November 1964.

"A lot of the older senators were wondering if they were going to have to kiss his ring. I mean, he could have been a pariah," Bayh said. "But he had no airs, and just did a remarkable job of ingratiating himself not only to his new colleagues but the older members."

"He was a Kennedy, and you could say he was born with a silver spoon in his mouth, but he was determined to spend his life helping the little people. That tells you what he was made of."

BOEHNER FOUND KENNEDY A GENEROUS  
PARTNER IN FAITH  
(By Christina Wilkie)

Rep. John Boehner (R-Ohio) needed a favor.

In 2003, Boehner wanted to support Washington's Catholic schools, which were suffering severe budget shortfalls. He needed an A-list Democrat willing to lend his name to the effort.

What he got instead was access to one of the most powerful Democratic fundraising machines in politics.

The GOP congressman was setting up a gala dinner complete with celebrities, politicians and media personalities. He went for the most powerful Catholic in Congress, Sen. Edward Kennedy (D-Mass.), to be his partner at the event and balance the politics.

Presented with Boehner's request to co-chair the inaugural gala dinner, Kennedy "didn't blink" before signing on; and true to his reputation for generosity, Kennedy's response went well beyond that.

Kennedy threw himself into the project, offering Boehner the use of his entire fundraising staff to assist with the event. He wrote letters and made personal appeals on behalf of the struggling schools. And perhaps most importantly, Kennedy pulled in real talent: NBC's Tim Russert to emcee the inaugural evening and comedian Bill Cosby to keep the guests laughing.

Boehner and Kennedy were both lifelong Catholics and graduates of Catholic schools. They had recently worked together on the House and Senate versions, respectively, of the 2002 education law known as the No Child Left Behind Act.

As colleagues, they enjoyed a comfortable rapport, which, according to a staff member, was strengthened by the fact that "Boehner

and Kennedy always knew what the other had to do to get legislation passed."

This dinner was no exception. It marked the start of a five-year collaboration between two men who served radically different constituencies, but who found common ground in their shared commitment to education, service and their faith.

Both lawmakers also believed they had an obligation to give back to the citizens of Washington, their "adopted city." To help illustrate this point, each year at a pre-gala breakfast Kennedy would share the example of his brother, former President John F. Kennedy, who instructed his entire Cabinet to visit Washington's public schools and read books to the students.

Dubbed the Boehner-Kennedy Dinner, the annual event takes place each September, and since its inception has raised more than \$5 million for the District's Catholic schools.

Much of the credit for this success belongs to Kennedy. As one Boehner staff member told *The Hill*, "This event may have been John Boehner's idea, but it was Sen. Kennedy who really got it off the ground."

During the last year of his life, Kennedy's illness forced him to scale back his commitments. As a result, former Washington Mayor Anthony Williams assumed the co-chairman's role alongside Boehner in 2008.

This year's Boehner-Williams Dinner will be held on Sept. 23 at the Washington Hilton. Discussions are under way about how best to honor Kennedy at the event.

TRIBUTES TO EDWARD M. KENNEDY

We've lost the irreplaceable center of our family and joyous light in our lives, but the inspiration of his faith, optimism, and perseverance will live on in our hearts forever. He loved this country and devoted his life to serving it. He always believed that our best days were still ahead, but it's hard to imagine any of them without him.—The Kennedy family

Michelle and I were heartbroken to learn this morning of the death of our dear friend, Sen. Ted Kennedy.

For five decades, virtually every major piece of legislation to advance the civil rights, health and economic well being of the American people bore his name and resulted from his efforts.

I valued his wise counsel in the Senate, where, regardless of the swirl of events, he always had time for a new colleague. I cherished his confidence and momentous support in my race for the Presidency. And even as he waged a valiant struggle with a mortal illness, I've profited as President from his encouragement and wisdom.

An important chapter in our history has come to an end. Our country has lost a great leader, who picked up the torch of his fallen brothers and became the greatest United States Sen. of our time.

And the Kennedy family has lost their patriarch, a tower of strength and support through good times and bad.

Our hearts and prayers go out to them today—to his wonderful wife, Vicki, his children Ted Jr., Patrick and Kara, his grandchildren and his extended family.—President Barack Obama

It was the thrill of my lifetime to work with Ted Kennedy. He was a friend, the model of public service and an American icon.

As we mourn his loss, we rededicate ourselves to the causes for which he so dutifully dedicated his life. Sen. Kennedy's legacy

stands with the greatest, the most devoted, the most patriotic men and women to ever serve in these halls.

Because of Ted Kennedy, more young children could afford to become healthy. More young adults could afford to become students. More of our oldest citizens and our poorest citizens could get the care they need to live longer, fuller lives. More minorities, women and immigrants could realize the rights our founding documents promised them. And more Americans could be proud of their country.

Ted Kennedy's America was one in which all could pursue justice, enjoy equality and know freedom. Ted Kennedy's life was driven by his love of a family that loved him, and his belief in a country that believed in him. Ted Kennedy's dream was the one for which the founding fathers fought and his brothers sought to realize.

The liberal lion's mighty roar may now fall silent, but his dream shall never die.—Senate Majority Leader Harry Reid (D-Nev.)

Today, with the passing of Sen. Edward M. Kennedy, the American people have lost a great patriot, and the Kennedy family has lost a beloved patriarch. Over a lifetime of leadership, Sen. Kennedy's statesmanship and political prowess produced a wealth of accomplishment that has improved opportunity for every American.

Sen. Kennedy had a grand vision for America, and an unparalleled ability to effect change. Rooted in his deep patriotism, his abiding faith, and his deep concern for the least among us, no one has done more than Sen. Kennedy to educate our children, care for our seniors, and ensure equality for all Americans.—House Speaker Nancy Pelosi (D)

It is with great sadness that Elaine and I note the passing of Sen. Ted Kennedy, one of the giants of American political life, a longtime Senate colleague, and a friend.

No one could have known the man without admiring the passion and vigor he poured into a truly momentous life.—Senate Minority Leader Mitch McConnell (R-Ky.)

Ted Kennedy was my friend. While there were few political issues on which he and I agreed, our relationship was never disagreeable, and was always marked by good humor, hard work, and a desire to find common ground. Ted Kennedy was also a friend to inner-city children and teachers. For the better part of the last decade, Ted and I worked together to support struggling Catholic grade schools in inner-city Washington. By helping these schools keep their doors open and helping them retain their committed teachers and faculty, this joint effort made a positive difference in the lives of thousands of inner-city children, who otherwise would have been denied the opportunity for a quality education. It wouldn't have been possible without Sen. Kennedy and his genuine desire to give something back to help inner-city students in the city in which he'd served for many years. I'm proud to have worked with Sen. Kennedy on this project, and I will dearly miss his friendship and his partnership in this cause.—House Minority Leader John Boehner (R-Ohio)

Teddy spent a lifetime working for a fair and more just America. And for 36 years, I had the privilege of going to work every day and literally, not figuratively sitting next to him, and being witness to history.

In 1972 I was a 29 year old kid with three weeks left to go in a campaign, him showing



up at the Delaware Armory in the middle of what we called Little Italy—who had never voted nationally by a Democrat—I won by 3,100 votes and got 85 percent of the vote in that district, or something to that effect. I literally would not be standing here were it not for Teddy Kennedy—not figuratively, this is not hyperbole—literally.

He was there—he stood with me when my wife and daughter were killed in an accident. He was on the phone with me literally every day in the hospital, my two children were attempting, and, God willing, thankfully survived very serious injuries. I'd turn around and there would be some specialist from Massachusetts, a doc I never even asked for, literally sitting in the room with me.

He's left a great void in our public life and a hole in the hearts of millions of Americans and hundreds of us who were affected by his personal touch throughout our lives.—Vice President Joe Biden, in remarks at an event Wednesday at the Department of Energy

Laura and I are saddened by the death of Senator Ted Kennedy. Ted Kennedy spent more than half his life in the United States Senate. He was a man of passion who advocated fiercely for his convictions. I was pleased to work with Senator Kennedy on legislation to raise standards in public schools, reform immigration and ensure dignity and fair treatment for Americans suffering from mental illness.

In a life filled with trials, Ted Kennedy never gave in to self-pity or despair. He maintained his optimistic spirit, his sense of humor, and his faith in his fellow citizens. He loved his family and his country—and he served them until the end. He will be deeply missed.—Former President George W. Bush

Sen. Ted Kennedy was one of the most influential leaders of our time, and one of the greatest senators in American history. His big heart, sharp mind, and boundless energy were gifts he gave to make our democracy a more perfect union.

As president, I was thankful for his fierce advocacy for universal health care and his leadership in providing health coverage to millions of children. His tireless efforts have brought us to the threshold of real health care reform. I was also grateful for his efforts, often in partnership with Republicans as well as Democrats, to advance civil rights, promote religious freedom, make college more affordable, and give young Americans the opportunity to serve at home in Americorp. I am glad the bill President Obama signed to expand Americorp and other youth service opportunities is named the Edward M. Kennedy Serve America Act. Through it, his commitment to public service will live on in millions of young people across our nation.

Hillary and I will always be grateful for the many gestures of kindness and generosity he extended to us, for the concern he showed for all the children and grandchildren of the Kennedy clan, and for his devotion to all those in need whose lives were better because he stood up for them.—Former President Bill Clinton

Barbara and I were deeply saddened to learn Ted Kennedy lost his valiant battle with cancer. While we didn't see eye-to-eye on many political issues through the years, I always respected his steadfast public service—so much so, in fact, that I invited him to my library in 2003 to receive the Bush Award for Excellence in Public Service. Ted Kennedy was a seminal figure in the United

States Senate—a leader who answered the call to duty for some 47 years, and whose death closes a remarkable chapter in that body's history.—Former President George H.W. Bush

Rosalynn and I extend our condolences to the Kennedy family. Sen. Kennedy was a passionate voice for the citizens of Massachusetts and an unwavering advocate for the millions of less fortunate in our country. The courage and dignity he exhibited in his fight with cancer was surpassed only by his lifelong commitment and service to his country.—Former President Jimmy Carter

I am very saddened to learn of the passing of Sen. Ted Kennedy last night. Ted Kennedy will be remembered with great affection and enduring respect here in Ireland. Ted Kennedy was a great friend of Ireland.

In good days and bad, Ted Kennedy worked valiantly for the cause of peace on this island. He played a particularly important role in the formative days of the Northern Ireland Peace Process. He maintained a strong and genuine interest in its progress. He used his political influence wisely. He was the voice of moderation and common sense. He was unequivocal in his rejection of violence at all times and from all quarters. He believed that only politics would provide a sustainable and enduring way forward. His belief that the United States could play a strong role in solving our problems has been vindicated by the success of the Peace Process.

Today, America has lost a great and respected statesman and Ireland has lost a long-standing and true friend.

Ar dheis Dé go raibh a anam.—Brian Cowen, prime minister of Ireland

Sen. Edward Kennedy will be mourned not just in America but in every continent. He is admired around the world as the Senator of Senators. He led the world in championing children's education and health care, and believed that every single child should have the chance to realise their potential to the full. Even facing illness and death he never stopped fighting for the causes which were his life's work.

I am proud to have counted him as a friend and proud that the United Kingdom recognised his service earlier this year with the award of an honorary knighthood.—Gordon Brown, prime minister of the United Kingdom

I'm not sure America has ever had a greater senator, but I know for certain that no one has had a greater friend than I and so many others did in Ted Kennedy.

I will always remember Teddy as the ultimate example for all of us who seek to serve, a hero for those Americans in the shadow of life who so desperately needed one.

He worked tirelessly to lift Americans out of poverty, advance the cause of civil rights, and provide opportunity to all. He fought to the very end for the cause of his life—ensuring that all Americans have the health care they need.

The commitment to build a stronger and fairer America, a more perfect union, was deeply ingrained in the fiber of who he was, and what he believed in, and why he served.

That's why he stands among the most respected senators in history. But it was his sympathetic ear, his razor wit, and his booming, raucous laugh that made him among the most beloved.

Whatever tragedy befell Teddy's family, he would always be there for them. Whatever

tragedy befell the family of one of his friends, he would always be there for us.—Sen. Chris Dodd (D-Conn.), a close friend who in Kennedy's absence took over the Senate Health, Education, Labor, and Pensions (HELP) Committee

I had hoped and prayed that this day would never come. My heart and soul weep at the lost of my best friend in the Senate, my beloved friend, Ted Kennedy.

Sen. Kennedy and I both witnessed too many wars in our lives, and believed too strongly in the Constitution of the United States to allow us to go blindly into war. That is why we stood side by side in the Senate against the war in Iraq.

Neither years of age nor years of political combat, nor his illness, diminished the idealism and energy of this talented, imaginative, and intelligent man. And that is the kind of Sen. Ted Kennedy was. Throughout his career, Sen. Kennedy believed in a simple premise: that our society's greatness lies in its ability and willingness to provide for its less fortunate members. Whether striving to increase the minimum wage, ensuring that all children have medical insurance, or securing better access to higher education, Sen. Kennedy always showed that he cares deeply for those whose needs exceed their political clout. Unbowed by personal setbacks or by the terrible sorrows that have fallen upon his family, his spirit continued to soar, and he continued to work as hard as ever to make his dreams a reality.

In his honor and as a tribute to his commitment to his ideals, let us stop the shouting and name calling and have a civilized debate on health care reform which I hope, when legislation has been signed into law, will bear his name for his commitment to insuring the health of every American.

God bless his wife Vicki, his family, and the institution that he served so ably, which will never be the same without his voice of eloquence and reason. And God bless you Ted. I love you and will miss you terribly. In my autobiography I wrote that during a visit to West Virginia in 1968 to help dedicate the "Robert F. Kennedy Youth Center" in Morgantown, "Sen. Kennedy's voice quivered with emotion as he talked of his late brothers and their love for West Virginia. 'These hills, these people, and this state have had a very special meaning for my family. Our lives have been tightly intertwined with yours.'

I am sure the people of the great state of West Virginia join me in expressing our heartfelt condolences to the Kennedy family at this moment of deep sorrow—Sen. Robert Byrd (D-W.Va.)

Many have come before, and many will come after, but Ted Kennedy's name will always be remembered as someone who lived and breathed the United States Senate and the work completed within its chamber. When I first came to the United States Senate I was filled with conservative fire in my belly and an itch to take on any and everyone who stood in my way, including Ted Kennedy. As I began working within the confines of my office I soon found out that while we almost always disagreed on most issues, once in a while we could actually get together and find the common ground, which is essential in passing legislation.—Sen. Orrin Hatch (R-Utah), one of Kennedy's closest Republican friends in the Senate

He had a gregarious personality. He had a keen sense of how to position himself with



people. He had an old Irish wit and was a great storyteller. But all of those things probably pale in—in comparison to the fact that once he was on an issue, he was relentless. And he—once he gave his word, then there was never any—any variance from that, to the point where he would cast votes on amendments that really were against his own position in order to keep a carefully crafted compromise intact. And when others from his own party and our party didn't do that, I've seen him chastise them rather severely.

History judges all of us. And after a period of time, I think history will make a judgment about Ted Kennedy. All of us had our failings and weaknesses. But the fact is that Ted Kennedy was an institution within the institution of the Senate. And all of my colleagues, no matter how they felt about his causes or his positions, I think, would agree with that.—Sen. John McCain (R-Ariz.), who often referred to Kennedy as a “good friend”, talked about what made the liberal senator likable to his GOP adversaries, about their time working together on immigration legislation and about his spirit in the end, in an interview with CNN's “Larry King Live” on Thursday

We have known for some time that this day was coming, but nothing makes it easier. We have lost a great light in our lives and our politics, and it will never be the same again. Ted Kennedy was such an extraordinary force, yes for the issues he cared about, but more importantly for the humanity and caring in our politics that is at the center of faith and true public service. No words can ever do justice to this irrepressible, larger than life presence who was simply the best—the best senator, the best advocate you could ever hope for, the best colleague, and the best person to stand by your side in the toughest of times. He faced the last challenge of his life with the same grace, courage, and determination with which he fought for the causes and principles he held so dear. He taught us how to fight, how to laugh, how to treat each other, and how to turn idealism into action, and in these last fourteen months he taught us much more about how to live life, sailing into the wind one last time. For almost 25 years, I was privileged to serve as his colleague and share his friendship for which I will always be grateful.—Sen. John Kerry (D-Mass.)

Ted Kennedy was a mentor, a guiding light, and a close friend—we all loved the man. In the Senate, Ted Kennedy was our sun—the center of our universe. To be pulled by his strong gravitational field, to bask in his warmth was a privilege, an honor, and, for many of us, even a life changing experience. His death leaves our world dark but, as he said in his own words, “the work goes on, the cause endures, the hope still lives, and the dream shall never die.” Ted, we will not let your flag fall.—Sen. Charles Schumer (D-N.Y.)

Ted Kennedy was at once the most partisan and the most constructive United States senator. He could preach the party line as well as bridge differences better than any Democrat. I will especially miss his cheery disposition and his devotion to United States history of which he was such a consequential part.—Senate Republican Conference Chairman Lamar Alexander (R-Tenn.)

With the passing of Sen. Kennedy the United States Senate has lost one of its most effective and respected voices.

Sen. Kennedy's colleagues—Republicans and Democrats—greatly enjoyed working with him and respected his views.

A handshake from Sen. Kennedy was all that was ever needed. His word was his bond.

When the history of the United States Senate is written, his name will be toward the top of the list of senators who made a tremendous impact on the institution.

Sen. Kennedy was never afraid to work across the aisle to get things done. We can all learn from the example he set and work together to build a stronger nation.—Sen. Lindsey Graham (R-S.C.)

Today, America mourns the death of Sen. Ted Kennedy. He was one of the most dynamic and influential legislators in our Nation's history, and his legacy will live on in the work of the colleagues he inspired, and in the lives of the millions of Americans for whom his passion for social justice made a difference. My thoughts and prayers are with his family and friends; even though this day was anticipated, I am sure that little can soften the blow. Throughout his final illness, Sen. Kennedy was privileged to have the best doctors and the best treatment. But he never forgot, in this as in all cases, those who were not similarly privileged: those waiting hours in emergency rooms this morning for a doctor's care; those who went to sleep last night unsure that they were covered, uncertain that their families could cope with the financial burden of an illness. For their sake, health care reform was the cause of Ted Kennedy's life. For their sake, and his, it must be the cause of ours.—House Majority Leader Steny Hoyer (D-Md.)

I have known Ted Kennedy for more than 47 years. In that time, it has been my greatest pleasure to work with him in the Congress to try to tackle many human problems, but I am especially gratified by his contributions to the cause of civil rights and voting rights.

At some of the most tragic and difficult moments in this nation's history, Ted Kennedy gathered his strength and led us toward a more hopeful future. As a nation and as a people, he encouraged us to build upon the inspirational leadership of his two brothers and use it to leave a legacy of social transformation that has left its mark on history.—Rep. John Lewis (D-Ga.)

Sen. Kennedy devoted his entire life to public policy. At any point he could have accepted a life of leisure. Instead he carried on his family's commitment to public service.

The Senate will be a smaller and sadder place without his enthusiasm, his energy, and his persistent courage.—Former House Speaker Newt Gingrich (R-Ga.)

The loss of Sen. Ted Kennedy is a sad event for America, and especially for Massachusetts. The last son of Rose Fitzgerald and Joseph Kennedy was granted a much longer life than his brothers, and he filled those years with endeavor and achievement that would have made them proud. In 1994, I joined the long list of those who ran against Ted and came up short. But he was the kind of man you could like even if he was your adversary. I came to admire Ted enormously for his charm and sense of humor—qualities all the more impressive in a man who had known so much loss and sorrow. I will always remember his great personal kindness, and the fighting spirit he brought to every cause he served and every challenge he faced. I was proud to know Ted Kennedy as a friend, and

today my family and I mourn the passing of this big-hearted, unforgettable man.—Former Massachusetts Gov. Mitt Romney (R), who ran against Kennedy in 1994

I would like to extend our sympathies to the Kennedy family as we hear word about the passing of Sen. Ted Kennedy. He believed in our country and fought passionately for his convictions.—Former Alaska Gov. Sarah Palin (R)

Maria and I are immensely saddened by the passing of Uncle Teddy. He was known to the world as the Lion of the Senate, a champion of social justice, and a political icon.

Most importantly, he was the rock of our family: a loving husband, father, brother and uncle. He was a man of great faith and character.—California Gov. Arnold Schwarzenegger (R) and wife Maria Shriver, a niece of Kennedy

### HISPANIC HERITAGE MONTH

Mr. UDALL of Colorado. Mr. President, just a month ago, I joined fellow Coloradans, my colleagues in the U.S. Congress, and others across the country to celebrate and acknowledge the many accomplishments and contributions of the Hispanic community in the United States and Colorado. I am particularly proud to highlight the long history of Hispanics in Colorado, as they established some of Colorado's oldest communities, irrigation systems, and earliest businesses. I am equally proud that this community continues to be a vibrant part of the fabric of our great State.

Throughout this month, my colleagues and I have been hard at work to move forward on many policy concerns that are vitally important to Colorado's Hispanic community. From the confirmation of America's first Latina Supreme Court Justice, Sonia Sotomayor, to progress on health insurance reform, and continued support for efforts to create and save jobs, I have been working with the best interests of Colorado in mind. Still, there is much to be accomplished.

We must come together to find opportunities to improve the quality of life of all Coloradans. In doing so, it is important to keep in mind that certain populations, such as Latinos, are disproportionately affected by many of the challenges we face as a State and country. At a national level, Latinos face an unemployment rate that is 3 percent higher than the national rate. In Colorado, Latinos face a poverty rate that is 12 percent higher than the State's overall poverty rate. Latinos also face other challenges—40 percent of Hispanics in Colorado are uninsured, approximately 24 percent higher than the State average, according to a Colorado Department of Public Health and Environment report. Though these issues are not a concern for Latinos in Colorado alone, they undoubtedly raise heightened concerns for the Hispanic community, given these statistics.

These are just a few reasons I have continued to support and develop policies that provide both quality jobs and help reduce the costs of hard-working Coloradans. Most notably, we have made significant progress toward reforming our health insurance system so that it better meets the health needs of all Americans. Making our health system more efficient, fiscally manageable, and accessible is vitally important to making health insurance more affordable for Hispanic and non-Hispanic families alike.

As a member of the Senate Energy and Natural Resources Committee, I have also been working to develop new ways to help low-income and working families afford to make their homes more energy efficient. By improving access to energy-saving technology and making homes more energy efficient, families can reduce their energy costs, while helping to make our environment and communities better places to live. This is just one part of a new energy economy that can bring more jobs to our State.

We have had much to celebrate during this year's Hispanic Heritage Month, but we also have much to do, and I understand there are many more goals that we have yet to achieve. So while we have enjoyed the celebration of Hispanic heritage and the contributions Latinos make in our communities over the last month, I will continue my efforts to improve the quality of life for Coloradans of all backgrounds in every month of the year.

#### 20TH ANNIVERSARY OF POINTS OF LIGHT

Mr. HATCH. Mr. President, I stand today to recognize and honor an extraordinary organization that began its important work 20 years ago, born from the words of a new President who was dedicated to engaging the American spirit of giving and service. The words of that President resonate even now: "I have spoken of a thousand points of light . . . a new engagement in the lives of others, a new activism, hands-on and involved that gets the job done." This 1989 speech given by President George H.W. Bush outlined the vision for the Points of Light Foundation, now merged with HandsOn Network as the Points of Light Institute, the largest volunteer network in the country.

This independent, nonpartisan organization has worked to encourage, recognize, and empower the spirit of volunteer service that is encoded in our Nation's cultural DNA and is, as President Bush stated, central to living a meaningful life.

Throughout our Nation's history, Americans have demonstrated their willingness to give back and to serve in their communities, even in the hardest of times. Last year alone, over 60 mil-

lion Americans performed volunteer service in this country. I am proud that my home State of Utah had the highest volunteerism rate, with over 45 percent of adults volunteering in the State in 2008. All told, these volunteers contributed almost 162 million hours of service in a single year.

Earlier this year, I had the privilege of joining with my good friend, the late Senator Ted Kennedy in sponsoring the Edward M. Kennedy Serve America Act, a new law that expands volunteer opportunities for Americans of all ages. I know that the Points of Light Institute will be at the forefront in realizing the full potential of this important legislation, creating healthy communities by inspiring and equipping willing Americans to do more of the heavy lifting in their communities as we all work to improve our Nation.

Mr. President, I once again commend the Points of Light Institute on this landmark anniversary.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO LAURA RHEA

• Mrs. LINCOLN. Mr. President, it is with great pleasure that today I honor and recognize more than 25 years of service by Laura Rhea to our great State of Arkansas. Laura has served the Arkansas Rice Depot with steadfast leadership as President and CEO, ensuring the organization remained a faith-based ministry and developing innovative solutions to ending hunger.

Hunger and poverty are not just global issues; they are so pervasive that we all have some experience with them in our local communities. Worldwide, three billion people, nearly half the world's population, live on merely \$2 per day. In our Nation alone, almost 36.2 million Americans struggle day in and day out to find adequate nutritious food. More than 12.4 million children live in households that are food insecure. According to the Arkansas Hunger Relief Alliance, approximately 80 percent of supplemental nutrition assistance goes to households with children, many of them in working families, including military families.

In Arkansas, Laura Rhea has been making a difference to reduce those figures. Under her leadership, Arkansas Rice Depot has grown from a small hunger program that distributed only rice, to a comprehensive hunger agency that distributes almost 7 million pounds of food and supplies in Arkansas each year.

Laura grew up in North Little Rock. As a child she dreamed of becoming a missionary, but never dreamed that her mission field would be feeding hungry Arkansans. She is a certified volunteer manager and was recognized as a certified fund raising executive in 1995.

Laura developed Food for Kids, a backpack program serving over 600 schools in Arkansas, sending home backpacks of food to over 25,000 students who face food insecurity. This program has been recognized by the Wall Street Journal, CNN, and has been replicated in over 40 States.

Laura also developed Simple Pleasures, a gourmet gift shop that sells the Rice Depot line of soup and chili mixes. Proceeds from the gift shop are used to purchase food for Rice Depot's hunger relief efforts.

Faith is an important part of Laura's life. In 2003, Laura suffered a heat-stroke unloading a truck. Although she would continue to serve her life's mission from a wheelchair, she is not limited by her disability. She often quotes Psalms 37:11 to sum up her life, "Delight yourself in the Lord and he will give you the desires of your heart."

And last but certainly not least, Laura's family—her husband Don, daughter Allison, and four grandchildren are not only inspirations for her but also stalwart supporters. In fact, her daughter Allison shares her mother's mission and has served the Rice Depot for the past 12 years. In addition, Laura's granddaughter worked there over the summer, bringing three generations of her family to the effort to wipe out hunger.

As you can see, Laura Rhea is a generous, compassionate, and dedicated individual. So as Rice Depot celebrates its 27th year of progress in finding sensible solutions to hunger in Arkansas, I salute The Rice Depot, its staff, the many volunteers, and especially Laura Rhea for their commitment to feeding those who hunger in Arkansas.●

##### TRIBUTE TO PARKER WESTBROOK

• Mrs. LINCOLN. Mr. President, it is with Arkansas pride that today I honor one of the great sons of the Natural State, Parker Westbrook of Nashville, AR. On October 20, 2009, the Howard County Democratic Central Committee is sponsoring a dinner to honor his lifelong public service to Arkansas and his country.

The day after Christmas in 1948, Westbrook set out with newly elected Congressman Boyd Tackett of Nashville for Washington, DC. Over the course of the next 26 years, Parker served his home State in our Nation's Capital for four members of the Arkansas congressional delegation, most notably as a special assistant to U.S. Senator J. William Fulbright. In 1975, he returned to Arkansas and served as a special assistant to Governor David Pryor.

Although public service in government was a calling for much of Mr. Westbrook's life, his true passion was historic preservation. Westbrook was born in 1926 and was the third generation of the Westbrook-Parker families

to live in the home of his maternal grandfather, which is listed on the National Register of Historic Places. The house and farmstead provided Parker with an early appreciation for historic preservation, and after leaving Washington in 1974, he set out on a course to help preserve Arkansas's cultural legacy.

While working for Governor Pryor, Westbrook was elected to the Pioneer Washington Foundation, Inc. Board, a private nonprofit group committed to preserving Historic Washington. Washington, AR, is home to the oldest continuous post office in Arkansas, established on February 23, 1820 shortly after Arkansas became a territory. In 1979, Westbrook became a full-time volunteer and restoration adviser. In 1980, he became the executive director and was elected president of the foundation in 1990. He continued in that role until May of this year.

In 1975, Westbrook was elected to the Historic Arkansas Museum Board of Directors and has served that organization continuously for 34 years. For many years, he was chairman and now holds the title of chairman emeritus.

Westbrook was also appointed to the Arkansas State Review Board of the Historic Preservation Program in 1975. He was reappointed three times by Governor Bill Clinton and again by Governor Jim Guy Tucker and served as chairman for 4½ years.

In addition, Westbrook has served on a number of other Arkansas historic entities including the Historic Preservation Alliance of Arkansas, Department of Arkansas Heritage Advisory Board, the President William J. Clinton Birthplace Foundation, Corinth Cemetery Association in Howard County, Friends of the Carousel, and Main Street Arkansas Advisory Board.

He has been awarded the Arkansas Historical Association's Endowed History Award and was recognized in 1986 as Arkansas's Distinguished Citizen for his volunteer work.

In 1995, President Clinton recognized Westbrook's longstanding service to historic preservation and appointed him to the President's Council for Historic Preservation where he served until 2003.

In addition, Interior Secretary Bruce Babbitt twice appointed Parker to the National Park System Advisory Board where he served as chairman of the Committee on National Historic Landmarks.

As you can see, Parker Westbrook has a long and distinguished career serving his community, Arkansas, and our Nation.

As the Howard County Democratic Central Committee recognizes Mr. Westbrook's service, I extend my sincere thanks and appreciation on behalf of all Arkansans for his devotion and commitment to public service throughout his life.●

#### 275TH ANNIVERSARY OF FIRST CONGREGATIONAL CHURCH, UNITED CHURCH OF CHRIST

● Ms. SNOWE. Mr. President, I wish to pay tribute to the First Congregational Church, United Church of Christ of South Portland, ME, on the momentous occasion of its 275th anniversary. What a tremendous milestone and enduring testament to the church's centuries of spiritual leadership and goodwill.

Established in 1733, the church held its inaugural worship service in 1734 and has, through its steady growth and exemplary commitment to others, expanded its ministries, championed education for all, and engendered an abiding sense of fellowship for literally hundreds of years. Although the physical buildings of worship may have changed over time, the church's fundamental mission—to foster its congregation's spiritual life while offering outreach to others through words and actions—has not wavered.

Although this church's history and time-honored presence within the South Portland area are truly remarkable, the First Congregational Church, United Church of Christ concentrates its energies and attention on its current and future role within the greater community—to serve members of its congregation and people whose lives are enriched by the interaction of the ministry, the congregants, and the faith that binds them to a benevolence of purpose that is an inspiration to all.

Through such practical programs as the Discovery Center preschool, the Community Crisis Ministries Program, the Mission and Outreach Team—which offer soup kitchen and food pantry assistance—and the Social Witness Ministries that address current socio-cultural and environmental challenges, this church truly extends its reach beyond its walls in the selfless quest to contribute to others.

As 2009 represents a monumental moment of celebration in the life of the First Congregational Church, United Church of Christ, I wish to offer my heartfelt congratulations and profound gratitude to all who have sustained the dynamic work of this church in centuries past and who will do so for many more years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 10:46 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1327. An act to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

H.R. 1700. An act to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum.

H.R. 2651. An act to amend title 46, United States Code, to direct the Secretary of Transportation to establish a maritime career training loan program, and for other purposes.

H.R. 3371. An act to amend title 49, United States Code, to improve airline safety and pilot training, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 138. Concurrent resolution recognizing the 40th anniversary of the George Bush Intercontinental Airport in Houston, Texas.

At 1:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

#### ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) announced that on today, October 15, 2009, he had signed the following enrolled bills, previously signed by the Speaker of the House:

S. 1717. A bill to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

H.R. 1016. An act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.

H.R. 2997. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

At 3:50 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2423. An act to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the "George P. Kazen Federal Building and United States Courthouse."

The message also announced that pursuant to 20 U.S.C. 955(b), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the National Council on the Arts: Ms. MCCOLLUM of Minnesota and Mr. CARNAHAN of Missouri.

The message further announced that pursuant to 10 U.S.C. 4355(a), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. LEWIS of California and Mr. SHIMKUS of Illinois.

### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 22. An act to amend title 5, United States Code, to reduce the amount that the United States Postal Service is required to pay into the Postal Service Retiree Health Benefits Fund by the end of fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1327. An act to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1700. An act to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Environment and Public Works.

H.R. 2423. An act to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the "George P. Kazen Federal Building and United States Courthouse", and to designate the jury room in that Federal building and United States courthouse as the "Marcel C. Notzon II Jury Room"; to the Committee on Environment and Public Works.

H.R. 2651. An act to amend title 46, United States Code, to direct the Secretary of Transportation to establish a maritime career training loan program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3371. An act to amend title 49, United States Code, to improve airline safety and pilot training, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 138. Concurrent resolution recognizing the 40th anniversary of the George Bush Intercontinental Airport in Houston, Texas; to the Committee on Commerce, Science, and Transportation.

### MEASURES DISCHARGED

The following joint resolution was discharged from the Committee on

Foreign Relations pursuant to 42 U.S.C. 2159, and placed on the calendar:

S.J. Res. 18. Joint resolution relating to the approval of the proposed agreement for nuclear cooperation between the United States and the United Arab Emirates.

### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 15, 2009, she had presented to the President of the United States the following enrolled bill:

S. 1717. An act to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3371. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Acquisition Regulation Supplement; Department of Defense Inspector General Address" ((RIN0750-AG34)(DFARS Case 2009-D001)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Armed Services.

EC-3372. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Acquisition Regulation Supplement; Restriction on Research and Development—Deletion of Obsolete Text" ((RIN0750-AG33) (DFARS Case 2009-D005)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Armed Services.

EC-3373. A communication from the Acting Deputy General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Exception to the Maturity Limit on Second Mortgages" (RIN3133-AD64) received in the Office of the President of the Senate on October 14, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3374. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Requirement for Amateur Rocket Activities; CORRECTION" (RIN2120-AI88) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3375. A communication from the Paralegal, Federal Transportation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Bus Testing: Phase-In of Brake Performance and Emissions Testing, and Program Updates" (RIN2132-AA95) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3376. A communication from the Assistant Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Minor Editorial Cor-

rections and Clarifications" (RIN2137-AE50) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3377. A communication from the Assistant Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revision of Requirements for Emergency Response Telephone Numbers" (RIN2137-AE21) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3378. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Express Lane Demonstration Program" (RIN2125-AF07) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3379. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Congestion Management Rule for John F. Kennedy International Airport and Newark Liberty International Airport; RESCISSION" (RIN2120-AJ48) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3380. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Congestion Management Rule for LaGuardia Airport; RESCISSION" (RIN2120-AJ49) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3381. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Restricted Area R-2502A; Fort Irwin, CA; Docket No. 09-AWP-3" (RIN2120-AA66) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3382. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (105); Amdt. No. 3338" (RIN2120-AA65) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3383. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (7); Amdt. No. 3339" (RIN2120-AA65) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3384. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (8); Amdt. No. 3341" (RIN2120-AA65) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3385. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (122); Amdt. No. 3340" (RIN2120-AA65) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3386. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (20); Amdt. No. 483" (RIN2120-AA63) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3387. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1117)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3388. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DORNIER LUFTAHRT GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, and Dornier 228-202 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0574)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3389. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-100 Gliders" ((RIN2120-AA64) (Docket No. FAA-2009-0881)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3390. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320 and A321 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2007-0390)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3391. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310-203 and -222 Airplanes and Model A300 B4-620 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0431)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3392. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Ronan, MT" ((RIN2120-AA66) (Docket No. FAA-2009-0552)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3393. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace and Amendment of Class E Airspace; North Bend, OR" ((RIN2120-AA66) (Docket No. FAA-2008-0006)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3394. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and E Airspace, Removal of Class E Airspace; Aguadilla, PR" ((RIN2120-AA66) (Docket No. FAA-2009-0053)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3395. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace, Modification of Class E Airspace; Bunnell, Florida" ((RIN2120-AA66) (9-24-9-25/0327/ASO-014)) received in the Office of the President of the Senate on October 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3396. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Franklin, North Carolina" ((RIN2120-AA66) (9-24-9-25/0986/ASO-15)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3397. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Platteville, Wisconsin" ((RIN2120-AA66) (10-9-10-9/0512/AGL-9)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3398. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Pueblo, Colorado" ((RIN2120-AA66) (10-9-10-9/0349/ANM-6)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3399. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Little River, California" ((RIN2120-AA66) (10-9-10-9/0617/AWP-5)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3400. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-100 Gliders" ((RIN2120-AA64) (10-5-10-5/0897/CE-048)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3401. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, -200C, -200F, -300, -400, -400D, -400F, and 747SR Series Airplanes" ((RIN2120-AA64) (10-5-10-1/0293/NM-221)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3402. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727-281 Airplanes Equipped with Auxiliary Fuel Tanks Installed in Accordance with Supplemental Type Certificate SA3449NM" ((RIN2120-AA64) (9-21-9-21/1325/NM-157)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3403. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Teledyne Continental Motors O-470, IO-470, TSIO-470, IO-520, TSIO-520, IO-550, and IOF-550" ((RIN2120-AA64) (9-21-9-21/0367/NE-10)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3404. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes" ((RIN2120-AA64) (10-1-10-1/1363/NM-104)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3405. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Airplanes" ((RIN2120-AA64) (10-1-10-1/0646/NM-359)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3406. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes Equipped with a Digital Transient Suppression Device (DTSD) Installed in Accordance with Supplemental Type Certificate (STC) ST00127BO" ((RIN2120-AA64) (10-1-10-1/05221/NM-187)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3407. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes" ((RIN2120-AA64) (9-24-9-29/0682/NM-237)) received in the Office of the President of the Senate on October 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3408. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Direct Final Rule; Safety and Security Zones;

Pilgrim Nuclear Power Plant, Plymouth, Massachusetts" (RIN1625-AA00) (Docket No. USG-2009-0311)) received in the Office of the President of the Senate on October 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3409. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions" (RIN1625-AA26) (Docket No. USG-2001-8661)) received in the Office of the President of the Senate on October 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3410. A communication from the Acting Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the activities performed by the agency that are not inherently governmental functions; to the Committee on Commerce, Science, and Transportation.

EC-3411. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; New Orleans, Louisiana" (MB Docket No. 09-147) received in the Office of the President of the Senate on October 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3412. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Japan relative to the AN/ASA-70 Tactical Data Display Group in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3413. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data related to firearms to the United Kingdom relative to Lewis Machine and Tool Co. (LMT) .309 caliber (7.62mm) Semi Automatic Rifles in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-3414. A communication from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3415. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Privacy Office Fourth Quarter Fiscal Year 2009 Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 369. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 379. A bill to provide fair compensation to artists for use of their sound recordings.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1793. An original bill to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Jacqueline H. Nguyen, of California, to be United States District Judge for the Central District of California.

Edward Milton Chen, of California, to be United States District Judge for the Northern District of California.

Dolly M. Gee, of California, to be United States District Judge for the Central District of California.

Richard Seeborg, of California, to be United States District Judge for the Northern District of California.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRANKEN:

S. 1788. A bill to direct the Secretary of Labor to issue an occupational safety and health standard to reduce injuries to patients, direct-care registered nurses, and all other health care workers by establishing a safe patient handling and injury prevention standard, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. LEAHY, Mr. SPECTER, Mr. FEINGOLD, Mr. CARDIN, Mr. WHITEHOUSE, Mr. KAUFMAN, Mr. FRANKEN, Mr. DODD, Mr. KERRY, and Mr. LEVIN):

S. 1789. A bill to restore fairness to Federal cocaine sentencing; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. REID, Ms. MURKOWSKI, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, Mr. JOHNSON, Mr. TESTER, Mr. AKAKA, Mr. CONRAD, Mr. BEGICH, Mr. FRANKEN, Mr. BURRIS, Mr. INOUE, Ms. STABENOW, Mr. UDALL of Colorado, and Ms. KLOBUCHAR):

S. 1790. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. BROWN:

S. 1791. A bill to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself and Mr. GRASSLEY):

S. 1792. A bill to amend the Internal Revenue Code of 1986 to modify the requirements for windows, doors, and skylights to be eligible for the credit for nonbusiness energy property; to the Committee on Finance.

By Mr. HARKIN:

S. 1793. An original bill to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. 1794. A bill to authorize and request the President to award the Medal of Honor posthumously to Captain Emil Kapaun of the United States Army for acts of valor during the Korean War; to the Committee on Armed Services.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 1795. A bill to amend title 49, United States Code, to permit certain revenues of private providers of public transportation by vanpool received from providing public transportation to be used for the purpose of acquiring rolling stock, and to permit certain expenditures of private vanpool contractors to be credited toward the local matching share of the costs of public transportation projects; to the Committee on Commerce, Science, and Transportation.

## ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 546

At the request of Mr. REID, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.



S. 619

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 619, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 658

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 727

At the request of Ms. LANDRIEU, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 956

At the request of Mr. TESTER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 956, a bill to amend title XVIII of the Social Security Act to exempt unsanctioned State-licensed retail pharmacies from the surety bond requirement under the Medicare Program for suppliers of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS).

S. 1056

At the request of Mr. VOINOVICH, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1056, a bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1136

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1136, a bill to establish a chronic care improvement demonstration program for Medicaid beneficiaries with severe mental illnesses.

S. 1147

At the request of Mr. KOHL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1177

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1177, a bill to improve consumer protections for purchasers of long-term care insurance, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1360

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1421

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1421, a bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 1584

At the request of Mr. MERKLEY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1584, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

S. 1608

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1608, a bill to prepare young people in disadvantaged situations for a competitive future.

S. 1685

At the request of Mr. SANDERS, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1685, a bill to provide an emergency benefit of \$250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of a cost-of-living adjustment for such year, and for other purposes.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the

President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1723

At the request of Mr. CORKER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1723, a bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes.

S. 1776

At the request of Ms. STABENOW, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Pennsylvania (Mr. CASEY), the Senator from Alaska (Mr. BEGICH), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1776, a bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes.

S. 1783

At the request of Mr. FRANKEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1783, a bill to amend the Agricultural Marketing Act of 1946 to provide for country of origin labeling for dairy products.

S. RES. 307

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 307, a resolution to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

S. RES. 312

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 312, a resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID).

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN:

S. 1788. A bill to direct the Secretary of Labor to issue an occupational safety and health standard to reduce injuries to patients, direct-care registered nurses, and all other health care workers by establishing a safe patient handling and injury prevention standard, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRANKEN. Mr. President, today I am introducing a bill to help keep our country's invaluable nurses and health care workers safe from debilitating injuries suffered on the job. This legislation will require workplace standards that eliminate the manual lifting of patients—the primary cause of musculoskeletal disorders in the health care profession. And I want to first thank my colleague in the House, Representative CONYERS of Michigan's 14th District, for his leadership on this issue and for the impressive work he put into crafting this bill.

When we think of dangerous working conditions, mines or construction sites might come to mind. But in fact, work performed in hospitals and nursing homes contributes to thousands of cases of musculoskeletal disorders in nurses and health care workers each year. These injuries require time away from work, and unfortunately, many workers suffering from chronic back injury are forced to leave the profession permanently. Nurses and health care workers deserve better—they shouldn't have to sacrifice their safety and their livelihood to help others, especially when many of these injuries could be prevented.

The manual lifting of patients is the primary cause of musculoskeletal injuries, and can be eliminated with the use of lifting equipment. Many health care facilities already have this equipment available, and studies have shown that it reduces injuries to workers, increases safety for patients, and is a cost-effective investment over several years.

This legislation would require the Department of Labor to propose standards for safe patient handling to prevent musculoskeletal disorders for health care workers, and eliminate manual lifting of patients through the use of lift equipment. It would also require health care facilities to develop safe patient handling plans and provide training on safe patient handling techniques.

Under the bill, health care workers would have the right to refuse assignments that are not in compliance with safe patient handling standards and be protected from employer retaliation against workers who refuse these assignments or report violations.

To help health care facilities to make this transition, the bill creates a new grant program for needy health care facilities that require financial assistance to purchase safe patient handling equipment.

I urge my colleagues to support the Nurse and Health Care Worker Protection Act. All of us benefit from the services these professionals provide, and by passing this legislation, we can help ensure they are able to safely continue in their important careers.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1788

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; FINDINGS; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Nurse and Health Care Worker Protection Act of 2009".

(b) FINDINGS.—Congress finds the following:

(1) In 2007, direct-care registered nurses ranked seventh among all occupations for the number of cases of musculoskeletal disorders resulting in days away from work—8,580 total cases. Nursing aides, orderlies, and attendants sustained 24,340 musculoskeletal disorders in 2007, the second highest of any occupation. The leading cause of these injuries in health care are the result of patient lifting, transferring, and repositioning injuries.

(2) The physical demands of the nursing profession lead many nurses to leave the profession. Fifty-two percent of nurses complain of chronic back pain and 38 percent suffer from pain severe enough to require leave from work. Many nurses and other health care workers suffering back injury do not return to work.

(3) Patients are not at optimum levels of safety while being lifted, transferred, or repositioned manually. Mechanical lift programs can substantially reduce skin tears suffered by patients and the frequency of patients being dropped, thus allowing patients a safer means to progress through their care.

(4) The development of assistive patient handling equipment and devices has essentially rendered the act of strict manual patient handling unnecessary as a function of nursing care.

(5) A growing number of health care facilities have incorporated patient handling technology and have reported positive results. Injuries among nursing staff have dramatically declined since implementing patient handling equipment and devices. As a result, the number of lost work days due to injury and staff turnover has declined. Studies have also shown that assistive patient handling technology successfully reduces workers' compensation costs for musculoskeletal disorders.

(6) Establishing a safe patient handling and injury prevention standard for direct-care registered nurses and other health care workers is a critical component in protecting nurses and other health care workers, addressing the nursing shortage, and increasing patient safety.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; findings; table of contents.
- Sec. 2. Safe patient handling and injury prevention standard.
- Sec. 3. Protection of direct-care registered nurses and health care workers.
- Sec. 4. Application of safe patient handling and injury prevention standard to health care facilities not covered by OSHA.
- Sec. 5. Financial assistance to needy health care facilities in the purchase of safe patient handling and injury prevention equipment.
- Sec. 6. Definitions.



**SEC. 2. SAFE PATIENT HANDLING AND INJURY PREVENTION STANDARD.**

(a) **RULEMAKING.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor, shall, pursuant to section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), propose a standard on safe patient handling and injury prevention (in this section such standard referred to as the “safe patient handling and injury prevention standard”) under such section to prevent musculoskeletal disorders for direct-care registered nurses and all other health care workers handling patients in health care facilities. A final safe patient handling and injury prevention standard shall be promulgated not later than 2 years after the date of the enactment of this Act.

(b) **REQUIREMENTS.**—The safe patient handling and injury prevention standard shall require the use of engineering controls to perform lifting, transferring, and repositioning of patients and the elimination of manual lifting of patients by direct-care registered nurses and all other health care workers, through the use of mechanical devices to the greatest degree feasible except where the use of safe patient handling practices can be demonstrated to compromise patient care. The standard shall apply to all health care employers and shall require at least the following:

(1) Each health care employer to develop and implement a safe patient handling and injury prevention plan within 6 months of the date of promulgation of the final standard, which plan shall include hazard identification, risk assessments, and control measures in relation to patient care duties and patient handling.

(2) Each health care employer to purchase, use, maintain, and have accessible an adequate number of safe lift mechanical devices not later than 2 years after the date of issuance of a final regulation establishing such standard.

(3) Each health care employer to obtain input from direct-care registered nurses, health care workers, and employee representatives of direct-care registered nurses and health care workers in developing and implementing the safe patient handling and injury prevention plan, including the purchase of equipment.

(4) Each health care employer to establish and maintain a data system that tracks and analyzes trends in injuries relating to the application of the safe patient handling and injury prevention standard and to make such data and analyses available to employees and employee representatives.

(5) Each health care employer to establish a system to document in each instance when safe patient handling equipment was not utilized due to legitimate concerns about patient care and to generate a written report in each such instance. The report shall list the following:

(A) The work task being performed.  
(B) The reason why safe patient handling equipment was not used.

(C) The nature of the risk posed to the worker from manual lifting.

(D) The steps taken by management to reduce the likelihood of manual lifting and transferring when performing similar work tasks in the future.

Such reports shall be made available to OSHA compliance officers, workers, and their representatives upon request within one business day.

(6) Each health care employer to train nurses and other health care workers on safe patient handling and injury prevention poli-

cies, equipment, and devices at least on an annual basis. Such training shall include providing information on hazard identification, assessment, and control of musculoskeletal hazards in patient care areas and shall be conducted by an individual with knowledge in the subject matter, and delivered, at least in part, in an interactive classroom-based and hands-on format.

(7) Each health care employer to post a uniform notice in a form specified by the Secretary that—

(A) explains the safe patient handling and injury prevention standard;

(B) includes information regarding safe patient handling and injury prevention policies and training; and

(C) explains procedures to report patient handling-related injuries.

(8) Each health care employer to conduct an annual written evaluation of the implementation of the safe patient handling and injury prevention plan, including handling procedures, selection of equipment and engineering controls, assessment of injuries, and new safe patient handling and injury prevention technology and devices that have been developed. The evaluation shall be conducted with the involvement of nurses, other health care workers, and their representatives and shall be documented in writing. Health care employers shall take corrective action as recommended in the written evaluation.

(c) **INSPECTIONS.**—The Secretary of Labor shall conduct unscheduled inspections under section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657) to ensure implementation of and compliance with the safe patient handling and injury prevention standard.

**SEC. 3. PROTECTION OF DIRECT-CARE REGISTERED NURSES AND HEALTH CARE WORKERS.**

(a) **REFUSAL OF ASSIGNMENT.**—The Secretary shall ensure that a direct-care registered nurse or other health care worker may refuse to accept an assignment from a health care employer if—

(1) the assignment would subject the worker to conditions that would violate the safe patient handling and injury prevention standard; or

(2) the nurse or worker has not received training described in section 2(a)(5) that meets such standard.

(b) **RETALIATION FOR REFUSAL OF LIFTING ASSIGNMENT BARRED.**—

(1) **NO DISCHARGE, DISCRIMINATION, OR RETALIATION.**—No health care employer shall discharge, discriminate, or retaliate in any manner with respect to any aspect of employment, including discharge, promotion, compensation, or terms, conditions, or privileges of employment, against a direct-care registered nurse or other health care worker based on the nurse's or worker's refusal of a lifting assignment under subsection (a).

(2) **NO FILING OF COMPLAINT.**—No health care employer shall file a complaint or a report against a direct-care registered nurse or other health care worker with the appropriate State professional disciplinary agency because of the nurse's or worker's refusal of a lifting assignment under subsection (a).

(c) **WHISTLEBLOWER PROTECTION.**—

(1) **RETALIATION BARRED.**—A health care employer shall not discriminate or retaliate in any manner with respect to any aspect of employment, including hiring, discharge, promotion, compensation, or terms, conditions, or privileges of employment against any nurse or health care worker who in good faith, individually or in conjunction with another person or persons—

(A) reports a violation or a suspected violation of this Act or the safe patient handling and injury prevention standard to the Secretary of Labor, a public regulatory agency, a private accreditation body, or the management personnel of the health care employer;

(B) initiates, cooperates, or otherwise participates in an investigation or proceeding brought by the Secretary, a public regulatory agency, or a private accreditation body concerning matters covered by this Act; or

(C) informs or discusses with other individuals or with representatives of health care employees a violation or suspected violation of this Act.

(2) **GOOD FAITH DEFINED.**—For purposes of this subsection, an individual shall be deemed to be acting in good faith if the individual reasonably believes—

(A) the information reported or disclosed is true; and

(B) a violation of this Act or the safe patient handling and injury prevention standard has occurred or may occur.

(d) **COMPLAINT TO SECRETARY.**—

(1) **FILING.**—A direct-care registered nurse, health care worker, or other individual may file a complaint with the Secretary of Labor against a health care employer that violates this section within 180 days of the date of the violation.

(2) **RESPONSE TO COMPLAINT.**—For any complaint so filed, the Secretary shall—

(A) receive and investigate the complaint;

(B) determine whether a violation of this Act as alleged in the complaint has occurred; and

(C) if such a violation has occurred, issue an order that sets forth the violation and the required remedy or remedies.

(3) **REMEDIES.**—The Secretary shall have the authority to order all appropriate remedies for such violations.

(e) **CAUSE OF ACTION.**—Any direct-care registered nurse or other health care worker who has been discharged, discriminated, or retaliated against in violation of this section may bring a cause of action in a United States district court. A direct-care registered nurse or other health care worker who prevails on the cause of action shall be entitled to the following:

(1) Reinstatement, reimbursement of lost wages, compensation, and benefits.

(2) Attorneys' fees.

(3) Court costs.

(4) Other damages.

(f) **NOTICE.**—A health care employer shall include in the notice required under section 2(b)(7) an explanation of the rights of direct-care registered nurses and health care workers under this section and a statement that a direct-care registered nurse or health care worker may file a complaint with the Secretary against a health care employer that violates the safe patient handling and injury prevention standard, including instructions for how to file such a complaint.

(g) **ADDITION TO CURRENT PROTECTIONS.**—The worker protections provided for under this section are in addition to protections provided in section 11(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(c)).

**SEC. 4. APPLICATION OF SAFE PATIENT HANDLING AND INJURY PREVENTION STANDARD TO HEALTH CARE FACILITIES NOT COVERED BY OSHA.**

(a) **IN GENERAL.**—Section 1866 of the Social Security Act (42 U.S.C. 1395cc) is amended—

(1) in subsection (a)(1)(V), by inserting “and safe patient handling and injury prevention standard (as initially promulgated under section 2 of the Nurse and Health Care

Worker Protection Act of 2009)" before the period at the end; and

(2) in subsection (b)(4)—

(A) in subparagraph (A), inserting "and the safe patient handling and injury prevention standard" after "Bloodborne Pathogens standard"; and

(B) in subparagraph (B), inserting "or the safe patient handling and injury prevention standard" after "Bloodborne Pathogens standard".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to health care facilities 1 year after date of issuance of the final safe patient handling and injury prevention standard required under section 2.

**SEC. 5. FINANCIAL ASSISTANCE TO NEEDY HEALTH CARE FACILITIES IN THE PURCHASE OF SAFE PATIENT HANDLING AND INJURY PREVENTION EQUIPMENT.**

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a grant program that provides financial assistance to cover some or all of the costs of purchasing safe patient handling and injury prevention equipment for health care facilities, such as hospitals, nursing facilities, home health care, and outpatient facilities, that—

(1) require the use of such equipment in order to comply with the safe patient handling and injury prevention standard; but

(2) demonstrate the financial need for assistance for purchasing the equipment required under such standard.

(b) APPLICATION.—No financial assistance shall be provided under this section except pursuant to an application made to the Secretary of Health and Human Services in such form and manner as the Secretary shall specify.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for financial assistance under this section \$200,000,000, of which \$50,000,000 will be available specifically for home health agencies or entities. Funds appropriated under this subsection shall remain available until expended.

**SEC. 6. DEFINITIONS.**

For purposes of this Act:

(1) DIRECT-CARE REGISTERED NURSE.—The term "direct-care registered nurse" means an individual who has been granted a license by at least one State to practice as a registered nurse and who provides bedside care or outpatient services for one or more patients or residents.

(2) HEALTH CARE WORKER.—The term "health care worker" means an individual who has been assigned to lift, reposition, or move patients or residents in a health care facility.

(3) EMPLOYMENT.—The term "employment" includes the provision of services under a contract or other arrangement.

(4) HEALTH CARE EMPLOYER.—The term "health care employer" means an outpatient health care facility, hospital, nursing home, home health care agency, hospice, federally qualified health center, nurse managed health center, rural health clinic, or any similar health care facility that employs direct-care registered nurses or other health care workers.

By Mr. DURBIN (for himself, Mr. LEAHY, Mr. SPECTER, Mr. FEINGOLD, Mr. CARDIN, Mr. WHITEHOUSE, Mr. KAUFMAN, Mr. FRANKEN, Mr. DODD, Mr. KERRY, and Mr. LEVIN):

S. 1789. A bill to restore fairness to Federal cocaine sentencing; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise to speak about the Fair Sentencing Act of 2009, which I am introducing today.

This narrowly tailored bill would eliminate the sentencing disparity that exists in the United States between crack cocaine and powder cocaine. At the same time, it would increase penalties for the worst offenders for crimes involving these substances. It accomplishes two very important goals: One goal is to restore fairness to drug sentencing and, second, to focus our limited Federal resources on the most effective way to end violent drug trafficking.

I have cast thousands of votes as a Member of the House of Representatives and the Senate. Most of those votes are kind of lost in the shadows of history. Some were historic, relative to going to war and impeachment issues, and you never forget those.

But there was one vote I cast more than 20 years ago which I regret. It was a vote that was cast by many of us in the House of Representatives, when we were first informed about the appearance of a new narcotic on the streets. It was called crack cocaine. It was so cheap it was going to be plentiful, and it was so insidious—or at least we were told that 20 years ago—we were advised to take notice and do something dramatic and we did.

More than 20 years ago, I joined many Members of Congress from both political parties in voting for the Anti-Drug Abuse Act of 1986. It established the Federal cocaine sentencing framework that is still in place today.

Under this law, it takes 100 times more powder cocaine than crack cocaine to trigger the same 5-to-10-year mandatory minimum sentence. This is known as the 100-to-1 crack/powder sentencing disparity. But that phrase doesn't tell the story. Here is the story. Simply possessing 5 grams of crack, which is the equivalent of holding five packets of sugar or Equal or one of the sugar substitutes, simply possessing that small amount of crack cocaine under the current sentencing framework carries the same sentence as selling—not possessing but selling—500 grams of powder cocaine—the equivalent of 500 packets of sugar. Why? Well, because we believed we were dealing with a different class of narcotics; something that was much more dangerous and should be treated much more harshly.

Make no mistake, cocaine—whether in crack or powder form—has a devastating impact on families and on our society and we need to have tough legislation when it comes to narcotics. But in addition to being tough, our drug laws have to be fair.

Right now, our cocaine laws are based on a distinction between crack

and powder cocaine which cannot be justified. Our laws don't focus on the most dangerous offenders. Incarcerating for 5 to 10 years people who are possessing five sugar packets' worth of crack cocaine for the same period of time as those who are selling 500 sugar-size packets of powder cocaine is indefensible.

The Fair Sentencing Act, which I am introducing today, would completely eliminate this crack/powder disparity. It establishes the same sentences for crack and powder—a 1-to-1 sentencing ratio.

Those of us who supported the law establishing this disparity had good intentions. We followed the lead and advice of people in law enforcement. We wanted to address this crack epidemic that was spreading fear and ravaging communities. But we have learned a great deal in the last 20 years. We now know the assumptions that led us to create this disparity were wrong.

Vice President JOE BIDEN, one of the authors of the legislation creating this disparity in sentencing, has said: "Each of the myths upon which we based the disparity has since been dispelled or altered."

Earlier this year, I held a hearing in the Senate Judiciary Committee on this disparity in sentencing and we learned the following: Crack is not more addictive than powder cocaine, and crack cocaine offenses do not involve significantly more violence than powder cocaine offenses. Those were the two things that led us to this gross disparity in sentencing between powder cocaine and crack cocaine. We were told it is different; it is more addictive. It is not. We were also told it was going to create conduct which was much more violent than those who were selling powder cocaine and their activities. It did not.

We have also learned that more than 2.3 million people are imprisoned in America today. That is the most prisoners and the highest per capita rate of prisoners of any country in the world, and it is largely due to the incarceration of nonviolent drug offenders in America. African Americans are incarcerated at nearly six times the rate of White Americans. These are issues of fundamental human rights and justice our country must face.

It is important to note that the crack/powder disparity disproportionately affects African Americans. While African Americans constitute less than 30 percent of crack users, they make up 82 percent of those convicted of Federal crack offenses.

At a hearing I held, we heard compelling testimony from Judge Reggie B. Walton, who was Associate Director of the Office of Drug Control Policy under President George H.W. Bush and was appointed by President George W. Bush to the Federal bench. Judge Walton is an African American, and he testified

about “the agony of having to enforce a law that one believes is fundamentally unfair and disproportionately impacts individuals who look like me.”

We also heard about the negative impact the crack/powder disparity has on the criminal justice system. Judge Walton further testified about “jurors who would tell me that they refused to convict, that even though they thought the evidence was overwhelming, they were not prepared to put another young black man in prison knowing the sentencing disparity that existed between crack and powder cocaine.”

Asa Hutchinson, who was head of the Drug Enforcement Administration under President George W. Bush, testified: “Under the current disparity, the credibility of our entire drug enforcement system is weakened.”

The crack disparity also diverts resources away from the prosecution of large-scale drug traffickers. In fact, more than 60 percent of defendants convicted of Federal crack crimes are street-level dealers or mules.

During these difficult economic times, it is also important to note that the crack/powder disparity has placed an enormous burden on taxpayers and the prison system. Based on the Bureau of Prison's estimates of the annual costs of incarceration and the U.S. Sentencing Commission's projections of the number of prison beds reduced per year, we know that eliminating this disparity could save more than \$510 million in prison beds over 15 years.

There is widespread and growing agreement that the Federal cocaine and sentencing policy in the United States today is unjustified and unjust.

At the hearing I held on the crack/powder disparity, Lanny Breuer, the Assistant Attorney General of the Criminal Division, announced that the Justice Department and this administration support completely eliminating the crack/powder disparity and establishing a 1-to-1 ratio, which is included in my bill.

In June, Attorney General Eric Holder testified before the Senate Judiciary Committee. I asked him about this issue and here is what he said.

When one looks at the racial implications of the crack-powder disparity, it has bred disrespect for our criminal justice system. It has made the job of those of us in law enforcement more difficult. . . . [I]t is time to do away with that disparity.

Here on Capitol Hill, Democrats and Republicans alike have advocated fixing the disparity for years.

The following 10 Senators are original cosponsors of the Fair Sentencing Act: Senator PATRICK LEAHY, the Chairman of the Judiciary Committee, who for years has advocated for drug sentencing reform; Senator ARLEN SPECTER, the Chair of the Judiciary Committee's Crime and Drugs Subcommittee; Five other members of the

Senate Judiciary Committee—Senators RUSS FEINGOLD, BEN CARDIN, SHELDON WHITEHOUSE, TED KAUFMAN, and AL FRANKEN; and Senators JOHN KERRY, CHRIS DODD, and CARL LEVIN.

I would also like to recognize at this point, though he is not a cosponsor of the bill, Senator JEFF SESSIONS, the ranking member of the Judiciary Committee. He has been a leader in calling for reform of crack/powder sentencing policy.

The Senator from Alabama is a former U.S. attorney, not known to be soft on crime in any way, shape, or form, but he was one of the first to speak out about the injustice of the crack/powder disparity. I continue my dialog with Senator SESSIONS in the hope that he and I can come to a common place with regard to this important issue.

There is a bipartisan consensus about the need to fix the crack-powder disparity. I have been in discussions with Chairman LEAHY and Ranking Member SESSIONS, as well as Republican Senators LINDSEY GRAHAM, ORRIN HATCH, and TOM COBURN, and I am confident that the Judiciary Committee can come together to find a bipartisan solution to this problem.

A broad coalition of legal, law enforcement, civil rights, and religious leaders and groups from across the political spectrum supports eliminating the crack-powder disparity, including, for example: Los Angeles Police Chief Bill Bratton, Miami Police Chief John Timoney, The American Bar Association, The Leadership Conference on Civil Rights, The National Black Police Association, and The United Methodist Church.

The bipartisan United States Sentencing Commission has been urging Congress to act for 15 years. They have argued that fixing the crack-powder disparity “would better reduce the [sentencing] gap [between African Americans and whites] than any other single policy change, and it would dramatically improve the fairness of the federal sentencing system.” The Sentencing Commission has repeatedly recommended that Congress take two important steps: No. 1, reduce the sentencing disparity by increasing the quantities of crack cocaine that trigger mandatory minimum sentences; and No. 2, eliminate the mandatory minimum penalty for simple possession of crack cocaine. This is the only mandatory minimum sentence for simple possession of a drug by a first time offender.

The bill that I have introduced does both those things.

In order to ensure that limited Federal resources are directed toward the largest drug traffickers and the most violent offenders, not just those guilty of simple possession and a first offense, the Fair and Sentencing Act provides for increased penalties for drug of-

fenses involving vulnerable victims, violence and other aggravating factors.

For example, an individual being prosecuted for possessing either crack or powder cocaine will face more jail time if he: uses or threatens to use violence; uses or possesses a dangerous weapon; is a manager, leader or organizer of drug trafficking activities; or distributes drugs to a pregnant woman or minor.

The bill would also increase the financial penalties for drug trafficking. This sentencing structure will shift Federal resources towards violent traffickers and away from nonviolent drug users who are best dealt with at the State level.

In the final analysis, this legislation is about fixing an unjust law that has taken a great human toll. At the hearing I held in the Judiciary Committee, we heard testimony from Cedric Parker, who is from Alton in my home State of Illinois. In 2000, Mr. Parker's sister, Eugenia Jennings, was sentenced to 22 years in prison for selling 14 grams of crack cocaine. Mr. Parker told us that Eugenia was physically and sexually abused from a young age. She was addicted to crack by the time she was 15.

Eugenia has three children, Radley, Radeisha, and Cardez. They are now 11, 14, and 15. These children were 2, 5, and 6 when their mother went to prison for selling the equivalent of 6 sugar cubes of crack. They have seen their mother once in the last 9 years. They will be 21, 24, and 25 when she is released in 2019.

At Eugenia's sentencing, Judge Patrick Murphy said this:

Mrs. Jennings, nobody has ever been there for you when you needed it. When you were a child and you were being abused, the Government wasn't there. But when you had a little bit of crack, the government was there. And it is an awful thing, an awful thing to separate a mother from her children. That's what the Government has done for Eugenia Jennings.

It is time to right this wrong. We have talked about the need to address the crack-powder disparity for long enough. Now, it's time to act. I urge my colleagues to join me in supporting the Fair Sentencing Act of 2009.

Mr. SESSIONS. Mr. President, I see my colleague, the assistant majority leader. I know we have been talking about improvement in the sentencing process for crack cocaine. I have offered legislation for almost a decade that would substantially improve the sentencing process in a way that I think is fair and constructive and allows us to deal with serious criminals like drug dealers. I believe it is pretty close to being a good policy. Senator Salazar, now a member of the Obama Cabinet, and Senator MARK PRYOR, my Democratic colleague from Arkansas, Senator JOHN CORNYN from Texas, and I, all four former attorneys general, offered that legislation. Senator DURBIN

has some ideas too. I look forward to working with him. I do think it is past time to act.

I will not favor alterations that massively undercut the sentencing we have in place, but I definitely believe that the current system is not fair and that we are not able to defend the sentences that are required to be imposed under the law today.

I am a strong believer in law enforcement and prosecution of those who violate our laws, particularly criminals who really do a lot of damage beyond just dealing drugs. They foster crime and form gangs. People who use cocaine tend to be violent. Even more, in some ways, people who use crack cocaine, as opposed to powder cocaine, tend to be paranoid and violent. It is not a good thing.

We don't need to give up the progress that has been made, but at the same time we need to fix the sentencing. I oppose anything that represents a 50, 60, 70, or 80 percent reduction in penalties but a significant rebalancing of that would be justified.

Mr. LEAHY. Mr. President, today, I am proud to join Senators DURBIN, SPECTER, FEINGOLD, CARDIN, WHITEHOUSE, KAUFMAN, FRANKEN, and others to introduce the Fair Sentencing Act of 2009. Our bill will eliminate the current 100-to-1 disparity between Federal sentences for crack and powder cocaine, equalizing the penalties for both forms of cocaine. I hope that this legislation will finally enable us to address the racial imbalance that has resulted from the cocaine sentencing disparity, as well as to make our drug laws more fair, more rational, and more consistent with our core values of justice.

I commend Senator DURBIN for his leadership in fixing this decades-old injustice. He chaired a hearing before our Crime and Drugs Subcommittee six months ago to examine this issue where we heard from the Assistant Attorney General for the Criminal Division at the Justice Department. We should do what we can to restore public confidence in our criminal justice system. Correcting biases in our criminal sentencing laws is a step in that direction.

Today, the criminal justice system has unfair and biased cocaine penalties that undermine the Constitution's promise of equal treatment for all Americans. For more than 20 years, our Nation has used a Federal cocaine sentencing policy that treats "crack" offenders one hundred times more harshly than other cocaine offenders without any legitimate basis for the difference. We know that there is little or no pharmacological distinction between crack and powder cocaine, yet the resulting punishments for these offenses is radically different and the resulting impact on minorities has been particularly unjust.

Under this flawed policy, a first-time offender caught selling five grams of

powder cocaine typically receives a 6 month sentence, and would often be eligible for probation. That same first-time offender selling the same amount of crack faces a mandatory five year prison sentence, with little or no possibility of leniency. This policy is wrong and unfair, and it has needlessly swelled our prisons, wasting precious Federal resources.

Even more disturbingly, this policy has had a significantly disparate impact on racial and ethnic minorities. According to the latest statistics assembled by the United States Sentencing Commission, African-American offenders continue to make up the large majority of Federal crack cocaine offenders, accounting for 80 percent of all Federal crack cocaine offenses, compared to white offenders who account for just 10 percent. These statistics are startling. It is no wonder this policy has sparked a nationwide debate about racial bias and undermined citizens' confidence in the justice system.

These penalties, which Congress created in the mid-1980s, have failed to address basic concerns. The primary goal was to punish the major traffickers and drug kingpins who were bringing crack into our neighborhoods. But the law has not been used to go after the most serious offenders. In fact, just the opposite has happened. The Sentencing Commission has consistently reported for many years that more than half of Federal crack cocaine offenders are low-level street dealers and users, not the major traffickers Congress intended to target.

The Fair Sentencing Act of 2009 would return the focus of Federal cocaine sentencing policy to drug kingpins, rather than street level dealers, and address the racial disparity in cocaine sentencing. The legislation we introduce today would align crack and powder cocaine sentences by setting the mandatory minimum sentencing triggers at the same levels. This equalization is a sound way to address the unjust sentencing disparity between crack and powder cocaine.

We have heard calls for this reform from Senators on both sides of the aisle. Senator HATCH, who has called the current ratio "an unjustifiable disparity," recognizes that because "crack and powder cocaine are pharmacologically the same drug" our sentencing laws do "not warrant such an extreme disparity." Even Senator SESSIONS, now the ranking Republican member of the Judiciary Committee, has called the 100-to-1 disparity in sentencing between crack cocaine and powder cocaine "not justifiable" and called for changes to make the criminal justice system more effective and fair.

The legislation we introduce today would also eliminate the mandatory minimum sentence for possession of

crack cocaine. The 5-year mandatory minimum sentence penalty for simple possession of crack is unique under Federal law. There is no other mandatory minimum for mere simple possession of a drug. This bill would correct this inequity, as well. Still, the Federal penalties for drug crimes remain very tough. This bill toughens some of those penalties. It would increase fines for major drug traffickers, as well as provide sentencing enhancements for acts of violence committed during the course of a drug trafficking offense. As a former prosecutor, I support strong punishments for drug traffickers.

This legislation already has support from a broad coalition of groups, including the American Bar Association, the NAACP, the ACLU, Families Against Mandatory Minimums, the Sentencing Project, the United Methodist Church, and many more.

While serving in the Senate, in September 2007, then-Senator Obama said:

If you are convicted of a crime involving drugs, of course you should be punished. But let's not make the punishment for crack cocaine that much more severe than the punishment for powder cocaine when the real difference is where the people are using them or who is using them.

I agree. And the Justice Department agrees as well, as Assistant Attorney General Lanny Breuer announced at our hearing this spring.

For over 20 years, the "crack-powder" disparity in the law has contributed to swelling prison populations without focusing on the drug kingpins. We must be smarter in our Federal drug policy. Law enforcement has been and continues to be a central part of our efforts against illegal drugs, but we must also find meaningful, community-based solutions.

American justice is about fairness for each individual. To have faith in our system Americans must have confidence that the laws of this country, including our drug laws, are fair and administered fairly. I believe the Fair Sentencing Act of 2009 will move us one step closer to reaching that goal. I urge all Senators to support this measure.

Mr. SPECTER. Mr. President, I have sought recognition to urge support for the legislation introduced today by Senator DURBIN to completely eliminate the unfair and unwarranted sentencing disparity between crack and powder cocaine. I am an original cosponsor of this bill.

Since the passage of the Anti-Drug Abuse Act of 1986, which established the basic framework of mandatory minimum penalties currently applicable to Federal drug trafficking offenses, there exists a 100-to-1 ratio between crack and powder cocaine. That means it takes 100 times as much powder cocaine as crack to trigger the same 5-year and 10-year mandatory minimum penalties.

On April 29, 2009, 6 witnesses testified before the Senate Judiciary Subcommittee on Crime and Drugs regarding the sentencing disparity between crack and powder cocaine, including the Assistant Attorney General for the Criminal Division at the Department of Justice, the Acting Chair of the U.S. Sentencing Commission, a U.S. District Court Judge representing the Judicial Conference of the U.S. Courts, and a Police Commissioner from a major urban city. All six witnesses testified in favor of an immediate reduction or elimination of this disparity.

At the time Congress established the crack-powder disparity in 1986, it did so because it was believed that crack was uniquely addictive and was associated with greater levels of violence than powder cocaine.

Today, more than 20 years later, research has shown that the addictive qualities of crack have more to do with its mode of administration—smoking compared to inhaling—rather than its chemical structure. Moreover, recent studies suggest that levels of violence associated with crack are stable or even declining.

Last year, 80.6 percent of crack offenders were African Americans, while only 10.2 percent were white. Compare that with powder cocaine prosecutions. For that same year, 30.25 percent of powder cocaine offenders were African Americans, 52.5 percent were Hispanic, and 16.4 percent were white. The average sentence for crack offenders is 2 years longer than the average sentence for powder cocaine.

Let me repeat that. African Americans, who make up approximately 12.3 percent of the population in the U.S., comprise 80.6 percent of the Federal crack offenders.

It takes about \$14,000 worth of powder cocaine compared to only about \$150 of crack to trigger the 5-year mandatory minimum penalty. Given that crack and cocaine powder are the same drug—just in different forms—why should we impose the same 5-year sentence for the \$150 drug deal as for the \$14,000 drug deal?

These sentencing disparities undermine the confidence in the criminal justice system. Our courts and our laws must be fundamentally fair; just as importantly, they must be perceived as fair by the public. I do not believe that the 1986 Act was intended to have a disparate impact on minorities but the reality is that it does.

The White House and the Department of Justice have asked Congress to eliminate this unfair sentencing disparity. It is time to correct this injustice.

By Mr. DORGAN (for himself,  
Mr. REID, Ms. MURKOWSKI,  
Mr. UDALL of New Mexico,  
Mr. WHITEHOUSE, Mr. JOHNSON,  
Mr. TESTER, Mr. AKAKA,

Mr. CONRAD, Mr. BEGICH,  
Mr. FRANKEN, Mr. BURRIS,  
Mr. INOUE, Ms. STABENOW,  
Mr. UDALL of Colorado, and Ms.  
KLOBUCHAR):

S. 1790. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, today I introduced the Indian Health Care Improvement Reauthorization and Extension Act of 2009. We face a bona fide crisis in health care in our Native American communities, and this bill is a first step toward fulfilling our treaty obligations and trust responsibility to provide quality health care in Indian Country. I introduce this bill on behalf of myself, Leader REID and Senators MURKOWSKI, UDALL of New Mexico, BEGICH, FRANKEN, WHITEHOUSE, INOUE, AKAKA, JOHNSON, TESTER, CONRAD, BURRIS, STABENOW, UDALL of Colorado, and KLOBUCHAR.

As Chairman of the Senate Committee on Indian Affairs, I have again made health care a top priority for the Committee this Congress. Native Americans suffer staggering health disparities due to an outdated, strained and underfunded health care system. We have a federal health care system for Native Americans that is only funded at about half of its need. Clinician vacancy rates within this system are high and misdiagnosis is rampant. Only those with “life or limb” emergencies seem to get care. Native Americans die of tuberculosis at a rate 600 percent higher than the general population, suicide rates are nearly double, alcoholism rates are 510 percent higher, and diabetes rates are 189 percent higher than the general population.

These numbers are appalling and represent Third World conditions right here in the U.S.

I have heard the heartbreaking stories about the lack of health care on our Native American reservations: people like Ta'shon Rain Littlelight, Jami Rose Jetty, Russell Lente and Avis Little Wind, who likely still would be living today had they had access to adequate health care. Our Federal system has failed them and so many other Native Americans. We owe our First Americans something better, and the bill I introduced today with my colleagues will provide a better system.

For over a decade, Indian Country has asked Congress to reauthorize and amend the Indian Health Care Improvement Act, P.L. 94-437. The National Steering Committee for Reauthorization, National Congress of American Indians, National Indian Health Board, and other Native American health advocates have been dedicated to improving the health care available to Native Americans across the country. I too am committed to ensuring the United States fulfills its trust responsibility

to provide decent health care to the Native Americans.

Last Congress, the Senate passed the Indian Health Care Improvement Act Amendments of 2008, which would have brought needed improvements to the Native American health care system. The bill passed by an overwhelming 83 to 10 vote. This was the first time in almost 17 years that the Senate considered and passed a Native American health care bill. Ultimately, the bill failed to be considered in the House of Representatives. My colleagues and I remain committed to getting a bill enacted into law.

In July, I developed a Native American health concept paper which was sent out to Indian Country for comments. I and the Committee on Indian Affairs held many listening sessions and meetings with many Native Americans around the country to discuss the concept paper. In addition, the Committee has held five hearings focused on Native American health issues this Congress. The Committee has worked to compile the feedback received from the concept paper and other meetings to develop the Native American health bill I introduced today.

Similar legislation has been considered in the 106, 107, 108, 109, and 110 Congresses. Today, my colleagues and I put forward a Native American health bill for the 111 Congress which builds on the work of prior Congresses, but goes beyond to include innovative solutions and reforms for the Native American health care system.

I would like to highlight some of the important updates the Indian Health Care Improvement Reauthorization and Extension Act of 2009 will bring to the Native American health care system.

Perhaps most importantly, the Native American health bill permanently reauthorizes all current laws governing the Native American health care system. This means that once this bill is passed, Indian Country will never again have to wait nearly 20 years for a reauthorization of the Indian Health Care Improvement Act.

This bill also authorizes long-term care services, including hospice care, assisted living, long-term care and home- and community-based care. Current law does not allow for these services to be provided by the Indian Health Service or tribal facilities. Although some areas of Indian Country are merely focused on addressing life or limb medical emergencies, other areas are in need of long-term care. Thus, I believe they should be authorized.

In addition, the bill establishes mental and behavioral health programs beyond alcohol and substance abuse, such as fetal alcohol spectrum disorders, child sexual abuse and prevention treatment programs. The mental health needs in Native American communities extend beyond alcohol and

substance abuse, in fact over  $\frac{1}{3}$  of the health care needs in Indian Country are related to mental health. The comprehensive mental and behavioral health programs established as a result of this bill will bring necessary care and resources to Native Americans.

In order to address the tragic level of youth suicide, the bill includes behavioral health provisions solely focused on preventing Native American youth suicide. The youth suicide rate in Indian Country is 3.5 times higher than the general population. Earlier this year, I chaired an Indian Affairs hearing to draw attention to this important topic.

The bill also incorporates many new ideas aimed at improving the access to health care available to Native Americans. The bill authorizes projects which will incentivize tribes to use innovative facilities construction which save money and expand the health care services available to Native American communities. For example, these projects include the use of modular component facility construction and mobile health stations.

Modular component health facilities can be built at often one-third the cost and a fraction of the time of a typical health facility. In addition, mobile health stations will allow for Native Americans in rural areas without a hospital, increased access to specialty health services like dialysis, same-day surgery, dental care, or other services. Currently, there is an estimated \$3 billion backlog for maintenance, improvement and construction of Native American health care facilities. In addition, the average age of an Indian Health Service facility is 33 years, as compared to 7 years in the general population. These innovative health care facilities will go a long way in this disparity and improving access to health care for Native Americans across the country.

The Native American health bill establishes a health delivery demonstration project. This project provides for convenient care services, which could be offered in local grocery stores and other venues, to make health care more available to Native American communities. The health delivery demonstration project authorizes the Indian Health Service to consider other innovative health delivery models, like community health centers, and other models which will increase access to health care services.

I want to end by saying the need for health care is not new for Indian Country. Nowadays, the need for national health care reform is front page news, but our Native Americans have long been in need of health care reforms. Therefore, I intend to offer this Native American health bill as an amendment to any national health care reform bill considered on the Senate floor.

I want to thank all the Native American health advocates who assisted us

in the development of this crucial piece of legislation. The Federal Government signed the dotted lines years ago, and today, we make an important step towards finally fulfilling those obligations.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2691. Ms. SNOWE (for herself, Mr. KERRY, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2691. Ms. SNOWE (for herself, Mr. KERRY, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 21, strike "section." and insert "section, including an assessment of actions other than increased Federal spending that would improve the development and interdepartmental coordination of the policies of the United States under the United States-Canada Transboundary Resource Sharing Understanding for shared groundfish stocks."

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks.

The hearing will be held on Wednesday, October 28, 2009, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the current and expected impacts of climate change on units of the National Park System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [allison\\_seyferth@energy.senate.gov](mailto:allison_seyferth@energy.senate.gov).

For further information, please contact Sara Tucker at (202) 224-6224 or Allison Seyferth at (202) 224-4905.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the infor-

mation of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests.

The hearing will be held on Thursday, October 29, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 555, to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes;

S. 607, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes;

S. 721, to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes;

S. 1122, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services;

S. 1328 and H.R. 689, to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management, and for other purposes;

S. 1442, to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, establish a grant program for Indian Youth Service Corps, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service; and

H.R. 129, to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [allison\\_seyferth@energy.senate.gov](mailto:allison_seyferth@energy.senate.gov).

For further information, please contact Scott Miller at (202) 224-5488 or Allison Seyferth at (202) 224-4905.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 15, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.



## COMMITTEE ON FINANCE

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 15, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "What Women Want: Equal Benefits for Equal Premiums" on October 15, 2009. The hearing will commence at 10:30 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 15, 2009, at 10 a.m. to conduct a hearing entitled "Domestic Partner Benefits: Fair Policy and Good Business for the Federal Government."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 15, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate, on October 15, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT AND FOREIGN ASSISTANCE, ECONOMIC AFFAIRS, AND INTERNATIONAL ENVIRONMENTAL PROTECTION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 15, 2009, at 10 a.m., to hold a subcommittee hearing entitled "Drought, Flooding, and Refugees: Addressing the Impacts of Climate Change in the World's Most Vulnerable Nations."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND ORGANIZATIONS, HUMAN RIGHTS, DEMOCRACY, AND GLOBAL WOMEN'S ISSUES

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 15, 2009, at 2:30 p.m., to hold a subcommittee hearing entitled "U.S. International Broadcasting into the War Zones: Iraq and Afghanistan."

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. BURRIS. Mr. President, I ask unanimous consent that Riley Roberts be granted the privileges of the floor for my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 481, 482 and 483; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD as if read; provided further that the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

## DEPARTMENT OF JUSTICE

Brendan V. Johnson, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

Karen Louise Loeffler, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

Steven Gerard O'Donnell, of Rhode Island, to be United States Marshal for the District of Rhode Island for the term of four years.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate returns to legislative session.

## ORDERS FOR MONDAY, OCTOBER 19, 2009

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, October 19; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later

in the day, and the Senate proceed to a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of the motion to proceed to S. 1776, the Medicare Physicians Fairness Act of 2009, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. CASEY. Mr. President, under the previous order, at 5:30 p.m., Monday, the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to S. 1776.

## ADJOURNMENT UNTIL MONDAY, OCTOBER 19, 2009, AT 2 P.M.

Mr. CASEY. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:59 p.m., adjourned until Monday, October 19, 2009, at 2 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

## DEPARTMENT OF DEFENSE

CLIFFORD L. STANLEY, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE DAVID S. C. CHU, RESIGNED.

## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JESSIE HILL ROBERSON, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2013, VICE A. J. EGGENBERGER, RESIGNED.

JOSEPH F. BADER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2012. (REAPPOINTMENT)

PETER STANLEY WINOKUR, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2014. (REAPPOINTMENT)

## FARM CREDIT ADMINISTRATION

JILL LONG THOMPSON, OF INDIANA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING MAY 21, 2014, VICE NANCY C. PELLET, TERM EXPIRED.

## DEPARTMENT OF COMMERCE

SCOTT BOYER QUEHL, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE OTTO WOLFF, RESIGNED.

SCOTT BOYER QUEHL, OF PENNSYLVANIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE, VICE OTTO WOLFF, RESIGNED.

## FEDERAL HOSPITAL INSURANCE TRUST FUND

CHARLES P. BLAHOUS, III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE THOMAS R. SAVING.

## FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

CHARLES P. BLAHOUS, III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE THOMAS R. SAVING.

## FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE TRUST FUNDS

CHARLES P. BLAHOUS, III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE THOMAS R. SAVING.

## FEDERAL HOSPITAL INSURANCE TRUST FUND

ROBERT D. REISCHAUER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE JOHN L. PALMER.

## FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE TRUST FUNDS

ROBERT D. REISCHAUER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE JOHN L. PALMER.

## FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

ROBERT D. REISCHAUER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE JOHN L. PALMER.

## DEPARTMENT OF STATE

ANNE SLAUGHTER ANDREW, OF INDIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

## DEPARTMENT OF EDUCATION

LYNNAE M. RUTTLEDGE, OF WASHINGTON, TO BE COMMISSIONER OF THE REHABILITATION SERVICES ADMINISTRATION, DEPARTMENT OF EDUCATION, VICE JOANNE M. WILSON, RESIGNED.

## UNITED STATES POSTAL SERVICE

ALAN C. KESSLER, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2015. (REAPPOINTMENT)

## IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

*To be lieutenant commander*

JENNIFER L. ADAMS  
 RODERICK D. ADAMS  
 MARCUS E. ALDEN  
 JASON C. ALEKSAS  
 JOHN G. ALLEN  
 KIMBERLY B. ANDERSEN  
 JONATHAN A. ANDRECHIK  
 SHAMEEN E. ANTHANIO-WILLIAMS  
 LAHCEN I. ARMSTRONG  
 JOHN H. AXTELL  
 RENE BAEZ  
 FLAVIO B. BALTAZAR  
 TIMOTHY G. BALUNIS  
 KEVIN M. BARKLAGE  
 JASON P. BARRETT  
 BRYAN M. BEGIN  
 CHRIS J. BELMONT  
 ANDREW R. BENDER  
 KENNETH E. BETHEA  
 JULIE Y. BETHKE  
 BRIAN R. BETZ  
 IAN G. BIRD  
 VANESSA BLACKMORE  
 MARK A. BLAESI  
 JOHN D. BLOCK  
 MICHAEL A. BLOCK  
 STEVEN M. BONN  
 CHRISTOPHER L. BONNER  
 JOHN C. BOURCET  
 JASON T. BOYLE  
 JASON P. BRAND  
 BRIAN P. BREGUET  
 DANIEL L. BREHM  
 STEPHANIE E. BRENNELL  
 WILLIAM C. BRENT  
 SHANE D. BRIDGES  
 JOHN W. BRIGGS  
 PEGGY M. BRITTON  
 DANIEL J. BROADHURST  
 DARKEIM L. BROWN  
 DANIEL G. BUCHSBAUM  
 VINCENT J. BUKOWSKI  
 CHRISTOPHER G. BURRUS  
 ROBERT S. BUTTS  
 JERRY D. BUTWID  
 JEFFREY P. CABELL  
 MARCUS A. CANADY  
 RONALD J. CAPUTO  
 CATHERINE T. CARABINE  
 KEVIN R. CARLSON  
 MARIE M. CASTILLO—BLETSO  
 GEORGE B. CATHEY  
 MATTHEW M. CHONG  
 JOHN J. CHRISTENSEN  
 MICHAEL A. CINTRON  
 AUSTIN H. COHOON  
 ANGELA A. COOK  
 JOHN M. CORBETT  
 NATHAN E. COWALL  
 JEFFREY L. CRAIG  
 KEVIN A. CRECY  
 JOHN A. CURREN  
 HAI X. DANG  
 MICHAEL V. DANISH

WILLIAM L. DAVIS  
 RULA F. DEISHER  
 CHRISTOPHER J. DELAMERE  
 ETIENNE DELARIVA  
 AARON W. DEMO  
 MATTHEW C. DERRENBACHER  
 JOYCE M. DIETRICH  
 KELLY L. DIETRICH  
 PATRICK C. DILL  
 SARA E. DILUNA  
 DAVID D. DIXON  
 RICHARD H. DIXON  
 ROBERT J. DONNELL  
 TAD F. DROZDOWSKI  
 JEFFERY A. DRZEWIECKI  
 SHAUN L. EDWARDS  
 JOHN T. EGAN  
 KENNETH W. ELLER  
 SHAWN G. ESSERT  
 BRIAN M. FARMER  
 DAVID T. FEENEY  
 KRISTOPHER S. FEGLER  
 MATHEW S. FINE  
 JOHN M. FIORENTINE  
 MICHAEL R. FRANKLIN  
 WILLIAM A. FRIDAY  
 HSINGYEN J. FU  
 JOSHUA M. FULCHER  
 MICHAEL P. GARVEY  
 DAVID R. GATES  
 MARCUS G. GHERARDI  
 MEREDITH S. GILLMAN  
 ZACHARY N. GLASS  
 TROY P. GLENDYE  
 CARY G. GODWIN  
 HAYDEN J. GOLDMAN  
 EVANGELINE R. GORMLEY  
 HARRY L. GREENE  
 WILLIAM M. GROSSMAN  
 KENT D. HALEY  
 STEVEN J. HALPIN  
 RYAN C. HAMEL  
 LUSHAN A. HANNAH  
 AMANDA D. HARDGRAVE  
 DAVID W. HATCHETT  
 DERRICK F. HENDRICKSON  
 MICHAEL P. HENNESSY  
 ANGELINA HIDALGO  
 KATE F. HIGGINS  
 KEVIN S. HILL  
 BRENDAN J. HILLEARY  
 JESSE C. HOLSTON  
 TIMOTHY C. HOLT  
 DEAN E. HORTON  
 JASON D. INGRAM  
 JEFFREY S. JACKSON  
 JUSTIN W. JACOBS  
 STEVEN F. JENSEN  
 ERIC D. JOHNSON  
 KAREN S. JONES  
 KAREN L. JORDAN  
 MICHAEL P. KAHLE  
 NICHOLAS A. KALIN  
 BENJAMIN G. KARPINSKI  
 CHRISTOPHER M. KEENE  
 NATHAN P. KENDRICK  
 DANIEL J. KENNEDY  
 MAEVE K. KEOGH  
 DAVID M. KESSLER  
 TERRI J. KINDNESS  
 MATTHEW D. KING  
 ROBERT J. KINSEY  
 SEAN D. KRUEGER  
 PAUL M. LALICATA  
 DANIEL P. LANIGAN  
 JOHN M. LEACH  
 JOHNDAVID A. LENTINE  
 EDDIE LESANE  
 JUNE E. LESHNOVER  
 RACHEL L. LEWIS  
 PATRICK M. LINEBERRY  
 SCOTT E. LUGO  
 MICHAEL C. LUNASIN  
 PATRICK J. LYSAGHT  
 SCOTT M. MACCUMBEE  
 GREGORY J. MADALENA  
 BRIAN J. MAGGI  
 JILLIAN C. MALZONE  
 MATTHEW C. MANOFSKY  
 CARYN A. MARGITA  
 TIMOTHY J. MARGITA  
 BRYAN A. MARKLAND  
 DAVID J. MARRAMA  
 ELIZABETH L. MASSIMI  
 ZACHARY S. MATHEWS  
 ERIC S. MAY  
 STEVEN J. MCCULLOUGH  
 MARK A. MCDONNELL  
 BONNIE C. MCMILLAN  
 SHAWN C. MCMILLAN  
 BRIAN K. MCNAMARA  
 ADAM C. MERRILL  
 MATTHEW A. MICHAELIS  
 BARRY J. MILES  
 CAROLYN L. MOBERLEY  
 ROBERT S. MOHR  
 YOUNGMEE MOON  
 PETER M. MORISSEAU  
 CHARLOTTE MUNDY  
 BRIAN J. MURPHY  
 CRAIG E. MURRAY  
 NICHOLAS E. NEELY

DAVID NEGRON-ALICEA  
 MARK C. NELSON  
 MARSHALL E. NEWBERRY  
 FRANK G. NOLAN  
 NEIL ORLICH  
 AARON J. ORTENZIO  
 BRANDY N. PARKER  
 MARK B. PATTON  
 ELIZABETH T. PLATT  
 BRIAN A. POTTER  
 STEPHEN C. PRIEBE  
 LIBBY J. PRUITT  
 ANTHONY J. QUIRINO  
 MARC A. RANDOLPH  
 TOBIAS C. REID  
 RODNEY RIOS  
 DUANE B. RIPLEY  
 NELSON Y. RIVERA  
 ROBERTO RIVERA  
 NICOLE D. RODRIGUEZ  
 AARON J. ROE  
 DANIEL P. ROGERS  
 SCOTT P. ROOKE  
 MORGAN H. ROPER  
 JESSICA A. ROZZI-OCHS  
 MICHAEL D. RUSSELL  
 MATTHEW G. SANFORD  
 MICHELE L. SCHALLIP  
 SHADRACK L. SCHEIRMAN  
 STEVEN A. SCHULTZ  
 TYSON J. SCOFIELD  
 GARY R. SCOTT  
 KRISTEN L. SERUMGARD  
 THOMAS A. SHULER  
 EMMA E. SILCOX  
 JAMES H. SILCOX  
 NICHOLAS R. SIMMONS  
 MARTIN C. SIMPSON  
 STEVEN A. SKAGGS  
 ERIK D. SKOW  
 KEVIN M. SLIGH  
 BRIAN A. SMICKLAS  
 DAVID G. SMITH  
 JAMES J. SMITH  
 MARC H. SMITH  
 TIMOTHY C. SOMMELLA  
 BRYSON T. SPANGLER  
 WILLIAM R. SPORTSMAN  
 NICOLE A. STARR  
 JONATHAN K. STEHN  
 RICHARD W. STICKLEY  
 MICHAEL R. STONE  
 HEATHER E. STRATTON  
 MICHAEL R. STRUTHERS  
 CHRISTOPHER W. SWEENEY  
 KRIS J. SZCZECHOWICZ  
 MICHAEL A. TEIXEIRA  
 DONALD M. TERKANIAN  
 BRIAN J. TESSON  
 KELLY A. THORKILSON  
 LEE D. TITUS  
 CHRISTOPHER A. TREIB  
 CHARTER B. TSCHIRGI  
 ROBERT C. TUCKER  
 PATRICIA J. TUTALO  
 ANDREW J. VANSKIKE  
 JOSE L. VARGAS  
 NICOLETTE A. VAUGHAN  
 XAIMARA VICENCIO-ROLDAN  
 JERAMY J. WAHRMUND  
 WILLIAM C. WALSH  
 MARC D. WARREN  
 ROBERT D. WEBB  
 BRIAN R. WILLSON  
 WINSTON D. WOOD  
 JESSICA S. WORST  
 ANDREW W. WRIGHT  
 BRENT C. YEZEFSKI  
 YAMASHEKA Z. YOUNG  
 BRADFORD W. YOUNGKIN

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. KEITH M. HUBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIGADIER GENERAL JOSEPH J. ANDERSON  
 BRIGADIER GENERAL MARK S. BOWMAN  
 BRIGADIER GENERAL ROBERT B. BROWN  
 BRIGADIER GENERAL ROBERT M. BROWN  
 BRIGADIER GENERAL EDWARD C. CARDON  
 BRIGADIER GENERAL WALTER L. DAVIS  
 BRIGADIER GENERAL GENARO J. DELLAROCO  
 BRIGADIER GENERAL WILLIAM F. GRIMSLEY  
 BRIGADIER GENERAL MICHAEL T. HARRISON, SR.  
 BRIGADIER GENERAL DAVID R. HOGG  
 BRIGADIER GENERAL KARL R. HORST  
 BRIGADIER GENERAL REUBEN D. JONES  
 BRIGADIER GENERAL BRIAN A. KELLER  
 BRIGADIER GENERAL STEPHEN R. LANZA  
 BRIGADIER GENERAL MICHAEL S. LINNINGTON  
 BRIGADIER GENERAL FRANCIS G. MAHON  
 BRIGADIER GENERAL JOSEPH E. MARTZ



BRIGADIER GENERAL WILLIAM C. MAYVILLE, JR.  
 BRIGADIER GENERAL JAMES C. MCCONVILLE  
 BRIGADIER GENERAL JAMES M. MCDONALD  
 BRIGADIER GENERAL PHILLIP E. MCGHEE  
 BRIGADIER GENERAL PATRICIA E. MCQUISTION  
 BRIGADIER GENERAL WILLIAM N. PHILLIPS  
 BRIGADIER GENERAL DANA J. H. PITTARD  
 BRIGADIER GENERAL DAVID E. QUANTOCK  
 BRIGADIER GENERAL MICHAEL S. REPASS  
 BRIGADIER GENERAL TODD T. SEMONITE  
 BRIGADIER GENERAL THOMAS W. SPOEHR  
 BRIGADIER GENERAL KURT J. STEIN  
 BRIGADIER GENERAL MICHAEL J. TERRY  
 BRIGADIER GENERAL SIMEON G. TROMBITAS  
 BRIGADIER GENERAL KEITH C. WALKER  
 BRIGADIER GENERAL MICHAEL J. WALSH  
 BRIGADIER GENERAL PERRY L. WIGGINS

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be vice admiral*

VICE ADM. HARRY B. HARRIS, JR.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be lieutenant colonel*

CHRISTOPHER J. OGRADY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be lieutenant colonel*

MICHAEL R. SPENCER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be lieutenant colonel*

SCOTT A. PAFFENROTH  
 EDWARD D. SOMMERS

#### *To be major*

PATRICK B. OATES  
 ROBERT M. TAYLOR

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

#### *To be major*

MISAEEL C. ALONSO  
 SHARON M. DAY  
 ROBYN T. KARMER  
 DERRICK B. WILLSEY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

#### *To be major*

DANA J. ALBALATE  
 JOSEPH H. BOYLE  
 JAMES D. COLLINS  
 PATRICK L. LANAGHAN  
 ROBERT R. LIU  
 LUZ E. RODRIGUEZ

#### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be colonel*

KENNETH E. LAWSON  
 KRISTINA D. MOELLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be colonel*

LAWRENCE C. DENNIS  
 ROBERT L. GUY  
 WILLIAM C. HENSEN  
 RONALD E. MARTINMINNICH  
 JOHN H. TATUM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be colonel*

BARRY R. BARON

ROBERT M. EPPERLY  
 EDWARD M. GRICE  
 DOUGLAS B. JONES  
 RICHARD I. MAESTAS  
 PATRICK J. MORGAN  
 JAMES C. ODELL  
 MARK F. PLAUSHIN  
 WILLIAM H. RALSTON  
 GEORGE D. ROBERTS  
 PETER E. SOUSA  
 JEREMY N. STEINBERG  
 ISTVAN SZASZ, JR.

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be lieutenant commander*

RAUL L. BARRIENTOS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be captain*

RICARDO B. EUSEBIO  
 DAVID G. MALONE  
 DAVID W. TERHUNE  
 DAVID L. WILKEY

### CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, October 15, 2009:

#### DEPARTMENT OF JUSTICE

BRENDAN V. JOHNSON, OF SOUTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS.

KAREN LOUISE LOEFFLER, OF ALASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS.

STEVEN GERARD O'DONNELL, OF RHODE ISLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS.

# HOUSE OF REPRESENTATIVES—Thursday, October 15, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 15, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
Speaker of the House Representatives.

## PRAYER

Rev. David Ferrell, Calvary Tabernacle, Perth-Andover, New Brunswick, Maine, offered the following prayer:

Lord, I stand before You today and honor You as King of Kings and Lord of Lords. I ask Your forgiveness for human error and weakness.

I thank You for these leaders that You have put in place as a check and balance to the direction of our great Nation. I pray that they be empowered with boldness and courage as they represent their constituents.

I pray for Your guidance over today's proceedings and that Your wisdom rest on these elect for all future decisions they will face.

Remind us that when we don't know what direction to take, we can entrust Your hand and word to direct us.

I thank You for a strong United States and for the individuals who have answered the call to serve in this great House of Representatives.

I pray Your blessings be on this place from now and forevermore.

In Jesus' name, amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maine (Mr. MICHAUD) come forward and lead the House in the Pledge of Allegiance.

Mr. MICHAUD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills and agreed to a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

S. 1694. An act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

S. Con. Res. 46. Concurrent resolution recognizing the benefits of service-learning and expressing support for the goals of the National Learn and Serve Challenge.

## WELCOMING REV. DAVID FERRELL

The SPEAKER pro tempore. Without objection, the gentleman from Maine, Congressman MICHAUD, is recognized for 1 minute.

There was no objection.

Mr. MICHAUD. Madam Speaker, Pastor David Ferrell has been an active, compassionate, and inspiring minister for over 21 years. It is truly an honor to welcome him to the House of Representatives.

David is currently a pastor at the Calvary Tabernacle in Perth-Andover, New Brunswick, an educator at the University of Maine at Presque Isle, and a man who has served in a variety of religious capacities. Many have benefited from his wisdom and compassion. He has traveled far and wide speaking at conferences from Maine to North Carolina, from Quebec to Pakistan.

I applaud the pastor for his many accomplishments, his thirst for knowledge, and his unending desire to help people. I wish him the best as he continues to be a positive force in this community.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

## RECESSION OVER FOR GOLDMAN SACHS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Madam Speaker, all across America unemployed Americans, struggling small businesses heaved a sigh of relief today because we know the recession is over. Goldman Sachs reported profits of \$3.19 billion. They are on track to pay bonuses of over \$20 billion, \$700,000 average per employee. The recession is over for Goldman Sachs.

Of course, there is a little problem with this whole equation. Over the last year, they have received over \$60 billion in taxpayer subsidies. Hmm, that happens to be about five times their projected profits and three times what they are going to pay out in bonuses.

They got \$13 billion from AIG after we gave AIG \$80 billion to pay off bad debts. They changed into a bank-holding company magically, but are exempt from bank-holding company rules, and got another 50-or-so billion dollars of subsidies out of the Federal Treasury.

What a wonderful system this is. They are creating tremendous wealth. They are an engine of growth. They have recovered from the recession. All hail Goldman Sachs.

## DEMOCRATS PLAN TO PAY FOR HEALTH CARE REFORM ON BACKS OF PATIENTS

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Madam Speaker, the Democrats plan to pay for health care reform on the backs of my patients, many of whom are now senior citizens. Our seniors have suffered tremendously since the recession began. Their 401(k)s are now 201(k)s.

However, my Democratic colleagues don't think seniors have paid enough this year. Now they are asking our seniors to foot the bill for health insurance reform by cutting the Medicare program by \$500 billion.

These cuts will result in seniors losing benefits under Medicare Advantage, programs such as vision, dental, hearing, and even annual checkups, Madam Speaker. These cuts will result in longer wait times and make it harder for senior patients to find a doctor that will see them at all. Worst of all,

these cuts will ensure it will be harder to fix Medicare, which it surely will, in 7 years.

Madam Speaker, my patients must not be used to foot the bill for health care reform.

#### HONORING OKLAHOMA'S SUPERINTENDENT OF EDUCATION, SANDY GARRETT

(Mr. BOREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOREN. Madam Speaker, I rise to honor one of Oklahoma's most respected political leaders, Sandy Garrett.

Born and raised in my hometown of Muskogee, Oklahoma, Sandy Garrett has been Oklahoma's superintendent of public instruction for the past 19 years. As chief executive officer of the State Department of Education, Superintendent Garrett has led the implementation of major education reforms such as Oklahoma's Education Reform Act of 1990, the Federal No Child Left Behind Act of 2001 and the Achieving Classroom Excellence Act of 2005.

In 2006, she was re-elected overwhelmingly for the fifth time. Superintendent Garrett is the only woman in Oklahoma history to hold the office.

Her strong character and steady leadership have served, and continue to serve, multiple generations of Oklahoma school children.

Sandy Garrett, because of your commitment to public service, Oklahoma continues to be a great State to live and work in.

#### SENIORS WILL SEE REDUCED BENEFITS UNDER NEW HEALTH CARE PLAN

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Madam Speaker, as a doctor, I see the health care reform debate a little differently than many of my colleagues. When people talk about cost savings and different health care plans, they are really talking about access to care for my patients. There is an immediate and long-term problem for patients' access under the Democrats' plan.

In the near term, 20 percent of our seniors will see reduced benefits. It's not credible to say that we are not cutting Medicare benefits when, in fact, we are. These so-called reforms seem incredibly short-sighted to me in light of the fact that they will decrease access to care.

Over the longer term, H.R. 3200 will force further cutbacks in care as cost savings fail to materialize. Why am I so confident of this outcome? Because I heard the same promises, the same predictions to my patients under

TennCare, our State's Medicaid experiment that failed spectacularly. Care was rationed and enrollment for the program was closed, and that hurt our patients. We simply cannot allow these cutbacks to harm patient care.

I urge all Members to go back to their districts and talk to their doctors and patients. I think they will hear a different story and remedy for our health care system than the one the Democrats are trying to prescribe.

#### CLEAN MONEY, CLEAN ELECTIONS

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Madam Speaker, across the country, hardworking Americans are tightening their belts and pinching pennies in order to provide for their families, as well as working to improve our economy. While the issues of health care and the economy dominate our attention, as they should right now, we should still be mindful of the importance of campaign finance reform.

Campaign finance reform is a necessity if we are going to truly have a democracy that allows individuals to enter the political forum based on their skills and acumen rather than on their bank accounts.

In the last decade, an alliance of advocacy groups, the Fair Elections Coalition, has been working to implement a public campaign finance system on the State level known as Clean Money, Clean Elections. Already, some form of Clean Money, Clean Elections is law in seven States, and over 200 State officials have won their races using this system.

As a Member of Congress, we need to remember that we serve the people of this country based on issues, not dollars. I would ask that my colleagues join me as we push towards reforming the campaign finance system across the board.

#### HEALTH COSTS HIGH BECAUSE WE HAVE \$800 BILLION OF WASTE IN SYSTEM

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, health care costs are not high because people have health insurance. They are high because we have \$800 billion of waste in the system. Now our friends in the Senate are proposing to increase taxes on health insurance.

When workers such as ironworkers and steelworkers and communication workers and the IBEW negotiate their pay package, they work to make sure that their health care plan is covered. Too often now they find that they

don't take a raise because their health insurance is going up in cost. They worked to have lower copays, lower deductibles, to have vision, dental, mental health services, among others.

But now we are talking about taxing these plans. What we need to do is figure out ways we can actually lower health care costs instead of discouraging people from having health insurance.

After all, isn't this what we are supposed to be trying to do? The communication workers alone are being told that these new proposals may cost their workers about a thousand dollars more per year in taxes.

This is the wrong approach. It's not good health care. As someone who has practiced in the health care field, I am telling you, it's bad medicine.

#### EXPAND TAX CREDIT FOR FIRST-TIME HOMEBUYERS

(Mr. MITCHELL asked and was given permission to address the House for 1 minute.)

Mr. MITCHELL. Madam Speaker, I rise today on behalf of thousands of constituents in my district who are still struggling to cope with the housing crisis.

Arizona consistently ranks among the Nation's top three States in foreclosures. As a former mayor and a homeowner, I recognize the negative impact foreclosures have on home values and neighborhoods.

Earlier this year, as part of the American Reinvestment and Recovery Act, we took an important step forward. We passed a temporary \$8,000 tax credit for first-time homebuyers.

The good news is that tax credit has worked. Closer to home, in the Phoenix metropolitan area, according to at least one recent survey, home sales have reached 9,614 in June, up 11 percent from May.

However, I believe we need to expand this credit to make it available to any American who wants to buy a home, not just first-time homebuyers. As the expiration of the current homebuyer tax credit approaches, I want to encourage my colleagues to consider supporting legislation to expand and extend the homebuyer tax credit.

#### MEDICARE PATIENTS WILL LOSE QUALITY OF CARE

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Madam Speaker, I practiced medicine, general medicine, in the State of Georgia for almost four decades. The American people need to understand if the House bill or the Senate bill is passed into law, my patients and physicians like me all across this Nation are not going

to be able to give the kind of health care to their patients that they are today.

Medicare patients are going to lose the quality of care that they are getting today. Tens of thousands of people are going to lose their private insurance. The cost is going to go up for everybody in this country.

The quality of care is going to go down. It's going to be too costly. We are going to be all forced on the government bureaucrat-run health care system, and the American people need to know that, Madam Speaker.

#### HONORING THE RETIREMENT OF ED GRIER

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to honor Ed Grier, who served as the president of Disneyland Resort in my district for 3 years, before his retirement this October 9.

Ed is a 20-year veteran the Walt Disney Company; and he served in a variety of roles, from senior auditor at Walt Disney World to the executive managing director of Walt Disney Attractions in Japan. But for the last 3 years, we have been lucky enough to have him in Anaheim.

His hard work has continued to make Disneyland one of our Nation's top tourist attractions. In fact, in 2008, while most attractions were hurting, Disneyland hosted 14.7 million visitors and generated substantial revenue for our local businesses and for our cities. In addition, Disney is Orange County's largest private employer, with about 20,000 employees.

During Ed's tenure, the resort began a \$1 billion expansion of Disney's California Adventure and constructed the company's first west coast timeshare units at the Grand Californian Hotel, which opened last month.

In addition Ed joined the Orange County community by serving as a board member for the Children's Hospital of Orange County. Ed's skill and leadership will be missed, and I wish him the best of luck in his future endeavors.

□ 1015

#### CONGRATULATING SCOTT MCCRERY, EAGLE SCOUT

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, for 20 years, the Honorable Jim McCrery represented Louisiana's Fourth Congressional District. It is an honor to directly follow former Congressman McCrery and represent the great people of northwest Louisiana.

Earlier this week, former Congressman McCrery's son, Scott, received his Eagle Scout award, the highest award given in scouting. Scott's Eagle project was a rather ambitious undertaking. He organized nearly 50 volunteers to remove debris from the historic grounds of Mount Vernon, home of George Washington. The debris covered an area the size of two football fields. In addition to being an eyesore, it also represented a fire hazard to the mansion. Some of the debris Scott and his volunteer corps gathered was used to build habitat for the wildlife that lives on the property.

Scott began his scouting journey in Shreveport 10 years ago when, as a Tiger Cub, he joined the Cub Scout pack at South Highlands Elementary School.

I congratulate Scott McCrery on this prestigious award.

#### TRIBUTE TO BOBBY L. HAYDEN

(Mr. GRIFFITH asked and was given permission to address the House for 1 minute.)

Mr. GRIFFITH. Madam Speaker, I rise today to honor a friend, Mr. Bobby Hayden, a scholar, a soldier, a community advocate and a family man.

Bobby Hayden, who resides in my district, was one of the first African Americans on a Presidential Honor Guard. He took the first watch over President Kennedy's body. He became active in our community and has added a great deal to his alma mater, Alabama A&M.

As a middle and high school teacher, Bobby has spent decades of his life shaping the lives of north Alabama's youth. He has been at the forefront of many activities, specifically working to preserve historical landmarks in the Tennessee Valley.

Mr. Hayden is a dedicated Alabama A&M alumnus, a Bulldog, and has held several positions in the college alumni association. He was inducted into the Alabama A&M Sports Hall of Fame and currently serves as the secretary for the Hall of Fame Association.

It is a privilege for me to mention his name on the floor, as he has gone somewhat unrecognized as one of the first African Americans on President Kennedy's Honor Guard, standing with the family through the ordeal.

#### HONORING ARMY SPECIALIST JACOB SEXTON

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, sometimes our heroes fall on foreign soil, and sometimes they come home and fall, but we honor their service and their sacrifice all the same.

Madam Speaker, I rise with a heavy heart to mark the sudden passing of a

hero from my home State of Indiana and to honor his service and his life. Army Specialist Jacob Sexton, a combat veteran of conflicts both in Iraq and Afghanistan, tragically passed away while on leave from his overseas duties earlier this week.

A native of Farmland, Indiana, Jacob graduated from Monroe Central High School, and like many men in the Sexton family, Jacob chose to wear the uniform.

Jacob served with Alpha Company, 2nd Battalion, of the 151st Infantry Regiment in the Indiana National Guard. Those who served with him remember a selfless soldier who was quick to volunteer for difficult assignments.

A Humvee driver while in Iraq, he took on dangerous positions, often leaving himself exposed to IED and small-arms attacks. As an infantryman in Afghanistan, Jacob saw firsthand the perils of combat, but he faced those perils with courage.

Those close to Jacob noted that the stresses of combat and long deployments seemed to have little effect on his infectious personality. However, after this week's tragic events, it is painfully clear that Jacob Sexton was deeply affected by his experiences in uniform and on deployment.

While his loss leaves far too many questions unanswered, I believe it is yet another reminder of the special care our heroes need and deserve, those who defend freedom, when they come home.

Heroes like Army Specialist Jacob Sexton are the pride of their family and our Nation's most treasured citizens. Jacob's family, his parents, Jeff and Barbara; his brothers, Joshua, Jeremiah and Jared; and all those who served with him, know that you have our deepest condolences, the gratitude of the people of Indiana, and you shall remain in the hearts of a grateful Nation forever.

#### OBSTRUCTING HEALTH CARE REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, let me tell an old story relevant to our current health care debate.

One day, a frog was hopping by a river when he came upon a scorpion. The scorpion asked if the frog would carry him across. The frog said, No, you will sting me. The scorpion replied, No, if I stung you, we would both drown. What is the point of that?

So the frog put the scorpion on his back and waded into the river. Halfway across, he felt a sudden sting and his body went numb. Scorpion, why did you do that? Now we will both die. Said the scorpion, It is my nature.

Today, the health insurance industry refuses to cover basic maternity care for four out of five women, while charging them higher premiums. It kicks women out of hospitals within hours of a mastectomy. No industry in history that profits from a broken system has ever moved to reform that system.

After faking support for health care reform for months, why did the health insurance industry on Monday suddenly try to sting us with a flawed and incomplete cost analysis of a health care plan? The same reason they fight to prevent competition through a strong public option, and the same reason many of my Republican colleagues have done nothing but obstruct reform.

It is their nature.

#### SUPPORT THE AMTRAK SECURE TRANSPORTATION OF FIREARMS ACT

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. There aren't many things that are more important to the foundation of the West than trains and guns. In Montana, both still have a profound impact on our frontier identity. But these pillars of Western culture find themselves on opposite sides of the fence because of Amtrak's ban on the transportation of legal firearms on its trains.

The Second Amendment doesn't derail the right to bear arms if you happen to be on a train. We allow the transportation of firearms in cars and on commercial airlines, but Amtrak's ban on firearms remains in effect, even as it continues to receive massive Federal subsidies.

The Amtrak Secure Transportation of Firearms Act would force Amtrak to end its ban on firearms once and for all. I hope my colleagues will join me in sponsoring this important legislation, because the Second Amendment protects you whether you travel by horse, plane, truck or train.

#### SENIORS AND HEALTH CARE REFORM

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Madam Speaker, I rise today to support health care reform for our seniors. Our senior citizens deserve reform that will lower their medical expenses and provide the highest quality care available. Our health care reform legislation closes the prescription drug doughnut hole which forces seniors to reduce their prescription drug use, that is, not use lifesaving medications, by an average of 14 percent.

The House's health care reform legislation will help guarantee our seniors

access to their doctors by eliminating the 21 percent pay cut doctors are facing for Medicare reimbursements. Without this health care reform, 40 percent of our doctors say they will have to reduce the number of Medicare patients they see. Our seniors deserve better than that. They deserve reform that will keep them in good health at a manageable cost.

I urge my colleagues to support quality health care reform for our Nation's seniors.

#### RECOGNIZING THE 25TH ANNIVERSARY OF BREAST CANCER AWARENESS MONTH

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Madam Speaker, I rise today to recognize the 25th anniversary of Breast Cancer Awareness Month. Breast cancer is the leading cause of cancer deaths in women between age 40 and 59. We have all been touched by it with family or friends.

In my home State of Florida, an estimated 12,000 new cases of breast cancer in women will be diagnosed this year. However, if detected early enough, we can be successful in treating the disease.

To this end, I am proud to be a cosponsor of the EARLY Act, a bill introduced by my fellow Florida colleague, DEBBIE WASSERMAN SCHULTZ. She has been a leader. She has got a courageous story that she shares with many. This act, her bill, is an education campaign, it is a public awareness campaign, and it will have a huge difference on women in the future. So I really respect her leadership on this.

In my congressional district, I am proud to say, I thank the leadership. We have been active, our employees and our businesses, over the last 10 years. Working together, it makes a big difference. I would like to just say, we need to continue to educate our families and friends on this bill.

#### IN MEMORIAM OF U.S. ARMY SERGEANT JOSHUA KIRK

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Madam Speaker, it is with a heavy heart that I rise today to honor the life of Sergeant Joshua Kirk. Sergeant Kirk was tragically killed in Afghanistan on October 3.

On Tuesday morning, I attended his funeral at St. Michael's Church in Exeter, New Hampshire. There were so many relatives and friends in attendance for a somber and moving ceremony. His wife, Megan, a native of Exeter, and his daughter, Kensington, have lost a husband and father, and this Nation has lost a hero.

Sergeant Kirk selflessly put himself in harm's way in service to America. He and his family are owed a debt of gratitude.

Sergeant Kirk, a native of Maine, joined the United States Army in 2005. He was on his second tour of duty in Afghanistan when his base was attacked by insurgents on October 3. Kirk and seven of his courageous fellow soldiers, all based out of Fort Carson, were killed during the long battle.

Sergeant Kirk's memory lives on with his wife, daughter, mother and sisters. We will always remember his sacrifice, and theirs, and we are forever grateful for their patriotism and service to America.

#### AMNESTY ENCOURAGES ILLEGAL IMMIGRATION

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, two recent surveys, one of Mexicans and one of Americans, addresses policies that encourage illegal immigration. The first, from Rasmussen, reveals that 56 percent of U.S. voters surveyed believe the policies of the Federal Government encourage people to enter the United States illegally. Also, 64 percent believe law enforcement officers should conduct surprise visits at locations where illegal immigrants seek employment.

The second, from Zogby, reveals that 56 percent of people in Mexico think granting legal status to illegal immigrants in the United States would encourage more illegal immigration to America. Of Mexicans with a member of their immediate household in the United States, two-thirds—two-thirds—said a legalization program would make people they know more likely to go to America illegally.

Madam Speaker, these are more reasons to oppose amnesty for those in the country illegally.

#### PROVIDING AFFORDABLE HEALTH CARE FOR YOUNG ADULTS

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Madam Speaker, on Tuesday, Speaker PELOSI announced an important new addition to the health insurance reform package. Young adults will be able to remain on their parents' health insurance plans until their 27th birthday.

Young adults make up one-third of the entire uninsured population, numbering 13.7 million. Only 53 percent of young adults are even eligible for employer-based insurance, and 51 percent do not have health coverage through their jobs.

Young adults have the highest rate of injury-related emergency department visits and 15 percent have a chronic health condition. Half are overweight or obese, 9 percent have been diagnosed with depression or a related condition, and the highest prevalence of human papilloma virus, which has been linked to cervical cancer, is among women age 20-24. Young adults experience six preventable deaths each day due to lack of health insurance.

This is clearly an age group that needs health insurance. But young adults are among those least likely to have access to coverage. Allowing them to remain as a dependent on their parents' health insurance plans will bring quality health insurance within reach for millions of young adults.

#### THE SCORE: AMERICAN FLAG 1— FLAG POLICE 0

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the Oak Parks Apartments in Albany, Oregon, this week decided to ban American flags. The apartment manager said American flags might offend somebody in the community, so she issued a dictate: fly Old Glory, and you get evicted. American flag sticker on your car in the parking lot? Not allowed. No Stars and Stripes flying from a motorcycle or a car.

So the American patriots living there fought back. They said anyone offended by their American flags would have to just get over it. They started flying flags everywhere. One mom put an American flag poster in her son's window. He is fighting in Iraq, wearing the flag on his shoulder. One lady just walked around the complex every day waving the flag.

These people did not give in. They were offended by the flag police. You see, the Constitution protects their right to display the flag as free speech. And yesterday the apartment manager backed off. Flying Old Glory is okay again, even if it offends the politically correct apartment owner.

So, congratulations to these American patriots. The score: American flag 1—flag police, zero.

And that's just the way it is.

□ 1030

#### PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 829 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 829

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes. The conference report shall be considered as read. All points of order against the conference report and against its consideration are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Florida (Mr. DIAZ-BALART), and all time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 829.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Madam Speaker, House Resolution 829 provides for consideration of the conference report to accompany H.R. 2892, the Department of Homeland Security Appropriations Act of 2010. The rule waives all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. And finally, the rule provides that the previous question shall be considered as ordered without intervention of any motion, except 1 hour of debate and one motion to recommit, if applicable.

This conference report appropriates over \$42 billion in funds necessary to protect the American people and enhance our national security. Through terrorist threat mitigation, natural disaster response, and immigration enforcement, this appropriations bill provides the funding to fulfill the many essential responsibilities of a range of important governmental agencies, from the Coast Guard to FEMA to Customs and Border Protection to the Transportation Security Administration.

Particularly critical in this legislation are the partnerships established with State and local communities to prepare for and protect against a range of emergency situations, including natural disasters and acts of terrorism and violence. The funding provided for emergency response resources demonstrates the need for collaboration among Federal, State, and local gov-

ernments in providing for effective security. It's worth noting a few of the major initiatives contained in this conference report.

This legislation helps secure our borders by providing over \$10 billion for Customs and Border Protection, including funding for over 20,000 Border Patrol agents, which represents an increase of 6,000 agents since 2006. In addition, this report extends authorization of the E-Verify program for 3 years, under which employers are able to check the legal status of their workers. This legislation provides the funding to operate and improve the existing E-Verify program.

Ensuring the safety and security of our Nation's infrastructure is a critical part of this legislation. This conference report provides the necessary funding to the Transportation Security Administration and the Coast Guard to protect our Nation's vast transportation network, including airports, seaports, subways, trains, and buses. With this funding, the TSA will be able to improve explosive detection equipment at airports, and the Coast Guard will be able to replace aging ships and aircraft, which is much needed, modernizing a force that is essential to our national security.

Madam Speaker, I have always praised the Federal Emergency Management program for the fine work they do in helping distressed communities. In my home State of Florida, we are frequently plagued with natural disasters, including hurricanes and flooding. These disasters profoundly impact Florida's residents, particularly when so many individuals and families experience severe damage to their homes and communities.

I'm pleased with the funding levels indicated in this report for the firefighter grants, flood map modernization, predisaster mitigation, and emergency food and shelter programs. I know that the men and women at FEMA work hard and are dedicated to relieving the plight of Americans faced with the hardships of natural disasters.

At the same time, I've never been shy about making my voice heard on matters important to my constituents and all residents of Florida and our Nation that experience disasters. I have been outspoken on the need for FEMA to improve temporary housing.

I'm also pleased to have included language in this bill requiring the Florida Long Term Recovery Office, located in Orlando, to remain open. And a footnote there, Representatives ALAN GRAYSON and SUZANNE KOSMAS are deserving of a lot of consideration from us for that action that I, along with ROBERT WEXLER and others, began quite some time before they came to Congress. In order to enhance communication and relief operations, this is necessary in the event of a natural disaster.

Madam Speaker, I do want to address the provisions in this report relating to the detainees at Guantanamo Bay. I know that this body has been very focused on this matter, as rightly we should be, as President Obama has committed his administration to close the detention facility at Guantanamo by January of 2010. This conference report prohibits current detainees from being transferred to the United States, except to be prosecuted, and then only after Congress receives a detailed plan on the risks involved, the legal rationale for their transfer, and a notification from the Governor of the affected State.

This is all well and good, but the language in this bill, while a good step forward, is not going to solve the problem of what to do with the hundreds of individuals we have detained, and those in the future that we may have to detain, whether they are detained at Guantanamo or Bagram Air Base in Afghanistan or any other facility where they may be detained by the United States.

The debate over Guantanamo, in my opinion, is missing the larger picture, and that is a need to reform our entire detention policy. As I have maintained, the problem is policy, not the place. Without a system of justice to deal with suspected terrorists, wherever they are held, we are left with a broken system that has been a significant recruiting tool for al Qaeda and other groups which threaten our Nation's security. We need to deny them that image of America.

We need a judicial process that accomplishes at least three things: Number 1, protects our national security by holding and prosecuting those who have committed crimes or who pose an imperative threat to our country; number 2, upholds international standards of human rights; and 3, strengthens our Nation's image as a country that upholds the rule of law and does not resort to arbitrary justice, even while under threat.

This appropriations season has, so far, brought forth a number of bills, almost all with language relating to Guantanamo and a whole lot of that "not in my backyard" stuff. At some point soon, we're going to need to move beyond trying to legislate this matter into appropriations bills and, instead, deal with what is necessary, and that is, new policies and guidelines to bring our national security needs in line with our historic national values.

I'm pleased to have introduced H.R. 3728, the Detainment Reform Act, which will move us forward on this matter, and I urge my colleagues and the President and his administration to give some vent to supporting this effort, revising it, or doing what is necessary in order for this bill or others to establish the policy that's needed for detaining individuals who would be im-

perative threats or conduct themselves in a criminal manner against this Nation.

Madam Speaker, ultimately, the conference report before us today provides the necessary funding for the Federal, State, and local agencies, programs and efforts that will protect our Nation.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I'd like to thank my good friend and fellow co-chairman of the Florida Congressional Delegation, Mr. HASTINGS, for the time. I yield myself such time as I may consume.

Madam Speaker, several years ago I had the distinct privilege to bring to this floor, first, the rule bringing the legislation to the floor that created the Department of Homeland Security, and then the first rule for a Department of Homeland Security appropriations bill. Since then, the Department of Homeland Security has begun to mature. It has improved the process for which it was created, the oversight of and coordination of many departments related to the safety of the Nation.

As we know, the department was created in the wake of the attacks of September 11, 2001, to help mobilize and to organize the government to the best of its ability to secure the homeland from further terrorist attacks, to protect the Nation's borders, and to prepare for natural disasters. And thanks to our new concerted approach, I think we've made key investments to secure the United States from further terrorist attacks.

□ 1045

But clearly we must not let our guard down.

Just a few weeks ago, we heard about a disrupted terrorist attack in New York City. The Attorney General of the United States has called the plot, "one of the most serious in the United States since September 11, 2001." That is why I am pleased that the underlying legislation provides the Department with the tools and resources that it needs in order to continue to help to protect the Nation from other terrorist attacks. We must not lose our focus. We must continue our efforts to protect the United States from deadly attacks.

This legislation will provide much-needed funding to help secure our borders, with \$800 million for Southwest border investments, over \$3 billion for the Border Patrol, including over 20,000 Border agents, an increase of more than 50 percent since 2006.

The State that I am honored to represent, Florida, has seen, as my dear friend has pointed out, its share of natural disasters, from Hurricane Andrew in 1992 to the series of very disastrous back-to-back hurricanes in the middle of this decade. That is why having a

prepared and professional staff at FEMA, ready to coordinate disaster preparedness, response, recovery and mitigation efforts, is of vital importance to Florida.

I am pleased the conference report will provide FEMA and the new FEMA administrator—we Floridians are very proud of him, Craig Fugate—the resources needed to help in the aftermath of any natural disaster, whether it's a hurricane in Florida, an earthquake in California, or the flooding in the Midwest.

The terrorist attacks of September 11 heightened concerns regarding aviation security. In response, Congress passed the Aviation and Transportation Security Act of 2001. That legislation established a Federal screener workforce and required the screening of all checked baggage using explosive detection systems, EDS. EDS machines can quickly determine if a baggage contains a potential threat. If a weapon or explosive is detected, the machines alert security officers so they can manage the baggage appropriately.

Funding and reimbursement for EDS installation, however, continues to be a serious concern. Miami International Airport, which is in my congressional district, has incurred over \$78 million in in-line EDS terminal modification costs and continues to seek reimbursement for the Federal share of those costs. I am pleased that this conference report provides \$778 million in discretionary funding to purchase and install EDS at airports. Those funds will help reimburse Miami International Airport and other airports in their efforts to complete EDS installations.

Our Nation's maritime industry contributes approximately \$750 billion to the gross domestic product each year. Florida has some of the largest ports in the country. The Port of Miami serves as the primary maritime gateway to Latin America and the Caribbean. It is a strategic hub for international commerce throughout the hemisphere, and obviously it is the cruise ship capital of the world.

Since 9/11, the Port of Miami has faced unprecedented security costs due to the expense of complying with Federal security mandates. While ports across the Nation are facing similar challenges, the problem at the Port of Miami is particularly serious. Annual operating security costs at the Port of Miami have increased from just over \$4 million in 2001 to over \$20 million today.

The legislation we are bringing to the floor provides \$300 million in grants to assist ports in enhancing their security measures to prevent, detect, and respond to possible terrorist attacks.

So I wish to thank Chairman PRICE and Ranking Member ROGERS for their clearly bipartisan work on this conference report that makes critical investments in the priorities facing the



Department of Homeland Security, including securing our transportation systems, strong border security, a well-prepared and able FEMA, and so much more.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased and privileged at this time to yield 5 minutes to the distinguished gentlewoman from New York, the distinguished Chair of the Committee on Rules and my good friend, Ms. LOUISE SLAUGHTER.

Ms. SLAUGHTER. I thank my colleague for yielding.

Madam Speaker, there are few things that say more about our country and our trust in the public's right to know than the Freedom of Information Act. It is one of the most powerful statements of openness and transparency that we have. It affords ordinary people the ability to peer behind the curtains of power and see inside the many bureaucracies that define the Federal, State and local governments in this country. It is a symbol for all, that despite anything else that our government does in the name of the people, there should be no secrets.

Over the years, FOIA laws have been used for a wide range of purposes. FOIA helped us to discover the ugly truth about the use of Agent Orange in Vietnam, Laos, and Cambodia during the 1960s. And FOIA was also used to uncover data showing that Ford Pintos were built with serious dual system defects that made them more prone to fire and explosions.

In some ways, FOIA is simply a reminder to the public that there is an avenue to pursue if they believe the government is keeping a secret. At the heart of FOIA is the concept that the people's right to know is more important than the government's desire to keep things secret.

The FOIA laws in this country have enabled reporters and citizens from all spectrums access to information that otherwise might never see the light of day. Signed into law by President Johnson in 1966, the FOIA laws allow for the full or partial disclosure of information and documents with only a narrow list of important exemptions.

And so it was with some dismay when I learned recently that the House and Senate conferees on the Homeland Security appropriations bill had slipped in a provision that gives the government the option of making old photos of detainee abuse exempt from the FOIA laws.

This case has already followed a lengthy path beginning with a lawsuit filed by the ACLU against the Pentagon. Last spring, when it appeared that the lawsuit might go against the government, the administration responded by asking some Members of the House and Senate to insert language into the legislation to make sure that the photos stay secret.

Joining the ACLU against the Pentagon was the American Society of News Editors, the Associated Press, Cable News Network, Inc., the E.W. Scripps Company, Gannett Co., Inc., the Hearst Corporation, Military Reporters and Editors, the National Press Club, NBC Universal, Inc., The New York Times Company, the Newspaper Association of America, the Newspaper Guild—CWA, the Radio-Television News Directors Association, the Society of Professional Journalists, The Washington Post, and me.

Never mind that the photos in question likely have very little value given that a similar set of photos showing the abuse were released under the Bush administration. Despite some complaints that releasing photos would place service men and women in danger, the fact is there was absolutely no increase in violence or attacks after the previous detainee photos were released. I assume that if we were to release the new photos, the result would be the same. Americans were simply able to find out what was being done in their name.

Many observers argue that releasing the photos was actually a clear break from the abuses of the past and a signal to our allies and to everyone else that the days of this type of detainee mistreatment were over and that the United States is willing to come to terms with past practices. Indeed, we have said so.

In June, I and other House leaders prevailed and the FOIA exemption was dropped from the legislation. However, the conferees, apparently under direct orders, quietly put it back into the bill this month. It's hard for me to express how disappointed I am with that decision. I am sorry because I believed that we had turned a page from the cloud of suspicion and secrecy that marked the previous administration. It runs so counter to our principles and stated desire to reject abuses of the past.

The FOIA laws in this country form a pillar of our First Amendment principles. It is unfortunate, given that this administration promised that openness and transparency would be the norm. We should never do anything to circumvent FOIA, and I believe our country would gain more by coming to terms with the past than we would by covering it up.

I hope the President will follow judicial rulings and consider voluntarily releasing these photos so we can put this chapter in history behind us.

Mr. HASTINGS of Florida. Madam Speaker, I especially appreciate the remarks of the distinguished woman, the Rules Chair, Ms. SLAUGHTER, and echo her sentiments.

I am now pleased to yield 3 minutes to my colleague from the Rules Committee, a good friend, JARED POLIS of Colorado.

Mr. POLIS. I would like to thank my colleague from Florida for the time, as

well as Chairman PRICE for his leadership in bringing the fiscal year 2010 Homeland Security appropriations bill to the floor. It reflects the hard work of Chairman PRICE over the past year, and I am grateful that I have the opportunity to comment on the committee's efforts here today.

I want to reiterate the gratitude that I first expressed towards Chairman PRICE and his staff during our colloquy earlier this year with Congresswoman ROYBAL-ALLARD regarding alternatives to detention.

This bill is about security and stability. One of the issues that we raised the profile of is alternatives to detention, a less costly way of detaining noncriminal immigrants.

There really is a human rights crisis right in our own midst in this Nation. We are holding over 30,000 noncriminal aliens, people like you and me. They lack documentation, but they have committed no criminal crime. They might have been speeding, been picked up from a speeding ticket; they could have been in the wrong place loitering at the wrong time.

And you and I and every other taxpayer are putting them up to the tune of \$130 a day, average cost \$30,000. Many of them remain in detention for 6 months, 9 months. I had the opportunity to visit a detention facility in Aurora, Colorado. I talked to people who had been there a year and a half, a year and a half away from their families, a year and a half at taxpayer expense.

I would like to applaud the Obama administration for supporting alternatives to detention. Our bill funds alternatives to detention at \$70 million, lowers cost using ankle bracelets, more humane, allowing people to remain with their families, \$30 a day average cost. This provides a glimpse of what we can accomplish if we work together.

It also underlines the critical importance of passing comprehensive immigration reform. If we can pass comprehensive immigration reform, I know that in future versions of the Homeland Security bill we can save money and have a more humane bill and focus the bill on Homeland Security where it should be focused, which is keeping our Nation safe, not as a back door to dealing with the failures of our broken immigration system.

Thank you, Chairman PRICE, for your leadership in bringing the FY 2010 Homeland Security Appropriations bill to the floor. It reflects your hard work over the past year and I am grateful that I had the opportunity to support the committee's efforts to get here today. I want to reiterate the gratitude that I first expressed towards you and your staff during our colloquy with Congresswoman ROYBAL-ALLARD on detention alternatives earlier this year.

This bill is about security and stability. It furthers the need to secure our borders by guaranteeing the stability of our immigration services' contributions. It provides the funding necessary to continue America's leadership in



providing a safe home for both Americans and all future Americans.

Thus, \$122 million above 2009 levels is provided to U.S. Citizenship and Immigration Services for its important work. Examples of such important work that will be carried on thanks to this bill are many: \$50 million goes to process refugee applications and asylum claims so that our Nation may continue to admit those in greatest need; \$11 million expands immigrant integration and outreach to help with pressing need once these immigrants are lawfully admitted; and \$5 million ensures the naturalization of immigrants serving in our armed services.

Funding for detention beds as well as language requiring their maintenance ensures that immigrants will be humanely accommodated while their cases are adjudicated. And more importantly, \$70 million goes to Alternatives to Detention—to expand this program nationwide. This steers us in the right direction—a direction of commonsense, cost-saving, and humane measures. It provides a glimpse into what we can accomplish if we continue to work together toward comprehensive immigration reform.

This bill only asks our immigrants one thing—to embrace our cherished tradition of the rule of law in the pursuit of freedom. As a result, this bill provides 3-year authorization extensions for all the immigrants that make ours a greater nation. From religious workers who strengthen our social fabric, to investors who create much-needed jobs while increasing overall credit availability, to rural-serving doctors, to refugees, all are covered in the FY 2010 Homeland Security bill.

While many provisions in this bill greatly improve our detention policies, there is still much to be done and I look forward to a concrete plan for the closing of our Guantanamo Bay facilities.

I once again thank Chairman PRICE and I look forward to working with you and your staff in the future.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I very much appreciate the contributions during this debate, enlightening our colleagues with regard to the merits of the legislation that we are bringing to the floor today.

You know, one of the, I think, most interesting aspects of the American representative democracy is that we differ from other representative democracies probably because our two parties are, in effect, great coalitions. We have a two-party system by virtue of that; both parties represent different coalitions of thought on numerous issues.

□ 1100

So it's interesting that today, for example, while my friend and the distinguished chairwoman of the Rules Committee expressed an opinion contrary to the position maintained by the President of the United States on an important issue—and I think it's appropriate to do so—I commend the President of the United States for his position with regard to the release of detainee photos.

The legislation before us codifies the President's decision to allow the Secretary of Defense to bar the release of detainee photos. I commend the President because, obviously, his leadership and support on that aspect has been decisive in the inclusion of that provision in this legislation.

So our system is unique. This constant manifestation of our two great coalitions is fascinating to me as a student of comparative politics. It is another reason I am so proud of this body—the great sovereign Congress of the United States which represents the most sovereign and the freest people in the world, the American people.

Madam Speaker, over the last few months, the American people have written and called their Members of Congress or they've made their opinions known at meetings throughout the Nation. They've asked their Members of Congress whether they will pledge to read bills before they vote on them. The reason is, I think, that people were outraged after finding out that the majority leadership forced Congress to vote on a number of sweeping and expensive bills without giving Members time to understand or to really even read the bills.

I remember a very glaring example of that when we on the Rules Committee were faced with an entire new bill on this legislation that was known as cap-and-trade, which in effect became a manager's amendment to the legislation at 3 o'clock in the morning, and a few hours after that, we were here voting on it. We were forced to vote on the final so-called "stimulus" bill, on the omnibus appropriations bill and, as I mentioned, on that cap-and-trade bill with less than 24 hours to read them—in some instances, as I mentioned before with regard to cap-and-trade, much, much less than 24 hours. Many people believe that that is no way to run the House, and many constituents are rightly upset.

A recent survey found that over 80 percent of Americans believe that legislation should be posted online and in final form and should be available for everyone to read before Congress votes on legislation. You would think, Madam Speaker, that this would really not be an issue as the distinguished Speaker is on record as saying, "Members should have at least 24 hours to examine bills and conference reports before floor consideration." It's even on her Web site. Yet, often, the majority leadership have refused to live up to their pledge.

That is why a bipartisan group of 182 Members of this House has signed a discharge petition to consider a bill that would require that all legislation and conference reports be made available to Members of Congress and to the general public for 72 hours before they are brought to the House floor for a vote.

So, today, I will be asking for a "no" vote on the previous question so that

we can amend this rule and allow the House to consider that legislation—House Resolution 554, a bipartisan bill by my colleagues and friends, Representatives BAIRD and CULBERSON.

I know that Members are concerned that this motion may jeopardize the Department of Homeland Security's Appropriations conference report, but I would like to make clear that the motion I am making provides for the separate consideration of the Baird-Culber-son bill within 3 days so that we can pass the conference report today funding the Department of Homeland Security. Then, once we are done, we would consider House Resolution 554.

Having said that, I yield back the balance of my time.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Madam Speaker, the men and women of the numerous agencies under the Homeland Security umbrella are dedicated and hardworking public servants who deserve the full support of this body. We have a responsibility to provide them with the funds necessary to perform activities essential to protecting our country—preparing for emergencies, mitigating natural disasters and defending against acts of terrorism and violence.

I commend our colleagues on both sides of the aisle on the Appropriations Committee with reference to discharging their functions. I especially commend Subcommittee Chair PRICE and the work that he and his committee have done. As well, I commend the distinguished chairman of the Homeland Security Committee, BENNIE THOMPSON from Mississippi, and the extraordinary Members who serve with him in that capacity.

As I've discussed before, Madam Speaker, I hope this body will move beyond the debate of whether or not to close Guantanamo and, instead, will work to develop comprehensive detainment policies that uphold Federal law and the United States Constitution, that uphold human rights and international law.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 829 OFFERED BY MR. DIAZ-BALART

At the end of the resolution, insert the following new section:

SEC. 2. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as

ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled

"Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 829, if ordered; and adoption of House Resolution 800, if ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 173, not voting 16, as follows:

[Roll No. 780]

YEAS—243

Abercrombie	Clyburn	Fudge
Ackerman	Cohen	Giffords
Adler (NJ)	Connolly (VA)	Gonzalez
Altmire	Conyers	Gordon (TN)
Andrews	Cooper	Grayson
Arcuri	Costa	Green, Al
Baca	Costello	Green, Gene
Baldwin	Courtney	Grijalva
Barrow	Crowley	Gutierrez
Bean	Cuellar	Hall (NY)
Becerra	Cummings	Halvorson
Berkley	Dahlkemper	Hare
Berman	Davis (AL)	Harman
Berry	Davis (CA)	Hastings (FL)
Bishop (GA)	Davis (IL)	Heinrich
Bishop (NY)	Davis (TN)	Herseht Sandlin
Blumenauer	DeFazio	Higgins
Boccieri	DeGette	Hill
Boren	Delahunt	Himes
Boswell	DeLauro	Hinchey
Boucher	Dicks	Hinojosa
Brady (PA)	Dingell	Hirono
Braley (IA)	Doggett	Hodes
Bright	Donnelly (IN)	Holden
Brown, Corrine	Doyle	Holt
Butterfield	Driehaus	Hoyer
Capps	Edwards (MD)	Inslee
Capuano	Edwards (TX)	Israel
Cardoza	Ellison	Jackson (IL)
Carnahan	Ellsworth	Jackson-Lee
Carson (IN)	Engel	(TX)
Castor (FL)	Eshoo	Johnson (GA)
Chandler	Etheridge	Johnson, E. B.
Childers	Farr	Kagen
Chu	Fattah	Kanjorski
Clarke	Filner	Kaptur
Clay	Foster	Kennedy
Cleaver	Frank (MA)	Kildee

Kilpatrick (MI)	Murphy (CT)	Scott (VA)
Kilroy	Murphy (NY)	Serrano
Kind	Murphy, Patrick	Sestak
Kirkpatrick (AZ)	Murtha	Shea-Porter
Kissell	Nadler (NY)	Sherman
Klein (FL)	Napolitano	Shuler
Kosmas	Neal (MA)	Sires
Kucinich	Oberstar	Skelton
Langevin	Obey	Slaughter
Larsen (WA)	Olver	Smith (WA)
Larson (CT)	Ortiz	Snyder
Lee (CA)	Pallone	Space
Levin	Pascarell	Speier
Lewis (GA)	Pastor (AZ)	Spratt
Lipinski	Payne	Stupak
Loeb sack	Perlmutter	Sutton
Lofgren, Zoe	Perriello	Tanner
Lowey	Peters	Taylor
Lujan	Peterson	Teague
Lynch	Pingree (ME)	Thompson (CA)
Maffei	Polis (CO)	Thompson (MS)
Maloney	Pomeroy	Tierney
Markey (CO)	Price (NC)	Titus
Markey (MA)	Quigley	Tonko
Marshall	Rahall	Towns
Massa	Rangel	Tsongas
Matheson	Reyes	Van Hollen
Matsui	Richardson	Velázquez
McCarthy (NY)	Rodriguez	Visclosky
McDermott	Ross	Walz
McGovern	Rothman (NJ)	Wasserman
McIntyre	Roybal-Allard	Schultz
McMahon	Ruppersberger	Waters
McMorris	Rush	Watson
Rodgers	Salazar	Watt
McNerney	Sánchez, Linda	Waxman
Meek (FL)	T.	Weiner
Meeks (NY)	Sanchez, Loretta	Welch
Michaud	Sarbanes	Wexler
Miller (NC)	Schakowsky	Wilson (OH)
Miller, George	Schauer	Woolsey
Mitchell	Schiff	Wu
Moore (KS)	Schrader	Yarmuth
Moore (WI)	Schwartz	
Moran (VA)	Scott (GA)	

NAYS—173

Aderholt	Diaz-Balart, L.	Lee (NY)
Akin	Diaz-Balart, M.	Lewis (CA)
Alexander	Dreier	Linder
Austria	Duncan	LoBiondo
Bachmann	Ehlers	Lucas
Bachus	Fallin	Luetkemeyer
Baird	Flake	Lummis
Barrett (SC)	Fleming	Lungren, Daniel
Bartlett	Forbes	E.
Barton (TX)	Fortenberry	Mack
Biggart	Fox	Manzullo
Bilbray	Franks (AZ)	Marchant
Bilirakis	Frelinghuysen	McCarthy (CA)
Bishop (UT)	Gallely	McCaul
Blackburn	Garrett (NJ)	McClintock
Blunt	Gerlach	McCotter
Boehner	Gingrey (GA)	McHenry
Bonner	Gohmert	McKeon
Bono Mack	Goodlatte	Mica
Boozman	Granger	Miller (FL)
Boustany	Graves	Miller (MI)
Brady (TX)	Griffith	Miller, Gary
Broun (GA)	Guthrie	Minnick
Brown (SC)	Harper	Moran (KS)
Brown-Waite,	Hastings (WA)	Murphy, Tim
Ginny	Heller	Myrick
Buchanan	Hensarling	Neugebauer
Burgess	Herger	Nunes
Burton (IN)	Hoekstra	Nye
Buyer	Hunter	Olson
Calvert	Inglis	Paul
Camp	Issa	Paulsen
Campbell	Jenkins	Pence
Cantor	Johnson (IL)	Petri
Capito	Johnson, Sam	Pitts
Carter	Jones	Poe (TX)
Cassidy	Jordan (OH)	Posey
Castle	King (IA)	Price (GA)
Chaffetz	King (NY)	Putnam
Coble	Kingston	Rehberg
Coffman (CO)	Kirk	Reichert
Cole	Kline (MN)	Roe (TN)
Conaway	Kratovil	Rogers (KY)
Crenshaw	Lamborn	Rogers (MI)
Culberson	Lance	Rohrabacher
Davis (KY)	Latham	Rooney
Deal (GA)	LaTourette	Ros-Lehtinen
Dent	Latta	Roskam

Royce	Smith (TX)	Walden
Ryan (WI)	Souder	Wamp
Schmidt	Stearns	Westmoreland
Sensenbrenner	Sullivan	Whitfield
Sessions	Terry	Wilson (SC)
Shadegg	Thompson (PA)	Wittman
Shimkus	Thornberry	Wolf
Shuster	Tiahrt	Young (AK)
Simpson	Tiberi	Young (FL)
Smith (NE)	Turner	
Smith (NJ)	Upton	

## NOT VOTING—16

Boyd	McCollum	Ryan (OH)
Cao	Melancon	Scalise
Carney	Mollohan	Schock
Emerson	Platts	Stark
Hall (TX)	Radanovich	
Honda	Rogers (AL)	

□ 1133

Messrs. JOHNSON of Illinois, CON-AWAY, and Ms. GRANGER changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

## LEGISLATIVE PROGRAM

Mr. HOYER. Ladies and gentlemen, we had hoped to do an additional appropriation bill, but the subcommittee has not yet reached agreement. As a result, I wanted to let Members know that when we finish the business that is scheduled for today, which includes the water bill that we will be considering later today after the Homeland Security bill, we will then not plan to be here on Friday. I know that disappoints all of you.

It does disappoint me because I'm very focused, and we are working very hard with the Senate to try to get the appropriations bills done individually. I'm not a fan of omnibuses. I don't think anybody here is either. But as a result of being unable to move the Interior appropriation bill, my view was that originally we had scheduled the water bill for tomorrow, but it is our belief that we can consider both of them today which would then not require Members to be here on Friday.

You can lodge your complaints to me later.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 174, not voting 19, as follows:

[Roll No. 781]

## YEAS—239

Ackerman	Griffith	Neal (MA)
Adler (NJ)	Grijalva	Oberstar
Altmire	Gutierrez	Obey
Andrews	Hall (NY)	Oliver
Arcuri	Halvorson	Ortiz
Baca	Hare	Pallone
Baldwin	Harman	Pascarell
Barrow	Hastings (FL)	Pastor (AZ)
Bean	Heinrich	Payne
Becerra	Herseth Sandlin	Perlmutter
Berkley	Higgins	Perriello
Berman	Hill	Peters
Berry	Himes	Peterson
Bishop (GA)	Hinchee	Pingree (ME)
Bishop (NY)	Hinojosa	Polis (CO)
Blumenauer	Hodes	Pomeroy
Boccieri	Holden	Price (NC)
Boren	Holt	Quigley
Boswell	Honda	Rahall
Boucher	Hoyer	Reyes
Brady (PA)	Inslee	Richardson
Braley (IA)	Israel	Rodriguez
Brown, Corrine	Jackson (IL)	Ross
Butterfield	Jackson-Lee	Rothman (NJ)
Capps	(TX)	Roybal-Allard
Capuano	Johnson (GA)	Ruppersberger
Cardoza	Johnson, E. B.	Rush
Carnahan	Kagen	Ryan (OH)
Carson (IN)	Kanjorski	Salazar
Castor (FL)	Kaptur	Sanchez, Linda
Chandler	Kennedy	T.
Childers	Kildee	Sanchez, Loretta
Chu	Kilpatrick (MI)	Sarbanes
Clarke	Kilroy	Schakowsky
Clay	Kind	Schauer
Cleaver	Kirkpatrick (AZ)	Schiff
Clyburn	Kissell	Schrader
Cohen	Klein (FL)	Schwartz
Connolly (VA)	Kosmas	Scott (GA)
Conyers	Kucinich	Scott (VA)
Cooper	Langevin	Serrano
Costa	Larsen (WA)	Sestak
Costello	Larson (CT)	Shea-Porter
Courtney	Lee (CA)	Sherman
Crowley	Levin	Shuler
Cuellar	Lewis (GA)	Sires
Cummings	Lipinski	Skelton
Dahlkemper	Loeb	Slaughter
Davis (AL)	Loeb	Smith (WA)
Davis (CA)	Lofgren, Zoe	Snyder
Davis (IL)	Lowey	Space
Davis (TN)	Lujan	Speier
DeFazio	Lynch	Spratt
DeGette	Maffei	Stupak
Delahunt	Maloney	Sutton
DeLauro	Markey (CO)	Tanner
Dicks	Markey (MA)	Taylor
Dingell	Marshall	Teague
Doggett	Massa	Thompson (CA)
Donnelly (IN)	Matheson	Thompson (MS)
Doyle	Matsui	Tierney
Driehaus	McCarthy (NY)	Titus
Edwards (MD)	McDermott	Tonko
Edwards (TX)	McGovern	Tsongas
Ellison	McIntyre	Van Hollen
Ellsworth	McMahon	Velázquez
Engel	McNerney	Visclosky
Eshoo	Meek (FL)	Walz
Etheridge	Meeks (NY)	Wasserman
Farr	Michaud	Schultz
Fattah	Miller (NC)	Waters
Filner	Miller, George	Watson
Foster	Minnick	Watt
Frank (MA)	Mitchell	Waxman
Fudge	Moore (KS)	Welch
Giffords	Moore (WI)	Wexler
Gonzalez	Moran (VA)	Wilson (OH)
Gordon (TN)	Murphy (CT)	Woolsey
Grayson	Murphy, Patrick	Wu
Green, Al	Murtha	Yarmuth
Green, Gene	Nadler (NY)	
	Napolitano	

## NAYS—174

Aderholt	Barton (TX)	Bono Mack
Akin	Biggart	Boozman
Alexander	Bilbray	Boustany
Austria	Bilirakis	Brady (TX)
Bachmann	Bishop (UT)	Bright
Bachus	Blackburn	Brown (GA)
Baird	Blunt	Brown (SC)
Barrett (SC)	Boehner	Brown-Waite,
Bartlett	Bonner	Ginny

Buchanan	Hunter	Pence
Burgess	Inglis	Petri
Burton (IN)	Issa	Pitts
Buyer	Jenkins	Poe (TX)
Calvert	Johnson (IL)	Possey
Camp	Johnson, Sam	Price (GA)
Campbell	Jones	Putnam
Cantor	Jordan (OH)	Rehberg
Capito	King (IA)	Reichert
Carter	King (NY)	Roe (TN)
Cassidy	Kingston	Rogers (AL)
Castle	Kirk	Rogers (KY)
Chaffetz	Kline (MN)	Rogers (MI)
Coble	Kratovil	Rohrabacher
Coffman (CO)	Lamborn	Rooney
Cole	Lance	Ros-Lehtinen
Conaway	Latham	Roskam
Crenshaw	LaTourette	Royce
Culberson	Latta	Ryan (WI)
Davis (KY)	Lee (NY)	Schmidt
Deal (GA)	Lewis (CA)	Schock
Dent	Linder	Sensenbrenner
Diaz-Balart, L.	LoBiondo	Sessions
Diaz-Balart, M.	Lucas	Shadegg
Dreier	Luetkemeyer	Shimkus
Duncan	Lummis	Shuster
Ehlers	Lungren, Daniel	Simpson
Fallin	E.	Smith (NE)
Flake	Mack	Smith (NJ)
Fleming	Manzullo	Smith (TX)
Forbes	Marchant	Souder
Fortenberry	McCarthy (CA)	Stearns
Fox	McCaul	Sullivan
Franks (AZ)	McClintock	Terry
Frelinghuysen	McCotter	Thompson (PA)
Gallely	McHenry	Thornberry
Garrett (NJ)	McKeon	Tiahrt
Gerlach	Mica	Tiberi
Gingrey (GA)	Miller (FL)	Turner
Gohmert	Miller (MI)	Upton
Goodlatte	Miller, Gary	Walden
Granger	Moran (KS)	Wamp
Graves	Murphy, Tim	Westmoreland
Guthrie	Myrick	Whitfield
Harper	Neugebauer	Wilson (SC)
Hastings (WA)	Nunes	Wittman
Heller	Nye	Wolf
Hensarling	Olson	Young (AK)
Herger	Paul	Young (FL)
Hoekstra	Paulsen	

## NOT VOTING—19

Abercrombie	McCollum	Radanovich
Boyd	McMorris	Rangel
Cao	Rodgers	Scalise
Carney	Melancon	Stark
Emerson	Mollohan	Towns
Hall (TX)	Murphy (NY)	Weiner
Hirono	Platts	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1141

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Madam Speaker, on rollcall No. 781, had I been present, I would have voted “yea.”

Mr. MURPHY of New York. Madam Speaker, on rollcall No. 781, had I been present, I would have voted “nay.”

Mrs. MCMORRIS RODGERS, Madam Speaker, on rollcall No. 781, I was unavoidably detained. Had I been present, I would have voted “nay.”

# EXPRESSING SYMPATHY FOR THE CITIZENS OF THE PHILIPPINES DEALING WITH TROPICAL STORM KETSANA AND TYPHOON PARMA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 800, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 800, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. CONNOLLY of Virginia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 0, not voting 17, as follows:

[Roll No. 782]

AYES—415

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Billirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boccieri  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer

Calvert  
Camp  
Campbell  
Cantor  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell

Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller

Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowe  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)

McCaul  
McClintock  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Pallone  
Pascarella  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perrillo  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush

Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Townes  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DeGETTE) (during the vote). There are 2 minutes remaining in this vote.

□ 1149

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RESIGNATION AS MEMBER OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Judiciary:

OCTOBER 14, 2009.

HON. NANCY PELOSI,  
*Speaker, House of Representatives, The Capitol,  
Washington, DC.*

DEAR MADAM SPEAKER: I am writing to notify you of my resignation from the Judiciary Committee, effective October 14, 2009. It was an honor to serve you and Chairman Conyers as a member of this prestigious committee.

I look forward to continuing to serve on the Foreign Affairs and Financial Services Committees in the 111th Congress.

Sincerely,

BRAD SHERMAN,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

## ELECTING MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 834

*Resolved*, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON THE JUDICIARY.—Ms. Chu (to rank immediately after Mr. Quigley).

(2) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Ms. Chu.

Mr. LARSON of Connecticut (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## NOT VOTING—17

Boehner  
Boyd  
Bright  
Cao  
Carney  
Emerson  
Gordon (TN)  
Hall (TX)  
Marshall  
McCollum  
Melancon  
Mollohan  
Platts  
Radanovich  
Scalise  
Serrano  
Stark

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3612

Mr. BROUN of Georgia. Madam Speaker, I ask unanimous consent to

remove Congressman SAM JOHNSON of Texas as a cosponsor of H.R. 3612.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CONFERENCE REPORT ON H.R. 2892,  
DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT,  
2010

Mr. PRICE of North Carolina. Madam Speaker, pursuant to House Resolution 829, I call up the conference report on the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 829, the conference report is considered read.

(For conference report and statement, see proceedings of the House of October 13, 2009, at page 24619.)

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. PRICE) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. PRICE of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 2892.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. PRICE of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to present the conference report for the Department of Homeland Security appropriations for fiscal year 2010. This agreement provides \$42.78 billion for the Department, \$2.64 billion, or 7 percent, above the fiscal year 2009 level.

I want to thank the distinguished ranking member, Mr. ROGERS, for his advice and counsel and help in making this a better bill, and also his staff for working so closely and constructively with us. I want to highlight the work of all staff on both sides of the aisle who have helped us present such a strong legislative product to the Congress.

This is a critical year for the Department of Homeland Security, as it has weathered its first leadership transition with the new administration, in the midst of a global economic recession. I commend the Department's new leadership on its strong efforts to enhance our Nation's security posture

and its willingness to reach out to Congress to make adjustments and to promote change when needed.

This conference report, carrying the seventh annual appropriation for the Department since its inception, addresses the needs and challenges that this still-young Department faces. It also represents a considered approach to funding critical domestic security requirements and other core departmental missions within a bipartisan consensus on fiscal responsibility.

Madam Speaker, one can make an argument for increasing funding for many of the programs contained in this report. When discussing homeland security, worst-case scenarios often abound, as do advocates for fixating on one threat while downplaying others.

Our obligation, by contrast, is to take a balanced, realistic approach, to weigh risks carefully, and to set priorities and make prudent investments in smart, effective security. I believe this conference agreement supports the Department's efforts to focus on the highest priorities for protecting our country and to prevent, prepare for, and respond to legitimate threats, whether natural or man-made.

To conserve time, Madam Speaker, I will highlight just a few items in the proposed agreement, items I believe are of interest to all Members.

First, the conference agreement provides the resources to support the readiness of our State and local partners, our first responders out on the front lines. This includes \$810 million for firefighters, \$887 million for the Urban Areas Security Initiatives grants and \$340 million for emergency managers. It also includes over \$900 million to strengthen FEMA's operational response capabilities and to enhance the agency's emergency management mission.

The conference agreement includes \$1.5 billion for more effective efforts by U.S. Immigration and Customs Enforcement to identify and remove illegal aliens who have committed crimes, a priority we share with the President and Secretary Napolitano. Of this total, \$200 million furthers development of the Secure Communities Program, which offers a productive approach for Federal immigration agents to work closely with State and local law enforcement, while maintaining the distinction between the traditional Federal role of enforcing immigration law and the local role of prosecuting criminal violations.

The conference agreement includes \$800 million for infrastructure and technology to secure the border, with an emphasis on developing technological surveillance and improving tactical communications so our Border Patrol can make smart use of its resources to police an expansive border. It includes \$40 million to minimize adverse environmental impacts of border

infrastructure and operations, and maintains strong oversight requirements to ensure the Secure Border Initiative delivers as promised.

The conference agreement provides a total of \$7.66 billion for the Transportation Security Administration to improve aviation security and efficiency. Two areas of note are over \$1 billion available to deploy explosives detection systems at airports throughout the country that have less capable and slower screening systems, and \$122 million for air cargo security so TSA can meet the August 2010 deadline for screening 100 percent of cargo in the hold of passenger planes.

This conference agreement continues to take steps to increase the Coast Guard's contribution to national security, including protection of our waterways and those who use them and stemming the flow of illegal drugs into this country. Overall, this bill includes \$10.14 billion for the Coast Guard, \$170 million more than the administration requested. Most of this increase is to purchase materials for a new national security cutter and to complete the refurbishment of a heavy icebreaker that will help secure America's interests in the Arctic. It also boosts support for the existing fleet, making investments above the administration's request for backlogged vessel maintenance.

The conference agreement includes nearly \$400 million for DHS cybersecurity programs, 26 percent above fiscal year 2009, to ramp up our protections for governmental computer networks and to bring on more professionals with cybersecurity expertise. In addition, DHS will be able to initiate new efforts to help those responsible for critical infrastructure and other private networks, reducing their vulnerability to cyberattacks.

Also, the conference agreement includes \$11 million to promote legal paths to U.S. citizenship by expanding the successful immigration integration program of U.S. Citizenship and Immigration Services.

The conference agreement includes \$1.1 billion for departmental operations, up \$90 million or 17 percent above fiscal year 2009, to improve DHS management and make it more cost-effective, to secure sensitive information, and to ensure that contractors are overseen by trained government professionals, not by other contractors.

The agreement provides \$221 million to continue efforts to safeguard international commerce and to prevent the use of cargo containers to carry or deliver weapons. This includes an increase of \$12.5 million, or 8 percent, above fiscal 2009 to build on the Secure Freight Initiative and Container Security Initiative, as well as funding to sustain programs targeting high-risk cargo and shippers. DHS is also required to submit a realistic strategy for achieving effective cargo and supply chain security.

To ensure that DHS can adequately protect public safety in its efforts to identify and prepare for biological or agricultural threats, the conference agreement requires DHS to conduct a thorough risk assessment to determine requirements for safe operation of the National Bio and Agro Defense Facility scheduled for Manhattan, Kansas.

□ 1200

It calls for the National Academy of Sciences to provide an independent evaluation of the Department's safety, planning, and mitigation efforts in connection with this project.

In addition, the conference report extends authorizations for the E-Verify program and for visas for physicians serving in rural areas, religious workers, and investors, each of these by 3 years. These are all short-term solutions until comprehensive immigration reform can be considered by the authorizing committees and by the Congress.

Finally, I want to discuss two items that have been raised repeatedly, the release of photographs and videos of individuals detained by U.S. Armed Forces since 9/11, and restrictions on the administration's ability to transfer detainees from Guantanamo Bay Naval Station to the United States or elsewhere in the world.

On the first topic, the conference report codifies the President's decision to allow the Secretary of Defense to bar the release of detainee photos for a period of 3 years.

On the second topic, the conference report establishes strict safeguards on the movement of Guantanamo's detainees, and if the administration chooses to address their cases in U.S. courts, this legislation ensures that that will be done with due consideration, planning, and forethought.

It prohibits current detainees from being released into the United States or any U.S. territory. It allows the transfer of a detainee to custody inside the United States only for the purpose of prosecuting that individual and only after Congress receives a plan detailing the risks involved and a plan for mitigating such risks, the cost of the transfer, the legal rationale and court demands, and a copy of the notification provided to the governor of the receiving State 14 days before a transfer, with a certification by the Attorney General that the individual poses little or no security risk.

Our bill also prevents current detainees from being transferred or released to another country, including freely associated states, unless the President submits to the Congress 15 days prior

to such transfer the name of the individual and the country the individual will be transferred to, an assessment of risks posed and actions taken to mitigate such risks, and the terms of the transfer agreement with the other country, including any financial assistance.

It requires the President to submit a report to Congress describing the disposition of each current detainee before the facility in Guantanamo Bay can be closed. It bars the use of funds to provide any immigration benefits to Guantanamo detainees, other than to allow them to be brought to the U.S. for prosecution, and it mandates the inclusion of all detainees on the TSA No Fly List. These are provisions that have been supported on a bipartisan basis in Appropriations Committee markups and on the floor of this House.

Madam Speaker, the conference report before us today represents hard work in a cooperative and bipartisan spirit. It invests in critical government efforts designed to keep the American people safe. I strongly support the proposed agreement, and urge my colleagues to do the same.

Madam Speaker, I include the following for the RECORD:

DEPARTMENT OF HOMELAND SECURITY - FY 2010 (H.R. 2892)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
DEPARTMENT OF HOMELAND SECURITY						
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS						
Departmental Operations						
Office of the Secretary and Executive Management.....	123,456	160,760	117,727	149,268	147,818	+24,362
Office of the Under Secretary for Management.....	191,793	337,990	153,790	307,690	254,190	+62,397
Emergency appropriations.....	200,000	---	---	---	---	-200,000
Office of the Chief Financial Officer.....	55,235	65,530	60,530	63,530	60,530	+5,295
Office of the Chief Information Officer.....	272,169	338,393	281,593	338,393	338,393	+66,224
Analysis and operations.....	327,373	357,345	345,556	347,845	335,030	+7,657
Subtotal, Departmental Operations.....	1,170,026	1,260,018	959,196	1,206,726	1,135,961	-34,065
Office of the Federal Coordinator for Gulf Coast Rebuilding.....	1,900	2,000	2,000	2,000	2,000	+100
Office of Inspector General						
Operating expenses.....	98,513	127,874	111,874	115,874	113,874	+15,361
Emergency appropriations.....	5,000	---	---	---	---	-5,000
(transfer from Disaster relief).....	(16,000)	---	(16,000)	(16,000)	(16,000)	---
Total, Office of Inspector General (including transfers).....	119,513	127,874	127,874	131,874	129,874	+10,361
Total, title I, Departmental Management and Operations.....	1,291,439	1,389,892	1,089,070	1,340,600	1,267,835	-23,604
Appropriation.....	(1,070,439)	(1,389,892)	(1,073,070)	(1,324,600)	(1,251,835)	(+181,396)
Emergency appropriations.....	(205,000)	---	---	---	---	(-205,000)
By transfer.....	(16,000)	---	(16,000)	(16,000)	(16,000)	---
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS						
U.S. Customs and Border Protection						
Salaries and expenses.....	7,600,052	7,619,842	7,612,571	8,072,423	8,061,487	+461,435
Harbor maintenance fee collection (trust fund)....	3,154	3,226	3,226	3,226	3,226	+72
Emergency appropriations.....	206,200	---	---	---	---	-206,200
Subtotal, Salaries and expenses.....	7,809,406	7,623,068	7,615,797	8,075,649	8,064,713	+255,307
Automation modernization.....	511,334	462,445	462,445	462,445	422,445	-88,889
Border security fencing, infrastructure, and technology (BSFIT).....	775,000	779,452	732,000	800,000	800,000	+25,000
Emergency appropriations.....	100,000	---	---	---	---	-100,000
Air and Marine Interdiction, Operations, Maintenance and Procurement.....	528,000	505,826	513,826	515,826	519,826	-8,174
Emergency appropriations.....	5,000	---	---	---	---	-5,000
Construction and facilities management.....	403,201	678,633	682,133	316,070	319,570	-83,631
Emergency appropriations.....	420,000	---	---	---	---	-420,000
Fee accounts.....	(1,448,145)	(1,432,000)	(1,432,000)	(1,432,000)	(1,432,000)	(-16,145)
Total, Customs and Border Protection.....	(12,000,086)	(11,481,424)	(11,438,201)	(11,601,990)	(11,558,554)	(-441,532)
Appropriations.....	(9,820,741)	(10,049,424)	(10,006,201)	(10,169,990)	(10,126,554)	(+305,813)
Emergency appropriations.....	(731,200)	---	---	---	---	(-731,200)
Fee accounts.....	(1,448,145)	(1,432,000)	(1,432,000)	(1,432,000)	(1,432,000)	(-16,145)

DEPARTMENT OF HOMELAND SECURITY - FY 2010 (H.R. 2892)  
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
<b>Immigration and Customs Enforcement</b>						
Salaries and expenses.....	4,927,210	5,348,000	5,313,193	5,360,100	5,342,134	+414,924
Emergency appropriations.....	66,800	---	---	---	---	-66,800
Federal protective service.....	640,000	---	1,115,000	---	---	-640,000
Offsetting fee collections.....	-640,000	---	-1,115,000	---	---	+640,000
Automation modernization.....	57,000	110,000	105,000	85,000	90,000	+33,000
Emergency appropriations.....	20,000	---	---	---	---	-20,000
Construction.....	5,000	---	11,818	---	4,818	-182
<b>Total, Direct appropriations.....</b>	<b>5,076,010</b>	<b>5,458,000</b>	<b>5,430,011</b>	<b>5,445,100</b>	<b>5,436,952</b>	<b>+360,942</b>
Fee accounts.....	(299,000)	(318,000)	(318,000)	(304,800)	(304,800)	(+5,800)
<b>Total, Immigration and Customs Enforcement.....</b>	<b>(5,375,010)</b>	<b>(5,776,000)</b>	<b>(5,748,011)</b>	<b>(5,749,900)</b>	<b>(5,741,752)</b>	<b>(+366,742)</b>
Appropriations.....	(4,989,210)	(5,458,000)	(5,430,011)	(5,445,100)	(5,436,952)	(+447,742)
Emergency appropriations.....	(86,800)	---	---	---	---	(-86,800)
Fee accounts.....	(299,000)	(318,000)	(318,000)	(304,800)	(304,800)	(+5,800)
<b>Transportation Security Administration</b>						
Aviation security.....	4,754,518	5,310,850	5,265,740	5,233,328	5,214,040	+459,522
Emergency appropriations.....	1,000,000	---	---	---	---	-1,000,000
Aviation security fees - offsetting collections.....	-2,320,000	-2,100,000	-2,100,000	-2,100,000	-2,100,000	+220,000
Other fees - offsetting collections (nonadd).....	(-275)	(-19,600)	(-2,700)	(-19,600)	---	(+275)
<b>Total, Aviation security (net).....</b>	<b>3,434,518</b>	<b>3,210,850</b>	<b>3,165,740</b>	<b>3,133,328</b>	<b>3,114,040</b>	<b>-320,478</b>
Aviation security capital fund.....	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	---
Surface transportation security.....	49,606	128,416	103,416	142,616	110,516	+60,910
Transportation Threat Assessment and Credentialing....	116,018	191,999	171,999	171,999	171,999	+55,981
Fee accounts.....	(40,000)	(28,000)	(44,900)	(28,000)	(47,620)	(+7,620)
Transportation security support.....	947,735	1,004,580	992,980	999,580	1,001,780	+54,045
Federal Air Marshals.....	819,481	860,111	860,111	860,111	860,111	+40,630
<b>Total, Transportation Security Admin. (gross)....</b>	<b>7,977,358</b>	<b>7,773,956</b>	<b>7,689,146</b>	<b>7,685,634</b>	<b>7,656,066</b>	<b>-321,292</b>
Offsetting fee collections.....	(-2,320,000)	(-2,100,000)	(-2,100,000)	(-2,100,000)	(-2,100,000)	(+220,000)
Aviation security capital fund.....	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	---
Fee accounts.....	(40,000)	(28,000)	(44,900)	(28,000)	(47,620)	(+7,620)
<b>Total, Transportation Security Admin. (net).....</b>	<b>5,367,358</b>	<b>5,395,956</b>	<b>5,294,246</b>	<b>5,307,634</b>	<b>5,258,446</b>	<b>-108,912</b>
<b>United States Coast Guard</b>						
Operating expenses.....	5,854,925	6,216,188	6,240,523	6,256,788	6,223,888	+368,963
Overseas deployment and other activities.....	139,503	---	241,503	241,503	241,503	+102,000
(By transfer - contingent emergencies).....	---	(241,503)	---	---	---	---
Defense function.....	340,000	340,000	340,000	340,000	340,000	---
<b>Subtotal, Operating expenses (incl. transfers)....</b>	<b>6,334,428</b>	<b>6,797,691</b>	<b>6,822,026</b>	<b>6,838,291</b>	<b>6,805,391</b>	<b>+470,963</b>
Environmental compliance and restoration.....	13,000	13,198	13,198	13,198	13,198	+198
Reserve training.....	130,501	133,632	133,632	133,632	133,632	+3,131
Acquisition, construction, and improvements.....	1,494,576	1,383,980	1,347,480	1,597,580	1,537,080	+42,504
Emergency appropriations.....	98,000	---	---	---	---	-98,000
Alteration of bridges.....	16,000	---	10,000	4,000	4,000	-12,000
Emergency appropriations.....	142,000	---	---	---	---	-142,000
Research, development, test, and evaluation.....	18,000	19,745	19,745	29,745	24,745	+6,745
Health care fund contribution (permanent indefinite appropriation).....	257,305	261,000	261,000	261,000	261,000	+3,695
<b>Subtotal, U.S. Coast Guard discretionary.....</b>	<b>8,503,810</b>	<b>8,367,743</b>	<b>8,607,081</b>	<b>8,877,446</b>	<b>8,779,046</b>	<b>+275,236</b>
Retired pay (mandatory).....	1,236,745	1,361,245	1,361,245	1,361,245	1,361,245	+124,500
<b>Total, United States Coast Guard (including transfers).....</b>	<b>9,740,555</b>	<b>9,970,491</b>	<b>9,968,326</b>	<b>10,238,691</b>	<b>10,140,291</b>	<b>+399,736</b>
Appropriations.....	(9,361,052)	(9,728,988)	(9,726,823)	(9,997,188)	(9,898,788)	(+537,736)
Emergency appropriations.....	(240,000)	---	---	---	---	(-240,000)
Overseas deployment and other activities.....	(139,503)	---	(241,503)	(241,503)	(241,503)	(+102,000)
(By transfer - contingent emergencies).....	---	(241,503)	---	---	---	---



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	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
<b>United States Secret Service</b>						
Salaries and expenses.....	1,408,729	1,485,609	1,457,409	1,482,709	1,478,669	+69,940
Emergency appropriations.....	100,000	---	---	---	---	-100,000
Acquisition, construction, improvements, and related expenses.....	4,225	3,975	3,975	3,975	3,975	-250
<b>Total, United States Secret Service.....</b>	<b>1,512,954</b>	<b>1,489,584</b>	<b>1,461,384</b>	<b>1,486,684</b>	<b>1,482,644</b>	<b>-30,310</b>
<b>Total, title II, Security, Enforcement, and Investigations (including transfers).....</b>						
Appropriations.....	32,248,818	32,363,455	32,160,168	32,648,099	32,444,887	+196,069
Emergency appropriations.....	(29,951,315)	(32,121,952)	(31,918,665)	(32,406,596)	(32,203,384)	(+2,252,089)
Overseas deployment and other activities.....	(2,158,000)	---	---	---	---	(-2,158,000)
(By transfer - contingent emergencies).....	(139,503)	---	(241,503)	(241,503)	(241,503)	(+102,000)
(Fee funded programs).....	---	(241,503)	---	---	---	---
(Fee funded programs).....	(1,787,145)	(1,778,000)	(1,794,900)	(1,764,800)	(1,784,420)	(-2,725)
<b>TITLE III - PROTECTION, PREPAREDNESS, RESPONSE AND RECOVERY</b>						
<b>National Protection and Programs Directorate</b>						
Management and administration.....	51,350	44,577	44,577	44,577	44,577	-6,773
Infrastructure protection and information security....	806,913	918,166	883,346	901,416	899,416	+92,503
Federal Protective Service.....	---	1,115,000	---	1,115,000	1,115,000	+1,115,000
Offsetting collections.....	---	-1,115,000	---	-1,115,000	-1,115,000	-1,115,000
U.S. Visitor and Immigrant Status Indicator Technology	300,000	356,194	351,800	378,194	373,762	+73,762
<b>Total, National Protection and Programs.....</b>	<b>1,158,263</b>	<b>1,318,937</b>	<b>1,279,723</b>	<b>1,324,187</b>	<b>1,317,755</b>	<b>+159,492</b>
Office of Health Affairs.....	157,191	138,000	128,400	135,000	139,250	-17,941
<b>Federal Emergency Management Agency</b>						
Management and administration.....	743,378	744,719	750,619	752,219	703,769	-39,609
Defense function.....	94,059	107,481	93,881	107,481	93,881	-178
(Transfer from Disaster Relief).....	(105,600)	(50,000)	(90,080)	(50,000)	(105,600)	---
<b>Subtotal, Management and administration (including transfers).....</b>	<b>943,037</b>	<b>902,200</b>	<b>934,580</b>	<b>909,700</b>	<b>903,250</b>	<b>-39,787</b>
<b>Grants and Training:</b>						
State and local programs.....	3,105,700	3,867,000	2,836,000	3,067,200	3,015,200	-90,500
Emergency appropriations.....	330,000	---	---	---	---	-330,000
Firefighter assistance grants.....	775,000	---	810,000	810,000	810,000	+35,000
Emergency appropriations.....	210,000	---	---	---	---	-210,000
Emergency management performance grants.....	315,000	---	330,000	350,000	340,000	+25,000
<b>Subtotal, Grants and Training.....</b>	<b>4,735,700</b>	<b>3,867,000</b>	<b>3,976,000</b>	<b>4,227,200</b>	<b>4,165,200</b>	<b>-570,500</b>
Radiological emergency preparedness program.....	-505	-265	-265	-265	-265	+240
United States Fire Administration.....	44,979	45,588	45,588	45,588	45,588	+609
Disaster relief.....	1,400,000	2,000,000	2,000,000	1,456,866	1,600,000	+200,000
(Transfer to Management and administration).....	(-105,600)	(-50,000)	(-90,080)	(-50,000)	(-105,600)	---
(Transfer to Inspector General).....	(-16,000)	---	(-16,000)	(-16,000)	(-16,000)	---
<b>Subtotal, Disaster Relief (including transfers)</b>	<b>1,278,400</b>	<b>1,950,000</b>	<b>1,893,920</b>	<b>1,390,866</b>	<b>1,478,400</b>	<b>+200,000</b>
<b>Disaster assistance direct loan program account:</b>						
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---
Direct loan subsidy.....	295	295	295	295	295	---
Flood map modernization fund.....	220,000	220,000	220,000	220,000	220,000	---
<b>National flood insurance fund:</b>						
Salaries and expenses.....	49,418	52,149	52,149	52,149	38,680	-10,738
Flood plain management and mapping.....	107,181	107,320	107,320	107,320	107,320	+139
Offsetting fee collections.....	-156,599	-159,469	-159,469	-159,469	-146,000	+10,599
National predisaster mitigation fund.....	90,000	150,000	100,000	120,000	100,000	+10,000

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	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Emergency food and shelter.....	200,000	100,000	200,000	175,000	200,000	---
Emergency appropriations.....	100,000	---	---	---	---	-100,000
Cerro Grande fire claims (rescission).....	-9,000	---	---	---	---	+9,000
Total, Federal Emergency Management Agency (including transfers).....	7,602,906	7,234,818	7,370,118	7,088,384	7,112,468	-490,438
Appropriations.....	(6,987,906)	(7,234,818)	(7,386,118)	(7,104,384)	(7,128,468)	(+140,562)
Emergency appropriations.....	(640,000)	---	---	---	---	(-640,000)
Rescissions.....	(-9,000)	---	---	---	---	(+9,000)
By Transfer.....	(105,600)	(50,000)	(90,080)	(50,000)	(105,600)	---
Transfer out.....	(-121,600)	(-50,000)	(-106,080)	(-66,000)	(-121,600)	---
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---
Total, title III, Protection, Preparedness Response and Recovery (including transfers)...	8,918,360	8,691,755	8,778,241	8,547,571	8,569,473	-348,887
Appropriations.....	(8,303,360)	(8,691,755)	(8,794,241)	(8,563,571)	(8,585,473)	(+282,113)
Emergency appropriations.....	(640,000)	---	---	---	---	(-640,000)
Rescissions.....	(-9,000)	---	---	---	---	(+9,000)
By transfer.....	(105,600)	(50,000)	(90,080)	(50,000)	(105,600)	---
Transfer out.....	(-121,600)	(-50,000)	(-106,080)	(-66,000)	(-121,600)	---
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES						
United States Citizenship and Immigration Services						
Salaries and expenses.....	101,740	364,000	298,000	135,700	224,000	+122,260
Immigration examination fee account.....	(2,495,186)	(2,451,884)	(2,451,884)	(2,451,884)	(2,451,884)	(-43,302)
Fraud prevention and detection fee account.....	(31,000)	(38,348)	(38,348)	(38,348)	(38,348)	(+7,348)
H-1B Non-Immigrant Petitioner Fee Account.....	(13,000)	(13,000)	(13,000)	(13,000)	(13,000)	---
Total, U. S. Citizenship and Immigration Services Fee funded programs.....	(2,640,926)	(2,867,232)	(2,801,232)	(2,638,932)	(2,727,232)	(+86,306)
Federal Law Enforcement Training Center						
Salaries and expenses.....	246,530	245,356	239,356	244,356	239,356	-7,174
Acquisition, construction, improvements, and related expenses.....	86,456	43,456	43,456	43,456	43,456	-43,000
Total, Federal Law Enforcement Training Center	332,986	288,812	282,812	287,812	282,812	-50,174
Science and Technology						
Management and administration.....	132,100	142,200	142,200	143,200	143,200	+11,100
Research, development, acquisition, and operations....	800,487	826,191	825,356	851,729	863,271	+62,784
Total, Science and Technology.....	932,587	968,391	967,556	994,929	1,006,471	+73,884
Domestic Nuclear Detection Office						
Management and administration.....	37,500	39,599	39,599	37,500	38,500	+1,000
Research, development, and operations.....	323,200	326,537	376,537	326,537	324,537	+1,337
Systems acquisition.....	153,491	---	---	10,000	20,000	-133,491
Total, Domestic Nuclear Detection Office.....	514,191	366,136	416,136	374,037	383,037	-131,154
Total, title IV, Research and Development, Training, and Services.....	1,881,504	1,987,339	1,964,504	1,792,478	1,896,320	+14,816
Fee funded programs.....	(2,539,186)	(2,503,232)	(2,503,232)	(2,503,232)	(2,503,232)	(-35,954)
TITLE V - GENERAL PROVISIONS						
Enacted provisions:						
Sec. 547: REAL ID Grants.....	50,000	---	---	---	---	-50,000
Sec. 547: REAL ID Information sharing and verification system.....	50,000	---	---	---	---	-50,000
Sec. 549: Rescission, TSA undistributed carryover.	-31,000	---	---	---	---	+31,000

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	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Sec. 550: Rescission of unobligated balances, A&O.	-21,373	---	---	---	---	+21,373
Sec. 551: Rescission of unobligated balances, Coast Guard.....	-20,000	---	---	---	---	+20,000
Sec. 603(a) Rescission of emergency funding, FEMA Disaster Relief.....	-100,000	---	---	---	---	+100,000
Sec. 603(b): FEMA State and local programs, emergency appropriations.....	100,000	---	---	---	---	-100,000
Sec. 609: Federal share of disaster assistance, emergency appropriations.....	---	---	---	---	---	---
Subtotal, enacted provisions.....	27,627	---	---	---	---	-27,627
Sec. 535: Fraud prevention and detection programs.....	---	---	---	---	---	---
Rescission of unobligated balances:						
Sec. 573: Trucking Industry Security Grants.....	---	---	-5,572	-5,500	-5,572	-5,572
Sec. 574: Analysis and Operations.....	---	---	-2,203	-5,000	-2,358	-2,358
Sec. 575: Infrastructure protection and information security.....	---	---	-5,963	-8,000	-8,000	-8,000
Sec. 576: Science and Technology.....	---	---	---	-7,500	-6,944	-6,944
Sec. 577: Domestic Nuclear Detection Office.....	---	---	---	-8,000	-8,000	-8,000
Sec. 578: TSA research and development.....	---	---	---	---	-4,000	-4,000
Sec. 579: Coast Guard AC&I.....	---	---	---	---	-800	-800
Sec. 580: Counterterrorism Fund.....	---	---	---	---	-5,600	-5,600
Sec. 551: ICE, Construction.....	---	---	---	-7,000	---	---
Total, title V, General Provisions.....	27,627	---	-13,738	-41,000	-41,274	-68,901
Appropriations.....	(100,000)	---	---	---	---	(-100,000)
Emergency appropriations.....	(100,000)	---	---	---	---	(-100,000)
Rescissions (including emergencies).....	(-172,373)	---	(-13,738)	(-41,000)	(-41,274)	(+131,099)
Grand total, Department of Homeland Security....	44,367,748	44,190,938	43,978,245	44,287,748	44,137,241	-230,507
Appropriations.....	(41,306,618)	(44,190,938)	(43,750,480)	(44,087,245)	(43,937,012)	(+2,630,394)
(Discretionary).....	(40,069,873)	(42,829,693)	(42,389,235)	(42,726,000)	(42,575,767)	(+2,505,894)
(Mandatory).....	(1,236,745)	(1,361,245)	(1,361,245)	(1,361,245)	(1,361,245)	(+124,500)
Emergency appropriations.....	(3,003,000)	---	---	---	---	(-3,003,000)
Overseas deployment and other activities....	(139,503)	---	(241,503)	(241,503)	(241,503)	(+102,000)
Rescissions.....	(-81,373)	---	(-13,738)	(-41,000)	(-41,274)	(+40,099)
(By transfer - contingent emergencies).....	---	(241,503)	---	---	---	---
(By transfer).....	(121,600)	(50,000)	(106,080)	(66,000)	(121,600)	---
(Transfer out).....	(-121,600)	(-50,000)	(-106,080)	(-66,000)	(-121,600)	---
Fee funded programs.....	(4,326,331)	(4,281,232)	(4,298,132)	(4,268,032)	(4,287,652)	(-38,679)
Aviation security capital fund.....	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	---
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume.

Let me begin by sincerely thanking Chairman PRICE for his partnership during this 2010 appropriations cycle. Through the transition in administrations, the very late submission of the 2010 budget request and the truncated appropriations process, he has been fair and respectful and has been willing to listen to our concerns and accommodate the minority's interests where possible. So I want to thank the chairman for his friendship and his ability to work with everyone to write the best possible bill.

This subcommittee, Madam Speaker, since its inception in 1993, has a long-standing tradition of bipartisanship, a tradition that stands in stark contrast, I might add parenthetically, to the exclusionary tactics of the House's Democrat leadership that trounced the rights of the minority and stifled debate during floor consideration of the House bill.

But in spite of some of that partisan mischief, I am truly grateful for Chairman PRICE's efforts to maintain the long-standing comity that has defined this Chamber's appropriation process, as well as Chairman OBEY's work to move this vital spending bill towards completion.

So I am thankful that we were able to hammer out an agreement in conference, for the most part. After all, the safety and security of our Nation's citizens should be the number one priority of the Congress. This urgency is underscored by the recent terrorism cases being investigated in Colorado, New York, Texas, Illinois and North Carolina, as well as the persistent acts of terrorism and violence by radical extremists overseas.

What this terrorist activity tells me is that real security demands persistent commitment. Eight years after 9/11 and 6 years after the Department was created, we must remain vigilant in addressing every threat and every vulnerability. I am pleased to see the conference report is willing to honor that commitment by properly resourcing our homeland security needs.

While I can't say that I agree with everything in the conference report, I think it represents a fairly reasonable compromise on most of our homeland security priorities. However, there is a notable provision that I must respectfully take issue with that the chairman has referred to.

Section 552 of this conference report permits the terrorists detained at Guantanamo Bay to be brought to the U.S. for purposes of prosecution. Since the President announced the decision to close Guantanamo some 9 months ago, we have seen nothing, Madam Speaker, no plan, in spite of the re-

quests of this Congress, this subcommittee, this committee, no plan, no idea of how to dispose of the detainees remaining there, and no legal rationale for the prosecution, sentencing and incarceration of these terrorists wherever.

Instead, those detainees who pose a minimal security threat have been shuttled off to other foreign countries by way of backroom deals, leaving hundreds of suspected terrorists potentially bound for American soil because no one else in the world will let them be brought to their soil. Apparently we have tried, to no avail.

So I for one see no reason why we should afford enemy combatants who have been caught on the battlefield battling American soldiers, to allow them the same constitutional rights as American citizens or the same due process even as criminal defendants in the civilian courts of the U.S., and I see no reason why these terrorists can't be brought to justice right where they are in Cuba before military tribunals, as we have in the past there. In fact, we know military tribunals work. We have completed three tribunals and convicted and sentenced terrorists right there in Gitmo.

It is clear that the majority of Members in this Chamber and in the Senate agree with this point of view, given the clear passage of the motion to instruct two weeks ago in this body, and the Senate's near unanimous adoption of a total prohibition of detainee transfers to this country with the passage of their Defense appropriations bill just last week. Both bodies have spoken by huge majorities: Keep these detainees off sacred American soil.

This is a critical issue that I think we must get right, so I am disappointed that the conferees did not follow the convincing and bipartisan votes that both Chambers have taken over the past few weeks and deny these terrorists access to the United States.

Now, having said all that, and in spite of my opposition to the section on the Gitmo detainees, I believe the base of this conference agreement will go indeed a long way towards the protection of our great country.

I once again thank Chairman PRICE for his consideration of our concerns and all of his good work throughout the year on this very important bill.

I reserve my time.

Mr. PRICE of North Carolina. Madam Speaker, I yield 2 minutes to our valued colleague from New York (Mrs. LOWEY), a member of the subcommittee.

Mrs. LOWEY. Madam Speaker, I rise in support of the conference report, and I want to thank our chairman, Chairman PRICE, for his strong leadership on this bill.

Assistance for our first responders is one of the most effective tools to protect our homeland, as evidenced by the

Federal Government and the New York Police Department's discovery of the plot to bomb the city's subways last month. The bill provides \$4.17 billion to invest in that partnership, including the Urban Area Security Initiative, the only grant program for high-risk cities. The conference report increases funding for it by \$50 million.

All too often our brave first responders have to rely on communications methods that resemble the time of Paul Revere. The conference report provides \$50 million for new technology through the Interoperable Emergency Communications Grant, which I fought very hard with the chairman to create.

To help prevent illicit radiological material from entering New York, the bill provides \$20 million for securing the cities, the same level for equipment procurement as in FY 2009, and I look forward to working with the chairman and the subcommittee to ensure that the program is fully implemented.

In addition to aiding our first responders, the bill tackles a number of pressing issues, including providing \$1.5 billion to identify and remove dangerous criminal aliens, bolstering border security with more than 20,000 Border Patrol agents, and securing our airports and transit system by providing \$678 million more than in FY 2009 for the Transportation Security Administration.

So I thank the chairman and the ranking member for their work on this bill, and I urge my colleagues' support.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 2 minutes to the very distinguished ranking member of the Homeland Security authorization committee in the House, the gentleman from New York (Mr. KING).

Mr. KING of New York. Madam Speaker, I thank the distinguished ranking member for yielding, and at the outset I want to commend Ranking Member ROGERS and Chairman PRICE for the outstanding job they have done on this bill. I certainly intend to vote for it. I will vote for it. I must say, however, there are three specific problems, three areas where I do have questions.

Number one is on the Secure the Cities program, which is essential to protect New York City from radiation, dirty bomb attacks. This House by an overwhelming margin approved an amendment by Congresswoman CLARKE and me which would have put \$40 million in the bill for that. Instead, in conference that was reduced to \$20 million. This is a shortfall which I believe can have damaging impact.

Secondly, on the issue of Guantanamo, I concur in everything that Ranking Member ROGERS has said. To me, it is wrong to bring terrorists, enemy battlefield combatants, to our shores for any purpose, even to stand trial, especially to stand trial, because

I believe they should be tried in military tribunals.

Again, I bring up the issue of New York City, where I am certain a number of these will be brought. Those who were involved in the 9/11 attacks will be brought to the Southern District of New York. To me, this is a timebomb waiting to happen, to have those terrorists in New York City for a protracted period of time before, during and after their trial.

Thirdly, on the issue of the firefighter grants, the President cut them by 70 percent. I know the committee put money back in, but the level was still lower than it was last year. This, I believe, is going to impact negatively on fire departments throughout our country.

Having said that, Madam Speaker, this is a fine bill. I look forward to supporting it. I thank the committee for the way they approached it in a bipartisan way. As Congresswoman LOWEY said, our Nation is under threat. There are threats every day. They have targeted various cities throughout our country. This bill goes a long way towards resolving that.

But, again, on the issues of Secure the Cities, Guantanamo and the firefighter grants, I do have real issues, real concerns. Having said that, I support the bill.

Mr. PRICE of North Carolina. Madam Speaker, I yield 2 minutes to another fine member of our subcommittee, the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN of New Jersey. I thank the chairman.

Madam Speaker, I rise today in support of the conference agreement on the 2010 Department of Homeland Security appropriations bill. I want to thank our distinguished chairman, Chairman PRICE, and our distinguished ranking member, Mr. ROGERS, for their outstanding leadership on this bill, and my colleagues on the subcommittee for their outstanding work.

First, I would like to remind my colleagues that I come from one of the most densely populated regions in the most densely populated State in the United States, northern New Jersey. This area contains many high-risk terrorist targets. So I understand, as do my constituents, how vitally important this funding is to our region's and our Nation's security.

The bill provides, for example, our first responders with excellent resources for the training, equipment and personnel we need to keep our communities safe.

□ 1215

It includes \$60 million for emergency operations centers, \$810 million for local fire departments, and \$950 million to protect high-risk urban areas from terrorist attacks. It provides \$300 million for port security grants to stop the

flow of illegal drugs from coming into this country. It also increases resources for our Customs and Border Protection by over \$10 billion to combat drugs and weapons smuggling.

In closing, Madam Speaker, this bill, the Fiscal Year 2010 Department of Homeland Security Appropriations bill, honors the commitment we made to provide our first responders with the best training and equipment available to keep our ports safe and our borders safe and all of our citizens safe from the terror that lurks out there by individuals still seeking to do us harm.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 3 minutes to one of the hardest working members of this body and a valued member of our subcommittee, the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. I want to thank Chairman PRICE.

The members of our subcommittee have a good personal working relationship. One of the things I enjoy most about this wonderful committee on appropriations is that there are no real partisan differences between us. We always work together for the good of the country. We have always worked together without regard to our party label. And this subcommittee, in particular, is one that has worked well together to protect the country from a very severe terrorist threat that we know we all face since 9/11.

I want to thank the chairman and our ranking member for the support that this committee has given to our Border Patrol; for Immigration and Customs Enforcement funding; for Operation Stone Garden, a very successful program that allows cooperation between local law enforcement agencies on the border and our border patrol. That program has been a great success.

My good friends CIRO RODRIGUEZ and HENRY CUELLAR, we've worked together very successfully in Texas in implementing Stone Garden, as well as a program called Operation Streamline that the country needs to know is working very well. If you cross the Texas border between Lake Amistad and Zapata County, you will be arrested, you will be prosecuted, you will be deported. And as a result, the crime rate has dropped by over 70 percent in Del Rio. We've seen a 60 percent drop in the crime rate in the Laredo sector. The local community, which is 96 percent Hispanic, loves this program. What mom or dad wouldn't like their streets safer? As a result of simply using existing law and a little additional resources and using the good judgment, the good sense and the good hearts of uniformed law enforcement officers on the border, we have secured the border in Texas, and with the help of the chairman and the committee members, we're working to expand that up and down the border.

There are many great, good things about this bill, but one very serious

concern that I have that Mr. ROGERS has already expressed is that this bill puts into law a policy that has never, in the history of this country, been followed, and that is that as soon as the President issues a plan to Congress for the disposition of the prisoners in Guantanamo, 45 days after the President submits that plan, this bill explicitly authorizes the prosecution of enemy soldiers in U.S. courts. Now, that's unprecedented.

And my good friend Mr. RUPPERSBERGER, whom I've worked with before on so many good causes, we all in this House voted to make sure that we would not bring enemy soldiers to the U.S. for prosecution, giving them all the constitutional rights as if they were captured on the streets of New York or Los Angeles. We voted not to bring these prisoners from Guantanamo to be incarcerated in U.S. jails.

The security question is one thing, but the one that really concerns me is the fact that this bill gives explicit authorization. For the first time in American history, we will, if we pass this legislation as it is, be authorizing what we now know is going to be the policy of this President for U.S. soldiers, for the first time in history, to be police officers. Our soldiers in the field, in addition to trying to protect themselves and their friends, are going to have—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROGERS of Kentucky. I yield the gentleman another 1 minute.

Mr. CULBERSON. Never before in our history have American soldiers had to worry about protecting the chain of evidence. Never before in history have American soldiers had to worry about whether or not they were reading the Miranda rights to enemy soldiers captured on foreign battlefields. Now, this bill makes that explicit. In fact, Chairman OBEY's fact sheet that he has issued on his Web site says this bill prohibits the transfer of Guantanamo detainees except for legal proceedings.

Now, anyone standing in a U.S. court in front of a U.S. judge is given all the protections of the U.S. Constitution. Now, that is what concerns me more than anything else is that we are explicitly changing—this is a monumental change in American policy. We cannot and should not burden our soldiers in the field with having to worry about the U.S. constitutional rights of enemy soldiers.

Do you think Sergeant York read Miranda warnings or was worried about the constitutional rights of the Germans that he captured during World War I? Do you think that the brave men who landed on Omaha Beach were worried about the constitutional rights of the Nazis at Omaha Beach or Normandy? I mean, this is an extremely important point that we have to raise, and we need to make sure that all the Members of the House are aware of it.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. ROGERS of Kentucky. I yield the gentleman another 1 minute.

Mr. CULBERSON. In fact, during the subcommittee hearing, during the conference committee meeting, my good friend, the chairman, Mr. PRICE, made it clear that this is the policy of the majority that's going to bring these—you'll want to bring these enemy soldiers to the United States to be prosecuted in U.S. courts.

That means that these enemy soldiers will be clothed in the protection of the U.S. Constitution. That means that enemy soldiers, these terrorists, can lawyer up at U.S. taxpayer expense. They're going to be given Miranda warnings. U.S. soldiers are going to have to protect the chain of evidence, just like a police officer on the streets of Los Angeles or New York, and make sure that the chain of evidence is protected, that all their rights are protected, and that we have to prove beyond a reasonable doubt that these enemy soldiers committed whatever it is crime that they're going to be prosecuted for.

Let me remind the Congress that in 1942 a number of German terrorists landed on the beaches of Long Beach and in Florida. In June of 1942, they were prosecuted in military tribunals—the U.S. Supreme Court ruled that's the proper way to handle enemy soldiers captured on a foreign battlefield—and they were executed by the end of August 1942.

It is unacceptable to put this burden on U.S. soldiers. It's a monumental and unacceptable change in American policy. We cannot let enemy soldiers lawyer up at taxpayer expense.

Mr. PRICE of North Carolina. Madam Speaker, I yield 3 minutes to another valued subcommittee colleague, Mr. RUPPERSBERGER of Maryland.

Mr. RUPPERSBERGER. Madam Speaker, I stand in strong support of the Homeland Security Appropriations Conference Report for FY 2010. The security of our Nation is clearly our top priority. And this bill dedicates more money for homeland security when compared to 2009 levels.

Homeland security is not a Democratic or Republican issue. It is USA first—our community, our families, and our country. I want to thank Chairman PRICE and Ranking Member ROGERS, as well as our friends in the Senate, for their bipartisan and bicameral efforts in crafting this conference report. And I'd like to speak about two key issues, two key components in this bill: the Coast Guard and cybersecurity. But before I do that, I have to respond to my friend JOHN CULBERSON's comments. I disagree with his comments.

Number 1, as far as prisoners are concerned, if, in fact, there are prisoners

that are so dangerous that would hurt our country, I would much rather have us control those prisoners. If we need to bring them to the United States of America to try them, I have more confidence in our court system and our prison system than some of the countries they go back to where they could escape and come back and do harm to our citizens. That's step one.

The second thing I disagree with my friend about is the issue about Miranda rights in theater. Now, those of us who have been to Iraq and Afghanistan know that that is not the case. It started when a friend of mine—I am on the Intelligence Committee—another Mr. ROGERS came back and said that he got information that soldiers were having to give Miranda warnings to people, to the enemy. That is not the case. We've had hearings. I've done my own due diligence. That is not what our men and women are required to do. So let's get the facts straight. Let's get the politics off the table, and let's talk about this Homeland Security bill, how it affects and protects our country, our families, and that is very important and relevant.

Now, the Coast Guard. The Coast Guard of the United States of America, since 1790, has been a critical part of our Nation's defenses. They handle everything from water rescues, as an example, in the Baltimore harbor, which I represent, to drug interdictions off our Nation's coast. Since 9/11, the Coast Guard has been asked to do even more. They have stepped up to the plate and kept watch on our Nation's waterways to keep our country safe.

I support the \$8.8 billion for the Coast Guard included in this legislation. This is more than \$275 million above the 2009 level. I am proud to represent the Coast Guard Yard at Curtis Bay in Congress in my district. The yard is in my district near the Port of Baltimore. The men and women of the yard do an excellent job maintaining and repairing the entire Coast Guard fleet.

Now I want to get to the issue of cyber. The second thing, and one of the most important issues that we're dealing with as far as national security, is cyberattacks. I would support \$283 million to address the growing threats to our Nation's networks. Our Nation's networks control much of what we do every day. They power our computers and our cell phones. They power the electrical grid that allows us to turn the lights on and the classified military and intelligence networks that keep our country safe. It's all too easy to use basic Internet hacking techniques to wreak havoc on our Nation's information infrastructure. Imagine if the Bank of America was suddenly cyberattacked.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PRICE of North Carolina. I yield the gentleman an additional 30 seconds.

Mr. RUPPERSBERGER. Fifty-nine million customers in 150 countries would suddenly be unable to access their accounts, their debit cards or their money, credit cards. It would cripple the economy. Think of what an attack would do to our electrical grid system, our security, our national security.

This threat is real. We must shore up our defenses. We must ensure that the Federal Government, the private sector, and our citizens beef up our cybersecurity efforts. This funding for cybersecurity will be a step in the right direction.

Mr. ROGERS of Kentucky. I yield such time as he may consume to the very distinguished ranking member of the full Appropriations Committee in the House, Mr. LEWIS of California.

Mr. LEWIS of California. Madam Speaker, at the end of the bill, Mr. ROGERS of Kentucky will be presenting a motion to recommit that addresses the issue of detainees at Guantanamo Bay, Cuba. This motion to recommit is very much designed to implement that which was the motion to instruct that so successfully passed the other day. It passed the House by a vote of 258-163, and I presume that the vote will reflect that pattern when we go to the motion to recommit. But first let me thank the gentleman for the time.

Mr. Chairman, in many ways, this conference report represents both the best and the worst of this Chamber's storied history. On the one hand, this conference report typifies the type of work that can result from strong bipartisanship. We are most certainly at our best when our very capable Members work together in the professional manner that we've seen with Chairman PRICE and Ranking Member ROGERS. So I congratulate the two of them for producing what is essentially a very well-balanced piece of legislation that will undoubtedly improve the safety and security of this great Nation.

However, this conference report also represents some of the worst in terms of partisan maneuvering. The language contained in section 552 pertaining to Guantanamo Bay detainees is a result of a last-minute mystery insert by the majority of language that was not in either the House or the Senate bill.

□ 1230

With this language, Chairman OBEY and the Democratic leadership are trying to establish Congress' de facto position on Gitmo detainees. And that position, in my view, is regrettably weak as well as flawed. To permit enemy combatants to come to the United States for the purpose of prosecution is a misguided and is potentially a very dangerous decision. Terrorists should not be treated like common criminals

in the Federal court. These detainees are enemies of the State, and should be treated as such by being held and brought to justice right where they are: in a very well-established judicial facility at Guantanamo.

Both the House and the Senate have cast clear, bipartisan votes over the last 2 weeks that made it very clear where Members and the American people are on this issue. They do not want these terrorists brought to the United States for any reason. It is regrettable that the Democrat leadership's flawed position on Guantanamo Bay detainees casts a shadow over what is otherwise a bipartisan, well-crafted conference report that will provide key resources for our security.

I appreciate the very, very good work of Chairman PRICE and Ranking Member ROGERS on this measure, but take considerable exception to Democrat leadership's insertion on Guantanamo Bay detainees.

Mr. PRICE of North Carolina. Madam Speaker, I would like to yield 2 minutes to one of our hardest working subcommittee members, Mr. FARR of California.

Mr. FARR. Thank you very much, Mr. Chairman, for yielding. I appreciate the opportunity to address the House on the DHS appropriations bill.

I want to just first say at the outset, I am really surprised to hear, kind of shocked to hear, that they are taking an appropriations bill and trying to make it into something that it isn't. We stand here year after year passing these appropriation bills, pointing out that you cannot legislate on an appropriations bill, you cannot make legal policy; it is about spending the money and the ways to spend that money, not on inventing new law.

This bill does not deal with how you treat prisoners in Guantanamo Bay. We ought to get over it and know that it doesn't do that. What this bill does do, though, is address a lot of other issues, one of which is very important to this country. They're talking about how to keep those prisoners out of our jails and out of our prisons. Frankly, there are some States that would love to have the revenue; they know that their court system can handle it. But that's not the emphasis of this bill because what we really are trying to address is the biggest industry of all in this country, which is tourism.

Tourism relies on a lot of people from a lot of countries coming into this country. Just a few weeks ago, the entire House voted for a travel initiative bill to allow the United States to go out and advertise to get more tourists in here, and there wasn't one single vote against it. So we do want to attract these people to spend money and come to our country. And we need the facilities when they come in, the facilities to give them visas when they go down to apply for those visas and certainly when they enter.

And one of the great things about this bill is it sets up the Western Travel Initiative, which essentially appropriates money into 46 of the busiest border ports—these could be airports, harbor ports, the kind of ways in which people come into this country from abroad—to facilitate getting them through all the security and getting them through the customs and so on. That is a very important investment in the biggest industry in this country with the biggest payoff to our local communities.

So I want to point out some of the real positive things in here. This also allows for a tracking of all these visitors through the status indicator technology.

There are a lot of good things in this bill. I urge a "yes" vote on the appropriations bill and a vote against any motion to recommit.

Mr. ROGERS of Kentucky. Madam Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well while another Member is under recognition.

Mr. PRICE of North Carolina. Madam Speaker, may I inquire as to how much time is available on both sides.

The SPEAKER pro tempore. The gentleman from North Carolina has 10½ minutes remaining; the gentleman from Kentucky has 13½ minutes remaining.

Mr. PRICE of North Carolina. Madam Speaker, I would like to yield 2 minutes at this point to the distinguished chairman of the authorizing committee with whom we work very closely, Mr. THOMPSON of Mississippi.

Mr. THOMPSON of Mississippi. Thank you very much, Mr. Chairman.

Madam Speaker, I appreciate the opportunity to speak in support of the conference report on H.R. 2892, the Department of Homeland Security Appropriations Act.

The funding provided in this package would help ensure the Department of Homeland Security, under the leadership of Secretary Janet Napolitano, will have the resources it needs to execute all its missions.

DHS has a lot to do, from deterring, detecting and responding to terrorism to rescuing wayward boaters, to pre-positioning disaster resources. H.R. 2892 gives DHS the \$42.7 billion it needs to fulfill its mission.

With respect to border security, the bill makes significant new investments to enhance border security along the southern and northern borders. I am particularly pleased that the bill provides \$72.6 million to increase personnel and provide new equipment in the Southwest Border Counterdrug Initiative, which dedicates resources to target the flow of guns and bulk cash that fuel border violence.

This bill also provides \$1.5 billion to support targeted, smarter immigration enforcement. These funds will expand critical programs such as Securing the Communities, which identifies and removes the most dangerous and violent criminal aliens on our border.

I support the new resources the legislation appropriates to transportation security, including funds for air cargo and surface transportation security.

Chemical security is another area of critical infrastructure that garnered significant attention in this bill. It provides \$100 million in funding to DHS to support the coordination and management of regulating high-risk chemical facilities and brings the size of the C-FATS regulatory staff to 250.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PRICE of North Carolina. I yield the gentleman an additional 30 seconds, Madam Speaker.

Mr. THOMPSON of Mississippi. Madam Speaker, in closing, I urge the passage of this important legislation because it makes the necessary investment in security and resilience to protect Americans from future threats and catastrophic incidents, natural or man-made.

Mr. PRICE of North Carolina. Madam Speaker, I reserve.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 2 minutes to a hard-working member of our subcommittee, the gentleman from California (Mr. CALVERT).

Mr. CALVERT. I want to thank the gentleman from Kentucky for his hard work and the diligence that went forth in putting this bill together. However, Madam Speaker, today I cannot vote for this bill unless the motion to recommit passes because of my concern about what is going to happen with these prisoners at Guantanamo.

So I would suggest to all the Members this is a very serious concern to our country. It's a very serious concern to this fight on terrorism throughout the world. And I believe that we should show our unity and vote for the motion to recommit. And if that motion to recommit passes, then I will be happy to vote for this bill, which I think for the most part is a good bill with that exception.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself the balance of the time.

In closing, I regret that this bipartisan and well-balanced conference report contains permission to bring Guantanamo Bay detainees onto American soil.

At the conclusion of today's general debate, I intend to offer a motion to recommit that will give this Chamber the opportunity to once again voice its will to the conferees just as it did 2 weeks ago by way of a clear and convincing bipartisan vote.

I appreciated your overwhelming vote then, and I ask the Members once

again to register your objection to bringing these enemy combatants, caught in battle with American soldiers, onto America's sacred soil.

The conferees ignored our instructions of 2 weeks ago, which prohibited detainees from being released, transferred, or detained in the United States for any reason, period. My motion today will have the same effect as the language Members voted for then and has the same effect as what the Senate voted for 93-7.

This motion will keep these terrorists off American soil, out of our Federal civilian courts, and in a place that is far more appropriate, given their status as enemy combatants apprehended on a battlefield with American soldiers.

This motion will correct the flaw in the conference report's language and aligns the will of Congress with that of the U.S. Senate as reflected by the strong bipartisan votes on this issue over the last 2 weeks in both bodies of the Congress.

I would hope Members would join me in supporting this motion so that we can further improve and strengthen this critical conference report.

Madam Speaker, I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Speaker, I yield myself the remainder of our time.

Madam Speaker, I rise once again to urge colleagues to support this carefully worked out conference report. And since no debate is permitted on the motion to recommit, I do wish to say a few words about the motion and strongly urge its rejection.

The motion to recommit would derail \$42.8 billion in Homeland Security investments, investments in critical efforts to protect the American people from the threat of terrorist attacks and natural disasters, and to secure our borders, ports and skies.

The motion to recommit would reopen the compromises made with the Senate that allowed us to provide \$2.5 billion in additional resources for our homeland security efforts.

My colleagues should make no mistake, this motion to recommit will dissolve our conference and kill the bill. Now, that should be reason enough for voting against the motion, but let me talk about the substance of the motion as well, because I do want to make certain that Members understand what we're dealing with.

The motion to recommit would dismantle the agreement that we on the majority side had with the minority in our full committee, which was passed by a large bipartisan vote in the House as a whole. In listening to our colleagues debate today, you would hardly understand that. But as a matter of fact, they readily agreed, eagerly agreed, in the markup in the Appropriations Committee that of course

there should be an exception for bringing detainees to this country for prosecution if that was determined to be the best way of dealing with their case. I think it's fair to say that no matter what President was in the White House, he or she would insist on this flexibility, and we should insist on it for them.

This motion to recommit would guarantee, I'm afraid, no progress in resolving the status of detainees for a year. It goes against the basic American principles of due process and access to a fair trial. It goes against America's basic interests as well, the interest in closing down Guantanamo—and that, I remind colleagues, is an objective articulated by President Bush as well as by President Obama—our interest in closing down Guantanamo and in bringing related cases to an orderly conclusion.

The motion to recommit unreasonably and unwisely exalts these detained individuals above the most savage prisoners in the U.S., saying we just can't handle them, we just can't handle these dangerous people in our court system. This, I would say, emboldens the terrorists, perhaps even helps their recruiting efforts. We have tried, convicted, and punished people who are the worst of the worst in this country repeatedly, and we can do so again.

Similar provisions, Madam Speaker, were rejected by this body just last week in a motion to recommit the Defense authorization bill, and they should be rejected today.

Now, we heard a lot of arguments today about "Mirandizing" prisoners and reading them their rights on the battlefield. That is a red herring, unrelated to this bill. Legal protections are a matter for the courts; they are a matter for other committees in this body. Our conference report does not reach these matters.

□ 1245

We have assurances, as a matter of fact, from General Petraeus that U.S. military forces are not and will not Mirandize detainees. The Department of Justice has said there has been no policy change nor blanket instruction issued for FBI agents to Mirandize detainees overseas. There have been specific cases in which FBI agents have done this at Bagram and in other situations in order to preserve the quality of some evidence, but there has been no overall policy change.

In fact, the whole issue of Mirandizing terrorists on the field of battle shows a lack of understanding of what "Miranda rights" are. Miranda warnings are given prior to interrogation for collecting evidence from a suspect in a crime. They are a protection against a suspect's making self-incriminating statements. They are not a part of arrest or detention procedures.

The courts have held that they do not prevent questioning about identity and that they do not apply in cases where public safety is threatened, such as on the field of battle or at the site of a terrorist attack. We don't interrogate on the field of battle. It's a red herring.

By the way, we're also not reaching the question of the future of military tribunals, but the ranking member's motion to recommit would very definitely shut off access to U.S. courts. We need to ask ourselves whether that is something we want to do in cases where that may be the most appropriate venue for prosecution.

My colleague seems to think that three convictions by military tribunals in the entire period of their existence is an impressive record. One of those was by a guilty plea. It's not an impressive record. By contrast, a recent analysis of the 119 terrorism cases involving 289 defendants tried over the last 20 years in U.S. courts shows a 91 percent conviction rate for the cases that had been resolved as of June 2.

Is that an option that we simply summarily want to close off?

I've already indicated, Madam Speaker—and I won't repeat—the layered protections that our bill contains with respect to the movement of detainees, the transparency it requires and the accountability it enforces. This bill contains multiple protections, and I stress again that they're based on an earlier bipartisan consensus. They reflect not just the wording in our bill but the language in several of the appropriations bills.

This move today to recommit this bill makes me wonder just how much our colleagues have really meant it when they have urged us to consider this bill quickly and to act with dispatch. We heard this through much of September.

The Guantanamo provisions that they asked for were included in the bill. We brought the bill with those provisions intact from the conference. They've been clamoring for weeks to get this bill to the floor, to pass it as a free-standing bill. But all of a sudden as the conference proceeded, again they cried, "Stop."

Now they're objecting to provisions that they, themselves, endorsed in the Appropriations Committee and on the House floor. They're objecting to our good faith safeguards on the movement of detainees to other countries and to the transparency requirements. They're simply saying, "Stop." Once again, "Stop."

Well, we can't afford to stop, Madam Speaker. We're already into the fiscal year. We have no reason to stop, and we cannot afford to stop. We will not hold up the \$1.5 billion in this conference report to identify and to remove illegal aliens who have been convicted of crimes. We will not delay \$800 million to secure our borders. We will



not delay \$4.2 billion for Homeland Security grants to ensure our first-responder community is well-prepared to meet all hazards. We will not delay funding for our Coast Guard, for our Secret Service, for disaster assistance, or for cybersecurity.

We will, in fact, pass this bill today. We've worked with our colleagues. We've debated the priorities. We've operated in good faith. We've accommodated interests by Members throughout this body. Now it is time to get on with it, to get past the political games, to get past the "gotcha" amendments and motions, and to fund Homeland Security. This body has a responsibility to legislate. Let's get the job done.

I urge my colleagues to vote "no" on this motion to recommit and to vote enthusiastically for this conference report.

Mr. SMITH of Texas. Madam Speaker, I plan to support the conference to H.R. 2892; however, I have serious concerns about some of the language in the conference report.

Specifically, the conference report directs the Secretary of Homeland Security to "prioritize the identification and removal of aliens convicted of a crime by the severity of that crime."

If an individual is in this country illegally, they should be deported. We shouldn't wait for them to commit a crime before we remove them from the country.

Unfortunately, across the United States, illegal immigrant criminals are being released onto the streets and into our neighborhoods every day instead of being deported. In 2006, the DHS Inspector General found that most of the foreign-born criminal aliens in state and local jails "are being released into the U.S. at the conclusion of their respective sentences due to the lack of [DHS] resources."

In January 2007, 22-year-old Nashville, Tennessee, resident Joycelyn Gardiner was killed by illegal immigrant Victor Benitez who was driving drunk, ran a red light and hit Gardiner. Ms. Gardiner was a track star at Tennessee State University and planned to go to law school after graduation. Benitez had prior convictions for car burglary, public intoxication, and resisting arrest.

Are burglary, public intoxication, and resisting arrest convictions considered severe enough to warrant deportation under this conference report? Had Benitez been detected by immigration authorities before committing even his first few crimes, wouldn't it have been better to deport him based solely on his immigration violations then?

American taxpayers deserve to be protected. They deserve to have those of us in Congress do everything possible to prevent them from becoming victims. And they deserve to have the laws of the United States followed by the enforcement wing of our government.

This misguided prioritization is not the only concern I have with the conference report to H.R. 2892.

The Senate bill provisions that made E-Verify permanent allowed employers to use it to check the work eligibility of current employees, required over 700 miles of pedestrian

fencing along the southwest border and prevented funding from being used to rescind the "no-match" rule should have been retained in the conference report.

And some of the reports required by the conference report could be attempts to slow implementation of REAL ID and the deportation of illegal immigrants. Yet another report should have required a validation of the success of use of Alternatives to Detention prior to nationwide use of such alternatives.

So I am troubled by several provisions of the bill. However I appreciate the inclusion of the 3-year extensions of the E-Verify, religious worker visa, EB-5 Investor Visa Regional Center and Conrad J-1 Physicians' Waiver programs. These are good immigration programs that should be extended.

Mr. CALVERT. Madam Speaker, I would like to thank Chairman PRICE and Ranking Member ROGERS, and their staff, for crafting a very thoughtful Fiscal Year 2010 Homeland Security Appropriations bill. I especially appreciate the recognition of the Air and Marine Operations Center, also known as AMOC, which is located in my congressional district. AMOC has become the foremost aviation-oriented law enforcement operations and coordination center in the U.S. It plays an integral role in protecting us from attack and from human, drug and gun smuggling across our borders.

However, I was disappointed that the extension of E-Verify was reduced from the Senate language which would have provided for a permanent reauthorization of E-Verify. The House overwhelmingly passed a 5-year reauthorization last year and I think the American people would support a permanent reauthorization of E-Verify.

I would also like to commend Ranking Member ROGERS for his work on language pertaining to the closing of Guantanamo Bay.

While the bill prohibits the release of detainees into the U.S., the report does not go far enough to prevent prisoners from being transferred to or detained on U.S. soil. I maintain that the President must provide a disposition plan which includes a risk assessment for each of the detainees and the danger they pose to the American people as well as to the national security of the United States. The requirement to have the administration report to Congress on these matters is similar to that of my bill, H.R. 1069, which I introduced on February 13 in response to the administration's January announcement that it would close the detention facility in Guantanamo Bay.

In closing, I would like to reiterate my support for the conference report but with strong reservations about the majority's actions that has severely restricted amendments and has shut down a once open appropriations process.

Ms. HARMAN. Madam Speaker, eight years after 9/11, there remains a very real, very serious threat of another attack on U.S. soil. The recent series of arrests—in Dallas, Chicago, Denver and New York City—underscores the need for continued resolve. The safety of the American people relies upon multiple layers of security—from intelligence to local police to the technologies that help us identify potential threats. Our duty as lawmakers is to ensure that all of these pieces are properly in place and constantly reevaluated.

A New York Times report this week highlighted a gaping hole in one of these layers—we still have no system in place to verify whether foreign visitors have left this country. Congress and DHS have known about this hole. In March, Secretary Napolitano joined me for a tour of one of the nation's top airport terror targets: Los Angeles International Airport, part of which is in my Congressional District. We walked through customs to observe the collection of foreign visitors' fingerprints upon entry and I pointed out the absence of an exit program. Secretary Napolitano committed her Department to addressing this issue in a timely fashion.

Work is already underway. DHS just completed a pilot project to test exit systems and will soon release a report on their findings. This bill provides \$50 million to put an air exit system in place. It is imperative that DHS do so.

By collecting fingerprints when foreign passengers exit, we can match them with those collected upon entry and cross-check them with a range of databases—from the State Department to the FBI. This isn't just data for the sake of data. It builds situational awareness and makes it easier for terrorism investigators to connect the "dots." This kind of capability is a vital tool in the ongoing struggle to prevent the next attack on American soil.

It's true that our intelligence and law enforcement agencies successfully thwarted recent plots, but that's no guarantee that they'll detect the next plot. A biometric system will provide them with better information that can more quickly identify potential threats. Four of the 9/11 hijackers overstayed their visas. It is exactly this type of thing that exit data will help us detect.

I would also like to thank the Conferees for including a 1-year waiver of the port security grant matching requirement. Since 2006, the SAFE Port Act has provided hundreds of millions of dollars to secure U.S. ports. But tough financial times—and a decline in shipping—have made it difficult for ports to meet the 25 percent cost-sharing requirement. Officials at the Ports of Los Angeles and Long Beach have repeatedly told me just how burdensome the requirement is. It creates a disincentive for ports to apply for grants, without which fund vital efforts to mitigate threats cannot be funded.

Mr. HOLT. Madam Speaker, I rise in support of this bill.

The Department of Homeland Security Appropriations Act for 2010 continues to fund a series of important public safety and disaster preparedness initiatives. To help us better protect our borders, the bill provides \$3.587 billion, \$86 million above 2009, to fully support 20,163 Border Patrol agents—which has expanded by 6,000 since 2006. The bill also provides \$373.7 million, \$73.7 million above 2009, for the US-VISIT program. US-VISIT uses biometrics to track the entry of visitors to the United States. The bill directs that a total of \$50 million be used to implement a biometric air exit capability so that we can determine if individuals have overstayed their visas.

Ensuring that 100 percent of air cargo is screened for explosives is essential to our efforts to thwart future terrorist attacks. To that end, the bill provides \$122.8 million, including

\$3.5 million above the budget request for 50 additional inspectors to ensure compliance with the 100 percent screening mandate set for August 2010 in the 9/11 Act. Regarding rail security, the bill builds on my previous work by providing \$300 million to protect critical transit infrastructure, including freight rail, Amtrak and ferry systems in high-threat areas. I remain very concerned that Amtrak in particular has been extremely slow to make the kind of security upgrades that are necessary to make the system less vulnerable to the kinds of attacks that killed so many in Madrid, London, and Mumbai over the last 5 years, and I will continue to press Amtrak officials to quickly implement security improvements for the system.

I am also pleased that some key needs in my district are being met in this bill. The Township of Old Bridge will receive \$500,000 to upgrade its emergency communications system, and the City of Trenton will receive \$300,000 to help protect its water filtration plant from periodic Delaware River floods. Even as we take measures to protect our country and communities from potential terrorist attacks, it's important to remember that the most common calamities that strike our towns come from nature and other sources. We must ensure that our communities are prepared to meet the full range of threats they may face.

I am disappointed that this bill allows the Secretary of Defense to withhold indefinitely from public release photographs of potential detainee abuse by U.S. government personnel. The assumption underlying this provision is that the release of the photographs would lead to increased violence against U.S. government personnel (civilian and military) overseas in the Middle East and southwest Asia. I would respectfully submit that our repeated mistargeting of civilians in Afghanistan and Pakistan, along with our continuing and expanding military presence in Afghanistan, provide our enemies with far better recruiting tools than the photographs in question might ever provide.

I regret that the conferees did not direct the Attorney General to review the photos to determine if any do in fact show evidence of violations of either domestic or international law with respect to the treatment of detainees. Using one law to shield from disclosure information that might be prosecutable under another law undermines the very foundation of our legal system and sends a clear signal to the world that we will cast aside our obligations under international law if it is politically expedient for us to do so. The best way we can protect our soldiers and civilians working overseas is to show that we will not tolerate the abuse of other human beings in our custody and that we will not hide our complicity in such acts behind politically expedient legal contortions.

Despite this serious flaw in the bill, I will support it and urge my colleagues to do likewise.

Mr. VAN HOLLEN. Madam Speaker, I stand in support of H.R. 2892, the Homeland Security Appropriations Act of 2010. This conference report represents Congress' commitment to partnering with State and local authorities to meet the homeland security challenges of the nation.

State and local emergency managers and first responders are the country's front line defense in times of crisis. Whenever ordinary Americans find themselves in harm's way, State and local authorities are often first on the scene. Not only does the bill provide almost \$4 billion for grants to assist State and local governments with emergency planning and equipment, the bill provides an additional \$3.9 billion in grants for high-risk urban areas like the National Capital region for mass transit security, and fire and rescue programs. This conference report recognizes State and local governments as full and equal partners in the effort to protect American citizens by helping ensure that they have the tools they need to get the job done.

The bill also provides important support for key elements of the domestic and international transportation, maritime and cyber security defenses of the country. The bill contains funding to update and maintain airport baggage handling and electronic cargo inspection systems in the Nation's air and sea ports; the bill helps protect Americans and American ships abroad with funding for U.S. Coast Guard operations; and the bill includes \$397 million in funding for cyber security efforts to protect the nation's cyber infrastructure against unauthorized access.

Americans turn to first responders and emergency managers for help in a crisis. This bill helps ensure that the resources are there when they are needed. I encourage my colleagues to join me in support of the 2010 Homeland Security Appropriations Act.

Mr. LOEBACK. Madam Speaker, in 2008, the State of Iowa experienced the worst natural disaster in our state's history which left 85 of 99 total counties presidentially declared disaster areas. This flooding particularly devastated the City of Cedar Rapids. In addition to having nearly all of their critical government and public facilities damaged, the flooding also severely damaged the city's main public library.

The Cedar Rapids Library was an 83,961 square foot facility, owned by the city which also housed city staff. The main library contained 150,000 volumes in the Adult Collection and 100,000 volumes in the Children's Collections, all of which are currently displaced.

After two appeals from the city, FEMA continues to state that the city's library is not eligible for temporary relocation assistance despite the fact that the Stafford Act provides for "provision of temporary facilities for schools and other essential community services." The Stafford Act also includes libraries in the definition of private nonprofit facilities and states that they provide essential services of a governmental nature to the general public.

As a former educator myself, I know the critical role libraries play in education. Since the floods of 2008, I have also seen the essential public services they provide to nearly all aspects of severely damaged communities.

In fact, FEMA itself directs disaster victims to their local library to use the internet to apply for federal disaster assistance. Public libraries also allow citizens to look for jobs, or seek other support services needed in the aftermath of disasters such as the flooding in Iowa. Libraries have certainly evolved to become more than collections of books and periodicals.

In modern-day communities, they are a vital communication hub, providing access to computers and the internet for individuals that may not be able to afford their own, and in a disaster, to those whose own property was damaged or destroyed. Further, the library is a partner with our school systems, providing research materials to students and supporting class instructional programs.

Many libraries also become a disaster recovery center for their community, and a point of distribution for meals and supplies needed during a disaster.

I urge FEMA to reconsider their internal policies and reexamine how libraries are defined in the Stafford Act in order to assist not only the Cedar Rapids Library, but other libraries that may be damaged and displaced by natural disasters in the future.

Ms. MCCOLLUM. Madam Speaker, I rise to oppose this Republican Motion to Instruct Conferees on the Fiscal Year 2010 Department of Homeland Security Appropriations Act, H.R. 2010.

This Republican motion is nothing more than a political stunt that would delay Congressional action on this important bill that funds the Department of Homeland Security. This agency's ability to operate is crucial in keeping our borders and waters safe, preventing terrorism, and responding to natural disasters.

Furthermore, this is another example of a Republican proposal that blatantly disregards the Constitution. If enacted, it would undermine the principles of due process and a fair trial, both of which are American ideals we hold dear.

For these reasons, I urge a "no" vote.

The SPEAKER pro tempore. The gentleman's time has expired.

Pursuant to House Resolution 829, the previous question is ordered on the conference report.

#### MOTION TO RECOMMIT

Mr. ROGERS of Kentucky. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ROGERS of Kentucky. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ROGERS of Kentucky moves to recommit the conference report accompanying the bill H.R. 2892 to the committee of conference with instructions to the managers on the part of the House to not agree to any language allowing a detainee held at Guantanamo Bay, Cuba to be brought to the United States for prosecution or incarceration.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. ROGERS of Kentucky. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on adoption of the conference report; and motion to suspend the rules on H.R. 2423.

The vote was taken by electronic device, and there were—yeas 193, nays 224, not voting 15, as follows:

[Roll No. 783]

YEAS—193

Aderholt	Frelinghuysen	Miller (MI)
Adler (NJ)	Galleghy	Miller, Gary
Akin	Garrett (NJ)	Mitchell
Alexander	Gerlach	Moran (KS)
Altmire	Gingrey (GA)	Murphy, Tim
Austria	Gohmert	Myrick
Bachmann	Goodlatte	Neugebauer
Bachus	Granger	Nunes
Barrett (SC)	Graves	Olson
Barrow	Griffith	Paulsen
Bartlett	Guthrie	Pence
Barton (TX)	Hall (NY)	Peters
Biggert	Harper	Petri
Bilbray	Hastings (WA)	Pitts
Bilirakis	Heller	Platts
Bishop (UT)	Hensarling	Poe (TX)
Blackburn	Herger	Posey
Boehner	Herseht Sandlin	Price (GA)
Bonner	Hodes	Putnam
Bono Mack	Hoekstra	Rehberg
Boozman	Holden	Reichert
Boren	Hunter	Roe (TN)
Boustany	Inglis	Rogers (AL)
Brady (TX)	Issa	Rogers (KY)
Bright	Jenkins	Rogers (MI)
Brown (GA)	Johnson (IL)	Rohrabacher
Brown (SC)	Johnson, Sam	Rooney
Brown-Waite,	Jones	Ros-Lehtinen
Ginny	Jordan (OH)	Roskam
Buchanan	King (IA)	Royce
Burgess	King (NY)	Ryan (WI)
Burton (IN)	Kingston	Schmidt
Buyer	Kirk	Sensenbrenner
Calvert	Kirkpatrick (AZ)	Sessions
Camp	Kline (MN)	Shadegg
Campbell	Kratovil	Shea-Porter
Cantor	Lamborn	Shinkus
Capito	Lance	Shuster
Cassidy	Latham	Simpson
Castle	LaTourette	Smith (NE)
Chaffetz	Latta	Smith (NJ)
Childers	Lee (NY)	Smith (TX)
Coble	Lewis (CA)	Souder
Coffman (CO)	Linder	Space
Cole	LoBiondo	Stearns
Conaway	Lucas	Sullivan
Crenshaw	Luetkemeyer	Taylor
Culberson	Lummis	Teague
Davis (AL)	Lungren, Daniel	Terry
Davis (KY)	E.	Thompson (PA)
Deal (GA)	Mack	Thornberry
Dent	Manzullo	Tiahrt
Diaz-Balart, L.	Marchant	Tiberi
Diaz-Balart, M.	McCarthy (CA)	Turner
Donnelly (IN)	McCaul	Upton
Dreier	McClintock	Walden
Duncan	McCotter	Wamp
Ehlers	McHenry	Westmoreland
Fallin	McIntyre	Whitfield
Flake	McKeon	Wilson (SC)
Fleming	McMahon	Wittman
Forbes	McMorris	Wolf
Fortenberry	Rodgers	Young (AK)
Foster	McNerney	Young (FL)
Fox	Mica	
Franks (AZ)	Miller (FL)	

NAYS—224

Abercrombie	Berman	Brown, Corrine
Ackerman	Berry	Butterfield
Andrews	Bishop (GA)	Capps
Arcuri	Bishop (NY)	Capuano
Baca	Blumenauer	Cardoza
Baird	Bocchieri	Carnahan
Baldwin	Boswell	Carson (IN)
Bean	Boucher	Castor (FL)
Becerra	Brady (PA)	Chandler
Berkley	Braley (IA)	Chu

Clarke	Johnson (GA)	Polis (CO)
Clay	Johnson, E. B.	Pomeroy
Cleaver	Kagen	Price (NC)
Clyburn	Kanjorski	Quigley
Cohen	Kaptur	Rahall
Connolly (VA)	Kennedy	Rangel
Conyers	Kildee	Reyes
Cooper	Kilpatrick (MI)	Richardson
Costa	Kilroy	Rodriguez
Costello	Kind	Ross
Courtney	Kissell	Rothman (NJ)
Crowley	Klein (FL)	Roybal-Allard
Cuellar	Kosmas	Ruppersberger
Cummings	Kucinich	Rush
Dahlkemper	Langevin	Salazar
Davis (CA)	Larsen (WA)	Sánchez, Linda
Davis (IL)	Larson (CT)	T.
Davis (TN)	Lee (CA)	Sanchez, Loretta
DeFazio	Levin	Sarbanes
DeGette	Lewis (GA)	Schakowsky
Delahunt	Lipinski	Schauer
DeLauro	Loeb sack	Schiff
Dicks	Lofgren, Zoe	Schrader
Dingell	Lowe	Schwartz
Doggett	Luján	Scott (GA)
Doyle	Lynch	Scott (VA)
Drie haus	Maffei	Serrano
Edwards (MD)	Maloney	Sestak
Edwards (TX)	Markey (CO)	Sherman
Elison	Markey (MA)	Shuler
Ellsworth	Marshall	Sires
Engel	Massa	Skelton
Eshoo	Matheson	Slaughter
Etheridge	Matsui	Smith (WA)
Farr	McCarthy (NY)	Snyder
Fattah	McDermott	Speier
Filner	McGovern	Spratt
Frank (MA)	Meek (FL)	Stark
Fudge	Meeks (NY)	Stupak
Giffords	Michaud	Sutton
Gonzalez	Miller (NC)	Tanner
Gordon (TN)	Miller, George	Thompson (CA)
Grayson	Moore (KS)	Thompson (MS)
Green, Al	Moore (WI)	Tierney
Green, Gene	Moran (VA)	Titus
Grijalva	Murphy (CT)	Tonko
Gutierrez	Murphy (NY)	Towns
Halvorson	Murphy, Patrick	Tsongas
Hare	Murtha	Van Hollen
Harman	Nadler (NY)	Velázquez
Hastings (FL)	Napolitano	Visclosky
Heinrich	Neal (MA)	Walz
Higgins	Nye	Wasserman
Hill	Oberstar	Schultz
Himes	Obey	Waters
Hinchey	Oliver	Watson
Hinojosa	Ortiz	Watt
Hirono	Pallone	Waxman
Holt	Pascarell	Weiner
Honda	Pastor (AZ)	Welch
Hoyer	Paul	Wexler
Inslee	Payne	Wilson (OH)
Israel	Perlmutter	Woolsey
Jackson (IL)	Perriello	Wu
Jackson-Lee	Peterson	Yarmuth
(TX)	Pingree (ME)	

NOT VOTING—15

Blunt	Emerson	Mollohan
Boyd	Hall (TX)	Radanovich
Cao	McCollum	Ryan (OH)
Carney	Melancon	Scalise
Carter	Minnick	Schock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1314

Messrs. RUSH, GENE GREEN of Texas, SCOTT of Georgia, WU, COURTNEY, HINCHEY, Ms. SUTTON, Ms. MOORE of Wisconsin and Ms. CLARKE changed their vote from “yea” to “nay.”

Messrs. COFFMAN, TERRY, CAMP, WALDEN, ROSKAM and CANTOR changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINNICK. Madam Speaker, on rollcall No. 783, I was caught in traffic returning from a lunch at I and 18th Street, NW. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 307, nays 114, not voting 11, as follows:

[Roll No. 784]

YEAS—307

Abercrombie	Diaz-Balart, M.	Kirk
Ackerman	Dicks	Kirkpatrick (AZ)
Aderholt	Dingell	Kissell
Adler (NJ)	Doggett	Klein (FL)
Alexander	Donnelly (IN)	Kosmas
Altmire	Doyle	Kratovil
Andrews	Drie haus	Kucinich
Arcuri	Edwards (MD)	Lance
Austria	Edwards (TX)	Langevin
Baca	Ellison	Larsen (WA)
Baird	Ellsworth	Larson (CT)
Baldwin	Engel	Latham
Barrow	Eshoo	LaTourette
Bean	Etheridge	Lee (CA)
Becerra	Farr	Lee (NY)
Berkley	Fattah	Levin
Berman	Filner	Lewis (GA)
Berry	Fleming	Lipinski
Biggert	Forbes	LoBiondo
Bilbray	Fortenberry	Loeb sack
Bilirakis	Foster	Lofgren, Zoe
Bishop (GA)	Frank (MA)	Lowe
Bishop (NY)	Frelinghuysen	Luetkemeyer
Blumenauer	Fudge	Luján
Bocchieri	Galleghy	Lynch
Bonner	Garrett (NJ)	Maffei
Boren	Gerlach	Maloney
Boswell	Giffords	Manzullo
Boucher	Gonzalez	Markey (CO)
Boustany	Gordon (TN)	Markey (MA)
Brady (PA)	Grayson	Marshall
Braley (IA)	Green, Al	Massa
Bright	Green, Gene	Matheson
Brown, Corrine	Griffith	Matsui
Brown-Waite,	Grijalva	McCarthy (NY)
Ginny	Hall (NY)	McCaul
Buchanan	Halvorson	McCotter
Butterfield	Hare	McDermott
Camp	Harman	McGovern
Capito	Harper	McIntyre
Capps	Hastings (FL)	McMahon
Capuano	Hastings (WA)	McMorris
Cardoza	Heinrich	Rodgers
Carnahan	Heller	McNerney
Carson (IN)	Herseht Sandlin	Meek (FL)
Cassidy	Higgins	Meeks (NY)
Castor (FL)	Michaud	Michaud
Chandler	Himes	Miller (MI)
Childers	Hinchey	Miller (NC)
Chu	Hinojosa	Miller, Gary
Clarke	Hirono	Miller, George
Clay	Hodes	Minnick
Cleaver	Holden	Mitchell
Clyburn	Holt	Moore (KS)
Cohen	Honda	Moore (WI)
Connolly (VA)	Hoyer	Moran (VA)
Conyers	Inslee	Murphy (CT)
Cooper	Israel	Murphy (NY)
Costa	Jackson (IL)	Murphy, Patrick
Courtney	Jackson-Lee	Murtha
Crowley	(TX)	Nadler (NY)
Cuellar	Jenkins	Napolitano
Cummings	Johnson (GA)	Neal (MA)
Dahlkemper	Johnson, E. B.	Nye
Davis (AL)	Kagen	Oberstar
Davis (CA)	Kanjorski	Obey
Davis (IL)	Kaptur	Oliver
Davis (TN)	Kennedy	Ortiz
DeFazio	Kildee	Pallone
DeGette	Kilpatrick (MI)	Pascarell
DeLauro	Kilroy	Pastor (AZ)
Dent	Kind	Payne
Diaz-Balart, L.	King (NY)	Perlmutter

Perriello  
 Peters  
 Peterson  
 Pingree (ME)  
 Pitts  
 Platts  
 Pomeroy  
 Price (NC)  
 Quigley  
 Rahall  
 Rangel  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ros-Lehtinen  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Salazar  
 Sánchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes

Schakowsky  
 Schauer  
 Schiff  
 Schock  
 Schrader  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Serrano  
 Sestak  
 Shea-Porter  
 Sherman  
 Shimkus  
 Shuler  
 Sires  
 Skelton  
 Slaughter  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Space  
 Speier  
 Spratt  
 Stupak  
 Sutton  
 Tanner  
 Taylor  
 Teague  
 Terry

Thompson (CA)  
 Thompson (MS)  
 Tiberi  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Tsongas  
 Upton  
 Van Hollen  
 Visclosky  
 Walden  
 Walz  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Wexler  
 Whitfield  
 Wilson (OH)  
 Wittman  
 Wolf  
 Woolsey  
 Wu  
 Yarmuth  
 Young (AK)  
 Young (FL)

## NAYS—114

Akin  
 Bachmann  
 Bachus  
 Barrett (SC)  
 Bartlett  
 Barton (TX)  
 Bishop (UT)  
 Blackburn  
 Boehner  
 Bono Mack  
 Boozman  
 Brady (TX)  
 Broun (GA)  
 Brown (SC)  
 Burgess  
 Burton (IN)  
 Buyer  
 Calvert  
 Campbell  
 Cantor  
 Carter  
 Castle  
 Chaffetz  
 Coble  
 Coffman (CO)  
 Cole  
 Conaway  
 Costello  
 Crenshaw  
 Culberson  
 Davis (KY)  
 Deal (GA)  
 Delahunt  
 Dreier  
 Duncan  
 Ehlers  
 Fallin  
 Flake  
 Foxx

Franks (AZ)  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 Granger  
 Graves  
 Guthrie  
 Gutierrez  
 Hensarling  
 Herger  
 Hoekstra  
 Hunter  
 Inglis  
 Issa  
 Johnson (IL)  
 Johnson, Sam  
 Jones  
 Jordan (OH)  
 King (IA)  
 Kingston  
 Kline (MN)  
 Lamborn  
 Latta  
 Lewis (CA)  
 Linder  
 Lucas  
 Lummis  
 Lungren, Daniel  
 E.  
 Mack  
 Marchant  
 McCarthy (CA)  
 McClintock  
 McHenry  
 McKeon  
 Mica  
 Miller (FL)  
 Moran (KS)  
 Murphy, Tim

Myrick  
 Neugebauer  
 Nunes  
 Olson  
 Paul  
 Paulsen  
 Pence  
 Petri  
 Poe (TX)  
 Polis (CO)  
 Posey  
 Price (GA)  
 Putnam  
 Rehberg  
 Roe (TN)  
 Rooney  
 Roskam  
 Royce  
 Ryan (WI)  
 Schmidt  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shuster  
 Simpson  
 Souder  
 Stark  
 Stearns  
 Boehner  
 Bonner  
 Bono Mack  
 Boozman  
 Boren  
 Boswell  
 Boucher  
 Boustany  
 Brady (PA)  
 Brady (TX)  
 Braley (IA)  
 Bright  
 Broun (GA)  
 Brown (SC)  
 Brown, Corrine  
 Brown-Waite,  
 Ginny  
 Buchanan  
 Burgess  
 Burton (IN)  
 Butterfield  
 Buyer  
 Calvert  
 Camp  
 Campbell  
 Cantor  
 Capito  
 Capps  
 Capuano  
 Cardoza  
 Carnahan  
 Carson (IN)  
 Carter

## NOT VOTING—11

Blunt  
 Boyd  
 Cao  
 Carney

Emerson  
 Hall (TX)  
 McCollum  
 Melancon

Molloyhan  
 Radanovich  
 Scalise

□ 1321

Mr. BOOZMAN changed his vote from “yea” to “nay.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# GEORGE P. KAZEN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2423, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and pass the bill, H.R. 2423, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 785]

YEAS—421

Abercrombie  
 Ackerman  
 Aderholt  
 Adler (NJ)  
 Akin  
 Alexander  
 Altmire  
 Andrews  
 Arcuri  
 Austria  
 Baca  
 Bachmann  
 Coble  
 Bachus  
 Coffman (CO)  
 Baird  
 Baldwin  
 Barrett (SC)  
 Barrow  
 Bartlett  
 Barton (TX)  
 Bean  
 Becerra  
 Berkeley  
 Berman  
 Berry  
 Biggert  
 Bilbray  
 Bilirakis  
 Bishop (GA)  
 Bishop (NY)  
 Bishop (UT)  
 Blackburn  
 Blumenauer  
 Blunt  
 Boccieri  
 Boehner  
 Bonner  
 Bono Mack  
 Boozman  
 Boren  
 Boswell  
 Boucher  
 Boustany  
 Brady (PA)  
 Brady (TX)  
 Braley (IA)  
 Bright  
 Broun (GA)  
 Brown (SC)  
 Brown, Corrine  
 Brown-Waite,  
 Ginny  
 Buchanan  
 Burgess  
 Burton (IN)  
 Butterfield  
 Buyer  
 Calvert  
 Camp  
 Campbell  
 Cantor  
 Capito  
 Capps  
 Capuano  
 Cardoza  
 Carnahan  
 Carson (IN)  
 Carter

Cassidy  
 Castle  
 Castor (FL)  
 Chaffetz  
 Chandler  
 Childers  
 Chu  
 Clarke  
 Clay  
 Cleaver  
 Clyburn  
 Coble  
 Coffman (CO)  
 Cohen  
 Cole  
 Conaway  
 Connolly (VA)  
 Conyers  
 Cooper  
 Costa  
 Costello  
 Courtney  
 Crenshaw  
 Crowley  
 Cuellar  
 Culberson  
 Cummings  
 Dahlkemper  
 Davis (AL)  
 Davis (CA)  
 Davis (IL)  
 Davis (KY)  
 Davis (TN)  
 Deal (GA)  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Dent  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Dicks  
 Dingell  
 Doggett  
 Donnelly (IN)  
 Doyle  
 Broun (GA)  
 Brown (SC)  
 Brown, Corrine  
 Brown-Waite,  
 Ginny  
 Buchanan  
 Burgess  
 Burton (IN)  
 Butterfield  
 Buyer  
 Calvert  
 Camp  
 Campbell  
 Cantor  
 Capito  
 Capps  
 Capuano  
 Cardoza  
 Carnahan  
 Carson (IN)  
 Carter

Frank (MA)  
 Franks (AZ)  
 Frelinghuysen  
 Fudge  
 Gallegly  
 Garrett (NJ)  
 Gerlach  
 Giffords  
 Gingrey (GA)  
 Gohmert  
 Gonzalez  
 Goodlatte  
 Gordon (TN)  
 Granger  
 Graves  
 Grayson  
 Green, Al  
 Green, Gene  
 Griffith  
 Grijalva  
 Guthrie  
 Gutierrez  
 Hall (NY)  
 Halvorson  
 Hare  
 Harman  
 Harper  
 Hastings (FL)  
 Hastings (WA)  
 Heinrich  
 Heller  
 Hensarling  
 Herger  
 Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hodes  
 Hoekstra  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Hunter  
 Inglis  
 Inslee  
 Israel  
 Issa  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Jenkins  
 Johnson (GA)  
 Johnson (IL)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones  
 Jordan (OH)  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee  
 Kilpatrick (MI)

Kilroy  
 Kind  
 King (IA)  
 King (NY)  
 Kingston  
 Kirk  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kline (MN)  
 Kosmas  
 Kratovil  
 Kucinich  
 Lamborn  
 Lance  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Latta  
 Lee (CA)  
 Lee (NY)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Linder  
 Lipinski  
 LoBiondo  
 Loebach  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Luetkemeyer  
 Lujan  
 Lummis  
 Lungren, Daniel  
 E.  
 Lynch  
 Mack  
 Maffei  
 Maloney  
 Manzullo  
 Marchant  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McCaul  
 McClintock  
 McCotter  
 McDermott  
 McGovern  
 McHenry  
 McIntyre  
 McKeon  
 McMahon  
 McMorris  
 Rodgers  
 McNeerney  
 Meek (FL)  
 Meeks (NY)  
 Mica  
 Michaud  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Minnick  
 Mitchell  
 Moore (KS)  
 Moore (WI)

Moran (KS)  
 Moran (VA)  
 Murphy (CT)  
 Murphy (NY)  
 Murphy, Patrick  
 Murphy, Tim  
 Murtha  
 Myrick  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Neugebauer  
 Nunes  
 Nye  
 Oberstar  
 Obey  
 Olson  
 Oliver  
 Ortiz  
 Pallone  
 Pascarell  
 Pastor (AZ)  
 Paul  
 Paulsen  
 Payne  
 Pence  
 Perlmutter  
 Perriello  
 Peters  
 Peterson  
 Petri  
 Pingree (ME)  
 Pitts  
 Platts  
 Poe (TX)  
 Polis (CO)  
 Pomeroy  
 Posey  
 Price (GA)  
 Price (NC)  
 Putnam  
 Quigley  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Royce  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Salazar  
 Sánchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Schakowsky  
 Schauer  
 Schiff  
 Schmidt  
 Schock  
 Schrader

Schwartz  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Serrano  
 Sessions  
 Sestak  
 Shadegg  
 Shea-Porter  
 Sherman  
 Shimkus  
 Shuler  
 Shuster  
 Simpson  
 Sires  
 Skelton  
 Slaughter  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Souder  
 Space  
 Speier  
 Spratt  
 Stark  
 Stearns  
 Stupak  
 Sullivan  
 Sutton  
 Tanner  
 Taylor  
 Teague  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Tsongas  
 Turner  
 Upton  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walden  
 Walz  
 Wamp  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Westmoreland  
 Wexler  
 Whitfield  
 Wilson (OH)  
 Wilson (SC)  
 Wittman  
 Wolf  
 Woolsey  
 Wu  
 Yarmuth  
 Young (AK)  
 Young (FL)

## NOT VOTING—11

Boyd  
 Cao  
 Carney  
 Emerson

Hall (TX)  
 McCollum  
 Melancon  
 Miller (FL)

Molloyhan  
 Radanovich  
 Scalise

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1329

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the 'George P. Kazen Federal Building and United States Courthouse'."

A motion to reconsider was laid on the table.

**PROVIDING FOR CONSIDERATION OF H.R. 2442, BAY AREA REGIONAL WATER RECYCLING PROGRAM EXPANSION ACT OF 2009**

Ms. MATSUI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 830 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 830

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2442) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my friend, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

**GENERAL LEAVE**

Ms. MATSUI. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 830.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Madam Speaker, H. Res. 830 provides for consideration of H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009.

□ 1330

The rule provides 1 hour of general debate, controlled by the Committee on Natural Resources. The rule makes two small changes clarifying the fund-

ing in the bill is subject to appropriations and making a purely technical correction to the section numbering in the bill. The rule also provides one motion to recommit with or without instructions.

Madam Speaker, I first want to thank Chairman MILLER and Chairman STARK, as well as Representatives ESHOO, HONDA, WOOLSEY, MCNERNEY, LOFGREN, NAPOLITANO, and SPEIER, for their work on this bill and efforts to address the Bay Area waters' needs.

I also commend Senators FEINSTEIN and BOXER for introducing identical legislation in the Senate and their leadership on this issue.

As the elected Representative from Sacramento, and as a farmer's daughter from the Central Valley, I understand that water is critical to our State's economy and our way of life. After 3 years of drought, pumping restrictions and lost jobs from the valley to the coast, there is no doubt that improving the capability of water recycling will help address these problems and lessen the burden on the bay-delta ecosystem.

While recycling is not the only way to meet the Bay Area and California's water requirements, it must be part of our comprehensive solution. Effective water use will help keep California's agricultural water economy strong and the delta healthy, and ensure that the needs of northern California businesses, farmers and residents are not ignored.

Under the Title 16 water recycling program, H.R. 2442, would authorize six additional water recycling projects for the Bay Area that would provide 7.2 million gallons of water daily and serve more than 24,000 households. Collectively, these projects will save 2.6 billion gallons of water per year in the region, offering a new water supply of treated wastewater for industrial and irrigation use.

Specifically, the Bay Area Regional Water Recycling Program Expansion Act would authorize \$38 million in Federal assistance under the Interior Department's Bureau of Reclamation for the design, planning, and construction of these new water projects. It would also expand the authorization for two existing projects.

H.R. 2442 would stipulate that the Federal share of the cost of the projects not exceed 25 percent of the total cost and bars the Department from funding operation or maintenance of the projects. It is important to note that this legislation has been endorsed by the Association of California Water Agencies, commonly called ACWA, which includes every major agricultural and urban water agency in the State and represents the largest coalition of public water agencies nationwide.

Additionally, the WaterReuse Foundation, which serves more than 180

public water agencies, cities and major engineering and technology firms, has urged that we move expeditiously on the bill. These groups understand that no one wins when these kinds of local projects are held hostage because of disputes over the operation of Federal water projects.

We all know that there are some serious concerns about the water crisis in California. I was back home in my district over the weekend, Madam Speaker, and everyone at home was talking about a water deal trying to be negotiated by the legislature and the Governor.

From local and State levels all the way here to Washington, there are a number of different ideas about how to address our water issues in California. Some of them I prefer more than others, and some of them are preferred more than others by my colleagues on the other side of the aisle.

But one thing is for sure: limiting our State's water supply by holding up recycling projects like those in this bill will not solve anything. In fact, it will only prolong our collective efforts to seek solutions to California's water problems.

For these reasons, I strongly support the rule and the underlying legislation, and I urge my colleagues to do the same.

Madam Speaker, again, I want to thank Mr. MILLER and the committee for their work on this bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentlewoman from California (Ms. MATSUI), for the time.

I yield myself such time as I may consume.

Madam Speaker, the House considered, under suspension of the rules, H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009. But the bill failed to get the necessary two-thirds to pass.

The reason that bill failed was not because Members objected to the substance of the legislation, but because the majority leadership brought forth the underlying legislation that provides water projects for the San Francisco area for consideration by the House while blocking the House from debating the desperate need for water in another part of California, the San Joaquin Valley.

On numerous occasions, my colleague from California, Mr. DEVIN NUNES, has submitted amendments to the Rules Committee so that those amendments could be debated and voted on by the full House. His amendments would restrict the implementation of the December 15, 2008, biological opinion issued by the U.S. Fish and Wildlife Service and the June 4, 2009, biological opinion issued by the National Marine Fisheries Service. However, the majority on the Rules Committee routinely

blocked consideration of the amendments, twice on the Interior appropriations bill and three times on the Energy and Water appropriations bill.

The reason Mr. NUNES has so steadfastly sought to have the House debate the restriction on those two opinions is that they have diverted water from the San Joaquin Valley, practically turning that area into a dust bowl.

Madam Speaker, why should Congress be concerned with what may look like a simple water issue? The valley is home to a \$20 billion crop industry, and the region produces more in agricultural sales than any other State in the country. It can be argued that no agricultural area in the country is more productive and is, therefore, more important to our Nation's food security. If we continue to allow the diversion of water from the valley, food prices are going to increase; and we are also going to put our food security, national security in jeopardy.

According to a recent University of California Davis study, the water reductions have led to revenue losses of over \$2 billion, and this year will lead to 80,000 jobs lost. The area now has an unemployment rate of about 20 percent. Some of its communities have an unemployment rate of nearly 40 percent.

Today, the majority comes to the floor with a rule that the House will once again consider the Bay Area Regional Water Recycling Program Expansion Act without giving the House the opportunity to consider amendments, including those proposed by Mr. NUNES. That is most unfortunate.

It is time that the House be given the opportunity to debate the San Joaquin Valley water issue.

I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I yield 2 minutes to the gentlewoman from California, a member of the Natural Resources Committee, Mrs. NAPOLITANO.

Mrs. NAPOLITANO. Thank you, Ms. MATSUI.

Madam Speaker, I rise today in strong support of H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009. The bill has received extensive review and bipartisan approval from the Subcommittee of Water and Power and was reported on a bipartisan basis favorably from the Natural Resources Committee.

I listened to my colleague, as I am also a Californian, I listened to my colleague on the other side, Mr. DIAZ-BALART, talk about the billions of dollars. Yes, there is a great need of assistance to the Central Valley, but it's not all the San Joaquin.

The fact that the dam is wanting to be pushed forth, I agree. We need additional storage, but right now you need immediate results and water recycling is one of the tools that you need.

H.R. 2442 provides new water to the Bay Area in California. The recycling projects authorized will provide, as Ms. MATSUI pointed out, 2.6 billion gallons of water annually, enough to meet the needs of 24,000 families. Why do we stand against water for other areas? All of us need additional water in California.

Water is life. As we all are very well aware, the drought in California has taken a terrible toll on jobs all over the State, the economy and the environment of the Central Valley in California in particular. At a time when our Nation needs leadership and options to meet our water requirements, H.R. 2442 provides a tool to create more water for the Bay Area and, in the process, reduce the amount of water imported from the Sacramento and delta area.

This bill, and the projects it authorizes, will immediately address California's water crisis through local action and provide economic relief through job creation. It will not solve California's water crisis, as Ms. MATSUI pointed out. However, it does provide a valuable and important tool.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. MATSUI. I yield the gentlewoman an additional 30 seconds.

Mrs. NAPOLITANO. It does provide a valuable and important tool to stretch the existing water supply and address the critical water issues of our State. I urge strongly a "yes" vote and encourage all Members to support this legislation. Water for our Nation is critical for all of our citizens and we, as legislative leaders, have to provide for solutions.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 3 minutes to my friend from California (Mr. NUNES).

Mr. NUNES. I thank my good friend from Florida.

Madam Speaker, this water crisis has been created by the government. This bill that's on the floor today provides water for San Francisco. I would love for San Francisco to have water.

But in the grand scheme of things, this is a 2-billion gallon project. We are losing 200 billion gallons out to the ocean because we simply won't let the pumps run at historical levels.

This is a closed rule. It never should have been a closed rule, and we need to find out why is it that the majority keeps closing down these rules.

□ 1345

I think we may be getting close to the answer if we look back at a few things that were said a couple weeks ago at a public event at the Department of Interior. The distinguished chairman, who is the sponsor of the bill, the distinguished chairman of the Education Committee, took credit for the lawsuits that turned the pumps off.

I was not quite sure which lawsuits he had brought forward, but he said, I don't think I have lost many lawsuits in court over the last 10 or 15 years.

Now, I did some research. I wasn't sure what lawsuits the distinguished chairman had brought forward. So it made me believe, well, maybe there is some coordination going on between the left-wing radicals and the fringe environmental movement, and how is that being coordinated from this body. These are questions that we need to know about.

So the shocking admission of coordination between the Democrats in the House and radical environmentalists deserves our attention, and I want to ask a few questions that I hope can be answered at some point by some committee in this Congress.

The first is, how much money is going to fund these organizations? Several billion dollars have been paid out to these fringe environmental groups that continue to bring these lawsuits forward, taxpayer dollars funding shutting off water to people.

Another question that needs to be answered: the bureaucrats at the government agencies, such as the National Marine Fisheries Service, are they involved? Have these radical groups been coordinating with the scientists and biologists over at the National Marine Fisheries Service? Because nobody in their right mind would say that these pumps are resulting in the death of killer whales. It is not believable.

Another question we need to figure out is the water czar that the Department of Interior has appointed, that President Obama has appointed, has been active with these special interests in the past at the highest levels. He has served on their boards, and he has given them money. Are there more people at Interior that are involved with these biologists that are coming up with these plans and helping these environmental groups bring these lawsuits that the taxpayers are paying for?

This is a closed rule. It is a California water issue here, to provide water for San Francisco; yet we can't even debate or have an amendment to provide water to the bulk of California.

So we need to get to the bottom of this. Hopefully we will turn down this rule, vote it down, so that we can allow the real issues to be debated.

Vote "no" on this resolution.

Ms. MATSUI. Madam Speaker, before I yield to the next speaker, I just want to say that I know that my colleague on the other side of the aisle is upset because his amendment that was offered in the Rules Committee was not allowed on the floor. The fact is his amendment was not germane to the underlying bill and not related to water recycling.

Blaming the Endangered Species Act by waiving it for 2 years to prevent implementation of certain biological

opinions will not put his constituents back to work. More importantly, such an initiative would not turn on the water pumps for the Central Valley.

To address the drought—the real cause of the water shortage in the region and the State—we must work collectively toward a solution.

Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. I thank my colleague.

Madam Speaker, I rise today to oppose H.R. 2442, the rule that we are speaking on, the Bay Area Regional Water Recycling Program Expansion Act of 2009. While this measure by Congressman MILLER has merit, there are plenty of meritorious water projects and bills that we have repeatedly tried to bring to the floor to help those of us where the drought is most expansive in the San Joaquin Valley, and unfortunately, they have been ignored.

Unfortunately, yesterday I learned that H.R. 2442 was reported out of the Rules Committee with a closed rule, and therefore, no amendments would be allowed. I oppose this rule because we need every opportunity to offer amendments and to vote on legislation that will bring water to our farmers, our farmworkers, our farm communities, and our valley in the middle of this drought crisis.

My district is ground zero for this crisis. Towns from Mendota to Delano have 35 percent and more unemployment. There is no water, there is no jobs, there is no money for our farms and farmworkers to put food on their tables. Can you imagine what it would be like if you lived in a community where a third or more of your citizens had no jobs?

In the 1990s, I was working with many of those water districts, farmers, and urban and environmental groups to pass legislation that would help fix California's broken water system. Unfortunately, we made little progress.

We tried to establish a water ethos that we would all get healthy together again. Clearly, we are not getting healthy in the valley. Our valley agriculture provides half the Nation's fruits and vegetables, and they are withering and dying out. Millions of acre-feet of water have been diverted from the valley, and unfortunately, the fisheries are not improving.

It is incumbent upon this body to come together and help us fix this problem. If we expect to get healthy again, we must secure a sustainable water supply for every region of California, and for Congressmen CARDOZA, RADANOVICH and myself, that begins with the San Joaquin valley.

Let us start anew. Let us start with leadership focusing on addressing California's water crisis in the valley and not shying away from this crisis.

Congressman CARDOZA agrees with my statement.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 3 minutes to my friend from California (Mr. CAMPBELL).

Mr. CAMPBELL. I thank the gentleman for yielding.

You know, I am a native Californian, born in Los Angeles. In fact, I am a fourth-generation Californian. My family was a Gold Rush family in 1849. If you look back in the history of California for those 160 years, it has always been about water, where there is water. Where we could get water in California there are jobs, there is growth, there is prosperity, there is opportunity. When we didn't bring water to places in California, we didn't have those things.

So this debate we are having now is not new for our State, but it is important for our State, and I understand why my colleagues from the Bay Area want this recycling program. As has been mentioned, that is not really the issue here.

As my colleague Mr. MILLER and I have discussed, in Orange County, where I come from, we have some of the world's leading recycling programs. They work, they are effective, and we ought to do more of them in other places. But what we are talking about here is that there are other places where we need water in California.

Now, I don't represent the Central Valley, but the Central Valley is the breadbasket of California, arguably of the country. There are jobs disappearing and there are businesses disappearing and there are farms disappearing, because of a man-made water crisis. It is not because of a drought. It is not because the water isn't available. It is because we won't turn on some pumps 12 months a year to provide the water to those farmers so they can grow food for us and for the world, to create jobs, and to feed Americans and generate export for our economy. The water provided by those pumps, 25 percent of the water in southern California and the L.A. area also comes from the Sacramento River Delta where those pumps come from.

The travesty of this bill is not what is in it; it is what is not in it. And what could have been in it is the opportunity to turn on those pumps, which have been 12 months a year for over 50 years.

It is not like this is a new idea or new environment. It is to get that water for San Francisco, and that is great. But let's get water for the Central Valley and the farmers in California, and let's get water for southern California as well. Let's not just deal with one part of the State. Let's deal with the whole State.

So, Madam Speaker, I would ask that we reject this rule because of what it doesn't have. Let's give the Central Valley a chance. We need jobs. We need economic activity. Turn those pumps on. Turn this rule down.

Ms. MATSUI. Madam Speaker, I yield 4 minutes to the gentleman from

California (Mr. GEORGE MILLER), the sponsor of this legislation.

Mr. GEORGE MILLER of California. Madam Speaker, I rise in strong support of the rule and the underlying legislation, and I want to thank Ms. MATSUI, Ms. SLAUGHTER, and the entire Rules Committee for their support.

Today's bill responds to a request for assistance from the State of California and local water managers to expand the supply of water in our drought-stricken State. It does no more than that. It is good for our economy. This bill will create thousands of jobs. It will reduce the stress on our oversubscribed fresh water system. This bill expands the water supply of six Bay Area communities, including my own congressional district.

This bill authorizes additional water recycling through the successful Bureau of Reclamation's title XVI program. Title XVI allows local water managers to treat wastewater and use the clean recycled water for other purposes within their jurisdiction. This bill would add 7.2 million gallons of water per day to California's water supply, enough water to meet the needs of 24,000 households.

My bill is one of a series of water recycling bills that have been approved by the House this year and in recent years to expand the water supply in Republican and Democratic districts alike throughout the West and the Southwest. They have been passed without controversy, without amendment, without debate on the larger California water policy needs.

This year alone the House has passed by voice vote and overwhelming majorities five local water bills the same as this legislation to provide for this recycling and this reuse. Why has the House done that? Because across the State of California, the water users in that State recognize the extent to which we can recycle and reuse water. We take immediate pressure off of the entire California water system, both the Federal system and the State system.

This is an investment in which there is unanimity that it must be made. When you talk about doing this, you are talking about helping the Central Valley, because you release the pressure. When you do this, you are talking about helping the Delta.

Clearly the cities, the agencies in southern California, believe this is important to their future. That is why the cities have put up the money to match the Federal effort. That is why my colleagues from both sides of the aisle have come forward and asked for this legislation. That is why they have been approved overwhelmingly on a unanimous bipartisan basis, because they are critical to the long-term water needs.

You cannot help the Central Valley if you cannot relieve the stress on an



oversubscribed system. It is just that fact. The pumps are on. The pumps have been on for months. But what they would suggest you do is, you devastate the San Francisco Bay Area. We have already lost tens of thousands of jobs, from the fisheries, from the ice stores, from the gas stations, from the tourist businesses, from the loss of the salmon running from Monterey, the midcoast, all the way up to the Washington border. Those jobs have been impacted.

This is not a good situation. That is why I said I haven't lost many lawsuits that I have supported. The point was to check your guns at the door and see if we could work together. And this has agreement—it has unanimous agreement of the water agencies across the State that this is helpful. This will make a difference. That is why they have supported all these projects.

We can start to work together, water agencies that today are down at the Department of the Interior trying to see if we could get things done that the last administration prohibited the Bureau of Reclamation from doing, such as entering new fish screens within the Delta that we think will save 250,000 acre-feet of water. 250,000. Does that sound familiar in the valley?

But the last administration would not let the Bureau of Reclamation take those projects, even though they would be paid for by State funds. That is the importance of this legislation. This is about whether or not we as a State come together from the Oregon border to the Mexican border and solve this problem across all of our needs, which is agriculture, which is business, which is municipal use of water.

We have the potential to do that, and these pieces of legislation are critical. That is why, up until now, the House decided on a joint bipartisan basis that we would get these bills as fast as we can to the Senate and hopefully get action and get these projects underway, because the cities have already put up the money, the engineering is done, the projects are cleared. That is why many of them were eligible for stimulus money, because they are ready to go. They have been waiting to go. They have been waiting, in fact in many cases a number of years, because the administration wouldn't put up the money until the stimulus bill of this year.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my friend from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. I thank my friend from Florida.

As I listen to my colleague from California, I rise opposed to this rule. You cannot bring water to California when you bring another closed rule to the floor. You cannot bring debate to the floor when you don't allow amendments.

Madam Speaker, the people of the Central Valley are being crushed with record unemployment from a man-made drought, from 14 percent to over 40 percent. Plain and simple, the majority that runs this House is failing to fix this problem. Jobs are being lost because the pumps were shut off.

At a time of crisis, when there is no excuse for partisanship, some appear to be playing partisan games at the expense of people's livelihoods. Instead of coming together as Republicans, Democrats, and Independents, the solution to get the water flowing sits behind post office bills and this bill that would recycle water for use in San Francisco Bay.

I ask this simple question: why are we failing to take up a needed bill to turn the pumps on to get the water flowing again? This is not a liberal, conservative or moderate issue. This is a commonsense issue.

Madam Speaker, President Franklin Delano Roosevelt once said the Nation that destroys its soil destroys itself. Well, the pumps are off, the pipes are dry, the land is no longer able to produce, and the soil is being destroyed. How do you bring water to California with a closed rule? How do you sit on this floor and say you are bringing all these bills up for water but you deny the valley, you deny the breadbasket and you deny the ability for the pumps to be turned on?

I ask for a "no" vote on the rule.

□ 1400

Ms. MATSUI. Madam Speaker, I just want to remind everyone here that earlier this year several other local water measures were resoundingly approved by the House. They include the South Orange County Recycled Water Enhancement Act, which was in Representative CALVERT's district; the Lake Hodges Surface Water Improvement Act in Representative BILBRAY's district; the Magna Water District Reuse and Groundwater Recharge Act in Representative CHAFFETZ' district of Utah; the Calleguas Municipal Water District Recycling project in Representative GALLEGLY's district; the Hermiston water recycling and reuse project, Representative WALDEN of Oregon; the Tule River Tribe Water Development Act in Representative NUNES' district.

Until it was caught up in partisanship, H.R. 2442 would have followed the same procedure. H.R. 2442 is no different than any of these bills. What is different is politics.

I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my friend from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I'm here standing in support of Congressman NUNES and the California delegation that has spoken against this rule and for water for the valley. And as I

watched this debate unfold here on the floor, something about the depth of the emotion in the voice and in the eyes of DEVIN NUNES told me I needed to go see for myself, Mr. Speaker.

So in late August, I went down to the Fresno area and traveled the valley—most of the valley, not all of the valley—and I looked at 250,000 acres of man-made dust. And I know there are at least 600,000 acres of man-made drought in that Central Valley area, and then I went up to San Francisco with a heavy heart. And I can tell you what I saw when I looked at that dust in the valley. I felt like that Indian in the commercial that saw his river full of junk and tires and the tear trickled down his cheek to think that man could do that to man. And they're watering the lawns in San Francisco while we have a man-made drought and they're taking out dead trees from orchards in California in the valley.

I also led a codel to go look at the swamp Arabs in Iraq, and there, Saddam Hussein, years ago we'll know, decided that he didn't like the politics of the people in the south, the Shias in the south that lived in that swamp, and so he shut off and diverted the Tigris and Euphrates Rivers and shut off the water and dried out the swamp Arabs in the south. And I visited that area. It was a political decision and a man-made drought for the swamp Arabs in Iraq, and we're quite proud that we sent our American military in to turn on that water and reflood that swamp and give them back the lifeblood of the people in southern Iraq on the delta area there.

Here, we have the valley, and this is a battle going on between San Francisco, the urban areas in California, and the most productive area in the world. And I'm from Iowa and I'm saying this. The most dollars per acre produced out of the valley of anyplace in the world, and we have a man-made drought. We're watering lawns in San Francisco and diverting more water to San Franciscans, who didn't look to me like they were very dry, and throwing dust in the face of the hardworking people in the valley.

I can't believe we can have a man-made tragedy of this magnitude and we're told, check your guns at the door. Check your guns at the door when the cards are dealt, and we have a closed rule that shuts off any debate other than on the rule itself, no amendments allowed, no vote being able to be forced. We can't shape policy in this Congress if it's being shaped up there in the hole in the wall.

I want to bring that debate down to the floor. And if you at least have enough courage to ask for an open rule and allow some amendments so the Members of this Congress can weigh in, then the people of the country can weigh in and they can have their voice heard. We can turn on the water.



This is not about the minnow you'll find and other species. It's about a fight over the water. But a man-made drought and 600,000 acres, 40,000 jobs lost, shut off the water to the swamp Arabs, shut them off to the people down in the Central Valley. It is heart-breaking, Mr. Speaker, and this has got to stop. The voice of the people needs to be heard.

Ms. MATSUI. Mr. Speaker, let me just say that five amendments were submitted to the Rules Committee for this bill. All five were nongermane. Not a single amendment would be allowed on this floor under an open rule.

I reserve my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SERRANO). The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 5 minutes to my friend from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I rise to strongly oppose this rule. As a former member of the Rules Committee, and currently as the ranking member of the House Natural Resources Committee, I want to address several arguments that have been made that try to justify blocking amendments to provide relief for tens of thousands of suffering people suffering an economic disaster in the San Joaquin Valley as a result of a man-made and government-enforced drought.

First, I want to specifically dispel the notion that allowing the House to vote on relief to these suffering communities wasn't possible because amendments were nongermane. Mr. Speaker, it is entirely within the power of the House Rules Committee to allow debate on any amendment that it wishes and, conversely, to shut down debate on any amendment they do not want to see discussed on the House floor. The Rules Committee does, can, and regularly does, waive the germaneness rule. It simply refused to do so on this matter because the Democrat leadership of this House doesn't wish to have this matter, this matter of the man-made drought in the San Joaquin Valley, debated or discussed on the House floor. Any notion, any notion, Mr. Speaker, that they couldn't allow these amendments even 10 minutes of debate time followed by a vote is simply not true.

So let's be clear about what we're debating here. The underlying bill relates to Federal water recycling projects in the San Francisco Bay Area of California. The amendments not made in order relate to Federal water supply and a man-made drought in the San Joaquin Valley in California. This is hardly a case of mixing apples and or-

anges. The truth is that the Democrat-controlled Rules Committee chose to hand a shiny red apple to the San Francisco Bay Area and give a giant raspberry to the people in the San Joaquin Valley.

The other argument I wish to address and dispel is that the drought in California is an issue only for those in California to resolve. Mr. Speaker, if this House can debate and vote on a bill to provide millions of taxpayer dollars, Federal taxpayer dollars, for water projects in the San Francisco Bay Area, then this House can certainly debate and vote on providing relief to farmers and farmworkers that are denied Federal water by Federal lawsuits and Federal policies, again, in the San Joaquin Valley of California. This isn't a case of having your cake and eat it, too. It's a matter of water for San Francisco and none for the San Joaquin Valley.

Lastly, to the argument this is a California issue for Californians to resolve, I will note that the votes in the Rules Committee to block the amendments from being heard were by a margin of six "no" and five "yes." All four Republicans voted to allow the amendments to be heard on the floor, as did Mr. CARDOZA from California, and a Democrat, but not one single one of Mr. CARDOZA's Democrat colleagues joined him. We were told this is a California matter, and yet relief for the San Joaquin Valley is denied because of the votes of Democrats on the Rules Committee from New York, Massachusetts, Florida, Maine, and Colorado, who all voted "no" to block discussion of these amendments on the House floor.

The arguments of germaneness and it's a California only matter are simply excuses being used to try to hide the fact that the Democrat leaders who control this House don't want to allow a vote on solutions and provide relief to the tens of thousands of people suffering in the San Joaquin Valley.

Mr. Speaker, I urge my colleagues to vote "no" on this unfair rule.

Ms. MATSUI. Mr. Speaker, we are in a drought. We are in a drought. That's a fact. And this legislation will help ensure that future droughts in California will have less of a damaging impact. When water is used more efficiently, droughts like the one we are currently experiencing become less severe because we have built in defense mechanisms.

We know that the drought, and not the Endangered Species Act or House leadership, is the real reason why so many individuals are suffering in California's Central Valley. In fact, according to Ron Milligan, the U.S. Bureau of Reclamation operations manager for the Central Valley Project, the average delta water exports prior to 2008 were 5.7 million acre-feet. In 2009, the export fell to 3.6 million acre-feet. Of the 2.1

million acre-foot shortfall, 1.6 million is due to the drought. Only 500,000 of the decreased results are from the delta smelt ruling.

If anything, our colleagues who represent that part of the State should support H.R. 2442 as a means of fighting against the drought. They should also support it as a way to increase the amount of water available statewide for local agencies to access.

I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1½ minute to my friend from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I'm pleased that this bill will apparently benefit people in the San Francisco Bay Area with water. As I understand it, I think we have some leadership on the majority side that is from that area. And that's wonderful that they'll benefit with water, but it is deeply troubling to hear people come to this floor and start trying to blame the past administration for water problems in California.

At what point are people going to acknowledge, you know what? The Democratic majority, we're in the majority as Democrats. We took control over 2½ years ago, and we're responsible here. We have had an opportunity to do something about this for over 2 years, and we have not done anything because the majority leadership has chosen not to do anything.

My friend DEVIN NUNES recruited me over 2 years ago. He had me look at this, and I saw how the smelt were being protected, and that's fine. But the smelt, the 2-inch minnow, while people are starving, the land is starving, the people are starving, they're losing their jobs.

When DEVIN brought this to my attention, it smelt badly back then. It smelt badly a year ago. It's smelt badly all this year, and now, my friends, it stinks. It's time to have open rules that allow us to bring water to everyone who needs it.

Ms. MATSUI. Mr. Speaker, I just want to say that further investing in water recycling is sound public policy. This bill would allow the Bay Area to reuse water. This legislation would not mandate additional water transfers or adversely affect California's Central Valley in any way. H.R. 2442 is a proactive step taken by our delegation to address California's water situation in a positive way.

I'd like to yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak on the rule.

I was sitting here waiting to speak on the underlying legislation after the rule is passed because I think it is an important ingredient towards dealing with a serious problem in California

that affects us all, but I am compelled to come to the floor to support briefly the rule that is brought before us.

My friend from the other side of the aisle from Texas recently asked, wonders at what point the majority stops blaming the Bush administration. I would hope that at some point the minority looks at a lost decade of Republican stranglehold on reasonable environmental policy, not just for California, but throughout the West, that actually set us back. We're playing catch-up now on things that we should have done for years in water infrastructure and water policy.

□ 1415

Second, the notion that somehow we are wasting water because it flows into the delta and on into the Pacific Ocean, I will tell you, my fishermen in the Pacific Northwest don't think that is a waste. They don't think the smelt—which is a proxy for a collapsing ecosystem that is posing problems throughout the Pacific Northwest on historic fisheries and speaking to other environmental problems—is not a waste.

I find it amusing to hear some people come to the floor and talk about a man-made, government-made drought. For heaven sakes, look at what's happening to the water levels; look at the areas there where they don't even monitor what is happening with groundwater to keep careful control. The California legislature just tied itself into knots unable to advance sensible water policies.

There is a governmental failure all right, a governmental failure that at the Federal Government, the State government, and the local government we haven't dealt meaningfully with these conflicts. Instead we have treated farmers, fishermen, the environment and local communities that rely on these sources, we have treated them shabbily. Well, now with the climate change and persistent drought and the fact that some people aren't going to sit back and take it anymore, it's coming home to roost.

I hope that there is a more spirited and robust discussion about the reality. I hope California gets its act together on a State level.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. MATSUI. I yield an additional 30 seconds to the gentleman.

Mr. BLUMENAUER. And I hope that the Federal Government makes up for that lost decade.

We are in a situation now where water is the precious resource for going forward, and what we're seeing here is a blip on the radar screen that is going to be affecting each and every State across the country. We better stop pretending that this drought is somehow government caused. We need to get our act together, get policies in place, pro-

tect the environment, be rational and be fair.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my friend from California (Mr. NUNES).

Mr. NUNES. I thank my friend from Florida.

I just want to make sure that we set the record straight on this salmon fishing issue. A lot of people are probably watching out there and wondering, well, are these salmon fishermen really out of work? The truth is that the salmon fishermen can still fish; they just can't fish for salmon. And that is because the government—us, this body—and others told the fishermen that they cannot fish for salmon. Every other country in the world can fish for salmon, just us.

So not only are we not allowing the salmon fishermen to fish, we are also paying them not to fish; several hundred million dollars we have given the salmon fishermen so that they will not fish for salmon. Meanwhile, we have 40,000 people that are without work, and they get nothing.

So there is no correlation between these pumps that have run for 50 years and salmon fishermen not fishing, except for this: the government says, salmon fishermen, you can't fish for salmon. The government also says, keep the pumps shut off so that people in the San Joaquin Valley don't have any water and can't grow any crops to provide Americans food. So this whole argument about the poor salmon fishermen is complete fiction.

I would like to know where my colleagues were—some of them who were in this body—in the 1980s when they ran every Portuguese American fisherman out of the San Diego area. There were several thousand mostly Portuguese fishermen, and nobody came to their aid. They fished for tuna. All those jobs were lost to foreign countries. And now all of a sudden we're here and we're worried about salmon fishermen? Bogus, absolutely bogus. Shameful on this body.

Ms. MATSUI. Mr. Speaker, I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, with regard to the issue that's been debated, one thing continues to come to mind: the merits of this issue, this water issue of such importance to people in the San Joaquin Valley in California, have been debated during this rule debate because there is no other option.

The substantive legislation, two amendments that Mr. NUNES came to the Rules Committee and asked to be authorized for debate by the House, they were denied; they were not made in order. So there is no other option but during the time when we are debating the rule, the terms of debate for an underlying bill that will subsequently be debated, this is the only time when

Mr. NUNES and the others who know this issue so intimately and feel it, appropriately, so passionately in representation of their constituents, it's the only opportunity that they have to be able to bring out the issue, to educate us. And it's a shame because the Congress as a whole, the House as a whole, should be able to debate this issue and consider it and decide it.

Mr. Speaker, over the last few months, the American people have written and called many of us and made their opinions known at meetings asking us whether we pledge to read bills before we vote on them. The reason is that many people were outraged when they found out that the majority leadership forced the Congress to vote on a number of sweeping and very expensive bills without giving Members time to understand or even to read the bills.

For example, we were forced to vote on the final so-called stimulus bill and on the omnibus appropriations bill, and on a cap-and-trade bill. I remember that one was presented to us at three in the morning in the Rules Committee, and a few hours after that we had it here on the floor. All those bills were passed without Members being able to read them, having time to do so. That's no way to run the House, and so our constituents are rightfully upset.

You would think that this issue of sufficient time to read legislation should not be controversial. The distinguished Speaker stated, and I quote, "Members should have at least 24 hours to examine bills and conference reports before floor consideration," and yet that has not been the case time after time after time.

So 182 Members have signed a discharge petition at the front desk that would require all legislation to be available to Members of Congress for at least 72 hours before the legislation is brought to the House floor for a vote.

So, accordingly, I will be asking for a "no" vote on the previous question so we can amend the rule and allow the House to consider that legislation, House Resolution 554, a bipartisan bill by my friends and colleagues, Representatives BAIRD and CULBERSON.

Now, with regard to any Members being concerned that that may jeopardize consideration of the underlying legislation, I want to make it clear that this motion provides for separate consideration of the Baird-Culberson bill within 3 days so that we can vote on this underlying legislation, the water bill, and then once we're done, consider House Resolution 554.

Having said that, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the remainder of my time.

The rule before us today is a fair rule that allows us to make a strong Federal commitment to sustaining California's economy, water supply, and our environment.

This bill was reported unanimously by the National Resources Committee on September 29. It was voted under suspension on September 30. It was introduced in May. There has been ample time for the minority to review this legislation. Now is the time to act on it.

The Bay Area Regional Water Recycling Program Expansion Act would lessen the limited demand for fresh water by the region and the State. It is critical that we avoid partisan debate and disagreements over water issues and pass this legislation.

Moreover, the House has already expedited similar measures for a bipartisan collection of congressional districts across California. The south Orange County recycling project was passed in February in Mr. CALVERT's district. The Lake Hodges Surface Water improvements was passed in April in Mr. BILBRAY's district. The Calleguas Municipal Water District recycling initiative was approved in September for Mr. GALLEGLY. The Magna Water District Reuse proposal in Utah was passed for Mr. CHAFFETZ's district. The Hermiston water recycling and reuse project in Oregon was passed for Mr. WALDEN's district. And the Tule River Water Development Act was passed by a vote of 417-3 in July for Mr. NUNES' district.

Mr. Speaker, it is clear that local water projects typically have bipartisan support here in the House of Representatives. I am disappointed that my colleagues on the other side of the aisle have set aside that tradition, forcing us to bring this rule to the floor today.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 830 OFFERED BY MR. DIAZ-BALART

At the end of the resolution, insert the following new section:

SEC. 2. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered

by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Rules Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question

on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 237, nays 178, not voting 17, as follows:

[Roll No. 786]

YEAS—237

Abercrombie	Davis (IL)	Honda
Ackerman	Davis (TN)	Hoyer
Adler (NJ)	DeFazio	Inslee
Altmire	DeGette	Israel
Andrews	Delahunt	Jackson (IL)
Arcuri	DeLauro	Jackson-Lee
Baca	Dicks	(TX)
Baldwin	Dingell	Johnson, E. B.
Barrow	Doggett	Kagen
Bean	Donnelly (IN)	Kanjorski
Becerra	Doyle	Kaptur
Berkley	Driehaus	Kennedy
Berman	Edwards (MD)	Kildee
Berry	Edwards (TX)	Kilpatrick (MI)
Bishop (GA)	Ellison	Kilroy
Bishop (NY)	Ellsworth	Kirkpatrick (AZ)
Blumenauer	Engel	Kissell
Bocciari	Eshoo	Klein (FL)
Boren	Etheridge	Kosmas
Boswell	Farr	Kucinich
Boucher	Fattah	Langevin
Brady (PA)	Filner	Larsen (WA)
Braley (IA)	Foster	Larson (CT)
Bright	Frank (MA)	Lee (CA)
Brown, Corrine	Fudge	Levin
Butterfield	Giffords	Lewis (GA)
Capps	Gonzalez	Lipinski
Capuano	Gordon (TN)	Loeb sack
Cardoza	Grayson	Lofgren, Zoe
Carnahan	Green, Al	Lowe y
Carson (IN)	Green, Gene	Lujan
Castor (FL)	Griffith	Lynch
Chandler	Grijalva	Maffei
Chu	Gutierrez	Maloney
Clarke	Hall (NY)	Markey (CO)
Clay	Halvorson	Markey (MA)
Clyburn	Hare	Marshall
Cohen	Harman	Massa
Connolly (VA)	Hastings (FL)	Matheson
Conyers	Heinrich	Matsui
Cooper	Herseth Sandlin	McCarthy (NY)
Costello	Higgins	McDermott
Courtney	Himes	McGovern
Crowley	Hinchey	McIntyre
Cuellar	Hinojosa	McMahon
Cummings	Hirono	McNerney
Dahlkemper	Hodes	Meek (FL)
Davis (AL)	Holden	Meeks (NY)
Davis (CA)	Holt	Michaud

Miller (NC)  
Miller, George  
Mitchell  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall

Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schneider  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Snyder

## NAYS—178

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Baird  
Barrett (SC)  
Bartlett  
Barton (TX)  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costa  
Crenshaw  
Culberson  
Davis (KY)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxx  
Franks (AZ)

Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

Moore (KS)  
Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer  
Gohmert  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—17

Boyd  
Cao  
Carney  
Cleaver  
Deal (GA)  
Emerson  
Hall (TX)  
Johnson (GA)  
Kind  
McCollum  
Melancon  
Mollohan  
Radanovich  
Scalise  
Smith (WA)  
Wasserman  
Schultz  
Waters

□ 1453

Messrs. CHILDERS and GOODLATTE changed their vote from “yea” to “nay.”

Messrs. TANNER and WELCH changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 193, not voting 18, as follows:

[Roll No. 787]

## YEAS—221

Abercrombie  
Ackerman  
Adler (NJ)  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boccheri  
Boucher  
Brady (PA)  
Brady (IA)  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Capps  
Capuano  
Carnahan  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Clarke  
Clay  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchee  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Michaud  
Miller (NC)  
Miller, George  
Mitchell  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello

Peters  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky

Schauer  
Schiff  
Schradner  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Slaughter  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Teague  
Thompson (CA)

## NAYS—193

Aderholt  
Akin  
Alexander  
Altmire  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Barrow  
Bartlett  
Barton (TX)  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Castle  
Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costa  
Crenshaw  
Culberson  
Davis (KY)  
Davis (TN)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Ellsworth  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxx  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herseth Sandlin  
Hill  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Moran (KS)  
Murphy (NY)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Royce  
Ryan (WI)  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Tanner  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—18

Boyd  
Cao  
Carney  
Cleaver  
Deal (GA)  
Emerson  
Hall (TX)  
Herger  
Johnson (GA)

McCollum  
Melancon  
Mollohan  
Oliver

Radanovich  
Scalise  
Smith (WA)

Wasserman  
Schultz  
Waters

□ 1501

Ms. LORETTA SANCHEZ of California and Mr. DONNELLY of Indiana changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 1989

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent to remove as cosponsors from H.R. 1989 the following Representatives: Mr. BARTLETT, Mr. BILBRAY, Mr. LATTA and Mr. SOUDER.

The SPEAKER pro tempore (Mr. DRIEHAUS). Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

#### REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 3413

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent to remove as cosponsors from H.R. 3413 the following Representatives: Mr. AL GREEN of Texas and Ms. JENKINS.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

#### APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 4355(a), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Military Academy:

Mr. LEWIS, California  
Mr. SHIMKUS, Illinois

#### APPOINTMENT OF MEMBERS TO NATIONAL COUNCIL ON THE ARTS

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 955(b), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the National Council on the Arts:

Ms. MCCOLLUM, Minnesota  
Mr. CARNAHAN, Missouri

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, an-

nounced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3183) “An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.”.

#### BAY AREA REGIONAL WATER RECYCLING PROGRAM EXPANSION ACT OF 2009

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 830, I call up the bill (H.R. 2442) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 830, the amendment printed in House Report 111-301 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2442

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Bay Area Regional Water Recycling Program Expansion Act of 2009”.

#### SEC. 2. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by adding at the end the following:

#### “SEC. 16. CCCSD-CONCORD RECYCLED WATER PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the Central Contra Costa Sanitary District, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,800,000.

#### “SEC. 16. CENTRAL DUBLIN RECYCLED WATER DISTRIBUTION AND RETROFIT PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the Dublin San Ramon Services District, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,150,000.

#### “SEC. 16. PETALUMA RECYCLED WATER PROJECT, PHASES 2A, 2B, AND 3.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Petaluma, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$6,000,000.

#### “SEC. 16. CENTRAL REDWOOD CITY RECYCLED WATER PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$8,000,000.

#### “SEC. 16. PALO ALTO RECYCLED WATER PIPE-LINE PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$8,250,000.

#### “SEC. 16. IRONHOUSE SANITARY DISTRICT (ISD) ANTIOCH RECYCLED WATER PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the Ironhouse Sanitary District (ISD), California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$7,000,000.”.

(b) PROJECT IMPLEMENTATION.—In carrying out sections 1642 through 1648 of the Reclamation Wastewater and Groundwater Study and Facilities Act, and the sections added to such Act by subsection (a), the Secretary shall enter into individual agreements

with the San Francisco Bay Area Regional Water Recycling implementing agencies to fund the projects through the Bay Area Clean Water Agencies (BACWA) or its successor, and shall include in such agreements a provision for the reimbursement of construction costs, including those construction costs incurred prior to the enactment of this Act, subject to appropriations made available for the Federal share of the project under sections 1642 through 1648 of the Reclamation Wastewater and Groundwater Study and Facilities Act and the sections added to such Act by subsection (a).

(c) CLERICAL AMENDMENTS.—The table of contents of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by adding at the end the following:

“Sec. 1649. CCCSD-Concord recycled water project.

“Sec. 1650. Central Dublin recycled water distribution and retrofit project.

“Sec. 1651. Petaluma recycled water project, phases 2a, 2b, and 3.

“Sec. 1652. Central Redwood City recycled water project.

“Sec. 1653. Palo Alto recycled water pipeline project.

“Sec. 1654. Ironhouse Sanitary District (ISD) Antioch recycled water project.”.

### SEC. 3. MODIFICATION TO AUTHORIZED PROJECTS.

(a) ANTIOCH RECYCLED WATER PROJECT.—Section 1644(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-27) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by striking “\$2,250,000” and inserting “\$3,125,000”.

(b) SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.—Section 1648(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-31) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by striking “\$8,250,000” and inserting “\$13,250,000”.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2442.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the chairman of the Natural Resources Committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I wish to, in the very beginning, commend the gentleman from California, the chairman of our Committee on Education and Labor, Mr. GEORGE MILLER, for the

tremendous leadership, dedication, persistence and patience with which he has handled the pending legislation. I wish to also commend our distinguished chairlady of our Subcommittee on Water on our Natural Resources Committee, the gentlelady from California, Mrs. GRACE NAPOLITANO.

I do rise in my capacity as chairman of the Committee on Natural Resources to support the pending legislation which was favorably reported out of our committee without controversy.

By now, I would think that most of us are aware that there are major issues associated with drought and agriculture in California. While the rainy season has hit parts of the State, it will do little to refill reservoirs that haven't seen normal level of rainfall for years. The impacts of the drought are obvious, whether we're talking about brown lawns, fallowed fields or increased water rates for struggling families.

To address this dire situation, the pending measure is based on the practical idea of conservation through reuse. By recycling water, this bill would create 39,000 acre-feet of water or enough water to supply over 24,000 homes. We're bringing this legislation up under a rule today because a very vocal minority opposed this bill for reasons unrelated to the merits of the legislation.

I'm fortunate to come from a State with abundant water resources. I understand how water is critical for both people and our economy. What I do not understand is why some Members on the other side want to use this bill as a strawman so they can demagogue Democrats on the drought issue.

One Republican Member from California in particular filed a number of amendments that are very good at generating headlines and controversy. Unfortunately, the amendments were not germane to the subject matter of the bill before us, nor are they very thoughtful or realistic solutions to the crisis before us.

Opposition to this legislation is like cutting off one's nose to spite one's face. Water supply issues in California are not a zero sum game. Creating more water through reuse in urbanized areas reduces pressure on water demands elsewhere in the State. If opponents to this legislation want to work towards solving California's water woes, then I suggest getting real about finding solutions and stop the partisan political attacks.

The bill before us today creates new water resources through reuse. We have brought up bill after bill doing the same thing before this body without any controversy, including bills for my Republican colleagues in southern California, Utah and Oregon.

The only reason we are here today debating this legislation is because one Member thinks a solution to a severe

drought is to gut environmental laws and overturn court decisions. Perhaps that Member should propose a rain dance as well.

So it is time to support H.R. 2442 and move forward with practical solutions for a real drought in California. I urge support of the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise reluctantly to oppose this bill. I say reluctantly, because I and colleagues on my side of the aisle do support water recycling. We think it's a valuable tool for providing water to our farmers and communities across America, just as water storage is, Mr. Speaker, a tool for providing water for our communities.

Mr. Speaker, the Democrat sponsor of this legislation, and the manager of this bill, the gentleman from California, has said previously, and is correct, that Republican water recycling bills have passed this House. That's correct. The question is, then, why is this bill different?

And the answer, Mr. Speaker, is very simple. When there is an economic disaster occurring in the San Joaquin Valley of California, when man-made and government-enforced drought has dried up farm after farm in that valley, with 40,000 workers unemployed, standing in food lines and being ignored by the leadership in this House, when solutions to bring water and relief to this area have been blocked and stymied again by the leadership in this House, then a point comes, Mr. Speaker, when Members of this House have to say enough is enough.

The water recycling bill before us benefits the San Francisco Bay Area. The Speaker of the House represents the city of San Francisco, and one of her top deputies, who happens to be the sponsor of this bill, is also from the Bay Area.

This bill provides millions of Federal taxpayer dollars for the Bay Area while tens of thousands of their fellow citizens suffer economic devastation just a few hours south and inland in the San Joaquin Valley.

All that was sought by the two Republican Members from the San Joaquin Valley, with the express support, I might add, of one of their Members from California in the same area on the Rules Committee, was to have a chance, just a chance, to make their case on the House floor and to vote for a solution to this disaster in the San Joaquin Valley.

Mr. Speaker, they didn't ask that the amendments that they wanted made in order be passed. They just asked for the ability to be heard so they could persuade others to perhaps vote with them. That is all any of us could ask. Mr. Speaker, that chance has been denied. It has been blocked. Their amendments were deemed nongermane. It has

been labeled as irrelevant to the bill before us.

Mr. Speaker, might does not make right when it comes to who controls the House because what the leadership is unwilling to do is potentially provide relief to those that have been hurt by this man-made drought in the San Joaquin Valley and the policies of this Federal Government.

It has been stated, also, that the drought disaster is a California issue. The implication of that is that this is not of concern to other Americans. Mr. Speaker, that simply is wrong. What is happening in the San Joaquin Valley of California does affect all Americans. If this water recycling bill to benefit the Bay Area is worthy of consideration by the representatives of all 50 States in this House, then so is the drought disaster issue.

Mr. Speaker, if this can happen in California, then what of the farmers in the central Washington district that I represent? Hundreds of thousands of acres of farmland are irrigated in my district with water delivered by Federal pumps and from Federal reservoirs. I do not ever want to see the day that a government-enforced drought devastates these communities that I represent.

This isn't the first instance when Federal policies have threatened to cut off water to tens of thousands of people. Earlier in this decade, the city of Albuquerque, New Mexico, was threatened with the loss of its water supply due to the presence of the silvery minnow. Congress acted rightfully to provide relief to New Mexico when the House and the Senate, in a bipartisan way, voted for a remedy to Albuquerque's problem. Today, unfortunately, there is no relief to come to the San Joaquin Valley as relief did come to those in Albuquerque.

And the relief that is being sought, I might add, Mr. Speaker, is not a bail-out. The amendments that were offered simply were a plea, and it was not a plea for stimulus funding or for any money. It was simply for an opportunity to allow the Federal Government to provide for water flow. It didn't cost anything. But yet it was not given an opportunity.

So, Mr. Speaker, if the House is going to provide authorization to spend tens of millions of taxpayer dollars to provide recycled water to the Francisco Bay Area, then this House should be voting on legislation that brings relief to Californians suffering from this devastating man-made drought.

□ 1515

Mr. Speaker, it's on these grounds, even though I support the concept of water recycling, it's on these grounds that I have to stand here and urge a "no" vote on this bill.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 3 minutes

for the purposes of entering into a colloquy with the gentlewoman from California (Mrs. NAPOLITANO), the chairwoman of the Subcommittee on Water and Power.

Madam Chair, I appreciate your support for my legislation for helping to expand California's water supply. Is it true when the House considered the water recycling bill for Mr. GALLEGLY of California just last month no amendments were sought by the minority and none were included, in his water recycling bill, and that was approved by a voice vote?

Mrs. NAPOLITANO. The gentleman is correct. The water recycling bill for California for Mr. GALLEGLY was approved by a voice vote by the House last month, and no amendments were asked for and none were included.

Mr. GEORGE MILLER of California. Madam Chair, is it also true that so far this year the House has approved five water recycling or water reuse bills for Members of the minority party and that no amendments at that time were sought for any of those five bills, that those five water bills were each approved under suspension of the rules, either by a voice vote or by a substantial majority vote?

Mrs. NAPOLITANO. Again, the gentleman is correct. So far this year the House has approved five water bills, all for recycling or water reuse for Members of the minority party, and no amendments were offered by the minority or the majority to any of those five bills which, by the way, were Mr. ISSA, Mrs. BONO MACK, Mr. CALVERT, Mr. CHAFFETZ, and Mr. DREIER; and they were approved by a voice vote or by substantial majorities.

Mr. GEORGE MILLER of California. I thank the gentlewoman.

Madam Chair, if I can pursue further, finally, is it true that when my bill, H.R. 2442, was considered by the Water and Power Subcommittee in the full Natural Resources Committee earlier this year, no amendments were offered by the minority or the majority and the bill was reported out by unanimous consent?

Mrs. NAPOLITANO. True, the gentleman is again correct. H.R. 2442 was approved by unanimous consent, and no amendments were offered by the minority or the majority.

Mr. GEORGE MILLER of California. I thank the gentlewoman for engaging me in this colloquy, and I also want to thank her for her groundbreaking work in bringing water recycling and reuse to the forefront of the consideration by the Bureau of Reclamation as an important source of new water in California and throughout the west and southwestern United States.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California, a former member of the Natural Resources Committee, Mr. CALVERT.

Mr. CALVERT. Mr. Speaker, under normal circumstances, the legislation before us would be approved without much attention or controversy. The bill simply authorizes water recycling projects, which I strongly support.

However, we are not living under normal circumstances. We are living in the midst of a crisis. The ongoing water crisis in California has created an economic downturn up and down the State. Statewide, the unemployment rate has risen to more than 12 percent. In the Central Valley, regional unemployment has reached 20 percent, with some communities' unemployment now over 40 percent.

California's water crisis is the result of water conditions, on top of the federally imposed pumping restrictions that have been placed on our State's critical water infrastructure. While the water pumping restrictions are undeniably hurting California's water economy, there is no clear evidence that endangered species are actually benefiting from the measures intended to protect them.

The fact remains that the flaws and shortcomings of the Endangered Species Act have tied the hands of judges and water resource planners, creating a man-made drought that is killing jobs in California. So what is the majority of the House doing to address the clear and obvious deficiencies in the Endangered Species Act? The answer is absolutely nothing.

The reality is that the leadership of the House is too afraid to allow an open and free debate on these policies because they know if reasonable people are given a chance, they would overwhelmingly reject failed policies aimed to protect fish and support efforts to give water to people who are struggling just to survive.

There are a number of bills sponsored by Members in the minority that would restore some common sense to our water and environmental policies. Perhaps if the Democratic leadership would allow these bills to come to the floor, legislation like this would be approved without much attention or much controversy.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I listened to my friend from California say that if we would just allow some of these proposals to come to the floor, they would just be approved without any controversy.

I beg to differ. Suspending the Endangered Species Acts, overturning biops, dealing with issues that have been in the works for years to try and balance the equities would be noticed. It's one of the reasons why the Republicans, when they controlled everything for 6 years, didn't move anything remotely like that.



The American public, Native Americans, hunters and fishermen, the fisheries industry, they rely on some semblance of reality when we are dealing with water policy. I commend the gentleman for bringing forward something that is a constructive solution that can pass and isn't going to be tied up in court for years. That's not going to put people out of work. That's, in fact, going to create jobs. It's going to create water. It's going to reduce the pressure.

Instead, we are hearing our friends from the other side of the aisle ignore the very real problems that we are facing today. This is not a man-made government-enforced drought. The water isn't there. To overturn minimal protections for the environment, for the fisheries in the Pacific Northwest, for people at the end of these rivers is not a solution that's going to restore water that isn't there.

It's not going to help California that's tied in knots. Its legislature can't even deal with meaningful management of its own groundwater. We have a crisis in this country that is man-made and government created, and that is that we haven't been serious about the management of water resources.

This is going to get worse because of climate change, global warming, and extreme weather events. We are going to be facing things like this in the Pacific Northwest with the disappearing snow pack, more strain on reservoirs, more conflict between cities and towns in rural areas, between wildlife and Native Americans.

We have got to get serious. We have to get serious with legislation like this and being realistic about working together to create a framework for dealing with water policy. Let's roll up our sleeves and do that together. In the meantime, let's not demagog important legislation that will make a difference for water in California now, putting people to work and maybe, just maybe, starting an honest conversation about how we are going to deal with a nationwide water crisis.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California, the ranking Republican on the Water and Power Subcommittee of the Natural Resources Committee, Mr. MCCLINTOCK.

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, those who blame the drought for our problems ignore the fact that this is a very mild drought by historical standards. In fact, during much more severe droughts than the one we are currently experiencing, far more water flowed to the Central Valley than it does right now.

I wonder if the proponents would seriously deny that 200 billion gallons of water have been diverted from the Cen-

tral Valley by these regulations. It's morally unconscionable that water recycling bills to benefit the pampered and privileged communities of San Francisco can sail through the House while 40,000 families have lost their jobs in the San Joaquin Valley because this government has diverted 200 billion gallons of water in order to indulge one of the environmental left's pet causes, the delta smelt.

But I would like to address some of the basic economics of these recycling bills. A generation ago the principal objective of our water policy was to create abundance. That was an era when vast reservoirs produced a cornucopia of clean and plentiful water on a scale so vast that many communities didn't bother to meter it. That clean, cheap, and abundant water also made America the breadbasket of the world and the Central Valley of California the breadbasket of that State.

But the majority party has abandoned that policy. It has replaced it with a very different philosophy that the government's principal focus should not be to produce abundant water, but rather to ration and recycle water shortages that government has caused by abandoning abundance as its primary objective.

The result is increasingly expensive water that now affects our prosperity as a Nation. By its own admission, this administration is no longer analyzing the costs and benefits of projects in the bill now before us. In committee, the administration admitted that it faces a \$600 million backlog of 53 water recycling projects like these and still hasn't bothered to prioritize them, let alone to figure out how to pay for them.

This bill provides a 25 percent Federal match for six local water recycling projects in the San Francisco Bay Area. It increases the maximum Federal cost share for two others.

The total cost to American taxpayers for this bill is \$38 million. According to sponsors, it will produce 2.6 billion gallons of water. That comes to about 8,000 acre feet.

Now, let's do the math here, \$38 million for 8,000 acre feet. That comes to \$4,500 per acre foot. That's just the Federal share. The total cost of these projects is four times that amount, or more than \$18,000 per acre foot.

Now, let's compare that to the capital cost of the nearby Oroville Dam. That was roughly \$600 million in 1968, due to the inflation adjustment. It's \$3.5 billion in today's money. That dam produces 3.5 million acre feet of water.

In other words, the modern-day inflation-adjusted cost of the Oroville Dam, including its massive power plant, comes to about \$1,000 per acre foot. The projects in this bill cost more than \$18,000 per acre foot overall, including \$4,500 per acre foot directly from the national Treasury, which, in case you haven't noticed, is empty.

I raised these issues in committee. I did not actively oppose the bill, because the House has yet to set fiscal standards for recycling measures like this one. It needs to.

But I also must agree with Ranking Member HASTINGS and Congressman NUNES and others that it's a travesty that we should vote for 2.5 billion more gallons of water for San Francisco while taking away 200 billion gallons of water from the Central Valley of California.

At the same time that the Central Valley taxpayers are struggling with up to 40 percent unemployment rates, at the same time that all taxpayers are paying higher grocery bills as a result of these heartless water diversions, those same taxpayers are being asked to pay a super-premium subsidy to Bay Area water users, whose Representatives have endorsed this folly.

To add insult to injury, Mr. NUNES is not even allowed to offer amendments to restore water deliveries that would mean jobs for 40,000 unemployed California families without costing our Treasury a dime.

For all of those reasons I urge my colleagues to oppose this bill. Not only can we do much better; we could not possibly do any worse.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding.

Mr. Speaker and Members, this bill is about freeing up 2.5 million gallons of water per day through recycling, water that would be able to be used throughout the affected areas in California. This reduces water demand for our State, again, 2.5 million gallons a day.

I want to speak to something that was said earlier, and that was that the salmon fishermen in California, the salmon fishing families, were not hurt, and that the claims that they were were bogus.

Mr. Speaker and Members, the salmon fishermen and their families in my district on the north coast of California have been out of work for 3 of the past 4 years, mostly because of illegal biological opinions issued by the past administration.

At the same time, the farmers south of the delta have been receiving disaster funds for their water shortages, \$95 million over the course of the last 2 years. The biological opinions, the illegal biological opinions that I mentioned, helped kill some 80,000 spawning salmon on the Klamath River and decimated the salmon fishery along the Sacramento River. Those fisheries in the Sacramento River saw their salmon populations go from 800,000 to 66,000 in 3 short years.

Mr. Speaker and Members, fishing families have been put out of work in my district and up through and into Oregon. They have lost their homes,



they have lost their savings, and they have lost their livelihoods. It's not bogus, and it's shameful to suggest that it is.

The heart of the issue that's here today, the opponents of this bill feel very comfortable choosing one business as more superior to another. The opponents' debate isn't about solutions but rather—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield 30 additional seconds to the gentleman.

Mr. THOMPSON. Suggesting that some hardworking farmers are more important and more worthy than hardworking fishermen. That is wrong.

□ 1530

This bill will ultimately conserve 2.5 million gallons of water per day for drought-stricken California. This is a good idea and it helps bring flexibility to our system.

I want to thank Mr. MILLER for his bill and his effort to address this issue and provide maximum flexibility. I urge my colleagues to vote against the motion to recommit and for the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire how much time is left on both sides?

The SPEAKER pro tempore. You have 17½ minutes remaining and the majority has 19½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from the southern San Joaquin Valley, Mr. MCCARTHY.

Mr. MCCARTHY of California. I thank my dear friend.

Mr. Speaker, as I sit and listen to this debate, I have many colleagues on the other side that happen to be in the majority. They not only show it in committee by the number of one on one side and fewer on the other, but they show it when the bills come to the floor.

The idea that the power of the idea would win at the end of the day doesn't happen here. They go to the Rules Committee and they deny an amendment to even come forward. They do a colloquy on the other side to talk about bills that have been brought up. I would like to see a colloquy that talked about the bills that have been denied.

I come from the Central Valley, where unemployment is double digit. Some cities have 40 percent unemployment. But I don't hear the colloquy from my friends on the other side of the aisle to talk about H.R. 3105, the Turn the Pumps on Act.

You have 200 billion gallons a year being denied to the Central Valley. The party in power shows where their desire is to go, to deny the valley the ability to grow, to deny the valley the ability to go create jobs.

I want to remind my friends on the other side of the aisle when we had the Rules debate of a quote from Franklin Delano Roosevelt. He once said, the Nation that destroys its soil, destroys itself.

The pumps are off, the pipes are dry, the land is no longer able to produce, so the soil is being destroyed. But it does not have to stay that way. Man-made droughts can change. And what the debate today is about and what the passion you feel from this side is, it is not a partisan passion. This is a passion of Independents, a passion of Democrats and a passion of Republicans, that you allow the bills to come to the floor.

I listened to a colleague on the other side of the aisle say, well, these bills will fail. Well, bring them here. You have the power. You have the majority. Do not deny them. Do not deny the amendments. Let the people who have the power of the idea win at the end of the day.

When you talk about a bill that will produce 2.6 billion gallons a year, but you deny bills that provide 200 billion gallons this year for the Central Valley, no longer do you talk of the valley feeding the world; you talk of the valley being dry.

You look at the rallies that are being created and you look at the faces in the rallies. They are a microcosm of America, from every walk of life. They come there with one sign, "Turn the pumps on," and that is our message today. That is our message with this bill, that we have the power to make the decision to get the water pumping again.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, California is in the third year of a drought. The salmon fishers are in the third year of no season. Farmers are hurting, fishermen are hurting. But this bill actually helps that problem.

I come from Silicon Valley, where half of our water comes from the Delta. I have heard the name San Francisco mentioned. They don't get any of their water from the Delta. In fact, they don't have any projects in this bill. But Silicon Valley gets half its water from the Delta, and the projects that will flow to Silicon Valley to reuse the water we have from our groundwater sources are going to free up water for the Delta. It will free up water for the farmers and for the fishermen, and I count that a good thing.

We can get bombastic here, all of us. It hurts us when our constituents are hurt. But it is important to note that this is a solution. This is a solution.

Silicon Valley doesn't have any farmers and it doesn't really have any commercial fishermen. We make chips. We also have double-digit unemployment.

So we all need to pull together here. Silicon Valley is willing to do its part to recycle so the water can flow to those in need.

I would like to just point out that although we all value San Francisco, San Jose has 1 million people, and since San Francisco really isn't part of this bill at all, perhaps we should refer to this as the San Jose Bay Area in the future. The San Jose Bay Area is willing to help out by supporting this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, reference was made as to why we are debating this bill on the floor, which obviously the concept of this bill brings forward water recycling and has broad support in this House. I certainly support that concept. But the inference was made that the only reason we are debating this is because of one Member—they didn't say where he is from, but I assume he is from California—who has been very, very outspoken about the economic disaster that is going on in the San Joaquin Valley of California.

Mr. Speaker, I just want to say that that individual is defending what he thinks is right for his constituents, and he is doing all the right things within the rules of this House to bring this issue forward so that we can have a debate.

The inference was also made by those remarks that this was partisan in nature. Well, I would just remind my colleagues, Mr. Speaker, that on the rule, bringing this bill to the floor of the House had bipartisan opposition. As you know, when there are rule votes, they are generally along party lines. Yet, Mr. Speaker, 23 Democrats voted against this rule.

Now, I don't know the motivation of all of them, but I would certainly hope, and I would guess that they probably voted "no" because they felt this issue was worthy of debate. And, I might add, of those 23, four of them are from the Natural Resources Committee, in which this bill passed out of by unanimous consent, but there was some discussion in the subcommittee on the issue, and the cost, as Mr. MCCLINTOCK pointed out so well.

Mr. Speaker, I just want to make this point: if somebody is accused of defending their constituents and that is done in a negative way, that is not what this House is all about. Every Member should be doing everything they can to defend their constituents.

So the debate on this really, I believe, is evolving into a bipartisan debate to have a debate on the underlying issue.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield myself another 30 seconds.

But we have been denied that. I would just hope that there will be some opportunity later on for us to revisit

that and have these potential solutions that were brought forward by my colleagues that live in these areas in a bipartisan way to be debated.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. Mr. Speaker, I, too, rise in support of H.R. 2442 and salute my good friend and colleague, Mr. MILLER, on his good work.

This bill will provide, as has been said already, 2.6 billion gallons of water per year to drought-stricken California, adding enough water supply to meet the demands for nearly 25,000 households, and it will also generate, either direct or indirectly, 3,500 jobs.

Mr. Speaker, attacking a water recycling measure that is designed to help all of California is truly counterproductive. The North Coast County Water District, based in Pacifica in my congressional district, has said, "As California continues to experience drought conditions, increased demand for water, and strain on the Delta ecosystem, alternative water supplies like those authorized in H.R. 2442 provide a long-term sustainable solution essential to California's economy."

The bottom line is that Republicans and Democrats alike agree that water recycling helps reduce stress on California's fragile freshwater system, and they have approved water recycling projects for California and across the Western region on a bipartisan basis in Congress. I hope we can do that again.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from the San Joaquin Valley, California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I thank my friend from Washington.

Since this House is being denied the opportunity to debate legislation that would have a meaningful impact on the California water crisis, I think it is appropriate to take a closer look at the bill before us today. This bill funds a water recycling project for the Bay Area. That is it.

The sponsor of this bill pounds his chest and says he is providing 2.6 billion gallons of water for his constituents. Congratulations. What the sponsor will not disclose is that he has worked consistently to deny delivery of 200 billion gallons of water to an area that has 40 percent unemployment in some cases, that has folks standing in food lines, and land dry with tumbleweeds.

Now, it is ironic that this bill provides water only to one little area of San Francisco, the Greater San Francisco Bay Area, which already receives pristine water from a beautiful glacial valley that is not far from where I live in the Yosemite National Park called Hetch Hetchy. You heard me correct. The Bay Area gets water from one of the Nation's flagship national parks.

The City of San Francisco, knowing that it needed to provide water to its citizens, destroyed a portion of Yosemite National Park to construct its own water supply reservoir. I actually have a picture of what it looked like.

This is what it looked like before. If you have ever been to Yosemite, you can see that it looks very similar to Yosemite Valley. But now it is dammed up. It is dammed up to provide water to the people of San Francisco.

Now, that is really not the worst of it, because we hear so much about how the other side of the aisle cares so much about the fish and the poor fishermen that are losing their jobs because the water is not being delivered to the Delta to save all these fish that need to be saved.

Well, let's go back and look at a little map of Hetch Hetchy. This is Hetch Hetchy, Yosemite National Park. Here is the dam. And the water is piped. There is not a river. It is piped directly into the San Francisco Bay Area. This is the same water, Mr. Speaker, that would go down to save the fish that they care about so much. So do they honestly care about fish, or do they really just care about providing water to their people and serving their radical environmental friends that have worked for decades to cut water off to people that are just trying to provide food for America?

The leaders in the Bay Area and the surrounding region have used their muscle in the past to actually get by other environmental laws. They destroyed not only the beautiful national park when they needed water, they subsequently exempted their water project from the Wild and Scenic Rivers Act. That is why they built the pipe, so they wouldn't even have to have a river.

When the Bay Area needed to add to its runway, they exempted environmental laws to build a new airport in the beautiful San Francisco Bay, one of the greatest areas of California.

But despite their own record, when folks a mere two hours away are bled dry of water, they have opposed a temporary waiver to allow not 2 billion gallons of water like this does, but 200 billion gallons of water.

I support these water recycling projects, but I oppose this bill because the author of this bill is the leader of the effort to cut off 200 billion gallons of water that would serve the greater San Joaquin Valley, Los Angeles and San Diego. So absent the inclusion of language that will address this government-imposed drought, this bill should be rejected.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you very much, Mr. Chairman, for yielding.

I have no projects in this bill.

□ 1545

I have no benefit in this bill. I represent some of the greatest agriculture in the United States of America. And guess what? We don't get a drop of that water from anywhere but the sky that it falls out of and all of the wastewater that we recycle, the largest recycling project in the United States and the world irrigating agriculture.

You know what? You people that live in glass houses shouldn't throw stones. You took a desert in the San Joaquin Valley, and using taxpayers' money, you built all these public systems, damming up those rivers—and I'm glad Mr. NUNES is going to support us in tearing down the Hetch Hetchy dam—and dammed up those rivers to get all the water into the canals to take them into a desert. And what happened? It didn't rain. All of a sudden you're caught in a drought. So who do you blame? You blame everything. You blame the Democrats. You blame the water. You blame the sky. It didn't fall out of the sky. But you blame every law that's out there.

People who live in glass houses shouldn't throw stones because what are you doing about recycling all the wastewater that you're creating? You've always had that. Our communities have bellied up to the bar. They put their money up. This bill says you've got to put up three-quarters of the money before you even come and ask for help from Washington. Frankly, it ought to be the other way around. Recycling is so important we ought to be doing it in every community in the United States, and the government ought to be at two-thirds help and the community at one-third help.

This bill is a good bill. And don't think that because one part of one State didn't get enough rain last year that we ought to bury the whole thing trying to get recycled water. Guess what you do when you get that recycled water? You free up potable water that can go to other things.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. FARR. No. You have time.

When you have that potable water, you ought not to be using it for agriculture. You ought to be using that for drinking purposes. All the golf courses on the Monterey Peninsula are irrigated by recycled water, Pebble Beach, Cypress, all these big famous golf courses.

So I think that those people that are criticizing this bill and criticizing the fact that we didn't get enough rain in the San Joaquin Valley ought to be asking for us to help them get recycling projects in their communities like we have in the Salinas Valley. We can solve this problem, but we've got to solve it in a multiplicity of ways, and one of the ways to do that is recycling. This bill makes a giant step forward for a lot of communities in northern California.

I would urge an "aye" vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I want to remind my Democrat colleague on the other side of the aisle that there were two Presidents that were instrumental in building the water projects that turned a desert into the most productive agricultural land in the world. One was named Franklin Roosevelt and the other was named John F. Kennedy. Last time I checked, they were both Democrats. That was back when the Democrats cared about providing jobs to people instead of serving their radical environmental friends in the Bay Area. My, how we've gone a long ways in this Democratic Party. It's sad to see this.

Mr. GEORGE MILLER of California. I have no further speakers, so I'll reserve until time to close.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I stood up and asked my dear friend from California (Mr. FARR) to yield, and he said he didn't have time to yield, because I wanted to point out something that he had said and to clarify at least what I think is his interpretation of what he was saying.

He was saying that these water recycling bills are a 25/75 match, and that's what the bill says. There's no requirement, however, in this bill for those recipients of these Federal dollars to repay these Federal dollars.

On the other hand, I come from central Washington, the Columbia Basin Project, Bureau of Reclamation area, irrigated by Grand Coulee Dam, and while they were built by the Federal Government, it's true, those monies have to be paid back by those irrigation districts. We don't get a 25 percent cut or a 50 percent cut. So I just wanted to point that out. We're not talking about apples and oranges, no pun intended on that.

So, Mr. Speaker, as I had mentioned earlier, the reason that I reluctantly oppose this bill is because of what it does not do. And of course what it does not do is to provide for an opportunity to address a very, very serious economic problem in the San Joaquin Valley of California.

As I mentioned on the rule, there were 23 Democrats that supported Republicans on this. This would indicate to me, I would hope, that there is growing support for having this addressed in a manner in the House, on the floor of the U.S. House of Representatives. I certainly hope that that is the case. And if opposition from me and others is

a way to get to that point, I will be very, very proud of that.

But with that, Mr. Speaker, I have to stand up and reluctantly oppose this bill for the many reasons I said in my previous remarks.

I yield back the balance of my time. Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to begin by thanking Chairwoman NAPOLITANO and Chairman RAHALL, the Chair of the full committee, and Chairwoman NAPOLITANO of the Subcommittee on Water and Power, for their support of this legislation for supporting the expansion of water supplies in drought stricken regions of our country.

At the end of the day, after all of the debate, this is legislation to provide for water reuse and recycling. Water reuse and recycling is desperately needed in our State of California. This is a policy that is supported throughout the entire State, including the valley, throughout southern California and northern California. Every part of the State understands the extent to which we can continue to create new supplies of water through use and reuse, recycling, that the entire State benefits.

Someone said, well, I was here in the drought and it wasn't this bad. We've added almost 16 to 20 million new people to the State of California since the last serious drought. We didn't do much about water policy during that time, but we've now put together a coalition from people who have battled over the years, Metropolitan Water District, Contra Costa Water District, L.A. County, San Diego County, the Central Valley.

Why are they coming together? Because they recognize how valuable reuse and recycling will be in the State of California going forward to meet the needs of its growing economy, of its diverse economy, of the importance of agriculture, of the importance of bringing new businesses to California, of developing and make sure we have clean water available for high technology industries throughout the State. That's why this bill, this policy speaks.

It speaks to so many areas of the State. It speaks, this policy speaks to Orange County and San Diego County and L.A. County and Riverside County and Contra Costa County and Santa Clara County and Monterey County and Alameda County and San Joaquin County. Why? Because it's important that we take the pressure off a system that's oversubscribed not just in drought years but every year. But we can get by in a normal year. We can't get by in the third year of the drought.

Now, my colleagues have suggested that somehow this is the bill in which we should settle California water issues. I find it rather interesting in February of last year when we passed the South Orange County Recycled

Water plan for Mr. CALVERT there was no discussion of this. There was no suggestion of amendments. There was no suggestion that this was high noon on California water.

When we passed the Lake Hodges Surface Water Improvement Act in April for Mr. BILBRAY, no discussion of amendments, no need to settle these issues here. They never asked for time. They never asked for amendments. They didn't ask for a vote. They did it unanimously and by voice vote.

The Magna Water District for Mr. CHAFFETZ in Utah, no suggestion that we should take the Utah bill and battle it out over California water. No suggestion that somehow we were going to do something other than that.

In September, just a month ago, with Mr. GALLEGLY, for the Calleguas Municipal Water District, no suggestion of this. No requests for amendments. No debate in the committee on this.

And then, again, last month, Mr. WALDEN from Oregon, no suggestion we're going to take the Oregon bill and settle the California issue. Why? Because we know what's going on in California. We have a very difficult complex problem. The legislature, our State legislature, has been struggling with it for 2 years. They're in special session right now. They're locked in, and they don't know whether they will have the votes or not to do that. But people are getting together to try to solve it.

When this new administration came in, because I don't remember you asking for this in the first year of the drought or the second year of the drought or going into the third year of the drought, but Mr. Obama's been in town, what, 10 months, and somehow it's his problem. But when his administration did come to town, and when he did have a Secretary of the Interior and he did have a Secretary of Commerce, they immediately focused their attentions on this problem. And what did they do? They met with a cross section of our delegation to see how they could bring the Department of Commerce, the Department of the Interior together, the Bureau of Reclamation, the Fish and Wildlife Service. They sent millions of dollars to the valley to try to give relief to the farmers. They've supported our efforts.

I've supported the efforts to change the law that I wrote 10 years ago, 20 years, so we can have water transfers from east to west in the valley. That's people working together. That's not people just standing back and sniping at bills as they come through and pretending like they want to make policy or they want to change policy that's just political sniping. But it's interesting that they chose not to snipe on any Republican bills. They just decided they would snipe on this bill.

But at the end of the day, at the end of the day, this legislation is about

whether or not we can move California into the future, whether or not we can continue to have economic growth, whether or not we can use the technology that's now available to us to provide for recycling, to provide for reuse of water. This bill alone supplies enough water for 24,000 households. That's not counting the legislation that we've provided for southern California, for Orange County, for San Diego, for San Bernardino and the projects that are waiting.

This bill was criticized because there's a \$600 million backlog because the last administration would never release any money. We would have loved to have had the attention. We would have loved to have had the attention of the Bush administration's Secretary of the Interior to help solve this problem. What did she do? What did he do? They let some Under Secretary wander around changing the science, so we lost almost 18 months and we had to go back to redo all of the science because they changed it and they got caught at it. Criminal charges were pending at one point.

So what are we talking about here? The suggestion that somehow this all comes together around this bill is to forget history, to forget the inattention to this problem we've dealt with over the last 8 years, and to suggest that somehow that this can all be settled here. What this bill can do is make a major contribution to relieving the urban pressure on the system by creating this reuse and recycling of water.

□ 1600

And that's what the projects that my colleagues on the other side of the aisle, that's what they were contributing. This was one piece; we hope it grows. We think it will become more valuable.

It is bipartisan and has been from the very beginning. When I asked for stimulus money to go to recycling, I asked the administration, I said, do it on the basis of their priorities, do it as they're standing in line. Some cities have been waiting a long time for this; they may be further along. Just let them come as they come up in line.

This isn't partisan; this is about whether or not people want to solve problems. You want to make political points, all well and good; but the circumstances won't change, the circumstances won't change across our State.

H.R. 2442 is supported by a number of agencies, municipalities and organizations, including: Association of California Water Agencies, Metropolitan Water District of Southern California, Central Contra Costa Sanitary District, Dublin San Ramon Services District, City of Mountain View, Redwood City, City of Palo Alto, WaterReuse Association, Bay Area Recycled Water Coalition, Delta Diablo Sanitation Dis-

trict, Iron House Sanitary District, City of Petaluma, Santa Clara Valley Water District, North Coast County Water District, and City of San Jose.

OCTOBER 5, 2009.

Representative GEORGE MILLER,  
*Rayburn House Office Building,*  
*Washington, DC.*

DEAR REPRESENTATIVE MILLER: The Association of California Water Agencies (ACWA) is pleased to write in favor of H.R. 2442, legislation to expand the Bay Area Regional Water Recycling Program. As you know, ACWA's 447 public agency members are collectively responsible for 90 percent of the water delivered in California for residential and agricultural uses.

Since H.R. 2442 contains local projects with regional as well as national benefits, the legislation meets the criteria established in our blueprint "No Time to Waste: A Blueprint for California Water". In particular, the projects in H.R. 2442 will allow for a direct response to help mitigate current and devastating drought impacts in California. In this regard, ACWA encourages the House of Representatives to move expeditiously and pass important water recycling project legislation.

As California's water supply challenges multiply, ACWA appreciates your efforts to provide federal resources for local projects to assure water supply reliability. Thank you for sponsoring this legislation.

Sincerely,

TIMOTHY QUINN,  
*Executive Director,*  
*Association of California Water Agencies.*

THE METROPOLITAN WATER  
DISTRICT OF SOUTHERN CALIFORNIA,  
*Los Angeles, CA, October 6, 2009.*

Hon. GEORGE MILLER,  
*House of Representatives,*  
*Washington, DC.*

DEAR REPRESENTATIVE MILLER: The Metropolitan Water District of Southern California is very pleased to support an increase in resources for the Bureau of Reclamation's local water supply development program under Title XVI, as authorized by Congress.

Metropolitan believes that local water supply projects and expansion of the Title XVI grant funding program are essential. This is especially the case as California continues to aggressively pursue comprehensive policy and infrastructure solutions to address the challenges of chronic drought and restricted water supply conditions throughout the state. The development of new and expanded local water supply projects is key to addressing these critically important water supply issues including projects such as the design, planning and construction of recycled water distribution systems, such as those included in H.R. 2442, which include regional and national benefits.

Your continued leadership and efforts on California's critically important water supply issues are greatly appreciated.

Sincerely,

JEFFREY KIGHTLINGER,  
*General Manager.*

OCTOBER 5, 2009.

Congressman GEORGE MILLER,  
*House of Representatives,*  
*Washington, DC.*

DEAR CONGRESSMAN MILLER: On behalf of the WaterReuse Association, a national association representing more than 180 public water agencies and 375 organizational members dedicated to the advancement of using limited water supplies efficiently and safely,

I am writing to express our deep concern over the recent House floor debate on water recycling legislation. Specifically, we are alarmed that the authorization of Title XVI water recycling projects whose purpose is to enhance the availability of a safe and reliable water supply to local communities, have become ensnared in the ongoing disputes surrounding restoration of the California Bay-Delta. We urge the House of Representatives to move expeditiously and debate and pass pending water recycling project legislation, including H.R. 2442. These projects will allow for a direct response to the impacts of the ongoing drought currently being experienced in California and other western states.

We appreciate that the drought has wreaked havoc on the lives of many residents throughout the arid West. Clearly, the events surrounding the operation of the federal and state water projects in California serve to spotlight the challenges created by the drought. We were encouraged by the recent commitment of Secretary of the Interior Salazar to increase efforts to put in place responses that will alleviate the impacts on the Bay Delta. However, we believe that a powerful tool exists to address water scarcity, namely water recycling projects that can create water supply in an environmentally protective and sustainable manner. With a small federal contribution, these projects have demonstrated that they can deliver water and reduce demand on limited water supplies. It is to no one's advantage to hold hostage the authorization of these kinds of projects because of disputes over the operation of federal water projects. Indeed, we believe it only serves to exacerbate the very problem all of us are seeking to resolve—to reduce the impacts of the drought and provide safe, reliable, and sustainable water supplies to our communities, industries, and agricultural interests.

Again, we are strongly supportive of timely consideration and passage of Title XVI water recycling project authorizations by the House of Representatives.

Sincerely,

G. WADE MILLER,  
*Executive Director,*  
*WaterReuse Association.*

OCTOBER 5, 2009.

Subject: Support for H.R. 2442, Bay Area Regional Water Recycling Program Expansion Act of 2009.

Hon. GEORGE MILLER,  
*House of Representatives,*  
*Washington, DC.*

DEAR CONGRESSMAN MILLER: On behalf of the Bay Area Recycled Water Coalition, a partnership of eleven public agencies committed to developing recycled water as a resource for over six million residents of the counties we serve in the San Francisco Bay area, I'm writing to thank you for introducing H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009.

As California continues to experience drought conditions, increased demand for water, and strain on the Delta ecosystem, alternative water supplies like those authorized in H.R. 2442 provide a long-term sustainable solution essential to California's economy. The six additional water recycling projects authorized in H.R. 2442 would provide in excess of 7 million gallons of drought-tolerant water per day. This will result in reduced demand from Bay Area communities on scarce fresh water from the Delta. These projects will also support over 3,500 direct, indirect and induced jobs.

The Bay Area Recycled Water Coalition members remain committed to our proven partnership with the Federal Government to provide a long-term sustainable solution to California's water challenges. We strongly support H.R. 2442, and look forward to continuing to work with you as we develop new water supplies for California.

Sincerely,

GARY W. DARLING,  
General Manager,  
Delta Diablo Sanitation District.

SOUTH BAY WATER RECYCLING,  
San José, CA, October 5, 2009.

Congressman GEORGE MILLER,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN MILLER: On behalf of the City of San José, I am writing to thank you for introducing H.R. 2442, your bill authorizing the use of federal funds to support additional water recycling projects in the San Francisco Bay area, and to lend our support to your efforts to have it reconsidered at the earliest appropriate opportunity.

The City of San José operates the largest urban nonpotable water recycling facility in northern California. Each year South Bay Water Recycling supplies nearly 600 Silicon Valley schools, parks, businesses and industries with over 10,000 acre-feet of high-quality recycled water, conserving drinking water that can be used for other purposes. Over the past 15 years we have invested over \$200 million in local funds in this system, and received more than \$30 million in Title XVI grants from the Bureau of Reclamation. Furthermore, as a founding member of the Bay Area Recycled Water Coalition (a partnership of eleven public agencies) San José is committed to assisting other communities in the Bay area to develop this important resource, and we encourage you to continue to fund and expand this important stimulus to local investment.

Recycled water is sustainable water, and the only new water available to help California and other western states deal with the combined pressures of drought and population that threaten to exhaust our existing supplies. We understand that much additional work needs to be done by Congress, by Interior Secretary Salazar and others to develop a comprehensive approach to supplying water to the western United States, including an integrated program to protect and restore the Bay-Delta system. However, in our opinion any sustainable solution will necessarily include intensive use of recycled water as the most reliable source of water currently available, including the nearly seven million gallons of water per day produced by the projects authorized in H.R. 2442.

Thank you again for your steadfast support for these important programs.

Sincerely,

JOHN STUFFLEBEAN,  
Director, Environmental Services,  
City of San José.

Mr. RADANOVICH. Mr. Speaker, I am opposed to the closed rule and passage of H.R. 2442, the Bay Area Regional Water Recycling Expansion Act of 2009. My opposition to H.R. 2442 is not due to the projects authorized in the legislation—they are meritorious projects, worthy of consideration by this body. However, the San Francisco Bay area is not the only area in California that needs additional water. Only 2 hours away from San Francisco, California's Central Valley is literally dying of dehydration and yet this Congress has ignored every plea for help from the people of the val-

ley and those of us who are fortunate enough to represent that region.

The San Joaquin Valley is the fruit-basket of the Nation, producing over half of the fruits and vegetables consumed in America. Ninety-nine percent of all almonds and walnuts are produced in the Central Valley, while over 90 percent of tomatoes, pistachios, plums and strawberries are produced in the State of California. However, without water for the farmers the whole Nation suffers. Without California's agriculture production, there is a significant national security risk—we would be forced to import foreign produce that does not meet the same quality and food safety standards that California produce does.

Because of radical environmentalists and the actions of Federal agencies based on unreliable and questionable science, the San Joaquin Valley is now suffering from a man-made drought. Hundreds of thousands of acre feet of water that was formerly delivered to the farmers in the Central Valley are being sent to the ocean in an attempt to protect a 3-inch minnow, the Delta Smelt. Ironically, while the restrictions on pumping are doing nothing to stop the declining numbers of Delta Smelt, they are significantly contributing to the declining number of farmers and jobs in the San Joaquin Valley. Farmers must come before fish.

I offered two amendments to this bill which would have assured that the urgent needs of the San Joaquin Valley are met, through the Two Gates project in the delta and temporarily waiving the Endangered Species Act to increase delta water deliveries for storage in the San Joaquin Valley. Neither of my amendments would have authorized the spending of taxpayer dollars. Once again the Democratic leadership in the House of Representatives denied these amendments, denying relief to the ravaged San Joaquin Valley.

Time and time again during this Congress my valley colleagues and I have offered bills and amendments to address the government created drought in the San Joaquin Valley and time and time again we have been denied the courtesy of a simple legislative hearing, let alone a markup or vote. After so many attempts to save California agriculture, I am left with no alternative but to believe that the Democrat leadership of this Congress, under direction from environmentalists, is bent on destroying the largest economic engine in California.

There is always a lot of talk about special interests controlling policy decisions in Congress, and I would be remiss not to say that the elite environmental community is one of the largest and currently most influential special interests around. They have worked very hard and spent a lot of money to ensure that a 3-inch fish has more rights than the farmers and farm workers in my district. To me, and any American with an ounce of common sense, that action is absolutely unconscionable, but apparently not to the majority of Congress.

The water crisis in California must be addressed in a holistic manner and while I am more than happy to sit down with my colleagues on the other side of the aisle to work on long term solutions to California's aged water infrastructure system, the people of the

valley need help now. Therefore, I am opposing this bill because it contains \$38 million worth of projects that benefit the San Francisco Bay area while denying projects that would not cost any taxpayer dollars and would benefit the distressed San Joaquin Valley.

Mr. Speaker, for these reasons I oppose both the rule and the passage of H.R. 2442 and urge my colleagues to join me.

Mr. CARDOZA. Mr. Speaker, I rise today in strong opposition to this rule.

We have heard a lot of debate this year about California's water crisis.

We are suffering from our third year of drought, and the situation has been compounded with a "regulatory drought" that has restricted our ability to deliver water even when it is available. Over 40,000 people are out of work, over 500,000 acres of some of the world's most productive farmland have been fallowed, farmworkers are now standing in food lines, people are losing their homes, and more importantly people are losing their hope, all because of a lack of water.

The Federal Government is in part responsible for the regulatory drought, and it is time for the Federal Government to take action to address this crisis.

I support this underlying bill, Mr. Speaker. But quite frankly, I am completely fed up with the lack of a response to our water crisis in the San Joaquin Valley.

My definition of "crisis" is a disaster that requires an immediate response. The fact is, there still is no immediate response—in fact there is hardly even any response. And it's high time that the Federal Government admits that not enough is being done to address the valley's water needs.

In fact, I have with me a list of 26 projects that the Federal Government can work with us on to relieve the pressure that the lack of water has created on the valley.

My friends and colleagues from the San Joaquin Valley, Mr. RADANOVICH and Mr. NUNES, offered amendments in Rules Committee last night but they were not made in order.

My folks need relief. They are suffering and can't wait any longer. And farmers in the valley have planting decisions to make in the near future. They simply can't go through another farm season not knowing if they will have any water.

Mr. RADANOVICH and Mr. NUNES deserve to have their amendments on the floor today. Their amendments would have ended this regulatory drought once and for all and provided much-needed relief to our farmers.

Because San Joaquin Valley farmers are prevented from getting the water they so desperately need, I urge all of my colleagues to oppose this rule.

#### ACTIONS AND PROJECTS TO ADDRESS CALIFORNIA'S WATER SUPPLY CRISIS

Reconsultation of FWS and NOAA Biological Opinions.

Undertake a National Academy of Sciences 6-month review of all the factors in the decline of the Delta.

2-Gate Fish Protection Demonstration Project—coordination and funding.

Delta Mendota Canal and California Aqueduct Intertie—coordination and funding.

Completion of a long-term, multi-year water transfer program.

Develop a program to coordinate schedules on North to South transfers.

Support permanent reform of intra county East-West transfers within the CVP.

Patterson Irrigation District Pumping Plant and Fish Screen.

Patterson Irrigation District Pipeline Project.

Diversify Level 2/Level IV Refuge Program.

Announce 2011 rescheduled water decision in the Spring, 2010.

Additional federal support for the Westside Water Use Efficiency and Conservation program.

Support the removal of restrictions under the Emergency Drought Relief Act which restrict funds to temporary projects.

Mendota Dam Replacement.

San Luis Drain Rehabilitation.

Allow the use of Whiskeytown Reservoir to be used to meet the water supply needs of the most impacted areas.

Work in collaboration with the state on the development of a long term Joint Point of Diversion program.

Friant-Kern and Madera Canals Capacity Correction.

Friant-Kern Canal Reverse Flow.

Pipeline Replacements in the San Luis Unit.

Westlands Water District Reclamation Project for drainage impacted areas and reclamation of poor groundwater.

West Stanislaus Irrigation District fish screen and pipeline.

Stockton East Water District intake structure and fish screen.

Merced Irrigation District New Exchequer Dam Spillway Modification Project.

Semitropic-Rosamond Water Bank Authority Antelope Valley Water Bank Initial Recharge and Recovery Facility Improvement Project.

Semitropic Water Storage District Pond-Poso Spreading and Recovery Facility.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009, which will provide Californians 2.6 billion gallons of water per year, enough to meet the needs of 24,225 households, and should create at least 3,600 jobs. It is a concrete example of the sustainable solutions we should be looking for to address drought and promote economic development.

I would like to thank Chairman RAHALL for his skill and leadership in shepherding this bill to the floor. I would also like to thank my colleague, Chairman MILLER, for skillfully crafting such an imaginative and workable solution to one of the critical challenges facing California and other western States.

Mr. Speaker, the Bay Area Regional Water Recycling Program Expansion Act authorizes federal assistance for six recycling projects that are estimated to create more than 8,000 acre-feet of water annually by 2010, and more than 14,000 acre-feet annually by 2025. Additionally, the legislation is crafted so that fresh water withdrawals from the Sacramento-San Joaquin Delta are limited and treated wastewater discharges into the San Francisco Bay or the Sacramento-San Joaquin Delta are reduced. The cost to the federal government to realize all these benefits is only 25 percent of the total cost of a project.

Finally, this legislation is endorsed by many local government and water management organizations, including the Association of Cali-

fornia Water Agencies, WaterReuse Association, Metropolitan Water District of Southern California, Central Contra Costa Sanitary District, Dublin San Ramon Services District, City of Mountain View, Redwood City, and the City of Palo Alto.

In conclusion, Mr. Speaker, I support this bill because it will create badly needed jobs while replenishing clean water supplies. This legislation is another example of how the new majority is making good on the promise to chart a new direction for our Nation. I want to thank Chairman MILLER again for his leadership in crafting this extraordinary legislation that has my full support.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 2442. I yield the remainder of my time.

Mr. GEORGE MILLER of California. I urge all of my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired. Pursuant to House Resolution 830, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. NUNES. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NUNES. In its current form, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. NUNES moves to recommit the bill H.R. 2442 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

#### SEC. 4. CENTRAL VALLEY PROJECT.

(a) NO RESTRICTION, REDUCTION, OR REALLOCATION OF WATER.—Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may not use discretion to restrict, reduce or reallocate any water stored in Central Valley Project Reservoirs or delivered pursuant to Central Valley Project contracts, including execution of said contracts facilitated by the W.C. “Bill” Jones Pumping Plant, to meet the requirements of the Endangered Species Act of 1973, unless such water is acquired or otherwise made available from a willing seller or lessor and the use is in compliance with the laws of the State of California, including but not limited to, permitting requirements.

(b) BIOLOGICAL OPINIONS.—For the 2 years immediately after the date of the enactment of this Act, complying with the reasonable and prudent alternatives or reasonable and prudent measures and the incidental take limits defined in the biological opinions that immediately preceded the biological opinions issued by on December 15, 2008, by the United States Fish and Wildlife Service on the effects of the Proposed Coordinated Operations of the Federal Central Valley Project and the California State Water

Project on the threatened delta smelt (*Hypomesus transpacificus*) and the biological opinion issued on June 4, 2009, by the United States National Marine Fisheries Service Biological Opinion on the Long-Term Central Valley Project and State Water Project Operations Criteria and Plan shall constitute compliance with all requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(c) APPLICABILITY.—This section applies only to those Federal agency and non-Federal actions related to the coordinated operations of the Central Valley Project and the California State Water Project.

#### POINT OF ORDER

Mr. GEORGE MILLER of California. Mr. Speaker, I raise a point of order that the motion to recommit contains a nongermane instruction in violation of clause 7 of rule XVI.

The SPEAKER pro tempore. The gentleman from California raises a point of order. Does any other Member wish to be heard on the point of order?

Mr. NUNES. Yes.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. NUNES. Mr. Speaker, the motion to recommit I have is pretty simple. In fact, what we have before us is legislation that is identical to legislation that this Congress passed in 2003 with overwhelming bipartisan support, so I would hope that you would make it germane.

The SPEAKER pro tempore. Are there any other Members that wish to speak?

Mr. GEORGE MILLER of California. Mr. Speaker, I insist upon my point of order. That action by the previous Congress does not make it germane to this legislation.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from California (Mr. GEORGE MILLER) makes a point of order that the amendment offered by the gentleman from California (Mr. NUNES) is not germane.

The bill, H.R. 2442, amends the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program. The bill authorizes six new water recycling partnerships and modifies two existing partnerships.

The amendment offered by the gentleman from California seeks to address water availability related to the Central Valley Project.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a “subject different from that under consideration shall be admitted under color of amendment.”

One of the central tenets of the germaneness rule is that an amendment should relate to the subject matter of the underlying measure.

The bill is confined to water recycling projects within a specific geographic area. The amendment addresses water availability related to the Central Valley Project. By addressing this topic, the amendment falls outside



the ambit of the underlying measure and is not germane.

The point of order is sustained.

Mr. NUNES. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

#### MOTION TO TABLE

Mr. GEORGE MILLER of California. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NUNES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on passage of the bill, if arising without further proceedings in recom-mittal.

The vote was taken by electronic device, and there were—yeas 237, nays 176, not voting 19, as follows:

[Roll No. 788]

#### YEAS—237

Abercrombie	Dingell	Kanjorski
Ackerman	Doggett	Kaptur
Adler (NJ)	Donnelly (IN)	Kennedy
Andrews	Doyle	Kildee
Arcuri	Driehaus	Kilpatrick (MI)
Baca	Edwards (MD)	Kilroy
Baird	Edwards (TX)	Kind
Baldwin	Ellison	Kirkpatrick (AZ)
Barrow	Ellsworth	Kissell
Bean	Engel	Klein (FL)
Becerra	Eshoo	Kosmas
Berkley	Etheridge	Kucinich
Berman	Farr	Langevin
Berry	Fattah	Larsen (WA)
Bishop (GA)	Filner	Larson (CT)
Bishop (NY)	Foster	Lee (CA)
Blumenauer	Frank (MA)	Levin
Bocchieri	Fudge	Lewis (GA)
Boucher	Giffords	Lipinski
Brady (PA)	Gonzalez	Loebsack
Braley (IA)	Gordon (TN)	Lowe
Bright	Grayson	Lujan
Brown, Corrine	Green, Al	Lynch
Butterfield	Green, Gene	Maffei
Capps	Grijalva	Maloney
Capuano	Gutierrez	Markey (CO)
Carnahan	Hall (NY)	Markey (MA)
Carson (IN)	Halvorson	Marshall
Castor (FL)	Hare	Massa
Chandler	Harman	Matheson
Chu	Hastings (FL)	Matsui
Clarke	Heinrich	McCarthy (NY)
Clay	Herseth Sandlin	McDermott
Cleaver	Higgins	McGovern
Clyburn	Hill	McIntyre
Cohen	Himes	McMahon
Connolly (VA)	Hinojosa	McNerney
Cooper	Costello	Meek (FL)
Costello	Courtney	Meeks (NY)
Courtney	Crowley	Michaud
Crowley	Cuellar	Miller (NC)
Cuellar	Cummings	Miller, George
Dahlkemper	Hoyer	Mitchell
Davis (AL)	Inslee	Moore (KS)
Davis (CA)	Israel	Moore (WI)
Davis (IL)	Jackson (IL)	Moran (VA)
Davis (TN)	Jackson-Lee	Murphy (CT)
DeGette	(TX)	Murphy (NY)
Delahunt	Johnson (GA)	Murphy, Patrick
DeLauro	Johnson, E. B.	Murtha
Dicks	Kagen	Nadler (NY)
		Napolitano

Neal (MA)  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger

Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Salazar  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak

#### NAYS—176

Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKerrey  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary

#### NOT VOTING—19

Carney  
Conyers  
Deal (GA)

Foxx  
Hall (TX)  
Linder  
Lofgren, Zoe

McCollum  
Melancon  
Mollohan  
Radanovich

Scalise  
Smith (WA)

□ 1628

Messrs. JORDAN of Ohio, FLAKE, OLSON, COLE, ROGERS of Alabama, COFFMAN of Colorado, MCCAUL, BOREN, GRIFFITH, CHILDERS, BROUN of Georgia, and GINGREY of Georgia changed their vote from “yea” to “nay.”

Mrs. NAPOLITANO, Messrs. BERRY, SCHAUER and GRIJALVA, Ms. SPEIER, and Mr. KUCINICH changed their vote from “nay” to “yea.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

Stated against:

Mr. FLEMING. Mr. Speaker, on rollcall No. 788, had I been present, I would have voted “nay.”

Ms. FOXX. Mr. Speaker, on rollcall No. 788, had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NUNES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 173, not voting 18, as follows:

[Roll No. 789]

#### YEAS—241

Abercrombie	Dahlkemper	Herseth Sandlin
Ackerman	Davis (AL)	Higgins
Adler (NJ)	Davis (CA)	Hill
Altmire	Davis (IL)	Himes
Andrews	Davis (TN)	Hinche
Baca	DeGette	Hinojosa
Baird	Delahunt	Hirono
Baldwin	DeLauro	Hodes
Barrow	Dicks	Holden
Bean	Dingell	Holt
Becerra	Doggett	Honda
Berkley	Donnelly (IN)	Hoyer
Berman	Doyle	Inslee
Berry	Driehaus	Israel
Bishop (GA)	Edwards (MD)	Jackson (IL)
Bishop (NY)	Edwards (TX)	Jackson-Lee
Blumenauer	Ehlers	(TX)
Bocchieri	Ellison	Johnson (GA)
Boucher	Ellsworth	Johnson (IL)
Brady (PA)	Engel	Johnson, E. B.
Braley (IA)	Eshoo	Kagen
Brown, Corrine	Etheridge	Kanjorski
Butterfield	Farr	Kaptur
Capps	Fattah	Kennedy
Capuano	Filner	Kildee
Carnahan	Foster	Kilpatrick (MI)
Carson (IN)	Frank (MA)	Kilroy
Castor (FL)	Fudge	Kind
Chaffetz	Giffords	Kirkpatrick (AZ)
Chandler	Gonzalez	Kissell
Chu	Gordon (TN)	Klein (FL)
Clarke	Grayson	Kosmas
Clay	Green, Al	Kratovil
Cleaver	Green, Gene	Kucinich
Clyburn	Griffith	Langevin
Cohen	Grijalva	Larsen (WA)
Connolly (VA)	Gutierrez	Larson (CT)
Cooper	Hall (NY)	Lee (CA)
Costello	Halvorson	Levin
Courtney	Hare	Lewis (GA)
Crowley	Harman	Lipinski
Cuellar	Hastings (FL)	Loebsack
Cummings	Heinrich	Lowe

Luján  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Michaud  
Miller (NC)  
Miller, George  
Mitchell  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires

## NAYS—173

Aderholt  
Akin  
Alexander  
Arcuri  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Biggert  
Blibray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Castle  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costa  
Crenshaw  
Culberson  
Davis (KY)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Skeltan  
Smith (NE)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Tanner

Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—18

Boswell  
Boyd  
Cao  
Carney  
Conyers  
Deal (GA)  
DeFazio  
Emerson  
Hall (TX)  
Harper  
Linder  
Lofgren, Zoe  
McCollum  
Melancon  
Mollohan  
Radanovich  
Scalise  
Smith (WA)

□ 1635

Mrs. BONO MACK changed her vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION—

Mr. CONYERS. Mr. Speaker, on October 15, 2009, I was unable to cast votes, due to personal reasons. I was not present for rollcall votes 788 and 789. Had I been present, I would have cast a “nay” vote on the motion to recommit H.R. 2442 and I would have voted “yea” on final passage of H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009.

## PERSONAL EXPLANATION—

Mr. BOYD. Mr. Speaker, due to personal reasons, I was unable to attend to votes this week. Had I been present, my votes would have been as follows: “Yea” on H. Res. 800; “yea” on H.R. 2892; “yea” on H.R. 2423; and “yea” on H.R. 2442.

## LEGISLATIVE PROGRAM

(Mr. MCCARTHY of California asked and was given permission to address the House for 1 minute.)

Mr. MCCARTHY of California. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, the House will not be in session. On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business, and on Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills, as is the custom, will be announced by the close of business tomorrow.

In addition, we will consider H.R. 3585, the Solar Technology and Roadmap Act of 2010, sponsored by GABRIELLE GIFFORDS, and H.R. 3619, the Coast Guard Authorization Act of 2010. In addition, we may consider Senate amendments to the House unemploy-

ment extension legislation, assuming that is passed by the Senate.

Mr. MCCARTHY of California. Reclaiming my time, I thank the majority leader for that information. And knowing from time to time we do this, in watching the colloquy that you do with our whip, Mr. CANTOR, I know last week you told him not to expect the health care bill on the floor until the last week in October at the earliest.

Do you still think this is the case, the last week of October?

Mr. HOYER. I certainly think it's the case not to expect it before the last week in October.

As I've indicated in the past, we intend to give 72 hours' notice of having the bill posted for the public and for Members prior to bringing it to the floor. We are still working to bring that bill to a point where CBO can give us a final score. We believe CBO is going to take probably a week to maybe a little longer than a week. So it certainly would not be before the last week in October, and it may well be the first week in November.

Mr. MCCARTHY of California. I thank the gentleman.

I just want to make sure I heard correctly. You will wait until the bill is scored and you will allow 72 hours for the public to also be able to view and read the bill; is that correct?

Mr. HOYER. We will wait 72 hours until after the bill is posted. Now, I don't think I said that that necessarily will be after the scoring. But essentially, we don't think we're going to post the bill until the scoring. If, however, for some reason there was somewhat of a delay in scoring but we had the majority of it and posted the bill, the 72 hours will run from the posting of the bill.

In addition, Mr. MCCARTHY, what I indicated last week, and we still will hold to, if there is a manager's amendment, as there may well be, we will also assure that there is 72 hours from the posting of the manager's amendment. Now, if the manager's amendment and the bill are posted at the same time, obviously that would be the same 72 hours. If, on the other hand, the manager's amendment is posted a day or so later, then the 72 hours would run from the posting of the manager's amendment.

It is our intent to make sure that everybody has 72 hours to review whatever legislation and/or amendments will be considered on the floor.

Mr. MCCARTHY of California. I thank the gentleman for that.

The only thing I would follow up to that and ask, knowing some of the behavior on some of the other bills and some of the concerns that people had of when they were posted—some posted at 3 o'clock in the morning when the Rules Committee filed when it came to Energy and Commerce and the cap-and-trade bill—when you count the 72



hours, would this be like business hours? Like, if it's late into the night, can we wait until the morning so people will have the ability to start the clock?

I yield to the gentleman.

Mr. HOYER. We're not going to do 72 business hours. We're going to do 72 hours. We're going to have the full 3 days if people want to read the bill. If they want to read it at night, they can do that. If they want to read it on Saturday or Sunday, they can do that.

But it was a good try.

Mr. MCCARTHY of California. I'll just ask the gentleman, knowing the size that this bill will be, one, to make sure that we have a scoring; two, the amount that the American public has been engaged in this process from the town hall meetings that many people have had and the knowledge of what they have in going forward and knowing the changes that have been talked about; but three, not from a Republican side or Democrat side, but truly, when I sat and listened to the town hall meetings, one of the frustrations they had with this House—I know people think process is wrong—is the transparency. And I applaud you for telling us the 72 hours. I would just ask the majority to be cognizant of what happens if you start the clock at 5 o'clock in the morning, you start the clock at 3 o'clock in the morning, the public has a real concern about that, and we would as well.

Mr. HOYER. Will the gentleman yield?

Mr. MCCARTHY of California. Gladly.

Mr. HOYER. I appreciate what the gentleman has said; however, the gentleman, I am sure understands, the overwhelming majority of this bill will have been on the Web site since July.

□ 1645

The overwhelming majority of this bill, it's going to be a new bill and will have a new number, but this has been probably the most transparent, reviewed bill in the 29 years that I have been in the House of Representatives, I will tell my friend. As you know, we've been working between the House and the Senate. I've had discussions with Mr. CANTOR and others on your side. We haven't reached any agreement, as the gentleman knows. I'm sorry about that. But I want to say in all honesty, I can't remember a bill in my 29 years in the House of Representatives that has had more review, more discussion, more people involved in town meetings around this country, more discussion in the media, and has been longer on the Internet for review from beginning to end than this particular piece of legislation.

So I think when we talk about transparency, this bill has probably been the most transparently considered bill that I have been involved in in my tenure here.

I thank the gentleman for yielding.

Mr. MCCARTHY of California. I thank the gentleman.

I do agree with the gentleman that the public has been very aware of this bill. The gentleman is saying that the majority of this bill is going to be the same as H.R. 3200, but you may change the number, and knowing that the public has—

Mr. HOYER. Will the gentleman yield?

Mr. MCCARTHY of California. I yield.

Mr. HOYER. I want to be accurate, and I want to characterize it as I did characterize it. Clearly, many of the proposals that came out of the Ways and Means Committee, the Energy and Commerce Committee and the Education and Labor Committee will be very much alike, or similar to, what will be in the bill that is put together from those three committees. I think that would not come as a surprise to anybody.

Will there be, as we put these together, some changes perhaps from what was in the original three bills? There may be. My point was, and I think it is valid, is that the overwhelming majority of the proposals that will ultimately end up either in the Senate or the House bill have been available to the public for a long period of time, either in the HELP bill out of the Health, Education, Labor and Pension Committee of the Senate, or in the Senate Finance Committee, of course, has been a shorter time because they have just completed their work. But it is certainly not going to be H.R. 3200; it will be an amalgam, and it will have incorporated many of the additional thoughts and comments that we've received from the public during the month of August, September and frankly since July.

I thank the gentleman for yielding.

Mr. MCCARTHY of California. I thank the gentleman.

The gentleman talks about the three committees, Ways and Means, the Energy and Commerce and the Education and Labor, and that bill that they took up was 3200. And you say there might be some other debate. Just to remind the gentleman, that bill didn't take effect, the actions within health care, until 2014, but the taxes and the Medicare cuts took effect next year. So I just want to stress the point that we have 72 hours in making sure, in business time, that people can see it.

The gentleman says it is going to change, and you have public out there, and the public has knowledge of H.R. 3200, that they can be able to see whatever changes. So very cognizant of not being someone running the clock late at night while people are sleeping, I understand time difference. I come from California. But the most open transparency we could would really be one that would bring respect back to this House.

I thank the gentleman for talking about that.

I do have another thing I would like to talk to the gentleman about. You always hear rumors. That's what's nice to have this colloquy, to try to make sure we get them, if they are right or if they are wrong. I have heard rumors during the week of a plan to attach that D.C. voting bill that we all know about to the Department of Defense appropriation conference report. That would be of concern to me because it would be showing a propensity to use our men and women in uniform to carry controversial legislation, much like a debate we had last week. So my question to you is, when do you expect this conference report to come to the floor?

And the second part would be, will it include the D.C. voting bill as rumored?

I yield to the gentleman.

Mr. HOYER. I can't tell you when it will come to the floor. As you know, the Senate just passed it recently, the latter part of last week or the beginning of this week, I think, and we have not appointed conferees. So I can't give you the answer, really, to either question, because we don't have conferees appointed as it relates to the D.C. bill, as you know.

We have talked about the Defense bill. We have an Armed Forces. The Armed Forces is dedicated to the defense of freedom and the preservation of democracy. We have lost over 4,500 troops in Iraq. The people of Baghdad can elect members of their parliament today because our young men and women, and some not so young, fought, and too many died so that the people of Baghdad could elect a voting member of their parliament.

It is somewhat ironic that in the symbol of democracy around the world, that our fellow citizens, some 600,000 of them, don't have a voting representative in their parliament, the House of Representatives, the people's House. I think that's an egregious undermining of the principles for which our men and women fight, for which we stand and to which we have pledged support of our Constitution. Now whether or not that will be included in the Defense bill, it is about democracy. It is about participation. It is about respect.

I will tell my friend, I don't know whether that's going to be. I've heard some discussion about that myself. But whether it is or not, I will tell my friend that I will continue to fight as hard as I can to try to figure out how I can bring that bill to the floor, get it to a vote, and give the people of the District of Columbia, our fellow citizens, the right to vote as the citizens in Baghdad can do, the citizens in Moscow can do, the citizens in every free country in the world except the United States of America, can do. I think that's a blot on our democracy. I would

hope that we would erase that blot as soon as we can in any way that we can.

I yield back to the gentleman and thank him for yielding.

Mr. MCCARTHY of California. I thank the gentleman for his passion and the answer, but should I take it that that is still a possibility, then?

Mr. HOYER. Most things are possible.

Mr. MCCARTHY of California. One thing I would offer to the gentleman, the passion which you started speaking when you talked about the troops, I will never question your passion for the troops. I haven't been in this House long. This is my third year. When I come into this building, I still get goose bumps. I know we have our philosophical differences. I think they are constructive. I think debates are constructive. But the one thing I firmly believe, when we talk about the Department of Defense, when we talk about the fact that we have men and women in harm's way, we should never play politics with it.

I will make this pledge to you. When you talk Department of Defense and you talk about funding supplementals and others, I won't come here as a Republican. I will come here as an American. And the more ability that we have to not put anything within that, I would guarantee you, you would have a much greater ability to work together to make sure our men and women have whatever they need to carry out whatever mission.

Mr. HOYER. Will my friend yield?

Mr. MCCARTHY of California. Gladly.

Mr. HOYER. I appreciate that representation. I pose a question to my friend.

Would he help me bring the District of Columbia bill to the floor as a clean bill on the question of whether the citizens of the District of Columbia's representative ought to be able to vote as every one of us can on this floor?

Mr. MCCARTHY of California. If the gentleman from across the way in the majority would ever let me have the gavel, I will guarantee you, I could bring a lot of bills to the floor.

Mr. HOYER. That was not an answer to my question, I respectfully suggest to you. It was a serious question.

The reason the hate crime bill was on the armed services bill, which it shouldn't have been, it was because we couldn't get 60 votes to bring it up on the floor, notwithstanding the fact that the majority of the Senate and the majority of the House supported that bill.

The gentleman talks, very persuasively in my view, about bringing up bills in the proper order. The problem is, very frankly, we don't have the Interior bill this week and we don't have some other bills because frankly we can't get 60 votes to consider them on the floor of the United States Senate. I

think that is lamentable. It's also unfortunate.

Mr. MCCARTHY of California. I would add to the gentleman, I know you know numbers. You got elected majority leader. You have more than 218. There's 178 on this side. You have the power I never had when we were here to schedule this floor at any time. You have the power to schedule this floor. You have the power to move forward. When I asked you about at the very beginning as we talk about our troops, let's make sure we have a very clean bill is the desire on this side of the aisle.

Mr. HOYER. Again, if you will yield, what I was responding to is your observation about a clean bill. My response was, would the gentleman work with me to perhaps get both of our sides to vote on a rule that provides for a clean consideration of whether or not the representative of 600,000 of our fellow citizens who live in the capital of the United States of America, the symbol of democracy throughout the world, but who do not have a voting representative, would my friend help me do that? Because I haven't been able to do it. With all that power you think I have and with the gavel that you think we have, we haven't been able to that.

Would you help me do that?

Mr. MCCARTHY of California. To the gentleman, I will always help you work because you explain to me each and every day, and you show us each and every day from the committee to the bill we took up today on the floor when it came up about water. You have the power of the Rules Committee. If you can guarantee me that it's an open rule when it comes to the floor and has open debate, the idea that the Founding Fathers, the idea that the dome of this Capitol, it's the second dome, when did they start building it? During the Civil War, not even knowing if this country would come together. But the idea that the power of this floor, that the idea would be able to work—

Mr. HOYER. Do you know who helped build this dome? Slaves. We thought that was wrong.

Mr. MCCARTHY of California. The only person who could actually put the very top together was a slave, because we bought it from the French, and they wanted more money to put the directions together. A slave sat inside and put that monument together. And that's what this body was built on.

I yield to the gentleman.

Mr. HOYER. My comment is a very simple question, and you wanted to have an open rule.

Mr. MCCARTHY of California. I want an open rule. Is that unfair? We just talked about transparency, sir.

Mr. HOYER. I'm talking about the Defense bill and your concern about D.C. vote being added to the Defense bill. My retort to you, because you wanted the Defense bill clean to deal

just with the subject matter of defense. That's as I took your question. My response to you was, I think that's a good point.

Would you help me, then, do the same for the D.C. bill, which also stands for democracy, clean, not obstructed by issues which are obviously very controversial, which are not consistent with considering simply the very simple, straightforward question, do the 600,000 citizens of the District of Columbia, American citizens, our neighbors, have the right as our citizens have, of having us have a vote that counts on the floor of the House of Representatives? That's all I was responding to.

Mr. MCCARTHY of California. And I was telling you, I will be more than glad to help you as long as it is a clean bill, that you have an open rule, the way the American public believes this floor is supposed to be run, that people could have power of the idea, could actually raise an issue and raise a debate.

I thank the gentleman for the colloquy. But the one thing I would like to lead in with is the last couple of questions. This week the House overwhelmingly voted for the BARNEY FRANK-authored Iran Sanctions Enabling Act. I know you put out a press release about the strong message to Tehran that unless it abides by its international norms, its economic isolation will continue. On the same day we passed the Frank bill, news reports from Moscow indicated that Russia has no stomach for further sanctions against Iran.

Given your praise for the Frank bill and the fact that Russia feels unwilling to go along with new sanctions, is it your intention not to consider Chairman HOWARD BERMAN's Iran sanctions bill this year?

Mr. HOYER. I expect to consider it. The chairman has announced that he expects to consider that, not next week but the week after. I have told the chairman, as I told Mr. CANTOR last week, that I expect to bring it to the floor shortly after it's passed out of committee.

Mr. MCCARTHY of California. So should I assume by the end of October, or am I missing something?

Mr. HOYER. He says not next week but the week after. And whenever he passes it, I will bring it out shortly thereafter. So it could either be the last of October or the very first few days of November. So in 2 or 3 weeks at the outside.

Mr. MCCARTHY of California. Let me make sure I hear you correctly. The committee says, the chairman, it will pass out within the next 2 weeks approximately. And your pledge to the committee chairman was to bring it to the floor directly afterwards within that week?

I yield.

□ 1700

Mr. HOYER. I don't know whether I made a pledge. I am very much for this. I am a cosponsor of that. I want to pass it as soon as possible.

It's been the chairman's judgment as to when to bring it up. He is going to bring it up, and I am going to bring it as soon thereafter as is practical, which I suspect to be a matter of days. But if he passes it on Thursday and if we are not scheduled to be here on a Friday, I don't know that I will schedule Friday; we may pass it Tuesday, but I expect to pass it very shortly after it passes out of committee.

Mr. MCCARTHY of California. I will make this pledge: I know you asked me for help. I will help you with this bill, too.

Mr. HOYER. This bill, frankly, with all due respect, your help would be nice, but not needed. It's the other bill I need your help on.

Mr. MCCARTHY of California. Well, I thought that I would put that offer out there to you. When you bring it, I will be there to help you.

I thank the gentleman for his time.

#### —

#### HOOR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow; and, further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, October 20, 2009, for morning-hour debate.

The SPEAKER pro tempore (Mr. KRATOVL). Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### —

#### HANDS ON MIAMI'S MIAMI DAY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to recognize the outstanding organization, Hands on Miami, for continuing to make south Florida a better place.

Hands on Miami is a unique community service organization created in 1993 that offers opportunities for all to become involved. This year, Hands on Miami will host Miami Day in conjunction with Miami-Dade College on November 7.

Since 1995, Hands on Miami has brought together residents from all over to improve our neighborhoods. It started with 800 volunteers and is now over 4,000 volunteers. They have partnered with United Way, schools and businesses. Ten years ago, Hands on Miami began the innovative Family Volunteer Program to encourage families to participate together in community service events.

As a wife and a mother, I know what a positive impact this effort can have by instilling the values of service at a young age. Let's all sign up for Hands on Miami on Saturday, November 7.

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#### IMPROVE HEALTH CARE AFFORDABILITY, ACCESS, QUALITY AND CHOICE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, we must improve health care affordability, access, quality and choice. We must not, however, pass a sweeping government takeover of health care.

We should just fix what is broken. Medical liability and defensive medicine costs are broken.

Mr. Speaker, we need tort reform. The economic and professional consequences of medical liability lawsuits are driving the practice of defensive medicine.

Here are the facts: medical liability premiums in the United States have reached \$26 billion a year. The average award is \$4.7 million. More than 93 percent of Pennsylvania physicians reported engaging in defensive medicine.

I have cosponsored H.R. 3400, the Empowering Patients First Act, that provides tort reform. There will be no limit to actual economic damages to the patient. There would be a limitation on punitive damages, and they would be determined by a special health care panel that would have judges with health care expertise.

I urge my colleagues to support H.R. 3400 for a first step towards real health care reform.

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#### RECOGNIZING THE MINNESOTA NATIONAL GUARD HONOR GUARD TEAM ON THEIR VICTORY

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, I rise today to recognize the Minnesota National Guard Honor Guard team for their victory at the Army's recent National Guard Honor Guard competition in Fort Myer, Virginia.

The competition featured eight of the most elite honor guard teams from around the country, testing their knowledge, testing their abilities and performing military funeral honors, uniform items and other aspects of military honors. Properly honoring the men and women who have given their lives and service to the United States demands the utmost commitment, attention to detail, and training.

The Minnesota National Guard holds that commitment in the highest regard, and their victory in this competition is a testimony to that fact. But as

we offer our congratulations to the Minnesota honor guard team, let us also remember those who have given their lives in the name of the United States of America and continue today to recognize those that also work and serve to protect our country each and every day.

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#### WE CAN'T BORROW, TAX, AND SPEND TO PROSPERITY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, more Americans are looking for jobs, families are in crisis and facing the tragedy of foreclosure.

Yet in Washington, Democrats continue to push their out-of-touch agenda, which will eliminate jobs and tax families and small businesses. Under the Democrat national energy tax, prices will skyrocket to heat and cool homes, drive cars and shop for food.

Under the Democrat Big Government health care takeover, senior citizens are under attack. Families and small businesses will pay more taxes as they are forced to navigate a sea of new regulations and mandates from a health czar.

In the meantime, Democrats are scheming new ways to borrow taxpayer dollars to top this year's record \$1.4 trillion deficit. Such actions will only increase the catastrophe of high unemployment.

We need to end this attack on senior citizens and small businesses. Both parties should work helping our small businesses get families back to work.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

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#### U.N. HUMAN RIGHTS COUNCIL ONCE AGAIN POISED TO UNJUSTLY CONDEMN ISRAEL

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, this week the U.N. Human Rights Council is considering a highly biased and one-sided report on Israel's defense against the attacks of Hamas this past January.

The council, which has been frequently discredited by its coddling of real human rights violators, is back to its favorite pastime, condemning the nation of Israel for defending itself against the attacks of violent terrorist groups like Hamas. Its latest faux crusade will only serve to further undermine any scrap of legitimacy that the body may have left.

If the council votes to condemn Israel and accuse it of war crimes, it's committing a great injustice and allowing itself to serve as a mouthpiece for those who wish to sabotage a true and lasting peace in Israel.

This report is not about human rights abuses. It's about taking biased cheap shots at the nation of Israel and undermining its right as a sovereign nation to defend itself against attacks. The U.S. must continue to stand by Israel, a strong democratic ally in the Middle East.

#### LET'S GET TO THE WORK OF THE PEOPLE

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, earlier this afternoon we heard the chairman of the Education Committee really fiery and passionate, fussing, looking over at this side talking about Republicans playing politics and how this side over here had been playing politics with the water bill. There is nothing in playing politics when you are talking about tens of thousands of people being out of work and an important part of the country not being able to produce.

What would be playing politics is when the chairman of the committee finds out that someone opposing the water bill from California has a motion to recognize the University of California, Irvine, for winning the NCAA national championship in men's volleyball and pulls the bill because he opposes the chairman's bill. My friends, that's playing politics, and it is outrageous.

Let's stop the games and get to the work of the people.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### AIG'S EXECUTIVE BONUSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I rise today to express my deep outrage over AIG's plans to give \$198 million in bonuses to their employees next March, especially after paying out \$165 million in bonuses earlier this year. Meanwhile, Goldman Sachs is on track to provide a record payout to its executives by the end of 2009 and other firms will undoubtedly follow suit.

Well, I find it infuriating and insulting that these firms continue to reward incompetence and egregious risk-taking with taxpayer money. They have not only received billions in direct Federal bailouts to avert crises largely of their own making, but they also benefited from an array of Federal fiscal policies that have placed increased burdens on taxpayers and our deficit.

These companies must be held accountable for their decisions and for the Federal assistance they only too gladly accepted. That's why I supported legislation to block these bonuses and to ensure that taxpayers receive a full refund. I will continue to press my colleagues and the administration to ensure that as Wall Street again enjoys profitability, American taxpayers also see some reward.

I want to commend Chairman FRANK and the Financial Services Committee for their hard work on the financial regulatory overhaul that is so critically needed in our country to prevent another crisis from happening. I anxiously look forward to seeing this legislation come to the floor very soon. It's clear that our financial system demands commonsense regulation, increased transparency, and improved oversight.

Wall Street CEOs cannot run their businesses assuming that the fruits of success will be entirely theirs to enjoy while the cost of failure will be shared, will be the shared responsibility of the American people. Wall Street's compensation plans can no longer benefit top executives at the expense of their companies, shareholders and employees, and ultimately the American taxpayer.

After all this country has been through, when we have an unemployment rate of 9.8 percent nationally, and especially when 12.8 percent of Rhode Islanders are unemployed, seeing that Wall Street has not learned its lesson is a tremendous disappointment. We have to take action now so that we don't go down this road again.

#### HAITIAN PEOPLE PURSUE STABLE, PROSPEROUS AND DEMOCRATIC FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to express my longstanding commitment to assist the Haitian people in their pursuit of a stable, prosperous and democratic future.

During my trip to Haiti, I was reminded of the tremendous challenges facing this island nation. The U.N.'s appointment of President Clinton as special envoy to Haiti has helped to keep a much-needed spotlight on Haiti. President Clinton's appointment of Dr. Paul Farmer as the Deputy U.N. Special Envoy for Haiti, adds an invaluable wealth of experience and knowledge to the U.N.'s work in Haiti.

As a founder of Partners in Health and the Institute for Justice & Democracy in Haiti, Dr. Farmer has demonstrated a selfless commitment to the advancement of health and democracy in Haiti for the past 20 years. I have witnessed firsthand Dr. Farmer's dedi-

cation to helping improve the lives of those in need.

He has strong south Florida ties. I am proud to call him a friend, along with our mutual friend, Jennie Block, who has also worked so hard on issues of concern to the Haitian community.

I understand that the conference on the Inter-American Development Bank in Haiti went quite well. I was pleased to see that the United Nations voted unanimously this week to extend the authorization for the U.N. Mission in Haiti for another year.

□ 1715

I would also like to take a moment to express my condolences to the families of those who lost their lives in last weekend's plane crash during a U.N. mission. The U.N. mission in Haiti has helped to play an important role in bringing security and stability to some of the most dangerous neighborhoods in Haiti. I continue to support its mission and the many men and women from around the world who work to carry it out.

However, it seems that Haiti just can't get to the next step. From assistance to debt relief, from trade benefits to hurricane recovery, U.S. policy toward Haiti has run the gamut, but it is not achieving the long-term goals that we had hoped for for the Haitian people and that the Haitian people want for themselves and their nation.

I am pleased to know that our State Department is taking a closer look at some of the challenges we are facing in Haiti. Last week, Secretary Clinton's chief of staff and her point person on Haiti briefed Members on some of the initial findings of this review.

I am confident that this review will help us to better understand how U.S. assistance to Haiti can be better targeted and supportive of Haiti's own plans and goals; how assistance within the donor community can be better coordinated; how the U.S. can better engage the Haitian Diaspora in our assistance efforts; and, finally, how the U.S. can finally make our assistance sustainable so that outside efforts can ultimately be transferred into the hands of the Haitian government and its people.

It is crucial that the efforts made by the U.S., the U.N. and others are effectively coordinated to ensure maximum efficiency and maximum benefit for the people of Haiti. Innovative microcredit and microenterprise programs would help to empower individuals, create self-reliance and create sustainability at the grassroots level. We should also look at the very small-scale renewable energy programs for impoverished rural villages and settlements that are not served by electric grids.

One of the immediate ways we can help the people of Haiti would be to grant temporary protected status to the Haitians currently living in the

U.S. Granting TPS to Haitians is the missing piece of a successful U.S. approach to supporting the people of Haiti in the short and long term. I will continue to work with my colleagues to encourage the administration to take this important step.

In addition, I will continue to support Haiti's inclusion in security initiatives, such as the Merida Initiative, to ensure that the U.S. is doing all we can to help President Preval in his efforts against the narcotraffickers.

Success in Haiti is in the U.S. national security interest, and we must work together to help address the many challenges we face and that our Caribbean neighbor faces day in and day out.

#### PURSUIT OF AFFORDABLE HEALTH CARE FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

Mr. WEINER. Mr. Speaker, it is my pleasure again to come to the floor to talk about the issue that is capturing all of the national attention and a lot of attention of this body, and that is our pursuit of affordable health care for all Americans.

There has been a lot of discussion about this so-called public option, this choice people would have when they are searching for insurance when they don't have it, the idea being that if you have a public alternative, an option that doesn't rely on profits, that doesn't rely on high overhead, that consumers would have a chance to choose it if they don't have insurance through their own employers.

Now, it is interesting, because just this week we got an enormous boost, those of us who care about having a public option in the final bill, and it came from, of all places, the health insurance lobby. In a rare moment of candor, in a rare moment of telling us exactly what it is that they are going to do, they have told us something that should come as no surprise to anyone that has health insurance. They said they are going to keep raising rates. They said we can pass whatever we want here in Washington, they are going to keep raising rates. As a matter of fact, by their calculation, by 111 percent.

Well, on one hand, I am stunned that they told the truth. On the other hand, I am not very surprised. Our rates have been going up twice if not three times the rate of our salaries every year. They have been going up about \$1,000 for people who have health insurance. So the idea that they are thumping their chest and saying they are going to keep doing it is not a surprise. But the fact that they were so honest about making it very clear that we need com-

petition for the health insurance companies is refreshing.

They have made it crystal clear. The private insurance companies have said, you know what? If you don't have competition for us, rates are going to keep going up.

The public option, by the way, is not a mysterious thing. A lot of my colleagues here in the House of Representatives have it. Yes. They have Medicare. And I checked. Not a single one of them that is eligible for the government public plan we have today has said no. Maybe it is because they are like the country, that says, you know what? Ninety-six percent of people say they like Medicare. They like the care they get. It only has 3.5 percent overhead, not the 30 percent overhead and profits that private insurance companies get.

They like it, but they don't want you to have it. They don't want you to have the plan that they have. So many Members of Congress who are 65 say, no, you can't have it if you are 55 or 45 or 35. It is only for us.

Well, that is not exactly true. It is for every single American who turns 65. It is a government-funded, single-payer, government-administered health care plan that every year we do a survey about, and 96 percent of people who are on Medicare say they like it.

You can do the following test: Knock on the door or go to a neighbor or stop someone at the diner who looks like they are 55. Ask them, would you like it if tomorrow you got Medicare? Watch their face light up. They would love it.

Now, we are not proposing that. The President is not proposing that. I know I would like to have a program like Medicare for all Americans. All that is being proposed in the public option is that people who don't have insurance through their work, people that don't have insurance through Medicare or Medicaid, that relatively small group of people, the 10 percent or so of the country, that when they go out and shop for insurance with the subsidies we are going to give them, one of the options is not the insurance companies that said in this report they are going to raise rates 111 percent. That is it. That is what the big bogeyman is all about.

Let me show you this chart here to give you a sense for how un frightening that concept would be. This is the \$2.6 trillion of money we spend every year on health care. \$2.6 trillion. I ask my colleagues, do you think we can do a little better for \$2.6 trillion. We are getting such a great bargain?

Well, let's take a look at this. These boxes here, Medicare, Medicaid, DOD, Veterans Affairs and Department of Health Services, are all single-payer, government-funded, government-administered health care plans. And

every day I hear my Republican friends thumping their chest, you gotta protect the VA, you gotta protect Medicare.

Oh, yeah? But you don't want to extend it to the rest of the country. Why is that? What is the big fear? The fear is, they are in a wholly owned subsidiary of this group right here. This is the private insurance companies, the ones that wrote this report that says that rates are going to go up 111 percent.

Now, in this \$854 billion, do you know how much of that is profits and overhead? Take a guess. Up to 30 percent. And what some of us are saying is, if you want to find savings in the system, and you don't want to cut into health care, maybe it is a place to start. Can you do maybe with 10 percent? 12 percent? 15 percent? Up to 30 percent. That is savings that we can get right there. But we are trying to get savings using a free market model. Competition. Let's see if there is someone that can do it more efficiently than 30 percent overhead.

We know, for example, Medicare can do it with about 3.5 percent overhead. That is the public option, and my colleagues don't want them to have what they have, which is government-funded health care.

#### TRIBUTE TO PAUL BURKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, Hollywood has lost another star with the passing of Paul Burke at the age of 83. Paul Burke was best known for the role he played of Colonel Joe Gallagher in the TV series "Twelve O'Clock High." He was also known for winning two Emmy nominations for his role as Detective Adam Flint on the critically acclaimed New York cop drama "The Naked City."

Paul was born on July 21st, 1926, in New Orleans, son of prizefighter Martin Burke, who became a promoter and nightclub owner. While growing up, Burke's family owned the popular French Quarter nightclub and restaurant Marty Burke's.

After moving to Hollywood as a young man in the late 1940s, Burke studied acting at the Pasadena Playhouse for 2 years. Movie director Lloyd Bacon, a friend of Burke's father, got him his first role, an unaccredited bit part in the 1951 Betty Grable musical "Call Me Mister."

In addition to his wife of 30 years, Burke is survived by his three children from his first marriage, Paula Burke-Lopez, Paul Brian Burke, and Dina Burke-Shawkat; six grandchildren; and two great-grandchildren.

The Hollywood community, his family, friends and colleagues will miss

him and his contributions to the entertainment industry.

#### CONGRATULATING THE NEW YORK YANKEES ON THEIR VICTORY OVER THE MINNESOTA TWINS

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, as the proud Representative who represents the district of the Minnesota Twins, I made an arrangement with my good friend JOE SERRANO about the outcome of the Minnesota Twins-Yankees series, and on October 11th, the New York Yankees defeated my beloved Minnesota Twins in the American League Division Series.

Before I begin, I made the agreement with Representative SERRANO with full expectation that the Twins would prevail. But that didn't happen. So keeping my word, I just want to come to, quote-unquote, sing the praises of the Yankees. And, let me tell you, it is not going to be easy.

Ten times the Yankees and the Twins met this year, and ten times the Yankees were victorious. They were undoubtedly the better ball club this year, and I am sure that in the coming weeks, Joe Girardi will fulfill the promise he made when he picked his uniform number to bring the 27th championship to the Bronx.

Good luck to the Yankees. Congratulations. Your victory is further testimony to why you are the most storied baseball franchise in Major League Baseball.

#### HONORING THE LIFE AND SERVICE OF SERGEANT MICKEY HUTCHENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, it is with great sadness that I rise to remember the life and service of Sergeant Mickey Hutchens, a Winston-Salem police officer who passed away on Monday surrounded by friends and family at Wake Forest Baptist Medical Center.

Sergeant Hutchens is a North Carolina hero. He gave his life protecting the public from a dangerous criminal. Sergeant Hutchens was shot last week while pursuing an armed criminal in Winston-Salem. With his passing, the Winston-Salem community grieves the loss of one of its finest.

He faithfully served on the police force for 27 years, putting his life on the line each day that he showed up for work. We owe him and his family a deep debt of gratitude for the ultimate sacrifice that Sergeant Hutchens made for the public safety.

Police officers and public safety workers like him are the key to safe communities that are often taken for

granted. Great tragedies, like Sergeant Hutchens' death, serve to remind us of the heroic work done each day by officers like him.

Sergeant Hutchens was more than just a faithful public servant. He was well-known as a man of impeccable character who was committed to maintaining his integrity at all costs. He was just the type of person you would want wearing the uniform of a police officer.

He lived a life dedicated not to just keeping his community safe, but also to his family and his church. He was a loving and dedicated father of two daughters, Jill and Leah, and a faithful, loving husband to his wife Beth. He was often found serving in his role as a deacon at Forbush Baptist Church.

Sergeant Hutchens left a noble legacy in his community. He lived to serve and protect others. His life is a true inspiration, and I pray that his death reminds us of the bravery and sacrifice of those keeping our streets safe each day.

Today, his family, friends and colleagues are in my thoughts and prayers as they mourn the loss of a husband, father, brother, friend, fellow officer and a North Carolina hero. May they know God's comfort during this difficult time.

□ 1730

#### HONORING THE HUMANITARIAN SERVICE OF ANN GLOAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, a leading Scottish businesswoman and board member of the global charity Mercy Ships, Ann Gloag is being honored by the National Council of Women of the United States this evening at the United Nations as the inaugural recipient of the Susan B. Anthony Humanitarian Award in recognition of her humanitarian service in Africa.

The reason someone from east Texas would take note of this philanthropic humanitarian from Scotland is because she has done so much for Mercy Ships. It may surprise some that such an oceangoing charitable enterprise would have an international headquarters in my east Texas district, but it does, due to its founders.

Mercy Ships uses hospital ships to deliver free, world class health services to those without access in the developing world. Founded in 1978 by Don and Deyon Stephens, Mercy Ships has worked in more than 70 countries, providing life-saving and life-enhancing services to more than 2.16 million direct beneficiaries.

More than 1,200 crew work worldwide, representing more than 40 nations. They're joined each year by 2,000 short-

term volunteers. Professionals, including surgeons, dentists, nurses, health care trainers, teachers, cooks, seamen, engineers, and agriculturists donate their time and skill to that effort. I've seen the results of the enormous charitable work this institution does, and it is gloriously moving.

As for the devoted Ms. Gloag, she has supported various charitable organizations, providing much needed medical care, housing, and education in Africa for over 30 years. In addition to establishing the Balcraig Foundation, the Gloag Foundation, and the Freedom from Fistula Foundation, Ms. Gloag has worked with Mercy Ships, including the funding of the Africa Mercy Ship, the world's largest nongovernmental hospital ship providing free medical and humanitarian aid to the people of Africa.

Through partnerships in Liberia, Sierra Leone, and Kenya, the Freedom from Fistula Foundation alone is providing free surgeries to more than 1,500 women this year. In her home of Scotland, Ms. Gloag has already been honored for her work with Mercy Ships and has worked with the Scottish Government to promote its international development work in Malawi, where Ms. Gloag has also helped to establish a hospital.

Named for the American civil rights activist who helped form the National Council of Women of the United States, the Susan B. Anthony Humanitarian Award will be conferred annually on individuals dedicated to making a difference in people's lives, communities, or state of the world.

Don Stephens, founder and president of Mercy Ships, comments, "Mercy Ships champions the selection of Scotland's Ann Gloag as the inaugural recipient of the Susan B. Anthony Humanitarian Award by the National Council of Women of the United States. Ann exemplifies a modern example of Andrew Carnegie, J.P. Morgan, and John D. Rockefeller, who almost delighted to use their wealth to assist the world's poorest. On board our new hospital ship Africa Mercy, I have personally observed Ann demonstrating her compassion for others at the bedsides of women and children who received a free surgery on the ship that she helped fund. In parts of Africa, health care infrastructure and delivery is nonexistent. Ann enabled Mercy Ships to bring hope and healing where it is otherwise often not available. Ann has found a powerful way to share her blessings."

We must congratulate Ms. Gloag for caring so deeply and acting so generously, responsibly, and personally to make such a difference in the world. May God bless Ann Gloag as she has so richly blessed others around the world.

TRIBUTE TO SERGEANT JOSHUA  
M. HARDT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCCLINTOCK) is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, I rise today to pay tribute to U.S. Army Sergeant Joshua M. Hardt of Applegate, California. He's one of the fallen heroes of the Battle of Kamdesh, that remote outpost that was besieged and surrounded and hopelessly outnumbered by more than 300 Taliban insurgents on October 3.

No soldiers in the history of our Nation have fought more valiantly or bravely than the defenders of Combat Outpost Keating on that day. In the end, they held their ground, they defended their flag and the honor of their country. But most importantly, they defended something that is fundamental and sacred and eternal, that defines humanity itself. They defended something that can never be abandoned as long as humanity exists. They defended right against wrong, good against evil, freedom against tyranny in its most stark and defining form.

During the terrible winter of 1776, Thomas Paine, having watched many brave young men like Josh Hardt fall in defense of these same eternal truths, offered these words to try to make some sense of it. He said, "Heaven knows how to put a proper price upon its goods; and it would be strange indeed if so celestial an article as freedom should not be highly rated."

Joshua Hardt knew that, and his family knew that. Through her tears, his mother told a local newspaper, "He was a very giving son. He went into the Army wanting to make a difference . . . wanting us to be safe . . . He expressed his desire to do more, to take more action, and to make a difference. He didn't know a better way than to go into the military and to fight for everybody."

And that's exactly what he did. He fought for his Nation, he fought for his Nation's values, and he fought for the freedom of a people half a world away. And he paid for heaven's most expensive celestial article with his life, not for himself but for others.

I attended a Gold Star dinner recently, and I admitted to one the hosts that I still don't know what to say to the families. She said, well, just ask them about their sons.

So let me tell you a little bit about Josh Hardt. He was 24 years old. He's remembered at Placer High School as an extraordinary athlete. He did his school so proud on the football field that they retired his helmet when he graduated. He was one of those big, hulking kids who stand up for whoever's being picked on.

I spoke with his wife and with his mother today and they both told me exactly the same thing: that he was

first and foremost a family man, willing to do anything for his family and for his friends and for his country.

He joined the Army just 3 years ago. He'd already risen to the rank of sergeant and carried a chest of ribbons, including the Bronze Star. Perhaps the most eloquent testimonies to his service are the remembrances from younger soldiers that he'd taken under his wing to help. In fact, that was his next assignment, to come back to the States and help his returning comrades.

His football coach, Mark Sabins, remembered seeing him back home last year after the first tour of duty in Iraq and tells how excited he was to be marrying a remarkable young lady, Olivia, and how energized he was about his work in the Army and his plans for a family and how he looked forward to a full and promising life ahead.

Instead, Joshua Hardt will return home tomorrow for the last time. His family and friends will come to mourn him and to honor him and to remember him. His community will hold him up as an example of all that is heroic and virtuous. His Nation will record his name onto its most hallowed rolls that he never be forgotten.

Centuries from now, flags will be placed on his grave every year as future generations gather to consider the cost of their freedom. And perhaps in Kamdesh, Afghanistan, they will gather around a monument where Outpost Keating once stood and give thanks for the men who paid everything to purchase for them so celestial an article as freedom.

SUPPORTING 287(g)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

Mr. BOOZMAN. Mr. Speaker, I rise today to express my support and the support of Arkansas' Third District residents for the 287(g) program.

Two years ago, Benton and Washington County Sheriff's Departments and the cities of Rogers and Springdale sent 19 northwest Arkansas officers and deputies for training in the identification and possible detainment of illegal immigrant offenders they encounter during their regular daily law enforcement activities. I thank Rogers' Mayor Steve Womack in being a driving force behind this task force. His leadership has been instrumental in cracking down on illegal immigrants in northwest Arkansas.

Thanks to these law enforcement personnel, more than 1,500 illegal aliens have been arrested and have or are in the process of being deported in northwest Arkansas. 287(g) has a proven track record of success nationwide. According to Immigration and Customs Enforcement Agency, since January of 2007, the program is credited with iden-

tifying more than 100,000 potentially removable aliens, mostly at local jails. The numbers tell the story. 287(g) is an effective program, and that is why I'm a champion for it.

This week, I signed a letter to President Obama showing my support for the 287(g) program and asking that the funding be continued. I believe that Federal, State, and local cooperation is key to combating illegal immigration, and continuing the 287(g) program is a commonsense solution.

THE PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, my name is KEITH ELLISON, and I'm a Congressman from the great State of Minnesota, and I'm honored to claim this Special Order, this 1 hour, for the Progressive Caucus to talk about the values of Progressive ideals, the values associated with a progressive America in which people are included and which we believe in generosity, where we believe in valuing people, where we believe in civil rights, care for the Earth and creation, where we care about living in a world in which middle class people, working people, the hard-working people of America and the world can have a prosperous life and where people can do well.

The Progressive Caucus, designed and approved and coming together to signal to the American people that in Congress there is a body of Members of the Congress who are willing to stand up for the values that have made America great, values such as workers' rights, such as the weekend, such as the 5-day week, such as work and safety laws, such as worker's compensation, such as Social Security.

□ 1745

These are all progressive steps forward, such as civil rights, women's rights, gay rights, such as the respect for all religious groups and religious tolerance in our country.

Recently, Mr. Speaker, our focus has been on health care because health care is such an essential component of what it means to be a middle class American trying to put food on the table for your family. Health care, if we can correct health care, the disparities in health care, the cost increases in health care, if we can correct health care 60 years in the making, we can improve the quality of life for all Americans and thereby enact a piece of legislation that is on the order of the 1964 Civil Rights Act, the 1965 Voting Rights Act, the passage of the Medicare bill, which helped millions of seniors all around our country live a life



of quality, and ended seniors who lived a life of poverty and of insecurity.

This bill, which is right within our grasp at this time, we are so happy to be able to step forward. And I just want to let you know, Mr. Speaker, that it's an honor to be joined by such a courageous Congressperson as Congresswoman DIANE WATSON from the great State of California, who for years and years has been sticking up for progressive values, never backing down, always there for the American middle class and working class people.

So we are going to talk a little health care tonight. I am going to yield to the gentlelady to make a few introductory remarks, and then maybe she and I can have a little colloquy as we move on in the evening.

I yield to the gentlelady from California, DIANE WATSON.

Ms. WATSON. I thank you very much, Congressman ELLISON, for yielding to me. You are doing a marvelous job. I watch you every evening as you take the mic on the floor of the House to explain to the general public what a benefit health care reform is to all Americans.

And I want to say that we speak to all Americans and we say to them, we are presenting to you a reform of health care as you have known it in the past. Because in my own State of California, if you have insurance, your fees are going to go up somewhere around \$1,800 for a family of four annually. People are going without coverage because they cannot afford it.

We had an assembly outside of Blessed Sacrament in Hollywood several weeks ago, and there was a man who came up with a heavy Spanish accent. And he said, I am an American, I work four jobs. My 2-year-old daughter got sick. I could not even afford health insurance and she eventually died.

I do hope that our House bill, H.R. 3200, will be recognized as a way to help reform health care because what we want to do is bring to you in your own community accessible health care. We want it to be affordable; we want it to cover preexisting conditions; and we want to say to you, if you get sick and you can't work—and that's happening very frequently with H1N1, people are getting sick, they have no sick leave, and it could really bankrupt most families. And so we say to you, even if you don't have a job, you will be covered.

We are now just dickering around the edges of a reform. We are going to get one now because it's the right thing to do, Mr. ELLISON. And I am so glad that you are bringing information to the people every evening.

I want to say that I know in my own district there are a lot of people who cannot afford health care, but this one family could. And if we don't reform health care, a lot of people will have to endure weeks of illness and eventually death.

I'd like to bring to your attention the death of Marybell Bakewell, who was born on April 10, 1925 and died October 7, 2009 in Los Angeles. Her son is Danny Bakewell, who is now Chair of the Black Publishers Association. Mr. Bakewell, who lives in the southern California area, could pay for health care, but he could not save his own mother, Mrs. Bakewell; and she suffered a massive stroke from which she never recovered.

Marbee, as she was affectionately known by her entire family, was always the life of the family. She preached "family first," and anyone who knew her immediately fell in love with her glowing personality. She was full of life, love and laughter, and was also an activist.

Marybell Bakewell was a native of New Orleans and lived there 79 years of her 84 years of life. She finally left her beloved city after it was completely devastated by Hurricane Katrina. While living in New Orleans, she was a life member of St. Peter Claver Catholic Church as well as a member of the Sisters of the Holy Family.

Mrs. Bakewell belonged to one of four generations of women and family who attended St. Mary's Catholic School. Her grandmother, Mary Winier; her mother, Camille Brazile; Marybell Bakewell and her daughter, Pamela Bakewell, all were graduates of this esteemed institution of higher learning dating back to the turn of the century.

Mrs. Bakewell was a diehard New Orleans Saints fan. She loved to play cards and board games, especially with her main road warrior, Brenda Marsh-Mitchell.

Marybell Bakewell is survived by her two children, Danny J. Bakewell, Sr. and Pamela Bakewell, both prominent in Los Angeles civic affairs; her daughter-in-law, Aline Bakewell; eight grandchildren—Danny J. Bakewell, Jr., Brandi Bakewell, Sabrina Bakewell, deceased, Donny Brooks, Jamie Brooks, Brandon Brooks, Fatima Elswify, Amira Elswify; six great grandchildren—Taelor Bakewell, Danny J. Bakewell, III, Devyn Bakewell, Bryce Bakewell, Donny Brooks, Jr., Adrian "AJ" Brooks; sister-in-law, Delores Brazile; her nephew, Eric Brazile; as well as a host of cousins, family and friends.

This courageous matriarch will be missed by the Los Angeles community, her family and friends, and especially by me, Mr. Speaker. I had a grandmother who was born in New Orleans, grew up in a convent for 13 years, obviously left, but her sister became Sister Philomena. And so I have a great affection for the city and for her.

My point in bringing her obituary here is that, yes, this family could afford health care; but I'm telling you there are thousands of others, not only in my district in the State of California but across this country, some-

thing like 38 million, who need the government to help them survive when they have a condition or when they are declared terminal.

So I am hoping that in this Congress we will do the right thing and we will see that before the year ends, we have Medicare reform as a program for all Americans.

I want to thank you, Mr. ELLISON, for your insight, your intelligence, your knowledge. And I want you on this floor every evening. You are bringing to the American people the important facts about what our reform will do.

So thank you very much, Madam Speaker. Thank you very much for the time. Continue to educate Americans.

Mr. ELLISON. While the gentlelady yields back, let me thank her as well. The fact is that by bringing this important story about the Bakewell family—well known throughout the country, particularly in Los Angeles, but really all over—it shows that health care reform is something that everybody needs. It is not something that some people have to worry about and some people don't; it's something that all Americans have to focus on because none of us are immune.

If you don't have health care, then you are among those 59 million Americans who are just going to bed every night hoping and praying that you don't get sick; and if you do, you know you're going to be in for a very difficult time.

And you may be among those 250 million Americans who have either employer-based health care or have health care through either Medicare or Medicaid or VA or something like that, a government-run program. In that case, you know that your employer-based health care has seen premiums double in the last 10 years and are likely to double in the next 10 years. So no matter whether you're among the uninsured who need change or the insured who need change, we all need change. And so it's critically important that we bang the gong and keep it up and don't back down on this important issue.

If I may—and I invite the gentlelady to ask me to yield at any time, but I just want to make a quick point before we do.

We have been joined by the gentlelady from Maryland, DONNA EDWARDS, who is a clear voice on this issue, who has been creative, who has been consistent. And we just want to let the gentlelady from Maryland make some remarks as we begin this hour so that we can sort of get into our colloquy.

Ms. WATSON. Would you yield just a few seconds?

Mr. ELLISON. Certainly.

Ms. WATSON. About 3 weeks ago, I was up in the Hollywood Hills at a reception, and there was a young man who was taking pictures of all of us. When I finished making a presentation



about our health care reform, he came up to me and he said, thank you. He said, I am on a medication—now get this—that costs \$74,000 a month. I said repeat that figure. He said \$74,000 a month. He told me that he had a very unique condition, that when he was born, his muscular system, his skeletal system as well as his vital organs started to deteriorate. Each one of the medications he takes monthly costs over \$6,000. He does a copayment of about \$696 a month. He said, I could not afford that without the insurance that I have, and I pay a high price for that insurance. I told you what the copayment was.

So here is a person who makes a good income and pays a great amount of his income on a monthly basis just to stay alive. Why can't we have a program that will keep others alive regardless of their income?

And thank you, Congresswoman, for coming forth with your factual statements. I listen to you also very intently. And as an attorney, you bring the truth and you speak it to power. And I thank you very much.

I yield back.

Ms. EDWARDS of Maryland. Well, I thank the gentlelady from California. And to the gentleman from Minnesota, thank you so much for your leadership. It is really important.

We are almost there. I describe this—if we were playing a football game, you know, we would call it “crunch time.” We're in crunch time right now when it comes to health care reform for the American people.

I don't know what struck others this week, but what struck me was the release of a so-called “independent report” from the American Health Insurance Plans lobby. It struck me because in that report was so much misinformation. And it was done by PricewaterhouseCoopers. Now, they thought that they were just evaluating a little bit of the plan and giving some data. They didn't realize that it would be completely misconstrued by the health insurance plans in order to prove a point that's not really a point. And so I wanted to call attention to that.

I think another thing that struck me this week, as we unmask the health insurance industry, as we see them for who they are, they're interested in profits, that's their motive. It's not health care; it's not reform. It's profit. And I decided that I would take a little peruse around the Internet and I looked up the lobbying disclosure reports for America's Health Insurance Plans, the same group that released that bogus report.

□ 1800

Here is what I found: For all of 2008, this group that has so-called been very interested in health care reform spent \$7.54 million lobbying against health

care reform, and that was just for 2008. Then we turn just to the first—

Mr. ELLISON. Would the gentlelady yield?

What was that number again?

Ms. EDWARDS of Maryland. \$7.54 million lobbying against health care reform in 2008. That's before we even had a bill.

Now we've gotten our bill here in 2009 with our new President, who really is serious about reforming the health care system. We find that in the first two quarters of 2009—that's this year—America's Health Insurance Plans, according to their lobbying reports, which are available to the public at [lobbyingdisclosure@house.gov](mailto:lobbyingdisclosure@house.gov), and anybody can go and look this up, America's Health Insurance Plans actually spent for the first quarter of 2009 \$2,030,000. That's in the first quarter. That's from January to March.

Then in the second quarter, from April 1 to June 30, they actually spent another \$1.87 million. That's the total for just the first 2 quarters of this year.

This is while people were having their health insurance revoked and while 14,000 people a day were losing their health insurance. While all across this country people are losing jobs, America's Health Insurance Plans decide that it would be a great idea to spend almost \$4 million in the first two quarters of this year lobbying against health care reform. That just proves that the industry is so much more interested in its profits and in protecting its profits than it is in health care or in reform.

Now, I decided that I would keep looking at those lobbying disclosure reports and I would advise people all across this country to go to [lobbyingdisclosure@house.gov](mailto:lobbyingdisclosure@house.gov). They need to look it up for themselves because we're not making this up. It's right there, filed by their own general counsel. I looked. I said, Well, how many lobbyists does it take in one quarter to spend \$1.8 million? How many lobbyists does it take to spend \$2 million? How many lobbyists does it take to spend \$7 million just in 2008?

I'm going to just tell you: They spent that money. Gary Bacher, he was lobbying for them; Carmella Bocchino; Elizabeth Brooks; Jill Dowell; Paul Eiding; Baron Foster; Lindy Hinman; Karen Ignatti, the woman whom we've seen all across the television screens of the country, talking about how health insurance was going to send premiums and deductibles and copayments skyrocketing; and Alethea Jackson. That's one, two, three, four, five, six, seven, eight, nine lobbyists spending millions of dollars across Capitol Hill—at the House and the Senate—and over at the White House. They're lobbying against health care reform.

So those are the numbers right there, apart from what all of the other industries have spent, which includes the

pharmaceutical industry and others in the health insurance industry, to try to defeat reform.

Do you know what really surprises me in all of this? For all of their advertising and their lobbying, they have beaten and beaten and beaten the public health insurance option. Guess what? A majority of the American public actually knows that competition is good for the system. They know that it's important to have a public plan to provide accountability, and they know that we need transparency and that we have to lower costs. So the public is actually not fooled.

You would think, if there were some good marketing people over with the health insurance plans that they actually wouldn't be spending so much money, because they haven't managed to convince a majority of the American public that a public health insurance option is against their interests. So I'm actually grateful for the American public for being so smart, for seeing through the health insurance industry, and now for the industry itself, for actually exposing what they're trying to do to America.

I know people are calling your office, the Congressman from Minnesota, and I know they're calling my office, and they're saying, You know what? I just got a letter in the mail saying my health insurance premium is going up 10 percent. My health insurance premium is going up 12 percent. They haven't even used their health insurance this year, and their insurance premiums are going up.

So we see what the industry is doing. We know that we are inching our way to reform and that we are going to get there and that we will have a bill for the President of the United States to sign into law and that we are closer than we've ever been before. So the insurance industry, true to form, is living out their promise in that bogus report that they released. They're living out their promise by already starting to jack up insurance rates just to beat the clock—to beat the bell—to reform, but they're not going to get away with it.

So I would say to those—what did I count, 9 or 10 lobbyists?

Mr. ELLISON. Nine.

Ms. EDWARDS of Maryland. Those nine lobbyists already this year have spent about \$4 million lobbying against reform and \$7 million in 2008 lobbying against reform. I'll tell you what. If you add that up, by the time they finish this year, I'm guessing that they probably will spend something in the neighborhood—over the course of the last 2 years—about \$15 million lobbying against health care reform.

I would dare say that the American public could take that \$15 million and divide up what it would cost to provide a reasonable premium, say, under Medicare or a public health insurance

option, and we would be insuring just dozens and dozens and dozens of families across America for what this industry has spent to fight reform. So we're not going to be fooled, and we're not going to be deterred, and we know, as the public knows, that a robust public health insurance option will be the best option to provide competition, to provide accountability and to make sure that we lower costs for all Americans.

So the insurance industry, just before Halloween, has been completely unmasked. They've revealed themselves, and we want to say to them, You know what? We're on to you. We know what you're about, and we're not going to believe any more of your bogus reports, and we're going to trust the fact that you wouldn't spend this money lobbying against something if you didn't want to defeat it. So we're going to bring that health care reform package to the House of Representatives through the Senate, on to the President and then deliver it to the American people.

With that, I would yield.

Mr. ELLISON. Well, the gentlelady is in rare form tonight. I really appreciate everything you laid out. Excellent.

I just want to add to your observation about the AHIP report, which is an acronym for America's Health Insurance Plans. Here is what the people who really study the stuff had to say about this particular industry report.

AARP had this to say: The report is "fundamentally dishonest" and "not worth the paper it's written on." Those are the words of John Rother of AARP, executive vice president of policy and strategy.

You mentioned PricewaterhouseCoopers, which participated in preparing the report. They're running from the report. They're like, Hey, we didn't know. I don't blame them, because it is deceptive.

Also, PricewaterhouseCoopers said Monday, AHIP, the report that we've been referring to, that industry report, had instructed it to focus on only some features of the bill while not taking into account other major features, such as the effect of subsidies for those buying insurance. So they didn't even tell their preparer the right information to consider.

Why would they not fully disclose and be transparent about that? The report threatened that if the bill became law it would result in an increase in premiums for an average family of four by about \$4,000 a year. Now, this begs the question: Who would be increasing these premiums? The very people who issued the report saying the premiums are going up.

Furthermore, the report says that the cost of private health insurance would rise by 111 percent over the next

decade. Who would be increasing these premiums by 111 percent? The fact is the very people who are saying the prices will increase for buying health care insurance are the ones who are in charge and who are in control of raising these prices.

Reid Cherlin, the White House spokesman, said "this is a distorted and flawed report from the insurance industry and cannot be taken seriously. This so-called analysis appears on the eve of a vote that may eat into some of the insurance industry's profits. It conveniently ignores policies that will lower costs for those who have insurance, expand coverage and provide affordable insurance options to millions of Americans."

I'm not done quite yet.

Nancy-Ann DeParle, director of White House Health Reform, says that she was surprised by the report because she had just met Mrs. Ignatti, the one who has been doing a lot of the selling of this on TV, and she vowed to work together. So that may be regarded as somewhat misleading. It's important to remember that virtually every wild, erroneous claim made regarding health care reform has been debunked as false.

Let's go on back to the summer. I ask the gentlelady to take a walk back to August. You'll recall, Madam Speaker, that we were talking about death panels. This was all the rage—death panels. We were talking "death panels." Yet, when you look at the bill, it's simply Medicare saying we will compensate doctors to talk about end-of-life decisions, which is a good thing and a wise decision. It's about dignity. Everyone wants that for their loved ones when they're in their final days of their lives.

Also, we then heard about illegals. It's going to be all about illegals. We debunked that myth.

Then we heard about a government takeover until somebody said, Wait a minute. Doesn't government already administer Medicare? They're doing pretty good. Ninety-six percent of respondents say they like Medicare, so maybe government knows a little bit about administering health care. Doesn't government already play a significant—not just administering the VA, they actually hire the doctors and provide the care. That is truly a single-payer system. That's government-run health care if there ever was, and you'd better not try to take health care away from our veterans, because they won't tolerate that. So then they had to move away from that.

Then we heard that it is only about the uninsured. Wait a minute. We find out premiums have been doubling over the last 10 years and are expected to double again. So now the insured, the people who have employer-based health care, say, wait a minute. We need reform, too. We have to have reform, and we cannot tolerate being rejected and

excluded for preexisting conditions and tolerate discrimination, which will affect young women the most.

So Americans have been peeling back the onion of falsehood time and time again. As the gentlelady from Maryland pointed out, the public option still is standing stronger than ever. It's almost as if, the more they attack it, the stronger it gets.

I just wanted to point out: Who wants the public option? Well, doctors want a public option. Nurses want a public option. The majority of Congress wants a public option. Faith communities want a public option. President Obama prefers a public option, and the American people do.

If you look at what doctors want, most doctors support the public option. Sixty-three percent of doctors say both the public and private options are what they would prefer. Sixty-three percent reported that they would like both public and private options. That's what the House bill is calling for. You have another 10 percent who said just a public option. That's all we want. So, if you add the 63 and the 10, you end up with a full three-quarters of doctors who say they would like the public option.

So I guess my question to the gentlelady from Maryland is: Why does the public option keep coming up strong despite these relentless attacks—the \$4 million this year and the \$7 million last year? What explains this?

I yield to the gentlelady from Maryland.

Ms. EDWARDS of Maryland. I thank the gentleman for yielding.

It's a pretty simple explanation. The American people are smart. They know it takes competition to bring down cost. They haven't been able to trust their health insurers. Even though they may like their health insurers and may want to keep their insurance, they know that they actually can't trust them to keep down premium costs and deductibles and co-pays. So, like most issues, the American public is way ahead of even Congress, and they are definitely ahead of the health insurance industry.

I go back to these lobbying reports because one of the things that I noticed, if the gentleman would indulge me for just a minute, is that the health insurance industry knows that they've had to cover all facets in order to debunk the need for reform, and so they didn't just stop at lobbying the United States House of Representatives. They lobbied the United States Senate. They lobbied the executive office of the President. They lobbied the Centers for Medicare and Medicaid, Health and Human Services, the Department of Labor, the Department of the Treasury, the Federal Trade Commission, the Office of Personnel Management, the Agency for Healthcare Research and Quality, and even the Internal

Revenue Service. They are leaving no stone unturned in order to defeat health care reform.

So the American people are very smart, and they have said three things: We want quality care. We want competition. We want to lower costs. They know that, in order to achieve those things, there must be a public option component as part of the array of choices. It's like a marketplace, the array of choices that are available to them.

□ 1815

So they want to be able to stack up each one of these plans, private plan X, Y, and Z, and the public option and see which one works for their family and then make that choice. And I think that the American public should actually have that choice. I actually believe in real choice even in health care. And the problem with the system that we have now is that in most States, there is no competition; one or two insurers have a monopoly or duopoly on all of the health care coverage in that State.

And what does that mean? What does that mean for our small businesses? It means, if you're a small business, you can't compete at all. You have no leverage whatsoever. You have no bargaining power, and you are at the mercy of the health insurance industry. And it means that they can charge you whatever they want for you to be able to provide health care for your employees.

And the poor small businesses, they're sitting out there saying, I want to provide health insurance for my employees, but I can't afford it any more. It's too expensive for me. I can't take it when my insurance costs are going up 10 percent one year, 15 percent the next year, sometimes as much as 20 percent in one year just to cover their employees.

So if people really believe in the free market—and I do—if you really believe in the free market, then let it be free and let there be competition. And the way to do that in health care and get quality, affordable, accessible health care for all Americans is to make sure the public has the ability to choose from an array of the private insurers and the public plan. It's like going to a marketplace, stacking up everything you want to choose, and making a selection.

By the way, if the gentleman would yield just a minute more, people are ready to make that choice, and now they're counting on us in the United States Congress to come down to the hard decisionmaking and to make the choices that we know are right for the American people.

And so what I say is, with the kind of support that you demonstrate among doctors, as much as 73 percent of doctors, two-thirds of doctors saying they

want at least a public plan and private options; with 62 to 65 percent of the public saying we want the choice of a public plan and private options; with people all across this country, our small businesses, saying, You know what? We need that in order to be able to provide affordable care for our employees because it's the right thing to do and it's what we want to do, so we want to take the burden off of our businesses. We want to ensure that we have greater competition, competitiveness in the global economy. And the way to do that is to make sure that we reform our health care plan.

Now, I know that the health insurance industry is going to go kicking and screaming to reform. And you know what I say to that, Madam Speaker? I say let them. Let them kick, let them scream, and we're going to go to health care reform anyway.

Mr. ELLISON. I thank the gentlelady for yielding, but the gentlelady should know that when you're hot, we've got to give you the ball, and you were. So thank you.

Just a few points.

I would like to point out that people have contacted us in the Progressive Caucus and different Members individually and let their views be known about how people feel. And I just want to point out that historically—and I think that there was a perception that the Progressive Caucus may have stood up for good values, may have fought the good fight, may have talked about inclusion of everybody, a society based on generosity, the beloved community, middle class prosperity, all of the good things, but when it came down to really sticking to the guns and saying, You know what? We're going to stand up for what we believe in, there was some doubt that that was the case.

And I just want to say that the Progressive Caucus has dug in for the American people. I am proud of what the Progressive Caucus has done. I am proud of the leadership that we've seen from the Progressive Chairs, Ms. WOOLSEY and Mr. GRIJALVA, because this perception that Progressives are going to cave has been dissipating because Progressives have been holding firm. This is the Progressive message. This is a Special Order of the Progressive hour.

And I just want to say that the Progressive Caucus has made it clear, the leadership has made it clear to the White House, made it clear on all fronts, that if you want our votes, you're going to have to do what's right by the American people; and that is to include the public option which doctors want, which the public wants, which everyone wants. It was not simply a simple temper tantrum. It was not saying we want it because we want it. It was because the American people needed a public option. So the Progressive Caucus stuck to it and didn't back

down. I think it's important to make this point. Because the Progressive Caucus really is a caucus that's unified not by culture, not by color, not by faith, not by gender, but by values. And these values are really being reflected in the advocacy around the public option, around true health care reform.

I just want to make that point clear to the folks who are tuned in tonight, Madam Speaker, because I think that it's important that folks know that there are people in Congress that are fighting for them. This is not the time for cynicism. This is not the time to say, well, you know, the industry is going to get their way again. No, they're not, because there are people here in the Congress who are hearing the call of the public interest.

I'll yield to the gentlelady on that note.

Ms. EDWARDS of Maryland. Thank you for yielding.

And as the gentleman from Minnesota points out, this isn't about what any individual Member wants or not. It's about what the American people want, and it's about what the right thing is for so many of our communities: people who have health insurance now but who are afraid of losing it or afraid of the costs to their families, and, of course, the millions of people out across America who don't have health insurance.

And this isn't also about fighting the good fight—there are a lot of good fights out there—but we have been able to unify our Progressive Caucus standing up for health care reform that's going to work for all of us, ensuring that we get rid of the practice of excluding people for preexisting conditions; that we get rid of the practice of insurance companies, once you've taken advantage of your insurance, then cutting you off; that we invest in preventative care, because we know that early investment in preventative care really saves dollars in the long run, whether or not we can attach a number to that.

We also are fighting for a public option because it's important that with the health insurance reforms that we also have choice for patients, a choice for our doctors.

And so we are on the right track here. And I have to say that because of the leadership of the Progressive Caucus also working with our leadership in the United States Congress—and my hat's off to our Speaker because our Speaker has been out there in the front, at the forefront actually fighting with us for a strong, robust public health insurance option, and I am glad we're where we are today.

We know that there is still work to be done. We're counting on the American people actually to stand up, you know, to call their Representatives, to call their Senators, to make sure to put out the plea across this country for

health insurance reform that the President of the United States can sign into law that will actually make a difference in people's lives, not just because it feels good, but because it will make a difference in people's lives and the long-term health and competitiveness of this country.

So I am a proud Progressive. I'm not afraid to say that at all. What I do know is that it's important to stand up to the people and not on the side of the lobbyist and the naysayers who want to do anything to stand in the way of reform. And we cannot let that happen. This is too great an opportunity for us to fail at this point.

So I am actually counting on success. And if we were on a football field—and I love football, so I will talk about it. So if we were on the football field, we're inside the 10.

Mr. ELLISON. The red zone.

Ms. EDWARDS of Maryland. We are in the red zone. We are approaching the goal line, and now it's time to make the tough decisions and take the ball across the line.

And I am ready to do that with our leadership in the Progressive Caucus. I am ready to do that with our leadership here in Congress and give the American people—not an individual Member of Congress, not a health insurance company, not an individual hospital or a doctor, but to give the American people the kind of reform that will lower their costs, provide competition, and give them quality care.

And so I think that we're right there. We're ready to go with this, and it's time for us to do justice for the American people and actually to deliver on a promise that all of us made to them in 2008 to deliver health care reform.

So I am going to go out and talk about health care reform some more, and we can spend some time. And I want the American people to actually spend some time doing a little research themselves. Don't just trust us here in Congress. Go find the information for yourself. Go to lobbying disclosure at [house.gov](http://house.gov) so that you can see for yourself what the health insurance industry is spending to defeat reform. And then when you hear their lobbyists, you will know to set that aside and stay on the side of patients, on consumers, doctors, and all of us who want true health care reform.

Mr. ELLISON. If the gentlelady will yield, I just want to say, as the gentlelady is offering her observations, it's reminding me that we are at a propitious moment in history. The fact is we are at a moment of history. We are hearing the call of history.

I wonder if the Speaker knows—do you know that it was Roosevelt, President Roosevelt, Franklin Delano Roosevelt who first said we need universal health care? It was Truman who repeated the call. It was Nixon, even,

who talked about health care reform; although, he did some things to undermine it. And it was, again, President Clinton who really worked hard to try to get health care reform.

This fight is decades in the making, and we are closer than we have ever been. We have reported out five bills in the Congress, so we're almost there. We're not far away. And so it's important that the American people hang in there, that they continue to be hopeful and expect success and that it's important to understand that success breeds success.

And as we pass health care, we will be able to really implement more policies that help working Americans, help the working class, the middle class Americans, help the environment, help us be a Nation that is at peace with the rest of the world, help us promote civil rights for all Americans and to leave no one out, to exclude no one, to stop policies of fear, of demonization, of exclusion. And this is something that offers very, very great promise for our Nation.

As I begin to wind down, I just want to make a few other observations that I think are very, very important, because I think it's so critical that we keep our focus on where it really should be.

And I am one who, you know, believes that when a group of constituents vote a Member to this auspicious body, that that person has something to offer. But I also want to say that elections have consequences. When you cast a vote and you send one party or the other to represent you, you have the right to expect that that party is going to deliver. And the Democratic Party, led by progressives, is delivering at this time.

I want to also say that new policies clearly underscore that the congressional party opposite is not in touch with the American people around health care reform. A new poll from Quinnipiac just released today further illustrates how Republican leaders of Congress are out of touch with the American people.

Just this morning, a leader in the party opposite said the public option has been resoundingly rejected by the American people, but look at the numbers that are coming out regarding the public option. On the wrong side of history. I recommend the rank and file come join the Democrats in passing health care reform. But as this new poll and others in recent weeks have all shown, Americans support a public insurance option in health insurance and in reform legislation.

This new Quinnipiac poll I mentioned said that 61 percent of Americans support a public option. The Wall Street Journal/NBC says 73 percent of the population supports a public option. The New York Times/CBS says 65 percent of the American public supports a public

option. The Kaiser Family Foundation says 58 percent of the American people support a public option.

Other findings of the Quinnipiac poll say that Americans trust President Obama more than Congressional Republicans to handle health care reform, 47-31 percent; 64 percent of those surveyed disapproved of the way congressional Republicans are doing their job, including 42 percent of Republican voters. And it's important for Republican voters to know that they have a choice and that they should vote effectively: the people who are getting it done, not the people who had the White House and the House of Representatives and the Senate from the year 2000 to 2006 and didn't do anything other than veto the State Children's Health Insurance Program, that's what they did; but people who, within a few months, are already within the grasp of true health care reform.

□ 1830

The fact is, Madam Speaker, that this moment in time is important. It is as important as any other piece of historic legislation that we have seen.

It's clear that the health care industry is in the final throes, final throes, and it is demonstrating a level of desperation by issuing this industry report which clearly is fundamentally flawed and clearly shows that it's dishonest and deceptive. And even the drafters, PricewaterhouseCoopers, don't want to claim it. Experts say that it's wrong.

So we've heard about the death panels. False. We've heard about the school sex clinics. False. We've heard about government-run health care and accusations of socialism. False again. We've heard about immigrants taking over health care. False. And now the truth is really, really standing clear. Truth crashed to the Earth will rise up. That is what has happened.

It's important for Americans to take heart, to take hope, to help support the passage of true health care reform and to understand that if we can pass health care reform, if we can win this 60-plus-year-old battle to get health care reform, then there are other battles to be fought and other mountains to be climbed and greater things that this wonderful people can produce for the American people, that America can live out its progressive value system and can say that we are going to expand opportunity for more Americans. We're not going to demonize and vilify Americans who happen to be of a particular racial group or happen to be not born in the United States or we're not going to turn them into somehow "the other," we're going to continue to embrace more people as this great country has done progressively over its history.

We're going to say that we're going to live in harmony with creation and

not just use it as just a fungible commodity to be burned and polluting the air and destroying the seas and acidifying the ocean. Big things await the American people, but it's important that we get over this last piece of true reform to get this momentum moving.

Madam Speaker, I will yield back at this time and close out the progressive message. Thank you very much.

#### HEALTH CARE

The SPEAKER pro tempore (Mrs. HALVORSON). Under the Speaker's announced policy of January 6, 2009, the gentleman from Louisiana (Mr. CASSIDY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CASSIDY. Madam Speaker, I had several communications today that were just so appropriate for this time of discussing health care. I spoke to a physician in Ville Platte, Louisiana, who spoke just how the only people that can actually control costs in health care is the patient. Because if you think about it, if patients come in and want a test and they don't get the test, and there's going to be a dissatisfaction, sometimes patients will go elsewhere, and they will get the test from another provider.

Secondly, I spoke to a small businessman who said that his premiums are going up by 27 percent. And the third thing, I wrote a letter to a former patient of mine, the widow of a man who had died of cancer, and I was struck that in each of these, a common consideration was the cost of health care. Indeed, as we speak about health care, we can never get away from the fact that cost is a driver of our discussions.

As we approach reform, there are three things we need. We need to have quality health care accessible to all at an affordable cost. When we say "cost," the President acknowledges this, as well, the President has said that he will not sign a health care bill that adds one dime to our Nation's deficit. Now, by that criteria, and he understands that we are, as a Nation, having a problem with the budget deficit, if we create a new entitlement and if that adds to our budget deficit, then we, as a Nation, will be worse off.

I work in a public hospital in Louisiana. And in that public hospital, whenever money is tight in the State, there tends to be a squeeze on the financing of the hospital. I can remember years in which we would wait to order a test until after the new fiscal year. And this happens when cost is an issue.

So as we look at our goals of health care reform, it is accessible, quality health care at an affordable cost. Now, if the President says that he will not sign a bill that adds one dime to our Nation's deficit, we can understand

why four of the five bills before us are essentially eliminated. Four of the five bills include the public option, and the public option has been projected to increase our Nation's deficit.

Importantly, they are also projected to increase costs at 8 percent per year. Now, 8 percent per year more than doubles cost over 10 years. So when the President says that we know if we do nothing, we know if we persist with the status quo that costs will double in 10 years, four of these five reforms, on the face of them, according to the Congressional Budget Office, will more than double cost.

That leaves us with the fifth option which has received a lot of attention. That is the bill that is coming out of the Senate Finance Committee and which has come to be known as the Baucus bill. Now the Baucus bill is gathering our attention because according to the initial estimate, it would save \$81 billion. Wow. If we can actually control costs in that way, that's remarkable. It should be something that we all get behind. This is being seen as a vehicle where the Democratic leadership in Congress can achieve their goal of having health care reform in the way that they wish to achieve it.

Now, let me pause for a second. We all want reform. When I speak to that small businessman that says that his cost of insurance is going up 27 percent in 1 year, we know that that is not sustainable. At issue is, will he do better if it is merely the taxpayer or the ratepayer? If we come up with something which more than doubles cost in 10 years, that's really reform absent reform. It is merely changing a private insurance bureaucracy to a public insurance bureaucracy.

So we come back to the Baucus plan. Now the Baucus plan is significant because, again, it supposedly will save us \$81 billion in 10 years. But clearly there is an issue with it.

I say that because where do those savings come from? Who pays? Well, according to Speaker PELOSI who is, by the way, a Democrat, she says who pays this particular plan from the Senate Finance Committee? The savings come off the backs of the middle class. If you have insurance, you get taxed. There are \$201 billion in taxes on health insurance plans with a 40 percent excise tax on insurance plans worth more than \$8,000 for individuals or \$21,000 for family policies. Families making less than \$200,000 a year shoulder 87 percent of this burden. As it turns out, many of these people are union workers. Over years, union workers have given up wage increases in order to have more generous insurance benefits. By this, it makes it a bad situation. So the Senate finance plan will tax those benefits. And that's why Ms. PELOSI says the savings come off the backs of the middle class.

So if you have insurance, you get taxed. But if you don't have insurance, you get taxed. There are \$4 billion in fines on the uninsured and \$23 billion in penalties and fines for businesses whose employees enter the government exchange. So if you don't have insurance or do not provide it, then you get \$27 billion in taxes.

If you use medical devices, hearing aids or artificial hearts, you get taxed. There's going to be a \$38 billion tax on medical device manufacturers. If you take prescription drugs, you get taxed. There are \$22 billion in savings that are achieved by taxing prescription drug producers.

Total, there's \$349 billion in new taxes on employers, individuals, medical device and drug manufacturers and insurance providers and families making \$200,000 or less. Let's face it, \$200,000 is a lot of money, but that's also "or less" will pay 87 percent of the taxes. If the math holds, then about \$300 billion in these taxes will come from folks who are middle class or just lower upper income, if you will.

Despite that, there's still higher health care costs. According to the Congressional Budget Office, the independent arm of Congress, the premiums in this new insurance exchange which is created by this plan would tend to be higher than the average premiums in the current individual market. In fact, Mr. Elmendorf, who is the head of CBO, said that we note that piece of legislation would raise premiums on average.

There's also \$200 billion in taxes on health insurance plans. So that tax, presumably, will be passed on to the person purchasing the policy, so that makes those policies more expensive. And ultimately, we know that taxes upon the pharmaceutical industry and manufacturers of durable medical equipment will be passed to the people that consume it.

So there are several other things that we will explore as we go through. I'm joined by my colleagues, so I will ask Congressman GINGREY, who is also a physician, as I am, if he would contribute to the conversation.

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman from Louisiana, Dr. CASSIDY, for yielding to me. I am glad to be with him and my other colleagues during this hour talking about this important issue of health care reform.

What Dr. CASSIDY is talking about in regard to the cost, I think, is very important. And we are constantly going back and forth trying to figure out what it's going to cost and how it's going to be paid for. One thing I would like for my colleagues to understand is that even if you can pay for something—and we're talking about a lot of money here. The 800-something-billion-dollar estimate, I think, is far lower than the actual cost, which is probably more in the range of at least \$1.5 trillion over 10 years. And of course we can

make a case, and I'm sure my colleagues will do that, when you really score this plan that the Democratic majority, Madam Speaker, has in mind, when you calculate it, when it's fully implemented in the year 2014 through the year 2023, then you're probably talking about something that, in fact, would cost more like \$2.5 trillion.

So we're talking about huge numbers here. But even if you can pay for it, even if the President can fulfill his promise of not raising taxes or not adding one dime to the deficit, and all these promises he has made, that if people like what they've got, they can keep it and won't be forced out of their current health insurance plan, the point is you're paying for something that's a bad plan.

Let's think back 25 or 30 years ago. When somebody decided that they were going to buy a new car, they figured out how to pay for that new car: Well, we're not going to go out to eat but one time a month; well, we're not going to take the family to the movies; we're going to cancel our vacation this year, and we're going to finally come up with the money, and we've got it, honey. We've got the money, and we can buy this new car, and we go out and buy an Edsel.

Now that makes a whole lot of sense, doesn't it, my colleagues? No. It doesn't make a bit of sense. It's one thing to talk about paying for it, but if we are going to pay for something, if we're going to make those kinds of sacrifices, let's pay for the right thing. I hope my colleagues understand where I'm coming from on this.

We on the Republican side of the aisle know we need to reform our health care system. We can do it. We can do it in an incremental way, and we don't have to break the bank in the process. We don't have to throw the baby out with the bath water.

I want to not take too much time, because a number of my colleagues are here with us on the floor, and I want to yield back to the gentleman from Louisiana controlling the time so that he can allow the others to talk.

We can do this. And if the President will abide by the promises that he has made, I've got a bill that I have introduced that is based on 10 principles, basically, saying no new taxes, no addition to the deficit, no government bureaucrat coming between a doctor and a patient, no rationing of care, and absolutely no denying coverage to people that have preexisting conditions and to assure that anything that we do purchase is not an Edsel and that, in fact, we do bend the cost curve and lower the cost of health insurance to every American.

□ 1845

This is the thing that I want to stress, and I think it's hugely important that we always keep that in mind.

I thank the gentleman for giving me an opportunity to be with him tonight.

Mr. CASSIDY. Thank you, Congressman GINGREY.

I think what you are talking about when you have the money, honey, let's go buy a new car, means that you actually have a way of financing within your own budget that's honest and that you know you can sustain, so that after a year of purchasing the car, you can continue the payments.

I would like to in a later point go back to Republican solutions, but just provide a little bit of a critique on the Senate Finance bill, because I don't think that they actually have their money, honey. One of the reasons I am concerned is because this is, if you will, a schematic of where they have achieved their savings from.

One of these is an unfunded mandate on States to provide Medicaid coverage for folks for whom they do not do so now. That's important because it means that it is a State taxpayer that does it.

Even though they achieve savings and theoretically are not increasing the Federal deficit, they will be increasing State deficits. According to different Governors, Arnold Schwarzenegger says that in California this unfunded mandate will be \$8 billion a year. That's in *The Washington Post*.

Now, they already have a \$45 billion deficit in California. Governor Schwarzenegger is saying that it's going to add to that \$8 billion a year; in Tennessee their Governor says \$5 billion; Texas \$20.4 billion increased cost over 10 years; Arizona, \$4 billion cost over 5 years.

My State of Louisiana, which has a \$1.8 billion shortfall in Medicaid over the next 2 years, this will increase the Medicaid deficit by \$640 million over 5 years. I wish our State was as wealthy as California; but in our State, \$640 million over 5 years is truly a tall mountain to climb.

We are joined tonight by Congresswoman LUMMIS, who is a former State treasurer from Wyoming. Congresswoman LUMMIS, will you please offer your thoughts.

Mrs. LUMMIS. I thank the gentleman for yielding and for holding this discussion about health care costs.

What we do know about the bill, and the gentleman's chart shows some of the problems with it, Medicare cuts are going to be bearing a huge brunt of the expense of this new mandate.

There are \$350 billion worth of Federal tax hikes, but those that combined are not enough. The Senate Finance Committee's bill imposes a \$33 billion unfunded Medicaid mandate on the States. Now, what that means, an unfunded mandate is when the Federal Government tells the States you will pay for part of this, and it will come out of your pocket.

Mr. CASSIDY. What we see on this previous slide is there is \$81 billion,

these are in billions, so there is \$81 billion in savings. That's how much it cuts the Federal deficit. The \$33 billion you speak of is from the Congressional Budget Office estimate, the independent arm of Congress. We would have to at least subtract \$33 billion from that \$81 billion if we are talking about total health care spending by a government entity. Fair statement?

Mrs. LUMMIS. Indeed. Furthermore, 33 States could see an over-30 percent increase in their Medicaid enrollment. Those kinds of increases, including my State of Wyoming, will hit States whose budgets are suffering now without these additional costs.

In my State of Wyoming, our Governor has asked his State agencies to propose budgets that are 10 percent lower than the last budget, and that includes cutting Medicaid options.

Mr. CASSIDY. That's 10 percent now without the imposition of the unfunded Medicaid mandate; is that correct?

Mrs. LUMMIS. The gentleman from Louisiana is correct. This is not just coming from States like mine in Wyoming. The Governor of Pennsylvania, the Democratic Governor of Pennsylvania, has said, I think it's an unfunded mandate. We just don't have the wherewithal to absorb that without some new revenue source. Now, that would be a new revenue source in Pennsylvania in addition to the new revenue sources that the Federal Government imposes.

Mr. CASSIDY. New revenue source means State tax.

Mrs. LUMMIS. It does indeed. The gentleman from Louisiana is once again correct. The Governor of Tennessee, also a Democrat, has said he fears Congress is about to bestow the mother of all unfunded mandates. Unfunded mandates are orders from Washington that States will spend money that they don't have.

Mr. CASSIDY. I kind of like that, "mother of unfunded mandates."

Congressman THOMPSON, you are from Pennsylvania, and we are speaking of Pennsylvania. What thoughts would you offer, say, regarding, for example, I see that this is the Medicaid population increase per State under this bill. By this, in Pennsylvania, you will go up 20 percent. What would that mean to the State taxpayers of Pennsylvania?

Mr. THOMPSON of Pennsylvania. Well, I thank the gentleman for coordinating this very important discussion this evening, and I thank the gentleman from Wyoming for referencing the Keystone State.

Yes, Pennsylvania would be impacted tremendously by this. Certainly, expanding health care is a laudable goal, but this Federal mandate would require the increase of State Medicaid funding, an unfunded mandate. With this legislation, Pennsylvania would be required to increase State Medicaid

funding by \$2.2 billion over the next 10 years. Additionally, Federal subsidies for Medicaid would end in 2019, leaving States to pay the full costs of the Medicaid expansion. In Pennsylvania, the costs would be approximately \$930 million in the year 2020 alone.

Now, Pennsylvania, my State legislative colleagues, they have had a challenging time. They just, finally, after months and months, came to a budget agreement. There was a budget crisis. It really illustrates how difficult it is for the State to maintain a balanced budget with rapidly increasing costs of government programs.

Mr. CASSIDY. Now, just so the folks understand this issue, in State government, State governments can't print money. They have got to balance the budget, I presume, in Pennsylvania as in my State.

If your population is going up, Medicaid population is going up by 20 percent, and you mentioned how much extra money will have to go into that, that will either come from higher taxes or lower services, for example, lower money spent for road construction, for secondary education, for colleges, et cetera; is that correct?

Mr. THOMPSON of Pennsylvania. It's going to come out of the pockets of the taxpayers. Here's the rub with that: there are actually, as you read the Baucus bill from the Senate, there are exemptions, interestingly enough. One of those is for the State of Nevada. Nevada is on that chart, but I think Democrats and Republicans alike are aware of the damages that this bill will inflict on their States.

In the States, in the Senate version, for example, Senator REID negotiated a deal to exempt the State of Nevada from any additional mandates in the health care legislation. Now, if this proposed legislation is too much of a burden for Nevada, what about the rest of the country?

Mr. CASSIDY. Governor Schwarzenegger says that this will add \$8 billion in cost per year to California. In Texas they project over \$4 billion per year. But these States will have to come up out of pocket. But because Nevada has been able to swing a separate deal, they are protected from this cost, although these States are not.

Mr. THOMPSON of Pennsylvania. Well, they are not only protected, but the taxpayers in our States will be paying their bill.

Mr. CASSIDY. So the Californians and the Texans and the Louisianans will be paying for their own States, and they will be paying for Nevada too.

Mr. THOMPSON of Pennsylvania. A total of four States were exempted. Nevada is the one I know of.

Mr. CASSIDY. Well, this is where other States are, the growth in the Medicaid population.

I am going to ask Congressman Boozman to speak. Arkansas' Medicaid pop-

ulation will go up by 40 percent, and what will that do to your State finances?

Mr. BOOZMAN. Well, as the gentleman just said, our taxes will go up; and we will not only be paying Arkansas' share, but we will be paying for those four States that have worked a deal.

I was struck. Will you go back to the chart that shows the Medicare.

You know, when you look at that chart, a tremendous amount of the pay-fors come out of Medicare, cuts to Medicare doctors, \$240 billion. Right now, it's not uncommon at all for me to get a call because I am an optometrist and practitioner in the area for a long time, and they say, my aunt's moved to town and they are having trouble finding a Medicare practitioner now because people are cutting back on their hours and just refusing to have additional patients.

We are talking about cutting that \$240 billion, \$130 billion to the Advantage Program and 120 to the Medicare hospital account, which really will devastate rural hospitals in particular, which really will affect my State a great deal. When you add all of that up, that's close to \$500 billion.

Medicare goes broke now in 2017, 2018. You have to ask yourself, What is Medicare going to look like in 7 or 8 years? Right now, it's a good program. Our seniors are doing well; they are getting good care.

But when you add 30 percent more population to the program, take away \$500 billion of their resources, again, what is that program going to look like? What is that going to do to our seniors?

I had a senior call me today, an old coach of mine. He said, John, I don't understand this. You know, we are the group that have paid taxes the longest. I have faithfully paid in—this gentleman is in his 80s. He said, I have paid in all my life, and now I am at the point where I am needing my care, and we paid in the longest, and you are going to penalize us the most.

I think that's something that we really do have to consider.

Mr. CASSIDY. Your point being that some of these savings that are achieved to give this nice Congressional Budget Office evaluation of the cost of the Senate Finance bill are, if you will, the savings coming from \$240 billion cuts to providers.

Now, Dr. ROE, you have practiced medicine in Tennessee for many years. Two questions for you.

Is Medicare payments to hospitals and physicians so much above their cost that you can decrease them this amount and not impact the ability of those folks to continue to see Medicare patients? I will start with that question.

Mr. ROE of Tennessee. Well, I think the mantra that you hear is we want

affordable, accessible, quality health care. Just to speak to what Dr. BOOZMAN was saying there briefly, if you look at the next 10 years, and you take 400, \$500 billion out of the Medicare system, and you add 3 to 3½ million people to the Medicare system, each year, and then in the Baucus bill after year 2 you cut providers by 24 percent, you do the math.

I mean, how can you provide more quality care to 30 million people with \$500 billion less money? You do the math, it's impossible.

Mrs. LUMMIS. My own Wyoming medical center in Casper, Wyoming, gave me statistics that show that they are reimbursed 37 cents on the dollar for every Medicaid actual dollar that they pay out. That means that two-thirds, roughly, of the dollars that are paid to Medicare-receiving patients are paid by someone other than the Federal Government.

We are already subsidizing the Federal Government. The Federal Government is already not meeting its obligation to serve Medicare patients.

Mr. ROE of Tennessee. We have done—there are two plans out there that have had beautiful experiments in the States. That's Tennessee and Massachusetts.

What happened in Tennessee, in the early 1990s, we had managed care come along and the health care costs were escalating. We have a lot of uninsured Tennesseans. It was a noble goal to try to cover as many Tennesseans as we could. So we started a plan with eight different managed care plans to compete for business.

What happened between 1993 and 2004, budget years, 10 budget years, 11 budget cycles, is that the cost on spending, on Medicaid, which is TennCare, our exemption from the Medicaid system, went from 2.5 or \$2.6 billion a year to \$8.5 billion a year, over triple in cost.

Now, what do we get for that? Well, we got more people covered; and we found in this public option that 45 percent of the people who had the public option dropped private health insurance and went on the government plan. Well, that was fine for the person who got the care at that time.

But what happened, to make your point, is that the Medicaid system in our State pays less than 60 percent of the cost of actually providing the care. Medicare pays somewhere between 80 and 90 percent of the costs, the uninsured somewhere in between, and the rest of it has shifted to private health insurance companies.

I can tell you exactly what happened in our State is that they almost broke the State. The Governor, who is a Democrat and who is doing a fine job, as is the legislature that's Republican, are working together to try to solve this problem.

□ 1900

How did they do it? How did they ration care? What they did was they cut



200,000 people from the rolls because the State could not afford it.

What also is going to happen is our governor, and I have a letter from the governor right here, is extremely worried about the Bachus plan, and he has already scored that because he knows the next governor is going to have to deal with it. What he is looking at is at least \$735 million over 5 years. And if this were to happen, if the State were to sue Medicaid, which Washington State and California have done, to freeze the rates so that you couldn't lower the Medicare and Medicaid rates, that could be as much as \$1 billion more for the State in an unfunded mandate.

Right now our State has no way to pay for it. We just don't have it in Tennessee. And to show you we don't, the governor and the legislature have had to cut off enrollment in the SCHIP plan, in our State it is called Cover Kids, because we don't have the money for even our matching part right now.

Mr. CASSIDY. So, reclaiming my time, your experience is basically the kind of experience I have had. If costs are not controlled, ultimately patient care suffers.

Mr. ROE of Tennessee. Look, just to get some more time, if you look at this, there is no way on this Earth, and I said when I came here I was worried, very worried, about our children and grandchildren, my grandchildren, how they were going to do in this system. I am now very worried about our seniors, because I am afraid when you decrease the amount of resources, the amount of dollars, and add more people and cut the costs, cut the amount of money you are going to pay to providers, you will decrease access and you will decrease quality. It has to happen. Or, thirdly, our seniors are going to pay a whole lot more money for their health care, which they cannot afford.

In our area where I live in the First District of Tennessee, it is not an affluent area; it is a mountainous area of the State, and so many patients that I saw every year, a lot of widows that I saw lived on a fixed income, a small Social Security check, \$500, \$600, \$700 a month and maybe a \$100-a-month pension. They cannot afford any more for their health care right now.

There are millions of Americans, our seniors, who no longer can go out into the workforce. They can't hold a job at Wal-Mart as a greeter or at McDonald's or whatever. They are just physically not able. What are we going to do for those folks?

Mr. CASSIDY. Reclaiming my time, Congressman GOHMERT, your State will have a 77 percent increase in your Medicaid population, so your governor predicts it will be \$4 billion more a year in costs to the State of Texas. So as we score this Senate finance bill, which supposedly saves the Federal Government money, it apparently saves it by

making Texans pay more on their State taxes, is that correct?

Mr. GOHMERT. Absolutely correct. Texans will be devastated. I understand a lot of folks aren't concerned about what affects Texans, but Texans are. But you have to look across the country at the way it affects overall the Nation, and this is devastating.

I wanted to follow up on something my friends were talking about with regard to the costs of Medicare and Medicaid. We had just heard earlier tonight from my friend from New York, that, gee, the actual overhead cost of Medicare is, he said 3.5 percent, and the overhead cost for insurance companies is 30 percent.

I don't know where he is getting those numbers. The numbers that I have seen, the numbers I have gotten from reports here, I have got them in front of me, indicate it may be 3 percent or so for Medicare average, but that is not all-inclusive of their costs, and private insurance averages around 12 percent.

But Medicare, as this article notes, Medicare is devoted to serving a population that is elderly and therefore in need of greater levels of medical care, and it generates significantly higher expenditures than private insurance plans, thus making administrative costs smaller as a percentage of total costs. This creates the appearance that Medicare is a model of administrative efficiency.

But what John Alter sees as a miracle is really just a statistical sleight of hand. This notes that private insurers have a number of additional expenditures falling into the category of administrative costs, like taxes that they have to pay that Medicare does not pay.

Additionally, when you compare the administrative costs on a per-person basis, Medicare is dramatically less efficient than private insurance plans. And, as this article notes, Medicare's administrative costs from 2001 to 2005 were, on a per-person basis, 24.8 percent higher on average than private insurance. So when they talk about adding millions of more people on a Federal plan, you add that additional per-person amount, it is going to be dramatic.

My friend from Pennsylvania asked that I yield.

Mr. TIM MURPHY of Pennsylvania. I appreciate the gentleman yielding.

There are a couple items on that, that are important to know. When people talk about the low overhead cost for administration for Medicare, that is because they don't count the things that go with the Department of Health, CMS, and all of the administrative costs that physicians have to have, because what they do is, they pay doctors and hospitals less, as has been pointed out, and have many times a loss on this.

If I could elaborate on this, this is important, because as the majority is

looking at removing \$500 billion from Medicare, you can cannot slash a program by that much without having devastating effects.

It reminds me of the old days in medicine, I wasn't around at the time, when they thought they could treat patients by bleeding them. They said you won't miss a pint or two of blood. It does affect the patient.

In this case, let's keep this in mind: Health care is not expensive because people have insurance, and yet they want to tax insurance. It is expensive because it is filled with waste and inefficiency and misdirected government mandates. When the government comes by and gives doctors pages and pages of paperwork and says you can do this but you can't do that, it is a concern.

Let me give you an example of that. Ninety-five percent of Medicare goes to pay for chronic illness, but because Congress says you can't really manage chronic illness, it is a massive amount of waste. What can doctors pay for? Individual tests, individual procedures. But we know that disease management saves money. With a diabetic patient, heart disease, pulmonary disease, very complex cases which often times require multiple specialists to go to, multiple medications, but as the President himself said, and I remember having this conversation at the White House as well, we will not pay a penny to have a nurse or physician's office call that patient, check their blood glucose levels, check their oxygen levels, see how they are doing, but we will pay tens of thousands of dollars to amputate their feet for a severe diabetic. That is part of the problem we face with Medicare.

Here are a few more. Not only do we not pay for disease management, Medicare Advantage does. Medicare Advantage pays to have someone belong to some sort of an organization where they will get in physical shape. It pays for vision and dental. But now the talk is, let's cut Medicare Advantage because it costs too much and let's somehow do these other things.

It doesn't make sense. This is not evidence-based medicine. Evidence-based medicine says for patients who have a lot of complications, you treat those patients, you work with those complications. And yet what is happening here, the way this Senate bill goes, and I was just looking at this, is, it says let's slash Medicare Advantage so seniors do not have this.

Keep this in mind: Only 1 in 10 Medicare beneficiaries are traditional fee for service, because fee for service doesn't limit out-of-pocket expenses and provides many of the supplement benefits that Medicare Advantage does. That is where, when people says it rewards overuse, it is because that is the only thing sometimes it will pay for.

We need to focus on how we can actually reduce health care costs. The sad

thing about this is that by reducing fees this much for Medicare Advantage, by refusing to pay the very thing that we acknowledge that science and medicine is telling us is going to work, instead what it is going to be is pay doctors less, pay hospitals less, put more burden on the patients, gut \$500 billion, and somehow miraculously out of the sky will come a more efficient health care system. It is just the opposite, I submit to you. Just the opposite.

Mr. CASSIDY. Reclaiming my time, it strikes me really in one way there is nothing radical about these plans, because all these plans do is take the current top-down, bureaucratic-controlled system and they nationalize it. Now, it is not the same sort of, if you will, patient-centered, where patients are involved in their care, patients are involved in saving costs. It doesn't involve that.

In a sense it is new wine in an old wineskin. All we are going to do is put the new wine of a nationalized, centralized, controlled type process, and without any of the things that you describe, which are, if you will, truly transformative, things that would help lower costs by empowering patients and empowering the physicians to work with those patients.

Mr. BOOZMAN. Can I say something to the gentleman from Texas? The other thing that we have to remember in the administrative cost is that at least 10 percent is waste and fraud. So you have this very low administrative cost. Well, they are not doing anything.

Mr. CASSIDY. You are speaking of Medicare, if I may reclaim my time.

Mr. BOOZMAN. In speaking of Medicare. The President stood up here a few weeks ago and agreed. In fact, all of the things—he was going to fix everything—much of what he was going to fix was going to be paid for by getting rid of this waste and fraud, primarily in Medicare and then also in Medicaid. So when you are not really administering, when you have all of this going on, then certainly you are going to have a very low expense. But the true expense is much higher.

Mr. GOHMERT. And John Stossel had made that point well and referred to the Cato Institute, that 10 to 20 percent of private insurance administrative costs goes to preventing fraud because the private insurers care about whether or not they lose money. But, on the other hand, as he points out, Medicare is just taxpayer money, so they haven't been as concerned with waste, fraud and abuse.

From my days as a judge, what we saw was when somebody knows where there is fraud going on and they have a duty to do something about it and don't, they are accessories to the fraud. So it grieves me much to hear leaders around this town in the majority and the administration at the White House

saying, if you will pass this bill, we will cut out the waste, fraud and abuse, and that will pay for \$500 billion in cuts. Why don't you quit being an accessory and cut it where it is?

I have just got to mention this. I was talking to a senior that I consider a very wise individual, and this weekend she said, You know what concerns me about the \$500 billion in cuts to Medicare? Maybe not, but I can't help but think, they know that as seniors, we have been through World War II, we have seen the evils that lurk in this world. We have gained great wisdom from our years. And they are willing to let us die off more quickly so that we are not around to try to get our wisdom across to the young people of what is at risk by this government takeover.

Mr. CASSIDY. Reclaiming my time, as we come back to this, the conversation is that the bill which has been favorably reported as \$81 billion in savings, actually the savings, as Ms. PELOSI says, comes on the back of the middle-class. If you will, part of the conversation is that it punishes the middle class. In fact, if you include the cost of the unfunded mandate to the States, if you recognize that some of these Medicare cuts just won't happen, it is reasonable to say that it is going to increase the deficit. If you will, I would like to say it is not so much fiscal responsibility as it is fiscal sleight of hand.

That said, Congressman THOMPSON, you have been a hospital administrator. What would be the impact of these savings upon the patients who were seen in hospitals where you worked?

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend for that question. Actually I go back to the position I left 2 days before I was sworn into Congress, and actually at that point I will take it to be my responsibility in two areas specifically designated in here: Skilled nursing and hospice. I actually was a licensed nursing home administrator up to that point, working with individuals that really are the most vulnerable.

The people today that are in skilled nursing are the sick of the sick. They are individuals who have no other alternatives. We work real hard to have people stay in their homes and to age with dignity, but there are certain ones, and it is a small part of the population, they need facilities like good, caring, compassionate skilled-nursing facilities.

At the same time, for those folks who are at the final days of their lives and find themselves with a terminal disease, they need services such as hospice, where they are able to die with dignity and with compassion, surrounded by family, whether it is in their homes or in a facility much like the one I worked in.

So it just, I would say, grieves me, but angers me actually that this Sen-

ate health care bill, among the Medicare cuts that we see today, are slated for skilled-nursing facilities, which I can tell you nobody is getting rich in the skilled-nursing industry. It is challenging to make the day-to-day financial payments and requirements there. But the skilled-nursing facilities under this Democrat proposed bill are slated for cuts of \$14.6 billion.

Mr. CASSIDY. Now, reclaiming my time, that is not an industry. That is a set of patients. Is that a fair statement?

Mr. THOMPSON of Pennsylvania. I think it is people's lives. You are right. This goes beyond an impact on industry. This is in fact an impact on people's lives, and the lives of people who really are some of the most vulnerable folks that are in our country.

□ 1915

And then you turn to hospice services. There are people that are in their final days of life and they're looking for that opportunity to die with dignity surrounded by family and loved ones in a setting that is just very compassionate, and this bill is anything but compassionate. This Democratic bill that is scheduled for \$11 billion in Medicare cuts to hospice.

Mrs. LUMMIS. Will the gentleman yield?

Mr. THOMPSON of Pennsylvania. Certainly.

Mrs. LUMMIS. You know, one of the most exasperating things about this whole health care debate in the last several months that's been unfolding is that the bills we've seen from the Democratic Party, from the majority party, will make matters worse than the status quo. But we don't have, as a minority party, the opportunity to show people how we can make matters better than the status quo.

And I would yield to our leader this evening to discuss some of those 40 bills that members in the minority party have sponsored that would make matters better.

Mr. CASSIDY. Reclaiming my time, I was speaking to that small business man today back home whose premiums have just gone up 27 percent, and he was unaware of the Republican options. And there's a wall of sound that says the only thing we can discuss are the Democratic-controlled bills as opposed to the other options.

There is H.R. 3400, which really encapsulates many of the things that Congressman MURPHY was speaking about earlier. Now, if we want to say that there are the essentials of health care reform, there's an article by McKinsey & Company which is very good. And it says the essentials are to reduce administrative costs, reduce the cost of chronic care, which is what Congressman MURPHY was talking about, and incentivizing patients to make value-conscious decisions so that

when the patient actually becomes aware of how much something costs, she will make a different decision than if she feels as if it costs nothing more at all.

I know, Congressman ROE, you have experience with the health savings accounts, if you wouldn't mind commenting on that.

Mr. ROE of Tennessee. Well, I appreciate that.

There's no question in our area we've had four different small businesses, including Johnson City, Tennessee, where I was mayor before I came here, that have actually flattened their premium increases by doing exactly what Congressman MURPHY was talking about. You change the incentives.

BAE Corporation, Holston Munitions, they make C-4 and plastic explosives and so forth, and that company has 700 or 800 employees. They have not had a premium increase in 5 years in that company. How'd they do that? Well, they changed the incentives. If you were hypertensive and obese and smoked, it would cost you more for your insurance. If you got on their plan, their wellness program, and you stopped smoking, you exercised, and you lost weight, they would reward you financially. And guess what? They have kept their premiums down. Free Will Baptist Ministries, a small 150-person group has done exactly the same thing.

I've had a health savings account, and let me explain that to people out there who are scared away with this. In our practice, we have almost 300 employees who get insurance through our company, through our business, our medical practice, and 84 percent of them have a health savings account.

What that is is this: You manage the first dollars. The first dollars may be \$3,000. Mine was \$5,000. So I paid the first dollar for any health care, but it made me a great consumer. It also incentivized me to stay healthy, exercise, eat right. If you don't spend that money, guess what happens? You get to keep it, roll it over into next year like an IRA, and you can spend that on your health care the next year. And if you're healthy over a number of years, then you're able to keep this money and buy long-term care with it or whatever you want to spend it on health care-wise. If anything over \$5,000, I had a catastrophic policy, so if I had a cancer or a car accident or some severe illness, it covered 100 percent. So basically what I was doing was I'm the insurance company. I'm managing my own care and my own dollars. It works extremely well. Under this plan, it does not work.

And before I stop, I wanted to pass along something that I found very fascinating in Massachusetts. In Massachusetts, they've done a great job of trying to cover their citizens there. They have about 97 percent covered, but they're running into the same issue

that we did in Tennessee. From 2006 until now, State spending on health care is up 70 percent. And in that State, you cannot be denied coverage and you have a mandate to buy insurance as an individual. So you have to purchase this insurance.

Harvard Pilgrim Health Care, from 2008 until 2009, found this out, that 40 percent of their new enrollees were enrolled for less than 5 months, and during that 5-month period of time, they averaged spending \$2,400 a month on those folks. For the folks like the rest of us that just go out and pay our premiums, it was \$350 a month. So what these people were doing is they were waiting till they got sick, then they bought the health insurance, and when they got well, they dropped it. So they paid the fee or the tax. Look, people will do what's in their own best interest. They're smart, and they'll figure out what to do. So I don't know how you make people or force people to do it.

Guess what happened in Massachusetts? The rest of us, the rest of the folks up there who got insurance subsidized those people greatly. So I think you have to put the onus back on, and we have several plans out there that can do that, that incentivize people to look after their own health care. I mean, some very simple things to do.

Tort reform. Very simple. You can save billions of dollars. Take away State lines. Allow co-ops or association health plans to be formed. Subsidize State high-risk pools. So if a patient of mine who came in and said, Dr. ROE, I was diagnosed with breast cancer 5 years ago and I'm uninsurable, make sure that patient, that woman can get affordable health insurance. Those are simple things we can do that everybody in this Chamber ought to be able to agree on.

Mr. CASSIDY. So, as opposed to the Senate finance plan which, frankly, I think punishes the middle class—again, Speaker PELOSI says that the savings in this plan will come off the backs of the middle class. Instead, we're offering a different sort of thing which costs are controlled by empowering patients. As Dr. Ardoin said, from Ville Platte, Louisiana, patients are the only one that can control costs. And so that would be our sense, empowering patients as opposed to putting the savings off the back of the middle class.

Mr. ROE of Tennessee. Dr. Cassidy, you know this, that if I had a patient that was a pregnant diabetic and she came to me, I can tell her what to do, but unless she's empowered to take care of her own blood sugar calculations, she's not going to have a successful outcome. So we absolutely have to engage our patients in solving these problems. There's no doubt about it.

Mr. CASSIDY. And reclaiming my time, to have some independent judgments, again, the Congressional Budget

Office is the one that says that the Senate Finance plan will have a growth in cost of 8 percent per year, which more than doubles. Contrast that with the Kaiser Family Foundation study about health savings accounts, and they've found that a family of four with a health savings account and a catastrophic policy on top had a cost of insurance 30 percent cheaper than a family of four with a traditional insurance policy. So because the family is engaged, their costs are 30 percent cheaper, again, per Kaiser Family Foundation. That's bending the cost curve.

Mr. ROE of Tennessee. Well, there's no question that the American people are the greatest shoppers in the world. I mean, how many of us haven't driven over five lanes of interstate to get gas 2 cents a gallon cheaper. I mean, we've all done that. Admit it. We are good shoppers and consumers, and health care ought to be the same way.

Mr. CASSIDY. So Congressman GOHMERT, have you ever driven across five lanes of traffic to get some gasoline at a penny cheaper?

Mr. GOHMERT. I've driven further than that to get cheaper gasoline. I've driven a lot further. In fact, I'm a guy that when I get my gasoline and I turn off the pump, I will still make sure I get all the gas out of that hose into my car that I paid for. Americans do that kind of thing when it matters.

Mr. CASSIDY. Reclaiming my time, and that's because you're empowered, if you will. Now, what if someone else were filling up your gas tank? Do you think that if someone else were the responsible party as opposed to you, would it be the same dynamic?

Mr. GOHMERT. I doubt that if anybody's got my credit card and paying for my gas that they'd go to that much trouble that I do when I'm paying for it. But I'll tell you, to follow up on what's been discussed here and mentioned about health savings accounts, even yesterday we had people across the aisle coming to this floor and saying, Republicans have no solutions. And I don't care how many times they say it, it is still not true. As my friends have been talking about, we have some plans.

I have a bill that uses the HSA, the health savings account, as the method of getting health care on track, of getting patients the power they haven't had in years, the coverage they haven't had in years, or ever. And we had people on the floor from across the aisle just saying yesterday and today that we want people to get on Medicare; we have no alternative to that. They need to read some of our proposals.

My bill, it gives seniors an option. You can stay on Medicare or we will give you money every year in a health savings account and pay for the catastrophic care to cover everything above that. You won't need supplemental.

You won't need wrap-around, and we'll give you that choice, because I know where they're going to go, and when we incentivize the young like we do in my bill, like my friend Dr. ROE was talking about, that is going to get the young people on there. So as they get older, they will have accumulated, most of them, so much in their HSA they're not going to want anybody from the government interfering in their health care.

Mr. ROE of Tennessee. Would the gentleman yield?

Mr. GOHMERT. Sure.

Mr. ROE of Tennessee. When I go in, and I had a procedure done on myself a couple of years ago. I take this card right here, which is my health savings account, and it's a debit card. And that day they get paid. I said, I want your best price. I want the lowest price you can give me right here when I pay you because you get your money, no insurance company involved, no anything. I'm paying today cash out of my health savings account.

Mr. CASSIDY. If I may reclaim my time, again, going back to the McKinsey & Company report that spoke about the three imperatives for health reform, one was decreasing administrative costs. I read a statistic that 40 percent of the overhead of a primary practitioner is related to billing. With that debit card, you just lowered that 40 percent to a minimal percent.

Mr. GOHMERT. If the gentleman would yield, another thing that does is it gets transparency back in the process, because when you come in with an empowered HSA debit card and you tell them, as Dr. ROE did, give me your best price, and under my bill, it requires that they give everybody exactly what the prices are in advance. And if Blue Cross is getting a better price, they have to tell you that, too. And then you would say, well, you either give me the Blue Cross price or I'm going down the street where they will. It gets competition back in when you get that transparency. We have that in our alternative bills that are not getting the chance here on the floor.

Mr. BOOZMAN. The other thing I would say, and you all, the gentleman from Tennessee and you might talk about the importance of getting rid of these nuisance lawsuits. We got good news. I believe it was the CBO, somebody scored this week to the tune of many, many billions of dollars. That's something that our side is pushing for very, very hard. Everyone agrees. Even the President, when he addressed us a few weeks ago, made mention of the fact that he'd been talking to his physician friends and this and that and that he felt like, you know, that there was something there. The problem was the solution that he offered is really no solution.

But why don't you guys talk a little bit about the numbers, what that

would do, and then also how that drove costs in your individual practices.

Mr. CASSIDY. Dr. ROE, as we try and come up with a plan which is patient centered, that controls costs, that expands care, OB-GYNs, which you are, have had more problems—except maybe neurosurgeons—with the cost of malpractice. Would you mind commenting?

Mr. ROE of Tennessee. Thank you. Let me just give you a little historical trip.

These crises, legal crises have occurred throughout various States in the Union, and it occurred in Tennessee in the mid seventies. All the companies who provided malpractice insurance left the State. So the doctors got together and formed a mutual insurance company, State Volunteer Mutual Insurance Company, where what we don't pay out in premiums—I mean in charges and costs. We keep and it comes back as lower. When I got my first malpractice premium in the seventies, it was \$4,000 a year. The young physician who replaced me was \$74,000.

□ 1930

Mr. CASSIDY. Excuse me, Congressman. I'm sorry, \$74,000 a year for malpractice insurance?

Mr. ROE of Tennessee. Yes. And I spoke to a neurosurgeon just yesterday who is over \$100,000 a year just in Tennessee. What happened in our State was the following: since the inception of that company, since the mid-seventies until now, that's 35 years, over half the premium dollars we've paid have gone to attorneys, less than 40 cents have gone to the injured party, and 10 cents go back for reserves and running the company.

What we have in America is a terrible system to actually pay for injured parties. If we have injured someone in a medical malpractice event, we have no good way except through the legal system, in which most of the money goes to the attorneys, both defense and plaintiff attorneys. We can't actually pay for the injured party.

That is what's wrong. And I would suggest that the attorneys have to come and help us get a system that better helps the injured party, to compensate them. If we hurt someone, let's compensate that person. Right now in our State we have a terrible system to do that.

Mr. THOMPSON of Pennsylvania. Will the gentleman yield?

Mr. ROE of Tennessee. Yes.

Mr. THOMPSON of Pennsylvania. We have a bill that we've made reference to that Republicans put forward, H.R. 3400, which specifically addresses tort reform, among many other things. That bill essentially would remove the burden on health care today, which I consider part of the waste, and that is the medical liability premiums; \$26 billion annually in medical liability pre-

miums. That's not a price tag that considers the cost of defensive practice, and I understand that. I mean, you invest anywhere from \$200,000 to \$500,000 coming out of school in loans, and because of lawsuits, and many times frivolous lawsuits, you can lose your practice and lose your home over the ordering of additional tests. That has to be in the neighborhood of somewhere over \$100 billion annually.

H.R. 3400, which we have put forward, if that would come to the floor and our colleagues on that side of the aisle would join with us, we could eliminate over \$125 billion in unnecessary costs from health care today.

Mr. CASSIDY. Reclaiming my time, we have about 1 minute left together.

We can say that we have really two contrasting visions: one is basically nationalizing the health insurance industry; and although scored as an \$81 billion cost savings by the Congressional Budget Office, we have discussed that that's in part because of cuts to Medicare, which means cuts to health care for folks on Medicare, unfunded mandates on the States so that States will force their taxpayers to either pay higher taxes or cut the amount of money available for construction, education, and such like that, to achieve something which frankly seems illusory.

But if we contrast that with what the Republican Party is proposing, which is to put patients in the middle of the process, to say to patients, Listen, once you're there, you are empowered to not only direct your health care, but to control costs. And we have quoted data from Kaiser Family Foundation how that truly happens, as well as the experience of groups like yours with numerous employees.

So at the end we will say that Republicans' ideas, I think, will empower patients, whereas the Democratic ideas appear to empower government.

Thank you for joining us.

#### AFGHANISTAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Madam Speaker, tonight I rise once again to draw the attention of my colleagues and the American people to Afghanistan. I say "once again" because over my 20-year career in Congress I have spoken many times and at great length about that distant and desolate country.

My interests and involvement in Afghanistan in fact date back before I was elected to Congress. During the 1980s, I was a special assistant to President Ronald Reagan. While I was primarily a speech writer, I soon learned after arriving at the White House with Reagan's team at the beginning of his

administration that the President's words, once spoken and in the *RECORD*, become the policy of the executive branch.

As a speech writer, I not only would write the words, but would help determine what would be said. When I realized the influence I would have, I was in awe of where my life had led me.

I had worked hard in Ronald Reagan's gubernatorial campaigns when he first ran for Governor back in California. Later on, I worked on Presidential campaigns when Ronald Reagan ran for President in 1976 and 1980. And when he won in 1980, I went with him to the White House.

I am still honored that President Reagan brought me to the White House with him and that he trusted me enough to hold such a position of writing his words and working with him on his speeches. And I really appreciate the fact that often enough President Reagan backed me up when the remarks that I wrote were a little bit tougher than the policy statements that most of the senior staff of the White House wanted the President to say.

But I worked for President Reagan, I knew that. I didn't work for his staff; I worked for him. And I understood that he wasn't there to be President. He was there to make things happen, to change the course of our country, to redirect the confidence of our people from a downward spiral at that time to an upward thrust.

Those of us who worked for him knew firsthand that an unmistakable goal to which President Ronald Reagan was committed was to bring about a more peaceful world. That lofty goal was not going to be achieved by ignoring or downplaying threats or by sincere expressions of a desire for peace or by holding hands and singing kumbaya. Yes, part of Reagan's strategy to obtain a more peaceful world was rebuilding our military forces, this to deter aggression.

But let us look back and note that he rebuilt our military forces, but only on rare occasion did President Reagan send our troops into troubled spots in the far reaches of the world. He was hesitant to give the green light to use the military in such actions. He did so sparingly. He had a sense not to get us trapped into a prolonged conflict or a no-win situation.

He sent our marines to Lebanon for a specific mission. They were there to accomplish that mission, and they were supposed to leave within days. Then President Reagan was convinced, over his better judgment, to keep the marines in that war-torn city, Beirut, as a stabilizing force—get that, a stabilizing force in the most volatile region of the planet. The result was, of course, 295 dead marines, a setback for our country, but a catastrophe for 295 American families who lost loved ones.

It was especially hurtful to me. I grew up in a marine family. My father was a lieutenant colonel in the United States Marine Corps. I went to school and lived at Camp Lejeune and Cherry Point, North Carolina, when I was in eighth, ninth and 10th grade.

There my brother, who was also going to school with me, met and befriended a man who became his best friend, in fact, David Battle, who shortly after graduating from Camp Lejeune High School joined the Marine Corps. He was still 17 years old. Sergeant David Battle remained my brother's best friend.

And as Ronald Reagan was being inaugurated, right afterwards we went to Camp Lejeune and we visited with his family and with David Battle. He was a sergeant at that time. He had been in the Marines all that time, two tours of duty in Vietnam, and he was looking forward in a few years ahead to retiring from the Marine Corps. And there he had a small boat which he was going to be working the rivers and estuaries in North Carolina, collecting seafood and oysters and clams. He had his life picked out for him. It was going to be a fine retirement. We were very close to that family.

Then I went up and joined the White House staff. A few years later, when the bomb went off in the Marine barracks in Beirut killing 295 of our people, I immediately sought out the list of casualties and Sergeant David Battle, his name was the first on the list of those who had been killed. I went to my office in the White House and I wept. At that point, I pledged to myself that I would never, ever cease to step forward and try to make sense of something that didn't make sense and that would put our people in jeopardy.

President Reagan learned a bitter lesson; and to his credit, against the advice of some very aggressive national security advisers, President Reagan decided not to reinforce the decimated marine force in Lebanon. Instead, he pulled them out before we got stuck in a quagmire that would have been exploited by our major global enemy at that time, the Soviet Union. He took great care not to get us into a fight that we wouldn't be able to get out of.

Let me note, for all the name-calling suggesting Ronald Reagan was a warmonger for building up our Nation's military, Reagan's predecessors, both Republican and Democrat, sent our military into action far more often than did President Reagan. The liberation of Grenada from a bizarre and murderous Communist takeover—and that was just a very small, short operation—and in Lebanon, which turned out so badly, that's about as far as it goes in terms of Ronald Reagan ordering U.S. troops into harm's way.

So sending American combat troops into battle was not how Ronald Reagan

succeeded in making the world a safer place, a world where universal peace would have a chance. Well, number one, to accomplish that, Ronald Reagan built up our military might in weapons, quality of personnel, and advance technology. For example, his famous commitment to a missile defense system, which even today looks like such an important investment to protect us against missiles from Korea or Iran, or perhaps China.

He improved our intelligence, which had been gutted in the 1970s. And, lastly, and most importantly, by implementing a strategy that became known as the "Reagan Doctrine," he helped end the reign of Communist tyranny and made the world a safer place.

It was Charles Krauthammer who first identified that Reagan's words and actions were part of a comprehensive strategy being brought to bear against Soviet communism, a strategy that had been outlined in his speeches. The Reagan Doctrine had nothing to do with sending U.S. troops to far-off lands and defeating an enemy. Reagan instinctively knew there were limits to what the power of government, even the Army, could accomplish; but he also understood the mighty power of people who loved freedom. Ronald Reagan understood that struggling against tyranny, especially Communist tyranny, were America's greatest allies. They would be our brothers and sisters throughout the world of people who were resisting tyranny, especially Communist tyranny.

The Reagan Doctrine, in short, was to achieve our goals of a safer world and a more secure world and a safer and more secure America by supporting those brave souls in various countries who were resisting or fighting pro-Soviet Communist dictatorships, which was our enemy as well as their oppressor.

In Poland, we covertly helped the Solidarity Movement. We bolstered our broadcasting to captive nations in Eastern Europe and elsewhere. We provided funds and resources to the anti-Sandinistas insurgents in Nicaragua, which eventually forced that Marxist gangster regime to have a free election; and when they did, those Sandinistas, those Marxist Sandinistas lost overwhelmingly.

The implementation of the Reagan Doctrine, not just rebuilding U.S. military strength, was what broke the will and the bank account of the Soviet Union. Nowhere was it more effective and harder fought than in Afghanistan, which in the mid-1980s was in the front lines of the Cold War.

A few years into the Reagan administration, I was approached by an old friend, Dr. Jack Wheeler, who, interestingly enough, was the chairman of Youth for Reagan in Ronald Reagan's first campaign for Governor in California back in 1966. That's where I met

him. After that, Dr. Wheeler had gone on to earn a Ph.D. in philosophy and had been earning his living as a tour guide which took people on adventure tours into some of the world's most dangerous territories. He was a real Indiana Jones; but more than that, he was a real patriot.

Jack Wheeler wanted to be part of President Reagan's historic effort to reduce communism's influence on this planet and to relegate it to the ash heap of history. Dr. Wheeler's plan was to travel to some of the most inhospitable locations in the world and to contact the leadership of various anti-Communist insurgencies who were there in those far-off places engaged in taking on Soviet military power. I agreed to receive his reports and documentation as he traveled, and after 6 months it began to arrive. He was on the road and into the front lines.

I started receiving information, pictures and notes and descriptions and audiotapes and videotapes in my office in the White House; much of it came through diplomatic pouch from far away embassies.

When Dr. Jack Wheeler returned from searching out the leaders of the various anti-Communist insurgencies, he came directly to the White House where I arranged for him to brief about 30 national security-focused staff members at the White House. What they heard was electrifying. There was a very real opportunity to defeat the Soviet Union and to usher in a new era of world peace.

□ 1945

The Soviet empire was vulnerable, and that's where the Reagan Doctrine started at that particular briefing. Everybody knew it could be a strategy, and we went to work putting it in place and presenting it to the President.

This strategy of the Reagan Doctrine was implemented by men like Dr. Constantine Menges, who had been in the CIA. He was a great academic as well. At that time, he was working with the National Security Council of the White House. Yes, CIA Director Bill Casey was also significant in the success of the Reagan Doctrine—and yes, we have to admit Ollie North as well.

President Reagan, of course, was the real hero of this particular policy. He approved a strategy that defeated the Soviet Union without sending our troops into action against Soviet troops or even coming into direct confrontation with Soviet military forces. We feared a nuclear war for decades. Reagan ended that threat, that nuclear war with the Soviet Union that we all felt someday might happen and obliterate most of mankind. Reagan ended that threat. Communist tyranny was advancing when Ronald Reagan became President. He turned it around and laid the foundation for a collapse of the Soviet Government in Russia. Afghani-

stan was the tip of the Reagan Doctrine spear.

So, our assistance to the Afghanistan resistance escalated, and as it did, I became more personally involved in this historic effort. In those days, Jack Wheeler would send us firsthand accounts of the frontline fight in Afghanistan. At times, he would bring Afghanistani warriors to my office in the White House. Other times, these rugged fighters—the Mujahedeen as they are called—would come to Washington for secret meetings, and I would end up taking them for lunch at the White House dining room or introducing them to specific people in the bureaucracy and in the power structure who could help them. So I got to know and admire these brave people.

In the late 1980s, the Soviets upped the ante, unleashing Hind helicopter gunships which ripped the Mujahedeen, and they were just destroying them at will. At this moment of desperation, there was a major debate in the White House over the proposal to neutralize the helicopter gunships by providing Stinger missiles, which are shoulder-held missiles that can take out airplanes or helicopters. There was a debate as to whether to provide them to the Afghan resistance.

Ronald Reagan personally made the decision, and the anti-aircraft weapons were sent. It changed the outcome of that battle in Afghanistan, and it changed all of history. Yet it was not just weaponry or even U.S. financing or material support. It was the courage and sacrifice of the Afghan people that carried the day. A million of them lost their lives. It was an overwhelming loss for every family of Afghanistan. Several million were displaced, but all of them stood tall and stood up to the Soviet empire. We were proud to stand by such people.

Yes, Charlie Wilson, who used to be a Member of Congress and a member of the Appropriations Committee, played an important role in getting the money allocated to help these brave people, and other people in Reagan's White House can be proud of what was done to support these Afghan freedom fighters. I would have to say, for as much as we did—Charlie Wilson and those of us in the White House and other people—it's the Afghan people who thoroughly deserve the credit of not only defeating this Soviet Army in Afghanistan but of breaking the will of the Communist Party bosses who controlled the Soviet Union.

When the Soviet Army retreated from Afghanistan, Soviet confidence crumbled, and a new world emerged free from the threat of a Russia controlled by a Marxist-Leninist dictatorship—a Russia committed to Communist world domination.

It was an historic achievement which can be traced to the Reagan Doctrine but also to the blood and to the sac-

rifice of the Afghan people. How did we repay this enormous sacrifice that made all of us safer, this tremendous gift that we still enjoy? How did we repay it? We walked away and left a crippled and wounded Afghan population to sleep in the rubble. We didn't even provide them with an ample level of support to clear land mines that were planted all over their country, land mines that we had given them, mines that to this day continue to blow the legs off of Afghan children.

To say America was guilty of ingratitude is to put it mildly, but President Reagan was gone by then. His term of office was over, and George Bush, Sr. was President—George Bush, Sr., the same President who sent American troops all over the world and sent a huge number of deployments of American troops into battle, the same George Bush, Sr. who walked away not only from the Afghans but from the democracy movement in China, leaving them to be slaughtered both in Afghanistan and in Tiananmen Square. No, George Bush, Sr. was no Ronald Reagan.

As time passed, chaos reigned in Afghanistan. During the Clinton administration, our government took steps to do something about the mayhem in that country. Unfortunately, President Clinton's team did exactly the wrong thing. What do I mean?

One of the reasons for the continued bloodletting in Afghanistan after the Soviets left and their puppet regime collapsed—what brought that on and continued that bloodletting was that, during the war, the American Government had agreed to let the Pakistani Intelligence Service—that's the ISI, the equivalent of our CIA—dole out our supplies, American supplies, to the various anti-Soviet Afghan factions. The ISI—that's the Pakistani CIA—was then and is now a hotbed of radical Islam. Much of our military supplies, which were being channeled right through this group, ended up in the hands of radical, radical, the most radical Islamists—people like Gulbuddin Hekmatyar, Sayoff and other murderous Islamic radicals.

We could have and should have insisted on the direct delivery of U.S. supplies to the insurgent groups, and we would choose the insurgent groups. We did not insist on that. Instead, our own CIA punted. Even to this day, they say, Well, we couldn't have looked at things for the future. You know, how do you expect us not to have a battle in the future when we've got a battle right now to determine? No. You could make a determination of not giving weapons to the worst radicals in Afghanistan. They could have made the determination that, in the long run, it wouldn't have been in our interest, because there were many other moderate Afghan Mujahedeen groups who needed



that support and who didn't get anywhere near as much as these radicals did from the Pakistani CIA, the ISI.

Basically, the CIA is giving the ISI leverage, which was then used to promote Islamic fascism. It was also used to secure the Pakistani dominance of Afghanistan, which has been one of the major reasons, dynamics, that has kept Afghanistan in turmoil for decades. So what happened? The situation got worse and worse. The chaos got worse and worse.

During this time, I was one of the few who did not turn my head and walk away. I kept looking for a way out of the insanity and chaos. Yes, there was a way out, but it was a path the Saudis and the Pakistanis did not want to take. There was one man revered by almost all of the Afghan people of every faction and every tribe. It was King Zahir Shah, the king who is in exile, who had led his country for 4 decades through peace and stability. When he was overthrown, Afghanistan ended up in decades of chaos and bloodletting and invasions on a massive scale.

During that time, King Zahir Shah, as he was deposed in a coup, ended up living in exile in Rome. I met with him there on a number of occasions in the 1990s. He was the obvious leader to bring peace and stability to his bloody and torn country but not so obvious to the Pakistanis, who wanted to dominate and control Afghanistan, not so obvious to the Saudis who were doing the bidding of the most violent and anti-Western manifestations of Islamic fascism, and not so obvious to the Clinton administration, whose goal was to go along with the Saudis and the Pakistanis.

I, personally, argued my case to Prince Turki, then the head of the Saudi CIA. Prince Turki had been very involved with supporting the anti-Soviet Mujahedeen during the war against the Soviet occupation. I begged with him and pleaded with everyone else who would listen. King Zahir Shah was a moderate Muslim leader who would bring peace and stability. No. What the Saudis and the Pakistanis wanted was a radical Islamic force that would supposedly unite the devout Muslims of Afghanistan but, more importantly, would be a Pakistani and Saudi ally, an ally who would be willing to do their bidding.

What did the Clinton administration do? What did the Clinton administration want? Well, what they wanted was to make the Saudis and the Pakistanis happy. So, in the mid-1990s, the Taliban emerged. They are not the same as the Mujahedeen. Many Americans mistakenly believe that the people who fought against the Soviet Army, who were named the Mujahedeen, later became the Taliban.

By and large, it was the Mujahedeen later on who drove the Taliban out of power. It was the Taliban which had

been kept as a reserve force, you might say, going to these moderate schools in Pakistan until after the Soviets had been defeated. The lion's share of Mujahedeen leaders, who fought against the Soviet troops, were not part of the Taliban.

Well, I hoped for the best after it was clear that the Taliban was anointed by the Clinton administration, by the Saudis and the Pakistanis, and they took over Kabul, the capital city of Afghanistan. I hoped for the best for about 2 weeks. I was just hoping. People told me maybe they'll come through, and maybe they'll start moderating, but my worst nightmares began to come true after just a few weeks.

A brutal fundamentalist, Islamic movement that hated the West was taking control of Afghanistan, supported by the United States Government in the name of stability. That was it. In the name of stability, we're going to support these radical fundamentalists and other tyrannical forces.

For several years, at this time in the 1990s, I was a voice in the wilderness here in the House, warning that the creation and support of the Taliban would come back to haunt us someday. I had no idea how true these warnings were, and how much it would hurt us. During that time in the 1990s, I met with the leaders of Afghan tribes and ethnic groups in and out of Afghanistan in an effort to forge an anti-Taliban coalition. The core of the plan was to bring back Zahir Shah, King Zahir Shah, as the focal point for dislodging the Taliban—someone everyone could rally around, who would treat people fairly and create a peaceful, more democratic country.

At the end of the year 2000, after a Herculean effort, there was a meeting that had been arranged of all the Afghan factions except for the Taliban. After that meeting, King Zahir Shah agreed to return to Afghanistan to hold a Loya Jirga in July of 2001. The Loya Jirga, let me note, is a convention of tribal elders which was to take place in the territory that was controlled by Commander Masood. Commander Masood is a man who was never beaten by the Soviets. He was also never beaten by the Taliban, and he was one of the last commanders who held any part of territory in Afghanistan. The rest was controlled by the Taliban.

Considering this agreement of Zahir Shah to go to Commander Masood's territory and have a Loya Jirga to talk about the future governance, the governance of Afghanistan, this was a great step forward, and this agreement was forged despite the opposition of the Clinton administration. It was a great accomplishment just to get that agreement. Those involved in making this happen included International Relations Committee Chairman Ben

Gillman; Tom Lantos, a senior member of the Foreign Affairs Committee; as well as a few others but just a few.

After George W. Bush was elected, I was able to meet several times with his new National Security Adviser, Condoleezza Rice, whom I knew from the Reagan days. Well, we discussed Russia, and we talked extensively about Afghanistan. I pitched the idea of overthrowing the Taliban using the coalition that I'd been building—the anti-Taliban coalition.

Well, the idea wasn't rejected, but no action was taken, at least until 9/11. The 9/11 slaughter of 3,000 Americans was planned and set in motion by bin Laden's al Qaeda terrorist network, then allied with the Taliban, which was headquartered there in Afghanistan and was operating freely in that country.

□ 2000

On 9/11, I was given an incredible opportunity to utilize the knowledge that I had gained and the relationships I had built in that region over the many years. It was the opportunity to make a significant difference for my country at a time of great chaos and crisis.

Only a few days before, al Qaeda/Taliban assassins had murdered Commander Masood. I had met with Commander Masood in Afghanistan in one of my several forays into Afghanistan during the 1990s. I visited him in a mountain hideout, his retreat, or his fortress you might say, and we talked for a long time. We had been in contact ever since the time in the Reagan White House when he sent his brother to see me. And we had negotiated and kept in touch verbally, but that was the first time I met him. Our friendship was already in existence, and by that meeting, it really was solidified.

And then Commander Masood in the days before 9/11—and we'd been looking forward to having this meeting in his territory with the King, Commander Masood was blown apart in an assassination scheme—of course, Taliban and al Qaeda scheme. And I remember then how much despair that I had that this great man who held such promise to be a leader of his country, like others who were killed during a war against the Russians and now the Taliban, so many young leaders killed in Afghanistan—a brave man, Abdul Hawk, lost his life.

But Commander Masood, I sat down in my office in total despair and I said, I gotta get control of myself. Why did they kill him? Why did they do that now? I thought it out, and I realized that they had killed Commander Masood in order to prevent the United States from having an avenue to counterattack against them for something that they were going to do to us. It made all the sense in the world.

They were going to have a major attack on the United States, and it must



have been something that was going to be humongous and cause much loss of life or they wouldn't have gone out of the way to kill Commander Masood because we wouldn't have wanted to try to retaliate against them, to use him to retaliate against them for something they did to us. Well, yes, that was exactly the case. And I realized there would be a monstrous attack on the United States, so I immediately called the White House.

I called the White House. I called for National Security Adviser Condi Rice, and her assistant came on the phone and said, Congressman ROHRBACHER, what is it? And I said, I've got to see her. I've got to warn her about an imminent, major terrorist attack that is going to happen very soon in our country. There will be a huge terrorist attack. I need to talk to her about it and give her some details of what I think is going to happen.

And the aide said, You know, Congressman, she's talked about Afghanistan before. We know you're an expert on that, but she can't see you today. She's a busy person. But if you come over tomorrow at 3 o'clock, she will talk to you, and I will put you on the schedule.

So I was on the schedule at 3 o'clock to talk to Condoleezza Rice to warn her of an imminent major terrorist attack. That's what the schedule says. The day that I was supposed to meet her was 9/11. That day, the planes began flying into the buildings at 8:45.

So on that horrible day, 9/11, I understood what was happening, and I immediately began to provide information and contacts to the CIA, Defense Department, and National Security Council. The team who had helped me during the years organizing an anti-Taliban coalition was now brought to play to help America plan its counter-attack.

Charlie Santos, a confidant of Afghan Uzbek leader General Dostum, was a treasure house of information and direction for our government and part of my team during the years before. Al Santoli on my staff ended up talking directly via satellite cell phones to village and tribal leaders. One of them, for example, was so-called warlord Ishml Khan, thus paving the way for the injection of our special forces troops.

Paul Berkowitz, who now works for me, then working for Chairman Ben Gilman, opened doors throughout the administration. Paul Behrends, a Marine major, a former member of my staff who had been in Afghanistan with me and knew the players in the territory, was there to help. And Dusty Rhodes, an expert from the intelligence community, he was on my staff at the time and had very special skills that were incredibly important to helping us determine how to proceed.

I have never sought much credit for the small but significant contribution

my team made after 9/11. It's like that saying Reagan had framed on his desk: "There is no limit to what a person can accomplish if he doesn't care who gets the credit."

Well, our military originally wanted to send in heavy American Army divisions into Afghanistan; basically, what we did in Iraq. They would be supplied by depots located in the northwestern provinces, provinces of Pakistan where that invasion would have been staged from. It would have been a disaster had we done that. The northwestern provinces are the most anti-American territories in the world, which, right now, people are struggling against Taliban control over those areas.

Our team managed to convince America's decisionmakers to come at Afghanistan from the north through Uzbekistan, and most importantly, to let our Afghan coalition do the fighting. Most of those making this decision on which way to go—whether to send in the big heavy divisions or not—had never even heard of Tarmez, which is an Uzbek city on the Afghan border that later served as our staging area.

They had, of course, never been at the northwest provinces, nor did they know about the strategically important Afghan city of Mazar-e-Sharif, which later turned out to be pivotal in the defeat of the Taliban. I had been to those cities. I had been to those places, and our little team knew the territory and the forces at play. And luckily, some high-level decisionmakers at the DOD and the CIA and, yes, the National Security Council listened to us.

Too many Americans don't fully appreciate the fact that it was an army of Afghans—that was called the Northern Alliance—that defeated the Taliban and drove them out of their country. Only about 200 U.S. military personnel were there at the time. Only 200 men, boots on the ground, yes. Only 200 men were there of American military personnel. And we gave the Northern Alliance the financial support and supplied them the arms and the ammunition and, most importantly, the air cover they needed to defeat the Taliban.

We also promised to rebuild their country, and that's how the Taliban—who were immensely more powerful than they are today—that's how they were defeated after 9/11.

So 7 years have passed, and it appears now that America is pulling defeat out of the jaws of victory. American political restructuring and military firepower has not been working, and it should be of no surprise that it's not working. We can defeat any army and dislodge any tyrant or regime. We cannot conquer or subjugate a people. Once we are viewed as occupiers and not liberators, we lose.

The people of Afghanistan are devout Muslims. Yet after 9/11, large numbers of them came to our side and fought against and defeated the Taliban and al

Qaeda Muslim extremists. Oh my, how history repeats itself.

After promising to rebuild their war-torn country, after the victory over the Taliban, we then, instead of keeping our word, moved on and committed ourselves to freeing Iraq from the Saddam Hussein dictatorship and helping those people. That commitment dramatically undercut our ability to make the kind of effort and expenditure of resources that the brave Afghan people had a right to expect at that time.

Well, they fought the Russian Army and helped end the cold war, and it was an enormous price that they paid to do that. Then after 9/11, they joined us again to fight radical Islam's grip on their country, which had been used as a base camp for the 9/11 attack that slaughtered 3,000 Americans. The Afghans are brave and honorable people. We have to do justice by them. We have to yet pay back this debt that we still owe them.

Instead, over the years, we have sent our military with its incredibly sophisticated weapons into Afghanistan. When the Taliban were driven out, 90 percent of the Afghans loved us and they were doing the fighting against the extremists. Now, years later, our troops are doing the fighting and the hearts of the Afghan people are turning against us.

Afghanistan is a country of 4,500 villages. Each has a militia. Either the villages are with us or they're against us. We've made the age-old mistake of thinking this society of villages and fiercely independent people can be pacified and controlled by our forces or those of a central authority in Kabul. Trying to impose centralized government power on these villages rather than approaching them as friends who are there to help has turned friend into foe, ally into enemy.

We can defeat a foreign army, be it a German or Japanese military power of World War II or Republican Guard of Saddam Hussein. We cannot defeat the country of Afghanistan. We cannot occupy or control its people. We can be their friend, and if we do so, we will win. If we attempt to use our military might to force an outcome based on control and pacification of a vast and inhospitable countryside, we will eventually lose. The 4,500 villages will be with us or against us. They will be with our enemy, radical Islam, or they will be against it.

Just as I was in a position to influence enormously important decisions after 9/11, I believe I am here at this moment to try again to influence a decision that will have horrendous negative consequences if not made with an understanding of Afghanistan and its people.

Today we are facing a decision to send or not to send 35,000 more combat troops into Afghanistan. Thirty-five thousand more troops, by definition,

means Americans will do more fighting. It is a wrong strategy, a strategy that will not work and will cost too much financially and cost too much in terms of the lives of our military personnel. A better plan is to re-earn the loyalty of these brave and long-suffering people.

Afghan children are the most beautiful kids in the world, but this country has the world's highest infant mortality rate. It tears at the heart and soul of these people that they're losing their children. Let's help them change that.

The money needed to finance sending 35,000 more combat troops into Afghanistan is a mind-boggling 35 billion—that's "billion"—dollars per year. A commitment of even a small portion of this would bring life-elevating progress throughout that land of 4,500 villages. It would win the goodwill of those villages and their militias. After that, they could become a real asset. They would be a real force against radical Islam. And yes, we need to re-earn the loyalty and gain the loyalty of our Afghan allies. After 9/11, we disarmed the Northern Alliance. We need to re-arm them, and we need to rebuild a solid friendship with those people.

Building a central army, however, in Kabul is not the way to defend against Taliban insurgents. Sending in more U.S. combat troops is not the answer, nor is just building up a central army in Kabul. Reaching out to the villages and tribal elders and establishing local militias, perhaps buying their goodwill if need be, these are the things that will work. And it will cost a pittance compared to \$35 billion more per year for 35,000 more troops who may end up turning off the people of Afghanistan rather than enlisting them to our side.

Opposing our enemy by arming and financing local and village leaders was a strategy that worked against the Soviet Army, and it worked against the Taliban after 9/11, and it will work again. Let us admit that our goals these last 7 years, that the goals that we have actually tried to put in place these last 7 years were wrong. The goals were wrong. Not just the implementation. The goals were wrong.

Honest and decentralized government in Afghanistan should have been the goal. Decentralized. Honest and decentralized, perhaps representative, government in Afghanistan should have been the goal, not creating a central power, the fallacy that you can't have a real country unless you really have a government in charge in the capital that then controls the rest of the country. That was a total illusion, and it was wrong. It was never something we could have accomplished.

Instead, what we wanted to do instead of a decentralized government, we wanted to establish a national power, and we wanted to have national power wielders with whom we could do

business. Karzai was never someone who had any loyalty of the Afghan people.

□ 2015

He was not a political force in that country. We forced Karzai on the Afghan people after 9/11, and we forced the king into a more subservient role when he returned rather than a role where he could have selected true Afghan leaders to help rebuild their country, leaders that would have been honest instead of what we have now in the Karzai administration, which is nothing more than a kleptocracy, gangster regime.

In the United States our schools are run locally. Remember this. Our schools are run locally. Our police are run locally. The criminal justice system is run at the State or local level. What would have happened if somebody had come into our country during the American revolution and said, No, we have to reconfigure it so that all the power's in Washington and all the appointees are going to be in Washington D.C., and that's where all the power is going to be and you're going to have to have a centralized government. Our Founding Fathers would have revolted against that, because that wasn't consistent with how we knew that freedom was going to be preserved; it wasn't consistent with representative government and democracy. No, we wouldn't have done that.

Well, let me just note, what we've got there in Afghanistan and what we've tried to establish in Afghanistan is a Kabul-based centralization of authority. How can we expect the people of Afghanistan to accept something—centralization of power—which is totally contrary to their own decentralized society which they have had for thousands of years, especially when the centralized authority that we're trying to foist on them has been corrupt and in no way reflects the consent of the governed?

Members of parliament there are elected in a slate. The people there in that country don't have individual districts that represent them, individual congressmen who are elected from individual districts. They aren't even elected at specific villages. No, there is not one person in that government who most people in Afghanistan can identify as someone for whom they voted for to represent them, not in the parliament, not in the Kabul government, because there's no congressmen that are elected. They're elected at a province-wide level which means it's a slate and almost all of the villages, nobody knows anybody on the slate because the slate is dictated politically from Kabul which, of course, is a corrupt center of power.

Do we expect the Afghan people to just accept orders from people who they haven't voted for, whom they

don't know? And the corruption and the ineptitude of that central authority, of course, which we have foisted upon them is not an acceptable alternative. We're not giving them an acceptable alternative. No wonder why the Taliban is being considered. All this means is that local people have no honest system to settle disputes, to determine rights or to organize the effort that's needed to elevate the condition of this suffering and poverty-stricken people. These people are devout, but they're not fanatics. But they will acquiesce again to the Taliban Islamic fringe if it is at least honest at its core as compared to visiting crooks who are claiming the right to make decisions that have the finality and power of law but people whom they don't even know who they are, much less have voted for them.

What we do now is what we should have done originally. Let the local villages appoint their own elders to positions of local authority. Let them pick a wise person who they know to be a judge and make decisions for them locally. Let the village militias become part of a National Guard. Give them uniforms, give them guns and ammunition, give them communication gear, and use the central army to back them up, not to disarm them for fear of their sympathies.

Yes, the U.S. can remain a major military force in Afghanistan, but we cannot and will not succeed if we believe our military forces, foreign fighters in a foreign land, can bring a recognizable military victory. Adding more troops feeds the illusion that we can win some kind of victory if we just exercise more power and send more military personnel. Alexander the Great left the bones of his entourage there as did the British and, yes, the Russians. The sword has never conquered these people. It may for a limited time give an appearance of stability but, instead, will feed a simmering antipathy that will not cool but only grow hotter and more ferocious. Again, we can defeat any army. We cannot conquer and subdue the nation of Afghanistan. Only Afghans, from the bottom-up, can control and pacify their countryside.

There is still time for our action in Afghanistan to end with honor and success, for the Afghans and for Americans. They can still have a great ending to all of this. The first step towards that is to signal to the whole nation of Afghanistan, send them a message heard in every corner of those 4,500 villages, and that is that the United States is not trying to foist upon them a corrupt central government. To accomplish this, we must recognize the travesty of this last election. While we cannot have an entirely new election, we can insist on a runoff between Messrs. Karzai and Abdullah. In this runoff election, a respected international organization, perhaps the

OSCE, could be given a free hand to correct problems as they appear and throw out illegal ballots if necessary. After the elections we should commit ourselves to a new course, a new course that respects the traditional village structure and reaches out with assistance to improve health, water, education and agriculture in Afghanistan. Yes, at first the risk of such a plan will be great for the individuals who are willing to go to the front lines with our helping hand offensive. But this approach, a helping hand, will be far more effective than a mailed fist approach. It will take money. We may need to begin to buy goodwill. Maybe we need to offer to put some people on consulting fees at the local level, some of these local leaders and village elders. Well, that can be done; and we can also do things like, for example, some expenditures that prove our good faith, like setting up clinics or schools or economic projects that will improve the life of those villagers. It may take courage and we will lose some people. But in the end the expense and the loss of life will be far less than a warrior-focused alternative. And, yes, fighting will be necessary. The Taliban are evil. They are inseparable from al Qaeda because they are the same radical extremists. We know that. Anybody who is a dreamer, who thinks that, well, we can bring back the Taliban but we can separate them from al Qaeda, that is just so much nonsense. But the Taliban need not come back. There is opposition to the Taliban if we offer a tangible alternative. Let us build up the militias in the towns and villages across that desolate country and let these militias do the fighting. We can and should help establish a militia system and back them up, from the air or even on the ground if necessary. But it will be the Afghans, not the Americans, who are on the front lines of this effort.

How much will it cost us to deploy 35,000 more troops? \$35 billion. What I'm talking about is a strategy that would cost a minuscule amount of that and have a much greater chance of success. Let's stand down these troops. Let's let these 35,000 American military personnel stay home with their families. And let's send to the Afghans a portion of what that additional troop cost would be.

Every time in the past we got to this situation, it was either send those troops and spend the money for them or not give them anything, or just give them a little bit. No, let's give them a substantial infusion into their society of wealth and expertise that can help build that society. That will be so much cheaper and more cost effective, and with a billion dollars, yes, you can buy the loyalty of a number of Afghan leaders at the village and provincial and tribal level that can get us over the hump. Now that's certainly better

than spending money to send people over there to kill more Afghans. We can be their partners in building and improving the life of the Afghan people. And it will bring change to that country and have a much greater chance at success.

Let me end this tonight with one last story, which I didn't mention. Before I came to Congress, I actually went into Afghanistan with an Afghan military unit, a mujahadeen unit, who were fighting the Soviet Union. And I had met so many of these leaders, I told them one day that I would join them in a great battle if I had left the White House. And so I went to the battle of Jalalabad as part of a small military force. All we had were AK-47s and rocket-propelled grenades. I had a beard. I was in Afghan garb. I was just one of the team, one of that unit. Our job was to protect and to work with a rocket unit that was about to attack and give them protection, about to launch rockets into a Soviet position outside the city of Jalalabad.

As we marched to the battle of Jalalabad, it was late at night and the bombs and things were going off, you could hear the explosions and see them; and I was with about 120 Afghans by that point, worming our way through the hillsides toward the battle. A young Afghan lad, perhaps 16 years old, an AK-47 over his shoulder, came up to me and said, "I understand that you're in politics in America." I said, "Yes, I am." He said, "Well, are you a donkey or an elephant?" I said, "Well, I'm an elephant." He said, "I thought you were."

And as we talked, I said to him, "What do you plan to do once this war with the Soviets is over?" And as we marched toward that battle, he said, "I want to be an engineer or an architect. I want to rebuild my country. I want to rebuild my country. And I know, with you Americans, we can do that."

I don't know whatever happened to that young man. He may never have survived that battle. I left after a week and I was back here in the safety of our country. I only could have died of diarrhea or by drinking bad water. He could have stepped on a land mine. A Russian plane napalmed one part of the group that I was with. He could have died in something like that. But that young man, 16 years old, is now probably 40 years old. We owe him a lot. We can only hope that he is still that idealistic, that he wants to work with Americans to rebuild his country and to see that his family has a better chance even though life now has passed his generation by.

Life didn't have to pass his generation by. We should have done our duty by them. We have a chance to do that again, to remake that, to redo that and to do what's right, and it will be successful for us as well as for the people of Afghanistan. Let us not send more

combat troops there. Let us not put more of our people at risk or have our people killing more Afghans in the name of obtaining some illusionary victory. Let us reach out and win the loyalty of these people who have shown their loyalty to us time and again. We can do that now with just a minor expenditure. Give us \$5 billion to rebuild that country and to help build a militia system so they can protect themselves. That is what America is supposed to be all about.

That young man had a dream. That young man now is 40 years old, hopefully somebody who still has faith in us, we need to reach out to him and the other young people of Afghanistan and say we can make this a better world. We are willing to work with you to do that. We respect your society and structure and your traditions, and it's not in any way contradictory to what America believes in local government and democracy, and people choosing their own government and those people who make laws for them.

It's time for America to stand for principle. I hope that my Republican colleagues will understand that every time someone in the military—and I respect General McChrystal. Just because he is in the military, he does not have "the plan" that will necessarily bring about the type of change in a society or another kind of dynamic rather than a military dynamic. Many times military officers don't understand that. We should stand up after thinking about it and doing what is right and listen to those of us who have been in Afghanistan over these years to try to have a policy that's a positive policy that can succeed, and not just looking for an illusionary military victory that will always be out of our grasp.

Thank you very much, Mr. Speaker. I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. EMERSON (at the request of Mr. BOEHNER) for today and the balance of the week on account of her stepdaughter's wedding.

Ms. MCCOLLUM (at the request of Mr. HOYER) for today on account of official business in the district.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WEINER) to revise and extend their remarks and include extraneous material:)

Mr. LANGEVIN, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.  
Ms. KAPTUR, for 5 minutes, today.  
Ms. WATSON, for 5 minutes, today.  
(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)  
Mr. MCCLINTOCK, for 5 minutes, today.  
Mr. POE of Texas, for 5 minutes, October 22.  
Mr. WOLF, for 5 minutes, today.  
Mr. JONES, for 5 minutes, October 22.  
Mr. MORAN of Kansas, for 5 minutes, today, October 20, 21 and 22.  
Mr. BURTON of Indiana, for 5 minutes, October 20, 21 and 22.

Mr. WESTMORELAND, for 5 minutes, today.  
Mr. WAMP, for 5 minutes, today.  
Mr. BOOZMAN, for 5 minutes, today.  
Ms. FOXX, for 5 minutes, October 20, 21 and 22.

Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes; to the Committee on Energy and Commerce.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table, and, under the rule, referred as follows:  
S. 1694. An act to allow the funding for the interoperable emergency communications grant program established under the Digital

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.  
The motion was agreed to; accordingly (at 8 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 16, 2009, at 11 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the first quarter and third quarter of 2009, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2009											
Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. <input type="checkbox"/>											

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHARLES B. RANGEL, Chairman, Oct. 2, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2009											
Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. James P. McGovern .....	8/23	8/25	Kuwait .....		109.00		3,954.10				4,063.10
	8/25	8/27	Bahrain .....		248.00						248.00
	8/27	8/29	Kabul, Afghanistan .....		26.00		4,151.20				4,177.20
Committee total .....					383.00		8,105.30				8,488.30
<sup>1</sup> Per diem constitutes lodging and meals. <sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.											
HON. LOUISE MCINTOSH SLAUGHTER, Chairman, Oct. 7, 2009.											

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009											
Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Eliot L. Engel .....	2/16	2/18	Mexico .....		699.50		(3)				699.50
	2/18	2/20	Nicaragua .....		337.32		(3)				337.32
	2/20	2/22	Jamaica .....		775.68		(3)				775.68
Committee total .....											1,812.50
<sup>1</sup> Per diem constitutes lodging and meals. <sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended. <sup>3</sup> Military air transportation.											
HON. HOWARD L. BERMAN, Chairman, Oct. 5, 2009.											

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:  
4118. A letter from the Vice Chairman, Defense Nuclear Facilities Safety Board, transmitting Certification Report on the design of the Chemistry and Metallurgy Research Re-

placement (CMRR) Project, pursuant to Public Law 110-417, section 3112; to the Committee on Armed Services.  
4119. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on the Impact and Effectiveness of Administration for Native Americans Projects for Fiscal Year 2007"; to the Committee on Education and Labor.  
4120. A letter from the Secretary, Department of Energy, transmitting a report on the Strategic Petroleum Reserve 2008 Emergency Test Exchanges; to the Committee on Energy and Commerce.  
4121. A letter from the Acting Director, Office of Civilian Waste Management, Department of Energy, transmitting the Office's report entitled, "2008 Annual Financial Report for Years ending September 30, 2008 and

2007"; to the Committee on Energy and Commerce.

4122. A letter from the Chairman, Pension Benefit Guaranty Corporation, Department of Labor, transmitting the Inspector General's semiannual report to Congress for the reporting period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4123. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's Strategic Plan for Fiscal Years (FYs) 2009 to 2014, as required by The Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

4124. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Ironwood, MI [Docket No.: FAA-2009-0052; Airspace Docket No. 09-AGL-1] received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4125. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Monee, IL [Docket No.: FAA-2008-1314; Airspace Docket No. 08-AGL-21] received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4126. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Iowa Falls, IA [Docket No.: FAA-2008-1272; Airspace Docket No. 08-ACE-4] received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4127. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Clayton, GA [Docket No.: FAA-2009-0605; Airspace Docket No. 09-ASO-19] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4128. A letter from the Secretary, Department of Transportation, transmitting the second of five reports required by Section 1201(c) of the American Recovery and Reinvestment Act of 2009 (Recovery Act) detailing the Department's progress; to the Committee on Transportation and Infrastructure.

4129. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sarasota, FL [Docket No.: FAA-2009-0652; Airspace Docket 09-ASO-21] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4130. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Saluda, SC [Docket No.: FAA-2009-0603; Airspace Docket No. 09-ASO-16] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4131. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hertford, NC [Docket No.: FAA-2009-0705; Airspace Docket No. 09-ASO-25] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4132. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Establishment of Class E Airspace; Tompkinsville, KY [Docket No.: FAA-2009-0604; Airspace Docket No. 09-ASO-18] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4133. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewisport, KY [Docket No.: FAA-2009-0706; Airspace Docket No. 09-ASO-26] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4134. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace, Establishment of Class E Airspace; Binghamton, NY [Docket No.: FAA-2009-0202; Airspace Docket 09-AEA-11] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4135. A letter from the Acting Administrator, General Services Administration, transmitting informational copies of prospectuses that support the General Services Administration's Fiscal Year 2010 Capital Investment and Leasing Program; to the Committee on Transportation and Infrastructure.

4136. A letter from the Chairman, Social Security Advisory Board, transmitting a report titled, "The Social Security Statement: How It Can Be Improved"; to the Committee on Ways and Means.

4137. A letter from the Chairman, United States International Trade Commission, transmitting the nineteenth report in a series on The Impact of the Caribbean Basin Economic Recovery Act (CBERA), pursuant to 19 U.S.C. 2704; to the Committee on Ways and Means.

4138. A letter from the Acting Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Report on the Federal Work Force for Fiscal Year 2008, pursuant to 42 U.S.C. 2000e-4(e); jointly to the Committees on Oversight and Government Reform and Education and Labor.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3585. A bill to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes; with an amendment (Rept. 111-302). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADERHOLT:

H.R. 3815. A bill to extend temporarily the reduction of duty on polyethylene HE1878; to the Committee on Ways and Means.

By Mr. ADERHOLT:

H.R. 3816. A bill to suspend temporarily the duty on man-made shells used in the manu-

facture of sleeping bags; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 3817. A bill to provide the Securities and Exchange Commission with additional authorities to protect investors from violations of the securities laws, and for other purposes; to the Committee on Financial Services.

By Mr. KANJORSKI:

H.R. 3818. A bill to amend the Investment Advisers Act of 1940 to require advisers of certain unregistered investment companies to register with and provide information to the Securities and Exchange Commission, and for other purposes; to the Committee on Financial Services.

By Mr. GORDON of Tennessee (for himself, Mr. HALL of Texas, Ms. GIFFORDS, and Mr. OLSON):

H.R. 3819. A bill to extend the commercial space transportation liability regime; to the Committee on Science and Technology.

By Mr. WU (for himself, Mr. SMITH of Nebraska, Mr. GRAYSON, and Mr. MOORE of Kansas):

H.R. 3820. A bill to reauthorize Federal natural hazards reduction programs, and for other purposes; to the Committee on Science and Technology, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. BURGESS, Mr. PITTS, Mr. BLUNT, and Mr. BUYER):

H.R. 3821. A bill to prevent States from limiting employers from using auto-enrollment for employee health insurance coverage; to the Committee on Education and Labor.

By Mr. DEAL of Georgia (for himself, Mr. BURGESS, Mr. PITTS, Mr. BLUNT, Mr. BARTON of Texas, and Mr. BUYER):

H.R. 3822. A bill to permit employers to provide contributions and assistance to certain employees who purchase individual health insurance; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. PITTS, Mr. BLUNT, Mr. BARTON of Texas, and Mr. BUYER):

H.R. 3823. A bill to amend titles XIX and XXI of the Social Security Act to make certain changes to the State Children's Health Insurance Program and the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. DEAL of Georgia (for himself, Mr. BURGESS, Mr. PITTS, Mr. BLUNT, Mr. BARTON of Texas, and Mr. BUYER):

H.R. 3824. A bill to allow States to establish interstate compacts for the purpose of expanding health insurance options; to the Committee on Energy and Commerce.

By Mr. BRIGHT:

H.R. 3825. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself and Mrs. CAPPS):

H.R. 3826. A bill to amend title XVIII of the Social Security Act to provide payments

under the Medicare Program to licensed health care practitioners for unscheduled telephone consultation services in the case that such payments are determined to be cost and quality effective; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 3827. A bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identification, or marital status of any prospective adoptive or foster parent; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. KIRK, Mr. LEE of New York, Mr. GERLACH, Mr. ROGERS of Michigan, Mr. NEUGEBAUER, Mr. PAUL, Mrs. CAPITO, Mr. MANZULLO, Mr. SESSIONS, Mr. PUTNAM, Mr. McCOTTER, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. ROE of Tennessee, Mr. EHLERS, Mr. UPTON, Mr. KING of New York, Mr. JONES, Mr. LAMBORN, Mr. CHAFFETZ, Mr. BACHUS, Mrs. BACHMANN, Mr. BARRETT of South Carolina, and Mr. MCHENRY):

H.R. 3828. A bill to temporarily suspend the approval or certification of any housing counseling agencies of ACORN or its affiliates and require the Inspector General of the Department of Housing and Urban Development to conduct an audit of any assistance provided by the Department to ACORN and its affiliates, and for other purposes; to the Committee on Financial Services.

By Mr. BRADY of Pennsylvania:

H.R. 3829. A bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting the use of certain communication devices while operating a motor vehicle, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FORTENBERRY:

H.R. 3830. A bill to direct the Secretary of Health and Human Services to develop an individual chronic disease prevention and wellness achievement matrix; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY:

H.R. 3831. A bill to amend the American Recovery and Reinvestment Act of 2009 to eliminate the phase out of the Medicare hospice budget neutrality adjustment factor; to the Committee on Ways and Means.

By Mr. FRANKS of Arizona:

H.R. 3832. A bill to enhance the effectiveness of United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran to include refined petroleum, require the Secretary of Defense to develop and maintain viable military options to prevent the successful development or deployment of a nuclear weapons capability by the Government of Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Armed Services, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of New York:

H.R. 3833. A bill to amend chapters 81, 83, and 84 of title 5, United States Code, to provide for enhanced benefits for survivors of Federal public safety officers killed in the

line of duty; to the Committee on Oversight and Government Reform.

By Mr. HIGGINS (for himself, Mr. HINCHEY, Mr. MASSA, Ms. MOORE of Wisconsin, Mr. MAFFEI, Mr. LEE of New York, and Mr. HOLT):

H.R. 3834. A bill to amend the Internal Revenue Code of 1986 to enhance incentives for renewable energy development in high job-loss zones in metropolitan and micropolitan statistical areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 3835. A bill to amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to strengthen protections against the wrongful removal of individuals from the official list of eligible voters and the wrongful denial of applications for voter registration, and for other purposes; to the Committee on House Administration.

By Mr. ISRAEL:

H.R. 3836. A bill to authorize the Secretary of Energy to provide credit support to enhance the availability of private financing for clean energy technology deployment; to the Committee on Energy and Commerce.

By Ms. KILROY (for herself, Mr. CUELLAR, Mr. THOMPSON of Mississippi, Mr. PASCRELL, Ms. CLARKE, Mr. DEFazio, Ms. RICHARDSON, Ms. NORTON, Mr. SIREs, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, and Ms. TITUS):

H.R. 3837. A bill to amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes; to the Committee on Homeland Security.

By Mr. MURPHY of Connecticut (for himself and Mr. PLATTS):

H.R. 3838. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide incentive grants to promote alternatives to incarcerating delinquent juveniles; to the Committee on Education and Labor.

By Mr. ROONEY (for himself and Mr. McMAHON):

H.R. 3839. A bill to amend title 10, United States Code, to authorize the reimbursement of mental health counselors under TRICARE, and for other purposes; to the Committee on Armed Services.

By Mr. RUPPERSBERGER (for himself and Mr. THORNBERRY):

H.R. 3840. A bill to strengthen certain provisions relating to arms export licenses, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SCHRADER:

H.R. 3841. A bill to amend the Internal Revenue Code of 1986 to repeal carryover basis for decedents dying in 2009, to increase the estate tax exemption to \$5,000,000, and to reduce the maximum estate and gift tax rate to 45 percent; to the Committee on Ways and Means.

By Mr. SCHRADER (for himself and Mr. DRIEHAUS):

H.R. 3842. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 3843. A bill to amend title 38, United States Code, to direct the Secretary of Vet-

erans Affairs to publish redacted medical quality-assurance records of the Department of Veterans Affairs on the Internet website of the Department; to the Committee on Veterans' Affairs.

By Mr. TIAHRT:

H.R. 3844. A bill to amend the Internal Revenue Code of 1986 to provide a special depreciation allowance and recovery period for noncommercial aircraft property; to the Committee on Ways and Means.

By Mr. ANDREWS:

H. Con. Res. 200. Concurrent resolution expressing the sense of Congress regarding the freedom, security, and stability of Taiwan; to the Committee on Foreign Affairs.

By Mr. TIAHRT (for himself, Mr.

WAMP, Mrs. BACHMANN, Mr. BARTLETT, Mrs. BLACKBURN, Mrs. BONO MACK, Mr. BOOZMAN, Mr. CHAFFETZ, Mr. EHLERS, Ms. FOX, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. GOODLATTE, Mr. GRAVES, Mr. HELLER, Mr. HERGER, Mr. INGLIS, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LUCAS, Mrs. McMORRIS RODGERS, Mr. MILLER of Florida, Mrs. MYRICK, Mr. PETRI, Mr. PITTS, Mr. PLATTS, Mr. ROE of Tennessee, Mr. RYAN of Wisconsin, Mr. SMITH of Nebraska, Mr. FRANKS of Texas, Mr. TERRY, Mr. WESTMORELAND, and Mr. WOLF):

H. Con. Res. 201. Concurrent resolution to establish the Joint Select Committee on Earmark Reform, and for other purposes; to the Committee on Rules.

By Mr. LARSON of Connecticut:

H. Res. 834. A resolution electing a Member to certain standing committees of the House of Representatives; considered and agreed to.

By Ms. JENKINS (for herself, Mr.

BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. PAULSEN, Mr. McCLINTOCK, Mrs. SCHMIDT, Mr. LEE of New York, Mr. HENSARLING, Mr. LATTI, Mr. ROE of Tennessee, Mr. REICHERT, Mr. MANZULLO, Mr. SCHOCK, Mr. DENT, Mrs. CAPITO, Mr. KLINE of Minnesota, Mr. THOMPSON of Pennsylvania, Mr. GERLACH, Ms. FOX, Mr. TERRY, Mr. GRAVES, Mr. BARTON of Texas, Mr. CULBERSON, Mr. MICA, Mr. SMITH of Texas, Mr. DANIEL E. LUNGREN of California, Mr. SAM JOHNSON of Texas, Mr. LUCAS, Mr. MORAN of Kansas, Mr. SCALISE, Mr. SMITH of Nebraska, Mr. KINGSTON, Mr. COBLE, Mrs. LUMMIS, Mr. GOHMERT, Mr. CARTER, Mr. POE of Texas, Ms. GRANGER, Mr. THORNBERRY, Mr. DREIER, Mr. BUYER, Mr. CAMP, Mr. POSEY, Mr. SESSIONS, Mr. BARTLETT, Mr. BACHUS, Mr. HASTINGS of Washington, Mr. MCCARTHY of California, Mr. HALL of Texas, Mr. HOEKSTRA, Mr. CAMPBELL, Mr. GARRETT of New Jersey, Mr. LANCE, Mr. BUCHANAN, Mr. DAVIS of Kentucky, Mr. ROGERS of Alabama, Mr. BOUSTANY, Mr. GOODLATTE, Mr. RYAN of Wisconsin, Mr. KIRK, Mr. LATHAM, Mr. GALLEGLY, Mrs. McMORRIS RODGERS, Mr. CONAWAY, Mr. ADERHOLT, Mr. GUTHRIE, Mr. CALVERT, Mr. MARCHANT, Mr. CHAFFETZ, Mr. ISSA, Mrs. BLACKBURN, Mr. OLSON, Mr. ALEXANDER, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. WESTMORELAND, Mrs. MILLER of Michigan, Mr. SULLIVAN, Mr. NEUGEBAUER, Mr. FRELINGHUYSEN, Mr. McCAUL, Mr. HARPER, Mrs. GINNY BROWN-WAITE of Florida, Mr. FLEMING, Mr. WALDEN, Mr. UPTON, Mr. PRICE of Georgia, Mr. EHLERS, Mrs.

BONO MACK, Mr. MACK, Mr. FORBES, Mr. JONES, Mr. PITTS, Mr. SENSENBRENNER, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. BARRETT of South Carolina):

H. Res. 835. A resolution amending the rules of the House of Representatives to provide for transparency in the committee amendment process; to the Committee on Rules.

By Mr. ROE of Tennessee:

H. Res. 836. A resolution expressing support for Teen Read Week; to the Committee on Education and Labor.

By Mr. GUTHRIE:

H. Res. 837. A resolution recognizing Kentucky Wesleyan College for over 150 years of service as an institution of higher education; to the Committee on Education and Labor.

By Mr. BILIRAKIS (for himself, Mrs. MALONEY, Mr. SARBANES, Ms. TSONGAS, Ms. TITUS, Mr. ROSKAM, Mr. SPACE, and Mr. GALLEGLY):

H. Res. 838. A resolution welcoming to the United States and to Washington, DC, His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch on his upcoming trip on October 20, 2009, through November 6, 2009; to the Committee on Foreign Affairs.

By Mr. BLUMENAUER (for himself, Mr. PAYNE, and Mr. FALOMAVAEGA):

H. Res. 839. A resolution condemning the illegal extraction of Madagascar's natural resources; to the Committee on Foreign Affairs.

By Mr. BURTON of Indiana (for himself, Ms. ROS-LEHTINEN, and Mr. FRANKS of Arizona):

H. Res. 840. A resolution condemning continuing violations of religious freedom in the Middle East, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GERLACH (for himself, Mr. DENT, Mr. UPTON, Mrs. MILLER of Michigan, Mr. EHLERS, Mr. CASTLE, Mr. CAO, Mrs. BIGGERT, and Mr. BISHOP of New York):

H. Res. 841. A resolution expressing support for designation of November 29, 2009, as "Drive Safer Sunday"; to the Committee on Transportation and Infrastructure.

By Mr. HODES (for himself and Ms. SHEA-PORTER):

H. Res. 842. A resolution expressing the sense of the House of Representatives that the MacDowell Colony in Peterborough, New Hampshire, should be recognized for its contribution to the arts around the world, and the cultural heritage of the United States; to the Committee on Oversight and Government Reform.

By Ms. ZOE LOFGREN of California:

H. Res. 843. A resolution supporting the goals and ideals of Toastmasters International and celebrating its 85th anniversary; to the Committee on Oversight and Government Reform.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. BERMAN and Mr. MITCHELL.  
H.R. 205: Mr. POE of Texas.  
H.R. 213: Ms. SHEA-PORTER.  
H.R. 391: Mr. ROE of Tennessee and Mr. MCCOTTER.  
H.R. 436: Mr. ETHERIDGE.  
H.R. 463: Ms. CHU.  
H.R. 471: Mr. BOCCIERI.  
H.R. 501: Ms. EDWARDS of Maryland.

H.R. 560: Mr. CONNOLLY of Virginia.

H.R. 644: Mr. BLUMENAUER.

H.R. 678: Mr. ELLSWORTH.

H.R. 734: Mr. SESTAK.

H.R. 795: Mr. BERMAN.

H.R. 836: Mr. MELANCON.

H.R. 930: Mr. SMITH of New Jersey.

H.R. 1064: Mr. HALL of New York and Mr. MASSA.

H.R. 1074: Mr. LINDER.

H.R. 1101: Mr. HEINRICH.

H.R. 1132: Mr. RUSH, Mr. CAMP, and Mr. GRIJALVA.

H.R. 1147: Ms. HIRONO.

H.R. 1173: Mr. PUTNAM.

H.R. 1177: Mr. GUTHRIE and Ms. ROS-LEHTINEN.

H.R. 1194: Mr. HOLDEN.

H.R. 1245: Mr. YOUNG of Florida.

H.R. 1283: Mr. SCHRADER.

H.R. 1322: Mr. CONNOLLY of Virginia.

H.R. 1361: Mr. ETHERIDGE.

H.R. 1402: Mr. ALTMIRE.

H.R. 1408: Mr. ELLISON and Mr. LEWIS of Georgia.

H.R. 1427: Mr. YOUNG of Alaska.

H.R. 1468: Mr. MCCAUL.

H.R. 1469: Mr. MCCOTTER and Ms. WASSERMAN SCHULTZ.

H.R. 1470: Mr. MURPHY of New York.

H.R. 1570: Mr. MILLER of Florida and Mr. ALTMIRE.

H.R. 1578: Ms. HIRONO and Mr. POLIS.

H.R. 1690: Mrs. CHRISTENSEN and Mr. OLVER.

H.R. 1718: Mr. WOLF and Mr. CONNOLLY of Virginia.

H.R. 1740: Mr. TIM MURPHY of Pennsylvania.

H.R. 1770: Mr. ARCURI and Ms. SHEA-PORTER.

H.R. 1820: Mr. THOMPSON of California.

H.R. 1826: Mr. LOEBSACK and Mr. ANDREWS.

H.R. 1829: Mr. THOMPSON of Pennsylvania and Mr. MITCHELL.

H.R. 1849: Ms. SCHAKOWSKY, Ms. MARKEY of Colorado, Ms. LINDA T. SANCHEZ of California, Ms. SCHWARTZ, Mr. PERLMUTTER, Mr. RUSH, Mr. SCOTT of Georgia, Ms. JACKSON-LEE of Texas, Ms. BEAN, Mr. KENNEDY, Mr. MASSA, Mr. FOSTER, Mr. FATTAH, Mr. NEAL of Massachusetts, Ms. MOORE of Wisconsin, Mr. MILLER of North Carolina, Mr. AL GREEN of Texas, Mr. ALTMIRE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. DREIER, Mr. HENSARLING, Mr. SERRANO, Mr. BARROW, Mr. BISHOP of Georgia, Ms. EDWARDS of Maryland, Mr. RODRIGUEZ, Mr. MCNERNEY, Mr. SCOTT of Virginia, Ms. CHU, Mr. PAUL, Mr. BARTLETT, Ms. KOSMAS, and Mr. KISSELL.

H.R. 1875: Mr. MICHAUD and Ms. SUTTON.

H.R. 1941: Mr. BROWN of South Carolina.

H.R. 1977: Mrs. DAHLKEMPER.

H.R. 1987: Mr. MCMAHON.

H.R. 1993: Mr. MCNERNEY.

H.R. 2017: Mr. BARRETT of South Carolina.

H.R. 2024: Mr. DONNELLY of Indiana.

H.R. 2055: Mr. MCNERNEY.

H.R. 2057: Mr. MEEKS of New York.

H.R. 2124: Mr. COLE.

H.R. 2139: Ms. EDWARDS of Maryland and Mr. KILDEE.

H.R. 2194: Mr. LEWIS of Georgia, Mr. RUPERSBERGER, and Mr. BARTON of Texas.

H.R. 2254: Mr. PAULSEN, Mr. CHILDERS, Ms. NORTON, and Mr. POE of Texas.

H.R. 2266: Mr. WELCH and Mr. DELAHUNT.

H.R. 2267: Mr. WELCH.

H.R. 2275: Mr. MCMAHON, Mr. CONAWAY, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Mr. MORAN of Virginia, Mr. ABERCROMBIE, Mr. GENE GREEN of Texas, Ms. FUDGE, Mr. DRIEHAUS, Mr. HINOJOSA, Ms. WATERS, and Mrs. CAPPS.

H.R. 2279: Mr. MEEKS of New York, Ms. MATSUI, Mr. SPACE, Mr. BUTTERFIELD, Mr. ROSS, Mr. INSLEE, Mr. GONZALEZ, Mr. SARBANES, and Ms. FUDGE.

H.R. 2296: Mr. ARCURI.

H.R. 2329: Mr. TAYLOR.

H.R. 2345: Mr. GARY G. MILLER of California and Mr. FORTENBERRY.

H.R. 2360: Mr. MITCHELL, Mr. CUMMINGS, Mr. STEARNS, and Mr. SCALISE.

H.R. 2413: Mr. TIERNEY and Mr. MICHAUD.

H.R. 2443: Mr. ROTHMAN of New Jersey and Mr. SIRES.

H.R. 2446: Mr. MINNICK.

H.R. 2452: Mr. ADLER of New Jersey, Mr. ABERCROMBIE, Mr. RODRIGUEZ, Mr. BILIRAKIS, Mr. VISCLOSKEY, Mr. MAFFEI, Mr. GONZALEZ, Mr. GENE GREEN of Texas, and Mr. ORTIZ.

H.R. 2478: Mr. THOMPSON of California and Mr. MICHAUD.

H.R. 2480: Mr. ROTHMAN of New Jersey and Ms. FUDGE.

H.R. 2502: Mr. MCGOVERN and Mr. PAYNE.

H.R. 2548: Mr. CAPUANO.

H.R. 2567: Mr. RANGEL and Mr. VAN HOLLEN.

H.R. 2625: Mr. GRIJALVA, Ms. BERKLEY, Ms. CHU, and Ms. JACKSON-LEE of Texas.

H.R. 2672: Mr. SHUSTER.

H.R. 2730: Ms. FUDGE.

H.R. 2777: Mr. BOSWELL.

H.R. 2785: Mr. POE of Texas.

H.R. 2788: Mr. BOCCIERI, Mr. LATTI, and Ms. ROS-LEHTINEN.

H.R. 2807: Mr. MORAN of Virginia.

H.R. 2817: Mr. CONNOLLY of Virginia.

H.R. 2844: Mr. LARSEN of Washington.

H.R. 2894: Mr. WATT.

H.R. 2905: Mr. BURTON of Indiana.

H.R. 2946: Mr. ROTHMAN of New Jersey and Mr. LOBONDO.

H.R. 2964: Mr. CHAFFETZ.

H.R. 3012: Mr. MEEK of Florida.

H.R. 3024: Mr. MARSHALL, Mr. HOLT, Mr. CUMMINGS, and Mr. OLVER.

H.R. 3044: Mr. FATTAH and Mr. BONNER.

H.R. 3116: Mr. GUTHRIE.

H.R. 3202: Mr. HOLT.

H.R. 3218: Mr. BLUNT.

H.R. 3264: Mr. PIERLUISI.

H.R. 3265: Mr. SARBANES.

H.R. 3276: Mr. BLUNT.

H.R. 3337: Mr. WU and Ms. SUTTON.

H.R. 3375: Mr. SHULER.

H.R. 3401: Mr. NADLER of New York.

H.R. 3407: Mr. BUCHANAN and Mr. ELLISON.

H.R. 3408: Mr. KILDEE.

H.R. 3501: Mr. POLIS of Colorado.

H.R. 3519: Mr. HASTINGS of Washington, Mr. THOMPSON of Pennsylvania, and Mr. PUTNAM.

H.R. 3554: Mr. MCMAHON and Mr. MCGOVERN.

H.R. 3569: Mr. BROUN of Georgia.

H.R. 3572: Mr. WEINER.

H.R. 3578: Mr. GERLACH.

H.R. 3585: Mr. KLEIN of Florida, Mr. HALL of New York, Mr. RODRIGUEZ, Mr. CARNAHAN, Ms. SLAUGHTER, Mrs. HALVORSON, Mr. BISHOP of New York, Mr. WELCH, Mrs. MILLER of Michigan, Mr. MORAN of Virginia, Mrs. DAVIS of California, Mr. HIGGINS, Mr. POLIS of Colorado, Mr. WAMP, Mr. BARTLETT, Mr. ROTHMAN of New Jersey, Mr. HIMES, Mr. YOUNG of Florida, and Mr. THOMPSON of California.

H.R. 3597: Mr. WELCH, Ms. FUDGE, and Mr. KILDEE.

H.R. 3608: Mr. BACHUS.

H.R. 3615: Mr. SMITH of Nebraska.

H.R. 3630: Mr. SCHIFF.

H.R. 3633: Mr. DOYLE and Mr. MCNERNEY.

H.R. 3636: Mr. PAYNE.

H.R. 3639: Mr. HODES, Mr. BACA, Mr. SHERMAN, Mr. KISSELL, Mr. HALL of New York, and Ms. ZOE LOFGREN of California.



H.R. 3644: Mr. PIERLUISI and Ms. PINGREE of Maine.

H.R. 3651: Mr. REYES.

H.R. 3654: Mrs. CHRISTENSEN.

H.R. 3666: Mr. BISHOP of New York and Mr. CUELLAR.

H.R. 3667: Ms. GINNY BROWN-WAITE of Florida and Mr. KLEIN of Florida.

H.R. 3669: Mr. FILNER.

H.R. 3672: Mr. HARE, Mr. MICHAUD, Mr. FILNER, and Mr. MASSA.

H.R. 3676: Mr. ALEXANDER.

H.R. 3677: Mr. OLSON, Mr. BONNER, Mr. SCHOCK, Mr. WILSON of South Carolina, and Mr. KIRK.

H.R. 3691: Mr. DENT, Mr. GERLACH, Mr. LOBIONDO, and Mr. YOUNG of Florida.

H.R. 3693: Mr. LATOURETTE, Mr. BURTON of Indiana, and Mr. EHLERS.

H.R. 3696: Mr. ALEXANDER.

H.R. 3700: Mr. BARTLETT, Ms. FALLIN, Mr. COFFMAN of Colorado, Mr. LAMBORN, Mr. SAM JOHNSON of Texas, Mr. AKIN, Mr. FLEMING, Mr. BONNER, Mr. BISHOP of Utah, Mr. AUSTRIA, Mr. POSEY, Mr. WAMP, Mr. ROONEY, Mr. KING of Iowa, Mr. FRANKS of Arizona, and Mr. GOHMERT.

H.R. 3710: Mr. DEFazio and Mr. WAXMAN.

H.R. 3712: Mr. CROWLEY, Mr. LEWIS of Georgia, Mr. CONNOLLY of Virginia, and Mr. WESTMORELAND.

H.R. 3715: Mr. AUSTRIA.

H.R. 3756: Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. HEINRICH, Mr. TEAGUE, Mr. COURTNEY, and Mr. WALZ.

H.R. 3760: Mr. JOHNSON of Illinois, Mr. MARIO DIAZ-BALART of Florida, and Ms. GRANGER.

H.R. 3761: Mr. JOHNSON of Illinois, Mrs. LUMMIS, Mr. EHLERS, Mr. McCOTTER, Mr. SMITH of Nebraska, and Ms. GRANGER.

H.R. 3762: Mr. POLIS of Colorado.

H.R. 3763: Mr. LEE of New York and Mr. PAUL.

H.R. 3765: Mr. WILSON of South Carolina.

H.R. 3771: Ms. LEE of California.

H.R. 3781: Mr. TEAGUE.

H.R. 3790: Mr. BRALEY of Iowa and Mr. AUSTRIA.

H.R. 3791: Mr. ETHERIDGE, Mr. MASSA, and Mr. NYE.

H.R. 3792: Mrs. CHRISTENSEN, Ms. DEGETTE, Ms. CASTOR of Florida, Mr. GENE GREEN of Texas, Mr. MARKEY of Massachusetts, Ms. SUTTON, Ms. MATSUI, Ms. SCHAKOWSKY, Mr. INSLEE, Mr. GONZALEZ, Mr. BRALEY of Iowa,

Mrs. BONO MACK, Mr. MURPHY of Connecticut, Ms. BALDWIN, Ms. ESHOO, and Mr. ROGERS of Michigan.

H.R. 3797: Mr. BARTLETT, Mr. ALEXANDER, and Mr. SAM JOHNSON of Texas.

H.R. 3802: Mr. PITTS.

H.R. 3810: Mr. WELCH, Ms. SCHAKOWSKY, Mr. KILDEE, and Ms. BORDALLO.

H. Con. Res. 16: Mr. WOLF.

H. Con. Res. 102: Mr. BERMAN.

H. Con. Res. 139: Mr. BARRETT of South Carolina, Mr. CAO, and Mr. JOHNSON of Georgia.

H. Con. Res. 198: Mr. HALL of Texas, Mr. CUELLAR, and Mr. CAMP.

H. Res. 274: Mr. POSEY.

H. Res. 395: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 510: Mr. LOBIONDO and Mr. McMAMON.

H. Res. 583: Mr. BOSWELL, Mr. BISHOP of Georgia, Mr. COSTA, Mr. CARDOZA, Mr. MARSHALL, Mr. ELLSWORTH, Mr. WILSON of Ohio, Mr. DONNELLY of Indiana, Mr. SPACE, Mr. ARCURI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MELANCON, Mr. BOREN, Mr. HILL, Ms. HERSETH SANDLIN, Mr. MATHESON, Mr. BOYD, Mr. PETERSON, Mr. THOMPSON of California, Mr. KRATOVIL, Mr. NYE, Mr. GORDON of Tennessee, Mr. MCINTYRE, and Mr. CHANDLER.

H. Res. 604: Mr. CONNOLLY of Virginia.

H. Res. 605: Mr. ENGEL.

H. Res. 613: Mr. BRADY of Pennsylvania.

H. Res. 615: Mr. KINGSTON.

H. Res. 666: Mr. ARCURI.

H. Res. 704: Mr. DEAL of Georgia, Mr. RUSH, Ms. SCHWARTZ, and Mr. BUTTERFIELD.

H. Res. 709: Ms. WASSERMAN SCHULTZ.

H. Res. 711: Ms. TSONGAS and Mr. HIMES.

H. Res. 747: Mr. NYE.

H. Res. 749: Mr. PUTNAM, Mr. BROUN of Georgia, and Mr. GARRETT of New Jersey.

H. Res. 759: Mr. PITTS, Ms. FALLIN, Mr. COFFMAN of Colorado, Mrs. BACHMANN, Mr. SAM JOHNSON of Texas, Mr. PRICE of Georgia, Mr. AKIN, Mr. ISSA, Mr. BROWN of South Carolina, Mr. BISHOP of Utah, Mr. AUSTRIA, Mr. LUETKEMEYER, Mr. POSEY, Mr. HUNTER, Mr. ROONEY, Mr. KING of Iowa, Mr. GOHMERT, Mr. COLE, Mr. KLINE of Minnesota, and Mr. DAVIS of Kentucky.

H. Res. 773: Mr. FORTENBERRY, Mr. DAVIS of Tennessee, Mr. DICKS, and Mr. LATHAM.

H. Res. 780: Mr. GRIJALVA, Mr. MCCAUL, Mr. SCOTT of Virginia, Mr. FRANKS of Ari-

zona, Mr. CONNOLLY of Virginia, and Ms. EDWARDS of Maryland.

H. Res. 783: Mr. MCCARTHY of California, Mr. MASSA, Mr. MCNERNEY, and Mrs. CHRISTENSEN.

H. Res. 787: Mr. RUSH, Ms. MATSUI, Ms. ESHOO, Mr. BUTTERFIELD, Ms. CASTOR of Florida, Mrs. CAPPS, Mr. SARBANES, Ms. DEGETTE, Mr. WEINER, Mr. INSLEE, Mr. COOPER, Mr. DENT, Mr. SCHOCK, Mr. WELCH, Mr. BRALEY of Iowa, Mr. GORDON of Tennessee, Ms. SUTTON, Mr. BISHOP of New York, Ms. KOSMAS, Mr. HINCHEY, Ms. PINGREE of Maine, Ms. FUDGE, Mr. HARE, and Ms. SLAUGHTER.

H. Res. 796: Mr. MARCHANT.

H. Res. 798: Mr. HOLT, Mr. MCNERNEY, Mr. LEWIS of Georgia, and Mr. MCMAHON.

H. Res. 801: Mr. COHEN, Mr. MEEK of Florida, Mr. CONYERS, Mr. OBERSTAR, and Mr. SERRANO.

H. Res. 811: Mr. VAN HOLLEN and Ms. GIFFORDS.

H. Res. 812: Mr. CONNOLLY of Virginia and Mr. McCOTTER.

H. Res. 819: Mr. SHADEGG, Mr. ISSA, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. COLE, Mr. AKIN, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. BROUN of Georgia, Mr. BISHOP of Utah, Mrs. BACHMANN, Mr. BROWN of South Carolina, Ms. FALLIN, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. AUSTRIA, Mr. FLEMING, Mr. LUETKEMEYER, and Mr. MCCLINTOCK.

H. Res. 823: Ms. WOOLSEY, Mr. FALEOMAVAEGA, Mr. CARNAHAN, Mr. CASTLE, Mr. WEXLER, Mr. MEEKS of New York, Mr. INGLIS, Mr. PAYNE, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, and Mr. SIRE.

H. Res. 831: Mr. CAMP, Mr. FRANKS of Arizona, and Mr. COBLE.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1989: Mr. BARTLETT, Mr. LATTA, Mr. BILBRAY, and Mr. SOUDER.

H.R. 3413: Mr. AL GREEN of Texas and Ms. JENKINS.

H.R. 3612: Mr. SAM JOHNSON of Texas.

## EXTENSIONS OF REMARKS

RECOGNIZING HOLLAND MAYOR ALBERT "AL" MCGEEHAN FOR HIS MANY YEARS OF SERVICE WITH THE HOLLAND CITY COUNCIL

## HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. HOEKSTRA. Madam Speaker, I rise here today to honor Holland Mayor Albert "Al" McGeehan for his years of selfless service on the Holland City Council.

Mayor McGeehan was born on Staten Island in New York Harbor in October 1944. He first moved to Holland to attend Hope College. He graduated from Hope College in June of 1966 with a Bachelor of Arts degree in History and a Michigan Secondary Teaching Certificate.

With his educational preparation and certification, Mayor McGeehan began a teaching career in the Holland Public Schools that spanned five decades.

In the summer of 2004, President George W. Bush, while addressing a crowd of 15,000 Holland residents, shortened Mayor McGeehan to simply, Mayor "Al." The title better suited the Mayor and stuck like glue.

Mayor "Al" was first elected to city council in 1977 where he served four "four-year" terms as a Councilman-at-Large. He is now in his eighth term as mayor of the city.

As a teacher, Al McGeehan served as Chair of the Social Studies Department for Holland Public Schools. Upon his retirement, he worked as a morning radio talk show host for WJQ 1260 AM.

For three years, Al represented the Michigan Municipal League as the League's West Michigan Regional Coordinator. He has served on several committees of the Michigan Municipal League and the National League of Cities. From 2006 to 2008, Mayor "Al" served consecutive terms as President of the Michigan Association of Mayors.

The Mayor's passion for studying and collecting artifacts from the time of the American Civil War is well-known throughout Michigan and beyond. He has taught and lectured on the subject. He has authored a book and several magazine articles relating to the Civil War and he has been known to often occupy the very best parking spaces at local antique shops.

Mayor Al has been married to his wife Marsha for 45 years.

ST. JOHN LUTHERAN CHURCH

## HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to commemorate the 150th anniversary of St. John Lutheran Church in Dieterich, IL.

On January 1, 1860, 14 men signed the constitution of St. John, a document that has continued to govern the church to this day. St. John is one of the oldest churches in the Central Illinois District of the Lutheran Church Missouri Synod.

I would like to congratulate the members of St. John Lutheran Church for reaching this milestone and wish them a blessed and joyous celebration as they mark 150 years of service to God and their community.

RECOGNIZING JOHN KEETON

## HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. MCGOVERN. Madam Speaker, I rise today in recognition of John Keeton of Shrewsbury, Massachusetts. Mr. Keeton has been an outstanding Democratic activist for more than twenty years throughout Worcester County. An attorney in the Worcester area, Mr. Keeton's devotion to the pursuit of justice has portrayed his passions of human rights, social justice, and equality for all. In acknowledgement of his dedication, passionate beliefs, and hard work, Mr. Keeton has been selected to receive the 2009 Eleanor Roosevelt Humanitarian Award from the Shrewsbury Democratic Town Committee.

Raised in a family devoted to the ideals President Franklin Delano Roosevelt and Eleanor Roosevelt espoused, John Keeton grew up with and advocated for such beliefs throughout his career as an attorney and political activist. Mr. Keeton, along with his wife Patricia, has been involved in campaigns for prominent figures such as Governor Deval Patrick and Hillary Clinton. I will be forever grateful for his friendship over the years.

Throughout his distinguished career, John Keeton has been involved in both the Westborough and Shrewsbury Democratic Town Committees. Having distinguished himself as the Chair of the Shrewsbury Town Committee, Mr. Keeton not only presided over a period of great success for the committee, but became widely recognized as a loyal and committed Democrat in Worcester County.

John Keeton's dedication to the principles of justice and Democratic ideals has worked to positively enhance Worcester County. His tireless efforts and activism is admired by many,

including those who Mr. Keeton has campaigned for. In tribute to his outstanding efforts for the Democratic Committees throughout the Commonwealth of Massachusetts, I congratulate Mr. Keeton on receiving this award. I know my colleagues will join me in paying tribute to him today.

HONORING THE SOUTH TEXAS COUNCIL ON ALCOHOL AND DRUG ABUSE

## HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. CUELLAR. Madam Speaker, Whereas, the South Texas Council on Alcohol and Drug Abuse was founded in 1990 by a group of concerned citizens who wished to address issues related to substance abuse; and

Whereas, October 15th is National Latino AIDS Awareness Day; and

Whereas, Latinos represent 15% of the U.S. population, but make up 18% of new HIV infections; and

Whereas, Latino women are infected with HIV at a rate of up to four times greater than other women; and

Whereas, citizens from Hebbronville, Zapata, Roma, Rio Grande established the South Texas Council on Alcohol and Drug Abuse 19 years ago as a nonprofit agency; and

Whereas, the agency was created out of a grant from the Texas Commission on Alcohol and Drug Abuse to develop a Statewide Initiative Council for the four county regions consisting of Jim Hogg, Starr, Webb, and Zapata; and

Whereas, the South Texas Council on Alcohol and Drug Abuse was established to provide screening, assessment, referrals related to substance abuse, and education services to the region for substance abuse; and

Whereas, the South Texas Council on Alcohol and Drug Abuse has expanded its services to include HIV prevention, treatment, and Voces Fronterizas—an HIV prevention and intervention program from the CDC; and

Whereas, the South Texas Council on Alcohol and Drug Abuse has expanded their role to encompass not only that of being a Clinical Training Institute but also providing intervention outreach studies to impoverished border communities like the colonias; and

Whereas, the South Texas Council on Alcohol and Drug Abuse has served over 12,000 clients through HIV programs in the past 6 years; and

Whereas, the South Texas Council on Alcohol and Drug Abuse has invested over \$1,000,000 annually on HIV programs; and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

*Be it hereby resolved*, that Congressman HENRY CUELLAR, in representing the 28th Congressional District of the State of Texas, honors the contributions of the South Texas Council on Alcohol and Drug Abuse for their exceptional service to South Texas communities.

#### PERSONAL EXPLANATION

#### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. HONDA. Madam Speaker, on Wednesday, October 14th, I was unavoidably detained due to official business at the White House and was not present for a number of roll call votes.

Had I been present I would have voted:

"Yea" on Rollcall 776, H.R. 1327, the Iran Sanctions Enabling Act of 2009.

"Yea" on Rollcall 777, H. Res. 816, mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa and Samoa.

"Yea" on Rollcall 778, H. Res. 786, commemorating the canonization of Father Damien de Veuster, SS.CC. to sainthood.

"Yea" on Rollcall 779, H.R. 3371, the Airline Safety and Pilot Training Improvement Act of 2009.

#### FORT MASSAC

#### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to mark the unveiling of a commemorative mural at Fort Massac in Massac County, Illinois.

Fort Massac was built on the bank of the Ohio River in 1757 by the French during the French and Indian War. In 1794, during the Northwest Indian War, President George Washington ordered the fort be rebuilt. For the next 20 years Fort Massac protected U.S. military and commercial interests in the Ohio Valley.

In the fall of 1803, the Lewis and Clark Expedition stopped and recruited two volunteers at Fort Massac as they journeyed west. The Fort Massac site was designated a State Park in 1908, becoming the first Illinois State Park.

Every October, the Fort Massac Encampment draws 80,000 visitors to re-create the lifestyles and atmosphere of the late 1700s. As a part of this year's celebration on October 17th and 18th, the Fort Massac Museum is unveiling a mural depicting a restored cabin from the early 1800s. More than 100,000 visitors are expected to attend the celebration to take part in the mural unveiling.

I want to congratulate the volunteers, supporters, and everyone else who helped make this mural and museum such a great success. I wish them my best as they open this new exhibit to offer a glimpse into the fascinating history of the United States and Illinois.

#### IMMIGRATION LAWS WORK

#### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. SMITH of Texas. Madam Speaker, the New York Times once again misses the mark with its latest immigration editorial, "Wrong Paths to Immigration Reform."

The Times wrongly suggests that the 287(g) program should be used only for serious criminals.

As one of the authors of the legislation that created 287(g), I can testify that Congress created 287(g) to let state and local law enforcement officials help enforce all immigration laws, not a select few.

When it comes to Sheriff Arpaio, the Times laments that his "raids use minor infractions like broken tail lights as pretexts for mass immigration arrests."

In fact, minor infractions can ensnare major bad guys. As the Times itself reported in another story, accused Dallas terrorist Hosam (Maher Husein) Smadi was pulled over for "a broken tail light" before he was arrested for terrorist activities.

This is a powerful reminder that enforcing immigration laws against all those who violate them can prevent crime.

#### RECOGNIZING THE AMERICAN RED CROSS OTTAWA COUNTY CHAPTER ON 100 YEARS

#### HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. HOEKSTRA. Madam Speaker, I rise here today to congratulate Ottawa County's Red Cross on such a significant milestone—100 years serving Ottawa County.

The American Red Cross of Ottawa County, a humanitarian organization led by volunteers and guided by its Congressional Charter and the Fundamental Principles of the International Red Cross Movement, provides relief to victims of disasters and helps people prevent, prepare for and respond to emergencies.

The organization has helped people throughout the world, but closer to home it has provided residents of Ottawa County with tremendous help, whether it is emergency relief, offering health and safety classes or assisting active duty military personnel.

It is rightfully proud of its record in preventing and relieving suffering, offering community assistance and offering compassionate services across the board.

Most notably, it has facilitated in giving people the gift of life through countless blood drives every year. It is amazing that it is able to do all that it does with no taxpayer dollars, but by the generous donations of time, money and blood.

Moving into the next 100 years of dedication to Ottawa County, ongoing fundraising and community partnerships are crucial to the Red Cross's ability to serve.

Madam Speaker, I am proud to honor the American Red Cross Ottawa County on its celebration of a century of success.

#### GASKIN CITY MISSIONARY BAPTIST CHURCH

#### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to recognize Gaskin City Missionary Baptist Church, which celebrated its 100th anniversary this past August.

Pastor Andrew Yates and the congregation of 160 held its first service on August 21, 1909. Although the congregation is smaller today, its members still make an impact on both the local community and the mission field worldwide. Their commitment to service can be seen in many ways, such as singing at local care centers and retirement homes and sending pens to Botswana that are used to copy chapters from the Bible.

I would like to congratulate the members of Gaskin City Missionary Baptist Church for reaching this milestone and wish them a blessed and joyous celebration as they mark 100 years of service to God and their community, both at home and around the world.

#### SCHWEITZER ENGINEERING LABORATORIES CELEBRATES 25TH ANNIVERSARY

#### HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize Schweitzer Engineering Laboratories (SEL) and its founder, Dr. Edmund O. Schweitzer III, on the 25th anniversary of the lab's first sale from its headquarters in Pullman, Washington.

From its first delivery to the Otter Tail Power Company in Fergus Falls, MN in 1984, Schweitzer Engineering Laboratories has grown to provide a variety of power management systems and automated networking devices that are capable of withstanding extreme electrical and weather conditions. Ed Schweitzer is a pioneer in the field of power protection, having invented the first all-digital protective relay. This device reduces the cost and complexity of power protection. This digital technology can respond in milliseconds to systems faults and keep millions of customers safely supplied with power.

The spirit of entrepreneurship is alive and well in Eastern Washington. Today, SEL continues to develop the next generation of energy-efficient technologies and to promote smart use of our nation's natural resources. The company is proud to be 100 percent employee-owned and to serve 126 countries, employing more than 2,000 people here at home and around the world.

Madam Speaker, Schweitzer Engineering Laboratories and Ed Schweitzer represent the creative and bold nature of our country's innovators and the trailblazing spirit of the Inland Northwest in particular. I ask my colleagues to join me in congratulating Schweitzer Engineering on twenty-five successful

years in business and in wishing them many more successful, productive years to come.

HONORING MR. JERRY  
RASMUSSEN

**HON. STEPHANIE HERSETH SANDLIN**

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. HERSETH SANDLIN. Madam Speaker, I want to take this opportunity to recognize Mr. Jerry Rasmussen, Principal of Dakota Valley High School in North Sioux City, South Dakota. Mr. Rasmussen was named South Dakota High School Principal of the Year by the MetLife/National Association of Secondary School Principals, NASSP, National Principal of the Year Program. This award recognizes the achievements of secondary school principals like Mr. Rasmussen who have succeeded in providing high-quality learning opportunities for students as well as demonstrating exemplary contributions to the profession.

Mr. Rasmussen has proudly devoted 21 years to education, including 10 years as an administrator. Mr. Rasmussen is most proud of his efforts to create a caring, student-centered culture which permeates throughout the community in North Sioux City. Mr. Rasmussen's devotion to the success and well-being of all of his students and efforts to ensure that all are welcomed at school is an example readily followed by his fellow teachers and staff.

I send best wishes and congratulations to Mr. Rasmussen on this noteworthy honor and commend him for his years of service as an educator in South Dakota.

SAINT CECILIA'S CATHOLIC  
CHURCH 125TH ANNIVERSARY

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to commemorate the 125th anniversary of St. Cecilia's Catholic Church in Bartelo, Illinois.

In the mid-nineteenth century immigrants of primarily German descent settled in the area. By 1880 there were about 75 Catholic families living in the vicinity, most of whom were members of St. Boniface Church. However, flooding of the Kaskaskia River and Shoal Creek made the roads leading to St. Boniface virtually impassable.

In 1884, St. Cecilia's Catholic Church was built to better accommodate the area's families. Building supplies were hauled from the surrounding area to the construction site by horse-drawn wagons. The project culminated in the beautiful church that is still one of the finest in Southern Illinois. The town of Bartelo flourished with the new attention that St. Cecilia's brought.

I would like to congratulate the members of St. Cecilia's Catholic Church for reaching this milestone and wish them a blessed and joy-

ous celebration as they mark 125 years of service to God and their community.

IN HONOR OF INTERNATIONAL  
CREDIT UNION DAY

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. SHERMAN. Madam Speaker, I rise today to recognize the importance and many achievements of credit unions worldwide in celebration of the 61st annual International Credit Union Credit Day.

The difference credit unions make in the United States by providing affordable and safe financial services to many Americans of moderate means has been significant and widely recognized.

However, the contributions credit unions have made on an international scale are equally notable. Since the mid-1800s, credit unions have established themselves in communities around the world struggling with social dislocation, political unrest and economic depression as a means to promote economic growth and democratic practices at the local level. Today, more than 54,000 credit unions provide financial services to more than 186 million members in 97 nations.

Credit unions make a difference on a global scale by providing access to affordable financial services for those who otherwise would have been excluded from the financial sector. Such financial services include the provision of small savings and loans, which enable some of the poorest individuals in the world to start their own microenterprises, improve household stability and stimulate growth in their communities. Credit unions are the largest source of these microfinance services in countries as diverse as Colombia, Kenya, Russia, Mexico, Thailand and Rwanda.

Credit unions are also at the forefront of expanding access to finance for people living in rural areas who can't afford the time or money it takes to visit a financial institution. Credit unions are working with the World Council of Credit Unions (WOCCU) to introduce a variety of innovative technology solutions to bank the unbanked in rural areas. In Mexico, credit union officers carry hand-held personal digital assistant (PDA) devices to conduct financial transactions with members in communities located up to 90 minutes from the credit union office. In Kenya, Peru and Mexico, point-of-sale devices enable credit unions to partner with local merchants in rural areas, allowing members to deposit and withdraw money from their credit union accounts. Finally, mobile banking capabilities in Mexico will enable members to check their balances and transfer funds without leaving their homes.

In addition, credit unions throughout the world are filling the agricultural lending gap that has kept the vast majority of small farmers stuck in low-production, low-return cycles. In countries such as Peru, Kenya and Colombia, credit unions are taking an integrated, value-chain approach to financing that includes access to agricultural training and markets for farmers to sell their products. As a re-

sult, farmers are not only increasing their incomes and producing more food for their families, they are also playing a role in securing their nations' food supply.

Credit unions have also contributed to post-conflict rebuilding of societies and economies in war-torn countries. WOCCU has been on the ground in Afghanistan since 2003, working with communities at the grassroots level to form the country's first credit unions and rural financial system. Afghan credit unions are known as "Islamic investment and finance co-operatives" in order to comply with Islamic lending practices. They are playing a powerful role in communities, bringing together people from different tribes to work together to finance the individual needs of each other and those of the community through reconstruction projects. In Helmand province, for example, access to credit provides poppy farmers with the opportunity to start a new life by growing alternative crops such as paprika. This will have an impact on the overall security and stability of the region.

As democratically owned and operated not-for-profit financial cooperatives, credit unions also contribute to the democratization of societies. The one-member one-vote principle of credit unions is often the first vehicle for local expressions of democratic participation. In many countries, credit unions lead economic democratization, a step closer to political democratization by providing economic security and sustainability and exposing lower-income communities to free-market principles and democratic values that will help eradicate terrorism at its roots.

U.S. credit union members, staff and leagues, along with CUNA and the United States government, support the global work of credit unions and WOCCU. Through WOCCU's International Partnerships Program, 25 U.S. credit union leagues are matched with developing credit union movements overseas to encourage the direct transfer of technology, skills and experience among peers across borders.

Madam Speaker, I ask you and my other distinguished colleagues to join me in commending the work of credit unions, both domestically and internationally, for providing vital financial services that improve the lives of people demonstrating the greatest need around the world. By providing the world's poor with the most basic financial services, credit unions help expand job opportunities, improve local economies and promote democracy. In short, credit unions offer a sustainable development solution to some of the world's poorest countries, and this is the "credit union difference."

COMMEMORATING THE 90TH ANNI-  
VERSARY OF THE SAINT BENE-  
DICT PAROCHIAL SCHOOL IN  
RICHMOND, VIRGINIA

**HON. ERIC CANTOR**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. CANTOR. Madam Speaker, I rise today to commemorate the 90th anniversary of the

Saint Benedict Parochial School in Richmond, Virginia.

Saint Benedict Parochial School has been serving the Richmond area since 1919 when it opened on the corner of Grove and Belmont Avenues. Classes were temporarily held in the convent, which was moved just a few years later to make room for the proposed school building. An addition to the school was built in 1949 after an increasing number of students outgrew the existing school.

Today, Saint Benedict Parochial School continues to offer a traditional education in a faith-filled environment to both elementary and middle school students. Along with language arts, mathematics, social studies and science, religion is also taught as one of the core subject areas. In fact, the school motto is *Ut in Omnibus Glorificetur Deus*, or in other words, "So that in all things God may be glorified!"

In addition to concentrating on their education, Saint Benedict students spend countless hours serving the community. Once a month, students prepare and deliver bagged lunches to the homeless. They also collect canned food for the Central Virginia Food Bank, and have worked to raise money for organizations like the St. Jude Children's Research Hospital as well as a school in the greater Richmond area that was facing the possibility of closing.

Madam Speaker, I ask you to join me in recognizing Saint Benedict Parochial School as it celebrates its anniversary and wishing the students and staff the best in their future endeavors.

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HONORING HENRY J. "CHIP"  
SCHIRESON

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HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. GERLACH. Madam Speaker, I rise today to recognize the Honorable Henry J. "Chip" Schireson who is completing his 25th year of dedicated public service as a Magisterial District Judge in Lower Merion, Montgomery County, Pennsylvania.

While efficiently administering a court that averages 1,000 filings each month, Judge Schireson has made a tremendous commitment to positively impacting the youth in the community. His efforts include establishing an innovative and award-winning public service program at Bryn Mawr Hospital, which allows juvenile offenders to serve others to avoid a criminal record. That is just one example of how Judge Schireson utilizes creative sanctions to change the attitudes of offenders and, in some cases, help turn around lives.

Madam Speaker, I ask that my colleagues join me today in recognizing the Honorable Henry J. "Chip" Schireson as he celebrates this memorable milestone and honor his extraordinary dedication to making Lower Merion a great place to live, work and raise a family.

HONORING THE 50TH ANNIVERSARY OF CROCKER MIDDLE SCHOOL

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HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. SPEIER. Madam Speaker, this year marks the 50th Anniversary of William H. Crocker Middle School in Hillsborough, California.

Crocker Middle School has been recognized as a California Distinguished School seven times, most recently in 2007, and is one of only three schools in the entire nation to be awarded a National Blue Ribbon for Secondary Schools on four occasions. Among the school's many other rewards, in 1993, Crocker was named to the Royal Swedish Academy of Engineering Science's "Top Five World Class Schools."

Crocker Middle School has served the community by constantly reviewing and improving its curriculum and continually striving for academic excellence. The newest addition to the Crocker campus is a building housing a state-of-the-art studio for Hillsborough Television (HTV), band and music instruction rooms, a lecture hall modeled after facilities at Harvard University, and much needed classrooms. This completed a ten year Hillsborough School District renovation project.

Madam Speaker, William H. Crocker Middle School has educated my own children, Jackson and Stephanie, so I can vouch first-hand to its excellence and the caring and passion of its incredible staff. In addition to strong academic programs in English, mathematics, science, social studies, foreign language, and physical education, Crocker offers electives in the arts and personal development skills such as leadership and public speaking.

The entire Crocker School family believes strongly that its role is to help each child build a foundation that will serve her or him for their entire life. Every aspect of its educational curriculum is designed to build a close, caring community in which every child and every adult is recognized and respected.

Madam Speaker, I am proud to be a William H. Crocker Middle School parent and I salute Crocker's longtime principal, Janet Chun, who has been a beacon of expanded learning that includes a strong community service component. She follows in the impressive footsteps of her predecessors, Fred Schwartz, Carl Zon, Marilyn Loushin Miller, Dan Kreuzer and Larry Raffo, all of whom deserve our recognition and our gratitude. I congratulate everyone in the Crocker community for half a century of academic and community achievement.

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A TRIBUTE IN RECOGNITION OF  
THE CITY OF COMMERCE'S 50  
YEAR ANNIVERSARY

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HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the City of Commerce

and ask my colleagues to join me in congratulating its residents on the city's 50th Birthday. I am proud to represent this unique city—aptly characterized by its motto, the "Model City"—as part of my 34th Congressional District of California.

While we honor the city's 50 years of official incorporation, the exciting story of the founding and growth of one of Southern California's leading industrial cities dates back to 1810 when a humble Spanish soldier acquired a Spanish land grant that included the present-day City of Commerce.

The city's industrial roots began to take hold from 1871 to 1912 when the land's then-owner, Arcadia Bandini, leased the property to the railroads and other developers—a move that would make the landowner one of the wealthiest women in California.

One of the first industrial manufacturing plants established in the area was a brickyard, the 350 acre Simons Company Plant No. 3. The bricks were used to construct Royce Hall at UCLA, Disney Studios in Burbank and to rebuild San Francisco after the 1906 earthquake.

During the Roaring 20s, Commerce grew from a region of rural farms crisscrossed with a few roads and rail lines into a rail and transportation center and a promising location for heavy industry close to Downtown Los Angeles. During the following decades, Goodyear Tire and Rubber Company, B.F. Goodrich, U.S. Rubber, the East Los Angeles Rail Station, Chrysler Corporation, Ford and U.S. Steel located manufacturing plants in Commerce and solidified the city's reputation as an industrial center.

Commerce remained both a rural and industrial area until the late 1950s when the construction of the Long Beach and Santa Ana freeways ushered in a post-war era of rapid suburbanization. As the community grew, residents determined to avoid higher property taxes and improve city services established the Citizens Committee for Incorporation with the help of local business leaders. On January 28, 1960, the community was granted a certificate of incorporation and became the 67th city in Los Angeles County.

Fifty years later, the City of Commerce is still flourishing. It is a diverse community of more than 13,000 people and 1,700 businesses.

To keep up with the changing times, the city successfully brought about the diversification and transformation of the city's industrial base throughout the 1970s and 80s. Today, the city maintains much of its manufacturing and goods-distribution base while successfully converting former industrial land to lucrative commercial uses like the Citadel outlet mall, which occupies the site of the U.S. Rubber tire factory.

The city, however, retains its small town appeal by providing an unmatched range of programs and services. The city operates an award-winning library system, four city parks, a fare-free public transit service and a camp in the San Bernardino Mountains.

Through the city's commitment to providing recreational opportunities to area youth, the city takes pride in producing numerous state and national champions, including two members of the 2008 Olympic Silver Medal United

States Women's Water Polo Team and one member of the United States Boxing Olympic Team.

Commerce also remains committed to improving the environment and reducing emissions from trains, trucks and stationary sources of air pollution and is in the process of building a Liquid Natural Gas/Compressed Natural Gas fueling station for eco-friendly vehicles.

The City of Commerce will mark its 50th Birthday in 2010 with a series of community events throughout the year, including its annual Cake Cutting, July 4th Celebration, Miss Commerce Pageant, and Summer Safety Fair.

I am honored to recognize this historic milestone in this city's rich history.

Madam Speaker, I ask my colleagues to join me in celebrating Commerce's first 50 years as this vibrant community continues to live by its motto the "Model City" and work toward a prosperous future.

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TESTIMONIAL ON SUSAN G. KOMEN RACE FOR THE CURE FOUNDATION AND BREAST CANCER AWARENESS MONTH

**HON. HENRY E. BROWN, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. BROWN of South Carolina. Madam Speaker, I stand today as a proud cosponsor of a resolution honoring Nancy Goodman Brinker, founder of the Susan G. Komen for the Cure Foundation.

This October marks the 25th anniversary of National Breast Cancer Awareness Month and the 27th anniversary of Komen for the Cure.

In the Palmetto State, breast cancer occurs in over five thousand women a year and kills over one thousand, but according to the American Cancer Society, these numbers have been falling since the 1990s.

However, there is always more to be done and we can all get involved in promoting breast cancer awareness.

This Sunday is the 16th Annual Komen Lowcountry Race for the Cure in Charleston, and I congratulate our local affiliate staff, Lindsay Wiltshire, Michelle Temple, Lucy Spears, Taffy Tamblin and Patricia Simon for their hard work organizing this event.

Their efforts bring us all closer to the ultimate goal of a world without breast cancer and we are very proud of them and all of their efforts in the First District.

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A TRIBUTE TO GREEN COUNTY HIGH SCHOOL LADY DRAGONS GOLF TEAM

**HON. BRETT GUTHRIE**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. GUTHRIE. Madam Speaker, I rise today to honor the Green County High School Lady Dragons Golf Team on their outstanding performance this season.

On October 10, 2009, the team won Green County High School's first KHSAA Girls State Golf Championship, bringing statewide attention to their school.

Under the leadership of Coach Rick Davis, the Lady Dragons remained steadfast throughout the tournament weekend and shot an impressive two-day total of 113-over par to win the tournament by six shots.

To reach the state championship tournament, the Lady Dragons won the 4th Region Title on September 29, 2009, in a two-hole playoff, defeating Glasgow High School, the defending state champion.

The Lady Dragons' performance is a testament to their hard work and dedication. I want to congratulate team members Sydney Agee, Cassidy Scantland, Leah Rose Judd, Olivia Parrott, Sydney Smith, and Kate Larimore and Coach Rick Davis and wish them nothing but the best in their future endeavors.

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HONORING THOMAS AND THELMA ZEKOS

**HON. JAMES P. MCGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. MCGOVERN. Madam Speaker, I rise today in honor of my good friends the late Thomas and Thelma Zekos of Shrewsbury, Massachusetts. Mr. and Mrs. Zekos inspired those that knew them, dedicating their service to the advancement of the local community. In acknowledgement of their devotion and commitment to the Shrewsbury Democratic Town Committee, the annual Eleanor Roosevelt Humanitarian Awards are being dedicated in their memory.

Tom and Thelma were proud to make Shrewsbury their home knowing it was an excellent place to raise a family. They wanted the best for their children and instilled in them strong values and believed a quality education was absolutely essential. Their formula for a bright and successful future was to work hard and play by the rules.

Mr. and Mrs. Zekos were inspiring and impassioned Democrats. They believed their family would be best served by supporting candidates who espoused Democratic principles. Throughout their 50 years of marriage, they worked tirelessly for an array of Democratic candidates. They always went the extra mile. I will be forever grateful to them for their support and friendship over the years.

Tom and Thelma Zekos's dedication and commitment to a strong work ethic and moral values made an impact on our community. In tribute to their outstanding service to the community of Shrewsbury and to the Democratic Party, I am proud to honor the memory of Tom and Thelma with the dedication of the Eleanor Roosevelt Humanitarian Awards to them. I know all my colleagues will join me in paying tribute to them both today.

HONORING THE OFFICE OF PARKS AND RECREATION, CITY OF OAKLAND

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. LEE of California. Madam Speaker, I rise today to honor the 100th Year Anniversary of the City of Oakland's Office of Parks and Recreation (OPR). On July 25th, at an Old Fashion Community Celebration at deFremery Park, local families, sports enthusiasts and nature lovers celebrated what has been accomplished in one century: 100 parks, 2,500 acres of open space, 26 recreation and community centers, and the innumerable rewarding activities Oakland residents enjoy because of them.

In 1909 both the Playground and Park Commissions were formed. During the Playground Commission's first meeting, they allocated \$600 for a vacation program at two school grounds and established a Playground Division under the Department of Public Works. One year later, the first municipal playgrounds opened at the deFremery, Bushrod and Bayview sites. The City also issued a million-dollar bond to purchase lands around Lake Merritt.

Today, we recognize the true worth of those initial investments. In addition to offering recreation services in athletics, science, art, aquatics, boating, gardening, music, and culture, Oakland's parks help foster a sense of community ownership. One OPR motto, "Play with a Purpose," illustrates an important point. It reminds us that healthy, outdoor play is an essential part of our wellbeing and personal growth.

Over the last 100 years, Oakland Parks have transformed, mirroring the rich culture and history of the surrounding community: In 1932, Oakland's first Municipal Rose Garden opened its doors; the deFremery recreation center housed servicemen in December of 1941, nine days after the Pearl Harbor attacks; a camp for children with disabilities and a Senior Citizen program were created in 1948, and ten years later, the award-winning Arroyo Viejo Children's Theater opened, but succumbed to fire in 1970.

There have been Japanese Gardens, golf courses, children's folk dance festivals and choruses. Children's Fairyland, visited by Walt Disney while he developed his Disneyland concept, was the first theme park in the nation designed for small children. But, during inevitable change, one constant has remained: Oakland Parks' steadfast accessibility to people of all ages, abilities and interests.

The variety and scope of Oakland Parks' community participation is vast. For example, OPR recreation centers host Radical Roving Recreation programs that provide social, health and life skills development for underserved young people. The Golden State Warriors basketball team Makin' Hoops Program helps to renovate basketball courts and provides athletic services. On a national scale, the U.S. Olympic Trials for canoe and kayak flatwater sprint were held at Lake Merritt in 2004.

This year, Lakeside Gardens also celebrates its 50th anniversary and OPC intends to return the gardens to their original splendor. Oakland has much to look forward to as the Office of Parks and Recreation continues its commitment to beautify the city and engage park visitors in a shared civic pride.

I am confident that exciting partnerships and programs such as these will continue to thrive under the guidance of OPR's excellent leadership. In the next 100 years, the City of Oakland, partnering with the Office of Parks and Recreation, will continue to encourage community values, physical activity and personal development through the beauty of its open spaces.

#### PERSONAL EXPLANATION

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Mr. SHUSTER. Madam Speaker, on rollcall Nos. 775, 776, 777, 778, and 779, I was not present due to a family commitment in Pennsylvania. Had I been present, I would have voted "yea" on 775, "yea" on 776, "yea" on 777, "yea" on 778, and "yea" on 779.

#### A TRIBUTE TO JUDGE GARLAND HOWARD

### HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor Former Daviess Circuit Judge Garland Howard, a true Kentuckian. Mr. Howard is well-known in the Owensboro community as a valued leader, visionary and hard-worker.

Mr. Howard, who had been Daviess County Master Commissioner since 1985, was appointed to the circuit judgeship by Governor Paul Patton in 1995.

His passion and love for the Ohio River was expressed through his development projects, which inspired and led the way for growth and expansion in Owensboro.

Even though Mr. Howard gave so much of himself to his community, the love he gave to his wife Mary Ann and to his children was unparalleled. Mr. Howard passed away on October 7, 2009. Our thoughts and prayers are with the entire Howard family.

Garland Howard will forever be remembered by the amazing legacy he leaves behind through the lives he touched, the projects he created and the children who he taught by example to be community leaders in their own right.

#### IN RECOGNITION OF VIETNAM WAR VETERANS EVENT

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Mr. SKELTON. Madam Speaker, on September 12, 2009, the Honorable EMANUEL

CLEAVER, Congressman from Missouri's Fifth Congressional District, sponsored a remarkable event at the Truman Library. This event was in honor of those who fought in the Vietnam War in the late 1960s and early 1970s. Well over 1,000 veterans attended. The Honorable DENNIS MOORE, Congressman from Kansas's Third Congressional District, spoke, and yours truly had an opportunity to deliver a message of gratitude to the Vietnam veterans present. The keynote speaker was Major General (Ret.) Robert H. Scales, former commandant of the U.S. Army War College. His address was very well received by the veterans in the audience. The address is as follows:

[Sept. 12, 2009]

#### TRUMAN LIBRARY SPEECH

(By MG (Ret.) Robert H. Scales)

Mr. Skelton, Mr. Cleaver, distinguished guests and, most importantly, fellow veterans. What a great thrill it is to see my comrades in arms assembled here so many years after we shared our experiences in war.

Let me give you the bottom line up front: I'm proud I served in Vietnam. Like you I didn't kill innocents, I killed the enemy; I didn't fight for big oil or for some lame conspiracy I fought for a country I believed in and for the buddies who kept me alive. Like you I was troubled that, unlike my father, I didn't come back to a grateful nation. It took a generation and another war, Desert Storm, for the nation to come back to me.

Also like you I remember the war being 99 percent boredom and one percent pure abject terror. But not all my memories of Vietnam are terrible. There were times when I enjoyed my service in combat. Such sentiment must seem strange to a society today that has, thanks to our superb volunteer military, been completely insulated from war. If they thought about Vietnam at all our fellow citizens would imagine that fifty years would have been sufficient to erase this unpleasant war from our consciousness. Looking over this assembly it's obvious that the memory lingers, and those of us who fought in that war remember.

The question is why? If this war was so terrible why are we here? It's my privilege today to try to answer that question not only for you, brother veterans, but maybe for a wider audience for whom, fifty years on, Vietnam is as strangely distant as World War One was to our generation.

Vietnam is seared in our memory for the same reason that wars have lingered in the minds of soldiers for as long as wars have been fought.

From Marathon to Mosul young men and now women have marched off to war to learn that the cold fear of violent death and the prospects of killing another human being heighten the senses and sear these experiences deeply and irrevocably into our souls and linger in the back recesses of our minds.

After Vietnam we may have gone on to thrilling lives or dull; we might have found love or loneliness, success or failure. But our experiences have stayed with us in brilliant Technicolor and with a clarity undiminished by time. For what ever primal reason war heightens the senses. When in combat we see sharper, hear more clearly and develop a sixth sense about everything around us.

Remember the sights? I recall sitting in the jungle one bright moonlit night marveling on the beauty of Vietnam. How lush and green it was; how attractive and gentle the people, how stoic and unmoved they were amid the chaos that surrounded them.

Do you remember the sounds? Where else could you stand outside a bunker and listen to the cacophonous mix of Jimi Hendrix, Merle Haggard and Jefferson Airplane? Or how about the sounds of incoming? Remember it wasn't a boom like in the movies but a horrifying noise like a passing train followed by a crack and the whistle of flying fragments. Remember the smells? The sharpness of cordite, the choking stench of rotting jungle and the tragic sweet smell of enemy dead. . . .

I remember the touch, the wet, sticky sensation when I touched one of my wounded soldiers one last time before the medevac rushed him forever from our presence but not from my memory, and the guilt I felt realizing that his pain was caused by my inattention and my lack of experience.

Even taste is a sense that brings back memories. Remember the end of the day after the log bird flew away leaving mail, C rations and warm beer? Only the first sergeant had sufficient gravitas to be allowed to turn the C ration cases over so that all of us could reach in and pull out a box on the unlabeled side hoping that it wasn't going to be ham and lima beans again.

Look, forty years on I can forgive the guy who put powder in our ammunition so foul that it caused our M-16s to jam. I'm OK with helicopters that arrived late. I'm over artillery landing too close and the occasional canceled air strike. But I will never forgive the Pentagon bureaucrat who in an incredibly lame moment thought that a soldier would open a can of that green, greasy, gelatinous goo called ham and lima beans and actually eat it.

But to paraphrase that iconic war hero of our generation, Forrest Gump, "Life is like a case of C Rations, you never know what you're going to get." Because for every box of ham and lima beans there was that rapturous moment when you would turn over the box and discover the bacchanalian joy of peaches and pound cake. It's all a metaphor for the surreal nature of that war and its small pleasures . . . those who have never known war cannot believe that anyone can find joy in hot beer and cold pound cake. But we can . . .

Another reason why Vietnam remains in our consciousness is that the experience has made us better. Don't get me wrong. I'm not arguing for war as a self improvement course. And I realize that war's trauma has damaged many of our fellow veterans physically, psychologically and morally. But recent research on Post Traumatic Stress Disorder by behavioral scientists has unearthed a phenomenon familiar to most veterans: that the trauma of war strengthens rather than weakens us (They call it Post Traumatic Growth). We know that a near death experience makes us better leaders by increasing our self reliance, resilience, self image, confidence and ability to deal with adversity. Combat veterans tend to approach the future wiser, more spiritual and content with an amplified appreciation for life. We know this is true. It's nice to see that the human scientists now agree.

I'm proud that our service left a legacy that has made today's military better. Sadly Americans too often prefer to fight wars with technology. Our experience in Vietnam taught the nation the lesson that war is inherently a human not a technological endeavor. Our experience is a distant whisper in the ear of today's technology wizards that firepower is not sufficient to win, that the enemy has a vote, that the object of war should not be to kill the enemy but to win



the trust and allegiance of the people and that the ultimate weapon in this kind of war is a superbly trained, motivated, and equipped soldier who is tightly bonded to his buddies and who trusts his leaders.

I've visited our young men and women in Iraq and Afghanistan several times. On each visit I've seen first hand the strong connection between our war and theirs. These are worthy warriors who operate in a manner remarkably reminiscent of the way we fought so many years ago.

The similarities are surreal. Close your eyes for a moment and it all comes rushing back . . . In Afghanistan I watched soldiers from my old unit, the 101st Airborne Division, as they conducted daily patrols from firebases constructed and manned in a manner virtually the same as those we occupied and fought from so many years ago. Every day these sky soldiers trudge outside the wire and climb across impossible terrain with the purpose as one sergeant put it "to kill the bad guys, protect the good guys and bring home as many of my soldiers as I can." Your legacy is alive and well. You should be proud.

The timeless connection between our generation and theirs can be seen in the unity and fighting spirit of our soldiers in Iraq and Afghanistan. Again and again, I get asked the same old question from folks who watch soldiers in action on television: why is their morale so high? Don't they know the American people are getting fed up with these wars? Don't they know Afghanistan is going badly? Often they come to me incredulous about what they perceive as a misspent sense of patriotism and loyalty.

I tell them time and again what every one of you sitting here today, those of you who have seen the face of war, understand: it's not really about loyalty. It's not about a belief in some abstract notion concerning war aims or national strategy. It's not even about winning or losing. On those lonely firebases as we dug through C ration boxes and drank hot beer we didn't argue the righteousness of our cause or ponder the latest pronouncements from McNamara or Nixon or Ho Chi Minh for that matter. Some of us might have trusted our leaders or maybe not. We might have been well informed and passionate about the protests at home or maybe not. We might have groused about the rich and privileged who found a way to avoid service but we probably didn't. We might have volunteered for the war to stop the spread of global communism or maybe we just had a failing semester and got swept up in the draft.

In war young soldiers think about their buddies. They talk about families, wives and girlfriends and relate to each other through very personal confessions. For the most part the military we served with in Vietnam did not come from the social elite. We didn't have Harvard degrees or the pedigree of political bluebloods. We were in large measure volunteers and draftees from middle and lower class America. Just as in Iraq today we came from every corner of our country to meet in a beautiful yet harsh and forbidding place, a place that we've seen and experienced but can never explain adequately to those who were never there.

Soldiers suffer, fight and occasionally die for each other. It's as simple as that. What brought us to fight in the jungle was no different than the motive force that compels young soldiers today to kick open a door in Ramadi with the expectation that what lies on the other side is either an innocent huddling with a child in her arms or a fanatic in

surgent yearning to buy his ticket to eternity by killing the infidel. No difference. Patriotism and a paycheck may get a soldier into the military but fear of letting his buddies down gets a soldier to do something that might just as well get him killed.

What makes a person successful in America today is a far cry from what would have made him a success in the minds of those assembled here today. Big bucks gained in law or real estate, or big deals closed on the stock market made some of our countrymen rich. But as they have grown older they now realize that they have no buddies. There is no one who they are willing to die for or who is willing to die for them. William Manchester served as a Marine in the Pacific during World War II and put the sentiment precisely right when he wrote: "Any man in combat who lacks comrades who will die for him, or for whom he is willing to die is not a man at all. He is truly damned."

The Anglo Saxon heritage of buddy loyalty is long and frightfully won. Almost six hundred years ago the English king, Henry V, waited on a cold and muddy battlefield to face a French army many times his size. Shakespeare captured the ethos of that moment in his play Henry V. To be sure Shakespeare wasn't there but he was there in spirit because he understood the emotions that gripped and the bonds that brought together both king and soldier. Henry didn't talk about national strategy. He didn't try to justify faulty intelligence or ill formed command decisions that put his soldiers at such a terrible disadvantage. Instead, he talked about what made English soldiers fight and what in all probably would allow them to prevail the next day against terrible odds. Remember this is a monarch talking to his men:

This story shall the good man teach his son;  
From this day ending to the ending of the world,

But we in it shall be remembered;

We few, we happy few, we band of brothers;

For he today that sheds his blood with me shall be my brother;

And gentlemen in England (or America) now a-bed

Shall think themselves accursed they were not here,

And hold their manhood's cheap whiles any speaks

That fought with us upon Saint Crispin's day.

You all here assembled inherit the spirit of St. Crispin's day. You know and understand the strength of comfort that those whom you protect, those in America now abed, will never know. You have lived a life of self awareness and personal satisfaction that those who watched you from afar in this country who "hold their manhood cheap" can only envy.

I don't care whether America honors or even remembers the good service we performed in Vietnam. It doesn't bother me that war is an image that America would rather ignore. It's enough for me to have the privilege to be among you. It's sufficient to talk to each of you about things we have seen and kinships we have shared in the tough and heartless crucible of war.

Some day we will all join those who are serving so gallantly now and have preceded us on battlefields from Gettysburg to Wanat. We will gather inside a firebase to open a case of C rations with every box peaches and pound cake. We will join with a band of brothers to recount the experience of serving something greater than ourselves. I believe in my very soul that the almightily reserves

a corner of heaven, probably around a perpetual lager where some day we can meet and embrace . . . all of the band of brothers throughout the ages to tell our stories while envious standers-by watch and wonder how horrific and incendiary the crucible of violence must have been to bring such a disparate assemblage so close to the hand of God.

Until we meet there thank you for your service, thank you for your sacrifice, God bless you all and God bless this great nation. . . .

## A TRIBUTE TO BERNHEIM FOREST

### HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor the Bernheim Forest and their recent recognition from the Environmental Protection Agency.

The Bernheim Forest Arboretum Visitors Center in Clermont, Kentucky won two of EPA's Lifecycle Building Challenge awards for a professional building and for a building with the best greenhouse gas reduction.

EPA's Lifecycle Building Challenge recognizes innovative green building ideas that reduce environmental and energy impacts. Reusing building materials assists the building industry in reducing more than 88 million tons of building-related construction and demolition debris that are typically sent to landfills in the United States each year.

The Bernheim Forest Arboretum Visitors Center incorporates the surrounding forest into the building's design. The staff and board at the Bernheim Forest are committed to our natural environment and this visitor's center is a solid example of that commitment.

Construction of the center emphasized safe materials made of biological nutrients, which break down to safely return to forest soil, as well as technical nutrients, which can be remanufactured into new objects.

I congratulate the work of the individuals who made this building a reality and honor the staff and board at Bernheim Forest, whose passion for the environment make it possible for Kentuckians to connect with nature.

## TRIBUTE TO BRIAN BURKE

### HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Mr. CAMPBELL. Madam Speaker, I rise to pay tribute to Mr. Brian Burke, Executive Vice President and General Manager of the Anaheim Ducks Professional Hockey Team from 2005 to 2008. Mr. Burke is one of Orange County's most dedicated, distinguished, and honorable citizens. Born in Providence, Rhode Island, and raised in Edina, Minnesota, Brian resides with his wife Jennifer and has six children: Katie, Patrick, Brendan, Molly, Mairin and Gracie.

In 2007, Mr. Burke guided the Anaheim Ducks to the first Stanley Cup Championship

in California history, and in 2008 he received two outstanding honors: On June 6th, he was chosen by USA Hockey as General Manager of the 2010 U.S. Olympic Hockey Team, and on August 7th he was named a recipient of the 2008 Lester Patrick Award for outstanding service to hockey in the United States. Burke is also the General Manager of the 2009 USA World Championships Team.

Madam Speaker, Brian Burke is an American citizen with a passion for supporting the United States military. Mr. Burke organized a first-of-its-kind two-day event to support the families of active duty military personnel at the Honda Center in 2008. The event, which included Ducks' players and their families, welcomed "Operation Homefront"—a non-profit organization that provides emergency assistance and morale to our troops, the families they leave behind, and injured soldiers upon their return home. Brian also supported the "Wounded Warriors Project," a non-profit organization that assists severely wounded soldiers to transition back into life when they suffer from serious and traumatic injuries. To recognize our Wounded Warriors and the United States Marines, Brian Burke and the Anaheim Ducks delivered the Stanley Cup for its first ever visit to Camp Pendleton in 2007.

Mr. Burke has also been very involved in Orange County charities. He has served as a Board Member on the Board of Directors for the Children's Hospital of Orange County (CHOC) as well as supported and donated to the Orangewood Children's Foundation, Share Ourselves and the Children's Bureau. Brian also promoted cancer awareness in the Orange County community by launching "Hockey Fights Cancer" nights at Ducks' games.

I know Mr. Burke's family is extremely proud of his accomplishments, as am I. He has worked tirelessly to improve his community and his efforts should be emulated by future community leaders.

Madam Speaker, I am proud to honor Mr. Brian Burke today as an outstanding American citizen and community leader.

HONORING MICHAEL LOUIS  
VONBEHREN

**HON. JAMES P. McGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. McGOVERN. Madam Speaker, I rise today in honor of the late Michael Louis VonBehren of Shrewsbury, Massachusetts. At Michael's young age he already symbolized what we all hope to be. He actively exhibited enthusiasm for academics, for community service and for the Democratic Party. In acknowledgement of his commitment and dedication to the Shrewsbury Democratic Town Committee, this year's annual Eleanor Roosevelt Humanitarian Youth Award is dedicated in his memory.

Michael VonBehren was an engaging young man who loved the democratic process. Michael was a student at Shrewsbury High School where he was involved in clubs such as Young Democrats, Political Action Group, and Model U.N. Although he was involved in

various clubs and organizations, he still found the time to serve his community. Michael was a caring and kind young man who loved to help those that were less fortunate. He read to homeless children at a local shelter and was a talented video producer at his high school.

Michael VonBehren was one of those rare teenagers that crossed normal boundaries and surrounded himself with those that shared his interests and beliefs whether they were his peers or a fellow volunteer on the campaign trail. There is no way of knowing what Michael would have done in the future. All that is sure is that he would have made a difference in our world. Michael was an exemplary student and citizen who showed others kindness and enthusiasm everyday of his life.

Michael's unfaltering commitment to fairness and justice and his dedication to public service greatly benefitted our community. In tribute to his outstanding service to the community of Shrewsbury, I am proud to honor the memory of Michael Louis VonBehren with the dedication of the Eleanor Roosevelt Humanitarian Youth Award to him. I know all my colleagues will join me in paying tribute to him today.

A TRIBUTE TO COLONEL CHARLES  
E. WILLIAMS, JR.

**HON. BRETT GUTHRIE**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. GUTHRIE. Madam Speaker, I rise today to honor Colonel Charles E. Williams, Jr., who has virtuously served the United States and the Commonwealth of Kentucky.

Colonel Williams was commissioned as a second lieutenant in 1986 upon his graduation from the U.S. Military Academy at West Point. During his career he has served both at home and overseas and as Military Aide to both President Bill Clinton and President George W. Bush.

On October 1, 2007, Colonel Williams assumed command of the U.S. Army Special Missions Brigade at Fort Knox, Kentucky. As the Commander, he oversees the In-Service Recruiting of Special Operations, Warrant Officers and Chaplains, as well as the Logistics and Administrative Support for 1600 recruiting stations across the country.

Colonel Williams' decorations are numerous. Throughout his career he has been an inspiration and example to both soldiers and civilians alike. He has represented his country proudly as a man of honor and a true patriot.

After years of dedicated service, Colonel Williams has decided to retire. I honor him today because of his dignified and steadfast commitment to the citizens of this country and the Commonwealth of Kentucky.

IN HONOR AND REMEMBRANCE OF  
WILLIAM J. MCCARTHY

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of William J.

"Bill" McCarthy, a U.S. Navy Veteran who was devoted to his family and friends. His leadership and work on behalf of the American laborer continues to strengthen and protect workers' rights throughout the Cleveland community.

Mr. McCarthy was born and raised in Cleveland, Ohio, where he later raised his own family. In 1956, he met and married the late Margaret J. Pawlak. Together they had four children: Marge, Kelly, William and Kevin. Their children, ten grandchildren and great-granddaughter were the most important part of their lives.

Following his honorable discharge from the Navy, Mr. McCarthy began working as a meter reader with East Ohio Gas Company. He quickly ascended the union ranks to become one of the most powerful and effective labor leaders in Cleveland. He represented thousands of workers at East Ohio Gas, and led numerous strikes that won significant concessions in wages, benefits and safety improvements for workers. He was known for never giving up or backing down from what he believed was just and right. Mr. McCarthy's work on labor issues extended throughout Northeast Ohio, where he forged strong bonds with labor leaders, elected officials and workers. He served as Chairman of the AFL-CIO, President of the Ohio Joint Council of the Service Employees International Union, vice-president of Union Eye Care and as a board member with the Cleveland-Cuyahoga County Port Authority.

Madam Speaker and colleagues, please join me in honor and remembrance of William J. "Bill" McCarthy, who had an unwavering devotion to his family and country, and whose work on behalf of workers' rights will continue to reinforce the labor foundation of the Cleveland community. I extend my heartfelt condolences to Mr. McCarthy's daughters: Marge and Kelly; his sons, William J. Jr. and Kevin; his ten grandchildren; his great-granddaughter; and his sister, Noreen.

A TRIBUTE TO JACQUES  
GUILLAUME

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Jacques Guillaume, MD, for his record of extraordinary service to New York's Tenth Congressional District.

Dr. Jacques Guillaume was born in Haiti, studied both law and medicine at the State University of Haiti, then continued his studies here in the United States. Here he has combined his twin passions—law and medicine—to address the inequalities of justice and the inadequacies of health care in low-income communities. Dr. Guillaume has also held several managerial positions in the medical field, including Director of the Residency Training Program at the Catholic Medical Center, Director of OB/GYN at Mary Immaculate Hospital and St. Joseph. He currently serves as the Chair of the Gynecology Department at the Interfaith Medical Center.

Dr. Guillaume is a recognized leader in the OB/GYN community, publishing many articles in peer-reviewed journals. He frequently appears on television and radio programs to discuss health conditions. He clearly has a strong love of science and a real sense of justice.

Madam Speaker, I urge my colleagues to join me in recognizing Dr. Jacques Guillaume.

#### PERSONAL EXPLANATION

### HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. HIRONO. Madam Speaker, on rollcall Nos. 775, 776, 777, 778, 779, had I been present, I would have voted "yea."

#### "FRIENDS OF THE FISHING INDUSTRY"

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. FRANK of Massachusetts. Madam Speaker, I have never learned more in my life than I have learned since 1992 when at the vote of the Massachusetts Legislature, the city of New Bedford and the town of Fairhaven were included in the congressional district I represent. These two communities together form the most successful fishing port in the U.S., and that industry enriches New Bedford and the surrounding areas not just economically but culturally and socially as well.

One of the leaders in that industry is Jim Kendall, a fisherman himself who has served in a number of important posts in helping preserve that industry and protect it against adversity.

He recently wrote an eloquent introduction to the announcement of the Friend of the Fishing Industry Award, which was presented to two men to whom the Greater New Bedford Area is greatly indebted: Raymond and Richard Canastra.

These two brothers have, as Jim Kendall's statement points out, been extremely creative in providing support for this industry. The work they have done for the open display auction confounded many skeptics who thought that it would never work, but their success in New Bedford has in fact been so widely hailed that it's led to the recent opening of a similar facility in Boston, helping revive a fishing port that had been declining to some extent.

Madam Speaker, I join Jim Kendall and others in the fishing industry and subsidies in Massachusetts in thanking Ray and Richie Canastra for their work and I ask that Jim Kendall's statement be printed here as an example of the kind of economic leadership individuals can provide to their community.

OFFSHORE MARINERS  
WIVES' ASSOCIATION,  
*September 27, 2009.*

INTRODUCTION OF 2009'S "FRIENDS OF THE FISHING INDUSTRY"

This year's award to the Friend of the Fishing Industry is a bit different as we are

proud to announce that the award is going to not just one, but two individuals. Not only have they contributed to the fishing industry here in New Bedford, but their efforts have extended throughout New England.

It's not often that you find two people who have come so far in a relatively short period of time, and who have returned so much to the industry that they obviously care so much about. Their innovation and foresight has not only proven to be a sound business venture for them, but a boon and stabilizing factor for the Greater New Bedford fishing fleet. It hasn't stop there either, their fortitude and determination now has extended to the ports of Gloucester and Boston.

They pioneered the concept of the open display auction here in New Bedford at a time and place when many of us doubted it could succeed. In 1985 through 1986 the industry had gone through a traumatic strike that changed the way business had been done for many years. The New Bedford seafood auction ceased to exist, and a buyers auction that replaced it, had also closed its doors. The industry was in turmoil, with little or no sense of balance that had existed for years before. The sale of a trip was as hard and as uncertain, as was the fishing trip itself.

They felt that an open display auction could work and benefit the fishermen, and the port of New Bedford, and they set about to prove it. It wasn't easy, it never is trying to convince people that there is a better way to do their business, business that they had been doing in basically the same way for years. They have proven that they were right, and the New Bedford fishing industry has benefited greatly because of it. The auction has provided stability to the sale of fresh fish and scallops, along with the recognition that New Bedford is still the port to go to for your best seafood.

Their efforts in beginning the auction and the continued developments, have helped the port of New Bedford regain the title of the richest fishing port in the country, and continues to help us maintain that distinction.

Recently they opened another display auction in the port of Boston, that is attracting fishing vessels to a port that was all but abandoned by the fishing industry. This is in direct contradiction to what has been occurring elsewhere, with the devastating changes for other ports that have lost not only their auctions, but their fishing industries and communities.

Their involvement has deepened over the years with them becoming deeply involved with the management process and fishery science. Working with, most notably, Drs. Brian Rothschild and Kevin Stokesbury from the School for Marine Science and Technology at the University of Massachusetts, Dartmouth. They have also helped to organize the fishermen not only here in New Bedford, but in Gloucester as well.

What may turn out to be one of their most important innovations is the Project to Save Seafood and Ocean Resources, along with its associated website, [Savingseafood.org](http://Savingseafood.org).

At a time when information is king, providing factual and unadulterated information to the American public is crucial. There is a desperate need to show the American consumer the value of New Bedford seafood, and the efforts that the New Bedford and New England fishermen have taken in order to provide them with healthy seafood. There is also a need to inform the consumer how we are striving to provide them their healthy seafood in a safe and sustainable manner. The American consumer and public

also needs to know what the fishermen and their industry has gone through in order to bring this to them. I encourage you to visit the website at [www.savingseafood.org](http://www.savingseafood.org).

Richie lives in North Dartmouth, with his wife Roberta, and their two lovely daughters, Sophia, and Noella. Raymond lives in Rochester with his wife Debbie and their two children Cassie and Kyler.

It gives me great pleasure to present "The Friend of the Fishing Industry Award" to two men whom I'm proud to have worked with over the years, my friends; Raymond and Richard Canastra.

#### A TRIBUTE TO JACK LEFKOWITZ

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Jack Lefkowitz for his record of extraordinary service to New York's Tenth Congressional District.

Jack Lefkowitz is the President and Chief Executive Officer of New York MedScan, providing high quality diagnostic imaging services in a comfortable hospital outpatient environment. He greatly contributes to the quality of life for Brooklyn's neediest patients, working through the organization Yad Ephraim to prepare and deliver home-cooked meals tailored to the needs of each patient. Mr. Lefkowitz chairs Maskil El Dat, providing financial aid, meals, transportation, babysitting, and emotional support for impoverished Jewish families. I applaud Jack Lefkowitz's philanthropic activities, contributing both professionally and privately in our communities.

Madam Speaker, I urge my colleagues to join me in recognizing Jack Lefkowitz.

#### CELEBRATING THE LIFE OF HARLEM'S BELOVED THORNTON J. MEACHAM, JR., ESQ. A TRAILBLAZER FOR AFRICAN-AMERICANS, LAWYERS AND LEGAL PROFESSIONALS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. RANGEL. Madam Speaker, I rise with great pride as I pay tribute to my dear friend and life-long buddy, Thornton J. Meacham, Jr., Esq., as we celebrate one of Harlem's greatest legal advocates at the great Cathedral of Riverside Church in Harlem today. As I speak with profound honor and respect for my friend Thornton, I ascend to celebrate a life well-lived and to also remember the many legal professional accomplishments of this remarkable man. Thornton Meacham etched his name in history as a passionate and dedicated legal advocate for all African-American lawyers and legal professionals throughout this city and Nation.

Thornton's death on October 4, 2009, brought immense sorrow and loss to me, his family, his friends, and to the countless lives he touched over the years in our beloved

community. I am blessed to say that I was able to have spent some time with Thornton during his final days. As we said our good-byes, he left in my heart a reminder of all the many exciting moments of his life and all of the good times we shared together. He was undisputedly one of Harlem's greatest lawyers, largely responsible for blacks being admitted to the New York Bar Association. This strong-willed and exciting man represented Harlem in all of its glory, and we are all consumed by his passing.

Thornton J. Meacham, Jr. was born on March 10, 1917 in Terrell, Arkansas as the first son to Dr. Thornton J. Meacham and Lila Celesta. His younger brother, Dr. Henry Wade Meacham, who also had an outstanding professional career passed away in 2004. After the family moved to Jackson, Tennessee, Thornton attended public school and graduated from Lane College. Upon his graduation from college, Thornton was accepted to attend law school at Harvard University, Columbia University and New York University, but chose to attend Fordham University, thus becoming the second African American to attend Fordham University and the first to graduate from its Law School in 1942.

Just a few years ago, we all celebrated Thornton's 66th Anniversary of his graduation from Fordham Law School. He loved Fordham Law and dedicated his entire life to helping young aspiring jurists succeed.

Admitted to the Bar in 1943, Thornton set the mark that raised the bar for all of us. He was the first Black attorney to join the legal staff of the Office of Price Stabilization on Broadway in New York; first to argue a case before the United States Court of Appeals for the Second Circuit; first African American to be featured on the cover of The New York Law Journal; first to try both criminal and civil cases in the Bronx and Queens County Courts; and the first to open a law practice in Harlem.

Thornton always spoke of his experiences in the 1950s when the New York City Bar Association refused him membership due to his race. During segregation, he tried and won cases in Florida, North Carolina, Virginia and New Jersey. He represented Hulan Jack, Congressman Adam C. Powell, Dorothy Dandridge, Louis Armstrong, Bessie Buchanan, Mile Davis, the NAACP and Carver National Bank—a legacy of history that makes us all proud to be Americans.

Thornton Meacham was Counsel to the law offices of Assemblyman William T. Andrews, Judge Harold Stevens and Attorney John Briggs. He later became a Law Partner to Judge Thomas Dickens. Thornton, along with some of Harlem's elite class of attorneys, co-founded the Harlem Lawyers Association, which later merged into the Metropolitan Black Bar Association.

Thornton Meacham was a very active member of the National Bar Association (NBA) and was acknowledged as a legal dignitary by the organization on several occasions. He was a recipient of the NBA Wiley A. Branton Issues Award and in 1994, he was inducted into the prestigious National Black Association Hall of Fame, which recognizes lawyers who have practiced for over 40 years and have made significant contributions to the cause of justice.

Thornton was a member of the Alpha Phi Alpha Fraternity and the Williams Institutional Christian Methodist Episcopal Church in Harlem.

Meacham's extraordinary accomplishments as a revered legal professional exemplified the pioneering leadership of many through his commitment and exemplary service to the legal community. He will long be remembered for his extraordinary commitment, humor, liveliness, energy, wisdom, discipline, principle and clear purpose which won the admiration of all who were privileged to come to know and work with him during his distinguished career.

Madam Speaker, I consider myself fortunate to have had the opportunity to observe and experience his example as a personal inspiration. Though Thornton is no longer with us, we will continue to keep his memory alive in our hearts and minds, and continue to honor his legacy with our advocacy for the issues he cared about the most.

#### HONORING MILDRED ROSS BEAN

#### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary life of Mrs. Mildred Bean of Walnut Creek, California. A proud wife, mother, grandmother, sister, and friend. "Millie" was exemplary in her unconditional familial devotion, diligent work ethic, dedicated national service, and her love of arts and travel. With her passing on May 27, 2009, we look to Millie's family to remind us of her life's journey and the joyful legacy she inspired.

Mildred Ross was born on January 30, 1934 in Sacramento, California. After graduating high school, Millie began local secretarial work for the government. As her family fondly tells it, Millie's long love story with Air Force officer Richard "Dick" Bean began when he spotted her in a red party dress. The two were soon married and embarked on a military career that would span the next two decades.

Over the following ten years, Millie and Dick raised their three young children on Long Island, New York's Suffolk County Air Force Base. After a brief assignment in North Carolina, the family moved to Clark Air Force Base located in the Philippines.

It was there that Millie and her family had the great joy of spending two years stationed together with her sister Laura Brown, Laura's husband Joe, and their four children. Millie also enjoyed her time abroad by cultivating a love of travel. She and Dick were able to visit Singapore, Bangkok, Saudi Arabia, India, Spain, and Thailand during their time in Southeast Asia.

The family eventually returned to California for their last assignment on Travis Air Force Base. After Dick retired as an Air Force Lieutenant Colonel in 1973, the couple built their dream home in Walnut Creek. When the Bean's two eldest children had left for college and their youngest was a high school sophomore, Millie returned to work and decided to pursue a college degree herself.

While working full time, Millie graduated Cum Laude from the University of San Francisco with a Bachelor of Arts degree. Millie then began a respected career with the Alameda Naval Air Station where she earned numerous awards, including the Meritorious Civilian Service Award, the highest honor given by the Navy to a civilian. At the time of her retirement in 1996, Millie had contributed 27 years of service to the Navy and was a GM-13 Performance Review Division Head.

In the midst of many accomplishments, Millie was quick to remind others that she was most proud of her children, Tony Bean, Kimberly Perry, and Laurie Adams. Millie's highest priority was to nurture and enjoy her extended family, which grew as her children married their spouses and gave Millie and Dick five beautiful grandchildren.

I have known Millie for many years. Her generosity, her friendship and her beautiful smile will forever be etched in my heart. She was a consistent supporter and encouraged me every step of the way. I cherished her friendship and will miss her tremendously.

After retirement, Millie and Dick enjoyed season tickets to the symphony and ballet, travel adventures in Europe and Asia, weekend getaways in Cannel, and a final vacation to Hawaii that Dick will forever treasure. Millie's joy for life was not only contagious, but an invaluable lesson to her loved ones in times of uncertainty and doubt.

Always social and active, Millie kept a monthly lunch date with friends and enjoyed taking her grandchildren to the Nutcracker Ballet. Undoubtedly, the countless small and subtle acts of love that Millie demonstrated in her lifetime will continue to be powerful gifts to the people she cherished most.

Today, California's 9th Congressional District salutes and honors a great human being, our beloved Millie Bean. We extend our deepest condolences to Millie's husband and family. Thank you for sharing her great spirit with us. May her soul rest in peace.

#### PERSONAL EXPLANATION

#### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. CONYERS. Madam Speaker, on October 14, 2009, I was unable to cast votes, due to personal reasons. I was not present for roll-call votes 775 through 779. Had I been present, I would have casted a "yea" vote for final passage of H. Res. 768, Expressing support for the designation of the month of October as "National Work and Family Month"; H.R. 1327, Iran Sanctions Enabling Act of 2009; H. Res. 816, Mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009 in American Samoa and Samoa; H.R. 3371, Airline Safety and Pilot Training Improvement Act of 2009 and H. Res. 786, Commemorating the canonization of Father Damien de Veuster, SS.CC. to sainthood.

A TRIBUTE TO EDOUARD  
GUILLAUME

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Edouard Guillaume, MD, for his record of extraordinary service to New York's Tenth Congressional District.

Dr. Edouard Guillaume was born in Gonaives, Haiti, studied medicine at the University Hospital of Haiti, and completed his formal training in Internal Medicine at Mount Sinai Hospital in Chicago, Illinois and Tulane University in New Orleans, Louisiana. He currently focuses on hematology and oncology. Dr. Guillaume today heads Interfaith's acclaimed Comprehensive Sickle Cell Program, where he is well known as a "pain specialist". He was honored by the Sickle Cell Thalassemia Patients Network (SCTPN) in 2005 for his dedicated and distinguished service to patients affected with the disease.

Madam Speaker, I urge my colleagues to join me in recognizing Dr. Edouard Guillaume.

THANKING PEYTON JEFF JACKSON  
FOR HIS SERVICE TO THE HOUSE

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement on May 15, 2009, we rise to thank Mr. Peyton "Jeff" Jackson for his 31 years of distinguished service to the United States House of Representatives. Jeff has served this great institution as a valued employee of House Information Resources (HIR), within the Office of the Chief Administrative Officer (CAO).

Jeff began his tenure with the United States House of Representatives in 1978 as Lead Computer Operator in the HIR Communications Services group. Jeff assisted in diagnosing and resolving operational problems with the various online systems supported by the Computer Center. He also monitored and maintained all House data communication networks including the Amdahl 4705 and 4745 front-end processors. Jeff tracked and logged trouble calls from both the Washington and district offices and dispatched network installation technicians for problem calls. Jeff's expertise contributed to the installation and maintenance of the IBM 3270 inventory and storage facilities for the Communications Services group. Jeff continued to provide network operational support to the ever expanding network and unified communications infrastructure environment.

Jeff has played an integral role in the revamping of the Network Control Center (NCC) following the events that occurred on September 11, 2001. The NCC was later expanded to encompass the Emergency Communications Center (ECC) which serves as a transmission point for emergency action messages to the House community.

On behalf of the entire House community, we extend congratulations to Jeff for his many years of dedication and outstanding contributions to the United States House of Representatives.

**WALTER YENT, JR.**

**HON. C.A. DUTCH RUPPERSBERGER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the life of Walter Yent, Jr. for his exceptional service to our country and devotion to his family and friends.

Born and raised in Baltimore, Maryland, Walter Yent, Jr. enlisted in the Army on March 6, 1944. A World War II Veteran, Mr. Yent was awarded the Purple Heart, the Combat Infantryman Badge, the European-African-Middle Eastern Campaign Medal, two Bronze Stars, and the Army of Occupation Medal with Germany clasp, in addition to many other medals for his outstanding service as a member of the Armed Services.

Upon his discharge from the Army in January 1950, Mr. Yent returned to his hometown of Baltimore where he enjoyed spending time with those he loved most, his family and friends.

Madam Speaker, I ask that you join with me today to honor the life of Walter Yent, Jr. His dedication to our country is an inspiration to all and deserves the utmost gratitude.

A TRIBUTE TO BARBARA MESSIER

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Barbara Messier for her record of extraordinary service to New York's Tenth Congressional District.

Barbara Messier, born in Canton, Ohio, graduated from the St. Luke Nursing School in Cleveland and began her nursing career in the Apple Creek State Hospital. While at Apple Creek, she first got experience in psychiatric nursing, working under a group of extraordinary leaders in the field. She continued her work in psychiatric nursing after moving to New York, working with Dr. Jochanan Weisenfreund at St. John's Episcopal Hospital and later at the Interfaith Medical Center.

Mrs. Messier was instrumental in revitalizing Interfaith's Department of Psychiatry from an unlicensed, 25-bed inpatient unit, to a full fledged, top-quality department. As the Assistant Vice President of the Department of Psychiatry, she is also responsible for Bedford-Stuyvesant Community Mental Health Center's programs, serving patients in a variety of innovative capacities. She also serves as the Clerk of Session at the Oceanside Presbyterian Church, and teaches adult Bible classes there.

Madam Speaker, I urge my colleagues to join me in recognizing Barbara Messier.

A BIRTHDAY TRIBUTE TO DR.  
MELVIN E. BANKS, FOUNDER OF  
URBAN MINISTRIES, INC.

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. RUSH. Madam Speaker, today it is my distinct honor and privilege to rise to acknowledge and congratulate one of my state's unsung jewels. Seventy-five years ago today, on October 15, 1934, Melvin E. Banks was born into this world in the, then, relatively small town of Birmingham, Alabama. From his humble beginnings in the segregated South, through hard work, perseverance and an abiding faith in God, today, Melvin Banks presides over the strong and thriving Urban Ministries, Inc., the largest independent African American-owned Christian publishing company in the United States.

UMI is located in Calumet City, Illinois, and this global, family-operated business is a vital part of our state's thriving, south suburban community. With all of the accolades and accomplishments that Dr. Melvin Banks has rightfully earned over the years, I stand here, tonight, Madame Speaker, simply proud to call him my friend.

Melvin Banks' life story is uniquely American. He often tells the story of discovering his faith in his Lord and Savior, Jesus Christ, at the age of 12. Even at that young age, his sense of faith and guidance was so strong that he accepted his personal call to minister the gospel to all who would listen. His evangelism began, literally, on some of the dusty back roads of Birmingham. One day, young Melvin encountered an elderly gentleman who recognized his spiritual gifts and referred him to a scripture that influenced his life's work. That scripture, Hosea 4:6, states, "My people are destroyed for lack of knowledge." Upon hearing those words, young Melvin knew that God's purpose for his life was to help spread the knowledge of the gospel of Christ through the unique, cultural lens of the African American experience. And from that moment on, Melvin Bank's dreams and life's work continued to grow and to prosper.

As Melvin Banks grew in the Lord, he also embraced the value of a good education. Banks graduated from Parker High School in Birmingham, in 1952, and he went on to study at the Moody Bible College, in Chicago, where he graduated in 1955. Continuing his education, Banks attended Wheaton College, earning a B.A. degree in theology in 1958, and his master's degree in biblical studies in 1960.

After graduation, Dr. Banks chose to remain in Chicago and he soon got a job with Scripture Press Publications, a job that included sales. Dr. Banks' work with Scripture Press gave him his first opportunity to begin to understand how to market to African American consumers. It was that passion to serve his community coupled with his godly vision, professionalism and drive that ultimately led him to launch Urban Ministries, Inc., in 1970.

After founding Urban Ministries, Dr. Banks and his small staff operated out of the basement of his home for 12 years. As Dr. Banks'

faith grew, so did his media ministry. In 1982, Urban Ministries occupied the second floor of a building located at 1439 West 103rd Street in Chicago. Guided by a vision that continues to serve him well to this day, Dr. Banks moved Urban Ministries in 1996, to its current 46,000-square-foot headquarters in Calumet City. Shortly before that milestone, it's worth noting that, in 1993, his alma mater, Wheaton College, conferred its esteemed graduate with an Honorary Doctorate in Literature, a recognition of his consummate stewardship over the written and published word.

And so, Madam Speaker, as I enter these words into the CONGRESSIONAL RECORD on this day, it's my pleasure to note these words from UMI's website:

UMI is the largest independent, African American-owned and operated Christian media company. UMI publishes Christian resources, including Christian education and Vacation Bible School curricula, books, movies and websites designed for African American churches and others seeking a diverse, Christ-centered perspective on faith and life issues.

Today, UMI is the largest, independent African American Christian publisher in the United States. UMI, literally, serves thousands of churches nationwide with curriculum resources, teaching materials, videos and other products aimed at instilling character in the youth and adults of our nation.

Madam Speaker, today, more than 10,000 churches utilize UMI materials, on a weekly basis, and a dozen different denominational groups call UMI their publishing partner—a distinction that gives this Illinois-based company its national and global impact.

Madam Speaker, for the more than 50 years that Dr. Melvin Banks has been a citizen of our great state, I'm proud to report that he has also been a devoted husband to his wife and business partner, Olive Banks, and the father to his children, Melvin Banks, Jr., Patrice Banks Lee and Reginald Banks, all of whom have worked with their father to help make this company the global leader it is today.

As I conclude this well-deserved tribute, let me also say that as my heart breaks for the thousands of children in this nation whose lives are cut short because of violence and unrealized dreams, my hope is that as these words enter the permanent annals of history, that some young boy or girl will look upon these words and be inspired by the tremendous life of Dr. Melvin E. Banks.

My hope is that they will see in his life the hope, the determination and the abiding faith that God gave him. While every child may not have all the spiritual gifts that Dr. Banks enjoys, my hope and prayer is that they will see in his life what a made up mind can do.

PROJECT MEND-A-HOUSE CELEBRATES 25 YEARS IN PRINCE WILLIAM COUNTY

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Project Mend-A-

House and its twenty-five years of service to the citizens of Prince William County, the City of Manassas and the City of Manassas Park.

A joint effort between private citizens and the Prince William County government, Project Mend-A-House was created in 1984. At the time, Lily Blackwell was a volunteer delivering meals to seniors who were confined to their homes due to disabilities. Her call to action began with the observation that a number of seniors along her delivery route could no longer perform necessary home repairs. Basic home repair and some structural improvements were needed to ensure that these disabled seniors remained safe and independent. Ms. Blackwell partnered with Toni Clemons-Porter and Lin Wagener of the Prince William Area Agency on Aging to create the foundation of an organization that has now provided humanitarian assistance for a quarter of a century.

Project Mend-A-House completes home repairs and safety modifications to facilitate independent living for seniors, the disabled and low-income residents. Over the years, projects have ranged from fixing termite damage in an older home to making entire houses more accessible with wheelchair ramps, hand rails, shower seats and transfer benches. The work is truly a community effort. Local corporate partners provide monetary support, volunteers and building materials. Civic associations and faith based groups contribute hundreds of volunteer hours to Project Mend-A-House each year. Project Mend-A-House puts everyone to work regardless of skill level to improve the quality of life for our disabled, elderly and low income neighbors.

Madam Speaker, I ask that my colleagues join me in commending Project Mend-A-House and its volunteers. The strength of a community can be measured by how it responds to the plight of the less fortunate, and Project Mend-A-House is certainly contributing to a robust spirit of community in Prince William County.

WEST PAPUA'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support submitted by Tom Beanal, Chairman of the Papua Presidium Council, in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

PRESIDIUM DEWAN PAPUA, JAYAPURA,  
OCTOBER 7, 2009.

HON. ENI F.H. FALEOMAVAEGA,  
*Rayburn House Office Building,*  
*Washington, DC.*

DEAR CONGRESSMAN FALEOMAVAEGA, on behalf of the people of West Papua, we are writing to express to you our greatest sympathy for the losses and sufferings of the people of American Samoa and other Pacific Islands caused by the recent tsunami.

Please accept our sincerest condolences to you. Please also extend them to your people.

We are with you all in our hearts, tears, and prayers.

With God's grace, may you, our dear Congressman, and the people of American Samoa, find the strength to endure in this tragic tragedy.

TOM BEANAL,  
*Wakil Ketua.*  
HERMAN AWOM,  
*Moderator.*  
THAHA MOHAMMAD  
ALHAMID,  
*Sekretaris Jenderal.*

IN HONOR OF DR. J.H. FLAKES

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. BISHOP of Georgia. Madam Speaker, I rise today to pay tribute to Dr. J.H. Flakes of Columbus, GA, who on Sunday, October 18, will celebrate his 48th year as the Senior Pastor of the Fourth Street Missionary Baptist Church in Columbus. I have known Reverend Flakes for many years and feel honored to call him a friend, a constituent, and an inspiration.

Reverend Flakes was born in Phenix City, AL, and received his Bachelor of Arts degree from American Baptist College in Nashville, TN. He continued his biblical studies at Morehouse School of Religion in Atlanta, GA, the National Baptist Congress of Christian Education in Houston, TX, and the General Missionary Baptist Convention of Georgia in Rome, GA. In addition, he has received an honorary doctorate from A.B. Lee Theological Seminary in Jacksonville, FL, and an honorary doctorate degree from his alma mater, the American Baptist College.

As the Word says in Proverbs 3:5, "Trust in the Lord with all your heart and lean not on your own understanding." Reverend Flakes has truly lived by this principle. Since his arrival at Fourth Street Missionary Baptist Church, he has sought to implement the church's mission to "obey the will of God through preaching, teaching, witnessing, stewardship and fellowship."

Reverend Flakes has received numerous awards and recognitions to honor his steadfast commitment to his parishioners and his community, including the Outstanding Personality of the South, Ten Outstanding Ministers in the State of Georgia, the Alpha Phi Alpha Martin Luther King Award, Operation PUSH Martin Luther King Award, as well as the Knighthood Award from the Congress of Christian Education.

With ordained leadership and divine grace, Reverend Flakes has built a church that delivers God's message and works daily to implement God's vision. Reverend Flakes personifies the love of God through his teaching and his way of life. I thank him for his years of service to his parishioners, the Columbus community, Georgia's Second Congressional District, and the Nation. Moreover, I wish him many more fruitful years to come.

RECOGNIZING VIRGINIA STOP  
MODERN SLAVERY

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Virginia Stop Modern Slavery (VASMS) and its efforts to educate parents, teachers and child-care providers on the danger sex trafficking poses to our communities.

VASMS was established in August of 2009 by Jessica Johnson of Annandale, VA. Its volunteers work to preserve safe, family friendly communities. They work to eliminate human trafficking in America by educating and supporting victims' service providers, legislators and local law enforcement officials. Members of VASMS build community partnerships and coordinate outreach events because they understand that bringing this issue to the forefront of public discussion starts with a dedicated grassroots effort.

On October 10, 2009, VASMS hosted The Safe Child Fair in Gainesville, VA, through a partnership with the Bridge to Freedom Foundation, Courtney's House and RIJ Green. The fair offered children's activities and games while parents learned how to protect their children from child exploitation. Events like The Safe Child Fair bring communities together to rally around a common call to action. Eradicating sex trafficking in America requires the involvement and due diligence of all communities, and I urge all to join in this battle to protect our children.

Madam Speaker, I ask my colleagues to join me in commending the efforts of Virginia Stop Modern Slavery. The prevalence of human trafficking in the United States is deplorable, and I wish VASMS continued success in its campaign to raise awareness for this issue.

H.R. 3632, THE "FEDERAL JUDICIARY ADMINISTRATIVE IMPROVEMENT ACT OF 2009"

**HON. LAMAR SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

The purpose of H.R. 3632 is to implement non-controversial administrative provisions that the Judicial Conference and the House Judiciary Committee believe are necessary to improve the operations of the Federal judiciary and provide justice for the American people.

The Judicial Conference is the policy-making body of the Federal judiciary and through its committee system evaluates court operations. The Conference endorses all of the provisions in the bill.

H.R. 3632 affects a wide range of judicial branch programs and operations, including those pertaining to financial administration, process improvements, and personnel administration.

The bill incorporates nine separate items, including:

A section that clarifies that senior judges must satisfy minimum work thresholds to participate in court government matters, including the selection of magistrates.

A section that eliminates the references to divisions and counties in the statutory description of the Judicial District of North Dakota, which enables the court to better distribute the workload between two active district judges and reduce travel for litigants in the northern central area of the district.

A section that authorizes the "statement of reasons" that judges must issue upon sentencing to be filed separately with the court. Current law requires the statement to be bundled with other information in the case file distributed to the Sentencing Commission, where it can be difficult to maintain a seal related to confidential information.

A section that specifies that federal pretrial services officers can provide the same services to juveniles as they do for adult offenders. An example would be drug treatment.

And a section that applies an inflationary index to the threshold amount requiring approval by the chief judge of reimbursements for the cost of hiring expert witnesses and conducting investigations for indigent defendants. The dollar thresholds are statutorily fixed and erode over time. This means chief judges must devote greater time approving what are otherwise not genuine "high-dollar" requests.

Mr. Speaker, H.R. 3632 is necessary to improve the functioning of the U.S. courts, which will ultimately benefit the American people. This is a non-controversial bill and I urge my colleagues to support it.

EARMARK DECLARATION

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 2892, "Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN

Account: TSA, Aviation Security

Project Amount: \$1,250,000.00

Legal Name of Requesting Entity: National Safe Skies Alliance, 110 McGhee Tyson Boulevard, Suite 201, Alcoa, Tennessee 37701

Description of Request: This funding will be used to create a research and training center that will provide critical improvised explosives recognition training to TSA Transportation Security Officers, law enforcement personnel, fire fighters, emergency services personnel, first responders and others.

HONORING RICHARD LONG

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. PETERS. Madam Speaker, today I rise to honor Richard Long, a lifelong champion of the American labor movement, my mentor, counsel and dear friend on the occasion his retirement from the United Auto Workers where he served as National Community Action Program (CAP) Director for the past nine years.

This year, Dick retires from a 46-year-long career which began in 1963 at the former Pontiac Motor Division in Pontiac, Michigan, where he first became a proud member of UAW Local 653. Over the ensuing years as Dick advanced on the shop floor, he also advanced and deepened his involvement in the UAW, which would chart his personal and professional trajectory for the next 40-plus years.

Some years later in 1987, Dick was elected Vice President of his UAW local and the following year he was elected its president. His leadership, commitment and talent was fully recognized in 1998, when then-UAW President Stephen Yokich named Dick his Administrative Assistant and, again, in 2000 when Dick was appointed National CAP Director. I remember well my pride and optimism when I learned that Dick had been appointed National CAP Director. For many years, Dick had mentored and counseled me so ably and devotedly; I was certain that in his new role, he would educate and organize others with as much verve and dedication as I had experienced.

As CAP Director, Dick was well-suited to the role and charge of "developing and advancing policies that improve social and economic conditions and enrich the quality of life for all people." By any account, Dick made a powerful impression on the State and National political landscape. His effectiveness was rooted in his ability to be equally comfortable working on the national stage or alongside grassroots volunteers in a makeshift office space.

Dick's contributions to the community and commitment to civil rights and social justice have been his personal and professional legacy. Whether in his role as a local president, supporting Oakland University with his wife Jackie, National CAP Director, or working on behalf of the many community organizations he champions, Dick has worked to create a better future for America's families and workers. For that legacy and commitment, he is much admired by me and many others.

Madam Speaker, I ask my colleagues to join my salute today to an important and formative figure in my life: Richard Long, a man to whom I am deeply indebted for his friendship and good counsel and a man whose 46 years of untiring work on behalf of America's working families and the ideals of social justice should be heartily commended and passionately emulated by each of us.



RECOGNIZING THE ACCOMPLISHMENTS OF PIRAN TALKINGTON OF WOODBRIDGE, VA

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize twelve-year-old Piran Talkington of Woodbridge, VA. On June 24, 2007, Piran successfully executed the Heimlich maneuver to save the life of his four-year-old sister Caitlyn. Just 10 years old at the time, Piran showed remarkable composure by calmly employing this life saving technique.

As a Cub Scout in Pack 289 of Woodbridge, Piran learned basic life-saving skills as part of his training to become a Boy Scout. Piran's attentiveness during these lessons proved invaluable when he was able to unblock his younger sister's airway during a family dinner. After Caitlyn regained her breathing and recovered her color, she tearfully hugged Piran.

Piran has continued his participation in Scouts and is now a Star Scout in Troop 1367. The Boy Scouts of America, upon recommendation of the National Court of Honor, has awarded Piran the Medal of Merit. This is the Boy Scouts' fourth highest national award. The award recognizes Piran for demonstrating the finest Scouting skills and ideals.

For nearly 100 years, the Boy Scouts have developed upstanding youth with the character and maturity to handle tough situations. Piran is an exceptional example of a young Scout. He also is an Honor Roll student and winner of the Fifth Grade Science Fair for Physical Sciences. Piran's life-saving measures were not an isolated instance of distinction. He works hard to reach the highest levels of achievement in everything he attempts.

Madam Speaker, I ask that my colleagues join me in applauding Piran's accomplishments. The decisiveness and skill with which he acted to save his sister can be attributed to his scouting background. This training will serve him well throughout his life, and I am confident that his future will be full of success and outstanding accomplishments.

KENNETH M. STAMPP, UC  
BERKELEY PROFESSOR EMERITUS

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary life of Dr. Kenneth M. Stampp, professor emeritus at the University of California at Berkeley. He was a prolific historian, accomplished scholar and a devoted friend, husband, partner, father and grandfather. Professor Emeritus Stampp passed away on Friday, July 10, at the age of 96.

Dr. Stampp, who was born on July 12, 1912, in Milwaukee, Wisconsin, struggled to earn money for his education during the Great Depression. He ultimately earned a B.A., M.A. and Ph.D in History at the University of Wis-

consin in Madison. In 1946, after short teaching stints at two other universities, Dr. Stampp joined the staff at Berkeley as an assistant professor.

During his nearly 40-year career at Berkeley, Dr. Stampp established himself as a sometime controversial, though conclusively influential 19th Century historian. He is best-known for his decades of work changing historical perceptions about American slavery, the Civil War and Southern Reconstruction.

His trailblazing research and publications helped further humanize enslaved African Americans by giving their stories equal historical weight. Dr. Stampp heroically countered other historians' arguments at a time when the accepted historical record characterized slavery as a necessary institution.

In his books, Dr. Stampp rejected 1950s theories suggesting that sectional compromise might have saved the Union from civil war. Rather, he traced the cause of the war directly to a moral debate over slavery.

According to colleagues, his 1956 book, "The Peculiar Institution: Slavery in the Ante-Bellum South," remains the preeminent historical reinterpretation for that period.

Dr. Stampp had the distinction of travelling throughout the United States and Europe as a visiting professor, visiting fellow, and as both a Commonwealth and Fulbright lecturer. His humble upbringing contributed to a dedicated sense of social justice, which he demonstrated in his professional life and political views. Dr. Stampp participated in a 1965 Civil Rights march from Selma to Montgomery, Alabama.

Throughout his career, Professor Emeritus Stampp earned many accolades, which included serving as President of the Organization of American Historians, being twice-named a Guggenheim Fellow and winning the Lincoln Prize from the Civil War Institute at Gettysburg College.

Perhaps most admirable is the way in which Dr. Stampp resurrected long-forgotten voices from generations of our African-American brothers and sisters living through one of the grimmest scourges in our nation's history. Over time, Dr. Stampp's work has invaluable altered the framework of academic assumption, historical discrimination and public perception.

Today, California's 9th Congressional District salutes and honors a great human being, Professor Emeritus Kenneth M. Stampp. Our community is indebted to his life's contribution in countless ways. We extend our deepest condolences to Dr. Stampp's family and to all who were dear to him. May his soul rest in peace.

HONORING MR. FRANK G.  
MILLS, SR.

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. SHUSTER. Madam Speaker, I rise today to honor the accomplishments of Mr. Frank G. Mills, Sr. Mr. Mills was elected and installed as the State Commander of the Pennsylvania Department of Veterans of Foreign Wars at the 90th State Convention.

The Veterans of Foreign Wars is a congressionally chartered war veterans organization that has been serving the community as well as other veterans for over 100 years. The VFW is a model organization that exemplifies the principles that our Nation was founded upon.

Mr. Mills, a Life Member of Post #1754 in Huntington, Pennsylvania, has successfully served in all post chairs at the VFW. He served as the Post Commander four times and attained All State Post District Commander in 2006-2007. Frank also served on the national level on the Americanism and Community Activities Committee, Finance and Organization Committee, and Veterans Service Resolution Committee.

Frank Mills proudly served our country in the United States Navy as an Engineman 2nd Class on the USS *Tang* SS 563 submarine during the Vietnam war. His service medals include: National Defense Service Medal, Good Conduct Medal, Vietnam Service Medal with three bronze stars, and the Republic of Vietnam Campaign Ribbon.

Mr. Mills has led a life of service through the VFW and military service that instills a unique sense of pride in the hearts of every American citizen. For his commitment to the citizens of Pennsylvania, I am extremely grateful to Frank G. Mills Sr.

HONORING 2010 CENSUS COMMUNITY PARTNERS: ALPHA KAPPA ALPHA, NORTHERN VIRGINIA URBAN LEAGUE AND NORTHERN VIRGINIA COALITION

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to commend Alpha Kappa Alpha Sorority, Inc., the Northern Virginia Urban League and the Northern Virginia Coalition for partnering with the U.S. Census Bureau to educate our community on the importance of a complete and accurate count in the 2010 Census.

These organizations kicked off their education initiative with a forum on October 1, 2009 at Alexandria City Hall. Their efforts will be directed toward participation from Northern Virginia's African American community. They will discuss the logistics and strategy behind a successful Census and call on community leaders to take up this historic cause.

A Census is conducted once every 10 years and is mandated by the U.S. Constitution. It counts everyone living in the U.S. to determine the distribution of Congressional seats and the fair allocation of more than \$400 billion in federal funding to state, local and tribal governments. Widespread participation is essential to accurate representation in Congress and the correct apportionment of federal funds. An accurate Census helps to ensure fair representation for all, which is an ideal that lies at the heart of American democracy.

Madam Speaker, I ask that my colleagues join me in commending Alpha Kappa Alpha Sorority, Inc., the Northern Virginia Urban

League and the Northern Virginia Coalition as responsible community partners for the 2010 Census. I appreciate their call to action as such partnerships will be vital to the success of the Census.

#### HONORING BILL AND BETTY KICK

#### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Mr. HINCHEY. Madam Speaker, I rise today to honor my good friends Bill and Betty Kick of Saugerties, New York. Their kind demeanor and dedication to service work stand as a testament to the importance of giving back to the community.

Bill and Betty first met in kindergarten in Teaneck, New Jersey, where they grew up around the corner from one another. It came as no surprise when these childhood sweethearts married just days before Bill left to serve his country during World War II. During his 4 years in the Army, Bill was stationed in France, Germany, and Africa, rising to the difficult and challenging circumstances that this momentous conflict presented. Meanwhile, Betty remained in the U.S., doing her part by working for U.S. Rubber and the Syrian Embassy. Once Bill returned from the war, the couple settled in New York and soon welcomed their wonderful children, Linda and Peter. As new parents, they continued their commitment to community service by volunteering as Scout leaders.

When the time came to retire, and much to our benefit, Bill and Betty chose Saugerties, New York, as their home base. But Bill and Betty were far from homebound. Avid sailors, they have spent much of their retirement sailing around the world, going from Maine to the Florida Keys, and even as far as the South China Sea. In fact, Betty became one of the first female Celestial Navigators in the Hudson Valley. In spite of their passion for sailing, they still make time to volunteer within their community. Local organizations like Benedictine Hospital, Ulster Literacy Association, and the Winston Farm Alliance have all benefited from their time and dedication.

Throughout their lives, Bill and Betty have selflessly donated their time to help better their community. The 22nd District is fortunate to call them our own and it is with great enthusiasm that we look forward to many more years of their reminding us all of the importance of volunteerism.

#### THAILAND'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

#### HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support submitted by Ambassador Don Pramudwinai on

behalf of Minister of Foreign Affairs Kasit Piromya of the Kingdom of Thailand in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

ROYAL THAI EMBASSY,  
Washington, DC, October 7, 2009.

Hon. ENI F. H. FALEOMAVAEGA,  
House of Representatives,  
Washington, DC.

THE HONORABLE ENI F. H. FALEOMAVAEGA, I have the honor to transmit herewith a condolence message on the earthquakes and tsunami incident in American Samoa from His Excellency Mr. Kasit Piromya, Minister of Foreign Affairs of Thailand to the Honorable as follows:

THE HONORABLE FALEOMAVAEGA, It is with profound sorrow that I learned of the intense magnitude of the undersea earthquakes and tsunami that hit the United States territory of American Samoa on 29 September 2009, causing a terrible loss of lives, widespread property damage and left so many people homeless.

I would like to extend my sincere condolences and heartfelt sympathy to you and, through you, to those families who lost their loved ones as well as those who were distressed by this dreadful disaster. Our thoughts and prayers are with them during this time of sorrow. In 2004, Thailand suffered through the devastating effects of a tsunami, and therefore, we share your grief and understand very well the hardship besetting the people of American Samoa. I am certain that with strong spirit of solidarity of the people of American Samoa, the affected areas will be quickly rehabilitated and restored.

Accept, the Honorable, the renewed assurances of my highest consideration.

KASIT PIROMYA,  
Minister of Foreign Affairs  
of the Kingdom of Thailand.

Please accept, the Honorable, the assurances of my highest consideration.

DON PRAMUDWINAI,  
Ambassador.

#### GOOD SHEPHERD HOUSING FOUNDATION OF PRINCE WILLIAM COUNTY, VIRGINIA, CELEBRATES 20 YEARS

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the 20th anniversary of the Good Shepherd Housing Foundation. For the past two decades, the Foundation has provided low-cost housing to the homeless and those on the brink of homelessness in Prince William County.

The Foundation was created in 1989 out of the compassion and collective action of the Good Shepherd faith community. The founders identified a need within Prince William County for housing for the mentally ill. They worked with the Prince William County Community Services Board to establish the bedrock of a stable and lasting program. In its beginning, the Foundation provided housing for five single adults.

It has since grown substantially in both numbers of clientele and breadth of mission.

Now in its twentieth year, the Foundation provides housing and supportive services for 25 single adults and 18 families in 11 homes owned by the Foundation. Assistance has been extended to those with chronic low income, mental and physical disabilities, AIDS/HIV, pregnant teens and the elderly. The organization is sustained by the efforts and donations of individuals, businesses and churches, and it receives assistance from local, State and Federal funding.

The Shepherd Homes Program offers group living and single adult housing options to mentally ill individuals. Shepherd Homes I, II and III are properties owned by the Foundation that function as group homes. Ten apartments leased by the Foundation offer the mentally ill, some who are veterans, relief from chronic homelessness. Beyond housing assistance, the Foundation offers services that put residents on a path to financial and psychological stability.

Since its inception, the Foundation expanded its mission to include low income families. The Affordable Family Housing Program is a holistic program aimed at providing housing and teaching families the importance of education and financial management. Families are given transitional, two-year or long-term, low-cost housing. Tutoring is available for the children and parents receive financial counseling. The Foundation works to end chronic homelessness by providing immediate relief and preventing future generations from falling into this dangerous condition.

Madam Speaker, I ask that my colleagues join me in expressing appreciation for the work the Good Shepherd Housing Foundation does in the Prince William community. The Foundation exists today as a robust and effective community organization dedicated to helping the disabled and less fortunate. I offer my unconditional support for its mission and commend its ability to help our fellow man.

#### CELEBRATION OF THE FESTIVAL OF DIWALI

#### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Mr. HONDA. Madam Speaker, I rise today in recognition of the Festival of Diwali.

Over one billion individuals celebrate the cultural and religious holiday of Diwali each year. Diwali is one of the most joyous festivals celebrated on the South Asian subcontinent. The festival is celebrated in the Hindu, Sikh, and Jain traditions, and has cultural significance for South Asians. Within the United States there are over 2 million celebrating Diwali making it a significant holiday in our country.

Diwali literally means "The Festival of Lights," translated from Hindi. Celebrations of Diwali usually involve the lighting of lamps to symbolize hope and joy. I joined Asian Americans and Pacific Islanders in the White House yesterday, as President Obama lit a lamp in the White House in the observance of the festival, after signing an executive order restoring the White House Initiative on Asian Americans and Pacific Islanders.

In the Hindu faith Diwali is often linked to Rama's triumphant return following his victory over Ravana as told in the epic The Ramayana. Following Rama's victory his people lighted lamps along the capital city to celebrate as their King returned. The clay lamps which the people lit, were called Deepavalis which Diwali is a shortened version of. In many Hindu calendars Diwali corresponds with the start of a new year. Diwali is one of the most significant holidays within Hinduism.

In Jainism, Diwali marks the date upon which Lord Mahavira achieved the state of absolute bliss or Nirvana. It is said that King Chetaka, upon Lord Mahavira achieving Nirvana, light a multitude of lamps to create a material light to replace the light of intelligence that had been lost.

In the Sikh tradition, the foundation of the Golden Temple is said to have been laid on Diwali. In this tradition, the 6th Sikh guru Hargobind was released from prison on the festival of Diwali.

There is great diversity among the faiths that celebrate this joyful holiday. Across all these traditions, Diwali holds significance across the South-Asian community as a time of hope, happiness and the renewal of life. I am very proud to have been a co-sponsor of House Resolution 798, conveying the best wishes of the House of Representatives to those celebrating Diwali. The resolution recognizes the importance of Diwali and extends the House of Representatives' deepest respects to all those celebrating Diwali. I would like to join with all those celebrating this joyous time and wish Shubh Diwali to all.

#### PERSONAL EXPLANATION

### HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. WASSERMAN SCHULTZ. Madam Speaker, I was absent on Wednesday, October 14, 2009, due to a previously scheduled event. Had I been present I would have voted "yes" during the recorded votes for the following five bills:

1. H. Res. 768—Expressing support for the designation of the month of October as "National Work and Family Month";
2. H.R. 1327—Iran Sanctions Enabling Act of 2009;
3. H. Res. 816—Mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa and Samoa;
4. H. Res. 786—Commemorating the canonization of Father Damien de Veuster, SS.CC., to sainthood; and
5. H.R. 3371—Airline Safety and Pilot Training Improvement Act of 2009.

#### IN RECOGNITION OF ESTRELLA CLEMENT IN HONOR OF HISPANIC HERITAGE MONTH

### HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. CASTOR of Florida. Madam Speaker, in recognition of Hispanic Heritage Month, I rise today to honor Estrella Clement, who dedicates her life to help identify and treat women who have breast and cervical cancer.

Ms. Clement was born in Cuba, moved to New Jersey as a child and has been living in Tampa for 25 years. Ms. Clement always knew she wanted to be a nurse and help improve the health of her community. She obtained a master's degree in nursing from the University of South Florida and has been a nurse for more than 32 years. Ms. Clement works with Meditech Medical Center clinics where free mammogram tests, breast examination, and Pap smears are offered to women who might not be able to afford these services otherwise.

Tirelessly dedicated, Ms. Clement worries that women are unaware of the free screening and treatment options in her neighborhood. Transportation is a major obstacle for many low-income women. Ms. Clement's goal is to have a mobile unit so she can go directly to the community. Unfortunately, too few people know about the free service. Ms. Clement is making it her duty to reach as many women as possible.

Ms. Clement also has been a co-chair of Prime Time Sister Circles, a group that helps African-American women improve their health, and she has served on the Moffitt Cancer Center's Hispanic Advisory Council.

Madam Speaker, Estrella Clement is acutely aware of the toll, both financial and emotional, that breast and cervical cancer can have on women. She devotes her life to improving the health of the Tampa community. I applaud her dedication to the prevention and treatment of breast and cervical cancer.

#### 100TH ANNIVERSARY OF "MEETING OF THE PRESIDENTS"

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. REYES. Madam Speaker, I rise today to mark a unique date in our history, the 100th Anniversary of the "Meeting of the Presidents". On October 16, 1909, U.S. President William Howard Taft and Mexican President Porfirio Diaz met in both El Paso, Texas and Ciudad Juarez, Mexico in an historic meeting that established the personal relationship between our two countries. The event marked the first in-person meeting between the Presidents of the United States and Mexico. In fact, prior to 1909, no sitting U.S. President had left our country to visit a foreign nation.

The sister cities of El Paso and Ciudad Juarez went to great lengths to ensure that this meeting was unlike any other, by adorning

memorial columns and welcome arches with the colors of the two nations—red, white, and blue, and red, white, and green. Principal thoroughfares were decorated, thousands of incandescent and arc lamps were lit, and it is said that the cities competed with each other to demonstrate their best hospitality to the visiting Presidents.

The Stone and Webster Public Service Journal of 1909 has a great account of the day's historic events. President Taft arrived in El Paso, on the morning of October 16, 1909 and was met by El Paso Mayor Joseph U. Sweeney. After breakfast, President Taft was taken to the Chamber of Commerce through streets lined with thousands of school children who proudly waved colorful flags and sang patriotic songs. Mexican President Porfirio Diaz traveled across the International Bridge and was met by Secretary of War J.M. Dickinson, Texas Governor Thomas Mitchell Campbell, and Mayor Sweeney who escorted President Diaz to his meeting with President Taft at the Chamber of Commerce.

After the meeting, President Taft journeyed across the border to visit Ciudad Juarez, Mexico. Arriving at the border of the Chamizal zone, which was then disputed territory between the U.S. and Mexico, President Taft drove through the International Bridge and was saluted by the Mexican artillery with twenty-one guns. Upon arriving in Mexico, he entered the state carriage of President Diaz and was driven to the Custom House, which served as the temporary capital of the Mexican Republic. After a brief meeting, President Taft returned to El Paso, where he participated in a parade and addressed the cheering crowds. He ended the day by attending a reception in Ciudad Juarez where the two Presidents toasted each other and their respective countries.

This marked the first international trip of any sitting U.S. President and remains a rich part of the storied history of the great city of El Paso, which I represent. To this day, El Paso and Ciudad Juarez have maintained close ties. Culturally, socially, and economically intertwined, these sister cities are home to the largest international border community with a population of over 2 million people. Since that time, El Paso and Ciudad Juarez have hosted four joint meetings between the presidents of Mexico and the United States, more than any other border city.

On January 12, 2009, President-elect Obama continued this spirit of cooperation by meeting with President Felipe Calderon in his first face-to-face talks with a foreign head of state. This meeting fulfilled a tradition in effect since 1980 of U.S. Presidents talking with their Mexican counterparts before being sworn in, to underscore the special relationship between the two nations.

My good friend, Mexican Ambassador to the U.S. Arturo Sarukhan, reflecting on this special occasion said, "there is no more important bilateral relationship in the world today than the one between Mexico and the United States. . . . October 16th marks a date that should inspire us all to continue working to ensure that both Mexicans and Americans continue strengthening a partnership that must lead both countries toward greater development, security, prosperity and well-being for our two peoples."

Let us mark this occasion by committing ourselves to push forward to strengthen the relationship between Mexico and the United States. I applaud the work of President Obama and President Calderon to foster a closer relationship with our southern neighbor. There is no better way to commemorate the 100th anniversary of the "Meeting of the Presidents" than by continuing the legacy of strong diplomatic ties with our friends from Mexico.

**INTRODUCING A RESOLUTION CON-  
DEMNING THE ILLEGAL EXTRAC-  
TION OF MADAGASCAR'S NAT-  
URAL RESOURCES**

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. BLUMENAUER. Madam Speaker, today I am introducing a resolution to condemn the illegal extraction of Madagascar's unique and invaluable natural resources. I am joined in this effort by DONALD PAYNE, Chair of the Subcommittee on Africa and Global Health, and ENI FALOMAVAEGA, Chair of the Subcommittee on Asia, the Pacific, and the Global Environment.

Madagascar hosts some of this planet's greatest diversity. Larger than California, this island nation hosts over 150,000 species found nowhere else. The people of Madagascar depend on these incredible and unique resources for survival. Yet, political turmoil is putting the honest livelihoods of many, as well as one of our planet's greatest treasures, in extreme peril.

Reports from Madagascar are dire and detail rampant illegal logging, mining, and resource degradation. This resolution condemns this ongoing tragedy and calls for the restoration of rule of law. It is my hope that calling attention to this issue will spur change.

REVEREND DR. FRANK JACKSON

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. LEE of California. Madam Speaker, I rise today to honor the wonderful life of Reverend Dr. Frank Jackson. His vibrant spirit, limitless compassion and selfless commitment to service will be missed by all who knew him. Through his ministry at Faith Presbyterian Church of Oakland, Reverend Jackson brought our community to a greater understanding of the Gospel of Jesus Christ and the life of the Church. He was an exemplary husband, father, pastor, community leader, teacher and friend. With his passing on September 11, 2009, we look to Reverend Jackson's legacy and the joy his work inspired.

After earning a bachelor's degree at San Francisco's Simpson College in 1972, Reverend Jackson pursued a Master of Divinity at Fuller Theological Seminary in Pasadena, California. Reverend Jackson also became the

first African-American clergy member to graduate from the Master of Nonprofit Administration program at University of San Francisco when he earned his third degree there in 1991. Education and personal growth were immensely important values to Reverend Jackson. He truly used a lifetime of learning to inspire and teach others.

In his early pastoral career, Reverend Jackson acted as Interim Pastor to rebuild and develop transitioning churches in the Los Angeles area. He focused his passion for providing youth leadership and family services as Associate Pastor for Menlo Park Presbyterian Church from 1979 to 1983. Later that year, he joined Faith Presbyterian Church in Oakland, thus beginning 26 years of service to our community as Pastor and spiritual guide.

Along with wife Jimmie Jackson, with whom he celebrated 41 years of marriage this month, and daughter Rachel Jackson, Reverend Jackson maintained a dynamic presence in Bay Area community organizing. He was instrumental in organizing numerous collaborations and events including Support for the Families of Homicide Victims, a Community Health Fair Event, Embrace Oakland Day and Faith Network of the East Bay.

Reverend Jackson was passionate about encouraging collaboration between diverse groups. He utilized the clarity of his vision and the strength of his faith to unite people to work for shared goals. In 1992, Reverend Jackson was a founding pastor of the African American & Korean American Fellowship of Churches, a coalition that sought to build better racial relationships between communities of color. He also established the Themus Spencer Learning Center at Faith Presbyterian Church in partnership with Emerson Elementary School to guide at-risk students to academic success.

Deeply moved by the challenges of Katrina Relief in 2006, Reverend Jackson also helped organize a team of Oakland Pastors to raise relief funds during a citywide gathering at the Oakland Coliseum. Whether working with an interfaith coalition to rebuild burned black churches in Boligee, Alabama, or simply lending an ear to a friend in need—Reverend Jackson always made time to help others.

Additionally, he was a great lover of sports, earning his Black Belt in Korean Judo and serving as Chaplain for the Golden State Warriors Basketball Team and other pro- and college teams. In his later years, Reverend Jackson stayed active as trustee, co-chair or committee member for myriad organizations, even earning a Doctor of Ministry from McCormick Theological Seminary just last year.

Pastor Jackson was a personal friend and source of inspiration to me. Often times he would leave a prayer on my voicemail and his words of encouragement always came, "right on time." I will always remember the joy and excitement Reverend Jackson felt at the National Prayer Breakfast this year in Washington D.C., when along with Mrs. Jackson and Pastor and Mrs. Pinkard, he witnessed our President Barack Obama and First Lady participate in their first national prayer breakfast. This week, as I looked at the photos once again after learning of Reverend Jackson's untimely death, I was reminded of his kind and gentle spirit. His life was one lived in service to God.

Today, California's 9th Congressional District salutes and honors Reverend Frank Jackson. The contributions Reverend Jackson made to his community throughout his life are countless and precious. My thoughts and prayers are with his family and loved ones. Reverend Jackson will be deeply missed. May his soul rest in peace.

**THANKING COLONEL GENE BLADE  
FOR HIS YEARS OF SERVICE**

**HON. AARON SCHOCK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. SCHOCK. Madam Speaker, I rise today to honor COL Gene Blade, a great American who is retiring today after 55 years of service to his country and community.

Colonel Blade started his 40-year military career in 1954, when he joined the Illinois National Guard in Monmouth, Illinois. His first job in the Army was as a radio operator and Jeep driver for the Battery Commander. As his military career advanced, Colonel Blade served in numerous other positions, including Fire Support Officer and eventually Battery Commander. In fact, Colonel Blade held every key staff position in the infantry and artillery battalions, including Infantry Battalion Commander of the 1st Regiment, 123rd Infantry Battalion.

Colonel Blade continued to perform his duties even when no one expected him to do so. In one specific instance, Gene was hospitalized with pneumonia, but a group of top military personnel were scheduled to visit his post to view a demonstration of a nuclear spotter round. The weapons used for this exercise required very specific calculations, and Gene's expertise was needed for the test. Even with pneumonia, Colonel Blade decided to take part in the test and was transported via ambulance to the testing area so he could commence the demonstration. The event occurred without any problems, in fact, it was performed quicker than any previous test. After the demonstration, Gene was transported via ambulance back to the hospital. Gene's commitment to the Army was so evident, that the Army Chief of Staff personally thanked him for going above and beyond the call of duty.

After serving 40 years in the Army, Colonel Blade retired as a United States Property and Fiscal Officer for the Illinois National Guard and joined Hanson Professional Services Inc. as a special consultant, working with Department of Defense clients. Even in the private sector, Gene continued to serve his country. Using his skills and knowledge, he provided consulting services for 15 years and worked on several notable projects for the Illinois, Indiana, Florida, and Missouri National Guards.

Additionally, Colonel Blade has served on the U.S. Department of Defense's Base Closure and Realignment Commission (BRAC) for military bases in Illinois, and he continues to serve on the Governor's post-BRAC commission for future economic development efforts. He is also an active member and an employer outreach representative for the Employer Support of the Guard and Reserve program.

Throughout his life and career, Gene's dedication and achievements have made a positive impact on the U.S. military, the State of Illinois, and our great Nation. Today, at 75 years of age, Colonel Blade will celebrate his retirement from Hanson. I'm told he looks forward to spending time golfing, traveling, wood-working, and also writing a book of his memoirs. I thank him for his service, and wish him the very best.

RECOGNIZING PRINCE WILLIAM  
CLEAN COMMUNITY COUNCIL  
AND ITS 2009 VOLUNTEER OF  
THE YEAR CONNIE MOSER

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the Prince William Clean Community Council and its 2009 Volunteer of the Year, Connie Moser. With the help of dedicated volunteers like Ms. Moser, the Council works to eliminate litter and graffiti in Prince William neighborhoods and commercial centers.

The Council was conceived in 1982 during a spring cleanup effort led by a group of concerned Prince William County residents. These volunteers, who later became the founding members of the Council, immediately recognized the importance of litter prevention education as a way to long-term environmental protection and preservation. In 1986, the Prince William County Litter Control Council was born. The organization later changed its name to the Clean Community Council, and it became an affiliate of Keep America Beautiful, a nationwide non-profit that uses education and hands-on stewardship to advocate litter control, waste reduction, and community beautification.

The Council's litter prevention and graffiti abatement efforts have not gone unnoticed. The Council's accolades include a 1994 Governors Award for Volunteering Excellence. The Council was a 2000 Virginia Stewardship Award Winner in the Communication/Education Category, and it received the Prince William County 2001 Partners for the Potomac Environmental Patron Award, 2000 and 2002 Keep America Beautiful National Awards and a 2008 Keep America Beautiful President's Circle Recognition Award.

The Council's volunteers always have been essential to its success and the 1st Volunteer of the Year Award is a way to recognize their invaluable support. The recipient, Connie Moser, is a resident of Dale City, VA, and sits on the Council's board of directors. She teaches the Council's principles and goals to a number of other organizations that benefit from her involvement. She is acting Secretary for the Dale City Civic Association, a volunteer for the Prince William County Habitat for Humanity, maintains two "Adopt-A-Spots" for the Prince William Clean Community Council, serves on the Prince William County Neighborhood Leader's Group and is the founder of the Lindendale Community Group. Remarkably, she found time this year to coordinate a

clean-up effort for the Dale City Fourth of July parade route, a large scale community beautification effort that inspired others to take up the Council's mission. Ms. Moser is truly devoted to her community's quality of life and does not shy away from a long, hard day of work to make Prince William County a pleasant place to live.

Madam Speaker, we create safer, cleaner neighborhoods when residents take ownership over their communities. The Clean Community Council asks Prince William residents to take pride in their county and work to eliminate not just litter and graffiti but the carelessness that allows these community plagues to proliferate. I ask my colleagues to join me in recognizing the successes of the Prince William Clean Community Council and congratulating Connie Moser on being named the recipient of its 1st Volunteer of the Year Award.

IN REMEMBRANCE OF RICHARD C.  
SHADYAC SR.

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Richard C. Shadyac Sr. who served on the Board of Directors and Governors of St. Jude Children's Research Hospital and the American Lebanese Syrian Associated Charities (ALSAC) for more than forty years. Mr. Shadyac had a true passion and devotion to the children and families that fight catastrophic pediatric diseases at St. Jude Children's Research Hospital.

Mr. Shadyac began his illustrious and influential career as a member of ALSAC and of St. Jude Hospital Boards of Directors and Governors in 1963. He also served as ALSAC's general counsel. In 1992, after the passing of Danny Thomas, the founder of St. Jude Children's Research Hospital, Mr. Shadyac became the CEO of ALSAC. Upon taking on his new leadership role, Mr. Shadyac worked tirelessly to continue the legacy and dream of his friend, Danny Thomas who said, "No child should die in the dawn of life." Mr. Shadyac served as the CEO until his retirement in 2005.

During the 13 years he led ALSAC, public funding for St. Jude Children's Research Hospital quadrupled. By 2005, ALSAC had become the third largest health-care charity in the U.S. and is currently the second largest. During Mr. Shadyac's tenure, St. Jude Children's Research Hospital was also able to undergo a \$1 billion expansion that strengthened the hospital's capacity to focus on patient and family care and to conduct research for children with catastrophic diseases. His compassion and dedication to provide free care for the children and families who seek treatment was immeasurable and the driving force of his work.

Madam Speaker and colleagues, please join me in remembrance of Richard Shadyac Sr. who spent years of his life working on behalf of the countless sick and struggling children who come to St. Jude Children's Research Hospital to fight, treat and care for what are

often life threatening illnesses. It is clear that without his dedication and hard work, the triumphs in research, treatment and patient and family care that the hospital provides would not be possible. Mr. Shadyac will be missed by those whose lives were in some way touched by him.

20TH ANNIVERSARY OF THE VI-  
SION OF A THOUSAND "POINTS  
OF LIGHT"

**HON. JOHN LEWIS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. LEWIS of Georgia. Madam Speaker, I rise today to commemorate the 20th anniversary of the vision of a thousand "Points of Light" and to celebrate the growing tide of commitment to service and volunteering that is a hallmark of this great nation. Tomorrow, President George H. W. Bush and President Barack Obama are together to mark this important milestone in the history of the service movement.

Twenty years ago, President Bush spoke of a thousand points of light, individuals and organizations "spread like stars throughout the nation, doing good." From this idea rose the Points of Light Foundation which has both recognized and organized exemplary acts of giving for the past two decades.

In 2007, it merged with Hands On Network, which started in my district, in the city of Atlanta, and the combined organization is now the Points of Light Institute, the largest volunteer network in the country. Their mission is to mobilize, not just a thousand, but millions to answer the call to solve our most pressing problems—volunteers working together to help those with HIV in San Francisco, building wheelchair ramps in Greenville, and creating award-winning tutoring programs in Atlanta.

In today's hard times, people are hurting. Americans are having to choose between paying their mortgages and putting food on the table. In these tough times it is more important than ever that we, as American citizens, give back to those in need. National Service becomes ever more important when people are hurting. I am proud of my fellow citizens who have heeded the calls to service, and have dedicated their time to helping others. In 2008, 61.8 million Americans volunteered, dedicating more than 8 billion hours of service worth an estimated \$162 billion.

The Points of Light Institute and its 250 Hands On Action Centers reach 80 percent of our nation's communities have been at the forefront of this remarkable growth. I am so pleased to be able to recognize this organization's first 20 years of harnessing the energy and enthusiasm of our people to be a part of a better world and their ongoing contributions as a part of President Obama's United We Serve initiative.

# INTRODUCING THE EVERY CHILD DESERVES A FAMILY ACT

## HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. STARK. Madam Speaker, I rise today to introduce legislation that will open up thousands of good homes to foster children. On any given day, there are approximately 500,000 children in the child welfare system. Over 125,000 of these abused and neglected children are waiting to be adopted. There is an acute shortage, however, of adoptive and foster parents. The result is that many children, particularly minority and special needs children, languish in foster care without permanent homes. The severe developmental, emotional, and educational costs to children raised in foster care are well documented. The 25,000 youth who never find a permanent family and "age out" of the system each year are more likely than nearly any other group to become homeless, incarcerated, or suffer with mental illness or substance abuse.

Despite the shortage of adoptive and foster parents and the terrible consequences of long stays in the child welfare system, some states have enacted discriminatory bans prohibiting children from being placed with qualified parents due to the parent's marital status or sexual orientation. Currently, over 65,000 adopted children and 14,000 foster children are living with a gay or lesbian parent. Studies suggest that upward of 2 million gay and lesbian individuals are interested in adopting or fostering a child. Yet, statewide discriminatory bans and the practices of individual adoption agencies have resulted in fewer children being placed in safe and permanent homes.

Congress invests over \$8 billion in the child welfare system each year and we should not accept policies that use Federal funds to enact barriers to adoption and close the door to thousands of potential homes. Multiple studies have found that adopted and foster children raised by gay and lesbian parents fare just as well as their peers being raised by heterosexual parents.

When considering a potential placement for a child, the only criteria should be what is in the child's best interest and whether the prospective parents can provide a safe and nurturing home. Bigotry should play no part in this decision. That is why I am introducing the "Every Child Deserves a Family Act." This legislation would simply prohibit any entity that receives Federal child welfare funds from denying or delaying adoption or foster care placements based solely on the prospective parent's marital status or sexual orientation. States and child welfare agencies that fail to end discriminatory practices would face financial penalties. This is the same approach that put an end to race discrimination in adoption and foster care placements.

Abused and neglected children in our child welfare system are some of the most vulnerable members of our society. We cannot allow divisive politics to further harm these children by shrinking the number of prospective adoptive and foster parents. I urge all of my colleagues to join me in saying yes to children

and no to bigotry by cosponsoring the "Every Child Deserves a Family Act" and working with me to make it law.

# RECOGNIZING NATIONAL LATINO AIDS AWARENESS DAY OF 2009

## HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize National Latino AIDS Awareness Day of 2009 which takes place today on Thursday, October 15, 2009. I want to commend the various individuals and groups that have worked hard to make this day a reality including the Hispanic Federation, the Latino Commission on AIDS, the National Alliance of State and Territorial AIDS Directors, and various other local, regional, and national partners.

National Latino AIDS Awareness Day is an incredibly important day that helps bring attention to the problems the Latino community faces in regards to the HIV/AIDS crisis. While the HIV/AIDS problem is an issue that affects every racial and ethnic group in the United States, it unfortunately has a disproportionate impact on the Latino community. In 2006, there were roughly 80,000 Latinos living with AIDS, representing 18 percent of all those living with the disease, and although Latinos comprise 15.3 percent of the U.S. population, they account for 24.3 percent of new HIV infections. Additionally, stigma within the community, lack of access to health care, and misinformation about the virus make it difficult to combat. Truly, this must be changed, and embracing the goals and ideas of National Latino AIDS Awareness Day is a step towards making that happen.

I am reminded, too, that the Latino community is not alone in this struggle. Other ethnic groups and particularly the African-American community are disproportionately affected by HIV/AIDS. We must all stand together, learn from each other, and work toward ending this virus that hurts so many people in our country and across the world.

Madam Speaker, I urge my fellow colleagues to join me today in recognizing National Latino AIDS Awareness Day for the betterment of our country and the health of the numerous ethnic groups that add so much to our national character.

# EAST BAY REGIONAL PARK DISTRICT AND THE REGIONAL PARKS FOUNDATION

## HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. LEE of California. Madam Speaker, I rise today to honor the joint anniversary celebration of East Bay Regional Park District's 75th Anniversary and the supporting Regional Parks Foundation's 40th Anniversary. This evening, Park District supporters and friends

gather at Temescal Regional Park, overlooking open space created through the founding of the nation's first and largest Regional Park District.

In 1934, during the catastrophic depths of the Great Depression, members of a grass-roots land preservation movement placed a measure on the ballot that would preserve excess watershed land in the Oakland and Berkeley hills. The project introduced a concept unheard of at the time: creating a natural balance between recreational land use and wilderness preservation. Bay Area residents responded with unprecedented foresight and civic commitment when the measure passed by an astonishing 71 percent.

Today, the East Bay Regional Park District, EBRPD, operating in Alameda and Contra Costa counties, manages more than 98,000 acres of land comprising 65 parks and over 1,000 miles of biking, hiking and horse riding trails. The parks host approximately 14 million visitors per year.

The District, supported by the Regional Parks Foundation's fundraising efforts, provides recreational opportunities at freshwater swimming areas, fishing docks and piers, day camps, children's play areas and numerous camping and picnic sites.

Myriad visitor services include education centers, a disabled-access swimming pool and group meeting facilities. The District's Park Express Bus Program offers subsidized bus service to any District park for groups of senior, disabled or low-income residents and school classes with funded lunch programs.

Our regional parks' success is the result of eight decades of hard work by innumerable citizen activists, elected district directors, general managers, district employees, environmental organizations, public officials, volunteers, and taxpayers who have collaborated to ensure local access to a majestic regional park system. Many park sites also contain protected species of plants and animals, as well as Native American historical sites containing rock art, and burial or village locations. Above all, EBRPD's top priority remains aligned with our park founders' original mission: to preserve the natural beauty of the land and protect wildlife habitats.

The future of East Bay Regional Park District is marked by growth and stability thanks to last year's passage of Measure WW, the largest local park bond measure to pass on record.

Seventy-five years ago, Bay Area park advocates demonstrated a pioneering and progressive local spirit, which endures to this day. The rich history of our regional parks has undoubtedly helped lay the framework for the Bay Area's famed conservation movement. It is this continued passion for open spaces and preservation that inspires communities, on a national and global level, to protect and preserve both the environment—and our future.

# PERSONAL EXPLANATION

## HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. WASSERMAN SCHULTZ. Madam Speaker, on October 14, 2009, I missed the

following Rollcall Votes due to a longstanding commitment away from Washington:

1. Rollcall vote No. 775, H. Res. 768, Expressing support for the designation of the Month of October as "National Work and Family Month".

2. Rollcall vote No. 776, H.R. 1327, the Iran Sanctions Enabling Act.

3. Rollcall Vote 777, H. Res. 816, Mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009.

4. Rollcall Vote 778, H.R. 3371, Airline Safety and Pilot Training Improvement Act of 2009.

5. Rollcall Vote 779, H. Res. 786, Commemorating the canonization of Father Damien de Veuster, SS.CC. to sainthood.

If present, I would have voted "yea" on all matters.

#### 50TH ANNIVERSARY OF ART VAN FURNITURE

#### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. PETERS. Madam Speaker, I rise today to commemorate the 50th Anniversary of Art Van Furniture, an iconic fixture in the retail world of Michigan that was founded by Art Van Elslander, a much admired and prominent figure in the metro-Detroit community.

The story of Art Van Elslander and the rise of Art Van Furniture to its dominant position in the retail furniture world is the American Dream fully realized. As a son of Belgian immigrants and growing up on Detroit's east side, Archie "Art" Van Elslander's entrepreneurial spirit shone brightly even as a youngster when he hawked newspapers up and down Detroit's Gratiot Avenue. After high school, military service and working at a local furniture store, Mr. Van Elslander entered the world of entrepreneurs. Heeding his father's advice to "control your own destiny," Mr. Van Elslander mortgaged his home and borrowed against insurance policies to finance his first store.

Through times both flourishing and faltering in the subsequent years, the fortunes of Art Van Furniture ebbed and flowed with the economic cycles of the Michigan economy. Ultimately, it grew to more than 30 locations across Michigan and employing more than 2500. Over the years, Art Van Furniture has adapted to the changing environment, and quite literally so. Art Van has been named a "GreenTailor" by the Michigan Retailers Association after adopting a variety of Earth-friendly practices ranging from the installation of Energy Management Systems to recycling tons of waste. It has been continually named as one of West Michigan's Best and Brightest places to work.

Over the past 50 years, Art Van has grown to be Michigan's largest furniture retailer. And during those years, Art Van Elslander became renowned and admired as a pillar of the philanthropic community and a stalwart business leader committed to Michigan and its citizens. Madam Speaker, I ask my colleagues to join

my salute today to Art Van Elslander on 50 years of vision, perseverance and "giving back" to our community; and to Art Van Furniture and each of its thousands of employees over the years, on 50 years of business growth and success.

#### PASTOR CHARLES T. SEMBLY AND FIRST LADY PAMELA J. SEMBLY

#### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Reverend Charles T. Sembly and First Lady Pamela J. Sembly for their 25 years of faithful, dedicated service to Union Bethel A.M.E. Church.

Following in the footsteps of his father, the late Rev. Edgar L. James, Pastor Sembly earned his license to preach on March 17, 1971, and was ordained an African Methodist Episcopal Itinerant Deacon in 1978 and an Itinerant Elder in 1979. In 1982, Pastor Sembly was appointed Pastor of Mt. Zion African Methodist Episcopal Church in Knoxville, Maryland. During the mid-year Conference on October 24, 1984, Pastor Sembly was appointed to Union Bethel African Methodist Episcopal Church.

Pastor Sembly and Mrs. Sembly have provided noteworthy spiritual leadership in fulfilling their vision of growth and development at Union Bethel A.M.E. Church. During Pastor Sembly's tenure, the church established over 40 ministries and outreach programs to enhance the Randallstown community. Under his leadership, the church created a nonprofit Community Development Corporation to increase its social outreach and opportunities for service to the greater Northwest Baltimore County community. As local President of the Lillian M. Dorsey Senior Missionary, Mrs. Sembly established several on-going outreach programs, which include the Good Samaritan Ministry, the Senior Outreach Ministry and provided additional support to three area shelters.

Pastor Sembly is currently a Trustee and Member of the Finance Committee of the Second Episcopal District Washington Conference, and an Instructor of the Second Episcopal District Washington Conference Board of Examiners. Pastor Sembly conceptualized and developed the Six-Week Lenten Services with seven A.M.E. Churches and is a former Recording Secretary for the Second Episcopal District Washington Conference.

Mrs. Sembly is very active in the Women's Missionary Society of the African Methodist Episcopal Church. She currently serves as the President of the Lillian M. Dorsey Senior Missionary Society of Union Bethel A.M.E. Church. She has served for more than 8 years as the Recording Secretary and the Treasurer of the Matilda Monroe Area. She was also the Editor of the "Bridge," the Second Episcopal District WMS Newsletter, and was elected a Delegate to the 15th and 16th Quadrennial Conventions.

Married for 35 years, Pastor Sembly and First Lady Mrs. Pamela J. Sembly have three loving children and six grandchildren.

Madam Speaker, I ask that you join with me today to honor Reverend Charles T. Sembly and First Lady Pamela J. Sembly for their outstanding service to the Union Bethel A.M.E. Church and their continued commitment to enhancing lives in their community.

#### HONORING DEBORAH PEEPLES

#### HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. MCGOVERN. Madam Speaker, I rise today in honor of Deborah Peeples of Shrewsbury, Massachusetts. Through Mrs. Peeples' public service and dedication to the community she inspires us all. In acknowledgement of her service and commitment to the advancement of the Democratic Party, Deborah has been selected to receive the Eleanor Roosevelt Humanitarian Award from the Shrewsbury Democratic Town Committee.

Deborah has done a tremendous amount of work for the Town of Shrewsbury. She has served as an elected Town Meeting Member and member of the Shrewsbury School Committee. During this time she played an active role in four school building projects. Currently, Mrs. Peeples serves as the Treasurer for the Board of Friends of the Shrewsbury Public Library. She founded and ran the Summer R.E.C.E.S.S. reading program which continues to this day. Deborah Peeples is dedicated to improving the community of Shrewsbury.

Deborah Peeples has been an active member and is the current Co-Vice Chair of the Town Democratic Committee. She has been involved in Democratic campaigns for a very long time, from leafleting for George McGovern in 1972 and more recently, campaigning for Hillary Clinton, Shannon O'Brien, Bill Clinton and Deval Patrick. I will be forever grateful to her for her friendship and hard work helping in my Congressional campaigns. Deborah is a graduate of Washington University in St. Louis. Currently she serves as Executive Director of ELNA (Education and Leadership for a Non-violent Age) Collaborative, working with middle and high school students promoting leadership, civic participation and social activism.

Deborah's devotion to the betterment of our community and her commitment to public service enrich us all. In tribute to her outstanding service to the Town of Shrewsbury, I congratulate my friend, Deborah Peeples on receiving this award. I know all my colleagues will join me in paying tribute to her.

#### HONORING MRS. DEBRA JOHNSON

#### HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Ms. HERSETH SANDLIN. Madam Speaker, I want to take this opportunity to recognize Mrs. Debra Johnson, Principal of Chamberlain Middle School and High School in Chamberlain, South Dakota. Mrs. Johnson was named South Dakota Middle School Principal of the



Year by the MetLife/National Association of Secondary School Principals (NASSP) National Principal of the Year Program. This award recognizes the achievements of secondary school principals like Mrs. Johnson who have succeeded in providing high-quality learning opportunities for students as well as demonstrating exemplary contributions to the profession.

Mrs. Johnson has devoted 29 years to education, including more than 17 years as an administrator. One of her proudest achievements was combining separate buildings for grades 5–8 and grades 9–12 into a joint middle school and high school in Chamberlain, where staff can work together to address issues, implement effective teaching strategies, and design plans so that all students can achieve at their highest level. Mrs. Johnson recognizes the value of a well-rounded education beyond just the classroom and has been a strong supporter and advocate of quality afterschool activities. Her leadership, organization, and planning skills have served students, teachers, and fellow administrators well throughout her career.

I send best wishes and congratulations to Mrs. Johnson on this noteworthy recognition and thank her for her years of service as an educator in South Dakota.

**RECOGNIZING HOLLAND CITY  
COUNCILMAN CRAIG RICH FOR  
HIS YEARS OF SERVICE ON THE  
HOLLAND CITY COUNCIL**

**HON. PETER HOEKSTRA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. HOEKSTRA. Madam Speaker, I rise here today to congratulate Councilman Craig Rich on many years serving on the Holland City Council.

Craig Rich grew up in Holland where his family has lived since 1910. He is a 1972 graduate of Holland High School and holds a business degree from Davenport College. He and his father operated radio station WZND in Zeeland from 1971 through 1986. Since then he has been with the Grand Rapids Business Journal, a weekly business-to-business newspaper in Grand Rapids, as advertising sales consultant and sales manager.

Craig was first appointed to the Holland City Council in 1982 at 28 years old and has since been elected in 1983 and re-elected in 1985, 1989, 1993, 1997, 2001 and 2005. Craig also served as Holland's Mayor ProTem from 1987 to 2007. His ward represents the true center of the city—bordered by 14th and 15th streets and Lake Macatawa on the north, 24th street on the south, River, Michigan and Central avenues on the east and Graafschap Road on the west.

Craig is the Council's liaison to the Zoning Board of Appeals and the Board of Public Works. He is most proud of having decreased or maintained the general fund tax rate 17 times since being elected to office while, at the same time, maintaining or increasing the level of essential city services.

In addition to his service on the City Council, Craig is active at Christ Memorial Re-

formed Church. He is a founding member of Michigan Shipwreck Research Associates and a "master" level SCUBA diver.

He combines his love of local history and genealogy with scuba diving to research and document local area shipwrecks. He is the author of "For Those in Peril: Shipwrecks of Ottawa County" due to be published in 2009.

Craig and his wife Vickie have been married since 1975 and have two daughters; Allison, an English teacher in Florida, and Catherine, a student at Northern Michigan University.

**PERSONAL EXPLANATION**

**HON. DAN BOREN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. BOREN. Madam Speaker, on rollcall No. 776 for the Iran Sanctions Enabling Act of 2009, if I had been present, I would have voted "aye."

**PERSONAL EXPLANATION**

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. HOLT. Madam Speaker, on Wednesday October 14, 2009 I was unavoidably detained and missed one vote.

Had I been present I would have voted "yea" on H. Res. 768, a resolution expressing support for the designation of the month of October as "National Work and Family Month (Rollcall 775).

**CONGRATULATIONS TO THE  
CITADEL**

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. WILSON of South Carolina. Madam Speaker, The U.S. News and World Report, in their publication titled "America's Best Colleges 2010", recently named The Citadel as the No. 1 best value among master's degree-granting colleges in the South. This is a tremendous recognition for the cadets, students, faculty, and administration of this esteemed South Carolina institution. In addition to being the best value, The Citadel was also named the No. 2 best public institution that offers a master's degree in the South and the No. 5 among all master's degree-granting colleges and universities in the South that offers a master's degree.

Born and raised in Charleston, I have been a longtime admirer and supporter of The Citadel. For 167 years, it has educated and built strong leaders in our military and civilian communities. It remains an important part of South Carolina's heritage of service. I know firsthand of its benefits with three brothers-in-law and two nephews who are graduates of The Cita-

del. I never cease to be amazed at the achievements of Citadel graduates, such as Brigadier General Larry Nicholson who I met in Helmand Province of Afghanistan where he is leading our courageous Marines.

I am grateful to have known so many graduates such as Congressman J. GRESHAM BARNETT and Congressman STEVE BUYER of this important institution and will continue to be a proud supporter. Under the leadership of its President, LTG John W. Rosa, The Citadel is a valued national institution.

**PAKISTAN-U.S. RELATIONS**

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 2009*

Mr. KUCINICH. Madam Speaker, I have been a strong supporter of the friendship between the people of the Islamic Republic of Pakistan and the United States, and I have supported efforts to strengthen the bonds between the countries as well as efforts that address our mutual security interests.

The current economic situation is the primary challenge to achieving these mutual goals.

Unfortunately, the economy of Pakistan is under considerable stress right now. The value of the rupee is at a historical low relative to the dollar, and international reserves have declined by \$7 billion—more than half—in one year's time.

Additionally, the current inflation rate is 25 percent and consumer prices are the highest they have been in over 30 years.

The U.S. wishes to disrupt and dismantle the existence of terrorist safe havens in Pakistan to bring stability and peace to the region.

As such, it is important to examine the root cause of terrorism, desperation. This desperation is best addressed by ensuring that U.S. foreign policy promotes worldwide economic stability.

We must lay the foundation of human security and capacity building which includes ensuring educational opportunities, economic and social justice, and physical and mental health care for everyone.

As such, I have not supported the current plans by the Administration to provide military training and defense articles to Pakistan.

The foundation of a peaceful society is rooted not in military might, but by ensuring that people's basic needs are met. This is the key component to achieve human security. In Pakistan, where approximately two-thirds of the people of Pakistan are living on less than \$2 a day, there is much that must be done to ensure that this key component to human security is achieved.

Additionally, I have vociferously opposed U.S. drone attacks on Pakistan. These attacks cause devastation to the innocent civilian population. I understand the opposition to the drone attacks by the government of Pakistan. I will continue to work with my colleagues in Congress to address this issue and pursue a dialog with Special Envoy Holbrook.

Some have proposed establishing free trade agreements with Pakistan. The current U.S.

model for free trade is flawed. For example, labor and environmental protections are inadequate. With the current lack of stability in Pakistan it is difficult to imagine that these protections could be assured.

IN HONOR OF JOHN MARHEFKA,  
PENNSYLVANIA D.A.R.E. OFFICER OF THE YEAR

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Mr. MURTHA. Madam Speaker, I rise today in honor of Patrolman John Marhefka of Lower Burrell, Pennsylvania. He was recently named Pennsylvania's top Drug Awareness and Resistance Education (D.A.R.E.) Officer of the Year.

For twelve years, Marhefka has been dedicated to preventing illegal drug usage through D.A.R.E., a program where police officers go into schools to teach young people about the dangers of illegal drugs. The D.A.R.E. program encourages students to make good life decisions by warning them about the risks of substance abuse and violence. The relationships that develop between the officers and their students open new lines of communication and help to strengthen community ties.

While there are more than 1,000 D.A.R.E. officers throughout Pennsylvania, Marhefka is one that goes above and beyond what is expected of him. Over his time as a D.A.R.E. officer, he has taught over 700 Burrell students from kindergarten to 12th grade. Marhefka makes a genuine effort to form a relationship with each of his students. He is known for his participation in recess and school family fun nights. Most importantly, Marhefka gives students the opportunity to get to know him, increasing their comfort with local authorities and their trust in the police.

Madam Speaker, Marhefka's dedication to the D.A.R.E. program has given students the knowledge and confidence they need to avoid the temptation of peer pressure. I commend him for his dedication to the prevention of illegal drug use and for his outstanding commitment to promoting safety in his community.

SOCIAL SECURITY COST OF LIVING  
ADJUSTMENT

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Mr. LANGEVIN. Madam Speaker, I rise today in support of the President's call to provide assistance to our nation's elderly, veteran and disabled citizens who will see no Cost of Living Adjustment (COLA) in their 2010 Social Security payments for the first time in over 40 years.

Since the Great Depression, Social Security has proven a vital safety-net program that has kept over half of our seniors from falling into poverty. It has been adjusted annually according to inflation to maintain the purchasing

power of beneficiaries since 1975. In my home district, over 95,000 people collect Social Security benefits. This program provides 40 percent of all income received by elderly people in the United States, and supplies significant financial support for individuals with disabilities.

Despite encouraging signs of economic stabilization, millions of vulnerable citizens continue to struggle in the wake of a recession that brought record housing foreclosures, job losses and bankruptcies. Particularly hard hit are older Americans who have seen the value of their assets and savings wiped out, forcing them to postpone retirement or reenter the workforce, if employment can be found.

We must ensure that the purchasing power of older and disabled Americans remains strong. To that end, I look forward to working with my colleagues and the President to enact policies that will help rebuild retirement savings, restore lost asset value and achieve long-lasting financial security and independence.

HONORING OSCAR GUSTAVE  
MAYER, JR.

### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Ms. BALDWIN. Madam Speaker, Rep. JACK KINGSTON and I rise today to honor the life and legacy of Oscar G. Mayer, Jr., of Madison, Wisconsin. Mr. Mayer's death last July was mourned by his widow, Geraldine, his family, the Madison community and the celebrated company he, his father and grandfather built over the past 125 years. Rosalie Harrison Mayer, his first wife of 56 years, passed away in 1998.

Starting with Oscar Mayer & Co. in Chicago in 1936 as a production trainee, Mr. Mayer devoted his entire business career to the company his grandfather started in 1883. After the deaths of his grandfather and father, Mr. Mayer served as President and later Chairman of Oscar Mayer & Co., leading the company through one of the most productive periods in its history.

Although raised in Illinois, Mr. Mayer moved to Madison, Wisconsin in 1946, while serving as Assistant to the Vice President of Operations. Then in 1957, as company president, Mr. Mayer moved Oscar Mayer & Co.'s headquarters to the Wisconsin state capital. Once rooted in Wisconsin, Oscar Mayer's generosity and kindness were felt in every corner of the greater Madison community.

An impassioned philanthropist, Oscar Mayer never shied away from an opportunity to help his community. Mr. Mayer was instrumental in turning the old Capitol Theater on State Street into Madison's first civic center. Mr. Mayer was a strong supporter of the Madison Arts Center and Elvehjem Art Museum and helped found the Alexis de Tocqueville Society, which has gone on to raise hundreds of thousands of dollars for the United Way of Dane County. "Do the right thing," was Mr. Mayer's philosophy in business and he carried that into his personal life, donating time, money and serv-

ices to various organizations and groups throughout Wisconsin, especially those who shared his love for the outdoors and sought to protect it. Additionally, in 2007, he was the inspiration for the establishment of the Oscar and Rosalie Mayer fund for Pediatric Care at Memorial Health University Medical Center in Savannah, Georgia.

Oscar Mayer's work and charity were widely recognized by his community. He received Honorary Doctor of Laws degrees from the University of Wisconsin—Madison in 1977, Beloit College in 1978, and later from Edgewood College in Madison in 1991. In 1990, Mr. Mayer became one of the first inductees into the Wisconsin Business Hall of Fame.

Oscar Mayer's devotion to his family, company, its employees, the state of Wisconsin and specifically the city of Madison has left a lasting impression. I join Rep. KINGSTON and the greater Madison community in honoring his life's work and loving spirit.

MARY MORRIS LAWRENCE

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary life of Mary Morris Lawrence. As a premier photographer, trailblazer and free spirit, she helped shatter the glass ceiling for female professionals by becoming one of the first female photojournalists ever hired by New York's Associated Press in November of 1936. Mary was also a vibrant inspiration to her family and friends as wife, mother and mentor. She passed away in her Oakland, California home on August 12, 2009, at the age of 95.

Over the span of her globe-trotting career, Mary was columnist and Hollywood photographer for New York's progressive tabloid PM, photojournalist for Look Magazine, and creator of a variety of award-winning projects. Her photo of composer Louis Hart even became a U.S. postage stamp.

Mary Morris Lawrence was born in Chicago, Illinois on March 27, 1914. She graduated from Sarah Lawrence College in 1936, and often attributed her distinct ambitions, creative prowess and "rebellious ideas" to the time she spent there. In the early years, colleagues described Mary as a hard worker with a knack for using her wit to gain access to great shots and poignant moments with her small Rolleiflex camera.

Mary spent six years in Hollywood during her first marriage with still photographer Ralph Steiner, with whom she had a daughter, Antonia Steiner. Her self-described aggressive nature and creative spirit helped her commingle with movie stars. Sunday magazine pieces for PM featured Mary's trademark, sleek, black-and-white portraits of silver screen luminaries. Her work included shots of Sophia Loren, Gene Kelly, Marilyn Monroe, Humphrey Bogart and many others.

Afterward, Mary returned to New York as a magazine freelancer, producing work for Life, Mademoiselle and other publications. She also started an advertising business out of a Midtown brownstone.

In 1963, she married Harold Lawrence, producer for Mercury Records, and subsequently General Manager of the London Symphony Orchestra and Manager of the New York Philharmonic. The family settled in Oakland when Harold Lawrence was named president and General Manager of the Oakland East Bay Symphony in 1977.

Mary volunteered locally for the League of Women Voters, ERA, Oakland Potluck and Neighborhood Newsletter Task Force. She

continued her work, photographing music legends like Michael Tilson Thomas and Calvin Simmons. She also became a creative partner in her husband's film documentaries, later devoting her photographic skills to occasional projects for friends.

Mary Morris Lawrence's tenacious zest for life will inspire generations to come. In her life she overcame many obstacles, including surviving a brain tumor in her fifties.

She recently celebrated her 95th birthday with friends at a belly-dancing restaurant, and

undoubtedly, her convivial spirit will continue to be a powerful gift to the people she cherished most. She will be remembered for her unparalleled passion, wit and bravery.

Today, California's 9th Congressional District salutes and honors an incredible and beloved human being, Mary Morris Lawrence. We extend our deepest condolences to Mary's husband, daughter, goddaughter, family and friends. May her soul rest in peace.

## HOUSE OF REPRESENTATIVES—Friday, October 16, 2009

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 16, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, is it some hidden fear of Your power or just our own unfaithful character that causes us to distance ourselves from You? Rather than see You as walking every step of the way with us, we choose at times to keep You in the heavens. Rather than seek You in our everyday undertakings, we put off meeting You to the next life. Why, O Lord?

Scripture reveals Your desire to be our companion and guide, whether in Israel or on the road to Damascus. It is Your friendship we need.

As close friends, we need to listen to each other. Every step of life's journey invites us to draw closer together. Unlike our friends in this world, Lord, You will never abandon us when we are troubled or in need.

We are truly blessed, Lord, if we can rest in Your friendship and place all our trust in You as individuals and as a nation.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 11 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Tuesday, October 20, 2009, at 12:30 p.m., for morning-hour debate.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4139. A letter from the Acting Assistant Secretary, Department of Labor, transmitting annual report on Operations of the Office of Workers' Compensation Programs for Fiscal year 2006; to the Committee on Education and Labor.

4140. A letter from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's report entitled, "Implementation Report: Energy Conservation Standards Activities", pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

4141. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Flagstaff, Arizona) [MB Docket No.: 08-110] received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4142. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Boston, Massachusetts) [MB Docket No.: 09-142] received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4143. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Chicago, Illinois) [MB Docket No.: 09-146] received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4144. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Fort Worth, Texas) [MB Docket No.: 09-132] received September 24,

2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4145. A letter from the Chief, Policy Division, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425 MHz/3700-4200 MHz Bands and 14.0-14.5 GHz/11.7-12.2 GHz Bands [IB Docket No.: 02-10] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4146. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report pursuant to U.S. Policy in Iraq Act, Section 1227(c) of the National Defense Authorization Act for Fiscal Year 2006 (Pub. L. 109-163), as amended by Section 1223 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181); to the Committee on Foreign Affairs.

4147. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting presidential certification and a memorandum of justification to permit U.S. contributions to the International Fund for Ireland with FY 2008 and 2009 Funds; to the Committee on Foreign Affairs.

4148. A letter from the Senior Advisor and Executive Secretary, Export-Import Bank, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4149. A letter from the Chairman, International Trade Commission, transmitting the seventh edition of the United States International Trade Commission's Strategic Plan, which covers the period from fiscal year 2009 through fiscal year 2014; to the Committee on Oversight and Government Reform.

4150. A letter from the Director, Administrative Office of the United States Courts, transmitting the 2008 report on statistics mandated by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005; to the Committee on the Judiciary.

4151. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report entitled, "Report of the Proceedings of the Judicial Conference of the United States" for the March 2009 session; to the Committee on the Judiciary.

4152. A letter from the Chairman, Commission on Civil Rights, transmitting a report entitled "Department of Justice Voting Rights Enforcement for the 2008 Presidential Election"; to the Committee on the Judiciary.

4153. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: USCG Barque Eagle transits of Rockland Harbor, ME, Portland Harbor, ME and Portsmouth Harbor, NH [Docket No.: USCG-2009-0685] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4154. A letter from the Attorney, Department of Homeland Security, transmitting

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Department's final rule — Safety Zone; Festivus, Lower Colorado River, Bullhead City, AZ [Docket No.: USCG-2009-0454] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4155. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hornblower Cruises Fleet Week Fireworks Display, San Francisco Bay, CA [Docket No.: USCG-2009-0631] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4156. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Port of New York and Vicinity [Docket No.: USCG-2008-0047] (RIN: 1625-AA01) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4157. A letter from the Attorney Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Definition of Marine Debris for Purposes of the Marine Debris Research, Prevention, and Reduction Act [USCG-2007-0164] (RIN: 0648-AV68; 1625-AB24) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4158. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting a report entitled, "Privacy Office Annual Report to Congress"; to the Committee on Homeland Security.

4159. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's budget request for the Office of the Inspector General of the Railroad Retirement Board for fiscal year 2011, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); to the Committee on Oversight and Government Reform.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3619. A bill to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes; with an amendment (Rept. 111-303 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Homeland Security discharged from further consideration. H.R. 3619 referred to the Committee of the Whole House on the State of the Union.

#### REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3619. A bill to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes; with an amendment; referred to the Committee on Homeland Security for a period ending not later than October 16, 2009.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than November 13, 2009.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3258: Mr. BERMAN.

H.R. 3801: Mr. ANDREWS.

H. Res. 828: Mr. WITTMAN, Mr. CONAWAY, Mr. PLATTS, Mr. WOLF, Mr. ROE of Tennessee, Mr. MICA, Mr. ABERCROMBIE, Mr. BUYER, Mr. HARPER, Mr. YOUNG of Alaska, Mr. OLSON, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. WU, Mr. LAMBORN, Mr. ISSA, Mr. SESSIONS, Mr. HONDA, and Mr. KINGSTON.

## EXTENSIONS OF REMARKS

### A TRIBUTE TO UNITED STATES MARINE LIEUTENANT GENERAL SAMUEL T. HELLAND

#### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 16, 2009*

Mr. ISSA. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the United States Marine Corps are exceptional.

Our country has been fortunate to have dynamic and dedicated leaders who willingly and unselfishly give their time and talent to keep this country free and safe. United States Marine Lieutenant General Samuel T. Helland is one of these individuals.

Lt. General Helland earned a Bachelor of Science Degree from the University of Minnesota, Duluth and holds a Master of Science Degree from Troy State University. He is a graduate of the Marine Corps Command and Staff College and the National Defense University, Industrial College of the Armed Forces.

Lt. General Helland started his military career by enlisting in the Army in 1968. He served three years with the U.S. Army Special Forces, leaving after a combat tour of duty in Vietnam with the 5th Special Forces Group (ABN), Military Advisory Command (Special Observations Group). Lt. General Helland graduated from Marine Officer Candidate School in 1973, and was designated a Naval Aviator in 1974. He is qualified as a CH-53 pilot.

Lt. General Helland has served in many different capacities over the years; Lt. General Helland served with the Amphibious Units, Aviation Combat Elements, and Joint Task Forces. He has participated in exercises and contingency operations ranging from the Arctic Circle, throughout the Mediterranean and Caribbean Seas, the Persian Gulf, and the Horn of Africa.

His assignments include Staff Officer for the Logistics Officer for the Marine Aircraft Group 26, Operations Officer for Marine Heavy Helicopter Squadron 461, MAG 40, Joint Staff Officer in the J-7, Command of the 22nd Marine Expeditionary Unit (MEU), Deputy Commander JTF-Shining Hope, US Joint Forces Command, Norfolk VA, US Marine Corps Forces South, Commanding General Fleet Marine Forces South, Assistant Deputy Commandant for Aviation. In May 2004, Lt. General Helland assumed command of Combined Joint Task Force, Horn of Africa. From August 2005 to July 2007, Lt. General Helland commanded the 3rd Marine Aircraft Wing, MCAS Miramar San Diego, California. In July 2007, he assumed duty as Deputy Commanding General I MEF Camp Pendleton, CA before assuming his present assignment as Commanding General I MEF; Commander, Marine Corps Forces Central Command.

His decorations include the Bronze Star, Legion of Merit, Purple Heart, Meritorious Service Medal with gold star, Defense Superior Service Medal, Navy and Marine Corps Commendation Medal with gold star, Navy and Marine Corps Achievement Medal, Combat Action Ribbon with one star, and various service and unit awards.

Lt. General Helland's tireless passion for service has contributed to the betterment of this country. On the occasion of his retirement and on behalf of the people of the United States whom he has served with courage and honor, we commemorate the service of Lieutenant General Samuel T. Helland.

H. RES. 627

#### HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 16, 2009*

Mr. LARSEN of Washington. Mr. Speaker, I rise today to express my thanks for the service of the men and women of the 81st Brigade Combat Team and all of the Washington National Guard.

In August of 2008, over 2,400 Washington State Guardsmen and women in the 81st BCT mobilized for deployment. After several weeks of training at Fort McCoy, the unit deployed for ten months of service in Iraq.

The 81st BCT's primary missions in Iraq were providing security to convoys, protecting U.S. forces, and engaging in provincial reconstruction. They performed these missions admirably, and the unit returned home in August of 2009.

Unfortunately, one soldier in the 81st BCT, Specialist Samuel Stone, was killed in Iraq earlier this year. I am deeply sorry for the loss that his friends and family must feel. We will not forget his sacrifice for our country.

It is an honor to represent so many of the men and women who make up the 81st BCT, the Washington National Guard, and the Air National Guard as well as the families who support them.

Over 11,000 members of the Washington National Guard have been mobilized since September 11, 2001, for service in Iraq and in response to domestic emergencies such as Hurricane Katrina. Their service helps keep our nation strong and free.

I congratulate the 81st BCT on the occasion of their return from Iraq. I thank them and all our men and women in uniform for the sacrifices they make on behalf of our country.

### A TRIBUTE TO JAMES "ROCKY" ROBINSON, JR.

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 16, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of James "Rocky" Robinson, Jr., founder of the Bedford-Stuyvesant Volunteer Ambulance Corps (BSVAC) and an inspiration to the community of Brooklyn.

James ("Rocky") Robinson, Jr. was born on July 15, 1940, in Marietta, North Carolina, to Betty and James Robinson. When he was still an infant, his family moved to Brooklyn, New York, where Rocky was raised. After attending Eastern District High School in the Williamsburg section of Brooklyn, Rocky served five years in the United States Army. His army duty included serving as a member of the Honor Guard, posted at the Arlington National Cemetery, where he stood guard during the visits of Jackie Kennedy and her children to John F. Kennedy's grave.

After leaving the military, Rocky joined New York City's Emergency Medical Service (EMS) where he served the city for more than 30 years, before retiring in 2000. His career with EMS was marked by many accomplishments. In 1977 he was promoted to Lieutenant, and in 1994 he became a Captain. Through his work with EMS, Rocky witnessed the crisis in emergency medical services in New York's minority communities. To respond to these crises, in 1988 Rocky co-founded the Bedford-Stuyvesant Volunteer Ambulance Corps ("BSVAC"), America's first minority volunteer ambulance corps.

The remarkable story of Rocky and BSVAC has been told in print, on the radio and on television. BSVAC first began operations with no ambulance and no volunteers, at a point when the response time in Bedford-Stuyvesant for city ambulances averaged about 30 minutes. In the beginning, Rocky and his partner, Spec. Joe Perez, responded on foot to the calls they heard on their police radio. Eventually, BSVAC established a record-breaking ambulance service that has responded to over 400 emergency calls a month with an average response time of less than four minutes.

Through BSVAC, Rocky has worked tirelessly to help the Bedford-Stuyvesant community. Rocky designed a comprehensive emergency medical training program including trauma troopers, First Responders, and youth corps. To date, thousands of local residents have been trained to save lives in emergencies. In addition, hundreds of young people have completed the youth corps program (basic EMT training); almost 100% of the graduates have become EMTs or have otherwise pursued careers in medicine as a nurse, physician's assistant, or doctor. Although he has concentrated his efforts on Bed-Stuy,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Rocky has reached out to other minority communities, from Harlem to Los Angeles, providing emergency medical training and assistance in setting up programs. Closer to home, in 1993, Rocky responded to the first World Trade Center incident with BSVAC; he also responded on 9/11 when BSVAC volunteers saved a firefighter's life.

Rocky's ability to inspire led him to being chosen to address the Republican National Convention in Houston, Texas in 1994. For his remarkable accomplishments and ongoing efforts, Rocky has received numerous awards, including: Robin Hood Foundation Hero of the Year Award, New York City Award, American Institute for Public Service Jefferson Award, Points of Light Award (Awarded by George Bush), and Maxwell House Hero Search Award. Among the many honors he has received, Rocky was selected to carry the Olympic torch down Fifth Avenue in New York City, en route to Atlanta, in 1996. Rocky's status as a hero was even recognized by the children of Wilkes Country Elementary School in North Carolina, who named him as their black hero in 1998. (Choosing him by a landslide over the other candidates, including Michael Jordan). Of all the honors and awards that Rocky has earned, he describes his greatest reward as the satisfaction he enjoys from seeing young people succeed in medical careers after training with BSVAC.

Madam Speaker, I urge my colleagues to join me in recognizing James "Rocky" Robinson, an "on-call," unselfish community servant.

#### HONORING THE POINTS OF LIGHT INSTITUTE

#### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 16, 2009*

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize an important milestone in the history of an organization that has made a difference in the lives of many Americans and many communities across the nation—the Points of Light Institute.

Twenty years ago, a newly-inaugurated President George H.W. Bush challenged us to "bring in the generations, harnessing the unused talent of the elderly and the unfocused energy of the young . . . to spread like stars throughout the Nation, doing good." It was this challenge that became the foundation of the Points of Light initiative. President Obama dramatically expanded this movement with his leadership of the bipartisan Edward M. Kennedy Serve America Act, legislation that I sponsored, which was signed into law earlier this year.

The Points of Light Foundation recently merged with Hands On Network to form the Points of Light Institute. This organization has been transforming American lives and communities around the nation, offering tangible and meaningful ways for people to serve.

In 2008, the Points of Light Institute and its 250 Hands On volunteer action centers engaged over 1.2 million volunteers in service and managed over 520,000 volunteer projects.

The value of this service is over \$600 million, a remarkable contribution to the health and welfare of American communities from Seattle to Miami.

One of Points of Light's affiliates is the Long Island Volunteer Center headquartered in my Congressional District. Daily, this great local organization connects individuals and groups to help nonprofit organizations expand programs and services that improve the environment, mentor at-risk youth, assist the elderly, help hungry and homeless people, and enhance appreciation of cultural arts.

Congratulations to Points of Light on this 20 year anniversary and for the many acts of service that have improved the lives of those in need in our midst. We all look forward to many more years of inspiring work.

Madam Speaker, it is with pride and admiration I offer my thanks and recognition to Points of Light Institute.

#### A TRIBUTE TO ERMA A. WINSLOW

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 16, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Erma A. Winslow, a dedicated educator and community servant.

Erma Winslow is a retired administrator and guidance counselor for the New York City Board of Education. Ms. Winslow was a counselor and assistant to the principal at Joan of Arc Junior High School, a guidance counselor at Junior High School 258, and a guidance counselor at Richmond Hill High School. While working for the Board of Education, Ms. Winslow was committed to providing quality counseling to elementary, middle, and high school students. Ms. Winslow's areas of expertise are in education, special education, guidance and counseling, curriculum development, recreation, library and media services.

Ms. Winslow holds a Master's Degree in Health Education from Columbia University, a Master's Degree in Guidance and Counseling from Fordham University, and a Bachelor's Degree in Health and Recreation from Talladega College in Alabama. She was founder and chair of Bedford Stuyvesant Community Block Association. She is also the recipient of a community service award and a guidance counselor award for her tireless service to the New York City Board of Education.

Erma has successfully counseled junior high and high school students, assisting them in meeting their academic, personal and social needs, so they could be active in the communities in which they live.

Madam Speaker, I urge my colleagues to join me in recognizing Erma A. Winslow.

#### A TRIBUTE TO TERESA COAXUM

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 16, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Teresa Coaxum, a tireless leader in the community.

Born and raised in Walterboro, South Carolina, Ms. Coaxum began her career at Johnson C. Smith University in Charlotte, North Carolina at the age of 16. Shortly after her first semester she moved to New York and completed her Bachelor's degree and later her Master's degree at John Jay College of Criminal Justice. Ms. Coaxum would later graduate from Harvard's Kennedy School of Government's Senior Managers in Government Executive Program. Always one to know the true importance of education, Ms. Coaxum is also a graduate of Coro Leadership New York XV.

In Ms. Coaxum's former job, she served as Project Manager of Community Relations under Brooklyn District Attorney, Charles Hynes. There she addressed the needs of residents in Crown Heights, Prospect Heights, Bedford-Stuyvesant, Stuyvesant Heights, East Flatbush, and Bushwick by successfully coordinating community agencies, organizations, churches and elected officials in major initiatives such as ComALERT (Community and Law Enforcement Resources Together), a district attorney program that assists people on probation and parolees in getting jobs, training and education in Crown Heights and Bedford Stuyvesant.

Ms. Coaxum has worked tirelessly to empower New York residents through her commitment to community and human services. In her current position, she works countless hours directing community outreach and planning in NYC, assisting in the management of Senator SCHUMER's eight regional offices, as well as advising the Senator and his Washington, D.C. staff on key policy issues.

Ms. Coaxum is a lifetime member of the NAACP. She serves on several committees such as John Jay College of Criminal Justice Alumni Association as the 2nd Vice President, Interfaith Medical Center Auxiliary, Church Women United, Community Board 8, Partnership for Youth and Community Empowerment, Brooklyn Blizzard Youth Organization, The Women's Caucus for Ed Towns, and Brooklyn Young Democrats.

In recognition of her loyalty and service, Ms. Coaxum was selected as one of The Network Journal's "Top 40 under 40 Dynamic Leaders" in June 2009, and as one of City Hall News' "Rising Stars 40 under 40". She received the John Jay College Alumni of the Year Award, various community service awards from Concord Family Services and the 77th, 79th, 81st, 83rd Precinct Community Councils. Among her many honors and recognitions, she has also received The Harriet Tubman Humanitarian Award and Proclamations from Senator Carl Andrews and Brooklyn Borough President Marty Markowitz, as well as Special Recognition from Congressman EDOLPHUS "Ed" TOWNS, and Citations from Assemblyman Vito Lopez, New York City Councilmembers Erik



Dilan and Diana Reyna, and former Councilman James E. Davis for dedication and hard work in the community.

Madam Speaker, I urge my colleagues to join me in recognizing this relentless and dynamic community leader.

A TRIBUTE TO REVEREND ANDRÉ  
RAMÓN SOLEIL

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 16, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Reverend André Ramón Soleil, a seasoned lawyer, artist and entrepreneur with an extraordinary life story.

Reverend Soleil was raised in New Hope Baptist Church, Niagara Falls, New York, a church founded by his great-grandparents during the great migration of African-Americans northward to New York from North Carolina in the early 1900s. He was a member of the choir, an usher and a Sunday school teacher. At age 12, André confessed Jesus as Lord, was baptized and filled with the Holy Spirit. At 13, Pastor Belk recognized God's call on André's life and began training him for ministry as an "acolyte".

Mr. Soleil is a talented artist and his drawings, paintings and craftworks have been displayed at cultural events and museums since his pre-teens. Mayor Michael O'Laughlin honored the 15-year-old Soleil by appointing him to the Niagara Falls Council of the Arts for his role in many school and community productions in semi-professional and professional regional productions of *The Wiz*, *Pippin*, and *Jesus Christ Superstar*, to name a few.

In 1985, André Soleil came to New York at 17 and attended Parsons School of Design, majoring in illustration and painting. In 1989, André Soleil's son, Donald, was born. While looking for work after the closing of "Little Wing", Reverend Soleil took a part time job at the New York Public Interest Group, Inc. Soon after Reverend Soleil was promoted to Department Director, he began his career in activism, law and politics. Reverend Soleil was appointed by then Manhattan Borough President Ruth Messinger to Manhattan's Community Board 12. Mayor Giuliani next appointed Mr. Soleil to the position of Executive Liaison in the Mayor's Office of Legislative Affairs to the Public Health, Human Rights, General Welfare and Cultural Affairs Committees of the New York City Council. Subsequently, Governor George Pataki appointed Mr. Soleil to the Executive Chamber staff as Assistant Secretary for Legislative and Intergovernmental Affairs. A year later, in 1996, Reverend Soleil completed his Bachelor of Science degree in Psychology from LaSalle University, cum laude.

Mr. Soleil attended City University of New York School of Law at Queens College from 1999 to 2002, where he then became President of the Class of 2002 and Editor-in-Chief of the *New York City Law Journal* in 2000. In 2000, America's Black Law Student Association elected André National Executive Director of the National Black Law Student's Association's 73 Chapters and 8,000 members; and in

2001, these students elected him to the Board of Governors of the National Bar Association. In 2002, Reverend Soleil graduated, achieving his Juris Doctorate and his Master of Arts degree in Business Administration and Media Management, with honors from Metropolitan College of New York.

In 2003, Reverend Soleil returned to the work of Jesus Christ and His church. In 2004, Bishop Dr. Wesley J. Wiley and the Elders of the Resurrection Temple of Our Lord ordained Mr. Soleil as a Reverend. Rev. Soleil then entered Columbia Evangelical Seminary to obtain his Doctorate of Ministry. In 2003, Reverend Soleil was admitted to the Bar of the State of New York and founded his law firm, Soleil & Company, P.C., which was opened out of his apartment's living room. In six years, Soleil & Company, P.C. now employs four attorneys, six staff members, and is known for innovative litigation, criminal defense and mortgage/foreclosure defense work. Soleil & Company, P.C. has taken Mayor Bloomberg to task as lead counsel in the matter of *Cohen v. Bloomberg*, a citizens' lawsuit to block the Mayor's destruction of the term limits law, and has developed a reputation for innovative legal practice in criminal, real-estate, civil rights and family law practice.

Rev. Soleil founded Christian Way, Ltd. in 2007, a non-profit advocacy and research group dedicated to the development, protection and promotion of Christianity as a way of life. He also hosts a daily early-morning radio bible study program, "Breakfast with the Bible," that is carried by Massachusetts and Texas based radio and Internet broadcasts.

Madam Speaker, I urge my colleagues to join me in recognizing Reverend André Ramón Soleil.

A TRIBUTE TO LANCE GOODWIN

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 16, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Lance Goodwin, a devoted community servant who has done so much for our community by establishing Trucked Out, Inc., a parent organization for a number of clubs. Lance's vision expanded to form Trucked Out Divas SUV Club and Trucked Out SUV Social Club. These clubs partner with politicians, police precincts, churches, and community organizations for the betterment of their neighborhoods.

Mr. Goodwin attended New York City public schools and graduated from George Westinghouse High School. Upon graduating, Mr. Goodwin opted to work so that he could have an income which would make him more independent. After several jobs, he landed an ideal job with the phone company Bell Atlantic, now Verizon. It was during this time that he started the Trucked Out SUV Club with the help of friends. He envisioned him and his friends making a difference in the lives of those they encountered on a daily basis. The members of Trucked Out SUV Club consider themselves to be blessed to be able to afford their vehicles in which they ride and established a model of

responsible living for their peers. Lance also saw the need for strong male influences in the lives of children at his son's High School PTA meetings.

Trucked Out's members are all firm believers in the saying "each one teach one". Trucked Out has sponsored a variety of community events over the years and will continue to do so every year, most notably, their Back to School Giveaway, a Halloween Party for the women in need of shelter. Trucked Out gives out over one thousand toys each holiday season and hosts several teen parties at its clubhouse so our teens have a place to go and enjoy themselves without fear of violence. Trucked Out is also a sponsor of the New York Warriors kid's football team.

Whether it is to protest an act of violence, a crime against a member of the community, a vigil to remember the life of someone or to go to a funeral to give support to a grieving family, Trucked Out will continue to help out in any way it can in our communities.

Madam Speaker, I urge my colleagues to join me in recognizing Lance Goodwin.

A TRIBUTE TO COUNCILMAN BILL  
DE BLASIO

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 16, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Councilman Bill de Blasio, a tenacious leader in the community and an inspiration to all of New York.

Bill de Blasio understands the importance of education. He earned his Bachelor of Arts degree in Urban Studies from New York University; he then attended Columbia University and earned a Master of Arts degree in International and Public Affairs.

Councilman de Blasio began his impressive political career in New York City government in the 1989 David Dinkins mayoral race. Following the campaign, Mr. de Blasio served as an aide in Dinkins' Administration, where he worked on projects such as the Safe Streets, Safe City initiative to reduce crime throughout New York City. While working at City Hall under Mayor Dinkins and later with the City Council, he learned first hand how city government works. He used this knowledge in the passage of key legislation establishing New York City's domestic partnership program. Later, Mr. de Blasio would eventually manage Hillary Rodham Clinton's successful run for Senate.

From working for the parents of Community School District 15, where he helped spearhead some of the most comprehensive reforms in the city, such as capping first grade class size at 20 students and establishing universal Pre-Kindergarten; to serving as the highest-ranking official in the New York/New Jersey region for the U.S. Department of Housing and Urban Development, Mr. de Blasio fights the tough fights and wins. As a member of the New York City Council, he continues to serve the people of New York, and specifically the residents of Brooklyn's 39th Council District. Mr. de Blasio's most recent

accomplishment is becoming the New York City Democratic Party's Public Advocate-Elect.

Throughout Mr. de Blasio's career, the common thread that runs through is his desire to better the quality of life for all New Yorkers by improving public education, creating affordable housing and fighting discrimination based on race, religion, physical disability or sexual orientation. He has been instrumental in directing increased federal funding for affordable housing, senior citizen housing and economic development in the region.

Madam Speaker, I urge my colleagues to join me in recognizing New York City Councilman Bill de Blasio, who is expected to be our City's Public Advocate. He is a dynamic community leader and true public servant.

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A TRIBUTE TO EDNA M. JOHNSON

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 16, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Edna M. Johnson, a model citizen and extraordinary leader in the community.

Edna Johnson was born and raised in a small steel mill town in Clairton, Pennsylvania,

the youngest of nine children. Ms. Johnson began singing at the age of seven and, because of her love of music, Ms. Johnson began singing in several different locales, including church and eventually as member of the group "Naomi Shelton and the Gospel Queens".

After graduating from Clairton High School, she relocated to New York City. She found solace with her church family when she joined Broadway United Church of Christ, where she served as Deacon, Trustee and Steward. Never forgetting the importance of education that her parents instilled in her, Ms. Johnson's church family assisted her with attending Pace University. She would later receive her Bachelor of Arts degree in Political Science.

Ms. Johnson has always understood the importance of service, working as a parent organizer in the public schools and as a tenant organizer. She was the first to successfully implement the Neighborhood Revitalization Program with New York City Department of Housing Preservation and Development. While living in Manhattan, she became chairperson of the Tenant Association in Clinton Towers for five years. She also chaired the 79th Precinct Community Council for six years, where she helped facilitate a more cohesive relationship between the people and the local police.

Always eager to serve, she is currently a member of Community Board 3 and has received several citations for perfect attendance. In her first year on the Board, she was Chairperson of the Police, Fire and Safety Committee. Ms. Johnson now serves on the Health Hospital and Social Science Committee. She also serves as first Vice President for Northeast Brooklyn Housing Company Inc. and Second Vice President for the African American Planning Commission Inc.

Ms. Johnson currently serves as Special Assistant to the Honorable EDOLPHUS "Ed" TOWNS, navigating federal agencies on behalf of hundreds of constituents and serving as a liaison to the broader community.

In recognition of her services, she has received citations from Congressman EDOLPHUS TOWNS, City Councilmember Annette Robinson, The New York City Police Department, The 79th Precinct Council, The Brooklyn Job Corps, A.I.D.P. at P.S.26, Hebron Baptist Church, Greater Cross Road Baptist Church, Bridge Street Development Corporation, The Bedford Stuyvesant Community Block Association and The National Night Out Committee.

Madam Speaker, I urge my colleagues to join me in recognizing Ms. Edna M. Johnson, a tireless community organizer, and dedicated servant of the public.

## SENATE—Monday, October 19, 2009

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, You are our refuge. When we are exhausted by life's efforts or bewildered by life's problems or wounded by life's sorrows, we come to You for shelter.

Strengthen our lawmakers for their challenging work. When their tasks are beyond their power and duty calls for more than they have to give, renew them with Your might. Help them to believe in Your power and to be certain that You are able to do for them above all that they can ask or think. Strong Deliverer, be for each of them a strength and shield in these momentous times.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 19, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### HEALTH CARE REFORM

Mr. REID. Mr. President, fixing a system so badly damaged by decades of

mismanagement and manipulation is not an easy task. It is no secret that health care is no exception.

We are not doing it simply to keep us busy; that is, legislate on health care. We have a bevy of other backbreaking problems that have piled up over the past 8 years—everything from energy, to education, to Wall Street abuses—only to be passed on to this Congress and the Obama administration.

Nor are we doing it because the health insurance industry wants us to do it; just the opposite. In fact, they are doing all they can to protect their reckless policies and raging profits.

We are doing this legislating on health care because the American people demand that we do it. Families of all backgrounds and from every State are counting on us to act. Last November, it was one of the primary reasons they called on Democrats to correct our country's course.

The American people are closely watching this debate. They are listening to the policies being proposed, and they can see the strategies employed toward those ends. They are watching, and here is what the American people are saying in response: Nearly two-thirds of them know Republicans are not working in good faith with Democrats to reform America's broken health insurance system.

They are right. While we have made every effort to create a good bill that can earn the support of as many Senators as possible, Republicans have made every effort to stop any bill, regardless of what is in that bill.

How do we know this? We know this because Republicans have offered no ideas for reform. We know this because while they talk in the abstract about proposals, they have yet to offer any of their own. But, most of all, we know this because Republicans say it themselves.

In August, the junior Senator from Arizona predicted that almost all Republicans would oppose health insurance reform, regardless of any concessions Democrats made.

Then the senior Senator from Oklahoma said—and I quote—

I don't have to read it, or know what's in it. I'm going to oppose it anyways.

Then I opened this morning's Roll Call newspaper—this newspaper that covers Congress—and read a disturbing headline, one that confirms what nearly two-thirds of the American people already know and should convince the rest. It reads: "GOP Launches Strategy to Trip Up Health Bill."

If Republicans truly want to legislate, shouldn't this headline read "GOP

Launches Strategy to Improve Health Bill"? Wouldn't we all benefit from the GOP launching a strategy to strengthen the health bill? Wouldn't it be better for the millions who fear losing their health insurance, and for the millions who do not have any to begin with, if we would open the morning newspaper and read even this: "GOP Launches Strategy to Contribute to Health Bill"? But, no, none of that.

The truth is that they have no interest in improving or contributing to health reform and strengthening it or contributing to its improvement in any way. Instead, Republicans have one strategy—and one strategy alone—support the broken status quo.

Republicans want to "trip up" our plan to protect what works about the system, fix what does not, and help the middle class get ahead. That is because they do not mind the fact that insurance companies can deny you coverage when you need it the most or because you have a preexisting condition, defined as anything from high cholesterol to hay fever to heart disease to diabetes.

Republicans want to "trip up" our plan to stabilize health insurance for those who have it and help secure it for those who do not. That is because they think it is OK for insurance companies to raise your rates just for getting old or because your dad had prostate cancer or because you are a woman.

Republicans want to "trip up" our plan to keep the insurance industry honest and to protect Medicare. That is because they support a status quo that forces families fortunate enough to have health insurance to pay an extra \$1,000 or more every year to cover all other families who have none.

Republicans want to "trip up" our plan to lower costs for families and make sure every American can afford good quality care that can never be taken away. That is because they simply do not have any ideas for helping the American people—even people in their own States—who are suffering so desperately.

Republicans will do everything in their power to stop reform this time because for many on the other side, there will never be a good time to reform health insurance.

That is not what our constituents sent us here to do, and that is not how to legislate.

I spent this past weekend in Nevada and heard firsthand from people who are suffering. Today we learned our State's unemployment rate rose again. One example: It is not a bunch of people out of work or people who do not

have good jobs who are complaining about health insurance. I did an event in a hotel in Reno, NV—the largest and I think probably the most successful resort in northern Nevada. Of course, when I asked for questions, a number of the questions dealt with health care.

As I walked out, the owner of the property walked alongside of me and said: Senator, I want you to know that other than my cost for personnel—my wages for my employees—health care is the one issue that is so hurting my business, health insurance for my employees. I am going to keep it, but it is so difficult for me to do so.

Here is a man who has probably 1,500, 2,000 people who work for him. Think what it is like for someone who has 25 or 50 or 75 or 100 people. If someone who has the buying power of a couple thousand is having difficulty, think what it is like for people who do not have that buying power.

So this past weekend in Nevada, I really did hear from people who are suffering. Today, we learned that our State's unemployment rate rose again—another tenth of a percent. That tells me we do not have time to waste with people looking to “trip up” recovery. Instead, we need legislators willing to work with us toward solving problems.

Here is an opportunity. Republicans can show they are willing to do more than simply stand in the way. We are working this week to protect seniors' relationships with their doctors. One of the biggest fears of seniors is that their doctors will drop them, which is why we are proposing a bill to make sure doctors will continue to see their Medicare patients.

This is a very serious issue. It is not one that is made up. There are ads running around the country today. There is one that says: “If You Don't Pass S. 1776, Seniors Will Lose.”

Seniors count on their doctors to get the care they need to stay healthy. The Medicare Physician Fairness Act (S. 1776)—

That is the legislation I am talking about—

preserves the doctor-patient relationship and protects seniors' access to their doctors. AARP is fighting to ensure that doctors will continue accepting patients on Medicare.

Ninety percent of AARP members agree with this. This is a real problem. Because of some of the things done with Medicare legislation in the past, a number of doctors have decided they cannot afford to take Medicare patients. This will drive another 40 percent of the doctors away from Medicare. It will destroy Medicare. So it is important we work together to get something done to take care of this. That is because the status quo simply will not work.

We are working, as I said, this week to protect seniors' relationships with their doctors. One of their biggest fears is that their doctors will simply drop

them, which is why we are proposing this bill to make sure doctors will continue to see Medicare patients.

Republicans have come to the Senate floor numerous times in recent weeks to demand that Congress protect seniors. This so-called doctors fix that AARP is running the ads about is an opportunity for Democrats and Republicans to work together to improve Americans' health. This time it is seniors' health.

The AARP has 40 million members. Nine out of 10 of them support this legislation—90 percent of them. I hope Republicans will listen to the very people whom they claim to defend and support—seniors.

While, generally speaking, the Republican strategy is disappointing, to say the least, it is not entirely surprising. After all, one Republican Senator—I do not know if he is speaking for the entire Republican Senate—is on record hoping health insurance reform will be President Obama's “Waterloo.” Nor is it inconsistent with the obstructionist tactics that have denied and delayed so many other important efforts to address so many of our critical challenges.

Democrats have been consistent in our efforts to reach across the aisle. In April of this year, just as the health care debate was beginning, I wrote my counterpart, Leader MCCONNELL, to express my great hope that Republicans would work with us in this important and historic endeavor. We have an opportunity this week to fulfill that request I made. Here is what I wrote on that occasion:

In order for this bipartisan process to take root, Republicans must demonstrate a sincere interest in legislating. Rather than just saying no, you must be willing to offer concrete and constructive proposals.

I concluded the letter by writing:

I hope your conference will recognize that this issue is too important to be manipulated for political purposes.

So it is now about a half a year later. It is clear Republicans have not heeded our gesture. It is equally clear to the American people, two-thirds of whom readily recognize that Republicans have no interest in returning the favor—not in the least.

As former Senate Majority Leader Bob Dole said a few days ago—and I quote—

Sometimes people fight you just to fight you.

That might be true, but it will not be tolerated. Congress will not be side-tracked by those who devise strategies only to “trip up” progress, rather than to contribute in good faith. This country has no place for those who hope for failure.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HEALTH CARE WEEK XIV, DAY 1

Mr. MCCONNELL. Mr. President, I don't know of a single person who wants to see reimbursements cut to doctors who treat Medicare patients, but if Congress is going to step in and prevent it, we shouldn't do it by racking up more debt on the government's credit card.

On Friday, the Treasury Department announced that the government ran a deficit of \$1.4 trillion in the fiscal year that ended just a few weeks ago—a deficit about three times the size of the previous alltime high. This should have been a wake-up call but, instead, within days of the sobering proof of Congress's chronic inability to live within its means, Democrats in Congress want to borrow another \$¼ trillion to keep doctors from getting a pay cut. Republicans want to fix this problem as well, but there are ways to pay for it. When this matter comes before the Senate, Republicans will offer ways to pay for it without asking taxpayers to take on another \$¼ trillion in debt.

It is perfectly obvious why Democrats want to resolve this issue outside the larger debate over health care. They are doing it so they can say their health care plan doesn't add to the deficit. It is a gimmick and a transparent one at that.

Americans are tired of gimmicks and tired of Congress putting everything on the national charge card. We are not teenagers. Our parents aren't going to pay our bill at the end of the school year. The American people—our children and grandchildren—are the ones getting stuck with the bill. It is time we act as if we are aware of that.

Higher debt is just one aspect of the Democrats' health care plan that concerns Americans. At the outset of this debate, everyone agreed on one thing: Any reform would have to address the primary problem with health care; that is, cost. Yet every day we hear about some accounting gimmick that is being used to conceal the true cost of this bill, and now we are hearing it will drive up premiums as well.

The Director of the independent, non-partisan Congressional Budget Office, Doug Elmendorf, indicated in recent congressional testimony that parts of the Finance Committee proposal would lead to higher premiums; in other words, that health care costs would go up, not down. As a result of the Democrats' latest health care proposal, that is exactly what will happen. This is a proposal that is only going to get more expensive as the process moves forward in closed-door discussions between a

handful of Democratic lawmakers and the White House. This is what the American people have feared all along, that lawmakers would lose sight of the purpose of reform and end up making problems worse, not better.

The Finance Committee bill includes a new tax on health insurance that most experts, including the CBO, agree would be passed straight to consumers, leading to higher premiums. One estimate suggests this new tax on insurance plans will be passed on to families, costing them nearly \$500 per year in higher premiums starting next year, long before any of the purported benefits of reform would take effect. The Oliver Wyman Group, an international management consulting firm, has also looked at how the Finance Committee bill would impact premiums in a number of States. This is important because every State has different insurance laws. In States such as Kentucky, Arizona, and Virginia, which have flexible insurance laws and generally lower premiums, the impact would be dramatic.

Currently, the average family premium in those States is about \$9,500 a year. Under the Baucus plan, that premium is expected to rise to nearly \$17,000. That is \$7,500 more that the government is telling families they have to spend on health insurance. That is \$7,500 these families can't use for the college fund or to plan for retirement. While the Baucus plan may subsidize some insurance plans, the subsidies likely will not be enough to offset these massive new costs imposed on many of these families.

The bottom line is this: The Finance Committee bill has now been out for a few weeks. The experts are starting to estimate what it would mean for insurance premiums. What we have seen so far isn't good. This is precisely why Americans want us to debate these bills out in the open. This is why they want us to take our time until the true cost is known. This is why they should have ample time to look at proposed changes before Congress acts.

We knew this proposal would raise taxes. We knew it would slash Medicare. Now we know it will raise health insurance premiums. Americans support reform, but higher premiums, higher taxes, and cutting Medicare, that is not reform.

#### GAG RULE

Mr. President, the administration made a noteworthy admission over the weekend. In a late afternoon memo on Friday, the Department of Health and Human Services said health plans could now communicate with seniors about pending legislation that affects them. By lifting its prior ban on communicating the impact of Democratic plans for health care, the administration was admitting—admitting—the ban amounted to a gag rule, a gag rule that has no place in a society that

prizes free speech and open debate. The administration's reversal is certainly welcome and, frankly, not unanticipated. However, many questions remain about the initial order itself and about the administration's willingness to constrain the free flow of information to seniors about their health care. The administration has admitted its error, though its proposed solution, frankly, needs further review.

The fact is, what health plans were telling seniors is precisely what the Congressional Budget Office also said; namely, that Democratic health care plans could cause seniors with Medicare Advantage to lose benefits—the absolute truth.

Americans believe strongly in the importance of the first amendment. I am glad to see the administration has recognized the error of its ways and rescinded this gag rule in the midst of such an important national debate.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The Senator from Arizona is recognized.

#### START TREATY

Mr. KYL. Mr. President, I wish to speak to an issue that is very timely because the United States and Russia are beginning today their seventh round of negotiations on the so-called START treaty. This is a treaty that could limit the number of nuclear warheads and delivery vehicles by both countries and provide an extension of various compliance and verification procedures that are currently followed by both countries.

It is interesting to me that the Russians do not appear to be in much of a hurry to complete the negotiations before the treaty expires, and it expires on December 5 of this year. According to Assistant Secretary of State Richard Verma, in a letter to me and several fellow Senators, I quote:

Russian views with respect to the meaning of these two terms—

And he is specifically talking about the definitions of "strategic delivery vehicle" and "associated warheads," both of which are obviously key to the treaty, in any event—

Russian views with respect to the meaning of these two terms have not yet been fully explained by the Russian Federation.

We are in the seventh round of negotiations, as I said. When these two fundamental terms have not yet had an explanation by the Russian side as to what they mean and, in effect, what they are tabling in the way of proposals, it is pretty clear we are not far enough down the road to see much light at the end of the tunnel.

With regard to the verification rules, which are the heart of the START treaty, he wrote:

The Russian Federation has not, as yet, elaborated sufficiently on its views concerning verification for the United States to judge the nature of its approach.

Again, it is interesting that this letter, which is dated October 5, suggests the Russians had not yet provided to us their position on key provisions of this treaty. Yet we are supposed to have the negotiations completed before the treaty expires on December 5.

It is increasingly clear to me, as a result of all this, there will not be a treaty by December 5; certainly not one that is ratified by the Senate, which is a process the Senate will require several months, obviously, to complete. As I said, I think it is doubtful we will even see one signed by the United States and Russia by December 5.

It is clear to me the Russians have sensed an opportunity that they can use time to their advantage. They saw an overly ambitious American agenda, which went far beyond extending the compliance and verification measures of the existing treaty to actual proposals to significantly cut the numbers of warheads and delivery vehicles. They saw this obviously ambitious agenda pushing up against a very short timeframe—in this case December 5. I think they have cleverly manipulated the situation, among other things, by throwing additional subjects into the mix, such as missile defenses and advanced conventional modernization and our nonnuclear conventional strike capabilities. By throwing these things into the mix, they have created a situation where it is going to be impossible to conclude negotiations by December 5, at least if the United States wants to stand firm on its position that neither the conventional strike capability nor missile defenses should be a subject of these negotiations.

I think the Russians think they can scoop up a bunch of concessions from the United States because of this short timeframe and the fact that the United States will obviously want to conclude

the negotiations, if they can, by December 5. I think an example of concessions would be the recent decision of the United States to leave ourselves more exposed to a long-range missile threat from Iran as a result of taking out the so-called missile shield we had previously committed to the countries of Poland and the Czech Republic. I think the Russians may have correctly assessed that the Obama administration would be willing to make trades such as the one on European missile defense in order to get nuclear force levels lower because this would show progress on President Obama's agenda for a nuclear weapons-free world. At the same time, the Russians are attempting to constrain the United States.

It is interesting they are actually developing programs, systems that would be prohibited by the START treaty. One is the RS-24 multiple warhead ballistic missile, which the Russians tested as recently as May 29, 2007. That would be illegal for the Russians to deploy under START. So why are they testing it? They seem very happy to negotiate for fewer missiles because they would be able to add multiple warheads on the missiles they have.

That is known as MIRVing or the multiple reentry vehicles. You just add more warheads on the same missile and you can accomplish the same thing, as if you had more missiles with an individual warhead on each one. It is clearly not progress, especially since the purpose of START, among other things, is to promote greater stability, which comes from reducing the number of multiple-warhead weapons.

If the administration had simply limited the agenda to preserving and continuing the START treaty verification measures, we probably could have met the December 5 deadline and we could have preserved the treaty and avoided issues such as missile defense that have now been raised by the Russians.

Although the Senate will have to participate in this ratification process—and very soon, quite possibly—we really have no idea yet how the administration will deal with the expiration of START on December 5. What options does it have in mind to deal with that expiration date? How will it seek to extend the treaty? What are the legal consequences for information sharing and inspections both here and in Russia? What are the separation-of-power issues of the various approaches having to do with a treaty ratified by the Senate which expires, with the administration making treaty-like commitments to continue abiding by the treaty during the course of time prior to the Senate's ratification of the treaty? All of these are questions to which we have not gotten answers. Yet time is wasting.

Several of my colleagues and I have asked for the answers to these ques-

tions in our August 14 letter to Assistant Secretary Gottemoeller. The October 5 response from Mr. Verma ignored the questions about the expiration date, and we need the answers.

Beyond December 5, getting a new treaty ratified is not going to be an easy proposition. Many Members of the Senate have been clear that because the administration is seeking nuclear force reductions, it must concomitantly take responsibility for the nuclear forces that will remain. We will have fewer of them. We need to know that they will work and that they are safe.

Of course, both of these issues are related to the nuclear posture review, which isn't really due until January. But since the administration rushed to its analysis to justify warhead and delivery vehicle reductions, it must now act quickly to assemble a comprehensive modernization plan that includes warheads, the nuclear weapons complex, and delivery systems. That plan has to be presented to the Senate no later than when they send the treaty up to the Senate, and the fiscal year 2011 budget will need to be sent at roughly the same time because it is the first year of the effectuation of the plan they would be presenting. Presumably, the plan will encompass maybe, let's say, a decade of nuclear weapons complex modernization, but next year's budget will really be the first time we will be able to verify the administration's seriousness about this modernization effort.

So as to ensure there is no doubt on what "comprehensive modernization plan" means, let me refer to the definition provided by the Perry-Schlesinger Congressional Commission on the Strategic Posture of the United States. The essential elements of such a program identified by the Perry-Schlesinger Commission are, first, full and timely Lifetime Extension Programs for the B61 and W76 warheads consistent with our military needs; second, funding for a modern warhead that includes new approaches to life extension involving replacement or, possibly, component reuse; third, full funding for stockpile surveillance work through the nuclear weapons complex as well as the science and engineering campaign at our National Laboratories; fourth, full funding for the timely replacement of the Los Alamos plutonium research and development and analytical chemistry facility, the uranium facilities at the Oak Ridge Y-12 plant, and a modern pit facility. These are the essential components the President needs to present. It is the minimum that should be included.

I might add that this is already required as part of the fiscal 2010 Defense Authorization Act I presume this body will soon pass and send to the President's desk. If anything short of this is submitted, the resulting delay in con-

sideration of the treaty will be through no fault of the Senate; instead, blame will be with the administration and its failure to heed numerous admonitions from Senators. We needed this plan submitted at the same time as the treaty.

It goes without saying that the administration must also understand that any limitations on U.S. missile defense or nonnuclear global strike capability will also be a deal breaker in the Senate.

Finally, I will refer again to the issue of Russia's multiple-warhead RS-24. In this case, it appears the Russians have cheated—if not in the letter of the START agreement, at least in its spirit—by converting one of their existing missiles, the TOPOL-M, to this new multiple-warhead variant.

However, if you look at the 2005 Section 403 Report, which is also known as the Adherence to and Compliance With Arms Control, Nonproliferation, and Disarmament Agreements and Commitments report, prepared by the State Department's VCI Bureau, there are a litany of other outstanding issues regarding Russia's failure to comply with START.

In fact, to quote from the 2005 report:

A significant number of longstanding compliance issues that have been raised in the START Treaty's Joint Compliance and Inspection Commission remain unresolved.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the portion of the 2005 report dealing with Russia's noncompliance with its obligations under the 1991 agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Mr. President, it is clear that the administration needs to tell the Senate whether this 2005 finding is still valid. In fact, I think the administration owes the Senate answers to the following questions:

When will the State Department submit the next section 403 compliance report?

Will the Senate see it before being asked to provide advice and consent on the START follow-on agreement? If not, why not?

Does the State Department expect the compliance issues with the 1991 agreement to be resolved prior to the expiration of that agreement?

Does the State Department expect the follow-on agreement to include a mechanism for swift resolution of compliance issues? Have our START negotiators proposed such a mechanism? If so, can the negotiators brief the Senate, either in open Senate or a closed venue, on how it would work?

I encourage the administration to provide answers to these questions soon. The longer it takes to receive answers, the more it appears there is

something to hide. Senators will want to know why we should ratify a new treaty when the administration is not enforcing provisions of the existing treaty.

Mr. President, keeping START from expiring without replacement should not have been such a difficult matter. I regret that choices made by the administration have made it so. I encourage the administration to respond to the inquiries I have raised today, respond to the letters, the correspondence we have sent, and be able to provide to the Senate the answer to the key question: Why would we be asked to ratify a new treaty when we have not enforced compliance with the treaty it would seek to replace? All of these questions, as well as the requirement that a new modernization program be submitted, at the latest, at the same time the treaty is submitted, are important requirements for the Senate to provide its advice and consent with respect to a new START treaty.

I yield the floor.

#### EXHIBIT 1

#### ADHERENCE TO AND COMPLIANCE WITH ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS

#### III. OVERVIEW

##### EXPANSION OF START COMPLIANCE SECTION

Section 403 of the Arms Control and Disarmament Act—the legislative basis for the submission to Congress of this series of Non-compliance Reports—requires that the Report provide greater specificity about compliance concerns. To wit, the law requires the Report to include “a specific identification, to the maximum extent practicable in an unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, non-proliferation, and disarmament agreements with the United States.” To comply with this requirement, this edition of the Report has included more information than ever before on, among other things, Russia’s implementation of the Strategic Arms Reduction Treaty (START).

To facilitate this effort, in 2003 the United States conducted consultations with the Russian Government regarding a number of longstanding, unresolved U.S. concerns about Russian compliance with the START Treaty—some of which actually date back to the first year of START implementation. These included Russia preventing U.S. inspectors from measuring the launch canisters of certain Intercontinental Ballistic Missiles (ICBMs) or verifying that certain ICBMs do not contain more warheads than attributed under the Treaty. The U.S. concerns also included Russia failing to provide all required telemetry materials for some START-accountable flight tests, failing properly to declare certain ICBM road-mobile launchers accountable under the Treaty, and locating some deployed SS-25 ICBM launchers outside their declared restricted areas. With respect to this last issue, however, it should be noted that Russia has taken steps that have resolved U.S. compliance concerns.

#### V. COMPLIANCE BY SUCCESSORS TO TREATIES AND AGREEMENTS CONCLUDED BILATERALLY WITH THE SOVIET UNION

##### THE STRATEGIC ARMS REDUCTION TREATY (START)

Belarus, Kazakhstan, Russia, and Ukraine are in compliance with the START strategic offensive arms (SOA) central limits. Both the United States and Russia met the START seven-year reduction final ceilings of 1,600 delivery vehicles and 6,000 attributed warheads by the December 4, 2001, deadline. By December 2001, these four Former Soviet Union (FSU) successor states had reduced their aggregate forces to 1,136 deployed launchers, 5,518 deployed warheads, and 4,894 deployed ballistic missile warheads, as defined by Article II of the Treaty, and all strategic weapons had been removed or eliminated from the territories of Ukraine, Belarus, and Kazakhstan. Additionally, START required the four FSU successor states to eliminate at least 154 heavy ICBM (SS-18) silo launchers by December 2001. In the original MOU, dated September 1, 1990, the Soviet Union declared 308 SS-18 heavy ICBM silo launchers. As of November 30, 2001, a total of 158 SS-18 silo launchers had been eliminated—104 in Kazakhstan and 54 in Russia—leaving a total of 150 deployed heavy ICBMs.

Notwithstanding the overall success of START implementation, a significant number of longstanding compliance issues that have been raised in the START Treaty’s Joint Compliance and Inspection Commission (JCIC) remain unresolved. The Parties continue to work through diplomatic channels and in the JCIC to ensure smooth implementation of the Treaty and effective resolution of compliance issues and questions.

The United States raised six new compliance issues during the period of this report. The United States considers four of these to have been closed. However, several previous—often long-standing—compliance issues remain unresolved. A number of these issues, some of which originated as early as the first year of Treaty implementation, highlight the different interpretations of the Parties about how to implement the complex inspection and verification provisions of the START Treaty.

##### ICBM ISSUES

Inability to Confirm during Reentry Vehicle Inspections (RVOSIs) that the Number of Attributed ICBM Warheads Has Not Been Exceeded. During RVOSIs of deployed Russian ICBMs, U.S. inspectors have been hampered, in some cases, from ascertaining whether the missile had a front section, or that the front section contained no more reentry vehicles (RVs) than the number of warheads attributed to a missile of the declared type under the Treaty.

The purpose of an RVOSI, as set forth in paragraph 6 of Article XI of the Treaty, is to confirm that a ballistic missile contains no more RVs than the number of warheads attributed to a missile of that type. The RVOSI procedures are referenced in paragraph 16 of Section IX of the Inspection Protocol and contained in Annex 3 to the Inspection Protocol. Paragraph 11 of Annex 3 allows the inspected Party to cover RVs. Inspectors have a right to view these covers and to measure hard covers prior to their placement on the RVs. The covers are then installed on the RVs before the inspectors view the front section. Under the Treaty, such covers must not hamper inspectors in ascertaining that the front section contains no more RVs than the number of warheads

attributed to a missile of that type. Russian RV covers, in some instances, are too large; consequently, they fail to meet this requirement.

During certain RVOSIs, Russia did not demonstrate to the satisfaction of the U.S. inspection team that additional covered objects located on the front section, and declared by Russia not to be RVs, were not RVs. Although START does not differentiate between nuclear and non-nuclear RVs, Russia’s willingness to use radiation detection equipment (RDE) during such RVOSIs to establish that the extra objects were not nuclear has been useful for resolving some, but not all, U.S. concerns.

Finding Russian RV covers, and their method of emplacement, have in some cases hampered U.S. inspectors from ascertaining that the front section of the missiles contains no more RVs than the number of warheads attributed to a missile of that type under the Treaty. Russian cooperation in the use of RDE and other measures has been helpful in addressing some, but not all, of the difficulties encountered by U.S. inspectors.

Russian Road-Mobile Launchers—“Break-in.” Russia has failed to declare certain road-mobile launchers of ICBMs when they first leave their production facility, as required by the Treaty. Russia has moved some of these launchers to an undeclared “break-in” area located over 60 miles from the production facility without declaring that they have left the production facility and are accountable under the Treaty.

Pursuant to paragraph 6(b) of Article III of the Treaty, a mobile launcher of ICBMs becomes subject to the Treaty limitations when it first leaves a production facility. Not later than five days following the first exit of such a newly produced non-deployed road-mobile launcher, and its entry into Treaty accountability, Section I of the Notification Protocol requires the Party producing the new Treaty-accountable item to provide a notification of this change in data. Except for transits, Parties are proscribed from locating non-deployed mobile launchers outside the boundaries of the START-declared facilities identified in subparagraph 9(b) of Article IV of the Treaty.

Finding. Russia continues to violate START provisions relevant to these obligations.

Deployed SS-25 Road-Mobile Launchers Based Outside Their Designated Restricted Areas. Russia based some deployed SS-25 road-mobile launchers outside their declared restricted areas (RAs) at two road-mobile ICBM bases while these RAs were under construction. The United States and Russia concluded a temporary, interim policy arrangement regarding the conduct of inspections and cooperative measures at the facilities where the launchers were housed during the period of construction. This arrangement permitted U.S. inspectors to conduct data update inspections and RVOSIs that they had not previously been able to perform, and allowed Russia to cooperate fully with providing cooperative measures access for the launchers that were previously unavailable. All of these road-mobile ICBMs and their launchers have since been transferred from their bases, and their declared RAs have been eliminated as START facilities.

Finding. Notwithstanding the interim policy arrangement, Russia’s practice of locating deployed SS-25 road-mobile launchers outside their declared RAs for long periods of time constituted basing in a manner that violated the provisions of paragraphs 1 and 9



of Article VI of the Treaty. This practice has ceased and the United States considers this issue closed.

Denial of the Right to Measure Certain Deployed ICBM Launch Canisters on Mobile Launchers. U.S. inspectors have been prevented from exercising the Treaty right to measure certain ICBM launch canisters on mobile launchers, both deployed and non-deployed, that are encountered during data update inspections to confirm data regarding the type of item of inspection. Russia, for instance, has prevented U.S. inspectors from measuring launch canisters for SS-24 ICBMs contained in rail-mobile launchers that are located within the boundaries of an inspection site. Similar concerns have arisen with regard to launch canisters for SS-25 and SS-27 mobile ICBMs located on road-mobile launchers. With regard to launch canisters for these latter types, Russia and the United States have agreed upon a policy arrangement to address this issue, though it has not yet been implemented for the SS-27 ICBM.

Subparagraph 20(a) of Section VI of the Inspection Protocol identifies ICBM launch canisters as one of the items of inspection for data update inspections. In accordance with the procedures in Annex 1 to the Inspection Protocol, inspectors have the right to confirm the number and, if applicable, the types of items of inspection that are specified for the facility to be inspected and declared for the inspection site, and the right to confirm the absence of any other item of inspection at the inspection site. Pursuant to paragraph 6 of Annex 1, inspectors may view and measure the dimensions of a launch canister declared to contain an item of inspection to confirm it is of the declared type.

Finding. Russia prevented U.S. inspectors from exercising their Treaty right to measure launch canisters for SS-24 ICBMs contained in rail-mobile launchers that are located within the boundaries of an inspection site, in contravention of paragraphs 1 and 6 of Annex 1 to the Inspection Protocol. With regard to launch canisters for SS-25 and SS-27 ICBMs located on road-mobile launchers, the Parties have agreed upon a policy arrangement to address this issue, but it has not yet been implemented for the SS-27 ICBM.

#### TELEMETRY ISSUES

As part of the START verification regime, the Parties are obligated to notify each other of missile flight tests and to exchange telemetry tapes, tape summaries, interpretive data, and acceleration profiles for each flight test of a START-accountable ICBM or SLBM. The United States has raised several concerns regarding Russia's failure to provide all Treaty-required telemetry materials for some START-accountable flight tests in violation of paragraphs 4 and 5 of Article X of the Treaty, and paragraph 1 of Section I and paragraphs 1 and 2 of Section II of the Telemetry Protocol.

Finding. Russia has in some instances failed to comply with Treaty requirements regarding the provision of telemetry information on missile flight testing pursuant to Article X of the START Treaty and Sections I and II of the Telemetry Protocol.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. KYL. Mr. President, I believe my colleague, Senator THUNE from South Dakota, will be here in a few minutes. Until he arrives, I thought this might be of interest. I promised my constituents I would tell my colleagues what they told me to tell them. I think it would be of interest to share some of these remarks.

I went to a meeting on Saturday morning that I thought was going to be a rather staid affair with folks who were primarily senior citizens, but not all of them were. It turned out to be a little bit reminiscent of some of those townhall meetings we saw on television during August because the subject most people wanted to talk about was health care. They weren't happy with what they were hearing the Senate was about to do. Among other things, they wanted to get it clear with me right off that I would pass on their concerns about this to my colleagues. I promised that I would. So let me summarize what some of them had to say and what I think the clear consensus of the group was.

First of all, they have a hard time understanding how Senators would pass a bill before we read it or even know how much it costs. I assured them that the procedure we would follow in the Senate was that we would have at least 72 hours after the bill had been finally written and after the Congressional Budget Office had scored the bill—that is to say, told us how much it would cost in all of its component parts and the ways it would be paid for. The reason I can feel fairly certain that will happen is because a number of colleagues on both sides of the aisle have either written to the majority leader or made it clear to him that they will not support a motion to proceed to a bill until we have had an opportunity to, in effect, read it and see how much it costs. That process could take some time, I told my friends. The Congressional Budget Office Director told the members of the Finance Committee, on which I sit, that it can take 2 to 3 weeks after the bill is written to come up with all of these calculations.

You will hear many people say we need to move this process on, even before we have the numbers. But I think that given the fact that most of us are committed to ensuring we have the numbers and can digest them and share them with our constituents before we debate and amend the bill, I assume the process will unfold in the Senate in such a way that we do know what it costs, and that means after the final CBO report is provided to us.

The next thing they wanted me to convey was that they were very wor-

ried about—in fact, maybe that would be a euphemism. They were more than concerned about the degree of government involvement in health care once this process is over. They fail to understand why we had to have what amounts to a government takeover of insurance in this country and dictating everything from what kind of insurance policy you have to have, to how doctors and hospitals are paid, in order to solve the two key problems that exist: No. 1, there are some Americans who need help buying insurance; second, that the costs of health care premiums continue to go up every year, and it is especially hard for small businesses to provide coverage for employees.

They asked me: Why do we have to change the entire system, with the government essentially taking it over?

I happen to believe we don't. I provided the two basic alternatives to them. One is a step-by-step approach that targets specific problems we have and matches up specific solutions to the problems, on the one hand, which is the approach I favor; on the other hand, essentially changing the insurance we all have today, creating a new insurance exchange, and all insurance would have to go through there. Even if you like your policy, it will change, and you are not going to be able to keep it.

Estimates are that, as a result of all of this, in an effort to cover 18 or 20 million more people with insurance, it is going to cost us close to a trillion dollars. It will raise taxes, it will raise insurance premiums, and it will require deep cuts in Medicare. They didn't like that. I guess that brings up the third thing.

With regard to Medicare, they were pretty perceptive in asking me the following basic question. One person said: One of two things is going to happen. Either it will be business as usual where we say we will make cuts in Medicare, but the Senate and the House never have the courage to do that, in which case this bill is going to cost a lot of money that is not offset by concomitant savings, or the savings are going to be made, and when they are made, it is going to deeply cut our benefits under Medicare.

That person was right. One of those two things is true, and neither one is a good result.

I remember a few years ago when we tried to reduce the growth in Medicare by about \$10 billion. Republicans and President Bush were excoriated; we were going to ruin Medicare, and our colleagues on the Democratic side took great glee in the public reaction to that proposal to decrease the growth in Medicare by \$10 billion.

Now we are talking about cutting Medicare by—I said \$500 billion. The Finance Committee money is actually \$450 billion. So let's be accurate. If that

is the way this bill comes out, \$450 billion, \$120 billion of that is reduction of benefits under Medicare Advantage. So when people say: You would not have your benefits cut, that first \$120 billion is a direct cut in benefits, and in my State a lot of seniors have Medicare Advantage policies.

The other way in which Medicare is cut—there are basically two things. One is reducing the amount of money we pay doctors and hospitals, and that cannot help but reduce the care we get. The final mechanism is a Medicare Commission is being established to provide—I think it is every year; maybe every 2 years, but let's say every year—an amount of money that will have to be cut and will automatically be cut from Medicare unless the Congress finds a different way to do it, but Congress would still have to cut the same amount. So we either do it the way we want to do it or we do it the way the commission recommends it. In any event, their recommendation automatically goes into effect if Congress does not act.

I have a couple thoughts about that point. We have never been able to effect these cuts in the past because seniors know that it cuts deeply into their care, and they have told us and we have reacted by saying: OK, we will not do it. We could react that way again, in which case all of the savings, or at least a great deal of the savings, that were supposed to result and offset the costs of the bill would not be there. So now the bill is no longer deficit neutral. Now it is not balanced. Now it does add to the deficit and to the debt. If we do allow those cuts to go into effect, seniors are clobbered by deep reductions in the care they receive all the way from nursing homes to physicians to hospitals to hospice, medical devices—you name it. As I said, neither of these results is a good result.

There were several people who wanted me to convey their thoughts in that regard. I happen to agree with them, so I could do that.

I met, after visiting with this group, with a group of spinal surgeons from all over the country and, in fact, from outside this country. I saw the agenda of their meeting. I was the last speaker. For a layman, such as you and I, Mr. President, it was daunting to read through that agenda—all of the latest techniques in using new laser and stints and all kinds of things that I did not understand, but it was the very latest technology and techniques for treating spinal diseases and conditions.

What they told me was—I was the last person to make a presentation—all of these great things we are doing for our patients we are not going to be able to do under this legislation, first of all, because it will be presumed to cost too much; second, because it will take the FDA and the other government agencies way too long to author-

ize its use for treating Medicare patients, for example; and, third, because the comparative effectiveness research which has in the past been used by these doctors to help them appreciate the best way, clinically, to treat someone is now going to be used to decide what Medicare can afford to pay. A lot of the more leading-edge techniques and technologies are not going to be approved for that purpose.

Their point was that people in China and Europe are going to be treated with the latest techniques more than Americans will because the American system of health care is going to deny people such as these experts the ability to do what they do.

One way this is being accomplished is by taking money away from specialists and giving it to general practitioners. There is a rationale for paying general practitioners—family doctors—more money. They are not making enough, and they are the first place most of us enter the medical world. If we have something that does not feel right, we go to our doctor. It is usually a family doctor. Frequently, he can help us, but frequently he says: I think there is something about what you have here that tells me I have to send you to a specialist. We go to the specialist then and he orders some specialized tests and he examines them and he may end up having to provide some kind of very specialized treatment and care that is probably going to cost more money.

While the family doctor needs to be paid more, we don't solve that problem by taking money away from the specialists. If we have to add money to the system to ensure that we have enough doctors who can provide quality care, then there is no free lunch and we have to pay for what we get. We should not make it a zero-sum game and take it from Dr. B in order to pay Dr. A. That was another strong message of these specialists.

I also happened to meet on Friday afternoon with a group of physicians in Phoenix from all different practices—from specialists to generalists, hospital physicians to others. To a person, they had this question for me. The way they asked it was, Why isn't anybody talking about medical malpractice reform?

I said: I am talking about medical malpractice reform.

They said: You are not getting through.

I said: The problem is there are a bunch of folks on the other side of the aisle who don't want medical malpractice reform, and you know why. And, yes, they understood the answer why.

I remind friends who might not have remembered, Howard Dean, a former Governor of Vermont and a former Democratic candidate for President and a former Democratic Party chairman was very candid in a townhall meeting in Northern Virginia on Au-

gust 17 with Representative MORAN where he told the group assembled there that the reason medical malpractice reform was not in the legislation is because they did not want to take on the trial lawyers.

That is true, but it does not make it right. Maybe somebody should take on the trial lawyers because there are a lot of estimates of how much money could be saved through meaningful medical malpractice reform. This jackpot justice system of ours that pays trial lawyers and requires physicians to pay as much as \$200,000 a year in liability insurance premiums—all of which, of course, have to be passed on to the cost of our care, and perhaps even worse than that, practice what is called defensive medicine—raises the cost of our health care. Defensive medicine is having all kinds of tests performed and maybe putting someone in the hospital an extra day or two all in order to protect from a liability claim that their doctor did not do everything he could to take care of this poor patient and, as a result, the patient got sicker and something bad happened.

There are a lot of estimates. First, one estimate is from a study that says 10 cents on every dollar spent on health care is paid in insurance premiums by physicians. Obviously, some of that will still have to be paid with medical malpractice reform, but it could be reduced as has been the experience in the State of Arizona and the State of Texas, which is the reason Senator CORNYN from Texas and I have introduced legislation that will provide modest reforms to the tort system by putting some modest caps on non-economic damages awards and providing that expert witnesses who testify have to be really expert witnesses in the area of the alleged malpractice.

These two things have saved enormous amounts of money. In Arizona, we don't even have caps on damages, but the Requirement that expert witnesses really be expert has ended up saving millions of dollars and reducing the malpractice premiums for physicians in the State of Arizona.

This is a reform we could accomplish on a bipartisan basis that not only would not cost anything, it would actually reap financial benefits. The Congressional Budget Office says just the savings to the U.S. Government—because we provide care under Medicaid, Medicare, and to our veterans—would save \$54 billion. There are a lot of estimates that are higher than that. There is one estimate that is over \$100 billion a year.

The Director of CBO acknowledged to people of the Finance Committee when we asked that \$54 billion savings would actually be approximately doubled if we take into account the private sector as well. In other words, not only the Federal Government would save that much money, which pays about half of

all health care dollars in the United States, the private sector, which pays the other half, could save a like amount of money.

These constituents wanted to know why doesn't anybody ever talk about it. I had to tell them we are talking about it. It is just that nobody is listening.

That kind of brings up the last point I want to pass on. After meeting with these three different groups in Phoenix and talking with people elsewhere I went over the weekend, it is pretty clear to me people are becoming very frustrated with their government, and this is not good. They don't think their government is listening to them. We are elected to be their representatives, to bring their ideas to Washington. Since they can't all study up on the issues as thoroughly as we are supposed to do, they trust us to not just to do what they want, not what they say, but to use our best judgment. But they do want us to listen to what they are saying and translate that into action.

What I hear them saying and what public opinion polls verify is they are very worried about the breadth and the depth of this proposed health care reform. They say it costs too much money; it is going to get us in debt; it will raise taxes which are going to be passed through to them; it is going to raise insurance premiums; and it is going to involve a massive government intrusion into what is primarily a private matter between them and their physician, with their insurance company added into the mix. They see this along the same lines as the government takeover of banks and insurance companies and car companies and everything else, and they don't like it.

One of the reasons they don't like it is because they see their own health care being delayed or denied as a result. They appreciate the fact that if the government gets so involved that it can begin to tell insurance companies what they can pay for and tell doctors what they can do for patients, that the next thing that will happen is their care will be delayed and denied and ultimately rationed.

I read a chapter in a book by our former colleague, former majority leader of the Senate, Dr. Bill Frist, a renowned heart surgeon. I talked with former Senator Frist about it last week. He actually served for about a year in England under their health system. He makes the point in his book that there are some good things about their health system. He said the bad thing is that if someone has a serious condition, unless they are at the top of the list, they run the risk of never having their serious condition dealt with.

He gave an example of a list of 100 patients who needed heart surgery. He said they would do two a day and gradually work down the list. He said what he found was that after a few

weeks, peoples' names were being taken off the list. They didn't need the surgery anymore because they had died. He said that would never happen in America. He said if we have 100 people who need heart surgery in America, we would figure out a way to get that heart surgery for them right away, and we wouldn't do two a day until we ran out of time and they ran out of life. He said that is really the difference in a system in which we are controlled by the amount of money the government chooses to put into the system every day versus the kind of system we have that takes care of people and worries about the cost later. That is why it is possible for us to say that even people without insurance get cared for. No one in this country should die because they don't have insurance because we will take care of them.

Obviously, having insurance makes the delivery of care easier, more timely, and much more cost-effective, which is why at the end of the day we want to see that everybody is insured.

The bottom line is that we do not need to throw out the baby with the bathwater, get rid of the system we have that currently takes care of most people very well in order to insure that last group of folks who don't have insurance. We can provide a voucher or subsidy to them and get them coverage.

The other thing we have to do is help to bring down the costs. Republicans have offered numerous solutions on how to do that without having the government take over the system. I mentioned one: Medical malpractice reform. It does not cost a dime, it will save billions of dollars, and it is good policy besides. So why don't we do it? Because there is a vested special interest that does not want it done. It will take money out of their pockets. That is wrong.

My question to all of my colleagues is, When are we going to stand up to the special interests? Everybody likes to whack at the insurance companies. How about taking a good hard look at the trial lawyers? And, by the way, while we are talking about insurance companies, Republicans offered several ideas on how to add more competition for the insurance companies so in those situations where they have it good, if we provide for certain reforms that we have offered, such as association health plans, small business plans, more flexible HSAs, interstate sales of insurance, all these things would provide more competition for the insurance companies and force them to lower their rates. This would make health care more affordable because it would help small businesses in providing health care for their employees.

All these things came up during these meetings. As I said, I promised my constituents I would be sure to pass their ideas on to my colleagues, and I

make these comments in that spirit, hoping that we will listen to our constituents not just in Arizona but in South Dakota and everywhere else around the country. And as a result of listening to a bunch of pretty common-sense folks, perhaps we will make wiser decisions here than we otherwise would have.

I see my colleague from South Dakota is here. He had some very erudite comments to make on one of the television shows on Sunday, and I am happy to yield the floor for Senator THUNE.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Mr. President, I thank my colleague for yielding the floor, and I appreciate listening to his observations about the current state of the health care debate.

Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THUNE. Mr. President, as my friend from Arizona noted, there are many things about the current debate that I think raise questions with the American people. He was discussing what he had heard back in his State of Arizona regarding the current debate that is before the Congress and the concerns people have, the anxiety, the frustration, and, frankly, the fear that I think a lot of Americans have about what happens and what the ultimate result may be. For instance, will this health care reform effort lead to higher costs for them? Will it lead to questions about whether they will be able to retain that fundamental, essential relationship between the patient and the doctor?

Those are, I think, very valid questions. Frankly, we don't have answers to them because, one, we don't have a bill. We haven't seen a bill. That bill is being written, we are told, in the majority leader's office. There will be a handful of people in that room. There will not be input from our side, let alone from many Democrats in the Senate. It is going to be basically cranked out and at some point we will have a bill that will be put on the floor before the entire Senate. Having said that, it is interesting to me that this week we are going to have a vote in the Senate on an issue which, frankly, is very much a part of the debate over health care reform and yet that vote is being separated out. I think there is a reason for that, which I will come back to in a moment.

I think it is important and telling that the first vote on health care reform here in the Senate is going to be to add a quarter of a trillion dollars to the Federal debt. That is right, \$250 billion—or \$247 billion, to be precise—is going to be added to the Federal debt

because what the majority leader has decided to do is to bring legislation to the floor this week that would address the physician reimbursement issue. We all believe that needs to be addressed. There is no one on our side of the aisle who doesn't believe we need to address the challenge that we will face in January of this coming year. Physicians across this country, if we don't take steps, are going to be subjected to a 21½ percent pay cut. That is not something anybody I know of in this Chamber is willing to abide.

But we have a fundamental difference about whether that ought to be addressed in a way that is paid for, that actually doesn't borrow \$250 billion from future generations. The reason I say it should have been in the health care reform bill, but wasn't, is because it is a part of that debate. In fact, the House of Representatives included the physician reimbursement issue in their version of health care reform and put it out of balance, but at least they were honest. They dealt with it in the context of health care reform, because it is fundamental to addressing the health care issues we have in this country. The reason I think it was left out of the Finance Committee bill, the Baucus bill, is because they knew if they put that in the bill, it would put their bill out of balance, and we had the big proclamation that had come out about how this is deficit neutral, that it is going to add \$81 billion in surplus, that it is actually going to save money in the long run.

Obviously, if you back out \$250 billion, you can make your books balance in the near term. But what you are doing is adding a quarter of a trillion dollars to the debt, which this year was \$1.4 trillion—three times what we have ever seen here in the last 40 years or so. The last time we have seen debt of this magnitude in terms of a percentage of our gross domestic product was right after World War II. But the debt this year is three times what we have seen in recent history—at least in this last decade.

I think the first point I would make is that the first vote out of the gate on health care reform should not be to add a quarter of a trillion dollars to the Federal debt and to pile this burden on future generations of Americans. In fact, there is a bumper sticker going around right now, which I think is perhaps pretty descriptive of what is happening in Washington, and it says something to the effect: "Don't tell those people out in Washington, DC what comes after a trillion dollars." I think the American people are sitting out there wondering, when we talk about billions and billions and billions, and now we are talking trillions and trillions and trillions, what comes after that? And yet we continue to spend and borrow as if there is no tomorrow. I think the American people

are picking up on that, and obviously they want to see a government that lives within its means just as they have to every single day in their personal lives, in their businesses, and most people who have to live within balanced budgets.

It is a lesson I think Washington could learn. It is essential that we don't continue to pile this burden of debt on future generations of Americans. The deficit last year was \$1.4 trillion. It is estimated if we stay on the current trajectory that we will double the Federal debt in 5 years, triple it in 10 years, and at the end of the 10-year period, the average part that each household in this country will own of that entire Federal debt obligation is \$188,000. So if you are a family in America today or say you are a young couple who has just gotten married, and looking at your life ahead of you and planning for your future, you are going to get a wedding gift from the Federal Government—a big old IOU for \$188,000. That will be everyone's share of the Federal debt.

What we do here with the first vote out of the gate on health care reform is add a quarter of a trillion dollars to that Federal debt. A quarter of a trillion dollars used to be a lot of money in this town. When you start talking about \$1.4 trillion deficits, maybe it doesn't seem like that anymore. I think that is why the American people are asking, and probably fairly so, what comes after a trillion dollars. When you add a quarter of a trillion dollars to the debt, the total interest payment on that amount over the 10-year period, if you can believe this, is \$136 billion. So we are adding \$136 billion in additional interest payments that we are going to have to make over the course of the next 10 years by borrowing an additional quarter of a trillion dollars to address the physician reimbursement issue.

I say all that because I think it bears on the bigger question of health care reform and the fact that right now we have competing bills: One in the House, called the tricommittee bill, if you will, which does spend, over a 10-year period, about \$2.4 trillion; the Senate HELP Committee bill, which over a 10-year period spends \$2.2 trillion; and the Senate Finance Committee bill, which over a 10-year time period spends \$1.8 trillion—until now. When we add in this \$250 billion for physician reimbursements, that now pushes the number on that particular bill up to about \$2 trillion as well.

So what we have is a whole new expansion, a whole bunch of new spending on health care by the taxpayers in this country. Obviously, it has to be paid for somehow. Most of it is paid for by cuts to Medicare reimbursements that providers in this country would receive, paid for in the form of higher taxes that would be borne by small

businesses, by individuals, and would ultimately lead to the final outcome of this big debate, which is higher premiums. The whole purpose of this was to reduce the cost of health care for people in this country by reducing and driving down what they paid for health insurance. But as has been pointed out, I think over and over now in response to questions posed by members of the Senate Finance Committee in answers from the CBO Director, these tax increases—roughly dollar for dollar—will be passed on in the form of higher taxes. In fact, some of the taxes in the House bill hit squarely at small businesses and hit squarely at individuals. The CBO and the Joint Tax Committee, which looked at the Finance Committee bill, concluded that 90 percent—87 percent, I should say, as far as the Joint Tax Committee and 89 percent was the CBO estimate—of the tax burden would fall on taxpayers—on wage earners—making less than \$250,000 a year. In fact, the Joint Tax Committee went so far as to say a little over 50 percent of that tax burden would fall on wage earners making less than \$100,000 a year.

So the tax burden is going to be borne by people who were promised they wouldn't pay higher taxes in the health care reform proposals, and it was stated by the President and others that we wouldn't tax people who make less than \$250,000 a year. That is clearly not the case. There is a 5.4 percent surcharge on high-income earners in the House bill which would be borne largely by small businesses, many of whom file, because of the way they are organized, on their individual tax returns. So you are going to have higher taxes on small businesses, higher taxes on middle-class Americans, and this explosion and expansion of Federal Government here in Washington to the tune of \$2 trillion.

You would hope then that you would see that would have some positive impact on health insurance premiums. The reality is, as I said earlier, it does not. I think as the debate broadens and we become engaged on health care reform, the American people are going to come to that conclusion, which is why I think they are very concerned about what is happening here in Washington.

The other point I will make is that one of the objectives of health care reform—in fact, to me, health care reform ought to be about driving health care costs down, not increasing them, which is what all these bills do—was that it was designed to cover people who aren't currently covered, to provide access to more Americans. What we are seeing now with all these various bills is there are lots of people who get left out. Under what they call the House bill—the tricommittee bill—17 million Americans still would not have health insurance. Under the Senate HELP Committee bill, that number is

much higher. It is 34 million who would still not be covered. But there is an assumption there, although it wasn't included in the bill, that Medicaid would be expanded. That would cover more people. So that number may be overstated. But the Senate Finance Committee assumes 25 million people will be without health insurance.

So you will have higher taxes, a tremendous amount of higher spending—up to about \$2 trillion under any of these bills—and an expansion of government here in Washington, DC, cuts to Medicare reimbursements—to seniors—across this country, and all for what? Higher premiums for most Americans, for people who currently have insurance, to hopefully cover some Americans. When you are spending \$2 trillion, there ought to be some advantage to that, but clearly a lot of Americans are still going to be without health insurance when this is all said and done.

I am concerned. I think a lot of our colleagues here in the Senate—and not just on our side of the aisle, but I think a number on the other side too—have expressed concerns about starting the debate a quarter of a trillion dollars in the hole by putting a bill on the floor that is going to spend a quarter of a trillion dollars—\$250 billion—over the next 10 years that is not paid for. That puts any bill that is considered later completely out of balance, and it is a gimmick that is designed to allow the President and the Democratic majority to say our health care reform bill is deficit neutral. Well, sure, if you take the \$250 billion and back it out, it is easy to say it is deficit neutral, when in fact now it is going to be \$200 billion. They have about an \$80 billion overage on the bill in the Finance Committee, but it is still going to be \$200 billion out of balance when you do this, again, to be financed with more debt and more borrowing, which is exactly what I think we want to avoid, and particularly when you are running deficits as far the eye can see.

This last year, about 43 cents out of every dollar that was spent here at the Federal level—in Washington, DC—was borrowed. There isn't anyplace in America where you can function like that and still be in business. If you are a person doing that in your personal household finances, you would be forced into bankruptcy. If you were a small business, you would be forced into bankruptcy. Frankly, were it not for the fact that other countries around the world are financing America's debt, we would be in bankruptcy. Because you can't borrow 43 cents of everything you spend, as we are doing here in Washington, DC. In fact, to put it in perspective—and a lot of Americans understand this—if you are a family with an annual income of \$62,000, it would be the equivalent of spending \$108,000. That is what we are doing here

in Washington, DC. Of all the money we spend in a given year, 43 percent of that is borrowed. We cannot continue to sustain that.

I hope that before this bill comes to the floor, we can reach an agreement about amendments that might be offered. I would say our side, the Republican side, has amendments it would like to offer to this bill that would help pay for it, help reduce the amount or perhaps entirely reduce the amount that would be borrowed in order to finance the physician reimbursement fix, on which we all agree. As I said, there is not anybody on this side who does not agree that needs to be done. In fact, Senator CORNYN offered an amendment to the bill that would provide a 2-year fix, a 2-year solution to the problem for physician reimbursement. It was voted down. It was defeated, that amendment, in the Senate Finance Committee.

We are looking. We are proactive. We have to address this issue. This issue was created by the Balanced Budget Act back in 1987. I was a Member of the House of Representatives at the time. I voted for that balanced budget agreement, but it included what was called a sustainable growth rate formula by which physicians are reimbursed. As I said earlier, in January of this year, based upon that formula, physicians would receive a 21.5-percent reduction in their fees, in their reimbursements.

Everybody here—I should not say everybody. I can't speak for everybody. But I think most Senators on both sides of the aisle acknowledge that issue has to be addressed. We need to fix that, but we have to do it in a way that is fiscally responsible. We want an opportunity to offer amendments that would allow us to do that.

As of last week, that request was being rejected. There was going to be a cloture vote today, which I understand now has been vitiated, which means perhaps the leaders are working together on an agreement that would allow Senators on both sides to offer amendments to this legislation that would help pay for it.

I think it is telling that there are Democrats who are uncomfortable with the idea of adding  $\frac{3}{4}$  trillion to the Federal debt with the very first vote we will cast on health care in the Senate Chamber.

I hope we can reach an agreement. I hope the leaders will be able to do that and this will be an open process, that we debate, and there will not be any mad rush to try to cut off debate. Rather, Senators on our side would have an opportunity to fix the issue that is going to put a lot of physicians in a very uncomfortable position if we do not address it but do it in a way that also is fair to the American taxpayer and make sure we, as a nation, are honoring the responsibility we have, not just to fix this issue for

today but to provide a better and brighter and more secure future for future generations of Americans. It is a future which, I would add, is very much in jeopardy and in peril if we continue to spend and borrow and tax at the rate that is contemplated in the health care reform bill but, more important, with the very first vote on that health care proposal, which is to add \$250 billion to the Federal debt.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. CASEY. Mr. President, I rise to talk about health care in three ways, three different subjects but all vitally important to making sure we get the job done in the next couple weeks. As many Americans know, in the Senate right now, we have the HELP Committee bill that passed in July and the recent passage of the Finance Committee bill coming together in a merger process which is days away from completion or certainly in the near future. As that process unfolds, there are parts of our bill, meaning the HELP Committee bill, that I hope remain intact or at least, in large measure, are left as part of the final Senate bill.

One part is on the issue of children's health insurance. We had an important debate about this program, which was authorized in 2009, so that within the next several years, within the next 4 years, maybe by the end of 4 years, we will have as many as 14 million children across America covered by that program, a tremendous advancement from where we were even 10 years ago. It has shown results in a lot of places. It is a well-tested program.

One of the more recent debates, within the Finance Committee, was whether children in CHIP, whether that program itself would be stand-alone—as I believe and as I am glad the Finance Committee agreed with me and with others—or whether it would be folded into the exchange. They didn't do that in the Finance Committee. I am glad they did not.

In this instance, we have a program which started in States such as Pennsylvania back in the early 1990s and then became a national program in the mid-1990s, about 1997. What we have seen in Pennsylvania are tremendous results. I ask unanimous consent to have printed in the RECORD a one-page survey by the Pennsylvania Insurance Department from 2008 about uninsured

numbers, ages zero to 18 and then 19 to 64.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Estimated Number of Pennsylvania Children and Adults Who Lack Health Insurance by County <sup>1</sup>								
County	Age 0 to 18				Age 19 to 64			
	Uninsured	Insured	Total	% Uninsured	Uninsured	Insured	Total	% Uninsured
Adams	2,331	21,766	24,097	10%	9,558	53,515	63,073	15%
Allegheny	5,883	274,523	280,406	2%	69,529	665,405	734,934	9%
Armstrong	1,590	13,415	15,005	11%	4,330	38,093	42,423	10%
Beaver	2,143	36,695	38,838	6%	12,914	92,130	105,044	12%
Bedford	1,771	9,336	11,107	16%	6,047	24,200	30,247	20%
Berks	3,770	96,735	100,505	4%	27,803	216,690	244,493	11%
Blair	572	28,417	28,989	2%	8,212	67,702	75,914	11%
Bradford	983	14,062	15,045	7%	4,740	32,474	37,214	13%
Bucks	4,575	147,546	152,121	3%	34,950	353,694	388,644	9%
Butler	898	43,541	44,439	2%	9,864	102,590	112,454	9%
Cambria	276	31,312	31,588	1%	11,095	76,889	87,984	13%
Cameron	45	1,168	1,213	4%	372	2,845	3,217	12%
Carbon	462	12,681	13,143	4%	5,534	33,222	38,756	14%
Centre	344	31,119	31,463	1%	11,730	82,134	93,864	12%
Chester	1,440	122,984	124,424	1%	24,300	275,731	300,031	8%
Clarion	544	8,518	9,062	6%	3,777	20,901	24,678	15%
Clearfield	759	16,863	17,622	4%	7,502	42,994	50,496	15%
Clinton	160	8,490	8,650	2%	2,538	19,831	22,369	11%
Columbia	1,036	13,555	14,591	7%	5,966	34,076	40,042	15%
Crawford	616	21,033	21,649	3%	8,190	45,437	53,627	15%
Cumberland	4,188	46,941	51,129	8%	16,021	124,999	141,020	11%
Dauphin	3,882	58,147	62,029	6%	14,038	143,028	157,066	9%
Delaware	9,362	136,524	145,886	6%	36,927	294,072	330,999	11%
Elk <sup>2</sup>	440	7,340	7,340	6%	1,371	18,590	19,961	7%
Erie	1,539	68,984	70,523	2%	16,250	153,179	169,429	10%
Fayette	1,569	30,051	31,620	5%	15,348	73,428	88,776	17%
Forest	42	1,137	1,179	4%	649	3,567	4,216	15%
Franklin	2,225	30,731	32,956	7%	13,814	70,357	84,171	16%
Fulton	134	3,272	3,406	4%	1,131	7,899	9,030	13%
Greene	333	8,393	8,726	4%	3,667	22,128	25,795	14%
Huntingdon	642	9,118	9,760	7%	4,043	24,908	28,951	14%
Indiana	1,261	18,459	19,720	6%	6,284	48,583	54,867	11%
Jefferson	814	9,387	10,201	8%	4,031	23,322	27,353	15%
Juniata	219	5,438	5,657	4%	1,785	12,239	14,024	13%
Lackawanna	3,267	43,955	47,222	7%	19,025	105,589	124,614	15%
Lancaster	16,301	114,518	130,819	12%	25,582	267,379	292,961	9%
Lawrence	1,011	19,973	20,984	5%	7,713	46,223	53,936	14%
Lebanon	1,290	28,407	29,697	4%	8,554	67,877	76,431	11%
Lehigh	2,745	79,598	82,343	3%	28,697	174,562	203,259	14%
Luzerne	2,129	65,441	67,570	3%	14,100	174,269	188,369	7%
Lycoming	1,402	25,987	27,389	5%	9,719	61,528	71,247	14%
McKean	453	9,696	10,149	4%	5,250	21,313	26,563	20%
Mercer	1,205	26,519	27,724	4%	10,083	59,853	69,936	14%
Mifflin	542	10,402	10,944	5%	3,116	23,793	26,909	12%
Monroe	795	40,919	41,714	2%	16,895	88,087	104,982	16%
Montgomery	7,379	182,900	190,279	4%	34,577	437,010	471,587	7%
Montour	106	4,114	4,220	3%	1,106	9,385	10,491	11%
Northampton	890	67,579	68,469	1%	19,189	161,434	180,623	11%
Northumberland	411	18,772	19,183	2%	5,548	49,900	55,448	10%
Perry	971	9,785	10,756	9%	4,030	24,681	28,711	14%
Philadelphia	26,012	373,302	399,314	7%	131,608	728,700	860,308	15%
Pike	1,386	11,986	13,372	10%	6,267	30,232	36,499	17%
Pötter	191	4,096	4,287	4%	1,779	8,474	10,253	17%
Schuylkill	197	29,556	29,753	1%	9,371	81,244	90,615	10%
Snyder	699	8,697	9,396	7%	2,181	21,297	23,478	9%
Somerset	688	15,474	16,162	4%	6,613	41,350	47,963	14%
Sullivan	46	1,300	1,346	3%	482	2,992	3,474	14%
Susquehanna	982	8,730	9,712	10%	4,278	21,287	25,565	17%
Tioga	898	8,563	9,461	9%	3,159	21,517	24,676	13%
Union	1,264	7,975	9,239	14%	6,601	21,497	28,098	23%
Venango	629	12,068	12,697	5%	5,038	28,339	33,377	15%
Warren	321	8,978	9,299	3%	2,963	22,172	25,135	12%
Washington	1,416	43,772	45,188	3%	17,036	108,985	126,021	14%
Wayne	301	10,758	11,059	3%	5,271	25,529	30,800	17%
Westmoreland	1,827	75,593	77,420	2%	21,682	201,168	222,850	10%
Wyoming	230	6,522	6,752	3%	1,889	15,452	17,341	11%
York	4,166	94,872	99,038	4%	34,215	226,913	261,128	13%
Total	138,558	2,858,488	2,997,046	5%	877,927	6,680,883	7,558,810	12%

1. Figures derived from the 2008 Health Insurance Survey conducted by Market Decisions LLC for the Pennsylvania Insurance Department (PID). All numbers and percentages are estimates and have margins of error that must be considered in any assessments or comparisons. (See the section on survey methodology in the survey, available on the PID Web site). This chart does not reflect what portion of the uninsured may be eligible or may qualify for CHIP, adultBasic, Medicaid, or any other government program. 2. Due to the small number of uninsured children found in the sample in Elk county, the number was estimated based on the results in adjacent counties.



Mr. CASEY. What this chart shows is when we compare individuals who happen to be zero to 18 in age versus 19 to 64, we find that in Pennsylvania, across the 67 counties, we have an uninsured rate of 5 percent among children. So ages zero to 18, it is 5 percent uninsured. It is still too high—we want to bring that down to zero—but much lower than it had been. But among the age category 19 to 64, meaning everyone above the age of 18 prior to the time they have an opportunity to receive Medicare, 12 percent are uninsured in Pennsylvania. I doubt that is much different across the country.

One of the lessons from that is that when we take concerted action to focus, whether it is public resources or private resources but of a strategy for health care, we can bring the numbers down dramatically. So children's health insurance in Pennsylvania is in much better shape than it was 10 or 15 and certainly 20 or 25 years ago. But we haven't, as a country, begun to focus on that age category 19 to 64. If it is 12 percent in Pennsylvania, it is probably similar across the country because there has been no strategy for people in that age category comprising our workforce.

We have to bear that in mind. When we have one category with an uninsured rate of 5 percent versus another that is more than double that at 12 percent, we have to continue to focus strategies in the debate on that age category. In this process of coming to a bill, I believe there are several policies and several strategies that will get us to the point where the rate for ages 19 to 64 will come down as well. As many Americans know, the Affordable Health Choices Act, the bill from the HELP Committee, has as its goal and is premised upon the idea of covering as many as 97 percent of the American people. We finally have a strategy for every age group in addition to what we have tried to do for children and what we have done to help older citizens, over more than 40 years now, over the age of 65 or 65 and up.

One of the parts of the HELP Committee bill which does not get a lot of attention is a part of the bill which is set forth in sections 3201 to 3210. It starts on about page 228 of the HELP Committee bill. I know these bills are big, well more than 800 pages, but this section on the Community Living Assistance Services and Supports Act, the so-called CLASS Act, is a breakthrough—I think to be understated—because what it does is provide individual Americans who have functional limitations to be able to continue working but also to provide some of the help that goes into providing them the wherewithal to continue working.

Here is what the fundamental purpose is. I am reading from the summary: The fundamental purpose of the bill “is to establish a national vol-

untary”—voluntary—“insurance program for purchasing community living assistance services and supports in order to provide individuals with functional limitations with tools that will allow them to maintain their personal and financial independence”—probably the most important word in that paragraph—“and live in the community through a new financing strategy for community living assistance services and supports,” and “establish[ing] an infrastructure that will help address the Nation's community living assistance services and supports needs, and alleviate burdens on family caregivers.”

What we have now, unfortunately, in many places is two or three major problems. The individuals themselves are not able to work sometimes; they have an inability to work because of limitations, and they are not able to pay for the kind of care they need. That is the main problem.

The second problem is, in many families, caregivers try to make up for that. If the family member with limitations cannot pay for services, family members provide the kind of services they would hope to get from some other person or entity.

What we are doing here is relieving a burden on individuals so they can be fully functional and independent because of the support and help they get, such as someone coming into their home in the morning to help them get off to work and to be able to meet them at the end of the day and help them with so-called activities of family living, things we all take for granted in our daily lives: everything from feeding and bathing and other fundamental things that all of us have to do every day. With a little bit of help from someone, many Americans can lead a life of employment, a life of dignity, and a life of contribution to our economy.

It also gives some real help to family members. So we will talk more about the details of how this works. I should mention the person who was the driving force on this legislation—and he and his staff worked on this for years—was the late Senator Kennedy. He spent many years developing this program, developing the CLASS Act, and making sure it was part of our bill. That is why we wanted to make sure it was part of the Affordable Health Choices Act, and it should be part of the final health care legislation we enact here in the Senate. If we are going to do the right thing, it will be in the bill. I think most people here want to do the right thing as it relates to people with functional limitations who can contribute more to their workplace and contribute more to our economy.

Senator Kennedy's work was focused not just on providing a program to give people that opportunity, his focus was also: How can we do it in a way that is

fiscally responsible? Well, this program provides not just a lot of help for people with limitations and their families, but it also does not cost the Federal Government in the process because people will be paying in overtime and then have the opportunity to use those resources when they need them.

Let me finally move to another area in the remaining time I have. In addition to the importance of preserving the Children's Health Insurance Program the way it is right now—which I think was a great advancement in the Finance Committee—in addition to enacting legislation which will have the CLASS Act as part of it, the third thing I am going to mention today is an issue that has received a lot of attention, but sometimes we do not highlight some of the elements that are very important to the American people. I speak of the so-called public option, which in our Senate health care bill, the HELP Committee bill, is entitled the “Community Health Insurance Option.”

One of the most important parts of the bill—in fact, I think the first word in the section is the word “voluntary.” When I was going across Pennsylvania talking to people about our health care bill—and our bill passed in July, so when I was on the road in August, we had a chance to talk about a bill, not just a concept but a bill we had already passed out of committee—some people who were opposed to the public option would ask a question or make a statement, and often they would say to me: Well, I don't want to be forced into some government program and lose my ability to choose or lose some of the rights I have now.

I would point to the Community Health Insurance Option section of the bill and say: The first word is “voluntary.” There is no requirement here. I think that mythology kind of got ahead of the truth. It is voluntary; that is, voluntary as it relates to an individual but also voluntary as it relates to a provider.

Second, as to the benefit package, as we wrote it in our bill, in the HELP Committee, it would meet the so-called gateway. In our bill we call it a “gateway.” In the other bills, they call it an “exchange.” But it meets the gateway standard by offering coverage that has an essential benefit package, including ambulatory patient services, emergency services, hospitalization, maternity and newborn care, mental health and substance abuse services, prescription drugs, rehabilitative services and devices, preventive and wellness services, and pediatric services. States can offer additional benefits beyond that essential benefit package with any cost of such additional benefits being assumed by the State. So that is what the public option in our bill, the Community Health Insurance Option, would offer as a benefit package.

The premium rates will be set by the Secretary of Health and Human Services at an amount sufficient to cover expected local costs—local costs. So you are going to have a lot of impact and relevance as to what is happening in the local community. And also—this is very important—the Community Health Insurance Option has to meet solvency standards. It cannot just operate and not worry about standards that involve solvency. If there are States that have higher levels or higher requirements as to solvency, the public option would have to meet that.

The reimbursement rates will be negotiated by the Secretary and shall not be higher than the average of all local—local—gateway reimbursement rates.

I mentioned the importance of solvency as a requirement.

Startup funds will be provided by the Treasury to cover costs of initial operations and cover payments for the first 90 days of the plan's operation. But then that public entity, which is State based, would have to pay the money back over time. I think that is critically important to point out.

Finally, State-based advisory councils will provide recommendations to the Secretary on operations and policies regarding the Community Health Insurance Option, to take advantage of local innovative efforts and meet local concerns. So this is not some entity that is going to operate in Washington. It is an entity that will have not just public input and local input and local relevance but actually will take advantage of local innovative efforts that we see all across the country. I know in Pennsylvania there are hospitals or hospital systems or communities that do things a different way and are very successful, and we have to be giving them the opportunity to have that kind of flexibility.

I believe it is the right thing to do to have as part of the final bill a public option. I believe our bill we passed out of committee is the right way to do it. Others might have another version of it. But I believe the Community Health Insurance Option is a voluntary, focused way to make sure we are injecting real competition and thereby lowering costs but also enhancing choice.

One thing we do not want to do at the end of this road is limit choices people have. A lot of people will stay with their private insurance policy or their private plan. They will want to stay there. But others may say: I am in such a predicament or I am in such a cost situation that I need to choose a public option.

Finally, Mr. President—I will wrap up with this—I believe this debate has been critically important to the American people, even the debates that get a little heated. It is very important we get this right. It is very important we have spent the time we have spent over

these many weeks and months. But we are reaching the point now where we are down to weeks, thank goodness, not months.

I believe we can get this right, we can put in place strategies to give people peace of mind, so when they go to work in the morning, they do not have to worry, as they do, about health care—the cost of it, the burden of it, being denied coverage because of a pre-existing condition or having a child denied coverage because of that or a loved one. I believe we can also begin to wrestle the costs to the ground and not have them spiraling upward, as they have been doing for 10 or 15 or more years. I also believe we can enhance choice and quality.

Even with all the debates we are having, all the disagreements we sometimes have here in Washington, there is a lot of consensus about the need to pass a bill, about the need to enhance prevention efforts and quality efforts. I believe we can get there. But we will continue to highlight some major aspects of the bill, and we are going to continue to fight hard for these fundamental priorities of health insurance reform.

Mr. President, with that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, how much time is remaining on the Republican side?

The ACTING PRESIDENT pro tempore. There is no divided time at this point. Morning business goes until 4:30 p.m.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, after a lot of serious debate and discussion, we apparently are about to come to the point where we have our first vote on health care reform.

What is it the Democrats—those on the other side—propose we do? Add one-quarter of a trillion dollars to the national debt. I thought this debate was supposed to be about reducing costs—reducing costs to the government and reducing costs to individuals across this country who cannot afford to pay for health care insurance. And then, as we find ways to reduce the costs of what we are doing, we can begin to expand health care coverage to the Americans who do not have insurance. But it is as big a problem—or bigger—today that those who do have health care insurance—and that is about 250 million of us out of 300 million—that many Americans cannot afford their health care.

So our focus is, I thought, on cost. How do we reduce costs to the government and costs to the American people? What we see is that the very first vote on health care reform will be on a proposal to increase the debt by \$247 billion over 10 years in order to pay for Medicare doctors reimbursements. This is not the insurance companies talking. This is not the Republicans talking. This is not one news commentator talking. This is the proposal by the Democratic side, that the first vote will be to increase the debt by a quarter of a trillion dollars.

I wish to talk for a few minutes about this bill as we see it. Here we are supposed to be having legislation to reduce the costs to the government, and we apparently are going to, as the first step in the wrong direction, add a quarter of a trillion dollars to the government. The second thing we are trying to do is to reduce your costs—the costs that each of us pays for our health care insurance. The outlines of the bill we see coming through the Congress would actually increase premiums.

I would ask the American people and ask my colleagues: If our goal is to reduce costs—and we are adding to the debt and increasing premiums instead of reducing premiums and reducing the debt—why are we doing this?

Let me start first with adding a quarter of a trillion dollars to the debt. Here is what the proposal would be. You will remember a few days ago there was a great deal of congratulations when the Finance Committee finished a lot of hard work, and they said: This is a deficit-neutral bill. It doesn't add anything to the debt. That is what the Congressional Budget Office said based on a series of assumptions. That is something to be proud of because the President himself has said he won't sign a piece of legislation that adds one dime to the debt, and then he added to that, "and I mean it," like a parent who wanted to make sure he was being heard by unruly Members of Congress.

I am glad he said that. I heard him say it earlier in the year when he had a summit on the condition of the Federal budget. Democrats and Republicans—we all went down to the White House. People came in and said: If we don't do something about the increasing debt in our country, our children and grandchildren aren't going to have a country. That was not overstating it. Everyone at the President's summit agreed that the principal cause of runaway debt in America is health care. It is Medicare and Medicaid.

Just these past few days—here is the weekend newspaper in Tennessee. This is the Nashville Tennessean on Saturday: "Deficit leaps to \$1.4 trillion." I think most Americans—I know at least most Tennesseans—are deeply concerned about this. But lest you think a Republican Senator is exaggerating the

problem, let me just read a few paragraphs from the Associated Press story:

Deficit leaps to \$1.4 trillion. Economists warn of crisis if U.S. fails to act.

This is an Associated Press story.

What is \$1.42 trillion? It's the federal budget deficit for 2009, more than three times the most red ink ever amassed in a single year.

It's more than the total national debt for the first 200 years of the Republic, more than the entire economy of India, almost as much as Canada's, and more than \$4,700 for every man, woman and child in the United States.

Yet the first proposal, the first vote on health care is going to be to add to that debt.

The Associated Press article continues:

As a percentage of U.S. economic output, it is the biggest deficit since World War II. And, some economists warn, unless the government makes hard decisions to cut spending or raise taxes, it could be the seeds of another economic crisis.

Yet the first vote on the health care reform bill will be to add a quarter of a trillion dollars over the next 10 years to the national debt.

Quote:

"The rudderless U.S. fiscal policy is the biggest long-term risk to the U.S. economy," said Kenneth Rogoff, a Harvard professor and former chief economist for the International Monetary Fund.

Quote:

"As we accumulate more and more debt, we leave ourselves very vulnerable."

Yet the first vote that is proposed on the health care reform bill is to add a quarter of a trillion dollars to the national debt. This seems unbelievable.

I ask unanimous consent to have printed in the RECORD following my remarks the article by the Associated Press from the National Tennessean of last Saturday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, the issue at hand is something with which we are all very familiar. It is called the doctors reimbursement problem. When the 40 million seniors on Medicare go to see a doctor, the doctor is paid at a rate set by the government. That rate is only about 80 percent of what the doctor would be paid if the doctor was seeing a person with private health care insurance.

There is a complicated formula in the law that says those doctor payments will go down over the next several years—by as much as 25 percent over the next 2 years. The Congressional Budget Office has estimated that over the next 10 years, just to pay physicians the same they are being paid today, which I don't think very many physicians would be happy with, will cost \$247 billion more than is accounted for in the Baucus bill that came out of the Finance Committee.

So they just assumed it wouldn't be paid to physicians and the doctors would be, in effect, paying for the health care bill.

Well, suddenly some people on the other side of the aisle said: Oh, we can't do that, so we will just separate it from the health care debate. Actually, I think they have done us all a favor because they have made it the first vote on the health care reform bill. So we will have a chance to vote up or down on whether we want to add a quarter of a trillion dollars to the national debt. My experience in life is that most people remember their first impression, and if their first impression of voting on the health care reform bill is that the Congress starts off by just brazenly adding a quarter of a trillion dollars to the national debt at a time when the deficit has just leaped to \$1.4 trillion in 1 year, then I think the American people will have a pretty good idea of what we are about here.

I think the President doesn't—I can't imagine him wanting this, based upon his saying, "I will not sign health care reform that adds even one dime to our deficit." And this is part of health care reform, make no mistake about that. This is part of the bill. It is part of the problem. We are looking at health care over the next 10 years. That is the way our budget cycles work. Everyone is scoring it or estimating its costs based upon what it costs over the next 10 years. To pay doctors 10 years from now what they are being paid today—which I doubt many doctors would be very happy with—will cost \$247 billion.

So instead of saying, let's find ways to cut other programs or raise taxes, we say, let's add a quarter of a trillion dollars to the debt. Adding a quarter of a trillion dollars to the national debt as the first step in the health care reform debate is the first step in the wrong direction. Of course we need to fix the problem of doctors reimbursement. It needs to be a part of what we do this year in health care reform. But just as with other parts of health care reform, we don't add to the debt to do that. At least that is what the President has said. At least that is what Republicans have said. And at least that is what the American people are saying at a time when the debt goes up and up and up.

The next problem is that not only is the cost to the government going up and our first vote on health care reform about to be to add to the debt, the outlines of the bill we are seeing increases premiums.

Over the weekend, the President said: Well, it is those mean old insurance companies trying to mislead you.

You don't have to be an insurance company to understand that the premiums are likely to go up. In the first place, the Finance Committee reduced the penalty you pay if you don't buy insurance to a level that will cause a

lot of people not to buy insurance—at least that is the estimate of many—and if younger people especially don't buy insurance, the pool of people who do buy insurance gets smaller and the people in that pool find their premiums going up.

No. 2, the bill says—the outlines of the bill; of course we don't really have a bill. We will have a bill within the next several weeks, I imagine, or maybe several days. The bill says it is going to make it more expensive for my sons—one who is 30 and one is 40—to buy insurance and closer to what it costs for me. Right now across the country, I might pay eight times as much for my insurance as younger people do, but under this law it is going to say: We don't like that big gap between younger people and older people, so it might have to be two to one or three to one. Basically, it raises the cost of insurance for young people as a way of reducing it for older people. That means the premiums of younger people will go up, and it also means they may elect to get out of the system, make the pool smaller, and as a result of that, all premiums would go up.

No. 3, there is a provision in the law that says you must buy in many cases a government-approved health care insurance. Many people choose a high-deductible insurance where you only buy insurance for the big problems you know you can't afford and you pay less for your monthly premiums that way. A government-approved insurance policy might make it not as easy for you to do that. One estimate in Tennessee is that the cost for one of these high deductible plans would go from \$50 a month to \$400 a month—a big increase for those who buy high-deductible insurance policies. That is the third way your premium might go up.

Then the fourth way and final way, in addition to this concept we see coming from the Finance Committee that your premiums might go up, is there are \$955 billion in new taxes. They say that is if we are taking a 10-year period after the program is fully implemented. They say: Well, those are taxes on other people. But they are taxes on your insurance company, taxes on the person you buy a medical device from, taxes on other people in the health care industry. What do you suppose companies do in any area that get additional taxes? For the most part, they pass those taxes on to you.

So there have been a number of independent observers who have said that because the individual mandate has been weakened, because young people are going to have to pay more for their insurance as compared to older people, because the government-approved policy is not going to allow so many high-deductible policies that many Americans like, and because nearly \$1 trillion in taxes is eventually going to be over 10 years passed on to people who buy

insurance, for all of those reasons, premiums are likely to go up.

So we are about to begin the debate on this floor on health care reform. It is one we need. What Republicans believe—and I see my friend from Delaware who I gather wishes to speak, and I will wind up so he can. But here is what we should do. We need health care reform, but health care reform is first and foremost about reducing costs, first to the government and next to individuals. To re-earn the trust of the American people on this score, we should start step by step with specific proposals that reduce costs; for example, allowing small businesses to pool their resources and offer insurance to their employees. Our own committees have estimated that this could add millions of people to the insured rolls. Second, reduce junk lawsuits that drive up costs. We disagree about how much it drives up the cost of insurance, but we don't disagree that it does. Third, allow people to buy insurance across State lines. That would create more competition. Fourth, create more health insurance exchanges so people can shop and find more different kinds of policies. Fifth, most all of us agree we need to encourage more health information technology and make health care simpler in that way. Perhaps we could even agree to change the tax incentives so that they don't all go to one group of people and are not going to lower and middle-income people.

There are four or five or six or seven ideas we could go step by step with to reduce costs. If we did that, we would be moving in the right direction. It is the wrong direction to start the health care debate with a vote that adds a quarter of a trillion dollars to the national debt at a time when we just added \$1.4 trillion to the national debt in the past year. Of course we need to fix the doctors reimbursement, but it needs to be paid for by—it can't be added to the debt.

Whatever steps we take ought not just reduce the cost to the government; they need to reduce the costs to Americans, all of us who have health care insurance. Let's find ways to go step by step to reduce costs to the government and to reduce costs to premium holders and not start off by adding a quarter of a trillion dollars to the national debt.

#### EXHIBIT 1

[From the Tennesseean]

#### DEFICIT LEAPS TO \$1.4 TRILLION

(By Martin Crutsinger)

WASHINGTON.—What is \$1.42 trillion? It's the federal budget deficit for 2009, more than three times the most red ink ever amassed in a single year.

It's more than the total national debt for the first 200 years of the republic, more than the entire economy of India, almost as much as Canada's, and more than \$4,700 for every man, woman and child in the United States.

As a percentage of U.S. economic output, it's the biggest deficit since World War II.

And, some economists warn, unless the government makes hard decisions to cut

spending or raise taxes, it could be the seeds of another economic crisis.

Treasury figures released Friday showed that the government spent \$46.6 billion more in September than it took in, a month that normally records a surplus. That boosted the shortfall for the full fiscal year ending Sept. 30 to \$1.42 trillion. The previous year's deficit was \$459 billion.

"The rudderless U.S. fiscal policy is the biggest long-term risk to the U.S. economy," says Kenneth Rogoff, a Harvard professor and former chief economist for the International Monetary Fund. "As we accumulate more and more debt, we leave ourselves very vulnerable."

Forecasts of more red ink mean the federal government is heading toward spending 15 percent of its money by 2019 just to pay interest on the debt, up from 5 percent this fiscal year.

President Barack Obama has pledged to reduce the deficit once the Great Recession ends and the unemployment rate starts falling, but economists worry that the government lacks the will to make the hard political choices to get control of the imbalances.

Friday's report showed that the government paid \$190 billion in interest over the last 12 months on Treasury securities sold to finance the federal debt. Experts say this tab could quadruple in a decade as the size of the government's total debt rises to \$17.1 trillion by 2019.

Without significant budget cuts, that would crowd out government spending in such areas as transportation, law enforcement and education. Already, interest on the debt is the third-largest category of government spending, after the government's popular entitlement programs, including Social Security and Medicare, and the military.

As the biggest borrower in the world, the government has been the prime beneficiary of today's record low interest rates. The new budget report showed that interest payments fell by \$62 billion this year even as the debt was soaring. Yields on three-month Treasury bills, sold every week by the Treasury to raise fresh cash to pay for maturing government debt, are now at 0.065 percent while six-month bills have fallen to 0.150 percent, the lowest ever in a half-century of selling these bills on a weekly basis.

The risk is that any significant increase in the rates at Treasury auctions could send the government's interest expenses soaring. That could happen several ways—higher inflation could push the Federal Reserve to increase the short-term interest rates it controls, or the dollar could slump in value, or a combination of both.

#### SPENDING LIKELY TO INCREASE

The Congressional Budget Office projects that the nation's debt held by investors both at home and abroad will increase by \$9.1 trillion over the next decade, pushing the total to \$17.1 trillion under Obama's spending plans.

The biggest factor behind this increase is the anticipated surge in government spending when the baby boomers retire and start receiving Social Security and Medicare benefits. Also contributing will be Obama's plans to extend the Bush tax cuts for everyone except the wealthy.

The \$1.42 trillion deficit for 2009—which was less than the \$1.75 trillion that Obama had projected in February—includes the cost of the government's financial sector bailout and the economic stimulus program passed in February. Individual and corporate income taxes dwindled as a result of the recession. Coupled with the impact of the Bush

tax cuts earlier in the decade, tax revenues fell 16.6 percent, the biggest decline since 1932.

Immense as it was, many economists say the 2009 deficit was necessary to fight the financial crisis. But analysts worry about the long-term trajectory.

The administration estimates that government debt will reach 76.5 percent of gross domestic product—the value of all goods and services produced in the United States—in 2019. It stood at 41 percent of GDP last year. The record was 113 percent of GDP in 1945.

Much of that debt is in foreign hands. China holds the most—more than \$800 billion. In all, investors—domestic and foreign—hold close to \$8 trillion in what is called publicly held debt. There is an additional \$4.4 trillion in government debt that is not held by investors but owed by the government to itself in the Social Security and other trust funds.

#### INFLATION IS A THREAT

The CBO's 10-year deficit projections already have raised alarms among big investors such as the Chinese. If those investors started dumping their holdings, or even buying fewer U.S. Treasuries, the dollar's value could drop. The government would have to start paying higher interest rates to try to attract investors and bolster the dollar.

A lower dollar would cause prices of imported goods to rise. Inflation would surge. And higher interest rates would force consumers and companies to pay more to borrow to buy a house or a car or expand their business.

Most economists say we have time before any crisis hits. In part, that's because the recession has erased worries about inflation for now. In its effort to stimulate the economy, the Fed cut a key interest rate to a record low last December and is expected to keep it there possibly through all of next year. Demand for loans by businesses and consumers is so weak that low rates are not seen as a recipe for inflation.

Robert Reischauer, a former head of CBO, said that in an optimum scenario, Congress will tackle the deficits next year. A package of tax increases and spending cuts could be phased in starting in 2013 and gradually grow over the next decade.

Mr. ALEXANDER. I thank the President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

#### EXTENSION OF MORNING BUSINESS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that morning business be extended until 5:30.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### IN PRAISE OF KENNETH E. CARFINE

Mr. KAUFMAN. Mr. President, I rise once again to recognize the service of one of America's great Federal employees. I feel fortunate to have a chance to stand here each week and share so many inspiring stories. Since the spring, I have recognized the contribution of public servants from a number

of Departments, including Defense, Labor, Agriculture, and Justice, as well as Agencies such as NASA and CIA. Today, I will be speaking about an outstanding employee from the Department of the Treasury.

This is a time of great challenge to our economy, our markets, even the power of our currency. But the men and women of the Treasury and its various agencies and offices are working tirelessly on recovery and securing our prosperity. The impact they make through their daily work can be felt from coast to coast. Public servants at the Treasury Department serve on the front lines of job creation, public investment, and the management of tax income. They carry on the tradition of Alexander Hamilton, our first Treasury Secretary, who believed the health and prosperity of our Nation depended on the strong management and oversight of public funds. He laid the foundations of America's financial system, which the employees in the Treasury Department reinforce each day.

Kenneth Carfine has been serving the American people and the Treasury Department for 35 years.

A graduate of the University of Baltimore, Kenneth joined the Treasury Department's Financial Management Service in 1973, the same year I came to the Senate to work for then-Senator BIDEN. During his time there, Kenneth worked in banking, cash management, payments, check claims, and government-wide accounting.

In recent years, he has worked under the Fiscal Assistant Secretary, serving as an adviser to senior department officials. His intellect and diligence have been critical as the Treasury addresses economic recovery.

Earlier this year, Kenneth helped direct the Treasury's implementation of its responsibilities under the American Recovery and Reinvestment Act. He led the development of two new departmental programs aimed at spurring economic growth. One of them helps renovate affordable housing for struggling families, and the other funds renewable energy initiatives.

Kenneth has also earned respect as a leader in cash-and-debt management infrastructure. Americans who use a national debit card to receive their Social Security benefits have him to thank for leading the implementation of this program.

His hand has helped shape how the Treasury deals with debt financing, trust fund administration, cash management, and a range of services.

Kenneth Carfine and all of the hardworking employees of the Treasury Department are leading the way toward economic recovery and sound fiscal management of the taxpayer's money. I hope my colleagues will join me in thanking them all for their service to our Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. WHITEHOUSE. Madam President, I have spoken many times on this floor about the urgency of the need to reform our broken health care system, to expand access to insurance, to improve below average results, and to bring down costs. In a speech to the joint session of Congress, the President eloquently described the challenge of this moment:

I am not the first President to take up this cause, but I am determined to be the last. It has now been nearly a century since Theodore Roosevelt first called for health care reform. And ever since, nearly every President and Congress, whether Democrat or Republican, has attempted to meet this challenge—in some way. . . . Our collective failure to meet this challenge—year after year, decade after decade—has led us to the breaking point.

We are at the breaking point for Nancy from Barrington, RI, a single mother and accomplished music teacher who lost her full-time job and currently teaches part time at a local university. Nancy has paid the full cost of health insurance out of pocket so her two children would not go without coverage. But now they have graduated from college, they are no longer eligible to be on her insurance policy, and they work at jobs that don't provide health care benefits. So Nancy is now thinking about selling her home, their childhood home, to prevent her family from going without health insurance. Nancy writes:

Between the three of us, we are desperate for a workable solution to our health insurance needs. For the first time in my life I feel utterly disenfranchised by my own society.

We are at the breaking point, not just for Nancy but for so many Rhode Islanders who have shared with me their stories—stories of loss, stories of sorrow, stories of frustration, stories of personal and family disasters, in a treacherous health care system that offers all the care you need until you need it.

We are also at the breaking point nationally. Our country's economic future may well depend on the reforms and investments we now craft to control costs and wring savings from the system.

One measure of the potential savings is the recent report of President Obama's Council on Economic Advisers, comparing the share of America's gross domestic product spent on health care to the share spent by our industrialized international competitors, and evaluating the wide variation in health care expenses region to region within the United States.

The report estimates annual excess health care expenditures of about 5 percent of GDP. That translates to over \$700 billion a year in excess cost. They are not alone. The New England Health Care Institute reports that as much as \$850 billion in excess costs every year "can be eliminated without reducing the quality of care." That is \$850 billion.

Former Treasury Secretary O'Neill, the Treasury Secretary in the Bush administration, has written recently that the excess cost in our health care system is \$1 trillion a year. The Lewin Group, a consulting firm that is well regarded on health care issues, has estimated that excess cost exceeds \$1 trillion per year. So is it \$700 billion a year? Is it \$850 billion a year? Is it \$1 trillion a year? Whatever it is, it is a savings target worth an enormous executive and legislative effort, particularly when the evidence is that achieving these savings will actually improve health care for the American people.

Where will these savings come from? Well, the savings await us in quality of care. For instance, the Keystone Project in Michigan reduced infections, respiratory complications, and other medical errors in some of Michigan's intensive care units between March 2004 and June 2005, a little over a year. The project saved 1,578 lives, 8,120 days that patients otherwise would have spent in the hospital but did not have to because they did not get the infections or the complications and, as a result, over 165 million health care dollars, just in Michigan, just in intensive care units, just in 1 year, and not all of the intensive care units.

In my home State, the Rhode Island Quality Institute has taken this model statewide with every hospital participating. We are already seeing hospital-acquired infections and costs declining. There is a similar opportunity in disease prevention. The Trust for America's Health found that investing \$10 per person per year in programs that increase physical activity, improve nutrition, and prevent tobacco use could save the country more than \$16 billion annually within 5 years.

Out of that \$16 billion in savings, Medicare would save more than \$5 billion, Medicaid would save more than \$1.9 billion, and private payers would save more than \$9 billion. So that is quality of care and prevention.

A third area for significant efficiencies and savings is the insurance industry's contentious, inefficient billing and approval process. The battle

over approvals for treatment and claims for payment creates a colossal burden on our health care system, causing perhaps 10 to 15 percent of the insurance industry's expenditures because the hospitals and the doctors and the providers have to fight back. That 10 to 15 percent of the insurance companies' expenditures casts a cost shadow over the provider community which is probably bigger than the insurance industry spends, because they are less efficient at fighting back than the insurance company is at tormenting them.

It all adds no health care value. None. It is pure administrative costs and cost shifting. Rhode Island providers have told me over and over that half of their personnel are absorbed in this battle and not providing health care. They are at the doctor's office, they work there, but they are not providing health care. They are busy fighting with the insurance company.

Even the insurance industry estimates that \$30 billion per year could be saved through simplifications of the process. That relates to a fourth area, the overall inefficiency and waste that plagues the private insurance market.

While administrative costs for Medicare run about 3 to 5 percent, overhead for private insurers is an astounding 20 to 27 percent. A Commonwealth Fund report indicates that private insurer administrative costs have more than doubled in the past 6 years. From 2000 to 2006, they increased 109 percent.

The McKinsey Global Institute estimates that Americans spend roughly \$128 billion annually—\$128 billion annually—on excess administrative overhead in the private health insurance market.

A fifth savings area is investments in our infrastructure of health information technology; secure electronic health records, for instance, electronic coordination between your doctor and your specialist and your pharmacy and your hospital and your laboratory. These investments promise big savings as well, \$162 billion per year, according to one RAND study, and possibly twice that.

Finally, reform of how we pay for health care will yield enormous dividends. At the moment we mostly pay on a piecework basis. The more you do, the more you are paid. No surprise that we do a lot and pay a lot. Since the best care, the best quality care is so often less intrusive but better designed and better coordinated, this payment reform presents another win-win opportunity: better health care and lower cost, hand in hand.

There is a problem, though. For many of these reforms, CBO cannot fully score the savings they would yield, and thus their importance has been minimized in our debate. CBO can only estimate health care costs and savings that have historic precedent.

For example, on the cost side we have the experience of Medicaid, and the Children's Health Insurance Program. So CBO can estimate how much it will cost to expand the coverage to needy families, as we importantly do in this bill.

On the savings side, however, CBO's capability is limited because there is not a lot of information to forecast from. CBO's Director has been refreshingly candid about this. In a recent letter to Senator CONRAD, he wrote the following:

... changes in government policy have the potential to yield large reductions in both federal health expenditures and federal health care spending without harming health. Moreover, many experts agree on some general directions in which the government's health policies should move, typically involving changes in the information and incentives that doctors and patients have when making decisions about health care ... Yet, many of the specific changes that might ultimately prove most important cannot be foreseen today and could be developed only over time through experimentation and learning.

So to summarize: Large reductions in costs are possible. The general direction in which to move to achieve them is agreed. But experimentation and learning are necessary to get there.

Even with those analytical limitations, CBO has recognized some cost savings created by several innovative reforms in the Finance Committee's bill. For example, CBO forecasts that an independent nonpartisan commission of experts with authority to determine provider payment rates under Medicare will save the Treasury \$22 billion over a 10-year period.

It also credits Medicare payment reforms that seek to prevent hospital readmissions with \$2.1 billion in savings; incentives that encourage physicians to group together in cost savings organizations with \$4.9 billion in savings, and payment reforms aimed at preventing health care-acquired infections with \$1.5 billion in savings.

But as you have seen, in comparison to the numbers I talked about earlier, those are trivial projections, chump change against the excess cost of our health care system. Americans owe the Congressional Budget Office a particular debt of gratitude for how incredibly hard they have worked these past weeks and months. CBO performs a valuable service.

But its professional discipline requires it to score legislation basing its calculations on what it can chronicle has happened in the past. And we have not yet been where we need to go in health care reform. Moreover, getting there will require leadership, creativity, and perseverance in executive administration, with constant adjustments and improvements along the way to achieve our goal.

Those factors of executive administration are beyond the capability of

CBO to predict. The distinguished Presiding Officer was the Governor of the State of New Hampshire. She knows well, having served as Governor, what a difference executive administration can make in areas where there is intelligent and sustained focus. Well, CBO cannot predict whether intelligent and sustained focus will occur, so they cannot predict the answer to that question.

Let me mention one further reform now that we are on the subject of executive administration, a final reform that can bring leadership and creativity toward achieving all of these goals in quality, in prevention, in payment reform, and in information technology. That is the reform that can bring leadership and creativity to pulling all of those reforms together, a public health insurance option, a government-run publicly handled plan that can provide affordable coverage in a market where premiums have increased 128 percent in 8 years.

A public option can bring vigorous competition to a market so monopolistic it would make Andrew Carnegie blush, will force private plans to minimize bloated administrative costs which have increased, as I said, 109 percent over those 6 years. The public option can pass along savings to consumers in the form of reduced premiums, and can end the wasteful practice of fighting with doctors and patients over reimbursement.

The public option is our best chance for executive implementation of the delivery system innovations and reforms I have described. Skillful executive administration will be required just as for every other element of reform. But public plans across the country, driven not by private motives but by the public good, set new standards of quality and efficiency in a market that has lost its way.

The point of this reform must be to turn around a health care system that is now spiraling out of control. We spend 18 percent of our GDP on health care. The next highest spending nation in the world is Switzerland at 11 percent. Even if our success is limited to shaving a few percentage points off our national expenditure on health care, that success will be worth hundreds of billions of dollars a year. Yes, there will need to be an initial investment in health care reform, but the potential savings are multiples larger.

CBO's inability to score these savings does not mean they aren't real and achievable. Given the looming threat to America's fiscal security that is now presented by our health care costs, these savings are not only real and achievable, they are essential. They are necessary. We are bound to achieving them, and we must not fail. For that reason, I call on the Obama administration to begin defining a health care savings target from delivery system reform—from health information



infrastructure, from quality improvements, from illness prevention, from more transparency and less bureaucracy, from reform of what we pay for in health care and, ideally, all implemented rapidly and fairly by public plans around the country. They need to set a target.

If the administration does not set a savings target, there is no way the vast apparatus of the Federal Government will wheel adequately toward achieving this goal. If we fail to achieve those savings, all our dreams—our dreams of universal coverage, our dreams of affordability, our dreams of a public option—will crumble like castles built on sand.

Let's take the most conservative number from President Obama's own White House, \$700 billion a year in annual excess cost. Let's assume the best we can do is to eliminate less than one-third of that excess cost—not all of it, not even half of it, less than one-third. Let's assume it takes a few years to meet that goal; let's say 4 years. That would still permit reform savings of \$200 billion a year by 2014. By then, our annual health care expenditures will have climbed well over \$3 trillion. So that \$200 billion annual savings would be only one-fifteenth, about 7 percent, of the cost, then, of our bloated health care system, a system now costing twice as much as other developed nations' health care systems that cover everyone. That goal, 7 percent off a system that costs twice as much as in other nations, does not seem unreasonable.

I will ask the administration: What is your annual savings target out of that \$700 billion to \$1 trillion a year in excess cost? What is it, and when will you achieve it? Soon you will have a bill out of this Congress that gives you the tools to achieve these savings. When you have that bill, I will ask for a number and a date.

I will urge the administration: Be bold. President Kennedy did not know how to get to the Moon when he promised that we would, but he knew we had the talent and the technology to do it, if we had the President's commitment behind it. Sure enough, it happened.

I would also remind the administration of this: We have to achieve these savings anyway. This is not an extra political hurdle the administration would have to clear. This is the bar we must clear if our Nation is to return to fiscal health and if our dreams of universal coverage and affordability and good public health and a humane, efficient health care system are all to be realized. Again, if we don't clear that bar, all those dreams crumble in our hands like dust.

Let's step forward now and make a commitment to some hard, firm measure of savings out of our bloated and inefficient delivery system.

I thank the Chair.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, pretty much daily over the last couple of months when the Senate has been in session, I have come to the floor to share letters I have received from people in Findlay, OH—where I was today—Toledo, Sandusky, Mansfield, Lebanon, all over the State. These are letters from people who want to tell me why we need health care reform. These are letters mostly from people I have not met, people who know we need to change some things in this country.

What is interesting is that one of the common themes that run through these letters—in letter after letter after letter—is that people thought they had pretty good health insurance. They were satisfied with their health insurance. If you asked them a year or two ago: Do you have good health insurance, they would have probably said yes. But then they found they had a child who was diagnosed with a pre-existing condition, so they were denied insurance, or they got sick and they went above the annual or lifetime cap on costs they did not even know was in their insurance policy, so the insurance company then rescinded them—is the term they use—there was a rescission to eliminate or take away their policy, or they were discriminated against for other reasons, or in many cases they lost their job and lost their insurance.

In case after case, these are people who are mostly middle class, people playing by the rules, paying their taxes, raising their kids, keeping their communities prosperous, and they typically have lost much of what they had.

I want to share some of these letters with my colleagues, particularly colleagues who are not so certain, colleagues who still defend the health insurance system and think we do not need significant change, so that they would maybe understand some of these problems a little better.

The first letter is from Wilkins from Youngstown, which is in northeast Ohio. He writes:

I'm an unemployed former steel worker from Youngstown. I've been struggling to afford my premiums for COBRA while on unemployment and looking for a job.

COBRA is a bit of a cruel hoax. It is a good program for people who can af-

ford it. But COBRA is for when you lose your job that you can keep your insurance if you pay what you are already paying, plus you pay the employer's side of the insurance. That is almost impossible to do for most people who lose their job for a very long period of time. They are only eligible for COBRA for up to 18 months anyway. He writes:

Due to a pre-existing condition of high blood pressure, I had no choice but to continue my coverage under COBRA.

If he had a break in his health care, if he canceled his health insurance and tried to get other less expensive insurance, he would have been denied coverage because of his preexisting condition. He writes:

I'm 59 years old and have been working temporary jobs just to get by, but none offers health insurance. I barely make enough to afford my blood pressure medication.

I've depleted my savings while watching my unemployment insurance run out.

That is something else that this Chamber must consider. I just saw Senator SHAHEEN from New Hampshire a moment ago. She has helped lead the fight on extending unemployment benefits for people whose insurance has run out, something, unfortunately, day after day we have tried to do here, and a Republican Senator has stood up and objected and we have not been able to push that through yet. Unemployment insurance makes so much sense with so many people—from Dayton to Springfield to Chillicothe to Zanesville—who cannot find a job and have seen their unemployment insurance run out.

Wilkins writes:

I'm sick of high insurance premiums. I worked for 38 years and now I have no health care coverage.

They threw me away like an old shoe. It's me today and it could be anyone tomorrow.

I may not have three years to live until I receive Medicare if I can't afford my medicine.

I need health reform now. It just can't wait.

One of the other themes that runs through these letters is that people who are in their late fifties or early sixties and do not have insurance are just praying—praying—they can get enough help and stay well enough, stay healthy enough so they can make it until they are 65 and they can get Medicare.

What does that say? Wilkins from Youngstown worked for 38 years. He lost his job because of what has happened in the steel industry. He cannot afford COBRA. He cannot afford his blood pressure medicine. He is working part-time jobs just to try to get by. He is praying he can get to 65 so he can get health insurance under Medicare—a program that looks a lot like the public option would look if we pass that legislation in the next couple of months.

Robin from Cuyahoga County, in the Cleveland area, writes:



My son just graduated from college and his coverage under his Dad's employer is coming to an end.

While he has found an entry level job, he is not currently a full-time employee and does not have health insurance.

He is incredibly healthy, but when he was in high school he was diagnosed with a heart condition, which could require surgery as he ages, but not for decades [his doctor believes].

As my son was searching for insurance, he was honest about this condition. Each company he called denied him.

So now, a 22-year-old with no history of any illness—

A young man, 4 or 5 years older than the pages who sit in front of us—

but who at some point in the future might need medical support, can't get health insurance.

Instead of creating a system that provides him incentives and proactive monitoring of his condition—

To keep him as healthy as we can—

we have a system that drives him away, doesn't encourage preventive measures, and ends up costing everyone more. I encourage you to take every action possible to put an end to health insurance companies denying coverage for preexisting conditions. We need a system that puts an emphasis on preventive care.

Robin is right about her son. Under our health care bill, as the Presiding Officer from Alaska understands, anyone who chooses to can stay on his mother's or father's health insurance until reaching the age of 26. So her son would have 4 more years on their health care plan under our bill that we are going to debate on this floor in the next few weeks. Robin's son would be able to keep his insurance until he was able, down the line, to get a better job with insurance. Obviously, under our bill, he is going to have access to insurance anyway. But one of the things to help young people as they go into the workforce—maybe they are living at home, just moved out of the house, finishing college or coming home from the military, but so many young people lose insurance because they are working at often low-paying jobs that don't provide insurance for their employees.

Beatrice from Summit County, the Akron area, writes:

As a recent retiree due to economic downsizing, I am left to purchase an expensive insurance plan. But I am not sure how much longer I will be able to pay for the premiums. I only recently got a temporary contractor job that can end at any time.

After 37 years of employment with the same company, it is sad to think that after all those years, I am unable to afford to pay my insurance premiums and unable to collect my Social Security since I retired early.

As my anxiety and stress increase, additional health problems have surfaced. I am not old enough to qualify for Medicare and unable to afford private insurance or COBRA.

I'm asking for your help in supporting health reform that benefits all Americans.

Beatrice is another example. She has worked for a company—as did Wilkins from Youngstown, who worked for

some 30-plus years, 38 years. Beatrice from the Akron area has worked at the same place for 37 years. Both lost their jobs. Both can't afford COBRA. Both can't get insurance. Both are seeing their health compromised.

If you have worked someplace for 30 years and you are in your 50s and you are hoping you can stay alive and stay more or less healthy until you are 65, think of the stress that comes with that; the stress of trying to find insurance; the stress of fighting with insurance companies if you do have a pre-existing condition or they put a cap on their coverage and what that does to people's health care. No place in the world, no developed, wealthy nation such as ours puts their citizens through these constant battles with insurance companies, these unending fights when insurance companies do all they can to take coverage away from people who thought they had coverage.

I spoke to the Fendley Rotary today in a community in northwest Ohio which experienced terrible flooding a couple of years ago and I am working with them to help with the Army Corps of Engineers to get a flood mitigation project put together so these floods don't continue to happen on the Blanchard River. We were talking about the insurance industry.

I don't dislike the insurance industry. I think they do what they have to do because they compete with one another and each does these same business practices. But understand, first, they don't want to cover you if you are not healthy. They would rather not write an insurance policy if you are not healthy, so they hire all kinds of people to make sure they don't take you if you have a preexisting condition or if they think you are going to be an expensive risk. That is on the one hand. Then on the other hand, if you have already been insured by this company, if you already have insurance, they have a whole battery of employees who are there to try to deny coverage. I read the other day that close to 30 percent of claims are initially denied by insurance companies—30 percent. So the insurance industry spends all this money to keep people out who are sick, whom they don't want to insure, to find out if there is any preexisting condition or other reasons not to insure them; and then they hire a whole battery of people to try to deny payment, to deny claims if you have an expensive claim against the insurance company.

Again, no other country in the world does that. A lot of countries rely on private insurance, but they are private not-for-profit insurance companies. They are not companies that try to exclude you from getting coverage, and then if you have coverage and you get really sick, try to cut you off so you don't get your costs paid for, you don't get your claims paid for. It is simply a business model that works for the in-

surance industry, but it sure doesn't work for the American public. It doesn't work for people who thought they had decent insurance.

The last letter I will read comes from James. James writes:

I've paid all of my life for health insurance and now I can't afford it because I'm unemployed. Because I had no insurance, I've had to go to the emergency room, which cost me over \$1,300. I've worked and had health care all my life and now I'm told it could cost me \$100 up front to even be seen by a doctor. We need a health care system that works for all of us.

One story, one letter after another. I know when the Presiding Officer is in Fairbanks or Anchorage or anywhere around Alaska, he is hearing the same thing from people, through letters and individual conversations from so many people who thought they had good insurance, only to find out they don't when they get sick; people who are just hanging on until they can get a good government plan, Medicare, when they turn 65; people who have worked hard all of their lives and played by the rules and feel like a discarded old shoe, as the gentleman from Youngstown wrote.

I think about what our health care plan will do and how we are going to change the system and make it work for these four people in Ohio and for hundreds of millions of people around the country, where anyone who is satisfied with their health insurance under our plan will be able to keep it, and at the same time we are going to build consumer protections around those plans. We are going to ban certain practices, including no more preexisting condition exclusions, no more discrimination based on disability and gender and geography and age and race or anything else. No more saying to women, You can't get coverage because you were a victim of domestic violence and that is a preexisting condition. Believe it or not, insurance companies do that sometimes. No more saying to a woman who had a C-section, Sorry, you can't get insurance, that is a preexisting condition because the next baby will have to be a C-Section again and that is too expensive for us.

The second thing the bill will do with consumer protections built around it is it will assist small business, giving incentives to small businesses to cover employees.

Third, this legislation will provide insurance for people who don't have coverage or who are dissatisfied with their coverage.

Fourth, this legislation will provide a public option so that anyone who chooses can go into the public plan, not necessarily go to CIGNA or Aetna or United or Medical Mutual in my State, or one of the private insurance companies. That means when people have the public option, it will keep the insurance industry honest because they won't get away with gaming the system because they have a competitor

such as the public option that will compete directly with them. It will mean the public option will help to drive prices down because it will make private insurance more affordable, more efficient. Private insurance companies will no longer be able, because of the competition, to pay \$24 million CEO salaries such as Aetna does and so many other private insurance companies do. It will mean that people have more choice in southwest Ohio.

In the Cincinnati-Dayton area, there are two insurance companies that provide 85 percent of the insurance and that is simply not competitive. That is why these monopolistic practices that insurance companies engage in so often run counter to the public interests. That is why the public option is so important: to get people choice, to discipline the insurance companies, to bring in competition, to keep prices down, and it will matter as we move forward.

I thank the Presiding Officer for the time on the Senate floor. This legislation will be debated over the next couple of weeks. We know that 70 percent or two-thirds of the American public want a public option. We know a poll by the Robert Wood Johnson Foundation says more than 70 percent of doctors want a public option. We know an overwhelming number of Democrats of both the Senate and House, 90 percent, support a public option. As I said, almost two-thirds of the public, through consistent polling for the last month, and month after month after month, shows that two-thirds of the public support the public option. It makes sense. It makes a good health care bill that much better. It makes the system work that much better for people who have insurance now and people who don't have insurance, but especially all of us who worry so much about the health care costs in this country and how they have spiraled out of control.

I thank the President and yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—S. 1776

Mr. BROWN. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to S. 1776 occur at a time to be determined with the concurrence of the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 2892

Mr. BROWN. Mr. President, I ask unanimous consent that on Tuesday, October 20, following a period of morning business, the Senate proceed to the consideration of the conference report to accompany H.R. 2892, the Homeland Security Appropriations Act, with debate on the conference report limited to 3 hours and 15 minutes, with the time divided as follows: 1 hour under the control of the majority leader or his designee, and 2 hours and 15 minutes under the control of the Republican leader or his designee; that if any points of order are raised, any votes on the motions to waive occur upon the use or yielding back of all time identified above; further, that upon disposition of the points of order, and if the motions to waive are successful, the Senate then vote immediately on adoption of the conference report, with 2 minutes of debate, equally divided and controlled, prior to any sequence of votes with respect to the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IRAN REFINED PETROLEUM SANCTIONS ACT

Mr. KYL. Mr. President, in the coming weeks, the Senate will consider S. 908, the Iran Refined Petroleum Sanctions Act. Passing this bill should not be difficult 76 Members of this body are registered as cosponsors—but it is vital that we do.

I support strong sanctions to build pressure on Iran to end its illegal nuclear weapons program, which, in light of the recent disclosure of the Qom uranium enrichment facility, may be far more advanced than we realize.

However, China and Russia continue to thwart meaningful action in the United Nations Security Council. As Bob Robb, a columnist for the Arizona Republic notes, both nations have commercial ties to the Iranian regime and are unlikely to abandon their interests and assist the United States in building pressure on the Iran.

Mr. Robb also emphasizes that U.S. efforts to halt Iran's nuclear program have taken on a new urgency after the President cancelled the deployments of the ground-based interceptors to Poland and the Czech Republic.

Had the President managed to get support from Russia for more sanctions on Iran in exchange for sacrificing missile defense, things might look different. However, as shown by Secretary Clinton's recent visit to Moscow, Russia's position has not changed, and the U.S. has nothing to show for breaking its strategic commitments with two important allies.

Time is not on the administration's side. Every day the Iranians stockpile more uranium and get closer to having

long-range missiles capable of delivering the world's most dangerous weapons against our allies, our deployed forces, and our homeland. The time to act is now.

Mr. President, I ask unanimous consent that the op-ed by Mr. Robb be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### IRAN A TEST OF OBAMA'S NEW DIPLOMACY (By Robert Robb)

Iran is providing a premature and very high-risk test of President Barack Obama's new approach to American diplomacy.

Simplified, the thesis of the new Obama approach is that if the United States plays nicer with others, others will play nicer with us and be more willing to help do tough things.

I've never held out much hope for the Obama approach. I believe that nations generally act in their self-interest without regard to sentiments about other countries.

On the other hand, the Bush administration's blustery approach only made the rest of the world more hostile and resentful, which wasn't in our self-interest. So, it was worth giving the Obama approach a whirl.

The Obama approach, however, was intended to generate good will over time. The United States would cooperate more on international issues such as climate change and in international organizations such as the U.N. We would engage in direct diplomacy with troublesome regimes such as in Iran, North Korea, Syria, Venezuela and Cuba, all of which Obama said would receive presidential meetings in his first year in office.

After showing good will and willingness to engage in direct diplomacy, the rest of the world would be more willing to support the United States if tougher efforts to rein in dangerous rogue behavior nevertheless proved necessary, went the theory.

Iran has spoiled and short-circuited the rollout of the new Obama diplomacy. The disputed Iranian election made it difficult to engage in direct diplomacy with the current government without appearing to give the back of the hand to those risking their lives to protest its illegitimacy. Iranian President Mahmoud Ahmadinejad stepped up his attacks on Israel's right to exist. And Iran remains unflinching and deceitful about its rapidly-developing nuclear program.

So, the Obama administration is going to have to test its new diplomatic approach before laying all the prerequisites by trying to organize strong sanctions against Iran. It increased the stakes for such diplomacy greatly by abandoning the missile defense complex in Poland at least in part, it seems clear, to induce greater cooperation on Iran by Russia.

Sanctions would have to be crippling to have any hope of forcing Iran to abandon its nuclear ambitions. Only the equivalent of a non-military embargo on gasoline imports is thought to have sufficient effect to possibly get the job done.

To be effective, a ban on Iranian gasoline imports would require extraordinary international cooperation. Western powers might adopt them, and indeed Western suppliers have already been cutting ties to Iran. But gasoline is transportable and tradable, so masking its origins is difficult but doable.

The national interest calculations would suggest that Russia and China are unlikely

to go along with potentially effective sanctions against Iran, officially or unofficially. Iran is a client of Russia's on nuclear technology and military apparatus. China is a client for Iranian oil, which provides 15 percent of China's crude supplies.

They also have the interest Robert Kagan has cited that all autocratic regimes have in thwarting efforts to pressure and delegitimize other autocratic regimes.

The need to very quickly cobble together an effective sanctions regimen against Iran is an unfair test of Obama's new approach. But it's the test that has to be taken.

If the effort to impose effective sanctions fails, as it is likely to do, the Russian gambit will prove very costly.

If sanctions fail and Israel doesn't act, the world may have to live with an Iran capable of producing a nuclear weapon. In that world, the Poland missile defense complex would have been very valuable.

The Obama administration said that it was abandoning the Poland complex designed to shoot down long-range missiles because the intelligence suggested Iran has slowed down the development of its long-range capability. It's hard to credit that. Iran has successfully tested a two-stage rocket and put a satellite in space.

Theater missile defense, which the Obama administration says it will emphasize more, is important. But in a world with a nuclear-capable Iran, so is the European missile defense against long-range threats the Obama administration just abandoned.

#### ADDITIONAL STATEMENTS—

##### TRIBUTE TO LOUISIANA WWII VETERANS

• Ms. LANDRIEU. Mr. President, I am proud to honor a group of 92 World War II veterans from all over Louisiana who travelled to Washington, DC, on October 10 to visit the various memorials and monuments that recognize the sacrifices of our Nation's invaluable servicemembers.

Louisiana HonorAir, a group based in Lafayette, LA, sponsored this trip to the Nation's Capital. The organization is honoring surviving World War II Louisiana veterans by giving them an opportunity to see the memorials dedicated to their service. The veterans visited the World War II, Korea, Vietnam, and Iwo Jima Memorials. They also traveled to Arlington National Cemetery.

This was the second of three flights Louisiana HonorAir made to Washington, DC, this fall. It is the 19th flight to depart from Louisiana, which has sent more HonorAir flights than any other State to the Nation's Capital.

World War II was one of America's greatest triumphs but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of

American soldiers, sailors, airmen, and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today about 30,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. This group had 36 veterans who served in the U.S. Army, 14 in the Army Air Corps, 34 in the Navy, 4 in the Marine Corps, one in the Merchant Marines, one in the Coast Guard, and 2 were a part of Women Accepted for Volunteer Emergency Services, WAVES.

Our heroes, many of them from South Louisiana, trekked the world for their country. They fought in Germany, Holland, France, Italy, Africa, Guam, Bougainville, Guadalcanal, Iwo Jima, Okinawa, the Philippines, New Guinea, Japan, and Saipan. Their journeys included the invasions of North Africa, Sicily, and Normandy.

One of our Army Air Corps was held as a prisoner of war after his aircraft was shot down over Germany. Three other Army veterans fought bravely in the Battle of the Bulge, all three receiving a Purple Heart and one receiving three Bronze stars for his service.

One Navy veteran earned 10 medals for his service in the Pacific. An Army Air Corps veteran served in 20 combat missions in Europe between 1942 and 1955. Another Navy veteran was present for the surrender at Tokyo Bay in 1945.

One Navy veteran was serving in Pearl Harbor during the infamous Japanese attack in 1941. Eight veterans received Purple Hearts and five of them were held as prisoners of war.

I am also proud to acknowledge that of the 92 veterans who visited Washington this past weekend, 2 were women who served our country with honor and distinction during World War II.

I ask the Senate to join me in honoring these 92 veterans, all Louisiana heroes, who visited Washington, and Louisiana HonorAir for making these trips a reality. •

TRANSMITTING NOTIFICATION OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE EMERGENCY DECLARED PERTAINING TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA TO CONTINUE IN EFFECT BEYOND OCTOBER 21, 2009, AS RECEIVED DURING ADJOURNMENT OF THE SENATE ON OCTOBER 16, 2009—PM 33

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2009.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause an extreme level of violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property and interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the U.S. market and financial system.

BARACK OBAMA.

THE WHITE HOUSE, October 16, 2009.

REPORT RELATIVE TO THE HAITIAN HEMISPHERIC OPPORTUNITY THROUGH PARTNERSHIP ENCOURAGEMENT ACT OF 2008 (HOPE II) (P.L. 110-246) THAT AMENDED THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT (CBERA) MAKING CERTAIN ADDITIONAL PRODUCTS FROM HAITI ELIGIBLE FOR PREFERENTIAL TARIFF TREATMENT AFTER OCTOBER 18, 2009, AS RECEIVED DURING THE ADJOURNMENT OF THE SENATE ON OCTOBER 16, 2009—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of The United States which was referred to the Committee on Finance:

*To the Congress of the United States:*

The Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II) (the "Act") (Public Law 110-246), amended the Caribbean Basin Economic Recovery Act (CBERA) to make certain additional products from Haiti eligible for preferential tariff treatment. Under HOPE II, these imports from Haiti will continue to be eligible for preferential treatment after October 18, 2009, if I determine and certify that Haiti has met

certain eligibility criteria set out in the Act.

Since enactment of HOPE II, Haiti has issued a decree establishing an independent labor ombudsman's office, and the President of Haiti has selected a labor ombudsman following consultation with unions and industry representatives. In addition, Haiti, in cooperation with the International Labor Organization, has established a Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) Program. Haiti has also implemented an electronic visa system that acts as a registry of Haitian producers of articles eligible for duty-free treatment and has made participation in the TAICNAR Program a condition of using this visa system.

In light of these actions and in accordance with section 213A of CBERA, as amended, I have determined and hereby certify that Haiti: (i) has implemented the requirements set forth in sections 213A(e)(2) and (e)(3); and (ii) is requiring producers of articles for which duty-free treatment may be requested under section 213A(b) to participate in the TAICNAR Program and has developed a system to ensure participation in such program by such producers, including by developing and maintaining a registry of producers.

BARACK OBAMA.  
THE WHITE HOUSE, October 16, 2009.

#### MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2442. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2442. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes; to the Committee on Energy and Natural Resources.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3416. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Internal Control Over Financial Reporting in Exchange Act Peri-

odic Reports of Non-Accelerated Filers" (RIN3235-AK48) received in the Office of the President of the Senate on October 14, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3417. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Quarterly Listings; Safety Zones; Security Zones; Special Local Regulations; Regulated Navigation Areas; Drawbridge Operation Regulations" (Docket No. USG-2009-0909) received in the Office of the President of the Senate on October 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3418. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Designations for the 2006 24-Hour Fine Particle (PM<sub>2.5</sub>) National Ambient Air Quality Standards" (FRL No. 8969-2) received in the Office of the President of the Senate on October 15, 2009; to the Committee on Environment and Public Works.

EC-3419. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Clear Air Interstate Rule" (FRL No. 8969-9) received in the Office of the President of the Senate on October 15, 2009; to the Committee on Environment and Public Works.

EC-3420. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 8959-7) received in the Office of the President of the Senate on October 15, 2009; to the Committee on Environment and Public Works.

EC-3421. A communication from the Secretary of the Department of Health and Human Services, transmitting the report of proposed legislation relative to Multilateral Child Support Convention Implementation; to the Committee on Finance.

EC-3422. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to Finland relative to the integration of surfaced launched AMRAAM electronics kits in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 1796. An original bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes (Rept. No. 111-89).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 1796. An original bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. LUGAR:

S. 1797. A bill to extend the temporary reduction of the duty on certain textured rolled glass sheets; to the Committee on Finance.

By Mr. SANDERS:

S. 1798. A bill to provide for the automatic enrollment of demobilizing members of the National Guard and Reserve in health care and dental care programs of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DODD (for himself, Mr. SCHUMER, Mr. REED, Mr. BROWN, Mr. LEVIN, Mr. MERKLEY, Mr. MENENDEZ, and Mr. REID):

S. 1799. A bill to amend the Truth in Lending Act, to establish fair and transparent practices related to the marketing and provision of overdraft coverage programs at depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. BROWN, Mr. ENZI, Mr. CASEY, Mr. ALEXANDER, Mr. LEVIN, Ms. MURKOWSKI, Mr. ROCKEFELLER, Mr. INHOFE, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. JOHNSON, Mr. CORNYN, Ms. STABENOW, and Mr. PRYOR):

S. Res. 314. A resolution designating the week beginning October 18, 2009, as "National Character Counts Week"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 148

At the request of Mr. KOHL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 148, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 456

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 456, a bill to

direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 795

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 825

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 825, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 883

At the request of Mr. KERRY, the names of the Senator from Virginia (Mr. WEBB), the Senator from Florida (Mr. LEMIEUX), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, self-

less service and patriotism, can challenge fate and change the course of history.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1151

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1151, a bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being.

S. 1215

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1215, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1321

At the request of Mr. UDALL of Colorado, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 1589

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1660

At the request of Ms. KLOBUCHAR, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde

from composite wood products, and for other purposes.

S. 1666

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1666, a bill to require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes.

S. 1672

At the request of Mr. REED, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S. 1678

At the request of Mr. CARDIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1678, a bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes.

S. 1685

At the request of Mr. SANDERS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1685, a bill to provide an emergency benefit of \$250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of a cost-of-living adjustment for such year, and for other purposes.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1711

At the request of Mr. REID, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1711, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for making homes more water-efficient, for building new water-efficient homes, for public water conservation, and for other purposes.

S. 1731

At the request of Mr. REED, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1731, a bill to require certain mortgagees to make loan modifications, to establish a grant program for State and local government mediation programs, to create databases on foreclosures, and for other purposes.

S. 1761

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1761, a bill to provide an extension of the low-income housing credit placed-in-service date requirement for certain disaster areas.

S. 1763

At the request of Mr. FRANKEN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1763, a bill to amend the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription pharmaceuticals.

S. 1765

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1765, a bill to amend the Hate Crime Statistics Act to include crimes against the homeless.

S. 1777

At the request of Mr. UDALL of Colorado, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1777, a bill to facilitate the remediation of abandoned hardrock mines, and for other purposes.

S. 1790

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1790, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes.

S. RES. 312

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Res. 312, a resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID).

AMENDMENT NO. 2668

At the request of Mr. UDALL of New Mexico, his name was added as a cosponsor of amendment No. 2668 intended to be proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

AMENDMENT NO. 2679

At the request of Ms. KLOBUCHAR, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of amendment No. 2679 intended to be proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

# STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. SCHUMER, Mr. REED, Mr. BROWN, Mr. LEVIN, Mr. MERKLEY, Mr. MENENDEZ, and Mr. REID):

S. 1799. A bill to amend the Truth in Lending Act, to establish fair and transparent practices related to the marketing and provision of overdraft coverage programs at depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise to introduce the Fairness and Accountability in Receiving Overdraft Coverage Act, The FAIR Overdraft Coverage Act. The FAIR Overdraft Coverage Act will rein in abusive fees, give customers greater choice, and bring greater transparency to overdraft coverage programs.

For too long, some in the financial services industry have gotten rich by taking advantage of consumers.

Earlier this year, in a 90-5 vote, this body passed legislation to crack down on credit card companies who were charging excessive fees and indiscriminately raising customers' rates. Those practices were wrong, and I was proud to lead the charge to put a stop to them.

Today, I hope to rally my colleagues' support to curtail another abusive practice: overdraft fees.

Let me be clear, people have a responsibility to spend within their means.

However, too often, banks take advantage of their customers under the guise of providing the "service" of overdraft protection, a service that the customer may not want and may not even know has been applied to his or her account.

The Financial Times recently reported that banks stand to collect a record \$38.5 billion in overdraft fees this year.

According to the Center for Responsible Lending, nearly \$1 billion of that will come from young adults.

Another \$4.5 billion will come from senior citizens like Mario Livieri of Branford, Connecticut. Mario is a 75-year-old retired homebuilder who accidentally overdrew his account by approximately \$2, and was charged \$35 by his bank. The bank took several days to notify him that the account was overdrawn, and in the meantime, he made three additional minor purchases for which he was charged three additional \$35 fees—a total of \$140.

When Mario protested, the bank waived one of the four \$35 charges. They told him there was nothing more he could do to fight the fees, because this practice was perfectly legal. Mario Livieri is no longer a customer at that bank, and this prevalent practice should no longer be perfectly legal.

Slow-walking notifications to consumers when their accounts are overdrawn is just one way in which banks try to run up the score on overdraft fees. Sometimes, they even re-arrange the order in which they process your purchases, charging you for a later, larger purchase first and then they charge you repeated overdraft fees for earlier, smaller purchases.

Worst of all, so-called "overdraft protection" is often added to customers' accounts without their permission, or even their knowledge. Customers who don't know that this feature is attached to their accounts think their purchases will just be denied if they don't have sufficient money in their accounts. Instead, their depository institutions will let these purchases go through and charge a \$35 flat fee for each purchase that overdrafts the account—no matter how small the purchase. And there generally is no limit on the number of fees that a customer can be charged in a single day.

That is just wrong. Families in my State of Connecticut and across the country are already struggling to make ends meet—and these unfair and excessive charges are making it even harder. Over the past few weeks, I've worked with consumer groups and listened to folks like Mario who have been the victims of these abusive practices. Those discussions resulted in the bill I present to you today.

Here is how the bill works.

First and foremost, no consumer should be enrolled in a program like this without their knowledge. My bill will establish an opt-in rule for overdraft protection for ATM and debit transactions so that customers will have to consent before they can be charged an overdraft coverage fee. You will recall that the credit card bill we passed earlier this year had a similar approach to over-the-limit fees.

If you do choose to opt into an overdraft coverage program, the bill will limit the number of overdraft fees banks can charge you—one per month, and no more than six per year. And that fee will be required to be proportional to the cost of processing the overdraft—no more \$40 charges for \$2 cups of coffee.

My legislation will also put a stop to the practice of manipulating the order in which transactions are posted, and require banks to warn customers if they are about to overdraw their account, giving them a chance to cancel the transaction.

Finally, it will require banks to notify customers promptly when they've overdrawn an account—through a means the customer chooses, from e-mail to text message to letter—so that they can quickly restore their balance and avoid unnecessary fees.

Abusive overdraft policies are unfair, and the banks know it. After it came out in the press that I was working on



this legislation, a few of the big banks took steps towards responsible reform.

We will see whether these few are truly committed to reform. America's consumers deserve better—and this legislation will make sure they won't continue to be victims of greedy banks looking to line their pockets at the expense of hard-working families.

I urge my colleagues to join me and Senators HARRY REID, CHARLES SCHUMER, JACK REED, SHERROD BROWN, CARL LEVIN, JEFF MERKLEY, and ROBERT MENENDEZ in support of this legislation.

Mr. President, I ask unanimous Consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1799

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness and Accountability in Receiving Overdraft Coverage Act of 2009" or the "FAIR Overdraft Coverage Act".

#### SEC. 2. FINDINGS AND PURPOSE.

Section 102 of the Truth in Lending Act (15 U.S.C. 1601) is amended by adding at the end the following:

"(c) FAIRNESS AND ACCOUNTABILITY IN OVERDRAFT COVERAGE.—

"(1) FINDINGS.—The Congress also finds that—

"(A) overdraft coverage is a form of short-term credit that depository institutions provide for consumer transaction accounts. Historically, depository institutions covered overdrafts for a fee on an ad hoc basis;

"(B) with the growth in specially designed software programs and in consumer use of debit cards, overdraft coverage for a fee has become more prevalent;

"(C) most depository institutions do not notify consumers when adding this feature to their transaction accounts, and some do not permit consumers to eliminate this feature from such accounts;

"(D) most depository institutions collect a high flat fee, including for small dollar transactions, each time the institution covers an overdraft, in some cases impose multiple overdraft coverage fees within a single day, and many charge additional fees for each day during which the account remains overdrawn; and

"(E) such abusive and misleading practices in connection with overdraft coverage fees have deprived consumers of meaningful choices about their accounts and placed significant financial burdens on low- and moderate-income consumers.

"(2) PURPOSE.—It is the purpose of this title to protect consumers by limiting abusive and misleading overdraft coverage fees and practices, and by providing meaningful disclosures and consumer choice in connection with overdraft coverage fees."

#### SEC. 3. DEFINITIONS.

(a) ADDITIONAL DEFINITIONS.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following:

"(cc) DEFINITIONS RELATING TO OVERDRAFT COVERAGE.—

"(1) CHECK.—The term 'check' has the same meaning as in section 3(6) of the Check Clearing for the 21st Century Act (12 U.S.C. 5001 et seq.), other than a travelers check.

"(2) DEPOSITORY INSTITUTION.—The term 'depository institution' has the same meaning as in clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)).

"(3) NONSUFFICIENT FUND FEE.—The term 'nonsufficient fund fee' means a fee or charge assessed in connection with an overdraft for which a depository institution declines payment.

"(4) OVERDRAFT.—The term 'overdraft' means the amount of a withdrawal by check or other debit from a transaction account in which there are insufficient or unavailable funds in the account to cover such check or debit.

"(5) OVERDRAFT COVERAGE.—The term 'overdraft coverage' means the payment of a check presented or other debit posted against a transaction account by the depository institution in which such account is held, even though there are insufficient or unavailable funds in the account to cover such checks or other debits.

"(6) OVERDRAFT COVERAGE FEE.—The term 'overdraft coverage fee' means any fee or charge assessed in connection with overdraft coverage, or in connection with any negative account balance that results from overdraft coverage, excluding fees or charges relating to overdraft lines of credit or transfers from an account linked to another transaction account or line of credit. Such fee shall be considered a 'finance charge' for purposes of section 106(a), but shall not be included in the calculation of the rate of interest for purposes of section 107(5)(A)(vi) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(vi)).

"(7) OVERDRAFT COVERAGE PROGRAM.—The term 'overdraft coverage program' means a service under which a depository institution assesses an overdraft coverage fee for overdraft coverage.

"(8) TRANSACTION ACCOUNT.—The term 'transaction account' has the same meaning as in section 19(b)(1)(C) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(C))."

(b) CONFORMING AMENDMENT.—Section 107(5)(A)(vi) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(vi)) is amended by inserting " , other than an overdraft coverage fee, as defined in section 103(cc) of the Truth in Lending Act (12 U.S.C. 1602(cc))" after "inclusive of all finance charges".

#### SEC. 4. FAIR MARKETING AND PROVISION OF OVERDRAFT COVERAGE PROGRAMS.

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

##### "SEC. 140B. OVERDRAFT COVERAGE PROGRAM DISCLOSURES AND CONSUMER PROTECTION.

"(a) PROHIBITIONS.—No depository institution may engage in acts or practices in connection with the marketing of or the provision of overdraft coverage that are unfair, deceptive, or designed to evade the provisions of this section.

"(b) MARKETING DISCLOSURES.—Each depository institution that provides or offers to provide overdraft coverage with respect to transaction accounts held at that depository institution shall clearly and conspicuously disclose in all marketing materials for such overdraft coverage any overdraft coverage fees.

"(c) CONSUMER CONSENT OPT-IN.—A depository institution may charge overdraft coverage fees with respect to withdrawals from automated teller machines or debit card transfers only if the consumer has consented in writing, in electronic form, or in such other form as is permitted under regulations of the Board.

"(d) CONSUMER DISCLOSURES.—Each depository institution shall clearly disclose to each consumer covered by an overdraft protection program of that depository institution—

"(1) that—

"(A) the consumer may be charged for not more than one overdraft coverage fee in any single calendar month and not more than 6 overdraft coverage fees in any single calendar year, per transaction account; and

"(B) the depository institution retains the discretion to pay (without assessing an overdraft coverage fee) or reject overdrafts incurred by the consumer beyond the numbers described in subparagraph (A);

"(2) information about any alternative overdraft products that are available, including a clear explanation of how the terms and fees for such alternative services and products differ; and

"(3) such other information as the Board may require, by rule.

"(e) PERIODIC STATEMENTS.—Each depository institution that offers an overdraft coverage program shall, in each periodic statement for any transaction account that has an overdraft coverage program feature, clearly disclose to the consumer the dollar amount of all overdraft coverage fees charged to the consumer for the relevant period and year to date.

"(f) EXCLUSION FROM ACCOUNT BALANCE INFORMATION.—No depository institution may include the amount available under the overdraft coverage program of a consumer as part of the transaction account balance of that consumer.

"(g) PROMPT NOTIFICATION.—Each depository institution shall promptly notify consumers, through a reasonable means selected by the consumer, when overdraft coverage has been accessed with respect to the account of the consumer, not later than on the day on which such access occurs, including—

"(1) the date of the transaction;

"(2) the type of transaction;

"(3) the overdraft amount;

"(4) the overdraft coverage fee;

"(5) the amount necessary to return the account to a positive balance; and

"(6) whether the participation of a consumer in an overdraft coverage program will be terminated if the account is not returned to a positive balance within a given time period.

"(h) TERMINATED OR SUSPENDED COVERAGE.—Each depository institution shall provide prompt notice to the consumer, using a reasonable means selected by the consumer, if the institution terminates or suspends access to an overdraft coverage program with respect to an account of the consumer, including a clear rationale for the action.

"(i) NOTICE AND OPPORTUNITY TO CANCEL.—Each depository institution shall—

"(1) warn any consumer covered by an overdraft coverage program who engages in a transaction through an automated teller machine or a branch teller if completing the transaction would trigger overdraft coverage fees, including the amount of the fees; and

"(2) provide to the consumer the opportunity to cancel the transaction before it is completed.

"(j) OVERDRAFT COVERAGE FEE LIMITS.—

"(1) FREQUENCY.—A depository institution may charge not more than one overdraft coverage fee in any single calendar month, and not more than 6 overdraft coverage fees in any single calendar year, per transaction account.

"(2) REASONABLE AND PROPORTIONAL OVERDRAFT COVERAGE FEES.—



“(A) IN GENERAL.—The amount of any overdraft coverage fee that a depository institution may assess for paying a transaction (including a check or other debit) shall be reasonable and proportional to the cost of processing the transaction.

“(B) SAFE HARBOR RULE AUTHORIZED.—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, may issue rules to provide an amount for any overdraft coverage fee that is presumed to be reasonable and proportional to the actual cost of processing the transaction.

“(3) POSTING ORDER.—In order to minimize overdraft coverage fees charged to consumers, each depository institution shall post transactions with respect to transaction accounts in such a manner that the consumer does not incur avoidable overdraft coverage fees.

“(k) DEBIT HOLDS.—No depository institution may charge an overdraft coverage fee on any category of transaction, if the overdraft results solely from a debit hold amount placed on a transaction account that exceeds the actual dollar amount of the transaction.

“(l) NONDISCRIMINATION FOR NOT OPTING IN.—In implementing the requirements of this section, each depository institution shall provide to consumers who have not consented to participate in an overdraft coverage program, transaction accounts having the same terms, conditions, or other features as those that are provided to consumers who have consented to participate in such overdraft coverage program, except for features of such overdraft coverage.

“(m) NON-SUFFICIENT FUND FEE LIMITS.—No depository institution may charge any non-sufficient fund fee with respect to—

“(1) any transaction at an automated teller machine; or

“(2) any debit card transaction.

“(n) REPORTS TO CONSUMER REPORTING AGENCIES.—No depository institution may report negative information regarding the use of overdraft coverage by a consumer to any consumer reporting agency (as that term is defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a)) when the overdraft amounts and overdraft coverage fees are paid under the terms of an overdraft coverage program.

“(o) RULE OF CONSTRUCTION.—No provision of this section may be construed as prohibiting a depository institution from retaining the discretion to pay, without assessing an overdraft coverage fee or charge, an overdraft incurred by a consumer.”.

#### SEC. 5. REGULATORY AUTHORITY OF THE BOARD.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act (except as provided in subsection (b)), the Board of Governors of the Federal Reserve System (in this Act referred to as the “Board”), in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, shall issue such final rules and publish such model forms as necessary to carry out section 140B of the Truth in Lending Act, as added by this Act.

(b) BOARD AUTHORITY REGARDING ADDITIONAL WARNINGS.—The Board may, by rule, after taking into account the findings of the Comptroller General of the United States under section 6, require warnings at loca-

tions such as point-of-sale transfer terminals or other locations, that are similar to those required under section 140B(i) of the Truth in Lending Act, as added by this Act, where feasible, and if the cost of providing such warnings does not outweigh the benefit to consumers.

#### SEC. 6. STUDY AND REPORT BY THE GAO.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding whether it is feasible for a depository institution—

(A) to provide a warning to a consumer at a point-of-sale transfer terminal that completing a transfer may trigger overdraft coverage fees; and

(B) to provide the consumer with the opportunity to cancel the point-of-sale transfer before the transaction is completed.

(2) CONSIDERATIONS.—In conducting the study under this subsection, the Comptroller General shall evaluate—

(A) the benefits to consumers of a point-of-sale transfer overdraft warning and opportunity to cancel;

(B) the availability of technology to provide such a warning and opportunity; and

(C) the cost of providing such warning and opportunity.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study conducted under subsection (a).

(c) DEFINITIONS.—As used in this section, the terms “overdraft coverage program”, “overdraft coverage fee”, and “depository institution” have the same meanings as in section 103(cc) of the Truth in Lending Act, as added by this Act.

#### SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall become effective 1 year after the date of enactment of this Act, whether or not the rules of the Board under this Act or such amendments are issued in final form.

(b) MORATORIUM ON FEE INCREASES.—

(1) IN GENERAL.—During the 1-year period beginning on the date of enactment of this Act, no depository institution may increase the overdraft coverage fees or charges assessed on transaction accounts for paying a transaction (including a check or other debit) in connection with an overdraft or for non-sufficient funds.

(2) DEFINITIONS.—As used in this section, the terms “depository institution”, “overdraft”, “overdraft coverage fee”, “transaction account” and “non-sufficient fund fee” have the same meanings as in section 103(cc) of the Truth in Lending Act, as added by this Act.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 314—DESIGNATING THE WEEK BEGINNING OCTOBER 18, 2009, AS “NATIONAL CHARACTER COUNTS WEEK”

Mr. DODD (for himself, Mr. GRASSLEY, Mr. BROWN, Mr. ENZI, Mr. CASEY, Mr. ALEXANDER, Mr. LEVIN, Ms. MURKOWSKI, Mr. ROCKEFELLER, Mr. INHOFE, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. JOHNSON, Mr. CORNYN, Ms. STABENOW, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 314

Whereas the well-being of the United States requires that the young people of this Nation become an involved, caring citizenry of good character;

Whereas the character education of children has become more urgent, as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of “National Character Counts Week”, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning October 18, 2009, as “National Character Counts Week”; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities,

such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2692. Mr. HARKIN (for himself and Mr. ENZI) proposed an amendment to the bill S. 1793, to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

SA 2693. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2692. Mr. HARKIN (for himself and Mr. ENZI) proposed an amendment to the bill S. 1793, to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS; as follows:

On page 5, line 14, strike "In" and insert "in".

On page 7, line 12, add "and" at the end.

On page 7, line 24, strike "(vi)" and insert "(C)" and realign the margin accordingly.

On page 8, line 1, strike "(g)" and insert "(d)".

On page 26, line 5, insert "section" after "in".

On page 26, line 6, strike "(c)(A)" and insert "(c)(4)(A)".

On page 26, line 13, strike "(c)" and insert "(c)".

On page 31, line 24, strike "(a)" and insert "(1)" and realign the margin accordingly.

On page 31, line 26, strike "(b)" and insert "(2)" and realign the margin accordingly.

On page 42, line 13, strike "subpart" and insert "part".

On page 46, line 24, strike "subpart" and insert "part".

On page 47, line 10, strike "subpart" and insert "part".

On page 48, strike lines 1 through 8, and insert the following:

"(a) LIABILITY OF MEDICAL FACILITIES, DESIGNATED OFFICERS, PUBLIC HEALTH OFFICERS, AND GOVERNING ENTITIES.—This part may not be construed to authorize any cause of action for damages or any civil penalty against any medical facility, any designated officer, any other public health officer, or any governing entity of such facility or officer for failure to comply with the duties established in this part."

On page 48, line 9, strike "subpart" and insert "part".

On page 48, line 13, strike "subpart" and insert "part".

On page 48, line 20, strike "subpart" and insert "part".

On page 49, line 18, strike "subpart" and insert "part".

On page 49, line 23, strike "subpart" and insert "part".

On page 50, line 1, strike "subpart" and insert "part".

On page 50, line 2, strike "subpart" and insert "part".

On page 50, line 5, strike "subpart" and insert "part".

SA 2693. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. \_\_\_\_ REDUCTION IN TARP FUNDS TO OFFSET THE COSTS OF THE PAYMENT UPDATE FOR MEDICARE PHYSICIANS' SERVICES.

Paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by striking "\$1,244,000,000" and inserting "\$251,244,000,000".

#### RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 182, S. 1793.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1793) to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, today marks an important milestone in our ongoing national effort to combat HIV and AIDS. Twenty-eight years ago, the Centers for Disease Control and Prevention issued its first warning about the disease we now know as AIDS. Today, we are approving the fourth extension of the Ryan White CARE Act, comprehensive legislation first enacted in 1990 for the prevention and treatment of HIV and AIDS.

In those early days, the Nation failed on all levels to fully recognize the dangers posed by this disease. Its victims suffered in silence and stigma. Shamefully, those who had the power to help did nothing.

Then, belatedly, in the mid 1990s, a young boy's courage opened the Nation's eyes to the tragedy of AIDS. A disease that had seemed distant was suddenly a potential threat to any of us. We realized that it is a deadly virus that does not discriminate based on color, religion, political affiliation, or income status. I have no doubt that Ryan White would be proud of the bipartisan effort that, after months of negotiation and compromise, has produced the bill before us today.

In 1987, bipartisan legislation was first introduced calling for a comprehensive national strategy focusing on education, prevention, and research

to halt the spread of AIDS. We summoned government, the public health community, and the media all to do their part raise public awareness and combat the AIDS epidemic across America.

Yet, today, more than two decades later, the battle continues. We mourn the more than 500,000 Americans who have been lost to the AIDS virus. However, we take heart from the fact that AIDS is no longer a death sentence. Through testing and treatment, people are living long, full, productive lives with HIV. We are identifying victims earlier in the progression of the disease, and keeping them healthier longer.

However, we still have a long way to go. Many who live with HIV and AIDS do not have insurance to pay for costly treatments. As a result, heavy demands are placed on community-based organizations, as well as on State and local governments. For most of these citizens, the Ryan White CARE Act continues to provide the only means to obtain the care and treatment they need.

The Ryan White CARE Act began as an emergency response to the HIV/AIDS crisis in urban America, but today it has been broadened into a national strategy to provide care and support for people living with HIV and AIDS anywhere in America.

This bill builds on a consensus among States, cities, community-based organizations, hospitals and health providers, and persons living with HIV and AIDS their families and advocates: It maintains access to life-saving medications, quality health care, and support services for persons living with HIV and AIDS who have come to depend on publicly funded systems, it extends this system of quality care to persons with HIV and AIDS who have faced long waiting lists for medications and severe limits on their access to specialty health care; it bolsters governmental and community-based institutions charged with providing this care, all of whom face growing case loads and the greater challenges of an evolving population of persons with HIV/AIDS; it balances the needs of high-prevalence cities and States with those facing rapidly growing epidemics; it assures those who have been relying on their local system of care that it will continue to be there for them; and it reassures persons seeking tests for HIV that comprehensive care and support will be available.

At its best, the United States has the finest HIV/AIDS care system, truly the gold standard for the rest of the world to emulate. Our goal in this legislation is to make the U.S. HIV/AIDS care system also the fairest in the world, with equal access for all, high quality standards, and guaranteed continuity of care—regardless of geographical location.

This bill is a great example of the good and important things we can accomplish in this body when we work together with bipartisanship, goodwill, and a spirit of compromise. This is also complex legislation, and all our committee staff members, Democratic and Republican alike, deserve great credit for their expertise, and for their diligence in bringing us to this day. I want to recognize Connie Garner and Jenelle Krishnamoorthy from my staff, Hayden Rhudy from Senator ENZI's staff, Tamar Magarik Haro from Senator DODD's staff, and Evan Feinberg from Senator COBURN's staff for their dedication and hard work on this legislation.

To say the least, this legislation is extremely important to Americans living with HIV and AIDS. For them, it is a lifeline. It offers hope for an active, productive, dignified life. This legislation shows America at its very best: compassionate, generous, extending a hand up to those in great need. Mr. President, I thank my colleagues for coming together to support this important, bipartisan bill.

Mr. ENZI. Mr. President, I rise today to express my great appreciation to Senators HARKIN, DODD, and COBURN for working in a bipartisan manner to reauthorize the Ryan White HIV/AIDS program. I am also thankful to all of the members on the HELP Committee for their efforts to ensure that we passed this bill in a timely manner so that individuals receiving care under the Ryan White program would not see an interruption in their services.

This bill continues policies that seek to accomplish the goal of ensuring that Ryan White funding follows the patient. The bill, which will pass by unanimous consent, updates funding formulas and requires more accurate and reliable data reporting from the States, which will ensure that funds are allocated to the areas with the greatest need. It encourages aggressive testing strategies and establishes a national HIV/AIDS testing goal of 5 million tests per year. The bill also provides more flexibility to allow grantees to spend funds effectively.

Over the years we have seen a dramatic change in the geographic location of the HIV/AIDS epidemic from northern, metropolitan areas, to southern—and in many instances—rural areas. Today, more persons living with AIDS reside in the South than in any other area of the country. Of the 26,347 new HIV cases, 51.2 percent were diagnosed in the 17 Southern States and of the top 20 metropolitan areas with the highest AIDS case rates, 14 were in the South. Thanks to the bipartisan efforts of the HELP Committee this reauthorization will ensure that funding is distributed in an equitable manner, reaching individuals with the greatest need.

The Ryan White program provides care for millions of Americans in need of medical care. Unfortunately we have

also seen abuses, where these funds are misspent and patients do not receive the care they need. As the ranking member of the HELP Committee, I will continue to work to prevent these abuses and guarantee that funding is distributed to legitimate organizations that provide real services. It is a travesty that so many millions of dollars have been wasted due to poor oversight and corruption.

As Congress continues to authorize and provide funding for services under the Ryan White program, we must also commit to conduct proper oversight, so that these dollars actually reach the patients who need assistance, rather than being pocketed by criminals.

I close by again expressing my great appreciation to my colleagues for their hours of hard work and dedication to extend the Ryan White HIV/AIDS program. I also thank the HIV/AIDS community for their tireless efforts to provide care to individuals with HIV/AIDS. Many Americans with HIV/AIDS will continue to receive access to vital care because of the compassion and dedication of HIV/AIDS organizations receiving Ryan White dollars. Finally, I also thank my staff members Greg Dean, Chuck Clapton and Hayden Rhudy, as well as the staff members of Senator HARKIN's office, Connie Gardner and Jenelle Krishnamoorthy, for their hard work on this important bill.

Mr. BROWN. Mr. President, this is the Ryan White HIV Act, which is particularly important legislation. I join millions of people in the country in supporting it.

I ask unanimous consent that a Harkin amendment, which is at the desk, be agreed to; that the bill, as amended, be read the third time and passed; that the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2692) was agreed to, as follows:

#### AMENDMENT NO. 2692

On page 5, line 14, strike "In" and insert "in".

On page 7, line 12, add "and" at the end.  
On page 7, line 24, strike "(vi)" and insert "(C)" and realign the margin accordingly.

On page 8, line 1, strike "(g)" and insert "(d)".

On page 26, line 5, insert "section" after "in".

On page 26, line 6, strike "(c)(A)" and insert "(c)(4)(A)".

On page 26, line 13, strike "(c)" and insert "(c)".

On page 31, line 24, strike "(a)" and insert "(1)" and realign the margin accordingly.

On page 31, line 26, strike "(b)" and insert "(2)" and realign the margin accordingly.

On page 42, line 13, strike "subpart" and insert "part".

On page 46, line 24, strike "subpart" and insert "part".

On page 47, line 10, strike "subpart" and insert "part".

On page 48, strike lines 1 through 8, and insert the following:

"(a) LIABILITY OF MEDICAL FACILITIES, DESIGNATED OFFICERS, PUBLIC HEALTH OFFICERS, AND GOVERNING ENTITIES.—This part may not be construed to authorize any cause of action for damages or any civil penalty against any medical facility, any designated officer, any other public health officer, or any governing entity of such facility or officer for failure to comply with the duties established in this part."

On page 48, line 9, strike "subpart" and insert "part".

On page 48, line 13, strike "subpart" and insert "part".

On page 48, line 20, strike "subpart" and insert "part".

On page 49, line 18, strike "subpart" and insert "part".

On page 49, line 23, strike "subpart" and insert "part".

On page 50, line 1, strike "SUBPART" and insert "PART".

On page 50, line 2, strike "subpart" and insert "part".

On page 50, line 5, strike "subpart" and insert "part".

The bill (S. 1793) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1793

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Ryan White HIV/AIDS Treatment Extension Act of 2009".

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

#### SEC. 2. REAUTHORIZATION OF HIV HEALTH CARE SERVICES PROGRAM.

(a) ELIMINATION OF SUNSET PROVISION.—

(1) IN GENERAL.—The Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Public Law 109-415; 120 Stat. 2767) is amended by striking section 703.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if enacted on September 30, 2009.

(3) CONTINGENCY PROVISIONS.—Notwithstanding section 703 of the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Public Law 109-415; 120 Stat. 2767) and section 139 of the Continuing Appropriations Resolution, 2010—

(A) the provisions of title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.), as in effect on September 30, 2009, are hereby revived; and

(B) the amendments made by this Act to title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) shall apply to such title as so revived and shall take effect as if enacted on September 30, 2009.

(b) PART A GRANTS.—Section 2610(a) (42 U.S.C. 300ff-20(a)) is amended by striking "and \$649,500,000 for fiscal year 2009" and inserting "\$649,500,000 for fiscal year 2009, \$681,975,000 for fiscal year 2010, \$716,074,000 for fiscal year 2011, \$751,877,000 for fiscal year 2012, and \$789,471,000 for fiscal year 2013".

(c) PART B GRANTS.—Section 2623(a) (42 U.S.C. 300ff-32(a)) is amended by striking "and \$1,285,200,000 for fiscal year 2009" and inserting "\$1,285,200,000 for fiscal year 2009, \$1,349,460,000 for fiscal year 2010, \$1,416,933,000

for fiscal year 2011, \$1,487,780,000 for fiscal year 2012, and \$1,562,169,000 for fiscal year 2013”.

(d) PART C GRANTS.—Section 2655 (42 U.S.C. 300ff-55) is amended by striking “and \$235,100,000 for fiscal year 2009” and inserting “\$235,100,000 for fiscal year 2009, \$246,855,000 for fiscal year 2010, \$259,198,000 for fiscal year 2011, \$272,158,000 for fiscal year 2012, and \$285,766,000 for fiscal year 2013”.

(e) PART D GRANTS.—Section 2671(i) (42 U.S.C. 300ff-71(i)) is amended by inserting before the period at the end “, \$75,390,000 for fiscal year 2010, \$79,160,000 for fiscal year 2011, \$83,117,000 for fiscal year 2012, and \$87,273,000 for fiscal year 2013”.

(f) DEMONSTRATION AND TRAINING GRANTS UNDER PART F.—

(1) HIV/AIDS COMMUNITIES, SCHOOLS, AND CENTERS.—Section 2692(c) (42 U.S.C. 300ff-11(c)) is amended—

(A) in paragraph (1)—

(i) by striking “is authorized” and inserting “are authorized”; and

(ii) by inserting before the period at the end “, \$36,535,000 for fiscal year 2010, \$38,257,000 for fiscal year 2011, \$40,170,000 for fiscal year 2012, and \$42,178,000 for fiscal year 2013”; and

(B) in paragraph (2)—

(i) by striking “is authorized” and inserting “are authorized”; and

(ii) by inserting before the period at the end “, \$13,650,000 for fiscal year 2010, \$14,333,000 for fiscal year 2011, \$15,049,000 for fiscal year 2012, and \$15,802,000 for fiscal year 2013”.

(2) MINORITY AIDS INITIATIVE.—Section 2693 (42 U.S.C. 300ff-121) is amended—

(A) in subsection (a), by striking “and \$139,100,000 for fiscal year 2009” and inserting “\$139,100,000 for fiscal year 2009, \$146,055,000 for fiscal year 2010, \$153,358,000 for fiscal year 2011, \$161,026,000 for fiscal year 2012, and \$169,077,000 for fiscal year 2013. The Secretary shall develop a formula for the awarding of grants under subsections (b)(1)(A) and (b)(1)(B) that ensures that funding is provided based on the distribution of populations disproportionately impacted by HIV/AIDS.”;

(B) in subsection (b)(2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “competitive.”; and

(II) by adding at the end the following:

“(iv) For fiscal year 2010, \$46,738,000.

“(v) For fiscal year 2011, \$49,075,000.

“(vi) For fiscal year 2012, \$51,528,000.

“(vii) For fiscal year 2013, \$54,105,000.”;

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “competitive.”; and

(II) by adding at the end the following:

“(iv) For fiscal year 2010, \$8,763,000.

“(v) For fiscal year 2011, \$9,202,000.

“(vi) For fiscal year 2012, \$9,662,000.

“(vii) For fiscal year 2013, \$10,145,000.”;

(iii) in subparagraph (C), by adding at the end the following:

“(iv) For fiscal year 2010, \$61,343,000.

“(v) For fiscal year 2011, \$64,410,000.

“(vi) For fiscal year 2012, \$67,631,000.

“(vii) For fiscal year 2013, \$71,012,000.”;

(iv) in subparagraph (D), by striking “\$18,500,000” and all that follows through the period and inserting the following: “the following, as applicable:

“(i) For fiscal year 2010, \$20,448,000.

“(ii) For fiscal year 2011, \$21,470,000.

“(iii) For fiscal year 2012, \$22,543,000.

“(iv) For fiscal year 2013, \$23,671,000.”; and

(v) in subparagraph (E), by striking “\$8,500,000” and all that follows through the

period and inserting the following: “the following, as applicable:

“(i) For fiscal year 2010, \$8,763,000.

“(ii) For fiscal year 2011, \$9,201,000.

“(iii) For fiscal year 2012, \$9,662,000.

“(iv) For fiscal year 2013, \$10,144,000.”; and

(C) by adding at the end the following:

“(d) SYNCHRONIZATION OF MINORITY AIDS INITIATIVE.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall incorporate and synchronize the schedule of application submissions and funding availability under this section with the schedule of application submissions and funding availability under the corresponding provisions of this title XXVI as follows:

“(1) The schedule for carrying out subsection (b)(1)(A) shall be the same as the schedule applicable to emergency assistance under part A.

“(2) The schedule for carrying out subsection (b)(1)(B) shall be the same as the schedule applicable to care grants under part B.

“(3) The schedule for carrying out subsection (b)(1)(C) shall be the same as the schedule applicable to grants for early intervention services under part C.

“(4) The schedule for carrying out subsection (b)(1)(D) shall be the same as the schedule applicable to grants for services through projects for HIV-related care under part D.

“(5) The schedule for carrying out subsection (b)(1)(E) shall be the same as the schedule applicable to grants and contracts for activities through education and training centers under section 2692.”.

(3) HHS REPORT.—Not later than 6 months after the publication of the Government Accountability Office Report on the Minority Aids Initiative described in section 2686, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a Departmental plan for using funding under section 2693 of the Public Health Service Act (42 U.S.C. 300ff-93) in all relevant agencies to build capacity, taking into consideration the best practices included in such Report.

(g) GAO REPORT.—Section 2686 (42 U.S.C. 300ff-86) is amended to read as follows:

#### “SEC. 2686. GAO REPORT.

“The Comptroller General of the Government Accountability Office shall, not less than 1 year after the date of enactment of the Ryan White HIV/AIDS Treatment Extension Act of 2009, submit to the appropriate committees of Congress a report describing Minority AIDS Initiative activities across the Department of Health and Human Services, including programs under this title and programs at the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and other departmental agencies. Such report shall include a history of program activities within each relevant agency and a description of activities conducted, people served and types of grantees funded, and shall collect and describe best practices in community outreach and capacity-building of community based organizations serving the communities that are disproportionately affected by HIV/AIDS.”.

#### SEC. 3. EXTENDED EXEMPTION PERIOD FOR NAMES-BASED REPORTING.

(a) PART A GRANTS.—Section 2603(a)(3) (42 U.S.C. 300ff-13(a)(3)) is amended—

(1) in subparagraph (C)—

(A) in clause (ii)—

(i) in the matter preceding subclause (I), by striking “2009” and inserting “2012”; and

(ii) in subclause (II), by striking “or 2009” and inserting “or a subsequent fiscal year through fiscal year 2012”;

(B) in clause (iv), by striking “2010” and inserting “2012”;

(C) in clause (v), by inserting “or a subsequent fiscal year” after “2009”;

(D) in clause (vi)(II), by inserting after “5 percent” the following: “for fiscal years before fiscal year 2012 (and 6 percent for fiscal year 2012)”;

(E) in clause (ix)(II)—

(i) by striking “2010” and inserting “2013”; and

(ii) by striking “2009” and inserting “2012”; and

(F) by adding at the end the following:

“(xi) FUTURE FISCAL YEARS.—For fiscal years beginning with fiscal year 2013, determinations under this paragraph shall be based only on living names-based cases of HIV/AIDS with respect to the area involved.”; and

(2) in subparagraph (D)—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking “2009” and inserting “2012”; and

(ii) in subclause (II), by striking “and 2009” and inserting “through 2012”; and

(B) in clause (ii), by striking “2009” and inserting “2012”.

(b) PART B GRANTS.—Section 2618(a)(2) (42 U.S.C. 300ff-28(a)(2)) is amended—

(1) in subparagraph (D)—

(A) in clause (ii)—

(i) in the matter preceding subclause (I), by striking “2009” and inserting “2012”; and

(ii) in subclause (II), by striking “or 2009” and inserting “or a subsequent fiscal year through fiscal year 2012”;

(B) in clause (iv), by striking “2010” and inserting “2012”;

(C) in clause (v), by inserting “or a subsequent fiscal year” after “2009”;

(D) in clause (vi)(II), by inserting after “5 percent” the following: “for fiscal years before fiscal year 2012 (and 6 percent for fiscal year 2012)”;

(E) in clause (viii)(II)—

(i) by striking “2010” and inserting “2013”; and

(ii) by striking “2009” and inserting “2012”; and

(F) by adding at the end the following:

“(x) FUTURE FISCAL YEARS.—For fiscal years beginning with fiscal year 2013, determinations under this paragraph shall be based only on living names-based cases of HIV/AIDS with respect to the State involved.”; and

(2) in subparagraph (E), by striking “2009” each place it appears and inserting “2012”.

#### SEC. 4. EXTENSION OF TRANSITIONAL GRANT AREA STATUS.

(a) ELIGIBILITY.—Section 2609 (42 U.S.C. 300ff-19) is amended—

(1) in subsection (c)(1)—

(A) in the heading, by striking “2007” and inserting “2011”; and

(B) by striking “2007” each place it appears and inserting “2011”; and

(C) by striking “2006” and inserting “2010”;

(2) in subsection (c)(2)—

(A) in subparagraph (A)(ii), by striking “to have a” and inserting “subject to subparagraphs (B) and (C), to have a”;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

“(B) PERMITTING MARGIN OF ERROR APPLICABLE TO CERTAIN METROPOLITAN AREAS.—In applying subparagraph (A)(ii) for a fiscal year after fiscal year 2008, in the case of a metropolitan area that has a cumulative total of

at least 1,400 (and fewer than 1,500) living cases of AIDS as of December 31 of the most recent calendar year for which such data is available, such area shall be treated as having met the criteria of such subparagraph if not more than 5 percent of the total from grants awarded to such area under this part is unobligated as of the end of the most recent fiscal year for which such data is available.”; and

(D) in subparagraph (C), as so redesignated, by striking “Subparagraph (A) does not apply” and inserting “Subparagraphs (A) and (B) do not apply”; and

(3) in subsection (d)(1)(B), strike “2009” and insert “2013”.

(b) TRANSFER OF AMOUNTS DUE TO CHANGE IN STATUS AS TRANSITIONAL AREA.—Subparagraph (B) of section 2610(c)(2) (42 U.S.C. 300ff-20(c)(2)) is amended—

(1) by striking “(B)” and inserting “(B)(i) subject to clause (ii).”; and

(2) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(ii) for each of fiscal years 2010 through 2013, notwithstanding subsection (a)—

“(I) there shall be transferred to the State containing the metropolitan area, for purposes described in section 2612(a), an amount (which shall not be taken into account in applying section 2618(a)(2)(H)) equal to—

“(aa) for the first fiscal year of the metropolitan area not being a transitional area, 75 percent of the amount described in subparagraph (A)(i) for such area;

“(bb) for the second fiscal year of the metropolitan area not being a transitional area, 50 percent of such amount; and

“(cc) for the third fiscal year of the metropolitan area not being a transitional area, 25 percent of such amount; and

“(II) there shall be transferred and made available for grants pursuant to section 2618(a)(1) for the fiscal year, in addition to amounts available for such grants under section 2623, an amount equal to the total amount of the reduction for such fiscal year under subparagraph (A), less the amount transferred for such fiscal year under subsection (I).”.

#### SEC. 5. HOLD HARMLESS.

(a) PART A GRANTS.—Section 2603(a)(4) (42 U.S.C. 300ff-13(a)(4)) is amended—

(1) in the matter preceding clause (i) in subparagraph (A)—

(A) by striking “2006” and inserting “2009”; and

(B) by striking “2007 through 2009” and inserting “2010 through 2013”; and

(2) by striking clauses (i) and (ii) in subparagraph (A) and inserting the following:

“(i) For fiscal year 2010, an amount equal to 95 percent of the sum of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2009.

“(ii) For each of the fiscal years 2011 and 2012, an amount equal to 100 percent of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2010.

“(iii) For fiscal year 2013, an amount equal to 92.5 percent of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2012.”; and

(3) in subparagraph (C), by striking “2009” and inserting “2013”.

(b) PART B GRANTS.—Section 2618(a)(2)(H) (42 U.S.C. 300ff-28(a)(2)(H)) is amended—

(1) in clause (i)(I)—

(A) by striking “2007” and inserting “2010”; and

(B) by striking “2006” and inserting “2009”; and

(2) by striking clause (ii) and redesignating clause (iii) as clause (ii);

(3) in clause (ii), as so redesignated—

(A) in the heading, by striking “2008 AND 2009” and inserting “2011 AND 2012”; and

(B) by striking “2008 and 2009” and inserting “2011 and 2012”; and

(C) by striking “2007” and inserting “2010”; and

(4) by inserting after clause (ii), as so redesignated, the following new clause:

“(iii) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall ensure that the total for a State of the grant pursuant to paragraph (1) and the grant pursuant to subparagraph (F) is not less than 92.5 percent of such total for the State for fiscal year 2012.”; and

(5) in clause (v), by striking “2009” and inserting “2013”.

(c) TECHNICAL CORRECTIONS.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(1) in subparagraphs (A)(i) and (H) of section 2618(a)(2), by striking the term “subparagraph (G)” each place it appears and inserting “subparagraph (F)”; and

(2) in sections 2620(a)(2), 2622(c)(1), and 2622(c)(4)(A), by striking “2618(a)(2)(G)(i)” and inserting “2618(a)(2)(F)(i)”; and

(3) in sections 2622(a) and 2623(b)(2)(A), by striking “2618(a)(2)(G)” and inserting “2618(a)(2)(F)”; and

(4) in section 2622(b), by striking “2618(a)(2)(G)(ii)” and inserting “2618(a)(2)(F)(ii)”.

#### SEC. 6. AMENDMENTS TO THE GENERAL GRANT PROVISIONS.

(a) ADMINISTRATION AND PLANNING COUNCIL.—Section 2602(b)(4) (42 U.S.C. 300ff-12(b)(4)) is amended—

(1) in subparagraph (A), by inserting “, as well as the size and demographics of the estimated population of individuals with HIV/AIDS who are unaware of their HIV status” after “HIV/AIDS”; and

(2) in subparagraph (B)—

(A) in clause (i), by striking “and” at the end after the semicolon;

(B) in clause (ii), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(iii) individuals with HIV/AIDS who do not know their HIV status;”; and

(3) in subparagraph (D)—

(A) in clause (ii), by striking “and” at the end after the semicolon;

(B) in clause (iii), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(iv) includes a strategy, coordinated as appropriate with other community strategies and efforts, including discrete goals, a timetable, and appropriate funding, for identifying individuals with HIV/AIDS who do not know their HIV status, making such individuals aware of such status, and enabling such individuals to use the health and support services described in section 2604, with particular attention to reducing barriers to routine testing and disparities in access and services among affected subpopulations and historically underserved communities.”.

(b) TYPE AND DISTRIBUTION OF GRANTS.—Section 2603(b) (42 U.S.C. 300ff-13(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G), by striking “and” at the end after the semicolon;

(B) in subparagraph (H), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(I) demonstrates success in identifying individuals with HIV/AIDS as described in clauses (i) through (iii) of paragraph (2)(A).”; and

(2) in paragraph (2)(A), by striking the period and inserting “, and demonstrated suc-

cess in identifying individuals with HIV/AIDS who do not know their HIV status and making them aware of such status counting one-third. In making such determination, the Secretary shall consider—

“(i) the number of individuals who have been tested for HIV/AIDS;

“(ii) of those individuals described in clause (i), the number of individuals who tested for HIV/AIDS who are made aware of their status, including the number who test positive; and

“(iii) of those individuals described in clause (ii), the number who have been referred to appropriate treatment and care.”.

(c) APPLICATION.—Section 2605(b)(1) (42 U.S.C. 300ff-15(b)(1)) is amended by inserting “, including the identification of individuals with HIV/AIDS as described in clauses (i) through (iii) of section 2603(b)(2)(A)” before the semicolon at the end.

#### SEC. 7. INCREASE IN ADJUSTMENT FOR NAMES-BASED REPORTING.

(a) PART A GRANTS.—

(1) FORMULA GRANTS.—Section 2603(a)(3)(C)(vi) (42 U.S.C. 300ff-13(a)(3)(C)(vi)) is amended by adding at the end the following:

“(III) INCREASED ADJUSTMENT FOR CERTAIN AREAS PREVIOUSLY USING CODE-BASED REPORTING.—For purposes of this subparagraph for each of fiscal years 2010 through 2012, the Secretary shall deem the applicable number of living cases of HIV/AIDS in an area that were reported to and confirmed by the Centers for Disease Control and Prevention to be 3 percent higher than the actual number if—

“(aa) for fiscal year 2007, such area was a transitional area;

“(bb) fiscal year 2007 was the first year in which the count of living non-AIDS cases of HIV in such area, for purposes of this section, was based on a names-based reporting system; and

“(cc) the amount of funding that such area received under this part for fiscal year 2007 was less than 70 percent of the amount of funding (exclusive of funds that were identified as being for purposes of the Minority AIDS Initiative) that such area received under such part for fiscal year 2006.”.

(2) SUPPLEMENTAL GRANTS.—Section 2603(b)(2) (42 U.S.C. 300ff-13(b)(2)) is amended by adding at the end the following:

“(D) INCREASED ADJUSTMENT FOR CERTAIN AREAS PREVIOUSLY USING CODE-BASED REPORTING.—For purposes of this subsection for each of fiscal years 2010 through 2012, the Secretary shall deem the applicable number of living cases of HIV/AIDS in an area that were reported to and confirmed by the Centers for Disease Control and Prevention to be 3 percent higher than the actual number if the conditions described in items (aa) through (cc) of subsection (a)(3)(C)(vi)(III) are all satisfied.”.

(b) PART B GRANTS.—Section 2618(a)(2)(D)(vi) (42 U.S.C. 300ff-28(a)(2)(D)(vi)) is amended by adding at the end the following:

“(III) INCREASED ADJUSTMENT FOR CERTAIN STATES PREVIOUSLY USING CODE-BASED REPORTING.—For purposes of this subparagraph for each of fiscal years 2010 through 2012, the Secretary shall deem the applicable number of living cases of HIV/AIDS in a State that were reported to and confirmed by the Centers for Disease Control and Prevention to be 3 percent higher than the actual number if—

“(aa) there is an area in such State that satisfies all of the conditions described in items (aa) through (cc) of section 2603(a)(3)(C)(vi)(III); or

“(bb)(AA) fiscal year 2007 was the first year in which the count of living non-AIDS cases

of HIV in such area, for purposes of this part, was based on a names-based reporting system; and

“(BB) the amount of funding that such State received under this part for fiscal year 2007 was less than 70 percent of the amount of funding that such State received under such part for fiscal year 2006.”.

#### SEC. 8. TREATMENT OF UNOBLIGATED FUNDS.

(a) ELIGIBILITY FOR SUPPLEMENTAL GRANTS.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(1) in section 2603(b)(1)(H) (42 U.S.C. 300ff-13(b)(1)(H)), by striking “2 percent” and inserting “5 percent”; and

(2) in section 2620(a)(2) (42 U.S.C. 300ff-29a(a)(2)), by striking “2 percent” and inserting “5 percent”.

(b) CORRESPONDING REDUCTION IN FUTURE GRANT.—

(1) IN GENERAL.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(A) in section 2603(c)(3)(D)(i)(42 U.S.C. 300ff-13(c)(3)(D)(i)), in the matter following subclause (II), by striking “2 percent” and inserting “5 percent”; and

(B) in section 2622(c)(4)(A) (42 U.S.C. 300ff-31a(c)(4)(A)), in the matter following clause (ii), by striking “2 percent” and inserting “5 percent”.

(2) AUTHORITY REGARDING ADMINISTRATION OF PROVISION.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(A) in section 2603(c) (42 U.S.C. 300ff-13(c)), by adding at the end the following:

“(4) AUTHORITY REGARDING ADMINISTRATION OF PROVISIONS.—In administering paragraphs (2) and (3) with respect to the unobligated balance of an eligible area, the Secretary may elect to reduce the amount of future grants to the area under subsection (a) or (b), as applicable, by the amount of any such unobligated balance in lieu of cancelling such amount as provided for in paragraph (2) or (3)(A). In such case, the Secretary may permit the area to use such unobligated balance for purposes of any such future grant. An amount equal to such reduction shall be available for use as additional amounts for grants pursuant to subsection (b), subject to subsection (a)(4) and section 2610(d)(2). Nothing in this paragraph shall be construed to affect the authority of the Secretary under paragraphs (2) and (3), including the authority to grant waivers under paragraph (3)(A). The reduction in future grants authorized under this paragraph shall be notwithstanding the penalty required under paragraph (3)(D) with respect to unobligated funds.”;

(B) in section 2622 (42 U.S.C. 300ff-31a), by adding at the end the following:

“(e) AUTHORITY REGARDING ADMINISTRATION OF PROVISIONS.—In administering subsections (b) and (c) with respect to the unobligated balance of a State, the Secretary may elect to reduce the amount of future grants to the State under section 2618, 2620, or 2621, as applicable, by the amount of any such unobligated balance in lieu of cancelling such amount as provided for in subsection (b) or (c)(1). In such case, the Secretary may permit the State to use such unobligated balance for purposes of any such future grant. An amount equal to such reduction shall be available for use as additional amounts for grants pursuant to section 2620, subject to section 2618(a)(2)(H). Nothing in this paragraph shall be construed to affect the authority of the Secretary under subsections (b) and (c), including the authority to grant waivers under subsection (c)(1). The reduction in future grants authorized under this subsection shall be notwith-

standing the penalty required under subsection (c)(4) with respect to unobligated funds.”;

(C) in section 2603(b)(1)(H) (42 U.S.C. 300ff-13(b)(1)(H)), by striking “canceled” and inserting “canceled, offset under subsection (c)(4),”; and

(D) in section 2620(a)(2) (42 U.S.C. 300ff-29a(a)(2)), by striking “canceled” and inserting “canceled, offset under section 2622(e),”.

(c) CONSIDERATION OF WAIVER AMOUNTS IN DETERMINING UNOBLIGATED BALANCES.—

(1) PART A GRANTS.—Section 2603(c)(3)(D)(i)(I) (42 U.S.C. 300ff-14(c)(3)(D)(i)(I)) is amended by inserting after “unobligated balance” the following: “(less any amount of such balance that is the subject of a waiver of cancellation under subparagraph (A))”.

(2) PART B GRANTS.—Section 2622(c)(4)(A)(i) (42 U.S.C. 300ff-31a(c)(4)(A)(i)) is amended by inserting after “unobligated balance” the following: “(less any amount of such balance that is the subject of a waiver of cancellation under paragraph (1))”.

#### SEC. 9. APPLICATIONS BY STATES.

Section 2617(b) (42 U.S.C. Section 300ff-27(b)) is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(8) a comprehensive plan—

“(A) containing an identification of individuals with HIV/AIDS as described in clauses (i) through (iii) of section 2603(b)(2)(A) and the strategy required under section 2602(b)(4)(D)(iv);

“(B) describing the estimated number of individuals within the State with HIV/AIDS who do not know their status;

“(C) describing activities undertaken by the State to find the individuals described in subparagraph (A) and to make such individuals aware of their status;

“(D) describing the manner in which the State will provide undiagnosed individuals who are made aware of their status with access to medical treatment for their HIV/AIDS; and

“(E) describing efforts to remove legal barriers, including State laws and regulations, to routine testing.”.

#### SEC. 10. ADAP REBATE FUNDS.

(a) USE OF UNOBLIGATED FUNDS.—Section 2622(d) (42 U.S.C. 300ff-31a(d)) is amended by adding at the end the following: “If an expenditure of ADAP rebate funds would trigger a penalty under this section or a higher penalty than would otherwise have applied, the State may request that for purposes of this section, the Secretary deem the State’s unobligated balance to be reduced by the amount of rebate funds in the proposed expenditure. Notwithstanding 2618(a)(2)(F), any unobligated amount under section 2618(a)(2)(F)(ii)(V) that is returned to the Secretary for reallocation shall be used by the Secretary for—

“(1) the ADAP supplemental program if the Secretary determines appropriate; or

“(2) for additional amounts for grants pursuant to section 2620.”.

(b) TECHNICAL CORRECTION.—Subclause (V) of section 2618(a)(2)(F)(ii) (42 U.S.C. 300ff-28(a)(2)(F)(ii)) is amended by striking “, subject to subclause (VI)”.

#### SEC. 11. APPLICATION TO PRIMARY CARE SERVICES.

(a) IN GENERAL.—Section 2671 (42 U.S.C. 300ff-71), as amended, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) in subsection (g), by striking “subsection (i)” and inserting “subsection (j)”; and

(3) by inserting after subsection (h) the following:

“(i) APPLICATION TO PRIMARY CARE SERVICES.—Nothing in this part shall be construed as requiring funds under this part to be used for primary care services when payments are available for such services from other sources (including under titles XVIII, XIX, and XXI of the Social Security Act).”.

(b) PROVISION OF CARE THROUGH MEMORANDUM OF UNDERSTANDING.—Section 2671(a) (42 U.S.C. 300ff-71(a)) is amended by striking “(directly or through contracts)” and inserting “(directly or through contracts or memoranda of understanding)”.

#### SEC. 12. NATIONAL HIV/AIDS TESTING GOAL.

Part E of title XXVI (42 U.S.C. 300ff-81 et seq.) is amended—

(1) by redesignating section 2688 as section 2689; and

(2) by inserting after section 2687 the following:

#### “SEC. 2688. NATIONAL HIV/AIDS TESTING GOAL.

“(a) IN GENERAL.—Not later than January 1, 2010, the Secretary shall establish a national HIV/AIDS testing goal of 5,000,000 tests for HIV/AIDS annually through federally-supported HIV/AIDS prevention, treatment, and care programs, including programs under this title and other programs administered by the Centers for Disease Control and Prevention.

“(b) ANNUAL REPORT.—Not later than January 1, 2011, and annually thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to Congress a report describing, with regard to the preceding 12-month reporting period—

“(1) whether the testing goal described in subsection (a) has been met;

“(2) the total number of individuals tested through federally-supported and other HIV/AIDS prevention, treatment, and care programs in each State;

“(3) the number of individuals who—

“(A) prior to such 12-month period, were unaware of their HIV status; and

“(B) through federally-supported and other HIV/AIDS prevention, treatment, and care programs, were diagnosed and referred into treatment and care during such period;

“(4) any barriers, including State laws and regulations, that the Secretary determines to be a barrier to meeting the testing goal described in subsection (a);

“(5) the amount of funding the Secretary determines necessary to meet the annual testing goal in the following 12 months and the amount of Federal funding expended to meet the testing goal in the prior 12-month period; and

“(6) the most cost-effective strategies for identifying and diagnosing individuals who were unaware of their HIV status, including voluntary testing with pre-test counseling, routine screening including opt-out testing, partner counseling and referral services, and mass media campaigns.

“(c) REVIEW OF PROGRAM EFFECTIVENESS.—Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, shall submit a report to Congress based on a comprehensive review of each of the programs and activities conducted by the Centers for Disease Control and Prevention as part of the Domestic HIV/AIDS Prevention Activities, including the following:

“(1) The amount of funding provided for each program or activity.



“(2) The primary purpose of each program or activity.

“(3) The annual goals for each program or activity.

“(4) The relative effectiveness of each program or activity with relation to the other programs and activities conducted by the Centers for Disease Control and Prevention, based on the—

“(A) number of previously undiagnosed individuals with HIV/AIDS made aware of their status and referred into the appropriate treatment;

“(B) amount of funding provided for each program or activity compared to the number of undiagnosed individuals with HIV/AIDS made aware of their status;

“(C) program's contribution to the National HIV/AIDS testing goal; and

“(D) progress made toward the goals described in paragraph (3).

“(5) Recommendations if any to Congress on ways to allocate funding for domestic HIV/AIDS prevention activities and programs in order to achieve the National HIV/AIDS testing goal.

“(d) COORDINATION WITH OTHER FEDERAL ACTIVITIES.—In pursuing the National HIV/AIDS testing goal, the Secretary, where appropriate, shall consider and coordinate with other national strategies conducted by the Federal Government to address HIV/AIDS.”.

#### **SEC. 13. NOTIFICATION OF POSSIBLE EXPOSURE TO INFECTIOUS DISEASES.**

Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended by adding at the end the following:

##### **“PART G—NOTIFICATION OF POSSIBLE EXPOSURE TO INFECTIOUS DISEASES**

#### **“SEC. 2695. INFECTIOUS DISEASES AND CIRCUMSTANCES RELEVANT TO NOTIFICATION REQUIREMENTS.**

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this part, the Secretary shall complete the development of—

“(1) a list of potentially life-threatening infectious diseases, including emerging infectious diseases, to which emergency response employees may be exposed in responding to emergencies;

“(2) guidelines describing the circumstances in which such employees may be exposed to such diseases, taking into account the conditions under which emergency response is provided; and

“(3) guidelines describing the manner in which medical facilities should make determinations for purposes of section 2695B(d).

“(b) SPECIFICATION OF AIRBORNE INFECTIOUS DISEASES.—The list developed by the Secretary under subsection (a)(1) shall include a specification of those infectious diseases on the list that are routinely transmitted through airborne or aerosolized means.

“(c) DISSEMINATION.—The Secretary shall—

“(1) transmit to State public health officers copies of the list and guidelines developed by the Secretary under subsection (a) with the request that the officers disseminate such copies as appropriate throughout the States; and

“(2) make such copies available to the public.

#### **“SEC. 2695A. ROUTINE NOTIFICATIONS WITH RESPECT TO AIRBORNE INFECTIOUS DISEASES IN VICTIMS ASSISTED.**

“(a) ROUTINE NOTIFICATION OF DESIGNATED OFFICER.—

“(1) DETERMINATION BY TREATING FACILITY.—If a victim of an emergency is transported by emergency response employees to a medical facility and the medical facility makes a determination that the victim has an airborne infectious disease, the medical

facility shall notify the designated officer of the emergency response employees who transported the victim to the medical facility of the determination.

“(2) DETERMINATION BY FACILITY ASCERTAINING CAUSE OF DEATH.—If a victim of an emergency is transported by emergency response employees to a medical facility and the victim dies at or before reaching the medical facility, the medical facility ascertaining the cause of death shall notify the designated officer of the emergency response employees who transported the victim to the initial medical facility of any determination by the medical facility that the victim had an airborne infectious disease.

“(b) REQUIREMENT OF PROMPT NOTIFICATION.—With respect to a determination described in paragraph (1) or (2) of subsection (a), the notification required in each of such paragraphs shall be made as soon as is practicable, but not later than 48 hours after the determination is made.

#### **“SEC. 2695B. REQUEST FOR NOTIFICATION WITH RESPECT TO VICTIMS ASSISTED.**

“(a) INITIATION OF PROCESS BY EMPLOYEE.—If an emergency response employee believes that the employee may have been exposed to an infectious disease by a victim of an emergency who was transported to a medical facility as a result of the emergency, and if the employee attended, treated, assisted, or transported the victim pursuant to the emergency, then the designated officer of the employee shall, upon the request of the employee, carry out the duties described in subsection (b) regarding a determination of whether the employee may have been exposed to an infectious disease by the victim.

“(b) INITIAL DETERMINATION BY DESIGNATED OFFICER.—The duties referred to in subsection (a) are that—

“(1) the designated officer involved collect the facts relating to the circumstances under which, for purposes of subsection (a), the employee involved may have been exposed to an infectious disease; and

“(2) the designated officer evaluate such facts and make a determination of whether, if the victim involved had any infectious disease included on the list issued under paragraph (1) of section 2695(a), the employee would have been exposed to the disease under such facts, as indicated by the guidelines issued under paragraph (2) of such section.

“(c) SUBMISSION OF REQUEST TO MEDICAL FACILITY.—

“(1) IN GENERAL.—If a designated officer makes a determination under subsection (b)(2) that an emergency response employee may have been exposed to an infectious disease, the designated officer shall submit to the medical facility to which the victim involved was transported a request for a response under subsection (d) regarding the victim of the emergency involved.

“(2) FORM OF REQUEST.—A request under paragraph (1) shall be in writing and be signed by the designated officer involved, and shall contain a statement of the facts collected pursuant to subsection (b)(1).

“(d) EVALUATION AND RESPONSE REGARDING REQUEST TO MEDICAL FACILITY.—

“(1) IN GENERAL.—If a medical facility receives a request under subsection (c), the medical facility shall evaluate the facts submitted in the request and make a determination of whether, on the basis of the medical information possessed by the facility regarding the victim involved, the emergency response employee was exposed to an infectious disease included on the list issued under paragraph (1) of section 2695(a), as indicated by the guidelines issued under paragraph (2) of such section.

“(2) NOTIFICATION OF EXPOSURE.—If a medical facility makes a determination under paragraph (1) that the emergency response employee involved has been exposed to an infectious disease, the medical facility shall, in writing, notify the designated officer who submitted the request under subsection (c) of the determination.

“(3) FINDING OF NO EXPOSURE.—If a medical facility makes a determination under paragraph (1) that the emergency response employee involved has not been exposed to an infectious disease, the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the determination.

“(4) INSUFFICIENT INFORMATION.—

“(A) If a medical facility finds in evaluating facts for purposes of paragraph (1) that the facts are insufficient to make the determination described in such paragraph, the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the insufficiency of the facts.

“(B)(i) If a medical facility finds in making a determination under paragraph (1) that the facility possesses no information on whether the victim involved has an infectious disease included on the list under section 2695(a), the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the insufficiency of such medical information.

“(ii) If after making a response under clause (i) a medical facility determines that the victim involved has an infectious disease, the medical facility shall make the determination described in paragraph (1) and provide the applicable response specified in this subsection.

“(e) TIME FOR MAKING RESPONSE.—After receiving a request under subsection (c) (including any such request resubmitted under subsection (g)(2)), a medical facility shall make the applicable response specified in subsection (d) as soon as is practicable, but not later than 48 hours after receiving the request.

“(f) DEATH OF VICTIM OF EMERGENCY.—

“(1) FACILITY ASCERTAINING CAUSE OF DEATH.—If a victim described in subsection (a) dies at or before reaching the medical facility involved, and the medical facility receives a request under subsection (c), the medical facility shall provide a copy of the request to the medical facility ascertaining the cause of death of the victim, if such facility is a different medical facility than the facility that received the original request.

“(2) RESPONSIBILITY OF FACILITY.—Upon the receipt of a copy of a request for purposes of paragraph (1), the duties otherwise established in this part regarding medical facilities shall apply to the medical facility ascertaining the cause of death of the victim in the same manner and to the same extent as such duties apply to the medical facility originally receiving the request.

“(g) ASSISTANCE OF PUBLIC HEALTH OFFICER.—

“(1) EVALUATION OF RESPONSE OF MEDICAL FACILITY REGARDING INSUFFICIENT FACTS.—

“(A) In the case of a request under subsection (c) to which a medical facility has made the response specified in subsection (d)(4)(A) regarding the insufficiency of facts, the public health officer for the community in which the medical facility is located shall evaluate the request and the response, if the designated officer involved submits such documents to the officer with the request that the officer make such an evaluation.



“(B) As soon as is practicable after a public health officer receives a request under subparagraph (A), but not later than 48 hours after receipt of the request, the public health officer shall complete the evaluation required in such paragraph and inform the designated officer of the results of the evaluation.”

“(2) FINDINGS OF EVALUATION.—

“(A) If an evaluation under paragraph (1)(A) indicates that the facts provided to the medical facility pursuant to subsection (c) were sufficient for purposes of determinations under subsection (d)(1)—

“(i) the public health officer shall, on behalf of the designated officer involved, resubmit the request to the medical facility; and

“(ii) the medical facility shall provide to the designated officer the applicable response specified in subsection (d).”

“(B) If an evaluation under paragraph (1)(A) indicates that the facts provided in the request to the medical facility were insufficient for purposes of determinations specified in subsection (c)—

“(i) the public health officer shall provide advice to the designated officer regarding the collection and description of appropriate facts; and

“(ii) if sufficient facts are obtained by the designated officer—

“(I) the public health officer shall, on behalf of the designated officer involved, resubmit the request to the medical facility; and

“(II) the medical facility shall provide to the designated officer the appropriate response under subsection (c).”

**“SEC. 2695C. PROCEDURES FOR NOTIFICATION OF EXPOSURE.**

“(a) CONTENTS OF NOTIFICATION TO OFFICER.—In making a notification required under section 2695A or section 2695B(d)(2), a medical facility shall provide—

“(1) the name of the infectious disease involved; and

“(2) the date on which the victim of the emergency involved was transported by emergency response employees to the medical facility involved.

“(b) MANNER OF NOTIFICATION.—If a notification under section 2695A or section 2695B(d)(2) is mailed or otherwise indirectly made—

“(1) the medical facility sending the notification shall, upon sending the notification, inform the designated officer to whom the notification is sent of the fact that the notification has been sent; and

“(2) such designated officer shall, not later than 10 days after being informed by the medical facility that the notification has been sent, inform such medical facility whether the designated officer has received the notification.”

**“SEC. 2695D. NOTIFICATION OF EMPLOYEE.**

“(a) IN GENERAL.—After receiving a notification for purposes of section 2695A or 2695B(d)(2), a designated officer of emergency response employees shall, to the extent practicable, immediately notify each of such employees who—

“(1) responded to the emergency involved; and

“(2) as indicated by guidelines developed by the Secretary, may have been exposed to an infectious disease.”

“(b) CERTAIN CONTENTS OF NOTIFICATION TO EMPLOYEE.—A notification under this subsection to an emergency response employee shall inform the employee of—

“(1) the fact that the employee may have been exposed to an infectious disease and the name of the disease involved;

“(2) any action by the employee that, as indicated by guidelines developed by the Secretary, is medically appropriate; and

“(3) if medically appropriate under such criteria, the date of such emergency.”

“(c) RESPONSES OTHER THAN NOTIFICATION OF EXPOSURE.—After receiving a response under paragraph (3) or (4) of subsection (d) of section 2695B, or a response under subsection (g)(1) of such section, the designated officer for the employee shall, to the extent practicable, immediately inform the employee of the response.”

**“SEC. 2695E. SELECTION OF DESIGNATED OFFICERS.**

“(a) IN GENERAL.—For the purposes of receiving notifications and responses and making requests under this part on behalf of emergency response employees, the public health officer of each State shall designate 1 official or officer of each employer of emergency response employees in the State.”

“(b) PREFERENCE IN MAKING DESIGNATIONS.—In making the designations required in subsection (a), a public health officer shall give preference to individuals who are trained in the provision of health care or in the control of infectious diseases.”

**“SEC. 2695F. LIMITATION WITH RESPECT TO DUTIES OF MEDICAL FACILITIES.**

“‘The duties established in this part for a medical facility—

“(1) shall apply only to medical information possessed by the facility during the period in which the facility is treating the victim for conditions arising from the emergency, or during the 60-day period beginning on the date on which the victim is transported by emergency response employees to the facility, whichever period expires first; and

“(2) shall not apply to any extent after the expiration of the 30-day period beginning on the expiration of the applicable period referred to in paragraph (1), except that such duties shall apply with respect to any request under section 2695B(c) received by a medical facility before the expiration of such 30-day period.”

**“SEC. 2695G. MISCELLANEOUS PROVISIONS.**

“(a) LIABILITY OF MEDICAL FACILITIES, DESIGNATED OFFICERS, PUBLIC HEALTH OFFICERS, AND GOVERNING ENTITIES.—This part may not be construed to authorize any cause of action for damages or any civil penalty against any medical facility, any designated officer, any other public health officer, or any governing entity of such facility or officer for failure to comply with the duties established in this part.”

“(b) TESTING.—This part may not, with respect to victims of emergencies, be construed to authorize or require a medical facility to test any such victim for any infectious disease.”

“(c) CONFIDENTIALITY.—This part may not be construed to authorize or require any medical facility, any designated officer of emergency response employees, or any such employee, to disclose identifying information with respect to a victim of an emergency or with respect to an emergency response employee.”

“(d) FAILURE TO PROVIDE EMERGENCY SERVICES.—This part may not be construed to authorize any emergency response employee to fail to respond, or to deny services, to any victim of an emergency.”

“(e) NOTIFICATION AND REPORTING DEADLINES.—In any case in which the Secretary determines that, wholly or partially as a result of a public health emergency that has been determined pursuant to section 319(a), individuals or public or private entities are

unable to comply with the requirements of this part, the Secretary may, notwithstanding any other provision of law, temporarily suspend, in whole or in part, the requirements of this part as the circumstances reasonably require. Before or promptly after such a suspension, the Secretary shall notify the Congress of such action and publish in the Federal Register a notice of the suspension.”

“(f) CONTINUED APPLICATION OF STATE AND LOCAL LAW.—Nothing in this part shall be construed to limit the application of State or local laws that require the provision of data to public health authorities.”

**“SEC. 2695H. INJUNCTIONS REGARDING VIOLATION OF PROHIBITION.**

“(a) IN GENERAL.—The Secretary may, in any court of competent jurisdiction, commence a civil action for the purpose of obtaining temporary or permanent injunctive relief with respect to any violation of this part.”

“(b) FACILITATION OF INFORMATION ON VIOLATIONS.—The Secretary shall establish an administrative process for encouraging emergency response employees to provide information to the Secretary regarding violations of this part. As appropriate, the Secretary shall investigate alleged such violations and seek appropriate injunctive relief.”

**“SEC. 2695I. APPLICABILITY OF PART.**

“‘This part shall not apply in a State if the chief executive officer of the State certifies to the Secretary that the law of the State is substantially consistent with this part.’”

**GIRL SCOUTS USA CENTENNIAL COMMEMORATIVE COIN ACT**

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 621, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 621) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 621) was ordered to a third reading, was read the third time, and passed.

**NATIONAL CHARACTER COUNTS WEEK**

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 314, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 314) designating the week beginning October 18, 2009, as "National Character Counts Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, today Senator GRASSLEY and I have submitted a resolution designating the third week of October as National Character Counts Week. In the past, my good friend Senator Domenici and I worked together on the issue of character education, and I am pleased to be joined by my colleague Senator GRASSLEY in continuing to designate a special week to this cause. I hope that with this resolution we may highlight the importance of character building activities in schools not only this week but all year long.

Since 1994, when the Partnerships in Character Education Pilot Project was first established, I have worked to commemorate National Character Counts Week. Character Counts was founded on a simple notion: our core ethical values aren't just important to us as individuals—they form the very foundation of democratic society. We know that in order to face our challenges as communities and as a Nation, we need our children to be both well-educated and trained—and that begins with instilling character in our children.

Trustworthiness, respect, responsibility, fairness, caring, and citizenship—these are the six pillars of character. Character education provides students a context within which to learn those values and integrate them into our daily lives. Indeed, if we view education simply as the imparting of knowledge to our children, then we not only miss an opportunity, but as also jeopardize our future. Children want direction—to be taught right from wrong. Young people yearn for consistent adult involvement, and when they get it, we know they are less inclined to use illegal drugs, to vandalize or commit suicide. The American public wants character education in our schools, too. Studies show that approximately 90 percent of Americans support schools teaching character education.

Character education programs work. Currently, there are character education programs across all 50 States in rural, urban and suburban areas at every grade level. Schools across the country that have adopted strong character education programs report better student performance, fewer discipline problems, and increased student involvement within the community.

This renewed focus on character sends a wonderful message to Americans and will help reinvigorate our efforts to get communities and schools involved. With this resolution, it is my hope that even more communities will make character education a part of every child's life. I hope that my col-

leagues will support this important effort.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 314) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 314

Whereas the well-being of the United States requires that the young people of this Nation become an involved, caring citizenry of good character;

Whereas the character education of children has become more urgent, as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of "National Character Counts Week", during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning October 18, 2009, as "National Character Counts Week"; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

#### ORDERS FOR TUESDAY, OCTOBER 20, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, October 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business for 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to the conference report to accompany H.R. 2892, an act to make appropriations for the Department of Homeland Security, as provided for under the previous order. Finally, I ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. BROWN. Under the previous order, there will be up to 3 hours 15 minutes for debate with respect to the Homeland Security conference report. If all time is used, the vote would occur around 4:15 p.m.; however, we may be able to vote as early as 3:30 p.m.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:31 p.m., adjourned until Tuesday, October 20, 2009, at 10 a.m.

## EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 20, 2009 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

OCTOBER 21

9:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine H1N1 flu, focusing on monitoring the nation's response.

SD-342

Veterans' Affairs

To hold hearings to examine S. 977, to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war, S. 1109, to provide veterans with individualized notice about available benefits, to streamline application processes or the benefits, S. 1118, to amend title 38, United States Code, to provide for an increase in the amount of monthly dependency and indemnity compensation payable to surviving spouses by the Secretary of Veterans Affairs, S. 1155, to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for health, S. 1204, to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, S. 1237, to amend title 38, United States Code, to expand the grant program for homeless veterans with special needs to include male homeless veterans with minor dependents and to establish a grant program for reintegration of homeless women veterans and homeless veterans with children, S. 1302, to provide for the introduction of pay-for-performance compensation mecha-

nisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provisions of health care services, S. 1394, to direct the Secretary of Veterans Affairs to acknowledge the receipt of medical, disability, and pension claims and other communications submitted by claimants, S. 1427, to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Department of Veterans Affairs Medical Centers, S. 1429, to establish a commission on veterans and members of the Armed Forces with post traumatic stress disorder, traumatic brain injury, or other mental health disorders, to enhance the capacity of mental health care providers to assist such veterans and members, to ensure such veterans are not discriminated against, S. 1444, to amend title 38, United States Code, to clarify the meaning of "combat with the enemy" for purposes of service-connection of disabilities, S. 1467, to amend title 38, United States Code, to provide coverage under Traumatic Service-members' Group Life Insurance for adverse reactions to vaccinations administered by the Department of Defense, S. 1483, to designate the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the "Max J. Beilke Department of Veterans Affairs Outpatient Clinic", S. 1518, to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, S. 1531, to amend title 38, United States Code, to establish within the Department of Veterans Affairs the position of Assistant Secretary for Acquisition, Logistics, and Construction, S. 1547, to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, S. 1556, to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, S. 1607, to amend title 38, United States Code, to provide for certain rights and benefits for persons who are absent from positions of employment to receive medical treatment for service-connected disabilities, and S. 1668, to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and any pending calendar business.

SR-418

9:45 a.m.

Energy and Natural Resources

To hold hearings to examine the costs and benefits for energy consumers and energy prices associated with the allocation of greenhouse gas emission allowances.

SD-366

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider the nominations of Craig Becker, of Illinois, Mark Gaston Pearce, of New York, and Brian Hayes, of Massachusetts, all to be a Member of the National Labor Relations Board, Rolena Klahn Adorno, of Connecticut, and Marvin Krislov, of Ohio, both to be a Member of the National Council on the Humanities, Gloria Valencia-Weber, of New Mexico, Julie A. Reiskin, of Colorado, Martha L. Minow, of Illinois, John Gerson Levi, of Illinois, and Robert James Grey, Jr., of Virginia, all to be a Member of the Board of Directors of the Legal Services Corporation, and David Morris Michaels, of Maryland, to be Assistant Secretary of Labor for the Occupational Safety and Health Administration.

SD-430

2 p.m.

Judiciary

To hold hearings to examine the nominations of Jane Branstetter Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit, and Benjamin B. Tucker, of New York, to be Deputy Director for State, Local, and Tribal Affairs, Office of National Drug Control Policy.

SD-226

2:30 p.m.

Commerce, Science, and Transportation  
Science and Space Subcommittee

To hold hearings to examine space, focusing on the value.

SR-253

OCTOBER 22

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Christine H. Fox, of Virginia, to be Director of Cost Assessment and Program Evaluation, Frank Kendall III, of Virginia, to be Deputy Under Secretary for Acquisition and Technology, Gladys Commons, of Virginia, to be Assistant Secretary of the Navy, and Terry A. Yonkers, of Maryland, to be Assistant Secretary of the Air Force, all of the Department of Defense.

SH-216

10 a.m.

Foreign Relations

To hold hearings to examine the North Atlantic Treaty Organization (NATO), focusing on a strategic concept for transatlantic security.

SD-419

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

- Health, Education, Labor, and Pensions  
To hold hearings to examine keeping America's families safe, focusing on reforming the food safety system.  
SD-430
- Homeland Security and Governmental Affairs  
To hold hearings to examine the past, present, and future of policy czars.  
SD-342
- Judiciary  
Business meeting to consider S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 1340, to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund, and S. 714, to establish the National Criminal Justice Commission, and the nominations of Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit, and Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General, and Benjamin B. Wagner, to be United States Attorney for the Eastern District of California, both of the Department of Justice.  
SD-226
- Joint Economic Committee  
To hold hearings to examine the economic outlook.  
210, Cannon Building
- 2 p.m.  
Commission on Security and Cooperation in Europe  
To receive a briefing on new media in authoritarian regimes.  
1539, Longworth Building
- 2:15 p.m.  
Indian Affairs  
Business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine Indian energy and energy efficiency.  
SD-628
- 2:30 p.m.  
Intelligence  
To hold closed hearings to consider certain intelligence matters.  
S-407, Capitol
- 3 p.m.  
Foreign Relations  
To receive a briefing to examine Iran.  
SVC-217
- OCTOBER 28
- 2:30 p.m.  
Homeland Security and Governmental Affairs  
Contracting Oversight Subcommittee  
To hold hearings to examine new Office of Management and Budget (OMB) guidance to combat waste, inefficiency, and misuse in federal government contracting.  
SD-342
- Commerce, Science, and Transportation  
To hold hearings to examine combating distracted driving, focusing on managing behavioral and technological risks.  
SR-253
- Energy and Natural Resources  
National Parks Subcommittee  
To hold hearings to examine current and expected impacts of climate change on units of the National Park System.  
SD-366
- OCTOBER 29
- 2:30 p.m.  
Energy and Natural Resources  
Public Lands and Forests Subcommittee  
To hold hearings to examine S. 555, to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, S. 607, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, S. 721, to expand the Al-pine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, S. 1122, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services, S. 1328 and H.R. 689, bills to provide for the exchange of administrative jurisdiction over certain Federal land between the Forest Service and the Bureau of Land Management, S. 1442, to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, establish a grant program for Indian Youth Service Corps, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service, and H.R. 129, to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California.  
SD-366
- NOVEMBER 5
- 10 a.m.  
Veterans' Affairs  
To hold hearings to examine Veterans' Affairs and Indian Health Service cooperation.  
SR-418
- POSTPONEMENTS
- OCTOBER 21
- 10 a.m.  
Judiciary  
To hold hearings to examine effective strategies for preventing health care fraud.  
SD-226